



Agenda

Ordinary Meeting of Council
Tuesday, 26 April 2016

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

Commencing at 6.00pm

Council:

Cr Rose Hodge (Mayor)
Cr David Bell
Cr Libby Coker
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 IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 26 APRIL 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 22 March 2016 and the Special Meeting of Council held on 19 April 2016 as a correct record of the meetings.

LEAVE OF ABSENCE REQUESTS:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

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

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

A person has a direct interest if:

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

A person has an indirect interest if the person has:

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

Disclosure of Interest

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

PRESENTATIONS:

PUBLIC QUESTION TIME:

BUSINESS:

1.	OFFICE OF THE CEO	4
1.1	<i>Monthly Finance Report - Project Variations March 2016</i>	4
1.2	<i>Service Review - Large Scale Mail Outs</i>	6
2.	GOVERNANCE & INFRASTRUCTURE	9
2.1	<i>Amended Ordinary Council Meeting Schedule 2016</i>	9
2.2	<i>Council Delegations to the Chief Executive Officer and Members of Council Staff</i>	11
2.3	<i>Review of Local Law No. 2 - Council Meeting Procedures and Common Seal</i>	13
2.4	<i>Place Naming Request for Sweeney Lane, Torquay and Babington Lane, Lorne</i>	18
2.5	<i>Declaration of Special Charge Scheme for Construction of Hopkins Street, Aireys Inlet</i>	21
3.	ENVIRONMENT & DEVELOPMENT	27
3.1	<i>Program Status Report January to March 2016 Quarter</i>	27
3.2	<i>SCS-008 Plastic Wise Events & Markets Policy</i>	34
3.3	<i>Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay</i>	38
3.4	<i>Application for a Planning Permit at 130 Bells Road, Bells Beach</i>	47
3.5	<i>1160 Horseshoe Bend Road Torquay - Amendment to the Approved Development Plan</i>	56
4.	CULTURE & COMMUNITY	59
4.1	<i>2016 Advocacy Priorities</i>	59
4.2	<i>Community Chef Restructure</i>	65
5.	MINUTES	70
5.1	<i>Section 86 Committee Minutes</i>	70
5.2	<i>Advisory Committee Minutes</i>	71
6.	ASSEMBLIES OF COUNCILLORS	72
6.1	<i>Assemblies of Councillors</i>	72
7.	URGENT BUSINESS/PETITIONS/NOTICES OF MOTION	73
7.1	<i>Petition Requesting the Construction and Sealing of Gilbert Street, Aireys Inlet</i>	73
8.	IN-CAMERA	74
8.1	<i>Assemblies of Councillors Confidential</i>	74
8.2	<i>C113 85 Geelong Road, Torquay - Exhibition of Planning Scheme Amendment</i>	74

1. OFFICE OF THE CEO

1.1 Monthly Finance Report - Project Variations March 2016

Author's Title: Acting Finance Manager

CEO: Keith Baillie

Department: Finance

File No: F15/973

Division: Office of the CEO

Trim No: IC16/433

Appendix:

1. Monthly Finance Report March 2016 (D16/35738)

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 March 2016.

Summary

The project variations for March 2016 are included.

Recommendation

That Council approve the project variations for March 2016 transferring a net of \$70,500 from the accumulated unallocated reserve and \$12,000 from the asset renewal reserve as listed in the March Finance Report.

1.1 Monthly Finance Report - Project Variations March 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 March 2016.

1.2 Service Review - Large Scale Mail Outs

Author's Title: Manager Business Improvement

CEO: Keith Baillie

Department: Office of the CEO

File No: F15/1546

Division: Office of the CEO

Trim No: IC16/412

Appendix:

1. Large Scale Mail Outs - April 2016 (D16/24736)

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 Large Scale Mail Outs Service Review.

Summary

Conducting a service review into large scale mail outs was endorsed by Council as part of the 2015/16 Business Improvement program.

The objective of this project was to review the efficiency of Council's use of large scale mail outs to communicate with, or to provide information to, the community.

A presentation is attached that summarises the outcomes of the review. The recommendations provided in this attachment map out a path to achieve the following longer term goals:

- A more efficient service that will deliver financial savings;
- Improved customer service and communication outcomes; and
- Environmental benefits through reduction in paper used.

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 related to changes that will complement future digital transformation.
2. Note the recommendations listed in appendix 1 related to short term operational improvements.

1.2 Service Review - Large Scale Mail Outs

Report

Background

Conducting a service review into large scale mail outs was endorsed by Council as part of the 2015/16 Business Improvement program.

The objective of this project was to review the efficiency of Council's use of large scale mail outs to communicate with, or to provide information to, its community.

Discussion

Council sends out in excess of 270,000 pieces of correspondence each year including, by way of example, rates notices, Groundswell, service invoices, planning notices and specific project notifications. All official pieces of correspondence are sent out via the mail.

Council spends a large amount of money every year developing and distributing this correspondence incurring costs for paper, printing, postage and external mailing services. Adding to the current costs, postage costs have increased by 40% as at 1 January 2016.

Generally, Council's performance in this area has been good though there are some clear opportunities for improvement through consolidation of contact with residents and providing an option for residents and service users to receive correspondence electronically.

Digital communication has become increasingly popular through low cost service providers such as telecommunication and insurance companies. Traditional services such as banking and utilities are working hard to convert its customers to digital to reduce costs and unnecessary paper use. Council is lagging behind in this area and needs to start taking steps to a digital service offering.

Council is beginning the discussion, with the local government sector more broadly, about digital transformation. While this occurs, this review recommends actions that can be completed now, within existing resource and technology constraints, to improve services and complement future digital transformation.

Financial Implications

The recommendations in this report will result in a net decrease in the 2016/17 budget of approximately \$8,000 and savings should increase as further take up of digital communication is realised.

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

Not applicable.

Officer Direct or Indirect Interest

Not applicable.

Risk Assessment

Council will continue to provide a traditional service offering as well as improving its digital capability. The risks associated with this are negligible.

Social Considerations

Council will continue to make available a hard copy service to any ratepayer that wants it. This will ensure Council does not disadvantage those with limited access to, or knowledge of, technology.

1.2 Service Review - Large Scale Mail Outs

Community Engagement

Council will engage with the community to ensure that they are aware of the different ways that Council can communicate with them. The benefits of digital communication for the customer will be clearly communicated.

Environmental Implications

The recommendations in this report will decrease the paper use by 10,000+ sheets in 2016/17. It is expected that this decrease will continue in future years with further take up of digital communication.

Communication

Council will engage with the community to ensure that they are aware of the different way that Council can communicate with them. The benefits of digital communication for the customer will be clearly communicated. This will involve some marketing activities planned for April / May 2016.

Conclusion

The service review into the efficiency of large scale mail outs has been completed. A range of recommendations has been put forward, both strategic and operational, for Council to adopt or note. The recommendations provide an immediate financial benefit to Council as well as a path toward increased digital communication.

2. GOVERNANCE & INFRASTRUCTURE

2.1 Amended Ordinary Council Meeting Schedule 2016

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F16/285

Division: Governance & Infrastructure

Trim No: IC16/292

Appendix:

1. Amended Dates for Council Meetings 2016 (D16/27114)

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 adopt an amended 2016 Ordinary Council meeting schedule.

Summary

Council previously resolved to adopt a schedule of Ordinary Council meetings for 2016.

It is now suggested that the meeting due to be held on 27 September 2016 be cancelled and rescheduled to 13 September 2016 in order that it does not occur during the election (caretaker) period when restrictions on the types of decisions that can be made are in place.

Recommendation

That Council:

1. Cancel the Ordinary Council meeting on the 27 September 2016 so it does not occur during election (caretaker) period between 20 September and 22 October 2016.
2. Schedule an Ordinary Council meeting for 13 September 2016.
3. Adopt the amended 2016 Ordinary Council meeting schedule as attached at Appendix 1.

2.1 Amended Ordinary Council Meeting Schedule 2016

Report

Background

To ensure that the legislative requirements in regard to the conduct of an Ordinary meeting can be met, it is prudent for Council to resolve the date and time of future Ordinary meetings.

Council previously resolved to adopt a schedule of Ordinary Council meetings for 2016.

Discussion

Section 83 of the Local Government Act 1989 states that Council may hold two types of meetings, being:

- Ordinary meetings at which general business of the Council may be transacted; and
- Special meetings at which the business specified in the notice calling the meeting may be transacted.

Council holds Ordinary Council Meetings on the fourth Tuesday of the month with the exception of January and December. A re-scheduling of the Ordinary Council Meeting on the 27 September 2016 to the 13 September 2016 has been proposed so it does not occur during election (caretaker) period from 20 September – 22 October 2016 when restrictions on the types of decisions that can be made are in place.

Financial Implications

Not applicable.

Council Plan

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

Policy/Legal Implications

Section 89(4) of the Local Government Act 1989 requires that:

- (4) Unless subsection (4A) applies, a Council must at least 7 days before the holding of—
- (a) an ordinary council meeting; or
 - (b) a special council meeting; or
 - (c) a meeting of a special committee comprised solely of Councillors give public notice of the meeting.

Council's Local Law No. 2 – Meeting Procedure and Council Seal, clause 13 Attendance & Notice of meetings (Pursuant to Section 89 of the Act) requires that:

- 13.1 The Chief Executive Officer must give notice to the public of any meeting of the Council by public notice at least seven days prior to the meeting and via Council's website.
- 13.2 The dates, time and place for all Ordinary Council meetings shall be fixed by the Council from time to time.

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

Provides clarity for the community as to when and where Council meetings will be conducted.

Environmental Implications

Not applicable.

Communication

Meeting times and dates will be advertised in the local press and available on Council's website.

Conclusion

It is recommended that Council adopt the amended schedule for Ordinary Council meetings to be held in 2016 as attached in Appendix 1, re-scheduling the Ordinary Council meeting due to be held on the 27 September 2016 to the 13 September 2016 so it does not occur during the election (caretaker) period from 20 September – 22 October 2016.

2.2 Council Delegations to the Chief Executive Officer and Members of Council Staff

Author's Title: Coordinator Governance & Procurement

General Manager: Anne Howard

Department: Governance & Risk

File No: F15/1076

Division: Governance & Infrastructure

Trim No: IC16/339

Appendix:

1. Delegations and Authorisation Service Template Complete - P - VIC - S5 (Council to CEO) - Staff Package (D16/28482)
2. Delegations and Authorisation Service Template - P - VIC - S6 (Council to Council Staff) (D16/28484)

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 Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To approve the Instruments of Delegation from Council to the Chief Executive Officer; and from Council to members of staff, pursuant to Section 98(1) of the *Local Government Act* 1989 (the Act).

Summary

The Local Government Act 1989 enables Council to delegate to the Chief Executive Officer and/or members of Council staff its powers, duties or functions, other than specified exemptions found under section 98(1). The previous Instrument of Delegation from Council to the CEO and to members of Council staff was approved by Council on 23 July 2013, following the previous year's Council elections.

In 2015 Council subscribed to Maddocks delegations service, which is used by most other Councils in Victoria, which provides a more detailed and up to date framework. A thorough review of delegations is now underway including the CEO's, Municipal Building Surveyor's and Council delegations. This report includes delegations from Council to the CEO; and Council to staff. Delegations from the CEO to staff are now also being reviewed and will be completed in the next few months.

Managers have worked with their teams to update the delegations documents and the draft delegations were presented to EMT for review on 2 March 2016 and Council Briefing for information on 12 April 2016. The completed documents are now being provided to Council for consideration and formal adoption.

Recommendation

That Council approve the Instruments of Delegation from Council to the Chief Executive Officer as shown in Appendix 1 and Council to members of Council staff as shown in Appendix 2.

2.2 Council Delegations to the Chief Executive Officer and Members of Council Staff

Report

Background

Pursuant to Section 98(6) of the *Local Government Act 1989* (the Act), Council must review all delegations made by Council under Section 98(1), within a period of 12 months after a general election. This review was last carried out in 2013, following the previous year's election, with the assistance of Macquarie Lawyers.

Discussion

In 2015 Council subscribed to Maddock Lawyers' delegations service, along with 75 other Councils in Victoria, which provides a more detailed and up to date framework to ensure that new legislation and requirements are included and delegations are correctly allocated. A thorough review of delegations using the framework is now underway including the CEO's, Municipal Building Surveyor's and Council delegations. This report includes delegations from Council to the CEO; and Council to staff. Delegations from the CEO to staff are now being reviewed over the next few months. The documents have been updated by each management area and were submitted for EMT's consideration on 2 March 2016 and for information at the Council Briefing on 12 April 2016.

Financial Implications

Council's Chart of Authorities sets out financial delegations and is separate to this process.

Council Plan

Theme 2 Governance
Objective 2.2 High performing accountable organisation
Strategy 2.2.2 Review the Council governance structure.

Policy/Legal Implications

Section 98(6) of the *Local Government Act 1989* states "A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1)."

Section 98(1) states that a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council with certain exceptions.

Officer Direct or Indirect Interest

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

Risk Assessment

A thorough system of delegations minimises the likelihood of officers acting outside their powers and exposing Council to unacceptable risk.

Social Considerations

Not applicable

Community Engagement

Under the *Local Government (General) Regulations 2015* Council must make available for public inspection a register of delegations kept under sections 87 and 98 of the *Local Government Act 1989*, including the dates on which the last reviews under sections 86(6) and 98(6) of the *Local Government Act 1989* took place.

Environmental Implications

There are no environmental implications arising from this report.

Communication

Changes to the current delegations will be communicated internally. It is proposed that a summary of delegations be developed for each position that can be attached to the position description.

Conclusion

By carrying out a complete review of its delegations Council will ensure that these are up to date and Council staff understand their responsibilities and levels of authority.

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

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F16/611

Division: Governance & Infrastructure

Trim No: IC16/309

Appendix:

1. Local Law No. 2 Community Impact Statement (D16/34823)
2. Draft Local Law No. 2 - Meeting Procedures (D16/34818)

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 Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To approve the draft of Local Law No. 2 – Council Meeting Procedures & Common Seal for placing on public exhibition in accordance with sections 119 and 223 of the Local Government Act 1989.

Summary

Council's current Local Law No. 2 does not sunset until 2021, however a review is necessary following Council's decision in August 2015 to update the local law to cater for routine audio recording of Council meetings without the need for resolution each time. Further updates have also been suggested by officers in light of comparison with other Councils' local laws and in order to refine and clarify procedures.

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

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

Recommendation

That Council approves the draft of Local Law No. 2 – Council Meeting Procedures & Common Seal for placing on public exhibition in accordance with sections 119 and 223 of the Local Government Act 1989.

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

Report

Background

Council's current Local Law No. 2 does not sunset until 2021, however a review is now necessary following Council's decision in August 2015 to update this to cater for routine recording of Council meetings without the need for a resolution each time. The full Council resolution is as follows;

Council Resolution

MOVED Cr. Brian McKiterick, Seconded Cr. Heather Wellington

That Council:

1. *Declare its intention to undertake audio-recording of future Ordinary Council meeting proceedings.*
2. *Note that in the first instance the recordings would be used for internal purposes only.*
3. *Review Local Law No 2 of 2011 Council Meeting Procedures and Common Seal to include the provision for Council to carry out audio and visual recording of Council meeting proceedings.*
4. *Note that officers will investigate video-streaming of Council meeting proceedings at some point in the future.*

Further updates have also been suggested by officers in light of comparison with other Councils' local laws and to refine and clarify procedures. These suggestions are set out below.

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

Discussion

Local Law No. 2 has undergone a review by officers and a summary of suggested changes is as follows:

- Provision for routine recording of meetings and for these to be available to the public;
- Inclusion of the role of Deputy Mayor;
- Introducing time limits for meetings;
- Updating of the signing clause for the Common Seal;
- Improvements to language, clarity and order of the sections;
- Provision for confidential minutes to be confirmed in the closed section of the meeting.

Specifically the changes are as follows:

Section	Proposed Changes
Part 1 – section 7	Inclusion of definition of Deputy Mayor and Acting Mayor.
Part 2 – section 9	Inclusion of section for election of Deputy Mayor.
Part 3 – section 11	Amended from 'oath of office' to 'pledge'
Part 3 – section 14	Provision for an electronic agenda and a 'digital by default' approach.
Part 3 – section 15	Time limits for Council meetings introduced
Part 3 – section 17	Conflict of interest requirements updated and a declaration form included.
Part 3 – section 18	Clarification of confirmation of minutes and provision to confirm later in the meeting where appropriate. Closed minutes to be confirmed in the closed section of the meeting.

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

Section	Proposed Changes
Part 3 – section 18	Members of the public will be asked to sign in before entering the meeting for health and safety/ follow-up purposes and in line with the normal practice during business hours.
Part 3 – section 19	Introduction of a provision for petitions and joint letters not to be admitted where the matters listed have already been acted on.
Part 3 – section 20	Public question time procedures clarified.
Part 3 – section 21	Procedures for submitting notices of motion updated from four working days before Council meeting to seven to align with the practice of sending out the Council agenda a week before the meeting. Administrative procedures clarified.
Part 3 – section 23	Explanation of procedures for formal motions expanded.
Part 3 – section 26	Addition of the Audit Chairperson’s right to request a report to be tabled at any Council meeting.
Part 3 – section 27	Wider explanation of procedures around requests for leave of absence from Councillors.
Part 3 – section 28	Change of language from ‘in camera’ to ‘closed’ meetings as per the Act.
Part 5 – various sections	Reordered to ensure more logical flow.
Part 5 – section 33	Addition of the requirement that a motion or amendment must not be defamatory or objectionable in language or nature.
Part 5 – section 34	Explanation of procedure for considering recommendations and motions expanded.
Part 5 – section 35	Explanation of procedure for amending and foreshadowing motions expanded and reordered.
Part 5 – section 36	Explanation of procedure for Councillor questions expanded.
Part 5 – section 37	Provision for the motion to be repeated before putting to the vote.
Part 5 – section 39	Voting section updated to clarify that Councillors can abstain from voting but that this decision should not be taken lightly. Inclusion of paragraph that ‘Not participating in decisions taken by Council could be seen as an abrogation of a Councillor’s oath of office and responsibility to represent the community’.
Part 5 – section 40	Requirement for names of any Councillors who abstain from voting in a Division to be recorded along with the names of those voting for and against the motion.
Part 5 – section 42	Provision for Council to routinely record Council meetings without the need for resolution each time and flexibility for this to take whatever format Council decides into the future eg visual. Recordings to be made available to the public. Provision for Council to resolve not to record a particular meeting is also available.

