



Agenda

Ordinary Meeting of Council
Tuesday, 27 March 2018

To be held in the
Council Chambers
1 Merrijig Drive, Torquay

Commencing at 6.00pm

Council:

Cr David Bell (Mayor)
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Brian McKiterick
Cr Margot Smith
Cr Heather Wellington

AGENDA FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 27 MARCH 2018 COMMENCING AT 6.00PM

PRESENT:

OPENING:

Council acknowledge the traditional owners of the land where we meet today and pay respect to their elders past and present and Council acknowledges the citizens of the Surf Coast Shire.

PLEDGE:

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

APOLOGIES:

CONFIRMATION OF MINUTES:

Recommendation

That Council note the minutes of the Ordinary meeting of Council held on 27 February 2018, and the Special meeting of Council held on 21 March 2018, as correct records of the meetings.

LEAVE OF ABSENCE REQUESTS:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

Councillors and Officers please note that in accordance with Section 77A of the Local Government Act 1989, there is an obligation to declare a conflict of interest in a matter that could come before Council.

A conflict of interest can be a direct or indirect interest in a matter.

A person has a direct interest if:

There is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.

A person has an indirect interest if the person has:

- 1. A close association whereby a "family member" of the person has a direct or indirect interest or a "relative" or member of a person's household has a direct interest in a matter;*
- 2. An indirect financial interest in the matter;*
- 3. A conflicting duty;*
- 4. Received an "applicable" gift;*
- 5. Become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter; or*
- 6. A residential amenity affect.*

Disclosure of Interest

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor or Officer with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

PRESENTATIONS:

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1. PETITIONS & JOINT LETTERS

1.1 Petition Received: Requesting Reduction of Roadside Vegetation in Fairhaven

Author's Title: Executive Assistant

General Manager: Anne Howard

Department: Governance & Infrastructure

File No: F18/67

Division: Governance & Infrastructure

Trim No: IC18/369

Appendix:

1. Petition to Control Roadside Vegetation in Fairhaven (D18/30408)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the petition requesting that Council control roadside vegetation to reduce fuel load and improving driving safety.

The petition consists of 30 signatures.

Recommendation

That Council, in accordance with its Local Law No. 2 – Meeting Procedure:

1. Receive and note the petition requesting Council control roadside vegetation to reduce fuel load and improving driving safety.
2. Refer the petition to the General Manager Culture & Community for consideration.
3. Require a report on the petition be presented to the 24 April 2018 Ordinary Council Meeting.

1.1 Petition Received: Requesting Reduction of Roadside Vegetation in Fairhaven

APPENDIX 1 PETITION TO CONTROL ROADSIDE VEGETATION IN FAIRHAVEN



Petition to Control Roadside Vegetation in Fairhaven

The petitioners whose names, addresses and signatures appear hereunder, petition the Surf Coast Shire as follows:

We request that the Surf Coast Shire ensure that the roadside vegetation in the western part of Fairhaven be managed to improve bushfire and road safety of residents and visitors. Vegetation abutting the roads of Forest Park Estate has been reduced to a safe level. We ask that the amount of fuel, especially consisting of woody weeds, right to and in many cases invading the road space (see attached photos) be similarly reduced. Belated egress (by visitors and those not fire conscious) during a fire with the present fuel loads would be impossible. This vegetation reduction would be needed by the next fire season at the latest. We believe that many residents would be willing to assist the Shire in this activity.

The second reason reduction of the woody fuel load at the side of the road is essential is for the safety of those driving our roads. There are presently blind corners that would be safer with vegetation cut back to enable drivers to be warned about approaching vehicles on our narrow roads. Also many driveways require vehicles either back in or out. The roadside overgrowth can make this practice dangerous.

Our request includes the following roads Banool, Birralea, Werona, Yandanah and Yarringa. We look forward to your response to our request for assistance.

NOTE TO SIGNATORIES: Please include your name, address and signature when signing the petition, to ensure the petition conforms to requirements and is accepted by Council.

No.	NAME (First Name & Surname)	ADDRESS (Physical Address & Suburb)	SIGNATURE
1.			
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Surf Coast Shire Council is committed to protecting all personal and sensitive information consistent with the principles set out in the Privacy and Data Protection Act 2014. The personal information in this petition will be used solely by Council for the primary purpose of petitioning Council or directly related purposes as permitted by law. The signatories understand that the personal information provided is for presentation to Council and that they may apply to Council for access to and/or amendment of the information. Please note that any personal information contained in this petition will be redacted from the public agenda.



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No.	NAME (First Name & Surname)	ADDRESS (Physical Address & Suburb)	SIGNATURE
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2. PLANNING MATTERS & DECISIONS

2.1 Planning Permit Application 17/0332 - 5/24 Price Street, Torquay - Construction of a New Dwelling

Author's Title: Senior Statutory/Strategic Planner

General Manager: Ransce Salan

Department: Planning & Development

File No: 17/0332

Division: Environment & Development

Trim No: IC18/357

Appendix:

1. 17/0332 - Officer Assessment (D17/135781)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to determine Planning Application 17/0332 for the development of a two storey dwelling and the waiving of one car parking space.

Summary

An application has been received to develop a two storey three bedroom dwelling to replace the existing single storey two bedroom dwelling, and to waive one car parking spaces.

The site is located at Unit 5/24 Price Street, Torquay, and is in the General Residential Zone – Schedule 1. It is subject to the following overlays: Design and Development Overlay – Schedule 20, Development Contributions Plan Overlay – Schedule 2 and Significant Landscape Overlay – Schedule 6.

Public notification of the application was required and as a result a total of seven submissions were lodged with Council. Six of these submissions were objections and one was a letter of support.

The objectors are largely concerned that the proposal is not consistent with the character of the existing units at 24 Price Street in terms of height, design, bulk, materials and colours. There are also concerns relating to overlooking, overshadowing, side and rear setbacks and car parking. In addition, concerns relating to common property and the Owners Corporation, existing infrastructure and the construction phase.

The letter of support states that the proposal is in line with what is happening in the area, removing older dwellings and replacing with higher density and that the proposal fits in with the existing units at 24 Price Street.

Submitters were provided with the opportunity to make a presentation to the Hearing of Submissions Meeting on March 6, 2018.

It is considered that the redevelopment of the land is supported by the Surf Coast Planning Scheme. The development proposed allows for a modern dwelling to replace the existing dwelling, which is close to the end of its functional life as a dwelling.

While the dwelling is different in form and scale to the other units located on the land, it is similar to dwellings which are seen in the broader neighbourhood.

It is recommended that the application is supported and a Notice of Decision to Grant a Planning Permit issued.

2.1 Planning Permit Application 17/0332 - 5/24 Price Street, Torquay - Construction of a New Dwelling

Recommendation

That Council having caused notice of Planning Application No. 17/0332 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit in respect of the land known and described as 5/24 Price Street, Torquay for the Development of the land for a Dwelling and Waiver of Car Parking in accordance with the endorsed plans, subject to the following conditions:

Amended Plans

1. Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) screening to the Family Room and Bedroom 3 windows on the east elevation of the dwelling to comply with Standard A15 – Overlooking Standard;
 - b) removal of the first floor balcony;
 - c) the location of the allocated on-site car parking space.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the responsible authority.

Expiry

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

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Notes

1. This application has been assessed against Clause 54.

2.1 Planning Permit Application 17/0332 - 5/24 Price Street, Torquay - Construction of a New Dwelling

Report

Background

An application has been made to develop a two storey dwelling and to waive one car parking space at 5/24 Price Street, Torquay.

Discussion

5/24 Price Street is zoned General Residential – Schedule 1 and is subject to Design and Development Overlay – Schedule 20, Developer Contributions Overlay – Schedule 2 and Significant Landscape Overlay – Schedule 6. It is located within the designated “Urban Consolidation” area within Clause 22.09 – Torquay-Jan Juc Residential Development and Neighbourhood Character Policy.

Public notification of the application was required and as a result a total of seven submissions were lodged with Council. Six of these were objections and one was a letter of support.

The objectors are largely concerned that the proposal is not consistent with the character of the existing units at 24 Price Street in terms of height, design, bulk, materials and colours. There are also concerns relating to overlooking, overshadowing, side and rear setbacks and car parking. In addition, concerns relating to common property and the Owners Corporation, existing infrastructure and construction phase.

The letter of support states that the proposal is in line with what is happening in the area, removing older dwellings and replacing with higher density and that the proposal fits in with the existing units at 24 Price Street.

The application has been assessed against the planning policy framework, including ResCode, and is considered to be consistent with the framework which promotes increasing density in this area, and envisages that substantial change will occur to the character of the area.

Financial Implications

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets.

Council Plan

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil

Theme	5 High Performing Council
Objective	5.3 Provide quality customer service that is convenient, efficient, timely and responsive
Strategy	5.3.4 Continued reforms in statutory planning service delivery

Policy/Legal Implications

The application has been assessed against relevant provisions of the Surf Coast Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The merits of the proposal will be considered against the relevant provisions of the Surf Coast Planning Scheme and *Planning and Environment Act 1987*.

Social Considerations

The submissions received raised a number of matters which may be classed as social impacts including the visual impact of the development and amenity impacts. These impacts have been assessed in the context of relevant planning policies and decision guidelines.

2.1 Planning Permit Application 17/0332 - 5/24 Price Street, Torquay - Construction of a New Dwelling

Community Engagement

Public notice of the application has been carried out in accordance with the requirements of the *Planning and Environment Act 1987*. A total of seven submissions have been lodged with Council. Six of these were objections and one was a letter of support.

The objectors are largely concerned that the proposal is not consistent with the character of the existing units at 24 Price Street in terms of height, design, bulk, materials and colours. There are also concerns relating to overlooking, overshadowing, side and rear setbacks and car parking. In addition, concerns relating to common property and the Owners Corporation, existing infrastructure and construction phase.

The letter of support states that the proposal is in line with what is happening in the area, removing older dwellings and replacing with higher density and that the proposal fits in with the existing units at 24 Price Street.

The submitters and the applicant were given the opportunity to address the Hearing of Submissions Committee on the 6 March 2018.

Environmental Implications

Environmental implications have been assessed in the context of relevant planning policies and decision guidelines.

Communication

The application was subject to public notice; all submitters have been invited to this Council meeting.

Options

Option 1 – Issue a Notice of Decision to Grant a Planning Permit

This option is recommended by officers as the application provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme.

Option 2 – Issue a Notice of Decision to Refuse to Grant a Planning Permit

This option is not recommended by officers as the application provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme. This option would require the development of Grounds of Refusal if Council was to refuse the application.

Option 3 – Defer Consideration of the Application to a Later Meeting

This option is not recommended by officers as:

- There is sufficient information available to make a decision on the application.
- It is important for all parties that some certainty is available about Council's position on this matter.
- There is a need for Council to make a timely decision on Planning Permit Applications.

Conclusion

As with all Planning Permit Applications, a decision on this application requires the balancing of policy objectives.

It is considered the proposal provides for the redevelopment of the small parcel of land with a modern dwelling, which is consistent with the changing character of Price Street.

It is recommended that Council supports the application subject to conditions.

2.1 Planning Permit Application 17/0332 - 5/24 Price Street, Torquay - Construction of a New Dwelling

APPENDIX 1 17/0332 - OFFICER ASSESSMENT



OFFICER REPORT

Planning Application No: 17/0332

PROPOSAL

The proposal is to construct a two storey dwelling on a lot less than 300 square metres and to waive one car parking space.

The proposed dwelling is to contain:

- Open kitchen, dining and living area, a bedroom and a bathroom at ground level
- Two bedrooms, a bathroom, a family room and a small balcony at first floor
- Materials proposed are scion axon and scion matrix cladding to the walls and colorbond custom orb roofing.

The dwelling has a maximum height of 6.5 metres.

There is an existing car parking space adjacent the existing dwelling on the Common Property.

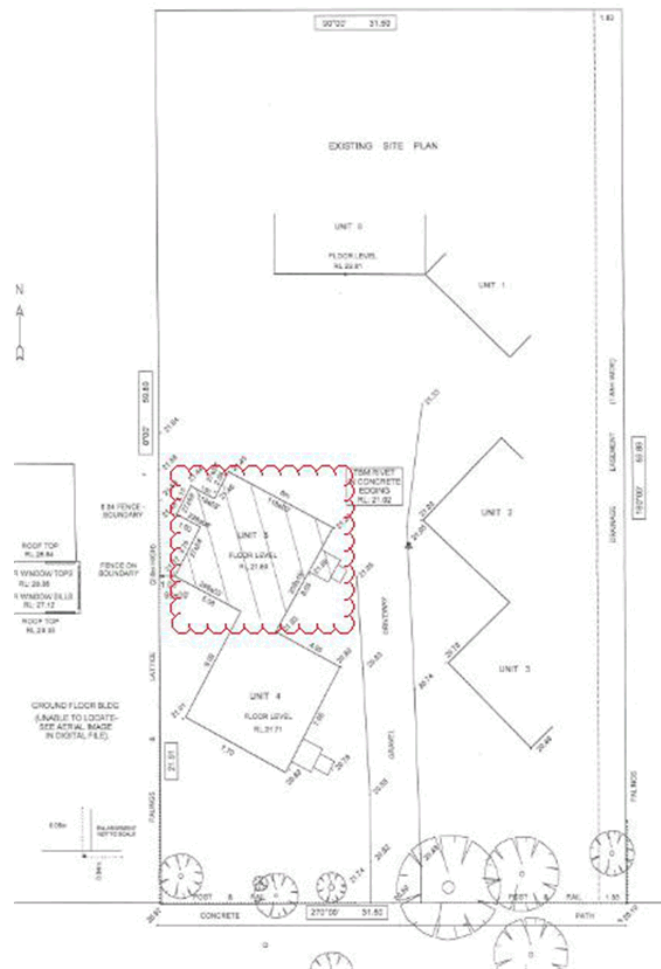


Figure 1: 24 Price Street, with Unit 5 outlined.



OFFICER REPORT

Planning Application No: 17/0332

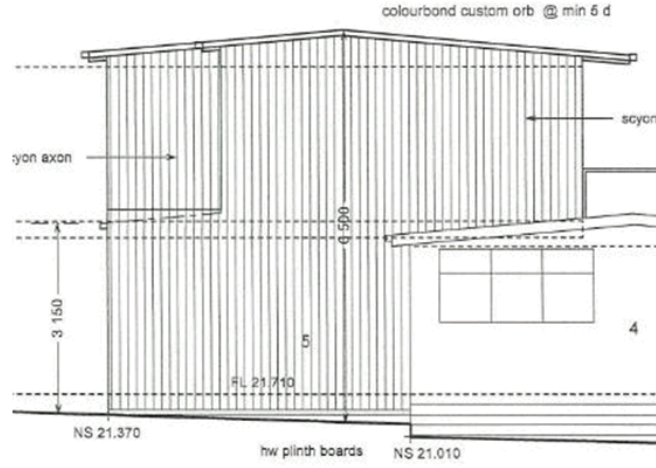


Figure 4: South (street) elevation

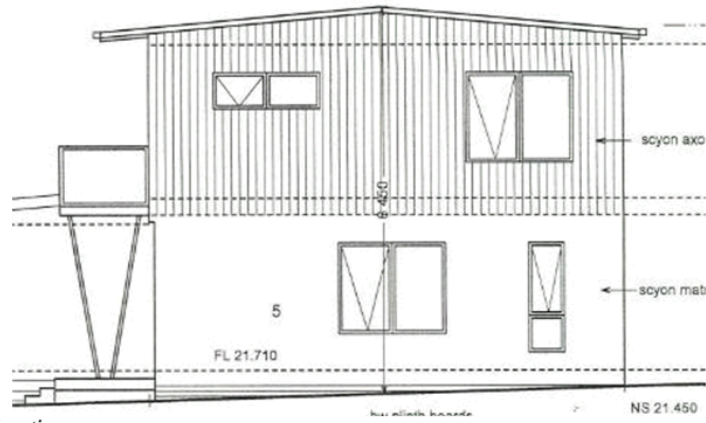


Figure 5: North elevation



OFFICER REPORT

Planning Application No: 17/0332

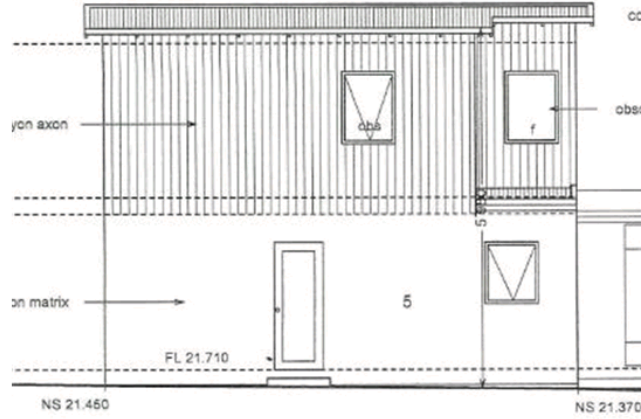


Figure 6: West elevation

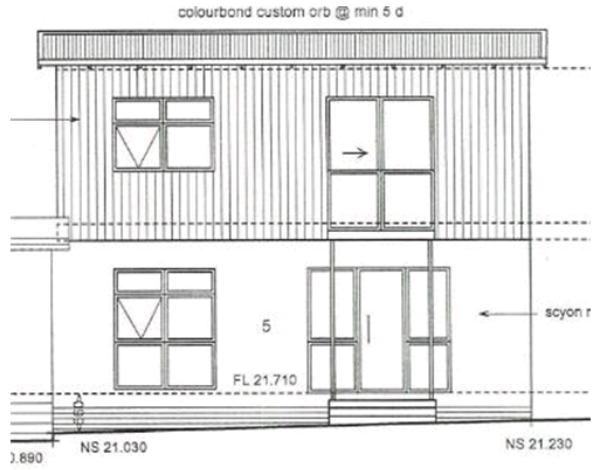


Figure 7: East elevation



OFFICER REPORT

Planning Application No: 17/0332

SITE AND SURROUNDING AREA



Figure 8: Aerial Image of Site and Surrounding Area

The subject site is one of six units developed at 24 Price Street, five of these are identical two bedroom units including the subject site at Unit 5.

The subdivision of the site is such that each individual lot contains only the footprint of the dwelling, with all private open space, driveways and carparking on Common Property. Unit 5 is situated behind Unit 4 but is visible from the street looking down the driveway.

The subject site is located approximately 250 metres from the Bell Street Activity Centre and less than 400 metres from the Torquay Town Centre.

Residential dwellings on Price Street are a mix of single and double storey dwellings. Some lots have been developed with more than one dwelling through 'battle axe' type subdivisions and across the road at 43 Price Street is a four dwelling two storey townhouse development.

Three doors to the east of the subject site is the Price Street Community Precinct, a series of four buildings consisting of the Spring Creek Community House, the Torquay Senior Citizens Centre, the Torquay Old Police Station and the Torquay Men's Shed, in addition to the Torquay Progress Association at 8-12 Price Street in the former Masonic Lodge. These uses have some on-site car parking with additional car parking provided on-street in the median.

The dwelling is attached to the dwelling at 4/24 Price Street.



OFFICER REPORT

Planning Application No: 17/0332

Relevant History and Background

Past permits:

No record exists for any previous planning permit applications for the site.

Registered Restrictions

Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit that would result in a breach of a registered restriction. The subject land is not affected by registered restrictions.

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity. Part 2 - Division 2 of the Aboriginal Heritage Regulations 2007 specifies exempt activities which do not require a Cultural Heritage Management Plan.

The site is not located within an area of Aboriginal cultural significance.

In light of the above, a CHMP is not required.

REFERRALS

No referrals have been undertaken for this application.

PUBLIC NOTICE

Public notification of the application was required as it was considered that the application may result in material detriment.

Public notification procedures included a sign on site and notices to adjoining property owners.

The application was amended pursuant to Section 57(a) of the Planning and Environment Act 1987, after public notice had been undertaken. The amendment sought formal approval for the waiving of one on site car parking space. The application was re-advertised via a sign on site and notices to adjoining property owners.

OBJECTIONS

As a result of public notification, a total of six objections and one letter of support have been lodged with Council.

The concerns of objectors are summarised below:

- The proposal is not consistent with the neighbourhood character or the traditional characteristics of "Bulla" (as 24 Price Street is known) as it was one of the first original accommodation resorts built in Torquay, in terms of height, design, bulk, materials and colours.
- The proposal will overlook habitable rooms Units 2 and 6 and 26 Price Street as well as open spaces in front of Units 1, 2, 3 and 6 and 26 Price Street.
- The proposal will overshadow Unit 4 and 28 Price Street.
- The proposal does not comply with side and rear setback objectives.
- Concerns regarding common property including car parking and the first floor balcony protruding into common property.
- Inadequate existing infrastructure (sewerage and water pressure).
- Concerns regarding the construction phase including disruption to life, damage to common property and asbestos removal.
- No formal notification has been sent to the Owners Corporation and will result in increased costs for the Owners Corporation.
- The proposal is in line with what is happening in this area, removing older dwellings and replacing with higher density and it fits in with the surrounding units within "Bulla".

CONSULTATION

The following forms of consultation were undertaken:

- Applicant's response to objections sent to objectors.



OFFICER REPORT
Planning Application No: 17/0332

PLANNING SCHEME PROVISIONS

The use is defined as dwelling which is nested under accommodation.

Zone table

General Residential Zone – (GRZ1)

Surf Coast General Residential Areas last updated VC116

Clause	Requirement	Proposal	Permit required								
Clause 32.08-1 Use of land	No permit required to use the land for a dwelling.	Dwelling	No								
Clause 32.08-4 Minimum garden area requirement	Whether or not a planning permit is required for the construction or extension of a dwelling or residential building on a lot, a lot must provide the minimum garden area at ground level as set out in the following table: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Lot size</th> <th>Minimum % set aside as garden area</th> </tr> </thead> <tbody> <tr> <td>400-500 square metres</td> <td>25%</td> </tr> <tr> <td>501-650 square metres</td> <td>30%</td> </tr> <tr> <td>Above 650 square metres</td> <td>35%</td> </tr> </tbody> </table> <p>Note: Transitional provisions apply</p>	Lot size	Minimum % set aside as garden area	400-500 square metres	25%	501-650 square metres	30%	Above 650 square metres	35%	Not applicable as the lot is less than 400 square metres	N/A
Lot size	Minimum % set aside as garden area										
400-500 square metres	25%										
501-650 square metres	30%										
Above 650 square metres	35%										
Clause 32.08-9 Maximum building height	Building height must not exceed 11 metres; and The building must not contain more than three storeys at any point Note: A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees. Note: A basement is not a storey for the purposes of calculating the number of storeys contained in a building. Note: If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.	Height: 6.7 m Storeys: 2	Complies								
Clause 32.08-3 Construction and extension of one dwelling on a lot	A permit is required to construct or extend one dwelling on a lot of less than 300 square metres.	Construct a dwelling on a 66 square metre lot	Yes								

Overlay tables

Significant Landscape Overlay – Schedule 6 (SLO6)

Central Torquay and Jan Juc Residential Areas last updated VC124

Clause	Requirement	Proposal	Permit required
Clause 42.03-2 combined with Schedule 6 Permit triggers – buildings and works	A permit is not required to construct a building or carry out works.	Construct a dwelling	No
Clause 42.03-2 combined with Schedule 6: 3.0 Permit triggers - Vegetation	A permit is required to remove, destroy or lop any Bellarine Yellow Gum (<i>Eucalyptus leucoxylon</i> subsp. <i>bellarinensis</i>) or Moonah (<i>Melaleuca lanceolata</i> subsp. <i>lanceolata</i>), any exotic tree greater than 5 metres in	No vegetation removal proposed	No



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	<p>height or native vegetation greater than 3 metres in height.</p> <p>This does not apply:</p> <ul style="list-style-type: none"> ▪ If the vegetation is dead. ▪ If the vegetation is within 2 metres of the outer edge of the roof of a building or overhangs this area. ▪ If the vegetation is listed as an environmental weed in the incorporated document "Environmental Weeds – Invaders of our Surf Coast, 2nd Edition (2002)". ▪ To the reasonable trimming of vegetation for the purpose of maintaining its on-going health and proportion within the garden landscape. ▪ If the table to Clause 42.03-3 specifically states that a permit is not required 	
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Design and Development Overlay – Schedule 20 (DDO20)

Old Torquay South last updated C102

Clause	Requirement	Proposal	Permit required
Clause 43.02-2 combined with Schedule 20 Permit triggers - Buildings and works	<p>A permit is required to construct a building or to construct or carry out works</p> <p>This does not apply to construct a building or construct or carry out works associated with one dwelling on a lot where the following apply:</p> <ul style="list-style-type: none"> ▪ The height of the new building is not more than 7.5 metres above ground level. ▪ A new garage or carport is set back from the street at least 1 metre further than the wall of the dwelling (excluding porches, porticos, verandahs, pergolas, blade walls, decks, balconies, columns, piers and the like) - refer Diagram 1. 	Single dwelling	No

Development Contributions Plan Overlay – Schedule 2 (DCP02)

Torquay Jan Juc Development Contributions Plan last updated C57

Clause	Requirement	Proposal	Levies payable
Clause 45.06-1 combined with Schedule 2: 3.0 DCP	<p>A permit granted must:</p> <ul style="list-style-type: none"> ▪ Be consistent with the provisions of the relevant development contributions plan. ▪ Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay. 	Charging area:	N/A – no new lots created and no additional dwellings
		Development Infrastructure levy:	N/A
		Community Infrastructure levy:	N/A

Particular Provisions

The following particular provisions are considered in respect to this application:

Provision	Permit triggers/Requirements	Permit Required/ Applicable



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52.06 Car parking	Waiving one car parking space	Yes
54 One dwelling on a lot	Refer to the Clause 54 assessment attached to this report.	Yes

State Planning Policy Framework

The following State policies have been considered with respect to this application:

- Clause 11 – Settlement
- Clause 11.07-1 – Regional planning
- Clause 11.07-2 – Peri-urban areas
- Clause 11.09 – Geelong (G21)
- Clause 15.01-1 – Urban environment
- Clause 15.01-5 – Cultural identity and neighbourhood character
- Clause 16.01-4 – Housing diversity.

Local Planning Policy Framework

The following provisions of the LPPF have been considered with respect to this application:

Municipal Strategic Statement

The MSS is a statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving those objectives. The key provisions of the MSS as it relates to this application include:

- Clause 21.01 – Profile and Vision
- Clause 21.02 – Settlement, Built Environment, Heritage and Housing
- Clause 21.08 – Torquay-Jan Juc Strategy
- Clause 22.02 – Streetscape and Landscaping Policy
- Clause 22.09 – Torquay-Jan Juc Residential Development and Neighbourhood Character Policy.

These clauses outline that the Surf Coast Shire contains rich and diverse environmental, cultural and scenic landscapes including rugged coastlines, native forests, rolling to flat rural plains and many rivers, lakes and wetlands. The southern part of the Shire contains nodes of coastal townships dotted along the Great Ocean Road comprising Torquay-Jan Juc, Anglesea, Aireys Inlet, Fairhaven, Moggs Creek and Lorne. Each of these towns has its own distinct character and identity and a potential for development.

A recurring theme of the Surf Coast Shire's MSS is balancing development against the environmental qualities of the Shire which provide the foundation of its attractiveness as a place to live, to work and to visit. To achieve this, the Shire has adopted detailed policies for the coastal townships and their hinterland which direct new development into existing town areas and limit development in areas of high scenic, environmental and agricultural value.

The MSS identifies that Torquay-Jan Juc and Winchelsea will be the urban growth areas within the Shire. A lesser intensity of development is planned for the smaller coastal townships due to character, environmental and servicing considerations.

The Torquay-Jan Juc Strategy (Clause 21.08) describes Torquay-Jan Juc as follows:

Torquay-Jan Juc is the main urban growth centre of the Surf Coast Shire. It is a popular destination for surfers, tourists, holiday makers and retirees, and the sea-change movement has resulted in the town becoming increasingly popular for permanent settlement by those valuing a coastal lifestyle.

Key Issues and Influences identified include:

- State and regional policies identifying Torquay-Jan Juc as a growth node in the Great Ocean Road and G21 regions.
- Balancing growth and development densities against a community desire to maintain the coastal character of Torquay-Jan Juc whilst also achieving overarching sustainability objectives. The five values identified in Sustainable Futures Plan Torquay Jan Juc 2040 (2012) to help manage this are:
 - Value 1: Places for People – The importance of a close knit community
 - Value 2: The Natural Environment – Protecting and enhancing the natural environment



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- Value 3: *The Built Environment – Fostering the unique coastal look and feel*
- Value 4: *Services and Infrastructure – Planning for services and infrastructure with development*
- Value 5: *A Local Economy – Providing employment opportunities locally.*
- *Increasing housing diversity and affordability in response to socio-demographic change.*

21.08-2 Settlement, Built Environment and Housing has the objective:

To accommodate and manage the projected population growth and demographic change of Torquay-Jan Juc in an environmentally sustainable manner that respects and celebrates the distinct surfing identity and coastal character of the town and responds to Value 1 “Places for People” and Value 3 “The Built Environment” from the Sustainable Futures Plan Torquay Jan Juc 2040 (2012)

The relevant strategies to achieve this include:

- *Promote a range of lot sizes and housing types, including medium density development in appropriate locations, in the new growth areas and ensure good access to surrounding areas, public transport, public open space and other facilities.*
- *Provide a range of housing types, sizes and configurations at suitable densities to cater for the changing housing needs of current and future populations, taking account of the differential capacity of the various areas to accommodate housing growth and change (in accordance with Map 2 to Clause 21.08 – Torquay-Jan Juc Residential Development Framework).*
- *Encourage a variety of well-designed medium and higher density housing types and sizes in the form of units, townhouses, terrace housing and low-rise apartments (including smaller sized dwellings with only one or two bedrooms) in Old Torquay and within walking distance of neighbourhood activity centres, ensuring such developments value add to the evolving urban character.*
- *Ensure new residential development is of a high standard and builds on the coastal character by incorporating contemporary designs, with an articulated built form and a range of visually interesting building materials, colours and façade treatments that respond to the local context and preferred character of the neighbourhood.*

Clause 22.09 – Torquay – Jan Juc Residential Development and Neighbourhood Character Policy, outlines that the site is located within an Urban Consolidation area where:

Particularly Old Torquay (south of Beach Road) has been identified as suitable to undergo a relatively high level of development and will continue to undergo substantial change driven by medium and higher density housing forms up to 2 storeys, with 3 storeys a possibility in appropriate locations (e.g. immediately adjacent an activity centre) or where the development demonstrates added value by achieving housing diversity objectives (in particular by providing smaller dwellings with one or two bedrooms). Consolidation of allotments to increase development potential is encouraged and underdevelopment of lots is discouraged.

New development will be distinguishable from the original building stock by providing a more intense built form, but will be respectful of the key elements of these styles and sited in accordance with the predominant pattern of front setbacks in the street to allow for space for the retention or planting of canopy trees and shrubs that soften the built form and contribute to the spaciousness and leafiness of the streetscapes.



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General Provisions

62 Exemptions	<i>Are there any exemptions relevant to the proposal?</i>	No
63 Existing uses	<i>Do existing use rights apply?</i>	N/A
65 Decision guidelines	<i>Does the proposal meet the relevant decision guidelines?</i>	Yes

Relevant Incorporated and/or Reference Documents

The following relevant documents have been considered during the assessment of this application:

- N/A

Relevant Planning Scheme Amendments and/or Strategies

There are no amendments relevant to this application.

OFFICER DIRECT OR INDIRECT INTEREST

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

DISCUSSION OF KEY ISSUES

The application seeks approval for Construction of a New Dwelling and Waiver of Car Parking, which requires a permit under the General Residential Zone and Clause 52.06-3 – Reduce the number of car parking spaces required under Clause 52.06-5.

Policy and Neighbourhood Character

The site is an unusual site, having a total area of 66 square metres, and sharing open space areas and driveways with the other dwellings located on the land at 24 Price Street.

Historically, the land has been developed with a single storey 'beach shack' style dwelling, which is consistent with the other dwellings on the land at 24 Price Street. However, as these dwellings age, they may not be suitable to meet the needs of each individual property owner within the site. There are no covenants on Title to regulate the form of development which could be undertaken on the land, nor is there a heritage overlay to protect the development which has been undertaken on the property. As such, there is an ability to redevelop the small parcel of land with a new dwelling.

It is important to note that neighbourhood character is not confined to the boundaries of the land at 24 Price Street. While this land is developed in a particular way, there is a diversity of development evident within the broader area.

The Planning Scheme contains specific direction for the land, in relation to neighbourhood character, setting out through Clause 22.09 that the site is located in an urban consolidation area which:

- Promotes a range of housing types;
- Promotes landscaping and trees;
- Acknowledges that the area will undergo substantial change;
- Sets out that new development will be distinguishable from original building stock by providing a more intense built form, but will be respectful of building siting by reflecting front setbacks and allowing space for the planting of canopy trees and shrubs.

The proposal achieves the above objectives, by locating the new dwelling within the title boundaries, allowing for the setback regime and areas available to be landscaped within the common property to be continued.

Car Parking

Two car parking spaces are required under Clause 52.06-5 for a three bedroom dwelling. As there is an existing car parking space allocated adjacent the subject site on the common property (under the Owners Corporation agreement), therefore the proposal is to waive one car parking space.

The below responses address the relevant decision guidelines outlined at Clause 52.06-7:

- As Price Street is a wide street with each direction separated by a median strip, there is significant on-street car parking available without impacting the traffic flow and it is expected that a space for a second vehicle could be found in the surrounding street network;
- As the lot is only 66 square metres, containing solely the existing dwelling, it is not practical to provide an additional onsite car parking space;



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- The waiving of on one site car parking space is not likely to impact on pedestrian amenity or the residential amenity of the surrounding area.

It is therefore considered reasonable to waive one car parking space for the proposal at this site and the one on site car parking space provided for the development is appropriate having regard to the nature of the locality.

ResCode

The application has been assessed against Clause 54 (ResCode) and this assessment can be found in the attachment. It is noted that the applicant undertook an assessment of the application against Clause 55 – Two or More Dwellings on a Lot. The Clause 55 provisions are more extensive than the Clause 54 provisions such that all of the relevant Clause 54 standards are covered in the applicant's assessment.

It is noted that there are some variations to ResCode standards which have been supported. Given the size of the lot, there are some difficulties in complying with side and rear setbacks and wall heights on boundaries. The variations have been accepted on the basis that the objectives have been met, and the title arrangement is such that the development will be setback from the boundaries of the overall site.

Objections

The concerns of objectors are summarised below:

Neighbourhood character

The proposal is not consistent with the neighbourhood character or the traditional characteristics of "Bulla" (as 24 Price Street is known) as it was one of the first original accommodation resorts built in Torquay, in terms of height, design, bulk, materials and colours.

Officer response

While it is true that the proposal will vary from the existing units at 24 Price Street, the consideration of impact on neighbourhood character that Clause 54.02 requires refers to the wider neighbourhood rather than the one site.

The existing neighbourhood character is a mix of single and double storey dwellings, single storey units, battle-axe developments with some examples of newer two storey townhouses, while the preferred neighbourhood character set by Clause 22.09 is one of density while maintaining a vegetated character.

It is considered the proposed two storey dwelling both respects the existing character of Price Street and contributes to increasing the density without compromising vegetated areas, in line with the preferred neighbourhood character.

Overlooking

The proposal will overlook habitable rooms Units 2 and 6 and 26 Price Street as well as open spaces in front of Units 1, 2, 3 and 6 and 26 Price Street.

Officer response

As Clause 54.04-6 Overlooking relates only to secluded private open space, overlooking relating to the front of dwellings cannot be considered.

There are, however, habitable room windows of Unit 2 within 9 metres of the proposal. Therefore appropriate screening will be required for the east elevation first floor family room window and bedroom and a condition within the recommendation reflects this requirement.

There would be a need to screen the entirety of the first floor balcony, which would result in an unattractive balcony space. The applicant has agreed to remove the balcony and a permit condition within the recommendation reflects this requirement.

Overshadowing

The proposal will overshadow Unit 4 and 28 Price Street.

Officer response

While sunlight is reduced to secluded private open space on the east side of 28 Price Street at 9 am, as there is over 200 square metres of secluded private open space in the rear yard, the proposal complies with Standard A14 (Clause 54.05-5 Overshadow open space). This standard requires at least 40 square metres of secluded private open space to receive five hours of sunlight at the equinox.

The shadow diagrams submitted with the application show that the overshadowing associated with the new dwelling and its impact on the open space area located to the south:



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Figure 9 – Shadow Diagrams

As can be seen from the images above, there is minimal additional overshadowing of the open space area located to the south of the dwelling, beyond what already exists. The provisions of the overshadowing standard require consideration of overshadowing of secluded private open space areas; this is a common property area.

The proposal also complies with Standard A12 (Clause 54.04-3 Daylight to existing windows) in terms of impact on the north-west bedroom window of Unit 4.

Setbacks

The proposal does not comply with side and rear setback objectives within ResCode.

Officer response

The proposal does not comply with Clause 54.04-1 Side and Rear setback (Standard A10) and Clause 54.04-2 Wall on Boundaries (Standard A11), given the small size of the site. It is considered that the relevant objectives have been met and the overall boundaries of 24 Price Street allow for an appropriate siting outcome to be achieved. While technically there are walls on boundaries, the development does not present in a way which is out of character with the area given the setbacks from the overall site boundaries.

Common property

Concerns regarding common property including car parking and the first floor balcony protruding into common property.



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Officer response

The car parking arrangement is not proposed to change, that is, one car parking space is to be provided adjacent the dwelling on common property. It is acknowledged that this has not been shown on the plans and it is recommended that a condition be applied to the permit to show the location of this car parking space.

The proposed first floor balcony is shown as being located over the existing ground floor landing which is within the lot boundary. However, it is recommended the first floor balcony be removed from the plans due to overlooking issues and this is a condition within the recommendation.

Infrastructure

Inadequate existing infrastructure (sewerage and water pressure).

Officer response

The site is located within an established urban area, where planning policy promotes a higher density of development. It is expected that the appropriate infrastructure is in place to service the development.

Construction

Concerns regarding the construction phase including disruption to life, damage to common property and asbestos removal.

Officer response

While it is acknowledged that the construction phase will likely have some impact to neighbouring residents, any impact is considered temporary and can be expected in a residential setting. EPA noise guidelines will control the times during which construction activities can be undertaken on the land.

The *Occupational Health and Safety Act 2004* and the *Occupational Health and Safety Regulations 2007* outline all responsibilities and duties relating to health and safety in Victoria. Part 4.3 of the Regulations deals specifically with asbestos (source: www.asbestos.vic.gov.au). This is not a relevant planning consideration and will be dealt with via separate permits outside of the planning permit process.

Notification

No formal notification has been sent to the Owners Corporation and will result in increased costs for the Owners Corporation.

Officer response

Public notification has been carried out in accordance with the requirements of the *Planning and Environment Act 1987*.

CONCLUSION

It is recommended that a Notice of Decision be granted for the Construction of a Dwelling and Waiving of a Car Parking Space.



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ATTACHMENT – ASSESSMENT AGAINST CLAUSE 54 *Last updated as at VC116*

54.02 NEIGHBOURHOOD CHARACTER				
54.02-1 Neighbourhood Character Objectives	Met?	Standard A1	Met?	Comments
<p><i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i></p> <p><i>To ensure that development responds to the features of the site and the surrounding area</i></p>	Yes	<p><i>The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i></p>	Yes	<p>The existing neighbourhood character is a mix of single and double storey dwellings, single storey units, battleaxe developments with some examples of newer two storey townhouses.</p> <p>The preferred neighbourhood character set by Clause 22.09 is one of density while maintaining a vegetated character.</p> <p>It is considered the proposed two storey dwelling both respects the existing character of Price Street and contributes to increasing the density without compromising vegetated areas, in line with the preferred neighbourhood character.</p> <p>Complies</p>
54.02-2 Integration With The Street Objective	Met?	Standard A2	Met?	Comments
<p><i>To integrate the layout of development with the street</i></p>	Yes	<p><i>Development should be oriented to front existing and proposed streets</i></p>	Yes	<p>While the dwelling is behind an existing one, it is oriented toward and will be visible from the street, looking through the driveway.</p> <p>Complies</p>
		<p><i>High fencing in front of dwellings should be avoided if practicable</i></p>	Yes	<p>No front fence is proposed.</p> <p>Complies</p>
		<p><i>Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces</i></p>	N/A	

54.03 SITE LAYOUT AND BUILDING MASSING				
54.03-1 Street Setback Objective	Met?	Standard A3	Met?	Comments
<p><i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</i></p>	N/A	<p><i>Walls of buildings should be set back from streets the distance specified below:</i></p> <p><i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i></p> <ul style="list-style-type: none"> ▪ <i>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</i> <p><i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</i></p> <ul style="list-style-type: none"> ▪ <i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i> 	N/A	<p>N/A – The street setback of the overall development is unaltered</p>



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		<p>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</p> <ul style="list-style-type: none"> 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets. <p>The site is on a corner.</p> <ul style="list-style-type: none"> Min front setback if there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. Min front setback if there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets. Min side street setback - The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser. 		
		<p>Porches, pergolas and verandahs that are < 3.6m high and eaves may encroach ≤ 2.5m into the setbacks of this standard</p>	N/A	
54.03-2 Building Height Objective	Met?	Standard A4	Met?	Comments
To ensure that the height of buildings respects the existing or preferred neighbourhood character	Yes	The maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.	Yes	Maximum building height is 6.8 m. Complies
		Changes of building height between existing buildings and new buildings should be graduated	Yes	Complies
54.03-3 Site Coverage Objective	Met?	Standard A5	Met?	Comments
To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site	Yes	The site area covered by buildings should not exceed 60 per cent	No	As the subject site is part of a strata subdivision, the proposed building covers 100% of the site area (as does the existing dwelling). However, when 24 Price Street is looked as a whole, considering the Common Property, building site coverage is approximately 30%. Therefore a variation is supported as the overall site provides a site coverage outcome which is appropriate, albeit much lower than contemporary developments. The objective is met.



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54.03-4 Permeability Objectives	Met?	Standard A6	Met?	Comments
<p>To reduce the impact of increased stormwater run-off on the drainage system</p> <p>To facilitate on-site stormwater infiltration</p>	Yes	The site area covered by pervious surfaces should be at least 20% of the site.	No	<p>As the subject site is part of a strata subdivision, the proposed building covers 100% of the site area (as does the existing dwelling), therefore, there are no pervious surfaces within the lot.</p> <p>However, the proposal does not increase the building footprint and does not propose any changes to the common property area.</p> <p>Therefore a variation is supported as the overall site provides for a permeability outcome which is appropriate, albeit much lower than contemporary developments, and will allow for on site stormwater filtration. The objective is met.</p>
54.03-5 Energy Efficiency Protection Objectives	Met?	Standard A7	Met?	Comments
<p>To achieve and protect energy efficient dwellings</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</p>	Yes	<p>Buildings should be:</p> <ul style="list-style-type: none"> Orientated to make appropriate use of solar energy Sited and designed to ensure that the energy efficiency of existing dwellings is maximised 	Yes	<p>The proposal has north east light access to living areas. Light access to living areas of existing dwellings will not be impacted.</p> <p>Complies</p>
		<p>Living areas and private open space should be located on the north side of the development if practicable</p>	Yes	<p>Living areas on both the ground and first floors are located on the north-east side of the dwelling, with windows on each floor of this elevation.</p> <p>Complies</p>
		<p>Dwellings should be designed so that solar access to north facing windows is maximised.</p>	Yes	Complies
54.03-6 Significant Trees Objectives	Met?	Standard A8	Met?	Comments
<p>To encourage development that respects the landscape character of the neighbourhood</p> <p>To encourage the retention of significant trees on the site.</p>	N/A	<p>Development should provide for the retention or planting of trees</p> <p>Replace any significant trees that have been removed in the 12 months prior to the application being made</p>	N/A	No vegetation is to be removed.

54.04 AMENITY IMPACTS

54.04-1 Side and Rear Setback Objective	Met?	Standard A10	Met?	Comments
<p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	Yes	<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p>	No	<p>The proposal is to be built to the strata title lot boundary and does not comply with the standard.</p> <p>The following assessment is based on the boundary of the common property to assess impact on the adjacent dwelling at 28 Beales Street.</p> <p>North west Ground floor Wall height: 3.1 m Required setback: 1 m</p>



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				<p>Proposed setback: 1 m</p> <p>First floor Wall height: 6 m Required setback: 1.72 m Proposed setback: 1.8 m</p> <p>The above assessment demonstrates that when side setbacks are reviewed from the overall boundaries of the site, compliance with the standard is achieved and the siting outcome is similar to other developments in the area. The objective is met.</p>
		<p><i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</i></p>	N/A	
		<p><i>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</i></p>	N/A	
54.04-2 Wall On Boundaries Objective	Met?	Standard A11	Met?	Comments
<p><i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</i></p>	Yes	<p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:</i></p> <ul style="list-style-type: none"> ▪ <i>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i> ▪ <i>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</i> 	No	<p>The development proposes to construct to the boundaries of most of the lot.</p> <p>When the development is viewed from the street, it appears that setbacks from side setbacks are achieved and the siting outcome is similar to other developments in the area. The objective is met.</p>
		<p><i>A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i></p> <p><i>A building on a boundary includes a building set back up to 200mm from a boundary.</i></p> <p><i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i></p>	N/A	



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54.04-3 Daylight To Existing Windows Objective	Met?	Standard A12	Met?	Comments
To allow adequate daylight into existing habitable room windows	Yes No N/A	Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3sqm and minimum dimensions of 1m clear to the sky. The calculation of the area may include land on the abutting lot	Yes	Complies
		Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window. Refer to diagram A2	Yes	<p>A small portion of the proposed south west wall is within the 55 degree arc of the rear bedroom window of Unit 4 (see diagram below).</p> <p>Wall height: 6.2 m Required setback: 3.1 m Proposed setback: 3.1 m</p> <p>Complies</p>
54.04-4 North Facing Windows Objective	Met?	Standard A13	Met?	Comments
To allow adequate solar access to existing north-facing habitable room windows	N/A	If a north-facing habitable window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m, for a distance of 3m from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east. Refer to Diagram A3	N/A	As the perpendicular axis of the window on the north-west side of Unit 4 is 60 degrees west from the north axis, it is not considered a north-facing window under this Standard.
54.04-5 Overshadow Open Space Objective	Met?	Standard A14	Met?	Comments
To ensure buildings do not significantly overshadow existing secluded private open space	Yes	Where sunlight to secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September	Yes	<p>Sunlight is reduced to secluded private open space on the east side of 28 Price Street at 9 am. However, as there is over 200 square metres of secluded private open space in the rear yard, the proposal complies.</p> <p>While sunlight is reduced the rear of Unit 4, this is common property rather than secluded private open space.</p> <p>Complies</p>
		If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements	N/A	



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54.04-6 Overlooking Objective	Met?	<i>of this standard, the amount of sunlight should not be further reduced</i> Standard A15	Met?	Comments
To limit views into existing secluded private open space and habitable room windows	Yes	A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45° angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above the floor level	Yes	There is no secluded private open space for individual dwellings at 24 Price Street. All open space is shared common property. There are no windows overlooking 28 Price Street to the west. Complies
		A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"> offset a minimum of 1.5m from the edge of one window to the edge of the other, or have sill heights of at least 1.7m above floor level, or have obscure glazing in any part of the window below 1.7m above floor level, or have permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent 	Yes	There are habitable room windows of Unit 2 within 9 metres of the proposal. Therefore appropriate screening will be required for the east elevation first floor family room and bedroom window. A condition requires the deletion of the balcony. Complies with condition.
		Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct views as specified in this standard	Yes	
		Screens used to obscure a view should be: <ul style="list-style-type: none"> perforated panels or trellis with a maximum of 25% openings or solid translucent panels permanent, fixed and durable designed and coloured to blend with the development 	Yes	
		This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8m high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8m above ground level at the boundary Refer to Diagram A4	Yes	

54.05 ON-SITE AMENITY AND FACILITIES

54.05-1 Daylight To New Windows Objective	Met?	Standard A16	Met?	Comments
To allow adequate daylight into new habitable room windows	Yes	A window in a habitable room should be located to face: <ul style="list-style-type: none"> an outdoor space clear to the sky or a light court with min. area of 	Yes	Complies



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		3sqm and min. dimension of 1m clear to the sky, not including land on an abutting lot, or <ul style="list-style-type: none"> a verandah provided it is open for at least one third its perimeter, or a carport provided it has two or more open sides and is open for at least one third of its perimeter 		
54.05-2 Private Open Space Objective	Met?	Standard A17	Met?	Comments
To provide adequate private open space for the reasonable recreation and service needs of residents	Yes	Dwelling should have private open space: <ul style="list-style-type: none"> of 80sqm or 20% of the lot area, whichever is the lesser but not less than 40sqm at least one part of the POS should consist of 25sqm secluded POS with a min. width of 3m at the side or rear with convenient access from a living room 	No	There is no private open space for any individual dwellings at 24 Price Street. All open space is shared common property. There are areas of common property available for recreational use and there are no changes to the common property area. The objective is met.
54.05-3 Solar Access To Open Space Objective	Met?	Standard A18	Met?	Comments
To allow solar access into the secluded private open space of a new dwelling	N/A	The private open space should be located on the north side of the dwelling, if practicable The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where h is the height of the wall Refer to Diagram A5	N/A N/A	There is no secluded private open space. All open space at 24 Price Street is shared common property.

54.06 DETAILED DESIGN

54.06-1 Design Detail Objective	Met?	Standard A19	Met?	Comments
To encourage design detail that respects the existing or preferred neighbourhood character	Yes	The design of buildings, including: <ul style="list-style-type: none"> Facade articulation and detailing, Window and door proportions, Roof form, and Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	Yes	The south-east elevation will be visible from the street down the existing driveway of 24 Price Street. This façade has a variation of materials and windows, breaking up the two storey bulk, as well as small eaves. Complies
54.06-2 Front Fences Objective	Met?	Standard A20	Met?	Comments
To encourage front fence design that respects the existing or preferred neighbourhood character	N/A	The design of front fences should complement the design of the dwelling and any front fences on adjoining properties A front fence within 3m of a street should not exceed: <ul style="list-style-type: none"> Streets in a Road Zone – 2m Other Streets – 1.5m 	N/A N/A	No front fence proposed

2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

Author's Title: Coordinator Statutory Planning

General Manager: Ransce Salan

Department: Planning & Development

File No: 17/0294

Division: Environment & Development

Trim No: IC18/237

Appendix:

1. 17/0294 - Application Documents (D17/103025)
2. 17/0294 - Bushfire Management Statement (D17/151797)
3. 17/0294 - Officer's Report (D17/115048)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to determine Planning Permit Application 17/0294 for a two lot subdivision at 115A Strathmore Drive, Jan Juc.

Summary

An application has been received for a two lot subdivision.

The site is located at 115A Strathmore Drive, Jan Juc and is zoned General Residential Zone – Schedule 1. It is subject to the following overlays: Bushfire Management Overlay, Design and Development Overlay – Schedule 22, Development Contributions Plan Overlay – Schedule 2 and Significant Landscape Overlay – Schedule 6.

Public notification of the application was undertaken and five submissions were lodged with Council. All are objections to the application.

Submitters are concerned about neighbourhood character, impact on views, vegetation removal, drainage, reduced on street car parking, drainage and the future development of the lots.

The application has been referred to the Country Fire Authority and there has been no objection to the issue of a Planning Permit. The application was also referred to Council's Infrastructure Unit who have not raised any concerns about the application and have suggested permit conditions.

It has been assessed that the proposed development achieves an acceptable planning outcome. For this reason it is recommended that the application be approved subject to conditions.

2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

Recommendation

That Council having caused notice of planning application No. 17/0294 to be given under Section 52 of the *Planning and Environment Act 1987* and /or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Planning Permit under the Surf Coast Planning Scheme in respect of the land known as 115A Strathmore Drive, Jan Juc, for a two lot subdivision, subject to the following conditions:

Amended Plans

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Creation of restriction on a separate sheet. The wording of the creation of restriction shall be as follows:

Land to be Burdened

Lots 1 and 2 on this plan

Land to Benefit

Lots 1 and 2 on this plan

Creation of Restriction

Upon registration of this plan, the following restriction is created.

Description of Restriction

The registered proprietor or proprietors for the time being of any burdened lot on this plan of subdivision shall not at any time on the said lot or any parts thereof construct or extend a dwelling or residential building that does not include the minimum garden area requirement as set out in Clause 32.08-4 of the Surf Coast Planning Scheme.

Definitions

"Garden Area" – an uncovered outdoor area of a dwelling or residential building normally associated with a garden. It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any area that has a dimension of less than 1 metre

Variations

Variation of this requirement may only be undertaken by the Responsible Authority where in accordance with the Surf Coast Planning Scheme.

Easements

2. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.

Endorsed Plans

3. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

Servicing Authorities

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on

2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Bushfire Management Plan

7. The Bushfire Management Plan at Section 7, pg 19 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants (dated 14 December 2017) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the Surf Coast Shire Planning Scheme.

Telecommunications

8. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
9. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Drainage

10. Each lot shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.

Creation of Restriction

11. This permit authorises the creation of a restriction pursuant to Section 23 of the Subdivision Act 1988.

Prior to Statement of Compliance

12. Before a Statement of Compliance is issued under the Subdivision Act 1988, the applicant must:
 - a) Provide access to each lot;
 - b) Provide a point of discharge for each lot;
 - c) Pay the Development Infrastructure Levy to the Collecting Agency (Surf Coast Shire Council) based on the net change in demand units in accordance with the provisions of the incorporated Torquay – Jan Juc Development Contributions Plan applying to the land. The payment must be made after certification of the relevant plan of subdivision but not more than 21 days before a Statement of Compliance is issued under the Subdivision Act 1988;

to the satisfaction of responsible authority.

13. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
 - State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Surf Coast Planning Scheme.

2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

- Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Expiry

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

- a) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit
- b) Five years after the certification of the plan of subdivision under the Subdivision Act 1988.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

Note:

The following requirements shall apply to vehicle crossings and driveways that shall be constructed to the satisfaction of the responsible authority:

- a) Vehicle crossings shall be constructed in reinforced concrete or other approved material;
- b) New vehicle crossings to suit the proposed driveways shall be constructed;
- c) A "Non-Utility - Minor Works" permit shall be obtained from the Coordinating Road Authority defined in the Roads Management Act 2004 prior to any works being undertaken in road reserves.

2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

Report

Background

The site is a rectangular-shaped allotment on the west side of Strathmore Drive, Jan Juc. It has frontage to Strathmore Drive of 30m, a depth of 80m and a total area of 2,400m². The site is vacant, but vegetation is scattered throughout the site, primarily along the east and south boundaries and within the rear third of the property.

Directly to the north is an existing dwelling and a vacant lot, the result of a battle-axe subdivision.

Directly to the south is the driveway associated with No. 113A Strathmore Drive. The driveway also sweeps around the western (rear) boundary of the subject site, with its associated dwelling and grounds located northwest of the subject site.

Properties on the east side of Strathmore Drive are characterised by single dwellings on the majority. Most capitalise on views and are two-storey. Two lots almost directly opposite the subject site are vacant.

The subject site, properties directly adjoining to the north and south, and land on the east side of Strathmore Drive are all zoned General Residential Zone – Schedule 1 (GRZ1). Land to the west (rear) is zoned Low Density Residential Zone (LDRZ) and is within the 'Strathmore Drive West' Development Plan area.

There are five objections to this application. A Hearing of Submissions meeting was held on 6 March 2018, providing all objectors and the applicants with an opportunity to make submissions to Councillors.

Discussion

A detailed assessment of the application has been undertaken in the attached officer's report.

Financial Implications

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets.

Council Plan

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil
Theme	5 High Performing Council
Objective	5.3 Provide quality customer service that is convenient, efficient, timely and responsive
Strategy	5.3.4 Continued reforms in statutory planning service delivery

Policy/Legal Implications

The application has been assessed against relevant provisions of the Surf Coast Planning Scheme in accordance with the requirements of the *Planning & Environment Act 1987* (the Act).

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The merits of the proposal have been considered against the relevant provisions of the Surf Coast Planning Scheme and the Act.

Social Considerations

There are no foreseen social impacts arising from the proposed development.

Community Engagement

Public notice of the application has been undertaken in accordance with the requirements of the Act, with five objections received. The objectors' concerns are analysed in detail in the attached officer's report.

The submitters and the applicant were given the opportunity to address the Hearing of Submissions Committee on the 6 March 2018.

2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

Environmental Implications

There are no foreseen impacts on the environment arising from the proposed development.

Communication

The parties to the application were invited to attend the Hearing of Submissions meeting on the 6 March 2018. All parties have been notified of that the application is being considered by Council on the 27 March 2018. In accordance with the requirements of the Act a copy of Council's decision will be provided to the applicant and objectors by mail.

Options

Pursuant to Section 61 of the Act:

- (1) *The responsible authority may decide—*
 - (a) *to grant permit; or*
 - (b) *to grant permit subject to conditions; or*
 - (c) *to refuse to grant permit on any ground it thinks fit.*

Option 1 - Issue a Notice of Decision to Grant a Planning Permit

Council may resolve to issue a Notice of Decision to Grant a Planning Permit in line with the recommendation, or with revisions to conditions. An objector/s could apply for a Tribunal review of Council's decision or the applicant could seek a review of any conditions applied.

Having considered all relevant planning controls, policies and decision guidelines the proposal represents an appropriate planning outcome. Where modifications to the proposal are recommended these can be effectively managed by conditions. The zoning of the land promotes a higher density of development on the land than what currently exists.

Option 2 - Issue a Notice of Refusal to Grant a Planning Permit

Council may resolve to Refuse to Grant a Planning Permit. The applicant may seek a review of Council's decision. In accordance with the attached assessment it is considered that the proposed subdivision achieves the relevant objectives of the planning scheme. This reason this option is not recommended.

Option 3 - Defer Consideration of the Application to a Later Meeting

Council may resolve not to decide the application at this meeting and provide direction to the applicant to provide additional information (pursuant to section 54 of the Act) or to alter the proposal before Council decides on the application. A request for more information at this time would not 'reset' the statutory clock therefore there would be a risk the applicant would lodge a Tribunal application over Council's failure to decide the application within statutory timeframes. There would be no obligation on the applicant to amend the application. This option is not recommended.

Conclusion

The application seeks approval for a two lot subdivision on land which is located in the General Residential Zone.

The current large lot configuration is not typical in the General Residential Zone and planning policy encourages the consolidation of residential zoned land to make good use of services and to encourage a more compact urban form.

The lots which are proposed are narrower than those seen in the surrounding residential area, but are deep lots and it is considered that the lots can be developed with dwellings which are responsive to the character of the area and which will exist in a spacious setting.

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

2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

APPENDIX 1 17/0294 - APPLICATION DOCUMENTS



Application for Planning Permit for a Subdivision

Supplied by Dani Edwards
Submitted Date 28/08/2017

Application Details

Application Type Planning Permit for a Subdivision
Version 1
Applicant Reference Number 1380
Responsible Authority Name Surf Coast Shire Council
Responsible Authority Reference Number(s) 17/0294
SPEAR Reference Number S109242B
Application Status Lodged with Responsible Authority
Planning Permit Issue Date NA
Planning Permit Expiry Date NA

The Land

Primary Parcel 115A STRATHMORE DRIVE, JAN JUC VIC 3228
Lot 12/Plan PS742219
Volume 11833/Folio 501
SPI 12\PS742219
CPN 184771

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Zone: 32.08 General Residential Zone
Overlay: 45.06 Development Plan Contributions
43.02 Design and Development
42.03 Significant Landscape

The Proposal

Plan Number (Not Supplied)
Number of lots 2
Proposal Description The application seeks approval for the subdivision of the land into two lots. The subdivision is proposed as follows; Lot 1 • Lot 1 will be a vacant lot with a frontage to Strathmore Drive of 15m. • The lot will have a total area of approximately 1200 square metres. • The lot will be accessed via a proposed driveway off Strathmore Drive. Lot 2 • Lot 2 will be a vacant allotment with a 15m frontage to Strathmore Drive. • The lot will have a total area of approximately 1200 square metres. • The vacant lot will be accessed via a proposed driveway off Strathmore Drive.

Estimated cost of the development for which a permit is required \$ 0

Existing Conditions

Existing Conditions Description The subject site is a vacant allotment on the west side of Strathmore Drive in Jan Juc. The properties to the west are zoned 'Low Density Residential'. They

consist of dwellings on large lots. The properties to the north/south and east are zoned 'General Residential' and consist of dwellings on larger lots (to the north/south) and smaller residential lots and dwellings, on the east side of Strathmore Drive. The site contains scattered vegetation. None of this vegetation is of any significance. The proposed subdivision will have no effect on the current vegetation.

Title Information - Does the proposal breach an encumbrance on Title? The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact

Dani Edwards
Adam OHalloran & Associates
12 Blackwood Lane, Aireys Inlet, VIC, 3231
Business Phone: 03 5289 6668
Email: dani@aosurvey.com.au

Applicant

Applicant

(Applicant details as per Applicant Contact)

Owner

Owner 2

Braeden Chivers
115 Strathmore Drive, Jan Juc, VIC, Australia

Owner 3

Cecilia Chivers
23 Tarrawarra Road, Coldstream, VIC, Australia

Owner 4

John Chivers
23 Tarrawarra Road, Coldstream, VIC, Australia

Declaration

I, Dani Edwards, declare that I have notified the owner(s) about this application.

I, Dani Edwards, declare that all the information supplied is true.

