



Minutes

Ordinary Meeting of Council
Tuesday, 23 July 2013

Held at
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 6.01pm

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 23 JULY 2013 COMMENCING AT 6:01PM

PRESENT:

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

In Attendance:

Stephen Wall, Chief Executive Officer
Dennis Barker, Director Sustainable Communities
Sunil Bhalla, Director Infrastructure
Chris Cowley, Director Corporate Services
Brydon King, Manager Planning and Development
Matt Novacevski, Communications Officer
Richard Bain, Special Projects Coordinator
Simone Beekmans, Governance Support Officer

61 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:

NIL

CONFIRMATION OF MINUTES:

COUNCIL RESOLUTION

MOVED Cr Goldsworthy, seconded Cr McKitterick

That Council note the minutes of the Ordinary meeting of Council held on 25 June 2013 as printed and circulated, as a correct record of the meeting.

CARRIED: 9:0

LEAVE OF ABSENCE REQUESTS:

NIL

CONFLICTS OF INTEREST:

Stephen Wall declared a conflict of interest because of residential amenity relating to the public questions on TP187 - Combined Planning Scheme Amendment/Planning Permit - The Sands Torquay – as he is a property owner at The Sands.

PRESENTATIONS:

NIL

PUBLIC QUESTION TIME:

Questions With Notice

Richard Bennett, President - Surfrider Foundation Surf Coast Branch

QUESTION 1:

Can Council please advise who Council believes are the "stakeholders" of Bells Beach Surfing Recreation Reserve? In addition, does Council acknowledge any one or more individual or group as a "priority stakeholder" of Bells Beach Surfing Recreation Reserve? If yes, can Council please kindly identify the individual/s and/or group/s Council acknowledges as "priority stakeholder/s" of Bells Beach Surfing Recreation Reserve, thank you.

RESPONSE by Cr Nockles

Community and Stakeholders Groups are:

- Communities/residents
- Surfers and Surfing Groups
- Peak Community Groups
- Wauthaurong Registered Aboriginal Parties, Wauthaurong Aboriginal Co-operative
- Business/retail
- Tourism Industry: Tourism and Recreation Providers
- State Government Departments
- Media
- Ministers
- Local State and Federal MPs
- Surf Coast Shire Council

As per membership of the proposed Bells Beach Task Force, the priority stakeholders are individuals representing surfing and broader Recreation, Tourism and Environment/Heritage groupings.

Stephen Wall left the meeting at 6.08pm.

Peter Smith

QUESTION 1:

My questions relate to the document TP187 ie: an application for a planning scheme amendment which if passed will allow for the Sands Resort Hotel to be altered and developed into a "Residential Aged Care Facility". I understand that Mr David Merrett was appointed by Council to provide an independent report on this matter to Council. May I obtain a copy of the brief offered to Mr Merrett by Council?

RESPONSE by Dennis Barker, Director Sustainable Communities

The brief for the appointment of Mr Merrett requires a consultant to:

"To act as an agent of the Surf Coast Shire Council as the planning authority and responsible authority for the purpose of considering and processing a request for a combined amendment to the Surf Coast Planning Scheme and planning permit application pursuant to Section 96A of the Planning and Environment Act 1987 (the Act)."

Mr Merrett was engaged by Council to act as its agent and review the amendment request as submitted by the proponent and following Council processes. Mr Merrett's assessment of the amendment was reviewed by the Manger Planning and Development in referring the report to Council.

A copy of the brief for Mr Merrett's role will be provided to you.

QUESTION 2:

The report to Council on this matter TP187 is documented on pages 201, 202 and 203 of Council Minutes of the meeting on 25th June 2013. Does the Council believe that this report offers balance and substance and has Council considered the full geographical and social impact that this amendment may have on the existing community. My view is that the Council has not made a fully informed decision on this matter if it had done so the matter may not have proceeded to this stage.

RESPONSE by Dennis Barker, Director Sustainable Communities

The report outlines the pros and cons of the current amendment and suggests the amendment be tested further via the amendment process. Council has not been requested to form a definitive view on the amendment but rather to determine whether it wishes to test the proposition and start the planning scheme amendment process.

The planning scheme amendment process allows Council to abandon the amendment at two further decision making points being post formal exhibition and in the event a Panel is held, post receiving a Panel report.

Paul Martonhelyi

QUESTION 1:

My question refers to item 2.5 from the last Council meeting dated 25th June, TP187 - Combined Planning Scheme Amendment/Planning Permit - The Sands Torquay, and references also Planning Amendment C19, finished 31 March 2005, which granted an increase from 600 to 700, the number of residential blocks in The Sands, with the extra 100 lots forming the Residential Hotel which is subject, in part, of the current proposal to convert it and an unspecified component of the golf club house comprising function rooms, restaurant, bar, kitchen, locker rooms, pro-shop, offices, gym pool and buggy garage space, to a residential aged care facility.

Has, or does Council propose to, conduct an economic impact study on the effect that the current proposed amendment will have in the immediate and long-term, on tourism in Torquay and the greater Surf Coast given that, in the C19 amendment to set up of the hotel, the project was lauded for its "positive social and economic effects", that "it will create long term local employment opportunities and through the support it provides to the Golf Club Facility, will add to the viability of recreational facilities able to be used by the local community" and that it "will have multiplier impacts into the local economy" and "will act as a catalyst for other tourist based uses to expand to cater for the increased visitors", and more, whilst in last month's meeting the loss of tourist accommodation from its demise was only rated as "regrettable"?

RESPONSE by Dennis Barker, Director Sustainable Communities

The planning scheme amendment process in this case is driven by a private interest. Council has only agreed to start the process at this stage. The process allows for the testing of the proposition through public exhibition and referral (internally to several departments and to Government agencies). At this stage Surf Coast Shire has not requested or been provided with any detailed economic impact study. It is proposed to request the proponent provide more information about performance of the current hotel and the economic drivers for the proposed change and its impacts to help support the exhibition process.

Geoffrey King

QUESTION 1:

My question relates to the 'TP187 Planning Scheme Amendment for aged care facility at the Sands Torquay. I am a resident of the Sands and a Member of the Owners Corporation Committee. A meeting of 140 concerned Sands residents was held on Sunday and not one person raised their hand in support of the proposal to modify the hotel building to a nursing home. Residents at that meeting resolved to demand the Handbury Group should answer their questions.

I wish to ask why the Council did not contact the Owners Corporation Committee or residents prior to the Council Ordinary Meeting of the 25th June, given the impact of this decision on residents. Surely the Council understands the distress that this proposal is causing our Sands community. The Council clearly had knowledge of this proposal for some time, as the plans for the building alterations were received in the 19th February.

RESPONSE by Dennis Barker, Director Sustainable Communities

After receiving the planning scheme amendment request, Council officers have encouraged the proponent to discuss the proposal with the Sands community.

Council's decision on the 25 June, 2013 was to start the amendment process. Council has not formed a specific position on the merits of the proposal. The amendment process allows for formal discussions of the proposal with Sands residents and the broader community via a formal public exhibition process. This process provides opportunity for issues to be raised and for these to influence the decision making process of Council as a result. This is considered a robust and effective means to allow input from all parties in an organised way and will allow Council to make an informed decision about the merits of the proposed amendment post the exhibition process.

Stephen Wall returned to the meeting at 6.20pm.

Questions Without Notice

Stephen Harris

QUESTION 1:

May I take this opportunity to thank Council and its Officers for listening to the community and strongly commend Council to declare the Special Charge Scheme for this project. I ask that funds be set aside in the Capital Works Budget for the Pearse Road project in this financial year.

RESPONSE by Cr Coker, Mayor

The Pearse Road Construction, Aireys Inlet – Intention to Declare Special Charge Scheme is an item on tonight's Agenda, which should answer your query.

BUSINESS:

COUNCIL RESOLUTION

MOVED Cr Smith, seconded Cr Nockles

That Council move Item 3.1 to the first item on the Agenda.

CARRIED: 9:0

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3. Infrastructure

3.1 Pearse Road Construction, Aireys Inlet – Intention to Declare Special Charge Scheme

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Special Projects Engineer
Department: Engineering Services
Directorate: Infrastructure

Director: Sunil Bhalla
File No: F12/1049
Trim No: D13/44442

Appendix:

Schedule A – Benefit Ratio
Schedule B – Plan showing extent of works and scheme boundary
Schedule C – Cost Estimate
Schedule D – Special Charges
Schedule E – Cost apportionment plan
Schedule F – Photos of existing conditions

Council Meeting Adoption Date:
Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant sectionS89 (2))

Purpose

To consider the proposed construction and sealing of Pearse Road, Aireys Inlet using a Special Charge Scheme to assist with the funding of the project.

Summary

A petition seeking construction and sealing of Pearse Road, including the installation of road humps, was considered at the 26 March 2013 Council Meeting. Council resolved to “commence investigations regarding construction of Pearse Road, substantially funded through a Special Charge Scheme, and consult with all the affected owners regarding the scope of the works and how best to apportion the Special Charge Scheme costs.”

An Information Brochure, explaining why the project is being considered, the scope of proposed works, who may be affected and what it might cost, was distributed to 82 properties in May 2013 inviting feedback. An Information Session held at the Aireys Inlet fire station on 8 June 2013 was attended by approximately 20 property owners.

Feedback has been received from 42 properties, with 22 properties being supportive in principle, four are undecided and 16 are opposed. 17 property owners that supported the petition have not provided feedback. Several amendments are proposed as a result of the feedback. The most significant is a reduction in the length of sealed road North of Aireys Street.

If the project proceeds, it will be necessary for Council to allocate some funds to the project in recognition of the benefit the wider community would receive. In line with Council policy, a Special Charge Scheme would raise the majority of funds by levying those properties that are considered to receive a “special benefit” from the new works.

Officer Recommendation

That Council:

1. Give notice of its intention to declare a Special Charge Scheme in accordance with Section 163 (1) of the Local Government Act of 1989 as amended, as follows:
 - 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, Aireys Inlet. 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 75 properties described in Column A of Schedule D and shown on the attached plan (Schedule B).
- 1.4 A maximum 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 additional Council contribution of \$29,072, in accordance with Council's Special Charge Scheme Policy, 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 improved access and dust, mud 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 (1C) of the Act.
- 1.7 Having regard to the preceding parts of this resolution but subject to Section 166 (1) of the Act, it is recorded that:
 - 1.7.1 The owners of the properties listed in Column A of Schedule D are estimated to be liable for the respective amounts as set out in Column E of Schedule D; and
 - 1.7.2 Such owners may, subject to any further resolution of Council, pay the Special Charge in the following manner:
 - 1.7.2(a) 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 (16) quarterly instalments from that date.
 - 1.7.2(b) 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.
 - 1.7.2(c) 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.
- 1.8 Prior to making a declaration under Section 163 (1A) of the Act Council will review any submissions made in accordance with Sections 163A, 163B and 223 of the Act, via a Council Hearing.
- 1.9 The formal scheme declaration will be considered by Council on 24 September 2013 or at a subsequent meeting, following consideration of any submissions. Council will consider whether to make a declaration in the form proposed, in accordance with the provisions of Section 163B of the Act.
- 1.10 Council's Chief Executive Officer is authorised to give Public Notice of the proposed declaration, and to advise each person who will be liable to pay the Special Charge in accordance with Section 163 (1A), 1(B), 1(C) and 163 B (3) of the Local Government Act
- 1.11 Advise property owners no longer within the catchment of Council's decision.

COUNCIL RESOLUTION

MOVED Cr Smith, seconded Cr Fisher

That Council:

1. Give notice of its intention to declare a Special Charge Scheme in accordance with Section 163 (1) of the Local Government Act of 1989 as amended, as follows:
 - 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, Aireys Inlet. 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 75 properties described in Column A of Schedule D and shown on the attached plan (Schedule B).
 - 1.4 A maximum 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 additional Council contribution of \$29,072, in accordance with Council's Special Charge Scheme Policy, 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 improved access and dust, mud 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 (1C) of the Act.
- 1.7 Having regard to the preceding parts of this resolution but subject to Section 166 (1) of the Act, it is recorded that:
 - 1.7.1 The owners of the properties listed in Column A of Schedule D are estimated to be liable for the respective amounts as set out in Column E of Schedule D; and
 - 1.7.2 Such owners may, subject to any further resolution of Council, pay the Special Charge in the following manner:
 - 1.7.2(a) 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 (16) quarterly instalments from that date.
 - 1.7.2(b) 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.
 - 1.7.2(c) 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.
- 1.8 Prior to making a declaration under Section 163 (1A) of the Act Council will review any submissions made in accordance with Sections 163A, 163B and 223 of the Act, via a Council Hearing.
- 1.9 The formal scheme declaration will be considered by Council on 24 September 2013 or at a subsequent meeting, following consideration of any submissions. Council will consider whether to make a declaration in the form proposed, in accordance with the provisions of Section 163B of the Act.
- 1.10 Council's Chief Executive Officer is authorised to give Public Notice of the proposed declaration, and to advise each person who will be liable to pay the Special Charge in accordance with Section 163 (1A), 1(B), 1(C) and 163 B (3) of the Local Government Act
- 1.11 Advise property owners no longer within the catchment of Council's decision.

CARRIED: 9:0

Pearse Road Construction, Aireys Inlet – Intention to Declare Special Charge Scheme

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 the Pearse Road between the Great Ocean Road and Aireys St. In May 2012, following receipt of public submissions, Council resolved not to proceed with works within Precinct.

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. The covering letter was accompanied by pro-forma letters from 34 properties supporting the petition. It also noted that 10 properties had expressed opposition to the sealing of Pearse Road.

At its 26 March 2013 Ordinary Meeting, Council resolved to commence project investigations substantially funded through a Special Charge Scheme and to consult with affected owners regarding the scope of the works and how to best apportion the costs.

An Information Brochure explaining why the project is being considered, the scope of proposed works, who may be affected and what it might cost was distributed to 82 properties in May 2013 and an Information Session was held at the Aireys Inlet fire station on 8 June 2013. Feedback was invited by 14 June 2013.

Of the 42 property owners who have responded, 22 are supportive in principle, 16 are opposed and 4 unsure. Many of those in favour have expressed qualified support including:

- Do not include road humps, keep seal narrow
- Plateau speed humps are essential
- Include concrete kerbing
- Fix problem drainage
- Include Aireys Street sealing to Bambra Road
- Do not construct north of Aireys Street
- Widen apportionment area to include Panorama Drive properties
- Keep costs to a minimum

Those who are unsure or opposed have stated that:

- Local amenity should be preserved
- Construction not needed, we love Aireys the way it is
- Would change inherent nature of Aireys
- Do not include construction north of Aireys Street
- How would costs be equitably apportioned?

Summary of responses:

Position		Comments			
		Scope	Amenity	Cost	Apportionment
Supportive	22	9	2	3	3
Opposed	16	5	10	4	2
Undecided	4	2		1	

The original petition included support from 34 Pearse Road property owners, 17 of whom have not provided feedback to Council's recent consultation.

Some of the feedback requests are contradictory. However, some of the comments can be addressed by amending the scope of works, providing greater detail, and adjusting the proposed cost apportionment.

Pearse Road Construction, Aireys Inlet – Intention to Declare Special Charge 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 present a potential risk to pedestrians. Some of the driveway crossings are inadequate to manage the stormwater.

The traffic volume varies significantly according to the season. A January 2013 survey in Pearse Road, just north of the Great Ocean Road, recorded volumes of 210 vehicles/day and an 85thile 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 of traffic appears to be significantly less north of Aireys Street. There is limited opportunity for future property development and therefore the maximum traffic volumes are unlikely to change significantly.

Photos of existing conditions are attached at Schedule F.

Proposed Works

The February 2013 petition requested the “sealing of Pearse Road” and requested the installation of speed humps to reduce the speed of traffic. The feedback from Council’s June 2013 consultation suggests that residents do not think that sealing the full length of the road north of Aireys Street is 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 82 to 76. 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 5.5metre 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 Kurradjong 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.

The proposed scope does not include speed humps requested in the original petition 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 stating that Council will contribute funds “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 works described in the Policy.

Pearse Road Construction, Aireys Inlet – Intention to Declare Special Charge Scheme

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 petition proposed that the 66 properties abutting Pearse Rd contribute. The compromise was to include all properties that rely exclusively upon Pearse Road for access. The adoption of the boundary does not affect the amount each property pays but does influence the Benefit Ratio and the amount of Council funding.

The proposed apportionment of the Scheme costs amongst the benefiting properties is detailed in Schedules D & E, and is based upon both access and amenity criteria. Access benefit is apportioned according to the number of actual/possible residences on each property. Amenity, which reflects environmental improvements like dust reduction, has been apportioned only to those properties that have Pearse Road frontages. 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.

Financial Implications

Estimated Project Cost:	\$223,220
Estimated Special Charge:	\$147,272
Council funding required:	\$75,948

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 future Capital Works Program. Project design and consultation with the affected property owners, will require a significant commitment of officer time which would be recouped if the Scheme proceeds.

Council Plan/Policy/Legal Implications

The provision of improved road access 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.." The proposed construction is lower than contemporary standards but is cognisant of the need to construct "Community infrastructure that responds to community demand." It reflects the Council Strategy to identify the "...service needs for each community on a place based approach."

Council's Special Charge Scheme Policy, which sets out the strategic framework for the construction of infrastructure, including gravel road construction, requires Council to discontinue a Scheme if more than 40% of the affected owners object to the proposed funding arrangements.

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.

Risk Assessment

The construction and sealing of the road will provide a consistent firm surface and be a significant safety improvement for drivers, cyclists and pedestrians.

Social Considerations

The sealing of the road would improve conditions for abutting residents by removing the dust nuisance in summer and the muddy 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 4 years. The latter incurs an interest charge on the outstanding payment.

Pearse Road Construction, Aireys Inlet – Intention to Declare Special Charge Scheme

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, including a Citizens' Jury.

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, and improve the quality of the stormwater runoff reducing the extent of siltation downstream. Provided the works can be retained within the existing road pavement and table drains, there will be no impact on the roadside vegetation.

Communication

The petitioners will be formally notified following Council's resolution and submissions will be invited in accordance with Section 223 of the Local Government Act.

Conclusion

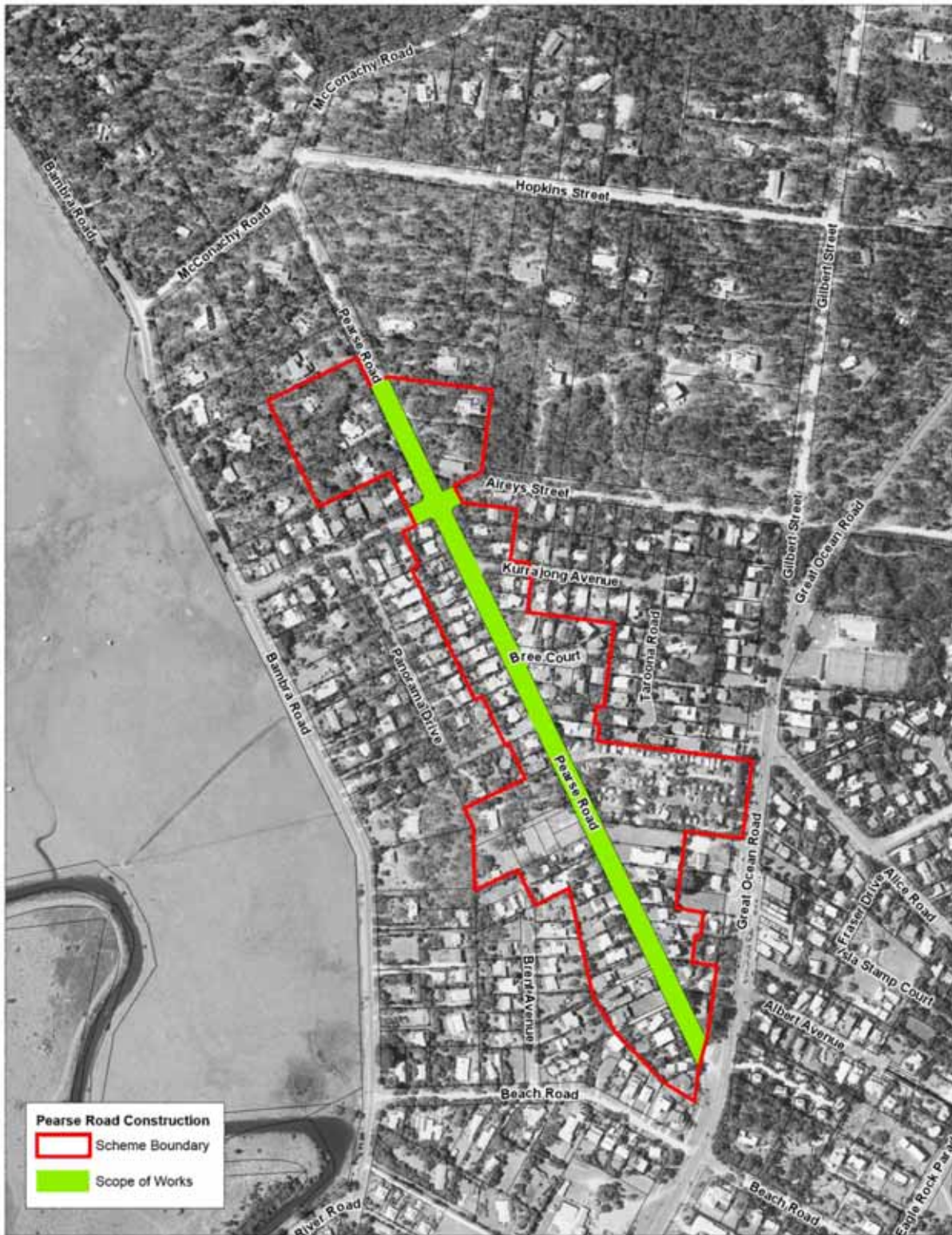
The feedback from property owners suggests that there is a broad range of views regarding the benefits that would arise from construction of Pearse Road. Property owners opposed to the road sealing strongly believe that it will adversely affect the amenity of the area. However, the original petition and subsequent feedback indicates that a majority are supportive of the proposed road construction and sealing. Some of the concerns expressed by the submitters have been addressed through amending the scope of works and adjusting the proposed cost apportionment.

The proposed road works will improve both the access and amenity for property owners. The proposed Special Charge Scheme, prepared in accordance with the Local Government Act provisions, is considered to equitably apportion the estimated costs amongst benefiting property.

SCHEDULE A:

Schedule A				
Pearse Rd				
D13/22479	4-Jul-13			
Benefit Ratio				
A Purpose	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 Coherence	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.			
C Total Cost C	Total estimated cost of works includes construction of Pearse Rd including intersections, preparation and administration of Scheme, engineering design, and project supervision.			\$223,220
D Special Beneficiaries	All allotments fronting proposed sealed section of Pearse Rd and adjacent lots dependent upon Pearse Rd for access.			76
E Properties Included (TSB) In	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
			TOTAL	75
Properties Excluded (TSB) Out	CFA station at 25 Pearse Rd is a community facility			1
			TOTAL	1
F Estimate of Total Special Benefits and Community Benefit	TSB In			
	Access			
	Assume each property benefits as a result of improved access.			
	1 BU per property			75
	Amenity			
	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
			Total Special Benefit Units (TSB) In	147
	TSB Out			
CFA	Access	Comparative traffic volume		6
	Amenity			1
			Total Special Benefit Units (TSB) Out	7
G Estimate of Community Benefits (TCB)	Access to/from properties beyond Pearse Rd and Bree Cr			
	44 properties @ 0.75 of Contributing properties		TCB	33
	McConachy & Pearse 7, Aireys 19, Panorama 18			
H Calculate "Benefit Ratio" R	Benefits Ratio = $\frac{\text{TSB (in)}}{\text{TSB (in) + TSB (out) + TCB}}$ = $\frac{147}{187}$ = 0.79			
I Maximum Total Levy	Maximum Total Levy = R x Estimated Cost = 0.79 x \$223,220			\$176,344
J	As per Council Policy with Special Charge & other externally funded works deducted			\$147,272

SCHEDULE B:

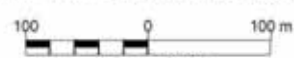




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Pearse Road 'Benefiting' Properties



Scale 1: 5,000

July 2013

Page Size (A4)



This map is produced on the Geospatial Data of Australia (GDA04)
 GDA04 supersedes the Australian Geospatial Datum 1984 (AGD84)
 Surf Coast Shire uses the Map Grid of Australia (MGA04) Zone 58 projection

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	GENERAL						
1.01	Initial site establishment and set up, decamping 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	Settling out of works.		ITEM		\$5,000		
2.00	ROAD CONSTRUCTION						
2.01	100 mm compacted depth Gherang gravel supplied, spread and compacted.	4400	m ²	\$5	\$22,000	\$22,000	Shirewide unit cost for gravel resheeting
2.02	Prepare pavement for sealing.	4,400	m ²	\$2	\$8,800	\$522	Council to fund Aireys St legs (261m2)
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 ²	\$7.15	\$31,460	\$1,866	Council to fund Aireys St legs
2.04	Final Seal	4,400	m ²	\$6.45	\$28,380	\$1,683	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	Kurrajong to Aireys St, east side	55	m	\$130	\$7,150		
2.08	Kurrajong 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	\$30	\$600		
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 ²	\$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	\$29,072	
	Subtotal A				\$172,540	\$29,072	
3.00	PROVISIONAL ITEMS						
3.01	Excavation of soft spots, disposal of spoil and filling with Type A fill	50	m ³	\$100	\$5,000		
3.02	Allowance for service alteration		Item		\$20,000		
	Subtotal B				\$25,000		
	TOTAL:				\$197,540	\$29,072	
4.00	Design & Project Management			8%	\$15,803		Apportioned in accord with B/R
5.00	Scheme Administration			5%	\$9,877		
					\$223,220	\$29,072	

SCHEDULE D:

COLUMN A Property Address	COLUMN C Adjusted Lot	COLUMN D			COLUMN E Cost
		Access	Amenity	Total Benefits	
Estimated Special Charge					\$ 147,272
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	COLUMN C	COLUMN D				COLUMN E
		Access	Amenity	Total Benefits	Total Adjusted Benefits	
Property Address	Adjusted Lot					Cost
Estimated Special Charge						\$ 147,272
49 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
51 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
53 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
55 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
57 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
59 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
61 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
63 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
65 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
67 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
69-71 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
73-75 PEARSE ROAD AIREYS INLET	1	1	1	2	2	\$ 1,984
77 PEARSE ROAD AIREYS INLET	1	1	0	1	1	\$ 992
1 KURRAJONG AVENUE AIREYS INLET	1	1	1	2	2	\$ 1,984
2 KURRAJONG AVENUE AIREYS INLET	1	1	1	2	2	\$ 1,984
1 BREE COURT AIREYS INLET	1	1	0	1	1	\$ 992
2 BREE COURT AIREYS INLET	1	1	0	1	1	\$ 992
3 BREE COURT AIREYS INLET	1	1	0	1	1	\$ 992
4 BREE COURT AIREYS INLET	1	1	0	1	1	\$ 992
5A BREE COURT AIREYS INLET	1	1	0	1	1	\$ 992
5 BREE COURT AIREYS INLET	1	1	0	1	1	\$ 992
6 BREE COURT AIREYS INLET	1	1	0	1	1	\$ 992
7 BREE COURT AIREYS INLET	1	1	0	1	1	\$ 992
19-25 GREAT OCEAN ROAD AIREYS INLET	6	1	1	2	12	\$ 11,901
47 AIREYS STREET AIREYS INLET	1	1	1	2	2	\$ 1,984
56 AIREYS STREET AIREYS INLET	1	1	1	2	2	\$ 1,984

SCHEDULE E:



Pearse Road Construction

- Scheme Boundary
- Scope of Works

Benefit Units

- 1
- 1.5
- 2
- 3
- 7
- 12

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**Pearse Road
Proposed Cost Apportionment**



Scale 1: 3,000
July 2013
Page Size (A3)
D1348040



This map is prepared in the Geometric Datum of Australia (GDA94). GDA94 supersedes the Australian Geodetic Datum 1983 (AGD83). Surf Coast Shire uses the Map Grid of Australia (MGA42) zone 55 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 Kurrajong 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.

1. Community and Governance

1.1 Surf Coast Aquatic and Leisure Centre Taskforce

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Manager Community Development
Department: Community Development
Directorate: Sustainable Communities

Director: Dennis Barker
File No: F12/1449
Trim No: D13/124689

Appendix:

1. Terms of Reference- Surf Coast Aquatic and Leisure Centre Taskforce

Council Meeting Adoption Date:
Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant sectionS89 (2))

Purpose

To provide Council with the Terms of Reference (Appendix) for a new Taskforce that will have a focus on gathering further information for a proposed Surf Coast Aquatic and Leisure Centre.

Summary

The Feasibility Study for a Surf Coast Aquatic and Leisure Centre was completed in 2009. This study recorded the opportunities and costs associated with building such a major facility in Torquay servicing a Shire wide catchment.

Since the conclusion of the Feasibility Study, there have been two suites of Council resolutions and Council is committed to keep an open dialogue with the community about such a development.

The Taskforce Terms of Reference will invite interested community members and specialists to work with Council in an advisory capacity that assists in providing input and guidance to Council on the proposed Surf Coast Aquatic and Leisure Centre.

Officer Recommendation

That Council:

1. Endorse the Terms of Reference for the Taskforce and commence the process for community and specialist participation
2. Nominate three (3) Councillors and note that the Mayor is ex-officio member.

COUNCIL RESOLUTION

MOVED Cr McKiterick, seconded Cr Bell

That Council:

1. Endorse the amended Terms of Reference for the Surf Coast Aquatic and Leisure Centre Taskforce and commence the process for community and specialist participation.
2. Nominate Cr Smith, Cr Fisher, Cr Wellington and Cr McKiterick as Council representatives on the Surf Coast Aquatic and Leisure Centre Taskforce and note that the Mayor is an ex-officio member.

CARRIED: 9:0

Surf Coast Aquatic and Leisure Centre Taskforce

Report

Background

Council's 2008/09 budget included an allocation of \$60,000 for the completion of the Surf Coast Aquatic & Leisure Centre Feasibility Study and the report was completed in 2009.

The feasibility study concludes that Council should not consider the development of an Indoor Aquatic and Leisure Centre until at least the end of the 2015 financial year.

Following the completion of the Feasibility Study, Council has considered the matter in November, 2009 and August, 2012, the latter being a result of a Notice of Motion that outlined a number of steps for Council to take that keeps this proposed community facility on the agenda.

