



# Minutes

Ordinary Meeting of Council  
Tuesday, 27 June 2017

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

**Council:**

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

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MINUTES FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL  
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY 27 JUNE 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  
Team Leader Governance – Candice Holloway (minutes)  
Manager Finance – John Brockway  
Coordinator Communications & Community Relations – Darryn Chiller

76 members of the public  
3 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 Martin Duke 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 Clive Goldsworthy, Seconded Cr Libby Coker**

That Council note the minutes of the Special Council Meeting held 11 April 2017 and note the minutes of the Ordinary meeting of Council held on 23 May 2017, as correct records of these meetings.

CARRIED 9:0

**LEAVE OF ABSENCE REQUESTS:**

Nil.

**CONFLICTS OF INTEREST:**

Nil.

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## **PRESENTATIONS:**

Cr Rose Hodge recognised the SriChinmoy Peace Runners who visited the Surf Coast Shire on Friday, 23 June 2017 as part of the Openness-Home Peace Run. Cr Rose Hodge presented a Certificate of Appreciation to the Surf Coast Shire and congratulated the runners on spreading peace around the world.

Cr Margot Smith acknowledged that the Rotary Club of Torquay has named Cr Rose Hodge as a Paul Harris Fellow in recognition of her active role in the community. This is a honour that is not often bestowed on people outside the Rotary Foundation. The Council congratulated Cr Rose Hodge.

## **PUBLIC QUESTION TIME:**

### **QUESTIONS WITH NOTICE:**

Question 1 received from Ron Patterson of Torquay

#### **Question 1: Drainage Concerns Eton Road Torquay**

Could someone please provide advice as to what needs to be done to fix this concern before any damage is done?

Question not asked as Ron Patterson was not in attendance. A written response to be provided to Mr Patterson.

Keith Baillie, Chief Executive Officer, advised that the remainder of the questions received relate to the flying of the Rainbow Flag. Councillors will debate and consider this matter at item 1.1 Shire Head Office - Location and Utilisation of Flag Poles in the Agenda. In accordance with Section 20 of Local Law No. 2 - Council Meeting Procedures and Common Seal, these questions will be taken on notice and a written response provided within 5 days to the person asking the question.

Question 2 and 3 received from John De Witt of Torquay

#### **Question 2: Flying the Rainbow Flag**

Councillors, has there ever been an objection to the flag-flying instance in this photograph I am holding, or other instances where any other flag other than the rainbow flag has been raised and flown on this flagpole as shown in the photograph, and if so, for each instance – where is the documentation in relation to such objections? See \* above.

#### **Question 3: Flying the Rainbow Flag**

Councillors, if there has not been objections as referred to in Question 1 to anywhere near the degree of the current opposition, does this current level of oppositions represent unlawful discrimination rather than reasonable discussion as a community and if so, what lawful obligations exist to ensure this unlawful discrimination is addressed? See \* above.

Question 4 received from April Meddick of Torquay

#### **Question 4: Flying the Rainbow Flag**

I would like to ask the Councillors who are against the flying of the rainbow flag, why, when they have heard several accounts of the negative impact the debate is having on the already vulnerable L-Q section of our community, do they continue to publicly come out against this? See \* above.

Question 5 and 6 asked by Judy Cameron of Winchelsea

#### **Question 5: Flying the Rainbow Flag**

On Council's website, under the Health and Wellbeing Plan page, I see that not only is the Health and Wellbeing Plan 2013 - 2017 being published, but also the following quote is noted from a recent study in the Winchelsea area:

"Key areas identified in the action plan included increasing levels of service provider engagement, exploring opportunities to increase access to youth health services and activities, increasing community participation, exploring food security issues and promoting services. The action plan also involved mapping services and dental services. "

In accordance with the above action plan for Winchelsea, and in view of the Australian Medical Association's recent recommendations in relation to marriage equality, what action will Council take in their forward planning and as leaders for the community to ensure that best practice is achieved in order to support and connect all communities, including the LGBTI community, in Winchelsea ward and across the broader shire? See \* above.

**Question 6: Flying the Rainbow Flag**

In accordance with the above action plan for Winchelsea, and in view of the Royal Australian and New Zealand's College of Psychiatrists recommendations from mid-2016 in relation to marriage equality, what action will council take in their forward planning and as leaders for the community to ensure that best practice is achieved in order to support and connect all communities, including the LGBTI community, in Winchelsea ward and across the broader shire? See \* above.

Question 7 asked by Alex Marshall of Torquay

**Question 7: Flying the Rainbow Flag**

In the 2016 Surf Coast Youth Survey, the young people of the Surf Coast identified equality as one of the top 3 issues. They also identified mental health as one of their top 3 personal concerns. With the LGTBIQA community experiencing over double the mental illness rates of the general population, is it going to do more harm to the community by taking the flag down, than by leaving it up? See \* above.

**QUESTIONS WITHOUT NOTICE:**

Question 8 and 9 asked by name withheld

**Question 8: Flying the Rainbow Flag**

With reference to Accessible & Inclusive Surf Coast Shire Strategic Plan 2014-2024 noting that on page 6 this plan indicates that it sits under the Health & Wellbeing Plan and alongside the Positive Ageing Strategy, Youth Strategy and Early Years Strategy. LGBTI communities in recent weeks have been exposed to a high level of unwelcome scrutiny into their personal lives, largely as a result of high levels of media exposure at times having a negative impact upon their health and wellbeing. How will this plan be implemented to ensure according to outcome 2 "Accessible, flexible, people-centric services and information, responsive to the needs of people with a disability, their families and carers" and most especially the LGBTI community is implemented at this time and moving forward? See \* above.

**Question 9: Flying the Rainbow Flag**

In light of the above at times negative media exposure, how will this plan be implemented to ensure according to outcome 4 "Council actively promotes the importance of inclusion for all" (which one might assume includes LGBTI persons), addressing discriminatory attitudes and supporting inclusive practices and how might lowering the Rainbow flag be included in this outcome now? See \* above.

Question 10 and 11 asked by Max Tonkin of Belmont

**Question 10: Flying the Rainbow Flag**

The flagpole is at a cost of \$6,000. There are 21,303 ratepayers which works out to be 23 cents each. Why is this so controversial? See \* above.

**Question 11: Flying the Rainbow Flag**

Why is there so much concern about a beautiful rainbow flag with beautiful colours? It signifies love, love, love. We are living in world of hate and a flag that signifies love should be accepted. See \* above.

**Motion to Accept Item of Urgent Business**

**Council Resolution**

**MOVED Cr David Bell, Seconded Cr Rose Hodge**

That Council accept item 7.3 Urgent Business - Late Correspondence, Petition and Joint Letters as matters of Urgent Business

CARRIED 9:0

**Motion to Move Items Forward**

**Council Resolution**

**MOVED Cr, Seconded Cr**

That Council consider the following items at this point in the Agenda for the benefit of the gallery present:

- 4.5 Petition Response - Regarding flying the Rainbow Flag for Marriage Equality.
- 7.2 Petitions Received - Regarding Flying the Rainbow Flag for Marriage Equality.
- 7.3 Urgent Business - Late Correspondence, Petition and Joint Letters
- 1.1 Shire Head Office – Location and Utilisation of Flag Poles.
- 7.1 Notice of Motion to Rescind - 23 May 2017 - Flying the Rainbow Flag.

CARRIED 9:0

**BUSINESS:**

4.5	<i>Petition Responses - Regarding flying the Rainbow Flag for Marriage Equality</i> .....	7
7.2	<i>Petitions Received - Regarding Flying the Rainbow Flag for Marriage Equality</i> .....	11
7.3	<i>Urgent Business - Late Correspondence, Petition and Joint Letters</i> .....	13
1.1	<i>Shire Head Office - Location and Utilisation of Flag Poles</i> .....	17
7.1	<i>Notice of Motion to Rescind - 23 May 2017 - Flying the Rainbow Flag</i> .....	21
<b>1.</b>	<b>OFFICE OF THE CEO</b> .....	<b>22</b>
<b>2.</b>	<b>GOVERNANCE &amp; INFRASTRUCTURE</b> .....	<b>22</b>
2.1	<i>Declaration of 2017/18 Rates and adoption of the 2017/18 Annual Budget</i> .....	22
2.2	<i>Adoption of Road Management Plan</i> .....	28
2.3	<i>Project Budget Adjustments and Cash Reserve Transfers - June 2017</i> .....	31
2.4	<i>Removal of SCS-028 Asset Accounting Policy</i> .....	34
2.5	<i>Proposal to Lease Council Land - 2 Quay Boulevard, Torquay</i> .....	36
2.6	<i>Petition Response - Request for removal and relocation of bus terminus on the corner of Strathmore Drive and Great Ocean Road, Jan Juc</i> .....	39
2.7	<i>Councillor Representation on the Victorian Local Governance Association (VLGA)</i> .....	43
<b>3.</b>	<b>ENVIRONMENT &amp; DEVELOPMENT</b> .....	<b>45</b>
3.1	<i>C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions</i> .....	45
3.2	<i>Capital Works Community Engagement Policy Review</i> .....	55
3.3	<i>Torquay Transit Corridor</i> .....	58
<b>4.</b>	<b>CULTURE &amp; COMMUNITY</b> .....	<b>62</b>
4.1	<i>Adoption of the Council Plan (including the Health and Wellbeing Plan and the Strategic Resource Plan) 2017-2021</i> .....	62
4.2	<i>Surf Coast Multi-purpose Indoor Stadium</i> .....	68
4.3	<i>SCS 032 Complaints Policy</i> .....	75
4.4	<i>Open Space Strategy 2016 - 2025 - Year 1 Progress Report</i> .....	77
<b>5.</b>	<b>MINUTES</b> .....	<b>82</b>
5.1	<i>Section 86 Committee Minutes</i> .....	82
5.2	<i>Advisory Committee Minutes</i> .....	83
<b>6.</b>	<b>ASSEMBLIES OF COUNCILLORS</b> .....	<b>84</b>
6.1	<i>Assemblies of Councillors</i> .....	84
<b>7.</b>	<b>URGENT BUSINESS/PETITIONS/NOTICES OF MOTION</b> .....	<b>85</b>
<b>8.</b>	<b>CLOSED SECTION</b> .....	<b>85</b>
8.1	<i>Assemblies of Councillors</i> .....	85
8.2	<i>Kerbside Garden Organics Receiving and Processing - Contract 17/011</i> .....	85
8.3	<i>Provision of Traffic Management Services - Contract T17-012</i> .....	85
8.4	<i>Winchelsea Independent Living Units</i> .....	85

#### 4.5 PETITION RESPONSES - REGARDING FLYING THE RAINBOW FLAG FOR MARRIAGE EQUALITY

**Author's Title:** Acting Manager Community Relations      **General Manager:** Chris Pike  
**Department:** Community Relations      **File No:** F14/1807  
**Division:** Culture & Community      **Trim No:** IC17/541

**Appendix:**

1. Petition 1 - Ratepayers Against Flying the Rainbow Flag for Marriage Equality - Redacted (D17/54965)
2. Petition 2 - Ratepayers Against Flying the Rainbow Flag for Marriage Equality - Redacted (D17/56865)
3. Petition 3 - In Support of Flying the Rainbow Flag for Marriage Equality - Redacted (D17/57316)
4. Petition 3 - Part 2 - Ratepayers in Support of Flying the Rainbow Flag for Marriage Equality- Redacted (D17/60483)
5. Petition 4 - Against flying the Rainbow Flag for Marriage Equality - 22 May - Redacted (D17/59436)
6. Petition 5 - Ratepayers Against Flying the Rainbow Flag for Marriage Equality - Redacted (D17/61780)

**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 respond to the five petitions received in relation to flying the rainbow flag for marriage equality, and noted by Council at the 23 May 2017 Council meeting.

#### Summary

Petition 1 – no specific request, however the petition clearly infers that flying the flag is not an appropriate use of Council infrastructure and resources, has been received and noted by Council.

Petition 2 - seeking Councillors to reconsider the decision to fly the rainbow flag outside the Shire offices, has been received and noted by Council.

Petition 3 (parts 1 & 2) – congratulating the Surf Coast Shire Councillors on their public support of marriage equality, has been received and noted by Council.

Petition 4 - seeking Council to lower the flag immediately and object to the prominence of the flag placement has been received and noted by Council.

Petition 5 – seeking Council to lower the flag immediately and object to the prominence of the flag placement has been received and noted by Council.

Since the petitions have been received by Council, a matter of urgent business relevant to the petitions was considered at the 23 May 2017 Council meeting. This matter is again due for consideration on the agenda for the 27 June 2017 Council meeting. The Petitions will in effect be addressed through consideration of that agenda item.

#### Recommendation

That Council:

1. Note that the matters referred to in the petitions are the subject of Agenda Item 1.1 in this meeting.
2. As per Section 19 of Local Law No.2, include all five petitions in the consideration of Agenda Item 1.1.
3. Advise the first named petitioner of each petition of the outcome of Agenda Item 1.1.

#### **4.5 Petition Responses - Regarding flying the Rainbow Flag for Marriage Equality**

##### **Council Resolution**

##### **MOVED Cr Margot Smith, Seconded Cr Libby Coker**

That Council:

1. Note that the matters referred to in the petitions are the subject of Agenda Item 1.1 in this meeting.
2. As per Section 19 of Local Law No.2, include all five petitions in the consideration of Agenda Item 1.1.
3. Advise the first named petitioner of each petition of the outcome of Agenda Item 1.1.

CARRIED 9:0



## 4.5 Petition Responses - Regarding flying the Rainbow Flag for Marriage Equality

### Report

#### **Background**

Resolved to fly the Rainbow Flag continuously from 17 May 2017 (IDAHOT Day) until formal acceptance of marriage equality by the Federal Government.

Council has received feedback from the community both for and against the resolution.

#### **Discussion**

Five petitions have been received by Council:

#### Petition 1

Against flying the rainbow flag for marriage equality has no specific request. This position states the following:

- it is irrelevant
- flying the flag is not an appropriate use of Council infrastructure and resources
- not a defined area of responsibility under the Local Government Act – Councillors have contravened the act
- a use of privilege to push personal agenda
- no opportunity to consult or public debate.

Number of signatures: 15

#### Petition 2

Against flying the rainbow flag for marriage equality; is seeking Councillors to reconsider the decision to fly the rainbow flag outside the Shire offices. This position states the following:

- There has been no consultation on this decision with the ratepayers of the Surf Coast Shire
- The issue of same sex marriage is outside the responsibility, and not a core function of the Surf Coast Shire
- It is inappropriate for a flag to fly outside the Surf Coast Shire Offices when it is promoting a campaign against the Federal Government.

Number of signatures: 22

#### Petition 3 (parts 1 & 2)

For the flying of the rainbow flag for marriage equality. This position states the following:

- congratulating the Surf Coast Shire Councillors on their public support of marriage equality
- this is a human rights issue
- supporting the resolution to fly the flag continuously until legislation is passed.

Number of signatures: 111

#### Petition 4

Against flying the rainbow flag for marriage equality. This petition states the following:

- Council to lower the flag immediately
- objection to the prominence of the flag placement .

Number of signatures: 13

#### Petition 5

Against flying the rainbow flag for marriage equality. This petition states the following:

- Council to lower the flag immediately
- objection to the prominence of the flag placement .

Number of signatures: 122

#### **4.5 Petition Responses - Regarding flying the Rainbow Flag for Marriage Equality**

Since the petitions have been received by Council a matter of urgent business relevant to the petitions was considered at the 23 May 2017 Council meeting. This matter is now due for consideration on the agenda for the 27 June 2017 Council meeting. The Petitions will in effect be incorporated into, and decided upon during this agenda item.

***Financial Implications***

Not applicable.

***Council Plan***

Not applicable.

***Policy/Legal Implications***

Not applicable.

***Officer Direct or Indirect Interest***

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

***Risk Assessment***

Not applicable.

***Social Considerations***

Not applicable.

***Community Engagement***

Not applicable.

***Environmental Implications***

Not applicable.

***Communication***

Not applicable.

***Conclusion***

At the same meeting the petitions were received by Council, a matter of urgent business relevant to the petitions was considered at the 23 May 2017 Council meeting. The matter is included for consideration on the agenda as item 7.1 of the 27 June 2017 Council meeting. As per Section 19 of Local Law No.2, the petitions should inform part of the consideration of Item 7.1.

## 7.2 PETITIONS RECEIVED - REGARDING FLYING THE RAINBOW FLAG FOR MARRIAGE EQUALITY

**Author's Title:** Manager Community Relations

**General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F14/1807

**Division:** Culture & Community

**Trim No:** IC17/634

### Appendix:

1. Petition 1 - Petition from Surf Coast for Marriage Equality- IDAHOT Rainbow Flag - Redacted (D17/71908)
2. Petition 2 - Petition from Geelong for Marriage Equality - IDAHOT Rainbow Flag - Redacted (D17/71902)
3. Petition 3 - No to rainbow flag - Redacted (D17/72239)

### 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 three petitions regarding the flying of the Rainbow Flag in support of Marriage Equality.

The petitions follow Council's decision made at the Ordinary Council Meeting held 26 April 2017, Item 7.2 – IDAHOT Day Flag – NOM-132:

*“That Surf Coast Shire Council flies the Rainbow Flag continuously from 17 May 2017 (IDAHOT Day) until formal acceptance of marriage equality by the Federal Government.”*

- Petition 1 consists of 743 signatures and supports Council's decision.
- Petition 2 consists of 1019 digital signatures and also supports Council's decision. It is noted that Petition 2 does not constitute correct format in accordance with Local Law No.2 Council Meeting Procedures & Common Seal, section 19.2, due to lack of the physical addresses of persons who signed.
- Petition 3 consists of 9 signatures and does not support Council's decision.

### Recommendation

That Council:

1. Receive and note the three petitions regarding flying of the Rainbow Flag in support of marriage equality, in accordance with its Local Law No. 2 – Meeting Procedure, noting that Petition 2 does not comply with Section 19.2.
2. Note that the matters referred to in the petitions are the subject of Agenda Items 1.1 – Shire Head Office – Location and Utilisation of Flag Poles and 7.1 – Notice of Motion to Rescind - 23 May 2017 - Flying the Rainbow Flag.
3. Consider the petitions as part of the deliberations on Agenda Items 1.1 – Shire Head Office – Location and Utilisation of Flag Poles, in accordance with section 19.4 of Local Law No.2 – Meeting Procedure.
4. Advise the first named petitioners of the outcome.

### Council Resolution

#### MOVED Cr Rose Hodge, Seconded Cr Martin Duke

That Council:

1. Receive and note the three petitions regarding flying of the Rainbow Flag in support of marriage equality, in accordance with its Local Law No. 2 – Meeting Procedure, noting that Petition 2 does not comply with Section 19.2.
2. Note that the matters referred to in the petitions are the subject of Agenda Items 1.1 – Shire Head Office – Location and Utilisation of Flag Poles and 7.1 – Notice of Motion to Rescind - 23 May 2017 - Flying the Rainbow Flag.
3. Consider the petitions as part of the deliberations on Agenda Items 1.1 – Shire Head Office – Location and Utilisation of Flag Poles, in accordance with section 19.4 of Local Law No.2 – Meeting Procedure.
4. Advise the first named petitioners of the outcome.

**7.2 Petitions Received - Regarding Flying the Rainbow Flag for Marriage Equality**

CARRIED 9:0

### 7.3 URGENT BUSINESS - LATE CORRESPONDENCE, PETITION AND JOINT LETTERS

**Author's Title:** General Manager Governance & Infrastructure

**General Manager:** Anne Howard

**Department:** Governance & Infrastructure

**File No:** F17/287

**Division:** Governance & Infrastructure

**Trim No:** IC17/655

**Appendix:**

1. Petition to the Surf Coast Shire (Winchelsea) - Redacted (D17/73885)
2. Growing Winchelsea Joint Letter - Funds from 42 Harding St, Winchelsea - Redacted (D17/74628)
3. Growing Winchelsea Joint Letter - Request DCP for Winchelsea - Redacted (D17/74624)

**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 to Council correspondence received in the format of a petition and two joint letters. All three items of correspondence were received after the 27 June 2017 meeting agenda was been finalised. The report has been prepared for Council to consider as an item of urgent business because two of the three items of correspondence relate to matters to be considered in the agenda of this meeting and to provide Council the opportunity to address the third item at the same time.

#### Summary

The three items of late correspondence are:

1. Petition  
Additional pages have been received that relate to a petition received by Council at its meeting on 23 May 2017. The original petition is addressed in this agenda within Item 4.5. The additional pages include another 44 signatures to this petition. The petition does not support Council's decision of 26 April 2017 where Council conditionally determined to fly the Rainbow Flag.
2. Joint Letter #1  
Growing Winchelsea has written to Council seeking that funds from the sale of Council land in Winchelsea, specifically 42 Harding Street, Winchelsea, be kept for use on other initiatives within Winchelsea and not directed to Council general funding. A number of members of Growing Winchelsea Inc. signed the letter and it was specifically requested that Council recognise this as a 'joint letter'.
3. Joint Letter #2  
Growing Winchelsea has written to Council seeking that Council establish a Developer Contributions Plan. A number of members of Growing Winchelsea Inc. signed the letter and it was specifically requested that Council recognise this as a 'joint letter'.