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

Section	Proposed Changes
Part 5 – section 43	Provision for a motion to dissent following the Chairperson's ruling on a point of order.
Part 5 – section 51	Provision added for a person appointed by Council to maintain security to be able to remove anyone who is disrupting the meeting from the chamber or meeting.
Part 8 – section 58	Updating of Council's signing clause.
Schedule A	Public Question form updated with new privacy statement, contact information and improvements to format.
Schedule B	Rescission Motions form updated – language updated.
Schedule C	Procedural motions updated and further clarification provided.
Schedule D	Conflict of Interest Declaration form added.

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

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

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

Date	Action
Completed	Officer review and benchmarking with other Councils
30 March 2016	EMT consideration
12 April 2016	Council Briefing
26 April 2016	Council meeting resolution to adopt draft and place on public exhibition
Early May 2016	Public notice and Government Gazettal of intention to amend the local law including invitation for public submissions. Publishing of Community Impact Statement (LLCIS) with draft local law.
June 2016	Public exhibition period ends (at least 28 days)
July 2016	Hearing of Submissions Committee considers public comments and hears submissions.
July 2016	Where appropriate, incorporate any amendments that have been suggested during the submissions process.
July/August 2016	If necessary brief Council on proposed amendments.
July/ August 2016	Council consider adoption of amended local law.
July/ August 2016	Prepare advertisements for newspapers and Government Gazette for adoption.
July/ August 2016	Submit an updated copy to the Minister.

Financial Implications

There are no financial implications associated with this report.

Council Plan

Theme 2 Governance
Objective 2.4 Transparency in decision making and access to information
Strategy 2.4.1 Communicate decisions clearly and in a timely manner.

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

Policy/Legal Implications

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

Officer Direct or Indirect Interest

No officers involved in the preparation of this report have any conflicts of interest.

Risk Assessment

Not applicable.

Social Considerations

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

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

Community Engagement

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

Environmental Implications

Not applicable.

Communication

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

Conclusion

Local Law No. 2 – Council Meeting Procedures & Common Seal is due for review in order to incorporate changes requested by Council and suggestions from officers. It is recommended that the process outlined is followed in order to comply with our legal obligations and to ensure an opportunity is provided for public comment.

2.4 Place Naming Request for Sweeney Lane, Torquay and Babington Lane, Lorne

Author's Title: Manager Engineering Services

General Manager: Anne Howard

Department: Governance & Infrastructure

File No: F16/82

Division: Governance & Infrastructure

Trim No: IC16/411

Appendix:

1. Plan - Sweeney Lane Torquay (D16/33806)
2. Plan - Babington Lane Lorne (D16/33807)

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 declare its intention to formally name one new road and rename one section of road.

Summary

Council recently received two requests; one request was to formally name one new road and a second request was to rename a section of an existing road. In accordance with the adopted policy, these requests require public consultation and subsequently a resolution of Council prior to submitting to the Office of Geographic Names for registration of the changes.

Recommendation

That Council:

1. Declare its intention to:
 - a. Name the new access road to Grant Pavilion as Sweeney Lane, Torquay.
 - b. Rename a section of Polwarth Road to Babington Lane, Lorne.
2. Issue a public notice and invite submissions in accordance with Section 223 of the Local Government Act 1989.

2.4 Place Naming Request for Sweeney Lane, Torquay and Babington Lane, Lorne

Report

Background

Council has received two requests for naming and renaming of roads. These requests have been considered by Council's Place Naming Committee and are now presented for Council consideration.

Discussion

The two requests are:

1. Name the new access road to Grant Pavilion as Sweeney Lane, Torquay

Council has received a request to name the new access road to Grant Pavilion (currently under construction as part of the second AFL oval) as Sweeney Lane to acknowledge the contribution of the late Joe Sweeney a local Torquay surfing identity. Mr Sweeney organised construction of the first road in to Bells Beach in the early 1960's and hand carved the famous Bells Beach Pro trophies for more than 30 years. Given the Grant Pavilion has rooms named after local surfing identities the recognition of Mr Sweeney at this precinct is considered appropriate.

2. Rename a section of Polwarth road to Babington Lane, Lorne

Council has received a request to rename the southern section of Polwarth Road, Lorne as there is currently a split in the road at William Street which means the road is discontinuous and can cause confusion and does not currently comply with the place naming guidelines. The name Babington is locally significant as it relates to the Babington Sawmill Settlement, Benwerrin, a place of cultural significance listed in the Lorne /Deans Marsh Heritage Place assessment and was operated in the 1900's by various members of the Babington family.

In accordance with Council policy, it is proposed to consult with the community on the proposed changes.

Financial Implications

There will be a minor cost for placement of the public notice and installation of signage which can be funded through the operational budget

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.

Policy/Legal Implications

The proposed names comply with relevant sections of the Geographic Place Names Guidelines developed under the Geographic Place Names Act. The naming proposals also comply with Council's Place Naming policy.

Officer Direct or Indirect Interest

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

Risk Assessment

Once formal registration or amendment of a location has occurred, Emergency Services will be advised of any changes. This minimises risk to the community in the event of an emergency.

Social Considerations

The community should have input into proposed naming of roads and this process provides that opportunity.

Community Engagement

Where the naming of features or renaming of roads is proposed it is important to consult with the community and provide an opportunity into the changes and names proposed. This will be done through the s223 submission process

Environmental Implications

Not applicable.

2.4 Place Naming Request for Sweeney Lane, Torquay and Babington Lane, Lorne

Communication

Communication will occur through a public notice process and informing properties directly affected by such a change.

Conclusion

The two requests to formally name one road and rename another road are in accordance with the adopted policy. It is recommended that Council issue a public notice and invite submissions in accordance with section 223 of the Local Government Act.

2.5 Declaration of Special Charge Scheme for Construction of Hopkins Street, Aireys Inlet

Author's Title: Coordinator Special Projects

General Manager: Anne Howard

Department: Engineering Services

File No: F15/1060

Division: Governance & Infrastructure

Trim No: IC16/300

Appendix:

1. Schedule D - Apportionment of Costs between Properties (D16/504)
2. Plan Showing Scheme Boundary and Scope of Works (D15/117617)
3. Summary of Submissions Received (D16/26097)

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 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 Hopkins St, Aireys Inlet, and to consider formal declaration of the Scheme.

Summary

Council has been petitioned by residents seeking the construction and sealing of Hopkins Street, between the Great Ocean Road and Hartley Street. The street is currently an unsealed gravel road providing principal access to 130 residential properties situated between the Great Ocean Road and the coast.

At its January 2016 meeting, Council resolved to give notice of "its intention to declare" a Special Charge Scheme to raise \$59,558 of the \$102,623 estimated cost of the proposed Hopkins Street construction from 37 owners of property identified as receiving special benefit from the proposed works.

Details of the project and proposed Scheme were published in the Surf Coast Times on 4 February 2016. All affected owners were notified of Council's resolution and provided with a copy of the public notice.

Submissions have been received from owners of seven affected properties. Two properties support proceeding with the project and five are 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 \$43,065 to the project in recognition of the benefit the wider community would receive.

Recommendation

- 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 \$59,558 of the estimated \$102,623 to be incurred by Council in relation to the construction of Hopkins Street. 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 four years, commencing upon completion of the works.
 - 1.3 The Special Charge is declared for all thirty seven properties described in Column A of Schedule D (Appendix 1) and shown on the attached plan (Appendix 2).
 - 1.4 A maximum Benefit Ratio of 0.58 calculated in accordance with Section 163 (2A) of 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

2.5 Declaration of Special Charge Scheme for Construction of Hopkins Street, Aireys Inlet

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 of Schedule D (Appendix 1) are estimated to be liable for the respective amounts as set out in Column E 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 sixteen 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.

2.5 Declaration of Special Charge Scheme for Construction of Hopkins Street, Aireys Inlet

Report

Background

In 2007 Council proposed the construction of roads, drainage and pathways within Aireys Inlet Precinct 1 which included Hopkins Street east of the Great Ocean Road and Hartley Street. Following detailed consultation Council supported the recommendations by a local citizens' jury and resolved only to proceed with drainage works within Precinct.

In July 2015 Council received a petition from 11 Hopkins Street property owners requesting that Council investigate the construction and sealing of Hopkins Street, between the Great Ocean Rd and Hartley Street as a stand-alone project.

At its 25 August 2015 meeting, Council resolved to commence project investigations including part funding through a Special Charge Scheme and to consult with affected owners regarding the scope of the works and how to best apportion the costs.

In November 2015 an information brochure explaining why the project is being considered, the scope of proposed works, who may be affected and what it might cost was distributed to 37 properties. Of the 26 property owners who responded, 20 are supportive in principle, and 6 are unsure or opposed. AIDA also responded acknowledging that there is a dust issue in Hopkins St but expressed concern that simply sealing Hopkins St will not address the issue unless drainage improvements are included in the works.

In November 2015, Council also received a second petition from 26 ratepayers/residents of property in adjacent streets advising of their support to the proposal.

At its meeting on 20 January 2016 Council declared "its intention" to construct and seal Hopkins Street, Aireys Inlet; with some funding raised through a Special Charge Scheme. Following the Council resolution, all property owners affected by the 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 4 February 2016.

Seven submissions have been received. Two properties indicate qualified support of the works and five are opposed to one or more aspects of the Scheme.

Discussion

Existing Conditions

The Hopkins Street gravel road pavement, east of the Great Ocean Road, provides the principal vehicular and pedestrian access for over 130 residential properties generating traffic volumes which are amongst the highest on an unsealed road within the municipality. The pavement varies in width between 6.5 m and 7.5 m. There is no pathway for non-vehicular traffic.

Stormwater from the adjacent properties runs into open roadside table drains and a substantial underground drainage system constructed in 2008, with the assistance of Special Charge Scheme funding. Some of the driveway culvert crossings have not been constructed to contemporary standards.

The road traffic volume varies significantly according to the season. A January 2016 survey in Hopkins Street, just east of the Great Ocean Road, recorded volumes of 650 vehicles/day and an 85 percentile speed (speed at or below which 85% of the vehicles are travelling) of 47 kmph. These volumes are very high when compared to traffic on most gravel roads in the Shire townships. There is limited opportunity for future property development and therefore the maximum traffic volumes are unlikely to change significantly.

Proposed Works

The June 2015 petition requested the "sealing of Hopkins Street" and installation of suitable traffic calming measures. The feedback from Council's recent consultation reaffirms the concern regarding dust nuisance and the need to consider traffic safety measures.

The proposed seal width is 5.5 metres – similar to the recently constructed Pearse Rd.

2.5 Declaration of Special Charge Scheme for Construction of Hopkins Street, Aireys Inlet

Although this proposed work is below contemporary residential street standards, it does reflect the residents' desire for retaining the amenity and informality of the area.

The proposed scope includes several road narrowings to address the concern regarding vehicle speed and the shared pedestrian use. Council Policy acknowledges financial responsibility for road safety features.

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 Council Policy, which includes amendments since the development of the original Aireys Precinct 1 Scheme, sets out the financial support towards gravel road sealing projects stating 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 \$59,558 reflects the maximum levy chargeable and is in accord with Council's Special Charge Scheme Policy.

The drawing of the Scheme boundary (identifying the properties that are to be included in the Scheme) has presented a challenge because the residents of/visitors to 94 properties beyond the boundary will use the street once sealed. These properties would receive an "access benefit" and therefore could have been included, but it is considered that inclusion of properties beyond the Hartley St intersection would complicate the apportionment of costs associated with any future Special Charge Scheme - should the extension of road be considered. Including additional properties not fronting a sealed road would also increase the potential level of objection to the proposed works. The proposed Scheme includes all properties that rely exclusively upon Hopkins Street for access and are classified to receive a "special benefit" above all others. The adoption of the boundary does not affect the amount each property pays but does influence the Benefit Ratio and therefore the amount of Council funding required.

The proposed apportionment of the Scheme costs amongst the benefiting properties is detailed in Schedule D and plan (Appendices 1 & 2), and is based upon both access and amenity criteria. Access benefit is apportioned according to the number of actual/possible residences on each property. Amenity, which reflects environmental improvements like dust reduction, has been apportioned only to those properties that have Hopkins Street frontages. Under the proposed cost apportionment benefiting properties will be charged an average of \$1,610, ranging between \$896 and \$3,582. Under the Council Policy many of the higher charges will only be paid if, or when, the property is subdivided.

Submissions Received

Six affected owners and one adjacent owner have responded to Council's notice of its intention to declare a Scheme.

A common concern is the perceived inequity of the proposed Scheme boundary. The submitters note that there are many properties beyond the boundary benefit from the proposed works and they argue that these property owners should also contribute. This benefit is acknowledged – however it is taken into consideration through the proposed financial contribution by Council, which is calculated to reflect the wider community benefit – and has been determined by the Benefit Ratio - in accordance with the requirements of Cl 163 of the Local Government Act.

Individual submissions also state that:

- Project should be fully funded through rate revenue
- Street should remain unsealed
- 2007 Citizens Jury determined that streets should remain unsealed
- Proposed standard of work is excessive
- No special benefit to property
- Cost apportionment is inequitable

A summary of the submissions and proposed response is included in Appendix 3. Each of the concerns raised has been reviewed but no change in the proposed declaration is considered justified. A copy of the individual submissions has been provided to each Councillor

2.5 Declaration of Special Charge Scheme for Construction of Hopkins Street, Aireys Inlet

Financial Implications

Estimated Project Cost:	\$102,623
Estimated Special Charge:	\$59,558
Council funding required:	\$43,056

Construction of the street would benefit Council because it would significantly reduce the asset maintenance costs and improve the service delivery standard; however this project is not currently included in the draft Ten Year Capital Works Program. If the Special Charge Scheme proceeds, the Council contribution will be referred for consideration in the future Capital Works Program. Alternatively funds could be allocated 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.

Project design and consultation with the affected property owners, requires a significant commitment of officer time, the cost of which is partly recouped as an administrative item 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.

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 and makes no formal provision for separation of pedestrians from the vehicular traffic. However it acknowledges that the Aireys Inlet community generally has a very high desire to retain an informal non-urban environment but is cognisant of the need to construct "community infrastructure that responds to community demand" and reflects the Council Strategy to identify the "...service needs for each community on a place based approach."

Policy/Legal Implications

The proposed roadwork improvements are in accordance with the Council's Special Charge Scheme Policy-SCS-028, which sets out the strategic framework for the construction of infrastructure, including gravel road construction. The 4 objections to the Scheme represent 10% of the affected owners – significantly less than the Policy requirement that Council to discontinue a Scheme if more than 40% of the affected owners object to the scheme.

Clause 185 of the Local Government Act gives an affected property owner the right to apply to VCAT for review of Council's declaration.

Officer Direct or Indirect Interest

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

Risk Assessment

Traffic surveys indicate volumes in Hopkins Street exceed 600 vehicles per day during the summer – a very high volume for a gravel road. The construction and sealing of the road will provide a consistent firm surface and be a significant safety improvement for drivers, pedestrians and cyclists.

The proposed road construction is below contemporary standards and makes no provision for separation of pedestrians from the vehicular traffic. However, it is acknowledged that the Aireys Inlet community generally has a very high desire to retain an informal non-urban environment.

2.5 Declaration of Special Charge Scheme for Construction of Hopkins Street, Aireys Inlet

Social Considerations

The sealing of the road will improve conditions for abutting residents by removing the dust nuisance in summer and the muddy conditions in winter, as well as the noise generated by an uneven gravel road.

In accordance with the Local Government Act legislation, the terms of the proposed Scheme provides the option for owners to pay in full upon completion of the works, or 16 instalments over 4 years. The latter incurs an interest charge on the outstanding payment.

The instalment option incurs an interest charge on the outstanding capital. Any person experiencing financial hardship can refer the matter to Council for review.

Community Engagement

Hopkins Street is within Aireys Inlet Precinct 1 where the upgrading of infrastructure has been the subject of extensive community engagement over recent years - including a 2007 Citizens' Jury.

Following Council's August 2015 resolution to consult with affected owners regarding the project scope and apportionment of costs, an information brochure was sent to all potentially affected owners. A letter summarising the feedback was circulated in December 2015.

In January 2016 a Council officer held constructive discussions onsite with AIDA representatives.

Environmental Implications

The sealing of Hopkins Street will reduce the extent of dust nuisance to abutting residents and improve the quality of the stormwater runoff reducing the extent of siltation of the table drains and turbidity of the discharge to the ocean. 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:

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 owners of property within the Special Charge Scheme boundary.

The five property owners opposed to the road sealing consider that it will adversely affect the amenity of the area and that the charge is not equitably apportioned. However, the original petition and subsequent feedback indicates that a majority are supportive of both the proposed road construction and sealing, and the proposed funding arrangements.

The proposed Scheme has been prepared in accordance with the Local Government Act 1989 provisions and is considered to equitably apportion the estimated costs amongst benefiting property owners.

3. ENVIRONMENT & DEVELOPMENT

3.1 Program Status Report January to March 2016 Quarter

Author's Title: Manager Program Management Office **General Manager:** Kate Sullivan

Department: Program Management Office **File No:** F15/1295

Division: Environment & Development **Trim No:** IC16/247

Appendix:

1. Program Management Office - Program Status Report - Capital Projects Status - 31 3 16 (D16/34351)
2. Program Management Office - Program Status Report - New Initiative Projects Status - 31 3 16 (D16/34352)
3. Program Status Report at 31 March 2016 – Projects anticipated to carry forward to 2016/17 (D16/35011)

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 Program Status Report for the January to March 2016 quarter.

Summary

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

Recommendation

That Council note the Program Status Report for the January to March 2016 quarter.

3.1 Program Status Report January to March 2016 Quarter

Report

Background

The Program Management Office (PMO) has responsibility to provide leadership, support and analysis for best practice project management, including standardising and building Surf Coast Shire Council's project management capability and methods.

The Program Status Report is intended to provide a high level analysis on progress of the overall program of projects, provide a point of accountability for project managers to provide accurate status information via their Project Sponsor and to focus attention on risks to delivery based on time, cost and scope.

Discussion

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

The following items are not included in this report as they are part of the Monthly Finance Report.