Discussion

The Feasibility Study completed in 2009 outlines a number of areas of Council's consideration before pursuing such an Aquatic and Leisure Centre. At its meeting on 25 November 2009 it was resolved that Council:

1. *Receive the final report for the Surf Coast Aquatic Leisure Centre Feasibility Study and acknowledge the report recommendations.*
2. *Inform the community of the outcomes of the project and Council resolution through the Surf Coast Shire's web site and via a media release.*
3. *Formally thank members of the Project Reference Group for their input and involvement in the study.*
4. *Continue discussions with the RACV regarding the proposed Torquay Golf Course development around community access to the swimming pool/leisure complex.*
5. *Recommend to the Community Precinct Land Opportunity Study that the site location recommended in the Aquatic Leisure Centre Feasibility Study be reserved for future aquatic needs.*
6. *Investigate possible private investment and other possible partnerships in an aquatic facility on the recommended site.*
7. *Continue discussions with State and Federal Governments on the future of aquatic facilities on the Surf Coast.*

On 10 August 2012, Council resolved to:

1. *Work with the City of Greater Geelong (CoGG), Department of Planning and Community Development (DPCD), State Regional Victoria (SRV) and G21 Region Alliance on a regional Aquatic Facility in Armstrong Creek – North Torquay.*
2. *Reserve the parcel of land identified in the Civic Precinct Opportunity Study Plan, being the North East corner of the site for a future swimming pool/aquatic/healthy living facility pending the outcome of Number 1.*
3. *In the interim use this site for event space or other passive community use.*
4. *Explore alternative funding scenarios or incentives that limit Council's risk such as but not limited to, public private partnerships or subsidise land lease arrangements.*
5. *Actively explore possible partnerships with health and leisure service providers*
6. *Continue working with the Surf Coast Community Leisure Centre Action Group to find a solution to the lack of community aquatic facilities in Torquay*

Officers have met with relevant staff from CoGG to commence enacting the above 2012 resolution. CoGG has indicated that they will be developing a sub-region facility at Armstrong Creek incorporating a 25m swimming pool, 3 court stadium and a sports and entertainment centre that can hold a capacity of 3,000 people. CoGG officers claim that you require a minimum population of 20,000 people for consideration of an Aquatic Centre and that 80% of its potential patronage will only travel 5km or less to use such a facility. The proposed Armstrong Creek Aquatic Centre is part of a Precinct Plan which is currently going through a planning amendment scheme. CoGG Officers estimate that the facility will be built in a 10-15 year period.

It was also suggested that officers discuss with Colac Otway Shire who are building a hydro pool in Colac as part of the Blue Water Fitness Centre upgrade. In addition, CoGG Officers recommend that Council review the National Competition Policy as a local government aquatic centre has recently been audited at Warrnambool City Council.

Surf Coast Aquatic and Leisure Centre Taskforce

The draft Terms of Reference (TOR) to establish a Taskforce is in accordance with number 6 of the 2012 Council resolution. There has been evidence of a local campaign pursuing an aquatic facility and the Surf Coast Aquatic Centre Action Group has been actively petitioning residents and visitors for the development of such a facility in Torquay. The draft TOR continues the community conversations about such a facility, however, it does not guide the development or planning of such a Centre until extensive research and greater advocacy work has been undertaken to assist Council in working on the next stages of such a development. The draft TOR is the mechanism to deliver on a proposed action plan outlining a number of key objectives in planning for the proposed facility.

The draft Terms of Reference will invite interested community members and specialists to work with Council in an advisory capacity that assists in providing input and guidance to Council on the potential Surf Coast Aquatic and Leisure Centre.

Financial Implications

The feasibility study consultants have concluded, “Clearly it is Council’s responsibility to determine the strategic value of this project in terms of its overall position and the priority it will be given, when weighted against other projects planned for the Shire. Based on Council Officer’s assessment of Council’s current ability to borrow and service debt over the next 5 years and the level of Capital expenditure already committed, it would seem that to undertake further borrowings in the order of \$13 million would not be financially prudent.”

Council Plan/Policy/Legal Implications

Under the theme of “Communities” in the 2013-17 Council Plan, the Vision states that Council will actively engage with our diverse and growing communities to establish quality services, healthy and safe environments and long term community partnerships.

Risk Assessment

The feasibility report has considered the risks associated with the development of an Aquatic and Leisure Centre.

Social Considerations

There has been a considerable media and local activism about an Aquatic and Leisure Centre of late and a group called the Surf Coast Aquatic Centre Action Group has presented to Council during the Hearing of Submissions for the year 2013 /14 budget and new Council Plan. There are some pockets of our community who are interested in pursuing this idea from concept to realisation, however, further work is needed providing Council with information about this potential development, the opportunities and risk and a revised cost plan associated with such a facility.

Community Engagement

A Taskforce will provide for a number of community members and others that have specialist skills to work with Council on a major strategic project.

Environmental Implications

In recent years there has been a clear indication that the broader community now places importance on minimising the impact on the environment. Councils and the facilities they build are expected by their communities to be at the forefront of Environmental Sustainable Design. Section 10.3 of the feasibility study report outlines a range of environmentally sustainable design initiatives that have been incorporated into the concept design options

Communication

A detailed Communication plan will be developed outlining the steps of community engagement and the role of the Taskforce.

Conclusion

A Surf Coast Aquatic and Leisure Centre is a major strategic development, one which requires further research and understanding of a range of implications before Council determines the next steps. A Taskforce with the draft Terms of Reference provides the starting point and continues the conversation with our community.

APPENDIX 1: TERMS OF REFERENCE

TERMS OF REFERENCE – SURF COAST AQUATIC & LEISURE CENTRE



Proposed Surf Coast Aquatic and Leisure Centre Taskforce Terms of Reference – July 2013

Introduction

A Feasibility study for the Surf Coast Aquatic Leisure Centre was completed in November 2009 outlining a potential development plan and proposed costs associated with building such a facility in Torquay.

A Taskforce will be established for a 6 month period consisting of Councillors, community members and representatives with specialist skills. The role of the Taskforce will be to update the current information and advise Council following a six month period.

Role and Objectives

The role of the Taskforce is to provide guidance, input and advice to Council on the potential for a Surf Coast Aquatic and Leisure Centre.

The Taskforce will include a number of interested persons and specialists who will help guide the community participation in and around a proposed Surf Coast Aquatic and Leisure Centre.

Advisory

- Advise and contribute to the development of an Action plan that outlines a process of **advocacy** for a Surf Coast Shire Aquatic and Leisure Centre.
- Provide **advice** to Council on a number of options for consideration in the development of such a facility, including the comparison with other “like” facilities based on similar size demographic catchments as Surf Coast Shire.
- Conduct a **review** of the 2009 Feasibility Study, updating new circumstances or change since 2009 that would impact on such a facility.

Communication

- Facilitate and support effective communication processes between Council and the Advisory Group.

(Outside the Terms of Reference)

- Design and planning of a unique Surf Coast Aquatic and Leisure Centre
- Securing funding for a Surf Coast Aquatic and Leisure Centre
- Advocating on behalf of Council without the full knowledge of Council.

Membership

The Taskforce will comprise of members representing the broad interests of the community and Councillors.

- 3 Councillors, as determined by Council and Mayor as ex-officio member.
- CEO or delegate
- Up to 6 x members with a keen interest in this proposal and is a mix of (gender, age range and place of residence, including specialist skills such as a financial accountant, a member from the local Residents association and a representative from the Surf Coast Aquatic Centre Action Group). Three (3) members will be identified through an Expression of Interest Process and three (3) members will be invited by Council
- The Taskforce will meet for six (6) months and report back to Council.
- The Chair is appointed from within the Taskforce membership.

- Other members may be co-opted onto the group as required to provide specific input and/or expertise in regard to Aquatic and Leisure Centre development.
- Meetings will be open to community members to observe, and participate / present by arrangement with the Chair. Agendas and minutes of the meetings will be available to community members on request.

Roles & Responsibilities

Representatives should have an interest and knowledge of an Aquatic and Leisure Centre.

- Availability to attend regular meetings is essential;
- Communicate effectively between community organisations they are representing, the Advisory Group and Council;
- Participate in discussion and provide input and feedback to Council.
- Convey the necessary information to the community/organisations they represent and to solicit input and feedback on issues under discussion;
- Act professionally as an the Advisory Group member
- Respect confidentiality on specific matters that may be raised as part of the Advisory Group's agenda; a

Council Support

The Taskforce will be supported by the Community Development Department and may invite specialists in various fields to participate on an as needed basis.

Appointment

Term of appointment for the Taskforce members will be 6 months.

Process for Nominations/Registrations of Interest for Membership

A combination of processes will occur for nominations/registration of interest for membership.

- Council will determine the Councillor members at its 23 July 2013 Council meeting.
- Three community positions will be advertised in the media seeking nominations and three will be invited by Council.

Membership Criteria

Criteria used to determine community representatives will have regard to specialist skills and knowledge of the recreation facilities, gender balance, youth and cultural representations and seek to maintain and build upon a group voice that is broadly representative of the community.

The nominations will be assessed by Council based on set criteria.

The selection criteria will be developed by Council.

Confidentiality and Publicity

All agendas, reports, minutes and information provided to Taskforce members is regarded as confidential until formally endorsed or released to the public by Council.

Any media releases/statements emanating out of the Taskforce are to be issued by Council.

No individual member of the Taskforce is to make public statements on any topic under review by the Taskforce.

Meeting Procedures

The Chair for meetings of the Taskforce will be a nominated Councillor.

Recommendations from the Taskforce to Council will be made by consensus.

Amendments to Terms of Reference

Council may at any time, after consultation with the Taskforce, vary these Terms of Reference, or the Taskforce may recommend to Council variations to the Terms of Reference.

Meeting Schedule

The group will meet as agreed by Council and the Taskforce.

1.2 Bells Beach Task Force – Terms of Reference

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Manager Community Development

Department: Community Development

Directorate: Sustainable Communities

Director: Dennis Barker

File No: F12/536

Trim No: D13/124522

Appendix:

1. Draft Terms of Reference
2. Draft Project Plan

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant sectionS89 (2))

Purpose

To provide a draft Terms of Reference for a task force to assist in the process for the Bells Beach Visioning exercise.

Summary

A workshop between Councillors and members of the Bells Beach Community Advisory Committee (BBCAC) was held on Tuesday, 4 June 2013. This workshop provided information to Councillors regarding the issues around the current Coastal Management Plan and provided the opportunity for Councillors to ask questions of BBCAC members around the Bells Beach Surfing Recreation Reserve.

A Terms of Reference has been developed that will establish a Bells Beach Task Force and is provided for Council approval.

Officer Recommendation

That Council:

1. Endorse the proposed Terms of Reference.
2. Commence the Bells Beach Visioning exercise by communicating to Bells Beach Community Advisory Committee on the proposed process.
3. Advertise for Expression of Interest for community representatives of the Bells Beach Task Force.
4. Negotiate regarding an Independent Chair.

COUNCIL RESOLUTION

MOVED Cr Bell, seconded Cr Fisher

That Council:

1. Endorse the amended Terms of Reference as tabled.
2. Commence the Bells Beach Visioning exercise by communicating to Bells Beach Community Advisory Committee on the proposed process.
3. Advertise for Expression of Interest for community representatives of the Bells Beach Task Force.
4. Negotiate regarding an Independent Chair.
5. Appoint Cr Fisher, Cr Goldsworthy, Cr Nockles, Cr Bell and Cr Coker as Council representatives on the Bells Beach Task Force.

CARRIED: 9:0

Bells Beach Task Force – Terms of Reference

Report

Background

In April 2012, Council resolved to defer the Bells Beach Coastal Management Plan for 12 months to evaluate the effects of the new commercial tour operator licensing arrangements and also through that period, undertake a Bells Beach Visioning process with community stakeholders.

During the 12 month evaluation period Councillors were briefed on and discussed the issues around the Bells Beach Surfing Recreation Reserve. A joint workshop was held on 4 June 2013 with Councillors and members of the Bells Beach Community Advisory Committee to gain a better understanding of issues at Bells Beach Surfing Recreation Reserve.

Discussion

The need for a Community Visioning process was identified in April, 2012. Through a number of Councillor briefings and discussions, a draft Terms of Reference has been developed that provides the framework for the Bells Beach Visioning process (Appendix 1).

The Terms of Reference outline the membership of the group, the role of the group and the time limit of the group to function.

Council approval is sought to commence advertising for Expression of Interest for group members and implementation of the communications plan, which effectively provides a process to communicate to the existing BBCAC group.

Financial Implications

Staff resources are budgeted in the current operating budget for the Community Engagement elements of a Community Visioning process, however, payment for an independent chair will need to be funded and provision provided in the 2013/14 operating budget.

Council Plan/Policy/Legal Implications

In the 2013-17 Council Plan, the vision under Theme 3: 'Communities', states that Council will actively engage with our diverse and growing communities to establish quality services, healthy and safe environments and long term community partnerships. The planned visioning process for Bells Beach Surfing Recreation Reserve contributes to this stated vision.

Risk Assessment

N/A

Social Considerations

The draft Terms of Reference considers the level and degree of social importance that Bells Beach Surfing Recreation Reserve has on those community members who are interested in this special place.

Community Engagement

Members of BBCAC have been engaged with Council through the formation of the current Coastal Management Plan and discussed with Councillors issues associated with the Reserve at the 4 June 2013 workshop. The draft Terms of Reference stipulate that a Community Engagement Plan be developed as part of the visioning process.

Environmental Implications

Through the previous engagement on Bells Beach Surfing Recreation Reserve, the theme and importance of the "environment" loomed as a very important attribute for many community members. The natural environment at Bells Beach will continue to be a key component of the forward visioning process.

Communication

This report recommends the endorsement of the Terms of Reference and immediate communication to members of the BBCAC Committee. It is proposed that a media release will be issued and statements made by the Mayor in the Mayoral column outlining the forthcoming visioning process and information provided on Surf Coast Shire website under the Bells Beach home page.

Bells Beach Task Force – Terms of Reference

Conclusion

There are many facets and interests in Bells Beach Surfing Recreation Reserve. The iconic nature and natural beauty is a highlight of the Surf Coast drawing surfers, walkers and visitors. Starting a visioning process will inform an updated Coastal Management Plan that is required to be adopted by Council and approved the State Minister for the Environment.

APPENDIX 1: DRAFT TERMS OF REFERENCE



Bells Beach Task Force Terms of Reference

Introduction

Surf Coast Shire is committed to ensuring that Bells Beach Surfing Recreation Reserve remains an iconic and special place for the community. Bells Beach is an iconic location, famous for its surfbreaks and high profile surfing events. For many users of this reserve, the place is “spiritual” with 13 heritage Indigenous sites and various Surfing Cultural sites that have connections to generations of families who live in the area.

Located in close proximity to the Great Ocean Road, it also attracts a large variety of tourists. Each group interacts with the Reserve in different ways; however, they are all drawn to the natural environment and the history of the place.

The Coastal Management Plan provides a strategic vision for the Bells Beach Coastal Reserve. It seeks to retain the existing attributes as well as address current and future user and management needs and issues.

The Bells Beach Task Force will develop, for Council consideration, a draft Strategic Framework Plan to provide a revised Coastal Management Plan that will ultimately be signed off by the State Minister for the Environment.

TERMS OF REFERENCE

1. Role and Objectives

Provide for a revised Strategic Plan and ultimately present Council and the Victorian State Government with a Coastal Management Plan (CMP).

To provide strategic advice and feedback on the current CMP, contribute to the visioning and strategic planning that will inform a revised CMP.

2. Membership

The Task Force will be chaired by an Independent person who is also a skilled negotiator and facilitator, able to deal with complex and competing interests and able to demonstrate impartiality.

It is recommended that there be five (5) Councillors and eight (8) other members plus one (1) Independent Chair. Specialists may be co-opted onto the group as required to provide specific input and/or expertise as required i.e. a Watharung representative, relevant State government Department representatives.

These decisions of co-opting will be made by the Chair and Councillor representatives.

Membership - Roles & Responsibilities

- Representatives should have expertise in the following areas:

(Thirteen (13) Members plus one (1) Chair)

- Surfing & broader Recreation	5 Members
- Tourism	1 Member
- Environment /Heritage	2 Members
- Councillors (Mayor ex officio)	5 Members
- Independent Chair	1 Member

- Ability to think strategically.
- Availability to attend regular meetings is essential.
- Communicate effectively with other Task Force members.
- To act professionally in the manner in which they represent the Task Force
- Ability to understand and interpret information
- Respect confidentiality on specific matters that may be raised as part of the Task Force's agenda
- Ensure all media enquiries are directed to the Mayor, Surf Coast Shire for a Council response.

Membership selection

- The process for selection of Members with the above skills will be made through a transparent Expression of Interest advertising process to be conducted by Council.
- Key criteria requirements for all members irrespective of interest and expertise should include:
 - Knowledge of Bells Beach Reserve and current issues.
 - Ability to commit to a six month process and not rely on a proxy representation
 - Each member agrees to the terms of reference and confidentiality as outlined.

3. Term of the Task Force

The Task Force is formed for a period of up to six month, which could be extended by Council.

4. Meeting Procedure

- Meetings will be held as regularly as required.
- The meetings will be chaired by the Independent Chair.
- Council staff who acts as secretariat will record key actions and decisions.
- The meeting agenda will address project matters, community engagement issues and project reporting status.
- If any member is absent for three meetings, they will no longer be considered as part of the Task Force and another member may be selected from the original EOI process.
- The Group will provide regular progress reports to Council via the officer secretariat.
- Each member can easily articulate their individual views/expertise rather than membership of or connection with a special interest group

5. Council Support

The Task Force will be supported by an officer from the Environment or Community Development departments. The staff representatives will provide all related plans and documents for review and input by the Task Force.

6. Council Commitment

Council will:

- Commit resources to the project through both officer and funding requirements.
- Champion the Task Force
- Advocate to other levels of Government when required
- Provide guidance to the Task Force when needed.
- Manage all media enquiries about the Bells Beach.

7. Appointment

Term of appointment for the Task Force members will be *six (6)* months. Extension of the appointment period will be assessed by Council and reviewed after *six (6)* months.

APPENDIX 2: DRAFT PROJECT PLAN

Actions:

Stage 1 - Review of current Coastal Management Plan

REVIEW

Undertake an Action plan that provides the key directions for the review of the CMP, including the following components.

- An analysis of the Vision and Principles used to guide the current CMP and evaluate these principles and Vision. The revised Vision and Principles will then be the guiding principles for the new CMP.
- To validate, review or re-examine the existing CMP with a view to confirm and /or amend the CMP.
 - Clarify what changes have already occurred
 - Clarify what is proposed that is required under legislation, community safety, environmental or cultural heritage reasons.
 - Identifying the key land management issues at the site.
- Review the risk analysis of the Bells Beach Surfing Recreation Reserve..
- Develop an activity list emanating from the CMP that requires broader stakeholder and community engagement.
- Exploration of the benefits of Bells Beach Reserve being listed as a national and world surfing reserve and the increasing the integration of the Reserve's management and interpretation with the surrounding National Marine Park and terrestrial parks.
- Explore linkages with and opportunities for greater integration between SurfWorld Museum and the Reserve for the purposes of integration and tourism.

Stage 2 – Community Engagement

ENGAGE

- A desktop review of other "like" National Estate Surfing Reserves where best practice principles and learnings can be applied to Bells Beach Surfing Reserve.
- The development of a Community Engagement and Communications plan that underpins the Visioning Exercise.
- The development of a Summary document that formulates the main components of the CMP for wider distribution and an outline of how the Community can be involved for feedback.

Stage 3 – Revised development of CMP/Strategic Plan

REVISE

- An evaluation of the strategic priorities and strategies for the Reserve which can then be operationalized into an action plan.
- Production of a revised CMP/Strategic Plan that identifies the key elements of the Surfing Reserve.
- Seek broader Community engagement of the revised CMP prior to Council resolution and lodging of the CMP to the State Minister for Environment.

(Outside the Terms of Reference)

- Management of Bells Beach Surfing Reserve. Council remains the designated land manager under the Coastal Management Act.
- Securing and committing funding to Bells Beach Surfing Reserve

Background Information

- The Bells Beach Surfing Recreation Reserve is both Council freehold and Crown – Council is the designated manager under the Coastal Management Act. Council requires a Coastal Management Plan (CMP) approved by the Minister to manage the Reserve.
- The current CMP was designed to better manage the rapidly growing demands at the Reserve and was endorsed by Council and approved by the Minister in 2010.
- During 2010 and 2011 a number of critical environment protection and public safety works were completed at Bells including connecting to the sewer and potable water and improving traffic safety.
- A report on the proposed revisions to the CMP was presented to Council on 24 April 2012 for adoption. The revisions were part of a requirement of the approved CMP for regular review, updating the CMP, focussed on acknowledging the parts of the plan already implemented and proposed changes to the infrastructure required managing large tourist coaches. At that time the Commercial Tour Operator Licences had not been put in place.
- During 2012, the Commercial Tour Operator Licences were issued after an expression of interest process. Local tour operators using smaller buses were provided with licences and no operators using large coaches expressed an interest in being licenced.

Key Points

- The existing CMP was a 50 year Visionary document identifying some considerable changes, over time to the Reserve to manage growth pressures including infrastructure and commercial tour operators using large coaches.
- There is an opportunity for Council to revisit the CMP with all stakeholders stressing that the CMP is more about protecting the values of Bells Beach rather than developing it for tourists.
- The Reserve is valued by many people and is famous for its surf break and high profile surfing events.
- Bells Beach is the home of the world's longest running surfing competition – The Rip Curl Pro.

Key External Stakeholder list

- State Government departments such as DEPI, Parks Victoria, Heritage Victoria, Aboriginal Affairs Victoria & Local Member for South Barwon
- Agencies such as Surfing Victoria & Rip Curl, GOTourism
- Wathaurong
- Current licence holders to use parts of the Bells Beach Surfing Recreation Reserve such as Hanggliders and Tour operators.
- Broader community (Surfing, Recreation, Local Community interests).
- Internal staff who have responsibility for components of Bells Beach Surfing Recreation Reserve such as Infrastructure, Community Development, Tourism, Environment and Community Safety, Communications.

1.3 Community Impact Advisory Committees review

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Manager Community Development

Department: Community Development

Directorate: Sustainable Communities

Director: Dennis Barker

File No: F12/2169

Trim No: D13/124628

Appendix:

1. Terms of Reference

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant sectionS89 (2))

Purpose

To provide Council with information on the Community Impact Advisory Committees (CIAC) in relation to effective and safe event management and to provide Council with recommendations for changes to the current process and formalising the role of CIAC.

Summary

CIAC is a co-ordinated group of agencies who have a role in safe and effective event management across the Surf Coast Shire. CIAC's has been taking place for over 20 years and meets at least 3 to 4 times per year, depending on the volume and complexity of events. There is a CIAC for the key townships of Torquay, Anglesea and Lorne Each CIAC is supported by an officer from the Events Team within the Directorate of Sustainable Communities.

Officer Recommendation

That Council:

1. Request the Municipal Emergency Management Planning Committee to formalise the structure with the Community Impact Advisory Committees as sub-committees of the Municipal Emergency Management Planning Committee.
2. Institute the following processes:
 - 2.1. The circulation of Community Impact Advisory Committees' minutes to Municipal Emergency Management Planning Committee.
 - 2.2. The Chair for Community Impact Advisory Committees' can escalate a matter to Municipal Emergency Management Planning Committee for decision and /or recommendations.
 - 2.3. The Community Impact Advisory Committee minutes to be provided to Council for information via Council meeting agendas
3. Schedule a Winchelsea based Community Impact Advisory Committee annually leading up to the Spring Events season
4. Nominate as Councillor representative and Chair:
 - 4.1 Cr Goldsworthy, Lorne Community Impact Advisory Committee
 - 4.2 Cr Smith, Anglesea Community Impact Advisory Committee
 - 4.3 Cr Hodge, Torquay Community Impact Advisory Committee
 - 4.4 Cr Wellington, Hinterland Community Impact Advisory Committee.

COUNCIL RESOLUTION

MOVED Cr Hodge, seconded Cr Smith

That Council:

1. Request the Municipal Emergency Management Planning Committee to formalise the structure with the Community Impact Advisory Committees as sub-committees of the Municipal Emergency Management Planning Committee.

2. Institute the following processes:
 - 2.1. The circulation of Community Impact Advisory Committees' minutes to Municipal Emergency Management Planning Committee.
 - 2.2. The Chair for Community Impact Advisory Committees' can escalate a matter to Municipal Emergency Management Planning Committee for decision and /or recommendations.
 - 2.3. The Community Impact Advisory Committee minutes to be provided to Council for information via Council meeting agendas
3. Schedule a Winchelsea based Community Impact Advisory Committee annually leading up to the Spring Events season
4. Nominate as Councillor representative and Chair:
 - 4.1 Cr Goldsworthy, Lorne Community Impact Advisory Committee
 - 4.2 Cr Smith, Anglesea Community Impact Advisory Committee
 - 4.3 Cr Hodge, Torquay Community Impact Advisory Committee
 - 4.4 Cr Wellington, Hinterland Community Impact Advisory Committee.
5. Consider Councillor representation on the Community Impact Advisory Committees annually.

CARRIED: 9:0

Community Impact Advisory Committees review

Report

Background

The Community Impact Advisory Committee (CIAC) includes the following key stakeholders; Country Fire Authority (CFA), Victoria Police, Great Ocean Road Coastal Committee (GORCC), Parks Victoria, Vic Roads, Lorne Hospital/Barwon Health, Ambulance Victoria, State Emergency Services (SES), local traders and Tourism Associations and event organisers.

CIAC has been in existence for over 20 years. It was initially set up as the Harm Minimisation Committee to address the extreme negative impacts of New Year's Eve. Approximately 17 years ago, its name was changed to CIAC and its focus broadened to incorporate major events.

CIAC is facilitated by Council to integrate all of the government/stakeholder planning to ensure the safe conduct of events and general community safety in relation to events and peak visitor times.

Significantly, all members work collaboratively to achieve the best outcomes for the community. While Council provide leadership, co-ordination and facilitation, all stakeholders are directly responsible to their own agencies or groups.

CIAC is a sub-committee of the Municipal Emergency Management Planning Committee (MEMPC) and there are three committees; Lorne, Anglesea and Torquay. However, the reporting lines are tenuous and the structure can be strengthened. A new arrangement would include the circulation of CIAC minutes to MEMPC and the Chair for CIAC can escalate a matter to MEMPC for decision and /or recommendations.

Discussion

Management and scheduling of events that occur across the Surf Coast Shire is made more robust through CIAC. The Surf Coast Shire Municipality has over 180 events annually. The events range in size, scale and impact on the environment and community. CIAC focuses on events with greater impact to community and amenity, and that have greater risks to safety such as the Gran Fondo, the Falls Music and Arts Festival and the Rip Curl Pro.

Events are managed within the context of the Events Policy, collaboration with other agencies and the draft Terms of Reference provided for CIAC. (Appendix 1).

Currently CIAC is a forum with no Statutory Status within Surf Coast Shire. Minutes of CIAC meetings are not circulated to Councillors and the chairing of CIAC is inconsistent, i.e. Torquay CIAC is chaired by Cr Rose Hodge whilst the Lorne and Anglesea CIAC is chaired by an Officer.

In Winchelsea, there is no CIAC group that meets, largely due to the lower number of events held and that pass through the area. However, in light of the new Council plan and the Events Strategy that discusses greater opportunities for the Hinterland area, it is advisable to explore the establishment of a Winchelsea CIAC that accords with the Terms of Reference. A discussion about the agency capacity to fulfil a Winchelsea CIAC would need to be held to ensure that this model can work with agency commitment.

The following are recommendations to strengthen the function of CIAC within Council's advisory structure:

- Explore the possibility of CIAC to be a sub-committee of the MEMPC.
- Distribution of CIAC minutes to Council for information via Council Meeting Agendas.
- Provide for 1 x per annum Winchelsea based CIAC leading up to the Spring events season.
- Nominate a Councillor to Chair of each CIAC – Torquay, Anglesea, Lorne and Winchelsea

Financial Implications

The three current CIAC's are resourced by Council Officers. The only financial implication to Council is Officer time.

Community Impact Advisory Committees review

Council Plan/Policy/Legal Implications

Council's Vision as identified in the 2013-2017 Surf Coast Shire Plan (the Plan) is to actively engage with our diverse and growing communities to establish quality services, healthy and safe environments and long term community partnerships.

Under Theme: Communities – Objective, 3.3.2 – of the Plan 'Dedicate resources to Community Impact Advisory Committees to manage events throughout the Shire that impact on Communities. The recommendations contained in this report directly support the Council Plan.

Risk Assessment

The strengthening of the reporting requirement to Council and the appointment of a Councillor as the Chair of each CIAC will provide additional governance and Councillor knowledge of the respective CIAC.

Social Considerations

CIAC is a co-ordinated group made up of a number of key stakeholders which considers the social impacts of events that are staged throughout Surf Coast Shire.

Community Engagement

A community engagement process has not been exercised as part of this Council briefing report

Environmental Implications

Not applicable

Communication

Following Council's decision and recommendation, members of CIAC will be informed of these decisions through the normal CIAC meetings as scheduled

Conclusion

CIAC is a successful forum to enable the collaboration of key stakeholders to ensure public safety at major events held in the Surf Coast Shire. Importantly, CIAC's work towards achieving the right balance of 'Host Community Tolerance', which contributes to meeting Council's objectives as enunciated in the Council Plan. CIAC is effectively facilitated by Council and continues to be an important advocate in shaping events that are implemented in a safe manner while respecting community values in the place where the event is hosted.

APPENDIX 1: CURRENT TERMS OF REFERENCE CIAC



Terms of Reference Community Impact Advisory Committee (CIAC)

Purpose

An all agency group that facilitates better integrated planning to enhance community safety in relation to events and peak visitor times.

Guiding Principles

A multi disciplinary group that meets to coordinate advice on policy and procedures for events. It is proactive with an emphasis on community safety/ harm minimisation and reduction of community/agency risk.

Decision Making

- Agreement on advice to the relevant authorities and advice to event organisers.
- Committee representatives are responsible for own agency`s decisions.

Membership

Membership is directly related to agency capacity to contribute to community safety and wellbeing around events.

Terms of Appointment

- Currently, ongoing.
- Chair is appointed annually

Meeting Procedure

- Individual CIAC's to meet monthly or bi-monthly as needed.
- Meeting to occur at each town: Anglesea, Torquay and Lorne
- Strategic meetings to occur twice a year
- Councillor appointment as Chair
- Council to provide administrative support.
- Comply with Council's Local Law No 2 Meeting Procedures and Common Seal.

Communication

There is no spokesperson for CIAC. Each agency will represent its own views.

Reporting

- The Council officer appointed to resource the CIAC is to draft minutes that are reported to council. The agency representatives are responsible to their own agency.
- Minutes are circulated to MEMP.

