



Minutes

Ordinary Meeting of Council
Tuesday, 26 September 2017

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

Council:

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

MINUTES FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 26 SEPTEMBER 2017 COMMENCING AT 6.00PM

PRESENT:

Cr Brian McKitterick (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

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Governance & Infrastructure – Anne Howard
General Manager Culture & Community – Chris Pike
General Manager Environment & Development – Ransce Salan
Manager Planning & Development – Bill Cathcart
Team Leader Governance – Candice Holloway (minutes)
Coordinator Governance & Corporate Planning – Danielle Foster
Customer Experience Coordinator – Virginia Morris
Communications Officer – Kate Fowles

2 members of the public
9 member of the press

OPENING:

Cr Brian McKitterick, Mayor opened the meeting.

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

PLEDGE:

Cr Heather Wellington recited the pledge on behalf of all Councillors.

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

APOLOGIES:

Nil

CONFIRMATION OF MINUTES:

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Rose Hodge

That Council note the minutes of the Ordinary meeting of Council held on 22 August 2017, and the Special meeting of Council held on 12 September 2017, as correct records of the meetings.

CARRIED 8:0

LEAVE OF ABSENCE REQUESTS:

Cr Clive Goldsworthy requested a leave of absence from the 2nd October 2017 – 1st November 2017.

CONFLICTS OF INTEREST:

Cr David Bell declared a Direct Conflict of Interest in item 4.11 Torquay Farmers Market - Expressions of Interest for a licence under section 77A of the Local Government Act 1989 due to owing a market and making a submission to Expression of Interest (EOI) process. Cr David Bell left the meeting at 6:46pm and returned at 6:58pm. Cr David Bell was absent whilst the matter was being considered.

Chief Executive Officer - Keith Baillie declared a Direct Conflict of Interest in closed items 10.5 CEO Employment Matters Committee - CEO Remuneration Review and 10.6 CEO Employment Matters Committee - CEO Employment Objectives under section 77A of Local Government Act 1989 due to the matters relating to his role. The Chief Executive Officer - Keith Baillie and all other officers left the meeting at 8:16pm and did not return. The Chief Executive Officer - Keith Baillie and all other officers were absent whilst the matters was being considered.

PRESENTATIONS:

Nil.

PUBLIC QUESTION TIME:

Nil.

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7. URGENT BUSINESS

Accept Item of Urgent Business

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council agree to admit one additional item to be considered as Urgent Business in relation to the Petition received Requesting Support for a Permanent Bar at Fishermans Beach, Torquay

CARRIED 9:0

Move Item Forward

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council consider 7.1 Petition Requesting Support for a Permanent Bar at Fishermans Beach, Torquay: at this point in the Agenda for the benefit of the gallery present.

CARRIED 9:0

7.1 Petition Requesting Support for a Permanent Bar at Fishermans Beach, Torquay

Author's Title: Manager Planning & Development

General Manager: Ransce Salan

Department: Planning & Development

File No: F17/0258

Division: Environment & Development

Trim No: IC17/1147

Appendix:

1. Petition requesting support for a permanent bar at Fisherman Beach, Torquay - Redacted

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 provide

The petition consists of 757 signatures.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr David Bell

That Council:

1. Receive and note the petition requesting support for a permanent bar at Fishermans Beach, Torquay in accordance with its Local Law No. 2 – Meeting Procedure, noting that the petition does not comply with Section 19.2.
2. Agree that the petition be considered as a submission to planning permit application 17/0258, 48 The Esplanade, Torquay.

CARRIED 9:0

1. PETITIONS & JOINT LETTERS

Nil

2. PLANNING MATTERS & DECISIONS

2.1 Amendment C120 - Growing Winchelsea Implementation

Author's Title: Senior Strategic Planner

General Manager: Ransce Salan

Department: Planning & Development

File No: F16/1585

Division: Environment & Development

Trim No: IC17/1088

Appendix:

1. C120 - Explanatory Report (D16/116041)
2. C120 - Zone Map (D17/53218)
3. C120 - Design and Development Overlay 27 Map (D17/61965)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present Amendment C120 – Growing Winchelsea Implementation to the Surf Coast Planning Scheme, which intends to implement the strategic direction of the *Growing Winchelsea: Shaping Future Growth 2015* plan. It is also to consider the next steps of seeking Ministerial authorisation to prepare and exhibit the Amendment.

Summary

Growing Winchelsea: Shaping Future Growth 2015 is a place making plan, designed to guide the way Winchelsea grows and changes over time heading towards 2050. The Plan was prepared by Surf Coast Shire Council, in partnership with Regional Development Victoria and the Winchelsea community. *Growing Winchelsea* aims to help Winchelsea become an even better place to live, work and visit.

Amendment C120 – Growing Winchelsea Implementation proposes to implement a number of planning recommendations contained within the Plan and to incorporate the overarching strategic directions for the town into planning policy. It includes some smaller scale rezoning and overlay amendments.

Recommendation

That Council as the Planning Authority:

1. Seek Ministerial authorisation to prepare Surf Coast Planning Scheme Amendment C120 – Growing Winchelsea Implementation.
2. Place Amendment C120 – Growing Winchelsea Implementation on public exhibition for a minimum of one month following authorisation.

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Heather Wellington

That Council as the Planning Authority:

1. Seek Ministerial authorisation to prepare Surf Coast Planning Scheme Amendment C120 – Growing Winchelsea Implementation.
2. Place Amendment C120 – Growing Winchelsea Implementation on public exhibition for a minimum of one month following authorisation.

CARRIED 9:0

2.1 Amendment C120 - Growing Winchelsea Implementation

Report

Background

Growing Winchelsea: Shaping Future Growth 2015 is a place making plan, designed to guide the way Winchelsea grows and changes over time heading towards 2050. The Plan was prepared by Surf Coast Shire Council, in partnership with Regional Development Victoria and the Winchelsea community. *Growing Winchelsea* aims to help Winchelsea become an even better place to live, work and visit.

Growing Winchelsea sets out:

- A Vision for Winchelsea and principles for growth
- Opportunities for stimulating economic investment
- A 10 year structure plan and a beyond 10 years framework for growth of the town
- “Demonstration Projects” for activating the central activities area around the Barwon River.

The Plan was adopted by Council in May 2015.

Discussion

Amendment C120 – Growing Winchelsea Implementation proposes to implement a number of planning recommendations within the Plan and to incorporate the overarching strategic directions for the town into planning policy. It includes some small rezoning proposals but does not propose to rezone any additional land for residential use. As is the case throughout the Surf Coast Shire, residential proposals need to be instigated by landowners, who would be required to submit the necessary technical reports.

Specifically, the Amendment proposes to:

1. Amend Clause 21.09 Winchelsea Strategy of the Municipal Strategic Statement in accordance with the strategic directions of the *Growing Winchelsea: Shaping Future Growth 2015* plan and to include this plan as a reference document.
2. Rezone land at 1, 1A, 1B, 2 and 3 Willis Street, Winchelsea from General Residential Zone to Commercial 1 Zone – C1Z (refer to Appendix 1). 1B Willis Street is the Council owned allotment which currently contains the Visitor Information Centre, 1 and 1 A Willis Street is a site on the corner of Willis Street and Barwon Terrace that operates as La Hoot Café, and 2 and 3 Willis Street consist of two residential properties fronting Willis Street (Princes Highway) between Café La Hoot and the motor repair business on the corner of Willis and Harding Street.
3. Rezone part of the land at 72 Willis Street, Winchelsea from Industrial 1 Zone to Public Conservation and Resource Zone – PCRZ (refer to Appendix 1). Delete the Design and Development Overlay, and associated Schedule 5 (Industrial Areas), from this land. Land affected is Crown Land, heavily vegetated and adjacent to the Winchelsea Common. It has never been used for industrial purposes and the rezoning is supported by the State Government.
4. Apply the Design and Development Overlay, and a new Schedule 27, to land at 8 Palmer Street, Winchelsea (refer to Appendix 2). This land is currently developed with a residential dwelling but is zoned for commercial use. The proposal to apply a Design and Development Overlay is to ensure that a through access road is installed as part of any future redevelopment proposal that involves subdivision. This was recommended by the *Winchelsea Town Centre Access and Opportunities* report prepared as further work to the *Growing Winchelsea* plan and adopted by Council in August 2016.

Financial Implications

Funds for the preparation and processing of this Amendment have been allocated in the 2017/18 budget.

The Amendment is not expected to have any significant impact on the resource and administrative costs of Council.

Council Plan

Theme	3 Balancing Growth
Objective	3.3 Strengthen township boundaries and support unique township character
Strategy	3.3.2 Encourage in-fill development and direct growth to designated areas

Theme	4 Vibrant Economy
Objective	4.3 Strengthen the vitality of town centres
Strategy	Nil

2.1 Amendment C120 - Growing Winchelsea Implementation

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

Amendment C120 – Growing Winchelsea Implementation by implementing the strategic direction of the *Growing Winchelsea* plan is expected to positively influence the way the town develops into the future. It will facilitate job creation, economic investment, housing diversity and foster and build on the town's strong sense of community, identity and heritage.

Community Engagement

The *Growing Winchelsea* plan was adopted following an extensive community engagement process. The Amendment will be placed on public exhibition for a period of one month in accordance with the legislative requirements (Part 3) of the *Planning and Environment Act 1987*.

Environmental Implications

Amendment C120 – Growing Winchelsea Implementation is expected to have positive environmental benefits. In the broad sense it is based around a growth plan that supports sustainable and environmentally responsible development, seeking to attract “green” industry and enhance active transport and pedestrian connections. It reconfirms the Barwon River and environs as the focal point of Winchelsea through strategic policy. More specifically, it also proposes to rezone two parcels of vegetated Crown land to the Public Conservation and Resource Zone accurately reflecting the current purpose of the parcels and reconnecting them with the adjoining Winchelsea Common.

Communication

Public notice of the Amendment will be given in the following manner:

- Notices will be sent to all landowners and occupiers affected by proposed zoning or overlay changes.
- Notice will be sent to the Growing Winchelsea Inc. community group.
- Notices will be placed in the Winchelsea Star, the Surf Coast Times and the Government Gazette.
- The Amendment will be available for viewing at the Council office, and on the website of the Department of Environment, Land, Water and Planning.

Options

Option 1 – Seek Ministerial authorisation to prepare the Amendment and exhibit for a period of one month.

This option is recommended by officers to implement the adopted *Growing Winchelsea* plan. *Growing Winchelsea: Shaping Future Growth 2015* provides the town with a solid plan to guide growth and development into the future that is supported by the community. A planning scheme amendment is required to give legal effect to the recommendations regarding land use and development. Amendment C120 – Growing Winchelsea Implementation has been prepared to implement the recommendations in accordance with the requirements of the *Planning and Environment Act 1987*. It is ready to proceed to the Minister of Planning to request authorisation to prepare and exhibit the amendment.

Option 2 – do not proceed with Amendment C120 – Growing Winchelsea Implementation.

This option is not recommended by officers as it would not implement new strategic planning policy for the Winchelsea township as adopted by Council in the *Growing Winchelsea* plan.

Conclusion

Amendment C120 – Growing Winchelsea Implementation has been prepared to implement the adopted *Growing Winchelsea* plan. Ministerial authorisation is required before Council can formally prepare and publicly exhibit the Amendment. It is therefore requested that Council seek authorisation from the Minister for Planning and upon authorisation place the amendment on public exhibition for a period of one month.

2.2 Planning Permit Amendment Application 12/0317G - 40 The Esplanade, Torquay

Author's Title: Statutory Planner

General Manager: Ransce Salan

Department: Planning & Development

File No: 12/0317G

Division: Environment & Development

Trim No: IC17/978

Appendix:

- 12/0317G Application Documents Consolidated - 40 The Esplanade, Torquay - Redacted (D17/109196)

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 determine Planning Permit Amendment Application 12/0317G for 40 The Esplanade, Torquay.

Summary

Permit 12/0317 approved a mixed use development, including the use of the land for four dwellings. The permit was acted upon, but during construction a number of departures from the endorsed plans occurred, particularly relating to exhaust ducts for the restaurant located on the ground floor and basement car park venting. Occupiers of dwellings on the land and adjoining land report having experienced detrimental levels of noise and odour, amongst a range of other issues, arising from these changes to the exhaust systems.

Application has been made to regularise the changes to the development and two further changes to the development (relocation of air conditioning condensers and painting of ducts) by an amendment to the permit, including the endorsed plans. Notice of the application has been given with three objections received raising a wide range of issues, including noise and odour. Complicating the application, modifications have been made to kitchen exhaust ducts following the initial completion of development and multiple noise tests have delivered differing results depending on the operating speed of exhaust fans. Additionally the exhaust modifications have led to a perceived odour problem which wasn't previously reported.

It has been assessed that the proposed amendments do not clearly resolve the amenity issues being experienced on the site and therefore does not achieve an orderly planning outcome. Approval of the amendment would be contrary to the existing requirements of the conditions of permit and the amenity requirements of Schedule 5 to the Special Use Zone. For these reasons it is recommended that the application be refused.

Recommendation

That Council:

- Having caused notice of planning permit amendment application No. 12/0317G to be given under Section 52 of the Planning and Environment Act 1987 and/or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to Refuse to Grant an Amendment to Planning Permit 12/0317 in respect of the land commonly known as 40 The Esplanade, Torquay for the following reasons:
 - 1.1 The proposed amendments do not demonstrably protect sensitive land use (accommodation) from unreasonable noise impacts contrary to the requirements and decision guidelines of Schedule 5 to the Special Use Zone and Conditions 1(h) and 2 of the permit.
 - 1.2 The proposed amendments do not represent an orderly planning outcome that will clearly deliver acceptable amenity for the neighbourhood.

2.2 Planning Permit Amendment Application 12/0317G - 40 The Esplanade, Torquay

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Heather Wellington

That Council:

1. Having caused notice of planning permit amendment application No. 12/0317G to be given under Section 52 of the Planning and Environment Act 1987 and/or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to Refuse to Grant an Amendment to Planning Permit 12/0317 in respect of the land commonly known as 40 The Esplanade, Torquay for the following reasons:
 - 1.1 The proposed amendments do not demonstrably protect sensitive land use (accommodation) from unreasonable noise impacts contrary to the requirements and decision guidelines of Schedule 5 to the Special Use Zone and Conditions 1(h) and 2 of the permit.
 - 1.2 The proposed amendments do not represent an orderly planning outcome that will clearly deliver acceptable amenity for the neighbourhood.

CARRIED 9:0

2.2 Planning Permit Amendment Application 12/0317G - 40 The Esplanade, Torquay

Report

Background

Planning Permit 12/0317 (PP12/0317) approved the use and development of 40 The Esplanade Torquay with “*Development of buildings and associated works; use of land for dwelling (4) and shop (2), display of internally illuminated and floodlit business identification signs and reduction of standard car parking requirements associated with the use of land for shop and restaurant in accordance with the endorsed plan/s*” under the provisions of Schedule 5 to the Special Use Zone (SUZ5), Schedule 6 to the Design and Development Overlay (DDO6) and Clauses 52.05 and 52.06 of the Surf Coast Planning Scheme.

The permit was acted upon with the development completed. Investigations in response to noise complaints identified that the building was constructed with a number of variations from the endorsed plans. This has led to the current application being made to regularise those modifications. There are also two prospective elements of the application for the relocation of two retail air conditioner condenser units to the basement and painting of exhaust ducts to match the adjoining wall.

The following alterations to the building were made before the making of the current application:

- The two kitchen exhausts originally terminated with rooftop fans approximately 2 metres above the parapet level; these have been removed and the duct work length reduced to what is now proposed.
- Within the ceiling space of the restaurant an electrostatic precipitator and ozone generator with inline duct fans have been installed.

Discussion

Proposal

The proposed amendments to the endorsed plans are in summary:

1. Central exhaust duct (adjacent Residence 2) and termination point 10mm to 260mm above approved height and 2020mm closer to western roof edge discharging horizontally rather than vertically.
2. Southern exhaust duct at ground floor level moved south by 400mm.
3. Southern exhaust duct (adjacent Residence 1) above first floor roof level angled 45° towards the south to run up second floor wall at 1450mm south of party wall (between Residence 1 and Residence 2).
4. Southern exhaust duct use changed from car park exhaust to kitchen exhaust.
5. Exhaust duct work external colour changed from matching Alucobond Solid Grey Brown to Dulux Limed White to match the adjacent wall colour.
6. Northern car park exhaust duct (adjacent Residence 3) deleted.
7. New car park exhaust extending up east wall and terminating over basement stairwell (2.9m above ground level).
8. Replacement of acoustic requirements on the plans.
9. Relocation of restaurant air conditioner condenser units to basement, increasing total number in basement to four, all wall mounted above car space 7.
10. Deletion of bollards at end of car space 7 to allow car to nose in under condenser units.
11. Redesignation of area marked as ‘K.P’ to ‘Dish Wash’.

Site description and context

40 The Esplanade has a rectangular area of 20.12m frontage and 27.44m depth with a narrow section projecting off the rear which is 5.79m wide and 12.79m deep with a total area of 625m². It has been developed in accordance with the permit, with a mixed use four storey building (including basement). The ground floor commercial premises are occupied by the restaurant *Whytes on The Esplanade*. There are three two storey dwellings above the commercial premises. There is also a detached two storey dwelling to the rear of the main building. Residential and commercial car parking is provided in a basement car park.

The land has been subsequently subdivided into six lots (two commercial lots (A & B) and four residential lots (1-4)) and common property (under Planning Permit 13/0494). Additionally a permit has been issued for the sale and consumption of liquor within the restaurant (Planning Permit 14/0188). Planning Permit 14/0259 was issued to use the smaller commercial premises as a coffee shop/café (Food and Drink Premises) on the basis that the premises would operate separately from the restaurant and provide take away food and drink in addition to service on the premises. It is understood that this permit is not relied upon and that the two premises operate together as a restaurant.

2.2 Planning Permit Amendment Application 12/0317G - 40 The Esplanade, Torquay

The amendment application effects Lots A and B and the common property.

The upper level dwellings (Lots 1-3) are laid out with open plan living-dining-kitchen and adjacent deck on the east side and two bedrooms and bathroom on the west side of the first floor (their lower level) and master bedroom with adjacent balcony, WIR and ensuite on the second floor (their upper level).

The site is within an area which is starting to undergo change in accordance with the policies of the planning scheme. To the north of the site is a single storey house which has been converted to a restaurant, trading as Moby's Café. Outdoor seating is provided to the front and rear of the building. To the south, the neighbouring property has been developed by a three storey building, with basement, which contains four commercial tenancies at ground floor and two dwellings over the upper two levels. A café occupies the corner with the other three tenancies facing to Gilbert Street. West of the site is a single storey house, which appears to be used presently for residential purposes, though in the past was used as a café and gallery.

Registered restrictions

Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit (or amended permit) that would result in a breach of a registered restriction. The subject land is not affected by registered restrictions.

Zoning and overlays

The land is affected by the following zone and overlays:

- Schedule 5 to the Special Use Zone (SUZ5)
- Schedule 6 to the Design and Development Overlay (DDO6)
- Schedule 2 to the Development Contributions Plan Overlay (DCPO2)
- Schedule 2 to the Parking Overlay (PO2)

The purposes of SUZ5 include:

To encourage tourism development in the following high profile precincts shown on Map 1 of this schedule to Clause 37.01:

- *Precinct T1 - Surf Coast Gateway Precinct, Surf Coast Highway, Torquay*
- *Precinct T2 - Surf City Precinct, Surf Coast Highway, Torquay*
- *Precinct T3 - Town Centre Foreshore Precinct, The Esplanade, Torquay*
- *Precinct T4 - Corner Bristol Road and Surf Coast Highway, Torquay*

To encourage a range of tourism related land uses, including:

- *diverse forms of medium density tourist accommodation;*
- *tourist activities and attractions; and*
- *tourism-related retailing in appropriate locations.*

To promote a mix of tourism related uses, with food and drink premises and tourism related retail predominantly at ground floor level, and accommodation and offices predominantly at upper floor levels.

The site is located within Precinct T3 pursuant to Map 1.

The design objectives of DDO6 include, as relevant:

To facilitate the development of a vibrant mixed use activity centre that is designed to cater for active uses at ground level and offices, community facilities and apartments at upper levels.

To promote a more urban, active and intensively built environment that will encourage a greater diversity of land use and draw the vibrancy and activity of Gilbert Street towards the foreshore.

To promote innovative façade treatments and building forms with roof forms and materials that complement the building design, contribute to interest and variety of the streetscape and take advantage of the coastal aspect.

2.2 Planning Permit Amendment Application 12/0317G - 40 The Esplanade, Torquay

Permit requirements

A planning permit is required to construct a building or to construct or carry out works under the provisions of the Special Use Zone (Clause 37.01-4) and Design and Development Overlay (Clause 43.02-2).

SUZ5 requires a permit to use land for a Dwelling. The use Restaurant does not require a permit.

DCPO2 and PO2 have been applied to the land since the permit was granted. These overlays do not create any additional planning permit triggers relevant to the proposed amendments.

Zone requirements

Clause 2.0 of the SUZ5 specifies:

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

The zone (Clause 37.01-4) also specifies that an apartment development must meet the requirements of Clause 58, however transitional provisions for Clause 58 within the SUZ state that they do not apply to an application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136 (13/4/17). Therefore the requirements of Clause 58 do not apply to this application.

Overlay requirements

DDO6 includes a number of non-mandatory requirements relating to building setback, height, design, access and parking and landscaping. Relevant to this application:

- *Buildings (including service installations and other appurtenances of a building) should not exceed 3 storeys and 10.5 metres in height. Higher elements must be supported with detailed design considerations in a written submission that demonstrate how the design objectives are achieved.*

The maximum height of the flues is approximately 10.6m above natural ground level, therefore a variation from this requirement is needed.

Decision guidelines

Before deciding on an application the SUZ5 requires consideration to be given to, as relevant to this application:

- *Whether development demonstrates a high quality of design that respects and enhances the town character. The flexibility of the building design and floor plan to accommodate a range of uses over time.*
- *The objectives and standards of Clauses 54 or 55, as appropriate, should be used to assess amenity standards for all types of Accommodation.*
- *Whether the buildings should incorporate noise attenuation measures into the design.*
- *All types of Accommodation must provide a high level of amenity for occupants and be designed according to principles of energy and water efficiency.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*

A pertinent decision guideline from DDO6 is:

- *Whether minor projections that exceed the recommended height to create architectural interest cause detrimental overshadowing, create a sense of visual bulk or compromise the proportions of the streetscape.*

General decision guidelines from Clause 65 include:

- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

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Issues to be decided

The decision on this application is confined to the amendments to the permit, and it is not an opportunity to revisit the granting of the permit. Section 73(2) of the Act specifies that if the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit.

It is considered that the key issues to be determined are:

- Is the visual impact on the public realm acceptable?
- Will the impact on residential amenity from noise be detrimental?
- Is an orderly planning outcome achieved?

These issues will be assessed in detail later in this report in the sections on social and environmental implications. Whilst emissions to the environment have been clustered under environmental implications it is recognised that these also have a social impact.

There are other concerns and issues which are of importance, but may not be considered in this application other than in the context mentioned above. This includes fire risk and compliance with building regulations; these are appropriately dealt with through the applicable regulative regime.

Community Engagement

Public notice of the application has been carried out in accordance with the requirements of the *Planning & Environment Act 1987*. Three objections have been received; must be considered and are summarised as follows:

- Owner 39 The Esplanade - Nuisance from odour and noise
- Owner 3/40 The Esplanade - Nuisance from kitchen exhaust and mechanical equipment
- Non-compliance with noise limits
 - Noise nuisance impacting on use of home
 - Nuisance from noise, vibration, odour, emissions, fat, oil, grease.
 - Impact on health, well-being and safety
 - Location of garage duct and noise from this
 - Fire risk from emission of oils onto roof
 - Noise from dish wash area and fire risk
 - Proposed amendments do not provide for quality design or energy efficiency
 - Removal of acoustic requirements from endorsed report
 - Additional noise in basement
- Owner 4/40 The Esplanade - Removal of acoustic requirements from endorsed report
- Noise impacts from commercial equipment
 - Lack of owners corporation consent for exhaust
 - Non-compliance of exhaust system with commercial kitchen regulations
 - Location of garage duct and noise from this
 - Non-compliance with amenity requirements of zone

Financial Implications

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

Council Plan

- Theme 5 High Performing Council
- Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
- Strategy Nil

Policy/Legal Implications

The application has been assessed against relevant provisions of the Surf Coast Planning Scheme in accordance with the requirements of the *Planning & Environment Act 1987* (the Act).

The objections raise two potential legal barriers to Council deciding the application related to the application affecting common property and the absence of owners corporation consent; firstly that the application hasn't been validly made and secondly that the matter is futile.

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Validity of application

Section 72(1) of the Act provides that:

A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

This differs from an application for permit which may be made by any person. The amendment applicant is the owner of Lots A and B; the question arises whether this owner is entitled to develop the land which is now common property, particularly where the owners corporation has not provided consent?

The interpretation of this provision in this context isn't known to have been considered by the Courts or Tribunal; however it is considered that the applicant is entitled to make application for the following reasons:

- The permit was issued for the whole of 40 The Esplanade and the applicant is the owner of part of that land which continues to enjoy the development benefit of the permit.
- The applicant takes equitable or beneficial ownership of the common property (each lot within the subdivision has entitlement and liability for the common property).

It is further noted that the application has been made with the knowledge and support of the current tenant of Lots A and B.

It is considered that the current application is valid; however should the matter go before the Tribunal following Council's decision, it is appropriate that Council identify a potential question of law to be considered by the Tribunal, as is standard practice for matters of interpretation.

Futility

The concept of futility arises from the proposition that the granting of a permit (or amendment to permit) would be pointless if it cannot be acted upon; in this matter because the owners corporation refuses to give consent for the development to be undertaken on the common property.

Section 133 of the *Owners Corporations Act 2006* requires:

A lot owner must give notice to the owners corporation of any application by the lot owner for a building permit or planning permit or the certification of a plan of subdivision affecting the lot.

This act and the *Planning and Environment Act 1987* do not require consent to be given to the application.

In the decision of the Tribunal in *Fenton & Ors v Mornington Peninsula SC (includes summary) (Red Dot) [2012] VCAT 836*, the member stated:

1. *Having heard the parties on this point I ruled that the case should proceed to a merits hearing. I do not propose here to canvass the various authorities in relation to this question, but the absence of consent of an owner to a development does not prohibit the consideration of a proposal for a development that would require planning permission. An applicant is entitled to sort out its various permits, licences and consents in any order that it chooses, unless the law dictates a particular order (as it does in relation to a planning permit for a proposal that would contravene a restrictive covenant) or in the absence of the Tribunal determining that it is inexpedient or premature to proceed with a merits hearing. In some cases the Tribunal has declined to proceed whilst in others it has determined to proceed, even in the face of an owner (in this case the owners corporation) having resolved not to grant permission and having expressed determination not to change its mind in that respect.*
30. *I noted that, although the proposal might be currently futile, and might remain so unless and until the owners corporation changed its mind, this did not mean that such an adverse decision was necessarily immutable. It could be useful to know whether the proposal is acceptable on its planning merits. The constituents of the owners corporation may change, or its view may change for various reasons, possibly including financial ones. I do not mean anything improper by this, but it is not unknown for owners to sell their interests, particularly if a favourable price is offered. In any event, it was also submitted, and not contradicted, that the proponent has a potential remedy by bringing a dispute in relation to a owners corporation matter to this Tribunal (other than the Planning and Environment List). The outcome of such a proceeding might remove the affect of the refusal of the owners corporation to give its consent.*

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It is recommended that it would be inappropriate for Council to refuse to approve the amendment on the basis of futility. Council's decision on this application does not remove any requirement of the applicant to obtain other necessary permissions.

Is owners corporation permission required?

Whether owners corporation permission is required for the exhaust ducts, or any other part of the existing or proposed development within common property, isn't a matter which Council is required to determine. However it is observed that when PP12/0317 was issued and the plans endorsed, 40 The Esplanade was a single lot and subdivision followed construction of the building.

Section 12(2) of the *Subdivision Act 1988* provides:

- (2) *Subject to subsection (3), there are implied—*
- (a) *over—*
- (i) *all the land on a plan of subdivision of a building; and*
- ...
- (iii) *any land affected by an owners corporation; and*
- ...
- (b) *for the benefit of each lot and any common property—*
all easements and rights necessary to provide—
- ...
- (d) *passage or provision of water, sewerage, drainage, gas, electricity, garbage, air or any other service of whatever nature (including telephone, radio, television and data transmission); or*
- ...
- if the easement or right is necessary for the reasonable use and enjoyment of the lot or the common property and is consistent with the reasonable use and enjoyment of the other lots and the common property.*

Therefore an implied easement over the common property would apply over the exhaust ducting under this section.

Social Considerations

Visual impact

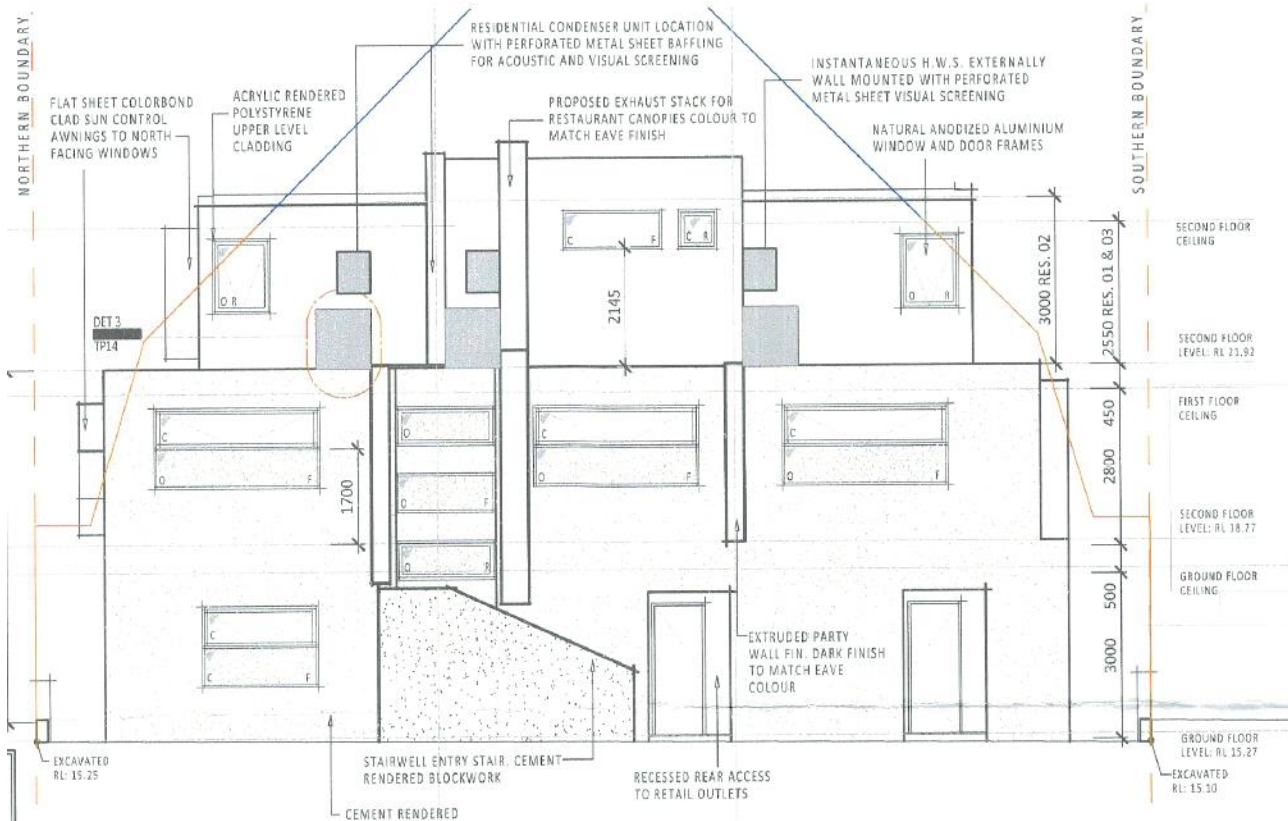
In combination SUZ5 and DDO6 seek to achieve a high quality design outcome for The Esplanade which contributes to and emphasises the "coastal culture" of Torquay. The urban landscape and its relationship to the natural landscape are important to the character of the town, in turn to making it a pleasant place to live and visit.

For the application, the relevance is how building services integrate with the building design to achieve a high quality outcome. The decision guidelines SUZ5 require consideration to be given to "*the treatment of the fronts and backs of buildings and their appurtenances*".

The permit application plans included one restaurant exhaust stack running up the west side of the building, near to the centre of the elevation.

