



Minutes

Ordinary Meeting of Council
Tuesday, 27 February 2018

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

Council:

Cr David Bell (Mayor)
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Brian McKiterick
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 27 FEBRUARY 2018 COMMENCING AT 6.00PM

PRESENT:

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

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Governance & Infrastructure – Anne Howard
General Manager Culture & Community – Chris Pike
General Manager Environment & Development – Ransce Salan
Manager Planning & Development – Bill Cathcart
Manager Environment & Community Safety – Rowan Mackenzie
Manager Finance – John Brockway
Team Leader Governance – Candice Holloway (minutes)
Communications Officer – Kate Fowles

19 members of the public
2 member of the press

OPENING:

Cr David Bell, Mayor opened the meeting.

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

PLEDGE:

Cr Libby Coker 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:

Cr Martin Duke

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Carol McGregor

That an apology be received from Cr Martin Duke.

CARRIED 8:0

CONFIRMATION OF MINUTES:

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Margot Smith

That Council note the minutes of the Ordinary meeting of Council held on 23 January 2018 as a correct record of the meeting.

CARRIED 8:0

LEAVE OF ABSENCE REQUESTS:

Nil.

CONFLICTS OF INTEREST:

Cr David Bell, Mayor declared a direct conflict of interest in items 4.4 Draft Property Use Agreements Policy SCS-034 and 6.3 Draft Use of Council Facilities Policy SCS-033 under Section 77A of the Local Government Act 1989. The nature of the interest being Cr David Bell, Mayor has an existing licence agreement with the Surf Coast Shire for use of Council land to operate a market. Cr David Bell, Mayor left the meeting at 7:14pm and returned at 7:18pm. Cr David Bell, Mayor left the meeting again at 7:58pm and returned at 8:01pm. Cr David Bell, Mayor was absent while these matters were being discussed and considered.

PRESENTATIONS:

Cr David Bell, Mayor presented the Order of Australia medallions board he received at an Order of Australia (OAM) Barwon Regional Group function held on the 25 February 2018. The OAM encourages the Australian public to nominate a members of the community for recognition through the Order. The medallions board will be displayed in the foyer at the Surf Coast Shire Offices for the community's viewing.

PUBLIC QUESTION TIME:

Questions with Notice:

Question 1 received from Andrew Laird (not in attendance).

Question 1: Council Submission - Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan

My question is exactly what analysis was done and what consultation occurred before the Shire suggested that a link to proposed development on the Alcoa site via Harvey Street and Messmate track should be considered in the Shire's draft submission points on the Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan Anglesea?

Cr David Bell, Mayor responded:

Mr Laird is not in attendance tonight. Question taken on notice. A written response will be provided within 5 business days.

Question 2 and 3 received from Ross Pidgeon of Torquay.

Question 2: Planning Application 17/0405 - 30 Beales Street, Torquay

Because of easement and water lines on the North boundary we are unable to erect any screening on our property fence line to provide privacy to the rear residents. Would Council have suitable screening on 30 Beales Street to satisfy the North residents?

General Manager Environment & Development – Ransce Salan responded:

A permit condition is not included to require screening on the upper level of the northern elevation of the building because the floor of the bedroom is setback 9 metres from the rear property boundary, which meets the requirements of the overlooking standard.

Question 3: Planning Application 17/0405 - 30 Beales Street, Torquay

Regarding 30 Beales Street is Council aware that a development proposal must meet all of the ResCode planning objectives, otherwise it cannot be approved, and does it agree that the granting of variations defeats the purpose of having guidelines at all?

General Manager Environment & Development – Ransce Salan responded:

The operation of Clause 55 (ResCode) is such that a development must meet all of the objectives of Clause 55. Decision guidelines within each clause set out the matters required to be considered by Council before deciding if an application meets the objective. The assessment has concluded the objectives have been met.

Question 3 and 4 asked by Marianne Keane of Torquay

Question 4: Planning Application 17/0405 - 30 Beales Street, Torquay

Regarding the 30 Beales Street development proposal, there is currently a mature, healthy native paperbark tree (planted by Council) on the nature strip which can be and should be saved for its contribution to neighbourhood character and also soften the harsh appearance of the development. Would Council agree that any approval should be conditional on reconfiguring the proposed driveway and crossover to allow the tree to remain?

General Manager Environment & Development – Ransce Salan responded:

Due to the proximity of the street tree to the vehicle crossing, it is recommended that the tree be removed. It is likely that the construction of the vehicle crossing within the root zone of the tree will impact on the trees health. A permit condition requires the planting of a new street tree, which can be sited to grow into a healthy specimen.

Question 5: Planning Application 17/0405 - 30 Beales Street, Torquay

The Surf Coast Shire Planning committee recently rejected a development Proposal to subdivide and build at 35 Beales Street, based on planning non-compliance issues such as requirement for coastal character, lack of ability to complement the streetscape and building height. Would Council agree that a decision not to grant a permit for 30 Beales Street would therefore be both justified and consistent with this recent and very similar precedent?

General Manager Environment & Development – Ransce Salan responded:

Each application must be considered on its individual merits. The development proposed at 30 Beales Street is different to the application before Council. The Planning Committee refused to grant a Planning Permit at 35 Beales Street, Torquay. The applicant has appealed the decision and a VCAT hearing date is set for the 5 April 2018.

Question 6 and 7 asked by Miles Patterson on behalf of Peter Koopman of Torquay

Question 6: Planning Application 17/0405 - 30 Beales Street, Torquay

Is Council aware that the planning officer report for the proposed development at 30 Beales Street states:

- That new development should be “sited in accordance with the predominant pattern of front set backs in the street to ... contribute to the spaciousness and leafiness of the streetscapes”;
- Also that the proposed front setback fails to meet the required setback standard;
- Also that the driveways occupy 46% of the frontage, which fails to meet the preferred maximum 40%;
- Also that it fails to meet overlooking standards;
- Also that it is non-compliant with DD020 on car parking height;
- Also that garages amount to 58% of the building frontage, greater than the 50% preferred;
- And finally that there is no existing side by side townhouses in Beales Street, so the proposed development would set a new precedent?

General Manager Environment & Development – Ransce Salan responded:

The officer report includes an assessment of the application against the standards and on balance is considered to meet the objectives.

Question 7: Planning Application 17/0405 - 30 Beales Street, Torquay

The Overlay Schedule 20 design objectives for Old Torquay South call for building form, massing, appropriate setbacks, light materials and a colour scheme that contributes to the coastal character and complement the streetscape; would Council agree that none of these are features of the current proposal for development of 30 Beales Street and therefore that a permit should not be granted for the proposal in its current form?

General Manager Environment & Development – Ransce Salan responded:

The context of the objective is “*To encourage high quality contemporary medium density development that respects and contributes to Torquay’s Coastal character and compliments the street scape...*”. The officer report includes an assessment of the application against the scheme requirements and has supported the application subject to reducing the height to 7.5 meters.

Questions without Notice:

Nil.

Move Item Forward

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council consider item 5.1 Customer Focussed Planning Reforms before section 4 Governance & Infrastructure.

CARRIED 8:0

BUSINESS:

1. PETITIONS & JOINT LETTERS	6
1.1 <i>Petition Requesting Council Support the Otway Yabbies Project</i>	6
1.2 <i>Petition Requesting to 'Save Anglesea Bike Park'</i>	7
1.3 <i>Joint Letter Road Safety - Marine Drive, The Quay, Torquay</i>	9
2. PLANNING MATTERS & DECISIONS	10
2.1 <i>Planning Permit Application 17/0074 - 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool - Resubdivision of the Land into Two Lots</i>	10
2.2 <i>Planning Permit Application 16/0453 - 30A & 32 William Street Lorne</i>	15
2.3 <i>Planning Permit Application - 16/0490 - 1133 Surf Coast Highway Mount Duneed.....</i>	29
2.4 <i>Planning Application 17/0405 - 30 Beales Street, Torquay.....</i>	33
3. OFFICE OF THE CEO.....	40
5.1 <i>Customer Focussed Planning Reforms</i>	41
4. GOVERNANCE & INFRASTRUCTURE	51
4.1 <i>Council Submission - Local Government Bill 2018 Exposure Draft</i>	51
4.2 <i>Project Budget Adjustments and Cash Reserve Transfers - February 2018</i>	54
4.3 <i>GROW Social Procurement Initiative.....</i>	58
4.4 <i>Draft Property Use Agreements Policy SCS-034</i>	61
4.5 <i>Review of Delegation from Council to Members of Council Staff.....</i>	64
4.6 <i>Place Naming Request - Shankhill Road and Camel Lily Pond Walk</i>	67
4.7 <i>Sale of 440 & 450 Hendy Main Road, Mount Moriac</i>	70
4.8 <i>Performance Reporting 2017 - 2018 (Council Plan incorporating the Health and Wellbeing Plan, LGPRF Indicators) December year-to-date.....</i>	73
4.9 <i>Update to Council Representation on Various Committees and Regional/Peak Organisations .</i>	77
5. ENVIRONMENT & DEVELOPMENT	81
5.2 <i>Council Submission - Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan.....</i>	81
6. CULTURE & COMMUNITY	86
6.1 <i>Council Complaints Handling Report July - December 2017</i>	86
6.2 <i>Positive Ageing Service Review - Community Engagement Options Paper.....</i>	90
6.3 <i>Draft Use of Council Facilities Policy SCS-033</i>	96
6.4 <i>Flag Policy SCS-035.....</i>	101
6.5 <i>All Abilities Advisory Committee Terms of Reference 2018 - 2021.....</i>	104
6.6 <i>Response to Joint Letter - Anglesea Landscaping</i>	107
7. URGENT BUSINESS	111
8. PROCEDURAL BUSINESS	112
8.1 <i>Assemblies of Councillors.....</i>	112
8.2 <i>Section 86 Committee Minutes.....</i>	113
8.3 <i>Advisory Committee Minutes</i>	114
9. NOTICE OF MOTIONS.....	115
10. CLOSED SECTION	116
10.1 <i>Section 86 Committees of Management – Membership Update.....</i>	116
10.2 <i>Positive Ageing Service Review - Confidential Options Paper - February 2018.....</i>	116
10.3 <i>Leachate Pond and Compost Area construction projects at Anglesea Landfill.....</i>	116
10.4 <i>Assemblies of Councillors Confidential.....</i>	116

1. PETITIONS & JOINT LETTERS

1.1 Petition Requesting Council Support the Otway Yabbies Project

Author's Title: Executive Assistant

General Manager: Anne Howard

Department: Governance & Infrastructure

File No: F15/819

Division: Governance & Infrastructure

Trim No: IC18/216

Appendix:

1. Petition Otway Yabbies Project - Redacted (D18/21946)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the petition requesting that Council support the Otway Yabbies Project which allows for the removal of free clay from dam sites to be taken to the Anglesea Landfill Site for reclamation works.

The petition consists of 45 signatures.

Recommendation

That Council, in accordance with its Local Law No. 2 – Meeting Procedure:

1. Receive and note the petition requesting support for the Otway Yabbies Project.
2. Refer the petition to the General Manager Governance and Infrastructure for consideration.
3. Require a report on the petition be presented to the Ordinary Council Meeting on 27 March 2018.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Carol McGregor

That Council, in accordance with its Local Law No. 2 – Meeting Procedure:

1. Receive and note the petition requesting support for the Otway Yabbies Project.
2. Refer the petition to the General Manager Governance and Infrastructure for consideration.
3. Require a report on the petition be presented to the Ordinary Council Meeting on 27 March 2018.

CARRIED 8:0

1.2 Petition Requesting to 'Save Anglesea Bike Park'

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

Department: Recreation & Open Space Planning **File No:** F11/246

Division: Culture & Community **Trim No:** IC18/234

Appendix:

1. Save Anglesea Bike Park Petition - Redacted (D18/20646)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note two petitions from the Anglesea Bike Park Committee of Management relating to the future of the Anglesea Bike Park by opposing the rezoning of the Alcoa freehold land where the bike park is located and acquiring the land for public use.

Summary

1. Petition 1 consists of 877 signatures.
2. Petition 2 consists of 4,804 digital signatures.

At the Ordinary Meeting on 12 December 2017 (prior to the initiation of the petition), in recognition of the challenges associated with the future of the Anglesea Bike Park, Council resolved to:

1. *Allocate \$55,000 from the Accumulated Unallocated Cash Reserve to fund the following studies relating to the Anglesea Bike Park and network of formalised trails:*
 - 1.1 *Anglesea Bike Park relocation options analysis with opinion of cost*
 - 1.2 *Anglesea trails concept plan and opinion of cost including; Anglesea Bike Park as the trailhead; a formalised local network of trails (Lorne, Eumeralla, Surf Coast Walk) and recognition of regional connections to other significant trail locations such as Forrest and the You Yangs*
 - 1.3 *Triple bottom line impact assessment of trails in the Surf Coast*
 - 1.4 *Governance review outlining options for the management of the Anglesea Bike Park and future trails.*
2. *Write to the Department of Environment, Land, Water and Planning to seek a funding contribution up to \$27,500 in recognition of the State's desire to resolve the future of the bike park and understand its potential relationship to trails in the area.*
3. *Return the equivalent value of the Department of Environment, Land, Water and Planning contribution to the Accumulated Unallocated Cash Reserve if and when that contribution is received.*
4. *Note that the Chief Executive Officer will continue to correspond with Alcoa regarding Council's investigations and any relevant information required to enable Council to achieve the best outcome for both ratepayers and the users of the bike park.*
5. *Receive further information on this matter at key milestones and when Council direction is required.*

Officers have prioritised the relocation options analysis with an aim to bring the findings and a recommendation to Council at the May 2018 Ordinary Meeting.

Bike Park and Surf Coast Trails Group representatives along with DELWP have been invited to participate in the study in order that the analysis is fulsome in its consideration of all issues.

Recommendation

That Council, in accordance with its Local Law No. 2 – Meeting Procedure:

1. Receive and note two petitions from the Anglesea Bike park Committee of Management requesting that Council save Anglesea Bike Park.
2. Note that petition 2 does not comply with Section 19.2 of Local Law No. 2 – Meeting Procedure, because each page of the petition does not bear the whole of the wording of the petition.
3. Receive a report on the findings of the relocation options analysis at the 22 May 2018 Ordinary Meeting.
4. Note that this resolution does not comply with section 19.5 of Local Law No. 2 – Meeting Procedures as Council will consider this matter later than the next Ordinary Meeting.

1.2 Petition Requesting to 'Save Anglesea Bike Park'

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council, in accordance with its Local Law No. 2 – Meeting Procedure:

1. Receive and note two petitions from the Anglesea Bike park Committee of Management requesting that Council save Anglesea Bike Park.
2. Note that petition 2 does not comply with Section 19.2 of Local Law No. 2 – Meeting Procedure, because each page of the petition does not bear the whole of the wording of the petition.
3. Receive a report on the findings of the relocation options analysis at the 22 May 2018 Ordinary Meeting.
4. Note that this resolution does not comply with section 19.5 of Local Law No. 2 – Meeting Procedures as Council will consider this matter later than the next Ordinary Meeting.

CARRIED 8:0

1.3 Joint Letter Road Safety - Marine Drive, The Quay, Torquay

Author's Title: Executive Assistant

General Manager: Anne Howard

Department: Governance & Infrastructure

File No: F18/44

Division: Governance & Infrastructure

Trim No: IC18/247

Appendix:

1. Joint Letter Road Safety - Redacted (D18/21516)

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 joint letter requesting that Council investigate road safety concerns raised by residents on Marine Drive, Torquay.

The joint letter is signed by the owners of 27 properties.

Recommendation

That Council, in accordance with its Local Law No. 2 – Meeting Procedure:

1. Receive and note the joint letter requesting Council investigate road safety concerns on Marine Drive.
2. Refer the joint letter to the General Manager Governance and Infrastructure for consideration.
3. Require a report on the joint letter be presented to the 27 March 2018 Ordinary Council Meeting.
4. Write to the first-named signature on the joint letter advising of this decision.

Council Resolution

MOVED Cr Brian McKiterick, Seconded Cr Clive Goldsworthy

That Council, in accordance with its Local Law No. 2 – Meeting Procedure:

1. Receive and note the joint letter requesting Council investigate road safety concerns on Marine Drive.
2. Refer the joint letter to the General Manager Governance and Infrastructure for consideration.
3. Require a report on the joint letter be presented to the 27 March 2018 Ordinary Council Meeting.
4. Write to the first-named signature on the joint letter advising of this decision.

CARRIED 8:0

2. PLANNING MATTERS & DECISIONS

2.1 Planning Permit Application 17/0074 - 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool - Resubdivision of the Land into Two Lots

Author's Title: Coordinator Statutory Planning

General Manager: Ransce Salan

Department: Planning & Development

File No: 17/0074

Division: Environment & Development

Trim No: IC18/138

Appendix:

1. Assessment - Officers Report (D18/13098)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to determine Planning Application 17/0074 for the resubdivision of the land into two lots at 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool.

Summary

The land currently comprises two titles. Lot 1 is known as 1085 Barrabool Road, Barrabool and it has a total area of 2.016 hectares and is currently developed with a dwelling and machinery shed.

Lot 2 is known as 45 Andersons Road, Barrabool and it has a total area of 59.75 hectares. The site is currently developed with a dwelling, shedding and a number of dams.

An application has been received to allow a two lot resubdivision of the land. The resubdivision seeks to create lots as follows:

- Lot 1 – 25.63 hectare parcel, comprising the existing dwelling located on Lot 1 and extending to Andersons Road;
- Lot 2 – 36.12 hectare parcel which includes the existing dwelling.

The application has been assessed and it is considered that it does not meet the relevant provisions of the Surf Coast Planning Scheme as set out in the appended Officer's Report. Key concerns are that the resubdivision of the land could detract from the long term productivity of the land by reducing Lot 2, which is currently a technically viable lot and increasing the risk of both lots not being available for productive agricultural uses.

It is recommended that Council refuse this application.

Recommendation

That Council having caused notice of Planning Permit Application 17/0074 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides issue a Notice of Refusal to Grant a Planning Permit in respect of the land known and described as 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool for the resubdivision of the land into two lots on the following grounds:

1. The proposal is at odds with the purpose and decision guidelines of the Farming Zone and Clauses 14.01-1, 21.05 and 22.01 of the Surf Coast Planning Scheme in that it has the potential to detract from the long-term productive capacity of the land by reducing the size of a technically viable farming allotment, and increasing the risk of two marginal lots falling out of viable farming productivity due to the lot sizes proposed.

2.1 Planning Permit Application 17/0074 - 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool - Resubdivision of the Land into Two Lots

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Libby Coker

That Council having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to Grant a Permit under the Surf Coast Planning Scheme in respect of the land known and described as 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool, for the resubdivision of the land into two lots in accordance with the plans received by the Responsible Authority, subject to the following conditions:

1. Before the certification of the Plan of Subdivision, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) An increase in size of one Lot to 40 hectares.
2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
7. This permit will expire if one of the following circumstances applies:
 - The plan of subdivision is not certified under the *Subdivision Act 1988* within two years of the date of this permit
 - Five years after the certification of the plan of subdivision under the *Subdivision Act 1988*.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

CARRIED 6:2

2.1 Planning Permit Application 17/0074 - 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool - Resubdivision of the Land into Two Lots

Report

Background

An application has been made to allow the resubdivision of the land into two lots at 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool.

The proposed subdivision can be seen in the image below:



The application has been referred to Council's Infrastructure Unit and no concerns have been raised.

Public notification of the application has been undertaken and no objections have been lodged.

Discussion

Both properties are located in the Farming Zone and have been developed with dwellings.

The provisions of the Farming Zone specify a minimum lot size of 40 hectares for this area of the Shire, but allow for smaller lots to be approved via an application for a resubdivision of existing lots where the number of lots is not increased.

The applicant has detailed an intention to install sheep handling infrastructure on Lot 1 and for sheep or cattle to be farmed on Lot 2. The applicant has argued that the resubdivision will present an opportunity for sheep rearing to occur on both lots, where previously this opportunity was not available.

Certainly, there is not currently an opportunity to rear sheep on Lot 1 as it is a 2.016 hectare lot. However the ability for sheep or cattle farming to be undertaken over the whole of Lot 2 is not precluded in the current situation, though it is noted that personal circumstances have meant that this option has not been pursued to its full potential. The application outlines that a steer fattening enterprise and free range egg business have operated from the land, but have closed because of the marketing, labour and distribution costs. Agricultural activities on the land are currently confined to hay production and stock agistment on an opportunity basis.

2.1 Planning Permit Application 17/0074 - 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool - Resubdivision of the Land into Two Lots

Planning decisions are not based on personal circumstances, but must provide for orderly and sustainable land use and development. To this end, consideration of the decision guidelines of the Farming Zone is required, along with an assessment against the planning policy framework.

Planning policy and the zoning provisions focus on retaining productive agricultural land, sustainable land management and the need to support and enhance agricultural production. Generally speaking, the more rural land is fragmented into smaller pieces the less useful and useable it is for farming purposes; this is contrary to the planning policy framework.

Financial Implications

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

Council Plan

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

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

The merits of the proposal will be considered against the relevant provisions of the Surf Coast Planning Scheme and *Planning & Environment Act 1987*.

Social Considerations

There are no social considerations for this application.

Community Engagement

Public notice of the application has been carried out in accordance with the requirements of the *Planning and Environment Act 1987*. No objections have been lodged with Council.

Environmental Implications

Environmental implications will be assessed in the context of relevant planning policies and decision guidelines.

Communication

The applicant was invited to attend the hearing of submissions meeting on the 6 February 2018. The applicant has been advised of Council's decision making process for this application.

Options

Option 1 – Issue a Notice of Decision to Grant a Planning Permit

This option is not recommended by officers as the application does not provide for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme. This option would require the development of permit conditions.

Option 2 – Issue a Notice of Refusal to Grant a Planning Permit

This option is recommended by officers as the application does not provide for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme.

Option 3 – Defer Consideration of the Application to a Later Meeting

This option is not recommended by officers as:

- There is sufficient information available to make a decision on the application;

2.1 Planning Permit Application 17/0074 - 45 Andersons Road, Barrabool and 1085 Barrabool Road, Barrabool - Resubdivision of the Land into Two Lots

- It is important for all parties that some certainty is available about Council's position on this matter;
- There is a need for Council to make timely decisions on Planning Permit Applications.

Conclusion

As with all Planning Permit applications, a decision on this application requires the balancing of policy objectives.

This application results in a significant reduction in the size of Lot 2 which, at 59.75 hectares, has the potential to accommodate a range of agricultural activities, ensuring the ongoing viability of the lot for agricultural purposes.