1.4 S86 Eastern Reserve Instrument of Delegation

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Manager Community Development

Department: Community Development

Directorate: Sustainable Communities

Director: Dennis Barker

File No: F11/1010

Trim No: D13/124777

Appendix:

1. Instrument of Delegation

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant section S89 (2))

Purpose

To provide an Instrument of Delegation for the S86 Committee of Management at Eastern Reserve, Winchelsea for Council adoption.

Summary

At its February 2013 Council meeting, Council resolved:

- That the S86 Committee of Management of Eastern Reserve and Council to operate a collaborative management model, with their respective responsibilities defined in the Instrument of Delegation.
- That the Instrument of Delegation is varied to reflect the recent assumption by Council of responsibility for actively marketing the facility, scheduling events and invoicing users.
- That Council officers consult with the Committee of Management

A number of further discussions with members of the S86 Committee have been held including the Winchelsea ward Councillors and Council Officers attending an Eastern Reserve Committee meeting to run through the draft Instrument of Delegation and answer questions. The draft Instrument of Delegation is presented for adoption.

Officer Recommendation

That Council:

1. Adopt the Instrument of Delegation.
2. Commence the advertising process for new Committee members.

COUNCIL RESOLUTION

MOVED Cr Nockles, seconded Cr Smith

That Council:

1. Defer consideration of the Instrument of Delegation to a Special Council Meeting to be held on Tuesday 13 August 2013.
2. Commence the advertising process for new Committee members as per the draft Instrument of Delegation.

CARRIED: 7:2

Cr Wellington called for a Division of Council

Councillors voting for the motion: Cr Nockles, Cr Fisher, Cr Coker, Cr McKitterick, Cr Bell, Cr Smith, Cr Hodge

Councillors voting against the motion: Cr Wellington, Cr Goldsworthy

S86 Eastern Reserve Instrument of Delegation

Report

Background

The Eastern Reserve Committee of Management (Committee of Management) is a special committee of the Surf Coast Shire Council. Council established under Section 86 (s.86) of the Local Government Act 1989. Its members currently include nominees of resident sporting clubs and members of the broader community.

Since the re-development of the Eastern Reserve Community Centre, the operating costs of the Eastern Reserve community hub are much higher than the costs formerly incurred managing the limited sporting facilities. In the short term, the Committee of Management requires assistance to establish sustainable operations. At its February meeting, Council resolved:

- That the S86 Committee of Management of Eastern Reserve and Council to operate a collaborative management model, with their respective responsibilities defined in the Instrument of Delegation.
- That the Instrument of Delegation is varied to reflect the recent assumption by Council of responsibility for actively marketing the facility, scheduling events and invoicing users.
- That Council officers consult with the Committee of Management

Resulting from the Council resolution, a revised Instrument of Delegation has been drafted that reflects discussions with the current Committee members.

Discussion

Issues

1. The costs of operating the large community precinct at Eastern Reserve are much higher than the costs formerly incurred managing the limited sporting facilities. Although it is expected that in the longer term income will meet or exceed expenses and surpluses will be available for re-investment in the precinct, there is a 'start up' phase in which the income from the new facilities does not meet the costs of running them.
2. In the short term, the Committee of Management requires assistance to establish sustainable operations. In the longer term, the objective is:
 - (a) maintenance of community contribution and engagement; and
 - (b) effective community management.
3. An instrument of delegation can be designed that appropriately allocates responsibilities between Council and the Committee of Management.
4. The Committee of Management needs assistance with 'start up' tasks to establish a sustainable management system for the redeveloped precinct.
5. Committee of Management members are willing to continue to provide a reasonable level of volunteer labour to support the facility's operations under an agreed management system.
6. Access rights and associated fees for all resident sporting clubs have been agreed by the clubs, Council Officers and the Committee of Management. These agreements should be adhered to and should form the basis for both a business plan and contractual agreements with the clubs.

A revised Instrument of Delegation is provided to reflect the discussions held with Committee members and to provide a scenario for future sustainability.

Financial Implications

The revised Instrument of Delegation provides that Council will fund the utility expenses associated with running the Centre and the maintenance of the reserve facilities. Included in the draft 2012-2013 Budget is \$49,000 for cleaning, maintenance, power and water. The revenue generated through booking the facility and the annual agreements with sporting clubs could potentially deliver around \$30k per annum, which is transferred to the Committee of Management. To ensure a sustainable operating community involved model, the Committee will receive this revenue, in order to build up working capital with the aim for the committee to become self-sufficient.

S86 Eastern Reserve Instrument of Delegation

The revised Instrument of Delegation provides for the Committee to develop a business plan and a review of Council's ongoing financial support in three (3) years by (30/6/2016).

Council Plan/Policy/Legal Implications

The Council plan has one of its themes: Communities, outlining that Council will actively engage with our diverse and growing communities to establish quality services, healthy and safe environments and long term community partnerships.

Risk Assessment

N/A

Social Considerations

The current Section 86 Committee is an active part of the Winchelsea community. Their vision and determination enabled the Eastern Reserve Community Centre to be implemented and realised. However, the operations of the Centre have changed and it has become a major facility to manage and operate. The Committee have asked for Council support and the current plan is to provide the support needed for bookings along with a direct financial contribution to the operating costs of the community centre. The Section 86 members are keen to continue involvement in managing the recreation reserve and providing advice on implementation of the Council endorsed master plan.

Community Engagement

The current Committee have been actively engaged in reviewing the revised Draft Instrument of Delegation

Environmental Implications

There are no known environmental risks associated with the management and operations of the Eastern Reserve Community Centre.

Communication

The Committee will be informed by letter and provided with a signed copy of the Instrument.

Conclusion

Council adoption of the Instrument of Delegation is the culmination of over twelve months of support and negotiation with the current Committee in order to reach a collaborative agreement on the roles and responsibilities of Council and the new committee. The Instrument of Delegation provides for Council to fund most costs at Eastern Reserve for a three year period, when it is anticipated that the committee will be in a strong financial position to manage the reserve.

APPENDIX 1: INSTRUMENT OF DELEGATION JULY 2013



INSTRUMENT OF DELEGATION

“EASTERN RESERVE COMMITTEE OF MANAGEMENT - July 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 Eastern Reserve 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 23 July 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.

1.2 Aims

- 1.2.1 The aim of the Instrument of Delegation is to provide a three (3) year period for the Special Committee to build up working capital with the aim to become self-sufficient by 30 June 2016 which must be approved by Council
- 1.2.2 The Special Committee must develop a Business Plan by 31 December 2013 which must be approved by Council.

2. DEFINITIONS:

- 2.1 “The Special Committee” shall mean the ‘Eastern Reserve 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 Eastern Reserve, Eastern Reserve Community Centre and other buildings.

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 setting fees and charges for permanent and occasional users
 - 4.2.3 entering into contracts with permanent and occasional users
 - 4.2.4 assisting the community and user groups to access the facilities
 - 4.2.5 ensuring users maintain the facilities in accordance with their user agreements
 - 4.2.6 monitoring the physical condition of all precinct assets, ensuring they are generally maintained in a safe condition and are fit for purpose
 - 4.2.7 working with council officers on asset maintenance and development plans
 - 4.2.8 implementing and maintaining a simple technology-based financial management system
 - 4.2.9 raising funds and soliciting and receiving donations
 - 4.2.10 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 at the facility.
- 4.4 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.*)
- 4.5 Provide a written report to Council on the operation of the facility on an annual basis which shall be deemed the Annual Report.
- 4.6 Resolve conflicts where these occur in the requirements of the community using the facility.
- 4.7 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.
- 4.8 Liaise with Council and its staff to ensure continuing co-operation and co-ordination of the facility.
- 4.9 Ensure the safety requirements and acts and regulations appropriate to the management of the facility are adhered to.
- 4.10 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.
- 4.11 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.

- 4.12 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.
- 4.13 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.
- 4.14 To promptly report to the Council's 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.
- 4.15 To arrange for maintenance, via Council in respect of the facility under the management of the Special Committee.
Council support
- 4.16 Council supports the Committee of Management by:
 - 4.16.1 actively promoting the facility
 - 4.16.2 establishing and managing a web-based booking system
 - 4.16.3 developing template contracts for user clubs and occasional users
 - 4.16.4 invoicing users in a timely manner
 - 4.16.5 arranging and funding cleaning of the entire facility (inside and out) on a programmed basis
 - 4.16.6 undertaking or arranging for capital works and maintenance as required
 - 4.16.7 providing officer support to the Committee of Management to develop and implement a simple technology-based financial management system; and
 - 4.16.8 paying for all utilities (gas, electricity, water).
- 4.17 Council maintains property insurance.
- 4.18 Council and the Committee of Management review the membership of the Committee of Management to ensure it reflects an appropriate balance of user groups and individuals with strong community links and the specific skills necessary to operate a community facility of this type.
- 4.19 The Instrument of Delegation and the need for ongoing financial support by Council is reviewed in three years (by 30 June 2016).
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 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 improvements of the facility, as approved by Surf Coast Shire 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 confirm 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 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 :
 - i) Chairperson
 - ii) Secretary
 - iii) Treasurer
- 5.12 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 (7) 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:
 - Accounting
 - Governance
 - Auditing
 - Finance
 - Government Relations
 - Business
 - Community Engagement
 - Advocacy
 - Legal
 - Media
 - Ethics

- Fundraising
 - Administration/Management
- 6.6 It is also highly desirable that the skills mentioned above at 6(f) are possessed by the Office Holders for the following positions:
- Chairperson;
 - Secretary; and
 - 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 Notwithstanding anything contained herein, 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 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 Meetings. Minutes must be distributed within 7 days and must be formally endorsed at the next committee meeting.

7.3 Meeting with User Groups

- 7.3.1 The Special Committee must meet regularly with representatives of major user groups. The Special Committee must develop and document principles around how decisions are made that affect the major reserve users (football, cricket, netball clubs) and submit to Council for approval within 3 months of Council approval of the Instrument of Delegation.

7.4 Meeting procedures

- 7.4.1 All requirements of the Local Government Act 1989 must be adhered to (Conflict of Interest provisions etc).
- 7.4.2 The quorum at any Special Committee meeting shall be a majority of members of the Special Committee.
- 7.4.3 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.
- 7.4.4 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.
- 7.4.5 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.
- 7.4.6 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.
- 7.4.7 Any meeting or special meeting of the Special Committee must be open to members of the public.
- 7.4.8 The Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:
 - 7.4.8.1 Contractual matters;
 - 7.4.8.2 Proposed development;
 - 7.4.8.3 Legal advice;
 - 7.4.8.4 Matters affecting the security of Council policy;
 - 7.4.8.5 Any other matters which the Special Committee considers would prejudice the Council or any person;
 - 7.4.8.6 A resolution to close the meeting to members of the public.
- 7.4.9 If the Special Committee resolves to close the meeting to the public, the reason must be recorded in the Minutes of the meeting.
- 7.4.10 A motion before a meeting of the Committee is to be determined as follows :
 - 7.4.10.1 Each member of the Special Committee who is entitled to vote is entitled to one vote;
 - 7.4.10.2 Unless otherwise prohibited by the Local Government Act, each member of the Committee present must vote;
 - 7.4.10.3 Unless the procedures of the Special Committee otherwise provide, voting must be by show of hands;
 - 7.4.10.4 The motion is determined by a majority of the vote;
 - 7.4.10.5 If there is an equality of votes the Chairperson has a second vote.
- 7.4.11 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.
- 7.4.12 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.
- 7.4.13 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.
- 7.4.14 The Chairperson shall be an ex-officio member of all Sub-Committees.
- 7.4.15 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:

8.1 Chairperson:

8.1.1 Council appoints the Chairperson from the Committee

8.2 The Special Committee shall elect the following Office Bearers:

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

Office bearers shall hold office for a period of 36 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 30 June 2016, unless otherwise extended or revoked in writing by the Council.

13. COMMUNICATIONS:

Surf Coast Shire Council and Eastern Reserve 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.

14. REVOCAION:

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:)

Chief Executive Officer

Witness

Appendix 1 - Maintenance Responsibilities

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			
BUILDING MAINTENANCE			
Air Conditioning and/or Heating and Cooling Systems	<ul style="list-style-type: none"> Any additional units to the standard provision for community buildings 		<ul style="list-style-type: none"> Replacement of existing units at the end of its economic life Service and repair when required of all units.
Appliances - permanent appliances, direct wired to main switchboard i.e. Dishwashers, ovens, stoves, exhaust fans, ceiling fans	<ul style="list-style-type: none"> Repair and/or replace if damaged through Lessee abuse. Report to Council if not operational via CRM Ensure appliances are switched off prior to vacating premises. 	<ul style="list-style-type: none"> Report faults to Council via CRM 	<ul style="list-style-type: none"> Repair and replace when required, subject to Council assessment. Additional appliances. Testing and Tagging in accordance with AS 3760
Appliances – not supplied by Council i.e. white goods or equipment such as refrigerator, washing machine, clothes dryer, freezer., toasters, urns, microwaves	<ul style="list-style-type: none"> Service and maintenance costs. Replacement costs. Ensure appliances are switched off prior to vacating premises 		<ul style="list-style-type: none"> Testing and Tagging in accordance with AS 3760
Bar / Beverage Dispensing Equipment (i.e. beer and post-mix on tap)	<ul style="list-style-type: none"> Service and maintenance costs Replacement costs 	<ul style="list-style-type: none"> Payment of, or contribution to, maintenance and replacement costs in accordance with user agreement 	<ul style="list-style-type: none"> Initial installation associated with new or redeveloped facilities
Building Alterations	<ul style="list-style-type: none"> Seek Council approval for any alteration to buildings – external and internal Determine and document any specific requests to Council for building alterations and other capital improvements. Not to undertake any work unless prior written approval by Council. 	<ul style="list-style-type: none"> See written approval from Committee of Management before approaching Council for consideration 	<ul style="list-style-type: none"> Assess all requests as submitted If approved, ensure satisfactory completion of works
Building, General	<ul style="list-style-type: none"> Notify Council of any damage requiring rectification. All repairs resulting from inappropriate activity by the user group as reasonably determined by Council. Ensure all internal and external doors and windows are locked before leaving Ensure all heating, lighting and appliances are switched off when leaving 	<ul style="list-style-type: none"> All repairs resulting from inappropriate activity by the user group as reasonably determined by Council. Ensure all internal and external doors and windows are locked before leaving Report any breakages resulting from user group activities to Council immediately. Club to meet all repair costs. Ensure all heating, lighting and appliances are switched off when leaving 	<ul style="list-style-type: none"> Ensure satisfactory completion of approved works. Undertake works required to ensure the Premises meet appropriate standards or regulations. Assess all requests submitted. Remove graffiti from external areas Council will arrange any repairs required due to vandalism.
Ceiling	<ul style="list-style-type: none"> Report faults to Council via 	<ul style="list-style-type: none"> Report faults to Council 	<ul style="list-style-type: none"> Major repair and/or

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			
	CRM	via CRM	replacement due to structural faults/age. <ul style="list-style-type: none"> • Cost of routine repairs and painting
Cleaning	<ul style="list-style-type: none"> • All costs of cleaning for the Premises via Councils Contract Cleaner • Ensure facility is maintained in a clean and hygienic state 	<ul style="list-style-type: none"> • Ensure that premises are kept clean and tidy after use 	<ul style="list-style-type: none"> • Ensure that reasonable standards are maintained.
Club Equipment		<ul style="list-style-type: none"> • Maintenance & replacement 	
Contractors	<ul style="list-style-type: none"> • Notify Council for pre-approval before works commence 	<ul style="list-style-type: none"> • Get written approval from Committee of Management before proceeding with any works 	<ul style="list-style-type: none"> • Supervised by Council Nominated Officer • Notify COM in advanced of works commencing
Curtains, Drapes and Blinds	<ul style="list-style-type: none"> • Report faults to Council via CRM 	<ul style="list-style-type: none"> • Report faults to Council via CRM 	<ul style="list-style-type: none"> • Periodic cleaning • Cost of routine repairs
Electrical Wiring, Fittings and Lights test and tag compliance			<ul style="list-style-type: none"> • Repair or replacement of all electrical components. • Provision of electrical safety switches to switchboards. • Test and Tag compliance • Supply and replacement of lights over 4m in height
Emergency Exit Plans and Procedures	<ul style="list-style-type: none"> • Ensure Plans and procedures are known to all user groups 		<ul style="list-style-type: none"> • Provide and maintain.
Emergency Lighting	<ul style="list-style-type: none"> • Report to Council if not operational via CRM 		<ul style="list-style-type: none"> • Annual replacement of light globes. • Compliance inspections and annual BCA essential safety measures testing • All maintenance and repair as required
Exit Doors	<ul style="list-style-type: none"> • Maintain a clear path of travel • Report faults to Council via CRM 	<ul style="list-style-type: none"> • Report faults to Council via CRM 	<ul style="list-style-type: none"> • Undertake 3 monthly inspections. (ESM Regulations).
Fire Alarm System	<ul style="list-style-type: none"> • Recovery of any costs associated with abuse by user group • Recovery of any costs of false alarms as a result of action of the user groups. 	<ul style="list-style-type: none"> • Payment of any costs associated with abuse by user group • Payment of any costs of false alarms as a result of action of the user groups. 	<ul style="list-style-type: none"> • Replacement of batteries to stand alone smoke detectors on a 12 monthly basis.
Fire Extinguishers and other fire	<ul style="list-style-type: none"> • Recovery of cost of fill if discharged due to misuse. • Report defects or loss. 	<ul style="list-style-type: none"> • Payment of cost of fill if discharged due to misuse. 	<ul style="list-style-type: none"> • Additional units if assessed by Council as required. • Replacement on expiry

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			
suppression equipment	<ul style="list-style-type: none"> Replace if stolen or lost except in the case of burglary of the Premises. Maintain clear access. 		<ul style="list-style-type: none"> date. Service inspection and maintenance charge Undertake 6 monthly inspections. (ESM Regulations).
Floor Surfaces – Carpet and Vinyl	<ul style="list-style-type: none"> Cleaning of all floor surfaces and coverings via Council Contractor 	<ul style="list-style-type: none"> Payment of costs of repair and replacement due to negligent damage by the user group 	<ul style="list-style-type: none"> Provide Contract Cleaners
Floor Surfaces - Timber	<ul style="list-style-type: none"> Cleaning of all floor surfaces and coverings. Sealant if timber floors as per Council's Maintenance schedule Report faults to Council via CRM 	<ul style="list-style-type: none"> Payment of costs of repair and replacement due to negligent damage by the user group 	<ul style="list-style-type: none"> Repair and/or replacement at the end of their economic life.
Flyscreens	<ul style="list-style-type: none"> Recovery of costs of repair and replacement due to negligent damage by the user group 	<ul style="list-style-type: none"> Payment of costs of repair and replacement due to negligent damage by the user group 	<ul style="list-style-type: none"> Install fly screens if required under regulation. All maintenance and repair as required
Food Preparation Areas / Kitchens	<ul style="list-style-type: none"> Ensure food handling equipment/ area is in a Hygienic condition so as to comply with regulations 		<ul style="list-style-type: none"> Quarterly Audits
General joinery, doors, cupboards etc.	<ul style="list-style-type: none"> Recovery of costs of repair and replacement due to negligent damage by the user group. Report faults to Council via CRM 	<ul style="list-style-type: none"> Payment of costs of repair and replacement due to negligent damage by the user group. Report faults to Council via CRM 	<ul style="list-style-type: none"> Replacement due to age, structural defect or vandalism, subject to Council assessment. All maintenance and repair as required.
Glass and Glazing	<ul style="list-style-type: none"> Recovery of costs of repair and replacement due to negligent damage by the user group. Report faults to Council via CRM 	<ul style="list-style-type: none"> Payment of costs of repair and replacement due to negligent damage by the user group. Report faults to Council via CRM 	<ul style="list-style-type: none"> Replacement due to breakage as result of all other actions or events.
Intercom Communication System	<ul style="list-style-type: none"> Service/maintenance charges. Up-grade or replacement. Usage 	<ul style="list-style-type: none"> Payment of costs of repair and replacement due to negligent damage by the user group. 	
Keys and Locks	<ul style="list-style-type: none"> Provide Site specific input Cost of replacement of lost or damaged keys. Cost or repair and replacement of lock if due to user group abuse. At the discretion of the Council, costs of re-keying of Premises in the event of loss of keys by Lessee. Replacement of lock/additional 	<ul style="list-style-type: none"> Report to Council if not operational via CRM 	<ul style="list-style-type: none"> All maintenance and repair as required Ensure locks are on Councils key system.

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			
	<ul style="list-style-type: none"> locks if required for security. • Additional keys supplied by Council above agree allocated amount at users cost. • Report to Council if not operational via CRM 		
Notice Boards	<ul style="list-style-type: none"> • Provide and maintain units. • Locate units in locations as approved by Council. 		
On-Site Contractors	<ul style="list-style-type: none"> • Notify Council for pre-approval before works commence 	<ul style="list-style-type: none"> • Get written approval from Committee of Management 	<ul style="list-style-type: none"> • Supervised by Council Nominated Officer • Notify COM in advanced of works commencing
Painting and Plaster	<ul style="list-style-type: none"> • Costs to re-paint internally if damage result of misuse by user group 	<ul style="list-style-type: none"> • Payment of costs of repair and replacement due to negligent damage by the user group. • Report faults to Council via CRM 	<ul style="list-style-type: none"> • Internal and external as per Council cyclic program
Plumbing	<ul style="list-style-type: none"> • Report to Council if not operational via CRM • costs 		<ul style="list-style-type: none"> • Repair and replace when required, subject to Council assessment. • Replacement of tap washers. • Cleaning of blocked toilets and blocked property sewerage pipes • Drainage repairs/works, including broken sewerage pipes, drains and pits. • Stormwater maintenance • Trade Waste Trap cleaning
Roof, Spouting and Downpipes	<ul style="list-style-type: none"> • Report faults to Council via CRM 		<ul style="list-style-type: none"> • Repair and replace when required, subject to Council assessment. • Gutter cleaning program
Security Alarm System	<ul style="list-style-type: none"> • Seek approval in writing from Council prior to installation. • Install or replace systems. • Meet system and operating costs. • Manage usage of the system. • Any calls out and service costs i.e. false alarms, misuse. • Provide security system details to Council. 		
Security Patrol Services (at discretion of Council)	<ul style="list-style-type: none"> • Call out and emergency service costs as a result of misuse 	<ul style="list-style-type: none"> • Call out and emergency service costs as a result of misuse 	<ul style="list-style-type: none"> • Security patrol services
Signage - Advertising	<ul style="list-style-type: none"> • Maintenance of advertising signs where written Council approval has been given for erection 	<ul style="list-style-type: none"> • Maintenance of advertising signs where written Council approval has been given for erection 	<ul style="list-style-type: none"> • Written approval for sign

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			
Signage - Internal	<ul style="list-style-type: none"> Additional signage as required and as approved by Council, including directional and operational signage 		<ul style="list-style-type: none"> Ensure that reasonable standards are maintained.
Signage - External	<ul style="list-style-type: none"> Ensure no signage installed without approval by Council 		<ul style="list-style-type: none"> Additional signage as required and as approved by Council. Initial identification signage to be provided by Council. Replacement or maintenance of initial signage.
Skylights	<ul style="list-style-type: none"> Report faults to Council via CRM 	<ul style="list-style-type: none"> Report faults to COM via CRM 	<ul style="list-style-type: none"> Repairs when required
Smoke Detectors	<ul style="list-style-type: none"> Report faults to Council via CRM 	<ul style="list-style-type: none"> Report faults to Council via CRM 	<ul style="list-style-type: none"> Service inspection and maintenance Undertake 6 monthly inspections. (ESM Regulations). Change batteries 12 monthly for portable unit
Telecommunications systems (fax, photocopier, telephones, printers, computers, and modems)	<ul style="list-style-type: none"> Service and maintenance outgoings. Replacement costs. 	<ul style="list-style-type: none"> Payment of costs of repair and replacement due to negligent damage by the user group. 	
Utilities Charges	<ul style="list-style-type: none"> All utility charges including but not restricted to water , gas, telephone, sewerage, electricity as per reserve user groups agreement 	<ul style="list-style-type: none"> Payment of costs relative to usage as per reserve user group agreement 	
Walls - External	<ul style="list-style-type: none"> Report faults to Council via CRM 		<ul style="list-style-type: none"> Repair and replace when required, subject to Council assessment. Cost of routine repairs and painting
Walls - Internal	<ul style="list-style-type: none"> Report faults to Council via CRM 	<ul style="list-style-type: none"> Report faults to Council via CRM 	<ul style="list-style-type: none"> Major repair and/or replacement due to structural faults/age. Cost of routine repairs and painting
Waste Disposal	<ul style="list-style-type: none"> Additional removal of hard rubbish above standard domestic waste service, Additional domestic waste handling including events and bulk waste associated with pavilion operations Recovery of cost for provision of sanitary services Litter removal from buildings, grounds & surrounds and 	<ul style="list-style-type: none"> Includes removal of strapping tape following training and match days 	<ul style="list-style-type: none"> Provide domestic garbage and recycling service, as per standard Council residential waste program Provision of sanitary services

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			
	placement of bins at collection points		
GROUND MAINTENANCE			
Car Parks	<ul style="list-style-type: none"> Report faults to Council via CRM 	<ul style="list-style-type: none"> Report faults to Council via CRM 	<ul style="list-style-type: none"> Repaint existing line markings Maintain existing surfaces in safety operational condition
Cricket Wickets	<ul style="list-style-type: none"> General maintenance as required. Advise Council of maintenance needs Cost of repairs and replacement of hard wicket surface (not concrete structure) Uncover and cover wicket at start and end of season (liaise with opposite season user group) 	<ul style="list-style-type: none"> All turf wickets maintained by resident cricket club with club equipment Payment of costs associated with hard wicket covering and uncovering (rubber granule infill or cover) Payment of costs associated with repair and replacement of covers 	<ul style="list-style-type: none"> Arrange any repairs required due to vandalism. Initial installation Replace hard wicket concrete structure at end of life
Cricket Practice nets	<ul style="list-style-type: none"> General maintenance as required 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Arrange any repairs required due to vandalism
Coaches boxes	<ul style="list-style-type: none"> General Maintenance as required Cost of replacement 		<ul style="list-style-type: none"> Arrange repairs due to vandalism
Fences other than advertising signs	<ul style="list-style-type: none"> 		<ul style="list-style-type: none"> General maintenance & replacement
Goal Posts	<ul style="list-style-type: none"> General maintenance as required 		<ul style="list-style-type: none"> Replace if breakage occurs from external source (vandalism) Cost of repairs and replacement

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			
Grounds and Surrounds (horticulture)	<ul style="list-style-type: none"> • Determine and document any specific requests to Council for alterations to shelters / structures and other capital improvements. • Maintenance of garden hoses, sprinklers, • Shall not plant or remove trees without Council approval and consultation. 	<ul style="list-style-type: none"> • Report faults to Council via CRM 	<ul style="list-style-type: none"> • Fencing to comply with regulatory requirements • Remove graffiti from external structures. • Undertake general tree maintenance to meet safety regulations • Define and oversee standards • Major pruning (branches greater than 100mm diameter) or any tree removal • Repair and replacement of existing pavements to pathways, driveway etc. • Maintain all grounds associated with building
Line Markings (e.g. ovals, tennis and netball courts, synthetic turf)	<ul style="list-style-type: none"> • General maintenance as required • Cost of repairs and replacement • Ensure line-marking meets regulatory requirements 		
Ovals including Irrigation control	<ul style="list-style-type: none"> • Advise Council if maintenance is required via CRM 	<ul style="list-style-type: none"> • Report faults to Council via CRM 	<ul style="list-style-type: none"> • Fully maintain (i.e. mowing, seeding, fertilising, aerating) • Top dress, fertilise and seed grassed areas as Council deems necessary • Close grounds if considered unfit for use due to damage or vandalism
Pest Control	<ul style="list-style-type: none"> • Maintain a clean and hygienic facility • Advise Council if action is required 		
Resurfacing - Netball Courts	<ul style="list-style-type: none"> • Advise Council of resurfacing needs 		<ul style="list-style-type: none"> • Repairs required due to vandalism • Cost of repairs and replacement
Scoreboard	<ul style="list-style-type: none"> • General maintenance as required 		<ul style="list-style-type: none"> • Arrange repairs due to vandalism
Training and Competition Lights	<ul style="list-style-type: none"> • Recovery of utility usage costs and globe replacement via reserve user agreements 	<ul style="list-style-type: none"> • Payment of utility usage costs and globe replacement per reserve user agreement 	<ul style="list-style-type: none"> • Structural repairs • Maintenance • Globe replacement
OPERATIONAL TASKS			
Facility Bookings			<ul style="list-style-type: none"> • Council to receive facility bookings and send ERCOM updated bookings

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			
			schedule
Facility Booking Invoicing			<ul style="list-style-type: none"> • Council to invoice debtors
Provision of playing fixtures	<ul style="list-style-type: none"> • ERCOM to provide Council with playing fixtures for each user group 		
Utility charges including and but not restricted to water rates, sewerage charges, electricity and gas.			<ul style="list-style-type: none"> • Council to pay utility costs
Induct Committee members			<ul style="list-style-type: none"> • Council to appoint and induct new committee members

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 Recreation Unit 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 their allocated Council Recreation Officer.
- 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 their allocated Recreation Officer 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 Surf Coast Sport and Recreation Centre.

1.5 Audit and Risk Committee Charter

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Lynne Stevenson (Acting Director)
Department: Corporate Services
Directorate: Corporate Services

Director: Chris Cowley
File No: F13/46
Trim No: D13/125212, D13/29070

Appendix:

1. Audit & Risk Committee Charter

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant section S89 (2))

Purpose

To consider an amended Audit and Risk Committee Charter as recommended by the Audit and Risk Committee (the committee).

Summary

Given the increased focus on risk management by the Audit and Risk Committee, the committee has undertaken a substantial review of the Audit and Risk Committee Charter. The amended charter is presented for Council's consideration.

Officer Recommendation

That Council adopt the amended Audit and Risk Committee Charter.

COUNCIL RESOLUTION

MOVED Cr Goldsworthy, seconded Cr Nockles

That Council adopt the amended Audit and Risk Committee Charter.

CARRIED: 9:0

Audit and Risk Committee Charter

Report

Background

Council adopted a revised Audit and Risk Committee Charter on the 19 September 2012. Since that time the committee has been expanded to include four external members and has been charged with ensuring a greater emphasis on risk management.

Discussion

At the 14 May 2013 Audit and Risk Committee meeting, the committee reviewed their current Charter. The review was performed to ensure that the increased focus on risk management was accurately reflected in the Charter document.

