



# Minutes

Ordinary Meeting of Council  
Tuesday, 22 October 2013

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

**Council:**

Cr Libby Coker (Mayor)  
Cr David Bell  
Cr Eve Fisher  
Cr Clive Goldsworthy  
Cr Rose Hodge  
Cr Brian McKiterick  
Cr Rod Nockles  
Cr Margot Smith  
Cr Heather Wellington

MINUTES FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL  
HELD AT COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY 22 OCTOBER 2013 COMMENCING AT 6:00PM

**PRESENT:**

Cr Libby Coker (Mayor)  
Cr David Bell  
Cr Eve Fisher  
Cr Clive Goldsworthy  
Cr Hodge  
Cr Rod Nockles  
Cr Margot Smith  
Cr Heather Wellington

**In Attendance:**

Stephen Wall, Chief Executive Officer  
Kate Sullivan, Director Planning & Environment  
Chris Pike, Director Community  
Lynne Stevenson, Manager Finance  
Brydon King, Manager Planning and Development  
Richard Bain, Special Projects Engineer  
Matt Novacevski, Communications Officer  
Simone Beekmans, Governance Support Officer

12 members of the public  
2 members of the press

**OPENING: The Mayor opened the meeting**

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

**PRAYER: Cr Nockles read the prayer**

Almighty god, under whose providence we hold responsibility for this Surf Coast Shire, grant us wisdom to understand its present needs, foresight to anticipate its future growth, and grace to serve our fellow citizens with integrity and selflessness.

**APOLOGIES:**

**MOVED Cr Hodge, seconded Cr Nockles**

That an apology be received from Cr McKiterick.

**CARRIED: 8:0**

**CONFIRMATION OF MINUTES:**

**COUNCIL RESOLUTION**

**MOVED Cr Goldsworthy, seconded Cr Smith**

That Council note the minutes of the Ordinary meeting of Council and the In-Camera meeting of Council held on 24 September 2013, as a correct record of the meeting.

**CARRIED: 8:0**

**LEAVE OF ABSENCE REQUESTS:**

NIL

**CONFLICTS OF INTEREST:**

- Cr Bell declared a direct conflict of interest (financial interest) due to being a market operator for Item 2.1 Planning Permit 13/0201, 41-57 Bristol Road, Torquay (Coles supermarket).
- Cr Bell declared a direct conflict of interest (financial interest) due to being a market operator for Item 2.5 Amendment C90 – Special Use Zone Schedules 5 and 7.

**PRESENTATIONS:**

NIL

**PUBLIC QUESTION TIME:**

**Questions With Notice**

NIL

**Questions Without Notice**

Cr Bell left the meeting at 6.04pm.

**Melanie Carberry**

**QUESTION 1:**

I'd like to ask what consideration and consultation with actual small business tenants was undertaken in relation to the impact of Coles supermarket.

**RESPONSE**

Cr Nockles and CEO Stephen Wall responded to the question.

Cr Bell returned to the meeting at 6.08pm.

**COUNCIL RESOLUTION**

**MOVED Cr Smith, seconded Cr Goldsworthy**

That Council move Item 2.5 directly following Item 2.1 on the Agenda.

**CARRIED: 8:0**

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## 1. Corporate

### 1.1 Monthly Financial Report – September 2013

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Manager Financial Services

**Department:** Financial Services

**Directorate:** Corporate

**Director:** Chris Cowley

**File No:** F13/1047

**Trim No:** D13/142575

**Appendix:**

1. Financial Report – September 2013

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

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

Yes

No

**Status:**

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

Yes

No

### Purpose

To consider the monthly Finance Report and adopt the revised Forecasts for the year ending 30 June 2014.

### Summary

An executive summary, financial analysis, capital works and new initiatives performance summary, financial position analysis and consolidated financial statements are included for the 3 months ending 30 September 2013. The report also contains revised budget forecasts as at 30 September 2013 for the year ended 30 June 2014 and an analysis of the significant year-to-date variations that are ahead or behind the revised forecast outcome.

The key financial results are as follows:

- The full year revised operating surplus is \$4.07 million, which is \$1.18 million higher than the adopted Budget
- The year to date operating result shows a net surplus of \$32.2 million, which is \$0.05 million ahead of the revised forecast
- The full year capital works is \$21.95 million, which is \$3.47 million higher than the adopted Budget
- The year to date capital works is \$2.44 million, which is \$0.09 million behind the forecast
- The full year new initiatives is \$2.49 million which is \$1.02 million higher than the adopted Budget
- The year to date new initiatives is \$0.45 million, which is \$0.02 million ahead of the forecast
- The full year revised net assets and total equity is \$376.58 million, which is \$3.34 million above the adopted Budget
- The year to date net assets and total equity is \$395.32 million, which is \$0.06 million ahead of the forecast
- The full year cash and cash equivalents is \$14.08 million, which is \$0.07 million lower than the adopted Budget
- The year to date cash and cash equivalents is \$18.96 million, which is \$0.15 million ahead of the forecast
- The full year revised working capital ratio is 118% which is 19% below the adopted Budget
- The year to date working capital ratio is 555%, which is 1% ahead of forecast

Council remains in a sound financial position.

**Officer Recommendation**

That Council:

1. Receive and note the financial results, variances and explanations for the 3 months ended 30 September 2013.
2. Adopt the Revised Forecasts for the year ending 30 June 2014.

**COUNCIL RESOLUTION**

**MOVED Cr Wellington, seconded Cr Goldsworthy**

That Council:

1. Receive and note the financial results, variances and explanations for the 3 months ended 30 September 2013.
2. Adopt the Revised Forecasts for the year ending 30 June 2014.

**CARRIED: 8:0**

## Monthly Financial Report – September 2013

### Report

#### **Background**

The attached financial report for the 3 months ended 30 September 2013, summarises the revenue and expenditure performance, capital works and new initiatives and an analysis of the overall financial position.

The report also contains revised budget forecasts as at 30 September 2013 for the year ended 30 June 2014 and an analysis of the significant year-to-date variations that are ahead or behind the revised forecast outcome.

#### **Discussion**

##### Operating Result

The revised forecast operating result for the 2013/14 year is a surplus \$4.07 million which is \$1.18 million higher than the adopted Budget. This increase is mainly due to the following:

- Carry forward of special charge scheme revenue from 2012/13 to 2013/14 of \$1.79 million, mainly relating to the Lorne drainage Stage 2 works \$0.74 million and the Jan Juc Precinct pathways project \$0.70 million.
- Carry forward of capital grants from 2012/13 to 2013/14 of \$0.24 million, mainly relating to the Lorne Visitor Information Centre extension \$0.12 million.

These variances were partially offset by the following:

- Carry forward of new initiatives from 2012/13 to 2013/14 of \$0.90 million, mainly relating to the regional motorcycle facility contribution \$0.10 million

The year to date operating result for the 2013/14 year shows a net surplus of \$32.20 million, which is \$0.05 million ahead of the forecast. This variance is mainly due to:

- Materials and services expenditure behind forecast \$0.16 million

These variances were partially offset by the following:

- Garbage charge revenue lower than forecast \$0.15 million

##### Capital Works

The revised forecast capital works for the 2013/14 year is \$21.95 million, which is \$3.47 million higher than the adopted Budget. This increase is mainly due to the following:

- Carry forward of capital works from 2012/13 to 2013/14 of \$3.43 million, including replacement of heavy plant \$0.64 million, the Community and Civic Precinct Merrijig Drive road extension \$0.63 million, Jan Juc Precinct pathways Stage 1 \$0.25 million, Anglesea catchment upgrade \$0.18 million, Lorne Visitor Information Centre extension \$0.17 million, Anglesea landfill rehabilitation \$0.15 million, and the Torquay The Esplanade angle parking bays \$0.12 million.
- Additional projects, mainly relating to the Anglesea landfill leachate system \$0.33 million

These variances were partially offset by the following:

- Reduced scope of works for projects, including Anglesea landfill cell liner installation \$0.42 million.

The year to date capital works shows a total of \$2.44 million, which is \$0.09 million behind the forecast.

##### New Initiatives

The revised forecast new initiatives program is \$2.49 million, which is \$1.02 million higher than the adopted Budget. This is mainly due to projects carried forward from 2012/13 to 2013/14 including the Regional Motor Cycle Facility contribution \$0.10 million.

The year to date new initiatives is \$0.45 million, which is \$0.02 million behind forecast.

## **Monthly Financial Report – September 2013**

### **Balance Sheet**

The revised forecast cash balance is \$14.08 million, which is lower than the adopted Budget by \$0.07 million. This is mainly due to an increase in the opening cash balance as at 1 July 2013 of \$2.79 million.

Offsetting this variance is higher payments for property, plant, and equipment payments. This variance is mainly due to higher capital works carried forward from 2013/14 of \$3.43 million, and higher operating revenue, including contributions \$0.25 million, higher rates and charges revenue \$0.25 million, and higher operating grants \$0.15 million.

As at 30 September 2013, a \$0.3 million cash surplus is forecast as at 30 June 2013, which \$0.75 million higher than the adopted Budget, reflecting the active monitoring of budgets by Management to identify operating savings.

The working capital ratio is currently 555%, which is the ahead of forecast by 1%. The cash and investment balance at 30 September 2013 is \$18.96 million, which is \$0.15 million ahead of forecast.

The revised forecast net assets and total equity is \$376.58 million, which is \$3.34 million above the adopted Budget. This mainly reflects lower property plant and equipment \$16.61 million, which is due to a higher revaluation increase in land, buildings, and drainage on 30 June 2013 of \$3.40 million. Revised forecast provisions are \$1.39 million higher, reflecting an increased provision for future rehabilitation works at Anglesea landfill as at 30 June 2013 of \$1.96 million, which is due to the Environment Protection Authority's increased standards for rehabilitation and site aftercare following the planned closure of the landfill in approximately 10 years. Trade payables are higher than the adopted Budget by \$1.37 million, reflecting a higher opening balance of \$0.39 million and higher capital works expenditure forecast in June 2014. This variance is also due to higher trade receivables forecast of \$0.47 million. Net assets and total equity is currently \$395.32 million, which is ahead of forecast by \$0.06 million.

Borrowings have decreased by \$0.14 million to \$17.05 million in accordance with Council's loan schedule, with the next scheduled payment due in October 2013. No new borrowings have been budgeted during the 2013/14 year.

The detailed Financial Report for September 2013 is attached.

### **Financial Implications**

Year to date budget variations for the 3 months ended 30 September 2013 and revised forecast for the year ended 30 June 2014 have been explained in this report.

### **Council Plan/Policy/Legal Implications**

This report provides a consistent reporting format to the Standard Statements in the Annual Report as required under Section 131 of the Local Government Act 1989.

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

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

### **Risk Assessment**

Council's overall financial risk is low in accordance with financial indicators applied to the 2013 - 2022 Strategic Resource Plan, which are used by the Victorian Auditor-General to assess financial sustainability risk.

### **Social Considerations**

Not applicable.

### **Community Engagement**

Not applicable.

### **Environmental Implications**

Not applicable.



## **Monthly Financial Report – September 2013**

### ***Communication***

The September Financial Report will be available on Councils website.

### ***Conclusion***

That Council receive and note the financial results, variances and explanations for the 3 months ended 30 September 2013 and adopt the revised forecasts for the year ended 30 June 2014.

## 1.2 Surf Coast Shire Annual Report 2012 - 2013 and Analysis of Victorian Auditor-General's Office (VAGO) Financial Sustainability Indicators

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Manager Finance

**Department:** Finance

**Directorate:** Corporate

**Director:** Chris Cowley

**File No:** F13/129

**Trim No:** D13/127429

**Appendix:**

1. Surf Coast Shire Annual Report 2012 – 2013 (D13/146066)
2. Section 131 *Local Government Act 1989* & Section 11 *Local Government (Finance and Reporting) Regulations 2004*
3. VAGO Financial Sustainability Indicators

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant sectionS89 (2)

### Purpose

To consider the Annual Report for the year ending 30 June 2013 and receive and note the analysis of the Victorian Auditor-General's financial sustainability indicators for the 2011-12 and 2012-13 financial years.

### Summary

The Surf Coast Shire Annual Report 2012 - 2013 has been prepared in accordance with Section 131 of the *Local Government Act 1989* (the Act).

Section 131 (6) of the Act requires Council to submit a copy of the annual report to the Minister for Local Government within 3 months of the end of each financial year. A copy of the Annual Report was forwarded to the Minister electronically on 30 September 2013 with an invitation to view Council's interactive version of the Annual Report on Council's website.

The Annual Report complies with the legislative requirements of the Act, detailing the significant achievements of Council during the 2012-13 financial year. The structure of the Annual Report reflects Surf Coast Shire's Council Plan 2009 – 2013, with this report representing the final report on the achievement of the Council Plan, the challenges and the key directions for 2013-14.

The Audit and Risk Committee (the Committee) requested that Council officers provide Council and the Committee with an analysis of the Victorian Auditor-General's financial sustainability indicators, which are used by the Auditor-General to conduct an annual financial sustainability risk assessment of Victorian councils based on the audited financial statements each financial year. Council officers have prepared an analysis of the 2011-12 and 2012-13 results in anticipation of the Auditor-General's publication of the *Local Government: Results of the 2012-13 Audits* Report expected to be issued in November 2013.

### Officer Recommendation

That Council:

1. Receive and note the Annual Report 2012 – 2013.
2. Receive and note the analysis of the Victorian Auditor-General's financial sustainability indicators for the 2011-12 and 2012-13 financial years.

**COUNCIL RESOLUTION**

**MOVED Cr Hodge, seconded Cr Bell**

That Council:

1. Receive and note the Annual Report 2012 – 2013.
2. Receive and note the analysis of the Victorian Auditor-General's financial sustainability indicators for the 2011-12 and 2012-13 financial years.

**CARRIED: 8:0**

## **Surf Coast Shire Annual Report 2012 - 2013 and Analysis of Victorian Auditor-General's Office (VAGO) Financial Sustainability Indicators**

### **Report**

#### ***Background***

Each year Council prepares an Annual Report that details Council achievements and results from the previous financial year, as required by Section 131 of the *Local Government Act 1989* (the Act).

Section 134 of the Act requires that:

*“(1) A Council must consider the annual report at a meeting of the Council.*

*(2) The meeting—*

- (a) must be held as soon as practicable but within the time required by the regulations, after the Council has sent the annual report to the Minister;*
- (b) must be advertised at least 14 days before the meeting is held in a public notice that states—
  - (i) that the annual report will be discussed at the meeting; and*
  - (ii) the place from which copies of the annual report can be obtained before the meeting;**
- (c) must be kept open to the public while the annual report is discussed.”*

Section 131 of the Act and Section 11 of the *Local Government (Finance and Reporting) Regulations 2004* specify the information that must be contained in the annual report. Refer to Appendix 2 for further details.

#### ***Discussion***

#### **Annual Report 2012 - 2013**

The design and structure of the Annual Report 2012 -2013 has been developed with the following key objectives in mind:

1. To ensure that Council meets its legislative responsibilities
2. To maximise accountability and opportunities to inform the community about Council's achievements, and
3. To maximise the effectiveness of the Annual Report as a promotion and marketing tool.

In developing our approach, feedback has been considered from a number of sources. The structure of the Annual Report 2012 - 2013 has been influenced by feedback received from the 2011 Municipal Association of Victoria (MAV) Annual Report workshop and a 2011 survey of Councillors and senior staff in regard to the 2010 - 2011 Annual Report. The Annual Report has also included consideration of the MAV guidelines for effective annual reports (as articulated in the Local Government Annual Report Awards Assessment Criteria) and the commitment of the current Council to engaging its community as documented in the current Council Plan 2013 - 2017.

In accordance with Section 131:

1. The report of operations has been prepared in a form and contains information determined by the Council to be appropriate and contains any other information required by the regulations,
2. The financial statements, standard statements and the performance statement have been prepared in the manner and form prescribed by the regulations and submitted in their finalised form to the auditor as soon as possible after the end of the financial year, certified in the manner prescribed by the regulations and signed by the Victorian Auditor-General's Office.
3. Public notice has been given that the Annual Report will be discussed at this meeting, that Council has received a copy of the report of the Auditor-General under section 9 of the Audit Act 1994 and that a copy of the Annual Report can be inspected at the Council office.

## **Surf Coast Shire Annual Report 2012 - 2013 and Analysis of Victorian Auditor-General's Office (VAGO) Financial Sustainability Indicators**

In relation to Section 11(b) of the regulations, disclosures have been included in the report of operations in regard to legislative compliance as follows:

- Local Law No. 1 of 2011 – Community Amenity
- Local Law No. 2 of 2011 – Meeting Procedures
- Local Government and Planning Legislation Amendment Act 2010
- Information Privacy Act 2000
- Conflict of Interest
- Freedom of Information 1982
- Protected Disclosure Act 2012
- Disability Act 2006
- Carers Recognition Act 2012
- Road Management Act 2004
- Domestic Animals Act 1994

Section 11(c)(g) above refers to registers that must be accessible to the public and are also included in the report of operations. In addition, information has been included in relation to the Victorian Local Government Indicators, as requested by the Department of Transport, Planning and Local Infrastructure for all Victorian Councils, as part of a performance reporting framework for the sector. These indicators include three measures from the Community Satisfaction Survey which Local Government Victoria collect, covering overall performance, advocacy and community consultation.

The Audit and Risk Committee reviewed the financial statements, standard statements and performance statement at its meeting held on 20 August 2013, prior to completion of the 2012-13 audit and Council adoption of the statements 'in principle', for inclusion in Section 4 'Financial performance' of the Annual Report. An electronic copy of the Annual Report was forwarded to the Minister on 30 September 2013 in accordance with Section 131(6) of the Act.

The Annual Report is an important method of capturing and promoting Council's achievements for the financial year and provides a mechanism for Council to report its performance against the Council Plan.

As a promotional tool for the Surf Coast Shire, Council officers have dedicated resources to the development of an interactive web-based version of the document for the 2012-13 year, which allows the community to easily select sections of document related to their areas of interest. An invitation was issued to the Minister to view Council's interactive version of the Annual Report on Council's website.

Some of the positive attributes of the new design include:

- a. Easy to navigate
- b. Readers can print pages as displayed
- c. Ability to link to video content ie: opportunity for presentation by Mayor
- d. Ability to enlarge graphs and tables to enhance readability
- e. Enhanced accessibility to persons who are vision impaired
- f. Enhanced sustainability relating to a reduced need to print unnecessary hard copies for distribution.

The interactive web design will reduce the number of hard copy annual reports required for distribution, although a limited number of hard copies are required to meet the needs of Council and staff. Overall, the number of hard copies is anticipated to be considerably less than the number produced in previous years, supporting Council's commitment to environmental sustainability.

## Surf Coast Shire Annual Report 2012 - 2013 and Analysis of Victorian Auditor-General's Office (VAGO) Financial Sustainability Indicators

The following is a summary of engagement with Councillors in the preparation of the Annual Report:

Date	Engagement with Councillors
6 August 2013 - Council Briefing	<ul style="list-style-type: none"> <li>• Outline key points in the project plan for Councillor engagement in the Annual Report</li> <li>• Presentation of the design concept</li> <li>• Draft wording of Section 1 ('About Surf Coast Shire', 'The year in events') and Section 2 (Performance) presented for feedback</li> <li>• Councillors requested to provide wording for Section 1(d) 'Presenting our Councillors'</li> </ul>
20 August 2013	<ul style="list-style-type: none"> <li>• Audit and Risk Committee review financial statements, standard statements and performance statement</li> </ul>
27 August 2013	<ul style="list-style-type: none"> <li>• Council review and adopt the financial statements 'in principle' for inclusion in Section 4 'Financial performance'</li> </ul>
26 September 2013	<ul style="list-style-type: none"> <li>• Councillors emailed the final externally proofed content, including Section 5 'Our Organisation' in the endorsed design layout for all sections of the Annual Report</li> </ul>
30 September 2013	<ul style="list-style-type: none"> <li>• Lodgement of the Annual Report with the Minister</li> </ul>

### Analysis of the Financial Sustainability Indicators

The Audit and Risk Committee recommended at its meeting held on 20 August 2013 that Management provide Council with a comparative analysis of the 2011-12 and 2012-13 financial sustainability indicator assessment for Surf Coast Shire Council, as published by the Victorian Auditor-General's Office (VAGO) annually for each Victorian council in its annual report to parliament on local government audits.

A detailed analysis is attached for Council's information in Appendix 3 and provides a useful comparison of the historical trends and forward forecasts of indicators of Council's financial sustainability, as the assessment relates to the audited 2012-13 financial statements, Budget 2013 – 2014 and Strategic Resource Plan 2013 - 2023. Financial Implications.

In summary, Surf Coast Shire Council remains in a low risk, sound financial position. The VAGO financial sustainability indicators provide a useful tool to analyse Council's current and forecast financial trends. Importantly, Council officers have holistically considered a range of financial and non-financial indicators, in making this assessment.

### Financial Implications

Provision was made in the 2013-14 budget for production of the 2012 – 2013 Annual Report totalling \$9,500. Council also had access for the first time to an in-house resource for design support. Council also utilised an external consultant to proof the final report. The final estimated cost is expected to be approximately \$8,500.

Council reviews its Strategic Resource Plan annually, as required by the Act and the Council Plan 2013 – 2017. The Strategic Resource Plan provides the financial forecasts for the next ten years and enables Council to review its forward financial position annually prior to adopting the annual budget. To assist in providing further transparency, Council officers have included the financial sustainability indicators in the monthly financial report to Council from the September 2013 reporting period.

### Council Plan/Policy/Legal Implications

The approach explained in this report to develop the Annual Report 2012 - 2013 complies with Council's legislative responsibilities and supports Theme 2 Governance in the Council Plan 2013 - 2017, including the following related objectives:

- 2.2 High performing accountable organisation
- 2.3 Long term financial viability
- 2.4 Transparency in decision making and access to information
- 2.5 Enhanced community engagement

## **Surf Coast Shire Annual Report 2012 - 2013 and Analysis of Victorian Auditor-General's Office (VAGO) Financial Sustainability Indicators**

The preparation of an Annual Report is required pursuant to Section 131 of the Act.

Section 134 of the Act requires Council to consider the Annual Report at a meeting of the Council, after it has been submitted to the Minister. The meeting must be open to the public and advertised 14 days before the meeting date.

Council has complied with the legislative requirements outlined in this report, the attached Annual Report 2012 – 13 has been lodged with the Minister and is now presented at this meeting for Council's consideration.

Council Plan Strategy 2.3.2 *Annual update of strategic resource plan* is included under Objective 2.3 *Long term financial viability*. Section 126(3)(b) of the Act requires Council to adopt the revised Strategic Resource Plan in the Council Plan by 30 June each year.

### ***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 for Council if it does not comply with its statutory obligations and a financial risk if Council does not review its Strategic Resource Plan each year.

### ***Social Considerations***

The Annual Report provides details of Council achievements in the previous financial year, challenges and directions for the 2013-14 financial year. These reported outcomes include the services and projects that enhance the social fabric of the Shire.

### ***Community Engagement***

Section 131(11) requires Council to make copies of the Annual Report available for inspection by members of the public. Advertisements will be placed in local media advising that the 2012 - 2013 Annual Report is available for inspection at the following locations:

- the Council Offices, 1 Merrijig Dve, Torquay
- Aireys Inlet, Anglesea, Lorne & Winchelsea Post Offices
- Lorne Visitor Centre
- Deans Marsh and Moriac General Stores
- Torquay and Mobile Libraries
- Community Houses at Anglesea, Deans Marsh, Lorne and Winchelsea

An interactive version of the 2012 - 2013 Annual Report will also be available for public viewing on Council's website. The updated ten year Strategic Resource Plan is adopted in the revised Council Plan each year.

### ***Environmental Implications***

A reduced number of printed copies of the Annual Report will be distributed to Councillors and key internal staff. Key stakeholders and other interested parties will be forwarded a link to the Annual Report on Council's website.

### ***Communication***

Appropriate public notices have been advertised advising of the Ordinary Council meeting at which the 2012 - 2013 Annual Report will be considered pursuant to Section 134 of the Act, as well as advising the general public where copies of the Annual Report can be viewed.

A copy of the adopted Council Plan 2013 – 2017 has also been made available to the public at the above locations pursuant to Section 125(11) of the Act.

**Surf Coast Shire Annual Report 2012 - 2013 and Analysis of Victorian Auditor-General's Office (VAGO) Financial Sustainability Indicators**

***Conclusion***

The 2012 - 2013 Surf Coast Shire Annual Report to presented to Council for consideration.

The analysis of the of the Victorian Auditor-General's Office (VAGO) Financial Sustainability Indicators is presented for Council's consideration.



**APPENDIX 1: Surf Coast Shire Annual Report 2012 – 2013 (D13/146066)**

## APPENDIX 2:

### Section 131 Local Government Act 1989 & Section 11 Local Government (Finance and Reporting) Regulations 2004

Section 131 of the Act specifies the information that must be contained in the annual report:

- “(1) A Council must in respect of each financial year prepare an annual report containing—*
- (a) a report of its operations during the financial year;*
  - (b) audited standard statements for the financial year;*
  - (c) audited financial statements for the financial year;*
  - (d) a copy of the performance statement prepared under section 132; and*
  - (e) a copy of the report on the performance statement prepared under section 133;*
  - (f) any other matter required by the regulations.*
- (2) The report of operations must—*
- (a) be prepared in a form and contain information determined by the Council to be appropriate; and*
  - (b) contain any other information required by the regulations.*
- (3) The standard statements in the annual report and the financial statements must—*
- (a) be prepared in the manner and form prescribed by the regulations;*
  - (b) be submitted in their finalised form to the auditor for auditing as soon as possible after the end of the financial year;*
  - (c) be certified in the manner prescribed.*
- (4) The standard statements in the annual report must show any variations from the standard statements in the budget as prepared under section 127 and, if the variation is material, explain the reason for the variation.*
- (5) The auditor must not sign the auditor's report concerning the standard statements or the financial statements unless sub-section (3)(c) has been complied with.”*
- (6) The annual report must be submitted to the Minister within 3 months of the end of each financial year or such longer period as the Minister may permit in a particular case.*
- (7) The Council must not submit the standard statements or the financial statements to its auditor or the Minister unless it has passed a resolution giving its approval in principle to the standard statements and the financial statements.*
- (8) The Council must authorise 2 Councillors to certify the standard statements and the financial statements in their final form after any changes recommended, or agreed to, by the auditor have been made.*
- (9) If a Council fails to submit its annual report within the time allowed under sub-section (6), the Secretary must ensure that details of the failure are published in the annual report of the Department.*
- (10) After the annual report has been submitted to the Minister, the Council must give public notice that the annual report has been prepared and can be inspected at the Council office.*
- (11) A copy of the annual report must be available for inspection by the public at—*
- (a) the Council office and any district offices; and*
  - (b) any other place required by the regulations.*
- (12) After the Council has received a copy of the report of the auditor under section 9 of the Audit Act 1994, the Council must—*
- (a) give public notice that the Council has received the copy and that the copy can be inspected at the Council office;*
  - (b) ensure that the copy is available for public inspection at any time that the Council office is open to the public.”*

Section 11 of the regulations, which are referred to above, relate to the *Local Government (Finance and Reporting) Regulations 2004*. The regulations provide clear instruction as to what detailed information is required to be included in the annual report and includes the following:

*“11. General information*

*Without limiting the generality of regulation 10, the report of operations of a Council must to the extent applicable—*

- (a) contain a statement which reviews the performance of the Council against the Council Plan including outcomes in relation to the strategic indicators included in the Council Plan under section 125(2) of the Act;*
- (b) contain information on—*
  - (i) legislative, economic or other factors which have had an impact on the Council's performance;*
  - (ii) major policy initiatives taken by the Council;*
  - (iii) major works undertaken or completed by or for the Council;*
  - (iv) major changes which have taken place during the financial year in relation to the functions of the Council or to the Council's structure, the methods of carrying out its objectives and functions and the reasons for those changes;*
  - (v) other major operations and achievements of the Council;*
- (c) contain information with respect to the nature and range of activities undertaken by the Council, including—*
  - (i) the range of services provided by the Council;*
  - (ii) the persons or sections of the community served by the Council;*
- (d) list the names of all Councillors and their dates of election and retirement;*
- (e) contain information with respect to the administrative structure of the Council including—*
  - (i) the name of the Chief Executive Officer;*
  - (ii) the names of the occupants of senior offices, together with a brief description of the area of responsibility of each officer;*
  - (iii) a chart setting out the organisational structure of the Council;*
- (f) set out the addresses, telephone numbers, fax numbers and e-mail addresses of Council offices;*
- (g) list the documents specified in Part 5 of the Local Government (General) Regulations 2004 and the places where those documents can be inspected or copies obtained in accordance with section 222 of the Act;*
- (h) specify the number, classification and types of jobs of—*
  - (i) members of Council staff of either sex;*
  - (ii) members of Council staff in designated groups;*
- (i) if the Council is required to implement an equal opportunity program under Schedule 6 to the Act, contain—*
  - (i) a statement of the objectives and indicators of the program;*
  - (ii) a description and an analysis of action taken to develop and implement the program;*
  - (iii) an assessment of those objectives.”*

## APPENDIX 3:

### Analysis of Victorian Auditor-General's Financial Sustainability Indicators

#### **Background**

In November 2012, the Victorian Auditor-General (VAGO) tabled his acquittal report, *Local Government: Results of the 2011-12 Audits*. The report acquitted the final results of the 2011-12 audits, as well as analysing the quality of financial information and commenting on financial sustainability, of all Victorian councils. This report is issued annually and the acquittal report for the 2012-13 audit cycle is expected to be published in November 2013.

Council officers have reviewed the 2011-12 acquittal report by the Victorian Auditor-General and the comparative results for 2012-13 to provide a summary of the findings from Auditor-General's assessment of financial sustainability for Surf Coast Shire.

The acquittal report presents the results of the Auditor-General's financial audits of Victorian councils and provides an analysis of local government financial reporting, performance reporting, financial results, financial sustainability and internal controls. It aims to inform Parliament about significant issues arising from the audits and complements the assurance provided through individual audit opinions included in Council's annual reports. The annual acquittal report is distributed to Surf Coast Shire Council's Audit and Risk Committee in November each year and the results are discussed at its November meeting.

The financial sustainability assessment, which forms a key component of the acquittal report, examines a number of key financial indicators determined by the Auditor-General. These indicators are typically an average of results for the past five years based on data published in Council's audited financial statements, as well as a forecast of these results for the next three years based on data in Council's Strategic Resource Plan. The report analyses the past five years to provide a reflection of Council's funding and expenditure policies, and endeavours to show whether these policies are sustainable. The acquittal report provides a detailed commentary on a Council if VAGO identifies a trend that warrants their attention. There was no commentary made in relation to Surf Coast Shire Council in the 2011-12 acquittal report.

In VAGO's view:

*"To be financially sustainable, Councils need to be able to meet current and future expenditure as it falls due. They must also absorb foreseeable changes and financial risks that materialise, without significantly changing their revenue and expenditure policies."*

*"Financial sustainability should be viewed from both the short-term and long-term perspective. Short-term indicators relate to the ability of an entity to maintain positive operating cash flows in the near future, or the ability to generate an operating surplus in the next financial year. Long-term indicators focus on strategic issues such as the ability to fund significant asset replacement or reduce long-term debt."*

*"Insight into the financial sustainability of local councils is obtained from analysing trends in the six key financial sustainability indicators over the past five years. The analysis reflects on the position of individual councils, the five categories of councils (metropolitan, outer metropolitan, regional city, large shire and small shire) and the sector as a whole."*

Importantly, VAGO recognise that:

*"To form a view of any entity's financial sustainability, a holistic analysis that goes beyond financial indicators would be required including an assessment of the entity's operations and environment. These non-financial considerations are not examined in this report."*

The six key indicators used by the Auditor-General to assess financial sustainability are:

1. average underlying result - short-term
2. average liquidity ratio - short-term
3. indebtedness - long-term, and
4. self-financing - long-term.
5. average capital replacement - long-term
6. average renewal gap - long-term

## Discussion

Financial sustainability is viewed from both a short- and long-term perspective. A summary of the financial sustainability assessment is provided below against each indicator.

### Short Term Indicators

The shorter-term indicators involve Council's ability to maintain a positive operating cash flow and adequate cash holdings, and to generate an operating surplus over time. These are as follows:

**1. Underlying result:** calculated as 
$$\frac{\text{Adjusted net result}}{\text{Underlying revenue}}$$

The Underlying Result indicates whether Council is generating enough revenue to cover operating costs (including the cost of replacing assets, and is reflected in the depreciation expense) by comparing an adjusted net surplus to total underlying revenue.

*This is an annual measure, but reported as a rolling average to show a long term trend over the previous 5 year period.*

2011/12 Actual	2012/13 Actual	2013/14 Budget	2014/15 Forecast	2015/16 Forecast	2016/17 Forecast	VAGO Target	2012/13 Variance to VAGO Target	Trend over next 3 years
4.18%	5.23%	4.21%	7.39%	6.47%	6.20%	> 0%	>5.2%	+

The underlying result indicator is low risk for Council with the past and future trends remaining well above the VAGO target. The positive result indicates a positive underlying result and the larger the percentage the stronger the result. Total underlying revenue is obtained from the comprehensive income statement and is adjusted to exclude granted assets revenue from new subdivision works. Council's underlying result has remained positive and is expected to remain steady in the three years to 2013/14. The positive future trend indicated in Council's long term financial plan is for continued improvement in the underlying result by a further 1% over the next three years. Note: the trend is based on the average over a number of years to even out the impact of high carried forward expenditures which may occur in any one year.

**2. Liquidity:** calculated as 
$$\frac{\text{Current assets}}{\text{Current liabilities}}$$

This measures the ability to pay existing liabilities which fall due in the next 12 months. A ratio of one or more indicates there are more cash and liquid assets than short-term liabilities.

*This is an annual measure, but reported as a rolling average to show a long term trend over the previous 5 year period.*

2011/12 Actual	2012/13 Actual	2013/14 Budget	2014/15 Forecast	2d015/16 Forecast	2016/17 Forecast	VAGO Target	2012/13 Variance to VAGO Target	Trend over next 3 years
2.12	2.02	1.81	1.73	1.63	1.61	> 1.5	>0.5%	o

The liquidity indicator is low risk for Council with the past and future trends remaining above the VAGO target. Council has held current assets for the past two years that are twice the level of current liabilities. As at 30 June 2013 Council held \$6.0 million in cash investment reserves specifically for defraying future planned rehabilitation works at the Anglesea landfill. These funds and future garbage charge revenue will be available to reduce the \$9.2 million provision for future estimated rehabilitation of the Anglesea landfill disclosed in current and non-current liabilities in the financial statements as at 30 June 2013. The downward future trend in this indicator mainly reflects the planned rehabilitation works of \$5.5 million over the next three years funded from cash reserves.

### Long-term Indicators

The longer-term indicators signify whether there is adequate funding available to cover long-term debt and for spending on asset replacement to enable the council to maintain the quality of service delivery, meet community expectations and the demand for services. These include:

**3. Indebtedness:** calculated as  $\frac{\text{Non-current liabilities}}{\text{Own-sourced revenue}}$

Indebtedness is a measure to indicate if Council is overly reliant on debt to fund capital programs, by comparing non-current liabilities to own-source revenue. This indicator should be reviewed in conjunction with available working capital.

*This is an annual measure (calculated over 12 months)*

2011/12 Actual	2012/13 Actual	2013/14 Budget	2014/15 Forecast	2015/16 Forecast	2016/17 Forecast	VAGO Target	2012/13 Variance to VAGO Target	Trend over next 3 years
63.50%	57.21%	45.39%	41.18%	32.81%	30.62%	< 40%	>17.2%	+

The indebtedness indicator is assessed as medium risk for Council in the past two years with the future trend returning the indicator to low risk in 2015/16. This indicator needs to be considered in conjunction with Council's working capital (liquidity), as the measure determines Council's reliance on debt by comparing non-current liabilities to own-source revenue. The indicator appears high in 2011-12 however, Council held a non-current liability for the defined benefits superannuation call of \$2.5 million as at 30 June 2012, in relation to which \$0.8 million was paid from rate revenue in 2012-13 and the balance of \$1.7 million has been paid from cash investment reserves in 2013-14, to be recouped from future rate revenue.

This measure unfortunately makes the incorrect assumption that Council funds the settlement of its non-current liabilities from current revenue sources only. As explained previously, Council has \$6.0 million in cash investment reserves specifically for defraying \$9.2 million of estimated future rehabilitation works at the Anglesea landfill. Council also held cash investments of \$5.83 million as at 30 June 2012, including legislative and policy cash investment reserves to fund future capital works. If this measure is adjusted to remove the portion of non-current liabilities that are fully funded by current cash investment reserves, the indebtedness indicator result would be assessed as low risk..

**4. Self-financing:** calculated as  $\frac{\text{Net operating cash flows}}{\text{Underlying revenue}}$

Self Financing indicates if Council is generating sufficient operating cash flows to invest in asset renewal and repay debt that may have been incurred in the past, by comparing net operating cash flows to underlying revenue.

*This is an annual measure (calculated over 12 months)*

2011/12 Actual	2012/13 Actual	2013/14 Budget	2014/15 Forecast	2015/16 Forecast	2016/17 Forecast	VAGO Target	2012/13 Variance to VAGO Target	Trend over next 3 years
63.50%	57.21%	45.39%	41.18%	32.81%	30.62%	> 20%	>37.2%	o

The self-financing indicator is low risk for Council with the past and future trends remaining well above the VAGO target. Council has trended favourably with this indicator over recent financial years due to significant grant funding received for major capital works projects, including the Community and Civic Precinct. Future capital works funding is also difficult to predict. Council remains dependent on rate revenue as a major source of revenue to deliver services and projects.

**5. Capital replacement:** calculated as Cash outflows for property, plant & equipment  
Depreciation

This is a comparison of the rate of spending on infrastructure, property, plant and equipment with the level of depreciation expense. Expenditure can be deferred in the short-term, if there are insufficient funds available from operations and borrowing is not an option. Capital replacement (also known as "Investment Gap") indicates whether Council is replacing assets at a rate consistent with their consumption by comparing the rate of spending on assets to on assets to depreciation.

*This is an annual measure, but reported as a rolling average to show a long term trend over the previous 5 year period.*

2011/12 Actual	2012/13 Actual	2013/14 Budget	2014/15 Forecast	2015/16 Forecast	2016/17 Forecast	VAGO Target	2012/13 Variance to VAGO Target	Trend over next 3 years
2.00	2.10	2.14	2.12	1.84	1.46	> 1.5	>0.6%	-

The capital replacement indicator is assessed as low risk in past financial years and is forecast to fall below the VAGO target by 2015-16 based on the ten year Capital Works Program. This is mainly due to the significant level of past and planned spending on new infrastructure in the years prior to 2015/16. This indicator assumes that replacement expenditure is required at the same rate over the life of each asset, however replacement of new assets will typically reflect much lower expenditure in the early years of an assets useful life.

**6. Renewal gap:** calculated as Renewal and upgrade expenditure  
Depreciation

The Renewal Gap indicates whether Council has been maintaining existing assets at a consistent rate by comparing renewal and upgrade expenditure to depreciation.

*This is an annual measure, but reported as a rolling average to show a long term trend over the previous 5 year period.*

2011/12 Actual	2012/13 Actual	2013/14 Budget	2014/15 Forecast	2015/16 Forecast	2016/17 Forecast	VAGO Target	2012/13 Variance to VAGO Target	Trend over next 3 years
0.74	0.79	0.80	0.73	0.72	0.74	> 1.0	<0.2%	o

The renewal gap indicator is assessed as medium risk with past and future trends remaining below the VAGO target, but remaining steady. Results higher than 1.0 indicate that spending on existing assets is greater than the rate Council is consuming in depreciation for those assets. Council's asset management plans set service levels and standards for Council assets, which currently indicate that Council's property and infrastructure assets are generally in good condition. Council has also conducted a community survey of Council facilities and infrastructure, which supported Council's view that the condition of Council's non-current assets is currently adequate to meet agreed service levels. This result may indicate that Council's depreciation rates are too high.

**Note:**

+	No action required	Forecasts a result above the VAGO target over the next 3 years
o	Requires active monitoring	Forecasts a steady result in line with the VAGO target over the next 3 years
-	Immediate action required	Forecasts a deterioration in the indicator below the VAGO target over the next 3 years

### 1.3 Advisory Committees Review

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Manager Governance & Risk

**Department:** Governance

**Directorate:** Corporate

**Appendix:**

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

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

Yes

No

**Reason:** Select Conflict of Interest

**Director:** Chris Cowley

**File No:** F12/1416

**Trim No:** D13/148546

**Status:**

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

Yes

No

**Reason:** Select relevant section S89 (2)

#### Purpose

To review the Economic & Rural Development Community Advisory Committee, Environment Community Advisory Committee, Health and Wellbeing Advisory Committee and Infrastructure Advisory Committee.

#### Summary

Council currently has 14 Advisory Committees in place covering a wide range of areas from Hall and Reserve management, Council activities and specialist advisory areas.

This report specifically focuses on four of the 14 Advisory Committees. The committees under consideration are the Economic & Rural Development Community Advisory Committee, Environment Community Advisory Committee, Health and Wellbeing Advisory Committee and the Infrastructure Advisory Committee. A summary of the committees is included which outlines their purpose, responsibilities and meeting obligations, as well as a recommendation for Council's consideration.

#### Officer Recommendation

That Council:

1. Discontinue the following Advisory Committees:
  - a. Economic & Rural Development Community Advisory Committee
  - b. Health & Wellbeing Advisory Committee
  - c. Infrastructure Advisory Committee
2. Formally acknowledge and thank the members of the discontinued Advisory Committees.
3. Review the Terms of Reference, develop a work plan and appoint Councillors Fisher and Bell as Council representatives of the Environment Community Advisory Committee.
4. Develop a Terms of Reference to guide the formation of a Rural Community Advisory Committee.

#### COUNCIL RESOLUTION

##### MOVED Cr Hodge, seconded Cr Smith

That Council:

1. Discontinue the following Advisory Committees:
  - a. Economic & Rural Development Community Advisory Committee
  - b. Health & Wellbeing Advisory Committee
  - c. Infrastructure Advisory Committee
2. Formally acknowledge and thank the members of the discontinued Advisory Committees.
3. Review the Terms of Reference, develop a work plan and appoint Councillors Fisher and Bell as Council representatives of the Environment Community Advisory Committee.
4. Develop a Terms of Reference to guide the formation of a Rural Community Advisory Committee.

**CARRIED: 8:0**



## **Advisory Committees Review**

### **Report**

#### ***Background***

Council currently has 14 Advisory Committees in place covering a wide range of areas from Hall and Reserve management, Council activities, general advisory activities and specialist areas.

#### ***Discussion***

A summary of four committees under consideration is listed below, including their purpose, responsibilities, meeting obligations and a recommendation.

### **General Advisory**

#### **Economic & Rural Development Community Advisory Committee (Shire Wide / Advisory)**

Meeting schedule: 4 times per year. Meetings held on specific topics as required.

Purpose: To encourage existing businesses to grow and prosper, whilst encouraging new business to locate in the Surf Coast Shire.

Responsibilities: The responsibilities of the Committee are to work with the development & environment area to:

- Provide input and advice in the development and/or review of Council's economic and rural development strategies and policies.
- Advise the Surf Coast Shire Council on economic and rural development issues.
- Identify strategies to increase employment opportunities within the Shire.
- Provide advice and make recommendations to the Surf Coast Shire Council in respect of issues, policies and activities which may involve or have impact on businesses to:
  - Provide advice to the Council staff and Councillors
  - Initiate discussion on and report about economic and rural development issues
  - Ensure communication and exchange of information between the Surf Coast Shire Council and its business community.

Background: This committee struggles to get members to attend meetings. Self-interest dominates discussions, with very little focus on strategic issues. More is being achieved by directly consulting the existing business groups in the Shire.

It is acknowledged that Council wishes to work with the Municipality to increase its involvement and input within the rural sector which plays an important part in improving the quality of life and economic wellbeing of people living in relatively isolated and sparsely populated areas.

Recommendation: That Council cease to have an Economic and Rural Development Advisory Committee and in its place form a Rural Community Advisory Committee.

#### **Environment Community Advisory Committee (Shire Wide / Advisory)**

Meeting schedule: Meets 5 times per year

Purpose: To seek the protection, sustainment and enhancement of the natural, built and cultural environment of our rural and hinterland areas and coastal reserves.

Responsibilities: The responsibilities of the Committee are to work with the development & environment area to:

- Provide input and advice in the development and/or review of Council's rural land use and coastal strategies, policies and master plans.
- Advise the Surf Coast Shire Council on rural and coastal issues.
- Provide advice and make recommendations to the Shire in respect of issues, policies and activities which may involve or have impact on rural and coastal communities and enterprises.
- Provide advice to the Council staff and Councillors.
- Initiate discussion on and report about local rural community, land and coastal issues.
- Ensure communication and exchange of information between the Surf Coast Shire Council and its rural and coastal community.

## **Advisory Committees Review**

Background: Historically the Environment Community Advisory Committee was established when Council lacked internal environmental expertise. The situation is very different today as Council has strong environmental expertise in-house.

Recommendation: Review the Terms of Reference, develop a work plan and appoint Councillors Fisher and Bell as Council representatives of the Environment Community Advisory Committee.

### Health & Wellbeing Community Advisory Committee (Shire Wide / Advisory)

Meeting schedule: Meets 4 times per year

Purpose: To promote community health and wellbeing within the Surf Coast Shire Council.

Responsibilities: The responsibilities of the Committee are to work with the communities and governance area to:

- Provide input and advice in the development and/or review of Council's health and wellbeing strategies and policies.
- Advise the Surf Coast Shire Council on health and wellbeing issues.
- Provide advice and make recommendations to the Shire in respect of issues, policies and activities which may involve or have impact on the local built, social, economic and natural environments.
- Provide advice to the Council staff and Councillors
- Initiate discussion on and report about health and wellbeing issues
- Ensure communication and exchange of information between the Shire and its community.

Background: Suitable community representation was not able to be secured despite several advertisements and initiating a series of direct contact approaches. Meeting attendance seldom reached a quorum. As such, there is a lack of clarity about the role and scope for this Committee to operate in. (Health and Wellbeing is a broad subject matter).

Recommendation: That Council cease to have a Health and Wellbeing Advisory Committee

### Infrastructure Community Advisory Committee (Shire Wide / Advisory)

Meeting schedule: Meets quarterly

Purpose: To support the establishment and maintenance of civil infrastructure and to meet the needs and aspirations of the Shire's population in a sustainable way.

Responsibilities: The responsibilities of the Committee are to work with the infrastructure area to:

- Provide input and advice in the development and/or review of Council's infrastructure strategies and Policies.
- Advise the Surf Coast Shire Council on infrastructure issues.
- Provide advice and make recommendations to the Shire in respect of issues, policies and activities which may involve or have impact on accessibility, maintenance, transportation, water, power, communication and other civil infrastructure related matters.
- Provide advice to the Council staff and Councillors.
- Initiate discussion on and report about civil infrastructure issues.
- Ensure communication and exchange of information between the Shire and its community.

Background: The Committee operated for two years and even though there was good information sharing with members of the committee, (but this failed to flow back to the broader community), there were no decisions or any policy changes made. It became difficult in the last year to find topics that the Committee could provide meaningful input to. It is considered that this Committee did not provide good value, considering the officers time committed to running the Committee.

Recommendation: That Council cease to have an Infrastructure Community Advisory Committee.

## **Financial Implications**

There is no financial impact as a result of the changes being recommended.

## **Advisory Committees Review**

### **Council Plan/Policy/Legal Implications**

In accordance with Council Plan 2013-2017 “**Communities** - *We actively engage with our diverse and growing communities to establish quality services, healthy and safe environments and long term community partnerships*”

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

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

### **Risk Assessment**

The recommended actions contained in this report, do not expose Council to any increased risk.

### **Social Considerations**

Need to consider impact on community if a Committee is discontinued, and as to whether Council Officers are able to perform these tasks or an alternative method of engagement needs to be implemented.

### **Community Engagement**

All committee members have been informed in writing of Councils intention to review the committees in question.

### **Environmental Implications**

Not applicable.

### **Communication**

The affected Committee members will be advised in writing.

### **Conclusion**

That Council:

1. Discontinue the following Advisory Committees:
  - a. Economic & Rural Development Community Advisory Committee
  - b. Health & Wellbeing Advisory Committee
  - c. Infrastructure Advisory Committee
2. Formally acknowledge and thank the members of the discontinued Advisory Committees.
3. Review the Terms of Reference, develop a work plan and appoint Councillors Fisher and Bell as Council representatives of the Environment Community Advisory Committee.
4. Develop a Terms of Reference to guide the formation of a Rural Community Advisory Committee.

#### 1.4 Council Delegation Review – Instrument of Delegation to Section 86 Hall and Recreation Reserve Committees of Management

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Coordinator Governance

**Department:** Governance & Risk

**Directorate:** Corporate

**Appendix:**

1. Amended Instrument of Delegation

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

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

Yes

No

**Reason:** Select Conflict of Interest

**Director:** Chris Cowley

**File No:** F13/192

**Trim No:** D13/145558

**Status:**

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

Yes

No

**Reason:** Select relevant section S89 (2)

#### Purpose

To adopt the amended Instrument of Delegation for the Section 86 Hall and Recreation Reserve Committees of Management.

#### Summary

Following the conduct of a general election, Council is required to review any delegations to a Special Committee. The review focussed on the financial, structure and decision making components of the instrument of delegation and not whether Council retains a Committee or not.

In accordance with section 86(6) of the *Local Government Act 1989 (the Act)*, a process to review the Instruments of Delegation to all Recreation Reserve and Hall Committees of Management has been undertaken. Council is required to complete this process by 27 October 2013.

As part of the review of the Instrument of Delegation to Section 86 Hall and Recreation Reserve Committees of Management, Council sought and had received feedback on the amended documentation. Feedback received from Committees of Management is provided in the body of this report.

#### Officer Recommendation

That Council:

1. Note the input provided by the Section 86 Hall and Recreation Reserve Committees of Management.
2. Note that a review has been undertaken of Council delegations to Section 86 Hall and Recreation Reserve Committees of Management in accordance with the *Local Government Act 1989*.
3. Adopt the Instrument of Delegation for Section 86 Hall and Recreation Reserve Committees of Management, as attached.

#### COUNCIL RESOLUTION

##### MOVED Cr Wellington, seconded Cr Smith

That Council:

1. Note the input provided by the Section 86 Hall and Recreation Reserve Committees of Management.
2. Note that a review has been undertaken of Council delegations to Section 86 Hall and Recreation Reserve Committees of Management in accordance with the *Local Government Act 1989*.
3. Adopt the Instrument of Delegation for Section 86 Hall and Recreation Reserve Committees of Management, as attached.

**CARRIED: 8:0**

## **Council Delegation Review – Instrument of Delegation to Section 86 Hall and Recreation Reserve Committees of Management**

### **Report**

#### ***Background***

Following the conduct of a general election, Council is required to review any delegations to a Special Committee. The review focussed on the financial, structure and decision making components of the instrument of delegation and not whether Council retains a Committee or not.

