

# Minutes

Ordinary Meeting of Council  
Tuesday, 24 July 2018

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

**Council:**

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

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MINUTES FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL  
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY 24 JULY 2018 COMMENCING AT 6.00PM

**PRESENT:**

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

**In Attendance:**

Chief Executive Officer – Keith Baillie  
General Manager Governance & Infrastructure – Anne Howard  
General Manager Culture & Community – Chris Pike  
General Manager Environment & Development – Ransce Salan  
Team Leader Governance – Candice Holloway (minutes)

11 members of staff  
44 members of the public  
2 members of the press

**OPENING:**

**Cr David Bell, Mayor opened the meeting.**

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

**PLEDGE:**

**Cr Martin Duke recited the pledge on behalf of all Councillors.**

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

**APOLOGIES:**

Nil.

**CONFIRMATION OF MINUTES:**

**Council Resolution**

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

That Council notes the minutes of the Ordinary meeting of Council held on 26 June 2018 as a correct record of the meeting.

CARRIED 8:0

**LEAVE OF ABSENCE REQUESTS:**

Cr Heather Wellington sought a leave of absence from Council for the period of 28 July 2018 to 31 August 2018 inclusive.

**Council Resolution**

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

That a leave of absence be granted to Cr Heather Wellington from 28 July 2018 to 31 August 2018 inclusive.

CARRIED 8:0

### **CONFLICTS OF INTEREST:**

Cr Martin Duke declared an indirect conflict of interest in confidential Item 10.9 Extension of Contract 14/564 - Cleaning of Council Buildings under Section 78 of the Local Government Act 1989 - close association. The nature of the interest being a member of Cr Martin Duke's family is a subcontractor for a commercial cleaning business in the municipality. Cr Martin Duke left the meeting at 8:40pm and returned at 8:41pm. Cr Martin Duke was absent whilst this matter was being discussed and considered.

Cr Rose Hodge declared an indirect conflict of interest in confidential Item 10.10 All Abilities Advisory Committee Appointments under Section 78 of the Local Government Act 1989 - close association. The nature of the interest being Cr Rose Hodge's in-law has applied for a position on a Surf Coast Council advisory committee. Cr Rose Hodge left the meeting at 8:41pm and returned at 8:44pm. Cr Rose Hodge was absent whilst this matter was being discussed and considered.

Cr Libby Coker declared a direct conflict of interest in Items 6.5 Quarterly Advocacy Priorities Update - July 2018 and 6.9 Torquay Town Centre Project under Section 77A of the Local Government Act 1989. The nature of the interest being Cr Libby Coker is the Labour Candidate for Corangamite in the upcoming State Government election. Cr Libby Coker declared an indirect conflict of interest in Item 6.10 Painkalac Valley Land Matters under Section 78 of the Local Government Act 1989 - close association. The nature of the interest being Cr Libby Coker has a close friendship with a party that could benefit from the matter. Cr Libby Coker left the meeting at 7:38pm while item 6.5 was discussed and returned at 7:40pm. Cr Libby Coker left the meeting again at 7:49pm while items 6.9 and 6.10 were discussed and returned at 7:55pm. Cr Libby Coker was absent whilst these matters were being discussed and considered.

Cr David Bell declared a direct conflict of interest in confidential Item 10.12 Councillor Governance Matters under Section 77A of the Local Government Act 1989, due to his direct involvement in the matter. Cr David Bell left the meeting at 8:45pm and returned at 8:57pm. Cr David Bell was absent whilst this matter was being discussed and considered.

Chief Executive Officer – Keith Baillie declared a direct conflict of interest in confidential Item 10.1 CEO Employment Contract under Section 77A of the Local Government Act 1989. The nature of the interest being the matter relates to Mr Baillie's employment contract.

### **PRESENTATIONS:**

Nil.

### **PUBLIC QUESTION TIME:**

#### **Questions With Notice:**

Question 1 and 2 received from Norman Adams of Freshwater Creek

#### **Question 1 - Planning Permit Application 17/0376 – Helicopter Landing Site, 420 Coombes Road, Freshwater Creek**

Can anyone anywhere in the rural areas of the shire build a farm shed and concrete apron that looks like and operates like a helicopter hanger and helicopter landing pad, and not be subject to the planning schemes requirements for a development permit for helicopter landing site?

General Manager Environment & Development – Ransce Salan responded:

All other things being equal, anyone can develop a farm shed and concrete apron on their farm. If at the time of construction it was identified that this development was undertaken for the purpose of accommodating helicopters then it would require a permit for development to be submitted.

#### **Question 2 - Planning Permit Application 17/0376 – Helicopter Landing Site, 420 Coombes Road, Freshwater Creek**

If so, does the Council think that this is good planning outcome, and is Council planning to approach the Minister for Planning to express its concern?

General Manager Environment & Development – Ransce Salan responded:

This question is premised on the scenario where it was not originally identified that the development was for the purpose of accommodating helicopters, but subsequently this has been identified. This is the scenario being considered by Council this evening and Council is being asked to determine a position on this matter. The Officer recommendation does not include approaching the Minister for Planning.

Question 3 and 4 received from Helen Adams of Freshwater Creek

**Question 3 – Planning Permit Application 17/0376 – Helicopter Landing Site, 420 Coombes Road, Freshwater Creek**

Do Councillors recognise that the reason helicopters are subject to specific permit requirements for both development and use in the planning scheme is because they are widely acknowledged as causing negative amenity impact, and the planning scheme is seeking to protect the community from that impact by ensuring the location and use of helicopters are properly regulated?

General Manager Environment & Development – Ransce Salan responded:

The Surf Coast Planning Scheme does include specific provisions that that need to be considered when assessing proposed helicopter landing sites. This officer report highlights and considers those specific provisions and the practice notes provided by the State Government to assist Council's decision making. A number of conditions have been included to help address the possible negative impacts associated with the application.

**Question 4 – Planning Permit Application 17/0376 – Helicopter Landing Site, 420 Coombes Road, Freshwater Creek**

Does Council understand that:

The Freshwater Creek site on which the helicopter business is proposed to be developed is only approximately 1km from the future boundary of Torquay and its boundaries are approximately 150 metres from the closest neighbours home.