#### Recommendation

That Council:

1. Receive and note the additional pages to the petition received by Council on 23 May 2017 (as Attachment 3 to Item 7.3) against Council's decision to fly the Rainbow Flag in support of marriage equality, and:
  - a. Note that the matter referred to in the petition is the subject of Agenda Item 1.1 in this meeting.
  - b. Consider the petition as part of its deliberations on Agenda Item 1.1.
  - c. Advise the first named petitioner of each petition of the outcome of Agenda Item 1.1.
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.

### 7.3 Urgent Business - Late Correspondence, Petition and Joint Letters

- b. Advise the first named signatory of letter that this matter has been determined by Council.
3. Receive and note the Joint Letter from Growing Winchelsea seeking Council's commitment to establish a Developer Contributions Plan for Winchelsea, and:
  - a. Note that the matter was referred to in Growing Winchelsea Inc.'s submission to the draft Budget 2017-2021.
  - b. Note that the matter of Council's budget referred to in the joint letter is the subject of Agenda Item 2.1 in this meeting where Council will consider adoption of its Annual Budget 2017-18 which includes an allocation to progress the matter of developer-related infrastructure funding for Winchelsea.
  - c. Consider the joint letter as part of its deliberations on Agenda Item 2.1.
  - d. Advise the first named signatory of the letter of the outcome of Item 2.1.

#### **Council Resolution**

#### **MOVED Cr Carol McGregor, Seconded Cr Martin Duke**

That Council:

1. Receive and note the additional pages to the petition received by Council on 23 May 2017 (as Attachment 3 to Item 7.3) against Council's decision to fly the Rainbow Flag in support of marriage equality, and:
  - a. Note that the matter referred to in the petition is the subject of Agenda Item 1.1 in this meeting.
  - b. Consider the petition as part of its deliberations on Agenda Item 1.1.
  - c. Advise the first named petitioner of each petition of the outcome of Agenda Item 1.1.
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.
3. Receive and note the Joint Letter from Growing Winchelsea seeking Council's commitment to establish a Developer Contributions Plan for Winchelsea, and:
  - a. Note that the matter was referred to in Growing Winchelsea Inc.'s submission to the draft Budget 2017-2021.
  - b. Note that the matter of Council's budget referred to in the joint letter is the subject of Agenda Item 2.1 in this meeting where Council will consider adoption of its Annual Budget 2017-18 which includes an allocation to progress the matter of developer-related infrastructure funding for Winchelsea.
  - c. Consider the joint letter as part of its deliberations on Agenda Item 2.1.
  - d. Advise the first named signatory of the letter of the outcome of Item 2.1.

CARRIED 9:0

## 7.3 Urgent Business - Late Correspondence, Petition and Joint Letters

### **Report**

#### ***Background***

Council has received correspondence in the format of a petition and two joint letters. All three items of correspondence were received after the 27 June 2017 meeting agenda was been finalised.

#### ***Discussion***

The three items of late correspondence are:

1. Petition

Additional pages have been received that relate to a petition received by Council at its meeting on 23 May 2017. The original petition is addressed in this agenda within Item 4.5. The additional pages include another 44 signatures to this petition. The petition does not support Council's decision of 26 April 2017 where Council conditionally determined to fly the Rainbow Flag.

2. Joint Letter #1

Growing Winchelsea has written to Council seeking that funds from the sale of Council land in Winchelsea be kept for use on other initiatives within Winchelsea and not directed to Council general funding. A number of members of Growing Winchelsea Inc. signed the letter and it was specifically requested that Council recognise this as a 'joint letter'.

Council considered the sale of 42 Harding Street, Winchelsea, at its meeting on 23 May 2017 and resolved, amongst other things, as follows:

*That Council:*

*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.*

3. Joint Letter #2

Growing Winchelsea has written to Council seeking that Council establish a Developer Contributions Plan. A number of members of Growing Winchelsea Inc. signed the letter and it was specifically requested that Council recognise this as a 'joint letter'.

#### ***Financial Implications***

There are no financial implications arising from the recommendation of this report.

#### ***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 implications arising from the recommendation of this report.

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

No risk assessment has occurred in relation to these items due to time constraints.

#### ***Social Considerations***

There are specific social considerations arising from the recommendation of this report. In general these matters have either been considered by Council (42 Harding Street, Winchelsea) or will be considered by Council through other agenda items (Rainbow Flag and DCP project).

#### ***Community Engagement***

No specific community engagement has occurred in relation to these items due to time constraints.

### **7.3 Urgent Business - Late Correspondence, Petition and Joint Letters**

#### ***Environmental Implications***

There are no environmental implications arising from the recommendation of this report.

#### ***Communication***

Petitions and Joint Letters will be responded through the first-named petitioner or signatory.

#### ***Conclusion***

Officers recommend that Council receive and note the correspondence at this meeting noting that the matters are to be considered through deliberation of other items or have already been determined.



Cr Brian McKitterick (Mayor) foreshadowed that he wished to move the motion for item 1.1 Shire Head Office - Location and Utilisation of Flag Poles, and in accordance with Section 45.2 of Local Law No. 2 - Council Meeting Procedures and Common Seal would be vacating the Chair to do so.

Cr Brian McKitterick (Mayor) vacated the Chair at 6.27pm.

Cr Carol McGregor (Deputy Mayor) temporarily took the Chair at 6:27pm.

## 1.1 SHIRE HEAD OFFICE - LOCATION AND UTILISATION OF FLAG POLES

<b>Author's Title:</b> Chief Executive Officer	<b>CEO:</b> Keith Baillie
<b>Department:</b> Office of the CEO	<b>File No:</b> F17/285
<b>Division:</b> Office of the CEO	<b>Trim No:</b> IC17/598

### Appendix:

1. Shire Head Office - Proposed Flag Pole Locations (D17/65996)
2. Shire Head Office - Site Design 2009 (D17/65998)

### 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 direction as to the location and utilisation of flag poles at the Shire Head Office at 1 Merrijig Drive Torquay, including consideration of the location of the Rainbow Flag.

### Summary

Council resolved at its 26 April 2017 meeting to fly the Rainbow Flag plus a number of conditions.

Council subsequently resolved at its 23 May 2017 meeting to not fly the Rainbow Flag plus a number of conditions. A Notice of Motion to rescind was duly lodged relating to that resolution and accordingly it has not been enacted at this time, with that Notice of Motion to be considered at the 27 June 2017 Council meeting.

Accordingly at this time the Rainbow Flag remains flying at the Shire Head Office.

Council has also received a number of petitions regarding this matter. The matter has also been subject to correspondence, media and public comment.

This has been a difficult issue for the Surf Coast community and for Council. In addition to the relative merits of marriage equality considerations, Council has received community feedback that it must ensure it follows important protocols regarding flying the Australian and other official flags, and their relationship to other flags such as the Rainbow Flag. Council affirms that it acknowledges the importance of observing flag protocols and respecting the flags and what they represent. Feedback has also been received in relation to Council's role in a matter that sits with the Federal Government and the level of consultation that has occurred on this matter.

It has become apparent that it would be beneficial for Council to provide greater clarity about the locations at which flags are flown at the Shire Head Office. This report seeks to obtain that direction from Council.

### Recommendation

That Council:

1. Determine that this resolution supersedes that of Item 7.2 at the 26 April 2017 Ordinary meeting relating to Council flying the Rainbow Flag, with conditions.
2. Determine that this resolution supersedes that of Item 7.4 at the 23 May 2017 Ordinary meeting relating to Council's flying of the Rainbow Flag, with conditions, noting that a Notice of Motion to

## 1.1 Shire Head Office - Location and Utilisation of Flag Poles

- rescind relating to that resolution is being considered in the Council agenda for this meeting.
3. Install two unilluminated 8m flag poles on the southern side of the Shire Head Office building, at locations specified on the illustration provided as Appendix 1, being:
    - 3.1 Adjacent to the pond and its viewing platform (the "Pond" flag pole).
    - 3.2 On the grassed area adjacent to the car park (the "Front Lawn" flag pole).
  4. Fly the Rainbow Flag continuously on the Front Lawn flag pole in support of the LGBTIQ community in the Surf Coast Shire.
  5. Utilise the Pond flag pole to periodically fly flags relating to issues of community significance as determined by Council through resolution or approved Council policy.
  6. Note that the Shire Head Office building design at 1 Merrijig Drive Torquay (as shown on the illustration provided as Appendix 2) outlines the purpose of Council's existing flag poles, being:
    - 6.1 Three flag poles as the official flag poles for the southern entrance to the Shire Head Office building (the "Front Entrance" flag poles).
    - 6.2 Three flag poles on the northern side of the Shire Head Office building as a ceremonial location (the "Ceremonial" flagpoles).
  7. Determine to continuously fly the Australian, Aboriginal and Surf Coast Shire flags on both the Front Entrance flag poles and Ceremonial flag poles (subject to appropriate illumination at night) or as directed by the Victorian Government or in association with the visitation of dignitaries.
  8. Determine that a Flag Flying policy be prepared for consideration at a subsequent Ordinary Council meeting and that it is consistent with the elements of this resolution.
  9. Affirm that in the interim period the Rainbow flag will remain flying continuously at the Ceremonial flag poles until it can be relocated to the Front Lawn flag pole.
  10. Request the Chief Executive Officer to action the installation of the new flagpoles as quickly as possible.

### Council Resolution

#### **MOVED Mayor Brian McKiterick, Seconded Cr David Bell**

That Council:

1. Determine that this resolution supersedes that of Item 7.2 at the 26 April 2017 Ordinary meeting relating to Council flying the Rainbow Flag, with conditions.
2. Determine that this resolution supersedes that of Item 7.4 at the 23 May 2017 Ordinary meeting relating to Council's flying of the Rainbow Flag, with conditions, noting that a Notice of Motion to rescind relating to that resolution is being considered in the Council agenda for this meeting.
3. Install two unilluminated 8m flag poles on the southern side of the Shire Head Office building, at locations specified on the illustration provided as Appendix 1, being:
  - 3.1 Adjacent to the pond and its viewing platform (the "Pond" flag pole).
  - 3.2 On the grassed area adjacent to the car park (the "Front Lawn" flag pole).
4. Fly the Rainbow Flag continuously on the Front Lawn flag pole in support of the LGBTIQ community in the Surf Coast Shire.
5. Utilise the Pond flag pole to periodically fly flags relating to issues of community significance as determined by Council through resolution or approved Council policy.
6. Note that the Shire Head Office building design at 1 Merrijig Drive Torquay (as shown on the illustration provided as Appendix 2) outlines the purpose of Council's existing flag poles, being:
  - 6.1 Three flag poles as the official flag poles for the southern entrance to the Shire Head Office building (the "Front Entrance" flag poles).
  - 6.2 Three flag poles on the northern side of the Shire Head Office building as a ceremonial location (the "Ceremonial" flagpoles).
7. Determine to continuously fly the Australian, Aboriginal and Surf Coast Shire flags on both the Front Entrance flag poles and Ceremonial flag poles (subject to appropriate illumination at night) or as directed by the Victorian Government or in association with the visitation of dignitaries.
8. Determine that a Flag Flying policy be prepared for consideration at a subsequent Ordinary Council meeting and that it is consistent with the elements of this resolution.
9. Affirm that in the interim period the Rainbow flag will remain flying continuously at the Ceremonial flag poles until it can be relocated to the Front Lawn flag pole.
10. Request the Chief Executive Officer to action the installation of the new flagpoles as quickly as possible.

CARRIED 9:0

Cr Brian McKiterick (Mayor) reassumed the Chair at 6:59pm.

## 1.1 Shire Head Office - Location and Utilisation of Flag Poles

### Report

#### **Background**

Council passed the following resolution at its 26 April 2017 meeting:

*That Surf Coast Shire Council flies the Rainbow Flag continuously from 17 May 2017 (IDAHOT Day) until formal acceptance of marriage equality by the Federal Government.*

Council subsequently passed the following resolution at its 23 May 2017 meeting:

1. *That Council immediately initiates a comprehensive process of consultation with the local community to determine whether Surf Coast Shire citizens support Council flying the rainbow flag or otherwise lobbying or attempting to influence the Australian Government on the issue of marriage equality.*
2. *That as part of the community consultation process, Council immediately:*
  - a. *writes to the not-for-profit business, trading and community associations that represent the various geographic communities located in the Shire to inquire:*
    - i. *about their general attitude to Council engaging in public commentary and/or lobbying about issues that are the specific legislative responsibility of the federal or state government and have no immediately obvious nexus with Council's roles or responsibilities;*
    - ii. *if they support Council engagement in such activities, how they suggest Council should identify priority topics; and*
    - iii. *whether they support Council flying the rainbow flag until the federal government approves marriage equality;*
  - b. *commissions a reputable and experienced third party to survey the community on the issues listed above, utilising a statistically valid sampling methodology similar to that used for the annual local government community satisfaction survey;*
  - c. *communicates in writing with all residents and ratepayers, inviting submissions on the issues listed above; and*
  - d. *holds a meeting to hear submissions in each ward of the Shire.*
3. *That the outcomes of the community consultation process, including information about the attitudes of different towns in the Shire, are reported at a public meeting of Council.*
4. *That Council immediately lowers the rainbow flag currently flying over the Shire offices in Torquay and does not raise it again on any Shire facility unless it resolves to do so following consideration of the results of the community consultation process described above.*
5. *That if Council resolves to fly the rainbow flag in the future, it identifies an appropriate location that does not result in the rainbow flag taking precedence over the Australian, Victorian and/or Indigenous flags.*

A Notice of Motion to Rescind was duly lodged after the 23 May 2017 Council meeting and accordingly the 23 May 2017 resolution cannot be enacted at this time. This Notice of Motion is scheduled to be considered as part of Council's 27 June 2017 Ordinary meeting.

#### **Discussion**

This report seeks Council's determination of flag pole locations and utilisation for the Shire Head Office at 1 Merrijig Drive Torquay. It is recommended that such a determination will support understanding as to how Council is meeting flag protocols and provide an outcome for flying the Rainbow Flag that the community can move forward with.

By way of context for Shire Head Office flag locations and utilisation, these matters were considered as part of the original building design in 2009: An illustration from that design is provided as Appendix 2. In particular, it depicts flag poles at the southern front entrance of the building and a ceremonial location at building's northern entrance (in conjunction with ceremonial drive and plaza). Officers believe that these two locations on the southern and northern sides of the building were intended for the principal point of entry and for official and/or ceremonial uses, respectively.

#### **Financial Implications**

Council has obtained a quotation for the installation of two additional 8m flag poles as shown on Appendix 1, for the new locations noted as "Front Lawn" and "Pond", with each costing in the order of \$3,000 (excluding GST) installed. Officers are also seeking a quotation for installing lighting to illuminate the ceremonial flagpoles, as the Australian flag if flown at night must be illuminated. It is felt likely that the cost of installing and operating these lights would not be material given the importance of supporting important flag protocols. Officers would also source larger flags for the ceremonial flag poles to suit the taller flag poles.

## 1.1 Shire Head Office - Location and Utilisation of Flag Poles

### Council Plan

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

Theme 3 Communities  
Objective 3.3 Preservation of peaceful, safe and healthy environments  
Strategy 3.4.2 Support people to participate in community life.

### Policy/Legal Implications

Council acknowledges the importance of flag protocols and the recommendation seeks to provide clarity as to how Council will fly flags at the Shire Head Office.

### Officer Direct or Indirect Interest

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

### Risk Assessment

Determining the location and utilisation of flag poles at the Shire Head Office will assist Council to ensure it complies with important flag protocols. Officers believe the proposed solution observes these protocols. Selecting 8m flag poles for the locations to be utilised for flags other than the Australian, Indigenous, Surf Coast Shire and other official or ceremonial flags seeks to remove any ambiguity of their relative prominence, in particular to the Australian flag which flies at the front entrance on a 9m flag pole.

### Social Considerations

Council's consideration of flying the Rainbow Flag at the April and May 2017 Council meetings has led to passionate and sometimes difficult discussion on this important issue. This has also been a difficult issue for Council. It is recommended that clarifying the location and utilisation of flag poles at the Shire Head Office may provide an outcome that the community and Council can move forward with.

### Community Engagement

Council has not undertaken explicit community engagement on this matter. It is noted however that there is significant community awareness and debate regarding Council's decisions relating to flying the Rainbow Flag.

### Environmental Implications

No implications have been identified.

### Communication

It is anticipated that should Council provide a direction through this agenda item that a media statement would be prepared to provide a community update on Council's approach for flying flags at the Shire Head Office.

### Conclusion

It is important that Council is clear about the protocols for flying flags at the Shire Head Office, at 1 Merrijig Drive Torquay. This includes official flags that are flown on a regular basis, those flown for ceremonial purposes such as with the visitation of dignitaries, and flags that Council chooses to fly in relation to important community or advocacy issues.

The Rainbow flag issue that was considered at Council's April and May 2017 meetings has led to a passionate and sometimes difficult debate in the Surf Coast community. This issue has also been difficult for Council. It is recommended that determining the flag pole locations and utilisation at the Shire's Head Office may assist our community affirm an outcome that it can move forward with.

Cr David Bell left the meeting at 7:01pm.  
Cr David Bell returned to the meeting at 7:03pm.

## 7.1 NOTICE OF MOTION TO RESCIND - 23 MAY 2017 - FLYING THE RAINBOW FLAG

<b>Author's Title:</b> Chief Executive Officer	<b>CEO:</b> Keith Baillie
<b>Department:</b> Office of the CEO	<b>File No:</b> F17/285
<b>Division:</b> Office of the CEO	<b>Trim No:</b> IC17/619

### Appendix:

1. Schedule B - Rescission Motion - 23 May 2017 (D17/61226)
2. Urgent Business Item 7.4 - Council Resolution Regarding Rainbow Flag - 23 May 2017 (D17/69092)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

### Status:

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

Yes

No

Reason: Nil

### Purpose

The purpose of this report is to receive a Notice of Rescission Motion dated 23 May 2017 – Flying the Rainbow Flag.

### Summary

The Chief Executive Officer received a Notice of Rescission Motion on 23 May 2017 in accordance with Local Law 2. The Notice of Rescission Motion relates to item 7.4 of the 23 May 2017 Council meeting and is provided as appendix 1.

### Recommendation:

1. That the motion of Council passed on 23/5/17, namely the motion in urgent business a motion by Cr. Heather Wellington seconded by Cr. Goldsworthy with a 5:4 with the Mayor using his second vote. There are 5 lengthy recommendations which I have attached. the motion be rescinded; and
2. Subject to that motion being carried in its place, Cr Hodge proposes to move the Surf Coast Council reverts to the vote taken on the 26th April 2017 on the Surf Coast Shire flies the Rainbow flag from 17th May 2017 (IDAHOT) Day) until formal acceptance of marriage equality by the Federal Government a vote of 5:3 moved R Hodge, 2nd Cr D. Bell.

### Council Resolution

#### **MOVED Cr Rose Hodge, Seconded Cr Libby Coker**

That the motion of Council passed on 23/5/17, namely the motion in urgent business a motion by Cr. Heather Wellington seconded by Cr. Goldsworthy with a 5:4 with the Mayor using his second vote. There are 5 lengthy recommendations which I have attached. The motion be rescinded.

CARRIED 9:0

**1. Office of the CEO**

Nil.

**2. Governance & Infrastructure**

**2.1 DECLARATION OF 2017/18 RATES AND ADOPTION OF THE 2017/18 ANNUAL BUDGET**

**Author's Title:** Manager Finance

**General Manager:** Anne Howard

**Department:** Finance

**File No:** F16/1483

**Division:** Governance & Infrastructure

**Trim No:** IC17/616

**Appendix:**

1. 2017/18 Annual Council Budget for Adoption (D17/71169)
2. List of Changes to the draft 2017/18 Budget (D17/71148)

**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 declare the rates for the 2017/18 financial year and adopt the 2017/18 Annual Budget.

**Summary**

At its Special Council Meeting held on Tuesday, 11 April 2017, Council resolved to give public notice that it had prepared a draft Annual Budget for the 2017/2018 financial year and resolved to exhibit the document for the period commencing on Wednesday, 12 April 2017 and concluding at 4.00pm on Thursday, 11 May 2017.

The budget document on exhibition included the financial component of the Strategic Resource Plan which is to be adopted at the 27 June 2017 Council meeting.

The Hearing of Submissions Committee considered all submissions received during the exhibition period. The draft Budget has been amended as a result of the submissions process and all submitters will be provided with written responses, including responses to queries or questions raised.

The Surf Coast Shire Council Budget 2017/18 is attached as Appendix 1 to this report, and includes amendments made as a result of the submissions process, which are listed in Appendix 2.