Attached to this report is an Appendix containing a marked up copy of the reviewed document. Listed below is a list of the amended responsibilities contained in the charter.

1. Responsibilities

1.1. External Audit

- 1.1.1. Note the external auditors proposed audit scope and approach, particularly noting any reliance on internal auditor activity.
- 1.1.2. To discuss matters arising from the external audit with the external auditor.
- 1.1.3. To review the annual financial statements prior to their approval by the Council.
- 1.1.4. To make comment on management's response to the external auditor's report.
- 1.1.5. Review the performance of the external auditors.
- 1.1.6. Consider the independence of the external auditor in the context of any other services provided to Council.
- 1.1.7. To monitor the implementation by management of the external auditor's recommendations which are adopted by the Council.
- 1.1.8. Meet at least twice annually with the external auditor

1.2. Internal Audit

- 1.2.1. To make recommendations to the Council on the appointment and remuneration of the internal auditor.
- 1.2.2. To review and recommend to Council a Strategic Annual Internal Audit Plan having regard to Council's Budget and objectives.
- 1.2.3. To consider internal audit reviews as completed and recommend to Council, actions that result in improved performance in these areas
- 1.2.4. As part of the Committee's annual assessment of performance, determine the level of satisfaction with the internal audit function.
- 1.2.5. Ensure the internal auditor's annual plan is linked with and covers the material business risks.

1.3. Internal Control

- 1.3.1. Understand the scope of internal and external auditor's review of internal controls over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.
- 1.3.2. Consider with the auditors any acts of fraud, any illegal undertakings and any deficiencies or breaches of security.

1.4. Accounting and Investment Policies

- 1.4.1. To consider recent developments in accounting principles or reporting practices that may affect the Council.
- 1.4.2. To at least annually review the Council's accounting principles, policies and practices as outlined in the annual financial statements.

Audit and Risk Committee Charter

- 1.4.3. To at least annually review the Council's investment policy.

1.5. Risk Management

- 1.5.1. To monitor Council's risk management system.
- 1.5.2. To work with management to ensure significant risks are adequately managed.
- 1.5.3. To ensure that Council receives timely reporting of existing and emerging risks and the planned treatment of those risks by council management.
- 1.5.4. Monitor processes and practices of the Council to ensure for effective business continuity.
- 1.5.5. To annually review the Council's Risk and Fraud policies.

1.6. Financial Reporting

- 1.6.1. Gain an understanding of current areas of greatest financial risks and how they are managed
- 1.6.2. Review significant accounting and reporting issues, and understand their impact on financial reports.
- 1.6.3. Review complex and unusual financial transactions and highly judgemental areas and understand their effect on financial statements.
- 1.6.4. Oversee the periodic reporting process implemented by management and review financial statements before release.

1.7. Compliance

- 1.7.1. Review effectiveness of systems for monitoring compliance with laws, regulations, internal policies and industry standards, and the results of management's investigation and follow up of instances of non-compliance
- 1.7.2. Obtain regular updates from management about compliance matters that have a material impact on the financial statements, strategies, operations and reputation.

1.8. Fraud

- 1.8.1. Review management's fraud prevention strategies and programs
- 1.8.2. Ensure that fraud reporting obligations have been met.

1.9. Reporting

- 1.9.1. Report regularly to the Council about the Committee's activities, issues, and related recommendations through circulation of minutes and annual report.
- 1.9.2. Consider the finding and recommendations of relevant Performance Audits undertaken by the Victorian Auditor General and to ensure the Council implements relevant recommendations.

1.10. Other

- 1.10.1. Perform other activities related to this charter as requested by the Council.
- 1.10.2. Review and assess the adequacy of the Audit & Risk committee charter annually.
- 1.10.3. Evaluate the Audit & Risk committee's performance annually and include evaluation in the annual report to Council.
- 1.10.4. The committee shall establish an annual work plan that ensures proper coverage of matter laid out in the Audit and Risk Committee Charter.

Following the review the Audit and Risk Committee resolved as follows:

RECOMMENDATION: That the Audit and Risk Committee recommend the attached Audit and Risk Committee Charter to Council for their consideration.

MOVED: Peter Dryden SECONDED: Melissa Field

Audit and Risk Committee Charter

Financial Implications

Not applicable.

Council Plan/Policy/Legal Implications

Section 139 of the Local Government Act 1989, provides that Council must establish an audit committee.

Having a charter in place will help ensure that the committee is following the 'Audit Committees – A guide to good practise for Local Government.' This was approved by Jeanette Powell MP Minister for Local Government on 31 January 2011. This was published in the Victorian Government Gazette, in relation to Section 139 (5) of the *Local Government Act* 1989, on Tuesday 8 February 2011.

Risk Assessment

Having a clear Charter will ensure that the committee has clear direction from Council.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Once adopted, the revised Charter will be forwarded to all committee members.

Conclusion

Given the increased focus on risk management by the Audit and Risk committee, the committee has undertaken a substantial review of the Audit and Risk Committee Charter. The amended charter is recommended to Council for adoption.

APPENDIX 1: Audit & Risk Committee Charter (D13/29070)

1.6 Delegation Review – Council to the Chief Executive Officer

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Coordinator Governance
Department: Governance & Community Relations
Directorate: Corporate Services

Director: Chris Cowley
File No: F13/193
Trim No: D13/46432

Appendix:

1. Proposed CEO Delegation

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant section S89 (2))

Purpose

To provide Council with a draft Instrument of Delegation from Council to the Chief Executive Officer for consideration pursuant to Section 98(6) of the *Local Government Act 1989* (the Act).

Summary

To enable effective and efficient functioning of local government, decision making powers are allocated by formal delegation from Council to the Chief Executive Officer (CEO).

The Local Government Act 1989 enables Council to delegate to the Chief Executive Officer any power, duty or function of a council under the Act or any other Act other than specified exemptions found under section 98(1) of the Act. The previous Instrument of Delegation by Council to the CEO was approved by Council on 23 September 2009.

After a recent review it is recommended that Council approve an increase in the CEO's monetary delegations. A proposed increase from \$400,000 to \$600,000 (ex GST) will ensure timely processing of contracts and orders (including the engagement of services, the carrying out of works or the ordering of goods).

The Instrument of Delegation of powers, duties and functions from Council to the CEO will enable the CEO to carry out the day to day management of Council's operation in accordance with the Council Plan and the adopted Budget, with the increase in spending authority permitting most operational contracts to be authorised at this level.

All delegations must be reviewed within 12 months of a Council election pursuant to Section 98(6). It is proposed that the new attached delegation be considered.

Officer Recommendation:

That Council:

1. Adopt the Instrument of Delegation, as attached to this report and marked as Appendix 1, to the person holding the position, acting in or performing the duties of the Chief Executive Officer, which includes an increase in the monetary delegation from \$400,000 to \$600,000, subject to the conditions and limitations specified in that Instrument, and execute the document under the Common Seal of Council, pursuant section 98(1) of the *Local Government Act 1989*.
2. Note that the Instrument of Delegation comes into force immediately upon the Common Seal of Council being affixed.

3. On the affixing of the Common Seal of Council as noted in part 2 above, revoke the Instrument of Delegation to the Chief Executive Officer dated 23 September 2009.

COUNCIL RESOLUTION

MOVED Cr Wellington, seconded Cr Fisher

That Council:

1. Adopt the Instrument of Delegation, as attached to this report and marked as Appendix 1, to the person holding the position, acting in or performing the duties of the Chief Executive Officer, which includes an increase in the monetary delegation from \$400,000 to \$600,000, subject to the conditions and limitations specified in that Instrument, and execute the document under the Common Seal of Council, pursuant section 98(1) of the *Local Government Act 1989*.
2. Note that the Instrument of Delegation comes into force immediately upon the Common Seal of Council being affixed.
3. On the affixing of the Common Seal of Council as noted in part 2 above, revoke the Instrument of Delegation to the Chief Executive Officer dated 23 September 2009.

CARRIED: 9:0

Delegation Review - Council to the Chief Executive Officer

Report

Background

Pursuant to Section 98(6) of the *Local Government Act 1989* (the Act), Council must review all delegations which are in force and have been made by Council under Section 98(1), within a period of 12 months after a general election.

The current delegation has broadly enabling powers which involves the delegation of all Council duties, functions and powers to the Chief Executive Officer (CEO) except those expressly reserved for Council. It is also proposed to increase the monetary value from \$400,000 to \$600,000 (ex GST) including the engagement of services, the carrying out of works or the ordering of goods.

Council currently delegates some of its powers, duties and functions to Council's CEO and to various Committees of Council formed under Section 86 of the Act. The review of delegations to section 86 Committees is currently underway as part of the process of review.

Discussion

The Act provides Council with the opportunity to delegate to a member of staff any power, duty or function to enable the operations of Council to function efficiently. Delegation is an important administrative tool available to Council and allows for the efficient and effective functioning of the organisation.

In order for the CEO to undertake management of Council's operations in accordance with the Council Plan, it is proposed that all day to day administrative and statutory functions be delegated to the CEO, with the exception of those items listed in the Instrument of Delegation.

The Council CEO currently manages the affairs of Council under the direction of an Instrument of Delegation that was adopted by Council on 23 September 2009. The current Instrument of Delegation delegates power by exception with the following delegation reference:

“All powers conferred on Council by or under any Act save that the delegate must not enter into a contract including the engagement of services, the carrying out of works or the ordering of goods to a value greater than \$400,000.”

A new Instrument of Delegation is proposed which delegates to the CEO:

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1. awarding a contract exceeding the value of \$600,000 (excluding GST), (including the engagement of services, the carrying out of works or the ordering of goods);
 - 1.2. making a local law under Part 5 of the Act;
 - 1.3. approval of the Council Plan under s.125 of the Act,
 - 1.4. adoption of the Strategic Resource Plan under s.126 of the Act;
 - 1.5. preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 1.6. adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;

Delegation Review - Council to the Chief Executive Officer

- 1.7. noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
 - 1.8. determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 1.9. exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 1.10. appointment of councillor or community delegates or representatives to external organisations;
or
 - 1.11. the return of the general valuation and any supplementary valuations;
2. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 3. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 3.1. policy; or
 - 3.2. strategy
adopted by Council; or
 4. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 5. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.”

The update of the existing delegation to the Chief Executive Officer will improve the efficiency and effectiveness of the organisations' internal processes and minimise operational matters being referred to Council.

Financial Implications

The threshold limit increased in the instrument of delegation in regard to entering into a contract to a value of up to \$600,000 ensures that the majority of Council's operational contracts can be exercised by the CEO.

It should be noted that Council provides direction to the CEO for approval of contracts via its adopted budget and tendering provisions pursuant to the *Local Government Act 1989*.

Council Plan/Policy/Legal Implications

Section 98(6) of the *Local Government Act 1989* states “A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1).”

Section 98(1) states “A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than—

- (a) this power of delegation; and
- (b) the power to declare a rate or charge; and
- (c) the power to borrow money; and
- (d) the power to approve any expenditure not contained in a budget approved by the Council; and
- (e) any power, duty or function of the Council under section 223; and
- (f) any prescribed power.”

Under the *Local Government Act 1989* the CEO is responsible for the day to day management of the Council's operations in accordance with the Corporate Plan. The powers, duties and functions delegated are administrative in nature and the revised delegation does not alter current practices. The Instrument of Delegation provides that a power, duty or function may only be exercised in a manner consistent with Council policy or strategy.

Delegation Review - Council to the Chief Executive Officer

Risk Assessment

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

Social Considerations

Delegation to the CEO is a long established principle recognised and required by the *Local Government Act* 1989 to enable day to day operational decisions to be made.

Community Engagement

Under the *Local Government (General) Regulations* 2004 (the Regulations), at Part 5, Section 11 (j) Council must make available for public inspection documents containing 'a register of delegations kept under sections 87 and 98 of the *Local Government Act* 1989, including the dates on which the last reviews under sections 86(6) and 98(6) of the *Local Government Act* 1989 took place. The Register held by Council is therefore in compliance with the Regulations and is available to constituents for their review as required. Decisions by Council's CEO occur in accordance with relevant legislation, Council resolutions and sound management practice.

Environmental Implications

There are no environmental implications arising from this report.

Communication

Changes to the current delegations will be communicated internally.

Conclusion

That Council adopt the amended Instrument of Delegation to the Chief Executive Officer as provided.

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (“the Act”), the Surf Coast Shire Council (“Council”) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation.

AND declare that

1. This Instrument of Delegation is authorised by Resolution of Council passed on 23 July 2013.
2. The delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule; and
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The COMMON SEAL of the SURF COAST)
SHIRE COUNCIL was affixed hereto)
in the presence of:)

Mayor

Chief Executive Officer

Dated: ____/____/2013

Dated: ____/____/2013

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1. awarding a contract exceeding the value of \$600,000 (excluding GST), (including the engagement of services, the carrying out of works or the ordering of goods);
 - 1.2. making a local law under Part 5 of the Act;
 - 1.3. approval of the Council Plan under s.125 of the Act,
 - 1.4. adoption of the Strategic Resource Plan under s.126 of the Act;
 - 1.5. preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 1.6. adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 1.7. noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
 - 1.8. determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 1.9. exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 1.10. appointment of councillor or community delegates or representatives to external organisations;
or
 - 1.11. the return of the general valuation and any supplementary valuations;
2. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
3. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 3.1 policy; or
 - 3.2 strategyadopted by Council; or
4. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
5. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

1.7 Delegation Review – Section 86 Hearing of Submissions Committee

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Coordinator Governance
Department: Governance & Community Relations
Directorate: Corporate Services

Director: Chris Cowley
File No: F12/2119
Trim No: D13/46574

Appendix:

1. Instrument of Delegation of Hearing of Submissions Committee

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant section S89 (2))

Purpose

To review the delegation of the Hearing of Submissions Committee, as required pursuant to section 86(6) of the *Local Government Act 1989* (the Act).

Summary

Council is required to review any delegations to a special committee within a period of 12 months after a general election. This review of the Hearing of Submissions Committee is primarily focussed on the decision making components of the instrument of delegation.

This report addresses delegations from Council to a special committee formed under Section 86 of the *Local Government Act 1989*.

Officer Recommendation

That Council:

1. Note that a review of the delegation to the Hearing of Submissions Committee has been undertaken in accordance with the *Local Government Act 1989*.
2. Note that no amendments are proposed to the Instrument of Delegation.
3. Adopt the Instrument of Delegation for the Hearing of Submissions Committee as provided in this report.

COUNCIL RESOLUTION

MOVED Cr Hodge, seconded Cr Bell

That Council:

1. Note that a review of the delegation to the Hearing of Submissions Committee has been undertaken in accordance with the *Local Government Act 1989*.
2. Note that no amendments are proposed to the Instrument of Delegation.
3. Adopt the Instrument of Delegation for the Hearing of Submissions Committee as provided in this report.

CARRIED: 9:0

Delegation Review – Section 86 Hearing of Submissions Committee

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.

Council is required to review any delegations to a Special Committee within 12 months after a general election. Section 86(6) of the Act places a requirement upon Council, in that “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.”

Council may delegate its powers, duties and functions to special committees of Council formed under section 86 of the Act. Section 86 (1) states “In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following—

- (a) Councillors;
- (b) Council staff;
- (c) other persons;
- (d) any combination of persons referred to in paragraphs (a), (b) and (c).

Section 86(3) allows Council to “(3) a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee, with the exceptions that Council cannot delegate to a committee the following powers—

- (a) this power of delegation;
- (b) to declare a rate or charge;
- (c) to borrow money;
- (d) to enter into contracts for an amount exceeding an amount previously determined by the Council;
- (e) to incur any expenditure exceeding an amount previously determined by the Council;
- (f) any prescribed power.

Discussion

The Hearing of Submissions Committee was established under Section 86 of the *Local Government Act 1989* (the Act) in 2009. The Committee was formed to hear and report to Council on submissions received by Council in accordance with section 223 of the Act or other publicly exhibited matters.

As a Section 86 Committee, the Hearing of Submissions Committee is governed by Council’s Local Law No. 2 – Meeting Procedure.

The Committee membership is made up of all Councillors, with a required quorum of five (5) Councillors. Meetings are called as required.

The Committee was established to avoid the need to call Special Meetings of Council, so as to hear submissions in accordance with section 223 of the Act or other publicly exhibited matters, prior to being formally considered at a Council Meeting.

The Hearing of Submissions Committee provides Council with an opportunity to engage with submitters in a less formal and more interactive environment to a Council Meeting.

Since establishment in 2009, the Committee has met:

- 12 times in 2009
- 14 times in 2010
- 6 times in 2011
- 6 times in 2012
- 1 time in 2013

Financial Implications

Not applicable. The Committee does not have any financial delegated authority.

Delegation Review – Section 86 Hearing of Submissions Committee

Council Plan/Policy/Legal Implications

This review is in accordance with section 86(6) of the Act, in that "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". This review is also compliant with Council's Local Law No. 2 – Meeting Procedure.

Risk Assessment

There may be a risk to Council of poor public perception if special committees are not given clear direction in regard to their purpose, and if the committee does not add value to Council decision making processes.

Social Considerations

Not applicable.

Community Engagement

In accordance with Part 5, section 11 of the *Local Government (General) Regulations 2004* (the Regulations), 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

Not applicable.

Communication

Under the Regulations, at Part 5, section 11 (j), Council must make available for public inspection documents containing "a register of delegations kept under sections 87 and 98 of the *Local Government Act 1989*, including the dates on which the last reviews under sections 86(6) and 98(6) of the *Local Government Act 1989* took place". The register held by Council is therefore in compliance with the Regulations and is available to constituents for their review as required.

Conclusion

The review is a requirement of section 86 (6) of the Act. It is recommended that no amendments are made to the current delegation to the Hearing of Submission Committee. It is recommended that Council adopt the Instrument of Delegation provided with this report due to the benefits of retaining the Committee with the current delegations.

APPENDIX 1:

**Instrument of Delegation
from
Council
to
Hearing of Submissions Committee**

Authorising Provision

This delegation is made under section 86 of the *Local Government Act 1989* (as amended) (“the Act”) the Surf Coast Shire Council (“Council”) delegates to the Special Committee (known as the Hearing of Submissions Committee).

Membership:

The Hearing of Submissions Committee will comprise all Councillors. The Mayor of the day will be the Committee Chairperson.

Meeting Frequency:

The Hearing of Submissions Committee will meet as required.

Powers Delegated

To hear any person who has requested to be heard in support of a written submissions which the person has made pursuant to:

a) Section 223 of the Local Government Act 1989 can be made in relation to the following matters:

- Making of Local Laws (Section 119)
- Council Plan (Section 125)
- Council Budget (Section 129)
- System of Valuing Land (Section 157)
- Special Rate or Charge (submissions and objections Section 163A and B)
- Sale of Land (Section 189)
- Lease of Land (Section 190)
- Change of Use of Land (Section 192)
- Regional Library Agreements (Section 197)
- Proposed Works to Concentrate or Divert Drainage (Section 199)
- Requiring Drainage Works on Private Land (Section 200)
- Fix and Alter the Level of Roads (Section 207A, Schedule 10)
- Deviate a Road through Private Land (Section 207A, Schedule 10)
- Discontinue Roads (Section 207A, Schedule 10)
- Fix Road Alignment (Section 207A, Schedule 10)
- Narrow or Widen a Road (Section 207A, Schedule 10)
- Permanent Barriers on Roads (Section 207A, Schedule 11)
- Barriers for Traffic Diversion Experiments (Section 207A, Schedule 11)
- Restricting use of road by vehicles of certain size (Section 207A, Schedule 11)
- Declaration of Public Highway (Section 207A)
- Declaration of a Road to be Open to Public Traffic (Section 207A, Section 204)

b) Planning & Environment Act 1984

Submissions received in relation to land use planning processes, including but not limited to:

- Projects that develop land use policy positions.
- Legislative planning scheme amendment processes to implement policy into the Scheme or change the Scheme.
- Planning permit applications for use and development on land within the Shire (called in by Council).

c) Other Matters

Any other submissions received as a result of any other Council process.

Conditions

This Instrument of Delegation is authorised by a resolution of Council passed 23 July 2013.

The delegation:

- Comes into force immediately on Council resolution;
- Remains in force until Council resolves to vary or revoke it and replaces any previous delegation made by Council;
- Is subject to any conditions and limitations set out above; and
- Must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

DATED 23 July 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

1.8 Delegation Review - Council Staff and Section 86 Planning Committee

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Coordinator Governance
Department: Governance & Community Relations
Directorate: Corporate Services

Director: Chris Cowley
File No: F13/192, F13/193
Trim No: D13/46573, D13/47092

Appendix:

1. Delegation to Staff under the Food Act 1984
2. Delegation to Staff under the Planning & Environment Act 1987 (D13/47092)
3. Delegation to Section 86 Committee – Planning Committee

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant section S89 (2))

Purpose

To review Council delegations to staff and the Planning Committee in accordance with section 98(6) and section 86(6) of the *Local Government Act 1989* (the Act).

Summary

Council is required to review any delegations to staff and special committees within 12 months after a general election. The review focusses on the decision making components of each instrument of delegation.

The Terms of Reference for the Planning Committee has also been reviewed and no changes are proposed at this time.

This report addresses delegations from Council to members of staff and special committees formed under section 86 and section 98 of the Act.

Officer Recommendation

That Council:

1. Note that a review has been undertaken of Council delegations to staff and the Planning Committee in accordance with the *Local Government Act 1989*.
2. Adopt the amended Instrument of Delegation to Environmental Health Department staff under the *Food Act 1984* and in accordance with the *Food Amendment (Regulation Reform) Act 2009* - New provisions and delegations.
3. Adopt the amended Instrument of Delegation to Planning Department staff under the *Planning and Environment Act 1987*.
4. Note that no amendments are proposed to the Instrument of Delegation to the section 86 Planning Committee.
5. Adopt the Instrument of Delegation to the section 86 Planning Committee as provided in this report.

COUNCIL RESOLUTION

MOVED Cr Wellington, seconded Cr Bell

That Council:

1. Note that a review has been undertaken of Council delegations to staff and the Planning Committee in accordance with the *Local Government Act 1989*.
2. Adopt the amended Instrument of Delegation to Environmental Health Department staff under the *Food Act 1984* and in accordance with the *Food Amendment (Regulation Reform) Act 2009* - New provisions and delegations.

3. Adopt the amended Instrument of Delegation to Planning Department staff under the *Planning and Environment Act 1987*.
4. Note that no amendments are proposed to the Instrument of Delegation to the section 86 Planning Committee.
5. Adopt the Instrument of Delegation to the section 86 Planning Committee as provided in this report.

CARRIED: 9:0

Delegation Review - Council Staff and Section 86 Planning Committee

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.

Whilst most delegations to Council staff are in the form of a sub-delegation from the Chief Executive Officer, there are a small number which require delegation from Council.

Updated delegations are submitted to reflect legislative amendments and the current organisational structure.

Section 98 of the *Local Government Act* 1989, section 188 of the *Planning and Environment Act* 1987, section 58A of the *Food Act* 1984 and other legislation empowers Council to delegate its powers, duties and functions to appropriate Council officers.

Section 98(6) of the Act places a requirement upon Council, in that 'A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection 98(1)'.

Section 98(1) states "A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than—

- (a) this power of delegation; and
- (b) the power to declare a rate or charge; and
- (c) the power to borrow money; and
- (d) the power to approve any expenditure not contained in a budget approved by the Council; and
- (e) any power, duty or function of the Council under section 223; and
- (f) any prescribed power.

Section 58A(1) and (1A) of the *Food Act* 1984 provides that:

"(1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).

(1A) A council may delegate to one or more of its officers or members of staff any of its powers or discretions under Part III in relation to temporary food premises or mobile food premises."

The Instrument of Delegation to Environmental Health staff in Appendix 1 outlines the relevant Council powers and discretions under Part III of the *Food Act* 1984 required for staff to undertake their duties under the *Food Act* 1984.

Section 188 (1) of the *Planning and Environment Act* 1987 provides that "A planning authority or responsible authority other than the Minister may by instrument delegate any of its powers, discretions or functions under this Act to—

- (a) a committee of the authority; or
- (b) an officer of the authority; or
- (c) the Growth Areas Authority; or
- (d) the Chief Executive Officer of the Growth Areas Authority."

The Instrument of Delegation to Planning and Environment staff in Appendix 2 outlines the relevant Council powers and discretions under the *Planning and Environment Act* 1987.

Council may also delegate its powers, duties and functions to special committees of Council formed under section 86(1) of the *Local Government Act* 1989. Section 86(1) states "In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following—

- (a) Councillors;

Delegation Review - Council Staff and Section 86 Planning Committee

- (b) Council staff;
- (c) other persons;
- (d) any combination of persons referred to in paragraphs (a), (b) and (c)."

Section 86(3) allows Council to “(3) a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee, with the exceptions that Council cannot delegate to a committee the following powers—

- (a) this power of delegation;
- (b) to declare a rate or charge;
- (c) to borrow money;
- (d) to enter into contracts for an amount exceeding an amount previously determined by the Council;
- (e) to incur any expenditure exceeding an amount previously determined by the Council;
- (f) any prescribed power.

Discussion

Food Act Delegation

The Council delegation under the *Food Act 1984* to the Environmental Health staff has been reviewed and minor amendments are recommended.

Appendix 1 of this report outlines the provisions and provides a description of the functions that are delegated to Council staff under the *Food Act 1984*. The schedule to the Instrument of Delegation sets out what are the relevant powers, duties and functions being delegated and specifies which officer(s) has responsibility for each power, duty or function. The changes to the schedule are substantially amendments to officer responsibility for specified powers, duties and functions.

Amendments to the *Food Act 1984* by the State Government came into effect on 1 July 2011. These amendments related to the new state-wide single registration system for temporary and mobile food premises. Council at its meeting on 23 June 2010 approved an instrument of delegation, following the release of the first instalment of the proposed *Food Act 1984* changes. The delegation was based on a Department of Health template and legal advice to ensure consistency across the State. The changes are consistent with the *Food Amendment (Regulation Reform) Act 2009* - New provisions and delegations.

The Council delegation to the Environmental Health staff has been reviewed and minor amendments recommended (highlighted in red) to the following sections of the *Food Act 1984*:

Provision	Description	Delegate
s.19H(4)(b) and (5)	Specify the range of frequencies and intervals for assessment or audit that may be applied to a specific premises, instead of the default requirements	MECS, CEH
s.19W(1) & (2)	Direction concerning compliance with food safety requirements	CEH, EHO
s.38B (other than paragraph (c) of subsection (1))	Decision as to whether to register or transfer registration, and things that must be done before making this decision (other than inspection)	CEH, EHO
s.38D (other than paragraph (b) of subsection (1))	Decision as to whether to renew registration, and things that must be done before making this decision (other than inspect premises)	CEH, EHO
s.38E	Conditional registration powers	CEH, EHO

Provision	Description	Delegate
s.39A(1), (2) & (3)	Register, renew or transfer registration despite minor defects	CEH, EHO
s.40(2)	Incorporate certificate of registration in one document with any certificate of registration to be issued under <i>Public Health & Wellbeing Act</i>	CEH, EHO
s.40C(2)	Grant or renew the registration of a food premises for a period of less than 1 year at request of proprietor	CEH, EHO

Definitions: CEH – Coordinator Environmental Health
EHO – Environmental Health officer

Planning Delegation

The Council delegation under the *Planning & Environment Act 1987* has been reviewed and amendments are proposed, and are highlighted in Appendix 2.

The Instrument of Delegation was last reviewed in March 2012 and extends to the *Planning and Environment Act 1987*, *Planning and Environment Regulations 2005*, *Planning and Environment (Fees) Interim Regulations 2013*. The delegation details particular sections of the Acts and nominates officers by title. The delegation effectively allows for delegation of specific powers, duties and functions to specified staff, thereby providing greater flexibility to Council.

The Instrument of Delegation details the powers, duties and functions delegated to various Council staff under the *Planning and Environment Act 1987*.

The Council delegation to the Planning Department staff has been reviewed and amendments are proposed which reflect updates in legislation and legal advice received, and are highlighted in Appendix 2. A summary of the amendments are:

Function 1 – amended reference to clause in the Act.

Function 2 – amended to update correct title of the Council Planning Scheme.

Based on legal advice the Instrument of Delegation has been amended as follows:

- Allow for Officers to attend and finalise VCAT mediations on permit applications decided by Officers at the Manager level delegations.
- Allow for Manager, Coordinator or Senior Statutory Planner to attend and execute mediated outcomes at VCAT for permits issued by the Planning Committee where conditions are being altered.
- Allow for Officers to attend mediation at VCAT on matters refused by the Planning Committee; but that these have to be reported back to the Committee for them to decide the position, based on the parties' positions.
- Allow for Planning Investigations Officers to attend and execute mediated outcomes on enforcement matters.

The Senior Statutory Planning role is required to be included in the Instrument of Delegation to ensure this position has the appropriate authority to carry out the required duties and the delegation has been amended to reflect this.

Matters decided by Council that result in mediation at VCAT will be dealt with on a case by case basis with Council, and no change to the Instrument is proposed for these matters.

Planning Committee Delegation

The Council instrument of delegation and Terms of Reference to the Planning Committee has been reviewed and primarily focuses on the decision making components of the instrument of delegation. No changes are required to the instrument of delegation.

Delegation Review - Council Staff and Section 86 Committee

The Planning Committee was established under Section 86 of the *Local Government Act 1989* on 21 September 1994.

The Committee is comprised of a panel of 9 community members with full voting rights, 4 of whom will constitute the Committee from time to time - as scheduled by the Statutory Planning Coordinator. The Committee will be advised by one (1) Council Officer with the right to debate but not to vote on matters before the Committee.

Under the Instrument of Delegation, the Committee's responsibilities are limited to deciding planning permit applications where one of the following conditions exist:

- 4 objections or more have been received to an application or;
- a Council officer is recommending refusal of the application.

The Planning Committee currently sits on a fortnightly basis and hears planning applications at each meeting as required.

Appendix 3 of this report outlines the powers, duties, functions and roles delegated to the Planning Committee.

Financial Implications

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

Planning Committee members may claim travel in accordance with the Victorian Local Authorities Award 2001 when sitting on the Planning Committee. No other financial implications are applicable.

Council Plan/Policy/Legal Implications

The delegation to the Environmental Health staff links to the priority listed in the Council Plan 2009-2013 of "Inclusive and accountable governance". The resolutions must be made under the relevant sections of the amended *Food Act 1984*.

The delegation to Council Planning Officers ensures that they undertake their duties with the correct delegation. (*Planning and Environment Act 1989*)

The Planning Committee's objective is to determine relevant planning applications in accordance with the *Planning and Environment Act 1987* and Surf Coast Shire's Planning Scheme.