In accordance with Section 86(6) of the *Local Government Act 1989 (the Act)*, a process to review the Instruments of Delegation to all Recreation Reserve and Hall Committees of Management has been undertaken. Council is required to complete this process by 27 October 2013.

As part of the review of the Instrument of Delegation to Section 86 Hall and Recreation Reserve Committees of Management, Council sought and had received feedback on the amended documentation. Feedback received from Committees of Management is provided below.

#### ***Discussion***

All the Section 86 Hall and Recreation Reserve Committees of Management were provided with a copy of the amended Instrument of Delegation (IOD) and requested to provide any feedback on the document.

Feedback provided related to the amendments to Section 6 – Item 6.5 Membership and the inclusion of a selection criteria. The feedback raised the issue of the criteria possibly discouraging volunteers from joining the Committees. To alleviate these concerns, two further criteria have been added to clause 6.5 of the attached Instrument of Delegation being:

- |    |                                   |
|----|-----------------------------------|
| 14 | Demonstrated Local Knowledge      |
| 15 | Community Interest or Involvement |

This instrument of delegation applies to the following Section 86 Hall and Recreation Reserve Committees of Management:

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

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

Not applicable.

#### ***Council Plan/Policy/Legal Implications***

*Local Government Act 1989* Section 86(6) requires:

(6) The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election. Due date is 27 October 2013.

#### ***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***

Ongoing community involvement in Committees.

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

All Committees were consulted with during the review.

## **Council Delegation Review – Instrument of Delegation to Section 86 Hall and Recreation Reserve Committees of Management**

### ***Environmental Implications***

Not applicable.

### ***Communication***

All Committees will be advised of the finalisation of this process.

### ***Conclusion***

That Council:

1. Note the input provided by the Section 86 Hall and Recreation Reserve Committees of Management.
2. Note that a review has been undertaken of Council delegations to Section 86 Hall and Recreation Reserve Committees of Management in accordance with the *Local Government Act 1989*.
3. Adopt the Instrument of Delegation for Section 86 Hall and Recreation Reserve Committees of Management, as attached.

**APPENDIX 1:**



**INSTRUMENT OF DELEGATION**

**“COMMITTEE OF MANAGEMENT - October 2013”**

**1. GENERAL:**

**1.1 Powers**

In exercise of the power conferred by Section 86(3) of the Local Government Act 1989 (“The Act”), the Council of the Surf Coast Shire Council delegates to the Special Committee (known as the <INSERT NAME> Committee of Management) established by resolution of the Council, the powers, duties and functions set out in this Instrument of Delegation and declares that:

1.1.1 This Instrument of Delegation is authorised by a resolution of Council, passed on 22 October 2013; and

1.1.2 The delegation

1.1.2.1 comes into force immediately the Chief Executive Officer signs and executes this Instrument of Delegation;

1.1.2.2 remains in force until Council resolves to vary or revoke it;

1.1.2.3 is subject to any conditions and limitations set out herein; and

1.1.2.4 is to be exercised in accordance with any guidelines or policies, which Council from time to time adopts.

**2. DEFINITIONS:**

2.1 “The Special Committee” shall mean the <INSERT NAME> Committee of Management’ appointed pursuant to the provisions of Section 86 of the Local Government Act 1989.

2.2 “Council” shall mean the Council of the Municipality of the Surf Coast Shire.

2.3 “Councillor” shall mean a person currently elected to serve on the Council pursuant to the provisions of the Local Government Act 1989 and the Constitution Act 1975.

2.4 “Facility” shall mean the reserve and buildings known as <INSERT DESCRIPTION> and as highlighted on the attached plan.

### **3. OBJECTIVES OF THE SPECIAL COMMITTEE:**

The objectives of the Special Committee shall be to control and manage the Facility and to act as a policy development, planning, promotion, co-ordinating and management body for the Facility and in particular:

- 3.1 Act as an advisory and liaison body between the Council and the community which use the Facility;
- 3.2 Encourage public interest and maximise involvement and participation of the community in the development of the Facility;
- 3.3 To ensure a wide range of community, cultural and entertainment programs to give residents a choice of leisure-time activities.
- 3.4 To ensure the effective financial control of the Facility to meet the Council's and Special Committee's objectives; and
- 3.5 To make representation to Council on behalf of other organisations relating to the Facility.
- 3.6 To effectively manage and operate the facility in the best interests of the community.

### **4. POWERS / FUNCTIONS / DUTIES OF THE SPECIAL COMMITTEE:**

In furtherance of its objective, the Special Committee shall have, by this instrument of delegation from the Council, the following power and functions:

- 4.1 In accordance with Council Policy develop, approve, repeal and make alteration to policies, procedures, rules and regulations necessary for the proper management of the Reserve, having regard to the objectives of the Special Committee and Council policy.
- 4.2 **The Committee of Management continues to manage the precinct by:**
  - 4.2.1 actively promoting its use
  - 4.2.2 entering into contracts with permanent and occasional users
  - 4.2.3 assisting the community and user groups to access the facilities
  - 4.2.4 ensuring users maintain the facilities in accordance with their user agreements
  - 4.2.5 monitoring the physical condition of all precinct assets, ensuring they are generally maintained in a safe condition and are fit for purpose
  - 4.2.6 working with council officers on asset maintenance and development plans
  - 4.2.7 implementing and maintaining a simple technology-based financial management system
  - 4.2.8 raising funds and soliciting and receiving donations
  - 4.2.9 arranging and paying for contents insurance; and
- 4.3 Recommend to Council on the development of future capital works and the provision of future facilities and amenities to the Facility.
- 4.4 The Special Committee shall not carry out or authorise any capital works, extensions, additions or materially alter the buildings or surrounds without prior approval from the Council.
- 4.5 Authority to seek advice, assistance and expertise as is necessary for the proper and efficient management of the Facility within the constraints of the budget and including the ability to invite persons to the meetings of the Special Committee as observers or advisers.



*(Note: Special Committee meetings must be open to the public).*

- 4.6 Provide a written report to Council on the operation of the Facility on an annual basis which shall be deemed the Annual Report.
- 4.7 Resolve conflicts where these occur in the requirements of the community using the Facility.
- 4.8 Convene or cause to be convened such meeting, forums, seminars or other activities as may be deemed of value by the Special Committee to meet or assist in meeting its objectives.
- 4.9 Liaise with Council and its staff to ensure continuing co-operation and co-ordination of the Facility.
- 4.10 Ensure the safety requirements and acts and regulations appropriate to the management of the Facility are adhered to.
- 4.11 The Special Committee and its servants shall not commit, or permit to be carried out, any act which will render the operation of Council's insurance policies invalid.
- 4.12 Publicise and promote interest in the Facility.
- 4.13 Require all users to agree to abide by the conditions of use or any rules made by Special Committee and to advise Council in respect of and give effect to any regulation made by the Council applicable to the Facility.
- 4.14 To be responsible for ensuring that conditions of use imposed by Council Local Laws and policies and State and Federal Laws are enforced and for reporting to the Council any breaches which occur.
- 4.15 To ensure that the Facility under the management of the Special Committee is kept in a clean condition at all times and is used in a reasonable and lawful manner by such organisation or individuals.
- 4.16 To promptly report to the Council's Recreation and Cultural Services Unit or the Infrastructure Unit any breakages or damage relating to the Facility or malfunction of any mechanical hazard deemed to be a risk management issue or any abnormal damage to playing surfaces or surrounds or any other equipment concerning the Facility.
- 4.17 To undertake or arrange for maintenance in respect of the Facility under the management of the Special Committee as outlined in **Appendix 1**.
- 4.18 Work with Council officers to develop Asset Management Plans and Capital Works Programs on an annual basis, for consideration by Council.

Further information on the role and responsibility of Council and the Special Committee is contained in **Appendix 1**.

## 5. **FINANCE:**

The Special Committee shall manage their finances so as to:

- 5.1 Ensure the effective financial control of the Special Committee including the submission of an annual budget to Council for consideration and approval by 31 October in each year.
- 5.2 Authority to set such fees and charges necessary for the effective management of the Facility in accordance with the budget **and that is consistent with Council Policy.**
- 5.3 Open bank account in the name of the Special Committee to exercise powers and functions delegated by this instrument.
- 5.4 All monies received from hire fees, rental and charges associated with the management of the Facility shall be retained by the Special Committee. All monies received by the Special Committee shall be applied to the maintenance, operations and improvements of the Facility and any other expenses which may be incurred by the Special Committee in its management of the Facility.
- 5.5 The financial year shall be from 1 July to 30 June and all accounting functions shall conform to the requirements of Australian Accounting Standards, the Local Government Act 1989 and relevant regulations.
- 5.6 The Special Committee member elected as Secretary/Treasurer shall present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the designated meeting of the Special Committee.
- 5.7 All monies received on behalf of the Special Committee shall be banked within fourteen (14) days of receipt.
- 5.8 The Special Committee may enter into contracts, leases or rental agreements associated with the management of the Facility with the consent of Council. Specific contracts shall not exceed \$5,000.
- 5.9 The Special Committee shall have the power to raise funds, solicit and receive donations, in accordance with the objectives of the Special Committee, policies of Council and in accordance with the budget.
- 5.10 The Special Committee shall have the power to hold or sponsor functions, stalls and other fundraising means, within the constraints of the budget to enhance the objectives of the Special Committee, in accordance with Council policy.
- 5.11 **To pay from funds received the cost of minor maintenance, contents insurance, electricity, water charges or gas used, honorariums, petty cash and secretarial expenses as the Special Committee determines.**
- 5.12 All monies received by the Special Committee shall be paid promptly into a bank account in the Special Committee's name and amounts shall only be drawn from that account on the signature of any two of the following office bearers:  
Chairperson;  
Secretary;  
Treasurer
- 5.13 The Special Committee shall forward to Council an Annual Report including the Annual Statement of Accounts for audit purposes bearing the Auditor's Certificates. The Chairperson shall be responsible for ensuring that the report is lodged with Council by 31

October each year prior to the Special Committees Annual General Meeting.

**6. MEMBERSHIP:**

- 6.1 The Special Committee shall comprise up to nine (9) members, appointed by Council resolution in the following manner and for the term indicated:
- 6.2 One representative appointed by Surf Coast Shire Council, being a Council Officer with no voting rights.
- 6.3 Up to six (6) Independent Community Representatives who must be residents of the Surf Coast Shire (unless otherwise approved by Council) or a number as determined by Council.
- 6.4 The appointment of the independent community representatives shall be selected by calling for registrations of Interest from the community by way of a notice in the Public Notice Advertisement Section of a local newspaper. The Council shall determine the selection of the independent community representatives based on a documented selection process, with reference to the position description and any other relevant criteria as determined by the Committee, and shall determine the final membership of the committee.
- 6.5 It is highly desirable that the membership of the independent community representatives for the Committee of Management be filled in accordance with a skill based approach, with the representatives possessing at least one of the following skills to a high degree:
1. Accounting
  2. Governance
  3. Auditing
  4. Finance
  5. Government Relations
  6. Business
  7. Community Engagement
  8. Advocacy
  9. Legal
  10. Media
  11. Ethics
  12. Fundraising
  13. Administration/Management
  14. **Demonstrated Local Knowledge**
  15. **Community Interest or Involvement**
- 6.6 It is also highly desirable that the skills mentioned above in 6.5 are possessed by the Officer Holders for the following positions:
1. Chairperson;
  2. Secretary; and
  3. Treasurer.
- 6.7 A member of the Special Committee shall be eligible for re-nomination at the expiration of the period of office. Members will be appointed for a period as designated in the terms of appointment.
- 6.8 A Special Committee member who is absent from three (3) consecutive committee meetings without approval by the Special; Committee shall forfeit their membership.

- 6.9 Any vacancy caused by the resignation of the Council representative, shall only be filled by Council.
- 6.10 Any vacancy caused by the resignation of the Community representative, shall only be filled by Council via an expression of interest process.

## **7. MEETINGS:**

### **7.1 Meetings**

- 7.1.1 The Special Committee shall hold at least four (4) meetings during the year on such dates as the Chairperson appoints.
- 7.1.2 The Secretary shall give reasonable notice of all meetings by distributing a notice of the meeting to all members at least seven (7) clear days prior to the meeting.
- 7.1.3 At the Committee AGM Office Bearers will be elected to the positions of Chairperson, Secretary, Treasurer and other positions determined by the Special Committee as being necessary for the efficient functioning of the Committee. At this meeting the Special Committee will also receive the annual report, receive a report on the programme of activities proposed for the ensuing year, and receive and adopt the annual financial statements.

### **7.2 Special Meetings**

- 7.2.1 The Chairperson may call a special meeting by giving notice to all Special Committee members in the manner prescribed hereunder or shall call a special meeting forthwith upon receiving from any three members of the Special Committee a written request that such a meeting be so called. The notice by the Chairperson or the request by the three Special Committee Members shall contain a statement of the purpose of the meeting. The meeting will be held on such dates and at such time as fixed by the Chairperson.
- 7.2.2 In cases where the Chairperson calls a meeting in response to a request, the meeting shall be held within 21 days of receiving such request. The Chairperson shall arrange for notice of the meeting to be given to all Special Committee members. No other business shall be transacted at that meeting except that specified in the Notice.
- 7.2.3 Council must be informed of any Special Committee meetings. Minutes must be distributed within 7 days and must be formally endorsed at the next committee meeting.

### **7.3 Meeting Procedures**

The quorum at any Special Committee meeting shall be a majority of members of the Special Committee.

All requirements of the Local Government Act 1989 must be adhered to.

- 7.3.1 Members, including the Chairperson, present at a meeting of the Special Committee, shall have one vote on each matter before the Chair. In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- 7.3.2 The Chairperson shall take the chair at all meetings at which the chair is present. If the chair is absent the members present may appoint one of their numbers to chair

the meeting.

- 7.3.3 Minutes shall be kept of the proceedings at all meetings and after confirmation shall be signed by the Chairperson of the meeting at which they are confirmed. Copies of minutes will be circulated and forwarded to Council within fourteen (14) days of the meeting.
- 7.3.4 If a member of the Special Committee has a conflict of interest in any matter in which the Special Committee is concerned, the member must disclose the nature of that interest at the meeting at which the matter is discussed. The member must not remain in the room in which the meeting is being held during discussion or voting on the matter. The minutes must record the conflict of interest and the time the member left and returned to the meeting.
- 7.3.5 Any meeting or special meeting of the Special Committee must be open to members of the public.
- 7.3.6 The Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:
- 7.3.6.1 Contractual matters;
  - 7.3.6.2 Proposed development;
  - 7.3.6.3 Legal advice;
  - 7.3.6.4 Matters affecting the security of Council policy;
  - 7.3.6.5 Any other matters which the Special Committee considers would prejudice the Council or any person;
  - 7.3.6.6 A resolution to close the meeting to members of the public.
- 7.3.7 If the Special Committee resolves to close the meeting to the public, the reason must be recorded in the Minutes of the meeting.
- 7.3.8 A motion before a meeting of the Committee is to be determined as follows :
- 7.3.8.1 Each member of the Special Committee who is entitled to vote is entitled to one vote;
  - 7.3.8.2 Unless otherwise prohibited by the Local Government Act, each member of the Committee present must vote;
  - 7.3.8.3 Unless the procedures of the Special Committee otherwise provide, voting must be by show of hands;
  - 7.3.8.4 The motion is determined by a majority of the vote;
  - 7.3.8.5 If there is an equality of votes the Chairperson has a second vote.
- 7.3.9 Any decision of the Special Committee which does not relate to a matter delegated to the Special Committee cannot be actioned until approved by Council.
- 7.3.10 In the event of any unresolved dispute arising, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.

7.3.11 The Special Committee may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of this instrument of delegation, provided that no decision is made.

7.3.12 The Chairperson shall be an ex-officio member of all Sub-Committees.

7.3.13 Such Sub-Committees shall only be established by resolution of the Special Committee and shall only carry out those functions stated in such resolution.

**8. OFFICE BEARERS:**

The Special Committee shall elect the following Office Bearers:

Chairperson  
Secretary  
Treasurer  
Any other office the Committee may wish to appoint.

Office bearers shall hold office for a period of twelve months or until they resign their office (whichever first occurs).

**9. INDEMNITY:**

The Council will indemnify members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Special Committee when they are acting in accordance with this Instrument of Delegation by that member of the Committee in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Special Committee.

**10. POWERS EXCLUDED:**

10.1 The Special Committee is not by this Instrument of Delegation empowered to do any of the following things without the written approval of the Council.

10.1.1 Enter into contracts, exceeding a value of \$5,000 p.a

10.1.2 Borrow money.

10.1.3 Incur any banking overdraft.

10.1.4 Make any alterations or additions to the community centre and reserve without consent of Council.

**11. TERMS OF APPOINTMENT:**

This delegation shall expire on the 22 October 2017, unless otherwise extended or revoked in writing by the Council.

**12. COMMUNICATIONS:**

Surf Coast Shire Council and <INSERT NAME> Committee of Management will work together to develop a harmonious relationship that takes into account the needs and wants of stakeholders. As such **Attachment 2 'Communications Protocol'** will form the basis for communicating between the Committee and the Council.

**13. REVOCATION:**

This Instrument of Delegation may be revoked at any time by Council, if in the view of Council; the Committee is not managing the facility in the best interest of user groups, the community and Council.

Signed on behalf of the Surf Coast Shire Council )  
by the Chief Executive Officer )  
pursuant to the instrument of delegation )  
dated 23 July 2013 in the presence of: )

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Chief Executive Officer

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Witness



## APPENDIX 1 - Maintenance Responsibilities

A new schedule will be determined with each Committee of Management but will be based on the following format:

ITEM (if applicable)	COMMITTEE OF MANAGEMENT RESPONSIBILITY	USER GROUP RESPONSIBILITY	COUNCIL'S RESPONSIBILITY
CRM = Customer Request Management. Council's customer request and fault / incident reporting system			
<b>BUILDING MAINTENANCE</b>			
	•		•
	•	•	•
	•		•
		•	•
	•	•	•
			•
		•	
<b>GROUND MAINTENANCE</b>			
	•	•	•
	•	•	•
	•	•	•
<b>OPERATIONAL TASKS</b>			
			•
			•
	•		
	•		•

## **APPENDIX 2 - COMMUNICATIONS PROTOCOL**

Surf Coast Shire Council is committed to working in an open and harmonious way with the community. As such Council will:

1. Seek to manage service delivery to meet the expectations of the community within the resources available; and
2. Be open and transparent in its dealings with its community.

This protocol seeks to define how Surf Coast Shire Council and the committees of management of Council facilities will communicate.

### **Council will:**

- Consult with committees of management in the development and implementation of capital works and maintenance programs.
- Consult with committees of management in developing and administering maintenance schedules.
- Provide committees of management with maintenance schedules and programs annually or prior to the commencement of the seasons whichever is applicable.
- Advise the nominated committee of management representative of any variations to maintenance schedules and programs where they will interfere with the operation of the Council facility within 24 hours of the variation occurring.
- Respond to maintenance requests and letters from committees of management within fourteen working days.
- Advise committees of management of any decisions or matters that will restrict or impinge on the use of their facilities within 24 hours of the decision.
- Provide committees of management with a list of designated Council Officers authorised to be the contact person for specific matters and concerns annually.
- Meet with committees of management formally once per year to discuss matters of interest and concern to both parties.
- Explain clearly any decisions made that effect committees of management in respect to maintenance, capital works and the like.
- Regularly inspect the facilities to ensure it is being maintained in a proper condition in accordance with any service specifications and the like.

### **Committees of Management will:**

- Assist Council in ensuring that facilities are presented in the best possible condition taking into account the prevailing conditions.
- Advise Leisure and Recreation annually of a nominated committee of management representative, together with their address and phone numbers, who will be the committee of management's contact person for Council for that year.
- Raise directly with the relevant, designated Council Officer any concerns or matters regarding contractor performance or any matters or concerns relating to maintenance schedules and programs.
- Not seek to direct Council contractors or Council staff when carrying out their duties at the facility.
- Discuss with the relevant, nominated Council Officer all requests for services that are beyond scheduled service provision. Such requests are to be made in writing where possible at least two weeks prior to the service requested being required.
- When requesting maintenance work provide a preferred time schedule, which Officers will confirm subject to the availability of trades people and previous commitments.

- Refer any requests for capital works or projects to Leisure and Recreation no later than October each year with concept plans, costing and methods of funding to ensure that the project can be considered and a case prepared for the following year's budget.
- In the first instance discuss any matters regarding lease conditions or commercial issues with Leisure and Recreation.
- Provide Council with a copy of the playing and training schedules for the facility at least two weeks prior to the season commencing.
- Seek approval from Leisure and Recreation at least two weeks prior where users are proposing to vary game days, training times or days or hold events at the facility.
- Refer any enquires regarding facility hire from other users to Leisure and Recreation.

If committees of management are dissatisfied with the service provided they may, in the first instance, lodge a complaint with the Manager Community Development. If the committee is unsatisfied with that outcome they can then write to the:

Chief Executive Officer,  
Surf Coast Shire  
PO Box 350  
Torquay VICTORIA 3228

## **APPENDIX 3 – SITE PLAN**

To be attached

### 1.5 Council Delegation to staff under the Planning and Environment Act 1987

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Coordinator Governance

**Department:** Governance and Risk

**Directorate:** Corporate

**Director:** Chris Cowley

**File No:** F13/193

**Trim No:** D13/146522

**Appendix:**

1. Amended Instrument of Delegation to Staff

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant sectionS89 (2)

#### Purpose

To adopt the amended Instrument of Delegation from Council to various staff under the Planning and Environment Act 1987.

#### Summary

The Council delegation to staff under the Planning and Environment Act 1987 was reviewed and adopted in July 2013 in accordance with Local Government Act 1989 requirements after a general election.

The current amendments reflect the appointment of Council's new Director Planning and Environment and will enable them to undertake their day to day duties and functions.

#### Officer Recommendation

That Council adopt the amended Instrument of Delegation to staff under the Planning and Environment Act 1989.

#### COUNCIL RESOLUTION

##### MOVED Cr Nockles, seconded Cr Hodge

That Council adopt the amended Instrument of Delegation to staff under the Planning and Environment Act 1989.

**CARRIED: 8:0**

## **Council Delegation to staff under the Planning and Environment Act 1987**

### **Report**

#### ***Background***

Council as a legal entity can only act in one of two ways, by resolution or through a person acting on its behalf. To enable effective and efficient functioning of local government, decision making powers are allocated by formal delegation. Delegation of powers in local government is considered essential to enable day to day decisions to be made and actioned in a timely manner.

An updated delegation is submitted to reflect the current organisational structure.

Section 98 of the *Local Government Act 1989* and section 188 of the *Planning and Environment Act 1987* and other legislation empowers Council to delegate its powers, duties and functions to appropriate Council officers.

#### ***Discussion***

Council's Chief Executive Officer has implemented an organisational restructure which has a new Director of Planning and Environment. The Director has requested delegation under the Planning and Environment Act 1987 in order to undertake their day to day duties and functions.

The Instrument of Delegation to Planning and Environment staff in Appendix 1 outlines the relevant Council powers and discretions under the *Planning and Environment Act 1987* and highlights the inclusion of Director Planning and Environment (DPE) in the Schedule.

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

There is no direct financial implication in regard to the Instrument of Delegation to staff.

#### ***Council Plan/Policy/Legal Implications***

The delegation ensures that the Officer undertakes their duties with the correct delegation. (*Planning and Environment Act 1989*)

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

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

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

A properly prepared system of delegations minimises the likelihood of officers acting outside their powers and exposing Council to unacceptable risk.

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

The resolution ensures that Council meets the objectives of legislation and can effectively administer the requirements.

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

In accordance with Part 5, Section 11, of the *Local Government (General) Regulations 2004*, Council must make available for public inspection documents containing the prescribed matters. Section 11(j) requires that: "a register of delegations kept under sections 87( Special Committee meetings) and 98 (Delegations) of the Act, including the dates on which the last reviews under sections 86(6) – Special Committees and 98(6) – Delegations to Chief Executive Officer and Council Staff, of the Act took place."

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

There are no direct impacts on the environment as a result of the proposed recommendations.

#### ***Communication***

All relevant staff will be advised of the amendments.

#### ***Conclusion***

That Council adopt the amended Instrument of Delegation to staff under the Planning and Environment Act 1987 noting that the Director Planning and Environment (DPE) has been included in the Schedule.

**APPENDIX 1:**



**Surf Coast Shire**

**Instrument of Delegation  
from  
Surf Coast Shire Council**

**Authorising Provision**

This delegation is made under section 188 of the *Planning and Environment Act 1987* ("the Act").

**Delegate/s**

The titled officers of Council listed in column 3 of the Schedule to this Instrument.

**Powers, Discretions and Functions Delegated**

The powers, discretions and functions listed in column 1 of the Schedule and referenced in column 2 by section description of the Act or the –

- *Planning and Environment Regulations 2005* and
- *Planning and Environment (Fees) Interim Regulations 2013*

**Conditions**

- This delegation must be exercised –
  - in conformity with the attached Delegation Guidelines and Chart of Authorities;
  - only when the delegate is confident his or her actions would be supported by Council and Senior Management;
  - within the budgetary limits applying to the officer in respect of his or her department or business unit; and
- This delegation remains in force unless varied or revoked and replaces any previous delegation made by Council.

**DATED:** 22 October 2013

Signed on behalf of the Surf Coast Shire Council )  
by the Chief Executive Officer )  
pursuant to the instrument of delegation )  
dated 23 July 2013 in the presence of: )

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Witness

## SCHEDULE

**ABBREVIATIONS:**

**DPE** – means Director Planning and Environment

**MPD** – means Manager Planning & Development

**PCO** – means Statutory Planning Coordinator and Strategic Planning Coordinator

**SSP** – means Senior Statutory Planner

**PO** – means Planning Officer and Strategic Planner

**PC** – means Planning Committee (S.86 LGA)

**SPE** – means Senior Planning Enforcement Officer

**PE** – means Planning Enforcement Officer

**The following functions under the Planning and Environment Act 1987 are delegated to the nominated officer(s)**

<b>POWER, DISCRETION OR FUNCTION</b>	<b>ACT SECTION</b>	<b>DELEGATE</b>
1. Authority to make an application to the Minister for the preparation an amendment to a planning scheme.	8A(3)	DPE, MPD, PCO
2. Review the Planning scheme.	12B	DPE, MPD, PCO
3. Copies of Amendment	17	DPE, MPD, PCO, SSP, PO
4. Notice of Amendment	19	DPE, MPD, PCO, SSP, PO
5. Exemption from giving Notice	20	DPE, MPD, PCO, SSP, PO
6. Consideration of submissions with respect to amendments to a planning scheme.	22	DPE, MPD, PCO, SSP, PO
7. Decisions about submissions	23	DPE, MPD, PCO
8. Authority to first seek certification of Secretary	35A	DPE, MPD, PCO
9. Delegate the powers to approve delegated amendments	35B	DPE, MPD, PCO
10 Function of lodging copy of approved amendment	40	DPE, MPD, PCO
11 Duty to make copy of planning scheme available	42	DPE, MPD, PCO
12 Power to enter into an agreement with the applicant regarding payment of development infrastructure levy.	46N (2)(d)	DPE, MPD, PCO
13 Determining time and manner for receipt of development contributions levy.	46N (2)(c)	DPE, MPD, PCO



**The following functions under the Planning and Environment Act 1987 are delegated to the nominated officer(s)**

	<b>POWER, DISCRETION OR FUNCTION</b>	<b>ACT SECTION</b>	<b>DELEGATE</b>
14.	Power to enter into an agreement with the applicant regarding payment of community infrastructure levy.	46O(1)(d) and (2)(d)	DPE, MPD, PCO
15.	Power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured.	46P (1)	DPE, MPD, PCO
16.	Power to forward any part of the levy to a Minister, referral authority or public authority.	46Q (2)	DPE, MPD, PCO
17.	Power to refund any amount of levy paid if it is satisfied the development is not to proceed.	46Q (3)	DPE, MPD, PCO
18.	Power to recover any amount of levy payable under Part 3B.	46Q (5)	DPE, MPD, PCO
19.	Power to approve or refuse an amendment to an application at the request of the applicant before notice.	50	DPE, MPD, PCO, SSP, PO
20.	Power to amend an application before giving notice with the agreement of the applicant and after giving notice to the owner.	50A (1)	DPE, MPD, PCO, SSP, PO
21.	Determining public notification requirements and procedure in accordance with the Act and to give notice.	52	DPE, MPD, PCO, SSP, PO
22.	The Responsible Authority being satisfied that the grant of a permit would not cause material detriment to any person.	52(1)(a)	DPE, MPD, PCO, SSP, PO
23.	Considering whether an application may materially affect land in a municipal district (of which the Responsible Authority is not the Council).	52(1)(b)	DPE, MPD, PCO, SSP, PO
24.	Considering whether the grant of a permit may cause material detriment to any other persons.	52(1)(d)	DPE, MPD, PCO, SSP, PO
25.	Requiring an applicant to advertise an application in accordance with Section 52 of the Act.	53(1)	DPE, MPD, PCO, SSP, PO
26.	Being satisfied that the applicant has given the notice.	53(2)	DPE, MPD, PCO, SSP, PO
27.	Requiring an applicant to provide more information about an application.	54	DPE, MPD, PCO, SSP, PO

28.	Power to approve or refuse an application requesting more time to provide more information	54(A) (3)	DPE, MPD, PCO, SSP, PO
29.	Requiring referral to a referral authority or being satisfied that the referral authority has considered the application in the past 3 months and does not object to the granting of a permit.	55(1)	DPE, MPD, PCO, SSP, PO
30.	Disregarding an objection made clearly to maintain or gain an economic advantage.	57(A) (2)	DPE, MPD, PCO, PC
31.	Power to amend or refuse an application for amendment after notice has been given	57(A)	DPE, MPD, PCO, SSP, PO
32.	Power to determine the giving of notice of an amended application	57(B)	DPE, MPD, PCO, SSP, PO
33.	Deciding whether an amendment to an application or permit would not adversely affect the interests of a referral authority	57(C)	DPE, MPD, PCO, SSP, PO
34.	The decision to grant a Permit, or grant a Permit subject to conditions,	58, 61 and 62(1),(2) & (3)	DPE, MPD, PCO, SSP, PO
35.	The decision to grant a Notice of Decision, or Notice of Decision subject to conditions; subject to the provisions of S.64 where 3 objections or less received.	58, 61 and 62(1),(2) & (3)	DPE, MPD, PCO
36.	The decision to grant a Notice of Decision, or Notice of Decision subject to conditions; subject to the provisions of S.64 where 4 objections or more received.	58, 61 and 62(1),(2) & (3)	PC
37.	The decision to refuse to grant a permit, after complying with the requirements of Sections 58, 59, 60 and 65.	61	PC
38.	The decision to refuse to grant a permit, after complying with the requirements of Sections 58, 59 and 60 where that refusal must be made in accordance with Section 61(2).	61	DPE, MPD, PCO, PO, PC
39.	The ability to attend mediation after decisions made pursuant to Clause 37 and report back to the Planning Committee on positions of the parties. The Committee may reconsider any decisions made in respect of the mediation feedback provided.		DPE, MPD, PCO, SSP, PO
40.	The decision of what conditions can be put on permits.	62	DPE, MPD, PCO, PO, PC
41.	To either consent or refuse to consent to an extension of time for the commencement of a permit, or to an extension to the time in which a use or development may be completed.	69	DPE, MPD, PCO, PO

42. The ability to attend mediation and exercise powers pursuant to Clauses 34, 35, 36, 38, and 40 of this Instrument of Delegation can be exercised at mediation DPE, MPD, PCO, SSP

**The following functions under the Planning and Environment Act 1987 are delegated to the nominated officer(s)**

<b>POWER, DISCRETION OR FUNCTION</b>	<b>ACT SECTION</b>	<b>DELEGATE</b>
43. Correcting mistakes in permits and causing it to be noted in the Register.	71	DPE, MPD, PCO, SSP, PO
44. Power to process and decide an application for an amendment to a permit	73	DPE, MPD, PCO, SSP, PO
45. Power to issue an amended permit if no objectors	74 (Div 1A Part 4)	DPE, MPD, PCO, SSP, PO
46. Power to issue a Notice of Decision to amend a permit where there are objectors	75 (Div 1A Part 4)	DPE, MPD, PCO
47. Power to refuse an amendment to a permit	76 (Div 1A Part 4)	DPE, MPD, PCO
48. Requesting the VCAT to cancel or amend a permit granted.	87(3)	DPE, MPD, PCO
49. Giving effect of Council consent to an applicant to apply for a planning permit on land vested in Council	96(2)(3)	DPE, MPD, PCO, SSP
50. Power to agree to consider an application for permit concurrently with preparation of proposed amendment.	96A	DPE, MPD, PCO, SSP, PO
51. Power to give notice, decide not to give notice, to publish notice and to exercise any other power under s.96C.	96C	DPE, MPD, PCO, SSP, PO
52. Requesting the Minister to decide the application	97C	DPE, MPD
53. Considering the application for a Certificate of Compliance and issue or refuse to issue the certificate	97O	DPE, MPD, PCO, SSP,
54. Seeking the cancellation of a Certificate of Compliance due to material misstatement or concealment of fact or material mistake and to comply with the directions of the Victorian Civil and Administrative Tribunal in determining the matter.	97Q	DPE, MPD, PCO, SSP,

- |     |   |     |               |
|-----|---|-----|---------------|
| 55. | Function of receiving claim for expenses in conjunction with claim. | 101 | DPE, MPD, PCO |
|-----|---|-----|---------------|

**The following functions under the Planning and Environment Act 1987 are delegated to the nominated officer(s)**

	<b>POWER, DISCRETION OR FUNCTION</b>	<b>ACT SECTION</b>	<b>DELEGATE</b>
56.	Power to reject a claim for compensation in certain circumstances.	103	DPE, MPD, PCO
57.	Applying to the VCAT for an enforcement order	114	DPE, MPD, PCO, SPE, SSP
58.	Applying to the VCAT for an Interim Enforcement Order	120(1)	DPE, MPD, PCO, SPE, SSP
59.	The ability to attend mediation and fully settle or partially settle matters at VCAT initiated under Clauses 55 and 56 of this Instrument of Delegation		DPE, MPD, PCO, SPE, SSP
60.	Power to carry out work required by enforcement order and recover costs.	123(1)	DPE, MPD, PCO
61.	Power to sell buildings, materials, etc salvaged in carrying out work under s.123(1) except Crown land.	123(2)	DPE, MPD, PCO
62.	Serve Planning Infringement Notice	130	SPE, PE, MPD, PCO, SSP
63.	Withdrawing a Planning Infringement Notice and refunding any amount paid.	131	DPE, MPD, PCO, SSP
64.	Powers of entry	133	SPE, PE, DPE, MPD, PCO
65.	Actions before entry	134	SPE, PE, DPE, MPD, PCO
66.	Powers upon entry of land	135	SPE, PE, DPE, MPD, PCO
67. 1	General Provisions	147	SPE, PE, DPE, MPD, PCO
4			
7			
68.	Referring a matter to the Victorian Civil and Administrative Tribunal for determination.	149A	DPE, MPD, PCO
69.	Giving effect to Council Authorisation for the carrying out of studies.	171(2)(f)	DPE, MPD, PCO, PO
70.	Giving effect to a Council decision concerning granting and reserving easements.	171(2)(g)	DPE, MPD, PCO, PO
71.	Power to enter into agreement covering matters set out in s.174.	173	DPE, MPD, PCO

72.	Power to amend a s.173 agreement.	178	DPE, MPD, PCO
73.	Deciding to register an agreement after it has been sealed by the Council.	181	DPE, MPD, PCO, SSP, PO

**The following functions under the Planning and Environment Act 1987 are delegated to the nominated officer(s)**

POWER, DISCRETION OR FUNCTION	ACT SECTION	DELEGATE
74. Issue of Planning Certificates	199	DPE, MPD, PCO, SSP, PO
75. Declaring the provisions of the Scheme which would have applied if the land had not been reserved.	201	DPE, MPD, PCO, SSP
76. Power of responsible authority to require verification of certain information.	Reg.23 ( <i>Planning and Environment Regulations 1988</i> )	DPE, MPD, PCO, SSP, PO
77. Power to waive or rebate the payment of a fee if: <ul style="list-style-type: none"> <li>• an application is withdrawn and a new application is submitted; or</li> <li>• in the opinion of the authority the payment is not warranted because of the minor nature of the consideration of the matter to be decided; or</li> <li>• in the opinion of the authority the requested service imposes on the authority no appreciable burden or a lesser burden than usual.</li> </ul>	Reg.4B ( <i>Planning and Environment (Fees) Regulations 1988</i> )	DPE, MPD, PCO, SSP, PO
78. A Authority to approve plans under the Planning Scheme	Clause 4 of Schedule 2 of Clause 37.02 Comprehensive Development Zone	DPE, MPD, PCO, SSP, PO, PC

Cr Bell left the meeting at 6.24pm.

## 2. Planning and Environment

### 2.1 Planning Permit 13/0201, 41-57 Bristol Road, Torquay (Coles supermarket)

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Manager Planning & Development

**Director:** Kate Sullivan

**Department:** Planning & Development

**File No:** 13/0201

**Directorate:** Planning & Environment

**Trim No:** D13/148073

**Appendix:**

1. Plans of proposed Coles supermarket (D13/146101)
2. Vic Roads submission (D13/146679)
3. Officers assessment against planning controls

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant section S89 (2)

### Purpose

To determine a position on planning permit application 13/0201 for the development of a Coles supermarket at 41-57 Bristol Road, Torquay.

### Summary

The Coles planning permit application seeks to redevelop the western end of the Torquay Central site (in Bristol Road) with a 3800sqm supermarket. The development will remove some existing tenancies from the western end and realign the entry to the site from Bristol Road further to the east.

The supermarket will be developed with underground car parking accessed from the central internal car park.

The application was placed on public notification on 3 July, 2013 and 27 objections were received. The main issues raised in objections are as follows:

- Traffic in Bristol Road and the impact on the intersection of Bristol Road and Geelong Road.
- The position and access to the proposed loading bay
- Car parking provision and access
- Impact of illuminated signs
- Construction management
- Opening times of the supermarket.

A mediation meeting was held on the 19 September 2013 between the applicant, Council officers and objectors. Only 5 objectors attended this meeting however a range of issues were discussed. A hearing of submissions was also undertaken on 15 October where objectors were able to address Council on their concerns.

Assessment of the proposal against the relevant planning policies and controls in the Surf Coast Planning Scheme has confirmed the proposal is a positive outcome. Issues raised by objectors can be addressed by permit conditions in most instances and treatment of the intersection of Bristol Road and Geelong Road is proposed as part of the support for the development.

### Officer Recommendation

That Council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* issue a Notice of Decision to Grant a Permit for the development of buildings and works associated with the construction of a supermarket and two shops and alterations to existing shops, reduction of standard car parking requirements and display of internally illuminated business identification signs at 41-57 Bristol Road, Torquay subject to the following conditions:

1. Before the development starts:
  - a) Amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show/include:
    - i) The acoustic fence to the loading bay to be increased to 2.5m in height.
    - ii) Increase in the height of the southern wall adjacent the driveway entry to the basement car park to match the wall height of the supermarket and adjacent tenancies.
    - iii) Details of the proposed artwork treatment to the solid wall on the northern elevation to Bristol Road.
    - iv) 1.5m screening to the alfresco dining area on the northern elevation of the modified tenancy to the eastern side of the entrance driveway.
    - v) Details of public waste bin locations.
    - vi) Changes to the landscape plan to limit planting under the Moonah tree and indication of the area in Bristol Road in the road reserve that will be maintained by the owner of the site.
  - b) A design of a treatment to the intersection of Bristol Road and Geelong Road to restrict right turns into Bristol Road from Geelong Road and increase a lane in Bristol Road at the intersection.
  - c) A construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
    - i) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
    - ii) measures to accommodate the private vehicles of workers/ tradespersons;
    - iii) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
    - iv) noise attenuation measures to be put in place to protect the amenity of nearby residents during construction having regard to the EPA Guidelines on Construction and Demolition Noise;
    - v) measures to minimise the generation and dispersal of dust;
    - vi) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
    - vii) arrangements for waste collection and other services to be provided during construction;
2. Before the operation of the proposed supermarket the treatment to the intersection of Bristol Road and Geelong Road and treatments to Bristol Road related to the entry to the site shall be completed to the satisfaction of the Responsible Authority and Vic Roads.
3. 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. The payment must be made prior to the commencement of development.
4. A minimum of 253 car spaces must at all times be provided on the subject site and made available for the use by patrons of the use to the satisfaction of the Responsible Authority, unless agreement is reached with the Responsible Authority for alternative provision of these spaces. The number, design, layout and construction of the spaces must be to the satisfaction of the Responsible Authority. Car parking provided in the accordance with this condition must be shown on the endorsed plans for the development.
5. Before the operation of the supermarket, areas set aside for parked vehicles and access lanes shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority by being:
  - a) Properly formed to such levels that they can be used in accordance with the plans;
  - b) Surfaced an all weather seal;

- c) Drained;
- d) Line-marked to indicate each car space and all access lane.

Such areas shall be maintained to the satisfaction of the Responsible Authority.

6. Access to the basement car parking of the supermarket will be prevented outside the trading hours of the supermarket.
7. Redundant existing vehicle crossings must be removed and replaced with kerb and channel of the same or similar profile to the satisfaction of the Responsible Authority.
8. Landscaping as shown on the endorsed landscape plan must be completed to the satisfaction of the Responsible Authority prior to the commencement of operation of the supermarket, and must thereafter be maintained to the satisfaction of the Responsible Authority.
9. Protection of vegetation to be retained shall be consistent with the recommendations in the Tree Watch report 23 April 2013.
10. Before any works start (including demolition and/or excavation):
  - a) a tree protection zone must be delineated around the trees to be retained
  - b) the tree protection zones must be fenced and signed to the satisfaction of the Responsible Authority, in a manner that does not compromise the trees' root zones.
11. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
12. Deliveries of goods to the site shall only occur between the hours of 7.00am and 9.00pm (inclusive) unless with the prior written consent of the Responsible Authority. The external gate to the loading bay must be kept closed outside of these times except in exceptional circumstances.
13. The loading and unloading of goods from vehicles for the supermarket must only be carried out on the land, within the loading bay designated on the endorsed plans.
14. The collection of waste from the site shall only occur between the hours 8.00am to 6.00pm (inclusive) unless with prior written consent of the Responsible Authority.
15. The operator of the supermarket shall ensure that signs are erected to the satisfaction of the Responsible Authority on the site to publicise restrictions on times for delivery of goods and rubbish collection, and that companies making deliveries or collecting waste are aware of the requirements of this permit, to the satisfaction of the Responsible Authority.
16. No permanently fixed sound amplification equipment, jukeboxes or loud speakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes so as to be audible on adjoining public or private land, except with the prior written permission of the Responsible Authority.
17. The operation of the loading bay and position and operation of plant shall be consistent with the recommendations in the Environmental Noise Assessment by Marshal Day Acoustics 16 May 2013.
18. All plant and equipment shall be located and/or screened so that it is not visible from any public road or residential property.
19. Management of waste on the site shall be consistent with the Waste Management Plan by Leigh Design 16 May 2013.
20. Outdoor lighting and illuminated signage must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and must not contain flashing lights.
21. All illuminated signage must be turned off outside the trading hours of the supermarket.
22. The location, details and structure of the sign(s) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
23. The car park use and the development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
24. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within three years of the date of this permit;
  - b) The development is not completed within two years of the date starting;

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.



## COUNCIL RESOLUTION

### **MOVED Cr Hodge, seconded Cr Fisher**

That Council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* issue a Notice of Decision to Grant a Permit for the development of buildings and works associated with the construction of a supermarket and two shops and alterations to existing shops, reduction of standard car parking requirements and display of internally illuminated business identification signs at 41-57 Bristol Road, Torquay subject to the following conditions:

1. Before the development starts:
  - a) Amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show/include:
    - i) The acoustic fence to the loading bay to be increased to 2.5m in height.
    - ii) Increase in the height of the southern wall adjacent the driveway entry to the basement car park to match the wall height of the supermarket and adjacent tenancies.
    - iii) Details of the proposed artwork treatment to the solid wall on the northern elevation to Bristol Road.
    - iv) 1.5m screening to the alfresco dining area on the northern elevation of the modified tenancy to the eastern side of the entrance driveway.
    - v) Details of public waste bin locations.
    - vi) Changes to the landscape plan to limit planting under the Moonah tree and indication of the area in Bristol Road in the road reserve that will be maintained by the owner of the site.
    - vii) Removal of the western most Coles sign on the north elevation facing Bristol Road.
    - viii) Provide parking at 4.5 spaces per 100sqm of leasable floor area for the supermarket floor area.
  - b) A design of a treatment to the intersection of Bristol Road and Geelong Road to restrict right turns into Bristol Road from Geelong Road and increase a lane in Bristol Road at the intersection.
  - c) A construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
    - i) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
    - ii) measures to accommodate the private vehicles of workers/ tradespersons;
    - iii) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
    - iv) noise attenuation measures to be put in place to protect the amenity of nearby residents during construction having regard to the EPA Guidelines on Construction and Demolition Noise;
    - v) measures to minimise the generation and dispersal of dust;
    - vi) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
    - vii) arrangements for waste collection and other services to be provided during construction;
2. Before the operation of the proposed supermarket the treatment to the intersection of Bristol Road and Geelong Road and treatments to Bristol Road related to the entry to the site shall be completed to the satisfaction of the Responsible Authority and Vic Roads.
3. 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. The payment must be made prior to the commencement of development.
4. A minimum of 253 car spaces must at all times be provided on the subject site and made available for the use by patrons of the use to the satisfaction of the Responsible Authority, unless agreement is reached with the Responsible Authority for alternative provision of these spaces. The number, design, layout and construction of the spaces must be to the satisfaction of the Responsible Authority. Car parking provided in the accordance with this condition must be shown on the endorsed plans for the development.

5. Before the operation of the supermarket, areas set aside for parked vehicles and access lanes shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority by being:
  - a) Properly formed to such levels that they can be used in accordance with the plans;
  - b) Surfaced an all weather seal;
  - c) Drained;
  - d) Line-marked to indicate each car space and all access lane.Such areas shall be maintained to the satisfaction of the Responsible Authority.
6. Access to the basement car parking of the supermarket will be prevented outside the trading hours of the supermarket.
7. Redundant existing vehicle crossings must be removed and replaced with kerb and channel of the same or similar profile to the satisfaction of the Responsible Authority.
8. Landscaping as shown on the endorsed landscape plan must be completed to the satisfaction of the Responsible Authority prior to the commencement of operation of the supermarket, and must thereafter be maintained to the satisfaction of the Responsible Authority.
9. Protection of vegetation to be retained shall be consistent with the recommendations in the Tree Watch report 23 April 2013.
10. Before any works start (including demolition and/or excavation):
  - a) a tree protection zone must be delineated around the trees to be retained
  - b) the tree protection zones must be fenced and signed to the satisfaction of the Responsible Authority, in a manner that does not compromise the trees' root zones.
11. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
12. Deliveries of goods to the site shall only occur between the hours of 7.00am and 9.00pm (inclusive) unless with the prior written consent of the Responsible Authority. The external gate to the loading bay must be kept closed outside of these times except in exceptional circumstances.
13. The loading and unloading of goods from vehicles for the supermarket must only be carried out on the land, within the loading bay designated on the endorsed plans.
14. The collection of waste from the site shall only occur between the hours 8.00am to 6.00pm (inclusive) unless with prior written consent of the Responsible Authority.
15. The operator of the supermarket shall ensure that signs are erected to the satisfaction of the Responsible Authority on the site to publicise restrictions on times for delivery of goods and rubbish collection, and that companies making deliveries or collecting waste are aware of the requirements of this permit, to the satisfaction of the Responsible Authority.
16. The maximum noise level emitted from the premises including loading bay and mechanical plant shall not exceed levels specified in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1
17. No permanently fixed sound amplification equipment, jukeboxes or loud speakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes so as to be audible on adjoining public or private land, except with the prior written permission of the Responsible Authority.
18. The operation of the loading bay and position and operation of plant shall be consistent with the recommendations in the Environmental Noise Assessment by Marshal Day Acoustics 16 May 2013.
19. All plant and equipment shall be located and/or screened so that is it not visible from any public road or residential property.
20. Management of waste on the site shall be consistent with the Waste Management Plan by Leigh Design 16 May 2013.
21. Outdoor lighting and illuminated signage must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and must not contain flashing lights.
22. All illuminated signage must be turned off from 11pm to 7am daily.
23. In the event car headlights cause disturbance to properties opposite the relocated entry to the site appropriate treatment to those properties shall be undertaken to prevent the light disturbance to the satisfaction of the Responsible Authority.
24. The location, details and structure of the sign(s) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
25. The car park use and the development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

26. This permit will expire if one of the following circumstances applies:
- a) The development is not started within three years of the date of this permit;
  - b) The development is not completed within two years of the date starting;
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

**CARRIED: 7:0**

## **Planning Permit 13/0201, 41-57 Bristol Road, Torquay (Coles supermarket)**

### **Report**

#### ***Background***

The Torquay Central site was developed in its current form via a planning permit issued in 2005. That planning permit was supported by Council and appealed to VCAT by objectors. VCAT ultimately determined to support Council's decision and directed the issue of a permit.

Since that time the centre has had performance issues, primarily due to its separation from the town centre and lack of a significant anchor.

Coles purchased the site in 2012 and submitted a planning application for the redevelopment of the site in June 2013.

#### ***Discussion***

The subject site is zoned Commercial 1 with a Design and Development Overlay Schedule 6 (DDO6) and a Development Contributions Plan Overlay Schedule 2.

The use of the land for a supermarket does not require a planning permit however a planning permit is required for the building and works to accommodate the supermarket. Relevant considerations for such an application include parking provision, access and traffic issues, built form outcomes and signage.

A full assessment of the proposal against the relevant planning controls is attached in Appendix 3.

The issues raised by objectors are commented upon below:

#### **Traffic and access**

A key issue raised by objectors relates to the traffic generation. Of concern to objectors is the impact of traffic to Bristol Road and the problems such traffic will cause to the intersection of Bristol Road and Geelong Road.

The Torquay Jan Juc Structure Plan 2007 outlined a road hierarchy that includes a downgrading of Bristol Road via closure of the median on the Geelong Road to only allow left in left out turns in relation to Bristol Road. The main access to the Torquay town centre is intended to be via Zeally Bay Road which would have traffic lights in the future. These outcomes are reflected in the Torquay Jan Juc Development Contributions Plan with the median closure at Bristol Road to occur at the time of development of signalisation at Zeally Bay Road.

A traffic report was submitted with the application by Cardno traffic consultants and this was peer reviewed by the Traffix Group on behalf of Council. The key findings from the Traffix Group was that some form of treatment should occur to the Bristol Road/Geelong Road intersection to manage the traffic generated by the supermarket. One option explored by the traffic consultants was to allow the right turn into Bristol Road and ban the right turn out of Bristol Road.