By reducing the size of Lot 2 to below 40 hectares, which has been identified as a technically viable lot size, the potential for a wide range of productive agricultural pursuits to be undertaken on the land is reduced. In addition, a new lot will be created which will not be easily used for a range of productive agricultural pursuits. This is contrary to planning policy.

In light of this, it is recommended that the application is refused.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

Author's Title: Senior Statutory/Strategic Planner

General Manager: Ransce Salan

Department: Planning & Development

File No: 16/0453

Division: Environment & Development

Trim No: IC18/185

Appendix:

1. Officer's report (D18/18578)
2. Height Pole Photographs (D18/18834)
3. Application Plans (D18/6442)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to determine Planning Permit Application 16/0453 for 30A and 32 William Street Lorne.

Summary

Planning Permit Application 16/0453 seeks approval for the construction of two dwellings; resubdivision of the two existing lots into a new configuration of two lots and the creation of a carriageway easement internal to the proposed subdivision. The permit is required under the provisions of the General Residential Zone, Schedule 2 to the Neighbourhood Character Overlay, Schedule 12 to the Design and Development Overlay and Bushfire Management Overlay.

Key issues include whether the proposal will acceptably reduce the risk from Bushfire, deliver an appropriate neighbourhood character outcome, achieve an appropriate level of internal amenity and minimise the impact on the amenity of surrounding properties, including view sharing.

It has been assessed that the proposed development achieves an acceptable planning outcome. For this reason it is recommended that the application be approved subject to conditions.

Recommendation

That Council having caused notice of planning application No. 16/0453 to be given under Section 52 of the *Planning and Environment Act 1987* and /or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Planning Permit under the Surf Coast Planning Scheme in respect of the land known and described as Lot 1 PS322412F and Lot 3 LP53882 commonly known as 30A and 32 WILLIAM STREET LORNE, for the Construction of two dwellings; resubdivision of the land into two lots; and creation of a carriageway easement in accordance with the plans received by the Responsible Authority on 26 June 2017, subject to the following conditions:

Development

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Josh Crosbie, dated 19 June 2017, but modified to show:
 - a) A consolidated site plan for both of the dwellings.
 - b) A schedule of external materials, finishes and colours generally in accordance with those submitted with the application. External colours should be neutral and muted to assist in visually blending the building with the surrounding natural landscape;
 - c) The location of external plant and equipment. With the exception of a single television antenna on each dwelling, plant and equipment must not exceed the maximum height

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

specified in condition 4. This includes deleting the flue to proposed 32 William Street.

- d) The location of a water tank for each dwelling meeting the requirements of the endorsed bushfire management plan.
 - e) Reduce the width of the accessway to proposed 30A William Street to a maximum of 4.0 metres at the property boundary.
 - f) Bin storage for each dwelling.
 - g) Mailboxes for each dwelling.
2. In conjunction with the submission of plans required by condition 1, a landscape plan prepared by a landscape architect, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) Details of surface finishes of pathways and driveways.
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) Landscaping and planting within all open areas of the site.
 - f) The planting of at least two tall canopy trees.
 - g) The predominant use of plant species indigenous to the locality.
 - h) Plant selection and siting to have regard of key view lines from surrounding properties.
 - i) Planting that is consistent with the management of the whole of the property as defensible space.

All species selected must be to the satisfaction of the responsible authority.

3. Before the commencement of development, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:

- a) Underground drains to provide a point of discharge for 30A William Street.

All works constructed or carried out must be in accordance with those plans.

4. Before the commencement of development, a construction management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:

- a) Protection of existing vegetation.
- b) Measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land.
- c) Measures to accommodate the private vehicles of workers/ tradespersons.
- d) Details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities.
- e) Details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP.

5. Before the development commences, a cash bond or bank guarantee to the value of \$5,000 must be deposited with the responsible authority by the developer of the land as security against failure to

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

protect existing native vegetation to be retained or to comply with the landscape plan endorsed under this permit.

The bond or bank guarantee will only be refunded or discharged by the responsible authority upon being satisfied that the requirements of the landscape plan and protection of native vegetation have been fulfilled to the satisfaction of the responsible authority.

6. The maximum building height must not exceed RL 76.69m AHD for proposed 30A William Street and RL 75.82m AHD for proposed 32 William Street, in accordance with the endorsed plans and to the satisfaction of the responsible authority.

7. A written statement from a licensed surveyor shall be submitted for approval to the responsible authority confirming:

- a) that the buildings have been set out in accordance with the endorsed plan; and
- b) that the roof levels will not exceed the roof levels specified on the endorsed plan.

The statement shall be submitted to the responsible authority at completion of the frame of the building.

8. Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) constructed
- b) properly formed to such levels that they can be used in accordance with the plans
- c) surfaced with an all-weather-seal coat
- d) drained

to the satisfaction of the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. Before the occupation of the development or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

10. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Bushfire management

11. Before the development starts, an amended bushfire management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- a) Show an area of defendable space to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
 - i) Grass must be short cropped and maintained during the declared fire danger period.
 - ii) All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii) Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv) Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - v) Shrubs must not be located under the canopy of trees.
 - vi) Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

- vii) Trees must not overhang or touch any elements of the building.
 - viii) The canopy of trees must be separated by at least 5 metres.
 - ix) There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b) Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:
- i) Is stored in an above ground water tank constructed of concrete or metal.
 - ii) All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.
 - iii) Include a separate outlet for occupant use.
 - iv) The water supply must also –
 - (1) Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - (2) Be located within 60 metres of the outer edge of the approved building.
 - (3) The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
 - (4) Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - v) Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling)
- c) Nominate a minimum Bushfire Attack Level of BAL – 29 that the building will be designed and constructed.
12. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to the construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Subdivision

13. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
14. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
15. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
16. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
17. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

18. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
19. Before a statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
- a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Surf Coast Planning Scheme.
 - b) Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
 - c) State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

To give effect to the requirements of Clause 44.06-4 of the Surf Coast Planning Scheme, and the above condition, the section 173 Agreement prepared in accordance with Clause 44.06-4 must specify the following:

- a) The occupation of a dwelling or dependent person's unit must not start on any lot until all of the bushfire mitigation measures specified on the Bushfire Management Plan endorsed under this permit have been implemented on the relevant lot to the satisfaction of the Responsible Authority.
- b) The bushfire mitigation measures which form part of the Section 173 Agreement and the planning permit and endorsed plans, including those relating to construction standards (BAL), defensible space, water supply and access must be maintained to the satisfaction of the Responsible Authority.

The Bushfire Management Plan endorsed under this permit must be included as an annexure to the agreement.

20. Before a statement of compliance is issued under the *Subdivision Act 1988* the applicant must:
- a) provide drainage for each lot to the satisfaction of responsible authority including those works shown on the plans endorsed under Condition 3;
 - b) complete the construction of both dwellings;
- to the satisfaction of the Responsible Authority.

Conditions requested by Barwon Water

General

21. The plan of subdivision must be referred to Barwon Water in accordance with the *Subdivision Act 1988* and any subsequent amendments to the plan provided to Barwon Water.

Water

22. The provision and installation of individual water services including meters to all lots in the subdivision. Note that tapplings and services are not to be located under existing or proposed driveways.

Sewer

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

23. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owner(s).
24. The provision of a separate sewer connection branch to all lots within the subdivision and/ or the replacement of the existing end of line with a Sewer Maintenance Shaft (SMS). Note that the SMS is to be constructed by a certified/licensed plumber. A list of certified/licensed plumbers can be provided upon request.

Conditions requested by Powercor

25. The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
26. The applicant shall:
 - a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
 - b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
 - c) The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
 - d) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
 - e) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Expiry

27. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit
 - b) The development is not completed within four years of the date of this permit
 - c) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit
 - d) Five years after the certification of the plan of subdivision under the Subdivision Act 1988.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Margot Smith

That Council having caused notice of planning application No. 16/0453 to be given under Section 52 of the *Planning and Environment Act 1987* and /or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Planning Permit under the Surf Coast Planning Scheme in respect of the land known and described as Lot 1 PS322412F and Lot 3 LP53882 commonly known as 30A and 32 WILLIAM STREET LORNE, for the Construction of two dwellings; resubdivision of the land into two lots; and creation of a carriageway easement in accordance with the plans received by the Responsible Authority on 26 June 2017, subject to the following conditions:

Development

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Josh Crosbie, dated 19 June 2017, but modified to show:
 - a) A consolidated site plan for both of the dwellings.
 - b) A schedule of external materials, finishes and colours generally in accordance with those submitted with the application. External colours should be neutral and muted to assist in visually blending the building with the surrounding natural landscape;
 - c) The location of external plant and equipment. With the exception of a single television antenna on each dwelling, plant and equipment must not exceed the maximum height specified in condition 4. This includes deleting the flue to proposed 32 William Street.
 - d) The location of a water tank for each dwelling meeting the requirements of the endorsed bushfire management plan.
 - e) Reduce the width of the accessway to proposed 30A William Street to a maximum of 4.0 metres at the property boundary.
 - f) Bin storage for each dwelling.
 - g) Mailboxes for each dwelling.
2. In conjunction with the submission of plans required by condition 1, a landscape plan prepared by a landscape architect, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) Details of surface finishes of pathways and driveways.
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) Landscaping and planting within all open areas of the site.
 - f) The planting of at least two tall canopy trees.
 - g) The predominant use of plant species indigenous to the locality.
 - h) Plant selection and siting to have regard of key view lines from surrounding properties.
 - i) Planting that is consistent with the management of the whole of the property as defendable space.

All species selected must be to the satisfaction of the responsible authority.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

3. Before the commencement of development, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:
 - a) Underground drains to provide a point of discharge for 30A William Street.All works constructed or carried out must be in accordance with those plans.
4. Before the commencement of development, a construction management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
 - a) Protection of existing vegetation.
 - b) Measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land.
 - c) Measures to accommodate the private vehicles of workers/ tradespersons.
 - d) Details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities.
 - e) Details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP.
5. Before the development commences, a cash bond or bank guarantee to the value of \$5,000 must be deposited with the responsible authority by the developer of the land as security against failure to protect existing native vegetation to be retained or to comply with the landscape plan endorsed under this permit.

The bond or bank guarantee will only be refunded or discharged by the responsible authority upon being satisfied that the requirements of the landscape plan and protection of native vegetation have been fulfilled to the satisfaction of the responsible authority.
6. The maximum building height must not exceed RL 76.69m AHD for proposed 30A William Street and RL 75.82m AHD for proposed 32 William Street, in accordance with the endorsed plans and to the satisfaction of the responsible authority.
7. A written statement from a licensed surveyor shall be submitted for approval to the responsible authority confirming:
 - a) that the buildings have been set out in accordance with the endorsed plan; and
 - b) that the roof levels will not exceed the roof levels specified on the endorsed plan.The statement shall be submitted to the responsible authority at completion of the frame of the building.
8. Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed
 - b) properly formed to such levels that they can be used in accordance with the plans
 - c) surfaced with an all-weather-seal coat
 - d) drainedto the satisfaction of the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. Before the occupation of the development or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

10. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Bushfire management

11. Before the development starts, an amended bushfire management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:
- a) Show an area of defendable space to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
 - i) Grass must be short cropped and maintained during the declared fire danger period.
 - ii) All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii) Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv) Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - v) Shrubs must not be located under the canopy of trees.
 - vi) Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - vii) Trees must not overhang or touch any elements of the building.
 - viii) The canopy of trees must be separated by at least 5 metres.
 - ix) There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
 - b) Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:
 - i) Is stored in an above ground water tank constructed of concrete or metal.
 - ii) All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.
 - iii) Include a separate outlet for occupant use.
 - iv) The water supply must also –
 - (1) Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - (2) Be located within 60 metres of the outer edge of the approved building.
 - (3) The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
 - (4) Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - v) Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling)
 - c) Nominate a minimum Bushfire Attack Level of BAL – 29 that the building will be designed and constructed.
12. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to the construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

Subdivision

13. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
14. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
15. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
16. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
17. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
18. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
19. Before a statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
 - a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Surf Coast Planning Scheme.
 - b) Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
 - c) State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

To give effect to the requirements of Clause 44.06-4 of the Surf Coast Planning Scheme, and the above condition, the section 173 Agreement prepared in accordance with Clause 44.06-4 must specify the following:

- a) The occupation of a dwelling or dependent person's unit must not start on any lot until all of the bushfire mitigation measures specified on the Bushfire Management Plan endorsed under this permit have been implemented on the relevant lot to the satisfaction of the Responsible Authority.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

- b) The bushfire mitigation measures which form part of the Section 173 Agreement and the planning permit and endorsed plans, including those relating to construction standards (BAL), defendable space, water supply and access must be maintained to the satisfaction of the Responsible Authority.

The Bushfire Management Plan endorsed under this permit must be included as an annexure to the agreement.

20. Before a statement of compliance is issued under the *Subdivision Act 1988* the applicant must:

- a) provide drainage for each lot to the satisfaction of responsible authority including those works shown on the plans endorsed under Condition 3;
- b) complete the construction of both dwellings;
- to the satisfaction of the Responsible Authority.

Conditions requested by Barwon Water

General

21. The plan of subdivision must be referred to Barwon Water in accordance with the *Subdivision Act 1988* and any subsequent amendments to the plan provided to Barwon Water.

Water

22. The provision and installation of individual water services including meters to all lots in the subdivision. Note that tappings and services are not to be located under existing or proposed driveways.

Sewer

23. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owner(s).

24. The provision of a separate sewer connection branch to all lots within the subdivision and/ or the replacement of the existing end of line with a Sewer Maintenance Shaft (SMS). Note that the SMS is to be constructed by a certified/licensed plumber. A list of certified/licensed plumbers can be provided upon request.

Conditions requested by Powercor

25. The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

26. The applicant shall:

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c) The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- d) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

Expiry

27. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit
- b) The development is not completed within four years of the date of this permit
- c) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit
- d) Five years after the certification of the plan of subdivision under the Subdivision Act 1988.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

CARRIED 8:0

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

Report

Background

The site is located on the north side of William Street between Otway Street and Polwarth Road. It is zoned General Residential – Schedule 1 and is covered by Schedule 2 to the Neighbourhood Character Overlay (NCO2), Schedule 12 to the Design and Development Overlay (DDO12), Schedule 4 to the Significant Landscape Overlay (SLO4) and Schedule 2 to the Bushfire Management Overlay (BMO2). The permit is required under the zone and each of the overlays, with the exception of SLO4.

The site has been subject to previous VCAT decisions (2003 and 2008) for four and three dwellings respectively in two buildings. The approved development did not proceed and the permit since expired.

The site is comprised of two lots which are proposed to be re-subdivided into a new configuration and a two storey dwelling constructed on each of the lots. The front lot is proposed to be 627m² and the rear lot is 977m². The rear lot is unusual in being connected to the street only by a narrow 'umbilical' for service connections, whereas vehicle and pedestrian access will be by a proposed carriageway easement over the front lot. Both dwellings are proposed to contain four bedrooms, two living spaces and usual amenities, with an attached double garage. Maximum building height is 6.5m above the ground level for the front dwelling and 7.64m for the rear dwelling.

Discussion

A detailed assessment of the application has been undertaken in the attached officer's report.

Financial Implications

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

Council Plan

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

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

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

Social Considerations

There are no foreseen social impacts arising from the proposed development.

Community Engagement

Public notice of the application has been undertaken in accordance with the requirements of the Act, with eight objections received from six affected properties in relation to issues of view loss, landscaping and overlooking. The objectors concerns are analysed in detail in the attached officer's report.

Environmental Implications

There are no foreseen impacts on the environment arising from the proposed development.

Communication

The parties to the application were invited to attend the hearing of submissions meeting on the 6 February 2018. All parties have been notified of that the application is being considered by Council on the 27 February 2018. In accordance with the requirements of the Act a copy of Council's decision will be provided to the applicant and objectors by mail.

2.2 Planning Permit Application 16/0453 - 30A & 32 William Street Lorne

Options

Pursuant to Section 61 of the Act:

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

Option 1 - Issue a Notice of Decision to Grant a Planning Permit

Council may resolve to issue a Notice of Decision to Grant a Planning Permit in line with the recommendation, or with revisions to conditions. An objector/s could apply for a Tribunal review of Council's decision or the applicant could seek a review of any conditions applied.

Having considered all relevant planning controls, policies and decision guidelines the proposal represents an appropriate planning outcome. Where modifications to the proposal are recommended these can be effectively managed by conditions. The impact on the amenity of surrounding properties, particularly on views, does not warrant the refusal of the application. This option is recommended.

Option 2- Issue a Notice of Refusal to Grant a Planning Permit

Council may resolve to Refuse to Grant a Planning Permit. The applicant may seek a review of Council's decision. In accordance with the attached assessment it is considered that the proposed development achieves the relevant objectives of the planning scheme. If the application were to be refused it is recommended that this be on the grounds of bushfire risk and impact on the views enjoyed from 85 and 87 Polwarth Road, however for the reasons articulated in the assessment, it is unlikely that these grounds could be sustained on review. For this reason this option is not recommended.

Option 3 - Defer Consideration of the Application to a Later Meeting

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

Conclusion

The application seeks approval for the construction of two dwellings and subdivision of the land to create a lot for each dwelling; however the number of lots is not being increased. Important issues include the risk to future residents from bushfire, the impact on the neighbourhood character and the impact on residential amenity. It has been assessed that bushfire risk can be acceptable minimised and that the development respects the existing and preferred neighbourhood character. There will be some impact on existing views, but it has been assessed that the development will achieve a reasonable sharing of views. Overall it represents an acceptable planning outcome and is recommended for approval.

2.3 Planning Permit Application - 16/0490 - 1133 Surf Coast Highway Mount Duneed

Author's Title: Statutory Planning Officer
Department: Planning & Development
Division: Environment & Development

General Manager: Ransce Salan
File No: 16/0490
Trim No: IC18/191

Appendix:

1. 16/0490 - Assessment - Officers Report - Farming & Rural Conservation (D17/24558)

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

Yes

No

Reason: Nil

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to determine Planning Permit Application 16/0490 for the development of a telecommunications facility at 1133 Surf Coast Highway, Mount Duneed.

Summary

An application has been received for the development of a telecommunications facility including a 39 metre high monopole, associated antennae and equipment cabinet.

Public notification of the application has been undertaken and nine (9) submissions (as at 12 February 2018) have been lodged with Council. Concerns have been raised with the visual impact of the telecommunications tower, impacts on agriculture and health concerns.

The application was considered at a Planning Committee meeting on 20 March 2017 where the Planning Committee resolved to defer a decision on this item providing an opportunity for the applicant to investigate alternate locations for the telecommunications facility.

An amended application was submitted on 6 September 2017 by making the following changes:

- Reduction in the height from 42.4 metres to 39.0 metres.
- Reduction in the cabinet size.
- Removal of the radio communication dishes.
- Remove head frame to a turret.

Notice of the amended application was undertaken on 27 October 2017 where seven (7) additional comments were made from previous submitters regarding the proposal. The further comments stated that alternate locations were not considered after the Planning Committee Meeting held on 20 March 2017. Other matters raised are impacts on organic farming practices and the conflict with the ongoing use of the land.

Correspondence with the applicant (8 January 2018) recommended that a written response be provided to the submitter's detailing any investigations undertaken for a possible alternate location. The applicant did not provide additional comments regarding whether any alternate sites were investigated for the submitter's.

The application has been assessed and is considered to meet the relevant provisions of the *Surf Coast Planning Scheme* as set out in the appended Officer's Report. It is considered that the telecommunications facility has been sited to provide a balance between the visual impact and the overall community benefits provided from modern communication infrastructure.

The matter has been referred to Council to determine the application.

2.3 Planning Permit Application - 16/0490 - 1133 Surf Coast Highway Mount Duneed

Recommendation

That Council having caused notice of planning permit application No. 16/0490 to be given under Section 52 of the Planning and Environment Act 1987 and/or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 determines to issue a Notice of Decision to Grant a Planning Permit for the use and development of a telecommunications facility at 1133 Surf Coast Highway, Mount Duneed subject to the following conditions:

Endorsed Plans

1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Expiry of Permit

2. This permit will expire if one of the following circumstances applies:
 - a) The use and development is not started within two years of the date of this permit
 - b) The development is not completed within four years of the date of this permit
 - c) The use is discontinued for a period of two years or more

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

Note: Any plan approved under the Building Act and Regulations must not differ from the endorsed plan forming part of this Permit.

Council Resolution

MOVED Cr Brian McKiterick, Seconded Cr Clive Goldsworthy

That Council having caused notice of planning permit application No. 16/0490 to be given under Section 52 of the Planning and Environment Act 1987 and/or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 determines to issue a Notice of Decision to Grant a Planning Permit for the use and development of a telecommunications facility at 1133 Surf Coast Highway, Mount Duneed subject to the following conditions:

Endorsed Plans

1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Expiry of Permit

2. This permit will expire if one of the following circumstances applies:
 - a) The use and development is not started within two years of the date of this permit
 - b) The development is not completed within four years of the date of this permit
 - c) The use is discontinued for a period of two years or more

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

Note: Any plan approved under the Building Act and Regulations must not differ from the endorsed plan forming part of this Permit.

Cr Rose Hodge foreshadowed an alternate motion should this motion be lost.

CARRIED 5:3

2.3 Planning Permit Application - 16/0490 - 1133 Surf Coast Highway Mount Duneed

Report

Background

An application has been made by Metasite for the use and development of a telecommunications facility at 1133 Surf Coast Highway, Mount Duneed. The facility comprises a 39.0 metre high monopole, associated antennae and equipment cabinet.

Discussion

1133 Surf Coast Highway, Mount Duneed is zoned Farming Zone with no overlays and is located to the east of the Surf Coast Highway. The proposed telecommunications facility is located to the south-eastern corner of the site.

The State wide provisions with the Surf Coast Planning Scheme for a Telecommunications Facility are contained within Clause 52.19. The Decision Guidelines of this Clause require that the Responsible Authority must consider as appropriate:

- *The principles for the design, siting, construction and operation of a Telecommunications facility set out in 'A Code of Practice for Telecommunications Facilities in Victoria, July 2004'.*
- *The effect of the proposal on adjacent land.*
- *If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.*

A detailed assessment of the application against the relevant provisions of the Surf Coast Planning Scheme is contained in the attached officer's report.

Financial Implications

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

Council Plan

Theme 3 Balancing Growth
Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy 3.2.6 Advocate for supporting infrastructure

Policy/Legal Implications

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

Officer Direct or Indirect Interest

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

Risk Assessment

The merits of the proposal will be considered against the relevant provisions of the Surf Coast Planning Scheme and *Planning & Environment Act 1987*.