Authorised by

Dani Edwards

Organisation

Adam OHalloran & Associates

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 11833 FOLIO 501

Security no : 124064796100K
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LAND DESCRIPTION

Lot 12 on Plan of Subdivision 742219F.
PARENT TITLE Volume 10313 Folio 192
Created by instrument PS742219F 16/11/2016

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 2 of a total of 5 equal undivided shares
Joint Proprietors
JOHN EDWIN CHIVERS
CECILIA ANNE CHIVERS both of 23 TARRAWARRA ROAD COLDSTREAM VIC 3770
As to 3 of a total of 5 equal undivided shares
Sole Proprietor
BRAEDEN JAKE CHIVERS of 115 STRATHMORE DRIVE JAN JUC VIC 3228
PS742219F 16/11/2016

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS742219F FOR FURTHER DETAILS AND BOUNDARIES


ACTIVITY IN THE LAST 125 DAYS

NUMBER	PLAN OF SUBDIVISION	STATUS	DATE
PS742219F (S)	PLAN OF SUBDIVISION	Registered	16/11/2016
AN515157K (E)	NOMINATION OF ECT TO LC	Completed	02/02/2017
AN515160W (E)	DISCHARGE OF MORTGAGE	Registered	02/02/2017

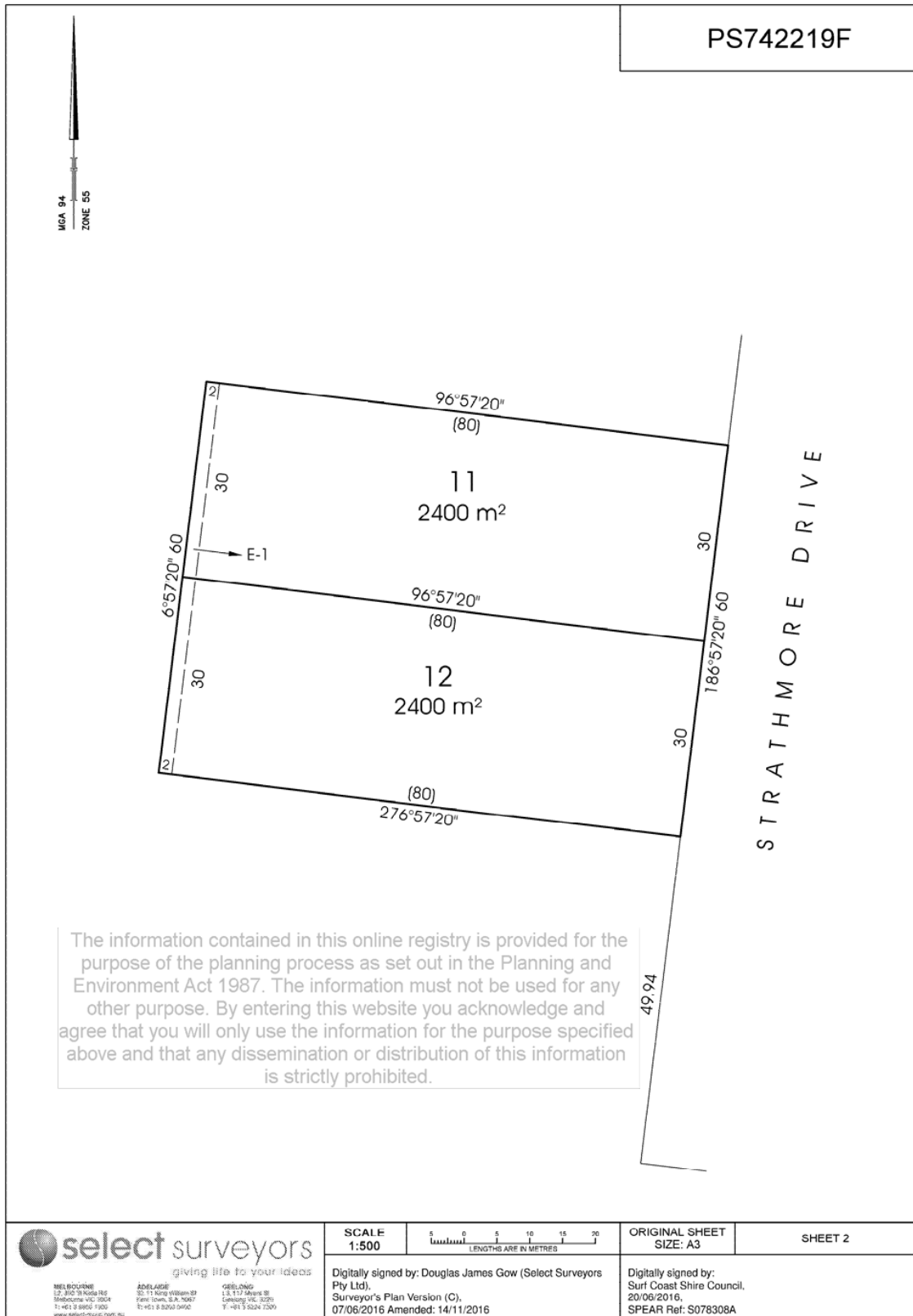
DOCUMENT END

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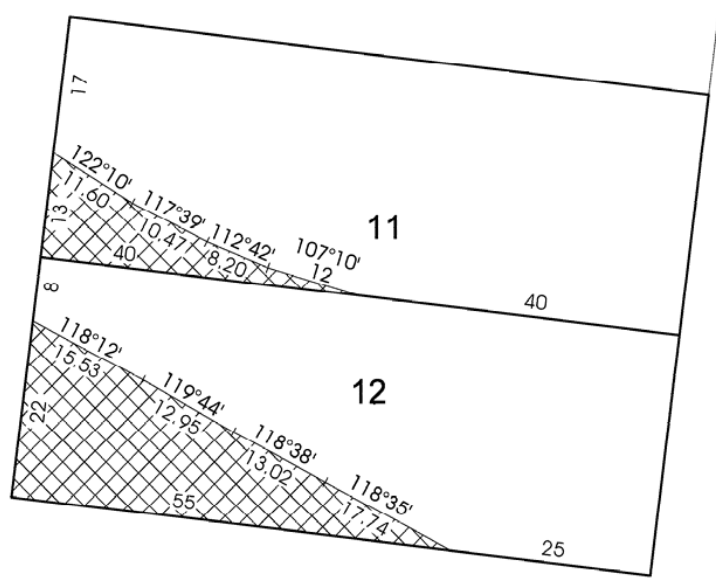


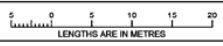

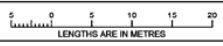

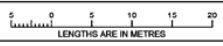
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PLAN OF SUBDIVISION		EDITION 1	PS742219F	
LOCATION OF LAND PARISH: JAN JUC TOWNSHIP: - SECTION: - CROWN ALLOTMENT: 14 & 15 (PARTS) CROWN PORTION: - TITLE REFERENCE: VOL 10313 FOL 192 LAST PLAN REFERENCE: PS342508D LOT 1 POSTAL ADDRESS: 115 STRATHMORE DRIVE, JAN JUC, 3228 (at time of subdivision) MGA CO-ORDINATES: E: 263 376 ZONE: 55 (of approx centre of land N: 5 752 788 GDA 94 in plan)		Council Name: Surf Coast Shire Council Council Reference Number: S4331 Planning Permit Reference: 15/0249 SPEAR Reference Number: S078308A Certification This plan is certified under section 6 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 Has not been made at Certification Digitally signed by: Philip Rosevear for Surf Coast Shire Council on 20/06/2016		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS		THIS IS A SPEAR PLAN LOTS 1 TO 10 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN		
DEPTH LIMITATION DOES NOT APPLY				
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. 15/0249 This survey has been connected to permanent marks No(s). PM 49 In Proclaimed Survey Area No.		The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited.		
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	2	THIS PLAN	SURF COAST SHIRE COUNCIL
 giving life to your ideas <small> MELBOURNE L2, 350 St Kilda Rd Melbourne VIC 3204 T: +61 3 9861 1900 www.selectgroup.com.au </small>		SURVEYORS FILE REF: G1513/POS1 Digitally signed by: Douglas James Gow (Select Surveyors Pty Ltd, Surveyor's Plan Version (C), 07/06/2016		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 3 PLAN REGISTERED TIME: 9:50 AM DATE: 16/11/16 G. ANGELINI Assistant Registrar of Titles

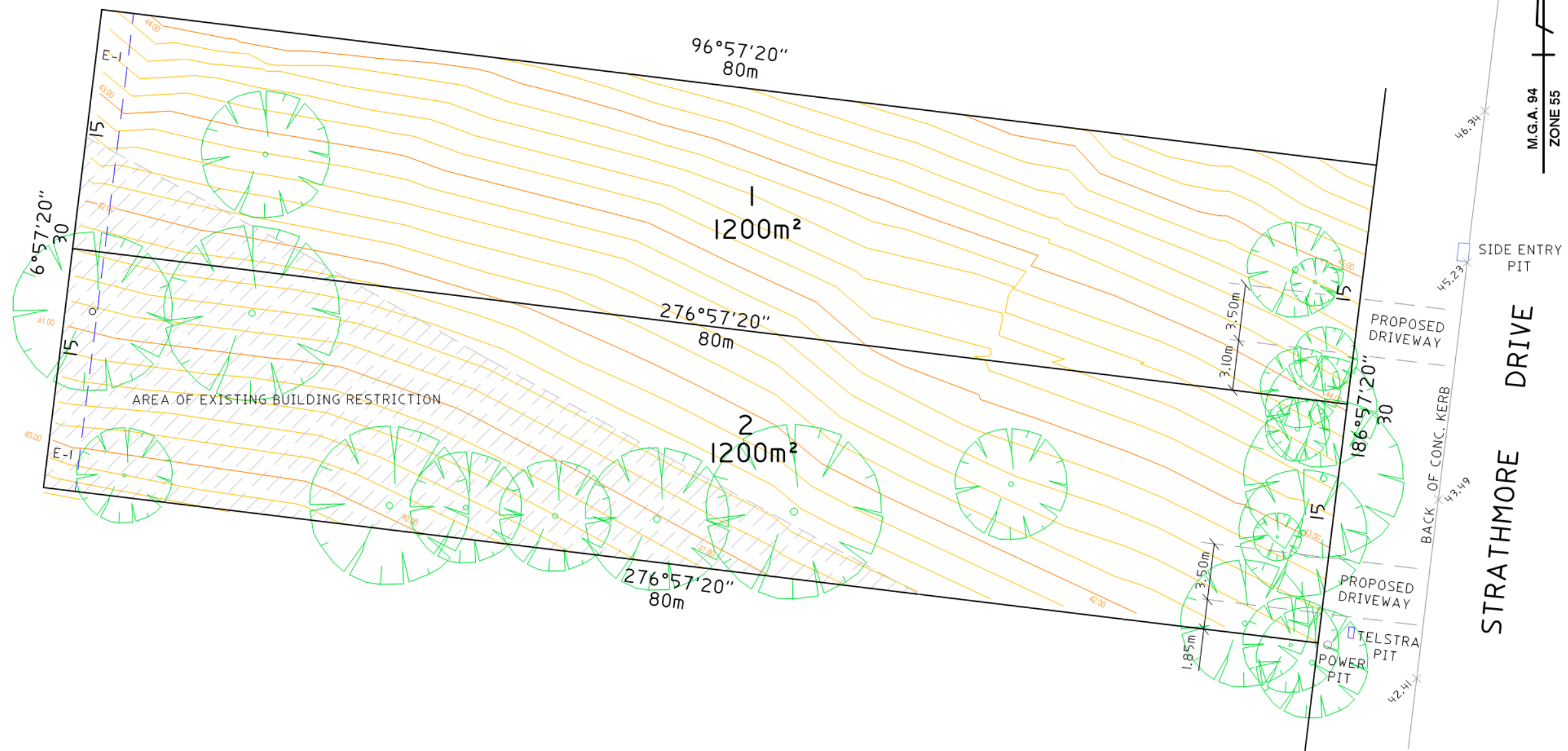
Delivered by LANDATA®. Land Victoria timestamp 01/03/2017 14:35 Page 2 of 3



Delivered by LANDATA®. Land Victoria timestamp 01/03/2017 14:35 Page 3 of 3

RESTRICTIONS ON USE OF LAND	PS742219F												
<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited. </div> <div style="display: flex; align-items: center;"> <div style="margin-right: 20px;">  </div> <div style="flex-grow: 1;">  </div> <div style="margin-left: 20px; writing-mode: vertical-rl; transform: rotate(180deg);"> STRATHMORE DRIVE </div> </div>													
<p>CREATION OF RESTRICTION UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 50%;">LAND BURDENED</th> <th style="width: 50%;">LAND BENEFITED</th> </tr> </thead> <tbody> <tr> <td>LOT 11 ON THIS PLAN</td> <td>LOT 12 ON THIS PLAN</td> </tr> <tr> <td>LOT 12 ON THIS PLAN</td> <td>LOT 11 ON THIS PLAN</td> </tr> </tbody> </table> <p>THE REGISTERED PROPRIETOR SHALL NOT CONSTRUCT ANY PLUMBING FIXTURE WITHIN THE AREA SHOWN AS , UNLESS IT IS AT A HEIGHT FOR THE WASTE FLOWS TO GRAVITATE INTO THE SEWER MAIN CONNECTION POINT.</p>		LAND BURDENED	LAND BENEFITED	LOT 11 ON THIS PLAN	LOT 12 ON THIS PLAN	LOT 12 ON THIS PLAN	LOT 11 ON THIS PLAN						
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">  giving life to your ideas </td> <td style="width: 20%; padding: 2px;"> SCALE 1:500  </td> <td style="width: 30%; padding: 2px;"> ORIGINAL SHEET SIZE: A3 </td> <td style="width: 20%; padding: 2px;"> SHEET 3 </td> </tr> <tr> <td style="padding: 2px;"> <small>MELBOURNE L2, 390 St Kilda Rd Melbourne VIC 3104 T: +61 3 9595 1900 www.selectgroup.com.au</small> </td> <td style="padding: 2px;"> <small>ADLAIDE 22, 11 King William St Street Town, S.A. 5007 T: +61 8 7023 0400</small> </td> <td style="padding: 2px;"> <small>CARLEPHANT L3, 117 Myrae St Geelong VIC 3220 T: +61 3 5224 7300</small> </td> <td style="padding: 2px;"> Digitally signed by: Douglas James Gow (Select Surveyors Pty Ltd, Surveyor's Plan Version (C), 07/06/2016 </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Digitally signed by: Surf Coast Shire Council, 20/06/2016, SPEAR Ref: S078308A </td> <td colspan="2"></td> </tr> </table>		 giving life to your ideas	SCALE 1:500 	ORIGINAL SHEET SIZE: A3	SHEET 3	<small>MELBOURNE L2, 390 St Kilda Rd Melbourne VIC 3104 T: +61 3 9595 1900 www.selectgroup.com.au</small>	<small>ADLAIDE 22, 11 King William St Street Town, S.A. 5007 T: +61 8 7023 0400</small>	<small>CARLEPHANT L3, 117 Myrae St Geelong VIC 3220 T: +61 3 5224 7300</small>	Digitally signed by: Douglas James Gow (Select Surveyors Pty Ltd, Surveyor's Plan Version (C), 07/06/2016	Digitally signed by: Surf Coast Shire Council, 20/06/2016, SPEAR Ref: S078308A			
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E-1 : 2m WIDE DRAINAGE EASEMENT

ADAM O'HALLORAN & ASSOCIATES
 Land Surveyors

PO Box 445 Aireys Inlet 3231
 Ph. (03) 5289 6668 Fax. (03) 5289 6670

**PLAN OF PROPOSED SUBDIVISION
 115A STRATHMORE DRIVE
 JAN JUC**

DRAWN CB	LEVEL DATUM AHD
DRAWING REF 1380_PRO	DRAWING DATE 14/8/2017
EDITION 04	SCALE 1:250
	A3

The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment **PROPOSAL** The information must not be used for any other purpose. By entering this website you acknowledge and agree that you do not seek approval for the subdivision of the land into two lots. The subdivision is proposed as follows:
above and that any dissemination or distribution of this information is strictly prohibited.

PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

Lot 1

- Lot 1 will be a vacant lot with a frontage to Strathmore Drive of 15m.
- The lot will have a total area of approximately 1200 square metres.
- The lot will be accessed via a proposed driveway off Strathmore Drive.

Lot 2

- Lot 2 will be a vacant allotment with a 15m frontage to Strathmore Drive.
- The lot will have a total area of approximately 1200 square metres.
- The vacant lot will be accessed via a proposed driveway off Strathmore Drive.

A plan of proposed subdivision has been attached with the application.

SITE AND SURROUNDS

The subject site is a vacant allotment on the west side of Strathmore Drive in Jan Juc.

The properties to the west are zoned 'Low Density Residential'. They consist of dwellings on large lots.

The properties to the north/south and east are zoned 'General Residential' and consist of dwellings on larger lots (to the north/south) and smaller residential lots and dwellings, on the east side of Strathmore Drive.

The site contains scattered vegetation. None of this vegetation is of any significance. The proposed subdivision will have no effect on the current vegetation.

ZONING

The land is located within the General Residential Zone (GRZ1) – Schedule 1, the purpose of the zone is;

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *To implement neighbourhood character policy and adopt neighbourhood character guidelines.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

Response

The subdivision proposes to create 2 lots of over 1000m² which fits in with the character of the area.

The site is located within an area that is established with access to services including public transport, education facilities, open space areas and commercial precincts.

The proposal wholly accords with the purpose and objectives of the General Residential Zone (GRZ1).

PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

OVERLAYS

The land is located within the:

Design and Development Overlay – Schedule 22 (DDO22).

The subject site is subject to the Design and Development Overlay – Schedule 22. The purpose of this overlay is:

- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

In accordance with Clause 43.02, a planning permit is not required to subdivide the land subject to DDO22. It is therefore considered that the requirements of this overlay area not relevant in this instance.

Development Contributions Plan Overlay – Schedule 2 (DCPO2)

The subject site is subject to the Development Contributions Plan Overlay – Schedule 2 (DCPO2). The purpose of this overlay is:

- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Under Schedule 2 to Clause 45.06, the subject site falls within charging area 25. The addition of a residential lot in this area incurs a development contribution levy of approximately \$1247.04 (current as at 30 June 2012). It is anticipated that the contribution levy is likely to have been adjusted and trust Council to provide guidance on this matter.

Clause 45.06 does not require a permit for the subdivision of land subject to DCPO2 but a permit granted must:

- *Be consistent with the provisions of the relevant development contributions plan.*
- *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.*

The Environmental Significance Overlay – Schedule 6 (ESO 6).

The subject site is subject to the Significant Landscape Overlay – Schedule 6 (SLO6) relates to Central Torquay/Jan Juc residential areas. The overlay recognises that vegetation is a key element of neighbourhood character in these coastal townships and reinforces their casual coastal character. The purpose of this overlay is:

To reinforce a landscape character that comprises:

- *A moderate tree canopy supported by understorey shrubs with emphasis on indigenous vegetation.*
- *An open vegetated streetscape where the vegetation acts to filter and soften the appearance of buildings and hard surface areas.*

Clause 42.03 does not require a permit for the subdivision of land subject to SLO6. It is therefore considered that the requirements of this overlay are not relevant in this instance.

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PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

Clause 56 – Residential subdivision

A two lot subdivision must meet the requirements of Clause 56 in particular those clauses specified in the table at Clause 32.08-2 of the General Residential Zone.

56.01-1 Site and Context Description

See Plan of Existing Conditions

In relation to the SITE

Site shape, dimension and size	See attached plan
Orientation and contours	See attached plan
Trees and other significant vegetation	See attached plan
The siting and use of existing buildings on the site	See attached plan
Street frontage features such as poles, street trees and kerb crossovers	See attached plan
Access Points	See attached plan
Drainage and infrastructure connections	See attached plan
Easements	There is a drainage easement at the rear of the site.
And significant natural features of the site including drainage lines, watercourses, significant habitat and habitat corridors for the movement of fauna	Not applicable
Significant views to and from the site	Not applicable
Noise and odour sources or other external influences	Not applicable
Soil conditions, including any land affected by contamination, salinity or fill	Not applicable
Any other notable features or characteristics of the site	See attached plan

In relation to the SURROUNDING AREA

The pattern of subdivision of the surrounding areas	A range of rectilinear lot sizes
Existing land uses	Primarily residential & low density residential
The siting and use of existing buildings on the adjacent properties	See attached plan
The location and type of significant vegetation	See attached plan
Street and footpath widths, material and detailing	See attached plan
Location, distance and characteristics of any nearby Public Open Space	Reserves, ovals and beach all within 500m
Direction and distances of local shops, schools, community and recreational facilities	Local shops are approximately 500 metres to the south. Schools in Torquay & Bellbrae
Direction and distances to public transport routes and stops	Vline bus on Great Ocean Road
Existing transport routes including freeways, arterial and sub-arterial roads and major roads connecting neighbourhoods	Great Ocean Road provides access to Anglesea, Geelong and Melbourne
Local street network	Series of local traffic streets
Traffic volumes and movements on adjacent roads	Low traffic levels
Pedestrian and bicycle paths	Reserves through Jan Juc
Any place of natural or cultural significance	Not applicable

PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

56.01-2 Design Response

The proposed plan has been designed to respond to the site. There are no real constraints on site.

56.03-05 Neighbourhood Character Objectives

The layout respects the established pattern of development within the surrounding environment. The proposed subdivision provides for safe and effective vehicle movement and will assist in providing a greater range of lot sizes in the area to promote diversity.

56.04-2 Lot Area and Building Envelopes

The proposed lot areas are of a significant size. This ensures the ability for provision of solar access, private open space, vehicle access, parking and the retention of existing vegetation.

56.04-3 Solar Orientation

The Lots are orientated for solar access. The lot sizes provide for ample flexibility of related building design

56.04-5 Common Area Objectives

There is no common area to be created by the proposed subdivision

56.06-8 Lot Access Objective

Proposed vehicle crossings for each lot have been shown on the Plan of Proposed Subdivision.

56.07 Water Management, 56.08 Site Management, & 56.09 Utilities

Services, Water supply and Waste Water management will be installed in accordance with requirements of the relevant Authorities.

Clause 65 Decision Guidelines

Clause 65.02 of the Surf Coast Shire Planning Scheme lists a number of matters for consideration by the responsible authority when considering an application to subdivide land.

The following dot points address the dot points listed (in order) as decision guidelines in clause 65.02 of the planning scheme.

- The land is suitable for subdivision in a strategic sense given its close proximity to physical and social infrastructure and due to the size and configuration of the lot and the existing development. There are no restrictions on this lot preventing further subdivision;
- The proposal is consistent with current and possible future development of nearby land given the prevalent residential uses. Some of the abutting properties have been subdivided into smaller allotments;
- The current proposal maximizes use of existing infrastructure;
- There are few physical characteristics on the land;
- The density of proposed development is appropriate to the locality, available infrastructure and services, and the planning scheme provisions.
- The area and dimensions of each lot are appropriate, each able to provide existing on-site parking and sufficient space for areas of private open space;
- The existing road network is adequate. The subdivision will add little to existing traffic volumes;

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PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

- There will be no conflict between pedestrian and vehicular movement to and from each of the proposed lots;
- Provision of public open space is not an issue. There is a wide range of open space available within a short distance of the site;
- The subdivision will not be staged;
- Each of the lots are of a size sufficient to enable the safe siting and design of buildings;
- Provision will be made for the parking of vehicles off street;
- There is no common property area;
- No body corporate is required;
- All utility services are available to the proposed subdivision;
- Reticulated sewerage is available to the proposed development;
- The size of the lots provides for flexibility of building design, therefore not requiring the removal of the existing trees on the site.

Conclusion

Overall it is considered the proposed two lot subdivision accords with the relevant provisions of the Surf Coast Shire Planning Scheme. The proposed subdivision:

- Meets the minimum lot size for the precinct.
- Does not require the removal of any vegetation.
- Fits in with the existing neighbourhood character of the surrounds.
- Provides adequate lot sizes and dimensions for new dwellings.

Given all of the above it is requested a planning permit be issued for the subdivision of the land into two lots.

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2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

APPENDIX 2 17/0294 - BUSHFIRE MANAGEMENT STATEMENT

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

BUSHFIRE MANAGEMENT STATEMENT – 115A STRATHMORE DRIVE, JAN JUC

14th December
2017

South Coast Bushfire Consultants

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

South Coast Bushfire Consultants

P.O. Box 721, Torquay, Vic 3228

Phone: 0401 328 757 Email: mksteel@bigpond.com

Principal Consultant – Kylie Steel

Qualifications / Accreditations:

- Accredited Bushfire Consultant (BPAD level 2) with the Fire Protection Association Australia (FPA) (2014)
- Preparing and assessing an application under the Bushfire Management Overlay – Planet (Department of Planning and Community Development) (2013)
- Postgraduate Certificate in Bushfire Planning and Management – The University of Melbourne (2013)
- Postgraduate Certificate in Business – The University of Notre Dame, Broome (2002)
- Bachelor of Science, Honours – The University of Melbourne (1998)
- Native Vegetation Planning Permit Applications – Planet (Department of Planning and Community Development) Training Seminar (2013)

Disclaimer

This report has been made with careful consideration and with the best information available to South Coast Bushfire Consultants at the time of writing. Before relying on information in this report, users should evaluate the accuracy, completeness and relevance of the information provided for their purposes. South Coast Bushfire Consultants do not guarantee that it is without flaw or omission of any kind and therefore disclaim all liability for any error, loss or other consequence that may arise from you relying on any information in this report.

Requirements detailed in this document do not guarantee survival of the buildings or the occupants. The client is strongly encouraged to develop and practice a bushfire survival plan.

Information and assistance including a template for a Bushfire Survival Plan is provided as part of the 'Fire Ready Kit' available through the CFA website at <http://www.cfa.vic.gov.au> or through your local CFA Regional office.

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Version Control

	Name	Date Completed	Comments
Report Version	Kylie Steel	14/12/17	Version 1
Field Assessment	Kylie Steel	5/12/17	
Report	Kylie Steel	5/12/17	
Mapping	Kylie Steel	5/12/17	

Definitions, Abbreviations and Acronyms

AS 3959-2009 – Australian Standard AS 3959 -2009 Construction of buildings in bushfire-prone areas.

CFA – Country Fire Authority

Clause – A clause relates to a specific piece within the planning scheme.

Clause 44.06 – Bushfire Management Overlay

Clause 52.47 – Planning for Bushfire

DEPI – Department of Environment Planning and Infrastructure (now DELWP)

DELWP – Department of Environment, Land, Water and Planning

BAL – Bushfire Attack Level

BPA – Bushfire Prone Area

BMO – Bushfire Management Overlay

BMS – Bushfire Management Statement

Method 1 – refers to methodology in AS 3959-2009 for determining a BAL with a number of predetermined inputs.

Method 2 – refers to methodology in AS 3959-2009 for determining a site specific BAL

Pathway 1 – refers to an application pathway in Clause 52.47 of the planning scheme.

Pathway 2 – refers to an application pathway in Clause 52.47 of the planning scheme.

Planning Practice Note – a guide for using various sections of the planning scheme prepared by DTPI

RA – Responsible Authority

SCBC – South Coast Bushfire Consultants

Total Fire Ban Day – is declared by CFA on days when fires are likely to spread rapidly and could be difficult to control.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

1 SUMMARY

This document analyses the bushfire hazards to a proposed subdivision at 115A Strathmore Drive, Jan Juc. This application proposes to subdivide the existing single lot into two lots.

The site is within the Bushfire Management Overlay (BMO) and as such must meet the subdivision objectives of the overlay. This document interprets how the proposed subdivision can meet the objectives and approval measures of *Clause 52.47 – Planning for Bushfire* and *44.06 - Bushfire Management Overlay*.

This document includes a: Bushfire Hazard Landscape Assessment, Bushfire Hazard Site assessment, Bushfire Attack Level (BAL) assessment and a Bushfire Management Plan. This information is presented to provide a response to the legislative requirements of the Bushfire Management Overlay (Clause 44.06 and 52.47).

The site was found to meet the approval measures of clause 52.47 for a subdivision and both developments are able to meet a BAL of 19. The lots are both 1,200m² in size and thus any development must provide a static water supply of 10,000L solely for the purpose of firefighting and must allow CFA to get within 4m of the water tank. An indicative location of these tanks has been provided in the Bushfire Management Plan; however, these locations may change.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

2 INTRODUCTION

This document has been prepared for the property owner to respond to the requirements of Clause 44.06 *Bushfire Management Overlay* (known from this point on as Clause 44.06), and associated Clause 52.47 *Bushfire Protection: Planning Requirements* (known from this point on as Clause 52.47) for a subdivision at 115A Strathmore Drive, Jan Juc.

The site is located in the Bushfire Management Overlay (BMO) and requires a bushfire management statement to accompany the planning permit application.

3 METHODOLOGY

The methodology used to prepare a holistic approach to assessing and mitigation the bushfire risk to the development includes the following:

- Bushfire Hazard Landscape Assessment
- Bushfire Hazard Site Assessment
- A method 1 BAL Assessment
- Bushfire Management Plan
- Bushfire Management Statement (Clause 52.47)

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

4 PLANNING AND BUILDING CONTROLS

4.1 Planning and building controls

Clause Number	Name
32.08	General Residential Zone (GRZ) Schedule 1
44.06	Bushfire Management Overlay (BMO) Schedule 2
43.02	Design and Development Overlay (DDO) Schedule 22
45.06	Development Contributions Plan Overlay(DCPO) Schedule 2
42.03	Significant Landscape Overlay (SLO) Schedule 6

5 BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

The Bushfire Hazard Landscape Assessment includes a plan that describes the bushfire hazard of the general locality surrounding the site (Map 1).

5.1 Vegetation extent in the broader landscape

The vegetation in the broader landscape is varied in its composition and thus its bushfire risk. The vegetation that surrounds the property in 1km radius is largely small rural holdings (2-5 acre properties) and beyond them farm lands.

South and south west of the site is a creek line that is fringed with remnant woodland vegetation. This vegetation varies in width and has an average width of 60m opposite the site. This vegetation would be unlikely to build and develop into a severe landscape bushfire due to its fragmented nature; however, it would cause a significant impact on the surrounding developments if ignited.

5.2 Surrounding Road Network

The surrounding road network is excellent and provides easy access to the Township of Torquay. The central township zone of Torquay is located approximately 3km from the proposed development.

The roads that lead to the township of Torquay through Jan Juc require travel through existing built up areas.

5.3 Bushfire History of the Area

The Barwon South West Regional Strategic Fire Management Plan: Environmental Scan lists bushfire events in the Otway Ranges. The 1939 Black Friday Fires and the 1983 Ash Wednesday fires were the most significant bushfire events in the South West region of Victoria in recent history.

The Ash Wednesday fires started in Deans Marsh and were pushed south under a northerly wind before the introduction of the cold change or low pressure system which then forced the fire in a southwesterly direction along the coast and through the Great Otway National Park.

The events of 1983 show how devastating a bushfire within the Otway Ranges can be. The township of Torquay and Jan Juc was not significantly affected by these bushfires as it was stopped on the outskirts of Bells Beach.

The Ash Wednesday bushfire footprint can be seen in Appendix 2 of this document. The 1983 Ash Wednesday bushfire did not impact the proposed development site and were close to the edge of the containment line.

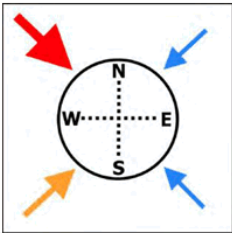
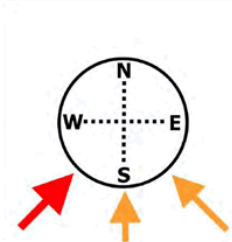
Since the devastating bushfires on Black Saturday in 2009 the number of prescribed burns or fuel reduction burns across the state has increased. The fuel reduction burns seen in Appendix 1 have occurred in the last 5-6 years. These offer some protection for the time being; however, it is uncertain if these practices will be ongoing.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

5.4 Bushfire Risk

The site is not considered to be at a high risk from a large fire front. The dominant fuel within the landscape is grasslands to the north and west beyond the assessment zone.

Table 1 – Bushfire Scenarios

Scenario	Description	Site Response
1 – North 	North of the site are a number of residential dwellings and grasslands beyond these.	The property to the north provides protection from the open grasslands to the north.
2 - East	East of the site is the highly developed residential area of Jan Juc. Bushfire impact from the east is highly unlikely.	There are no bushfire hazards identified to the east.
3 – South 	South of the site is the creek line with remnant woodland vegetation along the banks. This vegetation has continuity with grasslands to the west and would enable a significant flare up under extreme bushfire weather.	There is a house to the south that has highly managed gardens and would create a good buffer between the proposed development and the creek line to the south.
4- West	The greatest fire run potential and the path of the Ash Wednesday bushfire came from the south west. Extreme fire weather can approach from the west on the south westerly wind change when a low pressure system is introduced. West of the site is the creek line that runs north west – to south east. Beyond the creek line are large areas of grasslands to the west.	The building envelopes provide a large area for defensible space to the west to mitigate the effects of a large grassfire impacting the creek line vegetation.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

6 BUSHFIRE HAZARD SITE ASSESSMENT

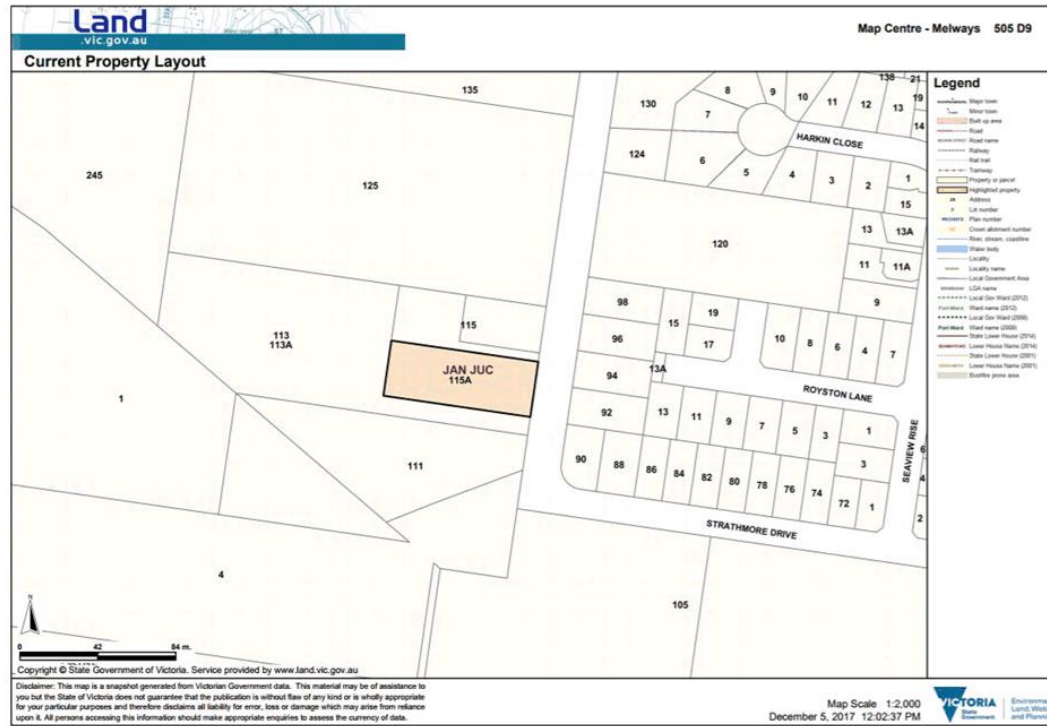
The Bushfire Hazard Site Assessment includes a plan that describes the bushfire hazard within 150 meters of the proposed development. The description of the hazard is prepared in accordance with AS 3959-2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2 (Vegetation Exclusions).

6.1 Site Details

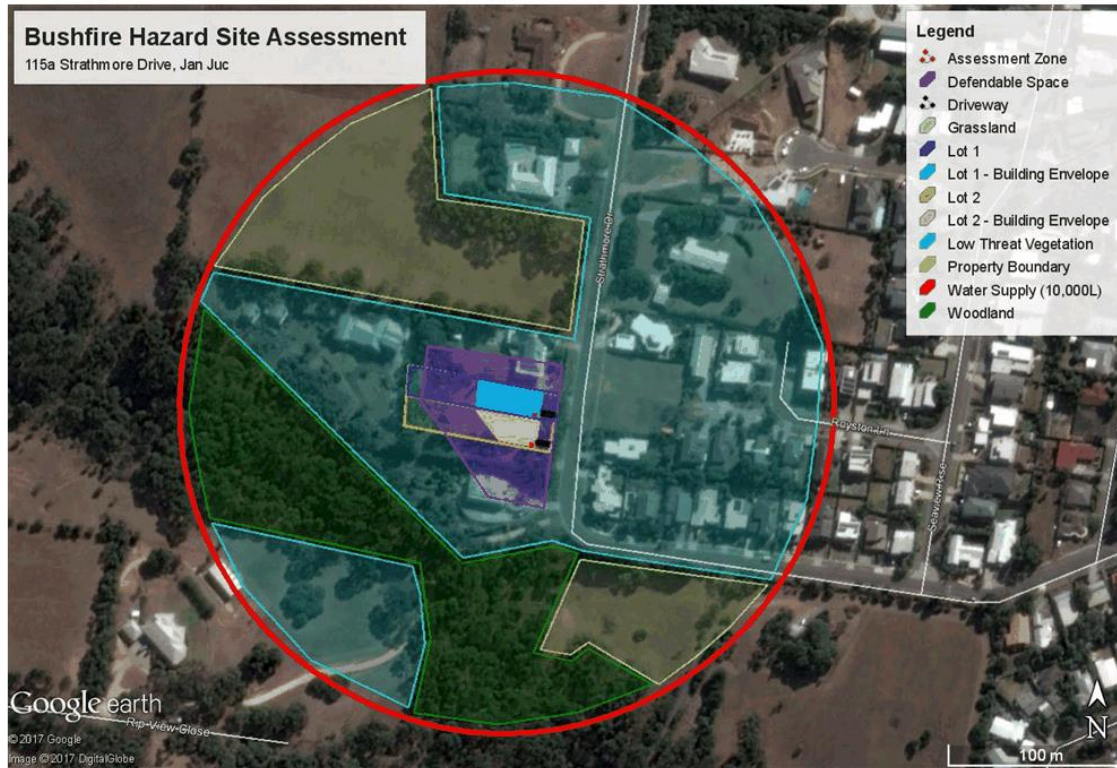
Address:	115A Strathmore Drive, Jan Juc 3228
Standard Parcel Identifier:	Lot 12 PS742219
Municipality:	Surf Coast
BMO Schedule:	Schedule 2
Existing Dwellings:	Vacant Lot
Private Bushfire Shelter:	N/A
Application Pathway:	Pathway 2 – Subdivision less than 10 lots
Site Area:	Lot 1 – 1,200m ² Lot 2 – 1,200m ²

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

Map 2 Current Layout of the site



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc



Map 3 – Bushfire Hazard Site Assessment

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

6.2 Vegetation

The vegetation within the 150 meter assessment area was classified according to AS 3959-2009, 'Practice note 65 (DTPLI 2014) and the 'Overall fuel hazard assessment guide' (DSE 2010).

The AS 3959-2009 approach uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas: No.7 Native Vegetation) classification system. According to this method, vegetation can be classified into seven categories. Each category indicates a particular type of fire behavior and these categories or classifications are then used to determine bushfire intensity.

The vegetation identified within the 150 meter assessment zone is detailed in table 3 and the locations of these vegetation types are evident in Map 3.

Table 3 – Vegetation Assessment

Woodland	<p><u>AS 3959-2009 Definition</u></p> <p><i>Trees 10-30m high: 10-30% foliage cover dominated by eucalypts; understorey or low trees to tall shrubs typically dominated by Acacia, Callitris or Casuarina.</i></p> <p><u>Site Description</u></p> <p>The vegetation along the creek line to the south and west is classified as woodland. The vegetation is fragmented and would be unlikely to develop into a fire front as assumed in AS 3959-2009, however, it does present as a bushfire hazard to the proposed development.</p>
Grasslands	<p><u>AS 3959-2009 Definition</u></p> <p><i>All forms, including situations with shrubs and trees, if the overstorey foliage cover is less than 10%.</i></p> <p><u>Site Description</u></p> <p>North of the site within the assessment zone is an area of grassland that connects with the larger expanses of grassland to the north and west.</p>
Low Threat Vegetation	<p><u>AS 3959-2009 Definition</u></p> <p><i>b) Single areas of vegetation less than 1 ha in area and not within 100m of other areas of vegetation being classified.</i></p> <p><i>e) Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.</i></p> <p><i>f) Low threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens,</i></p>

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

commercial nurseries, nature strips and windbreaks.

Site Description

The gardens surrounding the site are managed to 'inner zone' defensible space requirements.

Figure 1 – Low threat vegetation within the assessment zone to the south east.



Figure 2 – Low threat vegetation to the east.



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

Figure 3 – Low threat vegetation to the south.



Figure 4 – Low threat vegetation within the subdivision development looking west.



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

Figure 5 – Low threat vegetation to the north.



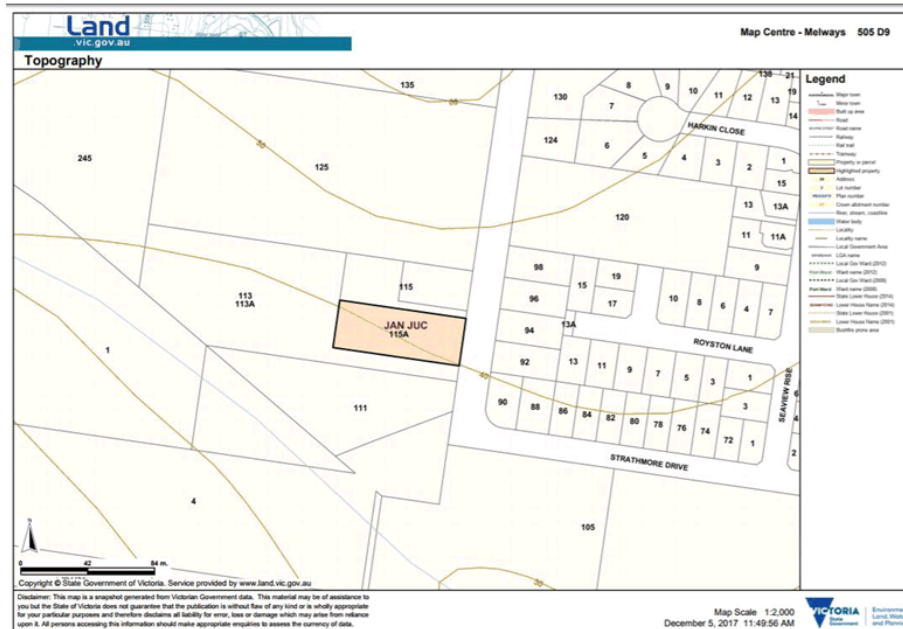
Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

6.3 Topography

The site is located in a low density development area of Jan Juc that is becoming more densely developed. The site slopes down to the creek to the south west. The down slope is short and the vegetation is fragmented so it is unlikely to develop into a fire front assumed by AS 3959-2009. This slope would not significantly influence the severity or intensity of a landscape bushfire.

The wider landscape is undulating but there are no significant landscape features that would increase the intensity or allow for extreme bushfire behavior within this landscape.

Map 4 – Topography of the site and surrounds.



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

6.4 Bushfire Attack Level (BAL) for the proposed development

The bushfire attack level (BAL) is a means of measuring the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per meter squared. The BAL is also the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.

The highest BAL determines the construction requirements for the dwelling.

The BAL for this site has been calculated using a ‘Forest Fire Danger Index’ (FFDI) of 100 and a Flame Temperature of 1090K. The FFDI and flame temperature are in accordance with parameters that have been set as the appropriate risk parameters by the Minister for Planning.

Table 4 – BAL calculations for the proposed dwelling on lot 1.

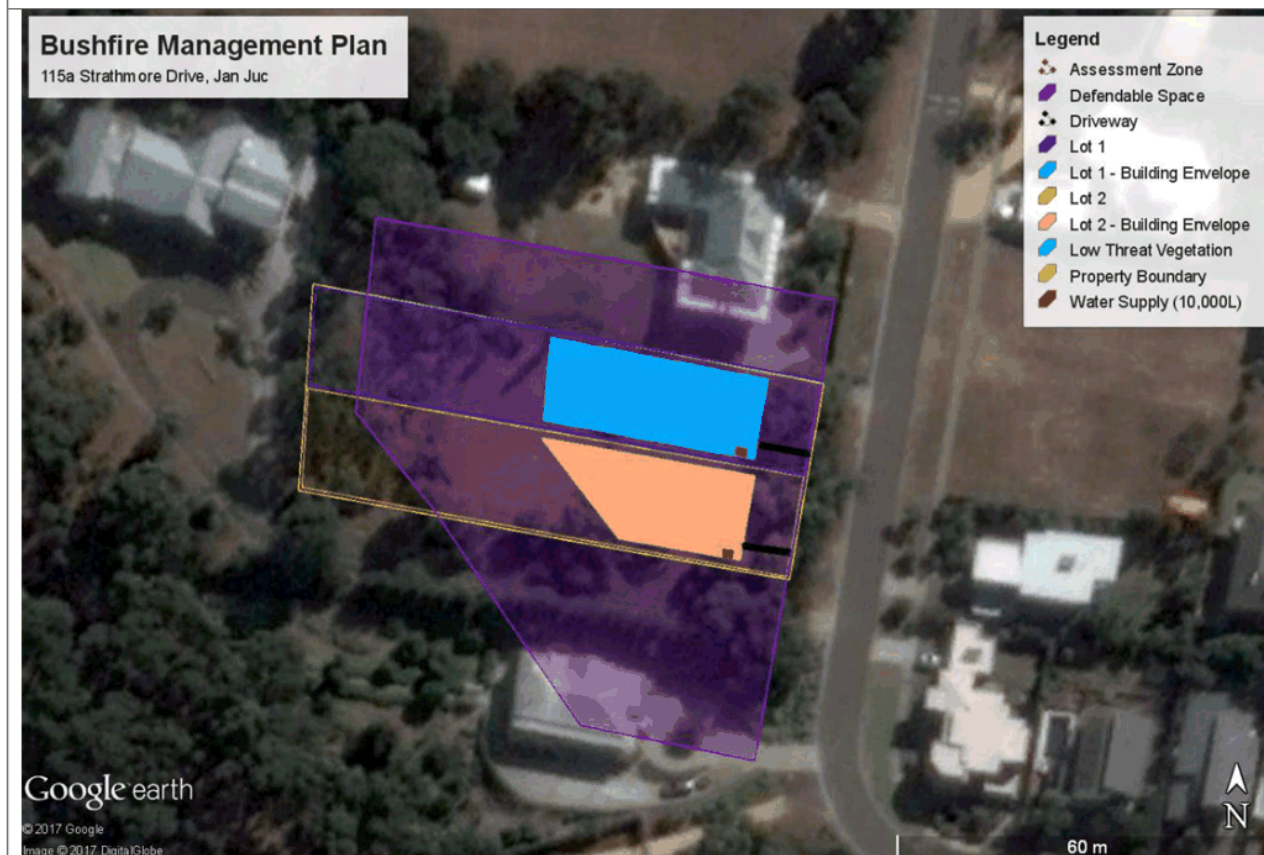
Orientation	Highest threat vegetation	Slope under classifiable vegetation	Distance to vegetation	Defendable Space Requirement	Bushfire Attack Level (BAL)
North	Grassland	Upslope	32m	13m	19
East	Low Threat	Down slope 0-5°	-	-	19
South	Woodland	Down slope 0-5°	76m	29m	19
West	Woodland	Down slope 0-5°	72m	29m	19

Table 5 – BAL calculations for the proposed dwelling on lot 2.

Orientation	Highest threat vegetation	Slope under classifiable vegetation	Distance to vegetation	Defendable Space Requirement	Bushfire Attack Level (BAL)
North	Grassland	Upslope	49m	13m	19
East	Low Threat	Down slope 0-5°	-	-	19
South	Woodland	Down slope 0-5°	60m	29m	19
West	Woodland	Down slope 0-5°	65m	29m	19

7 BUSHFIRE MANAGEMENT PLAN AND STANDARD PERMIT CONDITIONS

Bushfire Management Plan – 115A Strathmore Drive, Jan Juc (Prepared By – SCB Consultants 14th December 2017)



5. Access

Where fire authority access to the water supply is required under AM4.1, fire authority vehicles should be able to get within 4 metres of the water supply outlet.

Where the length of access is greater than 30 meters but less than 100m the following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.

1. Construction Standards

All construction works need to comply with a BAL of 19 from AS 3959-2009

2. Defendable Space

An area of defendable space for the designated BAL around the proposed building / or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following distances from Table 2 Clause 52.47:

Unit 1 = North – 13m , East – Property Boundary, South – 29m, West – 29m

Unit 2 = North – 13m , East – Property Boundary, South – 29m, West – 29m

3. Vegetation Management requirements include:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

4. Water Supply

The site is required to have 10,000 Litres of water supply for fire fighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.
- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the access way and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- Any pipe work and fittings must be a minimum of 65mm (excluding the CFA coupling).

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

**8 BUSHFIRE MANAGEMENT STATEMENT – SITES
 RESPONSE TO APPLICABLE SUB CLAUSES OF 52.47**

Clause 52.47 contains a range of sub clauses with objectives, approved measures (AM), alternative measures (AltM) and decision guidelines. The table below details which clauses are relevant to this application. The following section demonstrates how the requirements have been met for the relevant standards.

Table 5 - Relevant clauses and measures applicable to the proposed development.

Clause	Approved Measure	Achieved	Justification
Clause 52.47-1 – Dwellings in existing settlements – Bushfire protection objective	AM 1.1	Not Applicable	The development is for a subdivision.
	AM 1.2	Not Applicable	
	AM 1.3	Not Applicable	
Clause 52.47-2.1 Landscape, siting and design objectives	AM 2.1	Applicable	The development is able to meet these clauses.
	AM 2.2	Applicable	
	AM 2.3	Applicable	
Clause 52.47-2.2 Landscape, siting and design objectives	AM 3.1	Not Applicable	
	AM 3.2	Not Applicable	
	AltM 3.3	Not Applicable	
	AltM 3.4	Not Applicable	
	AltM 3.5	Not Applicable	
	AltM 3.6	Not Applicable	
Clause 52.47-2.3 Landscape, siting and design objectives	AM 4.1	Applicable	The development is able to meet this clause.
	AM 4.2	Not Applicable	
Clause 52.47-2.4 Subdivision objectives	AM 5.1	Applicable	
	AM 5.2	Not Applicable	Land is zoned General Residential Zone thus this clause applies.
	AM 5.3	Not Applicable	Less than 10 lots proposed
	AM 5.4	Applicable	
	AM 5.5	Not Applicable	

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

8.1 52.47-2 Bushfire protection objectives

<p>8.1.1 52.47-2.1 Landscape, siting and design objectives</p> <p>Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.</p> <p>Development is sited to minimise the risk from bushfire.</p> <p>Development is sited to provide safe access for vehicles, including emergency vehicles.</p> <p>Building design minimises vulnerability to bushfire attack.</p>	
Approved Measure	Requirement
AM 2.1	<p>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</p> <p>Response:</p> <p>The site is within the residential area of Jan Juc and is at the interface of the low density residential area of the township.</p> <p>The site is able to share defensible space between allotments and on well managed neighbouring developments.</p> <p>The development site is expected to be affected by ember attack but is considered far enough away from the forest interface not be affected by high levels of radiant heat.</p>
AM 2.2	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> • The maximum separation distance between the building and the bushfire hazard. • The building is in close proximity to a public road. • Access can be provided to the building for emergency service vehicles. <p>Response:</p> <p>The proposed developments are on narrow lots and there is limited availability for siting.</p> <p>The bushfire hazards surrounding the site are located over 32m to the north and over 60 to the south and west.</p>

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

	<p>The dwellings will be located in close proximity to the road and the driveways would not exceed 30m in length.</p> <p>Access will be provided to the buildings for emergency service vehicles.</p>
<p>8.1.2 52.47-2.3 Water supply and access objectives</p>	
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person’s unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> • A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 52.47-3. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 52.47-3. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p> <p>Response: The proposed dwellings will each provide a static water supply of 10,000 litres solely for the purposes of fire fighting and allow CFA to get within 4m of the water supply.</p> <p>Access will be provided in accordance with the permit conditions outlined in the Bushfire Management Plan (section 7).</p>
<p>8.1.3 52.47-2.4 Subdivision objectives</p> <p>To provide lots that are capable of being developed in accordance with the objectives of Clause 52.47.</p> <p>To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.</p>	
AM 5.1	<p>An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:</p> <ul style="list-style-type: none"> • The defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 52.47-3. • The approved measures in Clause 52.47-2.1 and Clause 52.47-2.3. <p>Response: The site is within the General Residential Zone and thus AM 5.2 applies.</p>
AM 5.2	<p>An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:</p> <ul style="list-style-type: none"> • Each lot satisfies the approved measure in AM 2.1. • A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with: • Columns A or B of Table 2 to Clause 52.47-3 for a subdivision that creates 10 or more lots; or

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

	<ul style="list-style-type: none"> • Columns A, B or C of Table 2 to Clause 52.47-3 for a subdivision that creates less than 10 lots. <p>The bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 52.47-3 must be noted on the building envelope.</p> <ul style="list-style-type: none"> • Defensible space wholly contained within the boundaries of the proposed subdivision. • Defensible space may be shared between lots within the subdivision. Defensible space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defensible space. • Vegetation management requirements in accordance with Table 6 to implement and maintain the defensible space required under this approved measure. • Water supply and vehicle access that complies with AM 4.1. <p>Response:</p> <p>Each lot is able to satisfy the approval measure in AM 2.1.</p> <p>The building envelope on each lot complies with AM 2.2 and provides defensible space in accordance with Column A of Table 2 to Clause 52.47-3 for a subdivision that creates less than 10 lots.</p> <p>The bushfire attack level for each development is BAL 19 and the defensible space is shared across the site and uses communal areas, roads and neighbouring allotments managed to a low threat condition.</p> <p>The vegetation management requirements are detailed on the Bushfire Management Plan as permit conditions and are in accordance with Table 6 of Clause 52.47.</p> <p>The water supply and vehicle access complies with AM 4.1 of clause 52.47 and are detailed above within this report.</p>
AM 5.3	<p>An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.</p> <p>Response:</p> <p>N/A</p>
AM 5.4	<p>A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.</p> <p>Response:</p> <p>The nature of this subdivision proposal does not pose a risk to any future</p>

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

	development from proposed landscaping, public open space or communal areas.
AltM 5.5	<p>A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defensible space in accordance with Table 2 Column C and Table 6 to Clause 52.47-3 where it can be demonstrated that:</p> <ul style="list-style-type: none">• All other requirements of AM 5.2 have been met.• Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. <p>Response: N/A</p>

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

9 REFERENCES

CFA (2011). FSG LUP 0003 Assessing vegetation in a bushfire management overlay (BMO). Country Fire Authority, Burwood East, Victoria.

CFA (2011). Landscaping for Bushfire: Garden design and plant selection. Country Fire Authority, Burwood East, Victoria.

CFA (2012). FSG LUP 0002 Requirements for water supply and access in the Bushfire Management Overlay (BMO). Country Fire Authority, Burwood East, Victoria.

Department of Transport, Planning and Local Infrastructure (2014) Planning Practice Note 65 – Preparing and Assessing a Planning Application under the Bushfire Provisions in Planning Schemes. Victorian Government, Melbourne

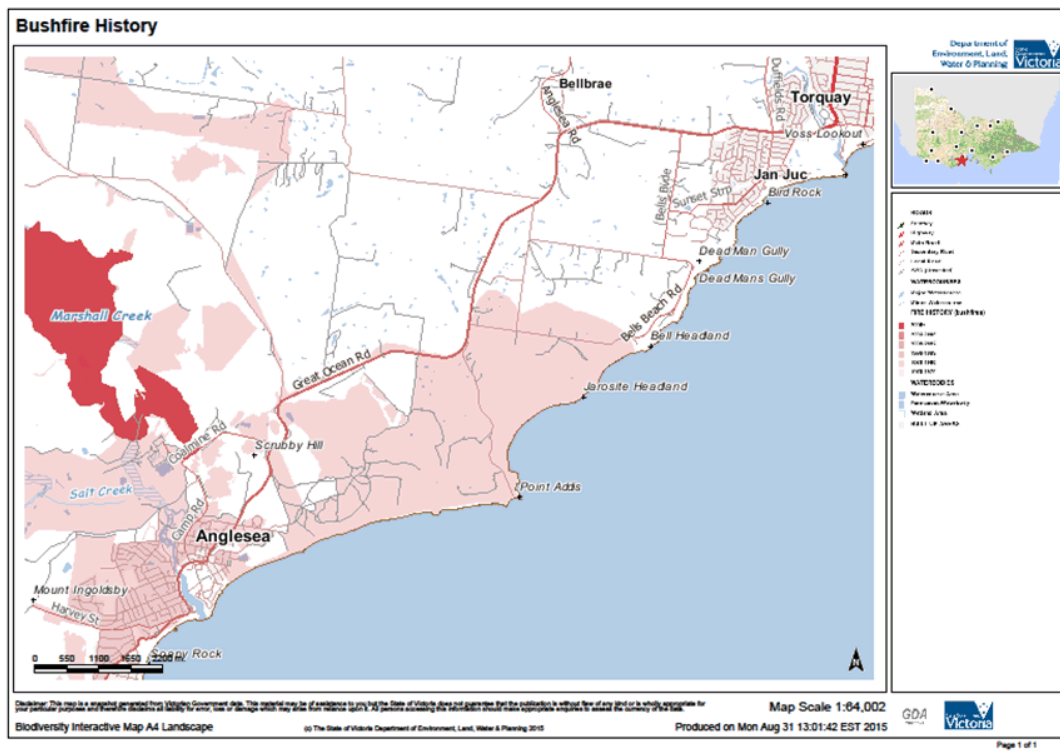
Standards Australia (2009). AS 39359-2009 Construction of Buildings in Bushfire Prone Areas. Standards Australia, North Sydney, New South Wales.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

10 APPENDICES

Appendix 1 – Bushfire History and Prescribed Burns in the Area (DEPI – Biodiversity Interactive Map – showing bushfire history).

Figure 1 – Natural Bushfires in the area since 1970. Pink areas on the map indicate wildfires.



2.2 Planning Permit Application 17/0294 - 115A Strathmore Drive, Jan Juc - Two Lot Subdivision

APPENDIX 3 17/0294 - OFFICER'S REPORT



OFFICER REPORT

Planning Application No: 17/0294

PROPOSAL

The application seeks approval for a Two Lot Subdivision.

Both lots would be identical in terms of dimensions and area. Each would have frontage to Strathmore Drive of 15m, a depth of 80m and a total area of 1,200m².

The proposed plan of subdivision shows proposed driveway locations, each 3.5m wide and seemingly positioned to avoid existing utility infrastructure and minimise impacts on existing vegetation.

No vegetation is proposed for removal as part of this application.

SITE AND SURROUNDING AREA

The site is a rectangular shaped allotment on the west side of Strathmore Drive, Jan Juc. It has a frontage to Strathmore Drive of 30 metres, a depth of 80 metres and an area of 2,400m².

The site is currently vacant. It slopes from north to south by approximately 4m.



Aerial Image

Vegetation is scattered throughout the site, primarily along the east and south boundaries and within the rear third of the property. The image above shows the subject site, which is highlighted in red.



OFFICER REPORT

Planning Application No: 17/0294



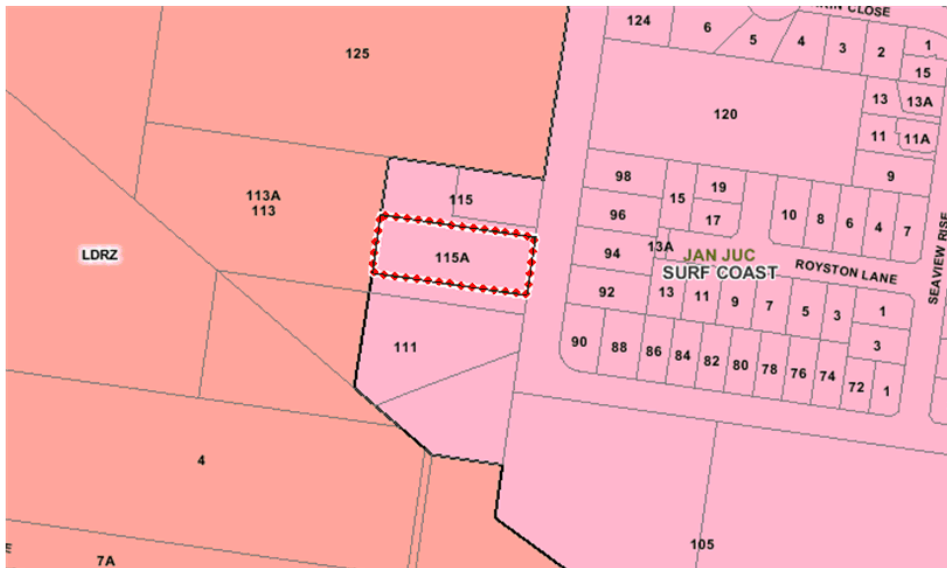
Photo of view of site from Strathmore Drive

Directly to the north is an existing dwelling and a vacant lot; the result of a battle-axe subdivision.

Directly to the south is the driveway associated with No. 113A Strathmore Drive. The driveway also sweeps around the western (rear) boundary of the subject site, with its associated dwelling and grounds located northwest of the subject site.

Properties on the east side of Strathmore Drive are characterised by single dwellings on medium sized lots. Most capitalise on views available and are two-storey in scale. Two lots almost directly opposite the subject site are vacant.

As can be seen from the image below, the subject site, properties directly adjoining to the north and south, and land on the east side of Strathmore Drive are all zoned General Residential Zone – Schedule 1 (GRZ1). Land to the west (rear) is zoned Low Density Residential Zone (LDRZ) and is within the 'Strathmore Drive West' Development Plan area. Land in the LDRZ comprises larger lots and provides a different character outcome to land in the General Residential Zone.



Zoning Map



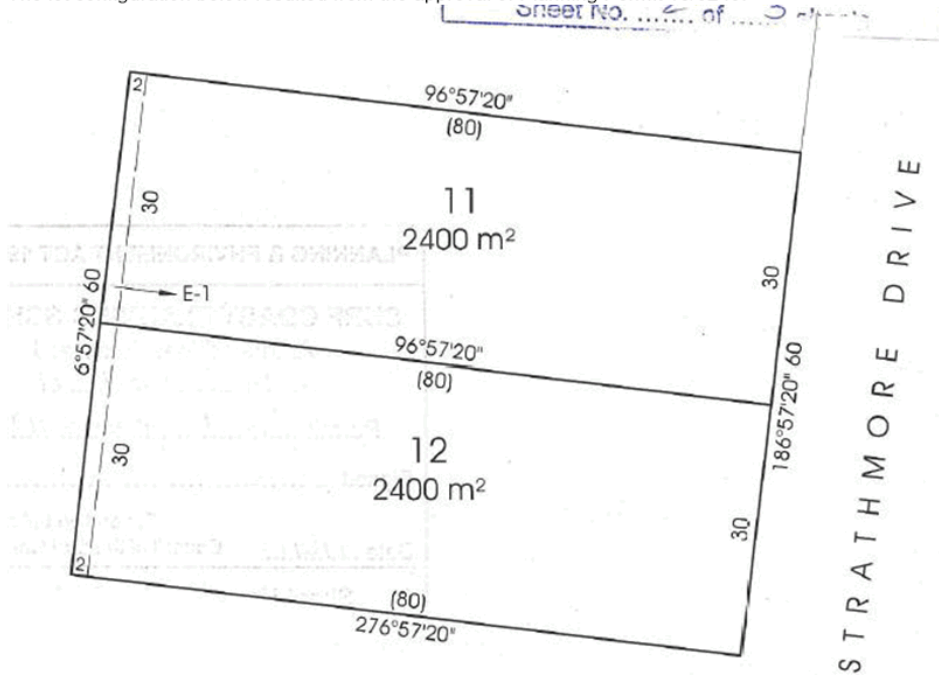
OFFICER REPORT
 Planning Application No: 17/0294

Relevant History and Background

Past permits:

Applic'n No.	Proposal	Decision	Date
15/0249	Two lot subdivision	Approved	1/12/2015

The lot configuration below resulted from the approval of Planning Permit 15/0249:



Endorsed Plan 15/0249

Lot 11, located to the north of the subject site, has since been further subdivided with Planning Permit 16/0472 allowing a two lot 'battle axe' subdivision of Lot 11. The resultant lot sizes are 1004 square metres and 1396 square metres.

Registered Restrictions

Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit that would result in a breach of a registered restriction. The subject land is affected by a registered restriction.

The registered restriction, as shown on PS742219F, prohibits the construction of any plumbing fixture within the area shown hatched on the plan, unless it is at a height for the waste flows to gravitate into the sewer main connection point.

The proposed subdivision would not breach the restriction. Future development on the proposed lots would need to comply with the restriction. Both proposed lots have ample space outside of the restriction hatching to accommodate a dwelling and associated plumbing.

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity. Part 2 - Division 2 of the Aboriginal Heritage Regulations 2007



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Planning Application No: 17/0294

specifies exempt activities which do not require a Cultural Heritage Management Plan. The site is not located within an area of Aboriginal cultural significance, therefore a CHMP is not required.

REFERRALS

The following external referrals were undertaken:

Referral Authority	Type of Referral	Advice/ Comments/ Conditions
CFA	Recommending	Consent with conditions
Officer comment	The suggested conditions have been included within the recommendation	

The following internal referrals were undertaken:

Department	Response
Infrastructure	Consent with conditions
Officer comment	The suggested conditions have been included within the recommendation

PUBLIC NOTICE

Public notification of the application was required, as it was considered that the application may result in material detriment. Public notification included a sign on site and notices to adjoining property owners.

OBJECTIONS

As a result of public notification, a total of five objections have been lodged with Council. The concerns of objectors are summarised below:

- A. Owner/Occupier – 90 Strathmore Drive**
 - Loss of vegetation.
 - Subdivision and future development will be unsympathetic to existing streetscape character.
 - Subdivision is staged.
 - Disruptive nature of further capital works.
- B. Owner/Occupier – 92 Strathmore Drive**
 - Narrow width of proposed lots is uncharacteristic for the area.
 - Change to views and outlook from objector's property.
 - Loss of vegetation and habitat for fauna.
 - Increased number of crossovers and loss of on-street parking.
 - "No build" zone will result in dwelling being located at front of lot.
 - Poor solar passive design likely for future dwellings due to proposed lot dimensions.
 - Lack of landscaping opportunities between future dwellings.
 - Would prefer a battle-axe configuration, with one lot to the rear (west) of the other.
- C. Owner – 96 Strathmore Drive**
 - Narrow width of proposed lots is uncharacteristic for the area.
 - Deceptive "staging" given previous subdivision.
 - Loss of vegetation.
- D. Owner/Occupier – 98 Strathmore Drive**
 - Narrow width of proposed lots
 - Inconsistent rhythm of spacing with other properties on west side of Strathmore Drive.
 - "No build area" on southern block will result in dwelling being located at front of lot and require removal of all vegetation on the lot.
 - Loss of "bush feel setting".
- E. Owner/Occupier – 113 Strathmore Drive (also owns 113A Strathmore Drive)**
 - Subdivision is staged, which is generally not supported by Council.
 - Narrow width of proposed lots is uncharacteristic for the area.
 - A significant number of trees have recently been removed.
 - Increased number of crossovers and loss of on-street parking.
 - Impact on drainage issues due to recent clearing on the site and construction of retaining walls.
 - Inconsistent rhythm of spacing with other properties on west side of Strathmore Dr.



OFFICER REPORT

Planning Application No: 17/0294

- Loss of views. Lack of building envelopes or restricted building heights.

PLANNING SCHEME PROVISIONS

Subdivision is not defined in the Planning Scheme.

The *Subdivision Act 1988* defines subdivision as *the division of land into two or more parts which can be disposed of separately.*

Zone table

General Residential Zone – (GRZ1)

Surf Coast General Residential Areas last updated VC110

Clause	Requirement	Proposal	Permit required								
Clause 32.08-3 Subdivision	A permit is required to subdivide land. An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling and car space, must meet the relevant requirements of Clause 56. An application to subdivide land that creates a vacant lot capable of development for a dwelling or residential building, must ensure that each lot created contains the minimum garden area set out in Clause 32.08-4. Where a vacant lot less than 400 square metres is created, that lot must contain at least 25 percent of the lot as garden area. This does not apply to land where an approved precinct structure plan or an equivalent strategic plan applies.	Clause 56 assessment is attached See response to Clause 32.08-4 below.	Yes								
Clause 32.08-4 Minimum garden area requirement	Whether or not a planning permit is required for the construction or extension of a dwelling or residential building on a lot, a lot must provide the minimum garden area at ground level as set out in the following table: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Lot size</th> <th style="width: 50%;">Minimum % set aside as garden area</th> </tr> </thead> <tbody> <tr> <td>400-500 square metres</td> <td>25%</td> </tr> <tr> <td>501-650 square metres</td> <td>30%</td> </tr> <tr> <td>Above 650 square metres</td> <td>35%</td> </tr> </tbody> </table> <i>Note: Transitional provisions apply</i>	Lot size	Minimum % set aside as garden area	400-500 square metres	25%	501-650 square metres	30%	Above 650 square metres	35%	The percentage of lot area required to be set aside as garden area is 35%.	Each lot is capable of achieving the 35% garden area once developed. A restriction will be included on the plan of subdivision.
Lot size	Minimum % set aside as garden area										
400-500 square metres	25%										
501-650 square metres	30%										
Above 650 square metres	35%										

Overlay tables

Bushfire Management Overlay (BMO)

Clause	Requirement	Proposal	Permit required
Clause 44.06-2 Permit triggers – subdivision	A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.	Subdivision	Yes



OFFICER REPORT

Planning Application No: 17/0294

Significant Landscape Overlay – Schedule 6 (SLO6)

Central Torquay and Jan Juc Residential Areas last updated VC124

Clause	Requirement	Proposal	Permit required
Clause 42.03-2 combined with Schedule 6 Permit triggers – buildings and works	A permit is not required to construct a building or carry out works.	Buildings & Works	No
Clause 42.03-2 combined with Schedule 6: 3.0 Permit triggers - Vegetation	<p>A permit is required to remove, destroy or lop any Bellarine Yellow Gum (<i>Eucalyptus leucoxylon</i> subsp. <i>bellarinensis</i>) or Moonah (<i>Melaleuca lanceolata</i> subsp. <i>lanceolata</i>), any exotic tree greater than 5 metres in height or native vegetation greater than 3 metres in height.</p> <p>This does not apply:</p> <ul style="list-style-type: none"> ▪ If the vegetation is dead. ▪ If the vegetation is within 2 metres of the outer edge of the roof of a building or overhangs this area. ▪ If the vegetation is listed as an environmental weed in the incorporated document "Environmental Weeds – Invaders of our Surf Coast, 2nd Edition (2002)". ▪ To the reasonable trimming of vegetation for the purpose of maintaining its on-going health and proportion within the garden landscape. ▪ If the table to Clause 42.03-3 specifically states that a permit is not required 	Subdivision	No. The plans submitted with the application show that vehicle access can be obtained into each property without the need to remove vegetation.