Consultation with Vic Roads and Public Transport Victoria (PTV) on the intersection treatment has also occurred.

PTV are a formal referral authority and whilst they have not objected to the proposal they have provided correspondence that confirms the public bus system needs to service the Torquay Central site, particularly if a Coles supermarket is to be present, and therefore the buses need to turn right from Bristol Road into the Geelong Road. PTV does not support closure of the median.

Vic Roads have provided advice as a submitter to the matter via public notification which suggests the intersection of Bristol Road and Geelong Road be signalised instead of Zeally Bay Road (see Appendix 2).

The impacts of the above are significant as the overall intent has been for Zeally Bay to be the main access to the town centre. Changes to this outcome, such as signalising the Bristol Road intersection, have not been broadly discussed and would result in changes to the Development Contributions Plan.

## **Planning Permit 13/0201, 41-57 Bristol Road, Torquay (Coles supermarket)**

An alternative option that has been raised is to modify the intersection of Bristol Road and Geelong Road to allow right turns out of Bristol Road (eg: for traffic traveling north) and left in left out from Geelong Road but ban the right turn into Bristol Road from Geelong Road. Such an outcome would help manage traffic flows to some degree whilst still allowing the public bus system to use Bristol Road and turn right into Geelong Road.

Whilst Vic Roads does not prefer such an outcome the option is considered a practical solution to help manage traffic in Bristol Road consistent with the current endorsed road hierarchy.

A condition to require such a treatment to occur prior to the supermarket operation is proposed.

### Loading bay

The loading bay for the facility is proposed to be accessed from Bristol Road and all reversing manoeuvres are to occur within the loading bay itself. The loading bay is to be screened by a 2.5m high acoustic fence.

The loading bay is proposed to operate between 7am to 9pm for deliveries and 8am and 6pm for waste collection.

The residents concerns with the loading bay are noted. Some objectors have also questioned the appropriateness of having a loading bay to the Bristol Road frontage of the site and have argued this is a poor urban design outcome.

In response officers are of the view that the loading bay is a reasonable outcome for the following reasons:

- It provides opportunities for vehicles to get off the road to complete manoeuvres behind an acoustic barrier.
- Operating times are the same as occur on the permit for the Woolworths supermarket.
- The western end of the Bristol Road site is the current end for commercial development in Bristol Road. Transition from active shop fronts is not unreasonable in this context and an architectural treatment is proposed to the frontage including opportunities for public art.

### Parking

The issue of parking and access to the shopping centre and supermarket have also been raised as key issues.

The site currently provides for 228 at grade car parking spaces. The proposal seeks to provide a total of 253 car parking spaces on site featuring 148 spaces in the basement of the Coles supermarket and 105 spaces remaining in the at grade car park. The overall centre is proposed to have a total retail floor area of 6700sqm with the addition of the Coles supermarket which provides for 3.8 spaces per 100sqm of floor area. The previous development on the site was supported with a parking ratio of 4 spaces per 100sqm of floor area.

The parking ratio provided is considered reasonable in light of parking surveys undertaken for the subject site and other similar sites as evidenced in the applicants traffic consultants and considering the presence of 30 on street parking spaces servicing the site in Bristol Road and Payne.

The applicant has confirmed that the underground parking to service the Coles supermarket will be closed when the supermarket is closed to prevent access.

Overall parking and access to the site is considered reasonable.

### Illuminated signs

Concern has been expressed in relation to the impacts the illuminated signs for the proposal may have on the surrounding residential amenity.

The signage proposed requires planning permission under Category 1 which has the least restrictions on signage outcomes. The DDO6 on the land suggests parameters for assessing signage to ensure it blends with the context of the site and that illumination levels are controlled.

## **Planning Permit 13/0201, 41-57 Bristol Road, Torquay (Coles supermarket)**

The signage proposed is considered to integrate with the site and achieve the objectives of the DDO6. The illumination proposed only illuminates the letters in the signs and the form of illumination to be used refracts light to provide for a soft and subtle form of illumination to not impact on surrounding properties. The signage is also proposed to be turned off when the premises is closed.

### Construction management

Concerns have been raised about how construction will occur to minimise impact on surrounding residents in the event the proposal received support.

A detailed construction management plan will be proposed as part of any permit to be issued. Coles has experience in developing such plans and will explore ways to minimise impacts. One example of methods to minimise impacts would be to develop the basement car park early and use that for on site work huts and staff parking during the broader construction.

### Other matters

A number of other more specific matters have also been raised which are commented on below:

- The headlights from cars accessing the site from the new entry location may impact on the residence at 36 Bristol Road. This issue was discussed at the consultation meeting and whilst the opportunity for this to occur is noted it is considered it would occur for a short interval only via a break in the existing fence of the property where the driveway exists.
- Concerns about the viewing from the alfresco area was raised from properties on the north side of Bristol Road and it is proposed that a form of screening or planting boxes would be provided to minimise these impacts whilst acknowledging it as a north facing alfresco area that will not compromise residential overlooking standards.
- The hours of operation of the supermarket, 6am to midnight are unreasonable. Unfortunately the hours of the supermarket cannot be considered as the use does not require a planning permit.
- The connection of the site to the greater town centre has been raised by the Torquay Commerce and Tourism group. This is acknowledged however the development of connections is best achieved via a broader consideration of the Torquay Centre via future projects.

### ***Financial Implications***

The processing of the application is covered by the operating budget for Statutory Planning.

The traffic report to review the traffic advice received from the proponent was commissioned at a cost of \$7,000 shared between Statutory Planning and Infrastructure from operating budgets.

### ***Council Plan/Policy/Legal Implications***

The assessment of the application aligns with the theme of Development and growth.

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

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

### ***Risk Assessment***

Assessment of the application will consider risks related to the impact of the proposal on the surrounding residents and public infrastructure.

### ***Social Considerations***

The development of a third supermarket in the town centre provides for greater choice and competition. The development of a supermarket at the Torquay Central site would also provide an anchor tenant for the shopping centre.

In considering these factors the impact of the development on surrounding properties and broader issues such as traffic need to be analysed to ensure an overall benefit is being achieved.

### ***Community Engagement***

The application was placed on public notification and 27 objections have been received.

### ***Environmental Implications***

There are no specific environmental impacts.

## **Planning Permit 13/0201, 41-57 Bristol Road, Torquay (Coles supermarket)**

### ***Communication***

Any decision on the planning permit application will be communicated via appropriate media and to all objectors and the applicant.

### ***Conclusion***

The overall proposal is considered a positive addition to the site and town centre. The proposal responds to the relevant planning controls and provides for an appropriate built form outcome. Issues related to traffic impact on the intersection of Bristol Road and Geelong Road are acknowledged and proposed conditions seeks to deliver a treatment to that intersection as part of the supermarket development.

**APPENDIX 1: PLANS OF PROPOSED COLES SUPERMARKET**



## APPENDIX 2: VIC ROADS SUBMISSION

<b>SURF COAST SHIRE</b>	
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Mr Brydon King  
Planning and Development Manager  
Surf Coast Shire  
PO Box 350  
**TORQUAY VIC 3228**

Contact: Brendan Grace  
Telephone: 5225 2504  
Our Ref: QD 2208057  
Your Ref: PP: 13/0201  
File No: SY 003 SFC 001

27 September 2013

Dear Brydon

**PLANNING PERMIT APPLICATION NO. 13/0201  
41-57 BRISTOL ROAD, TORQUAY  
SUPERMARKET AND SHOPS**

I refer to the above planning permit application for a Coles Supermarket, Traffic Impact Assessment Reports (TIARs) from Cardno & Traffix and a meeting between Council, Public Transport Victoria (PTV) and VicRoads staff.

The issues discussed at the meeting involved the impact of the proposed supermarket on Surfcoast Highway/Bristol Road intersection, bus operations and the longer term transport strategy for Torquay.

The *Torquay/Jan Juc Strategy Review – Transport Infrastructure Assessment (May 2007)* assumes the development of Zeally Bay Road as the principal access to the town centre and the downgrading of Bristol Road. The strategy proposed achieving this by the installation of traffic signals at Surfcoast Highway/Zeally Bay Road intersection and closure of the highway median opening at Bristol Road.

Works to complete this strategy are included in the *Torquay Jan Juc Development Contributions Plan (DCP)*.

There is a bus interchange in Boston Road with the bus route turning right onto Pearl Street, left into Bristol Road and then right out of Bristol Road onto the Surfcoast Highway.

The Traffix TIAR concluded that the Surfcoast Highway/Bristol Road intersection needed to be signalised to cater for the additional traffic generated by the supermarket development.

VicRoads considers that the Surfcoast Highway/Bristol Road intersection will not operate satisfactorily with the additional traffic generated from the supermarket and that mitigating works are required at the intersection.



- 2 -

## **MITIGATING WORKS**

Options for mitigating works are:

1. A median closure at Surfcoast Highway/Bristol Road intersection with longer term signalisation at the Surfcoast Highway/Zeally Bay Road intersection (i.e. the May 2007 strategy proposal);
2. Modification of the Surfcoast Highway/Bristol Road intersection to ban right turn entry into Bristol Road;
3. Modification of the Surfcoast Highway/Bristol Road intersection to ban right turn entry into Bristol Road and provision of an extra lane on the Bristol Road approach to the highway;
4. Signalisation of the Surfcoast Highway/Bristol Road intersection.

### Option 1 (median closure at Bristol Road intersection)

The median closure proposed as part of this treatment would not be acceptable because:

- It is inconsistent with bus operation. The bus currently turns right out of Bristol Road and PTV has indicated that there is no other feasible route.
- A median closure would result in previous right turn movements out of Bristol Road becoming left turns followed by U-turns at the Rocklea Road intersection. The Surfcoast highway/Rocklea Road intersection would not have the capacity to cope with the increased U-turning movements.

### Option 2 (ban right turn into Bristol Road)

This option is not supported because it does not provide significant capacity improvement for traffic entering the highway from Bristol Road. That is, this treatment would not assist in mitigating the impact of the supermarket traffic.

### Option 3 (ban right turn into Bristol Road & extra lane on Bristol Road)

Providing an extra lane on the Bristol Road approach and banning the right turn in will increase intersection capacity and would provide some mitigation of the impacts of the supermarket development.

This option is not preferred by VicRoads for the following reasons:

- This option has not been scoped and is likely to require utility service relocation at significant cost.
- It does not assist other road users (buses, pedestrians & cyclists) in accessing the shopping centres

### Option 4 (signalisation of Surfcoast Highway/Bristol Road intersection)

Signalisation of the intersection is preferred by VicRoads for the following reasons:

- Signals will mitigate the impacts of the supermarket traffic by providing safe access to Surfcoast Highway from Bristol Road.

- 3 -

- Bristol Road services the desire lines for access to both Torquay Central and the Gilbert Street shopping precinct, providing a more superior connection than Zeally Bay Road to these key attractors for pedestrians, cyclists and motor vehicles.
- The installation of signals at Bristol Road will provide a controlled crossing of the highway for pedestrians and cyclists from both the north and south of Bristol Road and will service the increasing demand from the proposed redevelopment of the Torquay Central site by Coles.
- The May 2007 transportation strategy identifies Bristol Road as having a shared path. Traffic signals would complement the shared path.
- Signalisation supports bus operation by allowing right turn out of Bristol Road onto Surfcoast Highway and will allow the bus route to directly service the new supermarket, thus promoting the increased use of public transport in Torquay.

VicRoads preferred option is that the Surf Coast Highway/Bristol Road intersection be signalled to facilitate safer movements to and across the highway by motor vehicles, pedestrians and cyclists and to maintain the safety and reliability of bus access to and from the town centre.

It is recognised that this option is not consistent with the May 2007 transportation strategy and DCP. However, the presence of a major supermarket in Bristol Road was not envisaged when the strategy was adopted some years ago.

This supermarket development along with the existing Gilbert Street shopping centre will see Bristol Road as the most direct and natural access route onto this retail area for motor vehicles, buses, pedestrians and cyclists. Consideration should be given to adjusting the strategy to reflect this change in land use.

#### **PLANNING PERMIT CONDITIONS**

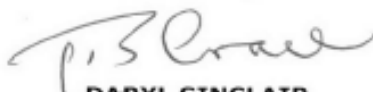
As the Bristol Road intersection currently operates satisfactorily and the need for works at the intersection are triggered by the proposed supermarket, the mitigating works at the Surfcoast Highway/Bristol Road intersection should be the responsibility of the supermarket development.

It is therefore requested that any planning permit issued be subject to the following conditions:

- *Traffic signals shall be installed at the Surfcoast Highway/Bristol Road intersection.*
- *Before the development comes into use, all works required by VicRoads under this permit shall be completed to the satisfaction of and at no cost to VicRoads.*

Should you wish to discuss, please do not hesitate to contact Brendan Grace at this office.

Yours sincerely



**DARYL SINCLAIR**  
**ACTING MANAGER PLANNING**  
**SOUTH WESTERN REGION**

## **APPENDIX 3: OFFICERS ASSESSMENT AGAINST PLANNING CONTROLS**

### **OFFICER'S REPORT - 13/0201 - 41-57 BRISTOL ROAD, TORQUAY.**

#### **Proposal**

This application seeks approval for the redevelopment of the Torquay Central Shopping Centre to accommodate a full-line Coles supermarket and reduced specialty retail floor space. In addition, the proposal involves a new basement car park beneath the western portion of the centre and consequential reconfiguration of the existing at-grade car park and relocates the entrance to the car park to the east.

The proposed Coles supermarket is to have a floor area of 3800sqm and combined with the retail tenancies to be retained in the overall site will provide for a total of 6700sqm of retail floor area.

The proposal is to be serviced by 148 car spaces in a basement in combination with 105 spaces remaining in the at grade car park located centrally on the site. Parking for the centre also exists in the road reserve on Bristol Road and Payne Street developed as part of the original Torquay Central development.

The supermarket building is to be of a similar height to the existing built form and features its main entrance to the central car park facing east. Part of the northern elevation to Bristol Road will also have shop fronts however the western portion of the Bristol Road frontage contains a decorated wall and acoustic fence to the proposed loading bay. The loading bay will be access from Bristol Road and all reversing manoeuvres will be completed within the loading bay area.

The proposal is for deliveries to the loading bay to occur between 7am to 9pm seven days a week and waste collection to occur between 8am to 6pm seven days.

The supermarket is proposed to have operating hours between 6am to 12 midnight however the supermarket use if as of right use in the zone.

Illuminated signage is proposed on the supermarket advertising Coles as well as a 6m high pylon sign at the entrance to the site with the centre name and Coles signage.

#### **Site and Surrounding Area**

The subject site is known as 41-57 Bristol Road, Torquay and is located within the town centre of Torquay.

The site is rectangular in shape and is located on the south western corner of Bristol Road and Payne Street, approximately 230 metres east of Geelong Road. The site has frontages to Bristol Road (to the north) and Payne Street (to the east) of 189.16 metres and 61.98 metres respectively and an overall combined site area of approximately 1.17 hectares.

Opposite the site to the north and west are residential zoned properties containing dwellings. Land immediately to the west is subdivided for multi dwelling development and are currently vacant. Land to the east of the site across Payne Street is developed with dwellings however part of this land is zoned Commercial 1 allowing for future business development. Land to the south of the site is medium density development zoned Residential 2 which fronts Boston Road.

The site is relatively flat, however falls slightly from the west to east by approximately 4.5 metres. The site is currently occupied by a modern shopping centre and dwellings (in accordance with Planning Permit No. 05/0573 issued on 23 May 2006). The layout of the centre includes shops and cafes around the perimeter with at-grade car parking (accommodating 228 car spaces) located centrally and an area of upper level residential dwellings along the eastern boundary (extending to three storeys in height). Vehicle entry into the car park is via a double crossover along Bristol Road.

Mechanical equipment, bin storage and a substation are situated in the south western corner of the site, with access provided via the rear accessway.

Two trees are located adjacent to the Bristol Road frontage, within the north-west corner of the site. These trees include a Moonah tree which was specifically retained as part of permit 05/0573.

## Relevant History and Background

### Past permits:

Applic'n No.	Proposal	Decision	Date
04/0747	Development Plan for overall site	Approved	April 2005
05/0573	Provided for the current Torquay Central development	Permit granted	May 2006

### Enforcement:

No enforcement matters are currently relevant to the site.

## Registered Restrictions

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

## Aboriginal Cultural Heritage

Pursuant to Section 52(1) of the *Aboriginal Heritage Act 2006* if a Cultural Heritage Management Plan (CHMP) is required a planning permit cannot be granted until a copy of the approved CHMP is provided and cannot grant a permit for an activity that is inconsistent with the approved CHMP [s. 52(3)].

The subject site isn't within an area of cultural heritage sensitivity therefore a CHMP isn't required.

## Referral

The application was not required to be formally referred in accordance with the Section 55 of the *Planning and Environment Act 1987* or Clause 66 of the *Surf Coast Planning Scheme*.

Section 55 Referrals	Advice/Response
Public Transport Victoria	Provided advice that it does not object and has no conditions to apply to the permit.

Section 52 Notice to Authorities	Advice/Response
Vic Roads	Advised that treatment to the intersection of Bristol Road and Geelong Road should occur due to the traffic from the supermarket. Vic Roads have suggested that the intersection be signalised. Other treatments were also detailed for the intersection although not preferred by Vic Roads.
Public Transport Victoria	Also provided a response separate to being a formal referral authority which stated that the bus route along Bristol Rd is to remain to service the centre and right turns out of Bristol Road into the Geelong Road need to be maintained.

Internal Council Referrals	Advice/Response
Infrastructure Department	Consent with suggested conditions
Environmental Health Department	Consent with conditions
Environment Department	Consent with suggested landscaping conditions

## Public Notice

In accordance with Section 52 of the *Planning and Environment Act 1987*, public notice of the application was carried out in the following manner:

1. Notice was sent by ordinary mail to nearby owners, who were given a period of 14 days to comment on the application.

2. Signs were erected on the land for a period of 14 days.
3. A notice was published in the Echo and Surf Coast Times newspapers.

During the exhibition period an information session was held on the 10 July 2013 in a vacant tenancy on the site to enable interested people to understand the details of the proposal and associated plans.

As a result of the public exhibition period 27 objections have been received. One objector has been advised that they would withdraw their objection if certain changes can be made to plans which the applicant has agreed to. These have been captured in the proposed recommendation and conditions.

Council's electronic storage system (TRIM) was checked on 7 October 2013 to confirm all objections.

A hearing of submissions meeting was held on the 15 October to allow objectors to present their issues to Council and copies of all objections have been provided to Council as part of that process.

The key issues raised in submissions are listed below:

- Traffic in Bristol Road and the impact on the intersection of Bristol Road and Geelong Road.
- The position and access to the proposed loading bay
- Car parking provision and access
- Impact of illuminated signs
- Construction management
- Opening times of the supermarket.

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## **Planning Scheme Considerations**

### ***Permit Requirements***

The land is zoned Commercial 1 pursuant to the planning zoning reforms undertaken by the State Government. A planning permit is required pursuant to the zone for building and works under Clause 34.01-4.

The use of the land as a supermarket is as of right (i.e. no permit required) in the Commercial 1 zone.

The land is also affected by the Design and Development Overlay 6 (DDO6) and a planning permit is required for buildings and works pursuant to Clause 43.02-2. The subject site is located in Precinct 2 Bristol Road West under the DDO6.

The site is also impacted by a Development Contributions Plan overlay that requires levies to be paid as a contribution to future infrastructure development related to the expansion of retail floor area.

### ***State Planning Policy Framework (SPPF)***

Relevant policies in the SPPF that broadly relate to the proposal are as follows:

- **Clause 11.05-1** 'Regional Settlement Networks' seeks *'to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework Plan'*.
- **Clause 15.01** 'Urban Environment' seeks to create urban environments that are safe, functional and of a good quality with a sense of place and cultural identity.
- **Clause 15.01-2** 'Urban Design Principles' aims to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- **Clause 15.01-4** 'Design for Safety' seeks *'to improve community safety and encourage neighbourhood design that makes people feel safe'*.
- **Clause 17.01-1** 'Business' encourages development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. In addition, it encourages the establishment of new convenience shopping facilities to cater for the needs of the local population.

### ***Local Planning Policy Framework***

The LPPF provides the local context for land use planning issues in the Surf Coats Shire. The following policies are considered relevant to the assessment of the proposal:

- **Clause 21.08** 'Torquay- Jan Juc Strategy' states that '*Torquay-Jan Juc is the main urban growth centre of the Surf Coast Shire. It is a popular destination for surfers, tourists, holiday makers and retirees, and the sea-change movement has resulted in the town becoming increasingly popular for permanent settlement.*' The Torquay Town Centre is recognised as the primary retail centre for Torquay-Jan Juc and the surrounding hinterland.
- **Clause 21.08-4** 'Economic Development' highlights as key issues the need to integrate the western and eastern ends of the Torquay Town Centre and address the relatively high level of 'escape expenditure'.
- **Clause 22.02** Streetscape and Landscaping policy which aims to promote coordinated and visually pleasing streetscapes including in commercial and residential areas.

### **Particular Provisions**

Planning permits are also triggered for the signage proposed on the site pursuant to Clause 52.05 and the proposal falls into Category 1 (the most flexible) per the zone and overlays provision on the site.

The application seeks to reduce parking requirements and assessment of this issue relates to Clause 52.06. Clause 52.06 seeks 5 spaces per 100sqm of floor area for a supermarket and the proposal seeks 3.8 spaces per 100sqm of floor area.

Clause 52.07 Loading bays is also relevant to the assessment of the proposal.

The proposal provides adequate bicycle facilities in accordance with Clause 52.34.

### **Planning Scheme Amendments**

Amendment C66 relates to the subject site through the potential implementation of a parking overlay to the site consistent with the Torquay Town Centre Parking and Access Strategy, 2011. The overlay proposes a ratio of 4.5 spaces per 100sqm of floor area for shops. Other changes to the MSS are also proposed in relation to recent strategic studies including Torquay Jan Juc 2040 and neighbourhood character controls.

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## **Discussion of Key Issues**

### Strategic context

The zoning of the land encourages retail development and allows a supermarket use as of right. The development of the supermarket can arguably provide a foundation tenant for the centre and ensure its ongoing viability.

Whilst not a direct determinative issue the addition of a third supermarket will offer choice and convenience to consumers without undermining the overall economic viability of the town centre.

The lack of connection of Torquay Centre to the main town centre, particular in relation to pedestrian movement, is noted and this aspect is a broader issue that will ultimately be considered via separate projects related to development of the town centre.

The key issues related to the development of the site relate to the form and layout of the building, car parking, access and traffic and off site amenity concerns.

### Built Form

Precinct 2 Bristol Road West in the DDO6 suggests a 9m building height and zero lot line setbacks and has the following design objectives:

- *Building design should utilise simple, cantilevered awnings to reflect the modernist styling of some of the older buildings in Gilbert Street and to avoid cluttering pedestrian space with verandah posts. Awnings should be consistent with the predominant pattern in Gilbert Street.*
- *At ground floor level shop fronts should be inviting and encourage interaction. The use of a combination of solid material and glass is preferred to fully glazed shop fronts.*
- *Blank walls should be avoided for facades fronting public areas. Where it is impractical to provide windows, consideration should be given to the use of glass bricks or other design features, which break up the surface and provide interest.*
- *Design and choice of materials (including recycled materials) should be based on principles of best practice ecological sustainable design that is also reflective of the Torquay coastal architecture.*
- *Vibrant colours that convey a feeling of beaches, sand, water and activity to assist in creating a vibrant and colourful streetscape are encouraged.*
- *Where larger buildings are proposed, façade detail, materials and colour should be designed to provide interest and articulation. The traditional 'strip shopping centre' image of multiple shopfronts should be maintained.*

The design of the building is considered to respond reasonably to these objectives. The building sits under the 9m suggested height and is lower than the current buildings in some locations. Building articulation is provided for and the styling of the building responds to the context of the site and includes use of materials such as timber.

It is acknowledged that the façade treatment to Bristol Road does not contain active frontage for its length. In the context of the site being the western end of planned commercial development such an outcome is considered reasonable particularly with the intent to treat this elevation with appropriate materials (including the acoustic fencing to the loading bay) and art installations.

### Traffic and access

A key issue raised by objectors relates to the traffic generation. Of concern to objectors is the impact of traffic to Bristol Road and the problems such traffic will cause to the intersection of Bristol Road and Geelong Road.

The Torquay Jan Juc Structure Plan 2007 outlined a road hierarchy that includes a downgrading of Bristol Road via closure of the median on the Geelong Road to only allow left in left out turns in relation to Bristol Road. The main access to the Torquay town centre is intended to be via Zeally Bay Road which would have traffic lights in the future. These outcomes are reflected in the Torquay Jan Juc Development Contributions Plan with the median closure at Bristol Road to occur at the time of development of signalisation at Zeally Bay Road.

A traffic report was submitted with the application by Cardno traffic consultants and this was peer reviewed by the Traffix Group on behalf of Council. The key findings from the Traffix Group was that some form of treatment should occur to the Bristol Road/Geelong Road intersection to manage the traffic generated by the supermarket. One option explored by the traffic consultants was to allow the right turn into Bristol Road and ban the right turn out of Bristol Road.

Consultation with Vic Roads and Public Transport Victoria (PTV) on the intersection treatment has also occurred.

PTV are a formal referral authority and whilst they have not objected to the proposal they have provided correspondence that confirms the public bus system needs to service the Torquay Central site, particularly if a Coles supermarket is to be present, and therefore the buses need to turn right from Bristol Road into the Geelong Road. PTV does not support closure of the median.

Vic Roads have provided advice as a submitter to the matter via public notification which suggests the intersection of Bristol Road and Geelong Road be signalised instead of Zeally Bay Road.

The impacts of the above are significant as the overall intent has been for Zeally Bay to be the main access to the town centre. Changes to this outcome, such as signalising the Bristol Road intersection, have not been broadly discussed and would result in changes to the Development Contributions Plan.



An alternative option that has been raised is to modify the intersection of Bristol Road and Geelong Road to allow right turns out of Bristol Road (eg: for traffic traveling north) and left in left out from Geelong Road but ban the right turn into Bristol Road from Geelong Road. Such an outcome would help manage traffic flows to some degree whilst still allowing the public bus system to use Bristol Road and turn right into Geelong Road.

Whilst Vic Roads does not prefer such an outcome the option is considered a practical solution to help manage traffic in Bristol Road consistent with the current endorsed road hierarchy.

A condition to require such a treatment to occur prior to the supermarket operation is proposed. Development contributions will need to be adjusted for the site to reflect this outcome and upgrade of the intersection.

#### Loading bay

The loading bay for the facility is proposed to be accessed from Bristol Road and all reversing manoeuvres are to occur within the loading bay itself. The loading bay is to be screened by a 2.5m high acoustic fence.

The loading bay is proposed to operate between 7am to 9pm for deliveries and 8am and 6pm for waste collection seven days a week.

The residents' concerns with the loading bay are noted. Some objectors have also questioned the appropriateness of having a loading bay to the Bristol Road frontage of the site and have argued this is a poor urban design outcome.

In response officers are of the view that the loading bay is a reasonable outcome for the following reasons:

- It provides opportunities for vehicles to get off the road to complete manoeuvres behind an acoustic barrier.
- Operating times are the same as occur on the permit for the Woolworths supermarket and respect the residential surroundings.
- The western end of the Bristol Road site is the current end for commercial development in Bristol Road. Transition from active shop fronts is not unreasonable in this context and an architectural treatment is proposed to the frontage including opportunities for public art. Details of this outcome are sought via a proposed permit condition.

#### Parking

The issue of parking and access to the shopping centre and supermarket have also been raised as key issues.

The site currently provides for 228 at grade car parking spaces. The proposal seeks to provide a total of 253 car parking spaces on site featuring 148 spaces in the basement of the Coles supermarket and 105 spaces remaining in the at grade car park. The overall centre is proposed to have a total retail floor area of 6700sqm with the addition of the Coles supermarket which provides for 3.8 spaces per 100sqm of floor area. The previous development on the site was supported with a parking ratio of 4 spaces per 100sqm of floor area.

The parking ratio provided is considered reasonable in light of parking surveys undertaken for the subject site and other similar sites as evidenced in the applicants traffic consultants and considering the presence of 30 on street parking spaces servicing the site in Bristol Road and Payne.

The applicant has confirmed that the underground parking to service the Coles supermarket will be closed when the supermarket is closed to prevent access and conditions have been proposed to reflect this.

#### Illuminated signs

Concern has been expressed in relation to the impacts the illuminated signs for the proposal may have on the surrounding residential amenity.

The signage proposed requires planning permission under Category 1 which has the least restrictions on signage outcomes. The DDO6 on the land suggests parameters for assessing signage to ensure it blends with the context of the site and that illumination levels are controlled.

The signage proposed is considered to integrate with the site and achieve the objectives of the DDO6. The illumination proposed only illuminates the letters in the signs and the form of illumination to be used refracts light to provide for a soft and subtle form of illumination to not impact on surrounding properties. The signage is also proposed to be turned off when the supermarket is closed.

### Construction management

Concerns have been raised about how construction will occur to minimise impact on surrounding residents in the event the proposal received support.

A detailed construction management plan is proposed as part of the recommendation to support the proposal. Coles has experience in developing such plans and will explore ways to minimise impacts. One example of methods to minimise impacts would be to develop the basement car park early and use that for on site work huts and staff parking during the broader construction.

### Other matters

A number of other more specific matters have also been raised which are commented on below:

- The headlights from cars accessing the site from the new entry location may impact on the residence at 36 Bristol Road. This issue was discussed at the consultation meeting and whilst the opportunity for this to occur is noted it is considered it would occur for a short interval only via a break in the existing fence of the property where the driveway exists.
- Concerns about the viewing from the alfresco area was raised from properties on the north side of Bristol Road and it is proposed that a form of screening or planting boxes would be provided to minimise these impacts whilst acknowledging it as a north facing alfresco area that will not compromise residential overlooking standards.
- The hours of operation of the supermarket, 6am to midnight are unreasonable. Unfortunately the hours of the supermarket cannot be considered as the use does not require a planning permit.
- The connection of the site to the greater town centre has been raised by the Torquay Commerce and Tourism group. This is acknowledged however the development of connections is best achieved via a broader consideration of the Torquay Centre via future projects.

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### **Conclusion**

The development of the site with a supermarket is considered a positive outcome for the commercial centre and for the overall town centre. The design and siting of the building responds reasonably to the relevant controls. The potential traffic impact to the Bristol Road and Geelong Road intersection is acknowledged and treatment of that intersection should occur as part of the development proposal. It is recommended that a permit be granted for development of buildings and works associated with the construction of a supermarket and two shops and alterations to existing shops, reduction of standard car parking requirements and display of internally illuminated business identification signs subject to conditions.

## 2.5 Amendment C90 – Special Use Zone Schedules 5 and 7

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Senior Strategic Planner

**Department:** Planning and Development

**Directorate:** Planning and Environment

**Appendix:**

1. Draft Explanatory Report (D13/130489)

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

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

Yes

No

**Reason:** Select Conflict of Interest

**Director:** Kate Sullivan

**File No:** F13/1338

**Trim No:** D13/147795

**Status:**

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

Yes

No

**Reason:** Select relevant sectionS89 (2)

### Purpose

To seek ministerial authorisation to prepare Planning Scheme Amendment C90 and place the amendment on public exhibition upon receipt of authorisation from the Minister for Planning.

### Summary

Planning Scheme Amendment C90 seeks to amend Schedules 5 and 7 to the Special Use Zone to enable a 'Market' to be considered as a permit required use.

### Officer Recommendation

That Council:

1. Seek ministerial authorisation to prepare Planning Scheme Amendment C90.
2. Place the amendment on public exhibition upon receipt of authorisation from the Minister for Planning.

### COUNCIL RESOLUTION

#### MOVED Cr Smith, seconded Cr Goldsworthy

That Council:

1. Seek ministerial authorisation to prepare Planning Scheme Amendment C90.
2. Place the amendment on public exhibition upon receipt of authorisation from the Minister for Planning.

**CARRIED: 7:0**

## Amendment C90 – Special Use Zone Schedules 5 and 7

### Report

#### **Background**

Planning Scheme Amendment C90 proposes to amend Schedules 5 and 7 to the Special Use Zone (SUZ) to insert 'Market' as a Section 2 – Permit required use.

The amendment would apply to all land zoned Special Use Zone Schedule 5 – Tourism Development Precincts (SUZ5) and Special Use Zone Schedule 7 – Golf Courses (SUZ7) within the townships of Torquay-Jan Juc and Anglesea, as shown on Figure 1 and 2 below. The land includes:

- Surf Coast Gateway Precinct, Surf Coast Highway, Torquay (T1)
- Surf City Precinct, Surf Coast Highway, Torquay (T2)
- Town Centre Foreshore Precinct, The Esplanade, Torquay (T3)
- Corner Bristol Road and Surf Coast Highway, Torquay (T4)
- Torquay RACV Golf Course, 1 Great Ocean Road, Torquay (T5)
- Diggers Parade Precinct, Anglesea (A1)
- Four Kings Precinct, Anglesea (A2)
- Anglesea Golf Course, 45 Golf Links Road, Anglesea (A3).

**Figure 1 – Existing Special Use Zone land – Torquay Jan Juc**



## Amendment C90 – Special Use Zone Schedules 5 and 7

**Figure 2 – Existing Special Use Zone land – Anglesea**



Council recognises the growing popularity of markets, including farmers markets and community markets, within the Surf Coast Shire and their contribution to the local economy and tourism. The amendment will enable markets to be considered on merits within designated retail/commercial and tourist precincts in Torquay and Anglesea.

### **Discussion**

A 'Market' is defined in the Planning Scheme at Clause 74 as "Land used to sell goods, including foodstuffs, from stalls". It includes 'Community market' and 'Trash and treasure market', and is nested under 'Retail premises'. 'Community market' is not defined in the Planning Scheme.

Whether an activity would be a 'market' compared to a 'community market' has been the subject of several VCAT cases. The matter that defines whether a 'market' is a 'community market' has been found to be a community market must be organised and run by a community group, irrespective of whether the stallholders originate from the local community or the nature of the goods sold, although it has generally been accepted that a community market would comprise the sale of produce/items that have been grown/made by each stallholder in question, as opposed to on-selling produce or items made by others (*Mildura Rural CC v Roy Costa & Associates (Red Dot)* [2009] VCAT 2671, *Rural Community Markets v Indigo SC & Ors* [2012] VCAT 1578).

The VCAT decisions show that only under specific circumstances (i.e. if a market is run by a community organisation) a market can be defined as a 'community market'. In all other circumstances, for example a farmers market, arts and crafts market or just a market, the definition of 'market' applies.

### **Assessment of current zones**

#### SUZ5 – Tourism Development Precincts

The purpose of the SUZ5 is, inter alia, to encourage a range of tourism related land uses, including:

- Diverse forms of medium density tourist accommodation;
- Tourist activities and attractions; and
- Limited tourism-related retailing in appropriate locations.

The intent behind the zone is to protect the core retail and service functions of the Torquay Town Centre and Camp Road Shopping Centre in Anglesea.

## **Amendment C90 – Special Use Zone Schedules 5 and 7**

‘Community market’ is a permissive use (Section 2) under the SUZ5, however ‘market’ is a prohibited use under that zone because ‘market’ is nested under the use of ‘retail premises’ in the Planning Scheme. The SUZ5 expressly makes retail premises (other than community market, food and drink premises, gambling premises and shop) a prohibited use under Section 3.

### SUZ7 – Golf Courses

The purpose of the SUZ7 is to provide for the use and development of golf courses and associated activities. The zone currently applies to the Anglesea Golf Course.

‘Market’, including community market, is a prohibited use under this zone as the schedule expressly makes retail premises (other than convenience shop) a prohibited use under Section 3.

It is considered that the inclusion of ‘market’ as a permit required use in Schedules 5 and 7 to the Special Use Zone is appropriate for the following reasons:

- The use will be located within existing retail, commercial and tourism development precincts and is likely to suitably integrate with and complement other existing retail, commercial and tourist facilities within the precincts, with flow-on spending in other shops on market days;
- The use is consistent with the purposes of the relevant Special Use Zones;
- The use will support the economic and tourism strategies for the Surf Coast Shire, and the townships in particular;
- Markets generally provide the community with regular fresh and healthy supplies and result in gathering the community together, consequently strengthening their social links and wellbeing;
- Each individual application will be assessed on merits through the permit application process. Any adverse off site impacts to surrounding residents, and operational and car parking management issues would be considered under this process.

### ***Financial Implications***

Existing operating budgets will be used to process this amendment. Likely costs are between \$2 000 to \$10 000 depending on the process outcomes and the need for a Panel.

### ***Council Plan/Policy/Legal Implications***

The amendment is consistent with the main themes and strategic objectives of the Council Plan 2013-2017, in particular ‘Objective 5.3 Develop and grow sustainable year round tourism’ and ‘Objective 5.4 Transparent and responsive land use and strategic planning’.

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

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

### ***Risk Assessment***

There are no perceived risks associated with this amendment.

### ***Social Considerations***

Markets have numerous proven social benefits. They activate and contribute to the revitalisation of town and public spaces, regenerate the community spirit of the host community, benefit health, serve as public gathering places for people from different backgrounds, provide important revenue streams for the local economy and increase shoulder and off-season visitation.

### ***Community Engagement***

No community engagement has been undertaken for this item however this will occur in the event the amendment is supported and authorised to run.

### ***Environmental Implications***

Markets can have positive environmental effects. They increase access to fresh, healthy food and locally crafted goods.

### ***Communication***

Upon authorisation of the amendment, the amendment will be placed on public exhibition for a minimum period of one month to enable public comment.

## **Amendment C90 – Special Use Zone Schedules 5 and 7**

### ***Conclusion***

Markets attract visitors and in particular farmers markets, community markets and art and craft markets showcase the local community's values and lifestyle. Allowing markets to operate (subject to a permit) in the Tourist Development Precincts and recognised tourist facilities would be consistent with reinforcing their primary role in catering for tourist-related retail and activities.

**APPENDIX 1: DRAFT EXPLANATORY REPORT (D13/130489)**



Cr Bell returned to the meeting at 6.38pm.

## 2.2 Anglesea Great Ocean Road Study 2013 - Adoption

EMT Report                       Council Briefing                       Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Senior Strategic Planner

**Director:** Kate Sullivan

**Department:** Planning and Development

**File No:** F12/1905

**Directorate:** Planning and Environment

**Trim No:** D13/148433

**Appendix:**

1. Summary of Submissions Table
2. Anglesea Great Ocean Road Study 2013 report (D13/141678)

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

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

**Status:**

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

Yes                       No

Yes                       No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant section S89 (2)

### Purpose

To consider submissions received following public exhibition of the draft Anglesea Great Ocean Road Study 2013 and adopt the final report.

### Summary

The Anglesea Great Ocean Road Study 2013 (the Study) arose out of actions in the adopted Anglesea Structure Plan (2012). The aim of the Study is to undertake a land use review and prepare urban design guidelines for land along the Great Ocean Road between Noble Street and Four Kings (the 'Riverside Precinct') and a streetscape master plan for the 'Main Shopping Area' and 'Riverside Precinct' in Anglesea.

The draft Study report was exhibited for public comment between 8 July 2013 and 2 August 2013 and a total of 28 written submissions were received.

Submissions received that have resulted in changes to the final Study report (Refer Appendix 2) include:

- The use of grass instead of coastal shrubs/gravel in the landscaping of the nature strips along the Great Ocean Road.
- The deletion of proposed banners in the Main Shopping Centre.
- The need to undertake an audit of existing signage in the Study area and rationalise where possible.

It is recommended that the final Anglesea Great Ocean Road Study 2013 report be adopted by Council.

### Officer Recommendation

That Council having considered submissions received:

1. Adopt the Anglesea Great Ocean Road Study 2013.
2. Refer the implementation actions to Council's Annual Budget process where required.

### COUNCIL RESOLUTION

#### MOVED Cr Smith, seconded Cr Bell

That Council having considered submissions received:

1. Adopt the Anglesea Great Ocean Road Study 2013.
2. Refer the implementation actions to Council's Annual Budget process where required.

**CARRIED: 8:0**

## **Anglesea Great Ocean Road Study 2013 - Adoption**

### **Report**

#### ***Background***

The Anglesea Great Ocean Road Study arose out of actions in the adopted Anglesea Structure Plan (2012) to review the land use controls and prepare urban design guidelines and a streetscape master plan for the west side of the Great Ocean Road between Noble Street and Four Kings.

In addition, the Study builds on the process commenced with the Anglesea Central Shopping Area Beautification Project by preparing a Streetscape Master Plan for the main shopping area to beautify the area and prioritise improvements to be undertaken in the future.

Council considered the draft Study report at its meeting on 25 June 2013 and resolved to place the report on public exhibition to enable comment. The report was subsequently exhibited from 8 July 2013 until 2 August 2013.

As a consequence of the formal exhibition of the Study, a total of 28 submissions were received comprising 25 public submissions and three submissions from statutory authorities.

For privacy reasons, full details of submitters cannot be included as attachments to the Council report. Appendix 1 contains a Table providing a summary of the submissions to the Study and Council Officers' recommended response to each submission. A full copy of the submissions will be provided to Councillors under separate cover.

#### ***Discussion***

The major issues raised about the submissions and Council officers' responses are as follows:

##### Landscaping in nature strips:

The draft Study report proposed the replacement of grass with coastal shrub/gravel on the nature strip along the Great Ocean Road. A number of submissions objected to this proposal based on safety and visibility concerns. The submissions have been considered and references to the replacement of grass with coastal shrub/gravel on the nature strips have been deleted in the final Study report.

##### Building heights

The draft Study report proposed two storeys with a third level setback (max 9.5m) at Four Kings and Diggers Parade precinct which a number of submissions did not support. This is considered an appropriate building height for this area since it maintains a reasonable low scale coastal village character whilst assisting to improve the overall image and vitality of this precinct. This built form control coupled with the urban design guidelines will assist in providing:

- A more coherent and consistent built form along the street frontage.
- Sufficient height to increase the viability and attractiveness of sites for future development.
- An improved level of architectural quality and design that reflects the coastal character of Anglesea.

##### Signage and banner and clutter

The Streetscapes Master Plan and Urban Design Guidelines encourage consolidation of signage where possible. A number of submissions objected to the proposed proliferation of banners. The proposal to install new banners in the Main Shopping Centre has now been deleted in the final Study report to reduce the level of clutter. An Implementation Plan included in the final Study report identifies the need to undertake a signage audit for the township. The location and design of the proposed gateway signage was also raised as an issue in submissions. This matter is to be further discussed in consultation with VicRoads, and has been included as an action in the Implementation Plan.

##### Main shopping centre public toilet

The draft Study report recommended the upgrade of the public toilet in the main shopping centre and proposed to utilise a range of natural materials and colours to reflect the coastal bush character of Anglesea i.e. timber, corrugated iron and earthy muted colours. Following community support this upgrade has been maintained in the final Study report.

A more detailed response to all submissions received is provided in Appendix 1.

## **Anglesea Great Ocean Road Study 2013 - Adoption**

### ***Financial Implications***

The preparation of the Study has been funded jointly through the Strategic Planning and Engineering Services budget. The budget in 13/14 is \$12 000.

Whilst there will be a need to invest staff and consultant time in the implementation of the Study recommendations, there are options other than direct Council funding of the works including:

- Applying for State or Commonwealth program grants for environmental improvements, road safety or economic stimulus.
- Public Private Partnerships to provide opportunities to fund public infrastructure provision and upgrades.

### ***Council Plan/Policy/Legal Implications***

The Anglesea Great Ocean Road Study arose out of actions in the adopted Anglesea Structure Plan (2012) and complies with relevant legislation, Council Plan and Policy.

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

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

### ***Risk Assessment***

The risk associated with not implementing the final recommendations of the Study is that there will be a lost opportunity to improve the built form and streetscape in the Study area.

### ***Social Considerations***

There will be anticipated net community benefits in terms of safety and general improvement of amenity as a result of implementing the recommendations contained in the final Study report.

### ***Community Engagement***

The draft Study report has been formally exhibited between 8 July 2013 and 2 August 2013 in accordance with Council resolution.

Feedback forms were sent to all households within the township and notice of public exhibition was published in The Echo and on Council's website.

Two public 'open house' information sessions were held during the exhibition period at the Anglesea Senior Citizens Centre on 18 July 2013.

This process provided an opportunity for full public comment.

### ***Environmental Implications***

The proposed tree species recommended for the Study area, taking into consideration the publication 'Landscaping your Surf Coast Garden for Bushfire', is expected to provide positive environmental outcomes.

### ***Communication***

The adoption of the final Study report will be communicated to the general community via Council's web site, letters to stakeholders, *Groundswell* and the local newspapers.

### ***Conclusion***

As a result of the public exhibition of the draft Study report, a final Study report has now been prepared having considered comments received during the public exhibition process. It is recommended that Council adopt the final Study report.

