



# Agenda

Ordinary Meeting of Council  
Tuesday, 27 October 2015

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

Commencing at 6.00pm

**Council:**

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

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AGENDA FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY 27 OCTOBER 2015 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 22 September 2015 as correct record 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:**

**PUBLIC QUESTION TIME:**

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## 1. OFFICE OF THE CEO

### 1.1 Monthly Finance Report September 2015

**Author's Title:** Coordinator Management Accounting      **CEO:** Keith Baillie  
**Department:** Finance      **File No:** F15/973  
**Division:** Office of the CEO      **Trim No:** IC15/443

**Appendix:**

1. Monthly Finance Report September 2015 Appendix (D15/91262)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**Status:**

Information classified confidential under Section 77  
of the Local Government Act:

Yes

No

**Reason:** Nil

### Purpose

To receive and note a summary of the operating and capital works budgets as well as the financial position of the Surf Coast Shire Council to the end of September 2015.

### Summary

An executive summary, financial analysis, capital works and new initiatives performance summary, financial position analysis and consolidated financial statements are included for the three months ending 30 September 2015. The report also contains an analysis of the significant year-to-date variations that are favourable or unfavourable to Council's 2015/16 budget.

The key financial results are as follows:

Year to date measure	Value (\$m)	Commentary
Operating Result	35.8	\$0.3m favourable to Budget
Capital Works expenditure	1.7	\$1.8m favourable to Budget
New Initiatives expenditure	0.3	\$0.1m favourable to Budget
Net Assets & Total Equity	414.4	\$0.3m favourable to Budget
Cash & Cash Equivalents (including financial assets)	30.1	\$2.0m favourable to Budget
Working Capital Ratio	619%	191% favourable to Budget

Council remains in a sound financial position.

### Recommendation

That Council

1. Note the financial results, variances and explanations for the three months ended 30 September 2015.
2. Note the project adjustments approved by the Chief Executive Officer transferring a net \$515 from the accumulated unallocated reserve as listed in Appendix B of the September finance report.

## 1.1 Monthly Finance Report September 2015

### **Report**

#### ***Background***

The attached financial report for the three months ended 30 September 2015 summarises the revenue and expenditure performance, capital works and new initiatives with an analysis of the overall financial position.

The report also contains an analysis of the significant year-to-date variations that are favourable or unfavourable to budget.

#### ***Discussion***

##### **Operating Results**

The year-to-date operating result for the 2015/16 year shows a net surplus of \$35.8 million, which is \$0.3 million favourable to budget. This variance is mainly due to capital grants favourable to budget of \$346,000.

##### **Capital Works**

The year-to-date capital works shows a total of \$1.7 million, which is \$1.8 million favourable to budget. The variance is mainly due to timing of works completed to date compared to the timing of budgeted expenditure.

##### **New Initiatives**

The year-to-date new initiatives show a total of \$0.3 million, which is \$0.1 million favourable to budget.

##### **Balance Sheet**

The working capital ratio is currently 619%, which is favourable to budget by 191%. The prudential limit required by the Department of Environment, Land, Water and Planning is a minimum working capital of 110%.

The cash and investments (including financial assets) balance at 30 September 2015 is \$30.1 million, which is \$2.0 million favourable to budget.

Net assets and total equity is currently \$414.4 million, which is favourable to budget by \$0.3 million. This variance is due to the net surplus being favourable to budget \$0.3 million.

Borrowings have decreased to \$16.01 million.

No new borrowings have been budgeted for the 2015/16 year.

The detailed Financial Report for September 2015 is attached

#### ***Financial Implications***

Year to date budget variations for the three months ended 30 September 2015 have been explained in this report.

#### ***Council Plan***

Theme 2 Governance

Objective 2.4 Transparency in decision making and access to information

Strategy 2.4.2 Provide relevant and easy to understand financial information to the community.

#### ***Policy/Legal Implications***

Section 138(1) of the Local Government Act states that:

*“At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.”*

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

Council continues to prudently manage financial risk. In the report “Local Government: Results of the 2013-14 Audits”, the Victorian Auditor-General's Office reported that “Surf Coast Shire Council was a medium risk

## **1.1 Monthly Finance Report September 2015**

*in 2013-14 (low in 2012-13) because of its high indebtedness ratio after recognising additional landfill provisions associated with its Anglesea landfill site”.*

Council increased the Anglesea landfill provision in 2013-14 based on estimates of the useful life of the landfill and the cost of rehabilitating the facility after closure to EPA standards. Council has a funding strategy in place to ensure all costs associated with the Landfill will be met.

The Victorian Auditor-General's Office is expected to table its report into the most recent (2014-15) audits in November 2015.

### ***Social Considerations***

Not applicable

### ***Community Engagement***

Not applicable

### ***Environmental Implications***

Not applicable

### ***Communication***

Not applicable

### ***Conclusion***

Council remains in a sound financial position with all variances between the actual and budgeted results explained in this report.

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## 2. GOVERNANCE & INFRASTRUCTURE

### 2.1 Torquay Jan Juc Development Contributions Plan Status

**Author's Title:** Manager Contract & Capital Works      **General Manager:** Sunil Bhalla

**Department:** Contract & Capital Works      **File No:** F10/60

**Division:** Governance & Infrastructure      **Trim No:** IC15/341

**Appendix:**

1. DCP Status Report: Project List (D15/89409)
2. DCP Status Report: Baseline Summary (D15/89408)
3. DCP Status Report: Income (D15/89406)
4. DCP Status Report: Expenditure & Delivery Schedule (D15/89410)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**Status:**

Information classified confidential under Section 77  
of the Local Government Act:

Yes

No

**Reason:** Nil

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**Purpose**

To receive and note the status of implementation of the Torquay Jan Juc Development Contributions Plan as at 30 June 2015.

**Summary**

The Torquay Jan Juc DCP includes 45 projects – 38 on Council owned or managed land and 7 on the land managed by the Great Ocean Road Coast Committee (GORCC). Council will be the Collection Agency for the 7 projects on GORCC land.

The total cost (unindexed) of the Torquay Jan Juc DCP at the time of adoption of the Planning Scheme amendment was \$64,051,346, of which 25.7% is being collected as the Development Contributions. To date Council has completed 7 projects and GORCC 2, with Council having spent \$13.99M on project delivery.

**Recommendation**

That Council:

1. Note the status of implementation of the Torquay Jan Juc Development Contributions Plan as at 30 June 2015.
2. Re-affirm the variance to the scope and cost of projects as included in Appendix 1.

## 2.1 Torquay Jan Juc Development Contributions Plan Status

### Report

#### **Background**

The Planning and Environment Act 1987 enables Council to include one or more development contributions plans in the planning scheme for the purpose of levying contributions for the provision of works, services and facilities. Council at its Ordinary meeting on 25 May 2011 adopted amendment C57 to the Surf Coast Shire Planning Scheme to include the Torquay Jan Juc Development Contributions Plan (Torquay Jan Juc DCP).

#### **Discussion**

The Torquay Jan Juc DCP includes 45 projects – 38 on Council owned or managed land and 7 on the land managed by the Great Ocean Road Coast Committee (GORCC). Council will be the Collection Agency for the 7 projects on GORCC land.

The total cost (unindexed) of the Torquay Jan Juc DCP at the time of adoption of the Planning Scheme amendment C57 is summarised below:

Facility	Total Cost	Actual cost contribution attributable to development	Proportion of cost attributable to development
Roads and Traffic management	\$13,638,419	\$3,818,769	28.0%
Community Facilities	\$26,260,104	\$5,829,755	22.2%
Open Spaces	\$20,036,972	\$5,223,833	26.1%
Pathways	\$4,115,851	\$1,582,624	38.5%
<b>Total</b>	<b>\$64,051,346</b>	<b>\$16,454,982</b>	<b>25.7%</b>

The list of projects on Council owned or managed land, including status and original and revised costs, and the list of projects on GORCC land are included as Appendix 1. The indexed costs of the DCP based on projected delivery timelines within the originally adopted DCP are included as Appendix 2. The difference between the total projected costs and estimated development contributions are expected to be funded through general rate revenue, or state and federal grants.

Appendix 3 contains a status report on the Developer Contributions Reserve showing both the levies collected and the allocation of those levies to various projects. It also shows a listing of all the grants that Council has received to date which has contributed to the delivery of the DCP projects. Council has to date been able to significantly offset its own contribution to projects through successfully obtaining State and Federal Government Grants.

Appendix 4 provides a year by year delivery status report for both Council and GORCC projects, as well as current and projected expenditure on projects. Following are the key highlights in relation to the implementation:

- Of the 38 projects to be delivered by Council, 7 projects had been completed, 15 were in progress and 16 were yet to commence as at 30 June 2015.
- Of the 7 projects to be delivered by GORCC, 4 projects had been completed and the remaining 3 were in progress as at 30 June 2015.
- To date Council has successfully obtained and expended \$8.79M of grants to deliver \$13.99M of projects, with a further \$2M of grants confirmed for projects currently under delivery.

In the charts contained at the bottom of Appendix 4, it can be seen that Council has been delivering projects at a slower rate than initially forecast within the DCP. However, this is in line with the delayed collection of levies shown within the final chart, which reflects the slower than anticipated development within the catchment and in turn the delayed need for additional infrastructure.



## **2.1 Torquay Jan Juc Development Contributions Plan Status**

### ***Financial Implications***

The attachments show the anticipated financial commitment required by Council within its future Capital Works Program to deliver the adopted DCP.

### ***Council Plan***

Theme 4 Infrastructure  
Objective 4.1 Allocation of infrastructure according to need  
Strategy Nil

Theme 4 Infrastructure  
Objective 4.2 Accessible and well maintained Council facilities  
Strategy Nil

### ***Policy/Legal Implications***

The Torquay Jan Juc DCP is included within the Surf Coast Shire Planning Scheme. Council has a contractual commitment to deliver it.

### ***Officer Direct or Indirect Interest***

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

### ***Risk Assessment***

Implementation of the Torquay Jan Juc DCP requires a significant financial contribution by the Council. Although Council has been able to offset its contribution to the projects delivered thus far through external grants, there is no guarantee on the level of external grant funding possible in the future.

### ***Social Considerations***

Implementation of the DCP will ensure timely provision of infrastructure and services to the growing population in Torquay/Jan Juc.

### ***Community Engagement***

The DCP was prepared following a Planning Scheme Amendment which included opportunities for the community to provide input to the process. Project specific engagement is undertaken as required during the delivery of specific projects within the DCP.

### ***Environmental Implications***

A number of projects within the DCP have positive environmental outcomes.

### ***Communication***

As covered under the heading of Community Engagement.

### ***Conclusion***

The Torquay Jan Juc Development Contributions Plan was adopted by Council in 2011. This report provides the status of its implementation.

## 2.2 Surf Coast Shire Annual Report 2014 - 2015

**Author's Title:** Coordinator Corporate Planning

**General Manager:** Sunil Bhalla

**Department:** Governance & Risk

**File No:** F14/1299

**Division:** Governance & Infrastructure

**Trim No:** IC15/436

**Appendix:**

1. Section 131 Local Government Act 1989 (D15/90380)
2. Part 4 Local Government (Planning and Reporting) Regulations 2014 (D15/90381)
3. Part 5 Local Government (General) Regulations 2004 (D15/90379)
4. Surf Coast Shire Annual Report 2014 - 2015 (D15/92397)

**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

**Reason:** Nil

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**Purpose**

To receive and note the Surf Coast Shire Council Annual Report 2014 – 2015.

**Summary**

The Surf Coast Shire Annual Report 2014 – 2015 has been prepared in accordance with Section 131 of the *Local Government Act 1989* (the Act) and the Local Government (Planning and Reporting) Regulations 2014 (the Regulations).

Section 131 (6) of the Act requires Council to submit a copy of the Annual Report to the Minister for Local Government within 3 months of the end of each financial year. A copy of the 2014 – 2015 Annual Report was forwarded to the Minister electronically on 30 September 2015.

The Annual Report complies with the legislative requirements of the Act and the Regulations and details the significant achievements of Council during the 2014 – 2015 financial year. The structure of the Annual Report reflects Surf Coast Shire's Council Plan 2013 – 2017 as adopted in June 2013, with this report representing the final report on the achievements of the original Council Plan and the challenges and the key directions for 2015 – 2016. A mid- term review of the Council Plan has resulted in an updated plan which was adopted by Council in June 2015 and which will be used as the basis of performance reporting in the next Annual Report.

**Recommendation**

That Council receive and note the Surf Coast Shire Council Annual Report 2014 – 2015.

## 2.2 Surf Coast Shire Annual Report 2014 - 2015

### Report

#### **Background**

Each year Council prepares an Annual Report that details Council's achievements and results from the previous financial year, as required by Section 131 of the *Local Government Act 1989* (the Act), refer appendix 1.

Section 134 of the Act requires that:

- “(1) A Council must consider the annual report at a meeting of the Council.  
(2) The meeting –*
- a) must be held as soon as practicable but within the time required by the regulations, after the Council has sent the annual report to the Minister;*
  - b) must be advertised at least 14 days before the meeting is held in a public notice that states –*
    - (i) that an annual report will be discussed at the meeting; and*
    - (ii) the place from which copies of the annual report can be obtained before the meeting;*
  - c) must be kept open to the public while the annual report is discussed.”*

Section 131 of the Act and Part 4 of the Local Government (Planning and Reporting) Regulations 2014 specify the information that must be contained in the annual report, refer to appendices 1 and 2 for further details.

#### **Discussion**

The design and structure of the Annual Report 2014 – 2015 has been developed with the following key objectives in mind:

1. To ensure that Council meets its legislative responsibilities;
2. To maximise accountability and opportunities to inform the community about Council's achievements; and
3. To maximise the effectiveness of the Annual Report as a public record and promotion and marketing tool.

In developing our approach feedback has been considered from a number of sources. The structure of the Annual Report 2014 – 2015 has remained consistent with the approach taken in recent years and reflects the success achieved through the Municipal Association of Victoria (MAV) and Australasian Reporting Award (ARA) processes.

The Annual Report also reflects Council's commitment to engaging its community as reflected in the current Council Plan 2013 – 2017.

In accordance with Section 131 of the Act:

1. The report of operations has been prepared in a form and contains information determined by the Council to be appropriate and consistent with the requirements of the Act and the Regulations;
2. The financial and performance statements have been prepared in the manner and form prescribed by the regulations and submitted in their finalised form to the auditor as soon as possible after the end of financial year, certified in the manner prescribed by the regulations and signed by the Victorian Auditor-General's Office; and
3. Public notice has been given that the Annual Report will be discussed at this meeting, that Council has received a copy of the report of the Auditor-General under Section 9 of the Audit Act 1994 and that a copy of the Annual Report can be inspected at the Council Office.

Part 5 of the Local Government (General) Regulations 2004 has also been considered in preparation of the Annual Report with a list of the prescribed documents that are available for inspection or copies of the documents can be obtained for the purpose of section 222 of the Local Government Act 1989, at 1 Merrijig Way, Torquay attached at appendix 3.

## 2.2 Surf Coast Shire Annual Report 2014 - 2015

The Audit and Risk Committee reviewed the financial and performance statements at its meeting on 8 September 2015, prior to completion of the 2014 -15 audit and Council adoption of the statements “in-principle”, for inclusion in Annual Report.

An electronic copy of the Annual Report was forwarded to the Minister on 30 September 2015 in accordance with Section 131 (6) of the Act.

The Annual Report is an important method of capturing and promoting Council’s achievements for the financial year and provides a mechanism for Council to report its performance against the Council Plan.

As a promotional tool for the Surf Coast Shire, Council officers have dedicated resources to the development of an interactive web-based version of the document for the 2014-15 year, which allows the community to easily select sections of document related to their areas of interest. An invitation was issued to the Minister to view Council’s interactive version of the Annual Report on Council’s website.

Some of the positive attributes of the current design include:

- a. Easy to navigate
- b. Readers can print pages as displayed
- c. Ability to enlarge graphs and tables to enhance readability
- d. Enhanced accessibility to persons who are vision impaired
- e. Enhanced sustainability relating to a reduced need to print unnecessary hard copies for distribution.

The interactive web design will reduce the number of hard copy annual reports required for distribution, although a limited number of hard copies are required to meet the needs of Council and key stakeholders. Overall, the number of hard copies is anticipated to be considerably less than the number produced in previous years, supporting Council’s commitment to environmental sustainability.

The following is a summary of engagement with Councillors in the preparation of the Annual Report:

<b>Briefing / Meeting Date</b>	<b>Councillor Engagement Activity</b>	<b>Action required</b>	<b>Date</b>
14 July 2015	Receive proposed story list	For review and endorsement	17 July 2015
	Receive proposed report structure	For information	N/A
	Receive draft Councillor profile	For review and update	17 July 2015
11 August 2015	Briefing on preferred design	For information	N/A
8 September 2015	Update on progress	For information	N/A
28 October 2015	Council to receive report	For noting	N/A

### **Financial Implications**

The budget for production of the Annual Report 2013 – 2014 was \$23,880. The overall cost of producing the Annual Report 2014 – 2015 is expected to be around \$7,000 less due to the reduced allocation of the writer/editor function.

### **Council Plan**

Theme 2 Governance  
 Objective 2.2 High performing accountable organisation  
 Strategy Nil

Theme 2 Governance  
 Objective 2.5 Enhanced community engagement  
 Strategy 2.5.2 Provide opportunities for all members of the community to engage with Council on issues that matter to them.

### **Policy/Legal Implications**

The Annual Report 2014 – 2015 was prepared in accordance with legislative requirements as referenced in appendices 1 – 3.

### **Officer Direct or Indirect Interest**

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

## **2.2 Surf Coast Shire Annual Report 2014 - 2015**

### ***Risk Assessment***

There is a reputational risk for Council if it does not comply with its statutory obligations.

### ***Social Considerations***

The Annual Report provides details of Council activities from the previous financial year, including projects and services that enhance the social fabric of the Shire.

A summary of the Annual Report will be made available to all ratepayers via an Annual Report Summary brochure to be included with the 2nd rate instalment notice to be distributed in October 2015. This will ensure that all ratepayers have access to a summary of the Council highlights and achievements for 2014 - 2015.

### ***Community Engagement***

Section 131(11) requires Council to make copies of the Annual Report available for inspection by members of the public. Advertisements will be placed in local media advising that the 2014 – 2015 Annual Report is available for inspection at the following locations:

- The Council Offices, 1 Merrijig Drive, Torquay
- Aireys Inlet, Anglesea, Lorne & Winchelsea Post Offices
- Lorne Visitor Centre
- Deans Marsh & Moriac General Stores
- Torquay & Mobile Libraries
- Community houses at Anglesea, Deans Marsh, Lorne and Winchelsea.

An interactive version of the 2014 – 2015 Annual Report will also be available for public viewing on Council's website [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au).

### ***Environmental Implications***

A reduced number of printed copies of the Annual Report will be distributed to Councillors and key internal staff. Key stakeholders and other interested parties will be forwarded a link to the Annual Report on Council's website.

### ***Communication***

Appropriate public notices have been advertised advising of the Ordinary Council meeting at which the 2014 - 2015 Annual Report will be considered pursuant to Section 134 of the Act, as well as advising the general public where copies of the Annual Report can be viewed.

### ***Conclusion***

The 2014 – 2015 Surf Coast Shire Council Annual Report is presented to Council for consideration.

### 2.3 Review of Procurement Policy

**Author's Title:** Manager Governance & Risk

**Department:** Governance & Risk

**Division:** Governance & Infrastructure

**Appendix:**

1. Procurement Policy SCS-019 (D15/55054)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**General Manager:** Sunil Bhalla

**File No:** F14/123

**Trim No:** IC15/327

**Status:**

Information classified confidential under Section 77  
of the Local Government Act:

Yes

No

**Reason:** Nil

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**Purpose**

To adopt Council's Procurement Policy SCS-019.