**Recommendation**

That Council:

1. Note that 27 public submissions and an organisational submission were received in relation to the draft Annual Budget.
2. Note that changes arising from the public and organisational submissions as listed in Appendix 2.
3. Adopt the 2017/18 Annual Budget.
4. Declare the amount of rates and charges intended to be raised as follows:

<b>General Rates</b>	<b>Amount Raised</b>	<b>Rate (Cents/\$CIV)</b>
General Rate Land	\$ 30,149,695	0.25083
Farm Rate Land	\$ 1,975,099	0.18811
Commercial/Industrial Rate Land	\$ 3,441,007	0.47656
Vacant Residential Rate Land	\$ 2,135,394	0.50165
Vacant Provisional Rate Land	\$ 308,744	0.25083
<b>Total General Rates</b>	<b>\$ 38,009,938</b>	

**Annual Service Charges**

## 2.1 Declaration of 2017/18 Rates and adoption of the 2017/18 Annual Budget

Urban Garbage Charge	\$ 6,155,353	\$379.00 per rateable property
Rural Garbage Charge	\$ 527,074	\$314.00 per rateable property
Municipal Charge	\$ 4,289,304	\$204.00 per rateable property
<b>Total Charges</b>	<b>\$ 10,971,731</b>	
<b>Total General Rates and Charges</b>	<b>\$ 48,981,669</b>	

5. Declare that rates, rating differentials and charges for the period 1 July 2017 to 30 June 2018 conform with Council's Rating Strategy and will be applied as outlined in Appendix B of the 2017/18 Annual Budget.
6. Note that general rates must be paid by four instalments made on or before the following dates:
  - Instalment 1 – 2 October 2017
  - Instalment 2 – 30 November 2017
  - Instalment 3 – 28 February 2018
  - Instalment 4 – 31 May 2018
7. Require that any person pay interest on any amounts of rates and charges which:
  - a. that person is liable to pay; and
  - b. have not been paid by the dates specified for their payment.
8. Authorise the Manager Finance to levy and recover the general rates and service charges in accordance with the Local Government Act 1989.
9. Note that new borrowings of \$3.0 million are included in the 2017/18 Annual budget.
10. Pre-allocate \$520,000 from the 2018/19 Budget as Council's commitment toward funding the following:
  - a. Anglesea Surf Lifesaving Club redevelopment (\$250,000)
  - b. Jan Juc Surf Lifesaving Club redevelopment (\$250,000)
  - c. Anglesea Motor Yacht Club redevelopment (\$20,000).

### Council Resolution

#### MOVED Cr Libby Coker, Seconded Cr Margot Smith

That Council:

1. Note that 27 public submissions and an organisational submission were received in relation to the draft Annual Budget.
2. Note that changes arising from the public and organisational submissions as listed in Appendix 2.
3. Adopt the 2017/18 Annual Budget.
4. Declare the amount of rates and charges intended to be raised as follows:

General Rates	Amount Raised	Rate (Cents/\$CIV)
General Rate Land	\$ 30,149,695	0.25083
Farm Rate Land	\$ 1,975,099	0.18811
Commercial/Industrial Rate Land	\$ 3,441,007	0.47656
Vacant Residential Rate Land	\$ 2,135,394	0.50165
Vacant Provisional Rate Land	\$ 308,744	0.25083
<b>Total General Rates</b>	<b>\$ 38,009,938</b>	

#### Annual Service Charges

Urban Garbage Charge	\$ 6,155,353	\$379.00 per rateable property
Rural Garbage Charge	\$ 527,074	\$314.00 per rateable property
Municipal Charge	\$ 4,289,304	\$204.00 per rateable property
<b>Total Charges</b>	<b>\$ 10,971,731</b>	

**Total General Rates and Charges \$ 48,981,669**

5. Declare that rates, rating differentials and charges for the period 1 July 2017 to 30 June 2018 conform with Council's Rating Strategy and will be applied as outlined in Appendix B of the 2017/18 Annual Budget.
6. Note that general rates must be paid by four instalments made on or before the following dates:
  - Instalment 1 – 2 October 2017
  - Instalment 2 – 30 November 2017
  - Instalment 3 – 28 February 2018

## 2.1 Declaration of 2017/18 Rates and adoption of the 2017/18 Annual Budget

### Instalment 4 – 31 May 2018

7. Require that any person pay interest on any amounts of rates and charges which:
  - a. that person is liable to pay; and
  - b. have not been paid by the dates specified for their payment.
8. Authorise the Manager Finance to levy and recover the general rates and service charges in accordance with the Local Government Act 1989.
9. Note that new borrowings of \$3.0 million are included in the 2017/18 Annual budget.
10. Pre-allocate \$520,000 from the 2018/19 Budget as Council's commitment toward funding the following:
  - a. Anglesea Surf Lifesaving Club redevelopment (\$250,000)
  - b. Jan Juc Surf Lifesaving Club redevelopment (\$250,000)
  - c. Anglesea Motor Yacht Club redevelopment (\$20,000).

CARRIED 9:0



## 2.1 Declaration of 2017/18 Rates and adoption of the 2017/18 Annual Budget

### Report

#### **Background**

Section 127 of the Act requires that:

- “(1) A Council must prepare a budget for each financial year.
- (2) The Council must ensure that the budget contains—
- (a) financial statements in the form and containing the matters required by the regulations;
  - (b) a description of the services and initiatives to be funded in the budget;
  - (c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
  - (d) Major Initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year
    - For services to be funding in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statements under section 131;
    - The prescribed measures relating to those indicators
  - (e) any other details required by the regulations.

Section 127 (3) further outlines the requirements for disclosure of proposed rates and charges in the budget:

- “(3) The Council must ensure that the budget also contains—
- (a) the information the Council is required to declare under section 158(1);
  - (b) if the Council intends to declare a differential rate under section 161, the details listed in section 161(2);
  - (c) if the Council intends to declare a differential rate under section 161A, the details listed in section 161(2).

Prior to Council adopting its Budget, it is required to publicly exhibit the draft document and to receive and consider public submissions. Section 223 of the Act requires this public exhibition process to continue for a period of not less than 28 days after the date on which a public notice is published.

Section 129 of the Act requires:

- (1) As soon as practicable after a Council has prepared a proposed budget or revised budget, the Council must give public notice.
- (2) A person has a right to make a submission under section 223 on any proposal contained in the budget or revised budget.
- (3) In addition to any other requirements specified by this Act, the notice referred to in sub-section (1) must—
  - (a) contain any details required by the regulations; and
  - (b) advise that copies of the budget or revised budget are available for inspection for at least 28 days after the publication of the notice at—
    - (i) the Council office and any district offices; and
    - (ii) any other place required by the regulations.
- (4) A copy of the budget or revised budget must be available and published as set out in sub-section (3)(b) and (c).

Section 130 (1) requires Council to adopt the budget by June 30 each year, and section (4) requires Council to submit a copy of the Budget to the Minister within 28 days of adopting the Budget.

#### **Discussion**

##### 1. Public Submissions

A public submission process was heard for the draft 2017/18 annual budget incorporating the strategic resource plan. Following the public exhibition process, 27 Public Submissions and an organisation submission were received.

Of the 26 public submissions received, four requested ongoing support of the Art Space in Anglesea and two requested rebates for residents of the Sands Estate in Torquay. There were 20 other unique submissions.

## 2.1 Declaration of 2017/18 Rates and adoption of the 2017/18 Annual Budget

The 2017/18 Annual Budget has been amended as a result of the submissions process to include the adjustments listed in Appendix 2. All submitters will be provided written responses, including responses to queries or questions raised.

### **Financial Implications**

The Budget is required to be prepared pursuant to Section 127 of the Local Government Act 1989, and must include:

- (a) financial statements in the form and containing the matters required by the regulations;
- (b) a description of the services and initiatives to be funded in the budget;
- (c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
- (d) Major Initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year
  - For services to be funding in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement under section 131;
  - The prescribed measures relating to those indicators
- (e) any other details required by the regulations.

The budget must also include details of the rates and charges which Council intends to levy.

Section 129 of the Act requires Council to publicly exhibit the draft Budget, giving the public the right to make a submission pursuant to Section 223 of the Act.

Section 223 of the Act outlines the process that must be followed by Council to publicly exhibit the draft Budget and to receive and consider public submissions prior to its final adoption.

Section 130 (4) requires Council to submit a copy of the Budget to the Minister within 28 days of adopting the Budget.

The Annual Budget 2017-2018 complies with Section 127, 129, 130 and 223 of the Act.

### **Council Plan**

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

### **Policy/Legal Implications**

Not Applicable

### **Officer Direct or Indirect Interest**

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

### **Risk Assessment**

This report is provided to Council to ensure that it complies with the relevant legislation in regard to the preparation and adoption of the Budget.

### **Social Considerations**

Council has remained considerate of social matters when formulating the Budget.

### **Community Engagement**

As outlined in the report.

### **Environmental Implications**

Environmental Leadership is one of five key themes included in the draft Council Plan 2017 – 2021. The budget includes performance measures for the following strategic objectives in relation to Environmental Leadership:

- drive the use of renewable energy
- reduce household waste volume
- drive the use of recycled water for sustainable agribusiness opportunities
- support the sustainable production of local food and other agribusinesses

## **2.1 Declaration of 2017/18 Rates and adoption of the 2017/18 Annual Budget**

### ***Communication***

The public exhibition period for the draft Budget was advertised in local media, Council's social media sites, and on Council's web site. Copies of the document was made available at various locations across the shire, including visitor centres, community houses, and Council offices. Submitters wishing to address Council in regard to their submission were provided with an opportunity to do so at the hearing of submissions meeting on 30 May 2017.

A copy of the adopted Annual Budget will be available for public inspection following adoption of the document by Council at the Council offices and on Council's website.

### ***Conclusion***

The Annual Budget 2017/18 is presented to Council for adoption.

## 2.2 ADOPTION OF ROAD MANAGEMENT PLAN

**Author's Title:** Strategic Initiatives Manager

**General Manager:** Anne Howard

**Department:** Governance & Infrastructure

**File No:** F16/1623

**Division:** Governance & Infrastructure

**Trim No:** IC17/622

### Appendix:

1. Road Management Plan 2017 - Final (D17/71112)

### 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 recommend adoption of the final Road Management Plan post exhibition.

### Summary

The Road Management Plan outlines how Council will satisfy its obligations under the *Road Management Act 2004* to inspect, repair and maintain those roads management by Council. The purpose of the Road Management Plan is to outline Council's intended management of its road-related duties and responsibilities as defined in the *Road Management Act 2004*.

Council's obligations as a responsible road authority are outlined in the *Road Management Act 2004*.

Under Section 223 of the Local Government Act, the Draft Road Management Plan was exhibited from 13 April to 11 May 2017. Two submissions were received. Neither submitter sought to address the Hearing of Submissions Committee.

Following an assessment of the submissions and a peer review of the Plan with key staff, minor changes are proposed. The final version of the Road Management Plan is attached as Appendix 1.

The *Road Management Act 2004* requires that the Road Management Plan must be reviewed and endorsed by Council before 30 June 2017.

### Recommendation

That Council:

1. Note that two submissions were received following exhibition of the draft Road Management Plan.
2. Adopt the Road Management Plan included in Appendix 1 of this report.
3. Update the Road Register to reflect the adopted Road Management Plan.
4. Place the Road Management Plan and the Road Register on Council's website.

### Council Resolution

#### **MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy**

That Council:

1. Note that two submissions were received following exhibition of the draft Road Management Plan.
2. Adopt the Road Management Plan included in Appendix 1 of this report.
3. Update the Road Register to reflect the adopted Road Management Plan.
4. Place the Road Management Plan and the Road Register on Council's website.

CARRIED 9:0

## 2.2 Adoption of Road Management Plan

### Report

#### **Background**

At its 13 September 2016 Ordinary Meeting, Council suspended its Road Management Plan 2010 and adopted an interim Road Management Policy. Since its initial establishment, periodic reviews of the Road Management Plan have been formally completed in accordance with the *Road Management Act 2004*, the latest in 2013. The Road Management Plan is due for review following the General Election for Council on 22 October 2016. The review of the plan must be completed before 30 June 2017.

The Road Management Plan outlines how Council will satisfy its obligations under the *Road Management Act 2004* to inspect, repair and maintain those roads management by Council.

The Draft Road Management Plan was exhibited from 13 April to 11 May 2017. Two submissions were received.

#### **Discussion**

The purpose of the Road Management Plan is to outline Council's intended management of its road-related duties and responsibilities as defined in the Road Management Act 2004.

Council's management of the road network needs to consider both the physical infrastructure and the operation of that infrastructure. An important element of Council's management of the road network relates to how Council identifies and addresses hazards or defects that may pose a risk to road users. When Council establishes its approach to road management it needs to consider its obligations and its capacity, as well as the needs and views of the road users.

The Road Management Plan establishes:

- the timeframes for inspection of the road reserve to identify or assess a nominated hazard or defect
- matters which are to be treated as hazards or defects which require repair or a warning
- the circumstances in which intervention action is to be taken with respect to removal of hazards or repair defects
- the period of time within which the intervention action is to be taken.

Council is not responsible for all roads in the municipality and the Road Management Plan only applies to those roads listed on Council's Roads Register for which Council is the Coordinating Road Authority

Compliance with the above goes towards demonstration of Council's duty of care for road users.

Under Section 223 of the Local Government Act, the Draft Road Management Plan was exhibited from 13 April to 11 May 2017. Two submissions were received. Below is a summary of each submission with an officer response:

Submission Received	Officer Response
A request to advocate to VicRoads to widen and upgrade Cape Otway Road and Inverleigh /Winchelsea Road.	Noted. No proposed change to the Road Management Plan as the request sits outside the Road management Plan. <i>Council has funding allocated to commence widening works on sections of Cape Otway Road, and will consider advocating for funding for Inverleigh/Winchelsea Road against other road priorities.</i>
The need to meet with CFA to discuss management and maintenance of fire access tracks.	Noted. A meeting has been scheduled between CFA and Council to discuss ongoing and future maintenance of fire access tracks.

Following an assessment of the submissions and a peer review of the Plan with key staff, minor changes are proposed. The final version of the Road Management Plan is attached as Appendix 1.

## 2.2 Adoption of Road Management Plan

### **Financial Implications**

The overall amendments proposed to the Road Management Plan include a range increase and decreases to the levels of service provided but overall these are expected to be achievable within the current recurrent operating budgets.

### **Council Plan**

Theme 4 Infrastructure  
Objective 4.2 Accessible and well maintained Council facilities  
Strategy 4.2.1 Ongoing review of maintenance service levels.

### **Policy/Legal Implications**

Council, as a Road Authority, has a range of functions, powers and duties conferred or imposed on it through a range of legislation including:

- (i) The Road Management Act 2004
- (ii) The Road Safety Act 1986
- (iii) The Local Government Act 1989 (referred to in section 5(2))
- (iv) The Transport (Compliance and Miscellaneous) Act 1983.

Of particular relevance are the following parts of the above legislation:

- Section 40 of the Road Management Act 2004 places a statutory duty on Council to inspect, maintain and repair public roads for which it is responsible
- Section 205 of the *Local Government Act 1989*, requires that Council has the care and management of municipal roads within its responsibility.

### **Officer Direct or Indirect Interest**

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

### **Risk Assessment**

Council is required to have a Road Management Plan under the Road Management Act 2004. The plan outlines Council's commitment to inspections, maintenance and repair of roads to address a nominated hazard or defect. This Plan must be reviewed following a General Election and is required to be exhibited, considered and endorsed by Council by June 30, 2017.

A key principle of the *Road Management Act 2004* that applies to the management of works and infrastructure is the minimisation of road safety hazards. In the application of this principle Council has taken a risk management approach to the development of timeframes and intervention levels that apply to the inspection and repair of hazards and defects.

### **Social Considerations**

The Draft Road Management Plan was exhibited during April and May inviting any member of the community to make a submission.

### **Community Engagement**

The community were invited to make submissions on the draft Road Management Plan under Section 223 of the Local Government Act.

### **Environmental Implications**

There are no environmental implications to placing the Road Management Plan on exhibition.

### **Communication**

Council placed public notices in local papers and on Council's website inviting submissions from the community on the Draft Road Management Plan.

### **Conclusion**

The Road Management Plan outlines how Council will satisfy its obligations under the *Road Management Act 2004* to inspect, repair and maintain those roads management by Council. The Draft Road Management Plan was exhibited from 13 April to 11 May 2017. The final version of the Road Management Plan is attached as Appendix 1.

## 2.3 PROJECT BUDGET ADJUSTMENTS AND CASH RESERVE TRANSFERS - JUNE 2017

**Author's Title:** Coordinator Management Accounting      **General Manager:** Anne Howard  
**Department:** Finance      **File No:** F16/1381  
**Division:** Governance & Infrastructure      **Trim No:** IC17/620

### Appendix:

1. June 2017 Project Budget Adjustments and Cash Reserve Transfers (D17/68937)

#### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

#### Status:

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

Yes

No

Reason: Nil

### Purpose

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

### Summary

The project Budget Adjustments and Cash Reserve transfers report for June is attached.

### Recommendation

That Council:

1. Ratifies the unbudgeted expenditure items listed in the June 2017 report:
  - 1.1. Lorne Big Belly Bins and Locks \$1,676.
  - 1.2. Projection and Sound Equipment for the Globe Theatre \$13,500.
2. Approves the Project Budget Adjustments and Cash Reserve Transfers listed in the June 2017 report:
  - 2.1 Allocating grant and contribution funded project budgets (no cost to Council).
  - 2.2 Ratify the transfer of \$38,500 to projects from the Accumulated Unallocated Cash Reserve approved by the Chief Executive Officer.
  - 2.3 Ratify the transfer of \$29,000 to projects from the Asset Renewal Reserve approved by the Chief Executive Officer.
  - 2.4 Ratify the transfer of \$200,000 to projects from the Adopted Strategy Implementation Reserve approved by the Chief Executive Officer.
  - 2.5 Transferring a net of \$5,256 from projects to the Accumulated Unallocated Cash Reserve.
  - 2.6 Transferring a net of \$8,750 to projects from the Accumulated Unallocated Cash Reserve.
  - 2.7 Transferring a net of \$337,333 to projects from the Adopted Strategy Implementation Reserve.
  - 2.8 Transferring a net of \$446 from projects to the Plant Reserve.
  - 2.9 Transferring a net of \$77,250 from projects to the Asset Renewal Reserve.
  - 2.10 Transferring a net of \$29,200 from projects to the Developer Contribution Reserve.
  - 2.11 Transferring a net of \$89,200 to projects from the DCP Council Funds Reserve.
  - 2.12 Transferring a net of \$54,488 from projects to the Waste Reserve.

### Council Resolution

#### MOVED Cr Martin Duke, Seconded Cr Margot Smith

That Council:

1. Ratifies the unbudgeted expenditure items listed in the June 2017 report:
  - 1.1. Lorne Big Belly Bins and Locks \$1,676.
  - 1.2. Projection and Sound Equipment for the Globe Theatre \$13,500.
2. Approves the Project Budget Adjustments and Cash Reserve Transfers listed in the June 2017 report:
  - 2.1 Allocating grant and contribution funded project budgets (no cost to Council).
  - 2.2 Ratify the transfer of \$38,500 to projects from the Accumulated Unallocated Cash Reserve approved by the Chief Executive Officer.
  - 2.3 Ratify the transfer of \$29,000 to projects from the Asset Renewal Reserve approved by the Chief Executive Officer.
  - 2.4 Ratify the transfer of \$200,000 to projects from the Adopted Strategy Implementation Reserve approved by the Chief Executive Officer.
  - 2.5 Transferring a net of \$5,256 from projects to the Accumulated Unallocated Cash Reserve.

### **2.3 Project Budget Adjustments and Cash Reserve Transfers - June 2017**

- 2.6 Transferring a net of \$8,750 to projects from the Accumulated Unallocated Cash Reserve.
- 2.7 Transferring a net of \$337,333 to projects from the Adopted Strategy Implementation Reserve.
- 2.8 Transferring a net of \$446 from projects to the Plant Reserve.
- 2.9 Transferring a net of \$77,250 from projects to the Asset Renewal Reserve.
- 2.10 Transferring a net of \$29,200 from projects to the Developer Contribution Reserve.
- 2.11 Transferring a net of \$89,200 to projects from the DCP Council Funds Reserve.
- 2.12 Transferring a net of \$54,488 from projects to the Waste Reserve.

CARRIED 9:0



## **2.3 Project Budget Adjustments and Cash Reserve Transfers - June 2017**

### **Report**

#### ***Background***

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

#### ***Discussion***

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

#### ***Financial Implications***

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

#### ***Council Plan***

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

#### ***Policy/Legal Implications***

Not applicable.

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

Not applicable.

#### ***Social Considerations***

Not applicable.

#### ***Community Engagement***

Not applicable.

#### ***Environmental Implications***

Not applicable.

#### ***Communication***

Not applicable.