Design and Development Overlay – Schedule 22 (DDO22)

Jan Juc last updated C102

Clause	Requirement	Proposal	Permit required
Clause 43.02-2 with Schedule 22 Permit triggers Buildings and works	<p>A permit is required to construct a building or to construct or carry out works</p> <p>This does not apply to construct a building or construct or carry out works associated with one dwelling on a lot where the following apply:</p> <ul style="list-style-type: none"> ▪ The height of the new building is not more than 7.5 metres above ground level. ▪ A new garage or carport is set back from the street at least 1 metre further than the wall of the dwelling (excluding porches, porticos, verandahs, pergolas, blade walls, decks, balconies, columns, piers and the like) - refer Diagram 1. ▪ An area of at least 80 square metres of private open space is provided, with one area of private open space to have a minimum dimension of 8 metres. 	Buildings and works	No



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Clause 43.02-2 with Schedule 22 Permit triggers - fences	A permit is required to construct a fence, other than post and wire, that is more than 1.2 metres in height and located on a street boundary or within a street boundary setback.		No
Clause 43.02-3 with Schedule 20 Subdivision	A permit is not required to subdivide land.	Subdivision	No
Clause 43.02-4 Advertising signs	Advertising sign requirements are at Clause 52.05-8, Category 4		No

Development Contributions Plan Overlay – Schedule 2 (DCPO2)

Torquay Jan Juc Development Contributions Plan last updated C57

Clause	Requirement	Levies payable
Clause 45.06-1 combined with Schedule 2: 3.0 DCP	<p>A permit granted must:</p> <ul style="list-style-type: none"> Be consistent with the provisions of the relevant development contributions plan. Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay. 	<p>Yes</p> <p>Charging area 25. Permit condition addresses this requirement</p>

Particular Provisions

The following particular provisions are considered in respect to this application:

Provision	Permit triggers/Requirements	Permit Required/ Applicable
52.01 Public open space contribution and subdivision	<p>1 additional lot created – no POS contribution 2-4 additional lots created – 1% per additional lot 5 or more additional lots – 5% POS contribution</p>	No, a two lot subdivision is exempt from making a public open space contribution
56 Residential subdivision	Refer to the Clause 56 assessment attached to this report.	Yes
Clause 52.47 – Planning for Bushfire	<ul style="list-style-type: none"> To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire. To ensure that the location, design and construction of development appropriately responds to the bushfire hazard. To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level. To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level. 	Yes

State Planning Policy Framework

The following State policies have been considered with respect to this application:



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- Clause 11.07-2 – Peri-urban areas
- Clause 11.09-1 – Planning for growth
- Clause 15.01-3 – Neighbourhood and subdivision design
- Clause 15.01-4 – Design for safety
- Clause 15.01-5 – Cultural identity and neighbourhood character
- Clause 16.01-4 – Housing diversity
- Clause 19.03-1 – Development contributions plans

The State Planning Policy Framework encourages a sufficient supply of urban land for residential and other uses and advises that authorities should plan to accommodate projected population growth over at least a 15 year period and provide clear directions on locations where growth should occur.

The regional planning strategies and principles promote the development of regions and settlements that have strong identity, are prosperous and are environmentally sustainable.

The strategies to achieve both distinct and diverse regional settlements and liveable settlements and healthy communities include:

- *Support a network of diverse coastal settlements which provides for a broad range of housing types, economic opportunities and services.*
- *Encourage urban renewal and redevelopment opportunities within existing settlements to reduce the demand for urban sprawl.*
- *Direct residential and other urban development and infrastructure within defined settlement boundaries of existing settlements that are capable of accommodating growth*

This policy supports the collection of "development contributions on the basis of an approved Development Contributions Plan", as well as ensuring that subdivisions provide the appropriate, water, sewerage, stormwater and telecommunications services. A permit condition requires a contribution to be made under the Developer Contributions Overlay.

Local Planning Policy Framework

The MSS is a statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving those objectives. The key provisions of the MSS as it relates to this application include:

- Clause 21.01 – Profile and Vision
- Clause 21.02 – Settlement, Built Environment, Heritage and Housing
- Clause 21.03 – Environmental Management
- Clause 21.08 – Torquay-Jan Juc Strategy
- Clause 22.09 – Torquay – Jan Juc Residential Development and Neighbourhood Character Policy

These clauses outline that the Surf Coast Shire contains rich and diverse environmental, cultural and scenic landscapes including rugged coastlines, native forests, rolling to flat rural plains and many rivers, lakes and wetlands. The southern part of the Shire contains nodes of coastal townships dotted along the Great Ocean Road comprising Torquay-Jan Juc, Anglesea, Aireys Inlet, Fairhaven, Moggs Creek and Lorne. Each of these towns has its own distinct character and identity and a potential for development.

A recurring theme of the Surf Coast Shire's MSS is balancing development against the environmental qualities of the Shire which provide the foundation of its attractiveness as a place to live, to work and to visit. To achieve this Shire has adopted detailed policies for the coastal townships and their hinterland which direct new development into existing town areas and limit development in areas of high scenic, environmental and agricultural value.

The MSS identifies that Torquay-Jan Juc and Winchelsea will be the urban growth areas within the Shire. A lesser intensity of development is planned for the smaller coastal townships due to character, environmental and



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servicing considerations.

The Torquay-Jan Juc Strategy (Clause 21.08) describes Torquay-Jan Juc as follows:

Torquay-Jan Juc is the main urban growth centre of the Surf Coast Shire. It is a popular destination for surfers, tourists, holiday makers and retirees, and the sea-change movement has resulted in the town becoming increasingly popular for permanent settlement by those valuing a coastal lifestyle.

Key Issues and Influences identified include:

- *State and regional policies identifying Torquay-Jan Juc as a growth node in the Great Ocean Road and G21 regions.*
- *Balancing growth and development densities against a community desire to maintain the coastal character of Torquay-Jan Juc whilst also achieving overarching sustainability objectives. The five values identified in Sustainable Futures Plan Torquay Jan Juc 2040 (2012) to help manage this are:*
 - *Value 1: Places for People – The importance of a close knit community*
 - *Value 2: The Natural Environment – Protecting and enhancing the natural environment*
 - *Value 3: The Built Environment – Fostering the unique coastal look and feel*
 - *Value 4: Services and Infrastructure – Planning for services and infrastructure with development*
 - *Value 5: A Local Economy – Providing employment opportunities locally.*
- *Increasing housing diversity and affordability in response to socio-demographic change.*

21.08-2 Settlement, Built Environment and Housing has the objective:

To accommodate and manage the projected population growth and demographic change of Torquay-Jan Juc in an environmentally sustainable manner that respects and celebrates the distinct surfing identity and coastal character of the town and responds to Value 1 "Places for People" and Value 3 "The Built Environment" from the Sustainable Futures Plan Torquay Jan Juc 2040 (2012)

The relevant strategies to achieve this include:

- *Promote a range of lot sizes and housing types, including medium density development in appropriate locations, in the new growth areas and ensure good access to surrounding areas, public transport, public open space and other facilities.*
- *Provide a range of housing types, sizes and configurations at suitable densities to cater for the changing housing needs of current and future populations, taking account of the differential capacity of the various areas to accommodate housing growth and change (in accordance with Map 2 to Clause 21.08 – Torquay-Jan Juc Residential Development Framework).*
- *Encourage a variety of well-designed medium and higher density housing types and sizes in the form of units, townhouses, terrace housing and low-rise apartments (including smaller sized dwellings with only one or two bedrooms) in Old Torquay and within walking distance of neighbourhood activity centres, ensuring such developments value add to the evolving urban character.*
- *Ensure new residential development is of a high standard and builds on the coastal character by incorporating contemporary designs, with an articulated built form and a range of visually interesting building materials, colours and façade treatments that respond to the local context and preferred character of the neighbourhood.*

Local Policies:

22.09: Torquay – Jan Juc Residential Development and Neighbourhood Character Policy

The subject site is located in the Low Density Residential Area on the map at Clause 22.09. The preferred character statement for the area is as follows:

Low density residential areas are located on the edge of the township and are characterised by single dwellings at low densities. They perform as a transition zone between the urban and rural interface and often contain significant patches of vegetation.

While some capacity may exist to increase lot densities beyond the specified minimum lot size in a limited number of further investigation areas as defined by this Planning Scheme, the low density residential areas have limited capacity to accommodate future residential development other than through subdivision of larger lots in



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accordance with minimum lot size provisions as specified by the Low Density Residential Zone and Schedule to the zone. The low density, single dwelling character will be retained.

The table within Clause 22.09 sets out that the Low Density Residential Areas applies to the Low Density Residential Zone. Preferred characteristics are as follows:

Dispersed single housing at low densities minimum 2,000 square metres for sewerer lots; 0.4 hectares for unsewered lots, except where a local variation to this minimum lot size is specified in the Schedule to the Low Density Residential Zone. Any subdivision application will be considered on its merits and where relevant will take into consideration bushfire, vegetation, and landscape significance controls in the planning scheme. Strong landscape character.

Relevant Incorporated and/or Reference Documents

The following relevant documents have been considered during the assessment of this application:

- Torquay and Jan Juc Structure Plan (2007)
- Sustainable Futures Torquay-Jan Juc (2012)
- Torquay-Jan Juc Neighbourhood Character Study Review (2012)

Relevant Planning Scheme Amendments and/or Strategies

There are no amendments relevant to this application.

OFFICER DIRECT OR INDIRECT INTEREST

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

Discussion of Key Issues

Policy

The *Surf Coast Planning Scheme (Clause 21.01 Profile and Vision)* strategically nominates Torquay-Jan Juc as an area being for sustainable land use and development and a growth area within the Surf Coast Shire which promotes urban consolidation of residential land with good access to a range of commercial and community facilities. In essence, the proposed subdivision of residentially zoned land within Torquay-Jan Juc is considered to be consistent with the State and Local Policies for land supply and regional growth, allowing an increased density to be achieved on land which is serviced by the required infrastructure and zoned to allow smaller sized lots.

Clause 22.09 identifies the site as within a "Low Density Residential area". This categorisation is inconsistent with the zoning of the land and the map at 22.09 does not align with the pocket of General Residential Zone land on the west side of Strathmore Drive that the subject site is within. It appears that this is an anomaly.

Planning policy can't mandate an outcome, but suggests a preferred character to be achieved for the Low Density Residential Zone. While the lots which are proposed are smaller in size than what is suggested by the policy, the lot sizes are large enough to allow future dwellings to be developed within a spacious setting and to allow the landscaping of the site to be undertaken. Ultimately, the zone and this competing policy must be balanced, and the planning system gives priority to the purpose of the zone.

The site is subject to a Bushfire Management Overlay, so there will be limits on the type of landscaping and tree retention able to be achieved on the lots. The planning scheme highlights the importance of protecting human life over all other planning scheme objectives.

In relation to bushfire risk, it is noted that the site is located within a Bushfire Management Overlay and a Planning Permit was triggered by the overlay. As such, a Bushfire Management Statement has been prepared and assessed by the Country Fire Authority. Permit conditions require the ongoing implementation of the Bushfire Management Plan. In light of this, it is considered that the increased lot can be supported and the protection of human life has been properly considered, as required by Clause 13.05-1. The vegetated character of the site will change as a result of the implementation of the Bushfire Management Overlay onto the land.

Zone and Overlays

General Residential Zone



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The site is located within the General Residential Zone with no minimum lot size stipulated for the area. The existing 2,400m² lot is very generous given the zoning context and represents an opportunity for further urban consolidation on the edge of the Jan Juc township.

Both lots are generous in size that garden area as set out in Clause 32.08-4 could easily be achieved when the lots are developed.

Bushfire Management Overlay

The Bushfire Management Statement has been submitted by the applicants has been referred to the Country Fire Authority. The report identifies that an appropriate response to bushfire can be achieved for the proposed lots and this has been accepted by CFA with the inclusion of a recommended condition in any permit to issue and with the mandatory conditions of Clause 44.06 to also be applied to any permit issued.

Objector Concerns

Neighbourhood Character

All objectors raised concerns about the proposed allotment widths and likely outcome that will be created as a result. These concerns relate to the potential built form outcomes and loss of vegetation. The proposed lot widths of 15 metres are considered an acceptable response to the zone and the location and can contain the required 10 metre by 15 metre building envelope.

It is acknowledged that lots on the east side of Strathmore Drive directly opposite the subject site are generally 20 metres wide. However, Strathmore Dr continues to the south, bends and heads in an easterly directly. Along this section of the street, lot widths are consistently 15 metres wide. This section of Strathmore Drive is not so far removed from the subject site that it doesn't form part of the surrounding neighbourhood character, and as such it is considered that the lot widths are consistent with the character of the General Residential Zone.

The site is located within a small pocket of General Residential zoned land on the west side of Strathmore Drive. Further to the west is Low Density Residential zoned land, where lots are larger in size and developed at a low intensity. It is acknowledged that current development on the west side of Strathmore Dr is generally low density. Objectors enjoy an outlook to dwellings sparsely located on well vegetated land. However, the expectation for this density and vegetation to remain needs to be tempered by the zoning of the subject site.

It is not uncommon for the neighbourhood character of a GRZ streetscape to include dwellings set back less than 9 metres from the front boundary, constructed to at least one side boundary, with modest landscaping within the setbacks from the property boundaries. In fact, these attributes are evident at a number of the objector's properties. The 15 metre lot widths are considered adequate in accommodating a future built form outcome that is consistent with the zoning of the land.

Access and Drainage

The application was referred to Council's Infrastructure Department who provided consent with conditions and the following comments:

- Access to the site is from the sealed formation of Strathmore Drive. Locations for the proposed vehicle crossing locations for each lot have been designated on the documentation submitted with the application. Both locations will require vehicle crossings to be constructed through the Semi-Mountable kerb along the frontage of the property in Strathmore Drive. **Action: Vehicle crossing shall be constructed in the locations shown on the plans submitted with the application to provide access to each lot.**
- The lots fall away gently from Strathmore Drive. A point of discharge was constructed for the site under a previous subdivision created the lot and is connected to the kerb and channel in Strathmore Drive near the southern boundary of the lot.
- A Side Entry Pit (SEP) is located approximately 17m south of (lower than) the southern boundary of the lot which could provide a point of discharge for each lot. A pipe could be constructed at the back of kerb to enable connection of each lot under gravity to the council system. **Action: Construct a point of discharge for each lot**
- A council easement on the western boundary of the lot was created when this lot was originally subdivided to provide for the construction of a gravity stormwater drain in the future for this and other lots.

Other



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"Staged" subdivision

The subject site is a result of a recent subdivision of land. It is acknowledged that the ultimate subdivision is occurring in a piecemeal way. However, each subdivision is assessed on its merits and this proposal is considered acceptable as discussed throughout this report.

The proposal is not a staged subdivision in that Certification and Statement of Compliance for both lots proposed as part of this application will be sought at the same time.

Disruptive nature of further capital works

The works associated with this subdivision are anticipated to be relatively minor. No new streets are proposed and no new major infrastructure is expected. A degree of inconvenience often comes with urban consolidation. The rights of adjoining residents are protected via relevant legislation.

Increased number of crossovers and loss of on-street parking

The provision of two vehicle crossings over a 30m frontage is typical of land zoned GRZ. On-street parking availability is not known to be an issue in this location and it is noted that there will be on street parking available in front of the site.

Recent removal of vegetation

Provided a permit was not triggered under the SLO6, planning permission would not have been required to remove vegetation from the subject site.

If vegetation was unlawfully destroyed or lopped, this is an enforcement matter to be considered outside of this permit application process.

Impact on drainage issues

A landowner has a responsibility to drain their land to the satisfaction of the responsible authority. Existing drainage issues should be discussed with Council outside of this application process.

Proposed permit conditions will ensure the proposed lots have appropriate drainage connections to accommodate future development. The relevant Building Surveyor will be required to ensure that the future dwellings drain to Council's nominated legal point of discharge.

Loss of views. Lack of building envelopes or restricted building heights

Provision of building envelopes and height restrictions via the subdivision are considered unwarranted given the zoning of the land and the site context.

It is noted that the site is subject to DDO22 which includes requirements in relation to building height, garage location, provision of private open space and front fencing. A Planning Permit application would need to be made to vary the requirements specified in DDO22.

Clause 56 Assessment

The proposed two lot subdivision is within a residential area of Jan Juc that has access to existing infrastructure. Given its location and size, the site represents a good urban consolidation opportunity. The proposed lots are easily able to meet the objectives of Clause 56 of the Surf Coast Planning Scheme, as can be seen in the attachment.

CONCLUSION

It is recommended that a Notice of Decision to Grant a Planning Permit be issued for a Two Lot Subdivision, subject to conditions.



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ATTACHMENT – ASSESSMENT AGAINST CLAUSE 56: RESIDENTIAL SUBDIVISION – TWO LOTS

LIVEABLE AND SUSTAINABLE COMMUNITIES					
Neighbourhood Character	Met?	Comments	Standard C6	Met ?	Comments
<i>To design subdivisions that respond to neighbourhood character</i>	Yes		<p><i>Subdivision should</i></p> <ul style="list-style-type: none"> <i>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant objective, policy or statement set out in this scheme.</i> <i>Respond to and integrate with the surrounding urban environment.</i> <i>Protect significant vegetation and site features</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>See response to neighbourhood character in body of report.</p> <p>It appears that the majority of vegetation along the site frontage could be retained regardless of two new vehicle crossings. The SLO6 provides tree controls and any future application for vegetation removal would be assessed on its merits. It is noted that there may be a need to clear vegetation to create the defensible space needed under the Bushfire Management Overlay.</p>

LOT DESIGN					
Lot Area and Building Envelopes	Met?	Comments	Standard C8	Met ?	Comments
<i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i>	Yes		<p><i>An application to subdivide land that creates lots of less than 300sqm should be accompanied by information that shows:</i></p> <ul style="list-style-type: none"> <i>That the lots are consistent or contain a building envelope that is consistent with a development approved under this scheme, or</i> <i>That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</i> 	N/A	
			<p><i>Lots of between 300sqm and 500sqm should:</i></p> <ul style="list-style-type: none"> <i>Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</i> <i>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10m x 15m, or 9m x 15m if a boundary wall is nominated as part of the building envelope</i> 	N/A	
			<p><i>If lots of between 300sqm and 500sqm are proposed to contain buildings that are built to the boundary, the long axis of the lots should be within 30°E and 20°W of N unless there are significant physical constraints that make this difficult to achieve.</i></p>	N/A	
			<p><i>Lots greater than 500sqm in area should be able to contain a rectangle measuring 10m x 15m, and may contain a building envelope.</i></p>	Yes	With a width of 15m and a depth of 80m, each lot is capable of containing a 10m x 15m building envelope.



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			<p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> The objectives of the relevant standard are met, and The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. 	N/A	No building envelopes proposed.
			<p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> The building envelope must meet Standards A10 and A11 and Clause 54 in relation to the adjoining lot, and The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement. 		
			<p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. Existing or proposed easements on lots. Significant vegetation and site features. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The lot sizes and dimensions are generous and provide flexibility for future dwellings to achieve good energy efficiency regardless of the siting of the dwelling on the other lot.</p> <p>The 2m wide easement at the rear of the lots is highly unlikely to impact on future development potential.</p> <p>Siting a dwelling on Lot might require the removal of vegetation. If a permit is triggered by the SLO6, this removal of vegetation would be assessed on its merits.</p>
Solar Orientation	Met?	Comments	Standard C9	Met ?	Comments
<i>To provide good solar orientation of lots and solar access for future dwellings</i>	Yes		<i>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</i>	Yes	The east-west orientation of the long axis means the lots have 'appropriate solar orientation'.



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			<p><i>Lots have appropriate solar orientation when:</i></p> <ul style="list-style-type: none"> <i>The long axes of lots are within the range N20°W to N30°E, or E20°N to E30°S.</i> <i>Lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within N20°W to N30°E.</i> <i>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</i> 	<p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>The lot sizes and dimensions are generous and provide flexibility for future dwellings to achieve good energy efficiency regardless of the siting of the dwelling on the other lot.</p>
Common Area	Met?	Comments	Standard C11	Met?	Comments
<i>To identify common areas and the purpose for which the area is commonly held.</i>	Yes		<p><i>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</i></p> <ul style="list-style-type: none"> <i>The common area to be owned by the body corporate, including any streets and open space.</i> <i>The reasons why the area should be commonly held.</i> <i>Lots participating in the body corporate.</i> <i>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</i> 	N/A	
<i>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</i>	Yes				
<i>To maintain direct public access throughout the neighbourhood street network.</i>	Yes				

ACCESS AND MOBILITY MANAGEMENT

Lot Access	Met?	Comments	Standard C21	Met?	Comments
<i>To provide for safe vehicle access between roads and lots.</i>	Yes		<p><i>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</i></p> <p><i>Vehicle access to lots of 300sqm or less in area and lots with frontage of 7.5m or less should be provided via rear or side access lanes, places or streets.</i></p> <p><i>The design and construction of a crossover should meet the requirements of the relevant road authority.</i></p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>	<p>Strathmore Drive is a local road.</p> <p></p> <p>The vehicle crossings must be constructed in accordance with the requirement of Council's Infrastructure department, as per proposed permit conditions.</p>

INTEGRATED WATER MANAGEMENT

Drinking Water Supply	Met?	Comments	Standard C22	Met?	Comments
<i>To reduce the use of drinking water</i>	Yes		<p><i>The supply of drinking water must be:</i></p> <ul style="list-style-type: none"> <i>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</i> <i>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority</i> 	<p>Yes</p> <p>Yes</p>	<p>The lots will be connected to relevant infrastructure.</p>
<i>To provide adequate, cost-effective supply of drinking water</i>	Yes				
Reused and Recycled Water	Met?	Comments	Standard C23	Met?	Comments



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<i>To provide for the substitution of drinking water for non-drinking water purposes with reused and recycled water,</i>	Yes		<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	N/A	Recycled water infrastructure is not located in the vicinity of the site.
Waste Water Management	Met?	Comments	Standard C24	Met?	Comments
<i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</i>	Yes		<p>Waste water systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environmental Protection Authority. Consistent with any relevant approved domestic waste water management plan. 	Yes	The lots will be connected to relevant infrastructure.
			<p>Reticulated waste water must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	Yes	The lots will be connected to relevant infrastructure.
Urban Run-Off Management	Met?	Comments	Standard C25	Met?	Comments
<i>To minimise damage to properties and inconvenience to residents from urban run-off.</i>	Yes		<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. 	Yes	The lots will be drained to the satisfaction of Council.
				Yes	
				Yes	
				Yes	
				Yes	
<i>To ensure that the street operates adequately during major storm events and provides for public safety.</i>	Yes		<p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p>	Yes	The lots will be drained to the satisfaction of Council.



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<p><i>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</i></p>	<p>Yes</p>		<p><i>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</i></p> <ul style="list-style-type: none"> <i>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</i> <i>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</i> 	<p>Yes</p> <p>Yes</p>	<p>The lots will be drained to the satisfaction of Council.</p>
			<p><i>For storm events greater than 20% AEP and up to and including 1% AEP standard:</i></p> <ul style="list-style-type: none"> <i>Provision must be made for the safe and effective passage of stormwater flows.</i> <i>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</i> <i>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35m^2/s$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second).</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	
			<p><i>The design of the local drainage network should:</i></p> <ul style="list-style-type: none"> <i>Ensure run-off is retarded to a standard required by the responsible drainage authority.</i> <i>Ensure that every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Where possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</i> <i>Ensure that inlet and outlet structures take account of the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overload flow in a safe and predetermined manner.</i> <i>Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The lots will be drained to the satisfaction of Council.</p>
			<p><i>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</i></p>	<p>Yes</p>	

SITE MANAGEMENT					
Site Management	Met?	Comments	Standard C26	Met?	Comments



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<i>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</i>			<p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing::</p> <ul style="list-style-type: none"> • Erosion and sedimentation. • Dust • Run-off • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. 	<p>Yes Yes Yes Yes Yes Yes</p>	<p>Minor infrastructure works will be required and are unlikely to compromise drainage infrastructure and receiving waters.</p>
<i>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</i>			<p>Recycled materials should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>Yes</p>	
<i>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</i>					

UTILITIES					
Shard Trenching	Met?	Comments	Standard C27	Met?	Comments
<i>To maximise the opportunities for shared trenching.</i>			<p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>Yes</p>	<p>The lots will connect to existing infrastructure. Shared trenching could be utilised where appropriate.</p>
<i>To minimise constraints on landscaping within street reserves.</i>					
Electricity, Telecommunications and Gas	Met?	Comments	Standard C28	Met?	Comments
<i>To provide public utilities to each lot in a timely, efficient and cost effective manner.</i>			<p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p>	<p>Yes</p>	<p>The relevant electricity authority will require connections to be to its satisfaction.</p>
<i>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</i>			<p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p>	<p>Yes</p>	<p>The lots will connect to available infrastructure.</p>
			<p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p>	<p>Yes</p>	<p>The lots will connect to available infrastructure.</p>
			<p>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</p>	<p>Yes</p>	<p>The lots will connect to available infrastructure.</p>

3. OFFICE OF THE CEO

3.1 Flag Policy Amendments and the future of flying the Rainbow Flag

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community Relations

File No: F14/1807

Division: Culture & Community

Trim No: IC18/385

Appendix:

1. Surf Coast Shire Flag Policy SCS-035 (D17/127731)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to determine the future of the flying the Rainbow Flag at the Council offices and consider an updated Flag Policy.

Summary

Council has flown a Rainbow Flag at the Council offices in Torquay since April 2017.

Council adopted the Surf Coast Shire Flag Policy SCS-035 at the 27 February 2018 meeting with the addition of a requirement that a time limit be set on the flying of any flag on the Front Lawn or Pond flag poles. The time limit proposed in the amended policy is no longer than one calendar month or 31 calendar days. In addition a provision for the CEO to approve flags in accordance with the policy is now included.

Council is now guided by its policy in determining the flying of flags including the Rainbow Flag.

In accordance with Council's policy, the Front Lawn flag pole will be used to fly flags linked to events in Council's events calendar.

Council is again celebrating International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) Day on 17 May 2018, an internationally significant day which Council has supported for many years. In years prior to 2017, Council has flown the Rainbow Flag usually for a week after IDAHOBIT Day.

Permanently flying the Rainbow Flag since April 2017 has helped many people in the community who have seen it as a sign of support for those who may have experienced discrimination based on their sexuality. Flying the Rainbow Flag permanently has also challenged many people who believe it is not Council's role to be flying flags in support of this and / other topics.

With Council again celebrating IDAHOBIT Day in 2018, returning to the practice of flying the Rainbow Flag around this date is an appropriate way to mark this international day and show support for the LGBTIQ community. Lowering the flag a week after the IDAHOBIT Day celebration, is a return to Council's previous practice and is consistent with Council's policy.

The Rainbow Flag can be flown on and after IDHOBIT Day in future years pending this event being included in Council's events calendar to mark this internationally significant day.

Continuing to fly the Rainbow Flag from now until 24 May 2018 and not lowering it earlier is a way to continue support before and after IDAHOBIT Day given this date is approaching soon.

3.1 Flag Policy Amendments and the future of flying the Rainbow Flag

Recommendation

That Council:

1. Note the 12 December 2017 resolution to acknowledge IDAHOBIT Day on 17 May 2018 in accordance with Council's annual events calendar.
2. Note that in years prior to 2017, the practice was to fly the Rainbow Flag in acknowledgement of IDAHOBIT Day for one week after the day itself.
3. Continue to fly the Rainbow Flag on the Front Lawn flag pole until 24 May 2018 when it will be lowered to mark the conclusion of Council's acknowledgement of IDAHOBIT Day 2018.
4. Affirm Council's intention to include IDAHOBIT Day in the 2019 Events Calendar, resuming the practice of raising the Rainbow Flag on IDAHOBIT Day itself and flying it for a duration of one week.
5. Adopt the updated Surf Coast Shire Flag Policy – SCS 035 as at Appendix 1 which includes time limits for the flying of flags and provides for the Chief Executive Officer to approve the flying of flags consistent with the policy.

3.1 Flag Policy Amendments and the future of flying the Rainbow Flag

Report

Background

Council has shown support for the LGBTIQ community for many years by celebrating IDAHOBIT Day and flying a Rainbow Flag usually for a week after 17 May.

Council considered the issue of flying a Rainbow Flag at the April, May and June meetings in 2017.

Council carried a resolution at the 27 June 2017 Council meeting which superseded previous resolutions and which contained a 10 point resolution including:

That Council:

4. Fly the Rainbow Flag continuously on the Front Lawn flag pole in support of the LGBTIQ community in the Surf Coast Shire.
5. Utilise the Pond flag pole to periodically fly flags relating to issues of community significance as determined by Council through resolution or approved Council policy.
8. Determine that a Flag Flying policy be prepared for consideration at a subsequent Ordinary Council meeting and that it is consistent with the elements of this resolution.

Since then the Rainbow Flag has flown continuously on the Front Lawn flag pole.

Previous Council resolutions and debate on this topic included reference to marriage equality. The final and superseded motion does not.

Since Council's deliberations in 2017, the Australian Parliament amended the *Marriage Act 1961* which occurred on 9 December 2017. This changed the *Marriage Act 1961* to redefine marriage as 'the union of 2 people to the exclusion of all others, voluntarily entered into for life'.

Council considered and adopted the Surf Coast Shire Flag Policy SCS-035 on 27 February 2018 and the resolution included:

That Council

1. Adopt the Surf Coast Shire Flag Policy SCS-035 with the addition of a requirement that a time limit be set on the flying of any flag on the Front Lawn or Pond flag poles.
2. Receives a report at the next ordinary Council meeting regarding the future of flying the rainbow flag.

Discussion

Flying the Rainbow Flag has proven to be a difficult issue for the Surf Coast community and for Council.

Given the range of opinions in the community, Council has to carefully consider options and make decisions to help many people move forward on this matter. This report seeks to arrive at an outcome that many people in the community accept.

2017 was a particularly significant time in Australia culminating in a change to the *Marriage Act 1961* which allows same sex attracted couples to marry. This change to the law and the public vote on this issue - which demonstrated significant support for the change to the Act - was historic and seen as a show of support for the LGBTIQ community.

Council has received much feedback about flying the Rainbow Flag since April 2017. Community members gave feedback on supporting the LGBTIQ community in the Surf Coast Shire and the relative merits of marriage equality.

Community members provided feedback that it is important for Council to follow protocols regarding flying the Australian and other official flags, and their relationship to other flags such as the Rainbow Flag.

IDAHOBIT Day is an internationally significant day. Council can use this important occasion to fly the Rainbow Flag on the Front Lawn flag pole in May each year by including IDAHOBIT Day in Council's annual events calendar, as has been the case for several years.

3.1 Flag Policy Amendments and the future of flying the Rainbow Flag

Council's Flag Policy now provides greater clarity about the principles and intent of flying flags. The Policy refers to the importance of observing flag protocols and respecting flags that are flown and what they represent.

The Policy presented at the February 2018 Council meeting did not originally set time limits for flying flags on the Front Lawn and Pond flag poles nor did it provide a process for the Chief Executive Officer to enact the policy as it relates to requests for additional flags to be flown.

Any flags flying permanently presents challenges which are addressed by time limits in the policy. Flying a flag continuously to show support to one section of the community may be interpreted that Council's support for other sections of the community is less significant.

The revised policy attached at Appendix 1 includes the following changes from the February 2018 version:

- Flags other than those referred to in the Australian Government Flag Protocols will not fly for longer than a calendar month or a maximum of 31 days.
- The Front Lawn flag pole will be used to fly flags in accordance with Council's Annual Events Calendar. It should be noted that it is not relevant for all Level 1 events to have a flag flying.
- The Chief Executive Officer will approve flags to be flown in accordance with Council's Annual Events Calendar and this policy.
- The Chief Executive Officer will consider and make determinations in relation to requests from community groups or organisations to fly flags other than those relevant to Council's Annual Events Calendar. In doing so the CEO will have regard to Council resolutions, the Council Plan and any other relevant formal positions of Council. The CEO may consult with the Mayor, Deputy Mayor and Councillors and/or present a report at a Council Meeting should they consider the matter is complex and a prevailing Council position is not clear.
- When two events in Council's calendar occur concurrently or a community request is being supported at the same time as an event, the Pond flag pole can host the additional flag.

Financial Implications

Council may need to purchase additional flags linked to Council events with an estimated cost annually of \$600.

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy Nil

Policy/Legal Implications

The Surf Coast Shire Flag Policy – SCS 035 was adopted on 27 February 2018. This report confirms amendments to this policy which was part of the resolution from the February 2018 Council meeting.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is reputational risk in considering this report as there are different views in the community about flying the Rainbow Flag.

The risk in not considering this report would be that the matter remains unresolved for some people.

Social Considerations

Council's consideration of flying the Rainbow Flag has led to passionate and sometimes difficult discussion on this issue. This has also been a difficult issue for Council.

It is the intention of this report that clarifying the flying of the Rainbow Flag and other flags provides an outcome that the community and Council can move forward with.

3.1 Flag Policy Amendments and the future of flying the Rainbow Flag

Community Engagement

Council has not undertaken planned community engagement on this matter. Council has heard the significant and often passionate community debate – both directly and indirectly - regarding Council's deliberation of flying the Rainbow Flag. This community debate has been considered in the preparation of this report.

Environmental Implications

No implications have been identified.

Communication

Council will communicate decisions via its website and other regular communication channels. It is likely this report will attract a high degree of media attention and this will communicate the decision of Council to the community more widely.

Options

Option 1 - To continue to fly the Rainbow Flag until a week after IDAHOBIT Day, 24 May 2018, and continue to fly the Rainbow Flag in May 2019 and each May pending IDAHOBIT Day being included in Councils' events calendar and;

- Set the time limit for flying any flag other than those in the Australian Flag Protocols at one calendar month or 31 days.

This option is recommended by officers with the intent to show further support for the LGBTIQ community around an internationally significant date in the calendar and help people in the community and Council move forward on this issue.

Setting clear time limits on flags in the policy is a way to demonstrate that Council supports many selected causes and sections of the community.

Option 2 - To lower the Rainbow Flag at another date and;

- Set the time limit for flying any flag other than those in the Australian Flag Protocols longer than one calendar month or 31 days.

This option is not recommended by officers. IDAHOBIT Day is an important celebration. Flying the Rainbow Flag around IDAHOBIT Day has been done by Council previously, is consistent with Council's adopted events calendar and signifies further celebration and support for the LGBTIQ community.

Flying a flag for longer than one month is problematic as it is difficult to determine reasonably how long Council supports each cause.

Option 3 - To continue to fly the Rainbow Flag permanently and;

- Not set time limits in the Surf Coast Shire Flag Policy.

This option is not recommended by officers as this issue has caused difficulty in the community and caused damage to Council's reputation. This has an impact on Council's ability to fulfil its purpose to help the community and environment to thrive. Council's first resolution on this topic was linked to highlighting support for marriage equality which is now law in Australia. Given this legislative change, continuing to fly of the Rainbow Flag at Surf Coast Shire's Offices may not be as significant as it was in 2017. Our community and Australian society will continue to abide by the amended *Marriage Act* and accept marriage equality into the future.

Flying a particular flag continuously or longer than a specified time is not recommended as it does not provide clarity and may be interpreted that Council's support for other causes or sections of the community is less significant.

Conclusion

The original intent of flying a Rainbow Flag was to highlight Council's support for marriage equality.

Council subsequently decided that the flying of the Rainbow Flag should not be linked to the national debate of marriage equality. However this is important context and now same sex attracted people can marry under Australian law.

3.1 Flag Policy Amendments and the future of flying the Rainbow Flag

Flying the Rainbow Flag on and after IDAHOBIT Day returns Council to practices it was carrying out prior to 2017. This is a way to mark this internationally significant date and each year continue to demonstrate support for the LGBTIQ community.

The recently adopted Flag Policy includes time limits to demonstrate greater clarity and equality when Council supports causes in the annual calendar of events.

3.1 Flag Policy Amendments and the future of flying the Rainbow Flag

APPENDIX 1 SURF COAST SHIRE FLAG POLICY SCS-035

COUNCIL POLICY



Flag Policy - SCS 035	Document No:	SCS-035
	Approval Date:	27 March 2018
	Approved By:	Council
	Review Date:	March 2020
	TRIM Reference	D17/127731
Responsible Officer:	Manager Community Relations	
Authorising Officer:	Chief Executive Officer	

1. Purpose

The purpose of this policy is to:

- Ensure that the flags displayed at the Surf Coast Shire Council office are flown in accordance with the flag protocol as determined by the Australian Government
- Establish guidelines for flying other flags which are significant to the Surf Coast Shire community.

2. Scope

This policy applies to flying flags at the Surf Coast Shire Council office, 1 Merrijig Drive Torquay.

This policy does not apply to other Council owned community facilities or public facilities not owned by Council.

3. Application

This policy applies to all staff and Councillors.

4. Definitions

Australian Government Flag Protocols – as outlined in "Australian flags – Part 2: The protocols for the appropriate use and the flying of the flag" or equivalent document as published by the Department of Prime Minister and Cabinet. The Protocols can be viewed here:

<https://www.pmc.gov.au/government/australian-national-flag/australian-national-flag-protocols>

Council office – the Council building at 1 Merrijig Drive, Torquay

Flag pole locations are described visually in Appendix 1 – Council Office flag pole locations

Pond flag pole – the flag pole adjacent to the pond and its viewing platform

Front Lawn flag pole – the flag pole on the grassed area adjacent to the car park

Front Entrance flag poles – the three flag poles at the main or southern entrance to the Council office building.

Ceremonial flag poles - three flag poles on the northern side of the Council office building

Annual events calendar – Council's adopted calendar of events and awareness raising activities.

5. Policy

- Council will continuously fly the Australian National Flag and the Australian Aboriginal Flag on the Ceremonial flag poles and on the Front Entrance flag poles.
- Council will usually fly the Surf Coast Shire Flag on the Ceremonial flag poles and on the Front Entrance flag poles.
- When a flag needs to be removed to accommodate a celebration or event as noted below or when directed to fly an alternative flag by the Federal or State Government, the Surf Coast Shire flag will be replaced with the relevant flag for the specified event or timeframe.

COUNCIL POLICY



- The Torres Strait Islander Flag will be flown on the Ceremonial and Front Entrance flag poles during NAIDOC Week, Sorry Day and National Reconciliation Week.
- The Front Lawn flag pole will be used to fly flags in accordance with Council's annual events calendar. It should be noted that it is not relevant for all events to have a flag flying.
- Flags other than those referred to in the Australian Government Flag Protocols will not fly for longer than a calendar month or a maximum of 31 calendar days.
- Council will only fly the national flags of other countries during Council sanctioned visits by dignitaries of the country.
- Council will fly its flags at half-mast as a sign of mourning on appropriate occasions as advised by the Department of Premier and Cabinet – Victoria. Council may choose to fly the Surf Coast Shire flag at half-mast as a sign of mourning at other times.
- Flags will be flown in accordance with the Australian Government Flag Protocols.
- The Chief Executive Officer (CEO) will approve flags to be flown in accordance with Council's annual events calendar and this policy.
- The CEO will consider and make determinations in relation to requests from community groups or organisations to fly flags other than those relevant to Council's annual events calendar. In doing so, the CEO will have regard to Council resolutions, the Council Plan and any other relevant formal positions of Council. The CEO may consult with the Mayor, Deputy Mayor and Councillors and/or present a report at a Council meeting should they consider the matter is complex and a prevailing Council position is not clear.
- When two events in Council's annual events calendar occur concurrently or a community request is being supported at the same time as an event, the Pond flag pole can host the additional flag.

6. Records

Not applicable

7. Attachments

Appendix 1 – Council office flag pole locations

8. References

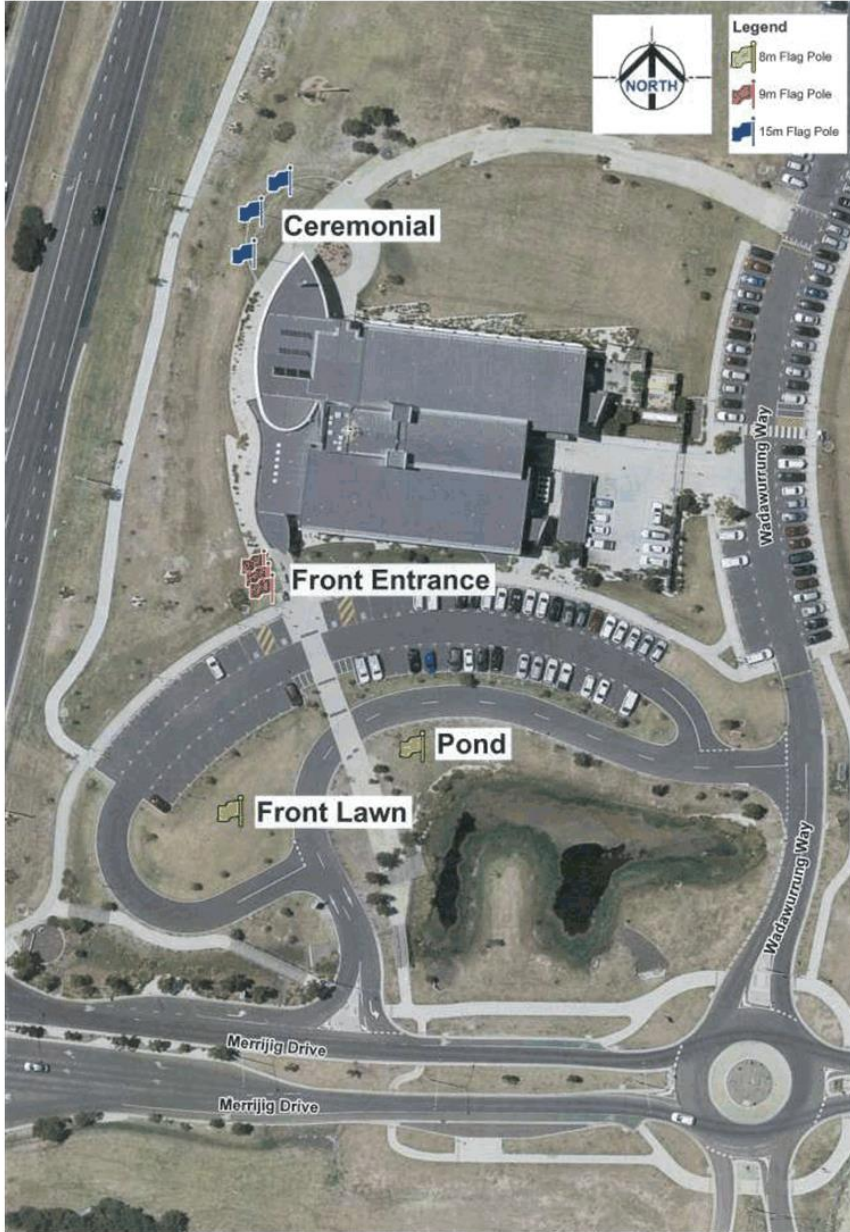
Australian Flags Act - 1953

"Australian flags – Part 2: The protocols for the appropriate use and the flying of the flag"

COUNCIL POLICY



Appendix 1 – Council office flag pole locations



4. GOVERNANCE & INFRASTRUCTURE

4.1 Project Budget Adjustments and Cash Reserve Transfers - March 2018

Author's Title: Coordinator Management Accounting **General Manager:** Anne Howard

Department: Finance **File No:** F17/954

Division: Governance & Infrastructure **Trim No:** IC18/375

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to approve of the Project Budget Adjustments and Cash Reserve Transfers.

Summary

The project Budget Adjustments and Cash Reserve transfers report for March 2018 are included in this report. All figures in this report are exclusive of GST.

Recommendation

That Council:

1. Approve the Project Budget Adjustments outlined in Tables 1 and 2 in this report.
2. Approve the following net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (to) Reserve
Accumulated Unallocated Cash Reserve	16,020
Grand Total	16,020

4.1 Project Budget Adjustments and Cash Reserve Transfers - March 2018

Report

Background

Council allocates project funding to projects through its annual budget or specific resolution.

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that Council's decisions to adjust project budgets from the originally approved allocations are open and transparent to the community. Therefore any changes to initially approved project budgets are reported in a manner that demonstrates the diligence and transparency of the organisation's project management processes.

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management and project review activities. Projects reported for closure have been through Council's project review and closure process.

Discussion

The following budget transfers, detailed in Table 1, are required where it has been identified that projects require adjustments to their approved budgets to allow achievement of project scope and objectives; or there is a request to adjust scope of project.

Table 1 – Project Budgets Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
8726: Land Use Monitoring Project	Accumulated Unallocated Cash Reserve	Budget increase is required to ensure the project outcome provides sufficient technical evidence to determine the residential land supply status in the municipality.	16,020
9405: Anglesea Bowls Club Upgrade	Project Account	Anglesea Bowls Club shed replacement funded by Building Renewal Program GL 9082 \$15K and Anglesea Bowls Club funds \$15K (received).	15,000
9405: Anglesea Bowls Club Upgrade	Contribution Funded	Anglesea Bowls Club shed replacement funded by Building Renewal Program GL 9082 \$15K and Anglesea Bowls Club funds \$15K (received).	15,000
9307: Bells Beach Masterplan Stg 1	Project Account	Realignment of project budgets for Bells CMP implementation to represent requirements.	80,931
New: Bells Beach CMP Imp (OR10)	Project Account		84,236
9537: Bells Beach Reserve (OR10) - Winki Lookout and Pathways	Project Account		(84,236)
8619: Bells Beach Coastal Management Plan	Project Account		(48,931)
8720: Bells Beach Masterplan Stg 1 (salary)	Project Account		(32,000)
9537: Bells Beach Reserve (OR10) - Winki Lookout and Pathways	Grant Funded	Department of Environment Land Water and Planning grant funding confirmed	128,000

4.1 Project Budget Adjustments and Cash Reserve Transfers - March 2018

The following budget transfers, detailed in Table 2, represent projects that have been successfully completed and are presented to Council for acknowledgement. Where unexpended funds remain they are returned to the source of funding as per Council's business practices, if the source of funds is the Accumulated Unallocated Reserve, the funds are returned to the Project Savings Account during the year and at the end of the year the balance of the Project Savings Account will be returned to the Accumulated Unallocated Reserve.

Table 2 Projects to be Closed

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Jan Juc PreSchool Outdoor Space Expansion	Project Savings Account	Scope complete and savings can be returned to source.	(529)

Financial Implications

The proposed Project Budget Adjustments and Cash Reserve Transfers are outlined in this Report. Through this report all financial implications of the project budget adjustments and cash reserve transfers are clearly and transparently presented to Council and the community.

Council Plan

Theme 5 High Performing Council
 Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
 Strategy 5.1.1 Establish long-term financial principles and incorporate into the long-term financial plan.

Policy/Legal Implications

Not applicable.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Options

Option 1 – Not approve transfers as recommended

This option is not recommended because transfers are necessary to allow ongoing delivery and closure of projects, and have been through a series of governance checks.

Option 2 – Adopt officer recommendation

This option is recommended by officers as the project budgets and cash reserve transfers supports implementations of Council's strategies.

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for March 2018.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/1053

Division: Governance & Infrastructure

Trim No: IC18/409

Appendix:

1. Proposed Local Law No. 2 - Council Meeting Procedures and Common Seal (D18/34689)
2. Local Law Community Impact Statement (D17/84211)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to approve the draft of Local Law No. 2 2018 – Council Meeting Procedures & Common Seal for placing on public exhibition in accordance with sections 119 and 223 of the Local Government Act 1989.

Summary

Council's current Local Law No. 2 does not sunset until 2026, however a review is necessary to update the wording of the Common Seal clause in order that this is consistent with Council's other signing clauses. Further updates have also been suggested by Councillors and officers in light of comparison with other Councils' local laws and in order to refine and clarify procedures.

Under the Local Government Act 1989 (the Act) section 119, Council is required to give notice of its intention to make a local law both in the Government Gazette and by public notice. In that notice/gazettal, all persons affected by the local law are to be invited to make a submission under section 223 of the Act. A Local Law Community Impact Statement (LLCIS) must also be provided to the public and copy of this is attached to this report.

Any public submissions must then be heard and considered for inclusion through a Hearing of Submissions process, after which time the local law can be adopted by Council and gazetted. A copy of the final gazetted local law is to be submitted to the Minister.

Recommendation

That Council approve the proposed Local Law No. 2 of 2018 – Council Meeting Procedures & Common Seal (as at Appendix 1) and the Local Law Community Impact Statement (as at Appendix 2) for placing on public exhibition in accordance with sections 119 and 223 of the Local Government Act 1989.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

Report

Background

Council's current Local Law No. 2 does not sunset until 2026, however a review is now necessary in order to correct the wording in the Common Seal clause and to make other changes identified by Councillors and officers.

Further updates have been suggested in light of comparison with other Councils' local laws and to streamline and clarify procedures.

In 2008 Local Government Victoria and LGPro launched the Better Practice Local Laws website which provides comprehensive instructions and advice in relation to making and reviewing local laws. This has been taken into consideration throughout the review process.

Discussion

Proposed Local Law No. 2 has now been prepared by officers and a summary of the key changes is listed below:

Section	Proposed Changes
Part 1 – clause 7	Clarification that 'Day' means a Council business day.
Part 1 – clause 7	Clarification that 'Deliver' includes electronic methods of transmission.
Part 1 – clause 7	Inclusion of definition of 'Joint Letter'.
Part 1 – clause 7	Definition of 'Leave of Absence' to be updated to mean any meeting of Council.
Part 1 – clause 7	Clarification of definition of 'Minutes'.
Part 1 – clause 7	Definition of 'written' extended to include emailed and faxed.
Part 1 – clause 7	Increase in number of signatories required to constitute a petition under the Local Law, from more than one signature to at least ten.
Part 4 – clause 14	Provision of an electronic agenda as standard practice and removal of hardcopy option.
Part 4 – clause 14	Reordering of sentence relating to admission of urgent business from clause 14.6 Attendance to section 24 Urgent Business.
Part 4 – clause 17	Conflict of interest – language streamlined.
Part 4 – clause 19	Petitions and joint letters to be signed by at least ten people. A letter from a single entity or organisation that is signed by multiple parties will not be classed as a joint letter. Council may consider admitting online petitions that are addressed direct to Council.
Part 4 – clause 19	Add that a petition or joint letter may be disallowed if it relates to a matter for which there is already a primary avenue of redress.
Part 4 – clause 20	Public Questions to be directed to Council as a whole and not to individual or specific Councillors.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

Section	Proposed Changes
Part 4 – clause 20	Clarification that a Public Question will not be read out unless the person asking the question or their proxy is present at the time it is due to be read.
Part 4 – clause 22	Notices of rescission or amendment to have at least a period of 3 months elapse before a further notice to rescind or amend can be lodged on the same issue.
Part 4 – clause 24	<p>Urgent business updated to remove requirement for all Councillors to be present before urgent business can be admitted to an Ordinary Council agenda.</p> <p>Also clarify circumstances under which a matter can be included as urgent business including that items of Urgent Business need to be supported by an officer's report and Notices of Motion cannot be admitted into urgent business.</p>
Part 4 – clause 27	Removal of duplication at 27.2 and 27.3
Part 4 – clause 27	Clarification that absence by a Councillor from four consecutive meetings of Council could lead to the position being declared vacant, as per the Act.
Part 4 – clause 32	Removal of <u>requirement</u> for Councillors and officers to stand to address the meeting as this could be discriminatory towards people with disability. Councillors 'may' stand to address the meeting if they wish.
Part 4 – clause 34	<p>Clarification that where Councillors are seeking clarification by asking questions of officers throughout the meeting, such questions need to be:</p> <ul style="list-style-type: none"> • Directed through the CEO; • Relevant to an item on the agenda; • Seeking genuine clarification of a matter that is not already addressed in the officer's report; • Not objectionable in language, nature or tone; • Not intended to draw officers into debating a matter or justifying a recommendation; and • Not designed to canvass matters or disseminate information to the public.
Part 5 – clause 41	40.2.4 removal of clause that the Chairperson 'must use' a casting (second) vote. Contrary to the Local Government Act (Chairperson 'has' a second vote). No need to duplicate what is already in the Act.
Part 5 – clause 42	Inclusion of provision that Councillor can request to have their vote for the motion adopted by Council recorded in the minutes, in addition to the existing provision to record a vote against an adopted motion.
Part 5 – clause 45	<p>Suspension of Standing Orders – Provision that the Chairperson can receive a motion to suspend standing orders where Councillors or the Public Gallery need a break or to seek technical advice from a person not listed as an official attendee. Clarification that suspension is not intended for Councillors to discuss the issue or seek to reach agreement outside a formal debate. Standing orders should be resumed as soon as possible.</p>

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

Section	Proposed Changes
Formerly Part 7 – clause 58	Whole section removed. Removes provision that allows Council to suspend any part of the Local Law by resolution.
Part 7 – clause 59	Update of wording to accompany Council's Common Seal to clearly differentiate from other signing clauses. Current wording is inconsistent with Council's delegations and a correction is required. New wording clear that use of the Common Seal is authorised by Council resolution. Mayor or Deputy Mayor to sign in addition to the CEO.
Part 8 – clause 60	Additional offence of 'disorderly conduct' introduced. At present it is an offence not to leave if asked by Chair, if Chair considers there is disorderly conduct. Currently no penalty for the disorderly conduct itself.
Part 9 – clause 61	Clarification of the right of a person being issued with an infringement notice to defend the prosecution in court.
Schedule B	Notice of Motion to Rescind or Amend - form updated to provide explanation and clear differentiation between rescission and amendment.
Schedule D	Conflict of Interest Declaration Form removed as administrative changes will be necessary under the foreshadowed amendments to the Local Government Act.

Under the Local Government Act 1989 (the Act) section 119, Council is required to give notice of its intention to make a local law both in the Government Gazette and by public notice. In that notice/gazettal, all persons affected by the local law are to be invited to make a submission under section 223 of the Act. A Local Law Community Impact Statement (LLCIS) must also be provided for the public and a copy is attached to this report. (Public submission dates will be included once gazettal and notice dates are known).

Any public submissions must then be heard and considered through a Hearing of Submissions process, after which time the local law can be adopted by Council and gazetted. A copy of the final local law must be provided to the Minister.

The approximate timeline for adoption of the Local Law is therefore proposed as follows:

Date	Action
Completed	Officer review and benchmarking with other Councils. Included request for feedback from Councillors and legal advice in relation to some sections.
Completed	EMT consideration
20 March 2018	Council Briefing
27 March 2018	Council meeting resolution to adopt draft Local Law and place on public exhibition
Early April 2018	Public notice and Government Gazettal of intention to amend the local law including invitation for public submissions. Publishing of Community Impact Statement (LLCIS) with draft local law.
Early-May 2018	Public exhibition period ends (at least 28 days)
Mid-May 2018	Hearing of Submissions Committee to consider public comments and hear submissions. Where appropriate, incorporate any amendments suggested during the submissions process.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

Date	Action
Late May 2018	Council to consider submissions and adopt finalised local law.
Early June 2018	Prepare advertisements for newspapers and Government Gazette.
Early June 2018	Submit an updated copy to the Minister.
Mid-June 2018	Local Law No. 2 of 2018 commences.

Financial Implications

There are no financial implications associated with this report.

Council Plan

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy Nil

Policy/Legal Implications

This process complies with sections 119 and 223 of the Local Government Act in relation to adoption of a Local Law and the public submissions process.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Not applicable.

Social Considerations

Officers have assessed this proposed Local Law for compatibility with the Charter of Human Rights Act 2006 and Responsibilities and it is not considered that the rights of any individual would be adversely impacted.

There are minor restrictions on allowing the freedom of expression which is necessary to regulate how the public can ask questions or participate in Council meetings. The restrictions are intended to provide for the efficient and orderly conduct of the meetings and are considered reasonable and justifiable pursuant to section 7(2) of the Act. The request for members of the public to sign in aligns with Council's procedures during normal business hours.

The mandatory requirement for Councillors to stand to address Council has been removed in order to provide a more inclusive environment, although Councillors may still stand if they wish.

Community Engagement

The amended local law will be advertised in the Government Gazette and local newspapers, with the opportunity to provide a public submission. Such submissions will be heard, where requested, and consideration given to incorporation into the final version.

Environmental Implications

There are no environmental implications other than the removal of reference to delivery of paper copies of agendas as Council's agendas and minutes are now electronic.

Communication

The required public notices will be published within the local media, on Council's website and in the Government Gazette pursuant to sections 119 and 223 of the Act. A copy of the final local law will be made available for public inspection at Council's offices, on the website and forwarded to the Minister.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

Options

Option 1 – Adopt the Local Law for public exhibition as presented

This option is recommended by officers as the Local Law has been through a robust review process in consultation with officers, Councillors, legal advisors and through benchmarking against other Councils.

Option 2 – Do not update the Local Law at this time

This option is not recommended by officers as there is an opportunity to correct the Signing Clause and streamline the meeting procedure to improve the governance of Council meetings.

Option 3 – Adopt the Local Law with changes

This option is not recommended by officers as all changes have been researched and benchmarked against other Councils. A number of the changes were recommended by Councillors.

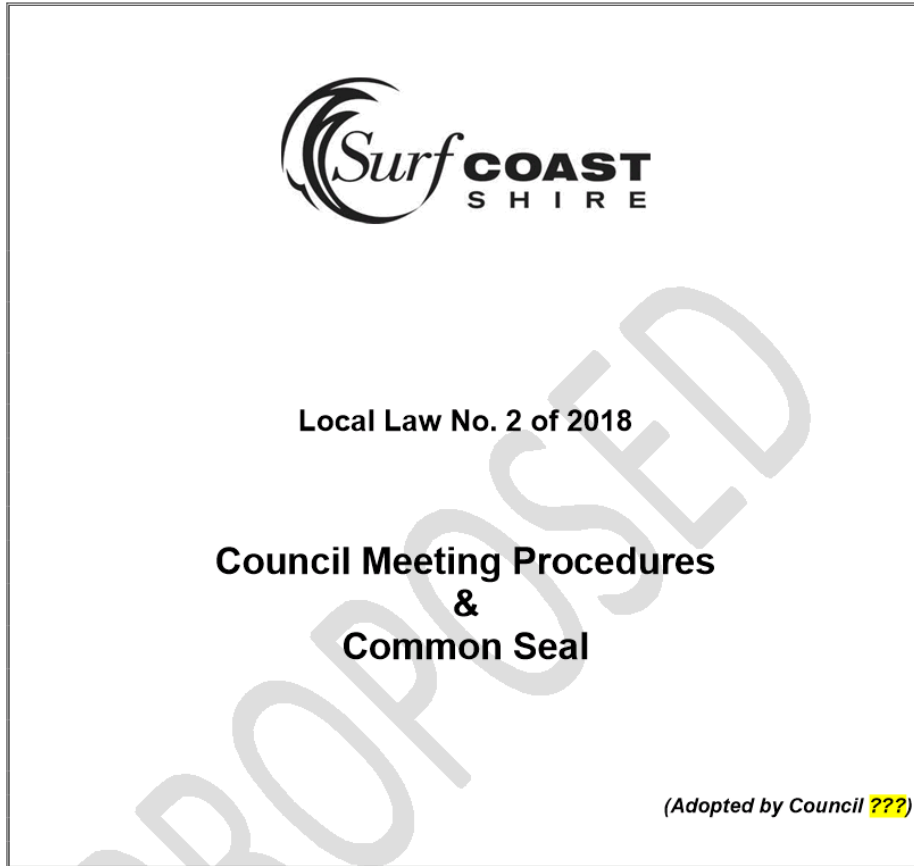
Conclusion

Local Law No. 2 – Council Meeting Procedures & Common Seal is due for review in order to correct the Common Seal, incorporate changes requested by Councillors and suggestions from officers. The process outlined above ensures Council complies with its legal obligations and provides an opportunity for public consultation.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

APPENDIX 1 PROPOSED LOCAL LAW NO. 2 - COUNCIL MEETING PROCEDURES AND COMMON SEAL

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal



4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

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4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

LOCAL LAW NO. 2 of 2018 COUNCIL MEETING PROCEDURES & COMMON SEAL

PART 1 - PRELIMINARY PROVISIONS

- 1 Title**
- 1.1 This Local Law is known as Local Law No.2 of 2018– Council Meeting Procedures & Common Seal and is referred to below as the 'Local Law'.
- 2 Purpose of Local Law**
- The purpose of this Local Law is to facilitate good governance by:
- 2.1 Regulating proceedings for the election of the Mayor;
- 2.2 Regulating proceedings of Ordinary and Special meetings of Council;
- 2.3 Regulating proceedings of Special Committees and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;
- 2.4 Promoting and encouraging community participation in the system of Local Government by providing mechanisms within the meeting arrangements for the Council to ascertain the community's views and expectations;
- 2.5 Regulating and controlling the use of Council's Common Seal; and
- 2.6 To repeal Local Law No. 2 of 2016 – Meeting Procedure & Common Seal.
- 3 Power for Making this Local Law**
- This Local Law:
- 3.1 Is made under Section 91 and Part 5, in particular Section 111 (1) of the *Local Government Act 1989*; and
- 3.2 Was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.
- 4 Revocation**
- 4.1 Local Law No. 2 of 2016 – Meeting Procedure and Common Seal is revoked on the day Local Law No. 2 of 2018 comes into operation, save that any notice or consent given or any business matter or thing commenced, made or done under the repealed local law is not affected.
- 5 Sunset Provision**
- 5.1 This Local Law ceases to operate on the tenth anniversary of its commencement, unless earlier revoked.
- 6 Commencement**
- 6.1 This Local Law comes into operation on the ???

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

7 Definitions

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

'Absolute Majority' means a number of votes greater than one-half of the total number of ballot papers (excluding ballot-papers which are rejected) and if necessary includes the vote by lot.

'Act' means the *Local Government Act 1989* (*'the Act'*).

'Acting Mayor' means the Councillor appointed to represent the Mayor in the event of the Mayor and Deputy Mayor's absence or where there is a need to fill the role.

'Agenda' means the notice of a meeting setting out the business to be transacted at the meeting

'Amendment' means a proposed alteration to the wording of a motion without being contradictory.

'Authorised Officer' means a person appointed as such by Council under section 224 of the Act.

'Chairperson' means the Chairperson of the meeting and includes acting, temporary and a substitute Chairperson.

'Chief Executive Officer' means the Chief Executive Officer of Council, and includes a person acting as Chief Executive Officer.

'Clause' means a clause of this Local Law.

'Common Seal' means the Common Seal of Council.

'Council' means the Surf Coast Shire Council

'Councillor' means a Councillor of Council who has taken the oath of office in accordance with Section 63 of the Act

'Council meeting' is a meeting at which the Mayor is elected, an Ordinary meeting and a Special meeting of Council.

'Day' means a Council business day.

'Deliver' means to hand over or mail to a recipient and includes transmission by facsimile or other electronic means, electronic mail or published on Council's internet site.

'Deputy Mayor' means the Councillor appointed to represent the Mayor in the event of the Mayor's absence who has been elected in accordance with this Local Law.

'Formal Motion' means a motion related to a formal procedure as per Schedule C.

'Gallery' means the area set aside in the Council chamber or meeting room for the public.

'Joint Letter' means a formal application to Council in the form of a letter which has been signed at least ten people from separate entities whose names and physical addresses also appear on the letter. A letter from a single entity or organisation that is signed by multiple parties from that organisation or entity will not be classed as a joint letter.

'Leave of absence' means being absent from any Ordinary meeting of Council.

'Mayor' means the Mayor of Council and/or any person acting as Mayor.

'Meeting' means an Ordinary or Special meeting of Council or Special Committee meeting.

'Minutes' mean the collective record of proceedings of Council (meeting records).

'Municipal district' means the municipal district of Council.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

'Notice of motion' means a notice in writing, including the Councillor initiative, setting out the text of a motion/item which it is proposed to be moved by the Councillor at the next relevant meeting.

'Offence' means an act or default contrary to this Local Law.

'Ordinary Meeting' means a meeting of Council at which general business of Council may be transacted.

'Penalty unit' means penalty units as prescribed in the *Sentencing Act 1992*.

'Petition' means a formal written application to Council, typed or printed without erasure, signed by at least ten people whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole of the petition.

'Quorum' means the minimal number of Councillors, at least a majority, who must be present for the valid transaction of business.

'Resident' means a person who has a place of residence within the Municipal District.

'Resolution' means a formal determination by a meeting of Council or special committee.

'Special Committee' means a special committee established by Council under Section 86 of the *Local Government Act 1989*.

'Special Meeting' means a meeting of Council convened in accordance with Section 84 of the Act and is a meeting at which business specified in the notice calling the meeting is transacted.

'Visitor' means any person (other than a Councillor, or member of Council staff) who is in attendance at a Council meeting or a special committee

'Written' includes duplicated, lithographed, photocopied, photographed, emailed, faxed, printed and typed.

PROPOSED

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

PART 2 – THE MAYOR

(Pursuant to Section 71 of the Act– Election of Mayor)

8 Procedure for Election of Mayor

- 8.1 Any Councillor is eligible for election or re-election to the office of Mayor.
- 8.2 The agenda for the meeting to elect the Mayor may include:
 - 8.2.1 The taking of the oath of office by each Councillor, under Section 63 of the Act;
 - 8.2.2 The fixing of allowances for the Mayor and Councillors under Section 74 of the Act; and
 - 8.2.3 The appointment of Councillor representatives to various bodies.
- 8.3 The Chief Executive Officer will be the temporary Chairperson of the meeting at which the election of Mayor is to be conducted but will have no voting rights.
- 8.4 The meeting to elect the Mayor shall be held in accordance with the Act.
- 8.5 The Chief Executive Officer shall be responsible for the counting of votes.
- 8.6 The election of the Mayor shall be by a show of hands.
- 8.7 The Councillor who receives the majority of votes cast must be declared elected.
- 8.8 For the purposes of this clause the following will apply:
 - 8.8.1 Nominations must be moved and seconded;
 - 8.8.2 Where only one nomination is received, that Councillor must be declared elected; or
 - 8.8.3 Where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected; or
 - 8.8.4 Where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared elected.
 - 8.8.5 If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote. If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated shall then be determined by lot conducted by the Chief Executive Officer in presence of the meeting.

9 Procedure for Election of Deputy Mayor or Acting Mayor

- 9.1 Where the Council has resolved to appoint a Deputy or Acting Mayor the provisions contained in clause 8 for the election of the Mayor will apply to the election of the Deputy or Acting Mayor.
- 9.2 The Mayor shall preside over the election of the Deputy or Acting Mayor.