- year to date budget and actuals relative to monthly phasing (the 'wave' diagram)
- breakdown by master account
- breakdown by special charge and non-special charge
- monthly project variations / reserve movements for approval

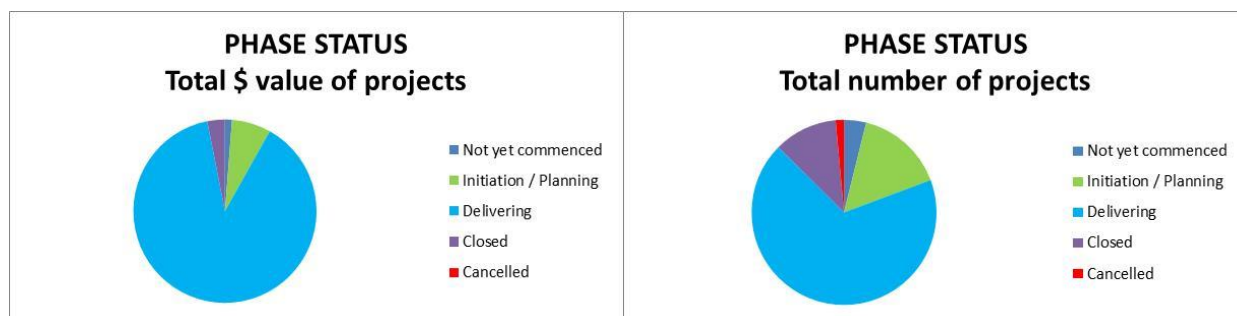
High level indicators for the overall program of projects based on phase, time, scope and cost follow:

Phase Status

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

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

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



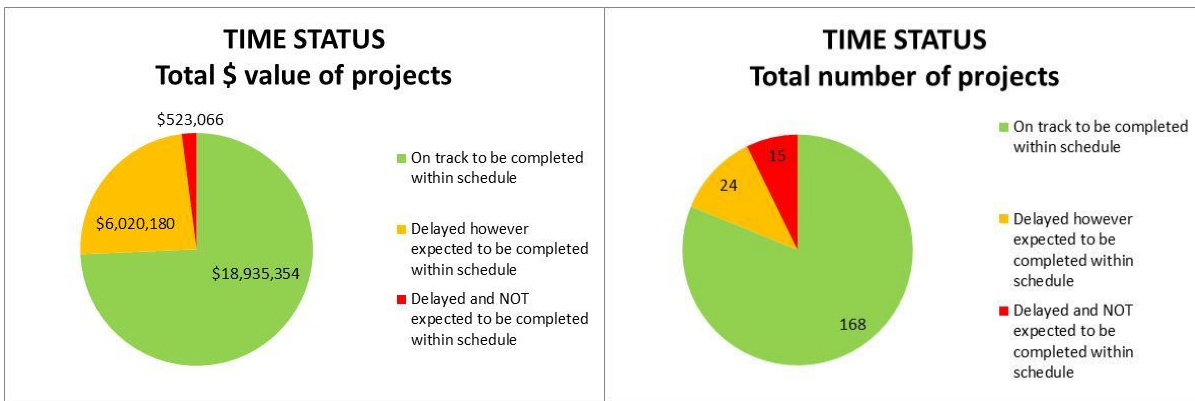
Time Status

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

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

There are a number of projects that will not proceed and it is proposed that these funds be returned to reserve. There are also a number of projects which are unable to be delivered in this financial year and will therefore extend into the next financial year.

3.1 Program Status Report January to March 2016 Quarter

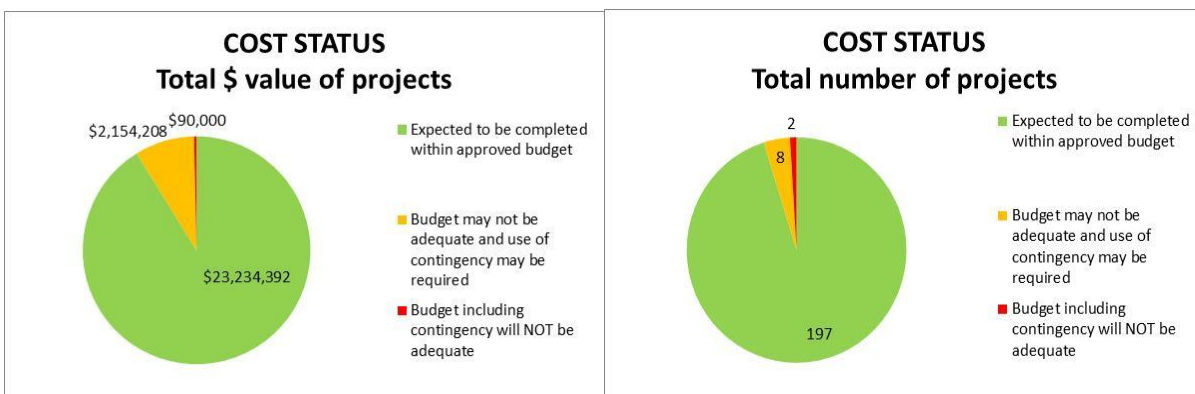


Cost Status

Cost status provides an indication of whether or not the project is on track to be delivered within the budget available.

A cost issue may be resolved by reducing scope or by extending time to enable an alternative and lower cost method of delivery, or delay in incurring the costs such as staging. A request to the Chief Executive Officer or Council to alter a budget is only required if it is not possible to change scope or time, and the allocated contingency for the project is not adequate.

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



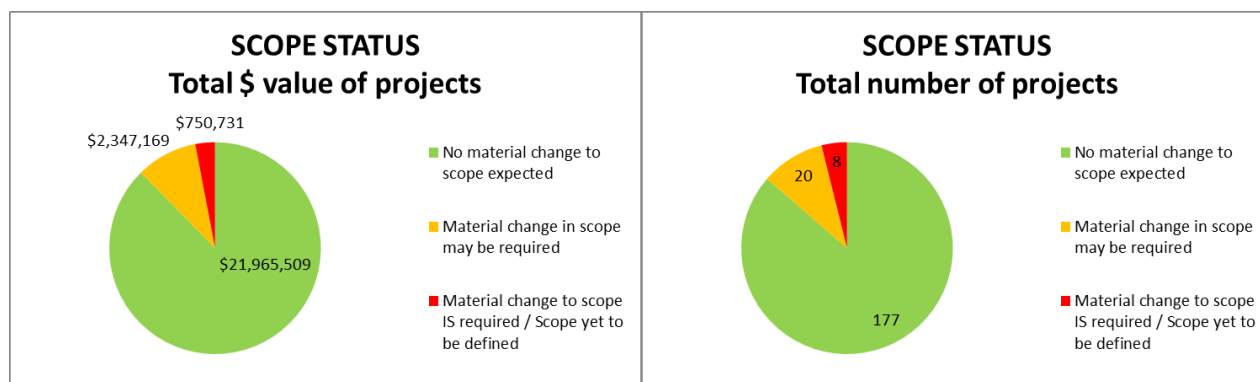
Scope Status

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

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

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

3.1 Program Status Report January to March 2016 Quarter



Financial Implications

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

A summary of movements from the Original Budget follow:

Capital Projects (125 projects)			\$
Adopted Budget (published)			18,324,959
CF	Carry Forward Post Budget	Carry Forward	3,101,202
8480	Grass Tree Project (transferred from New Initiatives)	Transfer	3,816
Sub-total Original Budget			21,429,977
Budget Movements Approved by Council:-			
9465	Anglesea Transfer Station	Completed	-43,200
9466	Anglesea Landfill Liner over original cell	Completed	-3,707
9399	Purchase of Land	New Allocations	850,000
9493	Bob Pettitt Reserve land purchase	Completed	10
9490	Black Spot Project	Completed	1,383
9512	Elkington Road Service Road (\$100k RTR & \$100k Contribution)	Externally Funded	200,000
9487	Modewarre Avenue of Honour project	Completed	-2,485
9448	Lorne Mens Shed	New Allocations	30,000
9488	Lorne Mens Shed	Externally Funded	138,800
9460	Lorne Swing Bridge Pathway	Externally Funded	29,091
9252	Bicycle Lanes Program	Externally Funded	10,000
9248	Pathway Ancillary Program	Externally Funded	10,000
9526	Aireys Inlet Pedestrian Island	Externally Funded	20,000
9535	Cape Otway Road (RTR)	Externally Funded	495,019
9409	Lorne Stribling Reserve	New Allocations	100,000
9477	Surf Coast highway/Beach Rd intersection	Completed	-10,168
9532	Fitness station at Quay Reserve	Externally Funded	5,000
9506	Anglesea Coogoorah Park Access Road	Cancelled	-33,000
9463	Murrell and Gosney Intersection upgrade	New Allocations	8,000
9399	Land Purchase (reduction of new allocation)	New Allocations	-465,000
9347	West Coast Business Park drainage	Transfer to Adopted Strategy Reserve	-93,000
9369	Aireys Inlet Painkalac Pathway	Transfer to Adopted Strategy Reserve	-60,000

3.1 Program Status Report January to March 2016 Quarter

9458	Stribling Reserve Terraces	Transfer to Adopted Strategy Reserve	-105,900
9225	Drainage Renewal Program	New Allocations	14,340
9440	Anglesea Transfer Station Upgrade	Completed	-8,545
9053	Road Safety Program (Cadel Evans)	New Allocations	14,826
9527	Great Ocean Road Turning Lane at Forest Road	Cancelled Project	-150,000
9532	Fitness station at Quay Reserve	Externally Funded	2,000
9329	Transport & Drainage Future Proj Design	Externally Funded	5,600
9053	Road Safety Program	Externally Funded	5,200
9462	Pollocksford Rd Widening - Nth	New Allocations	53,591
9570	IT Capital Works Renewal Program	New Allocations	70,000
9051	IT Capital Works Renewal Program	New Allocations	-115,000
8209	Bridge Renewal Program	New Allocations	10,000
9487	Modewarre Avenue of Honour Restoration	Completed	2,485
9525	Anglesea Tennis Court Synthetic Surface	Externally Funded	20,911
9053	Road Safety Program	Externally Funded	24,000
9405	Anglesea Bowls Club Design	Trfr from NI to Capex	10,000
9524	Winchelsea Walk of Honour	Completed	2,516
9051	IT Equipment Replacement	New Allocations	10,000
9507	Winchelsea Swimming Pool Surrounds Improvements	New Allocations	8,730
Amended Budget Balance 31 March 2016			22,491,126
Sub-total movement approved by Council for Capital Projects			1,061,149

Note: Items above the solid line in this list have been reported via previous Program Status Reports.

New Initiative Projects (82 Projects)

			\$
Adopted Budget (published)			1,827,515
CF	Carry Forward Post Budget	Carry Forward	1,033,393
8480	Grass Tree Project (transferred to Capex)	Transfer	- 3,816
Sub-total Original Budget			2,857,092
Budget Movements Approved by Council:			
8583	Testing the Water Non-Resident ratepayer comms	New Allocations	8,500
8593	Surfing Visitor Experience	Cancelled	- 10,000
8597	Anglesea Visitor Experience	New allocations	10,000
8598	Torquay Library - Office Work Station Space	New Allocations	7,600
8365	Bells Beach Rip Curl Pro Contribution	New Allocations	9,395
8573	Torquay North Children's Centre Operational Model	New Allocations	3,000
8482	Roadside Weeds and Pest Program	Externally Funded	2,094
8596	GOR Historical Tourist Guide Books	Externally Funded	8,400
8562	Parking Overlay Torquay	Completed	- 7,397
8031	Torquay Town Centre Parking Strategy & Precinct	New Allocations	40,000
8600	GORRT Regional Visitor Information Revie	New Allocations	10,000
8601	COGG Aquatic Strategy Contribution	New Allocations	5,000
8589	Unconventional Gas Community Consultation	Cancelled	- 15,000
8582	Environmental Initiatives	New Allocations	20,000

3.1 Program Status Report January to March 2016 Quarter

8703	Signature Events Funding	New Allocations	25000
8445	Aged Services Special Projects	Completed	- 17370
8467	Tourism Ops Modernisation & Asset Renewal	Completed	-10000
8545	Aireys to Eastern View Structure Plan Review	Completed	-15442
8704	Recreation Vehicle Signage Winchelsea	New Allocations	1,600
8597	Anglesea Visitor Experience	Trfr from NI to Capex	-10000
8703	Tourism Signature Events Grant	Externally Funded	35000
8599	PS Amendment C99-305 GOR, Jan Juc	Externally Funded	15000
Amended Budget Balance 31 March 2016			2,987,472
Sub-total movement approved by Council for New Initiative Projects			130,380

Note: Items above the solid line in this list have been reported via previous Program Status Reports

Total Project Program (207 projects)

Total Revised Project Program Budget	\$ 25,478,598
Total movement for Project Program approved by Council	\$ 1,191,529

Project Program Budget Movement – by quarter

Quarter ending	Capital Project \$	New Initiative Project \$	Total	Total Cumulative Movement
Original Budget	21,429,977	2,857,092	\$24,287,069	N/A
30 September 2015	22,434,115	2,882,589	\$25,316,704	\$1,029,983
31 December 2015	22,531,441	2,948,684	\$25,480,125	\$1,193,056
31 March 2016	22,491,126	2,987,472	\$25,478,598	\$1,191,529
30 June 2016	TBA	TBA	TBA	TBA

Projects Anticipated to be Carried Forward to 2016/17

An assumption has been made regarding the amount of funds that will be carried forward into the 2016/17 budget to complete projects that will continue beyond the 2015/16 financial year. This assumption is based on projects included in appendix 3.

Council Plan

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

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

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

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

3.1 Program Status Report January to March 2016 Quarter

Risk Assessment

Project risk assessments are prepared, monitored and reviewed as part of project initiation and delivery. Any risk associated with the status of time, cost and scope for each project will be managed by the Project Sponsor in conjunction with the governance group for the project, and subject matter experts where relevant. The requirement for data on time, cost and scope for each project to be provided by project managers on a regular basis supports the discipline of status reporting, including management of risk, and early identification / resolution of issues.

Social Considerations

Any significant social issues associated with the status of time, cost and scope for each project will be managed by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant. There are no significant social considerations arising directly from this report.

Community Engagement

Community communications and engagement plans are prepared, monitored and reviewed as part of project initiation and delivery when relevant. Any emerging issues that require communications and engagement due to variations in time, cost and scope for each project will be managed by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant. Project delivery supports Council's Communications and Community Engagement Strategy 2015-2018 and complies with Council policy where relevant. There are no significant community engagement requirements arising directly from this report.

Environmental Implications

Environmental implications of individual projects are considered in the 'Identify' and 'Initiation' and 'Planning' phases as part of project approach and scope. Environmental deliverables may be specified as part of the project outcomes and benefits. Project delivery complies with Council policy where relevant. There are no significant environmental implications arising directly from this report.

Communication

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

Conclusion

The quarterly Program Status Report provides an overview of the status of each capital and operational project for phase, time, cost and scope. The report includes a summary of projects budgets that have been created or revised by Council, and provides a flag for risks to project delivery. This report also includes details of projects anticipated to be carried forward from 2015/16 into the 2016/17 financial year.

3.2 SCS-008 Plastic Wise Events & Markets Policy

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

Department: Planning & Environment **File No:** F15/251

Division: Environment & Development **Trim No:** IC15/453

Appendix:

1. Council Endorsed Plastic Wise Approach (D14/94136)
2. Trader brochure - Plastic Wise (D15/85447)
3. Plastic Wise Events and Markets Policy (D16/33605)
4. Plastic Wise Logo (D15/82886)
5. BYO H2O Poster (D16/8096)

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 Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

To endorse a Plastic Wise Events and Markets Council Policy.

Summary

Council continues to engage with community groups, local businesses and the state government to reduce single use plastic bags and other plastics.

On 25 November 2014 Council noted the Environment & Rural Advisory Panel (ERAP) Plastic Bag Free workshop summary of advice and endorsed a Surf Coast Shire Council Plastic Wise Approach. The Plastic Wise Approach includes actions to develop a Plastic Wise Policy and to ban plastic bags at events.

Council officers have worked closely with Great Ocean Road Coast Committee (GORCC) officers (as the other land manager upon which most events are held) to develop a draft policy which is now proposed for Council consideration. The policy covers purchasing and packaging, waste and recycling collection systems and clean-up practices and applies to all events conducted on land and roads or in buildings owned or managed by Council. A 12 month period is proposed for sporting clubs to transition to the new policy expectations.

In addition to developing the policy, a number of other Plastic Waste Wise initiatives continue to be delivered by Council, including supporting various Plastic Bag Free Torquay (PBFT) initiatives such as Boomerang Bags, Plastic Wise logo and a BYO H2O logo, poster and campaign to promote reusable drink bottles in consultation with PBFT, GORCC and Barwon Water. It is proposed to launch the BYO H2O initiative in early autumn with Plastic Bag Free Torquay, GORCC and Barwon Water.

Recommendation

That Council:

1. Note the update on Plastic Waste Wise initiatives.
2. Endorse the Council Policy for Plastic Wise Events and Markets
3. Invite relevant local businesses to a plastic wise event to discuss the phase out of single use plastic bags in Torquay.
4. Write to the Minister for Environment, Climate Change and Water seeking legislative change that either make regulations or enables Council to regulate single use plastic bags by local law
5. Refer the Council endorsed Plastic Wise Approach to Council's advocacy program
6. Refer the Council Policy for Plastic Wise Events to the Great Ocean Road Coast Committee for their consideration for adoption

3.2 SCS-008 Plastic Wise Events & Markets Policy

Report

Background

Single-use plastic bags made from non-renewable fossil fuels can take hundreds of years to fully decompose. Plastic in the ocean now kills millions of birds, sea mammals, turtles and other wildlife every year. Australians use about four billion bags every year with supermarkets accounting for over 50 per cent of single use plastic bags purchased.

Council has for a number of years been supporting community led programs to reduce plastic in the environment. On 16 September 2014, Council's Environment and Rural Advisory Panel (ERAP) held a plastic bag and marine debris workshop. The workshop focused on what additional actions Council could take to reduce plastic bag use, protect the marine environment and be environmental leaders. ERAP was provided with a legal opinion obtained by Council from Russell Kennedy regarding Council's ability to regulate single use plastic bags by local law. Russell Kennedy advised that the state government is already 'covering the field' regulating the supply of lightweight plastic bags through its ability to make regulations under the Environment Protection Act 1970 and concluded that this is therefore not a matter in which a Victorian Council could enact a local law.

Based on ERAP's advice, Council officers developed a Plastic Wise Approach which was endorsed by Council on 25 November 2014. The Plastic Wise Approach (Appendix 1) had two stages. Stage 1 outlined actions that were already being delivered or could be delivered with existing resources, including development of a Plastic Wise Policy, banning plastic bags at events, markets and Council run conferences and restricting the use of plastic bottles and packaging at all Council run events. Stage 2 outlined an expanded engagement and awareness program for budget consideration in 2015/16. This stage was not funded however the local community group Plastic Bag Free Torquay (PBFT) has conducted trader outreach in the Torquay area and worked with Council on the development of a Plastic Wise trader brochure (Appendix 2).

