



Agenda

Ordinary Meeting of Council
Wednesday, 26 April 2017

To be 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

AGENDA FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON WEDNESDAY 26 APRIL 2017 COMMENCING AT 6.00PM

PRESENT:

OPENING:

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

PLEDGE:

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

APOLOGIES:

CONFIRMATION OF MINUTES:

Recommendation

That Council note the minutes of the Ordinary meeting of Council held on 28 March 2017, and the Special meeting of Council held on 11 April 2017, as correct records of the meetings.

LEAVE OF ABSENCE REQUESTS:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

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

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

A person has a direct interest if:

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

A person has an indirect interest if the person has:

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

Disclosure of Interest

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

PRESENTATIONS:

PUBLIC QUESTION TIME:

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1. OFFICE OF THE CEO

Nil

2. GOVERNANCE & INFRASTRUCTURE

2.1 Project Budget Adjustments and Cash Reserve Transfer - April 2017

Author's Title: Manager Finance

General Manager: Anne Howard

Department: Finance

File No: F16/1381

Division: Governance & Infrastructure

Trim No: IC17/366

Appendix:

1. Project Budget Adjustments and Cash Reserve Transfers - April 2017 (D17/44155) [↓](#)

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 approve the Project Budget Adjustments and Cash Reserve Transfers report for April 2017.

Summary

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

Recommendation

That Council approves the Project Budget Adjustments and Cash Reserve Transfers listed in the April 2017 report:

1. Allocating funded project budgets (no cost to Council).
2. Transferring a net of \$4,018 (funds movements < \$5,000) to projects from the Accumulated Unallocated Cash Reserve
3. Transferring a net of \$65,826 (funds movements > \$5,000) from projects to the Accumulated Unallocated Cash Reserve.
4. Transferring a net of \$13,000 to from the Adopted Strategy Implementation Reserve from projects.

2.1 Project Budget Adjustments and Cash Reserve Transfer - April 2017

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 April 2017.

2.1 Project Budget Adjustments and Cash Reserve Transfer - April 2017

APPENDIX 1 PROJECT BUDGET ADJUSTMENTS AND CASH RESERVE TRANSFERS - APRIL 2017

April Project Budget Adjustments and Cash Reserve Transfers Report

Request for Funds Transfer

No Cost to Council

This table reflects changes to project budgets through consolidation of project delivery, additional income or budget adjustments directly to projects

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
4940.9622	Aireys Inlet Tennis Courts Resurfacing	Finalising budget in line with project scope agreed with Club.	57,827	49,820	8,007
4990.9622	Aireys Inlet Tennis Courts Resurfacing (income)	Finalising budget in line with project scope agreed with Club.	(57,827)	(49,820)	(8,007)
4920.9475	Construct an Early Learning Centre in Torquay North (CYO1b)	Administrative apportionment between Capital Expenditure and Operational Expenditure aspects of the KMCC project	3,012,673	2,962,673	50,000
2048.8573	Torquay North Early Learning Centre Operational Model	Administrative apportionment between Capital Expenditure and Operational Expenditure aspects of the KMCC project	24,000	74,000	(50,000)
Grand Total			3,036,673	3,036,673	0

Funds Movement < \$5,000

Accumulated Unallocated Cash Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
4930.9540	Bellbrae Drainage and Streetscape Improvements	Unforeseen costs have been identified after project delivery. Additional budget required to cover costs before project can be closed.	248,400	252,418	(4,018)
Grand Total			248,400	252,418	(4,018)

Funds Movement > \$5,000

Accumulated Unallocated Cash Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8445	HACC Minor Capital	Returning funds not required to Accumulated Unallocated Cash. Acquittals were complete noting Council's expenditure in related programs.	128,183	62,357	65,826
Grand Total			128,183	62,357	65,826

Reserve Transfers

Adopted Strategy Implementation Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
2358.8622	Growing Adventure Tourism G21 Project Contribution	Transfer project funds to the Adopted Strategy Implementation Reserve as project unable to proceed until Parks Victoria and Great Ocean Road Coast Committee commit funding. Potential for this to occur in 2017/18.	23,000	0	23,000
2358.8505	Winchelsea Community Clubs Asset Relocation	Funds required to relocate Winchelsea Gun Club and Kart Club assets to pre-agreed locations. Project is commencing.	0	10,000	(10,000)
Grand Total			23,000	10,000	13,000

Accumulated Unallocated Cash Reserve

	\$
Opening balance 1 July 2016	3,666,490
Approved movements in reserve:	
Digital Transformation	(1,000,000)
July 2016 Council Meeting Resolution (In Camera)	(5,000)
August 2016	(159,000)
August 2016 Council Meeting Resolution	(27,400)
September 2016 Council Meeting Resolution	(225,000)
September 2016 Council Meeting Resolution	(21,000)
November 2016	(18,612)
November 2016 Council Meeting Resolution	(10,000)
December 2016	(22,500)
December 2016 Council Meeting Resolution (In Camera)	150,000
January 2017	(88,500)
January Council Meeting Resolution	190,000
February 2017	(18,141)
March 2017	234,222
Closing Balance Approved Movements	<u>2,411,337</u>
Proposed movements April Report	61,808
Proposed closing balance	<u>2,473,145</u>

2.2 December 2016 Quarterly Finance Report

Author's Title: Manager Finance

General Manager: Anne Howard

Department: Finance

File No: F16/1381

Division: Governance & Infrastructure

Trim No: IC17/377

Appendix:

1. December 2016 Quarterly Finance Report (D17/5557) [↓](#)

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 December 2016 Quarterly Finance Report.

Summary

The December 2016 Quarterly Finance report includes the Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Changes in Equity and Statement of Capital Works.

Recommendation

That Council notes the financial results for the 6 months ended 31 December 2016.

2.2 December 2016 Quarterly Finance Report

Report

Background

Council reports quarterly on its financial results in accordance with section 138 of the Local Government Act.

Discussion

Quarterly financial statements that are included with the attached report include:

- Comprehensive Income Statement:
 - Comparison of Council's actual versus budget income and revenue for the quarter ending 31 December 2016,
- Balance Sheet:
 - Comparison of Council's assets and liabilities as at 31 December 2016,
- Statement of Cash Flows:
 - Statement of cash flows related to Council operations and activities, and reconciliation to Council's total cash holdings for the quarter ending 31 December 2016,
- Statement of Changes in Equity:
 - Council's equity position as at 31 December 2016,
- Statement of Capital Works:
 - Statement of Council's capital works expenditure for the quarter ending 31 December 2016.

Council's year to date net surplus is \$30.9 million, which is \$7.4 million ahead of budget. This is mainly due to the timing of asset contributions by developers and the timing of costs related to materials and services.

Financial Implications

Council is on track to deliver its full year budget.

Council Plan

Theme 2 Governance
Objective 2.4 Transparency in decision making and access to information
Strategy 2.4.2 Provide relevant and easy to understand financial information to the community.

Policy/Legal Implications

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

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

The Quarterly Finance Report fulfils this requirement.

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

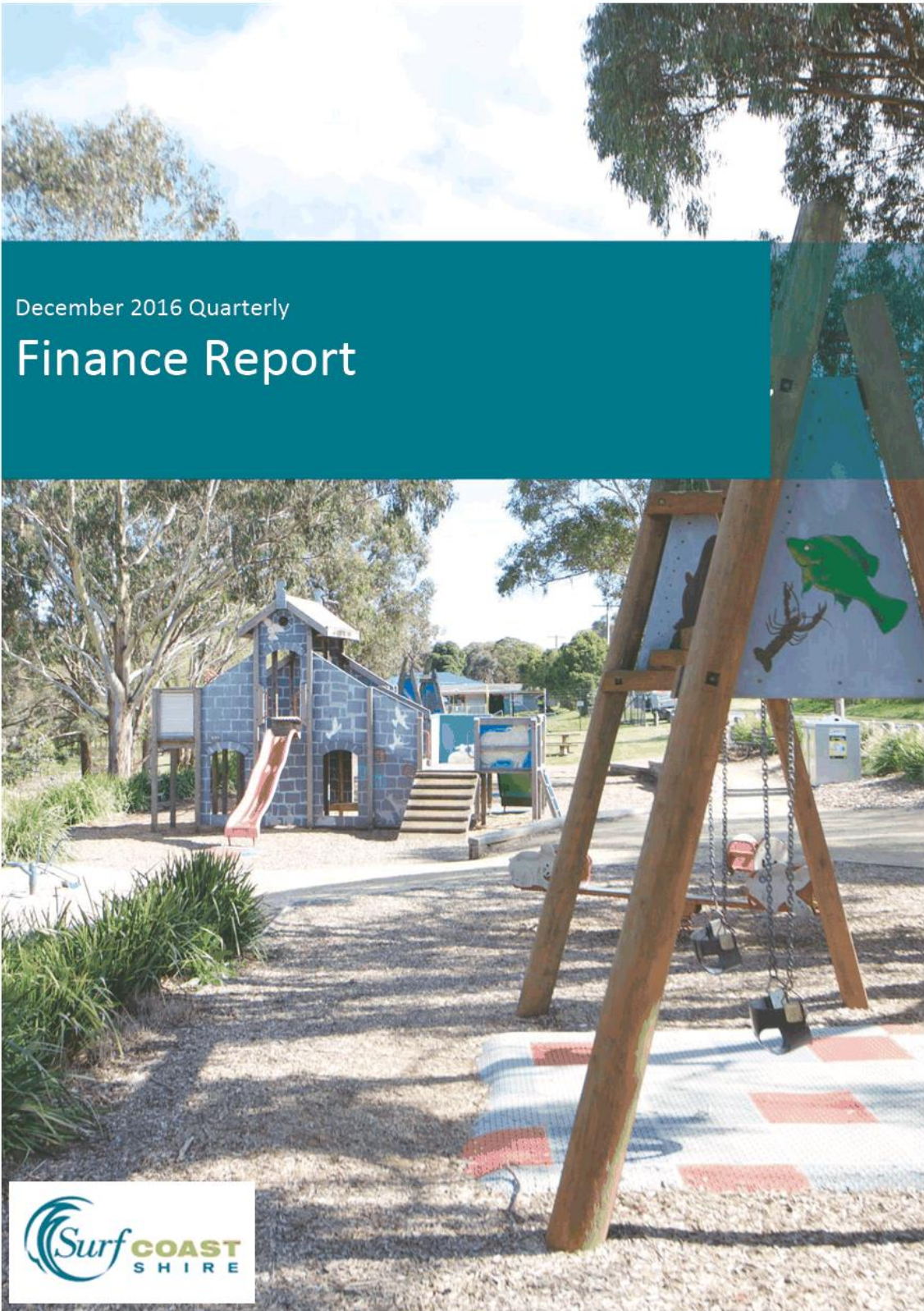
Not Applicable.

Conclusion

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

2.2 December 2016 Quarterly Finance Report

APPENDIX 1 DECEMBER 2016 QUARTERLY FINANCE REPORT



December 2016 Quarterly
Finance Report



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1 Comprehensive Income Statement

For the quarter ended 31 December 2016

Notes	YTD	YTD	Annual	Variances		Variances	
	Actuals	Budget	Budget	Actual v	Actual v	Actual v	Actual v
	\$'000	\$'000	\$'000	YTD Budget	%	Annual Budget	%
Income							
Rates and charges	47,577	47,496	47,837	81	0%	(260)	(1%)
Statutory fees and fines	732	678	1,525	54	8%	(793)	(52%)
User charges	2,896	2,920	5,771	(24)	1%	(2,875)	(50%)
Grants - Operating	1 4,111	3,832	7,526	279	7%	(3,415)	(45%)
Grants - Capital	2 1,153	666	2,509	487	73%	(1,356)	(54%)
Contributions - monetary	1,338	1,307	2,693	31	2%	(1,355)	(50%)
Contributions - non-monetary assets	3 1,952	-	7,840	1,952	0%	(5,888)	(75%)
Other Income	538	396	792	142	36%	(254)	(32%)
Total Income	60,296	57,294	76,493	3,003	5%	(16,197)	(21%)
Expenses							
Employee costs	4 13,182	13,428	27,567	245	2%	14,385	52%
Materials and services	5 9,802	13,251	26,237	3,449	26%	16,435	63%
Bad and doubtful debts	29	41	79	12	29%	51	64%
Depreciation	5,434	5,669	11,338	235	4%	5,904	52%
Borrowing costs	532	537	1,077	5	1%	545	51%
Asset write offs	3	-	1,243	(3)	0%	1,240	100%
Net loss/(gain) on disposal of property infrastructure, plant and equipment	6 (73)	323	83	397	123%	157	188%
Other Expenses	486	550	1,103	64	12%	617	56%
Total expenses	29,395	33,799	68,728	4,404	13%	39,333	57%
Surplus/(deficit) for the year	30,902	23,495	7,766	7,407	32%	23,136	298%
Other Comprehensive Income							
Items that will not be reclassified to surplus or deficit in future periods							
Net asset revaluation increment	-	-	6,385	-	0%	6,385	100%
Total Comprehensive Result	30,902	23,495	14,151	7,407	32%	16,751	118%

1. Grants - Operating, variance mainly relates to timing; Commonwealth Aged and Family Services payment schedule bought forward.
2. Grants - Capital, variance mainly due to timing, including Anglesea Kinder Design (\$175k) budgeted in 2015/16 and received in 2016/17
3. Contributions - non-monetary assets, variance mainly due to timing of developers granting assets to Council earlier than budgeted.
4. Employee costs, variance mainly relates to timing.
5. Materials and Services, variance mainly relates to timing.
6. Net loss/(gain) on disposal of assets, variance mainly due to timing of asset sales

2 Balance Sheet

As at 31 December 2016

Notes	YTD	YTD	Annual	Variances		Variances		
	Actuals	Budget	Budget	Actual v	YTD Budget	Actual v	Annual Budget	
	\$'000	\$'000	\$'000	\$'000	%	\$'000	%	
Assets								
Current assets								
	1	12,069	9,698	3,041	2,371	24%	9,028	297%
	2	23,649	28,692	4,655	(5,044)	18%	18,993	408%
	3	28,100	12,250	12,250	15,850	129%	15,850	129%
		232	287	287	(56)	19%	(56)	19%
		281	194	318	87	44%	(37)	12%
	4	470	-	-	470	0%	470	0%
		64,800	51,122	20,552	13,679	27%	44,248	215%
Non current assets								
		117	201	138	(84)	42%	(22)	16%
		1,000	1,500	1,500	(500)	33%	(500)	33%
	5	456,668	406,879	424,798	49,788	12%	31,870	8%
		537	580	580	(43)	7%	(43)	7%
		458,321	409,160	427,016	49,161	12%	31,305	7%
		523,121	460,282	447,568	62,840	14%	75,553	17%
Liabilities								
Current liabilities								
	6	3,064	3,912	3,218	848	22%	154	5%
		1,730	1,323	1,323	(407)	31%	(407)	31%
		7,657	7,639	9,178	(19)	0%	1,521	17%
		344	325	748	(20)	6%	404	54%
		85	-	-	(85)	0%	(85)	0%
		12,880	13,199	14,467	318	2%	1,587	11%
Non current liabilities								
	7	12,046	11,211	8,180	(835)	7%	(3,866)	47%
		14,937	14,937	15,188	-	0%	252	2%
		26,983	26,148	23,368	(835)	3%	(3,615)	15%
		39,863	39,347	37,836	(517)	1%	(2,028)	5%
		483,258	420,935	409,733	62,323	15%	73,525	18%
Equity								
		228,219	218,095	202,896	10,125	5%	25,323	12%
		236,349	184,425	190,810	51,924	28%	45,539	24%
		18,690	18,416	16,027	274	1%	2,663	17%
		483,258	420,935	409,733	62,323	15%	73,525	18%

- Higher cash and cash equivalents due to timing variances in revenue and expenditure.
- Trade and other receivables variance mainly due to lower 2016/17 opening balance, lower infringement debtors, and timing variances.
- Other financial assets variance mainly due to higher 2016/17 opening balance.
- Other Assets actuals include pre-paid expenses and accrued revenue, which was included in trade and other receivables in budget.
- Property, infrastructure plant & equipment variance mainly due to higher 2016/17 opening balance (post asset revaluation 30/06/16).
- Trade and other payables variance mainly due to lower creditors balance, due to timing variances in expenditure.
- Provisions variance mainly due to higher 2016/17 opening balance.

3 Statement of Cash Flows

For the quarter ended 31 December 2016

Notes	YTD	YTD	Annual	Variances		Variances	
	Actuals	Budget	Budget	Actual v	Actual v	Actual v	Actual v
	\$'000	\$'000	\$'000	YTD Budget	%	Annual Budget	%
Cash flow from operating activities							
Rates and charges	26,761	23,582	47,795	3,180	13%	(21,033)	44%
Grants	5,347	4,656	10,192	691	15%	(4,845)	48%
Contributions	1,338	3,977	2,693	(2,639)	66%	(1,355)	50%
Interest received	763	248	792	516	208%	(29)	4%
User charges and statutory fees	3,381	4,807	7,700	(1,427)	30%	(4,319)	56%
Net GST refund/payment	1,105	1,963	4,140	(858)	44%	(3,035)	73%
Employee costs	(13,342)	(14,809)	(27,454)	1,466	10%	14,111	51%
Materials and Services	(11,809)	(18,517)	(33,403)	6,707	36%	21,594	65%
Deposits received/(refunded)	59	-	-	59	0%	59	0%
Other Payments	-	-	(1,290)	-	0%	1,290	100%
Net cash provided from operating activities	13,602	5,907	11,165	7,695	130%	2,437	22%
Cash Flows from investing activities							
Proceeds from sale of property, plant & equipment	156	209	587	(53)	25%	(431)	73%
Payments for property, plant, equipment & infrastructure assets	(3,350)	(6,276)	(18,197)	2,926	47%	14,847	82%
Cash Flows from investing activities	(4,500)	-	-	(4,500)	0%	(4,500)	0%
Net cash used in investing activities	(7,694)	(6,067)	(17,610)	(1,627)	27%	9,916	56%
Cash flows from financing activities							
Finance costs	(532)	(32)	(1,077)	(501)	1580%	545	51%
Proceeds from interest bearing loans and borrowings	-	-	1,000	()	100%	(1,000)	100%
Repayment of interest bearing loans and borrowings	(284)	(304)	(628)	20	6%	344	55%
Net cash provided from financing activities	(816)	(335)	(706)	(481)	144%	(111)	16%
Net increase/(decrease) in cash & cash equivalents held	5,092	(495)	(7,151)	5,586	1129%	12,243	171%
Cash & cash equivalents at the beginning of the period	6,977	10,192	10,192	(3,215)	32%	(3,215)	32%
Cash & cash equivalents at the end of the period	12,069	9,698	3,041	2,371	24%	9,028	297%
Investments (current and non-current financial assets)	29,100	13,750	13,750	15,350	112%	15,350	112%
Total cash & investments at the end of the period	41,169	23,448	16,791	17,721	76%	24,378	145%

1. The forecast opening balance of cash & investments used in the budget is \$7.6m lower than the actual cash balance.

4 Statement of Changes in Equity

As at 31 December 2016

Notes	YTD	YTD	Annual	Variances		Variances	
	Actuals	Budget	Budget	Actual v	Actual v	Actual v	Actual v
	\$'000	\$'000	\$'000	\$'000	%	\$'000	%
Equity Opening Balance	452,356	395,582	395,582	56,774	14%	56,774	14%
Surplus for the Year	30,902	23,495	7,766	7,407	32%	23,136	298%
Net Asset Revaluation	-	-	6,385	-	0%	(6,385)	(100%)
Total Equity	483,258	419,077	409,733	64,181	15%	73,525	18%

5 Statement of Capital Works

As at 31 December 2016

Notes	YTD	YTD	Annual	Variances		Variances		
	Actuals	Budget	Budget	Actual v	YTD Budget	Actual v	Annual Budget	
	\$'000	\$'000	\$'000	\$'000	%	\$'000	%	
Capital Works								
Land	-	-	850	-	0%	850	100%	
Buildings	1	473	1,614	3,587	1,141	71%	3,114	87%
Plant, machinery & equipment		29	483	1,074	454	94%	1,044	97%
Computers & Telecomms		47	203	450	155	77%	403	90%
Fixtures, Fitting & Furniture		2	9	20	7	74%	18	88%
Roads	2	1,014	2,606	5,791	1,592	61%	4,777	82%
Bridges		37	20	45	(17)	84%	8	17%
Footpaths & Cycleways		321	218	483	(104)	48%	162	33%
Drainage		278	293	650	14	5%	372	57%
Parks, Open Space & Streetscapes	3	277	1,503	3,274	1,225	82%	2,996	92%
Recreation, Leisure & Communities		1,063	411	912	(652)	159%	(151)	17%
Expensed Capital Works	4	210	1,847	4,574	1,637	89%	4,364	95%
Landfill Provision		156	1,018	2,622	862	85%	2,465	94%
Contingency (excl. Expensed Capital Works)		-	-	1,061	-	0%	1,061	100%
Total Capital Works	5	3,909	10,223	25,392	6,315	62%	21,484	85%
Represented by:								
Renewal		1,062	2,733	6,216	1,671	61%	5,154	83%
Upgrade		639	1,727	3,925	1,089	63%	3,287	84%
Expansion		-	-	-	-	0%	-	0%
New		1,649	2,869	8,056	1,219	43%	6,407	80%
Expensed Capital Works		403	1,876	4,574	1,474	79%	4,171	91%
Landfill Provision Works		156	1,018	2,622	862	85%	2,465	94%
Total Capital Works		3,909	10,223	25,392	6,315	62%	21,484	85%

1. Kurrabee Myaring Centre project budgeted over four quarters but to be mainly expended in second half of year.
2. Cape Otway Rd widening project budgeted over four quarters but to be mainly expended in second half of year.
3. Grenville oval road and carpark project budgeted over four quarters but to be mainly expended in second half of year.
4. Anglesea Landfill projects to be delivered in second half of the financial year.
5. Generally all project spend variations are only timing and spending of carry forward of unspent budgeted funds.

2.3 March 2017 Quarterly Finance Report

Author's Title: Manager Finance

General Manager: Anne Howard

Department: Finance

File No: F16/1381

Division: Governance & Infrastructure

Trim No: IC17/369

Appendix:

1. March 2017 Quarterly Finance Report (D17/44283) [↓](#)

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 March 2017 Quarterly Finance Report.

Summary

The March 2017 Quarterly Finance report includes the Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Changes in Equity and Statement of Capital Works.

Recommendation

That Council notes the financial results for the 9 months ended 31 March 2017.

2.3 March 2017 Quarterly Finance Report

Report

Background

Council reports quarterly on its financial results in accordance with section 138 of the Local Government Act.

Discussion

Quarterly financial statements that are included with the attached report include:

- Comprehensive Income Statement:
 - Comparison of Council's actual versus budget income and revenue for the quarter ending 31 March 2017,
- Balance Sheet:
 - Comparison of Council's assets and liabilities as at 31 March 2017,
- Statement of Cash Flows:
 - Statement of cash flows related to Council operations and activities, and reconciliation to Council's total cash holdings for the quarter ending 31 March 2017,
- Statement of Changes in Equity:
 - Council's equity position as at 31 March 2017,
- Statement of Capital Works:
 - Statement of Council's capital works expenditure for the quarter ending 31 March 2017.

Council's year to date net surplus is \$28.4 million, which is \$14.1 million ahead of budget. This is mainly due to the timing of asset contributions by developers and the timing of costs related to materials and services.

Financial Implications

Council is on track to deliver its full year budget.

Council Plan

Theme 2 Governance

Objective 2.4 Transparency in decision making and access to information

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

Policy/Legal Implications

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

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

The Quarterly Finance Report fulfils this requirement.

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

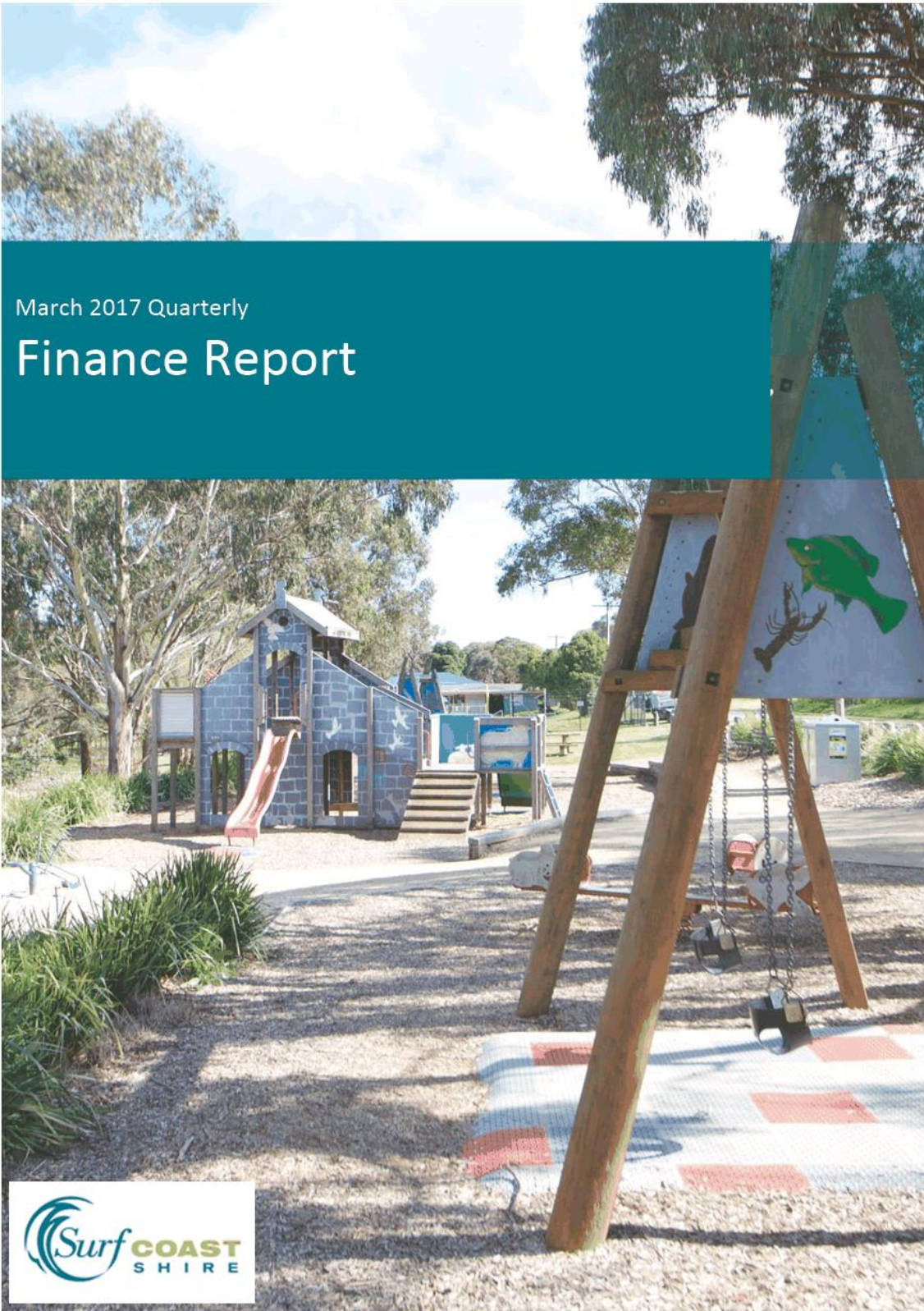
Not Applicable.

Conclusion

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

2.3 March 2017 Quarterly Finance Report

APPENDIX 1 MARCH 2017 QUARTERLY FINANCE REPORT



March 2017 Quarterly
Finance Report



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1 Comprehensive Income Statement

For the quarter ended 31 March 2017

Notes	YTD	YTD	Annual	Variances		Variances	
	Actuals	Budget	Budget	Actual v	Actual v	Actual v	Actual v
	\$'000	\$'000	\$'000	YTD Budget	%	Annual Budget	%
Income							
Rates and charges	47,700	47,578	47,837	123	0%	(137)	0%
Statutory fees and fines	1,299	1,154	1,525	145	13%	(226)	15%
User charges	4,555	4,533	5,771	22	0%	(1,216)	21%
Grants - Operating	1 5,830	5,606	7,526	224	4%	(1,697)	23%
Grants - Capital	2 2,270	1,716	2,509	554	32%	(239)	10%
Contributions - monetary	3 2,584	1,957	2,693	627	32%	(109)	4%
Contributions - non-monetary assets	4 7,561	-	7,840	7,561	0%	(279)	4%
Other Income	861	594	792	267	45%	69	9%
Total Income	72,661	63,137	76,493	9,524	15%	(3,833)	5%
Expenses							
Employee costs	5 19,413	19,760	27,567	348	2%	8,154	30%
Materials and services	6 15,170	18,827	26,237	3,657	19%	11,067	42%
Bad and doubtful debts	66	61	79	(5)	8%	13	17%
Depreciation	8,097	8,504	11,338	406	5%	3,241	29%
Borrowing costs	797	806	1,077	9	1%	280	26%
Asset write offs	69	-	1,243	(69)	0%	1,174	94%
Net loss/(gain) on disposal of property	(157)	89	83	246	277%	241	289%
Infrastructure, plant and equipment							
Other Expenses	791	816	1,103	25	3%	311	28%
Total expenses	44,246	48,864	68,728	4,618	9%	24,482	36%
						-	
Surplus/(deficit) for the year	28,414	14,273	7,766	14,141	99%	20,649	266%
Other Comprehensive Income							
Items that will not be reclassified to surplus or deficit in future periods							
Net asset revaluation increment	7 14,758	-	6,385	(14,758)	0%	(8,374)	131%
Total Comprehensive Result	43,173	14,273	14,151	28,900	202%	29,022	205%

1. Grants - Operating, variance mainly relates to timing; Commonwealth Aged and Family Services payment schedule bought forward.
2. Grants - Capital, variance mainly due to timing and receipts of grants not in the adopted budget.
3. Contributions - monetary, variance mainly due to receipt of funds not in the adopted budget.
4. Contributions - non-monetary assets, variance mainly due to timing of developers granting assets to Council earlier than budgeted.
5. Employee costs, variance mainly relates to timing.
6. Materials and Services, variance mainly relates to timing.
7. Land revaluation processed as at 31 December 2016.

2 Balance Sheet

As at 31 March 2017

Notes	YTD	YTD	Annual	Variances		Variances	
	Actuals	Budget	Budget	Actual v	%	Actual v	%
	\$'000	\$'000	\$'000	YTD Budget		Annual Budget	
Assets							
Current assets							
Cash and cash equivalents	1	12,154	8,585	3,041	3,569	42%	300%
Trade and other receivables	2	13,002	15,743	4,655	(2,741)	17%	179%
Other financial assets	3	28,100	12,250	12,250	15,850	129%	129%
Inventories		232	287	287	(56)	19%	19%
Non-current assets classified as held for sale		281		318	281	78055456%	12%
Other assets	4	446	-	-	446	0%	0%
Total current assets		54,215	36,866	20,552	17,349	47%	164%
Non current assets							
Trade and other receivables		86	201	138	(114)	57%	38%
Other financial assets		1,000	1,500	1,500	(500)	33%	33%
Property, infrastructure plant & equipment	5	478,624	407,432	424,798	71,192	17%	13%
Investments in associates and joint ventures		537	580	580	(43)	7%	7%
Total non current assets		480,247	409,713	427,016	70,535	17%	12%
Total assets		534,462	446,578	447,568	87,884	20%	19%
Liabilities							
Current liabilities							
Trade and other payables	6	1,691	1,901	3,218	210	11%	47%
Trust funds and deposits		2,828	1,323	1,323	(1,505)	114%	114%
Provisions		7,138	7,186	9,178	48	1%	22%
Interest bearing liabilities		165	165	748	()	0%	78%
Other Liabilities		85	-	-	(85)	0%	0%
Total current liabilities		11,907	10,575	14,467	(1,332)	13%	18%
Non current liabilities							
Provisions	7	12,090	11,211	8,180	(879)	8%	48%
Interest bearing liabilities		14,937	14,937	15,188	-	0%	2%
Total non current liabilities		27,026	26,148	23,368	(879)	3%	16%
Total liabilities		38,933	36,723	37,836	(2,210)	6%	3%
Net assets		495,529	409,855	409,733	85,674	21%	21%
Equity							
Accumulated surplus		226,628	209,061	202,896	17,567	8%	12%
Assets revaluation reserve		251,107	184,425	190,810	66,682	36%	32%
Other reserves		17,794	16,369	16,027	1,425	9%	11%
Total equity		495,529	409,855	409,733	85,674	21%	21%

- Higher cash and cash equivalents due to timing variances in revenue and expenditure.
- Trade and other receivables variance mainly due to lower 2016/17 opening balance, lower infringement debtors, and timing variances.
- Other financial assets variance mainly due to higher 2016/17 opening balance.
- Other Assets actuals include pre-paid expenses and accrued revenue, which was included in trade and other receivables in budget.
- Property, infrastructure plant & equipment variance mainly due to higher 2016/17 opening balance (post asset revaluation 30/06/16).
- Trade and other payables variance mainly due to lower creditors balance, due to timing variances in expenditure.
- Provisions variance mainly due to higher 2016/17 opening balance.

3 Statement of Cash Flows For the quarter ended 31 March 2017

Notes	YTD	YTD	Annual	Variances		Variances	
	Actuals	Budget	Budget	Actual v	Actual v	Actual v	Actual v
	\$'000	\$'000	\$'000	YTD Budget	%	Annual Budget	%
Cash flow from operating activities							
Rates and charges	37,714	36,385	47,795	1,329	4%	(10,080)	21%
Grants	8,238	7,580	10,192	657	9%	(1,955)	19%
Contributions	2,584	1,957	2,693	627	32%	(109)	4%
Interest received	987	594	792	393	66%	195	25%
User charges and statutory fees	5,974	5,846	7,700	128	2%	(1,726)	22%
Net GST refund/payment	1,846	2,804	4,140	(957)	34%	(2,294)	55%
Employee costs	(19,668)	(19,760)	(27,454)	92	0%	7,785	28%
Materials and Services	(20,467)	(24,963)	(33,403)	4,496	18%	12,936	39%
Deposits received/(refunded)	1,157	-	-	1,157	0%	1,157	0%
Other Payments	-	-	(1,290)	-	0%	1,290	100%
Net cash provided from operating activities	18,365	10,443	11,165	7,922	76%	7,200	64%
Cash Flows from investing activities							
Proceeds from sale of property, plant & equipment	371	507	587	(137)	27%	(216)	37%
Payments for property, plant, equipment & infrastructure assets	(7,799)	(11,288)	(18,197)	3,490	31%	10,398	57%
Cash Flows from investing activities	(4,500)	-	-	(4,500)	0%	(4,500)	0%
Net cash used in investing activities	(11,928)	(10,781)	(17,610)	(1,147)	11%	5,682	32%
Cash flows from financing activities							
Finance costs	(797)	(806)	(1,077)	9	1%	280	26%
Proceeds from interest bearing loans and borrowings	-	-	1,000	-	0%	(1,000)	100%
Repayment of interest bearing loans and borrowings	(463)	(463)	(628)	-	0%	165	26%
Net cash provided from financing activities	(1,260)	(1,269)	(706)	9	1%	(554)	79%
Net increase/(decrease) in cash & cash equivalents held	5,177	(1,607)	(7,151)	6,784	422%	12,328	172%
Cash & cash equivalents at the beginning of the period	6,977	10,192	10,192	(3,215)	32%	(3,215)	32%
Cash & cash equivalents at the end of the period	12,154	8,585	3,041	3,569	42%	9,113	300%
Investments (current and non-current financial assets)	29,100	13,750	13,750	15,350	112%	15,350	112%
Total cash & investments at the end of the period	1	41,254	22,335	18,919	85%	24,463	146%

1. The forecast opening balance of cash & investments used in the budget is \$7.6m lower than the actual cash balance.

4 Statement of Changes in Equity As at 31 March 2017

	YTD	YTD	Annual	Variances		Variances	
	Actuals	Budget	Budget	Actual v	Actual v	Actual v	Actual v
	\$'000	\$'000	\$'000	\$'000	%	\$'000	%
Equity Opening Balance	452,356	395,582	395,582	56,774	14%	56,774	14%
Surplus for the Year	28,414	14,273	7,766	14,141	99%	20,649	266%
Net Asset Revaluation	14,758	-	6,385	14,758	0%	8,374	131%
Total Equity	495,529	409,855	409,733	85,674	21%	85,796	21%

5 Statement of Capital Works

As at 31 March 2017

Notes	YTD	YTD	Annual	Variances		Variances		
	Actuals	Budget	Budget	Actual v	Annual Budget	Actual v	Annual Budget	
	\$'000	\$'000	\$'000	\$'000	%	\$'000	%	
Capital Works								
Land	-	-	850	-	0%	850	100%	
Buildings	1	1,227	2,332	3,587	1,105	47%	2,361	66%
Plant, machinery & equipment		604	698	1,074	94	13%	470	44%
Computers & Telecomms		245	293	450	48	16%	205	46%
Fixtures, Fitting & Furniture		28	13	20	(15)	116%	(8)	40%
Roads	2	2,227	3,764	5,791	1,537	41%	3,563	62%
Bridges		39	29	45	(10)	33%	6	13%
Footpaths & Cycleways		338	314	483	(24)	8%	145	30%
Drainage		359	423	650	64	15%	291	45%
Parks, Open Space & Streetscapes		1,441	2,128	3,274	686	32%	1,832	56%
Recreation, Leisure & Communities		1,291	593	912	(698)	118%	(379)	42%
Expensed Capital Works	3	776	2,710	4,574	1,935	71%	3,798	83%
Landfill Provision		536	1,471	2,622	934	64%	2,085	80%
Contingency (excl. Expensed Capital Works)		-	-	1,061	-	0%	1,061	100%
Total Capital Works	4	9,111	14,767	25,392	5,656	38%	16,281	64%
Represented by:								
Renewal		2,688	3,947	6,216	1,259	32%	3,528	57%
Upgrade		1,311	2,495	3,925	1,184	47%	2,614	67%
Expansion		-	-	-	-	0%	-	0%
New		3,800	4,144	8,056	344	8%	4,256	53%
Expensed Capital Works		776	2,710	4,574	1,934	71%	3,798	83%
Landfill Provision Works		536	1,471	2,622	934	64%	2,085	80%
Total Capital Works		9,111	14,767	25,392	5,656	38%	16,281	64%

1. Torquay Nth Early Learning Ctr & Spring Creek Recreation Netball Courts projects timing.
2. Cape Otway Rd widening and Horse Shoe Bend Road South Beach Road Intersection projects timing.
3. Surf Coast Highway Beach Rd Traffic Lights and South Beach Rd Surf Coast Hwy Intersection projects timing.
4. Generally all project spend variations are only timing and spending of carry forward of unspent budgeted funds.

2.4 Report Outlining Councillor Allowances and Expenses

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F11/786

Division: Governance & Infrastructure

Trim No: IC17/343

Appendix:

1. Councillor Allowances and Expenses Report - 3 November 2016 to 31 March 2017 (D17/42511) [↓](#)

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 outline the Councillor allowances and expenses for the period of this Council from 3 November 2016 to 31 March 2016.

Summary

In order to ensure the highest levels of transparency and accountability, it is proposed that Councillor allowances and expenses be made available to the public through a quarterly statement reported at Ordinary Council meetings and published on Council's website.

The initial report is attached at Appendix 1 and covers the period of this Council from 3 November 2016 to 31 March 2017.

Some payments eg travel costs are included at the time they are paid out rather than when incurred therefore figures quoted may include expenses from outside this reporting period.

Future reports will be presented to Ordinary Council meetings on a quarterly basis.

Recommendation

That Council:

1. Note the attached summary of Councillor allowances and expenses (Appendix 1).
2. Resolve to publish the summary on Council's website.

2.4 Report Outlining Councillor Allowances and Expenses

Report

Background

The Local Government Act 1989 provides that the Mayor and Councillors are paid an allowance and provided with appropriate tools and support to enable them to properly undertake their statutory obligations.

The provision of efficient communications equipment, reimbursement of official travel and telephone expenses and, if applicable, child care expenses is generally provided by municipalities across the state in order to assist Councillors to maximise their responsibilities.

The Local Government Act 1989 requires that Councils must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors. Council has therefore adopted the Councillors Entitlements (Facilities & Expenses) Policy which sets out the level of resources and support that are provided to Councillors to enable them to effectively discharge their official duties.

The policy also sets out the procedures that apply in circumstances where Councillors require reimbursement of expenses incurred, and those circumstances where prior approval is required. A copy of the policy is available on Council's website.

Discussion

The attached report outlines Councillor allowances and expenses that have been paid during the period of this Council from 3 November 2016 to 31 March 2017 in the following categories:

- **Councillor Allowances** includes statutory allowances for the Mayor and Councillors
- **Parking Costs** includes reimbursement of parking fees whilst on official business
- **Travel Expenses** includes public transport costs and reimbursement to Councillors for kilometres travelled in their private vehicles associated with Council related travel
- **Motor Vehicle** includes costs associated with use of the mayoral vehicle
- **Mobile Phone** includes the costs associated with official Councillor mobile phone usage
- **Internet** includes cost of official internet provision and usage.

Any contributions that are paid by Councillors towards phone and internet usage are also included in the report.

It is proposed that future reports will be provided on a quarterly basis and posted on Council's website to increase transparency and accountability. This is in addition to other reporting requirements such as the requirement to report in Council's annual report.

It should be noted that some payments eg travel costs are included at the time they are paid rather than when incurred, therefore figures quoted may include expenses from outside the reporting period.

Financial Implications

Councillor allowances and expenses are covered within Council's operational budget.

Council Plan

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

Policy/Legal Implications

The Local Government (Planning and Reporting) Regulations 2014 require Councils to disclose in the Annual Report the details of allowances and expenses for each Councillor, divided into certain defined categories. Council would be exceeding this requirement by making quarterly disclosures at the Ordinary meeting and posting these on the website.

Officer Direct or Indirect Interest

There are no conflicts of interest associated with this report.

Risk Assessment

Not applicable.

2.4 Report Outlining Councillor Allowances and Expenses

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

The quarterly reports would be published on Council's website in addition to being included on the Ordinary Council meeting agenda.

Conclusion

Quarterly reporting of Councillor allowances and expenses provides an opportunity for transparency and openness in relation to these costs.

2.4 Report Outlining Councillor Allowances and Expenses

APPENDIX 1 COUNCILLOR ALLOWANCES AND EXPENSES REPORT - 3 NOVEMBER 2016 TO 31 MARCH 2017



Surf Coast Shire Councillor Payment Summary between 3 November 2016 to 31 March 2017										
Councillor	Allowances (\$)	Expenses Reimbursed				Items Provided		Contributions By Councillors (\$)	Period	Year to Date
		Parking (\$)	Phone (\$)	Travel (\$)	Motor Vehicle (\$)	Mobile Phone (\$)	Internet (\$)		Total (\$)	Total (\$)
Cr Brian McKitterick *	35,301	-	-	-	4,070	745	71	180	40,007	40,007
Cr Carol McGregor	11,409	-	-	2,501	-	388	160		14,458	14,458
Cr Clive Goldsworthy	11,409	-	-	3,177	-	891	136		15,613	15,613
Cr David Bell	11,409	-	-	-	-	162	355		11,926	11,926
Cr Heather Wellington	11,409	-	-	4,607	-	161	132		16,308	16,308
Cr Libby Coker	11,409	-	-	-	-	511	159		12,079	12,079
Cr Margot Smith	11,409	-	-	2,296	-	248	264		14,217	14,217
Cr Martin Duke	11,409	-	-	-	-	320	69		11,799	11,799
Cr Rose Hodge	11,409	-	-	-	-	424	159	200	11,792	11,792
Total	126,572	-	-	12,582	4,070	3,850	1,506	380	148,200	148,200

Notes:

Year to date period commences 03/11/2016 and concludes 31/03/2017 to reflect period of elected Councillors.

* Mayor Cr Brian McKitterick (08/11/2016 - 31/03/2017)

Contributions by Councillors are towards mobile phone and internet expenditure.

2.5 Review of Instrument of Delegation - Hearing of Submissions Committee

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/284

Division: Governance & Infrastructure

Trim No: IC17/344

Appendix:

1. Hearing of Submissions Committee - Instrument of Delegation (D17/19201) [↓](#)

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 review Council's delegation to the Hearing of Submissions Committee, as required following an election, pursuant to section 86(6) of the Local Government Act 1989 (the Act).

Summary

Council is required to review delegations to special committees within a period of 12 months after a general election. This report relates to a review of the Hearing of Submissions Committee which was formed in 2009 under Section 86 of the Act. This was to avoid the need to call Special meetings of Council to hear submissions in accordance with Section 223 of the Act, or other publicly exhibited matters, prior to being formally considered at a Council meeting.

The instrument of delegation has been slightly updated to add provision for hearing submissions relating to the review of Mayoral and Councillor Allowances (Section 74), and to clarify that a person can request that a named representative speaks to the submission.

A review of the instruments of delegation for the remainder of Council's special committees is currently ongoing.

Recommendation

That Council:

1. Note that a review of the delegation to the Hearing of Submissions Committee has been undertaken in accordance with the Local Government Act 1989.
2. Note that the instrument of delegation has been slightly updated to add hearing submissions relating to the review of Mayoral and Councillor Allowances (Section 74) and to clarify that a person can nominate a named representative to speak to their submission.
3. Adopt the Instrument of Delegation for the Hearing of Submissions Committee, as attached to this report.
4. Authorise the Chief Executive Officer to execute the document in accordance with Local Law No. 2 Council Meeting Procedures and Common Seal.
5. Note that upon execution of this document previous delegations to the Hearing of Submissions Committee are revoked.

2.5 Review of Instrument of Delegation - Hearing of Submissions Committee

Report

Background

Council as a legal entity can only act in one of three ways, by resolution or through a person or special committee acting on its behalf. To enable effective and efficient functioning of local government, decision making powers are allocated by formal delegation.

Council is required to review any delegations to special committees within 12 months after a general election. Section 86(6) of the Act places a requirement upon Council that "The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election."

Council may delegate its powers, duties and functions to special committees of Council formed under section 86 of the Act. Section 86 (1) states "In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following:

- a) Councillors
- b) Council staff
- c) other persons
- d) any combination of persons referred to in paragraphs (a), (b) and (c).

Section 86(3) allows Council to "(3) a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee, with the exceptions that Council cannot delegate to a committee the following powers:

- a) this power of delegation
- b) to declare a rate or charge
- c) to borrow money
- d) to enter into contracts for an amount exceeding an amount previously determined by the Council
- e) to incur any expenditure exceeding an amount previously determined by the Council
- f) any prescribed power.

Discussion

The Hearing of Submissions Committee was established under Section 86 of the Act in 2009. The Committee was formed to hear and report to Council on submissions received by Council in accordance with section 223 of the Act or other publicly exhibited matters.

As a Section 86 Committee, the Hearing of Submissions Committee is governed by Local Law No. 2 - Council Meeting Procedures and Common Seal.

The Committee membership is made up of all Councillors, with a required quorum of five Councillors. Meetings are held as required.

The Committee was established to avoid the need to call Special meetings of Council to hear submissions in accordance with section 223 of the Act or other publicly exhibited matters, prior to being formally considered at a Council meeting.

The Hearing of Submissions Committee provides Council with an opportunity to engage with submitters in a less formal and more interactive environment than a Council meeting.

The instrument of delegation has been slightly updated to add hearing submissions relating to the review of Mayoral and Councillor Allowances (Section 74) and to clarify that a person can request that a named representative speaks to their submission.

A review of the instruments of delegation for the remainder of Council's special committees is currently ongoing.

Financial Implications

Not applicable. The Committee does not have financial delegation.

2.5 Review of Instrument of Delegation - Hearing of Submissions Committee

Council Plan

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

Policy/Legal Implications

This review is in accordance with Section 86(6) of the Act ie that "The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election". This review is also compliant with Local Law No. 2 – Council Meeting Procedures and Common Seal.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks associated with this report.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

A delegations register is available for public inspection.

Conclusion

The review is a requirement of Section 86(6) of the Local Government Act 1989. It is therefore recommended that Council adopt the Instrument of Delegation for the Hearing of Submission Committee as attached, with the minor amendments as outlined in the report.

2.5 Review of Instrument of Delegation - Hearing of Submissions Committee

APPENDIX 1 HEARING OF SUBMISSIONS COMMITTEE - INSTRUMENT OF DELEGATION



**Instrument of Delegation
from
Council
to
Hearing of Submissions Committee**

Authorising Provision

This delegation is made under section 86 of the *Local Government Act 1989* (as amended) ("the Act"). The Surf Coast Shire Council ("Council") delegates to the Special Committee (known as the Hearing of Submissions Committee) as follows:

Membership:

The Hearing of Submissions Committee will comprise all Councillors. The Mayor of the day will be the Committee Chairperson.

Meeting Frequency:

The Hearing of Submissions Committee will meet as required.

Powers Delegated

To hear any person who has requested to be heard (or their named representative) in support of a written submission which the person has made pursuant to:

a) Section 223 of the Local Government Act 1989, such as:

- Review of Mayoral and Councillor Allowances (Section 74)
- Making of Local Laws (Section 119)
- Council Plan (Section 125)
- Council Budget (Section 129)
- System of Valuing Land (Section 157)
- Special Rate or Charge (submissions and objections Section 163A and B)
- Sale of Land (Section 189)
- Lease of Land (Section 190)
- Change of Use of Land (Section 192)
- Regional Library Agreements (Section 197)
- Proposed Works to Concentrate or Divert Drainage (Section 199)
- Requiring Drainage Works on Private Land (Section 200)
- Fix and Alter the Level of Roads (Section 207A, Schedule 10)
- Deviate a Road through Private Land (Section 207A, Schedule 10)
- Discontinue Roads (Section 207A, Schedule 10)
- Fix Road Alignment (Section 207A, Schedule 10)
- Narrow or Widen a Road (Section 207A, Schedule 10)
- Permanent Barriers on Roads (Section 207A, Schedule 11)
- Barriers for Traffic Diversion Experiments (Section 207A, Schedule 11)
- Restricting use of road by vehicles of certain size (Section 207A, Schedule 11)
- Declaration of Public Highway (Section 207A)
- Declaration of a Road to be Open to Public Traffic (Section 207A, Section 204)

b) Planning & Environment Act 1987

Submissions received in relation to land use planning processes, including but not limited to:

- Projects that develop land use policy positions.
- Legislative planning scheme amendment processes to implement policy into the Scheme or change the Scheme.
- Planning permit applications for use and development on land within the Shire (called in by Council).

c) Other Matters

Any other submissions received as a result of any other Council process.

Conditions

This Instrument of Delegation is authorised by a resolution of Council passed 26 April 2017.

The delegation:

- Comes into force immediately on Council resolution;
- Remains in force until Council resolves to vary or revoke it and replaces any previous delegation made by Council;
- Is subject to any conditions and limitations set out above; and
- Must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

DATED 26 April 2017

Signed on behalf of the Surf Coast Shire Council)
by the Chief Executive Officer pursuant to)
the instrument of delegation dated 26 July 2016)
in the presence of:)

Chief Executive Officer

Witness

2.6 Off-Site Ordinary Council Meeting Dates, Times and Locations for 2017

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/287

Division: Governance & Infrastructure

Trim No: IC17/290

Appendix:

1. Ordinary Council Meeting Dates and Locations for 2017 (D17/29408) [↓](#)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to amend the Ordinary Council meeting schedule for 2017 to include identification of off-site meeting dates and locations.

Summary

Section 83 of the Local Government Act 1989 states that Council may hold two types of meetings, being Ordinary meetings at which the general business of Council may be transacted and Special meetings at which the business specified in the notice calling the meeting may be transacted.

It is therefore prudent for Council to resolve the date, time and location of future Ordinary meetings.

The changes to locations are as outlined below:

- Tuesday 23 May 2017 - Moriac Community Centre
- Tuesday 22 August 2017 - Aireys Inlet Community
- Tuesday 28 November 2017 - Deans Marsh Public Hall.

The updated 2017 Ordinary Council Meeting Dates and Locations schedule is attached at Appendix 1 and includes the amendments outlined.

Recommendation

That Council adopts the off-site Ordinary Council meeting dates and locations for 2017 as at Appendix 1 and note the meetings to be held at 6pm for the following locations:

1. Tuesday 23 May 2017 - Moriac Community Centre, Newling Reserve, 830 Hendy Main Road, Moriac.
2. Tuesday 22 August 2017 - Aireys Inlet Community Centre, 6 Great Ocean Road, Aireys Inlet.
3. Tuesday 28 November 2017 - Deans Marsh Public Hall, Pennyroyal Valley Road, Deans Marsh.

2.6 Off-Site Ordinary Council Meeting Dates, Times and Locations for 2017

Report

Background

Section 83 of the Local Government Act 1989 states that Council may hold two types of meetings being Ordinary meetings at which the general business of Council may be transacted and Special meetings at which the business specified in the notice calling the meeting may be transacted.

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

Discussion

On 22 November 2016 Council adopted meeting dates for 2017. In accordance with Council Plan objectives and strategies, it is now proposed that three meetings be held outside Torquay and the amended schedule including off-site meeting dates and locations is therefore being presented.