10 Mayor to Take Chair

- 10.1 After the election of the Mayor is determined, the Mayor must take the Chair.
- 10.2 The Mayor must take the chair at all Council meetings at which he or she is present unless precluded from doing so because of a conflict of interest.
- 10.3 In the absence of the Mayor, the Deputy Mayor shall take the chair.
- 10.4 If a Deputy Mayor is not elected and the Mayor is absent, a Councillor shall be elected, in accordance with the Election process in clause 8.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

PART 3 - COUNCIL MEETINGS

The purpose of this Part is to regulate proceedings at all meetings of the Council.

11 Chairperson's Duties & Responsibilities

The Chairperson's duties and responsibilities are set out below.

- 11.1 Formally declare the meeting open, after ascertaining that a quorum is present and to welcome guest speakers, and other visitors;
- 11.2 At the start of each Council meeting, the Chairperson will recite the Pledge or allocate this role to another Councillor;
- 11.3 Preside over and control the meeting, conduct it impartially and according to this local law and established protocols in order to ensure the smooth passage of the business;
- 11.4 Sign minutes of meetings as correct when they have been confirmed;
- 11.5 Present any reports for which he or she is responsible;
- 11.6 Ensure that debates are conducted in the correct manner;
- 11.7 Declare the results of all votes;
- 11.8 Give rulings on points of order and other questions of procedure;
- 11.9 Preserve order, and, if necessary, "name" offending members; and
- 11.10 Adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

12 Quorum

- 12.1 A quorum is a majority of the number of Councillors entitled to be present and to vote at the meeting.
- 12.2 If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:
 - 12.2.1 The meeting shall deem to have lapsed;
 - 12.2.2 The Mayor must convene another Council meeting and ensure that the agenda for such meeting is identical to the agenda for the meeting which is deemed to have lapsed; and
 - 12.2.3 The Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.
- 12.3 If a quorum fails after a Council meeting has begun, the meeting lapses.
- 12.4 If the meeting lapses, the undisposed business must, unless it has already been disposed of at a Special meeting, be included in the agenda for the next Ordinary meeting.

13 Call of the Council

(Pursuant to Section 85 of the Act)

- 13.1 If a call of the Council has been required, immediately after the opening of the meeting:
 - 13.1.1 The Chief Executive Officer must call the name of;
 - 13.1.1.1 The Mayor; and
 - 13.1.1.2 Each Councillor in alphabetical order
 - 13.1.2 Each person present must answer to his or her name;
 - 13.1.3 All excuses for absence must be considered;
 - 13.1.4 As to each excuse the question;
"Is the excuse of Cr # a reasonable excuse to the satisfaction of Council?" must be put to the vote of the Councillors present at the meeting; and
 - 13.1.5 If the answer to the question described in paragraph 13.1.4 is resolved in the negative, the Chief Executive Officer shall advise the Minister responsible for administering the Act accordingly.

14 Attendance & Notice of Meetings

(Pursuant to Section 84 of the Act)

- 14.1 The Chief Executive Officer must give notice to the public of any meeting of the Council by public notice at least seven days prior to the meeting and via Council's website.
- 14.2 The dates, time and place for all Ordinary Council meetings shall be fixed by the Council from time to time.
- 14.3 An electronic agenda will be delivered to Councillors at least 48 hours before an Ordinary meeting.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

- 14.4 Despite clause 14.3, the Chief Executive Officer may deliver an agenda for a Special meeting to Councillors in less than 48 hours, if the Chief Executive Officer considers that in view of the urgency of the matter(s) this should occur.
- 14.5 Despite sub-clause 14.5, an item of business which has:
 - 14.5.1 been referred to Council by a Special Committee which has met since the agenda was prepared; or
 - 14.5.2 arisen since the preparation of the agenda, and is the subject of a written supplementary report by a member of Council staff; may be considered by Council if it so resolves.
- 14.6 Members of the public will be requested to sign in before entering the meeting area.

15 Time Limit for Meetings

- 15.1 Council meetings must conclude no later than 10pm unless a resolution is carried to extend the meeting (in which case the meeting shall conclude no later than 11pm).
- 15.2 A continuance of a meeting will be in block period of 30 minutes.
- 15.3 After the initial 30 minute extension the meeting must not continue unless a majority of Councillors present vote in favour of its continuance.
- 15.4 In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- 15.5 The Chief Executive Officer must give notice to each Councillor of the date, time and venue to which the meeting stands adjourned and of the business remaining to be considered.

PROPOSED

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

PART 4 - BUSINESS: DESCRIPTION & PROCEDURE

16 Conduct of Business

- 16.1 The order of business will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective process of government.
- 16.2 Once an agenda has been sent to Councillors the order of business for that meeting may only be altered by consent of the Council.
- 16.3 The Chief Executive Officer may include any matter on an agenda, which he or she thinks should be considered by the meeting.

17 Disclosure of Conflicts of Interest

(Pursuant to Sections 77, 78 & 79 of the Act.)

A Councillor must disclose any conflicts of interest in accordance with the Act.

- 17.1 In every case where disclosure of a conflict of interest is made at a meeting, the minutes shall record:
 - 17.1.1 The name of the Councillor, making the disclosure; and
 - 17.1.2 The type and nature of interest; and
 - 17.1.3 Whether the Councillor left the room prior to discussion of the matter and remained outside while the vote was taken; and.
 - 17.1.4 The exact times that the Councillor left the room and then returned.
 - 17.1.5 Councillors will be required to complete a Conflict of Interest Declaration form for each conflict of interest declared at a Council meeting.

18 Confirmation of Minutes

(Pursuant to Section 93 of the Act)

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as set out below:

- 18.1 If the minutes have been delivered to each Councillor at least 48 hours before the meeting, a motion must be put for the confirmation of the minutes.
- 18.2 If the minutes have not been delivered, they must be read and a motion must be put for the confirmation of the minutes.
- 18.3 The minutes must be signed by the Chairperson of the meeting at which they have been confirmed.
- 18.4 The minutes shall record the business of the meeting and in particular:
 - 18.4.1 The date, place, time and nature of the meeting;
 - 18.4.2 The names of the Councillors present and those who have submitted apologies or been granted leave of absence;
 - 18.4.3 The disclosure of conflicts of interest made by a Councillor and the type and nature of such interest;
 - 18.4.4 Arrivals and departures (including temporary) of Councillors during the course of the meeting;
 - 18.4.5 Each motion and amendment moved and seconded;
 - 18.4.6 The vote cast by each Councillor upon a division;
 - 18.4.7 The total numbers of Councillors voting for, against and abstaining
 - 18.4.8 Questions upon notice;
 - 18.4.9 The failure of a quorum;
 - 18.4.10 When requested by a Councillor, a record of their opposition to any motion; and
 - 18.4.11 Closure of the meeting to members of the public and the reasons for such closure.
- 18.5 No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- 18.6 Council may defer the confirmation of minutes until later in the Council meeting or until the next Council meeting if considered appropriate.
- 18.7 Ordinary Council meeting minutes from meetings that are open to the public will be confirmed in the open section of the agenda. Minutes from closed meetings will be confirmed in the closed section of the meeting.

19 Petitions and Joint Letters

- 19.1 A petition or joint letter must be presented to the next available Ordinary meeting of Council.
- 19.2 A petition or joint letter shall not be presented at a meeting of Council or received by Council unless:
 - 19.2.1 The petition or joint letter contains at least ten signatures.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

- 19.2.2 Each page of the petition or joint letter bears the whole of the wording of the petition.
- 19.2.3 In addition to the signature(s) of the petitioners the name(s) and physical address(es) of all persons who signed the petition are detailed in the petition; and
- 19.2.4 The petition and any letter or document presented with or accompanying the petition, the name(s) and physical address(es) of the person(s) and/or organisation(s) submitting the petition, letter or document appear on such petition, letter or document.
- 19.3 The Council may, by resolution, resolve to receive a petition or joint letter which does not comply with one or all of sub clauses 19.2.1, 19.2.2, 19.2.3, 19.2.4. Online or electronic petitions may be admitted by resolution of Council where these are addressed direct to Council.
- 19.4 When a petition or joint letter presented to a meeting of the Council relates to an item of business on the agenda, the submission is to be considered by Council as part of its deliberations on such item.
- 19.5 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition or joint letter, until the next Ordinary meeting of Council after that at which the petition or joint letter has been presented.
- 19.6 The Chairperson may disallow any petition or joint letter which is considered to:
 - 19.6.1 Relate to a matter beyond the power or duties of Council;
 - 19.6.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
 - 19.6.3 Be confidential in nature or of legal significance;
 - 19.6.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
 - 19.6.5 Be aimed to embarrass a Councillor or member of Council staff;
 - 19.6.6 Relate to personnel matters;
 - 19.6.7 Relate to the personal hardship of any resident or ratepayer;
 - 19.6.8 Relate to proposed developments or legal advice;
 - 19.6.9 Relate to matters affecting the security of Council property;
 - 19.6.10 Relate to a matter which has already been acted on;
 - 19.6.11 Relate to any other matter which Council considers would prejudice the Council or any person; or
 - 19.6.12 Relate to a matter for which there is already a primary avenue of redress such as planning permits or amendments which will be addressed through the planning submissions process.
- 19.7 An officer report pertaining to any petition or joint letter may be required at the next Ordinary Meeting of Council (if the petition has not been dealt with in accordance with the provisions of clauses 19.4 and 19.5).

20 Public Question Time

- 20.1 There shall be a public question time not exceeding thirty minutes at every Ordinary Meeting of Council to enable members of the public to submit questions to Council. Public question time may be extended at the discretion of the Chair.
- 20.2 Questions with notice must be submitted to Council in writing generally in a form approved or permitted by Council (in accordance with Schedule A) stating the name and address of the person submitting the question by 10am on the day of the meeting.
- 20.3 Questions without notice may be asked at the meeting with a written copy of the question to be tabled in a form approved or permitted by Council (in accordance with Schedule A) stating the name and address of the person asking the question.
- 20.4 No person may submit more than two questions at any one meeting.
- 20.5 A question may be disallowed by the Chairperson if it is considered to:
 - 20.5.1 Relate to a matter beyond the power or duties of Council;
 - 20.5.2 Be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or nature;
 - 20.5.3 Be confidential in nature or of legal significance;
 - 20.5.4 Be repetitive of a question already answered (whether at the same or any earlier meeting);
 - 20.5.5 Be aimed to embarrass a Councillor or member of Council staff;
 - 20.5.6 Relate to personnel matters;
 - 20.5.7 Relate to the personal hardship of any resident or ratepayer;
 - 20.5.8 Relate to proposed developments or legal advice;
 - 20.5.9 Relate to matters affecting the security of Council property; or
 - 20.5.10 Relate to any other matter which Council considers would prejudice the Council or any person.
- 20.6 All questions must be as brief as possible, and no discussion shall be allowed other than for the purposes of clarification.
- 20.7 All questions must be directed to Council as a whole and not to individual or specific Councillors.

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- 20.8 The Chairperson may nominate a Councillor or member of Council staff to briefly answer a question.
- 20.9 The nominated Councillor or member of Council staff may:
 - 20.9.1 Require a question to be put 'on notice' until the next Ordinary meeting of Council, at which time the question must be briefly answered by that person; or
 - 20.9.2 Elect to submit a written answer to the person asking the question within 5 days.
- 20.10 If the nominated Councillor or member of Council staff advises Council that it is his or her opinion that the reply to a question should be given in a meeting closed to the public, he or she must state briefly the reason why the reply should be given in a closed meeting and, unless Council resolves to the contrary, the reply to such question shall be so given.
- 20.11 The question and the name and suburb address of the person who asked the question shall be read out and recorded in the minutes.
- 20.12 The name of the Councillor or member of Council staff who responded to the question received with notice and their response, if provided at the meeting, shall be recorded in the minutes.
- 20.13 A question shall not be read out unless the person asking the question, or their proxy, is in the gallery at the time it is due to be read.

21 Notice of Motion

- 21.1 A notice of motion must be in writing and signed by a Councillor, or sent electronically, and be lodged with the Chief Executive Officer by 5pm on the seventh working day prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the Agenda for the next Council meeting. The Chief Executive Officer will give each Councillor notice of such intention.
- 21.2 A Councillor may attach any supporting documentation to their notice of motion for inclusion in the Agenda.
- 21.3 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 21.4 Any notice of motion which in the opinion of the Chief Executive Officer or the Chairperson:
 - 21.4.1 Is defamatory; or
 - 21.4.2 Is objectionable in language or nature; or
 - 21.4.3 Is outside the powers of the Council
must not be accepted by the Chairperson.
- 21.5 Except by resolution of Council, notices of motion before any Council meeting must be considered in the order in which they were recorded in the notice of motion register.
- 21.6 Before a notice of motion at a Council Meeting is moved, the Councillor may introduce it by indicating, in not more than five minutes:
 - 21.6.1 Its intent, and/or
 - 21.6.2 The desired outcome if passed.
- 21.7 If a Councillor who has given a notice of motion:
 - 21.7.1 Is absent from the Council meeting; or
 - 21.7.2 Fails to move the motion when called upon by the Chairperson;any other Councillor may himself/herself move the notice of motion.
- 21.8 If a notice of motion is not moved and seconded at the Council meeting in which it was included on the agenda, it lapses.
- 21.9 Before the notice of motion is put to the vote, it may be withdrawn by the Councillor.

22 Rescission or Alteration

- 22.1 A Councillor may propose a motion to amend or rescind a previous resolution of Council provided the notice of motion is signed by a total of three (3) Councillors and delivered to the Chief Executive Officer no later than 72 hours following the meeting of Council at which the motion proposed to be rescinded or altered was adopted.
- 22.2 Notices of Motion to rescind or amend a previous resolution of Council are to be lodged in the format provided for this purpose as appearing in Schedule B.
- 22.3 No action will be taken to implement a resolution on which a notice to rescind or alter the resolution has been given pursuant to clause 22.1.
- 22.4 A notice of motion to rescind or alter a previous resolution of Council shall be deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted.
- 22.5 A Councillor may not propose a motion to rescind or alter a decision of the Council which has been acted upon.
- 22.6 A resolution will be considered as having been acted upon once its details have been formally communicated to persons affected by or reliant on the resolution or where a statutory procedure has commenced or been carried out.

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- 22.7 A second or subsequent notice to rescind or amend an earlier resolution must not be accepted by the Chief Executive Officer until a period of three months has elapsed since the date of the meeting at which the previous motion of rescission or alteration was dealt with.

23 Formal or Procedural Motions

- 23.1 Formal or procedural motions, unless otherwise prohibited, may be moved at any time and shall be dealt with in accordance with Schedule C.
23.2 Formal or procedural motions require a seconder.
23.3 Debate on a formal or procedural motion is not permitted and the mover does not have a right of reply.
23.4 A formal motion cannot be amended.

24 Urgent Business

- 24.1 Business must not be admitted as urgent business unless:
24.1.2 It relates to or arises out of a matter which has arisen since distribution of the agenda; and
24.1.3 The Council resolves to admit an item considered to be urgent business.
24.2 Items of Urgent Business are to be supported by an officer's report. Notices of Motion will not be admitted into urgent business and will be dealt with in accordance with clause 21.
24.3 Unless a majority of Councillors present resolve to deal with another matter as Urgent Business, no business can be transacted at an Ordinary meeting unless it appears on the agenda.

25 Reports from Officers

- 25.1 Any report(s) by Officers to a Council meeting must contain a recommendation and be in the appropriate report style format.
25.2 When Officer reports are before a Council meeting and after all Councillors have asked any questions in relation to the report, the Chairperson must then ask a Councillor to move an appropriate motion. If the motion is seconded the motion is dealt with in the normal manner.

26 Reports from Committees

- 26.1 Any report(s) by a Special Committee or an Advisory Committee to a Council meeting must contain a recommendation and must be listed on the next scheduled Council meeting agenda.
26.2 When the report(s) of a Committee is before a Council meeting:
26.2.1 The Chairperson must ask whether any Councillor wishes to speak to any report and record the item number of any such report; and
26.2.2 After all Councillors have indicated the reports which they wish to speak to, the Chairperson may ask for a motion to adopt all reports to which no requests to speak have been expressed and proceed to deal with that motion.
26.2.3 The Chairperson of the Audit and Risk Committee may request a report be tabled at any Council meeting.

27 Leave of Absence

(Pursuant to Section 69(1)(g) of the Act.)

- 27.1 Any Councillor seeking leave of absence from Council duties must do so at a prior Council meeting or, if this is not practicable, the Councillor must give the Chief Executive Officer written notice of an apology prior to the Council meeting.
27.2 Unless there is an emergency, a leave of absence requested during a Council meeting will only be granted at the end of a motion and not during a debate.
27.3 Pursuant to the Act, absence from four consecutive meetings of the Council without leave being obtained from the Council may result in the office of the Councillor becoming vacant.
27.4 It will not be necessary for a notice of meeting, agenda or minutes to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.

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28 Confidential Reports

(Pursuant to Section 89 of the Act.)

- 28.1 The Chief Executive Officer must ensure that a report is classified as confidential if the Chief Executive Officer considers it has been prepared for consideration in respect of a matter which is expected to be the subject of a resolution under section 89(2) of the Act to close the Council meeting to the public while that report is discussed.
- 28.2 The Chairperson must call for a motion to close the meeting to the public and this motion must be carried prior to commencing any business pertaining to confidential reports. The time of this motion must be recorded in the minutes of the meeting.
- 28.3 The motion must contain the reasons why the meeting is being closed to the public by referencing that it is pursuant to section 89(2) of the Local Government Act and inserting the appropriate clause for each closed item. All confidential reports to be considered must be listed as part of this motion.
- 28.4 The Chairperson must advise those present in the public gallery that an item is required to be considered in a closed meeting and request that they vacate the chamber while the confidential matter(s) is discussed and determined.
- 28.5 The Chairperson must call for a motion to re-open the meeting to the public. This motion must be carried and the time recorded in the minutes of the meeting.
- 28.6 If an item or recommendation is to be moved out of the closed section:
 - 28.6.1 The Chairperson must call for a motion to move all or part of the item or items into open Council; and
 - 28.6.2 That report or section must be included in the minutes of the Ordinary meeting showing the Council decision that was made in the closed section of the meeting.
- 28.7 All items that are considered confidential pursuant to Section 89 of the Act remain confidential until Council has passed a resolution that the information is no longer confidential.

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PART 5 - CONDUCT OF DEBATE AND RULES OF SPEAKING

29 Addressing the Council Meeting

- 29.1 Councillors and any other person addressing the Chair must refer to the Chairperson as:
- 29.1.1 'Madam Mayor'; or
 - 29.1.2 'Mr Mayor'; or
 - 29.1.3 'Madam Chair'; or
 - 29.1.4 'Mr Chair'
- As the case may be.
- 29.2 All Councillors other than the Mayor must be addressed as Councillor (surname).
- 29.3 All members of Council staff must be addressed as Mr or Ms (surname) as appropriate or by their official title.

30 Priority of Address

- 30.1 In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

31 Time Limits

- 31.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chairperson:
- 31.1.1 The mover of a motion or an amendment: 5 minutes;
 - 31.1.2 Any other Councillor: 3 minutes; and
 - 31.1.3 The mover of a motion exercising a right of reply: 2 minutes.

32 Debate

- 32.1 Councillors may stand to address the Chairperson, to move or second a motion or amendment, or to take part in a debate.
- 32.2 The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:
- 32.2.1 He or she is called to order; or
 - 32.2.2 His or her speaking time has expired; or
 - 32.2.3 A point of order is raised; or
 - 32.2.4 A formal motion is moved.
- 32.3 Councillors must designate each other by their official titles during debate and throughout the meeting.

33 Conduct of Meetings

- 33.1 A motion or an amendment must:
- 33.2.1 Not be defamatory;
 - 33.2.2 Not be objectionable in language or nature;
 - 33.2.3 Relate to the powers or functions of Council;
 - 33.2.4 Be in writing, if requested by the Chairperson;
 - 33.2.5 Except in the case of urgent business, be relevant to an item of Business on the agenda; and
 - 33.2.6 Be moved and seconded, otherwise it lapses.
- 33.3 A motion, amendment or question must not be defamatory or objectionable in language or nature.
- 33.4 The Chairperson may refuse to accept any motion, amendment or question which contravenes sub-clause 33.2 and 33.3 or which:
- 33.4.1 Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or;
 - 33.4.2 Purports to be an amendment but is not.
- 33.5 A motion or amendment cannot be withdrawn without the consent of the meeting.

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34 Procedures with Respect to Seeking Clarification or Asking Questions of Officers

- 34.1 Officers will support the meeting process through provision of reports for the agenda and Councillors should make every effort to seek clarification from officers in advance of the meeting.
- 34.2 Where Councillors need to seek clarification by asking questions of officers throughout the meeting, that were not able to be asked prior to the meeting, such questions need to be:
 - 34.2.1 Directed through the CEO;
 - 34.2.2 Relevant to an item on the agenda;
 - 34.2.3 Seeking genuine clarification of a matter that is not already addressed in the officer's report;
 - 34.2.4 Not objectionable in language, nature or tone;
 - 34.2.5 Not intended to draw officers into debating a matter or justifying a recommendation; and
 - 34.2.6 Not designed to canvass matters or disseminate information to the public.

35 Procedures with Respect to Recommendations and Motions

- 35.1 The Chairperson will summarise the report recommendation.
- 35.2 The Chairperson will call for a mover and seconder.
- 35.3 If there is no mover and/or seconder the motion lapses.
- 35.4 The Chairperson shall ask immediately after a motion is moved and seconded and after the mover has spoken to the motion (or deferred speaking), whether it is opposed. If no opposition is indicated the Chairperson may then put it to the vote, without debate.
- 35.5 The mover of a motion has the right of reply with respect to the debate on his or her motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- 35.6 Apart from the mover's right of reply referred to in sub-clause 35.5 a Councillor may only speak once on the motion.
- 35.7 The mover of a motion must not introduce a fresh matter when exercising any right of reply.

36 Procedures with Respect to Amendments and Foreshadowed Motions

- 36.1 No notice needs to be given of any amendment.
- 36.2 Amendments must be dealt with one at a time.
- 36.3 An amendment must be relevant to the motion upon which it is moved.
- 36.4 An amendment must not amount to a direct contradiction of the motion.
- 36.5 The mover or seconder of a motion cannot move an amendment to it.
- 36.6 A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of, unless both the mover and seconder of the original amendment agree to this.
- 36.7 A Councillor proposing an amendment must first state briefly the nature of the amendment and then move it, without speaking to it.
- 36.8 Chairperson is to ask for seconder.
- 36.9 If the amendment is not seconded the amendment lapses for want of a seconder.
- 36.10 After the amendment has been seconded the Chairperson must call upon the mover of the amendment to speak to the amendment.
- 36.11 After the mover of the amendment has spoken the Chairperson must call upon the seconder to speak to the amendment. The seconder can reserve their right.
- 36.12 After the mover and seconder of the amendment have spoken the Chairperson must call upon any other Councillor who may wish to speak to the amendment.
- 36.13 After any other Councillor has spoken to the amendment or if no Councillor has indicated an intention to speak the Chairperson will put the amendment to the vote.
- 36.14 If the amendment effectively negates the substance of the motion before the Chair, it is ruled to be a foreshadowed motion and shall only be considered in the event that the motion before the Chair is lost.
- 36.15 If an amendment is adopted it becomes the substantive motion and, as such, shall be put to the vote by the Chairperson, or be subject to amendment.
- 36.16 A Councillor cannot move more than two (2) amendments in succession.
- 36.17 With the leave of the Chairperson another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.
- 36.18 A Councillor can only speak once on the amendment.

37 Interruptions, Interjections, Questions and Relevance

- 37.1 A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation.

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- 37.2 If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, he or she must remain silent until the Chairperson has ceased speaking, the point of order has been determined or the personal explanation has been given (as appropriate).
- 37.3 Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion received.
- 37.4 A Councillor must not digress from the subject matter of the motion or business under discussion.

38 Repeating Motion, Amendment or Question

- 38.1 Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
- 38.2 The Chairperson without being so requested may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer) to read the question, motion or amendment to the meeting before the vote is taken.

39 Adjournment & Resumption of Adjourned Debate

- 39.1 The Council may by resolution adjourn a meeting to a later time on the day for which the meeting was called or for a period not exceeding seven (7) days.
- 39.2 When a motion to adjourn a meeting is before the Council, the Chairperson must not allow discussion on the motion to adjourn. If the Council fails to pass the motion to adjourn, the Chairperson must resume the meeting at the item of business under consideration.
- 39.3 The Chief Executive Officer must deliver written notice of an adjourned meeting to all Councillors, except when the meeting is adjourned to a later time on the same day, in which case any form of notice may be given to all Councillors.
- 39.4 If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless he or she has already spoken to the motion or amendment.

40 Voting

(Pursuant to Section 90 of the Act.)

- 40.1 Except where a Councillor may call for a division, Councillors must remain seated in silence while a vote is being taken.
- 40.2 Unless this Local Law provides otherwise or Council otherwise determines, voting must be by a show of hands.
- 40.3 The Chairperson may direct that the vote be recounted as often as may be necessary for him or her to satisfy himself or herself of the result.
- 40.7 A Councillor can abstain from voting however, the decision to do so should not be taken lightly. Not participating in decisions taken by Council could be seen as an abrogation of a Councillor's oath of office and responsibility to represent the community.

41 Division

- 41.1 Immediately after any motion, amendment or question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 41.2 When a division is called, the Chairperson must:
- 41.2.1 First ask each Councillor wishing to vote for the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors voting for the motion;
- 41.2.2 Then ask each Councillor wishing to vote against the motion to stand. The Chairperson must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors voting against the motion.
- 41.2.3 Then if not all Councillors have declared either for or against the motion, ask each Councillor wishing to abstain to stand. The Chairperson must then state, and the Chief Executive Officer (or person authorised by the Chief Executive Officer to take the minutes of the meeting) must record the names of those Councillors abstaining from voting.
- 41.3 The Chairperson must declare the result of the vote or division as soon as it is taken.

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42 Recording of Opposition or Support for Motion

- 42.1 Any Councillor may request that his or her opposition to, or support for, a motion adopted by the meeting be recorded. It must then be recorded in the minutes of the Council meeting.

43 Recording of Proceedings

- 43.1 Council will record the proceedings at each Council meeting unless there is a specific resolution not to do so. This will take whatever form the Council has decided.
- 43.2 Except where Council conducts the recording, no video or audio recording of proceedings of Council meetings shall be permitted without specific approval by resolution of the meeting.
- 43.3 Council will make the recordings of open Council meetings available to the public.

44 Points of Order

- 44.1 A point of order is an objection that the motion, amendment or statement made is:
- 44.1.1 Contrary to this Local Law;
 - 44.1.2 Defamatory;
 - 44.1.3 Irrelevant;
 - 44.1.4 Improper; or
 - 44.1.5 Outside Council's legal powers
- and may be made despite the fact that the Councillor or Chairperson is speaking at the time.
- 44.2 A point of order must be taken by stating:
- 44.2.1 The matter complained of; and
 - 44.2.2 The reason constituting the point of order;
- 44.3 The Chairperson may raise a point of order without it having been made by a Councillor.
- 44.4 When called to order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
- 44.5 The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 44.6 The Chairperson must, when ruling on a point of order, give reasons for the ruling.
- 44.7 The Chairperson's ruling shall be final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chairperson's ruling is given.
- 44.8 A motion of dissent must state the provision or practice in substitution for the Chairperson's ruling.
- 44.9 A motion of dissent that is carried must be acted upon by the Chairperson.
- 44.10 Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of reply.
- 44.11 The Chairperson is not required to vacate the chair.

45 Suspension of Standing Orders

- 45.1 The provisions of this Local Law, except the quorum requirements applying under clause 12, may be suspended for any part of a meeting at the Chairperson's discretion. The Chairperson can accept a motion to suspend standing orders where he/she believes the Councillors or Public Gallery need a break due to the intensity or length of the meeting, or to seek technical advice from a person not listed as an official attendee. Such suspension would normally be for five minutes or less.
- 45.2 A suspension is not intended for Councillors to discuss the issue or seek to reach agreement outside a formal debate.
- 45.3 No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.
- 45.4 Resumption of standing orders should occur as soon as possible after any discussion or break is concluded.

46 Chairperson's Right to Speak

- 46.1 The Chairperson may address a meeting upon any matter under discussion, following presentations by all Councillors, and is not deemed to have left the Chair on such occasions. The Chairperson may physically 'step away' from the Chair to make their point in a discussion in which case they are not deemed to have left the Chair.

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46.2 The Chairperson may choose to vacate the Chair for the duration of any item under discussion whereupon a temporary Chairperson (usually the Deputy Mayor) or other Councillor elected by the meeting shall take the Chair until such item has been disposed of.

47 Clarification by Chief Executive Officer or another member of Council staff

47.1 With the prior consent, or at the request of the Chairperson, the Chief Executive Officer or a member of Council staff may address any item to clarify a statement made by a Councillor during the course of debate.

48 Ordering Withdrawal of Remark

48.1 The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.

48.2 A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

49 Suspensions

(Pursuant to Section 66 of the Act)

49.1 Council may by resolution suspend from a meeting, and for the balance of the meeting, any Councillor whose actions have disrupted the business of Council, and have impeded its orderly conduct, provided the Councillor in question has received an initial warning from the Chairperson that his/her conduct is, in the Chairperson's opinion, impeding the orderly conduct of the meeting.

50 Chairperson may Adjourn Disorderly Meeting

50.1 If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper.

51 Public Behaviour

51.1 Any member of the public addressing Council must extend courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

52 Removal from Chamber or Meeting Room

52.1 The Chairperson, may ask any Authorised Officer, member of the Police Force or person appointed by Council to maintain security, to remove from the Chamber or meeting room any person who acts in breach of this Local Law.

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PART 6 - COMMITTEES

*The purpose of this Division is to regulate proceedings at Committee meetings.
(Pursuant to Section 86 of the Act.)*

Part 1 – Special Committees

53 Application Generally

- 53.1 Except as provided in this Part, if Council establishes a Special Committee, all of the provisions of this Local Law shall apply with any necessary modifications.
- 53.2 For the purposes of clause 53.1, a reference to:
- 53.2.1 A Council Meeting is to be read as a reference to a meeting of the Special Committee; and
- 53.2.2 The Mayor is to be read as a reference to the Chairperson of the Special Committee.
- 53.3 The following provisions of this local law do not apply to Special Committees:
- 53.3.1 All of Part 2
- 53.3.2 Part 3, clause 13 (Call of the Council)
- 53.3.3 Part 4, clauses 19 and 20 (Petitions and Public Question Time)
- 53.4 Public participation in a meeting of a Special Committee shall be permitted in accordance with guidelines and policies adopted by Council from time to time.

54 Quorum

- 54.1 The quorum of a meeting of a Special Committee is the number fixed by Council, being at least a majority, or if no number has been fixed, a majority of the number of members of the Committee.

55 Addressing a Special Committee Meeting

- 55.1 It is not necessary for a Member to rise when addressing a Special Committee meeting.

56 Application Specifically

- 56.1 Despite clause 53.1 if Council establishes a Special Committee, Council may resolve that provisions contained within this Local Law do not apply.

Part 2 – Advisory Committees

57 Application Specifically

- 57.1 If Council establishes an Advisory Committee, Council may resolve that various provisions of this Local Law apply to that Advisory Committee with any necessary modifications.

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PART 7 – COMMON SEAL

The purpose of this Part is to regulate the use of the Common Seal, which is a device which formally and solemnly records the collective will of the Council. The purpose of this Part is to prohibit the use of the Common Seal or any device resembling the Common Seal, as required by Section 5 (3)(b) and (c) of the Act.

58 Common Seal

58.1 The Council must authorise the use of the Common Seal by resolution.

58.2 The Common Seal and words to be used accompanying it on any document to which it is affixed are as follows:

*The COMMON SEAL of SURF COAST)
SHIRE COUNCIL was affixed in the) [Affix common seal here]
presence of:)*

.....
Chief Executive Officer

.....
Mayor or Deputy Mayor

.....
Witness

- 58.3 The Chief Executive Officer and, either the Mayor or Deputy Mayor of the day, must sign every document to which the Common Seal is affixed. The Common Seal may only be used to sign, seal, issue, revoke or cancel any notice, document, order or agreement pursuant to a decision of Council.
- 58.4 It is an offence for a person to use the Common Seal or any device or representation resembling the Common Seal without authority given by resolution of the Council.
- 58.5 The Chief Executive Officer must keep the Common Seal in safe custody at all times.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

PART 8 – OFFENCES AND PENALTIES

59 Offences

It is an offence:

- 59.1 For a Councillor to not withdraw an expression which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so.
Infringement Notice Penalty: 2 units
Penalty: 5 penalty units
- 59.2 For any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.
Infringement Notice Penalty: 2 units
Penalty: 5 penalty units
- 59.3 For any person, not being a Councillor, who is guilty of any improper or disorderly conduct at the meeting.
Infringement Notice Penalty: 2 units
Penalty: 5 penalty units
- 59.4 For any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.
Infringement Notice Penalty: 2 units
Penalty: 5 Penalty Units
- 59.5 For a Councillor to refuse to leave the chamber on suspension.
Infringement Notice Penalty: 2 units
Penalty: 5 Penalty Units
- 59.6 For any person to use the common seal of Council or any device resembling the common seal without the authority of Council.
Infringement Notice Penalty: 10 units
Penalty: 20 penalty units

60 Infringement Penalties

- 60.1 If an offence is committed against this Local Law, the Chairperson shall request the Chief Executive Officer to issue to the offender an infringement notice in a form approved by Council for the amount of two penalty units as an alternative to a prosecution for the offence.
- 60.2 To avoid prosecution, a person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 60.3 A person in receipt of an infringement notice is entitled to disregard the notice and defend a prosecution in court.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

This Local Law was made by resolution of the Surf Coast Shire Council on Insert Date.

The COMMON SEAL of SURF COAST)
SHIRE COUNCIL was affixed in the) [Affix common seal here]
presence of:)

.....
Chief Executive Officer

.....
Mayor or Deputy Mayor

.....
Witness

Council provided notice to the public of the intention to make this Local Law which was duly advertised in the Victoria Government Gazette and Surf Coast Times on TBC

Council resolved to adopt this Local Law at its meeting held on TBC and this was duly advertised in the Victoria Government Gazette and The Surf Coast Times in TBC

PROPOSED

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

SCHEDULE A - PUBLIC QUESTION TIME FORM

Page 1 of 2

Public Question Time Council Meeting

Questions must be written and be received at Council by 10am on the day of the meeting. Questions can be emailed to info@surfcoast.vic.gov.au, faxed to 5261 0525 or hand delivered to Customer Service, Council Offices, 1 Merrijig Drive, Torquay.

Information			
Date			
Surname		First Name	
Postal address			
Suburb		Post Code	
Phone		Mobile	
Email			
Suburb to be disclosed	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
IMPORTANT INFORMATION: Please note that as required by Council's Local Law, your name and address will be read out in a public meeting and form part of the minutes of the Council meeting. If you wish only your name and not your address to be called, please indicate this above.			
Questions			
Date of Council meeting			
Subject			
Question(s)	<i>(NB: There is a limit of two questions per person, per meeting.)</i>		
<input type="checkbox"/>	By ticking this box, I acknowledge that Surf Coast Shire Council will accept this communication as containing my electronic signature for the purpose of signing this document to identify me in accordance with the Electronic Transactions (Victoria) Act 2000.		
Electronic signature <i>(please type your name)</i>			

1 Merrijig Drive / P.O. Box 350, TORQUAY, VIC, 3228
 Ph: 03 5261 0600 / 1300 610 600 / Fax: 5261 0525
 Email: info@surfcoast.vic.gov.au



4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

SCHEDULE B – NOTICE OF MOTION TO RESCIND OR AMEND



NOTICE OF MOTION TO RESCIND OR AMEND

This form lodges a notice of intention to move that a resolution passed by Council be rescinded or amended in accordance with Section 22 of Local Law No 2 – Council Meeting Procedures and Common Seal.

I, Councillor _____ give notice of my intention to move at the Ordinary Meeting of Council to be held on ___ / ___ / ___ that the resolution of Council passed on ___ / ___ / ___, namely:

(Wording of resolution proposed to be amended/rescinded)

be rescinded OR amended *(Please tick one box)*

and subject to that motion being carried, in its place, Cr _____

proposes to move that Council:

(Wording of proposed motion to replace/amend above)

(To be signed by Councillor lodging this notice and two other Councillors)

COUNCILLOR **COUNCILLOR** **COUNCILLOR**

Chief Executive Officer to complete

This notice was received by me at _____ am/pm on _____

CHIEF EXECUTIVE OFFICER

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

SCHEDULE C - FORMAL MOTIONS PROCEDURE AND EFFECT

FORMAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED	MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED	EFFECT IF CARRIED	EFFECT IF LOST	WHEN MOTION PROHIBITED
Adjournment of debate to later hour/date	That this matter be adjourned until...	Any Councillor	Yes	Any matter except where prohibited	Motion and amendments postponed to the stated time/date.	Debate continues unaffected	(a) During the election of the Chairperson (b) When another Councillor is speaking
Adjournment of debate indefinitely	That this matter be adjourned until further notice.	Any Councillor	Yes	Any matter except where prohibited	Motion and amendments postponed but may be resumed: (a) At the same meeting upon motion to resume (b) At any later meeting if on the Agenda.	Debate continues unaffected.	(a) During the election of the Chairperson (b) when another Councillor is speaking (c) when the matter is one in respect of which a call of Council has been made (d) When a motion would have the effect of causing Council to be in breach of a legislative requirement
Adjournment of meeting to later hour/date	That this meeting be adjourned until...	Any Councillor	Yes	Any matter except where prohibited	As per adjournment of debate	Debate continues unaffected	As for adjournment of debate
Adjournment of meeting indefinitely	That this meeting be adjourned until further notice.	Any Councillor	Yes	Any matter except where prohibited	Meeting adjourns until further notice.	Debate continues unaffected	(a) During the election of the Chairperson (b) when another Councillor is speaking (c) During a meeting which is a call of the Council.

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

SCHEDULE C (Cont)

FORMAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED	MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
The closure	That the question be now put.	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter except where prohibited	During nominations for Chairperson (A closure motion shall not be accepted by the Chairperson unless the Chairperson considers there has been sufficient debate for and against the original motion or amendment)	Motion or amendment in respect of which the closure carried is put to the vote immediately, without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected
Proceeding to the next item of business	That the meeting proceed to the next item of business.	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter except where prohibited	(a) During the election of the Chairperson (b) When another Councillor is speaking (c) During a meeting which is a call of the Council (d) When a motion would have the effect of causing Council to be in breach of a legislative requirement	(a) If carried in respect to a formal motion, its effect is to remove that motion from consideration – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting (b) If carried in respect to an amendment, its effect is to dispose of the amendment and debate resumes upon the motion.	Debate resumed at point of interruption and continues unaffected

4.2 Review of Local Law No. 2 - Council Meeting Procedures and Common Seal

APPENDIX 2 LOCAL LAW COMMUNITY IMPACT STATEMENT

Surf Coast Shire Council

Local Law Community Impact Statement

Proposed Local Law No. 2 of 2018 – Council Meeting Procedures and Common Seal

Council provides the following information to the community in respect of the proposed Local Law.

PART A – General comments

Background

Under Section 91(1) of the Local Government Act 1989 (the Act) a Council must make a local law governing the conduct of meetings of the Council and special committees.

Whilst the current Local Law No. 2 of 2016 does not sunset until 2026, a review was considered to be necessary at this time in order to bring more structure, provide more clarity and to update the signing clause for the Common Seal.

The Act specifies, in various sections, a number of matters which must be included in the local law. Except as provided in the Act, conduct of meetings is at Council's discretion although over time accepted practices have evolved to ensure the orderly conduct of meetings.

Objectives

The proposed local law contains the following objectives:

- (a) regulating and controlling the procedures governing the conduct of meetings of the Council and special committees appointed by Council;
- (b) regulating and controlling the election of Mayor, Deputy Mayor, and the Chairpersons of any special committees;
- (c) regulating and controlling the use of Council's Common Seal;
- (d) promoting and encouraging community participation in the system of local government;
- (e) providing a mechanism through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of government;
- (f) providing for the administration of the Council's powers and functions; and
- (g) providing generally for the good government of the municipal district.

PART B – Comments on proposed local law overall

<p>Measures of success of proposed Local Law</p>	<p>As this local law is required under the Act, Council will continue to monitor any changes to the legislation to ensure it remains up to date.</p> <p>The success of the proposed local law will be measured by the extent to which it enhances the governance framework and decision making processes of Council including open and transparent meetings and that legislative requirements are met.</p> <p>Performance indicators are also included in the Local Government Performance Reporting Framework and Community Satisfaction Survey.</p>
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Existing legislation that might be used instead	<p>No existing legislation can be used in place of this local law, however this local law incorporates actions that Councillors and officers must take as a result of requirements in the Act including section 91 which requires Council to have this local law.</p> <p>For example: Section 71 – Election of the Mayor Section 73 – Precedence of the Mayor and election of a temporary Chair in the Mayors absence Section 79 – Disclosure of Conflicts of Interest Section 80A – Requirements to observe assembly of Councillors procedures Section 80B – Members of Council staff and Councillors to disclose conflicts of interest Section 80C – Persons to disclose interests to Council when providing advice Section 84 – Special Meetings Section 90 – Voting Section 91 - Conduct of meetings Section 93 – Minutes of meetings.</p>
State legislation more appropriate	Not applicable. Councils are required by state legislation to make local laws relating to Council and special committee meeting procedures.
Overlap of existing legislation	There is no overlap with other legislation in this local law. Some clauses expand on or clarify requirements in the Local Government Act 1989.
Overlap of planning scheme	There is no overlap of the Planning Scheme with this local law.
Risk assessment	Not having a local law of this kind would be a breach of the Act therefore Council is avoiding this exposure by complying with this requirement. The local law sets out a framework for Council, its staff and the public to govern how Council meetings will operate in conformity with the Act and other generally accepted meeting procedure guidelines.
Legislative Approach adopted	<p>Council believes in applying minimum imposition on the community through its local laws. This proposed local law reflects this approach by providing only for those matters required under the Act in relation to general meeting procedures and efficiency of running the meetings such as:</p> <ul style="list-style-type: none"> • adoption of standard meeting procedures • a small number of reasonable penalties for offences under the local law • the minimum number of offences being created.
Restriction of competition	Council has conducted a review of this proposed local law in accordance with National Competition Principles and believes that because of the nature and content of this local law there is no restriction of competition.
Penalties	Council has compared the general level of penalties provided for in this proposed local law with those included in other similar sized Councils and its neighbouring Councils. All penalties are of a similar nature and amount.

	Council considers that the penalties imposed are sufficient to act as a deterrent for most offences and are therefore appropriate. They are scaled to reflect the impact of the offence and are in line with the state government's penalty regime.
Permits	There are no permits applicable under this local law.
Fees	There are no fees applicable under this local law.
Performance standards or prescriptive	This local law is prescriptive rather than performance based because of the nature of the requirement of the Act in which Council is required to make a local law to include prescriptive clauses that govern meeting procedures.
Comparison with neighbouring and like Councils	<p>Council has compared this local law with the existing meeting procedure local laws of the following Councils and has found it to be consistent with the intent of those Local Laws including:</p> <ul style="list-style-type: none"> Golden Plains Shire Colac Otway Shire City of Casey City of East Gippsland City of Whitehorse Wyndham City City of Ballarat Shire of Campaspe City of Greater Bendigo Mildura Rural City Council.
Charter of Human Rights	<p>Council has assessed this proposed local law for compatibility with the Charter of Human Rights and Responsibilities and has not found any instances where the rights of any individual are impacted upon. Some examples of particular considerations are outlined below.</p> <p>There are minor restrictions on allowing the freedom of expression as it is necessary to regulate how the public can ask questions or participate in Council meetings. The restrictions are intended to provide for the efficient and orderly conduct of the meetings and are considered reasonable and justifiable pursuant to section 7(2) of the Act.</p> <p>Penalties apply for disorderly behaviour (see penalties section) and the Chair has the right to request that anyone acting in a disorderly way leaves the meeting room. This is considered to be a proportionate response and necessary to ensure the smooth running of the meeting. The Chair can suspend proceedings if this is deemed necessary.</p> <p>Members of the public will be asked to sign in before entering the meeting and this is considered to be a reasonable health and safety measure which will also allow follow-up where needed. Council retains records of visitors to the Civic Offices during normal business hours and this additional request for information is in line with this practice.</p> <p>The updated local law removes the requirement for Councillors and officers to stand to address the meeting to avoid potential discrimination against people with disabilities.</p> <p>When asking a question of Council members of the public are requested to state their name and suburb for the minutes. Such information can be withheld on request.</p> <p>As open Council meeting proceedings are recorded and posted on the website, anyone who does not wish their voice to be heard on the</p>

	<p>recording is requested to make this known to a member of staff who will make alternative arrangements. Signage makes it clear that the proceedings are being recorded.</p>
National Competition Policy	<p>Council has assessed this proposed local law for compatibility with the National Competition Policy Principles and has not found any occurrences where the rights of any individual are impacted upon.</p>
Consultation Meetings	<p>In developing this local law Council has/ will undertake the following processes:</p> <ul style="list-style-type: none"> • Review of document by Council staff through comparison with other Councils' local laws. • Reference made to 'The Better Practice Local Laws Guidelines' • Discussion with Councillors and the Executive team at a Council workshop • Review of changes in legislation that might impact on the content of the local law • Council consideration of a formal draft of the local law at an Ordinary Council meeting • Submissions on the adopted proposed local law called for in accordance with Section 223 of the Act. • Council to hear any person making a submission if a person so requests at a Hearing of Submissions meeting. • Council to formally consider a report outlining any submissions and any proposed changes to the proposed local law • Council to adopt the local law and advertise this in local papers and the Government Gazette after which time the local law comes into force.
Submissions	<p>Surf Coast Shire Council is now calling for public submissions from anyone affected by this proposed local law. Submissions close on 6 May 2018 (TBC).</p> <p>There is no set format for submissions but they need to be provided in written form and submitted to:</p> <p>The Chief Executive Officer, Surf Coast Shire Council PO Box 350, Torquay VIC 3228 or in person at the Civic Offices, 1 Merrijig Drive, Torquay.</p> <p>Persons unable to make a submission in writing can make alternative arrangements by telephoning Wendy Hope, Manager Governance and Risk, on 5261 0600.</p> <p>Persons making submissions may make a request in their submission to be heard at a Hearing of Submissions meeting. In their submission submitters can nominate a representative to speak on their behalf. Council will set a time and place for such submitters to be heard.</p> <p>The proposed Local Law and Community Impact Statement are also available at Council's website https://www.surfcoast.vic.gov.au</p>

PART C – Comments on specific parts or provisions of the proposed Local Law

Some major and minor content issues have been addressed in the proposed local law. All content changes have been broken down clause by clause in the following table, however major content changes include:

- Updated definitions and clarification of meaning of 'petitions', 'joint letters', 'notices of motion', 'motion', 'day', 'minutes' and 'deliver';
- Updating of the signing clause for the Common Seal with Mayor/Deputy Mayor now to sign in addition to CEO;
- Increase in number of signatures required to constitute a petition or joint letter from more than one to at least ten;
- Introduction of provision for a Councillor to request their vote for the motion to be recorded;
- Removal of requirement to stand to address Council. Councillors may stand if they wish;
- Clarification of reasons to suspend Standing Orders;
- Removal of Part 7 and the ability to suspend any provision in the Local Law;
- Removal of the requirement for all Councillors to be present before an item of urgent business can be admitted to an Ordinary meeting of Council. Re-ordering of that clause to 24.2;
- Requirement for three months to elapse before a further notice of rescission or amendment can be received;
- Introduction of an additional offence of 'disorderly conduct' at the meeting;
- Clarification of circumstances under which a matter can be included as urgent business.
- Updated Notice of Rescission/Amendment form and clearer explanation at Schedule B;
- Improvements to language, clarity and order of the sections.

Specifically the proposed changes are as follows:

Section	Proposed Changes
Part 1 – clause 7	Clarification that 'Day' means a Council business day.
Part 1 – clause 7	Clarification that 'Deliver' includes electronic methods of transmission.
Part 1 – clause 7	Inclusion of definition of 'Joint Letter'.
Part 1 – clause 7	Definition of 'Leave of Absence' to be updated to mean any meeting of Council.
Part 1 – clause 7	Clarification of definition of 'Minutes'.
Part 1 – clause 7	Definition of 'written' extended to include emailed and faxed.
Part 1 – clause 7	Increase in number of signatories required to constitute a petition under the Local Law, from more than one signature to at least ten.
Part 4 – clause 14	Provision of an electronic agenda as standard practice and removal of hardcopy option.
Part 4 – clause 14	Reordering of sentence relating to admission of urgent business from clause 14.6 Attendance to section 24 Urgent Business.
Part 4 – clause 17	Conflict of interest – language streamlined.

Section	Proposed Changes
Part 4 – clause 19	<p>Petitions and joint letters to be signed by at least ten people. A letter from a single entity or organisation that is signed by multiple parties will not be classed as a joint letter.</p> <p>Council may consider admitting online petitions that are addressed direct to Council.</p>
Part 4 – clause 19	<p>Add that a petition or joint letter may be disallowed if it relates to a matter for which there is already a primary avenue of redress.</p>
Part 4 – clause 20	<p>Public Questions to be directed to Council as a whole and not to individual or specific Councillors.</p>
Part 4 – clause 20	<p>Clarification that a Public Question will not be read out unless the person asking the question or their proxy is present at the time it is due to be read.</p>
Part 4 – clause 22	<p>Notices of rescission or amendment to have at least a period of 3 months elapse before a further notice to rescind or amend can be lodged on the same issue.</p>
Part 4 – clause 24	<p>Urgent business updated to remove requirement for all Councillors to be present before urgent business can be admitted to an Ordinary Council agenda.</p> <p>Also clarify circumstances under which a matter can be included as urgent business including that items of Urgent Business need to be supported by an officer's report and Notices of Motion cannot be admitted into urgent business.</p>
Part 4 – clause 27	<p>Removal of duplication at 27.2 and 27.3</p>
Part 4 – clause 27	<p>Clarification that absence by a Councillor from four consecutive meetings of Council could lead to the position being declared vacant, as per the Act.</p>
Part 4 – clause 32	<p>Removal of <u>requirement</u> for Councillors and officers to stand to address the meeting as this could be discriminatory towards people with disability. Councillors 'may' stand to address the meeting if they wish.</p>
Part 4 – clause 34	<p>Clarification that where Councillors are seeking clarification by asking questions of officers throughout the meeting, such questions need to be:</p> <ul style="list-style-type: none"> • Directed through the CEO; • Relevant to an item on the agenda; • Seeking genuine clarification of a matter that is not already addressed in the officer's report; • Not objectionable in language, nature or tone; • Not intended to draw officers into debating a matter or justifying a recommendation; and • Not designed to canvass matters or disseminate information to the public.
Part 5 – clause 41	<p>40.2.4 removal of clause that the Chairperson 'must use' a casting (second) vote. Contrary to the Local Government Act (Chairperson 'has' a second vote). No need to duplicate what is already in the Act.</p>

Section	Proposed Changes
Part 5 – clause 42	Inclusion of provision that Councillor can request to have their vote for the motion adopted by Council recorded in the minutes, in addition to the existing provision to record a vote against an adopted motion.
Part 5 – clause 45	Suspension of Standing Orders – Introduce provision that the Chairperson can receive a motion to suspend standing orders where he/she believes the Councillors or the Public Gallery need a break due to the intensity or length of the meeting or to seek technical advice from a person not listed as an official attendee. Such suspension would normally be for five minutes or less. Clarification that suspension is not intended for Councillors to discuss the issue or seek to reach agreement outside a formal debate. Standing orders should be resumed as soon as possible.
Formerly Part 7 – clause 58	Whole section removed. Removes provision that allows Council to suspend any part of the Local Law by resolution.
Part 7 – clause 59	Update of wording to accompany Council's Common Seal to clearly differentiate from other signing clauses. Current wording is inconsistent with Council's delegations and a correction is required. New wording clear that use of the Common Seal is authorised by Council resolution. Mayor or Deputy Mayor to sign in addition to the CEO.
Part 8 – clause 60	Additional offence of 'disorderly conduct' introduced. At present it is an offence not to leave if asked by Chair, if Chair considers there is disorderly conduct. Currently no penalty for the disorderly conduct itself.
Part 9 – clause 61	Clarification of the right of a person being issued with an infringement notice to defend the prosecution in court.
Schedule B	Notice of Motion to Rescind or Amend - form updated to provide explanation and clear differentiation between rescission and amendment.
Schedule D	Conflict of Interest Declaration Form removed as administrative changes will be necessary under the foreshadowed amendments to the Local Government Act.

4.3 Proposed Exchange of Land - 5 Main Street, Winchelsea

Author's Title: Property & Legal Services Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC17/1525

Appendix:

1. Sketch Plan (D18/1750)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Reason:

Purpose

The purpose of this report is to seek approval to commence the process to initiate a land swap involving a portion of the Palmer Street road reserve in Winchelsea and an adjoining property to formalise road access on the south side of the park area containing the ANZAC memorial.

Summary

The loop road around the small park containing the ANZAC memorial at Winchelsea providing access to the public toilets, RV dump site and Lions Park encroaches on private land forming part of Nos 1-3 (hotel) and No.5 (private residence) Main Street Winchelsea and has done so for many years. The owners of 1-3 Main Street are not concerned whereas the owners of 5 Main Street are in favour of resolving the situation. Since recent survey exposed an encroachment of the fenced boundary of 5 Main Street into Palmer Street, these owners are actively pursuing a solution to both issues. Refer Attachment 1 - Sketch Plan.

The matter was discussed with the Department of Environment, Land, Water and Planning (DELWP) as Palmer Street is a government road located on crown land. Officers at DELWP suggested and are supportive of a land swap to resolve both issues whereby the Crown would transfer the strip of Palmer Street reserve fenced into No.5 Palmer Street to those owners in exchange for transfer of the northern unfenced portion of their land as a road reserve to Council. Most of the land to be transferred to Council is already encumbered with a carriageway easement in favour of the adjoining title.

As the affected landowners and officers at DELWP are in favour of a land exchange and it is desirable that Council acquire land to formalise the loop road around the ANZAC memorial area to enable future stages of beautification works to proceed, it is concluded to be in Council's and the community's best interest to pursue a land swap to resolve both issues.

Recommendation

That Council:

1. Note that:
 - 1.1 The southern section of roadway around the small park containing the ANZAC memorial encroaches on land in private ownership and has for many years.
 - 1.2 The western fenced boundary of 5 Main Street Winchelsea encroaches onto the Palmer Street government road reserve and has for many years.
 - 1.3 The owners of 5 Main Street have expressed interest in a land swap to remedy these encroachments.
 - 1.4 The Department of Environment Land Water and Planning as custodian of government road land is supportive of commencing the process for a possible land swap.
2. Approve commencement of the statutory process by which a land swap may be affected to resolve the existing encroachments with the objective of transferring the unfenced northern portion of 5 Main Street to Council as 'Road' in exchange for the fenced portion of the Palmer Street road reserve being transferred to the owners of 5 Main Street.

4.3 Proposed Exchange of Land - 5 Main Street, Winchelsea

Report

Background

The loop road around the small park containing the ANZAC memorial at Winchelsea providing access to the public toilets, RV dump site and Lions Park encroaches on private land forming part of No's 1-3 (hotel) and No.5 (private residence) Main Street Winchelsea and has done so for many years. There are potential liability issues for the landowners under the Road Management Act and legal limitations on Council's ability to construct and maintain this roadway. Whilst it is likely this road has acquired 'public highway' status through usage under common law, rights of access and control are not clear.

Landowners of both properties were consulted during planning of the current Winchelsea Town Centre Project works. The hotel site is only marginally affected and the owner has shown no interest in formalising road access across the corner of that property.

The owners of 5 Main Street were in favour of resolving the situation. Since recent survey exposed an encroachment of their property into Palmer Street, they are actively pursuing a solution to both issues. Examination of field survey notes held by the Titles Office indicates the encroachment arose prior to 1921 through what appears to be an assumption Palmer Street was a standard 20.12m government road reserve whereas it was a 'remnant' dead end strip of crown land extending into a large title.

The matter has been discussed with the Department of Environment, Land, Water and Planning (DELWP) as it involves crown land. Officers at DELWP suggested and are supportive of a land swap to resolve both issues whereby the Crown would transfer an approximately 2.2m wide strip of Palmer Street reserve fenced into No.5 Palmer Street (approx.145m²) to those owners in exchange for transfer of the northern unfenced portion of their land (approx.720m²) to Council most of which is encumbered with a carriageway easement in favour on the adjoining title. It is intended this would be declared as a road. Refer Attachment 1 – Sketch Plan.

Discussion

Planning for the Winchelsea Town Centre Beautification Project considered the land ownership issues affecting the southern section of the loop road around the ANZAC memorial. A functional layout plan was prepared for long term development of this park area taking into account the ANZAC memorial area masterplan, O'Brien Traffic traffic management plan, VicRoads Princess Highway plans, the Winchelsea Township structure plan and land ownership issues to ensure longevity of the current works. The owners of these two adjoining properties were consulted during development of the functional layout plan which attempts to reduce intrusion of the loop road into these properties to a minimum. It is not practical to completely remove the loop road from encroaching on this land and retain the rotunda and other features of the park area. The functional layout plan has since been developed into a set of detailed design plans.

Council is limited in its legal ability to construct the loop road and associated beautification works on this land as shown on the design plans without owning it. There was no intention to acquire the land earmarked in this plan for the loop road in the very near future as works in that area are not imminent and the public already possesses adequate access around the park area for the immediate future. However, the opportunity has arisen whereby this area may be very economically acquired with full support of the owners and consistent with Council's longer term plans for the area. This opportunity should not be ignored.

The design plans do not require acquisition of all this piece of land. However, the owners of No.5 wish to absolve themselves from all liability issues associated with use of this area as a public road. This cannot be totally achieved whilst they retain ownership of any of it, hence their desire to transfer it all to Council. It is considered Council would be best served by acquiring the total area as it can be done very amicably and it provides for maximum flexibility in developing it for access, car parking and beautification works in the future. If only portion was acquired, the remainder would in all likelihood remain in its present unkempt condition inconsistent with Council's and the community's ambitions to beautify the area.

The strip of government road along the east side of Palmer Street fenced into No.5 Main Street is of limited long term value to Council. It is separated from the existing trafficable road by services (electricity poles, telecommunications and water mains). Its resumption would not add any really usable width to the road reserve. It is considered better value would be obtained by exchanging it for much needed road reserve on the northern frontage of No.5.

It is therefore considered Council and the community would be best served if the full unfenced area of No.5 Main Street be acquired as a road in exchange for the disused strip of the Palmer Street road reserve.

4.3 Proposed Exchange of Land - 5 Main Street, Winchelsea

Financial Implications

There is a lengthy statutory process to be undertaken prior to Council making a decision to proceed with the exchange which will not occur before next financial year. Costs prior to that to be borne by Council are predominantly administrative. The landowner's surveyor who is preparing a plan of subdivision for that land will provide the necessary survey plan to enable the statutory procedure to proceed at no cost to Council.

Should Council's final decision at the end of the administrative process be to proceed with the exchange, legal and land transfer costs will be incurred. These may be provided for in the 2018/19 budget.

Council Plan

Theme 1 Community Wellbeing
Objective 1.3 Improve community safety
Strategy Nil

Theme 3 Balancing Growth
Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy Nil

Theme 4 Vibrant Economy
Objective 4.3 Strengthen the vitality of town centres
Strategy Nil

Policy/Legal Implications

There is a lengthy statutory procedure to be followed involving the provisions of the Local Government Act and including Ministerial consent before Council may make a determination to proceed with the exchange.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

It is not guaranteed an exchange will occur as submissions must be sought and considered and the Minister's consent obtained before Council may make a decision to proceed with the proposed exchange. In addition, the landowners may decide not to proceed.

If Council decides not to commence the exchange process there is a risk the opportunity for an exchange and hence to acquire the land at minimal cost may not arise again.

Social Considerations

Nil.

Community Engagement

The functional layout plan and design plans for this area were developed in consultation with the owners of 1-3 and 5 Main Street and the Winchelsea Town Centre Project Community Reference Panel. Negotiations with the affected landowners and their surveyor have been proceeding since early in 2017.

The statutory process involved to affect a land exchange involves formal community consultation and consideration of submissions in accordance with section 223 of the Local Government Act.

Environmental Implications

Implementation of this exchange will enable the urban environment to be improved via further stages of the town centre beautification works.

Communication

The affected landowners will be notified directly of Council's intention to commence the statutory process.

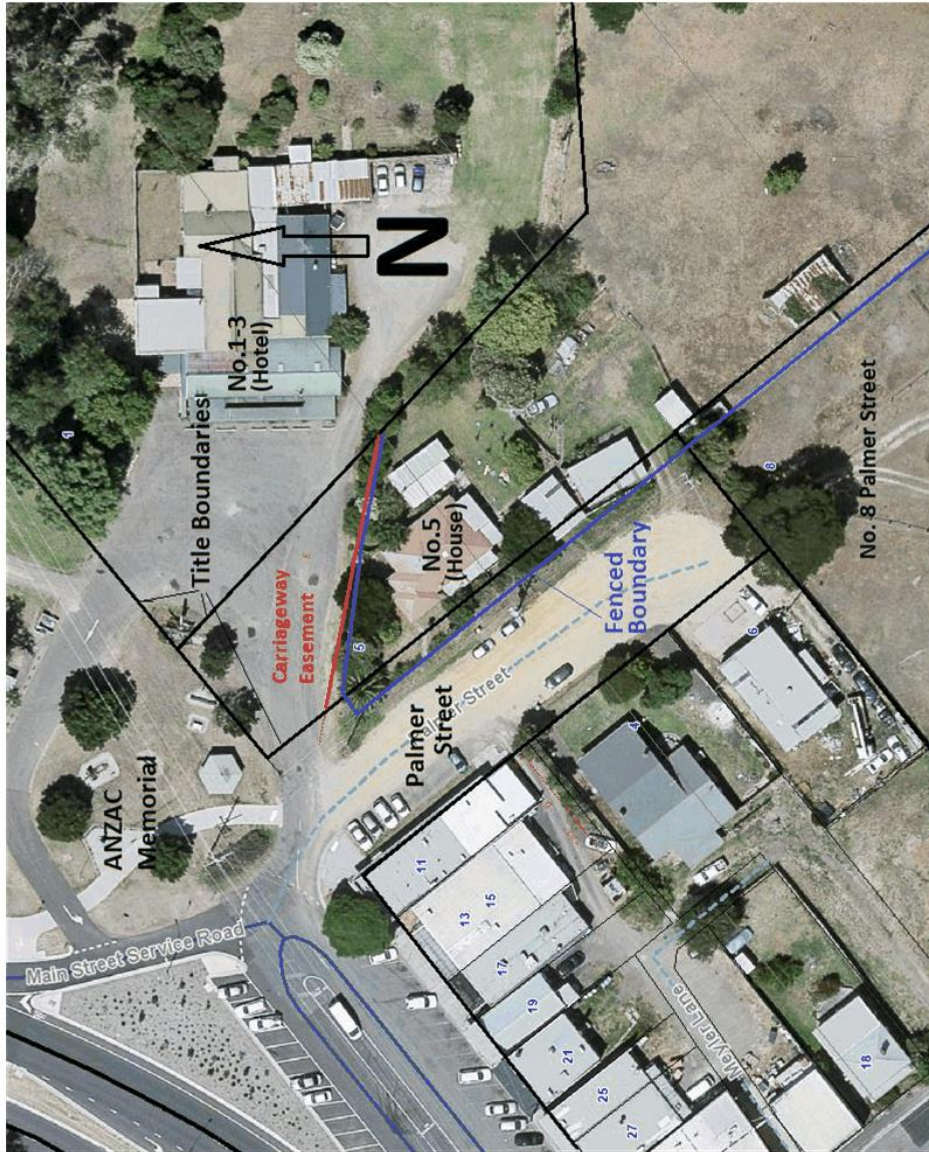
Conclusion

Council possesses a rare opportunity to pursue acquisition of land needed for most of the southern section of the loop road around the ANZAC memorial at Winchelsea through exchange of a disused section of government road at minimal cost to Council and with full support of the affected landowners and DELWP. It is concluded Council and the community would be best served by pursuing this opportunity.

4.3 Proposed Exchange of Land - 5 Main Street, Winchelsea

APPENDIX 1 SKETCH PLAN

Attachment 1 – Sketch Plan – Proposed Land Exchange



4.4 Petition Response: Requesting Council Support of the Otway Yabby Farm

Author's Title: Manager Engineering Services

General Manager: Anne Howard

Department: Engineering Services

File No: F15/819

Division: Governance & Infrastructure

Trim No: IC18/388

Appendix:

1. Petition to Surf Coast Shire - Support for the Otway Yabbies Project (Redacted) (D18/21946)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to respond to the petition requesting that Council support the Otway Yabbies Project which allows the removal of free clay from dam sites to the Anglesea Landfill Site for reclamation works.

Summary

In 2017 Council awarded a contract for the part rehabilitation of Anglesea Landfill. This contract required the contractor to source their own material that meet all legal requirements. The contractor acquired the material from a property in Portreath Road, Bellbrae to use in these rehabilitation works.

During the contract, a question arose about the need and status of planning approvals for the removal of this material. The removal of the material from the property at Portreath Road is now subject to a VCAT hearing scheduled for August 2018.

To finalise the project the contractor sourced the material from another property and completed the reclamation works at the Anglesea Landfill in mid-2017.

Recommendation

That Council:

1. Note the petition has been received and properly considered.
2. Advise the author of the petition that the next stage of the rehabilitation works at the Anglesea Landfill has been awarded through a tendering and evaluation process aimed at establishing a contract that represents the best value and outcome for the community.

4.4 Petition Response: Requesting Council Support of the Otway Yabby Farm

Report

Background

At the Ordinary meeting of Council on 28 March 2017 a number of public questions enquiring about the removal of soil from a property in Portreath Road, Bellbrae were raised.

From the subsequent investigation Council requested the contractor who was removing soil from the site to the Anglesea Landfill to cease removal of material from this site until either approvals could be demonstrated or else an alternative source would be needed to be found. The contractor made arrangements to source this material from another site and subsequently completed the works in Mid-2017.

The planning permits at the Portreath Road property are subject to a VCAT hearing in August 2018.

A contract has been let for the next stage of works at the Anglesea Landfill and the specification for the works requires the contractor to source the material. As with the previous contract, there is no contractual relationship between Council and the landowner where the material might be sourced.