Social Considerations

The submissions received raised a number of matters, which may be classed as social impacts include the impact of the development on visual amenity.

Community Engagement

Public notice of the application has been carried out in accordance with the requirements of the *Planning & Environment Act 1987*. Nine objections have been lodged with Council. Most of the submitters are concerned with the visual impact of the telecommunications tower and health concerns. Concerns were also raised that an alternate location was not considered after the Planning Committee Meeting held on 20 March 2017.

Environmental Implications

There are no foreseen environmental implications in approving or refusing the proposed use and development.

2.3 Planning Permit Application - 16/0490 - 1133 Surf Coast Highway Mount Duneed

Communication

Council invited the parties to attend a hearing of submissions meeting on the 6 February 2018. Parties to the application have been made aware that the matter has been reported to the 27 February 2018 council meeting. In accordance with the requirements of the Act, a copy of Council's decision will be provided to the applicant and objecting parties (and other submitters as relevant) by mail.

Options

Option 1 – Issue a Notice of Decision to Grant a Planning Permit

This option is recommended by officers as the use and development of a telecommunications facility is an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme.

Option 2 – Issue a Notice of Refusal to Grant Planning Permit

This option is not recommended by officers as the use and development of a telecommunications facility provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme.

Option 3 – Defer Consideration of the Application to a Later Meeting

This option is not recommended by officers as:

- the application has been with Council for more than 60 statutory days, and therefore an appeal could be lodged with the Victorian Civil and Administrative Tribunal;
- all of the necessary information is available to make a decision on the application;
- the application was previously deferred at a Planning Committee meeting.

Conclusion

As with all Planning Permit applications, a decision on this application requires the balancing of policy objectives. The telecommunications facility has been sited to provide a balance between the visual impact and the overall community benefits provided from modern communication infrastructure.

It is therefore recommended that the application is supported.

2.4 Planning Application 17/0405 - 30 Beales Street, Torquay

Author's Title: Coordinator Statutory Planning
Department: Planning & Development
Division: Environment & Development

General Manager: Ransce Salan
File No: 17/0405
Trim No: IC18/192

Appendix:

1. 17/0405 - Assessment - 30 BEALES STREET TORQUAY - Officer's Report (D18/6235)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to determine Planning Application 17/0405 for the development of two dwellings and two lot subdivision at 30 Beales Street, Torquay.

Summary

An application has been received to develop two attached (side by side) dwellings and to subdivide the land.

The site is located at 30 Beales Street, Torquay and is in the General Residential Zone and affected by the Design and Development Overlay – Schedule 20.

Public notification of the application was required and as a result a total of 13 submissions were lodged with Council. All are objections to the application.

Submitters are largely concerned that the proposal is not consistent with the character of the immediate neighbourhood in terms of height, bulk, visual impact, street setback, site coverage and design. Additional concerns involve overlooking from the roof deck and first floor windows, noise, traffic and car parking on Beales Street and that a portion of the dwellings will be used for a studio rental.

The application has been assessed and is considered to meet the relevant provisions of the Surf Coast Planning Scheme as set out in the appended Officer's Report. The permit conditions require the height to be reduced to 7.5 metres to better align with the objectives of the Design and Development Overlay – Schedule 20.

It is considered the development of two dwellings on the land is supported by the Surf Coast Planning Scheme, in particular Clause 22.09 in which the relevant area is designated as "Urban Consolidation." However, the height to nine metres is not considered to respect the neighbourhood character and to meet the objectives of the Design and Development Overlay – Schedule 20.

It is recommended that Council support the application subject to a reduction in the building height to 7.5 m and adjustments to the proposal to meet requirements in the planning scheme as detailed in the recommendation.

2.4 Planning Application 17/0405 - 30 Beales Street, Torquay

Recommendation

That Council having caused notice of Planning Application No. 17/0405 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit in respect of the land known and described as 30 Beales Street, Torquay for the Development of the land for Two Dwellings and Two Lot Subdivision in accordance with the endorsed plans, subject to the following conditions:

Development

Amended Plans

1. Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - (a) a reduction in building height to a maximum of 7.5 metres in height from natural ground level;
 - (b) a increased eastern side setback for the roof deck to comply with Standard B17;
 - (c) screening on the eastern, western and northern sides of the roof deck to comply with Standard B22;
 - (d) a rear setback as 6.8 metres on all relevant plans;
 - (e) bin and recycling enclosures located for convenient access;
 - (f) six cubic metres of externally accessible, secure storage space for each dwelling;
 - (g) removal of street tree in front of Unit A.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the responsible authority.

Landscaping

3. Before the development starts, three copies of a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) details of all existing vegetation to be retained and/or removed;
 - (b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - (c) details of surface finishes of pathways and driveways, retaining a minimum of 20% permeability;
 - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (e) landscaping and planting within all open areas of the site;
 - (f) two canopy trees, a minimum of 1.8 metres in height at planting, within the front setback;
 - (g) replacement of street tree;
 - (h) predominantly the use of plant species indigenous to the locality.

All species selected must be to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

4. Unless with the prior written consent of the responsible authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the responsible authority.

Stormwater Management Plan

5. Before the development starts a stormwater management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) and must include:

2.4 Planning Application 17/0405 - 30 Beales Street, Torquay

- (a) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques where practicable to reduce pollutant export and peak discharge from the site;
- (b) Replacement of the Side Entry Pit to a Grate Pit with a Class D grate;
- (c) Reduce peak discharge from the site to that of the existing development;
- (d) Connection to council infrastructure.

Development Infrastructure Levy

6. Prior to the commencement of the development, a Development Infrastructure Levy must be paid to the Collecting Agency (Surf Coast Shire Council) based on the net change in demand units in accordance with the provisions of the incorporated Torquay – Jan Juc Development Contributions Plan applying to the land.

Community Infrastructure Levy

7. Prior to the commencement of the development, a Community Infrastructure Levy must be paid to the Collecting Agency (Surf Coast Shire Council) based on the net change in demand units in accordance with the provisions of the incorporated Torquay – Jan Juc Development Contributions Plan applying to the land.

Surveyor's Certificate – Frame Stage

8. A written statement from a licensed surveyor shall be submitted for approval to the responsible authority confirming:
 - (a) that the buildings have been set out in accordance with the endorsed plan; and
 - (b) that the roof levels will not exceed the roof levels specified on the endorsed plan.

The statement shall be submitted to the responsible authority at completion of the frame of the building.

Maximum Building Height - metres

9. The maximum building height must not exceed 7.5 metres above natural ground level in accordance with the endorsed plans and to the satisfaction of the responsible authority.

Vehicle Access and Parking

10. Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained

to the satisfaction of the responsible authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Rooftop appurtenances

11. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Subdivision

12. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.
13. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

2.4 Planning Application 17/0405 - 30 Beales Street, Torquay

14. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
15. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
16. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
17. The owner of the land must enter into an agreement with:
 - (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Prior to the issue of a Statement of Compliance

18. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
19. Before a statement of compliance is issued under the Subdivision Act 1988 the applicant must:
- a) provide access to and drainage of each lot;
 - b) pay the Development Infrastructure Levy to the Collecting Agency (Surf Coast Shire Council) based on the net change in demand units in accordance with the provisions of the incorporated Torquay – Jan Juc Development Contributions Plan applying to the land. The payment must be made after certification of the relevant plan of subdivision but not more than 21 days before a Statement of Compliance is issued under the Subdivision Act 1988 to the satisfaction of responsible authority.
20. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of the Statement of Compliance the development approved by Planning Permit 17/0405 must be substantially completed (e.g. lockup stage as a minimum) in accordance with the endorsed plans forming part of that Planning Permit (or any amendment to that permit) to the satisfaction of the Responsible Authority. Evidence must be submitted which demonstrates that the development is substantially completed to the satisfaction of the Responsible Authority.

Expiry

21. The approval granted by this permit for the construction of buildings and/or works will expire if one of the following circumstances applies:
- a) The development (buildings and/or works) is not started within two years of the date of this permit
 - b) The development (buildings and/or works) is not completed within four years of the date of this permit

2.4 Planning Application 17/0405 - 30 Beales Street, Torquay

The approval granted by this permit for the subdivision of the land will expire if one of the following circumstances applies:

- a) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit
- b) Five years after the certification of the plan of subdivision under the Subdivision Act 1988.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

Notes

1. The following requirements apply to vehicle crossings and driveways:
 - Vehicle crossings shall be constructed in reinforced concrete or other approved material;
 - New vehicle crossings to suit the proposed driveways shall be constructed;
 - Redundant vehicle crossings shall be removed and kerb and channel or other approved road edgings reinstated to suit existing works;
 - Pathways shall be replaced with a section capable of sustaining traffic loadings where vehicle crossings are constructed or relocated;
 - Entrance culverts with endwalls and suitable pavement material must be constructed to suit the proposed driveways to the satisfaction of the responsible authority.
 - A "Non-Utility - Minor Works" permit shall be obtained from the Coordinating Road Authority defined in the Roads Management Act 2004 prior to any works being undertaken in road reserves.

Council Resolution

MOVED Cr Brian McKiterick, Seconded Cr Rose Hodge

That Council having caused notice of planning application No. 17/0405 to be given under Section 52 of the *Planning and Environment Act 1987* and/or the Surf Coast Planning Scheme; and

having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to Refuse to Grant a Permit under the provisions of Clause 32.08-3, Clause 32.08-4 and Clause 43.02-2 of the Surf Coast Planning Scheme in respect of the land known and described as 30 BEALES STREET, TORQUAY, for the following reasons:

1. The development represents non-compliance with ResCode standards in relation to building height, front setback and side setbacks which results in:
 - unacceptable bulk;
 - a poor response to the character of the area.
2. There is insufficient landscaping on the site to allow for the planting of canopy vegetation to comply with the Design and Development Overlay – Schedule 20 and Clause 22.09.
3. The garages and access ways exceed objectives and do not respect the existing or preferred neighbourhood character

CARRIED 8:0

2.4 Planning Application 17/0405 - 30 Beales Street, Torquay

Report

Background

An application has been made to develop two dwellings and to subdivide the land at 30 Beales Street, Torquay.

Discussion

30 Beales Street, Torquay is zoned General Residential and is within the designated "Urban Consolidation" area within Clause 22.09 Torquay-Jan Juc Residential Development and Neighbourhood Character Policy. The Design and Development Overlay – Schedule 20 also applies to the land.

Public notification of the application was required and as a result a total of 13 submissions were lodged with Council.

Submitters are largely concerned that the proposal is not consistent with the character of the immediate neighbourhood in terms of height, bulk, visual impact, street setback, site coverage and design. Additional concerns involve overlooking from the roof deck and first floor windows, noise, traffic and car parking on Beales Street and that a portion of the dwellings will be used for a studio rental.

The application has been assessed against the planning policy framework, including ResCode, and is considered to be consistent with the framework which promotes appropriately designed medium density housing in this neighbourhood.

Financial Implications

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

Council Plan

Theme	3 Balancing Growth
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil

Policy/Legal Implications

The application has been assessed against relevant provisions of the Surf Coast Planning Scheme in accordance with the requirements of the *Planning 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

The merits of the proposal will be considered against the relevant provisions of the Surf Coast Planning Scheme and *Planning and Environment Act 1987*.

Social Considerations

The submissions received raised a number of matters which may be classed as social impacts including the visual impact of the development and amenity impacts. These impacts have been assessed in the context of relevant planning policies and decision guidelines.

Community Engagement

Public notice of the application has been carried out in accordance with the requirements of the *Planning and Environment Act 1987*. A total of 13 submissions have been lodged with Council. All are objections to the application.

Submitters are largely concerned that the proposal is not consistent with the character of the immediate neighbourhood in terms of height, bulk, visual impact, street setback, site coverage and design. Additional concerns involve overlooking from the roof deck and first floor windows, noise, traffic and car parking on Beales Street and that a portion of the dwellings will be used for a studio rental.

2.4 Planning Application 17/0405 - 30 Beales Street, Torquay

Environmental Implications

Environmental implications have been assessed in the context of relevant planning policies and decision guidelines.

Communication

The application was subject to public notice; all submitters have been invited to this meeting.

Options

Option 1 – Issue a Notice of Decision to Grant a Planning Permit

This option is recommended by officers as the application provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme.

Option 2 – Issue a Notice of Decision to Refuse to Grant a Planning Permit

This option is not recommended by officers as the application provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme. This option would require the development of Grounds of Refusal if Council was to refuse the application.

Option 3 – Defer Consideration of the Application to a Later Meeting

This option is not recommended by officers as:

- There is sufficient information available to make a decision on the application;
- It is important for all parties that some certainty is available about Council's position on this matter;
- There is a need for Council to make a timely decision on Planning Permit Applications.

Conclusion

As with all Planning Permit applications, a decision on this application requires the balancing of policy objectives.

It is considered the proposal provides for the increase in density while providing space in the front and rear setbacks for landscaping. However, the proposed height to nine metres is not considered to be sympathetic to the neighbourhood character and does not meet the objectives of the Design and Development Overlay – Schedule 20. Therefore a recommended condition is to reduce the height to a maximum of 7.5 metres. This can be achieved by modifying the stair access arrangements onto the roof deck.

It is recommended that Council supports the application subject to conditions.

3. OFFICE OF THE CEO

Nil.

5.1 Customer Focussed Planning Reforms

Author's Title: Manager Planning & Development

General Manager: Ransce Salan

Department: Planning & Development

File No: F17/68

Division: Environment & Development

Trim No: IC17/957

Appendix:

1. Super 11 Delegation Comparison (D17/97007)
2. Super 11 Delegation Comparison Refusal (D17/97008)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present to Council opportunities to further improve the delivery of its planning service by enhancing the process when members of our community are objecting to planning applications.

Summary

Council is undertaking a comprehensive reform program for its statutory planning function and significant progress has been made. These reforms centre on improving the customer experience when submitting a planning application including improved timeliness, service perspective when dealing with permits and providing a sense of participation and being heard. Central to this is how planning matters are addressed when there are objections or when refusal is recommended.

The recent resignation of the Deputy Chairperson of the Committee and the need to appoint a new Chairperson and Deputy Chairperson under the Terms of Reference, in order for the Committee to continue to operate, has made this an appropriate time to finalise consideration of the future of the Committee.

The report also considers the proposed changes to the Local Government Act which will replace Section 86 and has implications for the ongoing operation of the Committee should Council wish to continue its operation.

The report explores the opportunity to further improve the customer experience and the changes that may be needed to remain current and effective. It also examines how other Councils are responding to the same challenges of determining planning applications where objectors are involved or refusal is recommended by Officers.

Recommendation

That Council:

1. Note the opportunity to improve customer outcomes when there are objections to a planning application as part of its overall customer focussed planning reforms.
2. Receive a further report to consider the introduction of a new Planning Mediation Policy and process at the April 2018 Ordinary Council Meeting.
3. Abolish the Surf Coast Planning Committee established under section 86 of the Local Government Act 1989 and consequently revoke the C5. Instrument of Delegation (Council to Planning Committee) signed and dated 8 June 2017.
4. Note that in the absence of a Planning Committee the S6 Instrument of Delegation by Council to Staff should be updated to accommodate revised arrangements.
5. Note that "Call in" procedures will be updated.
6. Formally advise the members of the Planning Committee of this resolution and express Council's appreciation for their commitment and contributions to Council and the community.

5.1 Customer Focussed Planning Reforms

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Margot Smith

That Council:

1. Note the opportunity to improve customer outcomes when there are objections to a planning application as part of its overall customer focussed planning reforms.
2. Receive a further report to consider the introduction of a new Planning Mediation Policy and process at the April 2018 Ordinary Council Meeting.
3. Abolish the Surf Coast Planning Committee established under section 86 of the Local Government Act 1989 and consequently revoke the C5. Instrument of Delegation (Council to Planning Committee) signed and dated 8 June 2017.
4. Note that in the absence of a Planning Committee the S6 Instrument of Delegation by Council to Staff should be updated to accommodate revised arrangements.
5. Note that "Call in" procedures will be updated and a report provided back to Council.
6. Formally advise the members of the Planning Committee of this resolution and express Council's appreciation for their commitment and contributions to Council and the community.

CARRIED 8:0

5.1 Customer Focussed Planning Reforms

Report

Background

The Surf Coast Planning Committee has been in existence for over 20 years. It was established following the amalgamation of local government in Victoria by the Commissioner appointed to oversee the amalgamation process in the formative period of Surf Coast Shire. The Planning Committee was created so that decisions on planning applications could be made by a Committee comprising of "peers" rather than a single Commissioner. The establishment of the committee proved to be effective and has over time been recognised as an innovative approach. The benefits of the Committee have been:

- Membership has the opportunity to be selected by council for expertise in the field of planning or related areas
- Meetings can be arranged quickly and therefore it can be efficient
- Opportunity of a more informal meeting setting for those in the community to be able to address the Committee rather than the full Council.

The Surf Coast Planning Committee is a section 86 Committee under the *Local Government Act*. It operates under a terms of reference and comprises of nine community members, four of whom are able to constitute the committee and determine planning applications.

Council has been successfully implementing Customer Focussed Planning Reforms over the past three years. This has included employing process efficiencies, training and additional staff resources, to achieve a 36% improvement in planning application processing times. The Planning Committee has been recognised as an efficient way of making decisions and this has to be considered in any change to council's current practice so as to not cause unreasonable delays in planning decisions.

Council has to review the delegation of power under the *Planning and Environment Act 1987*, to effect changes to decision making on planning applications. This is managed in the S6 Schedule of delegation from Council to Council Staff and the C5 Instrument of Delegation – Council Instrument of Delegation to the Surf Coast Planning Committee.

Discussion

Issues

Efficiency

A considerable amount of additional time and effort is required to determine planning applications at council meetings. The current delegation practice provides for council to more efficiently determine applications in a number of ways where there are objections or a refusal is recommended by officers. These include delegation to the Planning and Development Manager, General Manger Environment and Development, the Chief Executive Officer and delegation to the Surf Coast Planning Committee. Only a comparatively small number of applications are referred to the full council or 'called in' by council. Deciding on the right balance between the efficiencies offered through delegation to council officers or using a committee verses direct decision making by council is important.

Hundreds of planning decisions have to be made each year. Planning reports in the Council agenda are lengthy as they contain a full assessment and justification for the planning decision against the requirements of the scheme. The planning reports are based on the model officer report format that both the Victorian Civil and Administrative Tribunal (VCAT) and the Minister for Planning have encouraged all councils to adopt. In addition reporting a planning matter to council also triggers the Hearing of Submissions process and council briefing reports. It is conservatively estimated that a planning decision made by council will take 15 hours of additional officer time to enact, six hours of executive management and four hours of councillor time per application.

5.1 Customer Focussed Planning Reforms

Mediation and dispute resolution

There is potential to create efficiencies, reduce workloads and better meet community expectations, in terms of resolving planning conflicts, through mediation and consultation processes. Council does not have a formal mediation process but many other councils do have a structured process. Mediation and planning dispute resolution became popular in the late 1990's and some councils now have this as a consistent step in the processing of applications. Currently only a small number of applications at Surf Coast go through a type of mediation discussion between parties. The mediation approach is more "customer focused" and opportunities to use mediation can reduce processing times and resolve issues faster.

Transparency of decision making

In December 2016 the Victorian Ombudsman concluded an "Investigation into transparency of Local Government decision making". The report examined the use of Section 86 Committees for decision making on planning applications. Surf Coast is one of 26 Councils with a committee, and the only Council with a committee comprising solely of community experts. Only five of the Councils have external members. The Victorian Ombudsman in its report emphasised that members of special committees are required to operate to the same integrity requirements as Councillors and the meeting and decision making should be transparent.

Additionally from a representation perspective, a citizen may also be concerned with the status of those delegated to make the decision on their planning application, as the Committee members are neither elected Councillors nor public servants.

Local Government Bill – Exposure Draft

The State Government is changing the Local Government Act. The foreshadowed Bill proposes to remove the current arrangements for committees made under Section 86 and introduce a new provision in the proposed Section 61 included below.

- 61 *Delegated committees*
- (1) *A Council may make a delegation under section 10 to the members of a delegated committee.*
 - (2) *A delegated committee—*
 - (a) *must include at least 2 Councillors; and*
 - (b) *must be chaired by a Councillor appointed by the Council or the Mayor; and*
 - (c) *may include any other persons appointed to the delegated committee by the Council who are entitled to vote.*

This provision if implemented will require a change to the current committee structure in the near future. It is proposed that the new legislation will progressively take effect in the new financial year.

Current Level of Delegation

Council has delegated the power to refuse and approve planning applications to the Planning Committee. It has delegated a lesser level of delegation to Council Officers who currently make in excess of 90% of all planning decisions. The delegation to the Planning and Development Manager includes determining applications with up to three objections, but not the power to refuse a planning application. VicSmart applications are treated differently as it is the Chief Executive Officer, not Council, that is given the responsibility of delegating powers including the power of refusal to VicSmart applications to staff under the Planning and Environment Act.

5.1 Customer Focussed Planning Reforms

Comparison to other Councils

A comparison of delegation levels in other large rural Councils has been undertaken. There is no defining benchmark but a range of delegation levels and approaches exist within the group (Super 11 group – A comparable group of Councils used for benchmarking). The table in Appendix 1 summarises the range of delegation levels in our comparative group. Seven Councils have confirmed they have a higher level of officer delegation than Surf Coast. Five of these have no limit to the number of objections considered by Officers, but all Councils have retained a council “call in process” for applications.

A comparison of delegation levels to refuse applications has also been undertaken. A range of delegation levels and approaches exist within the Super 11 group. The table at Appendix 2 summarises the range of delegation levels in our comparative group. Eight other Councils have higher delegation to staff for the general refusal of applications than Surf Coast. Refusals are a last resort where applications clearly do not comply with the planning scheme requirements and the applicant is unwilling to make changes or reconsider options.

Achieving Check and Balance

Councillors' involvement in the statutory planning process provides a 'check and balance' approach to application which may have a broader community impact. Some complex applications when assessed against the planning scheme requirements give rise to competing objectives and policies. In reviewing the delegation there is opportunity for applications which raise complex matters or have a broader impact on the community to still be considered by the full Council. Determining what is right involves consideration of four issues:

- Efficiency and timeliness of decisions
- Maximising the communities opportunity to participate
- Transparency and accountability
- Refusal as a last resort

Efficiency and timeliness of decisions

A survey of customers using the planning service was undertaken 2013. This provided valuable insights as to how customers viewed the service and where improvements could be made. The survey identified that there was a concern in relation to the time taken to make decisions on applications in general.

