



Agenda

Ordinary Meeting of Council
Tuesday, 24 May 2016

To be held at
Eastern Reserve
Hopkins Street, Winchelsea

Commencing at 6.00pm

Council:

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

AGENDA FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
TO BE HELD AT EASTERN RESERVE, HOPKINS STREET, WINCHELSEA
ON TUESDAY 24 MAY 2016 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 26 April 2016, and the Special meeting of Council held on 17 May 2016, as correct records of the meetings.

LEAVE OF ABSENCE REQUESTS:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

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

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

A person has a direct interest if:

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

A person has an indirect interest if the person has:

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

Disclosure of Interest

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

PRESENTATIONS:

PUBLIC QUESTION TIME:

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1. OFFICE OF THE CEO

1.1 Quarterly Finance Report - March 2016

Author's Title: Coordinator Management Accounting **CEO:** Keith Baillie
Department: Finance **File No:** F15/973
Division: Office of the CEO **Trim No:** IC16/480

Appendix:

1. Quarterly Finance Report - March 2016 (D16/38257)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

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 March 2016.

Summary

An executive summary, financial analysis, capital works and new initiatives performance summary, financial position analysis and consolidated financial statements are included for the nine months ending 31 March 2016. 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	18.59	\$2.32m favourable to Budget
Capital Works expenditure	9.88	\$2.98m favourable to Budget
New Initiatives expenditure	1.14	\$0.70m favourable to Budget
Net Assets & Total Equity	397.16	\$2.32m favourable to Budget
Cash & Cash Equivalents (including financial assets)	32.51	\$3.08m favourable to Budget
Working Capital Ratio	422%	73% favourable to Budget

Recommendation

That Council note the financial results, variances and explanations for the nine months ended 31 March 2016.

1.1 Quarterly Finance Report - March 2016

Report

Background

The attached financial report for the nine months ended 31 March 2016 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 \$18.6 million, which is \$2.3 million favourable to budget. This variance is mainly due to materials and services favourable to budget of \$2.2 million.

Capital Works

The year-to-date capital works shows a total of \$9.9 million, which is \$3.0 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 \$1.1 million, which is \$0.7 million favourable to budget. The variance is mainly due to timing of works completed to date compared to the timing of budgeted expenditure.

Balance Sheet

The working capital ratio is currently 422%, which is favourable to budget by 73%. 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 31 March 2016 is \$32.5 million, which is \$3.1 million favourable to budget mainly due to payment for capital projects being lower than budget by \$3.0 million..

Net assets and total equity is currently \$397.2 million, which is favourable to budget by \$2.3 million. This variance is due to the net surplus being favourable to budget \$2.3 million.

Borrowings have decreased to \$15.72 million.

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

The detailed Financial Report for March 2016 is attached.

Financial Implications

Year to date budget variations for the nine months ended 31 March 2016 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.”

The Monthly Finance Report both fulfils this requirement, and provides supplementary information which is beneficial in the explanation of Council's financial position.

1.1 Quarterly Finance Report - March 2016

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. Using the Victorian Auditor-General's Office measure of sustainability, Council's 2014/15 risk indicators show Council as low risk for four indicators and medium risk for two indicators. The two medium risk indicators are indebtedness and renewal gap ratio.

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.

1.2 Monthly Finance Report - Project Variations April 2016

Author's Title: Manager Finance

CEO: Keith Baillie

Department: Finance

File No: F15/973

Division: Office of the CEO

Trim No: IC16/532

Appendix:

1. Monthly Finance Report - April 2016 (D16/43389)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To receive and approve the project variations for April 2016

Summary

The project variations for April 2016 are included.

Recommendation

1. That Council approve the project variations for April 2016 transferring a net of \$152,599 to the accumulated unallocated reserve, \$833 from the asset renewal reserve and \$756 from the open space reserve as listed in the April Finance Report.

1.2 Monthly Finance Report - Project Variations April 2016

Report

Background

Council receives a monthly project variations report to authorise transfer of project budgets.

Discussion

The proposed project variations are outlined in the attachment.

Financial Implications

The proposed project variations are outlined in the attachment.

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

Not applicable.

Officer Direct or Indirect Interest

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

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

It is recommended that Council approve the project variations for April 2016.

1.3 Service Review - Engineering Services Fees and Charges

Author's Title: Manager Business Improvement

CEO: Keith Baillie

Department: Office of the CEO

File No: F15/885

Division: Office of the CEO

Trim No: IC16/538

Appendix:

1. Service Review - Engineering Services Fees and Charges (D16/36369)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To consider a range of recommendations arising from the review into the charges levied by the Engineering Services department.

Summary

Conducting a review into the charges levied by the Engineering Services department was endorsed by Council as part of the 2015/16 Business Improvement program.

The objective of this project was to review the services provided by this department to ensure that the fees and charges levied by the group:

- Reflect the costs incurred to deliver the services; and
- Are consistent with current industry practice

The project was to also identify opportunities for additional charges for services which are currently provided without charge.

The recommendations are separated as strategic recommendations for Council adoption and operational recommendations for Council noting.

Recommendation

That Council:

1. Adopt the recommendations listed in appendix 1 that will alter the Fees and Charges Schedule in the Draft 2016/17 Budget.
2. Note the recommendations listed in appendix 1 related to operational improvements.

1.3 Service Review - Engineering Services Fees and Charges

Report

Background

Conducting a review into the charges levied by the Engineering Services department was endorsed by Council as part of the 2015/16 Business Improvement program.

The objective of this project was to review the services provided by this department to ensure that the fees and charges levied by the group:

- Reflect the costs incurred to deliver the services; and
- Are consistent with current industry practice

The project was to also identify opportunities for additional charges for services which are currently provided without charge.

Discussion

Council's Engineering Operations department administers permits to protect its land and assets. The three common permits are:

- Vehicle Crossing
- Road Opening / Road Works
- Asset Protection

Council generates approximately \$70,000 per annum in fees from these permits, which goes some way to funding the resources to administer these permits.

In addition to these services which are charged, the Engineering Services department deliver a range of services to the community without charge. A selection of these are listed below:

- Additional inspections necessary to close off permits listed earlier.
- Review and approval of construction traffic management plans.
- Review and approval of event traffic management plans.
- Review and approval of Over Dimensional Vehicle Permits.
- The provision of traffic data to engineering consultants.
- Consider and manage technical impacts of development (including infill development).

A process mapping exercise has been completed to better understand the time that Officers take to deliver a number of these services. In addition to this a benchmarking exercise was undertaken to understand the fees and charges levied by other Council's in the region. The detail of these pieces of work, along with further discussion and recommendations, can be found in Appendix 1.

Financial Implications

The recommendations in this report will result in a net increase in fee revenue in the 2016/17 budget of approximately \$10,000.

Council Plan

Theme 2 Governance
Objective 2.2 High performing accountable organisation
Strategy 2.2.4 Undertake a scheduled program of service reviews aimed at improving efficiency and effectiveness in service delivery in accordance with agreed principles.

Policy/Legal Implications

Council can charge fees in accordance with Section 113 of the Local Government Act. Council's Local Law No. 1 Part 3 considers fees for the protection of Council land and assets.

Officer Direct or Indirect Interest

Not applicable

1.3 Service Review - Engineering Services Fees and Charges

Risk Assessment

There is a risk that with the adoption of these recommendations that there will be an increase in non-compliance to Council's Local Laws regarding these permits due to increased costs. This has been considered to be a negligible risk.

Social Considerations

Not applicable

Community Engagement

Adopting the recommendations contained in this report will allow them to be included in the 2016/17 Budget. Regular service users will be sent letters advising them of the changes.

Environmental Implications

Not applicable

Communication

Adopting the recommendations contained in this report will allow them to be included in the 2016/17 Budget. Regular service users will be sent letters advising them of the changes.

Conclusion

The service review into the fees and charges levied by the Engineering Services department has been completed. A range of recommendations has been put forward, both strategic and operational, for Council to adopt or note. The recommendations ensure that fees charged better reflect the cost incurred to deliver the services. The recommendations will positively impact the 2016/17 budget.

2. GOVERNANCE & INFRASTRUCTURE

2.1 Winchelsea Ward Update - 24 May 2016

Author's Title: Executive Assistant

General Manager: Anne Howard

Department: Governance & Infrastructure

File No: F15/100

Division: Governance & Infrastructure

Trim No: IC16/541

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To receive and note the Winchelsea Ward update.

Summary

Information is provided on a selection of recent and upcoming infrastructure works and community events in the Winchelsea Ward.

Recommendation

That Council receive and note the Winchelsea Ward update.

2.1 Winchelsea Ward Update - 24 May 2016

Report

Background

A report on local topical issues is provided to coincide with the Council meeting in the Ward. This report summarises the key current and recent infrastructure works and community events in the Winchelsea Ward.

Discussion

Infrastructure

A list and information about a selection of infrastructure projects in the Winchelsea Ward follows:

Project: Modewarre Reserve Tennis Playspace

Description: Upgrade to the Modewarre Tennis Courts and implementation of a new playground, BBQ and converted shelter.

Budget: \$190,000 approx. (funded jointly by Council and SRV)

Completion date: June 2016

Project: Bellbrae Hall Extension Design

Description: Council is close to completing the design of the Bellbrae Hall extension. As per the endorsed Masterplan, the Bellbrae Hall Extension includes a new hall space, storage facilities, upgrade toilets and kitchen, DDA Access and acoustic elements which will provide a greater accessibility and functionality for Bellbrae Community groups. Consultation has occurred between the user groups of the current hall and the users of the Bellbrae Heartspace achieving the majority of design input requests.

Budget: \$20,000

Completion date: June 2016

Project: Winchelsea Scouts/Tennis Building Design

Description: New joint use building between Winchelsea Scouts and Winchelsea Tennis Club. Preliminary discussions with both stakeholders have been ongoing with the Scouts seeking a long term tenure (50+ years) to balance their investment (300K +). Council has \$10,000 in the 15/16 budget to complete concept designs.

Budget: \$10,000

Completion date: TBC

Project: Eastern Reserve Improvement Project

Description: Winchelsea Cricket Club have proposed to install a turf wicket and storage shed at Eastern Reserve. The club are updating a proposal to submit to the Eastern Reserve Committee of Management (ERCOM) and Council for approval. Discussions are ongoing in regards to the scope of the project, which may require an upgrade to the Hesse Street Oval. Council has allocated \$20,000 in the 15/16 budget toward this development.

Budget: \$20,000

Completion date: TBC

Project: Winchelsea Men's Shed Extension

Description: Winchelsea Men's Shed has applied for a State Government Men's Shed Grant to extend the current shed into the existing Community Garden area with a designated metal workshop and verandah shelter. This will provide the members with a safe area to work with metal and shaded area for social gatherings.

Budget: \$18,700 approx. (State Government funding application)

Completion date: TBC

Project: Eastern Reserve Drinking Fountain

Description: A drinking fountain has been installed into the gym area of the Winchelsea Health Club.

Budget: \$3,000

Completion date: Complete.

Project: Connewarre Landcare Pathway extension

Description: Extension of an existing gravel pathway at the rear of Connewarre reserve. Works include excavation and realignment of existing path to create an extended loop, as per the Connewarre reserve masterplan.

2.1 Winchelsea Ward Update - 24 May 2016

Budget: \$5000 approx. (funded by Landcare)
Completion date: November 2016

Project: Trebeck and Beal Court Special Charge Scheme

Description: Construction of Trebeck and Beal Courts

Budget: \$201,000

Completion date: March 2017 (*subject to formal Declaration of a Special Charge Scheme*)

Project: Mount Moriac Depot, Hendy Main Road

Description: Environmental Rehabilitation of site prior to sale

Budget: \$75,000

Completion date: June 2016

Project: Winchelsea WW1 Victoria Cross Memorial

Description: Council secured State and Federal grants to construct a WW1 VC memorial in Winchelsea.

Budget: \$45K

Completion date: Sunday 22 May 2016 – official opening

Project: Sealed Road Renewal

Description: Asphalt resurfacing – Service Road in front of Winchelsea Post Office and car park behind old Winchelsea Shire Hall

Budget: \$100,000

Completion date: April 2016

Project: Building Cyclic Maintenance

Description: Floor Sanding and/or resealing at Connewarre Hall, Globe Theatre, Wurdale Hall, Modewarre Hall

Budget: \$16,000

Completion date: September to April 2016

Project: Building Renewal Maintenance

- Eastern Reserve Change rooms
 - Modification Ambulant/DDA Compliance toilets, storerooms, painting. Budget: \$19,000. Completion date: May 2016
- Winchelsea Community House
 - Blinds replacement. Budget: \$4,000. Completion date: February 2016.
 - Carpet replacement. Budget: \$11,000. Completion date: June 2016
- Winchelsea Pool
 - Kiosk refurbishment and removal of change room trip hazards. Budget: \$7,000. Completion date: November 2015.
 - Shell structural repairs and seal. Budget: \$14,000. Completion date: June 2016
- Connewarre Hall
 - Refurbishment of internal toilets to DDA compliant. Budget: \$40,000. Completion date: February 2016
- Freshwater Creek Hall
 - Refurbishment of internal toilets to DDA compliant. Budget: \$28,000. Completion date: February 2016.
 - Replace Kitchen benches. Budget: \$9,000. Completion date: April 2016

Other community updates

Pest, plants and animals

Council contractors completed their woody weed program on the rural roadsides surrounding Winchelsea targeting the weeds Blackberry, Gorse, Broom and Sweet Briar as well as grassy weeds such as Serrated Tussock, Chilean Needle grass and Texas Needle grass.

Contractors also closed down and fumigated rabbit burrows within the township in the road reserve of Sussex, Neilson and Cooper Streets.

2.1 Winchelsea Ward Update - 24 May 2016

Winchelsea Common update

Planning for remediation of the Winchelsea Common continues. The Environment Protection Authority has issued the Department of Environment, Land, Water and Planning (as the owner of the land) a Clean Up Notice. DEWP and Council are working together to meet the requirements of the Notice by the deadline 1 May 2016.

The response to the Notice must provide the EPA with an outline of how the local community will be involved in planning for the return of public access to the Common. A workshop was recently held to develop a community engagement plan on the details of how the community consultation would be undertaken. Work continues on finalising this engagement plan.

DELWP, Council and the Winchelsea Gun Club have reached an agreement on the removal of Gun Club assets from the Common. This is likely to occur sometime over the next two months.

Weed work has continued in March and April, with a contractor in spot spraying weeds such as Flax-leaf Broom.

Events

The Winchelsea Ward has hosted a number of events over the recent months. A snapshot of some recent and upcoming events as follows:

Grasstree Park Nature Reserve Masterplan – Site Tour and Design Workshop

Description: The Masterplan will outline the future use, management and enjoyment of the reserve, in particular the central open grassed space which currently has limited conservation value.

Date: 17 May 2016

Western Quarter Horse Opening

Description: Opening of the new Western District Quarter Horse Association arena at Moriac Reserve Equestrian Facility.

Sunday 22 May 2016, 10am.

Winchelsea WW1 Victoria Cross Memorial Official Opening

Sunday 22 May 2016

Activities from 10am – Official ceremony at 1pm

Surf Coast Arts Trail

Saturday, 13 August 2016 and Sunday, 14 August 2016

Surf Coast Shire including Winchelsea

Winchelsea Spring Flower and Craft Show

Saturday, 27 August 2016

Financial Implications

Any financial implications have been outlined within the body of the report.

Council Plan

Theme Nil

Objective Nil

Strategy Nil

Policy/Legal Implications

Council Plan Objective: Inclusive and accountable governance and community focused infrastructure services.

Officer Direct or Indirect Interest

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

2.1 Winchelsea Ward Update - 24 May 2016

Risk Assessment

All projects and events listed above have included risk assessment.

Social Considerations

Council provides and maintains community infrastructure to specified standards in adopted Asset Management Plans. Safe, attractive and appropriate facilities, and properly coordinated events contribute significantly to health and well-being outcomes in the community.

Community Engagement

Not applicable.

Environmental Implications

Environmental implications of each project are considered during the planning phase of each project.