Discussion

Advocacy and legislation

ERAP's advice to Council was to advocate to the State government and opposition to legislate responsible use of plastic and seek commitment to ban use of single use plastic bags and implement a refund for plastic bottles. Council wrote to the State government advocating for them to enact legislation, to date there have been no commitments made to make the required regulations. It is proposed that a further letter is sent to the Minister for Environment, Climate Change and Water seeking that the State either make regulations or alternatively make the legislative change necessary that would enable local government to regulate single use plastic bags.

Council has engaged with leading local businesses willing to remove plastic bags and reduce plastic use and others who have been less interested. With some more recent large suppliers of single use plastic bags coming into Torquay, and with the potential for Aldi to also establish in Torquay, it is proposed to invite relevant local businesses to a plastic wise event to discuss the phase out of single use plastic bags in Torquay. In addition it is also recommended that Plastic Wise be referred to Council's Advocacy Program.

Plastic Wise Events & Markets Policy

ERAP's advice to Council at the September 2014 workshop was to ban single use plastic bags at Council events and markets and for Council to have a clear position on soft plastic use. The Plastic Wise Policy for Events and Markets (Appendix 3) supports implementation of this advice, including a broader focus on single use plastic products as opposed to just single use plastic bags. The Policy covers purchasing and packaging, waste and recycling collection systems and clean-up practices and applies to all events conducted on land, in buildings or roads managed by Council, including regular sporting events such as football, cricket, soccer and netball.

The Policy has been developed in consultation with officers from the Great Ocean Road Coast Committee (GORCC) and Council's Economic Development and Tourism, Sport and Recreation areas to ensure the policy can be reasonably implemented for the majority of Surf Coast events and markets. The focus is on reducing single use plastic products not as an outright ban, which would be difficult for some events to achieve and for Council to enforce. It is proposed that the policy will apply to sport and recreational events after a 12 month period to enable transition to the new policy.

3.2 SCS-008 Plastic Wise Events & Markets Policy

GORCC have been actively engaged during the development of the policy and are supportive of adopting the same policy for events they approve on land they manage. It was also agreed that where possible, brochures, guidelines or other materials to support this policy will be co-branded with GORCC.

Support for Plastic Bag Free Torquay

Council has continued to work closely with PBFT and supported various initiatives including the campaign launch for Boomerang Bags, development of a short promotional film with Surf Coast Times digital television, development of a Plastic Wise trader brochure and support for the Bell Street Fiesta to be a completely plastic free event. Council has also supported PBFT with a small grant application for a Plastic Trivia Tour, which will tour Council wards outside Torquay and help to educate children and their parents about plastic use and marine debris.

Council and PBFT were invited to speak about Council's Plastic Wise work and the community campaign for plastic bag free at the Victorian Litter Marine Debris conference on 11 November 2015. This conference provided an opportunity to showcase Council's environmental leadership on this issue.

Plastic Wise Logo

The Plastic Wise logo (Appendix 4) was developed to help brand and promote Council's commitment to reducing single use plastic products. The logo has already featured in PBFT's short promotional film developed by Surf Coast Times' digital television with the Mayor and CEO. Existing Council BYO plastic bag signs will be updated with the new Plastic Wise logo and new signs will be installed in carparks around the Shire as budget permits. The logo will also be used on all Council plastic wise collateral.

BYO H2O Logo & Campaign

Council has developed the BYO H2O campaign in partnership with GORCC, Barwon Water and PBFT to promote reusable drink bottles rather than single use plastic bottles (refer to poster attached as Appendix 5). Work has also been done to map the location of drinking fountains in the Shire on Council and GORCC managed land. Council has 27 water fountains across the Shire and their location has been uploaded onto Barwon Water's 'Choose Tap' phone app. Barwon Water also supplied their portable water stations and reusable water bottles for Schoolies 2015. Council is purchasing two portable water stations for Council events which will be branded with both the Plastic Wise and BYO H2O logos.

Financial Implications

Council allocated \$10,000 in the 2015/15 budget to support PBFT and plastic wise initiatives. These funds are adequate to deliver the policy and undertake the initiatives.

Council Plan

Theme 1 Environment
Objective 1.3 Leadership in innovative environmental practices
Strategy 1.3.2 Develop and implement a Council Plastic Waste Wise policy

Theme 1 Environment
Objective 1.3 Leadership in innovative environmental practices
Strategy 1.3.3 Drinking water fountains in all town centres to reduce reliance on plastic bottles.

Policy/Legal Implications

Council obtained legal advice in 2014 that it should not be making regulations under Council's local law to ban or limit single use plastic bags because the state government is already 'covering the field' in this area with amendments made to the Environment Protection Act 1970 in 2006. Council passed a Notice of Motion to advocate to the state government that it makes regulations to achieve this and letters were sent to the Environment Minister and Shadow Environment Minister in October 2014. A motion was also submitted to the 2014 Municipal Association of Victoria State Council meeting advocating for the state government to pass regulations under the Environment Protection Act 1970 restricting the free distribution of lightweight plastic bags by retailers. There are no other legal or current Council policy implications associated with the proposed options.

Officer Direct or Indirect Interest

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

3.2 SCS-008 Plastic Wise Events & Markets Policy

Risk Assessment

Council's reputation as an organisation that consults its community and makes sound decisions could be damaged if ERAP's advice and Council's endorsed Plastic Wise approach is not implemented.

Social Considerations

A reduction in the number of plastic shopping bags and other plastic waste will support community values and aspirations to reduce litter, water pollution and other negative environmental impacts. Incorporating a Plastic Wise stance and delivering Plastic Wise projects in partnership with the community will help to engage and educate a broader local audience about the benefits of reducing plastic waste.

Community Engagement

The community has been directly engaged in development of Council's Plastic Wise approach through ERAP, Council's partnership with PBFT, promotion of the Bell Street Fiesta as a plastic free event and through education and outreach to traders with the Plastic Wise trader collateral. Council's Plastic Wise approach is also highlighted in PBFT's short promotional film with Surf Coast Times digital television. Council's Plastic Wise program and collateral has also been promoted at the Victorian Litter Action Alliance Marine Debris conference in November 2015.

Environmental Implications

A reduction in the number of single use non-biodegradable lightweight plastic shopping bags and other plastic waste has various environmental benefits. Plastic waste in the environment is toxic to wildlife and persists in whole or part for decades. As litter, plastic waste decreases the visual amenity of the local environment and is an indicator of a community's neglect of the environment.

Communication

It is proposed that Council's Plastic Wise Events & Markets Policy, Plastic Wise program and BYO H2O campaign be launched with Plastic Bag Free Torquay, Barwon Water and GORCC in autumn and promoted through various standard Council communication channels (local media, Mayor's Column, social media, website and Groundswell).

Conclusion

Council endorsed the development of a Plastic Wise Approach on 25 November 2014. The proposed Plastic Wise Events and Markets Policy is consistent with this commitment and has the potential for a significant reduction in the harmful impacts of plastic bags locally and encourage others who come to our events to take similar action in their communities.

In addition to developing the Policy, Council officers have also been collaborating with local business and community groups including PBFT, Bell Street Fiesta, Barwon Water and GORCC to promote reduction of single use plastics in the Shire. With some more recent large suppliers of single use plastic bags coming into Torquay, and with the potential for Aldi to also establish in Torquay, it is proposed to invite relevant businesses to a plastic wise event to discuss the phase out of single use plastic bags in Torquay.

Actions have also been taken to encourage the State to ban single use plastic bags and implement a refund for plastic bottles. It is proposed that Plastic Wise be added as an issue for Council's Advocacy Program and that a further letter be sent to the Minister for Environment, Climate Change and Water seeking that the State either make regulations or alternatively make the legislative change necessary that would enable local government to regulate single use plastic bags.

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

Author's Title: Strategic Land Use Planning Co-ordinator

General Manager: Kate Sullivan

Department: Planning & Development

File No: F14/1248

Division: Environment & Development

Trim No: IC16/216

Appendix:

1. Precinct Structure Plan (D16/35831)
2. Background Report (D16/35748)
3. Explanatory Report (D16/35647)
4. Urban Growth Zone Schedule (D16/35609)
5. Public Conservation and Resource Zone Schedule (D16/35628)
6. Development Contributions Plan Overlay Schedule (D16/35637)
7. Clause 52.01 Schedule (D16/35640)
8. Incorporated Documents Clause 81.01 Schedule (D16/35646)
9. Indicative Development Contributions List (D16/35626)
10. Land Budget (D16/35614)
11. Native Vegetation Precinct Plan Schedule (D16/35643)
12. Community Engagement Panel Report (D15/81464)
13. Submissions Summary Table - Draft Framework Plan(D16/37790)

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 Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To consider the Spring Creek Urban Growth Area Precinct Structure Plan and planning scheme amendment, including the Native Vegetation Precinct Plan and Development Contributions Plan for exhibition.

Summary

Council has prepared a precinct structure plan, native vegetation precinct plan and development contributions plan for the urban growth area one kilometre west of Duffields Road. The area is zoned Urban Growth Zone and a precinct structure plan is required prior to the land being developed for urban purposes. As part of the process, Council has facilitated a comprehensive community engagement strategy to inform the community about the process and provide for quality input into the project.

The plan is consistent with State and Local Policy and Council's adopted *Sustainable Futures Torquay Jan-Juc 2040* Plan. It is recommended that Council seek authorisation to prepare the PSP and planning scheme amendment and exhibit the amendment for one month. The amendment includes the site owned by Christian College at 240-248 Great Ocean Road to provide an integrated approach to development in the precinct.

Recommendation

That Council, having considered all relevant matters under the Planning and Environment Act 1987,

1. Authorise Council officers to complete the Native Vegetation Precinct Plan for exhibition, and any other administrative changes to the Precinct Structure Plan that may be required for consistency, based on the principles in this report.
2. Apply to the Minister for Planning for authorisation to prepare and exhibit the Spring Creek Precinct Structure Plan planning scheme amendment.
3. Upon receipt of authorisation from the Minister for Planning, exhibit the Precinct Structure Plan and planning scheme amendment for a period of one month.
4. Include the rezoning of the northern portion of 240-248 Great Ocean Road, Jan Juc to Urban Growth Zone in the planning scheme amendment for the precinct structure plan to ensure integrated planning for the area.

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

Report

Background

In March 2014 the Minister for Planning rezoned the area one kilometre west of Duffields Road to Urban Growth Zone following a long process of planning for the future growth of Torquay Jan-Juc. Land in the Urban Growth Zone cannot be subdivided and developed for urban use until a precinct structure plan is prepared and approved by the Planning Authority.

On 23 September 2014 Council resolved to prepare a precinct structure plan for 'Spring Creek', utilising a financial model where the landowners within the precinct pay the costs of the preparation. Council also requested that the Minister for Planning direct the Metropolitan Planning Authority (MPA) to provide advice and assistance to Council. Since that time, Council has entered into an agreement with five landowners to fund the preparation of the PSP and the Minister granted MPA assistance. Council has retained its responsibility as Planning Authority.

Council has now prepared a precinct structure plan, native vegetation precinct plan and development contributions plan for the urban growth area one kilometre west of Duffields Road for exhibition. Significant work has gone into the preparation of the plan including technical reports, consultation with referral authorities and government agencies, and a comprehensive community engagement programme.

Discussion

Inputs to the Precinct Structure Plan (PSP)

The precinct structure plan has been prepared with inputs from a number of sources. The sources include:

- Recommendations from the Spring Creek Community Panel held in 2015; (Refer to Community Panel Report).
- Submissions from the community and referral authorities to the draft framework plan exhibited from 25 November 2015 to 12 January 2016. (Refer to Summary of submissions and Community Engagement Section of this report);
- Input from the Technical Reference Group comprising representatives of government agencies, referral authorities and internal staff;
- Professional advice and assistance from the Metropolitan Planning Authority town planners, engineers, urban designers and graphic experts;
- Technical reports from independent consultants on: Biodiversity; Land Capability; Pre and Post-Contact Cultural Heritage; Drainage, Traffic, Social Infrastructure Assessment and Economic Retail Assessment.
- Targeted fauna surveys were also conducted for the presence of the Western Plains Galaxiella, Yarra Pigmy Perch and Growling Grass Frog which were negative. A Kangaroo Management Plan was also prepared by the Department of Environment, Land, Water and Planning in conjunction with Council officers.

State Planning Policy

A significant amount of State Planning Policy is applicable to the planning of growth areas and sustainable development including: Clause 12.01 Biodiversity, Clause 12.01-2 Native Vegetation Management, 12.02-6 The Great Ocean Road Region, 12.04-1 Environmentally Sensitive Areas, Clause 13 Environmental Risks, Clause 14.02-1 Catchment Planning and Management, Clause 16 Housing, Clause 17 Economic Development (including commercial areas), Clause 18 Transport and Clause 19 Infrastructure. For brevity they are not reiterated in full here. The Spring Creek PSP has been planned in the context of the State Planning Policy framework.

Particularly relevant to Urban Growth is Clause 11 – Settlement which requires responsive planning to the needs of existing and future communities, with clauses covering planning for activity centres, urban growth, structure planning, open space planning, sustainable communities, transport and the protection of the environment.

Clause 11.02-2 'Planning for growth areas', requires that planning be done in accordance with regional Growth Area Framework Plans. The adopted G21 Regional Growth Plan is recognised at clause 11.07 and identifies Torquay Jan-Juc as a designated growth town to accommodate a portion of the region's population growth.

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

The Spring Creek PSP as developed is consistent with the majority of State Planning Policy. However, it diverts from the State Policy at 11.02-2 "Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare" due to the recognition that Spring Creek is a unique area with a steep topography and significant environmental assets, less suited to the conventional 15 dwellings per hectare. Local Planning Policy at Clause 21.08-2 states "Encourage lower housing densities in the Spring Creek valley up to one kilometre west of Duffields Road". The density in the PSP is expected to be approximately 10 to 12 lots per hectare, with minimum lot sizes specified in ranges.

Local Planning Policy

Specific local planning policy for Spring Creek is located at Clause 21.08 'Torquay-Jan Juc Strategy' which references, amongst other documents, the strategic plan "*Sustainable Futures Plan Torquay-Jan Juc 2040 (2012)*" (The Sustainable Futures Plan) and the *Torquay-Jan Juc Structure Plan 2007*. In June 2014 Council adopted a new version of the Sustainable Futures plan to recognise the planning for Spring Creek one kilometre west of Duffields Road, to be consistent with the rezoning of the land to Urban Growth Zone in March 2014 by the Minister for Planning.

The Sustainable Futures Plan sets out five Values to balance growth and development densities, against a community desire to maintain the coastal character of Torquay-Jan Juc, whilst also achieving overarching sustainability objectives. Attached is a document which outlines the objectives for the Spring Creek Growth Area under each of the values.

The Sustainable Futures Map shows the Spring Creek precinct as future residential land, with a potential private school, potential government school, potential activity centre and a total of 1900 lots (population of approximately 4,400). The PSP is able to provide a lot more detail than the Sustainable Futures Map this now shows approximately 1740 lots, with an estimated population of 4000. Specific sections provide guidelines for South of Spring Creek and North of Spring Creek.

Below is a description of various themes and how they have been addressed in the precinct structure plan and associated documentation:

Biodiversity

A flora and fauna report was prepared by Ecology and Heritage Partners which has informed the development of the precinct structure plan and will be a reference document. All recommendations in the report have been completed, including further surveys for the Western Plains Galaxiella, Yarra Pigmy Perch and Growling Grass Frog. These targeted surveys did not reveal the presence of those species and therefore, the likelihood of their occurrence within the precinct is low. Principles for Kangaroo Management have been prepared by the Department of Environment, Land, Water and Planning (DELWP) to ensure the appropriate management of the existing Eastern Grey Kangaroo population that visit the site.

The urban structure plan provides for buffers of 75 metres either side of Spring Creek and up to 50 metres either side of smaller creeks and gullies, having regard to environmental assets and topography. This is in excess of the 30 metre minimum creek buffer in the Sustainable Futures Plan and at Clause 14.02-1 Catchment planning and management in the State section of the planning scheme. The buffer is designed to retain the natural drainage corridor, preserve significant vegetation, provide habitat corridors, minimise erosion and provide a passive linear public open space connection at the outer edge to link to other destinations within the precinct and open space.

The PSP also provides for the preservation of much of the significant vegetation found on the site, including Swampy Riparian Woodland along the Spring Creek corridor, Coastal Alkaline Scrub and Heathy Woodland on private land and roadsides and Grassy Woodland in patches on the site. Road frontages will be required along creek corridors and parallel to Duffields Road and Grossmans Road to retain significant vegetation on roadsides and enable development to front onto creek corridors.

The Grassy Woodland is dominated by the rare Bellarine Yellow Gum, with this species scattered throughout the site and in some large stands, particularly on the south side of Spring Creek. The Bellarine Yellow Gum is listed as "threatened" under the Flora and Fauna Guarantee Act 1988 and is considered "endangered" in Victoria according to "Rare or Threatened Vascular Plants in Victoria 2000". Local Policy in the Surf Coast Planning Scheme at Clause 21.08 also promotes its retention in Torquay/Jan Juc. Accordingly the most significant Bellarine Yellow Gum stands are shown as retained in conservation reserves.

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

The Native Vegetation Precinct Plan (NVPP) outlines the native vegetation to be retained, removed and the offsets to be provided. The NVPP has three categories: retained, removed and practical retention. Trees will be deemed lost in the Native Vegetation Precinct Plan where their removal is unavoidable due to the provision of infrastructure such as intersection treatments and some services (e.g. sewerage). Practical retention is an additional category previously used in Armstrong Creek which applies to trees in residential areas which will be retained if possible in the design of the subdivision. From the State perspective (DELWP) these trees are not considered to be of high biodiversity value, but are considered significant locally for their landscape and aesthetic value. Retention of trees is encouraged through the planning controls in the Urban Growth Zone Schedule and PSP. Council's consultants are currently calculating the net gain offsets in consultation with DELWP, therefore the NVPP will be finalised by officers to include this prior to exhibition.

During development of subdivisions, developers will be required to submit environmental management plans and construction management plans that respond appropriately to the environment, the identified and common wildlife assumed to be in the area, and slope.