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Below - West elevation from planning permit application plans



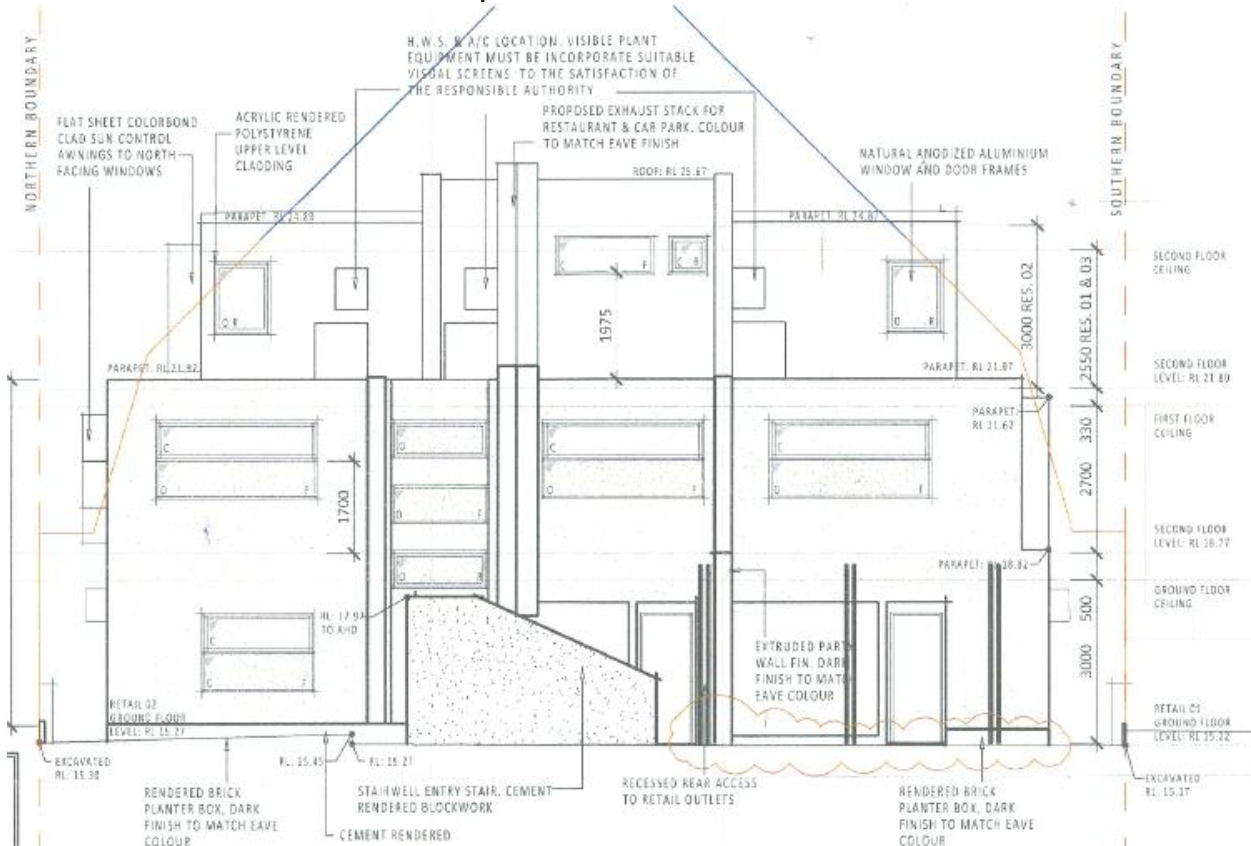
The permit was issued with condition 1(f) requiring amended plans to be submitted with the following modification:

The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, waste chute, television antennae and communication devices, service metres, clotheslines, car park mechanical exhaust and ventilation which is to be located and designed so as not to be visually prominent from the public realm or neighbouring properties. Where visible the plant shall be appropriately screened.

The plans endorsed under the permit, meeting this condition, include three exhaust ducts, two for venting of the basement car park and one for the restaurant, running up the west wall of the building. The north and south car park exhaust terminate slightly above parapet level whilst the central restaurant duct runs across the roof before a short vertical stack to terminate approximately 500mm above parapet level. The ducts are noted as being coloured to match the eave finish, which as per the endorsed schedule is Alucobond Solid Grey Brown.

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Below – West elevation extract from endorsed plans



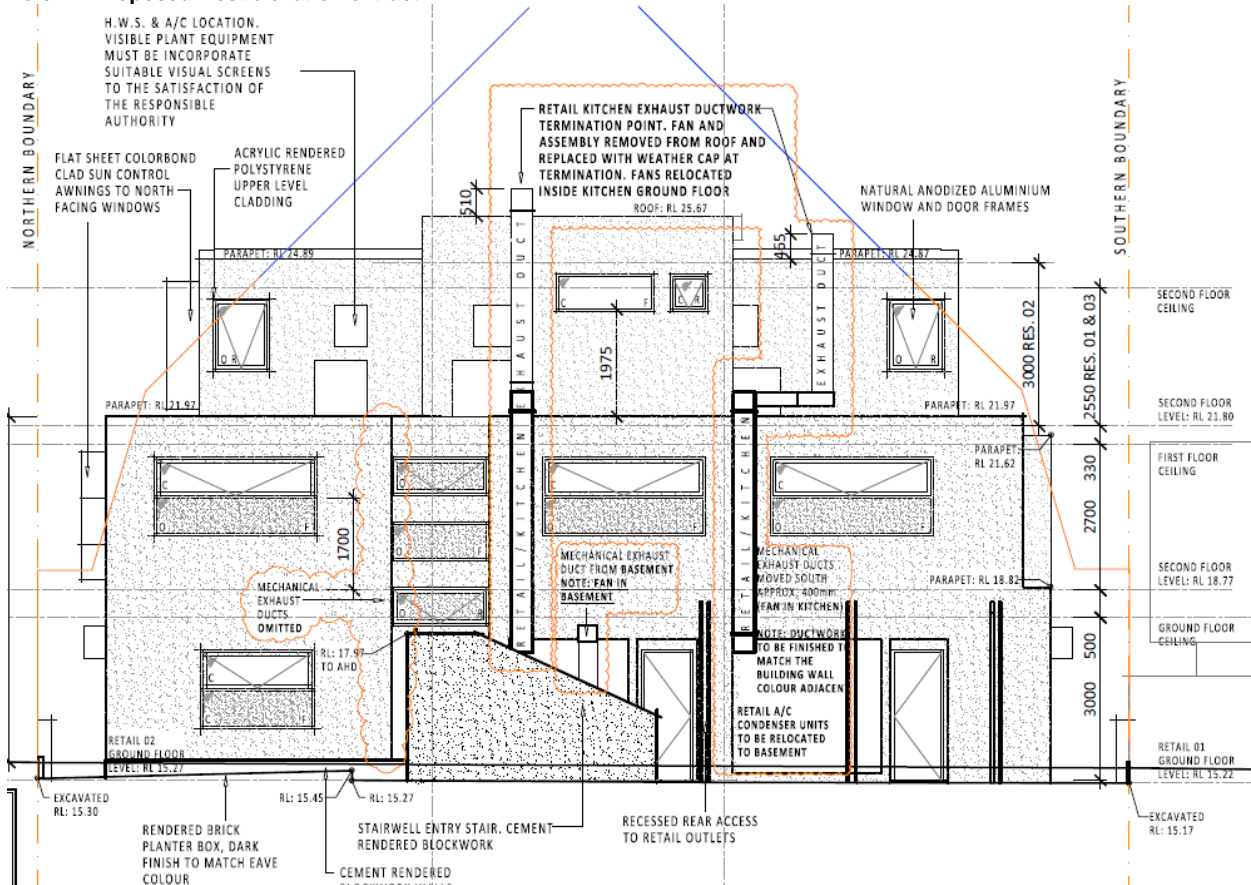
The building was constructed with a different configuration of exhaust ducts as documented in the description of the application. The ducts were also left finished in the raw material state (zincalume or galvanised metal) rather than being matched to the Alucobond colour eave finish. The application seeks to retrospectively authorise the exhaust ducts 'as constructed', with the exception that it is proposed to finish them to match the colour of the adjoining walls (Dulux Limed White).

Below – View of exhaust ducts from Gilbert Street before fans and vertical stacks removed



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Below – Proposed west elevation extract



The west elevation of the building is presently visible from the public realm from nearby locations including Gilbert Street and Bristol Road, however the degree varies depending on the relative position of other built form and street trees and will change over time as further higher scale development occurs within the town centre. When the exhaust system included rooftop fans, these were visible projecting into the skyline, from the foreshore near to the site, but with these removed there is no impact on views from the east.

Below – view from foreshore before removal of rooftop fans



The maximum height of the ducts is approximately 10.6m above natural ground level, slightly exceeding the requirement of DDO6 of 10.5m. It is considered that this additional height is acceptable given:

- It is a minor variation
- The volume of the ducts exceeding the height is miniscule
- The position of the duct above the roof near to the rear of the building means that the additional height cannot be appreciated by a casual observer.

It is considered that the ducts, as amended, are acceptable in their visual impact and satisfy condition 1(f). It is considered that the ducts are not prominent in view from the public realm or neighbouring properties.

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Additionally the number of ducts visible on the west elevation is being reduced by one. The proposed car park duct adjacent the stairwell is not visible from the public realm. It is appropriate that the ducts be finished in the same colour as the adjacent walls to blend and further reduce the degree of prominence.

Environmental Implications

Noise impact

The development decision guidelines of the SUZ5 require consideration to be given to “*Whether the buildings should incorporate noise attenuation measures into the design.*” The use decision guidelines also include “*The need to protect the residential amenity of surrounding dwellings from off-site impacts such as noise, odour, traffic congestion and on-street parking*” however the use of land for restaurant does not require a permit therefore this guideline is not to be considered in respect of amenity impacts from the restaurant.

It is relevant to note that at the time PP12/0317 was issued the above development decision guideline was not in SUZ5, it was added by Amendment C97 on 19 May 2016.

PP12/0317 has been issued with two pertinent conditions:

1. *Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:*
 - ...
 - h. *The incorporation of acoustic protection measures to the Dwellings from ground floor commercial use, including acoustic attenuation of all building services and plant equipment in accordance with Condition 2.*
2. *Before the development starts a qualified acoustic expert must prepare an acoustic report and a copy must be provided to the Responsible Authority, that details the noise attenuation measures required to all habitable rooms within each Dwelling to ensure minimal impacts from noise sources external to those dwellings. The recommendations of the acoustic report must be approved by Council in writing and once approved implemented to the satisfaction of the Responsible Authority prior to the completion of the development.*

Condition 2 was satisfied by the submission and approval of an acoustic assessment prepared by SLR Global Environmental Solutions, *Acoustic assessment of proposed mixed use development*, 7 March 2013. This report (the endorsed Acoustic report) contains the following recommendations in relation to mechanical plant noise:

- *All car park exhaust fans should be located within the basement car park and not on the façade external to the building.*
- *Car park fans should be 2 speed (or continuously variable) and automatically activated using the equipped CO sensor.*
- *Car park exhaust fan ductwork should be internally lined with minimum 50mm thick acoustic lining extending for a minimum of 5m from the fan along the length of the fan outlet duct. (additional treatment may be required depending on the fan noise generated).*
- *All mechanical plant including fans and pumps are to be resiliently isolated from the building structure with either rubber/neoprene or spring mounts.*
- *External plant or ducts terminations should be at least 5m away from habitable room windows or not be in direct line of sight of them.*
- *The Sound Pressure Level measured 1m from any external plant or the termination of plant ductwork or grilles should be less than 60dBA with all planting operating.*
- *The Sound Pressure Level measured 1m from all air-conditioning condenser units should be less than 60dBA (approximately equivalent to 70 dBA sound power level). It is recommended that all condenser units are located in the basement car park.*
- *If plant items generate higher levels of noise than stated above then silencers, screens or enclosures will be required to achieve the required external noise level.*

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The endorsed Acoustic report also includes recommendations in relation to music noise (speaker location and music volume) and patron noise (balcony construction detail and patron management). Further the report states that “A review of noise to residential areas should also be undertaken when equipment and final locations have been determined.” The recommendations were transferred to the design plans as acoustic requirements to satisfy condition 1(h), with the exception of the review recommendation, and form part of the endorsed plans. No evidence has been provided to Council that a review was undertaken when mechanical design was finalised as recommended by the report.

The application plans propose to remove the acoustic requirements of the endorsed plans and replace them with reference to a new acoustic document prepared by SLR Consulting (*Noise measurement of mechanical plant*, 20 July 2017). This document doesn't include the broad recommendations of the endorsed Acoustic report, rather being focussed on providing noise measurement results for the existing equipment, though it does recommend relocating the air conditioner condenser units of the restaurant to the basement. However by correspondence dated 31 August 2017 on behalf of the applicant, it has been stated that the “*application does not seek to replace or remove the 2013 acoustic requirements from the endorsed plans...We confirm the only recommendation of that report which has been formally amended per review by SLR was the requirement for the specific car exhaust ducting to be more than 5m and not in direct line of sight of habitable rooms.*” At the time of preparing this report the application had not been amended to formally reinstate the other acoustic requirements.

A number of noise tests have been undertaken on the site since the completion of the development prior to the removal of the roof top fans and subsequently. These noise tests have reported mixed results. The SLR noise assessment submitted with the application identifies the following recommended maximum noise levels (RMNL) (based on *Noise from industry in Rural Victoria (NIRV)* and *State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1)*):

Period	RMNL, dBA
Day (weekday 0700-1800)	56
Evening (weekday 1800-2200, Saturday 1300-1800, Sunday (0700-1800)	49
Night (2200-0700)	44

The SLR noise measurements report non-compliance with these limits measured outside the first floor bedroom windows of the three apartments above the restaurant. This testing monitored each piece of mechanical plant operating individually and in various combinations, with the exception that the air conditioning units were not measured separate of all other equipment. From this testing the following highest effective noise level (2dBA less than the measured level with a reflection adjustment) across the three measurement locations for each item of plant could be derived:

Equipment	Effective Noise Level, dBA
Car park exhaust	49
Kitchen exhaust	49
Air conditioning	54

The effective noise level without any of the above in operation was 48dBA. With all equipment operating the level was 54dBA indicating that the air conditioning is the loudest noise source. It can be seen that compliance with the RMNL is achieved for the day and evening periods but each item exceeds the night limit. The report states that the effective noise level for the car park exhaust is likely to be less if a further adjustment is applied due to the fan not operating continuously for 30 minutes at night, however no information has been submitted about when and how long the fan operates to support that this is correct.

It is proposed to relocate the air conditioning condensers to the basement which is likely to significantly reduce noise from this equipment impacting on residences. A submission has been made about the increase in noise in the basement but as a car parking and storage area only subject to the noise of vehicles and not likely to be occupied for extended periods of time, it is considered that an increase in noise in this space is not unreasonable.

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It has been submitted that the kitchen is closed during the night period however there is no restriction on the hours of operation of the use. It has also been identified that when this noise testing was undertaken the variable speed fans were on a low setting; when operating at higher speed it is likely that the noise level would be higher. Given the recorded noise level is at the evening RMNL any increase in effective noise level would result in non-compliance during this period.

Supporting this assumption, testing of noise emanating from the kitchen exhaust system was commissioned by Council and carried out by Marshall Day Acoustics (MDA) on three occasions following the alterations which removed the rooftop fans (19 May, 20 June and 30 June 2017) for the purposes of investigations under the *Public Health and Wellbeing Act 2008*. The results of this testing are consolidated in the

Date	Max. Effective Noise Level, dBA
19 May	43
20 June	53
30 June	45

It is understood that the different levels measured by MDA over time reflect the fan speed of the exhaust system being turned up and down.

The change to part of the restaurant from "K.P" to "dishwash" also has potential implications for noise impacts. K.P. isn't defined on the endorsed plans, but is logically kitchen preparation, which may include some dishwashing but is likely to be predominantly food preparation to support the primary function of the kitchen. A dishwash area is considered to be a more specific function and it is understood that this space includes a commercial dishwashing machine. It is further understood that this type of equipment should have an exhaust hood located over it which isn't presently installed. An additional exhaust system may contribute to noise levels from the use.

None of the noise testing has considered noise impacts on residential use of dwellings not on the subject land, however the effective noise levels are likely to be less than those on the site due to the greater separation. In other words, if compliance was achieved on the site it is likely that there would also be compliance offsite.

It is considered that the application has failed to demonstrate that the proposed development will protect the reasonable amenity of neighbouring residential use, including the dwellings on the same land. As a principle of orderly planning it would be inappropriate to approve a proposed development which will cause amenity detriment. Whilst noise emissions or transmission may be able to be reduced to comply with the recommended noise levels, such as through changes to equipment or acoustic screening, insufficient information is available to know what measures are required and whether there would be consequential implications. However it is acknowledged that the application proposes one definite change (relocating the air conditioning condensers to the basement) which will reduce noise transmission, but the noise testing by MDA on 20 June indicates that this will not in isolation alleviate all unreasonable noise impacts.

Clause 2.0 of the SUZ5 specifies:

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. [emphasis added]*

These amenity requirements apply to all use of land within that zone, therefore the restaurant use must not detrimentally affect the amenity of the neighbourhood. Identical amenity requirements are found in a number of zones including the Commercial 1 and Industrial 3 zones.

In *Flintstones Garden Supplies Centre Pty Ltd v Greater Geelong CC (No 2)* [2007] VCAT 1614, the Tribunal considered a similar provision (in that case in the Business 4 zone) stating:

44. *This is a prohibition on those nuisances (rather than any particular use of the land). It would appear that this prohibition applies to any use of the land and could give rise to a prosecution for an offence, or enforcement action, if an actual use gave rise to any of those conditions whether it was concrete batching plant or other industry or anything else.*

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45. *Nevertheless, this prohibition is relevant to our consideration of whether a permit should be granted for the use of the land as a concrete batching plant. It would be folly to grant permission for a use that would inevitably offend against these anti-nuisance requirements and thus inevitably inflict detriments on the neighbourhood and expose the operator to prosecution or other enforcement actions, possibly ultimately leading to the closing down of the undertaking.*
46. *That does not mean that this proposal should necessarily be rejected. It is a matter, at this stage, of assessing the proposal with a view to determining whether, having regard to design, location and protective measures, such nuisance will result when assessed on the relevant standards for the neighbourhood relating to business 4 zone, residential 1 zone or, for that matter industrial 1 zone land. It is part of the intention of planning to avoid such problems, rather than to have to solve them after they have been created."*

It is relevant to observe that the "amenity of the neighbourhood" which is to be protected will vary from location to location. For example the amenity of a location in the heartland of a residential area will likely to be significantly higher than a residential location adjacent a commercial centre or for land within an industrial area. Applied to this location, the reasonable amenity expectations within a zone which purposes include, "To promote a mix of tourism related uses, with food and drink premises and tourism related retail predominantly at ground floor level, and accommodation and offices predominantly at upper floor levels" and which abuts a commercial 1 zone, must be set in this context of a mix of commercial and residential use.

The RMNL (established through the procedures in SEPP N-1) as identified in the SLR report are considered to be appropriate for establishing the level of amenity which is to be protected as they account for the zoning of the land and surrounding land. It is considered that the use of the approved development should comply with these levels so as not to offend the amenity requirements of the zone.

Odour impacts

It has been submitted that unpleasant odours from the restaurant are impacting on residential and public amenity. The permit does not control kitchen odour emissions by condition or through any of the endorsed documents. The endorsed plans do not specify the type of kitchen exhaust equipment to be installed. None of the proposed amendments directly relate to the emission of odour.

The amenity requirements of Clause 2.0 of the SUZ5 include "*Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil*" [emphasis added] therefore these emissions are prohibited if detrimental to the amenity of the neighbourhood, irrespective of what the permit allows.

It is considered that the pertinent issue, in respect of odours, is the matter of orderly planning. As with noise it would not be an orderly planning outcome if the proposed development resulted in an on-going offence against the requirements of the planning scheme.

When the rooftop fans were removed and the exhaust duct emission point lowered, in addition to installing inline fans in the restaurant kitchen ceiling, an electrostatic precipitator (ESP) and ozone generator were also installed. As internal alterations, the installation of the new equipment with the kitchen was exempt from requiring a planning permit and it did not alter the endorsed plans.

An ESP filters grease and smoke particles from the kitchen exhaust, capable of achieving a filtration efficiency of 98%, reducing odour but gas odour particles remain downstream. The ozone generator injects ozone into the exhaust oxidising the gas particles. These two pieces of equipment should be interlocked with the exhaust fans so that they operate at the same time. This equipment must be correctly installed and maintained but should effectively treat odours.

The Coordinator Environmental Health has observed and commented:

It's understood the new exhaust system requires cleaning and maintenance every 6 weeks to ensure optimum performance. On 4 August 2017 Council was advised by the proprietor that the new exhaust system has not been cleaned yet due to the filters/cells not been available but was proposed to be undertaken the following week.

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Council is concerned that:

- *the capacity/size of the new exhaust fan system may be inadequate to effectively remove kitchen odours and emissions from the Premises; and*
- *the cleaning and maintenance requirements of the new exhaust fan system are not been met and therefore producing excess odours.*

Based on evidence provided and observations to date I believe the kitchen odours emitted from the Premises is causing amenity issues to residents as they are unable to fully enjoy the use of their apartments.

Potentially the specification of the system has been inadequate; the installation incorrect or the system isn't being properly maintained.

The applicant has submitted comment from the supplier of the ESP and ozone generator which includes:

"The EAN600 electrostatic precipitator (ESP) was sized based on a given airflow range of 1500 to 1600 L/S. Efficiency at this range is between 96-97% for a type 4 cooking (which is what is at Whytes)...The EAN600 also needs to be serviced on a regular basis to ensure there is no excessive build-up of grease internally that may reduce its effectiveness. AOM generally recommends a servicing interval of between 4-6 weeks however this may vary from store to store depending on the intensity and type of cooking."

"Excessive airflow will mean the EAN600 will be running at low efficiencies and the consequence is that much more grease will be flowing through instead of being captured."

If the specification of the system is at fault for odours not properly being treated and discharged, such as airflow being inadequate, there are unknown potential implications on the proposed development and the interrelation with noise impacts, for example increasing fan speed to achieve airflow. Inversely, reducing fan speed to alleviate noise nuisance wouldn't be appropriate if airflow was then inadequate.

Therefore it is considered that there is an issue of orderly planning which would not be resolved by approving the proposed development.

Grease, fat and oil emissions

It has been submitted that these deposits are being emitted from the kitchen exhaust ducts onto the roof of the building. The dual concerns are understood to be the degradation of the common property and a perceived fire risk (this is not to dismiss this concern, but neither is it concluded that the risk is real). It is considered that these emissions, whilst as important concern for the submitters, aren't impacting on the amenity of the neighbourhood (so are outside of the requirements of Clause 2.0 of SUZ5), nor are they controlled by the permit. They are appropriately addressed by other authorities, including the owners' corporation.

Officer Direct or Indirect Interest

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

Risk Assessment

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

Communication

In accordance with the requirements of the Act a copy of Council's decision will be provided to the applicant and objectors by mail.

Options

Pursuant to Section 61 of the Act:

- (1) *The responsible authority may decide—*
 - (a) *to grant [an amended] permit; or*
 - (b) *to grant [an amended] permit subject to conditions; or*
 - (c) *to refuse to grant [an amended] permit on any ground it thinks fit.*

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Option 1. Deferment

Council may resolve not to decide the application at this meeting and provide direction to the applicant to provide additional information (pursuant to section 54 of the Act) or to alter the proposal before Council decides on the application. A request for more information at this time would not 'reset' the statutory clock therefore there would be a risk the applicant would lodge a Tribunal application over Council's failure to decide the application within statutory timeframes. There would be no obligation on the applicant to amend the application.

Whilst the current application process commenced in June, the issues associated with this site have been ongoing for many months with continuing amenity impacts. It is considered that this matter must be brought to a close as expeditiously as possible and deciding this application is one step in doing so. Therefore this option is not recommended.

Option 2. Grant an amended permit

Council may resolve to grant an amended permit, with or without conditions. Council's decision would be provided to the parties as a notice of decision to grant an amended permit pursuant to sections 64 and 75 of the Act. An objector/s could apply for a Tribunal review of Council's decision or the applicant could seek a review of any conditions applied.

Under this option conditions 2 (a) and (b) would need to be altered and additional conditions would need to be added to control:

- *Commissioning further expert reports and designs*
- *Submission of plans and designs for equipment to address the ongoing impact on amenity for assessment and approval*
- *Timelines for the submitting of a new design*
- *Timelines for the construction of an approved solution*
- *Time frames and control for the retesting after construction*

Whilst the issuing of an amended permit may resolve the issues with parts of the building being constructed in a manner which isn't consistent with the endorsed plans, as set out in this report it is considered that there is a significant risk of unintended consequences leading to a disorderly planning outcome. For this reason this option isn't recommended.

Council has endeavoured to work with the owner of two commercial lots A & B (being the property causing the amenity impacts), or their representatives for the last eight months to resolve the ongoing amenity impacts. The submission of this application was intended to give Council a means of approving a workable solution; however the owner and applicant have failed to achieve this.

Option 3. Refuse to grant an amended permit

Council may resolve to refuse to amend the permit. The applicant may seek a review of Council's decision. This option is recommended, based on the following grounds:

- The proposed amendments do not demonstrably protect sensitive land use (accommodation) from unreasonable noise impacts contrary to the requirements and decision guidelines of Schedule 5 to the Special Use Zone and Conditions 1(h) and 2 of the permit.
- The proposed amendments do not represent an orderly planning outcome that will clearly deliver acceptable amenity for the neighbourhood.

Refusal of the application won't resolve the issues on the site. It is likely that Council will need to obtain a VCAT enforcement order to bring the development into compliance with the permit and planning scheme.

Conclusion

This amendment application involves what appear to be minor amendments to the endorsed plans to retrospectively authorise a number of changes made to the development during construction. However the departures from the endorsed plans are having appreciable impacts to the detriment of the amenity of the neighbourhood, including on dwellings on the site and adjoining land. The proposed amendments, including the changes beyond the "as constructed" condition, do not demonstrably resolve the amenity impacts and other impacts being experienced and for this reason it is considered that approval of the amendments would not achieve an orderly planning outcome. Therefore it is recommended that the application be refused.

2.3 Petition Response - Amendment C114 - Spring Creek Precinct Structure Plan

Author's Title: Senior Strategic Planner

General Manager: Ransce Salan

Department: Planning & Development

File No: F16/734

Division: Environment & Development

Trim No: IC17/1066

Appendix:

1. Petition - Amendment C114 - Redacted (D17/74608)

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 a response to the petition received and noted by Council at its meeting held on 25 July 2017 in relation to Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan.

Summary

A petition containing 192 signatures was received by Council at its meeting on 25 July 2017. The petition requests that Council in its submission for Ministerial approval of Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan include the following recommendation:

Land in the Spring Creek Corridor, west of the Precinct Structure Plan area, north of Spring Creek, south of Grossmans Road, to be recommended for a separate strategic investigation into future land use.

The investigation to focus on: Sustainable rural lifestyle land use, preservation of environmentally sensitive areas and the benefits of community access to the Spring Creek Corridor.

Council considered the Panel Report for Amendment C114 - Spring Creek Precinct Structure Plan at the 28 March 2017 Council meeting and resolved to reject the Panel recommendations that urged Council to consider urban growth further to the west of the PSP area and to designate land to the southwest as a strategic investigation area.

Future land use within the green break between Torquay and Bellbrae is being considered as part of the Rural Hinterland Futures Project. It is therefore considered that a separate strategic investigation as requested in the petition is not required.

Recommendation

That Council:

1. Not support the petition in relation to Amendment C114 - Spring Creek Precinct Structure Plan.
2. Encourage the Grossmans Road landowners to participate in the Rural Hinterland Futures project.
3. Advise the head petitioner in writing of Council's resolution.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Martin Duke

That Council:

1. Not support the petition in relation to Amendment C114 - Spring Creek Precinct Structure Plan.
2. Encourage the Grossmans Road landowners to participate in the Rural Hinterland Futures project.
3. Advise the head petitioner in writing of Council's resolution.

CARRIED 9:0

2.3 Petition Response - Amendment C114 - Spring Creek Precinct Structure Plan

Report

Background

Council received and noted the petition containing 192 signatures at its meeting on 25 July 2017. The petition requests that Council in its submission for Ministerial approval of Planning Scheme Amendment C114, include the following recommendation:

Land in the Spring Creek Corridor, west of the Precinct Structure Plan area, north of Spring Creek, south of Grossmans Road, to be recommended for a separate strategic investigation into future land use.

The investigation to focus on: Sustainable rural lifestyle land use, preservation of environmentally sensitive areas and the benefits of community access to the Spring Creek Corridor.

Council considered the Panel Report for Amendment C114 - Spring Creek Precinct Structure Plan at the 28 March 2017 Council meeting. Council at the same time also considered a submission from the Grossmans Road South Landowners Group requesting that Council consider rezoning the area the subject of the petition to Low Density Residential Zone.

Council resolved to reject the Panel recommendations that urged Council to consider urban growth further to the west of the PSP area and to designate land to the southwest as a strategic investigation area. Council reaffirmed Torquay's western town boundary at its current location (i.e. at a line generally one kilometre west of Duffields Road) and its commitment to retain a green break between Torquay and Bellbrae as per current policy in the Surf Coast Planning Scheme; and not to undertake any further investigation into low density or conventional residential development to the west of the settlement boundary.

Discussion

The area to the west of the Spring Creek Urban Growth Area is not within the settlement boundary and forms part of the green break between Torquay and Bellbrae.

In relation to future land use within this green break, Clause 21.08 (Torquay-Jan Juc Strategy) of the Surf Coast Planning Scheme contains the following action:

Undertaking a strategic planning exercise with community engagement for the Spring Creek Valley past the one kilometre west of Duffields Road to identify preferred land uses that assist in establishing and maintaining a green break to Bellbrae.

Council's position has been to consider future land use within the balance of the Spring Creek Valley as part of the Rural Hinterland Futures project, which is currently underway. This project considers matters such as sustainable rural land use and protection of environmentally sensitive areas. A separate strategic investigation for this area as requested in the petition is therefore not considered necessary. The Grossmans Road landowners are encouraged to participate in the Rural Hinterland Futures project when there are opportunities for community engagement.

A report on Planning Scheme Amendment C114 and the final Spring Creek Precinct Structure Plan will be presented to the 24 October 2017 Council meeting.

Financial Implications

Nil.

Council Plan

Theme 3 Balancing Growth

Objective 3.1 Retain and enhance rural land for appropriate and sustainable uses

Strategy 3.1.1 Finalise and implement the Rural Hinterland Strategy

Theme 3 Balancing Growth

Objective 3.3 Strengthen township boundaries and support unique township character

Strategy 3.3.1 Work with the community to identify and define desired town footprints and ensure that Township Structure Plans reflect this

Policy/Legal Implications

Nil.

2.3 Petition Response - Amendment C114 - Spring Creek Precinct Structure Plan

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks associated with this item.

Social Considerations

Nil.

Community Engagement

A meeting was held between Councillors and representatives of the Grossmans Road South Landowners Group on 20 March 2017.

Environmental Implications

Nil.

Communication

The petition organiser will be advised in writing of Council's resolution.

Options

Option 1 – Not support the petition

This option is recommended by officers for the reasons outlined above.

Option 2 – Support the petition

This option is not recommended by officers as a separate strategic investigation into future land use is not considered necessary in light of the current Rural Hinterland Futures project.

Conclusion

It is recommended that Council not support the petition and advise the head petitioner accordingly.

3. OFFICE OF THE CEO

Nil

4. GOVERNANCE & INFRASTRUCTURE

4.1 Project Budget Adjustments and Cash Reserve Transfers - September 2017

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

Department: Finance

File No: F17/954

Division: Governance & Infrastructure

Trim No: IC17/1045

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 receive and approve the Project Budget Adjustments and Cash Reserve Transfers, including ratification of net changes to cash reserves resulting from the project budget adjustments relating to the finalisation of accounts for the prior year:

Summary

The project Budget Adjustments and Cash Reserve transfers report for September are included in this report. All figures in this report are exclusive of GST.

Recommendation

That Council:

1. Approve the Project Budget Adjustments outlined in Tables 1 to 4 in this report.
2. Approve the following net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (to) Reserve
Asset Renewal Reserve	68,525
DCP Council Funds Reserve	44,577
Waste Reserve	(2,201)
Adopted Strategy Implementation Reserve	543,000
Grand Total	653,901

3. Approve the transfer of \$46,255 from the Accumulated Unallocated Cash Reserve to the Developer Contribution Reserve to account for income received in 2012/13 and 2013/14 for the Briody Drive West Developer Contribution Plan.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council:

1. Approve the Project Budget Adjustments outlined in Tables 1 to 4 in this report.
2. Approve the following net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (to) Reserve
Asset Renewal Reserve	68,525
DCP Council Funds Reserve	44,577
Waste Reserve	(2,201)

4.1 Project Budget Adjustments and Cash Reserve Transfers - September 2017

Adopted Strategy Implementation Reserve	543,000
Grand Total	653,901

3. Approve the transfer of \$46,255 from the Accumulated Unallocated Cash Reserve to the Developer Contribution Reserve to account for income received in 2012/13 and 2013/14 for the Briody Drive West Developer Contribution Plan.