Reporting on an application requires considerable time and work from all involved. Committee members and Councillors have to make time to read and review all reports, consider presentations by applicants and/or objectors attend briefing sessions, undertake site visits and then deliberate.

It is estimated each planning application reported to a Council meeting requires 15 hours of additional officer work. Slightly less time is involved in reporting to the Planning Committee but it is still significant time. This includes the tasks of composing the report, review by senior management, and agenda / minute completion from the time of preparing the report to issuing the Notice of Decision to Grant a Permit or Refusal to Grant a Permit.

The backlog of undecided planning applications (those in the system greater than 60 statutory days) has been progressively decreasing and is currently at 52 applications. Applications incurring lengthy processing times are a result of a number of causes, however one contributing cause is the long reporting cycles to Committee and Council meetings which adds three to four weeks for the planning committee and six weeks to the process times if the application is determined at a Council meeting. In comparison the reporting of applications the Manager's Delegation occurs twice a week so there is less than a week's delay once the report has been finished by a planner.

5.1 Customer Focussed Planning Reforms

Maximising the Communities Opportunity to Participate

Council seeks to involve all parties in the planning process through a variety of ways. These range from:

- Written objections and a written response to objections by applicants
- Discussion with the planning officers
- Site meetings to assess view sharing
- Occasionally information sessions
- Attending and presenting to the Planning Committee
- Hearing of Submissions meetings.

The area of community involvement that Council has not traditionally undertaken is formal consultation or mediation meetings. Other Councils have successfully developed policies, trained staff and set up processes to manage planning disputes. The mediation meeting provides the opportunity to review the application material, listen to the concerns of all and achieve a shared understanding between the parties. The meeting is considered a good mechanism to involve the community and seeks to resolve concerns in a way that allows all views to be openly expressed. As part of the process, Councillors can be invited and can attend the meeting as observers which can provide a level of comfort to all parties.

Currently applications with three or less objections are determined by the Planning and Development Manager. This process relies on the review of written objections and the written response to objections by applicants. It does not afford any opportunity for direct community involvement.

Community involvement occurs when four or more objections are received and objectors and applicants decide to present to the Surf Coast Planning Committee meeting. Observations of this process are that it is better than the council hearing of submissions process as there is more opportunity for the parties to speak, but there is little opportunity for a mediated resolution. Decisions are usually made on the spot in response to a formed recommendation by the planner, which can be viewed as not providing due consideration to the matter at hand. This process provides little opportunity to incorporate changes from the consultation. When officer recommendations are not followed it leaves little time to properly prepare grounds of refusal or prepare or modify conditions of approval. Occasionally decisions are deferred to allow for a review but this also then increases time delays where parties are left wondering about the outcome, which can be distressing.

When planning applications progress to Council, parties who decide to address a Hearing of Submissions Meeting can find the experience very challenging. The Hearing of Submissions Meeting process is not a forum designed for the parties to negotiate. It exists to provide for the right to be heard (i.e. "natural justice") and provides an opportunity for Councillors to ask questions of clarification to the parties.

Developing a formal mediation and consultation process provides the best opportunity to improve our level of customer service in this area. However it needs to be supported by changes to delegations and other decision making areas.

The planning mediation and consultation services are prone to not always being used. Sometimes it may be objectors who do not wish to attend or sometimes the applicant is reluctant. A common weakness occurs when applicants refuse to attend seeing it as a delay to the reporting of the application to another process for a decision, such as the Planning Committee or the full Council meeting. Experienced planning applicants can avoid attending consultation and rely on their knowledge of the planning scheme. This can impact on the effectiveness of the consultation process, instead of taking the opportunity for parties to sort the matter out and achieve a 'win-win' outcome. The solution to this is to increase delegation to planning officers so that all parties realise the importance of being part of a mediated solution (it becomes an important way to be part of the outcome).

5.1 Customer Focussed Planning Reforms

The best opportunity to resolve community concerns occurs when the parties can be brought together for a conversation. Sometimes simply being able to explain the proposal reduces the concern. Modifications to the proposal or special conditions on the permit can also be used to address concerns and find a solution.

Aiming for a mutual agreement between the parties is also the best way to reduce the number of decisions being taken to VCAT. The average median processes days for VCAT applications was 234 days (last financial year). It is likely that the level of VCAT work could be reduced significantly, if Council introduced a mediation process. This would lead to increased efficiencies, reduced costs and an improved customer experience for all parties. There were 26 VCAT appeals heard last financial year and of these 13 were by objectors with 10 being associated with applications where there were three or less objections to the proposal (i.e. the decision was made by the manager). A mediation process might be able to reduce the number of appeals by objectors.

Transparency and accountability

The original intent of the Planning Committee was to maintain a level of community oversight and involvement over planning decisions during a period when there was a single Commissioner appointed. The Planning Committee originally considered all applications where there was a refusal proposed or a single objection had been lodged. In recent years only applications with more than three objections and applications recommended for refusal have been determined by the Planning Committee.

There is an inherent risk of managing conflicts of interest with the current Planning Committee process. A review of the Terms of Reference (TOR) by Council's lawyers has recommended changes to strengthen the TOR, and the governance surrounding the appointment of members and process for declaring the conflicts of interest.

Refusal as a last resort

Planning applications are refused when they are assessed as being non-compliant with the Planning Scheme. There is a low level of refusal, just 2.7 % in 2016/17. Considerable effort is made to work with applicants to achieve compliance and refusal is a last resort.

Council or the Planning Committee seldom has an opportunity to not refuse a decision when officers are recommending a refusal as the application will have been assessed as being unable to meet the planning scheme requirements. Refusals usually have multiple failures or areas of non-compliance when considering State, local and other provisions of the Planning Scheme.

It is important to remember that even after a decision is made by an officer, the Planning Committee or Council, all parties have an opportunity to review the decision through VCAT. This right of appeal is an important "check and balance" process built into the planning system. There is now a substantial body of planning case law that assists officers to make planning decisions. Council's success rate at VCAT is high 81%, only 2 appeals out of the 26 were over turned, and one of these was a Council decision where the officer's recommendation was not supported.

Financial Implications

The change to delegations will reduce the costs of administration. There will be a need to train staff in mediation skills which will require a suitable consultant to deliver general training and the need for formal training of key staff as mediators, able to run the meditation meeting process. It is important that a pool of mediators is available so that they can be independent of the planning decision to be made.

5.1 Customer Focussed Planning Reforms

Council Plan

Theme 5	High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is Involved and informed
Strategy	5.3.4 Continued reforms in statutory planning service delivery

Policy/Legal Implications

There is a need to address the current conflict of interest challenges that possibly are inherent within the Planning Committee model that uses “peers” to determine applications. The changes to the Local Government Act would mean the Chair or Deputy Chair would no longer be able to be filled by a member of the community.

A revised policy and procedure for the calling in of applications is required and a Planning mediation policy would need to be developed.

Officer Direct or Indirect Interest

In accordance with Section 80B of the Local Government Act 1989, the officer preparing this report declares no conflict of interest in regard to this matter.

Risk Assessment

The delay in deciding planning applications results in increased costs to development. The increase in delegateon will assist to remove the delay of the council meeting cycle.

Social Considerations

The focus on improving customer experience with the planning process would be supported by changes to the way council manages objections to planning applications. Last year there were 147 objections lodged to planning applications.

Community Engagement

A greater focus on mediation and community consultation meetings to resolve planning disputes will increase the opportunity for consensus being reached between the parties.

Environmental Implications

Nil.

Communication

Customer surveys of applicants, objectors and developers have highlighted the current process of reporting on applications with objections and refusals to the Planning Committee or Council is delaying matters. Increasing delegation will support the formalising of the planning mediation process intended to be offered for all applications that receive objections.

Consultation meetings are less formal and consequently not as challenging to the community as having to present during a formal hearing of submissions meeting. They can be scheduled to occur on a weekly cycle. Parties are more likely to engage when they realise it is their opportunity to have input into and influence the decision.

The establishment of the formal Mediation and Consultation Policy and procedure should be developed to widen the opportunity for those affected by the planning application process to be meaningfully engaged.

The new online planning system under development will also raise the level of transparency in the planning process and provide opportunities to support a greater level of customer engagement within the processing of applications.

5.1 Customer Focussed Planning Reforms

Options

Two options have been identified based on the review of similar Councils. In short these can be summarised below:

Option 1 - Maintain status quo with delegation to consider up to three objections for approval (including recommending authority objections or to refuse)

This option provides no change and will not reduce the number of reports to the Planning Committee or Council. It will constrain opportunities for the parties to be more meaningfully involved in the planning process. The foreshadowed changes to the Local Government Act mean this option would likely only be available for the short term.

Recruitment of new membership may be impacted by the changes and whilst recruiting, all applications with more than three objections or recommendations for refusal would need to be reported to Council for a decision.

Option 2 - The introduction of a mediation / consultation process with full delegation to Staff (with a "call in" mechanism for Councillors)

Under this option there is no limitation to Senior Officers (Coordinator and Manager) making decisions to approve where there are objections or to refuse an application. However Council always maintains the opportunity to "call-in" an application if it considers it in the best interest of the community to make the decision.

An enhanced process would be established to support the Council "call-in" mechanism, with Councillors being made aware of applications attracting objections and proposed decisions.

This option would see the use of the Planning Committee end. It would see the introduction of mediation meetings occurring on a regular cycle, with Mondays favoured to assist absentee land owners.

Staff trained in mediation and would run the mediation process which would require a determination to be made by Officers following the mediation. The planning mediation process would be formalised and supported by a policy of Council.

This option encourages those in our community involved in a planning application process to participate in finding a resolution to any disagreement through a managed conversation.

Failure to participate would necessitate a determination based on available information.

Conclusion

Officers acknowledge that the decision to give full delegation to determine planning applications requires Councillors to have confidence in the planning process and Council Officers, and a strong working relationship between Officers and Council.

Officers highlight that much progress has been made in the planning reform program and recommend that this revised approach provides an opportunity for further significant improvement in the customer experience and planning outcomes.

A decision to "call-in" an application on community interest grounds would remain a right of Council should Councillors wish to provide for the democratic oversight of planning applications when the need arises. The current "call-in" procedure will be supported with improved information regarding current applications.

Officers will also be required at various times to decide to refer a planning application decision to Council where community interest on policy or other issues warrant the reporting of the matter to a full Council meeting.

5.1 Customer Focussed Planning Reforms

The decision to move away from the Surf Coast Planning Committee model after such a long period of time is significant however it is recommended that a shift to a mediation-based decision making process is more appropriate for today's community.

4. GOVERNANCE & INFRASTRUCTURE

4.1 Council Submission - Local Government Bill 2018 Exposure Draft

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/1772

Division: Governance & Infrastructure

Trim No: IC18/141

Appendix:

1. Surf Coast Shire Council Submission - Local Government Bill 2018 (D17/148515)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to present the final version of Council's submission to the Local Government Act review for endorsement

Summary

The Department of Environment, Land, Water and Planning (DELWP) has released the Local Government Bill Exposure Draft and is inviting submissions up to 16 March 2018.

Councillors, the Leadership Group and Audit & Risk Committee members were invited to provide feedback.

The comments have now been collated and incorporated into the official submission template which is attached to this report. Once Council has endorsed the submission it will be forwarded to the DELWP before the closing date, for their consideration.

It is anticipated that the legislation will be passed in May/June 2018 with the implementation of the various requirements being phased in over the following two years.

Recommendation

That Council:

1. Endorse Surf Coast Shire Council's submission to the Local Government Bill 2018 Exposure Draft as attached at Appendix 1.
2. Authorise Council officers to forward the submission to the Department of Environment, Land, Water and Planning on behalf of Council.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Rose Hodge

That Council:

1. Endorse Surf Coast Shire Council's submission to the Local Government Bill 2018 Exposure Draft as attached at Appendix 1.
2. Authorise Council officers to forward the submission to the Department of Environment, Land, Water and Planning on behalf of Council.

CARRIED 8:0

4.1 Council Submission - Local Government Bill 2018 Exposure Draft

Report

Background

In 2015 Local Government Victoria released a Discussion Paper foreshadowing reforms to the Local Government Act 1989 and inviting submissions. In August 2015 Council developed a comprehensive submission in response to the Discussion Paper.

Local Government Victoria then carried out targeted consultation with technical working groups, peak bodies and key stakeholders during 2016/2017.

Following the initial consultation process the draft Local Government Bill has now been released with submissions being invited until 16 March 2018.

Discussion

Audit & Risk Committee members, Council's Leadership Group and other directly impacted parties were invited to provide feedback on the draft Bill. Councillors also received a presentation at the Councillor Briefings on 16 January 2018 and were provided with the opportunity to contribute to the submission.

The feedback and comments have now been incorporated into the submission template which is attached to this report. Once Council has endorsed the submission it will be forwarded to the Department of Environment, Land, Water and Planning (DELWP) for consideration.

It is anticipated that the legislation will be passed in May/June 2018 with the implementation of the various requirements being phased in over the following two years.

Further information and a full copy of the Exposure Draft and related documents are available at <http://www.yourcouncilyourcommunity.vic.gov.au/exposure-draft>

Financial Implications

There are no financial implications associated with development of the submission.

Council Plan

Theme 5 High Performing Council

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

Policy/Legal Implications

It is anticipated that the Local Government Bill 2018 will be passed into law in May/June 2018, with the implementation of the various requirements being phased in over the following two years. Various policies and plans (eg community vision, governance rules, staff code of conduct, CEO remuneration policy, transparency policy, gifts policy and community engagement policy) will need to be developed as a result of the legislation.

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

DELWP are conducting their own community consultation including a dedicated website and information sessions.

Environmental Implications

Not applicable.

4.1 Council Submission - Local Government Bill 2018 Exposure Draft

Communication

DELWP are conducting their own community consultation including a dedicated website and information sessions.

Options

Option 1 – Do not submit feedback to the Local Government Bill

This option is not recommended by officers as the comments collected are valid, well thought out and worthy of DELWP's consideration. This is a good opportunity for Council to provide feedback on the proposed legislation.

Option 2 – Amend the submission prior endorsement

This option would be applicable where Council wish to amend the submission before endorsement.

Option 3 – Endorse the submission

This option is recommended by officers as it allows the full feedback collected to be considered by DELWP when drafting the final version of the legislation.

Conclusion

Council has an opportunity to present its views on the Local Government Exposure Bill 2018 and to provide input for consideration by DELWP.

4.2 Project Budget Adjustments and Cash Reserve Transfers - February 2018

Author's Title: Coordinator Management Accounting **General Manager:** Anne Howard
Department: Finance **File No:** F17/954
Division: Governance & Infrastructure **Trim No:** IC18/200

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 approve of the Project Budget Adjustments and Cash Reserve Transfers.

Summary

The project Budget Adjustments and Cash Reserve transfers report for February 2018 are included in this report. All figures in this report are exclusive of GST.

Recommendation

That Council:

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

Funding Sources	Transfers From/ (to) Reserve
Accumulated Unallocated Cash Reserve	35,000
Adopted Strategy Implementation Reserve	(32,500)
Grand Total	2,500

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Carol McGregor

That Council:

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

Funding Sources	Transfers From/ (to) Reserve
Accumulated Unallocated Cash Reserve	35,000
Adopted Strategy Implementation Reserve	(32,500)
Grand Total	2,500

CARRIED 8:0

4.2 Project Budget Adjustments and Cash Reserve Transfers - February 2018

Report

Background

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

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

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

Discussion

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

Table 1 – Newly Initiated Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
New: Roadknight Street Reconstruction	Project Accounts	Upgrade of Roadknight Street, Lorne - unsealed road reconstruction including associated safety and drainage issues funded by existing, relevant project accounts and landowner contribution.	52,000
New: Eastern Reserve Cricket Practice Net Redevelopment	Adopted Strategy Implementation Reserve	Project ready to proceed. \$70K project with \$15K Eastern Reserve COM and \$35K Winchelsea Cricket Club contributions yet to be confirmed via funding agreements.	20,000

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

Table 2 – Project Budgets Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
8741: G21 Regional Hockey Strategy	Contribution Funded	Contributions from Hockey Victoria and other G21 councils now confirmed with executed funding agreements.	19,000
9529: Winchelsea Town Centre Beautification	Project Account	Renewal of existing, failed drainage line funded by 9225 Drainage Renewal Program.	7,260
9671: Stribling Reserve Lighting Upgrade	Grant Funded	Federal funding agreement executed.	230,000

4.2 Project Budget Adjustments and Cash Reserve Transfers - February 2018

The following budget transfers, detailed in Table 3, represent projects that have been successfully completed and are presented to Council for acknowledgement. Where unexpended funds remain they are returned to the source of funding as per Council's business practices, if the source of funds is the Accumulated Unallocated Reserve, the funds are returned to the Project Savings Account during the year and at the end of the year the balance of the Project Savings Account will be returned to the Accumulated Unallocated Reserve.

Table 3 Projects to be Closed

Project Name	Funding Source	Basis for Variation	Project Allocation \$
8622: Growing Adventure Tourism	Adopted Strategy Implementation Reserve	Transfer funds to Adopted Strategy Implementation Reserve to be quarantined for future project reliant on successful Building Better Regions Fund application.	(22,500)
9599: Authority Software Upgrade	Project Savings Account	Scope complete and savings can be returned to source.	(1,012)
8727: Matching Project Funds	Adopted Strategy Implementation Reserve	This provision will be drawn upon as projects are identified.	(30,000)

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

Table 4 Ratification of CEO Approved Transfers

Project Name	Funding Source	Basis for Variation	Project Allocation \$
New: Aireys Inlet Market Survey	Project Savings Account	Aireys Inlet market survey to provide a basis for understanding the market impacts when determining the market licence extension in 2018.	3,500
9697: School Crossing implementation	Accumulated Unallocated Cash Reserve	Construction of new pedestrian crossings in accordance with Council resolution, Horseshoe Bend Road and Stretton Drive.	35,000

Financial Implications

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

Council Plan

Theme 5 High Performing Council
Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy 5.1.1 Establish long-term financial principles and incorporate into the long-term financial plan

Policy/Legal Implications

Not applicable.

Officer Direct or Indirect Interest

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

4.2 Project Budget Adjustments and Cash Reserve Transfers - February 2018

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Options

Option 1 – Not approve transfers as recommended

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

Option 2 – Adopt officer recommendation

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

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for February 2018.

4.3 GROW Social Procurement Initiative

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F10/190

Division: Governance & Infrastructure

Trim No: IC18/57

Appendix:

1. GROW Summary Information (D17/143335)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to provide an opportunity for Council to sign up to the G21 Region's GROW (G21 Region Opportunities for Work) Compact.

Summary

The primary, underlying objective of GROW is to address long-term, entrenched, placed-based disadvantage in the G21 Region.

GROW asks partners to develop new business practices or change existing ones to benefit community members living in targeted areas of disadvantage. GROW is a long-term strategy to generate local, sustainable jobs, and support job seekers from areas with high rates of unemployment to have equitable access to these opportunities. The attached report card provides further details and more information is available on the GROW website <https://grow.g21.com.au/>.

Following a presentation to Councillors by GROW Director Anne O'Brien in December 2017, Council is now in a position to sign up to become a partner in the GROW social procurement initiative and join a number of local businesses and other Councils in the region who have also committed to this project.

If Council agrees to become a signatory, the Chief Executive Officer would be required to complete an online application and pledge Council's commitment to this project. Next steps would be:

- Once confirmed as eligible, Council would be awarded a GROW Certificate at a major event and Council's profile page added to the GROW website.
- Council would provide baseline expenditure, employment or other relevant data (confidentially) to build a 'dashboard'.
- Council would be committing to embedding the GROW principles into our organisation by developing an individual Compact Action Plan and reporting on this every 12 months.
- Council would become a member of the GROW Network with access to information, tools, case studies, stories and learnings from other GROW members.

It is recommended that Council agrees to sign up to this project to demonstrate its commitment to social procurement and the benefits this can provide for the municipality and wider community.

Recommendation

That Council authorise the Chief Executive Officer to sign Surf Coast Shire Council up to the GROW Compact and to carry out any actions that are required of GROW signatories.

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Carol McGregor

That Council authorise the Chief Executive Officer to sign Surf Coast Shire Council up to the GROW Compact and to carry out any actions that are required of GROW signatories.

CARRIED 8:0

4.3 GROW Social Procurement Initiative

Report

Background

The primary objective of GROW is to address long-term, entrenched, place based disadvantage in the G21 Region. It does this by focusing on what all the research identifies as the key and consistent element of place-based disadvantage which is long-term joblessness. GROW uses a collective impact framework, bringing together philanthropic, business, government and community organisations and seeking job growth in targeted areas of disadvantage.

GROW asks partners to develop new business practices or change existing ones to benefit community members living in targeted areas of disadvantage. GROW is a long-term strategy to generate local sustainable jobs, and support job seekers from areas with high rates of unemployment to have equitable access to these opportunities.

All GROW signatories are committed to integrating the GROW philosophy that 'a prosperous community cares for the well-being of all its members' into their own operations.

Organisations who have signed the GROW Compact are now considering the social value of their purchasing decisions, identifying potential training and employment opportunities for job seekers from target areas, and investigating the allocation of their routine operation and project spend to local suppliers and products, in line with their business objectives. Other networks and groups are aligning their activities with GROW, to achieve shared outcomes for the region.

The aims of the GROW Compact are to allow organisations to:

- Stand out as a regional business, network or organisation supporting local and social outcomes
- Be part of a local action, sharing good practice and building practical outcomes, leading to new opportunities for projects and partnerships
- Improve knowledge and expertise in local/social procurement and employment policy and practice
- Be supported to build the organisation's dashboard and measure progress
- Provide access to local suppliers, buyers, employees and social enterprises
- Make a difference to the G21 region's economic prosperity through support for local businesses and suppliers.

Discussion

If Council decides to sign on to the GROW Compact the next steps would be:

- Completion of an online form by the CEO to register Council's commitment.
- Award of a GROW Certificate at a major event with Council's profile page being added to the GROW website.
- Council would provide baseline expenditure, employment or other relevant data (confidentially) to build a dashboard.
- Council would work towards embedding the GROW principles into the organisation by developing an individual Compact Action Plan (with support from the GROW team).
- Council would then become a member of the GROW Networks and be able to access information, tools, case studies, stories and learnings from other GROW members.
- Council would report on the Compact Action Plan after 12 months and prepare for the next iteration.

Financial Implications

There are no financial implications associated with signing on as a GROW signatory.