Design and Built Form

Built form will be controlled within the PSP area through two mechanisms: residential design controls incorporated in the PSP and via a requirement for landowners developing their site to apply Memorandum of Common Provisions (similar to a covenant) on titles. The standards will be:

- retaining walls are to be limited to one metre in height wherever possible,
- minimum front setback standard for buildings of 6 metres,
- site coverage for buildings not to exceed 35%,
- 50% of the site available for planting, and retention of significant trees.

The preferred building height will be 7.5 metres but there will be the ability to apply for a planning permit to exceed this if required. This is consistent with the planning controls currently in place for the rest of Torquay/Jan Juc. It is expected that the sloping nature of some parts of the land will result in requests for small variances to achieve a good design.

Built form in the shopping centre will be controlled via the requirement for a concept plan for the activity centre to be approved prior to any development, with specific guidelines for this area to ensure an attractive, connected community hub which complies with Crime Prevention Through Environmental Design (CPTED) guidelines and has a high standard of urban design and connectivity.

Interface Treatments and Public Open Space

The interface with all perimeter road frontages and the western settlement boundary has been sensitively treated. A building setback of 20 metres minimum is applicable to the 1500 – 2000m² lots on the western boundary. A vegetated landscape buffer of 15 metres minimum is provided along Duffields Road and Grossmans Road. In addition, the cross sections of the internal roads have been designed to allow the retention of the significant roadside vegetation on Duffields Road and Grossmans Road and provide a wide nature strip to the Great Ocean Road frontage. VicRoads has advised that the Great Ocean Road will not be duplicated in the next 10-15 years (minimum), therefore the existing vegetation in the road reserve (including the 'service road' or old Geelong Road) will remain and provide some visual amenity.

It has been necessary to delete the vegetated buffer originally shown on the Draft Framework Plan along Grossmans and Duffields Road as the unencumbered Public Open Space within the precinct was calculated at over 19% once the full details of floodprone and encumbered land were finalised in the stage two technical reports. However the provision of a local road running next to the majority of Duffields and Grossmans Rd will enable retention of the existing trees in these roadside reserves.

Any public open space above the legislative requirement would necessitate purchase by Council, which would be at significant cost. Therefore, unencumbered open space in the urban structure plan is equivalent to 10%, as set out in the Surf Coast Planning Scheme for the growth towns of Torquay and Winchelsea. However, a flat rate of 10% will be applied to all developments across the precinct regardless of the number of lots in the subdivision. This is consistent with other growth areas such as Armstrong Creek and will enable the full delivery of the PSP without Council acquiring land.

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

Activity Centre

The adopted Sustainable Futures plan shows South of Spring Creek being the location for a potential activity centre. At Clause 21.08 and Map 3 of the Activity Centre Hierarchy, the area is shown as the location for a potential neighbourhood activity centre.

The economic assessment for the Spring Creek PSP has advised that in the short term (by 2021), Spring Creek will need a neighbourhood shopping centre with 3000m² of retail floor space including a small supermarket of 1800m², designed to allow future expansion to occur. In the long term, (by 2030) a 5000m² centre will be required, including a full line supermarket. The size has been determined with the aim of maintaining the existing hierarchy of centres in Torquay Jan-Juc and maintaining the primacy of the Torquay CBD activity centre. The economic report also advises that two small local shopping centres of 400m² each could be accommodated within the precinct. This is consistent with Clause 21.08-4 of the planning scheme which encourages small local activity centres in areas where other activity centres are beyond convenient walking distance.

The location of the neighbourhood centre has been determined based on the need for connectivity and access, without impacting on the amenity of the Great Ocean Road. The economic report considered three possible locations for the neighbourhood centre and recommended the site shown originally in the exhibited draft framework plan. That location has moved slightly east following advice from the Department of Education and Training that a primary school is not required and the desire to retain a stand of significant trees that could be incorporated into the design of the shopping centre precinct.

Community Facilities

A community infrastructure needs assessment was also prepared for the Spring Creek precinct which determined the need for future community facilities in Torquay Jan- Juc and Spring Creek specifically. The report refers to Council's adopted Public Open Space Strategy which found that an additional 21 hectares of active open space will be required in Torquay Jan Juc by 2036 and suggests that lower profile sports such as rugby, hockey, baseball, etc. should be catered for in a 15 hectare venue. The Spring Creek community infrastructure assessment recommends an 8 hectare active reserve, but due to the environmental values and topographical constraints of the Spring Creek precinct, it is not a suitable location for this facility.

The report also recommends at least 2 local parks, a linear park and trail along Spring Creek, a linear open space network connecting to community facilities, residential areas and external trails, and land set aside to protect environmental heritage and conservation values. All these have been incorporated into the Spring Creek PSP.

In terms of council facilities, a community building is recommended, designed to be multi-purpose, with meeting rooms and activity spaces. The urban structure plan shows the community facility co-located with the shopping centre to reduce car trips and allow opportunity for shared carparking. This building will form part of the list of infrastructure items to be included in the development contributions plan.

Sustainability

Sustainability can be defined in a number of ways, but in this case is taken to mean energy efficiency, encouraging other modes of transport other than vehicles, consideration of landform and biodiversity, and environmentally sustainable development. Built form for dwellings is regulated through the Building Regulations with the requirement to achieve a 6 star rating for buildings. A number of guidelines have been included in the Precinct Structure Plan and in the design of the urban structure plan to encourage sustainability in the precinct. These include:

- providing linear connectivity of public spaces to prioritise walking and cycling;
- encouraging alternative forms of energy e.g. microgrids;
- setting parameters for landscape design which provide for urban ecology;
- ensuring best practice for commercial, community and retail uses in operation such as waste recycling;
- prioritising the retention of mature healthy trees in subdivision design.

The full list is under the Sustainability heading in the PSP and is in addition to the guidelines relating to subdivision, biodiversity etc.

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

In addition two of the largest landowners in the precinct, Amex Pty Ltd and Parklea are in the process of registering for the UDIA Envirodevelopment Programme to receive accreditation under that program. Council officers have also commenced a working group with these developers to encourage and facilitate innovative sustainability initiatives in the precinct.

Traffic and Access

A transport infrastructure assessment has been prepared for the Spring Creek precinct. The report has assisted in the preparation of the urban structure plan road network and identifying the major infrastructure upgrades required to manage the traffic generation for the precinct. The road cross sections and functional layout plans have been prepared with input from the Metropolitan Planning Authority, VicRoads, Council's engineering staff and the traffic consultant with a view to environmental objectives for Spring Creek, including maintaining the significant roadside vegetation on Duffields Road and Grossmans Road and encouraging cycling and walking.

Traffic signals will be required at the intersection of the two new connector roads and Strathmore Drive East and West. Traffic signals are considered necessary for vehicle safety, connectivity, and to allow for the safe pedestrian crossing of the Great Ocean Road to the school within the precinct (Christian College) and the shopping centre. Alternatives were considered by Council's engineers and consultants, but not found to achieve the best outcome. For example, roundabouts are not a viable option unless all entrances to the roundabout have an equal amount of traffic, which is not the case with the high traffic volumes on the Great Ocean Road. The signals can be synchronised to assist traffic flow. A minority report from the Community Panel opposed any road access to the Great Ocean Road apart from 260 Great Ocean Road; however, this is not practical and would result in large traffic volumes on Duffields Road, lack of connectivity for residents and traffic management problems.

A new roundabout will be required on Duffields Road at the intersection with the extension of Beach Road (not yet constructed) and at the intersection of Grossmans Road and Messmate Road to manage traffic flows. The traffic consultant has recommended a change to the internal road layout as exhibited in the draft framework plan with an alteration of the alignment of the connector road on the north side of Spring Creek to provide better connectivity and traffic flow. This results in an additional crossing of the gully but is considered an improvement. In summary, the traffic report determined that a vehicle crossing of Spring Creek was not vital to the connectivity and functionality of the road network.

Cultural Heritage

A pre-contact and post-contact heritage assessment was prepared for the precinct by Ecology and Heritage Partners. The surveys of the site found three previously unknown Aboriginal places and identified one area of high sensitivity in the Spring Creek floodplain on the southern side. Six areas were identified as medium sensitivity mainly around previously registered sites and land adjacent to Spring Creek and the gullies. The urban structure plan shows the Spring Creek corridor and gullies in future public open space or conservation areas where significant sites will be protected. The report on Aboriginal heritage makes a number of recommendations including the preparation of Cultural Heritage Management Plans for eight titles. Some of these are already under production by the landowners. Other titles will not require any further assessment. All management recommendations will be implemented in the precinct structure plan or at subdivision stage.

The post-contact heritage assessment found two potential sites that may have archaeological values, but do not require registration on the Victorian Heritage Register. The most significant post-contact heritage site affecting the precinct is the National Heritage Listed 'Great Ocean Road and Environs'. Nationally listed sites are protected under the *Environment Protection and Biodiversity Act 1999*. It has been confirmed that the development of the precinct structure plan does not require a referral under that Act, but prior to future works taking place, an assessment would need to determine whether there is a need for a referral.

Christian College Request Two Lot Subdivision and Rezoning

Christian College own a 15.6 hectare parcel of land at 240-248 Great Ocean Road which is currently zoned Special Use Zone 9. After a lengthy process, the land was rezoned to Special Use Zone by the Minister for Planning in March 2014 to facilitate the development of a private school for Christian College on the site. Since that time, planning permit 14/0374 has been issued for the P-9 school and a kindergarten on the site and construction is to commence in 2016. The school buildings are to be located on the southern portion of the land, and the northern section is now surplus to requirements.

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

Christian College have applied to be included in the Spring Creek Precinct Structure Plan and have made an application for a two lot subdivision and rezoning. The draft framework plan exhibited from the end of November to 12 January 2016 considered the Christian College site integration into the precinct and showed the northern portion as residential. No submissions were received from the public objecting to the development of the northern part of the Christian College site for urban purposes.

Christian College have undertaken all technical assessments necessary for a site analysis of the proposed future residential area on their land including land capability, biodiversity, cultural heritage and servicing and utilities, utilising the same consultants used by council for the Spring Creek PSP. The documentation provided by Christian College has been fully assessed and there is no impediment to rezoning the northern portion of the site to Urban Growth Zone.

Christian College has also requested a 2 lot subdivision of the site to facilitate the rezoning of the northern portion – being allotment 2. The boundary between lot 1 and lot 2 has been subject to careful consideration as a proposed east-west road is proposed in the PSP crossing the site in this vicinity. In addition, stormwater treatment, bus and motor vehicle access and parking have also been considered in determining the boundary. It is recommended that the 2 lot subdivision and rezoning be supported to enable the development of the northern section for urban purposes as part of the planning scheme amendment for the Spring Creek PSP. This will assist in integrated planning for the precinct and an efficient planning process.

Financial Implications

The cost of preparation of the precinct structure plan is being funded by 5 landowners within the precinct, who will in return receive a credit for their portion in the development contributions plan. Community engagement activities have been funded by Council through the allocation in the strategic planning budget for this item.

Development Contributions

A list of infrastructure items to form part of a development contributions plan (DCP) for the precinct has been compiled. These include:

- A new community building on 1.2 hectares to be delivered by Council;
- Traffic management infrastructure including two sets of traffic signals at Strathmore Drive East and Strathmore Drive West where they intersect with the Great Ocean Road;
- Major drainage infrastructure;
- Creek and gully crossings.

As the State Government's new standard contributions system and Infrastructure Contributions Plan Overlay is not available for use, it is proposed that the Spring Creek development contributions be added to the existing Torquay Jan Juc DCP. The existing DCP is due to be the subject of a major review in 2016/17 (subject to budget funding), at which time the Spring Creek precinct can be included in the DCP overlay. In the interim, a "shell" schedule will be added to the planning scheme to flag Council's intent to require development contributions and developers will be required to enter into a section 173 agreement with Council prior to development. The amount of development contributions required will be determined based on the list of infrastructure items and Council's ability to fund the infrastructure.

Council Plan

Theme 5 Development and Growth
Objective 5.4 Transparent and responsive land use and strategic planning
Strategy 5.4.2 Utilise structure plans and planning processes to encourage a diversity of housing stock across the Shire.

Theme 1 Environment
Objective 1.1 Preserve and enhance the natural environment
Strategy 1.1.3 Protect and enhance biodiversity in Nature Reserves

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

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

The development of a PSP for the Spring Creek urban growth area is a significant council project which has provided the mechanism to comprehensively plan the one kilometre west of Duffields Road.

The protection of the environmental values on the site has been a major focus of Council and the community. The community engagement for the project has been comprehensive and included new and innovative processes as outlined in the Community Engagement section of this report.

Policy/Legal Implications

The precinct structure plan has been prepared consistent with Council policy and the objectives and strategies in the Surf Coast Planning Scheme.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks associated with exhibiting the precinct structure plan.

Social Considerations

The Community Infrastructure Needs Assessment Report prepared for the precinct by ASR Research recommends that provision is made for a community multi-purpose facility on 1.2 hectares. The facility will be subject to more detailed planning but should include meeting rooms and activity spaces, with the needs of the elderly community in mind given Torquay's aging population. The urban structure plan shows the facility co-located with the shopping centre, providing good access and opportunities for shared carparking and reduced vehicle trips.

Community Engagement

Community engagement has been a major focus of this project, with some innovative community engagement methods employed which do not normally form part of the process for the preparation of a precinct structure plan. In particular, the formation of the community panel in 2015 and the release of a draft framework plan were added processes designed to provide greater engagement with the community prior to the preparation of the PSP.

The Community Panel

The Spring Creek Community Panel was formed in early 2015 and met over a series of three full Saturdays and one evening to deliberate the question "*How do we design for urban growth that is in balance with the surrounding environment?*" The report of the Community Panel was received at the September 2015 Council meeting and responded to at the November 2015 Council meeting in written form and spatially in a draft framework plan for the precinct. The community panel consisted of 50% landowners and community group members and 50% randomly selected residents from Torquay, Jan Juc and Bellbrae. The panel was independently facilitated and operated completely independently of Council. The random selection process was also conducted independently by a sub-consultant to the facilitator. Full details of the random selection process and the panel are described in the 22 September 2015 Council report. The community panel recommendations formed a major input into the development of the PSP.

Results of Exhibition/Community Engagement

A survey of residents was conducted on survey monkey from 26 June to 29 July 2015 which resulted in 59 responses. The survey asked what people thought would support or protect the values as stated in the Sustainable Futures Plan for Spring Creek. The major themes from the survey were:

- Ensure lots of open space
- Low density living – large blocks of land, small houses
- Planting native vegetation
- Provide green buffer zones
- Respectful building
- Provide community facilities and buildings
- Preserve existing natural features
- Appropriate road infrastructure provided
- No development at all (15 respondents).
- Provide local shopping.

3.3 Spring Creek Precinct Structure Plan and Planning Scheme Amendment Torquay

From 25 November 2015 to 12 January 2016 the draft framework plan was on exhibition and two open houses were held in the evening at Jan Juc and on a Saturday at Torquay. The open houses were attended by a total of 7 people. 56 written submissions were received which are summarised into themes in the attached submission summary.

On 1 March 2016 Council received a separate briefing on the submissions. The major themes were:

1. Lot size (esp. larger lot size)
2. Access (esp. Great Ocean Road traffic lights but also Grossmans Rd and Duffields)
3. Fauna (kangaroos, possums etc)
4. General Biodiversity (conservation areas, creek buffer, drainage lines and general flora)
5. Open space (encumbered vs credited, level of open space, connectivity and retention of the vineyard)
6. Public Primary school (6 people wanted it moved or removed)
7. Convenience Centre (2 wanted it removed, 3 wanted one and 2 wanted it moved)
8. Western boundary (buffer and final town boundary)
9. Sustainability (Water Sensitive Urban Design, Energy Efficiency and general principles)
10. Landscape (outlooks, views and character)
11. Amenity during construction (1 submitter)
12. Consultation process (timing of previous exhibition, make up of community panel, level of developer input).

Environmental Implications

Refer to the section on biodiversity in the discussion section of the report.

Communication

The Spring Creek PSP and planning scheme amendment will be exhibited for a period of one month in accordance with the Planning and Environment Act 1987, including the following:

- Notice to landowners and adjacent landowners
- Notice to community groups
- Public notice in the Government Gazette and Surf Coast Times
- Available on Council's website and Department of Environment Land Water and Planning website
- Use of Council's regular social media outlets.

Council will also be conducting additional planned engagement activities.

Conclusion

The Spring Creek PSP is consistent with State and Local Policy and has been prepared with significant community and technical input. The PSP will provide a detailed masterplan for the growth area that will guide development for the next ten years.

The Native Vegetation Precinct Plan is substantially complete, however, small refinements in consultation with DELWP might be necessary prior to exhibition. These will be finalised in time for exhibition with the PSP.

It is recommended that the PSP be exhibited for one month following receipt of authorisation from the Minister for Planning.

3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

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

General Manager: Kate Sullivan
File No: 15/0295
Trim No: IC16/335

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Reason: Nil

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

Yes

No

Reason: Nil

Purpose

To consider planning permit application 15/0295.

Summary

The application proposes to construct alterations and additions to the existing dwelling, construct a new dwelling attached to the existing dwelling and the use of these two dwellings for group accommodation and the use and development of a new dwelling and native vegetation removal.

The application was placed on public notice and seventeen (17) objections were received in response to the application. The points raised by objectors mainly relate to the visual prominence of the proposal from the Bells Beach surfing recreation reserve, the impact on the landscape character of the area, precedent for other accommodation applications, incremental intensification and the impact on flora and fauna.

In summary, it is considered that the proposed group accommodation has a limited scale and intensity and that with its proposed locations will not be highly prominent within the viewshed of the Bells Beach surfing recreation reserve. Whilst it may have been possible to avoid all impacts on native vegetation and place the dwelling and group accommodation further from the bushfire hazard (existing native vegetation) this would have resulted in buildings that are prominent within the landscape, which is contrary to the Rural Landscape Policy (Clause 21.06). It is considered that the proposal has minimised vegetation removal to an acceptable level and is able to meet the approved measures of Clause 52.47 (Planning for bushfire) and such has balanced the impact on the environment with the amenity impacts, associated with the prominence of the proposal within the rural landscape, specifically the Bells Beach surfing recreation reserve.