CARRIED 9:0

4.1 Project Budget Adjustments and Cash Reserve Transfers - September 2017

Report

Background

Council allocates project funding to projects through its annual budget or specific resolution.

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that Council's decisions to adjust project budgets from the originally approved allocations are open and transparent to the community. Therefore any changes to initially approved project budgets are reported in a manner that demonstrates the diligence and transparency of the organisation's project management processes.

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management and project review activities. Projects reported for closure have been through Council's project review and closure process.

Discussion

A review of developer contributions received in relation to the Briody Drive Developer Contributions Plan identified that income has been held in the Accumulated Unallocated Cash Reserve. This income is restricted for a specific purpose and should be transferred to the Developer Contributions Reserve.

The following budget transfers, detailed in Table 1, are newly initiated projects

Table 1 – Newly Initiated Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9683 Digital Transformation Projects	Adopted Strategy Implementation Reserve	Transfer from the Adopted Strategy Reserve to project as per the adopted strategy.	543,000
New: Community Building Roof Renewal	Project Account 9082	Extract \$50K funds from the overall GL 9082 Building Renewal project to create a standalone Community Building Roof Replacement Project to provide greater efficiency and clarity in project delivery (roof renewal scope to include Spring Creek Tennis Club Roof, Bellbrae Rec Reserve Toilet Roof, Globe Theatre Roof, and Winchelsea Tea Rooms Roof).	(50,000)

The following budget transfers, detailed in Table 2, are required where it has been identified that projects require adjustments to their approved budgets to allow achievement of project scope and objectives; or there is a request to adjust scope of project.

Table 2 – Project Budgets Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9405: Anglesea Bowls Club Upgrade	Grant Funded	Community Development Grant agreement signed with \$500K funding confirmed.	500,000
8620: Anglesea Futures and Anglesea River	Project Account 8742	Consolidating project budgets into one account where combined scope makes more effective delivery.	35,000

4.1 Project Budget Adjustments and Cash Reserve Transfers - September 2017

8642: Surf Museum Concept Design	Project Account 8739	Consolidating project budgets into one account where combined scope makes more effective delivery. Rename as 'Great Ocean Road Experience'	65,000
Project Name	Funding Source	Basis for Variation	Project Allocation \$
8574: Spring Creek DCP and PS Amendment	Project Account 8734	Consolidating project budgets into one account where combined scope makes more effective delivery.	30,000
9538: Anglesea Cricket Club Pavilion Upgrade	Project Account 9670	Consolidating project budgets into one account where combined scope makes more effective delivery.	38,000
9600: Anglesea Shopping Centre Pathway Renewal	Asset Renewal Reserve	Remaining funds carried forward on project account to be placed in Adopted Strategy Reserve until project scope defined.	(11,475)
9612: Cressy Road Upgrade, Winchelsea (Local Roads to Market Program)	Grant Funded	Funding agreement has been signed with Department of Economic Development, Jobs, Transport and Resources for \$674,000 contribution to this project. Unexpected construction conditions (including latent conditions and weather) have impacted the project as well as a desire to change methodology to minimise the impacts being experienced by road users, leading to a request for \$45K additional funding for this project.	674,000
9536: Horseshoe Bend - South Beach Road Intersection Upgrade (RD 14)	DCP Council Funds Reserve	This will maintain an effective contingency on the project in the order of \$50K and it is anticipated that much of this will be returned at completion.	45,000
9573: Anglesea Arthouse Renewal	Asset Renewal Reserve	Project cost escalations due to increased construction standards required to meet current building code and additional PM and design costs through extended consultation with user group.	80,000
9675: Jan Juc Pre-School Outdoor Space Expansion	Contribution Funded	Parent's Advisory Group – Jan Juc Pre-School providing \$1,500 total contribution (\$1,364.00 ex GST)	1,364

The following budget transfers, detailed in Table 3, represent projects that have been successfully completed and are presented to Council for acknowledgement. Where unexpended funds remain they are returned to the source of funding as per Council's business practices

4.1 Project Budget Adjustments and Cash Reserve Transfers - September 2017

Table 3 Projects to be Closed

Project Name	Funding Source	Basis for Variation	Project Allocation \$
8590: Building Disability Discrimination Audit	Project Savings Account	Scope complete and savings can be returned to source.	(14,215)
9464: Horseshoe Bend Road Widening Stage 3c	DCP Council Funds Reserve	Contribution to developer delivered project was less than allocated. Project referred to as Bike Routes South of South Beach Rd in Budget.	(423)
9571: Deans Marsh Transfer Station Clean-up Works	Waste Reserve	Scope complete and savings can be returned to source. Contingency of \$520 to be returned.	(2,201)
9624: Winchelsea Units Repurchase	Project Savings Account	Allocation less cost can be returned to source.	(737)

The following budget transfers, detailed in Table 4, represent projects that due to exceptional circumstances the Chief Executive Officer has approved project budget adjustments that now require Council ratification.

Table 4 Ratification of CEO Approved Transfers

Project Name	Funding Source	Basis for Variation	Project Allocation \$
8748: Gold Coast Commonwealth Games Queens Baton Relay	Project Savings Account	Contractual obligation with Gold Coast Commonwealth Games Corporation to supply traffic management and security for the safe passage of the Queens Baton Replay in the Surf Coast Shire.	9,417

Financial Implications

The proposed Project Budget Adjustments and Cash Reserve Transfers are outlined in this Report. Through this report all financial implications of the project budget adjustments and cash reserve transfers are clearly and transparently presented to Council and the community.

Council Plan

Theme 5 High Performing Council

Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives

Strategy 5.1.1 Establish long-term financial principles and incorporate into the long-term financial plan

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.

Options

Option 1 – Not approve transfers as recommended

This option is not recommended because transfers are necessary to allow ongoing delivery and closure of projects, and have been through a series of governance checks.

4.1 Project Budget Adjustments and Cash Reserve Transfers - September 2017

Option 2 – Adopt officer recommendation

This option is recommended by officers as the project budgets and cash reserve transfers supports implementations of Council's strategies.

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for September 2017.

4.2 Audit and Risk Committee Annual Report 2016-2017

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/1005

Appendix:

1. Audit and Risk Committee Annual Report 2016-2017 (D17/68992)

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 the Audit and Risk Committee Annual Report for 2016-2017.

Summary

The Audit and Risk Committee Charter requires the Audit and Risk Committee to prepare and present an Annual Report to Council.

The Audit and Risk Committee endorsed the 2016-2017 Audit and Risk Committee Annual Report at their meeting on 7 September 2017. The final version of the report is now being provided to Council for noting.

Recommendation

That Council receive and note the 2016-2017 Audit and Risk Committee Annual Report.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy

That Council receive and note the 2016-2017 Audit and Risk Committee Annual Report.

CARRIED 9:0

4.2 Audit and Risk Committee Annual Report 2016-2017

Report

Background

The Audit and Risk Committee is delegated by Council with the responsibility to:

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

The Audit and Risk Committee plays a key role in effectively communicating between Council and the internal and external auditors to assist Council to fulfil its governance and oversight responsibilities in relation to these functions.

The Audit and Risk Committee Charter requires the Audit and Risk Committee to prepare and present an Annual Report to Council.

Discussion

The Chair of the Audit and Risk Committee, Mr Brian Keane, prepared the Audit and Risk Committee Annual Report for 2016-2017 which was endorsed by the Committee at its meeting on 7 September 2017. The Committee now provides the report to Council for information.

A copy of the Committee's Annual Report for 2016–2017 is attached at Appendix 1.

Financial Implications

Not Applicable.

Council Plan

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil

Policy/Legal Implications

Section 139 of the Local Government Act 1989, provides that Council must establish an audit committee. The Audit Committee Charter and Work Plan mandate that an annual report outlining the Committee's activities are to be provided to Council.

Officer Direct or Indirect Interest

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

Risk Assessment

The Audit and Risk Committee complements the risk methodologies of Council.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

The Audit and Risk Committee endorsed their 2016-2017 Annual Report at the meeting on 8 September 2017. It is therefore recommended that Council receive and note the 2016-2017 Audit and Risk Committee Annual Report and notes the work of the Committee during that time.

4.3 Torquay Jan Juc Developer Contribution Plan Status Update

Author's Title: General Manager Governance & Infrastructure

General Manager: Anne Howard

Department: Governance & Infrastructure

File No: F10/60

Division: Governance & Infrastructure

Trim No: IC17/1087

Appendix:

1. Torquay Jan Juc DCP Status Report 2016 - 2017 - Income (D17/108549)
2. Torquay Jan Juc DCP Status Report 2016 - 2017 - Delivery (D17/108550)

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 provide Council with an update on the status of the Torquay Jan Juc Developer Contribution Plan.

Summary

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

The total cost (without indexation) of the Torquay Jan Juc DCP at the time of adoption of the Planning Scheme amendment was \$64,051,346, of which 25.7% is being collected as the Development Contributions. To date Council has completed nine projects and GORCC four projects, with Council having spent \$23M on project delivery.

Recommendation

That Council note the status of implementation of the Torquay Jan Juc Development Contributions Plan as at 30 June 2017.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Martin Duke

That Council note the status of implementation of the Torquay Jan Juc Development Contributions Plan as at 30 June 2017.

CARRIED 9:0

4.3 Torquay Jan Juc Developer Contribution Plan Status Update

Report

Background

The Planning and Environment Act 1987 enables Council to include one or more development contributions plans in a planning scheme for the purpose of levying contributions for the provision of works, services and facilities. Council at its Ordinary meeting on 25 May 2011 adopted amendment C57 to the Surf Coast Shire Planning Scheme to include the Torquay Jan Juc Development Contributions Plan (Torquay Jan Juc DCP). Furthermore Council had allocated funds within its 2016/17 budget to undertake a comprehensive review of the DCP which is still underway. This will identify required changes to projects or delivery timelines for the DCP going forward. The outcomes of this review will be subject to a future Council report once the process has progressed.

Discussion

The Torquay Jan Juc DCP includes 45 projects – 38 on Council owned or managed land and seven on the land managed by GORCC. Council will be the Collection Agency for the seven projects on GORCC land.

As of 30 June 2017 the status of projects to be delivered by both Council and GORCC are summarised below:

Agency	Status	30 June 2015	30 June 2016	30 June 2017
Council Projects	Not Started	16	15	11
	In Progress	15	14	18
	Completed	7	9	9
GORCC Projects	Not Started	4	1	0
	In Progress	1	3	3
	Completed	2	3	4

To date Council has successfully obtained and expended \$10.5M of grants to deliver \$23M of projects.

Through the budget process for the 2017/18 financial year the following allocations for projects to be delivered in 2017/18 have been made:

Project	Project Title	Change
OR04	Upgrade Bells Beach Reserve	\$125,000 Funding Allocation in 2017/18
PC03	Construct regional bike route (1) through Torquay (Horseshoe Bend Road: Blackgate Road-South Beach Road)	\$798,000 Funding Allocation in 2017/18
PC03	Construct regional bike route (1) through Torquay (Bike Routes South of South Beach Road)	\$77,000 Funding Allocation in 2017/18
OR06	Upgrade Deep Creek linear reserve	\$427,000 Funding Allocation in 2017/18
OR05	Upgrade Grass Tree Park	\$36,000 Funding Allocation in 2017/18
CY01b	Construct an Early Learning Centre in Torquay North (Kurrambee Myaring Community Centre)	\$3,206,538 Funding Allocation in 2017/18

Financial Implications

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

Council Plan

Theme 3 Balancing Growth
Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy 3.2.4 Ensure appropriate funding mechanisms are in place to support future growth including developer contributions

4.3 Torquay Jan Juc Developer Contribution Plan Status Update

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

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

Social Considerations

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

Community Engagement

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

Environmental Implications

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

Communication

As covered under the heading of Community Engagement.

Options

Not Applicable.

Conclusion

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

4.4 Briody Drive Developer Contributions Plan Status Update

Author's Title: Strategic Asset Manager
Department: Asset Management
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F11/386
Trim No: IC17/1123

Appendix:

Nil

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

Yes

No

Reason: Nil

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide Council with an update on the status of the Briody Drive Development Contribution Plan.

Summary

The Briody Drive Development Contribution Plan is incorporated in the Surf Coast Planning Scheme. The Briody Drive West Upgrade Development Contributions Plan consists of a single project being the upgrade of Briody Drive from Illawong Drive to Messmate Road. This project is fully funded from Development Contributions with no Council contribution.

As of 30 June 2017 the status of no works have been undertaken under the DCP.

Recommendation

That Council note the status of implementation of the Briody Drive West Upgrade Development Contributions Plan as at 30 June 2017.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Carol McGregor

That Council note the status of implementation of the Briody Drive West Upgrade Development Contributions Plan as at 30 June 2017.

CARRIED 9:0

4.4 Briody Drive Developer Contributions Plan Status Update

Report

Background

The Planning and Environment Act 1987 enables Council to include one or more development contributions plans in a planning scheme for the purpose of levying contributions for the provision of works, services and facilities. Council incorporated the amendment for the Briody Drive West Upgrade Development Contributions Plan within the Surf Coast Shire Planning Scheme on 20 December 2012.

Surf Coast Shire adopted the Torquay Jan Juc Structure Plan in 2007 which establishes the strategic direction for the future growth of the town to 2026. The Structure Plan promotes the redevelopment of the Briody low density residential estate to conventional residential densities. Part of the estate has already been redeveloped. The Briody Drive DCP is applicable to the remainder of the estate from Messmate Rd to Illawong Drive and will upgrade Briody Drive through this area. This road project is not part of the Torquay Jan Juc DCP (Surf Coast Planning Scheme Amendment C57).

Discussion

The Briody Drive West Upgrade Development Contributions Plan consists of a single project being the upgrade of Briody Drive from Illawong Drive to Messmate Road. This project is fully funded from Development Contributions with no Council contribution.

As of 30 June 2017 the status of no works have been undertaken under the DCP.

	Status
Value of Scheme	\$544,600
Council Contribution	\$0
Developer Contributions	\$544,600
Levies Collected to 30 June 2017	\$51,880

Financial Implications

The DCP is fully funded by Development Contributions.

Council Plan

Theme 3 Balancing Growth
Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy 3.2.4 Ensure appropriate funding mechanisms are in place to support future growth including developer contributions

Policy/Legal Implications

The Briody Drive West Upgrade Development Contributions Plan is included within the Surf Coast Shire Planning Scheme. Council has a contractual commitment to deliver it

Officer Direct or Indirect Interest

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

Risk Assessment

As Council is not contributing to the scheme there is little risk to Council.

Social Considerations

Implementation of the DCP will provide improved infrastructure to the impacted residents.

Community Engagement

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

Environmental Implications

Upgrading the road to a sealed surface will reduce the impact of dust to surrounding properties.

Communication

Nil.

Options

Not Applicable.

Conclusion

The Briody Drive West Upgrade Development Contributions Plan was incorporated within the Surf Coast Shire Planning Scheme on 20 December 2012. This report provides the status of its implementation.

4.5 Reclassification of Council Roads

Author's Title: Strategic Asset Manager
Department: Asset Management
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F16/199
Trim No: IC17/894

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to seek Council approval to proceed with the process to reclassify Rawson Road, Inverleigh.

Summary

At Council's 23 May 2017 Council Meeting a number of Municipal Roads were identified for reclassification. Council informed adjoining landowners of this proposal and received one verbal submission requesting Rawson Road, Inverleigh not be reclassified. The recommendation to reclassify Rawson Road has been reviewed and confirmed.

Recommendation

That Council proceed to reclassify Rawson Road (Gallaghers Road to End), Inverleigh from Secondary Access (formerly Access 2) to Track (formerly Access 3).

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Heather Wellington

That Council proceed to reclassify Rawson Road (Gallaghers Road to End), Inverleigh from Secondary Access (formerly Access 2) to Track (formerly Access 3).

CARRIED 9:0

4.5 Reclassification of Council Roads

Report

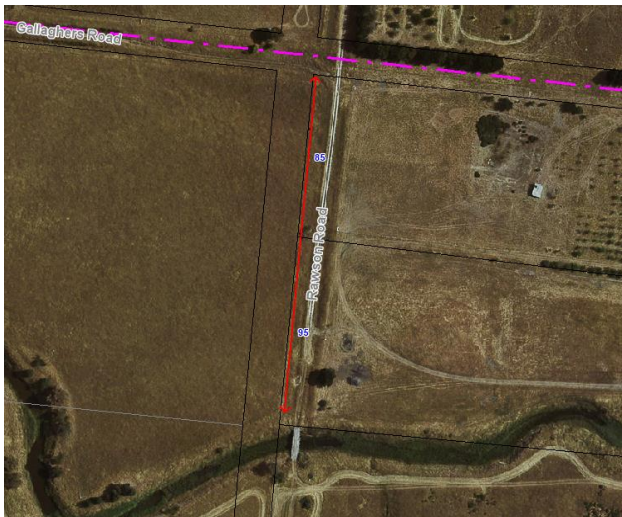
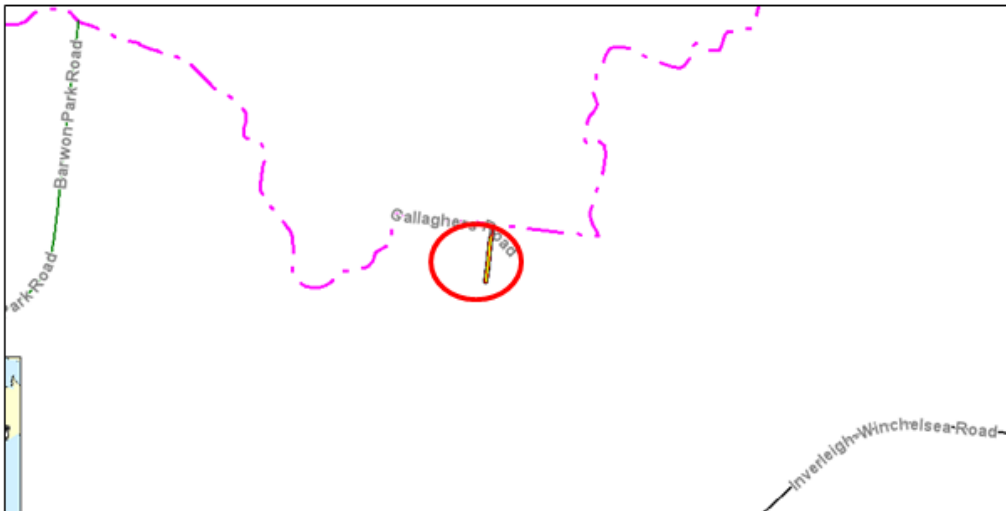
Background

At Council's 23 May 2017 Council Meeting a number of Municipal Roads were identified for reclassification. The Council resolution included notifying adjoining landowners of the proposed reclassifications and allowing them an opportunity to submit on the matter. For eight of the nine roads proposed to be reclassified there were no submissions. The exception to this was Rawson Road, Inverleigh.

Rawson Road (Gallaghers Road to End), Inverleigh

200m unconstructed track, services vacant properties.

Reclassify from **Access 2** to **Access 3**



4.5 Reclassification of Council Roads

Discussion

Within the submission period one ratepayer contacted Council officers requesting that this section of road not be reclassified from Access 2 (now Secondary Access) to Access 3 (now Track) stating that the road provided access to a number of properties, all vacant, and also they was considering in the future the possibility of constructing a bridge or culvert crossing at the end of the road to cross the creek to access their property south of the creek. Officers requested that the ratepayer provide their submission in writing to ensure it was accurately and transparently recorded. No written submission was received.

If future development in this area occurs or an alternative property access south of the creek eventuated, then these proposals would require formal approval and conditions, at which time the status of Rawson Road would be reviewed. There is no value to the ratepayers to provide a higher service level than is needed at this time for proposals that might not eventuate or are able to be dealt with more appropriately when they arise.

Council's Manager Engineering Services has organisational responsibility for the service level provided by the local road network. The Manager Engineering Services reviewed the road status and the ratepayer's concerns and assesses that the appropriate service level for the road at present is that of a Track (formerly Access 3).

Financial Implications

There is no cost implication associated with the recommendation, however, if Council determines to maintain the road at a higher service standard than Access 3 (now Track) then higher maintenance costs will be incurred.

Council Plan

Theme 5 High Performing Council
Objective 5.4 Ensure the community has access to the services they need
Strategy 5.4.1 Review Council-delivered services to ensure they are of high quality and delivering best value

Policy/Legal Implications

Council has the ability to decrease the service level of Council managed roads subject to statutory processes. These processes have been followed in this case.

Officer Direct or Indirect Interest

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

Risk Assessment

Council needs to align its road register, service levels and maintenance programs to demonstrate appropriate duty of care and mitigate risk. This recommendation will assist in aligning these aspects of road management.

Social Considerations

There is no proposed to change to the physical or maintenance arrangements and therefore no impacts to the landowners that access their properties from Rawson Road.

Community Engagement

Undertaken by informing effected residents following previous Council Report.

Environmental Implications

Nil.

Communication

Nil.

Options

Option 1 – Reclassify the road as recommended

This option is recommended by officers for the following reasons:

- The proposed classification more accurately reflects the current site conditions, road usage and maintenance regime.
- Reclassification will mitigate the requirement to increase the current road maintenance budget and reduce Council's risk of being non-compliant with the Road Management Plan.

4.5 Reclassification of Council Roads

- The required processes have been followed for reclassification, including notification of impacted parties.
- Submissions have been received and considered and are addressed within the report.

Option 2 – Leave the classification as it is

This option is not recommended by officers for the following reasons:

- The current classification is inconsistent with the function and use of the road.
- If Council does not change the classification it will need to increase its maintenance budget to manage the road as per its formal classification.

Conclusion

That Council proceed with the reclassification of Rawson Road, Inverleigh from a Secondary Access Road to a Track.

4.6 Change of location of Bus Terminus for Jan Juc

Author's Title: Manager Engineering Services

General Manager: Anne Howard

Department: Engineering Services

File No: F16/1090

Division: Governance & Infrastructure

Trim No: IC17/953

Appendix:

1. Concept plan of new Bus Terminus for Great Ocean Road, Jan Juc (D17/97038)

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 confirm that Public Transport Victoria (PTV) is supportive of relocating the Strathmore Drive bus terminus to a new location on Great Ocean Road, Jan Juc, and to seek Council support for an amended scope for current project to improve safety at the Strathmore Drive bus stop.

Summary

Council has received funding from PTV and Department of Economic Development, Jobs, Transport & Resources (DETJR) for the widening of Strathmore Drive, Jan Juc, to improve safety at this bus stop/terminus, but following a petition from the local residents it was agreed that moving the bus terminus from Strathmore Drive would significantly improve the safety in the vicinity of the stop.

PTV has agreed to create a new bus terminus in Great Ocean Rd, which is a more suitable location for a terminus. As a result, widening works are no longer required at Strathmore Drive, however there are works required at the location of the new terminus. It is proposed that Council support the project by agreeing that its current financial commitment be used for a revised scope to establish the new terminus.

Recommendation

That Council:

1. Note that Public Transport Victoria has indicated its support for a change in location of the Jan Juc bus terminus from Strathmore Drive to Great Ocean Rd (west of Duffields Road).
2. Agree that Council's funding contribution of \$20,000 for the Strathmore Drive bus stop and safety improvements be used to transfer the terminus at Strathmore Drive to its new location on Great Ocean Road, Jan Juc.
3. Notify the first-named petitioner of this resolution.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Rose Hodge

That Council:

1. Note that Public Transport Victoria has indicated its support for a change in location of the Jan Juc bus terminus from Strathmore Drive to Great Ocean Rd (west of Duffields Road).
2. Agree that Council's funding contribution of \$20,000 for the Strathmore Drive bus stop and safety improvements be used to transfer the terminus at Strathmore Drive to its new location on Great Ocean Road, Jan Juc.
3. Notify the first-named petitioner of this resolution.

CARRIED 9:0

4.6 Change of location of Bus Terminus for Jan Juc

Report

Background

Council received confirmation of funding in January 2017 of \$20,000 from PTV and \$40,000 from resources DETJR and VicRoads to upgrade a short section of Strathmore Drive at Great Ocean Road. The scope was to widen the road to address a safety issue at the public bus stop located at this location. Council also provided \$20,000 funding through the January 2017 transfer table as its contribution to the project.

The safety issue was that the narrow width of the road means there can often be a conflict with cars trying to pass a stationary bus. The reason the bus is often stationary here is because it is a terminus (ie. the start of the bus run). This means that buses often wait several minutes at this location prior to starting their run at the scheduled time. The initial solution agreed with PTV and the bus company was to widen Strathmore Drive adjacent to the terminus so there are two traffic lanes adjacent to this bus stop.

In response to preliminary design work and consultation, Council received a petition with 62 signatories seeking that the terminus on the corner of Strathmore Drive and the Great Ocean Road be removed. Council considered the petition at its meeting on 27 June 2017 and resolved:

That Council:

1. *Note this report responds to the petition requesting the removal of the bus terminus at the corner of Strathmore Drive and Great Ocean Road, Jan Juc.*
2. *Note that Public Transport Victoria (PTV) is the responsible authority for bus services and the location of the bus terminus.*
3. *Request PTV to consider moving the bus terminus to an alternative location which may include the Great Ocean Road near Duffield's Road, Jan Juc.*
4. *Note that the proposed safety improvements to the current bus stop in Strathmore Drive are necessary for road traffic safety for either a bus stop or bus terminus.*
5. *Note that officers will proceed with the safety improvements at Strathmore Drive/ Great Ocean Road.*
6. *Notify the head petitioner of this resolution.*
7. *Facilitates direct communication between PTV and the residents about the bus stop and terminus.*

In accordance with the resolution officers organised a meeting between PTV and residents to discuss the stop and terminus location.

Discussion

PTV has now agreed to change the location of the terminus from Strathmore Drive to a new location on Great Ocean Road, which is about 300 metres before the current terminus. This will allow buses to wait for periods at the new location without impacting local residents or traffic movements. The bus stop will remain in Strathmore Drive as it is a popular stop and is considered safe when the bus is only briefly stopping to pick up and drop off passengers. PTV is supportive of cancelling the widening of Strathmore Drive on the basis that the stop will see buses stop there for short periods only, rather than the prolonged periods experienced due to the terminus.

PTV is finalising funding for the new terminus and is seeking Council agreement to transfer their \$20,000 contribution from Strathmore Drive to the new terminus in Great Ocean Rd.

The affected residents have been consulted on the change in bus terminus and they are accepting of the change.

Financial Implications

The new terminus location will be substantially funded by PTV but they have requested Council's contribution of \$20,000 to the Strathmore Drive widening project be transferred to the new terminus location. This transfer would have no net financial impact to Council.

Council Plan

Theme	3 Balancing Growth
Objective	3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy	3.2.1 Advocate for better public transport, including buses, and investigate the provision of community transport and transport connections

4.6 Change of location of Bus Terminus for Jan Juc

Policy/Legal Implications

Council has a current funding agreement with both PTV and DEDJTR for the road widening works and both parties have now agreed to the change in location of this project.

Officer Direct or Indirect Interest

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

Risk Assessment

The traffic conflict risk of having buses parked for lengthy periods on the local road has been addressed through providing a safer location on the declared road network. VicRoads have given in principle agreement to the proposed location of the terminus on Great Ocean Road.

Social Considerations

The petition expressing local community concerns at the location of the bus terminus has been considered and an outcome agreeable to all parties has been negotiated.

Community Engagement

The petitioners have been engaged through meetings and have indicated support of the new arrangement.

Environmental Implications

The amenity concerns of the local community have been addressed through a change to a more suitable location on the main road.

Communication

The petitioners will be informed of the negotiated outcome.

Conclusion

The relocation of the bus terminus agreed to by PTV is the best community outcome for this project and removes the concerns of impact on local traffic and local amenity and resident safety (reduced sight distance for abutting resident).

4.7 Garbage Charge applicable to multi-unit dwellings

Author's Title: Coordinator Waste Management

General Manager: Anne Howard

Department: Engineering Services

File No: F11/1144

Division: Governance & Infrastructure

Trim No: IC17/1052

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 seek endorsement of interim arrangements for multi-unit dwellings while Management Policy and Procedure - MPP-025 - Waste Collection Services is being reviewed.

Summary

Council's Management Policy and Procedure - MPP-025 - Waste Collection Services recognises multi-unit dwellings as being problematic as far as Council being able to provide waste collection services to these properties, particularly larger properties. It has been highlighted to Council that the application of the garbage charge has not been consistently applied for multi-unit dwellings that do not utilise Council's kerbside waste collection service. The owners of 256-260 Mountjoy Parade have requested Council review the application of the garbage charge to their premises as they do not utilise the Council kerbside service.

While Council's Management Policy and Procedure - MPP-025 - Waste Collection Services is under review it is recommended Council have an amnesty where multi-unit dwellings such as 256-260 Mountjoy Parade can apply to have their garbage charge removed subject to satisfying Council that waste management services will adequately be provided to the property by a commercial waste contractor.

Recommendation

That Council:

1. Review Management Policy and Procedure - MPP-025 - Waste Collection Services with respect to multi-unit dwellings.
2. Endorse an amnesty and refund the garbage charge for 2017/18 for multi-unit dwellings that:
 - 2.1 Have 10 or more units and cannot practically utilise Council's kerbside waste collection services.
 - 2.2 Submit a waste management plan for the premises to Council's satisfaction.
 - 2.3 Engage a waste management contractor to manage the equivalent of 120 litres of garbage and 120 litres of recycling per week for each unit on the premises.

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

That Council:

1. Review Management Policy and Procedure - MPP-025 - Waste Collection Services with respect to multi-unit dwellings.
2. Endorse an amnesty and refund the garbage charge for 2017/18 for multi-unit dwellings that:
 - 2.1 Have 10 or more units and cannot practically utilise Council's kerbside waste collection services.
 - 2.2 Submit a waste management plan for the premises to Council's satisfaction.
 - 2.3 Engage a waste management contractor to manage the equivalent of 120 litres of garbage and 120 litres of recycling per week for each unit on the premises.

CARRIED 9:0

4.7 Garbage Charge applicable to multi-unit dwellings

Report

Background

Multi-unit dwelling refers to a number of individual dwellings located in one building, such as a block of units or apartments. Council's Management Policy and Procedure - MPP-025 - Waste Collection Services recognises multi-unit dwellings as being problematic as far as Council being able to provide waste collection services to these properties, particularly larger properties. The Policy also states "*All Urban Residential Tenements will be charged for and provided with an Urban Residential Kerbside Collection Service*".

To ensure all urban properties have access to a sanitary waste disposal service and waste is disposed of appropriately, the Council provided urban kerbside waste collection service is compulsory for all urban residential properties. In some instances for multi-unit dwellings Council's kerbside waste service are not always suitable. These are due to lack of storage areas for council bins and lack of area for servicing of the bins by Council's contractor.

Discussion

In most instances for multi-unit dwellings the owners pay for a kerbside waste collection service regardless of whether they use the service or not. It has been highlighted to Council that charging of the garbage charge has not been consistently applied. A review of multi-unit dwellings (those with more than ten dwellings) indicates that there are twelve such properties in the Shire and:

- Four properties are not being charged and do not use Council's kerbside services. These properties generally have the highest number of dwellings, with the largest number at one premises being 103 dwellings. Charges applicable under the current policy equate to income in the order of \$100,000 p.a.
- Eight properties are being charged, with the number of dwellings being between 10 and 40. Some of these premises use Council's kerbside services while others do not. Charges applicable under the current policy equate to income in the order of \$61,000 p.a.

In most instances for multi-unit dwellings where there are less than 40 dwellings, the owners pay for a kerbside waste collection service regardless of whether they use the service or not.

A review of Council's Management Policy and Procedure - MPP-025 - Waste Collection Services is required to ensure it is clear and can be applied consistently. Options for multi-unit dwellings that do not utilise Council's kerbside waste collection service and applying the garbage charge include:

1. Apply the garbage charge to all urban residential properties regardless of use of the Council service.
2. Not apply the garbage charge to multi-unit dwellings that cannot utilise the service.
3. Apply a portion of the garbage charge that excludes costs associated with the kerbside waste collection service i.e. covers litter bin servicing, street cleaning, landfill rehabilitation and waste infrastructure upgrades.

Options 2 and 3 would need to be subject to satisfying Council that the Council service is not appropriate and waste will be adequately managed.

The owners of 256-260 Mountjoy Parade have requested Council review the application of the garbage charge to their properties as they do not utilise the Council kerbside waste collection service and have engaged a commercial contractor to manage their waste.

