



Minutes

Ordinary Meeting of Council
Tuesday, 24 January 2017

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 6.00pm

Council:

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

MINUTES FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 24 JANUARY 2017 COMMENCING AT 6.00PM

PRESENT:

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

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Governance & Infrastructure – Anne Howard
General Manager Culture & Community – Chris Pike
General Manager Environment & Development – Phil Rowland
Team Leader Governance – Danni Vasiloski
Manager Community Relations – Damian Waight
Communications Officer - Kate Fowles
2 members of the public
2 members of the press

OPENING:

Cr Brian McKitterick, (Mayor) opened the meeting.

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:

Cr Clive Goldsworthy recited the pledge on behalf of all Councillors.

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:

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Rose Hodge

That an apology be received from Cr Libby Coker.

CARRIED 8:0

CONFIRMATION OF MINUTES:

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Carol McGregor

That Council note the minutes of the Ordinary meeting of Council held on 13 December 2016 as a correct record of the meeting.

CARRIED 8:0

LEAVE OF ABSENCE REQUESTS:

Nil

CONFLICTS OF INTEREST:

Nil

PRESENTATIONS:

Councillor Rose Hodge acknowledged the passing of Aboriginal Elder Uncle David Tournier known in the community as Tandop (uncle), and remembers him for his contributions to the community and region.

Cr Brian McKiterick, (Mayor) expressed condolences to the people who lost their lives or injured in the Bourke Street Mall tragedy on Friday 20 January 2017.

PUBLIC QUESTION TIME:

Nil

Questions with Notice:

Nil

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1. OFFICE OF THE CEO

Nil

2. GOVERNANCE & INFRASTRUCTURE

2.1 January 2017 Project Budget Adjustments and Cash Reserve Transfers Report

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

Department: Finance **File No:** F16/1381

Division: Governance & Infrastructure **Trim No:** IC17/53

Appendix:

1. January 2017 Project Budget Adjustments and Cash Reserve Transfers Report (D17/2006)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive and approve the Project Budget Adjustments and Cash Reserve Transfers report for January 2017.

Summary

The Project Budget Adjustments and Cash Reserve Transfers report for January 2017 is attached.

Recommendation

That Council approve the Project Budget Adjustments and Cash Reserve Transfers listed in the January 2017 report:

1. Allocating grant funded project budgets (no cost to Council);
2. Transferring a net of \$76,000 to projects from the Accumulated Unallocated Cash Reserve;
3. Ratify the transfer of \$12,500 to projects from the Accumulated Unallocated Cash Reserve approved by the Chief Executive officer;
4. Transferring a net of \$134,628 to a project from the Developer Contribution Reserve; and
5. Transferring a net of \$30,000 to a project from the Waste Reserve.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy

That Council approve the Project Budget Adjustments and Cash Reserve Transfers listed in the January 2017 report:

1. Allocating grant funded project budgets (no cost to Council);
2. Transferring a net of \$76,000 to projects from the Accumulated Unallocated Cash Reserve;
3. Ratify the transfer of \$12,500 to projects from the Accumulated Unallocated Cash Reserve approved by the Chief Executive officer;
4. Transferring a net of \$134,628 to a project from the Developer Contribution Reserve; and
5. Transferring a net of \$30,000 to a project from the Waste Reserve.

CARRIED 8:0

2.1 January 2017 Project Budget Adjustments and Cash Reserve Transfers Report

Report

Background

Council receives a monthly Project Budget Adjustments and Cash Reserve Transfers report to authorise transfer of project budgets.

Discussion

The proposed Project Budget Adjustments and Cash Reserve Transfers are outlined in the attachment.

Financial Implications

The proposed Project Budget Adjustments and Cash Reserve Transfers 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 Budget Adjustments and Cash Reserve Transfers for January 2017.

2.2 Place Naming Request - Jan Juc Shopping Centre and Bellbrae Oval

Author's Title: Manager Engineering Services

General Manager: Anne Howard

Department: Engineering Services

File No: F16/82

Division: Governance & Infrastructure

Trim No: IC16/1321

Appendix:

1. Jan Juc Revitalisation - Trader support for name change (D17/2169)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to rename Jan Juc Shopping Centre as “Jan Juc Village” and name the oval at Bellbrae reserve as “Mary K Bell Oval.”

Summary

Council recently received the following two naming requests:

Jan Juc Village

Jan Juc traders have approached Council requesting the Jan Juc shopping precinct be renamed to “Jan Juc Village.” All traders have signed an agreement which supports the name change, and also agrees to pay for the cost of installation of new directional signage.

Naming of the oval at Bellbrae reserve as “Mary K Bell Oval.”

The original owner of the land before the reserve was created was Mary K Bell. Council has received a request from Christine Barr to rename the oval as “Mary K Bell oval” in recognition of Mary Bell who originally owned the land the reserve was created on.

Recommendation

That Council:

1. Issue a public notice and invite submissions in accordance with Section 223 of the Local Government Act on the two proposed naming requests.
2. Write to all Jan Juc traders advising of proposed renaming and invite submissions.
3. Write to property owners abutting the Bellbrae reserve and users of the reserve advising of the proposed renaming and invite submissions.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr David Bell

That Council:

1. Issue a public notice and invite submissions in accordance with Section 223 of the Local Government Act on the two proposed naming requests.
2. Write to all Jan Juc traders advising of proposed renaming and invite submissions.
3. Write to property owners abutting the Bellbrae reserve and users of the reserve advising of the proposed renaming and invite submissions.

CARRIED 8:0

2.2 Place Naming Request - Jan Juc Shopping Centre and Bellbrae Oval

Report

Background

Council recently received the following two naming requests:

Jan Juc Village

Jan Juc traders have approached Council requesting the Jan Juc shopping precinct be renamed to "Jan Juc Village." All traders have signed an agreement which supports the name change, and also agrees to pay for the cost of installation of new directional signage.

Naming of the oval at Bellbrae reserve as "Mary K Bell Oval."

The original owner of the land before the reserve was created was Mary K Bell. Council has received a request from Christine Barr to rename the oval as "Mary K Bell oval" in recognition of Mary Bell who originally owned the land the reserve was created on.

Discussion

Jan Juc Village

During recent consultation with Jan Juc Traders, a request was received to rename the precinct as "Jan Juc Village." Council supports the renaming, and as such wishes to commence formal consultation with traders and the Jan Juc community by placing a public notice in local papers inviting submissions under Section 223 of the Local Government Act.

Nine Jan Juc Traders have signed an agreement which indicates support for the name change. Eight of these traders have also indicated support of funding installation of the new signage.

Naming of the oval at Bellbrae reserve as "Mary K Bell Oval."

Surf Coast Shire Heritage Study Stage 2B, July 2009:

Addiscot Homestead, 140 Bells Road, Bells Beach, has historical significance at a local level for its associations with John Calvert Bell (1861-1937), whose ownership of the property from 1905 witnessed its further development as a sheep grazing property and the construction of the surviving portion of the timber Late Victorian styled dwelling. Bell's contribution to farming and community life, including his term as Barrabool Shire Councillor between 1897 and 1901 prior to taking up Addiscot, appears to have been the basis for the change in the name of Jan Juc to Bellbrae in 1922. It was through a naming competition held by the Barrabool Shire where the name was selected, indicating the community's respect for J.C. Bell, then long term resident of Addiscot. J.C. Bell and family also have early and long term associations with the coastal reserve now known as Bells Beach. The Addiscot property originally fronted onto Bells Beach, with the narrow foreshore reserve privately leased to J.C. Bell as part of his Addiscot property from 1905 until soon after his death in 1940-41. The beach was the location for family seaside recreation in the early 20th century. Compulsory acquisition of further land from J.C. Bell's daughter, Mary K.A. Bell, in 1970 and 1971 brought about the reservation of the Bells Beach land as a National Park, with road access having been established since 1966, a year after the first annual Easter surf competition that was to become internationally renowned. Although there is debate as to whether the name of Bells Beach originates from William Bell (first Crown land purchaser of the Addiscot land) or from J.C. Bell and family, it was the latter family that have long term associations with the coastal reserve as part of their sheep grazing property and as their private beach until 1937.

Mary Kathleen Alexander (Girlye) Bell was born on 16 May 1894. She died in Geelong on 13 March 1978 and is buried beside John Wilson Bell at Mount Duneed Cemetery. She had lived at Addiscot with her father and later lived alone in a cottage nearby.

Financial Implications

There will be a minor cost for placement of the public notice and administrating the process.

Council Plan

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

2.2 Place Naming Request - Jan Juc Shopping Centre and Bellbrae Oval

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 features and locations and this process provides that opportunity.

Community Engagement

Where the naming of features or renaming of roads is proposed, Council considers it important to consult with the community and provide an opportunity for input. Council is also required to invite submissions under Section 223 of the Local Government Act.

Environmental Implications

Not applicable.

Communication

Communication will occur through a public notice process and informing community members who may be directly affected by such a change.

Conclusion

That Council call for submissions for the two naming proposals of Jan Juc Village and the oval at Bellbrae reserve as "Mary K Bell Oval."

2.3 Audit and Risk Committee Charter

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC16/1367

Appendix:

1. Audit and Risk Committee Charter - January 2017 (D16/102794)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider an amended Audit and Risk Committee Charter as recommended by the Audit and Risk Committee.

Summary

The Audit and Risk Committee Charter was adopted by Council at a Council Meeting held on 8 December 2015. The Audit and Risk Committee reviewed the Charter at their meeting on 29 November 2016 and subsequently provide the revised Charter for Council's consideration and formal adoption.

The key suggested changes are:

- as recommended by VAGO, the Audit Committee will make the final decision on potential conflicts of interest in relation to outsourced internal audit providers who perform other consultancy work for Council
- the maximum appointment term for independent representatives should not exceed eight years
- the Charter has been more closely aligned with the 2016/17 Audit and Risk Committee Work Plan
- item 9.1.7 relating to the independence of the external auditor has been removed as this is not relevant.

Recommendation

That Council adopt the amended Audit and Risk Committee Charter as attached at Appendix 1.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy

That Council adopt the amended Audit and Risk Committee Charter as attached at Appendix 1.

CARRIED 8:0

2.3 Audit and Risk Committee Charter

Report

Background

The Audit and Risk Committee is an Advisory Committee to Council with the responsibility to:

- promote and monitor an ethical culture throughout the Council
- monitor the implementation of a sound system of risk oversight and management
- ensure Council maintains a reliable system of internal control
- monitor and review internal and external reporting.

The Audit and Risk Committee plays a key role in assisting Council to fulfil its governance and oversight responsibilities in relation to these functions.

In accordance with the review cycle of the Audit Committee Charter, the Audit and Risk Committee discussed the Charter at their meeting on 29 November 2016.

The recent VAGO report relating to Audit Committee governance provided recommendations for Audit Committees to consider which has helped to guide this process. The main points are summarised below:

Recommendation	Response
Ensure an appropriate mix of skills and experience needed for audit committee membership and to identify any gaps.	Skills and experience required outlined in Charter. Skills matrix of current members developed by VAGO.
Ensure that annual work programs cover each audit committee charter responsibility.	Charter has been updated to align with the 16/17 Audit and Risk Committee Work Plan.
Work with the audit committee to better define, or refine, the committee's information needs, including whether reported information is reliable and understandable.	Recent improvements to risk reporting and format of other reports were agreed in the last 12 months.
Align audit committee meeting materials and agendas with priority areas.	Committee work plan identifies key areas and emerging items are added as needed. More strategic focus in relation to risk management.
Conduct formal reviews of the performance and independence of independent audit committee members before reappointing them for additional terms	Reviews of performance as a Committee completed.
Consider offering continuing education that addresses topics relevant to the audit committee's needs.	No formal education program although induction program completed and subject matter experts invited to meetings to discuss particular topics of interest.
Work with the audit committee to evaluate whether it has the capacity to fully acquit its obligations under the charter, or whether there is a need to review its role, structure and/or operational arrangements.	Regular review of Charter.
Ensure that the risk oversight responsibilities of the audit committee are clear and that its role is supported by consistent risk reporting.	Risk reporting streamlined and in accordance with internal audit and Audit and Risk Committee requirements.
Consider whether audit committee minutes should include relevant elements of the committee's discussion to transparently demonstrate the committee's performance.	Brief discussion points now included in minutes which are published in the Council agenda.

2.3 Audit and Risk Committee Charter

Recommendation	Response
Ensure that the audit committee approves final internal audit scopes.	Audit scopes forwarded to Audit and Risk Committee for final approval.
Develop and implement a process where the audit committee makes the final decision on potential conflicts of interest for outsourced internal audit providers who perform other consultancy work for the agency.	No such procedures in place at present. Added to the Charter as part of this review.
Ensure that the audit committee has a formal process to review the performance of the internal audit function and report the results to the head of the agency.	Annual surveys are completed and results provided to CEO within the agenda.
Ensure that the audit committee continues to monitor all audit actions, even if they fall outside the scope of financial management, performance and sustainability.	All audit actions are included in the 'Issues and Actions' report that is provided to the committee.
Have the audit committee require internal auditors to conduct periodic testing of whether audit actions reported as completed by management have been effectively implemented.	This was completed last year and more recently for previous audits.
Have the audit committee require the internal audit function to undertake periodic assessments of a sample of closed audit actions to ensure that underlying issues have been effectively resolved - these should be selected in a risk-based manner.	This was completed last year and more recently for previous audits.

Discussion

The Charter was considered by the Audit and Risk Committee in November 2016 with the VAGO recommendations in mind. In general the Charter covers the items outlined above and minimal change appears to be required other than the following suggestions which are included in the amended version at Appendix 1:

- as recommended by VAGO, the Audit Committee would make the final decision on potential conflicts of interest in relation to outsourced internal audit providers who perform other consultancy work for Council
- the maximum appointment term for independent representatives should not exceed eight years
- the Charter has been more closely aligned with the 2016/17 Audit and Risk Committee Work Plan
- item 9.1.7 relating to the independence of the external auditor has been removed.

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

Aligns with the requirements of the Charter.

Officer Direct or Indirect Interest

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

2.3 Audit and Risk Committee Charter

Risk Assessment

The Charter ensures that the Audit and Risk Committee has clear direction from Council.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Once adopted, the revised Charter will be forwarded to all Committee members.

Conclusion

It is recommended that Council adopt the amended Audit and Risk Committee Charter in order to provide clear direction and clarity of the Committee's role.

2.4 Audit and Risk Committee Membership and Chair

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F16/288

Division: Governance & Infrastructure

Trim No: IC16/1370

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason:

Purpose

The purpose of this report is to approve the appointment of two Audit and Risk Committee independent members, the Chair of the Committee and remuneration levels for independent members.

Summary

Independent Audit Committee members Brian Keane and Melissa Field's appointments expire on 31 January 2017, with both having served terms of four years. Additionally Brian Keane's appointment as Chair will lapse on 31 January 2017 therefore a Chair will need to be appointed.

The Audit and Risk Committee Charter states that 'Appointment of independent representatives shall be made by Council by way of a public advertisement and be for a maximum term of four years'. In accordance with this requirement Council asked for expressions of interest for the two independent member vacancies.

Applications were assessed against the criteria described in the Charter at point 5.2. by a Panel made up of Councillor Margot Smith, Councillor Clive Goldsworthy and General Manager Governance and Infrastructure, Anne Howard.

Fifteen applications were received with three applicants being interviewed. Brian Keane and Melissa Field were assessed by the Panel as being the most suitable candidates for the role and it is therefore recommended that they be appointed for a term of three years, commencing on 1 February 2017.

It is further recommended that Brian Keane be reappointed as Chair of the Audit and Risk Committee for a period of two years from 1 February 2017.

The subject of Audit Committee fees was also raised by the Committee during their self-assessment process in September 2016. Consequently benchmarking against similar Councils was conducted. It is therefore recommended that the fees for independent members be increased from \$500 per session to \$550 with the Chair's remuneration being increased to \$600 to recognise the extra responsibility involved. (Figures are ex GST).

Recommendation

That Council:

1. Approve the appointments of Brian Keane and Melissa Field as independent Audit and Risk Committee members for the period 1 February 2017 to 31 January 2020.
2. Approve the appointment of Brian Keane as Chair of the Audit and Risk Committee for the period 1 February 2017 to 31 January 2019.
3. Approve the increase in fees for independent members to \$550 (ex GST) per session and the Chair's remuneration to \$600 (ex GST) per session, with effect from 1 February 2017.

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Margot Smith

That Council:

1. Approve the appointments of Brian Keane and Melissa Field as independent Audit and Risk Committee members for the period 1 February 2017 to 31 January 2020.
2. Approve the appointment of Brian Keane as Chair of the Audit and Risk Committee for the period 1 February 2017 to 31 January 2019.
3. Approve the increase in fees for independent members to \$550 (ex GST) per session and the Chair's remuneration to \$600 (ex GST) per session, with effect from 1 February 2017.

CARRIED 8:0

2.4 Audit and Risk Committee Membership and Chair

Report

Background

Independent Audit Committee members Brian Keane and Melissa Field's appointments expire on 31 January 2017, with both having served a term of four years. Additionally Brian Keane's appointment as Chair will lapse on 31 January 2017 and a Chair now needs to be appointed by Council.

The Audit and Risk Committee Charter states that 'Appointment of independent representatives shall be made by Council by way of a public advertisement and be for a maximum term of four years'. In accordance with this requirement Council ran a recruitment process for the two independent member vacancies.

The Charter mandates that a selection panel will be convened that includes the CEO (or delegate) and the two Councillor representatives.

Discussion

Council received 15 responses to the expressions of interest advertisement which was placed in the local newspapers and on Council's website.

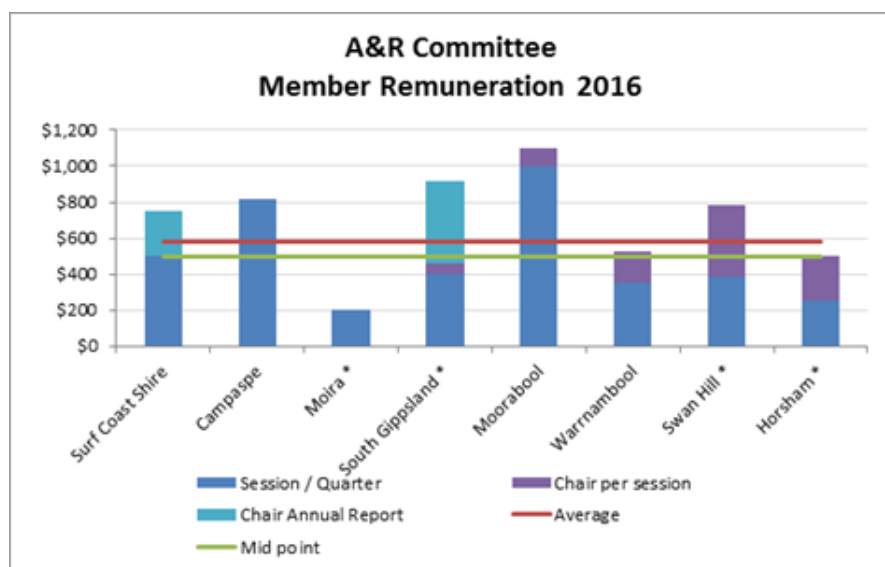
A Panel consisting of Councillor Margot Smith, Councillor Clive Goldsworthy and General Manager Governance and Infrastructure, Anne Howard, was convened. The applications were formally assessed against the criteria listed in the Audit and Risk Committee Charter as follows:

- senior business or financial management/reporting knowledge and experience
- high levels of financial literacy
- knowledge of Council's operations and the environment in which it operates
- strong communication skills
- high levels of personal integrity and ethics.

As a result of this shortlisting process it was decided that three applicants should be interviewed. Following interviews in December and January, Brian Keane and Melissa Field were assessed by the Panel as being the most suitable candidates for the role based on an assessment against the selection criteria. It is therefore recommended that they are appointed for a term of three years commencing on 1 February 2017.

It is further recommended that Brian Keane be reappointed as Chair of the Audit and Risk Committee for a period of two years from 1 February 2017.