The changes to locations are as outlined below:

- Ordinary Council meeting - Tuesday 23 May 2017 - Moriac Community Centre
- Ordinary Council meeting - Tuesday 22 August 2017 - Aireys Inlet Community
- Ordinary Council meeting - Tuesday 28 November 2017 - Deans Marsh Public Hall.

The updated 2017 Ordinary Council Meeting Dates and Locations schedule is attached at Appendix 1 and includes the amendments outlined.

Financial Implications

Not applicable.

Council Plan

Theme 2 Governance
Objective 2.4 Transparency in decision making and access to information
Strategy 2.4.4 Ensure Council meetings are held across the Shire.

Policy/Legal Implications

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

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

Local Law No. 2 – Council Meeting Procedures and Common Seal, Clause 14 - Attendance & Notice of Meetings requires that:

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

Officer Direct or Indirect Interest

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

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

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

Environmental Implications

Not applicable.

Communication

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

Conclusion

It is recommended that Council adopt the updated Ordinary Council meeting off-site dates, times and locations for 2017.

2.6 Off-Site Ordinary Council Meeting Dates, Times and Locations for 2017

APPENDIX 1 ORDINARY COUNCIL MEETING DATES AND LOCATIONS FOR 2017



Council Meetings 2017

Ordinary Council Meetings are to be held on the 4th Tuesday of each month (except for April & December) at 6pm in the Council Chambers, 1 Merrijig Drive, Torquay unless advertised otherwise.

Council Meeting Date	Venue
24 Jan	Council Chambers, Torquay
28 Feb	Council Chambers, Torquay
28 Mar	Council Chambers, Torquay
26 Apr <i>(Note: Due to Anzac Day falling on Tuesday 25 April, Council Meeting has been changed to</i>	Council Chambers, Torquay
23 May	Moriac Community Centre Newling Reserve, 830 Henty Main Rd, Moriac
27 June	Council Chambers, Torquay
25 July	Council Chambers, Torquay
22 Aug	Aireys Inlet Community Centre 6 Great Ocean Road, Aireys Inlet
26 Sept	Council Chambers, Torquay
24 Oct	Council Chambers, Torquay
28 Nov	Deans Marsh Public Hall Pennyroyal Valley Road, Deans Marsh
12 Dec <i>(Note: Due to the Christmas period meeting scheduled for early December, Tues 12 Dec)</i>	Council Chambers, Torquay

3. ENVIRONMENT & DEVELOPMENT

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

Author's Title: Coordinator Statutory Planning

General Manager: Phil Rowland

Department: Planning & Development

File No: OA2558

Division: Environment & Development

Trim No: IC17/200

Appendix:

1. Section 173 Agreement (D16/121136) [↓](#)
2. Title Documents (D16/121137) [↓](#)

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

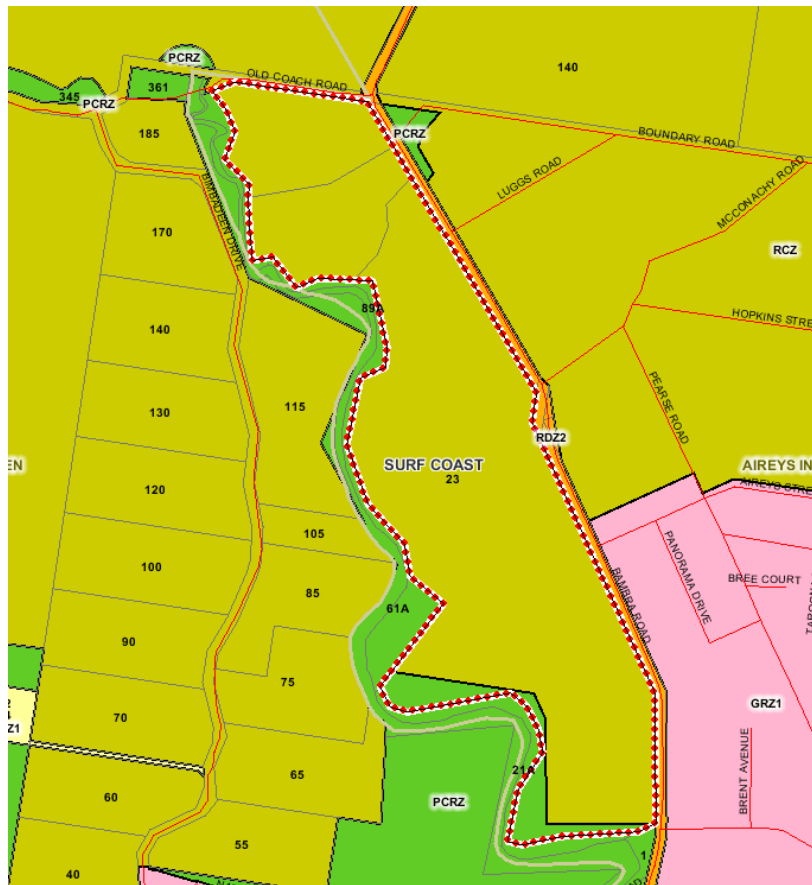
Purpose

The purpose of this report is to consider application OA2558 which seeks approval to amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet, by:

- changing Clause 4.1 to allow the re-subdivision of Lot 3 of PS431010T with adjoining land
- deleting Clause 4.6 which restricts the wall height of buildings to 3 metres
- deleting Clause 4.11 prohibiting any dogs on the lots.

Summary

The site is located at 23-47 Bambra Road, Aireys Inlet. The site comprises three parcels of land which were subdivided via Planning Permit 97/7281. The subdivision layout also created a creek reserve area along the alignment of the Painkalac Creek. The site can be seen in the image below:



3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

The site is currently used for the grazing of horses and continues to contain open pasture land along the valley floor. It includes a number of horse shelters and fenced paddocks. Two grand gate entrances have been developed for the two lots at the northern end of the site. The low lying land is subject to flooding from Painkalac Creek.

The site is an irregular, elongated shape with a total area of 48.35 hectares. The site is bounded to its west by the Painkalac Creek, to its east by Bambra Road and to its north by Boundary Road. At its southern end it terminates at a point opposite the end of Beach Road.

Residential development is located on the eastern side of Bambra Road, with dwellings having an outlook over the subject site. To the west are further open creek flats and rising hills which include scattered residential development. Open creek flats extend to the south of the site beyond the Great Ocean Road.

Planning Permit 97/7281 approved the development of three dwellings on the land and a three lot re-subdivision. This permit has been extended over the years and is still valid, expiring on 24 April 2018 if the development has not commenced by that date.

Planning Permit 97/7281 was approved by the Victorian Civil and Administrative Tribunal (VCAT). Initially approval was sought for four dwellings and a four lot re-subdivision, with VCAT ultimately approving a three lot re-subdivision and the development and use of three dwellings after giving detailed consideration to landscape values, flooding, tenement provisions, flora and fauna and the ongoing management of the site. In approving the Planning Permit VCAT required the consolidation of Lots 3 and 4 (on that proposed plan) and endorsed building envelopes for each of the lots.

A Section 173 Agreement was required to provide for ongoing requirements for the development of the land and included requirements that:

- none of the lots created on the plan of subdivision shall be further subdivided and not more than one dwelling will be constructed on each lot
- the setting aside of an area of public open space to vest in the Council upon registration of the plan of re subdivision of such land as may be necessary to ensure a minimum width of public open space of 10 metres along the Painkalac Creek
- creation of building envelopes set back a minimum of 40 metres from Bambra Road having an area not greater than 500 square metres
- no buildings to be constructed outside the building envelopes
- no buildings to exceed a maximum wall height of 3 metres and an overall height of 5 metres above natural ground level
- that no development may commence on any of the lots unless the planting as shown on the landscape plan endorsed to this permit has been established for a period of at least two years prior to the commencement of any development
- that the planting on the endorsed landscaping plan be carried out and maintained to the satisfaction of the Council
- that, save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the subject land other than in accordance with the endorsed landscaping plan, without the written consent of Council
- that no dogs shall be kept on the land
- that all stormwater run off from any buildings and hard surfaces shall be treated to the satisfaction of the Council prior to discharge into the creek
- to pay Council's reasonable legal costs associated with the negotiation, preparation, execution and registration of the Agreement.

The Agreement has been executed and applies to the land.

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

Council has also received an application to allow the re-subdivision of the land and the variation of a restriction. That application is for the re-subdivision of land in lot 3 with a parcel of land in separate ownership on the western side of the Painkalac Creek. The two applications are being processed concurrently. Effectively, if the application to amend the Section 173 Agreement as it relates to re-subdivision fails, the re-subdivision application must also fail as the re-subdivision is prohibited.

There is significant community concern around the amendment of the Agreement. A total of 120 objections have been lodged with Council, one objection has since been withdrawn, with 119 remaining. Seven submissions in support of the application have been made. It is noted that the proposal is of significant concern to the community.

Recommendation

That Council having considered all of the matters required to be considered under Section 178B(1) of the Planning and Environment Act 1987, refuse to amend the Section 173 Agreement which applies to 23-79 Bambra Road, Aireys Inlet as:

1. There are no changes in circumstances to necessitate the amendment.
2. The purpose of the agreement and the reasons why Council entered into the agreement continue to remain valid and seek a planning and environmental outcome which is supported by the Planning Scheme.
3. The amendments sought have the potential to disadvantage persons who are not party to the agreement.

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

Report

Background

OA2558 seeks approval to amend a Section 173 Agreement by:

- changing Clause 4.1 to allow the re-subdivision of Lot 3 of PS431010T with adjoining land
- deleting Clause 4.6 which restricts the wall height of buildings to 3 metres
- deleting Clause 4.11 prohibiting any dogs on the lots.

Council also has an application to allow the re-subdivision of the land and the variation of a restriction. The two applications are being processed concurrently. Effectively, if the application to amend the Section 173 Agreement as it relates to subdivision fails, the re-subdivision application must also fail as the subdivision is prohibited.

Discussion

As noted, the Section 173 Agreement was required by VCAT as part of the approval of Planning Permit 97/7281. The Agreement applies to the land known as 23-79 Bambra Road, Aireys Inlet and applies to the three titles which make up the land.

The Section 173 Agreement was an integral part of the VCAT approval of 97/7281, with VCAT deliberately limiting the number of dwellings which can be built on the land, along with limiting the number of lots that the land could be subdivided into. A range of other controls were required under the Agreement to ensure that the environmental values of the land were respected and continued into the future.

Pursuant to Section 178A(1) of the *Planning and Environment Act 1987* an owner of land, or a person who has entered into an agreement under Section 173 in anticipation of becoming an owner of the land may apply to the responsible authority for agreement to a proposal to amend an agreement in respect of that land.

The owner of the land did not directly make the application to amend the Section 173 Agreement, however the owner did provide explicit written consent as part of the application. Subsequently the owner has also advised Council of an intention to amend the name of the applicant to the owner of the land however such a change is not possible.

Council provided the applicant with the necessary form to complete this application. It is noted that the requirements of this form are consistent with those of several other councils, although among the samples reviewed there is some variation and lack of clarity about the role of the applicant and land owner. Council intends to improve the clarity and procedures regarding this form.

Council sent a letter to the owner of the land under Section 178A(3) of the *Planning and Environment Act 1987* notifying the owner that it agreed in principle to the application. Providing this in-principle agreement allows for the application to be advertised.

During the Hearing of Submissions, some objectors presented that they believed the application was invalid as the applicant was not the landowner and therefore did not satisfy the requirements of Section 178A(1) of the *Planning and Environment Act 1987*. Council officers have reviewed this and consider the point is a matter of form (not of substance) and the land owner has been adequately included in the application process. Council believes that should the application proceed to the Victorian Civil and Administrative Tribunal (VCAT) for a decision, it is likely the Tribunal would disregard the failure to comply with section 178A(1) of the Act to enable it to deal with the substantial merits of the case by relying on the power set out in Clause 62 of schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*. This section states:

The Tribunal has jurisdiction to determine a proceeding under a planning enactment despite any failure to comply with the planning enactment or any other enactment and, in doing so, may determine to disregard that failure if the Tribunal considers it in the interests of justice to do so.

Presenters at the Hearing of Submissions also noted that a decision to not agree in-principle to an application ends the process, with the applicant not having a right to appeal this decision.

Officers assess that the application form was completed and submitted to Council's satisfaction. Officers consider it a reasonable expectation for an application duly completed to be appropriately assessed. Council's decision to provide in-principle agreement has been completed under officer delegation and subsequent processes have been undertaken.

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

As such, it is considered that this application should proceed to a decision.

Pursuant to Section 178B of the *Planning and Environment Act 1987* Council is required to consider the following issues when deciding whether to amend an Agreement:

- a) the purpose of the agreement
- b) the purpose of the amendment
- c) whether any change in circumstances necessitates the amendment
- d) whether the amendment would disadvantage any person, whether or not a party to the agreement
- e) the reasons why the responsible authority entered into the agreement
- f) if the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement
- g) any relevant permit or other requirements the land is subject to under the Subdivision Act 1988
- h) any other prescribed matter.

The application has been assessed against Section 178B of the *Planning and Environment Act 1987* as follows:

The purpose of the agreement

VCAT's consideration of 97/17281 outlined that the planning policies which apply to the land have applied for over 15 years, identifying that the landscape of the area is highly valued and worthy of protection. VCAT found that the operative words of the zone's purpose at the time are, in relation to the valley of the Painkalac Creek, "to provide for the conservation, maintenance and enhancement of ... significant landscape features ... of ... importance and which form an essential component of the heritage and character of the area".

VCAT also found that *the Victorian Coastal Strategy has a number of relevant principles: retention of "open or wooded landscapes to provide a variety of coastal experiences"; to "recognise the needs (for) housing opportunities"; to "minimise adverse visual impacts on significant viewsapes, particularly along major routes". Although this development will increase housing opportunities, this does not appear to be significant in the scale of things. The important issue, discussed further below, is whether the proposal will conflict with the requirement to maintain a variety of coastal experiences or intrude into significant views.*

The Agreement was required to ensure that the environmental values and significant views were protected. In deciding to support the permit application VCAT stated:

It is with considerable reluctance that we depart from the consistent patterns of refusal of any residential development on the subject land that has until now resulted from every firm development application. However, those previous refusals have not resulted in an ultimate planning solution for the valley.

We believe that the policy context in which we must decide this application is a mature expression of planning strategy for the area; and that the decision to which we have come will implement that policy, through both protecting the true value of the protected landscape as we have identified it, providing for ongoing management of the landscape and conservation values, and also providing for the future public use of the creek environs.

We do not consider that the houses which we are permitting will have any precedent value. As far as the subject land is concerned, the requirement for consolidation will mean that there will be no remaining substandard lots that can be sold separately, or form the basis of future arguments about "separate tenements", without resubdivision. No more boundary realignments into sub-standard lots will be possible under Clause 42-2.3, because the number of lots will be tied down at three.

As far as any other property may be concerned, we have tried to describe clearly the area which we identify as that part of the valley landscape which is the objective of the preservation controls. This decision therefore follows the precedent that there should not be any rural residential development in that area which is valued for its significant landscape features.

The above quotations set out a very clear intention from VCAT in requiring the Agreement.

The purpose of the amendment

None of the lots which are subject to the Agreement have been developed.

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

The amendment seeks to delete the wall height restriction to allow a range of dwelling designs to be developed on the land. The amendment also seeks to allow the keeping of dogs on the land, where previously this was prohibited, providing this potential for future purchasers of the land.

A further amendment to the agreement seeks to allow the resubdivision of Lot 3 which would allow the Building Envelope within Lot 3 to be contained within a small lot, consolidating the balance of the land onto the property at 115 Bimbadeen Drive, Fairhaven.

Whether any change in circumstances necessitates the amendment

The applicant has not demonstrated that there are any changes in circumstances which necessitate the amendment.

The applicant has set out that there would be some benefit to the landowner/ future land owner through the amendment of the Agreement, including providing more flexibility for the development of the land and allowing the Blazing Saddles business to continue to operate from the land.

The circumstances of the site have not markedly altered since the decision was made. The zoning of the land and planning policy framework has evolved, but generally reflects the Planning Scheme at the time the Agreement was entered into by restricting the development potential of the land via a Rural Conservation zoning and seeking to ensure the environmental values of the land are continued.

When making its decision on the re-subdivision of the land, VCAT provided the following statements around wall heights and the keeping of dogs:

While we note that other property owners in the area may have dogs, we do not consider that this means dogs should be allowed on the subject land. Dr Meredith expressed concern about the impact of dogs on specific species in the area. Our concern for the protection of habitat remnants, and the ongoing habitat value of the creek and wetlands, lead us to conclude that whatever we can do by way of minimising further hazard to surviving fauna in these areas should be done.

We have also accepted the Council's argument about the specification of a maximum wall height as well as an overall building height as well as an overall building height. We do not think it would be appropriate to enable walls in excess of three metres, possibly on a large scale and with a flat roof, to be built on the subject land.

It is not considered that the environmental circumstances of the site have changed since the Agreement was entered into and it is considered that the Clauses 4.6 and 4.11 were applied to ensure that the site was appropriately developed and that fauna would be protected. It has not been demonstrated that there has been a change in circumstances on the land which would make a 3 metre wall height unviable. Instead, a preference for a higher wall height and more flexibility has been expressed.

In relation to the subdivision of the land, it is noted that the specifics of the land have changed, in that it is now sought to consolidate the bulk of Lot 3 onto land located on the other side of the creek, which creates a large parcel of land and allows for a viable horse riding operation to continue to operate from the township, with horse grazing undertaken on the Bambra Road land.

While the re-subdivision creates an additional lot within the valley floor, it does not result in the creation of an opportunity for an additional dwelling to be developed. Lot 1 will contain a dwelling approved by Planning Permit 97/7281 and Lot 2 will contain the existing dwelling which has been developed on the land at 115 Bimbadeen Road, Fairhaven. The provisions of the Rural Conservation Zone set out that only one dwelling can be approved on a lot. The amendment of the Agreement will not allow the construction of additional dwellings on the valley floor.

The VCAT determination outlines the decision to reduce the lots from four to three on the basis that the number of dwellings approved would be reduced to three, and sought to protect views from the south of the valley which were identified as being particularly valuable. The ability to re-subdivide Lot 3 is not considered to erode, or impact on the important views of the valley from the south given that there will not be an opportunity to develop an additional dwelling on the land. There is no change to the location of the approved building envelope for the dwelling on the relevant lot.

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

However, there are inherent difficulties with the proposal. While there are potential economic benefits associated with amending the Agreement, it is a fact that the two parcels of land are separated by land which is in public ownership and which is zoned Public Conservation and Resource Zone (PCRZ).

Currently a bridge has been developed across Painkalac Creek to allow access between the two parcels of land. An investigation of whether appropriate permissions are in place for the bridge has revealed that there are no permits for the bridge. Without the bridge in place there are practical difficulties in managing the transit of horses between the two properties. If the amendment to the Agreement was approved and the subsequent re-subdivision application approved, it would be appropriate to include a permit condition which required removal of the bridge prior to the issue of a Statement of Compliance. It cannot be assumed that a new bridge to allow access between the two properties would be approved by the appropriate agencies. The PCRZ land which separates the two parcels of land is considered to be a significant impediment to the approval of the application. While the addition of the land at 115 Bimbadeen Drive results in a change in circumstances for the land, the current situation is there is no legal access between the two parcels and this impacts on the viability of the use of the land as intended in the proposal.

It is not considered that there have been any changes in circumstances which necessitate the amendments. The amendments to the Agreement will undermine the intent of VCAT when requiring the Agreement when it approved the subdivision and development of the land.

Whether the amendment would disadvantage any person, whether or not a party to the agreement.

Pursuant to Section 178C of the Planning and Environment Act 1987 public notification of the application was undertaken. A total of 120 objections have been lodged with Council, one objection has since been withdrawn, with 119 remaining. Seven submissions in support of the application have been made. It is noted that the proposal is of significant concern to the community.

Objectors to the application have outlined a number of concerns with the proposal, including that:

- the amendments satisfy commercial interests only and will jeopardise the interests of the wider community and the environmental values of the Painkalac Valley
- the protections provided by the Section 173 Agreement have worked well and there is no compelling reason to change them
- the terms of the Agreement continue to be relevant to the land
- the Agreement was entered into at the direction of VCAT which gave considerable weight to the impacts of the proposed use and development and the environmental values of the valley
- Council argued at VCAT that a wall height in excess of three metres was not appropriate and the restriction remains relevant as it limits the visibility of dwellings permitted on the land from views into the valley. An increased wall height would intrude on, rather than enhance, the landscape qualities of the area
- VCAT expressed concern for the protection of habitat remnants, the ongoing habitat value of the creek and wetlands and the impact that dogs may have on specific species of the area such that the restriction on dogs should remain.

While the Agreement applies to the three titles, it has impacts beyond the three titles. There was significant community concern with the Permit Application ultimately approved by VCAT, with the Agreement including restrictions in relation to further subdivision, dogs and wall heights as a result of community concerns and to achieve legitimate planning outcomes.

The amendments to the Agreement could disadvantage the objectors who have set out clear concerns with the proposal. Allowing dogs to be kept on the land could compromise wildlife, including kangaroos and birds, which are valued by much of the community, while the ability to re-subdivide the land could result in a sub-optimal land management outcome, introducing more landowners into the valley floor, which could impact on the environmental values of the land.

The reasons why the responsible authority entered into the agreement

Council entered into the Agreement at the direction of VCAT. The Agreement was intended to achieve a planning and environmental outcome, as detailed above.

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

The Agreement was seen as an important component of the approval of Planning Permit 97/7281 as it provided the community with certainty about the manner in which the land could be developed in the future. The amendments to the Agreement seek to scale back the restrictions on the land.

It is considered that the above assessment of the application demonstrates that there was a clear purpose for the agreement, the circumstances of the site have not changed and there is no basis for Council to support the amendments to the Agreement. It is recommended that the application be refused.

As noted, pursuant to Section 178C of the Planning and Environment Act 1987 public notification of the application was undertaken and 127 objections remain in place, with three submissions in support of the application also received. The key concerns raised by objectors are summarised in italics and commented on below. The community have raised a range of concerns and many have outlined a feeling of deep connection to the land.

There will be no community benefit associated with the approval of the amendments

This concern is noted. The assessment of the application is confined to a discrete set of issues outlined in Section 178B of the Act; net community benefit is not included.

The amendments satisfy commercial interests only and will jeopardise the interests of the wider community and the environmental values of the Painkalac Valley

It is clear that the wider community feels a connection to the Painkalac Valley. As detailed above, the Agreement was entered into in order to protect the environmental values of the valley. It is not considered that the circumstances of the site have changed since the Agreement was entered into.

The protections provided by the Section 173 Agreement have worked well and there is no compelling reason to change them

The officer recommendation is to refuse to amend the Agreement.

The terms of the Agreement continue to be relevant to the land

As outlined above, it is agreed that the purpose of the Agreement and the reasons why the parties entered into the Agreement continue to be valid and relevant.

The Agreement was entered into at the direction of VCAT which gave considerable weight to the impacts of the proposed use and development and the environmental values of the valley

A detailed assessment of the issues resulted in the VCAT order creating PP 97/7281. Some extracts from the VCAT decision are included in the report above. In essence, it is considered that VCAT saw the Agreement as a safeguard to protect the valley, ensuring its environmental values were maintained, by restricting future development of the land which is a significant part of the valley.

Council argued at VCAT that a wall height in excess of three metres was not appropriate and the restriction remains relevant as it limits the visibility of dwellings permitted on the land from views into the valley. An increased wall height would intrude on, rather than enhance, the landscape qualities of the area.

An extract from the VCAT assessment is included earlier in this report. Certainly, VCAT deliberately sought to limit wall height and expressed concern that a higher wall height could result in a flat roof form which would be inappropriate.

VCAT expressed concern for the protection of habitat remnants, the ongoing habitat value of the creek and wetlands and the impact that dogs may have on specific species of the area such that the restriction on dogs should remain

It is agreed that the VCAT decision expressed these concerns.

The further subdivision of land could increase the number of dwellings developed in the valley

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

The lot size which is sought via the associated subdivision application does not provide an opportunity for the development of an additional dwelling on the valley floor.

An amendment which allows the further intrusion of the business Blazing Saddles into the Painkalac Valley should be opposed in the strongest possible terms. The environmental impact of this business is readily visible, with native habitat reduced by the business

The application does not seek to change the use of the land, but rather an indication has been made that it is intended to continue to allow horses to graze on the land in much the same way as they have been for at least the past ten years. The land has been used for grazing for many years and has existing use rights.

The applicant is not entitled to make application to amend the Section 173 Agreement

A response to this issue has been provided earlier in the report.

The bridge which provides connection between the properties is illegal

The required permissions are not in place for the bridge.

The amendment of the Agreement would result in the Shire contradicting its own Agreement and demonstrating negligence of its responsibility to the community.

It is recommended that the application be refused.

No justification has been provided for the proposed amendments

It is agreed that there has not been a justification which outlines that a change in circumstances necessitates the amendments.

The proposal to join one of the subdivided lots out of Lot 3 23-79 Bambra Road with 115 Bimbadeen Drive to form a single lot separated by the Painkalac Creek and the Council conservation reserves along each bank of the creek will not provide an operational property as is stated as the reason for the subdivision.

This is a key concern with the proposal.

Pursuant to Section 178E of the *Planning and Environment Act 1987* it is open to Council to:

- (a) decide to amend the Agreement in accordance with the proposal
- (b) decide to amend the Agreement in a manner that is not substantively different from the proposal
- (c) propose to amend the Agreement in a manner that is substantively different from the proposal
- (d) refuse to amend the Agreement.

If Council decides to amend the Agreement in a manner which is substantively different to the proposal there would be a need for re-notification of the application as outlined in Section 178C and E of the *Planning and Environment Act 1987*. Council understands that if Council was to amend the Agreement in accordance with only part of the proposal (ie support dot point 1 only), Council is effectively proposing to amend the agreement in a manner which is substantively different from the advertised proposal. This view was taken having regard to the ordinary meaning of the word 'substantive' as 'meaningful or considerable'.

Council understands that Section 178E of the *Planning and Environment Act 1987* doesn't provide Council with an option to agree to part of a proposal to amend an agreement but refuse another part. Council is unable to identify any Tribunal decisions discussing the application of Section 178E in this context, so further guidance on this matter is limited.

The applicant has an express right of review in respect of Council's ultimate decision in Section 184A (1)(A) of the Act. It provides that the person who applied to amend an Agreement may apply to the Tribunal for review of Council's decision under Section 178E *'to amend the Agreement in a manner that is different to the proposal.'*

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

Financial Implications

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

Council Plan

Theme	1 Environment
Objective	1.1 Preserve and enhance the natural environment
Strategy	Nil
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	5 Development and Growth
Objective	5.1 Protect productive farmland and support rural business
Strategy	5.1.2 Work with local businesses

Policy/Legal Implications

There are no legal implications for the consideration of this application.

The *Planning and Environment Act 1987* guides the decision making process.

Officer Direct or Indirect Interest

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

Risk Assessment

The merits of the application are yet to be determined.

Social Considerations

Key themes raised in objections include the impact of the amendments on the Painkalac Valley which is valued by the Aireys Inlet community.

These issues will be considered in the analysis of the proposal and the recommendation to Council.

Community Engagement

The planning permit application was placed on public notification. Public notification of the proposal has generated a total of 120 objections; one objection has since been withdrawn, with 119 remaining. Seven submissions in support of the application have been made.

Environmental Implications

Objectors have highlighted the importance of the Painkalac Valley from an environmental perspective. This is reflected in Planning Policy.

Communication

A copy of the Council's decision will be provided to the applicant and all submitters.

Conclusion

When assessed against Section 178B of the Planning and Environment Act 1987, it is recommended that the application be refused.

The purpose for which the Agreement was entered into is still relevant and the reasons why Council entered into the Agreement continue to be important.

While it could be argued that allowing the re-subdivision of the land would result in little physical change to the land, it has not been demonstrated that the changes to the Agreement would not disadvantage any person. The physical characteristics of the two parcels of land are such that there is public land in between, resulting in difficulties in achieving a practical connection between the two parcels of land.

In addition, VCAT was clear in its intention to prohibit the further subdivision of the land when it stated "No more boundary realignments into sub-standard lots will be possible under Clause 42-2.3, because the number of lots will be tied down at three".

It is understood that Blazing Saddles is an important business within the Aireys Inlet Township, it is hoped that there are other alternatives available to ensure the ongoing viability of the business within the Township.

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

APPENDIX 1 SECTION 173 AGREEMENT

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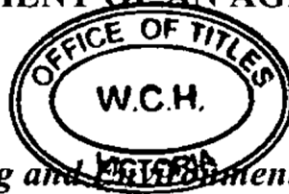
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FORM 15

Schedule 1 of the *Planning and Environment Regulations*

**NOTIFICATION BY A RESPONSIBLE AUTHORITY OF
AMENDMENT OF AN AGREEMENT**



s. 183

Lodged at the Land Titles Office by:

Name: BEST HOOPER

Phone: 9670-8951

Address: 563 Little Lonsdale Street, Melbourne

Ref: DSLG:9909.0823

Customer Code: 0485 U



The Authority notifies that the agreement has been amended and requires that the recording in the Register be altered accordingly.

Land: Certificate of Title:-

- Volume 6388 Folio ~~543~~ 593
- Volume 7292 Folio 273
- Volume 7302 Folio 355
- Volume 8079 Folio ~~941~~ 511
- Volume 8253 Folio 339
- Volume 8253 Folio 340
- Volume 10422 Folio 553

Now = 10687-719
720 AND
721

Authority: Surf Coast Shire Council of 25 Grossmans Road, Torquay

Section and Act under which Agreement made:

Section 178 *Planning and Environment Act* 1987

RECORDED AGREEMENT NUMBER: X409742 J

The Agreement has been amended in accordance with the terms of the Deed of Amendment to an Agreement, a copy of which is attached.

Signature for the Authority:

Name of Officer: MICHAEL ULBRICH

Position Held: ACTING CEO

Dated: 17/7/02

Handwritten initials and date 23/11/02

Delivered by LANDATA®. Land Victoria timestamp 24/08/2016 18:17 Page 2 of 29

DATED the 3rd day of July 2002

SURFCOAST SHIRE COUNCIL

- and -

JOHN BRUCE ALLEN

- and -

**JOHN BRUCE ALLEN as Executor of the
ESTATE OF PATRICIA VALERIE ALLEN**



AGREEMENT

BEST HOOPER
Solicitors
563 Little Lonsdale Street
MELBOURNE

Ref: JDC:TLC:MF:99090823
Tel: 9670 8951
Fax: 9670 2954



Delivered by LANDATA®. Land Victoria timestamp 24/08/2016 18:17 Page 3 of 29

THIS AGREEMENT is made the 3rd day of July 2002

BETWEEN:

SURFCOAST SHIRE COUNCIL of 25 Grossmans Road, Torquay in the State of Victoria ("the Responsible Authority") of the first part

- and -

JOHN BRUCE ALLEN & JOHN BRUCE ALLEN as Executor of the ESTATE OF **PATRICIA VALERIE ALLEN** care of Allen & Allen Solicitors, 20th Floor, 114 William Street, Melbourne in the State of Victoria ("the Owners") of the second part

WHEREAS:

- A. The Owners are the registered proprietors of the land comprised in Certificates of Title Volume 6388 Folio ~~593~~⁵⁴³, Volume 7292 Folio 273, Volume 7302 Folio 355, Volume 8079 Folio ~~511~~⁹¹¹, Volume 8253 Folio 339 and Volume 8253 Folio 340 and Volume 10422 Folio 553 ("the land").
- B. An Agreement pursuant to Section 173 of the *Planning and Environment Act 1987* ("the S. 173 Agreement") affects the land. A copy of the S. 173 Agreement forms Schedule 1.
- C. Clause 4 of the S. 173 Agreement, states:-



"4. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that:

- 4.1 *None of the lots created on the Plan of Subdivision of the land (any of such lots to be referred to in this Agreement as "the lot") shall be further subdivided.*



- 4.2 *Not more than one dwelling shall be constructed on the lot.*
- 4.3 *An area of the land with a minimum width of 10 metres along the Painkalac Creek shall be noted on any Plan of Subdivision of the land as public open space to vest upon registration of any Plan of Subdivision of the land in the Council.*
- 4.4 *A building envelope shall be created for the lot as follows:-*
- (a) *A minimum setback of 40 metres from the boundary of the road reserve of the road known as Bambra Road.*
 - (b) *A building area of not greater than 500m².*
- 4.5 *No building shall be constructed outside the building envelope.*
- 4.6 *The wall height of any building shall be a maximum of 3 metres above the natural ground level of the lot.*
- 4.7 *The maximum height of any building on the lot shall be 5 metres above the natural ground level of the lot.*
- 4.8 *No development shall commence on any of the lots unless the planting shown on the landscape plan endorsed to the permit ("the Endorsed Landscaping Plan") has been established for a period of at least two years prior to the commencement of any development.*
- 4.9 *The planting on the endorsed landscape plan shall be maintained to the satisfaction of the Council.*



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4.10 *Save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the lot other than in accordance with the endorsed landscaping plan without the written consent of the Council.*

4.11 *No dogs shall be kept on the lot.*

4.12 *All storm-water runoff from any building and any hard surfaces on the lot shall be treated to the satisfaction of the Responsible Authority prior to discharge into Painkalac Creek."*

D. The Responsible Authority and the Owners agree to the variation of the S 173 Agreement contained on the Title by inserting an additional covenant in Clause 4 of the S.173 Agreement as follows:

"4.13 The ongoing implementation of the Conservation Management Plan endorsed under Permit 97/7281 shall be undertaken in accordance with the requirements of the Plan."

A copy of the Conservation Management Plan forms Schedule 2 to this Agreement.

E. In order to give effect to the agreement referred to in Recital D, the parties enter into this agreement which the parties agree constitutes an amendment to the S. 173 Agreement insofar as it affects the land, pursuant to Section 178 of the *Planning and Environment Act 1987* ("the Act").

F. The Responsible Authority is responsible under the Act for the administration and enforcement of the Surfcoast Shire Planning Scheme ("the Planning Scheme") in respect of the land.

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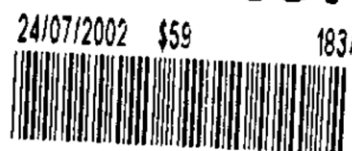
NOW IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:-

Interpretation



- 1.1 Words importing the singular shall include the plural and words importing the masculine gender shall include the female and if applicable a corporation.
- 1.2 This Agreement shall be governed and construed in accordance with the laws for the time being of the State of Victoria.
- 1.3 Any notice shall be given or served by being delivered to any party at the address in the State or Territory shown in this Agreement for that party or at such other address as any party may nominate in writing to the other parties or by being posted to that address and if served by post shall be deemed to be duly served at the expiration of fourteen days after the time of posting unless in the meantime the letter is returned unclaimed.
- 1.4 Any notice to be given by any of the parties may be executed under common seal, by the attorney or attorneys of the party or by the manager, director, secretary or solicitor for the time being of the party.
- 1.5 In any case where one or more of the terms, conditions and provisions of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect the remaining terms, conditions and provisions shall nevertheless remain in full force and effect.
- 1.6 Unless otherwise stated the terms and conditions of this Agreement shall be the whole of the terms and conditions between the parties hereto. Any additions or variation in such terms and conditions shall be of no effect unless in writing and attached to this Agreement.
- 1.7 Time shall be of the essence of this Agreement.

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- 1.8 Headings in this Agreement are for convenience only and shall not affect the interpretation or construction hereof. All schedules and annexures to this Agreement are incorporated in and form part of this Agreement.
- 1.9 Any reference to any Act of Parliament shall be deemed to include any amendment, replacement or re-enactment of that Act for the time being in force and to include any by-laws, local laws, licenses, statutory instruments, rules and regulations, orders, notices and directions, consents or permission made under it and any condition attaching to it.
- 1.10 The Owners shall be deemed to include their successors assigns and transferees and the obligations imposed upon and assumed by the Owners shall also be binding on their successors transferees purchasers mortgagees and assigns as if each of them had separately executed this Agreement.
- 1.11 Without limiting the operation or effect which this Agreement otherwise has, the parties acknowledge that this Agreement is made pursuant to the provisions of Section 178 of the Act.

Commencement of Agreement



2. This Agreement shall come into force and effect immediately upon its execution by both parties.

Parties' agreement

3. The Responsible Authority and the Owners covenant and agree that by virtue of this Agreement a new paragraph 4.13 stated as follows, is included as the last item in clause 4 in the S. 173 Agreement:-



"4.13 The ongoing implementation of the Conservation Management Plan endorsed under Permit 97/7281 shall be undertaken in accordance with the requirements of the Plan."

4. In the event of any inconsistency between this Agreement and any of the provisions of the S. 173 Agreement, the provisions of this Agreement prevail.

5.1 The Owners will do all things necessary, including signing any further agreements, undertakings, covenants and consents, approvals or other documents necessary for the purpose of ensuring that the Owners carry out the Owners' covenants under this Agreement and to enable the Responsible Authority to enforce the performance by the Owners of such covenants and undertakings.

5.2 The Owners will consent to the Responsible Authority making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the land in accordance with Section 181 of the Act and do all things necessary to enable the Responsible Authority to do so, including signing any further agreement, acknowledgment or documents or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

6. The Owners warrant and covenant that:-



- (i) they are the registered proprietors of the land;
- (ii) the subject land or any part of it is not subject to any rights obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in Section 43 of the *Transfer of Land Act 1958*.

7. The Owners warrant and covenant that any mortgagee in respect of the land will provide its consent in writing to -



(a) the Owners entering into this Agreement;



(b) being bound by the terms of this Agreement should it become the mortgagee in possession of the land.

8. The Owners shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the land without first providing to their successors a copy of the executed Agreement.
9. The Owners shall forthwith on demand pay to the Responsible Authority the Responsible Authority's costs and expenses (as between solicitor and own client) of and incidental to this Agreement and of anything consequent thereon, relating thereto, pursuant thereto or in furtherance thereof (including, but without limiting the generality of the foregoing, anything done in anticipation or in the negotiation of this Agreement and the enforcement of any obligations imposed by the Owners herein). To the extent that any such costs and expenses constitute legal professional costs, the Responsible Authority may have them assessed by the Law Institute of Victoria Costs Service and, in the event, the parties shall be bound by the amount of such assessment with any fee for obtaining such assessment being borne equally by the Owners and the Responsible Authority.
10. In the event of a dispute arising between the parties concerning any matter contained in this Agreement, the parties agree to submit the dispute to the determination of a person nominated by the President for the time being of the Law Institute of Victoria acting as an expert and not as an arbitrator whose decision shall be final and binding on the parties. Each party shall pay its own costs in relation to the determination of such dispute.
11. In all other respects the S. 173 Agreement is affirmed.



IN WITNESS WHEREOF the parties hereunto have set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of)
SURFCOAST SHIRE COUNCIL)
is affixed hereto in the presence of:)



[Signature] Councillor

[Signature] Chief Executive Officer

SIGNED SEALED AND DELIVERED)
by JOHN BRUCE ALLEN:)
in the presence of:)

J.B. Allen

[Signature] Witness

Domonic Leahy Full name

563 Little Lonsdale Usual address

St Melle



SIGNED by JOHN BRUCE ALLEN)
as Executor of the Estate of)
PATRICIA VALERIE ALLEN)
in the presence of:)

J.B. Allen

[Signature] Witness

563 Little Lonsdale Full name

St Usual address

Melburn Road

AB437838W

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SCHEDULE 1



DAB437838W-11-5



SURF COAST SHIRE COUNCIL

- and -

MR JOHN BRUCE ALLEN and ESTATE of PATRICIA VALERIE ALLEN

**Agreement Under Section 173 of the
Planning and Environment Act 1987**



Subject Land: 23-79 Bambra Road, Aireys Inlet

KLM Gerner Consulting Group
117 Church Street, Hawthorn Vic 3122
Tel (03) 9819 3199 Fax (03) 9819 1390
Ref 1363R7



PLANNING AND ENVIRONMENT ACT 1987

SECTION 173 AGREEMENT

THIS AGREEMENT is made on the _____ day of _____ 2000

BETWEEN:

SURF COAST SHIRE COUNCIL of 25 Grossmans Road, Torquay, in the State of Victoria (hereinafter called "the Council")

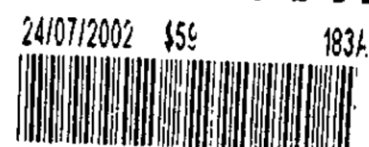
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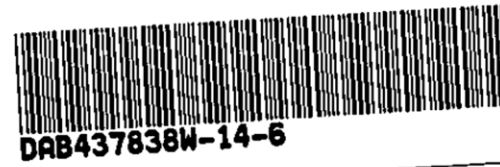
JOHN BRUCE ALLEN and ESTATE OF PATRICA VALERIE ALLEN c/o Allen & Allen Solicitors, 20th Floor, 114 William Street, Melbourne 3000 in the State of Victoria (hereinafter called "the Owner").

WHEREAS:

- A. The Owner is the owner and registered proprietor of the land more particularly described in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339, ("the Land").
- B. The Land is situated within the boundaries of the Surf Coast Shire which administers the Surf Coast Planning Scheme (the Planning Scheme).
- C. Pursuant to the Planning and Environment Act ("the Act") the Council is the Responsible Authority for the administration and enforcement of the Planning Scheme.
- D. The Council has issued Permit No.97/7281 (the Permit).
- E. Condition 2 of the Permit requires the execution of an Agreement between the Responsible Authority and the Owner pursuant to Section 173 of the Act prior to the certification of any Plan of Subdivision for the land and prior to the commencement of any development on the Land.
- F. The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement shall be treated as an Agreement made pursuant to Section 173 of the Act.

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NOW THIS AGREEMENT WITNESSETH AND THE PARTIES AGREE as follows:

1. DEFINITIONS

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 "the Act" means the Planning and Environment Act 1987.
- 1.2 "the Council" means Surf Coast Shire Council.
- 1.3 "the Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the land or any relevant part of it.
- 1.4 "the Scheme" means the Surf Coast Planning Scheme or any amendment thereof or any Planning Scheme made by the Minister for Planning and Local Government in place thereof.
- 1.5 "the Land" means the whole of the land in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339 situated at 23-79 Bambra Road, Aireys Inlet or any part of such land.
- 1.6 "the Permit" means permit No 997/7281 issued by the Council on March 24, 1999.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and the plural includes the singular.
- 2.2 A reference to gender includes a reference to each other gender.
- 2.3 A reference to person includes a reference to a firm, corporation or other corporate bodies and their successors.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and severally.
- 2.5 A reference to a statute shall include any statutes amending, consolidating or replacing same and any other regulations made under such statutes.



2.6 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.

3. COMMENCEMENT OF AGREEMENT

This Agreement shall commence on the date hereof.

4. SPECIFIC OBLIGATIONS OF THE OWNER



The Owner covenants and agrees that:

- 4.1 None of the lots created on the Plan of Subdivision of the land (any of such lots to be referred to in this Agreement as “the lot”) shall be further subdivided.
- 4.2 Not more than one dwelling shall be constructed on the lot.
- 4.3 An area of the land with a minimum width of 10 metres along the Painkalac Creek shall be noted on any Plan of Subdivision of the land as public open space to vest upon registration of any Plan of Subdivision of the land in the Council.
- 4.4 A building envelope shall be created for the lot as follows:-
 - (a) A minimum setback of 40 metres from the boundary of the road reserve of the road known as Bambra Road.
 - (b) A building area of not greater than 500 m².
- 4.5 No building shall be constructed outside the building envelope.
- 4.6 The wall height of any building shall be a maximum of 3 metres above the natural ground level of the lot.
- 4.7 The maximum height of any building on the lot shall be 5 metres above the natural ground level of the lot.
- 4.8 No development shall commence on any of the lots unless the planting shown on the landscape plan endorsed to the permit (“the Endorsed Landscaping Plan”) has been established for a period of at least two years prior to the commencement of any development.
- 4.9 The planting on the endorsed landscape plan shall be maintained to the satisfaction of the Council.

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- 4.10 Save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the lot other than in accordance with the endorsed landscaping plan without the written consent of the Council.
- 4.11 No dogs shall be kept on the lot.
- 4.12 All storm-water runoff from any building and any hard surfaces on the lot shall be treated to the satisfaction of the Responsible Authority prior to discharge into Painkalac Creek.

5. FURTHER OBLIGATIONS OF THE OWNER

- 5.1 The Owner agrees to do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificate of Title to the Land after the Approval Date in accordance with Section 181 of the Act.
- 5.2 The Owner shall bear the reasonable costs of and incidental to the making of this Agreement and the registration of a Memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Memorandum at the Land Titles Office.
- 5.3 The Owner covenants and agrees to bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns of the Land.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of SURF COAST SHIRE COUNCIL
was hereunto affixed in the presence of:

..... Councillor

..... Chief Executive Officer

SIGNED by the said **JOHN BRUCE ALLEN** in the presence of:

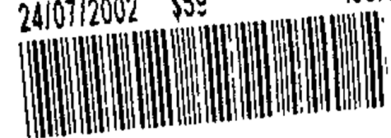
..... Witness

SIGNED by **JOHN BRUCE ALLEN** as Executor of the Estate of **PATRICIA VALERIE ALLEN** in the presence of:

..... Witness

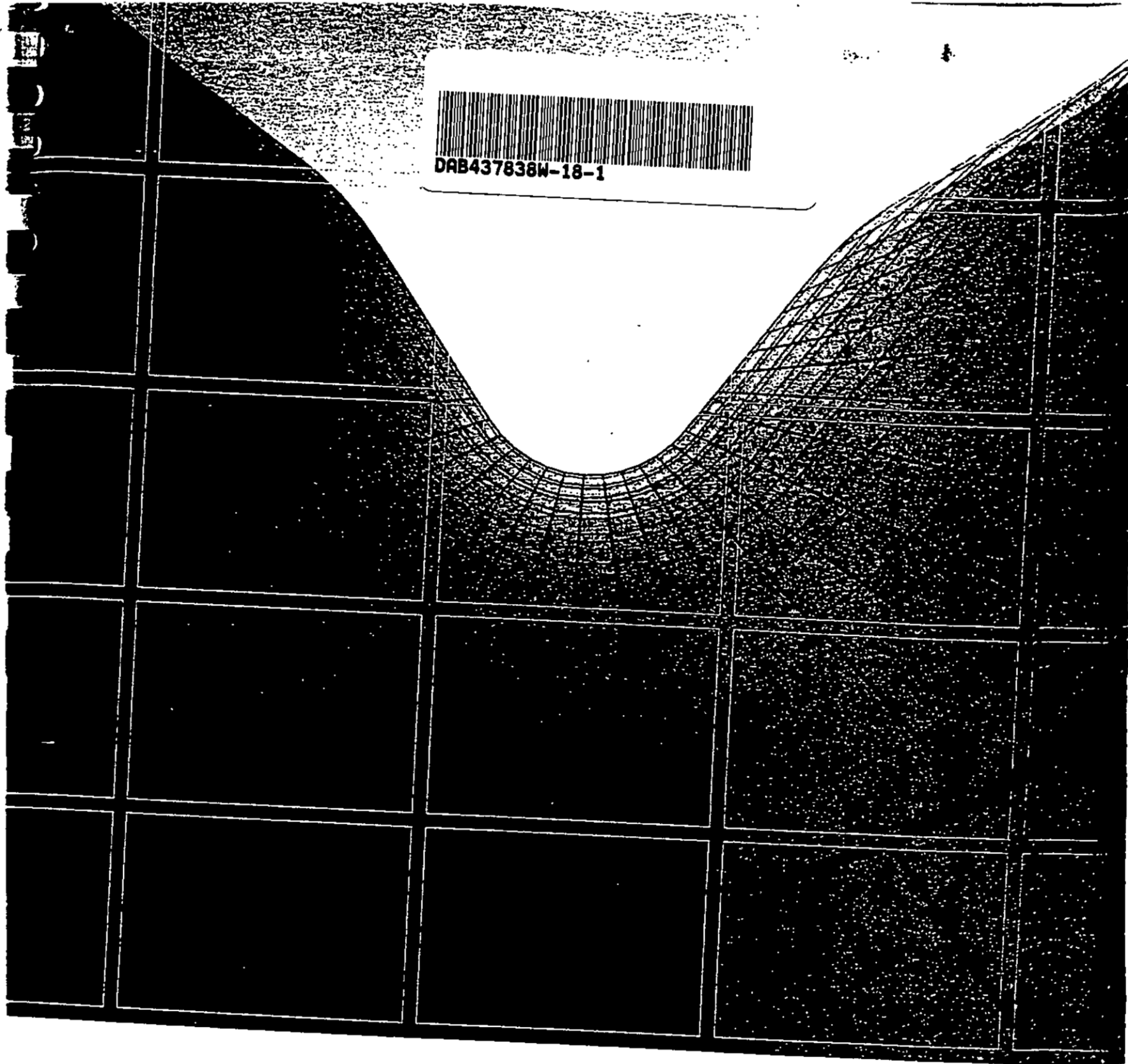
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SCHEDULE 2





Bambra Road Subdivision, Airleys Inlet

Conservation and Management Plan

Allen & Allen Barristers & Solicitors

February 2002

698213RP2

www.erm.com

AB437838W

24/07/2002 \$59 183A

Delivering sustainable solutions in a more competitive world

FINAL REPORT

**BAMBRA ROAD
SUBDIVISION,
AIREYS INLET**


*Conservation and
Management Plan*



DAB437838W-19-4

February 2002

Reference: 698213 RPT2

For and on behalf of Environmental Resources Management Australia	
Approved by:	Allan Wyatt
Signed:	
Position:	Principal
Date	8 th February 2002

AB437838W

24/07/2002 \$59 1834



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DAB437838W-20-0

PLANNING & ENVIRONMENT ACT 1987

SURF COAST PLANNING SCHEME
Amended Plan Endorsed
under Condition 12.1 of
Permit 9717281 dated 24/3/09
Signed
Date 13/3/02 For and on behalf of the
Council of the Surf Coast Shire

Sheet No. 1 of 9 sheets

AB437838W

24/07/2002 \$50 1834





DAB437838W-21-3

Chapter 1

Amended Plan Endorsed
under Condition 12(a) of
Permit 1717281... dated 24.1.1991
Signed
Date 3.13.1992 For and on behalf of
Council of the Surf Coast S
Sheet No. 2 of 9 sheets

INTRODUCTION

ERM were commissioned to prepare a management plan for areas of revegetation within a new rural residential area at Aireys Inlet. Management actions are required in order to ensure the ongoing success of the landscape.

1.1 THE LANDSCAPE PLAN AS PER CONDITION 11

The Figure below shows the drawing prepared as part of the Permit Application and amended to show three lots as approved (the amalgamation of lots 3 & 4 as per Condition 1 (a)) and amended planting areas as generally agreed by a Council Officer.

As shown on the plan above, the majority of new planting is adjacent to Bambra Road and along fencelines, separating the three allotments. This planting was in response to Condition 11 of the Permit, which stated:

- a) *When specified vegetation reaches maturity it will:*
 - (i) *provide effective screening of buildings from the south of the subject land*
 - (ii) *provide substantially screened views of buildings from viewpoints on Bambra Road.*
- b) *Inclusion of a mix of native vegetation species including trees and shrubs which are native to the hill slopes to the east and west of the subject land.*
- c) *Planting of vegetation is to occur at densities and with a distribution reflecting native vegetation in the area.*

Planting, in accordance with the Town Planning application, was undertaken prior to October 1999. The planting was based on the plan prepared by ERM Mitchell McCotter (Drawing No. 698213 / LS2, August 1998).

In accordance with the permit (Condition 11(b)), species were planted that were indigenous to the hills to the east and west as well as other native species.

Species that were planted are listed below.