Under the officers interpretation of the Planning Scheme, that site can host a helicopter contracting business that can operate agricultural and emergency flights 24 hours a day, 7 days a week, with no limitation on numbers of flights?

General Manager Environment & Development – Ransce Salan responded:

Yes, Council is aware of the location of the proposed helicopter landing site and its proximity to townships and sensitive uses. Agriculture and emergency services are exempt uses for a helicopter landing site and can operate without limitation – these provisions are not unique to Surf Coast Shire and apply state-wide.

**Questions Without Notice:**

Question 1 and 2 received from Leanne Prestipino

**Question 1 – CORA Proposal**

Are Councillors aware of these issues and their implications?

General Manager Environment & Development – Ransce Salan responded:

The Planning Scheme Amendment for the CORA development is currently with the Minister for Planning for a decision on whether the Minister should be the Planning Authority for the amendment. The Department of Environment Land Water and Planning and the Minister are currently evaluating the request. Should the amendment proceed to exhibition, Council will be briefed on the environmental issues relating to the proposal and have access to all the technical reports.

**Question 2 – CORA Proposal**

Given the degree of Community concern about the CORA proposal, will Council consider convening an opportunity for community feedback, before taking a position or making a submission to the Planning Minister?

General Manager Environment & Development – Ransce Salan responded:

Further to the answer for question one, at the moment the process for the Planning Scheme Amendment is not yet determined. If the Minister for Planning decides to be Planning Authority for the Planning Scheme Amendment, Council will then consider the content and preparation of a submission to the amendment, and appropriate community input, depending on the process decided and the applicable timeframes. Such a submission would be reported to a formal Council meeting for consideration.

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**1. PETITIONS & JOINT LETTERS**

Nil

## 2. RESPONSIBLE & PLANNING AUTHORITIES

Cr Heather Wellington advised of her intention not to participate in the debate and voting on item 2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek. Cr Heather Wellington explained that she had been actively questioning the interpretation of the planning scheme in relation to this matter and had as a result made an application to Council for a ruling on a similar scenario on her own property. Because she had become a player in the proceedings Cr Wellington had decided to take herself out of the decision-making process.

Cr Heather Wellington left the meeting at 6:19pm.

### 2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek

**Author's Title:** Senior Statutory/Strategic Planner

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** 17/0376

**Division:** Environment & Development

**Trim No:** IC18/723

**Appendix:**

1. Officer Report - Planning Application No: 17/0376 - Redacted (D18/90346)
2. Addendum to Item 2.1 (Tabled At The Meeting)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

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### Purpose

The purpose of this report is to determine a position on Planning Permit Application 17/0376 for 420 Coombes Road, Freshwater Creek.

### Summary

An application has been received to allow the use of the land as a helicopter landing and departure site to accommodate three helicopters. There are no buildings and works proposed as the helicopters are able to depart and land from the existing concrete apron adjacent to the existing building.

Public notification of the application was undertaken and 48 objections and one submission in support was received. The key issues raised include:

- Helicopters used for commercial use
- Number and frequency of movements
- Noise – disturbance to residents
- Breach of privacy
- Safety issues
- Disturbance to the environment (animals/farming production/water quality)
- Urbanisation of the rural area
- Use of Torquay Airport as an alternative
- The use of the site for emergency and agricultural purposes
- Hours of operation.

The application was considered at the meeting of 24 April 2018, when Council resolved to defer its decision to enable further information to be provided.

On 2 May 2018 the permit applicant made application to the Victorian Civil and Administrative Tribunal (VCAT) for a review of Council's failure to determine the application within statutory time frames. Whilst a review application has been made it is appropriate that Council determine the application to enable a council



## 2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek

position on the application to be known and presented at the review hearing. The hearing is scheduled for three days from 24 September 2018.

Since the Council meeting on 24 April 2018, aspects relating to how the application should be considered have been clarified and have been included below:

- There is public discussion as to whether it was always the intention of the land owner to operate a helicopter business and infrastructure was therefore constructed with this capacity. Council as the Responsible Authority is required to assess the application against the planning scheme. The Responsible Authority assessment is not based on information that might be known, rather the assessment is based on what is included in the application. The Permit Applicant TGM Group has confirmed to Council in writing that the existing development which has been undertaken on the site was not specifically related to the helicopter landing site.
- The proposed use of the land is appropriately classified as a Helicopter Landing Site rather than a Heliport.
- No application has been made to store fuel on the site. A Planning Permit would be required if it is intended to store fuel for the helicopters on the site.
- The storage of agricultural related products can be undertaken without the need for planning approval.
- A Planning Permit is not required to use a helicopter for emergency work or helicopter based agricultural work, regardless of how many helicopters are operating or the scale of operations proposed. Where a Helicopter Landing Site is used by a helicopter engaged in the provision of emergency service operations, it is also exempt from requiring a Planning Permit.
- Compliance checks of the land have determined there have not been any planning scheme breaches. Helicopter movements have been within the allowable eight movements per month.

Council can make a decision on the application. Council's decision will inform the position taken at the VCAT hearing in September.

It has been assessed that the proposed use achieves an acceptable planning outcome, subject to a reduction in the movements proposed and the hours of operation. For this reason it is recommended that the application be approved subject to conditions.

Date application lodged: 10/10/2017 Date of Council meeting: 24/07/2018 No. of statutory days at Council meeting date: 287
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### Recommendation

That Council:

Having caused notice of planning application No. 17/0376 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 approve the application in respect of the land known and described as PC 377310T commonly known as 420 Coombes Road, Freshwater Creek for the use of the land as a helicopter landing site in accordance with the plans received by the Responsible Authority on 10 October 2017, subject to the following conditions:

#### Amended Plans

1. Before the use commences amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. A helicopter landing pad with dimensioned setbacks from the boundaries of the land and the existing dwelling on the land.

#### Endorsed Plans

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

#### Designated Flight Paths

## **2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek**

3. Take offs and landings from the permitted helicopter landing site must follow the designated flight paths on the endorsed plans when the helicopter is travelling below 1,000 feet.
4. Helicopter landings and take offs authorised by this permit must occur on the helicopter landing pad shown on the endorsed plans to the satisfaction of the responsible authority.

