



Minutes

Ordinary Meeting of Council Tuesday, 28 March 2017

Revised 12 April 2017 to include Item 8.4

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

Council:

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

MINUTES FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 28 MARCH 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 – Phil Rowland
Manager Planning & Development – Bill Cathcart
Manager Community Relations – Damian Waight
Manager Information Management – Neil McQuinn
Communications Officer – Kate Fowles
Team Leader Governance – Daniella Vasiloski

34 members of the public
1 member of the press

OPENING:

Cr Brian McKitterick 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 Rose Hodge 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 Rose Hodge

That Council note the minutes of the Ordinary meeting of Council held on 28 February 2017 as a correct record of the meeting.

CARRIED 9:0

LEAVE OF ABSENCE REQUESTS:

Cr Heather Wellington advised she will be taking leave of absence from 22 April to 1 May 2017.

CONFLICTS OF INTEREST:

Nil

PRESENTATIONS:

Nil

PUBLIC QUESTION TIME:

Questions with Notice:

Question received from Brock Thomson of Torquay.

Question 1: Rabbits

"I live on a farming property opposite Ocean Acres. I am diligent in my efforts to control rabbits, which if uncontrolled cause enormous, sustained environmental damage. I understand Council works with Landcare Groups to coordinate rabbit control across the Shire. Is Council aware that Ocean Acres and areas along Dickens Road is infested with rabbits and that many of the residents, who generally do not come from rural backgrounds, are unaware of their obligation to control rabbits on their land, the usual approaches to controlling them and the environmental risks of not doing so. Are Councilors also aware that rabbits roam considerable distances from their home bases and that rabbits thriving in rural residential areas pose a great threat to our farming business and rural environment.

It is particularly important that rabbit populations are knocked down as much as possible now, in conjunction with the release of the new Calici virus.

Would Council please consider:

- develop a communication program to ensure all residents of Ocean Acres are informed of their legal obligation to control rabbits and the accepted means of doing so. This should include a letter drop to all residents and a forum for residents, perhaps in the public open space area at Ocean Acres (with appropriate notice to residents)
- link residents of Ocean Acres with their local Landcare group
- facilitate a meeting between residents and the appropriate State Government department
- ensure rabbits are properly controlled in any areas it is responsible for managing in Ocean Acres
- take any other measures possible to ensure workable interfaces between farmland and rural residential land in the Shire" (sic)
- Inform Blackgate residents.

Phil Rowland, General Manager - Environment & Development responded:

Council acknowledges that wild rabbits are a destructive pest posing a great threat to our farming businesses and natural environment. It is also recognised that many local landholders are capable and diligent in controlling rabbits on their land while others are not.

In 2016 Council worked with local Landcare groups, rabbit management experts and other community members to develop and adopt a Rabbit Management Policy for our Shire, which we and others are now in the process of implementing. Council has a significantly expanded program of works for 2016/17 including on rabbit hotspots which have been identified in accordance with the Policy and relevant Landcare groups in the Shire.

For the past few years, Council has been undertaking rabbit management works including warren destruction and surface harbour removal on land it manages at Ocean Acres nature reserve and along Dickens Rd. These works are ongoing and subject to normal review processes. Officers will be pleased to meet Mr Thomson to review the rabbit management issues in the Ocean Acres and Dickens Rd areas and discuss possible actions including those raised by Mr Thomson. We would also invite Torquay Landcare and Surf Coast and Inland Plains Network to join this meeting.

Question 2 & 3 received by Jodie Oliver

Question 2: Wildlife

What does the Surf Coast Shire have in place to protect Wildlife?

Phil Rowland, General Manager - Environment & Development responded:

The protection of native wildlife is primarily the responsibility of the state Department of Environment, Land, Water and Planning under the Wildlife Act 1075. However, Council supports the protection of wildlife in many ways:

- a. through the protection of wildlife and their habitat on Council managed reserves throughout the Shire,
- b. funding fauna surveys on Council land by the Geelong Field Naturalists,
- c. signage in various areas such as awareness signage of local species, warnings on roadsides and signage discouraging the feeding of native wildlife in townships,
- d. revegetation to extend or improve habitat,
- e. contributing to fox control in hooded plover areas,
- f. direct advice to residents dealing with wildlife issues such as native rodents, snakes and birds. (sic)

Question 3: Wildlife

Can the Surf Coast Shire reduce the speed limit to 60km around the entire one-way detour during the 2017 Rip Curl Pro Surfing Event? (sic)

Phil Rowland, General Manager - Environment & Development responded:

There is a Traffic Management Plan in place each year for the Rip Curl Pro. This year the 40km/hr (not 60km/hr as suggested in the question) zone in the detour area has been extended with new sections on Bones Road, Bells Boulevard (from Sunset Strip) and Jarosite Road. Therefore the 40km/hr speed limit now covers the majority of the detour. This year an emergency and athlete access lane has also been added to the detour and this will assist with keeping vehicles to the signed temporary speed limit. (sic)

Questions 4 & 5 received by Abe Myers of Bellbrae

Question 4: Activities at 240 Portreath Road

I understand that a permit is required for works that change the rate of flow of water across a property boundary. I also understand that there is an exemption to this if a permit is required under the water act.

Can you tell me:

1. In your opinion, do the dams on the property at 240 Portreath Rd, change the rate of flow across the property boundary?
2. Do the existing roads and tracks on this property change the rate of flow of water on this property?
3. Do you know if a permit is required for the dams on this property under the water act? (sic)

Phil Rowland, General Manager - Environment & Development responded:

There is a relationship between the Water Act and the Planning Scheme. Southern Rural Water (SRW) is the agency responsible for implementing the Water Act in this region and also the issuing and monitoring of water licences in the region. Council understands that there is a licence on the property in question and is seeking more information from SWR on that licence and the obligations that flow from that. Council should have that information in the 10 days.

Question 5: Activities at 240 Portreath Road

Will the shire assist residence by facilitating a meeting between the residence and Southern Rural Water so we can better understand the water act? (sic)

Phil Rowland, General Manager - Environment & Development responded:

Response provided in question 4.

Questions 6 & 7 received by Deb Myers of Bellbrae

Question 6: Activities at 240 Portreath Road

In light of the fact that we have been told that the carting of soil in and out of 240 Portreath Rd is for the maintenance of dams and roads associate to the yabby farm. Would not all issues around trucks carting soil in and out be solved if he just used his own soil from his own dams for maintenance of his property with no need to cart soil in or out? (sic)

Phil Rowland, General Manager - Environment & Development responded:

I'd take the first statement as an opinion in relation to the merits of moving soil material from and on to the site.

Question 7: Activities at Portreath Road

As there is an ongoing investigation into the activities at 240 Portreath Rd Bellbrae which will take into account any breaches to previous existing planning permits, would it be best that the council cease to continue to remove soil from this property until the outcome of the investigation is known? (sic)

Phil Rowland, General Manager - Environment & Development responded:

Council officers are currently finalising review of the existing planning permits that date back some years on this site to the early 2000's and to be clear about the extent of works that have been undertaken and the obligations of the landowner that were present at the time and remain. This will be known in the next week or so and any follow up actions will depend on the outcome of those investigations.

Questions 8 & 9 received by Noel Myers of Bellbrae

Question 8: Activities at Portreath Road

The fact that the Surf Coast shire, through a contractor, are removing up to 1000 tonnes a day to the Anglesea Landfill site, do you think that the shire officers have a direct/indirect conflict of interest with regard to our petition about soil carting from 240 Portreath Rd Bellbrae? (sic)

Keith Baillie, CEO responded:

In relation to the potential for Council Officers to have a conflict of interest, Council officers with responsibility for the landfill remediation contract are in the Waste Department and for the planning permit requirements are in the Planning Department: additionally these Departments are in different Council divisions reporting to different General Managers. The relevant officers are fulfilling the responsibilities of their respective roles and I believe do not have any conflict of interest.

Question 9: Permit

Have the appropriate permits been sort for disturbance of aboriginal heritage land on this site?

Phil Rowland, General Manager - Environment & Development responded:

Question taken on notice. A written response will be provided to Mr Myers.

Questions without Notice:

Questions 10 asked by Noel Myers of Bellbrae

Question 10: Road Works Signage

Can Council tell me what standards are in place for the maintenance erections and removal of temporary road signs advising of road works ahead even though there are no road works? (sic)

Anne Howard, General Manager – Governance & Infrastructure responded:

Traffic management arrangements are dealt with under the Road Safety (Traffic Management) Regulations, 2009. The circumstances relating to cartage of soil on Portreath Rd do not have an exact match to scenarios in the regulations, but it was recognised that there are changed circumstances to what road users might be used to due to the truck movements. Whilst acknowledging that road works are not actually occurring, the road works signage implemented is viewed as an appropriate mechanism to raise awareness of road users to the higher levels of traffic and changed conditions that they might encounter.

Question asked by Geoffrey Drury of Bellbrae.

Question 11: Petition re Newcomb Sand & Soil

Given that the age residents of Kithbrooke Park Country Club have been suffering noise, dust and possibly toxic fumes from production of compost for almost 2 years and Aged Care facility adjacent to this garden centre in a few months. What timeframe is the Council working on to bring this matter to a conclusion?

Phil Rowland, General Manager - Environment & Development responded:

Council officers are following a legal process to resolve this matter as soon as possible. Given that it is a legal process it is not possible to provide a timeframe. Council is working on bringing it to a conclusion as soon as we can. Council has met periodically with residents of Kithbrooke Park Country Club and there was a meeting last week with representatives, residents and senior officers to provide an update.

Question asked by Colin Fowler of Torquay.

Question 12: Boundary 1km West of Duffields Road

Is it true that the Spring Creek Development Boundary is actually 1.6kms west of Duffields Rd and not the 1km that we were led to believe?

Phil Rowland, General Manager - Environment & Development responded:

The 1km distance that's been referred to is measured from the Northern end of Duffields Road and when measured further south the distance is 1.4km. The Northern end is the distance that's always been referred to by the panel and through the planning process and it is 1km.

Question 13: Circus Policy

Question asked by Andy Meddick - Western Regional Leader of the Animal Justice Party. (AJP)

Mr Meddick read out a statement to Council citing the AJP's objection to the circus performance scheduled to be held 31 March 2017 followed by the question below.

I ask that Council make changes to the Circus Policy to include all animals including what are regarded as "domesticated" including rodeo and to make those changes retrospective, so as to facilitate the ability of the Building Department to refuse the event permit?

Phil Rowland, General Manager - Environment & Development responded:

Council adopted the Circus policy in December 2014, which is due for review. So I anticipate that process would commence shortly and Councillors will need to make a decision whether or not to continue with the policy of this nature. For the benefit of the gallery the purpose of the policy is to outline that Council will not support Circuses or other events with caged or restrained wild or exotic animals to be located or performed on Council owned or managed land. Definition of a wild or exotic animal is any non-domesticated animal.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council consider Item 3.2 Planning Scheme Amendment C114 – Spring Creek Precinct Structure Plan and Item 3.3 Petition in Relation to Activities Occurring at 240 Portreath Road, Bellbrae at this point in the Agenda for the benefit of the gallery present.

CARRIED 9:0

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Author's Title: Senior Strategic Planner

General Manager: Phil Rowland

Department: Planning & Development

File No: F16/734

Division: Environment & Development

Trim No: IC17/191

Appendix:

1. Amendment C114 Panel Report (D17/13890) →
2. Response to Panel Recommendations (D17/29040) →
3. Schedule of Further Work (D17/29085) →

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive the report of the independent Panel on Planning Scheme Amendment C114 and to consider the Panel recommendations.

Summary

Planning Scheme Amendment C114 seeks to implement the Spring Creek Precinct Structure Plan, which covers an area of approximately 245 hectares extending generally one kilometre west of Duffields Road, Torquay. The amendment was placed on public exhibition from 26 May until 27 June 2016. A total of 80 submissions were received. Key issues raised in submissions include the residential densities, size of the neighbourhood activity centre, extent of native vegetation retention/removal, provision and extent of public open space, conservation reserves, creek buffers and drainage reserves, the nature of the residential design controls, road network and intersections, rural-urban interface and future growth beyond the PSP boundary.

At its meeting on 23 August 2016, Council resolved to request the Minister for Planning to appoint an independent Panel to review all submissions and the overall merit of the amendment. The Panel Hearing was held on 2, 3, 4, 7 and 10 November 2016. The Panel report (Appendix 1) was received on 23 January 2017 and has been made public pursuant to Section 26 of the *Planning and Environment Act 1987*. The Panel recommends that the amendment be adopted as exhibited subject to changes.

In response to the Panel recommendations, officers recommend that further work be undertaken prior to finalisation of the Precinct Structure Plan and Amendment C114.