AB437838W





Botanical Name	Common Name
<i>Eucalyptus radiata</i>	Narrow Leafed Pepper Gum
<i>E. cladocalyx</i>	Sugar Gum
<i>E. sideroxylon</i>	Red Ironbark
<i>E. tricarpa</i>	Red Ironbark
<i>E. viminalis</i>	Manna Gum
<i>E. ovata</i>	Swamp Gum
<i>Acacia melanoxylon</i>	Blackwood
<i>A. verniciflua</i>	Varnish Wattle
<i>Goodenia ovata</i>	Hop Goodenia
<i>Poa labillardieri</i>	Tussock Grass

PLANNING & ENVIRONMENT

SURF COAST PLANNING SCHEME
 Amended Plan Endorsed
 under Condition 12 of
 Permit 9717281 dated 21/3/99

Signed *[Signature]*
 For and on behalf of the
 Council of the Surf Coast Shire

Date 13/3/02

Sheet No. 3 of 9 sheets

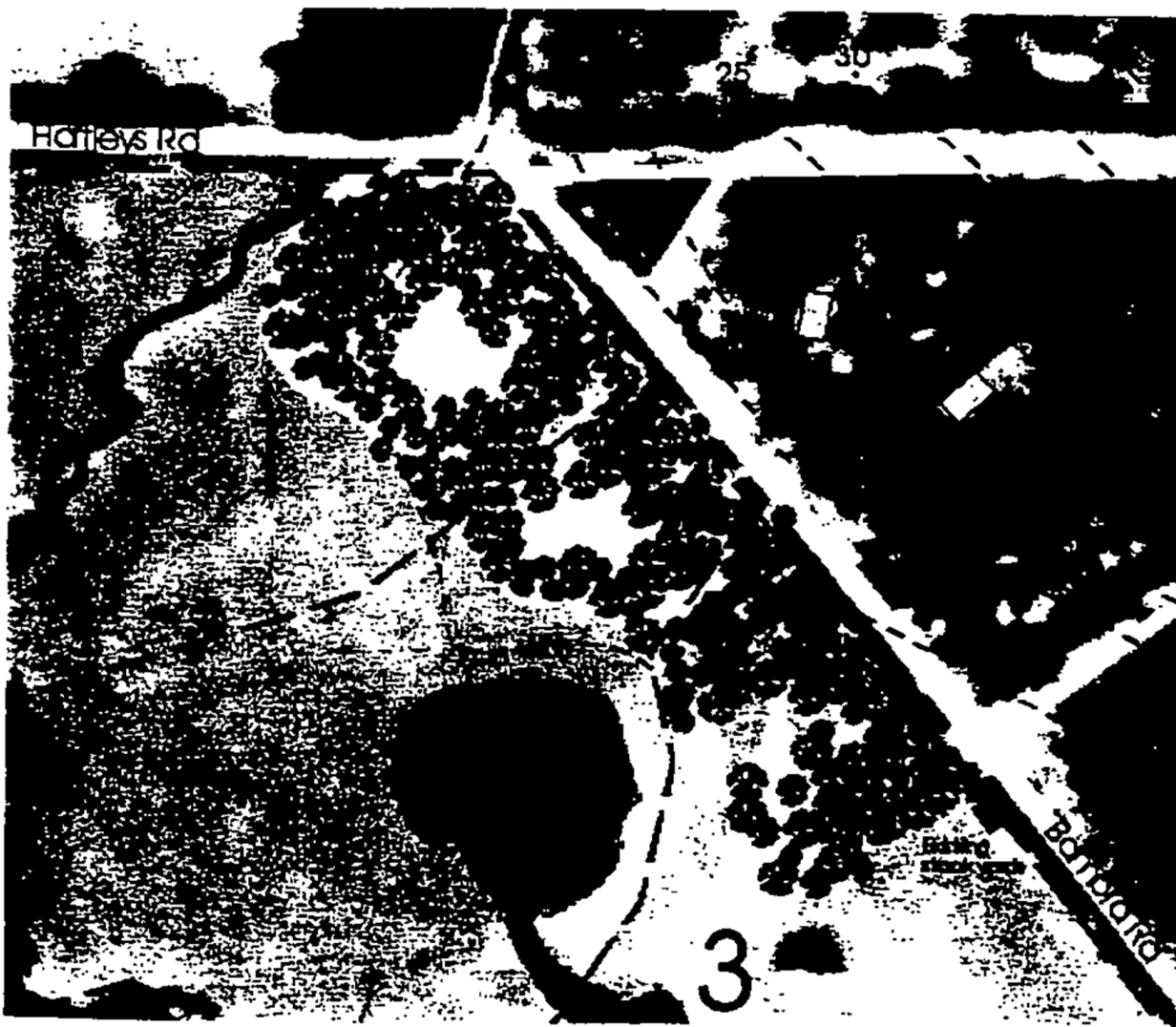
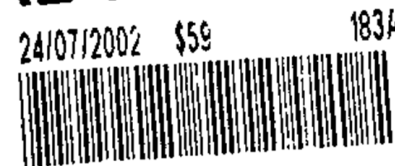


Figure 1.1 The planted vegetation

Initially more than 600 trees and shrubs were planted along the boundaries between the allotments and along Bambra Road. This planting was subsequently approved by a Council Officer and will be maintained as part of the conservation plan.

AB437838W



Botanical Name

Eucalyptus radiata
E. cladocalyx
E. sideroxylon
E. tricarpa
E. viminalis
E. ovata
Acacia melanoxylon
A. verniciflua
Goodenia ovata
Poa labillardieri

Common Name

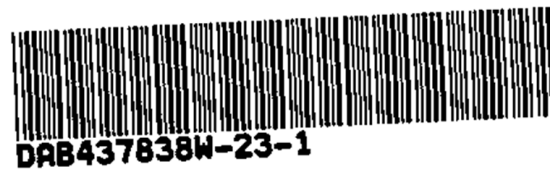
Narrow Leafed Pepper gum
 Sugar Gum
 Red Ironbark
 Red Ironbark
 Manna Gum
 Swamp Gum
 Blackwood
 Varnish Wattle
 Hop Goodenia
 Tussock Grass

PLANNING & ENVIRONMENT	
SURF COAST PLANNING SCHEME	
Amended Plan Endorsed under Condition 12 th of	
Permit 971,7281 dated 29.1.2009	
Signed	For and on behalf of the
Date 13/3/02	Council of the Surf Coast Shire
Sheet No. 3 of 9 sheets	



Figure 1.1 The planted vegetation

Initially more than 600 trees and shrubs were planted along the boundaries between the allotments and along Bambra Road. This planting was subsequently approved by a Council Officer and will be maintained as part of the conservation plan.



SURF COAST PLANNING SCHEME
 Amended Plan Endorsed
 under Condition 12 of
 Permit 97172E dated 21/3/99
 Signed
 For and on behalf
 Date 21/3/99 Council of the Surf Coast
 Sheet No. 1 of 1 sheets

Chapter 2

CONSERVATION MANAGEMENT PLAN

2.1 PERMIT CONDITIONS

Condition 12 of the Planning Permit states:

A conservation management plan must be prepared to the satisfaction of the responsible authority for the protection of remnant native vegetation on the southern areas of the subject land. This plan will show:

- a) *management proposals for areas of habitat value, being the existing mature trees and the ephemeral wetlands areas, which should be retained;*
- b) *retention of mature trees with suitable nesting hollows;*
- c) *protection of remnant trees and vegetation with sign posting and fencing by standard post and wire fencing; and*
- d) *retention of remnant roadside vegetation outside the eastern boundary of the subject site, along Bambra Road, wherever practicable.*

Once approved, this plan shall become 'the endorsed conservation management plan' to this permit.

This section of the report is to fulfil the requirements of the conservation and management plan.

2.2 MANAGEMENT OBJECTIVES



The overall management objectives are to:

- Provide protection for the planting that was undertaken on or before October 1999. Construction of buildings can commence in October 2001 (under the conditions of the permit, construction must wait two years after completion of the planting).
- Protect and maintain existing remnant trees and ephemeral wetlands along the western boundary of the site as well as fauna habitats associated with these



areas, particularly in the older remnant Eucalypts on the property to enhance the conservation values of the site and adjoining Painkalac Creek

- Control and manage weeds and feral animals.
- Manage the threat of wildfires.

Ensure adequate and responsible management.

2.3 ACTIONS UNDER THE MANAGEMENT PLAN

- Preserve the existing remnant Eucalypts and wetlands along the western boundary.
- Contain services such as electricity and sewage to driveway alignments to reduce edge effects and the amount of machinery trampling, excessive run-off, disturbance and weed invasion.
- Construct temporary and permanent fences to minimise edge effects and unnecessary disturbance and protect conservation areas. Fencing will control human access, minimise soil compaction, tree root trampling and flattening of any regenerating areas and they will highlight the conservation value of the area by indicating areas warranting protection.
- Implement fire, weed and pest management and erosion and sediment control measures with minimal impact on threatened and significant species.
- Undertake an annual monitoring and evaluation program to assess achievement and management objectives.

ENVIRONMENTAL RESOURCES MANAGEMENT ACT 1986

SURF COAST PLANNING SCHEME
Amended Plan Endorsed
under Condition 12 of
Permit 97172E.1 dated 24/3/13

Signed
Date 13/3/13
For and on behalf
Council of the Surf Coast Shire

Sheet No. 5 of 9 sheets

2.3.1 Temporary fencing protection of planted areas and building envelope

Temporary fences should surround the recently planted areas as well as the outer perimeter of the building envelope.

Temporary fencing (i.e. star picket and orange mesh fence) will prevent damage from uncontrolled or accidental access, or stockpiling during construction.

This will provide protection from machinery and ensure that bulldozers or vehicles do not cross into the planted areas. Temporary fences will be constructed with



minimal impact and will be removed after planting has established and the construction work has been completed.

Erection of temporary fencing around perimeter of building envelope and access road needs to be constructed prior to commencement of and building and works.

2.3.2 Permanent fencing of wetlands and remnant vegetation

Permanent fencing shall follow the outer perimeter of any ephemeral wetlands and surround existing remnant vegetation. The proposed layout of permanent fencing is illustrated below.

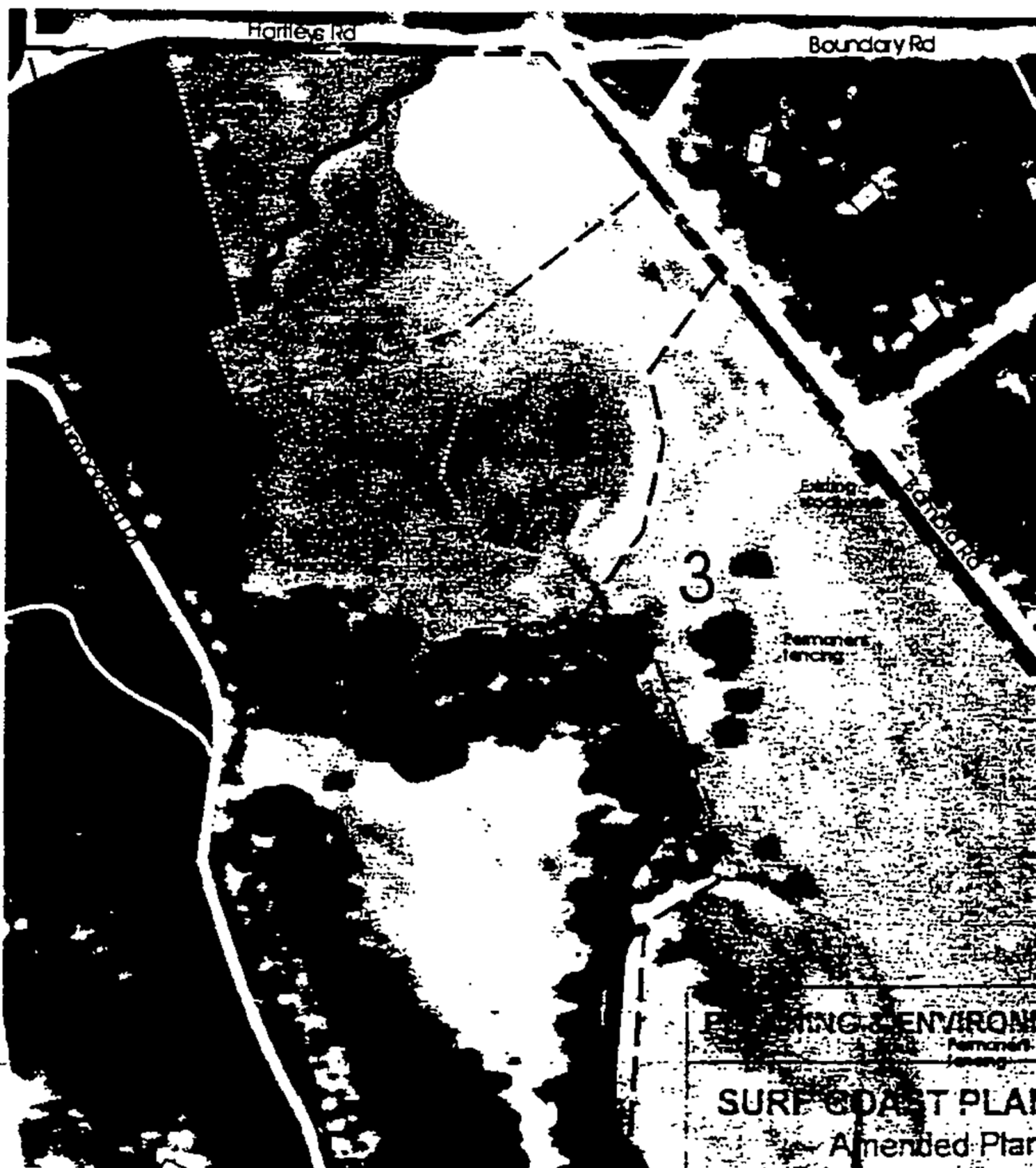


Figure 2.2 Permanent fencing

ENVIRONMENTAL RESOURCES MANAGEMENT ACT 1987
Permanent Fencing
SURF COAST PLANNING SCHEME
Amended Plan Endorsed under Condition 12.11 of
Permit 1.1.1.2.6.1. dated 24.1.2009
Signed <i>[Signature]</i>
ENVIRONMENTAL RESOURCES MANAGEMENT AUSTRALIA
For and on behalf of the Council of the Surf Coast Shire
13.1.202
6... of ... 9... sheets

SURF COAST PLANNING SCHEME
 Amended Plan Endorsed
 under Condition 12 of
 Permit 97/7261 dated 24.3.1991
 Signed: [Signature] on behalf of the
 Date 13/3/02 Council of the Surf Coast Shire

Sheet No. 7 of 9 sheets

The black dotted lines illustrate the perimeter fencing, while the yellow dotted lines show the internal permanent post and wire fencing constructed around wetlands and areas of remnant vegetation.

All permanent fencing should be post and 5-strand wire with timber droppers to a standard approved by Surf Coast Shire.

Erection of permanent fencing around conservation areas shall generally be in accordance with Figure 2.2 and is to occur before the commencement of any building and works.

2.3.3 Soil

There is to be no soil disturbance and / or stockpiling outside the building envelope without Council consent.

No soil shall be moved into the area unless the soil is certified as being free from Cinnamon Fungus (*Phytophthora cinnamomi*) or potentially invasive weed species.

2.3.4 Fire Management

Management of fire within the management plan area will aim to protect life and property as well as maintain biodiversity. Protection of adjacent houses from fire originating from the planted areas will be from fire buffers on individual lots.

Fire regimes will be identified in consultation with Parks Victoria and CFA and the measures will be undertaken in accordance with the *DNRE Code of Practice for Fire Management on Public Land* (DNRE, 1995) and with approved Fire Protection Plans.

2.3.5 Weed Management

Management of environmental weeds within the management plan area will consist of initial assessment and weed removal, followed by ongoing monitoring and weed control, in liaison with DNRE and the Surf Coast Shire

An experienced weed control specialist will be contracted to undertake weed control for the area during and after construction if weed problems are identified within the conservation and planted areas.

Weed control will be done in a manner that minimises soil disturbance. Where herbicides are used, selective application is preferable to broad-area application and





the loss of non-target species needs to be balanced with the threat of incomplete control of weed populations.

PLANNING & ENVIRONMENT ACT 1987	
SURF COAST PLANNING SCHEME	
Amended Plan Endorsed under Condition 17 of	
Permit 17/17/2016 dated 24/3/17	
Signed	<i>[Signature]</i>
For and on behalf of the Council of the Surf Coast Shire	
Date 13/3/17	
Sheet No. 8 of 9 sheets	

2.3.6 Pest Management

Feral animals such as foxes, cats, rabbits and house mice are abundant along the coast. These species place pressure on native faunal populations through predation and competition for food and shelter. Control of these species will allow native fauna populations to re-establish.

Pest management will be undertaken within the Management Plan areas to the satisfaction of the Surf Coast Shire. Pest management programs are available from the Surf Coast Shire. Below is a rabbit control program prepared by DNRE and Surf Coast Shire.

RABBIT CONTROL CALENDAR

This publication has been supported by the Victorian Government as part of the Rabbit Action Program. Rabbit control activities are most successful when neighbours work together. Contact your neighbours and ask them to join you in a coordinated rabbit control campaign of, poisoning, fumigating and destroying warrens. Remember, to rid yourself of rabbits permanently you need to rid your property of rabbit harbour. If you need any guidance, contact the Surf Coast Shire on 5261 0600. Good luck!

JANUARY: Time to put those New Year resolutions into practice! Myxomatosis may be active in the rabbit population now. Time to start planning for an autumn poisoning program.

FEBRUARY: PINDONE POISONING PROGRAM Now is a good time to lay poisoned bait as there is less feed available, young rabbits are feeding outside the burrows, and rabbit numbers can be reduced prior to the breeding season.

MARCH: PINDONE POISONING PROGRAM Good time to lay poisoned bait. Begin planning for autumn spraying of rabbit harbour such as gorse, bracken, blackberries and.

APRIL: It is still a good time to lay poisoned bait. Good time to spray harbour. Begin planning for harbour removal works [chainsaw, tractor etc]. Start planning for fumigation, harbour removal and ripping campaign.

MAY: Good time to fumigate warrens, especially if poisoning is not practical on your property. Good time to commence harbour removal and ripping of warrens as



SURF COAST PLANNING SCHEME
 Amended Plan Endorsed
 under Condition 12/11 of
 Permit 971...7261... dated 24.1.3.09
 Signed
 Date 13.1.2012 Council of the Surf Coast Shire

Sheet No. of sheets

fire restrictions are usually lifted by now and debris from harbour removal and fallen timber can be burnt.

JUNE: Time to fumigate, and destroy warrens, and to remove harbour.

JULY: Undertake warren fumigation & ripping and harbour removal activities. Don't forget to burn or remove debris as it can become harbour for rabbits.

AUGUST: Continue with the fumigation and harbour removal as necessary. Time to plan for spraying of harbour in the Spring.

SEPTEMBER: Spray any live harbour such as gorse, and blackberries, etc. Begin planning for Spring poisoning campaign.

OCTOBER: Continue to spray harbour if necessary. Contact the local CFA for controlled burning of harbour.

NOVEMBER: PINDONE POISONING PROGRAM It is still a good time to spray harbour. Also good time to fumigate any warrens, especially those that may have re-opened despite all your hard work

DECEMBER: PINDONE POISONING PROGRAM Fumigation can still be done successfully this month. Harbour removal may be undertaken - burning of debris will need to be held off until autumn, after fire restrictions are lifted. After all your effort in rabbit control, celebrate and have a safe and happy Christmas season.

For further information contact: Surf Coast Shire 5261 0600 or DNRE 5226 4667

2.3.7 Monitoring and Evaluation

Annual photographs are to be taken from specified locations and at a specified time of year to provide a record for assisting in evaluating the conservation management program.

This is to be followed up with an annual (or as otherwise agreed) inspection with an officer of the Surf Coast Shire and agreement made on future management actions to ensure the ongoing achievement of the management objectives.

2.4 TIMING OF THE CONSERVATION MANAGEMENT PLAN

The management of the conservation areas is an ongoing responsibility and is to be undertaken in liaison with DNRE and the Surf Coast Shire.

3.1 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

APPENDIX 2 TITLE DOCUMENTS



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
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Page 1 of 1

VOLUME 10687 FOLIO 719

Security no : 124063457642F
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LAND DESCRIPTION

Lot 1 on Plan of Subdivision 431010T.

PARENT TITLES :

Volume 06388 Folio 593 Volume 07292 Folio 273 Volume 07302 Folio 355

Volume 08079 Folio 511

Volume 08253 Folio 339 to Volume 08253 Folio 340

Volume 09316 Folio 208 Volume 10422 Folio 553

Volume 10546 Folio 948 to Volume 10546 Folio 949

Volume 10582 Folio 811

Created by instrument PS431010T 13/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JOHN BRUCE ALLEN [REDACTED]
PS431010T 13/11/2002

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS431010T 13/11/2002

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

AGREEMENT as to part Section 173 Planning and Environment Act 1987

X409742J 09/04/2001

AMENDMENT OF AGREEMENT AB437838W 24/07/2002

DIAGRAM LOCATION

SEE PS431010T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 23-79 BAMBRA ROAD AIREYS INLET VIC 3231

DOCUMENT END



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LAND DESCRIPTION

Lot 2 on Plan of Subdivision 431010T.

PARENT TITLES :

Volume 06388 Folio 593 Volume 07292 Folio 273 Volume 07302 Folio 355

Volume 08079 Folio 511

Volume 08253 Folio 339 to Volume 08253 Folio 340

Volume 09316 Folio 208 Volume 10422 Folio 553

Volume 10546 Folio 948 to Volume 10546 Folio 949

Volume 10582 Folio 811

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DIAGRAM LOCATION

SEE PS431010T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

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DOCUMENT END



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LAND DESCRIPTION

Lot 3 on Plan of Subdivision 431010T.

PARENT TITLES :

Volume 06388 Folio 593 Volume 07292 Folio 273 Volume 07302 Folio 355

Volume 08079 Folio 511

Volume 08253 Folio 339 to Volume 08253 Folio 340

Volume 09316 Folio 208 Volume 10422 Folio 553

Volume 10546 Folio 948 to Volume 10546 Folio 949

Volume 10582 Folio 811

Created by instrument PS431010T 13/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JOHN BRUCE ALLEN

PS431010T 13/11/2002

ENCUMBRANCES, CAVEATS AND NOTICES

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AGREEMENT as to part Section 173 Planning and Environment Act 1987

X409742J 09/04/2001

AMENDMENT OF AGREEMENT AB437838W 24/07/2002

DIAGRAM LOCATION

SEE PS431010T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

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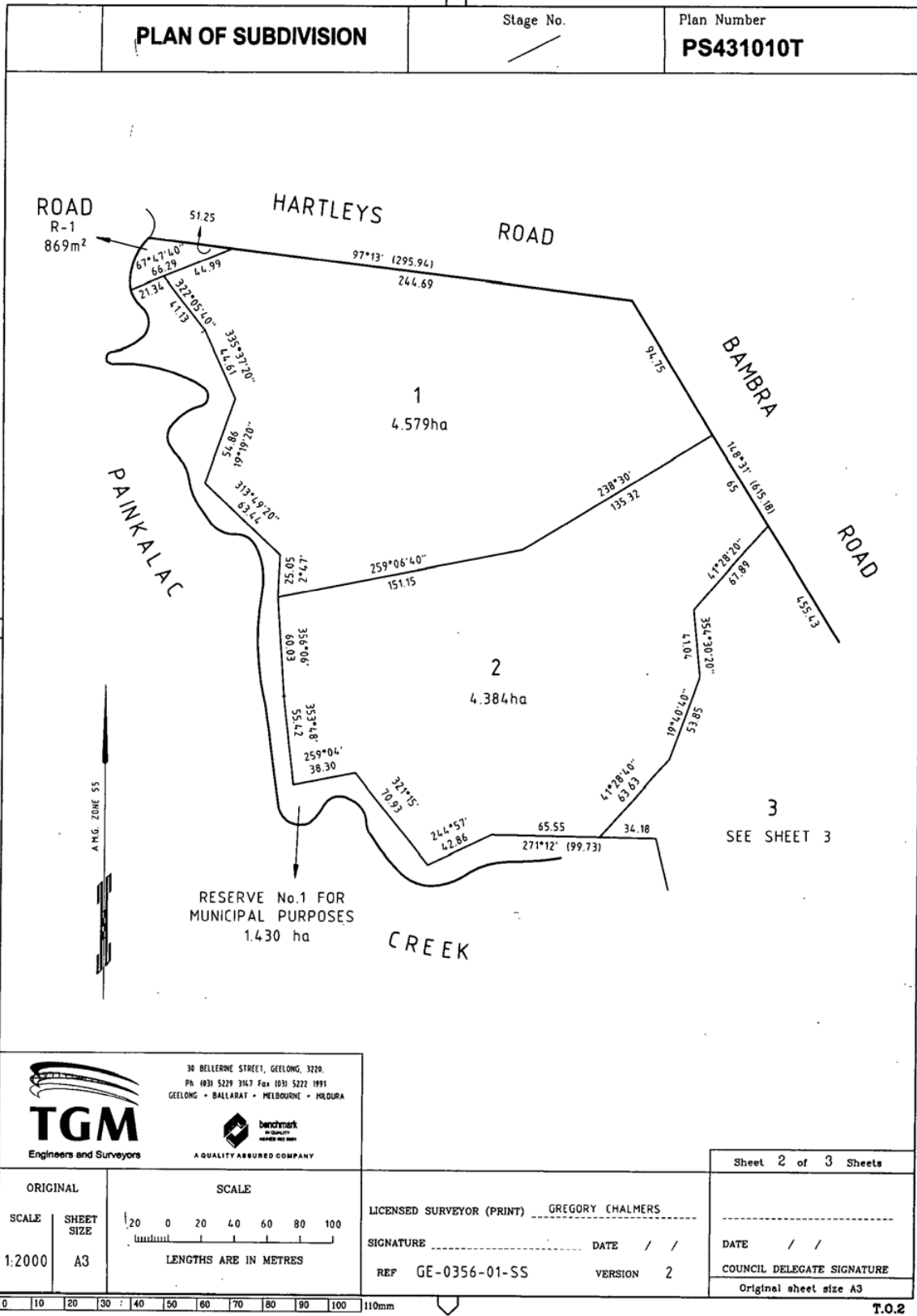
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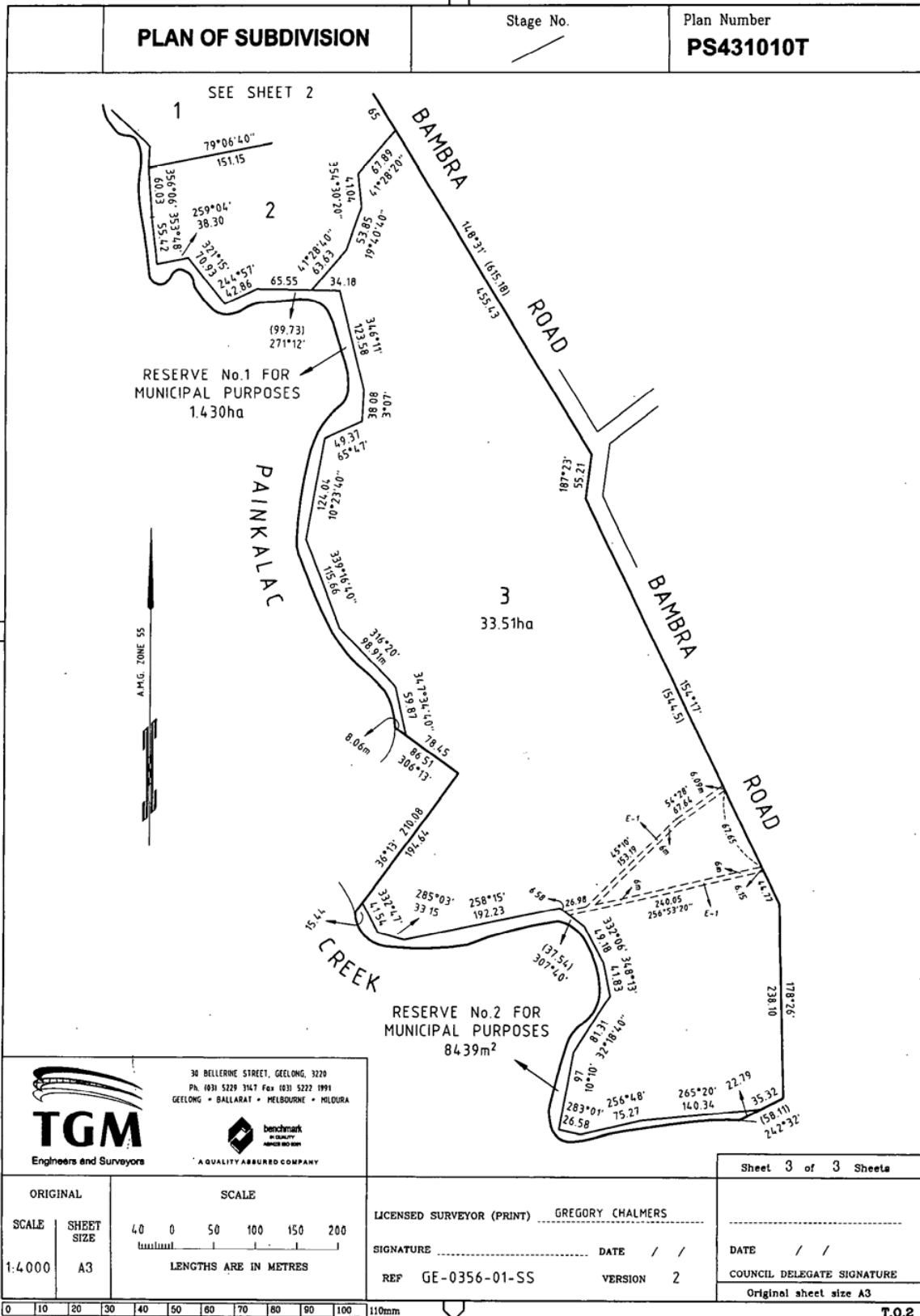
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PLAN OF SUBDIVISION				Stage No. <hr/>	LTO use only EDITION 1	Plan Number PS 431010T
Location of Land Parish: ANGAHOOK Township: _____ Section: A (PART) Crown Allotment: _____ Crown Portion: _____ LTO base record: DCMB Title References: V.6388 F.593, V.7292 F.273, V.7302 F.355, V.8079 F.511, V.8253 F.339, V.8253 F.340, V.10422 F.553, V.10546 F.948, V.10546 F.949. Last Plan Reference: TP18229E, LP1757 Postal Address: 23-79 BAMBRA ROAD, (at time of subdivision) AIREYS INLET, 3231. AMG Co-ordinates E 246600 Zone 55 (of approx. centre of land in plan) N 5739600				Council Certification and Endorsement Council Name: SURF COAST SHIRE Ref: 52632 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. Open Space (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has / has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage _____ Council Delegate Council seal Date 5/3/02 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
Vesting of Roads or Reserves				Notations		
Identifier	Council/Body/Person			Staging		
ROAD R-1	SURF COAST SHIRE			This is / is not a staged subdivision		
RESERVE No.1	SURF COAST SHIRE			Planning Permit No. 97/7281		
RESERVE No.2	SURF COAST SHIRE			Depth Limitation		
<u>CREATION OF RESTRICTION.</u>				DOES NOT APPLY		
UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED.				PARTIAL SURVEY		
LAND TO BENEFIT: LOTS ON THIS PLAN.				TITLE BOUNDARY ABUTTING PANKALAC CREEK IS NOT A RESULT OF THIS SURVEY.		
LAND TO BE BURDENED: LOTS ON THIS PLAN				Survey:- This plan is / is not based on survey.		
<u>DESCRIPTION OF RESTRICTION.</u>				This survey has been connected to permanent marks no(s) 21, 22, 23 in Proclaimed Survey Area no. 76		
THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ALLOW THE ERECTION OF MORE THAN ONE DWELLING ON ANY ALLOTMENT.						
IN ACCORDANCE WITH PLANNING PERMIT No.97/7281 NO LOT ON THIS PLAN SHALL BE FURTHER SUBDIVIDED.						
THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ERECT A BUILDING OTHER THAN IN THE BUILDING ENVELOPES SHOWN ON THE ENDORSED NEIGHBOURHOOD DESIGN PLAN IN PLANNING PERMIT No.97/7281						
Easement Information				LTO use only		
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)				Statement of Compliance / Exemption Statement		
				Received <input checked="" type="checkbox"/>		
				Date 3/6/02		
				LTO use only		
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				TIME 11:05		
				DATE 13/11/02		
				<i>Helen Johnson</i> Assistant Registrar of Titles		
				Sheet 1 of 3 Sheets		
 30 BELLERME STREET, GEELONG, 3220. Ph. (03) 5229 3147 Fax (03) 5222 1991 GEELONG • BALLARAT • MELBOURNE • MILDURA  A QUALITY ASSURED COMPANY				LICENSED SURVEYOR (PRINT) GREGORY CHALMERS SIGNATURE _____ DATE 6/2/02 REF GE-0356-01-SS VERSION 2		
				DATE 5/3/02		
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				Original sheet size A3		

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T.O.2

3.2 16/0402 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

Author's Title: Coordinator Statutory Planning

General Manager: Phil Rowland

Department: Planning & Development

File No: 16/0402

Division: Environment & Development

Trim No: IC17/201

Appendix:

1. Applicant's Submission (D16/88844) [↓](#)
2. Title (D16/88835) [↓](#)
3. Plan of Subdivision (D16/88841) [↓](#)

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 planning permit application 16/0402 which seeks approval to re-subdivide the land and to vary a restriction on title which prohibits the further subdivision of the land at 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet.

Summary

The application seeks approval to re-subdivide the land, creating a separate lot for a dwelling on an existing approved building envelope which was approved via Planning Permit 97/7281 and to consolidate the balance of the land with the property at 115 Bimbadeen Road, Fairhaven, located on the opposite side of the Paikalac Creek. The lot sizes created are as follows:

- Lot 1 – 3.276 hectares, designed to include the existing building envelope approved under Planning Permit 97/7281
- Lot 2 – 30.23 hectares to be annexed to the land on the opposite side of the river which has an area of 6.53 hectares; total area 36.76 hectares.

The Plan of Subdivision which relates to the property at 23-79 Bambra Road, Aireys Inlet contains the following restriction:

The owners of lots on this plan shall not allow the erection of more than one dwelling on any allotment. In accordance with Planning Permit No. 97/7281 no lot on this plan shall be further subdivided.

The owners of lots on this plan shall not erect a building other than in the building envelopes shown on the endorsed neighbourhood design plan in Planning Permit No. 97/7281.

The application seeks to amend the restriction as follows:

In accordance with Planning Permit 97/7281 no lot on this plan, other than Lot 3, shall be further subdivided and Lot 3 shall only be subdivided on the basis that any further subdivision does not create any additional dwellings.

A Section 173 Agreement also applies to the land. Approval is sought via a separate application to amend the Section 173 Agreement to allow the re-subdivision of the land. Council's decision on the application to amend the Section 173 Agreement will inform the processing of this application. The officer recommendation for this application is one of refusal.

In the event that Council decides to amend the Agreement in a manner which is substantively different to the proposal there would be a need for re-notification of the application as outlined in Section 178C and E of the *Planning and Environment Act 1987*. Such a decision would likely result in the need to defer consideration of this re-subdivision application.

The site is located at 23-47 Bambra Road, Aireys Inlet and 115 Bimbadeen Drive, Fairhaven. The site comprises three parcels of land which were subdivided via Planning Permit 97/7281 and are known as 23-79 Bambra Road, Aireys Inlet. The subdivision layout also created a creek reserve area along the alignment of

3.2 16/0402 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

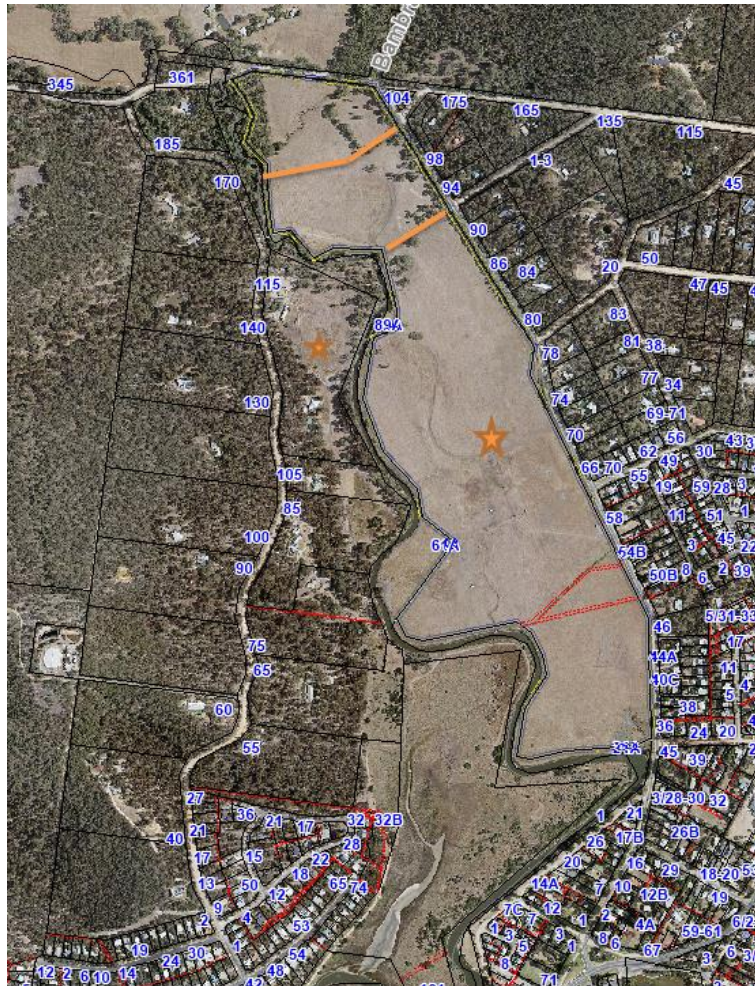
the Painkalac Creek. The site also comprises a lot at 115 Bimbadeen Drive which has been developed with a dwelling and stables.

The site at 23-79 Bambra Road is currently used for the grazing of horses and continues to contain open pasture land along the valley floor. It includes a number of horse shelters approved by Planning Permit 10/0570 and fenced paddocks. A bridge has been developed to provide for access between the two lots, allowing for horses to be moved between the two properties. Two grand gate entrances have been developed for the two lots at the northern end of the site. The low lying land is subject to flooding from Painkalac Creek.

The site at 23-79 Bambra Road is an irregular, elongated shape with a total area of 48.35 hectares. The site is bounded to its west by the Painkalac Creek, to its east by Bambra Road and to its north by Boundary Road. At its southern end it terminates at a point opposite the end of Beach Road.

Residential development is located on the eastern side of Bambra Road, with dwellings having an outlook over the subject site. To the west are further open creek flats and the hills of Eastern View which include a low intensity of residential development. Open creek flats extend to the south of the site beyond the Great Ocean Road.

The site can be seen in the image below. The stars indicate the two lots which are the subject of this Planning Permit application.



Planning Permit 97/7281 approved the development of three dwellings on the lots at 23-79 Bambra Road. This permit has been extended three times and is still valid, expiring on 24 April 2018 if development has not commenced by that date.

Planning Permit 97/7281 was approved by the Victorian Civil and Administrative Tribunal (VCAT). Initially approval was sought for four dwellings and a four lot subdivision, with VCAT ultimately approving a three lot subdivision and the use and development of three dwellings after giving detailed consideration to landscape values, flooding, tenement provisions, flora and fauna and the ongoing management of the site. In approving

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the Planning Permit VCAT required the consolidation of Lots 3 and 4 and endorsed building envelopes for each of the lots.

A Section 173 Agreement was required to provide for ongoing requirements for the development of the land and included requirements that:

- none of the lots created on the plan of subdivision shall be further subdivided and not more than one dwelling will be constructed on each lot
- the setting aside as an area of public open space to vest in the Council upon registration of the plan of re subdivision of such land as may be necessary to ensure a minimum width of public open space of 10 metres along the Paikalac Creek
- creation of building envelopes set back a minimum of 40 metres from Bambra Road having an area not greater than 500 square metres
- no buildings to be constructed outside the building envelopes
- no buildings to exceed a maximum wall height of 3 metres and an overall height of 5 metres above natural ground level
- that no development may commence on any of the lots unless the planting as shown on the landscape plan endorsed to this permit has been established for a period of at least two years prior to the commencement of any development
- that the planting on the endorsed landscaping plan be carried out and maintained to the satisfaction of the Council
- that, save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the subject land other than in accordance with the endorsed landscaping plan, without the written consent of Council
- that no dogs shall be kept on the land
- that all stormwater run-off from any buildings and hard surfaces shall be treated to the satisfaction of the Council prior to discharge into the creek
- to pay Council's reasonable legal costs associated with the negotiation, preparation, execution and registration of the Agreement.

The Agreement has been executed and applies to the land. Council will make a decision on whether to allow an amendment to the Agreement to facilitate the subdivision of the land prior to the consideration of this application. The officer recommendation is one of refusal.

Particular Provision 52.02 – Easements, Restrictions and Reserves requires Council to consider the interests of affected people. There is significant community concern around the subdivision application. Public notification of the application was undertaken and 98 objections have been lodged, with one withdrawn, and 97 objections remaining. Three submissions in support of the application have been received. Some of the main issues raised in the objections are:

- further subdivision of the land should not be permitted
- approval of the subdivision would provide for a lot size which is less than the minimum lot size in the zone
- the approval of four lots in the valley is in direct opposition to the Shire's refusal of Planning Permit 97/7281 in 1988
- the subdivision is prohibited
- the subdivision threatens an environmentally and ecologically significant area with further damage and erosion
- the application seeks to satisfy the commercial interests of one person over the interests of the community
- the existing horse riding business has degraded the land and created a dust bowl, further damage and erosion is likely
- the subdivision will allow the construction of four dwellings
- the subdivision of the land is prohibited by the Section 173 Agreement and the restriction
- the proposal contravenes the Aireys Inlet Eastern View Structure Plan which highlights the importance of the valley's open landscape
- the number of horses allowed on the beach will increase and this threatens enjoyment of the beach and local bird species
- the door should not be opened to further subdivision by varying the restriction
- the environmental values of the land and its scenic qualities will be threatened

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- an oval should not be permitted on the land
- the construction of a bridge over the creek will impact on the environment and the creek
- the land should be returned to the community as park land.

The application has been referred to the Country Fire Authority, the Corangamite Catchment Management Authority and the Department of Environment Land and Water. None of these statutory authorities have objected to the issue of a Planning Permit.

Recommendation

That Council having caused notice of Planning Application No. 16/0402 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, refuse to grant a Planning Permit in respect of the land known and described as 115 Bimbadeen Drive, Fairhaven and 23-79 Bambra Road, Aireys Inlet for a two lot re-subdivision and variation of restriction, on the following grounds:

1. The subdivision is prohibited by the Section 173 Agreement which applies to the land and Council is not inclined to amend the Section 173 Agreement to facilitate the subdivision of the land;
2. The variation of restriction would facilitate the subdivision of the land contrary to legitimate expectations of affected people who have understood that the land cannot be further subdivided;
3. The subdivision of the land is contrary to orderly planning principles in that Crown land, a Council reservation and a creek separate the two parcels of land; and
4. There is no direct legal point of access established to facilitate pedestrian, stock or vehicle movement between the two parts of the proposed Lot 2.

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Report

Background

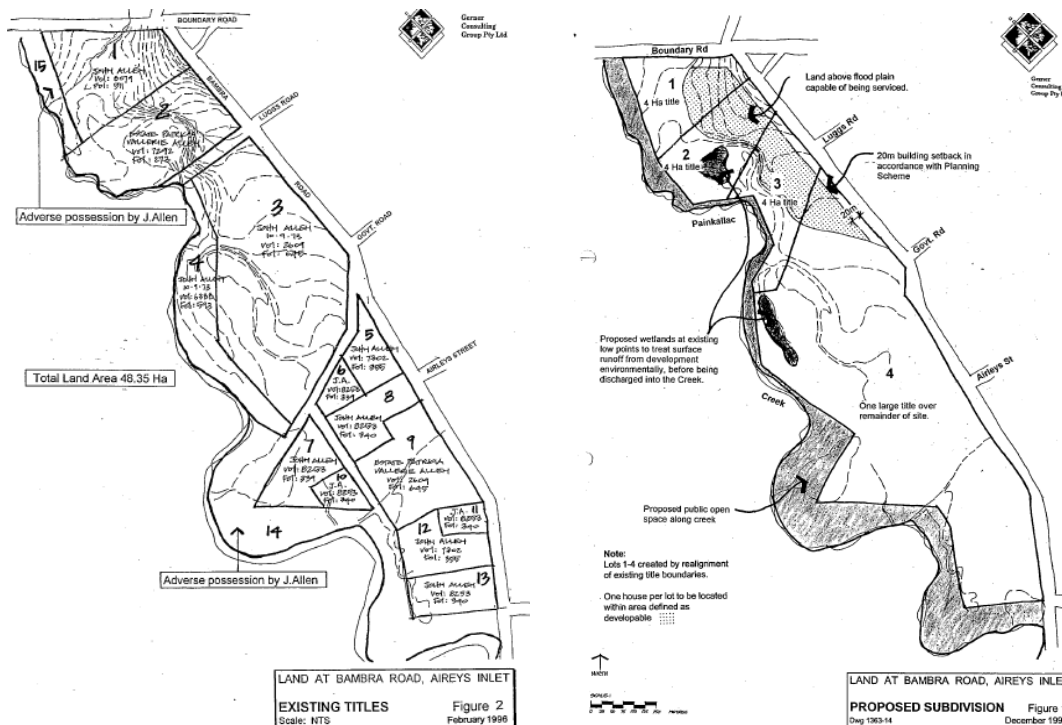
The land was purchased in 1973. At the time the land comprised approximately 60 lots created in 1888 under Plan of Subdivision No. 1757. The lots were consolidated into 13 lots.

In 1984 two applications for a planning permit were made, seeking approval for a house on each of the two lots fronting the northern end of the holding. These permits were refused by the Town Planning Appeals Tribunal with the Tribunal raising concern that a precedent would be created in terms of future subdivision/development in the valley.

An Amendment application, RL34, was made which sought to subdivide the land into 21 residential lots sites in the north east corner of the land, and to rezone the land to Residential A, and transfer the balance of the land into public ownership. This Amendment was abandoned, with the Panel hearing the Amendment concluding that the proposal was at odds with the planning policy for the area. It was determined that the visual significance of the valley as a whole is of major importance and this landscape character should be retained.

In 1990 a proposal was prepared for a 102 lot subdivision. This was rejected by the Painkalac Creek Wetlands Floodplain Environment Study (1990).

Planning Permit 97/7281 sought approval for the re-subdivision of the land into four lots and the development of four dwellings. The plans below show the existing titles and the proposal at that time:



Council refused the application as being contrary to the zone and planning policy. An appeal was lodged against Council's refusal and ultimately VCAT supported a three lot re-subdivision and the use and development of three dwellings. VCAT considered the following issues in detail:

- House 'entitlements' under the tenement clause
- The social value of the site and the pleasure the community derives from the contrast between the valley's open pastures and the vegetated hillsides to either side. It was concluded that the views of the valley from the south are particularly valuable
- Visual intrusion
- Flooding
- Flora and fauna impacts
- Siting.

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A concurrent application was lodged with Planning Permit 97/7281 to use the northern part of the site for a caravan park. This permit application was refused by Council. An application for the review of the decision with the Tribunal was withdrawn.

Over the years controversy has continued within the township about the potential for a football oval on the land. The *Aireys Inlet to Eastern View Structure Plan* (November 2015) contains a key action (2) stating to:

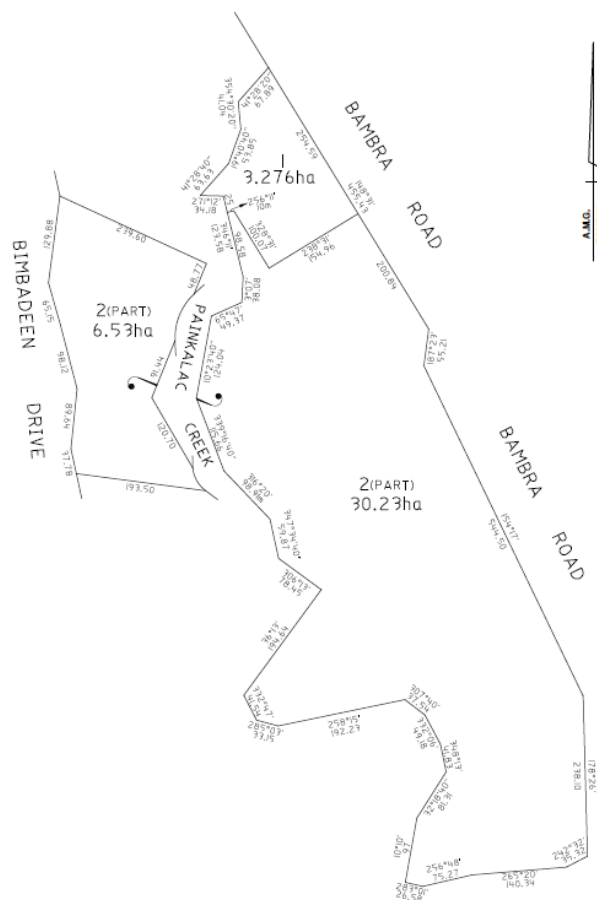
Not progress the development of an active recreation space in the Painkalac Valley, but investigate the opportunity for enhancement of the primary school oval for recreational use and continue to facilitate the sharing of sports facilities in Lorne, Anglesea, Bellbrae and Torquay.

It is noted that a bridge has been developed across the creek to provide access between the land at 115 Bimbadeen Road and the land at 23-79 Bambra Road, Aireys Inlet. The required permissions are not in place for the bridge. Legal access by road is available to both lots, however the bridge provided for ease of access between the two lots and without the bridge in place there are difficulties in managing the transit of horses between the two properties. In the event that this application is supported by Council it is recommended that any approval be conditioned requiring the removal of the bridge prior to the issue of a Statement of Compliance. It cannot be assumed that a new bridge to allow access between the two properties would be approved by the appropriate agencies.

Planning Permit 16/0402 seeks to re-subdivide the land to allow:

- Lot 1 – 3.276 hectares, designed to include the approved building envelope
- Lot 2 – 30.23 hectares to be annexed to the land on the opposite side of the river which has an area of 6.53 hectares.

The proposed subdivision is shown below.



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Permission is also sought to amend the restriction which applies to the land, allowing for the land to be re-subdivided. The proposed amended restriction is as follows:

In accordance with Planning Permit 97/7281 no lot on this plan, other than Lot 3, shall be further subdivided and Lot 3 shall only be subdivided on the basis that any further subdivision does not create any additional dwellings.

The site is zoned Rural Conservation Zone. The site is subject to a number of overlays, including: Bushfire Management Overlay (part); Design and Development Overlay – Schedule 11, Environmental Significance Overlay – Schedule 1; Environmental Significance Overlay – Schedule 4; Environmental Significance Overlay – Schedule 5 (part); and Land Subject to Inundation Overlay.

The re-subdivision of the land can be approved pursuant to Clause 35.06-3 of the Planning Scheme which states:

A permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule in this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- *the subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.*

Discussion

Planning Permit Triggers

A Planning Permit is triggered by the following clauses of the Surf Coast Shire Planning Scheme:

- Clause 35.06-3 – Subdivision in the Rural Conservation Zone
- Clause 42.01-2 – Subdivide land in the Environmental Significance Overlay
- Clause 44.04-2 – Subdivide land in the Land Subject to Inundation Overlay
- Clause 44.06-1 – Subdivide land in the Bushfire Management Overlay
- Clause 52.02 – Variation of restriction.

The provisions of the Rural Conservation Zone allow only one dwelling per lot.

Referrals

The application has been referred to the Corangamite Catchment Management Authority, the Country Fire Authority and the Department of Environment, Land, Water and Planning. None of the statutory referral authorities have objected to the grant of a planning permit.

The application was also referred to Council's Environmental Health Unit. Toward the end of October a request was made for a Land Capability Assessment from the applicant. A Land Capability Assessment was submitted to Council on 5 April 2017. Due to the timelines associated with this report, there has not been an opportunity to have the report assessed.

Planning Policy Framework

The planning policy framework contains a number of clauses which are relevant to the consideration of this application, including:

- 11.07-4 – Environmental Assets;
- 11.07-6 – Sustainable Communities;
- 11.07-7 – A Diversified Economy;
- 12.01-1 – Protection of Biodiversity;
- 12.02-4 – Coastal Tourism;
- 12.02-6 – The Great Ocean Road Region;
- 12.04-2 – Landscapes;
- 13.02-1 – Floodplain Management;
- 13.05-1 – Bushfire Planning Strategies and Principles;
- 15.01-5 – Cultural Identity and Neighbourhood Character;
- 17.01-1 – Business;

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- 17.03-1 – Facilitating Tourism;
- 21.01 – Profile and Vision;
- 21.03-2 – Environmental Assets;
- 21.03-3 – Environmental Risks;
- 21.04-2 – Tourist Development;
- 21.06-3 – Landscape Outcomes;
- 21.12 – Aireys Inlet to Eastern View Strategy.

The following themes are relevant to the assessment of the application and are derived from the above policy framework: environmental risk from flooding and fire; landscape; environment; and business and tourism.

Broadly, it is considered that the subdivision is consistent with the themes outlined above given that the subdivision will not allow the development of additional dwellings which would impact on the landscape values of the area. In addition, approval is not sought to undertake any new buildings and works on the lots. However, the fact that no additional dwellings can be constructed within the valley floor is just one element of Council's consideration of this application. It would be simplistic to suggest that the application should be supported because of this fact alone.

There are inherent weaknesses with the proposal, including difficulties associated with practical land management and a lack of a legal connection between the two parcels of land. While there are potential economic benefits associated with allowing the resubdivision of the land which would facilitate the Blazing Saddles business to continue operating from the land, it is a fact that the two parcels of land are separated by land which is in public ownership and which is zoned Public Conservation and Resource Zone (PCRZ).

Currently a bridge has been developed across Painkalac Creek to allow access between the two parcels of land. The required permits are not in place for the bridge. Without the bridge in place there are practical difficulties in managing the transit of horses between the two properties. The PCRZ land is considered to be a significant impediment to the approval of the application. The addition of the land at 115 Bimbadeen Drive provides an opportunity, which would otherwise be unavailable, to resubdivide the land. Given the lack of a legal physical connection between the two parcels of land and the separation of the land by the Painkalac Creek, any assessment has to be made on the basis that the opportunity to traverse over this land is not available. The issue has not been addressed by the applicant.