Communication

This report is provided to inform the Winchelsea Ward community.

Conclusion

A range of infrastructure works and community events have been undertaken, or are scheduled to occur in the near future in the Winchelsea Ward. A summary of these activities is provided within the report for information

2.2 Council Plan 2013 - 2017 Year-to-Date Progress Report - 31 March 2016

Author's Title: Coordinator Corporate Planning

General Manager: Anne Howard

Department: Governance & Risk

File No: F15/1485

Division: Governance & Infrastructure

Trim No: IC16/432

Appendix:

1. Council Plan 2013 - 2017 - March year-to-date report - March 2016 (D16/27272)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To receive and note the attached Council Plan 2013 – 2017 year-to-date progress report for 31 March 2016.

Summary

This report marks the third report against the amended Council Plan 2013 – 2017 adopted by Council in June 2015. This year-to-date progress report provides an update on performance against the Council Plan strategies and measures adopted by Council following the mid-term review of the Council Plan. A summary of highlights and challenges will be incorporated into the Annual Report 2015 – 2016.

For the strategies and measures contained in the amended Council Plan 2013 – 2017 the year-to-date results are as follows:

Status	Strategies		Measures	
	No.	%	No.	%
Work in progress	75	74	73	86
Met or exceeded	25	24	12	14
Not met	1	1	0	0
No action 2015 - 2016	1	1	0	0
Total	102	100	85	100

Recommendation

That Council receive and note the attached Council Plan 2013 – 2017 year –to-date progress report for 31 March 2016.

2.2 Council Plan 2013 - 2017 Year-to-Date Progress Report - 31 March 2016

Report

Background

This is the third year-to-date progress report against actions to deliver the amended Council Plan 2013 – 2017 strategies and measures for the 2015 – 2016 financial year.

This information is provided to Council to enable progressive performance monitoring against delivery of the amended Council Plan 2013 – 2017 adopted by Council in June 2015.

Annual performance against the Council Plan strategies, measures and targets is required to be reported in the Annual Report each year in accordance with the Local Government (Planning and Reporting) Regulations 2014.

Discussion

The year-to-date progress performance results for 2015 – 2016 are summarised in the attached report.

This report has been formatted to include:

1. An executive summary including corporate dashboard
2. Strategies – including detail on performance status and comments
3. Measures – including detail on performance status and comments

Overall year-to-date progress to 31 March 2016 is as follows:

Status Indicator	Work in progress	Met or exceeded	Not met	No action planned 2015 - 2016	Total
Strategies	75	25	1	1	102
Measures	73	12	-	-	85

Please note the above results include strategies and actions where 'no action' has been identified for delivery this year. The focus of performance reporting for the remainder of 2015 – 2016 will be against key deliverables identified for the current financial year.

Comments where actions for strategies identified as “not met”

No.	Strategy	Action	Comment
1.	4.3.5 Identify a corridor of land for a potential future heavy vehicle by-pass for Winchelsea.	4.3.5.1 Consider broader issue of by-pass as part for Growing Winchelsea project	The Growing Winchelsea plan recommends the Beyond 10 Years Structure plan include feasibility of providing a heavy vehicle bypass route. So matter has been considered but delivery is beyond this Council Plan.

Financial Implications

The actions and measures used as the basis of performance reporting against the Council Plan have been included in the Budget 2015 – 2016.

Council Plan

Theme 2 Governance
 Objective 2.2 High performing accountable organisation
 Strategy Select Strategy text

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

2.2 Council Plan 2013 - 2017 Year-to-Date Progress Report - 31 March 2016

Policy/Legal Implications

Progress reporting against the Council Plan is in accordance with legislative requirements as specified in the Act and the Regulations.

Officer Direct or Indirect Interest

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

Risk Assessment

A lack of monitoring and performance reporting could expose Council to a breach of its statutory responsibilities and a lack of progress in delivery of Council Plan strategies and measures.

Social Considerations

Council is committed to the vision of "Working towards an engaged, innovative and sustainable community". Open and transparent performance reporting supports the delivery of a transparent, high performing and sustainable organisation that engages with the community and adopts robust risk management practices.

Community Engagement

Council's progress in delivering the Council Plan strategies and measures will be presented to a quarterly ordinary meeting of Council which is open to the public. In addition the minutes of each meeting will be available to the public via the website www.surfcoast.vic.gov.au and included in the Surf Coast Shire Annual Report.

Environmental Implications

Progress reports will be available to the public electronically to reduce its environmental impact.

Communication

This report will be incorporated into Council minutes and made available to the public and other stakeholders via the Surf Coast Shire website www.surfcoast.vic.gov.au

Conclusion

This report provides information on Council's performance in delivering the amended Council Plan 2013 – 2017 as adopted by Council in June 2015.

2.3 Declaration of Special Charge Scheme for Beal & Trebeck Courts, Winchelsea

Author's Title: Coordinator Special Projects

General Manager: Anne Howard

Department: Engineering Services

File No: F15/747

Division: Governance & Infrastructure

Trim No: IC16/371

Appendix:

1. Schedule D (D16/3065)
2. Scope of Works & Apportionment Plan (D16/2817)
3. Summary of Submissions (D16/31749)
4. Photos of Existing Conditions (D16/3103)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To consider the submissions received from property owners regarding a proposed Special Charge Scheme to assist in the funding of construction and sealing of Beal and Trebeck Courts, Winchelsea, and to consider formal declaration of the Scheme.

Summary

Council has been petitioned by residents seeking the construction and sealing of Beal and Trebeck Courts, Winchelsea. The 1.4 km long roads currently have unsealed gravel surface providing sole access to 28 rural residential properties.

At its 23 February 2016 meeting, Council resolved to give notice of "its intention to declare" a Special Charge Scheme to raise \$114,590 of the \$201,478 estimated cost of the proposed construction from 30 owners of property identified as receiving special benefit from the proposed works.

Details of the project and proposed Scheme were published in the Winchelsea Star and Surf Coast Times on 3 March 2016. All affected owners were notified of Council's resolution and provided with a copy of the public notice.

Council has received two written submissions. One owner supports proceeding with the project, and one is opposed.

Any property owner affected by Council's final decision can refer the matter to VCAT for review.

If the project proceeds, it will be necessary for Council to allocate \$86,888 to the project in accordance with Council's Special Charge Scheme Policy.

Recommendation

That Council:

1. Having considered the submissions received, declares a Special Charge Scheme in accordance with Sections 163 & 163A of the Local Government Act 1989 as follows:
 - 1.1 The Special Charge is declared for the purpose of raising \$114,590 of the \$201,478 to be incurred by Council in relation to the construction of Beal and Trebeck Courts, Winchelsea. Council considers that the works will be of special benefit to those persons required to pay the Special Charge.
 - 1.2 The Special Charge is declared for a period of ten years, commencing upon completion of the works.
 - 1.3 The Special Charge is declared for all thirty properties described in Columns A, B and C of Schedule D (Appendix 1) and shown on the attached plan (Appendix 2).
 - 1.4 A maximum Benefit Ratio of 0.93 calculated in accordance with Section 163 (2A) of

2.3 Declaration of Special Charge Scheme for Beal & Trebeck Courts, Winchelsea

- the Act, is considered to reflect the special benefits to the properties in the Scheme.
- 1.5 The Scheme costs are apportioned on the basis that each property will receive all weather access and dust, mud and noise will be reduced. The apportionment of the Special Charge reflects the relative benefits derived from improvement to both property access and amenity.
- 1.6 The Special Charge so declared will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163(4) and 163(5) of the Act.
- 1.7 Having regard to the preceding parts of this resolution but subject to Section 166 (1) of the Act, record that:
- 1.7.1 The owners of the properties listed in Column A, B, & C of Schedule D (Appendix 1) are estimated to be liable for the respective amounts as set out in Column H of the Schedule D (Appendix 1); and
- 1.7.2 Such owners may, subject to any further resolution of Council, pay the Special Charge in the following manner:
- 1.7.2.1 The Charge shall become due and payable within 1 month of the issue of an invoice requesting payment pursuant to Section 167(3) of the Act and may be paid in forty quarterly instalments from that date.
- 1.7.2.2 If payments are made by instalments, interest will be charged on the outstanding balance owing to Council. The interest rate charged will be the borrowing rate applicable at the time of declaration plus 1% administrative charge.
- 1.7.2.3 In accordance with Section 172 of the Act, the rate of interest payable on the Special Charge which has not been paid by the specific date as set out by Council shall be the rate fixed under the Penalty Interest Rate Act.

2.3 Declaration of Special Charge Scheme for Beal & Trebeck Courts, Winchelsea

Report

Background

Council originally investigated the possible construction of the 1.4km long unsealed Beal and Trebeck Courts in 2008. Following detailed consultation, the project was abandoned as there was not a majority of support from affected property owners.

In August 2015, investigations recommenced following another approach from residents. Three community meetings have been held and several construction and cost apportionment options discussed.

In November 2015, all 30 affected property owners were surveyed and asked to provide feedback on a number of alternatives.

Of the 16 property owners who responded, 13 were supportive in principle, and three preferred that no construction be undertaken. Additional comments included:

- Cost apportionment could be fairer
- Prefer the unsealed road surface
- Concern about the cost and their ability to pay the Charge

At its meeting on 23 February 2016, Council declared "its intention" to construct and seal Beal and Trebeck Courts, Winchelsea; with some funding raised through a Special Charge Scheme. Following the Council resolution, all 30 property owners affected by the proposed Special Charge Scheme were advised and invited to make submissions in accordance with Section 163A and 223 of the Local Government Act. A Public Notice was also published on 3 March 2016.

Two submissions have been received. One owner supports the proposal and one is opposed to several aspects of the Scheme.

Discussion

Existing Conditions

Beal and Trebeck Courts were created as part a rural residential subdivision in 1987. The streets are constructed with a gravel pavement which corrugates quickly in dry summer conditions and is muddy in winter. Apart from two properties which also front the Winchelsea-Inverleigh Road, all properties are dependent upon the streets for vehicular access. The gravel pavement varies in width between 6 metres and 7 metres.

The area is relatively flat but the existing open table drains running parallel to the road formation appear to be adequate. Some of the driveway culvert crossings have not been constructed to contemporary standards and could be reviewed with property owners during the consultation process.

December 2014 traffic surveys indicate daily volumes of 200 vehicles per day in Beal Court reducing to 100 vehicles per day half way along Trebeck Court. The 85%ile speeds (speed at or below which 85% of the vehicles are travelling) are similar to the 50 kmph speed limit. There is currently no opportunity for future property development and therefore the traffic volumes and characteristics are unlikely to change significantly.

Photos of existing conditions are attached at Appendix 4.

Proposed Works

The feedback from Council's consultation indicates that the preferred scope involves:

- Beal Court. Construction and sealing 6 metres wide between Inverleigh Road and Trebeck Court intersection. Road west of intersection to remain unsealed.
- Trebeck Court. Construction and sealing 6 metres wide to west of sweeping curve, then narrowing to 4 metres. Although a 4 metre wide seal is below contemporary street standards, it has proved to be adequate for similar rural low volume/low speed roads.

2.3 Declaration of Special Charge Scheme for Beal & Trebeck Courts, Winchelsea

The proposed scope includes realignment of the Beal Court and Trebeck Court intersection to match the higher volume Trebeck Court. Council Policy acknowledges financial responsibility for road safety and it is expected that construction of this intersection improvement would be funded by Council in the near future, independent of the proposed road construction.

Special Benefit and Cost Apportionment

The Local Government Act and Council's Special Charge Scheme Policy provide guidance in relation to the cost sharing between Council and the benefiting property owners. The maximum proportion of a project cost that can be apportioned to benefiting property owners is known as the Benefit Ratio. Ministerial Guidelines provide Councils with advice about how this must be calculated. The only wider community use of these streets relates to pedestrian and maintenance vehicle access to Council's recreation reserve and is reflected in a maximum Benefit Ratio of 0.93. However, Council's Special Charge Scheme Policy, has been significantly amended since the original Beal and Trebeck investigations, and now provides more generous financial support towards gravel road sealing projects.

The Policy indicates that Council will contribute funds "equivalent to the cost of a 100 mm gravel resheet" and pay for "all costs associated with the traffic management works". The proposed Special Charge Scheme cost of \$114,590 is based upon the Policy and represents an equivalent Benefit Ratio of 0.57.

The proposed Scheme includes all properties that abut the two streets.

The proposed apportionment of the Scheme costs amongst the benefiting properties is shown on Appendix 2 and detailed in Schedule D and is based upon both access and amenity criteria. Access benefit is apportioned to each property with principal access from the respective streets. Amenity, which reflects environmental improvements like dust reduction, has been apportioned only to those properties that have frontages to the proposed sealing. Under the proposed cost apportionment benefiting properties will be charged between \$896 and \$5,116, depending upon the sum of the special benefits attributed to each property.

Submissions Received

Two submissions have been received and these are detailed in Appendix 3. One is supportive of the scheme and the other is opposed to several aspects of the Scheme. The officer response provided to the submissions proposes that there be no change to the scheme in consideration of the issues raised.

Financial Implications

Estimated Project Cost:	\$201,478
Estimated Special Charge:	\$114,590
Estimated Council funding required:	\$86,888

Council would benefit from reduced maintenance costs and the works would provide a significant improvement in the level of service delivered. However, this project is not currently included in Council's Draft Ten Year Capital Works Program. If a Special Charge Scheme is declared, a request for Council contribution could be referred for consideration in the future Capital Works Program. Alternatively, consideration could be given to allocating funds from the Gherang Gravel Pits Reserve Fund, (established in 2011, to receive royalty payments and to provide for pit rehabilitation and improvements to the road network) or from the Annual \$500,000 Gravel Resheeting Program on the basis that no further resheeting will be necessary.

Project design and consultation with the affected property owners, will require a significant commitment of officer time, the cost of which will be recouped if the Scheme proceeds.

Council Plan

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.

2.3 Declaration of Special Charge Scheme for Beal & Trebeck Courts, Winchelsea

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

Theme 4 Infrastructure
Objective 4.3 Enhance key rural and coastal roads and transport options
Strategy Nil

The provision of improved road access is consistent with the Council Plan and its objective to "...meet our community's needs for accessible, well maintained and safe infrastructure." The proposed construction is lower than contemporary standards but is cognisant of the need to construct "Community infrastructure that responds to community demand." It reflects the Council Strategy to identify the "...service needs for each community on a place based approach."

Policy/Legal Implications

Council's Special Charge Scheme Policy, which sets out the strategic framework for the construction of infrastructure, including gravel road construction, requires Council to discontinue a Scheme if more than 40% of the affected owners object to the scheme in instances where Council is seeking to raise over two thirds (66%) of the total project cost through the special charge.

In this instance the proposed Charge will raise 57% of the project cost. Cl 185 of the Local Government Act gives affected owners the right to apply for review by VCAT.

Officer Direct or Indirect Interest

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

Risk Assessment

The construction and sealing of the roads will provide a consistent firm surface and be a significant safety improvement for motorists, pedestrians and cyclists.

The proposed 4m wide seal for the western section of Trebeck Court is below contemporary standards. However, it is considered adequate for the current low traffic volumes.

Social Considerations

The sealing of the road will significantly improve conditions for abutting residents by removing the dust nuisance in summer and the muddy conditions in winter.

In accordance with the Local Government Act legislation and Surf Coast Shire Policy, the terms of the proposed Scheme provide the option for owners to pay in full upon completion of the works, or by 40 quarterly instalments, with interest, over ten years.

One of the submitters has indicated that the imposition of the Special Charge will cause significant financial hardship and this may require a sympathetic approach to reduce any personal anxiety. Any property owner who expresses their inability to pay the charge will be advised that they can apply for consideration under Council's Rates Assistance Policy SCS-003 for Rate Deferment.

Community Engagement

All property owners have been invited to meet, attend site inspections, and contribute to the development of the project scope and to consider how to most equitably apportion the Special Charge.

Environmental Implications

The sealing of the streets will reduce the extent of dust nuisance to abutting residents and improve the quality of the storm water runoff by reducing the extent of siltation of the table drains. The proposed works can be contained within the existing formation and there will be no impact on the roadside vegetation.