## APPENDIX 1: SUMMARY OF SUBMISSIONS TABLE

### Statutory authority submissions

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
S1.	<p><b>Geoff Brooks</b> Program Manager Regional Planning Barwon South West Region, Department of Environment and Primary Industries (DEPI)</p>	Support/ comment	<p>The objectives identified for building heights, materials, finishes and design are consistent with the <i>Victorian Coastal Strategy 2008</i> and the <i>Siting and Design Guidelines for Structures on the Victorian Coast 1998</i>.</p> <p>Support the incorporation of amenities and car parking within retail and commercial premises rather than on nearby Crown land.</p> <p>Flooding of the Great Ocean Road places pressure to artificially open the river mouth. Opportunities to manage storm water runoff to avoid exacerbation of flooding should be incorporated into new and existing developments. Materials are available that allow stable surfaces for pathways and parking but also allow water infiltration which assist in maximising the amount of permeable surfaces.</p>	<p><u>Response</u></p> <p>The preparation of a detailed flood study for Anglesea is included in the Implementation Plan of the final Study and is currently being undertaken by Council.</p> <p>It is considered that the provision of a small amount of public car parking is necessary on the small strip of land near the corner of Four Kings. This area will be sensitively designed with new landscaping that reflects existing landscape values. This has been included in the final Study.</p> <p><u>Recommendation</u></p> <p>No further action required.</p>
S2.	<p><b>Scott Lawrence</b> Manager Planning South Western Victoria VicRoads</p>	No objection/ comment	<p>VicRoads have been involved with Council in the development of Anglesea Structure Plan (C79) which relates to this Study.</p> <p>VicRoads will continue to work with Council regarding additional planning strategies such as the implementation of the Great Ocean Road Management Strategy.</p>	<p><u>Response</u></p> <p>All comments noted. The Implementation Plan in the final Study includes continuing discussions with VicRoads regarding traffic improvements along the Great Ocean Road.</p> <p><u>Recommendation</u></p> <p>No further action required.</p>
S3	<p><b>Peter Boyle</b> Principal Urban Designer</p>	Support/objection	Supports the development of guidelines and design documents to support public realm improvements	<p><u>Response</u></p> <p>Agree with comments relating to signage and banner clutter. The Streetscape Master Plan and Urban Design Guidelines encourage consolidation of signage where possible. The</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
	Urban Development Department of Transport Planning and Local Infrastructure (DTPLI)		<p>Supports the adoption of a simple and consistent suite of streetscape elements for the Riverside Precinct.</p> <p>Disagrees with desire to increase the visual clutter of signs, banners, and even art work.</p> <p>The town would benefit from wider, more direct and convenient footpaths, particularly along the Riverside Precinct.</p> <p>Any interventions to address traffic and car parking concerns should not compromise the needs and safety of non-motorists, nor diminish the natural environmental qualities valued by the community.</p>	<p>proposal to install new banners has now been removed in the final Study report.</p> <p>An Implementation Plan included in the final Study identifies the need to undertake a signage audit for the township, as well as a detailed traffic and car parking study.</p> <p>Wider and more direct footpaths have been included in the final Study report.</p> <p><u>Recommendation</u> No further action required.</p>

Public submissions

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
S4.		Support	<p>Agrees with:</p> <ul style="list-style-type: none"> <li>▪ pedestrian connections to the McMillan Street Community Precinct</li> <li>▪ addressing congestion and car parking issues in the main shopping area</li> <li>▪ raising the road crossing in the main shopping area</li> <li>▪ village square concept.</li> </ul> <p>Top priorities for implementation of Study are:</p> <ul style="list-style-type: none"> <li>▪ pedestrian links/ opening up of the McMillan Street Community Precinct</li> <li>▪ congestion in main shopping area car park</li> <li>▪ pedestrian access from the Great</li> </ul>	<p><u>Response</u> All comments noted. Top priorities have been addressed in the final Study report.</p> <p><u>Recommendation</u> No further action required.</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<ul style="list-style-type: none"> <li>▪ Ocean Road to the riverbank tree planting and improved seating.</li> </ul>	
S5		Support/comment	<ul style="list-style-type: none"> <li>▪ Supports plans for the riverbank enhancement.</li> <li>▪ Consider traffic management and car parking issues in the main shopping area and the front of the Anglesea Bowling Club needs to be addressed.</li> </ul>	<p><u>Response</u> The Implementation Plan in the final Study report identifies the need to prepare a detailed traffic/ car parking study and to continue discussions with VicRoads regarding traffic improvements along the Great Ocean Road. A master plan prepared for the Bowling Club addresses the car parking issues.</p> <p><u>Recommendation</u> No further action required.</p>
S6		Support/objection	<ul style="list-style-type: none"> <li>▪ Supports maintaining the existing small town coastal village character and identity.</li> <li>▪ Disagree with through block pedestrian links/ laneways as they lead to graffiti, anti-social behaviour and damage to shop fronts.</li> <li>▪ Elevate Great Ocean Road to avoid flooding.</li> <li>▪ Protect areas of environmental significance.</li> <li>▪ Encourage development of the former Primary School site for a community use.</li> </ul>	<p><u>Response</u></p> <ul style="list-style-type: none"> <li>▪ It is considered that laneway linkages proposed in the Diggers Parade precinct will improve permeability and access should sites within this area be developed to their full potential. The creation of links will need to ensure that safety-by-design principles are applied, including ensuring access ways are well-lit, and fronted with activity.</li> <li>▪ The preparation of a detailed flood study for Anglesea is included in the Implementation Plan of the final Study and is currently being undertaken by Council.</li> <li>▪ Areas of environmental significance have been protected through the planting concept for the Study area.</li> <li>▪ The use of the Primary School site is outside the scope of this Study.</li> </ul> <p><u>Recommendation</u> No further action required.</p>
S7		Support/objection	<p>Supports:</p> <ul style="list-style-type: none"> <li>▪ Upgrade of toilets in main shopping area.</li> <li>▪ Removal of levels in main shopping area.</li> <li>▪ Raised pedestrian crossing in main</li> </ul>	<p><u>Response</u> An Economic Assessment was undertaken by Essential Economics in 2010. The report provides detailed forecasts for future retail, office and industrial land requirements in Anglesea to 2025. The report states that there will be a demand for an additional 1,410m<sup>2</sup> of retail floorspace over the next 15 years</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>shopping area.</p> <ul style="list-style-type: none"> <li>▪ Improved gateway signage.</li> <li>▪ Redirection of buses to bowling club car park.</li> <li>▪ Additional seating/ picnic areas in the main shopping area.</li> </ul> <p>Does not consider that Anglesea has the population to support any new cafés/shops.</p> <p>Priorities for implementation include:</p> <ul style="list-style-type: none"> <li>▪ new toilets</li> <li>▪ additional seating</li> <li>▪ fix footpaths in the main shopping area.</li> </ul>	<p>(2010-2025), of which the majority is likely to be tourism-related.</p> <p>The priorities for implementation have been included in the final Study report.</p> <p><u>Recommendation</u> No further action required.</p>
S8		Support/comment	<p>Supports:</p> <ul style="list-style-type: none"> <li>▪ proposal for new toilets</li> <li>▪ new signage, seating, rubbish bins, information board.</li> </ul> <p>Paving needs attention.</p> <p>Priorities for implementation of the Study include:</p> <ul style="list-style-type: none"> <li>▪ new toilets</li> <li>▪ more public seating</li> <li>▪ more rubbish bins.</li> </ul> <p>Fed up with the public using business toilets and seating.</p>	<p><u>Response</u> An Implementation Plan included as part of the Final Study report identifies short, medium and long-term priorities.</p> <p>Improvements to the main shopping area are considered a high priority, to be implemented in the short term.</p> <p>Concern over public using private toilets and seating has been noted. The proposed improvements to the main shopping area, including upgraded toilets and new seating may help to alleviate this issue. People are drawn to low walls as attractive seating options; therefore it is considered that removal of these walls will channel people to more appropriate locations.</p> <p><u>Recommendation</u> No further action required.</p>
S9		Objection	<ul style="list-style-type: none"> <li>▪ Raises need to address flooding issues of businesses along the Great Ocean Road.</li> <li>▪ No mention of a proper pathway along the Great Ocean Road between the main shops and the bridge. Tourists do</li> </ul>	<p><u>Response</u></p> <ul style="list-style-type: none"> <li>▪ The preparation of a detailed flood study for Anglesea is included in the Implementation Plan of the final Study and is currently being undertaken by Council.</li> <li>▪ Final Study report includes a proposal to improve the pathway between the main shops and the bridge,</li> </ul>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>not see the pathway through the bush.</p> <ul style="list-style-type: none"> <li>▪ Repair the road, especially around the entrance to Anglesea.</li> <li>▪ Better signs to explain the area, including directional signs to the main tourist attractions.</li> </ul>	<p>including widening of the path, installation of lights, and wayfinding signage.</p> <ul style="list-style-type: none"> <li>▪ Preparation of a maintenance plan included in the final Study Implementation Plan will address road maintenance issues.</li> <li>▪ Inclusion of improvement of wayfinding signage in the Implementation Plan will address the direction signage issue.</li> </ul> <p><u>Recommendation</u> No further action required.</p>
S10		Objection	<p>Objects to:</p> <ul style="list-style-type: none"> <li>▪ The planting of plants on the nature strip in the SUZ5 Zone</li> <li>▪ The restriction of the height of development in the SUZ5 – should be 3 storeys (about 10m), in accordance with good planning</li> <li>▪ Lack of flexibility in the SUZ5</li> <li>▪ The restriction of the size of a business in the Anglesea Motor Inn site</li> </ul> <p>Suggests the Study should:</p> <p>Remove limitations imposed by SUZ5. Rezone to Business 1 Zone.</p> <p>Allow offices to be a permitted use, no permit required on either the ground or first storey.</p> <ul style="list-style-type: none"> <li>▪ Allow a café/sandwich shop/juice store/restaurant as a permitted use with no size limits.</li> <li>▪ Remove the Surf Coast Shire’s protective policy that Diggers Parade precinct should not compete with the main</li> </ul>	<p><u>Response</u></p> <p>The Final Study report has been updated to maintain the grassed nature strip.</p> <p>It is considered that two storeys with a third level setback (max 9.5m) is an appropriate building height for this area to improve the overall image and vitality of this precinct.</p> <p>Tourism development will continue to be driven by market demand. Previous trends indicate that this will occur at a slow rate of change within Anglesea. An Economic Assessment was undertaken by Essential Economics in 2010. The report provides detailed forecasts for future retail, office and industrial land requirements in Anglesea to 2025. The report states that future land requirements over the next 15 years (2010-2025) for retail and commercial development in Anglesea will be in the order of 0.5 hectares.</p> <p>The opportunity for minimal increase in the leasable retail area from 80 sq m to 240 sq m. for a convenience shop has been recognised.</p> <p>A rezoning to Business 1 Zone is not justified as this will permit higher order retail development with associated parking issues contrary to the vision for this tourist precinct.</p> <p>Food and Drinks premises other than a restaurant are already permitted uses subject to a permit with no size limits in the Special Use Zone. Restaurant is proposed to be a use with no</p>



No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			shopping centre.	<p>permit or size limits required.</p> <p>The Economic Assessment report undertaken by Essential Economics in 2010 reinforces Camp Road shopping centre as the primary commercial centre recognising the intent of the retail hierarchy in Anglesea.</p> <p><u>Recommendation</u> No further action required.</p>
S11		Support/objection	<p>Agrees with the proposal to:</p> <p>Upgrade of the toilet block in the main shopping area</p> <p>Improve the Diggers Parade precinct.</p> <p>Disagrees with the proposal to retain the existing rubbish collection bin area in its current location. Recommend this be relocated away from the proposed landscaping, picnic table and seating.</p> <p>The three priorities for implementation of the study are:</p> <p>New toilet facilities</p> <p>Maintain the existing ambience of Anglesea in regards to any landscaping</p> <p>Making Anglesea a more pedestrian-friendly walking precinct.</p>	<p><u>Response</u> The rubbish bin collection area is considered an appropriate and convenient location, next to the service station. New trees at this location will help to screen the bin area. Picnic facilities are provided on the opposite side of the road, at the riverbank.</p> <p>The priorities for implementation have been included in the final Study report Implementation Plan.</p> <p><u>Recommendation</u> No further action required.</p>
S12		Support/objection	<p>Agrees with the proposal to:</p> <p>Keeping the 'bush' atmosphere of Anglesea</p> <p>Making the main shopping area more inclusive for the elderly, children and people with disabilities</p> <p>Improving the toilet block, including better</p>	<p><u>Response</u> An Implementation Plan produced as part of the final Study report identifies the need to continue discussions with VicRoads regarding traffic improvements along the Great Ocean Road.</p> <p>Improvement to the Bowling Club will be guided by the Master</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>access</p> <p>Consistency of street furniture and signage.</p> <p>Disagrees that further parking and bus parking will be outside the bowling club without VicRoads firstly putting in pedestrian crossings and speed bumps to slow traffic.</p>	<p>Plan prepared for this area.</p> <p><u>Recommendation</u> No further action required.</p>
S13		Support/comment	<p>Agrees with proposal to:</p> <p>Remove dated paving in main shopping area.</p> <p>Remove clutter and more define pedestrian areas.</p> <p>No designated area for shopping trolleys.</p> <p>Need to restrict pedestrian access through any plantings.</p> <p>Priority for the implementation of the study include:</p> <p>Main shopping area improvements.</p> <p>Toilet Block upgrade.</p>	<p><u>Response</u> The provision of space for shopping trolleys will be designated as part of the final detailed design of the main shopping area included in the final Study report Implementation Plan.</p> <p>Tree guards to restrict pedestrian access through any planting will be considered as part of preparation of a detailed design for street furniture included in the final Study Implementation Plan.</p> <p>The priorities for implementation have been included in the final Study report.</p> <p><u>Recommendation</u> No further action required.</p>
S14		Support/objection	<p>Supports:</p> <p>Retaining retail focus at Camp Road.</p> <p>Retaining residential use of land between Minifie Avenue and Four Kings.</p> <p>Disagrees with tourism related retailing expansion in Four Kings area (will never succeed because of short tourism season).</p> <p>Priorities for implementation of the study are:</p> <p>Maintain two storey height limitation – as is now.</p> <p>Maintain village character by rejecting 'Gold</p>	<p><u>Response</u></p> <ul style="list-style-type: none"> <li>▪ An Economic Assessment was undertaken by Essential Economics in 2010. The report provides detailed forecasts for future retail, office and industrial land requirements in Anglesea to 2025. The report states that there will be a demand for an additional 1,410m<sup>2</sup> of retail floorspace over the next 15 years (2010-2025), of which the majority is likely to be tourism-related.</li> <li>▪ It is considered that two storeys with a third level setback (max 9.5m) is an appropriate building height for this area to improve the overall image and vitality of</li> </ul>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>Coast type' apartment development. Provide minimum 2.5m setbacks along street frontages and adjoining residential properties.</p>	<p>this precinct.</p> <ul style="list-style-type: none"> <li>▪ 'Gold Coast' type apartment development is not the intent of the Design Guidelines The final Study recommends two storeys with a third level setback (max 9.5m) at Four Kings and Diggers Parade precinct. This is considered an appropriate building height for this area since it maintains a reasonable low scale coastal village character whilst assisting to improve the overall image and vitality of this precinct. The Guidelines include a 2.5m setback along the Great Ocean Road and side and/or rear boundaries adjoining residential properties.</li> </ul> <p><u>Recommendation</u> No further action required.</p>
S15		Support/objection	<p>Agrees with providing more two-storey opportunities along the Great Ocean Road and that there are opportunities for cafés and restaurants to have upstairs rooms/balconies to take advantage of views along river.</p> <p>Disagrees with:</p> <p>Footpaths that are not to be widened. Footpaths must be widened by at least 0.5m along Great Ocean Road and riverbank. Widening paths and improving continuity is one of the easier things to achieve and was discussed in the study but not expressed in recommendations/master plan.</p> <p>The removal of grass alongside the Great Ocean Road footpath in the Riverside Precinct as grass provides for passing/overtaking given overly narrow path.</p> <p>Storm surge/tides have been adequately addressed in the river area. Need more</p>	<p><u>Response</u></p> <p>Footpaths are proposed to be widened in the final Study report.</p> <p>The preparation of a detailed flood study for Anglesea is included in the Implementation Plan of the final Study and is currently being undertaken by Council.</p> <p>The Streetscape Plan and Urban Design Guidelines encourage consolidation of signage where possible. The proposal to upgrade the existing banners has been removed from the final Study report.</p> <p>Future public art to be sensitively designed, in collaboration with local artists. Art that mimics the seaside location is to be avoided.</p> <p>Proposals for edible plants and native plants in the final Study report will provide a balance of tree species in the Study area.</p> <p>A Landscape Master Plan has been prepared for the Lions Park and Bowling Club area. The Master Plan recommends a 'formalised gravel car park' in front of the Anglesea Bowling Club. Refer to Master Plan for more detail.</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>comprehensive guidelines for accommodating flooding, including detailed investigation of flooding risks relating to service station.</p> <p>‘Gateway’ treatments like flags/ banners. These are gimmicky and suburban.</p> <p>With proposal for more public art as undermines study’s emphasis on reducing clutter.</p> <p>Edible plants. A nice idea but gimmicky and unlikely to succeed. Use native plants</p> <p>Leaving Bowls Club car park unsealed.</p>	<p><u>Recommendations</u></p> <p>No further action required.</p>
S16		Supports/comments	<ul style="list-style-type: none"> <li>▪ Strongly supports the proposal for a raised road crossing between the main shops and the current toilet block.</li> <li>▪ Supports a new toilet block being installed.</li> <li>▪ We did not notice any water fountains in the plan, nor shade sails. We would like shade sails considered for a nominal period whilst trees establish and grow to acceptable heights, as to be effective. These sails could be taken down and stored over winter.</li> <li>▪ The plan does not address lighting. Will the current lights that showcase the old town motto, stay and get a repaint?</li> <li>▪ Disagrees with installing shrubs and trees on the west side of the road, when you have a beautiful riverbank, right at your feet to enjoy. The proposal for shrubs and trees on the grassed area of the bend at Four Kings does not allow for overflow of parking that it gets used for during</li> </ul>	<p><u>Response</u></p> <ul style="list-style-type: none"> <li>▪ There are concerns about shade sails as they present maintenance and safety issues. Shade sails have therefore been deleted in the final Study report.</li> <li>▪ Drinking fountains have been added in the final Study report in appropriate locations. The design of new drinking fountains should reflect the style of those recently installed along the riverbank.</li> <li>▪ In regards to lighting, existing lighting poles to be painted in the short term, with a view to replace them in the longer term. The installation of new lighting has been included in the Implementation Plan.</li> <li>▪ The concern raised over the installation of shrubs and trees along the west side of the Great Ocean Road is agreed. Grass may be more suitable given it requires less maintenance. Final Study report recommends maintaining the grass nature strips along the Great Ocean Road.</li> <li>▪ Suggestions for future consultation are noted and included the Implementation Plan of the Final Study report.</li> <li>▪ The design of private outdoor seating is at the discretion of the landowner, and cannot be controlled by Council. However, Council should continue to</li> </ul>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>January through to April, and during events. We need as much parking as possible.</p> <ul style="list-style-type: none"> <li>▪ Once the public exhibition period is over, we would like to expedite a meeting with the Anglesea Beautification Group to discuss what the outcomes have been and what, if any elements we can implement quickly for completion prior to the peak trading season 2013/14.</li> <li>▪ With the installation of the table for Malee Thai, has a precedent for outdoor cafe seating now been set? How does this fit in with the overall streetscape theme?</li> <li>▪ Will the renovated ramp up to the Great Ocean Road crossing be wheelchair compliant?</li> </ul>	<p>encourage outdoor seating that is in line with the proposed streetscape theme.</p> <ul style="list-style-type: none"> <li>▪ In regards to the ramp, all future design must be in accordance with the Disability Discrimination Act (DDA). A features and levels survey will need to be undertaken as part of further detailed design and implementation. This requirement has been included in the Implementation Plan.</li> </ul> <p><u>Recommendation</u> No further action required.</p>
S17		Support/objection	<p>Agrees that Study proposals would be refreshing for the Township.</p> <p>Disagrees with the creation of through-block laneways particularly to the Community Centre through Diggers Parade. Laneways create areas that are unseen and are isolated. This leads to anti-social behaviour in these pockets of space.</p>	<p><u>Response</u> It is considered that laneway linkages will improve permeability and access should sites within this area be developed to their full potential. The creation of linkages will need to ensure that safety-by-design principles are applied, including ensuring access ways are well-lit, and fronted with activity.</p> <p><u>Recommendation</u> No further action required.</p>
S18		Support/objection	<p>Agrees that the Camp Road main shopping area needs a visual upgrade and the creation of a usable central plaza.</p> <p>Disagrees with the idea of uniform colour schemes. Prefers the eclectic look of Anglesea to continue. Dislikes the signage and uniformity.</p>	<p><u>Response</u> The proposal for a unified streetscape palette was widely supported during the Community Visioning workshop.</p> <p>Comments relating to traffic and car parking noted. An Implementation Plan provided as part of the Final Study makes a reference to the need to undertake a detailed traffic and car parking study for the Study area in future.</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>Does not understand why we need more tourism development. It would undermine the low-key character of the town.</p> <p>Would love to see two separate car parking areas with a central garden separating the two.</p> <p>Access from the east end of the main shopping area car park to the Great Ocean Road needs to be made safer.</p> <p>The major issues of traffic jams and parking need to be dealt with, particularly given the bushfire.</p>	<p>Tourism development will continue to be driven by market demand. Previous trends indicate that this will occur at a slow rate of change within Anglesea. The proposed Urban Design Guidelines combined with the provisions of the Special Use Zone will ensure that development does not compromise the small town coastal village character of Anglesea.</p> <p><u>Recommendation</u> No further action required.</p>
S19		Support/objection	<p>Supports maintaining the Residential 1 Zone in the Riverside Precinct Requirement for sensitive tasteful development.</p> <p>Disagrees with the planting any shrubs along the footpath in the Riverside Precinct.</p> <p>Three priorities for implementing the Study are:</p> <ul style="list-style-type: none"> <li>▪ Sensitive development.</li> <li>▪ Minimum signage.</li> <li>▪ No extra plants along the Great Ocean Road footpath.</li> </ul>	<p><u>Response</u> The concern raised over the planting of shrubs alongside the Great Ocean Road was noted and discussed. It is agreed that grass may be more suitable given it requires less maintenance. Final Study report to recommend maintaining the grass nature strips along the Great Ocean Road.</p> <p>The priorities for implementing the Study are noted and have been included in the final Study.</p> <p><u>Recommendation</u> No further action required.</p>
S20		Objection	<p>Disagrees with replacing the grass with gravel and coastal shrubs in front of properties along Riverside Precinct for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ Existing grass is more pleasant to the eye than the proposed gravel and coastal planting.</li> <li>▪ Existing grass is well maintained by residents - the proposal will be an additional cost for the Council to maintain.</li> <li>▪ Gravel will end up on the footpath and</li> </ul>	<p><u>Response</u></p> <ul style="list-style-type: none"> <li>▪ Agree with comments that grass may be more suitable given it requires less maintenance and it is safer. The final Study recommends maintaining the grass nature strips along the Great Ocean Road.</li> <li>▪ The preparation of a full cost benefit analysis was outside the scope of the brief for this project. Cost benefit analyses are generally completed as part of Council's budgeting process, at the detailed design stage.</li> </ul>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>could cause pedestrians to slip and fall as such could cause a legal action against Council.</p> <ul style="list-style-type: none"> <li>▪ Pedestrians and bike riders moving to the gravel/planting areas will destroy any new planting along this area.</li> <li>▪ A cost-benefit analysis is warranted to make a final assessment of implementation priorities.</li> </ul>	<p><u>Recommendation</u> No further action required.</p>
S21		Support/objection	<ul style="list-style-type: none"> <li>▪ Strongly agrees with the draft report's emphasis on maintaining the small town coastal village character and identity of Anglesea.</li> <li>▪ Disagrees with the draft report's implied need for two storey residential/business (shop-top) development along the Four Kings and Noble Street frontage.</li> <li>▪ Concerned about the relaxation of the Special Use Zone could open the way for a McDonalds.</li> </ul>	<p><u>Response</u></p> <ul style="list-style-type: none"> <li>▪ It is considered that two storeys with a third level setback (max 9.5m) is an appropriate building height for this area to improve the overall image and vitality of this precinct.</li> <li>▪ Relaxation of the controls within the Special Use Zone relates to floor space caps for a 'convenience shop' to reflect the current planning scheme definition. The planning scheme defines a 'convenience shop' as a building with a leasable floor area of no more than 240 sq m. 'Food and drink' premise is currently a permitted use in this zone and any development would require a planning permit and public notification.</li> </ul> <p><u>Recommendation</u> No further action required.</p>
S22		Objection	<ul style="list-style-type: none"> <li>• Don't agree with removing tree just to open up view of the Anglesea shopping centre. If a visitor misses the first entrance to the shops, they can simply turn right at roundabout.</li> <li>• No need for additional public art/streetscape pieces - please keep it natural.</li> </ul>	<p><u>Response</u></p> <p>The proposal to remove the small tree in the car park has been deleted in the final Study.</p> <p>Future public art to be sensitively designed, in collaboration with local artists. Art that mimics the seaside location is to be avoided.</p> <p><u>Recommendation</u> No further action required.</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
S23		Objection/comment	<p>Throughout the report emphasis is given to indigenous plantings yet most suggested plantings for the main shopping area are non-indigenous. We believe that it is important that public space plantings set an example for residents.</p> <p>There is a need to minimise the flooding of the Great Ocean Road.</p> <p>Preservation of the view of the river mouth and bank is important to the community and should be maintained. Buildings adjacent to the Great Ocean Road should be restricted to a maximum of 2 storeys.</p> <p>Gateway signage, if necessary, should be in keeping with and sympathetic to, a nonurban coastal area situated in an area of high biodiversity.</p> <p>Practical issues such as cleaning, maintenance and drainage need to be taken into account.</p> <p>Time restrictions in the Four Kings car park may reduce the number of people wishing to cross the Great Ocean Road here. There is a refuge island just west of the car park for pedestrians.</p>	<p><u>Response</u></p> <p>The suggested planting species for the main shopping area has been a controversial issue with no unanimous agreement. The Final Study report recommends a range of both indigenous and non-indigenous species, as both are considered appropriate for the main shopping area. Species to be further discussed and considered at the time of implementation.</p> <p>The preparation of a detailed flood study for Anglesea is included in the Implementation Plan of the final Study and is currently being undertaken by Council.</p> <p>Two storeys with a third level setback (9.5 m maximum) is considered an appropriate building height for this area.</p> <p>Location and design of gateway signage to be further discussed in consultation with VicRoads. This has been included in the Final Study report.</p> <p>The Implementation Plan in the final Study includes the preparation of a Management and Maintenance Plan (including drainage issues) to address management and maintenance issues in the study area.</p> <p>Time restriction in the Four Kings car park could be further investigated in a Car Parking Strategy. The preparation of a Car Parking Strategy is included in the Implementation Plan of the Final Study report.</p> <p><u>Recommendation</u></p> <p>No further action required.</p>
S24		Objection/comment	<p>Limit building heights to one storey.</p> <p>People come to Anglesea because it's not Lorne, Barwon Heads or Torquay. It has a unique 'daggy' quality that is to be celebrated.</p> <p>The informal appearance of roads adds to Anglesea's attractiveness, and is a feature of</p>	<p><u>Response</u></p> <p>It is considered that two storeys with a third level setback (max 9.5m) is an appropriate building height for this area.</p> <p>An Economic Assessment was undertaken by Essential Economics in 2010. The report provides detailed forecasts for future retail, office and industrial land requirements in Anglesea</p>



No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>the town.</p> <p>The toilet facilities in the main shopping centre are much more user friendly than the ones installed by the river. Any future toilet block should look a lot more like the examples contained in the Plan.</p>	<p>to 2025. The report states that there will be a demand for an additional 1,410m<sup>2</sup> of retail floorspace over the next 15 years (2010-2025), of which the majority is likely to be tourism-related.</p> <p>Comment about roads noted but not all roads in Anglesea are of an informal nature.</p> <p>Toilet facility upgrade will utilise a range of natural materials and colours that reflect the coastal bush character.</p> <p><u>Recommendation</u> No further action required.</p>
S25		Support/comment	<p>Supports the plans that have been drawn up for the main shopping area. It seems that providing a public space to eat and socialise etc. is a desired outcome.</p> <p>In my opinion shade sails add little value aesthetically or in effectively cooling a space compared with vegetation.</p> <p>Agrees on the use of indigenous plants, but open minded to exotic and deciduous trees in the right situations.</p>	<p><u>Response</u> Agree with comments regarding shade sails. Council have concerns with shade sails as they present maintenance and safety issues.</p> <p>Comments relating to deciduous trees are noted. There are diverse opinions in the submissions received in relation to proposed vegetation types. Council are concerned that deciduous trees will increase the level of maintenance required. The addition of new soft and hard landscape elements to the public realm needs to be balanced against Council's capacity to manage and maintain these.</p> <p><u>Recommendation</u> No further action required.</p>
S26		Objection	<ul style="list-style-type: none"> <li>▪ Objects to 2 and 3 storey possibilities on the river frontage. Keep river surrounds more open by limiting to one storey, and well setback.</li> </ul>	<p><u>Response</u> It is considered that two storeys with a third level setback is an appropriate building height for this area to improve the overall image and vitality of this precinct.</p> <p><u>Recommendation</u> No further action required.</p>
S27		Support/Objection	<p>Agrees that boundaries have to be set to convince developers of over-development and</p>	<p><u>Response</u> It is considered that two storeys with a third level setback is an appropriate building height for this area.</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>get on with more modest plans.</p> <p>Disagrees with to relax height and site area limits.</p>	<p><u>Recommendation</u> No further action required.</p>
S28		Support/comment	<p>Supports zoning code to regulate future development.</p> <p>Prefers one storey building height along the river bank and perhaps two storeys behind.</p> <p>Suggests further plantings of local indigenous species to define the unique character of the streetscape.</p>	<p><u>Response</u> It is considered that two storeys with a third level setback is an appropriate building height for this area.</p> <p>Comment relating to the planting of local indigenous species noted. There are diverse opinions in relation to proposed vegetation types. The final plan recommends the planting of indigenous and deciduous species balanced against Council's capacity to manage and maintain these.</p> <p><u>Recommendation</u> No further action required.</p>

**APPENDIX 2: ANGLESEA GREAT OCEAN ROAD STUDY 2013 REPORT (D13/141678)**

## 2.3 Amendment C80 – Moriac Structure Plan – Consideration of Submissions

EMT Report                       Council Briefing                       Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Senior Strategic Planner

**Director:** Kate Sullivan

**Department:** Planning and Development

**File No:** F12/429

**Directorate:** Planning and Environment

**Trim No:** D13/148430

**Appendix:**

1. Summary of Submissions Table
2. Proposed Moriac Framework Plan

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

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

Yes                       No

**Status:**

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

Yes                       No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant sectionS89 (2)

### Purpose

To consider submissions received following public exhibition of Surf Coast Planning Scheme Amendment C80.

### Summary

Amendment C80 proposes to implement the recommendations of the Moriac Structure Plan 2010 into the Planning Scheme.

Authorisation to prepare the amendment was given by the Minister on 13 June 2013 and the amendment was publicly exhibited from 25 July 2013 to 26 August 2013. As a consequence of the public exhibition, 12 submissions were received, including one late submission.

A summary of submissions and Council officers' response is outlined in Appendix 1.

A breakdown of the submissions indicates that:

- Five submissions did not object to the amendment or require any changes.
- Seven submissions requested changes to the amendment.

Following an assessment of the submissions, no changes are proposed to be made to the exhibited version of the amendment.

Unresolved submissions include:

- Objections to the location of the potential light industrial area.
- The extension to the settlement boundary of the township.
- The objection to a potential pathway linkage.

The *Planning and Environment Act 1987* requires all unresolved submissions be referred to an independent Panel appointed by the Minister, which will review all submissions and the overall merits of the amendment.

### Officer Recommendation

That Council having considered the submissions received to Amendment C80 to the Surf Coast Planning Scheme:

1. Request the Minister for Planning to appoint an independent Panel under Part 8 of the *Planning and Environment Act 1987*;
2. Refer all submissions to the Panel under Part 8 of the *Planning and Environment Act 1987*.

**COUNCIL RESOLUTION**

**MOVED Cr Nockles, seconded Cr Wellington**

That Council having considered the submissions received to Amendment C80 to the Surf Coast Planning Scheme:

1. Request the Minister for Planning to appoint an independent Panel under Part 8 of the *Planning and Environment Act 1987*;
2. Refer all submissions to the Panel under Part 8 of the *Planning and Environment Act 1987*.

**CARRIED: 8:0**

## **Amendment C80 – Moriac Structure Plan – Consideration of Submissions**

### **Report**

#### ***Background***

Amendment C80 proposes to implement the recommendations of the Moriac Structure Plan 2010 into the Surf Coast Planning Scheme. Specifically, the amendment proposes to:

- Replace Clause 21.13 (Moriac Strategy) of the Planning Scheme with a new Clause 21.13 to reflect the land use directions and policies identified in the adopted Moriac Structure Plan, February 2010.
- Rezone land transferred to Council known as Reserve 1 Plan of subdivision PS5168878 along the upper reaches of Thompsons Creek from a Township Zone to a Public Conservation Recreational Zone.
- Rezone land transferred to Council at 38 Greenfields Drive, Moriac known as Lot S8 Plan of subdivision PS 337801K from a Township Zone to a Public Park and Recreation Zone.
- Rezone land transferred to Council at 1 Kim Marie Mews, Moriac known as Reserve 1 on Registered Cluster Plan 001512U from a Low Density Residential Zone to a Public Park and Recreation Zone.

As a consequence of the public exhibition which occurred between 25 July 2013 and 26 August 2013, a total of 12 submissions were received including five submissions from referral statutory authorities. A breakdown of the submissions indicates that:

- five submissions did not object to the amendment or require any changes.
- seven submissions requested changes to the amendment.

Pursuant to the *Planning and Environment Act 1987*, the Council is required to consider all submissions made to an amendment and must:

- change the amendment as requested by the submissions; or
- refer the submissions to an independent Panel appointed by the Minister for Planning; or
- abandon the amendment or part of the amendment.

For privacy reasons, full details of submitters cannot be included as attachments to this report. Appendix 1 contains a Table providing a summary of the submissions and Council officers' recommended response to each submission. A full copy of the submissions will be provided to Council under separate cover.

#### ***Discussion***

The key issues raised in the submissions and Council officers' responses are as follows:

##### **Location of potential industrial area**

A number of submissions object to the location of the potential industrial area as indicated in the proposed Moriac Framework Plan (Refer Appendix 2).

This is not supported by Council officers. An economic assessment prepared as part of the adopted Moriac Structure Plan recommends an indicative location for a potential light industrial area further west from the town centre. The site on the north side of Cape Otway Road separates potential light industrial activities from most houses within the settlement boundary of the township and contains parcels of land that are vacant farmland, or which already contains peripheral commercial activities such as a plant nursery and earth-moving business.

Most of the businesses envisaged to locate here such as plant nurseries and farm supplies, require exposure to passing trade and easy access for deliveries and customers. Given that Cape Otway Road is the main road through Moriac, it is important to control the appearance of any commercial/light industrial precinct in this location in order to provide a positive image to the township. This could be achieved through setback and signage control, service road and best practice traffic management principles.

##### **Extension of settlement boundary**

A submission requests an extension to the settlement boundary along the western section of the township.

## **Amendment C80 – Moriac Structure Plan – Consideration of Submissions**

This submission is not supported by Council officers since the adopted Structure Plan recommends containing urban development within the defined settlement boundary to maintain a compact township and avoid linear sprawl.

### Potential pathway linkage

A submission objects to a potential pathway linkage at Cooks Lane, Moriac, because it is not warranted and queries the funding source for its construction. This submission is not supported by Council officers.

Council's adopted Pathway Strategy recommends pathway linkages along various routes in the township. The Strategy was developed through consultation with the community. Construction of the Cooks Lane pathway is not expected to commence until after 10 years. The priority for selection of potential pathways is based on the following criteria:

- Strategic importance/Transport linkage
- Usage/Need
- Safety/Environmental factors
- Community desire.

Funding sources for the construction of identified pathways include Council's Special Charge Scheme policy which stipulates that the cost of the works would be shared between Council and the benefiting owners.

It is a requirement of the *Planning and Environment Act 1987* that all unresolved submissions be referred to an independent Panel appointed by the Minister for Planning which will review all submissions and the overall merit of the amendment.

Subject to the Minister for Planning appointing a Panel to hear submissions, the themes discussed in the abovementioned issues, in addition to the responses provided in Appendix 1, will form the basis of Council's submission to the Panel Hearing.

### **Financial Implications**

This project has an approved budget of \$18,000 for the 2013-14 financial year. The budget is primarily to cover the cost of any Panel required to hear unresolved submissions.

### **Council Plan/Policy/Legal Implications**

The proposed amendment links with Theme 5: Development and Growth of the Council Plan 2013 – 2017.

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

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

### **Risk Assessment**

There are no demonstrated risks associated with requesting a Panel to consider submissions to the amendment.

### **Social Considerations**

An anticipated social impact of the proposed amendment is to encourage upgraded community facilities commensurate with the size and role of the township and to ensure lot sizes will reflect the rural character of the town.

### **Community Engagement**

This amendment has been formally exhibited between 25 July 2013 and 26 August 2013 in accordance with the provisions of the *Planning and Environment Act 1987*.

Brochures about the amendment were sent to all owners/occupiers affected by the amendment and a notice of the amendment was published in the local newspaper (The Surf Coast Times), the Government Gazette and on Council's website.

A public information session was held during the exhibition period at the Moriac Community Centre, Newling Reserve, Moriac on 8 August 2013.

This process provided an opportunity for full public comment.

### **Amendment C80 – Moriac Structure Plan – Consideration of Submissions**

As a consequence of the formal exhibition of the amendment and the receipt of a number of submissions which have not been resolved, referral to a Panel is required, subject to agreement by the Minister for Planning.

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

The implementation of the Public Conservation and Resource Zone along the upper reaches of the Thompson Creek will enhance the environmental conditions along the creek.

#### ***Communication***

All submitters will be advised of the appointment of a Panel by Planning Panels Victoria and will be afforded an opportunity to appear at the Panel Hearing.

#### ***Conclusion***

Having considered all submissions, the proposed amendment has sufficient merit to proceed to a Panel to be appointed by the Minister for Planning.

It is recommended that Council request the Minister for Planning appoint a Panel to hear all submissions made to the amendment.



**APPENDIX 1: AMENDMENT C80 - SUMMARY OF SUBMISSIONS TABLE**

*Statutory authority submissions*

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
S1.	Geoff Brooks Department of Environment and Primary Industries	No objection	Does not provide any comment.	<p><u>Response</u> Noted.</p> <p><u>Recommendation</u> No action required.</p>
S2.	Peter Hamilton Country Fire Authority	No objection/ comment	<p>Supports the amendment and provides the following comment:</p> <ul style="list-style-type: none"> <li>• All vegetation located within the Public Conservation Recreation and Public Park Recreation Zones should be managed on an on-going basis to ensure that any fire is minimised.</li> </ul>	<p><u>Response</u> Noted. Vegetation located within the Public Conservation Recreation and Public Park Recreation Zones will be managed on an on-going basis in accordance with Council's maintenance processes.</p> <p><u>Recommendation</u> No action required.</p>
S3.	Vince Lopardi Southern Rural Water	No objection	Does not provide any comments.	<p><u>Response</u> Noted.</p> <p><u>Recommendation</u> No action required.</p>
S4.	Dr Geoff Taylor Corangamite Catchment Management Authority	No objection/ comment	<p>Supports the amendment and provides the following comment:</p> <ul style="list-style-type: none"> <li>• Any development associated with the future rezoning for residential development must meet the provisions of the Planning Scheme especially standards which address water quality through Water Sensitive Urban Design.</li> <li>• Supports the rezoning of floodplain</li> </ul>	<p><u>Response</u> Noted. Any future development will be assessed in accordance with the Planning Scheme provisions.</p> <p><u>Recommendation</u> No action required.</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			affected land from residential to public open space purposes as this poses a lesser risk to health and safety than private ownership while protecting the environmental values of the riparian area.	
S12.	Scott Lawrence VicRoads	No objection/ comment	Notes that VicRoads does not have any proposed upgrades of the Arterial Road network within Moriac, and will continue to work closely with Council regarding road safety issues and monitoring the appropriateness of speed limits.	<u>Response</u> Noted.  <u>Recommendation</u> No action required.

Public submissions

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
S5.		Objection	<ul style="list-style-type: none"> <li>Objects to the location of the potential light industrial area. Considers that this should not face the main road but be accessed by a side road and located facing the railway line in an area much less suited to housing.</li> </ul>	<u>Response</u> This submission is not supported.  An economic assessment prepared as part of the adopted Moriac Structure Plan recommended an indicative location of a potential light industrial area further west from the town centre. The site on the north side of Cape Otway Road separates possible light industrial activities from most houses within the settlement boundary of the township and contains parcels of land that are vacant farmland, or which already contains peripheral commercial activities such as a plant nursery and earth moving business.  Most of the businesses envisaged to locate here such as plant nursery and farm supplies, require exposure to passing trade and easy access for deliveries and customers.

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
				<p>Given that Cape Otway Road is the main road through Moriac, it is important to control the appearance of any commercial/light industrial precinct in this location in order to provide a positive image to the township. This could be achieved through setback, signage control and requirements for service road etc.</p> <p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>
S6.		Objection/ comment	<ul style="list-style-type: none"> <li>• Objects to potential foot path linkage along Cooks Lane. Suggests that this linkage should be located more centrally within the built up area along Buttercup Drive.</li> <li>• Queries who pays for the footpath if this goes ahead, Council or the residents.</li> </ul>	<p><u>Response</u> Council's adopted Pathway Strategy recommends a town path along Cooks Lane from Lavinia Court to Hendy Main Road. The Strategy was developed through consultation with the community. These path linkages are not expected to be constructed within the next ten years. The priority criteria for construction includes:</p> <ul style="list-style-type: none"> <li>• Strategic importance/Transport linkage</li> <li>• Usage/Need</li> <li>• Safety/Environmental factors</li> <li>• Community desire.</li> </ul> <p>Funding sources for construction includes Council's Special Charge Scheme policy which stipulates that cost of the works would be shared between Council and the benefiting owners.</p> <p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>
S7.		Objection	<ul style="list-style-type: none"> <li>• Objects to the location of the potential light industrial area in a residential area.</li> <li>• The proposed industrial area is also potentially located on a dangerous bend in the road with limited visibility.</li> </ul>	<p><u>Response</u> This submission is not supported.</p> <ul style="list-style-type: none"> <li>• Refer to response to submission S5 and S9.</li> <li>• The location of the potential light industrial area is indicative only and at the time of implementation it will be assessed with regard to appropriate best practice traffic management requirements.</li> </ul>

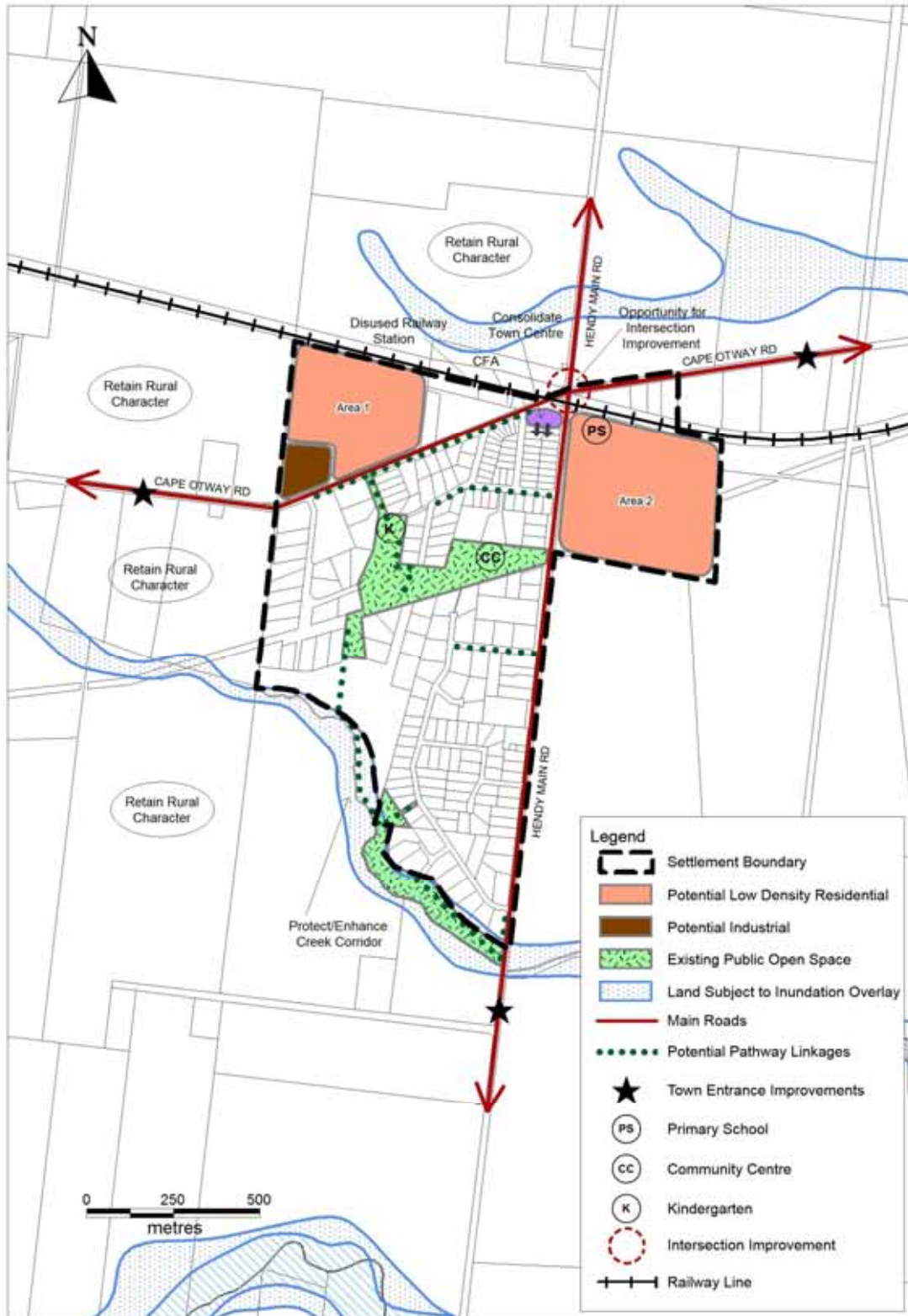
No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
				<p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>
S8.		Support/ objection	<ul style="list-style-type: none"> <li>• Supports the potential linkages of the Public Open Spaces as this allows for the enjoyment of these spaces.</li> <li>• Considers that the potential light industrial area should remain a Plant Nursery but does not agree with it becoming say a car repair shop.</li> </ul>	<p><u>Response</u></p> <ul style="list-style-type: none"> <li>• Support for potential linkages is noted.</li> <li>• The current plant nursery located within the potential industrial area has existing use rights and will remain in this location. The potential use of the land for motor repairs cannot be ruled out as it is included in Service Industry use in the Planning Scheme.</li> </ul> <p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>
S9.		Objection	<ul style="list-style-type: none"> <li>• Objects to the potential light industrial area for the following reasons: <ul style="list-style-type: none"> <li>○ Will impact on future low density residential amenity through noise, truck movements etc.</li> <li>○ Dangerous blind corner on Cape Otway Road making potential truck movements extremely hazardous. Could be located elsewhere such as further west along Cape Otway Road.</li> </ul> </li> <li>• Questions the justification for industrial land given Moriac's close proximity to Winchelsea and Geelong.</li> </ul>	<p><u>Response</u> This submission is not supported.</p> <ul style="list-style-type: none"> <li>• Refer to response to Submission S5.</li> <li>• The impact on residential amenity through noise and truck movement can be reduced by introducing buffer areas next to adjoining residential land. The design of the buffer area to be determined at the subdivision stage.</li> <li>• Given that the indicative location of the potential industrial area is along a slight bend on Cape Otway Road, there will be the need to address any traffic issues through appropriate traffic management principles at the subdivision stage.</li> <li>• The provision of a potential light industrial area in Moriac is justified through community consultation processes undertaken and by an analysis of various scenarios in the economic assessment undertaken as part of the preparation of the Moriac Structure Plan. The scenarios include analysis of enterprise and labour force demand: <ul style="list-style-type: none"> <li>• Enterprise demand is based on an estimate of five firms establishing in the township, each taking an</li> </ul> </li> </ul>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
				<p>allotment of 0.2ha.</p> <ul style="list-style-type: none"> <li>Labour force demand assumes that the proportion of persons that are employed in Moriac in local commercial activities will continue to grow (with 17 jobs by 2031) and that these persons will require 80 sq m of floorspace (buildings will take up 30% of the site area).</li> </ul> <p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>
S10		Objection	<p>Submits that land at 654 and 675 Cape Otway Road zoned Farming Zone, be included within the settlement boundary as it is suitable for low density/rural residential lots based on the following reasons:</p> <ul style="list-style-type: none"> <li>The land is no longer viable productive agricultural land.</li> <li>The land provides an opportunity for a transition between the farming land to the west and the low density residential land to the east.</li> <li>The demand for rural living housing opportunities.</li> <li>The proximity to infrastructure i.e. proposed pathway and power supply in the established subdivision to the east.</li> </ul>	<p><u>Response</u> This submission is not supported.</p> <p>The adopted Structure Plan recommends containing urban development within the defined settlement boundary to maintain a compact township and avoid linear sprawl. While the subject land may provide an opportunity for a transition between the farming land to the west and residential land to the east, it is not supported to be included within the settlement boundary in the Structure Plan. Based on a preliminary assessment of potential residential sites, the Structure Plan indicates that the subject land is located further away from the town centre and community facilities and contains a site of environmental significance.</p> <p>The demand for rural living housing can be accommodated within the designated Structure Plan potential low density residential areas</p> <p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>
S11		Support/ Objection/ comment	Supports the amendment and replacement of Clause 21-13 (Moriac Strategy).	<p><u>Response</u> This submission generally supports the amendment but raises various issues:</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			<p>Raises a number of issues in respect to the implementation directions in the Structure Plan as relates to the potential low density areas as follows:</p> <ul style="list-style-type: none"> <li>• The staging of the two development fronts will encumber the future growth of Moriac and therefore requests the opportunity to develop either or both fronts to assist in satisfying the growth demands of the town.</li> <li>• Objects to the provision to investigate and prepare development criteria for the potential growth areas as part of any rezoning application since this will create an unnecessary additional planning layer.</li> <li>• In relation to the potential development of the front east of Hendy Main Road preliminary advise from Barwon Water indicates that road crossing over the Barwon Water Reserve may not be approved. This has the potential to significantly reduce the configuration of lots and increase the cost of development in this precinct.</li> <li>• In addition the potential subdivision of the land east of Hendy Main Road will create a very small farming lot located adjacent to the northeast corner which will mostly be encumbered by the Barwon Water reserve. This will also affect the affordability to develop this land, as the reserve will split the land</li> </ul>	<ul style="list-style-type: none"> <li>• The development of the potential low density residential areas will be determined by market forces. Development of either or both fronts is supported to satisfy the growth demands of the town given the relatively low potential lot yield.</li> <li>• The investigation and preparation of development plan criteria applicable to future subdivision in the potential growth areas (as part of any rezoning application) will ensure sustainable best practice development in this precinct.</li> <li>• Issues associated with the configuration of lots in the potential growth areas are considered beyond the scope of this amendment. It is envisaged that this will be assessed at the rezoning and subdivision stage.</li> </ul> <p><u>Recommendation</u> <b>Refer submission to Panel</b></p>

<b>No.</b>	<b>Name Address</b>	<b>Submission Type</b> (support/objection/ no objection)	<b>Summary of submission</b>	<b>Council officer response and recommendation</b>
			requiring additional road infrastructure.	

**APPENDIX 2: AMENDMENT C80 - MAP 1 TO CLAUSE 21.13 MORIAC FRAMEWORK PLAN**





## 2.4 Amendment C88 – Deans Marsh – Consideration of Submissions

EMT Report                       Council Briefing                       Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

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**Authors Title:** Senior Strategic Planner

**Director:** Kate Sullivan

**Department:** Planning and Development

**File No:** F13/615

**Directorate:** Planning and Environment

**Trim No:** D13/148415

**Appendix:**

1. Summary of Submissions Table
2. Properties to be deleted from the Restructure Overlay (RO3) – 36 Aurel Road, Deans Marsh (as exhibited) and 28 Aurel Road (Lots 24 and 25), Deans Marsh (post-exhibition)
3. Existing and proposed Map 1 to Clause 21.15 Deans Marsh Framework Plan deleting the 'Deans Marsh' wording and wetlands notation on 1381 Birregurra-Deans Marsh Road.

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

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

Yes                       No

**Status:**

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

Yes                       No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant section S89 (2)

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### Purpose

To consider submissions received following public exhibition of Surf Coast Planning Scheme Amendment C88.

### Summary

Amendment C88 proposes to apply a minimum subdivision lot size of 0.4 hectare to all land zoned Township Zone within the Deans Marsh township and amend various provisions of the Surf Coast Planning Scheme to correct mapping anomalies affecting 36 Aurel Road and 25 Pennyroyal Valley Road, Deans Marsh.

Authorisation to prepare the amendment was given by the Minister on 12 June 2013 and the amendment was publicly exhibited from 25 July 2013 to 26 August 2013. During the exhibition period, 13 submissions were received, including 6 submissions from referral statutory authorities which offered no objection to the amendment.

A summary of submissions and Council officers' response is outlined in Appendix 1.

Two submissions requesting changes to correct anomalies are supported.

Unresolved submissions comprise:

- 4 submissions objecting to the proposed minimum lot size the 0.4 ha.
- 2 submissions requesting an extension to the settlement boundary of the township.

The *Planning and Environment Act 1987* requires all unresolved submissions be referred to an independent Panel appointed by the Minister, which will review all submissions and the overall merits of the amendment.

### Officer Recommendation

That Council having considered the submissions received to Amendment C88 to the Surf Coast Planning Scheme:

1. Request the Minister for Planning to appoint an independent Panel under Part 8 of the *Planning and Environment Act 1987*;
2. Refer all submissions to the Panel under Part 8 of the *Planning and Environment Act 1987*.

3. Make the following changes to the exhibited version of Amendment C88 to the Surf Coast Planning Scheme:
  - 3.1 Amend Planning Scheme Map 29RO by deleting 28 Aurel Road, Deans Marsh (Lots 24 and 25) from the Restructure Overlay (RO3).
  - 3.2 Amend Map 1 to Clause 21.15 Deans Marsh Framework Plan by deleting the 'Deans Marsh' wording and wetlands notation on 1381 Birregurra-Deans Marsh Road.

### **COUNCIL RESOLUTION**

#### **MOVED Cr Goldsworthy, seconded Cr Bell**

That Council having considered the submissions received to Amendment C88 to the Surf Coast Planning Scheme:

1. Request the Minister for Planning to appoint an independent Panel under Part 8 of the *Planning and Environment Act 1987*;
2. Refer all submissions to the Panel under Part 8 of the *Planning and Environment Act 1987*.
3. Make the following changes to the exhibited version of Amendment C88 to the Surf Coast Planning Scheme:
  - 3.1 Amend Planning Scheme Map 29RO by deleting 28 Aurel Road, Deans Marsh (Lots 24 and 25) from the Restructure Overlay (RO3).
  - 3.2 Amend Map 1 to Clause 21.15 Deans Marsh Framework Plan by deleting the 'Deans Marsh' wording and wetlands notation on 1381 Birregurra-Deans Marsh Road.

**CARRIED: 8:0**

## **Amendment C88 – Deans Marsh – Consideration of Submissions**

### **Report**

#### ***Background***

Amendment C88 proposes to apply a minimum subdivision lot size of 0.4 hectare to all land within Deans Marsh zoned Township Zone, and amend various provisions of the Surf Coast Planning Scheme to correct mapping anomalies affecting 36 Aurel Road and 25 Pennyroyal Valley Road, Deans Marsh.

Specifically, the amendment (as exhibited) proposes to:

- Amend Schedule 18 to the Design and Development Overlay (DDO18) by including a minimum subdivision lot size of 0.4 ha. and applying this schedule to all land zoned Township Zone within Deans Marsh.
- Delete 36 Aurel Road, Deans Marsh from the Restructure Overlay Schedule 3 (RO3) affecting Deans Marsh since this parcel of land was in separate ownership prior to the gazettal of Amendment C67.
- Replace the incorporated document 'Deans Marsh Township Restructure Plan, December 2010' with a new 'Deans Marsh Township Restructure Plan, June 2013' to delete 36 Aurel Road, Deans Marsh from the restructure plan.
- Correct a mapping anomaly affecting 25 Pennyroyal Valley Road, Deans Marsh by amending Zoning Map No. 29 to include the subject land in the Township Zone.