The subject of Audit Committee fees was also raised by the Committee during their self-assessment process in September 2016. Consequently benchmarking of fees against similar Councils was conducted as shown in the graph below.



In light of the information above, and the fact that the fees have not been increased for a number of years, it is recommended that the fees for independent members is increased from \$500 per session to \$550 (ex GST) with the Chair's remuneration being increased to \$600 (ex GST) per session to recognise the extra responsibility involved.

2.4 Audit and Risk Committee Membership and Chair

Financial Implications

The additional costs would be financed from the Governance and Risk operational budget allocation.

Council Plan

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

Policy/Legal Implications

This report aligns with the Audit and Risk Committee's Charter.

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

The candidates would be offered the roles as soon as possible and the recommendation can be made public as soon as this has been completed.

Conclusion

It is recommended that Council approve the appointment of two Audit and Risk Committee independent members, the Chair of the Committee and remuneration levels for independent members as stated in this report.

2.5 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F15/1076

Division: Governance & Infrastructure

Trim No: IC16/1276

Appendix:

1. Instrument of Authorisation and Appointment - Planning and Environment Act 1987 (D17/7288)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present the updated instrument of authorisation and appointment for Council's endorsement, as required under the *Planning & Environment Act 1987*, following the recruitment of Ben O'Regan to the role of Principal Investigations Officer.

Summary

The majority of appointments of authorised officers can be made by the Chief Executive Officer under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation dated 26 July 2016. However the appointment of authorised officers under the Planning and Environment Act 1987 cannot be delegated and must be made by resolution of Council.

The attached instrument of authorisation and appointment has been reviewed and updated following the appointment of Principal Investigations Officer, Ben O'Regan and Planners, Maya Dougherty and Bianca Wilkin.

Accordingly the updated instrument of appointment and authorisation under the Planning and Environment Act 1987 is attached for Council's endorsement.

Recommendation

That Council:

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached instrument of appointment and authorisation ('the instrument'), resolve that:

1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument.
2. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
3. The instrument be sealed under the Chief Executive Officer's signature in accordance with Local Law No. 2 Council Meeting Procedures and Common Seal.

Council Resolution

MOVED Cr David Bell, Seconded Cr Martin Duke

That Council:

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached instrument of appointment and authorisation ('the instrument'), resolve that:

1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument.
2. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
3. The instrument be sealed under the Chief Executive Officer's signature in accordance with Local Law No. 2 Council Meeting Procedures and Common Seal.

CARRIED 8:0

2.5 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Report

Background

The majority of appointments and authorisations can be made by the Chief Executive Officer under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the CEO dated 26 July 2016. Section 188(2)(c) of the *Planning and Environment Act 1987* prohibits delegation by Council of the power to appoint authorised officers under that Act. The appointment of authorised officers under that Act must therefore be by way of Council resolution.

Discussion

Planning and Local Laws officers require authorisation to act under the *Planning and Environment Act 1987* to enter sites, gather evidence or serve legal notices etc if required, as appropriate to their level of experience and qualifications.

The attached instrument of authorisation and appointment has been reviewed and updated following the recruitment of Principal Investigations Officer, Ben O'Regan and Planners, Maya Dougherty and Bianca Wilkin.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

Appointment of authorised officers is essential for Planning and Local Laws staff to be able to carry out their enforcement duties.

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

The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

Officer Direct or Indirect Interest

There are no conflicts of interest associated with this report.

Risk Assessment

The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

The relevant parties will be notified and the Public Register of Authorised Officers updated.

Conclusion

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure they have the required authority to carry out their roles within legislated requirements.

2.6 Oath of Office

Author's Title: Team Leader Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F15/1458
Trim No: IC17/27

Appendix:

Nil

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

Yes

No

Reason: Nil

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is for Council to note that the amended Oath of Office was taken on 16 December 2016 by all Councillors, following additional wording advised by the Department of Environment Land, Water & Planning (DELWP).

Summary

As required under section 63 of the Local Government Act the Oath of Office was originally taken within 3 months of being declared elected by all Councillors and witnessed by the Chief Executive Officer on 3 November 2016.

On 23 November 2016 updated wording was advised by DELWP and accordingly Councillors have now taken the updated Oath of Office either through an oath or affirmation.

Section 63(2)(c) requires that the Oath of Office must be recorded in the minutes of Council and accordingly the proceedings are noted within this report.

Additionally, for the avoidance of doubt, this report provides an opportunity to ratify all decisions made by Council at Special and Ordinary meetings since 3 November 2016.

Recommendation

That Council

1. Note that the Oath of Office was taken by all Councillors before the Chief Executive Officer on 3 November 2016.
2. Note that an amended oath of Office was taken by all Councillors before the Chief Executive Officer on 16 December 2016.
3. Ratify all decisions made by Surf Coast Shire Council at all Ordinary and Special Council meetings held between 3 November 2016 and 16 December 2016, specifically the Special meeting on 8 November 2016, Ordinary meeting on 22 November 2016 and Ordinary meeting on 13 December 2016.

Council Resolution

MOVED Cr Martin Duke, Seconded Cr Carol McGregor

That Council

1. Note that the Oath of Office was taken by all Councillors before the Chief Executive Officer on 3 November 2016.
2. Note that an amended oath of Office was taken by all Councillors before the Chief Executive Officer on 16 December 2016.
3. Ratify all decisions made by Surf Coast Shire Council at all Ordinary and Special Council meetings held between 3 November 2016 and 16 December 2016, specifically the Special meeting on 8 November 2016, Ordinary meeting on 22 November 2016 and Ordinary meeting on 13 December 2016.

CARRIED 8:0

2.6 Oath of Office

Report

Background

Oath of Office was originally taken on 3 November 2016 within 3 months of Councillors being declared elected and was noted in the minutes at the Special Council meeting held on 8 November 2016 as set out in section 63 of the Local Government Act 1989. The following wording was used:

'I, Cr _____, will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Surf Coast Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment'.

Discussion

On the 23 November 2016 DELWP provided updated wording in their publication *DELWP Guidelines on Oaths and Declarations for Councils*.

Councillors could choose an Oath or Affirmation using the appropriate wording as follows:

Either

'I, Cr _____, solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Surf Coast Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment'.

Or

'I, Cr _____, swear by almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Surf Coast Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment'.

Accordingly Councillors have now taken the Oath using the updated wording and, in accordance with the legislation, this needs to be recorded in the minutes of Council.

For the avoidance of doubt, this report also provides an opportunity to ratify all decisions made by Council at Special and Ordinary meetings since 3 November 2016. Specifically this includes the Special meeting on 8 November 2016, Ordinary meetings on 22 November 2016 and 13 December 2016.

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 63 of the Local Government Act 1989 outlines the process for Councillors taking the Oath of Office.

Officer Direct or Indirect Interest

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

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

2.6 Oath of Office

Environmental Implications

Not applicable.

Communication

This information will be recorded in the Council minutes for the meeting held on 24 January 2017.

Conclusion

That Council note the amended Oath of Office was taken by all Councillors on 16 December 2016 and ratify all decisions taken by the Council between 3 November and 16 December 2016.

3. ENVIRONMENT & DEVELOPMENT

3.1 Signature Event Request - Aireys Inlet Open Mic Festival

Author's Title: Manager Economic Development & Tourism **General Manager:** Phil Rowland

Department: Economic Development & Tourism **File No:** F16/910

Division: Environment & Development **Trim No:** IC16/1355

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider a \$20,000 funding request for the Aireys Open Mic Festival under Council's Event Grants Program.

Summary

The Aireys Open Mic Festival (OMF) was first held in 2007 attracting approximately 500 people. It is the only multi-day open mic festival in Australia.

It has grown to attract over 5,000 attendees with 140 musical acts across 9 stages and injects an estimated \$1.5 million into the local economy. Potentially more significant is the contribution the OMF has made to the social and cultural fabric of Aireys Inlet through the development of a music program that has provided a pathway for several young people to perform at some of the largest music festivals in Australia.

In 2017 the Aireys Open Mic Festival will celebrate its 10 birthday. To assist in the delivery of this significant milestone and to set a platform for future growth, a funding contribution of \$20,000 over two years is sought through the Signature category of the Event Grants Program.

Recommendation

That Council:

1. Commit to funding the Aireys Open Mic Festival for an amount of \$20,000 over a two year period for the 2017 & 2018 events.
2. Allocate \$10,000 funding to the 2017 Aireys Open Mic Festival event from the 2016-17 Signature category of the Event Grants Program budget.
3. Pre-allocate \$10,000 funding to the 2018 Aireys Open Mic Festival event from the 2017-18 Signature category of the Event Grants Program budget.
4. Note that a funding agreement will be entered into with the Aireys Open Mic Festival for a commitment of \$20,000 over 2 years for the 2017 and 2018 events, including a requirement to submit an event acquittal report following the 2017 event for assessment by Council officers prior to release of funding for the 2018 event.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy

That Council:

1. Commit to funding the Aireys Open Mic Festival for an amount of \$20,000 over a two year period for the 2017 & 2018 events.
2. Allocate \$10,000 funding to the 2017 Aireys Open Mic Festival event from the 2016-17 Signature category of the Event Grants Program budget.
3. Pre-allocate \$10,000 funding to the 2018 Aireys Open Mic Festival event from the 2017-18 Signature category of the Event Grants Program budget.
4. Note that a funding agreement will be entered into with the Aireys Open Mic Festival for a commitment of \$20,000 over 2 years for the 2017 and 2018 events, including a requirement to submit an event acquittal report following the 2017 event for assessment by Council officers prior to release of funding for the 2018 event.

CARRIED 8:0

3.1 Signature Event Request - Aireys Inlet Open Mic Festival

Report

Background

The first Aireys Open Mic Festival (OMF) took place in March 2007 with 3 stages and 40 acts attracting an audience of approximately 500, mainly local people.

The initial event concept developed from a desire to provide local young people in particular a social outlet other than surfing. Music lessons were offered and the OMF would provide the end goal and incentive for people of all abilities to perform in front of a live audience each year.

Since this time the OMF has developed into a multi-day event staged over 9 venues involving 140 acts and attracting over 5,000 people. The popularity of the event now sees artists come from across Australia, however importantly still enables local talent of all abilities the opportunity to perform. The OMF culminates on Sunday night with a key note special mystery guest (of typically national or international recognition) performing to an audience of over 2,000 people.

The OMF's annual budget is approximately \$48,000 and reflects the organiser's ability to secure high class outcomes at relatively low cost, with significant volunteer time and resources dedicated towards the event.

Staged on a historically 'dead' weekend in March the OMF has strong social, cultural and connections to Aireys Inlet as well as delivering significant economic outcomes. The event itself involves several local venues including the Aireys Pub (two stages), Willows Tea House, Truffles, Mr T & Me, Eagle Nest Gallery, The Captain of Aireys and two marquees in the lower shops in front of Great Ocean Properties and Skinny Legs Café maximising its benefit for business.

This integration with the community forms a key part to the success of the event which has included playing a major role in the development of a music and literature culture, particularly with young people. In many cases groups established as a result of the OMF vision have gone on to perform at State level Battle of the Bands contests as well as performing at events such as The Big Day Out.

Discussion

An opportunity exists to assist the OMF to grow and remain a vital component of the Aireys Inlet event calendar.

The future growth of the OMF is reliant on a platform of stability as well as stronger marketing into the Melbourne region to increase the overall beneficial impact for Aireys Inlet businesses.

OMF Goals

The core objectives of Aireys Inlet Open Mic Festival are to:

- provide the Aireys Inlet and Surf Coast community with the opportunity to experience and be involved in live music
- attract visitors from within the Shire, Melbourne and Victoria, generating tourism and economic benefits for Aireys Inlet and the surrounding areas during a low visitation period
- develop the music culture of the community, particularly with young people.

Two Year Funding Request

To assist in achieving longer term sustainability the OMF is seeking to secure a two year funding agreement under the Signature category of Council's Event Grant Program.

A two year funding agreement with Council will provide financial certainty and enable resource efficiency in the lead up to each event. The funding will assist in making the 10 year celebration of the OMF a success through stronger marketing to the Melbourne market and securing a profile 'mystery guest'.

The funding sought totals \$20,000 over two years with a \$10,000 allocation to the 2017 and 2018 events.

To qualify for funding the OMF needs to display it is an event which achieves national exposure and significant economic benefits for Aireys Inlet / Surf Coast Shire as well as providing major social and cultural outcomes.

3.1 Signature Event Request - Aireys Inlet Open Mic Festival

Economic

The OMF attracts visitors to Aireys on a historically quiet weekend providing a significant boost to the economy and lengthening the shoulder season. The event is specifically timed to avoid the long weekend in March and Easter to maximise its benefit. The success of the festival has resulted in the weekend it is staged being recognised as the third busiest weekend in Aireys Inlet behind only Christmas and Easter.

The OMF currently attracts over 5,000 attendees with a survey of approximately 200 attendees revealing visitor origin in the table below. Approximately 65% of attendees come from outside of the Surf Coast area. Over 80 Victorian suburbs (mainly Melbourne) are represented in post code data. International attendees include people from New Zealand, China, UK and Canada.

Origin of visitors	Percentage (%) of visitors*
Surf Coast region	35%
Geelong region	9%
Other areas of Victoria	3%
Melbourne Metro + suburbs	48%
Interstate	1%
International	4%
Total	100

*Figures may not equate exactly due to rounding

The survey also revealed an average expenditure of \$466 per person (2015 OMF) which can be summarised as follows:

- \$153 over the weekend on food, drinks and other items
- \$313 on accommodation

An analysis of accommodation data through local real estate agencies reveals accommodation levels increased markedly over the weekend the OMF is staged. This is reflected by survey data which indicates that 44 percent of 'non locals' stayed spent two nights in the area (Aireys Inlet, Fairhaven or Anglesea), 23 percent stayed one night and 33 per cent were day trips.

Taking this into account the economic impact can be calculated as follows:

- number of visitors attending from outside Surf Coast Shire = 3,250
- average per person expenditure = \$466
- economic benefit is therefore 3,250 * \$466 = \$1,514,500

A strong tangible example of job creation is illustrated by the Aireys Pub which employs 30 staff on the weekend of the OMF. Normally the Aireys Pub would only employ 10 staff for a 'normal' off peak weekend.

The OMF also generates interest in major publications such as The Age and Forte and enjoyed good radio promotion. The commentary provides Aireys Inlet with national exposure as a music and arts loving destination.

Social

A key outcome from staging the OMF is increased community involvement and participation, particularly from the youth market in music. The festival is free to all participants increasing maximum involvement from all sectors of the community. In terms of audience, the OMF is not a ticketed event (payment is by donation). This low cost for audience further enhances the ability for people of all ages to attend and ensures entry price is not a barrier to participation.

The social component of the OMF is reflected with the average travel party size being 6.5 people and importantly many attendees come in family groups and social groups. The OMF appeals to a wide ranging audience with those aged 46 – 65 the most common. The disbursement of age is identified below:

Under 18 years	7%
19- 25 years	7%
26- 35 years	6%
36- 45 years	17%
46- 55 years	26%
56- 65 years	25%
66 years +	8%
Did not specify	4%

3.1 Signature Event Request - Aireys Inlet Open Mic Festival

The OMF generates significant volunteer opportunities both in the lead up to and delivery of the festival. On average 55 volunteers contribute to the successful running of the OMF each year. The table below provides an overview of the estimated value of volunteers. This estimation is based on conservative estimates of volunteer hours contributed and the average hourly value of volunteer time.

Number of volunteers	Estimated number of volunteer hours	Average hourly rate*	Value of contribution
35	525	\$20.83	\$10935.75

*Dollar Value of Volunteer Time, Pro Bono Australia (2008)

Cultural

The OMF is Australia's only multi-day open mic festival. Since its inception the OMF has played a key role in the development of a music and literature brand for Aireys Inlet. This brand strongly anchors other creative arts events in Aireys Inlet including literature festivals, book openings, and other smaller music events.

The opportunity to play on stage at the OMF provided the impetus for young people to become interested in music with an end goal of performing in front of an audience. Through this recognised opportunity the level of active participation in music has risen significantly in Aireys Inlet and with it a passion for creative arts.

Linked to the creation of a local 'Sweethearts Academy' to assist young people to thrive in music, the OMF has played in key role in nurturing several local musicians eventually performing in nationally recognised bands, large festivals such as Big Day Out, State level Battle of the Bands competitions and many other music achievements.

The OMF culminates with a special mystery guest act which is not announced until the final act on Sunday. The significance of the OMF has led to the securing of significant national artists such as Hoodoo Guru's and Rockwiz as the special mystery guest. Typically an audience of 2,000 people will attend the mystery guest event.

In recognition of the talent being produced Music Victoria has hosted a development panel since 2015 and will again in 2017. This panel has seen the likes of Ella Cooper and the CEO of Music Victoria participate in workshops with local artists.

Financial Implications

The OMF generates an estimated \$1.5 million in economic expenditure each year with the vast majority of this benefit being received by businesses in and within close proximity to Aireys Inlet. A survey has revealed average expenditure of \$466 per person.

The OMF is seeking a two year funding agreement of \$10,000 each year. The total request from Council is therefore \$20,000. Should Council agree to the request, the following budget implications would exist:

- an allocation of \$10,000 from the 2016/2017 Signature Events Program budget
- a pre-allocated amount of \$10,000 in the 2017/2018 Signature Events Program budget

It is proposed that the pre-allocated amount for the March 2018 event be paid in December 2017 pending approval of an acquittal report for the March 2017 event. This acquittal report would be based on achievement of a range of criteria in a funding agreement to be established between Surf Coast Shire Council and the event.

Council Plan

Theme 5 Development and Growth
Objective 5.3 Develop and grow sustainable year round tourism
Strategy 5.3.9 Develop signature events program in our townships, outside of peak periods

Policy/Legal Implications

Provision of funding to the OMF is consistent with Council's Signature Events Program funding criteria.

3.1 Signature Event Request - Aireys Inlet Open Mic Festival

Several meetings have taken place with the event organiser who has provided evidence of the events eligibility to access the signature category of the Event Grant Program by way of economic benefit, social and cultural benefits and environmental awareness.

Officer Direct or Indirect Interest

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

Risk Assessment

The provision of funding will be subject to development of a Funding Agreement between OMF and Surf Coast Shire Council. The Agreement will contain requirements for the OMF to meet prior to the release of year two (2017/18) funding and a clause for the return of funding to Council if the festival does not go ahead as planned.

Social Considerations

The OMF has created deep social connections extending through schools, the broader Aireys Inlet community, non-permanent residents and businesses. The festival brings together a range of ages and groups via its free music focus which culminates in a mystery guest performance. As a free event (donations taken) social participation is maximised.

Community Engagement

Broad community engagement is not required. Discussion is between Council officers and the event organisers.

Environmental Implications

The Signature Event Grant program seeks to fund events in the off peak season or weekend which are distinctly quiet periods without the event taking place to reduce the intensity of events in the summer period. The identified weekend is a historically quiet weekend in Aireys Inlet. Weighting for environmental elements for an event forms 20% of the overall evaluation criteria.

Communication

If the recommendation is supported, media communications will be prepared to announce Council's support of the OMF with a funding commitment of \$20,000 over 2 years.

Conclusion

To assist the future stability and growth of the OMF a funding request has been received under the Signature Event category of the Event Grant Program totalling \$20,000 over two years for the 2017 and 2018 events.

The OMF generates significant economic, social and cultural outcomes for Aireys Inlet and the broader Surf Coast that are consistent with the purpose of the grant program. It is recommended the funding request be supported by Council.

3.2 Adoption of Combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 - Barwon Water Site, Torquay

Author's Title: Senior Strategic Planner

General Manager: Phil Rowland

Department: Planning & Development

File No: F15/789

Division: Environment & Development

Trim No: IC16/1272

Appendix:

1. Panel Report (D16/107379)
2. Panel's recommendation - DDO Schedule 26 (D16/123040)
3. Panel's recommendation - Planning Permit (D16/123054)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider the Panel Report (Refer Appendix 1) on Planning Scheme Amendment C106 and Planning Permit Application 15/0485 and to consider adoption of the amendment.