Communication

Following Council's final resolution and in accordance with Clauses 158(4), 163(5) and Section 9 of the Local Government Regulations the affected property owners will be formally notified including:

2.3 Declaration of Special Charge Scheme for Beal & Trebeck Courts, Winchelsea

The amount of liability, the basis of assessment, the manner and timing of when charge can be paid, the period the charge remains in force, and the rights of a person to object.

Conclusion

The proposed road works will improve both the access and amenity for property owners within the Special Charge Scheme boundary.

The feedback from affected property owners suggests that there is broad support to the construction of Beal and Trebeck Courts. However, there is some concern about financial hardship that the Scheme charges will impose.

The proposed Special Charge Scheme, prepared in accordance with the Local Government Act provisions, is considered to equitably apportion the estimated costs amongst the benefiting properties.

2.4 Petition Requesting the Construction and Sealing of Gilbert St, Aireys Inlet

Author's Title: Coordinator Special Projects

General Manager: Anne Howard

Department: Engineering Services

File No: F16/496

Division: Governance & Infrastructure

Trim No: IC16/402

Appendix:

1. Gilbert Street Locality Plan (D16/35050)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To respond to the petition received and noted by Council at the 26 April 2016 Council meeting in relation to the construction and sealing of Gilbert St, Aireys Inlet.

Summary

The petition requests that Council “investigate the possibility of sealing Gilbert Street between Aireys St and Boundary Rd, with bitumen.”

In response to the petition it is proposed to:

- Assess the request against Council's service levels for local roads.
- Review similar projects conducted in Airey's Inlet over recent years to provide broader context to the current petition
- Investigate the scope of works, estimated construction cost, the likely Benefit Ratio (wider community benefit) to inform an assessment of how costs might be equitably apportioned if a road sealing project proceeds.

If further consideration of the petition is proposed, then consultation with affected owners will be an essential element in assessing the scope of works and level of support for the project and associated funding model.

Recommendation

That Council:

1. Note the receipt of the petition seeking the construction and sealing of Gilbert Street Aireys Inlet, between Aireys Street and Boundary Road.
2. Note that officers will collate information including an assessment of the request against Council's service levels, other similar petitions and road sealing projects that have occurred in Airey's Inlet over recent years.
3. Respond to the petitioners through writing to the first-named petitioner regarding this resolution.

2.4 Petition Requesting the Construction and Sealing of Gilbert St, Aireys Inlet

Report

Background

A petition from the 15 Gilbert Street property owners requesting that Council investigate the feasibility and costs of sealing Gilbert Street, Aireys Inlet between Aireys St and Boundary Road was tabled at the April 2016 Council meeting.

Discussion

The 580m long gravel pavement of Gilbert Street, between Aireys St and Boundary Rd, provides primary access for 24 abutting properties and serves as access to more homes in Hopkins St (west) and further north. An April 2006 (Easter) traffic survey indicates a daily traffic volume of 206 vehicles. The 85th percentile speed (speed at or below which 85% of the traffic is observed to travel) of 55 is above the 50 km per hour speed limit.

Aireys Inlet streets were the subject of an intensive scrutiny by the 2007 & 2008 Citizens Juries that considered if, and what, road and drainage improvements were necessary. The Juries concluded that some drainage improvements (in Precinct 1) were warranted but that the gravel pavements should be retained. Although Gilbert St was not included within the Precinct boundaries, it is immediately adjacent.

Construction and sealing of the street would provide improved access and/or amenity benefits to 24 Gilbert St properties. The street also provides access to about 26 properties in Hopkins Street (west), Boundary Road, Katalin Road, Spence Avenue and Gilbert Street, north of Boundary Road.

A preliminary assessment of Gilbert Street suggests that the road construction works would cost in the order of \$120,000.

The 13 petitioners supporting the action represent over 60% of the adjacent 24 properties. The petition also included a response from two property owners who are not supportive of the sealing of Hopkins Street.

Council has received a number of petitions over recent years that have resulted in sealing of local roads in Airey's Inlet. It is important to understand the cumulative effect of these works on the overall community and it is timely now to review on the broader activities as this may highlight a need to review policy, practice or seek further community consultation.

Financial Implications

The investigations and information-gathering will be conducted by officers within current resources and therefore no financial commitment is required at this time.

Council Plan

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.
Theme	4 Infrastructure
Objective	4.1 Allocation of infrastructure according to need
Strategy	Nil
Theme	4 Infrastructure
Objective	4.3 Enhance key rural and coastal roads and transport options
Strategy	Nil

Policy/Legal Implications

If construction of the street is to be considered some funding from benefiting property owners would be sought through a Special Charge Scheme - in accordance with Council Policy. At this early stage there isn't enough evidence to indicate that there is sufficient support for a Special Charge.

2.4 Petition Requesting the Construction and Sealing of Gilbert St, Aireys Inlet

As Council's Special Charge Scheme Policy indicates, the final outcome "will depend to a large degree on the priority placed upon the work, the level of community support" and available funding.

Officer Direct or Indirect Interest

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

Risk Assessment

Collation of information prior to Council resolving whether to support the petitioners request is a low-risk activity and can provide Council with an ability to make a more-informed decision.

Social Considerations

The construction and sealing of gravel roads in Aireys Inlet has been contentious because some residents value the informality of the unsealed surface over the benefits of reduced dust and improved access gained by sealing the pavement.

The 2007 and 2008 Citizens Juries - very intensive community deliberative processes - considered if and what road and drainage improvements were necessary. The Juries concluded that some road drainage improvements (Precinct 1) were necessary but that the streets should remain unsealed.

A subsequent 2013 petition from property owners has resulted in construction and sealing of the nearby Pearse Road and a proposal to construct Hopkins Street is currently under consideration.

Community Engagement

The subject section of Gilbert Street is just outside the boundary of the Precinct involved in intensive Citizen Jury consultations in 2007 & 2008 which recommended that the streets remain unsealed.

However the consultation for the recent Hopkins Street construction provides a suitable model. This involved the preparation and distribution of a detailed Information Brochure and feedback survey to gain insight into the views of the affected property owners.

Environmental Implications

Sealing of a gravel road pavement would reduce the silt runoff during rainfall and also reduce the dust nuisance in the drier months. Provided that construction can be contained within the existing road formation there will be no impact upon the existing vegetation. Council can consider this when it considers the petition in the near future.

Communication

The petitioners will be notified of the Council resolution by letter, via the first-named petitioner.

Conclusion

Construction and sealing of Gilbert Street, Aireys Inlet between Aireys Street and Boundary Road would provide improved access and/or amenity benefits to the 24 abutting Gilbert Street properties.

2.5 Structure of Rural Councils Victoria

Author's Title: Manager Governance & Risk

Department: Governance & Risk

Division: Governance & Infrastructure

Appendix:

1. RCV Draft Rules of Incorporation (D16/46965)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

General Manager: Anne Howard

File No: F11/397

Trim No: IC16/559

Status:

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

Yes

No

Reason: Nil

Purpose

To consider the request from Rural Councils Victoria (RCV) to approve its incorporation and authorise a vote in favour of this motion on behalf of Surf Coast Shire Council at a meeting of RCV to be held on 10 June 2016.

Summary

Rural Councils Victoria is an unincorporated organisation which represents the interests of rural councils within Victoria which currently has 38 members, of which Council is one.

As the RCV is currently unincorporated, Council is, together with all other member councils, exposed to liability in respect of its operations.

To address this, and to enable the RCV to operate with greater independence and ease, it is proposed to incorporate the RCV as an incorporated association. It will be called 'Rural Councils Victoria Incorporated' and will operate in accordance with the draft Rules, attached to this report.

Recommendation

That Council:

1. Note that the proposed incorporation of Rural Councils Victoria does not involve an investment and/or risk exposure that exceeds the thresholds set out in s 193(5C) of the *Local Government Act 1989*;
2. Vote in favour of authorising Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated;
3. Approve the draft Rules attached to this report as the Rules for Rural Councils Victoria Incorporated; and;
4. Authorise Cr Rose Hodge to vote on Council's behalf on this matter, in accordance with this resolution, at the meeting of RCV to be held on 10 June 2016.

2.5 Structure of Rural Councils Victoria

Report

Background

Rural Councils Victoria (RCV) is an unincorporated organisation which represents the interests of rural councils within Victoria and currently has 38 members, of which Surf Coast Shire Council (Council) is one.

The RCV's work includes:

1. providing opportunities for networking and professional development;
2. activities directed at ensuring the sustainability of rural councils; and
3. activities to assist rural communities to remain sustainable.

This occurs via a number of mechanisms, including the:

1. organisation of forums and conferences for member councils;
2. engagement of consultants to undertake project work; and
3. applying for Government grants, particularly through Regional Development Victoria.

Given that the RCV is not a separate legal entity, it conducts its business through a 'Secretariat'. This involves the Executive appointing a willing council member to, essentially, act as its agent, providing administrative support and entering into contracts on its behalf.

Discussion

As the RCV is currently unincorporated, Council, together with all other member councils, is exposed to liability in respect of its operations.

To address this, and to enable the RCV to operate with greater independence and ease, it is proposed to incorporate the RCV as an incorporated association. It will be called 'Rural Councils Victoria Incorporated' and will operate in accordance with the draft Rules, attached to this report.

The benefits of the RCV being incorporated include that it:

1. is recognised as a separate legal entity, with protection from debts for members and perpetual succession;
2. has the power to own and hold property, enter into contracts and otherwise act as any other legal entity would;
3. cannot distribute profit to its members;
4. must operate in accordance with a set of rules, including a statement of purpose – being the draft Rules attached to this report as; and
5. is operated by a Committee of Management and a Secretary, which are responsible for ensuring that all legislative obligations are complied with, and purposes are being achieved.

The RCV fulfils a number of functions that are important to rural councils in Victoria. Perhaps most importantly, it currently has responsibility for applying for Government grants, particularly through Regional Development Victoria, which are of benefit to rural councils.

It will be important that the RCV is incorporated to enable it to carry on those functions with greater independence and flexibility while still being subject to the views of its member councils.

2.5 Structure of Rural Councils Victoria

It is not expected that the manner in which the RCV operates will be different from its current operations, although election to the Committee of Management will be based on slightly different zones, as set out in the draft Rules attached to this report.

Next Steps

If the RCV continues operating as an unincorporated association, there is a risk that its individual members, including Council, will be exposed to liability if the RCV fails to properly conduct its business. Furthermore, it will be unable to enter into contractual arrangements on its own behalf – instead relying on the Secretariat council to do so.

It is therefore recommended that Council accepts the analysis of Council's investment and risk exposure and votes in favour of the RCV being incorporated on the basis of the draft Rules attached to this report.

It is proposed that a vote of all current members will be held at the next meeting of RCV to be held on 10 June 2016. The vote will, if a majority is in favour, authorise Jim Nolan, Chief Executive Officer of Pyrenees Shire Council (the current Secretariat council), to apply to the Registrar of Incorporated Associations for the incorporation of RCV and approve the draft Rules.

Financial Implications

As Council will, if in favour of this proposal, be participating in the formation and operation of a separate legal entity, it is required, in accordance with s 193 of the *Local Government Act 1989* (LG Act), to have regard to the risks involved and comply with ss 193(5A) and (5B) of the LG Act.

Council is advised that:

1. the total investment involved in Council's participation in the formation of Rural Councils Victoria Limited is \$0.

Council will be required to continue paying membership fees, as fixed by the Committee from time to time, but will not be required to invest anything in respect of the incorporation; and

2. the total risk involved in Council's participation in the formation of Rural Councils Victoria Limited is \$0.

Any liability for the activities of Rural Councils Victoria Limited will attach to it, not to the individual members.

The total investment and risk exposure will therefore be \$0, meaning that Council is not required to take any further action in relation to this matter under s 193(5C) of the LG Act.

Council Plan

Theme 2 Governance

Objective 2.4 Transparency in decision making and access to information

Policy/Legal Implications

This report aligns with the requirements of the Local Government Act 1989.

Officer Direct or Indirect Interest

No officers involved in the development of this report have a conflict of interest.

Risk Assessment

As the RCV is currently unincorporated, Council is, together with all other member councils, exposed to liability in respect of its operations.

To address this, and to enable the RCV to operate with greater independence and ease, it is proposed to incorporate the RCV as an incorporated association. It will be called 'Rural Councils Victoria Incorporated' and will operate in accordance with the draft Rules, attached to this report.

2.5 Structure of Rural Councils Victoria

Social Considerations

Not applicable

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

Council has the opportunity to consider the request from Rural Councils Victoria (RCV) to approve its incorporation and authorise a vote in favour of this motion on behalf of Surf Coast Shire Council at a meeting of the RCV to be held on 10 June 2016.

3. ENVIRONMENT & DEVELOPMENT

3.1 Amendment C103 - Miscellaneous Corrections of Anomalies in the Planning Scheme - Adoption

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

General Manager: Kate Sullivan
File No: F15/498
Trim No: IC16/346

Appendix:

1. Panel Report (D16/40188)
2. Table of Anomaly Corrections (D16/38005)
3. Amended Clause 22.09 (D16/37986)
4. Design and Development Overlay Schedule 12 (D16/37980)

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 the report of the independent planning panel (the Panel) for Planning Scheme Amendment C103 and consider adoption of the amendment.

Summary

Amendment C103 seeks to amend various provisions in the Surf Coast Planning Scheme to correct a number of miscellaneous items by making mapping and wording changes to the Planning Scheme.

The Amendment was publicly exhibited from 16 July 2015 to 11 August 2016. Twenty one submissions were received comprising 6 submissions supporting the Amendment, 3 submissions supporting the Amendment but requesting changes and 12 submissions opposing the Amendment.

As a result of some submissions being unresolved, Council at its meeting on 8 December 2015 resolved to request the Minister for Planning to appoint an independent Panel to review all submissions and the overall merit of the Amendment. A Panel Hearing was subsequently held on 24 February 2016 and the Panel's report has been received and made available to the general public.

The Panel supports the general thrust of the Amendment and recommends that Surf Coast Planning Scheme Amendment C103 be adopted subject to minor amendments to Clause 22.09 - Torquay-Jan Juc Residential Development and Neighbourhood Character Policy with respect to Low Density Residential areas and amending the subdivision provisions in Schedule 12 to the Design and Development Overlay - Lorne Residential Areas.

In addition, the Panel considered that the submission from CFA to change the coverage of the Wildfire Management Overlay to extend over the entire land at 35 Boyd Avenue, Moggs Creek, is not supported because it is beyond the scope of the Panel's assessment of the matters forming part of Amendment C103.

It is recommended that Council support the recommendation of the Panel and adopt Amendment C103 as exhibited subject to minor modifications.

Recommendation

That Council:

1. Adopt Amendment C103 as exhibited subject to the following changes:
 - 1.1 Amending the second column of Table 1 to Clause 22.09 with respect to Low Residential Areas to replace the first sentence with the following:
'Dispersed single housing at low densities minimum 2,000 square metres for sewerred lots; 0.4 hectares for unsewered lots, except where a local variation to this minimum lot size is specified in the Schedule to the Low Density Residential Zone. Any subdivision application will be

3.1 Amendment C103 - Miscellaneous Corrections of Anomalies in the Planning Scheme - Adoption

considered on its merits and where relevant will take into consideration bushfire, vegetation, and landscape significance controls in the planning scheme'

1.2 Amending Clause 3.0 – Subdivision of Schedule 12 – Lorne Residential Areas of the Design and Development Overlay to include the following:

'A permit is not required to subdivide land if the land is developed by two or more dwellings which were lawfully constructed or approved by a permit issued under this Scheme before 16 October 2008.'

2. Forward the adopted Amendment C103 to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.
3. Include the extension of the Wildfire Management Overlay on 35 Boyd Avenue, Moggs Creek, as requested by the Country Fire Authority into the Aireys Inlet Structure Plan implementation amendment.

3.1 Amendment C103 - Miscellaneous Corrections of Anomalies in the Planning Scheme - Adoption

Report

Background

Amendment C103 seeks to amend various provisions in the Surf Coast Planning Scheme to correct a number of items by making map and ordinance changes. The Amendment is part of Council's continuous improvement process of the Surf Coast Planning Scheme and considered to be a 'tidy-up' of the planning scheme. Attached is the summary of the amendment.