Discussion

As the matter of soil removal has been referred to VCAT this issue will be resolve via this process.

Any future requirement for soil at the Anglesea Landfill will be sourced via a contract that would be awarded by Council. The successful contractor would be responsible for sourcing this material and ensuring that all legal or statutory requirements are complied with.

Financial Implications

Any financial implications will be part of any future contract.

Council Plan

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil

Policy/Legal Implications

All policy and legal implications in these types of matters will be the responsibility of the contractor undertaking the work for Council.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There are no known risks to Council.

Social Considerations

There are no social implications with this recommendation.

Community Engagement

Council's Economic Development Unit liaises with businesses within the municipality to foster economic growth and business development.

Environmental Implications

Any future environmental implications will be considered as part of the contractor's requirements to source any material.

Communication

Council will respond to the author of the petition.

4.4 Petition Response: Requesting Council Support of the Otway Yabby Farm

Options

Option 1 – Do nothing

This is not recommended as it provides no feedback to our community.

Option 2 – That Council note the report

This option is not recommended by officers as it provides no response to the petitioners.

Option 3 – That Council note the petition and advise the author of its decision.

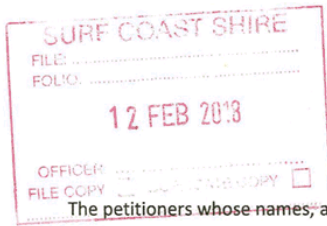
This option is recommended by officers.

Conclusion

By providing the author of the petition the relevant information about the current works and any future works at the Anglesea Landfill this will allow the property owner knowledge on how they can be involved in these works.

4.4 Petition Response: Requesting Council Support of the Otway Yabby Farm

**APPENDIX 1 PETITION TO SURF COAST SHIRE - SUPPORT FOR THE OTWAY YABBIES PROJECT
(REDACTED)**



Petition to Surf Coast Shire.

The petitioners whose names, addresses and signatures appear hereunder, petition the Surf Coast Shire as follows:

For the Shire to act in the best interest of this Municipality in relation to the Otway Yabbies Project.

Surf Coast Shire residents and other petitioners request that the Surf Coast Shire Councilors support the Otway Yabbies Project which allows for the removal of free clay from dam sites to be taken to the Anglesea Landfill Site for reclamation works. If the removal of clay from this site benefits the community in helping keep waste collection costs to a minimum by reducing costs to the Anglesea Landfill reclamation works then it should be supported.

NOTE TO SIGNATORIES: Please include your name, address and signature when signing the petition, to ensure the petition conforms to requirements and is accepted by Council. **Petition commenced on the 10th February 2018.**

No.	NAME (First Name & Surname)	ADDRESS (Physical Address & Suburb)	SIGNATURE
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Surf Coast Shire Council is committed to protecting all personal and sensitive information consistent with the principles set out in the Privacy and Data Protection Act 2014. The personal information in this petition will be used solely by Council for the primary purpose of petitioning Council or directly related purposes as permitted by law. The signatories understand that the personal information provided is for presentation to Council and that they may apply to Council for access to and/or amendment of the information. Please note that any personal information contained in this petition will be redacted from the public agenda.

SURF COAST SHIRE
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FOLIO:
15 FEB 2018
OFFICER:
FILE COPY DUPLICATE COPY



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No.	NAME (First Name & Surname)	ADDRESS (Physical Address & Suburb)	SIGNATURE
51.	[Redacted Signatories]		
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4.5 Response to Joint Letter: Road Safety - Marine Drive, The Quay, Torquay

Author's Title: Coordinator Design & Traffic

General Manager: Anne Howard

Department: Engineering Services

File No: F18/44

Division: Governance & Infrastructure

Trim No: IC18/389

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider officers' response to a Joint Letter relating to road safety concerns raised by residents on Marine Drive, The Quay, Torquay

Summary

A joint letter has been received from residents on Marine Drive requesting that Council investigate road safety and speed concerns as a result of potential increased construction traffic which may occur due to the completion of a new subdivision road which extends Marine Drive into the Quay 2 Estate.

Council representatives have met with a number of residents on site to discuss their concerns and potential solutions/options to ease this safety and speed concerns.

Officers propose to carry out data collection pre and post opening of the new extension and review traffic volume and speed data for Marine Drive against the original overall development plan for the precinct.

Council will also consider education measures including locating the speed advisory trailer on Marine Drive, providing residents with 50km/hr bin stickers and installing signage at the park area to improve pedestrian warning measures. Should an issue arise then Council officers will request police enforcement, followed by a further review before considering any speed control devices as a precinct area.

Recommendation

That Council:

1. Note the safety and speed concerns of the residents on Marine Drive.
2. Note the proposed traffic data collection for Marine Drive pre and post opening of the new extension and for this to be reviewed against the original overall development plan.
3. Note the proposed staged approach to address any road safety and speed issues should they occur.
4. Inform joint letter signatories of findings from the process as outlined above.

4.5 Response to Joint Letter: Road Safety - Marine Drive, The Quay, Torquay

Report

Background

Council received a joint letter on 21 February 2018 with 27 signatures requesting that Council investigate road safety concerns raised by residents on Marine Drive Torquay relating to increased construction traffic on the new extension of road into the Quay 2 Estate.

Discussion

Following the joint letter being laid on the table, Council met with a number of residents who signed the joint letter to discuss their concerns and potential solutions/options. Residents raised concerns at the onsite meeting including a potential increase in construction and traffic that may use Marine Drive as a short cut due to other roads not completed, and concerns with safety for pedestrians, in particular children that use the popular "pirate park" area.

Council acknowledged their concerns and outlined the construction process of the proposed subdivision works and advised that this area may receive initial traffic increase due to newly opened roads. However, as the subdivision developed further, traffic movements and behaviour would change and vehicles would use the more appropriate road to carry any traffic increases.

Council proposes a staged approach to address resident concerns including collection of traffic data on Marine Drive pre and post opening of the new road extension, and assessment of data with predicted flows for this road as outlined in the original overall development plan. Council also plans to educate road users once the road is open through placement of Council's mobile advisory speed trailer in the street area, will provide residents with 50 km/hr bin stickers and improve pedestrian warning measures through signage.

Should safety or speeding issues arise from the new road extension, then Council will request Victorian police to undertake enforcement at a local level.

If the above measures are not effective following further review, Council will then investigate the need for physical measures to reduce speed and safety concerns. This would involve preparing a local area traffic management plan for the precinct and investigation of the option of vertical or horizontal deflection measures.

Financial Implications

The initial stages of education and police enforcement (if required) can be managed within the existing operational budget for the Design and Traffic unit. However, allocation of funds through Council's capital works program will be required if a local area traffic management plan and measures are considered necessary.

Council Plan

Theme	1 Community Wellbeing
Objective	1.3 Improve community safety
Strategy	1.3.1 Understand community safety issues and needs, and design an appropriate local response

Policy/Legal Implications

The proposed actions align with Council's Road Safety Strategy, which refers to developing and maintaining a safe road network.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The staged approach will enable Council to assess and manage the risk associated with and safety or speeding concerns on Marine Drive.

Social Considerations

Safety concerns with the nearby children's play area to be considered to ensure that there is no increased risk to users in the space should vehicle speed increase.

4.5 Response to Joint Letter: Road Safety - Marine Drive, The Quay, Torquay

Community Engagement

The Mayor and a Council officer have met residents on site and discussed the concerns raised. Council will provide traffic data collected to the main signature of the joint letter. Council will carry out further community engagement should there be a need for Local Area Traffic management plan and the installation of physical measures.

Environmental Implications

Nil.

Communication

A letter will be sent to the signatures of the joint letter informing them of the Council resolution.

Options

Option 1 – Staged approach using education, enforcement before installing physical measures

This option is recommended by officers as it encourages better driver behaviour and mindset on local residential roads, allows for better understanding of any potential issue that may occur and whether it is only short term problem until full road network is complete, instead of applying physical obstructions straight away which can be intrusive to local residents and unnecessary.

Option 2 – Do nothing

This option is not recommended by officers as it is not managing potential safety risks and addressing concerns of local community.

Option 3 – Apply physical measures

This option is not recommended by officers as can be intrusive within local residential streets, if applied locally can push issue to other residential streets.

Conclusion

Applying the staged approach will give Council a better understanding of any issues that may arise and allow Council to address any immediate safety or speeding concerns. It is anticipated that through education and enforcement this will significantly reduce any concerns. Should a problem arise in the long term then physical measures can be considered.

4.6 Review of Procurement Policy SCS-019

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F14/123

Division: Governance & Infrastructure

Trim No: IC18/365

Appendix:

1. Procurement Policy SCS-019 (D18/13209)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to provide the updated Procurement Policy SCS-019 for endorsement by Council.

Summary

Under the Local Government Act 1989, Council's Procurement Policy is required to be reviewed at least once in every financial year. The last review took place in July 2016 and a further review is therefore due before the end of June 2018.

Benchmarking against other Council policies was undertaken with reference also being made to the MAV Model Procurement Policy and Victorian Local Government Best Practice Procurement Guidelines.

Focus has been placed on updating definitions, refining wording, emphasising a more strategic view of procurement eg category/contract management and articulating a commitment to social procurement. Council's recent commitment to join the GROW initiative has also been acknowledged.

The policy has been reviewed by officers and the Audit & Risk Committee, and is now being presented for Council's adoption.

Recommendation

That Council endorse the updated Procurement Policy SCS-019, as presented as Appendix 1.

4.6 Review of Procurement Policy SCS-019

Report

Background

In accordance with the Local Government Act 1989, s186A(7), Council's Procurement Policy is required to be reviewed at least once in every financial year. As the last review was undertaken in the 2017 financial year a further review is now due.

Discussion

Benchmarking against other Council policies was undertaken with reference also being made to the MAV Model Procurement Policy and Victorian Local Government Best Practice Procurement Guidelines.

Focus has been placed on updating definitions, refining wording, emphasising a more strategic view of procurement eg category/contract management and articulating a commitment to social procurement.

The policy has been reviewed by officers and the Audit & Risk Committee, and is now being presented for Council's adoption.

A wholesale review of the policy will be necessary in late 2019 when the foreshadowed sections of the Local Government Act 2018 relating to development of a procurement policy come into force.

Financial Implications

There are no additional financial implications associated with this review.

Council Plan

Theme	5 High Performing Council
Objective	5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy	Nil

Policy/Legal Implications

Review of the policy ensures compliance with s186A(7) of the Local Government Act 1989.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Not applicable.

Social Considerations

Consideration of social procurement and Council's membership of the GROW compact has been included in the policy.

Community Engagement

Not applicable.

Environmental Implications

The policy includes environmental considerations for purchasers.

Communication

S186A(8) of the Local Government Act 1989 requires that a copy of the policy must be available for inspection by the public at Council's office and on Council's internet site.

4.6 Review of Procurement Policy SCS-019

Options

Option 1 – Adopt the updated policy as presented

This option is recommended by officers as the policy has been thoroughly reviewed against best practice guidelines, other Council policies and by officers and the Audit & Risk Committee. Adoption of the policy will ensure compliance with the legislation outlined above.

Option 2 – Adopt the policy with amendments

This option is not preferred by officers as the policy has been through a rigorous process that has allowed full consultation and consideration of issues, but there remains an opportunity to make changes if these are thought to be necessary.

Option 3 – Do not adopt the policy

This option is not recommended by officers as Council runs the risk of non-compliance with the Local Government Act if the policy is not adopted in this financial year. It is also timely to include and implement Council's commitment to social procurement initiatives.

Conclusion

Council's Procurement Policy has been fully reviewed and is now being presented for final adoption in order to ensure compliance with legislation and to articulate Council's commitment to social procurement.

4.6 Review of Procurement Policy SCS-019

APPENDIX 1 PROCUREMENT POLICY SCS-019

4.6 Review of Procurement Policy SCS-019

COUNCIL POLICY



Procurement	Document No:	SCS-019
	Approval Date:	March 2018
	Approved By:	Council
	Review Date:	March 2019
	TRIM Reference	D18/13209
Responsible Officer:	General Manager Governance and Infrastructure	
Authorising Officer:	Chief Executive Officer	

1. Purpose

Surf Coast Shire Council's procurement framework, which covers contracting, purchasing and contract management activities, is designed to support the achievement of Council's strategic aims and objectives.

This policy establishes the procurement framework by providing guidance, governance and clarity on the principles, practices and processes to be applied to all of Council's procurement activities.

2. Scope

This Procurement Policy is made under Section 186A of the Local Government Act 1989. Section 186A of the Act requires the Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

3. Application

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors and Council staff.

4.6 Review of Procurement Policy SCS-019

COUNCIL POLICY



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4.6 Review of Procurement Policy SCS-019

COUNCIL POLICY



4. Definitions

The Act	<i>Local Government Act 1989</i> (as amended).
Category Management	The strategic, proactive and organisational approach to the end of end procurement of specific categories of organisational spend
Commercial in Confidence	Information that, if released, would be reasonably likely to prejudice the business dealings of the party (e.g., prices, discounts, rebates, profits, methodologies and process information). It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff	Includes full time and part time council officers, and temporary employees, contractors and consultants while engaged by the Council.
Conflict of Interest	Refer to section 77A to 79B of the Act.
Corporate Social Responsibility (CSR) Practices	Corporate Social Responsibility (CSR) is about taking positive action to demonstrate Council's commitment to the local community and environment on which it impacts.
Delegation	A power handed down by the Council or Chief Executive Officer in an instrument to enable a delegate to act on Council's behalf.
Ethics	The moral principles or values that guide practitioners in aspects of procurement.
Expression of Interest	An invitation for persons to submit an EOI for the provision of the goods, services and works which generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract.
GST (Goods and Services Tax)	All monetary values stated in this policy exclude GST, unless specifically stated otherwise.
Late Tender	A late tender is one not received in the Tender Box prior to the closing date/time. If an electronic tender submission has commenced (e.g. via Tenderlink) prior to the closing date/time, and the transmission is interrupted due to tender closing time, the submission will be deemed to be received.
Panel Contract Arrangements	A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Probity	Probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Government, the word "probity" is often used in a general sense to mean "good process." A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Probity Advisor	Commonly an observer in dealings with tenderers and the evaluation panel at presentations and interviews. The probity advisor would be available to answer questions and provide advice to the evaluation team and/or steering committee.
Probity Auditor	Primarily reviews all processes and documentation throughout the procurement process and provides a report on their findings at the conclusion of the process.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Request for Information	Formal request for information to gain a more detailed understanding of the supplier market and the range of solutions and technologies that may be available. It may be used to develop documentation for a future tender.

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Specification	The statement which clearly and accurately describes the essential requirements for goods, services or works. It may also include the procedures by which it will be determined that the requirements have been met and performance required in a contract.
Standing Offer Agreement	A contract that sets out rates for goods and services that is available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods and services.
Social Enterprise	A social enterprise is a revenue generating business with primarily social objectives whose surpluses are reinvested for that purpose in the business or in the community, rather than being driven by the need to deliver profit to shareholders and owners
Social Procurement	Social Procurement uses procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Supplier	The organisation named in the contract as the party responsible for the performance of the contractual obligations.
Sustainability	Activities that meet the needs for goods, works and services in a way that achieves value for money on a whole of life basis in terms of generating benefits not only to Council, but also to society and the economy, while minimising damage to the environment.
Tender Process	The process of inviting parties to submit a tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder.
Quotation Process	The process of inviting parties to submit a quotation followed by evaluation of submissions and selection of a successful bidder.
Thresholds	The value above which a procurement, unless exempt, is subject to the mandatory procurement processes.
Value for Money	Value for money in procurement relates to selecting the supply of goods, services and works taking into account both cost and non-cost related factors including: <ul style="list-style-type: none"> • contribution to the advancement of the Council's priorities; • non-cost factors such as fitness for purpose, quality, service and support; and • cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.

5. Policy

5.1 Background

Surf Coast Shire Council

5.1.1 Recognises that developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of council objectives.

The elements of best practice applicable to local government procurement incorporate:

- 5.1.1.1 broad principles covering ethics, value for money, responsibilities and accountabilities;
- 5.1.1.2 guidelines giving effect to those principles;
- 5.1.1.3 a system of delegations (i.e. the authorisation of officers to approve a range of functions in the procurement process);
- 5.1.1.4 procurement processes, with appropriate procedures covering minor simple procurement to high value complex procurement; and
- 5.1.1.5 a professional approach to all procurement activities.

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- 5.1.2 Requires that Council's contracting and purchasing activities:
- 5.1.2.1 support the Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment, and corporate social responsibility;
 - 5.1.2.2 take a long term strategic view of procurement needs while continually assessing, reviewing and auditing procedures, strategy and objectives;
 - 5.1.2.3 span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
 - 5.1.2.4 achieve value for money and quality in the acquisition of goods, services and works by the Council;
 - 5.1.2.5 can demonstrate that public money has been well spent;
 - 5.1.2.6 are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
 - 5.1.2.7 seek continual improvement including the embrace of innovative and technological initiatives such as electronic tendering processes to reduce activity cost ; a
 - 5.1.2.8 ensure that risk is identified, assessed and managed at all stages of the procurement process;
 - 5.1.2.9 comply with legislation, Council policies and other best practice requirements;
 - 5.1.2.10 use strategic procurement practices and innovative procurement solutions, in particular making use of collaboration and partnership opportunities; and
 - 5.1.2.11 generate and support business in the local community.

5.2 Treatment of GST

All monetary values stated in this policy exclude GST, except where specifically stated otherwise.

5.3 Effective Legislative and Policy Compliance and Control

5.3.1 Ethics and Probity

Council acknowledges the importance of ethics and probity in procurement and is committed to ensuring ethical practices are promoted and maintained across all Council procurement activities.

5.3.2 Conduct of Councillors and Council Staff

5.3.2.1 General

Councillors and Council staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and will:

- 5.3.2.1.1 treat potential and existing suppliers with equality and fairness;
- 5.3.2.1.2 not seek or receive personal gain and always declare conflicts of interest;
- 5.3.2.1.3 maintain confidentiality of Commercial in Confidence information such as contract prices and other sensitive information;
- 5.3.2.1.4 present the highest standards of professionalism and probity;
- 5.3.2.1.5 deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- 5.3.2.1.6 provide all suppliers and tenderers with the same information and equal opportunity; and
- 5.3.2.1.7 be able to account for all decisions and provide feedback on them;.
- 5.3.2.1.8 Councillors must not improperly direct or improperly influence a member of Council staff in the exercise of any power or in the performance of any duty or function, and
- 5.3.2.1.9 maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities

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Council staff work in accordance with their employment conditions and the Staff Code of Conduct. Councillors are elected by the community to work in the best interests of the municipality and are required to follow the Councillor Code of Conduct.

5.3.2.2 Members of Professional Bodies

Councillors and Council staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

5.4 Tender and Quotation Processes

All Council staff undertaking tender and quotation processes, are to act in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

5.5 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties. Council staff involved in the procurement process, in particular preparing invitation documentation, including writing tender / quotation specifications, setting of evaluation criteria, opening of submissions, and evaluation panels, must:

- **Avoid** conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council staff, plus their relatives and close associates;
- **Declare** that there are no conflicts of interest. Where future conflicts, or relevant private interests arise Council Staff must make their manager, or the chairperson of the relevant tender evaluation panel aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise; and
- **Observe** prevailing Council, and governmental, guidelines on how to prevent or deal with conflict of interest situations and not take advantage of any tender related information whether or not for personal gain.

The onus is on the Councillor and the member of Council staff involved being alert to and promptly declaring an actual or potential conflict of interest to the Council.

5.6 Fair and Honest Dealing

Council acknowledges the importance of ensuring its procurement processes and practices promote positive supplier engagement.

Council Staff shall ensure that all prospective suppliers are treated fairly in an open and transparent manner and have access to the same information.

5.7 Accountability and Transparency

Accountability in procurement means being able to explain and evidence what has happened. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with the Council's policies and procedures as set out in this policy and related Council policies and procedures.

Additionally:

- all Council staff must be able to account for procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them and to leave an audit trail of procurement activities for monitoring purposes.

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5.8 Gifts and Hospitality

All Councillors and Council staff are to adhere to Council's Gifts, Benefits and Hospitality Policy.

5.9 Confidentiality and Disclosure of Information

Commercial in Confidence information received by the Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect the following, by refusing to release or discuss:

- 5.9.1 information disclosed by organisations in tenders, quotation or during tender negotiations;
- 5.9.2 all information that is deemed to be Commercial in Confidence; and
- 5.9.3 pre-contract information including, but not limited to, information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Tenderers are advised that the awarded tender price (fixed lump sum price only) and the name of the successful tenderer may also become publicly available.

5.10 Governance

5.10.1 Structure

Council shall:

- 5.10.1.1 establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all Procurement decisions made over the lifecycle of all goods, services and works purchased by the Council;
- 5.10.1.2 ensure that the Council's Procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
 - ensures that prospective suppliers are afforded an equal opportunity to tender/quote;
 - encourages competition; and
 - ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

5.10.2 Standards

Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- 5.10.2.1 The Act,
- 5.10.2.2 The Council's policies and procedures,
- 5.10.2.3 The Council's Codes of Conduct,
- 5.10.2.4 Victorian Local Government Best Practice Procurement Guideline 2013 and
- 5.10.2.5 Other relevant legislative requirements such as but not limited to the Trade Practices Act, Human Rights Charter, Goods Act, Occupational Health and Safety Act, Child Wellbeing and Safety Act and the Environmental Protection Act.

5.10.3 Methods of Purchasing

Unless other arrangements are authorised by the Council or the CEO on a needs basis, as required by abnormal circumstances such as emergencies, Council's standard methods for purchasing goods, services and works shall be by:

- 5.10.3.1 purchase order following a quotation process,
- 5.10.3.2 under contract following a tender process, quotation or expression of interest process, or
- 5.10.3.3 using purchasing arrangements with other Councils, MAV Procurement, Victorian Government, or other bodies;

Purchasing (or credit) cards are available for use, in accordance with Council's Management Policy and Procedure.

The Council may, at its discretion, conduct one-stage or multi-stage tenders or run sequential tenders.

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Typically a multi-stage tender process may commence with a Request for Information or Expression of Interest stage followed by a tender process.

Expression of Interest may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear,
- the requirement is capable of several technical solutions,
- the Council wishes to consider ahead of formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project,
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense,
- it is necessary to pre-qualify suppliers and goods to meet defined standards, and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

Additionally, for highly complex projects the Council may run sequential tenders, the first to solicit solutions, the second to compete to provide the solution selected by Council. Such sequential tenders may or may not be preceded by the registration of interest phase as required by the Council based on the actual needs of the project.

5.10.4 Responsible Financial Management

The principles of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegations.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

5.11 Probity Advisor/Auditor

Council may consider the appointment of a Probity Advisor or Probity Auditor, based on the nature and complexity of the proposed procurement.

5.11.1 Probity Plans/Audits

A probity Plan sets out the steps to be taken and the processes to be implemented to ensure a tender is conducted fairly and ethically. Formal probity plans should be developed and implemented in the following circumstances:

- Where the value of a proposed contract exceeds a specific value over its life determined by Council. The benchmark value at which a proposed contract should be subject to a probity plan is \$5 million and the appointment of a probity auditor should take place for anything over \$10 million; or
- Where a proposed contract is particularly complex, of a high risk or controversial nature, and requiring a high level of public confidence.

Although it is at the discretion of the General Manager when to adopt a probity plan approach, a probity plan should cover the following matters:

- identification of the contract
- objectives of the probity processes
- statement on the proposed application of probity principles
- roles and responsibilities of each participant in the evaluation process and probity auditing

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- specification of when probity auditing will occur
- probity tasks, documents and time lines
- measures for ensuring confidentiality and security
- communication protocol with bidders (to ensure that no one bid obtains an unfair advantage over others)
- record keeping requirements.

5.12 Procurement Thresholds and Competition

Council's procurement processes have been designed to ensure the principle of competition is adequately addressed.

Council staff shall ensure that a competitive marketplace is promoted by using the correct process for the particular procurement activity and ensuring that prospective suppliers are given an equal opportunity to participate in the process.

5.13 Minimum Spend Competition Thresholds

5.13.1 Tenders

Purchase of all goods and services for which the estimated expenditure exceeds \$135,000, and building and construction works for which the estimated expenditure exceeds \$180,000, must be undertaken by public tender, as per the thresholds contained in The Act, and in accordance with Council's Management Policy and Procedure.

Council may undertake a public tender where the value of goods, works and services does not reach the threshold sums. These may be situations where a public tender is preferred or prudent, managing risk considerations are paramount or there is a desire for greater transparency of the procurement

In accordance with the Public Notice requirements of S.186 of the Local Government Act, a tender advertisement must be published in a public newspaper generally circulating in the Municipal district.

5.13.2 Quotations

Purchase of goods and services having a total \$135,000 and works having a total valuation of \$180,000 or less may be undertaken using the a request for quotation process, in accordance with Council's Management Policy and Procedure, as described below:

THRESHOLDS FOR QUOTATIONS AND PUBLIC TENDER		
Expenditure (GST Exclusive)	Procurement Method	Comment
< \$1,000	Verbal quote	
\$1,001 - \$10,000	Obtain one written quote	(verbal quote permitted if evidenced by email confirmation to supplier)
\$10,001 - \$135,000 (goods and services)	Seek three written quotes *	Quotes must be sought via issue of a written request for quotation. A record of the process undertaken, must be maintained in Council's Records Management System
\$10,001 - \$180,000 (building and construction works)		
\$135,001 +(goods and services) \$180,001+ (building and construction works)	Public tender process to be undertaken	Detailed records of the tender process undertaken must be maintained in Council's Records Management System

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- All quotations must be recorded
- Financial values are for the total estimated cost of the procurement, including any potential extension periods
- Requirements cannot be split to circumvent the above thresholds
- Cumulative purchases contribute to the spend thresholds
- Council Officers are recommended to seek further quotations than the minimum requirements, if a better value for money outcome may be achieved as a result

Where significant amounts are spent in aggregate on one supplier, or for one service, over time, Council will assess whether greater savings can be achieved by tendering and using schedule of rates and panel contract arrangements where appropriate.

5.14 Insufficient Quotations

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers must be recorded and an appropriate comment recorded.

5.15 Sole Source Justification

A Sole Source Justification Form is to be used in situations where three quotes cannot be obtained. The following are examples of situations for consideration of sole source acquisitions:

- 5.15.1 The products or services to be acquired are unique to the supplier.
- 5.15.2 Unique prior experience, expertise, capabilities, professional stature or key personnel.
- 5.15.3 Time is of the essence and only one known source can meet the end customer's needs within the required timeframe.
- 5.15.4 Data is unavailable for competitive procurement.
- 5.15.5 It is necessary that the item being acquired from one source be compatible and interchangeable with existing equipment.

The approval to use a sole supplier can only be given at the General Manager or CEO level and cannot be used for works above \$180,000 and goods or services above \$135,000. Should a General Manager or the CEO refuse a sole source application, a competitive request for quotation process must be conducted.

5.16 Delegation of Authority

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

As such Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for contract management activities.

5.17 Delegations

5.17.1 Council Staff

Council shall maintain a documented scheme of procurement delegations, identifying the Council staff authorised to make procurement commitments in respect of goods, services and works on behalf of the Council and their respective delegations contained in Financial Chart of Authorities and policies. This shall include:

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- Powers to authorise and issue order forms for goods and services;
- Powers to enter into contracts within approved budget;
- Powers to approve contract variations.

5.17.2 Delegations Reserved for the Council

The processes and commitments must be approved by Council where tender recommendations and contract approval for expenditure exceed the Chief Executive Officer's delegation.

5.18 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems in place for appropriate monitoring and performance measurement.

5.19 Risk Management

Risk management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Council's ability to prevent, withstand and recover from interruption to the supply of goods, services and works.

Risk management practices will be carried out in accordance with the Risk Management Policy and the Guidelines for OH&S Management of Contractors and any Federal or State regulatory requirements.

5.19.1 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits where appropriate;
- referring specifications to relevant experts;
- requiring contractual agreement before allowing the commencement;
- use of or reference to relevant Australian Standards (or equivalent);
- effectively managing the contract including monitoring and enforcing performance; and
- by appointing a probity auditor for tenders in excess of \$5 million, or as Council determines from time to time.

5.20 Contract Terms

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to this expose Council to risk and must be authorised by the appropriate member of Council staff listed in the Delegations section above.

5.21 Endorsement

Council Staff must not endorse any products or services. Individual requests received for endorsement must be referred to the General Manager or CEO.

5.22 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions

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5.23 Contract Management

The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods and services provided to the required standards of quality and quantity as intended by the contract by:

- 5.23.1 establishing a system reinforcing the performance of both parties' responsibilities and obligations under the contract;
- 5.23.2 providing a means for the early recognition of issues and performance problems and the identification of solutions; and
- 5.23.3 adhering to Council's Risk Management framework and Workplace Health and Safety Contractor Compliance procedures.

All Council's contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure Council receives Value for Money.

5.24 Demonstrate Sustained Value

5.24.1 Integration with Council Strategy

Council's procurement strategy shall support the aims and objectives of the Council Plan.

5.24.2 Category Management

Council will establish a Category Management approach to its key categories of spend, bringing together expertise from across Council to identify and embed the most appropriate and effective category strategy in order to deliver on Council's objectives through contract arrangements.

5.24.3 Achieving Value for Money

Council's procurement activities will be carried out on the basis of obtaining Value for Money

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout;
- using aggregated contracts and Panel Contract arrangements where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing cost efficient tender processes including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

5.24.4 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to Council's Value for Money objectives through being written in a manner that:

- ensures impartiality and objectivity as reasonably practicable;
- encourages the use of standard products;
- encourages sustainability;
- eliminates unnecessarily stringent requirements; and
- wherever possible specifies technical standards and requirements that are within the capabilities of local suppliers.

5.25 Performance Measure and Continuous Improvement

Council will establish and put in place appropriate management and reporting systems to monitor performance against targets and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within the Council and performance against these targets will be measured

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and reviewed regularly to support continuous improvement.

Council is committed to utilising continuous improvement programs designed to:

- Achieve and demonstrate sustainable savings and value for money;
- Support local and regional economic development and other triple bottom line objectives;
- Identify and pursue shared service opportunities;
- Improve probity management and compliance; and
- Improve organisational and sector capability.

Council is committed to providing Council officers with ongoing training opportunities with regards to best practice procurement.

5.26 Environmental Sustainability

5.26.1 Council is committed to achieving sustainability and ensuring it monitors and reports on activities and programs that have an impact on or contribute to the environment including but not limited to:

- waste management,
- recycling,
- energy management,
- emission management,
- water conservation,
- green building design, and
- procurement.

Council is committed to adopting a Green Procurement approach by supporting the principles of sustainable procurement within the context of purchasing on a Value for Money basis.

Value for Money purchasing decisions made by Council are carried out on the basis of whole-of-life cost and non-price factors including contribution to Council's environmental sustainability objectives.

Council prefers to purchase environmentally preferred products whenever they achieve the same function and value for money outcomes.

Council will therefore consider the following environmental sustainability criteria:

5.26.2 Reduce, Reuse, and Recycle

Council is committed to reduce resources, consumption and minimise waste during the procurement life cycle including:

- Council shall encourage and prefer Eco-friendly products which are more power efficient.
- Selecting energy, fuel and water efficient products (ideally Energy and Water Star Ratings of 4 Star and above, and the highest Green Vehicle Guide star rating)
- The Council shall prefer to purchase from a source which is less polluting or uses clean technology
- The Council's procurement projects should automatically consider the provision of re-usable products and recycling as part of the project planning process, including the consideration of whole-life costs and disposal considerations.

5.26.3 Buy Recycled

Council is committed to buy recycled/part recycled products to optimise consumption and stimulate demand for recycled products, promoting the collection and reprocessing of waste and working towards zero discharge to landfill.

5.26.4 Green the Supply Chain

Council shall encourage Council suppliers to adopt good environmental practices.

Council will actively promote green procurement throughout its supply chain and ensure selection which has minimum environmental impact.

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5.26.5 Social Sustainability

Social sustainability focuses on the social (or people) aspects of procurement and in particular social equity.

Social equity goals address disadvantage and are underpinned by principles of diversity, acceptance, fairness, compassion, inclusiveness and access for people of all abilities. A focus is placed on people who are underrepresented and people with less opportunity. Social Procurement generates positive outcomes for, and contributes to building stronger communities by elevating the inherent 'social value' of doing business.

Where applicable, Council staff will be supported to use Council's procurement processes and purchasing power to generate positive social and economic outcomes for our community through exploring opportunities to engage Social Enterprises for the procurement of goods or services and Council's commitment to actively participate in the G21 Regional Opportunities for Work (GROW) Program.

5.26.6 Support of Local Business

Council is committed to buying from local business where such purchases may be justified on Value for Money grounds.

Wherever practicable, Council will give effective and substantial preference to contracts for the purchase of goods, machinery or material manufactured or produced in Australia or New Zealand, and fully examine the benefits through purchasing goods, services or works from local suppliers/contractors.

Council will also seek from prospective suppliers/contractors, where applicable, details of the economic contribution they will make to the local Shire. A weighting percentage up to a maximum value of 10% will be assigned to this criterion for assessment. The percentage applied to any procurement will be determined by the quotation or tender evaluation Panel.

Such examples may include:

- Engaging and contracting with local suppliers
- Engaging local sub-contractors
- Suppliers/contractors participation in any apprenticeship schemes or employment of apprentices when tendering for projects and upon award.
- Contributing to the financial, social and environmental wellbeing of the Region.
- Enable the business expansion, growth and servicing of local business and contractors and
- Existing local businesses.

5.26.7 Apply a Consistent and Standard Approach

Council will provide effective and efficient commercial arrangements for the acquisition of goods and services.

5.26.8 Standard Processes

Council will provide effective commercial arrangements covering standard products and provision of standard services across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via a combination of the following areas:

- Pricing where relevant
- Processes, procedures and techniques
- Tools and business systems eg e-tendering
- Reporting requirements
- Application of standard contract terms and conditions.

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5.26.9 Performance Indicators and Management Information

A list of performance indicators will be developed to measure procurement performance. They will include criteria such as:

- The proportion of spend against corporate contracts
- User and supplier satisfaction levels measuring the success of procurement initiatives eg procurement cards

Council will also use external sources of management information to assist with the procurement decision making process.

5.27 Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers.

5.27.1 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- Managing existing suppliers to ensure the benefits are delivered.
- Maintaining approved supplier lists and compliance with Council's requirements for insurances and OH&S.
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

5.27.2 Supply Market Development

A wide range of suppliers will be encouraged to compete for Council work.

5.27.3 Relationship Management

The Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across the Council
- Criticality of goods / services, to the delivery of the Council's services
- Availability of substitutes
- Market share and strategic share of suppliers

5.27.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to Council. The external website will be updated and provide:

- Information about Council and how to become an approved supplier.
- Guidelines for doing business with Council.
- Standard documentation used in the procurement process.
- Links to other relevant sites.

5.27.5 Continual Improvement

The Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

5.27.6 Policy Owner and Contact Details

Council's General Manager Governance & Infrastructure is the designated owner of this policy.

6. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
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Contract documentation	Governance and Risk	Ongoing	Trim Files
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7. References

Councillor Code of Conduct
Staff Code of Conduct
Contract Management Procedures
Fraud Control Policy
Corporate Card Procedures
Gifts, Benefits & Hospitality Policy
OH&S Policy
Risk Management Policy
Chart of Authorities
Victorian Local Government Best Practice Procurement Guidelines 2013
Local Government Act 1989

Council acknowledges the MAV for the provision of the Model Procurement Policy and the Victorian Local Government Best Practice Procurement Guideline 2013 in the development of this policy.

4.7 Review of Sale or Exchange of Council Land Policy SCS-013

Author's Title: Property & Legal Services Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F11/794

Division: Governance & Infrastructure

Trim No: IC18/418

Appendix:

1. Sale or Exchange of Council Land Policy SCS-013 (D18/34906)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to endorse the Sale or Exchange of Council Land Policy SCS-013.

Summary

The Sale or Exchange of Council Land Policy SCS-013 has been reviewed by officers, and the Audit and Risk Committee on 21 November 2017, and is now being presented to Council for adoption.

Benchmarking against other Council policies was undertaken with reference being made to the Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land (June 2009).

The Policy now includes criteria to assist determine if land is considered surplus to Council's needs. These include:

- Existing use / potential future use
- Restrictions on Use
- Conservation Value
- Financial considerations
- Location.

The policy is now being presented for Council's endorsement.

Recommendation

That Council endorse the updated Sale or Exchange of Council Land Policy SCS-013 as presented.

4.7 Review of Sale or Exchange of Council Land Policy SCS-013

Report

Background

- The policy was adopted by Council in 2011
- Policy is due for review
- Benchmarking against other Council policies was undertaken with reference being made to the Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land (June 2009)
- Policy has been reworked
- Draft policy presented to the Audit & Risk Committee on 21 November 2017
- Criteria included determining if land is considered surplus.

Discussion

The policy will assist officers by providing a clear and transparent process regarding the sale or exchange of Council land.

Further, it will assist officers to determine if land will be considered as surplus prior to presenting a report to Council.

Financial Implications

There are no financial implications associated with this report.

Council Plan

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy Nil

Policy/Legal Implications

This policy has been developed to comply with legislation and best practice guidelines.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Without a policy there are inconsistencies in our approach to the sale or exchange of Council land and in determining if land is considered surplus.

Social Considerations

There are no social considerations associated with this report.

Community Engagement

Consultation under this policy will be undertaken with the objective of raising community awareness that Council is considering the future use of the property.

Environmental Implications

There are no environmental implications associated with this report.

Communication

See Community Engagement.

Options

Option 1 – Adopt the updated Policy as presented

This option is recommended by officers as the policy has been thoroughly reviewed against best practice guidelines, other Council policies, by officers and the Audit & Risk Committee. Adoption of the policy also ensures compliance with legislation.

4.7 Review of Sale or Exchange of Council Land Policy SCS-013

Option 2 – Adopt the Policy with amendments

This option is not recommended by officers as the policy has been through a rigorous process that has allowed consideration of issues, but there remains an opportunity to make changes if these are thought to be necessary.

Option 3 – Do not adopt the policy

This option is not recommended by officers as Council runs the risk of non-compliance with the Local Government Act and best practice guidelines.

Conclusion

Council's Sale or Exchange of Council Land Policy has been fully reviewed and is now being presented for final adoption in order to ensure compliance with legislation and best practice guidelines.

4.7 Review of Sale or Exchange of Council Land Policy SCS-013

APPENDIX 1 SALE OR EXCHANGE OF COUNCIL LAND POLICY SCS-013

COUNCIL POLICY



Sale or Exchange of Council Land	Document No:	SCS-013
	Approval Date:	
	Approved By:	
	Review Date:	
	TRIM Reference	D18/34834
Responsible Officer:	General Manager Governance and Infrastructure	
Authorising Officer:	Chief Executive Officer	

1. Purpose

The purpose of this policy is to establish the principles to be applied, and outline the procedures to be followed, in implementing the sale or exchange of Council Land.

It also provides criteria to determine if land is considered surplus.

2. Scope

This policy covers all land owned by Council. It does not apply to Crown Land controlled and / or managed by Council on behalf of the Crown.

3. Application

These guidelines apply to Council, its employees and contracted service providers.

4. Definitions

Not applicable.

5. Policy

Surf Coast Shire has a responsibility to manage its real estate assets so that municipal requirements are met, whilst considering the opportunity or holding costs associated with land assets. These requirements may change over time and Council's land assets schedule should be continually reviewed to ensure that land is being held for a specific purpose, or identified as land that may be suitable for disposal.

The current and future use of property, as well as the economic potential of disposal, will be considered by Council.

This policy has been prepared to assist Council and officers in establishing the principles to be applied and outline the procedures to be followed with regard to the sale of Council Land.

The sale or exchange of Council-owned land will be subject to a fair and transparent process. All sales or exchanges will:

- a) be considered in the strategic context of Council's economic, social and environmental objectives;
- b) be undertaken in a considered and responsible way and in compliance with legislative and other obligations;
- c) occur only after consultation with identified stakeholders and relevant sections of the community, taking into account all relevant comments and representations;
- d) be undertaken with the intention of securing the best balance of possible financial and /or other outcomes for the community; and
- e) be open to public scrutiny while maintaining appropriate levels of commercial confidentiality.

COUNCIL POLICY



5.1 Legislation

The *Local Government Act 1989* sets out the legislative requirements for the sale or exchange of Council owned land.

Council also seeks to adhere to the State Government Department of Planning and Community Development Local Government Best Practice Guidelines for the Sale, Exchange or Transfer of Land.

Council may, at its discretion, elect to undertake a public notice procedure and hearing of submissions in relation to any sales or exchanges that would otherwise be covered under Section 191 of the *Local Government Act 1989*.

5.2 Property Review and Designation

All properties will be reviewed periodically for municipal usefulness, with particular attention paid to land not currently or adequately used for municipal purposes.

To assist to determine if land is considered surplus, the following criteria will be considered:

5.2.1 Criteria – Surplus land

Existing use / potential future use

- Is the property used for a purpose associated with a service provision by Council?
- Does the property have future operational, community or recreational needs? If yes identify the use and timeframe? (5/10/ 20 years)
- Is the land identified in a plan or study? i.e. Eastern Reserve Master Plan, Growing Winchelsea Plan

Restrictions on Use

Are there reasons Council own the property for example:

- Covenant restriction on title
- Legal agreement restricting sale
- Gifted to Council for a specific purpose
- Contamination
- Given to Council as Public Open Space contribution and zoned Public Open Space
- Flood liability
- Acquired from unpaid rates.

Conservation Value

- Does the property have cultural, natural or heritage value that should be maintained?

Financial considerations

- Is there a cost to Council to maintain the site?
- Is the property a financial liability?
- Is there a benefit to utilise the revenue from the sale for other needs i.e. upgrading infrastructure on another site or purchasing a more suitable site?

Location

- Is there a better location to provide the service?
- Is the property in a growth area and may be required in the future to accommodate this growth?
- Is the proximity of the property close to other services i.e. cbd which gives the property high value / potential for the future?

Properties that are designated as surplus may be sold, exchanged or reserved for exchange for other land that the municipality requires.

COUNCIL POLICY



Council will not seek to retain surplus property, but will actively seek to sell, exchange or reserve such property in order to provide maximum social and economic benefit for the community.

The decision that property is surplus to Council's identified or expected service needs should be made at a Council meeting that is open to the public.

Council will undertake consultation in accordance with Section 5.4 prior to the Council meeting at which land may be considered to be surplus.

5.3 Preliminary Report to Council to Sell Land

Prior to any sale or exchange of land process commencing, including public notice or other consultation, a report is to be provided to Council outlining the following:

- 5.3.1 Description of property;
- 5.3.2 Current Council valuation and date of valuation;
- 5.3.3 Locality map;
- 5.3.4 Current use;
- 5.3.5 Reason for recommended sale;
- 5.3.6 History of Council ownership including a Certificate of Title;
- 5.3.7 Recommended method of disposal (refer to sections 5.5 to 5.8);
- 5.3.8 Recommended sale price range and justification if range is less than valuation;
- 5.3.9 Any specific terms or conditions;
- 5.3.9 Any encumbrances; and
- 5.3.10 Timelines for sale.
- 5.3.11 Authorisation for relevant officers to proceed with:
 - (i) Determining a preferred purchaser;
 - (ii) Undertaking the statutory process including public advertising; and
 - (iii) Execution of sale documentation, in the event that no submissions are received.

If submissions arise from step 5.3.11 (ii) above, the matter will proceed in accordance with the requirements of the Act and a decision may require formal resolution by Council.

If the report prepared by officers recommends that the property is to be sold, the report will be considered at a meeting that is closed to the public to keep the valuation and reserve price commercial in confidence.

If Council resolves to sell the property, the report will remain a confidential matter and only the Council resolution should be released to the public, with the exception of the valuation or reserve price with these and other financial details to remain confidential.

If Council resolves to not sell the property, it may consider whether the report should remain confidential or be brought into the open in full.

If the property has not previously been determined to be surplus to Council's needs through Council resolution at a meeting open to the public (refer to section 5.2) and Council is approached by a prospective purchaser, then a report shall also be prepared for Council to consider the status of the property at a meeting open to the public. In this case, consultation should occur in accordance with section 5.4 prior to preparation of the report unless the matter is deemed to be urgent by the Chief Executive officer.

The report relating to the determination that land is surplus (as per Section 5.2) must be considered before a report to sell the property (as per Section 5.3) can be considered. These reports may occur at the same meeting or a prior meeting.

5.4 Consultation Process

Consultation under Section 5.2 of this policy will be undertaken with the objective of raising community awareness that Council is considering the future use of the property. The consultation process may include

COUNCIL POLICY



public notice via website or newspapers, as well as consideration of direct notice to previous users, community groups and neighbouring landowners.

Consultation under Section 5.3 of this policy will be undertaken with the objectives of providing an open and transparent process for the community about the sale process and to meet Council's legislative obligations, rather than focus on the future of the land.

All statutory advertisements must include a legal property description and a local name by which the property is known (if any) together with all other relevant details in relation to the sale e.g. price, special conditions. Statutory advertising will be placed with Council's regular print media outlets.

5.5 Methods of Disposal

Sale or exchange of land may proceed in the following manner:

- 5.5.1 Public Competitive Sale (Auction or Agent)
- 5.5.2 Private Sale
- 5.5.3 Other Sales

5.6 Public Competitive Sale

After completing the public notice and submission requirements under the *Local Government Act 1989* and Council resolving to sell, the following procedures should apply:

- 5.6.1 At least two quotations be obtained from licensed agents to act for Council
- 5.6.2 Selection of an appropriate real estate agent to dispose of the property may be based on the following criteria but not limited to:
 - (a) type of property to be marketed
 - (b) relevant experience
 - (c) proposed commission
 - (d) necessary licences
- 5.6.3 Unless directed otherwise through Council resolution, the process of sale will be:
 - (a) By Expression of Interest where Council:
 - (i) has determined a preferred use or function for the land;
 - (ii) is seeking the best offer to achieve that desired outcome; and
 - (iii) may be willing to accept an offer that does not necessarily represent maximum financial return to Council.
 - (b) By auction where Council:
 - (i) has not determined a preferred use or function for the land; and
 - (ii) intends to accept an offer that represents maximum financial return.
 - (c) By direct negotiation where an Expression of Interest or Auction process has been pursued but not resulted in an accepted offer.
- 5.6.4 If reserve is met then sale proceeds
- 5.6.5 If reserve is not met, then any offer or proposal to amend reserve be referred to the Chief Executive Officer for consideration.

5.7 Private Sale

- 5.7.1 Unless directed otherwise through Council resolution, the process of sale will be by private sale where a public authority, public agency or similar public body has expressed interest in the acquisition of Council property for a community use or community benefit.
- 5.7.2 The Chief Executive Officer, or an officer authorised by the Chief Executive Officer, is empowered to negotiate with prospective purchaser/s where Council has determined a private sale method 5.7.3 The Chief Executive Officer to approve final sale price and any terms or conditions of sale.

COUNCIL POLICY



5.7.4 Sections 5.2 and 5.3 shall be satisfied prior to the Chief Executive Officer determining to sell a property through private sale.

5.8 Other Sales

If any sales fall outside the guidelines above then Council approval will be required prior to acceptance of any offer to purchase.

5.9 Contracts of Sale

All Contracts of Sale are to be prepared by Council's legal advisors and signed by the Chief Executive Officer under delegation.

5.10 Payment of Costs

Each party will bear their own costs in relation to a sale of land process. Council costs may include valuation fees, legal costs and real estate agent fees.

5.11 Authorisation

The Chief Executive Officer is authorised to negotiate and sign contracts of sale in accordance with the Chief Executive Officer's Instrument of Delegation or as resolved by Council.

5.12 Expiration of Sale Offer

An offer to sell land by Council will have been deemed to have lapsed under the following conditions:

- (a) If a written offer to purchase the property has not been received within a period of twelve months from date of Council resolution to sell, or
- (b) If a contract of sale has not been signed by a purchaser within a period of six months from date of a written acceptance of an offer by the Chief Executive Officer on behalf of Council.

In the event that the offer to sell lapses, the matter will be referred back to Council for further consideration.

5.14 Use of Proceeds

Unless otherwise resolved by the Council, sale proceeds from land other than that reserved as Public Open Space shall be assigned to the Accumulated Unallocated Cash Reserve.

Proceeds from the sale of land reserved for Public Open Space must be assigned as directed in the Local Government Act (1989), Planning and Environment Act (1987) and Subdivision Act (1988). In the event that there are no obligations under these pieces of legislation, then the proceeds will be assigned to the Accumulated Unallocated Cash Reserve.

5.15 Related Legislation, Guidelines, Specifications and Codes of Practice

Local Government Act 1989, Sections 189 & 191; Part 2 Section 89.2.
Planning and Environment Act (1987) and Subdivision Act (1988).
Department of Planning and Community Development, Local Government Best Practice Guidelines for the Sale, Exchange or Transfer of Land (June 2009).

5.16 Implementation and Review

This policy will be implemented by Council management and will be presented to the Audit Committee for periodic review.

The policy is subject to immediate review should any relevant legislation changes occur.

COUNCIL POLICY



6. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Legal Documents	Governance and Risk	Term of legal arrangements Ongoing	Relevant Trim File Legal documents register & storage

7. Attachments

Not applicable.

8. References

Local Government Act 1989 – S.189

Local Government Best Practice Guidelines for the Sale, Exchange or Transfer of Land – June 2009

5. ENVIRONMENT & DEVELOPMENT

5.1 Native Vegetation Offsets Policy SCS-036

Author's Title: Coordinator Strategic/Land Use Planning

General Manager: Ransce Salan

Department: Planning & Development

File No: F12/1367

Division: Environment & Development

Trim No: IC18/368

Appendix:

1. Native Vegetation Offsets Policy SCS-036 (D18/22966)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider the proposed Native Vegetation Offset Policy for adoption.

Summary

The policy sets two main policy positions for Council. It reinforces compliance with the requirements of State Government policies and guidelines regarding native vegetation offset sites, and states Council's preference that first party offset sites are not transferred to Council to own or manage.

The policy has been informed by other similar policies adopted by Victorian councils and has been reviewed and approved by Council's Operational Open Space Committee and Strategic Open Space Committee.

The policy reinforces Council's commitment to Environmental Leadership and supports the preservation and enhancement of the natural environment.

Recommendation

That Council adopt the Native Vegetation Offset Policy and make it publicly available.

5.1 Native Vegetation Offsets Policy SCS-036

Report

Background

This policy commenced development in 2017 in response to recent requests from developers in Torquay to transfer proposed conservation reserves to Council and also use that site as an offset area for the native vegetation to be removed as part of their development of their land for residential purposes.

Currently Council has no policy position on these matters although at the October 2017 Council meeting Council resolved as part of Planning Scheme Amendment C114 not to accept the Bellarine Yellow Gum conservation site in the Spring Creek Growth Area as a native vegetation offset site if transferred to Council.

Native vegetation is defined in planning schemes as “plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses”. The State Government “*Guidelines for the removal, destruction or lopping of native vegetation December 2017*” (“The Guidelines”) further classify a patch or a scattered tree which assist in measuring the value of native vegetation and assessing its removal.

The key policy for native vegetation in Victoria is a three step approach – avoid, minimise, offset. In summary, it means avoiding the removal of native vegetation, minimising the impacts if loss cannot be avoided, and finally providing an offset to compensate for the biodiversity impact if it is removed.

Offsets are often provided external to the development site (third party offsets) through a mechanism such as the Bush Broker Scheme which matches developers requiring an offset with landowners who can provide the offset site. A first party offset is where an offset is provided on the developer’s own land where the development is taking place. This policy is about First Party Offset sites.

Offset sites are encumbered with permanent restrictions and requirements which make their management incompatible with many uses, in particular open space. Open space reserve functions can include active recreation, walking trails and stormwater management which are incompatible with biodiversity conservation. In addition, the stringent requirements on offset sites constrain public access.

Council has in the past given planning approval for several developments with first party offsets including land to be transferred to Council as open space. Over time it has become apparent that not all the offset sites are being managed and in many cases do not comply with State Government guidelines for offset sites. State Government Guidelines changed recently with the new “*Guidelines for the removal, destruction or lopping of native vegetation December 2017*” incorporated into Victorian Planning Schemes.

Discussion

The policy has been developed by Council’s Environment Department with input from Strategic Planning and has regard to the Department of Environment, Land, Water and Planning policies on native vegetation and DELWP Guidelines for offset areas.

There are two main policy positions created by this policy:

- Requiring that native vegetation offsets meet the requirements of the State Government Guidelines.
- Setting Council’s preference that first party offset sites are not transferred to Council to own or manage. (Although Council maintains the ability to do so at its discretion if the site is of strategic significance).

The policy also reconfirms Council’s existing policy that conservation areas are considered to be encumbered and do not form part of an open space contribution for a subdivision or development.

The policy has been reviewed and approved by Council’s Operational Open Space and Strategic Open Space Committees.

A number of councils in Victoria have similar adopted policies and the policy of the City of Hume and City of Bendigo were informative in the development of this policy for the Surf Coast Shire.

5.1 Native Vegetation Offsets Policy SCS-036

Financial Implications

Offset sites are secured through legal mechanisms and have significant ongoing management, monitoring and auditing costs. If Council were to accept an offset site as owner or land manager, Council would require an appropriate amount be transferred to Council with the land to compensate for future costs. However, this proposed policy states Council's preferred position that first party offset sites should be owned and managed by land owners other than Council.

Council Plan

Theme 2 Environmental Leadership
Objective Nil
Strategy Nil

Policy/Legal Implications

This Council decision will implement a new policy position for Council as a land manager and owner.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is no risk associated with adopting this policy.

Social Considerations

The policy will have positive social implications as it will ensure that Council does not take on additional biodiversity conservation obligations for native vegetation offsets and open space reserves owned by Council will remain publicly accessible and useable.

Community Engagement

External consultation has not taken place as Council is making a decision as a landowner/manager and not as a Planning Authority. Following adoption, the policy will be made available to the public.

Environmental Implications

This policy sets a position regarding first party offset sites and the preference that such sites are owned or managed by landowners other than Council. However, Council is not the only option and other options continue to exist for developers to obtain offsets through other means e.g. either by continuing to keep ownership of the parcel with a Trust for Nature Covenant in place, or by providing a third party offset.

Council has not changed its position regarding the transfer of sites to Council, as part of a development, where significant biodiversity values exist. These are generally described as 'Conservation Reserves' and in most instances Council is willing to accept those parcels of land and manage them into the future to ensure the biodiversity values on the site are protected and enhanced. They do not form part of the public open space contribution.

Therefore it is considered that there are no negative environmental implications arising from the adoption of this policy.

Communication

Following adoption this policy will be made publicly available.

Options

Option 1 – Adopt the Native Vegetation Offset Policy

This option is recommended by officers as it clarifies Council's position as landowner for offset sites and reinforces the need for compliance with the requirements of the State Government Guidelines and policies.

Option 2 – Do Not Adopt the Policy

This option is not recommended by officers as the policy provides clarity on important issues arising from development in the Shire and the ongoing management of offset sites.

Option 3 – Defer Adoption of the Policy

This option is not recommended by officers as Council is currently without a policy position on these matters which currently arise during development.

5.1 Native Vegetation Offsets Policy SCS-036

Conclusion

The proposed Native Vegetation Offset Policy reinforces State Government requirements for offset sites and sets a clear policy position for Council as a landowner that first party offset sites should be owned and managed by others. The policy provides clarity and certainty for developers, avoids the transfer to Council of significant ongoing management costs, and establishes good open space outcomes for the community. The policy has been informed by other examples adopted by councils in Victoria and does not set an untested precedent. Therefore, it is recommended that the Native Vegetation Offset Policy be adopted in the form proposed.

5.1 Native Vegetation Offsets Policy SCS-036

APPENDIX 1 NATIVE VEGETATION OFFSETS POLICY SCS-036

COUNCIL POLICY



Native Vegetation Offsets Policy	Document No:	SCS 036
	Approval Date:	
	Approved By:	
	Review Date:	
	TRIM Reference	D18/15835
Responsible Officer:	General Manager Environment and Development	
Authorising Officer:	Chief Executive Officer	

Policy Basis: This policy is based on the document entitled: *Guidelines for the removal, destruction or lopping of native vegetation, Department of Environment Land Water and Planning 2017*

1. Purpose

This Policy will:

- Support implementation of Victoria's *Guidelines for the removal, destruction or lopping of native vegetation* (and any subsequent approved regulations or guidelines) requiring approved clearing of native vegetation to have an offset that makes an equivalent or greater contribution to Victoria's biodiversity.
- Ensure proposed offset areas meet eligibility requirements as defined by the State Government and Council.
- Provide direction to permit holders on the location of first party native vegetation offset areas (ie offsets are established on land owned by the permit holder).
- Confirm that native vegetation offset sites cannot be used as any part of Public Open Space Contributions.
- Ensure applicants bear responsibility for costs relating to the establishment and management of native vegetation offset areas.
- Further Council's commitment to environmental leadership and support the preservation and enhancement of the natural environment.

2. Scope

This policy applies to all proposals for native vegetation removal where planning approval is required and where the applicant is proposing a First Party Offset.

3. Application

This policy is applicable to any planning permit application or planning approval under the Surf Coast Planning Scheme where native vegetation is proposed to be removed and a first party native vegetation offset is proposed.

4. Definitions

Native vegetation offset	An offset that provides an equivalent or greater contribution to Victoria's biodiversity in exchange for the legal removal of native vegetation through the issue of a planning permit.
First Party Offset	A secured native vegetation offset secured on the landowner's privately owned land (excluding all publicly owned land or Crown Land).
Public Open Space Contribution	In this case, a land contribution as a public open space contribution under section 18 of the Subdivision Act 1988 or Clause 52.01 of the planning scheme.

COUNCIL POLICY



5. Policy

It is policy that:

- (a) Council is committed to avoiding and minimising the loss of native vegetation in any proposal. It must be demonstrated to Council's satisfaction that these options have been fully explored and discounted prior to proposing the removal of native vegetation. Alternatives include: redesign of the proposal or a reduction in size of the development.
- (b) Offset sites must meet the eligibility criteria as outlined in section 5.1.
- (c) Native vegetation offset sites cannot be used as Public Open Space Contributions as outlined in Section 5.2.
- (d) First Party Offset sites should be incorporated into land owned and managed by landowners other than Council.
- (e) Council may, at its discretion, by Council resolution, agree to takeover ownership of an offset site if such a proposal is of strategic benefit.

5.1 Eligibility

The offset site must be eligible to be an offset site, with eligibility confirmed against State government criteria and Council requirements including but not limited to the following:

a) The site must be able to be protected by a legally binding offset security agreement

An area of vegetation is eligible to be a First Party Offset site if the applicant can enter into a legally binding offset security agreement and commit to the following minimum security standards:

- Contains legally enforceable provisions
- Has no termination date
- Is approved by Council or the Department of Environment, Land, Water and Planning.

It is Council's preference for First Party Offset areas to be secured with a covenant under Section 3A of the *Victorian Conservation Trust Act 1972* (a Trust for Nature covenant).

The costs of securing any legally binding offset is the responsibility of the applicant.

b) The site must not be subject to an existing offset or agreement

Is the site part of an existing offset or agreement such as a conservation covenant? A site can only be eligible as an offset if it has not already been used to offset the clearance of native vegetation; has not been subject to an agreement under an incentive or grant program to undertake actions equivalent to commitments in a first party general offset agreement; has not been designated as an area for native vegetation legislative enforcement purposes and is not already protected by an existing agreement (e.g. a conservation covenant).

c) The applicant must agree to minimum management commitments

For an area of native vegetation to be eligible to be an offset the applicant must agree to minimum ongoing management commitments included in a **10 year** management plan. The management plan must be included in the legally binding offset security agreement. The following minimum commitments must form part of any management plan:

- Retain all standing trees (dead and alive)
- Exclude stock and other threats such as unregulated public access
- Ensure weed cover does not increase beyond the current level (Catchment and Land Protection Act and non-Catchment and Land Protection Act weeds combined)
- Monitor for any new and emerging weeds and eliminate to less than one percent cover
- Retain fallen logs and timber
- Control rabbits

COUNCIL POLICY



Additional commitments will also be required to ensure the site meets eligibility criteria. For example, fencing and formed pathways may be required to control public use of the site to remove threats to long term conservation.

The offset site must be maintained in perpetuity at the condition achieved at the end of the first 10 years of the management plan.

d) Current and future land use must be compatible with an offset site

Incompatible uses include but are not limited to:

- Activities requiring removal of logs or trimming/clearing of understorey plants or trees
- Horse-riding, cycling or motorised vehicle use off established tracks
- Unrestricted public access where walking or off-track cycling may require trimming to remove hazards or directly trample vegetation
- Infrastructure easements
- Cropping
- Earthworks
- Ongoing activities that are likely to degrade vegetation condition or restrict improvement in vegetation condition e.g. informal recreation, mowing, stormwater management, off-lead dog walking.

e) The site must be free of current and future threats to the native vegetation condition

There must be no current or future threats to managing the native vegetation for conservation purposes. Examples of potential threats include but are not limited to:

- High levels of nutrient runoff
- Secondary salinity
- Continuing significant erosion which can't be controlled without impacting the vegetation
- Likely ongoing invasion of pest plants and animals
- Planned disturbances such as fuel reduction burning or flood mitigation

f) The location and management of the offset site must be compatible with bushfire management

Management of an offset site should not be restricted by the need to take action to address bushfire hazards and should not increase the bushfire hazards of adjoining or nearby properties. Eligible sites must conform to the following:

- **Outside a Bushfire Management Overlay:** A site is not eligible to be an offset if it is within 50 metres of a dwelling or land (but not a road) in a residential zone. The 50 metres allows for any future modification of vegetation in order to create defensible space around a dwelling.
- **Within a Bushfire Management Overlay:** A site is not eligible to be an offset if it is within 150 metres of a dwelling or land (but not a road) in a residential zone, unless confirmation is obtained from the Country Fire Authority or local government Municipal Fire Prevention Officer that the offset site will not increase bushfire risk. The 150 metres allows for any future modification of vegetation within the defensible space zone, and avoids increasing the bushfire hazard within the 150 metre assessment area.

g) Minimum standards for patches of native vegetation

To be eligible to be an offset site patches of native vegetation must have a minimum 'site condition offset score' of 30 out of 75. If the offset is a treeless Ecological Vegetation Class, the site must have a minimum 'lack of weeds' score of 7 out of 15.

COUNCIL POLICY



5.2 Native vegetation offset sites cannot be part of Public Open Space Contributions

Native vegetation offset sites are encumbered with permanent restrictions and requirements that make their management incompatible with many uses. Native vegetation offset sites cannot be used as Public Open Space Contributions.

Offset sites are not compatible with some open space reserve functions including active recreation, walking trails and stormwater management. In many cases public access and the risk management practices necessary to allow public use may conflict with the primary function of the site for native vegetation offsets and biodiversity conservation.

5.3 Long term ownership and management of First Party Offset sites

Council's preference is for First Party Offsets to be incorporated into allotments owned and managed by land owners other than Council.

If Council determines an offset site to be of strategic significance, it may consider accepting ownership of the land. This decision must be ratified at an ordinary Council meeting. In the event of Council accepting a transferral of land, the offset site must be secured by a Trust for Nature covenant. A Section 173 agreement under the Planning and Environment Act cannot be used to secure the offset.

6.0 References

- Guidelines for the removal of native vegetation Department of Environment Land Water and Planning 2017
- Native vegetation gain scoring manual, Version 2, Department of Environment Land Water and Planning 2017

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Not applicable.			

6. CULTURE & COMMUNITY

6.1 Recreation and Open Space Projects - Planning and Prioritisation

Author's Title: Recreation Planning Coordinator **General Manager:** Chris Pike
Department: Recreation & Open Space Planning **File No:** F17/557
Division: Culture & Community **Trim No:** IC18/282

Appendix:

1. Recreation and Open Space Project - Planning and Prioritisation Framework (D18/35743)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider the adoption of a set of principles, actions and assessment methodology to improve Council's recreation and open space planning and prioritisation practices.

Summary

Recreation and Open Space masterplans have traditionally been developed to guide investment in high use facilities and spaces such as recreation reserves, community building clusters and high value open spaces. With a time horizon of 10 years, they have typically identified a list of projects for future implementation.

Council has completed 31 recreation and open space masterplans since 1999 that consist of 881 actions including building upgrades, active recreation facilities, civil and drainage upgrade, landscaping and signage related projects. A total of 562 projects have been delivered with 319 projects (Development Contributions Plan 152, non-DCP 167) remaining outstanding and not yet commenced.

The cost to implement the 167 non-DCP related projects is estimated at \$15million which is well above Council's capacity to fund. Council's Open Space Strategy 2016-2025 recommends the following actions to achieve an improved holistic approach to recreation and open space planning:

- Action 25: Consider establishing a dedicated annual CAPEX and new initiatives budget for open space
- Action 33: Open space planning will be on a precinct basis
- Action 35: Review existing masterplans.

Officers have developed this new approach, driven by a set of guiding principles and key actions summarised as follows:

- Developing a prioritised pipeline of projects that can realistically be delivered within ten years
- Allocating a consistent amount of funds to progress the pipeline of projects
- Determining the priority and timing of projects with a transparent and objective set of assessment criteria
- When Council plans/designs a project, it will seek to construct it as soon as possible
- Adopting a rolling four year program of projects and communicating this publicly to improve understanding of Council's capacity to fund recreation and open space projects
- Funding projects over multiple years (i.e. plan, design, construct)
- No longer developing site-based masterplans, moving to a precinct planning approach.

Adopting this new approach will ensure that Council is able to better meet community expectation and improve community understanding regarding what recreation and open space projects may be able to be funded by Council and when.

6.1 Recreation and Open Space Projects - Planning and Prioritisation

Recommendation

That Council:

1. Adopt the Recreation and Open Space Project - Planning and Prioritisation Framework as attached at Appendix 1.
2. Note that a draft four-year program of recreation and open space projects will be included in the 2018/19 Draft Annual Budget documentation (to be considered by Council in April 2018) with a view to communicating this widely to clubs and groups affected by this matter.

6.1 Recreation and Open Space Projects - Planning and Prioritisation

Report

Background

Recreation and Open Space masterplans have traditionally been developed to guide investment in high use facilities and spaces such as recreation reserves, community building clusters and high value open spaces. With a time horizon of 10 years, they have typically identified a list of projects for future implementation.