Council Plan

Theme 1 Community Wellbeing
Objective 1.1 Support people to participate in and contribute to community life
Strategy Nil

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

4.3 GROW Social Procurement Initiative

Policy/Legal Implications

There are no legal implications associated with this report. Council would still be required to ensure procurement decisions are in line with the legislation and our Procurement Policy.

Officer Direct or Indirect Interest

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

Risk Assessment

Not Applicable.

Social Considerations

The primary objective of GROW is to address long-term, entrenched, place based disadvantage in the G21 Region by focusing on long-term joblessness.

Community Engagement

Not Applicable.

Environmental Implications

Not Applicable.

Communication

Council's profile page would be added to the GROW website and data developed for our dashboard. Development of a Compact Action Plan will involve communication and collaboration across the organisation.

Options

Option 1 – Do Nothing

This option is not recommended by officers as the opportunity for Council to show its commitment to social procurement initiatives would be lost. There are currently no viable alternatives of which officers are aware.

Option 2 – Sign up to the GROW Project

This option is recommended by officers as it would demonstrate Council's support for disadvantaged people in the community and a commitment to work with other organisations to develop strategies and business practices to alleviate this.

Conclusion

Council now has an opportunity to demonstrate its commitment to addressing place-based disadvantage in the region and to the general concept of social procurement by signing up to the GROW initiative.

Cr David Bell, Mayor declared a direct conflict of interest in item 4.4 Draft Property Use Agreements Policy SCS-034 under Section 77A of the Local Government Act 1989. The nature of the interest being Cr David Bell, Mayor has an existing licence agreement with the Surf Coast Shire for use of Council land to operate a market.

Cr David Bell, Mayor left the meeting at 7:14pm.

Cr Clive Goldsworthy, Deputy Mayor assumed the chair.

4.4 Draft Property Use Agreements Policy SCS-034

Author's Title: Property & Legal Services Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F14/582

Division: Governance & Infrastructure

Trim No: IC18/245

Appendix:

1. DRAFT Property Use Agreements Policy SCS-034 (D17/68566)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to endorse the draft Property Use Agreements Policy SCS-034 in readiness for informing the users affected by the policy.

Summary

The Property Use Agreements Policy stipulates the terms and conditions of any agreement developed with an approved user and complements the draft Use of Council Facilities Policy SCS-033, which determines who can use Council facilities.

The Policy looks to provide agreements that are consistent, protect public land and assets, and support facility users' objectives.

The current status of agreements raises a number of issues:

- Inconsistencies and inequity in use of facilities;
- Over 50% of agreements have expired or were not developed.

Recommendation

That Council:

1. Endorse the draft Property Use Agreements Policy SCS-034.
2. Release the draft Property Use Agreements Policy SCS-034 for public comment from 1 March 2018 to 30 April 2018.
3. Note a future report will be presented to Council to consider adoption of the Property Use Agreements Policy following the completion of the public comment period.

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Libby Coker

That Council:

1. Endorse the draft Property Use Agreements Policy SCS-034.
2. Release the draft Property Use Agreements Policy SCS-034 for public comment from 1 March 2018 to 30 April 2018.
3. Note a future report will be presented to Council to consider adoption of the Property Use Agreements Policy following the completion of the public comment period.

CARRIED 7:0

Cr David Bell, Mayor returned to the meeting at 7:18pm and reassumed the chair.

4.4 Draft Property Use Agreements Policy SCS-034

Report

Background

Surf Coast Shire has no policy regarding Property Use Agreements which has created a situation where users of Council facilities have inconsistent and inequitable agreements. In order to establish a clear and consistent framework for the users of Council facilities, officers have developed the Property Use Agreements Policy.

The Property Use Agreements Policy has been developed:

- By working with Council's Recreation and Open Space Team who work regularly with the users of Council facilities;
- From benchmarking other Local Government authorities, researching relevant legislation to ensure compliance and establishes a best practice approach to property agreements for Surf Coast Shire.

The current status of agreements raises a number of issues:

- Inconsistencies and inequity in use of facilities;
- Over 50% of agreements have expired or were not developed.

Discussion

As part of the policy it is recommended that all users contribute to utilities. Previously these costs were not treated consistently and this Policy will ensure that all users are treated in the same way. There is expected to be little impact to the status quo for the majority of users, however this will be confirmed through releasing the draft policy for public comment.

The policy will also work to ensure all terms and conditions of agreements are consistent across the board for all users of Council facilities.

Financial Implications

There will be a future financial benefit to Council through users contributing to utilities.

Council Plan

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

Policy/Legal Implications

The Policy has been developed to comply with legislation and best practice guidelines.

Officer Direct or Indirect Interest

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

Risk Assessment

Without a clear policy there are many inconsistencies and inequities between the user groups who utilise Council facilities.

Social Considerations

Community facilities serve an important role in community connection around community participation and service provision. The establishment of this policy will support users to meet their objectives while using facilities.

Community Engagement

There has been no formal community engagement with the development of this Policy, however the public comment period over March/April 2018 will allow feedback prior to final adoption of the Policy.

Environmental Implications

Not applicable

4.4 Draft Property Use Agreements Policy SCS-034

Communication

The Use of Council Facilities, and Property Use Agreement policies are in draft form and a Communication Plan has been developed to engage the community.

The draft policies will be released for public comment over March/April 2018 and presented back to Council for adoption.

Options

Option 1 – Endorse the draft Property Use Agreements Policy SCS-034 and release for public comment

This option is recommended by officers as releasing the draft Policy for comment will ensure the users of Council facilities have the opportunity to provide feedback before a final policy is presented to Council for adoption.

Option 2 – Do not endorse the draft Property Use Agreements Policy SCS-034 or support the release for public comment

This option is not recommended by officers as it will further delay our efforts to address the issue of inconsistency between agreements.

Conclusion

Endorsing the draft Property Use Agreements Policy will allow the users of Council facilities to provide feedback during the public comment period during March / April 2018. Please refer to the Communications Plan attached to the Use of Council Facilities Policy Report. The Policy aims to deliver a clear and consistent framework for the users of Council Facilities.

4.5 Review of Delegation from Council to Members of Council Staff

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

General Manager: Anne Howard
File No: F15/1076
Trim No: IC18/162

Appendix:

1. S6 Instrument of Delegation Council to Members of Council Staff (D18/18573)

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

Summary

The instrument was previously adopted by Council at the 26 September 2017 Ordinary Council meeting.

A review of the instrument was undertaken in January 2018 following an update issued by Maddocks lawyers in December 2017. The reviewed instrument is attached as Appendix 1 for Council's adoption.

The changes are summarised below:

- Increase in planning delegation levels to officers under section s.61(1) of the *Planning and Environment Act 1987*.
- Additional provision under section 246AAA of the *Planning and Environment Act 1987* relating to the Yarra River and not applicable to the Surf Cost Shire.
- Minor cosmetic changes.

Recommendation

That Council:

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

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Rose Hodge

That Council:

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

CARRIED 8:0

4.5 Review of Delegation from Council to Members of Council Staff

Report

Background

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

The S6 instrument of delegation (the instrument) was previously adopted by Council at the 26 September 2017 Ordinary Council meeting.

Discussion

A review of the instrument was undertaken in January 2018 following an update issued by Maddocks lawyers in December 2017.

The changes are summarised below:

- Increase in planning delegation levels to officers under section s.61(1) of the *Planning and Environment Act 1987*.
- Additional provision under section 246AAA of the *Planning and Environment Act 1987* relating to the Yarra River and not applicable to the Surf Cost Shire.
- Minor cosmetic changes.

At the 27 February 2018 Ordinary Council Meeting, Council will consider the future of the Surf Coast Planning Committee. If the committee is abolished, an increase in planning delegation levels to officers is required in order to determine permit applications. It is noted Council will still have the ability to “call in” applications for Council decision. The change in planning delegations is in in-line with other Councils.

The reviewed instrument is therefore attached as Appendix 1 for Council's adoption.

Financial Implications

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

Council Plan

Theme 5 High Performing Council
Objective Nil
Strategy Nil

Policy/Legal Implications

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

The review of the instrument has ensured compliance with legislation.

Delegations provide a clear framework that ensures that staff are aware of and acting within their designated levels of authority.

Officer Direct or Indirect Interest

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

Risk Assessment

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

Social Considerations

Not applicable.

Community Engagement

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

4.5 Review of Delegation from Council to Members of Council Staff

Environmental Implications

There are no environmental implications arising from this report.

Communication

Changes to the instrument will be communicated internally.

Conclusion

The instrument was reviewed in January 2018 following an update issued by Maddocks lawyers in December 2017. An updated instrument is therefore, attached for Council's adoption.

4.6 Place Naming Request - Shankhill Road and Camel Lily Pond Walk

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

General Manager: Anne Howard
File No: F17/1771
Trim No: IC18/174

Appendix:

Nil

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

Yes

No

Reason: Nil

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide information regarding proposed names for one new road and an existing pathway

Summary

At Council's November 2017 meeting a request was made to name a new road off Pollocksford Road, Gnarwarre Shankhill Road and rename a section of pathway in Stony Creek Reserve, Lorne Camel Lily Pond Walk. Council declare its intention to name the road and pathway as per the requests in the report and published a public notice. The exhibition period for the public notice has now concluded and Council received no submissions regarding the naming of the pathway and 5 submissions regarding the naming of the road.

Recommendation

That Council:

1. Proceed with the process of renaming the pathway Camel Lily Pond Walk.
2. Request officers to seek alternative name for the new road off Pollocksford Road and report to a future Council Meeting.

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Margot Smith

That Council:

1. Proceed with the process of renaming the pathway Camel Lily Pond Walk.
2. Request officers to seek alternative name for the new road off Pollocksford Road and report to a future Council Meeting.

CARRIED 8:0

4.6 Place Naming Request - Shankhill Road and Camel Lily Pond Walk

Report

Background

At Council's November 2017 meeting a request was made to name a new road off Pollocksford Road, Gnarwarre Shankhill Road and rename a section of pathway in Stony Creek Reserve, Lorne Camel Lily Pond Walk. Council declare its intention to name the road and pathway as per the requests in the report and published a public notice. The exhibition period for the public notice has now concluded.

Discussion

Rename existing pathway in Stony Creek Reserve, Lorne as Camel Lily Pond Walk

No submissions were received for the renaming of the existing pathway in Stony Creek Lorne.

Name new road off Pollocksford Road in Gnarwarre as Shankhill Road

4 Submissions were received regarding the naming of this unnamed road. These are summarised as follows:

Submitter	Alternative Name	Reason
[REDACTED]	Fairley Parker	[REDACTED]
[REDACTED]	Fairley Parker Drive	[REDACTED]
[REDACTED]	Fairley Parker Drive	[REDACTED]
[REDACTED]	Fairley Parker Drive or Ab Hill Drive	[REDACTED]
[REDACTED]	Schank Hill Lane	[REDACTED]

The Place Naming Committee have met and propose to reconsider the naming of the unnamed road in Gnarwarre and consult with the community on the name Fairley Parker Drive. Prior to proceeding with submitting this proposal to Council the name has been submitted to the Office of Geographic Names which has rejected the proposal due to similarly named roads within 15km of the location. Council's Place Naming Committee is currently reviewing alternative names for the road and will report to a future Council Meeting.

Financial Implications

There will be a minor cost for placement of the public notice and installation of signage which can be funded through the operational budget

Council Plan

Theme 1 Community Wellbeing
Objective 1.3 Improve community safety
Strategy Nil

Policy/Legal Implications

The proposed name of Camel Lily Pond Walk complies with relevant sections of the Geographic Place Names Guidelines developed under the Geographic Place Names Act. The naming proposals also comply with Council's Place Naming policy.

Officer Direct or Indirect Interest

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

Risk Assessment

Once formal registration or amendment of a location has occurred, Emergency Services will be advised of any changes. This minimises risk to the community in the event of an emergency.

Social Considerations

The community should have input into proposed naming of roads and this process provides that opportunity.

4.6 Place Naming Request - Shankhill Road and Camel Lily Pond Walk

Community Engagement

Where the naming of features or renaming of roads is proposed it is important to consult with the community and provide an opportunity into the changes and names proposed. This will be done through the s223 submission process

Environmental Implications

Not applicable.

Communication

Communication will occur through a public notice process and informing properties directly affected by such a change.

Options

Stony Creek Reserve:

Option 1 – Proceed to the next stage of the naming process and submit the name Camel Lily Pond Walk to the Office of Geographical Names

This option is recommended by officers as the proposed name is supported by the Community.

Option 2 - Not support the recommendation to name the path

This option is not recommended by officers as there has been no objection to the naming of the path by the community.

New road off Pollocksford Road:

Option 1 – Council officers seek alternative options for naming of this road

This option is recommended by officers as a suitable name would assist in identifying the road to emergency services.

Option 3 – Name the road

This option is not recommended by officers as particularly leaving the unnamed road unnamed would result in this road being difficult to locate by emergency services, postal services and others seeking the residence of the road.

Conclusion

The request to name the pathway is supported and it is recommended that Council proceed with the naming process.

4.7 Sale of 440 & 450 Hendy Main Road, Mount Moriac

Author's Title: Property & Legal Services Officers

General Manager: Anne Howard

Department: Governance & Risk

File No: F13/919

Division: Governance & Infrastructure

Trim No: IC18/69

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to seek Council's affirmation of its intention to sell the properties at 440 & 450 Hendy Main Road, Mount Moriac, originally approved for sale by Council in December 2015.

Summary

- Sale approved by Council at Council meeting on 8 December 2015.
- Officers have spent intervening period arranging for remediation works (including removal of stockyards) as authorised under the 8 December 2015 Council resolution.
- Stockyards now removed and property remediated.

Recommendation

That Council:

1. Sell 440 and 450 Hendy Main Road, Mount Moriac;
2. Agree that the price for the sale of the land should be based on current valuation;
3. Note the requirement of the Local Government Act 1989 that at the time of sale Council will hold a valuation not more than six months old;
4. Issue a public notice of intention to sell the properties and consider public submissions in accordance with Section 189 and 223 of the Local Government Act 1989;
5. Authorise the Chief Executive Officer to negotiate the sale of land if no submissions are received;
6. Authorise the Chief Executive Officer to execute the Contract of Sale and transfer documents on Council's behalf if no submissions are received; and
7. Agree that the net revenue from the sale will be transferred to the Accumulated Unallocated Cash Reserve to replenish funds contributing to the acquisition of land for the Eastern Reserve Masterplan, consistent with previous resolutions of Council that sale of excess land in Winchelsea should fund the Eastern Reserve extension acquisition.

Council Resolution

MOVED Cr Carol McGregor, Seconded Cr Margot Smith

That Council:

1. Sell 440 and 450 Hendy Main Road, Mount Moriac;
2. Agree that the price for the sale of the land should be based on current valuation;
3. Note the requirement of the Local Government Act 1989 that at the time of sale Council will hold a valuation not more than six months old;
4. Issue a public notice of intention to sell the properties and consider public submissions in accordance with Section 189 and 223 of the Local Government Act 1989;
5. Authorise the Chief Executive Officer to negotiate the sale of land if no submissions are received;
6. Authorise the Chief Executive Officer to execute the Contract of Sale and transfer documents on Council's behalf if no submissions are received; and
7. Agree that the net revenue from the sale will be transferred to the Accumulated Unallocated Cash Reserve to replenish funds contributing to the acquisition of land for the Eastern Reserve Masterplan, consistent with previous resolutions of Council that sale of excess land in Winchelsea should fund the Eastern Reserve extension acquisition.

CARRIED 8:0

4.7 Sale of 440 & 450 Hendy Main Road, Mount Moriac

Report

Background

At its 22 September 2015 Ordinary meeting, Council resolved:

That Council:

- 1. Declare its intention to sell properties known as 440 and 450 Hendy Main Road, Mount Moriac and 31-33 Hesse Street, Winchelsea.*
- 2. Issue a public notice of intention to sell Council land and invite public submissions.*
- 3. Consider any submissions received from the public submission process.*
- 4. Note that at the time of sale the valuations shall not be more than six months old.*
- 5. Sell the land by public competitive sale by auction or private treaty.*
- 6. Note that the revenue from the sale of these properties will be used to acquire land for the extension of Eastern Reserve, Winchelsea.*

At its 8 December 2015 Ordinary meeting, Council resolved:

That Council:

- 1. Sell Council properties located at 440 and 450 Hendy Main Road, Mount Moriac and 31-33 Hesse Street, Winchelsea.*
- 2. Sell the properties by public competitive sale by auction or private treaty.*
- 3. Consider any submissions received from the public submission process.*
- 4. Authorise the CEO to negotiate the sale of Hendy Main Road property either by excision of the land occupied by the stock pound, or by relocating the stock pound to another site.*
- 5. Note that the revenue from the sale of these properties is to be used to acquire the land for the extension of Eastern Reserve, Winchelsea.*

Officers have subsequently arranged for the removal of the stockyards and remediated the site at 440 and 450 Hendy Main Road, Mount Moriac, meaning it is now ready for sale.

Discussion

Given the delay between the previous public notice and Council resolution to sell and the proposed sale, for the purposes of transparency and probity, public notice of the intention to sell should be re-advertised.

Financial Implications

Costs to Council include Valuation of Land, Surveyor's cost, Land Registry costs, Legal costs, Real Estate Agent commission and officer time.

The proceeds from the sale will be used to offset the cost to purchase the land required for the extension of Eastern Reserve in Winchelsea as per previous resolutions of Council. Council drew funds from the Accumulated Unallocated Cash Surplus Reserve in advance of land sales and therefore it is appropriate for any revenue from the sale of these properties to be used to replace the advanced funds..

Council Plan

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil
Theme	4 Vibrant Economy
Objective	5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy	Select Strategy

Policy/Legal Implications

Section 189 of the Local Government Act 1989 and Section 223 of the Local Government Act 1989.

Sale or Exchange of Council Land Policy.

Officer Direct or Indirect Interest

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

4.7 Sale of 440 & 450 Hendy Main Road, Mount Moriac

Risk Assessment

The risk to Council not proceeding with the sales is of a financial nature. Funds raised from the sale of land subject of this report are required to purchase land for the extension of Eastern Reserve, Winchelsea.

Social Considerations

Public advertising process to ensure community engagement given the time between previous Council resolution and sale.

Community Engagement

Public advertising process in accordance with Local Government Act requirements to ensure community engagement given the time between previous Council resolution and proposed sale.

Environmental Implications

440 Hendy Main Road received a Certificate of Environmental Audit through the remediation work managed by the officers.

Communication

As detailed under the heading Community Engagement.

Options

Option 1 – Authorise public advertisement and sale

This option is recommended by officers as the best option.

Option 2 – Sell land without public notice

This option is not recommended by officers as it lacks transparency.

Option 3 – Retain land

This option is not recommended by officers as Council has no use for this land.

Conclusion

Sale is still considered appropriate but public consultation should take place given delay in enacting sale since previous resolution.

4.8 Performance Reporting 2017 - 2018 (Council Plan incorporating the Health and Wellbeing Plan, LGPRF Indicators) December year-to-date

Author's Title: Coordinator Governance & Corporate Planning **General Manager:** Anne Howard

Department: Governance & Risk **File No:** F16/850

Division: Governance & Infrastructure **Trim No:** IC18/118

Appendix:

1. December year-to-date snapshot - Council Plan Action Plan 2017 - 2018 - Council Plan 2017 - 2021 (D18/20429)
2. December year-to-date performance report - Strategic Indicators 2017 - 2018 - Council Plan 2017 – 2021 (D18/8243)
3. December year-to-date performance report - LGPRF Service Performance Indicators 2017 - 2018 (D18/9986)

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 present to Council the 2017 - 2018 December progress report against key strategic plans including the Council Plan (incorporating the Health and Wellbeing Plan) 2017 - 2021 and the Local Government Performance Reporting Indicators (LGPRF) as per statutory reporting requirements.

Summary

The Governance and Management Checklist contained in the Local Government (Planning and Reporting) Regulations 2014 specifies Councils performance reporting requirements against the Council Plan and service performance reporting requirements referred to in section 131 of the Local Government Act 1989.

Council adopted the Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021 in June 2017 and adopted an action plan to deliver strategies contained in the Plan in September 2017.

The December year-to-date performance report against the Council Plan action plan adopted by Council in September 2017 is attached at appendix one.

The December year-to-date performance report against the strategic indicators contained in the Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021 is attached at appendix two.

December year-to-date against the service performance indicators contained in the Local Government (Planning and Reporting) Regulations 2014 is attached at appendix three.

Recommendation

That Council receive and note the December 2017 year-to-date performance reports for the:

1. Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021 actions and strategic indicators, refer appendices one and two.
2. Local Government (Planning and Reporting) Regulations 2014 service performance indicators, refer appendix three.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Rose Hodge

That Council receive and note the December 2017 year-to-date performance reports for the:

1. Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021 actions and strategic indicators, refer appendices one and two.
2. Local Government (Planning and Reporting) Regulations 2014 service performance indicators, refer appendix three.

CARRIED 8:0

4.8 Performance Reporting 2017 - 2018 (Council Plan incorporating the Health and Wellbeing Plan, LGPRF Indicators) December year-to-date

Report

Background

The Governance and Management Checklist contained at Schedule One of the Local Government (Planning and Reporting) Regulations 2014 requires Council to confirm that:

1. Council has a Performance Reporting Framework in place and the date of effect (Item 16)
2. Council receives a report reviewing the performance of the Council against the Council Plan, including the results in relation to the strategic indicators, for the first six months of the financial year (Item 17)
3. Council receives six-monthly reports measuring results against financial and non-financial performance, including the performance indicators referred to in section 131 of the Local Government Act 1989 (Item 20).

Discussion

Council adopted the Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021 in June 2017.

The Plan contains five themes, each of which includes a number of strategic objectives and strategies.

An action plan to deliver the strategies in the Council Plan was adopted in September 2017. A summary of the December year-to-date results in delivering against the action plan is included below. A full report is attached at appendix one.