The Amendment was exhibited from 16 July 2015 to 11 August 2015 and 21 submissions were received, comprising of 6 submissions in support, 3 submissions in support but requesting changes and 12 submissions in opposition.

Council; at its meeting on 8 December 2015 resolved to request the Minister for Planning to appoint an independent Panel to review all submissions and the overall merit of the Amendment, since there were unresolved submissions.

A Panel Hearing was subsequently held on 24 February 2016, which heard from Council and 3 submitters. The Panel's report was received on 11 March 2015 (refer Appendix 1) and has been made available to the public pursuant to the *Planning and Environmental Act, 1987*.

Discussion

Apart from a few matters of clarification, the Panel considered submissions to the Amendment focussing on the following correction items:

- Correction Item 14 - proposes to rezone land at 35 Boyd Avenue, Moggs Creek from part Public Conservation and Resource Zone (PCRZ) and part General Residential Zone (GRZ1) to Rural Conservation Zone (RCZ). This recognises the rural conservation and private ownership of the entire land which is held in one title. A submission from the CFA requested a change to the extent of coverage of the Wildfire Management Overlay to include the entire subject land.
- Correction Item 18 – proposes to amend the Torquay-Jan Juc Residential Development and Neighbourhood Character Policy, at Table 1 of Clause 22.09, to replace the preferred housing density character of 2,500 square metres for sewered lots in Low Density Residential Areas (in the LDRZ) with 2,000 square metres except where a schedule to the zone specifies a local variation to the minimum lot size.
- Correction Item 24 – proposes to amend Schedule 12 to the Design and Development Overlay (DDO12) – Lorne Residential Areas to vary, with a permit, the minimum lot requirements where land is developed or has been granted approval to be developed with two or more dwellings prior to 16 October 2008 (which is the gazettal date for DDO12).

Correction Item 14 - 35 Boyd Avenue, Moggs Creek.

The Country Fire Authority (CFA) made a submission supporting the Amendment but requesting a change to extend the application of the Wildfire Management Overlay (WMO) over the entire land at 35 Boyd Avenue, Moggs Creek, proposed to be rezoned. Currently the WMO applies to a majority of the subject land except land zoned PCRZ.

The Panel considers that the request to alter the extent of coverage of the WMO is one that lies outside the scope of Amendment C103. This would be a matter that is outside what the Panel has been appointed to consider. Any alteration of the extent of coverage of the WMO would be a change to the planning scheme that has not been canvassed with either the landowner concerned or the public as part of public exhibition.

Council officers consider the Panel's conclusion as reasonable and satisfactory.

It is proposed that this matter should be further pursued as part of the amendment to implement the Aireys Inlet to Eastern View Structure Plan.

Correction Item 18 – Torquay / Jan Juc Low Density Residential Areas

Generally, the submitters were concerned that changing the preferred housing density character for low density residential areas in Torquay-Jan Juc would allow an increase in housing growth within the Castaway Crescent precinct of Jan Juc. This area is characterised by large lots with single dwellings set amongst a combination of remnant native vegetation and planted garden.

3.1 Amendment C103 - Miscellaneous Corrections of Anomalies in the Planning Scheme - Adoption

The exhibited Amendment merely seeks to ensure consistency between what is a policy preference for housing character for Low Density Residential Areas in the Torquay–Jan Juc Residential Development and Neighbourhood Policy with what is now in place for minimum lots sizes under the Low Density Residential Zone provisions for areas that are sewered. It also suggests including wording changes that any future subdivision application will be considered on its merit and where relevant will take into consideration bushfire, vegetation and landscape significance controls in the planning scheme.

The Panel does not consider the character values of Castaway Crescent precinct, Jan Juc, will be lost from the change in preferred housing density proposed under the Amendment. The change will align with the current minimum lot size for subdivision in the Low Density Residential Zone where lots are serviced by reticulated sewerage. Single dwellings on large lots will remain the key neighbourhood characteristic for the precinct.

Consequently, the Panel concludes that the change to the Torquay–Jan Juc Residential Development and Neighbourhood Policy is satisfactory and reflects the current minimum lot size of 2,000 square metres for subdivision in the Low Density Residential Zone where lots are sewered. It also supports the wording in the exhibited Amendment that any subdivision application will be considered on its merits and where relevant will take into consideration bushfire, vegetation, and landscape significance controls in the planning scheme.

Council officers support the Panel's conclusion for this correction item.

Correction Item 24 – Design and Development Overlay Schedule 12 (DDO12) – Lorne Residential Areas

One submission proposed that a permit should not be required to subdivide either existing or approved multi-residential development under DDO12, approved prior to 16 October 2008, in the Lorne Residential Areas, as the design objectives and decision guidelines of DDO12 do not have relevance to a subdivision permit.

The Panel agrees with this submission and noted that a planning permit for subdivision will still be required under the General Residential Zone provisions.

The Panel therefore concludes that the variation of the minimum lot size for subdivision of residential development in Lorne that either lawfully exists or has been approved prior to the gazettal of the Design and Development Overlay Schedule 12 is supported subject to an amendment that exempts the requirement for a permit for subdivision under the Schedule.

Council officers consider the Panel's recommendation to be satisfactory.

Financial Implications

The 2015/16 budget has adequate provision for the processing of this planning scheme amendment including the adoption of the Amendment.

Council Plan

Theme 5 Development and Growth
Objective 5.4 Transparent and responsive land use and strategic planning
Strategy 5.4.7 Complete a strategic planning framework for land use planning.

Policy/Legal Implications

The Amendment conforms to the legislative requirements of the *Planning and Environment Act 1987*.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no demonstrated risks associated with adopting the Amendment

Social Considerations

It is anticipated that the Amendment will result in a net community benefit by continuing the on-going improvement to the content of the Surf Coast Planning Scheme, having regard to improved social and economic outcomes in accordance with the objectives of planning in Victoria.

3.1 Amendment C103 - Miscellaneous Corrections of Anomalies in the Planning Scheme - Adoption

Community Engagement

Notice was given of the Amendment in accordance with the legislative requirements of the *Planning and Environment Act 1987*. Letters were sent to all owners/occupiers affected by the Amendment and notice of the Amendment was published in local newspaper (Surf Coast Times) and the Government Gazette. The amendment was also available for viewing on Council's website and the Department of Environment, Land Water and Planning website.

Environmental Implications

The Amendment will not have any significant environmental effects since it is 'correctional' in nature. The proposed rezoning of land in Moggs Creek and Point Impossible/Breamlea areas will recognise the ownership and environmental significance of the land.

Communication

Letters have been sent to all submitters advising them of the receipt of the Panel report and alerting them to the Council meeting. Submitters will be notified in writing and minutes will appear on Council's website of Council's decision to either adopt the Amendment or abandon the Amendment.

Conclusion

Council officers support the Panel's recommendation that Amendment C103 be adopted as exhibited subject to minor modification as indicated in this report.

Pursuant to the Planning and Environment Act 1987, Council must consider the Panel's report before deciding whether or not to adopt the amendment.

Having considered the Panel report, it is recommended that Amendment C103 be adopted as exhibited subject to minor modifications and forwarded to the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

3.2 C115 - ALDI Torquay - Section 96A Request for Authorisation and Public Exhibition

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

General Manager: Kate Sullivan
File No: F16/682
Trim No: IC16/429

Appendix:

1. C115 - Explanatory Report (D16/37579)
2. C115 - Schedule to Clause 52_03s (D16/37585)
3. C115 - Incorporated Document (D16/37658)
4. C115 - Schedule to Clause 81.01s (D16/37660)
5. C115 - Architectural Plans for ALDI Store Torquay (D16/37603)
6. C115 - Draft Planning Permit (D16/39259)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

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

The Section 96A combined amendment and planning permit application seeks to amend the Schedule to Clause 52.03 'Specific Sites and Exclusions' to include land at 312-314 Winki Way, Torquay to allow for the use and development of a supermarket on the site. The subject site is located in the West Coast Industrial Park fronting the Surf Coast Highway. For many years ALDI Stores has been trying to find a suitable location for an ALDI supermarket in Torquay. For reasons outlined in this report, the subject land is now considered to be the only suitable short-medium term option.

The amendment and draft planning permit will be sent to referral authorities for comment during exhibition.

Recommendation

That Council seek Ministerial Authorisation to prepare and exhibit the Section 96A request for land at Lots 312-314, PS 711644P Winki Way, Torquay (Amendment C115 and planning permit application 16/0159), subject to:

1. ALDI Stores Pty Ltd signing an agreement to cover the costs associated with the application.
2. Removal of the proposed Pole Signs from the planning permit application.

3.2 C115 - ALDI Torquay - Section 96A Request for Authorisation and Public Exhibition

Report

Background

In 2015, Council considered a previous application by ALDI Stores to rezone and develop land in Rudd Avenue, Torquay for the purpose of a supermarket. At that time it was noted that ALDI had undertaken extensive research regarding potential opportunities to locate an ALDI store within Torquay. The process included a review of a number of sites, including the town centre. The Rudd Avenue site was considered to be an option that would fit with Council policy, confirmed by economic consultant, Tim Nott. At the October 2015 Council Meeting however, Council resolved not to proceed with an authorisation request for this site on the following grounds:

1. Expansion of the Bell Street Neighbourhood Activity Centre for the purposes of a supermarket in this location would result in unreasonable negative amenity impacts on adjacent and nearby residential areas.
2. Support will be provided to explore alternative locations in Torquay and Torquay North to accommodate an ALDI supermarket.

Since this time, ALDI Stores has been reviewing site options. The majority of possible sites presented a number of difficulties including amalgamation of fragmented land and commercial competition. As such, ALDI Stores are now seeking to pursue a greenfield site in the West Coast Business Park.

Discussion

The Amendment applies to Lots 312-314, on PS711644P, Winki Way, Torquay, Vic, 3228. The land is currently vacant and fronts the Surf Coast Highway.



Location Map

The Amendment proposes to incorporate the subject site into Clause 52.03 (Specific Sites and Exclusions), excluding it from the requirements of Clause 33.03-1 (Table of Uses), enabling the Responsible Authority to consider a planning permit at the site for the use and development of a Supermarket, provided the floor area does not exceed 1,800 square metres.

The Amendment would not exclude the subject site from the purpose or decision guidelines of Clause 33.03 (Industrial 3 Zone), nor any other planning provisions of the Surf Coast Planning Scheme that are relevant to the land.

The Amendment would include the following changes to the Surf Coast Planning Scheme:

3.2 C115 - ALDI Torquay - Section 96A Request for Authorisation and Public Exhibition

- Amend the Schedule to Clause 52.03 (Specific Sites and Exclusions) to incorporate land at 312-314 PS711644P, Winki Way and list the proposed incorporated document; and
- Amend the Schedule to 81.01 (Table of Documents Incorporated in this Scheme) to include *Lots 312-314 on PS711644P, Winki Way, Torquay - West Coast Business Park, April 2016* as an incorporated document.

Under Section 96A of the *Planning and Environment Act 1987* the Amendment includes an application for a planning permit for:

- Use of Land for a Supermarket with a floor area of less than 1,800 square metres.
- Buildings and works associated with the development of the site.
- Use of Land to sell liquor as part of a liquor licence for the supermarket.
- Erect and display internally illuminated business identification signage.

ALDI's attempt to obtain a suitable site in Torquay over the past eight years has come up against a series of unique and extraordinary circumstances that have prevented ALDI from obtaining a suitable piece of land in an existing commercial area. As a result, it is appropriate to consider a location in line with planning practices in the growth areas of Metropolitan Melbourne, which allows for small supermarkets to establish on Industrial 3 Zoned land provided they are near arterial roads. This provision was originally intended to be applied State wide but was ultimately restricted to Melbourne growth areas due to a concern that in smaller country towns, with limited population growth, it could prejudice the viability of many already marginal town centres.

'Rural councils were particularly concerned with the prospect of 2,000sqm supermarkets establishing in industrial areas, because in rural cities and towns this is generally a very large supermarket size, which would have significant impacts on the viability of town centres.' (Ministerial Advisory Committee Report, p40)

Torquay-Jan Juc is experiencing high population growth and is one of the fastest growing regions outside of Metropolitan Melbourne. This in turn is leading to significant growth in retail spending and demand for additional retail floor space within the town. The proposed ALDI store would be a small supermarket (1,800sqm or less), offering a range of non-food items which vary on a monthly basis thereby assuming the role of a 'destination' store rather than a supermarket servicing a local neighbourhood. For these reasons it is considered that the proposal does not conflict with the current retail hierarchy policy for Torquay.

The proposed use of Clause 52.03 (Specific Sites and Exclusions) has been selected for the following key reasons:

- An amendment to the Industrial 3 Zone to include Industrial land in Torquay would not permit a Supermarket to be developed on the subject site, as it does not have direct access to a road in a Road Zone and is more than 30 metres (32 metres) away from the Surf Coast Highway.
- Amending the Industrial 3 Zone, (such as varying distances) is not considered appropriate as it will have flow on effects for the entire State.
- The use of Clause 52.03 (Specific Sites and Exclusions) is consistent with the findings of the Ministerial Committee Report for Amendment C6 (which resulted in the creation of the West Coast Business Park) which concluded that uses that were considered appropriate but were not specifically permitted by the Industrial 3 Zone could be considered by the Responsible Authority through this Clause (page 27).
- Undertaking a site specific rezoning to either a Commercial 1 or Commercial 2 Zone is considered inappropriate as these zones could potentially result in unwanted uses (including residential); and would be inconsistent with the findings of the Ministerial Committee Report that was prepared when the land was originally rezoned to Industrial 3 Zone.
- A site specific rezoning of the land to a Commercial Zone may create expectations that the subject site and surrounding land will expand into a future activity centre of Torquay, which is not the purpose of the proposed amendment and is inconsistent with local policy.
- The use of Clause 52.03 (Specific Sites and Exclusions) will ensure that the site continues to be affected by the purpose and Decision Guidelines of the Industrial 3 Zone.

It is therefore considered that the Amendment makes proper use of the Victorian Planning Provisions, adopting the most appropriate planning tool to address an exceptional circumstance which is unique to Torquay.

3.2 C115 - ALDI Torquay - Section 96A Request for Authorisation and Public Exhibition

It should be noted that this report is recommending Council resolve to seek Ministerial authorisation and exhibit the proposed section 96A request. A detailed assessment of the merits of the proposal has not been undertaken. The information submitted with the application is considered sufficient however to proceed to public exhibition of the proposal and to undertake referrals to relevant authorities such as Vic Roads. It is recognised that there may be elements of the planning permit application that may need to be amended following exhibition, in particular relating to building design.

However, in relation to signage it is recommended that Council resolve to proceed with the request provided the plans are amended to remove the application for the two pole signs proposed fronting Winki Way (and thus the Surf Coast Highway). Council policy in Schedule 5 to the Design and Development Overlay applying to the site strongly discourages illuminated signs and only supports applications for pole signs where they are not readily visible from the street. The proposed signs would not meet this criteria, and have been designed to be highly visible from the Surf Coast Highway. As there is no policy support for these signs it is recommended they be removed from the application prior to public exhibition.

Financial Implications

As a privately driven amendment, the proponent is required to cover all statutory costs relating to the processing of the amendment and planning permit application, including any panel costs.

Council Plan

Theme 5 Development and Growth

Objective 5.4 Transparent and responsive land use and strategic planning

Policy/Legal Implications

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 amenity of any nearby residential 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 is expected to generate a number of positive social benefits, including 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 subject land is vacant, formerly used for farming purposes. It does not contain any significant vegetation. Landscaping of the site, particularly in the 8 metre front setback along the Surf Coast Highway will be required as part of the development.

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*. This will include:

- Notices to affected landowners and adjacent owner/occupiers
- Notice to community and trader associations
- Notices in the Surf Coast Times, The Echo and Government Gazette
- Available for viewing on the Department of Environment, Land Water and Planning website and Council's website.