Risk Assessment

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

Council Special Committees shall have clear Terms of Reference linked to any delegations.

Social Considerations

The resolutions ensure 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.

Delegation Review - Council Staff and Section 86 Committee

Communication

All relevant staff and Planning Committee members will be advised of the proposed amendments.

Conclusion

This report outlines that the reviews have been undertaken in accordance with the *Local Government Act 1989*. Amendments are recommended to be made to the Instrument of Delegation to Environmental Health Department staff in accordance with the *Food Act 1984* and the *Food Amendment (Regulation Reform) Act 2009* - New provisions and delegations. Amendments are also recommended to be made to the Planning Department staff Instrument of Delegation under the *Planning and Environment Act 1987* and that Council note that there are no changes proposed to the Instrument of Delegation to the section 86 Planning Committee.

APPENDIX 1: Council Delegation to staff under the Food Act 1984



INSTRUMENT OF DELEGATION – FOOD ACT 1984

In exercise of the power conferred by section 58A of the *Food Act 1984* ("the Act"), the **Surf Coast Shire ("Council")** -

1. delegates the powers and discretions of the Council under a provision of the Act specified in column 1 of the Table –
 - (a) to its officers and members of staff for the time being holding or performing the duties of (as the case may be) the offices or positions specified opposite the provision in column 3 of the Table;

AND declares that

2. this instrument of delegation -
 - 2.1. comes into force on 1 July 2010;
 - 2.2. remains in force until varied or revoked; and
3. a power or discretion delegated under this instrument is subject to a condition that it is exercised in accordance with any direction, guideline or policy which the Chief Executive Officer or Council from time to time makes or adopts;
4. in this instrument of delegation -
 - "Authorized officer" means an authorized officer appointed for the purposes of the *Food Act 1984* under section 224(1) of the *Local Government Act 1989*;
 - "CEO" means the Chief Executive Officer of the Council;
 - "EHO" means an Environmental Health Officer appointed under section 29 of the *Public Health and Wellbeing Act 2008*;
 - "CEH" means the Coordinator Environmental Health, who is as an EHO appointed under section 29 of the *Public Health and Wellbeing Act 2008*,
 - "MECS" means the Manager Environment and Community Safety of the Council,
 - "Table" means the Table in the Schedule to this instrument of delegation;
5. in this instrument of delegation the descriptions in column 2 opposite a provision are for ease of reference only, and do not affect the interpretation of, or limit, the delegation of the powers in this instrument.

DATED this 23rd day of July 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

TABLE

Column 1	Column 2	Column 3
Provision	Description	Delegate
s.19(1) and (2)	Order directing premises be cleaned, or steps taken to ensure food is safe etc, on being satisfied about unsatisfactory nature of the premises or food	CEH, EHO
s.19(4)(a)	Direct that a copy of order made under section 19(3)(a) or (3)(b) be affixed to premises, and/or publish a notice in a newspaper or other means, informing the public about the order	CEO
s.19(4)(b)	Notify the department of order under section 19(3)(a) or (b) made by a council or CEO	CEO, CEH, EHO
s.19(4)(c)	Notify other registration authority of an order made under section 19(3)(a) or (b)	CEO, CEH, EHO
s.19(6)	Revocation of order when defects remedied by proprietor	CEH, EHO
s.19CB(4)(b)	Require proprietor to provide copy of minimum records within the time specified	CEH, EHO
s.19E(1)(d)	Require copy of food safety program for the premises within the time specified	CEH, EHO
s.19GB	Require written details of the name and qualifications of the current food safety supervisor for the premises within 7 days of being asked in writing to do so	CEH, EHO
s.19H(4)(b) and (5)	Specify the range of frequencies and intervals for assessment or audit that may be applied to a specific premises, instead of the default requirements	MECS, CEH
s.19I	Conduct of food safety assessment	CEH, EHO
s.19IA(1) & (2)	Take certain actions where deficiencies are identified in a food safety assessment by registration authority	CEH, EHO
s.19NA	Request copies of reports prepared by food safety auditor from proprietor of a food	CEH, EHO

	premises	
s.19UA(1), (3) and (4)	Charge a fee to a specific proprietor of a food premises with a poor compliance history, for conducting an additional food safety assessment or inspection (other than those that are required under the Act or declaration)	MECS, CEH, EHO
s.19W(1) & (2)	Direction concerning compliance with food safety requirements	CEH, EHO
s.19W(3)	Direction concerning staff training	MECS, CEH
s.35B(1)	Recognise the registration by another registration authority of a specified temporary or mobile food premises	CEH, EHO
s.38(3)	Consult secretary about proposed exemption of class of food premises from registration requirements	MECS, CEH
s.38AA(4) & (5)	Determination of a notification	CEH, EHO
s.38A(4)	Request completed standard food safety program from proprietor	CEH, EHO
s.38B (other than paragraph (c) of subsection (1))	Decision as to whether to register or transfer registration, and things that must be done before making this decision (other than inspection)	CEH
s.38B(1)(c)	Inspection of premises prior to registration or transfer of registration	CEH, EHO
s.38D (other than paragraph (b) of subsection (1))	Decision as to whether to renew registration, and things that must be done before making this decision (other than inspect premises)	CEH
s.38D(1)(b) and s.39(2)	Carry out an annual inspection of a food premises (where required) before the registration of the premises is renewed	CEH, EHO
s.38E	Conditional registration powers	CEH
s.38F(3)	Matters relating to change of operations that may affect the classification of a premises	CEH, EHO
s.39A(1), (2) & (3)	Register, renew or transfer registration despite minor defects	CEH
s.40(1)	Provide a certificate of registration	CEH, EHO
s.40(2)	Incorporate certificate of registration in one document with any certificate of registration to	CEH

	be issued under <i>Public Health & Wellbeing Act</i>	
s.40C(2)	Grant or renew the registration of a food premises for a period of less than 1 year at request of proprietor	CEH
s.40D	Revoke or suspend the registration of a food premises	CEH
s.43(3)	Provide access to registration information about a particular premises to a person on request	CEH, EHO
s.46(5)	Institution of certain proceedings	CEH, EHO

APPENDIX 2: Council Delegation to staff under the Planning & Environment Act 1987 (D13/47092)

APPENDIX 3: Council Delegation to Section 86 Planning Committee

Planning Committee

Terms of Reference

SURF COAST SHIRE PLANNING COMMITTEE

TERMS OF REFERENCE

(As amended April 2012)

1. Establishment of the Committee

The Surf Coast Planning Committee (“the Committee”) is a Special Committee of Council established under Section 86 of the Local Government Act 1989.

Planning is delegated to the Committee by Council as the Responsible Authority under Section 188(1)(a) of the Planning and Environment Act 1987.

The Committee will be selected from a panel of 9 community members with full voting rights, 4 of whom will constitute the Committee from time to time as scheduled by the Statutory Planning Coordinator. The Committee will be advised by one (1) Council officer with the right to debate but not to vote on matters before the Committee.

2. Responsibilities of the Committee

Under the Instrument of Delegation, the Committee's responsibilities are limited to deciding planning permit applications where one of the following conditions exist:

- 4 objections or more have been received to an application or;
- a Council officer is recommending refusal of the application;

3. Objectives of the Committee

The Committee's objective is to determine relevant planning applications in accordance with the Planning and Environment Act 1987 and Surf Coast's Planning Scheme.

Under the Planning and Environment Act 1987 the following broad principles are relevant to deciding planning applications:

- To provide for the fair, orderly, economic and sustainable use and development of land in the Surf Coast Shire.
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.
- To facilitate development in accordance with the objectives set out in paragraphs 1,2, 3 and 4.
- To balance the present and future interests of all Victorians.

4. Consideration of Planning Permit Applications

In considering planning permit applications referred to it for decision, the Committee shall have regard to the following requirements of Section 60(1) of the Planning and Environment Act:

1. "Before deciding on an application, the responsible authority:
 - a) must consider:
 - i) all objections and other submissions which it has received and which have not been withdrawn; and
 - ii) any decision and comments of a referral authority which it has received; and
 - iii) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
 - b) if the circumstances appear to so require, may consider:
 - i) any significant social and economic effects of the use or development for which the application is made; and
 - ii) any strategic plan, policy statement, code, guideline or amendment to the planning scheme which has been adopted by a planning authority and is in force but which does not yet form part of the planning scheme; and
 - iii) any other relevant matter."

The Committee will decide on applications in accordance with the Planning and Environment Act 1987 and may place conditions on permits as defined in Section 62(1) and (2) of the Act. In addition to the Planning and Environment Act 1987, the Committee shall recognise the requirements of:

- The Surf Coast Shire Planning Scheme.
- State Government Policies.
- Council Planning Policies.
- Council Guidelines.

Council reserves the right to "call-in" a decision on any planning permit application and may seek advice or a recommendation from the Committee in respect to any application to be decided by Council.

5. Appointment of Members

The criteria for the appointment of members shall be based on achieving a reasonable geographical representation across the Shire, for members to have an appropriate level of experience/expertise and communication, negotiation and conflict resolution skills.

Geographical representation shall be sought for the broad areas of:

- Torquay / Jan Juc
- Anglesea / Aireys Inlet
- Lorne
- Rural / rural township

Experience, expertise or special interest shall be sought in the fields of:

- Architecture / urban design
- Agriculture
- Environment / landscape design

Evidence of the following shall be sought:

- Ability to foster an exchange of ideas.
- Ability to mediate and negotiate outcomes.
- Conflict resolution skills.
- Demonstrated listening skills and an ability to speak in a clear and articulate way in communicating with people and making verbal presentations

In considering expressions of interest from nominees the level of experience/expertise shall generally take precedence over fulfilling geographic representation.

Members will be appointed for a term of 2 or 3 years through nomination of interest ending on 30 June in the relevant following years (eg. 2011, 2013/14). Existing members can reapply for a further term.

Nominees shall be addressed and interviewed by the Mayor, Manager Planning & Development, Co-ordinator Statutory Planning and a Planning Committee member with appointments to be made by resolution of Council.

Appointment to the Panel can be rescinded by a decision of Council on the recommendation of the Planning and Development Manager.

6. Committee Procedures

6.1 Interests

All members of a Special Committee of Council are required to complete a "Register of Interests" as required by Section 81 of the Local Government Act and shall act in accordance with Sections 78 and 79 of that Act.

A Committee member shall not sit as a member of any meeting that is deciding on an application in which he/she has an interest (either as an applicant or objector). The member may attend such meeting and present a submission to the Committee as an applicant or objector as part of the normal process for submitters detailed in 6.2 (g).

6.2 Operation of the Committee

- (a) Meetings will be held at the Shire offices, Grossmans Road, Torquay at dates and times to be predetermined by the Committee.
- (b) The rostering of Committee members will ensure that the Committee consists of a range of expert skills (eg: planner, architect, builder, rural) to ensure a range of views in determining applications and that no more than one member who has attended less than 20 Committee meetings shall be present.
- (c) Reasonable notice of meetings of the Planning Committee will be provided to applicant and objectors. (As a general reference, reasonable notice is deemed to be five (5) days prior to the meeting, however the Committee reserves the right to give lesser notice if the circumstances warrant.)
- (d) Advice of likely applications and their location will be forwarded to Committee members 10 days prior to the meeting for information. The formal Agenda for each meeting will be prepared by an officer nominated by the Manager planning and Development and forwarded to Committee members at least four (4) days prior to the meeting.

- (e) The Committee will be chaired by a Chairperson or Deputy Chairperson appointed by the Council for a period of 12 months and cannot sit for a period more than 2 continuous years. If the Chairperson or Deputy Chairperson is not present the members must appoint one of their number to chair the meeting.
- (f) The quorum for a meeting will be three (3) voting members.
- (g) In accordance with Section 89 of the Local Government Act, meetings of the Planning Committee are open to the public, but the Committee may resolve to close the meeting to members of the public if the meeting is discussing any of the following:
 - the personal hardship of any resident or ratepayer;
 - legal advice;
 - any other matter which the Council or special committee considers would prejudice the Council or any person.
- (h) The Committee may hear verbal submissions from applicants and objectors wishing to expand on their written submissions.
- (i) The Committee decision shall be by majority decision. In the event of there being an equal division of votes, the Chairperson of the Committee meeting will have the casting vote. The Committee may at any time refer any application to the Council for determination. (Refer Part 7).
- (j) Administrative and secretarial assistance for the Committee will be provided by Council.

7. Council Call-In Procedures

Provision for a planning application to be referred to, or called-in by, Council is an essential part of the community based committee system. It acknowledges that certain applications are best dealt with by the full Council rather than the Committee, due to the level of community interest generated by an application or an issue of policy is raised that should be handled by Council.

The referral or call-in ability is not a tool to be used lightly. If abused it would undermine the role of the Planning Committee and defeat the acknowledged advantages of the planning committee system.

Criteria for referral of, or calling-in, an application:

The following guidelines set out the criteria by which an application for planning permit would be considered by the Council rather than the Planning Committee.

An application may be referred to Council by the Planning and Development Manager, Statutory Planning Coordinator or the Planning Committee, or may be called in by Council through a decision of Council at a Council meeting.

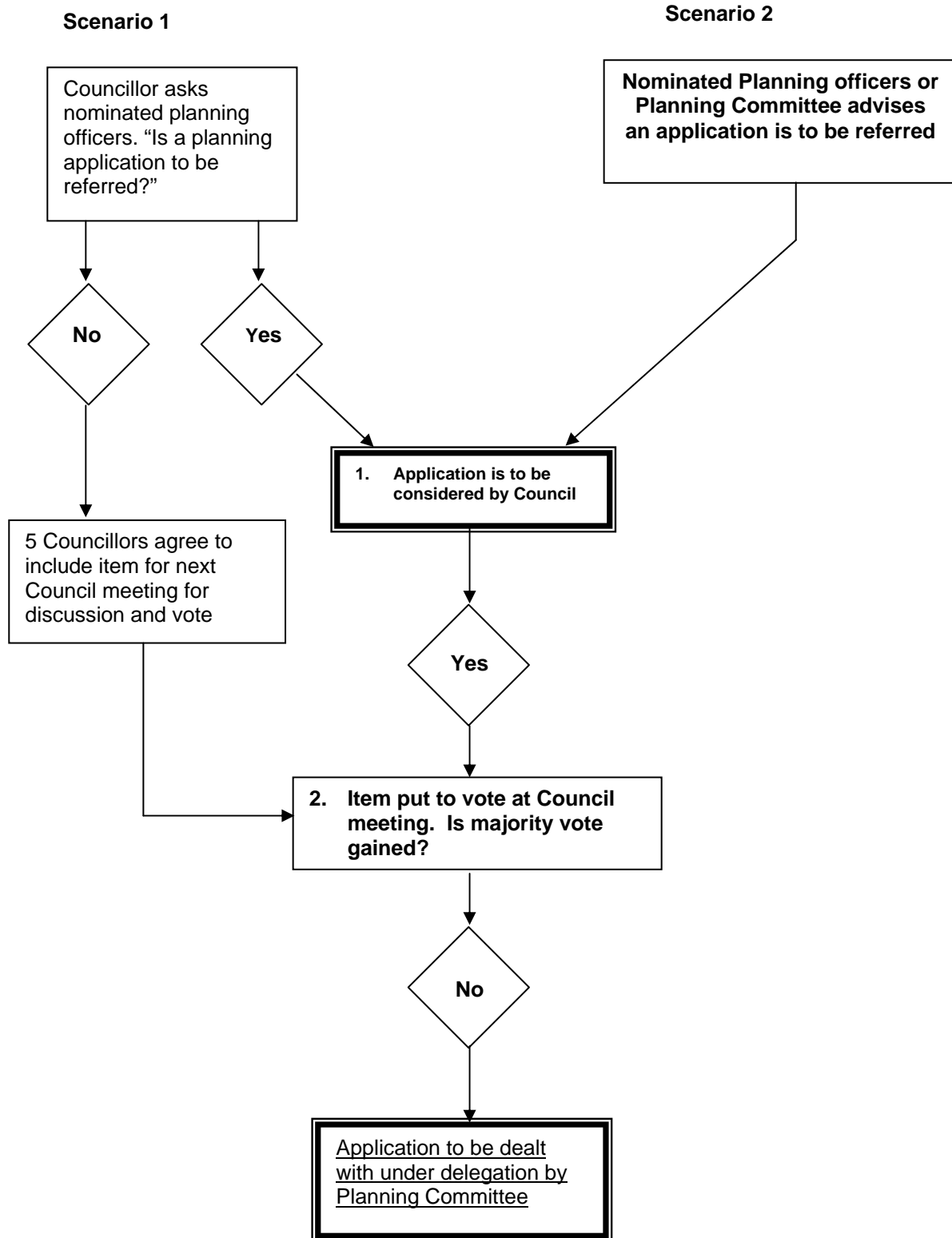
It would be normal for an application being referred or called-in to fall into more than one of the following listed criteria.

- Receipt of a significant number of objections highlighting wide community concern ie 15 or more objections.
- Proposal seeks a significant variance from the performance standard, which may have future decision making and policy implications.

- There is conflicting policy or a policy vacuum, which may have future decision making and policy implications.

The process for calling in an application is outlined by the flow diagram shown in Diagram 1.

Diagram 1: Process for calling in an application.



8. Reporting to Council

It is a statutory requirement to report all decisions made under delegation to the delegating authority, in this case, the Council. Advice of pending committee meetings, agendas and decisions of the Planning Committee are to be reported to Council prior to and following each committee meeting via the 'Councillors Update', (an internal communique produced weekly) or by some other approved format.

The minutes of the Planning Committee meetings are to be reported to Council via Council meetings.

It is acknowledged that for the community based Planning Committee to continue to succeed and maintain the support and confidence of the Council, the system must be open and clear with good lines of communication and feedback. This must go beyond the statutory level of reporting requirements. To ensure Council is kept abreast of Committee decisions and performance and to facilitate communication between the Committee and Council the following additional reporting measures shall be undertaken:

- Provision of statistics and graphs as appropriate to indicate trends every 12 months shall be provided to Council covering the following information:
 - percentage of applications considered by Committee;
 - percentage of Committee decisions reviewed at VCAT; and
 - Success rate of Committee decisions being upheld by VCAT.
- A meeting between Councillors and the Planning Committee shall be held every 12 months to review the statutory process and encourage feedback from the Committee on policy and other matters.
- Provision shall be made in the Committee minutes to record the following:
 - Why the matter was determined by the Planning Committee i.e. objections or refusal
 - Resolutions of Committee on planning issues, whether process or policy, that arise from committee meetings and these shall be reported to Council at the 12 monthly meeting.

These Terms of Reference were originally adopted by Council on 21 September, 1994 and amended or reviewed:

- 2 January 1997
- 17 July 2001
- September 2002
- October 2004
- 18 October 2005
- 8 July 2008
- March 2009
- August 2011
- November 2011
- April 2012
- 23 July 2013

1.9 Register of Interest Exemption – Section 86 Recreation Reserve & Hall Committees of Management

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Coordinator Governance
Department: Governance & Community Relations
Directorate: Corporate Services

Director: Chris Cowley
File No: F13/192
Trim No: D13/124722

Appendix:

Council Meeting Adoption Date:
Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant section S89 (2))

Purpose

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

Summary

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

- (a) in the case of a Councillor—
- (i) 30 days of election day; or
 - (ii) 7 days of making the oath of office of a Councillor; or
- (b) 30 days of becoming a member of a special committee.

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

In August 2005, Council resolved:

“That Council:

1. Exempt non-Councillor representatives of Section 86 Recreation Reserve and Community Hall Committees from the requirement to complete a declaration of as of the 1st July 2005.
2. Amend all Reserve and Hall Committees Terms of Reference and Deeds of Delegation to include a clause outlining the exemption for non-Councillor members.”

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

Officer Recommendation

That Council:

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

COUNCIL RESOLUTION

MOVED Cr Wellington, seconded Cr Hodge

That Council:

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

CARRIED: 9:0

Register of Interest Exemption – Section 86 Recreation Reserve & Hall Committees of Management

Report

Background

In 2004, minor amendments were made to the *Local Government Act 1989* (the Act) that impacted on the management and operation of special committees established under section 86 of the Act. One of the changes related to the introduction of a requirement for non-Councillor members of such committees to complete and lodge a Register of Interests Return with the Chief Executive Officer.

At that time the new Act requirements were communicated to members of Committees. Most Committees at this time expressed reluctance to complete the returns. Some members of the Committees took the view that they would 're-consider their positions on Committees' rather than complete a return.

Following a consultation process with Committee members in 2004/2005, it was considered appropriate for Council to provide a blanket exemption for all non-Councillor representatives on Recreation Reserve and Community Hall section 86 Committees.

A clause outlining the exemption was included in the current Operations Manual for each Reserve and Hall Committee.

All Section 86 Committees are governed by Council's Local Law No. 2 – Meeting Procedure and the Local Government Act 1989.

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

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

(a) in the case of a Councillor—

(i) 30 days of election day; or

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

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

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

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

Pursuant to Section 81(2B) "Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election."

Discussion

The Section 86 Recreation Reserve and Hall Committees of Management have, pursuant to Section 81(2A) of the Act, been exempt in the past from the requirement to complete a Return of Interest for non-Councillor members of Special Committees.

The exemption process has worked well over the past 8 years and it is recommended to continue for the Recreation Reserve and Hall Committees into the future. The exemption will only apply to Recreation Reserve and Community Hall Committees of Management and no other section 86 Committees; being the Planning Committee and Surf Coast Tourism Board.

It is noted that an amendment to the Act in October 2012 (*Local Government Legislation Amendment (Miscellaneous) Act 2012*) now requires Audit and Risk Committee members to complete Register of Interest Returns, even though they are classified as an Advisory Committee.

Pursuant to Section 81(2B) of the Act, Council is provided with the above advice pertaining to the review of exemptions in force under subsection (2A).

Financial Implications

No financial implications for Council in exempting non Councillor Representatives from the requirement to complete a declaration.

Register of Interest Exemption – Section 86 Recreation Reserve & Hall Committees of Management

Council Plan/Policy/Legal Implications

Local Government Act 1989 requirements are:

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

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

Risk Assessment

It is considered that this exemption will not change/increase Council's risk profile.

Social Considerations

Feedback received from past Committee representatives about the requirement to complete a Register of Interest indicated the view that it acted as a deterrent to some community members and discouraged them from seeking membership on Recreation Reserve and Community Hall Committees of Management.

Community Engagement

Not required.

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

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

2. Development and Environment

2.1 Surf Coast Shire Playground Strategy Review

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Community Recreation Officer
Department: Community Development
Directorate: Sustainable Communities

Director: Dennis Barker
File No: F12/2099
Trim No: D13/40044

Appendix:

1. Revised Playground Strategy 10 year Cap-ex Budget (2013/14 – 2022/23) Summary
2. Background Budget Documents for Revised Playground Strategy 10 year Cap-ex Budget 2013/14 – 2022/23
3. Shade examples in Surf Coast Shire Playgrounds

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant section S89 (2))

Purpose

To present the 2013 review of the 2011 Surf Coast Shire Playground Strategy for Council endorsement of the review process recommendations.

Summary

The 2011 Surf Coast Shire Playground Strategy recommends that a full review will be undertaken in 2015/16 following the implementation of a 5 year priority playground works program. The 5 year strategy implementation review will reassess the playground principles, the budget, scheduling and the recommended works against existing or emerging community needs and demographics at that time.

This 2012/13 Playground Strategy Review has been undertaken as an interim measure and is primarily a budget review with changes made to extend the original budget program to 2022/23, to include additional required playground projects and also to clarify and strengthen the playground strategy position on the provision of shade in playgrounds. It is important to note that the revised budget presented within this report does not exceed the current 10 year Capital Works budget provisions (2013/14 – 2022/23) for playground facilities.

The 2011 Playground Strategy includes a recommended Council position on the provision of shade in playgrounds and this report strengthens that position with additional recommendations to support that position. The provision of shade sails over Council playgrounds is not recommended.

Officer Recommendation

That Council:

1. Endorse the revised playground strategy implementation budget for inclusion in the draft 10 year capital works budget to 2022/23.
2. Endorse a strengthened playground strategy position on the provision of shade in playgrounds, which does not include the provision of shade sails over Council playgrounds.

COUNCIL RESOLUTION

MOVED Cr Hodge, seconded Cr McKiterick

That Council:

1. Note the revised playground strategy implementation budget for inclusion in the draft 10 year capital works budget to 2022/23.

2. Endorse a strengthened playground strategy position on the provision of shade in playgrounds, which does not include the provision of shade sails over Council playgrounds.

CARRIED: 9:0

Surf Coast Shire Playground Strategy Review

Report

Background

The Surf Coast Shire Playground Strategy (D11/18479) was endorsed by Council in May 2011. The main objective of the Surf Coast Shire Playground Strategy is to provide a framework to assist the Surf Coast Shire Council to make strategic decisions about the future provision and management of playgrounds within the Shire. These decisions will result in an equitable distribution of playgrounds across the Shire, access for people of all ages and abilities and will provide quality play opportunities and experiences.

The Council currently has 33 Council owned or managed playgrounds. The Playground Strategy proposes an additional 20 new playgrounds be built over the next 10 years. Some of these new playgrounds will be in developing areas, whilst others are in areas with an inadequate provision of playground spaces. In addition to the new playground program, the playground strategy justifies a budget for the upgrade or extension of existing playground assets so that they can meet minimum standards for their local, district or regional classification in the playground hierarchy. A further budget allocation is required for the replacement of playground assets at the end of their lifecycle.

2012/13 Playground Strategy Review

This 2012/13 Playground Strategy Review has been done as an interim measure and is primarily a budget review with minor changes made to extend the original budget program out to 2022/23, to include additional required playground projects and also to clarify playground strategy policies on issues such as the provision of shade in playgrounds. An extensive review of the 2011 Playground Strategy will be undertaken (as per the strategy recommendations) in 2015/16 following the implementation of a 5 year priority playground works program. The purpose for this review is to reassess the playground principles, budget, scheduling and works against existing or emerging community needs and demographics.

Playground Strategy position of the provision of shade in playgrounds

Since the 2011 Playground Strategy was endorsed, there has been some discussion about the strategy position on the provision of shade in playgrounds. The Surf Coast Shire Playground Strategy includes a playground principle relating to shade (Principle 9.3: Shade) which states that:

“Where possible, the design, siting and upgrade of playgrounds in the Surf Coast Shire will be undertaken with a view to providing a safe play environment allowing some protection from the sun. This may be achieved through locating facilities near existing shade providing features such as trees or shelters or through planting of new shade trees.”

The Playground Strategy provides the following further information on the provision of shade in Section 9:

- Designing for adequate shade in playgrounds should start with the planting of appropriate shade trees to the north, west and east of the playground area. This is the most cost effective and sustainable way of providing or improving the provision of shade in playgrounds and also improves the playground setting. Semi-mature trees should be planted where possible as they are more resistant to physical damage than seedling plants.
- Although shade trees are the most desirable form of shade in playground environments, if existing trees are limited or due to the time taken for planted trees to make an impact, built shade in the form of pergolas or shelters may also be appropriate in some reserves.
- If there is a choice of sites for a new or redeveloped playground, siting the playground near to existing shade trees will provide the best outcome, provided that the trees are healthy and are not prone to dropping limbs.
- The installation of shade sails over part or the entire playground can be very expensive. There are also frequent problems with vandalism and permanent structures they can limit valuable winter sun.
- Other design elements to consider are providing playground structure that shade parts of the playground such as elevated decks with roof lines of differing sized and angles to shade the sun at the hottest time of the day. Orienting play equipment with large surfaces (such as slides) southward can minimise the possibility of these items overheating and causing discomfort for users.

Surf Coast Shire Playground Strategy Review

Inclusion of Spring Creek Recreation Reserve Playground

The 2012 Spring Creek Recreation Reserve Master Plan Review recommended the inclusion of a playground facility at the Spring Creek Recreation Reserve. The 2011 Playground Strategy did not include a playground facility at this location but this has now been included as a result of the later consultation process.

Discussion

This 2012/13 Playground Strategy Review has been undertaken as an interim measure and is primarily a budget review with minor changes made to extend the original budget program out to 2022/23, to include additional required playground projects and also to clarify and strengthen the playground strategy position on the provision of shade in playgrounds.

Revised 10 year cap-ex budget to 2022/23

The main changes to the playground strategy budget include:

- Extending the original 10 year playground implementation budget (to 2020/21) and creating a revised 10 year capital works playground strategy implementation budget program to 2022/23.
- Due to rising playground costs since 2011, the playground budget has been recalculated from the base rate set in 2011/12 to include CPI increases over the past 3 years. A 6% increase has been applied to playground project costs in 2014/15 and beyond (based on a standard 2% CPI increase for the 3 financial years since 2011/12). There is an expectation that a CPI increase will be added automatically to project costing in the cap-ex budget from 2014/15 onwards.
- Inclusion of a \$53,000 Spring Creek Recreation Reserve Playground, scheduled for 2017/18.
- Alterations to the year certain playground projects are delivered (has not affected the overall cost).
- Additional funds required to complete Anglesea Riverbank Playground (Regional Classification).
- Additional funds required to complete the installation of rubber pads underneath all slides and swings (has significantly reduced maintenance costs and also increased safety).

Playground Strategy Position on Shade Provision in Playgrounds

The Background section of this report provides information on the 2011 Playground Strategy Principle and discussion on shade. The 2011 Playground Strategy includes a recommended Council position on the provision of shade in playgrounds and this report strengthens that position with additional recommendations to support that position. The provision of shade sails over Council playgrounds is not recommended.

Play Australia, the national non-profit organisation promoting the value of play, supports this positioning on shade provision in public playgrounds. This organisation does, however, see a place for shade sails or shade structures over playgrounds in early childhood settings and schools where children's time for play is scheduled during the hottest part of the day. In Council provided playgrounds in public settings, Play Australia advice that it is not feasible or recommended to install shade sails over playgrounds. Shade can be found within play structures or provided by natural shade or nearby shelter facilities.

Since the endorsement of the 2011 Playground Strategy, there have been recommendations from some playground users and also some Councillors regarding the need to review Council's position on shade provision. The recommendations to date have included the installation of shade structures over playgrounds or close to playgrounds in all of the Surf Coast Shire playground facilities, particularly those with little or limited natural or built shade provision.

To respond to recent suggestions for improving the provision of shade in Surf Coast Shire playgrounds, Council's position on shade in playgrounds can be strengthened in the following ways:

- Where a playground facility site provides poor shade provision, where possible, the playground budgets for new or upgraded playgrounds need to include a budget allocation for the planting of semi-mature trees that will provide adequate natural shade.
- Council will actively seek funding for the progressive installation of shelter facilities that can be installed close to playground facilities and provide respite from the sun.
- A new Playground Design Checklist includes issues such as slide positioning and materials being used for slides as this equipment can be uncomfortable for users on very hot days.