As a consequence of the public exhibition which occurred between 25 July 2013 and 26 August 2013, a total of 13 submissions were received, including six submissions from referral statutory authorities which offered no objection to the amendment.

Four submissions objected to the proposed minimum lot size of 0.4 ha, and two submissions requested an extension to the settlement boundary of the township.

One submission requests 28 Aurel Road, Deans Marsh (Lots 24 and 25) be deleted from the Restructure Overlay (RO3) as these lots are considered separate with two separate building permits. This submission is supported.

One submission requests Map 1 to Clause 21.15 Deans Marsh Framework Plan be amended by deleting the 'Deans Marsh' wording and wetlands notation on 1381 Birregurra-Deans Marsh Road. This submission is supported.

Pursuant to the *Planning and Environment Act 1987*, the Council is required to consider all submissions made to an amendment and must:

- change the amendment as requested by the submissions; or
- refer the submissions to an independent Panel appointed by the Minister for Planning; or
- abandon the amendment or part of the amendment.

For privacy reasons, full details of submitters cannot be included as attachments to this report. Appendix 1 contains a Table providing a summary of the submissions and Council officers' recommended response to each submission. A full copy of the submissions will be provided to Council under separate cover.

#### ***Discussion***

The key issues raised in the submissions and Council officers' responses are as follows:

##### **0.4 ha minimum subdivision lot size**

Four submissions objected to the proposed 0.4 ha minimum subdivision lot size as it will place unnecessary restrictions to Deans Marsh property owners and the community generally.

This is not supported by Council officers. The adopted Deans Marsh Structure Plan recommends 0.4 ha minimum lot size for subdivision based on the rural character considerations that would, when implemented in the planning scheme, create certainty for the sustainable subdivision of land. This minimum lot size would also ensure adequate land area for the disposal of wastewater on site.

## **Amendment C88 – Deans Marsh – Consideration of Submissions**

### Extension of the township settlement boundary

Two submissions proposed an extension to the township settlement boundary to facilitate future expansion of residential development.

This is not supported by Council officers and is considered beyond the scope of the amendment. The adopted *Deans Marsh Structure Plan 2021* identifies that there is potentially adequate vacant land within the township growth boundary to meet demand for approximately 50 years, based on a density of one dwelling per 4000sqm. An extension to the township settlement boundary to provide additional residential land is therefore not recommended at this stage.

### Deletion of 28 Aurel Road, Deans Marsh from the Restructure Overlay (RO3)

One submission requested 28 Aurel Road, Deans Marsh (Lots 24 and 25) be deleted from the Restructure Overlay (RO3) as these lots are considered separate with two separate building permits.

Council records indicate that building and septic tank permits were issued for two dwellings at 28 Aurel Road, Deans Marsh (Lots 24 and 25) in 2001 and 2011 respectively, prior to the gazettal of Amendment C67.

Amendment C67, gazetted on 19 January 2012 introduced a Restructure Overlay (RO3) over Lots 24 and 25 Aurel Road, Deans Marsh, which required that only a single dwelling is permitted and that these lots must be consolidated. This is considered an anomaly since there are two approved dwellings on the tenement with building approvals issued prior to the gazettal of C67.

This submission is supported. It is recommended that the planning scheme overlay map be amended by deleting 28 Aurel Road, Deans Marsh from the RO3. This is in addition to the deletion of 36 Aurel Road, Deans Marsh from the RO3, which formed part of the exhibited amendment documentation. Refer Appendix 2.

### Map 1 to Clause 21.15 Deans Marsh Framework Plan

One submission requests that the 'Deans Marsh' wording and wetlands notation on 1381 Birregurra-Deans Marsh Road be deleted from Map 1 to Clause 21.15 Deans Marsh Framework Plan. A site inspection undertaken during August 2013 by Council's Project Engineer indicated that this property is not covered by wetlands. Accordingly this submission is supported. Refer Appendix 3.

It is a requirement of the *Planning and Environment Act 1987* that all unresolved submissions be referred to an independent Panel appointed by the Minister for Planning which will review all submissions and the overall merit of the Amendment.

Subject to the Minister for Planning appointing a Panel to hear the submissions, the abovementioned issues, in addition to the responses provided in Appendix 1, will form the basis of Council's submission to the Panel Hearing.

### ***Financial Implications***

This project has an approved budget of \$17,000 for the 2013-14 financial year. The budget is primarily to cover the cost of any Panel required to hear unresolved submissions.

### ***Council Plan/Policy/Legal Implications***

The proposed amendment links with Theme 5: Development and Growth of the Council Plan 2013 – 2017.

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

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

### ***Risk Assessment***

There are no demonstrated risks associated with requesting a Panel to consider submissions to the amendment.

## **Amendment C88 – Deans Marsh – Consideration of Submissions**

### ***Social Considerations***

The introduction of a minimum subdivision lot size within the township should provide longer term positive social effects, through greater certainty and opportunities for sustainable development of the town.

### ***Community Engagement***

This amendment has been formally exhibited between 25 July 2013 and 26 August 2013 in accordance with the provisions of the *Planning and Environment Act 1987*.

Brochures about the amendment were sent to all owners/occupiers affected by the amendment and a notice of the amendment was published in the local newspaper (The Surf Coast Times), the Government Gazette and on Council's website.

A public information session was held during the exhibition period at the Deans Marsh Hall, Pennyroyal Valley Road, Deans Marsh on 14 August 2013.

This process provided an opportunity for full public comment.

As a consequence of the formal exhibition of the amendment and the receipt of a number of submissions which have not been resolved, referral to a Panel is required, subject to agreement by the Minister for Planning.

### ***Environmental Implications***

The amendment ensures minimal environmental impacts by specifying a minimum subdivision lot size sufficient to enable the safe disposal of wastewater on-site. Further, this outcome will reduce the adverse health impacts of on-site wastewater disposal.

### ***Communication***

All submitters will be advised of the appointment of a Panel by Planning Panels Victoria and will be afforded an opportunity to appear at the Panel Hearing.

### ***Conclusion***

Having considered all submissions, the proposed amendment has sufficient merit to proceed to a Panel to be appointed by the Minister for Planning.

It is recommended that Council request the Minister for Planning to appoint a Panel to hear all submissions made to the amendment.

**APPENDIX 1: AMENDMENT C88 - SUMMARY OF SUBMISSIONS TABLE**

Statutory authority submissions

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
S1.	Geoff Brooks Department of Environment and Primary Industry	No objection	Does not provide any comments.	<p><u>Response</u> Noted.</p> <p><u>Recommendation</u> No action required.</p>
S2.	Christine Delaney for Jozef Vass VicRoads	No objection	Does not provide any comments.	<p><u>Response</u> Noted.</p> <p><u>Recommendation</u> No action required.</p>
S3.	Peter Hamilton CFA	No objection/ comment	<p>Supports the amendment with the following comment:</p> <ul style="list-style-type: none"> <li>• CFA agrees that setting a minimum lot size of 0.4 ha to all lots within the Township Zone of Deans Marsh will assist land owners to achieve required defensible space within property boundaries.</li> </ul>	<p><u>Response</u> Noted.</p> <p><u>Recommendation</u> No action required.</p>
S4.	Vince Lopardi Southern Rural Water	No objection/ comments	<p>Supports the amendment and provides the following comments:</p> <ul style="list-style-type: none"> <li>• Since the underground water aquifer system is a significant water resource used as potable water supply, it is important that natural water resources both surface and groundwater are protected.</li> <li>• Supports proposal for a minimum subdivision lot size of 0.4ha to enhance each lot's ability to treat and retain all wastewater on-site.</li> <li>• This proposed lot size will also provide</li> </ul>	<p><u>Response</u> Noted.</p> <p><u>Recommendation</u> No action required.</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			some assurance that sewer disposal systems in the area will not adversely impact on ground water and surface water resources.	
S5.	Peter Morgan Barwon Water	No objection/ comment	Does not object to amendment and provides the following comments: <ul style="list-style-type: none"> <li>• Since there are no reticulated water and sewerage services provided to the township, Barwon Water supports the amendment to apply a minimum lot size of 0.4 ha. to all land within the Township Zone. This will ensure that adequate land is provided for disposal of effluent from on-site domestic wastewater, thus reducing the risk to the environment.</li> </ul>	<u>Response</u> Noted.  <u>Recommendation</u> No action required.
S6.	Geoff Taylor Corangamite Catchment Management Authority	No objection/ comment	Raises no objection to the amendment and provides the following comments: <ul style="list-style-type: none"> <li>• No significant surface waterways pass through the township however a significant flood floodplain exists north of the township which is caused by significant inundation of the Deans Marsh Creek.</li> <li>• The elements of the proposed amendment are unlikely to impact on the nature of flood hazard within the amendment area.</li> </ul>	<u>Response</u> Noted.  <u>Recommendation</u> No action required.

Public submissions

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
S7.		Objection	Requests 28 Aurel Road, Deans Marsh (comprising Lots 24 and 25) be deleted from the Restructure Overlay (RO3) as these lots are considered separate with two separate building permits. (A building permit was issued for dwellings on Lot 24 in 2001 and Lot 25 in 2011).	<p><u>Response</u> This submission is supported.</p> <p>Council records indicate that building and septic tank permits were issued for two dwellings at 28 Aurel Road, Deans Marsh (comprising Lots 24 and 25) in 2001 and 2011 respectively, prior to the gazettal of Amendment C67.</p> <p>Amendment C67, gazetted on 19/1/12 introduced a Restructure Overlay (RO3) over Lots 24 and 25 Aurel Road, Deans Marsh, which required that only a single dwelling is permitted and that these lots must be consolidated. This is considered an anomaly since there are two approved dwellings on the tenement with building approvals issued prior to the gazettal of C67.</p> <p><u>Recommendation</u> Update the Planning Scheme overlay map by deleting 28 Aurel Road from the Restructure Overlay (RO3).</p>
S8.		Objection	Opposes the proposed 0.4 ha minimum lot size subdivision in the Township zone on the basis that this will create unnecessary restrictions on Deans Marsh property owners and the community generally.	<p><u>Response</u> This submission is not supported.</p> <ul style="list-style-type: none"> <li>• The adopted Deans Marsh Structure Plan recommends 0.4 ha minimum lot size for subdivision based on rural character considerations that would, when implemented in the planning scheme, create certainty for the sustainable subdivision of land. This minimum lot size would also ensure adequate land area to dispose of wastewater on-site.</li> <li>• A Deans Marsh Domestic Wastewater Management Plan (DWMP) prepared in March 2012 identified Deans Marsh as having naturally poor quality soil for on-site domestic wastewater disposal. This is exacerbated by the high winter rainfall regime. The DWMP suggests a 5 bedroom dwelling would require a</li> </ul>

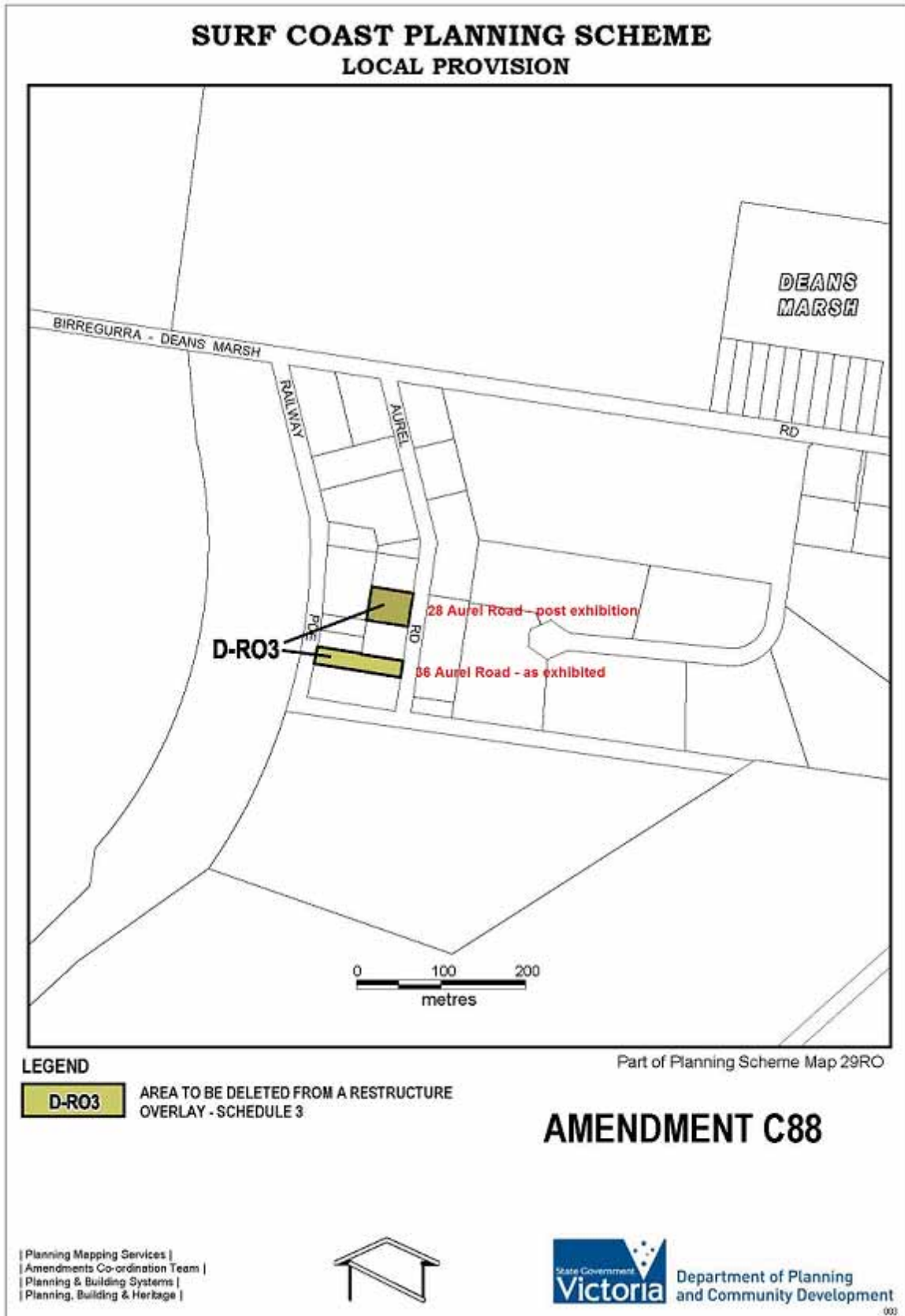


No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
				<p>minimum lot size of at least 0.2ha.</p> <ul style="list-style-type: none"> <li>One of the reasons for stipulating 0.4ha minimum lot size as a more appropriate minimum lot size than the 0.2ha suggested in the DWMP is that the DWMP assumes a standard rate for impervious development areas for each lot (i.e. the footprint of development on each lot could be larger). In addition, the DWMP assumes a maximum efficiency in the layout of effluent fields and a high level of management that wastewater systems would be properly maintained and have a monitoring program in place. To achieve sustainable wastewater management on lots of 0.2ha would require on-going control over development, such as s173 agreements to enforce building and effluent envelopes, limitations on house sizes, and requirements for waste water system maintenance, all of which create an increasing reliance on compliance monitoring and enforcement.</li> </ul> <p>It is therefore considered that 0.4 ha. is an appropriate minimum lot size for subdivision in Deans Marsh.</p> <p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>
S9.		Objection	Objects to the proposed 0.4 ha minimum subdivision in the Township zone on the basis that this will create unnecessary restrictions on Deans Marsh property owners and the community generally.	<p><u>Response</u> This submission is not supported. The adopted Deans Marsh Structure Plan recommends a 0.4 ha minimum lot size for subdivision based on the rural character and wastewater considerations. (Refer to response in S8).</p> <p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>
S10.		Objection	Objects to the proposed 0.4 ha minimum subdivision in the Township zone on the basis that this will create unnecessary restrictions on	<p><u>Response</u> This submission is not supported. The adopted Deans Marsh Structure Plan recommends 0.4 ha minimum lot size for</p>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
			Deans Marsh property owners and the community generally.	subdivision based on the rural character and wastewater considerations. (Refer to response in S8).  <u>Recommendation</u> <b>Refer submission to a Panel.</b>
S11.		Support/ objection	Supports the intent of the amendment but seeks: <ul style="list-style-type: none"> <li>• The removal of wetlands annotation in the Deans Marsh Framework Plan as this inaccurately suggests that the property at 1381 Birregurra-Deans Marsh Road is covered in wetlands.</li> <li>• The inclusion of the property adjoining the northern section of the township as a 'Special Investigation Area' to facilitate the future expansion of the township.</li> </ul>	<u>Response</u> <ul style="list-style-type: none"> <li>• The removal of the wetlands annotation located on the property at 1381 Birregurra-Deans Marsh Road in the Deans Marsh Framework Plan is supported. A site inspection undertaken during August 2013 indicated that this property is not covered by wetlands.</li> <li>• The submission to include 1381 Birregurra-Deans Marsh Road as a 'Special Investigation Area' is not supported as this is outside the scope of this Amendment. Further, the adopted Deans Marsh Structure Plan indicates that Deans Marsh has more than adequate supply of residential land to cater for housing demand to the year 2021 and beyond.</li> </ul> <u>Recommendation</u> <ul style="list-style-type: none"> <li>• Delete the annotation of wetlands from the Deans Marsh Framework Plan.</li> <li>• <b>Refer submission to a Panel.</b></li> </ul>
S12		Objection	Proposes an extension of the Township Zone to include both sides of the Winchelsea-Deans Marsh Road, from the Birregurra-Deans Marsh Road intersection back along the Winchelsea-Deans Marsh Road (towards Winchelsea ) and including inter alia the property at 2231 Winchelsea-Deans Marsh Road.	<u>Response</u> This submission is not supported since it is outside the scope of this amendment. Further, the adopted Deans Marsh Structure Plan indicates that Deans Marsh has more than adequate supply of residential land to cater for housing demand to the year 2021 and beyond.  <u>Recommendation</u> <b>Refer submission to a Panel.</b>

No.	Name Address	Submission Type (support/objection/ no objection)	Summary of submission	Council officer response and recommendation
S13		Objection	<p>Opposes the proposal to include a minimum lot size of 0.4 ha across all land zoned Township Zone based on the following reasons:</p> <ul style="list-style-type: none"> <li>• Arbitrary selection of 0.4 ha minimum lot size for subdivision.</li> <li>• Development of vacant lots on the central section of the township requires a different approach to that of the rest of the established area.</li> <li>• There are limited lots available for development within the township. Without the availability of additional lots for development, population levels will likely stagnate or decrease.</li> <li>• The DWMP prepared by Geocode recommends that a 5 bedroom house would require a minimum lot size of at least 0.2ha</li> </ul>	<p><u>Response</u> This submission is not supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• The adopted Deans Marsh Structure Plan recommends a 0.4 ha minimum lot size for subdivision based on the rural character and wastewater considerations. (Refer to response in S8.)</li> <li>• There is a need for a consistent approach to the application of the minimum lot size for the sustainable development of lots throughout Deans Marsh to ensure equity.</li> <li>• The adopted Deans Marsh Structure Plan indicates that Deans Marsh has more than adequate supply of residential land to cater for housing demand to the year 2021 and beyond.</li> <li>• A minimum subdivision lot size of 0.4 ha is considered a more appropriate minimum lot size than the 0.2ha suggested in the DWMP. (Refer to response in S8.)</li> </ul> <p><u>Recommendation</u> <b>Refer submission to a Panel.</b></p>

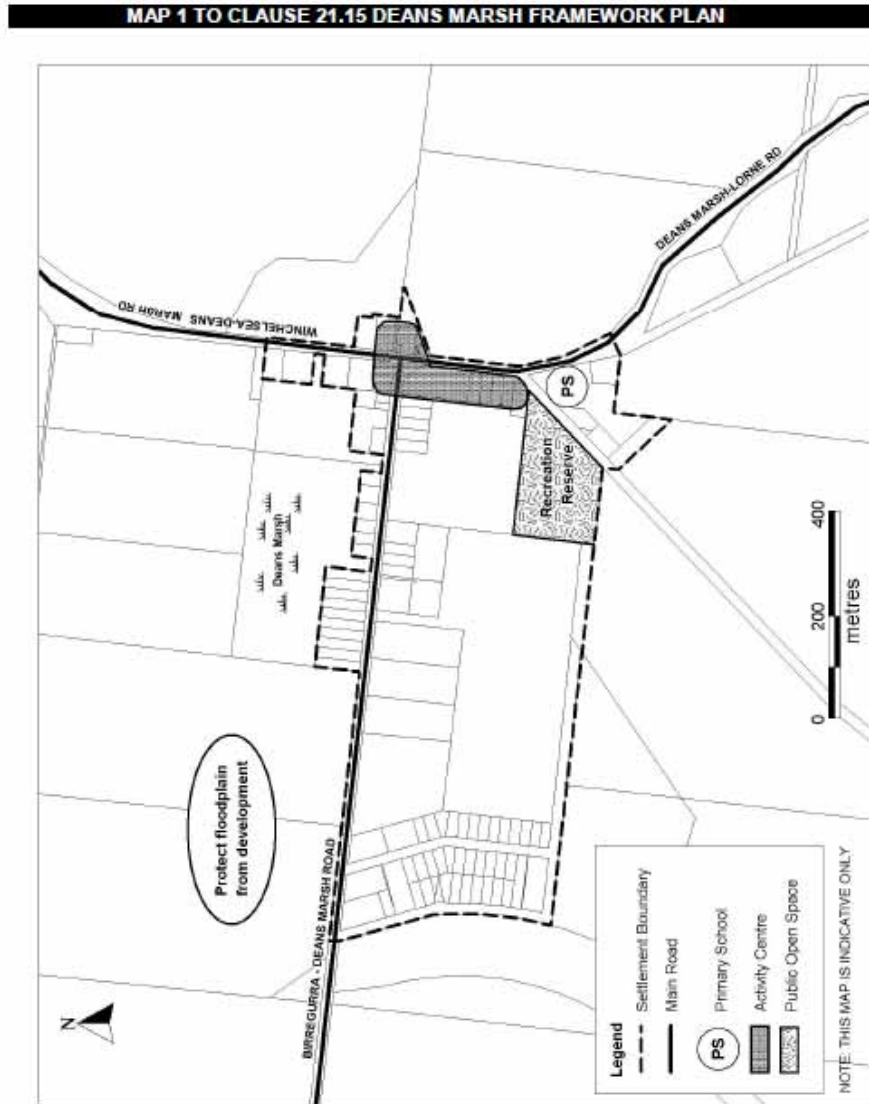
**APPENDIX 2: AMENDMENT C88 – PROPERTIES TO BE DELETED FROM THE RESTRUCTURE OVERLAY (RO3) – 36 AUREL ROAD, DEANS MARSH (AS EXHIBITED) AND 28 AUREL ROAD (LOTS 24 AND 25), DEANS MARSH (POST-EXHIBITION)**



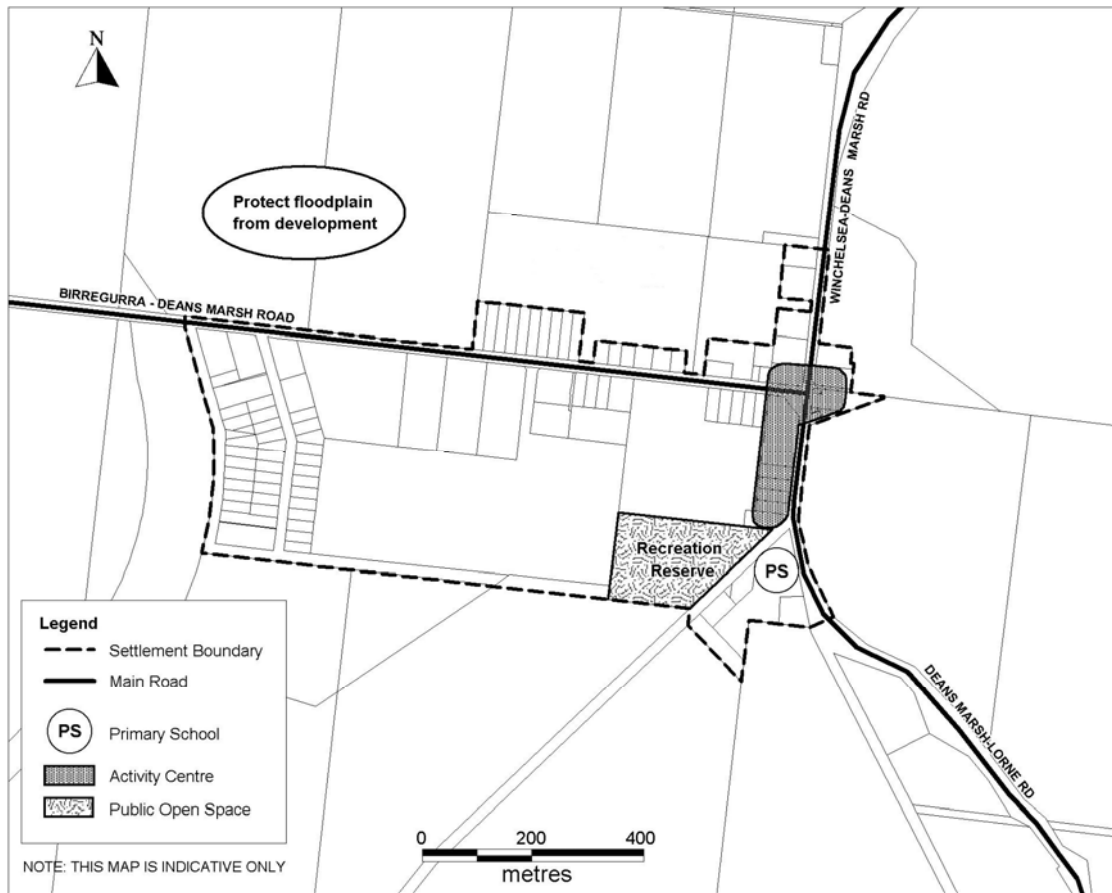
**APPENDIX 3: AMENDMENT C88 - EXISTING AND PROPOSED MAP 1 TO CLAUSE 21.15 DEANS MARSH FRAMEWORK PLAN DELETING THE 'DEANS MARSH' WORDING AND WETLANDS NOTATION ON 1381 BIRREGURRA-DEANS MARSH ROAD.**

Existing Map 1 to Clause 21.15 Deans Marsh Framework Plan

SURF COAST PLANNING SCHEME



Proposed Map 1 to Clause 21.15 Deans Marsh Framework Plan





## 2.6 Amendment C84 - 460 Grossmans Road, Bellbrae – Consideration of Amendment for Adoption

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Strategic Planning Coordinator

**Director:** Kate Sullivan

**Department:** Planning and Development

**File No:** F12/1847

**Directorate:** Planning and Environment

**Trim No:** D13/147800

**Appendix:**

1. Amendment C84 Panel Report (D13/142194)
2. Amendment C84 approval documents (showing track changes):
  - Explanatory Report D13/143609
  - Instruction Sheet D13/143610
  - Clause 21mss07\_surf D13/142182
  - Clause 21mss08\_surf D13/143606
  - Clause 32\_03s\_surf D13/142180
  - Clause 43\_04s11\_surf D13/142181
  - Surf Coast C84 001znMap19 D13/143615
  - Surf Coast C84 002dpoMap19 D13/143617

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant section S89 (2)

### Purpose

To consider the report of the Panel and adopt Amendment C84.

### Summary

Amendment C84 applies to 29 hectares of land immediately west of Kithbrooke Park on Grossmans Road, Bellbrae. The land is relatively flat and lies within the settlement boundary. As exhibited, Amendment C84 proposes to:

- Amend Clause 21.07 (Rural Residential Living) of the Municipal Strategic Statement to remove reference to this land from the “*potential future development areas*” section;
- Amend Clause 21.08 (Torquay Jan Juc Strategy) of the Municipal Strategic Statement to confirm the settlement boundary around the land on the Torquay Jan Juc Framework Map;
- Re-zone the land from the Farming Zone (FZ) to the Residential 1 Zone (R1Z); and
- Apply the Development Plan Overlay (DPO) and a new Schedule 11 to the DPO to the land.

Barwon Water required the provision of reticulated sewerage to the land. On the basis of increased development costs Council resolved to request Ministerial Authorisation to rezone the land to the Residential 1 Zone with a lot size variation between 2,500sqm – 4,000sqm administered via a Development Plan Overlay. Prior to exhibition the State Government released a revised draft set of residential zones which provided for a minimum subdivision lot size of 2,000sqm in the Low Density Residential Zone (LDRZ) if the land was connected to a reticulated sewerage system. Council resolved to support the LDRZ if the revised LDRZ was introduced in the Victoria Planning Provisions. This occurred on the day prior to the Directions Hearing. Therefore Council’s submission to the Panel was based upon the use of the LDRZ and not the R1Z.



## **Amendment C84 - 460 Grossmans Road, Bellbrae – Consideration of Amendment for Adoption**

The amendment was publically exhibited between 8 November 2012 and 10 December 2012. In total twenty eight (28) submissions were received, including five (5) submissions from referral authorities. There were four addendums to original submissions, as an opportunity was provided to respond to further information provided by the proponent.

In response to the submissions Council resolved to refer all submissions to an independent Planning Panel for consideration. The Panel heard submissions on 12 August 2013 and its report was received by Council on 11 September 2013. This report has been made available to the public.

The Panel supported the amendment with changes. The strategic basis of the amendment to rezone the land for low density residential development was supported. The changes are considered appropriate in the circumstances. It is recommended Council support the recommendations of the Planning Panel and adopt Amendment C84 with changes to the exhibited version.

### **Officer Recommendation**

That Council:

1. Subject to the satisfactory execution of a Section 173 Agreement between Clarence Keith Grossman and Heather Jane Grossman, VicRoads and Council for developer contributions, contributions to the upgrade of the Grossmans Road / Anglesea Road intersection, and having considered the Panel's report to Amendment C84 to the Surf Coast Planning Scheme adopt Amendment C84 to the Surf Coast Planning Scheme with the following changes:
  - 1.1. Substitute the Low Density Residential Zone for the Residential 1 Zone.
  - 1.2. Apply a minimum lot size of 2,500sqm to the amendment site in the schedule to the Low Density Residential Zone.
  - 1.3. Remove the eleventh dot point from sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:

*Provision of 10% public open space contribution, which must not comprise encumbered land (such as retarding basins that form part of the drainage infrastructure).*
  - 1.4. Include the following requirement for a Landscape Concept and Management Plan in sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:

*A Landscape Concept and Management Plan that includes:*

    - 1.4.1 *An 8 metre wide landscaping strip along the northern boundary of the land that is fenced at the northern boundary and forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants to provide a landscape screen to the development when viewed from the north. As such it will need to include a mixture of trees and shrubs, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959 2009 Construction of buildings in bushfire prone areas.*
    - 1.4.2 *A 5 metre wide landscaping strip along the southern boundary adjacent to the Grossmans Road reserve that forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants that will assist in enhancing and protecting significant roadside vegetation along Grossmans Road, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959 2009 Construction of buildings in bushfire prone areas.*
    - 1.4.3 *The mechanism for the initial planting and ongoing management and maintenance of the above landscaping.*
    - 1.4.4 *Proposed street planting in accordance with Council's selection criteria for street tree planting.*
    - 1.4.5 *The extensive use, where appropriate, of local indigenous plant species throughout the development site.*
  - 1.5. Remove the reference to using the drainage reserve for open space on Figure 1 (Grossmans Road West Outline Development Plan) of the Development Plan Overlay Schedule 11.
  - 1.6. Include the following requirement for the Stormwater and Drainage Management Plan in sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:

*Design based upon the principles of Water Sensitive Urban Design.*

- 1.7. Substitute the existing description of the Grossmans Road Rural Residential Precinct under Existing Rural Residential Areas in Clause 21.07-2 (Providing Rural Living and Rural Residential Development) with the following:

*Grossmans Road Rural Residential Precinct (west of Ghazeepore Road). This land comprises approximately 50 ha in area and is bounded by Grossmans Road in the south, Ghazeepore Road in the east and the ridge line to the north and west. Approval has been given to use and develop the eastern 21ha of this area for the purpose of a retirement village and associated community and recreational facilities. The western 29ha is to be used and developed for rural residential living with lots varying in area between 2,500sqm and 4,000sqm. All development within the precinct will be fully serviced including reticulated water and sewerage.*

- 1.8. Correct the settlement boundary on Map 1 to Clause 21.08 (Torquay/Jan Juc Framework Map).
2. Forward the adopted amendment to the Minister for Planning for approval.

## **COUNCIL RESOLUTION**

### **MOVED Cr Hodge, seconded Cr Nockles**

That Council:

1. Subject to the satisfactory execution of a Section 173 Agreement between Clarence Keith Grossman and Heather Jane Grossman, VicRoads and Council for developer contributions, contributions to the upgrade of the Grossmans Road / Anglesea Road intersection, and having considered the Panel's report to Amendment C84 to the Surf Coast Planning Scheme adopt Amendment C84 to the Surf Coast Planning Scheme with the following changes:
  - 1.1. Substitute the Low Density Residential Zone for the Residential 1 Zone.
  - 1.2. Apply a minimum lot size of 2,500sqm to the amendment site in the schedule to the Low Density Residential Zone.
  - 1.3. Remove the eleventh dot point from sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:

*Provision of 10% public open space contribution, which must not comprise encumbered land (such as retarding basins that form part of the drainage infrastructure).*
  - 1.4. Include the following requirement for a Landscape Concept and Management Plan in sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:

*A Landscape Concept and Management Plan that includes:*

    - 1.4.1 *An 8 metre wide landscaping strip along the northern boundary of the land that is fenced at the northern boundary and forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants to provide a landscape screen to the development when viewed from the north. As such it will need to include a mixture of trees and shrubs, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959 2009 Construction of buildings in bushfire prone areas.*
    - 1.4.2 *A 5 metre wide landscaping strip along the southern boundary adjacent to the Grossmans Road reserve that forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants that will assist in enhancing and protecting significant roadside vegetation along Grossmans Road, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959 2009 Construction of buildings in bushfire prone areas.*
    - 1.4.3 *The mechanism for the initial planting and ongoing management and maintenance of the above landscaping.*
    - 1.4.4 *Proposed street planting in accordance with Council's selection criteria for street tree planting.*
    - 1.4.5 *The extensive use, where appropriate, of local indigenous plant species throughout the development site.*
  - 1.5. Remove the reference to using the drainage reserve for open space on Figure 1 (Grossmans Road West Outline Development Plan) of the Development Plan Overlay Schedule 11.
  - 1.6. Include the following requirement for the Stormwater and Drainage Management Plan in sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:

*Design based upon the principles of Water Sensitive Urban Design.*

- 1.7. Substitute the existing description of the Grossmans Road Rural Residential Precinct under Existing Rural Residential Areas in Clause 21.07-2 (Providing Rural Living and Rural Residential Development) with the following:

*Grossmans Road Rural Residential Precinct (west of Ghazeepore Road). This land comprises approximately 50 ha in area and is bounded by Grossmans Road in the south, Ghazeepore Road in the east and the ridge line to the north and west. Approval has been given to use and develop the eastern 21ha of this area for the purpose of a retirement village and associated community and recreational facilities. The western 29ha is to be used and developed for rural residential living with lots varying in area between 2,500sqm and 4,000sqm. All development within the precinct will be fully serviced including reticulated water and sewerage.*

- 1.8. Correct the settlement boundary on Map 1 to Clause 21.08 (Torquay/Jan Juc Framework Map).
2. Forward the adopted amendment to the Minister for Planning for approval.

**CARRIED: 8:0**

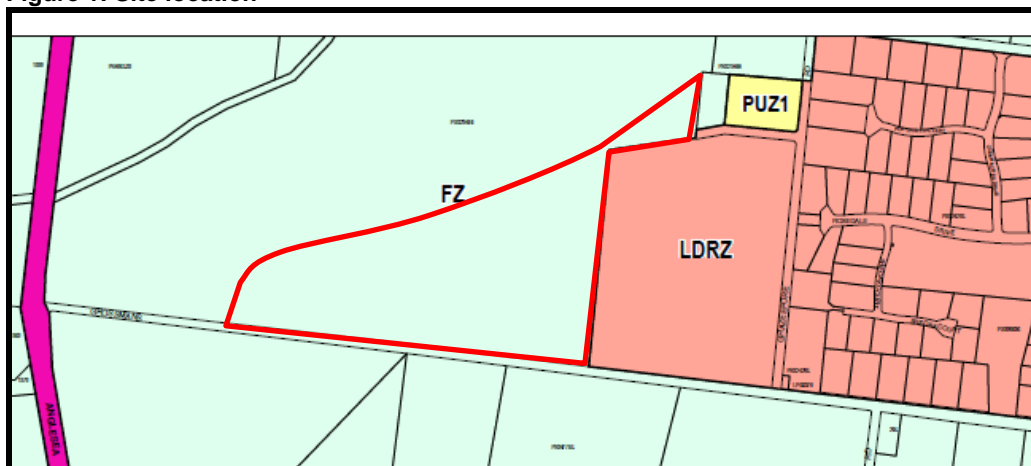
## Amendment C84 - 460 Grossmans Road, Bellbrae – Consideration of Amendment for Adoption

### Report

#### Background

In 2011, St Quentin Consulting (the proponent) lodged a planning scheme amendment request to rezone approximately 29 hectares at part 460 Grossmans Road, Bellbrae (Figure 1). The original request was to rezone the land to the Low Density Residential Zone (LDRZ). In considering this initial request in December 2011, Council resolved to seek Ministerial Authorisation conditional on the land being connected to reticulated sewer based on advice from Barwon Water that this would be a mandatory requirement.

Figure 1: Site location



Consequently the proponent modified the amendment request to seek rezoning of the land from the Farming Zone to the Residential 1 Zone (R1Z), rather than the LDRZ, to provide lots ranging from 2,500sqm to 4,000sqm, and apply a Development Plan Overlay. The yield increase (from 50 lots to 73 lots) was sought to offset the costs of sewer provision. The lot sizes proposed were still considered to be low density in nature compared to 300 to 700sqm lots that would normally be associated with sewered land. As this was a significant change to the amendment request, this was reported back to Council in September 2012 where Council resolved to seek ministerial authorisation to prepare the amendment, seeking the R1Z, and exhibit it for one month.

As a consequence of the formal exhibition of Amendment C84, a total of 28 submissions were received. Five of these were late submissions (including two from referral authorities) and accepted under delegation pursuant to section 22(2) of the *Planning and Environment Act 1987*. The main issues/themes were:

- Support for the Amendment.
  - Objections based upon:
    - Lot sizes are inconsistent with previous strategic work for Torquay Jan Juc.
    - The zone is inconsistent with previous strategic work for Torquay Jan Juc.
    - The development will exacerbate safety concerns at the Grossmans Road/Anglesea Road intersection.
    - Grossmans Road cannot accommodate the traffic that will be generated by this proposal.
    - The development of the land will result in off-site drainage issues and negatively affect water quality in Deep Creek.
    - Potential for further subdivision of the land under the Residential 1 Zone.
    - The development of land will result in the devaluation of other adjoining land.
    - The Amendment will set a precedent for further development in Spring Creek.
    - The 8 metre wide landscaping strip on the north side is insufficient to screen the development
- Amenity impacts arising from the pedestrian link and its connection through Kithbrooke Park.

## **Amendment C84 - 460 Grossmans Road, Bellbrae – Consideration of Amendment for Adoption**

Council resolved at its meeting of 23 April 2013:

3. Having considered submissions received to Amendment C84 to the Surf Coast Planning Scheme, resolve to:
  - 1.1 request the Minister for Planning to appoint an Independent Panel under Part 8 of the *Planning and Environment Act 1987*;
  - 1.2 refer all submissions (No.s 1 to 28) to the Panel under Part 8 of the *Planning and Environment Act 1987*.
4. Resolve to make the following change to the exhibited version of Amendment C84 to the Surf Coast Planning Scheme:
  - 2.1 Amend the DPO11 to include reference to the Water Sensitive Urban Design (WSUD) principles under the heading *Stormwater and Drainage Management Plan*.
3. Request the proponent to enter into a Section 173 Agreement prior to the adoption of Amendment C84 by Council to provide for developer contributions, contributions to the upgrade of the Grossmans Road / Anglesea Road intersection, and to prohibit the re-subdivision of any lots created by the subdivision of the land for residential purposes. The latter point will not apply if the independent Planning Panel supports the use of the amended Low Density Residential Zone for the site.

### **Discussion**

A single day Panel Hearing was held on 12 August 2013. Parties to the hearing comprised Surf Coast Shire, the President and Secretary of the Bellbrae Residents Association, and Kings Lawyers representing Mr Michael Grossman.

The Panel report was received on 11 September 2013. The Panel generally support the amendment and has recommended that the amendment be adopted in a modified form, primarily as exhibited.

The Panel found:

- The rezoning of the subject land to allow development as shown in the Concept Plan which forms part of DPO11 is entirely consistent with previous and present Council strategic plans for the Torquay/Jan Juc settlement.
- The inclusion of the land in the LDRZ as opposed to the R1Z better reflects those strategic intentions and that as a consequence the rezoning is strategically justified.
- The use of a DPO, in addition to the inclusion of the land in the LDRZ, is an appropriate control regime under which future development can be managed.
- The minimum lot size of 2500sqm is appropriate as it has been the nominated lot size restriction since the early days of the preparation of the amendment.
- The use of the 8 metre wide landscape area will assist in screening the development of the land from north of the ridgeline.
- The tripartite agreement between the proponent, Council and VicRoads to fund the works necessary to address the sight line deficiencies at the intersection of Anglesea Road and Grossmans Road will be a benefit to the broader community.
- Issues related to stormwater and drainage can be adequately addressed by the requirements for a Stormwater and Drainage Management Plan under the provisions of DPO11.
- Development of the subject land as provided for by the recommended LDRZ and DPO11 will not cause detriment to the amenity of Kithbrooke Park and its residents.

The Panel's recommended changes, and Council Officers assessment is provided below:

1. *Substitute the Low Density Residential Zone for the Residential 1 Zone.*

This is consistent with the Council resolution to support the use of the revised Low Density Residential Zone to provide for lots less than 4,000sqm if it was available.  
It is recommended Council support this Panel recommendation.

2. *Apply a minimum lot size of 2,500sqm to the amendment site in the schedule to the Low Density Residential Zone.*

### **Amendment C84 - 460 Grossmans Road, Bellbrae – Consideration of Amendment for Adoption**

This is consistent with the Council resolution to support a minimum lot size in the revised LDRZ schedule of 2,500sqm. At the hearing the proponent argued for a more flexible approach to a potential lot size minimum of 2,000sqm (and a greater yield).

This was resisted by Council and the Panel ultimately found this request as being opportunistic and at odds to lot size minimum (2,500sqm) that was part of the amendment request once reticulated sewerage was a mandatory requirement.

It is recommended Council support this Panel recommendation.

3. *Remove the eleventh dot point from sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:*

*Provision of 10% public open space contribution, which must not comprise encumbered land (such as retarding basins that form part of the drainage infrastructure).*

At the time the amendment was prepared Amendment C57 (which implemented the Torquay Jan Juc Development Contributions Plan TJJDCP) had not been approved. Amendment C57 was approved on 1 August 2013 and introduced a public open space contribution of 10%. Given this, the deletion of this part of the DPO schedule is appropriate.

It is recommended Council support this Panel recommendation.

4. *Include the following requirement for a Landscape Concept and Management Plan in sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:*

*A Landscape Concept and Management Plan that includes:*

- An 8 metre wide landscaping strip along the northern boundary of the land that is fenced at the northern boundary and forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants to provide a landscape screen to the development when viewed from the north. As such it will need to include a mixture of trees and shrubs, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959 2009 Construction of buildings in bushfire prone areas.*
- A 5 metre wide landscaping strip along the southern boundary adjacent to the Grossmans Road reserve that forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants that will assist in enhancing and protecting significant roadside vegetation along Grossmans Road, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959 2009 Construction of buildings in bushfire prone areas.*
- The mechanism for the initial planting and ongoing management and maintenance of the above landscaping.*
- Proposed street planting in accordance with Council's selection criteria for street tree planting.*
- The extensive use, where appropriate, of local indigenous plant species throughout the development site.*

The intent of the 8 metre wide landscape strip at the sites northern boundary was to screen development from view outside (or north of) the settlement boundary. The was supported by the Panel however in discussion at the hearing the Panel was concerned with how the landscaping was going to be planned for and by what planning mechanism it would be implemented. The Panel requested Council provide some text after the hearing and be distributed to all parties for the new Landscape Concept and Management Plan requirement for the DPO schedule. The Panel has supported this wording.

It is recommended Council support this Panel recommendation.

5. *Remove the reference to using the drainage reserve for open space on Figure 1 (Grossmans Road West Outline Development Plan) of the Development Plan Overlay Schedule 11.*

Council made this request at the hearing as it pre-empts the location of a drainage reserve on the land before the master planning of the site has been completed and it is inconsistent with Council open space policy of not providing open space on encumbered land (ie drainage retardation basin).

It is recommended Council support this Panel recommendation.

## **Amendment C84 - 460 Grossmans Road, Bellbrae – Consideration of Amendment for Adoption**

6. *Include the following requirement for the Stormwater and Drainage Management Plan in sub clause 2.0 (Requirements for development plan) in the Development Plan Overlay Schedule 11:*
- *Design based upon the principles of Water Sensitive Urban Design.*

This is consistent with Council's resolution on submission to the amendment from April 2013.  
It is recommended Council support this Panel recommendation.

7. *Substitute the existing description of the Grossmans Road Rural Residential Precinct under Existing Rural Residential Areas in Clause 21.07-2 (Providing Rural Living and Rural Residential Development) with the following:*

*Grossmans Road Rural Residential Precinct (west of Ghazeepore Road). This land comprises approximately 50ha in area and is bounded by Grossmans Road in the south, Ghazeepore Road in the east and the ridge line to the north and west. Approval has been given to use and develop the eastern 21ha of this area for the purpose of a retirement village and associated community and recreational facilities. The western 29ha is to be used and developed for rural residential living with lots varying in area between 2,500sqm and 4,000sqm. All development within the precinct will be fully serviced including reticulated water and sewerage.*

This recommendation updates the rural residential provisions of the MSS that affect the land. The existing provisions refer only to Kithbrooke Park in this area and it is appropriate this clause now refers to development opportunities under this amendment.

It is recommended Council support this Panel recommendation.

8. *Correct the settlement boundary on Map 1 to Clause 21.08 (Torquay/Jan Juc Framework Map).*

The slight change to the Torquay Jan Juc Framework Plan to amend the settlement boundary used a superseded base plan. The last change to the Framework Plan occurred when Amendment C37 was approved in 2010. This had the effect retaining a superseded alignment of the settlement boundary north of Coombes Road.

It is recommended Council support this Panel recommendation.

Council has a number of options in considering its response to the Panel's recommendations. These are:

- Support the amendment and adopt the recommendations of the Panel;
- Support the amendment and vary from the recommendations of the Panel; and
- Not support the amendment and abandon it.

This report recommends Council support all the recommendations of the Panel.

### Section 173 Agreement

At its meeting of 23 April 2013, Council resolved to request the proponent to enter into a Section 173 Agreement, prior to its adoption of the amendment, to provide for developer contributions, contributions to the upgrade of the intersection of Grossmans Road with Anglesea Road and to prohibit the re-subdivision of any lots created by the subdivision of the land for residential purposes. This latter point, related to the subdivision of lots, would not apply in the event that the Panel recommends the application of the revised LDRZ for the land.

A draft Section 173 Agreement was included with the exhibition documents and while the Agreement does not form part of the amendment it provides a clear indication of Council's resolve to ensure that the land's ultimate development will make appropriate contributions to development and community infrastructure.

The Section 173 Agreement is between the proponent, Council and VicRoads and requires the proponent to pay to Council an amount per residential lot as a contribution towards development infrastructure including roads, community facility land, open space works and pathways and a further amount per lot towards community infrastructure including community facilities and open space works. In addition, the Agreement will require a three-way funding arrangement towards the upgrading of the Anglesea Road/Grossmans Road intersection. In this regard the proponent will contribute by the provision of both land and costs. Both VicRoads and the proponent have confirmed in writing that they agree in principle to the arrangements set out in the draft Agreement.

## **Amendment C84 - 460 Grossmans Road, Bellbrae – Consideration of Amendment for Adoption**

The Panel is of the opinion that the tripartite agreement between the proponent, Council and VicRoads to fund the works necessary to address the sight line deficiencies at the intersection of Anglesea Road and Grossmans Road will be a benefit to the broader community. While this agreement does not form part of the amendment, it is Council's resolution that adoption of the amendment is dependent upon the execution of the 173 Agreement.

The 173 Agreement was forwarded to the proponent for signing on 17 September 2013. At the time of writing this report the signed documents had not yet been returned to Council.

### **Financial Implications**

The amendment is being processed as a privately funded planning scheme amendment (Where the proponent covers the costs of the amendment) and therefore there will be no cost to Council in continuing to process the amendment.

### **Council Plan/Policy/Legal Implications**

The amendment links with the Growth and Development theme in the Council Plan 2013-2017. The Surf Coast Planning Scheme and *Sustainable Futures Plan Torquay Jan Juc 2040* nominate the subject land for low density development.

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

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

### **Risk Assessment**

The amendment has been independently reviewed by Panel which concluded it was strategically justified and recommended some minor changes. If Council rejects the Panel recommendations and abandons the amendment then this position needs to be justified in writing the Minister for Planning.

### **Social Considerations**

The amendment is expected to have a positive social impact. It proposes low density residential development in an area where Council policy promotes it.

### **Community Engagement**

The amendment is consistent with the direction set for the land by the *Torquay and Jan Juc Structure Plan 2007* and the *Sustainable Futures Plan Torquay Jan Juc 2040 Plan*. There was wide community consultation undertaken during the preparation of both of these plans.

This amendment was formally exhibited between 8 November 2012 and 10 December 2012 in accordance with the provisions of the *Planning and Environment Act 1987*.

Letters were sent to 434 owners/occupiers affected by the amendment and notice of the amendment was published in local newspapers (The Echo, Surf Coast Times), the Government Gazette and on Council's website.

This process provided an opportunity for full public comment and has attracted 28 submissions. Nineteen (19) of these submissions objected to the amendment. Some of these submitters elected not to attend the Panel Hearing. The Panel heard from other submitters and has recommended the amendment be approved with changes.

### **Environmental Implications**

The vegetation assessment and cultural heritage assessment have not identified any impediments to the amendment. Remnant vegetation on site can be retained and considered in future subdivision design and roadside vegetation is only impacted by the two vehicles accesses which are located to minimise impact.

### **Communication**

All submitters were provided with the opportunity to present at the Panel Hearing. Council has released the Panel Report publically. Submitters will be notified in writing and minutes will appear on Council's website of Council's decision to either adopt the Amendment with changes or abandon the Amendment.