#### ***Conclusion***

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

## 2.4 REMOVAL OF SCS-028 ASSET ACCOUNTING POLICY

**Author's Title:** Manager Finance

**General Manager:** Anne Howard

**Department:** Finance

**File No:** F16/1679

**Division:** Governance & Infrastructure

**Trim No:** IC17/409

**Appendix:**

1. MPP-001 Asset Accounting Policy (D16/111409)

**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 revoke the current Council Policy *SCS-028 – Depreciation of Property, Infrastructure, Plant and Equipment*, and replace it with the new Management Policy and Procedure *MPP-001 – Asset Accounting Policy*.

### Summary

A new management policy and procedure has been created which covers all aspects of asset accounting; including asset recognition, determination of carrying amounts, depreciation, and asset disposals. This policy will replace the existing Council policy and provides updated accounting guidance.

### Recommendation

That Council:

1. Revoke the Council policy: SCS-028 – Depreciation of Property, Infrastructure, Plant and Equipment.
2. Note the new Management Policy and Procedure: MPP-001 – Asset Accounting Policy.

### Council Resolution

**MOVED Cr Margot Smith, Seconded Cr Libby Coker**

That Council:

1. Revoke the Council policy: SCS-028 – Depreciation of Property, Infrastructure, Plant and Equipment.
2. Note the new Management Policy and Procedure: MPP-001 – Asset Accounting Policy.

CARRIED 9:0

## 2.4 Removal of SCS-028 Asset Accounting Policy

### **Report**

#### ***Background***

Council policy SCS 028 – *Depreciation of Property, Infrastructure and Plant & Equipment* was adopted in June 2016 and provided guidance in asset depreciation matters for the 2015/16 financial year.

It was noted that a more wide-ranging policy which covered all aspects of asset accounting would be beneficial to the organisation, As a result, MPP 001 – *Asset Accounting Policy* was prepared to include asset recognition, determination of carrying amounts, depreciation, and asset disposals. This policy will replace the existing Council policy and will provide accounting guidance that reflects current accounting standards and legislation.

Minor changes to asset categories and sub-categories have been incorporated into the depreciation guidance, as well as changes to useful lives where required.

#### ***Discussion***

As the accounting for Council's assets is an internal governance matter and concerns accounting procedures, it is recommended that the current Council policy is replaced with a Management Policy and Procedure. Whilst an important guiding document, the Asset Accounting Policy spells out Council's obligations under the accounting standards and local government act, and any material changes should only occur in response to changes in legislation.

#### ***Financial Implications***

MPP001 – *Asset Accounting Policy* will provide guidance for Council officers in accounting for assets in the 2016/17 financial year and in the future.

#### ***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***

Council policy SCS 028 – *Depreciation of Property, Infrastructure and Plant & Equipment* will be revoked and replaced with MPP001 – *Asset Accounting Policy*.

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

Not Applicable.

#### ***Social Considerations***

Not Applicable.

#### ***Community Engagement***

Not Applicable.

#### ***Environmental Implications***

Not Applicable.

#### ***Communication***

Not Applicable.

#### ***Conclusion***

It is recommended that Council revoke policy SCS 028 – *Depreciation of Property, Infrastructure and Plant & Equipment*.

## 2.5 PROPOSAL TO LEASE COUNCIL LAND - 2 QUAY BOULEVARD, TORQUAY

**Author's Title:** Property & Legal Services Officer

**General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F17/390

**Division:** Governance & Infrastructure

**Trim No:** IC17/469

**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 Council's agreement for Telstra to commence a Planning Permit application process, including public consultation, to lease a portion of Council land at 2 Quay Boulevard, Torquay (the Quay Reserve) to accommodate a telecommunications tower.

### Summary

Council has received a proposal to lease a portion of land at the Quay Reserve for the purpose of construction, maintenance and operation of a telecommunications network and service.

It is recommended that Council agree to commence a Planning Permit application process, including public consultation, prior to any future decision regarding a Planning Permit or Lease.

### Recommendation

That Council:

1. Agree that Telstra commence a Planning Permit application process, including public consultation, to construct a telecommunication tower on Council owned land at the Quay Reserve, Torquay.
2. Affirms that by providing agreement for the Planning Permit process, this in no way pre determines the outcome of the Planning Permit application process for Telstra.
3. Affirms that by providing agreement for the Planning Permit process, Council makes no commitment to enter into a Lease with Telstra at the Quay Reserve.

### Council Resolution

**MOVED Cr Martin Duke, Seconded Cr Rose Hodge**

That Council:

1. Agree that Telstra commence a Planning Permit application process, including public consultation, to construct a telecommunication tower on Council owned land at the Quay Reserve, Torquay.
2. Affirms that by providing agreement for the Planning Permit process, this in no way pre determines the outcome of the Planning Permit application process for Telstra.
3. Affirms that by providing agreement for the Planning Permit process, Council makes no commitment to enter into a Lease with Telstra at the Quay Reserve.

CARRIED 9:0

## 2.5 Proposal to Lease Council Land - 2 Quay Boulevard, Torquay

### Report

#### **Background**

2013

- Telstra approached Council with this same proposal
- Council provided initial land owner consent to investigate the Quay site with the understanding that community engagement would be undertaken as part of Telstra's investigation and Planning Permit process in order to further test community views
- community consultation was undertaken by letterbox drops and information sessions
- there is no record of why the proposal did not progress at this point in time.

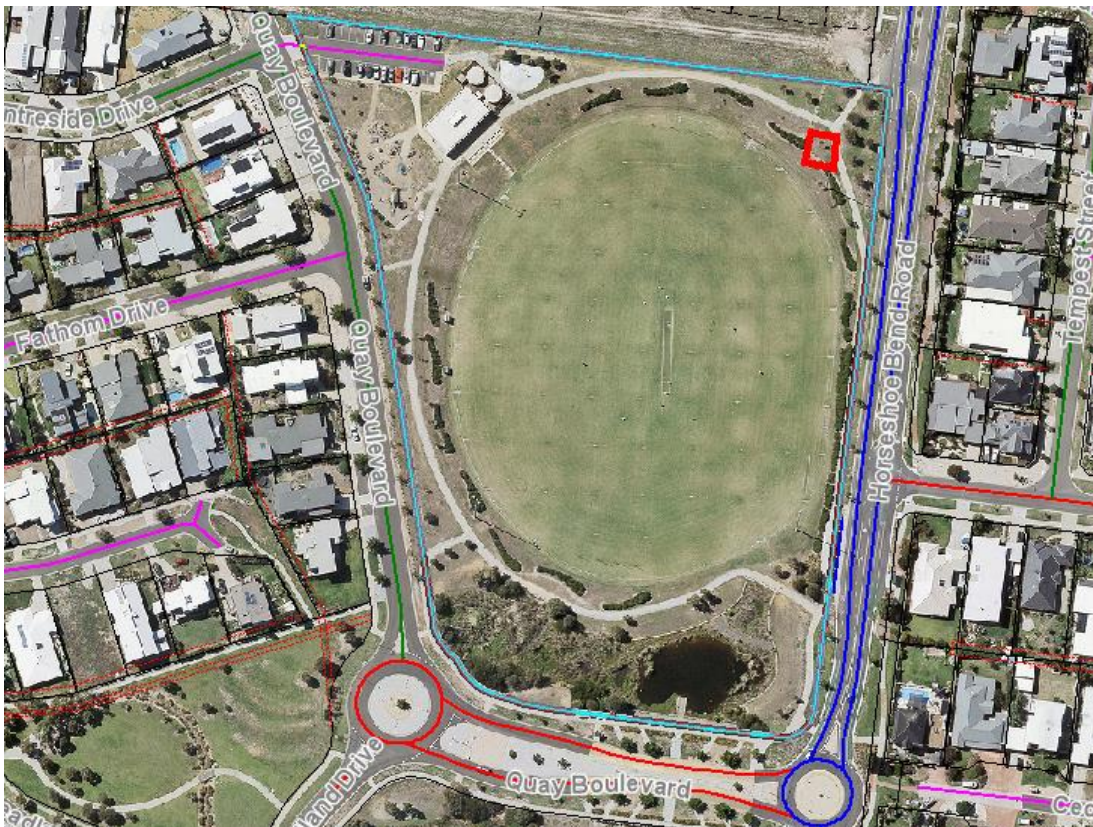
#### **Discussion**

Council officers have explored alternative sites with Telstra including the Civic Precinct however the alternate sites will not provide adequate coverage for Telstra.

Further discussions between Telstra and Council's Recreation team have occurred to ensure the runoff buffers and needs are met. The Recreation team has no objection to the proposal.

#### Details of Property:

- USE: Recreational purposes
- ZONING: Public Park and Recreation Zone
- SIZE: approx.3.4 hectares.



#### Summary of Lease Proposal:

- FOOTPRINT: 24m<sup>2</sup>
- TERM: 10 years with 2 x 5 year options
- PURPOSE: Construction, maintenance and operation of a telecommunications network and service
- TYPE: 25.4meter light pole on the Quay Reserve. The light pole will include retro fitting Council's existing lighting infrastructure onto the new pole
- LOCATION ON SITE: Area marked red on the map above.

## **2.5 Proposal to Lease Council Land - 2 Quay Boulevard, Torquay**

### Valuation:

In February 2017 a valuation was obtained through Opteon Property Group which determined the annual rental for the land to be \$20,000 or \$833.33 per m<sup>2</sup>.

### **Financial Implications**

The rental for the lease has been determined by a qualified Valuer as \$20,000 per annum.

The revenue from the lease will contribute to the ongoing maintenance and upgrade of the reserve.

### **Council Plan**

Theme 2 Governance  
Objective 2.1 Robust risk management framework and processes  
Strategy 2.1.2 Stocktake of leases, licences and agreements with a risk focus.

### **Policy/Legal Implications**

Council has not yet adopted a Lease and Licence Policy for Council owned and managed land.

In accordance with Section 190(3)(c) of the Local Government Act 1989 this Lease proposal is required to be advertised under Section 223 of the Local Government Act 1989 as the proposed term including further options is more than 10 years.

Telstra will require a Planning Permit for this proposal.

### **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 associated with entering into a long term lease agreement however Council has determined that this parcel of land is not required in future Open Space Strategies.

Some community members may object to the construction of a tower.

### **Social Considerations**

Not applicable.

### **Community Engagement**

Consultation will be required as part of the Planning Application process.

The proposal to lease Council land would be advertised in accordance with Section 223 of the Local Government Act 1989.

### **Environmental Implications**

Not applicable.

### **Communication**

As included under the heading 'Community Engagement'.

### **Conclusion**

It is recommended that Council agree that Telstra commence a Planning Permit application process, including public consultation, to construct a telecommunication tower on Council owned land at the Quay Reserve, Torquay.

By agreeing, this in no way determines the outcome of a Planning Permit application and forms no commitment to enter into a Lease with Telstra.

## 2.6 PETITION RESPONSE - REQUEST FOR REMOVAL AND RELOCATION OF BUS TERMINUS ON THE CORNER OF STRATHMORE DRIVE AND GREAT OCEAN ROAD, JAN JUC

**Author's Title:** Manager Engineering Services

**General Manager:** Anne Howard

**Department:** Engineering Services

**File No:** F16/1090

**Division:** Governance & Infrastructure

**Trim No:** IC17/579

### Appendix:

1. Petition - Bus Terminus - Redacted (D17/55164)
2. Bus Improvement - Strathmore Drive Concept Plan (D17/62492)

### 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 respond to the petition that was received by Council at its meeting held 23 May 2017.

### Summary

Council officers have reviewed the petition and consulted further with Public Transport Victoria (PTV). There is a shared view between officers and PTV that the proposed upgrade to the current bus terminus at the intersection of Great Ocean Road and Strathmore Drive will improve safety for road traffic. The proposed modifications are funded by PTV and others.

The petition requests that an alternative location be found for the bus terminus. One factor behind the petition is the concern that landowners in the vicinity of the terminus have limited sight of drivers when a bus is parked at the location. The change in terminus location can only be made by PTV and would require time to investigate alternatives and consult with other landowners and stakeholders.

It is recommended that the works proceed at the current bus stop location to improve road safety and that PTV be requested to consider relocating the terminus to a new location prior to Strathmore Drive to address the resident's concerns.

### Recommendation

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.

### Council Resolution

#### **MOVED Cr Heather Wellington, Seconded Cr Martin Duke**

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.

**2.6 Petition Response - Request for removal and relocation of bus terminus on the corner of Strathmore Drive and Great Ocean 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 residents about the location of the bus stop and terminus.

CARRIED 9:0



## **2.6 Petition Response - Request for removal and relocation of bus terminus on the corner of Strathmore Drive and Great Ocean Road, Jan Juc**

### **Report**

#### ***Background***

Council received confirmation of \$60,000 of funding in January 2017 from Department of Economic Development, Jobs, Transport & Resources (DETJR) and VicRoads to upgrade a short section of Strathmore Drive at Great Ocean Road to widen the road to address a safety issue at the public bus stop located at this location. The safety issue was that the narrow width of the road means there can often be a conflict with cars trying to pass this stationary bus. Given the proximity to the intersection this issue is of greater concern than at other locations. The solution agreed with PTV and the bus company was to widen the road so there are two traffic lanes adjacent to this bus stop, refer attached plan.

The reason the bus is stationary here is it is the start of the bus run (a terminus) and so buses often wait there prior to starting their run at the nominated time table time.

#### ***Discussion***

Consultation was undertaken with surrounding properties affected by the proposed works. There was general acceptance at that time from all but one property on Strathmore Drive who was concerned at the safety of the intersection. This property owner subsequently prepared a petition with 62 signatories that stated "We believe the bus terminus on the corner of Strathmore Drive and The Great Ocean Road is unsafe and should be removed. We are willing to walk a short distance to catch the bus at the next safer bus stop".

Council has raised the concerns with both the PTV and Mc Harry's, the bus service provider. Both parties are satisfied that the proposed changes will address the current safety concern for road traffic when the bus is stationary at this location and consider that the location is necessary to efficiently service the bus users at this location. They have confirmed that the current bus stop is very popular and needed.

Council officers have also considered the petition and matters raised through consultation. Officers consider the intersection will be safer for general road users once the proposed modifications are undertaken as it will allow two vehicles to safely pass the stationary bus and will not impact traffic flows at the intersection. The detail design for road widening has not been completed yet but part of the design process will include an independent road safety audit of the design to ensure all safety concerns can be identified and addressed.

In discussion with the head petitioner it has been confirmed that their key fear is that when exiting their property they will be hit by a car passing the stationary bus, particularly as the current stop is a terminus and buses can park between 2 and 20 minutes. It is agreed that to avoid this, a change to the location of the terminus (that is where buses can wait for periods to start their new run) would assist. In discussion with PTV and the bus operator, the moving of a terminus cannot be done quickly and the proposed location by the petitioner is not considered suitable as it still creates a problem for abutting landowners there. It would also mean the current bus stop at Strathmore Drive/Great Ocean Road needs to be removed impacting other users. A possible location would be to relocate the terminus to a new location on the Great Ocean Road near Duffields Road. This would still support the current route but this would require additional funding and time to implement and a change to the timetable which could occur in January. It would also require VicRoads approval. It is proposed that this matter be referred to PTV to consider, as it is the responsible authority.

#### ***Financial Implications***

The proposed works are primarily being funded by other agencies with Council only \$20K to an overall project of \$80K. The recommendation of the report has no financial impact

#### ***Council Plan***

Theme 4 Infrastructure  
Objective 4.3 Enhance key rural and coastal roads and transport options  
Strategy 4.3.3 Public transport needs assessment with proposed solutions.

#### ***Policy/Legal Implications***

Council supports good access to public transport and so removal of a bus stop as proposed by the petition would reduce the level of service currently provided and so is not supported.

## **2.6 Petition Response - Request for removal and relocation of bus terminus on the corner of Strathmore Drive and Great Ocean Road, Jan Juc**

### ***Officer Direct or Indirect Interest***

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

### ***Risk Assessment***

The proposed improvements to the bus terminus will address the current safety concerns of bus drivers and road users by providing two dedicated traffic lanes adjacent to the bus, thus avoiding any need to give way to oncoming traffic or confusion to road users. The works will not address the issue raised by the concerned landowner, nor will they exacerbate this issue.

### ***Social Considerations***

The petition does provide an opportunity for Council and officers with further appreciation of the community's views. Having reviewed the concerns regarding the bus terminus, once the proposed widening works are completed, officers consider the intersection will be safe for general road users and the bus stop can remain at a very popular location.

### ***Community Engagement***

Consultation was undertaken with the properties directly affected by the proposed widening works. A landowner has raised a petition which has been duly considered. The concerns can be addressed and no further community engagement is considered necessary

### ***Environmental Implications***

Road widening works will require some vegetation trimming but no tree removal is anticipated. This will be determined in the detail design.

### ***Communication***

The head petitioner will be notified of the decision.

### ***Conclusion***

Having considered the request to remove the bus terminus at the corner of Strathmore Drive and Great Ocean Road and consulted PTV and the bus service provider, it is considered that the existing bus stop will be made safe once the proposed road widening is undertaken and so it should not be removed. However PTV should be requested to consider relocation of the terminus to a new location at Great Ocean Road near Duffields Road where buses could lay by without impacting residents.

## 2.7 COUNCILLOR REPRESENTATION ON THE VICTORIAN LOCAL GOVERNANCE ASSOCIATION (VLGA)

**Author's Title:** Manager Governance & Risk

**General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F12/2042

**Division:** Governance & Infrastructure

**Trim No:** IC17/612

**Appendix:**

Nil

**Officer Direct or Indirect Conflict of Interest:**

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to appoint a Council delegate to the Victorian Local Governance Association following the resignation of Councillor Heather Wellington 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 Heather Wellington 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 Heather Wellington as Council's delegate to the Victorian Local Governance Association.
2. Appoint Councillor Rose Hodge as the 2017 delegate on the Victorian Local Governance Association.

### Council Resolution

#### **MOVED Cr Margot Smith, Seconded Cr Libby Coker**

That Council:

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

CARRIED 9:0

## **2.7 Councillor Representation on the Victorian Local Governance 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 Heather Wellington 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        2 Governance  
Objective    2.5 Enhanced community engagement  
Strategy     Nil

#### ***Policy/Legal Implications***

Not applicable.

#### ***Officer Direct or Indirect Interest***

No person associated with this report has a conflict 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 Councillor Rose Hodge as its representative on the VGLA for the remainder of the 2017 period.

### 3. Environment & Development

#### 3.1 C122 - CUSTOMER FOCUSED PLANNING SCHEME REVIEW - LOCAL VICSMART PROVISIONS

**Author's Title:** Statutory Planner

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F16/451

**Division:** Environment & Development

**Trim No:** IC16/896

**Appendix:**

1. Schedule (Amended) to Clause 35.07 (FZ) (D17/49228)
2. Schedule 2 (Amended) to Clause 43.02 (DDO) (D17/49229)
3. Schedule 4 (Amended) to Clause 43.02 (DDO) (D17/49230)
4. Schedule 6 (Amended) to Clause 43.02 (DDO) (D17/49231)
5. Schedule 9 (Amended) to Clause 43.02 (DDO) (D17/49232)
6. Schedule 15 (Amended) to Clause 43.02 (DDO) (D17/49242)
7. Schedule to Clause 94 - Local VicSmart Provisions (D17/49233)
8. Schedule 1 to Clause 95 - IN3Z - Local VicSmart Provisions (D17/49234)
9. Schedule 2 to Clause 95 - RDZ1 - Local VicSmart Provisions (D17/65131)

**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 request the Minister for Planning to authorise the preparation and exhibition of Planning Scheme Amendment C122.

#### **Summary**

A review of recent planning permit activity has identified that the majority of applications are generated by a limited number of clauses (zone and overlay triggers) within the Surf Coast Planning Scheme. Targeted streamlining through an amendment to the planning scheme has the potential to make small but material reductions in the number of applications received annually and allow for a meaningful number of applications to be determined more quickly through local VicSmart applications. This will make it easier to undertake development within Surf Coast for straightforward matters. The scope of change to the planning scheme envisaged by this amendment has been recently reduced after the State VicSmart classes were expanded significantly by Amendment VC135 on 27 March 2017. That amendment has surpassed a number of matters previously considered for inclusion as local VicSmart classes.

#### **Recommendation**

That Council:

1. Seek Ministerial authorisation to prepare Amendment C122 to introduce a number of additional exemptions for minor matters and a range of local VicSmart application types.
2. Place Amendment C122 on public exhibition for one month following authorisation.
3. Receive a further report following community consultation and Hearing of Submissions at a future Council Meeting.

#### **Council Resolution**

##### **MOVED Cr Carol McGregor, Seconded Cr Margot Smith**

That Council:

1. Remove the changes to the Schedule to Clause 35.07 (Farming Zone) from proposed Amendment C122.
2. Alter the draft Schedule to Clause 94 to remove any Farming Zone class of application from the proposed Local VicSmart provisions of proposed Amendment C122.
3. Having altered the amendment in accordance with resolutions 1 and 2, seek Ministerial authorisation

### **3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions**

to prepare Amendment C122 to introduce a number of additional exemptions for minor matters and a range of local VicSmart application types.