**Summary**

Council is obliged under Section 186A(7) of the Local Government Act 1989 (the Act) to review its Procurement Policy at least once every financial year. The policy was last reviewed in September 2014 by the Policy Review Sub-Committee. An initial review by officers was completed with minimal suggested changes being tracked throughout the document. The changes mainly relate to strengthening of definitions, inclusion of the option to appoint a probity auditor and the preference for local content, where applicable. As the Sub-Committee's next meeting was not scheduled until November 2015 the policy was emailed to Councillors on the Sub-Committee for comment and further discussed at the Council Briefing on 6 October 2015.

**Recommendation**

That Council adopt recently reviewed Procurement Policy SCS-019 as included in Appendix 1.

## **2.3 Review of Procurement Policy**

### **Report**

#### ***Background***

Council is obliged under Section 186A(7) of the Local Government Act 1989 (the Act) to review its Procurement Policy at least once every financial year. The policy was last reviewed in September 2014 by the Policy Review Sub-Committee.

#### ***Discussion***

The policy has now been reviewed by the Governance and Risk team and minimal suggested changes are tracked throughout the document. These changes mainly relate to strengthening of definitions, the option to appoint a probity auditor and the preference for local content, where applicable. As the Sub-Committee's next meeting was not scheduled until November 2015 the policy was emailed to Councillors on the Sub-Committee for information and comment before being further discussed at the Council Briefing on 6 October 2015. It is now being presented for endorsement by Council.

#### ***Financial Implications***

There are no financial implications associated with adopting this policy.

#### ***Council Plan***

Theme 2 Governance  
Objective 2.2 High performing accountable organisation  
Strategy Nil

#### ***Policy/Legal Implications***

Adoption of this policy ensures Council's compliance with the Act.

#### ***Officer Direct or Indirect Interest***

No officer involved in the preparation of this report has a conflict of interest.

#### ***Risk Assessment***

Not applicable

#### ***Social Considerations***

Not applicable

#### ***Community Engagement***

Not applicable

#### ***Environmental Implications***

Not applicable

#### ***Communication***

The updated policy will be communicated throughout the organisation in addition to being available at Council offices and on the website, as per Section 186A(8) of the Act.

#### ***Conclusion***

Council will be fulfilling its legal obligations by reviewing and adopting the updated Procurement Policy within the prescribed timeframe.

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## 2.4 Response on Petition Requesting Advocacy to VicRoads for the Redesign of Intersections of Princes Highway with Hendy Main Road and Cape Otway Road.

**Author's Title:** Manager Engineering Services

**General Manager:** Sunil Bhalla

**Department:** Engineering Services

**File No:** F15/48

**Division:** Governance & Infrastructure

**Trim No:** IC15/345

**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

**Reason:** Nil

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### Purpose

To receive and note the response to the petition requesting advocacy to VicRoads for the redesign of the intersections of Princes Highway with Hendy Main Road and Cape Otway Road.

### Summary

The concerns regarding safety of the intersection of Princes Highway with Hendy Main Road and Cape Otway Road have been raised on two previous occasions with VicRoads. Vic Roads have responded confirming the intersections are designed appropriately and in addition have undertaken further signage and implemented a community education on the operation of the intersections. With public concerns still existing and raised through the petition, it is considered appropriate to raise these ongoing concerns with VicRoads.

### Recommendation

That Council forward the petition to VicRoads and request that a further review of the intersections of Princes Highway with Hendy Main Road and Cape Otway Road be undertaken by an independent road safety auditor.



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## **2.4 Response on Petition Requesting Advocacy to VicRoads for the Redesign of Intersections of Princes Highway with Hendy Main Road and Cape Otway Road.**

### **Report**

#### ***Background***

Council at its September meeting received a petition requesting advocacy to VicRoads for the redesign of the intersections of Princes Highway with Hendy Main Road and Cape Otway Road. Concern about the safety of these intersections has been previously raised by Council Officers in March and June 2015.

#### ***Discussion***

The local community and other local road users are still having trouble with the intersection and confusing it for a roundabout. VicRoads have previously responded to the concerns raised by Council by undertaking road safety audits. Although the audits did not identify any issues with the intersections, Vic Roads implemented some additional line marking and also issued media alerts on how the intersections operate.

Since there are still significant concerns in the local community raised through this petition (started in July 2015), it is considered appropriate to forward this petition to VicRoads and suggest that an independent road safety audit be undertaken.

#### ***Financial Implications***

There are no financial implications for Council.

#### ***Council Plan***

Theme 3 Communities  
Objective 3.3 Preservation of peaceful, safe and healthy environments  
Strategy 3.3.1 Monitor and enforce where required relevant legislation to ensure a safe and peaceful community including residential amenity, safety in public places and community liveability.

#### ***Policy/Legal Implications***

Not applicable.

#### ***Officer Direct or Indirect Interest***

No officer involved in the preparation of this report has a conflict of interest.

#### ***Risk Assessment***

There is a considerable safety risk for road users with any intersection on a main highway. This matter is one of particular concern for the local community. It is appropriate to take all measures reasonable to address concerns as there have been a number of accidents reported.

#### ***Social Considerations***

The community has ongoing concerns about these intersections as raised through the petition. Council should pursue these with VicRoads despite their previous action relating to earlier complaints.

#### ***Community Engagement***

Not required.

#### ***Environmental Implications***

Not applicable.

#### ***Communication***

The petitioners will be informed of the Council's resolution.

#### ***Conclusion***

The community has raised concerns regarding the safety of the intersection of Princes Highway with Hendy Main Road and Cape Otway Road. It is considered appropriate to raise these ongoing concerns with VicRoads and request independent road safety audits.

## 2.5 Roads to Recovery 2015 - 2016 Additional Budget Allocation

**Author's Title:** Manager Engineering Services

**General Manager:** Sunil Bhalla

**Department:** Engineering Services

**File No:** F14/1710

**Division:** Governance & Infrastructure

**Trim No:** IC15/422

**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

**Reason:** Nil

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**Purpose**

To allocate \$495,019 of the 2015/16 Additional Roads to Recovery grant funding.

**Summary**

Council has received an additional funding grant of \$595,019 under the 2015/16 Roads to Recovery Program. Council has previously resolved to allocate \$100,000 of this funding to the Elkington Road service road upgrade related to the Chocolaterie development.

Council's Road Network Management Plan identifies the upgrade of 8 km stretch of Cape Otway Road between Moriac and Gherang Road as the highest priority in the Shire. It is recommended that the available funding of \$495,019 be allocated to the upgrade and rehabilitation of approximately 2km section of Cape Otway Road between Lloyd Mews and Taylors Road in Moriac.

**Recommendation**

That Council allocate \$495,019 received under the 2015/16 Additional Roads to Recovery grant funding to the upgrade of Cape Otway Road between Lloyd Mews and Taylors Rd in Moriac.

## **2.5 Roads to Recovery 2015 - 2016 Additional Budget Allocation**

### **Report**

#### ***Background***

Council has received an additional grant funding of \$595,019 under the 2015/16 Roads to Recovery Program. This grant must be spent by 30 June 2016. Council has previously resolved to allocate \$100,000 of this funding to the Elkington Road service road upgrade related to the Chocolaterie development. Council approval is now required to allocate the remaining \$495,019.

#### ***Discussion***

Over the last few years, expenditure on the local road network has been prioritised in accordance with the service levels for renewal and upgrade contained within Council's Road Asset management Plan. The latest project completed as part of Council's capital works program involved widening and rehabilitation of the 4 km section of Pollocksford Road.

Council has recently completed the development of its Road Network Management Plan which provides a strategic plan for the local road network and sets priorities for road upgrades from a strategic and operational perspective. This Plan identifies the upgrade of 8 km stretch of Cape Otway Road between Moriac and Gherang Road as the highest priority in the Shire.

It is recommended that the available funding of \$495,019 be allocated to the upgrade and rehabilitation of approximately 2 km section of Cape Otway Road between Lloyd Mews and Taylors Road in Moriac. Council has also submitted an application under the 2016/17 black spot funding program for improvements to a major section of the balance of this 8 km length.

#### ***Financial Implications***

The additional Roads to Recovery grant funding must be spent by 30 June 2016.

#### ***Council Plan***

Theme 4 Infrastructure  
Objective 4.3 Enhance key rural and coastal roads and transport options  
Strategy 4.1.3 Develop an improved approach to service planning that identifies long-term future infrastructure requirements and actions

#### ***Policy/Legal Implications***

All funding provided under the Roads to Recovery program must be spent in accordance with the program guidelines.

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

The priorities in the the Road Network Management Plan have been determined using a multi criteria assessment tool to ensure highest risk roads are targeted within the available funding

#### ***Social Considerations***

Upgrade of Cape Otway Road will deliver an improved driving surface for motorists, and also significantly improve the safety of cyclists

#### ***Community Engagement***

Community will be advised of the proposed works and appropriate traffic management provided to minimise disruption to the road users.

#### ***Environmental Implications***

The works shall be undertaken in accordance with the environmental management guidelines for road works.

#### ***Communication***

As covered under the heading of 'Community Engagement'.

## **2.5 Roads to Recovery 2015 - 2016 Additional Budget Allocation**

### ***Conclusion***

An additional grant funding of \$495,019 has become available under the 2015-16 Roads to Recovery Program. Council's Road Network Management Plan identifies the upgrade of Cape Otway Road as the highest priority in the shire. It is recommended that this additional funding be allocated to the upgrade of an approximately 2 km long section of Cape Otway Road. .

### 3. ENVIRONMENT & DEVELOPMENT

#### 3.1 Bells Beach Coastal Management Plan and Implementation Plan - Adoption of Final Plans

**Author's Title:** Manager Environment & Community Safety      **General Manager:** Kate Sullivan

**Department:** Planning & Environment      **File No:** F15/185

**Division:** Environment & Development      **Trim No:** IC15/324

**Appendix:**

1. Bells Beach Surfing Recreation Reserve Coastal Management Plan 2015-25 (D15/91852)
2. Bells Beach Surfing Recreation Reserve Coastal Implementation Plan 2015-18 (D15/91860)
3. Final Bells Beach Task Force Report to Council October 2015 (D15/82565)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**Status:**

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

**Reason:** Nil

#### **Purpose**

To note the Bells Beach Taskforce Report, consider the final Bells Beach Surfing Recreation Reserve Coastal Management Plan 2015-2018 and Bells Beach Surfing Recreation Reserve Implementation Plan 2015-2018 and thank the Bells Beach Task Force for its work in assisting Council with the development of the Bells Beach plans.

#### **Summary**

The process of developing a new Coastal Management Plan (CMP) commenced with the appointment of an advisory Task Force to Council in early 2014. The first step was developing a new vision for the reserve following an extensive engagement process. The overwhelming sentiment expressed by the community was to keep Bells as it is without extensive changes or additional infrastructure. Council approved the new vision in September 2014.

The Task Force was extended to advise Council on the engagement steps required to build the new vision into a coastal management plan that would set the strategic direction for the next ten years. Engagement activities included three public workshops hosted by an independent facilitator, a stakeholder clarification session, an open house at the Australian National Surfing Museum, a six week public comment period on the draft plans, a facilitated session on events and a hearing of submissions.

Engagement activities focused on finding common ground on issues of concern to reserve users, and there was consensus on management directions for most issues. Despite the extensive engagement, points of difference remained on some matters such as event management and governance arrangements. The Task Force provided advice on the approach to issues where differences remained. The recommended policies and actions in the final plans have been drafted to be consistent with the vision - to protect and respect the reserve's three core values (the natural environment, indigenous heritage and surfing culture), and for a healthy coast, appreciated by all, now and in the future.

#### **Recommendation**

That Council:

1. Note the recommendations of the Bells Beach Task Force Report to Council on the Development of the Bells Beach Surfing Recreation Reserve Coastal Management and Implementation Plans 2015-2018.
2. Adopt the final Bells Beach Surfing Recreation Reserve Coastal Management Plan 2015-2018 and Bells Beach Surfing Recreation Reserve Implementation Plan 2015-2018. Thank the Bells Beach Task Force for its work in assisting Council with the development of the Bells Beach plans.
3. Write to the Minister for Environment, Climate Change and Water seeking approval of the Coastal Management Plan.

### 3.1 Bells Beach Coastal Management Plan and Implementation Plan - Adoption of Final Plans

#### **Report**

##### ***Background***

Council is the appointed Committee of Management of the Bells Beach Surfing Recreation Reserve (the reserve) and is required to have a coastal management plan (CMP) for the reserve under the Coastal Management Act 1995. The CMP must be updated every three years.

As a first step in updating the CMP, Council appointed the Bells Beach Task Force to assist with reviewing the vision for the reserve. Council approved a new vision at its meeting of 23 September 2014. The Task Force was then extended to assist with developing the CMP.

Between October 2014 and June 2015, extensive engagement was undertaken to enable community involvement in the development of future management actions for Bells in line with the new vision. Engagement activities included community workshops, an open house, events session, key stakeholder briefings, an online forum and a hearing of submissions.

The community feedback provided through the engagement process has informed the production of two final plans for the reserve:

- 1) The Bells Beach Surfing Recreation Reserve Coastal Management Plan 2015-2018 (CMP). This is the more strategic document that sets the general management direction for the next ten years (Appendix 1).
- 2) The Bells Beach Surfing Recreation Reserve Implementation Plan 2015-2018 (IP). This plan details the management actions for the next three years and contains the policies that will be used to guide day to day management such as the new Events Policy and the Terms of Reference for a new committee to assist Council with management of the reserve on an ongoing basis (Appendix 2).

The advice of the Task Force on these final new plans and a summary of the community engagement undertaken are contained in the Bells Beach Task Force Report to Council on the Development of the Bells Beach Surfing Recreation Reserve Coastal Management and Implementation Plans 2015-2018 (Appendix 3).

##### ***Discussion***

These new plans will replace the 2010 Bells Beach Surfing Recreation Reserve Coastal Management and Master Plans. Some recommendations in the 2010 plan, particularly the recommendation to construct a new toilet block in the Winki Pop car park to service commercial tour operators, do not have community support.

The attached final new plans contain management actions and policies that better reflect the strong desire of to keep Bells as it is.

Key differences between the 2010 CMP and the new plans include:

- Defining two principles; respect and protect and three core values; the natural environment, indigenous heritage and surfing culture that will underpin management actions and policies.
- A new Bells Beach Committee with a new Terms of Reference to govern its operation. The Committee will have an impartial chair and a clear focus on the implementation of the new plans.
- An Events Management Policy – the new Events Policy clearly outlines the management of events to protect the three core values, and introduces changes that will improve the impacts of events on other reserve users.
- Plans to improve traffic management through the limiting of commercial tour operators to the use of 22 seater buses (no large coaches) and restricting the number of licences to eight. Changes to car park signage will enable the enforcement of unlicensed buses.
- Clear statements about minimising infrastructure and keeping infrastructure to existing modified areas.
- A reduction in signage – signs will be rationalised and have a new design that is more sympathetic to the values of Bells.

### **3.1 Bells Beach Coastal Management Plan and Implementation Plan - Adoption of Final Plans**

#### ***Financial Implications***

The new CMP includes a business plan outlining income and expenditure over both the past three years and projections for the next three years. The IP lists the budget estimates for specific actions over the next three years.

Expenditure in the reserve is funded by a mixture of Council operational and capital expenditure, grants and from the Developer Contributions Plan for Torquay/ Jan Juc. The funding required to implement year one of the CMP has been approved in the 2015/16 budget.

Overall, expenditure under the new plan is significantly less than that forecast in the 2010 CMP. High cost items such as a new toilet block; iconic signage and a revamped carpark and stormwater system are no longer recommended.

#### ***Council Plan***

Theme 1 Environment

Objective 1.1 Preserve and enhance the natural environment

Strategy 1.1.3 Protect and enhance biodiversity in Nature Reserves

Theme 2 Governance

Objective 2.4 Transparency in decision making and access to information

Strategy 2.4.3 Ensure decision-making is as transparent as possible.

Theme 3 Communities

Objective 3.3 Preservation of peaceful, safe and healthy environments

Strategy 3.3.6 Maintain, enhance and develop community and recreational facilities to improve community wellbeing.

#### ***Policy/Legal Implications***

The CMP complies with the requirements of the Coastal Management Act 1995

#### ***Officer Direct or Indirect Interest***

No officers have a direct or indirect interest in the matters covered in this report.

#### ***Risk Assessment***

Management of the reserve is a sensitive issue within the Surf Coast community. There are many active stakeholders with interests in the management of the reserve and not all stakeholders agree on all aspects of management.

The new plans for the reserve outline how the three core values of the reserve will be protected, and recommend management actions that attempt to meet the needs of all user groups.

#### ***Social Considerations***

The recommended policies and actions in the final plans have been drafted to be consistent with the vision - to protect and respect the reserve's three core values (the natural environment, indigenous heritage and surfing culture). An additional social element of the vision, policies and actions is for a healthy coast, appreciated by all, now and in the future.

#### ***Community Engagement***

The extensive community engagement undertaken to develop these plans is contained in Attachment 3. Consultation has occurred over an 18 month period and a range of techniques employed to maximise community input.

#### ***Environmental Implications***

Over the past few decades, much of the reserve has undergone a community lead environmental restoration process. Adoption and implementation of the new plans will see a continued strengthening of the current environmental improvements programs and activities.

### **3.1 Bells Beach Coastal Management Plan and Implementation Plan - Adoption of Final Plans**

#### ***Communication***

If adopted by Council, the new plans will be forwarded to the Minister for Environment, Climate Change and Water for approval. The plans will be formally released and made available through Council's website.

#### ***Conclusion***

After 18 months, development of new CMP and IP for the Bells Beach Surfing Recreation Reserve is complete. Adoption of the new plans will enable implementation of the recommendations to commence.

The new plans better reflect the wishes of the community and attempt to balance the needs of the different user groups.

The Bells Beach Task Force, with its independent chair John Thwaites, has assisted greatly in the development of the plans and in negotiating common ground on issues where user groups have held different opinions. The Task Force provided regular advice throughout the planning process, ensuring the plans were consistent with the vision, and to the extent possible, met the aspirations of all stakeholders.



### 3.2 Bells Beach Commercial Tour Operator Licences

**Author's Title:** Coordinator Business & Tourism Strategy

**General Manager:** Kate Sullivan

**Department:** Economic Development & Tourism

**File No:** F15/1402

**Division:** Environment & Development

**Trim No:** IC15/302

**Appendix:**

1. Bells Beach Tour Operator Licence Special Conditions of Use (D15/80506)

**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

**Reason:** Nil

#### Purpose

To re-issue Bells Beach tour operator licences to the current licence holders for a period of twelve months.

#### Summary

The current Bells Beach tour operator licences expire on 31 October 2015. A re-issue of licences for a further 12 months (the minimum time period) is considered the best approach while awaiting Council and Ministerial consideration of the Bells Beach Surfing Recreation Reserve Coastal Management Plan (CMP). The CMP recommends continuing "to offer a restricted number of licences for tour operators to bring long vehicles into the reserve."

The re-issuing of licences to current operators will allow them to continue to visit Bells with certainty of access and under the existing special conditions of use.

The draft CMP recommends that in future a competitive allocation process providing licence terms of up to three years should be considered. The re-issue of licences for 12 months will enable the CMP process to be completed before a more detailed competitive tender process (for up to three years) takes place under the guidance of the soon to be appointed Bells Beach Committee.

#### Recommendation

That Council:

1. Endorse the re-issue of the Bells Beach tour operator licences to the current licence holders for a period of twelve months to 31 October 2016.
2. Commence a review of the Bells Beach Tour Operator Licence terms and special conditions in preparation for a competitive tender process following the adoption of the Bells Beach Surfing Recreation Reserve Coastal Management Plan and Implementation Plans and appointment of the Bells Beach Committee.