While they are often incorporated into Structure Plans, they have typically had minimal or no relationship with other public realm plans (e.g. land managed by GORCC or VicRoads or town/shopping centre plans).

Council has completed 31 recreation and open space masterplans since 1999 that consist of 881 actions including building upgrades, active recreation facilities, civil and drainage upgrade, landscaping and signage related projects. These masterplans include Development Contributions Plan (DCP) projects which Council is levying contributions for the purpose of delivering a variety of facilities and has a contractual commitment to deliver. The current status of these masterplan projects is as follows:

- Masterplans span 1999 - 2017 (6 MP's more than 10 years old)
- Total masterplan actions endorsed = 881 (including DCP)
- Masterplan actions completed = 562 (inc DCP) – 64%
- Masterplan remaining actions = 319 (DCP 152, non-DCP 167)
- Cost to implement remaining actions = approx. \$15M (non-DCP only)
- 76 actions (50%) are landscape projects totalling \$3.5M.

Discussion

There are a number of key issues that are impacting Council's capacity to strategically plan and fund recreation and open space opportunities across the Shire. Many of the projects in Council's endorsed masterplans have not been well scoped or costed and lack a holistic approach that considers all of the township's recreation and open space priorities.

There are significantly more project proposals within township precincts than there are Council funds available to deliver them (even to match external grants). Council requires a consensus view from local communities regarding what elements should take priority over others which an improved holistic precinct planning approach will provide.

There is no annual recreation and open space project allocation in Council's long-term financial plan which limits Council's capacity to provide certainty to the community regarding when their projects are likely to be delivered. Council's Open Space Strategy 2016-2025 recommends the following actions to improve Council's recreation and open space planning practices:

- Action 25: Consider establishing a dedicated annual CAPEX and new initiatives budget for open space
- Action 33: Open space planning will be on a precinct basis
- Action 35: Review existing masterplans.

New Approach to Prioritising Recreation and Open Space Projects

The Local Government Draft Bill 2018 foreshadows the introduction of a four-year Council budget. In response to this and the endorsed actions of the Open Space Strategy 2016-2025, officers have developed a principle based approach with recommended actions to prioritising recreation and open space projects.

The Recreation and Open Space Project - Planning and Prioritisation Framework as attached at Appendix 1 will help guide Council decision making with regard to recreation and open space planning and provision.

These actions will ensure that Council is able to better meet community expectation and improve community understanding regarding what recreation and open space projects may be able to be funded by Council and when.

Financial Implications

Over the past three years Council has spent on average \$750,000 per year on recreation and open space projects excluding DCP related projects.

6.1 Recreation and Open Space Projects - Planning and Prioritisation

Officers recommend that Council consider the inclusion of an annual allocation for recreation and open space projects within its long-term financial plan. This will ensure that Council is able to annually produce and publish a rolling four year program of projects to align with the annual (four year) budget (as per the Local Government Draft Bill 2018).

Council Plan

Theme 1 Community Wellbeing

Objective 1.1 Support people to participate in and contribute to community life.

Strategy 1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations.

Policy/Legal Implications

The recommendations in this report consider and support:

- the endorsed actions of Council's Open Space Strategy 2016-2025; and
- the Local Government Draft Bill 2018 that foreshadows Council producing a four-year Council budget.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is currently no annual budget allocation to deliver masterplan projects. The lack of consistent funding limits Council's ability to leverage external funding and provide certainty to the community regarding what projects will be delivered and when. There is a reputational risk if Council does not change its approach to recreation and open space planning to be able to better meet community expectation.

Social Considerations

The recommendations in this report will provide positive outcomes for our community. The principles and actions will guide Council decision making with regard to recreation and open space planning and provision, increasing transparency for our community. Council will no longer develop site-based master plans, instead shifting to the consideration of recreation and open space needs and priorities holistically on a precinct basis.

Community Engagement

Significant community engagement is undertaken as a routine practice in establishing plans and strategies that underpin project proposals.

No community engagement activities have been undertaken in the development of this report.

Environmental Implications

There are no environmental implications relating to the recommendations in this report.

Communication

Council will annually produce and publish a rolling four year program of projects to align with the annual (four year) budget. This will be widely shared with groups and clubs with an interest in securing financial support from Council for recreation and open space projects now and into the future. A detailed Communication and Engagement Plan will be developed and presented to Council as part of the approval process in establishing future precinct planning projects.

Options

Option 1 - Adopt the principles and actions for prioritising recreation and open space projects as detailed in this report

This option is recommended by officers as it aligns to Council's adopted Open Space Strategy 2016-2025 and will ensure that Council is transparent in its plans, while maximising certainty for communities wishing to see recreation and open space projects delivered.

6.1 Recreation and Open Space Projects - Planning and Prioritisation

Option 2 - Do not adopt the principles and actions for prioritising recreation and open space projects as detailed in this report

This option is not recommended by officers as it does not address the large number of projects identified in endorsed masterplans that are not yet commenced and outside Council's capacity to fund. There is a significant reputational risk for Council in not changing its planning approach to better meet community expectation.

Option 3 – Adopt a different set of principles and actions for prioritising recreation and open space projects

This option is not recommended by officers as the principles and actions have been developed following a comprehensive assessment of the major reform changes proposed in the Local Government Draft Bill 2018 and are considered by officers to be the principles and actions most likely to successfully improve Council's recreation and open space planning practices.

Conclusion

Officers have reviewed the proposed reform changes and identified a comprehensive list of principles and actions that align to the Local Government Draft Bill 2018 and will improve Council's recreation and open space planning practices. The key proposals recommended by officers include adopting a rolling four year program of projects, funded by a consistent annual budget allocation and moving to a new precinct planning approach in favour of the historical practice of developing masterplans for specific locations.

6.1 Recreation and Open Space Projects - Planning and Prioritisation

**APPENDIX 1 RECREATION AND OPEN SPACE PROJECT - PLANNING AND PRIORITISATION
FRAMEWORK**

RECREATION AND OPEN SPACE PROJECT - PLANNING AND PRIORITISATION FRAMEWORK

The Local Government Draft Bill 2018 foreshadows the introduction of a four-year Council budget. In response to this a set of principles, actions and assessment methodology has been developed to prioritise current and future recreation and open space projects.

1. Principles

- Council will develop a prioritised pipeline of recreation and open space projects that can realistically be anticipated to be delivered within four years
- Council will allocate a consistent amount of funds in its financial plans to progress the pipeline of recreation and open space projects
- Council will be transparent in its plans, seeking to maximise certainty for communities wishing to see recreation and open space projects delivered
- Council will determine the priority and timing of recreation and open space projects with consideration of a transparent and objective set of assessment criteria
- When Council plans/designs a project, it will seek to construct it as soon as possible.

2. Actions

- Council will include an annual allocation for recreation and open space projects within its long-term financial plan
- Council will annually produce and publish a rolling four year program of projects to align with the annual (four year) budget (as per the Local Government Draft Bill 2018)
- Council will fund projects over multiple years based on the different phases of a project (i.e. plan, design, construct)
- Council will no longer develop site-based masterplans, instead shifting to the consideration of recreation and open space needs and priorities on a precinct basis
- The four year rolling program of recreation and open space projects will be developed by drawing on all available masterplans (until they are superseded by precinct plans), precinct plans, strategies and community project investigations
- Council will adopt and consistently apply a rigorous project assessment and prioritisation methodology to develop the rolling program of projects.

3. Assessment Methodology

This is a collaborative assessment with relevant service managers resulting in a score out of 100 that rates a project as a low (<50), medium (50-59) or high (60+) priority. Officers are able to apply this methodology to develop a prioritised pipeline of projects and recommend to Council on an annual basis a rolling four year program of works.

Criteria	Score 1 - 5	Weighting	Total Score
Is the project proposal in an existing strategy, masterplan or renewal program?		x 3 – Considers level of priority in an already endorsed plan and potential renewal funding leverage	
Does the proposal have high community benefit?		x 5 - Considers Council purpose and return on investment	
Does the proposal have high community interest?		x 2 - Considers level of interest across the community	
Does the proposal have high community cash contribution?		x 3 - Encourages community groups to invest in Council infrastructure	
Does the proposal have low project complexity/risk?		x 2 - Considers level of risk against Program Management Office complexity tool	
Is the proposal low cost to Council (initial and through lifecycle)?		x 2 - Considers constrained financial environment	
Does the proposal have an identified grant program to leverage?		x 3 - Ability for project to leverage external funding	
Total			

6.2 Torquay Hotel Electronic Gaming Machine Application

Report

Background

On 2 March 2018, Council received a letter from the Victorian Commission of Gambling and Liquor Regulation (VCGLR) informing Council of an application to increase the number of electronic gaming machines at the Torquay Hotel by 15 machines, taking the total machines to 45 at the venue.

Under section 3.4.18C of the Gambling Regulation Act 2003 (the Act), Council has 37 days from receipt of notification from the VCGLR to advise if it intends to make a submission relating to the application. Council has until Monday 9 April 2018 to advise the VCGLR if they intend to make a submission. Should Council decide to make a submission they have until Tuesday, 1 May 2018 to submit to the VCGLR.

The VCGLR will assess the application in accordance with the Act, taking into account the impact the proposal will have on the social and economic well-being of the community. This will take place at a public hearing at which Council may appear.

The Council Plan (incorporating the Health and Wellbeing Plan) includes Strategy 7 - Reinforce policies to manage electronic gaming machines.

The last time Council considered an application for additional gaming machines made to the VCGLR – by the Torquay Hotel in 2013 – Council took the opportunity to make a submission to that authority. Council resolved to write to the VCGLR that:

- It strongly objected to the proposed addition of 15 electronic gaming machines (from 15 to 30).
- In the event that the VCGLR determined to grant the application for the additional EGMs, 13 conditions be applied related to access, hours, cash contributions to the community and venue improvements.

Several of these conditions were ultimately applied when the VCGLR granted a licence for the additional machines.

Discussion

In 2010 Council amended the Surf Coast Shire Planning Scheme to include the Gaming Policy (see attached). This policy provides advice on how and where gaming venues and electronic gaming machines should be located. Research has concluded that there are links between social disadvantage, problem gambling and proximity to gaming venues.

Policy Objectives:

- To avoid risk of exacerbating problem gambling
- To ensure that the installation or use of electronic gaming machines will not have a detrimental impact on the amenity, culture or character of a community
- To ensure that the location of electronic gaming machines will not be detrimental to the social and economic wellbeing of the community
- To protect the amenity of existing uses surrounding gaming venues.

The Policy states that proposals for gaming machines are assessed against criteria that evaluate:

- Appropriate areas gaming venues should be located (Townships)
- Appropriate sites gaming venues should be located (location in Township i.e. not in main town centre)
- Appropriate venues (does the venue offer more than just gambling, percentage of gaming floor of total venue, hours of operation).

To assist Council in assessing the above criteria applicants are required to submit a Social and Economic Impact Assessment as part of their application.

The Torquay Hotel as part of its application has submitted a Social and Economic Impact Assessment addressing the key criteria outlined in Council's Gaming Policy. Council officers are currently working through this assessment to determine if the information provided does or does not satisfy the requirements of the Policy.

6.2 Torquay Hotel Electronic Gaming Machine Application

As part of the licence application to the VCGLR Torquay Hotel is required to outline conditions of their licence approval. Below are the conditions proposed by Torquay Hotel:

- Torquay Hotel will undertake a \$600,000 redevelopment of the venue within the next two years. These works will focus on updating the amenity of the spaces as well as creating additional bistro and alfresco seating to cater for peak periods
- Provide an annual additional \$30,000 cash contribution to be donated to a range of community organisations for the life of the entitlements (up to 2022).

Assessment of conditions on existing Torquay Hotel electronic gaming machines has found that the Hotel was required to provide the following:

- Extension to the Bell's Gallery function area (Bar Lounge) which would increase the function capacity by 120 patrons
- Upgrade children's play area
- Community cash contribution of \$25,000 per year
- 2 additional full time positions
- 8-10 additional casual positions.

The new owners of the Torquay Hotel have highlighted to Council's and the VCGLR's that the majority of the above conditions have failed to be met by the previous owners. This is of concern particularly as it relates to consideration of the new application and the conditions proposed by the proponents.

It would be prudent for Council to reserve the right to make a submission to the VCGLR on the new application.

Financial Implications

There are no financial implications for Council relating to this matter.

Council Plan

Theme 1 Community Wellbeing
Objective 1.2 Support people to be healthy and active
Strategy 1.2.4 Reinforce policies to manage electronic gaming machines

Policy/Legal Implications

In 2010 Council amended the Surf Coast Shire Planning Scheme to include the Gaming Policy (see attached). This policy provides advice on how and where gaming venues and electronic gaming machines should be located and criteria on which applications should be assessed. To assist Council in assessing the criteria applicants are required to submit a Social and Economic Impact Assessment, Torquay Hotel has completed this requirement.

In relation to making a submission to the VCGLR the legal requirements are that the VCGLR are notified by 9 April 2018 of Council's intention to make a submission relating to the application and that this submission be completed prior to 1 May 2018. The submission will be heard at a public hearing in which Council can attend.

Council's planning department are currently seeking legal advice on the requirement of a planning permit for the proposed additional 15 machines. Legal advice obtained in the consideration of the application in 2013 found that no permit was required in that instance.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The issue of gaming machines and their increase in the municipality needs to consider the impacts on the broader community and issues of problem gambling. The opportunities and risks associated with the current application are still being assessed.

6.2 Torquay Hotel Electronic Gaming Machine Application

Social Considerations

Current Council policy aims to reduce the impact on the community from gaming machines by ensuring they are not located in areas of disadvantage or where convenience gambling could be promoted. The Torquay Hotel has argued that the social and economic impacts of the current proposal would have minimal impact and be in compliance with Council policy. Officers are still assessing the application and associated documents to confirm the proposal is consistent with Council policy and will not result in net detriment to the community.

Community Engagement

At present officers are still digesting all available information and consulting with the sector and adjacent Councils, no Council led community engagement has commenced. However, the Victorian Local Governance Association, through their program *Community Solutions: Local Government Working for a Victoria Free from Gambling Harm*, have started engaging the community and providing support for individuals or groups who wish to make submissions to the VCGLR.

Environmental Implications

There are no specific impacts on the natural environment from the proposal.

Communication

Should Council resolve to make a submission officers will inform the VCGLR, Torquay Hotel and adjacent Councils.

Options

Option 1 – Inform the Victorian Commission of Gaming and Liquor Regulation of Councils intention to make a submission in relation to the Torquay Hotel's electronic gaming machine application

This option is recommended by officers as the preferred option as it provides officers with additional time to digest all available information and consult with the sector, community and adjacent Councils in relation to the application. A submission provides the opportunity for Council to emphasise whatever it finds is important for the VCGLR to take into account in its deliberations.

Option 2 – Do not make a submission to the Victorian Commission of Gaming and Liquor Regulation in relation to the Torquay Hotel's electronic gaming machine application

This option is not recommended by officers as officers are still working through all the information included within the application and assessing it against Councils Gaming Policy. From the information already assessed officers do have some concerns relating to the net community benefit proposed by Torquay Hotel. If Council do not advise the VCGLR of its intention to make a submission, Council loses the opportunity to emphasise key points in this process.

Conclusion

Officers are still analysing all available information and consulting with relevant groups and bodies. It is clear that it would be prudent to reserve Council's right to make a submission to the VCGLR.

6.2 Torquay Hotel Electronic Gaming Machine Application

APPENDIX 1 SURF COAST SHIRE GAMING POLICY

SURF COAST PLANNING SCHEME

22.08 GAMING POLICY

22/03/2012
C72

This policy applies to a planning permit application to install or use a gaming machine, or use land for the purpose of gaming.

22.08-1 Policy basis

22/03/2012
C72

This policy implements the objective and strategies of clause 21.02 of the Municipal Strategic Statement by setting out how and where gaming venues and electronic gaming machines should be located.

Research has concluded that there are links between social disadvantage, problem gambling and proximity to gaming venues. Although gaming machines may be accessible to the community as a form of entertainment, they should not be convenient and should be located at a distance that requires a pre considered decision to gamble.

The location of electronic gaming machines should have regard to the socio-economic characteristics of a community, avoiding relatively disadvantaged areas that are most vulnerable to the potential harmful affects of gaming.

Surf Coast Shire is renowned for its rich and diverse environmental, cultural and scenic landscapes and character, which are highly valued by its existing, and growing number of, residents and tourists. People come to the Surf Coast for its many outdoor entertainment and recreational opportunities such as swimming, surfing, bushwalking and fishing. Gaming facilities are not part of the existing attraction, with relatively few venues offering electronic gaming machines. It is essential that the approval of any new gaming facilities will not have a detrimental impact on the existing amenity, culture and character of Surf Coast townships.

22.08-2 Objectives

22/03/2012
C72

To avoid the risk of exacerbating problem gambling.

To ensure that the installation or use of electronic gaming machines will not have a detrimental impact on the amenity, culture or character of a community.

To ensure that the location of electronic gaming machines will not be detrimental to the social and economic well being of the community.

To protect the amenity of existing uses surrounding gaming venues.

22.08-3 Policy

22/03/2012
C72

It is policy that proposals for gaming machines are assessed against the following criteria:

Appropriate areas

- Gaming machines should be located:
 - In major urban settlements which service a large population catchment;
 - Where the community has a choice of non-gaming entertainment and recreation activities operating during the times that the proposed gaming machines will operate;
 - Where the gaming machine densities (based on the permanent population) are lower than the regional Victorian average;
 - Away from towns that are classified as having high housing stress; and
 - Away from towns where the levels of socio-economic disadvantage are in the bottom 33% as set out in the SEIFA Index of Relative Disadvantage for Postal Area Codes.

SURF COAST PLANNING SCHEME

- Gaming machines may be located outside established townships where they are in a sports or recreation club with a land holding of more than 2 hectares.

Appropriate sites

Gaming machines should be located on sites:

- That minimise the likelihood of people passing the venue in the course of their usual business or everyday activities;
- Towards the periphery of town centres and tourism precincts, outside of the main transport, shopping, community and civic functions of the centre/precinct; and
- Away from foreshore activity areas and key community facilities.

Appropriate venues

Gaming machines should be located in venues that:

- Are a destination in their own right;
- Promote non-gaming activities that increase net community benefit;
- Have a range of entertainment, leisure and/or recreational options other than gaming as the primary purpose of the venue;
- Have gaming floor area of less than 25% of the total floor area of the venue;
- Will not detrimentally affect the amenity of the surrounding area through their appearance, signage or generation of noise and disturbance; and
- Do not allow for 24 hour-a-day operation.

It is policy to discourage the display of large, illuminated signage associated with electronic gaming activities.

22.08-4
22/03/2012
C72

Application requirements

An application must include the following information to the satisfaction of the responsible authority:

- Details about the existing and proposed distribution of electronic gaming machines in the municipality, and where appropriate adjoining municipalities.
- A comprehensive impact assessment outlining the environmental, economic and social benefits and costs of the proposed gaming machines, including a description of the existing character and culture of the town.
- Details of the nature and extent of net community benefit expected from the proposal and how the benefits are to be secured and distributed to the local community.
- If relevant, details of existing gaming expenditure at the venue (over a 3 year period prior to the application) and a forecast of the anticipated expenditure at the venue if the proposal was to be approved.
- Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities at the venue and within the local area.
- If gaming machines are to be relocated from other venues, the likely social and economic impact of the proposal on those venues and the local area within which those venues are located.
- If the applicant contends that gaming expenditure is likely to be transferred from other venues, the applicant is to provide:
 - particulars as to how the level of transfer has been calculated (including, but not limited to, comparison per machine expenditure at the venue prior to and then after the additional machines, current usage levels of machines at the venue, projected usage level of machines at the venue after the additional machines);

SURF COAST PLANNING SCHEME

- the amount of transfer expenditure anticipated;
 - the resulting impact on revenue of the venue from where the expenditure is transferred; and
 - the resulting impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditures, loss of customers, impact on ability to provide services etc).
- If it is proposed to move gaming machines from one part of the municipality to another, details of the relative social and economic differences between the two towns.
 - An explanation as to why the gaming machines are being transferred.
 - The relative socio-economic disadvantage of the township and the broader catchment of the venue in comparison to the Victorian average in the SEIFA Index of Relative Disadvantage.
 - A venue management plan identifying operating hours and strategies to manage patron behaviour and minimise problem gambling in relation to the design and management of the venue, including the applicant's responsible gaming practices.
 - Details of the design and layout of the premises including all proposed signage, location and number of car parking spaces and evidence of compliance with the relevant gaming regulations for premises layout and design.
 - Details of what gaming and non-gaming entertainment and recreation venues and social infrastructure exist within 5km of the venue.
 - The distance to shopping complexes and strip shopping centres, community facilities, counselling services and public transport.
 - Pedestrian counts outside the proposed venue on different days and at a variety of times.

22.08-5
22/03/2012
C72

Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The affect of the proposal on gaming machine densities in the locality in comparison to the regional Victorian average.
- Whether approval is likely to increase the socio-economic disadvantage of the local community.
- Whether the location of the gaming machines or gaming premises will facilitate or discourage convenience gaming.
- Whether the venue offers a range of entertainment, leisure or recreation options.
- Whether permanent residents will have a choice of gaming and non gaming entertainment and recreation venues in the local area.
- The impact of the proposal on the amenity of the area, surrounding land uses, and the character and culture of the township.
- The net community benefit to be derived from the application.

22.08-6
22/03/2012
C72

Reference documents

Surf Coast Shire - Gaming Policy Framework (2008)

6.3 Sport & Recreation Victoria - 2018/19 Country Football and Netball Program

Author's Title: Recreation Planning Coordinator **General Manager:** Chris Pike
Department: Recreation & Open Space Planning **File No:** F17/633
Division: Culture & Community **Trim No:** IC18/358

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Reason: Nil

Status:
Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to consider potential projects to be submitted to the Sport and Recreation Victoria (SRV) 2018/19 Country Football and Netball Program (CFNP).

Summary

The Department of Health and Human Services has an annual grant program aimed at helping country football and netball clubs who may be struggling with outdated, overused or non-compliant facilities.

Council is the applicant for this grant program and a funding contribution is required from Council and/or community to apply. Council is able to apply for up to \$100,000 for one larger project or up to three smaller projects.

Due to the high volume and backlog of potential projects that fit the existing program guidelines a formal expression of interest process for new project ideas was not conducted in-line with Council's Non-Recurrent Grants Management Procedure (MPP-019).

Officers have considered projects identified in existing master plans and the G21 AFL Barwon Regional Strategy 2015 ensuring an alignment to Council's strategic planning framework. The Ellimatta Reserve Sports Lighting Upgrade is rated equally as the Shire's poorest sports oval lighting with a rating of 5/15 by AFL Barwon.

The Ellimatta Reserve Sports Lighting Upgrade was submitted to the 2017/18 Country Football and Netball Funding Program. Unfortunately the funding application was unsuccessful, however Sport and Recreation Victoria advised that it was a strong project in a highly competitive funding round and suggested that updating the lighting design from 100lux to 150lux would strengthen the application for any future funding rounds.

Officers' recommendation to submit an application takes into account the high level of recreation and open space pre-allocation commitments in Council's 2018/19 Annual Budget. However, the recommendations also reflect the positive feedback from the funding body and the opportunity to leverage State Government funding to improve very poor lighting at the reserve.

Recommendation

That Council:

1. Submit an application to the Sport and Recreation Victoria, 2018/19 Country Football and Netball Program, for the Anglesea Football and Netball Club – Ellimatta Reserve Sports Lighting Upgrade (150 lux, metal halide) – Total project cost \$272,000 consisting of Council \$157,000, Sport and Recreation Victoria \$100,000 and Anglesea Football and Netball Club \$15,000.
2. Pre-allocate \$157,000 in the 2018-19 Annual Budget as Council's contribution to the Ellimatta Reserve Sports Lighting Upgrade with funding to come from the Accumulated Unallocated Cash Reserve.
3. Authorise the Chief Executive Officer to sign funding agreements on behalf of Council for any application that is successful.

6.3 Sport & Recreation Victoria - 2018/19 Country Football and Netball Program

Report

Background

Council has submitted a range of projects to the Country Football and Netball Program in the past with a high level of success.

Council has six (6) football/netball clubs in the Shire including the recently established Surf Coast Suns Junior Football and Netball Club based in North Torquay. AFL Barwon work closely with their member Clubs to identify and prioritise potential projects that align to this funding program and encourage Clubs to submit expressions of interest directly to Council.

The Country Football and Netball Program application process is summarised as follows:

Program opens	24 January 2018
Full applications close	12 April 2018
Funding announcements	November 2018 onwards

Discussion

The Country Football and Netball Program (CFNP) is aimed at helping country football and netball clubs who may have outdated, overused or non-compliant facilities.

Grants of up to \$100,000 are available for projects that may include:

- modifying existing football and netball facilities to improve usage and access such as: unisex change room facilities and amenities for players and umpires
- multi-purpose meeting spaces catering for community and education programs
- development or upgrading football and netball playing surfaces
- development or upgrading of football or netball lighting.





Council is the applicant for this grant program and a funding contribution is required from Council and/or community to apply. Council is able to apply for one (1) larger project or up to three (3) smaller projects.

Funding program guidelines have been shared with football and netball clubs through AFL Barwon and Council officers have considered potential projects already identified in existing master plans and the G21 AFL Barwon Regional Strategy ensuring an alignment to Council's strategic planning framework.

The G21 AFL Barwon Regional Strategy includes a facility infrastructure condition audit at each of Council's football and netball clubs (as at May 2014). The circled ratings highlight Council's poorest facility and amenities condition and inform how Council should prioritise investment in football and netball infrastructure across the Shire.

Current Facility Condition Ratings

CLUB	MAIN PAVILION (out of 10)	CHANGE ROOMS (out of 10)	SPORTS LIGHTING FOOTBALL (out of 15)	OVAL SURFACE (out of 15)	OVAL AMENITIES (out of 10)	SUB TOTAL FOOTBALL AMENITIES	NETBALL AMENITIES (out of 10)	MAIN NETBALL COURT (out of 15)	SPORTS LIGHTING NETBALL (out of 15)	SUB TOTAL NETBALL AMENITIES	RATING TOTAL OUT OF 100
SURF COAST SHIRE											
ANGLESEA	10	6	5	8	7	36	6	8	10	24	60
LORNE	4	3	5	15	8	35	4	8	10	22	57
MODEWARRE	10	8	5	8	7	38	6	10	10	26	64
TORQUAY	10	10	15	10	9	54	6	10	15	31	85
WINCHELSEA	10	8	15	6	7	46	6	12	15	33	79

 Project Ready
  Not Project Ready
  Top Rated
  In progress

The green circles indicate projects that have advanced to a 'project ready' status including evidence of design and cost estimate.

6.3 Sport & Recreation Victoria - 2018/19 Country Football and Netball Program

The red circles indicate projects that remain a priority however not yet considered project ready and require further feasibility and design work.

The yellow circles indicate projects that have secured funding and are currently in progress as part of Council's capital works delivery program.

The below table identifies the football and netball projects that are advanced enough in their planning to be considered project ready.

Project Ready

Projects that meet Guidelines	Design	Cost Estimate	Contribution Required	Officer Comments
Anglesea Football and Netball Club – Ellimatta Reserve Sports Lighting Upgrade, 150 lux (metal halide)	Yes	\$272,000	SRV \$100K Club \$15k Council \$157k	Rated 5/15 in G21 AFL Barwon Facility audit. Recently completed preliminary design and costing as part of Community Project Development Officer prioritised project. Australian standards 100 lux meets club competition level, however 150 lux is preferred by SRV due to enhanced viewing distances for spectators. Community Project Assessment = High Priority
Mt Moriac Netball Lighting & Shelter Project	Yes	\$200,000	SRV \$100k Club \$20k Council \$80k	Rated 6/10 in G21 AFL Barwon Facility Audit. Recently completed preliminary design and costing. Community Project Assessment = Medium Priority
Mt Moriac Reserve Football Sports Lighting Upgrade	Yes	\$282,000	SRV \$100k Club \$0k Council \$182k	Rated 5/10 in G21 AFL Barwon Facility Audit. Recently completed preliminary design and costing. Community Project Assessment = Medium Priority
Mt Moriac Second Oval Drainage	Yes	\$157,000	SRV \$70K Club \$10k Council \$77k	Not a strong project for CFNP however does impact on participation and usability of the oval. Has a dual benefit for cricket in summer. Community Project Assessment = Medium Priority

The G21 AFL Barwon Regional Strategy which was endorsed by Council on 26 May 2015 rates the condition of the Anglesea Football Club Sports Lighting as 5 out of 15, equalling the lowest rated football lighting facilities in the Shire.

The Mt Moriac Football and Netball Lighting projects have recently completed preliminary lighting designs and considered project ready, however the Anglesea Elimatta Reserve Sports Lighting is considered a higher priority project.

Advice from Sport and Recreation Victoria officers regarding the Mt Moriac Oval 2 drainage upgrade indicates that this project would not be considered strong in a highly competitive pool of CFNP projects. Therefore, as Council is only able to apply for one project up to the maximum \$100k, officers recommend that the Ellimatta Reserve Sports Lighting would be the highest priority project.

The below table identifies the projects that are not advanced enough in their planning and therefore considered 'not project ready' for this current round of the CFNP. Council's Recreation and Open Space team will continue to work with clubs to prioritise and progress projects in a strategic manner as resources allow (i.e. prepare concept designs).

6.3 Sport & Recreation Victoria - 2018/19 Country Football and Netball Program

Not Project Ready

Projects that meet Guidelines	Cost Estimate	Contribution Required	Officer Comments
Lorne Football Club Changeroom Upgrade	\$470,000	TBC	Redevelop amenities, changerooms and storage as identified in 2017 Stribling Reserve MP. Detailed design to be completed in 2017/18. Rated as 3/10 in G21 AFL Barwon Facility Audit.
Lorne Netball Club – Pavilion Redevelopment	\$750,000	TBC	Complete rebuild of existing changerooms as identified in 2017 Stribling Reserve Master Plan. Detailed design to be completed in 2017/18. Rated as 4/10 in G21 AFL Barwon Facility Audit.
Joint Modewarre Tennis / Netball Club Pavilion Upgrade	\$350,000	TBC	Requires further scoping and Club consultation regarding concept design. Rated 6/10 in G21 AFL Barwon Facility Audit.
Anglesea Netball Club – Pavilion Upgrade	\$450,000	TBC	Requires further scoping, Club consultation and detailed design. Rated 6/10 in G21 AFL Barwon Facility Audit.

Anglesea Football Club Sports Lighting Project

At the 28 February 2017 Council Meeting, the Ellimatta Reserve Sports Lighting Project was referred as a priority proposal to the Community Project Development Officer for further investigation. This investigation was completed and following a recommendation the project was submitted to the 2017/18 Country Football and Netball Funding Program.

Unfortunately the funding application was unsuccessful, however Sport and Recreation Victoria advised that it was a strong project in a highly competitive funding round and suggested that updating the lighting design from 100lux to 150lux would strengthen the application for any future funding round.

Sports lighting lux level testing at Elimatta Reserve was completed by Council in 2016 and further testing has been recently completed by AFL Barwon. The lux levels at Ellimatta Reserve were found to be very poor with many areas of the football oval failing to comply with even the minimum lighting levels required for club training activities. Ageing infrastructure, insufficient quantity of lights and inadequate pole height and location were identified as contributing factors to the overall poor lighting performance.

Officers have consulted with Sport and Recreation Victoria and AFL Victoria and recommend that 150 lux should be Council's minimum level of lighting provision where there is senior local level competition football played. This advice aligns to the State Government *Community Sporting Facility Lighting Guidelines* that recommend that *'if a club, league or council is looking to develop a showpiece club night football venue, a minimum of 150 lux should be considered if it wishes to take contemporary viewing expectations of spectators into account'*. Ultimately, 150 lux is preferred (to 100 lux) by SRV and AFL Victoria for competition football to enhance the viewing distances for spectators.

The lighting lux levels will have the capacity to alternate between 50, 100 or 150 lux via a manual switch, allowing the Anglesea Football and Netball Club to determine what lighting level best suits their training or competition needs as required.

Officers secured an updated lighting design and opinion of cost to ensure that the project was ready to be considered for future grant funding rounds. The lighting design is consistent with the State Government lighting guidelines including light positioning, height and light spill requirements.

The completed report provides a recommended floodlighting design with new pole locations, pole type, height, electrical controls and modifications to the switchboard. The report provides a preliminary opinion of cost (including all materials, services, detailed design, site allowances, escalations) as follows:

6.3 Sport & Recreation Victoria - 2018/19 Country Football and Netball Program

	Installation	Survey	Project Mgmt	Contingency	Total
Option 1: 100 lux metal halide	\$190,000	\$5000	\$15,000	\$30,000	\$240,000
Option 2: 100 lux LED	\$250,000	\$5000	\$15,000	\$30,000	\$300,000
Option 3: 150 lux metal halide	\$222,000	\$5000	\$15,000	\$30,000	\$272,000
Option 4: 150 lux LED	\$281,000	\$5000	\$15,000	\$30,000	\$337,000

Financial Implications

The proposed income for each Ellimatta Reserve Sports Lighting Upgrade option is summarised as follows:

	Surf Coast Shire	SRV / CFNP	AFNC	Total
Option 1: 100 lux metal halide	\$125,000	\$100,000	\$15,000	\$240,000
Option 2: 100 lux LED	\$185,000	\$100,000	\$15,000	\$300,000
Option 1: 150 lux metal halide	\$157,000	\$100,000	\$15,000	\$272,000
Option 2: 150 lux LED	\$222,000	\$100,000	\$15,000	\$337,000

Council will project manage the delivery of the project.

Officers analysed the cost benefit of metal halide v LED lighting and determined that the lighting at Ellimatta Reserve in Anglesea is not utilised regularly enough to justify the extra capital cost required to benefit from the operational efficiency savings that LED may provide. However, it is considered that the extra \$32,000 capital cost to upgrade from 100 lux to 150 lux is a justified spend and will provide the greatest opportunity for success in a highly competitive funding program.

Upgrading the lighting to 150 lux metal halide will future proof the facility and Anglesea Football and Netball Club to have the capacity to host future night football matches with an enhanced spectator and visitor experience.

Council is required to underwrite the total cost of the project, less the grant amount. With a cap on Council's contribution, club contributions are required to be validated via a letter of commitment and a copy of bank statements to demonstrate financial capacity.

With funding announcements not expected until November 2018, the project completion is not expected until April 2020 (prior to the start of the football season). Hence, in anticipation of a successful application, it is recommended that Council pre-allocate \$157,000 including project management and contingency from the 2018/19 annual budget as Council's contribution to the Ellimatta Reserve Sports Lighting Upgrade (150 lux) project.

Council Plan

Theme 1 Community Wellbeing

Objective 1.1 Support people to participate in and contribute to community life

Strategy 1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations

Policy/Legal Implications

There are no legal implications associated with the recommendations in this report. Officers have made an assessment of potential projects against existing Council endorsed master plans and the G21 AFL Barwon Regional Strategy ensuring an alignment to Council's strategic planning framework.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is a financial risk of the club contribution not being secured, however officers will ensure evidence with bank statements and a written funding agreement will be executed.

6.3 Sport & Recreation Victoria - 2018/19 Country Football and Netball Program

Social Considerations

The 2018/19 Country Football and Netball Program supports many of Council's objectives in meeting community aspirations, responding to changing community needs and supporting the growth of physical activity and participation across Surf Coast Shire.

Community Engagement

There are six football clubs in the Surf Coast Shire including the newly established Surf Coast Suns Junior Football and Netball Club. All clubs received a copy of the Country Football and Netball Program guidelines through AFL Barwon and the Victorian State Government when the guidelines were released.

All existing Clubs worked with AFL Barwon between November 2013 and May 2014 to rate the condition of their facilities and amenities which was recorded in the G21 and AFL Barwon Regional Strategy to guide how Council should prioritise upgrades to existing facilities into the future.

Anglesea Football Club were directly engaged as part of the sports lighting project investigation.

If Council resolves to progress this funding opportunity and is successful in securing funding, officers will prepare a detailed stakeholder engagement plan as per Council's adopted Project Management Framework.

Environmental Implications

No significant environmental implications arise from this report. Officers analysed the cost benefit of metal halide v LED lighting and determined that the lighting at Ellimatta Reserve in Anglesea is not utilised regularly enough to justify the extra capital cost required to benefit from the operational efficiency savings that LED may provide.

Communication

As part of the project investigation officers have consulted with the Anglesea Football and Netball Club regarding the project and will meet with the club directly should Council resolve to submit an application to the current round of the Country Football and Netball Program closing 12 April 2018.

Options

Option 1 – Submit an application to the 2018/19 Country Football Netball Program for the Ellimatta Reserve Sports Lighting Upgrade

This option is recommended by officers as it is the Shire's highest priority football/netball project and already considered a strong project in the previous grant round.

Option 2 – Submit an application to the 2018/19 Country Football Netball Program for any of Council's other football or netball related priority projects

This option is not recommended by officers as the Ellimatta Sports Lighting Upgrade project is considered the Shire's highest priority football/netball project.

Option 3 – Do not submit an application to the 2018/19 Country Football Netball Program

This option is not recommended. Officers' recommendation to submit an application takes into account the high level of recreation and open space pre-allocation commitments in Council's 2018/19 Annual Budget. However, the recommendations also reflect the positive feedback from the funding body and the opportunity to leverage State Government funding to improve very poor lighting at the reserve.

Conclusion

The Country Football and Netball Program is a highly competitive funding program, competing against other Councils from rural and regional Victoria. In consultation with Sport and Recreation Victoria, Council officers have considered a number of potential projects against the funding program criteria and objectives and believe that the Ellimatta Reserve Sports Lighting Upgrade project with 150 lux capacity provides the greatest opportunity for success.

7. URGENT BUSINESS

Nil

8. PROCEDURAL BUSINESS

8.1 Assemblies of Councillors

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F18/225

Division: Governance & Infrastructure

Trim No: IC18/242

Appendix:

1. Assembly of Councillors - Council Briefings - 6 February 2018 (D18/8526)
2. Assembly of Councillors - Council Briefings - 20 February 2018 (D18/17499)
3. Assembly of Councillors - Council Briefings - 27 February 2017 (D18/24173)
4. Assembly of Councillors - Council Budget Briefing #4 - 27 February 2018 (D18/24169)
5. Assembly of Councillors - Council Briefings - 6 March 2018 (D18/29390)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the Assembly of Councillors records received since the previous Council Meeting.

Summary

The Local Government Act 1989 section 80A(2) states that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is as soon as practicable reported at an Ordinary Meeting of Council and incorporated in the minutes of that Council Meeting.

Recommendation

That Council receive and note the Assembly of Councillors records for the following meetings:

1. Council Briefings - 6 February 2018.
2. Council Briefings - 20 February 2018.
3. Council Briefings - 27 February 2018.
4. Council Budget Briefing #4 - 27 February 2018.
5. Council Briefings - 6 March 2018.

8.1 Assemblies of Councillors

APPENDIX 1 ASSEMBLY OF COUNCILLORS - COUNCIL BRIEFINGS - 6 FEBRUARY 2018



Assembly of Councillors Record

Description of Meeting: Council Briefing Meeting					
Responsible Officer: Anne Howard – General Manager, Governance and Infrastructure					
Date: 6 February 2018					
In Attendance: Yes (✓) No (X) N/R (Not Required)					
Councillors		Officers		Others	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	Externals Jason Borg - DELWP	✓
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓	Aaron Garrett - DELWP	✓
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓	Kate Betts - Alcoa	✓
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓	Warren Sharp – Alcoa	✓
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓	John Osborne - Alcoa	✓
Cr. Carol McGregor	✓	Manager Environment & Community Safety - Rowan Mackenzie	✓		
Cr. Brian McKiterick	X	Manager Recreation & Open Space Planning - Shaan Briggs	✓		
Cr. Margot Smith	✓	Manager Finance – John Brockway	✓		
Cr. Heather Wellington	X	Acting Manager Engineering Services – Tony Potter	✓		
		Coordinator Strategic Planning - Karen Hose	✓		
		Senior Strategic Planner - Jorgen Peeters	✓		
		Open Space Planning Coordinator -Leanne Lucas	✓		
		Open Space Officer - Ross Wissing	✓		
		Recreation Officer - Jessica Bennett	✓		
		Manager Economic Development and Tourism - Matt Taylor	✓		
		Business Improvement Officer - Trevor Britten	✓		
		Manager Aged & Family - Bronwyn Saffron	✓		
		Manager Business Improvement - Brendan Walsh	✓		
		Manager Community Relations - Damian Waight	✓		
		Customer Service - Virginia Morris	✓		
		Coordinator Recreation Planning - Jarrod Westwood	✓		



MEETING COMMENCED	10.05am	MEETING CONCLUDED	3.21pm
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Matters considered at the meeting

External Presentation - DELWP - Anglesea Futures Draft Land Use Plan
External Presentation - Alcoa – Anglesea Draft Concept Masterplan
1. Confirmation of Council Briefing Minutes – 16 and 23 January 2018
2. Conflicts of Interest
3. Anglesea Futures Draft Land Use Plan and Anglesea Draft Concept Masterplan – Discussion
4. 2018/19 Budget Briefing #2 - 2017/18 Forecast and Rating Strategy
5. Performance Reporting 2017 - 2018 (Council Plan incorporating the Health and Wellbeing Plan, and LGPRF Service Indicators) December year-to-date.
6. Communication Report - Surf Coast Planning Committee Review
7. Communication Report - NightJar Festival Debrief
8. Communication Report - Positive Ageing Service Review - Options Discussion
9. Customer Experience Program Report – Quarter 2 - 2017/18
10. Masterplan Project Prioritisation
11. Communication Report - All Abilities Advisory Committee Terms of Reference Update
12. Communication Report - Flag Policy
13. Community Health and Development Update
14. Road Issues – Urgent Update

Councillor/Officer Declarations of Interest

Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Margot Smith	No	Cr Margot Smith declared a Conflict of Interest in Briefing Item 8 (Agenda Item 4.4) - Communication Report - Positive Ageing Service Review - Options Discussion under section 77A of the <i>Local Government Act 1989</i> – direct interest. Cr Margot Smith advised she is a Director of Regional Kitchen and that if this item raises discussion in relation to delivered meals, she will leave the meeting. Based on this, Cr Margot Smith was not required to leave the meeting.

Responsible Officer Signature:  **Print Name:** Anne Howard

Date: 6 February 2018

To be completed on conclusion of session and provided to Governance Administration Officer.

General Information:

- An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
- the subject of a decision of the Council, or
 - subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation,
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
 - The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
 - A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
 - A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

8.1 Assemblies of Councillors

APPENDIX 2 ASSEMBLY OF COUNCILLORS - COUNCIL BRIEFINGS - 20 FEBRUARY 2018



Assembly of Councillors Record

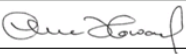
Description of Meeting: Council Briefing Meeting
Responsible Officer: Anne Howard – General Manager, Governance and Infrastructure
Date: 20 February 2018
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors	✓	Officers	Others
Cr. David Bell, Mayor	X	Chief Executive Officer - Keith Baillie	✓
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Clive Goldsworthy, Chair	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓
Cr. Carol McGregor	✓	Manager Planning & Development - Bill Cathcart	✓
Cr. Brian McKitterick	X	Coordinator Statutory Planning - Michelle Watt	✓
Cr. Margot Smith	✓	Statutory Planning Officer - Jennifer Davidson	✓
Cr. Heather Wellington	X	Senior Planner - Ben Schmied	✓
		Senior Statutory/Strategic Planner - Bianca Wilkin	✓
		Coordinator Development Compliance and Local Laws - Andrew Hewitt	✓
		Manager Environment & Community Safety - Rowan Mackenzie	✓
		Coordinator Environment - Kate Smallwood	✓
		Recreation Officer - Jessica Bennett	✓
		Senior Strategic Planner - Jorgen Peeters	✓
		Manager Economic Development and Tourism - Matt Taylor	✓
		Manager Business Improvement - Brendan Walsh	✓
		Manager Recreation & Open Space - Planning - Shaan Briggs	✓
		Manager Finance - John Brockway	✓
		Coordinator Recreation Planning - Jarrod Westwood	✓

MEETING COMMENCED	1.48pm	MEETING CONCLUDED	4.06pm
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Matters considered at the meeting
1. Confirmation of Council Briefing Minutes – 6 February 2018
2. Conflict of Interest
3. Planning Application 17/0074 – 45 Andersons Road, Barrabool
4. Planning Application 16/0453 – 30A & 32 Williams Street, Lorne
5. Planning Application 16/0490 – 1133 Surf Coast Hwy, Mt Duneed
6. Planning Application 17/0405 – 30 Beales Street, Torquay
7. Planning Customer Service Quarterly Update - second quarter (October - December 2017)
8. Review of Building Services
9. Council submissions to the Anglesea Futures Draft Land Use Plan and Alcoa Freehold Draft Concept Master Plan – Anglesea



10. Budget Briefing #3 Discretionary Allocation Framework		
11. Property Use Agreements Policy SCS-034		
12. Use of Council Facilities Policy SCS-033		
13. Proposed Exchange of Land, 5 Main Street Winchelsea		
14. Review of Instrument of Delegation to Members of Council Staff		
15. Digital and Social Media (Staff) Policy HR-40		
16. Community Project Development – 12 Month Review		
17. Response to Joint Letter - Anglesea Landscaping		
Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil Declared.		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 22 February 2018		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council, or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

8.1 Assemblies of Councillors

APPENDIX 3 ASSEMBLY OF COUNCILLORS - COUNCIL BRIEFINGS - 27 FEBRUARY 2017



Assembly of Councillors Record

Description of Meeting: Council Briefing Meeting				
Responsible Officer: Anne Howard – General Manager, Governance and Infrastructure				
Date: 27 February 2018				
In Attendance: Yes (✓) No (X) N/R (Not Required)				
Councillors	✓	Officers		Others
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓	
Cr. Martin Duke	X	General Manager Environment & Development - Ransce Salan	✓	
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓	
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓	
Cr. Carol McGregor	✓	Manager Finance – John Brockway	✓	
Cr. Brian McKiterick	✓	Manager Program Management Office - Rowena Frost	✓	
Cr. Margot Smith	✓	Accountant - Tim Dickson	✓	
Cr. Heather Wellington	✓	Manager Planning & Development - Bill Cathcart	✓	
		Coordinator Statutory Planning - Michelle Watt	✓	

MEETING COMMENCED	3.20pm	MEETING CONCLUDED	5.07pm
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Matters considered at the meeting

1. Conflicts of Interests
2. Monthly Finance Report - January 2018
3. Monthly Program Status Update - January 2018
4. Digital Transformation Program Update
5. Agenda Review - 27 February 2018 Council Meeting Agenda

Councillor/Officer Declarations of Interest

Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil Declared.		

Responsible Officer Signature:  **Print Name:** Anne Howard

Date: 01 March 2018

To be completed on conclusion of session and provided to Governance Administration Officer.

General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council, or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

8.1 Assemblies of Councillors

**APPENDIX 4 ASSEMBLY OF COUNCILLORS - COUNCIL BUDGET BRIEFING #4 - 27
FEBRUARY 2018**



Assembly of Councillors Record

Description of Meeting: Budget Briefing # 4 Meeting			
Responsible Officer: Anne Howard – General Manager, Governance and Infrastructure			
Date: 27 February 2018			
In Attendance: Yes (✓) No (X) N/R (Not Required)			
Councillors		Officers	Others
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓
Cr. Libby Coker	X	General Manager Governance & Infrastructure - Anne Howard	✓
Cr. Martin Duke	X	General Manager Environment & Development - Ransce Salan	✓
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Rose Hodge	✓	Accountant – Tim Dickson (minutes)	✓
Cr. Carol McGregor	✓	Finance Manager – John Brockway	✓
Cr. Brian McKiterick	✓	Strategic Asset Manager – John Bertoldi	✓
Cr. Margot Smith	✓	Manager Project Management Office – Rowena Frost	✓
Cr. Heather Wellington	✓	Management Accountant – Kate Wardle	✓
		Finance Officer – Leonie Kerr	✓
		Manager Recreation and Open Space Planning – Shaan Briggs	✓
		Coordinator Recreation Planning – Jarrod Westwood	✓
		Finance Manager – John Brockway	✓
MEETING COMMENCED	1.00pm	MEETING CONCLUDED	3.07pm
Matters considered at the meeting			
1. Preliminary Discretionary and Compliance Project Proposals and Recurrent Budget			
2. 10 year Capex Strategy (no discretionary projects)			
Councillor/Officer Declarations of Interest			
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed	
Cr David Bell, Mayor	Yes	Cr Bell declared a conflict of interest regarding the Community facility policy discussed as part of budget briefing - related to Farmers Markets. Cr Bell left the meeting during the discussion of this topic. Cr Goldsworthy, Deputy Mayor assumed the Chair in Cr Bell's absence.	
Responsible Officer Signature:			Print Name: Anne Howard
Date: 02 March 2018			
To be completed on conclusion of session and provided to Governance Administration Officer.			

General Information:
An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;

- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s 80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s 80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

8.1 Assemblies of Councillors

APPENDIX 5 ASSEMBLY OF COUNCILLORS - COUNCIL BRIEFINGS - 6 MARCH 2018



Assembly of Councillors Record


Description of Meeting: Council Briefing Meeting
Responsible Officer: Anne Howard – General Manager, Governance and Infrastructure
Date: 6 March 2018
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	Externals Michael Loughnan	✓
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓	Lecki Ord - TPP Member and past AIDA President	✓
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓	Ian Godfrey - TPP Member	✓
Cr. Clive Goldsworthy (Arrived at 12:00pm)	✓	General Manager Culture & Community - Chris Pike	✓	Jacinta Halloran – Interested Party	✓
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓		
Cr. Carol McGregor	✓	Property & Legal Services Officer - Trina Hughes	✓		
Cr. Brian McKitterick	✓	Coordinator Business and Tourism Strategy - Simon Loone	✓		
Cr. Margot Smith	✓	Economic Development Officer - Scott Jardine	✓		
Cr. Heather Wellington	X	Co-ordinator Strategic Planning - Karen Hose	✓		
		Manager Economic Development and Tourism - Matt Taylor	✓		
		Open Space Planning Coordinator - Leanne Lucas	✓		
		Project Manager - Capital & Operations Projects - Ronan Corcoran	✓		
		Co-ordinator Environment - Kate Smallwood	✓		
		Biodiversity Officer - Gabrielle O'Shea	✓		
		Manager Community Relations - Damian Waight	✓		
		Business Improvement Officer - Trevor Britten	✓		
		Coordinator Communications and Community Relations - Darryn Chiller	✓		
		Co-ordinator Waste Management - Neil Brewster	✓		
		Manager Finance - John Brockway	✓		
		Coordinator Management Accounting - Gabrielle Spiller	✓		

MEETING COMMENCED	11.20am	MEETING CONCLUDED	3.04pm
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Matters considered at the meeting
External Presentation - Painkalac Valley Project
1. Conflicts of Interest
2. Surplus Land Discussion
3. Geelong/Colac Saleyards Transition Interim Update
4. Native Vegetation Offsets Policy SCS-036
5. General Business – CEO
6. Rural Access Program Service Review - Presentation of Draft Report and Preferred Option
7. Flag Presentation - Response to 27 February 2018 Council Meeting Resolution



8. Sport and Recreation Victoria - 2018/19 Country Football Netball Program		
9. Budget Briefing		
10. Procurement Policy Review - SCS-019		
11. Councillor Topics		
Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared.		
Responsible Officer Signature:		Print Name: Anne Howard
		
Date: 9 March 2018		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

- An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
- (a) the subject of a decision of the Council, or
 - (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
 - The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
 - A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
 - A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

8.2 Section 86 Committee Minutes

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC18/364

Appendix:

1. Hearing of Submissions Committee Meeting Minutes - 6 March 2018 (D18/29687)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the minutes of the Section 86 Committee meetings as appended.

Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

Recommendation

That Council receive and note the following minutes of the Section 86 Committee meetings:

1. Hearing of Submissions Committee Meeting - 6 March 2018.

8.2 Section 86 Committee Minutes

APPENDIX 1 HEARING OF SUBMISSIONS COMMITTEE MEETING MINUTES - 6 MARCH 2018



Minutes

Hearing of Submissions Committee Tuesday, 6 March 2018

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 5.00pm

Council:

Cr David Bell (Mayor)
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Brian McKitterick
Cr Margot Smith
Cr Heather Wellington

MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 6 MARCH 2018 COMMENCING AT 5.00PM

PRESENT:

Cr David Bell (Mayor)
Cr Libby Coker
Cr Martin Duke
Cr Rose Hodge
Cr Carol McGregor
Cr Margot Smith

In Attendance:

General Manager Environment & Development – Ransce Salan
Manager Planning & Development – Bill Cathcart
Coordinator Statutory Planning - Michelle Watt

14 members of the public
0 member of the press

APOLOGIES:

Cr Clive Goldsworthy
Cr Brian McKiterick
Cr Heather Wellington

Committee Resolution

MOVED Cr Martin Duke, Seconded Cr Libby Coker

That an apology be received from Cr Clive Goldsworthy, Cr Brian McKiterick and Cr Heather Wellington.

CARRIED 6:0

Absent:

CEO - Keith Baillie
General Manager Governance & Infrastructure - Anne Howard
General Manager Culture & Community - Chris Pike

CONFIRMATION OF MINUTES:

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr Rose Hodge

That the Hearing of Submissions Committee note the minutes of the Hearing of Submissions Committee meeting held on 6 February 2018 as a correct record of the meeting

CARRIED 6:0

CONFLICTS OF INTEREST:

Nil

SUBMITTERS HEARD

1.1 Planning Permit Application 17/0332 – 5/24 Price Street, Torquay – Construction of a New Dwelling

1. Jane Coller
2. Lyndel Roberts (Applicant)

1.2 Planning Permit Application 17/0294 – 115 Strathmore Drive, Jan Juc – Two Lot Subdivision

1. Julia Spink & David Spink & Lyndelle Zuccolin & Jay Wilson
2. Adam O'Halloran (Applicant)

BUSINESS:

1. ENVIRONMENT & DEVELOPMENT	4
1.1 <i>Planning Permit Application 17/0332 - 5/24 Price Street Torquay - Construction of a New Dwelling.....</i>	<i>4</i>
1.2 <i>Planning Permit Application 17/0294 - 115 Strathmore Drive Jan Juc - Two Lot Subdivision</i>	<i>32</i>

1. ENVIRONMENT & DEVELOPMENT

1.1 Planning Permit Application 17/0332 - 5/24 Price Street Torquay - Construction of a New Dwelling

Author's Title: Senior Statutory/Strategic Planner **General Manager:** Ransce Salan
Department: Planning & Development **File No:** 17/0332
Division: Environment & Development **Trim No:** IC18/231

Appendix:

1. List of Speakers - 6 March 2018 (D18/23369)
2. 5/24 Price Street Torquay (D17/147109)

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

Yes No

Reason: Nil

Status:
Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes No

Reason: Nil

Purpose

The purpose of this report is to hear submissions relating to Planning Application 17/0332 for the development of the land for a dwelling on a lot less than 300 square metres and the waiving of one car parking space.

Summary

An application has been received to develop a two storey dwelling on a 66 square metre lot and to waive the car parking requirements. The site is part of a group of units known as "Bulla". The redevelopment is proposed to take place on unit five, currently a single storey building within the development. Most objections have come from other unit owners.

The site is within the General Residential Zone, Significant Landscape Overlay Schedule 6, Development Contributions Plan Overlay 2 and Design and Development Plan Overlay 20.

A total number of seven submissions were received including six objections and one in support, summarised as follows:

- The proposal is not consistent with the neighbourhood character or the traditional characteristics of "Bulla" (as 24 Price Street is known) as it was one of the first original accommodation resorts built in Torquay, in terms of height, design, bulk, materials and colours.
- The proposal will overlook habitable rooms Units 2 and 6 and 26 Price Street as well as open spaces in front of Units 1, 2, 3 and 6 and 26 Price Street.
- The proposal will overshadow Unit 4 and 28 Price Street.
- The proposal does not comply with side and rear setback objectives.
- Concerns regarding common property including car parking and the first floor balcony protruding into common property.
- Inadequate existing infrastructure (sewerage and water pressure).
- Concerns regarding the construction phase including disruption to life, damage to common property and asbestos removal.
- No formal notification has been sent to the Owners Corporation and will result in increased costs for the Owners Corporation.
- The proposal is in line with what is happening in this area, removing older dwellings and replacing with higher density and it fits in with the surrounding units within "Bulla".

The issues raised in the submissions will be considered in detail in a report to be presented to the 27 March 2018 Council meeting.

1.1 Planning Permit Application 17/0332 - 5/24 Price Street Torquay - Construction of a New Dwelling

Recommendation

That the Hearing of Submissions Committee receive and note the submissions relating to Planning Permit application 17/0332 for 5/24 Price Street, Torquay, and forward to Council for consideration.

Committee Resolution

MOVED Cr Libby Coker, Seconded Cr Carol McGregor

That the Hearing of Submissions Committee receive and note the submissions relating to Planning Permit application 17/0332 for 5/24 Price Street, Torquay, and forward to Council for consideration.

CARRIED 6:0

1.1 Planning Permit Application 17/0332 - 5/24 Price Street Torquay - Construction of a New Dwelling

APPENDIX 1 LIST OF SPEAKERS - 6 MARCH 2018



**Hearing of Submissions
Tuesday 6 March 2018
5pm
Council Chambers
1 Merrijig Drive, Torquay**

ORDER OF SPEAKERS

Environment & Development

1. **Planning Permit Application 17/0332 – 5/24 Price Street, Torquay – Construction of a New Dwelling**

	Submitter Name
1.	Jane Goller
2.	Lyndel Roberts (Applicant)

2. **Planning Permit Application 17/0294 – 115 Strathmore Drive, Jan Juc – Two Lot Subdivision**

	Submitter Name
1.	Julia Spink & David Spink & Lyndelle Zuccolin & Jay Wilson
2.	Adam O'Halloran (Applicant)

1.1 Planning Permit Application 17/0332 - 5/24 Price Street Torquay - Construction of a New Dwelling

APPENDIX 2 5/24 PRICE STREET TORQUAY

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Page 2 of 2

Does the proposed amendment breach, in anyway, a registered covenant, section 173 agreement or restriction of title? Yes No

State the estimated cost of the proposed development, which includes the amendments. Not applicable (no such covenant, section 173 agreement or restriction applies)

Has notice of the application been given (advertised)? Unchanged from initial application Changed from initial application

Has notice of the application been given (advertised)? Yes No

Supporting Documents

Plans/Letter
If providing attachment electronically, please supply as: docx;jpeg;xls;doc;rtf
Please supply all plans affected by the proposed changes. Please make sure that all changes are clearly highlighted on any new plans submitted, as failure to do so is likely to result in delays. Highlight the changes by using different colours, highlighter pens or bubbles around amendments etc.

Payment Details

In Person Please bring in your completed registration to the Surf Coast Shire Offices. You will have the option to pay cash, cheque or credit card at the counter

Over the Phone Please email of post the form to the office. Then contact Council on 5261 0600 to pay by credit card over the phone

Mail Please email of post a completed copy of the Planning Application Credit Card Payment and submit with application

Declaration (Please attach)

I am the owner OR
 I have notified the owner of the proposed amendment

I understand and acknowledge that:

- The information provided in this request is true and complete to the best of my knowledge
- Surf Coast Shire Council may refuse this request if it becomes evident that any information or supporting documents provided are incomplete or false.

By ticking this checkbox I confirm that I have understood all the statements above*

Name of person completing this request* *Lyndel Roberts* Date *28/11/17*

Privacy Statement: The Surf Coast Shire considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Council will comply with the Information Privacy Principles as set out in the Information Privacy Act, 2000. The information will not be disclosed to any other party unless Council is required to do so by law.

SURF COAST SHIRE COUNCIL
Planning Department
1 Merrijig Drive / P.O. Box 350, TORQUAY, VIC, 3228
Ph: 03 5261 2301 / 03 5261 6100 / Fax: 5261 0525
Email: planningapps@surfcoast.vic.gov.au
17/0332 / D17/140903



R-1469403

The information contained in this registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose above and that any dissemination or distribution of this information is strictly prohibited.

Office Use Only
 Application No.: _____ Date Lodged: / /

Application for a Planning Permit

Planning Enquiries
 Web: www.surfcoast.vic.gov.au

Clear Form

The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.: St. No.: St. Name:

Suburb/Locality: Postcode:

Formal Land Description *
 Complete either A or B.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No.: Section No.:

The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit? *

Demolition of existing dwelling and construction of a double-storey dwelling within the same boundary.

Provide additional information about the proposal, including plans and elevations, any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist, and if required, a description of the likely effect of the proposal.

Estimated cost of any development for which the permit is required *

Cost \$ You may be required to verify this estimate. Insert '0' if no development is proposed.

24 AUG 2017

SURF COAST SHIRE

24 AUG 2017

OPENED: FILE COPY PUBLIC TRUST COPY

24 AUG 2017

24 AUG 2017

Existing Conditions

Describe how the land is used and developed now. For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

A single dwelling on a shared site with 5 other dwellings sharing common land. By entering this information you acknowledge and agree that any dissemination or distribution of this information is strictly prohibited.

Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name: Title: Mrs First Name: Lyndel Surname: Roberts
 Organisation (if applicable):
 Postal Address: Unit No.: St. No.: 218 St. Name: Ascot St Sth
 Suburb/Locality: Ballarat State: Vic Postcode: 3350

Please provide at least one contact phone number *

Contact information for applicant OR contact person below
 Business phone: Email: lyndel.roberts@ncable.net.au
 Mobile phone: 0418 398 864 Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details* Same as applicant
 Name: Title: First Name: Surname:
 Organisation (if applicable):
 Postal Address: Unit No.: St. No.: St. Name:
 Suburb/Locality: State: Postcode:

Owner *

The person or organisation who owns the land

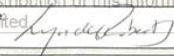
Where the owner is different from the applicant, provide the details of that person or organisation.

Name: Same as applicant
 Title: Mr First Name: Wayne Surname: Roberts
 Organisation (if applicable):
 Postal Address: Unit No.: St. No.: 48 St. Name: Victoria Ave
 Suburb/Locality: Lake Wendouree State: Vic Postcode: 3350
 Owner's Signature (Optional): Date: 4 APR 2017
 day / month / year

The information contained in this online registry is provided for the
purpose of the planning process as set out in the Planning and
Environment Act 1987. The information must not be used for any
other purpose. By entering this website you acknowledge and
agree to the use of the information for the above purposes.

Declaration
This form must be signed by the applicant.
Remember it is against the law to provide false or misleading information which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant, and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

Signature: 

Date: 17 | 8 | 17
day / month / year

Need help with the Application? ⓘ

General information about the planning process is available at planning.vic.gov.au


Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

No Yes If 'Yes', with whom?:
Date: day / month / year

Checklist ⓘ

Have you:

Filled in the form completely?
 Paid or included the application fee?  Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
 Provided all necessary supporting information and documents?
 A full, current copy of title information for each individual parcel of land forming the subject site.
 A plan of existing conditions.
 Plans showing the layout and details of the proposal.
 Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
 If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).
 Completed the relevant council planning permit checklist?
 Signed the declaration above?

Lodgement ⓘ

Lodge the completed and signed form, the fee and all documents with:

Surf Coast Shire Council
PO Box 350
Torquay VIC 3228
1 Merrijig Drive
Torquay VIC 3228

Contact information:
Email: info@surfcoast.vic.gov.au
Translation: 13 1202

Deliver application in person, by post or by electronic lodgement.

ISURF COAST SHIRE
24 AUG 2017
PLANNING
DEPARTMENT

The information contained in this online registry is provided for the purposes of the planning process as set out in the Planning and Design Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited.


SINCOCK
P L A N N I N G

ABN 42 061 616 044
PO Box 284
Geelong 3220
Ph/Fax: 03 5224 1467
Mob: 0407 344 369
Email:
toni.sincock@bigpond.com

Maya Dougherty
Statutory Planner
Surf Coast Shire
PO Box 350
TORQUAY VIC 3228

Dear Madam,

Re: 17/0332
5/24 Price Street, Torquay

I refer to the above application and confirm that we have received and reviewed the six objections and a response is provided to each of the objections below:

Loss of sun to windows at 28 Price Street

Clause 54 provides the assessment tools in relation to overshadowing and amenity impacts for dwelling development. It is clear from the shadow diagrams that the majority of the secluded open space of 28 Price Street is unaffected by shadow.

We note that the overshadowing diagrams clearly articulate that there is a very small shadow forming on the adjoining property at 9am and the dotted line indicates where that shadow hits the ground. Whilst in a 2d form it appears to impact the windows, the windows would in fact not be affected by shadow from the development at 9am as the shadow would fall on the wall below any windows.

The primary amenity based assessment for a dwelling is in relation to side and rear setbacks, and the proposed dwelling exceeds those requirements in relation to setbacks from the neighbouring dwelling, such that no unreasonable loss of amenity occurs.

Parking

All dwellings within the property currently park adjacent to their dwellings although designated parking is not nominated on the plan of subdivision. It is acknowledged that there is no designated second car space provided due to the areas of common property and as such the application is being amended to seek permission to waive the second car space. This space can be accommodated on the street due to available parking without causing any loss of amenity to neighbours as there are no parking constraints and plenty of available parking in existence.

Construction impacts

All developments result in some construction impacts and as VCAT regularly articulate, these are temporary and are reasonable and should be expected in a residential context.

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Neighbourhood character
The neighbourhood character assumptions made by the objectors are far too simplistic, suggesting that neighbourhood character is defined by the dwellings on this lot only. Neighbourhood character is in fact much broader and should be considered having regard to the neighbourhood. In this instance the Surf Coast Shire have conducted a Neighbourhood Character Study and determined precincts which are a very useful guide when considering the impact of a development on neighbourhood character.

It is clear that the character of the broader area includes lots of single and double storey dwellings and a variety of building materials and finishes. The proposed two storey dwelling will have no impact on the broader character, being a small two storey dwelling on a compact footprint with significant space retained around the site.

It is clear that even if all of the units on this site were redeveloped with second storey forms, this would not be inconsistent with the character of the area. In fact the development would exceed any permeable surface or garden area coverage assessments that new developments are now subject to.

It is our view that there is no impact on neighbourhood character that would warrant refusal of this application.