3.2 C115 - ALDI Torquay - Section 96A Request for Authorisation and Public Exhibition

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 amendment process. It is recommended that Council seek Ministerial authorisation to prepare and exhibit Planning Scheme Amendment request C115 and the associated planning permit application 16/0159.

3.3 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:** IC16/454

Appendix:

1. Bells Beach Tour Operator Licence Special Conditions Of Use (D16/36043)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To commence the Expression of Interest process for issuing a maximum of eight commercial tour operator licences at Bells Beach Surfing Recreation Reserve.

Summary

Council is required to issue commercial tour operator licences at Bells Beach Surfing Recreation Reserve in line with State Government legislation for commercial use of any crown land. The Bells Beach Surfing Recreation Reserve is an area of Crown Land of which Council is the land manager.

At the October 2015 meeting Council extended the six current commercial tour operator licences to enable the Bells Beach Surfing Recreation Reserve Coastal Management Plan (CMP) to be finalised and ensure continuity between the commercial licence conditions and the CMP moving forward. The extended Bells Beach tour operator licences expire on 31 October 2016.

The CMP has now been finalised and adopted by Council.

A competitive process to issue new licences is required to commence now in order that new licences be in place by the 31 October 2016.

In line with the Bells Beach Surfing Recreation Reserve Coastal Management Plan (CMP) and consultation with the Bells Beach Committee it is recommended to:

- Continue to offer licences through a competitive allocation process.
- Restrict the number of licences to a maximum of eight (8) for tour operators to bring long vehicles into the reserve (restricted to 22 seats or less).
- Extend the length of licence issued to 3 years.
- Adopt the fee structure set by the Department of Environment, Land, Water and Planning (DEWLP) (Table 2).
- Reinvest fees collected into protecting the Reserves values.
- Update the special conditions for tour operators to abide by when visiting Bells Beach in line with the new parking conditions for commercial tour vehicles as outlined in the CMP (Appendix 1).
- Update enforcement regulations as outlined in the CMP.
- Continue to adopt the current selection criterion for tour operator licences. (Table 1)

Recommendation

That Council:

1. Commence a competitive allocation process for the issuing of a maximum of eight (8) licences for commercial tour operators visiting the Bells Beach Surfing Recreation Reserve.
2. Approve the length of licence for a three (3) year period.
3. Adopt the fee structure set by DELWP as at 1 July 2016.
4. Accept the selection criterion for tour operator licences as identified in Table 1 of this report.

3.3 Bells Beach Commercial Tour Operator Licences

Report

Background

Council is required to issue commercial tour operator licences at Bells Beach Surfing Recreation Reserve in line with State Government legislation for commercial use of any crown land. The Bells Beach Surfing Recreation Reserve is an area of Crown Land of which Council is the land manager.

In 2012 Council commenced the implementation of commercial tour operator licences at the Bells Beach Surfing Recreation Reserve. The purpose was to provide clear direction to all commercial operators, regulate their behaviour and minimise the impact on the Bells Beach Surfing Reserve. Historically the duration of licences issued has been for a period of one year due to the anticipated completion of the Bells Beach Recreation Reserve Coastal Management Plan.

At the October 2015 Council extended the existing 2014/2015 licences for one year to enable the Bells Beach Recreation Reserve Coastal Management Plan (CMP) to be finalised. A re-issue of the current licences for a further 12 months (the minimum time period) was considered the best approach while awaiting Council and Ministerial consideration of CMP.

There are currently six tour operator licence holders (with eight being initially offered) for Bells Beach being:

- 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.

As a result of the extension, the above licences will expire on the 31st October 2016.

Discussion

Duration of Licences

Under State government guidelines the length of commercial tour operator licence issued can range from a minimum of one year to a maximum of ten years.

Under the competitive advertising process each licence requires separate approval by the land manager (Council) Department of Land, Environment, Water and Planning (DELWP) and the tour operator. This process can take time and historical recommendations identify a longer licence period being suitable.

Discussions with the Bells Beach Committee identified a three year period as being acceptable. This aligns with the CMP which recommends a competitive tender process providing licence terms of up to three years should be considered.

The CMP acknowledges at least four months should be allowed for the conduct of a competitive tender process to take place for the issuing of new licences. In order to maintain continuity the process should be completed by 31st October 2016 (the date current licenses expire).

Number of Licences Issued

As noted above there are currently six commercial tour operator licences in place for Bells Beach Surfing Recreation Reserve. Eight licences were initially granted with two operators declining to take up the licence. Discussions with the Bells Beach Committee and DELWP identify the issuing of eight licences in this current round as being a suitable number.

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.

Special Conditions

Each licence has a section for site specific 'special conditions' to be added. In this way, Council can control and direct the behaviour of licenced tour operators to minimise, reduce or control the environmental or social impacts of commercial operations on Bells Beach Surfing Recreation Reserve.

3.3 Bells Beach Commercial Tour Operator Licences

The conditions were developed to minimise the impact of the commercial operators visiting the reserve and to give clear direction on where they can and cannot go while in the Reserve to avoid any future conflicts between coach companies and general visitors or surfers.

Within the CMP Strategic Action 8.4.1 states the 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.*
- *Alter traffic signage within the reserve to enable enforcement under the Road Safety Act 1986 of the requirement for commercial buses to hold a licence.*
- *Undertake regular patrols by local laws staff to deter and fine unlicensed commercial vehicles.*
- *Ensure the licence conditions for commercial tour operators minimise the impacts of commercial operations on other reserve visitors.*
- *Enforce road safety regulations in relation to parking within the car parks and along Bells Beach Road to assist with the management of visitor numbers and improve safety.*

The updated Special and General conditions were discussed with the Bells Beach Committee and deemed acceptable.

A copy of the Special Conditions of the upcoming licences is attached in Appendix 1.

Enforcement

New signage to be erected by May 2016 within the Bells Beach Surfing Recreation Reserve will enable enforcement to take place under the Road Safety Act 1986 for the requirement for commercial tour operators to hold a licence.

Licensed operators will be issued with a sticker to place on the windscreen of their tour vehicle similar to the one pictured below to identify those tour operators permitted to stop.

Signage will also identify the areas and times in which tour operators can stop within Bells Beach Surfing Recreation Reserve. A map identifying the position of signage can be viewed in Appendix 1.

Infringement notices would be sent directly to the company to reduce conflict on site between the Rangers and operators.



Evaluation

Following the conclusion of the Expressions of Interest (EOI) process, an assessment panel made up of four staff from Economic Development and Tourism and Environment and Community Safety departments will review the submissions and provide a recommendation to Council.

It is proposed the criteria for evaluating submissions will be as set out in Table 1 below:

3.3 Bells Beach Commercial Tour Operator Licences

Table 1: Qualitative criteria with weightings:

Selection Criteria	Weighting
Demonstrated capability & experience of tours	30%
Recognised eco-accreditation	5%
Frequency, timing and length of stay	20%
Schedule of activity to be conducted	20%
Demonstrated economic benefit to the local community	20%
Occupational Health and Safety	5%

Following endorsement by Council licences will be required to be signed by Council, DELWP and the respective commercial tour operators.

Financial Implications

Licence fees are statutory fees which must be charged to each commercial tour 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. As of 1st July 2016 a new fee structure will commence as set out in Table 2 below.

The fee structure includes a base licence fee as well as a per person charge.

The maximum payable under a licence will be capped at \$14,140.

Non-commercial tour operators (eg school bus driver) are exempt.

It is proposed that the revenue raised via licencing will be reinvested into protecting the Bells Beach Surfing Recreation Reserves values.

Table 2: Summary of Standard Tour Operator Licence Fees as set by DELWP

Category	Fee from 1 July 2016*
Annual fee - standard one year licence	\$299.00
Annual fee - standard licence greater than one year (per year)	\$227.00
Use fee - General visitor	\$2.40
Use fee - School student and child	\$1.60
Use fee cap*	\$14,140.00

*GST is not payable on tour operator licence fees.

Council Plan

Theme 3 Communities
 Objective 3.3 Preservation of peaceful, safe and healthy environments Select Objective text
 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

3.3 Bells Beach Commercial Tour Operator Licences

Policy/Legal Implications

The licence process for Bells Beach Surfing Recreation Reserve 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. New signage to be erected shortly will enable enforcement to take place and manage the regulation of commercial tour operators visits to Bells Beach Surfing Recreation Reserve.

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

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.

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

- **Community Perception:** Some members of the community may not support the re-issuing of licences to occur, however, the 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 Surfing Recreation Reserve. This has been supported by the Bells Beach Committee and the broader community.

Community Engagement

The Bells Beach Committee has been consulted with and will be informed of any outcomes throughout the process.

Environmental Implications

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

Communication

The opportunity for commercial tour operators to apply for a licence will be advertised to ensure an open competitive process.

Upon a decision by Council 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.
- Letter to the Department of Land, Environment, Water and Planning (DELWP) seeking approval.
- Media release & Surf Coast Shire Website.

3.3 Bells Beach Commercial Tour Operator Licences

Conclusion

The process of securing new commercial tour operator licences needs to commence due to the current licences expiring on the 31/10/2016.

An advertising process will take place to secure the new tour operator licences.

The process will be through a competitive allocation process, a restricted number of licences eight (8) for four commercial operators to bring long vehicles into the Bells Beach Surfing Recreation Reserve (restricted to 22 seats or less).

It is recommended the duration of the licence be for three years.

3.4 Council Submission on the Review of Vegetation Clearing Regulations Consultation Paper

Author's Title: Statutory Planner
Department: Planning & Development
Division: Environment & Development

General Manager: Kate Sullivan
File No: F15/1669
Trim No: IC16/533

Appendix:

1. Council Submission on the Review of the Native Vegetation Clearing Regulations Consultation Paper (D16/39356)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

To note the submission on the Review of the Native Vegetation Clearing Regulations consultation paper.

Summary

The removal of native vegetation within Victoria is regulated state wide for its biodiversity value by the Victoria Planning Provisions (VPP), which are the basis for all planning schemes. The assessment and determination of planning permit applications for native vegetation removal is undertaken in accordance with the *Permitted clearing of native vegetation – Biodiversity Assessment Guidelines*. The current regulations were introduced in 2013 and the Victorian Government is undertaking a review (the review) of how the regulations have been functioning.

The Department of Environment, Land, Water and Planning (DELWP) have released the *Review of native vegetation clearing regulations consultation paper* (the consultation paper) which identifies the issues with the present operation of the regulations and makes suggestions for proposed improvements.

The review is being undertaken concurrent with the development of a State biodiversity strategy (*Protecting Victoria's Environment – Biodiversity 2036*) and a review of the *Flora and Fauna Guarantee Act 1988*.

The submission incorporates some of the key points included in the draft Municipal Association of Victoria submission. It was distributed to Councillors on Monday 2 May 2016 and submitted on Monday 9 May 2016 to meet the deadline.

Recommendation

That Council note the Submission on the Review of Native Vegetation clearing Regulations submitted on 9 May 2016.

3.4 Council Submission on the Review of Vegetation Clearing Regulations Consultation Paper

Report

Background

The removal of native vegetation within Victoria is regulated state wide for its biodiversity value by the Victoria Planning Provisions (VPP), which are the basis for all planning schemes. The assessment and determination of planning permit applications for native vegetation removal is undertaken in accordance with the *Permitted clearing of native vegetation – Biodiversity Assessment Guidelines*. The current regulations were introduced in 2013 and the Victorian Government is undertaking a review (the review) of how the regulations have been functioning. The Department of Environment, Land, Water and Planning (DELWP) have released the *Review of native vegetation clearing regulations consultation paper* (the consultation paper) which identifies the issues with the present operation of the regulations and makes suggestions for proposed improvements.

The review is being undertaken concurrent with the development of a State biodiversity strategy (*Protecting Victoria's Environment – Biodiversity 2036*) and a review of the *Flora and Fauna Guarantee Act 1988*.

Native vegetation is also protected locally through the application of overlays and these are not included within the scope of the review.

Discussion

The regulations significantly impact on Council's role as responsible authority under the *Planning and Environment Act 1987*. It is in Council's interests for the regulations to be robust and comprehensible. Many of the issues identified within the consultation paper have been experienced in Surf Coast, including:

- A lack of regard by some applicants to reducing the loss of vegetation;
- Concerns about the accuracy of mapping which forms the back bone for implementation of the regulations;
- The disconnect between the primary emphasis of State significant biodiversity values and local significance;
- Difficulties in determining, implementing and monitoring the achievement of offsets;
- Ambiguity in some exemptions from permit requirements;
- The burden and difficulty of enforcing illegal vegetation removal; and
- The lack of consolidated guidance on the operation of the regulations leading to an un-user friendly system for officers and the public.

The regulations may also impact on Council's roles as a land owner/manager, road manager and emergency risk manager, which may at times conflict with the regulatory role. In these roles Council must comply with the regulations and in this context it is important that Council is able to easily fulfil its legislated obligations.

Broadly the commitment of the Government to review the regulations to address some of these issues is supported. Council officers have been involved in earlier rounds of consultation which have informed the consultation paper. The Municipal Association of Victoria (MAV) has undertaken a review of the consultation paper in conjunction with its members and prepared a draft submission. The Environment and Development Division have reviewed the consultation paper and MAV draft submission and generally support the proposed improvements and the MAV submissions. A number of supplementary comments have been made to reflect the local experience and in the interests of guiding the further development of the proposed improvements.

Financial Implications

The submission on the consultation paper has been managed within operational budgets.

A number of the proposed improvements include additional monitoring and reporting on the implementation of the regulations. The consultation paper does not specify who the additional information gathering responsibilities might fall on and this may include local government. The submission expresses concern about the potential burden on Council of collecting and reporting this information.

Council Plan

Theme 1 Environment
Objective 1.1 Preserve and enhance the natural environment
Strategy 1.1.2 Improve pest, plant and animal management as a priority.

3.4 Council Submission on the Review of Vegetation Clearing Regulations Consultation Paper

Theme 2 Governance
Objective 2.2 High performing accountable organisation
Strategy 2.2.5 Make better use of MAV / VLGA and other peak bodies to progress issues of interest to the Surf Coast community.

Theme 2 Governance
Objective 2.6 Advocate on behalf of our community
Strategy 2.6.3 Influence decision makers to secure positive outcomes for the community

Policy/Legal Implications

The submission does not have any policy or legal implications.

The implementation of the review outcomes will involve amendments to the Victorian Planning Provisions which will amend the Surf Coast Planning Scheme.

Council has roles as a regulator, owner and manager. At times as an owner or manager Council is required to remove native vegetation (for example for road safety, asset protection or pest plant and animal management) and is equally bound by the regulations. It is important that the regulations do not unreasonably hinder Council's ability act in these roles.

Officer Direct or Indirect Interest

The officers involved in the preparation of this report and the submission have no direct or indirect interest in the review.

Risk Assessment

There are no risk implications of making a submission.

Social Considerations

The environment is highly valued by the community of Surf Coast Shire and visitors and native vegetation is a key component. The community expects Council to protect the integrity of the environment and this requires robust regulations. However to avoid unreasonable burden on land owners wishing to reasonably develop land the regulations must be readily understood and implemented.

Community Engagement

The consultation paper has been publicly exhibited and any person may make a submission. Community engagement was not undertaken in preparing our submission.

Environmental Implications

The protection of native vegetation is integral to maintaining the environmental values of the Surf Coast and improvements to the regulations should be supported to assist this outcome.

Communication

The submission has been made to DELWP in accordance with their requirements.

Conclusion

The consultation paper identifies current issues with the operation of native vegetation regulations and the proposed improvements are generally positive. The MAV have undertaken a detailed review of the consultation paper and their draft submission is supported. Officers have also developed a number of additional comments relating to Surf Coast Shire. Due to the deadline the submission was lodged with DELWP on 9 May 2016.

4. CULTURE & COMMUNITY

4.1 Small Grants Program March 2016

Author's Title: Community Project Officer
Department: Major Recreation & Facilities
Division: Culture & Community

General Manager: Chris Pike
File No: F15/1666
Trim No: IC16/403

Appendix:

1. Small Grants Program (D16/45248)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

To allocate funding for the March 2016 round of the Small Grants Program.