### 3.2 Bells Beach Commercial Tour Operator Licences

#### Report

##### **Background**

On 23 May 2012, Council authorised the issue of up to 30 licences to commercial tour operators to visit the Bells Beach Surfing Recreation Reserve.

This was required due to changes in State Government legislation for commercial use of any crown land. The Bells Beach Surfing Recreation Reserve (the Reserve) includes an area of Crown Land of which Council is the land manager.

Following a publicly advertised expression of interest (EOI) process, eight tour operators were identified to be issued with a Bells Beach Tour Operator Licence. Five of the eight tour operators were local tour operators based in Torquay. The remaining three were Melbourne based tour operators that primarily use 22-24 seat buses or smaller vehicles.

When licences were re-issued for a further twelve months in 2014, two operators 'Wild Life Tours Australia – Get Lost Travel Pty Ltd.' and 'Adventure for Life' declined a licence.

The six current tour operator licence holders for Bells Beach are:

- Great Ocean Road Surf Pty. Ltd- Trading as Great Ocean Road Surf Tours
- Southern Exposure Eco-Adventure Sports – Sheehan Family Trust
- Bunyip Tours/ Otway Discovery Tours – Addictive Entertainment & Tours Pty Ltd.
- Australian National Surfing Museum – Surf Coast Shire
- A Tour with a Difference – ATWAD Pty Ltd
- Big Stick Adventures – B W Hollis Pty Ltd.

The current licences expire on 31 October 2015.

##### **Discussion**

There is a need to extend the tour operator licences in place at Bells Beach given their expiry on 31 October 2015. A twelve month duration is recommended due to the recent community engagement via the Bells Beach Taskforce and current draft status of the CMP. Given the CMP is not yet endorsed by Council or approved by the Minister, it is not recommended to commence a new three year licence process at this point. The re-issuing of licences to current operators for 12 months will allow those operators to continue to visit Bells Beach with certainty of access while the CMP approval process is underway.

All tour operator licences are subject to special conditions of use included in their licence agreement in relation to visiting Bells Beach including conditions on parking location, time of access, noise/litter and reporting. A copy of the special conditions of the licence is attached in Appendix 1.

Although the above documents are in final draft form, a re-issue of licences for a further 12 months is consistent with the draft CMP. Within this document Strategic Action 8.4.1 states Council will *"continue to offer a restricted number of licences for tour operators to bring long vehicles into the reserve. Licensed vehicles to be restricted to 22 seats or less."*

The draft CMP recommends that in future a competitive tender process providing licence terms of up to three years should be considered. Once the CMP is endorsed, at least four months should be allowed for the conduct of a competitive tender process to take place for the issuing of new licences. The process would need to be completed by 31 October 2016 before the license expire.

If the licences are not extended, no commercial tour operators (using the defined long vehicles of up to 22 seats) will be legally entitled to visit the Reserve.

The draft CMP proposes amendments to the traffic signs to enable enforcement of any commercial buses that don't have the required permits.

### 3.2 Bells Beach Commercial Tour Operator Licences

#### **Financial Implications**

The license fees are statutory fees that must be charged to each operator. Fees are set in accordance with the Tour Operator Licence Fee Regulations 2011. The annual licence fees set in the Regulations are set by 'fee units', in accordance with the Monetary Units Act 2004 and are listed in Table 1 overleaf.

The current Bells Beach tour operator licences have generated \$3,830 in total including \$2,455 in usage fees and \$1,375 in licence application fees. The draft CMP identifies revenue raised via licencing will be reinvested into protecting the Reserves values.

**Table 1: Summary of Standard Tour Operator Licence Fees**

Category	Fee from 1 July 2015*
Annual fee - standard one year licence	\$282.00
Annual fee - standard licence greater than one year (per year)	\$221.00
Use fee - General visitor	\$2.40
Use fee - School student and child	\$1.60
Use fee cap*	\$13,854.00

\*GST is not payable on tour operator licence fees.

#### **Council Plan**

- Theme 3 Communities  
 Objective 3.3 Preservation of peaceful, safe and healthy environments  
 Strategy 3.3.1 Continually monitor and evaluate the Local Government Act and relevant legislation to ensure a safe and peaceful community including residential amenity, safety in public places and community liveability.
- Theme 5 Development and Growth  
 Objective 5.3 Develop and grow sustainable year round tourism  
 Strategy 5.3.2 Facilitate product development to enhance the visitor experience and in particular develop off beach products both infrastructure and business.
- Theme 5 Development and Growth  
 Objective 5.3 Develop and grow sustainable year round tourism  
 Strategy 5.3.8 Investigate opportunities of expanding the Australian National Surfing Museum experience as an integrated.

#### **Policy/Legal Implications**

The licence process for Bells Beach has been determined by State Government legislation under the "The Crown Land Acts Amendment (Lease and Licence Terms) Act 2009" and provides a state wide approach to licencing commercial activity on crown land.

While the introduction of licences has helped reduce the number and impacts of large tourist coaches, some unlicensed companies continue to use the reserve.

It is noted that the Draft CMP proposes changes to traffic signage in 2015-16. When changes to traffic signage are made, the conditions of use, including parking arrangements, can then be updated in individual tour operator licences and enforcement can occur.

Individual licence documents are required to be signed in triplicate by the tour operator Council's Chief Executive Officer and the Minister's delegate.

#### **Officer Direct or Indirect Interest**

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

#### **Risk Assessment**

The most notable risk associated with this is reputational risk.

### **3.2 Bells Beach Commercial Tour Operator Licences**

Specific risks that have been identified in relation to commercial tour operator licenses at Bells Beach include:

- **Community Perception:** Some members of the community may not support the re-issuing of licences to occur, however, the Draft CMP recommends the continuation of a restricted number of licences.
- **Legal -** Council is required to follow a license process for all commercial operations on Crown land of which the Surf Coast Shire is a land manager under the Crown Land Management Act. Failure to do so could leave Council liable for prosecution by the State.
- **Financial -** The license process has the potential to generate income for the Surf Coast Shire. However it relies on commercial tour operators reporting correctly and complying with the license process.

#### ***Social Considerations***

The implementation of the license process has improved the security, safety and potential for user conflict within the Bells Beach Surfing Recreation Reserve.

The license conditions provide clear direction for all commercial operators and allow any members of the public to clearly identify licensed operators.

The licence process has effectively prohibited large coach tour operators from visiting Bells Beach. This has been supported by the Bells Beach Taskforce and the broader community.

#### ***Community Engagement***

This matter formed a component of the Bells Beach Taskforce discussion and is included in the draft CMP.

#### ***Environmental Implications***

There are no direct environmental impacts in the recommendations proposed in this report.

#### ***Communication***

Once a decision is made regarding the issue of the next round of licences for Bells Beach Tour operators, the process will be communicated as follows:

- Direct mail to existing licensed operators seeking their interest in applying for another twelve months.
- Media release & Surf Coast Shire Website.
- Letter to the Department of Land, Environment, Water and Planning (DELWP) seeking approval.

#### ***Conclusion***

The re-issuing of licences to current operators for 12 months will allow those operators to continue to visit Bells Beach with certainty of access and under the existing special conditions of use. This allows time for the draft Bells Beach Surfing Recreation Reserve Coastal Management Plan and Implementation Plan to be considered and approved before an extensive EOI process takes place. Any strategies that relate to tour operator licences will be implemented following adoption of the Plans and in conjunction with the newly appointed Bells Beach Committee.

### 3.3 Rebranding - Australian National Surfing Museum

**Author's Title:** Coordinator Visitor Centres & Surf  
World Museum

**General Manager:** Kate Sullivan

**Department:** Economic Development & Tourism

**File No:** F15/352

**Division:** Environment & Development

**Trim No:** IC15/96

**Appendix:**

1. Australian National Surfing Museum Rebrand Logo & Colour Palette (D15/84955)

**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

**Reason:** Nil

#### **Purpose**

To endorse the new logo for the Australian National Surfing Museum.

#### **Summary**

- At its meeting on 22<sup>nd</sup> April 2014, Council agreed to change the name of Surf World Museum to Australian National Surfing Museum (ANSM).
- As the name 'Surf World' formed the major part of the logo, changing the name necessitated a logo change.
- Advice from lawyers regarding applying for a Trade Mark for the new name indicated a logo (graphic mark) incorporating the new name (word mark) will reduce the risk of a 'distinctiveness objection'.
- Three graphic design companies submitted proposals to design a new logo, with the contract awarded to Hail Design.
- Requirements of the logo included being a unique mark – different from the surf retail brands, appropriate for a museum, recognisable, relating to surfing and the ocean and able to be reproduced in various formats including physical and digital.
- The proposed logo supplied by Hail Design meets the design brief and objectives of the new branding and is recommended for endorsement.

#### **Recommendation**

That Council endorse the proposed new logo for the Australian National Surfing Museum with associated typeset as included in Appendix 1.

### 3.3 Rebranding - Australian National Surfing Museum

#### **Report**

##### ***Background***

The Surf World Museum was established in 1993 and is the largest of its kind in the world. The Museum successfully sought accreditation through Museums Australia (Victoria) in August 2012. The accreditation process identified several recommendations to ensure that accreditation is maintained and the Museum is operating to best practice standards. One of the most important recommendations was to change the name to highlight the significance of the Museum nationwide.

The Museum has a unique international standing and is the only accredited Surfing Museum in the world.

At its meeting on 22<sup>nd</sup> April 2014 Council agreed to change the name of what was known as Surf World Museum Torquay to the 'Australian National Surfing Museum'.

A Trade Mark availability search was undertaken by lawyers who provided advice on the registration process of the ANSM to reduce the risk of an objection. Advice received also indicated that in order to be successful in the Trade Mark application, the accompanying logo submitted as part of the application needed to be distinctive due to the generic nature of the words in the name.

In line with this information a number of steps have been completed while some are currently in progress.

Trade Mark process:

- Business name registration (completed)
- Demonstrate evidence of trading as Australian National Surfing Museum <sup>TM</sup> (12 month period now completed)
- Distinctive logo concepts developed (completed and attached for endorsement with this report)

Next steps:

- Logo (graphic mark) Trade Mark application and registration (undertaken post council endorsement)
- Name (word mark) Trade Mark application and registration (undertaken post council endorsement)

Discussion in this report specifically covers the process for the design of the new logo for the ANSM.

##### ***Discussion***

The change of name (to Australian National Surfing Museum) necessitated a change of logo due to the current logo incorporating the old Surf World name.

A design brief was compiled with the key requirement to create a distinctive logo as per the legal advice received in being distinctive. The brief also identified the need to reflect historical surf culture but at the same time have a timeless appeal.

Three graphic design companies submitted proposals, with the contract awarded to Hail Design.

To achieve the brief the approach by Hail Design was on creating a logo that has: cultural significance, freedom, expression and innovation.

The final graphic mark blends a number of elements including the movement and structure of a wave and the story of surfing evolution through the progression of fin design around the outer wave component. These elements provide the logo with an organic, oceanic feel. The simplicity of the logo reduces the risk of dating and sits comfortably with its connection to a Museum. Importantly it creates a unique identity for the ANSM that is connected to the soul and spirit of surfing.

In choosing the typeface Hail Design considered it as part of the larger visual language of the ANSM. For a typeface to work as a large part of the identity, it needs to be legible and distinct, with a unique voice. To achieve this 'Replica by Line-to' has been selected to be this voice. Not only does the typeface form the lettering for the word mark, but can also be extended throughout future collateral and exhibitions. The typeface has a very legible and familiar feel, with distinct slices taken from certain letters to create a unique voice for the ANSM.

### 3.3 Rebranding - Australian National Surfing Museum

It should be noted on completion of the project source files and creative rights will be handed to the Australian National Surfing Museum and its parent organisation the Surf Coast Shire Council. A usage guide will be provided along with the design suite.

The proposed new logo was shared with a number of surf industry businesses and Councillors with positive feedback received as part of the testing phase.

The proposed logo design has been provided to Harwood Andrews Lawyers with initial feedback indicating the logo achieves the desired attributes of being distinct and would present a strong application.

A copy of the proposed new logo and the rationale behind its design is contained in the Identity Design document (Appendix 1).

#### **Financial Implications**

The budget provisions \$20,000 for costs associated with the ANSM rebrand. Key expenditures are as follows:

- |   |                  |
|---|------------------|
| • The design costs for the development of the proposed logo totalled      | \$ 4,000         |
| • Legals for Trade Marks & Word Marks applications & registrations total: | \$ 6,000         |
| • Museum signage implementation estimated at                              | \$ 10,000        |
| <b>Total Cost</b>   | <b>\$ 20,000</b> |

There will be other marketing costs (producing new brochures with updated branding). These costs are included in the Museum operational budget for marketing.

Once the Trade Marks have been obtained, the registration lasts for 10 years after which it will need to be renewed.

#### **Council Plan**

Theme 5 Development and Growth  
Objective 5.2 Encourage sustainable economic development and growth  
Strategy 5.2.3 Support and grow Surf Coast Shire's key industry sectors of Surfing, Tourism, Retail, Agriculture and Construction.

Theme 5 Development and Growth  
Objective 5.3 Develop and grow sustainable year round tourism  
Strategy 5.3.2 Facilitate product development to enhance the visitor experience and in particular develop off beach products both infrastructure and business.

Theme 5 Development and Growth  
Objective 5.3 Develop and grow sustainable year round tourism  
Strategy 5.3.8 Investigate opportunities of expanding the Australian National Surfing Museum experience as an integrated experience.

#### **Policy/Legal Implications**

The new logo is an essential component of the Trade Mark application and registration process for the overall name change. Failure to do so would risk the loss of right to trade under the endorse name should another entity seek to use it.

#### **Officer Direct or Indirect Interest**

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

#### **Risk Assessment**

The risks include

- Not endorsing the new logo would create the risk of not being able to Trade Mark the new Museum name. Another organisation may then apply to register the name leaving Council unable to use an adopted name for the ANSM.
- Failure to endorse the logo would create the conflict of having a logo (current) which does not reflect the new name adopted by Council in April 2014.

### **3.3 Rebranding - Australian National Surfing Museum**

#### ***Social Considerations***

There are no impacts to the community as a result of implementing the recommendations contained in the report.

#### ***Community Engagement***

The logo and its design concept were shared with a number of surf industry businesses which provided positive feedback on the logo.

#### ***Environmental Implications***

There is no impact on the environment associated with the design of a new logo.

#### ***Communication***

The new logo will be utilised in advertising and promotion for the Museum, and rolled out on external signage, internal signage and Museum collateral. The new 'look' will be broadly communicated on the Museum Facebook page, website, newsletter and on You Tube.

A media release regarding the rebrand will be compiled.

#### ***Conclusion***

The resolution to change the name of Surf World Museum to Australian National Surfing Museum required a new logo to be developed.

Hail Design was appointed and has completed the design process for the proposed new logo. Advice from lawyers indicates the proposed logo is distinctive enough to satisfy the criteria under the Trade Mark process. The proposed logo is attached and is recommended for endorsement by Council.

Following endorsement the name and logo will be registered for Trade Mark and upon confirmation new signage will be erected.



### 3.4 C107 - ALDI Planning Scheme Amendment and Permit - Authorisation Request

**Author's Title:** Senior Strategic Planner  
**Department:** Planning & Development  
**Division:** Environment & Development

**General Manager:** Kate Sullivan  
**File No:** 15/0356  
**Trim No:** IC15/398

**Appendix:**

1. C107 - Authorisation - Explanatory Report (D15/87127)
2. C107 - Authorisation - Amendment Maps Combined (D15/85738)
3. C107 - Authorisation - Draft Schedule 7 to the Design and Development Overlay (D15/87128)
4. C107 - ALDI Torquay Architectural Plans (D15/83760)
5. 15/0410 Amendment C107 - Draft Planning Permit - Aldi Supermarket (D15/87461)
6. 15/0356 Amendment C107 - Draft Planning Permit - Aldi Supermarket (D15/87455)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**Status:**

Information classified confidential under Section 77  
of the Local Government Act:

Yes

No

**Reason:** Nil

#### Purpose

To consider a request by Select Planners, on behalf of ALDI Stores Pty Ltd, to seek authorisation from the Minister for Planning to prepare and publicly exhibit an application under Section 96A of the Planning and Environment Act 1987.

#### Summary

Select Planners, on behalf of ALDI Stores Pty Ltd, has submitted a Section 96A combined planning scheme amendment and planning permit request to rezone land to allow for the development of a supermarket at 2-4 Geelong Road and part of 36 Bell Street, Torquay. As part of the land is currently used as a Torquay Hotel car park, the application also requests subdivision of this land from the Torquay Hotel title and a planning permit application for works to increase car parking on the Torquay Hotel site itself and waive a number of car parks for the Hotel. The applications together however, provide a net increase of 8 car parking spaces across the two sites (above existing requirements). Whilst the application includes a request to waive some parking for the Hotel, additional car parking spaces would be provided as part of the supermarket development (51 additional spaces above planning scheme requirements). Together with the extra car parking proposed for the Hotel site itself, overall parking opportunities in the precinct would be increased and there would be no net loss of parking.

#### Recommendation

That Council seek Ministerial Authorisation to prepare and exhibit the Section 96A application request to rezone land at 2-4 Geelong Road and part 36 Bell Street, Torquay and associated planning permit applications for subdivision, the development of a supermarket, signage, liquor sales and car parking works.

### 3.4 C107 - ALDI Planning Scheme Amendment and Permit - Authorisation Request

#### Report

##### **Background**

The proponent advises that the proposal is the product of extensive research by various parties on behalf of ALDI Stores regarding opportunities to locate an ALDI store within the general Torquay area. The process included a review of a number of sites across Torquay, including the town centre. The proponent consulted with Council on numerous occasions seeking direction on strategic policy that would guide consideration of a discount supermarket in various locations. The subject site was identified as an option that would fit with Council policy by a Council engaged economic consultant, Tim Nott.

A first application was made for the subject site in April 2015. Council identified some problems with the proposal, particularly in relation to a proposal to waive a considerable amount of parking for the Torquay Hotel and the application was subsequently withdrawn. A new application was made in August 2015 with provision for more extensive parking on both the proposed ALDI site and the Torquay Hotel site itself. This is the subject of this current report.

##### **Discussion**

The proposal is a Section 96A request pursuant to the *Planning and Environment Act 1987*, and contains three parts, a planning scheme amendment request and two planning permit applications. The planning permits can only be issued in the event that the amendment is supported. The details are summarised below:

#### Part A – Planning Scheme Amendment

Affects land at:

- 2 Geelong Road, Torquay (Lot 4, LP211532)
- 4 Geelong Road, Torquay (Lot 1 LP30103)
- Part 36 Bell Street, Torquay (Lot 3, LP211532)
- Part of Geelong Road, Torquay (Lot 1, TP921182)
- Part of 42 Bell Street, Torquay (Lot 1 LP119373)
- 48-50 Bell Street, Torquay (Lot 1 TP433735)
- 1A Rudd Avenue, Torquay (Lot 1 PS340183)

Proposes to:

- Rezone land at 2 and 4 Geelong Road, part of Geelong Road (part of Lot 1 TP921182), 1A Rudd Avenue, part of 36 Bell Street, and part of 42 Bell Street, Torquay, from General Residential Zone – Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z).
- Delete the Significant Landscape Overlay – Schedule 6 ‘Central Torquay and Jan Juc Residential Areas’ from land at 2-4 Geelong Road, and part of 36 Bell Street, Torquay.
- Delete Design and Development Overlay – Schedule 20 (DDO20) from part of 36 Bell Street, and 1A Rudd Avenue, Torquay.
- Apply Schedule 7 to the Design and Development Overlay (DDO7) – ‘Surf Coast Boulevard’ to land at part of 36 Bell Street, and 1A Rudd Avenue, Torquay.
- Amend Schedule 7 to the Design and Development Overlay (DDO7) – ‘Surf Coast Boulevard’ to incorporate land at 2 Geelong Road, 4 Geelong Road, part of Geelong Road, part of 36 Bell Street, 48 – 50 Bell Street and 1A Rudd Avenue within a new Precinct 6 – Retail.