Recommendation

That Council:

1. Receive and note the Panel Report on Planning Scheme Amendment C114.
2. Note that the Panel Report has been made public pursuant to Section 26 of the Planning and Environment Act 1987.
3. Having considered the Panel recommendations, endorse the Schedule of Further Work appended at Appendix 3 and the position on each recommendation as stated in this report and in Appendix 2.
4. Reaffirm Torquay's western town boundary at its current location (i.e. at a line generally one kilometre west of Duffields Road) and the retention of a green break between Torquay and Bellbrae as per current policy in the Surf Coast Planning Scheme; and do not undertake any further investigation into low density or conventional residential development to the west of the settlement boundary.
5. Note that officers will prepare a report for a future Council meeting to consider formal adoption of Planning Scheme Amendment C114 following completion of the further work on the particular matters nominated.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Carol McGregor

That Council:

1. Receive and note the Panel Report on Planning Scheme Amendment C114.
2. Note that the Panel Report has been made public pursuant to Section 26 of the Planning and Environment Act 1987.
3. Having considered the Panel recommendations, endorse the Schedule of Further Work appended at Appendix 3 and the position on each recommendation as stated in this report and in Appendix 2.
4. Reaffirm Torquay's western town boundary at its current location (i.e. at a line generally one kilometre west of Duffields Road) and the retention of a green break between Torquay and Bellbrae as per current policy in the Surf Coast Planning Scheme; and do not undertake any further investigation into low density or conventional residential development to the west of the settlement boundary.
5. Note that officers will prepare a report for a future Council meeting to consider formal adoption of Planning Scheme Amendment C114 following completion of the further work on the particular matters nominated.

Division

Councillor *Cr Heather Wellington* called for division, and votes were recorded as follows:

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

CARRIED 8:1

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Report

Background

Planning Scheme Amendment C114 seeks to implement the Spring Creek Precinct Structure Plan (PSP), which covers an area of approximately 245 hectares extending generally one kilometre west of Duffields Road, Torquay. The amendment was placed on public exhibition from 26 May until 27 June 2016. A total of 80 submissions were received. Key issues raised in submissions include the residential densities, size of the neighbourhood activity centre, extent of native vegetation retention/removal, provision and extent of public open space, conservation reserves, creek buffers and drainage reserves, the nature of the residential design controls, road network and intersections, rural-urban interface and future growth beyond the PSP boundary.

At its meeting on 23 August 2016, Council resolved to request the Minister for Planning to appoint an independent Panel to review all submissions and the overall merit of the amendment. The Panel Hearing was held on 2, 3, 4, 7 and 10 November 2016. The Panel report (Appendix 1) was received on 23 January 2017 and has been made public pursuant to Section 26 of the *Planning and Environment Act 1987*. The Panel recommends that the amendment be adopted as exhibited subject to a number of changes and reviews.

The Panel recommendations are discussed below and a targeted response to each of the 47 recommendations is provided in Appendix 2. In response to the Panel recommendations, officers recommend that further work be undertaken for some items prior to finalisation of the Precinct Structure Plan. An overview of the proposed work is provided in Appendix 3.

Discussion

Overall the Panel supports Amendment C114. It finds that the amendment is well founded and strategically justified and that the PSP and Urban Growth Zone Schedule (UGZ1) provide a sound framework and mechanism to manage land use and development within the precinct, subject to a number of changes to address specific issues.

The key issues raised by the Panel are:

- the PSP should not preclude the potential for urban development further to the west of the PSP boundary and land to the south-west should be marked as a "Strategic Investigation Area"
- signalisation of the Great Ocean Road/Strathmore Drive East intersection is potentially a superior solution compared to staggered un-signalised T-intersections. The decision to delete the signalised intersection should be reviewed
- the allocation of passive open space is overly generous, which is mainly a result of the very wide creek buffers. Council should review the provision of open space, including the width of waterway buffers, and determine how active open space needs will be met.
- the overall dwelling density should be increased from the proposed 10 dwellings per hectare to 12-13 in order to more meaningfully deliver greater housing diversity. This can be achieved by increasing the number of 500-600m² sized lots within walking distance of the neighbourhood centre and private school (Christian College).

The Panel was critical of the Community Panel process, stating "planning for new growth is not a popularity contest". The Panel commends Council for its innovative approach in engaging the public in a planning process, but considers that the process has resulted in an aspirational outcome that lacks planning rigour or a clear rationale. It also notes the tension between development and anti-development parties and the dissatisfaction with the process from both. This opinion should be considered in the context of the Panel's overall support of the amendment and that it has found the planning exercise in its totality to be strategically justified. Also of note is that the Community Panel received a High Commendation in the Community Partnerships Initiative category of the recent LGPro Awards for Excellence.

Western growth boundary

The Panel questions the status of the western boundary as the ultimate growth boundary and considers that Council should not preclude the potential for urban growth further to the west. It states that links to the west should be shown on the PSP and that the area to the south-west (owned by Rural Estates) should be designated as a "Strategic Investigation Area". It urges Council to "think appropriately" about the next phase of growth post planning for the PSP area and not to ignore "a valid, proven and tested strategic planning history for the western precinct". The Panel also recommends that the urban growth potential of the balance of the valley be considered with appropriate community engagement as part of the Hinterland Futures Project, which is currently being undertaken.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

This recommendation is outside the scope of the amendment and it is considered that the Panel has gone beyond its terms of reference. There also appears to be an incomplete understanding of the outcomes of Amendment C66 and the Ministerial Amendment C95.

Urban growth further to the west is not contemplated by any of Council's strategic planning policies, including the Sustainable Futures Plan 2040 (both the 2012 version referenced in the Planning Scheme and the adopted 2014 version). A change to the Torquay Jan Juc Framework Plan at Clause 21.08 was not entertained by the former Minister for Planning upon rezoning of the 1km west area to Urban Growth Zone. Through changes to the Council adopted version of Amendment C66 and Ministerial Amendment C95 the Minister placed the settlement boundary 1km west of Duffields Road and supported Council's intention to plan for a green break between Torquay and Bellbrae and to identify areas to the north-west of Messmate Road and north-east of Torquay for future urban growth. These are clearly stated in the planning scheme at Clause 21.08.

In addition, it is also unclear why, in the Panel's view, land to the south-west should be designated as a Strategic Investigation Area, without allocating the same status to land on the north side of Spring Creek.

Following the receipt of the Panel Report a further submission was received from a group of landowners on the south side of Grossmans Road to the west of the PSP area ("Grossmans Road South Landholders Group"). The group requests that Council consider rezoning the area in question to Low Density Residential Zone due to the perceived impact of urban development on the rural amenity and business activities of affected properties. As discussed above, residential development further to the west is inconsistent with current policy to retain a green break between Torquay and Bellbrae.

Officer Recommendation:

- strongly reject Panel Recommendations 3 and 4
- not support the request of the Grossmans Road South Landholders Group to consider low density residential development to the west of the PSP area
- reaffirm Torquay's western town boundary at its current location (i.e. at a line generally one kilometre west of Duffields Road) and the retention of a green break between Torquay and Bellbrae as per current policy in the Surf Coast Planning Scheme.

Road Network

In relation to the proposed road network, the Panel considers that signalisation of the Great Ocean Road/Strathmore Drive East intersection as proposed in the exhibited PSP will potentially provide a superior outcome compared to a staggered un-signalised left in/left out T-intersection as put forward by Council in response to the VicRoads submission.

The Panel recommends that Council review the decision to delete the signalised intersection and determine the option which provides the highest standard outcome in terms of accessibility into the Spring Creek precinct, safety including for pedestrian and cyclists crossing the Great Ocean Road and the traffic impact on the surrounding streets. In the event that Council reaffirms its decision to replace the signalised intersection at Strathmore Drive East with a staggered T-intersection, the Panel recommends:

- realignment of the north-south connector road to create a T-intersection approximately midway between Strathmore Drive East and Torquay Boulevard, and designation of the road as a Local Access Street Level 2
- provision of an additional connection to Duffields Road south of Ocean View Crescent (subject to consideration of sight distance and vegetation issues)
- provision of a pedestrian crossing on the Great Ocean Road in the vicinity of Strathmore Drive East. This may be a pedestrian refuge in the interim and a signalised crossing in the longer term when warranted by pedestrian and traffic volumes.

To support its position at the Panel hearing, Council commissioned Traffix Group to review the alternative T-intersection option. The assessment found that a T-intersection would work with all roads in the surrounding area functioning to an acceptable level, however, it would deliver a lesser standard of accessibility for pedestrians and cyclists wishing to cross the Great Ocean Road, increase the risk of crashes, potentially increase delays on the Great Ocean Road compared to a signalised intersection, and lead to higher volumes of traffic on Duffields Road, Ocean View Crescent and Torquay Boulevard. The review also noted that the alternative T-intersection arrangement was not in accordance with VicRoads' guidelines for new growth areas, which favour cross intersections on arterial roads.

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At a meeting between Council and VicRoads held on 7 March 2017, VicRoads confirmed its preference for an un-signalised T-intersection. VicRoads is confident that such an arrangement would work satisfactorily in combination with a pedestrian crossing (pedestrian refuge in the short term and pedestrian activated signals in the longer term).

In deciding on the preferred access arrangement, relevant matters for Council to consider include:

- the cost of providing signals. If signals are provided at Strathmore Drive East as proposed in the exhibited PSP, they will become a Development Contributions Plan (DCP) item funded by developers. If Council decides to adopt an un-signalised intersection and traffic conditions in the future become such that signals need to be provided to ensure the safe operation of the intersection, VicRoads would be the responsible authority for providing signals. VicRoads rely on state wide funding programs such as the 'Blackspot' program for the provision of traffic signals and would need to consider the request against other priority areas across the state
- the impact on traffic flows through Jan Juc and along the Great Ocean Road. A large number of submissions from Jan Juc residents feared that traffic volumes on Strathmore Drive/Domain Road would increase significantly or that traffic flows along the Great Ocean Road would be affected
- the need to provide efficient and safe connections between Jan Juc and Spring Creek to enable Jan Juc residents to access the neighbourhood centre, school and community facilities in Spring Creek, both by car or by walking and cycling.

Other Panel findings in relation to the road network are:

- the Panel does not support the provision of an internal vehicular crossing (trafficable culvert) over Spring Creek as advocated by one submitter. The Panel accepts that there may be some benefits in having an internal vehicular crossing, but considers the benefits would be marginal and would not justify the additional cost particularly when environmental impacts and the difficult terrain are taken into account
- although traffic volumes on Ocean View Crescent are projected to increase substantially upon full development of Spring Creek, volumes would still be within recommended levels for a connector street. The Panel recommends that Council monitor traffic levels on Ocean View Crescent and respond with appropriate traffic calming measures if needed
- the Panel supports the "dog leg" alignment of the north-south connector road from Great Ocean Road/Strathmore Drive West as it provides a third road frontage to the Christian College site consistent with PSP guidelines.

These findings are supported.

Officer Recommendation:

- Confirm the decision to replace the signalised intersection at Great Ocean Road/Strathmore Drive East with an un-signalised left in/left out T-intersection and accept the other Panel recommendations in relation to the road network
- Confirm responsibility for the delivery of the pedestrian refuge and pedestrian crossing and if possible add to the development contributions infrastructure list.

Stormwater and drainage

The Panel agrees with submissions that argued that the requirements in the exhibited PSP do not provide sufficient flexibility to allow for alternative solutions to be proposed at the detailed design stage in relation to the size and location of water bodies and the stormwater management system.

Council maintained at the hearing that in its view the PSP does provide sufficient flexibility for Council to consider alternative stormwater solutions as part of detailed plans at the subdivision stage. Nevertheless, the Panel recommends redrafting of the relevant sections of the PSP to make it clear and explicit that the requirements with respect to the stormwater management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision approval stage.

Other recommendations and findings of the Panel in relation to water management include:

- Waterbodies WL15 and WL21 (200-220 Great Ocean Road) should be deleted as they are man-made, pose a potential safety risk and are not suitably located to provide effective management of water flows from the catchment. They should be replaced by a waterbody further downstream
- Council should review the extent of WL01 (225 Grossmans Road) in discussion with the landowner

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- the PSP should provide clarity and guidance for the assessment and exercise of discretion by Council of alternative water management systems proposed by developers
- the PSP should include a mechanism to equitably allocate responsibility, costs and contributions where drainage infrastructure is upsized (i.e. benefits other landholders)
- the Panel does not support on-site wastewater treatment on smaller lots.

The Panel further considers that the impact of climate change should be considered in stormwater modelling to confirm whether the proposed drainage infrastructure is adequate and to ensure an adequate design response for each stage of development. Advice provided previously by Council's stormwater consultants on the impact of climate change confirmed that the proposed stormwater management approach, combined with the natural topography of the site, has enough built in conservativeness to cater for events outside of those modelled in the report such as the possible effect of climate change. It is therefore considered that full modelling of the impacts of climate change will not be required. Rather, the stormwater management report could be updated to include this additional advice. Interesting to note is that the CCMA and Melbourne Water do not consider climate change impacts in their flood modelling as climate change impacts on rainfall events are difficult to estimate with both increasing and decreasing trends predicted.

Officer Recommendation:

- accept the Panel recommendations to provide greater flexibility in the PSP in relation to the consideration of alternative stormwater management systems and infrastructure
- review the appropriateness of replacing WL15 and WL21 with water management infrastructure at a downstream location and review the extent of WL01
- investigate mechanisms to provide for the equalisation of contributions to shared water management infrastructure
- update the stormwater modelling report to include reference to the impact of climate change.

Biodiversity

The Panel considered submissions and evidence in relation to the NVPP and several specific native vegetation patches.