It is noted that the community values the Painkalac Valley, particularly its scenic/ landscape qualities and the habitat it provides for a range of birds and wildlife. The re-subdivision of the land is not considered to compromise these outcomes, and will allow horses to continue to graze on the land. However it is noted that the fragmentation of the land could result in a sub optimal land management outcome, with more land owners within the valley floor on the eastern side of the creek alignment.

Although not documented with the application, it is understood that Blazing Saddles is a local employer and tourist attraction, playing an important role in the economic diversity of the Aireys Inlet township. The approval of the application is intended to ensure that the business can continue to operate effectively from the township, providing benefit to the local economy.

The Aireys Inlet – Eastern View Structure Plan provides specific direction within Clause 21.12 for this site as follows:

- the open valley landscape of the Painkalac Creek, separating the timbered hillsides of Aireys Inlet and Fairhaven, has high environmental, geomorphological, scenic and cultural values and contains flora and fauna of high State ecological significance
- managing the extreme bushfire risk of this coastal area while protecting neighbourhood character, vegetation cover and landscape values
- the local economy is strongly focused on tourism, and benefits from the association with the Great Ocean Road, surfing/beaches and Great Otway National Park
- discourage the removal of native vegetation, require the planting of locally indigenous vegetation species to compensate for the removal of native vegetation (without increasing bushfire risk) and encourage the removal and management of environmental weeds
- restrict subdivision and development of private land outside the settlement boundaries to protect the vegetated landscape setting and maintain buffers to the Great Otway National Park

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- protect the scenic open landscape character and environmental values of the Painkalac Creek valley by restricting development and earthworks and avoiding vegetation removal close to the creek and wetlands
- to promote economic development and tourism opportunities that are compatible with the towns' low key coastal village character and natural environment.

The Structure Plan also provides direction on the potential for a sports oval on the land. Key action (2) states to:

Not progress the development of an active recreation space in the Painkalac Valley, but investigate the opportunity for enhancement of the primary school oval for recreational use and continue to facilitate the sharing of sports facilities in Lorne, Anglesea, Bellbrae and Torquay.

The approval of the re-subdivision of the land does not imply any approval for a sports oval on the land. Such approval would be contrary to a specific action within the Structure Plan.

As noted above, the re-subdivision is not considered to result in any discernible visual impacts on the open valley landscape of the Painkalac Creek. A dwelling has already been approved on the proposed Lot 1, while the property at 115 Bimbadeen Drive, Fairhaven is also developed with a dwelling. The provisions of the Rural Conservation Zone only allow one dwelling per lot. However, this is not the only issue for consideration with this application.

Again, it is implied, but detail is not provided around the economic and tourism benefits of the Blazing Saddles operation to the township. Such a business is supported by the Structure Plan and the wider policy context of the local policy framework.

Zone

The site is located in the Rural Conservation Zone which seeks:

- to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- to conserve the values specified in a schedule to this zone
- to protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values
- to protect and enhance natural resources and the biodiversity of the area. To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality
- to provide for agricultural use consistent with the conservation of environmental and landscape values of the area
- to conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.

Overlays

The land is subject to three different Environmental Significance Overlays. Broadly, the overlays are designed:

- to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- to identify areas where the development of land may be affected by environmental constraints
- to ensure that development is compatible with identified environmental values.

Each overlay contains specific direction and decision guidelines and these will be addressed in further detail in the Council report.

The land is subject to a Land Subject to Inundation Overlay, the purpose of which is:

- to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- to identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority

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- to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity
- to reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made
- to protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria)
- to ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The overlay contains specific direction and decision guidelines and these will be addressed in further detail in the Council report.

The land is subject to a Bushfire Management Overlay, the purpose of which is:

- to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire
- to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented
- to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Section 173 Agreement

Pursuant to Section 60(1A)(i) of the Planning and Environment Act a responsible authority considering a permit application may, if the circumstances so require, consider any Section 173 Agreement affecting the land which is the subject of the application. The existence of a Section 173 Agreement is a clearly a relevant consideration and the subdivision of the land would contravene the Agreement if Council refuses to amend the Agreement.

The Planning and Environment Act does not mandate that a responsible authority must refuse a permit application that would contravene a Section 173 Agreement, although this will commonly be the outcome. In some cases a planning permit could be issued in anticipation of a Section 173 Agreement being amended, where there is a clear and reasonable expectation of that occurring. Council's decision on the Agreement will heavily influence the decision making on this subdivision application. If Council doesn't support the amendment of the Agreement, then this subdivision application should not be approved.

Particular Provisions

As noted, the Plan of Subdivision for the property at 23-79 Bambra Road, Aireys Inlet contains the following restriction:

*The owners of lots on this plan shall not allow the erection of more than one dwelling on any allotment.
In accordance with Planning Permit No. 97/7281 no lot on this plan shall be further subdivided.
The owners of lots on this plan shall not erect a building other than in the building envelopes shown on the endorsed neighbourhood design plan in Planning Permit No. 97/7281.*

Section 60(2) of the Planning and Environment Act 1987 sets out considerations for Council for the removal or variation of a restriction. The Act details that Council must not grant a permit which allows the removal or variation of a restriction unless it is satisfied that the owner of any land benefited by the restriction is unlikely to suffer a) financial loss, or b) loss of amenity, or c) loss arising from change to the character of the neighbourhood, or d) any other material detriment. In this case the beneficiaries of the restriction are the lots on Plan of Subdivision PS431010 T and there are no objections from the owner of these lots.

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In *Hill v Campaspe SC (Red Dot)* [2011] VCAT 949 the Tribunal established that:

With respect to the first issue relating to objections and the status of objectors as parties, there is nothing in the planning scheme that limits the right of third parties to object to a permit application to remove or vary a restrictive covenant. The scheme incorporated into the Planning and Environment Act 1987 and the planning scheme regarding the removal or variation of a restrictive covenant establishes three categories of potential objectors:

- *Those who own land that has the benefit of the covenant;*
- *Occupiers of land that has the benefit of the covenant; and*
- *Other affected people.*

It is therefore open to persons other than the owners of land benefited by the covenant to lodge objections to the permit application and to be parties to the proceeding. What weight should be placed on their grounds of objection is a different issue to whether they have a right to object and hence participate in the proceeding.

The objectors to this application fall into the category of 'other affected people'.

Clause 52.02 – Easements, Restrictions and Reserves is relevant to the consideration of this application which seeks approval to vary a restriction. The provision requires Council to consider the interests of affected people when deciding to vary a restriction. Council has discretion whether or not to grant a permit under Clause 52.02 independent of the provisions of Section 60(5) of the Act. The need to exercise discretion arises when the grant of a permit is not prohibited under Section 60(5).

In this case, the public notification phase of the application has led to significant community concern and 98 objections have been lodged, with one since withdrawn, resulting in 97 objections remaining. Three submissions in support of the application have been received.

The purpose of the restriction was clear and had the intention of restricting the further subdivision of the land. Landowners in the general area may have formed legitimate expectations that with the restriction and Section 173 Agreement in place it would not be possible for another lot to be created on the eastern side of the Painkalac Creek within the valley floor. It is considered that the variation of the restriction would negatively impact on the interests of affected people.

The key objections received have been summarised and commented on below.

Objections

Further subdivision of the land should not be permitted

The Section 173 Agreement which applies to the land seeks to prohibit the further subdivision of the land with VCAT stating that *no more boundary realignments into sub-standard lots will be possible under Clause 42-2.3, because the number of lots will be tied down at three.*

Approval of the subdivision would provide for a lot size which is less than the minimum lot size in the zone

The subdivision will allow the construction of four dwellings

The provisions of the Rural Conservation Zone, Clause 35.06-3, allow Council to grant a permit to create smaller lots if *the subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.*

The application seeks to add the balance of land within Lot 3 to the land at 115 Bimbadeen Road. This lot contains a dwelling. The zone table for the Rural Conservation Zone sets out that only one dwelling on a lot can be approved.

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The approval of four lots in the valley is in direct opposition to the Shire's refusal of Planning Permit 97/7281 in 1988

It is noted that VCAT determined to reduce the number of lots on the valley floor from four to three, reducing the number of dwellings from four to three. The reduction in lots and dwellings seemed to be connected to the visual impact of the dwellings on key viewing areas particularly the impact at the southern end of the land. However, as noted above, VCAT was clear in its intention that the land would not be further subdivided, nor would there be further boundary realignments as it has limited the number of lots on the valley floor to three within the land contained in that proposal, being the eastern side of the creek alignment.

The subdivision of the land is prohibited by the Section 173 Agreement and the restriction

Without Council's consent to amend the agreement and the restriction which apply to the land, the subdivision cannot proceed.

The subdivision threatens an environmentally and ecologically significant area with further damage and erosion

It is considered that this concern is linked to the horse grazing operation which is currently undertaken on the land. The horse grazing operation could continue with a lease arrangement in place (as it currently does). Any decision for or against the subdivision will not necessarily change this situation.

The application seeks to satisfy the commercial interests of one person over the interests of the community

The applicant has not demonstrated that there would be net community benefit from the proposal.

The existing horse riding business has degraded the land and created a dust bowl, further damage and erosion is likely

This is a concern that was raised by many people. A permit has not been sought for a land use. It is understood that it is anticipated that horses would continue to graze on the land.

The number of horses allowed on the beach will increase and this threatens enjoyment of the beach and local bird species

As noted, no application has been made to change the use of the land. Horses already graze on the land and Blazing Saddles currently operates from the site at 115 Bimbadeen Drive.

The door should not be opened to further subdivision by varying the restriction

The officer recommendation is one of refusal.

The environmental values of the land and its scenic qualities will be threatened

In many respects, approving the subdivision of the land would not impact on the scenic qualities of the area. The subdivision would not allow an additional dwelling to be constructed on the valley floor and it would allow for the horses which already graze on the land to continue to graze on the land.

As noted, the fragmentation of land within the valley floor could result in a sub-optimal land management outcome.

An oval should not be permitted on the land

Approval of this application would not permit an oval on the land. Approval has not been sought for an oval on the land.

As noted above, the Structure Plan does not support an oval on this land.

The construction of a bridge over the creek will impact on the environment and the creek

Currently a bridge is in place to provide a link between the two parcels of land. The appropriate permissions are not in place for this bridge. No application has been made to construct a bridge across the creek and it is not known what decision would be made on such an application.

The land should be returned to the community as park land.

The land has been in private ownership for many years. The land owner handed over the creek frontage area as a public reserve as part of the development of the three lots. This, with the existing Crown land, has created a public ownership area for the creek and its immediate environs for the benefit of the community.

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Financial Implications

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

Council Plan

Theme	1 Environment
Objective	1.1 Preserve and enhance the natural environment
Strategy	Nil
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	5 Development and Growth
Objective	5.1 Protect productive farmland and support rural business
Strategy	5.1.2 Work with local businesses

Policy/Legal Implications

There are no legal implications for the consideration of this application.

The Planning Scheme and the *Planning and Environment Act 1987* will guide the decision making process.

Officer Direct or Indirect Interest

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

Risk Assessment

Not applicable.

Social Considerations

Key themes raised in objections include concerns about the environmental values of the land and the creation of an additional lot in the Painkalac Valley, which is a landscape valued by the community.

Additional social issues for consideration include the opportunity for a tourism based, local employer to continue to operate from the township.

Community Engagement

The planning permit application was placed on public notification. Public notification of the proposal has generated 98 objections, with one objection since withdrawn. Three submissions in support of the application have been made.

Environmental Implications

Objectors are concerned about the environmental implications of the proposal.

Communication

A copy of the Council's decision will be provided to the applicant and all submitters.

Conclusion

As noted, the site is subject to a Section 173 Agreement which does not allow the further subdivision of the land. A restriction on the Plan of Subdivision imposes a similar limitation on the land.

The officer recommendation for the application to amend the Section 173 Agreement is one of refusal. If this recommendation is adopted by Council, this application should also be refused.

While there are some benefits associated with approving the subdivision of the land, there are inherent difficulties with access between the two parcels of land given that the land is separated by Crown land and a Council reserve.

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Having regard to the VCAT decision which allowed a three lot subdivision of the land and the development of three dwellings it is considered that it is clear that VCAT intended to prohibit the further subdivision of the land.

Adding the land at 115 Bimbadeen Drive into the equation has opened up the potential for a resubdivision application to be made under the Rural Conservation Zone. In many respects, adding the land at 115 Bimbadeen Drive to the land in Bambra Road is not well considered, particularly as there is no legal connection and no real relationship between the two parcels of land given the creek separation, traversing the road network to transport livestock between the properties would be difficult in a semi urban setting.

The concerns raised by the objectors are significant and set out that objectors had legitimate expectations that the land would not be further subdivided because of the Section 173 Agreement and restriction which apply to the land. It is considered that approval of the amendment to the restriction would impact on the interests of affected people, which is a key consideration under Clause 52.02.

It is recommended that the application be refused.

3.2 16/0402 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

APPENDIX 1 APPLICANT'S SUBMISSION

adam o'halloran + associates

land surveyors

1 SUMMARY

Proposal	Boundary realignment
Site Location	23 Bambra Rd, Aireys Inlet & 115 Bimbadeen Drv, Fairhaven
Title Details	Vol 9687 Fol 762 Lot 1 on LP203794S Vol 10687 Fol 721 Lot 3 on PS431010T
Land Size	40.04ha (total)
Zoning	Rural Conservation Zone
Overlays	Wildfire Management Overlay (WMO) Design & Development Overlay (DDO11) Environmental Significance Overlay Land subject to Inundation Overlay

2 LOCATION

The subject site comprises two allotments which straddle the Painkalac Creek. 115 Bimbadeen Drive, on the west and 23 Bambra Road on the east.

3 SITE AND CONTEXT DESCRIPTION

The property at 115 Bimbadeen Drive consists of an existing dwelling and associate outbuildings as well as a horse trail riding business 'Blazing Saddles', with its associated buildings and holding yards.

The property at 23 Bambra Road is cleared grazing land. It has approval for a dwelling, with associated building envelope, at the very northern end of the site, in planning permit 97/7281.

Blazing Saddles has been using the property at 23 Bambra Road for agistment of its horses for a number of years.

4 PROPOSAL

It is proposed to realign the boundaries between the existing lots, to include the majority of the grazing land with the land containing Blazing Saddles (115 Bimbadeen Drive). This will ensure certainty for Blazing Saddles by guaranteeing access to land to keep the horses required to run the business.

- Lot 1 will consist of 3.276 ha at the north end of the site, fronting Bambra Road. This will include the area approved for a dwelling and the existing building envelope. This lot will be consistent with the lots to the north (lots 1 & 2 on PS431010T).
- Lot 2 (in 2 parts) will be the balance of the land.

A plan of proposed subdivision has been included with this application.

5 CONCLUSION

Councils' support for the boundary re-alignment is requested as:

- No additional lots will be created.
- The proposed lot 1 will be consistent in size with the lots to the north and the existing building envelope, and restrictions will remain on this lot.
- Combining the grazing land with 115 Bimbadeen Drive will provide certainty for the business (Blazing Saddles) and also ensure the valley is kept as farming land, as it has been for 100 years.
- There will be no changes to the way the site is currently used or to what is currently allowed on the site.

3.2 16/0402 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

APPENDIX 2 TITLE

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

VOLUME 10687 FOLIO 721 Security no : 124062291814K
Produced 07/09/2016 03:01 pm
LAND DESCRIPTION

Lot 3 on Plan of Subdivision 431010T.
PARENT TITLES :
Volume 06388 Folio 593 Volume 07292 Folio 273 Volume 07302 Folio 355
Volume 08079 Folio 511
Volume 08253 Folio 339 to Volume 08253 Folio 340
Volume 09316 Folio 208 Volume 10422 Folio 553
Volume 10546 Folio 948 to Volume 10546 Folio 949
Volume 10582 Folio 811
Created by instrument PS431010T 13/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
JOHN BRUCE ALLEN [REDACTED]
PS431010T 13/11/2002

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS431010T 13/11/2002

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

AGREEMENT as to part Section 173 Planning and Environment Act 1987
X409742J 09/04/2001
AMENDMENT OF AGREEMENT AB437838W 24/07/2002

DIAGRAM LOCATION

SEE PS431010T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 23-79 BAMBRA ROAD AIREYS INLET VIC 3231

DOCUMENT END

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

VOLUME 09687 FOLIO 762 Security no : 124062291899S
Produced 07/09/2016 03:04 pm
LAND DESCRIPTION

Lot 1 on Plan of Subdivision 203794S.
PARENT TITLES :
Volume 08957 Folio 920 to Volume 08957 Folio 921
Created by instrument LP203794S 08/07/1986

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
CAROLINE FIONA WOOD of 115 BIMBADEEN DRIVE FAIRHAVEN VIC 3231
AC313801F 05/09/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AE011038G 21/11/2005
BENDIGO BANK LTD

MORTGAGE AH177160E 22/04/2010
BENDIGO AND ADELAIDE BANK LTD

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

DIAGRAM LOCATION

SEE LP203794S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

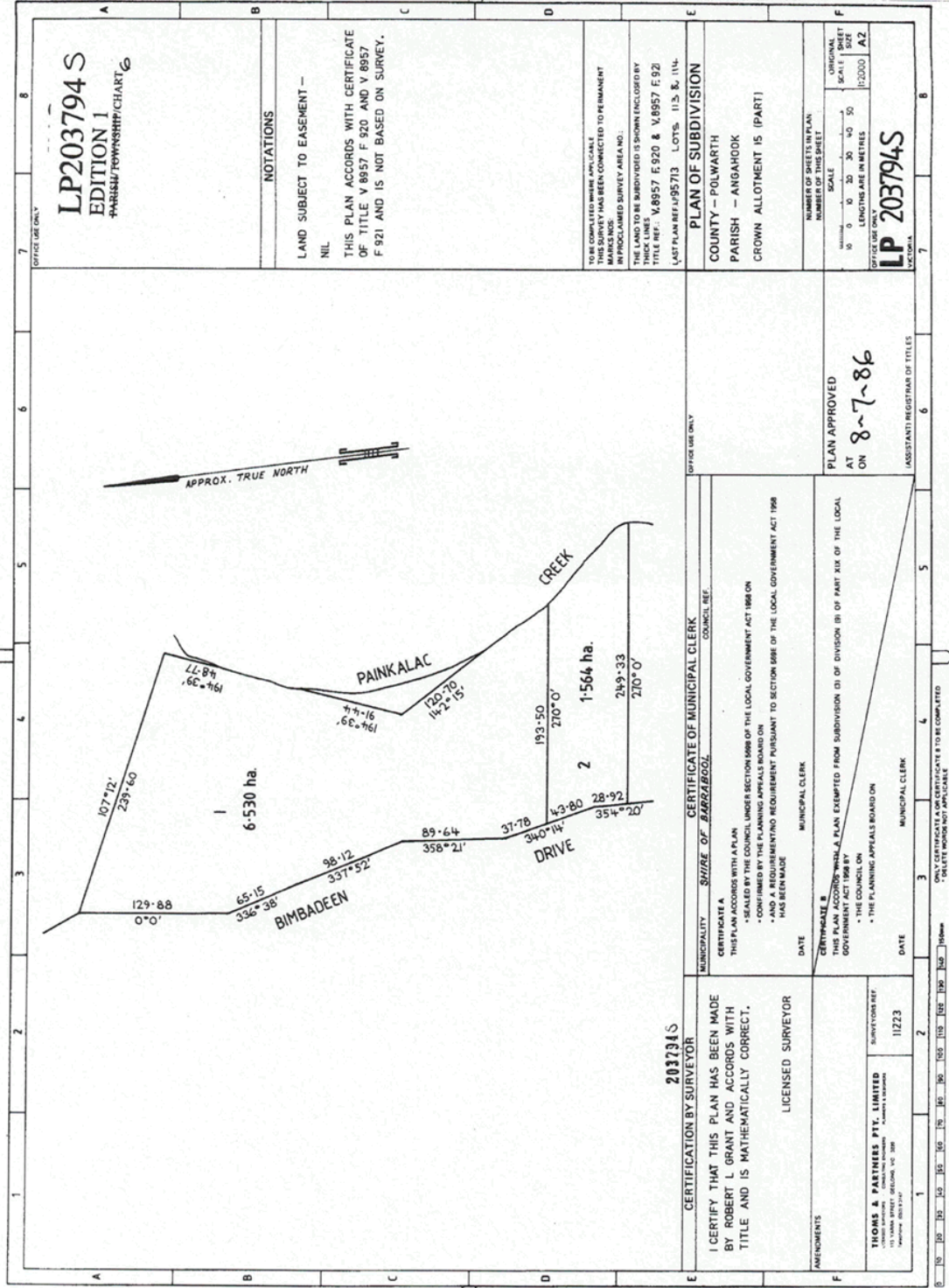
Additional information: (not part of the Register Search Statement)

Street Address: "BLAZING SADDLES" 115 BIMBADEEN DRIVE FAIRHAVEN VIC 3231

DOCUMENT END

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LP203794 S
EDITION 1
 PARISH/TOWNSHIP/CHART

NOTATIONS
 LAND SUBJECT TO EASEMENT - NIL
 THIS PLAN ACCORDS WITH CERTIFICATE OF TITLE V 8957 F 920 AND V 8957 F 921 AND IS NOT BASED ON SURVEY.

THE COMPASS BEARING AND LOCAL MARKERS THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKERS IN PROCLAIMED SURVEY AREA NO. THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED BY TITLE REF. V 8957 F 920 & V 8957 F 921
 LAST PLAN REF. 195713 LOTS 113 & 114

PLAN OF SUBDIVISION
 COUNTY - POLWARTH
 PARISH - ANGAHOOK
 CROWN ALLOTMENT IS (PART)

NUMBER OF SHEETS IN PLAN: 2
 NUMBER OF THIS SHEET: 1
 SCALE: ORIGINAL SCALE SIZE: 1:2000
 LENGTHS ARE IN METRES

CERTIFICATE OF MUNICIPAL CLERK
 MUNICIPALITY: SHIRE OF BARRABOOL
 COUNCIL REF. 2017/1 S
 I CERTIFY THAT THIS PLAN HAS BEEN MADE BY ROBERT L GRANT AND ACCORDS WITH TITLE AND IS MATHEMATICALLY CORRECT.
 LICENSED SURVEYOR

CERTIFICATE A
 THIS PLAN ACCORDS WITH A PLAN SEALED BY THE COUNCIL UNDER SECTION 699B OF THE LOCAL GOVERNMENT ACT 1988 ON THE DATE 11/2/16 AND THE PLANNING APPEALS BOARD ON THE DATE 11/2/16 HAS BEEN MADE

CERTIFICATE B
 THIS PLAN ACCORDS WITH A PLAN EXEMPTED FROM SUBDIVISION (D) OF PART XIX OF THE LOCAL GOVERNMENT ACT 1988 BY THE COUNCIL ON THE DATE 11/2/16 AND THE PLANNING APPEALS BOARD ON THE DATE 11/2/16

DATE: 11/2/16
 MUNICIPAL CLERK

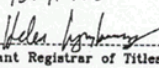

DATE: 11/2/16
 MUNICIPAL CLERK

DATE: 11/2/16
 MUNICIPAL CLERK

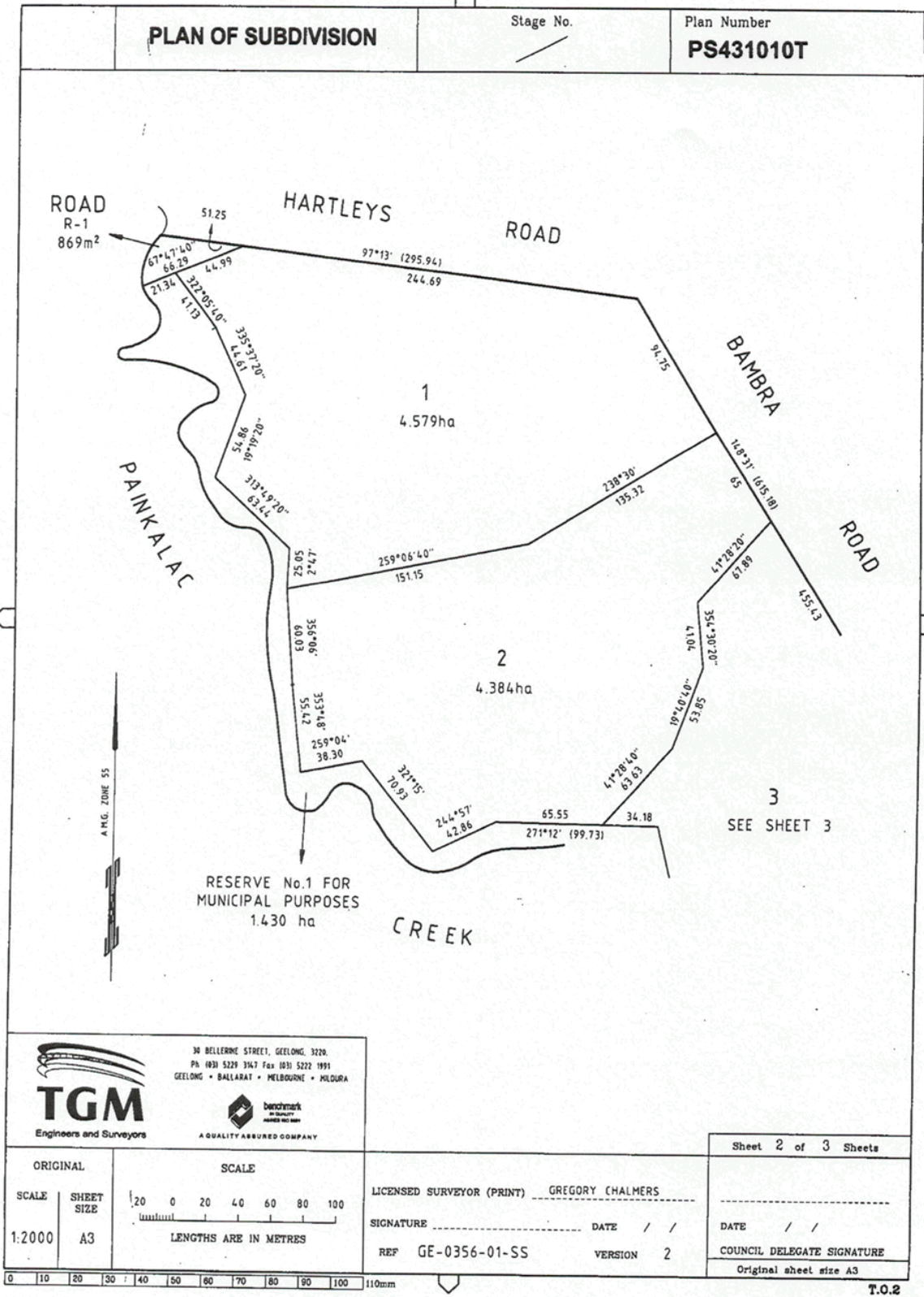
PLAN APPROVED
 AT ON 8-7-86
 ASSISTANT REGISTRAR OF TITLES

ONLY CERTIFICATE A AND CERTIFICATE B TO BE COMPLETED
 * DELETE WORDS NOT APPLICABLE

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PLAN OF SUBDIVISION			Stage No. <hr/>	LTO use only EDITION 1	Plan Number PS 431010T								
Location of Land Parish: ANGAHOOK Township: _____ Section: A (PART) Crown Allotment: _____ Crown Portion: _____ LTO base record: DCMB Title References: V.6388 F.593, V.7292 F.273, V.7302 F.355, V.8079 F.511, V.8253 F.339, V.8253 F.340, V.10422 F.553, V.10546 F.948, V.10546 F.949. Last Plan Reference: TP18229E, LP1757 Postal Address: 23-79 BAMBRA ROAD, (at time of subdivision) AIREYS INLET, 3231. AMG Co-ordinates E 246600 Zone 55 (of approx. centre of land in plan) N 5739600			Council Certification and Endorsement Council Name: SURF COAST SHIRE Ref: 52632 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. Open Space (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has / has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage ____ Council Delegate Council Seal Date 5/3/02 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /										
Vesting of Roads or Reserves <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Identifier</th> <th>Council/Body/Person</th> </tr> </thead> <tbody> <tr> <td>ROAD R-1</td> <td>SURF COAST SHIRE</td> </tr> <tr> <td>RESERVE No.1</td> <td>SURF COAST SHIRE</td> </tr> <tr> <td>RESERVE No.2</td> <td>SURF COAST SHIRE</td> </tr> </tbody> </table>			Identifier	Council/Body/Person	ROAD R-1	SURF COAST SHIRE	RESERVE No.1	SURF COAST SHIRE	RESERVE No.2	SURF COAST SHIRE	Notations		
Identifier	Council/Body/Person												
ROAD R-1	SURF COAST SHIRE												
RESERVE No.1	SURF COAST SHIRE												
RESERVE No.2	SURF COAST SHIRE												
CREATION OF RESTRICTION. UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED. LAND TO BENEFIT: LOTS ON THIS PLAN. LAND TO BE BURDENED: LOTS ON THIS PLAN DESCRIPTION OF RESTRICTION. THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ALLOW THE ERECTION OF MORE THAN ONE DWELLING ON ANY ALLOTMENT. IN ACCORDANCE WITH PLANNING PERMIT No.97/7281 NO LOT ON THIS PLAN SHALL BE FURTHER SUBDIVIDED. THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ERECT A BUILDING OTHER THAN IN THE BUILDING ENVELOPES SHOWN ON THE ENDORSED NEIGHBOURHOOD DESIGN PLAN IN PLANNING PERMIT No.97/7281			Staging This is / is not a staged subdivision Planning Permit No. 97/7281 Depth Limitation DOES NOT APPLY PARTIAL SURVEY TITLE BOUNDARY ABUTTING PANKALAC CREEK IS NOT A RESULT OF THIS SURVEY. Survey:- This plan is / is not based on survey. This survey has been connected to permanent marks no(s) 21, 22, 23 in Proclaimed Survey Area no. 76										
Easement Information Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)			LTO use only Statement of Compliance / Exemption Statement Received <input checked="" type="checkbox"/> Date 3/6/02										
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of									
E-1	DRAINAGE	6	THIS PLAN	SURF COAST SHIRE									
			LTO use only PLAN REGISTERED TIME 11:05 DATE 13/11/02  Assistant Registrar of Titles Sheet 1 of 3 Sheets										
 30 BELLERINE STREET, GEELONG, 3220. Ph. (03) 5229 3167 Fax (03) 5222 1991 GEELONG • BALLARAT • MELBOURNE • MILDURA TGM Engineers and Surveyors			LICENSED SURVEYOR (PRINT) GREGORY CHALMERS SIGNATURE _____ DATE 6/2/02 REF GE-0356-01-SS VERSION 2										
			DATE 5/3/02 COUNCIL DELEGATE SIGNATURE Original sheet size A3										

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TGM
 Engineers and Surveyors

34 BELLERINE STREET, GEELONG, 3220.
 Ph 0831 5229 3147 Fax 0831 5222 1991
 GEELONG • BALLARAT • MELBOURNE • MILDURA

benchmark
 IN SURVEY
 HONOUR NO 808

A QUALITY ASSURED COMPANY

ORIGINAL	SCALE	
SCALE	SHEET SIZE	20 0 20 40 60 80 100
1:2000	A3	LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) GREGORY CHALMERS

SIGNATURE _____ DATE / /

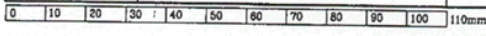
REF GE-0356-01-SS VERSION 2

Sheet 2 of 3 Sheets

DATE / /

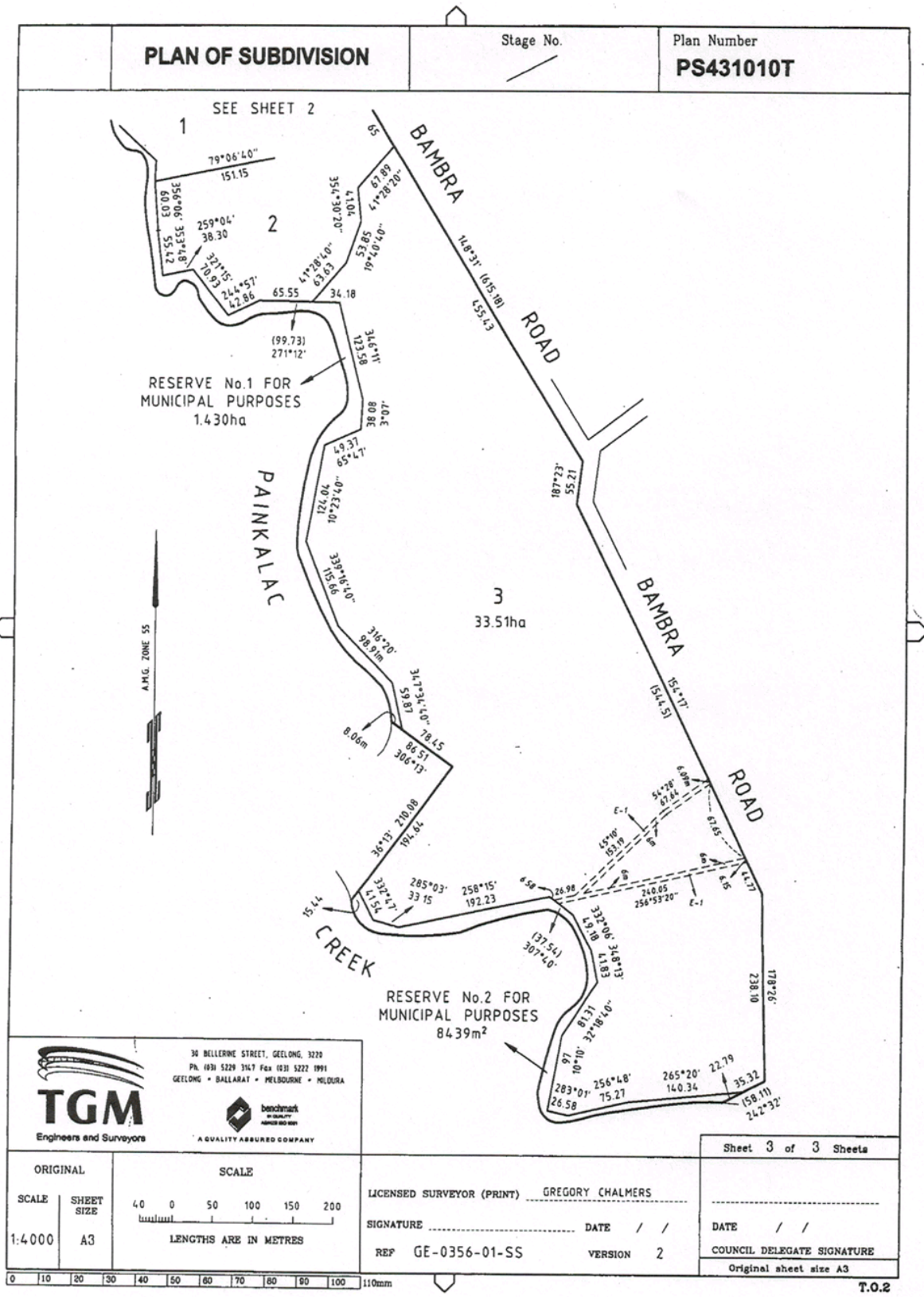
COUNCIL DELEGATE SIGNATURE

Original sheet size A3



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FORM DRAWN &
09 APR 2001
RELOADED
APPLICATION BY RESPONSIBLE AUTHORITY
FOR MAKING OF A RECORDING OF AN AGREEMENT

X1513550
141100 1139 173

X409742J
090401 2300 173 \$0



Planning and Environment Act 1987

Lodged at the Land Titles Office by:

Name: BEST HOOPER

Phone: 9670 8951

Address: 563 Little Lonsdale Street, Melbourne

Ref: JDC:LP

Customer Code: 0485 U

The Authority having made an Agreement requires a recording to be made in the Register for the land.

Land: Certificates of Title Volume 8079 Folio ~~511~~⁵¹¹, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio ~~543~~⁵⁴³, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339.

Authority: Surfcoast Shire of 28 Grossmans Road, Torquay, 3228.

Section and Act under which Agreement made:

Section 173 Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

AMENDED
-9 APR 2001
With consent of
Current Practitioner for: *AMR*

Signature for the Authority:

Name of Officer: Diana Patterson

Position Held: Chief Executive Officer

Dated: 21.9.00

10 JAN 2001

W:\Lym\SURFCOAST\Allen.S173\S.181.doc



DX409742J-1-1

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SURF COAST SHIRE COUNCIL

- and -

MR JOHN BRUCE ALLEN and ESTATE of PATRICIA VALERIE ALLEN

**Agreement Under Section 173 of the
Planning and Environment Act 1987**

Subject Land: 23-79 Bambra Road, Aireys Inlet

KLM Gerner Consulting Group
117 Church Street, Hawthorn Vic 3122
Tel (03) 9819 3199 Fax (03) 9819 1390
Ref 1363R7

X151355G

141100 1139 173



DX409742J-2-8

PLANNING AND ENVIRONMENT ACT 1987

SECTION 173 AGREEMENT

THIS AGREEMENT is made on the 4 day of August 2000

BETWEEN:

SURF COAST SHIRE COUNCIL of 25 Grossmans Road, Torquay, in the State of Victoria (hereinafter called "the Council")

- and -

JOHN BRUCE ALLEN and ESTATE OF PATRICA VALERIE ALLEN c/o Allen & Allen Solicitors, 20th Floor, 114 William Street, Melbourne 3000 in the State of Victoria (hereinafter called "the Owner").

WHEREAS:

- A. The Owner is the owner and registered proprietor of the land more particularly described in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339, ("the Land").
- B. The Land is situated within the boundaries of the Surf Coast Shire which administers the Surf Coast Planning Scheme (the Planning Scheme).
- C. Pursuant to the Planning and Environment Act ("the Act") the Council is the Responsible Authority for the administration and enforcement of the Planning Scheme.
- D. The Council has issued Permit No.97/7281 (the Permit) which allows the land to be subdivided by the realignment of existing lot boundaries to create not more than three lots..
- E. Condition 2 of the Permit requires the execution of an Agreement between the Responsible Authority and the Owner pursuant to Section 173 of the Act prior to the certification of any Plan of Subdivision for the land and prior to the commencement of any development on the Land.
- F. The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement shall be treated as an Agreement made pursuant to Section 173 of the Act.

X151355G

141100 1139 173



DX409742J-3-5

NOW THIS AGREEMENT WITNESSETH AND THE PARTIES AGREE as follows:

1. DEFINITIONS

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 "the Act" means the Planning and Environment Act 1987.
- 1.2 "the Council" means Surf Coast Shire Council.
- 1.3 "the Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the land or any relevant part of it.
- 1.4 "the Scheme" means the Surf Coast Planning Scheme or any amendment thereof or any Planning Scheme made by the Minister for Planning and Local Government in place thereof.
- 1.5 "the Land" means the whole of the land in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339 situated at 23-79 Bambra Road, Aireys Inlet or any part of such land.
- 1.6 "the Permit" means permit No 997/7281 issued by the Council on March 24, 1999.
- 1.7 "the Plan of Subdivision" means the amended plan submitted to Council in accordance with condition 1 of the Permit.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and the plural includes the singular.
- 2.2 A reference to gender includes a reference to each other gender.
- 2.3 A reference to person includes a reference to a firm, corporation or other corporate bodies and their successors.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and severally.
- 2.5 A reference to a statute shall include any statutes amending, consolidating or replacing same and any other regulations made under such statutes.

X151355G



DX409742J-4-2

2.6 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.

3. COMMENCEMENT OF AGREEMENT

This Agreement shall commence on the date hereof.

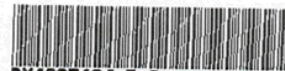
4. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that:

- 4.1 None of the lots created on the Plan of Subdivision of the land (any of such lots to be referred to in this Agreement as "the lot") shall be further subdivided.
- 4.2 Not more than one dwelling shall be constructed on the lot.
- 4.3 An area of the land with a minimum width of 10 metres along the Painkalac Creek shall be noted on any Plan of Subdivision of the land as public open space to vest upon registration of any Plan of Subdivision of the land in the Council.
- 4.4 A building envelope shall be created for the lot as follows:-
 - (a) A minimum setback of 40 metres from the boundary of the road reserve of the road known as Bambra Road.
 - (b) A building area of not greater than 500 m².
- 4.5 No building shall be constructed outside the building envelope.
- 4.6 The wall height of any building shall be a maximum of 3 metres above the natural ground level of the lot.
- 4.7 The maximum height of any building on the lot shall be 5 metres above the natural ground level of the lot.
- 4.8 No development shall commence on any of the lots unless the planting shown on the landscape plan endorsed to the permit ("the Endorsed Landscaping Plan") has been established for a period of at least two years prior to the commencement of any development.
- 4.9 The planting on the endorsed landscape plan shall be maintained to the satisfaction of the Council.

X151355G

141100_1139_173



DX409742J-5-0

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- 4.10 Save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the lot other than in accordance with the endorsed landscaping plan without the written consent of the Council.
- 4.11 No dogs shall be kept on the lot.
- 4.12 All storm-water runoff from any building and any hard surfaces on the lot shall be treated to the satisfaction of the Responsible Authority prior to discharge into Painkalac Creek.

5. FURTHER OBLIGATIONS OF THE OWNER

- 5.1 The Owner agrees to do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificate of Title to the Land after the Approval Date in accordance with Section 181 of the Act.
- 5.2 The Owner shall bear the reasonable costs of and incidental to the making of this Agreement and the registration of a Memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Memorandum at the Land Titles Office.
- 5.3 The Owner covenants and agrees to bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns of the Land.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of SURF COAST SHIRE COUNCIL
was hereunto affixed in the presence of:

..... Councillor
[Signature] Chief Executive Officer



SIGNED by the said JOHN BRUCE ALLEN in the presence of:

..... *[Signature]* Witness

SIGNED by JOHN BRUCE ALLEN as Executor of the Estate of PATRICIA VALERIE ALLEN in the presence of:

..... *[Signature]* Witness

Jl-3. am.

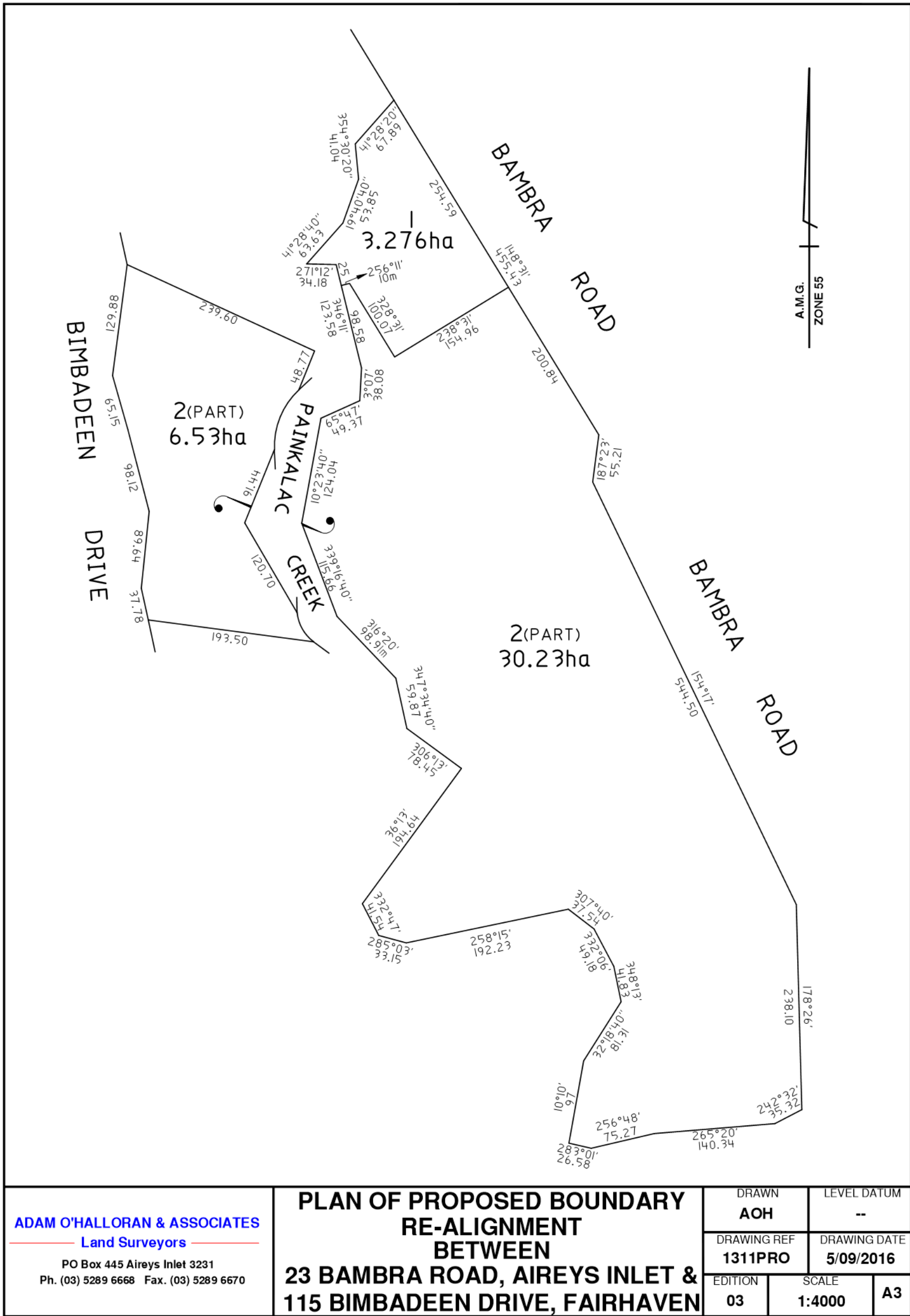
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3.2 16/0402 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

APPENDIX 3 PLAN OF SUBDIVISION



ADAM O'HALLORAN & ASSOCIATES
 Land Surveyors
 PO Box 445 Aireys Inlet 3231
 Ph. (03) 5289 6668 Fax. (03) 5289 6670

**PLAN OF PROPOSED BOUNDARY
 RE-ALIGNMENT
 BETWEEN
 23 BAMBRA ROAD, AIREYS INLET &
 115 BIMBADEEN DRIVE, FAIRHAVEN**

DRAWN AOH	LEVEL DATUM --
DRAWING REF 1311PRO	DRAWING DATE 5/09/2016
EDITION 03	SCALE 1:4000
	A3

3.3 Summary of Winchelsea RV Friendly Trial

Author's Title: Coordinator Business & Tourism Strategy

General Manager: Phil Rowland

Department: Economic Development & Tourism

File No: F16/618

Division: Environment & Development

Trim No: IC17/222

Appendix:

1. Minutes - Winchelsea RV Monitoring Group February 2017 (D17/14574) [↓](#)

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 report on the findings of the 12 month Winchelsea RV Friendly trial and consider the continuance of RVs on the designated area.

Summary

Under Community Amenity Local Law 1 of 2011, the Barwon Riverbank area in Winchelsea between Mercer Street and the Railway Bridge was designated to allow sleeping in self-contained recreational vehicles, self-contained caravans or self-contained motorhomes overnight for a maximum of 48 hours during the trial period which commenced on 1 April 2016 for 12 months.

A monitoring group was established during the trial period to establish a monitoring program testing whether the trial would achieve the following key outcomes:

- a) Attract more tourists and generate economic benefit to Winchelsea.
- b) Increase the perception of Winchelsea being friendly and welcoming, particularly to RV vehicles.
- c) Not result in a reduction in public amenity due to noise, access, damage to the area and litter.

The monitoring group has ceased on 31 March 2017 with the cessation of the trial. The generous time contribution of the group over the past 12 months is acknowledged.

It was found that the Winchelsea RV trial generated a modest economic benefit, increased the perception of the town as more friendly and welcoming and there was not a significant increase in impact on the local amenity of the trial area on the Barwon Riverbank. Resident support for RVs staying short-term in the Barwon River Reserve increased, however a small number of local residents surveyed during the trial remain unsupportive.

A major factor limiting the trial's ability to generate more visitors and spending was an extended site closure of five months due to flooding.

The range of options available to Council include:

- Cease trial and don't permit RV overnight stays in the Barwon River Reserve
- Designate the Barwon River Reserve as a year-round RV Friendly 48 Hour Stop
- Designate the Barwon River Reserve a seasonal RV Friendly 48 Hour Stop
- Create an RV Friendly Winchelsea through partnership with local businesses and cease to provide an RV Site on the Barwon River Reserve.

It is likely that regular flood events will limit year round vehicle access in future making it an unsuitable site for year-round access. Providing a seasonal site may reduce the potential for damage to the reserve. The continued use of the river for RVs over a longer term may need to be reviewed as the population of Winchelsea grows.

3.3 Summary of Winchelsea RV Friendly Trial

Although an improved perception of the town doesn't have a value in economic terms, positive perception can translate to future visitation. There is merit in considering a 3-5 year designation allowing RVs and Caravans to stay short term overnight on a seasonal basis from 1 December to 30 April.

Recommendation

That Council:

1. Note the report summarising the Winchelsea RV Friendly trial.
2. Receive and note the minutes of the Winchelsea Monitoring Group February 2017 meeting.
3. Acknowledge the cessation of the Winchelsea RV Trial and monitoring group and the contribution of the community members.
4. Under Community Amenity Local Law 1 of 2011, designate the Barwon River Reserve, Winchelsea in the area between Mercer Street and the Railway Bridge to allow sleeping in self-contained recreational vehicles, self-contained caravans or self-contained motorhomes overnight for a maximum of 48 hours on a seasonal basis between 1 December and 30 April commencing December 2017.
5. Review the designation of use in April 2020 with recommendations on whether the use continues or not.
6. Allocate \$10,000 in the 2017/18 Budget for the maintenance of the Barwon River Reserve and review annually while RV usage continues.

3.3 Summary of Winchelsea RV Friendly Trial

Report

Background

On 23 February 2016 Council approved a one year trial allowing short term stays for RVs in a section of the Barwon River Reserve. This was done in response to a petition from Growing Winchelsea Inc. requesting Council declare “Winchelsea an RV friendly town by allowing free camping along our beautiful Barwon River, thus attracting tourists and contributing to the economy of our town.”

Under Community Amenity Local Law 1 of 2011, the Barwon Riverbank area in Winchelsea between Mercer Street and the Railway Bridge was designated to allow sleeping in self-contained recreational vehicles, self-contained caravans or self-contained motorhomes overnight for a maximum of 48 hours during the trial period which commenced on 1 April 2016 for 12 months.

Council also resolved to work with Growing Winchelsea Inc. and interested stakeholders to establish a monitoring program during the trial period, including quarterly meetings and key triggers for early cessation of the trial, if required.

At the completion of the trial, Council requested that a report be provided to the April 2017 Council meeting with recommendations on whether the use continues or not. This report summarises the findings from the monitoring program during the trial period and proposes a recommendation moving forward.

Discussion

The Winchelsea RV Friendly Trial provided an opportunity to test the notion that Winchelsea would attract tourists and benefit economically by allowing a free RV site on the Barwon River.

Following the Council meeting, a Monitoring Group was established under an agreed Terms of Reference. The Group met quarterly and group membership consisted of:

- Two Winchelsea Ward Councillors: Cr McGregor & Cr Wellington
- One Growing Winchelsea Representatives: Stuart Fountain (President)
- One business representative: Jacqui Doyle (Café La Hoot)
- Two Community Representatives (one for and one against the proposal).

The minutes of the February 2017 meeting are attached for reference.

The purpose of the group was to establish a monitoring program and review data collected during the trial period and assess status of the trial against expected outcomes.

The envisaged outcomes from the original petition by Growing Winchelsea and previous Council Reports can be summarised in three key sections as seen below. These will be discussed in more detail in the report.

- a) Attract more tourists and generate economic benefit to Winchelsea
- b) Winchelsea would be perceived as more friendly and welcoming, particularly to RV vehicles
- c) Potential reduction in public amenity due to noise, access, damage to the area and litter.

A major factor limiting the trial’s ability to generate more visitors and spending was an extended site closure due to flooding. As can be seen in Table 1 below, the site was open for 3 months from 1 April 2016 and then closed for a period of nearly five months. The trial site was closed on 22 July, open for a period of three days in September and then closed again until 2 December 2016. The Corangamite Catchment Management Authority (CCMA) previously advised the area is subject to flooding 1 in every 2 years.

Timing	2016									2017		
	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Status	RV Site Open			Closed due to flooding						RV Site Open		
Estimated use	1 vehicle per night	1 vehicle every 2 nights	No access to site						1 vehicle per night			

Table 1: Timeline of Winchelsea RV Site Opening / Closure and estimated usage

3.3 Summary of Winchelsea RV Friendly Trial



Figure 1: Barwon River Reserve flooded September 2016

Other broader factors relevant to changes in visitation patterns to Winchelsea to be considered include:

- an extended period of roadworks and road closures on the Great Ocean Road from September 2016 diverting traffic inland or discouraging coastal visitation
- completion of road works in Winchelsea and the duplication of the Princes Highway to Geelong completed in December 2015 providing better access to Winchelsea
- a growing number of commercial tour operators ‘reversing’ their traditional Great Ocean Road tour route along the coast in the morning and travelling through Winchelsea in the morning en-route to the 12 Apostles.

Key Trial Findings

a) Attract more visitors and generate economic benefit

It was estimated in the 23 June 2015 Council report that the site may attract visitor numbers in the range of 10 – 35 vehicles per week provide a modest economic benefit in the order of \$49,000 to \$175,000 per annum. This range was calculated based on an average of five RVs using the site for two nights on a weekend or if an average of five RVs used the site per night for the duration of the trial.