### **No Fly Zone**

5. Flight movements over the No Fly Zone designated on the endorsed plans are prohibited when the helicopter is travelling below 1,000 feet.

### **Number of flight movements**

6. The helicopter landing site must not be used more than three days per week and no more than once a day, being comprised of a maximum of one flight to the land and one flight from the land per day. This does not include the use of the helicopter landing site for the purposes listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme.

### **Use**

7. The helicopter landing site must be only used for activities which are associated with the dwelling located on the land or activities listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme.

### **Logbook Requirements**

8. The permit holder must keep a logbook of all use of the land as a helicopter landing site to the satisfaction of the Responsible Authority and the logbook must be made available upon request for inspection by the Responsible Authority. The logbook must record the helicopter used, the date and time of use, the pilot, the purpose of the flight, and the destination.

### **Hours of operation**

9. The take-off or landing of helicopters must only occur between the following hours:
  - a. Weekdays 7am – prior to sunset or 8pm whichever is earlier.
  - b. Weekends and public holidays 8am – prior to sunset or 8pm whichever is earlier.

### **No commercial use**

10. The helicopter landing site must not be used for commercial charter including scenic joy flights.

### **No refuelling**

11. No refuelling of helicopters or storage of helicopter fuel is permitted on the land.

### **Helicopter permitted**

12. The helicopter landing site, other than for activities listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme, must only be used by the following helicopter types:
  - a. Bell206B-3 Jet Ranger Helicopter
  - b. Eurocopter AS350.

### **Environment Protection Authority Guidelines**

13. The use must at all times comply with Noise Control Guidelines (Environment Protection Authority, 2008).
14. A secondary containment system must be provided for liquids which if split are likely to cause pollution or pose an environmental hazard, in accordance with EPA Publication 347 Bunding Guidelines 1992 or as amended.

### **Dust Suppressant**

15. The surface of the helicopter landing site must be treated to the satisfaction of the Responsible Authority so as to prevent any loss of amenity to the neighbourhood by the emission of dust

### **Expiry**

16. This permit will expire if one of the following circumstances applies:
  - a. The use is not started within two years of the date of this permit
  - b. The use is discontinued for a period of two years or more.

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

## **2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek**

### **Amended Recommendation**

That Council:

Having caused notice of planning application No. 17/0376 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 approve the application in respect of the land known and described as PC 377310T commonly known as 420 Coombes Road, Freshwater Creek for the use of the land as a helicopter landing site in accordance with the plans received by the Responsible Authority on 10 October 2017, subject to the following conditions:

#### **Amended Plans**

1. Before the use commences amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. A helicopter landing pad with dimensioned setbacks from the boundaries of the land and the existing dwelling on the land.

#### **Endorsed Plans**

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

#### **Designated Flight Paths**

3. Take offs and landings from the permitted helicopter landing site must follow the designated flight paths on the endorsed plans when the helicopter is travelling below 1,000 feet.
4. Helicopter landings and take offs authorised by this permit must occur on the helicopter landing pad shown on the endorsed plans to the satisfaction of the responsible authority.

#### **No Fly Zone**

5. Flight movements over the No Fly Zone designated on the endorsed plans are prohibited when the helicopter is travelling below 1,000 feet.

#### **Number of flight movements**

6. The helicopter landing site must not be used more than three days per week and no more than once a day, being comprised of a maximum of one flight to the land and one flight from the land per day. This does not include the use of the helicopter landing site for the purposes listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme.

#### **Use**

7. The helicopter landing site must be only used for activities which are associated with the dwelling located on the land or activities listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme.

#### **Logbook Requirements**

8. The permit holder must keep a logbook of all use of the land as a helicopter landing site to the satisfaction of the Responsible Authority and the logbook must be made available upon request for inspection by the Responsible Authority. The logbook must record the helicopter used, the date and time of use, the pilot, the purpose of the flight, and the destination.

#### **Hours of operation**

9. The take-off or landing of helicopters must only occur between the following hours:
  - a. Weekdays 7am – prior to sunset or 8pm whichever is earlier.
  - b. Weekends and public holidays 8am – prior to sunset or 8pm whichever is earlier.

#### **No commercial use**

10. The helicopter landing site must not be used for commercial charter including scenic joy flights.

#### **Refuelling and Fuel Storage**

11. No refuelling of helicopters or storage of helicopter fuel is permitted on the land without first obtaining the necessary approvals to the satisfaction of the responsible authority

## 2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek

### Helicopter permitted

12. The helicopter landing site, other than for activities listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme, must only be used by the following helicopter types:
  - a. Bell206B-3 Jet Ranger Helicopter
  - b. Eurocopter AS350.

### Environment Protection Authority Guidelines

13. The use must at all times comply with Noise Control Guidelines (Environment Protection Authority, 2008).
14. A secondary containment system must be provided for liquids which if split are likely to cause pollution or pose an environmental hazard, in accordance with EPA Publication 347 Bunding Guidelines 1992 or as amended.

### Dust Suppressant

15. The surface of the helicopter landing site must be treated to the satisfaction of the Responsible Authority so as to prevent any loss of amenity to the neighbourhood by the emission of dust

### Helicopter storage

16. Use of the garage for the storing of helicopters must not occur until such time as a permit, or amendment to this permit for use as a store, is approved to the satisfaction of the responsible authority.

### Expiry

17. This permit will expire if one of the following circumstances applies:
  - a. The use is not started within two years of the date of this permit
  - b. The use is discontinued for a period of two years or more.

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

### Council Resolution

#### MOVED Cr Martin Duke, Seconded Cr Clive Goldsworthy

That Council:

1. Having caused notice of planning application No. 17/0376 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 approve the application in respect of the land known and described as PC 377310T commonly known as 420 Coombes Road, Freshwater Creek for the use of the land as a helicopter landing site in accordance with the plans received by the Responsible Authority on 10 October 2017, subject to the following conditions:

#### Amended Plans

1. Before the use commences amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. A helicopter landing pad with dimensioned setbacks from the boundaries of the land and the existing dwelling on the land.