### 3.4 C107 - ALDI Planning Scheme Amendment and Permit - Authorisation Request



Figure 1: Land subject to Planning Permit Applications and Amendment Application.

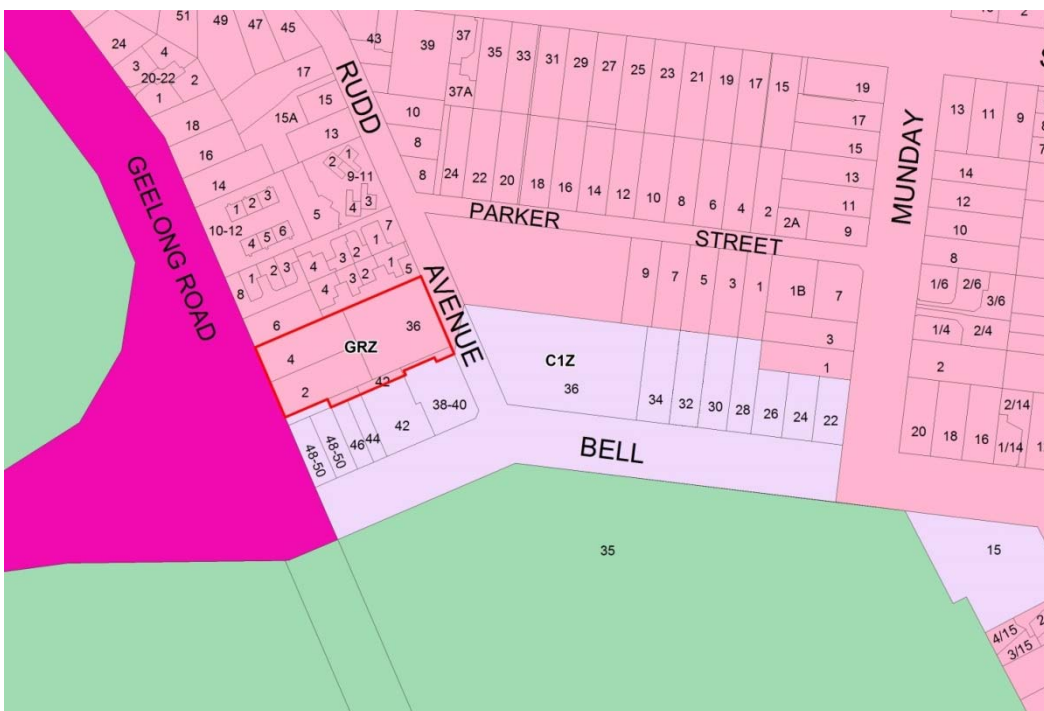


Figure 2: Current Zoning Map

#### Part B – Planning Permit Application

Affects land at:

- 2 Geelong Road, Torquay (Lot 4, LP211532)
- 4 Geelong Road, Torquay (Lot 1 LP30103)
- Part 36 Bell Street, Torquay (Lot 3, LP211532)

Proposes to:

- Develop the land for a 'shop' (ALDI supermarket).
- Use the land to sell liquor as part of a liquor licence for the proposed supermarket.
- Erect internally illuminated business signs and a promotion sign.
- Alter the existing access from a Road Zone Category 1.

### 3.4 C107 - ALDI Planning Scheme Amendment and Permit - Authorisation Request

#### Part C – Planning Permit Application 2

Affects land at:

- 36 Bell Street, Torquay (Lot 3, LP211532)

Proposes to:

- Subdivide land at 36 Bell Street, Torquay into two lots.
- Undertake buildings and works associated with the rearrangement of the car park to create additional parking on the Hotel site, and the waiver of some car parking.

It was considered that the initial application by ALDI Stores involved the loss of too much parking currently available to Hotel patrons. The current application seeks to remedy the situation by reworking the Hotel site to accommodate an additional 23 car parking spaces and by increasing the parking available on the supermarket site by an additional 51 spaces over and above planning scheme requirements for a supermarket development of this size. Forty one of these spaces would be provided at street level fronting Rudd Avenue and open to the public 24 hours a day. The table below outlines the existing and proposed car parking arrangements.

		Existing Car Parking	Proposed Car Parking
<b>Torquay Hotel</b>	East of Rudd Avenue	95 spaces (inclusive of 10 spaces for the motel)	118 spaces (inclusive of 10 spaces for the motel)
	West of Rudd Avenue	66 spaces	0 spaces
<b>Total Spaces</b>		<b>161 spaces</b>	<b>118 spaces</b>
	(Hotel Waiver Sought)		(43 spaces)
<b>ALDI development</b>	Supermarket Requirement Additional spaces to replace lost Hotel car parking		78 spaces 51 spaces
<b>Total Spaces</b>	West of Rudd Avenue	N/A	<b>129 spaces</b>
<b>Combined Total</b>		<b>161 spaces</b>	<b>247 spaces</b>
	Subtract spaces required for supermarket		78 spaces
<b>Total spaces available for Hotel patrons and general public use</b>		<b>161 spaces</b>	<b>169 spaces</b>
<b>Net Increase</b>			<b>8 spaces</b>

The proposed ALDI Store would be located on land that is partly vacant and partly used as an overflow parking area for the Torquay Hotel. The land is currently zoned General Residential and is sited between the Bell Street activity centre to the south and east, residential land to the north and the Surf Coast Highway to

### 3.4 C107 - ALDI Planning Scheme Amendment and Permit - Authorisation Request

the west. The proposal would expand the Bell Street activity centre, which is classified as both a local centre and a 'visitor services precinct' in the Torquay Jan Juc Retail Strategy (2011).

In advice to Council in September 2013, Tim Nott - economic consultant considered the need for a further supermarket development in Torquay, and in particular the provision of an ALDI Store in the Bell Street activity precinct. Mr Nott estimated a relatively high level of escape spending in the food and groceries segment by residents of Torquay. It was noted that the impending Coles development and new neighbourhood centre in Torquay North would cater for this shortfall in the short term but that there would need to be further provision beyond these two proposals. Mr Nott concluded that a proposed supermarket in the Bell Street area could be considered consistent with strategic policy for the following reasons:

1. *'Bell Street is much larger than the usual local activity centre with around 6,000sqm of commercial space, including 2,800sqm of retailing.*
2. *The centre has a strong residential visitor servicing role because of the adjacent caravan park and surrounding commercial accommodation. This could benefit from a more extensive food and grocery provision, with almost no food and groceries currently provided in the area.*
3. *Torquay and its trade area are growing strongly and will require further retail space in both food and non-food goods even beyond the two large proposals at Torquay Central and Torquay North. The ALDI store could make a contribution to remedying this shortfall.*
4. *Provision of grocery space at Gilbert Road would relieve pressure on the scarce land resources in the town centre, freeing up land there to provide higher order goods and services as desired by policy.'*

Mr Nott also noted that *'subject to an assessment that any loss of car parking will not adversely affect the ability of the Bell Street centre to cater for tourists, from an **economic** viewpoint, the ALDI proposal appears likely to generate net benefits for the community and its visitors.'*

It is understood that the proponent has engaged a local Surf Coast artist to prepare an art wall design concept for the west elevation of the proposed store, which would front the Surf Coast Highway. The proposal also includes a commitment to funding landscaping of the public reserve where the Great Ocean Road monument stands in order to soften the appearance of the development when viewed from the Surf Coast Highway.

It is considered that the proposal has sufficient strategic justification to support exhibition. A full assessment of the merits of the proposal will be presented to Council following public exhibition.

#### **Financial Implications**

The privately driven amendment requires the proponent to cover all statutory costs relating to processing the amendment and planning permit application, including any panel costs.

#### **Council Plan/Policy/Legal Implications**

Theme	5 Development and Growth
Objective	5.4 Transparent and responsive land use and strategic planning
Strategy	Nil

Ministerial Direction Number 11 and the Surf Coast Planning Scheme provides a range of policy directions that need to be considered when testing the merits of the proposal, ranging from providing commercial opportunities in appropriate locations to protecting the residential interface and the amenity of adjoining and nearby property owners. These matters have been documented in the Explanatory Report.

#### **Officer Direct or Indirect Interest**

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

#### **Risk Assessment**

There are no perceived risks associated with the preparation and exhibition of the proposal.

#### **Social Considerations**

The proposal will generate considerable interest from the Torquay community. There will need to be careful consideration of any negative effects such as the impact on the amenity of nearby residents. Positive

### **3.4 C107 - ALDI Planning Scheme Amendment and Permit - Authorisation Request**

community benefits would include enhanced shopping services for local residents and visitors, direct and indirect employment opportunities and a reduced flow of investment and jobs from the town and surrounding region.

#### ***Community Engagement***

Community engagement will be undertaken via the legislative process required by the *Planning and Environment Act 1987*. Specific communication measures are outlined below.

#### ***Environmental Implications***

The proposed removal of the Significant Landscape Overlay – Schedule 6 from the land as part of the amendment is consistent with the application to rezone the land to commercial, as Schedule 6 relates to residential sites. The subject land contains very little vegetation which is not indigenous to the area and the proposal will not result in the removal of any significant vegetation.

#### ***Communication***

Notice will be given of the Section 96A Planning Scheme Amendment and Planning Permit request in accordance with the legislative requirements of the *Planning and Environment Act 1987*. Letters will be sent to all owners/occupiers affected by the application and a public notice will be published in local newspaper (Surf Coast Times), the Government Gazette and on Council's website.

In addition, Council will hold an "open house" session where interested persons can come in and view the proposal with officers available to answer questions. Residents who have already contacted Council about the proposal will also be notified.

#### ***Conclusion***

It should be noted that this report is not an assessment of the full merits of the proposal. The detailed merits of the application should appropriately be tested through the planning process. The proposal to rezone is not considered contrary to current State or local policy and therefore it is recommended that Council seek Ministerial authorisation to prepare and exhibit Planning Scheme Amendment request C107 and the associated planning permit applications.

### 3.5 Surf Coast Fire Management Plan Update

**Author's Title:** Manager Environment & Community Safety

**General Manager:** Kate Sullivan

**Department:** Planning & Environment

**File No:** F10/291

**Division:** Environment & Development

**Trim No:** IC15/312

**Appendix:**

1. Draft Surf Coast Shire Fire Management Plan, July 2015 revision (D15/91760)
2. Emergency Management Victoria advice for reviewing fire management plans (D15/87411)
3. New Model for Strategic Municipal Fire Management Planning for Corangamite, Colac Otway and Surf Coast Shires for 2016-19 (D15/87412)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**Status:**

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

**Reason:** Nil

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**Purpose**

To adopt the updated Surf Coast Fire Management Plan 2012 to 2015, updated to March 2017.

**Summary**

The existing Surf Coast Fire Management Plan was adopted by Council for a three year period until August 2015. In a letter of 10 March 2015, the Emergency Management Commissioner directed fire committees to await the release of the State Fire Mitigation Plan prior to undertaking a comprehensive review of Municipal Fire Management Plans (Appendix 2). The State Fire Mitigation Plan has not yet been released.

Emergency Management Victoria (EMV) has requested fire committees to extend the life of existing Municipal Fire Management Plans by undertaking a minor review to remove any errors and ensure the plans remain current. This review has been undertaken and minor amendments have been made to ensure the plan remains current. The updated plan is attached as Appendix 1.

In parallel, a new Fire Management Plan, under an innovative planning model is being developed through a collaboration of Surf Coast, Colac Otway and Corangamite Shires. The new model has been endorsed by key emergency services agencies and groups, and has been adopted by the multiagency Municipal Fire Management Planning Committees of each of the three Shires. It is anticipated that the new plan will be drafted early in 2016 and once approved it will supersede this updated plan.

The Fire Management Plan addresses fire risk across public and private land within the Shire's footprint, describing strategic directions and works for all agencies involved. The responsibility for preparing the Fire Management Plan rests with the Municipal Fire Management Planning Committee which is comprised of representatives from fire and land management agencies. It is Council's role to facilitate the preparation of the plan and to adopt the plan once it has been endorsed by the relevant committees.

The updated plan has been endorsed by the Surf Coast Municipal Fire Management Planning Committee, the Surf Coast Municipal Emergency Management Planning Committee and the Barwon South West Regional Fire Management Planning Committee.

**Recommendation**

That Council:

1. Endorse the 'Surf Coast Fire Management Plan – 2012 to 2015, updated to March 2017'.
2. Obtain signatures from the key agencies involved in the plan's delivery.
3. Place the updated plan on the Council website.

### 3.5 Surf Coast Fire Management Plan Update

#### Report

##### **Background**

In accordance with State legal and policy arrangements, Surf Coast Council has established a Municipal Fire Management Planning Committee as a sub-committee of the Municipal Emergency Management Planning Committee. Across Victoria, these committees are responsible for developing municipal fire management plans, ensuring implementation of the actions and monitoring the effectiveness of those actions. The Surf Coast Fire Management Plan is deemed to meet the *Country Fire Authority Act 1958* requirements for a fire prevention plan, and Councils must have a fire prevention plan.

The Surf Coast Fire Management Plan describes how Council, fire agencies, relevant authorities and organisations collaborate and contribute to minimising the social, economic and environmental impact of significant fires within the Surf Coast Shire on public and private land.

The current Surf Coast Fire Management Plan was endorsed by Council for a three year period until August 2015. In a letter of 10 March 2015, the Emergency Management Commissioner has directed fire committees to await the release of the State Fire Mitigation Plan prior to undertaking a comprehensive review of Municipal Fire Management Plans (Appendix 2). The State Fire Mitigation Plan has not yet been released. Emergency Management Victoria (EMV) has requested fire committees to extend the life of existing Municipal Fire Management Plans by undertaking a minor review to remove any errors and ensure the plans remain current.

##### **Discussion**

The current fire plan has technically expired and therefore a decision by Council to adopt the updated fire plan will ensure Council meets its legal responsibility to have a current fire prevention plan. It will not result in any additional actions required by Council. Implementation of the current plan is well progressed with approximately 85% of actions either completed or ongoing. These actions remain in the updated plan and actions which are incomplete and relevant will be carried forward into the new plan which is in development. A similar process is occurring in the Colac-Otway and Corangamite Shires.

There are improvements that can be made to the current fire planning model. In parallel to its own investigations into more suitable models, EMV has encouraged the Otways District Bushfire Planning Collaboration<sup>1</sup> to progress development of a new model that is suitable for this area. Under this model, preparation of a new Fire Management Plan is underway, incorporating a consistent strategic front end across Surf Coast, Colac-Otway and Corangamite Shires, coupled with a suite of operational modules which sit underneath. More detail about this model is included as Appendix 3. It is expected that this new plan will be brought to the three Councils for consideration in 2016.

In accordance with the process prescribed by Emergency Management Victoria, the updated existing plan has been reviewed by the multiagency Surf Coast Municipal Fire Management Planning Committee, the Surf Coast Municipal Emergency Management Planning Committee and the Barwon South West Regional Fire Management Planning Committee. All recommendations made and endorsed by those committees have been incorporated in the updated plan. All three committees have endorsed the updated plan, as attached, for referral to Council for adoption.

Changes to the existing plan have been minimal and have included (plan sections in brackets):

- Updates to the Victorian Fire Risk Register–Bushfire (Appendix A1.)
- Neighbourhood Safer Place – Place of Last Resort updates (Appendix C3).
- Machinery of government changes (throughout the document)
- Context statement revised (Context Statement p3).
- Recommendations by MFMPs and MEMPCs incorporated:
  - Responsibility for power line clearance transferred from VicRoads to Powercor (Appendix A2, Appendix B).
  - Mention of the existence of DELWP's Strategic bushfire management plan for the Barwon Otway bushfire risk landscape (Foreword, p3 and p30).

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<sup>1</sup> A collaboration of Surf Coast, Colac Otway and Corangamite shires in fire management planning through the State Government funded Municipal Emergency Resource Program Fire Project Coordinator positions.



### 3.5 Surf Coast Fire Management Plan Update

- o Under section 5.3.7 Planning Permits, the wording has been changed from 'Council *may* give consideration...', to 'Council *will* give consideration to the following documents' (section 5.3.7, p 35).

While the development of the Fire Management Plan is facilitated by Council, the plan is the responsibility of the Municipal Fire Management Planning Committee as a sub-committee of the Emergency Management Planning Committee. These committees are made up of relevant emergency management agencies, authorities and groups, including land managers and key asset managers. The existing fire plan is co-signed by the Surf Coast Shire Mayor, the Country Fire Authority Regional Manager and the Department of Sustainability and Environment (now DELWP) Regional Director. Other sub-signatories are Victoria Police, VicRoads, Parks Victoria and Powercor. It is usual to obtain these additional signatories once the plan has been adopted by Council.

#### **Financial Implications**

There are no financial implications for Council adopting the updated existing plan.

#### **Council Plan**

Objective 3.1 of the Council Plan articulates strategies, outcomes and measures for "communities that plan for and recover from disasters". The Surf Coast Fire Management contributes to the delivery of three of the strategies identified under this Objective, and maintaining a Council Municipal Fire Management Plan is a stated measure of achieving the outcomes described under this Objective.

Theme	3 Communities
Objective	3.1 Communities that plan for, and recover from, disasters
Strategy	3.1.1 Dedicate resources to provide effective and efficient planning for management of, and recovery from, disasters.

#### **Policy/Legal Implications**

Authority for this plan is derived from the *Emergency Management Act 1986* and from the *Country Fire Authority Act 1958*. The Fire Management Plan incorporates the requirements for municipal fire management planning as prescribed in the Emergency Management Manual Victoria (EMMV) as well as that for municipal fire prevention planning required by the *Country Fire Authority Act 1958* (section 55A). The EMMV applies the provisions of the *Emergency Management Act 1986* which states that a municipal emergency management planning committee must give effect to any direction or guideline issued by the Minister.

The Municipal Fire Management Plan is prepared and endorsed in accordance with the guidelines in Section 6a of the Emergency Management Manual Victoria, which includes direction on municipal fire management planning committees, suggested terms of reference, the planning process, content of the plan, endorsement and audit procedures. In addition, the State Bushfire Plan 2014 describes the role of municipal fire management planning committees which are responsible for developing and publishing Municipal Fire Management Plans, along with ensuring implementation of the actions detailed in the plans, and monitoring the effectiveness of those actions.

#### **Officer Direct or Indirect Interest**

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

#### **Risk Assessment**

Bushfire is as an extreme risk for Council and it is therefore important that an up to date fire plan exists for the Surf Coast Shire. Fire management planning is a risk based process. In preparing the plan, fire risks are identified, assessed and rated, and then treatments to mitigate risk are prescribed, however, it is not possible to eliminate bushfire risk.

There are no risks to Council with adopting this updated current plan.

The risk of not adopting the plan is considerable. There is a community expectation and legislated/policy requirements to have a current Municipal Fire Management Plan.

### **3.5 Surf Coast Fire Management Plan Update**

#### ***Social Considerations***

There are no social implications for Council adopting the update current plan.

#### ***Community Engagement***

Engagement for the update of the existing plan has been limited to members of the multiagency Municipal Fire Management Planning Committee, the Municipal Emergency Management Planning Committee and the Barwon South West Fire Management Planning Committee. Broad community engagement occurred in 2011 as part of the development of the existing plan. Community engagement will be a significant feature of the new planning model, which will apply community led planning principles to the development of township resilience plans for high risk communities.

#### ***Environmental Implications***

There are no environmental impacts resulting from the plan update.

#### ***Communication***

Once the plan is adopted, it will be placed on the Council website and made publicly available. A summary of progress made to implement the plan will also be made available. The Municipal Fire Management Planning Committee and the Municipal Emergency Management Planning Committee will be advised.