Summary

The Surf Coast Shire Small Grants Program aims to support community groups, projects and local initiatives. It is a grassroots grants program which enables community strengthening and helps to build vibrant and healthy local communities within the Surf Coast.

A total of 24 applications were received in the March 2015/16 grants round. Applications were assessed by Council Officers against the Small Grants Program selection criteria in the categories of 'Community Initiatives', 'Culture and Arts', 'Environment' and 'Recreation and Leisure'. Eligible applications underwent further assessment and moderation and a recommended funding list has been developed for Councils approval.

A total of 17 applications were successful in the Small Grants Program and 7 were assessed as ineligible or not recommended (see appendix 1).

Recommendation

That Council:

1. Allocate funding for the March 2016 round of the Small Grants Program to the value of \$30,150 as per Appendix 1.
2. Note that combining the Round 1 (\$31,750) and Round 2 allocation, the total Small Grants funding allocation for 2015/16 is \$61,900 toward 40 valued community projects.

4.1 Small Grants Program March 2016

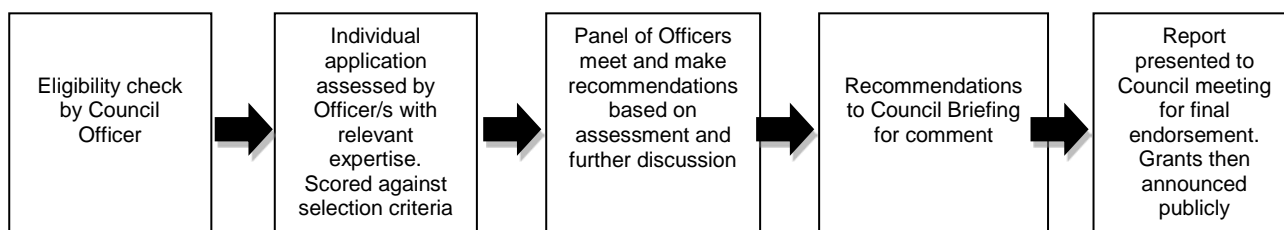
Report

Background

For a number of years Council has supported the Small Grants Program with two funding rounds held in September (Rnd 1) and March (Rnd 2) each year.

The Small Grants Program follows a formal application process in which applicants submit responses to key questions based around weighted selection criteria. The assessment process follows a documented internal procedure which is based on a quality assured grants management program.

The diagram below details the assessment process:



The Small Grants Program is a merit based grants process and does not aim to achieve equal distribution of funding across categories, as some categories are more popular than others.

All successful groups or their auspice agency are required to sign a small grant funding agreement confirming that they agree to set conditions of receiving funding. This agreement clearly outlines any special conditions which may relate to the provision of funds, for example obtaining appropriate public liability insurance or relevant permits. Successful groups are required to report on the outcomes of their grant within 12 months of receiving funding via a formal grant acquittal process.

All grants applications are submitted online via Smarty Grants (www.smartygrants.com.au). This software is purpose built and collects, collates and stores grant applications year by year providing an easily accessible archive of Smarty Grant applications.

Funding is available for community-based projects or activities that:

- encourage and enable the participation of a wide variety of local residents
- address an important community need
- encourage and enable groups or individuals across the Shire to collaborate and share knowledge, skills and resources.

Projects not funded under the Small Grants Program include:

- capital or ongoing maintenance works
- new building works
- general administrative or ongoing wages
- projects funded under other programs supported by the Surf Coast Shire
- projects that have already commenced or already occurred
- projects that are part of curriculum-based activities in schools
- projects that are fundraising in nature (unless the project provides considerable community benefit)
- recurrent funding for ongoing projects or projects which have already been funded.

4.1 Small Grants Program March 2016

Small Grants Program March 2016 Funding Round

Organisations ineligible to apply for a Small Grant include:

- any Committees of the Surf Coast Shire Council including Advisory Committees, Committees of Management or Sub Committees
- organisations who have received a Surf Coast Shire Small Grant in the previous funding round.
- organisations that have not completed an Acquittal Report for a previously funded Surf Coast Shire Small Grant
- for-profit or commercial organisations - unless the application can demonstrate that the proposed project or activity will have considerable tangible community benefit.

Funds are provided for projects and activities that fall into the following broad categories:

- Community Initiatives: Local partnerships that contribute to the wellbeing and quality of life of Surf Coast Shire residents
- Environment: Projects or activities that protect or enhance the local environment or work towards sustainability
- Culture and Arts: Community arts projects that support the development of quality arts initiatives and increase involvement in arts and culture by the community. Heritage projects that support participation, learning and recording of the cultural history of the Surf Coast Shire and its residents
- Recreation and Leisure: Innovative or new projects that promote recreation, physical activity and increase participation for all abilities.

Discussion

A total of 24 applications were received and 7 applications were assessed as ineligible or not recommended. The total amount of requested funding for eligible projects is \$36,650. Following a thorough assessment process Council Officer's recommendation is to fund a total of \$30,150 to deliver 17 projects.

The breakdown of the 17 recommended projects by Ward is as follows:

- Torquay – 11
- Anglesea – 2
- Winchelsea – 1
- Lorne – 3

Appendix 1 lists the applications submitted across each of the four Small Grant categories – Community Initiatives, Environment, Culture and Arts, Recreation and Leisure, and the proposed funding for each project.

A recommendation of the Small Grants Program review in 2010/11 was at the discretion of Council some projects that meet additional need may be considered for funding above the normal maximum of \$1,000 and up to \$5,000 (budget permitting).

For a project to be considered for additional funding it should demonstrate meeting additional criteria including:

- demonstrate a high evidence of need
- provide significant benefit to the community
- target a new audience
- provide a clear community capacity building outcome
- include and encourage participation by a wide range of key audiences
- the group managing the project needs to have a proven track record in managing projects, and have a well-developed project plan that illustrates appropriate expenditure and resourcing.

There are a total of 8 projects that have been recommended to receive a contribution greater than \$1,000.

4.1 Small Grants Program March 2016

Group/Organisation	Lorne Historical Society
Project Details	"New display and storage facilities"
Evidence of Need / Who will benefit	The Lorne Historical society and community as a whole will benefit from the improved display and storage of Lorne's items of regional, state and national history.
Participation:	Two architects have volunteered their services to plan layout of display and storage facilities. A historian will develop best practice cataloguing procedures. Members of the society who are all volunteers will undertake the storage and display set ups under the direction of vice-president Peter Spring.
Proven Track record in managing similar projects	The Lorne Historical Society has a proven track record and experience in managing and governing the society effectively.
Appropriate expenditure and resourcing	Grant funding is for the purchase of two compactus units, five display panels and a display cabinet.
Other comments	The recent refurbishments and proposed display and storage changes will allow the Historical Society to better manage the collection and meet increasing visitor demand for specific research information contained in the collection.
Total amount of recommended funding	\$5,000

Group/Organisation	Lorne Business and Tourism Association
Project Details	"Model Boat Regatta – 2016"
Evidence of Need / Who will benefit	This project is an initiative of the Love Lorne campaign to attract people to Lorne off-season. Businesses in Lorne suffered badly in January as a result of Bushfires. This project will result in increased visitation to Lorne.
Participation:	The project will be carried out by a team of volunteers together with the support of a professional event manager. Children of all ages participate in the program.
Proven Track record in managing similar projects	The Lorne Business and Tourism Association have held this Regatta for four years.
Appropriate expenditure and resourcing	Funding is for marketing and event management.
Other comments	The Model Boat Regatta is staged at the mouth of the Erskine River. This Regatta brings together businesses and the community.
Total amount of recommended funding	\$2,000

4.1 Small Grants Program March 2016

Group/Organisation	Spring Creek Community House
Project Details	"Painting with Parkinson's"
Evidence of Need / Who will benefit	Regular weekly session time, space and art therapy for carers and families. Growing group has requested that sessions run weekly, previously fortnightly.
Participation:	Carers, families and people living with Parkinson's
Proven Track record in managing similar projects	Spring Creek Community house has a proven track record running this and many other programs.
Appropriate expenditure and resourcing	The grant application is for the provision of art material and tutor fees.
Other comments	Benefits of the program include increased social activity, sharing information about research and treatments, taking active roles and responsibilities within the group, providing a weekly structure to routine and providing a support structure when a participant is going through difficult times.
Total amount of recommended funding	\$2,000

Group/Organisation	Torquay and District Historical Society
Project Details	"Torquay History Photographic Exhibition Project and Re-creation of Website"
Evidence of Need / Who will benefit	This project will market the society to visitors and the local community. It will also reduce overheads with a new photocopier in-house.
Participation:	The committee will be in charge of carrying out the project. The secretary will co-ordinate the purchase and installation of the printer, and the web site will be managed by a sub-committee.
Proven Track record in managing similar projects	The Torquay and District Historical Society have experience in managing similar size projects effectively.
Appropriate expenditure and resourcing	Funding is for website development and the purchase of an A3 colour laser printer.
Other comments	Recent exhibitions include the Bathing Boxes on Front Beach, the Scammell and Scammel House, The Light Horse Brigade at Black Gate Road, 1940, the Diggers of Gallipoli and WW1.
Total amount of recommended funding	\$2,000

4.1 Small Grants Program March 2016

Group/Organisation	Surf Coast Longboarders Club
Project Details	“Wild Women on Water 2017”
Evidence of Need / Who will benefit	The project offers local Surf Coast women the opportunity to surf and develop surf-related skills in an all-inclusive, safe and encouraging environment and run in conjunction with International Women’s Day.
Participation:	The program is open to the whole community, families and children and is coordinated by Surf Coast Longboard Club. Local businesses sponsor and donate prizes. In 2017 the project will be in its third year. The first year attracted 27 participants and the second an increase to 54 participants.
Proven Track record in managing similar projects	Participation increased by 100% from year 1 to year 2.
Appropriate expenditure and resourcing	Grant funding will be used to hire a drone for filming, media coverage and photography, a tribal women’s attendance and t-shirts.
Other comments	The program is the sole female-only surfing competition in Victoria.
Total amount of recommended funding	\$2,000

Group/Organisation	SCEG (Surf Coast Energy Group)
Project Details	“Encouraging Positive Environmental Action through Community Engagement and Capacity Building in the Surf Coast”
Evidence of Need / Who will benefit	Current website is out of date. Updating the website will assist SCEG to broaden their outreach to the community. The focus of project will be on membership and quality of community engagement.
Participation:	Film festival partner is Patagonia and reaches business professionals, community leaders and residents interested in making meaningful connections and learning about the sustainable practices of locally owned businesses.
Proven Track record in managing similar projects	SCEG have a proven track record as environmental leaders in the community.
Appropriate expenditure and resourcing	Funding is for website development, computer equipment, venue hire and film licences.
Other comments	A website update will assist in attracting more members, managing events, conducting administration more effectively, act as a resource for the community and establish an increased presence.
Total amount of recommended funding	\$5,000

4.1 Small Grants Program March 2016

Group/Organisation	Surf Coast Suns JFNC
Project Details	"Surf Coast Suns start up project"
Evidence of Need / Who will benefit	With a growing population, Surf Coast Suns JFNC will provide further opportunities for young people to play AFL.
Participation:	Surf Coast Suns will be building on the existing Auskick membership. Committee will consist of local community members.
Proven Track record in managing similar projects	The club is building on the success of their Auskick centre in North Torquay which hosted over 75 participants last year. The Surf Coast Suns JFNC joined the AFL Barwon junior competition in 2016.
Appropriate expenditure and resourcing	Funding is for portable goal posts, umpire jackets, umpire flags, electric pump, line marker, sirens, umpire tops, runner tops, trainer tops, whistles, training tops, deep fryer for the canteen and lockable removable storage.
Other comments	Equipment purchased will be used for running of the junior football club.
Total amount of recommended funding	\$2,000

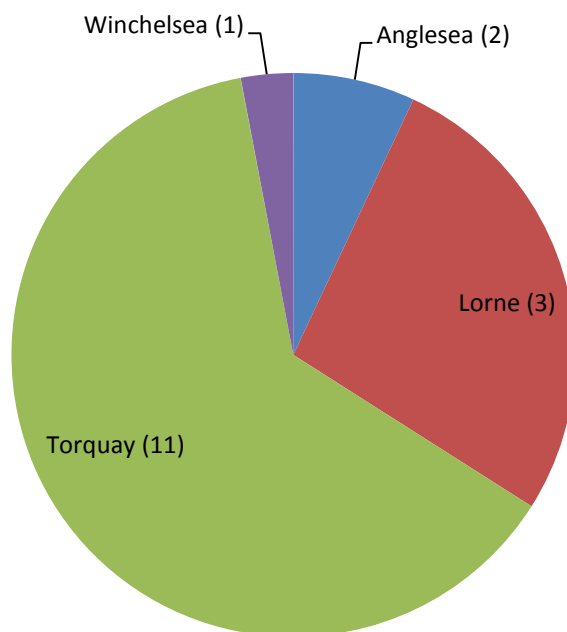
Group/Organisation	Geelong Guild Athletics Club
Project Details	"Bringing Athletics to the Coast – Rural Coaching Program"
Evidence of Need / Who will benefit	This project will promote athletics to the geographically disadvantaged rural communities in the Surf Coast.
Participation:	The Geelong Guild Athletic Club will offer the IAAF Nestle Healthy Active Kids Athletic program targeting local primary schools at Torquay, Anglesea and Moriac starting in 3 rd term 2016 (August).
Proven Track record in managing similar projects	This project will align to a previous grant received by the club 18 months ago, "Youth and Dual Athlete Engagement Program"
Appropriate expenditure and resourcing	Funding will be used to produce and print flyers, purchase IAAF (Athletics Australia) kits and upskilling coaches to Level 2 Advanced (sprints, relays, hurdles).
Other comments	The timing of this program will align to the increased exposure for athletics from the Olympic Games in Rio.
Total amount of recommended funding	\$1,400

Category (Number applications submitted)	Recommended Funding number	Recommend Funding amount
Arts and Culture (8)	4	10,000
Community Initiatives (6)	4	6,000
Environment (3)	3	6,750
Recreation and Leisure (7)	6	7,400
Total requested (24)	17	\$30,150

4.1 Small Grants Program March 2016

Recommended Funding Breakdowns According to Category

Recommended Percentage of Total Funding Allocation by Ward - March 2016 *(Total 17)*



There are 7 projects that have been assessed as ineligible or not recommended as follows:

Group/Organisation	Waves Music Co. (Auspiced by Surf Coast Arts)		
Project Title	Music Industry Program		
Description	Free program in July 2016 to educate young musicians aged 13-18. Funding for teaching/performance services, marketing, student certification and event catering.		
Category / Ward	Arts and Culture / Torquay		
Total Project Cost	\$7,000	Amount Sought	\$5,000
Comment	Ineligible - Late withdrawal of project due to capacity to deliver and matching \$1:\$1 contribution (cash or in-kind).		

Group/Organisation	Torquay Theatre Troupe		
Project Title	All Things Considered by Ben Brown		
Description	Purchase of a table saw for set production.		
Category / Ward	Arts and Culture / Torquay		
Total Project Cost	\$21,310	Amount Sought	\$1,000

4.1 Small Grants Program March 2016

Comment	Ineligible - received a small grant in the last round.
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Group/Organisation	Geelong Winegrowers Association		
Project Title	Toast to the Coast		
Description	Geelong's premier annual food, wine and music festival.		
Category / Ward	Arts and Culture / Torquay		
Total Project Cost	\$205,000	Amount Sought	\$1,000
Comment	Ineligible - Business/ Tourism project to be referred to Events Grants Program. Assessor concern that this is predominantly a Geelong based event.		

Group/Organisation	Connewarre Landcare		
Project Title	Connewarre Walking Path Extension		
Description	Extend current walking path into the newly designated wetland and bush walk area.		
Category / Ward	Recreation and Leisure / Winchelsea		
Total Project Cost	\$3,000	Amount Sought	\$1,000
Comment	Ineligible – Capital Works Project.		