Summary

Planning Scheme Amendment C106 is a combined planning scheme amendment and planning permit under Section 96A of the Planning and Environment Act. C106 seeks to rezone land at 85 Grossmans Road, Torquay from Public Use Zone 1 (PUZ1) to General Residential Zone (GRZ1) and subdivide the land into 52 residential lots. The subject land currently contains the decommissioned Barwon Water Torquay Basin.

The combined amendment and permit application were publicly exhibited from 11 February 2016 to 15 March 2016. Nine submissions were received including one submission from VicRoads supporting the Amendment and 8 submissions from adjoining land owners in opposition.

As a result of some submissions being unresolved, Council at its meeting on 26 July 2016 resolved to request the Minister for Planning to appoint an independent Panel to review all submissions and the overall merit of the combined amendment. A Panel Hearing was subsequently held on 29 September 2016 and the Panel's report has been received and made available to the general public.

The Panel recommends that the amendment be adopted as exhibited subject to applying a site specific Design and Development Overlay Schedule to address building height/setbacks and changing Map 2 at Clause 21.08 of the planning scheme to include the amendment site in the General Residential (Mixed Density) category for residential development.

In addition, the Panel recommends the approval of the draft planning permit as exhibited but with modification to the permit conditions.

It is recommended that Council adopt Amendment C106 as exhibited subject to modifications recommended by the Panel.

3.2 Adoption of Combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 - Barwon Water Site, Torquay

Recommendation

That Council:

1. Receive and note the Panel Report on combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 for land at 85 Grossmans Road, Torquay.
2. Adopt Planning Scheme Amendment C106 as exhibited subject to the following changes:
 - 2.1 Apply the Design and Development Overlay (DDO) Schedule 26 (Appendix 2) to the amendment site
 - 2.2 Change Map 2 at Clause 21.08 of the Planning Scheme to include the amendment site in the General Residential (Mixed Density) designation
3. Submit the adopted Planning Scheme Amendment C106 and revised Planning Permit Application 15/0485 (Appendix 3) to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.
4. Recommend to the Minister for Planning that Planning Permit No. 15/0485 (Appendix 3) be granted for staged subdivision of the land, removal of native vegetation and associated works.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr David Bell

That Council:

1. Receive and note the Panel Report on combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 for land at 85 Grossmans Road, Torquay.
2. Adopt Planning Scheme Amendment C106 as exhibited subject to the following changes:
 - 2.1 Apply the Design and Development Overlay (DDO) Schedule 26 (Appendix 2) to the amendment site
 - 2.2 Change Map 2 at Clause 21.08 of the Planning Scheme to include the amendment site in the General Residential (Mixed Density) designation
3. Submit the adopted Planning Scheme Amendment C106 and revised Planning Permit Application 15/0485 (Appendix 3) to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.
4. Recommend to the Minister for Planning that Planning Permit No. 15/0485 (Appendix 3) be granted for staged subdivision of the land, removal of native vegetation and associated works.

CARRIED 8:0

3.2 Adoption of Combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 - Barwon Water Site, Torquay

Report

Background

Planning Scheme Amendment C106 (the Amendment) seeks to rezone land at 85 Grossmans Road, Torquay from Public Use Zone 1 (PUZ1) to General Residential Zone (GRZ1) and is being considered in conjunction with Planning Permit Application 15/0485 (the Permit Application) to subdivide the land into 52 residential lots. The Amendment request was received from Spiire Australia Pty Ltd, on behalf of Barwon Region Water Corporation (Barwon Water).

The Amendment and the Permit Application were exhibited from 11 February 2016 to 15 March 2016. Nine (9) submissions were received, including a submission from VicRoads in support and eight (8) submissions from adjoining land owners objecting to the rezoning or aspects of the proposed subdivision proposal.

A mediation meeting was held on 30 March 2016 to hear submitters and to facilitate resolution to their concerns. Following this mediation meeting and Council officers' feedback, the proponents provided further information and prepared recommended changes to the exhibited version of draft planning permit to address the submitters concerns. Two submissions were withdrawn on the basis of the new information, with six submissions unresolved.

As a result of some submissions being unresolved, Council at its meeting on 26 July 2016 resolved to request the Minister for Planning to appoint an independent Panel to review all submissions and the overall merit of the Amendment.

A Panel Hearing was held on 29 September 2016 and the Panel's report was received on 3 November 2016. This report has been made available to the general public pursuant to the *Planning and Environmental Act, 1987*.

Discussion

The key issues raised in the Panel Report include the following:

Residential use of the site.

The Panel accepts that the proposed General Residential Zone (GRZ1) and residential development of the site are consistent with the broad land use policies for this area of Torquay and compatible with the existing zoning and residential land use in the immediate area.

While converting the site into public open space might be an attractive outcome for some submitters, the need for additional public open space in this area has not been demonstrated.

The Panel is therefore satisfied that residential development of the site under the GRZ1 is an appropriate outcome.

Construction issues

Some submitters raised various concerns about off-site amenity impacts resulting from development of the site and construction activity. These included issues relating to noise, dust, erosion and working hours.

The Panel is satisfied that the requirement for a Construction Management Plan (CMP) in the draft planning permit provides an appropriate mechanism to address the construction issues raised in the submissions. The Panel also supports the additional content proposed by Council and Barwon Water relating to:

- the parking of construction vehicles
- minimising soil erosion.

Vegetation removal

One submission sought the retention of existing vegetation on the site, particularly as a means of protecting the privacy of adjoining dwellings along Eton Road. The Tree and Vegetation Removal Plan that accompanied the planning application indicates that the existing vegetation referred to in the submission (along the eastern boundary of the site) will be removed.

3.2 Adoption of Combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 - Barwon Water Site, Torquay

The Design Response Plan that accompanied the Permit Application indicates that some replacement planting will occur on the proposed stormwater drainage reserve, partly addressing this issue. In addition, there is scope for supplementary planting within the rear of some of the lots fronting Eton Drive and within the new lots along the eastern boundary of the amendment site.

Privacy issues will also be addressed by the various planning provisions in the planning scheme, including Clauses 54 and 55 (ResCode), that apply to the amendment site.

The Panel is satisfied that the proposed removal of vegetation is not an impediment to the development proceeding.

Traffic considerations

Some submitters were concerned that development of the site will increase school traffic congestion in the area.

The Panel agrees with Council's submission that access to the local schools from the site is likely to be pedestrian rather than vehicular given the proximity of these schools to the site. The Panel also notes the findings of the Traffic Impact Assessment:

- *It is concluded that the traffic generated by the proposed residential development will provide a moderate increase in traffic on Grossmans Road however is expected to have negligible impact on the operation and efficiency of the local road network.*
- *There are no traffic engineering reasons that would preclude the issue of a Planning Permit for the development, subject to the entry points at both sites (Grossmans Road) being constructed to the standard required by Austroads/VicRoads guidelines.*

The Panel is satisfied that there are no traffic issues that preclude the proposed development from proceeding.

Fencing

Some submitters raise various issues about the perimeter fencing of the site, including the adequacy of the existing chain wire fence, the need for a solid fence and funding for a replacement fence.

Barwon Water has agreed to fund the replacement of the existing chain mesh fence with a 1.8 metre high timber fence. A condition has been included in the draft planning permit to achieve this.

The Panel is satisfied that this planning permit condition addresses the various fencing issues.

Fill and Drainage

A submitter queried whether site fill and drainage issues would be adequately addressed.

The Panel is satisfied that the Stormwater and Construction Management Plans required by the planning permit will provide suitable mechanisms to address site fill and stormwater drainage issues during the development of the site and over the longer term.

Site Levels

Some submitters raised concerns about the proposed finished ground levels on the site and the possibility of an elevated platform being constructed. They raised a number of related concerns including potential overlooking, stormwater runoff, the need for earth retaining structures and higher fencing.

In response, Barwon Water prepared proposed finished site level and cross section plans demonstrating that the basin walls will be removed and that the finished ground level will replicate natural slope and ground level.

A condition has been included in the draft planning permit that prior to the commencement of works a plan detailing the finished site levels must be submitted to Council for approval. The plan must be generally in accordance with the proposed site level and cross section plans prepared by Barwon Water during this process.

3.2 Adoption of Combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 - Barwon Water Site, Torquay

The Panel is satisfied that this condition is appropriate and addresses the concerns raised by the submitters. It will also partly address related concerns about the amenity impacts.

Green Wedge

A submitter suggested that a "20 metre green wedge" should be provided along the southern boundary of the site to separate future dwellings on the site from existing dwellings on the north side of Sea Breeze Drive.

The Panel does not believe that the need for a 20 metre buffer along this boundary has been demonstrated, particularly in light of the building height restrictions proposed by Barwon Water along the southern boundary of the amendment site. The Panel also noted Council's concerns about maintenance and security issues associated with the proposed buffer.

Building Heights

Some submitters raised concerns about off-site amenity impacts associated with building heights and site levels, including impacts relating to overlooking, overshadowing, views and privacy.

These concerns principally related to:

- the southern boundary of the site where it abuts the rear of properties (and existing dwellings) on the northern side of Sea Breeze Drive.
- the eastern boundary of the site where it abuts the rear of properties (and existing dwellings) on the western side of Eton Road.

Whilst the Panel understands the concerns of residents on Sea Breeze Drive that their amenity could be impacted by development on the amendment site, particularly given the slope of the land from north to south, the interface with dwellings along Eton Road is less problematic given the variation in rear dwelling setbacks, established vegetation and slightly flatter terrain through that interface.

On balance, the Panel agrees that the southern interface warrants a specific control, beyond the existing Planning Scheme provisions, and that the proposed 'staggering' of building heights along the southern boundary is appropriate in the circumstances. The Panel also agrees that a preferred 7.5 metres maximum building height is warranted over the remainder of the site.

However, the use of maximum building height controls raises issues about:

- whether these controls should be mandatory or discretionary
- how these controls should be implemented.

In relation to mandatory or discretionary controls, the Panel is not satisfied that the application of mandatory maximum building heights to the amendment site is warranted. This is based on a general presumption against the use of mandatory provisions (including building heights) in the Planning Scheme.

In relation to how building heights controls should be implemented, Council proposed the use of Memorandum of Common Provisions (MCPs) rather than Victoria Planning Provision (VPP) overlays, such as a Design and Development Overlay (DDO), for the following reasons:

- It is common practice in Torquay for developers to apply covenants or MCPs.
- Council has occasionally requested the use of MCPs in specific circumstances.
- The use of MCPs reduces Council's workload in administering VPP built form controls, including enforcement.
- There are already 25 DDOs in the Shire (13 in Torquay) and they require a significant amount of resources to administer.
- Council has commenced a project to rationalise the planning scheme by reducing permit triggers and simplifying the planning scheme.

However, the Panel does not believe that a MCP is a suitable mechanism to address the building height issues raised in submissions based on the following reasons:

- The established practice that built form controls reside in the planning and building systems.
- The lack of transparency and scrutiny associated with built form controls that are outside these systems.
- The prospect that MCP controls will need to be mandatory, unless there is some form of decision making process for discretionary controls.
- The difficulty in amending or removing MCP controls.
- Uncertainties about the ongoing enforcement of MCPs.
- The possible disconnect and lack of alignment between 'fixed' mandatory controls in MCPs and evolving strategic planning for an area.

3.2 Adoption of Combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 - Barwon Water Site, Torquay

The Panel also highlighted a general concern that reliance on an MCP to address issues raised in the submissions could be problematic because of the lack of certainty about whether, and how, these issues will be addressed.

The Panel is therefore not persuaded that the use of an MCP as sought by Council and Barwon Water is a beneficial approach, or that it is justified by a concern that there might be a minor and temporary increase in Council workload associated with administering a Design and Development Overlay (DDO) for the site. For these reasons, the Panel does not support the inclusion of the 'new' condition sought by Council and Barwon Water that requires design guidelines implemented by a MCP to be prepared and has deleted it from the recommended planning permit conditions (Appendix 3).

The Panel prefers that Council use a DDO as an established Planning Scheme tool and supports the use of a new DDO schedule to address the submitters concerns about building heights.

Consequential changes to the Amendment

Council in its submission advised that consequential changes to Map 1 in Clause 22.09 were exhibited as part of the amendment, but also proposed "*an additional change to add 85 Grossmans Road (Former Torquay Basin) or similar description to the list 'General Residential/Mixed Density/Moderate Change' in Table 1 to Clause 22.09 to make its inclusion clear*".

The Panel is satisfied that the exhibited revision to Map 1 is adequate and that there is no need to refer to the amendment site in Table 1.

In addition, Council supported altering Map 2 at Clause 21.08 "to include 85 Grossmans Road in the General Residential (Mixed Density) category to be consistent with Clause 22.09". The Panel supports this change and considers that this will ensure that the two maps are consistent.

Panel's recommendation

The Panel recommends adopting combined Amendment C106 as exhibited, subject to:

- applying the Design and Development Plan Overlay Schedule 26 (Appendix 2) to the amendment site addressing building heights and setbacks issues
- changing Map 2 at Clause 21.08 to include the Amendment site in the General Residential (Mixed Density) designation.

In addition, the Panel recommends approving Planning Permit Application 15/0485 (Appendix 3) with modifications to planning permit conditions, in particular the removal of the requirement for Memorandum of Common Provisions

It is recommended that Council accept the Panel's recommendations and adopt Amendment C106 with the addition of Design and Development Overlay Schedule 26 and a modified permit.

Financial Implications

As a privately driven amendment, the proponent is required to cover all costs relating to the processing of the amendment and planning permit application in accordance with a signed agreement between Barwon Water and Council.

Council Plan

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

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

3.2 Adoption of Combined Planning Scheme Amendment C106 and Planning Permit Application 15/0485 - Barwon Water Site, Torquay

Risk Assessment

There are no demonstrated risks associated with adopting the amendment.

Social Considerations

The amendment will have positive social effects, assisting Council in achieving its population growth forecasts for Torquay-Jan Juc whilst ensuring that appropriate contributions are made towards future provision of community infrastructure and facilities. The Development Contributions Plan Overlay Schedule 2 "Torquay Jan Juc Development Contributions Plan" currently applies to the site, requiring contributions for development infrastructure and community infrastructure.

The amendment also facilitates the development of an underutilised site which is no longer required for water supply purposes. This contributes to urban consolidation and the reduction of urban sprawl.

Community Engagement

This amendment has been formally exhibited in accordance with the provisions of the Planning and Environment Act 1987. In addition to the requirements of the Act, a mediation meeting was held and further consultation occurred with submitters in an attempt to resolve concerns.

Environmental Implications

The proposed development layout seeks to protect and enhance existing biodiversity values and promotes innovative use of water sensitive urban design techniques in the subdivision design.

Communication

All submitters have been notified of the availability of the Panel report and will be further notified about Council's decision.

Conclusion

It is recommended that Council accept the Panel's recommendations and adopt Amendment C106 subject to the modifications recommended by the Panel, including a new Design and Development Overlay Schedule. It is recommended that Council submit the adopted amendment and revised planning permit to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

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

General Manager: Phil Rowland
File No: F13/327
Trim No: IC16/505

Appendix:

1. Summary of submission (D16/130922)
2. Schedule to the LSIO post exhibition (D16/130919)
3. Schedule to the ESO1 post exhibition (D16/130916)
4. Clause 21.03 Environmental Management Strategy post exhibition (D16/130931)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to consider submissions received to Amendment C85 and resolve to refer the submissions and amended exhibition documents to an independent Panel pursuant to Part 8 of the Planning and Environment Act 1987.

Summary

Amendment C85 seeks to:

- extend the application of the Environmental Significant Overlay Schedule 1 to include all significant waterways in the Surf Coast Shire, with coverage reduced and standardised along currently protected waterways
- modify the application of the Flood and Land Subject to Inundation Overlays based on various hydrology studies, commissioned by the CCMA in 2013.

The amendment was publicly exhibited from 9 April 2015 to 11 May 2015. A total of (22) twenty two submissions were received, summarised as follows:

- Three (3) supported the amendment
- Eight (8) submissions were from referral authorities
- Five (5) objected to mapping, with changes requested
- Four (4) objected to the introduction of planning controls in general or requested changes beyond the scope of the amendment
- One (1) objected to the impact flooding changes could have on their property
- One (1) objected to the proposed reduction in controls.

Extensive remapping was undertaken by the CCMA for the Barwon River, Spring Creek and Wormbete Creek in response to submissions. Two (2) submissions were withdrawn as a result of the changes. It is recommended that all unresolved submissions, including proposed modifications to flood mapping and ordinance, be referred to an independent Panel.

Recommendation

That Council:

1. Receive and note the submissions received following exhibition of Amendment C85 to the Surf Coast Shire Planning Scheme.
2. Request the Minister for Planning appoint an independent Panel to consider Amendment C85 to the Surf Coast Shire Planning Scheme and refer all submissions to the Panel pursuant to Part 8 of the Planning and Environment Act 1987.
3. Endorse all the proposed mapping and wording changes made by officers following exhibition of Amendment C85 to the Surf Coast Shire Planning Scheme as Council's position for officers to present at an independent Panel Hearing.

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Heather Wellington

That Council:

1. Receive and note the submissions received following exhibition of Amendment C85 to the Surf Coast Shire Planning Scheme.
2. Request the Minister for Planning appoint an independent Panel to consider Amendment C85 to the Surf Coast Shire Planning Scheme and refer all submissions to the Panel pursuant to Part 8 of the Planning and Environment Act 1987.
3. Endorse all the proposed mapping and wording changes made by officers following exhibition of Amendment C85 to the Surf Coast Shire Planning Scheme as Council's position for officers to present at an independent Panel Hearing.

CARRIED 8:0

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

Report

Background

Flood mapping

Flood mapping was first introduced into the Surf Coast Planning Scheme in 2005, based on information provided through the 'Flood Data Transfer Project' (undertaken by the Department of Natural Resources and Environment). That project provided flood data for the whole of Victoria, enabling the risks associated with flooding to be considered.

In 2013 the Corangamite Catchment Management Authority (CCMA - the flood authority for the Surf Coast Shire) completed localised hydrological and hydraulic studies for all or sections of some of the major waterways in the Surf Coast. The CCMA translated this mapping into flood/inundation overlays in 2015 to improve the accuracy of the flood overlays in the Surf Coast Planning Scheme. The CCMA also updated the wording within the flooding overlay schedules and Clause 21.03 'Environmental Management' to bring the controls up to date with current state policy.

The proposed mapping will result in an overall increase in the number of properties subject to a flooding overlay (+75 properties), but a proportion of property owners will experience a reduction or complete removal of an overlay from their property. The impacts to individual properties are outlined in table 1 below.

Flood Mapping changes	Properties currently affected	Properties affected by Amendment C85	Removal from their property	Increase on their property	Reduction on their property	Affected for first time
No of properties	1087	1162	50	134	237	125

Table 1: Changes proposed to Flood mapping through Amendment C85

For many landowners the public notification received for Amendment C85 was the first time they became aware that their property was subject to flood mapping in the Surf Coast Shire Planning Scheme. Public notice of the previous amendment, undertaken in 2005 (Amendment C7) was through an advertisement in the local newspaper only.

Waterways and wetlands

Four major waterways and numerous wetlands are currently covered by the Environmental Significance Overlay Schedule 1 (ESO1) to protect water quality and biodiversity values associated with aquatic systems. Amendment C85 seeks to extend the coverage of the ESO1 to cover all significant waterways and wetlands.

The amendment reduces the coverage of the ESO1 where it currently applies (often up to 100m either side of a waterway) and consistently apply the schedule 50m either side of larger creeks and 30m either side of lesser creeks. The impacts to individual properties are outlined in table 2 below (which includes Crown land – where most wetlands are situated).

Wetland/waterway Mapping changes	Properties currently affected	Properties affected by Amendment C85	Reduction on their property
No of properties	543	1552	248

Table 2: Changes proposed to wetland/waterway mapping through Amendment C85

Discussion

Flood and inundation mapping

A number of the submissions received to Amendment C85 related to flood mapping and a belief that the mapping did not correlate to their observations of how their property floods. As mentioned previously the mapping updates provided by the CCMA were in targeted areas only and submissions primarily related to creeks where the mapping was not being changed through the amendment.