#### ***Conclusion***

The life of the current Surf Coast Shire Municipal Fire Management Plan has technically expired and therefore a decision by Council to adopt the updated fire plan will ensure Council meets its legal responsibility to have an endorsed fire plan.

In accordance with the process prescribed by Emergency Management Victoria, the updated current plan has been reviewed by the multiagency Surf Coast Municipal Fire Management Planning Committee, the Surf Coast Municipal Emergency Management Planning Committee and the Barwon South West Regional Fire Management Planning Committee. All recommendations made and endorsed by those committees have been incorporated in the updated plan. All three committees have endorsed the updated plan, as attached, for referral to Council for adoption.

### 3.6 Program Status Report - July to September 2015 Quarter

**Author's Title:** Manager Program Management Office    **General Manager:** Kate Sullivan  
**Department:** Program Management Office    **File No:** F15/1295  
**Division:** Environment & Development    **Trim No:** IC15/429

**Appendix:**

1. Program Status Report (Capital Projects) - 30 September 2015 (D15/90965)
2. Program Status Report (Operational Projects) - 30 September 2015 (D15/90966)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**Status:**

Information classified confidential under Section 77  
of the Local Government Act:

Yes

No

**Reason:** Nil

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**Purpose**

To receive and note the Program Status Report for the quarter ending 30 September 2015.

**Summary**

The Program Status Report provides an overview of the status of each capital and operational project for time, cost and scope. The report highlights changes that have occurred in the program of projects, including a summary of projects budgets that have been revised by Council, and provides a flag for risks to time, cost and scope. This report will be provided to Council quarterly.

**Recommendation**

That Council note the Program Status Report for the quarter ending 30 September 2015.

### 3.6 Program Status Report - July to September 2015 Quarter

#### Report

##### **Background**

Reporting on the status of capital and new initiative / operational projects has previously been coordinated by the Finance Department and is now the responsibility of the Program Management Office (PMO). The Finance Department will continue to report on:

- year to date budget and actuals
- breakdown by master account
- breakdown by special charge and non-special charge
- monthly project variations / reserve movements

The PMO is a new department that was introduced as part of the minor organisational restructure in May 2015. The PMO has responsibility to provide leadership, support and analysis for best practice project management, including standardising and improving Surf Coast Shire Council's project management capability and methods. The Program Status Report is intended to provide a high level analysis on progress of the overall program of projects, provide a point of accountability for project managers to provide accurate status information via their Project Sponsor and to focus attention on risks to delivery based on phase, time, cost and scope.

##### **Discussion**

Each project in the Program Status Report has been assessed for risk to time, cost and scope. Status will be reported to Executive Management Team monthly, and to Council quarterly.

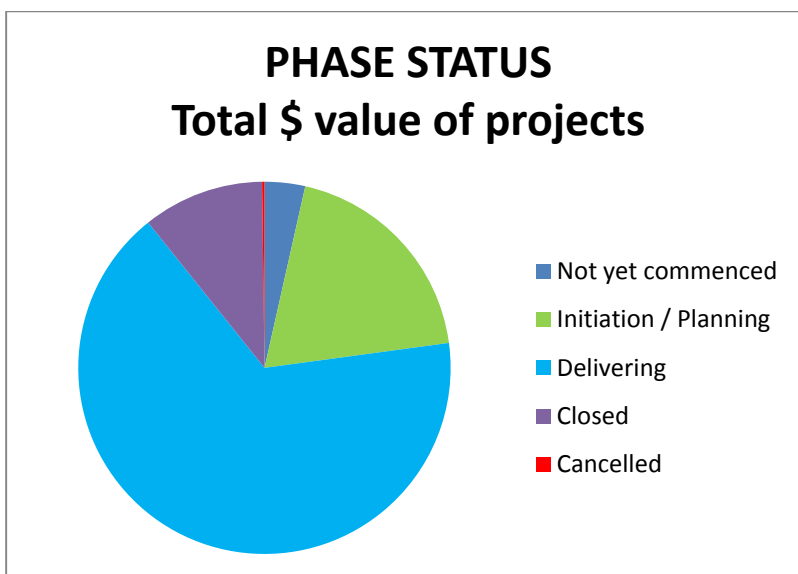
High level indicators for the overall program of projects based on phase, time, scope and cost follow:

##### **Phase Status**

Phase status provides an indication of which phase projects have reached in their lifecycle. For multi-year projects this is not based on the current financial year. The phases apply to capital and non-capital projects.

'Initiation / planning' includes preparation and approval of documentation to enable the Project Sponsor to approve the project to proceed to delivery.

'Delivering' includes all of the tasks required to undertake the project and can include stages within the phase for design, consultation, procurement, construction, handover, research, requirements gathering, preparation of briefs, document drafting, public exhibition, adoption etc, depending on the type of project.

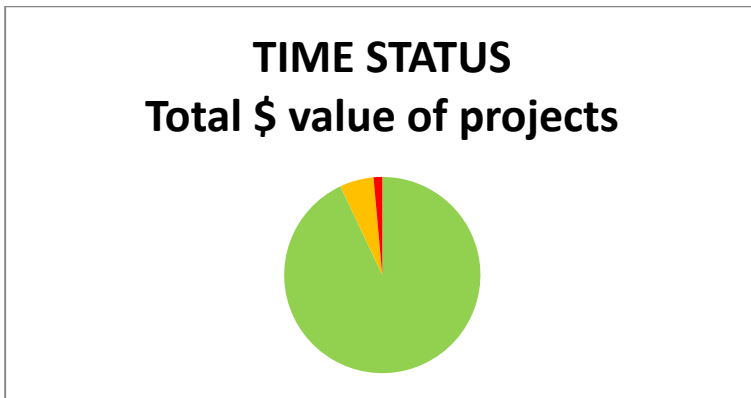


### 3.6 Program Status Report - July to September 2015 Quarter

#### Time Status

Time status provides an indication of whether or not a project will be completed within the approved time-frame. This may be within or beyond the financial year, depending on the duration of the project.

A time issue may be resolved by allocating more resources / budget to speed up the project or by reducing scope to complete the project on time. A change to the time, budget or scope of a project is approved by the Project Sponsor and if required, reported to Council for approval. Following approval a revised baseline will be used to report on status.



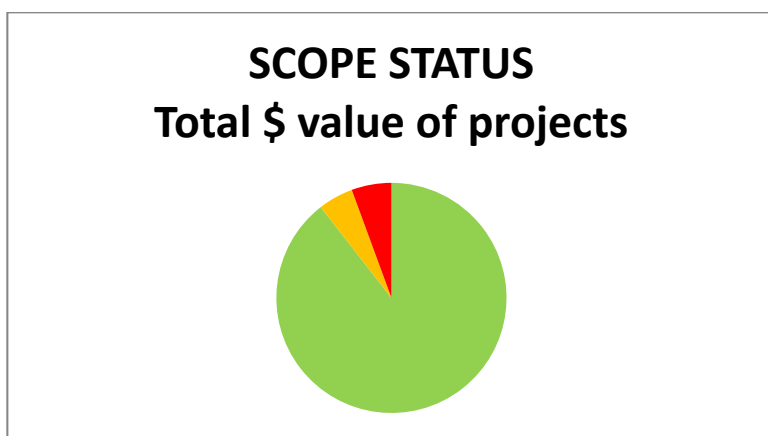
On track to be completed within schedule	Delayed however expected to be completed within schedule	Delayed and NOT expected to be completed within schedule
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#### Scope Status

Scope status provides an indication of whether or not project deliverables, outputs and outcomes are on track to be delivered, consistent with the original intent of the project.

A scope issue may be resolved by allocating more resources / budget to achieve the desired outcomes or by extending time to allow the scope to be delivered if it is taking longer than expected. Alternatively, a change in environment and emerging issues may cause a deliberate re-consideration of scope.

Some projects may not have a well-defined scope and therefore the project is at risk until further planning is undertaken to refine and agree on the scope, to then ensure the level of investment proposed is desirable. A change to the time, budget or scope of a project is approved by the Project Sponsor and if required, reported to Council for approval. Following approval a revised baseline will be used to report on status.



No material change to scope expected	Material change in scope may be required	Material change to scope IS required / Scope yet to be defined
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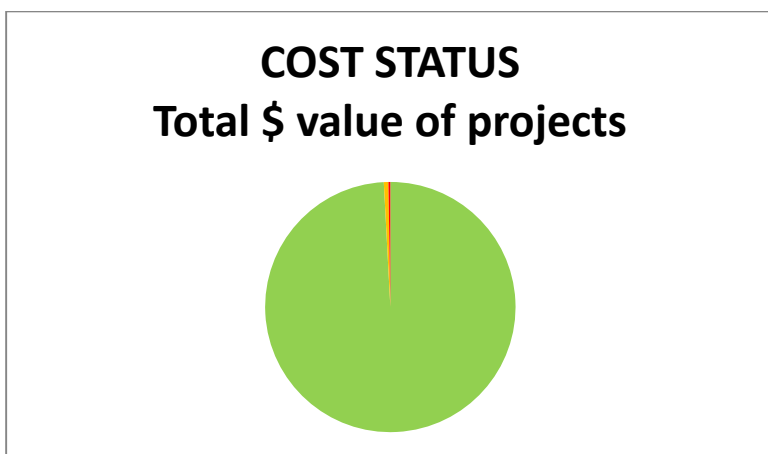
### 3.6 Program Status Report - July to September 2015 Quarter

#### Cost Status

Cost status provides an indication of whether or not the project is on track to be delivered within the budget available. A cost issue may be resolved by reducing scope or by extending time to enable an alternative and lower cost method of delivery, or delay in incurring the costs such as staging.

A request to the Chief Executive Officer or Council to alter a budget is only required if it is not possible to change scope or time, and the allocated contingency for the project is not adequate.

A change to the time, budget or scope of a project is approved by the Project Sponsor and, in the case of cost, automatically reported to Council for approval. Following approval a revised baseline will be used to report on status.



Expected to be completed within approved budget	Budget may not be adequate and use of contingency may be required	Budget including contingency will NOT be adequate
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#### Financial Implications

The financial implications of the status of cost for the overall program are considered by Council on a project-by-project request basis via the monthly Finance Report.

A summary of movements from the Original Budget (published) follow:

<b>Capital Projects (117 projects)</b>	<b>\$</b>
Original Budget (published)	18,324,959
Carry forwards – post budget	3,100,854
8480 - Grass Tree Project (transferred from New Initiatives)	3,816
<b>Budget Movements Approved by Council:-</b>	
9465 - Anglesea Transfer Station	(43,200)
9466 - Anglesea Landfill Liner over original cell	(3,707)
9399 - Purchase of Land	850,000
9493 - Bob Pettitt Reserve	10
9490 - Black Spot Project	1,383
9512 - Elkington Road Service Road	200,000
<b>Revised Budget (sub-total movement of \$1,008,302)</b>	<b>22,434,115</b>

### 3.6 Program Status Report - July to September 2015 Quarter

#### New Initiative / Operational Projects (75 Projects)

Original Budget (published)	1,343,400
Carry forwards – post budget	1,571,508
8480 - Grass Tree Project (transferred to Capex)	(3,814)
Budget Movements Approved by Council:-	
8583 - Non-Resident ratepayer communication – Testing the Water	8,500
8598 - Torquay Library - Office Work Station Space	7,600
8365 - Bells Beach Rip Curl Pro Contribution - Interest	9,395
Revised Budget (sub-total movement of \$21,681)	2,882,589

#### Total Project Program (192 projects)

Total Revised Project Program Budget (total movement of \$1,029,983)	<b>25,316,704</b>
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#### Council Plan

Theme 2 Governance  
Objective 2.4 Transparency in decision making and access to information  
Strategy 2.4.3 Ensure decision-making is as transparent as possible

Theme 2 Governance  
Objective 2.1 Robust risk management framework and processes  
Strategy 2.1.1 Implement the risk management system

Theme 2 Governance  
Objective 2.2 High performing accountable organisation  
Strategy 2.2.3 Increase capability in analysing and managing contentious issues.

#### Policy/Legal Implications

There are no significant policy or legal implications arising from this report.

#### Officer Direct or Indirect Interest

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

#### Risk Assessment

Project risk assessments are prepared, monitored and reviewed as part of project initiation and delivery. Any risk associated with the status of time, cost and scope for each project will be managed by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant.

#### Social Considerations

Any significant social issues associated with the status of time, cost and scope for each project will be managed by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant.

#### Community Engagement

Community communications and engagement plans are prepared, monitored and reviewed as part of project initiation and delivery. Any emerging issues that require communications and engagement due to variations in time, cost and scope for each project will be managed by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant.

#### Environmental Implications

There are no significant environmental implications arising from this report.

### **3.6 Program Status Report - July to September 2015 Quarter**

#### ***Communication***

Comments or questions from Council or community arising from this report will be communicated to the relevant Project Sponsor or Program Management Office and responded to.

#### ***Conclusion***

The quarterly Program Status Report for 2015/16 provides an overview of the status of each capital and operational project for phase, time, cost and scope. The report includes a summary of projects budgets that have been revised by Council, and provides a flag for risks to time, cost and scope.



### 3.7 Bomboras Pop up Bar - Application for Planning Permit 15/0408

**Author's Title:** Team Leader Paraplanning & Administration

**General Manager:** Kate Sullivan

**Department:** Statutory Planning

**File No:** 15/0408

**Division:** Environment & Development

**Trim No:** IC15/403

**Appendix:**

1. Assessment Officer Report (D15/87198)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**Status:**

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

**Reason:** Nil

#### Purpose

To consider planning permit application 15/0408 to allow the temporary use and development of a Tavern (Pop-up Bar) on part of the Torquay Foreshore at Fisherman's Beach (48 The Esplanade),

#### Summary

This proposal commenced as an application to amend planning permit 07/0736. The assessment of the proposal has determined that a separate approval was required rather than requesting an amendment to the previous permit as that permit has expired. A new application form was completed and lodged by the applicant and is a fresh application made for the same proposal. This change was conveyed in writing to all objectors with the public notice of the fresh application. The objections received to the original proposal are considered to stand as objections to the new application and the objectors have been provided with this advice. This action has been taken so as to not prejudice the applicant or the objectors.

Approval was originally obtained for development of buildings & works; Use of the land for a restaurant; and waiver of standard car parking requirements on 8 September 2008. This was amended in 2011. The plans endorsed under the permit were amended to remove the restaurant which was approved at first floor and replaced with a viewing platform, pergola, seating and landscaping. The redevelopment of the Torquay Angling Club including the kiosk (operating as Bomboras) and Torquay Marine Rescue has been completed in accordance with the plans endorsed under planning permit 07/0736.

The specific application seeks approval for a temporary pop-up bar to run during summer daylight hours (4<sup>th</sup> October 2015 to 3<sup>rd</sup> April 2016) as a trial of the site as a bar. The application also includes some modifications to the deck area to include a temporary bar, toilet and seating (to be installed during the operation). The application also includes live music to be performed and/or pre-recorded music to be played during opening hours.

The proposal was subject to public notice with twenty three (23) objections being received. These objections are from a mix of private residents and commercial operators within Torquay. The Victorian Police Liquor Licence Unit has also made a submission on the proposal.

The objections raise issues that primarily focus around traffic, amenity and noise concerns and drinking in a public place.

#### Recommendation

That Council having caused notice of Planning Application No. 15/0408 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 under the provisions of 36.02-1, 52.06-3, 52.07, 52.34-2, 52.43 of the Surf Coast Planning Scheme in respect of the land known and described as 48 The Esplanade, Torquay (Fisherman's Beach – Torquay and Jan Juc Foreshore Reserve) for the Temporary use and development of the land for a tavern; waiver of the standard car parking requirement; waiver of the requirement for a loading bay and construction of buildings (pergola and seating) in accordance with the endorsed plans, subject to the following conditions:

### 3.7 Bomboras Pop up Bar - Application for Planning Permit 15/0408

1. Before the use and development commences 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 will then form part of the permit. The plans must:
  - a) Provide clear identification of which buildings are permanent or temporary. Temporary buildings must include the converted shipping container, portable disabled access toilet and barrier enclosing the front of the site.
  - b) Show elevations of the barrier enclosing the front of the site.
  - c) Show the provision of a bicycle locker suitable for the storage of at least one bicycle.
2. The Tavern may operate only between the following hours:
  - a) Between 31 October 2015 and 25 December 2015:
    - i) Thursday to Sunday – Between 1:00pm until 9:30pm
  - b) Between 26 December 2015 and 26 January 2016:
    - i) Monday to Sunday – Between 1:00pm until 9:30pm
  - c) Between 28 January 2016 and 3 April 2016:
    - i) Thursday to Sunday – Between 1:00pm until 9:30pm
3. Not more than 96 patrons shall be permitted within the area of the Tavern at any one time.
4. Drinks must not be served in glass containers on the Tavern premises.
5. Food and drinks provided within the premises must not leave the Tavern premises.
6. The provision of entertainment on the Tavern premises shall be limited to pre-recorded background music or live musical entertainment by performers using acoustic instruments (amplified or non-amplified).
7. Live musical entertainment must not be provided after 8pm and for more than 3 hours total in any one day.
8. Before the music can be provided on the site a qualified acoustic expert must prepare an acoustic report and a copy must be provided to the Responsible Authority that assesses compliance with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 and makes recommendations, as appropriate, to achieve compliance and reduce the amenity impact on residential properties. The recommendations of the acoustic report must be approved by Council in writing and once approved must be implemented to the satisfaction of the Responsible Authority at all times that music is provided on the Tavern premises.
9. The maximum music noise level emitted from the premises shall not exceed levels specified in the State Environment Protection Policy (Control of Noise from Public Premises) No. N-2.
10. The toilets adjacent the kiosk must be available for use at all times when the Tavern is open.
11. The operator of the Tavern shall to the satisfaction of the responsible authority install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars, entertainment/dance floor areas, and areas external to the Tavern and toilet entrances. The surveillance recording system must operate from the 30 minutes before commencement of trading each day and until 30 minutes after closure. A copy of the recorded images must be available upon request for the immediate viewing or removal by the Victoria Police, by an authorised officer of the Responsible Authority or a person authorised in writing by the Director of Liquor Licensing upon request, or otherwise retained for at least one month.
12. Signs reading "For the safety and security of patrons and staff this area is under electronic surveillance" shall be displayed to the satisfaction of the Responsible Authority in all areas subject to camera surveillance.
13. Signage shall be erected near all entrances/exits to the Tavern requesting patrons to leave the premises in a quiet and orderly manner so as not to disturb nearby residents to the satisfaction of the responsible authority.
14. The operator and/or security staff must request patrons to not congregate on the footpath, in front of the premises.
15. A garbage receptacle area and bottle disposal area shall be provided for and in the vicinity of the Tavern to the satisfaction of the Responsible Authority. The area shall be within an animal-proof enclosure and shall be of such construction to complement the amenity of the area by use of suitable materials and screening from the public view to the satisfaction of the Responsible Authority.
16. On the day following each day of operation, prior to 10am, the operator of the Tavern must collect and dispose of any litter from the public land within 40 metres of the Tavern to the satisfaction of the Responsible Authority.
17. Amusement machines and gambling must not be provided on the Tavern premises to the satisfaction of the Responsible Authority.