#### Endorsed Plans

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

#### Designated Flight Paths

3. Take offs and landings from the permitted helicopter landing site must follow the designated flight paths on the endorsed plans when the helicopter is travelling below 1, 000 feet.
4. Helicopter landings and take offs authorised by this permit must occur on the helicopter landing pad shown on the endorsed plans to the satisfaction of the responsible authority.

## 2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek

### No Fly Zone

5. Flight movements over the No Fly Zone designated on the endorsed plans are prohibited when the helicopter is travelling below 1,000 feet.

### Number of flight movements

6. The helicopter landing site must not be used more than three days per week and no more than once a day, being comprised of a maximum of one flight to the land and one flight from the land per day. This does not include the use of the helicopter landing site for the purposes listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme.

### Use

7. The helicopter landing site must be only used for activities which are associated with the dwelling located on the land or activities listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme.

### Logbook Requirements

8. The permit holder must keep a logbook of all use of the land as a helicopter landing site to the satisfaction of the Responsible Authority and the logbook must be made available upon request for inspection by the Responsible Authority. The logbook must record the helicopter used, the date and time of use, the pilot, the purpose of the flight, and the destination.

### Hours of operation

9. The take-off or landing of helicopters must only occur between the following hours:
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  - b. Weekends and public holidays 8am – prior to sunset or 8pm whichever is earlier.

### No commercial use

10. The helicopter landing site must not be used for commercial charter including scenic joy flights.

### Refuelling and Fuel Storage

11. No refuelling of helicopters or storage of helicopter fuel is permitted on the land without first obtaining the necessary approvals to the satisfaction of the responsible authority

### Helicopter permitted

12. The helicopter landing site, other than for activities listed within the Table of exemptions for use of Clause 52.15 of the Surf Coast Planning Scheme, must only be used by the following helicopter types:
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14. A secondary containment system must be provided for liquids which if split are likely to cause pollution or pose an environmental hazard, in accordance with EPA Publication 347 Bunding Guidelines 1992 or as amended.

### Dust Suppressant

15. The surface of the helicopter landing site must be treated to the satisfaction of the Responsible Authority so as to prevent any loss of amenity to the neighbourhood by the emission of dust

### Helicopter storage

16. Use of the garage for the storing of helicopters must not occur until such time as a permit, or amendment to this permit for use as a store, is approved to the satisfaction of the responsible authority.

### Expiry

17. This permit will expire if one of the following circumstances applies:
  - a. The use is not started within two years of the date of this permit
  - b. The use is discontinued for a period of two years or more.

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

2. Council make application under section 149A of the *Planning and Environment Act 1987* to the

**2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek**

Victorian Civil and Administrative Tribunal (VCAT) to determine:

- a. What is the intended scope of the exemptions contained in clause 52.15 of the Surf Coast Planning Scheme for use of land for a helicopter landing site by a helicopter engaged in the provision of emergency service operations; and / or agricultural activity?
  - b. Whether a permit is required for the use of land for a contractor's depot (helicopters) in order to operate a contracting business offering helicopter-based agricultural services and emergency service operations of the type described within the application and by the landowner?
3. Seek to have the application for a declaration considered by VCAT concurrent with the appeal hearing for the planning application 17/0376 for the benefit of all parties.

CARRIED 7:0

Cr Heather Wellington returned to the meeting at 6:32pm.

## 2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek

### Report

#### **Background**

The application seeks approval to use the land as a helicopter landing site associated with the existing dwelling use. It proposes a total of four helicopter movements per day (one movement being an arrival or departure) between the hours of 7am and 8pm daily. The helicopters will follow a designated flight path which forms part of the application.

The subject site is located on the north-east corner of Coombes Road and Anglesea Road and is located within the Farming Zone.

The purpose of the Farming Zone is to provide for the use and retention of land for agriculture, and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. There are no overlays associated with this site.

#### **Discussion**

A detailed assessment of the application has been undertaken in the attached officer's report. The following discussion deals with matters which have arisen since the preparation of that report and Council's consideration of the matter on 24 April 2018.

#### Application for review

On 2 May 2018 the permit applicant made application to the Victorian Civil and Administrative Tribunal (VCAT) for a review of Council's failure to determine the application within statutory time frames. The application has been made to the Major Cases List which provides an expedited process.

A Practice Day Hearing has been held for the application and at this hearing it was determined that the Compulsory Conference Hearing would be vacated. VCAT have allocated three days to hear the application, with the hearing commencing on 24 September 2018.

Once a failure application has been made Council is not obliged to determine the application; VCAT considers the failure to decide as a refusal of the application. However Section 84 of the *Planning and Environment Act 1987* provides that:

- 1) *A responsible authority may decide on an application for a permit at any time after an application is made for review of the failure of the responsible authority to grant the permit.*
- 2) *Except in accordance with the advice of the principal registrar under subsection (4), the responsible authority must not issue or give a permit, notice of decision or notice of refusal to the applicant, a referral authority or any objector after an application is made to the Tribunal for review of a failure to grant a permit.*
- 3) *The responsible authority must inform the principal registrar if the responsible authority decides to grant a permit with or without conditions after an application is made for the review of its failure to grant the permit.*
- 4) *The principal registrar must refer the decision of the responsible authority to a presidential member of the Tribunal for consideration.*
- 5) *If the presidential member of the Tribunal so directs, the principal registrar must advise the responsible authority that a permit in accordance with the responsible authority's decision may be issued.*
- 6) *The responsible authority must issue the permit within 3 business days after receiving that advice.*

It is considered appropriate that Council decides this application so as to have a clear position to present to VCAT.

#### Development

The application has been made only to **use** the land for a helicopter landing site.

There is public discussion as to whether it was always the intention of the land owner to operate a helicopter business and infrastructure was therefore constructed with this capacity. Council as the Responsible Authority is required to assess the application against the planning scheme. The Responsible Authority assessment is not based on information that might be known, rather the assessment is based on what is included in the application. The Permit Applicant TGM Group has confirmed to Council in writing that the existing development which has been undertaken on the site was not specifically related to the helicopter landing site.