Recommendation

That Council having caused notice of Planning Permit No. 15/0295 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of 35.06-1, 35.06-4, 42.03-2 44.06- and 52.17-2 of the *Surf Coast Planning Scheme* in respect of the land known and described as 130 Bells Road, Bells Beach to construct alterations and additions to the existing dwelling, construct a new dwelling attached to the existing dwelling and the use of these two dwellings for group accommodation and the use and development of a new dwelling and native vegetation removal in accordance with endorsed plans, subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by James Deans and Associates Architects, Submitted 14 July 2015 but modified to show:
 - 1.1 A schedule of external materials, finishes and colours incorporating colour samples. External colours of the dwelling and group accommodation should be neutral and muted to assist in visually blending the building with the surrounding natural landscape;
 - 1.2 The roof of the dwelling and the group accommodation modified to reduce the potential accumulation of debris and entry of embers in accordance with AM2.3 of Clause 52.47-2.1

3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

2. Before the release of the approved plan for the approved development,
 - 2.1 A landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan James Deans and Associates Architects, Submitted 14 July 2015 except that the plan must show:
 - 2.1.1. Compliance with 'Bushfire Management Plan' for both the accommodation and the dwelling.
 - 2.1.2. The planting and protection of vegetation to provide a visual barrier between the proposal (dwelling and group accommodation) and the main vistas of the Bells Beach surfing recreation reserve.
 - 2.1.3. Only the use of plant species indigenous to the locality.
All species selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced to ensure that a visual barrier is maintained between the proposal (dwelling and group accommodation) and the vista of the Bells Beach surfing recreation reserve.
 - 2.2 A Land Management plan that provides for the enhancement of the environmental values of the land through but not limited to the protection of remanent vegetation and the control of pest plants and animals must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan should be for a period of ten (10) years.
 - 2.3 A cash bond or bank guarantee to the value of \$5000 must be deposited with the responsible authority by the developer of the land as security against failure to protect existing native vegetation to be retained or to comply with the landscape plan endorsed under this permit.
The bond or bank guarantee will only be refunded or discharged by the responsible authority upon being satisfied that the requirements of the landscape plan and protection of native vegetation have been fulfilled to the satisfaction of the responsible authority.
3. Before the use starts the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the *Planning and Environment Act 1987*, and make application to the Registrar of Titles to have the agreement registered on title to the land under section 181 of the Act, which provides for the following:
 - 3.1 The group accommodation approved under Town Planning Permit 15/0295 may not be used for permanent residency.
The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.
Wastewater Treatment
4. The onsite wastewater management system must comply with the Land Capability Assessment undertaken by Provincial Geotechnical Pty Ltd dated 5 May 2015, report number C5158 for both dwellings.
5. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970, the Public Health and Wellbeing Act 2008, the Code of Practice Onsite Wastewater Management (EPA 2013) and the responsible authority. All effluent shall be disposed of within the curtilage of the land and shall not drain directly or indirectly onto an adjoining property, street or any watercourse or drain. Sufficient land shall be kept aside and kept available for the purpose of effluent disposal. The exact type, standard and location are to be established with the responsible authority prior to foundations being laid or when the permit for the septic tank is issued.
Protection of Vegetation and landscaping
6. Before any works start (including demolition and/or excavation):
 - 6.1 Fencing shall be erected around areas of native vegetation to be retained to the satisfaction of the responsible authority.
 - 6.2 The tree protection zones must be fenced and signed in a manner that does not compromise the trees root zones to the satisfaction of the responsible authority.
 - 6.3 The Responsible Authority must have advised, in writing, that the fencing and other tree protection measures are to its satisfaction.
7. During construction works:
 - 7.1 The areas within the fenced off tree protection zones must not be used for any other purpose,

3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

including storage or building materials or machinery, except as provided for in this permit.

7.2 All contractors and subcontractors engaged to undertake construction work on the site must have included in their contract a reference to the retention of trees and these planning permit requirements for their protection.

8. To assist plant operators in identifying the trees to be felled, all trees approved for removal should be marked with a painted coloured "X" and shall be felled in a manner that avoids damaging surrounding vegetation stands or habitat.
9. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996.
10. The provision of services shall be undertaken in such a way as to ensure minimal disturbance of vegetation and the root zone of trees to be retained to the satisfaction of the responsible authority. Except where impractical, services shall not be located near vegetation and trenching shall be conducted outside the drip-line of any tree to be retained and where services must be provided within the drip-line boring shall be used.
11. Vegetation must be removed and disposed of without causing any damage to surrounding vegetation stands or habitat.
12. No environmental weeds as identified in "Environmental weeds: Invaders of the Surf Coast" booklet shall be planted on the site or allowed to invade the site and the site managed and maintained to exclude weeds.
13. Before the use starts and occupation of the dwelling or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced to ensure that a visual barrier is maintained between the proposal (dwelling and group accommodation) and the vista of the Bells Beach surfing recreation reserve.

Engineering Conditions

14. Before the use starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- 14.1 Constructed;
- 14.2 Properly formed to such levels that they can be used in accordance with the plans;
- 14.3 Surfaced with an all-weather-seal coat, gravel or crushed rock;
- 14.4 Drained;

to the satisfaction of the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Compliance with Endorsed Plans

15. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

DWELP Conditions

16. To offset the removal of 0.228 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and *Native vegetation gain scoring manual* (DEPI 2013) as specified below:
 - 16.1 A general offset of 0.024 general biodiversity equivalence units with the following attributes:
 - 16.1.1. Be located within the Corangamite Catchment Management Authority boundary or within the Surf Coast Shire municipal district
 - 16.1.2. Have a strategic biodiversity score of at least 0.453.
 - 16.2 A specific offset of 0.106 specific biodiversity equivalence units for 504088, Southern Xanthosia, *Xanthosia tasmanica*.
17. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. The offset evidence can be:
 - 17.1 A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
 - 17.2 An allocated credit extract from the Native Vegetation Credit Register.A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

18. In the event that a security agreement is entered into as per condition 2, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
19. Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning, offsets must not be located within the 150 metre BMO assessment area in accordance with the *Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements* (CFA 2012).
20. Before the vegetation removal starts, the boundaries of all vegetation to be removed and retained must be clearly marked on the ground with tape or temporary fencing to the satisfaction of the responsible authority.
21. Any pruning to the canopy of any tree to be retained must be undertaken by a qualified arborist in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees.
22. There must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained. All storage sites must be restricted to existing cleared areas, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.
23. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

CFA Conditions

Bushfire Management Plan endorsed

Dwelling

24. The Bushfire Management Plan at Attachment 3 of the Bushfire Management Statement/Dwelling prepared by Ecology and Heritage Partners and dated 29/10/2015 Version 4 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Accommodation

25. The Bushfire Management Plan at Attachment 3 of the Bushfire Management Statement/Accommodation prepared by Ecology and Heritage Partners and dated 29/10/2015 Version 4 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Bushfire Emergency Plan

Dwelling

26. The Bushfire Emergency Plan as provided to CFA by Victoria McNaughton via email on 10 September 2015 and dated 9 September 2015 Version 1, must be endorsed to form part of the permit. The Bush Fire Emergency Management Plan must be reviewed and updated as required, annually prior to the commencement of the fire season.

Eco Lodge Accommodation

27. The Bushfire Emergency Plan as provided to CFA by Victoria McNaughton via email on 10 September 2015 and dated 9 September 2015 Version 2, must be endorsed to form part of the permit. The Bush Fire Emergency Management Plan must be reviewed and updated as required, annually prior to the commencement of the fire season.
28. The use of the Eco Lodge accommodation building approved under this permit must not operate after 10.00am on any day with a Fire Danger Rating of Extreme and Code Red
29. The operation and management of the developments approved under this permit must at all times be carried out in accordance with the BUSHFIRE MANAGEMENT PLAN and BUSHFIRE EMERGENCY PLAN endorsed under this permit.

Expiry of Permit

30. This permit will expire if one of the following circumstances applies:
 - 30.1 The development is not started within two years of the date of this permit
 - 30.2 The development is not completed within four years of the date of this permit
 - 30.3 The use is not started within two years after the completion of the development
 - 30.4 The use is discontinued for a period of two years.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

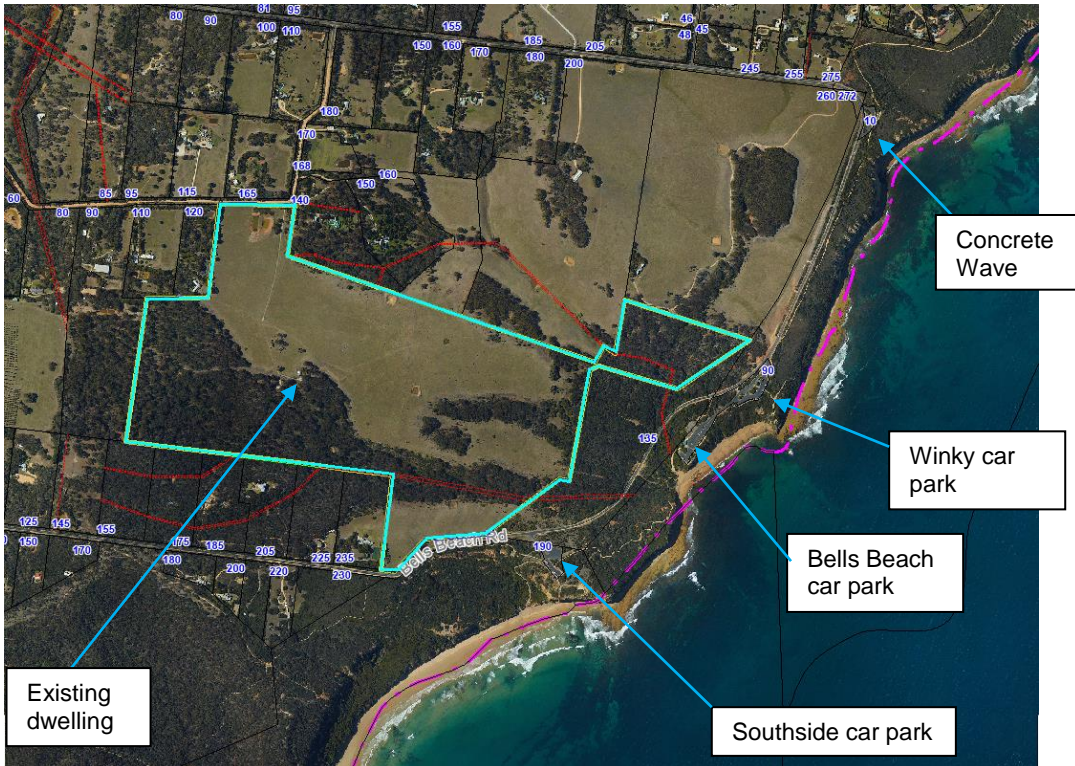
3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

Report

Background

The application seeks approval for the construction of alterations and additions to the existing dwelling, construction of a new dwelling attached to the existing dwelling and the use of these two dwellings for group accommodation and the use and development of a new dwelling and native vegetation removal.

Site Plan



The site is zoned Rural Conservation Zone, is covered by the Bushfire Management Overlay and the Significant Landscape Overlay – Schedule 1. The surrounding area is Rural Conservation Zone, with an area of Crown land to the south, which is zoned Public Park and Recreation Zone. To the northern side of Bones Road there is an area zoned Low Density Residential and an area of Farming Zone.

The *Surf Coast Planning Scheme* identifies 'group accommodation' and a 'dwelling' as a Section 2, permit required land use and the application is required to be assessed against the relevant planning provisions and issues associated with the site and its context.

Discussion Policy

With respect to rural land, the strategic framework (Clause 12) encourages the protection and conservation of Victoria's biodiversity, recognition and enhancement of the value of the coastal areas to the community, development that conserves, protects and seeks to enhance coastal biodiversity and ecological values and the encouragement of suitably located and designed coastal tourism opportunities.

The SPPF (17-03-1) and the LPPF (21.4) promotes tourism development to maximise employment and long term economic and social benefits. The LPPF recognises the broadening focus of tourism in the Shire and cautions that any benefits needs to be balanced against potential negative impacts on the natural environment, landscape values and agricultural activities.

Broadly, policy advises that non-agricultural based tourism development should be limited to selected rural areas and be small scale and that tourist accommodation should be compatible with natural processes.

3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

It is considered that the group accommodation, at its proposed scale (low) and small built form, will not conflict with the existing rural uses of the area, which are for the most part hobby farms and grazing, nor will it result in the loss of high quality agricultural land. Likewise it is considered that the proposal, will not impact detrimentally on the rural landscape or environmental values. It is considered that the proposed group accommodation and dwelling have the potential to enhance the environmental condition of the land through the on-going protection of vegetation, control of pest plants and animals and further enhancement of existing native vegetation through land management practices through an approved land management plan.

Rural Conservation Zone

The subject site is zoned Rural Conservation (RCZ), which seeks to conserve, protect and enhance the natural resources and biodiversity of an area and encourages sustainable land use and development responsive to the conservation values and environmental sensitivity of an area. A permit is required under the RCZ to use the land for both a dwelling and for group accommodation. Dwelling has the following relevant condition:

- *Must be the only dwelling on the lot. This does not apply to a replacement of an existing dwelling if the dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.*

Concerns were raised that the proposal will result in the potential for the group accommodation to be used as a second dwelling. Whilst the Rural Conservation Zone has a condition that there may only be one dwelling on the site, the buildings to be used for 'group accommodation', are essentially two (2) dwellings; in that they contain the elements of a dwelling (a kitchen sink, food preparation facilities, a bath/shower and a closet pan and wash basin). To ensure that there are not future land use conflicts, it is considered that a condition of any approval should require that the owners enter into a Section 173 Agreement, which provides that the group accommodation may not be used for permanent residency.

The decision guidelines of the RCZ require the responsible authority to assess the proposal against numerous issues including rural, environmental, dwelling any design and siting issues. In summary, the existing dwelling is to be extended in a clear area and used for group accommodation and the dwelling is located opposite a stand of semi-mature to mature native trees, with a linear path of remnant vegetation to the north. The proposal has minimised the removal of native vegetation and impacts on the landscape vista of the Bells Beach surfing recreation reserve by siting the dwelling and accommodation at the edge of existing remnant vegetation and utilising, for the most part an existing accessway. It is considered that overall the dwelling and accommodation have been designed to limit their impact on the environment and landscape values of the site and surrounds.

It is also considered that the development of a new dwelling and group accommodation at the proposed scale and built form will have no adverse impacts on the surrounding land use, which consists of predominantly dwellings developed on smaller sized lots.

Impacts on Landscape and Environmental Values

Rural Landscape

The importance of the scenic values of the landscape are identified in Clause 21.06 'Rural Landscape', which has four landscape outcome objectives:

- *To protect and enhance the landscape values of the rural precincts as described in Clause 21.06-2 above.*
- *To protect and maintain open and uncluttered rural landscapes, including vistas from main road corridors.*
- *To protect the rural landscape from urban intrusion and to provide clear distinction between townships.*
- *To recognise the importance of maintaining the visual landscape qualities of the Great Ocean Road environs both for residents and visitors to the coast.*

The importance of the scenic values of the landscape are reiterated in Schedule 1 to the Significant Landscape Overlay and the Coastal Development Policy (22.04).

Concerns were raised that that proposal, including the accessway will be visually prominent within the broader landscape; detrimentally impacting on the landscape character of the area.

3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

A height pole exercise was carried out on Wednesday 10 February 2016, to assess the visual prominence of the buildings within the landscape, particularly from the car parks that form part of the Bells Beach surfing recreation reserve (see photos 1-2 below). The height pole exercise illustrated that the dwelling will hardly be visible, if at all and whilst the accommodation will be visible it is considered that it will sit comfortably within the landscape, as it will not protrude above the tree canopy line or be highly visible within the broader landscape and that strategic planting proposed by the applicant will over time screen the building from the reserve. As such it is considered that the proposed dwelling and accommodation at their proposed scale, locations and form will not have an adverse impact on rural landscape or be highly visible within the viewshed of the Bells Beach Surfing Recreation Reserve.

Photo 1 – Zoom Bells Beach car park (owner’s photo)



Photo 2 – Bells Beach car park



It is considered that a condition of any approval should require the ongoing maintenance and replacement of vegetation located near the buildings to be used for group accommodation and the dwelling to ensure that the existing and proposed native vegetation is not eroded over time to gain panoramic ocean views.

Concerns

Concerns have been raised that the proposal will set a precedent for other accommodation applications within the Bells Beach surfing recreation reserve, or for other tourist facilities to service the accommodation. The size of this site at 85.9 hectares sets it apart from the adjoining lots to the north and the 4.0 hectares lots that are more typical lot size of this area. The increased size of the lot allows the building to be dispersed and situated amongst established vegetation, which effectively screens the development from the adjoining properties and the coastal viewing points.

3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

It is considered that this will not result in the proliferation of smaller lots applying for similar proposals, as they lack the capacity to achieve the outcomes discussed above, which include limiting and dispersing the impact on the viewshed of the Bells Beach surfing recreation reserve and limiting impacts on native vegetation and flora.

Concerns have also been raised that there is potential for incremental intensification of the group accommodation at the subject site. The intensification of the use for the subject site for group accommodation would be subject to a planning permit application, which would be considered on its merits. As detailed above, the merits of this application are predominantly due to the small scale and intensity of the proposal and that as such it is unlikely that further intensification of group accommodation or other tourist facilities at the subject site would be granted, as this would be contrary to policy, in particular the strategy to *'ensure tourism facilities are limited in their intensity and scale to avoid adverse visual impact on the natural environment and rural landscape and to retain the marketing characteristics of low key, eco-based tourist values'* (Clause 21.06-3).

Bushfire

A Bushfire Management Statement for both the dwelling and the group accommodation was submitted with the application. An assessment of the proposal against the provisions of Clause 52.47-2 has been undertaken and it is considered that the proposal achieves or is able to achieve all of the objectives. The application was referred to the CFA who did not object to the granting of a permit subject to conditions (10 December 2015). The conditions recommended by the CFA will be included in any permit granted.

Vegetation Loss

The applicant proposes to remove native vegetation to facilitate the buildings and works for the development of the dwelling and the accommodation. Concerns have been raised with regards to the impact the proposal will have on the existing native flora and fauna and wildlife corridors. A biodiversity report for both the dwelling and group accommodation was submitted with the application. The report identifies that no direct vegetation is proposed to be removed for the construction of the proposed accommodation facilities, that however a ten metre buffer area surrounding the building footprint (0.092 hectares) is assumed due to the likelihood of increased disturbance within close proximity of the building. Whilst the construction of the dwelling does require the removal of native vegetation it is predominantly within a degraded patch of native vegetation that is dominated by indigenous grasses and scattered regenerating wattles. Vegetation will also need to be managed around the dwelling to meet the defendable space requirements of Clause 52.47-2. It noted that the dwelling is proposed to be constructed to a BAL 40 (Bushfire Attack Level) to reduce the area of defendable space.