While Management Policy and Procedure - MPP-025 - Waste Collection Services is under review there is a need to consider interim arrangements for multi-unit dwellings.

Financial Implications

The garbage charge for an urban residential property is \$279 per year for 2017/18. Council will receive over \$6.1 million from the garbage charge this financial year. In a worst case scenario, if all multi-unit dwellings noted as paying the garbage charge requested to be reimbursed, this would result in an estimated loss in revenue of \$61,000 for the year. This will reduce the net revenue directed to the Waste cash reserve at the end of the financial year.

4.7 Garbage Charge applicable to multi-unit dwellings

Council Plan

Theme	5 High Performing Council
Objective	5.4 Ensure the community has access to the services they need
Strategy	5.4.1 Review Council-delivered services to ensure they are of high quality and delivering best value

Policy/Legal Implications

Section 162 (1) (b) of the *Local Government Act 1989* allows Council to declare a rate or charge for the collection and disposal of refuse. Council's Management Policy and Procedure - MPP-025 - Waste Collection Services does not adequately address the issue of providing a kerbside waste service for multi-unit dwellings, and hence it has not been uniformly applied.

Officer Direct or Indirect Interest

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

Risk Assessment

The main risk to Council is all multi-unit dwellings noted above seek refunds for their garbage charge. As discussed in the financial section this is a worst case scenario and will not have a significant impact on Council's budget.

Social Considerations

Council needs to ensure residential properties have access to sanitary waste disposal. Primarily this is conducted through the Council provided kerbside waste collection service. For those properties where it is not possible for Council to provide a service it is not considered fair and equitable for them to have to pay for the service.

Community Engagement

Council has been approached by the owners of 256-260 Mountjoy Parade to review the current garbage charge application for multi-unit dwellings. No other community engagement has been undertaken for the preparation of this report.

Environmental Implications

Council must be satisfied that waste is being managed in a sanitary and appropriate manner. This includes ensuring adequate capacity and separation of recyclable material is being undertaken.

Communication

The owners of 256-260 Mountjoy Parade will be notified of Council's decision in writing.

Options

Three options have been identified by officers at this time.

Option 1: Immediately apply charges as per the policy:

- Officers do not believe that this is necessary (not budgeted for in 2017/18) and will result in a bad reaction from landowners that have historically not been charged but instead pay contractors to deliver a waste pick-up service.
- Properties not currently charged have Waste Management Plans agreed with Council and the issue of charges does not appear to have been raised by Council when the plans were agreed.

Option 2: Agree to waive charges for all multi-unit dwellings

- Officers do not have authority to waive charges and so a resolution of Council is required.
- Some multi-unit dwellings are receiving a kerbside service and should pay for this.
- Properties would need to demonstrate to Council that it can responsibly manage its waste in lieu of Council's services.

Option 3: Create a sensible 'amnesty period' while the policy is reviewed

- This option would probably include a waiver or partial waiver of charges on multi-unit dwellings.
- Officers think this approach has merit, and demonstrates that Council is trying to be reasonable while it works through the inconsistencies in its current approach.
- Officers do not have authority to waive charges and so a resolution of Council is required.
- It would be expected that multi-unit dwellings receiving a kerbside service would continue to be charged so that they contribute to the cost of this service.
- Officers think a waiver model might be based upon a few conditions, that might include:

4.7 Garbage Charge applicable to multi-unit dwellings

- multi-unit dwelling's not using Councils service would need to establish an agreed Waste Management Plan
- Waivers would not be retrospective
- It would need to apply to a minimum number of dwellings in a multi-unit dwelling (e.g. more than 10 dwellings).

Prior to a property having their garbage charge removed they would need to supply Council with a waste management plan identifying how waste will be managed for the property. The owners of the property must engage a commercial waste contractor to provide their waste services. The service provided must include the equivalent of 120lt of garbage capacity and 120lt of recycle capacity per week for every unit. Removing the garbage charge for a property would only apply for the 2017/18 year and not be retrospective. It would also only apply for multi-unit dwellings where there are 10 or more units and it is not possible for Council to provide the service.

Conclusion

Management Policy and Procedure - MPP-025 - Waste Collection Services is under review there is a need to consider interim arrangements for multi-unit dwellings as the current policy has not been uniformly applied. It is recommended Council have an amnesty where multi-unit dwellings such as 256-260 Mountjoy Parade can apply to have their garbage charge removed subject to satisfying Council that waste management services will be adequately provided to the property by a commercial waste contractor.

4.8 Sale of Council Land - 42 Harding Street, Winchelsea

Author's Title: Property & Legal Services Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/597

Division: Governance & Infrastructure

Trim No: IC17/1116

Appendix:

1. Ambulance Victoria Brochure (D17/78527)

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 seek Council's direction regarding the sale of Council property located at 42 Harding Street, Winchelsea to the Department of Health and Human Services for the establishment of an ambulance station.

Summary

In April 2017 Ambulance Victoria approached Council with a request regarding availability of Council-owned land in Winchelsea that might be available for the purpose of establishing an ambulance station.

Council considered Ambulance Victoria's request at its meeting of 23 May 2017 Council and resolved, amongst other things, to affirm its willingness to sell 42 Harding Street, Winchelsea, for this purpose:

Council issued public notice advising that Council was considering selling 42 Harding Street, Winchelsea, and two submissions were received. Council also acquired a valuation as required by the Local Government Act 1989.

Council considered the matter at its meeting of 25 July 2017 and resolved to:

1. Note that Ambulance Victoria made an offer to purchase 42 Harding Street, Winchelsea, from Council for the purpose of developing an ambulance station;
2. Note that on 24 July 2017 Ambulance Victoria requested that Council hold over the decision on the sale of the 42 Harding Street for the next 2 months; and
3. Defer making a decision regarding the sale of 42 Harding Street, Winchelsea until its Ordinary meeting on 26 September 2017.

Following the 25 July 2017 Council Meeting, Ambulance Victoria has undertaken discussions with a group of community members and looked at alternative sites. Ambulance Victoria has indicated that it would appreciate Council not withdrawing the opportunity to sell Ambulance Victoria 42 Harding Street, Winchelsea, before Ambulance Victoria has reached finalised its decision about a preferred site.

Recommendation

That Council:

1. Note the following:
 - a. Subsequent to Council's resolution of 25 July 2017, Ambulance Victoria commenced community discussions regarding potential ambulance station sites.
 - b. Ambulance Victoria has advised that it is still considering community feedback and looking at alternate sites.
 - c. Ambulance Victoria has indicated that it would appreciate Council not withdrawing the opportunity to sell Ambulance Victoria 42 Harding Street, Winchelsea, before Ambulance Victoria has reached finalised its decision about a preferred site.
2. Agree that, in the event that Ambulance Victoria does not secure an alternative site and makes a further offer to purchase 42 Harding Street, Winchelsea, by 6 October 2017, then Council will:
 - a. Re-advertise its intention to sell 42 Harding Street, Winchelsea, to Ambulance Victoria for the purpose of establishing an ambulance station and seek further submissions from the community.

4.8 Sale of Council Land - 42 Harding Street, Winchelsea

- b. Seek a current valuation to comply with requirements of the Local Government Act 1989 and to inform Council's future consideration of the matter.
- c. Receive a further report at its ordinary meeting on 28 November 2017, to enable Council to make a decision regarding the sale of 42 Harding Street, Winchelsea.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Carol McGregor

That Council:

1. Note the following:
 - a. Subsequent to Council's resolution of 25 July 2017, Ambulance Victoria commenced community discussions regarding potential ambulance station sites.
 - b. Ambulance Victoria has advised that it is still considering community feedback and looking at alternate sites.
 - c. Ambulance Victoria has indicated that it would appreciate Council not withdrawing the opportunity to sell Ambulance Victoria 42 Harding Street, Winchelsea, before Ambulance Victoria has reached finalised its decision about a preferred site.
2. Agree that, in the event that Ambulance Victoria does not secure an alternative site and makes a further offer to purchase 42 Harding Street, Winchelsea, by 6 October 2017, then Council will:
 - a. Re-advertise its intention to sell 42 Harding Street, Winchelsea, to Ambulance Victoria for the purpose of establishing an ambulance station and seek further submissions from the community.
 - b. Seek a current valuation to comply with requirements of the Local Government Act 1989 and to inform Council's future consideration of the matter.
 - c. Receive a further report at its ordinary meeting on 28 November 2017, to enable Council to make a decision regarding the sale of 42 Harding Street, Winchelsea.

CARRIED 9:0

4.8 Sale of Council Land - 42 Harding Street, Winchelsea

Report

Background

In April 2017 Ambulance Victoria approached Council with a request regarding availability of Council-owned land in Winchelsea that might be available for the purpose of establishing an ambulance station.

Council considered Ambulance Victoria's request at its meeting of 23 May 2017 Council and resolved as follows.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Carol McGregor

That Council:

1. Affirm its willingness to sell 42 Harding Street, Winchelsea, Certificate of Title Volume 9828 Folio 343 to Ambulance Victoria for the purpose of establishing an ambulance station for Winchelsea and district.
2. Agree that the price for sale of the land should be based on current valuations.
3. Note the requirement of the Local Government Act 1989, that at the time of sale Council will hold a valuation shall not be more than six months old.
4. Issue a public notice of intention to sell the land and invite and consider public submissions in accordance with Section 189 and Section 223 of the *Local Government Act 1989*.
5. Agree that the net revenue from the sale will be transferred to the Accumulated Unallocated Cash Reserve to replenish funds contributing to the acquisition of land for the Eastern Reserve Masterplan, consistent with previous resolutions of Council that sale of excess land in Winchelsea should fund the Eastern Reserve extension acquisition.
6. Agree that a condition of the Contract of Sale will be that if the land is subdivided within five years of Council selling the land, then Council is to be given the first right to buy back the land at the sale price plus indexation reflecting market changes, without creating any obligation on Council to do so.
7. Authorise the Chief executive Officer to execute the contract and associated sale documents on Council's behalf.

CARRIED 8:0

Council issued public notice advising that Council was considering selling 42 Harding Street, Winchelsea, and two submissions were received. Council also acquired a valuation as required by the Local Government Act 1989.

Council considered the matter at its meeting of 25 July 2017 and resolved as follows.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Carol McGregor

That Council:

1. Note that Ambulance Victoria made an offer to purchase 42 Harding Street, Winchelsea, from Council for the purpose of developing an ambulance station;
2. Note that on 24 July 2017 Ambulance Victoria requested that Council hold over the decision on the sale of the 42 Harding Street for the next 2 months; and
3. Defer making a decision regarding the sale of 42 Harding Street, Winchelsea until its Ordinary meeting on 26 September 2017.

CARRIED 9:

Discussion

- A public notice was published in the Surf Coast Times on 1 June 2017 and the Winchelsea Star on 6 June 2017.
- Council also wrote to 38 neighbouring properties inviting submissions.
- Submissions closed at 4pm Thursday 29 June 2017, two submissions were received.
- A summary of the submissions is as follows:
 - Support Ambulance station coming to Winchelsea
 - Oppose the site proposed
 - An Ambulance station at the site would be an impediment to the local neighbouring residents
 - Preferred location – Shire owned land on the highway (325 Mousley Road, Winchelsea) or vacant land for sale next to doctor's surgery (33 Willis Street, Winchelsea)

4.8 Sale of Council Land - 42 Harding Street, Winchelsea

- Preference for the Harding Street property to be utilised for future community use with the growth of Winchelsea or elderly living units
- One submitter spoke in support of their submission at the Hearing of Submissions Committee Meeting on Tuesday 4 July 2017.
- Note that Council received a joint letter from Growing Winchelsea Incorporated supporting the sale of the land, however requesting the revenue be utilised in Winchelsea in accordance with the Growing Winchelsea Plan.
- Ambulance Victoria, in consultation with the community, is considering alternative sites for the Ambulance Station in Winchelsea but does not wish to formally withdraw its interest in 42 Harding St.

Issues

Ambulance Victoria has provided the following advice regarding the concerns raised in the submissions.

325 Mousley Road is not suitable for the following reasons:

- Isolated location on western edge of township, limiting the desired interaction between paramedics and community;
- Services need to be developed, power, water and sewer;
- Potential to incur substantial developmental contributions;
- Significant VicRoads approval risk that may trigger specific changes to access the Princes Highway as has been experienced on other developments. These changes may include:
 - Slow down lane
 - Traffic Lights
 - Upgrade and sealing of access road, drainage and other civil works
 - Industrial subdivision required.

Impediment to the local neighbouring residents:

Location of an Ambulance Branch will not affect local and adjacent residences in accordance with procedures and protocols. Please see attached brochure answering standard questions raised by community members.

Ambulance Victoria also considered co-location with the hospital however this did not eventuate as they did not provide sites for them to consider. Ambulance Victoria's preference is not to be co-located with hospitals as emergency incidents do not normally occur at the hospital, but out in the community.

Note that Council received a joint letter from Growing Winchelsea Incorporated supporting the sale of the land, however requesting the revenue from the sale be utilised in Winchelsea in accordance with the Growing Winchelsea Plan. This matter has been addressed by the Council resolution of 23 May 2017.

Financial Implications

Revenue from the sale will be allocated according to the Council resolution of 23 May 2017.

Costs associated with selling the land include Valuation of land, Land Registry and Legal fees. If the sale proceeds it will provide net revenue to Council.

The price will be determined in accordance with a current Valuation.

Council Plan

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

Policy/Legal Implications

- Local Government Act 1989 – Section 189, 191 and 223
- Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land.

Officer Direct or Indirect Interest

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

4.8 Sale of Council Land - 42 Harding Street, Winchelsea

Risk Assessment

Risks to the process include if Ambulance Victoria request unreasonable conditions on the sale. The financial proceeds from the sale will assist with the acquisition of land for the second oval in Winchelsea. If the sale is not supported there may be a shortfall in funding compared to Council's previous intention and resolution.

Social Considerations

The recommendation to make this land available to facilitate the establishment of an Ambulance Branch in Winchelsea is expected to deliver a net benefit to the community.

Community Engagement

A public notice was published in the Surf Coast Times on 1 June 2017 and the Winchelsea Star on 6 June 2017 with submissions closing at 4pm Thursday 29 June 2017. Further to the public notice Council wrote to 38 neighbouring properties regarding the proposal.

A submitter spoke in support of their submission at a Hearing of Submissions Committee Meeting on 4 July 2017.

Further community consultation has been undertaken directly by Ambulance Victoria including a meeting between Ambulance Victoria, Council Officers and community members on Friday on Friday 21 July 2017.

Environmental Implications

Nil impacts identified.

Communication

As detailed under 'Community Engagement'.

Conclusion

Subject to further community consultation and discussion with Ambulance Victoria, the sale of the land is considered appropriate in order to provide the Winchelsea community with a local ambulance service and to generate revenue to assist with the acquisition of land required in the Eastern Reserve Master Plan.

4.9 Review of Delegation from Council to Members of Council Staff

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F15/1076

Division: Governance & Infrastructure

Trim No: IC17/1027

Appendix:

1. S6 Instrument of Delegation to Members of Council Staff (D17/101056)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present the S6 instrument of delegation from Council to members of Council staff for Council's approval, pursuant to Sections 98 of the *Local Government Act 1989* (The Act).

Summary

The S6 instrument of delegation was previously adopted by Council at the 23 May 2017 Ordinary Council meeting.

A review of the S6 instrument of delegation has since been undertaken following minor changes to the *Food Act 1984* and *Planning and Environment Act 1987*.

Recommendation

That Council:

1. Note that a review of the instrument of instrument of delegation from Council to members of Council staff (S6) has been undertaken in accordance with section 98 of the *Local Government Act 1989*.
2. Adopt the revised S6 instrument of delegation as shown in Appendix 1.
3. Authorise the Chief Executive Officer to execute the S6 instrument of delegation by affixing the common seal.
4. Authorise the Mayor to additionally sign the S6 instrument of delegation in order for this to be fully executed.
5. Approve the S6 instrument of delegation to come into force immediately upon execution.
6. Approve that on the coming into force of the S6 instrument of delegation, the previous S6 instrument of delegation from Council to staff is revoked.

Amended Recommendation

That Council:

1. Note that a review of the instrument of instrument of delegation from Council to members of Council staff (S6) has been undertaken in accordance with section 98 of the *Local Government Act 1989*.
2. Adopt the revised S6 instrument of delegation as shown in Appendix 1 recognising that reference to the Growth Areas Authority should reflect the Victorian Planning Authority.
3. Authorise the Chief Executive Officer to execute the S6 instrument of delegation by affixing the common seal.
4. Authorise the Mayor to additionally sign the S6 instrument of delegation in order for this to be fully executed.
5. Approve the S6 instrument of delegation to come into force immediately upon execution.
6. Approve that on the coming into force of the S6 instrument of delegation, the previous S6 instrument of delegation from Council to staff is revoked.

Council Resolution

MOVED Cr David Bell, Seconded Cr Libby Coker

That Council:

1. Note that a review of the instrument of instrument of delegation from Council to members of Council staff (S6) has been undertaken in accordance with section 98 of the *Local Government Act 1989*.
2. Adopt the revised S6 instrument of delegation as shown in Appendix 1 recognising that reference to the Growth Areas Authority should reflect the Victorian Planning Authority.

4.9 Review of Delegation from Council to Members of Council Staff

3. Authorise the Chief Executive Officer to execute the S6 instrument of delegation by affixing the common seal.
4. Authorise the Mayor to additionally sign the S6 instrument of delegation in order for this to be fully executed.
5. Approve the S6 instrument of delegation to come into force immediately upon execution.
6. Approve that on the coming into force of the S6 instrument of delegation, the previous S6 instrument of delegation from Council to staff is revoked.

CARRIED 9:0

4.9 Review of Delegation from Council to Members of Council Staff

Report

Background

The *Local Government Act 1989* enables Council to delegate functions, duties or powers, other than exemptions under sections 86(4) 98(1) of the Act, to the Chief Executive Officer, Council staff and special committees established under Section 86.

The S6 instrument of delegation (the instrument) was previously adopted by Council at the 23 May 2017 Ordinary Council meeting.

Discussion

Further updates to the legislation and regulations were received from Maddocks in August 2017 which have now been incorporated into the instrument.

The instrument is therefore attached for Council's adoption.

The changes are minor and summarised below:

- Additional provision under section 19(3) of the *Food Act 1984*.
- Additional provision under section 224(8) *Planning and Environment Act 1987*.

Financial Implications

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

Council Plan

Theme	5 High Performing Council
Objective	Nil
Strategy	Nil

Policy/Legal Implications

Section 98(1) of the *Local Government Act 1989* states that a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council with certain exceptions.

Officer Direct or Indirect Interest

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

Risk Assessment

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

Social Considerations

Not applicable.

Community Engagement

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

Environmental Implications

There are no environmental implications arising from this report.

Communication

Changes to the instrument will be communicated internally.

Conclusion

Following recent changes to *Food Act 1984* and *Planning and Environment Act 1987*, by carrying out a review of its S6 instrument of delegation from Council to members of Council staff, Council will ensure compliance with legislation and provide a clear framework that ensures that staff are aware of and acting within their designated levels of authority.

4.10 Councillor Representation on Victorian Local Government Association (VLGA)

Author's Title: Executive Assistant
Department: Governance & Infrastructure
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F12/2042
Trim No: IC17/1055

Appendix:

Nil

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

Yes

No

Reason: Nil

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to appoint a Council delegate to the Victorian Local Governance Association (VLGA) following the resignation of Councillor Rose Hodge as the representative for that committee.

Summary

There are a number of Committees to which Council delegates are appointed on an annual basis, including regional/peak organisations and internal Advisory Committees.

Delegates are responsible for reporting back to Council in regard to any actions or outcomes from the meetings. Substitute delegates are also nominated to represent Council where the delegate is unavailable.

Councillor Rose Hodge has expressed a wish to resign as Council delegate on the Victorian Local Governance Association (VLGA) and a new delegate now needs to be appointed.

Recommendation

That Council:

1. Note the resignation of Councillor Rose Hodge as Council's delegate to the Victorian Local Governance Association.
2. Appoint Councillor as the 2017 delegate on the Victorian Local Governance Association.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Libby Coker

That Council:

1. Note the resignation of Councillor Rose Hodge as Council's delegate to the Victorian Local Governance Association.
2. Appoint Councillor Martin Duke as the 2017 delegate on the Victorian Local Governance Association.

CARRIED 9:0

4.10 Councillor Representation on Victorian Local Government Association (VLGA)

Report

Background

There are a number of Committees to which Council delegates are appointed on an annual basis, including regional/peak organisations and internal Advisory Committees.

Delegates are responsible for reporting back to Council in regard to any actions or outcomes from the meetings. Substitute delegates are also nominated to represent Council where the delegate is unavailable.

Councillor Rose Hodge has expressed a wish to resign as Council delegate on the Victorian Local Governance Association (VLGA) and a new delegate now needs to be appointed.

Discussion

The VLGA is a unique peak body for councillors, community leaders and local governments working to build and strengthen their capacity to work together for progressive social change.

The VLGA Board manages the business and affairs of the Association and sets and oversees policy on behalf of and in accordance with the wishes of the membership. It has the power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Association. The Board is elected for a two-year term at its February meeting. All VLGA individual members, member community groups and Councillors from member Councils are eligible to vote.

The Board consists of the President, three Vice-Presidents, a Treasurer, the Executive Officer (ex-officio) and six ordinary members, two of which are elected Councillors from member local governments. The President, Treasurer and two of the Vice Presidents are Councillors from member local governments. The President, Vice Presidents, Treasurer, Public Officer with the Executive Officer comprise the Officer Bearers of the Association that between Board Meetings may act as an Executive, with the same powers as the Board. Fifty-seven Councils are VLGA members.

Financial Implications

Not applicable.

Council Plan

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy Nil

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

Involvement with regional and industry based committees provides Council with the opportunity to consider issues that may have broader impact than just the Council area, and can assist Council to hear the views of a wider community.

Environmental Implications

Not applicable.

Communication

Delegates to the various committees are required to report back to Council in regard to the actions and discussions of each committee.

Conclusion

It is recommended that Council appoints a Councillor as its representative on the VLGA for the remainder of the 2017 period.

Cr David Bell declared a Direct Conflict of Interest in item 4.11 Torquay Farmers Market - Expressions of Interest for a licence under section 77A of the Local Government Act 1989 due to owing a market and making a submission to Expression of Interest (EOI) process.

Cr David Bell left the meeting at 6:46pm.

4.11 Torquay Farmers Market - Expressions of Interest for a licence

Author's Title: Property & Legal Services Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F14/874

Division: Governance & Infrastructure

Trim No: IC17/480

Appendix:

1. Torquay Farmers Market - Expression Of Interest (D17/109282)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider the Expressions of Interest in entering a licence to operate a Farmers Market in the car park of Council office located at 1 Merrijig Drive, Torquay (the location).

Summary

A weekly market has operated at the Council office car park since 2014 under a licence agreement. The current agreement expires on 31 October 2017.

Council ran an Expression of Interest (EOI) process to operate a Farmers Market at the location. The EOI process seeking submissions was advertised in the Surf Coast Times on Thursday 17 August 2017. Submissions closed on Tuesday 12 September 2017 at which time one submission was received from David Kingsley Bell (the entity), operating as Torquay Farmers Market (the business), with registered ABN 14933821014.

An assessment panel, comprising officers from Economic Development & Tourism, Recreation Planning and Facilities & Open Space Departments reviewed the submission against the advertised criteria.

Having reviewed the submission, the evaluation panel is recommending that David Kingsley Bell be the preferred licensee and that a licence agreement be established with this entity.

Recommendation

That Council:

1. Note the Expression of Interest process is complete and that the submission received has been reviewed against the advertised criteria.
2. Endorse David Kingsley Bell as the preferred licensee for the purpose of operating a Farmers Market in the car park located at Council Offices, 1 Merrijig Drive, Torquay.
3. Authorise the Chief Executive Officer to represent Council in negotiating a final licence agreement with David Kingsley Bell for the purpose of operating a Farmers Market in the car park located at Council Offices, 1 Merrijig Drive, Torquay, with conditions generally consistent with the advertised EOI, standard licence conditions and the following key terms:
 - a. Licence period to be three (3) years with options of two (2) x 2 years.
 - b. The fee structure to be based on a current market valuation and charged per market held. and
 - c. Provision of power supply to be funded by the licensee and Council on a cost-sharing basis (capital and operating) that reflects estimated benefit to each party, with Council's contribution to installation being up to \$10,000 (exc. GST) to be funded from the Accumulated Unallocated Cash Reserve.
4. Authorise the Chief Executive Officer to execute the Licence Agreement under delegation.

4.11 Torquay Farmers Market - Expressions of Interest for a licence

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Carol McGregor

That Council:

1. Note the Expression of Interest process is complete and that the submission received has been reviewed against the advertised criteria.
2. Endorse David Kingsley Bell as the preferred licensee for the purpose of operating a Farmers Market in the car park located at Council Offices, 1 Merrijig Drive, Torquay.
3. Authorise the Chief Executive Officer to represent Council in negotiating a final licence agreement with David Kingsley Bell for the purpose of operating a Farmers Market in the car park located at Council Offices, 1 Merrijig Drive, Torquay, with conditions generally consistent with the advertised EOI, standard licence conditions and the following key terms:
 - a. Licence period to be one (1) year.
 - b. The fee structure to be based on a current market valuation and charged per market held.
and
 - c. Provision of power supply to be funded by the licensee and Council on a cost-sharing basis (capital and operating) that reflects estimated benefit to each party, with Council's contribution to installation being up to \$10,000 (exc. GST) to be funded from the Accumulated Unallocated Cash Reserve.
4. Authorise the Chief Executive Officer to execute the Licence Agreement under delegation.

CARRIED 8:0

4.11 Torquay Farmers Market - Expressions of Interest for a licence

Report

Background

The current licence between licensee and the Council commenced 1 November 2014, for a three year term with no further terms of renewal. Current licence to expire on 30 October 2017.

Council ran an EOI process to operate a Farmers Market at the location. The EOI was advertised in the Surf Coast Times on Thursday 17 August 2017, submissions closing on Tuesday 12 September 2017. A copy of the information requested from submitters for the EOI is attached.

One submission was received by the closing date. An assessment panel comprising officers from Economic Development & Tourism, Recreation Planning and Facilities & Open Space Departments reviewed the submission against the advertised criteria.

The panel assessed the submission in accordance with the assessment criteria detailed in the discussion section of this report.

Discussion

One submission was received at the closing time from David Kingsley Bell.

The submission was evaluated by the panel in accordance with the following criteria:

Criterion	Relative Weighting
Proposed economic and social return / benefit to community	40%
Relevant experience and resources (previous work of this type)	20%
Environmental Management Plan	20%
Requirement for resources provided by Council	10%
Financial viability	10%

The panel recommends that David Kingsley Bell be deemed to be the preferred Licensee to operate the Torquay Farmers Market at the location after successfully meeting the above criterion.

The terms and conditions proposed for the Licence will be based upon the EOI, as follows:

Licence Fee:	To be based on a market valuation prepared by an independent valuer
Term:	Three years (with two further terms of renewal of two years)
Commencement Date:	1 February 2018 or earlier by agreement
Permitted Use:	Farmers Market.
Licence Location:	Portion of car park, Council Office's, 1 Merrijig Drive
Insurance:	\$20 million public liability insurance
Additional costs:	Such as consumables of services, if any, will be based on a full cost recovery basis.

Financial Implications

The fee for the Licence Agreement will be determined by the Chief Executive Officer and will be based on market valuation conducted by an independent valuer. The licence fee may be charged on either:

- (i) A 'per market' basis as per common valuation methodology; or
- (ii) A 'per stall' basis as per previous licence arrangements, with the rate per stall established by dividing the 'per market' rate by the average number of stalls over the year.

Revenue derived from the Licence Agreement will be utilised for general revenue.

The submission also requests that Council consider the provision of power to the car park with availability to stall holders. The submission does not specify how this might be funded, but there is the potential for the market to benefit, as well as other users, and therefore a shared-cost arrangement would be appropriate if power is provided.

Council Plan

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

4.11 Torquay Farmers Market - Expressions of Interest for a licence

Policy/Legal Implications

Council does not have a formal policy in place in relation to licences and leases of land it manages. Officers cannot pre-determine what might be included in a future policy but anticipate some principles that will be important include:

- Transparency – the process and decision-making should be visible
- Fairness – impartiality should be shown to both existing and potential leasees and licensees
- Accessibility – any person, group or business that wishes to participate in the process should be able to reasonably do so

The process is consistent with these governance principles and complies with the requirements of the Local Government Act 1989.

Officer Direct or Indirect Interest

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

Risk Assessment

The Licensee is required to hold a current Certificate of Public Liability Insurance for \$20 million in accordance with the conditions of a Licence.

Social Considerations

Farmers Markets provide a range of benefits to the community, they add vibrancy and supply access to fresh, local and seasonal produce direct from the food producer. It is supported to issue the Licence Agreement to David Kingsley Bell in order for the market to continue to provide these benefits to the community.

Community Engagement

The EOI seeking submissions was published in the Surf Coast Times on Thursday 17 August 2017. No submissions were received from the general public in relation to the EOI or licence.

Environmental Implications

Environmental management was considered within the EOI process and criteria and the submission has satisfactorily addressed this issue. The submission also suggests that the provision of electricity to the car park with availability to stall holders would provide an improved environmental outcome as it could mitigate the need for petrol and diesel generators to run refrigeration units required for food storage.

Communication

The outcome of this decision will be communicated to all submitters.

Options

There are a range of options and decision for Council to consider at this time.

Option 1 – Do not enter a new licence

This option is not recommended by officers. Without a licence the Farmers Market would cease to operate until an alternative site is found and this would be considered a loss to the local and regional community as the market provides a range of economic and social benefits.

Option 2 – Determine a preferred licensee and formalise a licence

This option is recommended by officers for the following reasons:

- This allows the Farmers Market to continue to operate and provide ongoing benefits to the local community and broader region.
- Provides security to a commercial business enabling it to continue to invest in marketing and development of the market.
- Provides some revenue for Council from a facility that is not commonly used for other purposes on the weekend.

There are further choices for Council to make in relation to Option 2, including term, fee and additional infrastructure.

4.11 Torquay Farmers Market - Expressions of Interest for a licence

a. Initial term of the licence

Council could decide to enter a licence for another three year period. This is recommended by officers because it is a common licence term where there is an ongoing commercial activity and this provides sufficient certainty for a commercial entity to plan and invest in its business.

Council could choose to offer an initial term with a shorter period, such as one year. This might be appropriate if the usage of the facility was not established, or a new use was being trialled and only an interim licence was desired. This is not the case with this new licence because there has already been a longer term licence for a three year period. While the current licence is coming to an end but the use has already been demonstrated to be viable and appropriate for the area. A shorter period, say one year, is also not recommended by officers because it places restrictions on commercial entities if they do not have sufficient certainty to plan ahead. A shorter period would also result in Council needing to more regularly undertake a new EOI process, advertise, assess and determine a future licence.

b. Options for further terms

Officers also recommended that the licence agreement include options to extend the licence for further periods. This is also common in licences and leases for commercial operators. Officers are recommending two opportunities for extensions to the licence, each additional period being two years. This enables the market to continue to operate if both parties are agreeable.

Council could choose to not offer extension options. This would require Council to undertake a new EOI process, advertise, assess and determine a future licence more frequently.

c. Fee structure

As outlined already in this report, Council could consider different fee structures as follows:

- (i) A 'per market' basis as per common valuation methodology; or
- (ii) A 'per stall' basis as per previous licence arrangements, with the rate per stall established by dividing the 'per market' rate by the average number of stalls over the year.

The 'per market' fee is recommended by officers because of the financial certainty it provides Council as well as the streamlined administration processes that apply.

If Council determines to charge a 'per stall' fee, it would be appropriate to set a minimum charge per market such as 50% of the market value.

d. Additional support by Council

As outlined already in this report, the submission has raised the possibility of the provision of power to the car park with availability to stall holders. Council could choose to:

- (i) Decline this request
- (ii) Approve the request at full cost to the licensee
- (iii) Approve the request under a cost-sharing arrangement that recognises that there is shared benefit available to Council and other car park users.

Officers recommend option (iii) be pursued if a mutually agreeable arrangement can be negotiated.

Conclusion

The submission from David Kingsley Bell offers an opportunity for the Farmer Market to continue to operate under appropriate terms and conditions.

Cr David Bell returned to the meeting at 6:58pm.

4.12 Response to Joint Letter from Growing Winchelsea

Author's Title: General Manager Governance & Infrastructure

General Manager: Anne Howard

Department: Governance & Infrastructure

File No: F17/597

Division: Governance & Infrastructure

Trim No: IC17/1128

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 seek a response from Council regarding a joint letter from Growing Winchelsea Inc.