Group/Organisation	Friends of Lorne		
Project Title	Lorne Heritage Walk		
Description	Inclusion of new material and reprinting of brochures to replenish stocks at Lorne Visitor Information Centre. Lorne Heritage Walk includes a selection of heritage listed houses and other significant landmarks.		
Category / Ward	Community Initiative / Torquay		
Total Project Cost	\$4,000	Amount Sought	\$2,000
Comment	Not Recommended - Lorne Historical Society already have a Heritage Walk with Volunteer Guides. Project requires collaboration with Historical Society, with potential for a joint application in the next round.		

Group/Organisation	The Hope Song (Individual artist auspice by Surf Coast Arts)		
Project Title	Research and Writing of the Play "The Hope Song"		
Description	Enable Janet Brown to write a play called "The Hope Song". Play will explore lived experience of people with mental illness. Grant is for intensive research, interviewing and writing phase only.		
Category / Ward	Arts and Culture / Torquay		
Total Project Cost	\$5,700	Amount Sought	\$2,500
Comment	Not Recommended - Individual applicant and therefore concerns with level of community benefit. Council would welcome an application to support the performance once project ready.		

4.1 Small Grants Program March 2016

Group/Organisation	Torquay Justice of the Peace documents signing service (Auspiced by Spring Creek CH)		
Project Title	Torquay Justice of the Peace document Signing Service		
Description	Production of signage, advertising, flyers, information cards and website for the document signing service. The free service is currently provided on Friday mornings at Spring Creek Community House.		
Category / Ward	Community Initiative / Torquay		
Total Project Cost	\$2,000	Amount Sought	\$1,000
Comment	<p>Not Recommended - Details of Justice of the Peace services in Surf Coast Shire are available on the Shire website (http://www.surfcoast.vic.gov.au/A-Z_Listing/J/Justice_of_The_Peace) with a link to the Victorian Government website. The Victorian Government website also has a search facility by postcode and suburb (http://www.justice.vic.gov.au/home/justice+system/legal+assistance/justice+of+the+peace/index.html).</p>		

Financial Implications

The total pool for two rounds of Small Grants funding for 2015/16 is \$75,000. The available amount for the March 2016 round is \$43,250. The total funding allocation of recommended projects for Round 2 is \$30,150 representing an 82.5% allocation of available 2015/16 Small Grant funding.

Council Plan

Theme 3 Communities
 Objective 3.4 Building leadership and skills within the community
 Strategy 3.4.2 Support people to participate in community life.

Theme 3 Communities
 Objective 3.4 Building leadership and skills within the community
 Strategy 3.4.3 Provide funding opportunities to groups to improve and strengthen their communities.

Theme 1 Environment
 Objective 1.2 Pursue alternative energies
 Strategy Nil

Policy/Legal Implications

The Small Grants Program supports Councils Plan (2013-2017) objectives of:

- Building leadership and skills within the Community

Officer Direct or Indirect Interest

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

Risk Assessment

All projects have been reviewed by Council's Risk Management Co-ordinator. Depending on the level of risk some applicants will be required to provide public liability insurance to the value of \$20,000,000 as a condition of receiving a funding grant.

Social Considerations

The Small Grants Program offers support to new and existing community groups to undertake community strengthening activities and to contribute to the social and cultural wellbeing of the Surf Coast Shire. A diverse range of locally driven projects and activities will be delivered through the support of small grant funding. Many of these initiatives could not be delivered should they be unsuccessful in securing a small grant.

Community Engagement

Engagement activities prior to the March round of grants include:

4.1 Small Grants Program March 2016

- Media campaign including advertising in the Surf Coast Times, Winchelsea Star and Lorne Independent
- Grants programs were promoted via Council Officer e-mail networks, word of mouth and the Community House and Men's shed networks.
- Smarty Grants generated email to past grant recipients on 8 March 2016.
- Direct email to previous grant recipients on 15 March 2016.
- Direct contact with potential grant recipients.
- Promotion via the Surf Coast Shire website and intranet.

Environmental Implications

The Small Grants program is often used by local environment groups. Three applications have been received under the 'Environment' category and all have been recommended for funding.

Communication

Following adoption at the May Council meeting, all applicants will receive a letter informing them of the outcome of their application.

Conclusion

The Small Grants Program is a positive community strengthening initiative that supports local groups to take action and contribute to the vibrant culture of their local community. The program involves significant collaboration with community given the high level of in-kind volunteer support required to deliver each project.

A full list of recommended projects is attached (Appendix 1).

A celebration to recognise successful grant recipients will be held in Council Chambers at 10:30am, Thursday 9th June 2016. Ward Councillors will be invited to present certificates to successful applicants.

4.2 Torquay North Indoor Stadium Feasibility Study

Author's Title: Manager Leisure & Wellbeing

General Manager: Chris Pike

Department: Leisure & Wellbeing

File No: F15/1519

Division: Culture & Community

Trim No: IC16/518

Appendix:

1. Indoor Sports Plan for Surf Coast Shire (D16/44828)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To note the Indoor Sports Plan considering the requirement for an indoor stadium in the Torquay North Community and Civic Precinct.

Summary

As a result of changing participation levels and demographic projections, Council identified the need to revalidate requirements for an Indoor Stadium in Torquay North as previously identified in the Torquay Jan Juc Developer Contribution Plan and Torquay Community and Civic Precinct Master Plan 2011.

A report was commissioned through SGL Consulting Group which considered a needs analysis, stakeholder engagement and costings for an indoor stadium in Torquay North including potential funding sources.

The key findings of the report include:

- There is an immediate need for an additional one or two indoor courts in Torquay.
- A new indoor stadium is likely to be required in the next ten years providing up to four additional courts due to demographic and participation growth.
- Existing facilities are sub-standard, non-compliant, have safety issues and are ageing.
- Current facilities are not consolidated and this creates high levels of operating inefficiency.
- Current scheduling is efficient and existing facilities are at or near capacity.
- Residents are in a good position to be able to financially support pay per use operating models.
- Industry trends suggest that facilities operated by external bodies are being handed back to Councils to manage.
- Four court facilities have the greatest chance of being financially viable.
- Design flexibility that encourages multi-use of courts should be a priority.

The report confirms the need for an indoor stadium in Torquay North and will be used to:

- Inform Council's advocacy to other levels of government
- Further progress siting options and the stadium's relationship to other facilities in the precinct
- Help Council consider the future of various land holdings including the current Surf Coast Sport and Recreation Centre
- Continue engagement with key stakeholders including local clubs, sporting associations, City of Greater Geelong, Department of Education and Training and Surf Coast Secondary College.

This report provides Council with clear evidence on the available options for developing an indoor stadium in Torquay North. The report also provides key findings regarding relevant operating models including financial models for the development and ongoing management of such facilities.

Recommendation

That Council:

1. Note the Indoor Sports Plan for Surf Coast Shire.
2. Note that advice about the options for progressing this project will be provided at a future meeting of Council.

4.2 Torquay North Indoor Stadium Feasibility Study

Report

Background

Surf Coast Shire Council has identified the benefits of physical activity and that participation in sport and recreation is a fundamental way to improve the physical and mental health of individuals. Council is committed, through its plans, strategies and facility provision to improve the health and wellbeing of our residents.

Providing for indoor sports is seen as one way to achieve positive health and wellbeing outcomes. Council has undertaken a number of studies that has identified the need for additional indoor sports facilities in the Torquay area to meet the needs of residents. The findings of those studies resulted in the inclusion of an indoor stadium in the Torquay Jan Juc Developer Contribution Plan and Torquay Community and Civic Precinct Master Plan 2011.

The purpose of this study was to test the assumptions and revalidate requirements in light of current demands, participation levels and facility trends.

Discussion

The development of the Indoor Sports Plan considered a detailed needs analysis, stakeholder consultation and costings for an indoor stadium in North Torquay including funding options. The key tasks for each stage of the project included:

STAGE	TASK
Project Initiation	Project Plan
	Project Inception Meeting
Stakeholder Consultation	Stakeholder Engagement Plan
	Demographic Review
	Demand Mapping
	Benchmarking Analysis
	Key Stakeholder Consultation
	Market Analysis
	Management Operations and Occupancy Review
	School Survey
Discussion with State Government and State Sporting Associations	
Strategic Direction	Summary of Key Issues and Needs
	Location Analysis
	Values and Vision Workshop
	Design Standards and Guidelines
	Scope of Works/Facility Component Schedule
	Facility Concept Options
	Indicative Capital Cost Assessment
	Management / Operational Model
	Financial Modelling / Business Case Development
Funding Review	

The report summarises a range of key findings that will impact on the long-term requirements for indoor sporting facilities in the Surf Coast area, which include:

4.2 Torquay North Indoor Stadium Feasibility Study

Indoor Stadium Demand

- The key stakeholder interviews, current stadium occupancy reviews and State Sport Association and neighbouring Council discussions indicate a high demand for additional indoor courts in the Surf Coast area.
- There are between 840 and 930 people in the Torquay area participating in indoor sporting activities. This figure does not include the number of people that are travelling to Geelong to participate in the higher Victorian Junior Basketball League competition or the netball players that are competing on the outdoor courts, which is estimated at in excess of 200 players.
- Current facilities are not consolidated and this creates high levels of operating inefficiency.

Sporting Association / Clubs Needs

- The review of current indoor sports users in Torquay indicates that basketball is the highest participatory sport with approximately 624 players.
- There are significantly more junior players 67% compared to senior players 33%. However as the junior move up through the age groups and the population continues to increase the demand for access for senior competition plus U20 will continue.
- Growth is currently restricted by the lack of facilities. If additional facilities were available, coupled with the predicted population increase, participation would continue to increase by between 8% to 10% each year over the next five years.
- There is currently a lack of courts to meet the training needs of junior teams and senior team competition.
- Players wanting to compete in a higher level of competition are required to travel to Geelong for both training and competition.
- Local and state netball associations indicate a need for access to indoor netball courts to support the pathway of netball participation.

Facility Provision

- There are three indoor sports facilities providing a total of four indoor sports courts in Torquay (two are part of schools owned by the Department of Education and Training).
- Surf Coast Sport and Recreation Centre does not meet the current run off standards for either basketball or netball and the Torquay Secondary College does not meet netball runoff standards.
- Surf Coast Sport and Recreation Centre and the Surf Coast Secondary College are nearing full capacity during weekday peak usage times.
- There is limited capacity at the existing facilities to address the predicted future participation growth anticipated as a result of population growth and the development of a Surf Coast-based basketball association.

Predicted Participation

- Participation in indoor sporting activities will increase in line with the predicted population increases and demographic profile. Both basketball and netball have reported increases over the last five to eight years, which is in line with the population increases during the same period.
- Participation in indoor sports could increase to between 1,500 – 2,000 people by 2036. Recent strategic plans developed by Netball Victoria and Basketball Victoria have identified that based on available useable court hours, one sports court can accommodate 500 people per week.
- There is an immediate need for an additional one or two indoor courts in Torquay.
- A new indoor stadium is likely to be required in the next ten years providing up to four additional courts due to demographic and participation growth.

Category	2016 Current	2026 10 Years	2036 20 Years
Population	17,520	23,445	29,726
Percentage Change 0 – 44yrs		25%	41%
Predicted Participation	1,000	1,250 - 1,750	1,500 – 2,000
Court Requirement	2/3	3/4	3/4
Existing Compliant Court Provision	1	1	1
Additional Courts Required	1/2	2/4	3/4

4.2 Torquay North Indoor Stadium Feasibility Study

Analysis of potential operating models was completed and it is proposed that Council would be best placed to operate the facility ongoing, with industry trends suggesting that facilities operated by external bodies are being handed back to Councils to manage. The report confirms that four court facilities have the greatest chance of being financially viable and flexibility in design that encourages multi-use of courts should be a priority.

The report provides two options relating to the possible location of an indoor stadium facility:

Option One: includes the provision of a stand alone 3 court indoor stadium with support amenities and multi-purpose rooms and linked to the existing single court facility at the Surf Coast Secondary College and the four existing outdoor netball courts in the north-west corner of the precinct. If this option were considered, there may be an opportunity to develop a physical link between the school court and the proposed new facility to provide a fully integrated 4 court facility.

Option Two: includes the provision of a stand alone 4 court indoor stadium with support amenities and multi-purpose rooms in the north-east corner of the precinct (adjacent to Soccer pitches on the residential side).



It should be noted that both options include the allowance for the potential future indoor aquatic facility as a later stage if deemed appropriate. However the layout plan for option two clearly indicates that the allocated site at the rear (north east corner) of the precinct is not of sufficient size for the development of an integrated facility (indoor courts and aquatic centre).

The report provides Council with the available options for an indoor stadium in North Torquay. The report also provides key findings regarding relevant operating models including financial models for the development and ongoing management of such facilities as outlined in 'financial implications' below.

There are no recommendations for Council to consider in this report. However, the Indoor Sports Plan and key findings will be used by Council to:

- Inform Council's advocacy to other levels of government
- Further progress siting options and the stadium's relationship to other facilities in the precinct
- Help Council consider the future of various land holdings including the current Surf Coast Sport and Recreation Centre
- Continue engagement with key stakeholders including local clubs, sporting associations, City of Greater Geelong, Department of Education and Training and Surf Coast Secondary College.

Financial Implications

The study cost \$29,900 and it has provided up-to-date cost estimates for the construction and operation of a new stadium.

4.2 Torquay North Indoor Stadium Feasibility Study

The capital cost for an indoor stadium is estimated to be between \$13.3m and \$14.8m if constructed by 2019. The developer contribution committed for the project is \$2.8m. Council will need to access other grant funds or provide a Capital contribution for the remaining funding amount.

From a financial operating basis the facility is estimated to be cost neutral, or provide a small surplus to Council. However, a Council contribution of approximately \$650k per annum is required when the cost of capital, management overhead and depreciation are factored in. This figure will be heavily dependent on the capital contribution required from Council.

Council Plan

Theme 4 Infrastructure

Objective 4.1 Allocation of infrastructure according to need

Strategy 4.1.1. Perform an infrastructure needs assessment to provide clarity to the community on how a fair distribution of infrastructure will be achieved.

Theme 3 Communities

Objective 3.3 Preservation of peaceful, safe and healthy environments

Strategy 3.3.4 Support a wide-range of community groups to improve community wellbeing

Policy/Legal Implications

There are no significant legislative or policy concerns, at this time. However, further analysis may need to be conducted, depending on the site that is found to be most appropriate.

Officer Direct or Indirect Interest

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

Risk Assessment

A thorough risk assessment will be completed as part of the next phases for the project. At this point in time the key risks for Council are:

- Council has a commitment to develop an indoor stadium as per the Torquay Jan Juc Developer Contribution Plan. The developer contributions will assist in the funding of the project but substantial support is required from other levels of government to ensure Council's contribution can be accommodated in its financial plans.
- Council has multiple land holdings in Torquay including undeveloped parcels in the Community and Civic Precinct. Their use for different community, civic and commercial purposes requires further consideration. This work will influence Council's approach to an indoor stadium.

Social Considerations

Surf Coast Shire has identified the benefits of physical activity and that participation in sport and recreation is a fundamental way to improve the physical and mental health of individuals. Council is committed, through its plans, strategies and facility provision, to improve the health and wellbeing of its residents. Providing for indoor sports is seen as one way to achieve positive health and wellbeing outcomes.

Community Engagement

Limited community engagement has been undertaken to date, due to the early feasibility stage of the project. Engagement was focused on state sporting associations, local sporting clubs and educational facilities.

The inclusion of the indoor stadium in the Torquay Jan Juc Developer Contributions Plan was the subject of community consultation as part of that plan's development.

Environmental Implications

There are no significant environmental impacts relating to this project. Further environmental assessment will be completed as part of future project planning.

Communication

Communication with the community will be undertaken after further investigation and strategic review of Council land in Torquay and when analysis of the available options has been completed. A full communication plan will be completed as part of future project planning.

4.2 Torquay North Indoor Stadium Feasibility Study

Conclusion

As a result of changing participation levels and demographic projections, Council identified the need to revalidate requirements for an Indoor Stadium in Torquay North as previously identified in the Torquay Jan Juc Developer Contribution Plan and Torquay Community and Civic Precinct Master Plan 2011. The key finding from the needs analysis identifies an immediate demand for an additional one or two indoor courts in Torquay and confirms an indoor stadium with up to four additional courts will be required in the next ten years to meet demographic and participation growth.