Native Vegetation Precinct Plan (NVPP)

The Panel supports the landscape scale, precinct wide approach to native vegetation planning and protection as adopted in the NVPP. The Panel however is critical of the following aspects of the NVPP:

- the NVPP does not appropriately translate the findings of the native vegetation assessments
- the NVPP does not clearly explain the rationale for the removal and retention of native vegetation
- the NVPP is not clear on the requirements for practical retention of vegetation

The Panel recommends that Council work with the Department of Environment, Land, Water and Planning (DELWP) to review and refine the NVPP, addressing the following matters:

- the rationale for the retention and removal of native vegetation
- inclusion of a minimisation strategy
- explanation of the Biodiversity Impact and Offset Requirements (BIOR) report
- minimisation of specific offsets for threatened species
- extending the boundary of the NVPP to include roadside vegetation on perimeter roads in order to streamline approvals for vegetation losses associated with road upgrades and intersection works
- the identification of vegetation for practical retention
- rewording of tree protection zone requirements
- information that explains the difference between specific and general offsets, and the offset requirements for landholders.

When referring DELWP's submission to a Panel, Council accepted that further work on the NVPP was required in response to the DELWP submission and agreed to undertake this further work.

Bellarine Yellow Gum Woodland (GW5) – 200-220 Great Ocean Road

The Panel recognises the significance and places great weight on the protection of Bellarine Yellow Gums (BYG), but considers that the variable condition of the large patch of BYG woodland across the site may invoke different management strategies. The Panel states:

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- given the significance of the patch, it would be appropriate to consider using part of the patch (i.e. the good quality core) as a net gain offset site with controlled public access
- the south western portion of the patch is in poorer condition with a degraded understorey and sparse trees and as such use as an (credited) open space reserve may be appropriate. This area should be developed as a Bellarine Yellow Gum reserve that is sensitively designed and managed for passive open space that protects the environmental values of this area
- reshape the patch to minimise the boundary to area ratio.

Council's position at the Panel was that it opposed acceptance of the site as an offset site given the ongoing management responsibilities that would be placed on Council and the restrictions on public access. However, public access may be appropriate where threats to native vegetation can be controlled and activities minimise impact on the environmental values of the reserve. This can be achieved by fencing sensitive areas and providing pathways around these areas and through less sensitive areas. There are examples of other offset sites where public access has been permitted. In terms of ongoing management, the developer would be required to provide a financial contribution to Council for up to ten years.

SRW1 – 200-220 Great Ocean Road

SRW1 (Swampy Riparian Woodland) is a patch of planted indigenous vegetation along Spring Creek and on part of 200 Great Ocean Road. Although Council has good reason to believe that public funding was used for the planting of this patch of vegetation, it has not been able to present the Panel with any evidence. The Panel therefore recommends that SRW1 be removed as a conservation reserve in the PSP and from the requirements of the NVPP. Under the Surf Coast Planning Scheme, native vegetation can be removed without a planning permit if it was planted, unless public funds were used. The Panel does support retention of this vegetation for its habitat value, meaning it would need to be included as credited open space.

160 and 195 Grossmans Road

Having considered submissions from the landowners that vegetation identified as remnant at 160 and 195 Grossmans Road was mostly planted or regrowth, the Panel recommends that the status of this vegetation be reviewed and the NVPP amended accordingly.

Other findings of the Panel in relation to biodiversity include:

- the Panel supports the inclusion of kangaroo management principles in the PSP
- Council should undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species.

Officer Recommendation:

It is recommended that the following work be undertaken:

- work with DELWP to update and refine the NVPP as per the Panel's recommendations
- review the configuration and use options of vegetation patch GW5 at 200-220 Great Ocean Road, in relation to public access and use of the south-western degraded portion as credited open space
- further investigate the advantages and disadvantages of using GW5 at 200-220 Great Ocean Road as an offset site and bring an officer recommendation back to Council to decide when C114 is again considered
- investigate if public funds have been used for the planting of vegetation within patch SRW1
- review the significance of the vegetation at 160 and 195 Grossmans Road
- undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species.

Open Space

Open space provision and waterway buffers

The Panel's findings in relation to the provision of open space and waterway buffers are:

- the allocation of passive open space and the width of the waterway buffers are overly generous. The waterway buffers are wider than those recommended by the relevant policy documents and background reports, and the requirement for 9.76% of passive open space is greater than that envisaged by the PSP Guidelines and the Surf Coast Open Space Strategy

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

- Council has not provided strategic justification for the high level of passive open space and wide waterway buffers, and has not made clear how the active open space needs of future residents will be met and funded. The waterway buffers are “the result of the crude application of fixed width buffers that do not demonstrate a site specific response to opportunities and constraints of the precinct, nor a response to an identified need for passive open space”
- the open space provision should be reviewed to provide local parks within 400m of at least 95% of all dwellings in accordance with the PSP Guidelines. This minimum standard is achievable if the waterway buffer widths are reduced.

The Panel recommends:

- undertake an assessment of how the active open space needs of Spring Creek residents will be met, and amend and/or reduce the requirement for passive open space contribution accordingly to achieve a total open space contribution of no more than 10%
- review and reduce waterway buffer widths in association with the review of the passive and active open space requirements
- reconsider the distribution of local or neighbourhood parks to ensure accessibility within 400m of at least 95 percent of all dwellings, with a resulting reduction in linear park as required.

The State Planning Policy Framework (SPPF) in the Surf Coast Planning Scheme stipulates that vegetated buffers of at least 30m wide should be provided along both sides of waterways (Clause 14.02-1). *The Sustainable Futures Plan Torquay Jan Juc 2040* (SFP2040) recommends 30m wide buffers along Spring Creek and gullies, with provision of integrated cycling/walking pathways, while the Integrated Water Cycle Management Plan prepared for the Spring Creek PSP by Barwon Water also suggested 30m buffers along the creek.

In relation to the provision of public open space, the Schedule to Clause 52.01 of the Surf Coast Planning Scheme requires a 10% open space contribution for subdivisions of 10 or more lots. It does not distinguish between active or passive open space. The PSP Guidelines prepared by the Growth Areas Authority encourage an overall provision of public open space of 10% of the net developable area, of which 6% should be allocated for active open space purposes. Compensation of landowners would be required if more than 10% open space was mandated.

The aim of the PSP is to create an urban structure that is integrated and in balance with the natural landscape setting and environmental assets of the precinct, including Spring Creek and its tributaries, remnant vegetation and fauna habitat. The open space system provides an opportunity to protect and enhance the natural assets for their environmental, landscape, drainage, aesthetic and cultural heritage values and to provide for passive recreational use, including shared bicycle and pedestrian paths that link neighbourhoods, activity centres and community facilities within and beyond the precinct. The natural elements contribute to the distinct urban character and sense of place that the sensitive development of the valley seeks to achieve. Integrating linear open space with drainage corridors and conservation reserves ensures waterways and native vegetation are buffered from urban development to enhance water quality and biodiversity. In addition, it will assist in designing for resilience to the impacts of climate change.

The reasoning of the Panel to review the provision of open space is understood, however, it is considered that the Panel has disregarded the local context. It has underestimated the significance of the natural assets to the community and has rather applied a standard planning approach based on conventional metropolitan growth area guidelines and standards.

The characteristics of the Spring Creek valley and aspirations of the community require a different, more locally inspired design response. On this basis, the open space network proposed for the Spring Creek precinct will provide a variety of natural and well connected open spaces that protect and build on the environmental assets of the precinct and meet the predominant passive recreational needs of the community. In fact, at least 95% of dwellings would be within 400m of open space. There are unconstrained areas of at least one hectare in area which are adjacent to Spring Creek that could be used for active space.

In terms of the Panel's concern about how the active open space needs of the community will be met, the Community Infrastructure Assessment (CIA) prepared to inform the PSP recommended that active open space facilities be provided elsewhere in Torquay given the lack of suitable areas within the Spring Creek precinct. The ability to deliver active open space is heavily constrained by the topography and natural environment.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

The PSP is consistent with the recommendations of the CIA to provide the following open space network in Spring Creek:

- at least two local parks with playgrounds
- a linear park and trail along the full length of Spring Creek
- a linear open space network and internal park / trail network which links the creek and the proposed community facilities and residential areas and connects to external trails and other links in Torquay
- land that is required for drainage purpose or to protect sites that have environmental, heritage and conservation values, for example, habitat links, sites with archaeological significance and significant vegetation.

It is considered that, in order to support Council's position, further work is required to strategically justify the provision of open space and waterway buffers as proposed in the PSP.

Other open space issues

The Panel makes the following recommendations in relation to a number of specific open space areas:

- open space area OS-08 should be relocated to encompass trees 41-47
- open space area OS-01 affecting 160, 165 and 195 Grossmans Road should be reviewed and reduced based on a proper assessment of its merit
- the Panel supports Council's proposal for treatment of the urban/rural interface
- a suitable treatment for the southern boundary of 231 Grossmans Road needs to be determined, e.g. purchase by Council and fencing

Officer Recommendation:

- undertake a review of the open space provision in Spring Creek to justify the provision of passive open space within the exhibited PSP, identify unconstrained areas for active use and review site specific technical information to establish the width and alignment of waterway buffers.

Density

The Panel considers that the PSP does not provide for the meaningful delivery of housing diversity, particularly in the southern portion. The panel recommends that the overall dwelling density across the precinct be increased from 10 to 12-13 dwellings per hectare by providing more lots of less than 600m² within a reasonable walking distance (usually 400m) of the Neighbourhood Activity Centre (NAC) and Christian College. The Panel accepts that a lower density than the state standard 15 dwellings per hectare for growth areas is warranted, however considers a density of 10 dwellings per hectare insufficient.

It is considered that increasing the supply of smaller lots around the NAC and school is a sound planning principle. However, preliminary investigations reveal that it is unlikely that this will lift the overall density to 12-13 dwellings per hectare as recommended by the Panel but it will increase the diversity of lot supply.

Officer Recommendation:

- work with the Victorian Planning Authority to explore opportunities to increase the area of 500-600m² lots within walking distance of the NAC and private school, and consider the provision of pockets of medium density housing immediately adjacent to the NAC.

Activity Centres

Based on the activity centre assessment undertaken by Tim Nott Council submitted that the development of the NAC should be staged to ensure it does not affect the primacy of the Torquay CBD, commencing with a small centre of 3,000m² initially in 2021 and as the population catchment grows developing into a centre of 5,000m² with a full line supermarket by 2030.

The Panel held that earlier delivery of the NAC can be supported and would benefit the emerging and surrounding community. It recommended that the UGZ schedule be amended to enable early delivery of the NAC to be considered through a planning permit application with supporting evidence.

Officer Recommendation:

- accept the Panel recommendation to consider the early delivery of the NAC subject to a planning permit and supporting economic report.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Residential Design Controls

The Panel supports the application of the RDC's and their implementation through a Memorandum of Common Provisions (MCP) with any subdivision. It considers that this is the most efficient manner of securing the intended neighbourhood character outcome without additional burden on Council as the Responsible Authority (note this is contrary to the findings of the Panel for Amendment C106 (Grossmans Road water basin) which considered that for transparency reasons design controls should be part of the planning process, e.g. through overlay provisions). Despite this support for the RDC's and MCP's, the Panel was of the view that a greater level of flexibility is required.

The Panel recommends that the following preamble be inserted above Table 2 of the RDC's:

This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the Memorandum of Common Provisions required by Clause 4.7 of Urban Growth Zone Schedule 1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority. These controls may also be varied at the discretion of the Responsible Authority.

The desire for some flexibility in the application of the RDC's to enable specific site conditions such as slope to be considered and responded to is understood. However, drafting in the manner proposed by the Panel would result in the application of the RDC's being optional and left to the discretion of the relevant developer. There will be no guarantee that a developer will apply the RDC's or a developer may cherry pick the elements that suit a particular development.

It is hard to reconcile how the Panel on the one hand can say the RDC's will achieve the desired design outcomes of the PSP, but on the other hand recommend that the controls "may be adopted in full or part as either discretionary or mandatory provisions".

The RDC's may need to be revised if Council accepts the provision of pockets of medium density housing adjacent to the NAC to allow for this outcome to materialise.

Officer Recommendation:

- not support the Panel recommendation in relation to the proposed drafting of the RDC's. Maintain the RDC's as mandatory provisions and undertake further work to justify the application of the controls.

Other drafting issues

The Panel has made recommendations for a number of other minor drafting changes to the PSP, RDC's and UGZ1. A response to these recommendations is provided in the table at Appendix 2.

Development Contributions Plan (DCP)

Whilst not an approach preferred by the Panel, the Panel supports the use of Section 173 Agreements in the absence of an approved Development Contributions Plan (DCP) for Spring Creek. The Torquay Jan Juc Development Contributions Review project currently underway will determine the appropriate method to apply development contributions to the Spring Creek PSP area.

Bushfire risk

Although the PSP area is currently not affected by the Bushfire Management Overlay (BMO), and will not be affected by the new BMO mapping soon to be introduced by the Minister for Planning, the precinct is designated as a Bushfire Prone Area. The Panel did not make any recommendations in relation to bushfire risk, even though several submitters raised it as an issue.

There is some risk from bushfire associated with the adjacent rural grasslands on the rural/urban interface and the vegetated creek corridor. It is considered prudent to commission the preparation of a Bushfire assessment and development report to identify the level of bushfire risk for the PSP area and to inform an appropriate design response and mitigation strategies. This would provide advice on the setbacks required between the edge of the creek corridors and new development to provide bushfire safety for residents and properties under existing and potentially altered vegetation conditions. This work will also inform other work on public open space and appropriate creek corridor buffers.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Officer Recommendation:

- consider preparing a Bushfire Assessment to inform an appropriate design response and mitigation strategies to address a potential bushfire risk from the adjacent rural grasslands and vegetated creek corridor.

Financial Implications

The cost of preparation of the precinct structure plan has been funded by 5 landowners within the precinct, who will in return receive a credit for their portion in the development contributions plan.