4. Place Amendment C122 on public exhibition for one month following authorisation.
5. Receive a further report following community consultation and Hearing of Submissions at a future Council Meeting.

CARRIED 9:0

### 3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions

#### Report

##### **Background**

The purpose of this project is to review the Surf Coast Planning Scheme with the aim of reducing complexity and improving efficiency. As an outcome of this review it is proposed to amend the Surf Coast Planning Scheme to:

- provide additional exemptions from the requirement for a planning permit
- introduce local VicSmart provisions for a simpler process for specified application types.

##### **Discussion**

The customer focussed planning scheme review is being undertaken to identify policy neutral improvements to the Surf Coast Planning Scheme.

The key tasks of the review are to:

1. Map the permit triggers for the schedules to the overlays and provide recommendations as to how the number of applications could be reduced without impacting on the objectives of the overlays or schedules.
2. Identify improvements, including:
  - identify where exemptions to the planning controls can be introduced within the schedules to the overlays
  - identify where exemptions from public notice could be introduced to stream line the planning process further with sensitivity as to how this and other reform initiatives would be justified against the Council Plan
  - identify where application types could be included as local Vic Smart applications and what information requirements would be listed to achieve this.

##### Inputs

A review of planning permit applications made in 2014-15 found that the following clauses of the planning scheme were each generating more than 5% of applications (>25 applications per annum) in that time period:

<b>Zone/Overlay</b>	<b>Clause</b>	<b>Provision</b>	<b>%</b>
General Residential	32.08-2	Subdivision of land	9.3
	32.08-4	Two or more dwellings on a lot	5.8
Farming	35.07-1	Use	5.1
	35.07-4	Buildings and works	8.8
Environmental Significance Overlay Schedules 4 and 5 (Aireys Inlet to Eastern View)	42.02-2	Buildings and works, subdivision and vegetation removal	9.8
Design and Development Overlay Schedules 1, 2, 5, 6, 7, 8, 13, 14, 16, 20, 21, 22 and 23 (Torquay – Jan Juc)	43.02-2	Buildings and works	14.2
Neighbourhood Character Overlay Schedules 1, 2 and 3 (Aireys Inlet to Eastern View, Lorne and Anglesea)	43.05-2	Buildings and works	33.9
Bushfire Management Overlay	44.06-1	Buildings and works	6.9
All other Zone triggers			21.2
All other Overlay triggers			37.4
Particular Provision triggers			19.4

It should be noted that as a planning permit may be triggered by more than one clause the total percentage is about 170%. For 1041 applications within the time period there were 1876 permit triggers; with as many as eight permit triggers for a single application.

There is likely to be an overlap of permits triggered particularly by ESO4/5 and NCO1 and the BMO, but it is estimated that approximately 75% of applications derive from these eight triggers. This information provides a guide for focussing efforts to achieve significant gains in efficiency. Further inputs have come internally from staff within the Planning and Development Department and from a workshop with external stakeholders.

### 3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions

#### Reducing permit triggers

There are limited opportunities to meaningfully reduce permit triggers. The content of zones and overlays is determined by the State controlled Victoria Planning Provisions (VPP) and local planning permit triggers or exemptions may only be introduced by schedules where the VPP zone or overlay allows for these to be written in.

#### *General Residential Zone*

There is no scope to reduce the 15% of applications under the General Residential Zone (GRZ) as exemptions cannot be scheduled in to the GRZ; irrespective these permit triggers are for significant matters which are appropriately assessed through the permit process.

#### *Farming Zone*

The Farming Zone (FZ) does allow for the scheduling of a number of permit trigger thresholds:

- the floor area above which a permit is required to extend a dwelling, construct an outbuilding to a dwelling or extend the area of an agricultural building where these are associated with Section 2 uses (i.e. a dwelling on a lot below the minimum lot size)
- the land where earthworks triggers apply
- the minimum setback of buildings from roads, boundaries and other dwellings.

The schedule to the FZ presently defaults to the State maximums for the floor area triggers and all land is subject to the earthworks triggers (earthworks which alter the rate of flow or discharge point of water across a property boundary or increase the discharge of saline groundwater). The present scheduled setbacks are:

- 100m from a Road Zone Category 1
- 40m from a Road Zone Category 2
- 20m from any other road
- 5m from a boundary
- 100m from a dwelling not in the same ownership

The basis for the FZ schedule is found in the LPPF with the Municipal Framework plan at Clause 21.01-4 identifying as a key strategic direction for the Shire

*To recognise that rural landscape vistas are highly valued for their contribution to the amenity and liveability of rural areas.*

Further Clause 21.06 Rural Landscape has an objective:

*To protect and maintain open and uncluttered rural landscapes, including vistas from main road corridors.*

*To recognise the importance of maintaining the visual landscape qualities of the Great Ocean Road environs both for residents and visitors to the coast.*

This is implemented by:

*In considering any application for a non-agricultural land use and/or development apply the following development principles:*

- *buildings should be of modest scale and nestle into the landscape*
- *buildings should be subservient to the landscape so as not to detract from its visual qualities*
- *proposals should include net gain environmental outcomes*
- *development should be self-sufficient in the provision of infrastructure and associated costs.*

*Applying permit triggers in the schedules to the rural zones for buildings within road setback areas to minimise the visual impact of development along main and tourist access roads.*

In this context, to achieve the stated objectives it is considered that the current setbacks are appropriate and should be retained without alteration. It is considered, however, that there is scope to increase the size of extensions to a dwelling and domestic outbuildings which may be constructed without a planning permit. It is recommended that the schedule be amended to:



### 3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions

Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	All land, other than land adjoining the Great Ocean Road	200
	Land adjoining the Great Ocean Road	100
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	All land, other than land adjoining the Great Ocean Road	200
	Land adjoining the Great Ocean Road	100

If the building setbacks specified by the schedule are achieved, an extension to a dwelling or outbuilding of 200m<sup>2</sup> is unlikely to prejudice the rural landscape, particularly long range vistas and the sense of openness. The permit trigger is proposed to be maintained at 100m<sup>2</sup> for land adjacent the Great Ocean Road in recognition of the importance attached to this corridor including the road's State and National heritage listing.

#### *Environmental Significance Overlay*

Environmental Significance Overlay (ESO) Schedules 4 and 5 apply to the townships of Aireys Inlet, Fairhaven, Moggs Creek and Eastern View and trigger a planning permit for all buildings and works, native vegetation removal and fencing. The buildings and work trigger doubles up with the permit requirement within the Neighbourhood Character Overlay (NCO) Schedule 1, therefore introducing even a complete exemption for buildings and works would not reduce the number of applications. The decision guidelines of ESO4 and ESO5 include considerations relevant to development therefore a permit trigger under these overlays is necessary.

ESO4 and ESO5 are also being reviewed and proposed to be amended by Amendment C96. This amendment focusses on the protection of identified biodiversity assets within township areas. The amendment proposes to replace 6 overlays (ESO3, ESO4, ESO5, VPO1, VPO2 and VPO3) in the townships with a single new ESO4. In light of this amendment, which has recently been to a Panel hearing, it is not proposed to undertake further amendments to these ESO schedules.

#### *Design and Development Overlay*

Many of the schedules to the Design and Development Overlay (DDO) which apply in Torquay and Jan Juc cover land in commercial and industrial zones (Schedules 2, 5, 6, 7, 16 and 23). A DDO is also applied to the commercial zoned land within other townships (Schedule 4 – Lorne, Schedule 9 – Anglesea, Schedule 15 – Aireys Inlet). The zones also trigger a permit and the respective DDO is used to introduce local design objectives and requirements. The Commercial 1 Zone includes an exemption for:

- An alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.

It is proposed that this exemption be replicated in the DDO schedules which apply to land zoned Commercial 1 (C1Z) for ground floor facades to enable alterations to shop fronts (such as changing the location of a doorway) without requiring a planning permit under the zone or overlay. This is likely to result in a small reduction in applications.

The schedules (20, 21 and 22) which apply to the residential areas in Torquay and Jan Juc were largely applied by Amendment C66 in 2014. Amongst other things this amendment implemented the *Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment (2006)* and *Torquay-Jan Juc Neighbourhood Character Study Review (2012)*.

Feedback was received during internal and external consultation that the permit trigger within Schedules 20, 21 and 22 to construct a building when the garage is not setback behind the front wall of the dwelling by at least 1.0m was viewed as providing limited value in achieving preferred character outcomes. Within the 2 year period reviewed, 11 applications (~1.1%) were required only due to this permit trigger and don't represent a significant processing burden. An improvement has been made to the schedules by Amendment C102 (on 12/2/2015) to clarify that the trigger only applies to a new garage or carport to avoid a permit being required to construct a building where the relationship of garage to dwelling is a pre-existing situation.

### 3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions

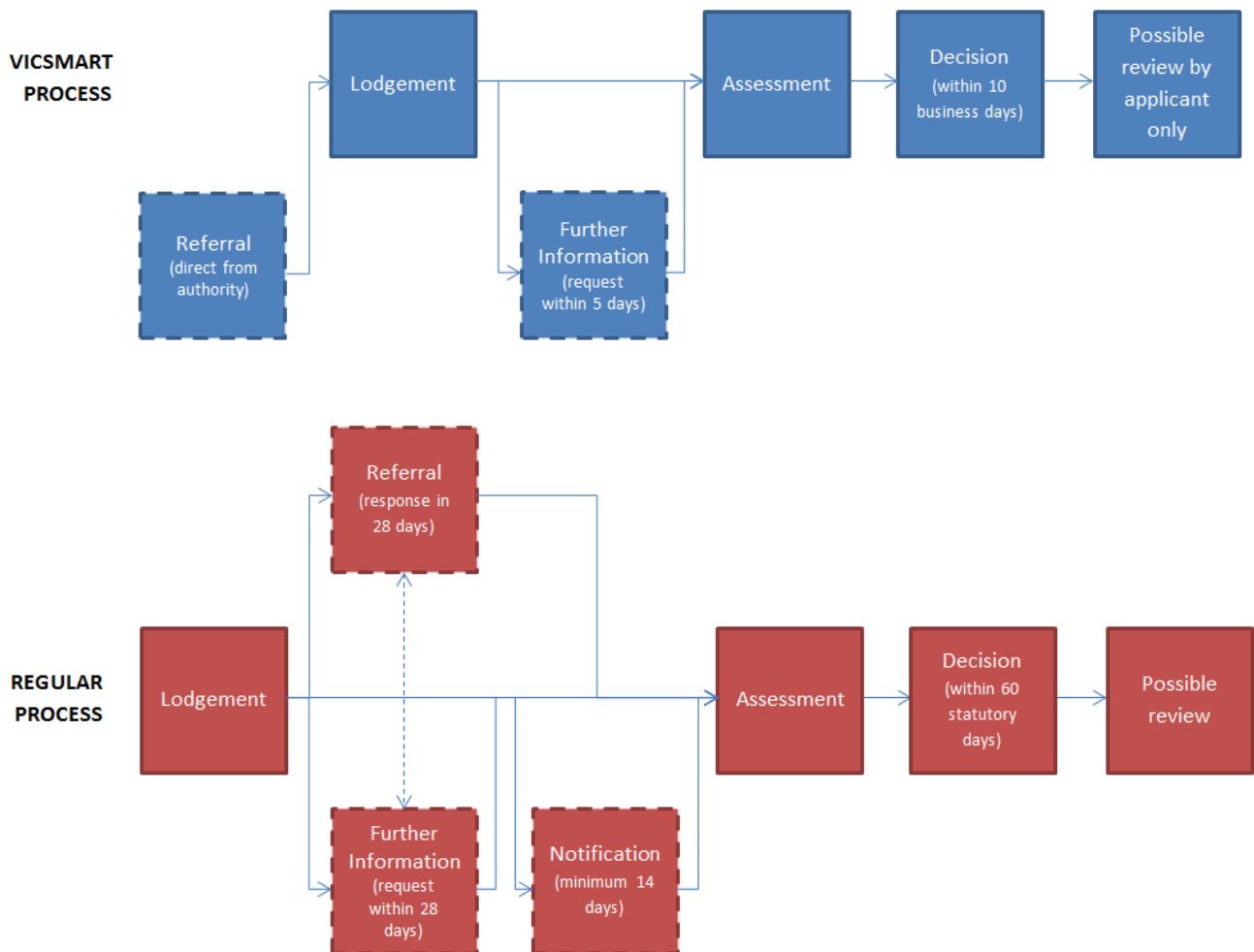
It is considered that it would be inappropriate to remove this permit trigger without undertaking further strategic assessment.

#### *Neighbourhood Character Overlay*

Over a third of all applications are for a permit under the NCO which is applied to the coastal townships of Aireys Inlet-Fairhaven, Lorne and Anglesea (Schedules 1, 2 and 3 respectively). The VPP NCO triggers a planning permit for all buildings and works other than for outdoor swimming pools and for an outbuilding normal to a dwelling, which may be triggered under a schedule. Each of the three schedules does require a permit for these developments and are relevant to achieving the preferred neighbourhood character. The VPP NCO does not allow a schedule to exempt other specified buildings and works; therefore there is no scope to reduce the number of permit requirements under this overlay. However there is potential to consider using local VicSmart provisions for some application types.

#### Local VicSmart

VicSmart is a streamlined planning permit process which aims to determine applications within 10 business days of lodgement. A simple comparison with the regular application process is provided by the following graphics:



### 3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions

Steps	Regular permit process	VicSmart process
Requesting further information under s.54 of the Act	If the request is made within 28 days of receiving the application, the statutory clock stops and returns to zero when the information is received.	If the request is made within five days of receiving the application, the statutory clock stops and returns to zero when the information is received.
Giving notice of the application under s.52 of the Act	Yes. If the responsible authority considers giving notice is necessary.	No. The giving of notice is not required.
Referring the application under s.55 of the Act	Yes. If required, the applicant can submit written consent with the application or council can refer the application after it has been received.	No. If required, written consent from a referral authority must be submitted with the application.
Matters to be considered when assessing the application	Full assessment against the requirements of s.60 of the Act, SPPF, LPPF and local provisions.	Only assessed against the VicSmart decision guidelines.
Deciding the application	Council (or delegate).	Chief Executive Officer (or delegate).
Third party review rights	Yes. Unless specifically exempt in the planning scheme.	No. Only an applicant has a right of review.
Applicant review against failure to decide	60 calendar days after lodgement. Applicant may apply for a review if no decision is made within time.	10 business days after lodgement. Applicant may apply for a review if no decision is made within time.

VicSmart is implemented by Clauses 90 to 95 of the planning scheme. The VicSmart provisions don't trigger a permit; permits are triggered in the usual way by the zones, overlays and particular provisions. Clauses 92 and 94 specify which classes of application are VicSmart. Clause 92 specifies a range of applications which are State VicSmart, in other words they are VicSmart in all planning schemes across the State (in the VPP) and can't be varied by the local scheme. This includes (not set out in full):

- subdivision to realign a boundary in all residential, commercial, industrial and rural zones
- subdivision of land into lots each containing an existing building or car parking space in all residential (other than LDRZ), commercial and industrial zones
- subdivide land into two lots which doesn't include a vacant lot in all residential (other than LDRZ), commercial and industrial zones
- subdivide land into two lots above the minimum lot size in the rural zones
- construct a building or works with a cost of less than \$1,000,000 in all industrial zones including land covered by a Design and Development Overlay
- construct a building or works with a cost of less than \$500,000 in all commercial, special use and comprehensive development zones including land covered by a Design and Development Overlay
- construct a building or works with a cost of less than \$500,000 in the Farming Zone (with some qualifiers)
- construct a building or works with a cost of less than \$250,000 in the Rural Living and Rural Conservation zones (with some qualifiers).
- construct a fence in an overlay
- remove, destroy or lop one tree in an overlay
- subdivision and various buildings and works in the Heritage Overlay

### 3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions

- construct a carport, garage, pergola, verandah, deck, shed or similar structure or rainwater tank in the Environmental Significance Overlay, Significant Landscape Overlay, Design and Development Overlay, Neighbourhood Character Overlay and Salinity Management Overlay
- display a sign in all commercial and industrial zones
- reduce the required car parking by no more than 10 spaces
- reduce the loading bay requirements.

As a result Council already processes a number of VicSmart applications. Clause 94 enables local VicSmart application types to be scheduled to allow more application types to fall within the VicSmart process. A schedule may specify any application under a zone, overlay or particular provision. Where a proposal has more than one permit trigger, each trigger must be classed as VicSmart for the application to fall in to the VicSmart process.

The State classes were expanded significantly by Amendment VC135 on 27 March 2017 and this amendment has surpassed a number of matters considered for inclusion as local VicSmart classes.

Inherently VicSmart is intended for straight-forward applications. For an application class to be suitable for VicSmart it must be unlikely that the grant of a permit for the proposed use or development will cause material detriment (relevant to the permit trigger) to any person given the removal of objection and third party review rights.

It is proposed that the following matters be scheduled as local VicSmart classes of application:

Zone	Application purpose
<b>Industrial 3</b>	Use land for industry or warehouse for a purpose without adverse amenity potential*.
<b>Farming</b>	<p>Construct buildings and works associated with a single dwelling where the setbacks of the FZ are met.</p> <p>Construct an extension or alteration to an existing building associated with a single dwelling which doesn't meet the setbacks of the FZ where the setback is not reduced.</p> <p>Construct an extension or alteration to an existing building associated with extensive animal husbandry or crop raising which doesn't meet the setbacks of the FZ where the setback is not reduced.</p>
Overlay	
<b>Design and Development Schedule 1 (Torquay)</b>	Construct a building which is more than 7.5 metres above ground level and not exceeding 8.0 metres above ground level.
<b>Design and Development Schedules 20, 21 and 22 (Torquay)</b>	Construct a new garage or carport associated with one existing dwelling on a lot that is not setback from the street at least 1 metre further than the wall of the dwelling.
<b>Neighbourhood Character Overlay Schedules 1, 2 and 3 (Aireys Inlet to Moggs Creek, Lorne and Anglesea)</b>	Alter an existing building where the gross floor area and height above ground are not increased.

### 3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions

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<b>Salinity Management</b>	Construct a building or carry out works associated with one dwelling on a lot connected to reticulated sewerage.
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<b>Land Subject to Inundation</b>	Construct a building or carry out works.
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#### Particular Provision

<b>Clause 52.29</b>	Create or alter access to a road in a Road Zone, Category 1.
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**Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road**

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\* An industrial or warehouse use which is not listed with a Note 1 or 2 in Clause 52.10 or exceeds the threshold distance specified in Clause 52.10 and is not within 30m of residential zoned land.

#### **Financial Implications**

The project is being undertaken within operational budgets.

The proposed introduction of additional permit exemptions and local VicSmart provisions will make the process of developing or establishing a new business in Surf Coast easier for some matters; reducing the associated costs and encouraging investment. It is also likely to reduce the cost to Council of providing planning services, by eliminating some applications and allowing a streamlined process for others. Reducing workloads also allows planning staff to determine the remaining applications more thoroughly and efficiently.

#### **Council Plan**

Theme	5 Development and Growth
Objective	5.4 Transparent and responsive land use and strategic planning
Strategy	5.4.3 Investigate a customer focussed approach to planning applications (this may include case managers)

#### **Policy/Legal Implications**

An amendment to the planning scheme will be prepared and processed in accordance with the requirements of the *Planning and Environment Act 1987*.

#### **Officer Direct or Indirect Interest**

The officer is an owner of property within Aireys Inlet and as a result has the potential to benefit from the proposed VicSmart application classes. It is considered that the officer does not have a direct or indirect conflict of interest pursuant to s.77A(4) as the interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter and s.77A(5) as the interest is held as a resident, ratepayer or voter and does not exceed the interests generally held by other residents, ratepayers or voters.

#### **Risk Assessment**

There are no perceived risks associated with the preparation and exhibition of an amendment which will be undertaken in accordance with the requirements of the *Planning and Environment Act 1987*.

#### **Social Considerations**

The proposed amendment would reduce "red tape" for people wishing to undertake a range of straight-forward matters, but it would also remove any third party involvement, including the right to appeal Council's decision. As the range of proposed exemptions and local VicSmart applications are targeted to matters which are unlikely to cause material detriment to neighbouring properties or the broader community it is considered that there is unlikely to be adverse social impacts. Local VicSmart applications are still subject to a merits assessment by Council planning officers which includes consideration of social impacts (where relevant to the permission required).

### **3.1 C122 - Customer Focused Planning Scheme Review - Local VicSmart Provisions**

#### ***Community Engagement***

Early engagement was undertaken in the first quarter of 2016 at an external stakeholder workshop (with representatives from the planning and building industries and community interest groups) which informed the preparation of the proposed local VicSmart provisions.

Recently the draft local VicSmart and new exemption provisions have been shared with key community groups (such as 3228, AIDA, Friends of Lorne, tourism and traders organisations) to gauge community reaction before proceeding with the planning scheme amendment. At the time of preparing this report no comments have been received.