Surf Coast Shire Playground Strategy Review

- Councils should consider the installation of advisory signage in playgrounds to encourage people to make good choices to apply the sun smart practices of 'slip, slop slap' and also avoid use between 11am-2.00p.m. when using these outdoor spaces on hot or high UV days.

Appendix 3 shows a number of Surf Coast Shire examples where shade is provided within the playground structure or within a shelter facility close to the play area (which then services multi-use as a picnic facility and also as respite from the sun for all users of the park including playground users) This year alone (with State Government funding of \$214,000) we are installing 3 picnic shelter facilities at local playgrounds including Whites Beach Torquay, Bob Pettitt Reserve Jan Juc and at Anglesea Lions Park, with the latter 2 being shelter upgrades resulting in relocation of the existing shelter structures to other parts of that reserve (near the skate area at Bob Pettitt Reserve and also a shelter at the Spring Valley Bike Park Torquay).

Inclusion and scheduling of Spring Creek Recreation Reserve Playground

The 2012 Spring Creek Recreation Reserve Master Plan Review recommended this inclusion despite the 2011 Surf Coast Shire Playground Strategy not including a playground at this location. Following an assessment of the priority and scheduling of this playground facility against other recommended playground facilities in Torquay and Jan Juc, a recommendation has been proposed for the delivery of this playground in 2017/18.

The 2013/14 Council budget includes a Councillor budget recommendation of \$10,000 for the provision of some initial play elements at Spring Creek Recreation Reserve to meet an immediate need. This budget will allow for stakeholder consultation, a basic layout and landscape design and the provision of some initial play elements for a natural play area at Spring Creek Recreation Reserve that can be further developed in 2017/18.

The initial 2013/14 project will involve the development of a consultation and project delivery partnership with reserve stakeholders including groups such as the Torquay Football & Netball Club; Torquay Tennis Club and Torquay 1st Scouts as well as potential project sponsors such as Torquay and District Lions Club and the RACV.

Financial Implications

In addition to the new playground program, the playground strategy justifies a budget for the upgrade or extension of existing playground assets so that they can meet minimum standards for their local, district or regional classification in the playground hierarchy. A further budget allocation is required for the replacement of playground assets at the end of their lifecycle.

A revised 10 year capital works playground strategy implementation budget to 2022/23 comprises a new playground program, an existing playground upgrade or extension program and a playground asset replacement program. The proposed 10 year budget for these works is \$4,682,090. External grants and contributions to these playground projects are expected to amount to \$564,527 over the next 10 years, leaving a Council contribution to this 10 year program is \$4,117,563. It is important to note that the revised budget presented within this report does not exceed the current 10 year Cap-ex budget provisions (2013/14 – 2022/23) for playground facilities.

Council Plan/Policy/Legal Implications

The 2012/13 Review of the Playground Strategy supports the vision in the Surf Coast Shire Council Plan 2013-17 of "Working towards an engaged, innovative and sustainable community".

Risk Assessment

A full risk assessment of the recommendations in the report has not been undertaken.

Social Considerations

The provision of safe, quality and stimulating playground facilities is extremely important for the health and well-being of children aged 1 to 12 years and for all who visit and interact with these community spaces.

Surf Coast Shire Playground Strategy Review

Community Engagement

Although no community engagement has been done specifically in the preparation of this playground strategy review report, the following consultation processes are relevant:

- Original consultation carried out in the formation of the 2011 Playground Strategy
- Further consultation undertaken in 2012 that resulted in the recommendation to include an additional playground facility at Spring Creek Recreation Reserve (not included in original Playground Strategy)
- Feedback from the community on the provision of shade in Surf Coast Shire playgrounds has been considered in a strengthened Council position on the provision of shade.
- A summary document will be prepared for the Council website.
- Individual new or redeveloped playground projects involve community consultation as part of the planning and design process.

Environmental Implications

There are no environmental implications resulting from the proposals in this report.

Communication

Communication of the Playground Strategy Review and the revised strategy will be communicated to the community via the Council website.

Conclusion

This Council report has been prepared to present a revised playground strategy implementation budget for inclusion in the draft 10 year cap-ex budget to 2022/23; and to reinforce the playground strategy position on the provision of shade in playgrounds.

**APPENDIX 1: REVISED PLAYGROUND STRATEGY 10 YEAR CAP-EX BUDGET (2013/14 – 2022/23)
SUMMARY**

Table 1: PROPOSED 10 YEAR PLAYGROUND CAPITAL EXPENDITURE SUMMARY (2011/12 - 2022/23)

YEAR	EXPENDITURE CATEGORY	COUNCIL		TOTAL COUNCIL CONTRIBUTION @ 11/12 RATES	TOTAL COUNCIL CONTRIBUTION + 2% CPI each year*	EXTERNAL FUNDING @ 11/12 RATES	EXTERNAL FUNDING + 2% CPI each year from 11/12*	TOTAL COST @ 11/12 RATES	TOTAL COST + 2% CPI each year from 11/12*	
		CONTRIBUTION @ 11/12 RATES	COUNCIL COST + 2% CPI each year*							
1	2011/12	Local Playground (Existing) Upgrade / Extension Program	\$77,500	\$77,500	\$258,500	\$258,500			\$338,500	\$338,500
		District Playground (Existing) Upgrade / Extension Program	\$81,000	\$81,000						
		New Regional Playground Program Anglesea Riverbank Stage 1	\$100,000	\$100,000						
2	2012/13	Local Playground (Existing) Upgrade / Extension Program	\$47,500	\$47,500	\$239,000	\$239,000			\$339,000	\$339,000
		District Playground (Existing) Upgrade / Extension Program	\$51,500	\$51,500						
		New Local Playground Program	\$90,000	\$90,000						
		New Regional Playground Program Anglesea Riverbank Stage 2	\$50,000	\$50,000						
3	2013/14	Local Playground (Existing) Upgrade / Extension Program	\$50,000	\$50,000	\$322,350	\$322,350			\$473,000	\$473,000
		District Playground (Existing) Upgrade / Extension Program	\$69,000	\$69,000						
		New Local Playground Program	\$19,350	\$19,350						
		New District Playground Torquay Civic Community Precinct Part 1	\$34,000	\$34,000						
		New Regional Playground Anglesea Riverbank Stage 3	\$50,000	\$50,000						
		Local Playground Renewal (Replacement) Program	\$100,000	\$100,000						
4	2014/15	Local Playground (Existing) Upgrade / Extension Program	\$65,500	\$69,430	\$339,500	\$353,870			\$339,500	\$353,870
		District Playground (Existing) Upgrade / Extension Program	\$84,000	\$89,040						
		New Local Playground Program	\$90,000	\$95,400						
		New District Playground Torquay Civic Community Precinct Part 2	\$100,000	\$100,000						
5	2015/16	Local Playground Upgrade / Extension Program	\$67,000	\$71,020	\$465,700	\$493,642			\$607,000	\$643,420
		District / Regional Playground Upgrade / Extension Contingency	\$30,000	\$31,800						
		New Local Playground Program	\$138,700	\$147,022						
		Local Playground Renewal (Replacement) Program	\$230,000	\$243,800						
5 Year Sub Total			\$1,625,050	\$1,667,362	\$1,625,050	\$1,667,362	\$471,950	\$480,428	\$2,097,000	\$2,147,790
6	2016/17	Local Playground Upgrade/Extension Contingency	\$15,000	\$15,900	\$545,750	\$578,495			\$655,000	\$694,300
		Regional (Anglesea Riverbank) Upgrade	\$50,000	\$53,000						
		District and Regional Playground Upgrade/ Extension Contingency	\$15,000	\$15,900						
		New Local Playground Program	\$170,750	\$180,995						
		Local Playground Renewal (Replacement) Program	\$100,000	\$106,000						
		District Playground Renewal (Replacement) Program	\$195,000	\$206,700						
7	2017/18	Local Playground Upgrade/Extension Contingency	\$15,000	\$15,900	\$475,750	\$504,295			\$515,000	\$545,900
		District and Regional Playground Upgrade/ Extension Contingency	\$15,000	\$15,900						
		New Local Playground Program	\$60,750	\$64,395						
		Local Playground Renewal (Replacement) Program	\$190,000	\$201,400						
		District Playground Renewal (Replacement) Program	\$195,000	\$206,700						
8	2018/19	Local Playground Upgrade/Extension Contingency	\$15,000	\$15,900	\$454,350	\$481,611			\$555,000	\$588,300
		District and Regional Playground Upgrade/ Extension Contingency	\$15,000	\$15,900						
		New Local Playground Program	\$89,350	\$94,711						
		Local Playground Renewal (Replacement) Program	\$140,000	\$148,400						
		District Playground Renewal (Replacement) Program	\$195,000	\$206,700						
9	2019/20	Local Playground Upgrade/Extension Contingency	\$15,000	\$15,900	\$405,000	\$429,300			\$405,000	\$429,300
		District and Regional Playground Upgrade/ Extension Contingency	\$15,000	\$15,900						
		New Local Playground Program	\$90,000	\$95,400						
		Local Playground Renewal (Replacement) Program	\$90,000	\$95,400						
		District Playground Renewal (Replacement) Program	\$195,000	\$206,700						
10	2020/21	Local Playground Upgrade/Extension Contingency	\$15,000	\$15,900	\$405,000	\$429,300			\$405,000	\$429,300
		District and Regional Playground Upgrade/ Extension Contingency	\$15,000	\$15,900						
		New Local Playground Program	\$90,000	\$95,400						
		Local Playground Renewal (Replacement) Program	\$90,000	\$95,400						
		District Playground Renewal (Replacement) Program	\$195,000	\$206,700						
11	2021/22	Local Playground Upgrade/Extension Contingency	\$15,000	\$15,900	\$375,000	\$397,500			\$375,000	\$397,500
		District and Regional Playground Upgrade/ Extension Contingency	\$15,000	\$15,900						
		New Local Playground Program	\$50,000	\$53,000						
		Local Playground Renewal (Replacement) Program	\$100,000	\$106,000						
		District Playground Renewal (Replacement) Program	\$195,000	\$206,700						
12	2022/23	Local Playground Upgrade/Extension Contingency	\$15,000	\$15,900	\$120,000	\$127,200			\$120,000	\$127,200
		District and Regional Playground Upgrade/ Extension Contingency	\$15,000	\$15,900						
		Local Playground Renewal (Replacement) Program	\$90,000	\$95,400						
Year 6-12 Subtotal			\$2,780,850	\$2,947,701	\$2,780,850	\$2,947,701	\$249,150	\$264,099	\$3,030,000	\$3,211,800
12 Year TOTAL			\$4,405,900	\$4,615,063	\$4,405,900	\$4,615,063	\$721,100	\$744,527	\$5,127,000	\$5,359,590
New 10 Year (2013/14 - 2022/23) Cap-ex TOTAL			\$3,908,400	\$4,117,563	\$3,908,400	\$4,117,563	\$541,100	\$564,527	\$4,449,500	\$4,682,090

Note
 1. The Playground Asset Maintenance is not included in the above costing (Refer Table 15)
 2. Inflation - costs of playground supply to increase by CPI on costs shown from base year 2011/12
 * From base figures for 11/12 an annual average CPI increase of 2% has been progressively added to the 10 year budget from 13/14 onwards - i.e 2% for 12/13 (not applied), 4% for 13/14 (not applied), 6% for 14/15. There is an expectation that CPI increase will be added automatically to project costing in the cap-ex budget from 2014/15 onwards.
 ** Year 11 and 12 is new Year 9 and 10 prepared for 10 year cap ex budget from 2013/14

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APPENDIX 2: BACKGROUND BUDGET DOCUMENTS FOR REVISED PLAYGROUND STRATEGY 10 YEAR CAP-EX BUDGET (2013/14 – 2022/23)

Table 2: Recommended District Playground Renewal (Total Asset Replacement) Program

Table 16 in the 2011 Playground Strategy

YEAR	DISTRICT PLAYGROUND	COST (11/12 RATES)	NEW TOTAL (+2% CPI each year from 11/12)*	
5	2015/16			
6	2016/17	Coogoorah Park	\$195,000	\$206,700
7	2017/18	Aireys Inlet Reserve	\$195,000	\$206,700
8	2018/19	Winchelsea Riverbank Reserve	\$195,000	\$206,700
9	2019/20	Deans Marsh Reserve	\$195,000	\$206,700
10	2020/21	Bellbrae Reserve	\$195,000	\$206,700
11**	2021/22	Newling Reserve All Access Playground	\$195,000	\$206,700
12**	2022/23			
TOTAL		\$975,000	\$1,240,200	

Note: Inflation - costs of playground supply to increase by CPI on costs shown from base year 2011/12

* From base figures for 11/12 an annual average CPI increase of 2% has been progressively added to the 10 year budget from 13/14 onwards - i.e 2% for 12/13 (not applied), 4% for 13/14 (not applied), 6% for 14/15

There is an expectation that CPI increase will be added automatically to project costing in the cap-ex budget from 2014/15 onwards.

** Year 11 and 12 is new Year 9 and 10 prepared for 10 year cap ex budget from 2013/14

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Table 3: Recommended Local Playground Renewal (Total Asset Replacement) Program

Table 17 in the 2011 Playground Strategy

YEAR	LOCAL PLAYGROUND	11/12 COST	COST (+ 2% CPI each year)*	11/12 TOTAL	NEW TOTAL (+ 2% CPI each year from 11/12)*	
3	2013/14	Mount Moriac Reserve	\$50,000	\$50,000	\$100,000	\$100,000
		Freshwater Creek Reserve	\$50,000	\$50,000		
4	2014/15					
5	2015/16	Connewarre Reserve	\$90,000	\$95,400	\$230,000	\$243,800
		Tennis Club 19 Cameron Rd	\$50,000	\$53,000		
		Jan Juc Creek Reserve / Carnarvon Ave	\$90,000	\$95,400		
6	2016/17	Kalkarra Reserve / Kalkarra Cres	\$50,000	\$53,000	\$100,000	\$106,000
		Bob Pettitt Reserve Pavilion	\$50,000	\$53,000		
7	2017/18	St Anne's Reserve	\$90,000	\$95,400	\$190,000	\$201,400
		Torquay Blvd Reserve	\$50,000	\$53,000		
		Bambra Hall / Reserve	\$50,000	\$53,000		
8	2018/19	Dwyer St	\$50,000	\$53,000	\$140,000	\$148,400
		Deep Creek Reserve / Orungal Crt	\$90,000	\$95,400		
9	2019/20	Great Ocean Views Playground	\$90,000	\$95,400	\$90,000	\$95,400
10	2020/21	Bark Hut Reserve	\$90,000	\$95,400	\$90,000	\$95,400
11**	2021/22	Moriac Community Centre playground	\$50,000	\$53,000	\$100,000	\$106,000
		Frog Hollow	\$50,000	\$53,000		
12**	2022/23	Anglesea Lions Park	\$90,000	\$95,400	\$90,000	\$95,400
		TOTAL	\$1,130,000	\$1,191,800	\$1,130,000	\$1,191,800

Note: Inflation - costs of playground supply to increase by CPI on costs shown from base year 2011/12

* From base figures for 11/12 an annual average CPI increase of 2% has been progressively added to the 10 year budget from 13/14 onwards - i.e 2% for 12/13 (*not applied*),

4% for 13/14 (*not applied*), 6% for 14/15

There is an expectation that CPI increase will be added automatically to project costing in the cap-ex budget from 2014/15 onwards.

** Year 11 and 12 is new Year 9 and 10 prepared for 10 year cap ex budget from 2013/14

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Table 4: Recommended Existing Regional and District Playground Renewal (Upgrade/Extension) Program (Years 1-12)

Table 19 in the 2011 Playground Strategy

YEAR	LOCATION	WORKS	11/12 COST	11/12 TOTAL	COST (+ 2% CPI each year)*	NEW TOTAL (+ 2% CPI each year from 11/12)*	
1	2011/12	Bob Pettitt Reserve	Timber sculpture component required Rubber under surfacing for hammock swing	\$10,000 \$6,000	\$81,000	\$10,000 \$6,000	\$81,000
		Coogoorah Park	Improve accessibility (equipment)	\$10,000		\$10,000	
			Improve accessibility (infrastructure / amenities) Rubber pads for swings and slides	\$10,000 \$2,500		\$10,000 \$2,500	
		Newling Reserve	Edging / planting / shade trees	\$1,500		\$1,500	
		Winchelsea Riverbank	Public art renewal	\$2,000		\$2,000	
			Rubber pads for swings and slide	\$2,500		\$2,500	
		Aireys Inlet Reserve	Additional Landscape Works (planting, partial fencing)	\$11,500		\$11,500	
			Public art renewal (not achieved moved to 13/14)	\$5,000		\$5,000	
Improve accessibility (equipment)	\$10,000		\$10,000				
Improve accessibility (infrastructure / amenities) Rubber pads for swings and slide	\$5,000 \$2,500		\$5,000 \$2,500				
Deans Marsh	Rubber pads swings/slide (not done moved to 13/14)	\$2,500	\$2,500				
2	2012/13	Anglesea Riverbank Playground Stage 2	Additional Funds required from this budget	\$40,000	\$51,500	\$40,000	\$51,500
		Deans Marsh (reallocated all items to 13/14)	Rubber pads for swings and slide Additional Landscape Works including planting				
			Improve accessibility (equipment) Improve accessibility (infrastructure / amenities)				
All district playgrounds	Completion of swing / slide rubber pad program	\$11,500	\$11,500				
3	2013/14	Deans Marsh	Rubber pads for swings and slide	\$2,500	\$69,000	\$2,500	\$69,000
			Additional Landscape Works including planting	\$6,500		\$6,500	
			Improve accessibility (equipment)	\$10,000		\$10,000	
			Improve accessibility (infrastructure / amenities)	\$20,000		\$20,000	
		Winchelsea Riverbank	Additional Landscape Works / retaining wall partial fencing - moved to 14/15 Improve accessibility (equipment) - moved to 14/15 Improve accessibility (infrastructure / amenities) - moved to 14/15				
Aireys Inlet Reserve	Public art renewal	\$5,000	\$5,000				
All District playgrounds	Completion of swing and slide pad program	\$25,000	\$25,000				
4	2014/15	Winchelsea Riverbank	Additional Landscape Works / retaining wall partial fencing	\$5,000	\$84,000	\$5,300	\$89,040
			Improve accessibility (equipment)	\$10,000		\$10,600	
			Improve accessibility (infrastructure / amenities)	\$20,000		\$21,200	
		Bellbrae Reserve	Improve accessibility (equipment) Improve accessibility (infrastructure / amenities)	\$10,000 \$10,000		\$10,600 \$10,600	
		Bob Pettitt Reserve	Additional elements –balance walk	\$4,000		\$4,240	
All District playgrounds	Completion of swing and slide pad program	\$25,000	\$26,500				
5	2015/16	All District and Regional playgrounds	Upgrade / extension contingency	\$30,000	\$30,000	\$31,800	\$31,800
6	2016/17	Anglesea Riverbank (Regional)	Additional elements and landscaping upgrade	\$50,000	\$65,000	\$53,000	\$68,900
		All District and Regional playgrounds	Upgrade / extension contingency	\$15,000		\$15,900	
7	2017/18	All District and Regional playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
8	2018/19	All District and Regional playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
9	2019/20	All District and Regional playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
10	2020/21	All District and Regional playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
11**	2021/22	All District and Regional playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
12**	2022/23	All District and Regional playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
TOTAL			\$470,500	\$470,500	\$486,640	\$486,640	

Note: Inflation - costs of playground supply to increase by CPI on costs shown from base year 2011/12

* From base figures for 11/12 an annual average CPI increase of 2% has been progressively added to the 10 year budget from 13/14 onwards - i.e 2% for 12/13 (not applied), 4% for 13/14 (not applied), 6% for 14/15

There is an expectation that CPI increase will be added automatically to project costing in the cap-ex budget from 2014/15 onwards.

** Year 11 and 12 is new Year 9 and 10 prepared for 10 year cap ex budget from 2013/14

Table 5: Recommended Existing Local Playground Renewal (Upgrade and Extension) Program (Yr 1- 12)

Table 20 in the 2011 Playground Strategy

YEAR	LOCATION	WORKS	11/12 COST	11/12 TOTAL	COST (+ 2% CPI each year)*	NEW TOTAL (+ 2% CPI each year from 11/12)*	
1	2011/12	Ang Lions Park (Stg2)	Stage 2 extension needed for local large classification	\$35,000	\$77,500	\$35,000	\$77,500
		Anne's Reserve	Upgrade edging with rocks and planting / shade	\$6,000		\$6,000	
		Ocean Acres	Developer Contribution for future half court basketball	\$15,000		\$15,000	
		Torquay Blvd Reserve	Upgrade accessibility to site /landscaping Inclusion of new/unique features	\$4,000 \$6,000		\$4,000 \$6,000	
		Connewarre Reserve	Swing pads required Landscaping elements	\$1,500 \$10,000		\$1,500 \$10,000	
2	2012/13	Anglesea Riverbank Playground Stage 2	Additional Funds required from this budget	\$10,000	\$47,500	\$10,000	\$47,500
		Bambra Hall / Reserve (reallocated all items to 13/14)	Need additional item				
		Kalkarra Reserve	Additional items needed	\$7,500		\$7,500	
		Deep Creek Reserve	Addition of accessible items and community artwork - not achieved in 12/13 due to reallocation of funds for swing slide pads- moved to 15/16	\$20,000		\$20,000	
		All local playgrounds	Completion of swing and slide pad program	\$10,000		\$10,000	
3	2013/14	Bambra Hall / Reserve	Need additional item	\$10,000	\$50,000	\$10,000	\$50,000
		Quay Reserve	Need landscaping / planting around - moved to 14/15 Addition of accessible items / sensory items - moved to 14/15				
		Sarabande Crescent	New accessible / sensory items - moved to 14/15				
		Moriac Comm Centre	Improve accessibility (equipment) - moved to 14/15 Improve accessibility (infrastructure / amenities) - moved to 14/15				
		Freshwater Creek	Additional items needed	\$5,000		\$5,000	
		Bark Hut Reserve	Improve accessibility (equipment) - moved to 14/15 Improve accessibility (infrastructure / amenities) - moved to 14/15				
		Dwyer St	New rockers and additional items needed - moved to 14/15				
		Mount Moriac	Shade trees and landscape around playground edges	\$5,000		\$5,000	
		Lions Park	Improve accessibility (equipment) Improve accessibility (infrastructure / amenities)	\$5,000 \$5,000		\$5,000 \$5,000	
		All Local Playgrounds	Completion of swing and slide pad program	\$20,000		\$20,000	
4	2014/15	Quay Reserve	Need landscaping / planting around Addition of accessible items / sensory items	\$5,000 \$5,000	\$65,500	\$5,300 \$5,300	\$69,430
		Sarabande Crescent	New accessible / sensory items	\$5,000		\$5,300	
		Moriac Comm Centre	Improve accessibility (equipment) Improve accessibility (infrastructure / amenities)	\$4,000 \$4,000		\$4,240 \$4,240	
		Bark Hut Reserve	Improve accessibility (equipment) Improve accessibility (infrastructure / amenities)	\$5,000 \$5,000		\$5,300 \$5,300	
		Dwyer St	New rockers and additional items needed (plus landscaping of \$2500 added)	\$12,500		\$13,250	
		Hill Top Playground	New accessible / sensory items - moved to 15/16				
		Frog Hollow	Addition of accessible items and community artwork - moved to 15/16				
		Clerke Crt	Improve accessibility (equipment) - moved to 15/16 Improve accessibility (infrastructure / amenities) - moved to 15/16				
		Lions Park	Improve accessibility (equipment) - moved to 13/14 Improve accessibility (infrastructure / amenities) - moved to 13/14				
		A I Community Centre	New accessible / sensory items - moved to 13/14				
All Local Playgrounds	Completion of swing and slide pad program	\$20,000	\$21,200				
5	2015/16	Deep Creek Reserve	Addition of accessible items and community artwork - not achieved in 12/13 - moved to 15/16	\$20,000	\$67,000	\$21,200	\$71,020
		Hill Top Playground	New accessible / sensory items	\$5,000		\$5,300	
		Frog Hollow	Addition of accessible items and community artwork	\$7,000		\$7,420	
		Clerke Crt	Improve accessibility (equipment) Improve accessibility (infrastructure / amenities)	\$5,000 \$5,000		\$5,300 \$5,300	
		A I Community Centre	New accessible / sensory items	\$5,000		\$5,300	
		Whites Beach	Additional item and landscape upgrade	\$20,000		\$21,200	
6	2016/17	All Local playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
7	2017/18	All Local playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
8	2018/19	All Local playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
9	2019/20	All Local playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
10	2020/21	All Local playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
11**	2021/22	All Local playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
12**	2022/23	All Local playgrounds	Upgrade / extension contingency	\$15,000	\$15,000	\$15,900	\$15,900
			TOTAL	\$412,500	412,500	\$426,750	\$426,750

Note: Inflation - costs of playground supply to increase by CPI on costs shown from base year 2011/12

* From base figures for 11/12 an annual average CPI increase of 2% has been progressively added to the 10 year budget from 13/14 onwards - i.e 2% for 12/13 (not applied), 4% for 13/14 (not applied), 6% for 14/15

There is an expectation that CPI increase will be added automatically to project costing in the cap-ex budget from 2014/15 onwards.

** Year 11 and 12 is new Year 9 and 10 prepared for 10 year cap ex budget from 2013/14

TABLE 6: PROPOSED NEW PLAYGROUND PROGRAM / BUDGET (10 year program 2011/12 – 2020/21 now 22/23) Table 22 in the 2011 Playground Strategy

TOWN	ID	PLAYGROUND	PLAYGROUND CLASSIFICATION	PROPOSED FUNDING	COUNCIL COST (SCS) @ 11/12 RATES	EXTERNAL COST (EXT) @ 11/12 RATES	COUNCIL COST (SCS) + 2% CPI each year*	EXTERNAL COST (EXT) + 2% CPI each year*	11/12	12/13	13/14	14/15*	15/16*	16/17*	17/18*	18/19*	19/20*	20/21*	21/22 **	22/23 **
Torquay	F1	Civic / Community Precinct	District	Council / SRV (Minor)/ Ext (other)	\$134,000	\$80,000	\$134,000	\$80,000			SCS(\$34,000 EXT	SCS (\$100,000)								
	F2	South Beach Estate (to east of Fischer St)	Local (large)	Council / Dev Contribution (TJJDCCP) ¹	\$19,350	\$70,650	\$20,511	\$74,889									SCS EXT			
	F3	Draper Land Reserve (off Horseshoe Bend Rd)	Local (large)	Council / Dev Contribution (TJJDCCP) ¹	\$19,350	\$70,650	\$20,511	\$74,889					SCS EXT							
	F4	South Beach Road	Local (small)	Council / Dev Contribution (TJJDCCP) ¹	\$10,750	\$39,250	\$11,395	\$41,605							SCS EXT					
	F5 (now SCS 31)	Whites Beach	Local (large)	Council <i>Not included in figures</i>	\$80,000 FUNDED 10/11				SCS (10/11) FUNDED											
	F6	Marine Drive (previously Nautical Rise)	Local (large)	Council / Dev Contribution (TJJDCCP) ¹	\$19,350	\$70,650	\$20,511	\$74,889					SCS EXT							
	F7	Briody Drive Estate / Deep Creek Reserve	Local (small)	Council / Dev Contribution (TJJDCCP) ¹	\$10,750	\$39,250	\$11,395	\$41,605								SCS EXT				
	F8	Surfview Estate	Local (large)	Council / Dev Contribution (TJJDCCP) ¹	\$19,350	\$70,650	\$19,350	\$70,650			SCS EXT									
	F9	Spring Valley Drive (next bike park)	Local (large)	Council	\$90,000		\$90,000			SCS FUNDED										
	F22	Spring Creek Recreation Reserve	Local (small)	Council	\$50,000		\$53,000									SCS				
Jan Juc	F10	Bluewater Estate – Marner Close and Seaview Rise)	Local (large)	Council	\$90,000		\$95,400					SCS								
Anglesea	F11 (now SCS 32)	4 Kings / Anglesea Riverbank	Regional	Council / RDV/SRV	\$100,000 \$50,000 \$50,000	\$80,000 \$100,000	\$200,000	\$180,000	SCS/EXT Stage 1 FUNDED	SCS/EXT Stage 2 FUNDED	SCS Stage 3									
	F12	Point Roadknight	Local (large)	Council / GORCC / SRV	\$20,000	\$70,000	\$21,200	\$74,200							SCS EXT					
Aireys Inlet / Fairhaven	F13	Moggs Creek Reserve	Local (small)	Council	\$50,000		\$53,000												SCS	
Lorne	F14	Stony Creek Reserve	Local (large)	Council	\$90,000		\$95,400										SCS			
Wurdale	F15	Wurdale Hall	Local (small)	Council	\$50,000		\$53,000						SCS							
Winchelsea	F16	New estate Olney St	Local (large)	Council	\$90,000		\$95,400							SCS						
	F17	Eastern Reserve	Local (small)	Council / Eastern Reserve COM	\$30,000	\$20,000	\$31,800	\$21,200								SCS EXT				
	F18	Hesse St	Local (large)	Council	\$90,000		\$95,400										SCS			
	F19	Reserve off Beal / Trebeck	Local (small)	Council	\$50,000		\$53,000						SCS							
Modewarre	F20	Small playground at Modewarre hall / reserve	Local (small)	Council	\$50,000		\$53,000							SCS						
Moriac	F21	Thompson's Creek Reserve	Local (small)	Council / Dev Contribution ²	\$40,000	\$10,000	\$42,400	\$10,600								SCS EXT				
TOTAL COST AT 11/12 RATES – COUNCIL					\$1,222,900				\$100,000	\$140,000	\$103,350	\$190,000	\$138,700	\$170,750	\$60,750	\$89,350	\$90,000	\$90,000	\$50,000	
TOTAL COST (+ 2% CPI each year)* - COUNCIL							\$1,269,673		\$100,000	\$140,000	\$103,350	\$195,400	\$147,022	\$180,995	\$64,395	\$94,711	\$95,400	\$95,400	\$53,000	
TOTAL COST AT 11/12 RATES - OTHERS						\$721,100			\$80,000	\$100,000	\$150,650		\$141,300	\$109,250	\$39,250	\$100,650				
TOTAL COST (+2% CPI each year)* - OTHERS								\$744,527	\$80,000	\$100,000	\$150,650		\$149,778	\$115,805	\$41,605	\$106,689				
TOTAL COST AT 11/12 RATES					\$1,944,000				\$180,000	\$240,000	\$254,000	\$190,000	\$280,000	\$280,000	\$100,000	\$190,000	\$90,000	\$90,000	\$50,000	
TOTAL COST (+2% CPI each year)*							\$2,014,200		\$180,000	\$240,000	\$254,000	\$195,400	\$296,800	\$296,800	\$106,000	\$201,400	\$95,400	\$95,400	\$53,000	

Notes : 1 Playgrounds developed as part of developer contribution plan are for Torquay Jan Juc are funded at ratio of 78.5% (developer cost) and 21.5% (Council cost)

² Paid as part of permit condition for Thompsons Creek development

Inflation - Costs of playground supply to increase by CPI on costs shown from base year 2011

* From base figures for 11/12 an annual average CPI increase of 2% has been progressively added to the 10 year budget from 14/15 onwards - i.e 2% for 12/13 (not applied), 4% for 13/14(not applied), 6% for 14/15.