## 2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek

The applicant's appeal to VCAT provides an opportunity to have the application amended, should the applicant wish to as a preliminary matter. Relevant matters for VCAT to be considering beyond the application currently lodged a VCAT would be:

- the use and development of the land for a store (i.e. the storing of helicopters in the large garage to the dwelling)
- whether a retrospective Planning Permit would be required for any development works already undertaken on the land which are ancillary to the Helicopter Landing Site.

It is open to the Permit Applicant to amend the application through VCAT or to make a separate application to council for the use and development works without which no helicopters should be stored in the building.

### Characterisation of use

Helicopter landing site and Heliport are listed in Clause 74 of the scheme but only Helicopter landing site is defined:

*Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for the assembly and distribution of goods or passengers.*

Heliport is included within the term Transport terminal which is defined:

*Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway.*

A Heliport is therefore a type of transport terminal involving the distribution of goods or passengers by helicopter. Practice Note 75: Planning requirements for heliports and helicopter landing sites (PN75), comments that "A heliport would normally have one or more helipads, with facilities for passenger handling such as a terminal building. It may also include facilities such as a hangar, refuelling and lighting."

The application has not been made for the purpose of the assembly or distribution of goods or passengers. The application is for a helicopter landing site associated with the dwelling on the land for the residents' private transport. It is considered that the use of land has been correctly described.

The most appropriate classification of the use is as Helicopter Landing Site, rather than Heliport.

Beyond the approval sought by the application, the applicant and the land owner have submitted that the land will be used as a Helicopter Landing Site associated with emergency services and agriculture. The table to Clause 52.15 specifies that a permit is not required to use land for:

**Emergency services:** *The helicopter landing site is used by a helicopter engaged in the provision of emergency service operations.*

**Agriculture:** *The helicopter landing site is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.*

**Public land management:** *The helicopter landing site is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of any of the following:*

- *The Department of Environment, Land, Water and Planning*
- *The Department of Economic Development, Jobs, Transport and Resources*
- *Parks Victoria*

*whether on private land or not.*

Planning Practice Note 75 provides the following additional explanations of these exemptions:

**Emergency services...***This can include hospitals, police, search and rescue and fire service helicopter landing sites, including training and the emergency landing of a helicopter due to a weather event or technical problem.*

**Agriculture...***This can include flights for purposes such as spraying, dusting and fertilising operations and herding cattle. The purpose of the flight must have a direct link to the carrying out of agricultural activity on the land. It does not include private transport to and from other parts of the property or scenic tourist flights.*



## 2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek

**Public land management...***Examples of the type of activity undertaken by helicopters owned or contracted by DSE and Parks Victoria may include bushfire fuel reduction burning operations, sling loading materials, general compliance operations, fire training, crop spraying and locust control.*

The land owner has stated that they will be seeking to gain a contract for emergency work for four months of the year. This is a matter outside of this application. Planning control does not extend to these activities as they are exempt.

Additionally it has been submitted that the helicopter landing site will be used in association with providing agricultural services such as aerial spraying, fertiliser spreading and seeding. In accordance with the exemption, the agriculture use may be on any land, not necessarily the same land as the helicopter landing site. As exempt activities they are not included in the permit application. The planning scheme does not specify any control over the intensity of these uses. No planning permission is required for the use, regardless of how many helicopters or the scale of operations proposed. There is no limit on the number of landing sites that could be established or the number of helicopters involved. In addition, the exemption is not confined to the *Land*, rather it may apply to any land being used for agriculture.

Where a helicopter landing site is used by a helicopter engaged in the provision of emergency service operations, it is also exempt from requiring a permit.

If the use of the land for a helicopter landing site includes lifting or sling work that is not for agricultural or emergency services, then a permit is required.

As the application has not been made for a store, this use has not been considered in the assessment of the application. However, this is a matter that should be determined by VCAT as part of the merits hearing.

Additionally it is considered that the storage of goods or materials used in the delivery of emergency services (for example firefighting chemicals) or agricultural activities (fertiliser, seed) would also be use of the land for Store requiring a permit. The exception would be storage meeting the definition of Rural store (*Land used to store unprocessed agricultural produce, or products used in agriculture*) and the conditions for a section 1 use in the Farming Zone.

If the helicopters using the landing site are engaged in activities beyond those exempt by Clause 52.15, a planning permit (or amendment to a permit) will be required for expansion of the helicopter landing site use. The land owner has referred to the helicopters being used for lifting or "sling work". Unless directly associated with emergency service operations, agriculture or public land management, it is considered that this type of use wouldn't benefit from an exemption and wouldn't be covered by the approval of this permit, if granted. A separate Planning Permit, or amendment, would be required. However this is not part of the current application.

In a similar vein to the development component detailed above, it is open to the appeal Applicant (now the owner) to amend the application through VCAT or to make a separate application to council for the store.

### Enforcement

If Council is advised that it is suspected that the land is being used by helicopters in a manner which is outside of the approval of the a permit or the exemptions of Clause 52.15, Council will investigate a potential breach of the permit or scheme in the same manner as it would for any other potential breach.

It is acknowledged that there is a challenge in ascertaining the use of a helicopter once it has left the land but this is not a legitimate reason for refusing to grant a permit. The log book requirement recommended by proposed Condition 6 will assist Council in monitoring use of the land.

The current use and development of the land has been checked for compliance with the planning scheme. The large dwelling and garage building and hard stand areas on the site has been lawfully constructed and the current frequency of helicopter landings on the land accords with the limitations within the planning scheme (no more than 8 per month).

## **2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek**

### Timing of approvals

It is understood that a range of other approvals are required for the helicopter flights outside of the Planning Permit process. Questions have been raised about the timing of this application and the requirement for other approvals, such as pilot licences, CASA registrations, etc. Unless there is a legislative barrier to the granting of a permit, such as where Coastal Management Act consent is required, it is legitimate for the applicant to obtain required approvals in any order.

It is understandable that a person may not pursue a lengthy and expensive approval like pilot training without knowing that they could land a helicopter on their land. Additionally a planning permit runs with the land rather than an individual or body corporate; whereas other approvals will be issued to the individual or an aircraft.

### **Financial Implications**

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

### **Council Plan**

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

### **Policy/Legal Implications**

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

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

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

### **Risk Assessment**

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

### **Social Considerations**

There could be perceived impacts on the individuals and or the community. This has been assessed within the attached Officer's Report.