Amendment C7 (undertaken in 2005) introduced flood mapping into the Surf Coast Planning Scheme and was based on state wide flood mapping. Although new, shire wide mapping would be beneficial at this time it is cost prohibitive and has only been undertaken in high priority areas. Following public exhibition of

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

Amendment C85 and in response to the submissions received, the CCMA completed flood mapping for the Barwon River, Spring Creek and Wormbete Creek.

Schedule and policy changes

The exhibition documents included modified versions of the flood schedules (FO and LSIO), the Environmental Significance Overlay Schedule 1 (ESO1) and the Environmental Management Strategy. The flood and strategy changes were prepared by the CCMA.

Submissions

The amendment was publicly exhibited from 9 April 2015 to 11 May 2015. A total of (22) twenty two submissions were received, summarised as follows:

- Three (3) supported the amendment
- Eight (8) submissions were from referral authorities
- Five (5) objected to mapping, changes requested
- Four (4) objected to the introduction of planning controls in general or requested changes beyond the scope of the amendment
- One (1) objected to impacts flooding changes could have on their property
- One (1) objected to the proposed reduction in controls.

The main support for the amendment relates to the protection and enhancement of the wetlands and waterways in the Surf Coast Shire.

Referral authorities either supported/had no objection to the amendment or requested minor exemptions within the overlay schedules to enable general maintenance to occur. The Country Fire Authority (CFA) objected to the amendment seeking stronger reference to the risks from bushfire within the amendment documents. Officers have been working closely with the CFA to modify the documents accordingly, should the amendment proceed to a panel.

Opponents to the amendment are generally concerned with the mapping of the Land Subject to Inundation Overlay, stating that the mapping is too extensive. One submission objected to the reduction of the ESO1 within the Painkalac Valley.

A more detailed summary of submissions which includes officer response is provided at Appendix 1.

Post Exhibition Changes

It has been some time since Amendment C85 was exhibited. During that time council officers have undertaken extensive consultation with submitters, the Department of Environment, Land, Water and Planning (DELWP), CFA and the CCMA to resolve as many submissions as possible.

In late 2015 Council also commissioned a planning consultant to undertake a peer review of the three amendments exhibited in early 2015 being C85, C81 and C96 which all related to either biodiversity or flooding. The consultant found that Amendment C85 was valid and suitable to proceed to an independent panel.

LSIO wording changes

Following public exhibition of Amendment C85, the LSIO schedule has been further modified. Additional exemptions have been included where the impacts of flooding do not need to be considered and to ensure consistency with the State Governments 'Revised Draft Floodplain Management Strategy' released in 2015.

None of the submissions queried the exhibited changes to the schedule to the LSIO and the modifications have not been re exhibited being minor and administrative in nature. The modified version of the LSIO should be referred to a panel for their consideration (refer attachment 2).

Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO) mapping changes

Site meetings and phone discussions were held with all submitters who objected to the flood mapping on their property. For many landowners this was their first introduction to the existence of planning controls on their site relating to flooding. The CCMA completed (or commissioned) new flood modelling and mapping to assist to resolve submissions. The mapping changes and explanatory letter was sent to all affected land owners. Two submissions were withdrawn based on these changes.

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

Schedule 1 to the Environmental Significance Overlay (ESO1) changes

A number of submissions received from referral authorities (and one submitter) requested wording changes within the ESO1. A modified version of the ESO1 has been prepared for consideration by an independent Panels (refer Appendix 3). The changes do not compromise the original objectives of the amendment and are minor in nature.

ESO1 Mapping Changes

One submission objected to the reduction of the mapped ESO1 occurring on a portion of Council owned land within the Painkalac Valley in Aireys Inlet. This is a mapping error which should be adjusted and referred to an independent Panel for consideration.

The submission also objected to the removal of the ESO4 (significant vegetation and habitat) from the Painkalac Valley proposed through Amendment C96 (being processed concurrently). A policy gap has occurred resulting from council abandoning Amendment C81 (a biodiversity amendment in the hinterland which sought to apply an ESO6 to the vegetation within the valley in conjunction with the deletion of the ESO4).

It is recommended that Amendment C85 extend the mapping of the ESO1 so that it applies to the land where the ESO4 is to be deleted. The relationship between the ESO1 and the Painkalac Valley is arguably stronger than the ESO4 or previously proposed ESO6, which focused on native vegetation alone. The whole of the valley (bounded by Bambra Road, Old Coach Road and Bimbadeen Drive) provides an important buffer between the creek environment and urban development. Although the introduced pasture grasses are of low environmental significance for their species diversity and value they provide an important nutrient and sedimentation filtration function which is critical to the health of the estuary.

The table below outlines a summary of submissions and officer's response outlining the proposed new position.

Issue	Officer response
Support for the amendment	
There is support for protecting and enhancing biodiversity values associated with aquatic systems (waterways and wetlands)	Support noted.
Referral authority comments	
<p><u>Exemptions for referral authorities</u> Barwon Water, Vic Roads and Vic Track all requested an exemption to be included in the ESO1 to enable them to undertake minor works or general operation of their service without the need for a permit.</p> <p><u>Wording changes</u> The DELWP, CCMA and CFA all requested minor wording adjustments to the ESO1 and 'Environmental</p>	<p><u>Exemptions for referral authorities</u> Clause 42.01 (Environmental Significance Overlay) which precedes the schedule provides an exemption for Vic Roads and Vic Track (no permit is required where works are undertaken under the Road Management Act and for the maintenance of existing railways). However Barwon Water is not covered by the exemption. Although there is an exemption for the maintenance of a utility installation in accordance with a code of practice approved by the Secretary of DELWP the code has not been developed by the state government to date.</p> <p>In the interim an exemption will need to be included in the schedule.</p> <p>A modified version of the ESO1 has been prepared utilising the wording from Clause 52.17 (native vegetation) and is located at appendix 3. Barwon Water supports the wording changes.</p> <p><u>Wording changes</u> Modified versions of the ESO1 and 'Environmental Management' strategy has been prepared to incorporate the requested changes and are located at appendix 3 and appendix 4.</p>

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

Issue	Officer response
<p>Management' strategy at Clause 21.03 for clarity and improvement purposes.</p> <p>The Wathaurung requested stronger links between the amendment and aboriginal cultural heritage.</p>	<p>The wording changes sought by the Wathaurung relates to wording within the Victoria Planning Provisions applying to all planning schemes across Victoria. These wording changes can only be made by the Minister for Planning (DEWLP) and is beyond the scope of this amendment.</p>
<p>Flood mapping for the Barwon River, Wormbete and Spring Creek</p>	
<p><u>Barwon River</u></p> <p>One submission stated that the inundation mapping shown for the Barwon River is too extensive. The submitter provided photographic evidence taken during previous floods in support of the submission.</p>	<p><u>Barwon River</u></p> <p>The hydrology studies undertaken for the Barwon River by GHD (on behalf of the CCMA) updated the flood mapping just south of the submitter's property. However in response to this submission the CCMA contracted consultants GHD to review the flood modelling and complete the missing sections of the Barwon River. The photographic flood evidence provided by the submitter was utilised in their remodelling.</p> <p>The new modelling was then translated into updated Flooding Overlay (FO) and Land Subject to Inundation Overlay (LSIO) mapping by the CCMA. The updated mapping was sent to all affected landowners in December 2015.</p>
<p><u>Wormbete and Spring Creek</u></p> <p>Submitters are concerned that the flood mapping is not accurate and extends beyond observed flood extent.</p> <p>Landowners adjacent to the Wormbete Creek expressed concerns about the lack of community consultation in 2007 when the first flood schedules were introduced.</p>	<p>Amendment C85 is based on hydrology studies undertaken by the CCMA for a number of creeks across the Surf Coast Shire. However, many waterways, including the Spring and Wormbete Creek, were not included in these studies. Subsequently the mapping of the LSIO was not changed.</p> <p>For most landowners the letter informing them about Amendment C85 was their first introduction to current planning scheme controls relating to flooding. As a result the flood mapping of Spring and Wormbete Creek (although not being altered) was called into scrutiny by concerned landowners.</p> <p>Some landowners highlighted the inaccuracy of the current flood mapping and requested the extent of the LSIO be reviewed. In response to these submissions the CCMA completed additional flood mapping along the two waterways.</p> <p><u>Spring Creek</u></p> <p>The Spring Creek is subject to the FO and the immediate surrounds is subject to the LSIO. Amendment C85 exhibited the removal of the FO but did not exhibit any changes to the extent of the LSIO. A number of landowners submitted that the extent of the LSIO was too extensive and did not accord with their observations of it's flooding over many years. In response to submissions the CCMA completed flood modelling of the creek updating the data previously obtained in 2007. The modelling informed the revised extent of the LSIO, with its coverage being greatly reduced and removed from properties in the higher reaches of the creek.</p> <p>The updated mapping was sent to all affected landowners in June 2015. Two submissions were withdrawn based on the revised mapping.</p> <p>The Spring Creek Precinct Structure Plan (PSP) recently considered by an independent Panel for Amendment C114 will not be adversely affected by Amendment C85, as the buffer to</p>

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

Issue	Officer response
	<p>the creek in the proposed ESO1 is less than the 75m either side of the creek proposed by the PSP and has a different purpose. The Panel report for Amendment C114 is due in January 2017.</p> <p><u>Wormbete Creek</u> The Wormbete Creek is subject to the LSIO and Amendment C85 did not exhibit any changes to the extent of the overlay schedule. A meeting was held on site with concerned landowners and following that meeting the CCMA undertook flood modelling of the creek updating the data previously obtained in 2007. The new modelling informed the revised extent of the LSIO, with its coverage greatly reduced and removed from many properties. This updated mapping was sent to all affected landowners in July 2015. Although landowners verbally expressed to Council officers that the revised mapping was more accurate no submissions were withdrawn.</p>
Biodiversity valleys in the Painkalac valley	
<p><u>Removal of the ESO4</u> One submission objected to the proposed removal of ESO4 from the valley (to be undertaken through Amendment C96) on the grounds that the valley forms an important part of the overall biodiversity of the township (with possible seed bank still present in the topsoil). If significant works were ever undertaken in the valley acid sulphate soils could be released into the estuarine system causing significant environmental damage.</p> <p><u>Mapping changes to the ESO1</u> The submission also queried why the ESO1 had been withdrawn from a small portion of Shire owned land.</p>	<p><u>Removal of the ESO4</u> Amendment C96 (being processed concurrently) seeks to remove the ESO4 from the Painkalac Valley with Amendment C81 replacing the schedule with an ESO6 (a similar control that protects biodiversity values, but applies on the outskirts of the township). Amendment C81 has been abandoned by Council and therefore the ESO6 will no longer be applied.</p> <p>It is recommended that the ESO1 be applied in conjunction with the removal of the ESO4 through amendment C96 to ensure the environmental qualities of the valley and associated estuary continue to be protected.</p> <p><u>Mapping changes to the ESO1</u> The ESO1 is to be retained on all areas of high biodiversity importance associated with the wetland/ estuary. Following a thorough examination of the mapping as part of the consideration of this submission an anomaly in the mapping has become apparent. A portion of land (owned by the Surf Coast Shire and subject to a conservation covenant) has been removed from the ESO1 by mistake but contains significant wetland/grassland vegetation. This mapping error should be corrected and the ESO1 extended to cover this area. The error impacts on Council owned land only.</p>

Financial Implications

There are no costs to Council to hear and consider submissions. Sufficient funds are available within the project budget should the amendment proceed to an independent Panel.

Council Plan

Theme 1 Environment
Objective 1.1 Preserve and enhance the natural environment
Strategy Nil

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

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

Policy/Legal Implications

Ministerial Direction No. 15 (The Planning Scheme Amendment Process) requires a planning authority to request the appointment of a panel within 40 business days of the closing date for submissions, unless a panel is not required.

An exemption to this requirement was granted by the Minister on the 21 September 2015 to enable Council and the CCMA to continue their efforts in resolve mapping issues raised by submitters.

All mapping changes have been made and mailed to landowners and the amendment process can now proceed in accordance with Ministerial Direction No.15.

In accordance with the Planning and Environment Act 1987 section 30, an amendment lapses two years after exhibition unless it is adopted or the Minister for Planning allows a longer period. In November 2016 Council sought and received approval from the Minister for Planning for consideration of Amendment C85. The amendment must be adopted by 9 April 2018 or it will lapse.

In accordance with Section 23 of the Planning and Environment Act 1987, after considering a submission that requests a change to the amendment Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel appointed under Part 8; or
- (c) abandon the amendment or part of the amendment.

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 to Council associated with referring the submissions to an independent Panel. Following receipt and consideration of the Panel Report, Council has the authority to either adopt or abandon the amendment.

There may be risks if Council elects to abandon the amendment specifically in relation to flood mapping as the planning scheme is currently informed by data incorporated into the scheme in 2007 which has now been superseded.

Social Considerations

Submitters have raised the importance of protecting our biodiversity assets and Amendment C85 seeks to protect and enhance significant waterways and wetlands in Surf Coast Shire.

Improvements to flood mapping will assist in minimising the risks to life and property.

Community Engagement

Amendment C85 was placed on public exhibition in accordance with the requirements of the Planning and Environment Act 1987. This included:

- sending notices to affected landowners
- placing notices in the Surf Coast Times and Government Gazette.

The amendment and supporting documents were available for viewing at the Council office, on Council's website and on the website of the Department of Environment, Land, Water and Planning.

Extensive consultation, phone calls and site visits have occurred post exhibition to explain the amendment and resolve as many submissions as possible.

Submitters were given an opportunity to address Council's Hearing of Submissions Committee on 17 January 2017. One submitter presented to the Committee.

Flood mapping changes

Flood mapping was amended for three waterways as a result of submissions, the Barwon River, Wormbete Creek and Spring Creek. The CCMA remodelled the flood regimes for these river systems and letters with updated mapping were sent to all affected landowners as follows:

3.3 Amendment C85 - Waterways and Wetland Values / Flooding and Inundation

- letter and map sent to landowners affected by exhibited flood mapping changes for the Barwon River (north of Winchelsea) – 22 December 2015
- letter and map sent to landowners affected by exhibited flood mapping changes for the Wormbete Creek – 9 July 2015
- letter and map sent to landowners affected by exhibited flood mapping changes for the Spring Creek – 22 June 2015 and 31 July 2015.

Wetland/waterway mapping & wording changes

The ESO1 was amended and modified mapping sent to the affected landowner on 10 June 2015. Proposed wording changes to the ESO1 has also been discussed with various parties in 2015-2016.

A letter was sent to the landowner affected by deletion of the ESO4 and proposed application of the ESO1 on 12 December 2016.

Environmental Implications

Amendment C85 seeks to enhance the protection of significant waterways and wetlands across the Surf Coast Shire and protect life and property through flooding controls.

Communication

All submitters were invited to attend and present at a Hearing of Submissions conducted on 17 January 2017. Submitters will be advised of Council's decision on the Amendment following the 24 January 2017 Council meeting.

Submitters will also be contacted by Planning Panels Victoria following the appointment of an independent Panel where relevant.

Conclusion

Amendment C85 is consistent with State and local policy in the Surf Coast Planning Scheme and will result in improved flood mapping and aquatic protection. The merits of the amendment and suggested mapping and wording changes can be further tested through an independent Panel process. It is therefore recommended that Council seek the appointment of an independent Panel by the Minister for Planning to consider all unresolved submissions.

3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

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

General Manager: Phil Rowland
File No: F14/1548
Trim No: IC16/1199

Appendix:

1. Summary of submissions (D16/130961)
2. ESO4 - modified post submissions (D16/130959)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to consider submissions received to Amendment C96 and resolve to refer the submissions and amended exhibition documents to an independent Panel pursuant to Part 8 of the Planning and Environment Act 1987.

Summary

Amendment C96 seeks to:

- apply an Environmental Significance Overlay Schedule 4 (ESO4) to all significant vegetation and habitat within the coastal townships of Lorne, Aireys Inlet – Moggs Creek, Anglesea and Torquay / Jan Juc including deleting current overlays applying to these areas
- align the Local Planning Policy Framework (LPPF) with the bushfire planning provisions through a series of changes to the Municipal Strategic Statement within the Surf Coast Planning Scheme.

The amendment was publicly exhibited from 9 April 2015 to 11 May 2015. A total of (16) sixteen submissions were received, summarised as follows:

- one (1) supported the amendment
- six (6) submissions were from referral authorities requesting minor wording changes
- one (1) supported certain aspects of the amendment but also sought clarity and requested minor wording adjustments and objected to the removal of the ESO4 from the Painkalac Valley
- three (3) objected to the introduction of the ESO4 and deletion of the VPO1, requesting that the Spring Creek Precinct Structure Planning (PSP) process be used instead to manage significant vegetation
- five (5) objected to the mapping of the ESO4 on their property and requested minor changes.

Meetings were conducted on site with submitters and native vegetation remapped and wording modified as a result. Six (6) submissions were withdrawn as a result of the proposed changes. It is recommended that all unresolved submissions be referred to an independent Panel. The Panel will be appointed by the Minister for Planning under Part 8 of the Planning and Environment Act 1987.

Recommendation

That Council:

1. Receive and note the submissions received to Amendment C96.
2. Request the Minister for Planning to appoint an independent Panel pursuant to Part 8 of the Planning and Environment Act 1987 to consider Amendment C96 and refer all outstanding submissions to this Panel.
3. Endorse the amended mapping and wording changes made following exhibition of Amendment C96 as Council's position to present to the independent Panel.

3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Margot Smith

That Council:

1. Receive and note the submissions received to Amendment C96.
2. Request the Minister for Planning to appoint an independent Panel pursuant to Part 8 of the Planning and Environment Act 1987 to consider Amendment C96 and refer all outstanding submissions to this Panel.
3. Endorse the amended mapping and wording changes made following exhibition of Amendment C96 as Council's position to present to the independent Panel.

CARRIED 8:0

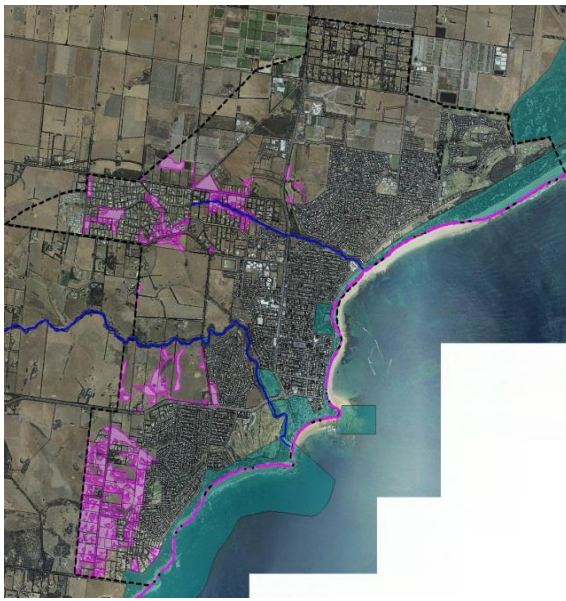
3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

Report

Background

Environmental Significance Overlay Schedule 4 (ESO4)

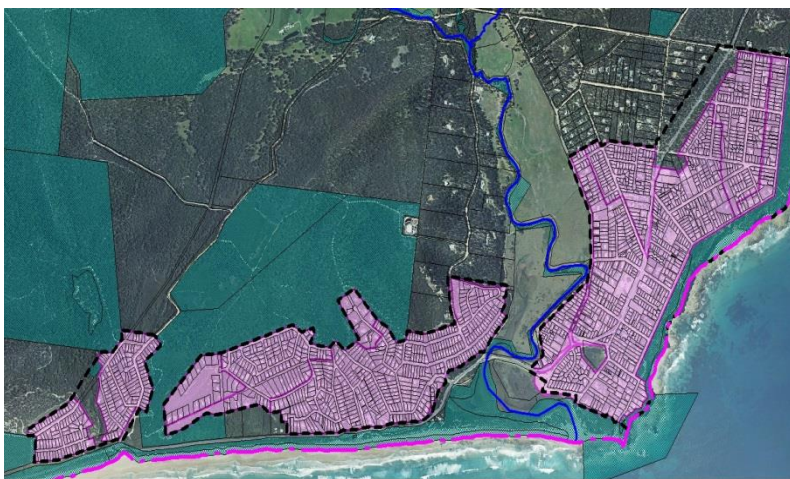
Amendment C96 part implements the *Biodiversity Mapping Project (BMP)*, undertaken by the Surf Coast Shire in 2014, but prepared in consultation with the Department of Environment, Land, Water and Planning (DELWP) and the Corangamite Catchment Management Authority (CCMA). The BMP mapped and described all significant vegetation and habitat within the Surf Coast Shire. Maps 1 - 4 identify the biodiversity assets in the townships of Lorne, Aireys Inlet to Moggs Creek, Anglesea, Torquay and Jan Juc to be protected through Amendment C96.