Torquay has three indoor stadiums with four courts that are at or near capacity with two of these courts being non-compliant with sporting code regulations raising significant safety concerns. The report identifies that four court facilities have the greatest chance of being financially viable and flexibility in design that encourages multi-use of courts should be a priority.

This feasibility study into constructing an indoor stadium in the Torquay North Civic Precinct has provided Council with a detailed insight into the needs, costs and issues relating to the construction of an indoor stadium. However, the project should not be considered in isolation and a strategic piece of work is required to confirm the future use of Council owned land in Torquay in order to develop any recommendations for Council.

4.3 Lorne Men's Shed Agreement

Author's Title: Manager Leisure & Wellbeing

General Manager: Chris Pike

Department: Leisure & Wellbeing

File No: F15/530

Division: Culture & Community

Trim No: IC16/547

Appendix:

1. Draft Crown Land Licence - Lorne District Mens Shed Inc as endorsed by Council June 2015 (D16/45274)
2. Final Crown Land Licence - Lorne District Mens Shed Inc with Track Changes (D16/45275)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To authorise an amended agreement for the use of the men's shed facility that is nearing completion at Stribling Reserve.

Summary

Council endorsed a draft licence agreement between Council and Lorne & District Men's Shed Inc. (LDMS) in June 2015. With the opening of the facility in June 2016 it is necessary to finalise that agreement.

Officers and LDMS have liaised in order to finalise the agreement. In the main the agreement is as per the draft endorsed by Council in 2015. Three conditions have been amended for the purpose of clarification. These relate to the use of power tools (timing and location) and the opening of the facility's roller doors when the shed is in use.

Officers consider the concerns relating to special conditions represent a need for clarification, rather than changing the substance of the conditions. Accordingly, noting that consultation occurred in 2015, these can be addressed without further stakeholder consultation. If a substantive change was sought to a special condition, further stakeholder consultation would be required.

It is recommended that Council authorise the Chief Executive Officer to execute a three year Crown Land Licence Agreement for the use of the shed as at Appendix 2.

In addition, LDMS have indicated their wish to enter into a Crown Land Lease of three years with options to extend to a total possible tenure of nine years, before the Crown Land Licence expires. This is expected to be a consideration in the latter half of the licence term and will be subject to a future process conducted by Council in accordance with the Crown Land (Reserves) Act and the Local Government Act. It is only recommended that Council note this wish at this point in time.

Recommendation

That Council:

1. Authorise the Chief Executive Officer to enter into a three year Crown Land Licence Agreement between the Surf Coast Shire Council and Lorne and District Men's Shed Inc. as attached at Appendix 2.
2. Note that Lorne & District Men's Shed Inc. have indicated their wish to enter into a Crown Land Lease of three years with options to extend to a total possible tenure of nine years, prior to the expiry of the three year Crown Land Licence Agreement.

4.3 Lorne Men's Shed Agreement

Report

Background

Council endorsed a draft licence agreement between Council and Lorne & District Men's Shed Inc. (LDMS) in June 2015. This is a Licence under the Crown Land Reserves Act 1978. It is attached at Appendix 1.

It laid out the conditions under which Council would grant the use of the shed. These conditions were developed in consultation with LDMS, Stribling Reserve Committee of Management and local residents. They were designed to balance the needs and rights of all parties.

The construction of the shed is nearing completion. A celebration event is planned to officially open the shed on 12 June 2016 after which the shed is expected to be operational.

In anticipation of the completion of the shed, officers and LDMS have been in discussion about the final form of licence.

Discussion

The agreement largely remains unchanged from the draft endorsed by Council in June 2015. There are, however, three conditions which require clarification. These relate to the use of power tools (timing and location) and the opening of the facility's roller doors when the shed is in use. The proposed clarifications and their rationale are outlined below.

Use of power tools - timing

June 2015 Draft Agreement – contained the following condition:

“The normal operating hours will be from 9am – 5pm on weekdays and 9am – 12pm on weekends.”

“Core operating hours during which power tools will be more consistently used will be limited to 10:00am – 2:00pm Tuesdays & Thursdays each week. Requests to operate beyond these limitations will be considered by the Stribling Reserve Committee in exceptional circumstances upon receipt of a written request from the Lorne & District Men's Shed Inc”

Considerations

The condition was originally drafted to acknowledge the core hours of operation when the majority of members would assemble at the shed. It was also designed to enable some flexibility to use power tools outside of those times. It responded to concerns raised by neighbours regarding the timing of peak activity at the shed.

Elsewhere in the special conditions the normal operating hours of the shed are defined at 9am-5pm weekdays and 9am-12pm weekends.

Experience with other men's sheds indicate there are 2-3 set periods during the week when the shed is attended by members in more significant numbers. Outside of these times members attend as individuals or in smaller groups depending on the projects they are working on.

Workshop activities requiring the use of power tools are not the sole activities that take place within the shed but are common. Power tools are used intermittently during workshop activities.

'Power tools' is a broad term which would cover any tool or equipment that is not powered by hand. In the workshop this would range from a small battery powered hand drill or electric screwdriver through to a bench saw or welding machine. It also, inadvertently, applies to domestic appliances that may be used in the shed such as a vacuum cleaner or food processor.

The shed has been fully lined and insulated which will have a limiting effect on noise levels emitted from the facility.

The condition, in its current form, is ambiguous and does not provide certainty. It could prevent the shed from being well-utilised used by members and may limit or slow down projects which are typically for community organisations and schools.

4.3 Lorne Men's Shed Agreement

To the best of officers' knowledge this is an unusual condition to be applied to a men's shed or community facility.

The licence is an arrangement between Council and LDMS. The requirement for Stribling Reserve Committee of Management to administer this arrangement is inconsistent with the remainder of the agreement.

Recommendation

Amend current condition relating to power tools for the purpose of clarification:

"The normal operating hours will be from 9am – 5pm on weekdays and 9am – 12pm on weekends."

"Powered workshop tools will be more frequently used during the core hours of operation, which are typically when larger groups of members gather (10:00am – 2:00pm Tuesdays & Thursdays each week). It is acknowledged that these tools may be used less frequently within the normal operating hours by individuals and small groups working on projects. The use of all tools and equipment will be subject to compliance with relevant amenity and safety legislation prescribed elsewhere in this agreement".

"Council may assess noise levels emanating from the shed from time to time."

Use of power tools – location

June 2015 Draft Agreement – contained the following condition:

"Use of power tools will be confined to inside the building."

Considerations

The current condition recognises that the use of power tools outside increases the potential to negatively impact on the public's amenity albeit conditions requiring compliance with amenity legislation exist within the agreement.

The vast majority of activities at a men's shed take place inside.

Sheds often rely on donations of wood, metal and other materials. In some instances these may be donated in large form and would require breaking down into workable pieces before being worked on inside the shed. This may be because materials are simply too large to fit through any of the doorways or to be safely broken down inside the building.

The driveway is the most likely location for outside work. This faces William Street.

A condition already addresses the issue of items being stored outside. The shed has adequate storage space which will enable the outside of the shed to remain tidy.

Recommendation

Amend the current condition for the purpose of clarification:

"Use of powered workshop tools will predominantly be confined to inside the building. In exceptional circumstances powered workshop tools may be used outside where it is not safe or possible to complete a task within the building (e.g. breaking down large items into more workable pieces)"

Roller doors

June 2015 Draft Agreement – contained the following condition:

"Roller doors must be closed at all times except when in use for deliveries."

Considerations

It is common for men's sheds to operate with open doors.

The operation of the shed while the roller doors are open could result in higher noise levels outside the building albeit conditions requiring compliance with amenity legislation exist within the agreement. The workshop will also be somewhat visible from the property directly opposite the shed driveway.

4.3 Lorne Men's Shed Agreement

There is a condition in the special conditions relating to occupational health and safety – “The licensee will comply with the relevant requirements under the Victorian OHS Act 2004 and the Workplace Injury Rehabilitation and Compensation Act 2013 and associated legislation.”

The OHS concerns are untested. A safety assessment would identify OHS risks and mitigation options which may include the opening of roller doors to aid ventilation.

The shed is required to have a safety plan in place in order to operate and LDMS have committed to having a safety assessment undertaken by a qualified professional (most likely WorkSafe) prior to operation.

Recommendation

Amend the current condition for the purpose of clarification:

“Roller doors must be closed at all times except when in use for deliveries and when closure of the doors impacts a safe work environment, noting this to be generally during core hours of operation.”

Proposed next steps

It is recommended that Council proceeds to establish a three year Crown Land Licence Agreement as per the draft endorsed in June 2015 but with amendments as outlined above and as set out in Appendix 2.

The draft agreement endorsed by Council in June 2015 was developed following stakeholder consultation which included considerable input from some of the shed’s immediate neighbours. Given the agreement does not include substantive changes officers do not consider that further stakeholder consultation is required.

Copies of the agreement will be publicly available and stakeholders including neighbours will be advised of its availability.

The agreement provides an adequate and appropriate framework to regulate the safe and considerate use of the shed to the benefit of the community.

LDMS have indicated their wish to enter into a Crown Land Lease of three years with options to extend to a total possible tenure of nine years, before the Crown Land Licence expires. This is expected to be a consideration in the latter half of the licence term and will be subject to a future Council process conducted in accordance with the Crown Land (Reserves) Act and the Local Government Act.

LDMS will also enter into a user agreement with the Stribling Reserve Committee of Management to cover user group issues such as utilities and liaison between groups. Such agreements with Section 86 Committees are common in the Shire.

Financial Implications

There are no significant financial implications associated with this report. A peppercorn rent is proposed in the licence agreement.

Council Plan

Theme 3 Communities
Objective 3.3 Preservation of peaceful, safe and healthy environments
Strategy 3.3.4 Support a wide-range of community groups to improve community wellbeing

Policy/Legal Implications

Council does not currently have a Leases and Licences Policy so this matter has to be considered individually on its merits.

Officer Direct or Indirect Interest

Nil

Risk Assessment

An agreement must be in place to govern the use of the facility from its date of opening.

4.3 Lorne Men's Shed Agreement

This report attempts to balance a number of risks including legal, safety, reputation and public amenity. It recognises that the majority of conditions that were endorsed by Council in June 2015 will remain but that a minority would benefit from clarification.

The agreement provides an adequate and appropriate framework to regulate the safe and considerate use of the shed to the benefit of the community.

Social Considerations

The report does not address social impacts beyond amenity and safety concerns. The contribution of men's sheds to society is well documented and was considered by Council in 2015.

Community Engagement

This report is informed by consultation conducted in 2015 as well as more recent discussions between LDMS and the Stripling Reserve Committee of Management.

No further stakeholder consultation is recommended at this time given the consistency between the agreement considered in June 2015 and that proposed in this report.

A meeting with neighbours is scheduled to occur in coming weeks to discuss the landscaping component of the project. Landscaping is scheduled for this coming Spring (weather permitting).

Environmental Implications

There are no significant environmental implications associated with this report.

Communication

Council's resolution will be communicated to affected parties.

Conclusion

It is important to finalise agreements for the use of the men's shed in Lorne. It is recommended that Council establish a three year Crown Land Licence Agreement with the Lorne & District Men's Shed Inc. that is consistent with the draft version endorsed by Council in June 2015. The agreement remains largely unchanged except for three clarified conditions of use. It is recommended these clarifications do not represent substantive changes to the conditions and accordingly further stakeholder consultation is not required.

5. MINUTES

5.1 Section 86 Committee Minutes

Author's Title: Administration Officer - Governance & Risk **General Manager:** Chris Pike

Department: Governance & Risk

File No: F16/285

Division: Governance & Infrastructure

Trim No: IC16/469

Appendix:

1. Anglesea Bike Park Committee Minutes - 9 March 2016 (D16/39373)
2. Connewarre Reserve & Hall Committee Minutes - 8 December 2015 (D16/43107)
3. Connewarre Reserve & Hall Committee Minutes - 8 March 2016 (D16/39193)
4. Deans Marsh Public Hall & Memorial Park Committee Minutes - 24 November 2015 (D16/39134)
5. Deans Marsh Public Hall & Memorial Park Committee Minutes - 23 February 2016 (D16/27688)
6. Eastern Reserve Committee Minutes - 19 October 2015 (D16/27679)
7. Eastern Reserve Committee Minutes - 16 November 2015 (D16/27682)
8. Eastern Reserve Committee Minutes - 15 February 2016 (D16/27684)
9. Globe Theatre Committee Minutes - 23 February 2016 (D16/39137)
10. Modewarre Hall and Reserve Committee Minutes - 18 November 2015 (D16/27670)
11. Modewarre Hall and Reserve Committee Minutes - 16 March 2016 (D16/27672)
12. Stribling Reserve Committee Minutes - 10 December 2015 (D16/43022)
13. Stribling Reserve Committee Minutes - 8 February 2016 (D16/27666)
14. Stribling Reserve Committee Minutes - 21 March 2016 (D16/39130)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

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

Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

Recommendation

That Council receive and note the following minutes of the Section 86 Committee meetings:

- Anglesea Bike Park Committee - 9 March 2016
- Connewarre Reserve & Hall Committee - 8 December 2015 and 8 March 2016
- Deans Marsh Public Hall & Memorial Park Committee - 24 November 2015 and 23 February 2016
- Eastern Reserve Committee - 19 October 2015, 16 November 2015 and 15 February 2016
- Globe Theatre Committee - 23 February 2016
- Modewarre Hall and Reserve Committee - 18 November 2015 and 16 March 2016
- Stribling Reserve Committee - 10 December 2015, 8 February 2016 and 21 March 2016

5.2 Advisory Committee Minutes

Author's Title: Administration Officer - Governance & Risk **General Manager:** Kate Sullivan

Department: Governance & Risk

File No: F16/285

Division: Governance & Infrastructure

Trim No: IC16/522

Appendix:

1. Bells Beach Committee Meeting Minutes - 18 January 2016 (D16/5443)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

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 Bells Beach Committee held on the 18 January 2016.

6. ASSEMBLIES OF COUNCILLORS

6.1 Assemblies of Councillors

Author's Title: Administration Officer - Governance & Risk **General Manager:** Anne Howard

Department: Governance & Risk

File No: F16/289

Division: Governance & Infrastructure

Trim No: IC16/506

Appendix:

1. Assembly of Councillors - Council Agenda Review - 26 April 2016 (D16/39558)
2. Assembly of Councillors - Council Briefing - 3 May 2016 (D16/39282)
3. Assembly of Councillors - Council Briefing - 10 May 2016 (D16/41685)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

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:

- Council Agenda Review – 26 April 2016
- Council Briefing – 3 May 2016
- Council Briefing – 10 May 2016

7. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION

7.1 Petition Requesting Investigation of Feasibility of Public Transport for Moriac

Author's Title: Manager Engineering Services

General Manager: Anne Howard

Department: Governance & Infrastructure

File No: F16/732

Division: Governance & Infrastructure

Trim No: IC16/462

Appendix:

1. Petition (D16/39655)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To receive and note the petition requesting that Council facilitate an meeting between interested Moriac residents and representatives of Public Transport Victoria to gain support for the investigation into the feasibility of public transport options for Moriac.

The petition consists of 236 signatures.

Recommendation

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

1. Receive and note the petition requesting Surf Coast Shire facilitate an initial meeting between interested Moriac residents and representatives of Public Transport Victoria to gain PTV support to investigate the feasibility of a regular public transport service for Moriac.
2. Refer the petition to the General Manager Governance and Infrastructure for consideration.
3. Require a report on the petition be presented to the 28 June 2016 Ordinary Council Meeting.

8. IN-CAMERA

Recommendation

That Council pursuant to section 89(2)(h) other 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 Sale of Properties - Bad Debt

Recommendation

That:

1. The resolution and report pertaining to In-Camera item 8.1 remain In - Camera.
2. Council open the meeting to the public at pm.

Close: There being no further items of business the meeting closed at enter time