### 3.7 Bomboras Pop up Bar - Application for Planning Permit 15/0408

18. Barriers in accordance with the endorsed plans must be provided between the Tavern premises and The Esplanade footpath to control the movement of patrons in and out of the premises to the satisfaction of the Responsible Authority.
19. Except with the written consent of the Responsible Authority, permanent or temporary screens, fences or barriers must not be constructed or installed on the site other than in accordance with the endorsed plans.
20. The area constructed and set aside for car spaces and access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the responsible authority.
21. No goods or packaging shall be stored or left exposed outside the building so as to be visible from public land.
22. The use must be conducted to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any buildings, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin.
23. The maximum noise level emitted from the premises shall not exceed levels specified in the Guidelines: Noise From Industry in Regional Victoria, EPA Publication 1411.
24. Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the premises to the satisfaction of the responsible authority.
25. External lighting must be designed, baffled and located so as to provide sufficient lighting for public safety and must not cause any adverse effect beyond the Tavern area, to the satisfaction of the responsible authority.
26. No advertising signs shall be erected unless in accordance with the Surf Coast Planning Scheme or with the further approval of the responsible authority.
27. All temporary structures including but not limited to the converted shipping container, portable disabled access toilet and in-fill barrier on the endorsed plans must be removed within 14 days of the completion of the Tavern use permitted by this permit.
28. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
29. The development, including temporary structures, as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
30. The use and development approved by this permit must not be used for events or private functions.

### 3.7 Bomboras Pop up Bar - Application for Planning Permit 15/0408

#### **Report**

##### ***Background***

The application seeks approval for:

- The temporary use of the land for a Tavern (Pop-up Bar) from 31<sup>st</sup> October 2015 to 3<sup>rd</sup> April 2016
- Construction of temporary buildings including the bar servery in a converted shipping container and portable disabled access toilet
- The reduction of the car parking requirement for 60 spaces to 0.

The previous permit did originally allow for a restaurant with a viewing deck, which was later amended to be a viewing deck across the whole of the roof of the kiosk and club rooms.

The new application is proposed to use the deck space for the Pop-up Bar. The details of the Pop-up Bar are:

- Operating hours of:
  - Between 31 October and 25 December Thursday to Sunday 1pm to 9:30pm
  - Between 26 December and 26 January seven days per week 1pm to 9:30pm
  - Between 28 January and 3 April Thursday to Sunday 1pm to 9:30pm
- A maximum of 150 patrons
- Supply of liquor for consumption on the premises under a Renewable Limited Licence
- Pre-recorded background music during opening hours
- Live acoustic musical performances of no longer than 3 hours and no later than 8pm
- Venue to be glass free and non-smoking

Twenty three (23) objections have been received in response to public notice of the proposal; these are a mix of private residents and commercial operators within Torquay. The Victorian Police Liquor Licence Unit has also made a submission on the proposal.

The issues raised within the objections include:

- being contrary to the public land use;
- drinking in a public place and encouraging a public drinking culture;
- potential for broken glass and litter in the foreshore;
- noise, loss of amenity and disruptive behaviour; lack of a demonstrated need and community benefit; the application lacking in detail;
- traffic management issues;
- impact on visual amenity; and lack of community consultation.

The police similarly raised concerns with access to the public realm and issues with people exiting the site and the resultant mix of public and patrons.

##### ***Discussion***

Refer to the attached Assessment – Officer Report

##### ***Financial Implications***

No direct financial implications on Council are expected as a result of this application.

Processing and assessment of the application and attendance (if required) at the Tribunal can be undertaken within the current operational budget.

##### ***Council Plan***

Theme 5 Development and Growth  
Objective 5.4 Transparent and responsive land use and strategic planning  
Strategy Nil

Theme 5 Development and Growth  
Objective 5.2 Encourage sustainable economic development and growth

### **3.7 Bomboras Pop up Bar - Application for Planning Permit 15/0408**

Strategy 5.2.3 Support and grow Surf Coast Shire's key industry sectors of Surfing, Tourism, Retail, Agriculture and Construction

Theme 5 Development and Growth

Objective 5.3 Develop and grow sustainable year round tourism

Strategy 5.3.10 Lead new ways of working with the Great Ocean Road Coastal Committee (GORCC) to maximise resident / visitor benefits

#### ***Policy/Legal Implications***

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

#### ***Social Considerations***

Impact on the amenity, health and safety of adjoining residents will be considered in accordance with the relevant provisions of the Surf Coast Planning Scheme and the *Planning and Environment Act 1987*.

#### ***Community Engagement***

Public notice was provided in accordance with Section 52 of the *Planning and Environment Act 1987*.

Letters were sent to nearby land owners and occupiers and one sign was displayed on the subject land. Submitters were given a period of 14 days to provide comments to Council.

23 objections to the proposal were received in response and one letter of consent to the trial.

Hearing of submissions occurred on 13 October 2015 with seven submitters speaking against the application and the kiosk operators speaking in support of the proposal.

#### ***Environmental Implications***

Environment impacts will be assessed and managed in accordance with the relevant provisions of the Surf Coast Planning Scheme and the *Planning and Environment Act 1987*.

#### ***Communication***

Submitters were provided with the opportunity to address the Hearing of Submissions Committee and Council's final decision on this matter will be provided to the applicant and all submitters.

#### ***Conclusion***

After due process pursuant to the relevant provisions of the Surf Coast Planning Scheme and the *Planning and Environment Act 1987* it is recommended Council support the issue of the Notice of Decision to Grant the permit.

#### 4. CULTURE & COMMUNITY

##### 4.1 2016-17 Community Sports Infrastructure Fund - Sport and Recreation Victoria Minor Facilities Grants

**Author's Title:** Coordinator Sport and Recreation

**General Manager:** Chris Pike

**Department:** Leisure & Wellbeing

**File No:** F15/1159

**Division:** Culture & Community

**Trim No:** IC15/366

**Appendix:**

1. Sport and Recreation Victoria 2016-2017 Community Sports Infrastructure Fund Project Assessment Matrix (D15/87353)

**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

**Reason:** Nil

#### **Purpose**

To endorse Council's priorities for the 2016-17 Community Sports Infrastructure Fund (CSIF) - Sport and Recreation Victoria (SRV) grants in the Minor Facilities, Female Friendly Facilities, Cricket Facilities and Planning Categories.

#### **Summary**

The Department of Health and Human Services, previously the Department of Transport, Planning and Local Infrastructure has an annual program for grant applications to support community facility development. The purpose of this program is to provide high quality, accessible community sport and recreation facilities across Victoria.

Funding is available under the following categories:

- Better Pools
- Major Facilities
- Small Aquatic Projects
- Minor Facilities
- Female Friendly Facilities
- Cricket Facilities
- Planning – Facility Feasibility or Recreation Planning.

Council is the applicant for these grants and a funding contribution is required from Council and/or community to apply. Council invites the community to identify projects through an expression of interest process. At Council's ordinary meeting held 25 August 2015, Council resolved not to submit an application to the Major Facilities, Better Pools or Small Aquatic Projects categories. This report only considers projects for the Minor Facilities, Female Friendly Facilities, Cricket Facilities and Planning categories which have a full application closing date of Thursday 29 October 2015.

Representatives of clubs and groups have put considerable time, effort and energy into their project proposals and this should be recognised. A total of 14 project proposals have been received across all categories. Officers have assessed the proposals against key criteria including:

- Level of Council contribution required
- Project readiness
- Are community/club and other funding sources confirmed?
- Is it identified in forward financial plans?
- Fit with State Government funding criteria
- Is it identified in a Master plan

Council has previously engaged in recreation planning on a regional scale through the development of the G21 Soccer, AFL Football and Tennis Strategies. The G21 Sport and Recreation Pillar – through the City of

#### **4.1 2016-17 Community Sports Infrastructure Fund - Sport and Recreation Victoria Minor Facilities Grants**

Greater Geelong - will be submitting a planning category application on behalf of the Barwon region to develop a G21 Regional Netball Strategy which will require a Surf Coast Shire contribution of \$1,880.

##### **Recommendation**

That Council:

1. Note the project proposals from a range of sport and recreation groups for the 2016-17 Community Sports Infrastructure Fund in the Minor Facilities, Female Friendly Facilities and Cricket Facilities categories.
2. Submit full applications for the following Community Sport Infrastructure Fund;
  - 2.1 Minor Facilities Category – Winchelsea Golf Club, Installation of a Sustainable Golf Course Watering System – Council contribution required \$0.
  - 2.2 Female Friendly Facilities Category – Torquay Netball Club, Spring Creek Netball Pavilion Re-Development – Council contribution required \$300,000
  - 2.3 Cricket Facilities Category – Anglesea Cricket Club, Pavilion Upgrade Stage 1 – Council contribution required \$10,000.
  - 2.4 Planning Category – Council to contribute \$1,880 toward the development of a G21 Regional Netball Strategy to be submitted by City of Greater Geelong.
3. Refer the Council contributions required to meet funding ratios to the 2016/17 capital expenditure budget process.
4. Acknowledge the groups that submitted project proposals, provide them with constructive feedback and advise them on future funding opportunities.

#### 4.1 2016-17 Community Sports Infrastructure Fund - Sport and Recreation Victoria Minor Facilities Grants

##### Report

##### **Background**

Council has submitted a range of projects to the Community Sports Infrastructure Fund (formally Community Facilities Funding Program) in the past with a high level of success.

The Grants Management Procedure was adopted by Council at the 26 July 2012 meeting with the purpose: "To provide Surf Coast Shire with a clear, concise and equitable process for the submission of the relevant Department applications where Council is the auspice organisation".

The procedure includes:

- Informing the community of the availability of the grants
- Seeking involvement of sport and recreation groups via a project expression on interest (EOI) process
- Assessing EOI's to recommend which project applications are submitted to the program
- The Council endorsement process
- Completing project proposals/ applications
- Advising and informing groups of the outcomes of the process.

The application process is in two stages and the first stage includes a requirement to discuss project ideas with a Sport and Recreation Victoria (SRV) representative before submitting a full application. This process provides a filter for projects to ensure they meet the funding criteria and that the project is ready to proceed. The second stage requires full applications in each category to be submitted by 29 October 2015.

##### **Discussion**

A summary of the Minor Facilities, Female Friendly Facilities and Cricket Facilities project proposals as identified through the 2016 – 2017 Expression of Interest process is detailed in Appendix 1.

The Community Sports Infrastructure Fund provides grants for planning, building new, and improving existing facilities where communities conduct, organise and participate in sport and recreation. Funding is available under the following categories:

Category	Who can apply / objective	Maximum Grant	Total Project Cost	Funding Ratio (minimum)
<b>Minor Facilities</b>	All sporting clubs & community groups to develop or upgrade community sport and recreation facilities – via Council	Up to \$100,000	Up to \$1,000,000	SRV \$2 : \$1 Local
<b>Female Friendly Facilities*</b>	All sporting clubs & community groups that cater for traditional and non-traditional female sport to build new and upgrade existing, out-dated change facilities at sports clubs with a focus on promoting female and family friendly environments – via Council	Up to \$100,000	No maximum total project cost	SRV \$2 : \$1 Local



#### 4.1 2016-17 Community Sports Infrastructure Fund - Sport and Recreation Victoria Minor Facilities Grants

Category	Who can apply / objective	Maximum Grant	Total Project Cost	Funding Ratio (minimum)
<b>Cricket Facilities</b>	All cricket associations and local cricket clubs to upgrade and develop cricket specific club infrastructure including new buildings, grounds, and training facilities – via Council.	Up to \$100,000	No maximum total project cost	SRV \$2 : \$1 Local cost
<b>Planning Category</b>	Funding is available for Council planning initiatives that focus on recreation planning or facility feasibility.	Up to \$30,000	No maximum total project cost	SRV \$2 : \$1 Local cost

\* Applications from emerging non-traditional female sports will be highly regarded.

The funding guidelines state that smaller projects that achieve the objectives of the Minor Facilities, Female Friendly Facilities and Cricket Facilities categories are encouraged and will be highly regarded. Consideration will be given to claiming in-kind expenses to a maximum of 50 per cent of the total project cost. Council must approve and underwrite any in-kind contribution.

Council can apply for the maximum grant amount of \$100K for up to three (3) projects from the Minor, Female Friendly and Cricket Facilities categories, with a maximum of two (2) applications from any single category. Council may submit one (1) application only in the Planning category.

Full applications require evidence of confirmed funding contributions to meet the funding ratio requirements. As with most grant programs, they are highly competitive and project readiness along with detailed design, cost plans and all funding sources confirmed provide a greater chance of success.

Consideration has been given to all expression of interest proposals. There are a range of issues associated with each of these project proposals and officers have assessed these against the following key criteria:

- Level of Council contribution required
- Project readiness
- Are community/club and other funding sources confirmed?
- Is it identified in forward financial plans?
- Fit with State Government funding criteria
- Is it identified in a Master plan

A Project Summary Assessment Matrix is included as Appendix 2.

#### **Financial Implications**

As each of the project proposals require matching funding, Council needs to consider its capacity to pre-allocate funding in 2016/17 and beyond. Council will need to revisit its long-term financial plan in light of rate capping announcements in coming months. It is likely that Council will have a reduced capacity to fund capital projects in coming years.

#### **Council Plan**

Theme 4 Infrastructure  
Objective 4.1 Allocation of infrastructure according to need  
Strategy 4.2.4 Maximise usage of Council buildings

#### **4.1 2016-17 Community Sports Infrastructure Fund - Sport and Recreation Victoria Minor Facilities Grants**

Theme 2 Governance  
Objective 2.5 Enhanced community engagement  
Strategy 2.5.4 Build strong relationships with community interest groups.

##### ***Policy/Legal Implications***

There are no policy or legal implications, noting that the process follows the Grants Management Procedure – 2012.

##### ***Officer Direct or Indirect Interest***

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

##### ***Risk Assessment***

There is a reputational risk in managing community expectations and Council determining priority projects submitted by the community through an expression of interest process.

##### ***Social Considerations***

The 2016-17 Community Sports Infrastructure Fund 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***

Community engagement in this process has been via an Expression of Interest process that is advertised in local media, our web-site and by direct post and email to all sporting groups. A number of follow up telephone calls and face to face meetings were held with sporting clubs.

##### ***Environmental Implications***

No significant environmental implications arise from this report.

##### ***Communication***

The Grants Management Procedure outlines communication of outcomes internally and externally. Representatives of clubs and groups have put considerable time, effort and energy into their project proposals. Clubs will be contacted with feedback about the proposals and officers will seek to identify ways to support their ongoing efforts to develop their facilities.

##### ***Conclusion***

The Community Sport Infrastructure Fund is a highly competitive funding program, competing against 78 other councils from across Victoria. In consultation with Sport and Recreation Victoria, Council officers have considered each application against the funding program criteria and objectives and believe that the recommended projects provide the greatest opportunity for success in each category.

#### 4.2 Petition Requesting Council Enclose Winchelsea Swimming Pool with a Roof - Open Pool all Year

**Author's Title:** Manager Leisure & Wellbeing

**General Manager:** Chris Pike

**Department:** Community

**File No:** F12/1449

**Division:** Culture & Community

**Trim No:** IC15/402

**Appendix:**

1. Copy of Petition (D15/79937)

**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

**Reason:** Nil

#### **Purpose**

To respond to a petition tabled by ratepayers of the Winchelsea community who are requesting that Council install a roof over the outdoor seasonal pool that would then provide year round access.

#### **Summary**

Council has engaged widely with the community since July 2015 about the proposal to fund an Aquatic and Health Centre in Torquay. Community engagement activities included a market research telephone survey, email and online submissions and community forums.

Council held five community forums across the Shire during September 2015, to both provide information about the proposal to fund an Aquatic and Health Centre and to seek feedback from residents about this proposal.

During the course of the Community Engagement process, a number of petitions were received opposing the proposal. 573 community members from Winchelsea and district have signed a petitioned requesting Council encloses the Winchelsea Swimming Pool to enable year round use of the facility. This report responds to the petition received.

#### **Recommendation**

That Council:

1. Note the petition received.
2. Note that a comprehensive report concerning the proposed Surf Coast Aquatic and Health Centre will be tabled at the December Council meeting.
3. Does not proceed with detailed investigation to enclose the outdoor swimming pool in Winchelsea.

## 4.2 Petition Requesting Council Enclose Winchelsea Swimming Pool with a Roof - Open Pool all Year

### **Report**

#### ***Background***

In November 2009, Council completed a Feasibility Study for a proposed Aquatic and Leisure Centre in Torquay. The report provided a concept plan, financial operating and construction costs and a number of site options. The consultant's report recommended that Council should not consider the development of such a facility until at least the end of 2015 financial year.

In 2013, Council resolved to revisit the 2009 feasibility study and establish a "Taskforce" for a six month period to update the 2009 report and advise Council. In reviewing the resolutions made by Council since 2009, a number of these actions have either commenced or actioned. The Taskforce report was provided to Council in September 2014 and provided a range of recommendations based on the work by the Taskforce along with a review of previous resolutions made by Council. Council committed to consult further on the aquatic facility.

Council is currently undertaking a community engagement exercise to ascertain the level of support from the community for an Aquatic and health Centre. Council will deliberate on the community consultation outcomes at the end of this calendar year.

A petition has been received by community members from Winchelsea and district requesting Council enclose the Winchelsea Swimming Pool that will enable year round usage. This petition was received during the month of community conversations held across the Shire in September. The petition has 573 signatures.

#### ***Discussion***

The Winchelsea Swimming Pool is an important piece of infrastructure for the local community. It is a pool that was built over 50 years ago and the local community helped raise funds to build it. Council directly manages this facility and it opens on a seasonal basis from early December to mid- March each year from 12noon until 6pm. Council provides experienced lifeguards to operate the facility. The net operating cost for the facility was approximately \$62,000 in 2014/15. This operating cost varies each year depending on attendance numbers and the weather is a key factor in the level of use for the facility.

The facility is an outdoor seasonal pool. To enclose the facility with a roof would dramatically change the level of service provided at this facility. At this stage, Council has an operating budget for the pool to operate on a seasonal basis. The numbers of attendances largely depend on the weather. In 2013-14 for example the attendance numbers were 6,109 and in 2014-15 due to a cooler summer, the attendance numbers were 4,305.

Should Council wish to pursue enclosing the Winchelsea Swimming Pool, several pieces of planning work are required. These planning studies would need to be referred to the budget process for 2016/17. A detailed feasibility study would be required to fully understand the cost and benefit proposal. Design, construction cost and operational management analysis would also be required for Council to appreciate the total commitment and costs involved. Based on the feasibility work done on the Aquatic and Health Centre in Torquay, the cost of this work is likely to cost in excess of \$100,000.

Council has not foreshadowed a desire to enclose the Winchelsea Swimming Pool, nor is there any capacity in this financial year's budget of future year's budget. A number of factors would need to be considered in the planning work such as:

- The kind of structure required to fully enclose the facility
- The heating mechanism to heat the water through solar energy or alternative heat source
- Increased levels of staff to manage the facility
- Overall operational costs knowing that the main operating costs for such Centres are staff and utility costs.
- Population catchment and the number of local people who may use the facility on an all-year round basis.
- Current staff capacity to operate a facility considering the range of facilities currently directly managed by Council through the Leisure and Wellbeing Department.

#### **4.2 Petition Requesting Council Enclose Winchelsea Swimming Pool with a Roof - Open Pool all Year**

- Growing Winchelsea Structure Plan – does not mention the Winchelsea Swimming Pool upgrade as a priority activity, however, the Plan highlights a number of other actions that would deliver greater community participation and wellbeing outcomes.
- There has not been a detailed feasibility study undertaken to review the cost / benefit analysis of this proposal and therefore construction and operating costs are unknown.
- Council and the community's propensity to pay for the construction and operation of the facility.

Through the work evidenced in the 2014 Aquatic Taskforce report, aquatic facilities are expensive to construct and operate and rely heavily on population size and growth that will help contribute to the operational costs for such a facility. The insights gained through strategic planning work done to date shows no evidence that enclosing the Winchelsea Swimming Pool is currently viable.

The Aquatic Taskforce Report and Financial Models commissioned for the proposed Aquatic and Health Centre in Torquay assumed the following:

- An aquatic and health facility with a 25m pool, allied health facilities, children's water play, a warm water pool and kiosk
- A catchment population of 19,780
- Results in a total operating cost (including depreciation) of \$1 million.