### **Community Engagement**

Public notice of the application has been undertaken in accordance with the requirements of the Act, with 48 objections and one submission in support being received before Council's consideration of this matter on 24 April 2018.

Since Council last considered the application three additional objections have been received. These objections did not raise any new grounds.

### **Environmental Implications**

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

### **Communication**

In accordance with Section 84(2) of the Act Council must not issue or give a permit or notice of decision or notice of refusal to the applicant, a referral authority or any objector.

It is appropriate, however, that Council write to the applicant and objectors to inform them of the position that Council will take in future VCAT proceedings relating to this application.

Council must also advise VCAT in writing of the decision made.

## **2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek**

### ***Options***

#### Option 1 – Decide to Pursue Approval of the Application at the Upcoming VCAT Hearing

Council may resolve to decide to pursue approval of the application at the upcoming VCAT hearing in line with the recommendation, or with revisions to conditions.

Objectors have had the opportunity to become parties to the appeal through VCAT.

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

This option is recommended.

#### Option 2 – Decide to Pursue Refusal of the Application at the Upcoming VCAT Hearing

Council may resolve to decide to pursue refusal of the application at the upcoming VCAT hearing, contrary to the officer recommendation.

If this option is adopted, it is recommended that the refusal is based on loss of amenity in this location particularly in relation to noise and frequency of helicopter movements.

While the application has not been made for all of the planning permissions required, this does not preclude Council from making a decision on the application.

This option is not recommended.

#### Option 3 – Make no decision

Council may resolve not to decide the application. Council's failure to decide the application will be taken as refusal for the purposes of the application for review.

By failing to have a position to support or not support the grant of a permit the representative for Council will not have a basis on which to put submissions to the Tribunal. It is considered that this would be a reputational risk for Council.

This option is not recommended.

### ***Conclusion***

The application seeks approval for the use of the land for a helicopter landing site.

Important issues for consideration include the number of movements permitted per day, the hours of operation, the noise generated from the activity and consistency with Clause 52.15 – Heliport and Helicopter Landing Site. This application has been subject to considerable analysis contained within the officer's report including the review of acoustic report the determination of VCAT on similar matters and in the specific context of this site and the surrounding sensitive land use. It has been assessed that the application can be brought into compliance with Clause 52.15 in relation to the hours of operation, and a reduced number of flight movements through the application of the detailed planning permit conditions.

It is also considered that the application is consistent with the Environment Protection Authority's Noise Guidelines (October 2008), and will have minimal impact on the rural character and amenity of the area. There will be some impact on amenity, but it has been assessed that the use will achieve an acceptable outcome.

It is recommended that Council decides to pursue support of the application at the upcoming VCAT hearing subject to the conditions contained within the recommendation.

**2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek**

**APPENDIX 1 OFFICER REPORT - PLANNING APPLICATION NO: 17/0376 - REDACTED**



**OFFICER REPORT**  
**Planning Application No: 17/0376**

<b>ALLOCATED OFFICER</b>	Bianca Wilkin
<b>DATE RECEIVED</b>	10 October 2017
<b>PROPERTY NUMBER</b>	11530
<b>PROPERTY ADDRESS</b>	420 Coombes Road, Freshwater Creek
<b>LOT SIZE</b>	65.057ha
<b>APPLICANT</b>	TGM Group Pty Ltd
<b>OWNER</b>	T L & K L Metcalf
<b>PROPOSAL</b>	Use of Land for a Helicopter Landing Site
<b>ZONE</b>	Farming
<b>OVERLAY/S</b>	Nil

**PROPOSAL**

The application seeks approval for use of land for a Helicopter Landing Site.

The plans considered as part of the application were submitted on 10 October 2017.

The proposal is to use the existing site as a helicopter landing and departure site for up to two or three helicopters. The types of helicopters to be used are:

- Bell 206 JetRanger;
- Eurocopter AS350.
- Details of a third helicopter have not been provided.

A maximum of four movements are proposed per day, between the hours of 7am and 8pm. For the purposes of this report, a movement is considered to be either a flight in or a flight out.

It is proposed to manage access to the site by an approach and departure flight path, which will direct pilots to enter and exit from either the south-west or north-east. It is proposed to include a no fly zone on the properties to the south of Coombes Road. This can be seen in the image below.

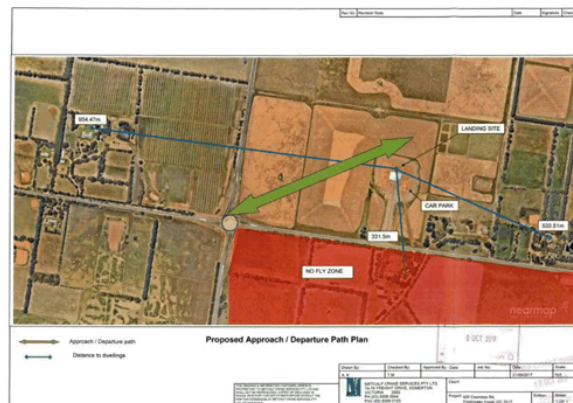


Figure 1 – Flight Path Plan. Source: Application Documents



## OFFICER REPORT

### Planning Application No: 17/0376

The permit applicant has detailed that emergency and agricultural helicopter flights are proposed to be undertaken from the land, but as these flights are exempt from needing a Planning Permit, the proposed flight movements primarily relate to a commuter type use. The permit applicant advises my client is a *helicopter enthusiast who uses helicopters for recreational as well as business uses, and as advised, will seek to use his helicopter to commute to his workplace in Melbourne as well as regional Victoria where his business may operate from time to time. The helicopter will provide fast and reliable transport to Melbourne in particular, as the road network becomes more and more gridlocked on a daily basis.*

*As advised, my client and his family also choose to use their helicopter for recreational purposes and thus it is important that they can operate from their own property. A Planning Permit is required to authorise this frequency of use as the exemptions in Clause 52.15-1 do not provide sufficient movements to meet their requirements.*

An Acoustic Report, prepared by Marshall Day Acoustics, accompanied the application. The Report assesses noise impacts based on particular flight paths and two helicopter types; the Bell 206 JetRanger and the Eurocopter AS350.