The cost of the proposed additional work has been scoped and can be covered by the current remaining budget.

Council Plan

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

Theme 5 Development and Growth
Objective 5.4 Transparent and responsive land use and strategic planning
Strategy 5.4.6 Maintain a clear rural-landscape separation between settlements to protect landscapes and environmental qualities.

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

There are no demonstrated risks associated with considering the Panel Report.

Social Considerations

The PSP takes into consideration the needs of the future population for community infrastructure. The plan shows a neighbourhood activity centre, local community facility and an integrated open space and pathway network.

Community Engagement

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

Environmental Implications

The PSP is informed by detailed biodiversity, arboriculture, aboriginal heritage and land capability assessments. The plan provides for 38 hectares of conservation and waterway/drainage reserves and seeks to retain as many Bellarine Yellow Gums as possible. The Native Vegetation Precinct Plan (NVPP) regulates which native vegetation can be removed and which must be retained. The PSP encourages environmentally sustainable development and includes kangaroo management principles to manage the existing kangaroo population.

Two major developers (Amex and Parklea) have registered for the Urban Development Institute's Environmental Development Programme, which is a nationally recognised independent technical assessment tool that encourages developers to exceed minimum sustainability standards.

Communication

All submitters have been notified of the availability of the Panel Report and will be further notified about Council's decision. A timeline will be prepared and made available on the website showing the new timeline for the Spring Creek amendment.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Conclusion

The Panel supports Amendment C114 and recommends that the amendment be adopted as exhibited subject to a number of changes and further reviews. In response to the Panel recommendations, officers recommend that further work be undertaken for specific items prior to finalisation of the Precinct Structure Plan as per the schedule provided at Appendix 3. The outcome of that further work will be considered at a future council meeting later in 2017 where formal adoption of Amendment C114 will be considered.

Cr Bell left the meeting at 06:57 pm due to health reasons and did not return to the meeting.

3.3 Petition in Relation to Activities Occurring at 240 Portreath Road, Bellbrae

Author's Title: Statutory Planner **General Manager:** Phil Rowland

Department: Planning & Development **File No:** E16/0136

Division: Environment & Development **Trim No:** IC17/278

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to respond to the petition received and noted by Council at the 28 February 2017 Council meeting in relation to earthworks and the movement of soil material to and from the property at 240 Portreath Road Bellbrae.

Summary

A petition seeking Council support has been received and noted by Council. The petitioners are concerned about earthworks and the movement of soil material to and from the site. The property is used for aquaculture. Since the rezoning of the land from Rural to Farming in February 2006, aquaculture and works associated with aquaculture have not required a Planning Permit. There are a number of old permits on the land issued under the previous planning controls.

In response to the petition it is proposed to meet with the organiser of the petition. Council officers will continue to actively monitor activities at the site and will complete their investigation and take the necessary action to rectify any non-compliance with the old permits on the site.

Recommendation

That Council:

1. Note that officers have undertaken a detailed review of the planning history of the site.
2. Note that since the rezoning of the land from Rural to Farming in February 2006, aquaculture and works associated with aquaculture have not required a Planning Permit.
3. Note that officers will meet with the organiser of the petition.
4. Note that officers will continue to monitor activities at the site, complete their investigation and take the necessary action to rectify any non-compliance with the old permits on the site.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Carol McGregor

That Council note that officers:

1. Have undertaken a detailed review of the planning history of the site;
2. Are reviewing activities on the site and the requirements of the planning scheme and other regulatory instruments, with a view to identifying any outstanding planning compliance issues;
3. Will continue to monitor activities on the site, complete their investigations, liaise with the owner and concerned neighbours, and ensure compliance in accordance with Council's responsibility under the *Planning and Environment Act*; and
4. Will liaise separately with residents on the issue of Council involvement in extraction and/or use of material from the site.

CARRIED 8:0

3.3 Petition in Relation to Activities Occurring at 240 Portreath Road, Bellbrae

Report

Background

The land was rezoned from Rural to Farming by Amendment C28 in February 2006. Prior to this a permit was required to use the land for aquaculture, to carry out works associated with aquaculture, to construct dams exceeding 3ML and to construct earthworks which alter the rate of flow or discharge point across a boundary.

Since 2006 a permit is not required to use the land for aquaculture or carry out associated works. This change from a Rural Zone to a Farming Zone was required by the Minister for Planning to introduce the new Farming Zone across the whole of Victoria.

The existence of the old permits may provide some means of controlling some of the activity on the site in as far as there are conditions on the permits and those conditions are still required to be complied with. This applies even though the over-arching planning controls have changed making the use and development of the land for aquaculture an as of right use. This is a technical issue and the scope of that control would be limited to the way the old permits were drafted. This is a matter under review and there may or may not be non-compliance to be addressed.

Discussion

The works being carried out on site are extensive, the works relate to:

- cleaning out dams
- constructing new dams
- the excess material has been removed from site being provided or sold to contractors for use elsewhere
- importing material to repair existing farm tracks

These activities are consistent with the use and development of the land for aquaculture which has been allowed to occur within the Farming Zone without a planning permit in Victoria since 2006. It has been defined as a litigate form of agriculture. Council is aware that arrangements for the management of truck movements from the site have been put in place and regular inspections by Council staff have revealed that the condition of the road is satisfactory.

Financial Implications

Costs associated with the detailed assessment of use and development of land within the municipality and any follow up enforcement activity are provided for in the operating budget.

Council Plan

Theme 3 Communities

Objective 3.3 Preservation of peaceful, safe and healthy environments

Strategy 3.3.1 Monitor and enforce where required relevant legislation to ensure a safe and peaceful community including residential amenity, safety in public places and community liveability.

Policy/Legal Implications

There are no legal or policy implications arising from the recommendation contained in this report.

Officer Direct or Indirect Interest

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

Risk Assessment

Risks identified in the preparation of this report are of a reputational and community nature. A failure by Council to identify or properly respond to any breaches of planning permits may result in reputational damage to Council.

Social Considerations

Any use or development of land which is undertaken without the proper approvals has the potential to impact on the community by way of loss of amenity.

Community Engagement

Council officers have arranged a meeting with organiser of the petition to discuss their concerns directly. Council officers are also in contact with the owner of the yabby farm over the matter.

3.3 Petition in Relation to Activities Occurring at 240 Portreath Road, Bellbrae

Environmental Implications

Any use or development of land which is undertaken without the proper approvals has the potential to have a negative impact on the environment. The petition relates to concerns regarding earthworks associated with aquaculture activities.

Communication

Communication will be managed by facilitated meetings.

Conclusion

Note the petition and recommendations.

BUSINESS:

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1. OFFICE OF THE CEO

Nil

2. GOVERNANCE & INFRASTRUCTURE

2.1 Project Budget Adjustments and Cash Reserve Transfers - March 2017

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

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

Division: Governance & Infrastructure **Trim No:** IC17/277

Appendix:

1. Project Budget Adjustments and Cash Reserve Transfers Report - March 2017 (D17/28491) →

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

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

Summary

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

Recommendation

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

1. Allocating funded project budgets (no cost to Council).
2. Ratify the transfer of \$330 to projects from the Accumulated Unallocated Cash Reserve approved by the Chief Executive officer.
3. Ratify the transfer of \$275 to projects from the Asset Renewal Reserve approved by the Chief Executive officer.
4. Ratify a net transfer of \$66,659 from projects to the Asset Renewal Reserve approved by the Chief Executive officer.
5. Transferring a net of \$13,124 (funds movements < \$5,000) from projects to the Accumulated Unallocated Cash Reserve.
6. Transferring a net of \$221,428 (funds movements > \$5,000) from projects to the Accumulated Unallocated Cash Reserve.
7. Transferring a net of \$380,000 to projects from the Adopted Strategy Implementation Reserve.
8. Transferring a net of \$1,027 from projects to the DCP Council Funds Reserve.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

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

1. Allocating funded project budgets (no cost to Council).
2. Ratify the transfer of \$330 to projects from the Accumulated Unallocated Cash Reserve approved by the Chief Executive officer.
3. Ratify the transfer of \$275 to projects from the Asset Renewal Reserve approved by the Chief Executive officer.
4. Ratify a net transfer of \$45,000 from projects to the Asset Renewal Reserve approved by the Chief Executive officer.
5. Transferring a net of \$13,124 (funds movements < \$5,000) from projects to the Accumulated Unallocated Cash Reserve.
6. Transferring a net of \$221,428 (funds movements > \$5,000) from projects to the Accumulated Unallocated Cash Reserve.
7. Transferring a net of \$358,341 to projects from the Adopted Strategy Implementation Reserve.
8. Transferring a net of \$1,027 from projects to the DCP Council Funds Reserve.

CARRIED 8:0

March Project Budget Adjustments and Cash Reserve Transfers
Report Request for Funds Transfer
No Cost to Council

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

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8488	Winchelsea Common Lead Shot Management	Correction for prior year GST.	266,821	281,821	(15,000)
8488 Inc	Winchelsea Common Lead Shot Management (income)	Correction for prior year GST.	0	(15,000)	15,000
9578	Spring Creek Tennis Courts Resurfacing	Additional funds required to achieve contract value for four courts to be resurfaced	66,136	70,922	(4,786)
9578 Inc	Spring Creek Tennis Courts Resurfacing (income)	Additional funds provided by Torquay Tennis Club to achieve contract value for four courts to be resurfaced.	(66,136)	(70,922)	4,786
8493	Torquay Central Business Area	Project to undertake planning for future of Torquay Central Business Area.	50,000	90,000	(40,000)
8493 Inc	Torquay Central Business Area (income)	Grant funds received from Regional Development Victoria.	0	(40,000)	40,000
9405	Anglesea Bowling Club Upgrade	Project preparing to commence. Funding agreement with Anglesea Bowling Club completed. Funding agreement with Australian Government nearing completion.	35,000	285,000	(250,000)
9405 Inc	Anglesea Bowling Club Upgrade (income)	Project funding contribution from Anglesea Bowls Club confirmed via funding agreement	0	(250,000)	250,000
9001	Sealed Road Renwal	Consolidation of project budgets for Renewal - Fischer and Beach Roads Roundabout Project.	750,000	620,000	130,000
9555	Kerb Renewal	Consolidation of project budgets for Renewal - Fischer and Beach Roads Roundabout Project.	37,100	24,210	12,890
9053	Road Safety Program	Consolidation of project budgets for Renewal - Fischer and Beach Roads Roundabout Project.	387,688	377,688	10,000
New	Renewal - Fischer and Beach Roads Roundabout	Consolidation of project budgets for Renewal - Fischer and Beach Roads Roundabout Project.	-	152,890	(152,890)
Grand Total			1,526,609	1,526,609	0

Ratification of CEO Authorised transfers <\$5,000

Accumulated Unallocated Cash Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
9566	Solar Towns Projects	Scope complete. Project spend \$139 over budget due to unexpected circuit breaker replacement cost for Anglesea Men's Shed during solar installation. 2015/16 carry forward project with no contingency therefore funds required to balance project account and close.	38,863	39,002	(139)
8656	Cadel Evans Road Race - Welcome Elite Women Event	Scope completed and project ready to close. Additional funds required due to higher than anticipated number of attendees at the event.	6,000	6,191	(191)
Grand Total			44,863	45,193	(330)

Ratification of CEO Authorised transfers <\$5,000

Asset Renewal Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8614	Condition & Valuation Audits - Bridge Network	Condition and valuation audit required to complete level to bridge inspection asset assessment. Quotation received \$275 above budget.	12,000	12,275	(275)
Grand Total			12,000	12,275	(275)

Ratification of CEO Authorised transfers >\$5,000

Asset Renewal Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
9574	Horshoe Bend Road Culverts	Grant application not successful. Officers recommend project be cancelled.	45,000	0	45,000
Grand Total			45,000	0	45,000

Funds Movement < \$5,000

Accumulated Unallocated Cash Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8593	Surfing Visitor Experience	Scope complete and project closed. Savings can be returned to source.	30,000	29,377	623
8643	Major Council Landholding Analysis	Scope complete and project closed. Savings can be returned to source.	15,000	13,500	1,500
8365	Bells Beach Rip Curl Pro Contribution - Low Key Viewing Platform	Scope complete and project closed. Savings can be returned to source.	59,395	59,140	255
8534	Youth Service Planning and Activities	Scope complete and project closed. Savings can be returned to source.	13	0	13
9252	Bicycle Lanes Program	Scope complete and project closed. Savings can be returned to source.	9,520	8,529	991
8604	Video Equipment and Editing Software	Scope complete and project closed. Savings can be returned to source.	4,000	3,763	237
8592	Local Law Signage Upgrades for Reserves	Scope complete and project closed. Savings can be returned to source.	5,000	4,536	464
8569	Australian National Surfing Museum Rebrand	Scope complete and project closed. Savings can be returned to source.	20,000	17,120	2,880
9471	Shared Path on Surf Coast Highway CCP PC02	Scope complete and project closed. Savings can be returned to source.	198,501	194,552	3,949
9562	IT Excel Report Writer Software	Project cancelled. Requirements will be identified following systems health check and systems planning.	2,525	0	2,525
8599	PS Amend C99 - 305 GOR, Jan Juc	Scope complete and project closed.	5,676	866	4,810
8599 Inc	PS Amend.C99 - 305 GOR, Jan Juc	Scope complete and project closed.	(4,987)	(1,390)	(3,597)
8705	PS Amend.C99 - 305 GOR, Jan Juc	Scope complete and project closed.	14,548	0	14,548
8705 Inc	PS Amend. C133 - Harvey Street, Anglesea	Scope complete and project closed.	(13,499)	0	(13,499)
8428	PS Amend. C81 - Biodiversity	Scope complete and project closed.	2,425	0	2,425
9503	Anglesea Riding Club Rooms Upgrade	Council allocated \$63K to this project in 2015/16. The actual contribution at year end was \$52K and the project was closed with \$11k returned to accumulated unallocated reserve, however the funding agreement included a \$5K final contribution at completion of works. This milestone is approaching.	0	5,000	(5,000)
Grand Total			348,117	334,993	13,124