The population in a similar catchment area around Winchelsea is 2,183 in 2015 growing to 3,211 by 2036. This population size and growth does not demonstrate there would be adequate usage to support significant investment required to enclose the Winchelsea Swimming Pool and operate it year round.

#### ***Financial Implications***

The construction costs and operating costs for this proposal are unknown and therefore it is difficult to comment on what the financial implications would be should this proposal be considered.

Indicative estimates show that Council would need to invest in excess of \$100,000 to undertake the feasibility and planning work for enclosing the Winchelsea Swimming Pool.

#### ***Council Plan***

Theme 2 Governance  
Objective 2.4 Transparency in decision making and access to information  
Strategy 2.4.3 Ensure decision-making is as transparent as possible.

#### ***Policy/Legal Implications***

Not applicable.

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

At this stage of the proposal a full –scale risk assessment has not been undertaken.

#### ***Social Considerations***

Access to a year round aquatic facility would provide additional leisure activities for the Winchelsea community and is likely to result in health, social and wellbeing outcomes. It is important to note that communities' confidence in Council can erode if time and money is spent on projects without strong strategic evidence.

#### ***Community Engagement***

As part of the community consultation process on the Aquatic and Health Centre proposal in Torquay, Council has engaged as widely and as broadly as possible with the community to receive feedback about the proposal.

The Winchelsea Community has engaged on the proposed Surf Coast Aquatic and Health Centre and this petition is an example of their active interest in this matter. This petition is an indication of the aspiration of community members to see the Winchelsea Pool enclosed and open year round,

#### **4.2 Petition Requesting Council Enclose Winchelsea Swimming Pool with a Roof - Open Pool all Year**

Council has recently engaged widely with the Winchelsea community about its future infrastructure needs through the Growing Winchelsea project. Many infrastructure priorities have been identified through this project. Enclosing the Winchelsea Swimming Pool was not put forward during these community consultation activities.

##### ***Environmental Implications***

There are no environmental implications associated with this petition.

##### ***Communication***

Proponents of this petition will be notified that Council is considering the petition. Council's decision about this petition will be communicated to the wider Winchelsea community via local media and Council's communication channels.

##### ***Conclusion***

The Winchelsea outdoor swimming pool is an important community facility and attracts the local community during the summer season. It is not recommended to proceed with a feasibility study on enclosing so it can be open year round. There are other opportunities (highlighted in the Growing Winchelsea Structure Plan) to be actioned in Winchelsea that will provide greater community participation outcomes and wellbeing outcomes.

### 4.3 Kindergarten Cluster Status Report

**Author's Title:** Manager Aged & Family

**General Manager:** Chris Pike

**Department:** Community

**File No:** F15/1325

**Division:** Culture & Community

**Trim No:** IC15/346

**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

**Reason:** Nil

#### Purpose

To note the status of Council's kindergarten cluster, affirm support for this arrangement and note that other services may wish to join subject to a number of conditions.

#### Summary

Kindergarten cluster management involves the management of multiple kindergarten services by one organisation and has been actively encouraged by State Governments over the past decade as best practice management arrangements for kindergarten services. The Surf Coast Kindergarten Cluster was established in 2012 in response to the government policy priority and increasing pressure on parent volunteers in managing these services.

The initial cluster included the Torquay and Lorne kindergartens and at that time it was acknowledged that other kindergartens may be interested in joining the cluster in future years. Subsequently in 2014, following expression of interest from committees of management the cluster was expanded to include Jan Juc kindergarten and Helen Mary Kininmonth kindergarten in Winchelsea. Anglesea and Moriac kindergartens are the remaining committee of management run services within the Surf Coast Shire who may wish to join the cluster. Anglesea kindergarten committee of management has recently submitted a formal request to join the Surf Coast Kindergarten Cluster and discussions have been held regularly with the Moriac kindergarten committee regarding the opportunity of the cluster.

The Surf Coast Kindergarten Cluster enables parents to be fully involved and enjoy the kindergarten experience with the children while reducing the management responsibilities. Committees of management maintain a vital role in the kindergarten through their fundraising to support the kindergarten program and facilities

The establishment of the cluster has delivered positive outcomes including a strong platform that supports staff, parents and children in a high quality education and care program while also demonstrating sound risk and financial management practices. Quality and compliance assessments conducted by the Department of Education and Training (DET) indicate that services are exceeding requirements of the National Quality Framework for education and care services. Surf Coast annual planning processes ensure that staff rosters, group sizes and service operations can be delivered within the funding provided through grants and fees.

#### Recommendation

That Council:

1. Note the current status of operation of the Surf Coast Kindergarten Cluster.
2. Affirm its support of the Surf Coast Kindergarten Cluster.
3. Note that there are two remaining Committee of Management run kindergartens within the Surf Coast Shire (Anglesea and Moriac) who may wish to be included in the cluster.
4. Note that Anglesea Kindergarten Committee of Management has formally applied to join the cluster.
5. Endorse the inclusion of the remaining Surf Coast Shire Committee of Management operated kindergartens within the Surf Coast Kindergarten Cluster upon their application subject to:
  - 5.1 The service demonstrating a viable financial and operating model.
  - 5.2 The service holding provision for staff entitlements and making them available to Surf Coast Shire Council when required.

#### **4.3 Kindergarten Cluster Status Report**

5.3 The service ensuring that staffing structures are meeting award conditions.

5.4 Acceptance by the Kindergarten Committee of Management of the terms and conditions of the Surf Coast Kindergarten Cluster Agreement.



### 4.3 Kindergarten Cluster Status Report

#### **Report**

##### ***Background***

Cluster management involves the management of multiple kindergarten services by one organisation and has been actively encouraged by the State Government over the past decade as best practice management arrangements for kindergarten services.

Kindergarten cluster management aims to reduce the administrative and management burden on the parent volunteer committees of management and provides kindergarten staff with professional employment arrangements.

The Surf Coast Kindergarten Cluster was established in 2012 in response to the government policy priority and increasing pressure on parent volunteers in managing these services. Kindergartens in Torquay and Jan Juc continue to experience significant and ongoing growth. Increases in the number of children and staff involved in kindergartens means these once small community kindergartens are now large and complex businesses.

In addition all kindergartens across the shire have also been required to implement reforms including Universal Access, changes to ratios, National Quality Frameworks and management of changes in employment conditions for staff. These growth and change factors led to committees of volunteers being responsible for large workloads and complex management decisions relating to policy, regulation, employment and service compliance.

##### ***Discussion***

Establishment of the Surf Coast Kindergarten Cluster has removed the management burden from parents of those kindergartens within the cluster. Parents are still involved through participation in classroom activities, bush kinder, fundraising and creating environments where parents and children can enjoy the kindergarten experience. Kindergarten committees have maintained an important role within the cluster through their contribution to fundraising and other activities that support the kindergarten program and facilities.

Staff working in the cluster services are supported through shared training, development and networking opportunities, access to broader professional support and services including early years, human resources, finance, and information technology. This is important for all staff but in particular the smaller kindergartens where there may be only two staff as it provides access to information support and resources that build confidence and capacity. Staff have also experienced a reduction in general kindergarten administrative tasks therefore increasing their focus the educational program and working with children and families. This focus as the primary responsibility of educators has benefitted the educational program through development of new initiatives such as bush kinder.

One of the key risks associated with the cluster is management of the services within the context of changing enrolment numbers, and therefore funding, on an annual basis. This risk is managed through careful annual planning of group sizes and scheduling of classes that meet the funding requirements and also are financially viable.

The establishment of the Surf Coast Kindergarten Cluster involved the Torquay and Lorne kindergartens. At that time it was acknowledged there may be interest from other kindergartens in joining the cluster in future years. Subsequently in 2014, following an application from committees of management the cluster was expanded to include Jan Juc kindergarten and Helen Mary Kininmonth kindergarten in Winchelsea. The Anglesea and Moriac kindergartens are the remaining committee of management run services within the Surf Coast Shire who have not yet joined the cluster. Anglesea Kindergarten Committee of Management has formally applied to join the cluster and discussions have been held regularly with the Moriac kindergarten committee regarding the opportunity of the cluster.

Ownership and management of kindergarten assets has always been the responsibility of Surf Coast Shire, with the exception of Helen Mary Kininmonth kindergarten in Winchelsea, and as such the establishment of the cluster has not altered these arrangements. Lease agreements remain in place for committee of management services outlining roles and responsibilities of Council and committee and these arrangements are replicated in the kindergarten cluster agreement with the committees retaining a role in the upkeep and maintenance of the kindergarten environments.

### 4.3 Kindergarten Cluster Status Report

The establishment and operation of the Surf Coast Kindergarten Cluster positively supports staff, parents and children in a high quality education and care program while also demonstrating sound risk and financial management practices. Quality and compliance assessments conducted by DET indicate that services are exceeding requirements of the National Quality Framework for education and care services and annual planning processes ensure that staff rosters, group sizes and service operations can be delivered within the funding provided through grants and fees.

#### **Financial Implications**

The kindergarten cluster attracts funding through the DET to support the educational program and management of the cluster. Parent fees are also applied for children attending each service. The table below outlines the annual operating costs of the cluster since its establishment in 2012.

	2012/13 (Actual)	2013/14 (Actual)	2014/15 (Actual)	2015/16 (Budget)	2016/17 (Projected)
Grant income	316,010	471,090	783,922	1,027,852	1,150,720
Fee income	89,438	155,472	317,268	422,872	505,067
Operating costs	394,974	641,164	1,010,206	1,405,644	1,590,303
(Net cost) /Surplus	10,474	(14,603)	90,984	45,080	65,484

The 2012/13 budget for the cluster delivered a result that was \$1500 favourable to budget.

The 2013/14 budget resulted in a net cost of \$14k due to the late payment by DET of the exemplary teacher grant. This is also part of the rationale for the large surplus in 2014/15. Had this amount been paid correctly the final result would have been an estimated surplus of \$8k.

The 2014/15 budget includes full year revenue and expenditure for Torquay and Lorne with the new services at Jan Juc and Winchelsea commencing from January 2015. A surplus was budgeted however was larger than anticipated due to late receipt of the exemplary teacher grant and higher than projected participation in 4yo kindergarten at Torquay.

The adopted budget for 2015/16 includes full year costs and revenue for all four services with a lower surplus budgeted due to the change to ratios for the 2016 school year resulting in lower capacity at Torquay and Jan Juc. Additional funding has been announced by DET in July 2015 that will offset the loss revenue due to the change to ratios however this was not budgeted as it was not known at the time of budget development. Once enrolment numbers for 2016 are finalised this will be included in the revised forecast and it is anticipated that this will result in an increase to the budgeted surplus for the 2015/16 financial year.

The projected budget for 2016/17 includes existing four cluster sites and the anticipated budget for Anglesea based on the current projected enrolments provided by the committee, should they join the cluster. The projected budget assumes overall indexation of 3% and that enrolments and staffing for 2016/17 will remain stable. Detailed budgets will be developed once these numbers are confirmed.

The grants and operating costs have increased in line with the inclusion of additional services within the cluster and accounting for the changes to funding as a result of the implementation of universal access and the changes to ratios which will take effect from January 2016. Surplus funds contribute to general revenue to offset the costs in other areas such as asset maintenance and overheads.

#### **Council Plan**

Theme 3 Communities  
 Objective 3.2 Quality Assessment Ratings for Aged & Family Services  
 Strategy 3.2.4 Ensure high quality community services are provided

#### **Policy/Legal Implications**

State Government policy direction supports cluster management as a key component of the early years reforms. Surf Coast Early Years and Youth Strategy 2015-2018 supports the strengthening of the Surf Coast Kindergarten Cluster as a key opportunity for development over the life of the plan.

### 4.3 Kindergarten Cluster Status Report

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

One of the key risks associated with the cluster is management of the services within the context of changing enrolment numbers, and therefore funding, on an annual basis. This risk is managed through careful annual planning of group sizes and scheduling of classes that meet the funding requirements.

A further risk is the introduction of new long day care and kindergarten services within the Surf Coast Shire impacting on enrolments for Council services. There are currently two private kindergartens in the Shire and current information indicates that these services attract significantly higher fees and provide for an alternative educational philosophy. These services appear to have a broader catchment. Demand for kindergarten locally indicates that the majority of families are choosing mainstream services with the first round of enrolments for 2016 exceeding the available places in Torquay and Jan Juc. Evidence supports that the majority of families in Surf Coast Shire who utilise long day care will still choose a sessional kindergarten program rather than a kindergarten program in a long day care centre. Nationally between 30 and 40% of children access a funded kindergarten program in a long day care setting however local analysis indicates that this rate is only around 10% for Surf Coast Shire. It is expected that there will be continued high demand for kindergarten services within the cluster.

The financial viability of smaller kindergartens with low numbers is also considered a risk. These kindergartens attract additional funding from the DET to support sustainability and every effort is made in the annual planning process to ensure services are delivered within the funding provided. The cluster has provided economies of scale for these services in regard to ordering of equipment and supplies and the individual budgets for these kindergartens are continually monitored to maximise efficiency of operations.

A comprehensive due diligence process will be undertaken in relation to the Anglesea kindergarten application to join the cluster. The assessment will be conducted according to the requirements outlined in the recommendations of this report. A formal response, based on the findings of the due diligence will be provided to the Anglesea Kindergarten Committee of management with the findings of the assessment and outcome of their application.

#### ***Social Considerations***

The kindergarten cluster reduces the administrative and management workload for parent committees of management and also removes the conflict of parents as employers of the staff within the service.

The Surf Coast Cluster provides for and encourages active involvement of parents in the kindergarten through a range of opportunities including participation in classroom and bush kinder activities, fundraising committees, parent social activities and events.

The increased focus for staff on the educational program and working with children and families leads to improved outcomes for children and the program as demonstrated in such initiatives as bush kinder.

#### ***Community Engagement***

Kindergarten & early years newsletters keep parents and community members informed about the operations of the kindergarten and opportunities to participate in kindergarten cluster activities.

A transition implementation plan will be developed with kindergarten cluster services and committees of management where changes and improvements are identified. All relevant interest groups will be invited to participate in the development and implementation of the plan.

#### ***Environmental Implications***

Not applicable

#### ***Communication***

Information pertaining to the outcomes of this report will be provided to kindergarten committees of management and early years services' customers through the early years newsletter.

### **4.3 Kindergarten Cluster Status Report**

#### ***Conclusion***

The Surf Coast Kindergarten Cluster has been established since 2012 and has grown incrementally over that time, responding to changes in the external environment. The establishment and operation of the Surf Coast Kindergarten Cluster has been positive for services joining the cluster and for Surf Coast Shire.

Benefits of the cluster include staff support, service planning and development, a focus on outcomes for families and children and economies of scale for smaller services. The outcomes have been the development of a strong platform that supports staff, parents and children in a high quality education and care program while also demonstrating sound risk and financial management practices. These outcomes and the current status of the cluster demonstrate that this service is well positioned and has the capacity to integrate additional kindergartens to the cluster.

#### 4.4 Review of the Geelong Regional Library Corporation Agreement with Member Councils

**Author's Title:** Manager Community Relations

**General Manager:** Chris Pike

**Department:** Community

**File No:** F15/289

**Division:** Culture & Community

**Trim No:** IC15/406

**Appendix:**

1. Copy of Geelong Regional Library Corporation Agreement 2009 (D15/83837)
2. Review of Geelong Regional Library Corporation Constituent Documents - Draft Supplemental Agreement 2015 (D15/83835)

**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

**Reason:** Nil

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**Purpose**

For Council to consider the review of the Geelong Regional Library Corporation (GRLC) agreement and approve the signing of the supplemental agreement.

**Summary**

The GRLC is the regional library corporation comprising four member Councils; Surf Coast Shire, City of Greater Geelong, Golden Plains Shire and the Borough of Queenscliffe. The GRLC delivers library services in Surf Coast Shire via a fixed library in Torquay and a mobile service which currently stops in five Surf Coast townships to service these communities.

The GRLC Board commenced a review of the agreement between member Councils at its planning day held 22 February 2015. This is consistent with clause 15 of the Library Agreement which states: "The member Councils will, together with the Board, review the operation of this agreement at least once every five years"

The amendments can be summarised as follows:

- Greater clarity in the agreement regarding the responsibility for maintenance of buildings and assets
- Establishment of a Heritage Advisory committee to advise the board on the heritage collection
- Specific reference to the heritage collection being transferred to the GRLC including text that acknowledges the integration of all operations of the Geelong Heritage Centre (GHC) into the operations of the GRLC.

**Recommendation**

That Council approve the signature of the attached supplemental agreement by the Mayor and the Chief Executive Officer on behalf of Surf Coast Shire Council.

#### 4.4 Review of the Geelong Regional Library Corporation Agreement with Member Councils

##### **Report**

##### ***Background***

The GRLC was established by Greater Geelong, Golden Plains, Surf Coast and Queenscliffe on or about 27 March 1997. On 19 March 2009, Greater Geelong, Golden Plains, Surf Coast and Queenscliffe entered into the current agreement which, following approval by the Minister for Local Government and the publication of a notice in the *Victoria Government Gazette* under section 196(2) of the *Local Government Act* 1989.

Following a review of the Current Agreement by the Board of the Regional Library and Greater Geelong, Golden Plains, Surf Coast and Queenscliffe, it has been decided to amend the Current Agreement.

Maddocks Lawyers were engaged to provide advice and to draft any revised documents. Maddocks noted that the Library Agreement seemed to be in a form which is typical of many agreements establishing or continuing regional library corporations and that the review focuses on clarifying any inconsistencies or queries.

##### ***Discussion***

Surf Coast Shire has been an active member of the GRLC since inception with strong contributions provided by Surf Coast Shire Councillors on the GRLC board.

The (GRLC) is a successful partnership library corporation of the four members Council's. Recently the corporation was named the highest ranking public library service in Victoria an independent assessment of the Public Libraries Victoria Network's 10 key indicators has shown.

The assessment describes the GRLC as a "highly efficient high-performing public library" which displays the "desired combination of very high service levels and usage delivered below average industry cost". The report, which compares Victoria's 47 public library services on a number of benchmarking indicators, finds that the Geelong Regional Library Corporation is number one when rated against the other 46 public library services on the 10 key indicators of service and collections quality, efficiency and participation. GRLC ranks number 1 on the 10 key indicators of quality but is ranked 21<sup>st</sup> on funding levels per capita and is amongst the most efficient public libraries in the State.

The GRLC serves a regional population of 273,000 across 4 local government areas, fifth-largest of the 47 Victorian public library services. With 16 branch locations, the GRLC has more static branches than any other Victorian public library service.

A key strength of the GRLC model is the collaboration and drive displayed by members Councils to deliver regional library services at the highest level. Members Councils, represented by Councillors on the GRLC board, have actively contributed to the review of the GRLC agreement. The changes to the agreement provide greater clarity of roles and responsibilities for the GRLC and members Councils and reflect the changes that are occurring due to the Geelong Heritage Centre being integrated into the GRLC.

##### ***Financial Implications***

There is no financial implication for Surf Coast Shire in approving the reviewed GRLC agreement. Integration of Geelong Heritage Centre operations into the GRLC is not expected to have a financial impact for Surf Coast Shire.

##### ***Council Plan***

Theme 4 Infrastructure  
Objective 4.2 Accessible and well maintained Council facilities  
Strategy Nil

Theme 2 Governance  
Objective 2.4 Transparency in decision making and access to information  
Strategy Nil

#### **4.4 Review of the Geelong Regional Library Corporation Agreement with Member Councils**

##### ***Policy/Legal Implications***

The review of the GRLC agreement is done in accordance with the Local Government Act. Once the supplemental agreement is signed by member councils, a copy will be provided to the Minister of Local Government for approval.