Map 1: Biodiversity assets Torquay/Jan Juc







Map 2: Biodiversity assets Anglesea



Map 3: Biodiversity assets Aireys Inlet – Moggs Creek



Map 4: Biodiversity assets Lorne

-  Biodiversity assets in the townships (2014)
-  Settlement boundary
-  Municipal boundary
-  Great Otways National Park

3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

The Biodiversity mapping project (BMP), 2014 identified 2471 properties within the coastal townships containing significant vegetation. Amendment C96 proposes to delete a number of schedules currently protecting significant vegetation and replace them with a single schedule, in the form of a revised Environmental Significance Overlay 4 (ESO4), illustrated in figure 1 below.

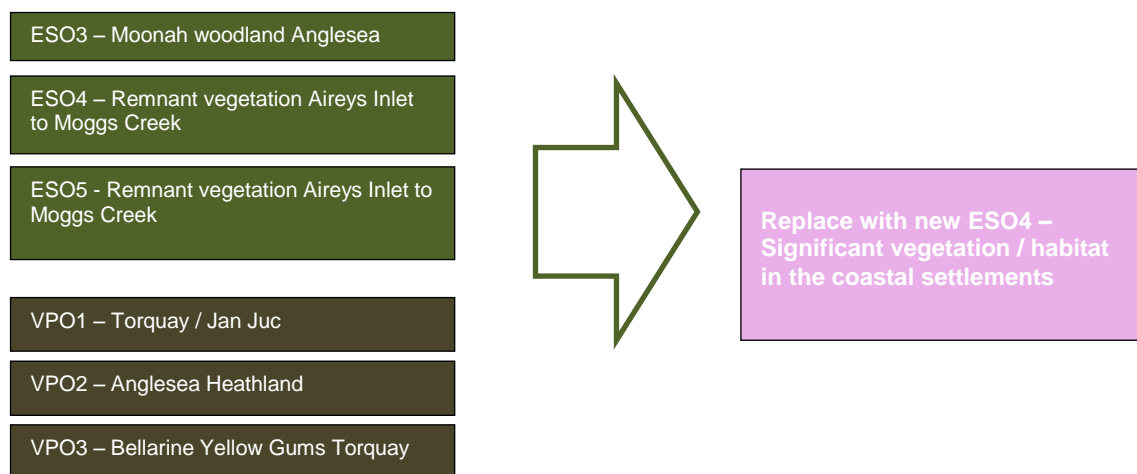


Figure 1: Streamlining of current overlay schedules in the coastal towns through Amendment C96

Other native vegetation that contributes to the township character in the towns of Lorne, Anglesea and Jan Juc will continue to be protected by a Significant Landscape Overlay. Select properties in Lorne and Anglesea (mapped as having high significance through the BMP, 2014) will be covered by the ESO4 and the SLO will be deleted, refer Map 2 and Map 4 above.

The BMP also proposed that this replacement should occur along the southern fringe of Jan Juc however, in response to submissions this action has been reviewed and is discussed in more detail below.

Aligning bushfire mitigation measures in Local policy with State policy

In 2012 the Surf Coast Shire in conjunction with the Victorian Government engaged ISIS Planning to complete a review of the inconsistencies between the Local Planning Policy Framework and the State policy relating to bushfire mitigation measures. This followed the significant Victorian Government reforms to planning and building systems after the 2009 Victorian Bushfires Royal Commission into the Black Saturday fires. Since that time additional changes have been made by the Victorian Government to the Victoria Planning Provisions relating to bushfire.

Amendment C96 expands on the recommendations made by ISIS Planning, incorporating the recent changes to State policy and builds them into all relevant sections of the Municipal Strategic Statement (MSS) in the Local Planning Policy Framework (LPPF) and the new ESO4. The ESO4 is designed to integrate native vegetation objectives with bushfire protection to achieve consistency.

Discussion

Submissions

The amendment was publicly exhibited from 9 April 2015 to 11 May 2015. A total of (16) sixteen submissions were received, summarised as follows:

- one (1) supported the amendment
- six (6) submissions were from referral authorities
- one (1) supported certain aspects of the amendment but also sought clarity or requested minor wording adjustments and objected to the removal of the ESO4 from the Painkalac Valley
- three (3) objected to the introduction of ESO4 through amendment C96 and requested that the Spring Creek Precinct Structure Planning Process be used instead to manage and highlight significant vegetation
- five (5) objected to the mapping of the ESO4 on their property and requested minor changes.

3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

The support for the amendment relates to the ongoing protection and enhancement of native vegetation and habitat in the coastal towns. There was also support for the strengthening of controls in Aireys Inlet to protect scenic values of the Painkalac Valley.

Referral authorities either supported/had no objection to the amendment or requested minor wording changes or exemptions within the overlay schedules to enable general maintenance to occur. The Country Fire Authority (CFA) objected to the amendment seeking stronger reference to the risks from bushfire within the amendment documents. Officers have been working closely with the CFA to modify the documents accordingly, should the amendment proceed to a panel.

Opponents to the amendment are generally concerned with the mapping of the ESO4, stating that the mapping also covers land with no vegetation. In response to these submissions officers have made minor mapping adjustments. All land owners affected by the modified mapping received notification of the changes.

There was also opposition to the application of the ESO4 and deletion of the VPO1 from land within the Urban Growth Zone adjacent to Spring Creek. Submitters suggested that the Precinct Structure Planning Process (being processed concurrently) is a more appropriate process to consider native vegetation management tools.

Proposed changes following exhibition

Some time has elapsed since Amendment C96 was exhibited. following exhibition Council officers have undertaken extensive consultation with submitters and referral authorities to explain the amendment and discuss modifications to resolve as many submissions as possible.

ESO4 changes

A number of the submissions received to Amendment C96 related to the mapping of the ESO4, requesting that the mapping be adjusted to better reflect the assets on the ground. Multiple mapping changes were negotiated with affected landowners. Three submissions have been withdrawn based on the proposed mapping changes.

Submitters within the Torquay Urban Growth Zone (located within the Spring Creek Valley) requested that Amendment C96 be removed from this land on the grounds that the protection of native vegetation would be more appropriately managed through the Precinct Structure Planning Process. Letters were sent to all affected landowners notifying them that this approach was supported and requesting a withdrawal of their submission on this basis. Three submissions have been withdrawn.

One submission queried the application of the ESO4 over the southern part of Jan Juc on the grounds that the vegetation in this area is both highly degraded and has been planted. This area is currently subject to the Significant Landscape Overlay Schedule 1 (SLO1) due to its landscape significance, being highly visible from the nationally significant Bells Beach. The area is also subject to 'habitation envelopes' which is applied to all land covered by the SLO1 containing vegetation of high environmental significance. The application of the ESO4 through Amendment C96 would replace the SLO1 and 'habitation envelope' control.

Officers met the landowner on site to ground truth the vegetation in question. It was confirmed that the site and surrounding lots contain vegetation of low environmental significance but it was noted for having high landscape values. The submission is supported, that the ESO4 is not the appropriate overlay schedule to apply. Due to the high landscape value the SLO1 should be retained but with the associated 'habitation envelopes' removed. The landowner has verbally agreed to this approach and written confirmation is forthcoming.

Landowners in the Jan Juc area currently covered by the SLO1 were not notified of this suggested change as the SLO1 currently applies and the status quo will therefore be retained.

All of the changes outlined above should be referred to an independent Panel for consideration.

3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

Aligning bushfire mitigation measures in Local policy with State policy

One public submission and submissions from referral authorities requested minor wording changes within the Municipal Strategic Statement to assist with clarity.

A more detailed summary of submissions which includes officer response is provided at Appendix 1. The key issues and proposed changes are discussed below:

Issue	Officer response
Support for the amendment	
<p>Submitters state that they support the intent of the amendment and its focus on protecting and enhancing biodiversity values. There is also support for strengthening the controls applying to the Painkalac Valley to better reflect its scenic values.</p>	<p>Support noted.</p>
Referral authority wording changes	
<p><u>Exemptions for referral authorities</u> Barwon Water and Vic Roads both requested an exemption to be included in the ESO4 to enable them to undertake specific works associated with their services without the need for a permit.</p> <p><u>Wording changes</u> The DELWP and CFA requested minor wording adjustments to the ESO4 and amendment docs for clarity and improvement purposes.</p> <p><u>State provisions relating to bushfire</u> The Wathaurung highlighted issues with state wide native vegetation clearing exemptions associated with bushfire and potential impacts on aboriginal scarred trees.</p>	<p><u>Exemptions for referral authorities</u> Clause 42.01 (Environmental Significance Overlay) which precedes the schedule provides an exemption for works undertaken under the Road Management Act thereby providing Vic Roads with the exemptions they are requesting.</p> <p>An exemption is also included for the maintenance of a utility installation in accordance with a code of practice approved by the Secretary of DELWP. This exemption is intended to exempt Barwon Water (similar to other authorities) for routine works, however the code of practice has not been developed by the state government to date making the exemption obsolete.</p> <p>To resolve this issue while the code is being finalised the ESO4 should include an exemption. A modified version of the ESO4 has been prepared (Appendix 2). Barwon Water supports the wording changes.</p> <p><u>Wording changes</u> A modified version of the ESO4 (Appendix 2) and relevant LPPF documents have been prepared.</p> <p><u>State provisions relating to bushfire</u> This issue should be directed to the DELWP and is beyond the scope of the amendment.</p>
Mapping changes to the ESO4	
<p>Submitters requested minor adjustments to the mapping of the ESO4 to ensure cleared areas or land where vegetation had been removed was not covered.</p>	<p>The mapping of the ESO4 has been remapped on all of the submitters properties following site meetings and/or phone discussions. All submissions relating to mapping changes have been withdrawn based on the proposed changes.</p>
Amendment C96 and the Urban Growth Zone	

3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

Issue	Officer response
<p>Submitters oppose the deletion of the VPO1 and application of the ESO4 to significant vegetation through amendment C96. It is submitted that the Precinct Structure Planning (PSP) process being undertaken for the Spring Creek valley is a more appropriate planning tool for management of significant vegetation.</p>	<p>The PSP being developed for the Spring Creek Urban Growth Zone (UGZ) proposes to remove the VPO1 and protect significant vegetation (including the Bellarine Yellow gums) through a native vegetation precinct plan. Large stands of Bellarine Yellow Gums and significant native vegetation will be retained in conservation reserves.</p> <p>Removal of all land subject to the UGZ from amendment C96 is considered appropriate. Three submissions have been withdrawn on this basis.</p>
<p>Removal of the ESO4 from the southern part of Jan Juc</p>	
<p>A submitter has requested the removal of the ESO4 from the southern part of Jan Juc with the currently applied SLO1 retained on the grounds that the vegetation is not of high environmental significance.</p>	<p>The ESO4 was to be applied to this area as a direct translation from the 'habitation envelopes' that currently apply through the SLO1. The area is within the Bells Beach view shed and has high landscape significance.</p> <p>Following a site inspection of the area with the submitter the removal of the ESO4 is supported and retention of the SLO1 an appropriate outcome given the high scenic values. The 'habitation envelopes' should be removed however on the grounds that the understorey vegetation is of low significance and is predominantly lawn and urban garden. The SLO1 will continue to protect vegetation over 2m in height. The submission has been verbally withdrawn on this basis.</p>
<p>Removal of the ESO4 from the Painkalac Valley</p>	
<p>A submitter has requested that the ESO4 is not removed from the Painkalac Valley or if it is removed it should be replaced by a more appropriate tool that recognises its environmental significance in association with the estuary.</p>	<p>The township of Aireys Inlet is covered by both an ESO4 and ESO5 at present with the ESO5 covering vegetation of higher quality. Amendment C96 removes the ESO4 from the Painkalac Valley with significant vegetation being covered by an ESO6 through Amendment C81 (significant vegetation in the hinterland - being processed concurrently). C81 has since been abandoned by Council and therefore the ESO6 will no longer be applied, creating a policy vacuum in this location.</p> <p>Amendment C85 (flooding, wetlands and waterways) presents an opportunity to address this policy gap. The amendment (also being processed concurrently) proposes changes to the extent and coverage of the ESO1 in this area (schedule applying to wetlands and waterways).</p> <p>In a meeting with council officers the submitter highlighted that there is a strong relationship between the open grassed areas of the valley and the associated wetlands, dryland habitats and the Painkalac Creek itself. The existing ESO4 solely focuses on the protection of native vegetation and habitat whereas the ESO1 recognises the more complex environmental values associated with the health of a wetland/waterway system and is therefore considered to be a more appropriate control.</p> <p>The extension of the ESO1 to cover the whole valley, replacing the existing ESO4 is considered a positive result that should be tested through a panel process. The submitter verbally supports this approach.</p> <p>Note: the submitter is not the land owner of the Painkalac Valley. The landowner was sent a letter advising of the</p>

3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

Issue	Officer response
	proposed changes to the exhibited documents on 12 Dec 2016 and no return correspondence was received.

Financial Implications

There are no costs to Council to hear and consider submissions. Sufficient funds are available within the project budget should the amendment proceed to a panel.

Council Plan

Theme 1 Environment
Objective 1.1 Preserve and enhance the natural environment
Strategy Nil

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

Policy/Legal Implications

Ministerial Direction No. 15 (The Planning Scheme Amendment Process) requires a planning authority to request the appointment of a panel within 40 business days of the closing date for submissions (15 May 2015), unless a panel is not required. An exemption to this requirement was sought and granted by the Minister on the 21 September 2015 to enable Council to continue trying to resolve issues raised by submitters.

Council engaged a planning consultant to undertake an independent review of the amendment to test its validity. The review supported referring all unresolved submissions and mapping/wording changes to a panel.

All proposed mapping changes have been reviewed by landowners and the amendment process can now proceed in accordance with Ministerial Direction No.15.

In accordance with section 30 of the Planning and Environment Act 1987, an amendment lapses two years after exhibition unless the amendment is adopted or the Minister for Planning grants an extension. In November 2016 the Minister for Planning granted an extension for C96, which now must be adopted by 9 April 2018.

In accordance with Section 23 of the Planning and Environment Act 1987, after considering a submission that requests a change to the amendment Council must:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel appointed under Part 8; or
- (c) abandon the amendment or part of the amendment.

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 to Council associated with referring the submissions to an independent panel. Following receipt and consideration of the panel report, Council has the authority to either adopt or abandon the amendment.

There may be ongoing conflict in planning permit application assessment if Council elects to abandon the amendment, specifically in relation to bushfire management, as Local Planning Policy is not currently aligned with the State Planning Policy Framework.

Social Considerations

Submitters have raised the importance of protecting the Shire's biodiversity assets and Amendment C96 seeks to protect and enhance the significant vegetation and habitats in the coastal townships.

3.4 Planning Scheme Amendment C96 - Biodiversity in the Settlements and Bushfire and Local Policy Update

Improvements to bushfire mitigation measures will assist in minimising the risks to life and property.

Community Engagement

The amendment and permit application were placed on public exhibition in accordance with the requirements of the Planning and Environment Act 1987. Notice was given by:

- sending notices to affected landowners.
- placing notices in the Surf Coast Times and Government Gazette.

The amendment and supporting documents were available for viewing at the Council office, on Council's website and on the website of the Department of Environment, Land, Water and Planning.

ESO4 changes

Emails with updated mapping were sent to all landowners that requested changes to the ESO4 on their property including:

- email and map sent to land manager of 40 Coombes Road, Torquay (affected by removal of the VPO1 & VPO3 and its replacement with the ESO4) – 22 July 2015
- letter sent to all landowners within the Urban Growth Zone (Spring Creek) affected by the Precinct Structure Plan proposing removal of the UGZ from Amendment C96 – 31 July 2015
- letter and map sent to landowners affected by the removal of the VPO3 & SLO1 and its replacement with the ESO4 – 22 May 2015.

ESO1 changes through Amendment C85

- Letter sent to the landowner affected by the removal of ESO4 and its replacement with the ESO1 – 12 December 2016.

Six submissions have been withdrawn subject to mapping or wording changes being supported and adopted.

Submitters were given an opportunity to address Council's Hearing of Submissions Committee on 17 January 2017. Three submitters presented to the Committee.

Environmental Implications

Amendment C96 seeks to enhance the protection of significant vegetation and habitat within the coastal townships of the Surf Coast Shire.

Communication

All submitters were invited to attend and present at a Hearing of Submissions conducted on 17 January 2017. Submitters will be advised of Council's decision on the Amendment following the 24 January Council meeting.

Submitters will also be contacted by Planning Panels Victoria following the appointment of an independent Panel if relevant.

Conclusion

Amendment C96 is consistent with State and local policy in the Surf Coast Planning Scheme. The amendment will better align local policy to state policy in relation to bushfire mitigation and will result in a reduction in environmental schedules across the coastal towns, helping to simplify the planning scheme for all users.

The merits of the amendment and suggested mapping and wording changes can be further tested through a panel process. It is therefore recommended that Council seek the appointment of a panel by the Minister for Planning to consider all unresolved submissions.

3.5 Municipal Emergency Management Plan 2016-2019

Author's Title: Community Emergency Management Officer **General Manager:** Phil Rowland

Department: Environment & Development **File No:** F16/1338

Division: Environment & Development **Trim No:** IC16/1364

Appendix:

1. MEMPlan 2016-2019 - February 2017 (D17/136)
2. Summary of Council's Emergency Management Legal Responsibilities (D16/127158)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to endorse the Surf Coast Shire Municipal Emergency Management Plan 2016–2019 as prepared and endorsed by the Municipal Emergency Management Planning Committee.

Summary

Part 4 of the *Emergency Management Act 1986* requires each municipal Council to establish a Municipal Emergency Management Planning Committee (MEMPC) to prepare a Municipal Emergency Management Plan (MEMPlan), in accordance with specific guidelines, for council's consideration and endorsement.

A review of the Surf Coast Shire MEMP has been undertaken by Council's Emergency Management Unit and the MEMPC. On 5 September 2016 a review panel, consisting of representatives from VicSES, Victoria Police and the Department of Health and Human Services, conducted an audit of the MEMPlan. The Plan performed well against the audit criteria and there were no areas identified as requiring changes. Council has not yet received written confirmation and the full audit report from SES due to delays caused by their response to the landslide events.

The audited MEMPlan was endorsed by the MEMP Committee out of session on 23 December 2016.

The 2016-2019 MEMPlan is fundamentally similar to the current Council endorsed 2014-2017 MEMPlan; however, there are some differences to the content and structure of the plan which in summary are:

- a) updated content to reflect current arrangements and terminology in the Emergency Management Manual Victoria (EMMV)
- b) reorganisation of the content into more logical and user friendly 'Before', 'During' and 'After' sections, in line with current language of Emergency Management Victoria
- c) updated appendices to ensure they are current and correct.

No changes have been made to the roles, responsibilities or resources of Council described in the 2014-17 MEMPlan.

Recommendation

That Council endorse the Municipal Emergency Management Plan 2016-2019 prepared by the Surf Coast Shire Municipal Emergency Management Planning Committee.

Council Resolution

MOVED Cr Martin Duke, Seconded Cr Margot Smith

That Council endorse the Municipal Emergency Management Plan 2016-2019 prepared by the Surf Coast Shire Municipal Emergency Management Planning Committee.