Funds Movement > \$5,000

Accumulated Unallocated Cash Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8624	Review Infringement Debtors	Scope complete and project closed. Project delivered in-house. Funds returned to source.	8,000	673	7,327
9460	Lorne Swing Bridge Pathway	Scope complete and project closed. Savings can be returned to source.	101,590	93,708	7,882
9497	Beach Raod Torquay Long Vehicle Parking	Scope complete and project closed. Savings can be returned to source.	135,000	108,970	26,030
8706	PS Amend. C113 - Geelong Road, Torquay	Scope complete and project closed.	10,657	13,918	(3,261)
8706 Inc	PS Amend. C113 - Geelong Road, Torquay	Scope complete and project closed.	(11,199)	(21,749)	10,550
New	Merrijig Drive Contribution	Developer contribution for Merrijig Drive (completed in 2013) received early (was due 2018/19).	0	(400,000)	400,000
New	Winchelsea Unit Repurchase	Contractual obligation to repurchase Winchelsea Unit.	0	164,000	(164,000)
9453	Community and Civic Precinct Play and Skate Zone (Djila-Tjarri)	Additional scope identified to improve safety and amenity following initial phase of operation.	541,139	604,239	(63,100)
Grand Total			785,187	563,759	221,428

Funds Movement >\$5,000

Adopted Strategy Implementation Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8493	Torquay Central Business Area	Project ready to commence. Transfer \$50K funds held in Adopted Strategy Reserve to project account.	0	50,000	(50,000)
9405	Anglesea Bowling Club Upgrade	Project preparing to commence therefore funds held in Adopted Strategy Reserve now required	285,000	615,000	(330,000)
9513	Torquay-CliffStreet Pathway	Scope complete and project closed. Savings can be returned to the Adopted Strategy Implementation Reserve to be allocated to future pathway project.	42,001	20,342	21,659
Grand Total			327,001	685,342	(358,341)

Funds Movement <\$5,000

DCP Council Funds

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
9491	Jan Juc Creek Daylighting OR08	Scope complete and project closed. Savings can be returned to source.	9,527	8,500	1,027
Grand Total			9,527	8,500	1,027

Accumulated Unallocated Cash Reserve

	\$
Opening balance 1 July 2016	3,666,490
Approved movements in reserve:	
Digital Transformation	(1,000,000)
July 2016 Council Meeting Resolution (In Camera)	(5,000)
August 2016	(159,000)
August 2016 Council Meeting Resolution	(27,400)
September 2016 Council Meeting Resolution	(225,000)
September 2016 Council Meeting Resolution	(21,000)
November 2016	(18,612)
November 2016 Council Meeting Resolution	(10,000)
December 2016	(22,500)
December 2016 Council Meeting Resolution (In Camera)	150,000
January 2017	(88,500)
January Council Meeting Resolution	190,000
February 2017	(18,141)
 Closing Balance Approved Movements	 <u>2,411,337</u>
 Proposed movements March Report	 234,222
 Proposed closing balance	 <u>2,645,559</u>

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 March 2017.

2.2 Exemption from Completing Register of Interest Returns

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F13/75

Division: Governance & Infrastructure

Trim No: IC17/131

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 review the exemption for Section 86 Recreation Reserve and Hall Committees of Management from the requirement to lodge returns of interest pursuant to section 81(2B) of the *Local Government Act 1989* (the Act).

Summary

Section 81 (2) of the Act requires that "A person who becomes a Councillor or a member of a special committee must submit a primary return in the prescribed form to the Chief Executive Officer within -

(a) in the case of a Councillor-

(i) 30 days of election day; or

(ii) 7 days of making the oath of office of a Councillor; or

(b) 30 days of becoming a member of a special committee".

Pursuant to Section 81(2A) "Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return".

In July 2013, Council resolved:

"That Council:

1. Note that the review of the exemption for section 86 Recreation Reserve and Hall Committees is required to be undertaken in accordance with section 81 (2B) of the Local Government Act 1989.
2. Approve the exemption of Section 86 Recreation Reserve and Hall Committee of Management members from the requirement to submit Primary and Ordinary Returns of Interest."

In accordance with Section 81(2B) of the Act, Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election. Accordingly Council can now decide to continue the exemption which has been in place since 2005.

Recommendation

That Council:

1. Note that a review of the exemption for section 86 Recreation Reserve and Hall Committees is required in accordance with section 81 (2B) of the Local Government Act 1989.
2. Approve the exemption of Section 86 Recreation Reserve and Hall Committee of Management members from the requirement to submit Primary and Ordinary Returns of Interest.

Council Resolution

MOVED Cr Martin Duke, Seconded Cr Rose Hodge

That Council:

1. Note that a review of the exemption for section 86 Recreation Reserve and Hall Committees is required in accordance with section 81 (2B) of the Local Government Act 1989.
2. Approve the exemption of Section 86 Recreation Reserve and Hall Committee of Management members from the requirement to submit Primary and Ordinary Returns of Interest.

CARRIED 8:0

2.2 Exemption from Completing Register of Interest Returns

Report

Background

In 2004 amendments to the *Local Government Act 1989* (the Act) introduced a requirement for non-Councillor members of Section 86 committees to complete and lodge Register of Interests Returns with the Chief Executive Officer.

Section 81 (2) of the Local Government Act 1989 requires that:

“A person who becomes a Councillor or a member of a special committee must submit a primary return in the prescribed form to the Chief Executive Officer within-

(a) in the case of a Councillor-

(i) 30 days of election day; or

(ii) 7 days of making the oath of office of a Councillor; or

(b) 30 days of becoming a member of a special committee.”

Pursuant to Section 81(2A) Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.

Following a consultation process with Committee members in 2004/2005, it was considered appropriate for Council to provide a blanket exemption for all non-Councillor representatives on Recreation Reserve and Community Hall Section 86 Committees. Such an exemption for Section 86 Halls and Reserves Committees has been in place since 2005.

Section 81(2B) requires that “Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election.” Accordingly Council is now required to confirm continuation of the exemption following the election in October 2016.

Discussion

Pursuant to Section 81(2A) of the Act, Council’s Section 86 Recreation Reserve and Hall Committees of Management have been provided with an exemption from completing Register of Interest Returns in relation to non-Councillor members of Special Committees.

The exemption process has worked well since 2005 and it is recommended that this should continue for the Section 86 Recreation Reserve and Hall Committees into the future. The exemption will only apply to Recreation Reserve and Community Hall Committees of Management and not to other section 86 Committees such as the Planning and Hearing of Submissions Committees.

It is noted that an amendment to the Act in October 2012 (*Local Government Legislation Amendment (Miscellaneous) Act 2012*) required Audit and Risk Committee members to complete Interest Returns, even though classed as an Advisory Committee. Council will continue enforce this requirement.

Financial Implications

Not applicable.

Council Plan

Theme 2 Governance
Objective 2.2 High performing accountable organisation
Strategy Nil

Policy/Legal Implications

Relevant sections of the Local Government Act 1989 requirements include:

Section 81 (2) - “A person who becomes a Councillor or a member of a special committee must submit a primary return in the prescribed form to the Chief Executive Officer ...”

Section 81(2A) - “A Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.”

Section 81(2B) - “The Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election.”

2.2 Exemption from Completing Register of Interest Returns

Officer Direct or Indirect Interest

Not applicable.

Risk Assessment

Not applicable.

Social Considerations

Feedback received in the past from Committee representatives relating to the requirement to complete a Register of Interest indicated that this requirement could act as a deterrent and discourage some people from seeking membership on S86 Committees.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Committee members would be notified of the exemption and this will be included in the Instrument of Delegation, when reviewed by Council.

Conclusion

Council is required to undertake a review of the exemption for Section 86 Recreation Reserve and Hall Committees of Management in accordance with the *Local Government Act 1989* and it is recommended that the exemption remains in place.

2.3 Proposal to Lease Council Land - 2 Quay Boulevard Torquay

Mayor advised Councillors item 2.3 Proposal to Lease Council Land – 2 Quay Boulevard Torquay was withdrawn from tonight's Agenda by the CEO Keith Baillie.

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

Author's Title: Manager Engineering Services

General Manager: Anne Howard

Department: Engineering Services

File No: F16/1741

Division: Governance & Infrastructure

Trim No: IC17/267

Appendix:

1. Final Plan - Revision H - Aireys Inlet Pedestrian Refuge (D17/27514) ⇨
2. Summary of Consultation Issues and Proposed Actions- Aireys Inlet Pedestrian Crossing (D17/24751) ⇨

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 inform Council of the outcome of the public consultation on the proposed pedestrian refuge at the Aireys Inlet bottom shops crossing Great Ocean Road.

Summary

Community consultation for the proposed pedestrian refuge project was undertaken over the Christmas period closing on the 10 February 2017. Twelve submissions were received and these have been considered and the construction plans have been modified in response. It is now proposed to endorse these alterations and proceed with construction.

Recommendation

That Council:

1. Note the submissions received in response to the community consultation regarding the proposed Aireys Inlet pedestrian crossing.
2. Endorse the alterations made to the proposed plans in response to those submissions and as included in Attachment 1 and advise the submitters accordingly.
3. Proceed to construct the pedestrian crossing works in accordance with those plans and develop a landscaping plan in consultation with ANGAIR, AIDA and the community.

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Margot Smith

That Council:

1. Note the submissions received in response to the community consultation regarding the proposed Aireys Inlet pedestrian crossing.
2. Endorse the alterations made to the proposed plans in response to those submissions and as included in Attachment 1 and advise the submitters accordingly.
3. Proceed to construct the pedestrian crossing works in accordance with those plans and develop a landscaping plan in consultation with ANGAIR, AIDA and the community.

CARRIED 8:0

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

Report

Background

It is proposed to construct a pedestrian refuge on the Great Ocean Road immediately south of the Inlet Crescent intersection, Aireys Inlet to provide for the safe passage of pedestrians between the bottom shops and the public car park, Skate Park and public amenities on the ocean side of the Great Ocean Road. Pedestrians crossing the Great Ocean Road in this location currently have to cross both lanes of traffic with limited warning to drivers. The need for the pedestrian refuge was identified through the recent Structure Plan review. However, there is significant conjecture about the best location and its scale and impact on the environment.

Discussion

Preliminary design plans were prepared in July 2015 and reviewed over the period to February 2016 in consultation with VicRoads and the Aireys Inlet District Association. Significant adjustments to the design were made including reducing the extent of kerbing and removal of coloured bicycle lane markings. Several issues were not satisfactorily resolved including the proposed realignment of the Inlet Crescent entrance, removal of vegetation to accommodate the works and additional street lighting leading to the project being held in abeyance.

The project was further reviewed in December 2016 which confirmed the selected location to be the most appropriate with little opportunity to further reduce the scale of the works. Broad community consultation was implemented over the Christmas period closing on the 10 February about a fortnight after the end of the summer holiday period. It outlined the limited opportunity to further reduce the scale of works and sought input to how best to reinstate landscaping to the area.

Issues raised in submissions are summarized in Attachment 1 along with officer comment in relation to each specific issue. Copies of all submissions have been made available to councillors. The key issues comprise:

Excessive lighting – VicRoads has agreed to replace the 250 watt HPS light on the 11.0m pole to a more directional and energy efficient 198 watt LED light on a lower 8.5m pole with reflective markers along the line marking. This should create less glare in the night sky whilst adequately lighting the island and its approaches.

Widening Inlet Crescent Entrance – Close examination of turning vehicle swept paths in consultation with VicRoads has enabled the Inlet Crescent intersection to remain unaltered except for rounding off of the corners where the Great Ocean Road will be widened to accommodate the central island and bicycle lanes. This will reduce the extent of vegetation removal required in Inlet Crescent.

Crossing location – Several submissions sought to have the crossing shifted away from Painkalac Creek and the bend. This would require pedestrians to cross both the Great Ocean Road and Inlet Crescent to reach the skate park and public conveniences and be a less direct route from the cafes and car park opposite. The crossing would remain on the bend which continues for some distance to the north and may reduce the number of car parks in front of the shops. It is considered to be sited in the best possible location.

Revegetation – submissions varied between retaining all existing vegetation to complete replanting with appropriate vegetation. Assessment of the existing vegetation has identified a mix of native regrowth and planted native species. ANGAIR has offered to assist in developing a landscape plan providing for retention of appropriate species and additional plantings. It is proposed to develop a landscape plan in consultation with ANGAIR, AIDA and the local community as construction proceeds.

The engineering plans have been modified as set out in Revision H in Attachment 1 in response to these submissions and it is considered Council should endorse these to enable construction to proceed with the aim of completion this financial year.

Financial Implications

Funding of \$180,000 is allocated in the 2016/7 budget to design and construct the crossing of which \$20,000 is sourced from a State grant requiring completion of the project by the 30 June 2017.