The biodiversity report identified that the offset requirement for native vegetation removal for the dwelling and the proposed accommodation is:

- 0.024 General BEU's and
- 0.07 Specific BEUS of habitat for Southern Xanthosia.

The application was referred to the Department of Environment, Land, Water and Planning who did not object to the granting of a permit subject to conditions (1 February 2016), including requiring the protection of vegetation to be retained and evidence that the required offset is secured prior to any native vegetation removal. The conditions recommended by DWELP will be included in any permit granted.

In summary, it is considered that the proposed group accommodation has a limited scale and intensity and that with its proposed locations will not be highly prominent within the viewshed of the Bells Beach surfing recreation reserve. Whilst it may have been possible to avoid all impacts on native vegetation and place the dwelling and group accommodation further from the bushfire hazard (existing native vegetation) this would have resulted in buildings more prominent within the landscape, which is contrary to the Rural Landscape Policy (Clause 21.06). It is considered that the proposal has minimised vegetation removal to an acceptable level and is able to meet the approved measures of Clause 52.47 (Planning for bushfire) and such has balanced the impact on the environment with the amenity impacts, associated with the prominence of the proposal within the rural landscape, specifically the Bells Beach surfing recreation reserve.

Refer to the attached Assessment – Officer Report for a detailed assessment of the application.

Financial Implications

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

3.4 Application for a Planning Permit at 130 Bells Road, Bells Beach

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

Council Plan

Theme 5 Development and Growth

Objective 5.2 Encourage sustainable economic development and growth

Theme 5 Development and Growth

Objective 5.4 Transparent and responsive land use and strategic planning

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

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

Any decision made by Council on this application can be challenged at the Victorian Civil and Administrative Tribunal.

In the event the application was refused and appealed to the Tribunal, Council is required by VCAT procedures to circulate draft "without prejudice" conditions to all parties at least 10 days prior to a hearing. This will be actioned if the circumstance arises. In the event that the Tribunal determines to grant a permit these conditions will form the basis of discussion between the parties.

Social Considerations

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

Community Engagement

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

Letters were sent to the adjoining land owners and occupiers, two (2) signs were displayed on the subject land and a notice was placed in the Surf Coast Times.

Public notification of the proposal generated seventeen (17) objections.

The points raised by objectors mainly relate to the visual prominence of the proposal from the Bells Beach surfing recreation reserve, the impact on the landscape character of the area, precedent for other accommodation applications, incremental intensification and the impact on flora and fauna.

Environmental Implications

The proposal includes the removal of native vegetation, the development of buildings and works adjacent to native vegetation and relies on septic waste water treatment. Environmental impacts will be assessed and managed in accordance with the relevant provisions of the *Surf Coast Planning Scheme* and the *Planning and Environment Act 1987*.

Communication

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

Conclusion

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

3.5 1160 Horseshoe Bend Road Torquay - Amendment to the Approved Development Plan

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

General Manager: Kate Sullivan
File No: 14/0216A
Trim No: IC16/328

Appendix:

1. Approved Development Plan (D15/39421)
2. Amended Development Plan (D16/27405)

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 Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

To approve an application to amend the previously approved Development Plan for 1160 Horseshoe Bend Road Torquay.

Summary

An application has been made to amend the approved Development Plan for 1160 Horseshoe Bend Road Torquay to re-locate a child care centre.

The approved development plan identifies Child Care as occupying the southeast corner of the Neighbourhood Activity Centre (NAC) alongside the now approved supermarket and retail development (Planning Permit 15/0175). It is proposed to relocate Child Care on the development plan to the north of the NAC, occupying an area previously identified as High Density Mixed Use area. The previous area within the NAC has been reallocated for non-retail commercial development.

The amended development plan continues to achieve the requirements of Schedule 8 to the Development Plan Overlay and is consistent with the Outline Development Plan for Torquay North.

Recommendation

That Council approve the amended Development Plan stage for 1160 Horseshoe Bend Road Torquay pursuant to Clause 43.04 of the Surf Coast Planning Scheme.

3.5 1160 Horseshoe Bend Road Torquay - Amendment to the Approved Development Plan

Report

Background

An application has been made to amend the approved Development Plan for 1160 Horseshoe Bend Road Torquay to re-locate a child care centre.

The approved development plan identifies Child Care as occupying the southeast corner of the Neighbourhood Activity Centre (NAC) alongside the now approved supermarket and retail development (Planning Permit 15/0175). It is proposed to relocate the Child Care on the development plan to the north of the NAC, occupying an area previously identified as High Density Mixed Use and west of the area identified for Aged Care. The previous area within the NAC has been reallocated for non-retail commercial development. A further change has been made to the designation from High Density Mixed Use to simply Mixed Use.

An application for a planning permit has been received to use and develop a child care centre on the newly identified location. A permit cannot be granted until it is consistent with the approved development plan.

Discussion

The Torquay North growth area is covered by Schedule 8 to the Development Plan Overlay (DPO8). Under the DPO a development must be prepared and approved before a permit may be granted to use, develop or subdivide the land. Any subsequent proposal must also be generally in accordance with the approved development plan.

Council previously resolved to conditionally approve a development plan for the land known as 1160 Horseshoe Bend Road on 24 March 2015 and the development plan was duly approved on 7 May 2015. The DPO also provides that *"The development plan may be amended to the satisfaction of the responsible authority."*

The amendment is required primarily to allow a child care facility to the north of the NAC. Under the current amended development plan 0.24ha (2400m²) is designated for Child Care adjacent to the Aged Care area. The change will result in the High Density Mixed Use area being reduced to 0.9ha.

The underlying zoning of this area is General Residential Schedule 1 (GRZ1) compared to Commercial 1 (C1Z) for the NAC. A child care centre is a permissible use in the GRZ1. It is considered that the proposed location for a child care is appropriate for the following reasons:

- Non-residential uses in the GRZ1 should serve local community needs. Whilst it might also attract customers from outside the local area, this location is mostly likely to serve the emerging residential area of Torquay North.
- There will be a significant population within walking distance and public transport (bus) is close by.
- Being opposite the NAC will encourage multi-purpose trips and serve workers in the NAC.
- The existing secondary and future primary schools (public and private) are proximate.
- The site does not have boundaries with sensitive residential areas.

The child care will have a boundary with an open space and drainage reserve to the north. This could pose a child safety issue as maintaining an open boundary with the reserve for aesthetics and passive surveillance is desirable. It is considered that this interface issue can be resolved through the use of appropriate design treatments and does not preclude the child care in this location.

The area within the NAC which is currently identified for child care has been re-designated for non-retail commercial use. The expansion of non-retail commercial use such as an office within the NAC is appropriate and supported as it will assist in achieving the development objectives of Schedule 23 to the Design and Development Overlay (DDO23) which applies to the NAC land.

The objectives of DDO23 include creating active streets and 'sleeving' of large box development such as the supermarket. Additional commercial development east of the supermarket would provide the opportunity for complete activation of the streetscape.

3.5 1160 Horseshoe Bend Road Torquay - Amendment to the Approved Development Plan

Financial Implications

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

Council Plan

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

Policy/Legal Implications

The amended development plan is consistent with the Torquay – Jan Juc Strategy at Clause 21.08 of the Surf Coast Planning Scheme including the policies of:

- Facilitate new residential growth in Torquay North up to South Beach Road, north-west of Messmate Road up to the ridgeline and to the west in Spring Creek Valley up to one kilometre west of Duffield's Road.
- Encourage the establishment of a neighbourhood activity centre in Torquay North providing a range of shopping and commercial services, including a full-line supermarket, to provide a hub to the growing community.

Officer Direct or Indirect Interest

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

Risk Assessment

The merits of the proposal have been considered against the relevant provisions of the Surf Coast Planning Scheme and *Planning & Environment Act 1987*.

Social Considerations

The amended development plan continues to provide for planned residential and commercial development within Torquay North. Detailed design is managed through the planning permit application process.

Community Engagement

The *Planning & Environment Act 1987* and the Surf Coast Planning Scheme do not include legislated requirements to undertake public notice of applications for the approval of development plans. However Council policy is to exhibit proposed development plans and this was done for the original approval process. This amended development plan has not been exhibited as it is considered that the changes from the approved plan are unlikely to materially affect the interests of others.

Environmental Implications

The proposed changes to the development plan are unlikely to have any environmental implications.

Communication

The applicant will be provided a copy of the approved development plan. Approved development plans are provided for public viewing on Council's website.

Conclusion

Approval is sought for minor changes to the approved development plan stage for 1160 Horseshoe Bend Road to facilitate a proposed child care centre north of the Neighbourhood Activity Centre. The amended plan meets the requirements of Schedule 8 to the Development Plan Overlay. It is recommended that the amended plan be approved.

4. CULTURE & COMMUNITY

4.1 2016 Advocacy Priorities

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community

File No: F15/1007

Division: Culture & Community

Trim No: IC15/548

Appendix:

1. Detailed Project Information – Federal Election Priorities 2016 (D16/34785)

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 Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To adopt Council's 2016 advocacy priorities for the Federal election.

Summary

Council's advocacy activity is a continuous process. The Federal Election that will happen in 2016 provides opportunities for Council to have conversations with Members of Parliament and candidates who are keen to learn what is important to this community.

Advocacy is important because Council is reliant on the actions of other levels of Government to achieve its objectives. Other levels of Government are often reliant on partnerships with Council to achieve their objectives.

The areas of mutual interest often include infrastructure, services and policy. Funding is often at the heart of these relationships. It is vital that Council strengthens its relationships with all levels of government and is clear about what its priorities are that will deliver community benefit. It is likely that Council's priorities which achieve government or opposition objectives will receive the most interest in an election year.

Council pursued many advocacy opportunities in 2015 and has been working recently on confirming advocacy priorities in the lead up to the Federal Election. Having clearly defined priorities is a feature of successful advocacy planning and implementation.

This report focusses on the Council priorities most relevant to the 2016 Federal Election. Council will continue to have a long term view of advocacy and will use future advocacy opportunities to pursue benefits for the Surf Coast community.

Recommendation

That Council:

1. Note the range of advocacy activities in 2015-2016.
2. Confirm the advocacy priorities (Council Projects) for the 2016 Federal Election as:
 - 2.1 Surf Coast Adventure Trails
 - 2.2 Winchelsea Township Beautification
 - 2.3 Torquay Active Transport
 - 2.4 Improved Phone and Internet Coverage
 - 2.5 North Torquay Community and Indoor Sports Centre
 - 2.6 Stribling Reserve Redevelopment, Lorne
 - 2.7 Converting to Energy Efficient Lights
 - 2.8 Spring Creek Reserve Netball Pavilion, Torquay
 - 2.9 North Torquay Community and Civic Precinct Active Recreation Facilities
3. Support the community-led advocacy efforts of Surf Life Saving Clubs based in the Shire to secure Federal Government funding for upgrades to their facilities.
4. Endorse the principle that projects listed in the Torquay Jan Juc Developer Contributions Plan (DCP) are a contractual commitment and Council contributions to those projects are valid inclusions in proposals provided to election candidates.
5. Liaise with sitting members, candidates and relevant Ministers to ensure they are well informed of Council's priorities.

4.1 2016 Advocacy Priorities

Report

Background

Advocating to other levels of government is an important activity for Surf Coast Shire Council. Council is reliant on the actions of other levels of Government to achieve its objectives. Likewise, other levels of Government are often reliant on partnerships with Council to achieve their objectives. The areas of mutual interest often include infrastructure, services and policy. Funding is often at the heart of these relationships.

Council has been active in recent years in attracting support from Federal and State Governments to deliver infrastructure, provide services and shift policy.

In the lead up to the 2014 State Election, three advocacy priorities for each of the electorates (South Barwon and Polwarth) were identified. One additional policy priority, affecting both electorates, completed the advocacy program. During the advocacy campaign, a fourth priority was identified in the electorate of South Barwon.

The results of the advocacy program in 2014 included:

- \$1.6 million secured for the Torquay North Children's Hub
- \$400,000 for a second AFL oval at Banyul-Warri Fields
- Bob Pettit Reserve Jan Juc secured as Council land for community use

In November 2014, Council adopted a Strategic Advocacy Framework to guide Council's advocacy efforts. The framework provides clarity on where to focus effort, what actions to undertake and which people to engage. This framework guides much of Council's advocacy work and has been a valuable tool in developing Council's advocacy priorities.

Council's advocacy performance is measured in the state-wide local government Community Satisfaction Survey. Advocacy results from this survey are included in the following table.

	Surf Coast 2012	Surf Coast 2013	Surf Coast 2014	Surf Coast 2015	Large Rural 2015	State- wide 2015
ADVOCACY (Lobbying on behalf of the community)	51	53	57	59	53	55

Council has been actively advocating to State and Federal Governments since the 2014 State Election. This has included representation at two parliamentary inquiries, two Municipal Association of Victoria (MAV) State Council meetings, regular meetings with local Members of Parliament, Ministers and candidates, preparing submissions to the State Government on Rate Capping and joining various Australian Local Government Association (ALGA) and MAV advocacy campaigns.

Surf Coast Shire Council was represented in the recent G21 Delegation to Canberra where meetings were held with the Prime Minister, Ministers, Members of Parliament and Chiefs of Staff.

A summary of Council's advocacy activity since 2014 includes:

- Stated opposition to exploration of unconventional gas.
- Urged the State Government to consider the differences in local governments when applying the new rate capping policy.
- Worked closely with the State Government and Alcoa through the closure of the Anglesea coal mine and power plant.
- Commended the State Government for setting a renewable energy target but advocated for the target to be set higher.
- Urged the Federal Government to cease the freezing of Federal Assistance Grants
- Affirmed Council's position on banning circuses with exotic animals and urged other municipalities to do the same.
- Made a submission to the first Victorian Creative Industries Strategy urging the State Government to support creative industry on the Surf Coast.
- Provided a submission into the review of the *Local Government Act 1989*

4.1 2016 Advocacy Priorities

- Articulated the policy and infrastructure needs for Surf Coast Shire and the G21 Region
- Major grant applications submitted include:

Project	Fund	Amount	Outcome
Spring Creek Reserve Netball Pavilion, Torquay	Sport and Recreation Victoria Grant Program	\$100,000	Successful
Anglesea Cricket Pavilion	Sport and Recreation Victoria Grant Program	\$70,000	Successful
Winchelsea Township Beautification	National Stronger Regions Fund Round 2 and 3	\$155,000	Round 2 unsuccessful Round 3 pending
North Torquay Children's Centre	National Stronger Regions Fund Round 2	\$1,600,000	Unsuccessful
Road improvements including Horseshoe Bend Rd, Blackgate Rd, Cape Otway Rd and Mt Duneed Rd	Federal Blackspot Funding	\$ 3,025,000	Application pending

Discussion

Good advocacy planning with a clear strategic direction will improve Council's chances of advocacy success. This approach will ensure our key spokespeople are prepared with relevant data and clear messages aimed at the right people.

It is very important to understand the government and opposition policy context when determining Council's advocacy priorities. Council priorities are more likely to be supported if they achieve the objective of government. The development of Council's advocacy priorities has included research into policy and election platforms of each of the major parties. The proposed priorities aim to support achievement of government objectives.

Council needs a defined set of priorities to maintain focus and clarity when talking to Members of Parliament, Ministers and candidates. Focussing Council's advocacy efforts on defined, key projects and issues does not diminish the importance of other projects and activities. They will remain a high priority progressed through other advocacy opportunities including but not limited to; conversations with State MPs and candidates, advocating through the MAV and ALGA and active representation at the G21 Regional Alliance.

Establishing advocacy priorities requires review of strategic planning work done recently which is shaped by community input through specific engagement processes. The strategic plans considered included:

- Council Plan
- Health and Wellbeing Plan
- Council policy positions
- Council strategies and masterplans
- Local land use plans and township design frameworks
- Developer contribution plans

A range of other factors are considered important to determine Council's advocacy priorities including:

- Community Need or Aspiration
- Government Policies and Priorities
- Regional Plans and Priorities

It is important to differentiate Surf Coast Shire from other municipalities as politicians and candidates will engage with many councils across Australia this year. To help define what makes Surf Coast Shire unique, the Surf Coast Shire has three strategic advocacy pillars:

1. Surf Coast Experience	2. Building our Future	3. Environmental Leadership
We attract millions of visitors each year and the surf industry is a unique driver of our economy.	We are growing rapidly and need to deliver facilities and services that make our communities great places to live.	We recognise the Surf Coast's assets are built on our natural environment.

4.1 2016 Advocacy Priorities

The 2016 Advocacy Priorities align to the Advocacy Pillars and are described in the table below. More detailed project information including project costs, Council contribution and developer contribution amounts are included in Appendix 1.