There is an expectation that CPI increase will be added automatically to project costing in the cap-ex budget from 2014/15 onwards.

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APPENDIX 3: SHADE EXAMPLES IN SURF COAST SHIRE PLAYGROUNDS

Appendix 3 : Shade provision in Surf Coast Shire Playgrounds

Surf Coast Shire playground examples where shade is provided within the playground structure or within a shelter close to the play area (then services multi-use as a picnic facility and also respite from the sun for all users of the park incl. playground users).



2.2 Proposal for National Premier League Victoria by Surf Coast Football Club & Greater Geelong Galaxy

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Manager Community Development
Department: Community Development
Directorate: Sustainable Communities

Director: Dennis Barker
File No: F13/872
Trim No: D13/124720

Appendix:

Council Meeting Adoption Date:
Tuesday, 23 July 2013

Status:

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

Yes

No

Purpose

To provide Council with information on a bid proposal by the Surf Coast Football Club for a franchise into the National Premier League (Victoria) and to consider a request from the Surf Coast Football Club for cash sponsorship as a result of the National Premier League franchise bid.

Summary

Football Federation Victoria (FFV) has established a National Premier League (NPLV) in 2012. Under this framework, Victoria will have 20 National Premier League franchises with the league to commence in 2014. Clubs or entities can apply for a licence, to secure one of these franchises, and compete at the elite level of football (soccer).

Council was briefed on NPLV Model on 11 June 2013, when the President of Surf Coast Football Club presented to Councillors. Since the briefing, further information has been provided. Surf Coast Soccer Club has proved a draft business plan, which was provided to Councillors at 9 July, 2013 Councillors briefing. The club wishes to submit a full application to the NPLV and as a letter of support is required from Council.

The Surf Coast Football Club has expressed interest in applying for a licence using the Community & Civic Precinct (C&CP) as its training and match day base. Clubs or entities need to submit a non-binding Expression of Interest (EOI) by 31 May, 2013 with a full application showing Council support by 31 July 2013. It should be noted that the Surf Coast Football Club have requested financial assistance of \$20,000 per year for three years to assist in their bid.

The Greater Geelong Galaxy (GGG) has also submitted information to Council requesting support and outlining the level of expected usage of the C&CP by this entity. The GGG has also requested to brief Council on their proposal.

Council's role is to provide community and recreation facilities and infrastructure and community recreation development. These bids are to join a professional sporting competition, which has implications on Council's future Capital Works and reserve maintenance budgets.

Officer Recommendation

That Council:

1. Supports, in principle, the National Premier League Victoria franchise application by Surf Coast Football Club.
2. Decline the request for \$20,000 per annum three year sponsorship grant requested by the Surf Coast Football Club.
3. Advise Greater Geelong Galaxy that it will not provide a letter of support for its National Premier League Victoria bid.

Cr Smith left the meeting at 7.59pm.

Cr Smith returned to the meeting at 8.01pm.

COUNCIL RESOLUTION

MOVED Cr McKiterick, seconded Cr Fisher

That Council:

1. Supports, in principle, the National Premier League Victoria franchise application by Surf Coast Football Club.
2. Decline the request for \$20,000 per annum three year sponsorship grant requested by the Surf Coast Football Club.
3. Advise Greater Geelong Galaxy that it will not provide a letter of support for its National Premier League Victoria bid.

CARRIED: 8:1

Proposal for National Premier League Victoria by Surf Coast Football Club & Greater Geelong Galaxy

Report

Background

Council was briefed and informed of the NPLV Model by the President of the Surf Coast Football Club on 11 June. Council requested further information and were briefed on 9 July on the Surf Coast Football Club's draft business plan. The Surf Coast Football Club wishes to submit an application for a franchise to the NPLV which is due on 31 July. A letter of support is required by Council to support this application.

In addition, the GGG has also forwarded information for Council's consideration. The proposal by the GGG is to create a new club for the region that fields representative teams of the best available players/coaches in the NPLV, (a similar model to the Geelong Falcons in the AFL).

Discussion

The NPVFL Model is an exciting development for the sport of football (Soccer) in Australia. The Model aims to meet a number of objectives:

- Ensures a talented player pathway and to improve the quality of youth development by football clubs at all levels.
- Provides an opportunity to better use limited resources, better skill development for all players.
- Clearly delineates between community clubs and "talented player" clubs.

Whilst the Model has merit and is a key development for the sport of football (soccer) in Victoria, there are a number of key considerations/questions to be discussed for Surf Coast Shire and use of the Community and Civic Precinct. In summary, these are:

- **Community and Civic Precinct**

Use of the C&CP and various sporting reserves to accommodate the player and training requirements. The C & CP was developed for the purposes of active sport and community usage. As Council is aware, the Precinct is a successful model of community integration and planning for future needs and usage. The Surf Coast Football Club has provided a proposed NPLV match and training use summary and a NPLV proposed training Schedule for 2014.

- **Torquay North Growth Plan**

The Torquay North Growth Plan identifies the projected population around the Precinct and to Horseshoe Bend Road will grow to an additional 5,000 people over the next ten – fifteen years. The Surf Coast Secondary College is also negotiating with Council around a Joint Use Agreement for using the active open space for its student population of 700 students. Ensuring the flexibility of the Precinct will allow for a new resident population and school population to enjoy and participate in the C & CP facilities.

- **Community Teams**

The documentation provided by FFV outlines the distinction between the Licenced teams and Community teams. A Licenced club will be expected to work with all community clubs in their zone which could have a Regional catchment of Geelong, Lara and beyond. The community team component of the Surf Coast Football Club is not allowable under the NPLV Model, but rather a separate entity (club) would need to be formed. It is also worth noting that there can be no commonality of office bearers between the 2 entities.

- **Facility Development**

The NPLV Model provides that facilities need to meet "A" Class specifications. It is understood through the documentation provided that if the successful franchise bid does not have all the facility requirements initially, the entity (or club) would need to acquire these facility standards as the competition progresses. The type of facility infrastructure requirements is:

These are ball park cost estimates based on Rawlinsons and current rates for footpath and fencing:

- A covered roof players race from the dressing room to play area - \$ 40,000.
- A fully functional scoreboard and PA for ground announcements - \$ 15,000 (Assume an electronic scoreboard).
- Covered seating for 500 people (this component could be delayed and is not essential as of the 2014 season) - \$ 400,000 (\$ 760-820 per seat as per Rawlinsons).

Proposal for National Premier League Victoria by Surf Coast Football Club & Geelong Galaxy

- Access to a pavilion for changing rooms, public toilets.(Grant Pavilion)
- A perimeter fence of some type and ticket box is needed so the area can be controlled and entry fee charged - \$ 35,000.

• G21 Regional Context

The G21 Sport and Recreation Pillar discussed the NPLV Model at its meeting on Friday 31 May 2013. The regional position is agreement with intent of the model. The facilities in the region that are capable of hosting a franchise are Simmonds Stadium and the future Armstrong Creek facilities. However, the G21 Sport and Recreation Pillar wishes to discuss the model further at its next meeting, dated 26 July.

The GGG has also requested a letter from Surf Coast Shire Council in support of their bid, and asked for access to Parwan Pitch for the talented players competing in the Victorian Champions League (VCL). Their proposal outlines a request to access the Parwan Pitch and adjoining facilities for training, a minimum of one evening per week. They have also indicated that they would work with Council and Surf Coast Football Club regarding access on weekends for competitions.

• Tourism Impacts

The Surf Coast Football Club would field 13 elite level sides in men, women, boys and girls and would be involved in 40 matches per annum with at least 20 matches held in Torquay during the off season where visitors from other soccer clubs would visit Torquay.

Therefore this opportunity would add very significantly to a growing "sporting culture" within the shire that keeps boys and girls engaged in healthy activities and away from risk behaviours. The success of this application would lead to significant growth of another sporting institution that is providing opportunities for new families moving to the area to meet other people, facilitating community engagement. The Surf Coast Football Club follows the example set by the Geelong Football Club to position itself regionally in the south west as the Geelong Football club has successfully undertaken, then the branding, tourism and other benefits will be hugely beneficial and unique in the application to Football Federation Victoria.

However, there will be some serious issues relating to funding and establishment of the club, especially in the initial 2 – 3 years. Consequently, the Surf Coast Football Club is building sponsorship and development of financial support but this also adds a degree of difficulty since sponsors want to commit but the Surf Coast Football Club cannot finalise matters unless it obtains a licence. Sponsors in this set of circumstances want immediate value for their sponsorship and are likely to seek other recipients. Even so, the Surf Coast Football Club has already gained significant support from around the region.

The Surf Coast Football Club completed a Surf Coast Tourism Sponsorship Program application to request financial support of \$20,000 per year for three years. This was not considered by the Surf Coast Tourism Board as it exceeded the \$10,000 maximum level of grant that can be awarded. In order to assist the Surf Coast Football Club, a commitment adds value to the application. The commitment to the first three years adds more certainty and this is the principle reason for the Surf Coast Football Club is requesting Council to give special consideration.

The benefits to the Surf Coast Shire are also very substantial although many of the financial or promotional benefits are extremely difficult to assess or quantify. For example, the promotional benefit in dollar terms would be almost impossible to quantify.

The following is an estimate of the benefits from increased visits directly related to football home games in Torquay. This estimate is undertaken through REMPLAN.

Possible visitors (includes 440 players, coaches officials, etc. per home game)	Total Effect	Wages and Salaries	Value Added
1. 1300 day visitors / 200 - 1 night stay (Total 1500 visitors)	\$232,000	\$53,000	\$106,000
<i>Total – 20 games per annum</i>	<i>\$4,640,000</i>	<i>\$1,060,000</i>	<i>\$2,120,000</i>
2. 1300 day visitors / 200 - 2 night stay (Total	\$275,000	\$63,000	\$126,000

1500 visitors) <i>Total – 20 games per annum</i>	\$5,500,000	\$1,260,000	\$2,520,000
3. 1700 day visitors / 300 1 night stay (Total 1500 visitors) <i>Total – 20 games per annum</i>	\$312,000 \$6,240,000	\$72,000 \$1,440,000	\$143,000 \$2,860,000
4. 1700 day visitors / 300 1 night stay (Total 1500 visitors) <i>Total – 20 games per annum</i>	\$377,000 \$7,540,000	\$87,000 \$1,740,000	\$172,000 \$3,440,000

Financial Implications

The Licence Fee for the successful club/entity is \$50,000 to be made payable annually. Additional infrastructure costs associated with a successful bid are estimated at \$490,000, as detailed in the facility development section of this report, however, it should also be noted that the 2nd pitch is vital to the success of this competition and the successful bid by the Surf Coast Football Club if supported.

The current usage policy for access to the Community and Civic Precinct outlines a generous proposal for community based clubs and entities. Commercial or for-profit groups pay a higher rate to access these facilities. If Council supports a proposal by a local club to enter the NPVFL competition, it is suggested that a reasonable rate is negotiated for access and usage above the current policy rates as part of any future user agreement.

Council's role is the provision of recreation infrastructure for the community and sporting clubs. Surf Coast Shire council has not directly funded sporting clubs operations.

Surf Coast Football has requested \$20,000 cash sponsorship per year for three years. There are no funds in the 2013/14 budget. It is recommended not to agree to this request.

Council Plan/Policy/Legal Implications

The 2013-17 Council Plan has one of its themes: Communities, outlining that Council will actively engage with our diverse and growing communities to establish quality services, healthy and safe environments and long term community partnerships.

Risk Assessment

Not undertaken.

Social Considerations

As provided in the body of this report, having a NPLV club located at Banyul Warri fields will be a boost for player development and the Surf Coast Football Club has included a player education component in its business plan. However, a new community club will need to be formed allowing for players to have the opportunity to play community sport rather than compete at a higher, competitive level. It is also not yet known if there is the availability for another volunteer committee to run another football (soccer) club in Torquay for the wider Surf Coast catchment.

In addition, the premise of a successful NPLV club would need access to a second (turf) pitch. Council has submitted an application to the State Government and allowed funding in the 2013/14 budget for construction of a second pitch. Details of the funding application are not yet known.

Community Engagement

No Council led Community Engagement has been undertaken. The President, Surf Coast Football Club has spoken to regional sports bodies and has briefed Councillors.

A successful bidder must host a minimum of two public forums (at least one of which is prior to the season) inviting parents, players, members, sponsors, community clubs etc. to provide the opportunity for feedback on the successful Applicant's previous activities and the Applicants strategies to provide greater value to relevant stakeholders.

Proposal for National Premier League Victoria by Surf Coast Football Club & Geelong Galaxy

Environmental Implications

Greater usage of the synthetic and the proposed turf pitch will require greater maintenance needs and Council would need to fund this higher level of service to ensure that both pitches are adequately maintained for player and training purposes. These costs are not yet known.

Communication

Both parties will be notified of Council's decision.

Conclusion

The intent of the NPLV Model consolidates and provides a clear pathway for talented football (soccer) players in Victoria, however, there are impacts on Council's future Capital Works program, the recreation reserves maintenance budget and the accessibility of non-soccer users to the C & CP recreation facilities. These impacts should be carefully considered.

4. Minutes

4.1 Section 86 Committee Minutes

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Director Corporate Services
Department: N/A
Directorate: Corporate Services

Director: Chris Cowley
File No: Various
Trim No: D13/45468, D13/41522

Appendix:

1. Section 86 Committee Minutes

Council Meeting Adoption Date:
Tuesday, 23 July 2013

Status:

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

Yes

No

Reason: (Select relevant sectionS89 (2))

Purpose

The purpose of this report is for Council 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 – 24 June 2013
2. Deans Marsh Public Hall and Memorial Park Committee of Management – 23 April 2013
3. Globe Theatre Committee of Management – 25 June 2013
4. Globe Theatre Committee of Management AGM - 25 June 2013
5. Modewarre Hall & Reserve Committee of Management – 15 May 2013
6. Stribling Reserve Committee of Management – 13 May 2013
7. Stribling Reserve Committee of Management – 17 June 2013

COUNCIL RESOLUTION

MOVED Cr Nockles, seconded Cr Fisher

That Council receive and note the minutes from the following Section 86 Committees:

1. Planning Committee – 24 June 2013
2. Deans Marsh Public Hall and Memorial Park Committee of Management – 23 April 2013
3. Globe Theatre Committee of Management – 25 June 2013
4. Globe Theatre Committee of Management AGM - 25 June 2013
5. Modewarre Hall & Reserve Committee of Management – 15 May 2013
6. Stribling Reserve Committee of Management – 13 May 2013
7. Stribling Reserve Committee of Management – 17 June 2013

CARRIED: 9:0

APPENDIX 1: Section 86 Committee Minutes

Minutes of Planning Committee Meeting No. 422 held at 5.00pm Monday 24 June 2013 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.00 pm

2. PRESENT

Wayne Reid (Chairman), Robert Troup, Tony Hobba, Geoff Fulton, Phil Rosevear

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 18 March 2013

Moved: Tony Hobba Seconded: Wayne Reid

Minutes of the Planning Committee Meeting held on Monday 13 May 2013.

Moved: Robert Troup Seconded: Geoff Fulton

5. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)

Nil

6. PUBLIC PRESENTATIONS

Item	Applicant	Objectors
8.1	M Esse	H Senbergs
8.2	P Dowling	S Jones

7. CONSIDERATION OF THE AGENDA

As Presented

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 32 & 32A Bambra Road, Aireys Inlet (13/0032)Page 3
Construction of a fence

Item 8.2 3/48-50 Geelong Road, Torquay (13/0068).....Page 4
Alterations and additions to an existing dwelling

9 RECENT VCAT DECISIONS

Nil

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING

5.45 pm

NEXT MEETING – 22 July 2013

ITEM NO: 8.1
PLANNING REF: 13/0032
PROPOSAL: Construction of a fence
APPLICANT: J Morrison & M Esse
DATE RECEIVED: 30-Jan-2013
SUBJECT LAND: 32 & 32A BAMBRA RD, AIREYS INLET. (LOT: 1 PS: 410677B, LOT: 2 PS: 410677)
ZONE: Residential 1
OVERLAYS: Neighbourhood Character - Schedule 2, Environmental Significance - Schedule 4, Design and Development - Schedule 10
PERMIT REQUIRED UNDER CLAUSES: 42.01-2 & 43.02-2
EXISTING USE: Common Property/Dwellings
REPORTING OFFICER: Cameron Hayes

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

Objections received x 1

MOVED: Tony Hobba

SECONDED: Robert Troup

POINTS OF DISCUSSION:

The Committee was satisfied that the Applicant had constructed the fence without realising that a permit was required. It was recommended that Council continue to raise awareness of Planning requirements.

In this case the Committee has no choice but to refuse the application because the language in the Design & Development Overlay Schedule 10 does not allow for discretion.

The Committee welcomed the advice that Planning Scheme Amendment C78 would alter the relevant controls to allow a more merits based assessment of applications which propose fencing. The Committee was encouraged by the Applicant's plans to modify the fence structure so as to comply with the Planning Scheme.

Committee Recommendation:

That Council having caused notice of Planning Application No. 13/0032 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 42.01-2 & 43.02-2 of the Surf Coast Planning Scheme in respect of the land known and described as 32 & 32A BAMBRA RD, AIREYS INLET, for the construction of a fence for the following reasons:

1. The fence is prohibited by fact of the requirements of Design and Development Overlay – Schedule 10 which are not met by the proposal.
2. The fence is contrary to the objective of Design and Development Overlay – Schedule 10 to retain a sense of openness between properties.

Carried

ITEM NO: 8.2
PLANNING REF: 13/0068
PROPOSAL: Alterations and additions to an existing dwelling
APPLICANT: TKP Design Studio
DATE RECEIVED: 21-Feb-2013
SUBJECT LAND: 3/48-50 GEELONG RD, TORQUAY. (LOT: 1 PS: 319483)
ZONE: Residential 1
OVERLAYS: Significant Landscape Overlay - Schedule 6, Design and Development - Schedule 7
PERMIT REQUIRED UNDER CLAUSES: 32.01-4, 43.02-1
EXISTING USE: Attached dwelling
REPORTING OFFICER: Roger Curnow

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

Objections received x 5

MOVED: Geoff Fulton **SECONDED:** Robert Troup

POINTS OF DISCUSSION:

The proposed development complies with relevant planning controls. Objections mainly focus on Body Corporate issues which cannot be considered in this case.

Committee Recommendation:

That Council having caused notice of Planning Application No. 13/0068 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 32.01-4, 43.02-1 of the Surf Coast Planning Scheme in respect of the land known and described as 3/48-50 GEELONG RD, TORQUAY., to construct alterations and additions to an existing dwelling subject to the following conditions:

DEVELOPMENT

1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit
 - b) The development is not completed within four years of the date of this permit

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards

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

Ensure compliance with any build over easement requirement under the Building Act and Regulations and Barwon water

Carried

APPENDIX: DEANS MARSH S86 COMMITTEE OF MANAGEMENT MEETING – 23 APRIL 2013

	<p>DEANS MARSH PUBLIC HALL AND MEMORIAL PARK COMMITTEE OF MANAGEMENT</p> <p>DATE: 23/04/13 PRESENT: Tom Reid, Peter Davis, Sandra Dempsey, Geoff Brown, Jarrod Westwood, Leighton Hart [School Council President]</p> <p>APOLOGIES:, Al Reynolds, Fran Permezel, Carl Preis, Domonic & Suzanne Germano,</p>
<p>Adoption previous minutes</p>	<p>Geoff moved that we accept the minutes as read. Seconded by Peter</p>
<p>Business arising</p>	<p>Response to Seona's letter to Council about the state of the ground around Footy Shed will be addressed by the end of the week. Treasurers report from last meeting/ attached</p>
<p>Correspondence in</p>	<p>Letter from Iian Stoddard / Deans Marsh Primary School thanking Committee for replacing Pizza oven Julie Dyer booking for Cricket shed Moved Peter, seconded Geoff</p>
<p>Correspondence out</p>	<p>Nil</p>
<p>Shire report</p>	<p>Due to maintenance at Lorne, they may be looking for a ground next season. Toilet roof has been moved to the next budget Soap dispensers have been installed</p>
<p>Office bearers / user groups reports</p>	<p>Financial report for March Opening balance: \$3224.05 Transfer from cash management+\$2453.91 [closed 2/3/23] Transfer from term deposit +\$8532.27 [closed 2/3/13] Revenue: + 2356.40</p>

	<p>Expenditure – 6144.34 Closing balance: \$ 10,422.29</p> <p>Financial Report for April Opening Balance: \$10,422.29 Revenue: \$30.00 Expenditure: \$4631 Closing Balance: \$5760.49 Cash Management Account: \$ Term Deposit: \$</p> <p>Peter moved that the financial report be accepted. Seconded Sandra</p> <p>Cottage Report: Cricket Club:</p>
<p>General business</p>	<ul style="list-style-type: none">• Tracy Thompson to take over cleaning of Hall etc from Karly Smith• Thanks to Peter Dempsey and Carl for the repairs to the water infrastructure around the Hall and Pizza oven.• Lock required for Pizza oven tap. Pete Davis to look into. <p>NEXT MEETING: JUNE 25th Tuesday @ 7.30</p>

APPENDIX: GLOBE THEATRE S86 COMMITTEE OF MANAGEMENT – MEETING 25 JUNE 2013

Globe Theatre Committee of Management

Minutes of General Meeting
Date: 25th June 2013, 7.30 pm at the Globe Theatre.

Present: Jim McCutcheon, Ray King, Maureen King, Nicky Angus, Trevor Brown, Helen Brown, Ray Thompson, Chris Thompson, Graham Amos, Bev Amos, David Loone, Lindsey Schroeter, John Bumford.

Minutes:

Accepted as read, Moved: M King. Sec: D Loone.

Business arising from meeting held on 23rd April 2013

LED lighting at the front of the Globe has been repaired and all working well. There has been no update to the cleaning schedule in regard to a user pay system; Nicky did report that some hall committees obtain the services of independent cleaners and seek a subsidy from the SCS. D Loone reported that the gas hot water heater quote that he had obtain was within a few dollars of last month's quote, T Brown reported that our ladder, that had gone missing, had reappeared.

Correspondence:

Out:

Letters of thanks had been sent to Mark Brown and Bill Allardyce for the items that were on loan for the Marjorie Lawrence room.

In:

Quote for an instant hot water system from Elgas which was similar to first quote from B&H Plumbing.

Treasurer's Report:

Treasures report was tended and moved by T Brown, sec R King.

General Business:

OH&S: C Thompson reported that one of the locks in the ladies toilet was faulty and that a lady had to seek help to get out, Nicky to report back to SCS and M King to email B Rippe. Nicky reported that the Risk Management and Building Compliance audit was to be updated and will prioritise any issues, a copy to be sent out to committee members for discussion.

It was agreed that we go ahead with the installation of the new hot water heater and that we get B&H Plumbing to do the job. Nicky stated that the supper room heater was due for replacement under asset renewal and as it was still working well we may be able to get the hot water heater replaced instead under the same asset renewal, Nicky to check with John Chatterton and report back. It was also mentioned that we make sure that the new water heater was able to be switched over to natural gas as this was due in Winchelsea by 2016, M King to check with plumber prior to installation.

M King reported that the International Women's Day Photography Display went off very well in spite of low numbers attending.

Nicky reported that the website had slowed due to the SCS IT person resigning.

Some of the Rep Societies shows have been cancelled due to the ill health of their producer. Neil Cameron made a visit to the men's shed and has made arrangements for them to help for the November shows.

It was agreed that the 2014 November dance be held in the first week of December as the Rep Society has a November show that would clash with the Dance. J McCutcheon asked if we could hold a Ball on one of our dance nights as the Church's yearly ball had discontinued, it was agreed that we look at putting one on around April/May of next year.

D Loone stated that it would be nice if in the future we could get some school Deb's to be held at the Globe.

John Bumford stated that he was in talks with a Gospel Choir to perform at the Globe.

J McCutcheon had got a quote for a side gate but it was comparable to the one from Winchelsea Hardware.

Nicky reported that the replacement of the roof was scheduled for around March/April 2014. Nicky also asked if we could get a copy of the Electricity bill to John Chatterton as we may be in a position to get a better rate with the Shire's provider.

With the election of new councillors comes a new Instrument of Delegation, Nicky will highlight any changes that may affect us and discuss them at the next meeting.

D Loone asked if the new roofing works would include having the roof insulated, Nicky did not think so, but would make enquiries.

Meeting closed at 8.15pm
Next meeting 27th August 2013 at 7.30pm

**APPENDIX: GLOBE THEATRE S86 COMMITTEE OF MANAGEMENT – ANNUAL GENERAL MEETING
25 JUNE 2013**

Globe Theatre Committee of Management

**ANNUAL GENERAL MEETING
25 June 2013, 7.00 p.m. at the Globe Theatre**

Present:

Ray King, Maureen King, Nicky Angus, Trevor Brown, Helen Brown, Jim McCutcheon, Ray Thompson, Chris Thompson, Graham Amos, Bev Amos, Lindsey Schroeter, John Chatterton, David Loone.

Apologies:

Nil.

Minutes

Accepted as read. Moved; Trevor Brown, Sec; Ray King.

Reports:

J McCutcheon tended his president's report and thanked the committee for their dedication over the last 12 months.

M King tendered her Secretary/ booking officers report as well as thanking the committee for their support.

T Brown tendered his treasurer's report along with profit and loss statements; Trevor also thanked the committee for their support.

All reports accepted as read, Moved T Brown, Sec R King.

All reports attached.

The committee thanked Nicky for her support over the last year and the meeting was handed over to N Angus.

Nicky thanked the committee for all their work over the last 12 months and looked forward to another successful year ahead.

John Chatterton, who is in charge of building and maintenance, was introduced and welcomed to the meeting.

Nicky reminded the committee that all regular user groups have the opportunity to be part of the committee. Nicky then declared all committee positions vacant and asked for nominations for the following committee positions:

President:

R King nominated J McCutcheon, Sec T Brown. As there were no other nominations J McCutcheon was elected.

Vice President:

J McCutcheon nominated R King, Sec T Brown.

M King nominated R Thompson; R King turned down his nomination and supported R Thompson's nomination. R Thompson was elected.

Secretary/ Booking Officer:

R King nominated M King, Sec H Brown, as there were no other nominations M King was elected.

Treasurer:

R King nominated T Brown, Sec M King. T Brown accepted.

Minutes will continue to be taken and distributed by R King.

Nicky thanked all those that accepted the positions and called for any other members to join the committee; both Graham and Bev Amos accepted nomination forms to become members of the committee, David Loone accepted a nomination form and would give it some thought.

The AGM was then closed at 7:30pm and handed over to the committee for their general meeting.

Globe Theatre Committee Of Management

Chairman's Report

Monday 17th June 2013

It is with pleasure that I give this report at our 2013 Annual Meeting. The Committee of Management has continued to build the Globe Theatre as a living monument to Marjorie Lawrence. The refurbished room with the assistance from the Surf Coast Shire and Donors of furniture will be continually upgraded over time. This has demonstrated the Globe Theatre's history and given meaning to it's existence .The response has been well received by visitors and community.

The work and committed input of this Committee is outstanding. This Community asset could not be in better hands and it shows by the way the Globe Theatre virtually glows inside and out. Always clean, neat and tidy. They go well beyond the requirements of Volunteers and I am so grateful for there support. Thanks.

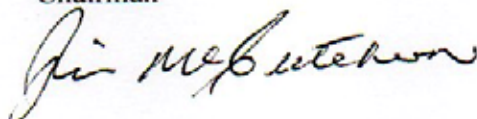
Thankyou to the Surf Coast Shire, Nicky Angus and all the Staff involved with the keeping The Globe Theatre in excellent condition by their maintenance plan along with the Sub Contractors. The Committee of Management along with our Patrons say thank you for the input and support

Once again our income has allowed us to add comforting and essential utilities to our in house replacements, required purchases, to make all our Patrons comfortable, enjoy the experience whilst at The Globe Theatre and still return a profit.

This is a Living Building and we will continue to up grade the Globe Theatre to the levels that are required in the memory of Marjorie Lawrence and the story of her life.

Thanks to All that has enjoyed, assisted, hired and helped the Committee of Management to look after and maintain this Icon in Winchelsea.

Yours Sincerely
Jim McCutcheon
Chairman



Globe Theatre Committee of Management's Secretary's Report, for 2013 AGM.

2012 - 2013 has passed by very quickly, the past years booking have been constant with a broad spectrum of bookings i.e. Meetings, Birthday Parties, Concerts, Church Services, Dance Classes, an Antique Auction, Photography Display, Stage productions by the Rep Society and Mayor Art shows. As a result we are in a sound financial position.

We have, in partnership with the SCS, set about renovating one of the front rooms as a display area for Marjorie Lawrence memorabilia, and this is nearing completion, Locals have been very generous with furniture on permanent loan such as, 2 chairs, a lectern, a china cabinet, and curtains for both rooms, along with photos supplied by the Winchelsea Historical Society.

We have had installed lights around the front of the Globe awning which lights up the area on dance and show nights, we are still waiting for the new sign on the front of the façade, hopefully this is not too far away, being held up due to the road works.

We have to thank the Rep Society for their very generous donation towards our projects which we will all ultimately benefit from.

We are presently obtaining quotes for the replacement of the gas hot water system to an on demand type which would be more economical to run.

Our monthly dances continue to be successful even though our numbers have dropped off a little due to the colder weather.

We look forward to the roof being replaced in 2014 which will pave the way for the painting of the interiors main hall. Then there is the renovating of the other front room, renewing the stage curtains, the stage extension and at some stage air conditioning.

So you see we have plenty to focus on and I look forward to our continued success enabling us to further enhance this wonderful facility.

Maureen King: Secretary Globe COM.

Globe Theatre Committee of Management

Treasurers Report 2012-2013

The 2012-2013 financial period has resulted in an operating loss of \$7216.78.