**Amendment C84 - 460 Grossmans Road, Bellbrae – Consideration of Amendment for Adoption**

***Conclusion***

The Panel has concluded the rezoning of the land for low density residential purposes was strategically justified and recommended a number of minor changes to the exhibited amendment. Having considered the Panel recommendations, it is recommended Amendment C84 be adopted.

**APPENDIX 1: AMENDMENT C84 PANEL REPORT 11 SEPTEMBER 2013**

## **APPENDIX 2: APPROVAL DOCUMENTS**

- Explanatory Report
- Instruction Sheet
- Clause 21mss07\_surf
- Clause 21mss08\_surf
- Clause 32\_03s\_surf
- Clause 43\_04s11\_surf
- Surf Coast C84 001znMap19
- Surf Coast C84 002dpoMap19

### 3. Community

#### 3.1 Great Ocean Road Closure Guidelines

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Manager Leisure and Wellbeing

**Director:** Chris Pike

**Department:** Leisure and Wellbeing

**File No:** F12/2189

**Directorate:** Community

**Trim No:** D13/148400

**Appendix:**

1. Revised Community Feedback re Great Ocean Road Closure Guidelines
2. Great Ocean Road Closure Guidelines 2014

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant section S89 (2)

#### **Purpose**

To endorse the Great Ocean Road Closure Guidelines 2014.

#### **Summary**

The Guidelines were developed in a direct response to the amount of event organisers contacting both Colac Otway and Surf Coast Shires regarding road closure. These requests have been increasing and approximately three years ago, guidelines for road closure of Great Ocean Road were produced. With the increasing number of event requests, it is appropriate to review these guidelines again in collaboration with VicRoads, Surf Coast and Colac Otway Shires and Victoria Police.

It is also important that each respective Council is aware of these guidelines and that they are endorsed by Council when complete.

#### **Officer Recommendation**

That Council endorse the Great Ocean Road Closure Guidelines 2014.

#### **COUNCIL RESOLUTION**

##### **MOVED Cr Goldsworthy, seconded Cr Smith**

That Council endorse the Great Ocean Road Closure Guidelines 2014.

**CARRIED: 8:0**

## **Great Ocean Road Closure Guidelines**

### **Report**

#### ***Background***

The original guidelines for Great Ocean Road Closure were developed as a direct response to the amount of event organisers contacting both Colac Otway and Surf Coast Shires around road closure and the community impact that this has on resident and visitor populations. It is now timely to review these guidelines.

#### ***Discussion***

The number of events and the community impact for Great Ocean Road Closure is becoming an increasing concern for local communities. The original guidelines were developed to assist both Shires in managing the level of requests and responding to community concerns associated with this closure. As a National icon, the Great Ocean Road holds significant interest for events given its beauty and complexity and event organisers see the road as a coup for delivering an event in such surroundings.

Whilst the Great Ocean Road is the responsibility of VicRoads, there are obvious implications for the Surf Coast community who reside and visit the coast. A number of events such as the Amy Gran Fondo straddle both Surf Coast and Colac Otway Shires and therefore any agreement that is sought should consider the two Shires who deal with community impacts.

An extensive community engagement process has been held with affected communities and is described under the section Community Engagement. Overall, the local communities across Surf Coast and Colac Otway Shire are satisfied with the revised guidelines and have had ample input into this document.

The current draft guidelines provide for:

- 2 x one day events may be permitted and restricted to 1 May to 31 October (excluding School Holidays and Public Holidays).
- Every six years, further closure permit may be issued to accommodate the Great Victorian Bike Ride which in 2013 will occur from 23<sup>rd</sup> November to 1 December. The Great Victorian Bike Ride will visit the township of Torquay on Saturday 30<sup>th</sup> November and Surf Coast Shire officers are currently liaising with the event organisers for this event to occur in accordance with our Events Policy.

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

Financial impacts are managed within existing Council budgets.

#### ***Council Plan/Policy/Legal Implications***

There are a number of objectives within our Council plan whereby the review of the Great Ocean Road Closure Guidelines meet Council's objectives. These are:

Theme 5: Development and Growth

5.3.5 – Improve promotion of all community events and festivals across the Shire

5.3.5 – Maximise the benefits of all events for community and business

5.3.6 – Encourage collaboration with all tourism associations /operators to develop off-season tourism opportunities.

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

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

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

There are no immediate risks associated with the guidelines review and it is important in planning ahead for events that a considered and appropriate view is shared amongst all stakeholders. It is intended that the Guidelines operate from 2012 to 2015 with a further review during 2015.

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

Major events such as cycling events contribute to local communities, however, road closures are disruptions to service and vehicle /pedestrian movement. The local communities are not keen for too many road closures that have this kind of impact, therefore balancing event demand with local interests is important.

## **Great Ocean Road Closure Guidelines**

### ***Community Engagement***

The level and scope of community engagement activities for the Guidelines review has included:

#### **Stage One- Engage the Community**

- 6 Kitchen table discussions in each town (August-October 2012)  
Including Colac Otway Shire towns and hamlets
- Round table with event organisers and GOT

#### **Stage Two- Review the Guidelines**

- An online survey was developed for all communities to enter their feedback on the guidelines
- These community suggestions were discussed and revised by the Steering Group (October –November 2012)
- During this process some Colac Otway Shire residents wrote a submission objecting to the guidelines
- Vic Roads took legal counsel to review their concerns.
- The guidelines went on hold until presented to the Minister of Roads.
- Minister approved the revised guidelines early 2013 and we commenced the community engagement

#### **Stage Three- Display draft guidelines**

- The steering group met several times to discuss and edit the guidelines taking time to balance the event organisers, the process and frequency of closing the road and, the social and economic benefits to the communities involved.
- The steering group kept in close contact with the concerned residents from Wye River and invited them to present their concerns at a meeting in Lorne.
- Colac Otway Shire also held a community meeting with a wider group in Wye River.
- An additional survey was created and placed online to seek further feedback from the communities about the new proposed guidelines.
- The new feedback was taken back to the steering group and we now have the final draft copy to be presented to Council for each Shire.
- Once approved the new guidelines will be on display to the community for 6 weeks

#### **Stage Four- Endorse the Guidelines**

- Formal process and final changes will be made by legal teams then release of the guidelines (November 2013)

Please note these guidelines are just a high level overview and each Council has a more detailed event management procedure documented for event organisers to use as a detailed guide.

### ***Environmental Implications***

Community concerns about the environment in particular waste management have been addressed in the new guidelines with possible environmental bond.

### ***Communication***

- Online and offline tools were used to communicate this process.
- Development of a brochure which was distributed to letter boxes in each town
- Colac Otway Shire did a mail out with their rates notice
- All websites in the Steering Group hosted the online surveys
- Public notices in the local papers were used to notify residents about the kitchen table discussions

### ***Conclusion***

The Great Ocean Road Closure Guidelines have been reviewed with a robust community engagement process. Whilst the review has taken some time, it has been done with the intention of greater understanding of major events for our local communities and assists Council in determining the level of tolerance when events require road closures.

**APPENDIX 1: Revised Community Feedback re Great Ocean Road Closure Guidelines**

Community Feedback	Changes in the Guidelines	Comments
The New Guidelines	Event organisers will have a 3 year option to hold their event and will include an annual review.	The guidelines will be effective from 2014. Any event application will now go through the bidding process.
No more than 2 events per year in the low season.	The guidelines will stipulate that only two events per year will be accepted during the low season for full road closures.	This will be reviewed again in 2017.
Clarity around The Great Vic Bike Ride	This is not one of the two events as it runs outside of the low season once every 6 years.	This event is an exception and will operate outside of the low season, once every 6 years.
Event organisers to have an independent assessment	Events will be provided with approval for a 3 year period. Event organisers must undertake an independent assessment of their event which will which will be required to demonstrate the overall benefits to affected communities.	Councils are investigating the options of independent assessments and establishing criterion that more clearly demonstrate the benefits of an event to local communities.
Environmental Bond	Each Council will consider an environmental bond to minimise the impact on the environment and the community.	Both Councils and Vic Roads will make the decision annually on implementing a bond based on the performance of the event organiser.
Event organisers must include an environment plan	A risk assessment will need to be included in the application and be in accordance with the AS-NZS 4360-2004 standard.	Additional to these guidelines each Council has a robust event application process. The risk assessment will be detailed within these applications.

<p>Road closure cannot be more than one day</p>	<p>We will now minimise the road closure to 8 hours with rolling opening times to minimise disruptions to the community.</p> <p>Times will be staged in sections and sections clearly advertised.</p>	<p>A maximum of eight hours with a preference to establish a rolling road closure or staged opening times to minimise barriers to travel for affected residents and businesses. Event organisers will be expected to strictly monitor and enforce road closure times.</p>
<p>Social and Economic Benefits must be clear</p>	<p>Event organisers will need to ensure that both the economic and social benefits deliver to the communities involved in the events. These benefits will be clarified by the Independent Assessment.</p>	<p>Event organisers will be engaging with the communities involved and submit a well-developed communications plan to each Council.</p> <p>Council are establishing criterion that more clearly demonstrate the benefits of an event to the local community.</p>
<p>Communication lead time needs to be longer</p>	<p>All communities will be notified within 6 months of an event road closure.</p>	<p>Event organisers will need to submit their communication and media plans along with their applications.</p>
<p>Competitive Bidding Process</p>	<p>All applications will be required to submit via our new formal competitive event bid process 18 months prior to their proposed event date.</p>	<p>The bidding process will be for ALL events that want to close the road in the low season.</p>



## APPENDIX 2: Great Ocean Road Closure Guidelines 2014



### Guidelines for considering the closure of the Great Ocean Road to conduct events

#### Background

The Great Ocean Road is one of Victoria's principal tourist routes and one of the world's most famous coastal drives. While principally a tourist road, it provides an equally important role in providing access for residents and business within the coastal towns and villages that about it.

Given the roads iconic nature, events on the Great Ocean Road attract large numbers of participants, bringing with it an economic benefit to the region, particularly during the off peak tourist season.

Unregulated closures of the Great Ocean Road, for the purposes of conducting events, will impact on the access and mobility of residents and the region's ability to attract tourists, resulting in adverse flow on effects to communities and business.

VicRoads, Victoria Police, Municipalities and the community recognise that whilst major events provide economic and tourism benefits to the region, a balance must be struck to maintain access and mobility for these communities.

The objective of these guidelines is to provide a framework and a consistency in the approach for considering requests for the closure of the Great Ocean Road for the purpose of conducting events that impact upon both municipalities of Surf Coast and Colac Otway Shires through the closure of the Great Ocean Road.

These guidelines have been developed in collaboration with VicRoads, Surf Coast Shire, Colac Otway Shire and Victoria Police, incorporating extensive consultation with the affected communities along the Great Ocean Road.

#### Definitions

##### Great Ocean Road

For the purpose of these Guidelines the Great Ocean Road shall be considered as the section of road between the two townships of Anglesea & Apollo Bay (from O'Donohue Road, Anglesea to Cawood St, Apollo Bay).

##### Event

The types of events covered by this Guideline include; triathlons, fun runs, marathons, community sporting events, cycling, motoring and other events.

Road works are not classified as events for the purpose of this document. An event is one that is classified to operate during day time hours, (maximum of 8 hours) during the low season, May 1- 31 October.

##### Closure

Where public traffic is restricted from travelling in one or both directions of the Great Ocean Road for a duration of greater than 20 minutes.

##### Note:

- Closure does not include hold and release type management.
- Closures in townships where a reasonable detour is available will not be classified as closures for the purpose of this document.
- One day is defined as no greater than 8 hours.

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<u>Inland Route</u>	Roads providing a connection between the Princes Highway and the Great Ocean Road.
<u>Steering Committee</u>	Organisations represented on the steering committee; VicRoads, Surf Coast Shire, Colac Otway Shire and Victoria Police. VicRoads is the secretariat of the Steering Committee.
<u>Low Season</u>	For the purposes of this document, the low season is defined between the dates of 1 May and 31 October.
<u>Yearly</u>	Calendar year not financial year.

### **Approval Authority**

Within the meaning of the Road Management Act 2004, VicRoads is the Responsible Road Authority for the Great Ocean Road and in accordance with the Road Safety Act 1986 Section 99B, has authorising powers to issue a permit for the closure of the Great Ocean Road for a non-road activity.

Victoria Police provide permission for an event to be held on a road in accordance with the Road Safety (Traffic Management) Regulations 2009. (Part 3 – Activities on Roads)

Closures will only be approved with the agreement of the Steering Committee.

### **Municipal Event Policies**

These guidelines are to be used in conjunction with existing municipal event policies. Suitability of events should be considered by both municipalities in accordance with their own existing Event Policies/Strategic Plans.

In assessing events, impacts on neighbouring municipalities should be considered and appropriate community and stakeholder engagement undertaken.

Contact either Surf Coast Shire 03 5261 0600 or Colac Otway Shire 5232 9400 to determine the co-ordinating municipality.

### **Number of events permitted yearly**

The number of events permitted to conduct a closure of the Great Ocean Road shall be no greater than two per year and must be in the low season.

In the context of these guidelines any request to conduct an additional event would be considered as an exception.

Every six years an additional permit may be issued to accommodate the Great Victorian Bike Ride outside of the low season.

### **Duration of events**

The duration of a closure of the Great Ocean Road for an event shall be limited to no greater than 8 hours in one day with rolling opening times strongly encouraged to minimise community disruptions. Times will be staged and sections clearly advertised.

Events with a closure duration of greater than one day will not be considered.

### **Event Bid Process**

The Steering Committee will consider interest from suitable event organisers to conduct events on the Great Ocean Road. The method for selecting events will be via a formal competitive bid process.

The Steering Committee appreciates the significant workload involved in preparing and running an event for the first time, and the length of time to develop sustainable events. Due to this, events proposed to run on an annual basis will be considered more favourably.

The Steering Committee will consider providing in-principle support to events for up to a three year period. Event organisers will be required to submit bids based on a set of criteria including but not limited to:

- Regional and local benefits (as per Benefits section)
- Proven event organisation experience.
- Financial capacity and event sustainability.

Whilst in-principle support may be provided for a three year period, event support will be reviewed on an annual basis to ensure events adhere to the application process and benefits detailed in their submission.

### **Low Season Event Timing May 1 – October 31**

Closures are to be restricted to the low season between 1 May and 31 October. Support for events in the low season is a key element of the relevant State Government Departments.

Events will not be considered that involve closures of the Great Ocean Road during school holidays, public holidays or long weekends.

The duration of closures should be kept to a minimum and conducted at times that minimise their impact on traffic.

### **Road Closures**

Each event is to be considered on an individual basis in relation to the location of closures on the Great Ocean Road and any other closures on the wider network related to the event (eg: inland routes). The closure of inland routes should be avoided where ever possible or co-ordinated in such a way to minimise any adverse impacts. Events that minimise closures, particularly in regard to inland routes, will be considered more favourably.

### **Type of Event**

The types of events to be considered as warranting closure of the Great Ocean Road shall be limited to events of International, National or State significance where coverage of the event and participation is available to a wider audience, and must be able to demonstrate significant benefits to the local communities.

The event must demonstrate a capacity to support, enhance and reflect community values including health and well-being and State and Local Government policies.

Events that allow the general public to access and participate in the event will be considered more favourably than closed or restricted events that do not allow this participation.

However, events able to generate a wider community participation and ancillary participation outside of the direct event shall not preclude the event from being considered.

### **Approval Lead Time**

The Steering Committee shall establish a calendar of approved events for an 18 month rolling period on the Great Ocean Road – based on the competitive bid process.

Event proposals are required to take into consideration enough lead time to provide consultation and approvals for events.

### **Event Benefits**

It is acknowledged that some events may impose inconvenience in local access to the community. Documentation shall be provided to the Steering Committee from the applicant via the coordinating municipality to enable an assessment of the benefits and the impacts flowing from the Event. The Steering Committee will review the balance of the impacts/benefits in relation to State and Local Government policies regarding:

**Social:** Community identity and pride can be generated through tourism. A positive sense of community identity can be reinforced and tourism can encourage local communities to maintain their traditions and identity. Events can bring communities together, provide opportunities to fundraise and facilitate community strengthening activities. Events promote a region's liveability. Events can in some instances contribute financially to local infrastructure improvements. However, events that impact on access can have detrimental social impacts. Event organisers will need to consider and provide evidence of how their event provides social returns that outweigh social impacts.

**Economic:** Major events stimulate business and create jobs. Increased spending in the community generated from visitors or tourism businesses can directly and indirectly promote the viability of local businesses.

Tourism operators can play a role in highlighting the broad prosperity that tourism can bring to a community and will contribute to a greater understanding and respect for the value of tourism.

Events bring many visitors to our region, which is particularly important in the low season. An important aspect of major events utilising the Great Ocean Road is that they create awareness of the region and encourage repeat visitation.

The closure of the Great Ocean Road can impact on local business trade. Event organisers will need to identify how local businesses can receive benefits from the event and provide evidence that the benefits to the area outweigh the impacts.

**Environmental:** benefits may include providing financial or in-kind support for the conservation of the local environment and natural resources will enhance the reputation of any tourism business. Tourism, particularly ecotourism, can place a greater focus on the conservation of natural resources through the recognition of their importance to visitor experiences and their economic value to the local community.

The overall benefits to the affected communities must be demonstrated via an independent assessment. The event organiser will need to provide the independent assessment prior to approval. Each Council will provide a list of preferred suppliers. For the event to be considered, the benefits of both municipalities must be demonstrated in the event proposal.

### **Risk Management and Agency/Community Capacity**

A risk assessment must be undertaken in accordance with ISO 31000:2009, and provided as part of the Event Application. This risk assessment must include a risk matrix covering all likely issues.

Each municipality's Event Policies/Strategic Plan requirements need to be considered.

An evaluation must be undertaken to ascertain the ability and level of support available from the agencies for the event. It must also identify the impacts on the local community should the event require the use of local essential services.

The event should aim to be self-sufficient and demonstrate no impact on existing local services that cannot be managed (eg: medical, logistical, infrastructure, crowd management, traffic management, emergency management, access etc.). This must also be considered by the event applicant as a part of the Event Application.

### **Environmental Impact**

An assessment of the environmental impact the event will have on the local environment must be considered and included with the submission of the Event Application.

The co-ordinating Road Authority or Municipality may impose a bond in accordance with Section 99B of the Road Safety Act (1986) or through municipal event plans to recover costs involved in cleaning up after an event where this hasn't been carried out appropriately by the organiser.

Each municipality may introduce an event bond to ensure the environmental impacts are minimised by each event. (Refer to the Shire Event Policy and Event Management Plan for further details).

## **Communication Plan**

Following in principle approval, a draft communication plan for notification of traffic disruption on the Great Ocean Road will need to be developed and approved by the Steering Committee 6 months prior to the proposed Event date.

The draft communication plan will outline the process that will be undertaken to consult with all affected communities.

Event organisers are to coordinate a pre event community meeting and a debrief post event in the township most affected by the road closure as agreed by the Steering Committee. Municipalities are able to assist with database information. Event organisers will cover the costs of facility hire and other associated costs. Event organisers must liaise with the Steering Committee to structure the format of both meetings.

Typical expectations for additional community consultation include information mail outs and community signage and other promotional information such as media articles, letters, posters, and associated websites.

## **Event Debrief**

Where an event is approved and completed, an independent assessment will be carried out every year of the impacts/benefits to the broader community of the event and its outcomes shall be undertaken with a summary provided to the Steering Committee within 3 months following the event at a Debrief Meeting.

If an event organiser wishes to run an event on an annual basis, any matters raised in the Event Debrief must be included in the Risk Management Plan and mitigated appropriately. If this is not completed to the satisfaction of the Steering Committee, the in principle agreement to the Event shall be revoked.

## **Confidentiality**

Until such time as in principle approval is formally provided, the Event Application or the Event shall remain confidential.

## **Review**

These guidelines will be reviewed by the Steering Committee in 2018.

### 3.2 G21 Region Health and Wellbeing Plan 2013-2017

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Manager Aged and Family Services

**Director:** Chris Pike

**Department:** Aged and Family Services

**File No:** F12/1750

**Directorate:** Community

**Trim No:** D13/148075

**Appendix:**

1. G21 Health and Wellbeing Plan 2013-2017 (final draft) (D13/144836)

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant sectionS89 (2)

#### Purpose

To endorse the G21 Regional Health and Wellbeing Plan 2013-2017.

#### Summary

In May 2012 the CEOs of the five municipalities in the G21 region agreed to adopt a collaborative and region wide Municipal Health and Wellbeing Planning (MPHWP) approach to be coordinated through G21. The five Municipalities jointly contributed \$60,000 to fund the project. In addition, the Victorian Department of Health has also contributed \$60,000 because the project is an innovative approach to regional health and wellbeing planning.

The development of a regional level health and wellbeing strategy aims to address a relatively small number of agreed priority issues that are common for the five Municipalities.

The regional strategy will identify high-level strategic actions arising from the five MPHWP's that can be jointly implemented and evaluated. It will link to other completed or potential plans addressing region wide issues such as regional growth, public transport and physical activity.

The identified themes for the Regional Plan are:

- Physical Activity
- Social Inclusion and Community Connectedness
- Evidence based planning and practice

The adoption of a common methodology for developing the MPHWP's, as well as the subsequent development of the regional plan, will strengthen the on-going effort to address some of the more complex and entrenched issues underlying public health and wellbeing across the region. This will enhance Councils' ability to partner with service providers, other sectors and government departments to maximise effort and resources.

#### Officer Recommendation

That Council endorse the G21 Regional Health and Wellbeing Plan 2013-2017.

#### COUNCIL RESOLUTION

##### MOVED Cr Wellington, seconded Cr Fisher

That Council endorse the G21 Regional Health and Wellbeing Plan 2013-2017.

**CARRIED: 8:0**

## **G21 Region Health and Wellbeing Plan 2013-2017**

### **Report**

#### ***Background***

In May 2012 the CEOs of the five municipalities in the G21 region agreed to adopt a collaborative and region wide MPHWP approach to be coordinated through G21. The five Municipalities jointly contributed \$60,000 to fund the project. In addition, the Victorian Department of Health has also contributed \$60,000 because the project is an innovative approach to regional health and wellbeing planning.

Following a tender process Anne Somerville from The Drawing Board, in partnership with Professor Steve Allender from Deakin University, were appointed to conduct the project. In December 2012 a project management group, and a steering group representing the five councils, Department of Health and Barwon Medicare Local, was established to guide the project. The project will conclude in October 2013 in sufficient time for Council to lodge their renewed MPHWP with the Minister for Health as required under the Act.

#### ***Discussion***

The development of a regional level health and wellbeing strategy aims to address a relatively small number of agreed priority issues that are common for the five Municipalities and will be supported by the local MPHWP

The regional strategy will identify high-level strategic action arising from the five MPHWPs that can be jointly implemented and evaluated. It will link to other completed or potential plans addressing region wide issues such as regional growth, public transport and physical activity.

The identified themes for the Regional Plan are;

- Physical Activity
- Social Inclusion and Community Connectedness
- Evidence based planning and practice

All Councils have previously had experience with the 'Environments for Health' framework to guide MPHWP development. This framework was introduced in 2001 and evaluated in 2006. It was based on research evidence that community health and wellbeing is shaped by a range of factors that exist in social, economic, natural and built environments. It identifies the critical planning and policy development service and activity delivery and advocacy roles Councils hold and the significant impact these have on community health.

The 'Environments for Health' framework has been found to have changed the way local government thinks about health and the partnerships needed to effectively work on complex and inter-related issues in local places. Having effective health and wellbeing outcomes for communities requires aligning organisational capability with the expanded scope of public health and wellbeing.

Given this context, the regional approach provides the following benefits to the five participating Councils and the regional community:

- Extend evidence based planning by supporting councils to consider the impact that life stage, gender, culture, disability, GLBTI and Indigenous status has on health and wellbeing experiences and outcomes in local communities within the region;
- Establish a continuous improvement lens for Councils to identify whether their responses to local or regional health and wellbeing issues are good, better or best on a continuum of practice and how they might shift practices and outcomes to the next level;
- Bring local and regional partners together in a joint planning exercise to address the complexities of the health and wellbeing system collaboratively; and
- Provide each Council with resources, professional development and training to re-orient planning and service delivery in a more coordinated and integrated manner.

The adoption of a common methodology for developing the MPHWPs, as well as the subsequent development of the regional plan, will strengthen the on-going effort to address some of the more complex and entrenched issues underlying public health & wellbeing across the region. This will enhance councils' ability to partner with service providers, other sectors and government departments to maximise effort and resources.

## **G21 Region Health and Wellbeing Plan 2013-2017**

### ***Financial Implications***

There is no on-going funding identified to support the implementation phase of the Regional Strategy over the next four year period.

G21 will identify available resources for implementation of the Regional Plan and advocate or seek funds to implement emerging priority projects. An additional \$30,000 has been allocated through the Department of Health Regional Office across the Barwon South West Region for a support strategy.

### ***Council Plan/Policy/Legal Implications***

All Victorian councils are required to prepare a Municipal Public Health & Wellbeing Plan for 2013-2017. The G21 Health & Wellbeing Plan provides a Regional Health & Wellbeing Strategy to support the individual plans with the five G21 Regional Alliance councils: City of Greater Geelong, Borough of Queenscliffe, and the Shires of Colac Otway, Golden Plains and Surf Coast.

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

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

### ***Risk Assessment***

The Municipal Health and Wellbeing Plan is a statutory requirement under the Victorian Public Health and Wellbeing Act 2008. The G21 Regional Health and Wellbeing Plan supports the delivery of the local MHWP through activity that aims to achieve broader improvement of health and wellbeing outcomes across all participating Councils.

### ***Social Considerations***

The implementation of the G21 Regional Health and Wellbeing Plan will support the creation of environments that support the health of members of the broader regional community and strengthens the capacity of the community and individuals the achieve better health.

### ***Community Engagement***

There have been a number of community engagement processes implemented to inform the development of the Regional Plan.

Community engagement activities include;

- Development of a project website creating a centralised point for relevant Council and regional documents, such as the last MPHWP, project frequently asked questions and project updates.
- Key Stakeholder consultation forum and a regional stakeholder forum organised through G21;
- Cross promotion and advertising of stakeholder consultations via Council and G21 websites, networks and newsletters; and
- Individualised interviews with key local stakeholders to inform priority actions.

### ***Environmental Implications***

The plan contains initiatives that potentially benefit the natural environment and promote community health and wellbeing under broad areas of sustainability, environment, climate change and emergency management.

### ***Communication***

The final Regional Health and Wellbeing Plan will be placed on the Council website and intranet alongside the Surf Coast Municipal Health and Wellbeing Plan. A communication plan will also be developed.

### ***Conclusion***

The development of the G21 Regional Health and Wellbeing Plan 2013-2017 has been a collaborative project involving many key stakeholders, organisations and community. The strategy outlines key priorities and actions that aim to promote and increase the Health and Wellbeing of communities and individuals across the region.



**APPENDIX 1: G21 HEALTH AND WELLBING PLAN 2013-2017 (FINAL DRAFT)**

### 3.3 Price Street Precinct – Concept Plan

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Manager Leisure and Wellbeing

**Department:** Leisure and Wellbeing

**Directorate:** Community

**Director:** Chris Pike

**File No:** F10/94

**Trim No:** D13/148413

**Appendix:**

1. Price Street Precinct Concept Plan

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant sectionS89 (2)

#### Purpose

To adopt the Price Street Precinct Concept Plan as developed in consultation with the key stakeholders of the Precinct.

#### Summary

The user groups and interests of Price Street Precinct include the Spring Creek Community House, Torquay Men's Shed, Torquay Seniors Centre and user groups from the former Police Station known as TOPS – Torquay Historical Society, Torquay Theatre Troupe and SCEG (Surf Coast Energy Group).

A number of groups have been advocating for more infrastructure to be built at the site, however, without any clear plan (landscape plan), officers were reluctant to go ahead and approve such plans without having a total picture of the entire Precinct.

This concept plan has been developed with support provided by Insight Leisure Planning and provides an outline of infrastructure requirements and priorities.

#### Officer Recommendation

That Council:

1. Adopt the Price Street Concept Plan.
2. Refer the implementation of the recommendations to Council's Annual Budget process.

#### COUNCIL RESOLUTION

**MOVED Cr Bell, seconded Cr Fisher**

That Council:

1. Adopt the Price Street Concept Plan.
2. Refer the implementation of the recommendations to Council's Annual Budget process.

**CARRIED: 8:0**

## **Price Street Precinct – Concept Plan**

### **Report**

#### ***Background***

The Price Street Precinct is an active community hub comprising of a number of community groups. The anchor group is the Community House and Seniors Centre and over a number of years, Council has funded a range of developments and improvements. Since the inclusion of the Torquay Men's Shed, however, a number of groups have raised concerns about additional infrastructure that meet their growing requirements and needs. The Price Street Concept Plan provides the template for future development and an outline of approximate costs. It is noted, however, that Council is not the sole funder for these projects as the various groups have provided funding of their own to proceed with these requests.

#### ***Discussion***

The user groups and interests of Price Street Precinct include the Spring Creek Community House, Torquay Men's Shed, Torquay Seniors Centre and user groups from the former Police Station known as TOPS – Torquay Historical Society, Torquay Theatre Troupe and SCEG (Surf Coast Energy Group).

A number of groups have been advocating for more infrastructure to be built at the site, however, without any clear plan (landscape plan), officers were reluctant to agree to specific infrastructure requirements without having a total picture of the Precinct of the entire site.

This concept Plan has been developed with support provided by Insight Leisure Planning and provides an outline of infrastructure requirements and priorities.

One of the reasons for the concept plan was to ensure a high level template for future growth and needs and to engage all stakeholders. The Master plan reflects a realistic vision for the site, ensures agreement between the stakeholders on the implementation of the Master plan and provides a long term master plan for the Precinct which can be used to guide our future capital works and fundraising initiatives.

One of the different and exciting elements of this plan includes the concept of an edible garden as part of the proposed landscaping within the Precinct, and which can be used as a future model for community precinct inspiration. This concept has been heavily supported and activated by our Environment team and genuinely transforms the site into a concept that aligns with Council's commitment on environmental principles.

The indicative costs and implementation plan is provided on the last page of the document. There are number items that the groups themselves can provide funding for; however, Council staff should be engaged to oversee the works, ensuring OH & S and any risk matters.

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

The financial plan provides for short, medium and long term priorities, which will be considered via Council's Annual Budget process.

#### ***Council Plan/Policy/Legal Implications***

This plan meets a number of Council's key objectives as outlined in the Council plan including:

##### **Under Infrastructure**

- 4.1.1 – Identification of service needs for each community on a place based approach.
- 4.2 - Accessible and well maintained Council facilities

##### **Under Communities**

- 3.3.4 Support established Community Houses and Men's Sheds
- 3.3.5 Support volunteers
- 3.4.2 Encourage community participation in relevant activities

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

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

## **Price Street Precinct – Concept Plan**

### ***Risk Assessment***

An overall risk assessment has not been conducted as part of this Master plan, however, risk assessments will be undertaken for various components of the Precinct plan as it is adopted and funded. Whilst there is no planning permit requirements, permits will need to be issued for all buildings and works.

### ***Social Considerations***

The plan has been developed in accordance with the needs and requests by all community groups who use the Precinct.

### ***Community Engagement***

Consultation has been carried out with representatives from each community group and the user groups themselves have “signed off” on the Plan.

### ***Environmental Implications***

A key component of the Master plan is building in environmental principles such as the edible garden which has a healthy environment component to the overall Plan.

### ***Communication***

Once Council has adopted the Plan, officers will communicate back to the key stakeholders who have been actively involved in the Master plan and commence an action plan around the implementation.

### ***Conclusion***

The Price Street Precinct Concept Plan provides a future direction for the site that has agreement by all key groups who use the site. It also prioritises activities from the plan so that each group is aware of the needs and requests. Additional infrastructure requests will be need to be reviewed as part of Council’s own capital works program and as such further work will be required to actively scope these components that are required.

**APPENDIX 1: PRICE STREET PRECINCT CONCEPT PLAN**



## Price Street Precinct Concept Plan



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## 1. Background

The Price Street Precinct, Torquay, incorporates the following Community Services and Buildings:

- Spring Creek Community House.
- Torquay Senior Citizens Centre.
- Old Torquay Police Station known as “TOPS” including: Torquay Historical Society, Torquay Theatre Troupe and Surf Coast Energy Group.
- Torquay Men’s Shed.

The buildings within the Precinct are owned by Surf Coast Shire, however, each group works independently servicing their members and their own diverse communities. Surf Coast Shire has a range of agreements in place that support these community enterprises.

The existing facilities and services offered within the Precinct are well used by the community. However as usage grows, a range of spatial, functionality and shared-use issues have become increasingly evident, including traffic management, circulation, storage and overall amenity of the Precinct.

There is potential that demand for additional buildings or service areas within the Precinct may adversely impact on the spatial requirements of other users.

### Project Aim

The aim of this planning exercise is therefore to identify a shared vision for the functional layout of the site which allows each group to continue to operate independently whilst continuing to service the needs of existing user groups.

### Project Objectives

The primary objectives for the project include:

- Agree on a master plan for the Precinct that caters for all user groups and reflects a realistic vision for the site.
- Identify and agree on the priorities for implementation of the master plan.
- Provide a long-term master plan for the Precinct that can be used to guide future capital works and fundraising initiatives.

### Project Scope

The project scope is limited to the external environment and grounds surrounding the existing buildings. The master plan does not consider the building form, internal design, layout or functionality of existing buildings. The existing Precinct is shown in the image below.





**Image: Community Precinct (14-18 Price Street, Torquay)**

### **Planning Process**

Individual groups within the precinct, specifically the Men's Shed and Torquay Seniors Citizens Centre, have previously approached Council with plans (and funding) to install additional shedding/storage on-site.

Council therefore facilitated several meetings with Precinct users to explore issues, aspirations, needs and future requirements for the site. *Insight Leisure Planning* (ILP) was subsequently appointed to assist with the development of an agreed master plan for the Precinct.

ILP then facilitated a further two meetings with the stakeholder reference group (i.e. representatives from each existing user group) to confirm user requirements and undertake a detailed site inspection and briefing. An initial draft master plan concept was presented to the group at the second meeting prior to development of this report and plan.

## 2. Precinct Vision

Based on discussions with existing user groups and Surf Coast Shire staff, the vision for the Precinct master plan can be described as follows:

*Reinforce the Price Street Precinct as a vibrant, dynamic and integrated community service hub servicing the needs of the Torquay and Surf Coast community.*

The vision is to be achieved through a combination of:

- Landscape enhancements.
- Functionality improvements, in particular traffic access, circulation, parking and safety.
- Precinct integration through greater consistency in surface treatments, signage/branding, landscaping and public art.

## 3. Stakeholder Needs

Based on the reference group meetings and detailed site inspection/briefing, the main requests from existing user groups for improvement of the Precinct (relevant to the scope of this project) are summarised below.

### Senior Citizens:

- Establish designated disabled parking bays with appropriate signage.
- Provide space for Ambulance parking/access with appropriate signage.
- Establish an undercover/enclosed parking area for the Seniors Bus (i.e. garage).
- Provide disabled access to the rear of the building (i.e. link to the existing access ramp).
- Hard-seal (i.e. asphalt) the driveway, road, car parking and service areas around the property.

### Spring Creek Community House:

- Establish an outdoor area with BBQ and/or Pizza Oven.
- Hard-seal (i.e. asphalt) the driveway, road, car parking and service areas around the property.

### Torquay Community Men's Shed:

- Establish an area (outside the Men's Shed) for metal working and welding.
- Improve capacity for storage at the rear of the existing Men's Shed.
- Hard-seal (i.e. asphalt) the driveway, road, car parking and service areas around the property.

### Surf Coast Energy Group:

- Improve precinct signage (i.e. listing who is there, directing to appropriate building and identifying 'what's on').
- Sculpture or other art work to attract people into the precinct.

### Torquay and District Historical Society:

- Access to additional storage space.
- A space to show their old movie collection.
- Space to locate their old "bathing box".

### Torquay Theatre Troupe:

- Access to additional storage space.
- Sealed and covered external area for set construction.
- Hard-seal (i.e. asphalt) the driveway, road, car parking and service areas around the property.

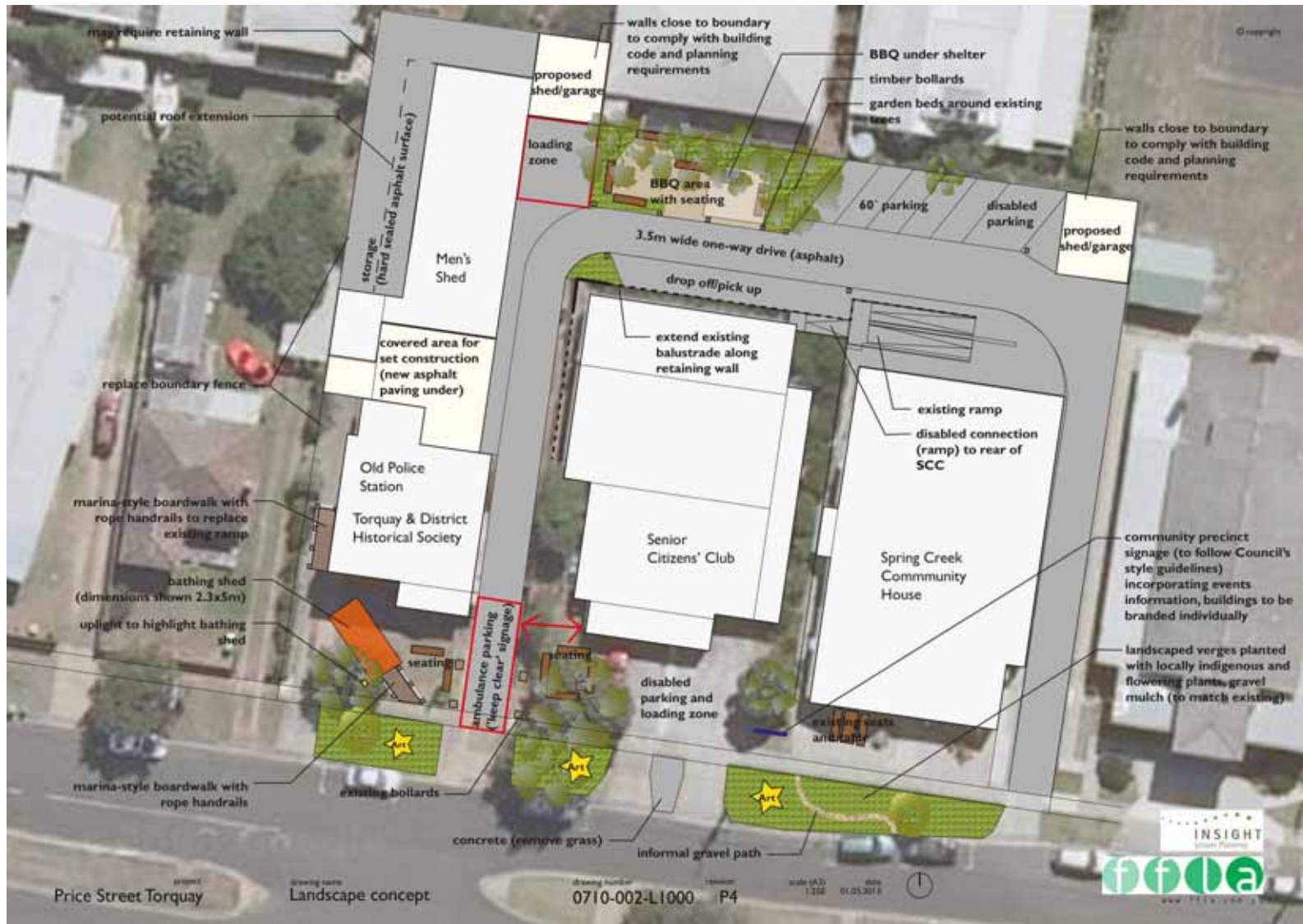
#### **4. Illustrated Concept Plan**

The illustrated concept plan on the next page highlights the key changes that are required to address the Precinct vision and identified needs of each group.

#### **5. Agreed Priorities**

Consultation with the reference group confirmed general agreement with the following broad priorities for implementation.

- i. Hard-seal (i.e. asphalt) the driveway, road, car parking and service areas around the Precinct.
- ii. Formalise car parking at the rear of the Precinct.
- iii. Install proposed two new garages/sheds (i.e. for Men's Shed and Senior Citizen's Bus).
- iv. Extend/join the access ramp to the rear of the Senior Citizen's.
- v. Construct the covered area at the rear of the Old Police Station to service the theatre group as an outdoor set construction area.
- vi. Establish the outdoor BBQ, shelter and seating area at the rear of the property.
- vii. Upgrade/replace landscaping, seating and install new (consistent) signage along the front of the Precinct (including individual buildings).
- viii. Install/reconstruct the Bathing Box (consider opportunities for housing historical interpretive information).
- ix. Replace the existing ramp to the Old Police Station with a new ramp in keeping with the proposed marina-style boardwalk leading to the Bathing Box.
- x. Install public art along the front of the Precinct (installations to be determined).
- xi. Upgrade lighting to the front of the Precinct (ensuing illumination of signage, access paths, bathing box and possibly public art installations).
- xii. Replace the side property boundary fence on the east side of the Precinct (i.e. adjacent to the Old Police Station).



## 6. Indicative Costs & Implementation Plan

The total indicative costs to implement all actions is \$293,000.00.

There is capacity to stage selected improvement initiatives having regard to agreed priorities and logical packaging of required works. Possible staging has been identified as either short, medium or long-term priorities. Individual actions are outlined in the indicative *Implementation Plan* outlined below.

Ref #	Item	Indicative Cost	Priority
1	Asphalt paving / hard seal:		
	• Approx. 900m2 @\$100 per m2 plus \$5k drainage.	\$95,000	Short
	• Car park line marking and wheel stops.	\$5,000	Short
2	Timber handrail along retaining wall Approx. 50 lin/m @\$60 per lin/m.	\$3,000	Short
3	2x double garage/shed (colourbond):		
	• Supply (including fire rated rear and side walls).	\$15,000	Short
	• Install.	\$10,000	Short
4	Ramp connection to rear of Seniors (allowance).	\$5,000	Short
<b>Subtotal: Short-term priority:</b>		<b>\$133,000</b>	
5	Roof shelter to set construction area (design and construct allowance).	\$30,000	Medium
6	BBQ area (excluding seating and garden beds):		
	• Shelter.	\$15,000	Medium
	• BBQ.	\$5,000	Medium
	• Concrete paving - Approx. 65m2 @\$80pm2.	\$5,200	Medium
	• Bollards (timber) @\$100 ea. supply and install.	\$800	Medium
7	Precinct signage x1, individual building branding x3.	\$10,000	Medium
8	Seating 12 seats x \$2k each.	\$24,000	Medium
9	Garden beds Approx. 80m2 @\$50pm2.	\$4,000	Medium
<b>Subtotal: Medium-term priority:</b>		<b>\$94,000</b>	
10	Remove 'garden bed' on nature strip in front of Seniors and replace with concrete cross over.	\$1,500	Long
11	Traffic signage (e.g. 'Keep clear' for ambulance zone, disabled parking etc).	\$500	Long
12	Install/reconstruct the Bathing Box (consider opportunities for housing historical interpretive information). Allowance.	\$10,000	Long
13	Boardwalk Marina-style with rope handrail (1 to Old Police Station, 1 to bathing shed). Allowance.	\$6,000	Long
14	Public Art (allowance).	\$30,000	Long
15	Lighting allowance.	\$15,000	Long
16	Replace boundary fence.	\$3,000	Long
<b>Subtotal: Long-term priority:</b>		<b>\$66,000</b>	
<b>Grand total:</b>		<b>\$293,000</b>	

## 7. Future Planning

It is acknowledged that additional planning may be required in order to fully realise the master plan vision for the Precinct, including:

- Detailed Designs and Construction Drawings:
  - Selected elements of the master plan concept may require more detailed designs and construction drawings prior to implementation (e.g. asphalt paving, roof shelter, retaining walls, new garages etc).
- Bathing Box:
  - Greater consideration needs to be given to the role, function, size and desired outcomes from reconstruction of the Bathing Box, including possible use as a facility to house historic interpretive information. Clarification of the size and role of the building may influence final design options, including access arrangements.
- Community Art:
  - Council's Public Arts Officer may need to engage further with key stakeholders, local community and artists to interpret and define possible art installation themes that help brand and identify the Precinct.

## 8. Conclusion

Implementation of the Precinct master plan will address known stakeholder needs and aspirations as well as contribute to the overall vision for the area to function, integrate and appeal as an active community hub servicing the Torquay and Surf Coast community.

#### 4. Infrastructure

##### 4.1 Pearse Road, Aireys Inlet – Declaration of Special Charge Scheme for road construction

EMT Report                       Council Briefing                       Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Special Projects Engineer

**Department:** Engineering Services

**Directorate:** Infrastructure

**Director:** Sunil Bhalla

**File No:** F12/1049

**Trim No:** D13/139254

**Appendix:**

1. Schedules A-F (from 23 July 2013 Council Minutes)
2. Copy of letter to affected owners (D13/125219)
3. Summary of submissions received and proposed responses (Confidential) (D13/139550)

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

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

Yes                       No

**Reason:** Select Conflict of Interest

**Status:**

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

Yes                       No

**Reason:** Select relevant section S89 (2)

#### **Purpose**

To declare a Special Charge Scheme for the construction of Pearse Road, Aireys Inlet.

#### **Summary**

Pearse Road is a gravel road providing principal access to residential properties north of the Great Ocean Road. Residents of Panorama Drive and Kurrajong Avenue also use the street for vehicular and pedestrian access.

At its July 2013 meeting, Council resolved to give notice of “its intention to declare” a Special Charge Scheme to raise 2/3 of the estimated cost of the proposed Pearse Road construction from 76 owners of property identified as benefiting from the proposed works.

All affected owners were notified of Council’s resolution. Details of the project and proposed Scheme were also published in the 30 July 2013 Surf Coast Times.

Submissions have been received from owners of thirty four affected properties and the Aireys Inlet Country Fire Authority. Twenty five properties, including the CFA, support proceeding with the project and nine offer conditional support or are opposed. Two owners made verbal representations in support of their submissions at Council’s hearing of submissions on 17 September 2013.

Any property owner affected by Council’s final decision can refer the matter to VCAT for review.

If the project proceeds, it will be necessary for Council to allocate \$75,948 to the project in recognition of the benefit the wider community would receive.

#### **Officer Recommendation:**

That Council:

1. Having considered the submissions received, declare a Special Charge Scheme in accordance with Sections 163 of the Local Government Act 1989:
  - 1.1 The Special Charge is declared for the purpose of defraying part of the estimated \$223,220 to be incurred by Council in relation to the construction of Pearse Road. Council considers that the works will be of special benefit to those persons required to pay the Special Charge.

- 1.2 The Special Charge is declared for a period of four years, commencing upon completion of the works.
  - 1.3 The Special Charge is declared for all seventy five properties described in Column A of Schedule D of Appendix 1 and shown on the attached plan (Schedule B of Appendix 1).
  - 1.4 A Benefit Ratio of 0.79 calculated in accordance with Section 163 (2A) of the Act, is considered to reflect the special benefits to the properties in the Scheme. A proposed Council contribution of an additional \$29,072 reduces the effective percentage of the total project cost to 66%.
  - 1.5 The Scheme costs are apportioned on the basis that each property will receive all weather access and dust and noise will be reduced. The apportionment of the Special Charge reflects the relative benefits derived from improvement to both property access and amenity.
  - 1.6 The Special Charge so declared will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) and 163 (5) of the Act.
2. Having regard to the preceding parts of this resolution but subject to Section 166 (1) of the Act, record that:
- 2.1 The owners of the properties listed in Column A of Schedule D of Appendix 1 are estimated to be liable for the respective amounts as set out in Column E of the Schedule D of Appendix 1; and
  - 2.2 Such owners may, subject to any further resolution of Council, pay the Special Charge in the following manner:
    - 2.2.1 The Charge shall become due and payable within 1 month of the issue of an invoice requesting payment pursuant to Section 167 (3) of the Act and may be paid in sixteen quarterly instalments from that date. Property owners contributing more than \$5,000 may repay the Charge over forty quarterly payments.
    - 2.2.2 If payments are made by instalments, interest will be charged on the outstanding balance owing to Council. The interest rate charged will be the borrowing rate applicable at the time of declaration plus 1% administrative charge.
    - 2.2.3 In accordance with Section 172 of the Act, the rate of interest payable on the Special Charge which has not been paid by the specific date as set out by Council shall be the rate fixed under the Penalty Interest Rate Act.

## **COUNCIL RESOLUTION**

### **MOVED Cr Smith, seconded Cr Fisher**

That Council:

1. Having considered the submissions received, declare a Special Charge Scheme in accordance with Sections 163 of the Local Government Act 1989:
  - 1.1 The Special Charge is declared for the purpose of defraying part of the estimated \$223,220 to be incurred by Council in relation to the construction of Pearse Road. Council considers that the works will be of special benefit to those persons required to pay the Special Charge.
  - 1.2 The Special Charge is declared for a period of four years, commencing upon completion of the works.
  - 1.3 The Special Charge is declared for all seventy five properties described in Column A of Schedule D of Appendix 1 and shown on the attached plan (Schedule B of Appendix 1).
  - 1.4 A Benefit Ratio of 0.79 calculated in accordance with Section 163 (2A) of the Act, is considered to reflect the special benefits to the properties in the Scheme. A proposed Council contribution of an additional \$29,072 reduces the effective percentage of the total project cost to 66%.



- 1.5 The Scheme costs are apportioned on the basis that each property will receive all weather access and dust and noise will be reduced. The apportionment of the Special Charge reflects the relative benefits derived from improvement to both property access and amenity.
- 1.6 The Special Charge so declared will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) and 163 (5) of the Act.
2. Having regard to the preceding parts of this resolution but subject to Section 166 (1) of the Act, record that:
  - 2.1 The owners of the properties listed in Column A of Schedule D of Appendix 1 are estimated to be liable for the respective amounts as set out in Column E of the Schedule D of Appendix 1; and
  - 2.2 Such owners may, subject to any further resolution of Council, pay the Special Charge in the following manner:
    - 2.2.1 The Charge shall become due and payable within 1 month of the issue of an invoice requesting payment pursuant to Section 167 (3) of the Act and may be paid in sixteen quarterly instalments from that date. Property owners contributing more than \$5,000 may repay the Charge over forty quarterly payments.
    - 2.2.2 If payments are made by instalments, interest will be charged on the outstanding balance owing to Council. The interest rate charged will be the borrowing rate applicable at the time of declaration plus 1% administrative charge.
    - 2.2.3 In accordance with Section 172 of the Act, the rate of interest payable on the Special Charge which has not been paid by the specific date as set out by Council shall be the rate fixed under the Penalty Interest Rate Act.