Monitoring of usage by RV vehicles indicates that in the first month of the trial an average of one vehicle per night used the site. In May 2016 this reduced to one vehicle every two nights. From December until the cessation of the trial period, the average was estimated at one vehicle per night. Using the averages above, it is estimated that around 185 self-contained RVs and caravans used the site for the trial period, generating an economic return in the order of \$17,760 (185* \$96 per RV).

This level of usage is supported by reports from Local Laws officers who observed the site 4-5 times per week and reported intermittent usage of the site by 1-2 vehicles for a night. The maximum number of vehicles observed staying overnight was six during the peak Christmas period.

The monitoring group established a business survey to measure whether the trial provided a noticeable increase in trade. The survey was conducted three times during the trial period at the end of June, September and February. The third survey was extended to cover the full summer period. A broad cross-section of Winchelsea businesses were selected including accommodation, hospitality and services.

In response to the question, “Have you noticed any change in turnover attributable to the RV trial?” the majority of businesses (73%) reported no noticeable change in turnover.

“Have you noticed any change in turnover attributable to the RV trial?”	
Yes	9%
No	73%
Don't know	18%

Table 2: Winchelsea RV Trial business survey question

3.3 Summary of Winchelsea RV Friendly Trial

Some businesses who responded 'no' knew that users of the trial site purchased goods at their business but commented this did not affect their turnover to any real extent. The strong majority of businesses who responded to the survey were supportive of the trial.

Several common comments from business responses were:

- Extra customers coming from the site to purchase a coffee
- No extra income, but other shops appear busier
- Think it's busier because the Great Ocean Road is closed
- No, because it's been closed since July.

During the trial, a nearby Hotel continued to provide a small area for RVs and caravans to park on their property as has been done for a number of years. They allow visitors to stay for \$10 per night or for free if a main meal is purchased in the bistro. Over 95% of visitors paid for a meal instead of paying the \$10 site fee and the average expenditure was around \$50 per couple. This service was well used year round attracting at least two vehicles per week on average and several (3 - 4) on most weekends.

The Hotel RV area was not affected by inclement weather or flooding. The nearby dump point was seen as convenient. An analysis of Wikicamps found that RV travellers rated the Hotel site as 4.7 out of 5 and the then manager confirmed this initiative has managed to attract more people to the Hotel and to Winchelsea. Visitors planned to stay for one night but often stayed for several after arriving as they realised there was a secure place to leave any belongings, and Winchelsea was a good base to do daytrips along the Great Ocean Road. The Hotel has recently changed management. The previous management commented that she was considering expanding the number of spaces for RVs to use within their property. This would require a planning permit amendment. It is unclear whether the new management will pursue this.

The Caravan Park responded twice during the trial period to the business survey indicating a noticeable change in turnover attributable to the RV trial. From the June survey, they reported a reduction in visitation since the commencement of the trial period. In the September survey they reported an increase in "one night stayers" at their park since the middle of July when the site was closed. In response to the final survey, they stated their objection against the proposal alleging misuse of the area by RVs staying longer than 48 hours and contributing to an increase in rubbish and degradation of the reserve. In the "ten week period surrounding Christmas and New Year, [their] night-stay rate fell by 32% on last year and 22% on the year before."

An indicator of RV visitation to Winchelsea is the RV Dump Point near the Barwon Hotel. The local supermarket provided a record of usage. From August 2014 to February 2016, the Dump Point was used 18 times, or on average once a month. During the trial period, the Dump Point was used 86 times, or seven times per month, a significant increase in usage of this facility.

Surf Coast Visitor Information Centres received several enquiries about whether the trial site was open or closed during the 12 months. In general fewer visitors were aware of the Barwon Riverbank site when enquiring about free camping options on the Great Ocean Road. Many were aware of the Hotel site in Winchelsea and its 'main meal deal'.

Based on the information above, the trial generated a very modest economic benefit to Winchelsea below the lower end of the envisaged economic benefit. While some businesses noticed some customers were users of the RV site, their expenditure did not provide a noticeable increase in trade. A local Hotel was able to cater for RVs year round and generated a similar level of economic benefit for Winchelsea as the trial site, use of the RV dump point increased significantly, while the Caravan Park reported a reduction in visitation during the trial.

b) Visitor-friendly perception

Community consultation prior to the commencement of the trial identified many positive aspects of low-key visitation that is already occurring in Winchelsea. It was expected that formalising a site may provide a perception that Winchelsea is welcoming to travellers.

The RV Trial had a noticeable impact on the visitor friendly perception of Winchelsea. During the trial period, three letters of appreciation were received for providing an RV friendly site.

3.3 Summary of Winchelsea RV Friendly Trial

The RV Trial site was promoted on Wikicamps, an online app used by RV travellers to find and rate free camps. The site was rated as 4.1 out of 5 stars. Comments were mostly positive including:

- Lovely free camp area
- Great spot
- Great spot for big rig
- Had lunch at Café La Hoot – very good
- Thanks Winchelsea much appreciated
- Great spot...shops and pub in walking distance
- Wonderful site, plenty of space. Suits self-contained vehicles. Easy walk to IGA, butcher, cafes, pool, medical practice and pubs. Brekky and coffee at the old shire hall tea rooms very good.

Beyond supporting the RV friendly trial, the comments also point to the nature of expenditure taking place.

There were several comments attempting to clarify the definition of 'self-contained' for other users, a few complaints about Cockatoos and early morning trains and advice on accessing the dump point and drinking water.

Local nearby resident perception of the RV site improved during the trial period. The level of support for the allowing an RV site on the riverbank was 58% support prior to the trial. During the trial, resident approval increased to 79% support. 21% remained not supportive during the trial. Several comments from resident' responses were:

- Good to see people spending money in the town.
- I walk my dog twice a day, and often the people staying say what a lovely area it is
- Personally, I think it is a great idea and should continue
- We had people staying down the river comment on the fact it's the cleanest park they have stayed in
- People staying here is good for the businesses in town, their favourable comments attract more people to the area
- Lots of caravans using the site, they are quiet & respectful, met some lovely people on my walks.
- The parishioners attending St John Baptist Church heavily endorse the use of the Barwon River reserve for RV camping
- There were several comments that allowing RVs to use the site has discouraged undesirable behaviour of hoons doing 'burn-outs' or 'wheelies' in the area.

Based on the information above, the free RV Trial site had a positive impact on resident and visitor perception of Winchelsea and made the town perceived as more 'visitor friendly'.

c) Potential reduction in public amenity

Community consultation prior to the commencement of the trial also identified a number of concerns in relation to allowing an RV friendly site in the Barwon River Reserve including the unsuitability of the site, an increase in rubbish, a desire to keep it beautiful and untouched and feeling uncomfortable about sharing public space with campers.

Table 2 below provides a summary of nearby resident opinion on whether the RV Trial had affected the amenity of the area. The responses show that most residents did not believe the trial contributed to an increase in rubbish, noise or degradation of the Barwon River Reserve.

Impact on amenity	Yes	No	Don't know
Increased rubbish	7%	76%	17%
Increased noise	7%	83%	10%
General degradation of the site	14%	76%	10%
Any other impacts	21%	38%	41%

Table 3: Summary of 'amenity' responses from Winchelsea RV Trial Resident Survey

3.3 Summary of Winchelsea RV Friendly Trial

Noise and rubbish were not a major concern with 7% responding that RVs contributed to these issues, however double the number of residents (14%) were concerned about general degradation of the site by RVs. A summary of comments on this aspect of the trial include:

- It's lovely that people can camp, but they are in the park where we walk everyday and our rates go to maintain the park. I'd prefer it's kept as a park and no RV campaign even though the travellers are nice. I moved here for space
- Whole area is slowly losing grass
- Encourage day visitors to beautiful Barwon River, how can people enjoy walk along river, kick football or play games when area is being ploughed up by RV vehicles?
- Degradation especially occurred before the site was closed in winter
- Large vehicles tyres cutting up and muddying grassland
- Visually awful
- I feel like the park is now a camp ground and people stay longer than 48 hours
- Visual impact.

During the trial, caravans and RVs were observed in the Barwon River Reserve in winter when the ground was particularly wet (see Figure 2 below for some images taken by the monitoring group). There were numerous reports of tyre tracks through the reserve particularly during the wetter months of the year. The images were taken just prior to the extended site closure.

It is unclear whether the RV trial contributed to an increase in the number of tyre/vehicle tracks made in the Barwon River Reserve. Prior to the trial commencing, large wheel ruts were visible in several areas of the reserve and resident surveys expressed concerns with this area being used by 'hoons' for 'wheelies and burnouts'. Additionally, RVs and Caravans have historically stopped along the Barwon River during the day for lunch stops, tea breaks or access to the shops. The amount of damage from wheel ruts and tyre tracks did not appear to be any worse during the twelve months of trial compared to previous years.



Figure 2: Examples of wheel ruts and tyre tracks in the Barwon River Reserve (July 2016)

3.3 Summary of Winchelsea RV Friendly Trial

The matter of degradation of the reserve through the creation of large wheel ruts seems to be more an issue of all vehicle access to the reserve during wet periods as opposed to singling out RVs as only one user group. Possible solutions are to consider seasonal access for RVs, increase the amount of 'hard stand' areas to cater for all users of the reserve, or to consider ways to restrict access to vehicles during the wetter months when all vehicles might damage the grassed areas.

As mentioned earlier, 21% of local residents remain unsupportive of the trial. Council received a number of complaints from local residents indicating that there is still a level of negative feelings against the trial in parts of the local community.

Local laws visited the trial site approximately 4-5 times per week during the period of the trial and aside from a complaint on the first day reported no additional complaints of any inappropriate behaviour or usage of the site caused by RV users. Anecdotally the site is well patronised with regular usage and numbers have varied from single campers up to six campers using the site on any single occasion. There were no reports of the 'Wicked Camper' type of patronage, noting these seem to be more of an issue along our coastal areas. Rangers spoke to numerous campers and the response to the site has been good with plenty of favourable comments. The trial did not significantly increase the use of local laws resources. They have been able to integrate inspections of the site into their current commitment to other services to the Winchelsea community.

Monitoring Group

The valued contribution of the monitoring group should be noted. In particular the contribution of local community members who regularly attended meetings, provided feedback, visited the site to take regular photos, and assisted in survey formulation. Group members consisted of those who had initially raised concerns, voiced support and had a neutral position towards the trial. The monitoring group performed their role to a very high level. The function of the group ceased on the 31st March 2017.

The trial and monitoring group ceased on 31 March 2017. There are now a number of options for consideration, each with pros and cons:

	Pros	Cons
Don't permit RV overnight stays in the Barwon River Reserve	<ul style="list-style-type: none"> • Addresses some resident's concern about RVs • Caravan park does not experience loss in visitation • Reduction in officer time and resources • Avoids problems with seasonal flooding 	<ul style="list-style-type: none"> • Winchelsea not seen as strongly as 'RV Friendly' • Negative 'word-of-mouth' feedback amongst RV travellers • RVs likely to continue 'historic' use and park illegally • No increase in accommodation capacity for Winchelsea • Little potential for increase in visitation & expenditure over time from RVs
Designate the Barwon River Reserve as a year-round RV Friendly 48 Hour Stop	<ul style="list-style-type: none"> • Winchelsea perceived as friendly & welcoming • Increased visitation to Winchelsea • Modest economic benefit • Positive word-of-mouth • Some control over RV usage of site • Increased accommodation capacity for Winchelsea 	<ul style="list-style-type: none"> • Problems with flooding and year round access • Possible negative impact on caravan park • Possible increased use of Council resources (officer time and maintenance budget) • Need for budget allocation to address vehicle access • May create an opportunity-cost as Winchelsea grows in terms of less accessible public space

3.3 Summary of Winchelsea RV Friendly Trial

<p>Designate the Barwon River Reserve a seasonal RV Friendly 48 Hour Stop from 1 December to 30 April</p>	<ul style="list-style-type: none"> • Winchelsea perceived as friendly & welcoming • Increased visitation to Winchelsea • Modest economic benefit • Positive word-of-mouth • Some control over RV usage of site • Possible reduction in vehicle damage to site • lessens seasonal flooding • Less impact on caravan park than year-round operation • Increased accommodation capacity for Winchelsea 	<ul style="list-style-type: none"> • Need for budget allocation to address vehicle access • Possible confusion and complaints about when the site is open • Possible negative impact on caravan park • Possible increased use of Council resources (officer time and maintenance budget) • Need for budget allocation to address vehicle access • May create an opportunity-cost as Winchelsea grows in terms of less accessible public space
<p>Create an RV Friendly Winchelsea through partnership with local businesses and cease to provide an RV Site on the Barwon River Reserve</p>	<ul style="list-style-type: none"> • Low cost to Council with less staff involvement and no requirement for budget • Supporting existing businesses who cater for RV travellers • Possible reduction in damage to Barwon River Reserve • Modest economic benefit • Existing services are rated highly and supports perception of Winchelsea as friendly • Supports increase in visitation and expenditure • Avoids problems with seasonal flooding • Businesses have more control over site conditions and usage • Businesses can promote other aspects of Winchelsea to visitors • Caravan park does not experience loss in visitation 	<ul style="list-style-type: none"> • Possible negative 'word-of-mouth' feedback amongst RV travellers for closing a 'free' site • Does not achieve expected outcome from Growing Winchelsea petition • No increase in accommodation capacity for Winchelsea • RVs likely to continue 'historic' use and park illegally

Table 4: Options for consideration relating to RV Overnight Stays in Winchelsea

Financial Implications

There is currently no provision in the draft 2017/2018 budget to formalise an RV Friendly Parking Area in Winchelsea. If supported, the proposal represents the provision of a new service to be provided by Council.

If RV usage of the Barwon River Reserve is to continue as it did during the trial period; with no establishment of a defined parking area, monitoring has shown that it may require a small budget allocation. It may be prudent to allocate a budget towards maintenance and improvements to the Barwon River Reserve including but not limited to: repairs to gravelled areas, signage, ground repairs, prevention of root compaction near large trees and beautification of the area. An ongoing allocation consistent with the duration of the use should be considered. It is recommended that \$5,000 to \$10,000 be allocated to the Barwon River Reserve maintenance for 2017/18. This figure may be revised down after the first year.

Council Plan

Theme 5 Development and Growth
 Objective 5.1 Protect productive farmland and support rural business
 Strategy 5.1.2 Work with local businesses

3.3 Summary of Winchelsea RV Friendly Trial

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

Policy/Legal Implications

The entire site is Crown land (back to the alignment of Barwon Terrace) reserved for Public Purposes and is under the control of Surf Coast Shire (SCS) as the appointed Committee of Management (CoM). All Crown land regulations relating to the reserve were revoked in 2000 so there is no impediment from a regulation perspective that would conflict with the proposed RV Parking use.

The Department of Environment, Land, Water & Planning (DELWP) has no objection to the proposed use and Council is the CoM. No further approval is required from DELWP and if Council chooses to proceed, it can utilise local laws to control the activity.

The Corangamite Catchment Management Authority (CCMA) have provided in principle support for the proposal.

No planning permit is required to create an RV Friendly parking area for self-contained vehicles in this instance.

Regulatory Considerations

Staying overnight in car parks and on the roadside is illegal and has been identified as an issue in Surf Coast Shire between Torquay and Lorne. Policing of illegal roadside camping and sleeping in vehicles is undertaken via Community Amenity Local Law 1 of 2011: 4.6 and 4.8.

An area can be designated under resolution of Council to be available for camping under section 4.6 of the Local Law. In deciding whether to grant a permit under this clause, Council must consider the following:

- a) The location of the land
- b) The statutory planning requirements relevant to the land
- c) The suitability of the land for camping
- d) The number of persons or other structures to be located or accommodated on the land
- e) The length of time the tents and other structures will be erected on the land
- f) The availability of sanitary facilities to the land
- g) The likely damage to be caused
- h) The likely impact on nearby residents
- i) Council policy
- j) Any other matter relevant to the circumstances of the application.

If there are significant concerns or complaints received by Council in relation to RV use of the site, then Council may remove the designation by resolution.

Other Regulations that need to be considered prior to implementing a facility are below:

- Crown Land (Reserves) Act 1978.
- The Land Act 1958.
- The Local Government Act 1989.
- The Country Fire Authority Act 1958.
- The Occupational Health and Safety Act 2004.
- The Environment Protection Act 1997.

Officer Direct or Indirect Interest

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

Risk Assessment

Some risks identified in proceeding with the proposal and declaring an RV Friendly short-stay parking area in Winchelsea include the potential for complaints from local residents about the amenity of the area (noise, litter, access), additional maintenance and enforcement costs and an issue of competitive neutrality in relation to the existing caravan park operating in Winchelsea.

3.3 Summary of Winchelsea RV Friendly Trial

Given that the proposed area has a history of informal, self-contained vehicles staying overnight the risks are seen as relatively low as Council would be formalising a practice that has occurred for some time.

The degradation of the site that occurs by vehicle access needs to be considered as a broader aspect of planning for appropriate access to the reserve for all vehicles, not just RVs and caravans.

Social Considerations

Research on the RV & Caravan market suggests travellers choose a mix of commercial and free campsites during their travels. Providing a free RV Friendly short-stay overnight parking area in Winchelsea could increase the capacity for the town to appeal to all types of travellers.

Monitoring has shown the positive impact on the perception that Winchelsea is friendly and welcoming by providing a space for RVs to stay overnight in the short term. It is expected that allowing continued use of the site will continue to provide a moderate boost to the local economy in terms of increased spend in the local shops and a perception that Winchelsea is welcoming to travellers. It is possible that this may grow over time.

Other social considerations such as litter – caused by people camping, noise – caused by inappropriate gatherings (parties) or generators or lighting need to be factored into a decision.

The trial indicated that the presence of RV travellers in the Barwon River area had potential to moderate the social impacts listed above. It was reported that many RV travellers are responsible, respectful and aim to leave the area in the same or better state than they found it.

There may be a point in future as the Winchelsea population grows when there is more pressure placed on the site from competing uses. At this point, it may no longer be appropriate to allow RV users to stay at this location.

Community Engagement

Businesses and local residents were encouraged to provide feedback during the trial in the form of business and resident surveys conducted through the trial period. Any emails, letters or comments on Wikicamps relating to the Barwon River Reserve, Winchelsea RV Dump Point were also considered in the summary of this report.

Environmental Implications

Given the desire of the community for minimal infrastructure or changes to the Barwon River Reserve, and given this area has been used frequently by RV vehicles as a rest point it is considered that there are no environmental implications.

The Barwon Land and River Care Group did not report any significant concerns in relation to the proposal.

Communication

Growing Winchelsea Inc. will receive a letter advising of the outcome of Council decision. Winchelsea residents and the general public will be informed by a media release. If the use is to continue, new signage will need to be erected and Wikicamps will be updated.

It is proposed a letter of thanks be sent to the participating community members on the monitoring group.

Conclusion

This report has summarised the findings and observations of the Winchelsea RV Friendly monitoring group against the following envisaged outcomes:

- a) Attract more tourists and generate economic benefit to Winchelsea
- b) Winchelsea would be perceived as more friendly and welcoming, particularly to RV vehicles
- c) Potential reduction in public amenity due to noise, access, damage to the area and litter.

It has been shown that the RV Trial has attracted more tourists and generated a modest economic benefit, Winchelsea was perceived as more friendly and welcoming and there was not a significant increase in impact on the local amenity of the area.

3.3 Summary of Winchelsea RV Friendly Trial

Although an improved perception of the town doesn't have a value in economic terms, positive perception can translate to future visitation. There is merit in considering a 3-5 year designation allowing RVs and Caravans to stay short term overnight on a seasonal basis from 1 December to 30 April. This will require a maintenance budget of up to \$10,000.

It is likely that regular flood events will limit year round vehicle access in future making it an unsuitable site for year-round access. Providing a seasonal site may reduce the potential for damage to the reserve and increase the accommodation capacity for Winchelsea in the short term. The continued use of the river for RVs over a longer term may need to be reviewed as the population of Winchelsea grows.

3.3 Summary of Winchelsea RV Friendly Trial

APPENDIX 1 MINUTES - WINCHELSEA RV MONITORING GROUP FEBRUARY 2017

Agenda: Winchelsea RV Monitoring Group

**27th February 2017, 3.30pm – 4.30pm
 Café La Hoot, Winchelsea**

Purpose: To assess the trial allowing sleeping in RV & Self Contained Vehicles overnight for a maximum of 48 hours in the Barwon River Reserve, Winchelsea.

Present: Stuart Fountain (Growing Winchelsea), Cr Carol McGregor, Jacqui Doyle (Community Rep), Michelle Bennett (Community Rep)

Administration Staff: Simon Loone

Apologies: Matt Taylor, Cr Heather Wellington, John Bumford

Ag. No.	Issue Topic	Background Information	Points of Discussion	Responsible Officer	Actions
1.	Welcome		Meeting Started at 3:35 pm		
2.	Conflict of Interest Declaration		None		
3.	Business Arising from previous minutes	Any matters raised from the previous minutes?	None		
4.	Current Activity RV Site	Based on the Terms of Reference the following data has been monitored for the last quarter:			
a)	Site Closures	The Site was closed for almost the entire period from 22 July to 1 December, excepting 3 days from 9-12 September. It was reopened on 2 December and has been open and operating as normal since. Copies of the site photos were circulated to the group via email.	No further discussion.		

Ag. No.	Issue Topic	Background Information	Points of Discussion	Responsible Officer	Actions
b)	Wiki Camps	18 comments were recorded on WikiCamps relating to the RV Trial Site.	<p>Most comments were highly positive. There was some advice left for future users of the site in relation to the definition of 'self contained' & access to water. The only negatives were noted as noisy cockies, early morning trains and one report of dog owners not picking up after dogs.</p> <p>It is a possibility that the site is now listed on other forums aside from Wikicamps.</p> <p>The Barwon Hotel comments on Wikicamps should also be reviewed.</p>	Simon	Review Wikicamps comments on Barwon Hotel site for comments on suitability of site.
c)	Business Survey	All businesses that have previously responded to the business survey were contacted by phone.	<p>One response received to date. Either the business owner wasn't available or they were too busy to answer the survey.</p> <p>There are new owners at Barwon Hotel that have only been in for several weeks.</p> <p>Ensure feedback received from Winchelsea Caravan Park.</p>	Simon	Discuss RV Site and dump point with new owners of Barwon Hotel
d)	Resident's Survey	<p>The method used to collect nearby resident surveys was outlined. Key points included:</p> <ul style="list-style-type: none"> • 16 responses received • The majority (13) reported no noticeable increase in rubbish, noise, degradation of the site. • 14 were supportive of the trial, 2 were not supportive. 	<p>A summary of comments was provided to the group.</p> <p>A group member advised that when it was wet and before signs went up advising of closure, some users of site parked on footpath and / or got bogged and left large wheel ruts.</p> <p>It is unclear whether this was from RV's or other users of the site.</p>		

Ag. No.	Issue Topic	Background Information	Points of Discussion	Responsible Officer	Actions
e)	Local Laws	An email report was provided from the local laws department	Rangers have observed the site 4-5 times per week, anywhere from 1 to a max of 6 users have been seen on site. No infringements issued, no complaints received and no reports of wicked camper style vehicles. Anecdotal reports from the group either observed or heard of a small number of camper vans and combis using the site and sleeping in cars under the bridge close to the highway. This was not confirmed by the local laws report.		
f)	Emails and letters received	The following correspondence was received: <ul style="list-style-type: none"> • Positive letter from users of the site commending Council on RV Site • Complaint in regards to missing bollards and chains • Reported damage of RV Dump Point 	Complaint has been referred to appropriate department for action. VicRoads are to reinstate the bollards following the completion of road works. The RV Dump point has been vandalised and repaired several times. A small sign will confirm that the hose is to be used to wash waste cassettes only, not drinking water.	Simon	Follow up on reinstatement of bollards
g)	Visitor Information Centre Enquiries	<ul style="list-style-type: none"> • Each of the Surf Coast VICs were contacted for comment. 	Torquay reported several enquiries regarding the status of the site when it was closed, camps in the Great Otway National Park are more FAQ. Lorne reported when the Winchelsea RV site was mentioned, many travellers reported they knew they could stay behind the Barwon Pub if they bought a meal. Winchelsea reported positive feedback.		
h)	Images		No further discussion.		
i)	Site Inspection		No further discussion.		

Ag. No.	Issue Topic	Background Information	Points of Discussion	Responsible Officer	Actions
5.	General Business		<p>One group member expressed displeasure with damage from vehicles driving on wet ground. Only complaint from group.</p> <p>The track near the river was repaired prior to winter and is now in need of repair again.</p> <p>The merit of a gate installed at the entrance to the Barwon River Reserve to stop vehicles from entering when flooded / unsuitable for vehicles was discussed. The 'closed' sign was quite small.</p> <p>The site being open seasonally was discussed to avoid damage and access when not appropriate.</p> <p>Discussion on the benefit of bins for dog waste and rubbish from picnics. Might need better signage for dog walkers and not bins.</p>		
6.	Next Steps	Meeting closed 4:21 pm	<p>The Terms of Reference expire on 31 March 2017. This is the last meeting scheduled for the Winchelsea RV Monitoring Group.</p> <p>A report on the trial will be presented to the April 2017 Council meeting.</p> <p>The group questioned whether the site could remain open from 1 April until the Council meeting. The current resolution is to close the site for RVs from 31 March.</p> <p>All volunteers of the Monitoring Group were thanked for their participation.</p>		

3.4 Winchelsea Common Future Use Plan

Author's Title: Coordinator Environment
Department: Environment & Community Safety
Division: Environment & Development
General Manager: Phil Rowland
File No: F14/866
Trim No: IC17/251

Appendix:

1. Winchelsea Common Future Use Plan - April 2017 (D17/47667) [↓](#)

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 present the Department of Environment, Land, Water & Planning Winchelsea Common Future Use Plan for Council review and support.

Summary

The Department of Environment, Land, Water and Planning (DELWP), with Council's support, has now concluded community engagement on the Future Use Plan for Winchelsea Common. Development of the Plan is a requirement of the Clean Up Notice issued by the Environment Protection Authority to DELWP for remediation of the Common.

The draft Plan was considered at the Council Briefing on 24 January 2017 and was made available for public comment for four weeks from 7 February 2016 via DELWP's project web page. Copies of the draft Plan were sent to neighbouring residents and key stakeholders. DELWP & Council staff attended the Winchelsea Farmers Market on 5 March 2017 to present and discuss the Plan with the community. The draft Plan was also promoted through local media by DELWP.

The majority of the community feedback has been supportive of the draft Plan. Some community members have continued to advocate for the resumption of gun club and go kart activities, even though it was made clear through the consultation materials that these activities are no longer compatible with the site and surrounds. Under the proposed Plan, the primary use of the site will be passive recreation and protection of high value native vegetation on site. The Plan provides for other potential uses such as a perimeter running track and active recreation area, subject to future demand, funding and development of Eastern Reserve. DELWP is now finalising costing and staging for remediation and improvement works. When this work has been completed, Council will be able to consider its financial contribution to the Plan's implementation.

Recommendation

That Council:

1. Support the DELWP Future Use Plan for Winchelsea Common.
2. Defer decisions on Council's financial contribution to implementation of the Future Use Plan until detailed costing and staging have been provided by DELWP.

3.4 Winchelsea Common Future Use Plan

Report

Background

Council was briefed about the development of the Future Use Plan for Winchelsea Common on 6 July 2016 (proposed community engagement approach to develop Future Use Plan) and 24 January 2017 (draft Plan for public consultation).

Council had most recently considered Winchelsea Common at the 24 November 2015 Council meeting (remediation and open space planning update) and at the 28 January 2016 Council meeting (community petition to retain the go kart track at the Common). At the January 2016 meeting, Council resolved to:

1. Continue to work with DELWP on planning for the future remediation of the Winchelsea Common.
2. Defer discussion on the future uses of the Winchelsea Common site until a remediation plan is approved by the EPA and advise the main petitioner of the deferral of this discussion.
3. Note the Growing Winchelsea strategy identifies future residential land adjacent to the Winchelsea Common and that the location of a go kart track in this area is not consistent with the strategy.
4. Note that Council officers are working with a Youth Advisory Group in Winchelsea to identify and address the needs of young people in the township.
5. Remain open to proposals from community organisations to establish a go kart track in alternative locations in the Winchelsea area.

Discussion

Site Background

Winchelsea Common was home to the Winchelsea Gun Club shooting operations from the 1950s. The site is contaminated with lead, antimony and polycyclic aromatic hydrocarbons as a result of the Gun Club activities. The site comprises approximately 11 hectares of Crown Land, with the designated former Gun Club site managed by DELWP (Crown Allotment 33) and the remainder of the site managed by Council as Committee of Management (Crown Allotment 34). The Common contains federally protected Plains Grassy Woodland vegetation. A portion of the land managed by Council was licensed to the Winchelsea Fun Kart Club Inc. for use as a go kart (or fun kart) track from 1995.

The state government and Council have recognised the contamination as a public health risk and the site has been closed to public access since 2013. Gun Club and Go Kart activities ceased at the Common in 2013.

Winchelsea Common is listed on the Environment Protection Authority (EPA) Priority Site Register. The EPA issued a Clean Up Notice to DELWP in May 2015 and approved DELWP's Clean Up Plan for the site in June 2016. Development of a Future Use Plan for the site is a key action in the Clean Up Plan.

Community Engagement – Future Use Plan

Initial community engagement to develop the Future Use Plan for the Common was run jointly by DELWP and Council in July and August 2016. Four key engagement options were used – DELWP Have Your Say website, printed survey distributed at various sites in Winchelsea and Open Shed and Site Tours at the Common on 6 August. A broad range of potential uses were identified for the site.

In developing the scope of the engagement, shooting and go-karting were identified by DELWP and Council as no longer suitable uses for the Common due to nearby residential areas and noise requirements. Council had also noted that the location of a go kart track in this area was inconsistent with the Growing Winchelsea strategy. In response to initial community feedback suggesting electric go karts could be used instead, independent expert advice was obtained regarding noise requirements. The acoustic expert concluded that electric go karts would not meet acoustic requirements without the construction of a noise berm, acoustic fence or other barrier. Electric karts have a distinct whine and under race conditions are predicted to exceed the noise limits of the Noise in Regional Victoria Guidelines.

A draft Future Use Plan was developed based on the initial community feedback. Under the draft Plan, the primary use of the site will be passive recreation and protection of high value native vegetation on site. Key proposed features included interpretative walks, picnic area, dog off leash area and active recreation area at the former go kart track (potentially available for a use such as a bike park, subject to funding and community need).

3.4 Winchelsea Common Future Use Plan

Engagement Results

Community feedback on the draft Plan has been generally positive and supportive of the focus on passive recreation and protection and enjoyment of the Common's natural values. Desired features highlighted by the community from the draft Plan included a perimeter running track with drinking fountains, dog off leash area, interpretative signs about site history and vegetation, revegetating degraded areas and activities for children. There is also support for using the former go kart site as an active recreation area, especially for youth. A copy of the final Future Use Plan is attached (Appendix 1). DELWP is now developing more detailed costing and staging to remediate the site and deliver the Future Use Plan.

Financial Implications

Costs associated with remediation and staging of works to deliver the Future Use Plan have still to be developed by DELWP. Council will be briefed on this information once available.

Council Plan

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.

Theme 4 Infrastructure
Objective 4.1 Allocation of infrastructure according to need
Strategy 4.1.2 Utilisation of community demographics to determine future infrastructure needs.

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

Policy/Legal Implications

Remediation of the site and decisions regarding future use are subject to the requirements of the Environment Protection Act 1970. The EPA will review and approve the final Future Use Plan.

The Future Use Plan is consistent with Council's Growing Winchelsea Strategy, Open Space Strategy, Eastern Recreation Reserve Master Plan update and Playground Strategy.

Officer Direct or Indirect Interest

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

Risk Assessment

Currently, the site is closed to the public by a fence and warning signs. As a listed site on Victoria's Priority Sites Register for contaminated land, the Common is known to have public health risks associated with the contamination. The remediation of the site must address the public health risks to the satisfaction of the EPA. Implementation of the Future Use Plan (which will require remediation and improvement works), will mitigate the current public health risks to an acceptable level.

Social Considerations

There is concern with the adequacy of activities for young people in Winchelsea. Community feedback on the draft Future Use Plan supported using the former go kart site for active recreation for youth (e.g. bike/BMX track). The Growing Winchelsea Strategy recommended that the opportunity to include a bike park at the go kart site be further explored.

Community Engagement

Two rounds of community engagement were conducted to develop the Future Use Plan. Initial engagement was undertaken in July and August 2016 to inform development of the draft Plan. The draft Future Use Plan was advertised for public comment for four weeks from 7 February via DELWP's project web page, at various locations in Winchelsea and a mail out to registered stakeholders. DELWP and Council officers also attended the Winchelsea Farmers Market on 5 March 2017 to present and discuss the Plan with the community. DELWP has indicated once the Plan has been finalised, community members will be invited to continue working with the project team on designing detailed elements, including interpretative material and the location of park features like signage.

3.4 Winchelsea Common Future Use Plan

Environmental Implications

The contamination issues are the main environmental concern on the Common. Under the Future Use Plan, the natural values of the site will be celebrated and protected. High conservation areas of the site (which are also some of the most contaminated areas) will be fenced off, but visible.

Communication

Communication about the development of the Future Use Plan has been led by DELWP, with support from Council. The primary ongoing communication tool is DELWP's project webpage

Conclusion

Winchelsea community members are keen to have Winchelsea Common re-opened for public use. Community feedback on the draft Plan is supportive of passive recreation and protection of natural values at the site. Implementation of the Plan (remediation and site improvement) will address the current public health risks at the site. It is recommended that Council support DELWP's Future Use Plan for Winchelsea Common and defer decisions on Council's financial contribution to Plan implementation until detailed costing and staging have been provided by DELWP.

3.4 Winchelsea Common Future Use Plan

APPENDIX 1 WINCHELSEA COMMON FUTURE USE PLAN - APRIL 2017

WINCHELSEA COMMON

Celebrating the unique natural values of the Winchelsea Common



Winchelsea Common

What We Heard

Introduction

The Winchelsea Common is a special place, home to nationally recognised grassy woodland vegetation and rich in local history. The site is highly valued by the people of Winchelsea.

The site was closed in 2012 due to contamination from gun club activities. The Department of Environment, Land, Water and Planning (DELWP) and Surf Coast Shire Council (SCS) are in the process of developing a plan to clean up the contamination and reopen the site safely to the community.

Community Engagement

In 2016 and 2017 DELWP and SCS undertook a series of engagement events including surveys, an onsite open day and a drop in session at the Winchelsea Farmers Market. These events sought ideas from the public about how they wanted to use the site in the future. Over 150 responses were received during these events. Key themes were:

1. Natural values*

Celebrating the natural values of the reserve including protection of the native flora and fauna, revegetating degraded areas and installing interpretive signage. Also a proposal to make the site a fauna rehabilitation and release centre.

**The native flora is a recognised community of national significance, Grassy Eucalypt Woodland of the Victorian Volcanic Plain, listed under the Environment Protection and Biodiversity Conservation Act 1999.*

2. Health and fitness

Including an all access shared pathway suitable for pedestrians and cyclists, perimeter running track, exercise equipment and drinking fountains.

3. Area for active recreation

Providing an area or facilities for young people and families to enjoy physical activities such as a bike park.

4. Gun Club

Disappointment that the Winchelsea Gun Club can no longer run its activities in the reserve.

5. Go Karts*

Proposals to keep the go kart track for go-karting in the reserve, possibly using electric go-karts.

**Residential development in this part of Winchelsea is likely to increase in line with the Growing Winchelsea Strategy. Go-karts are not considered compatible with expanding residential use. An acoustic consultant was engaged to provide advice on the potential operation of electric go-karts. After measuring electric go-karts at a facility in Melbourne, it was found that the distinctive whine of electric karts also makes them unsuitable for a residential area.*

6. General management of the Common

Concerns with day to day management of the Common including fire prevention activities and weed control.

Next steps/time frames

April 2017 – Submission of the Future Use Plan to SCS and DELWP for approval
May 2017 – Submission of the Clean up Plan (incorporating the Future Use Plan) to the Environment Protection Authority for approval



The Department of Environment Land Water and Planning together with the Surf Coast Shire went to the Winchelsea community to seek their feedback about how they wanted to use the Winchelsea Common (the common). The suggestions below were taken from surveys, an open shed event, site tours and the Winchelsea Farmers market.

Option	Outcome	Summary
Walking/bike path (shared path)	Yes	Consistent with values of site Minimum width of shared pathway is 2.5 m. Alignment constrained by contamination and flora values.
Dogs – general off lead, fenced dog off lead, dog on lead	Yes	On lead on shared pathways Potential for dog off lead area in uncontaminated & low value flora area.
Interpretive signage	Yes	Include information about the native flora and fauna species as well as cultural heritage and historic uses. The signage needs to appeal to a wide range and age of visitors.
Protect high value vegetation	Yes	Consistent with community feedback and compliant with vegetation protection legislation.
Birdwatching/wildlife observation	Yes	Could include seats or observation points and associated signage.
Historical/Cultural Heritage	Yes	Suitable for low key interpretation.
BBQ picnic facilities	Yes	Best if located with another asset and with good passive surveillance i.e. not hidden within reserve.
Friends of Winchelsea Common	Yes	There will be opportunities for interested locals to participate in restoration activities e.g. revegetation and landscaping.
External (perimeter) running track	Possible	Future possibility. Viability and alignment subject to flora values, contamination and linkages with Eastern Reserve. To be explored further in the future.
Fitness stations	Possible	Best located on the perimeter in conjunction with external running track or in Eastern Reserve.
Gravel/dirt mound bike track (BMX track, pump track)	Possible	Could be located within active use area subject to funding and local support.
Car Parking	Possible	Should be sited close to Eastern Reserve activity nodes with only a small amount of spaces required. Not suitable on Southern or Northern sides.
Shooting/Gun Club	Not this location	No longer appropriate/safe activity for this location.
Coffee shop/kiosk	Not this location	No supporting infrastructure (toilets, water) available onsite.
Housing	Not this location	Housing is inappropriate for public open space & high value conservation area.
Speedway, Motorbike track/motorbikes/ trailbikes	Not this location	Site not compliant with state Noise Control Guidelines for motor bike activities.
Drones	Not this location	Activity not compatible with other uses e.g. walking, potential public health issues if lands in contaminated area.
Mini golf/maze	Not this location	Activity not compatible with other uses e.g. walking. Potential public health issues if ball lands in contaminated area.

Option	Outcome	Summary
Archery	Not this location	Existing alternative archery centre available in Geelong and there are potential operational and safety issues i.e. safety of other users and potential for arrows to fall within contaminated areas.
Go Karts/Fun Karts/ Electric	Not this location due to noise requirements	Not compatible with residential area.
Soccer	Not this location as possible at Eastern Reserve	More suited to alternative sites within Winchelsea.
Radio/remote control car	Not this location, but maybe possible at another Winchelsea site	Needs flat asphalt surface. More suited to another site such as Eastern Reserve where it could be combined with a car park or playing court. Would require conditions around type of vehicles and timing of use.
Wildlife Shelter, rehabilitation	Not this location as the Common doesn't meet State standards for wildlife shelters and rehabilitation	Site does not meet state standards for operation of a wildlife shelter or for the release of rehabilitated wildlife.
Ball Sports	Existing facilities in Winchelsea	Existing facilities at alternative Winchelsea locations*.
Basketball	Existing facilities in Winchelsea	Existing facilities at alternative Winchelsea locations**.
Tennis	Existing facilities in Winchelsea	Existing facilities at Hesse Street Reserve.
Disc Golf	Existing facilities in Winchelsea	Activity not compatible with other uses e.g. walking, potential public health issues if lands in contaminated area.
Skate Park	Second skate park not needed/required	Existing facility located in Winchelsea.
Waterpark	Existing facilities in Winchelsea	Existing aquatic facility in Winchelsea.
RV Parking	Existing facilities in Winchelsea	Existing alternative sites within Winchelsea.
Market	Existing market site in Winchelsea	No supporting infrastructure (toilets, water) onsite. Existing market held at alternate Winchelsea location.
Pony Club/Horse Riding	Regional facilities available at Mount Moriac (Barwon Valley Riding Club) and Freshwater Creek	Site not big enough without impacting high value vegetation and there are existing riding facilities within the district.
Playground	Planned facility for Eastern Reserve	New playground proposed as part of Eastern Reserve development. No need for a second playground so close to Eastern Reserve.

*See Surf Coast Shire Open Space Strategy 2016-2025

**See Growing Winchelsea Shaping Future Growth Plan 2015

To find out more about the Winchelsea Common please visit: www.engage.vic.gov.au/winchelsea-common or contact Sally Patterson on (03) 5226 4780

WINCHELSEA COMMON

Celebrating the unique natural values of the Winchelsea Common

Winchelsea cultural & indigenous history

CULTURAL HERITAGE

RARE PLANTS

Volcanic plains & grassy woodlands

NATIVE VEGETATION

Revegetation of native species in degraded areas or landscaping degraded areas

WILDLIFE

Interpretative signage describing local birds, animals and reptiles

LANDSCAPE FORM

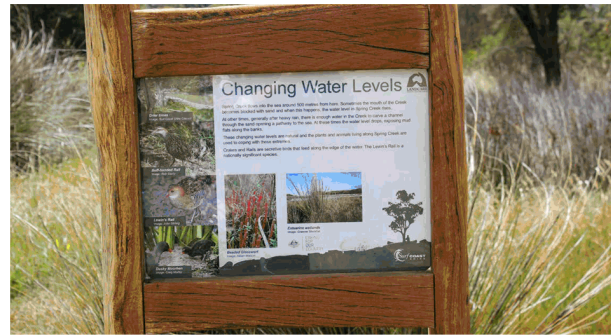
Volcanic plains, soil types & the environment

Future Use Plan

Overall objective: *Celebrating the unique natural values of the Winchelsea Common*



Potential design for possible walking path



Potential design for interpretative signage along pathway



Existing Kangaroo grass (*Themeda triandra*)



Wildlife found in the common



Potential raised interpretive boardwalk could allow access to sensitive areas of the common



Existing River Redgums



Existing Pink bindweed (*Convolvulaceae*)

Future use areas

- **Community Focus** - designated area for park entry that incorporates picnic facilities
- **Fenced Contaminated Zone** - area of high natural values, yet due to contamination the area must be cordoned off as it is not suitable for human access
- **Interpretative Shared Path** - a pathway through the reserve that has interpretive signage and/or artworks at key locations
- ▨ **Active Recreation** - area to be fully remediated with an active recreation zone area (e.g. bike riding)
- ▨ **Native Revegetation** - revegetation of native species in degraded areas, using local indigenous species
- ▨ **Possible Future Linkages** - active uses such as playgrounds and exercise that align with a recreation reserve
- P **Parking Areas** - along roads to the south west of the reserve and protect the boundaries of the reserve
- **Dog Off Lead Area** - potential designated area for dogs off lead

To find out more about the Winchelsea Common please visit:
www.engage.vic.gov.au/winchelsea-common or contact
 Sally Patterson on (03) 5226 4780

3.5 Summer Peak Period Debrief - 2016 to 2017

Author's Title: Coordinator Business & Tourism Strategy

General Manager: Phil Rowland

Department: Economic Development & Tourism

File No: F17/231

Division: Environment & Development

Trim No: IC17/221

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to provide Council with a snapshot of the various Council activities across departments over the 2016-2017 summer peak period in the Surf Coast Shire.

Summary

Favourable weather combined with several major events, increased occupancy and higher day visitation has contributed to a significant upturn for Lorne businesses in particular over the summer period and gone a long way to easing the challenging January 2016.

Across other towns, trade was generally positive although it was stronger in hospitality and accommodation sectors than retail. Torquay retailers in particular suggested a changing trend in visitor demographics to lower yield day-trip visitors which now represents 61.9% of annual visitor numbers to the Surf Coast. A survey by Torquay Commerce and Tourism revealed strong increases in trade.

Estimated attendance figures were significantly down at local beaches possibly attributable to the number of shark sightings and milder weather. In general though, this did not appear to impact overall trade.

There were few emergency incidents this year and no 'extreme' weather days, in contrast to the bushfires and 7 Extreme rated days from the 2015/2016 summer period.

Council services such as rubbish collection, local laws and customer service all remained busy for the period with trends pointing to an increased form of information search via mobile devices and online compared to the previous year.

Recommendation

That Council notes the Summer Peak Period Debrief 2016-2017 for the various activities over the summer period from 1 December 2016 - 31 January 2017.

3.5 Summer Peak Period Debrief - 2016 to 2017

Background

The summer peak period from 1 December to 31 January is a very busy time annually for Surf Coast Shire with thousands of visitors coming to Surf Coast townships during the Christmas period and the school holidays.

The previous summer peak period was marred by the Wye River Jamieson Track Fire and subsequent Great Ocean Road closures which had a significant impact on the trade in many of the Surf Coast towns, delivery of some events and Council services.

Discussion

This report is a snapshot providing facts and statistics for information purposes and builds a picture of the summer period from 1 December 2016 to 31 January 2017 along the Surf Coast considering a range of different measures and, where possible, making comparisons with previous years' data.

Tourism Visitation

Tourism represents a major factor in the peak summer period. Our beautiful beaches, natural bush and hinterland, local businesses and activities provide a great drawcard from Melbourne and beyond. Historic repeat visitation has created a nostalgia and tradition of tourism to our popular coastal towns.

Tourism Research Australia data as at year's end June 2016 estimates over 2.161 million visitors came to Surf Coast Shire and spent more than \$430M in the local economy. Of those visitors, 36% stayed overnight, down from 49% for a total of 2.37 million visitor nights. The number of day trip visitors increased with 61.9% of all visitors to the Surf Coast Shire being day visitors. At the time of writing this report, the visitation figures to year end December 2016 were not available.

Summer periods dominate visitation patterns with the March Quarter accounting for 41% of annual visitation to year end June 2016.

During peak visitation periods, the population of Surf Coast Shire is estimated to increase from its usual population of approx. 29,000 to over 85,000. This does not include day trippers to the area or those people attending festivals or other activities which can significantly increase these numbers to approximately 100,000.

The influx of people returning to their beach houses, visitors, events and business activities requires increased resources and focus.

Events

Between the 1 December - 31 January period a total of 42 public events and a further 19 markets held across Winchelsea, Torquay, Anglesea, Aireys Inlet and Lorne attracting approximately 137,570 people which is well over figures reported from last summer season.

The number of events per township for these events is indicated below. The type of events typically involves markets, lifesaving, swimming, running, exhibitions and music.

An unexpected feature of this season's events calendar was the abundance of shark sightings especially around Fairhaven and Lorne. Two water based events scheduled for Fairhaven were relocated to Torquay while the Lorne SLSC took additional measures to ensure the Pier to Pub proceeded safely.

Vic Roads worked hard to secure the Great Ocean Road following numerous landslips in September 2016 leading into summer. The road remained stable which allowed the safe passage of the Great Victorian Bike Ride early December with 5,500 bike riders. Importantly, the Cadel Evans events continue to garner community support and grow in international significance.

This year, Council hosted a Women's Wave to officially welcome the elite female cyclists competing in the event. Other major events such as the Pier to Pub and Night Jar Market, Falls Festival, Barwon Park Mansion' Night Life' exhibition combined with good weather to injected millions of dollars into the host communities.

3.5 Summer Peak Period Debrief - 2016 to 2017

A summary of events over December - January is below.

Township	No. Events in 2014/15	No. Events 2015/16	No. Events 2016/17
Torquay	19	18	17 events plus the weekly Torquay Farmers market
Anglesea	7	12	15
Aireys Inlet	0	5	2 plus 5 markets
Fairhaven	1	2	1 with 2 SLSV events relocated to Torquay due to shark activity
Lorne	6	4	4 plus the Lorne foreshore market
Deans Marsh	0	1	2
Winchelsea	2	1	1 plus 2 Farmers Markets
Total	35	43	42

Table 1: Number of Events per Town

A list of major events held between 1 December 2016 to 31 January 2017 and their event population figures are summarised in the table below.

Event	Township	People Attending
Falls Festival	Lorne	16,500
Great Victorian Bike Ride	Anglesea	5,500
Cadel Evans Road Race and participant event	Torquay and surrounds	17,500
Roo Run	Anglesea	700 plus 500 spectators
Rock to Ramp Swim	Anglesea	870 plus 500 spectators
Mountain to Surf Run	Lorne	2,000 plus 2,000 spectators
Pier to Pub	Lorne	5,000 plus 15,000 spectators
Night Jar Festivals (* 4 events)	Torquay	45,000
Bells Bash Cliff Run	Torquay	600
Danger 1000	Torquay	1,000
Anglesea River Markets (*3 markets)	Anglesea	7,500
Cowrie markets	Torquay	11,000
Torquay Farmers Markets (every Saturday *8)	Torquay	2,000
Aireys Inlet Markets (*5)	Aireys Inlet	3,000
Winchelsea Farmers Market (first Sunday monthly *2)	Winchelsea	1,400
Total		137,570

Table 2: Major Event Summary & Attendance Figures

Council has worked with event organisers and our business community to leverage benefits from events. The business community embraced the Cadel Evans Great Ocean Road Race event this year with more promotions of 'Cheer Here' sites. This encourages more people to visit Torquay businesses and enjoy the atmosphere during the event. This work has lifted the profile of Council's events management to be considered best practice by Visit Victoria.

Markets continue to be a firm fixture with the welcome addition of the Winchelsea Farmers Market. Markets across the townships provide a key focal point for all sectors of the community to engage and build relationships with each other.

New Year's Eve

Council, in collaboration with partner agencies including the Victoria Police, has seen another successful harm minimisation approach to New Year's Eve.

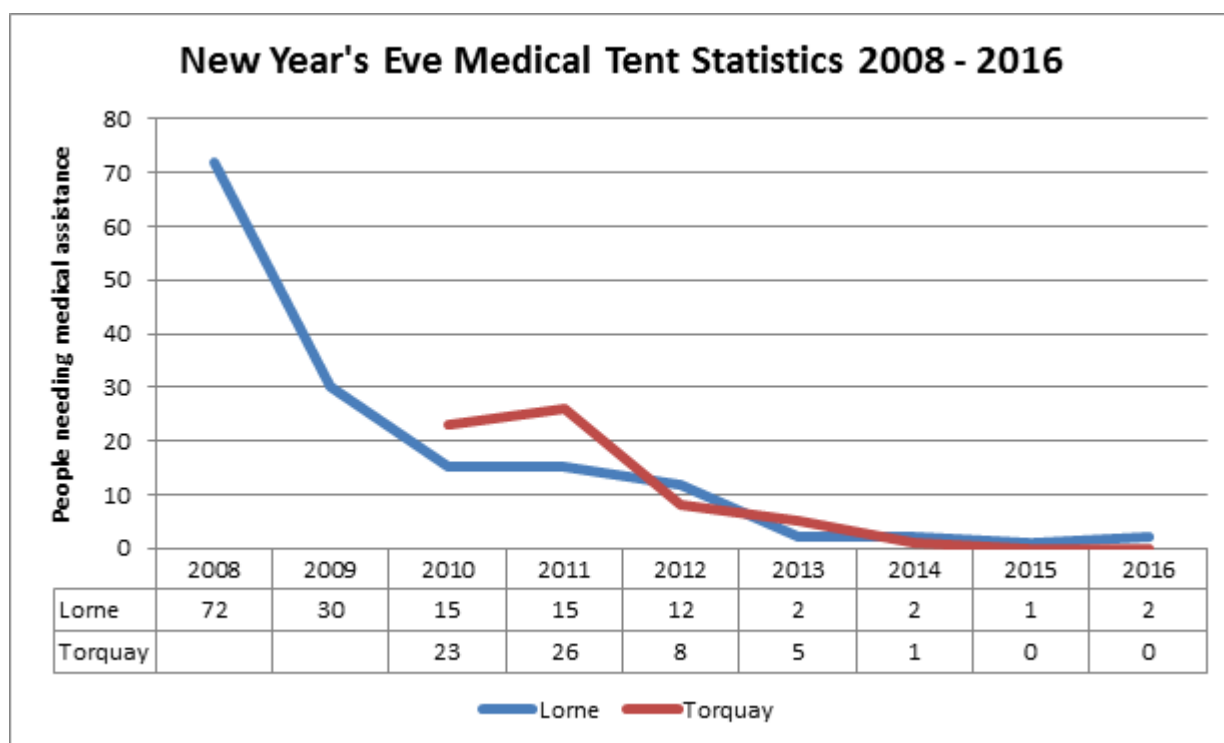
3.5 Summer Peak Period Debrief - 2016 to 2017

New Year's Eve is not treated as an event, but a series of measures put in place to minimise the harm that can be a by-product of public gatherings during New Year's Eve.

Harm minimisation strategies usually include the provision of extra lighting at known gathering points, medical hubs and crowd control barriers to control issues with glass, litter and illegal fireworks. Variable Message Signs and other temporary signage convey key messages and fireworks displays are used to signal an end to festivities and encourage crowds to disperse.

A key indicator of the success of harm minimisation is the decrease in numbers of patients that present during an evening at the temporary medical hubs. Graph 1 below shows the number of people requiring medical assistance in Torquay and Lorne during New Year's Eve. This information has been provided by medical contractors and reflects the great success harm minimisation has in reducing injury in coastal towns over the past decade.