Community engagement on the amendment will be undertaken via the legislative process required by the *Planning and Environment Act 1987*. Following Ministerial authorisation, the amendment and application would be placed on public exhibition for one month.

#### ***Environmental Implications***

There are no perceived environmental implications associated with the project or the preparation and exhibition of the amendment.

#### ***Communication***

Notice will be given of the amendment in accordance with the legislative requirements of the *Planning and Environment Act 1987*.

#### ***Conclusion***

A review of recent planning permit activity has identified that the majority of applications are generated by a limited number of clauses (zone and overlay triggers) within the Surf Coast Planning Scheme. Targeted streamlining has the potential to make small but material reductions in the number of applications received annually and allow for a meaningful number of applications to be determined more quickly through local VicSmart applications. This will make it easier to undertake development within Surf Coast for straightforward matters.

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### 3.2 CAPITAL WORKS COMMUNITY ENGAGEMENT POLICY REVIEW

**Author's Title:** Manager Program Management Office    **General Manager:** Ransce Salan  
**Department:** Program Management Office    **File No:** F13/1459  
**Division:** Environment & Development    **Trim No:** IC17/540

**Appendix:**

1. Capital Works Engagement Policy Draft (D17/62342)

**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

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**Purpose**

The purpose of this report is to update and recommend improvements to the Capital Works Community Engagement Policy as a result of a scheduled policy review.

**Summary**

The Capital Works Community Engagement Policy outlines a process which ensures the community is consulted about Council's Capital Works under \$1,000,000 in value which does not require a Planning Permit. The policy has been reviewed in accordance with Council's policy review schedule and some changes recommended to improve the policy.

**Recommendation**

That Council note the updated Capital Works Community Engagement Policy.

**Council Resolution**

**MOVED Cr Libby Coker, Seconded Cr Carol McGregor**

That Council note the updated Capital Works Community Engagement Policy.

CARRIED 9:0

## 3.2 Capital Works Community Engagement Policy Review

### Report

#### **Background**

In March 2009, the Minister for Planning amended all planning schemes (Amendment VC53) to introduce an additional permit 'exemption' (to Clause 62.02-1) for 'buildings or works with an estimate cost of \$1,000,000 or less carried out by or on behalf of a municipal council'. Prior to this change, the planning permit process provided a process for obtaining internal comments on capital works projects (for example, heritage advice), and for notifying the community in immediate vicinity of proposals.

This policy outlines the alternative process Council has put in place to ensure appropriate community consultation and internal referrals are still undertaken for capital works with Expansion Expenditure (new or upgraded assets) with an estimate cost of \$1,000,000 or less.

The Policy does not apply to works which are deemed either 'Routine Maintenance' or 'Renewal Expenditure'.

The revised policy was presented to the Audit and Risk Committee on 8 September 2016 but was not discussed. The Audit and Risk Committee resolution included an instruction for members to provide any comments regarding the revised Capital Works Community Engagement Policy to Council (via email to Manager Governance and Risk, Wendy Hope). No comments were received.

#### **Discussion**

The updated policy is intended to improve clarity of responsibilities and guidance for engagement, including minimum levels and methods of engagement.

This Policy is specific to capital works that would have triggered requirement for a Planning Permit under relevant planning schemes if the exemption did not exist.

Community engagement for other capital works projects is planned on a case-by-case basis relative to the complexity, risk and community interest in the project. This planning is based on the International Association for Public Participation IAP2 spectrum from inform to empower in accordance with the Surf Coast Shire Council Communications and Community Engagement Strategy 2015 – 2018 and the Project Delivery Framework.

The Policy does not apply to works which are deemed either 'Routine Maintenance' or 'Renewal Expenditure' given that these activities do not change the overall nature of the infrastructure, rather keep it functioning at original capacity.

#### **Financial Implications**

There are no direct financial implications association with adoption of the updated policy. Communications and engagement activities are a consideration for establishing individual project proposal budgets.

#### **Council Plan**

Theme	2 Governance
Objective	2.4 Transparency in decision making and access to information
Strategy	2.4.3 Ensure decision-making is as transparent as possible.
Theme	2 Governance
Objective	2.1 Robust risk management framework and processes
Strategy	2.1.1 Implement the risk management system.
Theme	2 Governance
Objective	2.2 High performing accountable organisation
Strategy	2.2.3 Increase capability in analysing and managing contentious issues.

#### **Policy/Legal Implications**

This policy update is intended to improve community consultation and engagement for transparent decision making for projects. This is intended to achieve successful project outcomes and mitigate risk of objector action through Victorian Civil Administrative Tribunal or other legal action.



### **3.2 Capital Works Community Engagement Policy Review**

#### ***Officer Direct or Indirect Interest***

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

#### ***Risk Assessment***

This policy update is intended to improve community consultation and engagement for transparent decision making for projects. This is intended to achieve successful project outcomes and mitigate risk of objector action through Victorian Civil Administrative Tribunal or other legal action.

#### ***Social Considerations***

This policy update is intended to improve community engagement in Council decisions regarding capital projects and successful project outcomes.

#### ***Community Engagement***

Community engagement has not been undertaken to develop the updated Capital Works Community Engagement policy however the recommended updates are based on community expectations expressed through a number of recent projects.

Internal consultation to revise the policy included Manager Strategic Asset Management, Manager Recreation and Open Space Planning, Coordinator Statutory Planning, Coordinator Communications and Engagement and project managers.

#### ***Environmental Implications***

There are no direct environmental implications associated with adoption of the updated Capital Works Community Engagement policy.

#### ***Communication***

The updated policy will be distributed to relevant officers including Managers, Coordinators and project managers highlighting the importance of the policy for mitigating risk in project work and achieving good project outcomes. It will be available on the Surf Coast Shire Council intranet and in the records management system.

#### ***Conclusion***

The Capital Works Community Engagement policy has been revised in accordance with Council's policy review schedule and it is recommended that Council note the updated policy.

Cr David Bell left the meeting at 7:44pm.  
Cr David Bell returned to the meeting at 7:48pm.

### 3.3 TORQUAY TRANSIT CORRIDOR

**Author's Title:** Coordinator Strategic/Land Use  
Planning

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F14/242

**Division:** Environment & Development

**Trim No:** IC17/535

**Appendix:**

1. Torquay Transport Rail Link Report AECOM 2014 (D17/60609)
2. Torquay 2040 Map (D17/60669)

**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 Council on the proposed Torquay Transit Corridor between Geelong and Torquay.

#### **Summary**

The State Government has been doing technical background investigations into a Geelong to Torquay rail link since 2010. The recent State budget allocated funding to the planning and acquisition of a transit corridor, subject to a Federal Government funding contribution. The May 2017 Federal budget when announced did not include funding for the transit corridor, but discussions between State and Federal Government Ministers are continuing.

Improved public transport by dedicated bus lane, light rail or heavy rail between Geelong and Torquay would bring a number of social and economic benefits to the local community and visitors. Long term planning for infrastructure such as public transport should occur now to secure the future benefits. It is recommended that Council support the ongoing planning of future public transport options and advocate for Federal funding.

#### **Recommendation**

That Council:

1. Advocate to the Federal Government for funding to continue the planning for future public transport options between Geelong and Torquay by writing to the Minister for Infrastructure and Transport.
2. Write to both State and Federal Government Transport Ministers outlining its support for planning of this public transport corridor, including engagement of Council and the Surf Coast Shire community in this process.

#### **Council Resolution**

##### **MOVED Cr Margot Smith, Seconded Cr Rose Hodge**

That Council:

1. Note the Victorian Government's confirmation on 27 June 2017 of funding for the first stage of the Surf Coast Rail Project, including for the reservation of land for a future line to Torquay.
2. Write to both State and Federal Government Transport Ministers outlining its support for planning of this public transport corridor, including engagement of Council and the Surf Coast Shire community in this process

CARRIED 9:0

### 3.3 Torquay Transit Corridor

#### Report

##### **Background**

The options for a possible rail or transport corridor from Geelong to Torquay have been under active consideration by the State Government since 2010. In 2010 AECOM prepared a report for the State Government calculating demand and considering options. In 2012 an AECOM report considered corridor preservation for an alignment. In 2015 work was undertaken for a Victorian Integrated Transport Model review of all modes of transport for the corridor. Much of this work was confidential until the attached report by AECOM for Public Transport Victoria was released under the Freedom of Information Act in 2015. Refer **Appendix 1**. This report is the latest information received by Council.

The Regional Network Development Plan mentions the need to undertake planning work for improved public transport connections to Armstrong Creek. In October 2016 Infrastructure Victoria released a 30 year infrastructure strategy which mentions the Torquay rail extension as an infrastructure option and refers to preserving a specific corridor.

Locally, the member for South Barwon, Andrew Katos, wrote to his constituents in November 2016 to seek their views on a railway line to Torquay. Council has not received feedback from Mr Kato's office regarding the outcomes of this consultation.

Council's adopted the strategic plan for urban growth in Torquay/Jan Juc: *Sustainable Futures Plan: Torquay Jan Juc 2040* (2012 and 2014 versions) that was developed in partnership with the State Government. The plan refers to a "potential transit corridor" with an indicative line along the west side of the Surf Coast Highway. However, no transit corridor as such has been reserved in the planning scheme. Refer **Appendix 2**.

#### **Map 1: General Location of Rail Corridor**

Source: Aecom 2014



### 3.3 Torquay Transit Corridor

#### **Discussion**

The concepts prepared for the State Government for a transit corridor between Geelong and Torquay consider four modal options:

1. Premium bus (high quality infrastructure with frequent services running on existing roads).
2. Bus Rapid Transit (buses running in their own lanes with better infrastructure).
3. Light Rail (such as tram-trains, or electrified light rail). Refer Appendix C in Appendix 1.
4. Heavy Rail.

The options for a transit corridor are focussed around a reservation between the proposed Armstrong Creek station and Torquay North. Fast connections to the future Armstrong Creek train station – or Marshall/Waurn Ponds in the interim - would greatly enhance access to Geelong and Melbourne for Surf Coast commuters and make Torquay more accessible to tourists.

With the exception of modal options, all of the above options require either a dedicated lane on the Surf Coast Highway or a separate transport corridor running south from Armstrong Creek. In earlier discussions two years ago, the alignment chosen was a transport corridor to the east of the Surf Coast Highway, with a station on the west side of the highway near John Pawson Junior Lane, in the vicinity of the Messmate Road future growth area.

On 5 April 2017 Council officers met with officers from DEDJTR – Transport Victoria to discuss the status of work on the transit corridor. On 30 April 2017, the State Government released plans for a \$1.45 billion Regional Rail Revival package for better regional rail services. This included \$110 million for planning and land acquisition for the Surf Coast Rail Project. However, the project was dependent on a commitment from the Federal Government for funding in the Commonwealth 2017 budget. When the Federal budget was released in May, it did not include funding for the Surf Coast Rail Project. However, Transport Victoria has indicated that the State and Federal Ministers are still in discussion about this topic.

#### **Financial Implications**

There are no financial implications for Council. The rail options including any land acquisition required are the responsibility of the State Government. The land assessment, demand and alignment options are also being developed by the State Government.

#### **Council Plan**

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

Theme 4 Infrastructure  
Objective 4.3 Enhance key rural and coastal roads and transport options  
Strategy 4.3.3 Public transport needs assessment with proposed solutions.

#### **Policy/Legal Implications**

Council officers are considering the future rail link/transit corridor in the strategic planning for Torquay North and urban growth strategies such as Strengthening Town Boundaries.

#### **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**

A future rail link or improved public transport option to Geelong from Torquay would have significant social benefits for the community, with increased access to Melbourne employment options, more sustainable transport and cost benefits.

Improved public transport options would also have benefits to the visitor economy, especially international visitors.

### **3.3 Torquay Transit Corridor**

#### ***Community Engagement***

The State Government have not openly engaged with the community except through the flyer and survey distributed by Andrew Katos. In 2015 Council communicated to Transport Victoria that Surf Coast Shire felt the Torquay/Jan Juc community should be consulted on transit corridor alignment options, rather than informed about an alignment chosen.

#### ***Environmental Implications***

Environmental impacts have been considered in the assessments undertaken by the State Government. These include an analysis of constraints within the potential alignment including: drainage, geology, topography, native vegetation and existing and planned developments. A rail bridge will necessary to cross Thompson Creek and a number of biosites have been identified along the general route.

#### ***Communication***

It is recommended that Council write to the relevant State and Federal Government Ministers to advocate on behalf of the community. Of particular importance is that the planning for the route ensures that the corridor is protected for the future.

#### ***Conclusion***

Improved public transport from Geelong to Torquay via a dedicated bus lane, light rail or heavy rail would have significant social and economic benefits to the Surf Coast community. It is recommended that Council advocate to the Federal Government for funding to continue the planning for public transport options between Geelong and Torquay and write to both State and Federal Government transport Ministers outlining our support for ongoing planning and indicate Council's desire to be included in the planning and discussions regarding the transit corridor.

#### 4. Culture & Community

##### 4.1 ADOPTION OF THE COUNCIL PLAN (INCLUDING THE HEALTH AND WELLBEING PLAN AND THE STRATEGIC RESOURCE PLAN) 2017-2021

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

**Department:** Governance & Risk      **File No:** F15/1705

**Division:** Governance & Infrastructure      **Trim No:** IC17/482

**Appendix:**

1. Council Plan (incorporating the Health and Wellbeing Plan) 2017-2021 - Submissions Summary (D17/56759)
2. Council Plan (incorporating the Health and Wellbeing Plan) 2017-2021 (D17/43811)

**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

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#### **Purpose**

The purpose of this report is to consider the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021 for adoption.

#### **Summary**

The Council Plan is Council's key strategic plan that clearly identifies what the Council is planning to achieve during its elected term.

Council is required to prepare a Council Plan within the period of six (6) months after each general election or by the next 30 June, whichever is later and to provide a copy of the adopted Council Plan to the Minister for Local Government by 30 June pursuant to Section 125 of the Local Government Act 1989 (the Act). This must include a Strategic Resource Plan.

Section 26 of the Public Health and Wellbeing Act 2008 requires Council to prepare a Municipal Public Health and Wellbeing Plan (Health and Wellbeing Plan) within the period of 12 months after each general election of the Council. Section 27 of this Act allows for the integration of the Health and Wellbeing Plan into the Council Plan.

The Council Plan and Health and Wellbeing Plan for 2017-2021 have been integrated to strengthen and streamline planning and reporting processes. The integrated plan recognises the impact that a broad range of Council activities can have on health and wellbeing outcomes.

At its Special Council meeting held on Tuesday, 11 April 2017, Council resolved to give public notice that it had prepared a draft Council Plan (incorporating the Health and Wellbeing Plan) 2017–2021, and resolved to exhibit the plan for the period commencing on Wednesday 12 April 2017 and concluding at 4.00pm on Thursday 11 May 2017. Thirteen submissions were lodged.

The Hearing of Submissions Committee met on Tuesday 30 May 2017 and heard from a number of submitters.

Minor amendments have been made to the draft Council Plan following the submissions process.

#### **4.1 Adoption of the Council Plan (including the Health and Wellbeing Plan and the Strategic Resource Plan) 2017-2021**

##### **Recommendation**

That Council:

1. Note that 13 submissions were received in relation to the draft Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021, including two late submissions received after the submission period closed.
2. Note that minor amendments have been made to the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021 following consideration of submissions.
3. Adopt the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021 as included at Appendix 2.
4. Submit a copy of the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017 – 2021 to the Minister for Local Government and make the Plan available for inspection by the public, in accordance with Section 125 of the Local Government Act 1989.
5. Prepare a four year action plan to deliver the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021 and consider this for endorsement at a future meeting of Council.

##### **Council Resolution**

**MOVED Cr David Bell, Seconded Cr Margot Smith**

That Council:

1. Note that 13 submissions were received in relation to the draft Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021, including two late submissions received after the submission period closed.
2. Note that minor amendments have been made to the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021 following consideration of submissions.
3. Adopt the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021 as included at Appendix 2.
4. Submit a copy of the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017 – 2021 to the Minister for Local Government and make the Plan available for inspection by the public, in accordance with Section 125 of the Local Government Act 1989.
5. Prepare a four year action plan to deliver the Council Plan (incorporating the Health and Wellbeing Plan and the Strategic Resource Plan) 2017–2021 and consider this for endorsement at a future meeting of Council.

CARRIED 9:0

#### 4.1 Adoption of the Council Plan (including the Health and Wellbeing Plan and the Strategic Resource Plan) 2017-2021

##### **Report**

##### **Background**

The Surf Coast Shire Council general election was conducted on 22 October 2016. Section 125 of the *Local Government Act 1989* requires that:-

- (1) A Council must prepare and approve a Council Plan within the period of 6 months after each general election or by the next 30 June, whichever is later.
- (2) A Council Plan must include:
  - (a) the strategic objectives of the Council
  - (b) strategies for achieving the objectives for at least the next 4 years
  - (c) strategic indicators for monitoring the achievement of the objectives
  - (d) a Strategic Resource Plan containing the matters specified in section 126
  - (e) any other matters which are prescribed by the regulations.
- (3) A person has a right to make a submission under section 223 on the proposed Council Plan.
- (4) The Minister may extend the period within which a Council must comply with sub-section (1).
- (5) A Council must submit a copy of the Council Plan to the Minister by the date specified in sub-section (1) or applying under sub-section (4)."

Section 26 of the *Public Health and Wellbeing Act 2008* requires Council to prepare a Municipal Public Health and Wellbeing Plan (Health and Wellbeing Plan) within the period of 12 months after each general election of the Council. Section 27 of this Act allows for the integration of the Health and Wellbeing Plan into the Council Plan.

The Council Plan and Health and Wellbeing Plan for 2017-2021 have been integrated to strengthen and streamline planning and reporting processes.

Prior to Council adopting its Council Plan, Council publicly exhibited the draft document for a period of 28 days. Council received and considered public submissions at a Hearing of Submissions meeting held on Tuesday 30 May 2017.

Following adoption of the Council Plan, Section 125(11) of the *Local Government Act 1989* requires that:

- (11) A copy of the current Council Plan must be available for inspection by the public at—
  - (a) the Council office and any district offices; and
  - (b) any other place required by the regulations.

##### **Discussion**

###### 1. Public submissions

Following the public exhibition process, 13 public submissions were received by the Hearing of Submissions Committee on Tuesday, 30 May 2017 including two late submissions received, one at 3:12pm Friday 12 May 2017 on behalf of the Committee for Lorne and the second received at 10:47 am Thursday, 18 May 2017 from Quit Victoria.

Common themes identified in the submissions received included:

- Service planning, performance and accountability
- Support for the arts
- Provision of appropriate facilities to support a growing community
- Collaborative partnerships
- Preserving and enhancing the natural environment
- Community connections.

Minor amendments to the draft Council Plan have been included as a result of the submissions process. Refer Appendix 1 for a summary of all submissions received, including late submissions.

###### 2. Other alterations

During the exhibition period, a number of wording and structural changes were identified by Council officers to provide further clarification of meaning in relation to the strategies. The suggested wording changes that have been identified in relation to the Council Plan measures will ensure that the identified outcomes under each objective are measurable and achievable.



#### 4.1 Adoption of the Council Plan (including the Health and Wellbeing Plan and the Strategic Resource Plan) 2017-2021

The following tables provide a summary of these suggested changes:

<b>Council Plan 2017 - 2021 - Changes</b>					
<b>No</b>	<b>Theme</b>	<b>Strategic Objective</b>	<b>Change</b>	<b>Strategies</b>	<b>Reference to Appendix 1</b>
1	Community Wellbeing	(a) Support people to participate in and contribute to community life	Wording	Reworded from “Develop and implement a program to support communities of interest, and provide a place for them to identify and achieve their community aspirations” to “Develop and implement a program to support communities of place and interest, and provide opportunities for them to identify and achieve their community aspirations”	Nil
2	Balancing Growth	(j) Retain and enhance rural land for appropriate and sustainable uses	Structural	Relocated to Environmental Leadership Theme strategic objective (h)	Submission 6.
3	Balancing Growth	(h) Ensure infrastructure is in place to support existing communities and provide for growth	Wording	Reworded from “Explore the potential rail link in Torquay and the level of service on the Warrnambool line” to “Explore the potential public transport link to Torquay and the level of rail service on the Warrnambool line”	Nil
4	Balancing Growth	30) Advocate for supporting infrastructure (e.g. NBN, water supply, roads)	Wording	Reworded to read “Advocate for supporting infrastructure”	Nil
5	Balancing Growth	30) Advocate for supporting infrastructure	Structural	Relocated from strategic objective j) Retain and enhance rural land for appropriate and sustainable uses” to revised strategic objective “ i) Ensure infrastructure is in place to support existing communities and provide for growth”	Nil
6	Balancing Growth	(j) Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire	Addition	Advance a Strategic Plan for Lorne	Submission 12.