Overshadowing open space

Overshadowing is considered in relation to impact on secluded open space, the objective being to not significantly overshadow existing secluded open space. The property at 24 Price Street has no designated secluded private open space, with all areas outside the building envelope nominated as common property and constituting open space. Whilst there is an increase in shadow to the rear of unit 4, primarily at midday, the increase is not substantial and there are significant areas of the common property that can be used to provide for outdoor use that are unaffected by shadow at that time.

Impact on services/infrastructure

It is understood that there are concerns with existing infrastructure within the site, and given the development in the 1950's this is likely to be an issue if pipes and services have not been updated.

None of the servicing authorities have identified infrastructure concerns in this part of Torquay that would limit redevelopment opportunities involving an additional bathroom and bedroom.

Building height

The dwelling is below the preferred maximum building height and at two storey scale, is an acceptable and normal residential scale. A single level transition between dwellings is accepted and VCAT have confirmed this in numerous reviews over the past 20 years.

Side & rear setbacks

Due to the nature of the subdivision, being that the building envelope is the only area on each title, the development naturally doesn't comply with side and rear setbacks. This is true of the existing dwellings whereby none would comply with the wall on boundary standards. This is not a fatal to the proposal, as the dwelling meets the side and rear setbacks to the property boundary of 24 Price Street and this is consistent with the objective of the standard.

The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that you accept the terms and conditions of use.

Overlooking
At present, the plans identify the overlooking arc only affecting a single window of unit 2 from the first floor balcony. This could be addressed by a permit condition and we are more than happy to discuss possible changes to eliminate all overlooking if considered necessary.

Conclusion

We submit that the objections cannot be upheld and as such we ask that Council undertake their assessment and issue a decision at your earliest convenience.

As discussed with Mich Watt (Co-ordinator of Statutory Planning) the application is being amended to seek permission to waive the required second car space given the land outside the building envelope is common property within the body corporate, and therefore a formalised second car space cannot be provided on the land.

The required application form is attached, and we confirm our verbal position that there is more than sufficient car parking available on street to accommodate the single car space we seek to waive.

If you have any queries or concerns in relation to any of the above, please do not hesitate to contact me.

Yours faithfully,



Toni Sincock

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 use the information for the purpose specified
Page 1 of 1
VOLUME 08232 FOLIO 856
Security no : 124067431202T
Produced 06/08/2017 10:14 am
is strictly prohibited.

LAND DESCRIPTION

Unit 5 on Strata Plan 010526 and an undivided share in the common property for the time being described on the plan.
PARENT TITLE Volume 08209 Folio 612
Created by instrument G803125 05/10/1977

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
WAYNE STANLEY ROBERTS of 7 CLIANTHUS COURT BALLARAT NORTH 3350
T980609C 30/11/1995

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 12 Strata Titles Act 1967 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE RP010526 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: UNIT 5 24 PRICE STREET TORQUAY VIC 3228

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION PLAN NO. RP010526

DOCUMENT END

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Imaged Document Cover Sheet

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Document Type	plan
Document Identification	RP010526
Number of Pages (excluding this cover sheet)	2
Document Assembled	06/08/2017 10:17

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RP10526
 680110

PLAN OF STRATA SUBDIVISION RP10526

REGISTERED
 TIME 8:55
 DATE 5 OCT 1977

THE PARCEL The whole of the land described in Certificate of Title Volume 8209 Folio 612 being part of Crown Allotment 11, SECTION 5, Parish of NEAL, County of GRANT.

POSTAL ADDRESS OF BUILDINGS —
 24, PRICE STREET
 TORQUAY 3228

FOR CURRENT ADDRESS FOR SERVICE OF NOTICE
 SEE BODY CORPORATE SEARCH REPORT

THE LAND SHOWN THIS IS ENCUMBERED BY A DRAINAGE EASEMENT SEE P/S 42794 AND AFFECTS PART OF UNIT 3 AND PART OF THE COMMON PROPERTY

PRICE STREET

LENGTHS ARE IN METRES

Diagram showing the external boundaries of the site and the location in relation thereto at ground level of all buildings in the parcel.

<p>SURVEYOR'S CERTIFICATE THOMAS RALPH WARREN 1, OF 115 YARRA STREET GEELONG 3220 a surveyor licensed under the Land Surveyors Act 1958 certify that this plan and any measurements on which it is based have been made by me or under my personal direction and supervision; that the standard of accuracy of any measurements made to determine the external boundaries of the site complies with the requirements of and under the Land Surveyors Act 1958; that the plan accurately represents as at the 16th day of MAY 1977 in the manner required by or under the Strata Titles Act 1967 and by or under the Land Surveyors Act 1958; and within the limitations of the scale used and the standard of accuracy required, the boundaries of the units and the location at ground level of all buildings in the parcel in relation to the external boundaries of the site; and that all units are within the parcel.</p> <p>Signature: <i>T. Warren</i> Date: 2.6.77</p>	<p>SEAL OF MUNICIPALITY AND ENDORSEMENT SEALED PURSUANT TO SUB-SECTION 1 OF SECTION 6 OF THE STRATA TITLES ACT 1967 THE COUNCIL OF THE CITY OF SOUTH BARWON HEREBY CONSENTS TO THE SUBDIVISION OF LAND SHOWN ON THIS PLAN IN WITNESS WHEREOF THE SEAL OF THE MUNICIPALITY HAS BEEN AFFIXED. DATED THIS 24th OF JUNE 1977</p> <p><i>[Signatures]</i> MAYOR <i>[Signature]</i> COUNCILLOR</p>
---	--

SCHEDULE OF UNIT ENTITLEMENT AND UNIT LIABILITY

FOR CURRENT BODY CORPORATE DETAILS
 SEE BODY CORPORATE SEARCH REPORT

T. Warren
 Licensed Surveyor.

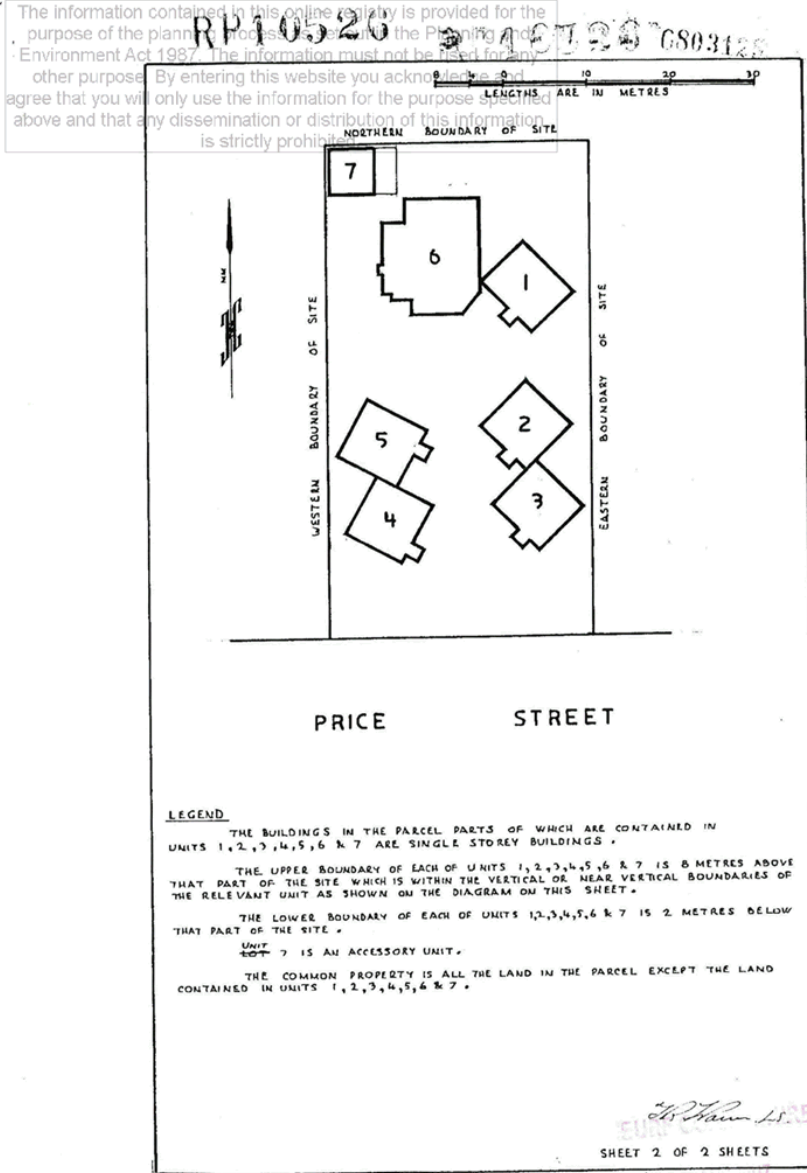
SHEET 1 OF 2 SHEETS



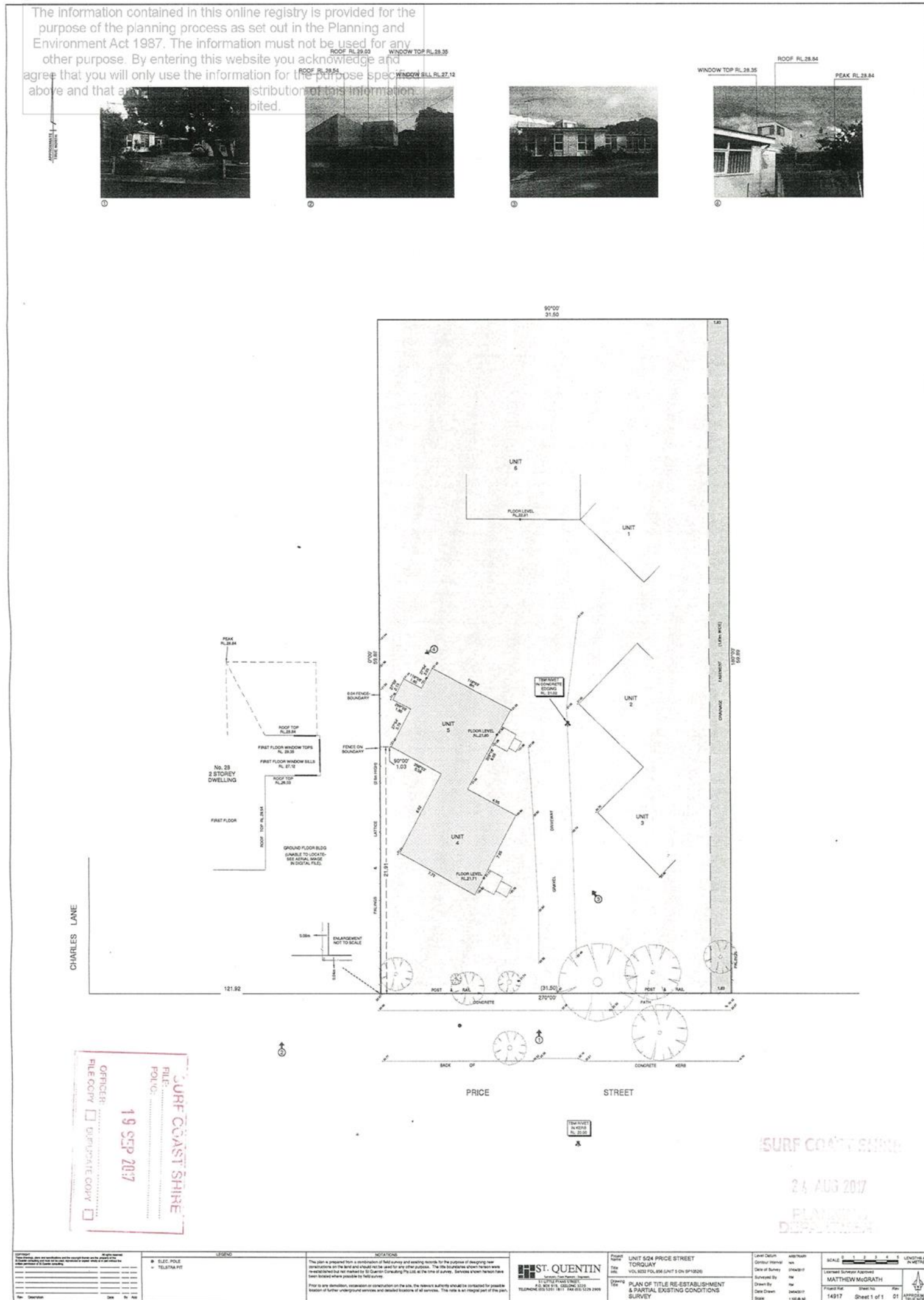
THOMS & PARTNERS PTY. LIMITED
 LICENSED SURVEYORS | CONSULTING ENGINEERS | PLANNERS & DESIGNERS
 115 YARRA STREET, GEELONG, VIC, 3220
 Telephone: (052) 879147

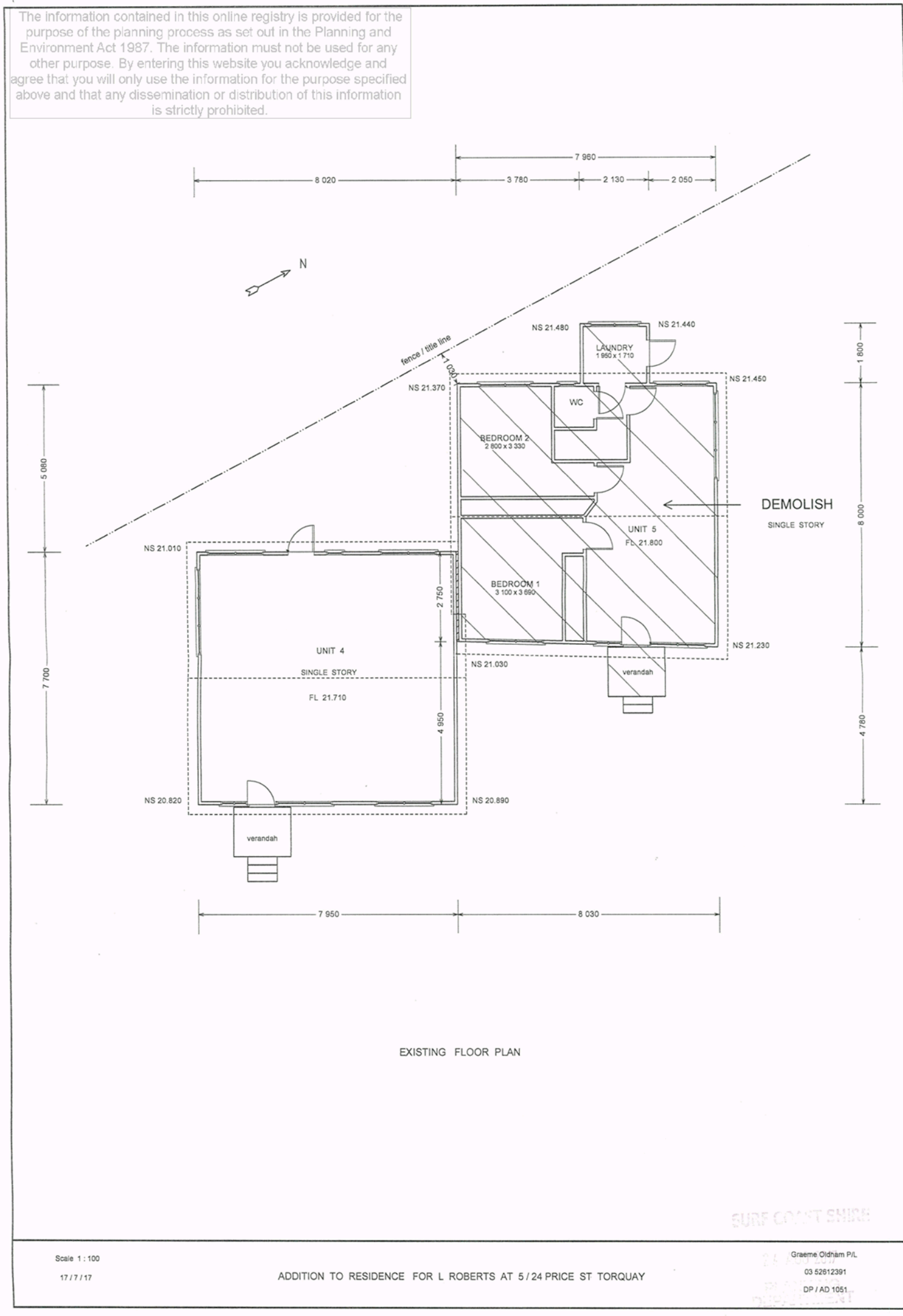
REF. 8792

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THOMS & PARTNERS PTY. LIMITED
LICENSED SURVEYORS | CONSULTING ENGINEERS | PLANNERS & DESIGNERS
115 YARRA STREET, GEELONG, VIC, 3220
Telephone: (052) 83147
REF. 6792





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EAST ELEVATION
NS 20.820, NS 20.890, NS 21.030, NS 21.230
FL 21.710, FL 21.800
2.420

WEST ELEVATION
NS 21.450, NS 21.370, NS 21.010
FL 21.800, FL 21.710
2.420

NORTH ELEVATION
NS 21.230, NS 21.450
FL 21.710, FL 21.800
2.420

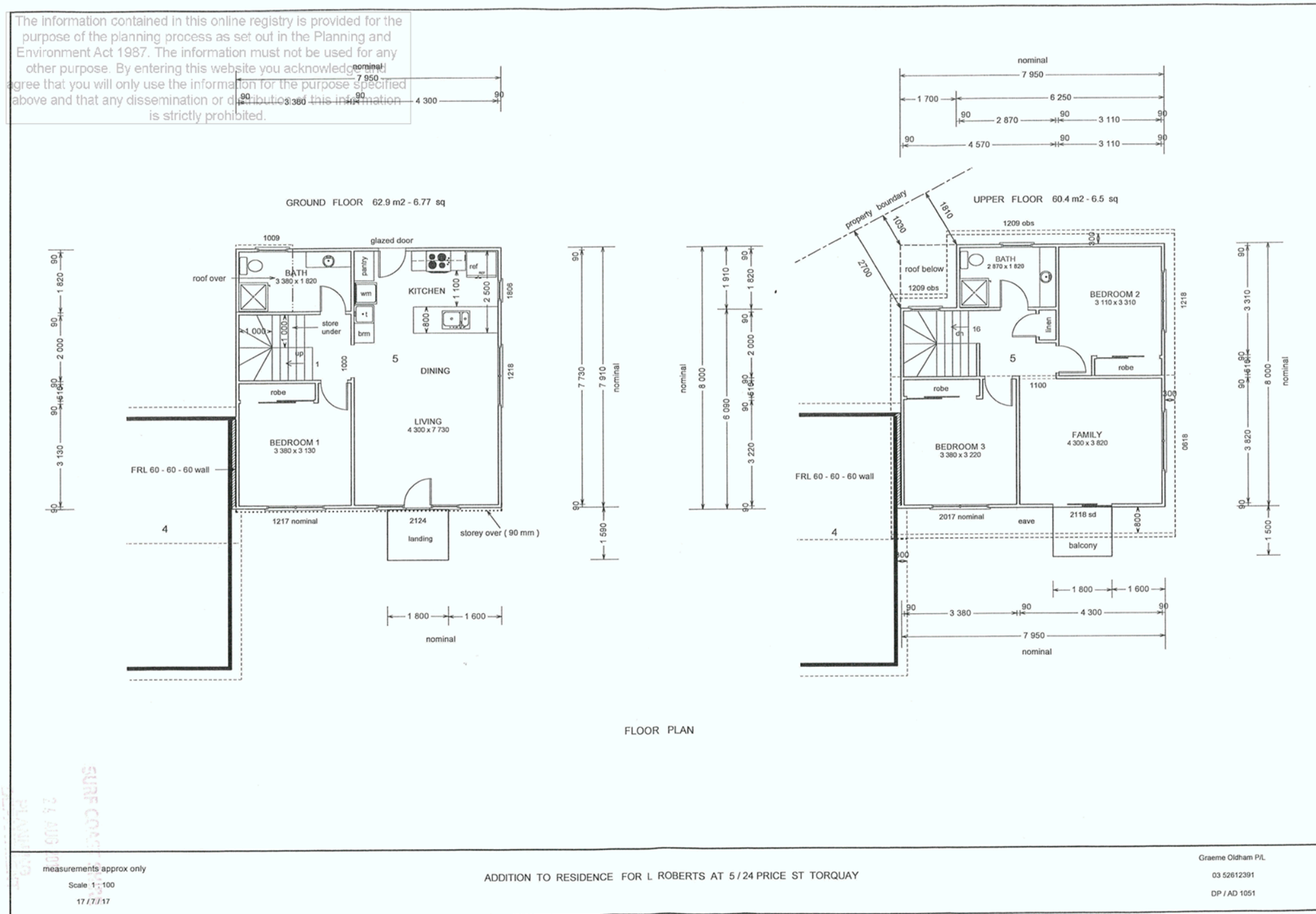
SOUTH ELEVATION
NS 21.370, NS 21.010, NS 20.820
FL 21.800, FL 21.710
2.420

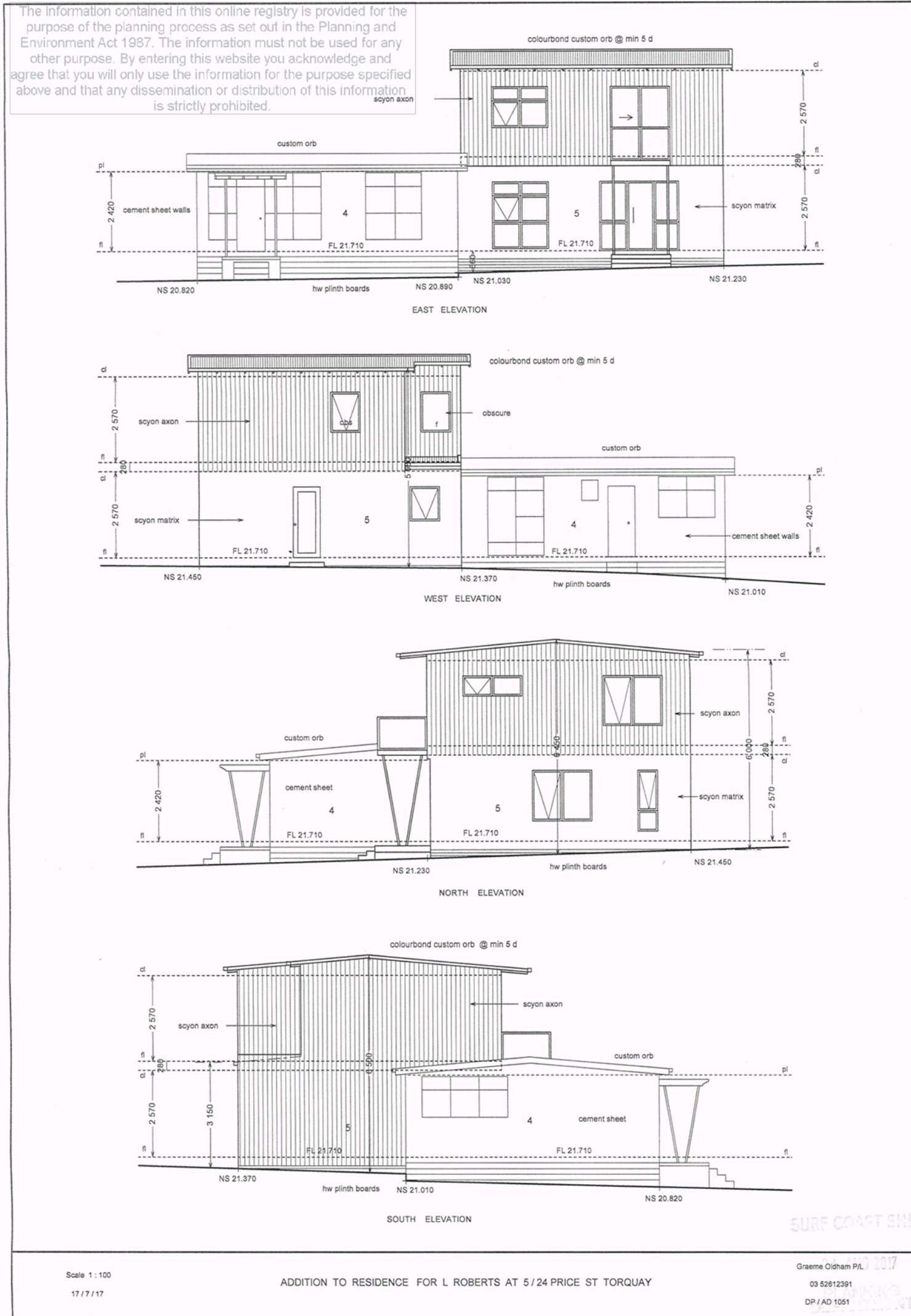
EXISTING ELEVATIONS

Scale 1:100
17/7/17

ADDITION TO RESIDENCE FOR L ROBERTS AT 5/24 PRICE ST TORQUAY

GRAEME OLDHAM P/L
03 52612391
DP / AD 1051





1.2 Planning Permit Application 17/0294 - 115 Strathmore Drive Jan Juc - Two Lot Subdivision

Author's Title: Coordinator Statutory Planning **General Manager:** Ransce Salan
Department: Planning & Development **File No:** 17/0294
Division: Environment & Development **Trim No:** IC18/233

Appendix:

1. List of Speakers - 6 March 2018 (D18/23369)
2. Application Documents (D17/103025)
3. Amended Application - Bushfire Management Statement - 115 Strathmore Drive Torquay (D17/151797)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to hear submissions relating to Planning Permit Application 17/0294.

Summary

An application has been made to undertake a two lot subdivision at 115A Strathmore Drive, Jan Juc.

The site is zoned General Residential Zone – Schedule 1 and is subject to the following overlays: Bushfire Management Overlay, Design and Development Overlay – Schedule 22, Significant Landscape Overlay – Schedule 6 and Development Contributions Plan Overlay – Schedule 2.

Public notification of the application was undertaken and five submissions were lodged with Council. All submissions are objections to the application. The following concerns were raised:

- The lot widths are too narrow;
- Vegetation removal;
- The development of two dwellings on the lot will be different to the character of Strathmore Drive on the western side;
- Reduced on street parking;
- Drainage issues;
- Potential impact on views;
- This is the second time the land has been subdivided;
- Front setback should be 30 metres.

The issues raised in the submissions will be considered in detail in a report to be presented to the 27/3/2018 Council meeting.

Recommendation

That the Hearing of Submissions Committee receive and note the submissions relating to Planning Permit Application 17/0294 for 115A Strathmore Drive, Jan Juc and forward to Council for consideration.

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr Carol McGregor

That the Hearing of Submissions Committee receive and note the submissions relating to Planning Permit Application 17/0294 for 115A Strathmore Drive, Jan Juc and forward to Council for consideration.

CARRIED 6:0

1.2 Planning Permit Application 17/0294 - 115 Strathmore Drive Jan Juc - Two Lot Subdivision

APPENDIX 1 LIST OF SPEAKERS - 6 MARCH 2018

1.2 Planning Permit Application 17/0294 - 115 Strathmore Drive Jan Juc - Two Lot Subdivision



**Hearing of Submissions
Tuesday 6 March 2018
5pm
Council Chambers
1 Merrijig Drive, Torquay**

ORDER OF SPEAKERS

Environment & Development

1. Planning Permit Application 17/0332 – 5/24 Price Street, Torquay – Construction of a New Dwelling

	Submitter Name
1.	Jane Goller
2.	Lyndel Roberts (Applicant)

2. Planning Permit Application 17/0294 – 115 Strathmore Drive, Jan Juc – Two Lot Subdivision

	Submitter Name
1.	Julia Spink & David Spink & Lyndelle Zuccolin & Jay Wilson
2.	Adam O'Halloran (Applicant)

**1.2 Planning Permit Application 17/0294 - 115 Strathmore Drive Jan Juc - Two Lot
Subdivision**

APPENDIX 2 APPLICATION DOCUMENTS



Application for Planning Permit for a Subdivision

Supplied by Dani Edwards
Submitted Date 28/08/2017

Application Details

Application Type Planning Permit for a Subdivision
Version 1
Applicant Reference Number 1380
Responsible Authority Name Surf Coast Shire Council
Responsible Authority Reference Number(s) 17/0294
SPEAR Reference Number S109242B
Application Status Lodged with Responsible Authority
Planning Permit Issue Date NA
Planning Permit Expiry Date NA

The Land

Primary Parcel 115A STRATHMORE DRIVE, JAN JUC VIC 3228
 Lot 12/Plan PS742219
 Volume 11833/Folio 501
 SPI 12/PS742219
 CPN 184771

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Zone: 32.08 General Residential Zone
Overlay: 45.06 Development Plan Contributions
 43.02 Design and Development
 42.03 Significant Landscape

The Proposal

Plan Number (Not Supplied)
Number of lots 2
Proposal Description The application seeks approval for the subdivision of the land into two lots. The subdivision is proposed as follows; Lot 1 • Lot 1 will be a vacant lot with a frontage to Strathmore Drive of 15m. • The lot will have a total area of approximately 1200 square metres. • The lot will be accessed via a proposed driveway off Strathmore Drive. Lot 2 • Lot 2 will be a vacant allotment with a 15m frontage to Strathmore Drive. • The lot will have a total area of approximately 1200 square metres. • The vacant lot will be accessed via a proposed driveway off Strathmore Drive.
Estimated cost of the development for which a permit is required \$ 0

Existing Conditions

Existing Conditions Description The subject site is a vacant allotment on the west side of Strathmore Drive in Jan Juc. The properties to the west are zoned 'Low Density Residential'. They

consist of dwellings on large lots. The properties to the north/south and east are zoned 'General Residential' and consist of dwellings on larger lots (to the north/south) and smaller residential lots and dwellings, on the east side of Strathmore Drive. The site contains scattered vegetation. None of this vegetation is of any significance. The proposed subdivision will have no effect on the current vegetation.

Title Information - Does the proposal breach an encumbrance on Title?

The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact

Dani Edwards
Adam OHalloran & Associates
12 Blackwood Lane, Aireys Inlet, VIC, 3231
Business Phone: 03 5289 6668
Email: dani@aosurvey.com.au

Applicant

Applicant

(Applicant details as per Applicant Contact)

Owner

Owner 2

Braeden Chivers
115 Strathmore Drive, Jan Juc, VIC, Australia

Owner 3

Cecilia Chivers
23 Tarrawarra Road, Coldstream, VIC, Australia

Owner 4

John Chivers
23 Tarrawarra Road, Coldstream, VIC, Australia

Declaration

I, Dani Edwards, declare that I have notified the owner(s) about this application.

I, Dani Edwards, declare that all the information supplied is true.

Authorised by

Dani Edwards

Organisation

Adam OHalloran & Associates

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 11833 FOLIO 501

Security no : 124064796100K
Produced 01/03/2017 02:34 pm

LAND DESCRIPTION

Lot 12 on Plan of Subdivision 742219F.
PARENT TITLE Volume 10313 Folio 192
Created by instrument PS742219F 16/11/2016

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 2 of a total of 5 equal undivided shares
Joint Proprietors
JOHN EDWIN CHIVERS
CECILIA ANNE CHIVERS both of 23 TARRAWARRA ROAD COLDSTREAM VIC 3770
As to 3 of a total of 5 equal undivided shares
Sole Proprietor
BRAEDEN JAKE CHIVERS of 115 STRATHMORE DRIVE JAN JUC VIC 3228
PS742219F 16/11/2016

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION


SEE PS742219F FOR FURTHER DETAILS AND BOUNDARIES

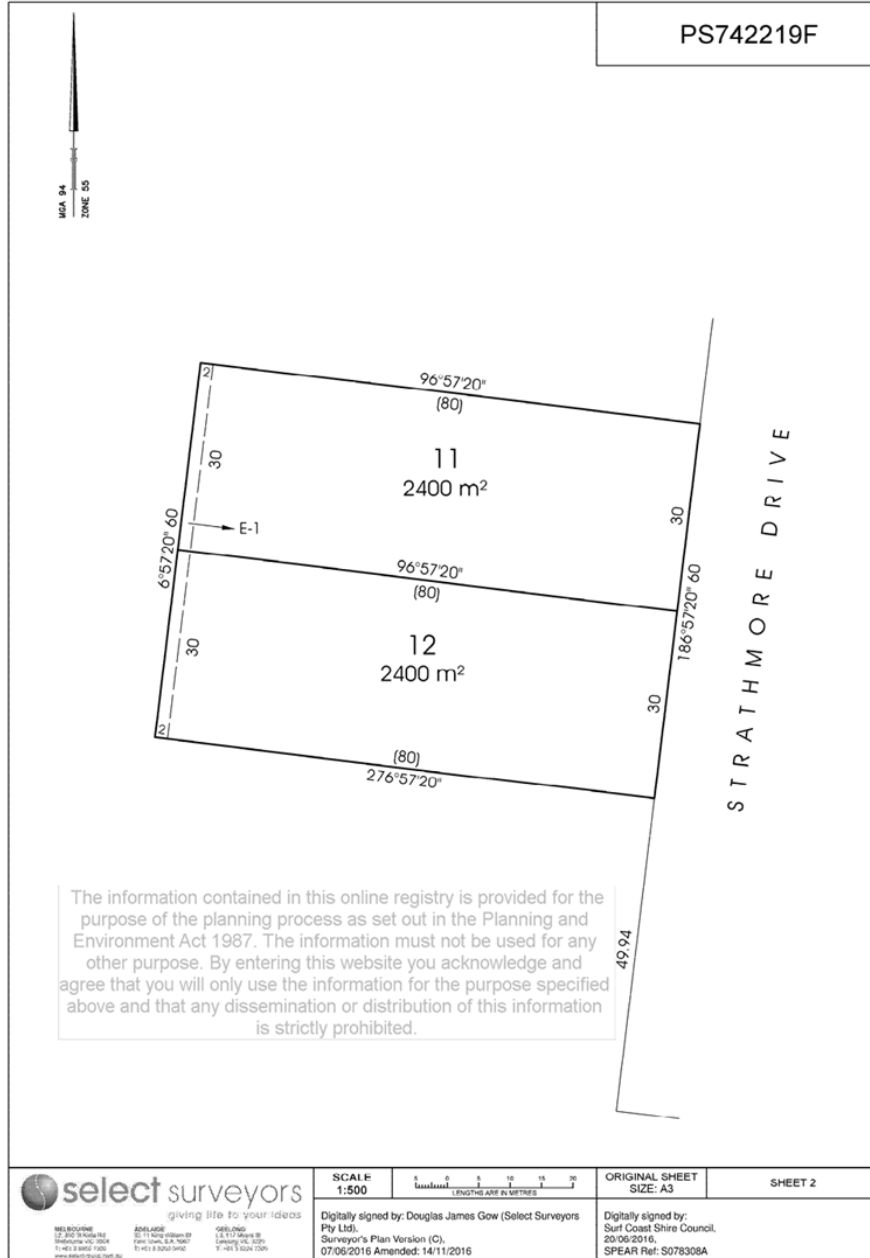
ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
PS742219F (S)	PLAN OF SUBDIVISION	Registered	16/11/2016
AN515157K (E)	NOMINATION OF ECT TO LC	Completed	02/02/2017
AN515160W (E)	DISCHARGE OF MORTGAGE	Registered	02/02/2017

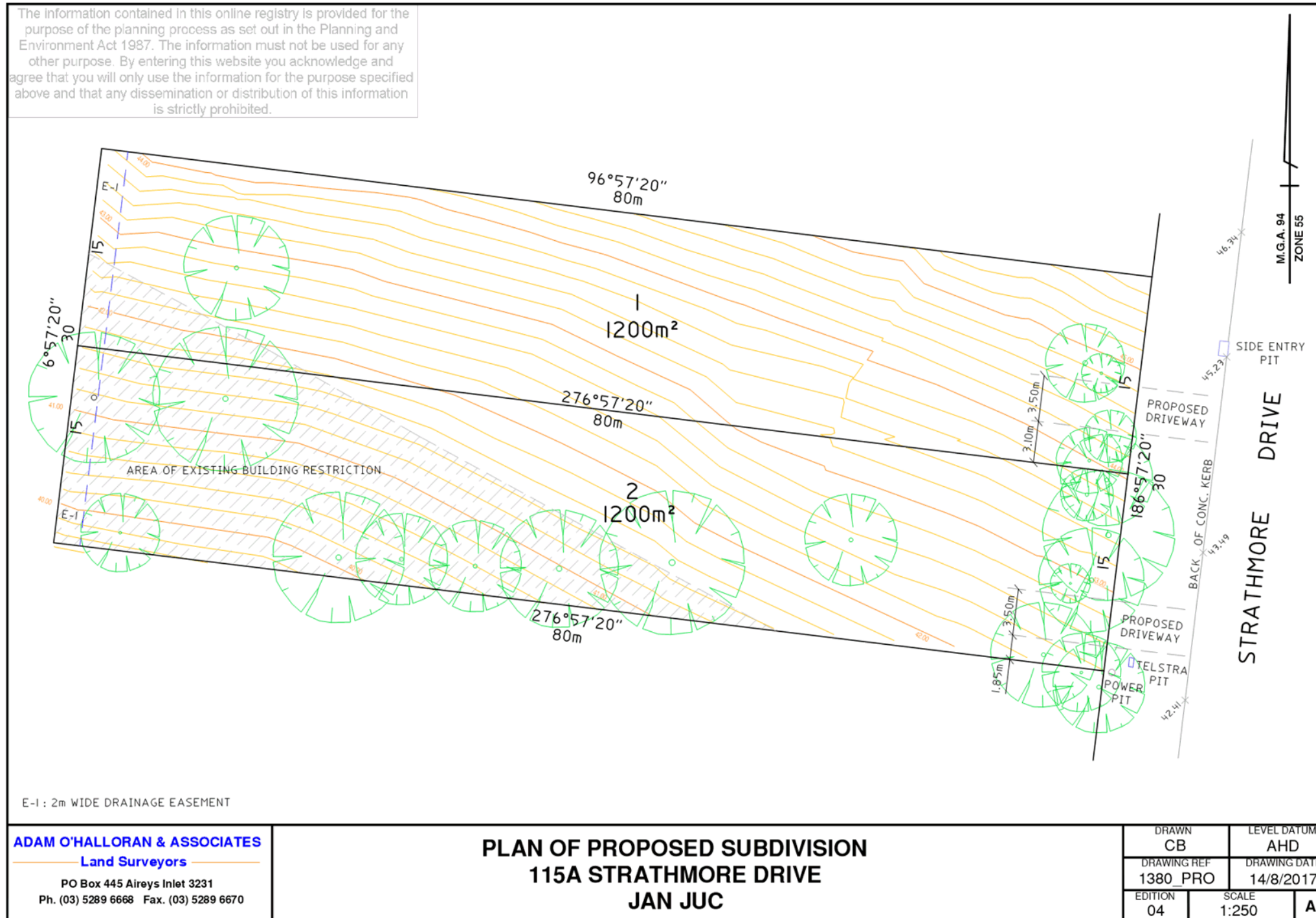
DOCUMENT END

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PLAN OF SUBDIVISION		EDITION 1	PS742219F	
LOCATION OF LAND PARISH: JAN JUC TOWNSHIP: - SECTION: - CROWN ALLOTMENT: 14 & 15 (PARTS) CROWN PORTION: - TITLE REFERENCE: VOL 10313 FOL 192 LAST PLAN REFERENCE: PS342508D LOT 1 POSTAL ADDRESS: 115 STRATHMORE DRIVE, JAN JUC, 3228 (at time of subdivision) MGA CO-ORDINATES: E: 263 376 ZONE: 55 (of approx centre of land N: 5 752 788 GDA 94 in plan)		Council Name: Surf Coast Shire Council Council Reference Number: S4331 Planning Permit Reference: 15/0249 SPEAR Reference Number: S078308A Certification This plan is certified under section 6 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 Has not been made at Certification Digitally signed by: Philip Rosevear for Surf Coast Shire Council on 20/06/2016		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS		THIS IS A SPEAR PLAN LOTS 1 TO 10 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN		
DEPTH LIMITATION DOES NOT APPLY		The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited.		
SURVEY: This plan is based on survey.				
STAGING: This is not a staged subdivision. Planning Permit No. 15/0249 This survey has been connected to permanent marks No(s) PM 49 In Proclaimed Survey Area No.				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of
E-1	DRAINAGE	2	THIS PLAN	SURF COAST SHIRE COUNCIL
 giving life to your ideas		SURVEYORS FILE REF: G1513/POS/1 Digitally signed by: Douglas James Gow (Select Surveyors Pty Ltd), Surveyor's Plan Version (C), 07/06/2016		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 3 PLAN REGISTERED TIME: 9:50 AM DATE: 16/11/16 G. ANGELINI Assistant Registrar of Titles
<small> MELBOURNE 1/5-20/50 Ross St Melbourne VIC 3004 P +61 3 9360 3399 www.select-surveyors.com.au </small>		<small> ADELAIDE 25/11 Kingsmill Rd 5007 South A.S. 5007 P +61 8 8252 1620 </small>		<small> SYDNEY 1/3-11/11 Macquarie St Sydney VIC 2000 P +61 3 9224 7330 </small>



RESTRICTIONS ON USE OF LAND	PS742219F								
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<p>CREATION OF RESTRICTION UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED</p>									
<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="width: 50%;">LAND BURDENED</th> <th style="width: 50%;">LAND BENEFITED</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">LOT 11 ON THIS PLAN</td> <td style="text-align: center;">LOT 12 ON THIS PLAN</td> </tr> <tr> <td style="text-align: center;">LOT 12 ON THIS PLAN</td> <td style="text-align: center;">LOT 11 ON THIS PLAN</td> </tr> </tbody> </table>		LAND BURDENED	LAND BENEFITED	LOT 11 ON THIS PLAN	LOT 12 ON THIS PLAN	LOT 12 ON THIS PLAN	LOT 11 ON THIS PLAN		
LAND BURDENED	LAND BENEFITED								
LOT 11 ON THIS PLAN	LOT 12 ON THIS PLAN								
LOT 12 ON THIS PLAN	LOT 11 ON THIS PLAN								
<p>THE REGISTERED PROPRIETOR SHALL NOT CONSTRUCT ANY PLUMBING FIXTURE WITHIN THE AREA SHOWN AS , UNLESS IT IS AT A HEIGHT FOR THE WASTE FLOWS TO GRAVITATE INTO THE SEWER MAIN CONNECTION POINT.</p>									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; vertical-align: top;"> <p style="font-size: small;">giving life to your ideas</p> <p style="font-size: x-small;">MELBOURNE 1/5-201 St Albans Rd Melbourne VIC 3024 T +61 3 9392 3399 www.selectgroup.com.au</p> <p style="font-size: x-small;">ADELAIDE 65/11 Kingsmill Rd 5061 South A.S. 5067 T +61 8 8232 1622</p> <p style="font-size: x-small;">OSWING 1/3, 11 Thomas St Osmania VIC 3202 T +61 3 5294 7335</p> </td> <td style="width: 15%; text-align: center;"> <p>SCALE 1:500</p> <p style="font-size: x-small;">LENGTHS ARE IN METRES</p> </td> <td style="width: 15%; text-align: center;"> <p>ORIGINAL SHEET SIZE: A3</p> </td> <td style="width: 30%; text-align: center;"> <p>SHEET 3</p> </td> </tr> <tr> <td colspan="2" style="font-size: x-small;"> Digitally signed by: Douglas James Gow (Select Surveyors Pty Ltd), Surveyor's Plan Version (C), 07/06/2015 </td> <td colspan="2" style="font-size: x-small;"> Digitally signed by: Surf Coast Shire Council, 20/05/2016, SPEAR Ref: S078308A </td> </tr> </table>		<p style="font-size: small;">giving life to your ideas</p> <p style="font-size: x-small;">MELBOURNE 1/5-201 St Albans Rd Melbourne VIC 3024 T +61 3 9392 3399 www.selectgroup.com.au</p> <p style="font-size: x-small;">ADELAIDE 65/11 Kingsmill Rd 5061 South A.S. 5067 T +61 8 8232 1622</p> <p style="font-size: x-small;">OSWING 1/3, 11 Thomas St Osmania VIC 3202 T +61 3 5294 7335</p>	<p>SCALE 1:500</p> <p style="font-size: x-small;">LENGTHS ARE IN METRES</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 3</p>	Digitally signed by: Douglas James Gow (Select Surveyors Pty Ltd), Surveyor's Plan Version (C), 07/06/2015		Digitally signed by: Surf Coast Shire Council, 20/05/2016, SPEAR Ref: S078308A	
<p style="font-size: small;">giving life to your ideas</p> <p style="font-size: x-small;">MELBOURNE 1/5-201 St Albans Rd Melbourne VIC 3024 T +61 3 9392 3399 www.selectgroup.com.au</p> <p style="font-size: x-small;">ADELAIDE 65/11 Kingsmill Rd 5061 South A.S. 5067 T +61 8 8232 1622</p> <p style="font-size: x-small;">OSWING 1/3, 11 Thomas St Osmania VIC 3202 T +61 3 5294 7335</p>	<p>SCALE 1:500</p> <p style="font-size: x-small;">LENGTHS ARE IN METRES</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 3</p>						
Digitally signed by: Douglas James Gow (Select Surveyors Pty Ltd), Surveyor's Plan Version (C), 07/06/2015		Digitally signed by: Surf Coast Shire Council, 20/05/2016, SPEAR Ref: S078308A							



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PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

The application seeks approval for the subdivision of the land into two lots. The subdivision is proposed as follows:

Lot 1

- Lot 1 will be a vacant lot with a frontage to Strathmore Drive of 15m.
- The lot will have a total area of approximately 1200 square metres.
- The lot will be accessed via a proposed driveway off Strathmore Drive.

Lot 2

- Lot 2 will be a vacant allotment with a 15m frontage to Strathmore Drive.
- The lot will have a total area of approximately 1200 square metres.
- The vacant lot will be accessed via a proposed driveway off Strathmore Drive.

A plan of proposed subdivision has been attached with the application.

SITE AND SURROUNDS

The subject site is a vacant allotment on the west side of Strathmore Drive in Jan Juc.

The properties to the west are zoned 'Low Density Residential'. They consist of dwellings on large lots.

The properties to the north/south and east are zoned 'General Residential' and consist of dwellings on larger lots (to the north/south) and smaller residential lots and dwellings, on the east side of Strathmore Drive.

The site contains scattered vegetation. None of this vegetation is of any significance. The proposed subdivision will have no effect on the current vegetation.

ZONING

The land is located within the General Residential Zone (GRZ1) – Schedule 1, the purpose of the zone is;

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- To implement neighbourhood character policy and adopt neighbourhood character guidelines.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Response

The subdivision proposes to create 2 lots of over 1000m² which fits in with the character of the area.

The site is located within an area that is established with access to services including public transport, education facilities, open space areas and commercial precincts.

The proposal wholly accords with the purpose and objectives of the General Residential Zone (GRZ1).

PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

OVERLAYS

The land is located within the:

Design and Development Overlay – Schedule 22 (DDO22).

The subject site is subject to the Design and Development Overlay – Schedule 22. The purpose of this overlay is:

- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

In accordance with Clause 43.02, a planning permit is not required to subdivide the land subject to DDO22. It is therefore considered that the requirements of this overlay area not relevant in this instance.

Development Contributions Plan Overlay – Schedule 2 (DCPO2)

The subject site is subject to the Development Contributions Plan Overlay – Schedule 2 (DCPO2). The purpose of this overlay is:

- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Under Schedule 2 to Clause 45.06, the subject site falls within charging area 25. The addition of a residential lot in this area incurs a development contribution levy of approximately \$1247.04 (current as at 30 June 2012). It is anticipated that the contribution levy is likely to have been adjusted and trust Council to provide guidance on this matter.

Clause 45.06 does not require a permit for the subdivision of land subject to DCPO2 but a permit granted must:

- *Be consistent with the provisions of the relevant development contributions plan.*
- *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.*

The Environmental Significance Overlay – Schedule 6 (ESO 6).

The subject site is subject to the Significant Landscape Overlay – Schedule 6 (SLO6) relates to Central Torquay/Jan Juc residential areas. The overlay recognises that vegetation is a key element of neighbourhood character in these coastal townships and reinforces their casual coastal character. The purpose of this overlay is:

To reinforce a landscape character that comprises:

- *A moderate tree canopy supported by understorey shrubs with emphasis on indigenous vegetation.*
- *An open vegetated streetscape where the vegetation acts to filter and soften the appearance of buildings and hard surface areas.*

Clause 42.03 does not require a permit for the subdivision of land subject to SLO6. It is therefore considered that the requirements of this overlay are not relevant in this instance.

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PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

Clause 56 – Residential subdivision

A two lot subdivision must meet the requirements of Clause 56 in particular those clauses specified in the table at Clause 32.08-2 of the General Residential Zone.

56.01-1 Site and Context Description

See Plan of Existing Conditions

In relation to the SITE

Site shape, dimension and size	See attached plan
Orientation and contours	See attached plan
Trees and other significant vegetation	See attached plan
The siting and use of existing buildings on the site	See attached plan
Street frontage features such as poles, street trees and kerb crossovers	See attached plan
Access Points	See attached plan
Drainage and infrastructure connections	See attached plan
Easements	There is a drainage easement at the rear of the site.
And significant natural features of the site including drainage lines, watercourses, significant habitat and habitat corridors for the movement of fauna	Not applicable
Significant views to and from the site	Not applicable
Noise and odour sources or other external influences	Not applicable
Soil conditions, including any land affected by contamination, salinity or fill	Not applicable
Any other notable features or characteristics of the site	See attached plan

In relation to the SURROUNDING AREA

The pattern of subdivision of the surrounding areas	A range of rectilinear lot sizes
Existing land uses	Primarily residential & low density residential
The siting and use of existing buildings on the adjacent properties	See attached plan
The location and type of significant vegetation	See attached plan
Street and footpath widths, material and detailing	Reserves, ovals and beach all within 500m
Location, distance and characteristics of any nearby Public Open Space	Local shops are approximately 500 metres to the south. Schools in Torquay & Bellbrae
Direction and distances of local shops, schools, community and recreational facilities	Vline bus on Great Ocean Road
Direction and distances to public transport routes and stops	Great Ocean Road provides access to Anglesea, Geelong and Melbourne
Existing transport routes including freeways, arterial and sub-arterial roads and major roads connecting neighbourhoods	Series of local traffic streets
Local street network	Low traffic levels
Traffic volumes and movements on adjacent roads	Reserves through Jan Juc
Pedestrian and bicycle paths	Not applicable
Any place of natural or cultural significance	

PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

56.01-2 Design Response

The proposed plan has been designed to respond to the site. There are no real constraints on site.

56.03-05 Neighbourhood Character Objectives

The layout respects the established pattern of development within the surrounding environment. The proposed subdivision provides for safe and effective vehicle movement and will assist in providing a greater range of lot sizes in the area to promote diversity.

56.04-2 Lot Area and Building Envelopes

The proposed lot areas are of a significant size. This ensures the ability for provision of solar access, private open space, vehicle access, parking and the retention of existing vegetation.

56.04-3 Solar Orientation

The Lots are orientated for solar access. The lot sizes provide for ample flexibility of related building design

56.04-5 Common Area Objectives

There is no common area to be created by the proposed subdivision

56.06-8 Lot Access Objective

Proposed vehicle crossings for each lot have been shown on the Plan of Proposed Subdivision.

56.07 Water Management, 56.08 Site Management, & 56.09 Utilities

Services, Water supply and Waste Water management will be installed in accordance with requirements of the relevant Authorities.

Clause 65 Decision Guidelines

Clause 65.02 of the Surf Coast Shire Planning Scheme lists a number of matters for consideration by the responsible authority when considering an application to subdivide land.

The following dot points address the dot points listed (in order) as decision guidelines in clause 65.02 of the planning scheme.

- The land is suitable for subdivision in a strategic sense given its close proximity to physical and social infrastructure and due to the size and configuration of the lot and the existing development. There are no restrictions on this lot preventing further subdivision;
- The proposal is consistent with current and possible future development of nearby land given the prevalent residential uses. Some of the abutting properties have been subdivided into smaller allotments;
- The current proposal maximizes use of existing infrastructure;
- There are few physical characteristics on the land;
- The density of proposed development is appropriate to the locality, available infrastructure and services, and the planning scheme provisions.
- The area and dimensions of each lot are appropriate, each able to provide existing on-site parking and sufficient space for areas of private open space;
- The existing road network is adequate. The subdivision will add little to existing traffic volumes;

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PLANNING SUBMISSION – 115A Strathmore Drive, Jan Juc

- **There will be no conflict between pedestrian and vehicular movement to and from each of the proposed lots;**
- **Provision of public open space is not an issue. There is a wide range of open space available within a short distance of the site;**
- **The subdivision will not be staged;**
- **Each of the lots are of a size sufficient to enable the safe siting and design of buildings;**
- **Provision will be made for the parking of vehicles off street;**
- **There is no common property area;**
- **No body corporate is required;**
- **All utility services are available to the proposed subdivision;**
- **Reticulated sewerage is available to the proposed development;**
- **The size of the lots provides for flexibility of building design, therefore not requiring the removal of the existing trees on the site.**

Conclusion

Overall it is considered the proposed two lot subdivision accords with the relevant provisions of the Surf Coast Shire Planning Scheme. The proposed subdivision:

- Meets the minimum lot size for the precinct.
- Does not require the removal of any vegetation.
- Fits in with the existing neighbourhood character of the surrounds.
- Provides adequate lot sizes and dimensions for new dwellings.

Given all of the above it is requested a planning permit be issued for the subdivision of the land into two lots.

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1.2 Planning Permit Application 17/0294 - 115 Strathmore Drive Jan Juc - Two Lot Subdivision

APPENDIX 3 AMENDED APPLICATION - BUSHFIRE MANAGEMENT STATEMENT - 115 STRATHMORE DRIVE TORQUAY

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

BUSHFIRE MANAGEMENT
STATEMENT – 115A
STRATHMORE DRIVE,
JAN JUC

14th December
2017

South Coast Bushfire Consultants

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

South Coast Bushfire Consultants

P.O. Box 721, Torquay, Vic 3228

Phone: 0401 328 757 Email: mksteel@bigpond.com

Principal Consultant – Kylie Steel

Qualifications / Accreditations:

- Accredited Bushfire Consultant (BPAD level 2) with the Fire Protection Association Australia (FPA) (2014)
- Preparing and assessing an application under the Bushfire Management Overlay – Planet (Department of Planning and Community Development) (2013)
- Postgraduate Certificate in Bushfire Planning and Management – The University of Melbourne (2013)
- Postgraduate Certificate in Business – The University of Notre Dame, Broome (2002)
- Bachelor of Science, Honours – The University of Melbourne (1998)
- Native Vegetation Planning Permit Applications – Planet (Department of Planning and Community Development) Training Seminar (2013)

Disclaimer

This report has been made with careful consideration and with the best information available to South Coast Bushfire Consultants at the time of writing. Before relying on information in this report, users should evaluate the accuracy, completeness and relevance of the information provided for their purposes. South Coast Bushfire Consultants do not guarantee that it is without flaw or omission of any kind and therefore disclaim all liability for any error, loss or other consequence that may arise from you relying on any information in this report.

Requirements detailed in this document do not guarantee survival of the buildings or the occupants. The client is strongly encouraged to develop and practice a bushfire survival plan.

Information and assistance including a template for a Bushfire Survival Plan is provided as part of the 'Fire Ready Kit' available through the CFA website at <http://www.cfa.vic.gov.au> or through your local CFA Regional office.

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Version Control

	Name	Date Completed	Comments
Report Version	Kylie Steel	14/12/17	Version 1
Field Assessment	Kylie Steel	5/12/17	
Report	Kylie Steel	5/12/17	
Mapping	Kylie Steel	5/12/17	

Definitions, Abbreviations and Acronyms

AS 3959-2009 – Australian Standard AS 3959 -2009 Construction of buildings in bushfire-prone areas.

CFA – Country Fire Authority

Clause – A clause relates to a specific piece within the planning scheme.

Clause 44.06 – Bushfire Management Overlay

Clause 52.47 – Planning for Bushfire

DEPI – Department of Environment Planning and Infrastructure (now DELWP)

DELWP – Department of Environment, Land, Water and Planning

BAL – Bushfire Attack Level

BPA – Bushfire Prone Area

BMO – Bushfire Management Overlay

BMS – Bushfire Management Statement

Method 1 – refers to methodology in AS 3959-2009 for determining a BAL with a number of predetermined inputs.

Method 2 – refers to methodology in AS 3959-2009 for determining a site specific BAL

Pathway 1 – refers to an application pathway in Clause 52.47 of the planning scheme.

Pathway 2 – refers to an application pathway in Clause 52.47 of the planning scheme.

Planning Practice Note – a guide for using various sections of the planning scheme prepared by DTPI

RA – Responsible Authority

SCBC – South Coast Bushfire Consultants

Total Fire Ban Day – is declared by CFA on days when fires are likely to spread rapidly and could be difficult to control.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

1 SUMMARY

This document analyses the bushfire hazards to a proposed subdivision at 115A Strathmore Drive, Jan Juc. This application proposes to subdivide the existing single lot into two lots.

The site is within the Bushfire Management Overlay (BMO) and as such must meet the subdivision objectives of the overlay. This document interprets how the proposed subdivision can meet the objectives and approval measures of *Clause 52.47 – Planning for Bushfire* and *44.06 - Bushfire Management Overlay*.

This document includes a; Bushfire Hazard Landscape Assessment, Bushfire Hazard Site assessment, Bushfire Attack Level (BAL) assessment and a Bushfire Management Plan. This information is presented to provide a response to the legislative requirements of the Bushfire Management Overlay (Clause 44.06 and 52.47).

The site was found to meet the approval measures of clause 52.47 for a subdivision and both developments are able to meet a BAL of 19. The lots are both 1,200m² in size and thus any development must provide a static water supply of 10,000L solely for the purpose of firefighting and must allow CFA to get within 4m of the water tank. An indicative location of these tanks has been provided in the Bushfire Management Plan; however, these locations may change.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

2 INTRODUCTION

This document has been prepared for the property owner to respond to the requirements of Clause 44.06 *Bushfire Management Overlay* (known from this point on as Clause 44.06), and associated Clause 52.47 *Bushfire Protection: Planning Requirements* (known from this point on as Clause 52.47) for a subdivision at 115A Strathmore Drive, Jan Juc.

The site is located in the Bushfire Management Overlay (BMO) and requires a bushfire management statement to accompany the planning permit application.

3 METHODOLOGY

The methodology used to prepare a holistic approach to assessing and mitigation the bushfire risk to the development includes the following:

- Bushfire Hazard Landscape Assessment
- Bushfire Hazard Site Assessment
- A method 1 BAL Assessment
- Bushfire Management Plan
- Bushfire Management Statement (Clause 52.47)

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

4 PLANNING AND BUILDING CONTROLS

4.1 Planning and building controls

Clause Number	Name
32.08	General Residential Zone (GRZ) Schedule 1
44.06	Bushfire Management Overlay (BMO) Schedule 2
43.02	Design and Development Overlay (DDO) Schedule 22
45.06	Development Contributions Plan Overlay(DCPO) Schedule 2
42.03	Significant Landscape Overlay (SLO) Schedule 6

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

5 BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

The Bushfire Hazard Landscape Assessment includes a plan that describes the bushfire hazard of the general locality surrounding the site (Map 1).

5.1 Vegetation extent in the broader landscape

The vegetation in the broader landscape is varied in its composition and thus its bushfire risk. The vegetation that surrounds the property in 1km radius is largely small rural holdings (2-5 acre properties) and beyond them farm lands.

South and south west of the site is a creek line that is fringed with remnant woodland vegetation. This vegetation varies in width and has an average width of 60m opposite the site. This vegetation would be unlikely to build and develop into a severe landscape bushfire due to its fragmented nature; however, it would cause a significant impact on the surrounding developments if ignited.

5.2 Surrounding Road Network

The surrounding road network is excellent and provides easy access to the Township of Torquay. The central township zone of Torquay is located approximately 3km from the proposed development.

The roads that lead to the township of Torquay through Jan Juc require travel through existing built up areas.

5.3 Bushfire History of the Area

The Barwon South West Regional Strategic Fire Management Plan: Environmental Scan lists bushfire events in the Otway Ranges. The 1939 Black Friday Fires and the 1983 Ash Wednesday fires were the most significant bushfire events in the South West region of Victoria in recent history.

The Ash Wednesday fires started in Deans Marsh and were pushed south under a northerly wind before the introduction of the cold change or low pressure system which then forced the fire in a southwesterly direction along the coast and through the Great Otway National Park.

The events of 1983 show how devastating a bushfire within the Otway Ranges can be. The township of Torquay and Jan Juc was not significantly affected by these bushfires as it was stopped on the outskirts of Bells Beach.

The Ash Wednesday bushfire footprint can be seen in Appendix 2 of this document. The 1983 Ash Wednesday bushfire did not impact the proposed development site and were close to the edge of the containment line.

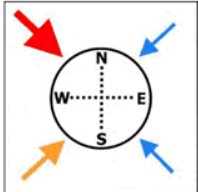
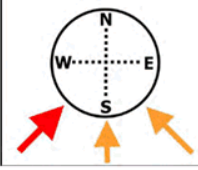
Since the devastating bushfires on Black Saturday in 2009 the number of prescribed burns or fuel reduction burns across the state has increased. The fuel reduction burns seen in Appendix 1 have occurred in the last 5-6 years. These offer some protection for the time being; however, it is uncertain if these practices will be ongoing.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

5.4 Bushfire Risk

The site is not considered to be at a high risk from a large fire front. The dominant fuel within the landscape is grasslands to the north and west beyond the assessment zone.

Table 1 – Bushfire Scenarios

Scenario	Description	Site Response
1 – North 	North of the site are a number of residential dwellings and grasslands beyond these.	The property to the north provides protection from the open grasslands to the north.
2 - East	East of the site is the highly developed residential area of Jan Juc. Bushfire impact from the east is highly unlikely.	There are no bushfire hazards identified to the east.
3 – South 	South of the site is the creek line with remnant woodland vegetation along the banks. This vegetation has continuity with grasslands to the west and would enable a significant flare up under extreme bushfire weather.	There is a house to the south that has highly managed gardens and would create a good buffer between the proposed development and the creek line to the south.
4- West	The greatest fire run potential and the path of the Ash Wednesday bushfire came from the south west. Extreme fire weather can approach from the west on the south westerly wind change when a low pressure system is introduced. West of the site is the creek line that runs north west – to south east. Beyond the creek line are large areas of grasslands to the west.	The building envelopes provide a large area for defendable space to the west to mitigate the effects of a large grassfire impacting the creek line vegetation.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc



Map 1 – Bushfire Hazard Landscape Assessment

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

6 BUSHFIRE HAZARD SITE ASSESSMENT

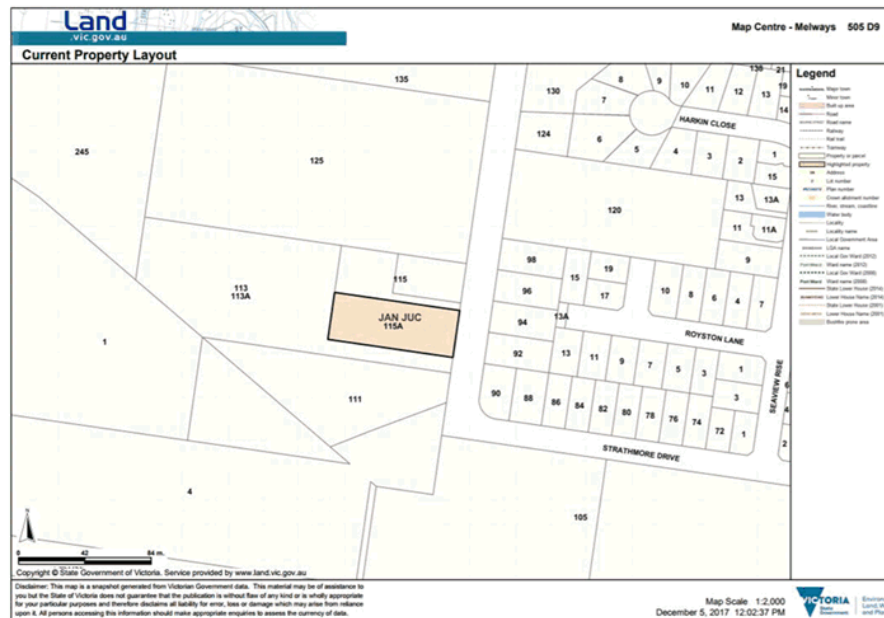
The Bushfire Hazard Site Assessment includes a plan that describes the bushfire hazard within 150 meters of the proposed development. The description of the hazard is prepared in accordance with AS 3959-2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2 (Vegetation Exclusions).

6.1 Site Details

Address:	115A Strathmore Drive, Jan Juc 3228
Standard Parcel Identifier:	Lot 12 PS742219
Municipality:	Surf Coast
BMO Schedule:	Schedule 2
Existing Dwellings:	Vacant Lot
Private Bushfire Shelter:	N/A
Application Pathway:	Pathway 2 – Subdivision less than 10 lots
Site Area:	Lot 1 – 1,200m ² Lot 2 – 1,200m ²

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

Map 2 Current Layout of the site



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc



Map 3 – Bushfire Hazard Site Assessment

6.2 Vegetation

The vegetation within the 150 meter assessment area was classified according to AS 3959-2009, 'Practice note 65 (DTPLI 2014) and the 'Overall fuel hazard assessment guide' (DSE 2010).

The AS 3959-2009 approach uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas: No.7 Native Vegetation) classification system. According to this method, vegetation can be classified into seven categories. Each category indicates a particular type of fire behavior and these categories or classifications are then used to determine bushfire intensity.

The vegetation identified within the 150 meter assessment zone is detailed in table 3 and the locations of these vegetation types are evident in Map 3.

Table 3 – Vegetation Assessment

Woodland	<p><u>AS 3959-2009 Definition</u></p> <p><i>Trees 10-30m high: 10-30% foliage cover dominated by eucalypts; understorey or low trees to tall shrubs typically dominated by Acacia, Callitris or Casuarina.</i></p> <p><u>Site Description</u></p> <p>The vegetation along the creek line to the south and west is classified as woodland. The vegetation is fragmented and would be unlikely to develop into a fire front as assumed in AS 3959-2009, however, it does present as a bushfire hazard to the proposed development.</p>
Grasslands	<p><u>AS 3959-2009 Definition</u></p> <p><i>All forms, including situations with shrubs and trees, if the overstorey foliage cover is less than 10%.</i></p> <p><u>Site Description</u></p> <p>North of the site within the assessment zone is an area of grassland that connects with the larger expanses of grassland to the north and west.</p>
Low Threat Vegetation	<p><u>AS 3959-2009 Definition</u></p> <p><i>b) Single areas of vegetation less than 1 ha in area and not within 100m of other areas of vegetation being classified.</i></p> <p><i>e) Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.</i></p> <p><i>f) Low threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens,</i></p>

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

commercial nurseries, nature strips and windbreaks.