Summary

At its Ordinary meeting on 23 May 2017 Council considered a request from Ambulance Victoria regarding the potential sale of 42 Harding Street, Winchelsea. Ambulance Victoria's request was prompted by its desire to establish an ambulance station within the Winchelsea township. At that meeting Council resolved that if the sale proceeded, then net revenue should pay back funds advanced from the Accumulated Unallocated Cash Reserve.

Growing Winchelsea Inc is not supportive of Council's decision and has asked on a few occasions for this decision to be changed. There are no changes to circumstances and no new information has been provided since the previous decisions were made and officers are recommending that the decision remains unchanged.

Recommendation

That Council affirm its previous decision that should the sale of 42 Harding Street, Winchelsea, proceed then the net revenue would be transferred to the Accumulated Unallocated Cash Reserve to replenish the funds previously advanced to fund the acquisition of land for second oval.

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Margot Smith

That Council affirm its previous decision that should the sale of 42 Harding Street, Winchelsea, proceed then the net revenue would be transferred to the Accumulated Unallocated Cash Reserve to replenish the funds previously advanced to fund the acquisition of land for second oval.

CARRIED 8:1

4.12 Response to Joint Letter from Growing Winchelsea

Report

Background

At its Ordinary meeting on 23 May 2017 Council considered a request from Ambulance Victoria regarding the potential sale of 42 Harding Street Winchelsea. Ambulance Victoria's request was prompted by its desire to establish an ambulance station within the Winchelsea township. At that meeting Council resolved as follows:

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Carol McGregor

That Council:

1. Affirm its willingness to sell 42 Harding Street, Winchelsea, Certificate of Title Volume 9828 Folio 343 to Ambulance Victoria for the purpose of establishing an ambulance station for Winchelsea and district.
2. Agree that the price for sale of the land should be based on current valuations.
3. Note the requirement of the Local Government Act 1989, that at the time of sale Council will hold a valuation shall not be more than six months old.
4. Issue a public notice of intention to sell the land and invite and consider public submissions in accordance with Section 189 and Section 223 of the *Local Government Act 1989*.
5. Agree that the net revenue from the sale will be transferred to the Accumulated Unallocated Cash Reserve to replenish funds contributing to the acquisition of land for the Eastern Reserve Masterplan, consistent with previous resolutions of Council that sale of excess land in Winchelsea should fund the Eastern Reserve extension acquisition.
6. Agree that a condition of the Contract of Sale will be that if the land is subdivided within five years of Council selling the land, then Council is to be given the first right to buy back the land at the sale price plus indexation reflecting market changes, without creating any obligation on Council to do so.
7. Authorise the Chief executive Officer to execute the contract and associated sale documents on Council's behalf.

CARRIED 8:0

On 22 June 2017 Growing Winchelsea 2017 wrote a joint letter to Council asking that "*if the sale goes ahead, the money be kept in Winchelsea*" and used to fund continuing works highlighted in the Growing Winchelsea Plan. This joint letter was presented to Council at its Ordinary Meeting on 27 June 2017 at which Council resolved, amongst other things, to:

2. Receive and note the Joint Letter from Growing Winchelsea Inc. regarding the funds from the sale of 42 Harding Street Winchelsea, and:
 - a. Note that the matter referred to in the letter was considered by Council on 23 May 2017 and that Council determined the treatment of funds at that time.
 - b. Advise the first named signatory of letter that this matter has been determined by Council.

A letter of response was sent to Growing Winchelsea Inc on 4 July 2017 advising it of Council's decision.

On 21 July 2017 a further joint letter was sent to Council by Growing Winchelsea Inc. The letter stated that Growing Winchelsea Inc has a strong feeling against Council's proposal that the proceeds from the sale would be put towards the future purchase of land for the town's second oval. Reasons given included that the land purchase would not occur for another 2-3 years and that the second oval will only benefit relatively few people in the town.

The second joint letter asked that if the land sale goes ahead, the proceeds be used to fund works in the Growing Winchelsea Plan, not direct to future purchase of land for a second oval. This letter was presented to Council at its Ordinary meeting on 22 August 2017, at which time Council

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Heather Wellington

That Council:

1. Receive and note the joint letter from Growing Winchelsea Inc.
2. Refer the letter to the 26 September 2017 Council Meeting.

CARRIED 8:0

Discussion

The report presented to Council on 23 May 2017 included the following discussion regarding the revenue of the sale of 42 Harding Street, Winchelsea, should it proceed.

4.12 Response to Joint Letter from Growing Winchelsea

The Eastern Reserve extension, including establishment of a second oval, is a project identified within the Growing Winchelsea Plan (the Plan). In August 2015 Council considered the matter of acquiring land to facilitate the extension of Eastern Reserve Recreation Reserve as identified in the Plan. At that meeting Council resolved to progress with acquisition of the land on the basis that funds would come from three sources:

- 1. Open Space Reserve (allocation of \$88,000).*
- 2. Sale of land in Winchelsea that is surplus to council needs (anticipated revenue of \$550,000).*
- 3. An allocation from the unallocated Case Reserve (up to an amount of \$312,000).*

To ensure that Council had sufficient cash available to fund an acquisition at the approved cost (up to \$850,000) council allocated cash in advance of the revenue of the sales of land in Winchelsea, which has the effect of reducing council's unallocated cash. The sales of land to date is well below what Council anticipated in August 2015 and it is therefore recommended that the net revenue from the sale of 42 Harding Street, Winchelsea, be directed to the Accumulated Unallocated Cash Reserve to replenish the advance of cash drawn for the Eastern Reserve for the purpose of funding the acquisition of land for the second oval.

The above discussion remains valid. The second oval is a project within the Plan and therefore directing land sale revenue from 42 Harding Street, Winchelsea, is consistent with Growing Winchelsea's request that the revenue remain in Winchelsea and support projects identified in the Plan.

Financial Implications

Council decided to progress with pursuing the acquisition of land for a second oval on the basis that surplus land in Winchelsea be sold to partly fund the acquisition. The decision of 23 May 2017 is consistent with that principle. Council has used its 'cash in hand' from the Accumulated unallocated Cash Reserve in advance of the land sales occurring which results in Council's funds being tied up until sales occur, thus restricting Council's ability to fund other projects including these that may also be identified in the Plan.

Council Plan

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

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

This report and recommendations is consistent with a number of other prior reports where various decisions have included a risk assessment or risk consideration. No further risk assessment has been undertaken in relation to the direction of revenue from the sale of land.

Social Considerations

This report and recommendations is consistent with a number of other prior reports where various decisions have included social consideration. No further assessment has been undertaken in relation to the direction of revenue from the sale of land.

Community Engagement

There have been five public reports and decisions between (and including) May 2017 and September 2017. A public notice inviting submissions was published in accordance with Section 223 of the Local Government Act 1989 to advise the community of the potential sale of land. No further engagement has been conducted by Council nor anything specific about the direction of revenue because all recommendations and decisions to date have been consistent with the 2015 intention.

Environmental Implications

Nil impacts identified.

4.12 Response to Joint Letter from Growing Winchelsea

Communication

As detailed under 'Community Engagement'.

Options

Option 1 – Council can affirm its previous decisions

This option is recommended by officers because it is consistent with the 2015 decision and no circumstances have changed since the decisions of May and June 2017.

Option 2 – Council can change its previous decisions

This option is not recommended by officers because there are no changed circumstances to those in place when previous decisions were made.

Conclusion

The sale of the land is considered appropriate in order to provide the Winchelsea community with a local ambulance service and to generate revenue to assist with the acquisition of land required in the Eastern Reserve Master Plan.

5. ENVIRONMENT & DEVELOPMENT

5.1 Amendments C85 and C96 - Flooding, Bushfire and Biodiversity in the Coastal Settlements

Author's Title: Senior Strategic Planner

General Manager: Ransce Salan

Department: Planning & Development

File No: F13/327

Division: Environment & Development

Trim No: IC17/900

Appendix:

1. Amendment C85 Planning Scheme Docs (D17/105026)
2. Amendment C85 Planning Scheme Maps (D17/105006)
3. Amendment C96 Planning Scheme Docs (D17/104620)
4. Amendment C96 Planning Scheme Maps (D17/104934)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider the recommendations from the Panel Report on Planning Scheme Amendments C85 and C96 and to consider adoption of both amendments.

Summary

Amendment C85 updates flood mapping and improves the protection of significant waterways and wetlands across the Shire. Amendment C96 streamlines vegetation controls in the coastal settlements and updates local policy in relation to bushfire. The Amendments implement a number of specialist studies undertaken by the State Government and Council relating to:

- Flood mapping
- Biodiversity mapping in the settlements
- Improved alignment between local and state policy in relation to bushfire.

The amendments have been through a public exhibition process and all of the submissions and modifications to the exhibited amendment in response to submissions have been reviewed by a Panel. The Panel concluded that there was sound strategic basis for the amendments and that the amendments were consistent with both State and Local Policy. The Panel supported the majority of the changes made by Council post exhibition.

The Panel supports the adoption of both amendments but has suggested some minor modifications to the documents including a review of the overlay schedules to ensure compliance with the recently updated *Ministerial Direction on the form and Content of Planning Schemes* (May 2017). Recommendations were also provided to address the gaps created by the abandonment of Amendment C81 where the amendments were interrelated.

Recommendation

That Council as the Planning Authority:

1. Receive and note the Panel Report on Amendments C85 and C96.
2. Adopt Planning Scheme Amendments C85 and C96 incorporating the following changes:
 - 2.1 All wording alterations made to the exhibition documents post submissions, which formed Council's position at the Panel Hearing.
 - 2.2 Modifications made to Clause 22.02, Schedules to the Flood and Land Subject to Inundation Overlays and the Environmental Significance Overlay Schedule 1 recommended by the Panel.
 - 2.3 Removal of 'application requirements' from the Environmental Significance Overlay Schedules 1 and 4, to comply with the *Ministerial Direction on the form and Content of Planning Schemes*.
 - 2.4 Replacing ESO maps 19, 20, 33, 39 and 40 with modified maps, replacing VPO deletion map 33 with a modified map and deleting VPO maps 19 and 20.
3. Submit the adopted Planning Scheme Amendments, C85 and C96, to the Minister for Planning for

5.1 Amendments C85 and C96 - Flooding, Bushfire and Biodiversity in the Coastal Settlements

approval pursuant to Section 31 of the *Planning and Environment Act 1987*.

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Libby Coker

That Council as the Planning Authority:

1. Receive and note the Panel Report on Amendments C85 and C96.
2. Adopt Planning Scheme Amendments C85 and C96 incorporating the following changes:
 - 2.1 All wording alterations made to the exhibition documents post submissions, which formed Council's position at the Panel Hearing.
 - 2.2 Modifications made to Clause 22.02, Schedules to the Flood and Land Subject to Inundation Overlays and the Environmental Significance Overlay Schedule 1 recommended by the Panel.
 - 2.3 Removal of 'application requirements' from the Environmental Significance Overlay Schedules 1 and 4, to comply with the *Ministerial Direction on the form and Content of Planning Schemes*.
 - 2.4 Replacing ESO maps 19, 20, 33, 39 and 40 with modified maps, replacing VPO deletion map 33 with a modified map and deleting VPO maps 19 and 20.
3. Submit the adopted Planning Scheme Amendments, C85 and C96, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.

CARRIED 9:0

5.1 Amendments C85 and C96 - Flooding, Bushfire and Biodiversity in the Coastal Settlements

Report

Background

Amendments C85 and C96 were placed on public exhibition between 9 April and 11 May 2015. A total of 22 submissions were received in response to Amendment C85. A total of 16 submissions were received to Amendment C96. The primary issues raised by submitters were:

- The flood mapping and how it affected a landowners property
- The proposed wording changes to policy in relation to bushfire
- The mapping of vegetation on individual's properties.

On 24 January 2017 Council resolved to refer the submissions to both amendments to a Panel (including all modifications made to the exhibited amendment post submissions). The Panel considered both Amendments concurrently, appointed under delegation by the Minister for Planning on 13 February 2017. A Panel Hearing was held on 8 March 2017. Four submitters presented to Panel (including Council and the Department of Environment, Land, Water and Planning [biodiversity division]).

Discussion

The Panel considered all written submission made in response to the exhibited amendment at a Panel Hearing held in March 2017. The Panel reviewed the planning framework for the Amendments and found that:

They are consistent with State and Local Planning policy and will help to implement protection of significant waterways, wetlands and vegetation areas in the Shire. In particular the Panel notes the significant amount of strategic research that has been undertaken over a number of years by Council in conjunction with the CCMA and DELWP.

The Panel supported the Amendments and recommended that Council should:

General

1. Adopt Amendments C85 and C96 to the Surf Coast Planning Scheme generally as exhibited but subject to applying the amended policies and schedules made by Council post submissions or recommended by the Panel.
2. Review the provisions and schedules of Amendments C85 and C96 during finalisation to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017); and undertake a plain English, policy neutral review at the same time.

Flooding

3. Apply the revised Land Subject to Inundation Overlay and Floodway Overlay schedules prepared by the Panel.
4. Adopt the 2015 overlay mapping changes for the revised Land Subject to Inundation Overlay and Floodway Overlay for the Barwon River, Wormbete Creek and Spring Creek.

Habitat and vegetation

5. Adopt the Environmental Significance Overlay Schedule 1 prepared by the Panel.
6. Remove the proposed Environmental Significance Overlay Schedule 1 from the land currently covered by the ESO4.
7. Apply the proposed Environmental Significance Overlay Schedule 1 to the publicly owned land on the west side of Painkalac Creek.
8. Revise the application of the Environmental Significance Overlay Schedule 4 maps in response to submissions 5, 6, 9 and 16.
9. Don't apply the Environmental Significance Overlay Schedule 4 to the Spring Creek Urban Growth Zone area.

Implications of abandoning Amendment C81

10. Retain the existing planning controls on land that was to have controls removed by Amendment C96 and replaced with the provisions of the abandoned Amendment C81.

Other

11. Adopt the revised Clause 22.02 prepared by Panel.

Panel recommendations

5.1 Amendments C85 and C96 - Flooding, Bushfire and Biodiversity in the Coastal Settlements

The panel supported the mapping and wording modifications made to the exhibited amendment by Council in response to submissions. The final versions of the mapping and documents are appended to this report.

The Panel made modifications to the following documents:

- Environmental Significance Overlay Schedule 1 (ESO1)
- Schedule to the Land Subject to Inundation Overlay (LSIO)
- Schedule to the Flood Overlay (FO)
- Clause 22.02 (Streetscape and Landscape Policy).

The final versions of these documents are appended to this report.

The Panel requested that the exhibition documents be modified to comply with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017). The Environmental Significance Overlay Schedules 1 and 4 (ESO1 & ESO4) have been amended accordingly. The final versions of these documents are appended to this report.

The Panel recommended a 'plain English' review of all of the amendment documents. This review has not been completed but will be undertaken as part of a future *whole of Planning Scheme review* to ensure consistent language is applied across the entire Local Planning Policy Framework.

Implications of abandoning Amendment C81

At the Panel Hearing Council presented an option to the Panel that Amendment C85 could apply the ESO1 to the Painkalac Valley in Aireys Inlet to address the gap created through the abandoning of Amendment C81. Amendment C81 was to apply an ESO6 to the valley to replace the ESO4 being deleted through C96. The Panel did not support this option on the basis that the purpose of the ESO1 is too different from the purpose of the existing ESO4 (being deleted) or the ESO6 (that was to be applied through C81). The ESO1 has a focus on riverine health and protection whereas the ESO4 and ESO6 focus on vegetation protection. At the Panel Hearing Council presented that riverine protection was appropriate in the valley as much of the land is subject to inundation and is part of the floodplain. This position was not supported by the Panel.

The Panel recommended instead that the current ESO4 be retained in the short term and when Council revisits how best to protect biodiversity in the hinterland through a future amendment that an alternative schedule be investigated at that time.

This option is problematic because Amendment C96 deletes the current ESO4 from all land where it currently applies (replacing it with a new ESO4) and although only a short term solution it would result in an overlay schedule that applies to only one parcel of land. A key outcome of C96 has been to rationalise the number of overlay schedules applying to native vegetation and the solution provided by Panel would be contrary to this.

It is recommended instead that the existing ESO5 (applying to parts of Aireys Inlet and Fairhaven) should be applied to the land instead. The ESO5 was to be deleted through amendment C81 and replaced with the ESO6 (the same control that was to be applied to the Painkalac Valley). The purpose of the ESO5 is the same as the purpose of the existing ESO4 which was the main concern raised by the Panel with applying the ESO1. This option will enable the continued deletion of the current ESO4 from the Planning Scheme and will apply the same control to the valley as the surrounding land also zoned Rural Conservation Zone. The final version of the maps are appended to this report.

The Panel recommended that the VPO1 be retained on public land in Anglesea in response to the abandoning of C81. The final version of the map is appended to this report.

Financial Implications

Sufficient funds are available within the project budget to pay for the approval costs associated with lodging the amendments with the DELWP.

Council Plan

Theme	2 Environmental Leadership
Objective	Nil
Strategy	Nil

Theme	1 Community Wellbeing
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5.1 Amendments C85 and C96 - Flooding, Bushfire and Biodiversity in the Coastal Settlements

Objective 1.3 Improve community safety
Strategy Nil

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

There are no demonstrated risks associated with adopting the amendment.

There may be risks if Council does not adopt the amendment specifically in relation to flood mapping as the planning scheme is currently informed by data incorporated into the scheme in 2007 which has now been superseded.

Amendment C96 improves consideration of bushfire risks throughout local policy.

Social Considerations

Submitters have raised the importance of protecting the Shires biodiversity assets a key objective of both Amendments.

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

Community Engagement

The amendments have been formally exhibited in accordance with the provisions of the *Planning and Environment Act 1987*.

Environmental Implications

The Amendments enhance the protection of significant waterways and wetlands across the Surf Coast Shire and significant vegetation within the coastal settlements.

Communication

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

Options

Option 1 – Adopt Amendments C85 and C96, incorporating the majority of the Panels suggested changes

This option is recommended by officers as it modifies the exhibited amendment documents and maps to include all of the recommendations made by Panel, with the exception of retaining a site specific overlay schedule. As discussed above under 'implications of abandoning Amendment C81' the application of the ESO5 to the Painkalac Valley is proposed rather than retaining the existing ESO4. This option will address the concerns raised by the Panel but will enable the continued 'tidy up' of the environmental overlay schedules within the scheme as envisaged by the amendment.

Option 2 – Adopt Amendments C85 and C96 incorporating all of the Panels suggested changes

This option is not recommended by officers as Panels suggestion to retain a site specific control adds to the size and complexity of the planning scheme. The solution provided by officers at option 1 will address the Panels concerns whilst removing redundant controls within the Planning Scheme.

Option 3 – Abandon Amendment C85 and C96.

This option is not recommended by officers as both amendments have received support from the community and from Panels Victoria. The Panel found both Amendments to be sound and worthy of adoption. There are risks associated with not updating Councils mapping in relation to flooding and environmental assets.

Conclusion

It is recommended that both amendments be adopted as exhibited incorporating the Panel's recommended changes and that Council submit the adopted amendments to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.

5.2 Strengthening Town Boundaries Project - Torquay/Jan Juc

Author's Title: Coordinator Strategic/Land Use
Planning

General Manager: Ransce Salan

Department: Planning & Development

File No: F17/588

Division: Environment & Development

Trim No: IC17/960

Appendix:

1. Strengthening Town Boundaries - Potential mechanisms for managing the town boundary, Torquay / Jan Juc - 2017 final report (D17/97322)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider the Discussion Paper prepared for the “Strengthening Town Boundaries” project.

Summary

The Strengthening Town Boundaries project (formerly known as “Permanent Town Boundaries”) is an initiative of the Council’s Environmental Leadership Program, under the Theme “Land Use and Wildlife”. As a first step in this project, Council engaged consultants Spatial Economics to prepare an options paper outlining the potential mechanisms for strengthening town boundaries in Torquay/Jan Juc and the implications of those options. The report also includes recommendations for further strategic work.

The report recommends that, if Council wishes to pursue a stronger settlement boundary around Torquay/Jan Juc, that a number of priority tasks be undertaken to provide the necessary evidence to justify limiting the growth of the township. The priorities are as follows:

1. An updated housing and land supply report to demonstrate the measures proposed for Torquay/Jan Juc will not risk the ability to satisfy the State Government requirement to have a 15 year land supply in the Shire. This report is already on the workplan as a biannual requirement in the 2017/2018 Strategic Planning budget.
2. Undertake two studies to justify non-urban areas for special protection – the Thompson Valley to the north and the area between Torquay and Bellbrae to the west.
3. A long term settlement strategy to address population and housing growth. This strategy will consider Torquay/Jan Juc in the context of the Shire as a whole and a regional context including the G21 Regional Growth Plan and the City of Greater Geelong Settlement Strategy.

Further actions can be taken in the future following the foundation established through the above strategic work.

Recommendation

That Council:

1. Receive and note the Strengthening Town Boundaries discussion paper “*Potential Mechanisms for Managing the Torquay/Jan Juc Town Boundary 2017*”.
2. Publish the options paper on Council's website.
3. Complete the housing demand and land supply report for Torquay/Jan Juc and other relevant areas of the Shire (already funded), planned for early 2018.
4. Refer the priority actions outlined in the Options Paper, including preparation of a Settlement Strategy for the Surf Coast Shire and a landscape and environmental study, to the 2018/19 budget deliberations which commence in December 2017.
5. Increase clarity and direction in the growth of Torquay/Jan Juc and protection of the green breaks through the planning scheme review to be conducted in 2018.
6. Continue to liaise with the Department of Environment, Land Water and Planning, the City of Greater Geelong and G21 regarding an integrated regional approach to urban growth in the region and next steps.
7. Invite local community groups to a meeting should they wish to discuss the content of the report.

5.2 Strengthening Town Boundaries Project - Torquay/Jan Juc

Council Resolution

MOVED Cr David Bell, Seconded Cr Libby Coker

That Council:

1. Receive and note the Strengthening Town Boundaries discussion paper "*Potential Mechanisms for Managing the Torquay/Jan Juc Town Boundary 2017*".
2. Publish the options paper on Council's website.
3. Complete the housing demand and land supply report for Torquay/Jan Juc and other relevant areas of the Shire (already funded), planned for early 2018.
4. Refer the priority actions outlined in the Options Paper, including preparation of a Settlement Strategy for the Surf Coast Shire and a landscape and environmental study, to the 2018/19 budget deliberations which commence in December 2017.
5. Increase clarity and direction in the growth of Torquay/Jan Juc and protection of the green breaks through the planning scheme review to be conducted in 2018.
6. Continue to liaise with the Department of Environment, Land Water and Planning, the City of Greater Geelong and G21 regarding an integrated regional approach to urban growth in the region and next steps.
7. Invite local community groups to a meeting should they wish to discuss the content of the report.

CARRIED 9:0

5.2 Strengthening Town Boundaries Project - Torquay/Jan Juc

Report

Background

The Strengthening Town Boundaries project (formerly known as “Permanent Town Boundaries”) is an initiative of the Council’s Environmental Leadership Program, under the Theme “Land Use and Wildlife”. As a first step in this project, Council engaged consultants Spatial Economics to prepare a discussion paper outlining the options for strengthening town boundaries in Torquay/Jan Juc and the implications of those options. The final report “Potential Mechanisms for Managing the Torquay/Jan Juc Town Boundary” (The Report) has been received and outlines the advantages and disadvantages of each option, considering all mechanisms available and Australian and international examples.

Spatial Economics is currently preparing a Settlement Strategy for the City of Greater Geelong (COGG). It is understood that the strategy was instigated by a number of factors including issues raised through the recent Ocean Grove Structure Plan review about urban growth and the implications of the North and West Growth Areas development in Geelong – timing and the provision of infrastructure. The issues papers for COGG have been on exhibition recently, and COGG is now considering those submissions which will be reported to a council meeting likely to be in early 2018.

Torquay/Jan Juc shares many similarities with Ocean Grove and the Bellarine Peninsula. Torquay is also a designated growth town in the G21 Regional Growth Plan and continued outward growth has the potential to impact on landscape and environmental values. Expanding greenfield growth also has the potential to threaten the green breaks between townships and impact on productive rural land which is supported for retention in the G21 Regional Growth Plan. At the same time, Council has obligations through the State Planning Policy Framework to provide a 15 year land supply for the municipality, and a stronger town boundary has implications for land prices and housing choice.

As part of this stage of the Strengthening Town Boundaries project, Spatial Economics have also undertaken a preliminary assessment of residential land supply in Torquay/Jan Juc to inform the discussion. The assessment indicates that Torquay/Jan Juc has between 15 and 29 years land supply available within the existing settlement boundaries depending on whether it is a high or low growth scenario (see table below). These figures include the Spring Creek Growth Area, the Messmate Road Growth Area (not yet master planned by Council), and the future investigation area in Torquay North. Current figures also show that construction rates in recent years have achieved a rate of 3.9% annual growth, which is a medium growth scenario but above the current official level of 2.7%.

Table 1: Adequacy of Broadhectare Land Stocks – Torquay/Jan Juc, 2017

	Growth Scenario/Years of Supply		
	Official (2.7% pa)	Recent Trend (3.9% pa)	High Sustained (4.5% pa)
Zoned	12	8	6
UGZ (PSP Required)	9	5	4
Potential Residential (unzoned)	8	5	4
Total	29	18	15

This initial assessment indicates that Torquay/Jan Juc is well placed to achieve State obligations for municipal land supply in this one township alone for more than the required minimum period. The second growth township in Surf Coast Shire is Winchelsea, which has not yet been factored into these equations. The preparation of a Settlement Strategy for the municipality is recommended in The Report, as it would be a strategic municipal wide approach, considering all growth townships in the Shire.

5.2 Strengthening Town Boundaries Project - Torquay/Jan Juc

Discussion

The Report has been prepared as a discussion paper/research paper to consider the options for strengthening town boundaries around Torquay/Jan Juc. Some of the options considered are:

- Imposing an Urban Growth Boundary as utilised in Melbourne. This would require State Government support and ratification by parliament. It is currently only used in Melbourne. This option would need to be considered in conjunction with the City of Greater Geelong, after further strategic work is completed to justify its use, if deemed appropriate.
- Joining the Bellarine Peninsula Localised Planning Statement. This option is a policy approach which would require the co-operation of the City of Greater Geelong and State Government.
- Strengthening policy in the planning scheme, including the Municipal Strategic Statement, to direct growth and provide greater clarity about settlement patterns. This option is another policy approach.

Based on the assumption that Council's primary intention is to strengthen the Torquay/Jan Juc town boundary and/or better protect the surrounding non-urban areas, a number of priority actions have been identified to achieve this goal. They are listed below in order of priority with estimated costings:

Priority Actions:

1. Undertake a detailed assessment of housing demand and residential land supply in Torquay/Jan Juc and Winchelsea to demonstrate the ability to meet the State requirement for a 15 year land supply. This item is already funded as part of Council's normal work program for strategic planning and scheduled for early 2018.
2. An environmental values assessment to identify areas for special protection. (Particularly relevant to the Thompson Valley). This includes the foreshore, wetlands (e.g. Karaaf), catchments areas and areas of particular environmental significance. Estimated cost: \$30 - \$40,000.
3. A landscape assessment to identify areas of significant landscapes. The current landscape assessments referenced in the planning scheme are broad scale and date back as far as 2003 or earlier. Estimated cost: \$25 - \$30,000.
4. Prepare a viable long term settlement strategy. Estimated cost: \$35 - \$40,000

A Settlement Strategy would:

- Review recent housing development trends
- Assess population and housing growth and consider different growth scenarios to meet future housing needs
- Assess housing capacity and where this could be increased
- Consider the staging and release of land and the provision of infrastructure; noting that development contributions do not cover the full cost of infrastructure for new communities and Council will be responsible for the funding gap.

The above strategic work will provide additional justification for any further actions by Council, including pursuit of an urban growth boundary or a localised planning statement. Strengthening of policy in the Local Planning Policy Framework in the planning scheme could be pursued as part of the next planning scheme review following the environmental and landscape studies.

Financial Implications

Priority Action number 1 is already funded as part of the current 2017/2018 budget. Items 2-4 can be considered as part of the 2018/2019 budget deliberations. The total cost for 2 technical studies and the settlement strategy is estimated to be approximately \$110,000. These initiatives require detailed project scoping to provide a more accurate costing.

Council Plan

Theme	3 Balancing Growth
Objective	3.3 Strengthen township boundaries and support unique township character
Strategy	Nil

Theme	3 Balancing Growth
Objective	3.3 Strengthen township boundaries and support unique township character
Strategy	3.3.2 Encourage in-fill development and direct growth to designated areas

5.2 Strengthening Town Boundaries Project - Torquay/Jan Juc

Policy/Legal Implications

Council has a legal obligation under the State Planning Policy Framework in the planning scheme to provide at least 15 years land supply in the municipality. Recent preliminary assessments of land supply indicate that Council is meeting that obligation for the whole shire in Torquay/Jan Juc alone.

Some of the options considered in The Report, if pursued, will require State parliamentary approval to proceed. e.g. imposing an Urban Growth Boundary – currently only utilised in Melbourne.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks to Council in considering this discussion paper.

Social Considerations

It is important for Council to plan appropriately for future communities, including urban growth and housing supply. Protection of significant landscape, environmental and rural areas is important to the community and a requirement under the Planning and Environment Act 1987 and the planning scheme.

In a broader context, urban growth places financial demands on Council for infrastructure and services provision which needs to be appropriately managed.

Community Engagement

The Report received is in essence a research paper outlining the options for Council.

It is considered that broad community engagement should be undertaken as part of the consultation on the recommended settlement strategy. Consultation would occur at that time with the community, developers, community groups and affected stakeholders.

Environmental Implications

Continued urban expansion has the potential to impact on significant environmental values. The Karaaf wetlands, Thompson Valley and the catchment area to the north of Torquay/Jan Juc have previously been identified as significant. It is considered important that an environmental study is undertaken to map all environmental areas of significance and any associated buffer zones, as recommended in the Report.

Communication

It is recommended that The Report be published on the Council's website, and targeted communication to occur with DELWP, G21 and the City of Greater Geelong to inform them of the Report, its content and implications. Local community groups will also be invited to a meeting should they wish to discuss the content of the report.

Options

1. Option 1 - Do nothing. Rely on the current planning scheme. Recent panel reports such as the panel report for Amendment C114 Spring Creek Precinct Structure Plan have indicated that the current planning scheme may be insufficient to prevent pressure for further greenfield expansion. Although *Sustainable Futures Torquay 2040* provides a framework in the planning scheme for land supply for at least 15 years, it does not provide a municipal wide approach to settlement and growth.
2. Option 2 – Undertake further strategic work. Council has the opportunity to undertake further strategic work as recommended by the consultants to strengthen the Torquay/Jan Juc settlement boundary. The priority actions will provide a firm foundation for defining the expected share of growth to be allocated to Torquay/Jan Juc and how it would be accommodated.
3. Option 3 – Undertake only some of the priority actions – It is considered that a settlement strategy is a definitive piece of work which should progressed as it will underpin all future actions to be taken. Therefore, it is recommended that all four of the above priority actions be undertaken, with the unfunded items referred to the 2018/19 budget deliberations.

Conclusion

The potential mechanisms for managing the Torquay/Jan Juc settlement boundary have been identified in the discussion/options paper submitted to Council. If Council wishes to pursue a "strengthened town boundary" a number of priority actions have been identified for Council to consider. It is recommended that Council refer all the unfunded items to the 2018/2019 budget deliberations for consideration.

5.3 Program Status Report April to June 2017 Quarter - Correction

Author's Title: Manager Program Management Office **General Manager:** Ransce Salan

Department: Program Management Office **File No:** F17/189

Division: Environment & Development **Trim No:** IC17/1016

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to correct a table of data provided in the Program Status Report April to June 2017 Quarter presented to Council at the 22 August 2017 meeting.

Summary

The Program Status Report April to June 2017 Quarter presented to Council at the 22 August 2017 meeting included a table that was correct at the time of writing the report however had been superseded with more current information by the date of the council meeting. This report is provided to correct the information, and ensure it is consistent with other end of financial year reporting.

Recommendation

That Council note the correct table for the Program Status Report April to June 2017 Quarter.

Council Resolution

MOVED Cr Martin Duke, Seconded Cr Margot Smith

That Council note the correct table for the Program Status Report April to June 2017 Quarter.

CARRIED 9:0

5.3 Program Status Report April to June 2017 Quarter - Correction

Report

Background

The Program Status Report April to June 2017 Quarter presented to Council at the 22 August 2017 meeting included a table that was correct at the time of writing the report however had been superseded with more current information by the date of the council meeting. This report is provided to correct the information, and ensure it is consistent with other end of financial year reporting.