#### **Financial Implications**

Council Plan strategies will be funded via Council’s budget allocation processes.

#### **4.1 Adoption of the Council Plan (including the Health and Wellbeing Plan and the Strategic Resource Plan) 2017-2021**

##### **Council Plan**

Theme	2 Governance
Objective	2.2 High performing accountable organisation
Strategy	Nil

##### **Policy/Legal Implications**

The Council Plan is required to be prepared pursuant to Section 125 of the Act and must include:

1. The strategic objectives of the Council.
2. Strategies for achieving the objectives for at least the next 4 years.
3. Strategic indicators for monitoring the achievement of the objectives.
4. A Strategic Resource Plan containing the matters specified in section 126.
5. Any other matters which are prescribed by the regulations.

This the Act also requires Council to publicly exhibit the draft Council Plan, giving the public the right to make a submission pursuant to Section 223 of the Act.

Section 223 of the Act outlines the process that must be followed by Council to publicly exhibit the draft Council Plan, and to receive and consider public submissions prior to adoption of the Plan. This process has been completed as required.

Section 125 (5) requires Council to submit a copy of the Council Plan to the Minister (for Local Government) within 6 months after each general election or by 30 June, whichever is the later. Following adoption of the Council Plan, a copy will be sent to the Minister, prior to 30 June, 2013.

Section 26 of the Public Health and Wellbeing Act 2008 requires Council to prepare a Municipal Public Health and Wellbeing Plan (Health and Wellbeing Plan) within the period of 12 months after each general election of the Council. Section 27 of this Act allows for the integration of the Health and Wellbeing Plan into the Council Plan.

##### **Officer Direct or Indirect Interest**

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

##### **Risk Assessment**

In considering submissions received through the exhibition period, Council is demonstrating that it is listening to the community and complying with the relevant legislation in regard to the preparation and adoption of the Council Plan and Health and Wellbeing Plan.

##### **Social Considerations**

In accordance with the Local Government Act 1989, the "primary objective of a council is to endeavour to achieve the best outcomes for the local community with regard to the long-term and cumulative effectiveness of decisions." It is proposed that this plan reflects the views and aspirations of the community.

##### **Community Engagement**

Council has undertaken an extensive community engagement process to develop the Draft Council Plan and to receive input from the community in regard to Council's proposed vision and objectives for the next four years.

##### **Environmental Implications**

Council remains committed to preserving and enhancing the natural environment including encouraging the uptake of renewable energy, the reuse of resources and supporting the production and consumption of locally grown food. These priorities are included in the "Environmental Leadership" theme in the Council Plan.

##### **Communication**

The public exhibition period for the draft Council Plan was advertised in local media, and on Council's web site. Copies of the document were made available across the shire, including visitor centres, community houses and Council offices.

Submitters wishing to address the Hearing of Submissions Committee were provided with an opportunity to do so at a Hearing of Submissions Committee meeting held on Tuesday 30 May 2017.

A copy of the adopted Council Plan will be available for public inspection following adoption of the document by Council at the Council offices and on Council's website.

#### **4.1 Adoption of the Council Plan (including the Health and Wellbeing Plan and the Strategic Resource Plan) 2017-2021**

##### ***Conclusion***

The Council Plan (incorporating the Health and Wellbeing Plan) 2017-2021 included as Appendix 2 is presented to Council for adoption.

## 4.2 SURF COAST MULTI-PURPOSE INDOOR STADIUM

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

**Department:** Recreation & Open Space Planning      **File No:** F15/1518

**Division:** Culture & Community      **Trim No:** IC17/352

**Appendix:**

1. Indoor Sports Plan for Surf Coast Shire Final Report - April 2016 (D16/44828)
2. Indoor Stadium Precinct Map, Planning Zones and Concept Ground Floor Plan (D17/69342)

**Officer Direct or Indirect Conflict of Interest:**

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:**

### Purpose

The purpose of this report is to provide a progress update on the Surf Coast Multi-purpose Indoor Stadium project and to consider making an application to the 2017-18 Better Indoor Stadiums Fund.

### Summary

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

An Indoor Sports Plan report was commissioned through SGL Consulting Group which considered a needs analysis, stakeholder engagement and costings for an indoor stadium in Torquay including potential funding sources. The report recommended that a new stadium be constructed in the Civic Precinct area, connected with the existing school stadium. In May 2016 Council resolved to note the Indoor Sports Plan and that advice regarding the options for progressing the project would be provided at a future meeting of Council.

Additional work has been completed since May 2016 to develop the project to a stage where it is ready for a grant application. It is recommended that Council apply for a \$3million grant via the 2017-18 Better Indoor Stadiums Fund that closes 16 August 2017 with announcements expected in November 2017. A successful notification via this grant program would commit Council to commencing the project and require it to be completed within 24 months.

The concept design provides for three additional courts along with multi-purpose space and associated amenities attached to the Surf Coast Secondary College court. Under current arrangements this facility would straddle title and planning zone boundaries. Accordingly land ownership and planning zone changes are required so that the facility sits on a separate title in the name of the State Government. Use and management of the facility would be established through a 50 year Joint Use Agreement with the Department of Education and Training.

## 4.2 Surf Coast Multi-purpose Indoor Stadium

### Recommendation

That Council:

1. Submit an application to the 2017-18 Better Indoor Stadiums Fund for the Surf Coast Multi-purpose Indoor Stadium – Application, seeking a grant of \$3million towards a total estimated project cost of \$13.5million.
2. Note the following key features of the Surf Coast Multi-purpose Indoor Stadium funding application:
  - 2.1 The capital works will include an additional three courts and supporting facilities, including amenities and car park.
  - 2.2 The facility will be physically attached to the existing single court facility at the Surf Coast Secondary College.
  - 2.3 Council will manage the facility once opened for a period of no less than three years.
3. Acknowledge that receipt of funding for \$3million would commit Council to commencing the project and require it to be completed within 24 months.
4. Write to the Surf Coast Secondary College to formally seek support for the facility including the planned location.
5. Write to the Victorian School Building Authority and Department of Education and Training to seek formal support for the facility at a regional and central office level including the planned location and the establishment of a 50 year Joint Use Agreement.
6. Continue to work with stakeholders to develop the schematic concept designs and operating model for the facility.
7. Note that work will commence on resolving land issues relating to the project, including the subdivision and transfer of Council land (approximately 2,150 sqm) to create a consolidated title with Department of Education and Training land.
8. Allocate \$30,000 from the Accumulated Unallocated Cash Reserve for the next phase of the project aimed at progressing the application and project planning.
9. Note that reports will be provided to Council as required on matters relating to the subdivision and land transfer.
10. Agree that should the Better Indoor Stadium funding application for \$3million be successful, Council will commit up to \$10.5million of funding in the 2018/19 budget as its contribution funding to the project, from the following funding sources:
  - a) \$2.9million from the Developer Contributions Cash Reserve; and
  - b) \$7.6million from the DCP Council Funds Cash Reserve.
11. Agree that in the event that the cash balance in the nominated cash reserves are less than the amounts specified above, that for cashflow purposes Council will consider funding its contribution from the DCP Council Funds Cash Reserve through borrowings, with the required borrowings estimated to be up to \$3.9million.
12. Authorise the Chief Executive Officer to submit applications for additional grant opportunities that further reduce Council's contribution to the project where applications are consistent with this report, including submitting an application to the 2017-18 Shared Facilities Fund, if made available, noting that success in further grants would reduce Council's overall contribution to the project.
13. Authorise the Chief Executive Officer to execute funding agreements on behalf of Council should applications for external grants be successful.
14. Note that the 2011 Torquay Jan Juc Developer Contribution Plan estimates were updated in 2014 and are currently under review with revised estimates expected to be available in late 2017.

### Council Resolution

#### **MOVED Cr Martin Duke, Seconded Cr David Bell**

That Council:

1. Submit an application to the 2017-18 Better Indoor Stadiums Fund for the Surf Coast Multi-purpose Indoor Stadium – Application, seeking a grant of \$3million towards a total estimated project cost of \$13.5million.
2. Note the following key features of the Surf Coast Multi-purpose Indoor Stadium funding application:
  - 2.1 The capital works will include an additional three courts and supporting facilities, including amenities and car park.
  - 2.2 The facility will be physically attached to the existing single court facility at the Surf Coast Secondary College.
  - 2.3 Council will manage the facility once opened for a period of no less than three years.
3. Acknowledge that receipt of funding for \$3million would commit Council to commencing the project and require it to be completed within 24 months.

#### 4.2 Surf Coast Multi-purpose Indoor Stadium

4. Write to the Surf Coast Secondary College to formally seek support for the facility including the planned location.
5. Write to the Victorian School Building Authority and Department of Education and Training to seek formal support for the facility at a regional and central office level including the planned location and the establishment of a 50 year Joint Use Agreement.
6. Continue to work with stakeholders to develop the schematic concept designs and operating model for the facility.
7. Note that work will commence on resolving land issues relating to the project, including the subdivision and transfer of Council land (approximately 2,150 sqm) to create a consolidated title with Department of Education and Training land.
8. Allocate \$30,000 from the Accumulated Unallocated Cash Reserve for the next phase of the project aimed at progressing the application and project planning.
9. Note that reports will be provided to Council as required on matters relating to the subdivision and land transfer.
10. Agree that should the Better Indoor Stadium funding application for \$3million be successful, Council will commit up to \$10.5million of funding in the 2018/19 budget as its contribution funding to the project, from the following funding sources:
  - a) \$2.9million from the Developer Contributions Cash Reserve; and
  - b) \$7.6million from the DCP Council Funds Cash Reserve.
11. Agree that in the event that the cash balance in the nominated cash reserves are less than the amounts specified above, that for cashflow purposes Council will consider funding its contribution from the DCP Council Funds Cash Reserve through borrowings, with the required borrowings estimated to be up to \$3.9million.
12. Authorise the Chief Executive Officer to submit applications for additional grant opportunities that further reduce Council's contribution to the project where applications are consistent with this report, including submitting an application to the 2017-18 Shared Facilities Fund, if made available, noting that success in further grants would reduce Council's overall contribution to the project.
13. Authorise the Chief Executive Officer to execute funding agreements on behalf of Council should applications for external grants be successful.
14. Note that the 2011 Torquay Jan Juc Developer Contribution Plan estimates were updated in 2014 and are currently under review with revised estimates expected to be available in late 2017.

CARRIED 9:0

## 4.2 Surf Coast Multi-purpose Indoor Stadium

### Report

#### ***Background***

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

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

A study was presented to Council in May 2016 to test the assumptions and revalidate requirements in light of current demands, participation levels and facility trends. The key findings of the report include:

- there is an immediate need for an additional one or two indoor courts in Torquay
- a new indoor stadium, incorporating three additional courts, is likely to be required in the next ten years due to demographic and participation growth
- existing facilities are sub-standard, non-compliant, have safety issues and are ageing
- current facilities are not consolidated and this creates high levels of operating inefficiency
- current scheduling is efficient and existing facilities are at or near capacity
- residents are in a good position to be able to financially support pay per use operating models
- industry trends suggest that facilities operated by external bodies are being handed back to councils to manage
- four court facilities have the greatest chance of being financially viable and it is therefore recommended that the three new courts be attached to the single court facility at the Surf Coast Secondary College
- design flexibility that encourages multi-use of courts should be a priority.

The full Indoor Sports Plan feasibility study has been included for reference as an appendix to this report.

#### ***Discussion***

Since May 2016, Council has been working to obtain sufficient information in order to progress the project to a grant ready position. This has included:

- identification of required planning changes and confirming the appropriate process with regard to these planning changes
- working with the Department of Education and Training and the Victorian School Building Authority as well as the Surf Coast Secondary College to determine how best to collaborate, focusing on constructing a preferred four court facility. The best way to achieve this is to construct three courts connected to the existing single court facility on the site of the Surf Coast Secondary College
- working with stakeholders to develop a high level schematic design for the site
- affirmed the Capital costs of the project as part of further schematic concept design
- development of a draft operational model, to be further developed with stakeholders.

The project has now progressed to a stage where Council is confident in its future strategic direction in relation to the site and is seeking grant funding to progress to detailed design and construction phases.

#### ***Location considerations***

A site has been identified which would enable a three court stadium to be built that is joined with the existing school stadium located at Surf Coast Secondary College. This would create a four court facility which is preferred from both a user experience and operating efficiency perspective. This location would also significantly reduce the total land allowance required to be provided by Council for the purposes of a stadium and would allow land to be freed up for other purposes, including a future aquatic facility, other community use or to be sold. It is estimated that the size of the land utilised for the purpose of the stadium is 2,150 sqm.

Council-owned land to the north of the existing four netball courts is marked, in the Torquay Community and Civic Precinct Master Plan 2011, as the location for two additional courts. However, it is the view of officers that these outdoor courts will not be required and that any demand for additional netball courts can be satisfied by the provision of indoor courts.

## 4.2 Surf Coast Multi-purpose Indoor Stadium

A high level map of the precinct, including planning zones has been included for reference as an appendix.

The Victorian School Building Authority has informed officers that they will not support a facility being constructed across title boundaries due to the highly complex management and operational requirements. In addition the appropriate building permits could not be secured for a facility built across titles.

These issues can be overcome by the creation of a single title on which the facility would sit. This would require a sub-division and a decision as to which entity the new title would belong to.

Placing the title in the hands of the Department of Education and Training would:

- Maximise Council's grant opportunities (e.g. the Shared Facility Fund requires facilities to be built on current or future school sites)
- Ensure Surf Coast Secondary College can maintain student/land provision ratios set by the Department of Education and Training
- Ensure Surf Coast Secondary College retains annual funding associated with its existing court
- Place the asset on the State Government's balance sheet, however Council would retain liabilities associated with a Joint Use Agreement (e.g. maintenance or capital improvement obligations).

The Department has indicated support for the establishment of a 50 year Joint Use Agreement which is equal to the expected life of the asset. Joint Use Agreements are legal frameworks that determine the terms and conditions for shared **use** of public property or facilities. This critical document will ensure that access and use benefits accrue to both the broader community and the school. It will also set out obligations such as contributions towards maintenance and capital improvements. This new agreement would supersede the one already in place to govern Council's use of the existing single court facility as well as the school's use of Banyul Warri Fields.

This location will make the best use of available land that would otherwise be unusable as it is not required for future netball courts and is not considered to have a realisable value due to its size and location within the precinct.

The car park is estimated to be approximately 3,000 sqm and will be retained on Council owned land.

A ground floor concept schematic design for this site has been completed and has been attached as an appendix to this report. At its 8 December 2015 meeting Council resolved to retain sufficient land in the North Torquay Community and Civic Precinct for a future aquatic and health centre. Further Indoor Stadium concept and detailed designs will also consider the location of a possible future aquatic facility and will ensure that it can be located harmoniously with the stadium in order to minimise duplication of both operating and capital costs.

It is anticipated that the selected location will provide the highest community benefit, enable Council to maximise its opportunities to seek external funding and will ensure that the community can access the facility over the course of its lifetime.

### **Financial Implications**

The estimated cost of the project is \$13.5million, which includes funding from grants, developer contributions and direct Council contributions. The table below lists the budget assumptions which have been made with regard to the project.

<b>Funding Source</b>	<b>Allocation</b>
<b>Grants (minimum)</b>	\$3.0m
<b>Developer Contributions</b>	\$2.9m
<b>Council Contributions (maximum)</b>	\$7.6m
<b>Total Project Cost</b>	<b>\$13.5m</b>

It should be noted that the 2011 Torquay Jan Juc Developer Contribution Plan estimates were updated in 2014 and are currently under review with revised estimates expected to be available in late 2017.



## 4.2 Surf Coast Multi-purpose Indoor Stadium

Should the Better Indoor Stadium funding application for \$3million be successful, Council will commit up to \$10.5million of funding in the 2018/19 budget as its contribution funding to the project, from the following funding sources:

- a) \$2.9million from the Developer Contributions Cash Reserve; and
- b) \$7.6million from the DCP Council Funds Cash Reserve.

In the event that the cash balance in the nominated cash reserves are less than the amounts specified above, that for cashflow purposes Council will consider funding its contribution from the DCP Council Funds Cash Reserve through borrowings, with the required borrowings estimated to be up to \$3.9million.

Council's long term financial plan includes an allocation of \$400,000 per annum to service up to \$3.0million in borrowings over a period of 10 years. Borrowings may increase to \$3.9million should Council be successful in its Torquay Active Transport application to the 2016-17 Building Better Regions Fund. If successful, an allocation of \$520k per annum will be required in Council's long term financial plan to service the loan over a period of 10 years.

The detailed design and construction phases will not be initiated until at least \$3million in grant funding has been secured. The Better Indoor Stadiums Fund provides grants of up to \$3million and a successful grant application would commit Council to completing the project within 24 months. The grant funding round closes 16 August 2017 and it is anticipated that notification of successful announcements will be made in November 2017.

Additional external funding will continue to be sought in order to reduce Council's contribution to the project where applications are consistent with this report. This may include an application to the 2017-18 Shared Facility Fund that may open in September 2017 (not yet confirmed) with successful funding announcements made in May 2018. However, due to the requirements of the developer contributions plan and the Better Indoor Stadiums Fund, the project would commence if \$3m was secured through the 2017-18 Better Indoor Stadiums Fund.

It is also estimated that the stadium will operate at an annual operating deficit of \$30,000 per annum, averaged over ten years.

To date the project has expended \$50,000 which includes \$30,000 as part of the feasibility planning and \$20,000 as part of phase two, which was designed to progress the project to a more grant ready position. A further \$30,000 is requested in order to progress planning activities, additional design work, and to complete the grant application.

The total size of the land to be gifted to the Department of Education and Training is estimated to be 2,150 sqm. This has an approximate value of \$100,000 based on best available research. However, due to its location close to recreational facilities and its zoning for that purpose, it is unlikely that this parcel of land would be able to realise any value.

### **Council Plan**

Theme 4 Infrastructure  
Objective 4.1 Allocation of infrastructure according to need  
Strategy 4.1.1. Perform an infrastructure needs assessment to provide clarity to the community on how a fair distribution of infrastructure will be achieved.

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

### **Policy/Legal Implications**

There are no significant legislative or policy concerns at this time. All planning changes will take into account relevant legislation and public exhibition requirements.

Costs relating to public advertising of the planning changes have been included in the proposed \$30,000 allocation in order to ensure that the community is fully informed of the proposed planning changes.

## **4.2 Surf Coast Multi-purpose Indoor Stadium**

### ***Officer Direct or Indirect Interest***

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

### ***Risk Assessment***

A thorough risk assessment will be completed as part of the next phases for the project. It is noted that there are likely to be a number of construction and project related risks. At this point in time the key risk for Council is:

- Council has a commitment to develop an indoor stadium as per the Torquay Jan Juc Developer Contribution Plan. The developer contributions will assist in the funding of the project but substantial support is required from other levels of government to ensure Council's contribution can be accommodated in its long term financial plan.

### ***Social Considerations***

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

### ***Community Engagement***

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

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

A communication model has been developed which will focus on provision of information to the community and engagement with key stakeholders on the detailed design of the stadium and operational model.

The planning process will include a statutory exhibition period which will provide an opportunity for community input.

### ***Environmental Implications***

There are no significant environmental impacts relating to this project. While further environmental assessment will be completed as part of future project planning, it is noted that successful grant funding is contingent on inclusion of a number of environmental features within the design and it is expected that the building will be designed to reduce carbon, water and other wastes.

### ***Communication***

A full communications plan has been developed to inform the community of the upcoming project and to engage key stakeholders in design and operational matters. A number of channels will be utilised to facilitate communications with the community.

### ***Conclusion***

As a result of changing participation levels and demographic projections, Council identified the need to revalidate requirements for an Indoor Stadium in Torquay as previously identified in the Torquay Jan Juc Developer Contribution Plan 2011 and Torquay Community and Civic Precinct Master Plan 2011. The key finding from the needs analysis identifies an immediate demand for an additional one or two indoor courts in Torquay and confirms an indoor stadium with up to four additional courts will be required in the next ten years to meet demographic and participation growth. This was reinforced in April 2016 when a feasibility study was completed.

Council will now seek financial support via grant rounds, apply for planning changes and seek to develop an operational model in order to further progress the project.

### 4.3 SCS 032 COMPLAINTS POLICY

**Author's Title:** Coordinator Emergency Management      **General Manager:** Chris Pike  
**Department:** Environment & Community Safety      **File No:** F11/1126  
**Division:** Culture & Community      **Trim No:** IC17/439

**Appendix:**

1. SCS 032 Complaints Policy - June 2017 (D17/25430)
2. Revised Management Policy and Procedure - Complaints Handling MPP-006 - June 2017 (D17/27869)

**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 a new Complaints Policy for adoption.

#### **Summary**

The purpose of the Complaints Policy is to ensure that Surf Coast Shire Council outlines an open and transparent approach to handling complaints. It is intended to demonstrate that all complaints are handled fairly and objectively.