CARRIED 8:0

3.5 Municipal Emergency Management Plan 2016-2019

Report

Background

The *Emergency Management Act 1986*, requires councils to facilitate the development and maintenance of the Municipal Emergency Management Plan (MEMPlan) by the MEMPC, for consideration and endorsement by council. A summary of Council's emergency management legal responsibilities is included as Appendix 1.

The MEMPlan has been revised and updated by the MEMPC and audited by the State Emergency Service on 5 September 2016. The MEMPC adopted the final MEMPlan on 23 December 2016, subject to receipt of the Audit Report, and recommend to Council for endorsement. The Surf Coast Shire MEMPlan describes the agreed arrangements for the prevention of, preparedness for, response to, and the recovery from emergencies that could potentially occur in the Surf Coast Shire. A description of the MEMPlan is provided in the *Emergency Management Manual Victoria (EMMV)* and an excerpt is included as Appendix 2.

Discussion

The 2016-19 MEMPlan is fundamentally similar to the current Council endorsed 2014-17 MEMPlan; however, there are some differences to the content and structure of the plan which in summary are:

- d) updated content to reflect current arrangements and terminology in the Emergency Management Manual Victoria (EMMV)
- e) reorganisation of the content into more logical and user friendly 'Before', 'During' and 'After' sections, in line with current language of Emergency Management Victoria
- f) updated appendices to ensure they are current and correct.

No changes have been made to the roles, responsibilities or resources of Council described in the 2104-17 MEMPlan.

The MEMPlan has been developed by representatives from all relevant local Surf Coast Shire emergency management agencies in accordance with government guidelines and audited against specific government criteria. In accordance with the plan, the Surf Coast Shire Council is responsible for the management of municipal resources and the coordination of community support to counter the effects of an emergency during both the response to and recovery from emergencies.

In accordance with the plan the emergency management responsibilities of Council include:

- the provision of emergency relief to affected persons during the response phase
- the provision of supplementary resources to lead relief agencies during response and recovery
- municipal assistance to agencies during the response to and recovery from emergencies
- the assessment of the impact of the emergency
- recovery activities within the municipality, in consultation with Department of Health and Human Services.

Personnel who have Emergency Management roles will be drawn from Council's staff pool in the first instance. In the event of a large scale emergency that requires protracted operations, staff from other municipalities will be requested in accordance with the intent of the MAV's Inter Council Emergency Resource Sharing Protocols. Memorandums of Understanding with neighbouring municipalities support these arrangements.

Financial Implications

There are no direct financial implications from the proposed changes to the current arrangements.

Council Plan

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

3.5 Municipal Emergency Management Plan 2016-2019

Policy/Legal Implications

Council has significant emergency management responsibilities under various Acts, including facilitating development and maintenance of a MEMPlan. A summary of Council's key legal responsibilities are included in Appendix 2.

Officer Direct or Indirect Interest

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

Risk Assessment

The MEMPlan is an important element in the management of events with potential for the most extreme consequences to our community. It is therefore critical that the MEMPlan is regularly updated, audited and maintained. This is currently being achieved.

Social Considerations

There are no direct social impacts from the proposed changes to the current arrangements.

Community Engagement

The MEMPlan is a working plan for Council's and other emergency service providers operations and arrangements and is a publicly available document.

Environmental Implications

There are no direct environmental impacts from the proposed changes to the MEMPlan.

Communication

The Council endorsed MEMPlan will be distributed to all agencies and organisations involved in emergency management in the municipality and an abridged version will be posted on the Surf Coast Shire Council website.

Conclusion

The MEMPlan has been prepared and audited in accordance with all legal requirements. The MEMPlan has been reviewed and updated by the MEMP Committee to ensure content is current and correct and changes have been made to the structure of the plan to improve useability. No changes have been made to the roles, responsibilities or resources of Council described in the 2014-2017 MEMPlan.

It is recommended that Council endorse the Municipal Emergency Management Plan 2016-2019 prepared by the Surf Coast Shire Municipal Emergency Management Planning Committee.

3.6 Adoption of new Strategic Fire Management Plan Otway District 2017-2020

Author's Title: Emergency Management Project Officer

General Manager: Phil Rowland

Department: Environment & Community Safety

File No: F16/635

Division: Environment & Development

Trim No: IC17/6

Appendix:

1. Draft V1.5 Strategic Fire Management Plan Otway District to 2020 for Regional Committee review (D17/1323)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to adopt the new Strategic Fire Management Plan Otway District 2017-2020.

Summary

The current Surf Coast Fire Management Plan was adopted by Council in October 2015 and it extends to March 2017. A new strategic fire management plan has been developed under an innovative planning model through a collaboration of Surf Coast Shire Council, Colac Otway Shire Council and Corangamite Shire Council, relevant fire and land management agencies. The new plan takes an integrated, landscape scale approach to fire management, extending across the footprint of the three municipalities. It will replace the existing fire management plans of each participating council.

The Strategic Fire Management Plan Otway District describes how agencies and councils will work together and with communities to reduce fire risk, impacts and consequences, and to build community safety and resilience. Its purpose is to enhance integration, coordination and effectiveness of fire risk reduction and community fire safety activities across the three municipalities and across all fire management agencies, groups and communities.

Recommendation

That Council :

1. Adopt the Strategic Fire Management Plan Otway District 2017 to 2020 to come into effect on 1 April 2017 for a period of three years.
2. Make the Strategic Fire Management Plan Otway District 2017 to 2020 available to community including publishing it on the Surf Coast Shire Council website.

Council Resolution

MOVED Cr Martin Duke, Seconded Cr Margot Smith

That Council :

1. Adopt the Strategic Fire Management Plan Otway District 2017 to 2020 to come into effect on 1 April 2017 for a period of three years.
2. Make the Strategic Fire Management Plan Otway District 2017 to 2020 available to community including publishing it on the Surf Coast Shire Council website.

CARRIED 8:0

3.6 Adoption of new Strategic Fire Management Plan Otway District 2017-2020

Report

Background

The responsibility for preparing the Fire Management Plan rests with Municipal Fire Management Planning Committees which are comprised of representatives from fire and land management agencies. It is Council's role to facilitate the preparation of the plan and to adopt the plan once it has been endorsed by the relevant committees.

In October 2015, Council adopted the existing Surf Coast Fire Management Plan – an updated version of the previous plan. As part of that process, Council was introduced to the concept and model for the development of a new strategic fire management plan; that plan is now tabled for adoption.

The Strategic Fire Management Plan Otway District describes how councils, fire agencies, relevant authorities and organisations will collaborate with each other and with communities within the three-municipality footprint will to achieve more effective fire risk reduction and help communities become safer and more resilient. Planning for the three councils together acknowledges that while each municipality has unique attributes, there are some commonalities in landscape and fire risk. It recognises that bushfires and grassfires in this district can and do cross municipal boundaries. Planning for the district will enhance the integration, coordination and effectiveness of bushfire risk reduction activities across the landscape and across emergency management agencies; that it is achievable is an acknowledgment of the maturity of the partnerships developed between councils and agencies.

The plan has been prepared under the provisions of the Emergency Management Act 1986 (Section 20) and the Country Fire Authority Act 1958. The Emergency Management Manual Victoria (EMMV), which applies the provisions of the Emergency Management Act 1986, provides for an Emergency Management Planning Committee to appoint a Municipal Fire Management Planning Committee (MFMPC). The MFMPC then takes responsibility for the preparation of the Municipal Fire Management Plan, and for monitoring, review and reporting on the delivery of that plan. MFMPCs have been appointed for all three Otway District councils.

This Strategic Fire Management Plan Otway District has been prepared and endorsed in accordance with the guidelines provided in the EMMV, which includes guidance on municipal fire management planning committees, suggested terms of reference, and the planning process, along with content of the plan, endorsement and audit procedures. This Plan constitutes a sub plan of each council's Municipal Emergency Management Plan.

The Strategic Fire Management Plan Otway District meets the requirements for a municipal fire management plan in accordance with and is deemed to meet the Country Fire Authority Act 1958 requirements for a fire prevention plan, and councils must have a fire prevention plan.

The current Surf Coast Fire Management Plan was endorsed by Council in October 2015 for a fourteen month period until March 2017 to comply with advice received by the Emergency Management Commissioner on 10 March 2015 which directed fire committees to undertake a minor update of existing Municipal Fire Management Plans and to await the release of the State Fire Mitigation Plan prior to undertaking a comprehensive review of Municipal Fire Management Plans. While the State Fire Mitigation Plan has not yet been released, the Emergency Management Commissioner - aware of the landscape scale approach proposed for the three Otway shires, subsequently advised the Otway District Bushfire Planning Collaboration to continue with development of the new strategic plan under the innovative model.

Discussion

The existing Surf Coast Fire Management Plan remains current until the end of March 2017. It is recommended that Council adopt the Strategic Fire Management Plan Otway District 2017 to 2020 to come into effect on 1 April 2017 for a period of three years. This will allow the existing fire plan to remain in

operation for the current fire season, with the new plan to take effect well before the 2017/18 fire season. A decision by Council to adopt the new Strategic Fire Management Plan will ensure Council meets its legal/policy responsibility to have a current fire plan.

3.6 Adoption of new Strategic Fire Management Plan Otway District 2017-2020

While the development of the Fire Management Plan is facilitated by Council, the plan is the responsibility of the Municipal Fire Management Planning Committee as a sub-committee of the Emergency Management Planning Committee. These committees are made up of relevant emergency management agencies, authorities and groups, including land managers and key asset managers.

This plan does not operate in isolation – it is nested within a planning framework which guides fire management at the State, Regional, Landscape and Municipal level. It accords with the direction set through related plans and policies (as detailed within the body of the plan), applying and adapting relevant elements at a District scale.

The new plan is a strategic level document which provides strategic directions. It includes 11 objectives that set out what it aspires to achieve and articulates a set of strategic directions which are targeted at achieving these objectives.

As part of the development of this plan, a prioritised list of actions was prepared for each strategic direction – this document is referred to as the Work Programming Guide within the body of the plan. Further development of the Work Programming Guide will be undertaken following adoption of the Plan; each MFMP will determine its own priorities and accountabilities for delivery of actions to achieve the strategic directions of the Plan. In addition, within six months of the plan adoption, each MFMP will develop its own monitoring, evaluation, reporting and improvement plan (MERI Plan), which collectively will constitute the MERI plan for this Strategic Plan.

Under the adopted planning model and in accordance with its strategic directions, this plan is part of a tiered approach to fire management planning; one strategic plan across the three municipalities provides higher-order objectives and directions, and this is coupled with a suite of future subsidiary plans. Key amongst those is the development of community based township bushfire safety plans for high risk towns that get to the detail of township risk, risk mitigation and community bushfire resilience. These local plans are a critical component of the overall planning framework and will take fire management planning to a new level; agencies and councils will work in partnership with communities to understand the local risks, and to identify what is important to protect and how community values will be protected.

Implementation of the current Surf Coast Fire Management Plan is well progressed with approximately 95% of actions either completed or ongoing. Any actions which continue to be relevant will be carried forward into the action list associated with the new plan or its future subsidiary plans.

Financial Implications

Financial implications for Council directly associated with adoption of this plan are minimal as there are few accountabilities for Council. It requires the development of work plans for each MFMP along with the development of identified subsidiary plans (as identified in the work plans) and the development of MERI plans for each. However, it does establish expectations for delivery of actions, once these are determined.

It is important to note that this plan is a multi-agency plan and therefore delivery accountabilities will be spread across a number of agencies. A key platform of this plan is inter-agency collaboration, including the direction of fire risk resources to the achieving the greatest risk reduction benefit. Council currently funds a range of fire risk reduction works through existing Council funds and through grant funds allocated by the State Municipal Emergency Resource Program which is shared across the three councils.

Council Plan

Objective 3.1 of the Council Plan articulates strategies, outcomes and measures for “communities that plan for and recover from disasters”. The Strategic Fire Management Plan contributes to the delivery all five of the strategies identified under this Objective, and maintaining and implementing a Council Municipal Fire Management Plan is a stated measure of achieving the outcomes described under this Objective.

Theme	3 Communities
Objective	3.1 Communities that plan for, and recover from, disasters
Strategy	3.1.1 Dedicate resources to provide effective and efficient planning for management of, and recovery from, disasters.
Strategy	3.1.2 Establish and maintain working relationships with emergency services and relevant stakeholders to ensure preparedness in the event of an emergency.
Strategy	3.1.3 Continue to undertake Community Emergency Risk Assessment (CERA).
Strategy	3.1.4 Incorporate, where appropriate, the 2009 Bushfire Royal Commission recommendations.
Strategy	3.1.5 Continue to deliver programs to reduce excessive bushfire fuels in high risks areas, for example the Weeds to Mulch program

3.6 Adoption of new Strategic Fire Management Plan Otway District 2017-2020

Policy/Legal Implications

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

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

Officer Direct or Indirect Interest

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

Risk Assessment

Bushfire is as an extreme risk for Council and it is therefore important that an effective fire plan is in place. Fire management planning is a risk based process. Preparation of the plan incorporated a detailed and robust bushfire risk analysis across the Otway landscape assessing each town and settlement. The plan identifies and assesses fire risk, and prescribes strategic-level risk mitigation actions. It is important to note that it is not possible to eliminate bushfire risk.

There are no additional risks to Council with adopting this Plan.

The risk of not adopting the plan is considerable. There is a community expectation and legislated/policy requirements to have a current Municipal Fire Management Plan. This Plan acts to reduce the risk of fire across a three-municipality footprint.

Social Considerations

There are no social implications for Council in adopting the plan.

Community Engagement

Engagement for the development of this plan has been undertaken primarily through the Project Steering Group, and the Municipal Fire Management Planning Committees of the Surf Coast Shire Council, Colac Otway Shire Council and Corangamite Shire Council. The Steering group was comprised of representatives of the following organisations:

- Department of Environment, Land, Water and Planning
- Country Fire Authority – Districts 6 and 7
- Victoria Police
- VicRoads
- Department of Health and Human Services
- Parks Victoria
- Corangamite Shire Council
- Colac Otway Shire Council
- Surf Coast Shire Council

The Municipal Fire Management Planning Committees for each council are responsible for the development and implementation of this plan, and have been engaged throughout the process - from the model concept, the project plan preparation and approval, and the drafting and development of this plan.

The engagement associated with this strategic plan has been focused on agencies participating in the MFMP. Community engagement will more meaningful at the township level and a comprehensive engagement program will occur in the future preparation of township plans.

3.6 Adoption of new Strategic Fire Management Plan Otway District 2017-2020

Extensive community engagement at the township level will be undertaken in the preparation of the township bushfire safety/resilience plans, which are subsidiary plans. Township plans will adopt the principles of community based planning and as such will maximise community empowerment in determining what communities want to protect and how community values will be protected.

Environmental Implications

There are no negative environmental impacts resulting from the Plan. The Plan prescribes that protection of high value environmental and cultural assets and ecosystem resilience must be a feature of any fire management work.

Communication

Once the Plan is adopted, it will be made publicly available including publishing it on the Surf Coast Shire council website. The Municipal Fire Management Planning Committee and the Municipal Emergency Management Planning Committee will be advised that Surf Coast Shire Council has adopted the Plan.

Conclusion

The current Surf Coast Shire Municipal Fire Management Plan will expire at the end of March 2017 therefore a decision by Council to adopt the new Strategic Fire Management Plan will ensure Council meets its legal/policy responsibility to have an endorsed fire plan.

In accordance with the process prescribed by Emergency Management Victoria, the new plan has been reviewed by the multiagency Municipal Fire Management Planning Committees and the Municipal Emergency Management Planning Committees of each council, along with the Barwon South West Regional Fire Management Planning Committee. All committees have endorsed the Strategic Fire Management Plan for referral to each participating council for adoption.

3.7 Event Grant Program Funding Recommendations - 2017/2018 Round

Recommendation

That Council:

1. Approve the recommended funding amounts in Table 2 for Major events and pre-allocate \$87,500 in the 2017/ 2018 budget to the event grants program.
2. Approve the recommended funding amounts in Table 3 for community events and pre-allocate \$11,000 in the 2017/ 2018 budget to the Event Grants Program.
3. In the event that the Aireys Open Mic Festival is supported through the signature event category of the event grant program, revise the recommended funding of \$7,000 for the event to \$0 in the Major events category and reduce the pre-allocation for major events in 2017/18 to \$80,500.
4. Advise all unsuccessful and successful grant applicants in writing.
5. Authorise the release of event grants program for 2018/2019 in September 2017.
6. Note that the community event which received funding under the event grant program at the 28 January 2016 Council Meeting, being Trick or Treat Kidz festival is no longer proceeding due to unforeseen circumstances.
7. Note the \$2,000 favourable budget variance expected to be realised at the end of the 2016 – 2017 financial year.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Margot Smith

That Council:

1. Approve the recommended funding amounts in Table 2 for Major events and pre-allocate \$87,500 in the 2017/ 2018 budget to the event grants program.
2. Approve the recommended funding amounts in Table 3 for community events and pre-allocate \$11,000 in the 2017/ 2018 budget to the Event Grants Program.
3. In the event that the Aireys Open Mic Festival is supported through the signature event category of the event grant program, revise the recommended funding of \$7,000 for the event to \$0 in the Major events category and reduce the pre-allocation for major events in 2017/18 to \$80,500.
4. Advise all unsuccessful and successful grant applicants in writing.
5. Authorise the release of event grants program for 2018/2019 in September 2017.
6. Note that the community event which received funding under the event grant program at the 28 January 2016 Council Meeting, being Trick or Treat Kidz festival is no longer proceeding due to unforeseen circumstances.
7. Note the \$2,000 favourable budget variance expected to be realised at the end of the 2016 – 2017 financial year.

CARRIED 8:0

3.7 Event Grant Program Funding Recommendations - 2017/2018 Round

Report

Background

Council's events grants program recognises the important role events play in shaping the Shire's identity, prosperity and vitality by allocating funding to a range of major and community events each year. A significant number of events take place across the Surf Coast Shire each year. They provide an opportunity to increase off peak visitation and strengthen the local community and economy.

The event grants program guidelines outline the process for groups and organisations to apply for funding from Council for an event within the Shire. The Program provides funding in one the following categories:

- **Major Event** – A major event is one that may occur annually, biennially or a one- off event, is regional, State or nationally recognised. The primary evaluation is the generated economic return to Surf Coast Shire. Marketing and branding opportunities for Surf Coast Shire and its townships at a regional scale (or beyond) must also be displayed. Applicants in this category can seek funding from \$1,000 - \$10,000
- **Community Event** – A community event is often a smaller scale event that support participation and celebration of local communities that attract mainly a local audience. Economic and/ or marketing outcomes are not the main benefit for Council. Applicants under this category could seek funding up to \$5,000.

There is a third category of event in the events grants program for **Signature Events**. Event applications under the Signature events category do not form part of this report and will be dealt with separately.

All grant applications received were assessed by the following assessment criteria in table 1 below:

ASSESSMENT CATEGORY	CATEGORY DESCRIPTION	WEIGHTING	
		Major	Minor/ Community
Economic Development	Describe how the project stimulates visitation/tourism, involves local businesses and increases economic development opportunities for Surf Coast Shire residents & the extent of marketing and promotion opportunities.	40%	10%
Social	Community benefits provided by the event – short and long term.	20%	35%
Cultural	The events contribution towards the development of arts & culture, networks, programs and/or projects.	20%	35%
Environmental Sustainability	Does the event plan for and contribute to positive environmental sustainable outcomes. Does the event adhere to the plastic wise policy.	20%	20%

Table 1: Event Grant Program Assessment Criterion for Major and Community events

Now in the program's third year there is evidence to show that event grant program has been effective in the in encouraging event from after Easter to early December. This has increased off season visitation and the economic impact of these events. Of the \$105M generated from events held across the shire in 2015/16, \$70M was generated during off peak accounting for two thirds of the overall impact. The Surf Coast Shire can now boast a viewing audience of over 32 million to over 160 countries and new events continue to be attracted to our region.