Discussion

The table below, presented to Council at the 22 August 2017 meeting, is incorrect:

Program	Original Spend Target 2016/17	Savings	Temporary Staff Position Salaries Unspent	Cancelled or Deferred	Total Savings / Cancelled / Deferred	Original Spend Target adjusted for Savings / Cancelled / Deferred	Actual Spend 30 June 2017	Actual Spend as % of Original Spend Target adjusted for Savings / Cancelled / Deferred
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	%
Capital	22,455	927	0	173	1,100	21,355	19,547	91.5%
Operational	3,617	306	183	23	512	3,105	3,168	102.0%
TOTAL	26,072	1,233	183	196	1,612	24,460	22,715	92.9%

The correct table is provided below:

Program	Original Spend Target 2016/17	Savings	Temporary Staff Position Salaries Unspent	Cancelled or Deferred	Total Savings / Cancelled / Deferred	Original Spend Target adjusted for Savings / Cancelled / Deferred	Actual Spend 30 June 2017	Actual Spend as % of Original Spend Target adjusted for Savings / Cancelled / Deferred
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	%
Capital	22,455	912	0	173	1,085	21,370	19,547	91.5%
Operational	3,617	236	183	23	442	3,175	3,168	99.8%
TOTAL	26,072	1,148	183	196	1,527	24,545	22,715	92.5%

Financial Implications

There are no impacts on current and future budget arising from this report.

Council Plan

Theme 5 High Performing Council
Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy Nil

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy Nil

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks associated with the content of this report.

Social Considerations

There are no social considerations arising from this report.

5.3 Program Status Report April to June 2017 Quarter - Correction

Community Engagement

There are no community engagement considerations associated with this report.

Environmental Implications

There are no environmental implications arising from this report.

Communication

There are no further communication requirements associated with this report.

Conclusion

The Program Status Report April to June 2017 Quarter presented to Council at the 22 August 2017 meeting included a table that was correct at the time of writing the report however had been superseded with more current information by the date of the council meeting. This report is provided to correct the information, and ensure it is consistent with other end of financial year reporting.

5.4 Geelong Saleyards - Colac Saleyards Transition Plan

Author's Title: Economic Development Officer

General Manager: Ransce Salan

Department: Economic Development

File No: F16/1530

Division: Environment & Development

Trim No: IC17/1051

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 ratify the decision to provide a one-off financial contribution of \$7,000 to Colac Otway Shire to support the saleyards transition plan from the Geelong Saleyards to the Colac Saleyards, and to note the allocation of these funds from the Accumulated Unallocated Cash Reserve.

Summary

- The Geelong Saleyards closed for the sale of sheep and cattle as of 31 August 2017.
- Colac Otway Shire requested assistance to meet the operational costs of establishing additional sales at the Colac Saleyards through to 30 June 2018 as part of a transition plan following the closure of the Geelong Saleyards.
- Supporting the Colac Saleyards transition plan would support peri-urban farmers in the Surf Coast and ensure they have an ongoing ability to access a market to buy and sell livestock.
- Given Colac Otway Shire's intention to promptly conduct the first sale, the Chief Executive Officer made this decision to provide funding under delegation and it was communicated to Colac Otway Shire on Tuesday 5 September 2017.
- The contribution to the transition plan includes a number of condition, including:
 - Surf Coast Shire will provide Colac Otway Shire with a one-off funding contribution of \$7k, being \$5k for operations and \$2k for advertising and communications.
 - Surf Coast Shire will also include relevant material within its standard existing advertising and communication materials, and social media channels.
 - That Colac Otway Shire gather and provide customer usage data, with the format and details to be agreed with Surf Coast Shire.
 - The saleyard service will be the responsibility of Colac Otway Shire; Surf Coast Shire is only providing a one-off contribution to support the service transition from Geelong.
 - Colac Otway Shire will make every effort to establish the service as quickly as possible, noting the urgency of the upcoming spring season.
 - There will be a joint review conducted before 28 February 2018 as to the success of the transition.
- The first additional sale as part of this transition plan was conducted on Monday 18 September 2017.

Recommendation

That Council:

1. Ratify the decision to provide a one-off financial contribution of \$7,000 to Colac Otway Shire to support the saleyards transition plan from the Geelong Saleyards to the Colac Saleyards.
2. Note the allocation of \$7,000 from the Accumulated Unallocated Cash Reserve for this purpose.
3. Receive a report at the March 2018 Council meeting providing an update of the transition plan and usage of the Colac saleyards facility by Surf Coast Shire peri-urban farmers.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Rose Hodge

That Council:

1. Ratify the decision to provide a one-off financial contribution of \$7,000 to Colac Otway Shire to support the saleyards transition plan from the Geelong Saleyards to the Colac Saleyards.
2. Note the allocation of \$7,000 from the Accumulated Unallocated Cash Reserve for this purpose.
3. Receive a report at the March 2018 Council meeting providing an update of the transition plan and usage of the Colac saleyards facility by Surf Coast Shire peri-urban farmers.

CARRIED 8:1

5.4 Geelong Saleyards - Colac Saleyards Transition Plan

Report

Background

- Since November 2016 Council has received a number of updates regarding the status of the Geelong saleyards. Staff have also represented Surf Coast Shire at Saleyards Advisory Committee meetings.
- The Geelong Saleyards closed to the sale of sheep and cattle as of 31 August 2017.
- Reports from the Geelong Saleyards indicate 25% of usage originated from Surf Coast Shire.
- Colac Saleyards has been identified as the most suitable facility to cater for sheep and cattle sales for the G21 Region; (G21 Regional Growth Plan, 'Preparing for Change': Mercado).
- The Sustainable Agribusiness Strategy for the G21 Region has two actions relating to Geelong Saleyards:
 - 16.1 Further pursue the options presented in the Mercado report
 - 16.2 Support a cross-regional process to develop a preferred outcome for small scale producers including a transition plan.

Discussion

In line with action 16.2 of the Sustainable Agribusiness Strategy for the G21 Region, discussions have been held regarding a transition plan regarding a transition of users from the Geelong Saleyards to the Colac Saleyards.

As part of these discussions, Colac Otway Shire requested assistance to meet the operational costs of establishing additional sales at the Colac Saleyards through to 30 June 2018 as part of a transition plan following the closure of the Geelong Saleyards.

Given the importance of a saleyards facility to many peri-urban farmers in the Surf Coast to facilitate the operation of their livestock businesses, and that Colac Otway Shire are seeking to promptly establish the additional sales given the upcoming season, a decision to provide one-off operational funding support was taken by the Chief Executive Officer under delegation.

The contribution to the transition plan has been made on the following basis:

- Surf Coast Shire provides Colac Otway Shire with a one-off funding contribution of \$7,000, being \$5,000 for operations and \$2,000 for advertising and communications.
- Surf Coast Shire will also include relevant material within its standard existing advertising and communication materials, and social media channels.
- That Colac Otway Shire gather and provide customer usage data, with the format and details to be agreed with Surf Coast Shire.
- Importantly, the saleyard service will be the responsibility of Colac Otway Shire; Surf Coast Shire is only providing a one-off contribution to support the service transition from Geelong.
- Colac Otway Shire will make every effort to establish the service as quickly as possible, noting the urgency of the upcoming spring season.
- There will be a joint review conducted before 28 February 2018 as to the success of the transition and a subsequent report provided to the March 2018 Council meeting.

There are varying views about whether Colac saleyards will deliver the solution desired by Peri Urban farmers; however the Colac saleyards as a current opportunity warrants assistance from Surf Coast Shire to enhance its success.

The Victorian Farmers Federation (VFF) has recently been successful in securing a Livestock Health and Biosecurity Victoria (LHBV) grant of \$388,875 from the Sheep and Goat Compensation Fund. These funds will be put towards the recruitment of four Extension Officers over three years.

The role of these Extension Officers will be to support peri-urban farmers in understanding their obligations and provide resources to enable best practice decisions for animal health and biosecurity. Recruiting for these roles is planned to commence this week, with a rapid roll-out planned upon completion of recruitment. The LHBV extension program will be targeting peri-urban small scale farmers who have a diverse range of backgrounds and skill sets. It looks to provide a progressive educational process to inform and instruct best practice livestock health and biosecurity management.

5.4 Geelong Saleyards - Colac Saleyards Transition Plan

The VFF is aware of the concerns of a 'grey market' developing with the closure of the Geelong saleyards and have indicated that the LHBV extension program forms a part of their plan to reduce the risk of this occurring.

Financial Implications

- Supporting the Colac Saleyards was not explicitly provided for in the 2017/18 Budget, however has been funded from Council's Accumulated Unallocated Cash Reserve.
- The funding contribution of \$7,000 represents \$5,000 for operations and \$2,000 for advertising and communications.
- The \$7,000 is a one-off contribution.

Council Plan

Theme 3 Balancing Growth

Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth

Strategy 3.2.6 Advocate for supporting infrastructure

Theme 4 Vibrant Economy

Objective 4.4 Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses

Strategy 4.4.4 Develop and implement an agribusiness strategy

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

- Reputation: If the Colac Saleyards transition plan is not supported by Surf Coast Shire, many of Council's peri-urban farming businesses could be negatively impacted. Providing the identified support mitigates this risk, particularly noting the importance of having access to a saleyard facility for the upcoming spring season.
- Financial: The \$7,000 contribution is a one-off payment and does not oblige any further financial contributions by Surf Coast Shire.

Social Considerations

Saleyards form an important part of social connectedness for farmers. The transition plan will assist in creating awareness and the ability of the Colac saleyards to meet the needs of peri-urban farmers.

Community Engagement

A marketing plan will be developed to communicate the availability of the Colac saleyards to the community.

Environmental Implications

No environmental impacts are anticipated from the implementation of this recommendation.

Communication

A marketing/communication plan has been prepared and is being enacted by the councils involved. It is intended to undertake newspaper and radio advertisements, use of the councils' general and social media channels, and direct mail outs to the available saleyard customer mailing list.

Options

Not applicable.

Conclusion

The Geelong saleyards closed on 31 August 2017. A transition plan is being actioned to enable the Colac Saleyards to cater for surrounding peri-urban farmers and to assist their transition to Colac.

The first additional sale as part of this transition plan was conducted on Monday 18 September 2017.

The transition will be reviewed in February 2018. Usage data from the Colac Saleyards will be important to assess the uptake of this facility from Surf Coast peri-urban farmers.

6. CULTURE & COMMUNITY

6.1 S86 Committee of Management (Recreation) Instrument of Delegation Review 2017

Author's Title: Recreation Planning Coordinator **General Manager:** Chris Pike
Department: Recreation & Open Space Planning **File No:** F16/1474
Division: Culture & Community **Trim No:** IC17/759

Appendix:

1. Anderson Roadknight Reserve Committee of Management 2017 Instrument of Delegation (D17/106597)
2. Anglesea Bike Park Committee of Management 2017 Instrument of Delegation (D17/106598)
3. Connewarre Reserve Committee of Management 2017 Instrument of Delegation (D17/106599)
4. Deans Marsh Memorial Park Committee of Management 2017 Instrument of Delegation (D17/106600)
5. Eastern Reserve Committee of Management 2017 Instrument of Delegation (D17/106601)
6. Globe Theatre Committee of Management 2017 Instrument of Delegation (D17/106602)
7. Modewarre Hall and Reserve Committee of Management 2017 Instrument of Delegation (D17/106603)
8. Stribling Reserve Committee of Management 2017 Instrument of Delegation (D17/106604)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider Instruments of Delegation for Council's Section 86 Recreation Reserve and Hall Committees of Management in accordance with Section 86 (6) of the *Local Government Act 1989*.

Summary

Following a general election, Council is required to review any delegations to a Special Committee. This review included consultation regarding delegations with each of Council's eight Section 86 Committees of Management and a benchmark assessment of four different volunteer committee of management models commonly used at other Councils, including:

1. Section 86 Committee of Management
2. Incorporated Management Committee of Management
3. Advisory Committee of Management
4. No Committee (Committee of Management dissolved and direct licence with tenant clubs).

Through the engagement process with each committee there was unanimous support to continue with the current Section 86 Committee of Management model. Officers too have formed the view that the existing model is preferable and only minor changes are suggested to the existing Instruments of Delegation. These changes are summarised in the body of this report.

An amended instrument of delegation for each committee has been prepared for Council's consideration. Council is required to complete this process by 22 October 2017.

6.1 S86 Committee of Management (Recreation) Instrument of Delegation Review 2017

Recommendation

That Council:

1. Note the delegations to Section 86 Recreation Reserve and Hall Committees of Management have been reviewed in accordance with the *Local Government Act 1989*.
2. Note the review input provided by the Section 86 Recreation Reserve and Hall Committees of Management.
3. Adopt the Instrument of Delegation for Council's eight Section 86 Recreation Reserve and Hall Committees of Management, as attached to this report.
4. Note that by adopting the Instrument of Delegation for the Eastern Reserve Committee of Management this will ensure consistent delegations for all Section 86 Committees of Management.
5. Formally advise all Section 86 Committees of Management of the adopted Instruments of Delegation and thank them for their contributions to Council and the community.

Motion

MOVED Cr Heather Wellington, Seconded Cr Clive Goldsworthy

That Council:

1. Note the delegations to Section 86 Recreation Reserve and Hall Committees of Management have been reviewed in accordance with the *Local Government Act 1989*.
2. Note the review input provided by the Section 86 Recreation Reserve and Hall Committees of Management.
3. Adopt the Instrument of Delegation for Council's eight Section 86 Recreation Reserve and Hall Committees of Management, as attached to this report with the exception of the words in Clause 6.10 "and working with children check in accordance with Victorian Government Child Safe Standard Legislation".
4. Note that by adopting the Instrument of Delegation for the Eastern Reserve Committee of Management this will ensure consistent delegations for all Section 86 Committees of Management.
5. Formally advise all Section 86 Committees of Management of the adopted Instruments of Delegation and thank them for their contributions to Council and the community.

Cr Margot Smith foreshadowed she will move the original recommendation should this motion be lost.

LOST 3:6

Council Resolution

MOVED Cr Margot Smith, Seconded Cr David Bell

That Council:

1. Note the delegations to Section 86 Recreation Reserve and Hall Committees of Management have been reviewed in accordance with the *Local Government Act 1989*.
2. Note the review input provided by the Section 86 Recreation Reserve and Hall Committees of Management.
3. Adopt the Instrument of Delegation for Council's eight Section 86 Recreation Reserve and Hall Committees of Management, as attached to this report.
4. Note that by adopting the Instrument of Delegation for the Eastern Reserve Committee of Management this will ensure consistent delegations for all Section 86 Committees of Management.
5. Formally advise all Section 86 Committees of Management of the adopted Instruments of Delegation and thank them for their contributions to Council and the community.

CARRIED 6:3

Division

Cr Heather Wellington called for division, voted on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr McKitterick	Cr Duke	Nil
Cr Bell	Cr Goldsworthy	
Cr Coker	Cr Wellington	
Cr Hodge		
Cr McGregor		
Cr Smith		

The motion was CARRIED 6:3

6.1 S86 Committee of Management (Recreation) Instrument of Delegation Review 2017

Report

Background

Following the conduct of a general election, Council is required to review any delegations to a Special Committee. In accordance with Section 86(6) of the *Local Government Act 1989 (the Act)*, a process to review the Instrument of Delegations (IoD) to all Recreation Reserve and Hall Committees of Management (CoM) has been undertaken. Council is required to complete this process by 22 October 2017.

Officers completed a benchmark assessment of four different volunteer committee of management models commonly used at other Council's, including:

1. Section 86 Committee of Management
2. Incorporated Management Committee of Management
3. Advisory Committee of Management
4. No Committee (Committee of Management dissolved and direct licence with tenant clubs).

All eight Surf Coast Shire Section 86 CoM's have been consulted and feedback confirmed regarding each of their preferred facility governance models. All committees have indicated a preference to remain as a S86 CoM.

Discussion

This Instrument of Delegation (IoD) review applies to the following eight (8) Section 86 Recreation Reserve and Hall Committees of Management (CoM):

- Anderson Roadknight Reserve
- Anglesea Bike Park
- Connewarre Hall & Reserve
- Deans Marsh Public Hall & Memorial Park
- Eastern Reserve Committee of Management
- Globe Theatre, Winchelsea
- Modewarre Hall & Reserve
- Stribling Reserve, Lorne.

All committees have been engaged in the review with unanimous support to continue with the current Section 86 CoM model. Each Committee is happy with the existing IoD with only minor improvement opportunities suggested. A summary of each Committee's key feedback points include:

Committee	Key Feedback
Anderson Roadknight	Request to ensure that the \$5,000 delegated spend limit remains
Anglesea Bike Park	Council to secure the existing Anglesea bike park site for the local community
Connewarre Reserve	Request to increase committee membership to 10
Deans Marsh Hall	Improved communication regarding Council's planned and scheduled maintenance at the facility
Eastern Reserve	Request for an allocation to be made to the Committee, for them to directly manage the facility cleaning
Globe Theatre	Request to increase committee membership to 10
Modewarre Hall	Happy with existing IOD, no changes requested
Stribling Reserve	Request for an allocation to be made to the Committee, for them to directly manage minor reserve maintenance.

Officers considered Committee feedback and reviewed the performance of Committee's against the existing delegations. Some key changes have been recommended that will ensure further transparency in governance (particularly setting of fees) and some minor changes to ease the administrative burden that was a common challenge across all committees. The following changes to the existing IoD have been reviewed and approved by Council's Governance Department:

6.1 S86 Committee of Management (Recreation) Instrument of Delegation Review 2017

Proposed Change	Comment
Authority to set fees and charges	Current delegation wording is unclear regarding setting of fees and charges. The new wording proposes the committee to recommend fees to Council for consideration, and then adopted in Council's Annual Budget Schedule of Fees. The current Council fee schedule does not include Committee managed facility fees.
Number of Committee members	Connewarre has requested an increase to 10 members. ERCoM to remain at 7 and all others to remain at 9.
Police Check and Working with Children Checks	Due to all facilities being open to kids of all ages, mandatory WWCC and police checks for all new committee members will be required as part of the incoming legislative changes.
Governance Training	New committee members will be required to undertake Governance training with Council within 6 weeks of their membership being endorsed by Council.
Finance - Bank Accounts	Improved clarification on what type of bank account are held by committees to ensure protection from defaults. Funds should be invested in an Australian owned or based financial institution.
Reporting Burden	Reduced reporting requirements ie. no longer required to submit an annual report, only an audited statement of accounts to reduce volunteer administration responsibilities.

The Eastern Reserve CoM has been operating with a slightly different IoD to each of the other committees. On 28 June 2016, Council resolved to extend the Eastern Reserve CoM term to 22 October 2017, to align to the same IoD expiry of all other Section 86 Committees.

Council has been undertaking the booking and finance invoicing procedures on behalf of the Eastern Reserve CoM while they established themselves and develop the necessary skills to undertake these responsibilities directly. The Eastern Reserve CoM now support these responsibilities being returned directly to them in recognition of their increased capacity and this is now reflected in an updated IoD that aligns to each of the other Committee IoD's.

The current Section 86 Committee of Management Instrument of Delegation expires on 22 October 2017 and therefore must be adopted by Council on 26 September 2017 to comply with legislative requirements.

Financial Implications

The additional finance information provided in Section 5 of the amended IoD has been recommended by Council's Finance Department to ensure an appropriate level of protection against defaults.

It should be noted that Item 5.12 provides protection against unauthorised withdrawals: *All monies received by the Special Committee shall be paid promptly into a bank account in the Special Committee's name and amounts shall only be drawn from that account on the signature of any two of the following office bearers: Chairperson, Secretary or Treasurer.*

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

Theme 5 High Performing Council
Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy 5.2.2 Evolve our community engagement approach to inform strategic Council direction and decision-making

6.1 S86 Committee of Management (Recreation) Instrument of Delegation Review 2017

Policy/Legal Implications

Local Government Act 1989 Section 86(6) requires:

(6) 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.

Officer Direct or Indirect Interest

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

Risk Assessment

Not completing this review within 12 months of a Council election will put Council in breach of the *Local Government Act* 1989 Section 86(6).

Social Considerations

There may be a negative impact if local members can't continue participating in Committees of Management and investing important volunteer hours back into their local community.

Community Engagement

All eight Surf Coast Shire Section 86 CoM's have been consulted during this review with unanimous support to continue under a Section 86 CoM model with only minor changes suggested to the existing Instrument of Delegation.

Environmental Implications

Not applicable.

Communication

All committees will be advised of the finalisation of this process and provided a copy of their Instrument of Delegation. An electronic copy will be updated on Council's website.

Conclusion

The current Section 86 Committee of Management Instrument of Delegation expires on 22 October 2017 and therefore must be adopted by Council on 26 September 2017 to comply with legislative requirements.

Through this process officers undertook a comprehensive review of both the existing Instrument of Delegation and different facility management models commonly used at other Council's. There is unanimous support from the current Committees to continue under a Section 86 CoM model with only minor changes suggested to the existing IoD. Listening to our committee's, valuing their strengths and supporting them to continue their good work aligns to Council's purpose to help our community and environment to thrive.

6.2 Anderson Roadknight Reserve Masterplan

Author's Title: Recreation Planning Coordinator **General Manager:** Chris Pike
Department: Recreation & Open Space Planning **File No:** F15/1419
Division: Culture & Community **Trim No:** IC17/951

Appendix:

1. Anderson Roadknight Reserve Masterplan - FINAL (D17/95994)
2. Anderson Roadknight Masterplan - Cost Plan - FINAL (D17/95992)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to consider the adoption of the Anderson Roadknight Reserve Masterplan.

Summary

Anderson Roadknight Reserve is a key community hub for the Aireys Inlet, Fairhaven and Moggs Creek community. The primary use of Anderson Roadknight Reserve is as a 'Civic Space' which is established primarily to provide for family and community activities, gatherings and events.

A key action in the endorsed Aireys Inlet to Eastern View Structure Plan was to prepare a masterplan for the Anderson Roadknight Reserve / Community Hall to guide future community and recreational use of the site.

The development of the Masterplan involved:

- extensive community consultation via a number of channels
- engagement with key stakeholder groups
- needs and data analysis.

Key features of the plan include:

- new hall entry point
- environmentally friendly drainage solutions
- landscape improvements
- terrace improvements for tennis court viewing
- improved pedestrian links
- fitness elements
- shade shelters.

Preliminary site analysis and initial concepts were exhibited for public comment at the Aireys Inlet Community Hall on Saturday 23 July 2016. The response from the community was positive with support for minor improvements to Anderson Roadknight Reserve.

A Draft Masterplan was then released for public exhibition from December 2016 until February 2017 with a drop in session held on 12 February 2017 with 25 people attending. Based on feedback received in the public exhibition period only minor changes were made to the final plan.

The total estimated cost for the implementation of the masterplan is considered modest at \$150,000 (including project management and contingency) and could be achieved using Aireys Inlet developer contributions currently held in Council's Open Space Reserve Fund.

Recommendation

That Council:

1. Adopt the Anderson Roadknight Reserve Masterplan as per Appendix 1.
2. Note the proposed cost plan for the Anderson Roadknight Reserve Masterplan as per Appendix 2.
3. Note that this is the last individual site masterplan to be developed, with a new precinct planning approach adopted as part of the Open Space Strategy 2016-2025.

6.2 Anderson Roadknight Reserve Masterplan

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Margot Smith

That Council:

1. Adopt the Anderson Roadknight Reserve Masterplan as per Appendix 1.
2. Note the proposed cost plan for the Anderson Roadknight Reserve Masterplan as per Appendix 2.
3. Note that this is the last individual site masterplan to be developed, with a new precinct planning approach adopted as part of the Open Space Strategy 2016-2025.

CARRIED 9:0

6.2 Anderson Roadknight Reserve Masterplan

Report

Background

Anderson Roadknight Reserve is Council owned freehold land that is managed by a Section 86 Committee of Management comprising of nine community members which include representatives of existing user groups.

The reserve includes the Aireys Inlet Community Hall, which is home to various small community user groups, the Aireys Inlet Market and tennis courts that are home to the Aireys Inlet Tennis Club. Its primary use is identified in Council's *Open Space Strategy 2016-2025* as a 'Civic Space'. 'Civic Space' is a new classification of open space and includes open spaces that are predominantly hard surfaces such as civic areas or community hubs, primary commercial centres (main streets) and streetscapes. These open spaces are established primarily to provide for family and community activities, gatherings and events.

Discussion

Anderson Roadknight Reserve is heavily used by the adjacent Aireys Inlet Primary School and provides the key link from the carpark used by parents to drop off and collect students. The School also utilises the community hall and playground area.

The project commenced in June 2016 with the appointment of Fitzgerald Frisby Landscape Architects (FFLA). A draft site analysis and preliminary draft concept idea for Anderson Roadknight Reserve Masterplan were exhibited at the Aireys Inlet Community Hall on Saturday 23 July 2016, to obtain community input prior to the development of the draft masterplan. Fifteen community members attended. Community engagement identified a high level of satisfaction with the proposed concepts.

On 12 September 2016 Council officers met with the S86 Anderson Roadknight Committee of Management to discuss the progress and draft concept plans that had been developed from the first community consultation. Only minor adjustments were requested.

The draft masterplan was endorsed for a six week public exhibition period from December 2016 to February 2017 that included a drop in session held on 12 February 2017 with 25 people attending. Based on community feedback received in the public exhibition period only minor changes were made to the final plan.

It should be noted that this is the last individual site masterplan to be developed by Council, with a new precinct planning approach adopted as part of the *Open Space Strategy 2016 - 2025*. There are six open space precinct planning areas in the Surf Coast Shire - Torquay, Jan Juc/Bellbrae/Bells Beach, Anglesea, Lorne/Aireys Inlet, Deans Marsh/Moriac and Winchelsea. These precincts are aligned with those used for population forecasts and analysis.

A precinct approach has been adopted as currently only about 20% of all Council managed open space has a masterplan. The remaining 80% of Council managed open space is not covered by a masterplan. Accordingly, there is little consideration regarding how parcels of open space in a township relate to and complement each other. The new precinct planning approach will identify and address open space needs and priorities for all open spaces within a precinct. Action 35 of Council's *Open Space Strategy 2016-2025* identifies that one review and one new plan will be undertaken at a precinct level each year.

Financial Implications

Council has contributed \$10,000 to the development of the Anderson Roadknight Reserve Masterplan.

The total estimated cost for the implementation of the masterplan is \$150,000 including project management and contingency. Council contributions to the reserve will be considered via the annual budget processes, however there is currently no annual allocation within Council's Long Term Financial Plan for Recreation and Open Space projects.

Subject to approval from the Open Space Planning Committee, the masterplan implementation works may be referred as an organisational submission to the 2018/19 Council budget to be funded from the Open Space Reserve Fund that holds a current Aireys Inlet developer contribution balance of \$232,000.

6.2 Anderson Roadknight Reserve Masterplan

The *Subdivision Act 1988* stipulates what funds in the Open Space Reserve Fund can be used for, including: *“Improve land already set aside, zoned or reserved by the Council, the Crown, a planning scheme or otherwise, for use for public recreation”*.

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy 1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations

Policy/Legal Implications

A key action in the endorsed Aireys Inlet to Eastern View Structure Plan relates to this project:

4. *Prepare a masterplan for the Anderson Roadknight Reserve / Community Hall to guide future community and recreational use of the site.*

Council's Open Space Strategy 2016-2025 recommended that *‘continued maintenance and facility upgrade should be the key open space direction for Council in the Aireys Inlet-Lorne precinct’*.

This masterplan is consistent with each of these recommendations.

Officer Direct or Indirect Interest

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

Risk Assessment

One of the key risks related to the effectiveness of community engagement in the development of the Masterplan. A thorough community engagement process was enacted to ensure that community members had the opportunity to participate in the development of the Masterplan.

There is currently no dedicated annual Council allocation to funding masterplan actions. However, masterplan implementation works may be funded through Council's Open Space Reserve Fund with developer contributions collected from within the Aireys Inlet township.

Social Considerations

The proposed works identified in the masterplan will improve the overall functionality and useability of the precinct. Improvements to the hall surrounds will improve the safety and accessibility of the site to benefit a greater number of users.

Community Engagement

Extensive community engagement was undertaken during the course of the project. This has included:

- Draft concept idea exhibition and drop in session on Saturday 23 July 2016 with 15 attendees.
- Presentation of concept plans to the Anderson Roadknight Reserve Section 86 Committee of Management on 12 September 2016.
- Six week public exhibition period from December 2016 to February 2017
- Drop in session during public exhibition period on 12 February 2017 with 25 attendees.
- Surf Coast Shire website - www.surfcoastconversations.com.au
- Display in Aireys Inlet top shops
- Full A1 set display of each masterplan on site in the Aireys Inlet Hall
- Direct email of drafts to local stakeholder groups (including Angair, AIDA, All Abilities Advisory Committee etc)
- Inclusion in Aireys Inlet Primary School newsletter.

Environmental Implications

Anderson Roadknight Reserve has extensive high quality native vegetation to the north of the site. The proposals included in the draft masterplan do not impact on this vegetation.

Stormwater runoff and associated drainage issues at the tennis court are being addressed through the installation of rain gardens.

The usability of Anderson Roadknight Reserve will be enhanced through the proposed installation of shade structures over the existing deck.

6.2 Anderson Roadknight Reserve Masterplan

Communication

All people who made a submission in the public exhibition period will be provided a copy of the final Masterplan. The Masterplan will also be made available via www.surfcoastconversations.com.au.

Conclusion

Anderson Roadknight Reserve is a key community hub for the Aireys Inlet, Fairhaven and Moggs Creek community. The Masterplan for the Anderson Roadknight Reserve was developed in partnership with the community and responds to issues and aspirations raised by the community. The primary use of the Council owned Reserve is to provide for family and community activities, gatherings and events and the Masterplan sets a long term direction for the reserve to be able to fulfil this role.

Subject to Council's annual project prioritisation and budget processes, the conservative cost plan may be delivered using Aireys Inlet developer contributions currently held in Council's Open Space Reserve Fund.

6.3 Council Plan (incorporating the Health and Wellbeing Plan) 2017 - 2021 - Action Plan 2017 - 2018

Author's Title: Coordinator Governance & Corporate Planning **General Manager:** Chris Pike

Department: Governance & Risk **File No:** F16/396

Division: Governance & Infrastructure **Trim No:** IC17/1059

Appendix:

1. Year One Action Plan 2017 - 2018 - Council Plan (incorporating the Health and Wellbeing Plan) 2017-2021 (D17/106679)

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 enable consideration of the proposed annual action plan 2017 – 2018 to deliver the Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021.

Summary

Council has a statutory obligation to maintain key strategic planning documents including the Council Plan, Health and Wellbeing Plan and Municipal Strategic Statement.

The *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014* provide the planning and accountability framework for Council to the community and inform statutory performance reporting requirements.

An endorsed action plan to deliver key strategic planning documents enables appropriate consideration of resource requirements, informs operational work plans, increases Council's transparency and accountability to the community and informs community focussed performance reporting processes.

Recommendation

That Council:

1. Endorse the annual action plan developed by officers to deliver on the Council Plan (incorporating the Health and Wellbeing Plan) 2017 - 2021 in 2017 – 2018 (Appendix 1).
2. Note the following:
 - 2.1 That the action plan will form the basis of organisational work plans.
 - 2.2 That reports against the strategic indicators included in the following statutory plans and regulations will be provided to Council at six monthly intervals.
 - 2.3 That the December year-to-date report will be presented to Council at the Ordinary meeting of Council in February 2018.
 - 2.4 That the end of year report will be presented to Council at the Ordinary meeting of Council in September 2018 and incorporated into the Annual Report.
 - 2.5 That key actions to deliver the Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021 will be communicated to the public in a variety of ways which may include the Mayor's Column and the quarterly newsletter "Groundswell".

Council Resolution

MOVED Cr Martin Duke, Seconded Cr Carol McGregor

That Council:

1. Endorse the annual action plan developed by officers to deliver on the Council Plan (incorporating the Health and Wellbeing Plan) 2017 - 2021 in 2017 – 2018 (Appendix 1).
2. Note the following:
 - 2.1 That the action plan will form the basis of organisational work plans.
 - 2.2 That reports against the strategic indicators included in the following statutory plans and regulations will be provided to Council at six monthly intervals.
 - 2.3 That the December year-to-date report will be presented to Council at the Ordinary meeting of

6.3 Council Plan (incorporating the Health and Wellbeing Plan) 2017 - 2021 - Action Plan 2017 - 2018

Council in February 2018.

2.4 That the end of year report will be presented to Council at the Ordinary meeting of Council in September 2018 and incorporated into the Annual Report.

2.5 That key actions to deliver the Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021 will be communicated to the public in a variety of ways which may include the Mayor’s Column and the quarterly newsletter “Groundswell”.

CARRIED 9:0

6.3 Council Plan (incorporating the Health and Wellbeing Plan) 2017 - 2021 - Action Plan 2017 - 2018

Report

Background

The *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014* provide the planning and accountability framework for Council to the community and inform statutory performance reporting requirements.

In addition to statutory reporting requirements, in recent years Council have considered an annual action plan developed by officers to deliver on both the Council Plan and Health and Wellbeing Plans.