This result is due to \$9631.00 being spent on improvements to the facility, including the Marjorie Lawrence room, interior and exterior lighting in addition to the relocation of a 20 foot shipping container.

If you remove these “one off” items, we achieved an operating profit of \$1114.11. This result is in line with previous year’s performance.

This recent expenditure, together with \$12339.00 spent in the last 6 years, totals \$21970.00 generated by this committee towards the maintenance and improvements to the Globe Theatre.

The strong working relationship between this committee and the Surfcoast Shire will ensure we continue to improve the Globe Theatre’s financial position while protecting and enhancing this iconic building for the future.

Trevor Brown



Honorary Treasurer
25th June 2013

Globe Theatre Committee of Management

Bank Account details as at 31st May 2013

<u>Account Details</u>	<u>Balance</u>
General Account Community Bank Account No. 1253 54852	3029.65
Term Deposit Community Bank Account No. 130436140	7629.49
Total Bank Balances	10659.14

Term Deposit Details

Account No: 130436140

Balance: \$7629.49

Term: 6 Month Rollovers

Last Rollover: 10th April 2013

Interest Rate: 4.10%

Maturity Date: 10th October 2013

Term Deposit commenced on 10th April 2007

Interest earned to date: \$2629.49

Margaret Leigh
STS Accounting Group
22 Willis Street
Winchelsea Vic 3241



Globe Theatre Committee of Management

Profit & Loss Statement for 1st June 2012 to 31st May 2013

<u>Income</u>	<u>Amount</u>	<u>Expenditure</u>	<u>Amount</u>
Gas Meter	237.00	Elgas	880.88
Old Time Dances	976.55	Origin Energy	1271.26
Dance Classes	645.00	Purchase of Equipment	24.85
Bonds	800.00	Bond Refunds	800.00
Hall Hire	1125.00	Audit Fees	190.00
Repertory Society	992.00	Container Expenses	869.50
Rep Society Donation	1300.00	Carpet Cleaning	66.00
Globe dance classes	45.50	M Lawrence Room	5045.00
		Coffee	285.84
		Exterior Lighting	2843.50
		Advertising	33.00
		Internal lighting	873.00
		Donation	105.00
		Presentation	50.00
Total Income	6121.05	Total Expenses	13337.83
Operating Loss	7216.78	Operating Profit	
Total	13337.83	Total	13337.83

Bank Reconciliation

Opening Bank Balance as at 1 st June 2012	5246.43
Total Income	6121.05
Term Deposit redemption	5000.00
Sub Total	16367.48
Total Expenditure	13337.83
Closing Balance as at 31 st May 2013	3029.65

Margaret Leigh
STS Accounting Group
22 Willis Street
Winchelsea Vic 3241



Profit & Loss Statement for last 3 years

2010-2011				2011-2012				2012-2013			
Income		Expenses		Income		Expenses		Income		Expenses	
Gas Meter	223.80	Elgas	959.79	Gas Meter	350.00	Elgas	1112.38	Gas Meter	237.00	Elgas	880.8
Our Dances	1535.60	Origin Energy	1074.64	Our Dances	1159.50	Origin Energy	675.25	Our Dances	976.55	Origin Energy	1271.2
		Equipment	927.32			Equipment	928.36			Equipment	24.8
Bonds	1700.00	Bond refund	1700.00	Bonds	1000.00	Bond refund	1000.00	Bonds	800.00	Bond refund	800.0
Hall Hire	2285.00			Hall Hire	2372.50			Hall hire	1125.00		
Rep Society	1320.50	Audit fees	110.00	Rep Society	1542.00	Audit fees	190.00	Rep Society	992.00	Audit fees	190.0
Dance classes	540.00			Dance classes	317.50			Dance classes	645.00		
		Advertising	30.00			Advertising	22.00			Advertising	33.0
Power refund	100.00	Cabinets	718.73			Presentations	47.18	Rep donation	1300.00	Container	869.5
Rock & Roll	175.00	Donation	200.00			Donation	50.00	Globe classes	45.50	Ext lighting	2843.5
Sale of piano	150.00	Wreath	25.00			Dinner	315.60			Int lighting	873.0
		Table top	330.00			M Law album	167.85			M Law room	5045.0
		Hall hire	30.00							Carpet cleaning	66.0
										Coffee	285.8
										Donation	105.0
										Presentation	50.0
Total Income	8029.90	Total Expense	6105.48	Total Income	6741.50	Total Expense	4508.62	Total Income	6121.05	Total Expense	13337.8
		Profit	1924.42			Profit	2232.88	Loss	7216.78		
Total	8029.90	Total	8029.90	Total	6741.50	Total	6741.50	Total	13337.83	Total	13337.8

Globe Theatre Committee of Management

Trading year results without unusual items

Total Income **\$6121.05**

Less unusual items Rep Soc donation **\$1300.00**

Normal Income **\$4821.05**

Total Expenses **\$13337.83**

Less unusual items M Lawrence room **\$5045.00**

Exterior lighting **\$2843.50**

Internal lighting **\$873.00**

Container **\$869.50**

Total **\$9631.00**

Normal expenses **\$3706.83**

If you remove the unusual items we would have had a trading profit for the year of **\$1114.22**

**APPENDIX: MODEWARRE HALL & RESERVE S86 COMMITTEE OF MANAGEMENT – MEETING 15
MAY 2013**

**General Meeting of the Modewarre Hall & Reserve Committee of
Management
Wednesday 15th May, 2013 at the Modewarre Hall**

The meeting opened at 7:35 p.m.

PRESENT: Jenny Hampshire, Graham Noble, Lesley Evans (SCIPN), Nicky Angus, Laurie Lowndes, Brian & Sandra Tanner.

APOLOGIES: Julie Robertson, Ken Hole, Alison Goodfellow, Mervyn Stephenson, Rod Nockles, Helen Wellington.

Motion: That the apology be accepted. Moved Jenny Hampshire. Seconded Laurie Lowndes. Carried.

MINUTES OF THE PREVIOUS MEETING:

Motion: That the minutes of the meeting held Wednesday 6th March, 2013 be accepted. Moved Graham Noble. Seconded Jenny Hampshire. Carried.

BUSINESS ARISING FROM THE MINUTES:

- **Scouts** – Nicky Angus advised there was a shared cost arrangement of \$4,500 of the works. Work will be held off until 1st July.
- **Avenue of Honour** – Publicity has been sought on the names that were missing in both the MoriYak and the Surf Coast Times local paper. As Ken Hole was absent on the night it was not possible to know if he got any feedback. Laurie Lowndes advised that one of the names was missing.
- **Bluestone Garden Upgrade** – Ken Hole was not available for comment.
- **SCIPN** – Lesley Evans has not heard if there has been any leakages.

CORRESPONDENCE IN:

Alison Goodfellow emailed of the broken floorboards in the kitchen.

Nicky Angus emailed the repair of the floorboards.

- Nicky Angus advised that approximately \$5,000 would be spent in about 6 weeks to repair the floor in the kitchen and on the stage.

CORRESPONDENCE OUT:

Replies to both Alison Goodfellow and Nicky Angus re the floorboards.

Motion: That the Secretary's report be accepted. Moved Sandra Tanner. Seconded Lesley Evans. Carried.

TREASURER'S REPORT: The bank balance as at 15th May, 2013 = \$3,979.16

It has been very quiet and there have been no bookings for the hall at all. SCIPN had a meeting for Horse Management and a further one on a talk by Hayden Findlay of his property.

Motion: That the Treasurer's report be accepted. Moved Graham Noble. Seconded Jenny Hampshire. Carried.

GENERAL BUSINESS:

- **Rabbit Eradication** – Lesley Evans reported on the carrot bait work done and advised that there would be. Rear of the buildings have also been fumigated. The work done was contributed by SCIPN.
- **Bluestone Building** – There is a crack inside the second doorway on the left hand side which seems to be getting larger.
- **Maintenance over the next 12 months** – Nicky Angus reported on the various jobs that have been listed, which included:
 - (a) the Bluestone building and shed would be painted
 - (b) A new filter for the tank.
 - (c) Fitting of a path light and external light at the Bluestone building.
 - (d) An upgraded sink was requested by SCIPN and the point made that they had no hot water. Nicky suggested that they apply for a grant.
 - (e) Power to the cricket pavilion.
 - (f) A concrete path along the edge of the hall to the ramp at the rear.
 - (g) (Long term) Repairs to the gate at the oval
 - (h) A report received from the Arborist regarding the trees along the Avenue of Honour requested they be inspected annually and noted for trimming if or when necessary.

- **New Keys** – Nicky advised that it is quite a lot more expensive than thought. Modified buildings and child care centres will be done first, so it will be a slow process.
- **Mt Moriac Upgrade** – A major grant has been approved – matching what was raised by the Football Club. Most of the building will be demolished and the new facility will better accommodate the Club. The courts will be upgraded as will the children's playground. Work is expected to begin after the football season finishes.

There being no further General Business, the meeting closed at 8:05 pm.

PLEASE NOTE

The next meeting is Wednesday 21st August, 2013, which will also be the Annual General Meeting at 7:00 p.m.

APPENDIX: STRIBLING RESERVE S86 COMMITTEE OF MANAGEMENT – MEETING 13 MAY 2013

Stribling Reserve Committee of Management

Minutes of Meeting held Monday 13/05/2013 a 1600

Present P Spring, C. Goldsworthy, J. Ford, W. Jarrett, R. Kehoe, L. Ferguson, K. Heathcote, J. Westwood (M. Balderas)

Apologies G. Bird

BUSINESS ARISING FROM PREVIOUS

Wireless internet installed and working need password to use.

Basketball winches quote received to repair and mechanise

PROJECTS

Gym and Storage grant application was unsuccessful. Discussion as to where we go with this project now.

Netball court runoff and upgrade. Provisioned in the next budget round

Football oval drainage project . Should be in next budget cycle.

Terrace project to be reviewed with football club priorities.

BUSINESS ARISING FROM PREVIOUS

FIRE EXTINGUISHERS have been mounted on wall need to ensure they are serviced by fire safety company, SHIRE RESPONSIBILITY

Mat purchased for front door to keep area clean.

Large vacuum to go , committee to purchase new commercial back pack unit to cleaners needs.

Cleaning products were purchased by the committee.

Tap in kitchen fixed as per council inspection and requirements

Fridge not holding temperature needs to be replaced.

Moved P Spring to replace fridge with commercial unit

Second L Ferguson Vote approved

Discussion from K Heathcote that football club will need same amount of space in new fridge as they currently have available.

FINANCIAL REPORT ATTACHED

Moved KH **Seconded** LF

BOOKING OFFICER REPORT

See Lintons report attached

Wall panels in stadium are loose and will need repair. P Spring to contact builder re repair and removal of protruding nails.

Problem with step in end door near school, was to be levelled off by Shire as we need to get a scissor lift in again to repair lights and climbing rope apparatus.

GENERAL BUSINESS

Training lights are off aim and need to be readjusted. Some concern that towers are leaning more than last year and will need a safety assessment at some stage due to their position over the kindergarten and school. Shire needs to investigate safety of these two towers. L Tank to adjust the lights focus on playing areas.

Football club have had some discussion with shire over lock on scorers box, assessment needs to be made of structural integrity of score box floor.

Michael Balderas attended on behalf of the Football Netball club with a preliminary proposal regarding the change rooms and storage facilities for the Clubs. Current team and umpire change rooms will not meet the needs of both clubs going forward. Club proposes building a new change rooms and club storage area for both the football and netball clubs.

Discussion from committee on needs to upgrade the whole change room umpire room arrangement. Agreement with the sentiment that the area is in need of an upgrade. Discussion revolved around how to proceed.

C.G. Masterplan needs to be reviewed to encompass the future scope of the grounds with user needs to be identified.

P.S. Good input from the FC NC regarding the needs of sporting groups going forward. Stribling Reserve Committee need to present to Shire regarding user groups needs in the future.

Action prepare a document to Shire with reasons to review the previous masterplan as it is ten years old and in need of some further local input.

J Westwood. Grant application to be prepared regarding upgrade of all the sporting lights.

K Heathcote Ash trays for poles ? issue with non smoking areas where do we stand.

Update on roller door over bar being replaced

Tap under new water fountains to be raised and rotated to allow filling of water bottles for footy.

Defib to be wall mounted

Next meeting 17th JUNE 2013 1600 hrs or 4pm

APPENDIX: STRIBLING RESERVE – 17JUNE 2013

Stribling Reserve Committee of Management Minutes of Meetings

Lorne Leisure Centre: 5.00 pm 17 June 2013

Present: Peter Spring, Darren Balderas, Linton Ferguson, John Ford, Jarrod Westwood, Clive Goldsworthy

Apology: Rick Kehoe, Geoff Bird, Wendy Jarratt

1. Minutes

Previous meeting minutes circulated. Minutes accepted

Motion

The minutes be accepted. (Moved John seconded Peter) Carried

2. Business Arising

- Stadium upgrade, installation of basketball winches, floor sanding and resurfacing expected in September school holidays
- Getting Jamie Kerr to repair wall panels
- Fire extinguishers mounted and serviced
- Door mats purchased for front and rear doors.
- Sensor water tap in kitchen fixed
- Custom made lockable fridge to be ordered for the kitchen
- New concrete slab in place at rear door to allow easy access for scissor-lift into stadium
- Unsafe wing-wall at rear door demolished and replaced by a lower wing-wall
- Oval scoreboard landing in need of repair
- Ash trays on poles, LFNC to investigate
- Defibrillator mounted in office
- ADSL internet connection established, LFNC has password

3. Finance

No reports this meeting.

A review of accounts found that Lorne School was a year behind in payments.

Arrangements have been made to make payment in two tranches.

4. General Business

- Turf consultant recommended ripping up the existing surface and resurfacing. Laser level to establish proper surface drainage and sew with couch grass. Oval would be out of action for cricket season. Water retained near light poles causing the problem with the leaning of the light poles.
- Netball extension ready to go to tender.
- Drainage and light towers yet to be finalised, waiting on engineer reports and quotes. If work goes ahead oval will be out of service from September 2013 to April 2014. School would not have access to the oval Term 4 2013 and Term 1 2014. Lorne Cricket Club matches will have to be played on other grounds.
- Oval was mowed with fairway mowers from the Lorne Country Club to improve surface for football.
- Section 86 Instrument of Delegation document is being updated and to be reviewed at the July meeting. It has clarified responsibilities for Committee of Management and sporting clubs.
- The current Committee of Management positions will be spilled in November.
- Cricket club requested labels for storage bins in the Umpires room. Darren to organise labels.

5. Booking Officers Report – Linton Ferguson

- Billy Shearsby, Brazilian Jiu Jitsu, going well, small numbers, Sunday afternoon, Thursday evening Stadium. Have purchased own training mats for the Jiu Jitsu classes. Going to make a box with a lock and put on top of one of the existing cupboards.

- Bec Fairey, Hip Hop classes, continuing 5:00 – 6:00 pm about ten kids, 6:00-7:00 pm ladies
- Kitchen usage:
 - Wednesday – Lisa Bliss, soup/pasta for sale at Lorne Greens
 - Thursday – Ladies with Lunch
 - Friday – Josie Tweed, sushi for community distribution
 - keys cut for fridge padlock, copy given to Lisa Bliss
- Harley Davies hired LLC for birthday party on Saturday 18th May, place left clean and tidy, bond returned.
- Janet Smartt reports a mop handle broken, tray from dishwasher missing.
- Lorne School running Active After School program in MPR/Gym Tuesday's 3:30 pm -4:30 pm with Fiona Skene.
- Working on a web site for Stribling Reserve / Lorne Leisure Centre:
<https://sites.google.com/site/lorneleisurecentre/home>
- Receipts for keys cut at hardware store
- Cash, \$50, from Cheri Osta's Boot Camp

6. Meeting Closed 5:50 pm. Next Meeting - 4:30 pm Tuesday 16th July 2013.

4.2 Advisory Committee Minutes

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Director Corporate Services

Department: N/A

Directorate: Corporate Services

Director: Chris Cowley

File No:

Trim No:

Appendix:

1. Advisory Committee Minutes

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Reason:

(Select relevant sectionS89 (2))

Purpose

The purpose of this report is for Council 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 - 14 May 2013

COUNCIL RESOLUTION

MOVED Cr Nockles, seconded Cr Fisher

That Council receive and note the minutes from the following Advisory Committees:

1. Municipal Emergency Management Planning Committee - 14 May 2013

CARRIED: 9:0

APPENDIX 1: Advisory Committee Minutes

Municipal Emergency Management Planning Committee

MINUTES OF held

Tuesday 14 May 2013, 10.30am – 12.30pm
Surf Coast Shire, Aireys Inlet Meeting Room
1 Merrijig Drive, Torquay

Members:

Chair: Rowan Mackenzie - Surf Coast Shire
Cr Margot Smith – Surf Coast Shire Councillor
Virginia Enticott – MERO, Surf Coast Shire
Kerrie Williams – Surf Coast Shire
Glenn Strickland – Australian Red Cross
Ian Davis – Barwon Water

Dean Mason – Country Fire Authority
Stephen Pefanis – DPI
Andrew Morrow – Dept, Sustainability & Environment
Paul Lunny – Life Saving Victoria
Janet Smartt – Lorne Community Hospital
Frank Gleeson – Parks Victoria
Kevin Warburton – VicPol Anglesea

Janet Gleeson – Police Winchelsea
Rob Leary – Powercor
Andrew Lowe – Salvation Army
Ian Carlton – State Emergency Service
Sgt Brian McKiterick (MERC) - VicPol
Helen Chandler – Surf Coast Shire

Guests:

John Mealia – Fire Services Commission, Helen Wositzky - Yarra Ranges Council

Apologies: Ros Leigh – Australian Red Cross, Matthew Chamberlain – Dep.t Human Services, Brad Mahoney – Dep.t Sustainability & Environment, Robyn Stevens – Surf Coast Shire, Gerry Verdoorn – Country Fire Authority, Bernie Malone – Rural Ambulance Victoria, DEECD, Hesse Rural Health, IFMP, VicRoads, V-Line

	Issue Topic	Points of Discussion	Agreement / Action	R/O
1	Welcome and apologies	The Chair opened the meeting and welcomed members and guests; John Mealia from the Fire Services Commissioner's Office and Helen Wositzky from Yarra Ranges Shire Council.		
2	Confirmation of Minutes			
2.1	Previous minutes	Cr Smith clarified to the MEMPC the letter sent to the Fire Service Commissioner regarding installation and implementation of sirens was, at the request of Council, amended to reflect that having a siren "should not be a community decision". Refer outgoing correspondence 26/03/13. Motion that the minutes of meeting held 5 March 2013 be adopted.	Noted Moved: Rob Leary Seconded: Ian Carlton	

	Issue Topic	Points of Discussion	Agreement / Action	R/O
2.2	Actions outstanding and arising	<p>Virginia Enticott advised the Committee that Council, DHS and other relief and recovery agencies have provided input to the Draft Relief & Recovery Plan.</p> <p>Community Emergency Risk Assessment (CERA) workshop will require a full day. It was confirmed this will occur at the next scheduled MEMPC meeting on 20 August 2013.</p>	<p>Relief & Recovery Plan to be circulated to the MEMPC prior to August 2013 meeting.</p> <p>All MEMPC members to be invited to attend CERA workshop.</p>	<p>SCS</p> <p>SCS & VicSES</p>
3	Correspondence			
3.1	Received	1 May 2013 – Interim Report of the Evaluation of the Community Alert Siren Pilot Program from the Fire Services Commissioners Office D13/31007	Circulated to the MEMPC prior to the 14 May 2013 meeting	
3.2	Outgoing	<p>15 March 2013 – Letter to Fire Services Commissioner from SCS Council noting the status of the pilot program and requesting access to the evaluation report upon completion. D13/18406</p> <p>26 March 2013 – Letter to Fire Services Commissioner – advising of Council recommendations that;</p> <ul style="list-style-type: none"> • <i>That installation and implementation of sirens should not just be a community decision, but should be made by the state government, in consultation with the community and local government, and be based on risk and funded accordingly;</i> • <i>That existing Community Alert Siren guidelines should be amended accordingly. D13/23985</i> 	Noted	
4	Briefing			
4.1	Shelter in Place Community Refuges Community Alert Sirens	Helen Wositzky (Project Officer for Eastern Metro Region on Fire Refuges & Informal Shelter Options) briefed the Committee about the work currently being undertaken by the Office of the Emergency Services Commissioner (OESC) and		

	Issue Topic	Points of Discussion	Agreement / Action	R/O
		<p>the Yarra Ranges Shires around sheltering in place.</p> <p>Points to note from the Eastern Metro Group:</p> <p>Community Alert Sirens</p> <ul style="list-style-type: none"> • Ensure a communications strategy and plan is in place prior to the rollout of community alert sirens in townships, and include town specific flyers and banners. • It is essential to establish contact in person with the community, especially with businesses that directly interact with tourists. Conduct a “blitz” in the townships ie. schools, cafes and community hubs. • Educate people on the sound of the siren. Siren alerts community members to seek further information. 		
4.2	Community Alert Siren Pilot	<p>John Mealia from the Fire Services Commissioners (FSC) office provided a presentation on Shelter in Place issues and opportunities and there was significant discussion on this issue.</p> <p>The Interim report of Evaluation of the Community Alert Sirens Pilot Program was provided to Council on 1 May 2013. The Fire Services Commissioner has advised further advice direction of community alert sirens will be provided.</p>	Noted	All
5	General Business			
5.1	Sub Committee reports	<p>D13/29725 – Minutes Brigade Advisory Group Meeting 22 April 2013</p> <p>D13/32659 – Minutes Municipal Fire Management Planning Committee (MFMP) 30 April 2013</p>	MFMP minutes to be circulated with minutes of this meeting.	SCS
5.2	Municipal Flood Plan	Municipal Flood Plan to be circulated for August MEMPC meeting.	Municipal Flood Plan to be circulated for August MEMPC meeting.	SCS

	Issue Topic	Points of Discussion	Agreement / Action	R/O
5.3	Municipal Relief & Recovery Plan	Municipal Relief and Recovery Plan to be circulated for August MEMPC meeting.	Noted	SCS (Virginia Enticott)
5.4	Great Ocean Road	MFMP and VicPolice Regional Emergency Management Inspector (REMI) have also noted the concerns of the risks of traffic congestion on Great Ocean Road between Dec and April each year. MEMPC would like to see the banking up of traffic at Anglesea roundabout addressed as it is a risk to the public and emergency service during an emergency.	Feedback to be provided at August meeting	VicSES
5.4.1.	Community Alert Siren Lorne Pilot	Evaluation report was circulated to committee prior to meeting and discussed at item 4.2.	Noted	
5.5	Neighbourhood Safer Places	No report		
5.6	Vulnerable Communities	Facilities list has gone to DHS.	Noted	
5.7	Incidents	Incident debrief from Manders Lane Fire (D13/27680) circulated to the MEMPC with the May meeting minutes Debriefing was beneficial. Some concerns were raised about the lack of information being communicated to the Surf Coast Shire/MERO.	Manders Lane Debrief notes to be circulated with the MEMPC meeting minutes.	SCS (Helen Chandler)
6	MEMPlan Update	The Municipal Emergency Management Plan (MEMP) has been updated to reflect the siren pilot has been distributed on CD.	Noted	
6.1	MEMP Plan review <i>for noting</i>			
6.2	Exercises/ Training <i>for noting</i>	Barwon Water Exercise NOVA – 16 May 2013 Communicating in Recovery – 20 June 2013 Emergency Relief Centre Training – July 2013 date tbc Relief & Recovery Exercise – 12 September 2013 tbc Emergency Management Liaison Officer (EMLO) training for this region will be conducted on 19 July 2013.	Noted – invitations to be sent to MEMPC in due course Invitations from DHS to be circulated to the committee with the minutes.	SCS

	Issue Topic	Points of Discussion	Agreement / Action	R/O
7	Agency Reports	The following reports were circulated to the Committee prior to meeting: <ul style="list-style-type: none"> • Victorian Council of Churches • CFA • Powercor • Australian Red Cross • Barwon Water 		
8	Meeting Close	Chair closed meeting at 12.20pm		
8.1	Next meeting	20 August 2013		

Actions register

Action	Status	Responsible officer
<ul style="list-style-type: none"> • Circulate Relief & Recovery Plan to Committee for comment, particularly on agency roles and responsibilities with a view to collating feedback prior to seeking this Committee's endorsement out of session. 	Prior to August meeting	Virginia Enticott
<ul style="list-style-type: none"> • Amend MEMPlan to reflect the siren pilot program in Lorne 	Underway	Kerrie Williams
<ul style="list-style-type: none"> • Establish CERA working group 	Underway	Virginia Enticott Ian Carlton
<ul style="list-style-type: none"> • Establish Surf Safety Working Group 	Underway	Kevin Warburton
<ul style="list-style-type: none"> • Establish Invitees to the one day Community Emergency Risk Assessment (CERA) workshop following 20 August 2013 meeting 	Underway	Virginia Enticott Ian Carlton
<ul style="list-style-type: none"> • Circulate Municipal Flood Plan to MEMPC before August MEMP meeting. 	prior to August meeting	Virginia Enticott
<ul style="list-style-type: none"> • Circulate Municipal Relief and Recovery Plan to MEMPC before August MEMP meeting. 	prior to August meeting	Virginia Enticott

Action	Status	Responsible officer
<ul style="list-style-type: none">Update the MEMP on the concerns with the Great Ocean Road between 24 Dec – 25 April.	Underway	Ian Carlton

5. Assemblies of Council

EMT Report

Council Briefing

Council Report

Meeting Date: Tuesday, 23 July 2013

Authors Title: Chief Executive Officer

Department: N/A

Directorate: N/A

Director: N/A

File No: F12/1931

Trim No: D13/126258

Appendix:

1. Assembly of Councillors Records

Council Meeting Adoption Date:

Tuesday, 23 July 2013

Status:

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

Yes

No

Purpose

For Council to receive and note the Assembly of Councillors records received since the previous Ordinary Council Meeting.

Summary

Section 80A(2) of the Local Government Act 1989 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. Council Briefings - 2 July 2013
2. Council Briefings - 9 July 2013

COUNCIL RESOLUTION

MOVED Cr Nockles, seconded Cr Fisher

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

1. Council Briefings - 2 July 2013
2. Council Briefings - 9 July 2013

CARRIED: 9:0

6. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION

COUNCIL RESOLUTION

MOVED Cr Fisher, seconded Cr Smith

That Council:

1. Agree to consider one urgent business item for consideration at this meeting as part of the In-Camera section of the meeting.
2. Note that the Item will be considered as 7.2 Council Reserve Encroachment – 85 Torquay Boulevard, Jan Juc.

CARRIED: 9:0

7. IN-CAMERA

COUNCIL RESOLUTION

MOVED Cr Fisher, seconded Cr McKiterick

That Council pursuant to section 89(2) (f) of the Act, of the Local Government Act 1989, close the meeting to members of the public at 8.07 pm to resolve on matters pertaining to the following items:

- 7.1 Encroachment at 1 River Reserve Road (Kuarka Dorla Reserve), Anglesea
- 7.2 Council Reserve Encroachment – 85 Torquay Boulevarde, Jan Juc

CARRIED: 9:0

7.1 Encroachment at 1 River Reserve Road (Kuarka Dorla Reserve), Anglesea

COUNCIL RESOLUTION

MOVED Cr Smith, seconded Cr Bell

That Council:

1. Support the sale of the estimated 40 sqm relevant land area necessary to cover the deck encroachment currently within Kuarka Dorla Reserve.
2. Note that at the time of sale of the Council land that the valuation shall be not more than 6 months old and that the land (as cited in recommendation 1) has an agreement by the owner of 3/3 River Reserve Road to purchase the land at this agreed valuation amount.
3. Direct that a public notice of the intention to sell council land is given at least 4 weeks prior to the sale which shall ensure compliance with Section 189(2) of the Local Government Act 1989.
4. Agree to the subdivision of the relevant area of land (as cited in recommendation 1) to cover the deck encroachment via a planning permit application process and the costs of that application will be borne by the owner of 3/3 River Reserve Road.

CARRIED: 9:0

Cr Goldsworthy left the meeting at 8.29pm.

COUNCIL RESOLUTION

MOVED Cr Fisher, seconded Cr McKiterick

That the resolutions pertaining to In-Camera items 7.1 and 7.2 be made public and that the reports for items 7.1 and 7.2 remain In-camera and that Council open the meeting to the public at 8.33pm.

CARRIED: 8:0

7.2 Council Reserve Encroachment – 85 Torquay Boulevarde, Jan Juc

COUNCIL RESOLUTION

MOVED Cr Fisher, seconded Cr Nockles

That Council:

1. 1.1 Reaffirm Council resolution dated 25 November, 2008.

“COUNCIL RESOLUTION:

MOVED Cr Humphrey, seconded Cr Grossman

That Council:

1. Issue a Notice of Decision to Grant a Permit for the subdivision of Reserve No. 1 on LP 55354 and removal of the reserve status from the lot created with the following conditions:
 - a. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 then form part of the permit. The plans must be drawn to scale with dimensions the three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 1. A reduced area to be subdivided from the reserve being 175sqm in a wedge shape with the narrow point at the western end and the broad end to the west with a length of 8.7m;

- b. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
 - c. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
 - d. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*
 - e. *The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.*
2. *Support that in the event the lot created by permit 05/0430 is sold it must be consolidated with adjacent private land and such sale will involve the creation of a covenant on the land to encumber the 175sqm area preventing any further building development on this area.*

CARRIED 7:2

Cr. Schroeter called for a Division of Council:

Councillors voting for the motion: Crs Davidson, Hodge, Tutt, Grossman, Livingstone, Humphrey & Webster.

Councillors voting against the motion: Crs Mears & Schroeter"

- 1.2 Support the sale of 175 square metres, being the relevant land area to cover the encroachments within Jan Juc reserve.
- 1.3 Obtain a valuation for the land and note that the owner has agreed to purchase the relevant land, being 175 square metres at market value.
2. Seek a binding commitment from the owner that she will proceed with purchase at market value plus reasonable costs in the event that Council completes the Section 223 process and resolves to sell the property.
3. If an appropriate commitment is obtained:
 - 3.1 Direct that a public notice of the intention to sell Council land is given at least four weeks prior to the sale which shall ensure compliance with section 189(2) of the Local Government Act, 1989.
 - 3.2 Send a copy of the public notice of intention to sell to all objectors to Planning Permit 05/0430.
4. Not support the leasing of an additional 170 square metres as requested.
5. Confirm that in the event that the proposed sale of 175 square metres of the relevant land does not proceed, institute County Court action to remove the encroachments.

CARRIED: 8:0

Close: There being no further items of business the meeting closed at: 8.33pm