**CARRIED: 8:0**

## **Pearse Road, Aireys Inlet – Declaration of Special Charge Scheme for road construction**

### **Report**

#### ***Background***

In 2012 Council proposed the construction of roads, drainage and pathways within an area of Aireys Inlet designated as Precinct 2. This project included construction of Pearse Road between the Great Ocean Road and Aireys St. In May 2012, following consideration of public submissions, Council resolved not to proceed with any works within Precinct 2.

In February 2013 Council received a petition from two Pearse Road property owners requesting that Council investigate the construction and sealing of Pearse Road, as a stand-alone project and Council resolved to “commence investigations regarding construction of Pearse Road...”

At its meeting on 23 July 2013 Council considered feedback from forty two of the affected properties, and amended the scope and cost apportionment before declaring “its intention” to construct and seal a section of Pearse Road Aireys Inlet; with some funding raised through a Special Charge Scheme. Following the Council resolution, all property owners affected by the Special Charge Scheme were advised and invited to make submissions in accordance with Section 223 of the Local Government Act. A Public Notice was also published on 30<sup>th</sup> July 2013.

Thirty five submissions have been received. 26 properties including the local CFA are fully supportive and nine are opposed to one or more aspects of the Scheme.

#### ***Discussion***

##### **Existing Conditions**

Pearse Road provides vehicular and pedestrian access for over 120 residential properties and the Aireys Inlet CFA Station. The existing gravel road pavement varies in width from 7.5 m near the Great Ocean Road to 4.5 m north of Aireys Street. Stormwater from the uphill properties runs into open table drains which convey the water along the road edge to the rudimentary underground drainage system. North of Bree Court the table drains are either inadequate in size or so substantial that they prevent parking and present a potential risk to pedestrians. Some of the existing driveway crossings are inadequate to manage the stormwater.

The traffic volume varies significantly according to the season. A January 2013 survey in Pearse Road, north of the Great Ocean Road, recorded volumes of 210 vehicles/day and an 85<sup>th</sup>ile speed (speed at or below which 85% of the vehicles are travelling) of 44 kmph. These volumes are very high when compared to traffic on most gravel roads in the Shire townships. The volume and speed of traffic appears to be significantly less north of Aireys Street. There is limited opportunity for future property development and therefore the traffic volumes are unlikely to change significantly.

Many of the property owners have expressed concern about vehicle speed, particularly on the southern section of the street, and a desire for the proposed works to include road humps or traffic calming.

##### **Proposed Works**

The feedback from Council's June 2013 consultation suggested that residents did not think that sealing the full length of the road north of Aireys Street was necessary. As a result, the proposed scope of works has been reduced to include only 130 metre of Pearse Road north of Aireys Street to cover the very steep approach to the intersection and provide sealed access to supportive property owners. This results in number of properties now included in the Scheme to be reduced from by six to seventy six. To minimise the impact of the proposed works on the roadside vegetation, it is proposed that the eastside table drainage between Aireys Street and Bree Court be replaced with underground drainage. This will also enhance pedestrian safety.

The proposed seal width will vary from 5.5 metre wide where the formation allows it reducing to 5 metre wide between Panorama Drive and Aireys Street, then 4.5 metre wide from Aireys Street to the top of the hill. (The adjacent Kurrajong Avenue has a 4.5 metre wide seal)

Although these proposed works are below contemporary residential street standards they do reflect the residents' (sometimes passionate) desire for retaining the amenity and informality of the area.

## **Pearse Road, Aireys Inlet – Declaration of Special Charge Scheme for road construction**

Some properties have driveway culverts that impair the drainage and it is proposed that Council offers to upgrade these to contemporary standards – at the cost of the owners – as part of the works.

The proposed scope does not include speed humps because it is expected that the adoption of a narrow seal and road narrowing to avoid removal of existing vegetation will keep traffic speed to reasonable levels. Council Policy acknowledges responsibility for road safety and retrofitting could be implemented should it prove necessary.

### Special Benefit and Cost Apportionment

The Local Government Act legislation and Council's Special Charge Scheme Policy provide guidance in relation to the cost sharing between Council and the benefiting property owners. The maximum proportion of a project cost that can be apportioned to benefiting property owners is known as the Benefit Ratio. Ministerial Guidelines provide Councils with advice about how this must be calculated. The Council Policy, which includes amendments since the development of the original Aireys Precinct 2 Scheme, sets out the financial support towards gravel road sealing projects by funding the "equivalent to the cost of a 100 mm gravel resheet" and pay for "all costs associated with the traffic management works". The proposed Special Charge Scheme cost of \$147,272 reflects the maximum levy chargeable less the estimated cost of the Council works described in the Policy.

The determination of the Scheme boundary (identifying the properties that are to be included in the Scheme) has presented a challenge because there are residents of properties beyond Pearse Road that will use the street once sealed. Properties in Panorama Drive and Kurrajong Avenue will receive an access benefit and therefore could have been included, but it was difficult to identify the point at which one property owner benefitted and their neighbour did not. The original petition proposed that the sixty six properties abutting Pearse Rd contribute. The proposed Scheme includes all properties that rely exclusively upon Pearse Road for access. The adoption of the boundary does not affect the amount each property contributes but does influence the Benefit Ratio and therefore the amount of Council funding.

The proposed apportionment of the Scheme costs amongst the benefiting properties is detailed in Schedules D & E of Appendix 1, and is based upon both access and amenity criteria. Access benefit is apportioned according to the number of actual and possible future residences on each property. Amenity, which reflects environmental improvements like dust reduction, has been apportioned equally to those properties that have direct frontages to Pearse Road. Under the proposed cost apportionment properties will be charged an average of \$1,984, ranging between \$992 and \$11,904. Under the Policy many of the higher charges will only be paid if, or when, the property is subdivided. The CFA property on the corner of Bree Court is a community facility and is therefore exempted from the Scheme.

### Summary of Responses

Of the thirty five property owners who have responded to Council's "intention to declare" advice, twenty five are supportive in principle; nine are opposed or offer conditional support. The Aireys Inlet CFA, which has its station in Pearse Road, has also expressed support.

Those in favour have urged Council to allocate funding to the project at the mid-year review and to consider retro fitting of road humps when or if required.

The address and reasons property owners have objected are detailed in Appendix 3. It is not considered any of the submissions provide justification for amendment of the proposed scheme.

### **Financial Implications**

Estimated Project Cost:	\$223,220
Estimated Special Charge:	\$147,272
Council funding required:	\$75,948

The proposed Special Charge Scheme cost of \$147,272 reflects the specific provisions of Council's Special Charge Scheme Policy. The proposed cost apportionment is detailed in Schedule D of Appendix 1, and is based upon both access and amenity benefits that properties will receive.

## **Pearse Road, Aireys Inlet – Declaration of Special Charge Scheme for road construction**

The Council funding is considered justified because of the reduction in maintenance costs arising from the proposed road construction and sealing, and in accordance with the Policy, the \$75,948 has been calculated to match the Benefit Ratio plus the cost of a gravel pavement resheet.

Currently this project is not included in the draft Ten Year Capital Works Program and no funding source has been identified for Council's share of the project cost. If the Special Charge Scheme proceeds, the Council contribution will be referred for consideration in the Capital Works Program. Detailed project design including consultation with the affected property owners and contract administration, will require a significant commitment of officer time which would be recouped if the Scheme proceeds.

### ***Council Plan/Policy/Legal Implications***

The proposed road works improvements are in accordance with the Council's Special Charge Scheme Policy - SCS-028. The Policy sets out the financial framework for the construction of infrastructure, including road construction. The Policy statement to discontinue a Scheme, if more than 40% of the affected owners object to the proposed funding arrangements, is not relevant in this case because the nine objectors represent 11% of the potential contributors.

The provision of road construction and sealing is consistent with the Council Plan and its objective to "...meet our community's needs for accessible, well maintained and safe infrastructure." and compliments the objective to "Enhance key coastal roads.." Although the proposed road construction is lower than contemporary standards and makes no provision for separation of pedestrians from the vehicular traffic it is acknowledged that the Aireys Inlet community generally has a very high desire to retain an informal non-urban environment. This reflects the Council Strategy to provide "Community infrastructure that responds to community demand." and develop "...service needs for each community on a place based approach."

An affected property owner can refer Council's declaration to VCAT for review.

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

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

### ***Risk Assessment***

Traffic surveys indicate volumes in Pearse Road of over 200 vehicles per day during the summer – a very high volume for a gravel road.

The proposed road construction is below contemporary standards and makes no provision for separation of pedestrians from the vehicular traffic. However, it is acknowledged that the Aireys Inlet community generally has a very high desire to retain an informal non-urban environment.

The construction and sealing of the road will provide a consistent firm surface and be a significant safety improvement for drivers, cyclists and pedestrians. The undergrounding of some stormwater drainage will reduce the size of the existing table drains and the likelihood of vehicle damage or pedestrian injury, especially at night.

### ***Social Considerations***

The sealing of the road will improve conditions for abutting residents by removing the dust nuisance in summer and the muddy road conditions in winter, as well as the noise generated by an uneven gravel road.

In accordance with the Local Government Act legislation, the terms of the proposed Scheme provides the option for owners to pay in full upon completion of the works, or 16 instalments over four years. Council Policy offers property owners contributing more than \$5,000 to repay the charge over 10 years. The instalment option incurs an interest charge on the outstanding capital. Any person experiencing financial hardship can refer the matter to Council for review.

### ***Community Engagement***

Pearse Road is within Aireys Inlet Precinct 2 where the upgrading of infrastructure has been the subject of extensive community engagement over the past five years.

## **Pearse Road, Aireys Inlet – Declaration of Special Charge Scheme for road construction**

Following Council's March 2013 resolution to consult with affected owners regarding the project scope and apportionment of costs, an Information Brochure was sent to all potentially affected owners, and an information session held on site at the fire station in Pearse Road provided an opportunity for further discussion. A letter summarising the feedback was circulated in June 2013.

### ***Environmental Implications***

The sealing of Pearse Road would reduce the extent of dust nuisance to abutting residents; especially those affected by the prevailing south westerly winds, reduce the turbidity of the stormwater runoff and the extent of siltation downstream. The design proposes that works be contained within the existing road pavement and table drains, minimising the impact on the roadside vegetation.

### **Communication**

The affected property owners will be formally notified following Council's final resolution and the next steps in the process.

### **Conclusion**

The submissions from property owners indicate that there is a range of views regarding whether Pearse Road construction and associated Special Charge Scheme should proceed. Several property owners opposed to the road sealing strongly believe that it will adversely affect the amenity of the area. However, the original petition, subsequent feedback and formal submissions indicate that a majority of affected owners are supportive of the proposed road construction and associated Special Charge Scheme.

The proposed road works will improve both the amenity and access for residents and will reduce the maintenance cost for Council.

The proposed Scheme has been prepared in accordance with the Local Government Act 1989 provisions and is considered to equitably apportion the estimated costs amongst benefiting property owners.


**APPENDIX 1:**

**SCHEDULE A:**

Schedule A			
<b>Pearse Rd</b>			
D13/22479	4-Jul-13		
<b>Benefit Ratio</b>			
<b>A Purpose</b>	To construct and seal Pearse Rd, including associated stormwater drainage, between GOR and 130 m north of Aireys St. The existing gravel surface generates dust and corrugations in summer, muddy surface in winter, surface often unsuitable for pedestrians = low service standard for motorists/pedestrians/abutting owners. Proposed road construction will reduce dust and noise, provide improved road safety, and better vehicular and pedestrian access.		
<b>B Coherence</b>	The works extend from GOR to 130 m north of Aireys St. The works will provide a special benefit to abutting properties and several adjacent properties entirely dependent upon Pearse Rd for access.		
<b>C Total Cost C</b>	Total estimated cost of works includes construction of Pearse Rd including intersections, preparation and administration of Scheme, engineering design, and project supervision.		\$223,220
<b>D Special Beneficiaries</b>	All allotments fronting proposed sealed section of Pearse Rd and adjacent lots dependent upon Pearse Rd for access.		76
<b>E Properties Included (TSB) In</b>	There are 75 properties that are considered to be within the Scheme boundary.		
	Abutting residential properties		66
	Abutting Commercial property (Tourist Park)		1
	Non abutting residential properties dependent upon Pearse Rd for access		8
	<b>TOTAL</b>		<b>75</b>
<b>Properties Excluded (TSB) Out</b>	CFA station at 25 Pearse Rd is a community facility		1
	<b>TOTAL</b>		<b>1</b>
<b>F Estimate of Total Special Benefits and Community Benefit</b>	<b>TSB In</b>		
	<b>Access</b>		
	Assume each property benefits as a result of improved access.		
	1 BU per property		75
	<b>Amenity</b>		
	Amenity of equal value to all the immediately abutting residential properties		
	1 BU per abutting residential property		66
	6 BU per holiday park (residential property frontage equivalent)		6
	<b>Total Special Benefit Units (TSB) In</b>		<b>147</b>
	<b>TSB Out</b>		
	CFA Access	Comparative traffic volume	6
	Amenity		1
	<b>Total Special Benefit Units (TSB) Out</b>		<b>7</b>
<b>G Estimate of Community Benefits (TCB)</b>	Access to/from properties beyond Pearse Rd and Bree Cr		
	44 properties @ 0.75 of Contributing properties	<b>TCB</b>	33
	McConachy & Pearse 7, Aireys 19, Panorama 18		
<b>H Calculate "Benefit Ratio" R</b>	$\text{Benefits Ratio} = \frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}} = \frac{147}{187} = 0.79$		
<b>I Maximum Total Levy</b>	Maximum Total Levy = R x Estimated Cost =		0.79 x \$223,220 = <b>\$176,344</b>
<b>J</b>	As per Council Policy with Special Charge & other externally funded works deducted		<b>\$147,272</b>


**SCHEDULE B:**







*'The Place of Wellbeing'*

**Pearse Road 'Benefiting' Properties**



Scale 1: 5,000  
July 2013  
Page Size (A4)

This map is published on the Government of Australia's Geospatial Information Infrastructure (GII) and is available under the Creative Commons Attribution-NonCommercial-ShareAlike license (CC BY-NC-SA).  
Surf Coast Shire uses the Map Grid of Australia 2011 datum. Data © copyright.

**SCHEDULE C:**

**Pearse Rd Construction; Description of Works and Cost Estimate**

D13/22259  
GOR to 130 m north of Aireys St (driveway of No 77) 750 m long, plus Aireys Intersection  
4 July 2013  
Based upon V2 concept plans

Item	Description	Qty	Unit	Rate	Total	Council (Policy) Contribution	Notes
1.00	<b>GENERAL</b>						
1.01	Initial site establishment and set up, decomping and site cleanup and other fixed costs up to time of completion of works.		ITEM		\$10,000		
1.02	Traffic management costs.	3	weeks	\$3,000	\$9,000		
1.03	Setting out of works.		ITEM		\$5,000		
2.00	<b>ROAD CONSTRUCTION</b>						
2.01	100 mm compacted depth Gherang gravel supplied, spread and compacted	4,400	m <sup>2</sup>	\$5	\$22,000	\$22,000	Shirewide unit cost for gravel resurfacing.
2.02	Prepare pavement for sealing	4,400	m <sup>2</sup>	\$2	\$8,800	\$522	Council to fund Aireys St legs (261m <sup>2</sup> )
2.03	Reinstatement of vehicle crossovers	5	No	\$150	\$750		Repair culverts/driveways affected by roadworks only. Upgrades at cost to individual owner.
2.03	Primer seal	4,400	m <sup>2</sup>	\$7.15	\$31,460	\$1,060	Council to fund Aireys St legs
2.04	Final Seal	4,400	m <sup>2</sup>	\$6.45	\$28,380	\$1,063	Council to fund Aireys St legs
2.05	300mm dia RC pipe, supplied, laid and jointed including excavation, placement of approved fine crushed rock bedding and back-filling with approved FCR.						
2.06	Aireys St intersection	45	m	\$130	\$5,850		
2.07	Kurralong to Aireys St, east side	55	m	\$130	\$7,150		
2.08	Kurralong to Bree, east side	85	m	\$130	\$11,050		
2.09	Supply and install drainage pits & endwalls	12	No	\$1,500	\$18,000		
2.10	Rock beaching of table drain	20	m	\$500	\$10,000		
2.11	GOR pedestrian pathway culvert		ITEM		\$3,000	\$3,000	Council to fund
2.12	Top soiling (100mm min depth) and seeding nature strips.	1,000	m <sup>2</sup>	\$8	\$8,000		
2.13	Provide Council with "As Constructed" plans where alterations have been made to the original design plans.		Item		\$1,000		
2.14	Allow for maintenance to "final" completion		Item		\$2,500		
	Subtotal A				\$172,540	\$29,077	
3.00	<b>PROVISIONAL ITEMS</b>						
3.01	Excavation of soft spots, disposal of spoil and filling with Type A fill	50	m <sup>3</sup>	\$100	\$5,000		
3.02	Allowance for service alteration		Item		\$20,000		
	Subtotal B				\$25,000		
	<b>TOTAL</b>				\$197,540	\$29,077	
4.00	Design & Project Management			8%	\$15,803		Apportioned in accord with B/R
5.00	Scheme Administration			5%	\$9,877		
					\$223,220	\$29,077	

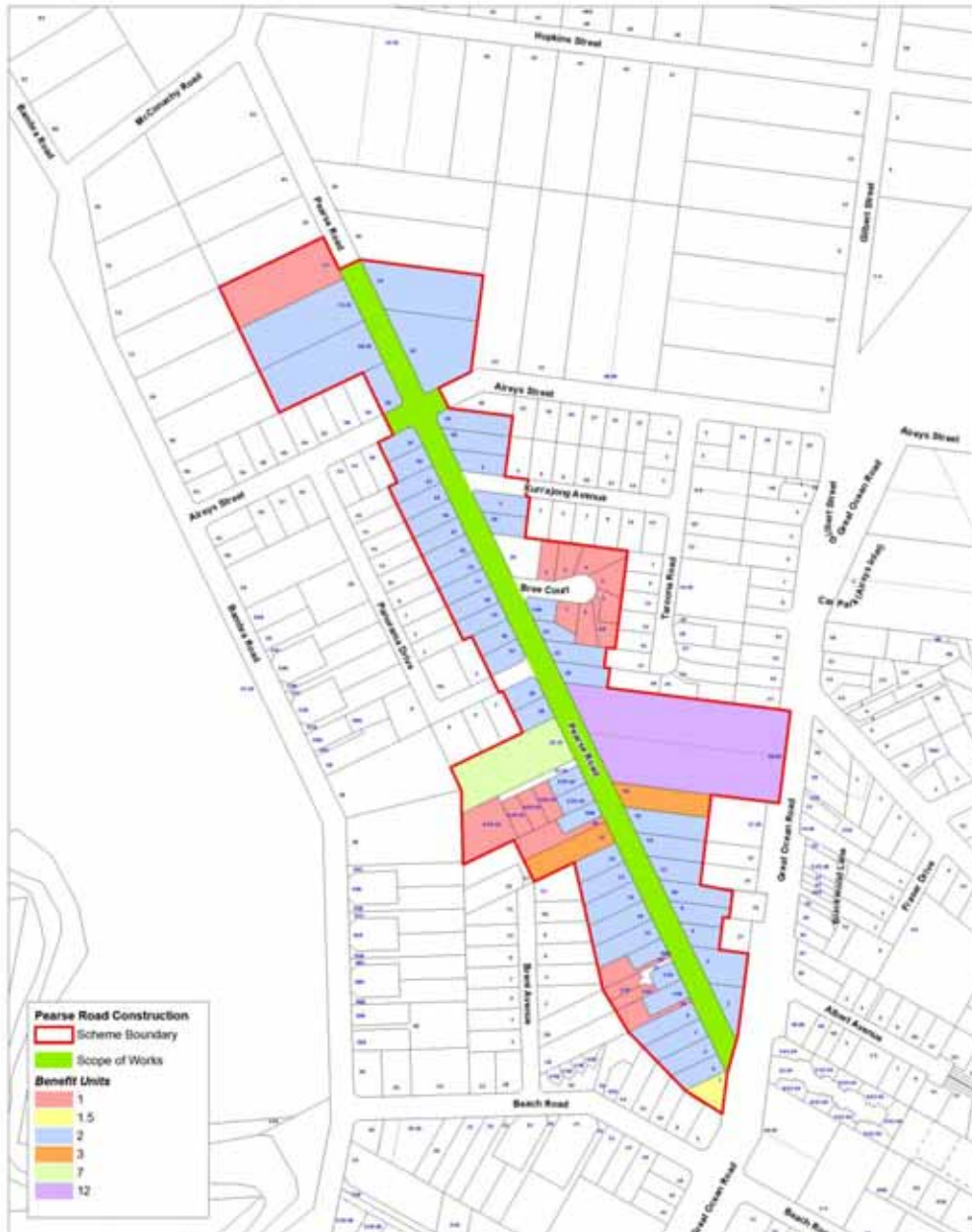


**SCHEDULE D:**

COLUMN A  Property Address	COLUMN C  Adjusted Lot	COLUMN D			COLUMN E  Cost
		Access	Amenity	Total Benefits	
<b>Estimated Special Charge</b>					<b>\$ 147,272</b>
1 PEARSE ROAD AIREYS INLET	1	1	0.5	1.5	\$ 1,488
2 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
3 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
4 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
5 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
6 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
7 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
8 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
9 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
10 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
11A PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
11 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
12 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
1/13 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
2/13 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
3/13 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
14 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
15A PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
15 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
16 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
17 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
18 PEARSE ROAD AIREYS INLET	2	1	1	2	\$ 2,976
19 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
20 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
21 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
22 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
23 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
24A PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
24 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
25 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
27 PEARSE ROAD AIREYS INLET	2	1	1	2	\$ 2,976
28 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
29A PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
29 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
30 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
1/31-33 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
2/31-33 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
3/31-33 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
4/31-33 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
5/31-33 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
6/31-33 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
32 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
34 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
35-37 PEARSE ROAD AIREYS INLET	5	1	1	2	\$ 6,943
39 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
41 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
43 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
45 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
47 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984

COLUMN A  Property Address	COLUMN C  Adjusted Lot	COLUMN D			COLUMN E  Cost
		Access	Amenity	Total Benefits	
Estimated Special Charge				Total Adjusted Benefits	\$ 147,272
49 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
51 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
53 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
55 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
57 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
59 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
61 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
63 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
65 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
67 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
69-71 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
73-75 PEARSE ROAD AIREYS INLET	1	1	1	2	\$ 1,984
77 PEARSE ROAD AIREYS INLET	1	1	0	1	\$ 992
1 KURRAJONG AVENUE AIREYS INLET	1	1	1	2	\$ 1,984
2 KURRAJONG AVENUE AIREYS INLET	1	1	1	2	\$ 1,984
1 BREE COURT AIREYS INLET	1	1	0	1	\$ 992
2 BREE COURT AIREYS INLET	1	1	0	1	\$ 992
3 BREE COURT AIREYS INLET	1	1	0	1	\$ 992
4 BREE COURT AIREYS INLET	1	1	0	1	\$ 992
5A BREE COURT AIREYS INLET	1	1	0	1	\$ 992
5 BREE COURT AIREYS INLET	1	1	0	1	\$ 992
6 BREE COURT AIREYS INLET	1	1	0	1	\$ 992
7 BREE COURT AIREYS INLET	1	1	0	1	\$ 992
19-25 GREAT OCEAN ROAD AIREYS INLET	6	1	1	2	\$ 11,901
47 AIREYS STREET AIREYS INLET	1	1	1	2	\$ 1,984
56 AIREYS STREET AIREYS INLET	1	1	1	2	\$ 1,984

**SCHEDULE E:**



1 PRESTON RD  
PO BOX 500  
PILGRIM, VIC 3190  
AUSTRALIA 3190  
PH (03) 9423 2000  
FAX (03) 9423 4522  
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**Pearse Road  
Proposed Cost Apportionment**

Scale 1: 3,000

July 2013  
Page Size (A3)  
(13)48040



This map is produced by the State of Victoria, Department of Sustainability & Environment  
© 2009. It is published by the Australian Geospatial Data (AGSD) Unit.  
GSD Unit uses the Map Grid of Australia 1984 (MGA 84) projection.

**SCHEDULE F:**

**Existing Conditions**



South end.

Note: wide pavement and minimal table drainage.



Intersection Panorama Drive.

Note: steep approach from Panorama Drive.



Looking north towards Kurrjong Avenue and Aireys Street.

Note: Lack of defined drainage.



Kurrajong Drive intersection

Note: narrow pavement and deep table drains.



Looking south to Aireys Street intersection.

Note: narrow pavement and steep approach to intersection.

## APPENDIX 2:

Our Ref: JRB:LR File F12/1049 D13/125219 «COLUMN\_B»  
Contact: Richard Bain

24 July 2013

«COLUMN\_F»  
«COLUMN\_G»  
«COLUMN\_H»  
«COLUMN\_I»

Dear Property Owner

### **Proposed Road Construction – Special Charge Scheme Pearse Road, Aireys Inlet**

In recent months we have corresponded with you as a property owner regarding the possible construction of Pearse Road. The proposed works include pavement preparation, bituminous sealing to a minimum of 4.5m width and associated stormwater drainage improvements. The cost of the works, including administration of a Special Charge Scheme, is estimated at \$223,220.

Following consideration of feedback from residents, Council at its 23 July 2013 meeting resolved "its intention to declare a Special Charge Scheme". The proposed Scheme seeks a financial contribution from abutting property owners of approximately 66% of the cost of the works, an estimated \$147,272.

Council's proposed contribution, an estimated \$75,948, reflects benefit to the wider community and the estimated cost of gravel resheeting the roadway.

The proposed cost apportionment of the Special Charge between individual properties is based upon the access and amenity benefits each property would receive from the works. Details of the apportionment are outlined in the attached Public Notice and Schedule D.

**Council has not made a final decision in relation to the Scheme at this time. It has resolved to advise you, as a potential contributor, of its intention to declare a Scheme in the near future, and to give you an opportunity to comment / object to the Scheme. In reviewing the Scheme, Council will presume the absence of a submission infers that you do not object to the proposal.**

The proposed Scheme applies to the properties shown on the attached plan.

The potential charge apportioned to your property at:

«COLUMN\_A»  
is «COLUMN\_E»

Payment of the Special Charge is arranged by issue of an invoice raised upon completion of the works. Payment can be made as a lump sum or sixteen quarterly payments (four years). Council Policy on Special Charge Schemes also provides property owners liable for contributions over \$5,000 further option to pay the charge over a period of ten years. The option to pay over four or ten years will attract interest on the outstanding amount. An alternative payment arrangement for cases of financial hardship would be considered on a case by case basis.

You may make a submission under Section 223 of the Local Government Act in relation to the following matters:

1. The Council's declaration of the Special Charge; or
2. The application of the Special Charge; or
3. The amount of the Special Charge; or
4. The basis of calculation of the Special Charge; or
5. The special benefit that Council considers will result from the work.

**If you would like to make a written submission, it must be received by 5:00 pm on Friday 28 August 2013. Submissions should be addressed to the undersigned c/o-Surf Coast Shire Council, PO Box 350, Torquay, Victoria, 3228.**

Council does not publish submissions in relation to Special Charge Schemes on its website. However, submissions may be made available to the public upon request. For further information on management of your personal information contact Council's Information Privacy Officer on 03 5261 0600 or email [privacy@surfcoast.vic.gov.au](mailto:privacy@surfcoast.vic.gov.au)

Council will consider any Special Charge Scheme submissions. Please indicate if you wish to personally address the hearing. Any person requesting to be heard in support of their submission will be notified of the time and date of the hearing. All submitters will be informed of the final recommendation.

A complete copy of the Council Report is available on our website: [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au)

If you would like to discuss the scope of works or the Special Charge Scheme process in further detail, please contact Richard Bain on 5261 0620, or Peter McLean on 5261 0596, or email [rbain@surfcoast.vic.gov.au](mailto:rbain@surfcoast.vic.gov.au).

Yours faithfully



**Sunil Bhalla**  
Director Infrastructure

Attached: Cost apportionment Plan  
Copy of Public Notice  
Schedule D

cc: Councillors, Toni Ristevski, Ruth Nicolson

**APPENDIX 3: Summary of submissions received and proposed responses (Confidential)**



## 5. Minutes

### 5.1 Section 86 Committee Minutes

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Director Corporate Services

**Department:** N/A

**Directorate:** Corporate Services

**Appendix:**

1. Section 86 Committee Minutes

**Director:** Chris Cowley

**File No:** Various

**Trim No:** D13/146241, D13/143424

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant sectionS89 (2)

### Purpose

To receive and note the minutes of its Section 86 Committees as provided since the last Council Meeting.

### Officer Recommendation:

That Council receive and note the minutes from the following Section 86 Committees:

1. Planning Committee – 2 September 2013
2. Anderson Roadknight – 9 September 2013
3. Anderson Roadknight Annual General Meeting – 9 September 2013
4. Connewarre Hall and Reserve – 10 September 2013 including: Connewarre and District Riding Club report
5. Deans Marsh – 27 August 2013
6. Eastern Reserve – 11 September 2013
7. Eastern Reserve – 23 September 2013
8. Eastern Reserve – 1 October 2013
9. Stribling Reserve – 9 September 2013

### COUNCIL RESOLUTION

#### MOVED Cr Bell, seconded Cr Wellington

That Council receive and note the minutes from the following Section 86 Committees:

1. Planning Committee – 2 September 2013.
2. Anderson Roadknight – 9 September 2013
3. Anderson Roadknight Annual General Meeting – 9 September 2013
4. Connewarre Hall and Reserve – 10 September 2013 including: Connewarre and District Riding Club report
5. Deans Marsh – 27 August 2013
6. Eastern Reserve – 11 September 2013
7. Eastern Reserve – 23 September 2013
8. Eastern Reserve – 1 October 2013
9. Stribling Reserve – 9 September 2013

**CARRIED: 8:0**

**APPENDIX 1: Section 86 Committee Minutes**

**Minutes of Planning Committee Meeting No. 425 held at 5.00pm Monday 2 September 2013 in the Council Chambers, Surf Coast Shire Offices Torquay.**

**1. OPENING OF MEETING**

5.08 pm

**2. PRESENT**

Marshall Sullivan, Wayne Reid, Austin Swain, Tony Hobba, Phil Rosevear

**3. APOLOGIES**

Nil

**4. CONFIRMATION OF MINUTES**

Minutes of the Planning Committee Meeting held on Monday 5 August 2013.

Moved: Wayne Reid                      Seconded: Tony Hobba

**5. DISCLOSURE OF CONFLICTS OF INTEREST**

Nil

**DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)**

Nil

**6. PUBLIC PRESENTATIONS**

Item	Applicant	Submitter
8.1	George Daviotis	-
8.2	-	-
8.3	Michael Fookes, Norm Wynne	-
8.4	-	-

**7. CONSIDERATION OF THE AGENDA**

Item 8.2 heard first (8.2, 8.1, 8.3, 8.4)

**8. CONSIDERATION OF APPLICATIONS FOR A PERMIT**

- Item 8.1      73 Charles Street, Lorne (13/0018) .....Page 3  
Construct buildings & works (dwelling) and outdoor swimming pool & removal  
of native vegetation
- Item 8.2      1A Loch Ard Drive, Torquay (13/0214).....Page 5  
Development of Buildings and Works
- Item 8.3      12 Timbara Cluster, Fairhaven (12/0231).....Page 7  
Development of buildings and works (dwelling) and removal of native  
vegetation (including on common property)
- Item 8.4      1/26 Bristol Road, Torquay (12/0497) .....Page 8  
Construction of a Front Fence >1.50 metres height

**9 RECENT VCAT DECISIONS**

Nil

**10. POLICY ISSUES**

Nil

**11. OTHER MATTERS**

139 Smith Street Lorne (11/0083) – The Committee was advised of problems arising as a result of the Applicant amending plans on the night to respond to the Committee concerns. It was later discovered that these changes could not be sustained.

**12. CLOSE OF MEETING**

7.10 pm

**NEXT MEETING – 16 September 2013**

**ITEM NO:** 8.1  
**PLANNING REF:** 13/0018  
**PROPOSAL:** Construct buildings & works (dwelling) and outdoor swimming pool & removal of native vegetation  
**APPLICANT:** TRIBECA GROUP AUSTRALIA  
**DATE RECEIVED:** 18-Jan-2013  
**SUBJECT LAND:** 73 CHARLES STREET, LORNE. (LOT: 3 PS: 018106)  
**ZONE:** Residential 1  
**OVERLAYS:** Neighbourhood Character - Schedule 2, Design and Development - Schedule 12, Significant Landscape Overlay - Schedule 4  
**PERMIT REQUIRED UNDER CLAUSES:** Schedule 4 of clause 42.03 and Schedule 2 of clause 43.05  
**EXISTING USE:** Vacant residential lot  
**REPORTING OFFICER:** Michelle Warren

---

**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

Planning Officer recommending refusal

Objections received x 3

**MOVED:** Wayne Reid

**SECONDED:** Marshall Sullivan

---

**POINTS OF DISCUSSION:**

The Committee rejected the Applicant's claim that the front setback distance should not be calculated from the carport which is 50% enclosed. Despite the Applicants claims that the issues raised by the Planning Officer could be resolved by tweaking the plans the Committee considered that the resulting built form will be dominant, overbearing and inconsistent with the character objectives identified in the NC02.

It was acknowledged that this is a difficult site; however the proposed development would push the allowable criteria too far. The Committee noted that the Planning Officer had consistently raised the non-compliant matters as a concern and this counted against the option to defer a decision to allow for further amendments.

---

**Committee Recommendation:**

That Council having caused notice of Planning Application No. 13/0018 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 Refuse to Grant a Permit under the provisions of schedule 2 of clause 43.05 and schedule 4 of clause 42.03 of the Surf Coast Planning Scheme in respect of the land known and described as 73 Charles Street, Lorne for the construction of buildings & works (dwelling) and outdoor swimming pool and the removal of native vegetation in accordance with the endorsed plans for the following reasons:

1. The scale of the proposed development is inconsistent with neighbourhood character as demonstrated by non-compliance with multiple standards of clause 54 and of Schedule 2 of clause 43.05 and constitutes an overdevelopment of the site.
2. The development fails to achieve the landscape objectives of Schedule 4 to the Significant Landscape Overlay in that it is not visually recessive in the landscape and in a bushland setting and it does not satisfactorily conserve, enhance or reinstate the cover of indigenous vegetation with particular emphasis on the tall tree canopy.

3. The proposed development would detrimentally affect the amenity of neighbouring dwellings through unreasonable overlooking resulting in a loss of privacy.

**Carried**

**ITEM NO:** 8.2  
**PLANNING REF:** 13/0214  
**PROPOSAL:** Development of buildings and works  
**APPLICANT:** YOUR DESIGN GROUP PTY LTD  
**DATE RECEIVED:** 13-Jun-2013  
**SUBJECT LAND:** 1A LOCH ARD DRIVE, TORQUAY. (LOT: 1 & LOT 2 PT: Y PS: 410328D)  
**ZONE:** Commerical 1 Zone  
**OVERLAYS:** -  
**PERMIT REQUIRED UNDER CLAUSES:** 34.01  
**EXISTING USE:** Mixed Use  
**REPORTING OFFICER:** Sarah Marsden

---

**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

Planning Officer recommending approval

Objections received x 5

**MOVED:** Wayne Reid

**FOR:** Austin Swain

---

**POINTS OF DISCUSSION:**

The Committee advised the Applicants that there may be issues obtaining a Building Permit for the proposal as the resulting building will cross the title boundary between the two lots.

---

**ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:**

Amend the preamble to include reference to Lot 2 on PS: 410328D.

Amend Condition 1 to require provision of a schedule of materials and colours.

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**Committee Recommendation:**

That Council having caused notice of Planning Application No. 13/0214 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 under the provisions of Clause 34.01 of the Surf Coast Planning Scheme in respect of the land known and described as 1A LOCH ARD DRIVE, TORQUAY., for the Development of buildings and works in accordance with the endorsed plans, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) a schedule of external materials, finishes and colours incorporating colour samples. External colours should be neutral and muted to assist in visually blending the building with the surrounding natural landscape;
  - b) a construction management plan which must address the following matters:
    - i) Measures to minimise the impact of the development on the adjoining businesses including access and car parking
    - ii) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
    - iii) measures to accommodate the private vehicles of workers/ tradespersons whilst considering the car parking needs for existing tenants
    - iv) noise attenuation measures to be put in place to protect the amenity of nearby residents during construction
    - v) arrangements for waste collection and other services to be provided during construction;
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

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

**Carried**

**ITEM NO:** 8.3  
**PLANNING REF:** 12/0231  
**PROPOSAL:** Development of buildings and works (dwelling) and removal of native vegetation (including on common property)  
**APPLICANT:** Michael Fooks  
**DATE RECEIVED:** 22-Jun-2012  
**SUBJECT LAND:** 12 TIMBARA CLUSTER, FAIRHAVEN. (Lot 12 CS 1137)  
**ZONE:** Low Density Residential  
**OVERLAYS:** Environmental Significance - Schedule 5, Design and Development - Schedule 11, Bushfire Management  
**PERMIT REQUIRED UNDER CLAUSES:** 42.01-2, 43.02-2, 44.06-1  
**EXISTING USE:** Vacant  
**REPORTING OFFICER:** Ben Schmied

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**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

Planning Officer recommending refusal

Objections received

**MOVED:** Marshall Sullivan

**FOR:** Austin Swain

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**POINTS OF DISCUSSION:**

The Committee was concerned that the Planning Officer's report challenges the technical assessment of the CFA and the applicant's fire consultant. There remains a degree of uncertainty in relation to the analysis of vegetation, slope and defensible space.

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**ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:**

The Committee resolved to defer its decision on this matter to allow additional time for the Planning Officers to clarify the unresolved matters and clarify the legal status of the Body Corporate agreement which was tabled on the night.

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**Committee Recommendation:**

The Committee resolved to defer its decision on this matter to allow additional time for the Planning Officers to clarify the unresolved matters and clarify the legal status of the Body Corporate agreement which was tabled on the night.

**Carried**

**ITEM NO:** 8.4  
**PLANNING REF:** 12/0497  
**PROPOSAL:** Construction of a front fence >1.50 metres height  
**APPLICANT:** HUGHFAM PTY LTD & MELLOW CREST PTY LTD  
**DATE RECEIVED:** 12-Dec-2012  
**SUBJECT LAND:** 1/26 BRISTOL ROAD, TORQUAY. (LOT: 1 PS: 531889J)  
**ZONE:** Residential 1  
**OVERLAYS:** Significant Landscape Overlay - Schedule 6, Design and Development - Schedule 1  
**PERMIT REQUIRED UNDER CLAUSES:** 32.01-3 and 32.01-4  
**EXISTING USE:** Dwelling & Common Property associated with medium density  
**REPORTING OFFICER:** Cameron Hayes

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**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

Planning Officer recommending refusal

Objections received

**MOVED:** Austin Swain

**FOR:** Marshall Sullivan

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**POINTS OF DISCUSSION:**

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No Support

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**Committee Recommendation:**

That Council having caused notice of Planning Application No. 12/0497 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 Refuse to Grant a Permit under the provisions of 32.01-3 and 32.04- 4 of the Surf Coast Planning Scheme in respect of the land known and described as 1/26 BRISTOL ROAD, TORQUAY, for the Construction of a front fence for the following reasons:

1. Fence does not respect the Neighbourhood Character of the surrounding area;
2. Fence creates an isolated entrance to the dwelling so that it is not visible at the front of the property.

**Carried**



**APPENDIX: Anderson Roadknight S86 Minutes – 9 September 2013**

**ANDERSON ROADKNIGHT RESERVE COMMITTEE OF MANAGEMENT MEETING**

MINUTES 9<sup>th</sup> September 2013 (Ordinary Meeting, following AGM)

Present: D Trewnack A Biewer J Westwood (left at 2050) J Wilcox G Duncan(left at 2055) C Hartigan  
J Chatterton (left at 1935) J Looby(left at 2040) J Arnott

Apologies: K Jacques K Maffet M Duncan G Teague

Item	Issue Topic	Points of Discussion	Action Required	Person Responsible	Time frame
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**Welcome**

	<i>Acceptance Previous Minutes</i>		Moved: Alex Seconded: Diana		
	<i>Business Arising from Minutes</i>	Bendigo Bank Completion of storage room After-school care	See 2.3 Key still required for door, see 2.2 See 1.2	<b>Jarrold W</b>	
	<i>Correspondence</i>	<b>Sent</b> Letter of thanks to Nelson Estrella for generous donation <b>Received</b> Draft Instrument of Delegation (from Jarrod) Shire Grants (info from SC Shire) SMUG interested in grant for a projector and bigger screen. Not eligible to apply because not incorporated, and have no bank account	Jarrold suggested SMUG could seek to apply under the auspices of an incorporated group (i.e. AIDTC), which can hold money for an un-incorporated group	<b>DT</b>	

**1. Office Bearer/User Group Reports**

1.1	President	Nothing to report		<b>DT</b>	
1.2	Booking Officer	Slight decrease in bookings due to Camp Australia usage. Plus the Aireys Pub is offering their function room for free. Alex stated that no rental has been received specifically for CA use. Will follow up with Marg, The terms were discussed earlier in the year, and payments could be under auspices of school.	-	<b>Greg Duncan on behalf of MD</b>  <b>AB</b>	

		<p>Main Hall projector screen is currently torn, and too small to be of good use. Jarrod costed a data projector with wall mount \$4000. (suited to large venue) Portable ones are available. Aldi HD \$200 New projector screen \$3000 PA equipment (wireless) \$1800 Margaret was sent information (from Jacqui) to pass onto user groups, regarding Surf Coast Shire community grants.</p>	<p>Jarrod will get this looked at.</p> <p>Jarrod will look into portable options.</p>	<b>Jarrod W</b>	
1.3	Treasurer	<p>Profit Loss statement tabled Donation from Nelson Estrella, following a dance event held at the hall <b>\$641.00</b> Bendigo Bank grant funds have been received. <b>\$500.00</b> Jarrod informed the Committee that we will need to start charging (and paying) GST, and may have to start doing BAS. The Surf coast Shire will meet with the Treasurer and Chairperson to discuss this, mid Oct. There is new legislation in place, and because the committee is a delegation of the Council, it needs to be compliant.</p>	<p>Moved for acceptance Alex Seconded: John Wilcox</p> <p>Alex and Di will meet with Surf Coast council, as arranged, and suggest that with the changed requirements, council might consider taking greater responsibility for S86 financial matters.</p>	<b>AB</b>	
1.4	Red Cross	Nothing to report		<b>AB</b>	
1.5	Tennis Club	Water fountain to be moved near seat & spoon drain		<b>Jarrod W</b>	
1.6	Playgroup	Gate	Margaret now has a key to playground gate padlock, lives in payment cupboard.		
1.7	Soft Tennis/Exercise Group	Missing 6 exercise mats have not turned up. Greg also reported lost extension cord, CDs, and damaged fit balls. A different lock to be applied to this storeroom, with keys given only to Greg Duncan, Playgroup, and Market	Jarrod to follow up on changing lock ASAP.	<b>GD</b>	
1.8	School/	Cecilia Hartigan in attendance as temporary school rep.			

	Camp Australia	Jessica Looby in attendance as CA rep. There will be a meeting to review viability of the Camp Australia program in Oct. Currently average 6 children/night Camp Australia paperwork is still an issue, permanently spread around walls, doors, boards, and on table in meeting room. Jessica stated that there are notice boards and shelving at school waiting to be moved to hall. In discussion it emerged that they are old notice boards, no castors, which will need to be lifted or slid along floor, to be moved. This was not what was discussed at meeting with CA and school earlier in the year, and poses OH&S concerns and potential damage to the hall floor. Need to have castors and be easily transportable by single user.	Suggested putting brochures away over weekend.  Jacqui to clarify what noticeboards the school have available	JA	
1.9	SMUG	Di asked the Aireys Pub where they obtained their chairs, were not sure but said that vinyl is breaking on edges. John said St Joseph's has about 600 from Sebel(?) good quality and comfortable. Proposed purchase of 100 stack-able black vinyl chairs, when we have sufficient funds. Approx \$100/chair Broken projector screen	Jarrold will check with Shire re. potential for bulk buying through their sources.  G Duncan to fix?	Jarrold W  GD	
1.1	Community Market	New stall holders on board for 2013/14 Summer season. Jarrod confirmed ongoing problems with ladies toilets-vent, exhaust fan, and blockages in 1 <sup>st</sup> cubicle have been fixed.		John W  Jarrod W	
	Acceptance of Reports		Moved: Di Seconded:All		
<b>2 General Business</b>					
2.1	<i>Storage extension</i>	Key to doors still required		Jarrold W	
2.2	Maintenance	<b>Hall sign</b> -visibility. There is an approved	John C stated this was on priority		

		<p>standard for size of no./print <b>Pavers</b> outside hall entrance uneven. <b>Tennis Club</b> items (see 1.5) <b>Cleaners room-</b> chemicals, paint tins, ?locks. Cleaners are meant to remove all equipment and chemicals. Committee decide what mops/brooms they want kept on site. Any chemicals approved to remain on site are meant to be listed on a safety data sheet, as per JC. <b>Gas cylinders-</b> Now bollards are padlocked, truck driver cannot access cylinders without a key (to padlock). Can cylinders be moved? <b>Sliding walls</b> in main hall to be replaced- channels and glides. <b>Flagpole</b> to be replaced</p> <p><b>Front door window</b> does not lock <b>Hall floor</b> will be on a re-sealing roster, in future. We will know when floor is due for annual maintenance.-JC <b>FIXED</b> (as reported by Jarrod) Gates to playground-locks Gaps in kitchen Re-nailing decks Rusting screws on external walls Female toilets-exhaust fans, door vent Sliding door (to playground) strike plate.</p>	<p>list council.</p> <p>Paint tins need to be removed and disposed of. (John C said Phil(?) will do this) John C will check what is currently on site.</p> <p>John Chatterton will determine if this is a genuine issue, with gas cylinders</p> <p>To occur this week.</p> <p>Flag pole-JC asked Jarrod to email him about this. Jarrod W &amp; JC to look at window.</p> <p>Marg has a key, hangs in payment cupboard Gaps sealed Decks re-nailed, Screws replaced, Fan, vent, plumbing fixed. <b>Strike plate fixed.</b></p>	<p><b>John Chatterton</b></p>	
2.3	Bendigo Community Bank	Community Bank have promised to supply an AED to hall, and offered to assist with cost of a Data Projector.		<b>SM</b>	
<b>3</b>	<b><u>New Business</u></b>				
3.1	<i>Bushfire Plan</i>	John Chatterton confirmed that the existing water supply to the hall meets requirements for CFA hydrant/hoses. But, he stated that the proposed installation of a hydrant connection is not a Shire responsibility or maintenance matter.	Jacqui to follow this up with Dave Morton, Ross Girvan.	<p><b>John Chatterton</b></p> <p><b>JA</b></p>	

		Need to clarify if the CFA deem this absolutely necessary, and the reasons why.			
3.2	<i>Wish list</i>	<p><b>Data Projector</b>  <b>PA System</b>  New, comfortable, <b>stackable chairs</b>  <b>Weather proof shelter for deck</b>, near playground.  <b>Landscaping</b> area between hall and tennis courts, levelling off (where it currently slopes) to create more usable space. Suggested by John Wilcox.</p>			
3.3	<i>Sofa purchase</i>	<p>Following discussion at the July meeting, Jacqui researched information on three different sofas. Susan has offered a preference for bench style seating, no back or arms.  Discussed what the committee had originally wanted this seating for (a place for people to sit/lie down if unwell, or waiting for an activity to start). These reasons are unchanged, plus some people feel the foyer could be made more welcoming and functional as a meeting/waiting area. There are some concerns relating to how this will affect the use of the foyer on market days, and during other events. Plus what will happen to the existing chairs in the foyer. Amongst those present at the meeting, the prevailing opinion was to proceed with the purchase of one (only) leather sofa for the foyer, and to retain the existing chairs (in foyer). Ideas of a matching sofa or chairs were put aside for the present time.</p>	<p>Jacqui will circulate a list of all points raised over the past 12 months, relating to having a sofa in the foyer.</p> <p>Jacqui to measure foyer and supply Di with measurements.</p> <p>Di will look at more sofas/prices and communicate with the committee.</p>	<p><b>JA</b></p> <p><b>DT</b></p>	
3.4	<i>Keys</i>	John Chatterton spoke about updating the keys/locks within the hall. Suggested that we could have 3-4 (preferably no more) different, colour coded locks/keys.	Jarrod will do a spreadsheet of	<b>Jarrod W</b>	

		<p>Everyone would have to sign for their keys, and specific keys would only be given to relevant users .e.g.</p> <ol style="list-style-type: none"> <li>1. front door &amp; main storeroom</li> <li>2. front door &amp; storeroom &amp; PA</li> <li>3. front door &amp; storeroom x2 &amp; PA</li> <li>4. front door only</li> </ol> <p>New storage extension currently still has a Builders' lock, and hasn't gone to council yet.          PA cupboard may need specific separate key/lock?          Suggestion made to have users pay a bond when using hall/equipment.</p>	<p>options, and email to committee for comment.          Then supply John Chatterton with a full schedule of all the building locks, how many keys are required, and what we want each one to open.</p>		
	<p><i>Meeting Closed</i></p> <p><i>Next Meeting</i></p>	<p>2120 closed          11 November 2013</p>	<p><b>Dates for 2014:</b> next meeting</p>		

**APPENDIX: Anderson Roadknight S86 Committee of Management – Annual General Meeting –  
9 September 2013**



**Anderson Roadknight Reserve Committee of Management  
Annual General Meeting**

**Monday 9 September 2013**

**7.00 pm.**

**Aireys Inlet Community Hall**

**MINUTES**

Welcome 7.05 pm by Di Trewenack (Chairperson)

Present: D Trewenack(chairperson) A Biewer(treasurer) J Arnott(secretary)  
J Westwood(surfcoast council rep.) J Wilcox (community market)  
G Duncan (proxy for M Duncan, booking officer)  
J Chatterton(surfcoast council rep.) J Looby (camp australia rep.)  
C Hartigan (lorne-aireysinlet p-12 college rep.)

Apologies: K Jacques (playgroup) M Duncan(booking officer) K Maffett(playgroup)  
G Teague(AIDTC)

Minutes from previous AGM tabled.

Acceptance of minutes from previous AGM:

Moved for acceptance by D Trewenack

Seconded A Biewer

Business arising from previous AGM: None

Reading of Perpetual Minute Performed by D Trewenack

Correspondence Nil pertaining to AGM

Reports from Office Bearers:

- Chairperson: Nothing to report
- Treasurer: No financial report tabled

(held over until ordinary meeting)

- Booking Officer: Absent
- Secretary: Nothing to report

- User Group Reports: Held over until ordinary meeting

Questions from the floor None

General Business:Jarrod called for renomination of office bearers.

D Trewenack re-nominated for Chairperson by A Biewer  
A Biewer renominated for Treasurer by J Westwood  
J Arnott re-nominated for Secretary by D Trewenack  
M Duncan renominated for Booking Officer by G Duncan  
All nominations accepted.