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

Council Plan

Theme 4 Infrastructure
Objective 4.3 Enhance key rural and coastal roads and transport options
Strategy 4.3.4 Review/update current pathways/cycling strategy.

Policy/Legal Implications

The proposal is consistent with a key action in the Eastern View to Aireys Inlet Structure Plan in which the local community identified a safe pedestrian crossing point as one of the top issues.

The Great Ocean Road is part of the declared road network for which VicRoads is the road management authority. VicRoads approval of the works is necessary and the works are required to comply with current road design standards to ensure the safety of all road users.

Officer Direct or Indirect Interest

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

Risk Assessment

The location of the proposed crossing is an area of high pedestrian risk. Pedestrians of all ages are attracted to cross the Great Ocean Road here due to the shops, cafes and car parking on one side and Skate Park, public conveniences, car park, beach and residential area on the other side. This crossing is required to lower the risk of death and serious injury for all members of the community particularly as traffic and pedestrian numbers continue to grow. This risk is well recognised by the local community as recorded in the consultation associated with preparation of the Eastern View to Aireys Inlet Structure Plan and design of this crossing.

Social Considerations

Council's social responsibilities include providing for a safe environment for all members of the community including visitors, permanent and temporary residents, the young and the elderly. All elements of the community recognise the need for a safe pedestrian crossing in this general locality albeit with differing views on its precise location and configuration.

Community Engagement

Broad community consultation was carried out over the Christmas period closing on the 10 February about a fortnight after the end of the summer holiday period. Consultation comprised notices in several of the lower shop windows, a notice in the local newspaper and on Council's web site and letters to all of the bottom shop traders and 8 organisations including Aireys Inlet District Association (AIDA), Anglesea, Aireys Inlet Society for the Protection of Flora and Fauna (ANGAIR), Aireys Inlet CFA, Lorne-Aireys P12 College, Great Ocean Road Coastal Committee, Corangamite Catchment Management Authority and Aireys Inlet Tourism and Traders Association.

At the close of submissions, 12 submissions were received including a written submission from ANGAIR and AIDA and a deputation from AIDA. A summary of comments including officer comment is set out in Attachment 1 and copies of all submissions have been provided to all Councillors.

Environmental Implications

Elements of the community believe the works potentially impact vegetation, the night sky with glare and visual amenity and also detract from the "small scale, low-key, informal, non-suburban, vegetated coastal village character" of Aireys Inlet the Eastern View to Aireys Inlet Structure Plan aims to protect.

The footprint of the crossing has been reduced as far as practical by deleting alterations to the Inlet Crescent intersection originally designed to reduce congestion and improve access to both car parks so that the impact on vegetation and immediate visual amenity is reduced. These works may be implemented later should congestion and poor standards of access and safety become unacceptable. It is proposed to retain as much of the existing vegetation as practical as sought by many submitters rather than replant afresh. This will be augmented with additional consistent vegetation as guided by ANGAIR.

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

Lighting of islands on roadways is required to achieve minimum safety standards. The proposed street light is to be installed on a lower 8.5 m pole with directional, energy-efficient LED luminaires to minimise glare. It is designed to just meet minimum standards.

The works also incorporate as little concrete as possible and consistent black asphalt without colour highlighted elements (bicycle lanes) so as not to emphasise the scale of the installation. It is considered the design achieves the best possible environmental outcomes whilst meeting the bare minimum safety standards.

Communication

All persons who lodged submissions will be directly advised of Council's decision. Additionally, affected nearby businesses will be advised of the pending works. Appropriate traffic management including VicRoads permits and emergency service notifications will be implemented during construction.

Conclusion

It is considered the revised engineering plans Revision H provides the best outcome in meeting the objectives of providing a safe pedestrian crossing over the Great Ocean Road adjacent the bottom shops whilst protecting the "village character" of Aireys Inlet, night skies, vegetation and visual amenity as far as practical. It is therefore considered appropriate for Council to endorse those plans for construction and proceed to construct the crossing and develop a detailed landscaping plan in consultation with the Aireys Inlet Society for the Protection of Flora and Fauna (ANGAIR) which has offered its assistance, Aireys Inlet District Association (AIDA) and the community.

3. ENVIRONMENT & DEVELOPMENT

3.1 Petition Response from Kithbrooke Residents - Newcomb Sand and Soil - 330 Grossmans Road, Bellbrae

Author's Title: Coordinator Development Compliance & Local Laws **General Manager:** Phil Rowland

Department: Planning & Development

File No: E16/0039

Division: Environment & Development

Trim No: IC17/227

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason:

Purpose

The purpose of this report is to respond to a petition sent to Council in respect to the operations of Newcomb Sand and Soil at 330 Grossmans Road Torquay.

Summary

A petition was received on 16 January 2017 by Council Officers and relates to the use of land at the Newcomb Sand and Soil, 330 Grossmans Road, Torquay and noise and environmental impacts to residents living nearby. The petition contained 22 signatories.

Recommendation

That Council:

1. Note the work undertaken to date by Council officers to understand the planning history for the site and to develop options for enforcement activity.
2. Note that Council Officers will make contact with Newcomb Sand and Soil and representatives of the Kithbrook Park Country Club residents to facilitate a meeting between the parties to discuss the problems and explore options that will immediately improve the situation.
3. Note that Council Officers will continue the ongoing enforcement action on this matter to ensure the site is brought into planning compliance and the nuisance to public health is abated.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Martin Duke

That Council:

1. Note the work undertaken to date by Council officers to understand the planning history for the site and to develop options for enforcement activity.
2. Note that Council Officers will make contact with Newcomb Sand and Soil and representatives of the Kithbrook Park Country Club residents to facilitate a meeting between the parties to discuss the problems and explore options that will immediately improve the situation.
3. Note that Council Officers will continue the ongoing enforcement action on this matter to ensure the site is brought into planning compliance and the nuisance to public health is abated.

CARRIED 8:0

3.1 Petition Response from Kithbrooke Residents - Newcomb Sand and Soil - 330 Grossmans Road, Bellbrae

Report

Background

On 16 January 2017, a petition with 22 signatories was sent to Council Officers expressing concerns about the Newcomb Sand and Soil site at 330 Grossmans Road, Torquay. The concerns relate to the following:

- noise and dust amenity impacts
- planning permit and environment control
- communication with residents.

Council officers are investigating the above matters under the *Planning and Environment Act 1987* (P&E Act) and *Public Health and Wellbeing Act 2008* (PHW Act) and have engaged Council's Solicitors in relation to this matter.

The site is occupied by Newcomb Sand and Soil and the land shares a boundary with Kithbrook Park Country Club. The predominant use of the business is the supply of landscape products such as sand, soil and garden products that are stored on and sold from the land. The land is lot 1 on PS 738469 is part of the same land title as the Country Club and is therefore in the same ownership being in the name of Kithbrooke Park Holdings Pty Ltd

Discussion

The land at the front of 330 Grossmans Road, Torquay, is occupied by Newcomb Sand and Soil under a lease arrangement. The site operates under an existing planning permit 94/5796 issued in 1994 which has little conditional control over the environmental impacts of the business. Council considered a planning application by Newcomb Sand and Soil for retrospective approval to legitimise the altered layout of the site following establishing a Torquay location for the business. Council refused this application at its 8 December 2015 Council meeting. The refusal was not contested by Newcomb Sand and Soil at VCAT and there remain some planning non-compliances on the site. These matters are currently being pursued by Council Officers with the assistance of Council's Solicitors.

The noise and dust issues raised are of immediate concern and cannot be addressed by a planning action under the Planning and Environment Act 1987 (P&E Act). These matters have been responded to and investigated by Council's Environmental Health Unit under the nuisance provisions of the PHW Act. Council has obligations under the PHW Act to investigate any notice of a nuisance and enforce if a nuisance exists.

The concerns relating to noise, dust, environmental impacts and land use have been previously reported to Council and are the subject of an ongoing investigation. The nuisance matters have been escalated with the involvement of Council's Solicitors to assist Councils authorised Officers discharge their responsibilities. The matter is complex, ongoing and will not be resolved quickly. Officers have met with representatives of Kithbrook Park Country Club on several occasions.

It is understood that the owner of Newcomb Sand and Soil has made contact with the Kithbrook Park Country Club seeking ways to minimise the impact of the business on the residents indicating there is some good will being shown by the business. Recent contact with the business has indicated there is a desire to work with Council to address issues if they can. A more formal meeting between parties is being considered as an additional action to achieve a voluntary and more immediate response to the environmental impacts of the business.

Financial Implications

Costs for ongoing legal advice will be incurred and will be managed through operational legal budgets.

Council Plan

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

Policy/Legal Implications

Council is seeking legal counsel to ensure it is meeting its statutory obligations.

3.1 Petition Response from Kithbrooke Residents - Newcomb Sand and Soil - 330 Grossmans Road, Bellbrae

Officer Direct or Indirect Interest

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

Risk Assessment

The matter requires further investigation to determine if risks are relevant.

Social Considerations

Not applicable.

Community Engagement

Council will facilitate a meeting between parties.

Environmental Implications

Environmental implications will form part of the investigation.

Communication

Communication will be managed by facilitated meetings.

Conclusion

Note the petition and recommendations.

4. CULTURE & COMMUNITY

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community Relations

File No: F16/839

Division: Culture & Community

Trim No: IC17/173

Appendix:

1. Quarter 3, 2016-17 - Detailed Project Information – Advocacy Priorities (D17/18802) →

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 affirm Council's advocacy priorities including adopting motions for upcoming local government peak body meetings.

Summary

Council advocating on behalf of communities is a core role and needs to be a continuous process. Council continues to have a long term view of advocacy and will use current and future advocacy opportunities to pursue benefits for the Surf Coast community.

Council is striving to be 'An innovative and flexible leader, a constructive partner that values the strengths of others'. Partnerships with government and non-government organisations are critical to this goal.

Having clearly defined priorities at all times is a feature of successful advocacy planning. Council recognises that there are many, ongoing advocacy opportunities that we should be ready for such as regional forums, funding rounds and state and federal budgets. To capitalise on these opportunities, Council is updating advocacy priorities on a quarterly basis.

Two key upcoming advocacy opportunities are National General Assembly of Local Government convened by the Australian Local Government Association (ALGA) and the Municipal Association Victoria (MAV) State Council meeting. The MAV State Council is MAV members' opportunity to raise motions of business for consideration by the MAV to progress them as advocacy actions and to inform the MAV's strategic work plan. The ALGA Assembly provides councils with the opportunity to debate issues of national significance and guide the development of national policies relevant to local government.

Council is putting forward motions to the MAV State Council and ALGA Assembly to leverage local government peak body support for policy issues that are important for Surf Coast Shire communities.

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Recommendation

That Council:

1. Confirm the current strategic advocacy priorities (with associated projects detailed in Appendix 1), as:
 - 1.1 Great Ocean Road Visitor Economy
 - 1.2 Towards Environmental Leadership
 - 1.3 Building our Future
 - 1.4 Community and Partner-Led Priorities
 - 1.5 Key Policy Campaigns
2. Put the following motion to the MAV State Council Meeting on 7 May 2016:
 - 2.1 That the MAV continue to advocate to the State Government to appropriately fund infrastructure and services that are a state government responsibility but which are delivered by local government including school crossing supervisors, the State Emergency Service, surf life-saving and marine rescue services.
3. Put the following motion to the ALGA National Assembly on 18 - 21 June 2017:
 - 3.1 That the ALGA advocate to the Federal Government to continue to provide its share of enduring funding of 15 hours of kindergarten per week for all children in the year before primary school.

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Carol McGregor

That Council:

1. Confirm the current strategic advocacy priorities (with associated projects detailed in Appendix 1), as:
 - 1.1 Great Ocean Road Visitor Economy
 - 1.2 Towards Environmental Leadership
 - 1.3 Building our Future
 - 1.4 Community and Partner-Led Priorities
 - 1.5 Key Policy Campaigns
2. Put the following motion to the MAV State Council Meeting on 7 May 2016:
 - 2.1 That the MAV continue to advocate to the State Government to appropriately fund infrastructure and services that are a state government responsibility but which are delivered by local government including school crossing supervisors, the State Emergency Service, surf life-saving and marine rescue services.
3. Put the following motion to the ALGA National Assembly on 18 - 21 June 2017:
 - 3.1 That the ALGA advocate to the Federal Government to continue to provide its share of enduring funding of 15 hours of kindergarten per week for all children in the year before primary school.

CARRIED 8:0

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Report

Background

Council is reliant on the actions of other levels of government to achieve its objectives which means advocacy is a critically important activity. Likewise, other levels of government are often reliant on partnerships with Council to achieve their objectives. The areas of mutual interest often include infrastructure, services and policy.

Council continues to be committed to attracting support from the Federal and State Government to deliver infrastructure, provide services and shift policy.

The re-elected Coalition Federal Government committed almost \$32million to projects in Surf Coast Shire in the lead up to the 2016 election. The Federal Government announced \$155,000 in funding to the Winchelsea Township Beautification project shortly after the election.

Since the federal election the State Government has passed legislation to ban the exploration and development of unconventional gas and has recently acknowledged the commitment of Surf Coast Shire and community members to achieve this outcome.

Recently, Council has made two applications to the federal Building Better Regions Fund: 1) Torquay Active Transport Project – a multi-million project to create pathways and cycling routes through Torquay and Jan Juc and; 2) The Winchelsea Netball Pavilion upgrade. The Mayor and Surf Coast Shire CEO have continued to meet with local politicians and Ministers at a state and federal level to advance support for Council's priorities.