In Lorne, there were only two presentations to the medical tent this year which has reduced from 72 only eight years ago. Torquay has shown a similar trend in reduction of matters requiring medical treatment reducing from 23 to 0 in five years.



Graph 1: Presentations to temporary medical tents - A key indicator of harm minimisation effectiveness for New Year's Eve

Crowds were extremely well behaved in both the towns of Torquay and Lorne this year. Crowds viewed the fireworks displays and quickly dispersed at their completion. Public reserves remained litter and glass free.

There were reports from Victoria Police in Torquay of double the number of usual people gathering to view the fireworks in areas not equipped with extra lighting and security. This may need consideration for future planning.

Beaches and Surf Lifesaving

Surf Lifesaving Victoria Report a total of 48 rescues conducted by either paid lifeguards or volunteers during the peak summer period. This represents 20% fewer rescues than last year. There were 15,633 preventative actions (29% more) taken on the beach and a total of 334 first aid presentations (29% more) for treatment.

3.5 Summer Peak Period Debrief - 2016 to 2017

The combined attendance figures from Lifeguards and volunteers show a total attendance of 150,275 people to Surf Coast patrolled beaches with Torquay receiving the highest combined visitation of (45,749) followed by Lorne (42,590), Anglesea (22,448), Jan Juc (16,515), Surf Coast (2,763), Fairhaven (12,215) and Point Roadknight (7,995).

Surf Life Saving Victoria reported beach attendance figures dropped by 51% overall on the Surf Coast compared to the same period last year. The largest decrease in attendance figures at key beaches were: Torquay (60%), Fairhaven (59%), Anglesea (53%), Point Roadknight (42%), Jan Juc (40%) and Lorne (26%) respectively.

The data is collected by paid life savers and volunteers who estimate the beach attendance figures at each location for each day. The figures should be used as a guide only as the data collection method has a large margin for error, although it has been collected and reported in the manner consistent with previous years. Such a large difference does suggest a trend that fewer visitors or locals to the Surf Coast went to the beach this summer.

Date Range 01/12/2016 – 31/01/2017	Preventative Actions	First Aid		Rescues	Attendance
		Minor	Major		
Anglesea Lifeguards	1,383	18	1	6	12,078
Anglesea Volunteers	491	26	2	0	10,370
Fairhaven Lifeguards	1,911	14	2	3	3,413
Fairhaven Volunteers	1,329	7	2	2	8,802
Jan Juc Lifeguards	997	12	1	5	5,530
Jan Juc Volunteers	803	8	0	5	10,985
Lorne Lifeguards	2,162	76	2	4	18,180
Lorne Volunteers	399	16	2	6	24,410
Point Roadknight Lifeguards	1,199	15	1	4	7,995
Surf Coast Lifeguards	1,562	1	0	5	2,763
Torquay Front Beach Lifeguards	1,109	16	1	2	6,743
Torquay Lifeguards	1,460	41	2	1	18,564
Torquay Volunteers	828	64	4	5	20,442
Total	15,633	314	20	48	150,275

Table 3: Surf Lifesaving Actions and Beach Attendance Figure

Shark sightings

While there were no reported attacks, the increased presence of sharks along the Surf Coast has been a notable theme of this summer. There were 20 shark sightings reported to Life Saving Victoria, 13 of which were confirmed. The numerous shark sightings became a news story which received local and national television coverage and international spread via social media. The sightings were also reported via the VicEmergency App & website, particularly for a number of beach closures at Aireys Inlet, Fairhaven, Torquay and Jan Juc. It is likely this activity combined with mild weather (as opposed to really hot 'beach days') contributed to the reduction in beach attendance figures.

Visitor Information Centre Statistics

The Surf Coast Visitor Information Centres of Torquay, Lorne, Anglesea and Winchelsea assisted 58,873 visitors to the Surf Coast during the peak period. VIC visitation was below previous year but interestingly phone enquiries either increased or remained consistent with previous years. Torquay recorded an increase in after-hours material being taken. Cultural attractions including the Australian National Surfing Museum (ANSM) and the Great Ocean Road Story Exhibition at the Lorne Visitor Centre received increased visitation. Barwon Park contributed to increased visitation at the Winchelsea VIC. Specific VIC data is discussed below.

3.5 Summer Peak Period Debrief - 2016 to 2017

Lorne Visitor Information Centre

Lorne	Dec-15	Jan-16	Totals:	Dec-16	Jan-17	Totals:
Walk-ins	14,042	18,098	32,140	14,763	18,060	32,823
Phone	2,076	1,780	3,856	1,331	1,320	2,651
A/H	342	526	868	178	192	370
Totals	16,460	20,404	36,864	16,272	19,572	35,844

Table 4: Lorne Visitor Centre Enquiry Numbers

The Lorne VIC reports that Lorne itself seemed very busy, but visitor numbers were down in the VIC all summer. Retail sales were generally up which and the spend-per-visitor increased. There was a noticeable reduction of visitors seeking accommodation, this could be due to online bookings and visitors now using the internet for finding information on accommodation and things to see and do. There were more volunteers on this summer than any other year. Most shifts had two volunteers am and pm, a huge help during busy periods. Extending in to February some shifts were cancelled as there weren't the number of visitors to warrant the staffing. Overall there were only 1,020 less visitor enquiries than last year and it was a busy summer.

Great Ocean Road Story/Heritage Centre

The Great Ocean Road Story exhibition in the Lorne Visitor Centre received very positive feedback over summer. The exhibition tells the construction story of the Great Ocean Road and the efforts of the World War I returned soldiers and sailors. Many visitors enjoyed the couches and reading material, some staying in there for up to two hours. The Great Ocean Road story adds significantly to the visitor experience.

Torquay Visitor Information Centre

Visitor numbers in the Torquay Visitor Centre were down by 10%, with phone enquiries up by 6.48%. It is not clear what factors contribute to this change, however increases in use of online bookings and/or visitors bypassing Torquay may be the main reasons. Accommodation enquiries via the Torquay VIC were less than previous years. Anecdotally, smaller accommodation operators reported they were not as busy in comparison other years. This could be attributable to increased competition by online providers such as 'Air B&B'. The figures for Torquay VIC visitation are below.

Torquay	Dec-15	Jan-16	Totals	Dec-16	Jan-17	Totals
Walk ins	9,216	10,830	20,046	8,339	9,857	18,196
Phone	514	1,027	1,541	760	881	1,641
A/H	133	252	385	127	207	334
Totals	9,863	12,109	2,1972	9,226	10,945	20,171

Table 5: Torquay Visitor Centre Enquiry Numbers

Winchelsea/Anglesea Visitor Information Centres

The smaller, volunteer run Visitor Centres of Winchelsea and Anglesea recorded the following visitation.

Period	Winchelsea	Anglesea
Dec 15 – Jan 16	74	2,159
Dec 16 – Jan 17	226	2,632

Table 6: Winchelsea/ Anglesea Visitor Centre Enquiry Numbers.

Winchelsea experienced an increase in visitor enquiries attributed to the completion of road works, duplication of the Princes Highway, exhibitions at Barwon Park and the introduction of the trial 48 hour Winchelsea RV site.

Anglesea visitor centre enquiries increased by 22%, this could partly be due to the centre being open more frequently due to improved rostering and potentially visitors bypassing Torquay to use Anglesea as a first stop. The people counting system in the Anglesea Visitor Centre has also changed this year.

3.5 Summer Peak Period Debrief - 2016 to 2017

Australian National Surfing Museum (ANSM)

ANSM visitation increased by 6.85% in this comparison of peak periods, mainly as a result of an increase in general admission entry. In the context of tours/school/hire component in 2015/16 there were 431 visitors while in 2016/17, it reduced to 325. This was directly related to fewer school groups being booked in during the period.

There was also a noticeable change in visitors having prior knowledge of the Museum and coming specifically to visit it. This is most apparent for the international visitor segment and is a result of an active advertising and awareness building campaign.

The 2016/17 Surf Film Festival numbers were up on the previous year.

ANSM	Dec-15	Jan-16	Totals:	Dec-16	Jan-17	Totals:
Visits	1,139	1,812	2,951	1,333	1,820	3,153

Table 7: ANSM Visitation Comparisons.

Business Activity

As part of gathering business intelligence, each of the Local Tourism & Trader Groups and a selected number of businesses in Torquay, Anglesea, Aireys Inlet and Lorne were contacted. The information provides a brief township based narrative as follows.

Torquay

Torquay Commerce & Tourism (TCT) report that the business sentiment is that this summer was slightly better than last year. TCT has released a summer trading survey with results not available at the time of writing this report. Initial figures indicate that 38% of respondents to their survey reported an increase in trade greater than 10%.

The occupancy rates for major accommodation businesses and caravan parks in Torquay were high at levels of around 90% during the peak period. Overall occupancy figures improved slightly on last year and generally achieved the best results when looking a four year period. There was a reported increase in bookings coming via online travel accommodation wholesalers and via involvement in corporate marketing campaigns.

Discussions with some retail businesses reported fewer shoppers with a flat to negative trend in trade from last year. Businesses indicated a change in visitor demographic and suggested a new type of customer emerging such as residents from Geelong and surrounding suburbs like Armstrong Creek having a coffee and smaller purchases becoming more common. This is a change from historical higher yielding visitors.

Anglesea

Business & Tourism Anglesea are conducting a business sentiment survey and similar to TCT the results of were not available at the time of writing this report. Observations from local businesses are: retail was not as strong as previous years due to only mild weather and shark sightings. Cafes and hospitality businesses were more positive and traded strongly. Accommodation businesses suggested that there was a slightly longer (5 week) peak season and occupancy rates were up by more than 10%. There were very mixed views in relation to the new Anglesea roundabout and access to/from the Anglesea shopping centre with reports that it took more than 45 minutes to get out of the car park on some days.

The newly established Great Ocean Road Chocolaterie reported good levels of visitation.

Aireys Inlet

Aireys Inlet businesses contacted confirmed this summer was “definitely better” to last summer. There are several new businesses in town which seem to have attracted more visitors to town due to an increased number of food outlets and more variety. The Trader Group is already focused on planning for ‘Winter in Aireys’ and the associated marketing campaign.

Lorne

After a significant decline in trade last year due to the fires, Lorne traders reported many positives from this summer period and “definitely better trade”. The mild weather was considered a positive increasing visitor length of stay. A late night Thursday night trading initiative was successful in attracting visitors to Lorne from surrounding areas which contributed to an increase in retail trade.

3.5 Summer Peak Period Debrief - 2016 to 2017

Hospitality venues reported the first 15 days of the trade after Christmas as “fantastic” and the following two weeks as very good with trade up by 30%-40% from last year. An increase in international visitors was noticed, particularly with the Australia Day falling on a Thursday to create a long weekend.

Large accommodation venues and caravan parks reported occupancy rates were “definitely better” and “back to normal trading levels for this time of year” with estimates of a 7% increase in trade from last year and 2% above a normal trading season. While the occupancy rate does not represent a huge increase from last year, the 2015/16 high occupancy rate was only achieved by cutting room rates for visitors looking for short stay, cheap deals. It was reported that yield per room significantly improved this year and has returned to better than normal levels which helped to offset large losses last year.

Winchelsea

Businesses in Winchelsea reported that overall trade was better than last summer by around 10%-15%. The completion of the duplication of the Princes Highway prior to Christmas 2015 was seen as a major factor in providing an increased flow of traffic and more positive trade.

There has been a noticeable increase in morning tour bus traffic this summer period with some tour operators re-routing their travel to the 12 Apostles via Winchelsea in the morning and a return along the Great Ocean Road in the afternoon.

The return of the Falls Festival to Lorne was welcomed by Winchelsea traders as a positive (after it was relocated to Mt Duneed last summer) creating a significant boost in trade around the New Year period.

Weather Patterns

Average daytime temperatures were warmer than usual in most parts of Victoria during summer 2016–2017. Overnight temperatures were warmer than usual in the east. Summer rainfall was drier than normal in parts of the southeast but generally close to average elsewhere.

The mean maximum temperature for Victoria over summer 2016–2017 was 1.13 °C above average.

The CFA declared the Fire Danger Period in the Surf Coast Shire from 17 December 2016 until 1 May 2017, 38 days later than last year. The season so far has seen 2 days declared severe and no days as ‘extreme’.

The Table below reveals significantly less ‘severe’ rated days and no ‘extreme’ rated days taking place this summer period.

Fire Danger Rating	2016-17	2015-16	2014-15	2013-14
Extreme	0	2	1	1
Severe	2	7	1	5

Table 8: Extreme & Severe Rated Fire Days 2016/ 2017 Summer Period

Emergency Management

Council has provided assistance to response and relief agencies to a number of single incidents, such as house fires and accidents. The Municipal Emergency Coordination Centre (MECC) has not been activated this summer season.

Incidents:

- Falls Festival crowd crush
- Shark sightings
- Local business fire Torquay
- Bambra fire on Christmas day
- Car into house Torquay

Waste Collection

Managing waste over this period is elevated through the visitation of part time residents and tourists to the townships.

3.5 Summer Peak Period Debrief - 2016 to 2017

There were significant volumes of waste deposited at the part time residents drop off points causing overflowing issues due to illegally dumped hard waste.

Extra kerbside recycling services were provided to all householders in the first couple of weeks in January to capture both permanent and non-permanent residents which were well used.

Transfer stations were busy as per normal during this period. Extended operating hours at Lorne was well received by the community.

Local Laws Infringements

Local Laws Officers patrolled the Shire more heavily over December - January to ensure safety and compliance was maintained. A focus on having a visual presence and providing advice, support and education to people within the Shire was a high priority.

During this time, officers issued many verbal and written warnings and, issued infringement notices for parking and traffic related matters, animal management, litter and illegal camping. Numerous "Notices to Comply" to slash grass (fire prevention) and remove unsafe hazards (for the safe keeping of vacant land) were issued.

In total the Local Laws Unit responded to 352 Customer Requests for assistance. In terms of infringements the following activity was recorded:

- 118 Infringements were issued for Illegal camping, litter
- 10 animal related infringements issued
- 2,335 parking infringements issued
- 58 long grass/hazard inspections
- 34 after hours calls, an increase of 4 from last year
- 38 impounded and returned animals, an increase of 11
- 174 infringement penalty reviews
- 6 court prosecutions.

There was an increase in parking infringement notices issued due to the high volume of vehicles in coastal towns and proactive enforcement by the local laws officers in the interest of public safety and access.

Customer Service Enquiries

This summer period Customer Service experience increases in both calls and counter assists on a very diverse range of requests. Counter assists in particular rose sharply with almost 2,000 extra enquiries. This is most likely a result of a change in the data collection method and does not allow for a proper comparison.

	2015 - 2016 Summer Peak Period	2016 - 2017 Summer Peak Period	Increase/Decrease
Calls per phone line	2,402	2,436	1.42% increase
Counter Assists	2,418	4,375	Nb. Change in data collection method

Table 9: Customer Service Enquiries

Winchelsea Swimming Pool & General Recreation Participation

The Winchelsea Pool received 4,603 people over the December – January period, which is comparable to the previous summer period. The Winchelsea Health Club membership has increased to 162 members, which is a 10% increase from last year.

Across all of our sporting competitions (Basketball, Netball, Soccer, Touch Football) 130 team entries were received; an increase of 8 teams on last year. Of particular note is the addition of a new beginner's girls basketball competition.

Media and Internet

Total number of users to visit the www.surfcoast.vic.gov.au was 44,930 and the total number of web sessions was 64,600, up from 56,834 in the same period last year.

3.5 Summer Peak Period Debrief - 2016 to 2017

There were 143,131 unique page views with an average of 2.22 pages visited per web visit. The average time spent on the website per session was 1 minute 36 seconds. This represents an 8.6% increase in unique page views from last year.

Of the total web visits made during December and January, 52% were from a mobile phone, 10.6% from a tablet and 37.4% from a desktop computer depicting the changing nature of device trends. The previous year's report showed 43% access by phone, 12.7% from a tablet and 44.1% desktop computer respectively.

The most popular web pages were:

	Surf Coast Web Page title	Page Views	Unique Page Views
1	Home	11,172	8,228
2	Markets	7,896	7,198
3	Employment	5,524	4,568
4	Applications on Public Exhibition	4,463	2,180
5	Dogs on Leash Controls	4,426	3,820
6	Waste Disposal Sites	4,242	3,605
7	Contact Us	3,908	3,626
8	Events Calendar	3,691	3,001
9	Building Planning	3,649	2,690
8	Waste Collection	3,379	3,081

Table 10: Nature of Website Enquiries

Media Enquiries

Council received 15 media enquiries over the summer period. A series of shark sightings at Surf Coast beaches generated a number of media and public inquiries. A development proposed for the broader Bells Beach area attracted several media inquiries as did local discussion on a national story regarding the date on which Australia Day is celebrated. Several media outlets inquired whether Council was considering applying for a rate cap exemption. Enquiries came from local press and radio outlets as well as 774 ABC radio.

Key proactive communications activity for the two months included the Cadel Evans Great Ocean Road Race which also included a civic reception held for elite women competitors; community engagement opportunities for the Torquay Structure Plan project; the engagement on Council Plan; Australia Day and the Citizen of the Year awards; Aireys Inlet master plans; Winchelsea township entrance sculptures; Council's Towards Environmental Leadership program; the summer fire season including local fire planning sessions; Amendment C106 which relates to a rezoning application for a site in Grossmans Road Torquay and investigations into a regional motocross facility.

Financial Implications

All activities over this period form part of Council's normal operating budget.

Council Plan

Theme 5 Development and Growth
Objective 5.3 Develop and grow sustainable year round tourism
Strategy 5.3.4 Maximise the benefits of all events for community and business.

Theme 5 Development and Growth
Objective 5.3 Develop and grow sustainable year round tourism
Strategy 5.3.6 Continue to operate the Visitor Information Centres and create integrated destinations to increase length of stay and expenditure in Surf Coast Shire.

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 Summer Peak Period Debrief - 2016 to 2017

Policy/Legal Implications

The Council plan vision is “working towards an engaged, innovative and sustainable community”. The range of services provided by Council during this period reflects the intent of this Vision statement.

Officer Direct or Indirect Interest

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

Risk Assessment

Particular activities and service provision over this period have been subjected to individual risk assessments.

Social Considerations

The summer period presents many social opportunities for the community. The way in which Council is able to facilitate positive outcomes and respond to issues will greatly influence the social aspects of people’s summer experience.

Community Engagement

This report is for Councillor information only. Various key stakeholders external to Council were conducted such as local tourism & trader groups, businesses or non-profit organisations for comment.

Environmental Implications

Direct environmental implications during this period include waste management and the attempt to minimise any environmental degradation and /or vandalism.

Communication

The local media sources such as the Surf Coast Times promote the range of services provided by Council throughout this period.

Conclusion

The summer period for 2016/2017 was once again a very busy time for the Surf Coast. Overall in terms of business sentiment and emergency incidents the 2016/ 2017 summer was far more positive.

Council services remained busy with online platforms experiencing higher levels of usage.

3.6 Planning Scheme Amendment C121 - Bells Beach Hinterland Review

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

General Manager: Phil Rowland
File No: F16/1611
Trim No: IC16/1296

Appendix:

1. Explanatory Report (D17/30821) [↓](#)
2. Schedule to Rural Conservation Zone (D17/30816) [↓](#)
3. Rural Landscape Policy (D17/30818) [↓](#)
4. Coastal Development Policy (D17/30813) [↓](#)
5. Significant Landscape Overlay Schedule 1 (D17/30819) [↓](#)

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 request the Minister for Planning to authorise the preparation and exhibition of Planning Scheme Amendment C121.

Summary

Planning Scheme Amendment C121 seeks to implement the findings from the Surf Coast Planning Scheme Review report 2014 (adopted on 26 August 2014 Council meeting) and the Bells Beach Taskforce report (noted at 27 October 2015 Council meeting). The amendment implements the strategic land use directions of these reports by updating policy, zone and overlays in the Surf Coast Planning Scheme to better recognise the importance of Bells Beach and its hinterland and improve the operation of the Significant Landscape Overlay Schedule 1 related to coastal rural land.

Recommendation

That Council:

1. Seek Ministerial authorisation to prepare Amendment C121 to modify policy, zone and overlays provisions applying to the Bells Beach hinterland to better recognise the important landscape, environmental and cultural role of Bells Beach and its environs.
2. Place Amendment C121 on public exhibition for one month following authorisation.

3.6 Planning Scheme Amendment C121 - Bells Beach Hinterland Review

Report

Background

The Surf Coast Planning Scheme Review 2014 included an analysis of the operation of zones and policy related to the hinterland of Bells Beach. The review report confirmed opportunities to improve the recognition of Bells Beach and its surrounding hinterland through modification to the Surf Coast Planning Scheme and these were supported by Council in August 2014.

Since 2014 Surf Coast Shire has undertaken a project to develop a vision for the Bells Beach Surfing Recreation Reserve and development of a new Coastal Management Plan for the land. This project has involved collaboration with the Bells Beach Taskforce, established to help provide recommendations to Council on these issues, and involved extensive community consultation. The recommendations of the Bells Beach Task Force were presented to Council at its meeting in October 2015 and included support for the improved protection of the Bells Beach hinterland through the Surf Coast Planning Scheme.

Amendment C121 builds on the directions of the Surf Coast Planning Scheme Review 2014 and the Bell Beach Task Force report and outlines changes to the Surf Coast Planning Scheme to recognise Bells Beach and its hinterland appropriately in a land use planning context.

The amendment identifies the Bells Beach hinterland as being all land bounded by Bones, Addiscott, Jarosite and Bells Beach Road but also includes the approach to Bells Beach from Bells Boulevard, as shown in figure 1.



Figure 1: Map of Bells Beach hinterland

Discussion

Amendment C121 emphasises the importance of Bells Beach as an iconic area through a number of changes to the Surf Coast Planning Scheme as follows:

- amends Clause 21.06 'Rural Landscape' to define the Bells Beach hinterland, strengthen reference to the scenic, environmental and cultural values of the Bells Beach hinterland and to detail the expectations for development
- amends Clause 22.04 'Coastal Development Policy' to strengthen policy applying to land of high scenic values along the Great Ocean Road and Bells Beach. The policy also ensures land within the Bells hinterland covered by the Vegetation Protection Overlay has clearer decision making guidelines

3.6 Planning Scheme Amendment C121 - Bells Beach Hinterland Review

- amends the Schedule to the Rural Conservation Zone (RCZ) to strengthen the conservation values that apply to the Bellbrae, Bells Beach and Point Addis areas
- extends the RCZ to 155 and 185 Bones Road and part of 615 Addiscott and 81 Bones Road, in recognition of their visual prominence from the Bells Beach Reserve and hinterland and biodiversity values
- amends Schedule 1 to Clause 42.03 Significant Landscape Overlay (SLO1) to provide clearer guidance for decision making through wording changes and inclusion of relevant criteria from Clause 22.01 Coastal Development Policy.

The changes do not introduce any new or altered permit triggers with the exception of land proposed to be rezoned, as the Rural Conservation Zone includes additional permit triggers not included within the Farming Zone. The changes to the strategies, zone and overlay schedules aim to improve reference to the importance of Bells Beach and its hinterland and ensure any development in the area is responsive to that context. The changes to the Significant Landscape Overlay Schedule 1 and the Coastal Development Policy aim to shift operational elements from the Coastal Development Policy to the Significant Landscape Overlay Schedule 1 to provide for more targeted and transparent controls and align with changes made to the Surf Coast Planning Scheme through township based controls in recent years.

An overview of the proposed amendment is outlined in the Explanatory Report at Appendix 1. The draft amendments to local policy, Rural Conservation Zone and SLO1 are appended as Appendices 2, 3, 4 and 5.

The amendment is consistent with State Planning Policy and all applicable Ministerial Directions.

The amendment will have a number of benefits, including:

- informing decision-making for applications within the Bells Beach Hinterland Area
- providing clarity on existing policy in line with recent Victorian Civil and Administrative Tribunal decisions in the Bells Beach Area which highlighted areas for improvement for decision guidelines
- expanding the area where policy applies to protect the approach to the Bells Beach Hinterland area
- removing redundant material from the planning scheme and updating where relevant
- providing more certainty for the community who highly value the Bells Beach reserve and its surrounds.

The Acting Minister for Planning on 2 February 2017 wrote to Council advising of the Minister's support for Council's proposed amendment to the planning scheme to *"protect this iconic coastal area with its significant environmental, landscape and cultural values. More than ever we need to manage tourism and other forms of development in this sensitive location"*. The Acting Minister also offered the assistance of officers from the Department of Environment, Land, Water and Planning (DELWP) in the development of the amendment. Accordingly, Council officers have worked with planning officers from the DELWP Regional Office who have assisted in the drafting of the amendment as appended to this report.

Financial Implications

Funds for the preparation and processing of the amendment have been allocated in the 2016/17 budget. The amendment will not increase the resource and administrative costs of Council.

Council Plan

Theme 1 Environment

Objective 1.1 Preserve and enhance the natural environment

Strategy Nil

Theme 3 Communities

Objective 3.3 Preservation of peaceful, safe and healthy environments

Strategy Nil

Theme 5 Development and Growth

Objective 5.4 Transparent and responsive land use and strategic planning

Strategy 5.4.6 Maintain a clear rural-landscape separation between settlements to protect landscapes and environmental qualities.

3.6 Planning Scheme Amendment C121 - Bells Beach Hinterland Review

Policy/Legal Implications

The amendment must be prepared, exhibited and considered in accordance with the requirements of the Planning and Environment Act 1987.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no perceived risks associated with seeking authorisation to prepare the amendment.

Social Considerations

The amendment is expected to have positive social effects and will result in net community benefit by reinforcing the strategic importance of Bells Beach and its associated hinterland and help manage the area considering the landscape, environmental and cultural context of the area.

In addition the amendment updates current planning controls and policy related to coastal rural land and makes the controls more relevant and contemporary and provides clearer and more practical controls for land owners and users of the planning system.

Community Engagement

Recognising the values of Bells Beach and the surrounding hinterland has been a key element discussed in the broad consultation undertaken as part of the Bell Beach Bells Beach Coastal Management Plan and Implementation Plan project in 2014. This project included consultation over an 18 month period and a range of techniques were employed to maximise community input. The findings of the Bells Beach Taskforce, that were noted by Council in October 2015, included reference to updating planning controls to better reference Bells Beach and its hinterland.

The vision and principles within the CMP has provided the platform for the amendment.

Information about the development of the planning scheme amendment has been made available to the community as follows:

- outline of project and brochure presented to the Bells Beach Committee - February 2017
- brochure mailed out to all landowners within the hinterland area - March
- outline of project on Council website - March.

Environmental Implications

The amendment strengthens policy direction to protect and enhance the significant environmental assets and coastal landscapes as articulated in Clause 21.03 and 21.06 in the Surf Coast Planning Scheme and as identified in the Bell Beach Bells Beach Coastal Management Plan and Implementation Plan project.

Communication

Pre exhibition consultation has been undertaken to re-engage with key interest groups via Council's website, presentation to the Bells Beach Committee in February 2017 and information brochure to landowners and key stakeholders.

Public notice of the amendment will be given in the following manner:

- notices will be sent to all owners/occupiers in the identified hinterland of Bells Beach and to all owners/occupiers of land impacted by the Significant Landscape Overlay Schedule 1
- notices will be sent to relevant interest/community groups
- notices will be placed in the Surf Coast Times and Government Gazette.

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

Conclusion

Amendment C121 has been prepared to implement the findings of the Surf Coast Planning Scheme Review 2014 and the outcomes of the Bell Beach Bells Beach Coastal Management Plan and Implementation Plan project. Ministerial authorisation is required before Council can formally prepare and publicly exhibit the amendment. It is therefore recommended that Council seek authorisation from the Minister for Planning and upon authorisation place the amendment on public exhibition for a period of one month.

3.6 Planning Scheme Amendment C121 - Bells Beach Hinterland Review

APPENDIX 1 EXPLANATORY REPORT

Planning and Environment Act 1987

SURF COAST SHIRE PLANNING SCHEME

AMENDMENT C121

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Surf Coast Shire Council who is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to:

- Land surrounding the Bells Beach Coastal Reserve, zoned Rural Conservation Zone (bounded by Bones, Jarosite, Addiscott and Bells Beach Road) – refer figure 1.
- Land at 155 and 185 Bones Road and part of 615 Addiscott Road and 81 Bones Road, zoned Farming Zone – refer attachment 1.
- All land covered by the Significant Landscape Overlay Schedule 1 (Lorne hinterland to Jan Juc - mostly covers large parcels of land outside coastal settlements).
- Land in and abutting the Bells Beach hinterland covered by the Vegetation Protection Overlay Schedule 1.
- Land subject to the Clause 22.04 'Coastal Development Policy' (Lorne hinterland to Bells Beach - covers land outside coastal settlements).



Figure 1: Map of Bells Beach hinterland

What the amendment does

The Amendment modifies planning policy, zone and overlays provisions applying to the Bells Beach hinterland to better recognise the important landscape, environmental and cultural role of Bells Beach.

The Amendment also makes changes to broader policy and controls relating to land impacted by the Coastal Development Policy and the Significant Landscape Overlay Schedule 1 in proximity to the Great Ocean Road.

Specifically, the Amendment makes the following changes:

- Rezones land at 155, 185, part of 81 Bones Road and 615 Addiscott Road from Farming Zone to Rural Conservation Zone.
- Amends Clause 21.06 Rural Landscape to define the Bells Beach hinterland, strengthens reference to the scenic, environmental and cultural values of the Bells Beach hinterland and details the expectations for development in the hinterland area.
- Amends Clause 22.04 Coastal Development Policy to strengthen reference to the scenic, environmental and cultural values of the Great Ocean Road, coastal environs and Bells Beach hinterland. The policy will focus on land beyond settlement boundaries with high scenic and environmental values and all policy information targeted towards urban development has been removed.
- Amends the Schedule to the Rural Conservation Zone to strengthen the conservation values that apply to the Bells Beach and Point Addis areas.
- Amends Schedule 1 to Clause 42.03 - Significant Landscape Overlay (SLO1), to provide clearer assessment criteria for applications in areas of internal and nationally significant scenic value.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to implement the findings of the Surf Coast Planning Scheme Review Report 2014 (the Review Report) as it relates to the Bells Beach hinterland. The Review Report highlighted opportunities to improve elements of the Surf Coast Planning Scheme by strengthening reference to Bells Beach in Clause 21.06 and in relevant zones and overlays. Council supported preparation of the amendment at its meeting on 26 August 2016.

The amendment also supports the recommendations of the Report of the Bells Beach Task Force October 2015 which further highlighted community support for strengthening planning controls in the Bells Beach hinterland.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment is consistent with the objectives for planning in Victoria under Section 4 of the *Planning and Environment Act 1987* by facilitating the orderly planning and development of coastal areas in a manner that respects the character and environmental values of the area, including Bells Beach, and is responsive to current and future community needs and aspirations.

How does the Amendment address any environmental, social and economic effects?

The Amendment provides clearer planning controls to guide use and development that respects the environmental, cultural and landscape values in the Bells Beach hinterland and on land affected by the Significant Landscape Overlay Schedule 1 along the Great Ocean Road. In doing so, the Amendment is expected to have positive environmental, social and economic effects and will result in net community benefit.

Does the Amendment address relevant bushfire risk?

Some parts of the land affected by this amendment are covered by the Bushfire Management Overlay. The Amendment does not change the current Bushfire Management Overlay and is not expected to increase the risk of bushfire to lives and property as the amendment does not promote increased development in rural hinterland areas as identified.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with Ministerial Directions 7(5) (Form and Content of Planning Schemes), 11 (Strategic Assessment of Amendments) and 15 (Ministerial Timeframes).

The requirements of Ministerial Direction 11 are satisfied in this explanatory report.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment is consistent with the intent of the State Planning Policy Framework (SPPF) and implements of the following clauses:

Clause 11.05-5 Coastal settlement – The amendment reinforces the existing settlement boundaries around the coastal townships to prevent urban sprawl, protect coastal values and maintain areas between the settlements for non-urban use.

Clause 12.01 Biodiversity – The amendment protects and enhances the biodiversity values of land abutting the coast through improvements to the SLO1 and Coastal Development Policy in relation to significant vegetation and habitat.

Clause 12.02 Coastal areas – The amendment enhances the recognition of the key rural hinterland areas along the coast and in particular Bells Beach. The Amendment improves controls related to management of development adjacent the Great Ocean Road and the coast.

Clause 12.4 Significant environments and landscapes – The amendment improves reference to Bells Beach and its environs as an international and nationally important landscape feature.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment is consistent with the intent of the Municipal Strategic Framework (MSS) and supports the implementation of the following clauses:

Clause 21.02 Settlement, Built Environment, Heritage and Housing – The amendment reinforces the importance of non-urban breaks between townships along the coast and recognises their landscape values.

Clause 21.03-2 Environmental Assets– The amendment improves policy, zone and overlay controls to ensure that development on and near the coast is compatible with and enhances the environmental, scenic and amenity values of the coastal environment.

Clause 21.06 Rural Landscape – The amendment acknowledges the contribution of the visual landscape qualities of the Great Ocean Road and Bells Beach environs to the natural beauty, attractiveness, liveability and amenity of the of the area and improves the existing frameworks that provide ongoing protection for these areas.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions through proposed updates to the Municipal Strategic Statement and improvements to zones and overlays.

The amendment seeks to use policy to clearly describe important features of the coast particularly Bells Beach. Clause 22.04 Coastal Development Policy requires review as it represents a policy introduced with the New Format Planning Schemes and was originally covering development in coastal towns as well as rural areas along the coast. Through township specific strategic work over time the Coastal Development Policy no longer applies within the coastal settlements. It now only applies to areas of Rural Conservation Zone and

a small area of Low Density Residential Zone (in Jan Juc) affected by the Significant Landscape Overlay Schedule 1. The amendment seeks to shift operational elements from the Coastal Development Policy to the Significant Landscape Overlay Schedule 1 whilst deleting obsolete sections of the policy for a more targeted and transparent control.

The policy importantly applies to land covered by the Vegetation Protection Overlay Schedule 1 which although may not be as visually significant as land subject to the SLO1 is often located side by side and also requires sensitive consideration.

How does the Amendment address the views of any relevant agency?

No formal agency views have contributed to the preparation of the amendment. Agency views will be sought through exhibition.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have any impact upon the objectives, strategies and decision making principles of the Transport Integration Act 2010.

Resource and administrative costs

• **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not increase the resource and administrative costs of Council.

The amendment does not change existing permit triggers related for land in the Bells Beach hinterland or Significant Landscape Overlay Schedule 1 area.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places: Surf Coast Shire Council, 1 Merrijig Drive, Torquay 3228.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to:

Strategic Planning Co-ordinator
Surf Coast Shire Council
1 Merrijig Drive
Torquay 3228

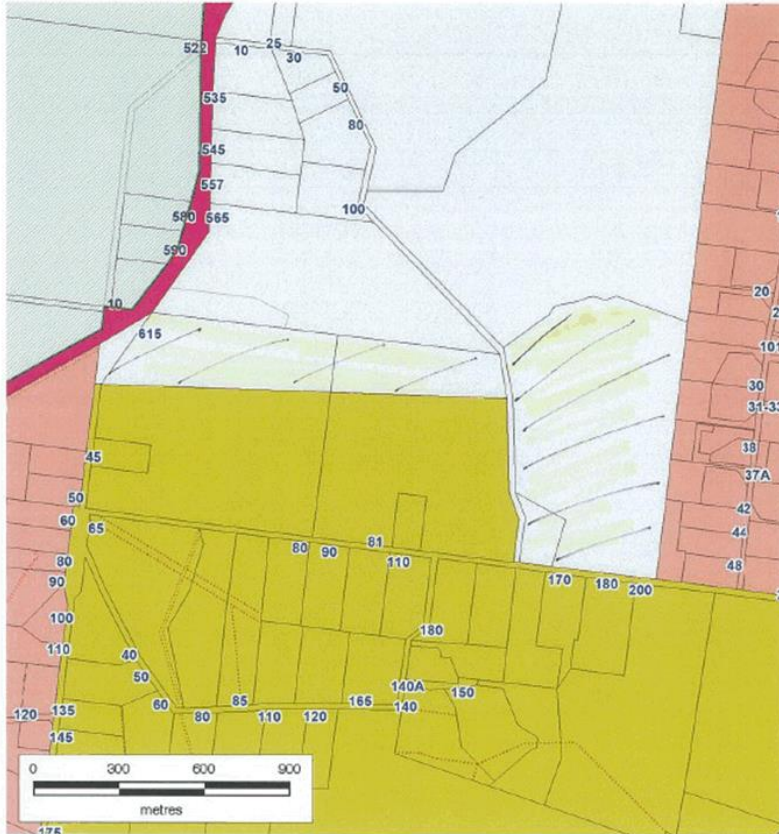
Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Bells Beach	155, 185, part of 81 Bones Road. Part 615 Addiscott Road	Surf Coast C121 Map 22 Exhibition



3.6 Planning Scheme Amendment C121 - Bells Beach Hinterland Review

APPENDIX 2 SCHEDULE TO RURAL CONSERVATION ZONE

SURF COAST PLANNING SCHEME

05/09/2013
VC103
[Proposed](#)
[C121](#)

SCHEDULE TO THE RURAL CONSERVATION ZONE

Shown on the planning scheme map as **RCZ**.

Conservation Values

General

The natural features, significant landscape, habitat or a particular rural environment.

Breamlea Wetlands

The fauna habitat and scenic landscape of the Breamlea saltmarsh and the coastal reserve.

Minimal impact of adjoining land use and development on the saltmarsh and coastal reserve.

The environmental flows of estuarine water to the saltmarsh.

Bellbrae, Bells Beach and Point Addis

The flora, fauna habitat and scenic landscape.

~~Existing~~— [Significant expanses of indigenous vegetation dominating a relatively and undeveloped rural bush landscape.](#)

[Rolling hills with views to the ocean and enclosed vegetated rural landscapes that provide a background to the internationally significant Bells Beach](#)

Remnant vegetation on private and public land and the coastal reserve.

[Bellbrae south west](#)

[The flora, fauna habitat and scenic landscape.](#)

[Remnant vegetation on private land.](#)

[Abuts the Nationally significant Great Ocean Road](#)

Great Ocean Road hinterland

The flora, fauna habitat, and scenic landscape.

[Nationally significant scenic landscapes relatively unaffected by development and providing a dramatic, unspoilt natural landscape between coastal settlements](#)

Remnant vegetation on private and public land and the coastal reserve.

Otways and hinterland

The flora and fauna habitat.

The ~~Angahook-Lorne-State~~ [Great Otway National Park](#).

Pennyroyal and Bambra

The water supply catchments declared under the Catchment and Land Protection Act 1994.

| SURF COAST PLANNING SCHEME

Lake Modewarre

The fauna habitat and recreational fishing activities.

Minimal nutrient infiltration into the lake.

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SURF COAST PLANNING SCHEME

	Land	Area/Dimensions/Number
Minimum subdivision area (hectares).	All land	60
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	None specified	
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres).	None specified	
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).	None specified	

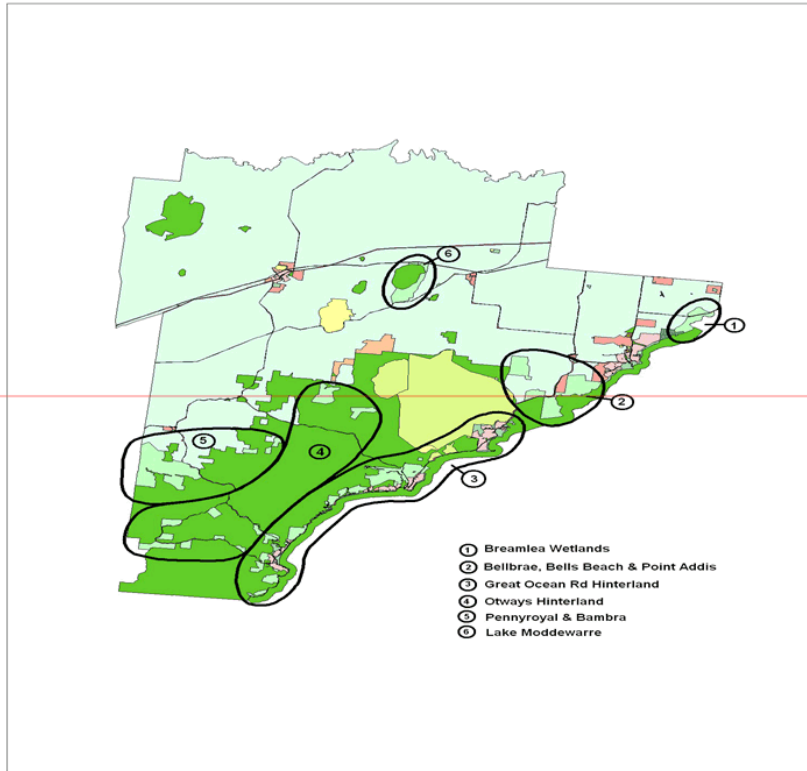
Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary.	All land
Earthworks which increase the discharge of saline groundwater.	All land

| SURF COAST PLANNING SCHEME

Map 1 to Clause 35.06 - include roads and settlements in maps

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SURF COAST PLANNING SCHEME



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APPENDIX 3 RURAL LANDSCAPE POLICY

SURF COAST PLANNING SCHEME

21.06

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Proposed
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RURAL LANDSCAPE

This Clause provides local content to support Clause 12 (Environmental and landscape values) of the State Planning Policy Framework.

21.06-1

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C68(Part 1)

Key Issues and Influences

- Landscape character is the interplay of geology, topography, vegetation, water bodies and other natural features, combined with the effects of land use and built development, which makes one landscape different from another.
- The physical landscapes of the Surf Coast Shire make an important contribution to the amenity of the Surf Coast, enhancing the lifestyle of residents and adding value to the tourism economy.
- As the cost of coastal land continues to rise development pressure in rural areas increases and is often associated with tourism activity, hobby farming or infrastructure development.
- Ensuring that new land use and development is complementary to the highly valued rural landscapes is important for economic and social reasons.
- Understanding the values of the different rural landscapes is necessary to appropriately manage future use and development.

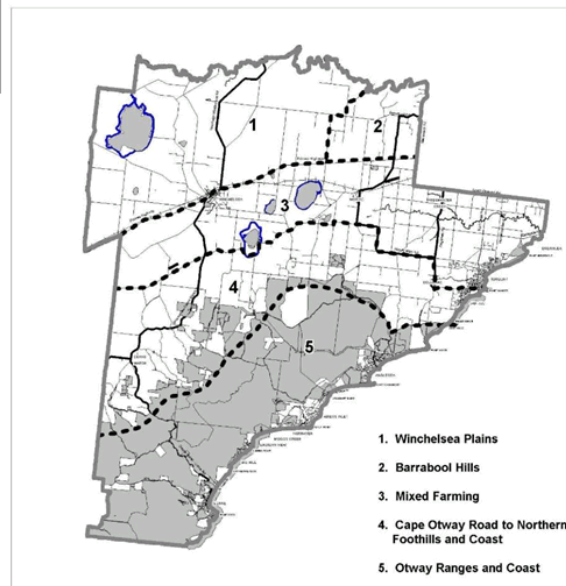
21.06-2

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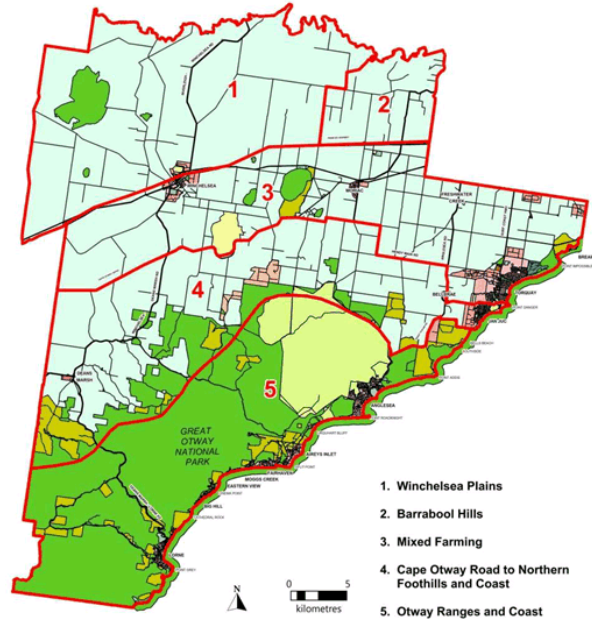
Rural Landscape Precincts

The rural areas of the Shire have been categorised into five landscape precincts based primarily on landscape features, but also taking into account land use, agricultural quality, tenement/allotment patterns and environmental values (refer to Map 1 to Clause 21.06).

Map 1 to Clause 21.06 – Landscape Units



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- Winchelsea Plains – characterised by generally flat topography, with the Barwon River valley bisecting the flat plains. The RAMSAR listed Lake Murdeduke is the dominant feature to the west, with international significance for wading birds, while to the east the landscape becomes more undulating gently rising to the volcanic cone of Mt Pollock. The current settlement pattern allotment and tenement sizes, and the agricultural capability of the precinct are conducive to agriculture, and this is reflected in the continuing use of the land for broadacre farming and the growing intensive animal husbandry industry of pig and poultry production. Rural living development is very limited in this precinct.

Farm houses and outbuildings are scattered throughout the pastoral landscape and long distance views to the low horizon are available throughout the precinct. The majority of the original native vegetation has been removed, and what remains (particularly of the native grasses) has high environmental value. Similarly, the remaining wetlands and riparian vegetation have high ecological value for the habitat they provide to native wildlife and migratory birds.

- Barrabool Hills – a distinctive upland ridge that slopes steeply down to the Barwon River on the northern side and more gently southward to the Princes Highway. This scenic corner of the municipality features Mount Moriac, the highest relief in the Shire north of the Princes Highway. The Hills, comprising this precinct and west to Mt Pollock (in the Western Plains precinct) is classified by the National Trust of Australia as significant at a regional level for its aesthetic qualities, geological and geomorphological properties and association with indigenous peoples. Aboriginal Affairs Victoria has listed numerous sites in the Barrabool Hills. It is also recorded as having historical importance at a local level, with twelve sites covered by the Heritage

SURF COAST PLANNING SCHEME

Overlay. The Hills offer extensive views of the surrounding pastoral landscape and have been depicted in many well known paintings of early Victorian landscapes.

The current allotment and tenement sizes are conducive to agriculture and much land is still used for broadacre farming. The topography, agricultural capability and its strategic location near the major market of Geelong provide opportunities for more intensive horticultural production, subject to the availability of water. The settlement pattern of the area is relatively sparse with smaller lots concentrated in pockets along a few roads.

- Mixed Farming – takes in a band of predominantly undulating, cleared pastoral land bisected by the Barwon River in the west and Thompsons Creek in the east, ending in low, environmentally significant, open swamp behind coastal dunes at Breamlea. The eastern saltmarsh area has a strong sense of isolation and openness. In the west the allotment and tenement sizes are conducive to agriculture, particularly broadacre farming. In the east the potential exists for sustaining an irrigated agricultural industry should recycled water become available.

The settlement pattern is scattered and varies in density. The precinct includes the rural settlement of Freshwater Creek and the rural residential hamlets of Lower Duneed and Connewarre in the east. The township of Moriac is centrally located in the precinct and land to the west is sparsely settled.

- Cape Otway Road to the Northern Foothills and Coast – visually attractive undulating landscape of open farm land, framed by dense bushland. It extends from the steepening valleys and foothills of the northern slopes of the Otway Ranges in the west, through the lifestyle bush blocks of Wensleydale and Gherang to the semi-pastoral hills of Bells Beach in the east. The gently rolling hills, with some incised creeks and gullies, and pockets of remnant vegetation contribute to a sheltered, enclosed landscape. Buildings tend to be located away from roads, often in valleys or among trees. ~~Bells Beach is listed on the Victorian Heritage Register for its cultural and aesthetic heritage values.~~

While the main land use in the precinct is farming, it occurs predominantly for lifestyle purposes. Dairying, particularly concentrated around Deans Marsh, has declined and timber, grass seed production, vines and olive groves are emerging. There are a number of rural tourism businesses primarily around Deans Marsh and Bellbrae. The landscape and environmental values of this precinct are the primary reasons for its attractiveness for tourist and lifestyle use and development.

- Otway Ranges and Coast – comprises substantial tracts of dense forest in hilly terrain edged with exposed areas of low coastal heath. This precinct is dominated by the Great Otway National Park. The Great Ocean Road hugs the coastline offering dramatic coastal views and is an important domestic and international visitor tourist destination. The townships, settlements and nearby hinterland of the Great Ocean Road are also popular tourist destinations. By its nature the precinct is also one of the most fire prone areas within the State of Victoria.

Bells Beach forms the north eastern boundary of this precinct and is listed on the Victorian Heritage Register for its surfing, cultural and aesthetic heritage values. The scenic landscape value of the Bells Beach Surfing Recreation Reserve and surrounds derives from the coming together of the pastoral landscape and the seascape and from the relative absence of built structures visible beyond the Torquay/Jan Juc settlement boundary. The hinterland to Bells Beach (bounded by Bones Road, Addiscot Road, Bells Beach Road and Jarosite Road) provides an important rural and bush setting on route to the Bells Beach Reserve.

The adjacent area of Point Addis, located on the southern side of the Great Ocean Road is bounded by the Great Otway National and includes the remote and scenically dramatic Point Addis beach. Both areas provide stunning coastal views with rugged cliffs, coastal vegetation, sandy beaches, rocky reefs and world renowned surf breaks.

The settlements of Anglesea to Eastern View sit within fragile heathlands and open dry woodlands meaning that any development between townships is highly visible along

SURF COAST PLANNING SCHEME

the coast. In contrast the Lorne hinterland is characterised by dense, tall forest where there may be potential for some small scale tourist accommodation but will be limited by bushfire risk, environmental values and physical site constraints.

21.06-3

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Landscape Outcomes

Objective 1

To protect and enhance the landscape values of the rural precincts as described in Clause 21.06-2 above.

Strategies

- Encourage the siting and design of new buildings to complement existing farm structures, avoid locating on hilltops and ridges and to nestle into the landscape where possible.
- Promote indigenous revegetation around buildings and structures, wetlands and along waterways to assist blending new development with the surrounding landscape.
- Ensure new buildings are sited and designed in the Barrabool Hills to foster the historic rural landscape qualities of the area.
- Ensure tourism facilities are limited in their intensity and scale to avoid adverse visual impact on the natural environment and rural landscape and to retain the marketing characteristics of low key, eco-based tourist values.
- Manage development in Nationally and Internationally significant areas to ensure landscape, native vegetation and natural features remain visually dominant over the built environment. These areas include the Bells Beach hinterland (bounded by Bones Road, Addiscott Road, Bells Road and Jarosite Road) and other land zoned Rural Conservation Zone that is subject to either the Significant Landscape Overlay Schedule 1 or the Vegetation Protection Overlay Schedule 1.
- ~~Strongly discourage~~ Ensure development on land within viewsheds of the coastal side of the Great Ocean Road between Anglesea and the Shire's western boundary is visually recessive within the landscape.
- ~~and in particular avoid~~ Ensure any development ~~is not visible (alter)~~ visually recessive within the viewshed of the Bells Beach Surfing Recreation Reserve identified by the Significant Landscape Overlay Schedule 1.

Objective 2

To protect and maintain open and uncluttered rural landscapes, including vistas from main road corridors.

Strategies

- Encourage new development, including intensive animal industries and dwellings, to adopt a clustered development pattern rather than being dispersed throughout the landscape.
- Discourage the subdivision of land below the minimum lot sizes specified in the schedules to the rural zones.

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Objective 3

To protect the rural landscape from urban intrusion and to provide clear distinction between townships.

Strategies

- Discourage any proposal to use, rezone or subdivide land for rural residential or urban residential development.
- Discourage uses not associated with an agricultural activity in any rural area outside the Rural Activity Zone.
- Maintain clear, non urban breaks between Geelong and Torquay and between the coastal settlements.
- Oppose any proposal or rezoning -and/or subdivision that would allow more intensive development further subdivision in the around Bells Beach hinterland and Point Addis.

Objective 4

To recognise the importance of maintaining the visual landscape qualities of the Great Ocean Road environs both for residents and visitors to the coast.

Strategies

- Protect the visual prominence of the Great Ocean Road and significant public viewing points along the Otway Coast and Ranges.
- Support the concept of a buy-back scheme for private land with significant environmental value along the Great Ocean Road and in prime tourist locations along the coast.
- Oppose intensification of development and subdivision of large freehold coastal properties between Aireys Inlet and the Shire boundary west of Lorne, due to their high visual exposure, steep slopes and limited access.
- Oppose subdivision and intensive-tourist development in the Mt Sabine area, Bells Beach hinterland and Point Addishinterland.

21.06-4 Implementation

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The strategies will be implemented by:

Using policy and the exercise of discretion

- Development that is likely to detrimentally affect the scenic landscape, environmental and cultural values of land within the Bells Beach hinterland will not be supported.
- Require a minimum 20 metre wide native vegetation landscape buffer as a condition of any planning permit for timber production along any Category 1 or Category 2 road or any other tourist road.
- In considering any application for a non-agricultural land use and/or development apply the following development principles:
 - Buildings should be of modest scale and nestle into the landscape;
 - Buildings should be subservient to the landscape so as not to detract from its visual qualities;
 - Proposals should include net gain environmental outcomes; and

SURF COAST PLANNING SCHEME

- Development should be self-sufficient in the provision of infrastructure and associated costs.