The endorsed action plans have then been used to inform organisational work plans and performance reporting to the community.

Discussion

The Local Government (Performance and Reporting) Regulations 2014 require that Council can demonstrate compliance with its Council Plan reporting requirements as follows:

1. Governance and Management Checklist Item 17
 - a. Council Plan reporting (report reviewing the performance of the Council against the Council Plan , including the results in relation to the strategic indicators for the first six months of the financial year, together with dates.
2. The report of operations section of the Annual Report must contain:
 - a. A statement that reviews the performance of the Council against the Council Plan, including results achieved in relation to the strategic indicators including in the Council Plan under section 125(2)(c) of the Act.
3. The Public Health and Wellbeing Act 2008 does not specify any reporting requirements against the Health and Wellbeing Plan. Current practice is that performance is reported to Council on a quarterly basis also, consistent with Council Plan reporting.

In addition to statutory reporting requirements, Council has established a practice of developing and endorsing an annual action plan to deliver the Council Plan and Health and Wellbeing Plan. These action plans have been used as the basis of organisational work plans, and performance reporting to the community in a variety of ways including the Mayors Column and quarterly newsletter "Groundswell".

In June 2017 Council integrated the Council and Health and Wellbeing Plans to form the "Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021" (hereafter referred to as the "Council Plan").

Following endorsement of the Council Plan, officers developed the proposed action plan (Appendix 1) which identifies the actions officers will complete to evidence Council's performance in delivering on the Council Plan in year one of the plan.

Council's endorsement of the proposed action plan would provide a transparent and accountable reporting framework for staff and the community.

Financial Implications

Actions to deliver the Council Plan in year one have been funded by the budget for 2017 – 2018. Action plans for year's two to four of the Council Plan will be development in conjunction with annual budgets.

Council Plan

Theme	5 High Performing Council
Objective	5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy	Nil

Policy/Legal Implications

Statutory reporting requirements are contained in the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2015.

Officer Direct or Indirect Interest

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

6.3 Council Plan (incorporating the Health and Wellbeing Plan) 2017 - 2021 - Action Plan 2017 - 2018

Risk Assessment

A stronger emphasis on organisational performance reporting structures increases the likelihood that Council adopted plans and strategies will be delivered.

Social Considerations

The proposed action plan supports enhanced community engagement in Council's performance reporting against key strategic plans.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Progress in delivering the Council Plan will be reported to the community in a variety of ways including Council reports, the Mayors Column and the quarterly "Groundswell" newsletter.

Options

Option 1 – Reject action plan

This option is not recommended by officers. It is important that Council provides staff and the community with an endorsed action plan to provide direction on Council priorities.

Option 2 – Modify action plan

This option is not recommended by officers. There has already been considerable engagement with staff during the development of this plan to ensure that the actions are realistic and deliverable. Further delays in adoption of an annual action plan will impact on the ability of staff to deliver the plan during 2017 – 2018.

Option 3 – Endorse annual action plan

This option is recommended by officers as it will provide clear direction to staff and the community on the outcomes Council has prioritised for delivery in 2017 – 2018.

Conclusion

Action planning to deliver on key strategic documents is an important element of Council's performance reporting framework.

While Council have statutory requirements to report against key strategic plans, there is a broader opportunity to engage the community in the annual action planning process to strengthen community understanding of Council priorities.

The proposed recommendations are designed to support statutory requirements and enhance greater engagement in Council's performance reporting.

6.4 Family Day Care Review Update

Author's Title: Manager Aged & Family Services

General Manager: Chris Pike

Department: Aged & Family Services

File No: F15/1648

Division: Culture & Community

Trim No: IC17/1074

Appendix:

1. Family Day Care Implementation Outcomes (D17/107127)

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 an update on the Family Day Care program following the review of the service in June 2016.

Summary

A review of the Family Day Care program was undertaken and Council resolved in June 2016 to:

- Increase the administration levy, in a staged manner, to fully recover all costs associated with the service.
- Increase the administration levy to \$1.40 as at 1 January 2017.
- Actively pursue growth in the service to contain the level of subsequent levy increases.
- Review the service finances in mid-2017 with a further report to Council to recommend the setting of any subsequent levy increase to achieve a cost neutral result.

Over the last 12 months officers have successfully grown the service with 63,135 hours of care provided annually, an increase of 12%. To support this increase in care, an additional three educators have been recruited. This growth has gone some way towards minimising the size of a second fee increase in 2018, but it has not removed the need for the second increase.

A mistake was made by officers in setting the 2017/18 budget with the inclusion of an additional administration levy increase in the adopted budget, effective from 1 July 2017. Officers have continued to charge \$1.40 subject to any further resolution of Council following this review.

At the time of the 2016 review of Family Day Care officers were not aware of the Commonwealth's intention to remove the Community Support Program funding as a part of the *Jobs for Families* initiative. This which will result in a loss of \$40,000 in funding from 1 July 2018.

The review of the implementation of the Family Day Care program is included in the outcomes report contained at Appendix 1.

Recommendation

That Council:

1. Continue to increase the Family Day Care Administration levy to fully recover all costs associated with the delivery of the service.
2. Note that Family Day Care Administration levy fees have been charged at \$1.40 per hour since the fee increase 1 January 2017.
3. Adopt an updated fee schedule for Family Day Care as follows:
 - a. Administration levy \$1.40 per hour, 1 July 2017 to 31 December 2017.
 - b. Administration levy \$1.70 per hour, 1 January 2018 until a new fee is set by Council.
4. Note that the likely withdrawal of \$40,000 of Community Support Program funding from 1 July 2018 will adversely affect the Family Day Care service budget requiring additional increases to the administration levy to achieve full cost recovery.
5. Apply future administration levy increases via Council's annual budget process and in a staged manner in order to manage the impact on families but with the aim to achieve full cost recovery by June 2020.
6. Note that officers will develop clear communications to current and future families to explain any levy increases.

6.4 Family Day Care Review Update

Council Resolution

MOVED Cr David Bell, Seconded Cr Carol McGregor

That Council:

1. Continue to increase the Family Day Care Administration levy to fully recover all costs associated with the delivery of the service.
2. Note that Family Day Care Administration levy fees have been charged at \$1.40 per hour since the fee increase 1 January 2017.
3. Adopt an updated fee schedule for Family Day Care as follows:
 - a. Administration levy \$1.40 per hour, 1 July 2017 to 31 December 2017.
 - b. Administration levy \$1.70 per hour, 1 January 2018 until a new fee is set by Council.
4. Note that the likely withdrawal of \$40,000 of Community Support Program funding from 1 July 2018 will adversely affect the Family Day Care service budget requiring additional increases to the administration levy to achieve full cost recovery.
5. Apply future administration levy increases via Council's annual budget process and in a staged manner in order to manage the impact on families but with the aim to achieve full cost recovery by June 2020.
6. Note that officers will develop clear communications to current and future families to explain any levy increases.

CARRIED 9:0

6.4 Family Day Care Review Update

Report

Background

The Family Day Care service went through a review as a part of the 2015/16 Business Improvement program.

The outcome of the Family Day Care service review was endorsed by Council on 28 June 2016 Council, with a resolution to:

- increase the administration levy in a stage manner to fully recover all costs associated with the service.
- increase administration levy to \$1.40 as of 1 January 2017.
- actively pursue growth to contain the level of subsequent levy increases.
- provide an update to Council on the service finances in mid-2017 to recommend the setting of any subsequent levy increases to achieve cost neutrality.

This report is to provide Council with an update on the service finances to recommend the setting of subsequent administration levy increases to achieve cost neutrality.

Discussion

The overarching objective of the Family Day Care program review remains - continuing to deliver a quality service while achieving cost neutrality. Family Day Care is a professional, home-based childcare service that is provided for children aged between six weeks and 12 years of age.

Growth of the Program

Over the last 12 months officers have successfully grown the service, through a range of promotional campaigns. The hours of care provided has increased by 12%, to 63,135 hours of care a year. The service also now employs 15 educators and they are located through the Shire as follows:

- Torquay – six educators
- Deans Marsh – two educators
- Jan Juc – two educators
- Gherang – two educators
- Bellbrae – one educator
- Anglesea – one educator
- Winchelsea – one educator

This growth has gone some way towards minimising the size of a second required fee increase in 2018, but it has not removed the need for a second increase.

Budget Changes

There was an oversight in setting the 2017/18 fees for the Family Day Care service through Council's budget process that needs to be rectified:

- officers committed to return to Council with the outcome of the growth initiatives prior to setting the revised fee.
- at the time of proposing the 17/18 Budget officers should have used prevailing assumptions - \$1.40 administration levy and associated income – until Council resolved something different.
- instead officers incorrectly included a second increase in the adopted budget
 - the \$1.70 listed in the fees table (no date specified so should have come into effect on 1 January 2018)
 - six months of higher fee income incorporated into the Family Day Care operating budget.
- officers have continued to charge \$1.40 and were not planning on charging a higher rate until further Council resolution following this mid-year review.

Commonwealth Funding Changes

Since Council's last consideration of the Family Day Care Service in 2016, a reduction of Commonwealth funding has been announced to support the implementation of the *Jobs for Families* initiative. This loss of \$40,000 in revenue has implications for Council and will require additional administration levy increases to achieve cost neutrality.

6.4 Family Day Care Review Update

Financial Implications

The recommendations in this report support Council's June 2016 resolution to achieve cost neutrality for the Family Day Care program. Due to the withdrawal of the Commonwealth funding, the timeframe in which this will be achieved has been delayed until June 2020, as indicated in the table below:

	2015/16	2016/17	2017/18	2018/19	2019/20
Indicative Council Subsidy	\$82,736	\$35,514*	\$6,229	\$18,992	\$0

* Actual Figure

Council Plan

Theme 5 High Performing Council
Objective 5.4 Ensure the community has access to the services they need
Strategy 5.4.1 Review Council-delivered services to ensure they are of high quality and delivering best value

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

The largest risk to the program is families and educators leaving the program due to sharp increases in the administration levy. If this was to occur the program will not achieve the objective of cost neutrality.

Social Considerations

Families having access to a Family Day Care program provides an alternative service type for parents not wanting a large childcare setting for their children. The phasing of future administration levy increases needs to be considered, so as not to make the program cost prohibitive for families.

Community Engagement

An extensive community engagement exercise was undertaken as a part of the initial review of the Family Day Care program in 2016. Following the adoption of the recommendations in this report, further communication will be undertaken to inform families and Educators of the outcomes.

Environmental Implications

Not applicable.

Communication

Following the adoption of the recommendations in this report, further communication will be undertaken to inform families and Educators of the outcomes. This will include letters to educators and service users.

Options

Option 1 – Cost Neutrality June 2020

This option is recommended by officers as it provides for a staged increase in the administration levy over a further year. Council will need to subsidise the service in 2018/19, due to the cessation of the Commonwealth funding from 1 July 2018.

	2016/17	2017/18	2018/19	2019/20
Timing of Increase	January 2017	January 2018	January 2019	January 2020
Indicative Administration Levy	\$1.40*	\$1.70	\$2.00	\$2.25
Indicative Council Subsidy	\$35,514*	\$6,229	\$18,992	\$0

* Actual Figure

6.4 Family Day Care Review Update

Option 2 – Cost Neutrality June 2019

This option is not recommended by officers as it will require two administration levy increases within a six month period to achieve cost neutrality, with the cessation of the Commonwealth funding from 1 July 2018.

	2016/17	2017/18	2018/19
Timing of Increase	January 2017	January 2018	July 2018
Indicative Administration Levy	\$1.40*	\$1.70	\$2.20
Indicative Council Subsidy	\$35,514*	\$6,229	\$0

* Actual Figure

Conclusion

The review of the implementation of the Family Day Care service review has been completed. The service has grown over the last 12 months, however not enough to prevent further administration levy increases to achieve the objectives of cost neutrality. The cessation of the Commonwealth funding from 1 July 2018 has created additional pressures in achieving this objective. A staged increase to the administration levy will ensure that families can still access this valuable program and achieve Council's objective of cost neutrality.

6.5 Community Engagement Policy SCS-017

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community Relations

File No: F15/407

Division: Culture & Community

Trim No: IC17/955

Appendix:

1. SCS 017 Community Engagement Policy (D15/87580)

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 update the Community Engagement Policy SCS-017.

Summary

The Community Engagement Policy is a document which guides Council's approach to community engagement. It articulates methods and beliefs Council is committed to when engaging with the community.

An independent internal audit of community engagement was conducted earlier in 2017 and it recommended that the policy includes clearly stated roles and responsibilities related to community engagement.

The inclusion of roles and responsibilities is the material change proposed to the Community Engagement Policy.

Recommendation

That Council adopt the reviewed Community Engagement Policy SCS – 017.

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Margot Smith

That Council adopt the reviewed Community Engagement Policy SCS – 017.

CARRIED 9:0

6.5 Community Engagement Policy SCS-017

Report

Background

Council adopted the existing Community Engagement Policy in March 2016. The previous policy was adopted in April 2010.

Council has undertaken considerable work to support improved performance in community engagement including the formation of a Community Relations Department in 2014 and the adoption of the Communication and Community Engagement Strategy in 2015

Council's auditors, Grant Thornton, performed an audit of Surf Coast's community engagement activities and supporting processes which was received in April 2017.

Discussion

The internal audit provided ten recommendations. The recommendation that relates to this report is that roles and responsibilities should be clearly documented in the Community Engagement Policy and communicated throughout the Council.

This audit recommendation points out that when documenting the roles and responsibilities, Council should consider responsibilities for quality assurance reviews, providing direction for community engagement and what role the Community Relations Department will have in community engagement activities.

The changes in the reviewed policy are based on this recommendation with a new section added to describe the roles and responsibilities of people involved in community engagement.

Financial Implications

There are no financial implications associated with adopting this policy

Council Plan

Theme 1 Community Wellbeing

Objective 1.1 Support people to participate in and contribute to community life

Strategy Nil

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy 5.2.2 Evolve our community engagement approach to inform strategic Council direction and decision-making

Policy/Legal Implications

Section 3D of the *Local Government Act 1989* includes the role of a Council includes acting as a representative government by taking into account the diverse needs of the local community in decision making; ...(and) fostering community cohesion and encouraging active participation in civic life.

Officer Direct or Indirect Interest

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

Risk Assessment

Good quality community engagement practices manage many of Council's reputational risks. The risk of not having such a policy is that Council would be more exposed to reputational damage through a less coordinated community engagement approach.

Social Considerations

Providing clear and timely information to the community is a fundamental tenet of good governance. Just as important is the need to provide genuine opportunities for members of the community to participate in decision making. Open access to information and engagement builds trust and results in policies that are sustainable because they accurately reflect the needs and aspirations of the community.

Community surveys consistently show that people rank community engagement as amongst the most important of all Council activities.

6.5 Community Engagement Policy SCS-017

Community Engagement

The review of this policy is informed by the results of consultation activities previously undertaken, by the Council and other agencies, including the State Government. Consultation undertaken recently for the Council Plan incorporating the Health and Well Being Plan informed the review of this policy. This reduced the need to open a new, specific consultation effort with the community.

Environmental Implications

The policy refers to community engagement increasingly being available through digital channels. This may result in less reliance on printed based publications and the use of paper over time

Communication

The updated policy will be communicated throughout the organisation in addition to being available on Council's website.

Conclusion

Community engagement consistently rates as high priority for the community in formal surveys and through anecdotal comment. Adoption of this policy will help ensure Council's community engagement activity is timely, considered, and coordinated to meet the needs of the community.

6.6 Summary of Health & Wellbeing Plan 2013 - 2017

Author's Title: Manager Aged & Family Services

General Manager: Chris Pike

Department: Aged & Family Services

File No: F13/563

Division: Culture & Community

Trim No: IC17/1086

Appendix:

1. Health and Wellbeing Plan 2013-2017 Summary of Achievements Report (D17/107658)

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 achievements of the four year Health and Wellbeing Plan 2013-2017.

Summary

The Surf Coast Shire Health and Wellbeing Plan 2013-2017 was developed through collaboration between the G21 Councils and other key stakeholders. Council's Health and Wellbeing Plan provided a framework for action to improve the health and wellbeing outcomes of communities and individuals.

The evidence base for the Health and Wellbeing Plan looked at data from across the four environments of social, built, natural and economic, as well as the cultural environment.

The key activities of the Plan were based around the following areas:

- increasing physical activity, improve mental health and wellbeing, harm minimisation and sustainability
- the community and organisation's capacity to achieve better outcomes for our community, as well as to understand our changing demographics
- equity of access to service for all of our communities, including those who are most disadvantaged.

This plan is superseded by the Council Plan (incorporating the Health and Wellbeing Plan) 2017-2021.

Recommendation

That Council note the achievements of the Health and Wellbeing Plan 2013-2017.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council note the achievements of the Health and Wellbeing Plan 2013-2017.

CARRIED 9:0

6.6 Summary of Health & Wellbeing Plan 2013 - 2017

Report

Background

Council plays a key role in planning for the health and wellbeing of our residents. Surf Coast Shire's Health and Wellbeing Plan provided a framework for action to improve the health and wellbeing outcomes of communities and individuals.

The Surf Coast Shire Health and Wellbeing Plan 2013-2017 was developed through collaboration between the G21 Councils and other key stakeholders and adopted by Council at its Ordinary Council Meeting held 24 September 2013. Progress reports have been presented each year since 2013.

Discussion

The 2013-2017 Health and Wellbeing Plan is now completed. Please refer to Appendix 1 for a summary report of the achievements under the three themes of:

- Actions for each theme (Healthy Engaged Communities, Local Opportunities and Service Accessibility)
- Actions achieved/completed versus rescheduled for 2017-2018 or ongoing work or actions on hold by theme
- Overall achievement of actions in the final year of the plan.

This plan is superseded by the Council Plan (incorporating the Health and Wellbeing Plan) 2017-2021.

Financial Implications

Not applicable.

Council Plan

Theme 1 Community Wellbeing

Objective 1.1 Support people to participate in and contribute to community life

Strategy 1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations

Theme 1 Community Wellbeing

Objective 1.2 Support people to be healthy and active

Strategy 1.2.1 Develop and implement local programs to support Healthy Eating and Active Living

Theme 1 Community Wellbeing

Objective 1.4 Provide support for people in need

Strategy 1.4.1 Work in partnership with community and agencies to improve young people and their families' access to the services and support they need

Policy/Legal Implications

Council complies with the requirement to develop a Health and Wellbeing Plan under the Health and Wellbeing Act 2008.

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

Each of the individual programs and activities engaged with the community to ensure their needs were met with the initiative.

Environmental Implications

Not applicable.

6.6 Summary of Health & Wellbeing Plan 2013 - 2017

Communication

The outcomes of the four year Health and Wellbeing Plan will be communicated to the community through Council's website.

Options

As the recommendation is simply to note the attached report the consideration of options is not relevant.

Conclusion

With the successful completion of the 2013-2017 Health and Wellbeing Plan, the focus will now shift to the implementation of a new Plan, which has been incorporated into the 2017-2021 Council Plan. New priorities and strategies have been developed that will continue the focus of positive health and wellbeing outcomes for all Surf Coast communities and individuals.

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

Author's Title: Recreation Planning Coordinator
Department: Recreation & Open Space Planning
Division: Culture & Community

General Manager: Chris Pike
File No: F17/633
Trim No: IC17/1047

Appendix:

Nil

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

Yes

No

Reason: Nil

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to note an update regarding Council's submission of four project proposals to the Sport and Recreation Victoria (SRV) 2018-19 Community Sports Infrastructure Fund (CSIF) and consider progressing to the full application stage in the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories.

Summary

At the Council Meeting on 23 May 2017, Council resolved to submit four project proposals to the Sport and Recreation Victoria (SRV) 2017-18 Community Sports Infrastructure Fund (CSIF).

Council has now been invited to full application (Stage 2) for three projects including the Banyul Warri Fields Yurrock Soccer Pitch and Lighting, Winchelsea Netball Pavilion Redevelopment, and Modewarre Cricket Club All Weather Practice Facility.

The fourth project was the Stribling Reserve Lighting Upgrade, however this has been successful in the Country Football and Netball Program and has already been withdrawn from the 2018/19 CSIF application process.

The Winchelsea Netball Pavilion Redevelopment has also been successful in the Federal Government Building Better Regions Fund, however officers have determined that this project provides a great opportunity for the State Government to partner with the local community, Council and Federal Government and therefore recommend that Council progress with a full application to the 2018/19 CSIF. Council can progress with completing the detailed design of the project in 2017/18 with key stakeholders and be shovel ready to begin construction at the end of the netball season in September 2018. Making the most of every opportunity to leverage partner funding and enhance collaboration on delivering important community projects will ensure a better project outcome and provide Council the opportunity to re-allocate funds to other high priority recreation and open space projects.

Project proposal quotations and cost estimates have been updated including a project management and contingency allowance.

A total pre-allocation commitment of \$640,560 in the 2018/19 Annual Budget and a transfer of \$317,000 project funds to the Adopted Strategy Reserve are required to proceed to full application.

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

Recommendation

That Council:

1. Note that the Stribling Reserve Lighting Upgrade project has been successful in the Country Football and Netball Program and has already been withdrawn from the 2018/19 Community Sports Infrastructure Fund application process in line with the Council resolution on 23 May 2017.
2. Submit a full application to the following 2018-19 Community Sports Infrastructure Fund categories:
 - 2.1 Minor Facilities – Yurrock Soccer Pitch and Lighting project - Total project cost \$721,000 consisting of Council \$621,000 (Developer contribution project allocation) and Sport and Recreation Victoria \$100,000.
 - 2.2 Female Friendly Facilities – Winchelsea Netball Pavilion Redevelopment - Total project cost \$567,000 consisting of Council \$217,000, Federal Government \$200,000 (successful Building Better Regions Fund project), Sport and Recreation Victoria \$100,000 and Eastern Reserve Committee of Management/Winchelsea Football and Netball Club \$50,000.
 - 2.3 Cricket Facilities – Modewarre Cricket Club, All Weather Practice Facility - Total project cost \$85,870 consisting of Sport and Recreation Victoria \$52,810, Council \$19,560 and Modewarre Cricket Club \$13,500 (including \$10,000 cash and \$3,500 in-kind).
3. Pre-allocate \$621,000 from the 2018/19 Budget as Council's contribution to the Yurrock Soccer Pitch and Lighting project.
4. Pre-allocate \$19,560 from the 2018/19 Budget as Council's contribution to the Modewarre Cricket Club, All Weather Practice Facility project.
5. Note that if successful through the 2018/19 Community Sports Infrastructure Fund for the Winchelsea Netball Pavilion Redevelopment, \$100,000 of Council funds currently allocated to the project will be returned to the Accumulated Unallocated Cash Reserve.
6. Authorise the Chief Executive Officer to execute funding agreements on behalf of Council should the applications be successful.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr David Bell

That Council:

1. Note that the Stribling Reserve Lighting Upgrade project has been successful in the Country Football and Netball Program and has already been withdrawn from the 2018/19 Community Sports Infrastructure Fund application process in line with the Council resolution on 23 May 2017.
2. Submit a full application to the following 2018-19 Community Sports Infrastructure Fund categories:
 - 2.1 Minor Facilities – Yurrock Soccer Pitch and Lighting project - Total project cost \$721,000 consisting of Council \$621,000 (Developer contribution project allocation) and Sport and Recreation Victoria \$100,000.
 - 2.2 Female Friendly Facilities – Winchelsea Netball Pavilion Redevelopment - Total project cost \$567,000 consisting of Council \$217,000, Federal Government \$200,000 (successful Building Better Regions Fund project), Sport and Recreation Victoria \$100,000 and Eastern Reserve Committee of Management/Winchelsea Football and Netball Club \$50,000.
 - 2.3 Cricket Facilities – Modewarre Cricket Club, All Weather Practice Facility - Total project cost \$85,870 consisting of Sport and Recreation Victoria \$52,810, Council \$19,560 and Modewarre Cricket Club \$13,500 (including \$10,000 cash and \$3,500 in-kind).
3. Pre-allocate \$621,000 from the 2018/19 Budget as Council's contribution to the Yurrock Soccer Pitch and Lighting project.
4. Pre-allocate \$19,560 from the 2018/19 Budget as Council's contribution to the Modewarre Cricket Club, All Weather Practice Facility project.
5. Note that if successful through the 2018/19 Community Sports Infrastructure Fund for the Winchelsea Netball Pavilion Redevelopment, \$100,000 of Council funds currently allocated to the project will be returned to the Accumulated Unallocated Cash Reserve.
6. Authorise the Chief Executive Officer to execute funding agreements on behalf of Council should the applications be successful.

CARRIED 9:0

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

Report

Background

Council has submitted a range of projects to the Community Sports Infrastructure Fund in the past with a high level of success.

The revised Non-Recurrent Grants Management Procedure (MPP-019) that was endorsed by the Executive Management Team on 8 March 2017 details Council's approach to engaging with community groups on funding opportunities such as the Sport and Recreation Victoria Community Sports Infrastructure Fund.

Due to the high volume and backlog of community projects that currently fit the existing program guidelines it was decided not to seek expressions of interest for new project ideas, and refer any new community ideas to Council's Community Project Development Officer.

The Community Sports Infrastructure Fund (CSIF) application process is in two stages with the first being a project proposal stage only and the second being invited to submit a full application. The timelines and assessment process of the CSIF is as follows:

Program opens	30 March 2017
Project Proposals closing date (stage 1)	7 June 2017
Notifications of successful Project Proposals (to be invited to submit stage 2 full applications)	24 July 2017 onwards
Full Applications close date	27 September 2017
Funding Announcements and Notification of Outcomes	November 2017 onwards

At the 23 May 2017 Ordinary meeting, Council resolved to submit the following project proposals to the 2018/19 CSIF:

- **Minor Facilities** – Banyul Warri Fields, Yurrock Soccer Pitch and Lighting – Total project cost \$721,000 (including project management and contingency) consisting of Council \$621,000 (Developer contribution project allocation) and Sport and Recreation Victoria \$100,000.
- **Minor Facilities** – Stribling Reserve Lighting Upgrade – Total project cost \$400,485 (including project management and contingency), consisting of Federal Government \$200,000, Sport and Recreation Victoria (SRV) \$100,000, Council \$92,231 and Stribling Reserve Committee of Management/Lorne Football and Netball Club \$8,254.
- **Female Friendly Facilities** – Winchelsea Netball Pavilion Redevelopment – Total project cost \$600,000 (including project management and contingency) consisting of Council \$450,000, Sport and Recreation Victoria \$100,000 and Eastern Reserve Committee of Management/Winchelsea Football and Netball Club \$75,000.
- **Cricket Facilities** – Modewarre Cricket Club All Weather Practice Facility – Total project cost \$70,000 (including project management and contingency) consisting of Sport and Recreation Victoria \$35,000, Council \$15,000 and Modewarre Cricket Club \$8,000 (cash) and \$12,000 (in-kind).

It should be noted that the cost estimate for the cricket facility project proposal was updated post the Council resolution as follows:

- **Cricket Facilities** – Modewarre Cricket Club All Weather Practice Facility – Total project cost \$81,310 (including project management and contingency) consisting of Sport and Recreation Victoria \$52,810, Council \$15,000 and Modewarre Cricket Club \$10,000 (cash) and \$3,500 (in-kind).

Council has now been invited to full application (Stage 2) in the Minor Facilities (Soccer Pitch and Lighting), Female Friendly Facilities and Cricket Facilities categories.

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

Council was successful in securing funding for the Stribling Reserve Lighting Upgrade project through the 2017/18 Country Football and Netball Program and therefore withdrew the application from the CSIF application process in line with the Council resolution on 23 May 2017.

Officers have validated quotations and updated cost estimates for each project, including a project management and contingency allowance. This assessment confirmed total project costs and contributions from stakeholders as follows:

- **Minor Facilities** – Yurrock Soccer Pitch and Lighting project - Total project cost \$721,000 (including project management and contingency) consisting of Council \$621,000 (Developer contribution project allocation) and Sport and Recreation Victoria \$100,000.
- **Female Friendly Facilities** – Winchelsea Netball Pavilion Redevelopment - Total project cost \$567,000 (including project management and contingency) consisting of Federal Government \$200,000 (successful Building Better Regions Fund project), Council \$217,000, Sport and Recreation Victoria \$100,000 and Eastern Reserve Committee of Management/Winchelsea Football and Netball Club \$50,000.
- **Cricket Facilities** – Modewarre Cricket Club, All Weather Practice Facility - Total project cost \$85,870 (including project management and contingency) consisting of Sport and Recreation Victoria \$52,810, Council \$19,560 and Modewarre Cricket Club \$13,500 (including \$10,000 cash and \$3,500 in-kind).

Discussion

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

Category	Who can apply / objective	Maximum Grant	Total Project Cost	Funding Ratio (minimum)
Better Pools *	Available to Councils to provide high-quality aquatic leisure facilities through new or redeveloped aquatic leisure centres.	Up to \$3 million	No maximum total project cost	SRV \$1 : \$1 Local
Major Facilities *	Available to Councils to develop or upgrade major district and regional sport and recreation facilities.	Up to \$650,000	No maximum total project cost	SRV \$1 : \$1 Local
Small Aquatic Projects *	Available to Councils to improve and upgrade aquatic facilities, seasonal pools and develop new water play spaces.	Up to \$200,000	No maximum total project cost	SRV \$2 : \$1 Local
Planning Category	Funding is available for Council planning initiatives that focus on recreation or facility feasibility, regional planning or female participation strategies	Up to \$30,000 - \$50,000	No maximum total project cost	SRV \$2 : \$1 Local

* Major Facilities, Better Pools and Small Aquatic Projects must allocate a minimum of 25 per cent of the requested grant amount to components that will improve energy or water efficiency and environmental sustainability.

Council may submit one (1) application only for the maximum grant amount under the Better Pools, Major Facilities and Small Aquatic Projects categories. Council may submit one (1) application only in the Planning category.

Category	Who can apply / objective	Maximum Grant	Total Project Cost	Funding Ratio (minimum)
Minor Facilities	All sporting clubs & community groups to develop or upgrade community sport and recreation facilities – via Council.	Up to \$100,000	Up to \$1,000,000	SRV \$2 : \$1 Local

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

Female Friendly Facilities*	All sporting clubs & community groups that cater for traditional and non-traditional female sport to build new and upgrade existing, out-dated change facilities at sports clubs with a focus on promoting female and family friendly environments – via Council.	Up to \$100,000	No maximum total project cost	SRV \$2 : \$1 Local
Cricket Facilities	All cricket associations and local cricket clubs to upgrade and develop cricket specific club infrastructure including new buildings, grounds, and training facilities – via Council.	Up to \$100,000	No maximum total project cost	SRV \$2 : \$1 Local

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

Council can apply for the maximum grant amount of \$100K for up to three (3) projects from the Minor and Cricket Facilities categories, with a maximum of two (2) applications from any single category.

Council can apply for the maximum grant amount of \$100K for up to three (3) projects from the Female Friendly Facilities category.

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

As part of the introduction of the new community projects process all existing adopted masterplan projects have been screened and prioritised according to their potential to be leveraged under this funding program.

Following an assessment of our current projects list it was recommended in the project proposal stage that Council do not submit to the Better Pools, Major Facilities, Small Aquatic Project or Planning categories as a high level of strategic underpinning is required to be successful and no projects are advanced enough in their planning to be considered project ready.

The following four project proposals were submitted to the 2018/19 following Council resolution on 23 May 2017:

- *Minor Facilities – Banyul Warri Fields, Yurrock Soccer Pitch and Lighting*
- *Minor Facilities – Stribling Reserve Lighting Upgrade**
- *Female Friendly Facilities Category – Winchelsea Netball Pavilion Redevelopment*
- *Cricket Facilities – Modewarre Cricket Club All Weather Practice Facility.*

* Project withdrawn by Council as successful through the Country Football and Netball Program.

Council has now been invited to Stage 2 (full application) for three projects including the Banyul Warri Fields Yurrock Soccer Pitch and Lighting Project, Modewarre Cricket Club All Weather Practice Facility and Winchelsea Netball Pavilion Redevelopment.

Council has been successful in securing funding for the Winchelsea Netball Pavilion Redevelopment through the Federal Government Building Better Regions Fund and has previously resolved on the 23 May 2017 to withdraw the application from the CSIF application process if successful. In light of being invited to the CSIF full application stage, officers have determined that this project provides a great opportunity for the State Government to partner with the local community, Council and Federal Government and therefore recommend that Council progress with a full application to the 2018/19 CSIF.

Officers will separate the detailed design and construction components of the project in order that the construction element is eligible for funding. No demolition or construction will take place until the end of the netball season in September 2018.

If the Winchelsea Netball Pavilion Redevelopment is successful through the 2018/19 Community Sports Infrastructure Fund, \$100,000 of Council funds will be returned to the Accumulated Unallocated Cash Reserve.