Table 1 – Six-monthly progress for actions

Themes & Objective	Strategies	2017 – 2018 Actions #1	Progress			
Community Wellbeing						
a) Support people to participate in and contribute to community life	3	9	6			3
b) Support people to be healthy and active	4	9	4			5
c) Improve community safety	2	2	2			
d) Provide support for people in need	4	7	5			2
Environmental Leadership						
e) Drive the use of renewable energy	2	2	2			
f) Improve the re-use of resources	4	12	8			4
g) Support local food production	1	1	1			
h) Retain and enhance rural land for appropriate and sustainable use	3	4	3			1
Balancing Growth						
i) Ensure infrastructure is in place to support existing communities and provide for growth	6	20	17			3
j) Strengthen township boundaries and support unique township character	3	4	1			3
k) Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire	4	6	2			4
Vibrant Economy						
l) Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community	4	8	5			3
m) Facilitate high quality events throughout the year	1	5	4			1
n) Strengthen the vitality of town centres	1	2	1			1

4.8 Performance Reporting 2017 - 2018 (Council Plan incorporating the Health and Wellbeing Plan, LGPRF Indicators) December year-to-date

Themes & Objective	Strategies	2017 – 2018 Actions #1	Progress			
o) Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses	4	14	9			5
High Performing Council						
p) Ensure Council is financially sustainable and has the capability to deliver strategic objectives	4	8	7			1
q) Ensure that Council decision-making is balanced and transparent and the community is involved and informed	3	6	4			2
r) Provide quality customer service that is convenient, efficient, timely and responsive	5	10	6			4
s) Ensure the community has access to the services they need	4	5	5			0
December year-to-date	62	134	92	0	0	42

Note #1: 2017 – 2018 actions endorsed by Council on 26 September 2017

Legend

Work in progress	Met or exceeded	Not met	No action 2017 -18

The Plan also includes 10 strategic indicators as the basis of measuring Council's performance in improving important outcomes for the community. A summary of Council's performance against the strategic indicators contained in the Plan is included at appendix two.

The December year-to-date Service Performance report against the LGPRF indicators contained in the Local Government (Planning & Reporting) Regulations 2014 is attached at appendix three. A number of cost indicators are not able to be reliably reported against until 30 June 2018 due to the requirement for end of year financial results.

Financial Implications

There are no additional costs associated with reporting the performance.

Council Plan

Theme 5 High Performing Council
Objective Nil
Strategy Nil

Policy/Legal Implications

This report complies with the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014.

Officer Direct or Indirect Interest

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

Risk Assessment

There is a reputational risk to Council if it does not comply with its legislative obligations.

4.8 Performance Reporting 2017 - 2018 (Council Plan incorporating the Health and Wellbeing Plan, LGPRF Indicators) December year-to-date

Social Considerations

Ensuring performance against strategies and measures is reported ensures transparency and public accountability.

Community Engagement

Considerable community engagement was undertaken in the development of the Council Plan 2017 – 2021. Council's progress in delivering the strategies and reporting its performance against the measures will be presented to a public Council meeting six-monthly and reported in the Surf Coast Shire Annual Report each year.

Environmental Implications

There are no specific environmental implications associated with this report. Reports are made available to the public and other stakeholders electronically via the Surf Coast Shire website.

Communication

This report will be incorporated into Council minutes and made available to the public and other stakeholders via the Surf Coast Shire website www.surfcoast.vic.gov.au

Options

Option 1 – Council do not receive and note this report.

This option is not recommended by officers as it is contrary to the requirements of the Local Government (Planning and Reporting) Regulations 2014

Option 2 – Council defer receiving and noting this report

This option is not recommended by officers as performance reporting is most useful when it is timely.

Option 3 – Council receive and note this report

This option is recommended by officers as this would support the timely consideration of December year-to-date performance results and open and transparent reporting to the community.

Conclusion

This report provides information on Council's performance in delivering against the 2017 - 2021 Council Plan strategies and strategic indicators endorsed by Council in September 2017 and the strategic indicators contained in the Local Government (Performance Reporting) Framework 2014. Together these will provide a transparent reporting mechanism to the community in relation to Council's performance.

4.9 Update to Council Representation on Various Committees and Regional/Peak Organisations

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

General Manager: Anne Howard
File No: F12/2042
Trim No: IC18/199

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 amend Council's representatives on the G21 Education and Training Pillar and Barwon South West Waste and Resource Recovery Group Forum for 2018.

Summary

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

Delegates are responsible for reporting back to Council in regard to any actions or outcomes from the meetings.

At the 28 November 2017 Ordinary Council Meeting, Council appointed delegates to various committees and regional/peak organisations including the appointment of Cr Hodge as Council's delegate to the G21 Education and Training Pillar. It is now proposed that Cr Libby Coker become the 2018 delegate on the G21 Education and Training Pillar and Cr Rose Hodge the sub-delegate.

Also at the 28 November 2017 meeting, Council recognised that the Barwon South West Waste and Resource Recovery Group (BSWRRG) Board members are appointed by the Minister for Energy, Environment and Climate Change (the Minister) and accordingly Council did not appoint any member to the BSWRRG Board.

Further review of the BSWRRG structures has been undertaken and it is affirmed that this group has two important aspects:

1. BSWRRG Forum: Comprising representatives of Council's in the group's region (may be either a Councillor or officer). Forum representatives are appointed by their respective Councils. Forum appointments are made on an annual basis.
2. BSWRRG Board: Comprising four skills-based members and four representatives from the BSWRRG Forum. Board members are appointed by the Minister for a four year term.

It is proposed by officers that Cr David Bell become the 2018 delegate for the BSWRRG Forum to provide continuity and efficiency of communication between the Forum and the Board.

Recommendation

That Council:

1. Amend the 2018 delegates to Committees as below:

Organisation/Committee	2018 Delegates
G21 Education and Training Pillar	Cr Coker Cr Hodge (Sub)
Barwon South West Waste and Resource Recovery Group (BSWRRG) Forum	Cr Bell

2. Note the Councillors appointed as delegates must ensure that their input to decision making on these committees and/or regional/peak organisations is consistent with Council's view on such matters.

4.9 Update to Council Representation on Various Committees and Regional/Peak Organisations

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Rose Hodge

That Council:

1. Amend the 2018 delegates to Committees as below:

Organisation/Committee	2018 Delegates
G21 Education and Training Pillar	Cr Coker Cr Hodge (Sub)
Barwon South West Waste and Resource Recovery Group (BSWRRG) Forum	Cr Bell

2. Note the Councillors appointed as delegates must ensure that their input to decision making on these committees and/or regional/peak organisations is consistent with Council's view on such matters.

CARRIED 8:0

4.9 Update to Council Representation on Various Committees and Regional/Peak Organisations

Report

Background

There are a number of Committees to which Councillors are appointed as delegates on an annual basis, including a number of regional/peak organisations and internal advisory committees.

Delegates represent Council at the meetings of these Committees and organisations, and are responsible for reporting back to Council in regard to any actions or outcomes from the meetings. Substitute delegates are also nominated to represent Council at those meetings where the delegate may be unavailable.

At the 28 November 2017 Ordinary Council Meeting Council appointed Cr Rose Hodge as the 2018 delegate to the G21 Education and Training Pillar. It is now proposed by Council that Cr Libby Coker become the 2018 delegate and Cr Rose Hodge the sub-delegate.

At the 28 November 2017 Ordinary Council Meeting Council did not appoint a delegate to the Barwon South West Waste and Resource Recovery Group Board because this appointment is made by the Minister. However, further review of the BSWWRRG structures has been undertaken and it is affirmed that this group operates with a Forum and a Board. While Council does not make appointments to the board it does need to decide on an appropriate delegate to the Forum. It is now proposed by officers that Cr David Bell become the 2018 delegate. It is noted that Cr David Bell is currently also a Forum-nominated Director of the Board appointed by the Minister until 30 April 2021 and acting in a role separate from Council.

Discussion

G21 Education and Training Pillar

The G21 Geelong Region Alliance Ltd is a company limited by guarantee with objectives to foster and undertake actions that will support sustainable growth and development in the Geelong region. The heart of G21 is a series of Pillar Groups representing priority interest areas of the Region including the Education and Training Pillar.

The G21 Education & Training Pillar works collaboratively to raise the profile of education and training as key drivers of the region's economic and social prosperity. The Pillar seeks outcomes that connect education and training to employment, increase educational attainment and participation rates, increase access to education and training including effective educational pathways, improve the quality of educational outcomes and develop a vision of excellence for education and training.

The pillar is made up of key decision makers and subject experts. At the 27 November 2017 Ordinary Council Meeting Cr Rose Hodge was appointed as Council's representative. It is now proposed by Council that Cr Libby Coker become the 2018 delegate and Cr Rose Hodge the sub-delegate.

Barwon South West Waste and Resource Recovery Group

Barwon South West Waste and Resource Recovery Group commenced operations on 1 August 2014 as a Statutory Authority through amendments to the Environment Protection Act 1970 (the Act). The Act outlines the group's legislative requirements including objectives, functions and powers. The group is the link between state, local governments and industry and is responsible for facilitating an integrated approach to regional planning, and the delivery of waste management and resource recovery services that align with state-wide waste and resource recovery planning.

The formed group has membership of nine Councils being; Borough of Queenscliff, City of Greater Geelong, Colac Otway Shire Council, Corangamite Shire Council, Glenelg Shire Council, Moyne Shire Council, Southern Grampians Shire Council, Surf Coast Shire Council and Warrnambool City Council. The group's board is made up of eight directors appointed by the Minister for Energy, Environment and Climate Change. Four being skills-based appointments and four forum nominated appointments.

Cr David Bell is currently a Board Director of the board appointed by the Minister until 30 April 2021 and acting in a role separate from Council. Cr Bell has also previously been Council's delegate to the Forum. It is proposed by officers that Cr David Bell also become the 2018 Council delegate. Given Cr Bell's existing level of expertise on the board and his high-level of knowledge of the group and its activities, the dual appointment will ensure Council is adequately represented and minimise the duplication of work and time commitment required should another Councillor be appointed as Council's representative.

4.9 Update to Council Representation on Various Committees and Regional/Peak Organisations

Financial Implications

Not applicable.

Council Plan

Theme 5 High Performing Council
Objective Nil
Strategy Nil

Policy/Legal Implications

Councillors appointed to represent Council on the various committees and regional/peak organisations must ensure that their input to decision making on these committees and/or regional/peak organisations is consistent with Council's view on such matters.

Officer Direct or Indirect Interest

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

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Involvement with various committees and regional/peak organisations provides Council with an opportunity for to engage with others and to consider issues that may have local and broader impact.

Environmental Implications

Not Applicable.

Communication

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

Options

Option 1 – Delegates for the G21 Education and Training Pillar and Barwon South West Waste and Resource Recovery Group remain as per 28 November 2017 Ordinary Council Meeting Council resolution
This option is available at the discretion of Councillors.

Option 1 – Appoint different delegates to the G21 Education and Training Pillar and Barwon South West Waste and Resource Recovery Group
This option is available at the discretion of Councillors.

Option 3 – Do not appoint delegates to the G21 Education and Training Pillar and Barwon South West Waste and Resource Recovery Group
This option is not recommended by officers as involvement with various committees and regional/peak provides an important opportunity for engagement and forms an important part of Council's role in representing the community.

Conclusion

There are a number of Committees to which Council delegates are appointed on an annual basis, including regional/peak organisations and internal Advisory Committees. An update to Councillor Representation on the on the G21 Economic Development Pillar and Barwon South West Waste and Resource Recovery Group is proposed.

5. ENVIRONMENT & DEVELOPMENT

5.2 Council Submission - Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan

Author's Title: Manager Environment & Community Safety **General Manager:** Ransce Salan

Department: Environment & Community Safety **File No:** F16/1646

Division: Environment & Development **Trim No:** IC18/108

Appendix:

1. Anglesea Structure Plan 2012 (D18/21918)
2. Anglesea Futures Draft Land Use Plan (D18/11761)
3. Alcoa Freehold Draft Concept Master Plan Anglesea (D18/21914)
4. Submission Points - Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan Anglesea (D18/19890)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Status:

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

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to provide a combined submission to the Anglesea Futures draft Land Use Plan and the Alcoa Freehold draft Concept Master Plan Anglesea.

Summary

The Anglesea Futures draft Land Use Plan (the Land Use Plan) (Appendix 2) is a key output from the Anglesea Futures Community Conversations series. The purpose of the Land Use Plan is to establish the strategic land use direction for public and private land on the former Alcoa coal mine and power station site (the Study Area).

The Alcoa Freehold draft Concept Master Plan Anglesea (the Concept Master Plan) (Appendix 3) is focused on four Alcoa freehold landholdings in the Study Area and also incorporates potential changes to existing land tenure arrangements. The purpose of the draft Concept Master Plan is to provide a vision to guide the future transition of Alcoa's landholdings in accordance with the Land Use Plan and considering the adjacent Anglesea township.

Both draft plans have been developed after extensive stakeholder collaboration and community engagement, based on a shared vision and guiding principles developed during the engagement process. Councillors and officers have participated in the community engagement events to date and officers have reviewed existing policies, particularly the 2012 Anglesea Structure Plan (ASP) (Appendix 1) and community engagement reports relevant to both plans.

Submission points which are relevant to both draft plans are attached (Appendix 4). Submissions on the draft Land Use Plan close on 16 March 2018 and on the draft Concept Master Plan on 6 March 2018.

Recommendation

That Council endorse the points included in Appendix 4 for submission to the Department of Environment, Land, Water and Planning on the Anglesea Futures draft Land Use Plan and to Alcoa of Australia, on the Alcoa Freehold draft Concept Master Plan Anglesea.

5.2 Council Submission - Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council endorse the points included in Appendix 4 for submission to the Department of Environment, Land, Water and Planning on the Anglesea Futures draft Land Use Plan and to Alcoa of Australia, on the Alcoa Freehold draft Concept Master Plan Anglesea with the following changes:

Tourism Precinct

Bullet point 4 is replaced with:

- Council affirms that buildings and other infrastructure types, heights, site coverage (ratio of built form to green space) must reflect the town's low key coastal character with its emphasis on open space and low scale built form.

Residential Accommodation in Area 10

A new bullet point:

- Council notes that outcomes for Area 10 will be impacted by recommendations from the Bike Park study.

Bullet point 6:

- The word 'would' replaced with 'could'.

Bike Park

Bullet point 6 is replaced with:

- An agreement will need to be reached to ensure necessary construction funding by appropriate parties and development of a smooth transition plan to any location.

Renewable energy generation

Bullet Point 2 replaced with:

- Council's view is that the exclusive use of land within the Study Area for a stand- alone renewable energy project may not be the highest and best use of this land, however, Council would not be opposed to considering a future stand-alone renewable energy proposal in Areas 3 or 6, that would be the primary use of land, subject to further community engagement and support for that proposal.

CARRIED 8:0

5.2 Council Submission - Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan

Report

Background

Various council and community presentations from both DELWP and Alcoa on their respective draft plans have been facilitated in recent months.

With the closure of the Alcoa coal mine and power station in Anglesea, the community, industry, government and other key stakeholders have been working together to explore the possibilities for future land uses at the site (the Study Area). In August 2015, DELWP, Council and Parks Victoria launched the Anglesea Futures Community Conversations series to provide a forum for community discussion on a range of issues relating to the Study Area and the closure of the coal mine and power stations. Targeted consultation on land use commenced in June 2017 and included consultation on land use scenarios and the release of a Land Use Scenarios Discussion Paper in August 2017. Stakeholder feedback on the Discussion Paper was used to develop the draft Land Use Plan.

Since March 2016, Alcoa has also been running a concurrent community engagement process to better understand community and stakeholder views about the future use of the Alcoa site. Development of both the draft Land Use Plan and the draft Concept Master Plan have been driven by five agreed common guiding principles, developed through Alcoa and Anglesea Futures' community engagement. The five agreed principles are:

- Support a diverse range of future uses and outcomes
- Complement the future of the Anglesea region
- Value and complement the natural environment
- Provide a safe and stable landform for future use
- Honour the various cultural and heritage values of the area.

Councillors and officers have participated in the community engagement events to date and officers have reviewed existing policies, and community engagement reports relevant to both plans.

In addition to the community's current views expressed during the consultation, of particular relevance to this submission is the 2012 Anglesea Structure Plan (ASP) (Appendix 1) which articulates the preferred planning directions for the township.

Discussion

Council's submission (Appendix 4) on the draft Land Use Plan (Appendix 2) and the draft Concept Master Plan (Appendix 3) considers a number of points under the following headings:

- Process so far
- Vision and Principles
- Overall land use directions
- Water body and river
- Environment
- Tourism precincts
- Integration with the existing township
- Recreation
- Residential and accommodation in Area 10
- The Bike Park
- Renewable energy generation
- Other

Council supports most aspects of both draft plans, subject to the comments made in its submission.

Financial Implications

The Study Area provides an opportunity to secure a signature destination based tourist attraction, boost the Great Ocean Road visitor economy and create local jobs whilst supporting townships and the environment. Council contributed \$25,000 in 2017/18 to Anglesea Futures to support community consultation. Council has also contributed up to \$55,000 to support a feasibility assessment for alternative site locations for the Anglesea Bike Park.

5.2 Council Submission - Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan

Funding opportunities are also being explored to cover costs for any potential relocation of the Bike Park.

Council Plan

Theme 3 Balancing Growth

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

Strategy 3.2.5 Work with the community and stakeholders to implement the Anglesea Futures program

Theme 4 Vibrant Economy

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

Strategy 4.4.3 Advocate for and drive the Great Ocean Road visitor economy

Policy/Legal Implications

Both draft plans are consistent with the Council Plan 2017–2021 commitment to advocate for and drive the Great Ocean Road visitor economy. Development of the Study Area will have implications for the ASP that could include extension of the township settlement boundary to include parts of the Study Area (e.g. Anglesea Primary School and Wilkins Street/Beteleigh Street area in Area 10) and support delivery of 'net community benefit' for new residential development. Clause 13.05 of the Planning Scheme, which restricts intensification of development in a bushfire area, will also play a role in informing appropriate development options in the Study Area.

Officer Direct or Indirect Interest

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

Risk Assessment

There are significant risks associated with the two plans including:

- If the final plans vary significantly from the drafts and the Anglesea Structure Plan as elaborated in the submission.
- If the community does not feel that their input has been properly included in the final plans.

Other risks include bushfire which will be a constraint on development with an opportunity to respond to this through appropriate development design.

Social Considerations

The residential development proposed for Area 10 provides an opportunity for a 'net community benefit' consistent with the ASP, through delivery of increased housing diversity and affordable housing (such as for families). Work is required to determine the best land ownership and management model to sustain affordable housing in Anglesea long term. A signature tourism development in the Study Area would help to provide local jobs and support the creation of local employment in the Shire.

Community Engagement

Both DELWP and Alcoa have undertaken extensive community engagement to develop their draft Plans, using a variety of methods including community forums, workshops and online engagement. The vision and guiding principles developed through community and stakeholder input have been used to guide both draft Plans. Input on the draft Land Use Plan can be provided through DELWP's Anglesea Futures website <https://engage.vic.gov.au/angleseafutures> and on the draft Concept Master Plan through <https://engage-anglesea.alcoa.com.au/anglesea>.

Environmental Implications

The land use direction for most areas in the Land Use Plan is for 'conservation & recreation uses'. Some areas which have been modified and have limited environmental values have been identified for alternative land uses, including tourism to support the regional economy. Transfer of approximately 6,510 hectares of Crown Land previously leased by Alcoa to the Great Otway National Park is a significant environmental outcome, given the high conservation values of the Anglesea Heath. Additional areas of environmental significance are referenced in the draft Land Use Plan, including Fraser Avenue. The potential for high biodiversity areas in the Outer Lease Area like Bald Hills and Messmate Track to be included in the Great Otway National Park once remediation works has been completed is welcomed.

5.2 Council Submission - Anglesea Futures Draft Land Use Plan & Alcoa Freehold Draft Concept Master Plan

Communication

Both DELWP and Alcoa are using a variety of engagement and communication methods to provide information about engagement opportunities. DELWP will be providing a summary of submissions received on the draft Land use Plan in April or May through a community meeting, website update and social media.

Conclusion

Closure of the Alcoa power station and coal mine site provides a once in a generation opportunity to secure significant environmental, social and economic outcomes for Anglesea, the region and for the State.

While the Alcoa sight represents a wonderful opportunity to achieve a substantive outcome, it is important that the scale of development should be appropriate and compliment the character of Anglesea and the Great Ocean Road.

Both the draft Land Use Plan and the draft Concept Master Plan have been developed after extensive community engagement and are guided by a shared vision and guiding principles developed through the engagement process. Councillors and officers have participated in the community engagement events to date and officers have reviewed existing policies, and community engagement reports relevant to both plans.

The plans are necessarily high level and strategic and at this stage appear relatively consistent with the 2012 Anglesea Structure Plan with some further clarification required regarding the scale of development. There is a relatively high level of community consensus for proposed land uses in all areas except areas 3, 6 and 10 where there is a diversity of views.

Council's submission points acknowledge all of the above and makes specific recommendations to guide the finalisation of both plans.

6. CULTURE & COMMUNITY

6.1 Council Complaints Handling Report July - December 2017

Author's Title: Customer Experience Coordinator

General Manager: Chris Pike

Department: Customer Service

File No: F18/254

Division: Culture & Community

Trim No: IC18/179

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 present information on complaints received for the period 1 July – 31 December 2017.

Summary

Council adopted the Complaints Policy SCS-032 on 27 June 2017. The policy outlines an open and transparent complaint handling system to ensure all complaints are handled fairly and objectively.

The policy states Council will receive a bi-annual report on complaints performance. The Complaints Policy and Management Procedure outlines complaint performance indicators.

This report contains performance on these indicators for the period of 1 July – 31 December 2017.

Recommendation

That Council receives and notes the complaints report for the period of 1 July – 31 December 2017.

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Clive Goldsworthy

That Council receives and notes the complaints report for the period of 1 July – 31 December 2017.

CARRIED 8:0

6.1 Council Complaints Handling Report July - December 2017

Report

Background

Council adopted the Complaints Policy SCS-032 on 27 June 2017. The purpose of the policy is to outline an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

The policy commits Council to deal effectively with complaints and guides how complaints handling procedures are implemented. A commitment in the policy states Council will receive a bi-annual report on complaints performance, including trend analysis.

The policy defines a complaint as an expression of dissatisfaction with:

- the quality of an action taken, decision made, or service provided by Council or its contractor.
- a delay or failure in providing a service, taking an action, or making a decision by Council or its contractor.

The policy describes a request for service is different to a complaint. Unlike a complaint, a request for service is when a customer wants Council to provide something, generally information or a service, or similarly report a fault such as a maintenance request

The policy is based on seven principles for effective complaints handling, as outlined in the Victorian Ombudsman's – *Good Practice Guide to Handling Complaints*:

1. Commitment

Council is committed to resolving complaints that are received in a timely manner. Council recognises people's right to complain and considers complaint handling to be part of the core business of serving the community and improving service delivery.

2. Accessibility

People can easily find out how to make a complaint and be supported through the complaint process.