Applying zones and overlays

- Applying a Significant Landscape Overlay to areas with high scenic landscape value to protect the visual amenity of these landscapes, including the Great Ocean Road corridor.
- Applying permit triggers in the schedules to the rural zones for buildings within road setback areas to minimise the visual impact of development along main and tourist access roads.
- Applying the permit trigger in the schedules to the rural zones for timber production.

Undertaking further strategic work

- Investigating the preparation of siting and design guidelines for buildings and farm structures within the rural precincts and determining the level of status to give to such guidelines.
- Investigating the need for further protection of the landscape qualities of the Barrabool Hills as requested by the National Trust of Australia (Vic).
- Investigating ways to encourage shelter belt planting.

21.06-5

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C68(Part 1)

Reference Documents

Surf Coast Shire Rural Strategy (2007)

Surf Coast Landscape Assessment Study North of the Princes Highway (2007)

The Great Ocean Road Region Landscape Assessment Study (2003)

3.6 Planning Scheme Amendment C121 - Bells Beach Hinterland Review

APPENDIX 4 COASTAL DEVELOPMENT POLICY

SURF COAST PLANNING SCHEME

<p>22.04 20/03/2014 C66 Proposed C121</p>	<p>COASTAL DEVELOPMENT SCENIC LANDSCAPES AND ENVIRONMENTAL ASSETS POLICY</p> <p>This policy applies to <u>the Great Ocean Road and Coastal environs where land is subject to the within</u></p> <ul style="list-style-type: none">▪ the Rural Conservation Zone (RCZ) in coastal areas (excluding land from Aireys Inlet to Eastern View covered by Schedule 11 to the Design and Development Overlay); shown in map 1 to this schedule; and▪ <u>Schedule 1 to the Significant Landscape Overlay (SLO1); and</u>▪ <u>Schedule 1 to the Vegetation Protection Overlay (VPO1)</u>
<p>22.04-1 11/11/2010 C49 Proposed C121</p>	<p>Policy Basis</p> <p>The south-west coast and the Great Ocean Road <u>Region</u> are characterised by spectacular landscapes, scenic coastal vistas and areas of significant natural beauty and environmental sensitivity. These areas are of local, national and international importance. The use and development of land can have a major impact on the way the area is perceived and enjoyed. This is not only by the thousands of tourists who frequent the area, but also by residents who seek out this environment for the lifestyle and amenity which it provides. Past development has not always been sympathetic to these issues<u>qualities</u>. This policy is designed to ensure that appropriate measures are in place to protect and enhance the coastline and Great Ocean Road environs.</p> <p>The coastal townships and settlements of the Surf Coast Shire are an integral part of the area. They offer a unique lifestyle and environment for residents and a retreat and place of leisure for thousands of visitors and tourists. The local community and visitors alike value the special features of these townships that are characterised by large areas of indigenous vegetation, generally lower housing densities, low rise development and more informal styles of fencing and roads.</p> <p>This policy seeks to preserve the unique character, amenity and environmental features of <u>the coastal areas and townships along visible from the Nationally significant Great Ocean Road and internationally significant Bells Beach</u> by retaining native vegetation cover, protecting viewsheds from the Great Ocean Road and encouraging the development of distinctive building designs which distinguish Surf Coast from conventional urban and suburban areas<u>development that is subservient to the landscape and natural features.</u></p>
<p>22.04-2 20/03/2014 C66 Proposed C121</p>	<p>Objectives</p> <p>To protect and enhance the environmental qualities and scenic landscape values of the <u>Nationally significant Great Ocean Road (and coastal environs) and internationally significant Bells Beach (and hinterland) including Point Addis.</u></p> <p>To retain and extend existing native tree canopies, heathlands and understorey vegetation cover by minimising the removal of native vegetation and encouraging planting and landscaping which enhances streetscapes and protects the character of townships and natural landscape features along the Great Ocean Road and its hinterland<u>coastal environs.</u></p> <p>To protect viewsheds and ensure that development is sited and designed to blend with the surrounding environment, particularly when viewed from the Great Ocean Road, <u>Bells Beach</u> and other significant public viewing points.</p> <p>To minimise the visual impact of development having regard to building size, height, bulk, siting, site coverage and external materials and colours.</p> <p>To recognise that views form an important part of the amenity of a property and to provide for a reasonable sharing of views of significant landscape features, including views of the ocean, coastal shoreline and notable cultural features.</p>

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~~To facilitate a range of housing types and densities which will accommodate a diversity of housing needs and household types while retaining the generally low density residential character of coastal towns.~~

22.04-3 Policy

20/03/2014

C66

[Proposed C121](#)

Application of this policy

~~All of the policies and performance measures outlined below are discretionary. In exercising its discretion the responsible authority will not consider the policy components in isolation; rather, it will consider the matter in the context of how the proposal addresses the objectives and policies as a whole.~~

~~The primary consideration is whether the proposal protects the key assets which distinguish coastal character in Surf Coast Shire from conventional urban and suburban areas, namely:~~

- ~~▪ The extent and type of vegetation cover whether the township or locality is characterised by a significant tree canopy or vegetation cover (including understorey) which could be compromised in the long term by the combined effects of individual developments seeking to maximise the development potential of the site.~~
- ~~▪ Building scale, landscapes and viewsheds whether the bulk, height, dwelling size and the degree of excavation and/or fill required could create a building which is visually prominent relative to its surroundings or within important viewsheds.~~
- ~~▪ The urban design and architectural features which differentiate and give a special character to Surf Coast whether the architectural features, materials and colours of a building complement or add to the character of the neighbourhood, township or viewscape.~~

~~The headings below reflect the above considerations.~~

Site analysis and design response, landscape and development plans

It is policy that:

- Applications for buildings, works or subdivision (apart from minor buildings and works and subdivision of an existing or approved development) must be accompanied by a site analysis and design response containing sufficient information to:
 - Address all relevant zone, overlay and policy objectives and provisions;
 - Demonstrate how the proposal responds to the character, features and constraints of the township locality and site.
 - [Demonstrate how the proposal minimises its visual prominence where the property is visible from the Great Ocean Road or the Bells Beach hinterland.](#)
- ~~Applications for subdivision must include an application to use and develop a dwelling on each lot that does not contain an existing dwelling where:~~
 - ~~· A development plan is required to allow proper assessment of an application under this policy;~~
 - ~~· The land is in Schedule 1 to the Significant Landscape Overlay and a lot of less than 600m² is proposed.~~

SURF COAST PLANNING SCHEME

Vegetation Cover

This section applies to all applications on land containing native vegetation ~~or native and non-native trees with spreading crowns~~ whether or not an application is required to remove such vegetation.

The distinctive vegetation characteristics of ~~each township~~ locality will be recognised and taken into account in the assessment of applications. The development potential of individual properties will be influenced by and balanced against the overriding objectives of protecting vegetation cover and ~~township~~ landscape character.

It is policy that:

- Building footprints and hard surface areas should be ~~minimised and~~ designed and sited in order to minimise the amount of vegetation required to be removed, taking into consideration:
 - The need to protect vegetation located on ridgelines, along water courses, in areas of environmental or habitat significance, and on land subject to landslip or erosion;
 - The need to protect significant vegetation and habitat identified in maps 2 -6 to this schedule.
 - The need to protect vegetation that is in a prominent location and which makes an important contribution to the landscape character ~~of the street or town;~~
 - The need to protect vegetation that will screen or soften the appearance of existing or proposed buildings when viewed from the Great Ocean Road, Bells Beach or other significant public viewing points;
 - The need to provide sufficient open space for the viable preservation of existing trees and the establishment of replacement trees.
- ~~On land shown in Maps 1, 2 and 3 habitation envelopes should be developed beyond which no native vegetation is to be removed, destroyed or lopped.~~
- In areas where there is little or no vegetation cover, athe landscape plan should be submitted that provides for the planting of new vegetation which complements the landscape character of the ~~township or~~ locality.
- The species of new and replacement vegetation should be chosen to reflect the landscape character of the locality, particularly with respect to the size of trees at maturity. Landscaping should be undertaken in a bushfire responsive manner as set out in the document Landscaping your Surf Coast garden for bushfire, 2014.
- In visually prominent locations or where significant trees are to be removed the responsible authority will require the property owner or developer to pay a bond to ensure that new or replacement vegetation is established and maintained in accordance with approved plans.
- Plants listed as environmental weeds in the incorporated document "*Environmental Weeds – Invaders of our Weeds of the Surf Coast Shire, 2nd Edition (201402)*" should be controlled and eventually eradicated from the coastal environment.

Building scale, landscapes and viewsheds

It is policy that the height, scale and bulk of buildings will be controlled in order to:

- Preserve the low-rise, low impact character of ~~the coastal townships and~~ of development along within viewsheds of the Great Ocean Road, Bells Beach and other significant public viewing points;
- Promote the retention or re-establishment of native vegetation, particularly where ~~this is an important element of township character or it~~ it serves to screen buildings from significant public viewing points;

SURF COAST PLANNING SCHEME

- Protect rural residential amenity by encouraging a reasonable sharing of views between new and established properties, particularly where the view is of a significant landscape feature, including views of the ocean and coastal shoreline, coastal forest and mountains, rivers and estuaries and notable cultural landscape features.

Building Siting

It is policy that, where practical alternative locations exist, buildings should ~~not be located:~~

- ~~Not be located o~~On or near ridgelines where the building would form a silhouette against the sky when viewed from the Great Ocean Road, Bells Beach hinterland and coastal reserve or any other significant viewing point;
- ~~Not be located i~~n locations susceptible to erosion or inundation.
- Situated within the topography and below the tree canopy.
- Not be sited closer than 10m of a patch of indigenous vegetation containing trees.
- ~~Within 8 metres of a front property boundary adjacent to the Great Ocean Road.~~

Building Height

It is policy that:

- The height of buildings be determined by the surrounding context, taking into account the following principles:
 - Buildings should not protrude above the tree canopy ~~in areas where the canopy is a key feature of the area;~~
 - Buildings should not protrude above ridge lines ~~to form a silhouette against the sky when viewed from the Great Ocean Road or any significant public viewing point;~~
 - Building heights should not cause a building to be visually prominent in the context of ~~the surrounding streetscape or~~ coastal viewsheds or when viewed from the Great Ocean Road, Bells Beach or any significant public viewing point.
 - ~~Building heights should be consistent with the surrounding streetscape character where the character is itself consistent with the above principles.~~
- Buildings should not exceed a maximum height of 7.5 metres above natural ground level, although a lesser or greater height will be considered based on an assessment against the principles outlined above.
- Buildings should be single story in visually prominent sites in the Bells Beach hinterland
- ~~A building height exceeding 7.5 metres may only be permitted where a proposal is consistent with all of the above principles and better one or more of the performance standards outlined elsewhere in this policy.~~

Site Coverage and Building Size

~~This section applies only to land in Schedule 1 to the Significant Landscape Overlay.~~

It is policy that:

- ~~Building and hard surface site coverage should respond to the characteristics and constraints of the site and locality.~~
- ~~The achievement of vegetation cover performance measures (outlined above) will be a primary consideration in determining the appropriate site coverage for a particular property. The following performance measures are indicative and should not be interpreted as standards that are applicable in all situations.~~

SURF COAST PLANNING SCHEME

- ~~The total building site coverage (including the footprint of all buildings, outbuildings, balconies, service installations such as water tanks and the like and all other appurtenances that have a surface height greater than 1m above natural ground level) should not exceed 35% of the total site area; and~~
- ~~The total hard surface site coverage (including buildings, outbuildings, balconies, swimming pools, and tennis courts of all surface types) should not exceed 50% of the total site area.~~
- ~~The gross floor area of all buildings (including outbuildings, externally roofed areas and elevated structures such as swimming pools and tennis courts that have a surface height greater than 1m above natural ground level) should not exceed a plot ratio of 0.5.~~
- ~~The site coverage or plot ratio may be increased where all of the following apply:~~
- ~~The land is not in an area where tree canopy or vegetation cover is a feature of the surrounding landscape;~~
- ~~The proposed building will not be visually intrusive or prominent when viewed from the Great Ocean Road or any other significant public viewing point;~~
- ~~The land is virtually flat and the increased intensity of buildings will not impact on the character of the landscape and surrounding area;~~
- ~~The landscape plan increases vegetation cover or otherwise makes a positive contribution to the vegetation or streetscape character of the locality.~~

Slope

It is policy that:

- The sub-floor structure of a building should not exceed two metres in height.
- The change in natural ground level resulting from excavation and/or filling for a building should not exceed a total of two metres.
- The change in natural ground level resulting from excavation for access to the building should not exceed a total of one metre.
- The height of the sub-floor and the extent of excavation or filling may be varied if any of the following apply:
 - The variation is necessitated by the recommendations of a geotechnical report.
 - There are no practical alternative locations on the site for the proposed buildings and works, taking into account all of the performance measures of this policy.
 - The variation will allow the retention of native vegetation that makes a significant contribution to the character of the locality or township.
 - The variation will reduce the visual prominence of the building.

It is policy that, on land with a slope of 25% or more:

- Applications for buildings, works, vegetation removal or subdivision (excluding minor alterations to existing buildings or works) must be accompanied by a geotechnical report prepared by a suitably qualified professional, addressing (where relevant):
 - Whether the proposal will increase the possibility of erosion, the susceptibility to landslip or other land degradation;
 - The need to stabilise disturbed areas by engineering works or revegetation;
 - Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern;
 - Whether access and servicing of the site is likely to cause erosion or landslip.

SURF COAST PLANNING SCHEME

View Sharing

~~This section applies only to land in Schedule 1 to the Significant Landscape Overlay.~~

It is policy that:

- Buildings be sited and designed to achieve a reasonable sharing of views between properties of significant landscape features.
- The colour of the roofing material of all buildings be of subdued toning to blend with the natural bush environment and minimise the visual impact and glare of the roof when viewed from beyond the site.
- ~~Subdivision plans may incorporate building envelopes or restrictions designed to achieve a reasonable sharing of views between properties.~~

Tennis Courts

~~This section applies only to land in Schedule 1 to the Significant Landscape Overlay.~~

It is policy that:

- ~~Tennis courts should not dominate a streetscape, should be proportional to the site and be well screened.~~
- Applications for tennis courts will not be supported on heavily vegetated or steeply sloping sites or where ~~associated vegetation removal will cause the tennis court or surrounding buildings to become~~ will be visually prominent when viewed from the Great Ocean Road, Bells Beach or from other significant public viewing points.
- ~~Tennis courts of all surface types (whether grass or artificial, permeable or non-permeable) be defined as a hard surface area for the purposes of this policy.~~

Building Design

~~Architectural form, massing and articulation of dwellings should complement or add to the elements which give coastal settlements their distinctive 'beach and bush' style character.~~

It is policy that:

- The site analysis and design response should provide the basis for the design and assessment of all proposed buildings and works.
- ~~The architectural form, massing and articulation of dwellings~~ Buildings should be designed and sited to complement or enhance the distinctive coastal or bush character of the streetscape and general area in which they are located of the locality.
- ~~Dwellings should be oriented and designed to make best use of natural ventilation, daylight and solar energy.~~
- ~~Relocated dwellings will be subject to the same requirements regarding building design, materials, and colours as new dwellings. Approval to place a relocated dwelling on a property will be subject to conditions requiring that the external appearance and materials be upgraded to complement the streetscape, and that all improvements must be completed within six months of the date of relocation.~~

Fences

It is policy that:

- The height, design and materials of fences should complement the character of the streetscape and locality.

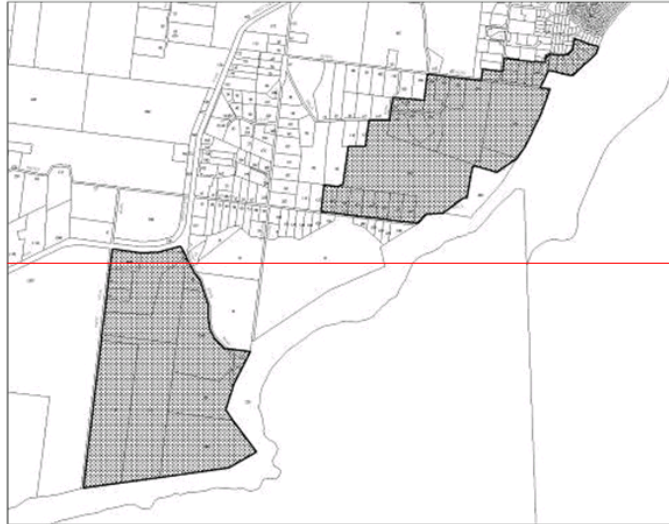
SURF COAST PLANNING SCHEME

- In environmentally or visually sensitive areas, ~~or where consistent with the prevailing character of the locality,~~ fences should be of timber post and wire construction.
- The use of brick, stone, masonry or sheet metal as a fence panel material is discouraged.
- ~~The construction of front fences is discouraged, except where consistent with the prevailing character of the streetscape.~~
- ~~Front fences should not exceed a maximum height of 1.5 metres and if greater than 1.0 metre in height must be designed or constructed of permeable materials which allow filtered views into the garden from the street.~~

DRAFT

SURF COAST PLANNING SCHEME

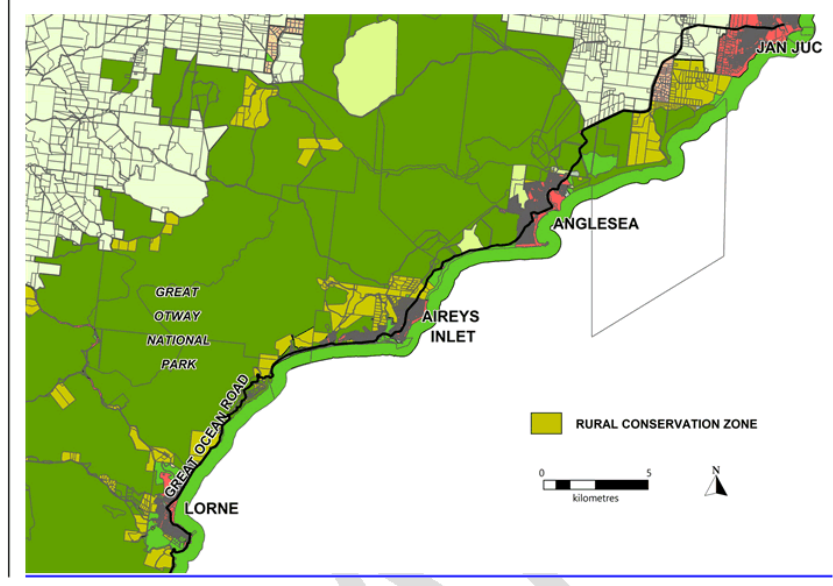
Map 1 to Clause 22.04 – Habitat Envelope Area, Bells Beach to Point Addis Rural Conservation zone (shaded)



Map 2 to Clause 22.04 – Habitat Envelope Area Big Hill (shaded)



SURF COAST PLANNING SCHEME



DRAFT

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Map 3 to Clause 22.04 – Habitat Envelope Area, Cathedral Rock to Cumberland River (shaded)



SURF COAST PLANNING SCHEME

Map 2 to Clause 22.04 – Significant vegetation and habitat (green) – Bells Beach and hinterland



Map 3 to Clause 22.04 – Significant vegetation and habitat (green) – Point Addis

SURF COAST PLANNING SCHEME



Map 4 to Clause 22.04 – Significant vegetation and habitat (green) – Big Hill – Spout Creek

SURF COAST PLANNING SCHEME



Map 5 to Clause 22.04 – Significant vegetation and habitat (green) – North Lorne

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[Map 6 to Clause 22.04 – Significant vegetation and habitat \(green\) – South Lorne to Cumberland River](#)

SURF COAST PLANNING SCHEME



3.6 Planning Scheme Amendment C121 - Bells Beach Hinterland Review

APPENDIX 5 SIGNIFICANT LANDSCAPE OVERLAY SCHEDULE 1

SURF COAST PLANNING SCHEME

11/11/2010
C49
Proposed C121

SCHEDULE 1 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO1

**GREAT OCEAN ROAD AND COASTAL ENVIRONS
BELLS BEACH, POINT ADDIS, BIG HILL AND LORNE HINTERLAND**

1.0

Statement of nature and key elements of landscape

19/01/2006 VC37
Proposed C121

The Victorian south west coast is internationally significant and includes spectacular coastline, untouched landscapes and scenic views of the ocean and vegetated areas from the Great Ocean Road and other coastal locations. Key elements of the landscape are its forests, mountains, valleys and a diversity of coastal landscapes, including the shorelines, rivers and estuaries, rugged cliffs and headlands and long sandy beaches and dunes.

The natural beauty of the coastal environment can be enjoyed from viewing points and viewsheds all along the Great Ocean Road and other scenic areas on the coast and from significant viewing areas within privately owned properties. It is a major tourist asset for the Shire and the State of Victoria. The lifestyle and amenity it offers both permanent and non-permanent residents are key reasons they choose to locate in these areas.

The scenic landscape value of the Bells Beach Surfing Recreation Reserve and surrounds derives from the coming together of the pastoral landscape and the seascape and from the relative absence of built structures visible within viewsheds. For many, the connection with Bells Beach extends beyond the surf break and includes the environmental, landscape, social and cultural values of the reserve and its hinterland. The landscape creates a sense of space around the reserve observed from the reserve itself, Surf Coast Walk and the approaches to approaching the reserve from Bones Road, Bells Boulevard and Jarosite Road. This internationally significant area must be treated with considerable sensitivity. The special qualities of the area result in constant pressure for subdivision and tourist related uses and development, which conflicts with the preservation of the environmental, cultural and scenic attributes of the area and with the ambiance and amenity enjoyed by residents and visitors.

The preservation of remnant native vegetation is crucial to the protection of scenic vistas and the maintenance of biodiversity links. ~~Many areas along the coast are~~ Much of the land covered by this schedule contains vegetation of high conservation significance, containing diverse, and in some cases threatened, flora and fauna.

The purpose of this overlay is to ensure that future development does not compromise the quality of these assets ~~in order and~~ to maintain and protect significant viewsheds ~~and the amenity of individual properties.~~

2.0

Landscape character objective to be achieved

16/10/2008
C34
Proposed C121

To preserve and enhance the scenic landscape values and environmental qualities within viewsheds of the Great Ocean Road and coastal environs.

~~To ensure that development in coastal areas is sited to retain indigenous vegetation.~~

To ensure that the appearance of a forested landscape is the dominant feature between coastal townships.

To encourage the discreet placement of simple, unobtrusive structures within the hinterland landscape, particularly when viewed from the Great Ocean Road and on the approach to Bells Beach (Jarosite, Addiscot, Bones Road and Bells Boulevard).

SURF COAST PLANNING SCHEME

To preserve and enhance the cultural heritage values of the Bells Beach Surfing Recreation Reserve by ~~Bells Beach~~ protecting the approaches to Bells Beach through the open rural and bushland landscape of the Bells Beach hinterland.

~~To protect and enhance the low density residential character and natural bush setting of the coastal settlements.~~

To ~~ensure that~~manage development and ~~uses do so~~ that it does not impact on significant ~~remnant vegetation~~vegetation (locally indigenous trees, shrubs, herbs and grasses) identified within maps 2 - 5 of this schedule.

To encourage the siting of development to retain other native trees that may help to soften development when viewed from off site.

~~To maintain the individual identity and landscape character of each township.~~

To ~~manage ensure that~~ development of properties abutting the Great Ocean Road to ~~ensure does not detract from~~ the scenic and landscape values of the area ~~are not compromised~~.

To minimise the visual impact of development having regard to building size, height, bulk, siting and external materials and colours.

~~To provide for a reasonable sharing of views of significant landscape features, including views of the ocean and coastal shoreline, coastal forest and mountains, rivers and estuaries, and notable cultural landscape features which form an important part of the amenity of coastal properties.~~

2008
C34
Proposed Cxx

Permit requirement

Buildings and works

A permit is required to construct a fence, except where:

- The fence is of timber post and wire construction; and
- The fence is not more than 1.5 metres in height.

~~A permit is required to construct or illuminate a tennis court.~~

SURF COAST PLANNING SCHEME

Plans for approval – type and colour of external materials

Plans must be submitted to the satisfaction of the responsible authority prior to the commencement of any of the following buildings or works:

External alterations to a building by structural work, rendering, sandblasting or in any other way;

External painting of a building.

The responsible authority must be satisfied that the materials and colours are compatible with the natural surroundings so as to minimise the visual impact of structures when viewed from beyond the site. When approved the materials and colours must thereafter be maintained to the satisfaction of the responsible authority.

This does not apply to the maintenance or repair of an existing structure if the same schedule of external materials and colours is used and the schedule complies with the Surf Coast Subdued Colours List (2003).

Vegetation

A permit is required to remove, destroy or lop native vegetation except where:

- ~~The land is outside the area shown on the Schedule 1 Habitation Envelope Areas, and:~~
 - The vegetation is dead.
 - ~~The vegetation is less than 2 metres in height and is not shown on an approved landscape plan or site plan specifying its retention~~
 - The vegetation is on the building side of a vertical line 3.2 metres from the outer edge of the roof of an existing or approved building.
 - The vegetation is listed as an environmental weed in the incorporated document “*Environmental Weeds – Invaders of the Surf Coast Shire – 2nd Edition (2014/02)*”.
- ~~The land is within the area shown on the Schedule 1 Habitation Envelope Maps, and the vegetation is located within an approved habitation envelope.~~

4.0

11/11/2010

C49

[Proposed C121](#)

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 42.03, the responsible authority must consider ~~in particular~~ [as appropriate](#):

Visual prominence

If the proposed development is ‘visually recessive’, ‘visually apparent’ or visually dominant’ within the landscape.

A development is ‘visually recessive’ when the following siting and design principles are followed: sits below the existing tree canopy, is modest in size and height (predominantly single storey) so that the surrounding landscape dominates the structure, is tucked into a hill side or utilises a stand of trees as a backdrop, maximises

SURF COAST PLANNING SCHEME

landscaping and has minimal hard surface areas, constructed in natural materials and colours (stone and/or timber), is located below a ridge line and is setback far enough from the street or public vantage point so that it is hardly visible from beyond the site.

A development that is 'visually apparent' is sited and designed similar to a 'visually recessive' building but potentially doesn't apply one of the above mentioned principle making it visually more apparent when viewed from beyond the site.

~~A building~~ visually dominant development will include opposing attributes to a 'visually recessive' building and will be highly visible within the landscape.

All development must be 'visually recessive' within the Bells Beach hinterland.

Whether the visibility of a building or works can be reduced by screening vegetation and/or the topography.

Building height, design and siting:

~~Whether the proposed building height is :~~

- ~~Single storey on sites visible from the Bells Beach Surfing Recreation Reserve.~~
- ~~A building height not exceeding 7.5 metres is appropriate.~~
- Whether a lower building height (in areas other than the Bells Beach view shed) is required in order to ensure development is visually recessive or apparent as appropriate.
- Whether a greater building height on steeply sloping land is reasonable and will not add to the prominence and visibility of the building from beyond the site.
- Whether ridge tops are kept free of bulky development ~~with a large footprint~~ to prevent silhouettes against the sky.
- Whether buildings follow the contours of the land ~~being~~ and are stepped down the site to reduce the visual prominence.
- Whether buildings are separated into different elements, retaining maximum space between buildings for vegetation in visually prominent sites to minimise their visual impact.
- Whether the scale, setbacks, design, siting and overall form of the development does not visually contrast with the surrounding landscape features, and interrupt or block key views from significant public observation points.
- Whether the design and siting of proposed buildings and works would retain existing vegetation and provide adequate space on site for the planting of new vegetation.
- Whether all materials and ~~the colours of the roofing and materials of all buildings is of a tone to~~ blend with the natural bush environment and minimise the visual impact and glare of the roof when viewed from beyond the site.

Fencing

- Whether proposed fencing compliments the coastal hinterland character, using solid fencing sparingly.

Recreational structures

- Whether private recreational structures such as tennis courts and swimming pools have been sited in cleared areas to ensure minimal or no losses of screening vegetation or vegetation of environmental significance.

Vegetation Removal

- Whether the vegetation removal proposed has taken into consideration

SURF COAST PLANNING SCHEME

- [The need to avoid and minimise losses to locally significant native vegetation shown in maps 1 - 5](#)
- [The need to protect vegetation located on ridgelines, along water courses, in areas of environmental or habitat significance, and on land subject to landslip or erosion](#)
- [The need to protect vegetation that is in a prominent location and which makes an important contribution to the landscape character](#)
- [The need to protect vegetation that will screen or soften the appearance of existing or proposed buildings when viewed from the Great Ocean Road, Bells Beach hinterland or other significant public viewing points](#)
- [The need to provide sufficient open space for the viable preservation of existing trees and the establishment of replacement trees](#)

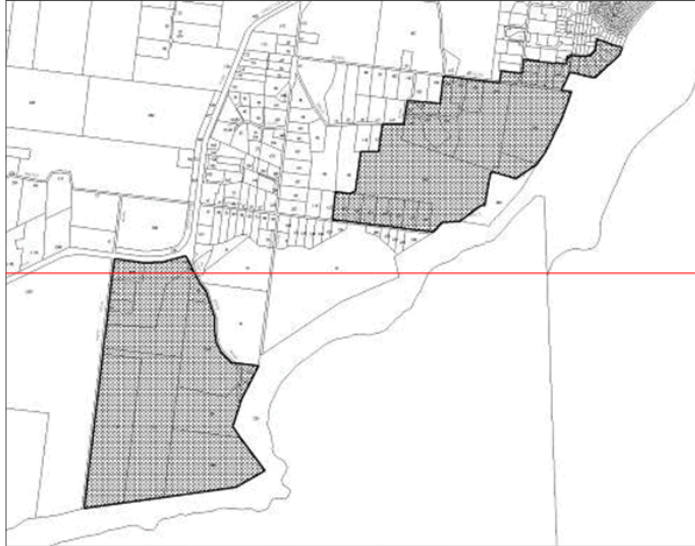
- ~~Coastal Development~~ [Scenic Landscapes and Environmental Assets](#) Policy (clause 22).
- Rural Tenement Policy (clause 22).
- Streetscape and Landscaping Policy (clause 22).
- [GORLASS and GOR region study](#)
- [Victorian Coastal Strategy](#)
- [Biodiversity Mapping Project 2014](#)
- ~~Design and Siting Guidelines for Structures on the Victorian Coast, 1997.~~
- ~~Ecology Australia, Environmental Resources of Surf Coast Shire, 2000.~~

SURF COAST PLANNING SCHEME

HABITATION ENVELOPE AREAS SHADED — [Significant vegetation and habitat maps \(green\).](#)

Map 1: Bells Beach hinterland

Bells Beach to Point Addis



Big Hill



SURF COAST PLANNING SCHEME

Cathedral Rock to Cumberland River



SURF COAST PLANNING SCHEME



Map 2: Point Addis



Map 3: Big Hill – Spout Creek

SURF COAST PLANNING SCHEME



Map 4: North Lorne



Map 5: South Lorne - Cumberland River

SURF COAST PLANNING SCHEME



4. CULTURE & COMMUNITY

Nil

5. MINUTES

5.1 Section 86 Committee Minutes

Author's Title: Administration Officer

General Manager: Chris Pike

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/338

Appendix:

1. Stribling Reserve Committee of Management Meeting Minutes – 13 February 2017 (D17/40299) [↓](#)
2. Modewarre Memorial Hall & Reserve Committee Meeting Minutes - 15 February 2017 (D17/40304) [↓](#)
3. Deans Marsh Public Hall and Memorial Park Committee Meeting Minutes – 23 February 2017 (D17/40303) [↓](#)
4. Anderson Roadknight Reserve Committee Meeting Minutes – 6 March 2017 (D17/40300) [↓](#)
5. Globe Theatre Committee of Management Meeting Minutes – 6 March 2017 (D17/40302) [↓](#)
6. Connewarre Hall and Reserve Committee Meeting Minutes – 14 March 2017 (D17/41213) [↓](#)
7. Anglesea Bike Park Committee of Management Meeting Minutes – 15 March 2017 (D17/41219) [↓](#)
8. Planning Committee Meeting Minutes - 20 March 2017 (D17/42990) [↓](#)
9. Stribling Reserve Committee of Management Meeting Minutes – 20 March 2017 (D17/42700) [↓](#)

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 note the minutes of the Section 86 Committee meetings as appended.

Summary

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

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


Recommendation

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

1. Stribling Reserve Committee of Management Meeting Minutes – 13 February 2017
2. Modewarre Memorial Hall & Reserve Committee Meeting – 15 February 2017
3. Deans Marsh Public Hall and Memorial Park Committee Meeting Minutes – 23 February 2017
4. Anderson Roadknight Reserve Committee Meeting Minutes – 6 March 2017
5. Globe Theatre Committee of Management Meeting Minutes – 6 March 2017
6. Connewarre Hall and Reserve Committee Meeting Minutes – 14 March 2017
7. Anglesea Bike Park Committee of Management Meeting Minutes – 15 March 2017
8. Planning Committee Meeting – 20 March 2017
9. Stribling Reserve Committee of Management Meeting Minutes – 20 March 2017

5.1 Section 86 Committee Minutes


**APPENDIX 1 STRIBLING RESERVE COMMITTEE OF MANAGEMENT MEETING MINUTES – 13
FEBRUARY 2017**

	<p>COMMITTEE: Stribling Reserve Committee Of Management PRESENT: Linton Ferguson, Colette Naufal, Carly Enticott, Peter Spring, Geoff Couper, Wendy Jarratt, Phillip Meurer, Don Baldwin APOLOGIES Barry Keily, Miah Atwell, David Mullen, Allan Walls VISITORS: Clive Goldsworthy</p>	<p>DATE: 13 February 2017 TIME: 5:00PM VENUE: Multi-purpose Room</p>
Adoption of minutes	Moved – Carly Enticott, seconded – Geoff Couper	
Conflict of Interest	None	
Business Arising	<ul style="list-style-type: none"> • Motion accepted: Phillip Meurer, Don Baldwin be appointed to COM. Moved Peter Spring, seconded Geoff. • Draft for Stribling Reserve Master Plan to go to Shire tomorrow so Council can then resolve for it to go on public exhibition. • Letter of thanks to Barry Keily to thank him for service to COM. 	
Correspondence In	None	
Correspondence Out	None	
Treasurer’s Report	Financial reports including Profit/Loss and Balance Sheet for Jan 1 – 26 was tabled. Motion passed to accept report, moved Peter Spring seconded Carly Enticott.	
Booking Officer Report	Booking Calendar see https://sites.google.com/site/lorneleisurecentre/home Busy time in February and March for weekend football camps and practice matches. More requests than available weekends. Consider reviewing cost. Currently charge \$2000 for weekend with \$500 bond. Falls Festival next year, need to have a better approach next year, include a cleaning component and bigger bond.	
User Groups Report		
Shire Report	none	
General Business	<ul style="list-style-type: none"> • Storage Pods: completed in terms of contract for job, lined, lights and power points. Shire to seal floor, do some painting. Next demolish old PE cupboard, shelves for new pods yet to be decided. Shire may be able to help fund this item. Keys? Thanks to Peter Spring for his work to ensure pods work done successfully. • LLC Keys: system well overdue for an upgrade, concern about the number of lost keys and knowing who is accessing the centre at times. Need to have better security and more locks on a common system. • William St Goal Nets: shire accepted proposal for \$10,000 to do job locally. Work order issued to Lorne Plumbing to be project manager to complete the project. • Oval lights upgrade: \$370,000; \$200,000 from Federal Government; \$100,000 AFL Barwon; \$ 70,000 Shire. Netball Club President supports the re-purposing of \$200,000 towards the Oval Light upgrade. • Electronic Scoreboard: essentially fully funded, not sure when it will be installed, may wait for power upgrade for oval lights. 	

	<ul style="list-style-type: none">• Works order to upgrade Umpires Room so can provide additional female change rooms.• Wicket cover due to be over pitch 28 February• Kindergarten: request to use hill sloping into back of Kindergarten for an adventure area. Peter to meet with representative and encourage them to contact shire so correct procedures are implemented.• Netball: entrance to court near stairway needs attention, need to purchase a set of post protectors for stadium netball posts as none currently exist.• Football: flag poles required for start of footy season.• Men's Shed: understood that Council is putting shade cloth on three fence panels on William/Otway street corner. Concern expressed that the Stribling Reserve Committee of Management has never seen the landscape plan for this project and the need for this shade cloth.• Practice goals: request for a set of removable goals to be installed for student use over the football season, to avoid conflict over too much wear on the regular goal square.• Lorne School: please inform school when works are to be done on oval so school can ensure student safety.• Grounds maintenance: committee request Surf Coast Shire consider allocating a budget for the local management of grounds, so local community takes more responsibility so appropriate works are done in a timely, economical and effective manner.• Meeting closed at 6:10 pm
Next Meeting	Monday 20 March 2017 @ 5pm

5.1 Section 86 Committee Minutes

**APPENDIX 2 MODEWARRE MEMORIAL HALL & RESERVE COMMITTEE MEETING MINUTES - 15
FEBRUARY 2017**


	<p>COMMITTEE: Modewarre Hall & Reserve Committee of Management PRESENT: Laurie Lowndes, Mervyn Stephenson, Natalia Stephenson, Graham Noble, Belinda Appleton, Jenny Hampshire, Colette Naufal, Heather Wellington, Ken Hole, Brian & Sandra Tanner APOLOGIES: Leslie Evans. VISITORS:</p>	<p>DATE: 15th February, 2017 TIME: 7:35 pm VENUE: Modewarre Hall, Cape Otway Road, Modewarre</p>
<p>Adoption of previous minutes</p>	<p>Moved: Jenny Hampshire. Seconded: Natalia Stephenson</p>	
<p>Conflict of Interest Declaration</p>		
<p>Business Arising from previous minutes</p>	<p>Anzac Day, 2017:</p> <ul style="list-style-type: none"> a) Permanent Stone. Ken Hole has ordered this and it will have all 32 names on it. The stone needs to be chemset as per the previous one. b) Gazebo: Moriac Primary school have agreed to let us use their gazebo again. c) Sound: Natalia Stephenson has organized this. d) Program: Ken Hole will invite Robin Mawson from Winchelsea RSL. e) Roll Call: Laurie Lowndes (names only) f) Unveiling of the Plaque: Mervyn Stephenson to invite Margaret Lugg. g) Laying of the Wreath: Heather Wellington. h) Bagpipe Player: Bill Ogilvy. (Jenny Hampshire to confirm). i) Bugler: Andrew Currie – the Last Post and Reveilly j) Re-enactment: Tim Head. k) Reading of the Poem: Natalia Stephenson to read a World War 2 poem. l) Sausage Sizzle: Scouts to run with cold drinks. m) Poppies: Heather Wellington to organise 32 poppies for the Scouts to lay as the names are read. n) Unfurling of the Australian Flag: Graham Noble. o) Military Display: This has been organized. p) Traffic Control: Surf Coast Shire to organize. q) Invitation List: Invitations to be organized by Jenny Hampshire and Sandra Tanner. Artwork in colour to be 	

	<p>emailed to Heather Wellington, Colette Naufal and Natalia Stephenson.</p> <p>r) Printing: Colette Naufal to organize the printing of the invitations and posters.</p> <p>s) Winchelsea Police: Ken Hole will contact them.</p> <p>t) Parking: Ken Hole to organize.</p> <p>u) Mowing: Colette Naufal has organized this.</p> <p>v) Catering: Heather/Colette will make enquiries. Sandra still waiting for a quote from the Moriac Store. Use</p> <p>w) Guest Book: Use the same one as last time (2015).</p> <p>x) Toilets: Need to be pumped prior.</p> <p>y) Extra Bins: Colette to organize two extra.</p> <p>z) Photos: Heather has requested some photos from the last Anzac event, please. Ken to organize.</p>
Correspondence In	<p>a) Funding for the \$1,000 agreement for signature.</p> <p>b) Online survey from Leisure Networks</p> <p>c) Restoring Community War Memorials & Avenues of Honour</p> <p>d) Information re Free Spirit of Anzac Exhibition</p> <p>e) Information regarding Responsible Service of Alcohol program</p> <p>f) Offer to participate in the Development of the Surf Coast Shire Plan 2017 – 2021.</p>
Correspondence Out	<p>Heather Wellington & Colette Naufal: Responding to incoming correspondence. Minutes and a reminder of tonight's meeting.</p> <p>Motion: That the incoming correspondence be accepted, and the outwards correspondence be endorsed. Moved Ken Hole. Seconded Laurie Lowndes. Carried.</p>
Treasurer's Report	<p>The total as at 15th February, 2017 is \$13,669.34</p> <p>Motion: That the Treasurer's report is accepted. Moved Laurie Lowndes. Seconded Natalia Stephenson. Carried.</p>
Booking Officer Report	<p>Ken Hole reported a very successful period with a special dance which raised \$3,000 for Parkinson's Disease. There was a beautiful wedding where a lot of work had gone into the preparation. Quite a number of bookings for kids parties and to use the playground.</p>
User Groups' Report	<p>Scouts: Belinda asked if "No Standing" signs will be placed in front of the large shed in order that the Scouts can have easy access. Colette will advise.</p>
Shire Report	
General Business	<ol style="list-style-type: none"> 1. Outside Toilets: A number of meetings have been held with John Chatham, Laurie Lowndes and Mervyn Stephenson, with an assurance that a portable toilet would be provided. To date, nothing has happened and it is vital as the new playground has proven extremely popular. 2. Road Sign to the Avenue of Honor: This still needs to be attended to. An email has been received for Restoring

	<p>Community War Memorials & Avenues of Honor grants. Colette is looking into this to see what the grant allows.</p> <ol style="list-style-type: none"> 3. It would be a good idea to have a Facebook site for the Modewarre Hall. 4. Assets Meeting: Points raised were: (a) the bin shelter; (b) the wall vents; (c) the toilets; (d) clearing the area where the trees were burned and the rabbit eradication was carried out. The bin shelter will be attended to as will the wall vents. Colette will look into cleaning the area as the ground needs to also be levelled. 5. Playground: There is a hole in the corner where small children can get through. 6. Anzac Day: Graham will bring some old photos for part of the display. Display boards will be put up again as well. 7. Winchelsea Globe Theatre: A movie club has been formed and members are urged to join. The first movie to be shown will be on Thursday 2nd March of The Full Monty. Future movie nights will be held the third Thursday of each month after 2nd March. 8. Invitations for Anzac Day: Colette to do the printing of the invitations. Jenny and Sandra to do write the invitations. If anyone has any of the addresses of the families on the list, please supply them to Sandra by next Wednesday (22nd February). Invitations are to be mailed by the end of February. It was agreed to also have a meeting for Anzac day on Wednesday 5th April. 9. Section 86: Colette advised there is another one coming up.
<p>Notice of Motions to Council</p>	
<p>Next Meeting</p>	<p>The meeting closed at 9:11 pm The next meeting is Wednesday 17th May, 2017 at 7:30 pm.</p>

5.1 Section 86 Committee Minutes

**APPENDIX 3 DEANS MARSH PUBLIC HALL AND MEMORIAL PARK COMMITTEE MEETING MINUTES – 23
FEBRUARY 2017**

	<p>COMMITTEE: Deans Marsh Public Hall and Memorial Park Committee Meeting Minutes PRESENT: Sandra, Deb, Mark, Fran, Tony, Tom, Colette, Clive. APOLOGIES: Pete and Bec VISITORS:</p>	<p>DATE: THURSDAY 23rd February TIME: 6.30 VENUE: Deans Marsh Hall</p>
<p>Adoption of previous minutes</p>	<p>Moved Tom Seconded Tony</p>	
<p>Conflict of Interest Declaration</p>		
<p>Business Arising from previous minutes</p>	<p>Deb had not written to the Lorne Op Shop as on thinking about it wanted further discussion with the committee. Decision to not contact Op Shop to buy Deans Marsh a defibrillator, maybe keep them in mind for another time. Will look into Government grants. Deb to continue following this up. Colette to look into small grants information and email Deb. Moved Fran Second Deb.</p>	
<p>OHS</p>	<p>Stairs at front of stage [for next meeting]</p>	
<p>Correspondence In</p>	<p>Email from Seona Gunn</p>	
<p>Correspondence Out</p>	<p>Email to Seona Gunn</p>	
<p>Treasurers Report</p>	<p>Opening Balance: \$7899.56 Revenue: \$1134.72 Expenditure: \$1995.31 Closing Balance: \$7038.97 Moved Fran Seconded Sandra</p>	
<p>Booking Officer Report</p>	<p>Tentative Wedding booking 11 – 13 March [backup only] Cricket Club, March 11th</p>	


	<p>Music at Marsh [Hall] April 15th Hall, March 26th [Festival]</p>
User Groups Report	<p>Tennis Club: thanks for new seat and bollard Cricket Club: team in the finals. Deans Marsh won the annual Wye River match at Lorne. Takings were donated to the Lorne Football / Netball Club</p>
Shire Report	<p>An arborist has identified 4 hazardous trees in the reserve. The Shire is looking to remove them. Large tree that was cut down many years ago will be cut to the stump and Mark will follow up with a view to sculpt it. Tree over tables near club rooms needs to be checked to see why it is being cut out. The Project Manager from the Shire to contact us in regard to safety lights around the park. Small Grants to come out March 1st. Colette to email Bec the details / guidelines.</p>
General Business	<ul style="list-style-type: none"> • Deans Marsh Festival. All hands will need to be on deck for our major fundraiser for the year. Committee members who cannot work on the day have volunteered the services of someone else. [don't forget to ask them please]. Remember to drop off some coleslaw on the day. • Lorne Health centre at Footy Shed. Moved Tom, Second Deb that we hire the Footy Shed to the Lorne Health Centre for Doctors visits each Wednesday morning starting toward the end of March. The charge will be \$200 per week, the Committee will have it cleaned each week and supply some furniture, eg. Coffee table, tables and chairs. • Paving at Footy Shed, thanks and payments. The cost of the paving was \$5761.00. The Cricket club have paid out \$2128.28. Moved Deb, second Tony that we pay the remainder of \$ \$3633 on Invoice to Tom Reid. • Dispenser for dog poo. Fran to purchase from website supplied by Colette. Deb to decide where it is placed. • Fees to be ratified at next meeting. • Hall curtain mosaic for front of building being looked into further by Deb. • Maintenance of the Hall is progressing well and should be finished in a week or so. Still no word on what will be done about the toilet / septic at the Hall. Colette will organize the pumping out of the septic tank before the Festival in March. • Tom to notify Pete to Invoice the Birregurra Football Club \$600 for use of the

	<p>grounds.</p> <ul style="list-style-type: none">• Cricket Club looking to irrigate the oval. Tom to consult with Colette about the contractors. Tom moved that we allow the grounds to have irrigation installed. Seconded Fran• Mark to ask Jill Stewart to email Bec at Cottage the Dog Trial Emergency Management Plan so she can adapt it for the Festival.• Moved Deb, second Mark that we share the cost of the SMS emergency list with the Cottage. \$60. Invoice sent to Pete.
Notice of Motions to Council	
Next Meeting	Thursday May 25th Meetings: February, May, August, November

SURF COAST SHIRE SECTON 86 SPEIAL COMMITTEE AGENDA/MINUTES TEMPLATE

5.1 Section 86 Committee Minutes

APPENDIX 4 ANDERSON ROADKNIGHT RESERVE COMMITTEE MEETING MINUTES – 6 MARCH 2017

	<p>COMMITTEE: Anderson Road knight Reserve Committee of Management</p> <p>PRESENT: J Arnott D Trewenack M Duncan J Wilcox SCS Recreation Officer: Colette Naufal APOLOGIES: G Timmers G Teague K Bremner S Blake Crs Margot Smith, and Libby Coker VISITORS: Barry Whelan, John McInerney (AIDTC), Greg Walsh</p>	<p>DATE: 06 March 2017 TIME: 7.05pm VENUE: Aireys Inlet Community Hall</p>
<p>Adoption of previous minutes</p>	<p>Moved: Margaret Seconded: Diana <p style="text-align: right;">Minutes from 12/09/2016 & 14/11/2016 adopted</p> </p>	
<p>Conflict of Interest Declaration</p>	<p>None Declared</p>	
<p>Business Arising from previous minutes</p>	<p>Revise hall hire fees. Colette tabled a schedule of rates from across SCS community facilities, comparable to the Aireys hall. There is some disparity between these, and Aireys community hall rates. Margaret mentioned that the Car park has been identified as an ‘event space’, and could be charged separately at approx. \$15/hour. A document comparing Aireys hall rates, with those tabled is to be circulated. For further discussion.</p> <p>Purchase of a Smart TV and portable screen. Di proposed that a portable screen is ‘old technology’, and that a Smart TV is the preferable option. Discussed issues of safe, secure storage. Differing opinions on whether it should be portable, or fixed to a wall. Concerns that such an item could be damaged or stolen if not permanently secured. John suggested that a TV screen, if decided upon, should be fixed in meeting room, where it would be of most use, with perhaps a separate sliding screen in the main hall. Decided that Di will research an appropriate size TV, and fixtures, for meeting room and come back to committee with a selection of prices. A swivel bracket would be desirable. Colette indicated that SCS staff could help with installation.</p> <p style="text-align: right;">DT</p> <p>Internet access/Wi Fi installation Colette confirmed that of the existing 3 phone lines-one is an emergency line, one was for a security system (which is no longer in use, but available to be reconnected, at a cost). Unclear what third line is intended for. Responded to a query about SCS installing Wi-Fi at the hall-this is not currently an option available to the facility.</p>	

Correspondence In/Out	Contact with potential new committee members: Barry Whelan, Gail Timmers, John McInerny (Tennis Club) , Phil Rousevell, Jen Abel (Aireys Inlet P.S.). Resignation via email from Graham Teague Belated apologies from Keith & Shane following November meeting.
Chairperson's Report	Nothing to report.
Treasurers Report	Financial reports from 14/11/2016, and this meeting tabled Moved for acceptance: Margaret Duncan Seconded: Di Trewenack Jacqui moved that the committee transfer some money from the statement account to the Sandhurst Trustees investment account. Accepted unanimously that a sum of \$10,000,00 be transferred. JA
Booking Officer Report	New bookings-yoga, calisthenics, a Red Cross event, wedding(s). Marg gave advance notice that she will be away end July/August/early Sept. and will need someone to act as Booking Officer. Camp Australia cleaning has been unsatisfactory, with complaints from several other hall users. Marg has spoken to that CA staff member. There is now a new CA staff person who is making every effort to keep hall clean and tidy. Storage-user groups are not reliably leaving storage areas tidy and organised. There is an old Piano taking up space, which was donated to the Hall by Church quite some time ago. It has not been used for some years. Discussed advertising for sale at the top shops, and/or online.
User Groups Report	Aireys Inlet P.S. Jacqui has been in contact with the new Principal, Jen Abel. She is keen for school to have a presence on the Committee. Email report from Jen Abel, presented by Jacqui. Outlining plans for the Camp Australia program to continue, and the school's intended hall bookings for the year. AIDTC Graham Teague is moving interstate in March, and has resigned from the committee. Jacqui suggested giving a gift of appreciation to Graham for his many years of service. A card, and bottle of wine were agreed upon. JA


	<p>John McInerney was introduced as a club member interested in joining the committee. Court resurfacing is to commence on 3rd April during school holidays. There will be a new key-pad locking system installed for the courts.</p> <p>Margaret raised concerns that the rear external door is being left propped open, posing a security risk for the hall building, and that the playground gate is being propped open, which is a potential safety issue for children who may be using the playground unsupervised, and wandering freely from the courts to the play area. This is thought to occur on Tuesdays, when mid-week tennis is in play. To be brought up at next tennis club committee meeting. Also, there is often litter left on the tennis court side of the deck. Marg asked if the court roller in the cleaners room could be stored somewhere else? Apparently it hasn't always been kept here, and takes up quite a bit of space.</p> <p>Red Cross No report</p> <p>Aireys Inlet Market John asked if more spare toilet paper could be left available at the hall. Sometimes runs out during market days. Marg said that a supply of regular size rolls is kept in cleaners cupboard. To be checked with cleaner. Concerned about security over summer. Have found external doors left open. Difficult to pinpoint who/which group it is. Ideally, when hall is in use, the person with the key needs to be responsible for ensuring everything is locked up. Discussed fines for such breaches, but this is difficult if we don't know who is at fault. CTV was mentioned, but this is an expensive, and complex process.</p> <p>John will introduce the new proprietors of the Market at the next meeting. They will be taking over in June/July.</p> <p>Playgroup Briefly inactive due to a lack of numbers. Shane apologised for missing last meeting. Restarted 10/02/2017 with a couple of new families. Hope to have a new coordinator by end of Term 1.</p> <p>SMUG The Pub is no longer as convenient a venue, for various reasons. Di asked if Camp Australia program would still consider moving to the school for SMUG to use the hall, once every 2 months? Marg understands this to still be the case, and will discuss further with Di.</p>
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	<p>Soft Tennis Nothing to report</p> <p>Uniting Church No Report</p> <p>Exercise class Greg often finds heaters left on, lights left on, and doors left open. Possibly it is from Camp Australia, but not definite. Further discussion of imposing a fine on groups leaving the heater on.</p> <p>Marg moved that we set a \$25 fine, Seconded by Jacqui. Comment made that a fine could be difficult to enforce.</p> <p>Barry Whelan suggested a timer system that would turn heater and lights off at midnight. Colette to follow up. CN John McInerney suggested a system which would indicate that doors are unsecured, when locking the main door-Colette will see if this could be included in the masterplan as an upgrade. CN</p> <p>Reports moved for acceptance by Jacqui Arnott Seconded by Marg Duncan</p>
Shire Report	<p>Master Plan: Exhibition period has ended. Jarrod will present a draft report at the May meeting. Draft to be presented at Council in June.</p> <p>Asset Prioritisation meeting Held Wednesday 07/12/2016 2pm. Attended by Marg, Keith, Jacqui, John Chatterton & Jason Eales. Sprinkler system confirmed tested by Colette 03/01/2017 Colette presented an update on what has been attended to since this meeting.</p>
General Business	<p>AIT&TA & SCA Inc. Anne Dansick was contacted re. Master plan community consultation, and encouraged to contribute art installation proposal.</p>