##### ***Officer Direct or Indirect Interest***

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

##### ***Risk Assessment***

There is minimal risk in signing the revised agreement as relevant changes for Surf Coast Shire mainly relate to clarifying responsibilities rather than adding additional impost. The risk of not signing the revised agreement is that the GRLC cannot proceed with certainty to undertake the changes to the agreement and it would in some way erode the collaborative spirit with which the corporation undertakes its work.

##### ***Social Considerations***

There are minimal social considerations associated with this report. It is worth noting that library services, in particular the GRLC, have a proven track record adding value to personal wellbeing, making the lives of library users more enjoyable and helping them to feel better connected to their community.

##### ***Community Engagement***

The GRLC has undertaken a public exhibition process regarding the changes to the agreement and has advertised in the Geelong Advertiser on 29 August and 3 September. The public exhibition process concluded on 2 October 2015.

##### ***Environmental Implications***

There are no environmental implications by considering this report.

##### ***Communication***

The GRLC will communicate the outcomes of the agreement review via the local media and the GRLC website.

##### ***Conclusion***

The GRLC has a proud record of providing library services to the region and in particular to Surf Coast Shire communities. The review of the GRLC agreement provides greater clarity to the roles and responsibilities of the GRLC and members Councils and includes the integration of Geelong Heritage Centre operations into the GRLC. Surf Coast Shire is an active contributor to GRLC and can support the changes to the agreement with confidence.

#### 4.5 Petitions Opposing the Proposed Aquatic and Health Centre from Surf Coast Shire Residents

**Author's Title:** Manager Leisure & Wellbeing

**General Manager:** Chris Pike

**Department:** Community

**File No:** F12/1449

**Division:** Culture & Community

**Trim No:** IC15/400

**Appendix:**

1. Petition from Lorne Residents against the Torquay Aquatic Centre (D15/82901)
2. Petition from Surf Coast Shire Residents against the Torquay Aquatic Centre (D15/82929)

**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

**Reason:** Nil

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**Purpose**

To respond to the two petitions submitted by Surf Coast Shire residents about the proposal to fund an Aquatic and Health Centre in Torquay.

**Summary**

Council has engaged widely with the community since July 2015 about the proposal to fund an Aquatic and Health Centre in Torquay.

During the month of September 2015, Council held five community forums across the Shire to both provide information about the proposal to fund an Aquatic and Health Centre and to seek feedback from residents about this proposal. During the course of the community engagement process, a number of petitions were received opposing the proposal. This report responds to two of the petitions received.

**Recommendation**

That Council:

1. Note the two petitions from members of the community opposing the proposed Aquatic and Health Centre in Torquay.
2. Note that a comprehensive report concerning the proposal to fund an Aquatic and Health Centre will be tabled in December for Council's consideration.
3. Following the December Council meeting, officers will communicate the decision regarding future actions for an Aquatic and Health Centre to petition submitters and to the wider Surf Coast community.



## 4.5 Petitions Opposing the Proposed Aquatic and Health Centre from Surf Coast Shire Residents

### **Report**

#### ***Background***

Two petitions have been received by Surf Coast Shire residents opposing the Aquatic and Health Centre proposal. These petitions were received during the community consultation held across the Shire recently. The two petitions include:

1. A petition consisting of 323 Surf Coast Shire ratepayers against an increase in rates and charges to fund an Aquatic and Health Centre in Torquay.
2. A petition consisting of 35 ratepayers in Lorne opposing the funding model for an Aquatic facility.

In November 2009, Council completed a Feasibility Study for a proposed Aquatic and Leisure Centre in Torquay. The report provided a concept plan, financial operating and construction costs and a number of site options. The consultant's report recommended that Council should not consider the development of such a facility until at least the end of 2015 financial year.

In 2013, Council resolved to revisit the 2009 feasibility study and establish a "Taskforce" to update the 2009 report and advise Council on the type of components such a facility should include and financial modelling if a facility was to proceed. The Taskforce report was provided to Council in September 2014 and provided a range of recommendations based on the work by the Taskforce along with a review of previous resolutions made by Council. At this time, Council resolved to consult further on the Aquatic and Health Facility.

#### ***Discussion***

Council has recently completed its community engagement program to ascertain the level of support from the community for a funding model for an Aquatic and Health Centre. The funding model proposed additional charges and rate increase for ratepayers to fund the capital and operational costs of an Aquatic and Health Facility. This funding model was proposed because one of the guiding principles of the Aquatic and Health Centre was that it would be "in addition to" not "in place of", existing Council commitments.

Council undertook a communication and education campaign to explain the proposed funding model and designed a community engagement process designed to maximise community members' opportunity to have their say and gain further information. Council has received a strong community response to the communication and engagement process.

Five community forums have been held across the Shire attended by 368 people. A market research telephone survey has been conducted in August with a sample size of 600 ratepayers. At the time of writing this report, over 800 email and on-line submissions have been recorded over a six week period. The two petitions contained in this report were received in September.

All of this information, including the petitions outlined in this report, will be considered in forming the advice provided by Council when they consider what future action to take regarding an Aquatic and Health Centre.

#### ***Financial Implications***

There are no financial implications associated with this report.

#### ***Council Plan***

Theme 2 Governance  
Objective 2.4 Transparency in decision making and access to information  
Strategy 2.4.3 Ensure decision-making is as transparent as possible.

#### ***Policy/Legal Implications***

This petition process is aligned with Council Local Law No.2.

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

The risk of not considering these petitions would a less than transparent community engagement process on this issue.

#### **4.5 Petitions Opposing the Proposed Aquatic and Health Centre from Surf Coast Shire Residents**

##### ***Social Considerations***

Residents having the ability to influence decisions which affect them are a tenant of good governance and leads to stronger, more connected communities.

##### ***Community Engagement***

As part of the Community Conversation process, Council has engaged as widely and as broadly as possible with the community to receive feedback about the proposal. A petition is one way in which the Community can make known their views about this proposed community infrastructure development.

##### ***Environmental Implications***

There are no environmental implications associated with this petition.

##### ***Communication***

A decision about the proposed Aquatic and Health Centre is expected in December 2015. Following Council's decision, all communities and ratepayers across the Shire will be advised of that outcome through email, Surf Coast Shire web-site and the local media.

Proponents of the petition will be notified about the Council meeting and informed of the decision directly.

##### ***Conclusion***

These two petitions will form part of the information considered by Council in December 2015 about the proposal to fund an Aquatic and Health Centre. The decisions made at the December Council meeting will be communicated to petition submitters and the wider Surf Coast Shire community.

#### 4.6 Proposed Works for Stribling Reserve Lorne

**Author's Title:** Manager Leisure & Wellbeing

**General Manager:** Chris Pike

**Department:** Community

**File No:** F12/2183

**Division:** Culture & Community

**Trim No:** IC15/367

**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

**Reason:** Nil

#### **Purpose**

To approve an allocation of funds for works required at Stribling Reserve Oval that will provide a playing surface at a suitable standard.

#### **Summary**

Stribling Reserve is the active sports precinct for the township of Lorne. It is Crown Land and Council is appointed the Committee of Management to manage the land in a way that is consistent with the reservation. The centrepiece of the Reserve is the oval and the oval is used for football on a seasonal basis. In 2013/14 Council allocated \$320,000 for the Lorne Stribling Reserve Drainage and Oval upgrade. The scope of works included stripping of the existing surface, removal of the underground drainage, levelling and re-seeding of surface with Santa Ana couch grass.

There were some contractual difficulties in delivering this original project and a different type of grass had to be used to deliver the oval in time for the 2014 winter season. During the 2015 season the Section 86 Committee of Management together with the Lorne Football Club expressed their concerns relating to the ground conditions and the safety of players. The oval was not performing as required. The Section 86 Committee commissioned an independent report providing advice to Council about how best to improve the surface. Council also sought independent, expert advice on how to best improve the surface. A meeting has been held with all relevant stakeholders regarding the condition of the ground and to review the various reports provided. As a result of this meeting a proposal for future works was recommended. This report outlines the proposal and associated costs.

#### **Recommendation**

That Council allocate \$100,000 from unallocated cash reserves to enable improvements to be made to the playing surface at Stribling Reserve Oval in time for the 2016 winter season.

## 4.6 Proposed Works for Stribling Reserve Lorne

### Report

#### **Background**

The main oval at Stribling Reserve is used for football and previously for cricket during respective seasons. The site is located in the side of a major hill and has a large open swale on the western side of the ground and a concrete spoon drain on eastern side of the ground. The ground is irrigated.

The oval is also used by the Lorne Aireys Inlet P-12 School and by visiting clubs – predominantly football – for preseason training.

In 2013/14 Council allocated funds to upgrade the oval and these works included sub-surface drainage, new synthetic wicket, concrete curbing and surface levelling. Unfortunately there was a disruption to the contract and as a result the principal contractor was terminated and a new contractor engaged. As a result of this disruption, a different type of grass had to be used in order to get the facility ready for the 2014 winter season. Consequently the oval has not performed at the standard intended by the original project scope. The works suggested in this report aim to achieve the original anticipated results. Officers recommend a further investment now to give the oval surface the best chance of achieving a suitable standard.

The Stribling Reserve Committee of Management and Lorne Football Club have raised concerns around the surface of the oval and as such a meeting has been held with all parties to determine a suitable standard. There is the option of achieving the desired outcome by allowing natural regeneration over a longer period of time; however, there is greater uncertainty with this approach and likely disruption to oval access for users. Therefore, the following program of works is proposed to improve the oval surface including costings for Council's consideration.

#### **Discussion**

A number of reports have been provided with a range of recommendations to improve the surface at Stribling Reserve. There are some similarities between the two reports and consensus has been reached between the independent consultant commissioned by the Stribling Reserve COM and Council's own contractor – Turfcare. An allocation of \$20k (\$15k from soft playing surface renewal program and \$5k from maintenance budget) has been made in 2015/16 to implement **steps 1- 6** of the proposed program. These activities have commenced with a herbicide application and then the commencement of line planting warm season grass (village green kikuyu).

The required renovation works are:

Required Renovation Works	Timing of Works (week commencing)
1.Remove ryegrass (first herbicide application)	21 September 2015
2.Remove ryegrass (second herbicide application)	28 September 2015
3.Soil / Tissue Chemistry Test	5 October 2015
4.Line Planting warm season grass	12 October 2015
5.Application of amendment and starter fertiliser	12 October 2015
6.Ongoing high frequency of fertiliser application (every 6 weeks)	23 November 2015
<b>7.Sand Slitting Oval (12 weeks after line planting) Subject to Council Approval</b>	<b>11 January 2016</b>
<b>8.First Top Dress of Oval Subject to Council Approval</b>	<b>11 January 2016</b>

#### 4.6 Proposed Works for Stribling Reserve Lorne

9. Over sow oval with rye grass (4 weeks prior to football) Subject to Council Approval	29 February 2016
10. Light Top Dress of Oval (if required) Subject to Council Approval	14 March 2016
11. High Frequency Mowing & Watering	(as required)
12. First Round of Football (TBC)	26 March 2016

The actions provided under **Steps 7 – 10** are unbudgeted and therefore officers recommend these works are undertaken in time for the upcoming Australian Rules football season. The activity of sand slitting which is the more expensive item is recommended as it will enable surface water to drain into the sub-soil drainage system faster. An allocation of \$100k is required to fully complete steps 7-10 in work schedule. As part of Council's procurement policy, Council will seek quotations for these additional works once approved.

#### **Financial Implications**

An allocation for removing the ryegrass and line planting with warm season grass has been made in 2014/15. The additional scope of works requires an allocation of \$100k from unallocated cash reserves.

#### **Council Plan**

Theme 1 Environment  
Objective 1.4 Protect public open space and green belts

Theme 4 Infrastructure  
Objective 4.1 Allocation of infrastructure according to need

#### **Policy/Legal Implications**

There is no policy implication for these works; however officers have relied on expert advice from a number of turf experts to provide the most cost effective means to remedy the situation.

#### **Officer Direct or Indirect Interest**

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

#### **Risk Assessment**

There is reputation risk for Council should these scope of works not be pursued. The main users of Stribling Reserve and in particular those who use the oval have stated that there is something seriously wrong with the surface and strongly suggest works are needed. The oval surface is below the standard expected and below the standard of other ovals across the Shire. Any inaction will impact on the local sports clubs, the Stribling Reserve Committee of Management and its ability to generate income and potentially impact on the Lorne P-12 School and their ability to use the Reserve for school activity purposes. This is a risk that further deterioration of the oval surface would raise safety concerns for users.

#### **Social Considerations**

Active open space and having access to active open space is a key ingredient to build a community. The Lorne community is an active one and has a long history of fielding football and cricket teams. The issue around the surface of this ground is one that needs to be addressed to ensuring the continuation of active sport in Lorne.

#### **Community Engagement**

Consultation with the main user groups of the oval has been undertaken including Stribling Reserve Committee of Management and the Lorne Football Club along with the Lorne Ward Councillor.

#### **Environmental Implications**

The program includes applying an herbicide application and as such the main user groups have been notified, however, noting that this application occurred during the school holidays, it had minimal impact on the local environment.

#### **4.6 Proposed Works for Stribling Reserve Lorne**

##### ***Communication***

Should Council allocate funds for these works, the full program of works will be provided to the all key stakeholders via email and through an officer attending the Stribling Reserve COM Committee meeting.

##### ***Conclusion***

Stribling Reserve and the oval is an important community facility for the Lorne community. Unfortunately the works undertaken, including the compromise to the grass species, have not enabled the oval to perform as required. Given that there are a number of reports providing information around the best way to provide a suitable and safe surface, officers recommend an additional allocation of \$100k to enable the facility to be ready for the 2016 winter season.

## 5. MINUTES

### 5.1 Section 86 Committee Minutes

**Author's Title:** Recreation Development Officer      **General Manager:** Chris Pike  
**Department:** Leisure & Wellbeing      **File No:** F11/142  
**Division:** Culture & Community      **Trim No:** IC15/368

#### Appendix:

1. Anderson Roadknight Reserve Committee of Management Minutes - 13 July 2015 (D15/90017)
2. Anderson Roadknight Reserve Committee of Management Minutes - 14 September 2015 (D15/89840)
3. Anderson Roadknight Reserve Committee of Management AGM Minutes - 14 September 2015 (D15/89860)
4. Anglesea Bike Park Committee of Management AGM Minutes - 16 September 2015 (D15/89866)
5. Connewarre Hall and Reserve Committee of Management Minutes - 8 September 2015 (D15/89873)
6. Connewarre Reserve and Hall Committee of Management AGM Minutes - 8 September 2015 (D15/89876)
7. Deans Marsh Public Hall and Memorial Park Committee of Management Minutes - 24 August 2015 (D15/89881)
8. Deans Marsh Public Hall and Memorial Park Committee of Management AGM Minutes - 24 August 2015 (D15/89925)
9. Globe Theatre Committee of Management Minutes - 15 August 2015 (D15/89929)
10. Globe Theatre Committee of Management Minutes AGM - 15 August 2015 (D15/89930)
11. Hearing of Submissions Committee Meeting Minutes - 13 October 2015 (IC15/442)
12. Modewarre Reserve and Hall Committee of Management Minutes - 20 May 2015 (D15/89935)
13. Modewarre Reserve and Hall Committee of Management Minutes - 19 August 2015 (D15/89938)
14. Modewarre Reserve and Hall Committee of Management AGM Minutes - 19 August 2015 (D15/89939)

#### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

#### Status:

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

Reason: Nil

#### Purpose

To receive and note the minutes of the Section 86 Committee meetings as appended.

#### Summary

The minutes provided in this report are draft versions 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:

1. Receive and note the following minutes of the Section 86 Committee of Management meetings:
  - Anderson Roadknight Reserve Committee of Management – Minutes 13 July 2015, Ordinary & AGM Minutes 14 September 2015
  - Anglesea Bike Park Committee of Management – AGM Minutes 16 September 2015
  - Connewarre Reserve & Hall Committee of Management – Ordinary & AGM Minutes 8 September 2015
  - Deans Marsh Memorial Park & Hall Committee of Management – Ordinary & AGM Minutes 24 August 2015

## **5.1 Section 86 Committee Minutes**

- Globe Theatre Committee of Management – Ordinary & AGM Minutes 15 August 2015
  - Hearing of Submissions Committee Meeting Minutes – 13 October 2015
  - Modewarre Reserve & Hall Committee of Management – Minutes 20 May 2015, Ordinary & AGM Minutes 19 August 2015
2. Endorse the appointment of Steve Findlay to the vacancy on Connewarre Reserve & Hall Committee of Management



## 5.2 Advisory Committee Minutes

**Author's Title:** Administration Officer - Governance & Risk      **General Manager:** Sunil Bhalla

**Department:** Governance & Risk

**File No:** F15/403

**Division:** Governance & Infrastructure

**Trim No:** IC15/335

### Appendix:

1. Audit and Risk Committee Meeting Minutes - 8 September 2015 (IC15/286)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

**Reason:** Nil

### Status:

Information classified confidential under Section 77  
of the Local Government Act:

Yes

No

**Reason:** Nil

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### Purpose

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 Audit and Risk Committee Meeting held on the 8<sup>th</sup> September 2015.

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## 6. ASSEMBLIES OF COUNCILLORS

### 6.1 Assemblies of Councillors

**Author's Title:** Administration Officer - Governance & Risk      **General Manager:** Sunil Bhalla

**Department:** Governance & Risk

**File No:** F15/764

**Division:** Governance & Infrastructure

**Trim No:** IC15/440

**Appendix:**

1. Assembly of Councillors - Spring Creek Project Steering Committee - 22 September 2015 (D15/89266)
2. Assembly of Councillors - Aquatic & Health Centre/Agenda Review - 22 September 2015 (D15/83949)
3. Assembly of Councillors - Council Briefing - 6 October 2015 (D15/88403)
4. Assembly of Councillors - Council Briefing - 13 October 2015 (D15/88466)

**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

**Reason:** Nil

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**Purpose**

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:

- Spring Creek Project Steering Committee - 22 September 2015
- Aquatic and Health Centre/Agenda Review – 22 September 2015
- Council Briefing – 6 October 2015
- Council Briefing – 13 October 2015

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## 7. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION

### 7.1 Petition Opposing Increased Rates and Charges to Fund an Aquatic Centre at Torquay

**Author's Title:** Manager Leisure & Wellbeing

**General Manager:** Chris Pike

**Department:** Community

**File No:** F12/1449

**Division:** Culture & Community

**Trim No:** IC15/419

**Appendix:**

1. Petition Opposing Increased Rates and Charges to Fund an Aquatic Centre at Torquay (D15/91787)

**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

**Reason:** Nil

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**Purpose**

To receive and note the petition opposing increased rates and charges to fund an Aquatic Centre at Torquay.

The petition consists of 238 signatures.

**Recommendation**

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

1. Receive and note the petition opposing increased rates and charges to fund an Aquatic Centre at Torquay.
2. Refer the petition to the General Manager Culture and Community for consideration.
3. Require a report on the petition be presented to the December 2015 Ordinary Council Meeting.

## **8. IN-CAMERA**

### **Recommendation**

That Council pursuant to section 89(2)(h) other matters, section 89(2)(a) personnel matters and section 89(2)(d) contractual matters of the Local Government Act 1989, close the meeting to members of the public to resolve on matters pertaining to the following items:

#### **8.1 Assemblies of Councillors**

#### **8.2 Appointment of the New Bells Beach Committee**

#### **8.3 Appointment of Members to All Abilities Advisory Committee September 2015**

#### **8.4 Contract 15/601 - Banyul Warri Fields Playground Construction**

### **Recommendation**

That:

1. The resolution and report pertaining to In Camera item 8.1 remain In Camera.
2. The resolution pertaining to In Camera items 8.2, 8.3 and 8.4 be made public and the reports remain In Camera.
3. Council open the meeting to the public at pm.

**Close:** There being no further items of business the meeting closed at pm.