A 'Plastic Wise' policy was introduced in 2016 as part of the event application process. Event organisers were made aware of the importance of this policy which includes plastic purchasing, packaging, waste and recycling collection systems and clean-up practices. The numerous references in all applications to plastic wise and waste reduction activities demonstrates that event organisers are committed to delivering events with consideration to the environment.

Discussion

The current event grant program funding round opened on 5 September 2016 and closed on 10 October 2016. All applications included in this report are for the 2017/18 financial year. In total, 31 applications were received with the total amount of funding requested equalling \$206,050 in the following categories:

- 18 submissions in the major events category
- 13 submissions in the community events category.

3.7 Event Grant Program Funding Recommendations - 2017/2018 Round

The Event Grant Program is a highly competitive process for both the Major and Community Streams. The 2016/17 round was similarly competitive. In this year, a total of \$98,700 in event grants was allocated following the receipt of 23 submissions requesting almost \$250,000.

The evaluation process for all submissions is indicated in Figure 1 below.

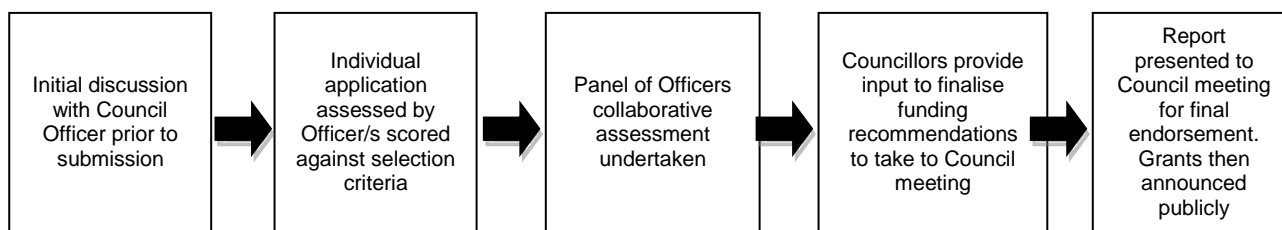


Figure 1: Event Grants Program Evaluation Process

An evaluation panel was formed which consisted of members of staff with relevant experience and knowledge of events. Submissions were rated individually against the key criteria and a score was provided based on the weighting. A collaborative meeting was then held to discuss individual scores and to come to a consensus on successful grants. Councillors then provided input into the process and the recommendations were finalised for consideration at a Council Meeting.

It should be noted that in assessing the submissions, not all event applications received a recommendation for the full amount requested. This is to allow a broader distribution of funds across events and to maintain a similar budget allocation as 2016/17 for next financial year.

Major Events

Table 2 below lists all applications received under the Major Events category. The nature of submissions received under the major event grants included, sports, arts and culture, music, and produce events. The total value of major event funding requested was \$162,580.

Major Events	Recommended Funding Amount
Anglesea Adventurethon	\$7,000
Surfcoast Century	\$7,000
Drinks Arts Food Torquay	\$7,000
Kids Activity Outdoors (KAOS)	\$6,000
Lorne Blues and Roots Festival (new)	\$7,000
Australian Indigenous Surf Titles	\$2,500
Impossible Paddle	\$1,500
Lorne Sculpture Biennale	\$10,000
RACV Great Ocean & Otway Classic	\$5,000
King of concrete – skate event (new)	\$5,000
Hunt and Gather	\$4,000
Surf Coast Trail Series	\$8,000
Love Winter in Aireys	\$3,000
Ravens Creek Spring and Autumn Fairs	\$2,500
Aireys Inlet Open Mic Festival	\$7,000
National Trust HeyDey Fashion event	\$5,000
Splash Children's Festival	\$0
Geelong Regional Producers	\$0
Total Major Events Funding	\$87,500

Table 2: Major Event grant funding recommendations for the 2017/18 budget

Two applications including Splash Children's Festival and Geelong Regional Producers were not recommended for funding as the submissions did not meet the assessment criteria, contain sufficient information or provide satisfactory budget descriptions.

3.7 Event Grant Program Funding Recommendations - 2017/2018 Round

It is recommended that the funding amounts contained in Table 2 above for the major events category of the event grants program is approved and \$8,500 is pre-allocated for the 2017/2018 budget.

Community Events

A total of 13 submissions seeking \$43,470 were received for the community events stream as shown in table 3 below.

Community Event	Recommended Funding Amount
Art of the Minds – Torquay	\$1,000
Anglesea Anzac Day 2018	\$500
Lorne Carols on the Lorne 2017	\$500
Winchelsea Community Carols by Candlelight 2017	\$500
Deans Marsh Festival	\$1,800
Deans Marsh Winter Solstice	\$800
Deans Marsh Dog Trials	\$500
Holi Festival of Colour	\$1,200
Gnarwarre CFA 10 th Anniversary Festival (new)	\$1,700
Hells Bells Surfing Championships	\$800
Torquay Kite Festival (new)	\$1,000
Relay for Life	\$200
Torquay Carols by the Sea 2017	\$500
Total Community Events Funding	\$11,000

Table 3: Community Event grant funding recommendations for the 2017/18 budget

It is recommended that the funding amounts contained in Table 3 above for the community events category of the Event Grants Program is approved and \$11,000 is pre-allocated for the 2017/2018 budget.

Cancelled event – Trick or Treat Kidz Festival

At its meeting on 28 January 2016 Council resolved to fund many events under the event grant program totalling \$88,700, including \$2,000 for the Trick or Treat Kidz Festival from the community grants category in the 2016 – 2017 financial year.

Event organisers of the Trick or Treat Kidz Festival have advised that they no will no longer be staging their event.

Given the grant was awarded by Council, there is a need for Council to formally acknowledge that \$2,000 in the event grant program budget will not be provided, resulting in a favourable variance for 2016 – 2017 financial year.

Financial Implications

This report contains a recommended funding amount of \$98,500. Endorsement of the individual event funding allocations through the resolution of this report will constitute a commitment by Council to pre-allocate \$98,500 in the 2017/18 budget. Of the \$98,500 recommended, \$87,500 has been recommended to major event grants with \$11,000 allocated to community event grants.

\$2,000 is recommended to be transferred to the unallocated cash reserve in 2016/17 relating to the Trick or Treat Kidz Festival, and \$7,000 is recommended to be transferred to the unallocated cash reserves in 2017/18 should the Aireys Open Mic Festival be awarded signature event funding. This would reduce the total Major event funding allocation to \$81,500.

Signature events will be considered under a separate report and are not dealt with in this report.

Council Plan

Theme 5 Development and Growth
Objective 5.3 Develop and grow sustainable year round tourism
Strategy 5.3.3 Improve the promotion of all major events and festivals across Surf Coast Shire.

3.7 Event Grant Program Funding Recommendations - 2017/2018 Round

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

Each event will be required to prepare its own event management plan which will also identify risks and mitigating actions. Staff in the events unit will work with event holders to ensure all required permits are in place. Events being held on land not under the control of Council are required to display evidence of permits being in place.

All applicants are required to provide evidence of adequate public liability and certificates of currency as part of the criteria for funding.

Part of the assessment also included the 'fit' with Council's principles to ensure all events supported did not conflict with key values.

Social Considerations

Social considerations have been considered as part of the assessment process which carried a 20% weighting for major and 35% for the minor/ community. Applicants were asked to identify the social benefits of the event as part of their application.

Community Engagement

The following community engagement was carried out:

- Grants workshop held to educate prospective applicants on how to write a good application, plastic wise policy and acquitting a grant
- information with application form and guidelines placed on Council's website and through Facebook
- email sent to database of current event holders, to alert stakeholders to the program
- email sent to Torquay, Anglesea, Aireys Inlet, Lorne and Winchelsea Trader groups advising of program
- information on program contained in the Economic Development and Tourism newsletter
- adverts in the Surf Coast Times to promote the funding round (frequent)
- notification sent to community groups to inform of the programs open and closing dates.

The program was advertised in the local paper, emails sent to past recipients, advertised through Council's website and facebook and through information sent to the various community groups. Further to this, event organisers were encouraged to contact the Council to discuss their applications to give them guidance in the correct stream and our plastic wise policy.

In the lead up to the current funding round a grants information session was held to convey key messages and tips for interested parties. The purpose of the session was to educate and inform people on writing submission to maximise their effectiveness, the newly adopted plastic wise policy, and general information on acquitting grant funding.

Environmental Implications

The event grants program seeks to fund events in the off peak season from post Easter to mid-December to encourage a reduction in the intensity of events taking place over the summer period.

Environmental sustainability of events contained a 20% weighting in the evaluation criteria and Plastic Wise Policy to be adhered.

Communication

Successful applicants will be sent a letter confirming the amount of funding awarded. Unsuccessful applicants will be sent a letter advising their submission did not receive funding.

A media release will be issued containing details of successful events.

3.7 Event Grant Program Funding Recommendations - 2017/2018 Round

Conclusion

The event grants program was opened on the 5 September 2016 with submissions closing on the 10 October, 2016. A total of 31 submissions were received and assessed with 16 submissions recommended to receive funding under the major events stream and 13 under the community stream.

The total recommended funding under the event grant program is \$98,500 for 2017/18 including \$87,500 for sixteen major events and \$11,000 for thirteen community events.

The Trick or Treat Kidz Festival will not be held and the \$2,000 allocated to this event will not be spent, resulting in a favourable variance for 2016 – 2017 financial year.

If the Aireys Open Mic Festival receives funding under the signature events program, the recommended funding for this event from the major events category should be withdrawn bringing the total major event funding for 2017/18 to \$81,500.

3.8 Rip Curl Pro Bump In / Bump Out Audit

Author's Title: Manager Environment & Community Safety **General Manager:** Phil Rowland

Department: Environment & Community Safety **File No:** F16/561

Division: Environment & Development **Trim No:** IC16/1310

Appendix:

1. Rip Curl Pro Bump In/Bump Out Audit Report Response (D17/6554)
2. Draft Minutes for the Bells Beach Committee, Meeting 5 - 21 November 2016 (D17/6553)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to note that the Rip Curl Pro Bells Beach Bump-In/Bump-Out Audit has been completed and the actions that are now being implemented.

Summary

The Rip Curl Pro is held annually around the Easter long weekend and is one of Surf Coast's and Victoria's most important major events.

In response to commitments made in its 2015 approved Coastal Management Plan, Council engaged Otium Planning Group P/L to undertake an audit during the 2016 Rip Curl Pro to assist with identifying potential operational improvements to the event. The audit has concluded that Surfing Victoria has developed an event implementation plan that delivers a high quality event and also identified a number of opportunities to potentially increase the efficiency, safety and long term viability of the event.

Council and Surfing Victoria are implementing the key recommendations of the audit. In addition to the Audit recommendations, Council has commenced discussions with Surfing Victoria and World Surfing League on how the event could build on the current high standards of environmental protection at the reserve and how environmental leadership can be further demonstrated at the event.

Recommendation

That Council notes the completion of the Rip Curl Pro Bump In/Bump Out Audit and the responses to it.

Council Resolution

MOVED Cr David Bell, Seconded Cr Carol McGregor

That Council notes the completion of the Rip Curl Pro Bump In/Bump Out Audit and the responses to it.

CARRIED 8:0

3.8 Rip Curl Pro Bump In / Bump Out Audit

Report

Background

The Rip Curl Pro has been held at Bells Beach since 1962 and is the world's longest running competitive surfing event. It is one of Surf Coast's and Victoria's most important major events with significant local, state and national benefits.

Because the event is held partly on Council freehold land and Crown land managed by Council, it requires a licence between Council and Surfing Victoria (SV) who stages the event on behalf of the World Surfing League (WSL). The licence permits Surfing Victoria to use the reserve for 47 days, commencing 25 days prior to Good Friday until 21 days after Good Friday. The event management is complex, in part because it is held in an area with high environment and cultural sensitivities.

Community engagement during preparation of the 2015 Coastal Management Plan (CMP) highlighted concerns about some elements of the event such as the length of the bump in (setup) and bump out (dismantling), inconvenience to local surfers, environmental sustainability of the event, traffic congestion and impacts on the reserve. The Council approved CMP subsequently committed Council to undertake an independent audit of the bump in/bump out for the Rip Curl Pro to assist with identifying potential improvements (CMP, Table 5, Action 5).

Council engaged Otium Planning Group P/L to undertake the audit during the staging of the 2016 Rip Curl Pro. The audit involved reviewing the current event management plan, reviewing events of similar scope with similar challenges, meeting with Surfing Victoria and Council staff and multiple site inspections over the course of the event. This work was undertaken by Otium with the understanding of the conditions and directions set by the existing licence and the Vision, Principles, Values and Outcomes set by the CMP.

Discussion

The Rip Curl Pro Bells Beach, Bump-In/Pump-Out Audit, Final Report, July 2016 (the audit) concluded that SV has developed an event implementation plan that delivers a high quality event on an annual basis meeting all of the criteria of the licence. The audit also identified a number of opportunities to potentially increase the efficiency and long term viability of the event. Otium also highlighted an opportunity to reduce safety risks by restricting the ability for the public to move through construction site areas and the reduction of trip hazards.

Since the audit was completed Council and SV have been taking a number of actions on the issues, opportunities and key recommendations in the report. SV needs to liaise regularly with WSL regarding any significant changes to the event and because WSL is based in the United States this adds a level of complexity that SV and Council are working through. WSL have to date been supportive of the audit actions being taken.

Attachment 1 summarises actions being taken in response to the key recommendations.

Changes made for the staging of this year's event will be evaluated and guide further improvements for the coming years. Surfing Victoria and Council are confident that the changes proposed for 2017 will lead to a reduction in the total days required for the bump in/bump out. We will have a much better understanding of how much time can be reduced after the 2017 event.

Over the longer term, improvements made as a result of the audit will be incorporated into the terms and conditions of any new licence to stage the event. The current licence expires on 1 January 2019. The 2017 and 2018 events will be run under the conditions of the current licence. Events beyond 2019 will require a new licence.

Financial Implications

Implementation of most of the recommendations will come at no cost to Council, as they will be undertaken by Surfing Victoria.

Ultimately changes to the staging of the event may benefit from infrastructure changes in the reserve and these are being investigated. These costs would be funded in part or completely by Council. The possible need for infrastructure changes was included in the 2015 CMP, and Council has budgeted for the implementation of the CMP over 2016/17 and 2017/18.

3.8 Rip Curl Pro Bump In / Bump Out Audit

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.
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	2.1 Robust risk management framework and processes
Strategy	2.1.2 Stocktake of leases, licences and agreements with a risk focus.

Policy/Legal Implications

Any changes made in response to the Audit will be consistent with the licence for the event, issued under the provisions of the Crown Land (Reserves) Act 1978 and the Council and State approved 2015 CMP.

Officer Direct or Indirect Interest

There are no conflicts of interest associated with this report.

Risk Assessment

The audit highlighted that the previous bump in/bump out arrangements created work site Occupational Health and Safety risks that could be reduced by greater public access restrictions during the bump in and out. Whilst these access restrictions may increase the risk of dissatisfaction from some public members as access to a small number of car spaces in the Bells Beach carpark will be temporarily restricted, the changes could reduce the overall bump in/out duration. Access to the public toilets and the beach will be maintained throughout the bump in/out period.

Social Considerations

The Rip Curl Pro is one of the most important tourism events on the Victorian major events calendar with multiple benefits at a national, state, regional and local scale. During development of the Coastal Management Plan, concerns were raised about the impacts of staging the event, in particular, the time taken and how disruption to the local surfers who regularly use the reserve could be minimised. The audit makes recommendations in response to these concerns.

Community Engagement

Extensive community engagement (workshops and public hearings) during the development of the Coastal Management Plan gave Council a sound understanding of the community interests relating to the staging of the Rip Curl Pro and this information was provided to Otium.

There was no broad community engagement undertaken as part of the audit process. Council's Bells Beach Committee was involved in drafting the consultant's brief, encouraged to meet Otium staff out on site during the audit and has also discussed the audit report and responses at its November 2016 meeting (refer to Attachment 2, Bells Committee Minutes).

Environmental Implications

Implementation of the Audit recommendations will assist with ongoing efforts to stage the Rip Curl Pro without resulting in any environmental damage. The event has implemented a number of environmental leadership initiatives in the past and SV, WSL and Council are interested in delivering further environmental leadership initiatives in the future. The details of the environmental initiatives are being worked through with SV and WSL. The event will be a Plastic Wise Event in accordance with Council's Plastic Wise Policy.

Communication

Council will continue to update the Bells Beach Committee on implementation of the Audit's recommendations.

Interested community members will be kept informed by updated communications during the staging of the event, and Council's website will be kept up to date.

3.8 Rip Curl Pro Bump In / Bump Out Audit

Conclusion

In response to commitments made in its 2015 approved CMP, Council engaged Otium Planning Group P/L to undertake an audit during the staging of the 2016 Rip Curl Pro. The audit has concluded that SV has developed an event implementation plan that delivers a high quality event on an annual basis meeting all of the criteria of the license. Otium also identified a number of opportunities to potentially increase the efficiency and long term viability of the event. Otium also highlighted an opportunity to reduce safety risks by limiting the ability for surfers/visitors to move through construction site areas and the reduction of trip hazards.

Implementation of the recommendations of the Rip Curl Pro Bump In/Bump Out Audit is underway with a number of changes being incorporated into the staging of the 2017 event. In addition to the Audit recommendations, Council is in discussion with SV and WSL on how the event could build on the current high standards of environmental protection at the reserve and how environmental leadership can be demonstrated at the event.

4. CULTURE & COMMUNITY

4.1 SCS-015 Control of Noise from Recreation Reserves Policy Review

Author's Title: Manager Recreation & Open Space Planning **General Manager:** Chris Pike

Department: Recreation & Open Space Planning **File No:** F12/406

Division: Culture & Community **Trim No:** IC17/14

Appendix:

1. SCS-015 Control of Noise from Recreation Reserves Policy (D17/8189)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider a revised Control of Noise from Recreation Reserves Policy (SCS – 015) for Council approval.

Summary

Council's Control of Noise from Recreation Reserves Policy (SCS-015) was created in August 2011 and was due for review in June 2014. The review has been delayed while the Environment Protection Authority Victoria (EPA) has been undertaking a review of statutory policies and guidelines relating to the management of noise in Victoria which began in 2014.

The policy applies to Council owned and/or managed recreation reserves only. The policy does not apply to land that Council does not own and/or manage (i.e GORCC, PV). In this instance the EPA/State Environment Protection Policy (SEPP) legislation applies under the Environmental Protection Act 1970. Each individual land manager is responsible for upholding this legislation where relevant.

One of the policies being reviewed by the EPA is the State Environment Protection Policy No. N2 – Control of Music Noise from Public Premises (SEPP-N2) with a report to be released early 2018. The report will provide guidelines for local government regarding the control of noise from recreation reserves.

There have been minimal complaints relating to the control of noise from recreation reserves since the implementation of the policy demonstrating that the current policy is working effectively.

Only minor changes to the current Control of Noise from Recreation Reserves Policy have been recommended to assist with compliance of liquor licence legislation and the existing SEPP-N2. It is recommended that a further review of the policy be undertaken by 30 June 2018 after the EPA review of the State Environment Protection Policies for noise in Victoria is complete and report released.

Recommendation

That Council;

1. Adopt the revised Control of Noise from Recreation Reserves Policy as attached at Appendix 1.
2. Note the Control of Noise from Recreation Reserves Policy will be reviewed again by 30 June 2018 after the Environment Protection Authority Victoria (EPA) review of the State Environment Protection Policies (SEPPs) for noise in Victoria is complete.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Martin Duke

That Council;

1. Adopt the revised Control of Noise from Recreation Reserves Policy as attached at Appendix 1.
2. Note the Control of Noise from Recreation Reserves Policy will be reviewed again by 30 June 2018 after the Environment Protection Authority Victoria (EPA) review of the State Environment Protection Policies (SEPPs) for noise in Victoria is complete.

CARRIED 8:0

4.1 SCS-015 Control of Noise from Recreation Reserves Policy Review

Report

Background

Council's Control of Noise from Recreation Reserves Policy (SCS-015) was created in August 2011 and was due for review in June 2014 and has been delayed whilst the Environment Protection Authority Victoria (EPA) have been undertaking a review of statutory policies and guidelines relating to the management of noise in Victoria.