No application has been made for any buildings and works approval and the existing conditions of the site will be unchanged.

No application has been made to store the helicopters and associated materials on the land, nor has an application been made for fuel storage. The permit applicant provided the following advice to Council:

*I wish to advise that the concrete slab at the rear of the dwelling was built to provide a formal surface for a range of uses including parking and access of farming machinery, and for general vehicle access. It was constructed as part of the dwelling construction and whilst it has been used to land helicopters, it provides for a range of uses required to manager a property and to reduce mud and dust on equipment.*

*The concrete slab is not a helipad.*

The permit applicant has detailed in relation to the agricultural and emergency uses, that *the helicopters will be used for aerial spraying, including distribution of fertilisers within the surrounding farm district to assist in improving faming productivity in the surrounding farming district. Helicopter use is particularly advantageous in difficult to access paddocks where it is difficult to manage pasture.*

*Also this farming site is an ideal location to provide nearby helicopter support for emergency services particularly in response to wildfire and grass fire incidents and thus will provide a significant benefit to the broader Surf Coast community.*

#### **SITE AND SURROUNDING AREA**

The subject site is located on the corner of Coombes Road and Anglesea Road, Freshwater Creek. The site is a rural property, developed with a residential dwelling and a large attached shed. Access to the site is provided via Coombes Road. A large (36.57m wide) electricity transmission easement with existing infrastructure traverses the site, from the south-western corner through to the north-eastern corner.

The surrounding area is characterised by broad acre farming, used historically for grazing and farming. Some farms within the area have diversified to other forms of agriculture, and or rural residential/ hobby farm type development.

The area is interspersed with dwellings, with a low density residential subdivision being developed to the south of the site, within the Low Density Residential Zone. These lots are located approximately 780m from the proposed landing site. This can be seen in the image below.



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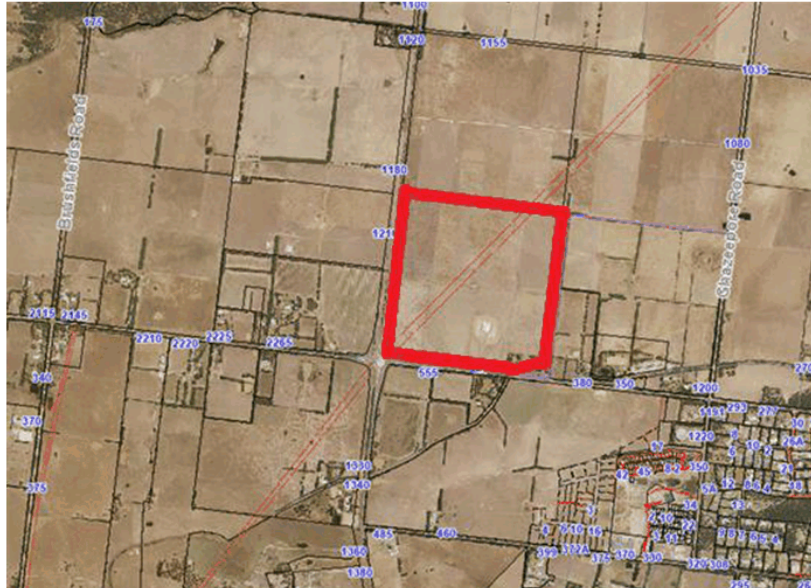


Figure 2 – Aerial Image, Subject Site Highlighted in Red. Source: Council's GIS

The nearest dwelling to the subject site is located approximately 335m south from the helipad, at 415 Coombes Road. The dwelling located at 380 Coombes Road is located approximately 531.6m in a south easterly direction from the helipad.

### **Relevant History and Background**

There is no permit history relevant to the consideration of this application.

### **Enforcement:**

The proponents have operated helicopters from the site. The Planning Compliance Team requested that the take-off and landing of helicopters from the site cease until a decision on this application for Planning Permit is made. The proponents have complied with the request.

### **Registered Restrictions**

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

### **CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)**

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity. Part 2 - Division 2 of the Aboriginal Heritage Regulations 2007 specifies exempt activities which do not require a Cultural Heritage Management Plan.

The site is not located within an area of Aboriginal cultural significance. The application is not classified as a high impact activity. In light of the above, a CHMP is not required.

### **REFERRALS**



## OFFICER REPORT

### Planning Application No: 17/0376

The following external referrals were undertaken:

Referral Authority	Type of Referral	Advice/ Comments/ Conditions
EPA	Notice/Recommending	No objection, suggested condition
Referral Authority	Type of Referral	Advice/ Comments/ Conditions
CASA	Notice/Recommending	No objection, no conditions
Referral Authority	Type of Referral	Advice/ Comments/ Conditions
SP Ausnet	Notice/Recommending	No objections, no conditions

The following internal referrals were undertaken:

Department	Advice/ Comments/ Conditions
Health	Consents subject to conditions on the number of movements per day. At a meeting held on the 26 March, 2018, the Health Officer indicated that a reduction in movements to 10 per week would be an appropriate outcome.

#### **PUBLIC NOTICE**

It was considered that approval of the application may result in material detriment and therefore public notification of the application was required. . Two signs were placed on site at the street frontages to Coombes and Anglesea Roads. These signs remained on site for a period of two weeks between the period of 28 November 2017 and 15 December 2017. Letters were also sent to all effected parties within a one kilometre radius from the helipad location.

#### **AMENDMENT TO APPLICATION AFTER NOTICE**

Originally the application sought approval for nine helicopter movements per day and this was reduced to four helicopter movements per day. The amendment to the application was made prior to notice.

#### **OBJECTIONS**

A total of 51 submissions have been lodged with Council. Of these, 50 are objections to the application, with one submission being in support.