	<p>Maintenance: <u>Signs</u>: addressing 'NO skateboards/bikes', 'adult supervision in playground', and 'NO Public Toilets'-Currently being budgeted at Council</p> <p>Cleaning Marg will ask cleaner about leaving spare large toilet rolls, following John's request. See Market report. There is a new cleaner allocated to the hall.</p> <p>Change of meeting time The school would like to be involved with the committee, but cannot make the 7pm meeting timeslot. After school care runs from 4- 6pm, so it could not be before 6pm. John stated he would not be able to attend at an earlier time. Others indicated an earlier time slot would be welcome. For further consideration.</p>
Notice of Motions to Council	<p>Discussed increasing number of positions on committee. Colette suggested that the IOD is coming up for review and to hold over this item.</p>
Next Meeting	<p>Meeting closed: 2027 hours.</p> <p>Monday 8 May 7 pm Aireys Inlet Community Hall 2017 dates: 10 July, 11 September (AGM), 13 November (2nd Monday of odd months)</p>

5.1 Section 86 Committee Minutes

APPENDIX 5 GLOBE THEATRE COMMITTEE OF MANAGEMENT MEETING MINUTES – 6 MARCH 2017

	<p>COMMITTEE: Globe Theatre Committee of Management PRESENT: J McCutcheon, M King, R King, T Brown, H Brown, G Amos, B Amos, C Naufal (SCS), N Cameron (Rep Society). APOLOGIES: R Thompson, C Thompson. VISITORS: Nil.</p>	<p>DATE: 06/03/2017 TIME: 7.30pm VENUE: Globe Theatre</p>
<p>Adoption of previous minutes</p>	<p>Moved ; R King. Seconded; B Amos.</p>	
<p>Conflict of Interest Declaration</p>	<p>Nil</p>	
<p>Business Arising from previous minutes</p>	<p>No report back re the gravel required for driveway. Cleaning remains an issue, J Chatterton following up with contractor. Smokers Tidy has been replaced and incident reported to police, no further action.</p>	
<p>Correspondence In</p>	<p>Emails from C.Naufal re repairs, installation of movie equipment. Mel’s Dance Central complaint about scaffolding left in the Globe.B Rippe regarding leak in ladies toilets.M.Quikenstead Insurance, and 2017 dates for classes,</p>	
<p>Correspondence Out</p>	<p>Replies to C.Naufal, B.Rippe and M. Quikenstead.</p>	
<p>Treasurers Report</p>	<p>T Brown presented a detailed report, see attachments. Moved; TB. Sec; MK.</p>	
<p>Booking Officer Report</p>	<p>Bookings continue to be good with the addition of the Movie Club, we have also had a funeral at the venue with another one booked.</p>	
<p>User Groups Report</p>	<p>N Cameron expressed disappointment regarding the alterations in the kitchen with the addition of the dishwasher, he stated that after going to the expense of having a detail plan drawn up for the bench tops and sinks, the plan was not adhered to. \$2,750.00 paid to SCS as their contribution to the dishwasher, as yet no receipt received. With the high cost (\$4,288.00) of having the brickwork alteration in kitchen the Rep Society have decided not to go ahead with it and instead have purchased 2 kitchen trollies and 2 more trays for the dishwasher which can also be used by anyone hiring the venue.</p>	

Shire Report	With the updating of the Instrument of Delegation the SCS would like the C.O.M to put forward any ideas and or changes over the next couple of weeks.
General Business	It was agreed that all items within the venue should be placed on the Globe Theatre's asset register, this includes all of the Rep Societies items as this could all be put under one insurance cover with the SCS. After the installation of the Audio and video equipment it has been found to have a few problems, the screen has been mounted on the lighting bar instead of the bar at front of stage, the projector has been mounted on the hall lights bar which is too close to where the screen should be, again not enough consultation. Hot water ran out and it was due to the LPG bottles being empty, Elgas has been contacted and it appears we got dropped of their schedule, bottles now full and water problems fixed. It was agreed that any works to be carried out should first have a detailed plan and agreement by all parties prior to commencement to avoid any disputes at a later date. Roof over the container is not going ahead Rep Society are storing perishables upstairs and everything else is up off the floor. Rep's honour board to be mounted in supper room when hall painting is completed. The new audio/video equipment only to be used with the approval of the hall Booking officer. Hire charges for the Dance School to be increased from \$15 to \$20. Photo shoot to be held at the Globe on Thursday 09/03 at 9.30am which is to support the Living Heritage, all welcome. J McCutcheon to take on the Secretary/Booking officers position during the absence of M King, Jim to contact R Thompsom for any assistance. The key code has now been changed to 5050. Is was agreed that N Cameron to become a member of the Globe C.O.M, C Naufal will put the process through by next meeting.
Notice of Motions to Council	Audio/Video equipment and Cleaning
Next Meeting	23 rd May 2017 at 7.30pm

5.1 Section 86 Committee Minutes

APPENDIX 6 CONNEWARRE HALL AND RESERVE COMMITTEE MEETING MINUTES – 14 MARCH 2017

	<p>COMMITTEE: Connewarre Reserve & Hall COM PRESENT: A Reeve E Fontaine S Dubbledam G Elliott C Carroll J Dans M Bjork Billings C Naufal F Burchell S Findlay APOLOGIES E Pritchett VISITORS:</p>	<p>DATE 14/03/17 TIME: 7pm VENUE: Connewarre Hall</p>
<p>Adoption of previous minutes</p>	<p>Moved E Fontaine 2nd J Dans Carried</p>	
<p>Conflict of Interest Declaration</p>		
<p>Business Arising from previous minutes</p>	<p>Netball ring to be erected on Wed 15th Invoice to from come</p>	
<p>Correspondence In</p>	<p>Barwon Water and CFA accounts Landcare Invitation to meeting Letter of Appreciation from Riding Club re indorsement of the Equitation Park Letter of Apology from the Burchell family re Fire that impacted slightly on the reserve.</p>	
<p>Correspondence Out</p>	<p>Nil</p>	
<p>Treasurers Report</p>	<p>Expenses- Shire GST \$218.07 CFA \$56.10 Barwon Water \$244.43 Total EXP \$518.60 Income- Int \$2.49 Hall Hire \$627 Total \$629.49 Working Account Bal \$10187.59 Term Deposit Bal \$15399.05</p> <p>Moved Colleen 2nd Michael Ernie Moved a motion for Term Deposit due on May 14 to be rolled over with Colleen to seek best interest rate on Maturity 2nd Sam Carried</p>	
<p>Booking Officer Report</p>	<p>The oval has been booked out for a number of weekend days. There was CFA Championships and 2 days with Football clubs. Cricket has finished for the year however BHFNC remain training on oval to the end of March. There are 2</p>	


	Children's Birthday Party Bookings in April and the Barwon Walk group in conjunction with Landcare have an evening Hall Booking also in April
User Groups Report	<p>CFA 30 Turnouts- 14 Grass Fires, 6 MVAs, 4 Structure Alarms, 2BBQ, 2 Washaways, 2 Car Fires We had 2 teams compete in the District 7 Championships with Connewarre B team winning the aggregate We have assisted DELWP in a burn off at Pt Impossible 2 Members assisting at the Air Show In the past 3 months we have participated in inter brigade training with Grovedale, Barwon Heads, Freshwater Creek and Bellbrae. We have had 33 members complete summer training</p> <p>Riding Club AGM at Connewarre Hall to be held at 7pm 19/04/17 All Hall COM to be invited once invites completed. Current Membership stands at 45, with club open to new members. Club held a navigational Ride on 04/02/17. Followed by a gourmet lunch , very successful day, great weather, great food, no major issues experienced by riders Instruction Rally's remain on 4th Sun of each month on the Reserve excluding Dec. New Horse wash is now operational, still considering best base for wash. Planning for Equitation Park to commence and will become operational once new path has been completed. Any enquiries re-joining the Club please contact Janice on 0409955906 or Ernie on 0421210178</p> <p>Landcare Million Trees program well underway.900 plants already planted on perimeter of oval and additional 4000 plants currently growing until planting re commences late autumn and early spring. Project supported by Horticulture Dept Gordon Institute and Mt Duneed Primary School. Annual Information night held on 17/02/17along with a working Bee. Annual Financial report has been circulated and all COM should have a received a copy. Group is planning a number of workshops and details will be distributed once dates and speakers are locked in Proposed are CFA is your property Ready, Fruit tree pruning and Bats and the Environment Bunnings BBQ to be locked in All enquiries on joining this vibrant community group to Ernie on 0421210178</p>
Shire Report	Drainage Project Ross will be on leave for 6 months however the project will commence in 2 weeks. A subcommittee of Ernie Jeff and Gordon has volunteered to liaise with shire on this project, Jarrod suggested there are grants coming up for reserve lighting We would only be interested if it was at no cost to COM. Colette to email details in regards to special meeting re Instrument of Delegation Review. Fire to go through Insurance company
General Business	BMX top dressing to be followed up with Jason by Colette. Emma requests the Tennis Chairs Basketball rings and

	<p>Backboards be checked out for state of repair- Colette to follow up. Also a query as to whether Emma was still hoping to get Aus Kick up and running. Steve would like to make sure with new electricity supplier the sprinklers to run on off peak- Colette to follow up Cars continue to loiter down the side of water tanks Is it possible to have removable bollards placed there with a key for Barwon Water Colette to follow up with Jason. Colleen read Franks Letter of Apology to COM regarding recent fire- Michael moved motion to accept apology 2nd Jeff Carried Gordon has dropped off CFA plans for Bollards to shire appear to have been misplace –Colette to follow up Someone has placed a hose on tap near cricket oval possibly BHFNC to fill drink bottles, Is it possible to have drink fountain installed there. Jeff to proceed with viewing mound after presenting rough quote \$2600 to COM Ernie moved a motion that the expenses for the mound not to exceed \$3000 2nd by Michael Carried A reference group to be established to keep the ball rolling and will commence once given council approval re soil placement of path and anything else they require information on</p>
Notice of Motions to Council	
Next Meeting	Meeting Closed at 8.20 Next Meeting June 13 7pm

SURF COAST SHIRE SECTON 86 SPECIAL COMMITTEE AGENDA/MINUTES TEMPLATE

5.1 Section 86 Committee Minutes

APPENDIX 7 ANGLESEA BIKE PARK COMMITTEE OF MANAGEMENT MEETING MINUTES – 15 MARCH 2017

	<p>COMMITTEE: Anglesea Bike Park PRESENT: Mike B, Vanda, Bob, Tony, Colette, Kate APOLOGIES: Rod, Ari VISITORS: None</p>	<p>DATE: 15th March 2017 TIME: 7:00pm VENUE: Anglesea Visitor Info Centre</p>							
<p>Adoption of previous minutes</p>	<p>Mike, seconded Tony</p>								
<p>Conflict of Interest Declaration</p>	<p>None</p>								
<p>Business Arising from previous minutes</p>	<p>Statement that the Open Day held in November 2016 (this is the first meeting since then) was a really a big success - approx. 100 people in attendance including 2 councillors, Alcoa representatives. There was some great riding on display, a sausage sizzle, e-bikes to trial and some good fun</p> <p>Let's do this again – later in year – November / December. Combine with trials competition in early December. Good spectacle - could be great to join it up. Bob to confirm competition date.</p>								
<p>Correspondence In</p>	<p>None</p>								
<p>Correspondence Out</p>	<p>None</p>								
<p>Treasurers Report</p>	<p>N/A</p>								
<p>Booking Officer Report</p>	<p>N/A</p>								
<p>User Groups Report</p>	<p>N/A</p>								
<p>Shire Report</p>	<p>Colette informed us that she is the acting council representative on our committee until at least April.</p> <p>Colette informed us that there will be no cash available in FY18</p> <p>Maintenance requests can still be put through depending on the requirement and if they fit within the scope of Safety and Risk management.</p> <p>Eg. Mike mentioned that there was a tree that needs to be removed and also that the track to the top of the jump lines needs to be rebuilt.</p> <p>We are interested in setting up a maintenance box for juniors to access so that they can fix up the track as required without accessing the main tool shed (similar to Spring Creek bike track). Kids will need to be inducted and sign paperwork. Colette to confirm the process for us. Tony / Mike to arrange a night to do this.</p>								
<p>General Business</p>	<p>1. Confirmation of working bee dates</p> <table border="1" data-bbox="683 1637 1201 1861"> <tr> <td>Last Sunday of every other month beginning in Feb</td> </tr> <tr> <td>26th Feb</td> </tr> <tr> <td>30th April</td> </tr> <tr> <td>25th June</td> </tr> <tr> <td>27th August</td> </tr> <tr> <td>29th October</td> </tr> <tr> <td>early Dec to fix up park for summer?</td> </tr> </table>		Last Sunday of every other month beginning in Feb	26th Feb	30th April	25th June	27th August	29th October	early Dec to fix up park for summer?
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29th October									
early Dec to fix up park for summer?									

	<p>2. Maintenance items:</p> <p>2.1. Push up track needs to be redefined / resurfaced as it has been damaged during previous works – no longer clear where the track is. Mike B to raise a maintenance request.</p> <p>2.2. Bob cat for 1 day is required drop some dirt around the park for working bees and volunteer maintenance.</p> <p>2.3. We need a good tidy up – move mulch around the log rides and cover up other jumps</p> <p>2.4. Mike / Tony suggest that we use white board in the shed to list out jobs that need doing.</p> <p>3. We need to create a flyer for Info Centres – Colette to follow up with Shire. Mike to do text, A5 paper- summary of what’s at the park and a photo. Kate to Follow up and look at website update.</p> <p>4. Tuesday night ride sessions are up and running and are successful so far with a number of kids coming each week. Posters to be done (Tony) and circulated. Advertise on Facebook also (Kate).</p> <p>5. Confirm that we can’t store full on site for the Wacker plate.</p> <p>6. No updates from Alcoa yet regarding the future of the land that the Bike Park is situated on. Process is still under way for leasehold land on the mine site. Trail plan is still #1 option – as part of remediation build in bike facilities.</p>
Notice of Motions to Council	None
Next Meeting	17th May 2017

5.1 Section 86 Committee Minutes

APPENDIX 8 PLANNING COMMITTEE MEETING MINUTES - 20 MARCH 2017



Minutes of Planning Committee Meeting No. 472 held at 5.00pm Monday 20 March 2017 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. **OPENING OF MEETING**
5.04pm
2. **PRESENT**
Wayne Reid (Chairman), Geoffrey Fulton, Austin Swain, Wes McClendon, Mich Watt
3. **APOLOGIES**
Nil
4. **CONFIRMATION OF MINUTES**
Minutes of the Planning Committee Meeting held on Monday 20 February 2017
Moved: Geoffrey Fulton Seconded: Wesley McClendon
5. **DISCLOSURE OF CONFLICTS OF INTEREST**
Nil
DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)
Nil
6. **PUBLIC PRESENTATIONS**
Nil
7. **CONSIDERATION OF THE AGENDA**
As presented
8. **CONSIDERATION OF APPLICATIONS FOR A PERMIT**
 - Item 8.1 149 Great Ocean Road, Anglesea (16/0302).....Page 3
Alteration & Additions to the Existing Dwelling and Installation
of a Swimming Pool
 - Item 8.2 1133 Surf Coast Highway, Mt Duneed (16/0490).....Page 39
Development of a telecommunication facility - **DEFERRED**
 - Item 8.3 49 Loch Ard Drive, Torquay (16/0489).....Page 53
Construction of a Dwelling Greater Than 7.5m in Height
This item was withdrawn from meeting prior to preparation of agenda.
9. **RECENT VCAT DECISIONS**
Nil
10. **POLICY ISSUES**
Nil
11. **OTHER MATTERS**
Nil
12. **CLOSE OF MEETING**
6.55pm
NEXT MEETING – 1 May 2017



ITEM NO: 8.1
PLANNING REF: 16/0302
PROPOSAL: Alteration & Additions to the Existing Dwelling and Installation of a Swimming Pool
APPLICANT: PR BAY VIEWS PTY LTD
DATE RECEIVED: 15-Jul-2016
SUBJECT LAND: 149 GREAT OCEAN RD, ANGLESEA. (Lot: 1 TP: 126305M)
ZONE: General Residential 1
OVERLAYS: Neighbourhood Character - Schedule 3, Design and Development - Schedule 19, Significant Landscape - Schedule 3
PERMIT REQUIRED UNDER CLAUSES: 43.05-2
EXISTING USE: Dwelling
REPORTING OFFICER: Roger Curnow

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Objections received x 5

MOVED: Austin Swain **SECONDED:** **FOR:** **AGAINST:**

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Regrettable view loss
Supported by VCAT case history
Small lot. Bulk Reasonable

PLANNING COMMITTEE RESOLUTION

That Council: having caused notice of planning application No. **16/0302** to be given under Section 52 of the *Planning and Environment Act 1987* and the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the Surf Coast Planning Scheme in respect of the land known and described as **LOT: 7 LP: 32191** commonly known as **149 GREAT OCEAN RD, ANGLESEA.**, for **Alteration & additions to the existing dwelling** in accordance with the endorsed plans, subject to the following conditions:

Amended plans required for endorsement

1. Before the use and/or development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The roof colour;
 - b) location and sound screening of pool plant and equipment



Landscape plans required for endorsement

2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - c) details of surface finishes of pathways and driveways;
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - e) landscaping and planting within all open areas of the site;
 - f) (two) canopy trees in the following areas: rear yard,
 - g) only the use of plant species indigenous to the locality;

All species selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Landscaping before commencement of use/occupation

3. Before the occupation of the development or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Bond

4. Before the release of the approved plan for the approved development, a cash bond or bank guarantee to the value of \$1000 per dwelling must be deposited with the responsible authority by the developer of the land as security against failure to protect existing native vegetation to be retained or to comply with the landscape plan endorsed under this permit.

The bond or bank guarantee will only be refunded or discharged by the responsible authority upon being satisfied that the requirements of the landscape plan and protection of native vegetation have been fulfilled to the satisfaction of the responsible authority.

5. The maximum building height must not exceed RL 68.19 in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.
6. A written statement from a licensed surveyor must be submitted for approval to the responsible authority confirming:
 - a) that the building has been set out in accordance with the endorsed plan; and
 - b) that the roof levels will not exceed the roof levels specified on the endorsed plan.

The statement must be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

Rooftop appurtenances

7. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.



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

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

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

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

Note: Any plan approved under the Building Act and Regulations must not differ from the endorsed plan forming part of this Permit.

CARRIED



ITEM NO: 8.2
PLANNING REF: 16/0490
PROPOSAL: Development of a telecommunication facility
APPLICANT: Metasite
DATE RECEIVED: 25-Oct-2016
SUBJECT LAND: 1133 SURF COAST HIGHWAY, MOUNT DUNEED. (LOT: 1 PT: Y PS: 304093)
ZONE: Farming Zone
OVERLAYS: Nil
PERMIT REQUIRED UNDER CLAUSES: Clauses 35.07-2 Clause 52.19
EXISTING USE: Landscape gardening supplies/nursery
REPORTING OFFICER: Jennifer Davidson

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending approval
- Objections received Nine (9)

MOVED: **SECONDED:** **FOR:** **AGAINST:**

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

DEFERRED

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:




ITEM NO:	8.3
PLANNING REF:	16/0489
PROPOSAL:	Construction of a Dwelling Greater Than 7.5m in Height
APPLICANT:	Studio A2
DATE RECEIVED:	25-Oct-2016
SUBJECT LAND:	49 LOCH ARD DRIVE, TORQUAY. (Lot 329, PS)
ZONE:	Residential 1
OVERLAYS:	Design and Development - Schedule 21, Significant Landscape - Schedule 6, Development Contributions Plan
PERMIT REQUIRED UNDER CLAUSES:	Enter
EXISTING USE:	Enter
REPORTING OFFICER:	Maya Dougherty

This item was withdrawn from the meeting prior to preparation of the agenda.

5.1 Section 86 Committee Minutes

**APPENDIX 9 STRIBLING RESERVE COMMITTEE OF MANAGEMENT MEETING MINUTES – 20
MARCH 2017**

	<p>COMMITTEE: Stribling Reserve Committee Of Management PRESENT: Linton Ferguson, Peter Spring, Geoff Couper, Wendy Jarratt, Phillip Meurer, Don Baldwin, Miah Atwell, David Mullen APOLOGIES Carly Enticott , Allan Walls, Colette Naufal. VISITORS:</p>	<p>DATE: 20 March 2017 TIME: 5:00PM VENUE: Multi-purpose Room</p>
Adoption of minutes	Moved – Geoff Couper, seconded Don Baldwin	
Conflict of Interest	None	
Business Arising	<ul style="list-style-type: none"> • Storage Pod job completed, School now getting shelves organised, thanks to Shire for financial support. • Umpires room, everything moved out. • Wicket cover done. • Kindergarten proposal for oval bank usage, will deal with Shire, plans won't affect Stribling Reserve. • Men's Shed, no shade cloth going on fence. 	
Correspondence In/Out	None	
Treasurer's Report	<p>Financial reports including Profit/Loss and Balance Sheet for February tabled. Low income in February due to School payment and LFNC payment in old bank account, and no income from Falls since paid in previous year, when not used because of bushfires. Phillip suggested improvements to layout of reports. Motion passed to accept report, moved Geoff Couper and seconded Wendy Jarratt.</p>	
Booking Officer Report	<p>Booking Calendar see https://sites.google.com/site/lorneleisurecentre/home</p> <ul style="list-style-type: none"> • Buninyong FNC cancelled weekend pre-season camp, email apology received • Colac basketball U/18 side had a practice session in the stadium on long-weekend • Ivanhoe Grammar school booked to use oval for training 	
User Groups Report	None	
Shire Report	None	
General Business	<ul style="list-style-type: none"> • Stribling Reserve COM agree with proposal from Men's Shed to erect in the S.E. corner the old Lorne ANZAC flagpole at the shed to indicate when open. Motion passed, moved Peter Spring and seconded Phillip Meurer. • Access to Netball courts: stairs have no hand-rail, ground uneven, dirt erodes and flows onto path, creating an OHS issue. Request Shire to immediately complete appropriate landscaping. • Master Plan on exhibition for 6 weeks, next step is to do a design, Funding for design expected in Shire 17/18 budget, so project can be shovel-ready. Committee expressed thanks for Peter Springs for his great work in making this happen. • Weekend practice matches successful, many comments from visitors expressing appreciation of the excellent condition of the grounds. 	
Next Meeting	5:00 pm Monday 10 April 2017	

5.2 Advisory Committee Minutes

Author's Title: Administration Officer

General Manager: Phil Rowland

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/295

Appendix:

1. Municipal Emergency Management Planning Committee Minutes – 16 February 2017 (D17/21661) [↓](#)

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. Municipal Emergency Management Planning Committee – 16 February 2017

5.2 Advisory Committee Minutes

**APPENDIX 1 MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE MINUTES – 16
FEBRUARY 2017**



Municipal Emergency Management Planning Committee

Minutes

16 February 2017, 10.45am-12.15pm followed by lunch
 Surf Coast Shire Council offices, Chambers

Members:

Chair: Rowan Mackenzie – SCS

Surf Coast Shire Council – Cr Martin Duke, Virginia Morris (MERO), Nick Guyett

Australian Red Cross (ARC) – Elaine Anderson

Barwon Water (BW) – David Taylor

Country Fire Authority (CFA) – Wayne Aylmer, Mick McGuinness

Dept. of Health and Human Services (DHHS) – Matthew Chamberlain

Dept. of Economic Development, Jobs, Transport & Resources (DEDJTR) – Stephen Pefanis

Forest Fire Management (FFM, formerly DELWP) – Bodin Campbell

Life Saving Victoria (LSV) – Paul Lunny

Lorne Community Hospital – Kate Gillan

Parks Victoria – Aaron Ledden

State Emergency Service (SES) – Grant Bradshaw

VCC Emergencies Ministry (VCC EM) – Terry Mervin

Victoria Police – Tony Walker (MERC), Brenda Begally, Anne Elliot

Apologies:

David Rourke – DELWP, Robyn Stevens, Kerrie Williams – SCS, Alison Duff – Volunteering Geelong, David Cooper, Kevin Warburton – VicPolice

Issue Topic	Points of Discussion	Agreement / Action	R/O
1	Welcome and apologies		
1.1	Attendance sheet circulated The Chair welcomed members and noted apologies and welcome Cr Martin Duke to the Committee.	Quorum achieved – yes	
2	Confirmation of previous minutes		
2.1	Previous minutes Minutes of meeting held 18 October 2016. <i>Moved: Tony Walker Seconded: Terry Mervin</i>		
2.2	Actions outstanding and arising <i>Circulate draft Relief & Recovery Learnings Paper to Committee. – Matt Chamberlain: Carry over.</i>		
3	Correspondence		
3.1	Received Municipal Emergency Management Plan Audit certificate and Audit Report. See item 6.2 below.		
3.2	Outgoing None.		
STANDING AGENDA ITEMS			

Issue Topic	Points of Discussion	Agreement / Action	R/O	
4	Regional committees			
4.1	Regional Emergency Management Planning Committee (REMPC)	This Committee is looking at changing their governance structure at a regional level. Further information will be distributed in the next few weeks outlining the impacts and potential changes. Terms of reference and proposed structure will also be circulated for comment.		
5	Sub-committee / Working Group reports			
5.1	Municipal Fire Management Planning Committee	<p>The Strategic Fire Management Plan Otway District was endorsed by Surf Coast Shire Council on 24 January 2017</p> <p>The Committee are encouraged to read the plan to gain a greater understanding of the local risk landscape.</p> <p>Community engagement is a focus for the agencies on this Committee and working together to promote each other's messages in tenure blind/agency blind planning and action.</p> <p>The planned burning program for autumn will start in the next week or two. The program will start with small burns, ramping up to the large burns up against coastal townships as weather permits.</p>		Virginia Morris
5.2	Cross Council Relief & Recovery Committee	Minutes of 13 October 2016 available on the SCS Emergency Management portal. Next meeting is scheduled for 3 April 2017.		Virginia Morris
5.3	Community Impact Advisory Committee (CIAC)	<p>Minutes available on SCS Emergency Management Portal. The Anglesea, Torquay and Lorne committees have just met. The new year's eve harm minimisation approach has worked very well since its introduction.</p> <p>The Lorne Pier to Pub organisers formulated a robust contingency plan for the increased shark risk this year.</p>		
5.4	Flood Planning Committee	The Flood Planning Committee will meet on 10 May 2017.		
5.5	Other working groups	<p>The Surf Safety Working Group reported that LSV have introduced paid life guards at Urquarts Bluff during peak periods. Additional funding was secured to allow jetski patrols to work out of Fairhaven Surf Lifesaving Club. Funding has also been secured for signage at Urquarts.</p> <p>LSV reported that five people were rescued on one day by local</p>		

Issue Topic		Points of Discussion	Agreement / Action	R/O
		<p>surfers, this wasn't a high risk day.</p> <p>St George river in Lorne is next area that could be targeted for improved surf safety.</p>		
6	MEMPLAN UPDATE			
6.1	MEMPlan updates	The Municipal Emergency Management Plan 2017-20 was endorsed by Council on 24 January 2017.		Chair
6.2	MEMPlan Audit	<p>The MEMPlan was audited on 5 September 2016, the plan received best practice with no improvements identified.</p> <p>Audit report and certificate was received on 1 February 2017 and the plan has been distributed electronically with printed copies to go out later this week.</p>		All
6.3	MEMPlan Exercise	Nil to report.		
6.4	Revision of risk/s (CERA)			
7	COMMUNITY ENGAGEMENT	<p>Surf Coast, Colac Otway and Corangamite Shire Councils have taken delivery of 500 copies of The Fire Game each. The rollout plan for the games is being finalised and copies will be distributed.</p> <p>The Fire Game has won three awards – the <i>Fire Awareness Award for Community-led Preparedness</i>, the <i>IAP2 Disaster & Emergency Services Award</i> and the <i>LGPro Service Delivery</i> award.</p> <p>The game has received interest from across the state. A template will be developed so other areas are able to develop their own version of the game.</p> <p><i>Fire Up! Rural</i> program is being rolled out targeting rural areas. SCS is working closely with agencies and local brigades to deliver these sessions. They have been well received so far.</p>		
GENERAL AGENDA ITEMS				
8	MEMP Committee directions for 2017/18	<p>The Committee discussed opportunities to enhance connections and trust between members.</p> <p>7</p>	Committee members are asked to consider potential guest speakers or topics to cover at future	All

Issue Topic	Points of Discussion	Agreement / Action	R/O
	<p>Wye River relief and recovery review is underway, DHHS will report back when the report is complete.</p> <p>Future focus areas for the Committee include:</p> <ul style="list-style-type: none"> • Relief and recovery and impact assessments. • Crisisworks and how other agencies can use it. 	meetings.	
9	<p>Incidents</p> <p>Falls Festival: Investigation currently sitting with Worksafe. AAR required with all agencies.</p> <p>Sharks: Unprecedented sighting numbers this season. Only across 3 or 4 days when 20 sharks seen at once. In the same area each time. Life Saving Victoria increased shark patrols over this time. Fisheries have suggested this may be the new norm going forward. The sharks were mostly Bronze Whalers, but there was one group of Great Whites.</p> <p>Emergency Management Victoria (EMV) has released a state shark plan which will have implications for land managers. There are issues that have yet to be fleshed out regarding beach closures, undertaking risk assessments, operationalising the plan, etc. The plan should be available on EMCop.</p> <p>There has been feedback received on the VicEmergency app that some people turned off or removed the app due to the number of notifications.</p> <p>Other recent incidents include:</p> <ul style="list-style-type: none"> • Hang-gliding fatality • Local business fire Torquay • Cape Otway Road fire • Bamba fire on Christmas day • Vickery's road car fatality • Chinese New Year: A review will be undertaken, led by VicPol. Some vehicle accidents, great influx of visitors. Changes to speed signs at memorial arch, no accidents. • Big Hill fire on Pier to Pub day highlighted additional complexities of responding to an incident with extra traffic and visitor numbers. 	<p>Check with EMV to see if they are seeking feedback on the VicEmergency Ap.</p> <p>Invite representative from EMV to future meeting to speak about emergencies and social media</p>	Chair

Issue Topic		Points of Discussion	Agreement / Action	R/O
10	Risk review	Committee to discuss and identify emerging community risks	None raised.	
OTHER BUSINESS				
11	AGENCY REPORTS <i>By exception</i>			
11.1	DHHS	Summary of DHHS financial assistance provided for the Wye River-Jamieson Track Bushfire December 2015 and Geelong Storm January 2016. The Department of Education will be closing 65 schools, including Anglesea and Aireys Inlet on Extreme, Severe and Code Red days. EMV are reviewing.		All
11.2	Surf Coast Shire Council			
12	MEETING CLOSE	25 May 2017 24 August 2017 9 November 2017		

Assembly of Councillors report required? no

MEMP COMMITTEE ACTIONS REGISTER			
Meeting date	Action	Status	Responsible
Aug 2016	Flood Planning Committee to meet when SES have completed review of the Flood Emergency Plan template.		SES
Feb 2017	Committee members are asked to consider potential guest speakers or topics to cover at future meetings.	All	
Feb 2017	Check with EMV to see if they are seeking feedback on the VicEmergency App. Invite representative from EMV to future meeting to speak about emergencies and social media	Chair	

6. ASSEMBLIES OF COUNCILLORS

6.1 Assemblies of Councillors

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/289

Division: Governance & Infrastructure

Trim No: IC17/333

Appendix:

1. Assembly of Councillors - Meeting with Grossmans Road South Landowners - 20 March 2017 (D17/41468) [↓](#)
2. Council Plan Workshop - 28 March 2017 (D17/39292) [↓](#)
3. Assembly of Councillors - Council Briefing - 4 April 2017 (D17/43343) [↓](#)
4. Assembly of Councillors - Council Briefing - 11 April 2017 (D17/45321) [↓](#)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the Assembly of Councillors records received since the previous Council Meeting.

Summary

The Local Government Act 1989 section 80A(2) states that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is as soon as practicable reported at an Ordinary Meeting of Council and incorporated in the minutes of that Council Meeting.

Recommendation

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

1. Meeting with Grossmans Road South Landowners - 20 March 2017
2. Council Plan Workshop - 28 March 2017
3. Council Briefing - 4 April 2017
4. Council Briefing - 11 April 2017

6.1 Assemblies of Councillors

**APPENDIX 1 ASSEMBLY OF COUNCILLORS - MEETING WITH GROSSMANS ROAD SOUTH
LANDOWNERS - 20 MARCH 2017**



Assembly of Councillors Record

Description of Meeting: Meeting with Grossmans Road South Landowners
Responsible Officer: Jorgen Peeters - Senior Strategic Planner
Date: 20 March 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	✓	Chief Executive Officer - Keith Baillie	X	Peter Raines	✓
Cr. David Bell	X	General Manager Governance & Infrastructure – Anne Howard	N/R	Don Lawrie	✓
Cr. Libby Coker	X	General Manager Environment & Development– Phil Rowland	✓	Cindy Jacobs	✓
Cr. Martin Duke	X	General Manager Culture & Community – Chris Pike	N/R	Bill Welsh	✓
Cr. Clive Goldsworthy	X	Coordinator Strategic Land Use Planning – Karen Hose	✓	Keith Grossman	✓
Cr. Rose Hodge	✓	Senior Strategic Planner – Jorgen Peeters	✓	Christine Grossman	✓
Cr. Carol McGregor, Deputy Mayor	✓			Christine Rippon	✓
Cr. Margot Smith	✓			David King	✓
Cr. Heather Wellington (on speaker phone)	✓				

MEETING COMMENCED	4.05pm	MEETING CONCLUDED	4.45pm
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Matters considered at the meeting (or attach agenda)
<ul style="list-style-type: none"> The “Grossmans Road South Landowners Group” represents a number of landowners in the area to the west of the Spring Creek urban growth area, north of Spring Creek and south of Grossmans Road. The group spoke about their request for Council to consider the opportunity for low density residential or rural residential development (minimum half to one acre blocks) in a green setting in light of the recommendation of the Amendment C114 Planning Panel to leave the door open to urban development further to the west of the current town boundary. Council will consider the group’s submission at Council Meeting - 28 March 2017 as part of the report on the Spring Creek Precinct Structure Plan Panel Report.

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		

Responsible Officer Signature:		Print Name: Jorgen Peeters
Date: 21 March 2017		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:
 An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
 (a) the subject of a decision of the Council; or
 (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;

- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

6.1 Assemblies of Councillors

APPENDIX 2 COUNCIL PLAN WORKSHOP - 28 MARCH 2017



Assembly of Councillors Record

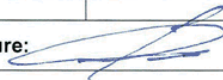
Description of Meeting: Council Plan Workshop
Responsible Officer: General Manager Culture & Community – Chris Pike
Date: 28 March 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	Chad Foulkes: Liminal by Design	✓
Cr. David Bell	X	General Manager Governance & Infrastructure – Anne Howard	✓		
Cr. Libby Coker	✓	General Manager Environment & Development– Phil Rowland	✓		
Cr. Martin Duke	✓	General Manager Culture & Community – Chris Pike	✓		
Cr. Clive Goldsworthy	✓	Coordinator Governance and Corporate Planning - Danielle Foster	✓		
Cr. Rose Hodge	✓	Project Manager - Capital and Operational Projects - Susan Green	✓		
Cr. Carol McGregor, Deputy Mayor	✓	Coordinator Communications and Community Relations - Darryn Chiller	✓		
Cr. Margot Smith	✓	Rochelle Griffiths – Community Engagement Facilitator	✓		
Cr. Heather Wellington	✓				

MEETING COMMENCED	9.30am	MEETING CONCLUDED	1.00pm
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Matters considered at the meeting (or attach agenda)	
1.	Development of the Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021 Plan-on-a-page
2.	
3.	
4.	
5.	

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		

Responsible Officer Signature:  **Print Name: Chris Pike**

Date: 29 March 2017

To be completed on conclusion of session and provided to Governance Administration Officer.

- General Information:**
An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
- (a) the subject of a decision of the Council; or
 - (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
 - The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
 - A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
 - A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

6.1 Assemblies of Councillors

APPENDIX 3 ASSEMBLY OF COUNCILLORS - COUNCIL BRIEFING - 4 APRIL 2017



Assembly of Councillors Record


Description of Meeting: Council Briefing
Responsible Officer: General Manager Governance & Infrastructure – Anne Howard
Date: 4 April 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	✓	Chief Executive Officer - Keith Baillie	X	External Presenter - Inspector Peter Seel & Divisional Commander, Craig Gillard	✓
Cr. David Bell	X	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Libby Coker	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. Martin Duke	X	General Manager Environment & Development - Phil Rowland	✓		
Cr. Clive Goldsworthy	✓	Team Leader Governance - Danni Vasiloski	✓		
Cr. Rose Hodge	✓	Manager Finance – John Brockway	✓		
Cr. Carol McGregor	✓	Coordinator Management Accounting – Gabby Spiller	✓		
Cr. Margot Smith	✓	Manager Recreation & Open Space Planning – Shaan Briggs	✓		
Cr. Heather Wellington (arrived 10.21am)	✓	Coordinator Recreation Planning – Jarrod Westwood	✓		
		Open Space Planning Coordinator - Leanne Lucas	✓		
		Community Project Development Officer – Nicky Angus	✓		
		Coordinator Governance & Corporate Planning – Danielle Foster	✓		
		Project Manager – Capital and Operational Projects – Susan Green	✓		
		Community Engagement Facilitator - Rochelle Griffith	✓		
		Open Space Officer – Ross Wissing	✓		
		Strategic Asset Manager - John Bertoldi	✓		
		Manager Engineering Services - Peter McLean	✓		
		Coordinator Civil Works – Tony Potter	✓		
		Executive Assistant - Lisa Robinson	✓		
		Chief Executive Officer - Keith Baillie			
		General Manager Governance & Infrastructure - Anne Howard			

MEETING COMMENCED	10.13am	MEETING CONCLUDED	2.00pm
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Matters considered at the meeting (or attach agenda)
1. External Presentation - General discussion regarding Police matters on the Surf Coast - Inspector Peter Seel & Divisional Commander, Craig Gillard
2. Confirmation of Council Briefing Minutes - 14 March 2017
3. Conflict of Interest
4. Exhibition of the Draft Council Plan (Incorporating the Health and Wellbeing Plan) 2017 - 2021
5. Budget Briefing #7 - Draft Budget Feedback
6. Exhibition of the Road Management Plan - Presentation



7. Commercial Use of Council Facilities Policy - Presentation		
8. February 2017 - Monthly Finance Report		
9. Community Projects Update March 2017 - Presentation		
10. Review of Instrument of Delegation - Hearing of Submissions Committee		
11. Off-Site Ordinary Council Meeting Dates, Times and Location for 2017		
Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		
Responsible Officer Signature:		Print Name: Anne Howard
Date: 5 April 2017		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
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- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
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- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

6.1 Assemblies of Councillors

APPENDIX 4 ASSEMBLY OF COUNCILLORS - COUNCIL BRIEFING - 11 APRIL 2017



Assembly of Councillors Record

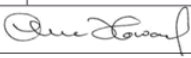
Description of Meeting: Council Briefing
Responsible Officer: General Manager Governance & Infrastructure – Anne Howard
Date: 11 April 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	External Presenter - Cameron Loftus - CEO Barwon Sports Academy	✓
Cr. David Bell	X	General Manager Governance & Infrastructure - Anne Howard <i>(arrived 2.55pm)</i>	✓		
Cr. Libby Coker	✓	General Manager Environment & Development– Phil Rowland	✓		
Cr. Martin Duke	✓	General Manager Culture & Community – Chris Pike	X		
Cr. Clive Goldsworthy	X	Team Leader Governance - Danni Vasiloski	✓		
Cr. Rose Hodge	✓	Manager Facilities & Open Space Operations - Travis Nelson	✓		
Cr. Carol McGregor, Deputy Mayor	✓	Business Improvement Officer - Trevor Britten	✓		
Cr. Margot Smith	✓	Manager Recreation & Open Space Planning – Shaan Briggs	✓		
Cr. Heather Wellington <i>(arrived 2.30pm)</i>	✓	Acting Coordinator Recreation & Planning – Nicky Angus	✓		
		Manager Business Improvement – Brendan Walsh	✓		
		Manager Economic Development and Tourism – Matt Taylor	✓		
		Coordinator Business and Tourism Strategy – Simon Loone	✓		
		Manager People & Culture – Leanne Perryman	✓		
		Manager Environment & Community Safety - Rowan McKenzie	✓		
		Coordinator Environment – Kate Smallwood	✓		
		HR Advisor - Jemma James	✓		
		HR Advisor - Adam Devereux	✓		
		Coordinator Strategic Planning - Karen Hose	✓		
		Business Improvement Officer - Trevor Britten	✓		
		Manager Recreation & Open Space Planning – Shaan Briggs	✓		

MEETING COMMENCED	12.10pm	MEETING CONCLUDED	4.14pm
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Matters considered at the meeting (or attach agenda)
1. External Presentation - Cameron Loftus - CEO Barwon Sports Academy
2. Confirmation of Minutes – 4 April 2017
3. Conflicts of Interest
4. Review Council Involvement in Surf Lifesaving
5. Council Involvement in Tennis - Service Review



6. Summary of Winchelsea RV Friendly Trial		
7. Planning Scheme Amendment C121 - Bells Beach Hinterland Review		
8. Employee Engagement Survey Results Debrief - Presentation		
9. Risk Appetite		
10. Summer Peak Period Debrief - 2016 to 2017		
11. Program Status Update 31 March 2017 - Presentation		
12. Winchelsea Common Future Use Plan - Part A - Draft Plan		
Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 12 April 2017		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
 - (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
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7. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION

7.1 Petition Requesting the creation of a Sanctuary at the Point Impossible/Thompsons Creek Estuary with the current dog off-lead status replaced by a protection zone with No Dogs or Horses.

Author's Title: Executive Assistant

General Manager: Phil Rowland

Department: Environment & Development

File No: F15/51

Division: Environment & Development

Trim No: IC17/383

Appendix:

1. Petition - Creation - Sanctuary - Point Impossible Thompsons Creek Estuary - Removing Dog Off Lead Status - Redacted (D17/46624) [↓](#)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the petition requesting that Council create a Sanctuary at the Point Impossible/Thompsons Creek Estuary, with the current dog off-lead status replaced by a protection zone with No Dogs or Horses.

The petition consists of 115 signatures.

Recommendation

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

1. Receive and note the petition requesting the current dog off-lead status be replaced with No Dogs or Horses at the Point Impossible/Thompsons Creek Estuary.
2. Refer the petition to the General Manager Environment and Development for consideration
3. Require a report on the petition be presented to the 23 May 2017 Ordinary Council Meeting.

7.1 Petition Requesting the creation of a Sanctuary at the Point Impossible/Thompsons Creek Estuary with the current dog off-lead status replaced by a protection zone with No Dogs or Horses.

APPENDIX 1 PETITION - CREATION - SANCTUARY - POINT IMPOSSIBLE THOMPSONS CREEK ESTUARY - REMOVING DOG OFF LEAD STATUS - REDACTED



PETITION

Creation of a Sanctuary at Point Impossible

We the undersigned request the creation of a Sanctuary at the Point Impossible/ Thompsons Creek Estuary, with the current dog off lead status replaced by a protection zone with No Dogs or Horses. Time is of the essence as the beach is the closest to the rapidly increasing population of Armstrong Creek, and bird numbers are declining due to increasing use, notably by dog walkers
Hooded Plovers have now become a Matter of National Environmental Significance according to The EPBC Act, and numbers of three migratory species trigger the criteria for making this a site of National significance. We therefore urge the Surf Coast Shire to recognise the importance of the Thompsons Creek Estuary and the beach west to the nudist beach. year round to accommodate the Breeding season of the Hooded Plover, the winter migratory period of the Double-banded Plover, and the spring/summer migratory period of Northern Hemisphere migratory shorebirds.

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PETITION

Creation of a Sanctuary at Point Impossible

We the undersigned request that due consideration be given to the creation of a Sanctuary at the Point Impossible/ Thompsons Creek Estuary, with the current dog off lead status replaced by a protection zone with No Dogs or Horses.

Time is of the essence as the beach is the closest to the rapidly increasing population of Armstrong Creek, and bird numbers are declining due to increasing use, notably by dog walkers

Hooded Plovers have now become a Matter of National Environmental Significance according to the EPBC Act, and numbers of three migratory species trigger the criteria for making this a site of National significance. We therefore urge the Surf Coast Shire to recognise the importance of the Thompsons Creek Estuary and the beach west to the nudist beach. year round to accommodate the breeding season of the Hooded Plover, the winter migratory period of the Double-banded Plover, and the spring/summer migratory period of Northern Hemisphere migratory shorebirds.

NAME	ADDRESS	SIGNATURE
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PETITION
Creation of a Sanctuary at Point Impossible



undersigned request that due consideration be given to the creation of a Sanctuary at the Point Impossible/ Thompsons Creek Estuary, with the current dog off lead status replaced by a protection zone with No Dogs or Horses.

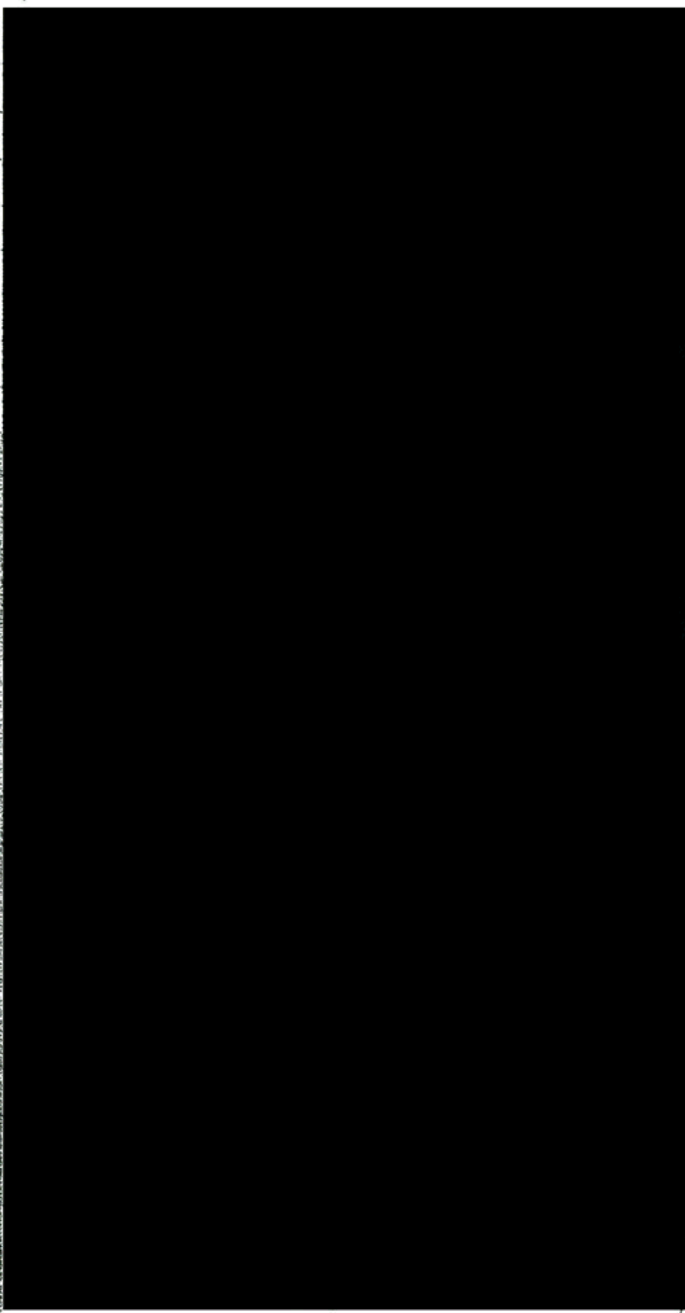
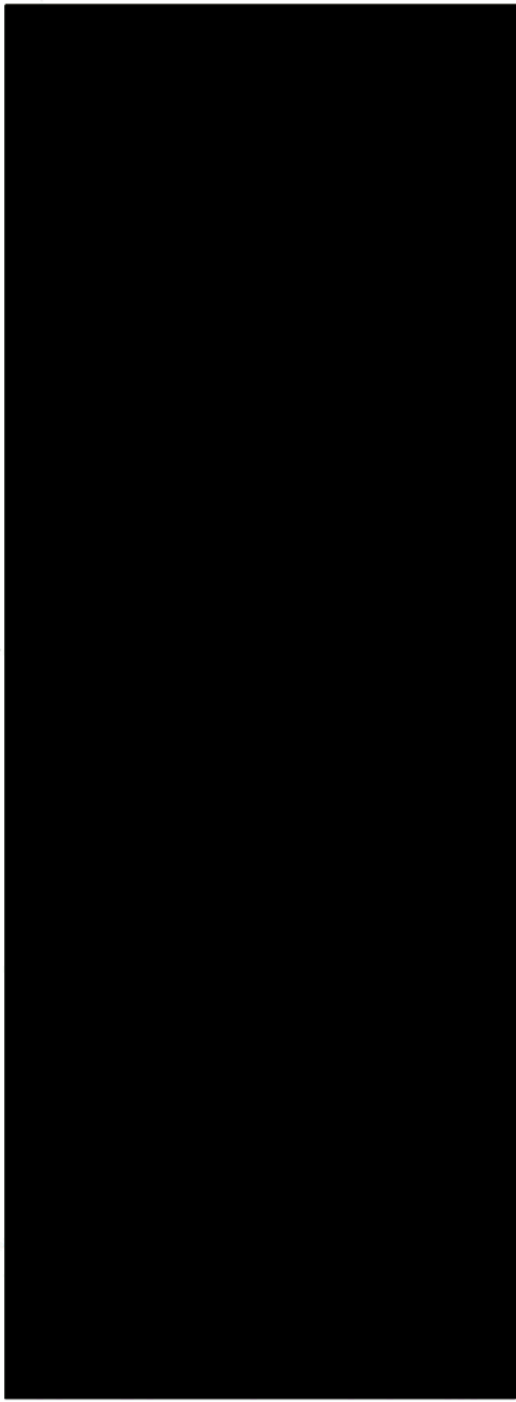
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NAME

ADDRESS

SIGNATURE



[Handwritten signatures on lined paper, including illegible names and initials]

7.2 IDAHOT Day Flag - NOM-132

Appendix:

Nil

Surf Coast Shire Council

Notice of Motion

IDAHOT Day Flag

NOM-132

I, Councillor Rose Hodge give notice that at the next Ordinary Meeting of Council to be held on Wednesday 26 April 2017, I intend to move the following motion:

Recommendation

That Surf Coast Shire Council flies the Rainbow Flag continuously from 17 May 2017 (IDAHOT Day) until formal acceptance of marriage equality by the Federal Government.

Rationale

At the Ordinary Council meeting on 26 August 2014 Surf Coast Shire Council publicly pledged support for marriage equality. To continue this support I propose that following on from IDAHOT Day on 17 May 2017 Council flies the flag continuously until the federal parliament recognises marriage equality.

Numerous local councils in Australia and many countries in the world already support marriage equality including Canada, Belgium, France, Sweden, Ireland, United States and many others.

I commend this Notice of Motion to Council.



Cr Rose Hodge
Councillor

Date: 13 April 2017

7.3 CEO Employment Matters Committee - NOM-133

Appendix:

Nil

Surf Coast Shire Council

Notice of Motion

CEO Employment Matters Committee

NOM-133

I, Councillor Rose Hodge give notice that at the next Ordinary Meeting of Council to be held on Wednesday 26 April 2017, I intend to move the following motion:

Recommendation

That Surf Coast Shire updates the CEO Employment Matters Committee Charter to include all Councillors in the membership.

Rationale

As Councillors we employ only the CEO and it is therefore important that all Councillors have an opportunity to be directly involved in discussions relating to the CEO's employment.

Currently four Councillors are members of the Committee and I propose that this is increased to include all nine Councillors.

I commend this Notice of Motion to Council.



Cr Rose Hodge
Councillor

Date: 13 April 2017

8. CLOSED SECTION

Recommendation

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

8.1 Assemblies of Councillors

8.2 Proposed Great Ocean Road Authority

Recommendation

That:

1. The resolution and report pertaining to Confidential item 8.1 remain Confidential.
2. The resolution and report pertaining to Confidential item 8.2 remain Confidential.
3. Council open the meeting to the public at pm.

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