The MAV State Council provides member Councils the opportunity twice annually to put forward motions to influence MAV's advocacy priorities and inform the MAV strategic work plan.

All MAV member Councils have the opportunity to put forward motions at the State Council meeting. An electronic voting system determines which motions are carried and become resolutions of the MAV State Council. Resolutions are assessed by the MAV Board to determine how they will be progressed.

The ALGA Assembly is another important opportunity to advocate on issues of national significance relevant to local government.

Discussion

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

Affirming advocacy priorities each quarter prepares Council to capitalise on many opportunities, not just the opportunities that exist around elections. These opportunities include frequent funding rounds, State and Federal Budget development, regional delegations to Canberra, Municipal Association of Victoria (MAV) State Council meetings and regular meetings with Ministers and Members of Parliament. This constant advocacy schedule requires planning and pre-work for major proposals including well developed business cases, project plans and grant applications.

Strong relationships need to exist at many levels including with elected representatives and candidates, advisory and campaign staff and organisations with mutual objectives. Council will continue to identify and build strong relationships with them to gain support for priorities.

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

Council needs a defined set of priorities to maintain focus and clarity when talking to potential partners and stakeholders. Focussing Council's advocacy efforts on defined, key projects and issues does not diminish the importance of other projects and activities. They will be progressed through advocacy opportunities including but not limited to; meetings and conversations with politicians and bureaucrats, advocating through the MAV and Australian Local Government Association (ALGA) and active representation at the G21 Regional Alliance.

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Establishing the current advocacy priorities has included a review of Council's strategic planning work which is shaped by community input through specific engagement processes. The strategic plans considered included:

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

It is important to be clear with potential partners and stakeholders about Surf Coast Shire's priorities. To this end Surf Coast Shire has identified three strategic advocacy priorities:

1. Great Ocean Road Visitor Economy	2. Towards Environmental Leadership	3. Building our Future
We attract millions of visitors each year and the Great Ocean Road is a unique driver of our economy.	We recognise the Surf Coast's assets are built on our natural environment. We will pull our weight to address climate change and help reach the renewable energy target of 25% by 2020	We are growing rapidly and need to deliver facilities and services that make our communities great places to live.

A number of key projects sit within each advocacy priority (more detailed project information is in Appendix 1). Some of these partnership opportunities are ready now for support and others are future partnership opportunities. Each opportunity is important when discussing our priorities with our partners.

These are:

1. Great Ocean Road Visitor Economy

Partnership opportunity now

Shipwreck Coast Master Plan Implementation
Continued investment in Great Ocean Road renewal

Future partnership opportunity

Great Ocean Road Gateway Experience
Growing Adventure Tourism – Surf Coast Trails

2. Towards Environmental Leadership

Partnership opportunity now

Energy Efficient Streetlight Conversions
Permanent Town Boundaries (policy)

Future partnership opportunity

Renewable Energy Microgrids
Hinterland Futures Strategy

3. Building our Future

Partnership opportunity now

North Torquay Soccer Facilities
Torquay Active Transport

Future partnership opportunity

Stribling Reserve Redevelopment
Outcomes of City of Greater Geelong's Aquatic Infrastructure Planning

Winchelsea Netball Facilities upgrade
Improved Phone and Internet Coverage
Multipurpose Indoor Stadium – North Torquay

Council also continues to lend support to community and partner-led initiatives.

4. Community and Partner Led Priorities

Partnership opportunity now

Surf Coast Surf Life Saving Clubs – Priority Jan Juc, led by Jan Juc SLSC
Barwon Park Fire Protection - Led by the National Trust
Point Grey Redevelopment Lorne – Led by Great Ocean Road Coastal Committee (GoRCC)
Anglesea Motor Yacht Club Upgrade – Led by Anglesea Motor Yacht Club

Future partnership opportunity

Surf Coast Surf Life Saving Club upgrades – Anglesea, Lorne and Torquay.

Council also continues to pursue outcomes through policy change:

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

5. Key Policy Campaigns

Policy partnership opportunity now

Retaining Funding for Rural Access through the NDIS
Improved Public Transport
Coastal Agency Coordination
Sustainable Future for Emergency Services
Kindergarten funding for 15 hours access to continue

The MAV State Council provides an important advocacy avenue for Council. State Council Motions may not have an immediate impact to the operation of Councils who put them forward. However, the MAV is an influential organisation and Council should seek to leverage MAV's ability to advocate on our behalf for issues of regional and state significance.

The proposed MAV State Council meeting motion is in response to an increasing range of services that are State Government responsibilities being provided by councils under funding agreements with the State. Research indicates that the State's contribution has reduced, stopped completely or not kept pace with costs. Examples of these services include school crossing supervisors, library services and the State Emergency Service. Council's motion to the MAV State Council meeting aims to address this trend of cost shifting from State to Local Government.

The proposed motion to the ALGA Assembly seeks to leverage the support of the national peak body to prevent the removal of funding for kindergarten programs. Writing to the Prime Minister, relevant Ministers and the local MP is another important action Council can undertake to advocate on this issue.

Internationally and nationally (NAPLAN 2014) there is irrefutable evidence linking preschool attendance to improved student results in numeracy, reading and spelling. A University of Chicago study in 2010 found that focused investment in early childhood education returns at least \$8 for every \$1 spent in higher wages, increased tax revenue, reduced school expenditure and reduced criminal justice expenditure.

Currently under the National Partnership Agreement the Federal Government provides about one-third of the funding for 15 hours of preschool. There have been four separate National Partnership Agreements and the current Agreement is due to expire in December 2017

The continual short-term funding arrangements make it difficult for councils, Victorian services and families to plan as they continue to face uncertainty about the cost and availability of preschool beyond 2017. The Federal Government still has not committed to funding 5 hours of kindergarten a week – worth around \$100 million in Victoria.

The Federal Government needs to continue this important funding to improve student results in numeracy, reading and spelling. This funding is needed to reduce financial pressure on parents and strengthen Australian families.

Financial Implications

A successful advocacy program can deliver significant income to Council projects. In the event these advocacy priorities are funded, Council will need to consider how its financial contribution to these projects will impact on its capacity to deliver other capital projects in future budgets.

Consideration will need to be given to equity and the spread of projects across the shire. Council's cash position and the possibility of debt funding larger projects will also need to be considered.

The ALGA Assembly motion on retaining funding from the Federal Government to continue 15 hours of kindergarten per week is aimed at reducing costs on Council and families in Surf Coast Shire.

Council Plan

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

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

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Policy/Legal Implications

The Local Government Act 1989 articulates that a role of a Council includes; “advocating the interests of the local community to other communities and governments”

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

Officer Direct or Indirect Interest

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

Risk Assessment

Failure to determine clear advocacy priorities for action may limit Council’s ability to achieve support for its priorities. A clear and ongoing advocacy plan with regularly updated priorities mitigates against this risk.

Social Considerations

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

Community Engagement

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

Environmental Implications

Council is committed to being an environmental leader and this is evident in the current advocacy priorities. Inclusion of the Converting to Energy Efficient Lights project in the list of priorities is a demonstration of Council’s commitment to improving environmental outcomes. Council has established the 25% by 2020 Taskforce which has led to the scoping of the Renewable Energy Micro grid project.

Communication

The MAV and ALGA motions will be communicated directly to the MAV and ALGA

A communications plan will be developed for advocacy priorities. The adoption of the priorities will trigger the implementation of these plans. The Mayor, Councillors and CEO will communicate these advocacy priorities with State and Federal Politicians at formal and informal engagement opportunities. The updated priorities will be communicated Council’s communication channels and the local media often report updated on these priorities.

Conclusion

The achievement of Council’s objectives is reliant on the development of effective partnerships with other stakeholders, including other levels of government.

Council continues to advocate in the interest of the Surf Coast community. The advocacy priorities are informed by community needs and aspirations as well as referencing government policies to increase the likelihood of gaining government support.

Council will continue to take a long term view to its advocacy effort. The focus will continue to be on maintaining government relations, developing business cases for projects and capitalising on key opportunities to achieve benefits for the community.

4.2 Submission to the Victorian Opposition Population Taskforce

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community Relations

File No: F16/839

Division: Culture & Community

Trim No: IC17/168

Appendix:

1. Submission to the State Opposition Population Policy Taskforce - March 2017 (D17/19190) →

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider a submission to the Victorian State Opposition Population Policy Taskforce.

Summary

The Victorian Opposition Leader, Matthew Guy MP, released a discussion paper and dedicated website inviting submissions to a Population Policy Taskforce titled "Looking Forward 2050".

The discussion paper states that a population policy for Victoria is needed to manage growth, address issues and realise opportunities.

The Surf Coast Shire submission to the Taskforce describes key Council priorities in relation to the four themes, highlighted in the discussion paper. The content in Council's submission is built upon previous strategic work or positions adopted by Council.

The submission can be lodged via email to the Population Policy Taskforce Chair, Tim Smith MP, Shadow Parliamentary Secretary to the Leader of the Opposition.

Recommendation

That Council:

1. Endorse the submission to the Victorian Opposition Population Policy Taskforce.
2. Note that this submission can be used to contribute to similar enquiries in the future.

Council Resolution

MOVED Cr Martin Duke, Seconded Cr Margot Smith

That Council:

1. Endorse the submission to the Victorian Opposition Population Policy Taskforce.
2. Note that this submission can be used to contribute to similar enquiries in the future.

CARRIED 8:0

4.2 Submission to the Victorian Opposition Population Taskforce

Report

Background

In April 2016, Leader of the Victorian Opposition, Matthew Guy MP, announced the formation of the Victorian Population Policy Taskforce. The opposition have stated that management of population growth is the biggest challenge Victoria faces today.

The Taskforce have committed to consult with different sections of the Victorian community and establish recommendations which will form the basis of policy platforms to present to the community before the next election.

Population growth is a key issue for Surf Coast Shire Council. The Surf Coast population increased by 4,100 between 2006 and 2011, representing growth of 18.8% over the period, which was more than double the Victorian average growth rate.

Engaging in this State opposition process enables Surf Coast Shire's voice to be heard by the opposition when shaping population policy. The State Election will be held on 24 November 2018. Engaging on this and other issues with major political parties is consistent with Council's advocacy approach to work constructively with many political parties.

Discussion

Managing population growth can be considered an important policy agenda in the lead up to the 2018 State Election. Some content included in the discussion paper and requisite website could be interpreted as political in nature. Many of the key issues are relevant and significant for the Surf Coast Shire community.

The Surf Coast Shire submission responds to the four domains, or themes, expressed in the Population Policy Taskforce's discussion paper:

- Economic Growth and Productivity
- Social Inclusion
- Liveability
- Environmental Sustainability

In the submission, Surf Coast Shire Council encourages the Taskforce to understand the connectivity between the four domains and how they interrelate when forming policy for population growth. In fact, most of the points raised in Council's submission connect across multiple domains. Council's submission points out that future population policy needs to take a regional approach. In our case, specific parts of neighbouring councils are growing rapidly which will place pressure on Surf Coast Shire services and facilities. This needs to be recognised in developing population policy and future State Government investment strategies.

Council's submission is built upon previous strategic work or positions adopted by Council. The submission forms Appendix 1 of this report. A summary of the submission includes:

Economic Growth and Productivity

- State Government policy must focus on creating jobs in the regions.
- Surf Coast Shire strongly encourages funding programs that recognise unique economies and provide flexibility in securing funding for expanding businesses and knowledge based innovators
- State and Federal Governments need to ensure our internet and mobile phone networks cover all of regional Victoria with world class capacity and speed to sustain regional business growth
- continued State Government funding of the Great Ocean Road visitor economy is essential especially to facilitate job growth to complement an increase in population
- the submission supports a streamlined governance model for the Great Ocean Road including recognising the important role of local government
- much of the economy relies on the environment. State Government population policy must ensure the environment in regional Victoria is not compromised
- future policy and funding programs must recognise the importance of hinterland areas in job generation and the intrinsic value of the land
- The submission includes the opportunity for the State Government to partner with Council on the Great Ocean Road Visitor Economy advocacy priority.

4.2 Submission to the Victorian Opposition Population Taskforce

Liveability

- State Government policy should support Council's strategic plans to make town boundaries permanent which will retain townships' identities and improve the liveability of our towns
- access to public transport and investment in transport infrastructure by the State Government is critical to supporting population growth in regional Victoria
- the State Government can further support population growth in regional Victoria by adequately funding services it is responsible and reinstate fair funding arrangements for library services, the State Emergency Service and school crossing supervisors
- State and Federal Governments can support population growth in the regions by investing in enabling infrastructure. In Surf Coast Shire, the State Government must consider the harmonious distribution of people in coastal and hinterland locations
- the State Government can partner with Council on projects in the Building our Future advocacy priority to enhance liveability to support population growth.

Social Inclusion

- Surf Coast Shire and Victoria have ageing populations. The State Government has a vital role to play in advocating to the Federal Government to ensure the needs of older Victorians are met
- growth regions (including Surf Coast Shire) commonly have a higher proportion of people in younger cohorts. State and Federal Governments need to continue to invest in education and health services for young people. In particular, funding needs to continue to deliver 15 hours of kindergarten per week for all
- there is an opportunity for the State Government to enhance social inclusion by investing more in unstructured recreation facilities, active transport links and increasing open space.