The Complaints Policy is based on the sound guidance of the Victorian Ombudsman. The intention is to provide an increased level of community confidence, in that Council recognises people's right to complain, and considers complaint handling to be part of the core business of serving the community and improving service delivery.

The Management Policy and Procedure – Complaints Handling is provided for transparency and will form the basis of information made available to the public regarding how to make a complaint and what steps will be followed by officers.

#### **Recommendation**

That Council:

1. Adopt the Complaints Policy – SCS 032.
2. Note the Revised Management Policy and Procedure – Complaints Handling

#### **Council Resolution**

**MOVED Cr Carol McGregor, Seconded Cr Libby Coker**

That Council:

1. Adopt the Complaints Policy – SCS 032.
2. Note the Revised Management Policy and Procedure – Complaints Handling.

CARRIED 9:0

### **4.3 SCS 032 Complaints Policy**

#### **Report**

##### ***Background***

The purpose of this policy is to ensure Surf Coast Shire Council outlines an open and transparent complaint handling system that ensures all complaints are handled fairly and objectively.

The existing Management Policy and Procedure has also been reviewed and is included for noting to give the policy operational context.

##### ***Discussion***

In September 2016 the Victorian Ombudsman released Complaints: Good Practice Guide for Public Sector Agencies. This guidance document has provided clear direction on complaint policy and procedure writing with a strong alignment to local government.

A review of the existing Management Policy and Procedure has been undertaken by a variety of officers from across the organisation assisted by recommendations from the Ombudsman's Good Practice Guide.

Officers will provide KPI-based performance reports to Council six-monthly. Such reporting will involve proactive analysis of complaint trends for continuous improvement purposes.

##### ***Financial Implications***

Not applicable.

##### ***Council Plan***

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

##### ***Policy/Legal Implications***

Development and adoption of this policy align with the requirement in the Local Government Amendment (Improved Governance) Act 2015.

##### ***Officer Direct or Indirect Interest***

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

##### ***Risk Assessment***

It is important that Council has a contemporary policy and practices to respond to complaints with a view to creating the conditions for fewer complaints over time. The presence of a policy and consistent processes will assist Council's position should any complaints be escalated to external bodies.

##### ***Social Considerations***

Not applicable.

##### ***Community Engagement***

Not applicable.

##### ***Environmental Implications***

Not applicable.

##### ***Communication***

The Council Policy and Management Procedure will be circulated throughout the organisation. Training will be delivered to ensure staff are appropriately equipped and supported to effectively manage complaints. Updated information on how to make a complaint, and the process for complainants will be made available on Council's website.

##### ***Conclusion***

The Complaints Policy will provide an increased level of community confidence that Council recognises people's right to complain, and considers complaint handling to be part of the core business of serving the community and improving service delivery. Council will receive bi-annual reports on the handling of complaints.

#### 4.4 OPEN SPACE STRATEGY 2016 - 2025 - YEAR 1 PROGRESS REPORT

**Author's Title:** Open Space Planning Coordinator      **General Manager:** Chris Pike  
**Department:** Recreation & Open Space Planning      **File No:** F14/1370  
**Division:** Culture & Community      **Trim No:** IC17/353

**Appendix:**

1. Open Space Strategy Action Item (D17/56520)

**Officer Direct or Indirect Conflict of Interest:**

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

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

#### **Purpose**

The purpose of this report is to receive and note an Open Space Strategy 2016 – 2025 – Year 1 progress report.

#### **Summary**

The Open Space Strategy 2016 – 2025 was adopted by Council on the 28 January 2016. It includes an action plan with high (1 – 2yr), medium (2 – 5yr), low (5+yr) and ongoing action priorities. These action items aim to improve the way Council undertakes its planning, development and management of highly important open space assets on behalf of the community. It includes recommendations relating to policy development, management and operational processes, partnerships, funding and budgets, and recreation environment and parks planning and delivery.

Some of the key achievements for Year 1 action plan implementation include:

- work has commenced on the development of a Commercial Use of Council Facilities policy and a Community Use of Council Facilities policy
- key directions from the strategy have been incorporated into numerous planning works including but not limited to the Spring Creek Precinct Structure Plan, the Aireys Inlet/Anderson Roadknight and Stribling Reserve Master plans, Anglesea Riverbank desktop review, as well as encroachment prioritisation works
- work has commenced on a desktop assessment of the current status of action items in existing master plans including recommendations for a reduction in the net cost of \$40M worth of outstanding actions items and is due for completion mid-2017. Council has resolved to consider making an annual allocation for Recreation and Open Space Projects in Council's Long Term Financial Plan via its adoption of the 2017 Stribling Reserve Master Plan
- budget allocation in 2016 of \$30,000 for a rolling program to remedy existing open space encroachments
- work has commenced work on an encroachment and fencing policy. Expected completion late 2017.

#### **Recommendation**

That Council receive and note the Open Space Strategy 2016 – 2025 Year 1 progress report.

#### **Council Resolution**

**MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy**

That Council receive and note the Open Space Strategy 2016 – 2025 Year 1 progress report.

CARRIED 9:0

## 4.4 Open Space Strategy 2016 - 2025 - Year 1 Progress Report

### Report

#### **Background**

The Open Space Strategy 2016 – 2025 was adopted by Council on 28 January 2016 with a progress report to be received annually. The strategy includes an action plan which will assist Council to move towards the key directions and outcomes within the strategy over its' lifetime (ten years).

The actions are categorised as either high, medium, low or ongoing. High priority recommendations should be undertaken as soon as resources allow, while medium (within 5 years) and low priorities (5 years or more) should follow, however still remain important for future provision. There are also several ongoing actions which need to be monitored over the life of the document.

#### **Discussion**

The Open Space Strategy 2016 – 2025 made a number of recommendations in the Action Plan based on the outcomes of community consultation as well as research and inspections throughout its' development. These recommendations cover several categories and mechanisms at Councils' disposal including:

- Policy development
- Management and operational processes
- Partnerships
- Funding and budgets
- Recreation environment and parks planning and delivery.

The recommendations in full are detailed in Appendix 1 (attached) whilst the following outlines some of the key achievements in Year 1 of implementation.

#### Category: Policies

*Action 1: Develop a policy for commercial and community use of Council owned and Crown land open space (in close collaboration with GORCC, Parks Victoria, DELWP and other open space land managers). Include consideration of commercial activities such as tour operators. (High 1 -2 years)*

A cross divisional team including staff from Recreation Planning, Open Space Planning and Governance Departments has been established to oversee the development of this policy work. Development of this policy work commenced in May 2016 with background research and benchmarking, internal staff consultation, a Councillor workshop and an external stakeholder workshop in December 2016. A draft commercial use of Council facilities policy was presented to 4 April 2017 Council briefing. Feedback from this briefing is being reviewed with further consultation planned with DELWP regarding specific applications of the Crown Land legislation for commercial tours. A revised commercial policy will be brought back to Council at a future date. A draft Community use policy is currently being prepared and expected to be presented at the 4 July 2017 Council briefing.

*Action 2: Develop a management procedure that private use and works are not to encroach on Council managed open space. Establish a rolling program to remedy existing encroachment. Develop a process to confirm applications adjacent to open space do not encroach before final signoff. Develop a fencing policy for the management of open space. (High 1 -2 yrs)*

A rolling program for resolution of existing encroachments commenced in 2016. The prioritisation process for developing which encroachments will be rectified in the immediate - long term has commenced which will guide annual expenditure. The guiding principles from the Open Space Strategy have been used to form part of the prioritisation process and evaluation matrix. The development of an encroachment policy including fencing has commenced and is expected to be presented to Council in late-2017.

#### Category: Management and operational processes

*Action 11: Incorporate climate change implications into future open space planning, design and management. (High 1 – 2 years)*

Climate change considerations have been included in the following projects:

- Stribling Reserve Master plan
- Anderson Roadknight Master plan
- Anglesea Riverbank desktop review (internal).

*Action 12: Review and allocate land managers for the open space classification system outlined in the Strategy. (High 1 – 2yrs).*

#### 4.4 Open Space Strategy 2016 - 2025 - Year 1 Progress Report

All land managers have been allocated as per the revised classification system in the Open Space Strategy 2016 – 2025.

*Action 15: The Open Space Planning Committee will review, prioritise and update actions from this Strategy as part of developing its annual work plan. (Ongoing)*

The internal Open Space Planning Committee consisting of Managers from a number of Departments agreed the prioritised Year 1 – 2 actions in its meeting on the 30 May 2016.

*Action 17: Retain current proportion of net developable area in residential areas being allocated to open space as per schedule 52.01 in the Planning Scheme. (Ongoing)*

All development applications internally referred as part of the planning process have been consistently assessed against the requirements in Schedule 52.01 of the Planning Scheme for open space contribution.

Category: Partnerships, funding and budgets

*Action 24: Incorporate the directions from the Strategy into wider operational planning. Ensure resource allocations reflect the maintenance and upgrade requirements necessary to sustain the quality open space network developed. Review current divisions of expenditure for open space including funds allocated for playgrounds, pathways and environmental areas. (High 1 – 2 years)*

The Anderson Roadknight and Aireys Inlet Primary School Master plans include recommendations that are based on demonstrated needs that are considered modest and achievable with regard to financial requirements. An interim review of the Playground Strategy 2011 (five year point) commenced in April 2017 and the approved project charter includes an assessment of previous financial allocations, particularly for maintenance and renewal works. The aim is to ensure that these figures are consistent to meet the maintenance and upgrade requirements necessary to sustain these facilities to a level that contributes to a high quality open space network.

*Action 25: Consider establishing a dedicated annual CAPEX and new initiatives budget for open space. (High 1 -2 years)*

The resolution for the Stribling Reserve master plan at the 25 May 2017 Council meeting included the consideration of an annual allocation for Recreation and Open Space Projects in Council's Long Term financial Plan during the preparation of the 2018/2019 budget.

*Action 32: Ensure the Open Space Reserve Fund continues to be allocated to projects providing a long-term strategic benefit. (Ongoing)*

Work has commenced on an update of the Management Policy and Procedure for the Open Space Reserve Fund (MPP-034) which is to be completed mid – late 2017.

Category: Recreation, Environment and Parks planning and delivery

*Action 34: The Open Space Strategy is to be the lead document for open space decision making. Planning Scheme references to the Open space Strategy should be updated to the 2016 – 2025 version. Additionally, key directions should be incorporated at the new review of the Planning Scheme. When documents such as the Playground Strategy and Pathway Strategy (etc) are due for review, Open Space Strategy guiding principles and actions should be considered as key input. (High 1 – 2 years)*

The interim review of the Playground Strategy has commenced and will be updated to include the new guiding principles from the adopted Open Space Strategy 2016 - 2025. The Playground Strategy Review will be completed in the final quarter of 2017.

*Action 35: Review and renew existing master plans via an annual desktop assessment. The focus will be on master plans that have a high risk, opportunity and complexity. Based on current resources, Council will conduct one new and one review master plan process at a district/precinct level or above annually. Review and prioritise the implementation of outstanding master plan actions in accordance with the principles and goals of this strategy. (High 1 -2 years)*

A review of existing master plan action items has commenced which is seeking to reduce the current commitment of \$40Million (refer p. 56 of the Open Space Strategy). It is expected that this will be brought to Council for consideration later in 2017.

A review of the master plans applicable to the Anglesea Riverbank at a precinct level is currently being undertaken via an internal desktop assessment due for completion in mid 2017. It is expected that the outcomes and recommendations of this project will be presented to Council later in 2017.

#### **4.4 Open Space Strategy 2016 - 2025 - Year 1 Progress Report**

*Action 41: Use the gap analysis in this Strategy to guide land acquisition and banking considerations. (Ongoing)*

The draft 2017 – 2018 Council budget allocates \$52,000 to a Social Infrastructure Needs Study for Torquay – Jan Juc. The study will include an investigation of the projected shortfall in open space from the Open Space Strategy 2016 – 2025 by 2036 for the precinct. This project will identify suitable locations within the Torquay/Jan Juc precinct for this shortfall to be accommodated.

##### **Financial Implications**

The majority of the action items completed or currently in progress have been undertaken within existing resources. The success of this has been a result of high collaboration between internal departments and external agencies. There are two exceptions where financial contributions for completion have been required, specifically the \$30,000 funding allocated to the rolling program for rectification of encroachments and the proposed \$52,000 in the draft 2017/18 budget for the Social Infrastructure Needs Study for Torquay – Jan Juc.

##### **Council Plan**

Theme 1 Environment  
Objective 1.4 Protect public open space and green belts  
Strategy 1.4.1 Review Surf Coast Shire Open Space Strategy.

Theme 3 Communities  
Objective 3.3 Preservation of peaceful, safe and healthy environments  
Strategy 3.3.6 Maintain, enhance and develop community and recreational facilities to improve community wellbeing.

Theme 4 Infrastructure  
Objective 4.2 Accessible and well maintained Council facilities  
Strategy 4.2.2 Review of master plans to determine deficiencies.

##### **Policy/Legal Implications**

Several policy gaps have been identified in the Open Space Strategy 2016 – 2025 document. A cross divisional team including staff from Recreation Planning, Open Space planning and Governance has been established to oversee the development of this policy work in conjunction with other policy work being undertaken within the organisation such as the Lease and Licence Policy. The high priority policy work for years 1 – 2 includes commercial and community use of public open space which is complex. There is a large amount of liaison with external agencies and stakeholders necessary to get these positions right for the community and users.

##### **Officer Direct or Indirect Interest**

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

##### **Risk Assessment**

Implementation of the action items in the Open Space Strategy 2016 – 2025 will require consistent monitoring and proactive processes backed by strong leadership, appropriate resourcing and a commitment from Council. If the actions are not implemented the organisation is at risk of not meeting several of its key strategic objectives in the current Council Plan including protection of public open space and greenbelts, preservation of peaceful safe and healthy environments and appropriate allocation of infrastructure according to need. The vision in the Open Space Strategy 2016 – 2025 is to 'continue to deliver high quality, connected and sustainable open space that will provide the community with environmental, social, health and economic benefits. This will further enhance the Surf Coast's reputation as a destination renowned for its diversity of outdoor recreation experiences'. Without implementing the action items in the strategy efficiently and effectively we will not be able to sustain this vision.

##### **Social Considerations**

Open space is a highly valued asset by all members of the community and visitors alike. It is fundamental in its ability to provide for participation and enjoyment in recreational pursuits as well as environmental benefits such as provision of habitat, protection of flora and fauna and the effects and impacts of future climate change. It provides places for people to learn, grown and connect. Ensuring ongoing implementation of the action items in the strategy will protect these assets for future generations to come.



#### **4.4 Open Space Strategy 2016 - 2025 - Year 1 Progress Report**

##### ***Community Engagement***

Individual community engagement plans have already or will continue to be prepared as required for each action item.

##### ***Environmental Implications***

The outcomes of many of these action items will result in a net improvement in the planning, development and management of the highly important open space assets resulting in more positive and consistent environmental outcomes.

##### ***Communication***

Communication on the status of the various action items is achieved via direct external stakeholder and internal staff contact.

##### ***Conclusion***

The Open Space Strategy 2016 – 2025 was adopted by Council on 28 January 2016 with a progress report to be received annually. The strategy includes an action plan which will assist Council in moving toward the key directions and outcomes within the strategy over its' lifetime (ten years). Year 1 has focussed on a mix of high priority action items as well as some of the ongoing actions. The aim is to complete the high priority actions currently in progress by the end of year 2 and maintain momentum with the ongoing actions as required. Success of completion is largely reliant on maintaining open communication and collaborative processes both internally and externally to continue to achieve positive outcomes.

## 5. Minutes

### 5.1 SECTION 86 COMMITTEE MINUTES

**Author's Title:** Administration Officer

**General Manager:** Chris Pike

**Department:** Governance

**File No:** F11/142

**Division:** Governance & Infrastructure

**Trim No:** IC17/601

#### Appendix:

1. Planning Committee Minutes - 1 May 2017 (D17/62598)
2. Stribling Reserve Committee of Management Meeting Minutes – 8 May 2017 (D17/59973)
3. Globe Theatre Committee of Management Meeting Minutes – 9 May 2017 (D17/56267)
4. Hearing of Submissions Minutes - 9 May 2017 (D17/55605)
5. Modewarre Memorial Hall & Reserve Committee Meeting Minutes - 17 May 2017 (D17/63773)
6. Anglesea Bike Park Committee of Management Meeting Minutes - 24 May 2017 (D17/62663)
7. Hearing of Submissions Minutes - 30 May 2017 (D17/65016)

#### 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 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 - 1 May 2017.
2. Stribling Reserve Committee of Management Meeting - 8 May 2017.
3. Globe Theatre Committee of Management Meeting - 9 May 2017.
4. Hearing of Submissions - 9 May 2017.
5. Modewarre Memorial Hall & Reserve Committee Meeting - 17 May 2017.
6. Anglesea Bike Park Committee of Management Meeting - 24 May 2017.
7. Hearing of Submissions - 30 May 2017

#### Council Resolution

##### **MOVED Cr David Bell, Seconded Cr Martin Duke**

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

1. Planning Committee - 1 May 2017.
2. Stribling Reserve Committee of Management Meeting - 8 May 2017.
3. Globe Theatre Committee of Management Meeting - 9 May 2017.
4. Hearing of Submissions - 9 May 2017.
5. Modewarre Memorial Hall & Reserve Committee Meeting - 17 May 2017.
6. Anglesea Bike Park Committee of Management Meeting - 24 May 2017.
7. Hearing of Submissions - 30 May 2017.

CARRIED 9:0

## 5.2 ADVISORY COMMITTEE MINUTES

**Author's Title:** Administration Officer

**General Manager:** Anne Howard

**Department:** Governance

**File No:** F17/285

**Division:** Governance & Infrastructure

**Trim No:** IC17/179

### Appendix:

1. All Abilities Advisory Committee Meeting Minutes - 26 April 2017 (D17/50624)
2. Audit & Risk Committee Minutes - 16 May 2017 (D17/64093)

### 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. All Abilities Advisory Committee Meeting – 26 April 2017 .
2. Audit & Risk Committee Meeting – 16 May 2017.

### Council Resolution

#### **MOVED Cr Rose Hodge, Seconded Cr Libby Coker**

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

1. All Abilities Advisory Committee Meeting – 26 April 2017 .
2. Audit & Risk Committee Meeting – 16 May 2017.

CARRIED 9:0

## 6. Assemblies of Councillors

### 6.1 ASSEMBLIES OF COUNCILLORS

**Author's Title:** Administration Officer

**General Manager:** Anne Howard

**Department:** Governance

**File No:** F17/285

**Division:** Governance & Infrastructure

**Trim No:** IC17/552

**Appendix:**

1. Assembly of Councillors - Council Briefing - 23 May 2017 (D17/61791)
2. Assembly of Councillors - Council Briefing - 6 June 2017 (D17/66380)
3. Assembly of Councillors - Council Briefing - 13 June 2017 (D17/69129)

**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 - 23 May 2017.
2. Council Briefing - 6 June 2017.
3. Council Briefing - 13 June 2017.

### **Council Resolution**

#### **MOVED Cr Clive Goldsworthy, Seconded Cr Carol McGregor**

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

1. Council Briefing - 23 May 2017.
2. Council Briefing - 6 June 2017.
3. Council Briefing - 13 June 2017.

CARRIED 9:0

**7. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION**

**8. CLOSED SECTION**

**Council Resolution**

**MOVED Cr Carol McGregor, Seconded Cr Libby Coker**

That Council pursuant to section 89(2)(h) other matters and section 89(2)(d) contractual matters of the Local Government Act 1989, close the meeting to members of the public to resolve on matters pertaining to the following items:

**8.1 ASSEMBLIES OF COUNCILLORS**

**8.2 KERBSIDE GARDEN ORGANICS RECEIVAL AND PROCESSING - CONTRACT 17/011**

**8.3 PROVISION OF TRAFFIC MANAGEMENT SERVICES - CONTRACT T17-012**

**8.4 WINCHELSEA INDEPENDENT LIVING UNITS**

CARRIED 9:0

**Council Resolution**

**MOVED Cr Libby Coker, Seconded Cr Carol McGregor**

That:

1. The resolutions and reports pertaining to Confidential item 8.1, 8.2 and 8.3 remain Confidential.
2. The resolution pertaining to Confidential item 8.4 be made public and the report remain Confidential.
3. Council open the meeting to the public at 8:22pm.

CARRIED 9:0

**8.4 Winchelsea Independent Living Units**

**Council Resolution**

**MOVED Cr Heather Wellington, Seconded Cr Carol McGregor**

That Council:

1. Determine to cease providing housing services in Winchelsea if agreement can be reached with a suitable alternative provider.
2. Commence the process to transfer the Council owned units in Winchelsea to Hesse Rural Health as per the terms contained within this report.
3. Notify the public of Council's intention to transfer the units to Hesse Rural Health.
4. Receive a report following the public notification period to consider its options at that stage of the process.
5. Determine this resolution to no longer be confidential.

CARRIED 9:0

**Close:** There being no further items of business the meeting closed at 8:24pm.