3. Transparency

The complaint handling system clearly sets out how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

4. Objectivity and fairness

Under the complaint handling system, complainants and staff are treated with respect and courtesy. Complaints are judged on merit and fact.

5. Confidentiality

The complaint handling system protects the personal information of people making a complaint, and council staff will be informed on a 'need to know' basis.

6. Accountability

Council is accountable, both internally and externally, for its decision making and complaint handling performance. Council provides explanations and reasons for decisions, and ensures that decisions are subject to appropriate review processes.

7. Continuous Improvement

Council regularly analyses complaint data to find ways to improve how it operate and how it delivers services.

Discussion

The performance report is based on the indicators outlined in Complaints Policy and Management Procedure for the period of 1 July – 31 December 2017:

- 17 complaints received from customers, of these:
 - 2 were upheld
 - 3 were partially upheld

6.1 Council Complaints Handling Report July - December 2017

- 12 were not upheld
- There was an average 10 day response time to complaint investigations.
- 1 complaint fell beyond the target response time.
- There are 3 recommended changes to services as a result of complaints. (contained later in the report)
- 1 complaint outcome was overturned on internal review.
- A total of 6 complaints were registered with the Victorian Ombudsman's office (note: these complaints are not necessarily complaints that have been previously lodged with Council).
- 0 proposals for action have been made by the Ombudsman in relation to complaints registered with them during the period.

In the July - December period Council recorded 5552 requests for service from customers through the Authority software system, also known as CRMs. Authority handles a significant number of customer requests, but not all. In the same period Council received 17 complaints.

The complaints received fell under the themes of:

- Not happy with works undertaken
- Concerns with process
- Staff conduct
- Timeliness of response.

The complaints handling process is an opportunity for Council to learn and do better. All complaints, even those not upheld through the complaint investigation process are reviewed for service level improvement opportunities.

Officers have identified some improvement opportunities from the complaints investigated in the period these include:

- Identify a single officer point of contact when a complaint is complex and falls across multiple business units.
- Improve clarity of communication with customers about activities related to their complaint.
- Officers should avoid sharing a personal opinion with a customer.

Financial Implications

There are no significant financial implications in Council considering this report.

Council Plan

Theme 5 High Performing Council
Objective 5.3 Provide quality customer service that is convenient, efficient, timely and responsive
Strategy 5.3.3 Improve how we manage customer requests and complaints

Policy/Legal Implications

No policy or legal implications arising from this report.

Officer Direct or Indirect Interest

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

Risk Assessment

There is a reputational risk to Council if it does not comply with reporting commitments as per the Complaints Policy SCS-032.

Social Considerations

There are no significant social considerations arising from this report.

Community Engagement

Reporting on complaints and improving the customer experience is informed by the community engagement undertaken to develop the Council Plan.

6.1 Council Complaints Handling Report July - December 2017

Environmental Implications

There are no environmental implications arising from this report.

Communication

This report will be incorporated into Council minutes and made available via the Surf Coast Shire Council website www.surfcoast.vic.gov.au. The report will also be communicated to staff, to reiterate the importance of complaint handling and the service improvements identified in this report.

Options

Option 1 – Council receive and note the complaints handling report

This option is recommended by officers as the complaints handling report is a commitment from the Complaints Policy and describes complaint handling performance from 1 July until 31 December 2017.

Option 2 – Council do not note and receive the complaints handling report.

This option is not recommended by officers as this would not uphold the commitment in Council's Complaints Policy.

Conclusion

This report includes Council's performance against the measures identified in recently adopted Complaints Policy SCS-032. The report identifies three service improvements based on the complaints received for the period 1 July until 31 December 2017. This bi-annual report will continue to report performance, and identify service improvements to provide a better experience in the future for our customers.

6.2 Positive Ageing Service Review - Community Engagement Options Paper

Author's Title: Business Improvement Officer **General Manager:** Chris Pike
Department: Business Improvement **File No:** F16/1233
Division: Office of the CEO **Trim No:** IC18/186

Appendix:

1. Community Engagement Options Paper (D18/16203)
2. Discussion Paper (D18/19530)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to consider endorsing the Positive Ageing Service Review – Community Engagement Options Paper and commencing community engagement.

Summary

The Australian Government's aged care reform agenda, the creation of the National Disability Insurance Scheme and the State Government's Fair Go Rates System (rate capping) are the key drivers to Council undertaking this review.

Individualised funding, choice and competition are key features of the reform agenda that will fundamentally change the way that aged and disability services are delivered in the future.

Councils in Victoria and beyond have no choice but to rethink their role in aged care and disability services. In the new paradigm, local government:

- will not automatically be a designated service provider, and
- will be just another (costly) service provider in a market of many.

Funding agreements that currently identify Council as a service provider are set to begin to expire in 2019. When that happens:

- it's likely that the Australian government will either market test services on a regional scale, or introduce individual funding to clients - Council will not be competitive in either scenario, and
- Council will lose its ability to influence good outcomes and won't have a say on future arrangements.

It is necessary for Council to understand how it can respond to these changes so that people continue to receive service. If there are appropriate alternatives however, Council will not need to provide a competing service. It is essential that Council does not leave the community without a much needed service.

The Community Engagement Options Paper:

- follows the previously endorsed Research Paper
- analyses service delivery options for each of Council's Positive Ageing activities against the previously endorsed success criteria
- explores possible implementation scenarios without making recommendations, and
- marks the completion of Part 2 and the commencement of Part 3 of the project – community engagement and the receipt of community feedback and submissions, leading to the development of a Preferred Option Paper.

6.2 Positive Ageing Service Review - Community Engagement Options Paper

Recommendations

That Council:

1. Endorse the Positive Ageing Service Review – Community Engagement Options Paper and Discussion Paper attached as Appendices 1 and 2.
2. Note that the content of the Discussion Paper will be redesigned to make it more accessible to assist with public consultation.
3. Release the Community Engagement Options Paper and Discussion Paper to the community and all interested stakeholders for their feedback and comment by 9 April 2018
4. Receive a report on the findings of the public consultation with a recommendation for the future of Council's Positive Ageing Service at the 22 May 2018 Ordinary Meeting Council.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Carol McGregor

That Council:

1. Endorse the Positive Ageing Service Review – Community Engagement Options Paper and Discussion Paper attached as Appendices 1 and 2.
2. Note that the content of the Discussion Paper will be redesigned to make it more accessible to assist with public consultation.
3. Release the Community Engagement Options Paper and Discussion Paper to the community and all interested stakeholders for their feedback and comment by 9 April 2018
4. Receive a report on the findings of the public consultation with a recommendation for the future of Council's Positive Ageing Service at the 22 May 2018 Ordinary Meeting Council.

CARRIED 8:0

6.2 Positive Ageing Service Review - Community Engagement Options Paper

Report

Background

The Australian government has determined that reform is necessary to ensure that aged and disability care service systems are best placed to meet the needs of an ageing population in an efficient, fair and sustainable way.

Reform is being guided by the Aged Care Roadmap which identifies short, medium and longer-term goals to make the aged care system more consumer-driven, market-based, sustainable and nationally consistent. This review is an identified 2016/17 business improvement project, and is being undertaken to:

- assist Council to understand the social and economic perspectives of the positive ageing services it provides, and
- identify the service model that will best ensure that older people and people with a disability, continue to have access to affordable, high quality services in the future

In 2017, Council received and endorsed the Positive Ageing Service Review – Research Paper, providing detailed analysis of Council's positive ageing service by activity, client, volunteer and staff survey results, comprehensive benchmarking against G21 Councils, an extensive market scan, and Commonwealth and State government and Municipal Association of Victoria narrative

The key findings of this work are reproduced in the introduction section of the Community Engagement Options Paper.

Discussion

The Positive Ageing Service Review is separated into 3 parts; Parts 1 and 2 have now been completed.

Part 3 of the Positive Ageing Service Review will comprise:

- public release of the Community Engagement Options Paper and other collateral, inviting comment
- extensive community engagement
- receipt of submissions and feedback, and
- the development of a Preferred Option Paper incorporating community feedback

The Preferred Option Paper incorporating community feedback is scheduled to be referred to the May 2018 Council meeting where a decision will be sought.

Council will lose its power to influence good outcomes when the current funding agreements begin to expire in 2019.

Regardless of the chosen option, implementation planning and delivery will be critical, and must be:

- conducted in collaboration with responsible agencies and federal and state departments, and
- adaptable to balance client needs, market development, reform requirements, and Council's capacity to deliver a quality service

Financial implications

There are no financial implications associated with the completion of Part 2 of the review.

The Community Engagement Options Paper identifies the financial implications associated with the discussed options and implementation scenarios.

The Preferred Option Paper that's scheduled to be presented to Council in May will set out the financial implications associated with the preferred option.

Regardless of the chosen option, implementation will require temporary resourcing above and beyond existing staff levels.

Council Plan

Theme 5 High Performing Council

Objective 5.4 Ensure the community has access to the services they need

6.2 Positive Ageing Service Review - Community Engagement Options Paper

Strategy	5.4.1 Review Council-delivered services to ensure they are of high quality and delivering best value
Theme	5 High Performing Council
Objective	5.4 Ensure the community has access to the services they need
Strategy	5.4.2 Conduct service reviews to identify best service delivery model

Policy/legal implications

There is no policy or legal implication associated with Council adopting the recommendations of this report.

However Part 3 of the review will identify a preferred option that may require action regarding:

- the Surf Coast Shire Council Enterprise Agreement 2016-19
- various funding agreements
- agreements with clients and volunteers
- the Local Government Act 1989, and
- Competitive Neutrality.

Officer direct or indirect interest

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

Risk assessment

There is a risk that the community may forget that Council is undertaking this review in order to ensure the best outcomes for older people and people with a disability in a rapidly changing environment. The communication of the project and Council's options will emphasise this goal.

Decision making risks are:

- doing nothing and waiting to see what happens, which would result in the loss of valuable transition planning time that could be used to prepare for the future, and
- not acting whilst Council has the ability to influence good outcomes (before the current funding agreements begin to expire in 2019)

The Community Engagement Options Paper identifies risks associated with the possible options and implementation scenarios that have been explored.

There is a moderate risk that the currently 'thin' market may be unable to meet client needs in the short term; this could be mitigated by facilitating market growth by gradually relinquishing services.

Social considerations

The purpose of this review is to identify the most appropriate service model that will best ensure that older people and people with a disability continue to have access to affordable, high quality services in the future.

The Research Paper acknowledges:

- the difference that positive ageing supports make to the lives of older people and people with a disability, and
- Council's long history of funding and providing trusted aged and disability care services

Social considerations appear predominantly in the four categories of success criteria that have been endorsed to explore options and implementation scenarios in the Community Engagement Options Paper, including:

1. Business Improvement principles - featuring a commitment to ensuring that the Community isn't left without access to a critical service
2. The Council Plan and the Positive Ageing Strategy - highlighting numerous relevant objectives regarding quality and accessibility
3. Service Outcome - the program aim is 'quality support is available for frail and older residents to maximize their independence at home and in the community', and
4. Transition - objectives include service continuity, and a smooth transition to possible new arrangements

6.2 Positive Ageing Service Review - Community Engagement Options Paper

Community engagement

A Community Engagement plan was developed in February 2017 and is being closely followed.

Extensive community engagement was undertaken during the research phase of the project, including:

- client survey (214/680 respondents)
- volunteer survey (15/47 respondents)
- staff survey (24/47 respondents)
- regular staff meetings
- meetings with G21 Councils
- interviews with seven Councils that have relinquished service provision
- meetings with seven non-government service providers
- meetings with Hesse Rural Health, Lorne Community Hospital and Barwon Health
- meetings with the Department of Health (Commonwealth Government), the Department of Health and Human Services (State Government), the National Disability Insurance Agency, and the Municipal Association of Victoria.

The Community Engagement Plan for this phase of the review includes:

- public release of the Community Engagement Options Paper
- release of a Discussion Paper and Submission Form to facilitate feedback
- personal invitation and assistance to clients, volunteers and staff and to provide feedback
- web engagement page
- emails to stakeholders, and
- meetings with relevant community groups such as Café Style program, Senior Citizens Centres, Community Centres, Lions, Probus and U3A.

Environmental implications

There are no environmental implications associated with this review.

Communication

The Positive Ageing Service Review Communication and Engagement Plan is being followed. Key stakeholders have been extensively involved, and the Australian Services Union has been informed that Council is reviewing Positive Ageing services.

The Community Engagement Options Paper is provided to inform current discussion and feedback; stakeholders and the wider community will be informed of the adopted option after the May 2018 Council meeting.

Options

The following options are possible at this juncture:

Option	Discussion
<p>Receive the report and proceed with Part 3 of the project – community consultation and the development of a Preferred Option Paper</p>	<p>This option is in keeping with the original project aim ‘to identify the service model that will best ensure that older people and people with a disability, continue to have access to affordable, high quality services in the future’</p> <p>The Community Engagement Options Paper explores possible options and implementation scenarios. The next step in the project plan is to publically release the Community Engagement Options Paper to inform and facilitate community comment and feedback</p> <p>Proceeding with Part 3 of the project is the recommended option as it will:</p> <ul style="list-style-type: none"> • provide ample opportunity for community participation • result in the development of a Preferred Option Paper (incorporating community feedback and submissions), and • provide sufficient information for Council to decide how to effectively respond to the Australian government’s aged care reform agenda so that people can continue to receive the important services that they need.

6.2 Positive Ageing Service Review - Community Engagement Options Paper

<p>Undertake further research, defer the next stage of the project</p>	<p>The details of the aged and disability care environment are constantly changing as the Commonwealth reform agenda progresses, and it could be argued that Council should wait and see what happens next. But the key features of the reform agenda (individualized funding, choice and competition) are unchanging and for the sake of its communities, local government must be prepared for this new paradigm.</p> <p>The research conducted to this point has been extensive and consistently points to the identified key findings; it's unlikely that further research will uncover significant new results or add further value.</p> <p>An extended schedule that allows sufficient time to implement thoughtful change strategies will be critical to achieving a smooth transition to possible new arrangements. Deferring Part 3 of the project puts a smooth transition at risk and would not be in the community's best interests. This option is not recommended.</p>
<p>Do not continue with the review</p>	<p>Not proceeding with the review is an option, but implies doing nothing to prepare for inevitable change.</p> <p>Not proceeding with the review would result in a lack of understanding of Council's future role in supporting older people and people with disabilities, ignorance of what's best for the community, and would squander valuable planning and transition time. This option is not recommended.</p>

Conclusion

Aged care reform is fundamentally changing the way that aged and disability supports will be delivered in the future. In this context, Council is committed to ensuring older people and people with a disability have access to the services they need.

In the new paradigm, consumers will have choice, local government will be just another (costly) service provider in a market of many, and Councils will no longer be automatically designated service providers.

Receipt and endorsement of the Community Engagement Options Paper marks the completion of Part 2 of the review and the commencement of Part 3

Part 3 of the review will comprise:

- public release of the Community Engagement Options Paper inviting comment
- community consultation
- receipt of submissions and feedback, and
- the development of a Preferred Option Paper (incorporating community feedback)

Cr David Bell, Mayor declared a direct conflict of interest in items 6.3 Draft Use of Council Facilities Policy SCS-033 under Section 77A of the Local Government Act 1989. The nature of the interest being Cr David Bell, Mayor has an existing licence agreement with the Surf Coast Shire for use of Council land to operate a market.

Cr David Bell, Mayor left the meeting at 7:58pm.

Cr Clive Goldsworthy, Deputy Mayor assumed the chair.

6.3 Draft Use of Council Facilities Policy SCS-033

Author's Title: Recreation Planning Coordinator **General Manager:** Chris Pike

Department: Recreation & Open Space Planning **File No:** F14/582

Division: Culture & Community **Trim No:** IC18/223

Appendix:

1. DRAFT Use of Council Facilities Policy SCS-033 (D16/43161)
2. Communications Plan - Use of Council Facilities Policy and Property Use Agreements Policy (D18/3038)

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 endorse the draft Use of Council Facilities Policy SCS-033 ready to inform the local community and each community group affected by the policy.

The policy complements the draft Property Use Agreements Policy and together the two policies look to provide:

- a principle based decision making framework regarding the use of Council facilities
- increased use, equity, compliance and sustainability of facilities
- agreements that are consistent, protect public land and assets and support facility users' objectives.

Summary

The Surf Coast Shire views the sustainable use of community spaces as integral to the Surf Coast community having access to a variety of social, cultural, educational and recreational opportunities. The provision of community facilities contributes to enhancing community connection and is consistent with Council's purpose.

The Community Buildings Study 2015 included a three year action plan to improve the use and management of Council owned and/or managed community buildings. A key action of the study is the development of an integrated policy and procedures framework including guiding principles for the use of community buildings.

Council aims to optimise the use of its community facilities and set a framework for a consistent, transparent and fair approach for providing access to community facilities.

The draft Use of Council Facilities Policy SCS-033 addresses who shall be granted use of a Council facility and the priority order for allocating access to facilities. Subsequent to determining who is granted access Council will then develop a formal agreement in accordance with the Property Use Agreements Policy SCS-034.

The draft Use of Council Facilities Policy SCS-033 encourages use of facilities to their full extent which will result in increased participation opportunities for our community. There is expected to be little impact to the status quo for community groups, however this will be confirmed through releasing the draft policies for public comment that will include a targeted letter to all community groups using Council facilities.

6.3 Draft Use of Council Facilities Policy SCS-033

Recommendation

That Council:

1. Endorse the draft Use of Council Facilities Policy SCS-033.
2. Release the draft Use of Council Facilities Policy SCS-033 for public comment from 1 March 2018 to 30 April 2018.
3. Note that a further report will be presented at a future Council meeting to consider community feedback and adopt the Use of Council Facilities Policy SCS-033.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Brian McKiterick

That Council:

1. Endorse the draft Use of Council Facilities Policy SCS-033.
2. Release the draft Use of Council Facilities Policy SCS-033 for public comment from 1 March 2018 to 30 April 2018.
3. Note that a further report will be presented at a future Council meeting to consider community feedback and adopt the Use of Council Facilities Policy SCS-033.

CARRIED 7:0

Cr David Bell, Deputy Mayor returned to the meeting at 8:01pm and reassumed the chair.

6.3 Draft Use of Council Facilities Policy SCS-033

Report

Background

The Community Buildings Study 2015 included a three year action plan to improve the use and management of Council owned and/or managed community buildings. A key action of the study is the development of an integrated policy and procedures framework including guiding principles for the use of community buildings.

The draft Use of Council Facilities Policy SCS-033 addresses this action and provides guidance regarding who (i.e. which individuals, groups or businesses) shall be granted use of a Council owned or managed facility and the priority order for allocating access to facilities.

Subsequent to Council determining that an individual, group or business shall be granted access to a facility, Council needs to ensure that there is a formal agreement established that outlines the rights and obligations of each party. The draft Property Agreements Policy SCS-034 will establish a clear and consistent framework for these agreements.

It is necessary for the draft Property Use Agreements Policy to consider some cost-related issues such as licence fees, lease rentals and outgoings (i.e contribution to utilities including power and water). However, the setting of fees and charges is not the primary purpose of this policy. It is instead proposed that the policy sets the framework for the application of user fees and charges but that Council explore the value of fees and charges further in 2018/19 once the Use of Council Facilities and Property Use Agreement policies are adopted.

Discussion

There are a number of issues that have led to the need for a Use of Council Facilities Policy to be developed, including:

- Many inconsistencies in the way that tenants access Council facilities.
- The Community Building Study confirms that many of our facilities are under-utilised with the potential to increase shared/multi- use.
- We have no policy to support conversations with community groups where there is competing interests to use the same space.
- Council's current practice is not aligned to the VAGO report recommendations relating to cost recovery with some groups not contributing at all toward utilities as a minimum (e.g. Banyul Warri Fields).
- Over 50% of tenure agreements where Council are the Landlord have expired or are not formally documented.
- The benefit of Council's financial and community investment in facilities is not being maximised.

The development of complementary policies aims to address these issues and to more effectively improve the use and management of community facilities and land.

Council aims to optimise the use of its community facilities and set a framework for a consistent, transparent and fair approach for providing access to community facilities. Council will have regard to the following guiding principles in facilitating access to community facilities:

- *Appropriate*

Council facilities will enable the delivery of a mix of Council and community programs, activities and services in response to local need that will promote social, health and wellbeing outcomes to the Surf Coast community.

Assessment of booking requests for use will include consideration of the suitability of the facility and the surrounding community and compatibility with other users in the facility for the type of activity required.

Council may refuse or limit access to a community facility if the intended use does not support the strategic direction of the Council Plan, this Policy, and the best interests of the Surf Coast community.

6.3 Draft Use of Council Facilities Policy SCS-033

- *Equitable and Fair*

Council will consider booking requests from all sections of the community in an equitable and fair manner that promotes optimum use of community facilities. Council may limit the use of space by some groups/organisations to ensure that facilities are not dominated by one type of user group.

- *Local Priority*

Groups and organisations that live, work or have a connection with Surf Coast residents and those that service the local community surrounding the facility (including regional groups and organisations providing services for Surf Coast residents) will have priority over groups and organisations providing services for people outside of the municipality.

The priority order by which Council will determine use of community facilities is as follows:

- *Priority One: Municipal Purposes*

Services directly provided by Council will have primary use of Council's community facilities where appropriate, and be given the highest priority in their access and allocation. However, this does not exclude these facilities from being accessed by the community if available. For example, a consultation room can only be hired externally where a Maternal and Child Health service does not need access to deliver their services (i.e Kurrabee Myaring Community Centre).

- *Priority Two: Non-Commercial Groups*

Booking requests that fall within this category will have priority of access to community facilities over those that fall within the commercial occupier category, but after municipal purposes.

- *Priority Three – Commercial Occupiers*

Booking requests that fall within this category will have priority of access where municipal purposes and non-commercial groups are not using these spaces.

Financial Implications

There are no financial implications in endorsing the Use of Council Facilities Policy SCS-033 and releasing for public comment. It should be noted that the Property Agreement Policy SCS-034 recommends that community groups should contribute toward utilities on a proportion of time basis in-line with the recommendations in the Victoria Auditor General Office *'Fees & Charges Cost Recovery – Local Government'* report (April, 2010).

Council Plan

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

Policy/Legal Implications

Council aims to optimise the use of its community facilities and set a framework for a consistent, transparent and fair approach for providing access to community facilities.

Officer Direct or Indirect Interest

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

Risk Assessment

If this policy is not approved, the lack of clear policy, process and guidelines will continue as an impediment to optimising use of community facilities and having constructive conversations with user groups when change is required.