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

Making the most of every opportunity to leverage partner funding and enhance collaboration on delivering important community projects will ensure a better project outcome and provide Council the opportunity to re-allocate funds to other high priority recreation and open space projects.

Sport and Recreation Victoria (SRV) advice regarding the Modewarre Cricket Club All Weather Practice Facility was that the project would be strengthened by increasing the scope to include a third practice wicket which will enable greater flexibility and increase participation opportunities. Unfortunately this will increase the cost of the project by \$4,560 and we are not able to request an increased SRV contribution than what was detailed in the project proposal.

Officers have consulted with the Modewarre Cricket Club and confirmed that they are at their maximum cash contribution which would therefore require an increased Council contribution. Officers suggest that the participation outcomes of being able to have an extra net in operation during the cricket season justifies this extra cost and will help the Modewarre Cricket Club to grow their membership.

A summary of each project proposal to advance to the full application stage is as follows:

Successful Project Proposals

1. Banyul Warri Fields – Yurrock Soccer Pitch and Lighting

Category

Minor Facilities

Scope

This project includes the development of a third soccer pitch at Banyul Warri Fields, including drainage system, warm season turf/grass coverage, standard player shelters, fully enclosed black chain mesh fencing with high areas behind both goal ends, two standard soccer goals and netting plus 100 lux sports lighting to enable maximum use by our local and regional soccer clubs. Also included in the upgrade is a power upgrade to the site to enable full use of existing sports surfaces and the irrigation system.

Relevant Council Planning

This project is supported by the SCS Council Plan 2013-2017, SCS Recreation Strategy 2010, G21 Regional Football (Soccer Strategy), Torquay Community and Civic Precinct Mater Plan, G21 Physical Activity Strategy 2014, G21 Regional Growth Plan, G21 Regional Health and Wellbeing Plan, Surf Coast Shire Health and Wellbeing Plan and the Football Federation Victoria Strategic Plan 2012 - 2015.

Scale

The cost of this project is \$721,000 including the power upgrade and would consist of \$621,000 from Council (identified as a developer contribution project) and \$100,000 from SRV.

Officer's Comments

The third soccer pitch will enable Council to support the expanding growth in both male and female soccer and alleviate current scheduling conflicts to allow Galaxy United FC and Torquay Hockey Club increased training space. Sport and Recreation Victoria feedback indicated that this would not be a strong project in the Major facilities category and with Galaxy United FC spending more training session time in Geelong it would be difficult to demonstrate true regional benefit. Should the project be successful, Galaxy United will be able to increase the number of training sessions in Torquay.

2. Winchelsea Netball Pavilion Redevelopment

Category

Female Friendly Facilities

Scope

The development of a new Netball Pavilion at Eastern Reserve Winchelsea will provide increased participation opportunities for females ranging from junior primary school age (Netta Program) through to older adults who volunteer at the Winchelsea Football and Netball Club (WFNC).

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

The scope of works includes:

- Change rooms (home and visitor including shower cubicles and toilets)
- Netball Umpires change room
- Public toilet (accessible)
- Competition / Administration office
- First Aid/Trainer room
- Servery (match day kiosk in the main pavilion)
- Spectator / Social Area (bi-folding walls between all rooms)
- Storage
- Sheltered viewing area.

Relevant Council Planning

This project is supported by the SCS Council Plan 2013-2017, SCS Recreation Strategy 2010, G21 AFL Barwon Football and Netball Strategy 2012, Eastern Reserve Master Plan 2015, G21 Physical Activity Strategy 2014, G21 Regional Growth Plan, G21 Regional Health and Wellbeing Plan, Surf Coast Shire Health and Wellbeing Plan, Growing Winchelsea Shaping Future Growth 2015, Netball Victoria Development Guidelines and Netball Australia National Facilities Policy.

Scale

The cost is \$567,000 for a modular/pre-fabricated construction based on an ERCOM and WFNC endorsed concept design. Funding would consist of \$217,000 from Council, \$200,000 from Federal Government (Building Better Regions Fund), \$100,000 from SRV and \$50,000 from the community (ERCOM and WFNC).

It should be noted that as this is a successful Building Better Regional Project, Council will undertake the detailed design in 2017/18 (\$33,000 including project management and contingency) and be shovel ready to begin construction as soon as the netball season finishes in September 2018.

Officers' Comments

Netball Victoria have amended their clubhouse design guidelines since the original concept was prepared with the WFNC and Eastern Reserve Committee of Management. This has confirmed that a more modest design will be accepted by Netball Victoria and they will be engaged in the detailed design of the pavilion redevelopment in 2017/18. The design will be scoped to a construction budget of \$567,000+GST including project management and contingency.

The existing Winchelsea Netball Clubrooms are approximately 40m², comprising of one main area with a small kitchenette which is significantly less than the minimum 100m² as recommended by the Netball Victoria Development Guidelines. There are no toilets, showers, office space, trainers room, storage or hot water. The clubrooms were transported from the local bowls club in the late 1970's when the club was operating with 30 members and the Club now has 200 members including:

- 4 x senior teams
- 3 x junior teams (U13, U15, U17)
- 50 x Netta / Net Set Go participants
- 35 x Junior Development Program
- 6 x coaches, 10 x umpires, 5 x Coordinators

This project will ensure that the Winchelsea Football and Netball Club (WFNC) is able to provide fit for purpose facilities that meet the demands of their growing female junior and senior membership.

3. Modewarre Cricket Club – All Weather Practice Facility

Category

Cricket Facilities.

Scope

The project will see the upgrade of the hard wicket section of the existing Modewarre Cricket Club Practice Net Facility. It includes a widening of the current concrete pad to support three hard cricket wickets, chain mesh fencing, soft netting and multi-purpose synthetic carpet with a floodlight to illuminate the area after hours during winter.

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

Relevant Council Planning

This project is supported by the SCS Council Plan 2013-2017, SCS Recreation Strategy 2010, G21 Physical Activity Strategy 2014, G21 Regional Growth Plan, G21 Regional Health and Wellbeing Plan, Surf Coast Shire Health and Wellbeing Plan and Mt Moriac Reserve Masterplan 2011.

Scale

The cost is \$85,870 including project management and contingency. Funding would consist of \$52,810 from SRV, \$19,560 from Council and \$13,500 Modewarre Cricket Club (\$10,000 cash / \$3,500 in-kind).

Officer's Comments

This project includes an upgrade of the existing practice nets which will improve the quality of cricket training and coaching for the Modewarre Cricket Club. The multi-use synthetic pad which includes three synthetic wickets and lighting will allow for additional users in the community to utilise this space for recreation activities all year round.

Financial Implications

Council will project manage the delivery of all three projects and this has been considered in the total project cost.

The Banyul Warri Fields Yurrock Soccer Pitch and Lighting Project requires a 2018/19 Budget pre-allocation of \$621,000.

The Modewarre Cricket Club All Weather Practice Facility requires a 2018/19 Budget pre-allocation of \$19,560.

The Winchelsea Netball Pavilion Redevelopment requires a transfer of \$317,000 of project funds to the Adopted Strategy Reserve. \$33,000 of Council's allocation will be spent in 2017/18 to complete the detailed design which will be removed from the total project cost for the CSIF application. Should the netball pavilion redevelopment be successful through the CSIF, \$100,000 of Council funds will be returned to the Accumulated Unallocated Cash Reserve to be available to support other high priority recreation and open space projects.

Council is required to underwrite the total cost of the projects, less the grant amounts. With a cap on Council's contribution, club contributions are required to be validated via a breakdown of in-kind support and a copy of bank statements to demonstrate financial capacity.

Council Plan

Theme	3 Balancing Growth
Objective	3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy	3.2.6 Advocate for supporting infrastructure

Policy/Legal Implications

There are no legal or policy implications, noting that the process follows the Non-Recurrent Grants Procedure – 2017.

Officer Direct or Indirect Interest

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

Risk Assessment

There is a reputational risk in not advertising an expression of interest for new project ideas. Officers have considered projects that were submitted through the expression of interest process in previous years and the project proposals that were submitted are considered Council's strongest projects in each funding category. Any new project ideas will be referred to Council's Community Project Development Officer to be processed.

Social Considerations

The 2018-19 Community Sports Infrastructure Fund Program supports many of Council's objectives in meeting community aspirations, responding to changing community needs and supporting the growth of physical activity and participation across Surf Coast Shire.

6.7 2018-2019 Community Sports Infrastructure Fund - Stage 2 Applications - Sport and Recreation Victoria

Community Engagement

Community engagement has been targeted to specific clubs and groups whose projects are considered project ready and meet the funding criteria.

Environmental Implications

No environmental implications arise from this report.

Communication

Council officers will meet with Clubs directly to prepare submissions should Council resolve to proceed to the full application stage in the Minors Facilities, Female Friendly Facilities and Cricket Facilities categories.

Conclusion

The Community Sports Infrastructure Fund is a highly competitive funding program, competing against 78 other councils from across Victoria.

Council has been successful in progressing to full application (Stage 2) for the Banyul Warri Fields Yurrock Soccer Pitch and Lighting Project, Modewarre Cricket Club All Weather Practice Facility and the Winchelsea Netball Club Pavilion Redevelopment.

These projects fit with Council's strategic planning framework, align to the CSIF guidelines and have been assessed as highly competitive submissions with an invitation to full application stage.

A total pre-allocation commitment of \$640,560 in the 2017/18 Annual Budget and a transfer of \$317,000 project funds to the Adopted Strategy Reserve are required to proceed to full application.

6.8 Review - Joint Use Agreements

Author's Title: Manager Business Improvement

General Manager: Chris Pike

Department: Business Improvement

File No: F17/462

Division: Environment & Development

Trim No: IC17/979

Appendix:

1. Joint Use Agreements - Review Recommendations - August 2017 (D17/79825)

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 for Council to note the work completed on the review into Joint Use Agreements and consider the recommendations (including guiding principles) arising from this work.

Summary

A review into Council's contractual involvement in a range of shared-use sports facilities in the Shire has been completed.

The review sought to provide Council with the following outcomes:

- A full understanding of its obligations under the various agreements including commentary on the difference between each of the agreements.
- An understanding of Council's investment in these facilities relative to current community use.
- Development of a set of guiding principles to inform future Joint Use Agreements.
- A clear recommendation about Council's ongoing involvement in these facilities.

The arrangements currently in place demonstrate a high level of community benefit, particularly with the very well utilised facilities in Torquay and Lorne.

The current agreements in place, though delivering similar outcomes, are inconsistent in nature. These inconsistencies can be attributed to the broad period of time in which these individual agreements have been developed.

Current expenditure levels on these facilities are relatively minor, though Council has a clear exposure to future liability through renewal and other capital works requirements. Recommendations are provided to better inform and prepare Council for this future expenditure.

A set of guiding principles has been included in this report which can inform decisions about Council's involvement in future agreements. These decisions may include the continuation of the agreement for the Winchelsea Leisure Time Centre and the proposed Torquay North Multi-Purpose Stadium.

Recommendations and the guiding principles can be found, along with a summary level of detail for the agreements, in Appendix 1.

Recommendation

That Council:

1. Note the work completed on the review into Joint Use Agreements.
2. Adopt the review recommendations listed in Appendix 1.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Carol McGregor

That Council:

1. Note the work completed on the review into Joint Use Agreements.
2. Adopt the review recommendations listed in Appendix 1.

CARRIED 9:0

6.8 Review - Joint Use Agreements

Report

Background

A review into the various Joint Use Agreements Council has with the Department of Education and Training (DET) and School Councils was supported by Council as part of the 2016/17 Business Improvement program.

These Agreements cover a number of shared-use sports facilities in the Shire and range in age from one to 30 years old. Agreements have been developed between Council and the following parties as follows:

- The Minister for Education and Torquay Primary School Council for the Torquay College Stadium.
- The Minister for Education and the Surf Coast Secondary College Council for the Surf Coast Secondary College Sports Hall and the Civic Precinct Outdoor Sporting Precinct.
- The Lorne Higher Elementary School Council for Stribling Reserve (Centre and Outdoor Facilities) (note: this agreement has expired).
- Winchelsea Primary School Council for the Winchelsea Leisure Time Centre.

Discussion

Council will be faced with some important decisions in the short term relating to sporting facilities it shares with the DET. These decisions will relate to the following:

- Renegotiating the expired agreement for DET use of Council facilities at Stribling Reserve, Lorne.
- The continuation of Council's involvement in the Winchelsea Leisure Time Centre.
- The operating model for the proposed Surf Coast Multi-purpose Indoor Stadium in Torquay.

Prior to these decisions being made it was important to fully understand Council's current agreements relating to joint use facilities. A review was undertaken to obtain this understanding. The review sought to provide Council with the following outcomes:

- A full understanding of its obligations under the various agreements including commentary on the difference between each of the agreements.
- An understanding of Council's investment in these facilities versus current community use.
- Development of a set of guiding principles to inform future Joint Use Agreements.
- A clear recommendation about Council's ongoing involvement in these facilities.

To help deliver these objectives we engaged with a number of key stakeholders including:

- Winchelsea Primary School Principal
- Surf Coast Secondary School Principal
- DET staff
- Council sport and recreation staff
- Council finance, risk and insurance staff.

A summary of the existing agreements, including key terms and identified issues, can be found in the presentation at Appendix 1.

The review identified a range of findings including numerous opportunities for improvement. The key findings are listed below:

- Facilities in Torquay and Lorne experience a substantial amount of community use.
- The facility in Winchelsea has relatively low utilisation with weekly karate classes and roller derby training (Colac based) being the only regular users outside of the Winchelsea primary school.
- Council has limited current involvement in the facility at Winchelsea, though, according to the agreement, Council should be a strong participant in a Committee of Management (CoM) for the facility operation.
- The facility at Winchelsea is in poor condition and requires a level of investment from Council and DET to improve the asset to an appropriate standard.
- The agreement for the Winchelsea facility expires in 2021 and Council will need to consider if the community requires it to have ongoing involvement in this facility past this date.
- Council pays for building insurance for the Winchelsea facility to ensure that the facility can be rebuilt if there were to be a significant event impacting the structure. DET cannot guarantee this through their insurance policy where they have prohibitively high insurance excesses. Council should seek contribution from the School for this insurance cost.

6.8 Review - Joint Use Agreements

- The facility at Torquay College is being managed well with involvement of both Council and the School in a CoM. However, more rigour should be put into the asset management, particularly the development of a building renewal program so future liabilities can be understood.
- The agreement for the facility at Surf Coast Secondary College is relatively new and, although the day to day operation of the facility is being well managed, there are a number of elements of the agreement that are not being delivered, as follows:
 - There is a requirement to develop a rolling 5 year capital works / renewal program, this has not been developed. As a result neither the DET nor Council are aware of its future renewal obligations.
 - There is a requirement for operational costs to be shared by both parties for a range of expense items such as utilities, grounds and facility maintenance and insurance. This is not currently done, though it is expected that this would largely be a cost neutral result for both parties.
- The agreement for DET's use of Council facilities at Stribling Reserve has expired and needs to be renewed. The renewal of this agreement had been put on hold pending the Lorne P-12 schools demerger from the Aireys Inlet Primary School.

To help Council with its upcoming work on joint use agreements a set of guiding principles has been developed. These guiding principles, listed in the presentation at Appendix 1, are a key outcome for this review. The guiding principles consider Council's organisational vision, purpose and direction and also aim to build on the learnings to come from the issues raised above.

A range of recommendations have been made to address the key review findings. The recommendations can be found in the presentation attached as Appendix 1 to this report.

Financial Implications

Adoption of the recommendations in this report will not have immediate financial implications. However, it will result in a better understanding of Council's future financial commitments associated with its involvement in these facilities.

Council Plan

Theme	5 High Performing Council
Objective	5.4 Ensure the community has access to the services they need
Strategy	5.4.2 Conduct service reviews to identify best service delivery model

Policy/Legal Implications

Adoption and implementation of these recommendations will result in improved compliance with legal obligations under the three current joint use agreements.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks associated with the adoption of these recommendations.

Social Considerations

Council continues to consider the infrastructure needs of its growing community. Sharing facilities with the DET is a cost effective way for the community to have access to great facilities. The adoption of the recommendations in this report will ensure that Council continues to plan for, protect and maximise the use of community facilities for the benefit of the community.

Community Engagement

Key stakeholders have been engaged as part of this review work.

Environmental Implications

There are no environmental implications associated with the adoption of these recommendations.

6.8 Review - Joint Use Agreements

Communication

Key stakeholders have been engaged as part of this review work. Communication with these partnership stakeholders will be ongoing to ensure the joint use facilities are efficiently and effectively managed.

Conclusion

Council officers have completed a review into Council's contractual involvement in a range of shared-use sports facilities in the Shire. The review identified a number of key findings including a range of opportunities for improvement. A set of guiding principles has been included in this report which will inform decisions about Council's involvement in future agreements. A range of recommendations has been made to address these key review findings. The recommendations can be found in the presentation attached as Appendix 1 to this report.

6.9 Changing Places Grant Application

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community Relations

File No: F17/914

Division: Culture & Community

Trim No: IC17/1090

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 consider applying for two Changing Places grants of \$100,000 to build accessible change and toilet facilities at - 78 Great Ocean Road Anglesea, (Four Kings Park) and the Winchelsea Tea Rooms.

Summary

Changing Places are toilets and change facilities for people with high support needs who cannot use standard accessible toilets. Changing Places facilities are larger than standard accessible toilets, and have extra features and more space to meet the needs of people requiring high support and their carers. Each facility has a height adjustable, adult-sized changing bench, a tracking hoist system, space for two people and provides a safer and cleaner environment.

The Victorian Government has recently announced a grant funding round for the construction of new Changing Places facilities in Victoria. This funding round is providing grants of up to \$100,000 per facility to fund construction of Changing Places facilities across the state, so that more people can participate in social, recreational and civic activities.

Surf Coast Shire Council has a commitment to improve built and natural environments for people with a disability through the implementation of the Accessible and Inclusive Strategy. The Strategy affirms that Council actively promotes the importance of inclusion so that people of all abilities participate, socialise and have fun in the community.

Council officers have assessed several sites for suitability and have determined that the two most suitable locations for a changing places facility are Four Kings Park Anglesea and the Winchelsea Tea Rooms. The cost of a Changing Place facility at the Four Kings Park location is estimated at \$214,000. The cost at the Winchelsea Tea Rooms is estimated at \$163,000.

Recommendation

That Council:

1. Submit two applications to the 2017 Changing Places Funding Round:
 - 1.1. Changing Places Facility at Four Kings Park Anglesea - Total project cost \$214,000 consisting of Council \$114,000 and Changing Places Funding Round \$100,000.
 - 1.2. Changing Places Facility at Winchelsea Tea Rooms - Total project cost \$163,000 consisting of Council \$63,000 and Changing Places Funding Round \$100,000.
2. Pre-allocate \$114,000 from the 2018/19 Budget as Council's contribution to the Changing Places Facility at Four Kings Park Anglesea
3. Pre-allocate \$63,000 from the 2018/19 Budget as Council's contribution to the Changing Places Facility at Winchelsea Tea Rooms
4. Note that the Great Ocean Road Coastal Committee have agreed to take responsibility for management and maintenance of the proposed facility at Four Kings Park once constructed.
5. Authorise the Chief Executive Officer to execute funding agreements on behalf of Council should the applications be successful.

6.9 Changing Places Grant Application

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Heather Wellington

That Council:

1. Submit two applications to the 2017 Changing Places Funding Round:
 - 1.1. Changing Places Facility at Four Kings Park Anglesea - Total project cost \$214,000 consisting of Council \$114,000 and Changing Places Funding Round \$100,000.
 - 1.2. Changing Places Facility at Winchelsea Tea Rooms - Total project cost \$163,000 consisting of Council \$63,000 and Changing Places Funding Round \$100,000.
2. Pre-allocate \$114,000 from the 2018/19 Budget as Council's contribution to the Changing Places Facility at Four Kings Park Anglesea
3. Pre-allocate \$63,000 from the 2018/19 Budget as Council's contribution to the Changing Places Facility at Winchelsea Tea Rooms
4. Note that the Great Ocean Road Coastal Committee have agreed to take responsibility for management and maintenance of the proposed facility at Four Kings Park once constructed.
5. Authorise the Chief Executive Officer to execute funding agreements on behalf of Council should the applications be successful.

CARRIED 9:0

6.9 Changing Places Grant Application

Report

Background

Changing Places facilities are larger than standard accessible toilets, and have extra features and more space to meet the needs of people with a disability and their carers. Each facility has a height adjustable, adult-sized changing bench, a tracking hoist system, space for two people and a safer and cleaner environment. Example picture below:



In 2017 the Victorian Government is providing grants of up to \$100,000 per facility to fund construction of a further 20 Changing Places facilities across Victoria, so that more people with a disability can participate in social, recreational and civic activities. Applications close 13 October 2017.

This opportunity is of high interest to Council given the goals of our Access & Inclusion Plan (see below) and the commitment in the Council Plan 2017-21 to provide support to people in need.

What the Access and Inclusion Plan aims to achieve:

To make Surf Coast Shire more accessible and inclusive for all by planning and working to achieve five key outcomes:

1. **Built and natural environments are well designed and accessible** for people of all abilities, and planned to adapt to our community's future accessibility needs.
2. **Accessible, flexible, people-centric services and information**, responsive to the needs of people with a disability, their families and carers.
3. **People of all abilities actively participate, socialise and have fun** in the community and contribute to local decision making.
4. **Council actively promotes the importance of inclusion for all**, addressing discriminatory attitudes and supporting inclusive practices.
5. **A workforce that embraces diversity** and is responsive to the needs and aspirations of people with a disability.

Discussion

Changing Places facilities are a valuable asset and would be welcomed at many locations in Surf Coast Shire. Eighteen locations have been assessed against criteria such as accessibility features, proximity to other public facilities, visitation numbers and privacy considerations.

The two preferred locations for a Changing Places facility when assessed against this criteria are Four Kings Park, Anglesea and Winchelsea Tea Rooms.

These locations can provide benefits for locals and for people with a disability on journeys on the Great Ocean Road and through Western Victoria. The Great Ocean Road and the Princes Highway are key routes for locals and visitors. The distance and time it takes to each of these locations from Melbourne is convenient for travellers.

6.9 Changing Places Grant Application

A Changing Places facility in Anglesea and Winchelsea may help create a network of facilities into South West Victoria. Currently there is one Changing Places facility in the G21 Region which is in Waurin Ponds at the Leisure Link Aquatic and Recreation Centre.

Four Kings Park is in close proximity to Anglesea Surf Life Saving Club which currently runs an all abilities nippers program and has a beach wheelchair available for public use. The playground adjacent to the toilet block has an accessible nest swing and other equipment for people of all abilities.

Four Kings Park is on GoRCC managed land. GoRCC have provided a commitment of support to clean, maintain and include the Changing Places facility on their asset register.

The Winchelsea Tea Rooms is a Council owned building with commercial tenants. It is located in a prominent location close to shops with good access links into the premises. Council is responsible for the asset management requirements for this facility and this would continue if a Changing Places Facility is constructed here.

Financial Implications

Council will need to contribute \$177,000 if it is successful in gaining two grants of \$100,000 for Changing Places facilities. This is broken down as \$114,000 for the Anglesea facility and \$63,000 for the Winchelsea facility.

If Council is successful, the facilities will be constructed in 2018/19 requiring Council to allocate \$177,000 in the 2018/19 budget.

There would be the requirement to renew existing toilets at the Winchelsea Tea Rooms to maintain cubicles to provide for people who do not need a Changing Places facility. This renewal of existing toilets would be outside the grant application and could be itemised and funded in Council's 2018/19 recurrent asset renewal program. This is estimated to cost \$65,000.

Renewing the Winchelsea Tea Rooms toilet is currently scheduled between 2020/21 and 2022/23. Therefore if Council is successful in securing the funding for the Changing Places grant in Winchelsea, it would need to bring the Tea Rooms toilet renewal forward by two to four years.

Council Plan

Theme 1 Community Wellbeing
Objective 1.4 Provide support for people in need
Strategy 1.4.4 Implement the Accessible and Inclusive Surf Coast Shire Strategic Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy Nil

Policy/Legal Implications

Construction of two Changing Places facilities delivers outcomes identified in Council's Accessible and Inclusive Strategy 2014-24 and Council Plan 2017-21.

Council's adopted Accessible and Inclusive Strategic Plan 2014-24 ensures compliance with the *Disability Discrimination Act 1992* and the Victorian *Disability Services Act 2006*.

Officer Direct or Indirect Interest

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

Risk Assessment

There is a risk that members of the community wish to see a Changing Places facility in locations other than those proposed. Officers have used assessment criteria and applied them to eighteen locations in Surf Coast Shire to determine the two proposed locations.

There is a risk that allocating funds from future budgets places strain on Council's financial position. This risk has been managed by assessing the discretionary funds available in Council's long term financial plan as well as any commitments referred already to the 2018/19 budget. This assessment shows investing \$177,000 in two Changing Places facilities does not place inappropriate strain on Council's financial position.

6.9 Changing Places Grant Application

Social Considerations

There is substantial evidence that Changing Places facilities provide powerful positive impacts to people's lives. Changing Places facilities help people with high support needs to confidentially experience activities. These facilities provide dignity and a greater level of safety and hygiene for people with high support needs.

If built in Surf Coast Shire, Changing Places will bring about benefits to residents and visitors. Changing Places give people with a disability greater peace of mind and help in removing a barrier to participation in community activities.

Community Engagement

Council's All Abilities Advisory Committee provides ongoing advice to Council on access and inclusion topics. This Committee has been engaged and shown strong support and advocacy for Council to apply for Changing Places facilities this funding round.

People in Surf Coast Shire with disabilities and their families have been engaged on these potential projects and have demonstrated strong support for Council to apply for the grants and complete the projects. Disability services providers have been engaged and have advised that there is a community demand for these facilities.

Officers have worked closely with GoRCC to engage with them on this project in Anglesea. Community engagement with key stakeholders will happen following the Council meeting.

Environmental Implications

The proposed location in Anglesea is close to the Anglesea River and is on coastal crown land. If successful in obtaining the grant, Council will seek the relevant environmental assessments and approvals including Coastal Management Act consent and Cultural Heritage Management Plans before undertaking this project. Minimising impacts to the environment will be considered in designing and constructing the facility.

The environmental implications in the Winchelsea location are less significant as the Changing Places facility is proposed in an existing structure in a highly built up location.

Communication

Council will communicate directly about the funding application and outcome once known to interested stakeholders in each proposed location including people with a disability and their families, traders, disability services providers, key community groups and the All Abilities Advisory Committee

Council will inform the wider community of the funding applications via Council communication channels and through local print media.

Options

Option 1 – No application to this Changing Places funding round

This option is not recommended by officers as it would not deliver a community facility that supports people with high support needs who live in and visit Surf Coast Shire. It would also be a missed opportunity financially to forego important grant funding.

Option 2 – Apply for \$100,000 for a Changing Places facility at one of the proposed locations

This option is not recommended by officers as the two proposed locations are important locations for locals and visitors. This option would also reduce the size of important grant funding Council may be able to secure.

Option 3 – Apply for two grants of \$100,000 for a Changing Places facility in the proposed locations in Anglesea and Winchelsea.

This option is recommended by officers as it would provide enormous benefits to people with a high support needs living in and visiting our communities. The two proposed locations are on significant travellers routes and accessible to many local people. Applying for two grants gives Council the best chance of obtaining maximum grant funding to complete these projects.

6.9 Changing Places Grant Application

Conclusion

Changing Places facilities help remove a significant social barrier to help people with high support needs and their carers participate in social and cultural activities. Applying for these grants would give Council the opportunity to deliver aims and outcomes articulate in the Accessible and Inclusive Strategy 2014-24.

If successful in obtaining the grants, Council leverages significant state government money to two projects that will be highly valued by locals and visitors for many years to come.

7. PROCEDURAL BUSINESS

8.1 Section 86 Committee Minutes

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/1042

Appendix:

1. Planning Committee Meeting Minutes - 7 August 2017 (D17/102255)
2. Hearing of Submissions Committee Meeting Minutes- 5 September 2017 (D17/104334)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

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

Summary

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

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

Recommendation

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

1. Planning Committee Meeting – 7 August 2017.
2. Hearing of Submissions Committee Meeting – 5 September 2017.

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

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

1. Planning Committee Meeting – 7 August 2017.
2. Hearing of Submissions Committee Meeting – 5 September 2017.

CARRIED 9:0

8.2 Advisory Committee Minutes

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/1023

Appendix:

1. Bells Beach Committee Meeting Minutes - 22 May 2017 (D17/100795)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

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

Summary

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

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

Recommendation

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

1. Bells Beach Committee Meeting - 22 May 2017.

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

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

1. Bells Beach Committee Meeting - 22 May 2017.

CARRIED 9:0

8.3 Assemblies of Councillors

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/958

Appendix:

1. Assembly of Councillors - Council Briefing - 15 August 2017 (D17/96655)
2. Assembly of Councillors - Council Briefing - 22 August 2017 (D17/98221)
3. Assembly of Councillors - Council Briefing - 5 September 2017 (D17/106240)
4. Assembly of Councillors - Council Briefing - 12 September 2017 (D17/107209)

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. Council Briefing - 15 August 2017.
2. Council Briefing - 22 August 2017.
3. Council Briefing - 5 September 2017.
4. Council Briefing - 12 September 2017.

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr David Bell

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

1. Council Briefing - 15 August 2017.
2. Council Briefing - 22 August 2017.
3. Council Briefing - 5 September 2017.
4. Council Briefing - 12 September 2017.

CARRIED 9:0

8. NOTICE OF MOTIONS

Nil

9. CLOSED SECTION

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Libby Coker

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

- 10.1 Confidential Assemblies of Councillors**
- 10.2 Award of Contract T18-001 Construction of concrete footpath and/or kerbing**
- 10.3 Award of Contract - T18-005 - Provision of Road Asphaltting Services**
- 10.4 Development Opportunity Update**
- 10.5 CEO Employment Matters Committee - CEO Remuneration Review**
- 10.6 CEO Employment Matters Committee - CEO Employment Objectives**

CARRIED 9:0

Council Resolution

MOVED Cr Martin Duke, Seconded Cr Clive Goldsworthy

That:

1. The resolution and report pertaining to Confidential items 10.1, 10.4, 10.5 and 10.6 remain confidential.
2. The resolution pertaining to Confidential items 10.2 and 10.3 be made public and the reports remain Confidential.
3. Council open the meeting to the public at 8:22pm.

CARRIED 9:0

10.2 Award of Contract T18-001 Construction of concrete footpath and/or kerbing

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Martin Duke

That Council:

1. Accept the tenders submitted to deliver services under Contract T18-001 Construction of concrete footpaths and/or kerbing from the following tenderers based on the tender evaluation having determined that these tenderers would adequately meet the requirements of the contract and provide best value for money of the tenders received:
 - 1.1.1. Geelong Kerbing Pty Ltd – for kerb & channel and footpaths
 - 1.1.2. CJ Walters Concreting Pty Ltd – for footpaths.
2. Establish a Panel of contractors through awarding T18-001 Construction of Concrete Footpaths and/or Kerbing to:
 - 2.1.1. Geelong Kerbing Pty Ltd – for kerb & channel and footpaths
 - 2.1.2. CJ Walters Concreting Pty Ltd – for footpaths.
3. Approve the award of contracts to be for an initial period of three years, with an option to extend by a further 12 months, on the basis that the contracts have an estimated total cost of \$1,176,800 (exc. GST) for footpaths and \$834,000 (exc. GST) for kerb and channel over a four year period.
4. Authorise the Chief Executive Officer to execute the contracts, including authorising the option to extend by one year in accordance with the conditions of the contract.
5. Authorise the Manager Engineering Services to act as Supervisor for this Contract, including authorising variations in accordance with the contract conditions.
6. Determine that the details of the successful tenderers be no longer confidential and advise the tenderers of the outcome of the tender process.

CARRIED 9:0

10.3 Award of Contract - T18-005 - Provision of Road Asphaltting Services

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Carol McGregor

That Council:

1. Accept the tender to from Greenhall Asphalt Pty Ltd to deliver services under contract T18-005 Provision of Road Asphaltting Services based on the tender evaluation having found that the tender meetings the requirements of the contract and provides best value for money.
2. Award contract T18-005 Provision of Road Asphaltting Services to Greenhall Asphalt Pty Ltd, as a schedule of rates contract with an estimated value of \$1,427,600 (exc. GST) for the initial two year

contract term

3. Authorise the Chief Executive Officer to execute the contract for the initial two year contract term.
4. Authorise the Chief Executive Officer to execute options to extend the contract up to two additional years in accordance with the conditions of the contract, with an estimated total contract value of \$2,920,084 (exc. GST) if the total term is four years.
5. Determine that the name of the successful tenderer be no longer confidential and advise tenderers of the outcome of the tender process.

CARRIED 9:0

Close: There being no further items of business the meeting closed at 8:22pm.