The policy applies to Council owned and/or managed recreation reserves only. The policy does not apply to land that Council does not own and/or manage (i.e GORCC, PV). In this instance the EPA/State Environment Protection Policy (SEPP) legislation applies under the Environmental Protection Act 1970. Each individual land manager is responsible for upholding this legislation where relevant.

A review of the existing Control of Noise from Recreation Reserves Policy has been undertaken by Council's Environmental Health, Events and Recreation and Open Space Planning teams with minor changes recommended.

Discussion

Environment Protection Authority Victoria (EPA) and the Department of Environment, Land, Water and Planning (DELWP) are currently reviewing the following statutory policies and guidelines for the management of noise in Victoria:

- State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1)
- State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)
- EPA guideline: Noise from Industry in Regional Victoria (NIRV).

An initial discussion paper on the policy review for the State Environment Protection Policies (SEPPs) for noise was released in 2014, and the EPA received a number of submissions to this paper from local government authorities. In late 2015 the EPA established the Noise External Reference Group (NERG) to assist in the development of policy options with representatives from eight councils.

During the review it was identified that many Victorian councils experience challenges with the existing noise SEPPs, NIRV and associated guidelines. Specifically, councils raised concerns regarding resource availability and costs, complexities of assessment and enforcement under the noise policies/guidelines and uncertainty around regulatory responsibilities.

In response to these concerns EPA is undertaking a review of each noise policy with a report and guidelines for local government to be released by early 2018.

There have been minimal complaints relating to the control of noise from recreation reserves since the implementation of the policy demonstrating that the current policy is working effectively. Minor improvements have been made to the revised policy to ensure compliance with liquor licence legislation and the SEPP-N2 to ensure the protection of the amenity of residents living adjacent to Council owned and managed recreation reserves from high levels of noise.

It is recommended that a further review of the policy be scheduled for 30 June 2018 after the EPA review of the State Environment Protection Policies for noise in Victoria is complete and report released.

Financial Implications

Not applicable.

Council Plan

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

4.1 SCS-015 Control of Noise from Recreation Reserves Policy Review

Policy/Legal Implications

The revised policy will better assist with compliance of the *Liquor Control Reform Act 1998* and the *State Environment Protection Policy No. N2 – Control of Music Noise from Public Premises (SEPP-N2)*.

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 any recommendations from this report.

Social Considerations

There have been minimal complaints in relation to the control of noise from recreation reserves which demonstrates that the existing policy is working effectively. The revised policy with minor changes will ensure the protection of residents living adjacent to Council owned and managed recreation reserves from high levels of noise.

Community Engagement

Not applicable.

Environmental Implications

There are no environmental implications associated with any recommendations from this report.

Communication

The Control of Noise from Recreation Reserves Policy will be circulated throughout the organisation including distribution to Section 86 Committee's of Management.

Conclusion

The revised Control of Noise from Recreation Reserves Policy will provide an increased level of protection of the amenity of residents living adjacent to Council owned and/or managed recreation reserves from high levels of noise. The policy will provide greater clarity and direction for Councillor's, the organisation and Section 86 Committee's of Management.

4.2 G21 Motocross Land Suitability Assessment

Author's Title: Manager Recreation & Open Space Planning **General Manager:** Chris Pike

Department: Recreation & Open Space Planning **File No:** F14/1532

Division: Culture & Community **Trim No:** IC16/1164

Appendix:

1. Motocross Timeline of Key Events (D16/121373)
2. RLB Motocross Quantity Survey Estimate September 2016 - Option 1 (D16/117574)
3. RLB Motocross Quantity Survey Estimate September 2016 - Option 2 (D16/117573)

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:

Purpose

The purpose of this report is to provide the current status of the G21 Motocross Land Suitability Assessment and recommend a future direction for Council's involvement.

Summary

A confidential G21 Motocross Land Suitability Assessment was commissioned by the City of Greater Geelong in 2016 on behalf of G21 (Geelong Region Alliance). The Assessment was undertaken in response to the recent closure of local motocross facilities and displaced motocross clubs seeking relocation.

The G21 Motocross Land Suitability Assessment has identified 24 potential sites within the G21 region, with six (6) sites being shortlisted for further investigation including two (2) publically owned sites. The four (4) remaining sites are all privately owned and on the market for sale at the time of writing this report. Two (2) of these properties are located within the preferred 30 minute drive time of the CBD. These sites have been recommended for further investigation and range in value from \$800,000 to an estimated \$2.5M to purchase (this excludes site development costs).

The City of Ballarat and City of Wyndham are currently undertaking similar land searches for motorsport. This fact along with the total cost of buying land and developing a new facility at an estimated \$10-15M indicates that a State Government-led solution is required.

Council holds \$190,000 in relation to the former regional facility at McAdam Park and it is recommended that these funds are placed in the Accumulated Unallocated Cash Reserve. Any future requests for Council contributions could be considered on their merits at the appropriate time.

Recommendation

That Council:

1. Note that the G21 Motocross Land Suitability Assessment Project is now complete.
2. Continue contributing to G21 efforts to identify a suitable regional motocross site in a non-financial capacity.
3. Request that G21 call on the State Government to lead and establish a formal collaborative working party between G21 and neighbouring Local Government Areas to further investigate the most viable sites and establish whether funds are available to proceed with a regional motocross facility.
4. Place all funds associated with the former McAdam Park regional motocross facility (\$190,000) in the Accumulated Unallocated Cash Reserve.
5. Consider any future requests from the State Government or other bodies for contributions toward motocross facilities through Council's budget allocation processes.

4.2 G21 Motocross Land Suitability Assessment

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr David Bell

That Council:

1. Note that the G21 Motocross Land Suitability Assessment Project is now complete.
2. Continue contributing to G21 efforts to identify a suitable regional motocross site in a non-financial capacity.
3. Request that G21 call on the State Government to lead and establish a formal collaborative working party between G21 and neighbouring Local Government Areas to further investigate the most viable sites and establish whether funds are available to proceed with a regional motocross facility.
4. Place all funds associated with the former McAdam Park regional motocross facility (\$190,000) in the Accumulated Unallocated Cash Reserve.
5. Consider any future requests from the State Government or other bodies for contributions toward motocross facilities through Council's budget allocation processes.

CARRIED 8:0

4.2 G21 Motocross Land Suitability Assessment

Report

Background

Until very recently Motorcycling Australia Ltd (MA) was the owner and operator of McAdam Park motocross facility and signed an agreement with the Barrabool Hills Community Association to cease motocross activities on the site on 16 December 2015.

Groups using the facility include Sporting Motorcycle Club (SMCC) and Geelong Motocross Club (GMC). SMCC has been operating at McAdam Park since 1963 and so has a long history as a club for off-road riders in the Surf Coast and beyond. The current SMCC membership is approximately 300, well down from a peak of 600. Members are drawn from across the broader G21 region.

The closure of McAdam Park left these groups and the Geelong/Surf Coast Region without a motocross facility.

In 2009 Council committed \$200k to Motorcycling Australia Ltd via a funding agreement to assist with the purchase of McAdam Park and therefore the provision of a regional motocross facility. However, only \$100k was paid by Council with a second \$100k withheld pending the satisfactory completion of conditions within the agreement. This second \$100k was never provided as attention turned to planning compliance matters involving Motorcycling Australia Ltd, Council and the local community.

In December 2014 Council resolved to contribute \$10k of the withheld \$100k toward a regional land assessment study and retain the remaining \$90k pending the outcome of that study. Funding partners in the study included Motorcycling Australia Ltd, State Government and City of Greater Geelong.

With the cessation of motocross activities in 2015, Motorcycling Australia Ltd put the land up for sale and it was sold to private buyers on 16 January 2016. The funding agreement required Motorcycling Australia Ltd to use the land as a regional motorcycling facility and so with its sale Council's initial \$100k investment was returned. This brings Council's available funds for consideration to \$190k.

Discussion

Attachment 1 summarises the actions leading to the closure of the local motocross facilities and the subsequent G21 Motocross Land Suitability Assessment.

In 2016 the G21 Motocross Land Suitability Assessment began. A Project Control Group (PCG) was established to provide high level direction on key issues with representatives from City of Greater Geelong (Project Manager), Surf Coast Shire, Sport & Recreation Victoria, Motorcycling Australia and Motorcycling Victoria. A Project Advisory Group – Motocross Users (PAG-MU) was also established with representation from 5 local motorcycling clubs to provide the opportunity for key stakeholders to have input into the development of the study.

A key component of the study was to determine candidate sites for the establishment of a regional motocross facility. To achieve this the PCG and PAG-MU identified the functional requirements of a regional motocross facility including the site area required, terrain, access, facilities (competition and ancillary), infrastructure, services, club needs and preferred travel time (confirmed as 30 minutes from Geelong CBD).

The land assessment study utilised a number of processes and sources to identify potential candidate sites including public land searches, expression of interest for private land, properties currently on the market and those identified during the consultation process with the PCG and PAG-MU.

Using the major and desirable site criteria a total of 24 potential sites within the G21 region have been identified with six (6) sites being shortlisted for further investigation, including two (2) publically owned sites. The four (4) remaining sites are all privately owned and currently for sale. Two (2) of these properties are located within the preferred 30 minute drive time of the CBD. These sites have been recommended for further investigation and range in value from \$800,000 to \$2.5M to purchase, details of these sites are listed within the confidential report. The report remains confidential as many of the sites are privately owned but were on the market for sale at the time of writing this report.

4.2 G21 Motocross Land Suitability Assessment

Based on the findings to date it is most likely that to secure a site for the establishment of a Regional Motocross Facility that the purchase of private land will be required, in addition, the cost of developing the site with the required infrastructure and facilities will be significantly more than this amount.

There is a detailed action plan provided in the study that summarises the key findings of the Land Suitability Assessment process and details a series of key tasks that need to be implemented to progress the Regional Motocross Facility project. Recommended timeframes are also provided and these tasks are reflected in the recommendation of this report.

Current Provision

Within the G21 region and adjoining local government areas there are a number of motorcycle sport providers and facilities. These include dedicated trail bike riding trails within The Otways (70km loop), Colac Motorcycle Club in Barongarook, Bacchus Marsh Motocross Club (not affiliated with Motorcycling Victoria) and a commercially operated motocross track located at Parwan (near Bacchus Marsh and not affiliated with Motorcycling Victoria). There is also a motocross track located at Laverton North within the City of Wyndham. This facility is not currently operational however it was proposed to be re-opened for community use during 2016.

The PAG-MU have identified that if a regional facility is established, that it is desirable that existing motorcycling facilities (as identified above) are retained to meet immediate needs and requirements and no rationalisation of facilities would occur. Specifically, this would allow for junior rider development, recreational riding and assist in managing illegal access to public land by motorcycle riders.

If further site investigations do not identify a suitable location for a regional motocross facility, the PAG-MU have requested the provision of a standalone club house (without a track) for displaced motorcycle club members to be considered.

City of Ballarat and City of Wyndham Land Searches

The City of Ballarat has been investigating the concept of developing a motor industry and events hub within their local government area. A Feasibility Study was prepared in 2015 along with a land and site assessment process which identified a number of locations for further detailed investigation, these locations have not been made public to avoid property speculation and undue pressure on land owners or the City of Ballarat.

The concept of the motor industry and events hub is broader in scope than what is being proposed within the G21 region for motorcycle sport. Ongoing discussions have been held with representatives of the PCG and the Ballarat City Council staff about the opportunity to work collaboratively on identifying a suitable site which could meet the motorsport (including regional motorcycle sport) needs of the City of Ballarat and the G21 region.

The City of Wyndham is in the process of finalising a Hard-to-Locate Sports Strategy which has identified the need to provide for existing and future hard-to-locate sports including motorsport. There is the potential for the G21 to work collaboratively with City of Wyndham and City of Ballarat to determine a regional solution for motorsport.

Financial Implications

There is no clarity about the funds that may be available from other partners in the land study to put towards a new regional facility.

Upon the sale of McAdam Park Motorcycling Australia Ltd has had to repay amounts to Council and the State Government and their willingness or ability to provide future funding is not known.

The State Government's intentions are unclear.

The City of Greater Geelong has resolved to return its commitment of \$638k to consolidated revenue if insufficient funding is available to deliver a new facility.

Council holds \$190k in relation to a regional facility but it is not recommended to continue to ring-fence this amount.

4.2 G21 Motocross Land Suitability Assessment

Cost estimates undertaken through a Quantity Survey by Rider Levett Bucknall (Attachment 2 and 3) have identified that, excluding land purchase, the cost to construct a regional level motocross facility would be \$9M - \$11M. The cost of land is estimated to be between \$800k and \$2.5M.

The G21 Land Suitability Assessment recommends further investigation of the best prospect sites will be required. Funds would be required for acoustic testing/assessment and potential flora/fauna investigations if these are carried out.

Council Plan

Theme 2 Governance

Objective 2.6 Advocate on behalf of our community

Strategy 2.6.3 Influence decision makers to secure positive outcomes for the community

Theme 3 Communities

Objective 3.3 Preservation of peaceful, safe and healthy environments

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

Policy/Legal Implications

Council does not have a policy position in relation to motocross.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report are known to have a direct or indirect interest in matters to which this report relates.

Risk Assessment

Should an alternative location for motocross not be found within the region it may lead to an influx of illegal off road riders, an increase in at risk behaviours and potential environmental degradation. Evidence shows that this occurs in a number of public areas and poses significant risk to community, riders and flora and fauna.

Social Considerations

Experiences in Geelong and Surf Coast show that noise associated with the sport presents a challenge for locating suitable sites.

Motocross facilities are a place of community like any other sport, albeit they draw participants from a wide geographic area extending well outside the Shire boundaries.

Community Engagement

The G21 Motocross Land Suitability Assessment has been driven by a Project Control Group (PCG) whose role was to provide high-level direction on key issues and approve draft and final reports. A Project Advisory Group – Motocross Users (PAG-MU) was also established to provide an opportunity for key stakeholders (those not already engaged in the PCG) to have input into the development of the study.

As part of the process an emphasis was placed on stakeholder engagement and consultation including ongoing engagement with:

- G21 Local Government Representatives
- State Government Agency Representatives (e.g. Sport and Recreation Victoria)
- Local Motorcycle Clubs (Sporting Motorcycle Club, Geelong Motocross Club, Otways Trail Riders, Colac Motorcycle Club and Meredith Motorcycle Club)
- Motorcycling Victoria
- Motorcycling Australia
- City of Ballarat and City of Wyndham
- Land Owners and Managers (public and private)

Environmental Implications

Should desktop investigations indicate that potential sites may serve as a habitat for significant flora and fauna species of State and Commonwealth significance, detailed audits will be required.

At a minimum, this will require further seasonally based investigations over a 12 month period and potential referrals under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* and the *State Flora and Fauna Guarantee Act 1988*.

4.2 G21 Motocross Land Suitability Assessment

Environment Protection Authority (EPA) Victoria is the State's independent environmental regulator. Under the powers of the Environment Protection Act 1970, EPA is responsible for protecting the environment from noise pollution.

The best prospect sites identified in the G21 Motocross Land Suitability Assessment will require acoustic testing and assessment to ensure the long term sustainability of the site.

Communication

Land study partners and clubs will be advised of Council's resolution following the Council meeting.

Conclusion

A regional motocross facility would, at this time, seem the option most likely to provide participation opportunities for Surf Coast motocross riders in the long-term. Council has joined key funding partners in undertaking a comprehensive G21 Motocross Land Suitability Assessment to identify potential sites for the sport.

A total of 24 potential sites within the G21 region have been identified with six (6) sites being shortlisted for further investigation, including two (2) publically owned sites. The four (4) remaining sites are all privately owned and currently for sale. Two (2) of these properties are located within the preferred 30 minute drive time of the CBD. These sites have been recommended for further investigation and range in value from \$800,000 to \$2.5M to purchase (excluding site development costs).

The City of Ballarat and City of Wyndham are currently undertaking similar land searches for motorsport. This fact along with the total cost of buying land and developing a new facility at an estimated \$10-15M indicates that a State Government-led solution is required.

The Land Suitability Assessment achieved its project goal including establishing a prioritised land suitability map for motocross in the G21 region and is now complete. With the support of G21 it is now time to advocate for the State Government to lead and establish a formal collaborative working party to further investigate best prospect sites and identify whether funds are available to support the purchase of land and build a regional motocross facility.

Council holds \$190,000 in relation to the former regional facility at McAdam Park and it is recommended that these funds are placed in the Accumulated Unallocated Cash Reserve. Any future requests for Council contributions could be considered on their merits at the appropriate time.

5. MINUTES

5.1 Advisory Committee Minutes

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC16/1362

Appendix:

1. Bells Beach Committee Minutes - 18 April 2016 (D16/131076)
2. Bells Beach Committee Minutes - 1 August 2016 (D16/131062)
3. Audit and Risk Committee Minutes - 29 November 2016 (D16/126825)
4. Council Report Planning Committee Minutes - 12 December 2016 (D16/126111)
5. All Abilities Advisory Committee Minutes - 13 December 2016 (D17/3510)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the minutes of the Advisory Committee meetings as appended.

Summary

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

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

Recommendation

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

1. Bells Beach Committee - 18 April 2016
2. Bells Beach Committee - 1 August 2016
3. Audit and Risk Committee - 29 November 2016
4. Council Report Planning Committee Meeting - 12 December 2016
5. All Abilities Advisory Committee Minutes – 13 December 2016

Council Resolution

MOVED Cr Margot Smith, Seconded Cr David Bell

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

1. Bells Beach Committee - 18 April 2016
2. Bells Beach Committee - 1 August 2016
3. Audit and Risk Committee - 29 November 2016
4. Council Report Planning Committee Meeting - 12 December 2016
5. All Abilities Advisory Committee Minutes – 13 December 2016

CARRIED 8:0

6. ASSEMBLIES OF COUNCILLORS

6.1 Assemblies of Councillors

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC16/1366

Appendix:

1. Assembly of Councillors - Event Grant Synopsis Presentation - 13 December 2016 (D16/127341)
2. Assembly of Councillors - Workplace Health & Safety Induction - 13 December 2016 (D16/128938)
3. Assembly of Councillors - Council Briefing - 13 December 2016 (D17/7027)
4. Assembly of Councillors - Council Agenda Review - 13 December 2016 (D17/7024)
5. Assembly of Councillors - Council Plan Workshop – Day 1 - 15 December 2016 (D17/7025)
6. Assembly of Councillors - Council Plan Workshop – Day 2 - 16 December 2016 (D17/7028)
7. Assembly of Councillors - Council Briefing - 17 January 2017 (D17/7017)

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:

1. Event Grant Synopsis Presentation - 13 December 2016
2. Workplace Health & Safety Induction - 13 December 2016
3. Council Briefing Meeting- 13 December 2016
4. Council Briefing Agenda Review - 13 December 2016
5. Council Plan Workshop - Day 1 - 15 December 2016
6. Council Plan Workshop - Day 2 - 16 December 2016
7. Council Briefing Meeting - 17 January 2017

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Carol McGregor

That Council receive and note the Assembly of Councillors records for the following meetings:

1. Event Grant Synopsis Presentation - 13 December 2016
2. Workplace Health & Safety Induction - 13 December 2016
3. Council Briefing Meeting- 13 December 2016
4. Council Briefing Agenda Review - 13 December 2016
5. Council Plan Workshop - Day 1 - 15 December 2016
6. Council Plan Workshop - Day 2 - 16 December 2016
7. Council Briefing Meeting - 17 January 2017

CARRIED 8:0

7. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION

Nil

8. CLOSED SECTION

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Margot Smith

That Council pursuant to section 89(2)(h) other matters of the Local Government Act 1989, close the meeting at 6.47pm to members of the public to resolve on matters pertaining to the following item:

8.1 Assemblies of Councillors

CARRIED 8:0

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Martin Duke

That:

1. The resolution and report pertaining to Confidential item 8.1 remains Confidential.
2. Council open the meeting to the public at 6.49pm.

CARRIED 8:0

Close: There being no further items of business the meeting closed at 6.50pm.