Social Considerations

Community facilities serve an important role in community connection around community participation and service provision. The establishment of this policy will increase Council's capacity to adapt to future demographic change, community needs and expectations to ensure community facilities are well used and managed.

6.3 Draft Use of Council Facilities Policy SCS-033

Community Engagement

There has been no community engagement with the creation of this policy. A councillor workshop was held on the 3 May 2016 that developed the guiding principles in this policy. All future engagement activities are detailed in the attached communications plan.

Environmental Implications

There are no environmental implications from this report.

Communication

The Use of Council Facilities and Property Use Agreement policies have been drafted and a Communication Plan has been developed to engage with the community. The Use of Council Facilities Policy SCS-033 encourages use of facilities to their full extent which will result in increased participation opportunities for our community.

The draft policies will be released for public comment over March/April 2018 and presented back to Council at a future meeting for adoption.

Options

Option 1 – Endorse the draft Use of Council Facilities Policy SCS-033 and release for public comment

This option is recommended by officers as it is identified as a key action in the Council adopted Community Building Study 2015. Releasing the draft policies for public comment will ensure that the local community and groups who use Council facilities have the opportunity to provide input before a final policy is presented to Council for adoption.

The Use of Council Facilities Policy will promote optimum use of community facilities and set a framework for a consistent, transparent and fair approach for providing access to community facilities.

Option 2 – Do not endorse the draft Use of Council Facilities Policy SCS-033 or support release for public comment

This option is not recommended by officers as it will further delay our best efforts to address the issue of inconsistency, under-utilisation and competing interests for use of Council facilities.

Conclusion

The Use of Council Facilities and Property Use Agreement policies have been drafted and a Communication Plan has been developed to engage with the community. The Use of Council Facilities Policy SCS-033 encourages use of facilities to their full extent which will result in increased participation opportunities for our community.

There is expected to be little impact to the status quo for community groups, however this will be confirmed through releasing the draft policies for public comment that will include a targeted letter to all community groups using Council facilities.

6.4 Flag Policy SCS-035

Author's Title: Manager Community Relations
Department: Community Relations
Division: Culture & Community

General Manager: Chris Pike
File No: F18/236
Trim No: IC18/183

Appendix:

1. Flag Policy SCS-035 (D17/127731)

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 adopt Council's Flag Policy SCS-035.

Summary

This is the first time Council is considering adopting a Flag Policy. The purpose of the Flag Policy is to ensure that the flags displayed at the Surf Coast Shire Council office are flown in accordance with the flag protocol as determined by the Australian Government; and establish guidelines for flying other flags which are significant to the Surf Coast Shire community.

This policy applies to flying flags at the Surf Coast Shire Council office, 1 Merrijig Drive Torquay, which includes three Ceremonial flag poles, three Front Entrance flag poles, a Front Lawn flag pole and a Pond flag pole.

The policy acknowledges and commits to fly flags in accordance with the Australian Government Flag Protocols.

The policy outlines requirements for flying flags on the Front Lawn flag pole which is by a specific resolution of Council. The policy describes the Pond flag pole will be used to fly flags for relevant Level 1 Council events and awareness raising campaigns identified in Council's adopted events and awareness campaigns campaign calendar.

Recommendation

That Council adopt the Surf Coast Shire Flag Policy SCS-035.

Suspension of Standing Orders

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy

That Council suspend Standing Orders at 8:16pm.

CARRIED 8:0

Resumption of Standing Orders

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Carol McGregor

That Council resume Standing Orders at 8:20pm.

CARRIED 8:0

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Clive Goldsworthy

That Council:

1. Adopt the Surf Coast Shire Flag Policy SCS-035 with the addition of a requirement that a time limit be set on the flying of any flag on the Front Lawn or Pond flag poles.
2. Receives a report at the next ordinary Council meeting regarding the future of flying the rainbow flag.

CARRIED 8:0

6.4 Flag Policy SCS-035

Report

Background

Council considered the issue of flying a rainbow flag at the April, May and June meetings in 2017.

Council carried a resolution which superseded previous resolutions at the 27 June 2017 Council meeting which included:

That Council:

8. Determine that a Flag Flying policy be prepared for consideration at a subsequent Ordinary Council meeting and that it is consistent with the elements of this resolution.

Consistent with the June resolution, Council is now considering adopting the Flag Policy. Up until now, Council has not established a Flag Policy.

Discussion

Flying the Rainbow Flag was a difficult issue for the Surf Coast community and for Council.

Council received much feedback about flying the Rainbow Flag. Community members gave feedback on supporting the LGBTIQ community in the Surf Coast Shire and the relative merits of marriage equality. Community members also provided feedback that it is important for Council to follow protocols regarding flying the Australian and other official flags, and their relationship to other flags such as the Rainbow Flag.

There are many benefits for Council in adopting a flag policy which provides greater clarity about the principles and intent of flying flags.

The Policy refers to the importance of observing flag protocols and respecting flags that are flown and what they represent.

Consideration has been given to the scope of the policy. At this time, the flag poles at the Council office at the Civic and Community Precinct in Torquay are considered the most applicable flag poles to be in scope in this policy.

There are many other flagpoles in the Shire which are Council assets which are managed by sporting clubs and community groups. There are at least 45 of these.

There have not been any recorded notable issues regarding the use of flagpoles at Council facilities other than the Surf Coast Shire Council office. The lack of issues recorded at other flagpole sites and the complexity in applying a Council policy at all flagpoles at Council facilities provides strong evidence that the limited scope of this policy is correct.

Financial Implications

There are no significant financial implications adopting the Flag Policy.

Council Plan

Theme 5 High Performing Council

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

Policy/Legal Implications

The Flag Policy acknowledges that flags will be flown in accordance with the Australian Government Flag Protocols as outline in "Australian Flags – Part 2: The protocols for the appropriate use and the flying of the flag" or equivalent document as published by the Department of Prime Minister and Cabinet. The Protocols can be viewed at:

<https://www.pmc.gov.au/government/australian-national-flag/australian-national-flag-protocols>

Officer Direct or Indirect Interest

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

6.4 Flag Policy SCS-035

Risk Assessment

There is reputational risk in not having a flag policy as this creates uncertainty and subjectivity in deciding which flags Council flies on prominent flag poles at the Council office. Without a clear policy Council may inadvertently breach State or National protocols.

Social Considerations

A benefit of the Flag Policy is that it provides community members greater clarity and certainty regarding how decisions are made about the flags Council flown at the Council office.

Community Engagement

The flag policy has been informed by feedback received in 2017 when Council considered flying the Rainbow Flag. Direct community engagement has not been undertaken to draft the policy.

Environmental Implications

There are no significant environmental implications in adopting the Flag Policy.

Communication

The adopted flag policy will be communicated via the Surf Coast Shire website - www.surfcoast.vic.gov.au

Options

Option 1 – Adopt the Flag Policy as drafted.

This option is recommended by officers as the policy provides clear guidance on flying flags at the Council office. The policy scope means it can be effectively applied.

Option 2 – Amend the scope of the Flag Policy to extend it to other Council owned flag poles.

This option is not recommended by officers as many of these flag poles are managed by community groups and sporting group and it is highly unlikely the policy will be adhered to in all cases at all times.

Option 3 – Proceed with a Flag Policy.

This option is not recommended by officers as this would continue uncertainty and subjectivity in flying flags at the Council office.

Conclusion

This Flag Policy acknowledges and commits that flags are flown in accordance with the Australian Government Flag Protocols. The Policy provides for flying other flags which are significant to the Surf Coast Shire community. Adopting this Policy provides clarity and improves understanding about flags that are flown at the Surf Coast Shire office.

6.5 All Abilities Advisory Committee Terms of Reference 2018 - 2021

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community Relations

File No: F18/88

Division: Culture & Community

Trim No: IC18/184

Appendix:

1. AAAC Terms of Reference 2018-21 (D18/4253)

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 update the All Abilities Advisory Committee (AAAC) Terms of Reference.

Summary

The AAAC advise Council on opportunities to improve access and inclusion for people of all abilities in Surf Coast Shire. The committee also advocates for improved access and inclusion, and promotes participation for people of all abilities in community activities.

The committee is active and advises Council on many topics and provides input to Council strategies, master plans and projects.

The AAAC existing terms of reference are overdue for review. The majority of content in the existing Terms of Reference remains relevant. The changes in the new terms are largely administrative with a small number related to the way the AAAC conducts its operations.

Recommendation

That Council adopt the updated All Abilities Advisory Committee Terms of Reference 2018-2021.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Rose Hodge

That Council adopt the updated All Abilities Advisory Committee Terms of Reference 2018-2021.

CARRIED 8:0

6.5 All Abilities Advisory Committee Terms of Reference 2018 - 2021

Report

Background

The AAAC have been advising Council on access and inclusion matters for approximately 15 years. The Committee was previously called the Advisory Committee on Disability.

The Committee have provided valuable advice to Council which has improved access and inclusion outcomes for people who live in and visit Surf Coast Shire.

Council adopted the 10 year Accessible and Inclusive Strategy in 2015 and much of the initiatives and evaluation of this plan involve the AAAC.

The AAAC current terms of reference are dated 2013 – 2016 and are overdue for review.

Discussion

The Committee is functioning well under the existing Terms of Reference and significant changes are not required.

This update to the Terms of Reference is an opportunity to review the existing terms and make improvements. Most of the content in the existing Terms of Reference is relevant and remains in the updated version.

The material changes proposed in the updated version include:

- Existing members being able to re-apply for further terms.
- Removing a provision in a Chairperson election tie to be decided by drawing straws.
- Providing the committee with input rather than responsibility for preparing Council's Access and Inclusion Work Plan.
- Quorum of the meeting to be 50% or more of non-Council committee members rather than a set number non-Council committee members.

The current AAAC is a productive, respected and valuable advisory committee for Council. Updating the terms of reference is important to help the committee continue good work for the future.

Financial Implications

There are no significant financial implications in considering this report.

Council Plan

Theme 1 Community Wellbeing
Objective 1.4 Provide support for people in need

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

Policy/Legal Implications

It is a requirement under the *Disability Discrimination Act 1992* for Councils to develop a Disability Action Plan. The AAAC has played a role in developing this plan and is active in assisting Council to implement it.

Officer Direct or Indirect Interest

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

Risk Assessment

The risk of not updating the Terms of Reference is the committee is operating with outdated guidelines.

Social Considerations

The work of the AAAC through the implementation of the Access and Inclusion Plan positively impacts people who live in or visit the Surf Coast Shire especially people with a disability, families and people with mobility needs.

6.5 All Abilities Advisory Committee Terms of Reference 2018 - 2021

Community Engagement

The AAAC has provided input into the review of the Terms of Reference.

Environmental Implications

There are no significant environmental implications in considering this report.

Communication

The updated Terms of Reference will be communicated directly to the AAAC. They will also be published on the Surf Coast Shire Council website – www.surfcoast.vic.gov.au

Options

Option 1 – Council adopts the updated All Abilities Advisory Committee Terms of Reference

This option is recommended by officers as the updates reflect that much of the existing content is relevant. The existing Terms of Reference have contributed to a well-functioning Committee.

Option 2 – Council makes different changes to the All Abilities Advisory Committee Terms of Reference

This option is not recommended by officers as further changes are not required demonstrated by the quality advice and high performance of the current committee. There is no evidence to suggest significant or new changes are required to the Terms of Reference.

Option 3 – Council does not adopt the updated All Abilities Advisory Committee Terms of Reference

This option is not recommended by officers as keeping the existing Terms of Reference would mean the committee is operating with outdated guidelines

Conclusion

The AAAC is a high functioning committee which provides valuable advice to Council on improving access and inclusion for people in Surf Coast Shire. The existing terms of reference are out of date and need review. The majority of content in the existing Terms of Reference remains relevant and has contributed to The Committee's success over many years. Updating the terms of reference can help the committee continue good work for the future.

6.6 Response to Joint Letter - Anglesea Landscaping

Author's Title: General Manager Culture & Community **General Manager:** Chris Pike

Department: Culture & Community

File No: F18/67

Division: Culture & Community

Trim No: IC18/221

Appendix:

1. Joint Letter - Anglesea Landscaping (D18/5539)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

The purpose of this report is to note the findings of officer investigations into the issues raised in the Joint Letter – Landscaping at Anglesea received by Council at the January Ordinary Meeting.

Summary

Six examples where landscaping is poor or lacking are cited:

- New roundabout
- Main shopping centre car park
- Car park adjacent to Cameron Road
- Four Kings residential development
- Four Kings shopping centre car park
- River front park and footpaths.

Two examples relate to works yet to completed by VicRoads, currently scheduled for Autumn planting and completion by June 2018.

Other examples relate to opportunities for small-scale planting whilst some require more significant beautification plans.

Council has the opportunity to address the small-scale opportunities which are in the vicinity of the works being undertaken by VicRoads (roundabout and Cameron Park) but outside the scope of that project. A modest investment by Council will provide a more complete solution.

Council does not currently allocate funding to address small scale landscaping opportunities in townships and could consider an annual allocation through the budget process.

More significant beautification projects addressing areas such as the Four Kings and the River Bank areas require consideration as part of broader precinct plans and would need to leverage government grants.

Recommendation

That Council:

1. Allocate \$10,000 from the Accumulated Unallocated Cash Reserve for landscape improvements in the Anglesea Township Roundabout and Cameron Park area.
2. Refer an annual allocation of \$50,000 for a shire-wide township landscape beautification program for consideration in the 2018/19 budget.
3. Note that, pending the availability of funding, an Anglesea Precinct Plan will be developed to determine public realm improvement priorities and funding strategies including landscaping needs identified in the Joint Letter – Landscaping at Anglesea.

6.6 Response to Joint Letter - Anglesea Landscaping

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Margot Smith

That Council:

1. Allocate \$10,000 from the Accumulated Unallocated Cash Reserve for landscape improvements in the Anglesea Township Roundabout and Cameron Park area.
2. Refer an annual allocation of \$50,000 for a shire-wide township landscape beautification program for consideration in the 2018/19 budget.
3. Note that, pending the availability of funding, an Anglesea Precinct Plan will be developed to determine public realm improvement priorities and funding strategies including landscaping needs identified in the Joint Letter – Landscaping at Anglesea.

CARRIED 8:0

6.6 Response to Joint Letter - Anglesea Landscaping

Report

Background

The letter raises concerns that landscaping treatments (or the lack of) are inconsistent with the Anglesea Great Ocean Road Study 2013 (Land Use Review, Urban Design Guidelines and Streetscape Master Plan). Six examples where landscaping is poor or lacking are cited:

- New roundabout
- Main shopping centre car park
- Car park adjacent to Cameron Road
- Four Kings residential development
- Four Kings shopping centre car park
- River front park and footpaths.

Officers and ward Councillors met with the letter's author and a representative of the Anglesea Community Network on 9 February to discuss the letter and the issues it raises.

Discussion

Two of the six examples above relate to VicRoads' delays completing the landscaping components of the roundabout project. Officers have secured the final landscaping plans from VicRoads who have advised that the works have been tendered and will be complete before June 2018. This will go a long way to addressing some of the concerns raised in the letter.

Two exclusions from the VicRoads plan will benefit from a Council investment and provide Council with an opportunity to commit to landscape improvements in Anglesea:

- \$5k for plantings on the north embankment of the Great Ocean Road immediately before the roundabout (if approaching from Aireys Inlet).
- \$5k for trees on a 75m degraded nature strip directly opposite the tourist bus stopping point on Cameron Road.

This one-off modest level of investment could be repeated in Anglesea and replicated in other townships as part of an annual landscape beautification program worth \$50k. It is recommended that Council consider this in developing the 2018/19 Budget alongside other funding priorities.

More significant landscaping projects will need to be packaged up in an attempt to leverage grant funding. These will typically need to have an economic rationale to secure support. The opportunity is to link town beautification with the visitor economy in all our towns.

Any landscaping investments made by Council should consider recurrent maintenance costs.

Officers are exploring two developments (Four Kings and former school site) to better understand how permit requirements and their enforcement are considering the design guidelines contained in the 2013 study mentioned above. These investigations were not completed before this Council report.

As recommended in Council's Open Space Strategy officers are proposing a move to precinct planning (and away from site specific master plans) from 2018/19 onwards. This is contingent on a recurrent funding allocation in the 18/19 budget. The Anglesea town precinct (including Four Kings, River Bank, MacMillan St, Coogoorah Park, Shopping Centre) has been identified as the first location to trial this approach in 2018/19.

Financial Implications

The recommendations include an immediate \$10k allocation from the Accumulated Unallocated Cash Reserve and the consideration of further investments both recurrent and one-off in future budgets.

Council Plan

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

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

6.6 Response to Joint Letter - Anglesea Landscaping

Policy/Legal Implications

Council does not currently have an annual program of landscaping beautification works beyond reserve renewal works and individual site-specific projects.

Officer Direct or Indirect Interest

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

Risk Assessment

An immediate modest demonstration of Council's commitment to the character of Anglesea through some modest plantings to complement the VicRoads plan will be welcomed by the town's residents.

Future investments should be subject to budget considerations and the relative priority of landscaping works alongside Council's many other cost pressures and priorities.

Social Considerations

This response to the letter provides Council with an opportunity to build its relationship with the relatively new Anglesea Community Network. Council's relationships with township peak body-style community groups continue to prove fruitful for communities and for Council.

Community Engagement

The report responds to the letter tabled in January. It appears to represent the views of several influential Anglesea residents with connections to a variety of community and business groups. However, Council will need to undertake engagement on more significant landscaping proposals in the future to mitigate the risk of significant community opposition. Plantings that affect views (e.g. river bank) can generate strong views. In addition, agencies such as VicRoads have requirements relating to sightlines and safety in road reserves (e.g. Four Kings corner).

Environmental Implications

Modest plantings will mainly have an aesthetic benefit. Maintenance regimes for landscaping are important to the success of plants.

Communication

Council's decision relating to modest plantings associated with the VicRoads works can be incorporated into those communications to the people of Anglesea. Larger projects in the future will have their own communications plans developed. Officers will continue to liaise with Anglesea Community Network on Anglesea projects including any future landscaping as a result of budget allocations..

Options

Option 1 – Allocate a modest sum immediately, refer ongoing and more significant investments to future budgets

This option is recommended by officers as it responds appropriately to a matter of importance to the Anglesea community as evidenced by the joint letter. An immediate, modest allocation of funds allows Council to build upon the works VicRoads plan to complete this financial year. An annual allocation and/or more significant landscaping projects should be considered alongside other community priorities through the budget process to ensure.

Option 2 – Allocate a larger amount immediately and commit to ongoing funding now

This option is not recommended by officers as it commits potentially significant funds in isolation from considering the many priorities across the shire and their associated costs.

Option 3 – Do not allocate any funds at this point, consider future projects in future budgets

This option is not recommended by officers as it misses an opportunity to make modest improvements alongside the VicRoads project in response to a community priority.

Conclusion

A \$10k allocation will supplement the VicRoads works and demonstrate Council's commitment to landscaping in the town. Additional allocations will need to be considered as part of future budget deliberations.

7. URGENT BUSINESS

Nil.

8. PROCEDURAL BUSINESS

8.1 Assemblies of Councillors

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC18/87

Appendix:

1. Assembly of Councillors - Council Briefings - 16 January 2018 (D18/8315)
2. Assembly of Councillors - Council Briefings - 23 January 2018 (D18/9531)
3. Assembly of Councillors - Council Briefings - 6 February 2018 (D18/8526)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the Assembly of Councillors records received since the previous Council Meeting.

Summary

The Local Government Act 1989 section 80A(2) states that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is as soon as practicable reported at an Ordinary Meeting of Council and incorporated in the minutes of that Council Meeting.

Recommendation

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

1. Council Briefings - 16 January 2018.
2. Council Briefings - 23 January 2018.
3. Council Briefings - 6 February 2018.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Brian McKiterick

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

1. Council Briefings - 16 January 2018.
2. Council Briefings - 23 January 2018.
3. Council Briefings - 6 February 2018.

CARRIED 8:0

8.2 Section 86 Committee Minutes

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC18/78

Appendix:

1. Hearing of Submissions Committee Minutes - 6 February 2018 (D18/14985)

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 minutes of the Hearing of Submissions Committee meeting – 6 February 2018.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Brian McKiterick

That Council receive and note minutes of the Hearing of Submissions Committee meeting – 6 February 2018.

CARRIED 8:0

8.3 Advisory Committee Minutes

Author's Title: Administration Officer

General Manager: Chris Pike

Department: Governance

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC18/215

Appendix:

1. All Abilities Advisory Committee Minutes - 1 February 2018 (D18/18750)

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 All Abilities Advisory Committee Minutes – 1 February 2018.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Brian McKiterick

That Council receive and note the minutes of the All Abilities Advisory Committee Minutes – 1 February 2018.

CARRIED 8:0

9. NOTICE OF MOTIONS

Nil

10. CLOSED SECTION

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Margot Smith

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

- 10.1 Section 86 Committees of Management – Membership Update
- 10.2 Positive Ageing Service Review - Confidential Options Paper - February 2018
- 10.3 Leachate Pond and Compost Area construction projects at Anglesea Landfill
- 10.4 Assemblies of Councillors Confidential

CARRIED 8:0

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Carol McGregor

That:

1. The resolution pertaining to Confidential item 10.1 and 10.3 be deemed no longer confidential with the report to remain confidential.
2. The resolution and report pertaining to Confidential item 10.2 and 10.4 remain confidential.
3. Council open the meeting to the public at 8:50pm.

CARRIED 8:0

10.1 Section 86 Committees of Management – Membership Update

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council:

1. Appoint Karen Jacques and Libby Stapleton to the Anderson Roadknight Reserve Committee of Management.
2. Appoint Mark Fagan to the Dean Marsh Memorial Park Committee of Management.
3. Appoint David Mullen to the Stribling Reserve Committee of Management.
4. Approve an increase in membership numbers of the Stribling Reserve Committee of Management from nine members to ten members.

CARRIED 8:0

10.3 Leachate Pond and Compost Area construction projects at Anglesea Landfill

Council Resolution

MOVED Cr Brian McKiterick, Seconded Cr Margot Smith

That Council:

1. Note that no submission received under tender T18-022 has been accepted and no contract is to be awarded as result of that tender process .
2. Allocate an additional \$200,000 from the Waste Reserve to project PRC18-262 - Anglesea Landfill Leachate Pond.
3. Note that a new tender process will commence with the objective of awarding a contract for the leachate pond as a single contract.
4. Receive a future report regarding the Anglesea Landfill Compost Area Pad.

CARRIED 8:0

Close: There being no further items of business the meeting closed at 8:50pm.