Site Description

The gardens surrounding the site are managed to 'inner zone' defensible space requirements.

Figure 1 – Low threat vegetation within the assessment zone to the south east.



Figure 2 – Low threat vegetation to the east.



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

Figure 3 – Low threat vegetation to the south.



Figure 4 – Low threat vegetation within the subdivision development looking west.



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

Figure 5 – Low threat vegetation to the north.



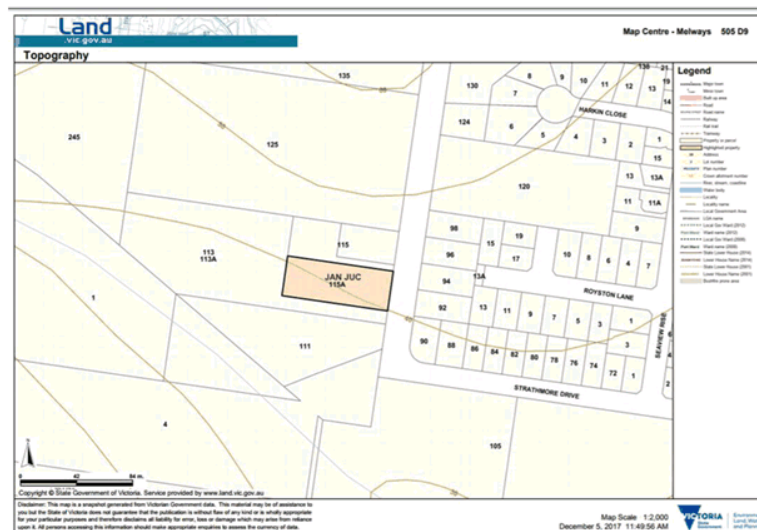
Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

6.3 Topography

The site is located in a low density development area of Jan Juc that is becoming more densely developed. The site slopes down to the creek to the south west. The down slope is short and the vegetation is fragmented so it is unlikely to develop into a fire front assumed by AS 3959-2009. This slope would not significantly influence the severity or intensity of a landscape bushfire.

The wider landscape is undulating but there are no significant landscape features that would increase the intensity or allow for extreme bushfire behavior within this landscape.

Map 4 – Topography of the site and surrounds.



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

6.4 Bushfire Attack Level (BAL) for the proposed development

The bushfire attack level (BAL) is a means of measuring the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per meter squared. The BAL is also the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.

The highest BAL determines the construction requirements for the dwelling.

The BAL for this site has been calculated using a ‘Forest Fire Danger Index’ (FFDI) of 100 and a Flame Temperature of 1090K. The FFDI and flame temperature are in accordance with parameters that have been set as the appropriate risk parameters by the Minister for Planning.

Table 4 – BAL calculations for the proposed dwelling on lot 1.

Orientation	Highest threat vegetation	Slope under classifiable vegetation	Distance to vegetation	Defendable Space Requirement	Bushfire Attack Level (BAL)
North	Grassland	Upslope	32m	13m	19
East	Low Threat	Down slope 0-5°	-	-	19
South	Woodland	Down slope 0-5°	76m	29m	19
West	Woodland	Down slope 0-5°	72m	29m	19

Table 5 – BAL calculations for the proposed dwelling on lot 2.

Orientation	Highest threat vegetation	Slope under classifiable vegetation	Distance to vegetation	Defendable Space Requirement	Bushfire Attack Level (BAL)
North	Grassland	Upslope	49m	13m	19
East	Low Threat	Down slope 0-5°	-	-	19
South	Woodland	Down slope 0-5°	60m	29m	19
West	Woodland	Down slope 0-5°	65m	29m	19

7 BUSHFIRE MANAGEMENT PLAN AND STANDARD PERMIT CONDITIONS

Bushfire Management Plan – 115A Strathmore Drive, Jan Juc (Prepared By – SCB Consultants 14th December 2017)

1. **Construction Standards**
 All construction works need to comply with a BAL of 19 from AS 3959-2009
2. **Defendable Space**
 An area of defendable space for the designated BAL around the proposed building / or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following distances from Table 2 Clause 52.47:
 Unit 1 = North – 13m , East – Property Boundary, South – 29m, West – 29m
 Unit 2 = North – 13m , East – Property Boundary, South – 29m, West – 29m
3. **Vegetation Management requirements include:**
 - Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
4. **Water Supply**
 The site is required to have 10,000 Litres of water supply for fire fighting purposes which meets the following requirements:
 - Is stored in an above ground water tank constructed of concrete or metal.
 - All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.
 - Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA 3 thread per inch male fitting).
 - The outlet/s of the water tank must be within 4m of the access way and be unobstructed.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - Any pipe work and fittings must be a minimum of 65mm (excluding the CFA coupling).

5. Access
 Where fire authority access to the water supply is required under AM4.1, fire authority vehicles should be able to get within 4 metres of the water supply outlet.
 Where the length of access is greater than 30 meters but less than 100m the following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

8 BUSHFIRE MANAGEMENT STATEMENT – SITES
 RESPONSE TO APPLICABLE SUB CLAUSES OF 52.47

Clause 52.47 contains a range of sub clauses with objectives, approved measures (AM), alternative measures (AltM) and decision guidelines. The table below details which clauses are relevant to this application. The following section demonstrates how the requirements have been met for the relevant standards.

Table 5 - Relevant clauses and measures applicable to the proposed development.

Clause	Approved Measure	Achieved	Justification
Clause 52.47-1 – Dwellings in existing settlements – Bushfire protection objective	AM 1.1	Not Applicable	The development is for a subdivision.
	AM 1.2	Not Applicable	
	AM 1.3	Not Applicable	
Clause 52.47-2.1 Landscape, siting and design objectives	AM 2.1	Applicable	The development is able to meet these clauses.
	AM 2.2	Applicable	
	AM 2.3	Applicable	
Clause 52.47-2.2 Landscape, siting and design objectives	AM 3.1	Not Applicable	
	AM 3.2	Not Applicable	
	AltM 3.3	Not Applicable	
	AltM 3.4	Not Applicable	
	AltM 3.5	Not Applicable	
	AltM 3.6	Not Applicable	
Clause 52.47-2.3 Landscape, siting and design objectives	AM 4.1	Applicable	The development is able to meet this clause.
	AM 4.2	Not Applicable	
Clause 52.47-2.4 Subdivision objectives	AM 5.1	Applicable	
	AM 5.2	Not Applicable	Land is zoned General Residential Zone thus this clause applies.
	AM 5.3	Not Applicable	Less than 10 lots proposed
	AM 5.4	Applicable	
	AM 5.5	Not Applicable	

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

8.1 52.47-2 Bushfire protection objectives

<p>8.1.1 52.47-2.1 Landscape, siting and design objectives</p> <p>Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.</p> <p>Development is sited to minimise the risk from bushfire.</p> <p>Development is sited to provide safe access for vehicles, including emergency vehicles.</p> <p>Building design minimises vulnerability to bushfire attack.</p>	
Approved Measure	Requirement
AM 2.1	<p>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</p> <p>Response:</p> <p>The site is within the residential area of Jan Juc and is at the interface of the low density residential area of the township.</p> <p>The site is able to share defensible space between allotments and on well managed neighbouring developments.</p> <p>The development site is expected to be affected by ember attack but is considered far enough away from the forest interface not be affected by high levels of radiant heat.</p>
AM 2.2	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> • The maximum separation distance between the building and the bushfire hazard. • The building is in close proximity to a public road. • Access can be provided to the building for emergency service vehicles. <p>Response:</p> <p>The proposed developments are on narrow lots and there is limited availability for siting.</p> <p>The bushfire hazards surrounding the site are located over 32m to the north and over 60 to the south and west.</p>

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

	<p>The dwellings will be located in close proximity to the road and the driveways would not exceed 30m in length.</p> <p>Access will be provided to the buildings for emergency service vehicles.</p>
<p>8.1.2 52.47-2.3 Water supply and access objectives</p>	
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> • A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 52.47-3. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 52.47-3. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p> <p>Response: The proposed dwellings will each provide a static water supply of 10,000 litres solely for the purposes of fire fighting and allow CFA to get within 4m of the water supply.</p> <p>Access will be provided in accordance with the permit conditions outlined in the Bushfire Management Plan (section 7).</p>
<p>8.1.3 52.47-2.4 Subdivision objectives</p> <p>To provide lots that are capable of being developed in accordance with the objectives of Clause 52.47.</p> <p>To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.</p>	
AM 5.1	<p>An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:</p> <ul style="list-style-type: none"> • The defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 52.47-3. • The approved measures in Clause 52.47-2.1 and Clause 52.47-2.3. <p>Response: The site is within the General Residential Zone and thus AM 5.2 applies.</p>
AM 5.2	<p>An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:</p> <ul style="list-style-type: none"> • Each lot satisfies the approved measure in AM 2.1. • A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defensible space in accordance with: • Columns A or B of Table 2 to Clause 52.47-3 for a subdivision that creates 10 or more lots; or

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

	<ul style="list-style-type: none"> • Columns A, B or C of Table 2 to Clause 52.47-3 for a subdivision that creates less than 10 lots. <p>The bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 52.47-3 must be noted on the building envelope.</p> <ul style="list-style-type: none"> • Defensible space wholly contained within the boundaries of the proposed subdivision. • Defensible space may be shared between lots within the subdivision. Defensible space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defensible space. • Vegetation management requirements in accordance with Table 6 to implement and maintain the defensible space required under this approved measure. • Water supply and vehicle access that complies with AM 4.1. <p>Response:</p> <p>Each lot is able to satisfy the approval measure in AM 2.1.</p> <p>The building envelope on each lot complies with AM 2.2 and provides defensible space in accordance with Column A of Table 2 to Clause 52.47-3 for a subdivision that creates less than 10 lots.</p> <p>The bushfire attack level for each development is BAL 19 and the defensible space is shared across the site and uses communal areas, roads and neighbouring allotments managed to a low threat condition.</p> <p>The vegetation management requirements are detailed on the Bushfire Management Plan as permit conditions and are in accordance with Table 6 of Clause 52.47.</p> <p>The water supply and vehicle access complies with AM 4.1 of clause 52.47 and are detailed above within this report.</p>
AM 5.3	<p>An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.</p> <p>Response:</p> <p>N/A</p>
AM 5.4	<p>A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.</p> <p>Response:</p> <p>The nature of this subdivision proposal does not pose a risk to any future</p>

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

	development from proposed landscaping, public open space or communal areas.
AltM 5.5	<p>A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defensible space in accordance with Table 2 Column C and Table 6 to Clause 52.47-3 where it can be demonstrated that:</p> <ul style="list-style-type: none">• All other requirements of AM 5.2 have been met.• Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. <p>Response: N/A</p>

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

9 REFERENCES

CFA (2011). FSG LUP 0003 Assessing vegetation in a bushfire management overlay (BMO). Country Fire Authority, Burwood East, Victoria.

CFA (2011). Landscaping for Bushfire: Garden design and plant selection. Country Fire Authority, Burwood East, Victoria.

CFA (2012). FSG LUP 0002 Requirements for water supply and access in the Bushfire Management Overlay (BMO). Country Fire Authority, Burwood East, Victoria.

Department of Transport, Planning and Local Infrastructure (2014) Planning Practice Note 65 – Preparing and Assessing a Planning Application under the Bushfire Provisions in Planning Schemes. Victorian Government, Melbourne

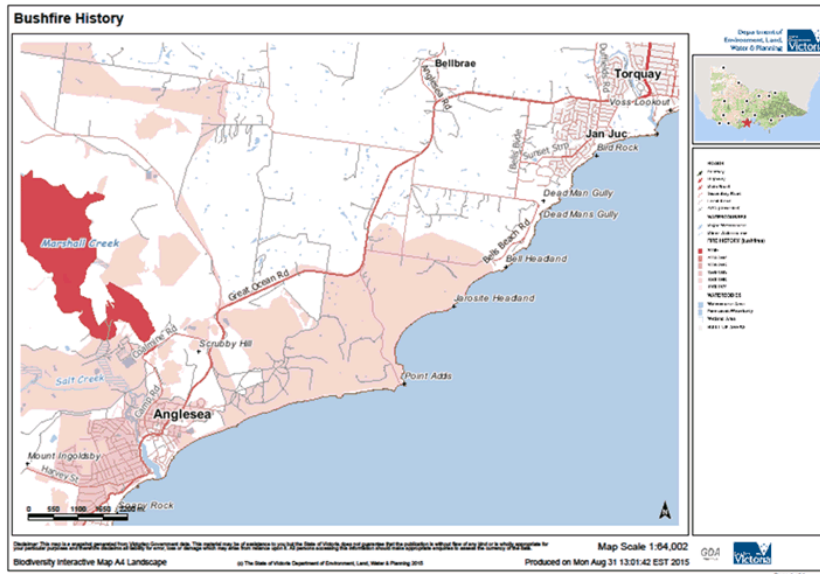
Standards Australia (2009). AS 39359-2009 Construction of Buildings in Bushfire Prone Areas. Standards Australia, North Sydney, New South Wales.

Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

10 APPENDICES

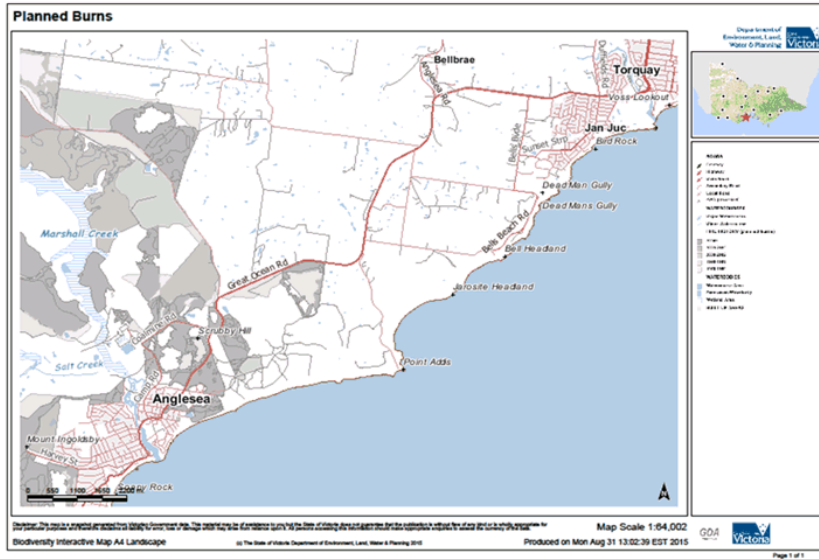
Appendix 1 – Bushfire History and Prescribed Burns in the Area (DEPI – Biodiversity Interactive Map – showing bushfire history).

Figure 1 – Natural Bushfires in the area since 1970. Pink areas on the map indicate wildfires.



Bushfire Management Statement – 115A Strathmore Drive, Jan Juc

Figure 2 – Prescribed Burns in the area since 1970. Most of the prescribed burns indicated on the map shaded as areas of grey have occurred since the 2008 Black Saturday bushfires.



Close: There being no further items of business the meeting closed at 5.26pm.

8.3 Advisory Committee Minutes

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC18/380

Appendix:

1. Municipal Emergency Management Planning (MEMP) Committee Minutes - 2 February 2018 (D18/21590)
2. Audit & Risk Committee Meeting Minutes - 20 February 2018 (D18/31414)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the minutes of the Advisory Committee meetings as appended.

Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

Recommendation

That Council receive and note the minutes of the following Advisory Committee meetings:

1. Audit & Risk Committee Meeting – 20 February 2018.
2. Municipal Emergency Management Planning (MEMP) Committee - 2 February 2018.

8.3 Advisory Committee Minutes

**APPENDIX 1 MUNICIPAL EMERGENCY MANAGEMENT PLANNING (MEMP) COMMITTEE MINUTES -
2 FEBRUARY 2018**



Municipal Emergency Management Planning Committee MINUTES

2 February 2018, 10.45am-12.15pm
 Surf Coast Shire Council offices, Chambers

Members:

Chair:

Matt Camberlain – DHHS – Chair

Cr Martin Duke, Surf Coast Shire
 Peter Ashton, SCS, MERO
 Elaine Anderson, Australian Red Cross (ARC)
 Wayne Aylmer, Country Fire Authority (CFA)

Stephen Pefanis, DEDJTR
 Julia Saradopoulos, DEDJTR
 Caitlin Mulcahy, Forest Fire Management (FFM)
 Paul Lunny, Life Saving Victoria (LSV)
 Jason Phieler, Lorne Community Hospital
 Aaron Leddon, Parks Victoria (Parks Vic)

Jake Johnson, State Emergency Service (SES)
 Kerrie Williams, Surf Coast Shire Council (SCS)
 Richard Curwell, VicRoads
 Robert Wilby, Victoria Police (VicPol)
 Craig Stanton, Victoria Police (Anglesea)

Apologies: Rowan Mackenzie (SCS-MEM), Bronwyn Saffron (SCS-MRM), Marianne Messer, Terry Mervin (VCC EM), Brenda Bagally (VicPol), Bernadette Sandy (Ambulance Vic), Marijke Fotia (Volunteering Geelong)

Issue Topic	Points of Discussion	Agreement / Action	R/O
1	Welcome and apologies		
1.1	Attendance sheet circulated <i>Please place your signature next to your name and mark any changes to your contact information</i>	Quorum achieved – yes	
2	Confirmation of previous minutes		
2.1	Previous minutes Minutes of meeting held 9 November 2017 <i>Moved: Cr Martin Duke, Seconded: Richard Curwell</i>		
2.2	Actions outstanding and arising		Chair
3	Correspondence		
3.1	Received The final State Shark Hazard Plan has been released and circulated widely. Surf Coast Shire Council has appointed Cr Duke as the delegate for the Municipal Emergency Management Planning Committee, and Cr Coker as the deputy 2018. Victorian Fire Management Strategy Discussion Paper has been released.		
3.2	Outgoing Local Government Victoria has released the <i>Councils in Emergencies</i>		

Issue Topic	Points of Discussion	Agreement / Action	R/O
	<p><i>Direction paper.</i></p> <p>DHHS are reviewing the <i>Vulnerable People in Emergencies</i> policy. Surf Coast Shire Council submitted comments on the review paper. DHHS is aiming to release more information in June. Feedback on the review closed in February.</p>		
STANDING AGENDA ITEMS			
4	Regional committees		
4.1	Regional Emergency Management Planning Executive Committee (REMPEC)	<p>This committee met on 20 February, DHHS reported the following:</p> <ul style="list-style-type: none"> • The new governance structure is now in place. The Regional Emergency Management Planning Committee (REMPC) has been split and now has a west Barwon and an East Barwon committee. • Terms of Reference for the REMPEC has been drafted and will be circulated soon. • DELWP's <i>Powerline Bushfire Safety Program</i> presented to the Committee on the three action areas from 2009 Black Saturday fires. The program focuses on works to underground powerlines and install circuit breaker technology. The program has reduced risk from bushfire by powerlines by approximately 50%. 	Matt
4.2	Other working groups	<p><i>Great Ocean Road Working Group</i></p> <ul style="list-style-type: none"> • The draft final report for this project was tabled at REMPEC. There was some discussion around the recommendations, and the working will be scheduled to meet next week to work on them further prior to release. • The MEMPC acknowledged the outstanding work done by Brenda Bagally, Bek Ten Hoopen, Kaylene Sudholz and the team from Emergency Management Victoria, holding nine emergency exercises across the region. This work has been invaluable to all agencies and networks involved. 	
5	Sub-committee / Working Group reports		
5.1	Municipal Fire Management Planning Committee	<p>Meeting of 22 February 2018 2017.</p> <p>Focus of the meeting included:</p> <ul style="list-style-type: none"> • Planned burn program for FFMV this autumn and the community 	Circulate Municipal Fire Management Planning Committee minutes.

Issue Topic		Points of Discussion	Agreement / Action	R/O
		<p>engagement done around closures and interruptions. FFMV have around 40 burns prepped, covering nearly 2500 hectares behind Lorne. Extreme and higher fire rated days and how to improve messaging to tourists and the community to stay out of the bush. The Community Engagement Working Group will look at this further as a possible project.</p> <ul style="list-style-type: none"> The Committee made a recommendation to the MEMPC that they raise concern with the REMPC regarding the number of large events being held on long weekends and during peak season and the complexities this adds to managing the already high fire risk over the summer season. 	The Committee made a recommendation to the MEMPC that they raise concern with the REMPC regarding the number of large events being held on long weekends and during peak season and the complexities this adds to managing the already high fire risk over the summer season.	
5.2	Cross Council Relief & Recovery Committee	<p>Meeting of 12 February 2018</p> <p>Focus of the meeting included:</p> <ul style="list-style-type: none"> Debrief from Colac Otway Shire of the Dreeite fire. Focus areas for the Committee this year will be to look at the Great Ocean Road study report, Heatwave Planning and the interaction with power outages, data management and reporting and Training 	Circulate Cross Council Relief and Recovery Committee minutes.	SCS
5.3	Flood Planning Committee	Nothing to report		
5.4	Community Impact Advisory Committee (CIAC)	<p>Minutes to be circulated.</p> <p>The MEMPC discussed the challenge of the ever increasing number of large events being held across the region at peak holiday times and over long weekends and the complexities this adds to managing community risk.</p>	Circulate CIAC minutes.	
6	MEMPLAN UPDATE			
6.1	MEMPlan updates	<p>Contact directory; Legislative changes; EMMV updates</p> <p>Nothing to report.</p>		
6.2	Revision of Municipal Emergency Management Plan	<i>Part 8 – Municipal Emergency Response</i> to be reviewed next.	Review and provide your comments on Part 8 of the MEMPlan prior to next meeting.	All
6.3	MEMPlan Exercise	Nothing to report		

Issue Topic		Points of Discussion	Agreement / Action	R/O
6.4	Revision of risk/s (CERA)	SES is working on a risk profile for Terrorism and Car Attacks. The CERA template has been reviewed and improved by SES.	Circulate SES CERA survey to the Committee.	Chair
7	Community engagement	<p>FFMV has conducted extensive engagement on their autumn planned burn program.</p> <p>VicPolice has set up an Eye Watch Facebook page for the Surf Coast service area where news and information will be posted.</p> <p>Red Cross are continuing to work on fire risk in Geelong.</p> <p>DHHS are working on a pilot program with the Borough of Queenscliffe around working with some of the older people in the community around preparedness for power outages on hot days.</p> <p>SES will be operating <i>Driver Reviver</i> stations in Winchelsea over the March long weekend.</p> <p>SCS has distributed over 750 copies of <i>The Fire Game</i> to community groups, brigades, schools, households and holiday home owners across the shire. The <i>Fire Up!</i> program focused on getting the message out to different groups this year by setting up pop-ups at markets and events. Nine pop-ups were run engaging over 350 people.</p>		All
GENERAL AGENDA ITEMS				
8	Bushfire Places of Last Resort (BPLR)	<p>All locations have been reassessed and are current and compliant.</p> <p>Wurdale CFA Brigade has asked for some locations to be assessed as potential BPLRs. Modewarre Hall will be assessed and the community need will be factored in as part of the assessment.</p> <p>Experience of emergency events shows the challenge is still to get community to understand the BPLRs better and to have a realistic idea of services that will not be available at BPLRs.</p> <p>Experience of the Lorne Community Hospital from the Wye River fires were that some more vulnerable people in the community used the hospital as a PLR.</p> <p>Issue of holding events on NSPs on high risk days.</p>	Develop procedure documentation for activating BPLRs – estimated capacity, onsite infrastructure, car parking capacity, how are gates unlocked, access to nearby halls and buildings etc.	SCS MERP
9	Incidents	CFA responded to a number mulch fires that had the potential to be serious, however they were well managed and controlled. There are		All

Issue Topic	Points of Discussion	Agreement / Action	R/O
	still no guidelines for managing mulch piles for fire risk. Powerpole fires in Aireys have been a concern as salt in the air can cause sparking. The local community has been lobbying Powercor to upgrade some of their components and fittings.		
10	Risk review <i>Committee to discuss and identify emerging community risks</i> BPLRs and how they work, see agenda item 8 above. Life Saving Victoria are looking applying some of the learnings and procedures from Urquarts to St Georges river which is out of the LSV service area.		
11	Crisisworks Council's emergency incident management system.	Demonstrate Crisisworks for the MEMPC at a future meeting.	SCS
OTHER BUSINESS			
12	Focus areas for 2018 The MEMPC discussed and identified focus areas for the coming year. <ul style="list-style-type: none"> • Reviewing capacity and operation of BPLRs in each of the townships. • Increasing number of events during the peak season and on long weekends. • Reviewing plans for camps and holiday places in the shire and creating a check in process on readiness days, to advise their district ICC the numbers on site and transport plans. This is an action for the MFMPCC Community Engagement Working Group. 	Members to consider other potential focus areas for the committee this year.	All
13	AGENCY REPORTS <i>By exception</i>		
13.1	Agency reports received from VCC Emergencies Ministry, Red Cross and DHHS. CFA reported they have had an 18% increase in responses on last year. Looking at response times from CFA and particularly to incident at Armstrong Creek. Life Saving Victoria has conducted 37 rescues so far this season, and approximately 3000 preventative actions. There have been no deaths		

Issue Topic	Points of Discussion	Agreement / Action	R/O
	<p>this year. Full season report will be available soon.</p> <p>Marine Pollution Team Emergency Management Division, Department of Economic Development, Jobs, Transport and Resources has been contacting councils around the coast to increase capacity to respond to oil spills.</p> <p>VicRoads has a new process for movement of heavy vehicles for emergencies, previously this has been coordinated through the national process in QLD. Tourists driving on wrong side of roads is still an issue, looking at improving signage and will be looking at recommendations from the Great Ocean Road Working Group.</p>		
14	MEETING CLOSE	Next meetings – 24 May 2018	

Assembly of Councillors report required? no

MEMPC COMMITTEE ACTIONS REGISTER			
Date	Action	Status	Responsible
May 2017	Seek advice from VicRoads on their Great Ocean Road Upgrade Project and consider asking them to present this to the Committee for further discussion.	Book for next meeting	Chair
Aug 2017	Carry over <i>State Shark Hazard Plan</i> as an item for next agenda for the MEMPC to continue to monitor developments. VicPolice to follow up and relay the Committee's concerns with State Shark Hazard Plan. Investigate with EMV the process and protocols for warnings to appear on the app.	Finalised	Chair VicPolice Ian Carlton
Aug 2017	The Committee was asked to consider exercise opportunities for the MEMPC to be tabled at the November meeting.	Discuss later in agenda	All
Aug 2017	SES to draft a CERA risk profile for Terrorism and Car Attack for review at next MEMPC meeting.	Ian Carlton to follow up and	SES
Aug 2017	Follow up with Municipal Building Surveyor regarding review of flammable cladding on buildings in the shire.	Complete	SCS
Aug 2017	Follow up with Council's Waste department regarding review of recycling facilities.	Council's Waste Coordinator reports our transfer stations do come under the new	SCS

MEMPC COMMITTEE ACTIONS REGISTER			
Date	Action	Status	Responsible
		policy for Best Practice Emergency Management, they are currently reviewing fire management plans for our transfer stations. Complete	
Aug 2017	Ensure new aged care facilities are included on Council's Vulnerable Facilities Register.	Complete	SCS
Aug 2017	Ensure all agencies have current Crisisworks user accounts. Include a Crisisworks overview session at the next MEMPC meeting.	Complete	SCS
Feb 2018	Circulate Municipal Fire Management Planning Committee minutes.		SCS
Feb 2018	The Fire Committee made a recommendation to the MEMPC that they raise concern with the REMPC regarding the number of large events being held on long weekends and during peak season and the complexities this adds to managing the already high fire risk over the summer season.		Chair
Feb 2018	Circulate Cross Council Relief and Recovery Committee minutes.		SCS
Feb 2018	Circulate CIAC minutes.		SCS
Feb 2018	Review and provide your comments on Part 8 of the MEMPlan prior to next meeting.	All	All
Feb 2018	Circulate SES CERA survey to the Committee.		Chair
Feb 2018	Develop procedure documentation for activating BPLRs – estimated capacity, onsite infrastructure, car parking capacity, how are gates unlocked, access to nearby halls and buildings etc.		SCS MERP
Feb 2018	Demonstrate Crisisworks for the MEMPC at a future meeting.		SCS
Feb 2018	Members to consider other potential focus areas for the committee this year.		All

8.3 Advisory Committee Minutes

APPENDIX 2 AUDIT & RISK COMMITTEE MEETING MINUTES - 20 FEBRUARY 2018



Minutes

Meeting of the Audit & Risk Committee
Tuesday, 20 February 2018

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 9.00am

MINUTES FOR THE AUDIT & RISK COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 20 FEBRUARY 2018 COMMENCING AT 9.00AM

PRESENT:

Committee Members:

Cr Clive Goldsworthy
Cr Carol McGregor
Brian Keane (Chair) (Term expires 01/02/2020)
Melissa Field (Term expires 01/02/2020)
John Gavens (Term expires 26/01/2019)
Debra Russell (Term expires 26/01/2019)

In Attendance:

Keith Baillie – Chief Executive Officer
Anne Howard – General Manager Governance & Infrastructure
Chris Pike – General Manager Culture & Community
John Brockway – Manager Finance
Wendy Hope – Manager Governance & Risk
Maureen White – Coordinator Risk Management & Legal Services
Danielle Foster – Coordinator Governance & Corporate Planning
Neil Brewster – Coordinator Waste Management
Candice Holloway – Team Leader Governance (minutes)

Katherine Shamai (Grant Thornton)
Tim Loughnan (VAGO)

APOLOGIES:

Nil

Absent:

Matthew Green (Grant Thornton)
Remy Szpak (VAGO)

CONFIRMATION OF MINUTES:

Committee Resolution

MOVED Mr John Gavens, Seconded Ms Melissa Field

That the Audit & Risk Committee Meeting note the minutes of the meeting held on 21 November 2017 as a correct record of the meeting.

CARRIED 6:0

CONFLICTS OF INTEREST:

Debra Russell wished to advise the Committee that she is a member of EPA Victoria's Advisory Board, although this was not expected to conflict with any of the items to be raised.

BUSINESS:

1. OUTSTANDING ISSUES & ACTIONS	4
1.1 <i>Outstanding Issues & Actions Report</i>	4
2. PRESENTATIONS	5
2.1 <i>Chief Executive Officer's Update</i>	5
2.2 <i>Business Improvement Program - Status Update</i>	6
2.3 <i>Quarterly Program Status Report</i>	7
2.4 <i>Digital Transformation Update</i>	11
3. RISK MANAGEMENT	12
3.1 <i>Workplace Health & Safety Report (FOR NOTING)</i>	12
3.2 <i>Enterprise Risk Management Report</i>	13
3.3 <i>Fraud & Corruption Strategies</i>	15
4. AUDIT REPORTS	19
4.1 <i>Internal Auditor Status Report (Grant Thornton)</i>	19
4.2 <i>External Auditor Update (Victorian Auditor General's Office)</i>	20
4.3 <i>Oversight Agencies Performance Audit Report</i>	21
5. FINANCIAL REPORTS	22
5.1 <i>Quarterly Finance Report - December 2017</i>	22
6. OTHER REPORTS	23
6.1 <i>Update on Local Government Bill 2018 Exposure Draft</i>	23
6.2 <i>Digital & Social Media Policy</i>	24
6.3 <i>Procurement Policy</i>	26
7. ADMINISTRATIVE MATTERS	27
7.1 <i>Next Meeting & Proposed Agenda Outline</i>	27
8. OTHER BUSINESS	29
8.1 <i>Recycling Industry Update</i>	29
8.2 <i>Internal Audit Tender</i>	29

1. OUTSTANDING ISSUES & ACTIONS

1.1 Outstanding Issues & Actions Report

Charter Reference: 9.2.3

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/145

Division: Governance & Infrastructure

Trim No: IC18/89

Appendix:

1. Outstanding Issues & Actions - Status Log - November 2017 (D16/1527)
2. Outstanding Issues & Actions Report (D15/29830)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive an update on the progress made on action items identified through previous audit reports and Audit & Risk Committee meetings.

Items previously notified as completed are shaded in red and will be removed from the report when the whole of that section has been completed.

Recommendation

That the Audit & Risk Committee receive and note the Outstanding Issues & Actions Report.

Meeting Discussion

- Committee reiterated the importance of allocating achievable target dates.

Committee Resolution

MOVED Ms Melissa Field, Seconded Ms Debra Russell

That the Audit & Risk Committee receive and note the Outstanding Issues & Actions Report.

CARRIED 6:0

2. PRESENTATIONS

2.1 Chief Executive Officer's Update

Charter Reference: N/A

Author's Title: Chief Executive Officer

CEO: Keith Baillie

Department: Office of the CEO

File No: F18/145

Division: Office of the CEO

Trim No: IC18/97

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive an organisational update from Keith Baillie, Chief Executive Officer.

Recommendation

That the Audit & Risk Committee receive and note the Chief Executive Officer's update.

Meeting Discussion

The CEO discussed the following:

- Operational performance is significantly favourable to budget.
- Program delivery is at 90% of year to date target, much improved on this time last year.
- Budget preparation process is well underway.
- Savings target to achieve total \$550,000 for year, including from:
 - Business improvement
 - Business case projects
 - Digital transformation program.
- Industry-wide challenging issue with recycling industry – further update to be provided under other business.
- Council to consider the release of Positive Ageing review at the 27 February 2018 Council Meeting.
- Organisation reform continues well, of particular note:
 - Customer experience function now established, with strong focus on complaints management and customer request management processes
 - Digital transformation team coming together
 - Planning system public access soft release scheduled for March/April 2018.
- Cr Libby Coker has been endorsed as candidate for federal seat of Corangamite, and Cr Brian McKitterick is seeking pre-selection for state seat of Bellarine.
- Significant community matters underway, including:
 - Anglesea Alcoa
 - Cape Otway Road Australia
 - City Deal (Geelong)
 - Great Ocean Road Taskforce
- Council has prepared a submission to the Local Government Bill 2018 Exposure Draft.

Action

1. Complaints handling to be listed as an agenda item for the 20 November 2018 Audit & Risk Committee Meeting, to be presented by Customer Experience Coordinator. Report to include statistics for at least the previous six month period.

Committee Resolution

MOVED Ms Debra Russell, Seconded Cr Carol McGregor

That the Audit & Risk Committee receive and note the Chief Executive Officer's update.

CARRIED 6:0

2.2 Business Improvement Program - Status Update

Charter Reference: 9.5

Author's Title: Manager Business Improvement **General Manager:** Ransce Salan

Department: Business Improvement **File No:** F16/881

Division: Environment & Development **Trim No:** IC18/100

Appendix:

1. Business Improvement Program Update - February 2018 (**CONFIDENTIAL**) (D18/8616)

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

Status:
Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive an update on activities associated with the Business Improvement Program.

A briefing was last provided on the Business Improvement Program at the November 2017 Audit & Risk Committee meeting.

This report provides an update on the progress of the program including the 2017/18 work plan.

Recommendation

That the Audit & Risk Committee receive and note the Business Improvement Program update.

Meeting Discussion

- Discussed the sale of Winchelsea Independent Living Units.
- Discussed the business improvement thermometer. Management noted the thermometer does not include the Digital Transformation Project savings.

Committee Resolution

MOVED Cr Clive Goldsworthy, Seconded Ms Debra Russell

That the Audit & Risk Committee receive and note the Business Improvement Program update.

CARRIED 6:0

2.3 Quarterly Program Status Report

Charter Reference: N/A

Author's Title: Manager Program Management Office **General Manager:** Ransce Salan

Department: Program Management Office **File No:** F17/189

Division: Environment & Development **Trim No:** IC18/147

Appendix:

1. Program Management Office - Program Status Report - CAPITAL Projects - 31 December 2017 (D18/5284)
2. Program Management Office - Program Status Report - OPERATIONAL Projects - 31 December 2017 (D18/5286)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Status:

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive and note the Program Status Report for the October to December 2017 quarter.

Discussion

The Program Management Office (PMO) has responsibility to provide leadership, support and analysis for best practice project management, including standardising and building Surf Coast Shire Council's project management capability and methods. The PMO has responsibility to support successful delivery of Council's program of projects with the right approach and level of resources.

The Program Status Report is intended to provide high level analysis on progress of the overall program of capital and operational projects, and provide a point of accountability for project managers to provide accurate status information including time, cost and scope. It also provides high level information for the PMO to identify where project teams may require assistance to address issues impacting on project delivery.

The financial data in the appendices is drawn from Council's finance system. The relevant project manager comments on status and provides an Estimate to Complete on behalf of the project team. The 'traffic light' indicators for time, cost and scope provide a snapshot of issues that project teams are addressing to progress the project, and that may result in a request to Council to re-baseline.

Project teams consider the relationship of time, cost and scope at each of the 'gates' between project phases / stages defined in the Project Delivery Process:

Project Delivery Process – controlling the project through defined phases/stages						
Identify Phase	Initiate Phase	Plan Phase	Deliver Phase			Close Phase
Idea (Project proposal)	Verify (Charter)	Details/Method (Project Plan)	Requirements Stage	Procurement Stage	Implement Stage	Wrap-up and Learn (Closure Report)
Prepare			Do			Review

2.3 Quarterly Program Status Report

Project definition develops through each of these phases / stages and at each gate the Sponsor can recommend that the project:

- progress as planned
- change
- stop (be deferred or cancelled)

If project planning determines that the project will not deliver the intended outcome within the parameters of time, cost and scope approved by Council, officers may recommend that the project be cancelled or funds transferred to the Adopted Strategy Implementation Reserve (or other relevant reserve) while a new project proposal is prepared for Council to consider.

Projects are reported 'Life to Date' therefore multi-year project financial data includes actual spend from years prior and future allocations to represent the total project budget approved by Council.

Project budgets are reported excluding contingency. Contingency funds for each project are centralised in a separate account to be drawn on as requested by the Sponsor and reviewed / approved by the PMO.

A spend target has been established for the 2017/18 program based on:

- the program allocation made by Council in the 2017/18 Budget
- PLUS carry forwards from 2016/17
- LESS
 - Multi-year project funding that is planned to be expended in future years
 - Projects awaiting outcomes, such as grant or project partners preparedness, or high external risk i.e. subject to significant consultation or external approvals
 - Project funding in the process of being accumulated
 - Land transactions
 - Project contingency

Spend targets for the 2017/18 Capital and Operational Programs were presented to Council on 22 August 2017.

	Actual Spend 2015/16	Actual Spend 2016/17	Spend Target 2017/18
	\$'000	\$'000	\$'000
Capital	14,966	19,547	23,227
Operational	1,922	3,168	2,105
TOTAL	16,888	22,715	25,332

Historically *Record* *New*
High Figure *Spend* *Challenge*

The quarterly profile for 2017/18 spend to produce the report graphs is based on historical trend:

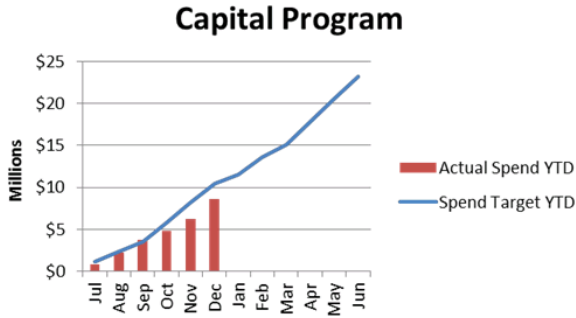
Quarter	Percentage (%) of annual spend
June to September	15
October to December	30
January to March	20
April to June	35

A statement of Capital Works by category for annual budget, YTD budget and actual budget is included in the quarterly Finance Report.

2.3 Quarterly Program Status Report

Discussion

Spend for the Capital Project Program at 31 December 2017 is represented in the graph below.



Spend for the Operational Project Program at 31 December 2017 is represented in the graph below.



The financial results for the month of December 2017 are detailed in the table below.

	Capital \$	Operational \$	Total \$
YTD Spend Target	10,452,150	947,250	11,399,400
YTD Actual Spend	8,620,853	587,180	9,208,033
Percentage Actual Spend of YTD Target	82%	62%	81%
Spend during Month	2,372,109	100,911	2,473,020
Value under contract	6,268,995	295,043	6,564,038

Individual project status is detailed in Appendix 1 (Capital Projects) and Appendix 2 (Operational Projects).

2.3 Quarterly Program Status Report

Delivery of the 2017/18 Program of projects is currently tracking at 82% spend of the year to date Capital Program target and 62% spend of the Operational Program target, with an overall year to date result of 81% spend of the 31 December 2017 target.

There are a number of issues that have impacted on progress of project delivery including poor market response to tenders. An analysis of the expected end of financial year position and preliminary estimate of the associated carry forward value for the 2018/19 Program will be provided at a February 2018 briefing to Councillors.

Recommendation

That the Audit & Risk Committee receive and note the Program Status Report for the October to December 2017 quarter.

Meeting Discussion

- Noted program delivery is at 90% of year to date target.
- Discussed the format of the Program Status Report. Committee provided suggestions for management's consideration.

Committee Resolution

MOVED Cr Clive Goldsworthy, Seconded Mr John Gavens

That the Audit & Risk Committee receive and note the Program Status Report for the October to December 2017 quarter.

CARRIED 6:0

2.4 Digital Transformation Update

Charter Reference: N/A

Author's Title: General Manager Governance & Infrastructure **General Manager:** Anne Howard

Department: Governance & Infrastructure **File No:** F18/145

Division: Governance & Infrastructure **Trim No:** IC18/98

Appendix:

1. Digital Transformation Program Monthly Dashboard - November 2017 - January 2018 (D18/7233)

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

Status:
Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive an update on the digital transformation strategy.

Recommendation

That the Audit & Risk Committee receive and note the digital transformation update.

Meeting Discussion

- Discussed recruitment:
 - Wendy Scott has commenced on the position of Digital Transformation Benefits Manager.
 - The Digital Transformation Program Director position has been readvertised. Recruitment process underway.
- Discussed the project timelines and progress to date.

Committee Resolution

MOVED Mr John Gavens, Seconded Ms Debra Russell

That the Audit & Risk Committee receive and note the digital transformation update.

CARRIED 6:0

3. RISK MANAGEMENT

3.1 Workplace Health & Safety Report (FOR NOTING)

Charter Reference: 9.5

Author's Title: Manager People & Culture

General Manager: Chris Pike

Department: People & Culture

File No: F17/198

Division: Culture & Community

Trim No: IC18/93

Appendix:

1. Workplace Health & Safety Report - Quarter 2 (**CONFIDENTIAL**) (D18/7860)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide the Workplace Health & Safety for Quarter 2 2017 – 2018 for noting.

Leanne and Ross are on annual leave therefore questions may need to be taken on notice and replies emailed to members.

Recommendation

That the Audit & Risk Committee receive and note the Workplace Health & Safety Report for Quarter 2 2017 – 2018

Meeting Discussion

- Committee commended management on zero lost time injuries.
- Noted external accreditation audit to be undertaken in April 2018.

Committee Resolution

MOVED Ms Debra Russell, Seconded Ms Melissa Field

That the Audit & Risk Committee receive and note the Workplace Health & Safety Report for Quarter 2 2017 – 2018

CARRIED 6:0

3.2 Enterprise Risk Management Report

Charter Reference: 9.5

Author's Title: Coordinator Risk Management & Legal Services **General Manager:** Anne Howard

Department: Governance & Risk **File No:** F18/205

Division: Governance & Infrastructure **Trim No:** IC18/180

Appendix:

1. Enterprise Risk Management Report - February 2018 (D18/13307)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present the Enterprise Risk Management Report.

Discussion

The Enterprise Risk Management Report is also presented to EMT on a quarterly basis.

Updates since the last meeting include:

1. Training:

- Fraud & Corruption training completed by 210 employees.
- Privacy & Data Protection training completed by 198 employees.
- Conflict of interest rules are expected to change when the new Local Government Act is introduced. Further information and training will be provided at that time.

2. Risk Treatment Action Status:

- Risk 30 – The Tree Risk Management Plan has been approved by Council. Ready to commence the first stage of the Plan by undertaking tree inspections around Council facilities.
- Risk 67 - WHS OHSMS 18001 Compliance Audit Visit 6 conducted 24/10/2017:
 - Three minor non-conformances closed.
 - Two minor non-conformances identified.
 - Full accreditation audit scheduled for April 2018.
- Risk 140 – Failure to report or protect a child from abuse or neglect:
 - Training has commenced in Kindergartens, Leisure Centre and the Winchelsea Pool.
 - Training will be delivered to Section 86 Committees in February and March.
 - iLearn training is in test mode and will be released shortly.
 - Compliance framework in development by People & Culture.

3. Fraud Policy and Control Plan to be reviewed:

- The Fraud Policy and Fraud Control Plan will be reviewed following:
 - Fraud internal audit by Grant Thornton
 - Tabling of Fraud & Corruption Control report by VAGO 21st March 2018.

Recommendation

That the Audit & Risk Committee receive and note the Enterprise Risk Management Report.

3.2 Enterprise Risk Management Report

Meeting Discussion

- Noted the Child Safety Standards are now included in the risk register.
- Noted fraud and privacy training continues.
- Discussed child safety education and requirement for Working with Children Checks.

Actions

1. Management to raise with Councillors the opportunity for Council to play a role in supporting organisations and communities with child safety education.
2. Child Safe Standards - Report to be prepared outlining Council's potential obligations towards external organisations and what Council is doing to address the risks. To be listed as an agenda item for 15 May 2018 Audit & Risk Committee meeting for presentation by officers.

Committee Resolution

MOVED Mr John Gavens, Seconded Ms Melissa Field

That the Audit & Risk Committee receive and note the Enterprise Risk Management Report.

CARRIED 6:0

3.3 Fraud & Corruption Strategies

Charter Reference: 9.8.1

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/1540

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
 Section 80C:

Information classified confidential under Section 77
 of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide an update in relation to Council's fraud prevention strategies and programs, including training and development.

Discussion

During the past year the emphasis has been on delivery of training and awareness programs which have largely been delivered via Council's iLearn system.

The following is a list of strategies and programs, with any progress since the last report being noted in the final column.

Strategy/ Program	General Update	Progress Since Last Report
Staff Code of Conduct	This is a first reference point and guide for all matters involving conduct and ethics and is intended to raise awareness amongst staff and contractors to enhance their understanding of their roles and responsibilities.	A model clause in relation to ensuring child safety has been included and the updated Code rolled out through iLearn. The new LG Act prescribes the format of the staff code of conduct, including the disciplinary process and gift policy.
Councillor Code of Conduct	Sets out the standards of behaviour required by Councillors and explains the mechanisms for dealing with any alleged breaches of the Code, including internal and external routes.	Updated version adopted in January 2017 and signed by all Councillors as per the legislation. The new LG Act will require Councillors to make an undertaking in their Oath of Office to also abide by the code of conduct and all future iterations.
Reporting	Staff are informed how to report fraudulent activity during mandatory fraud training. A process is in place to direct investigation of complaints which could include internal or external investigation/reporting. Processes to protect those making protected disclosures are also in place.	A fraud checklist was circulated to managers for completion at the end of FY2017 with these being completed and captured in the records database. Any issues have been investigated and followed up.

3.3 Fraud & Corruption Strategies

<p>IBAC Mandatory Notification</p>	<p>Requirement that the CEO reports suspected or actual corrupt conduct to IBAC without delay.</p>	<p>A process is now in operation which was approved last year following ARC review.</p>
<p>Council's Fraud Control Policy</p>	<p>Fraud Control Policy and Procedure. This was developed with reference to the Australian Standard on Fraud and Corruption Control (AS 8001 – 2008).</p> <p>The Fraud Control Policy and Procedure covers:</p> <p>Application Definitions Roles and Responsibilities Education and Awareness Control Planning Prevention Detection Response.</p>	<p>Policy is due for review in August 2018 but will be reviewed following VAGO's audit and Grant Thornton's internal review in order that any findings can be taken into consideration.</p> <p>Included in the Issues and Actions report for tabling at the May Audit and Risk Committee meeting.</p>
<p>Fraud and Corruption Control Plan</p>	<p>The Plan builds upon that work utilising the Commonwealth Fraud Control Guidelines 2011, AS/NZS ISO 31000 (2009) Risk Management – Principles and Guidelines, AS8001-2008 Fraud and Corruption Control.</p> <p>Council's key fraud and corruption control measures are as follows:</p> <p>Fraud and Corruption Control Plan. This was approved in August 2014 and identified Council's fraud risk areas using the risk matrix likelihood/consequence ratings.</p> <p>Risk Register. Fraud risks were transferred from the Fraud Plan by Managers into the risk register with the relevant treatment plans assigned. Managers continue to review those risks and the effectiveness of treatment plans and are prompted by the PAN system to do so (serious – at least monthly, high risk – at least 3 monthly, medium risk – at least 6 monthly and low risk – annually)</p> <p>In order to check the effectiveness of the controls, treatments and monitoring of KPIs, a questionnaire is sent out to managers at the end of the financial year requesting statistics relating to various types of fraud that may have occurred in their areas over the previous 12 months. This produced a nil return for FY14-15, FY15-16 and FY16-17.</p>	<p>Plan will be reviewed following VAGO's audit and Grant Thornton's internal review in order that any findings can be taken into consideration.</p> <p>Included in the Issues and Actions report for tabling at the May Audit and Risk Committee meeting.</p>
<p>Fraud awareness training</p>	<p>The Governance team has developed a fraud awareness training package. This has been rolled out to all existing and new staff.</p>	<p>An online fraud awareness training package was developed and rolled out to staff in 2017. To date 210 staff have successfully completed</p>

3.3 Fraud & Corruption Strategies

		<p>the training through iLearn.</p> <p>Face to face training was carried out for community care workers and this will continue for other staff without computer access.</p> <p>A privacy and data protection training module has been developed and successfully completed by 198 staff through iLearn.</p>
Protected Disclosure Policy	<p>The Protected Disclosure Policy, which provides a mechanism to report fraudulent activity, was reviewed in light of the IBAC audit, and the updated, more user-friendly version communicated to the organisation via email and the Shire Wire.</p> <p>A copy is also available on the website for the community, along with guidelines.</p> <p>There have been no protected disclosures relating to Council in the previous 12 month period.</p>	<p>Council's Protected Disclosure Policy and Guidelines were reviewed in July 2017 and the updated information posted on the website.</p> <p>Information is included in the Fraud Awareness training package.</p>
Procurement	<p>A centre-led model has been introduced and work continues to standardise templates, develop training resources and check processes to ensure compliance and transparency. Council's Procurement Policy is reviewed every financial year.</p> <p>Conflict of interest declarations are a standard requirement during the tendering process.</p>	<p>Probity in Procurement training was rolled out and completed by 101 targeted staff.</p> <p>Four procurement training models were also rolled out and have been completed by the 35 targeted staff. Staff who have not completed the training will not be able to carry out procurement activities.</p> <p>Contract management training will now be provided to relevant staff.</p> <p>A contract management position has been created to administer and manage construction and corporate contracts. Recruitment process is underway.</p> <p>Procurement Policy is included in the agenda for ARC comment.</p>
Internal Controls	<p>Council has a number of internal controls and audit functions in place to minimise the opportunity for fraud to take place. These include separation of duties in Finance, spending limits, cash handling procedures, authorisation processes, checking mechanisms, checklists, delegations of authority, access controls, passwords, internal and external audit.</p>	<p>Controls relating to purchasing have been reviewed through an internal audit and reported to management and the Audit and Risk Committee.</p> <p>Included in Council's risk register.</p>

3.3 Fraud & Corruption Strategies

Internal Audit		An internal fraud review is underway and findings will be reported to the Audit and Risk Committee.
Conflicts of Interest	<p>Council has a process for reporting and recording conflicts of interest in accordance with the Local Government Act.</p> <p>Training has been ongoing and will be updated when changes foreshadowed in the Local Government Bill 2018 are introduced.</p>	<p>A training video by the Ombudsman has recently been distributed to EMT, Managers and Coordinators along with Local Government Victoria's Guide for Council Officers.</p> <p>The information has also been posted on the Intranet for all staff.</p> <p>Training for new Section 86 Committee members has been developed and will be delivered in February/March 2018.</p> <p>New rules in the Local Government Bill 2018 define two types of conflicts of interest which apply to councillors, delegated committee members and council staff:</p> <p>A material conflict of interest exists where a councillor or staff member or a person with whom they have a defined relationship stands to gain or lose as a result of a decision. A failure to disclose and step aside from the decision is a criminal offence.</p> <p>A general conflict of interest exists where an impartial, fair-minded person would consider that the private interests of a councillor or staff member could result in them acting contrary to their public duty. This is not a criminal offence, but a breach may be the subject of disciplinary action.</p> <p>Further information and training will be provided when the new rules come into force.</p>

Recommendation

That the Audit & Risk Committee receive and note the Fraud and Corruption Strategies report.

Meeting Discussion

- Noted the current emphasis on fraud awareness, privacy and probity training.

Committee Resolution

MOVED Mr John Gavens, Seconded Cr Carol McGregor

That the Audit & Risk Committee receive and note the Fraud and Corruption Strategies report.

CARRIED 6:0

4. AUDIT REPORTS

4.1 Internal Auditor Status Report (Grant Thornton)

Charter Reference: 9.2.3

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/145

Division: Governance & Infrastructure

Trim No: IC18/148

Appendix:

1. Grant Thornton Internal Audit Status Report - February 2018 (D18/14432)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is for Grant Thornton to provide an update on the status of internal audit activities.

Recommendation

That the Audit & Risk Committee receive and note the update from Grant Thornton.

Meeting Discussion

- Discussed audits currently underway - due to be closed off at the 15 May 2018 Audit & Risk Committee Meeting.

Action

- Management to circulate audit reports as completed and in advance of them attending the 15 May 2018 Audit & Risk Committee meeting.

Committee Resolution

MOVED Ms Melissa Field, Seconded Mr John Gavens

That the Audit & Risk Committee receive and note the update from Grant Thornton.

CARRIED 6:0

4.2 External Auditor Update (Victorian Auditor General's Office)

Charter Reference: 9.1.2

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/145

Division: Governance & Infrastructure

Trim No: IC18/149

Appendix:

1. Audit Strategy Memorandum 2017-18 (D18/15139)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive a verbal update from the External Auditors (VAGO).

Recommendation

That the Audit & Risk Committee receive and note the External Auditors (VAGO) update.

Meeting Discussion

Tim Loughnan (VAGO) highlighted the following:

- Key changes made to model financial reports
- Restructure of general ledger
- Support changes proposed to the Depreciation Policy
- Reconciliation of developer contributions
- Landfill provisions
- Audit report anticipated in late October 2018.

Action

1. Table model accounts at the 15 May 2018 Audit & Risk Committee meeting.

Committee Resolution

MOVED Ms Melissa Field, Seconded Mr John Gavens

That the Audit & Risk Committee receive and note the External Auditors (VAGO) update.

CARRIED 6:0

4.3 Oversight Agencies Performance Audit Report

Charter Reference: 9.9.3

Author's Title: Coordinator Risk Management & Legal Services **General Manager:** Anne Howard

Department: Governance & Risk **File No:** F18/205

Division: Governance & Infrastructure **Trim No:** IC18/155

Appendix:

1. Oversight Agencies Performance Audit Report November - January 2018 (D18/4484)

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

Status:
Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present the Performance Audit reports from the various external oversight agencies to identify learnings for Council.

Full copies of the reports can be located at the relevant websites.

Recommendation

That the Audit & Risk Committee receive and note the Oversight Agencies Performance Audit Report for November 2017 to January 2018.

Meeting Discussion

- Discussed City of Greater Geelong Commission of Inquiry and Follow Up Reports.

Action

1. Management to consider relevance of City of Greater Geelong monitor reports, and report learnings for the Surf Coast Shire in future Oversight Agencies Performance Audit Reports.

Committee Resolution

MOVED Ms Debra Russell, Seconded Mr John Gavens

That the Audit & Risk Committee receive and note the Oversight Agencies Performance Audit Report for November 2017 to January 2018.

CARRIED 6:0

5. FINANCIAL REPORTS

5.1 Quarterly Finance Report - December 2017

Charter Reference: 9.6

Author's Title: Coordinator Management
Accounting

General Manager: Anne Howard

Department: Finance

File No: F17/954

Division: Governance & Infrastructure

Trim No: IC18/107

Appendix:

1. Quarterly Finance Report - December 2017 (D18/4994)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present the December 2017 Quarterly Finance Report.

Recommendation

That the Audit & Risk Committee receive and note the December 2017 Quarterly Finance Report.

Meeting Discussion

- Noted that the recurrent and operating budgets are favourable to date.
- Noted that the 2018/19 Budget process is underway.

Committee Resolution

MOVED Ms Melissa Field, Seconded Ms Debra Russell

That the Audit & Risk Committee receive and note the December 2017 Quarterly Finance Report.

CARRIED 6:0

6. OTHER REPORTS

6.1 Update on Local Government Bill 2018 Exposure Draft

Charter Reference: 9.7.2

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/1591

Appendix:

1. Summary of Local Government Bill Anticipated Implementation Timeline (D17/151334)
2. Comparison of Local Government Act & Bill with Summary of Changes (D17/151335)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide an update on the Local Government Bill 2018 Exposure Draft which is currently open for comment.

Discussion

The Local Government Bill 2018 Exposure Draft has been published and feedback is being invited from interested parties until 16 March 2018.

Council has developed a submission which will be presented for endorsement at the Ordinary Council meeting on 27 February.

A copy of the new section relating to the Committee's roles and responsibilities was emailed to Audit and Risk Committee members and feedback has been noted. Council's Leadership Group and other impacted staff were also invited to contribute to the submission.

It is expected that the Bill will pass through Parliament in July 2018 with implementation of the various requirements being staggered over the following two years. In the meantime Councils will continue to apply the existing Local Government Act 1989 until each new provision comes into force.

Summaries of the expected implementation process and the main changes are attached. Further information and full copies of the Exposure Draft are available [here](#).

Recommendation

That the Audit & Risk Committee receive and note the update on the Local Government Bill 2018 Exposure Draft.

Meeting Discussion

- Discussed timeline for implementation of the new Local Government Act.

Committee Resolution

MOVED Ms Debra Russell, Seconded Cr Carol McGregor

That the Audit & Risk Committee receive and note the update on the Local Government Bill 2018 Exposure Draft.

CARRIED 6:0

6.2 Digital & Social Media Policy

Charter Reference: N/A

Author's Title: General Manager Culture & Community

General Manager: Chris Pike

Department: Culture & Community

File No: F17/1734

Division: Culture & Community

Trim No: IC18/153

Appendix:

1. Digital & Social Media Policy HR-40 - Endorsed January 2018 (D18/13309)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present the Digital and Social Media Policy HR-40 (relating to staff use) recently endorsed by the Executive Management Team in January 2018.

Discussion

The policy was updated in keeping with the recommendations of the Review of Social Media Use commissioned by the CEO during the Rainbow Flag debate last year.

Key recommendations:

- Update Social Media Policy (and Code of Conduct to ensure consistency).
- Communicate changes widely including incorporation into the staff induction and compliance monitoring of acknowledgement.
- Communicate the policies proactively in the future (e.g. annually or more frequently if heightened potential for social media debate).

The Policy has been overhauled in conjunction with staff involving:

- Benchmarking with other public sector organisations.
- Reviewing contemporary thinking and legal/industrial relations dimensions.

The intent of the policy is to foster an environment where employees feel confident to express their own personal views and beliefs whilst providing guidance as to how employees can best protect themselves, the Council, their colleagues and other stakeholders.

The policy is founded on four key principles:

- Do not damage the reputation of Council and its stakeholders.
- Do not imply that you are speaking on behalf of Council.
- Do not undermine your ability to do your job.
- Do not disclose confidential information obtained through your employment.

The protection of the Council/Organisation relationship has been a critical focus. Advice and examples are provided throughout the policy to provide clarity for staff.

The revised policies are being communicated to existing staff and incorporated into new staff inductions. They will continue to be monitored for currency alongside other People & Culture policies.

Councillors are being updated on this matter at the 20 February 2018 briefing.

Recommendation

That the Audit & Risk Committee note the Digital and Social Media Policy HR-40 endorsed by the Executive Management Team in January 2018.

6.2 Digital & Social Media Policy

Meeting Discussion

- Discussed scope of policy.

Action

1. Committee members to provide any feedback to management via email.

John Gavens left the meeting at 11:05am.

Committee Resolution

MOVED Ms Melissa Field, Seconded Ms Debra Russell

That the Audit & Risk Committee note the Digital and Social Media Policy HR-40 endorsed by the Executive Management Team in January 2018.

CARRIED 5:0

6.3 Procurement Policy

Charter Reference: 9.7.4

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F14/123

Division: Governance & Infrastructure

Trim No: IC18/169

Appendix:

1. Procurement Policy SCS-019 - Draft (D18/13209)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present the updated Procurement Policy SCS-019 for Audit and Risk Committee member review and comment.

Discussion

The policy is required to be reviewed at least once in every financial year and was last reviewed in July 2016. Suggested changes are tracked and comments noted where applicable.

Benchmarking against other Council policies was undertaken and reference was made to the MAV Model Procurement Policy and Victorian Local Government Best Practice Procurement Guidelines.

Focus has been placed on updating definitions, refining wording, emphasising a more strategic view of procurement e.g. category/contract management and articulating a commitment to social procurement. Items which are not relevant have been removed e.g. CEO to sign off on decision to carry out a public tender process under the tender threshold levels.

A wholesale review of the policy will be necessary in late 2019 when the sections of the new Local Government Act relating to development of a procurement policy come into force.

The policy is now presented for Committee members' comment, prior to the policy being presented to Council for finalising.

Recommendation

That the Audit & Risk Committee note the updates to the Procurement Policy SCS-019 and that feedback from Committee members is considered by management when finalising the policy.

Meeting Discussion

- Noted that Council will consider joining the G21 Region's GROW (G21 Region Opportunities for Work) social procurement initiative at the 27 February 2018 Council Meeting.
- Committee provided the following points for consideration:
 - Add regulatory references against statements in the policy.
 - Section 4 – revise wording.
 - Section 11 – clarify next steps.

Action

1. Committee members to provide further feedback to management via email.

Committee Resolution

MOVED Ms Debra Russell, Seconded Cr Clive Goldsworthy

That the Audit & Risk Committee note the updates to the Procurement Policy SCS-019 and that feedback from Committee members is considered by management when finalising the policy.

CARRIED 5:0

7. ADMINISTRATIVE MATTERS

7.1 Next Meeting & Proposed Agenda Outline

Charter Reference: 9.10.4

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/145

Division: Governance & Infrastructure

Trim No: IC18/150

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The next meeting is scheduled to be held on **Tuesday, 15 May 2018 from 9.00 – 11.30am.**

The purpose of this report is to present the proposed Agenda outline for this meeting which is as follows:

- Outstanding Issues & Actions
- Presentations
 - Chief Executive Officer's Update
 - Business Improvement Update
 - Digital Transformation Update
- Risk Management
 - Workplace Health & Safety Report
 - Enterprise Risk Management Report
 - Fraud Control Policy Review
 - Fraud and Corruption Control Plan Review
- Audit Reports
 - Internal Auditors Discussion & Update
 - External Audit Update (VAGO)
 - Oversight Agencies Performance Audit Report
 - Strategic Audit Plan Year 2 Review
- Financial Reports
 - Monthly Finance Report
 - Investment Policy Review
 - Asset Accounting Policy Review
- Other Reports
 - Monitoring Compliance with Legislation, Policy & Procedure
 - Gifts & Hospitality Register and Councillors Entitlements, Education and Other Expenses Report
 - Infrastructure Special Rates and Charges Scheme Policy Review
- Administrative Matters
 - Committee Work Plan 2018/19
 - Next Meeting Date & Proposed Agenda

Recommendation

That the Audit & Risk Committee note the proposed agenda outline for the next meeting to be held on Tuesday, 15 May 2018 from 9.00 – 11.30am.

Action

1. Add the following as agenda items for the 15 May 2018 Audit & Risk Committee meeting
 - o Road Management Plan – Compliance Report
 - o Child Safe Standard Obligations - external organisations and Council's actions to address

Committee Resolution

MOVED Mr Brian Keane, Seconded Cr Clive Goldsworthy

That the Audit & Risk Committee note the proposed agenda outline for the next meeting to be held on Tuesday, 15 May 2018 from 9.00 – 11.30am.

CARRIED 5:0

8. OTHER BUSINESS

The following items of other business were raised during the meeting:

8.1 Recycling Industry Update

Meeting Discussion

- Anne Howard – General Manager Governance & Infrastructure provided an update on the industrywide recycling issue as follows:

Issues:

- Three main players
- Exporting to China
- SKM challenges - fires/insurances
- Financial impacts
- State announcements expected 20 February 2018
- Reputation risks and local community
- Community message

Next Steps:

- Stay engaged (Municipal Association of Victoria, Barwon South West Waste and Resource Recovery Group and G21)
- Review implication for budgets
- Communication

8.2 Internal Audit Tender

Meeting Discussion

- Wendy Hope – Manager Governance & Risk provided an update on the internal audit tender.
- Committee discussed role of independent members in the evaluation process, subject to probity matters.

Action

1. Tender evaluation panel to be reviewed with consideration given to participation of the Chair of the committee.

Close: There being no further items of business the meeting closed at 11:30am.

9. NOTICE OF MOTIONS

Nil

10. CLOSED SECTION

Recommendation

That Council pursuant to section 89(2)(d) contractual matters, section 89(2)(h) other matters and section 89(2)(a) personnel matters of the Local Government Act 1989, close the meeting to members of the public to resolve on matters pertaining to the following items:

10.1 Winchelsea Land Acquisition Update.

10.2 Dickins Road Drainage

10.3 Award of Contract T18-010 - Construction of Retaining Wall and Road Reinstatement - Clissold Street and Allenvale Road, Lorne.

10.4 Award of Contract T18-023 - Internal Audit Services.

10.5 2018 Borrowings.

10.6 Confidential Assemblies of Councillors.

10.7 CEO Employment Matters Committee - Independent Chair and Terms of Reference.

Recommendation

That:

1. The resolution and report pertaining to Confidential items 10.1, 10.5 and 10.6 remain Confidential.
2. The resolution pertaining to Confidential items 10.2, 10.3, 10.4 and 10.7 be deemed no longer confidential with the report to remain confidential.
3. Council open the meeting to the public at pm.

Close: There being no further items of business the meeting closed at pm.