Priority Name	Description	Advocacy Pillar
Surf Coast Adventure Trails	Complete the enhancement of the existing Surf Coast Walk which runs from Point Impossible to Fairhaven to enable dual use by pedestrians and cyclists. Create elite or “epic” level mountain bike trails in the Lorne area and trails and trail head in Anglesea. Work will include feasibility and design of Stage 2 of the Surf Coast Walk which would extend the current trail from Fairhaven to Cumberland River, Lorne.	Surf Coast Experience
Winchelsea Township Beautification	This project is a key component of “Growing Winchelsea” which aims to grow local employment, increase visitation and help Winchelsea become a better place to live work and invest. This project will create a more aesthetically pleasing streetscape and themed shopping and recreation precinct. Highlights of the project includes <ul style="list-style-type: none"> • Streetscape works to the heart of Winchelsea’s town centre • ANZAC memorial theme precinct • Gateway Entrances: Creation of distinctive township entrances on the town’s east and west entry points 	Building our Future
Torquay Active Transport (Torquay - Jan Juc DCP project)	Investing in walking and bike paths will help keep the Surf Coast community an active community and enhance our reputation as a home for major events such as the Cadel Evans Road Race.	Building our Future
Improved Phone and Internet Coverage	Mobile towers are needed in Surf Coast Shire to improve mobile and internet coverage. Due to the topography of the Surf Coast Shire, mobile and internet coverage is poor in many places. Even the larger towns experience poor reception.	Building our Future
North Torquay Community and Indoor Sports Centre (Torquay - Jan Juc DCP project)	Deliver a multi-court facility providing space for indoor sports such as basketball, netball, futsal, badminton and volleyball. Facility would provide scope for additional health and fitness programs such as group fitness classes. This is a key element of the Civic and Community Precinct Masterplan.	Building our Future
Stribling Reserve Redevelopment	Completing reserve redevelopment by upgrading oval lighting, improving social areas and change rooms and rebuilding spectator facilities to enable more use for local sport and community events. The project will enhance the capability of the reserve to play a key role in emergency management. This project is an important kick start to the local economy following the losses experienced due to the 2015 Christmas Bushfires.	Building our Future
Converting to Energy Efficient Lights (Collaborative project with G21 region councils)	G21 councils wish to undertake a collaborative project to replace existing inefficient streetlights with energy efficient lights. Improving environmental impacts by replacement of Surf Coast Shire’s existing inefficient street lights with LED luminaires. The new streetlights reduce energy usage by up to 80% and provide better lighting outcomes for the community, including	Environmental Leadership
Spring Creek Reserve Netball Pavilion, Torquay	Upgrade Project will see the existing inadequate clubroom facility demolished and replaced with a new regional level, multi-use clubroom facility delivering: <ul style="list-style-type: none"> • new player change rooms and umpires change room • public all accessible toilet • competition/administration office • first aid/trainers’ room 	Building our Future

4.1 2016 Advocacy Priorities

	<ul style="list-style-type: none"> kiosk/canteen and social area with bi-folding walls timber decking for enhanced spectator viewing 	
North Torquay Community and Civic Precinct Active Recreation Facilities (Torquay - Jan Juc DCP Project)	<p>The popularity of football (soccer) in Torquay continues to grow and pressure on existing facilities is already evident. Torquay has recently become the home of Galaxy United – the regional girls and women’s representative club.</p> <p>The project includes: establishment of 3rd soccer pitch, fencing, goals, shelters, lighting, scoreboards</p>	Building our Future

Projects in the Torquay Jan Juc DCP are a contractual commitment and Council has a funding obligation to deliver these projects. This was the subject of extensive consultation prior to the DCP adoption.

Non-DCP projects are funded either through an existing budget allocation, the upcoming draft budget or through specific Council resolution.

Council is able to provide advocacy support for four community-led projects - Surf Life Saving Club Upgrades in Anglesea, Jan Juc, Lorne and Torquay. This aligns to the Surf Coast Experience Pillar. The support will include facilitating conversations between the Surf Life Saving Clubs and key contacts, providing information and enhancing skills to add value to the clubs’ advocacy efforts. Support will not include funding from Council.

Priority Name	Description	Advocacy Pillar
Four Surf Life Saving Clubs Upgrades (Anglesea, Jan Juc, Lorne, Torquay)	Four of the surf lifesaving clubs in Surf Coast Shire are seeking funding to upgrade their facilities. Surf Coast Shire is adding our voice to help local surf lifesaving clubs develop facilities to keep our communities and visitors safe.	Surf Coast Experience

An action plan and communication plan will be created for each advocacy priority to guide Council’s advocacy work once the priorities are formally adopted.

Financial Implications

A successful Federal advocacy campaign can deliver significant income to Council projects. The projects included in the priority list have a financial commitment from Council either through an existing budget allocation, the upcoming draft budget or the funding obligation through the DCP.

In the event these advocacy priorities are funded, Council will need to consider how its financial contribution to these projects will impact on its capacity to deliver other capital projects in future budgets. Consideration will need to be given to equity and the spread of projects across the shire. Council’s cash position and the possibility of debt funding larger projects will also need to be considered.

Council Plan

Theme 2 Governance
 Objective 2.6 Advocate on behalf of our community
 Strategy 2.6.1 Develop an advocacy agenda and priorities and regularly update these

Theme 2 Governance
 Objective 2.4 Transparency in decision making and access to information
 Strategy 2.4.1 Communicate decisions clearly and in a timely manner.

Policy/Legal Implications

A review of Government policy continues to inform Council’s advocacy program. Council’s advocacy activities seek to influence Government policy to deliver outcomes which benefit the Surf Coast community.

Officer Direct or Indirect Interest

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

4.1 2016 Advocacy Priorities

Risk Assessment

Failure to determine clear advocacy priorities for action may limit Council's ability to achieve support for its priorities. This risk is clearly evident in the lead up to the federal election which will take place in 2016. A clear advocacy plan with defined priorities mitigates against this risk.

Social Considerations

Effective advocacy planning is a key ingredient in Council achieving support for its priorities. This increases the likelihood of Council achieving social benefits for the community.

Community Engagement

Previous community engagement activities have informed the choice of priorities. They are drawn from engagement conducted for the Council Plan, Health and Wellbeing Plan, established master plans, developer contribution plans and other capital works planning exercises.

Environmental Implications

Council is committed to being an environmental leader and this is evident in the current advocacy pillars. Inclusion of the project - Converting to Energy Efficient Lights - in the list of priorities is a demonstration of Council's commitment to improving environmental outcomes.

Communication

A communications plan will be developed for each advocacy priority. The adoption of the priorities will trigger the implementation of these plans. Council will actively communicate the advocacy priorities once adopted via local media and Council's communication channels.

Conclusion

The achievement of Council's objectives within the Council Plan 2013-2017 is reliant on the development of effective partnerships with other stakeholders, including other levels of Government.

Council continues to advocate in the interest of the Surf Coast community. The priority list developed in lead up to the 2016 Federal Election is informed by community needs and aspirations as well as referencing major party policies to increase the likelihood of gaining government support.

While this report focusses on Federal Election priorities, Council will continue to take a long term view to its advocacy effort. The focus will continue to be on maintaining government relations, developing business cases for projects and maximising key advocacy opportunities to achieve benefits for the community.

4.2 Community Chef Restructure

Author's Title: Manager Aged & Family

General Manager: Chris Pike

Department: Community

File No: F16/265

Division: Culture & Community

Trim No: IC16/386

Appendix:

1. Community Chef Shareholder Representatives Share Valuation December 2015 (D16/30887)
2. Information for Shareholder Representatives Community Chef Restructure (D16/30884)
3. Legal Advice Community Chef Restructure (D16/30876)

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 resolve to become a Regional Kitchen shareholder and request Regional Kitchen to seek Ministerial approval under S193 of the Local Government Act on behalf of Council to invest in an entity with capacity to borrow.

Summary

The Regional Kitchen Group project began in 2004 when a group of Councils came together to find a solution to ensure a guaranteed supply of quality meals. Surf Coast Shire entered into a shareholder agreement with RFK Pty. Ltd. trading as Community Chef in September 2010.

At the 29 May 2015 General Meeting one of the resolutions was to prepare a proposal for a company restructure and offer of new shares for presentation to the November Annual General Meeting.

The proposal was not prepared in time for the November meeting however a commitment was given at that meeting to provide Shareholders with an update regarding the proposed restructure in February 2016. This would ensure any capital investment requirements could be factored into budget processes for the 2016/17 financial year and provide ample time to gain Council approval for the changes in advance of the May 2016 General Meeting. The resolutions pertaining to this change will be brought for a vote at this meeting.

For those Councils that are currently Shareholders in Community Chef only it will be necessary to obtain Ministerial approval under Section 193 of the Local Government Act for Council to invest in an entity with the capacity to borrow. This approval can be sought on Council's behalf by Regional Kitchen.

Proposed Structure

- One Company Structure
- All Councils to become shareholders in Regional Kitchen, relinquish their shares in Community Chef in exchange for 1 free share in Regional Kitchen
- Retain current Board members on an expanded single Board

The main driver in bringing the two companies under one consolidated entity is to facilitate more efficient administrative, governance and audit processes. It will also act as a trigger to seek further investment for the reduction of debt and to explore alternate loan facility and investment opportunities with institutions closely aligned with local government.

Recent sales of shares in Regional Kitchen were at a price of \$18,000 per share. A valuation of shares in the proposed consolidated structure using December 2015 balances confirms that the shares in the consolidated entity would retain that value.

In order for Regional Kitchen to stay on track, implement the business model changes and to create opportunities for investment it will be necessary to achieve a unanimous vote at the May shareholder meeting.

4.2 Community Chef Restructure

As such it is recommended that Council support the business model restructure by resolving to become a Regional Kitchen shareholder and request Regional Kitchen to seek Ministerial approval under S193 of the Local Government Act.

Recommendation

That Council:

1. Having given due consideration to the risks, liabilities and benefits involved and having complied with subsections 5A and 5C of Section 193 of the Local Government Act, Council make an application for shares in Regional Kitchen Pty Ltd in accordance with the constitution and Shareholders Agreement of the company. Such application will be made subject to receipt of the approval required under S193 (5G) of the Local Government Act.
2. Approve the appointment of the Chief Executive Officer of Regional Kitchen Pty Ltd to act on behalf of Council for purpose of obtaining approval under S193(5G) for Council to become a shareholder in a company with the power to borrow.
3. Approve the appointment of Council's Manager Aged and Family as the Regional Kitchen Pty Ltd Shareholder Representative for Surf Coast Shire.
4. Approve the acceptance of 1 share in Regional Kitchen Pty Ltd.
5. Approve the execution of a Deed of Accession whereby Council will become bound under the terms of the shareholder's Agreement and Constitution of Regional Kitchen Pty Ltd.
6. Authorise the affixing of the Council Seal on the Deed of Accession in the presence of an authorized person and that those persons sign the Deed of Accession.

4.2 Community Chef Restructure

Report

Background

The Regional Kitchen Group project began in 2004 when a group of Councils came together to find a solution to ensure a guaranteed supply of quality meals. The project arose out of the difficulty of sourcing good suppliers for delivered meals. The project has attracted significant State and Federal Government funding as well as contributions from participating Councils which has resulted in a state of the art facility that prepares and supplies nutritious, varied, culturally sensitive and high quality meals.

Surf Coast Shire entered into a shareholder agreement with RFK Pty. Ltd. trading as Community Chef in September 2010 and commenced meal deliveries to clients in Torquay, Jan Juc, Anglesea, Aireys Inlet and surrounds in July 2011. From March 2013 clients in Lorne and surrounding areas began receiving meals from Community Chef following conclusion of the meals contract with Lorne Community Hospital.

Discussion

The Community Chef group exists to meet the delivered meals requirements of Council's Home and Community Care Program. Their key objectives are;

- To maintain continuity of service in a changing environment and transition to whatever future delivered meals option is decided by each shareholder Council;
- To continue to maintain the highest standards of food safety, quality and diversity. Provide a wide range of individual meals, bulk meals for social settings and texture modified options, all with an extended shelf life;
- Continue to undertake research into dietary guidelines and nutritional requirements for vulnerable people;
- To position Community Chef to be the provider of choice for care packages and diversify into new markets;
- To continue to deliver social dividend by supporting food security programs; and
- To build Community Chef into a profitable local government owned enterprise.

At the 29 May General Meeting resolutions were passed to:

- Offer these shares to both RFK and Regional Kitchen Shareholders at a price of \$18,000 per share; and
- Prepare a proposal for a company restructure and offer of new shares for presentation to the November Annual General Meeting (AGM.)

A detailed report and proposal on a company restructure was not available at the November AGM however a commitment was made to report to shareholder Councils in February 2016 with a proposal that could be considered by each Council in time for the May general meeting of Community Chef. Given this an update of the current status and business activity was provided to Council at the December briefing.

Business activity and growth since the last report to Council in December 2015

- Wyndham has joined Community Chef as a shareholder and commenced taking meals on 1 February 2016
- Commenced supply of an expanded range of product lines into the public hospital food services network.
- A letter of intent has been signed with the Red Cross Emergency Management unit for the supply of meals during times of natural disaster and for crisis situations in the Metropolitan and peri-urban areas.
- Opportunities are opening up in other markets including products manufactured for other's brands.
- Cutting edge research on nutritional density and other aspects of food production continues to be undertaken with and funded by the CSIRO.

Business Restructure

At the November Annual General Meeting, the core mission of Community Chef to its Shareholders was outlined as being:

"Maintain continuity of service in a changing environment and transition to whatever future delivered meals option is decided by each shareholder Council"

4.2 Community Chef Restructure

A commitment was given at that meeting to provide Shareholders with an update regarding the proposed restructure in February 2016. This would ensure any capital investment requirements can be factored into to their budget process for the 16/17 financial year and provide ample time to gain Council approval for the changes in advance of the May 2016 General Meeting. The resolutions pertaining to this change will be brought for a vote at this meeting.

For those Councils that are currently Shareholders in Community Chef only it will be necessary to obtain Ministerial approval under Section 193 of the Local Government Act for Council to invest in an entity with the capacity to borrow. This approval can be sought on Council's behalf by Regional Kitchen.

The main driver in bringing the two companies under one consolidated entity is to facilitate more efficient administrative, governance and audit processes. It will also act as a trigger to seek further investment for the reduction of debt and to explore alternate loan facility and investment opportunities with institutions closely aligned with local government.

An overview of the current and proposed structures is as follows;

Current Structure



- Regional Kitchen leases building, plant and equipment to Community Chef and provides capital funding
- Community Chef pays rent
- Two Boards that operate in consultation but independently of each other
- Run as two separate companies
- There is a Joint Charter
- There is a Cross Company Guarantee
- Board membership overlaps with three board members sitting on both boards

Currently there are 7 Councils who are shareholders in Community Chef only. These Councils did not provide any capital to the business at start up. The 13 Councils, who are shareholders in Regional Kitchen, invested in the capital development for the project and are also shareholders in Community Chef which is the operating arm of the business.

Proposed Structure



- One Company Structure
- All Councils to become shareholders in Regional Kitchen, relinquish their shares in Community Chef in exchange for 1 free share in Regional Kitchen

4.2 Community Chef Restructure

- Retain current Board members on an expanded single Board

Recent sales of shares in Regional Kitchen were at a price of \$18,000 per share. A valuation of shares in the proposed consolidated structure using December 2015 balances confirms that the shares in the consolidated entity would retain that value (Appendix 1)

In order for Regional Kitchen to stay on track, implement the business model changes and to create opportunities for investment it will be necessary to achieve a unanimous vote at the May shareholder meeting. As such it is recommended that Council support the business model restructure and resolve to become a Regional Kitchen shareholder.

Financial Implications

There will be no cost to Council as the current shareholding on Community Chef will be relinquished and Surf Coast Shire will be allocated one free Regional Kitchen share as a member of the company under the new structure. As a result the value of Council's shareholding will increase from approx. \$38.70 to \$18,000. Appendix 1 includes detail regarding the shareholding valuation.

Council Plan

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

Policy/Legal Implications

Ministerial approval under Section 193 of the Local Government Act will be required for Council to invest in an entity with the capacity to borrow. This approval can be sought on behalf of Council by Regional Kitchen

It is a requirement of the funding and service agreement with the Department of Health for the Home and Community Care Program for the delivery of meals.

Officer Direct or Indirect Interest

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

Risk Assessment

The value of Council's shareholding will increase through this business model restructure with no cost to Council. Ministerial approval has previously been granted under S193 of the Local Government Act for Council to become a shareholder in Community Chef. Appendix 3 outlines the Legal advice that has been sought by Community Chef regarding the implications for participating Councils.

Social Considerations

Community Chef supports a number of community initiatives including foodbank, supported employment for people with disabilities at Karkana and RMIT graduate mentoring program.

Community Engagement

It is not expected any community engagement activity will be required.

Environmental Implications

Not applicable.

Communication

Information regarding the restructure of Community Chef will be made available following the shareholder decision on any proposal.

Conclusion

Community Chef is recognised for its ability to produce high quality meals that meet food safety standards. The long shelf life of the meals together with the extensive and diverse menu provides flexibility and options for clients across the municipality to access nutritious food choices for their stage of life. With a focus on quality, efficiency and improvement Community Chef aims to ensure their meal options are first choice for older people and providers. The aim of the restructure is to increase efficiency, streamline and improve governance and audit processes with a view to seeking further future investment and growth. As such it is recommended that Council support the proposed restructure, resolve to become a shareholder in Regional Kitchen and request Regional Kitchen to seek Ministerial approval under S193 of the Local Government Act.

5. MINUTES

5.1 Section 86 Committee Minutes

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

Department: Governance & Risk

File No: F16/284

Division: Governance & Infrastructure

Trim No: IC16/397

Appendix:

1. Planning Committee Minutes - 7 March 2016 (D16/24436)
2. Hearing of Submissions Minutes - 5 April 2016 (IC16/395)

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 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:

- Planning Committee – 7 March 2016
- Hearing of Submissions Committee – 5 April 2016

5.2 Advisory 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: IC16/427

Appendix:

1. All Abilities Advisory Committee (AAAC) Minutes - 23 February 2016 (D16/20509)

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 All Abilities Advisory Committee held on the 23 February 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: IC16/255

Appendix:

1. Assembly of Councillors - Pests Plants and Animal Management Program - 23 February 2016 (D16/20527)
2. Assembly of Councillors - Anglesea Roundabout Vic Roads Discussion - 22 March 2016 (D16/28552)
3. Assembly of Councillors - Budget Briefing - 22 March 2016 (D16/28614)
4. Assembly of Councillors - Agenda Review - 22 March 2016 (D16/28641)
5. Assembly of Councillors - Council Briefing - 5 April 2016 (D16/30904)
6. Assembly of Councillors - Council Briefing - 12 April 2016 (D16/34006)

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:

- Pests Plants and Animal Management Program - 23 February 2016
- Anglesea Roundabout Vic Roads Discussion – 22 March 2016
- Budget Briefing – 22 March 2016
- Agenda Review – 22 March 2016
- Council Briefing – 5 April 2016
- Council Briefing – 12 April 2016

7. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION

7.1 Petition Requesting the Construction and Sealing of Gilbert Street, Aireys Inlet

Author's Title: Coordinator Special Projects

General Manager: Anne Howard

Department: Engineering Services

File No: F16/496

Division: Governance & Infrastructure

Trim No: IC16/338

Appendix:

1. Cover Letter and Petition (D16/28922)

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 investigate the feasibility and costs of sealing Gilbert Street, between Aireys Street and Boundary Road, Aireys Inlet.

The petition consists of 18 signatures.

Recommendation

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

1. Receive and note the petition requesting that Council investigate the feasibility and costs of sealing Gilbert Street, Aireys Inlet, between Aireys Street and Boundary Road.
2. Refer the petition to the General Manager Governance and Infrastructure for consideration
3. Require a report on the petition be presented to the 24 May 2016 Ordinary Council Meeting.

8. IN-CAMERA

Recommendation

That Council pursuant to section 89(2)(e) proposed developments and 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 Assemblies of Councillors Confidential

8.2 C113 85 Geelong Road, Torquay - Exhibition of Planning Scheme Amendment

Recommendation

That:

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

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