Close of Meeting 7.10 pm

The AGM was followed by an ordinary meeting of the Committee

The Anderson Roadknight Reserve Committee of Management is a special committee of the Surf Coast Shire and is responsible for the day-to-day management of the Anderson Roadknight Reserve and Facilities.

**APPENDIX : Connewarre Hall & Reserve AGM & General Meeting minutes – 10 September 2013**

Connewarre and Hall and Reserve Committee of Management AGM 10/09/2013

Present; E.Spencer, S.Dubbedam, N.Angus, J.Dans, A.Reeve, F.Burchell, K.Sneeling, E.Fontain, K.Read, C.Hutchinson and C.Carroll

Apologies; Cr H.Wellington, Cr R.Nockles , G.Leggett, S.Henries, G.Elliott and S.Findlay

Meeting opened with N. Angus as Chairperson at 7.05pm welcoming committee and visitors.

Acceptance of previous AGM Minutes (11/09/2012)

Moved E. Spencer 2<sup>nd</sup> S. Dubbedam

Reports;

Chairperson Report

I would like to thank all the committee and user reps for their support during the year. I have enjoyed my role during the year. I would like to recognize their commitment and dedication they have given in their roles during the last twelve months. We as a community are fortunate to have a Community Hall and Recreation Reserve that caters for the need of the residents of Connewarre. I would like to thank Nicky Angus for her attendance and assistance during the year. With the support and assistance of the Surfcoast Shire we are continually upgrading the facilities at the Reserve. It is hoped that the works on the Skate Board Ramp will commence before Christmas. This will give the young people of Connewarre another activity to enjoy at the Reserve. .Council is currently Landscaping the entrance to the Hall and the committee is working on the Connewarre Hall and Reserve Master Plan review. The Hall is being used by regular groups and being hired out for special occasions. Activities for the community have continued to be held at the Reserve including a Bonfire and a Christmas BBQ.

Alan Reeve

Secretary Report

Thankyou to all members of the committee for you attendance at meetings , functions and working bees over the past 12 months. I would like to thank Sam for the Wonderful job she performs as Booking Officer, always making herself available to open the Hall for Inspection or Hire as well as the purchasing of general supplies for the running of the Hall. I would also like to thank Steve for his weekly effort with our garbage bins. Nicky Angus has once again been a tremendous support to me and all the committee in fulfilling her role for the Shire. With the commencement eminent of the Skate Park I have a cheque for \$10,000.00 ready to pass onto the Shire prior to the commencement of works. I have had the Books audited by STS Accounting Group for the period 01/09/2012 to 31/08/2013 and My Financial report is attached. We have a busy year to come so I look forward to helping our committee achieve our goals.

Colleen Carroll

Booking Officer

We have been fairly quiet on the Booking Front, with the oval being quite slow .Ocean Grove CC have yet to confirm for this Cricket Season, with only one other enquiry so far for the cricket season. We have

no outstanding Accounts.

Sam Dubbledam

CFA Report; None Tabled

Skate Park Report

Fantastic news as we have reached our mark with funding thanks to Kelly`s approach to the Shire she was able to get an extra \$10,000 and now another department has found a further \$20,000 to help us get our project off and running. Support has been great from everyone and the young people are very excited that the park can now go ahead.

Kelly Read

Riding Club Report

See Attached Report

Financial Report

Moved By C Carroll 2<sup>nd</sup> by S Dubbledam

See Attached report

Re Appointment of Office Bearers,

Chairperson-	A Reeve Nominated E Fontain 2 <sup>nd</sup> J Dans	Carried
Vice Chairperson	J Dans Nominated E Fontain 2 <sup>nd</sup> E Spencer	Carried
Sec/Treas	C Carroll Nominated E Fontain 2 <sup>nd</sup> S Dubbledam	Carried
Booking Officer	S Dubbledam Nominated E Fontain 2 <sup>nd</sup> E Spencer	Carried

User Group Nominations

Skate Park	K Read Nominated S Dubbledam 2 <sup>nd</sup> E Fontain	Carried
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General Committee Nominations to be sanctioned by the Shire

Frank Burchell Nominated 2<sup>nd</sup> C Carroll

Kate Snelling Nominated 2<sup>nd</sup> S Dubbledam

## **CONNEWARRE AND DISTRICT RIDING CLUB REPORT** **2012/13**

What pleasure it is to once again report on the Club's growth, good fortune and continued vitality over the past 12 months.

Yes, project number two "the shed" has been completed and is now fully operational. Thank you to Surf Coast Shire for their grant of \$880.00 and the Hall Committee for their contribution of \$137.50 which paid for the blue metal base providing the shed with what we hope will be a dry floor. The total cost of the project was \$2,698.50 of which the Club contributed \$1,681.00 in cash, which included \$237.00 for the concrete footings, 5 hours X 4 members time in-kind to lay the footings and another 3 hours X 8 members time in-kind to shovel the floor into the shed and ensure the shed was clear of weeds etc, a community contribution by all. Thank you team for your time and fundraising effort to successfully complete this project.

Many thanks also to our Council liaison officer, Nicky Angus, who task by task is ensuring the Parks and Garden Department are able to improve the Riding Reserve in particular issues of safety and the monthly mowing, where they do a great job. Nicky has and is providing the Club with invaluable support as we re-visit the master plan and prepare to renew our License with Council. The Club has with Nicky's invaluable support and guidance completed a submission to the State Government via the Department of Sport & Recreation for a minor facilities project. The Club received a grant of \$10,000 from the Surf Coast Shire which enabled the application to be completed and we hope to have an outcome of our submission some time in the next six months, and the Hall Committee will be advised of the outcome and the likely date works may commence. We have great aspirations that the provision of competition safe soft fall facilities will attract many new members. A big thank you to local groups that provided letters of support towards the project.

The Club continues to grow and we believe that with the Warrilly, Armstrong Creek and north Torquay housing developments, the Club's future looks very bright as additional families move into the district. Riding membership now sits at 30 and with the HRC AV financial year commencing in November we currently have 8 new members on the wait list.

We had another "Bunnings" fundraiser on Saturday 30<sup>th</sup> March, yes Easter Saturday, and financially it was a hit.

We also held several working bees, painting poles and generally cleaning up the reserve.

The Club has been extremely active in local competitions with all competitors doing the Club proud through their endeavors and willingness to fly the Club flag. I must however make special mention of our Top Teams, team, Kate, Stacey, Sam and Jenna who

finished a very creditable 17<sup>th</sup> out of 70 teams from across the state. The Club is in the process of submitting two teams in this years event.

The Club held a Special meeting on Tuesday 19<sup>th</sup> February, 2013, to specifically review the constitution which had not had a review since its adoption on 10<sup>th</sup> April 1984, a long overdue review. My thanks to Anne and Michael who assisted in preparing the draft for that Special meeting, in summary apart from minor changes and the adoption of a statement of purpose, we followed the model rules. Changes to the constitution were adopted at the Club's AGM held on Monday 25<sup>th</sup> March. A special thanks to everyone who attended the AGM, and a special thank you to Cr Heather Wellington our guest speaker.

Highlight of the year as always was the Club's annual ride and lunch at the Minya winery on Sunday 10<sup>th</sup> February. A big thank you to Jeff Dans and his staff, who not only provided a sumptuous lunch in a magnificent location, with excellent service, but a safe spot for our horses. This year Jeff kindly donated two bottles of wine, which we used as gifts at the AGM.

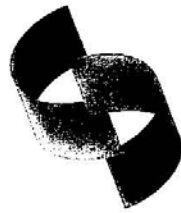
The Club continues with its focus as a community based social riding club, holding social get-togethers every second month, and a BBQ lunch after each rally.

The Club's aims for the next 12 months are;

- continue with our membership drive
- continue fundraising
- commence works on the soft fall arenas
- be actively involved with the review of the Connewarre Reserve Master Plan
- incorporate an equitation course on the riding reserve

Finally I would like to again thank everyone in the Club, who continue to "put in" with fundraising, working bees and assisting the Club to grow, our rally instructors, but a special thanks to the Executive, Val Perkins – Treasurer, Janice Lister – Vice President and Sandra Henrys – Secretary.

Ernie Fontaine  
President



**STS**  
ACCOUNTING  
GROUP

Surfcoast Taxation Services Pty Ltd  
ACN 097 406 472

Certified Practising Accountants

**INDEPENDENT AUDITOR'S REPORT**

To the members of: **Connewarre Hall & Reserve Committee of Management**

We have audited the accompanying Financial Report of Connewarre Hall & Reserve Committee of Management for the period 1<sup>st</sup> September 2012 to 31<sup>st</sup> August 2013.

**Committees' Responsibility for the Financial Report:**

The Committee is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting interpretations) and the Associations Incorporations Act 1981. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error, selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditor's Responsibility:**

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An Audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion of the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Modification:**

As is common for most organisations of this type, it is always not practical for the Connewarre Hall & Reserve Committee of Management to maintain an effective system of internal control over donations, fees and other receipts until their initial entry in the accounting records. Accordingly, our audit in relation to the receipts was limited to amounts recorded.

**Audit Opinion**

In our opinion, subject to the above modification, the financial report of Connewarre Hall & Reserve Committee of Management is in accordance with the Associations Incorporations Act 1981, including:

- (a) giving a true and fair view of the Incorporations financials position as at 31<sup>st</sup> August 2013 and of its performance for the year ended on that date; and
- (b) complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Associations Incorporations Act 1981.

Margaret Leigh – CPA

*Margaret Leigh*  
9.9.13

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Connewarre Hall and Reserve Committee of Management Financial Statement for the period  
 01/09/2012 to 31/08/2013

Receipts

Hall Hire	\$4395.00
170 <sup>th</sup> Booklet	\$1414.00
Fundraising	\$650.00
Bank Interest	\$39.95

Total \$6498.95

Payments

Booking Officer/Misc

Cleaning Products and Clock	\$41.00
Cutlery	\$100.00
Kitchen Tubs	\$24.00
Christmas Exp	\$46.40
Findlay/Meat	\$26.25

170<sup>th</sup> Expenses

DVDs	\$145.00
Digital artwork	\$200.00
Booklet Printing	\$1584.00
Sam extra DVD	\$62.00

Bank Expenses

Fee for replacement chq	\$12.00
Bank Audit Fee	\$50.00

STS Accounting

Audit Fee	\$165.00
-----------	----------

Repairs /Maintenance

Pest Control	\$198.00
Gravel	\$137.50
Kitchen Blinds	\$348

Utilities

Power	\$1820.66
Water	\$557.08
CFA	\$106.70

Total Expense \$5623.59

Transfer of Funds from Term Deposit Account

\$5000.00

Margaret Leigh  
 STS Accounting Group  
 13 Pearl Street  
 Torquay Vic 3228



Current Bank Balance	\$14976.03
Petty Cash	\$41.04
Term Deposit Bank Balance	\$14036.79
Interest from 01/09/2012 to 31/08/2013	\$491.10

Summary

Current Assets	
Cash at the Bank	\$14976.03
Petty Cash	\$41.04
Term Deposit	\$14036.79
Total	\$29053.86

Margaret Leigh  
STS Accounting Group  
13 Pearl Street  
Torquay Vic 3228

Connewarre Hall and Reserve Committee of Management General Meeting Minutes 10/09/2013

Present; As per AGM

Apologies; As per AGM

Correspondence In;

Barwon Water Account, Origin Energy Account, CFA Account, Instrument of Delegation Documentation, and a Skate Park Update.

Correspondence Out;

Letter of support to the Connewarre and District Riding Club in support of their Grant Application.

Reports;

Financial Report;

Income		Expenses	
170 <sup>th</sup> Books	\$114.00	CFA	\$58.30
Hall Hire	\$1180.00	Barwon Water	\$184.37
Bank Int	\$12.67	Origin	\$385.07
.		Brax Window Treatments	\$348.00
.		Kitchen Cutlery/Tub /Clean	\$165.00
TOTAL	\$1306.67	TOTAL	\$1140.74

Total Bank Balance \$14976.08

Term Deposit Balance \$14036.79

Moved C Carroll 2<sup>nd</sup> S. Dubbledam.

All Other reports please refer to AGM minutes.

Shire Report;

Nicky produced the new Instrument of Delegation Document which was discussed. Each committee member is to study the document and send ideas to Colleen by Sept 24<sup>th</sup> so they can be collated and sent into Nicky.

Parks have allocated \$1400.00 in their Budget for replacement fence. A site meeting will be carried out with Parks, Ernie, Jeff and Liz on Frid 20<sup>th</sup> Sept at 9.30am.

Shire has prepared the grant Application for the Riding Club and it was tabled for the committee to view.

Master Plan on hold until we can give Tim the final information on the Skate Park. Next Meeting with Tim will be a special Meeting at 6pm on Oct 9<sup>th</sup>, with an aim for a Public meeting mid November.

Landscaping to commence at the Hall Entrance on 25<sup>th</sup> September and will take approx 2 weeks.

New BBQ light has been installed in the Kitchen for User Groups to access.

Drainage report from R. Lister showing costings for Skate Park were quite similar in price, with original

site needing the works done at construction stage and site B could have been done over time. More discussions held in General Business

#### GENERAL BUSINESS

Funding has now hit the mark and we can commence with the Skate Park. Due to drainage issues an Alternate site was discussed. Kelly spoke on the pros and cons for both sites. Nicky had the drainage report which showed both areas to require over \$120000 in drainage costs. Construction costs would remain the same. Limitations remain with both sites in that they cannot be extended. After much discussion on both sites and a vote was taken for the Original site chosen by the committee to remain as our preferred option. The result was 1 against, 1 abstained and 4 committee members were in favour.- Carried

Elizabeth produced a sample of the Tennis Photos that the Tennis Club has had restored and Gordon is going to help with the Installation of them back in the Kitchen Area where they were previously on display.

There is a group of locals who are Interested in getting a group together to help with the planting etc for The Master Plan recommendations. This group would possibly be known as friends of Connewarre and hope to be able to apply for grants. Alan Reeve said that Scipon would be able to guide them and they could be allocated \$500 to go towards plantings.

Meeting Closed

#### DATES TO REMEMBER

20<sup>th</sup> Sept Meeting with Parks 9.30am (Ernie, Jeff, Liz)

24<sup>th</sup> Sept Instrument of Delegation Ideas to be passed onto Colleen for Collation

Oct 9<sup>th</sup> Master Plan Meeting with Tim 6pm

Mid November Public Meeting re Master Plan to be decided

Dec 10<sup>th</sup> Gen Meeting

**APPENDIX: Deans Marsh Public Hall & Reserve Committee of Management – 27 August 2013**

	<p><b>DEANS MARSH PUBLIC HALL AND MEMORIAL PARK COMMITTEE OF MANAGEMENT</b></p> <p><b>DATE: 27/08/2013</b>  <b>PRESENT:</b>, Peter Davis, , Sandra Dempsey, Fran Permezel, Jarrod Westwood</p> <p><b>APOLOGIES:</b>, Tom Reid , Al Reynolds, Carl Preis, Geoff Brown, Domic &amp; Suzanne Germano,</p>
<p><b>Adoption previous minutes</b></p>	<p>FRAN moved that we accept the minutes as read. Seconded by SANDRA</p>
<p><b>Business arising</b></p>	<p>Tap at Pizza Oven still to be done</p>
<p><b>Correspondence in</b></p>	<ul style="list-style-type: none"> <li>• \$1000 from Deans Marsh Community Cottage toward payment of Pizza Oven</li> <li>• Letter from Bunnings to attend a briefing about the upcoming BBQ</li> </ul>
<p><b>Correspondence out</b></p>	<p>nil</p>
<p><b>Office bearers / user groups reports</b></p>	<p><b>Financial report</b>  Opening Balance: \$3161.42 [club cheque account ]  Revenue: \$1808.61  Expenditure: \$415.00  Closing Balance: \$4555.03  Cash Management Account: \$  Term Deposit: \$</p> <p>Peter moved that the financial report be accepted. Seconded Fran</p> <p><b>Shire Report:</b>  Council have started to fix the Hall roof. More time will be needed to investigate problems around the toilets</p>

	<p>Playground upgrade to be done during Summer Instrument of Delegation ,feedback by October Hall Committee do not require contents insurance as it is covered by Council We need to update our asset register and put it through the minutes The RACV Great Victorian Bike Ride want to use the Hall as a rest stop on Saturday November 30<sup>th</sup></p>
<b>General business</b>	<p>Bunnings have requested our current Public Liability information. Jarrod to follow up</p> <p>Meeting finished 8.13</p> <p>NEXT MEETING: Tuesday September 24<sup>th</sup> at 7.30</p>

**APPENDIX: Eastern Reserve S86 Committee of Management Minutes – 11 September 2013**

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**Eastern Reserve Committee of Management (ERCOM)  
Minutes of Meeting – 11/09/2013, 19:30  
Eastern Reserve Community Hub**

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**1) Present:**

Joey Donohue, Campbell Brumby, Stephen Leigh, Barry Stevens, Greg Leeson, Georgie Thompson, Andrew Wright (ERCOM)

Cr Rod Nockles, Janice Lane, Rowena Frost (SCS)

Apologies: Cr Heather Wellington, Caroline Shelbourne

Rod welcomed all parties and opened the meeting.

**2) Office Bearers:**

Interim Chair – Stephen Leigh (review 09/12/13), Secretary – Andrew Wright, Treasurer – Joey Donohue

Council representative - Rowena Frost

ERCOM will look to nominate members with portfolios with those members to be primary contact points for related issues.

All email from Council is to go to:

[management@easternreserve.com.au](mailto:management@easternreserve.com.au) with key contact identified, which will then be forwarded to all members.

All mail from Council is to go to:

The Secretary at PO Box 46, Winchelsea 3241

a) Rod and Steve both thanked Barry for his contribution for many years as Chair of ERCOM.

**3) Issues discussed:**

a) Induction – materials provided by Council were distributed and reviewed. More to be provided

b) Instrument of Delegation July 2013

Appendix Responsibilities need to be mirrored in User Group Agreements (yet to be drafted)

Committee will need to consider bond for facility usage, and benchmark fees against other facilities

Council will cover gas, water and power usage for 3 years

ERCOM Facilities contact: Barry Stevens

Meeting(s) with User Groups to be organised asap – football/netball, cricket, playgroup, wool classing, gym (Council responsibility), tourism, B Bank, Committee for Winchelsea

*Action:* Council to forward details of user groups to Committee

Master Plan consultations will be starting soon (confidential)

c) Gym – Council to continue to run and subsidise. Concern expressed re state of facilities by high usage and making good falling back to Committee. This is a Council responsibility.

d) SCS CRM to be used for maintenance requests. Concern noted at poor communication from Council re maintenance and at times bookings

Campbell raised having a calendar of events made available from Council. Requires follow up.

e) Reporting template to be developed by Rowena and Stephen.

All agenda items via Secretary

f) Council will be holding a s86 information night in October

**4) Next Meeting:**

Monday 23/09/2013 18:00 at the Hub

Please forward agenda items to the Secretary via the [management@easternreserve.com.au](mailto:management@easternreserve.com.au) email address.

For next agenda: financial management system



**APPENDIX: Eastern Reserve S86 Committee of Management Minutes – 23 September 2013**

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**Eastern Reserve Committee of Management (ERCOM)  
Minutes of Meeting – 23/09/2013, 18:00  
Eastern Reserve Community Hub**

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**1. Welcome and Apologies:**

Meeting commenced at 18:00.

Ken (Joey) Donohue, Campbell Brumby (from 18:10), Stephen Leigh, Barry Stevens, Greg Leeson (from 18:10), Georgie Thompson, Andrew Wright, Caroline Shelbourne

Attending: Cr Rod Nockles, Cr Heather Wellington (from 18:50)

Chair: S Leigh; Secretary: A Wright

The Chair welcomed all parties and opened the meeting.

**2. Previous minutes:**

Moved as a true and accurate record of the meeting held 10/09/2013 by: A Wright. Seconded: G. Leeson. Carried

**3. Business Arising from Previous Minutes:**

All items carried forward into later agenda items for discussion

**4. Correspondence:**

**4.1. IN**

- Winchelsea Playgroup Committee – concerns re poor communication and allocation of space. Action: A Wright reply in writing
- Rowena Frost email outlining booking process. Noted that:
  - We need to transition to our own system by 3 years so a transition plan is required.
  - Motion: “ERCOM request Council to invoice regular user groups weekly, rather than 3 months in arrears”  
Moved: K Donohue; seconded C Brumby. Carried.
- John Chatterton SCS – Update of Outstanding Maintenance and Renewal issues. Meeting and correspondence being organised by B Stevens

**4.2. OUT**

- Nil

**5. Reports:**

**5.1. Chair**

Attendees toured the facility.

Re Playgroup

- Agreement: need clarity on what is in place. Urgent meeting to be organised re this and letter in. Action: A Wright contact Mel Rogers

Discussion was held around meeting protocols and expectations. Noted that we must comply with SCS standards for confidentiality and conflict of interest.

A full induction manual is being forwarded by Rowena Frost.

Action: ERCOM members review draft Groundrules for adoption next meeting.

**5.2. Treasurer**

Implementing an updated Xero system of accounting with specialist assistance.

Bank statements from 20/09/13 from Bendigo Bank were tabled.

3 outstanding creditors.

WFNC \$4,267 major outstanding debtor.

- Noted lights for cricket and footy/netball clubs 3 year arrangement via Council. 2 meters – facility and netball courts. Oval lights have a counter.  
Action: S Leigh and K Donohue calculate expected user costs.

Moved: K Donohue; Seconded: C Brumby  
“That the oval lights usage be billed at \$1/hr per globe used from next invoice”  
Carried.

- Bank signatories

Moved: G Leeson; Seconded: A Wright

“That Bendigo Bank is requested to remove the following people as signatories to any and all Eastern Reserve Committee of Management accounts:

Trevor Wilson  
Angie Mawson.”  
Carried.

Moved: G Leeson; Seconded: A Wright

“That Bendigo Bank is requested to add the following people as signatories to any and all Eastern Reserve Committee of Management accounts:

Stephen Leigh  
Kenneth Donohue.”  
Carried.

Moved: K Donohue; Seconded: C Brumby “that the financial report as tabled is accepted”.  
Carried.

### **5.3. Council**

No report

### **5.4. Portfolios**

The following portfolios and members were nominated and accepted:

Finance – K Donohue  
Marketing & Promotion – Caroline Shelbourne  
Buildings and Grounds – Barry Stevens (primary contact), Steve Leigh  
Bookings – Campbell Brumby  
Functions – TBA  
User Groups – Greg Leeson (primary contact), Georgie Thompson, Andrew Wright

*Action:* Each portfolio first priority to briefly draft scope of that portfolio for agreement next meeting.

*Action:* A Wright email John Chatterton re Monday maintenance.

*Action:* B Stevens to supply ERCOM information/quotes for facility signage.

Noted that SCS Monthly CRM Report will be made available to ERCOM.

## **6. General Business:**

### **6.1. Initial Priorities of ERCOM**

The table of priorities was discussed and agreed as attached to these minutes.

### **6.2. Plans required**

To be carried forward to next meeting.

## **7. Close of Meeting:**

There being no further business the meeting was closed at 20:20.

## **8. Next Meeting:**

Monday 7 October 18:00, ERCH Board Room

Please forward agenda items to the Secretary via the [management@easternreserve.com.au](mailto:management@easternreserve.com.au) email address.

<b>ERCOM Initial Priorities as discussed##:</b>	<b>Rank</b>	<b>Action</b>
Get ownership of facility from the greater Winchelsea community		
Compile list and meet with current user groups (time frame 6 weeks??)	H	GL, GT
Identify potential users of facility that are currently not using or have not been approached		
Introduce Service Level Agreements with user groups and set time for completion:	H	GL, GT
<ul style="list-style-type: none"> <li>• Responsibility of users</li> </ul>		
<ul style="list-style-type: none"> <li>• Responsibility of Committee</li> </ul>		
<ul style="list-style-type: none"> <li>• Responsibility of Council</li> </ul>		
<ul style="list-style-type: none"> <li>• Fees...who pays what and when</li> </ul>		
<ul style="list-style-type: none"> <li>• Dispute resolution process</li> </ul>		
Develop business plan of how to become a profit making venture		
Identify a successful commercial facility of similar size and demographic to model against.		
What is the Surf Coast council budget for the facility for 2013-2014 financial year?	H	RN, HW
Repairs and maintenance and CapEx budget	H	
Legal/legislation impediments or considerations	H	
<ul style="list-style-type: none"> <li>• OHAS protocols for gym staffing and training</li> </ul>		
<ul style="list-style-type: none"> <li>• Liquor licensing for bar and users</li> </ul>		
<ul style="list-style-type: none"> <li>• What do other similar facilities do or manage liquor license</li> </ul>		
Annual calendar of events	H	CB
<ul style="list-style-type: none"> <li>• Booking/Event Calendar on MicroSoft Outlook ??</li> </ul>		
<ul style="list-style-type: none"> <li>• Who does bookings</li> </ul>		
<ul style="list-style-type: none"> <li>• Who determines correct charge for booking and event</li> </ul>		
<ul style="list-style-type: none"> <li>• Who invoices and ensures payment is made</li> </ul>		
<ul style="list-style-type: none"> <li>• Bond for events...who determines how much and when it is released</li> </ul>		
Site plan for users	H	BS
<ul style="list-style-type: none"> <li>• Entry signage</li> </ul>		
<ul style="list-style-type: none"> <li>• Room signage on doors or entrance and window frosting</li> </ul>		
<ul style="list-style-type: none"> <li>• Change rooms</li> </ul>		
<ul style="list-style-type: none"> <li>• Canteen</li> </ul>		
<ul style="list-style-type: none"> <li>• Lower playgroup /wool-classing area</li> </ul>		
<ul style="list-style-type: none"> <li>• Toilets</li> </ul>		
<ul style="list-style-type: none"> <li>• Meeting room</li> </ul>		
<ul style="list-style-type: none"> <li>• Board room</li> </ul>		
<ul style="list-style-type: none"> <li>• Bendigo Community Bank Room</li> </ul>		
<ul style="list-style-type: none"> <li>• Small playgroup room</li> </ul>		
<ul style="list-style-type: none"> <li>• Kitchen</li> </ul>		
<ul style="list-style-type: none"> <li>• Gym</li> </ul>		
Liaison with Elected Council members & staff	H	
<ul style="list-style-type: none"> <li>• First points of contacts for ERCOM to Council</li> </ul>		
<ul style="list-style-type: none"> <li>• Reasonable response times to requests</li> </ul>		
<ul style="list-style-type: none"> <li>• Escalation process</li> </ul>		
<ul style="list-style-type: none"> <li>• Approved Council Sub Contractor list</li> </ul>		
<ul style="list-style-type: none"> <li>• keys &amp; alarm zones</li> </ul>		

• building alterations down stairs		
• liquor licensing - from Rowena's report		
• permanent meeting times		
• Delegations – a copy each of the final version		
• Roles and responsibilities – collectively and individually		
• Priorities and strategies		
• Management committee – protocols especially around dealing with Council and user groups, and meeting protocols	H	
• Starting budget		
• Risk management plan – what are the risks and are we exposed?		

## Note this list is not exhaustive.

**APPENDIX: Eastern Reserve S86 Committee Minutes – 1 October 2013**

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**Eastern Reserve Committee of Management (ERCOM)  
Minutes of Meeting – 01/10/2013, 18:00  
Eastern Reserve Community Hub**

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**1. Welcome and Apologies:**

Meeting commenced at 18:00.

Ken Donohue, Campbell Brumby, Stephen Leigh, Barry Stevens, Greg Leeson, Georgie Thompson, Andrew Wright, Caroline Shelbourne

Apologies: Cr Rod Nockles, Cr Heather Wellington, J Lane SCS, R Frost SCS

Chair: S Leigh; Secretary: A Wright

The Chair welcomed all parties and opened the meeting.

**2. General Business:**

The meeting was called to discuss and determine actions regarding liquor licensing requirements and expectations as they stand with user groups holding liquor licenses, and other users booking the facility and wanting to utilise user groups licenses, or getting temporary licenses.

Issues discussed included:

- Status of existing liquor licenses
- Status of user group agreements, especially as related to regular facility usage
- Immediate issues related to current bookings.

It was agreed we need further clarification from the Licensing Commission regarding a range of issues in dealing with various types of users of the facility with various types of licenses.

*Actions arising:*

1. K Donohue to email draft user agreement to ERCOM members
2. G Leeson, G Thompson and S Leigh to meet with Cricket Club asap, preferably before the coming weekend
3. B Stevens to meet/discuss Saturday night function with SCS J Zdralka
4. A Wright to follow up Licensing Commission meeting with J Lane

**3. Close of Meeting:**

There being no further business the meeting was closed at 19.10.

**4. Next Meeting:**

Monday 7 October 18:00, ERCH Board Room

Please forward agenda items to the Secretary via the [management@easternreserve.com.au](mailto:management@easternreserve.com.au) email address.

**APPENDIX: Stribling Reserve Committee of Management Meeting 9 September 2013**



# Stribling Reserve Committee of Management Minutes 9 September 2013

**Lorne Leisure Centre:** 4.30 pm 9 Sept 2013

**Present:** Geoff Bird, Linton Ferguson, Peter Spring, Jarrod Westwood, Darren Balderas, Clive Goldsworthy

**Apology:** Rick Kehoe, Wendy Jarratt, John Ford

## 1. Minutes

Previous meeting minutes circulated. Minutes accepted

Motion: The minutes be accepted. (Moved Geoff Seconded Linton) Carried

## 2. Business Arising

- Stadium upgrade. All materials available and appears on track for Sept School holidays.
- Jamie Kerr to repair wall panels...PS to contact so its done before floor works
- Oval scoreboard landing in need of repair. Part of package of works including winches, stadium floor, change room mods and lock changeover. Jarrod to follow up.
- Ash trays on poles, LFNC to investigate.

## 3. Finance

Presented

## 4. General Business

- Water retained near light poles causing the problem with the leaning of the light poles. They are on a fortnightly " watch" from shire engineers. Has been costed to move if necessary but at moment waiting to get definitive risk assessment from engineers. Report due at end of September. Lights need to be re-aimed and bulbs replaced before 2014 season. Power supply to reserve may have to be upgraded to cope with extra current required.
- Netball extension specs are out and waiting on close of tenders. This work incorporates court extension, fencing, training lights, new retaining wall and new drainage.
- Oval works are all go. Contingency plan for oval closure to school, emergency services, and public. Shire to advise via media release before end of school term.
- Section 86 Instrument of Delegation document reviewed at meeting. It has clarified responsibilities for Committee of Management and sporting clubs. Committee members all happy with wording and passed this on to Jarrod
- User agreement for Lorne School to be re formalised now that original agreement has been found. PS to follow up.
- The current Committee of Management positions will be spilled in November. Expect expressions of interest to be advertised in late Oct prior to AGM. Jarrod explained that future committees will be expected to undertake more training. Greater expectations on volunteerism.
- Cricket club requested labels for storage bins in the Umpires room. Darren to organise labels.
- Cricket practice nets are slumping. Jarrod asked to get someone in to have a look.

## 5. Booking Officers Report – Linton Ferguson

- Booking Calendar see <https://sites.google.com/site/lorneleisurecentre/home>. I was using a web page and typing all the information. I have now changed to Google calendar and you can access it from the above web site or use the link below to import the calendar into your Outlook or similar calendar <https://www.google.com/calendar/ical/54ivvnb9ua8nk9hb0lqtstrfp8%40group.calendar.google.com/public/basic.ics>
- Basketball, Sue Balderas has booked Basketball for Thursday 4:00 – 5:00 pm for Term 3 with a charge of \$5 per session. At the end of Term 3 Book-keeper will invoice Sue Balderas for 9 weeks @ \$5.00 = \$45.00

- Hip Hop classes finish this term. Rebecca Fairey has moved and has decided not to continue offering classes.
- Lorne Football Netball Club has booked the LLC from 4:00 pm on Saturday 7<sup>th</sup> September and used commercial cleaners on Sunday to clean up. Janet Smartt sent an email saying they will attend to the drink marks on the ceiling of the multi-purpose room next week.
- cleaning of carpet in MP room after medal count.

**6. Meeting Closed 5:30 pm Next Meeting - 4:30 pm Monday 14th Oct 2013.**

## 5.2 Advisory Committee Minutes

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Director Corporate Services

**Department:** N/A

**Directorate:** Corporate Services

**Director:** Chris Cowley

**File No:** Various

**Trim No:** D13/148007, D13/146852

**Appendix:**

1. Advisory Committee Minutes

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Select Conflict of Interest

**Reason:** Select relevant section S89 (2)

### Purpose

To receive and note the minutes of its Advisory Committees as provided since the last Council Meeting.

### Officer Recommendation:

That Council receive and note the minutes from the following Advisory Committees:

1. Municipal Emergency Management Planning Committee - 21 August 2013.
2. Advisory Committee on Disability – 1 October 2013.

### COUNCIL RESOLUTION

#### MOVED Cr Smith, seconded Cr Fisher

That Council receive and note the minutes from the following Advisory Committees:

1. Municipal Emergency Management Planning Committee - 21 August 2013.
2. Advisory Committee on Disability – 1 October 2013.

**CARRIED: 8:0**

**APPENDIX 1: Advisory Committee Minutes**

## Municipal Emergency Management Planning Committee

### MINUTES OF held

Wednesday 21 August 2013, 10.30am – 11.30am

Grant Pavilion – Tantau Room

1 Merrijig Drive, Torquay

#### Members:

Chair: Andrew Morrow – Dept, of Environment & Primary Industries  
Cr Margot Smith – Surf Coast Shire Councillor  
Virginia Enticott – MERO, Surf Coast Shire  
Kerrie Williams – Surf Coast Shire  
Ian Davis – Barwon Water  
Dean Mason – Country Fire Authority  
Stephen Pefanis – DPI  
Paul Lunny – Life Saving Victoria  
Kate Gillan – Lorne Community Hospital  
Warren Cato – Ambulance Victoria  
Terry Murrhly - Dep.t Human Services  
Rob Leary – Powercor  
Andrew Lowe – Salvation Army  
Ros Leigh – Australia Red Cross  
Zehra Fikret – Australian Red Cross  
Chris Burgess - VicPol  
Helen Chandler – Surf Coast Shire

#### Apologies:

Rowan Mackenzie (SCS), Robyn Steven (SCS), Adam Lee (SCS), Kevin Warburton (VicPol), Maree Roberts (Health Vic), Jan Walsh (Aust. Red Cross), Matt Allen (CFA), Andrea Cox (DEECD), Kam Benton (Hesse Rural Health), Jill Golland (SFMPST), Matthew Ponsford (Life Saving Victoria), Janelle Bryce (Lorne Community Hospital), Janet Smartt (Lorne Community Hospital), Frank Gleeson (Parks Victoria), David Cooper (Police – Lorne), Terry Mervin (VCC), Matthew Chamberlain (DHS), Frank Gleeson – Parks Victoria, Gerry Verdoorn – Country Fire Authority, Michelle Henderson (VicPol)

	<b>Issue Topic</b>	<b>Points of Discussion</b>	<b>Agreement / Action</b>	<b>R/O</b>
<b>1</b>	<b>Welcome and apologies</b>	The Chair opened the meeting and welcomed members and noted apologies.		
<b>2</b>	<b>Confirmation of Minutes</b>			
2.1	Previous minutes	Confirmed the minutes of meeting held 5 March 2013 are adopted.	Moved: Ian Davis Seconded: Rob Leary	
2.2	Actions outstanding and arising	Surf Safety Working Group	Update on progress to be provided at next meeting	Kevin Warburton
<b>3</b>	<b>Correspondence</b>			
3.1	Received	<p>27 May 2013 - Email from Australia Red Cross advising of a restructure in the Red Cross Emergency Services Department effective July 1 2013. D13/37433</p> <p>25 June 2013 – Letter from Glenn Strickland advising MEMPC of the restructure in the Red Cross Emergency Services Department and that he will be finishing in his role as Emergency Services Coordinator. D13/33854</p> <p>2 July 2013 – Email from Australia Red Cross with key messages for external stakeholders. D13/133163</p> <p>22 July 2013 – Email received from Vic Police advising Col Renton will be acting Superintendent for the Western Region Emergency Management. Position was vacated by Steve Barbers retirement. D13/31117</p>	Circulated to the MEMPC prior to the 21 August 2013 meeting	
3.2	Outgoing	27 June 2013 – Letter to Glenn Stickland, Australian Red Cross from MEMP Committee thanking him for his valuable contribution and assistance over the past three years. D13/44982	Noted	SCS
<b>4</b>	<b>General Business</b>			
4.1	Sub Committee reports	<p>D13/133158 – Minutes Municipal Fire Management Planning Committee (MFMP) meeting - 6 August 2013.</p> <p>D13/136603 – Minutes Cross Council Relief &amp; Recovery Committee meeting - 7 August 2013.</p> <p>Council has requested that minutes of the Community Impact</p>	Sub Committee minutes to be circulated with minutes of this meeting.	Helen Chandler, SCS

	Issue Topic	Points of Discussion	Agreement / Action	R/O
		<p>Advisory Committees (CIAC) should be circulated to the MEMPC as sub-committee reports.</p> <p>The MEMP Committee noted that CIACs role is to facilitate better integrated planning to enhance community safety in relation to events and peak visitor times. Individual CIAC's meetings are held monthly or bi-monthly at Anglesea, Torquay, Lorne and hinterland. Either the Chair of CIAC or a MEMPC committee member can escalate a matter to MEMPC for decision and /or recommendations.</p>		
4.2	Municipal Emergency Flood Plan	Due to resourcing issues with VicSES this plan has been placed on hold until further notice. Relevant Council operational procedures regarding flood risk are completed and are not affected by this pending sub plan.	On hold	Ian Carlton, SES
4.3	Municipal Relief & Recovery Plan	Municipal Relief and Recovery Plan have been circulated to MEMPC and no further comments were received.	<p><b>Motion to endorse Municipal Relief and Recovery Plan</b></p> <p>Motion: Virginia Enticott</p> <p>Seconded: Ian Davis</p>	Virginia Enticott, SCS
4.4	Community Alert Sirens Lorne Pilot	<i>Interim Report of Evaluation of the Community Alert Sirens Pilot Program 2012-13</i> , March 2013 is currently with the Fire Service Commissioners (FSC) office for review. The FSC has indicated that community education and consultation around the use of community alerting sirens will be a key focus of the next stage of the project for those communities who already have them. The plan to install and/or modify the existing network of CFA sirens to provide community alerting sirens will continue in the lead up to the next fire season.	Community Alert Sirens Report on proposed community engagement leading up to this fire season	Gerry Verdoorn, CFA
4.5	Neighbourhood Safer Places	Reassessment process underway, awaiting confirmation that all 10 sites are compliant for the coming fire season.	Neighbourhood Safer Places Report outcome to next meeting	Virginia Enticott, SCS
4.6	Vulnerable Communities	Terry Murrhly briefed the committee on the Crisisworks (MECC Central) module DHS are trialling.	Noted	
4.7	Incidents	Nil to report		
5	<b>MEMPlan Update</b>	MEMPlan audit to be put on hold until Community Emergency Risk	Awaiting update from VicSES	Ian Carlton,

	Issue Topic	Points of Discussion	Agreement / Action	R/O
		Assessment (CERA) workshop is completed.	on MEMPlan audit and CERA process	SES
5.1	MEMPlan review <i>for noting</i>	Nil	Report progress to next meeting	Virginia Enticott, SCS
5.2	Training <i>for noting</i>	<p><i>Communicating in Recovery</i> training held at Surf Coast Shire – 20 June 2013, 13 people attended from Council and agencies. For more information, go to Red Cross Community in Recovery <a href="http://www.redcross.org.au/communicating-in-recovery.aspx">http://www.redcross.org.au/communicating-in-recovery.aspx</a></p> <p><i>EMLO - Emergency Management Liaison Officer Training</i> – 19 July 2013. Adam Lee, Virginia Enticott and Michael Cooper attended from SCS along with representatives from other agencies. Training was for the pending shift in emergency management arrangements for phasing out of MECC's as outlined in the white paper</p> <p><i>ERC - Emergency Relief Centre Training</i> – July 2013, for staff from Surf Coast Shire. 22 Surf Coast Shire staff attended this session. Further training will be held for council staff (including Colac Otway Shire and Corangamite Shire) followed up with annual refresher training.</p>	Report progress to next meeting	Virginia Enticott, SCS
5.3	Exercises <i>for noting</i>	<p>Incident Emergency Management Team Evacuation Exercise is scheduled for 6 September 2013. This will be a desktop evacuation exercise for testing the evacuation process and procedures, to be held at Geelong West Fire Brigade 67B McCurdy Rd Herne Hill.</p> <p>SurfEX Relief Centre Activation Exercise is scheduled for 12 September 2013 at the Anglesea Memorial Hall. Surf Coast Shire is hosting this live Emergency Relief Centre (ERC) exercise. The objectives of SurfEX are to:</p> <ol style="list-style-type: none"> <li>1. Showcase the ERC environment</li> <li>2. Take the opportunity to engage with a number of support agencies and neighbouring Councils</li> <li>3. Educate those who will be expected to have an ERC role in a realistic scenario</li> <li>4. Bring the remaining Council staff on the journey</li> </ol>	<p>Invitations to agencies to be sent.</p> <p>All MEMPC are encouraged to come along and participate.</p>	<p>Dean Manson, CFA</p> <p>Virginia Enticott, SCS</p>



	Issue Topic	Points of Discussion	Agreement / Action	R/O
		<p>5. Gain a fresh perspective on the three Councils model and Standard Operating Guidelines content and;</p> <p>6. To derive learnings that will be incorporated into future Guidelines.</p> <p>The facilitator for the <i>A/IMS courses</i> is the CFA. The AIMS system is being reviewed nationally. Exercises and training dates circulated with minutes of this meeting.</p>	<p>Exercises and training dates circulated with minutes of this meeting</p> <p>Report outcome to next meeting</p>	
6	<b>Agency Reports</b>	<p>The following reports were circulated to the Committee prior to meeting:</p> <ul style="list-style-type: none"> <li>• CFA</li> <li>• Department of Environment &amp; Primary Industries</li> <li>• Department of Human Services &amp; Department of Health Rob Bromley to be replaced by Sarah Coward on all Emergency lists</li> <li>• Australian Red Cross</li> <li>• Barwon South West regional network managers update, circulated with minutes of this meeting.</li> </ul>		
7	<b>Other</b>	<p>Due to a number of people sitting on both the MFMPC (Municipal Fire Management Planning Committee) and MEMPC it was agreed by the MEMPC that we hold both meetings on the same day.</p>	<p>Reschedule future MEMPC and MFMPC meetings to occur on same day, meeting invitation to be sent to Committee members</p>	<p>Kerrie Williams, SCS</p>
8	<b>Meeting Close</b>	<p>Chair closed meeting at 11.30am</p>		
8.1	<b>Next meeting</b>	<p>19 November 2013</p>		

Acronyms:

MERC = Municipal Emergency Response Coordinator, MERO = Municipal Emergency Resources Officer, MRM = Municipal Recovery Manager  
DEECD = Department of Education and Early Childhood Development DPI= Department of Primary Industries

**APPENDIX: MINUTES 1<sup>st</sup> October 2013**

**Advisory Committee on DisAbility [ACoD]  
Minutes**

**Tuesday 1<sup>st</sup> October 2013 2013  
1:00 – 3:00pm  
Aireys Inlet Room – Surf Coast Shire**

**Present:** Cr Heather Wellington, Laurie Cuttiford, Emmanuel Pimentel, Lucille Marks, Kerri Deague [SCS], Wendy Nuttall [SCS], Caroline Maplesden, John Olsen [Chair], Max Kitchen, Carol Okai, Peter McLean

**Guests:** Jim Connor [Access consultant Access Surf Coast Maps project], Sue and Stephen Ross, Jacqui Pierce [A place for life project],

**Apologies:** Judy Simkin, Leone Mervin, Jill Moss, Richard Porter, Tina Gilimo, Debbie Myers.

<b>Ag. No.</b>	<b>Issue Topic</b>	<b>Time</b>	<b>Points of Discussion Details/ Decision</b>	<b>Agreement / Action / Timeframe</b>	<b>R/O</b>
1	Welcome and Introductions and acknowledgements.	2			John Olsen
1.1	Minutes from previous meeting	4		Accepted: Lucille Marks Seconded: Max Kitchen Carried: All	John Olsen
1.2	Assembly of Surf Coast Shire Councillors	2	No declaration of conflict of interest [attending Councillor/s specific]		John Olsen
1.3	Conflict of Interest	2	No declaration of conflict of interest [Other community members]		John Olsen
<b>2</b>	<b>New Business</b>				
2.1	ACoD function and relationship with Council	60	Cr Wellington presented information about council's commitment to the ACoD, council's role in relation to the advisory committee and the process for communicating recommendations to council.	Action: The parameters of communication between ACoD and Council are to be clarified and to be incorporated into the new Terms of Reference under development.	Cr. Heather Wellington
2.2	Acknowledgement	5	John Olsen thanked Cr Heather Wellington for the presentation to clarify the issues raised by ACoD		John Olsen

Ag. No.	Issue Topic	Time	Points of Discussion Details/ Decision	Agreement / Action / Timeframe	R/O
2.3	Member resignation	5	members. Member of ACoD – Laurie Cuttiford announced his formal resignation from committee citing his personal dissatisfaction with various matters of communication between ACoD and the Council	Agreement: John Olsen on behalf of ACoD accepted L Cuttiford's resignation with regret.  Action: John Olsen will write a letter of acknowledgement to thank Laurie for his contribution on the ACoD committee.	Laurie Cuttiford  John Olsen
2.4	Access Surf Coast Maps project – Jim Connor Consultant	30	A presentation of the project brief, project summary and outcomes provided. Each of the four township maps will identify accessible features, facilities, tourist routes and resource information. Draft Lorne map proof was circulated to members. Remaining three township maps to be completed by end of October.	Action: Soft copy of Lorne map to be sent to members on 2 <sup>nd</sup> October. Feedback from members to be sent to K Deague by 9 <sup>th</sup> October	Kerri Deague
2.5	A Place for Life – project summary. Guests: Sue and Stephen Ross, Jacqui Pierce	20	The proposed model is to build independent living units for people with a disability to reside in. Individual funding for support is to be provided through Disability Care. The project involves 35 families, disability services organisations and proposes to involve local government across the NDIS launch site.	Action: John Olsen will informally explore opportunities for council support of this model and will report to ACoD on 3 <sup>rd</sup> December.	John Olsen
2.6	All Abilities Day 2013	5	Project brief sent out as attachment with agenda. All members present expressed support for development of community brochure relating to accessible and inclusive services/ amenities in the Shire.	Action: Brochure to be developed and launched on all abilities day – 3 <sup>rd</sup> December.	Kerri Deague
3	<b>Actions from previous minutes</b>				
3.1	Written report to be tabled	10	<b>Item 1.4.3 action from previous minutes 040613:</b> Cr H Wellington will identify what options Council has in their power to deal with non-compliance by public authorities such as GORCC. <b>Item 3.1 action from previous minutes 040613:</b> Cr H Wellington proposed that a planning session be organised with the Director of Infrastructure, Councils municipal building surveyor, Cr. Heather Wellington, and	This item is to be carried over to meeting on 3 <sup>rd</sup> December.  Action: A written report is to be tabled to respond to these items.	Cr. Heather Wellington

Ag. No.	Issue Topic	Time	Points of Discussion Details/ Decision	Agreement / Action / Timeframe	R/O
			ACoD members: Laurie Cuttiford, Richard Porter and John Olsen. Questions to be addressed at planning session: <ul style="list-style-type: none"> <li>• What is the regulatory framework for accessible design?</li> <li>• What are the gaps in place?</li> </ul> What can be done to remedy the issues?		
3.2	Accessible Playground Working Group	5	Progress update	To be carried over to next meeting	
3.3	Rural Access project update	5	Current projects: <ul style="list-style-type: none"> <li>• Inclusive consultation guidelines</li> <li>• Access maps</li> <li>• Trail Rider promotion</li> <li>• All Abilities day 2013</li> </ul>	Action: K Deague to send out written project summary, inviting feedback from ACoD	Kerri Deague
3.	ACoD member: presentation	10	Present a summary of life experiences to share, interests and motivation to join the ACoD committee.	<b>Action:</b> Leone Mervin to present at December meeting. Carol Okai to present at February meeting.	Leone Mervin. Carol Okai
4.	<b>Next Meeting:</b> Tuesday 3 <sup>rd</sup> December		Agenda items to be forwarded to K Deague Wednesday 27 <sup>th</sup> November, 2013		
<b>Next Meeting date: Tuesday 3<sup>rd</sup> December. Location: Shire Offices - Aireys Inlet Room</b>					
<b>Future meetings – First Tuesday of every alternative month, unless otherwise stated. Time: 1:00 – 3:00pm, Address: Shire Offices – 1 Merrijig Way, Torquay</b>					
<b>Dates for 2013 meetings:</b>			<b>1<sup>st</sup> February, 2<sup>nd</sup> April, 4<sup>th</sup> June, 6<sup>th</sup> August, 1<sup>st</sup> October, 3<sup>rd</sup> December</b>		
<ul style="list-style-type: none"> <li>▪ Ground rules for our Meeting</li> <li>▪ We start on time and finish on time</li> <li>▪ We all participate and contribute – everyone is given an opportunity to voice their opinions</li> <li>▪ We use improvement tools that enhance meeting efficiency and effectiveness</li> <li>▪ We actively listen to what others have to say, seeking first to understand then to be understood</li> </ul>			<ul style="list-style-type: none"> <li>▪ We follow-up actions for which we are assigned responsibility and complete them on time</li> <li>▪ We give and receive open and honest feedback in a constructive manner</li> <li>▪ We use data to make decisions (whenever possible)</li> <li>▪ We strive to continually improve our meeting process and build time into each agenda for reflection</li> </ul>		

## 6. Assemblies of Council

EMT Report

Council Briefing

Council Report

**Meeting Date:**

Tuesday, 22 October 2013

**Council Meeting Adoption Date:**

Tuesday, 22 October 2013

**Authors Title:** Chief Executive Officer

**Department:** N/A

**Directorate:** N/A

**Appendix:**

1. Assembly of Councillors Records

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

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

Yes

No

**Reason:** Select Conflict of Interest

**Director:** Not applicable

**File No:** F12/1931

**Trim No:** D13/148993

**Status:**

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

Yes

No

**Reason:** Select relevant sectionS89 (2)

### Purpose

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.

### Officer Recommendation

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

1. Councillor Workshop – 2 September 2013
2. Councillor Workshop – 3 September 2013
3. Council Policy Review Sub-committee Meeting – 8 October 2013
4. Council Briefings – 8 October 2013

### COUNCIL RESOLUTION

#### MOVED Cr Smith, seconded Cr Fisher

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

1. Councillor Workshop – 2 September 2013
2. Councillor Workshop – 3 September 2013
3. Council Policy Review Sub-committee Meeting – 8 October 2013
4. Council Briefings – 8 October 2013

**CARRIED: 8:0**

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

No items.

**8. IN-CAMERA**

No items.

**Close:** There being no further items of business the meeting closed at: 7.07pm.