Environmental Sustainability

- Surf Coast Shire strongly encourages the Victorian Coalition to actively address climate change by including renewable energy and reduced carbon emissions in population growth policy. The discussion paper is silent on this important subject
- the State Government should develop a statewide sustainable food plan to maximise the benefits to local communities and the state
- the submission calls on future State Governments to keep the unconventional gas exploration ban in place and to advocate to other states and the Federal Government to implement the same policy
- maintaining a pristine environment is a key reason why people choose to live in regional Victoria. The State Government can help keep the environment pristine by establishing controls over the free distribution of plastic bags
- the combination of more people in the regions and extreme weather events due to climate change will place a greater number of people at risk. Resourcing emergency management to adequately keep pace with population growth in regional Victoria is critical
- the State Government can be an active partner in delivering projects in the Towards Environmental Leadership advocacy priority.

Financial Implications

There are no imminent financial implications by Council making this submission. This submission seeks to influence future government policy and deliver long term positive financial impacts by reducing costs to Council and obtaining greater State Government investment.

Council Plan

Theme 2 Governance
Objective 2.6 Advocate on behalf of our community
Strategy 2.6.3 Influence decision makers to secure positive outcomes for the community

Theme 2 Governance
Objective 2.6 Advocate on behalf of our community
Strategy 2.6.2 Identify and build strong strategic relationships at the local, regional, state and national levels.

4.2 Submission to the Victorian Opposition Population Taskforce

Policy/Legal Implications

This submission aims to influence future State Government policy to improve the lives of people in Surf Coast Shire.

Officer Direct or Indirect Interest

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

Risk Assessment

There is a political risk in lodging a submission to a party in opposition as it may dissatisfy the government of the day. Council's approach to advocacy is to work as a constructive partner with all sides of politics and this submission is consistent with this position. If Council did not make a submission it would forego the opportunity to influence this potential piece of policy.

Social Considerations

Population growth impacts many areas of people's lives in Surf Coast Shire. Council's submission contains specific requests and suggestions the Population Policy Taskforce aimed at improving liveability and social inclusion for Surf Coast communities

Community Engagement

Council's submission is built upon previous strategic work done or positions adopted by Council. These strategies and positions are informed through community engagement including formal broad engagement, stakeholder group engagement and Council listening to community members.

Environmental Implications

Population growth places pressure on the environment. Council's submission includes ways the State Government must manage population growth effectively to protect the environment.

Communication

To mitigate the political risk Council may communicate with representatives of the State Government to inform them we are making a submission. The submission will be communicated via email to Population Taskforce Chair, Tim Smith MP and to the community via Council's website.

Conclusion

Council's submission to the State Opposition's Population Policy Taskforce is consistent with the commitment to advocate to all levels of government and many political parties for better outcomes for community members in Surf Coast Shire.

Population growth brings challenges and opportunities for Surf Coast Shire. Council is already responding and planning with initiatives such as a position on permanent town boundaries, pulling our weight in achieving renewable energy targets, advocating for improved local transport, digital business improvements and building the Great Ocean Road visitor economy.

This submission describes the needs of Surf Coast Shire communities and the critical factors to be considered for future population growth policy.

5. MINUTES

5.1 Section 86 Committee Minutes

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/244

Appendix:

1. Planning Committee Meeting Minutes - 20 February 2017 (D17/24744) →
2. Hearing of Submissions Meeting Minutes - 14 March 2017 (IC17/240) →

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:

- Planning Committee Meeting - 20 February 2017
- Hearing of Submissions - 14 March 2017

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Clive Goldsworthy

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

- Planning Committee Meeting - 20 February 2017
- Hearing of Submissions - 14 March 2017

CARRIED 8:0

5.2 Advisory Committee Minutes

Author's Title: Administration Officer

General Manager: Chris Pike

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/249

Appendix:

1. Bells Beach Committee Meeting Minutes - 21 November 2016 (D17/25451) →
2. Audit and Risk Committee Meeting Minutes - 21 February 2017 (D17/26886) →
3. All Abilities Advisory Committee Meeting Minutes - 28 February 2017 (D17/23023) →

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:

- Bells Beach Committee Meeting - 21 November 2016
- Audit and Risk Committee Meeting- 21 February 2017
- All Abilities Advisory Committee Meeting – 28 February 2017

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

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

- Bells Beach Committee Meeting - 21 November 2016
- Audit and Risk Committee Meeting- 21 February 2017
- All Abilities Advisory Committee Meeting – 28 February 2017

CARRIED 8:0

6. ASSEMBLIES OF COUNCILLORS

6.1 Assemblies of Councillors

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/197

Appendix:

1. Assembly of Councillors - Discussion of Road Management Plan - 21 February 2017 (D17/20357) →
2. Assembly of Councillors - Budget Briefing #4 - 28 February 2017 (D17/23464) →
3. Assembly of Councillors - Agenda Review Meeting - 28 February 2017 (D17/24612) →
4. Assembly of Councillors - Spring Creek PSP - VicRoads and Council - 7 March 2017 (D17/25556) →
5. Assembly of Councillors - Council Briefing - 7 March 2017 (D17/28745) →
6. Assembly of Councillors - Council Briefing - 14 March 2017 (D17/28758) →
7. Assembly of Councillors - Council Plan Workshop - 15 March 2017 (D17/29121) →

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. Discussion of Road Management Plan - 21 February 2017
2. Budget Briefing #4 - 28 February 2017
3. Agenda Review Meeting - 28 February 2017
4. Spring Creek PSP - VicRoads and Council - 7 March 2017
5. Council Briefing - 7 March 2017
6. Council Briefing - 14 March 2017
7. Council Plan Workshop - 15 March 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. Discussion of Road Management Plan - 21 February 2017
2. Budget Briefing #4 - 28 February 2017
3. Agenda Review Meeting - 28 February 2017
4. Spring Creek PSP - VicRoads and Council - 7 March 2017
5. Council Briefing - 7 March 2017
6. Council Briefing - 14 March 2017
7. Council Plan Workshop - 15 March 2017

CARRIED 8:0

7. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION

Motion to accept an Item of Urgent Business

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council agree to admit the item to be considered as Urgent Business, and discussed in the Closed Section of the meeting in relation to:

1. Award of Contract – Anglesea Bowling Club Design and Construct

CARRIED 8:0

8. CLOSED SECTION

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Libby Coker

That Council pursuant to section 89(2)(h) other matters, section 89(2)(g) security of council property and section 89(2)(d) contractual matters of the Local Government Act 1989, close the meeting at 7.18pm to members of the public to resolve on matters pertaining to the following items:

- 8.1 Assemblies of Councillors - Confidential
- 8.2 Sale of Land - Moggs Creek
- 8.3 Award of Contract - Managed Print Services
- 8.4 Rising Star Surfing Award Naming
- 8.5 Award of Contract – Anglesea Bowling Club Design and Construct

CARRIED 8:0

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Margot Smith

That:

1. The resolution and report pertaining to Confidential items 8.1, 8.2, 8.3 and 8.5 remain Confidential.
2. The resolution and report pertaining to Confidential item 8.4 remain Confidential and to be made public at a time agreed with the event coordinator of the Rip Curl Pro.
3. Council open the meeting to the public at 7.38 pm.

CARRIED 8:0

8.4 Rising Star Surfing Award Naming

Author's Title: Manager Economic Development & Tourism

General Manager: Phil Rowland

Department: Economic Development & Tourism

File No: F17/153

Division: Environment & Development

Trim No: IC17/272

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: This report is presented to Council as a confidential document on the basis that it contains details relating to other matters

Purpose

The purpose of this report is to endorse the creation of a new Rising Star Surfing Award for male and female under 18 surfers and name each category after two iconic locally based surfers.

Summary

An opportunity exists to leverage the existing Rip Curl Pro Launch Party and recognise the best locally based surfers through the creation of a new Rising Star Surfing Award. The award would generate several positive outcomes and recognise the talents of young people.

It is proposed the male under 18 category be named the Wayne Lynch Rising Star Surfing Award and the female under 18 award be named the Gail Couper Rising Star Surfing Award. Both surfers are recognised as influential icons in surfing and have resided locally for several decades.

Recommendation

That Council:

1. Endorse the creation of a new annual Rising Star Surfing Award to recognise the highest ranking male under 18 and female under 18 surfers who live locally in Surf Coast Shire.
2. Endorse the name of the male under 18 Award to be called the 'Wayne Lynch Rising Star Surfing Award'.
3. Endorse the name of the female under 18 Award to be called the 'Gail Couper Rising Star Surfing Award'.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Libby Coker

That Council:

1. Endorse the creation of a new annual Rising Star Surfing Award to recognise the highest ranking male under 18 and female under 18 surfers who live locally in Surf Coast Shire.
2. Endorse the name of the male under 18 Award to be called the 'Wayne Lynch Rising Star Surfing Award'.
3. Endorse the name of the female under 18 Award to be called the 'Gail Couper Rising Star Surfing Award'.

CARRIED 8:0

Report

Background

Each year Surf Coast Shire works with Surfing Victoria to host a 'Rip Curl Pro Launch Party'. The purpose of the Launch Party is to celebrate the start of the Rip Curl Pro, welcome the elite athletes and World Surf League event organisers and recognise the significance of surfing to the Surf Coast Shire.

Council contributes \$5,000 towards the Launch Party, which is organised by Surfing Victoria.

Discussion

Research has identified surfing is an integral part of Surf Coast's family life, social connectedness and economy playing a central role in family relationships, connection to community, employment generation and economic growth.

There is an opportunity to increase the community connectedness identified in the Beyond the Waves research through the annual Rip Curl Pro Launch Party by integrating a new award which recognises the top three ranked male & female under 18 surfers in Australasia who live in Surf Coast Shire.

In this regard, it is proposed that Council create a Rising Star Surfing Award for both male and female under 18 surfers to recognise the top three locally based surfers in each category.

The top three surfers in each category can be identified via the World Surf League tour rankings. These rankings are based on points accumulated at surfing competitions throughout the year and provide the best way to identify the top ranked surfers in the Australasia area. It is also a very transparent way to identify the top three surfers to be recognised each year.

Held each year in the lead up to the Rip Curl Pro, the Rip Curl Pro Launch Party provides an excellent platform to announce the award winners in front of a surfing focussed audience.

The award recognition would form part of the proceedings and take place alongside the recognition of surfing pioneers, surfing legends and welcoming of the World Tour athletes and World Surf League staff. Doing so would achieve several outcomes including:

- recognising the achievements of young people in surfing and inspiring them to follow in the footsteps of surfing pioneers before them
- create links between young, local surfers, local surfing legends and elite World Tour surfers who attend the Launch Party
- foster connections between older generations of surfing pioneers
- creating more authentic community outcomes from an existing event
- recognise key legends via naming.

Proposed Names

In creating an additional level of local authenticity it is proposed to name each award category after a recognised iconic local surfer. Discussions with Surfing Victoria identified two surfers in particular who carved out outstanding careers in surfing being Gail Couper and Wayne Lynch. A list of key achievements for each surfer can be seen below.

Gail Couper Achievements:

- ten times Champion of Bells event
- National Champion 5 times, Victorian Champion 13 times
- voted No.1 most influential Victoria female surfer in past 50 years
- lives locally in Lorne.

Gail has confirmed she is comfortable with an award being named in recognition of her achievements.

Wayne Lynch Achievements:

- Victorian Junior Champion six times in a row from 1965
- National Junior Champion from 1967-1970
- after 1969 become one of the world's most highly regarded and sought after shapers
- voted No.1 most influential Victoria male surfer in past 50 years
- long time Aireys Inlet resident.

Wayne has confirmed he is comfortable with an award being named in recognition of his achievements.

The female under 18 award would therefore be titled: 'Gail Couper Rising Star Award'. The male under 18 award would be titled 'Wayne Lynch Rising Star Award'.

The award itself would consist of a medal for the highest ranking surfers in each category with a gift recognising the second and third ranked surfers.

Financial Implications

The envisaged budget for the new award is less than \$500. This cost can be absorbed for the 2017 event in the current budget. For future years the cost could be absorbed into Council's annual \$5,000 contribution towards the Launch Party event.

Council Plan

Theme 5 Development and Growth
Objective 5.3 Develop and grow sustainable year round tourism
Strategy 5.3.4 Maximise the benefits of all events for community and business.

Policy/Legal Implications

There are no legal or policy implications with this report.

Officer Direct or Indirect Interest

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

Risk Assessment

A risk exists in the identified surfers not accepting the award to be named after them. Gail Couper has been spoken to and has confirmed her support to have an award named after her. Wayne Lynch

Social Considerations

The awards will create greater connections between elite athletes and young locally based surfers. The surfers selected to name the awards after further entrench the local authenticity.

Community Engagement

The surfers who will receive the award will be contacted to be advised of the award. The announcement of the new award is to take place at the Rip Curl Pro Launch Party.

Environmental Implications

There are no environmental implications within this report.

Communication

The awards will be announced on the night of the Rip Curl Pro Launch Party. Those receiving the award will be notified in advance.

Conclusion

Rip Curl Pro Launch Party serves as an excellent platform to recognise promising young surfing talent on the Surf Coast. In recognising this talent the creation of a new Rising Star Surfing Award is recommended for both male and female under 18 categories.

In line with their outstanding achievements, it is proposed the male under 18 category be named the Wayne Lynch Rising Star Surfing Award and the female under 18 award be named the Gail Couper Rising Star Surfing Award.

Close: There being no further items of business the meeting closed at 7.38pm.