No.	Submitter	Position	Summary of Submission
1.		In support	Flight path will not have an impact on residence
2.		Objection	Noise, privacy, urbanisation, excessive movements.
3.		Objection	Noise, excessive movements, loss of amenity
4.		Objection	Commercial use, amenity
5.		Objection	Noise, privacy, urbanisation, excessive movements, use of pesticides
6.		Objection	Commercial use, excessive car parking, visual amenity, emergency services proposed
7.		Objection	Justification for Emergency services, amenity, commercial use, question the use for agricultural purposes.
8.		Objection	Justification for agricultural and emergency services, unclear on how many flights proposed, commercial use, loss of amenity
9.		Objection	Justification for agricultural and emergency





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		services, contravenes the Farming Zone, commercial use, noise impacts, excessive flight movements, hours of operation. Concerns regarding notification
10.	Objection	No evidence of qualifications, not required for size of land, commercial use, enforcement
11.	Objection	Impact on wildlife, issues with notification
12.	Objection	Impact on wildlife, use of existing building on site, residential address of applicant, commercial use, noise, air pollution
13.	Objection	Privacy, contamination of water supply, enforcement
14.	Objection	Inappropriate location, emotional stress for residents, detriment to the amenity
15.	Objection	Noise
16.	Objection	Commercial use, noise, low level flying
17.	Objection	Helicopters already being flown from sight, Noise, Pesticides, 3 helicopters, Justification for agricultural and emergency services, Privacy, number of movements, hanger shed, Farm Zone, commercial use
18.	Objection	Noise and impact on wellbeing, traffic on Coombes road, use of pesticide, storage of fuel
19.	Objection	Noise and impact on wellbeing, traffic on Coombes road, use of pesticide, storage of fuel
20.	Objection	Existing structure on site and no mention of a helicopter landing site, contradictory and deceitful, Farming Zone, noise, impact on residents, Justification for agricultural and emergency services.
21.	Objection	Noise, amenity impacts
22.	Objection	Noise and privacy
23.	Objection	Justification for agricultural and emergency services, storage of helicopter, proposed flight paths, flight movements and times
24.	Objection	Excessive flight movements, amenity impacts, impact on agistment, Justification for agricultural and emergency services,
25.	Objection	Noise and rural amenity impacts, excessive movements, proposed times of operation.
26.	Objection	Impact on agricultural farm, use of pesticides,



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			devalue business
27.		Objection	Noise, impact on amenity
28.		Objection	Interruption to livestock, unacceptable noise for livestock, set a higher flight limit
29.		Objection	Privacy, noise, hours and number of movements
30.		Objection	No height specified, impact on livestock, location of flight path, Justification for agricultural and emergency services, commercial use
31.		Objection	Noise, impact to wildlife, commercial use, no benefit to community
32.		Objection	Herbicides, noise, Justification for emergency services, safety (accidents), set precedent
33.		Objection	Amenity and decline in property value, unconvincing application, safety,
34.		Objection	Excessive movements, noise, impact on rural character, unjustified claims, Justification for agricultural and emergency services, inaccurate acoustic assessment
35.		Objection	Noise, privacy, number of movements, commercial use
36.		Objection	Noise, privacy, commercial use, against Council guidelines for development north of Thompson Creek
37.		Objection	Noise and air traffic, frequency of movements, hours of operation, Justification for agricultural services, privacy, impact on livestock
38.		Objection	Flight path, number of flights and helicopters, Justification for agricultural services, herbicides, why buy and build in this area, only shed located on the property & not a dwelling,
39.		Objection	Height and flight path location, noise, intrusion on farm animals, helicopters flying low over dwellings.
40.		Objection	Noise impacts on existing residents, location of helipad near residential dwellings,
41.		Objection	Noise and privacy
42.		Objection	Commercial use, proposed number of helicopters, flying in polo players, contravenes Farming Zone, Justification for agricultural and emergency services, noise, number of movements.
44.		Objection	Justification for agricultural and emergency services, Helicopter registered to 3/40 the Esplanade, No air operations certificate issued



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			to the applicant or owner, hanger built without a permit, location of flight paths, noise, impact on residents, Contravenes Farming Zone, impact on rural character, inaccuracy of acoustic report, noise, dust, credibility of owner to self-regulate, safety, hours of operation-
45.		Objection	Impact on amenity and environment, commercial use, inaccurate noise assessment, Justification for agricultural services.
46.		Objection	Intrusion on domestic and farm animals, noise, safety.
47.		Objection	Commercial use, number of movements, impact on farming practices, number and hours of movements, contravenes the Farming Zone, Justification for agricultural and emergency services,
48.		Objection	Commercial use, number of movements, impact on farming practices, number and hours of movements, contravenes the Farming Zone, Justification for agricultural and emergency services,
49.		Objection	Lack of notification, lack of details for flight paths, Justification for agricultural and services,
50.		objection	Noise, amenity, property values declining.
51.		Objection	Proposed use of the land not defined, number of movements exceeds that allowed under planning scheme, noise & amenity, application misleading, urbanisation, set precedent

In accordance with section 223 of the *Local Government Act 1989* submitters were provided with the opportunity to be heard by the Hearing of Submissions Committee (the committee).

At the Hearing of Submissions Committee Meeting held on 20 March 2018, the committee heard submissions on this matter as per the committee's delegation under section 86 of the *Local Government Act 1989*. A total number of four persons were heard by the committee. The committee resolved to receive and note the submissions and forward to Council for consideration at the 24 April 2018 Council meeting.

Although Council received 51 individual submissions, these can be grouped into the themes as follows:

- Helicopters used for commercial use;
- Number and frequency of movements;
- Noise – disturbance to residents;
- Breach of privacy;
- Safety issues;
- Disturbance to the environment (animals/farming production/water quality);
- Urbanisation of the rural area;
- Use of Torquay airport as an alternative;
- The use of the site for emergency and agricultural purposes;
- Hours of operation.



## OFFICER REPORT

### Planning Application No: 17/0376

The planning officer's response to the above themes can be found under the objections section of this report.

#### **PLANNING SCHEME PROVISIONS**

The use is defined as a helicopter landing site which is defined in the Planning Scheme as land *used for the take off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for the assembly and distribution of goods or passengers.*

The site is located in the Farming Zone.

It is concluded that under the Farming Zone a Planning Permit is not required for the use of the land for the commuter/recreational flights as it is considered that the use is ancillary to the dwelling use, effectively involving commuter type flights to places of work, social occasions and other places. While there is reference to a business supporting emergency services, it is noted that there is no equipment or material proposed to be stored on the land to complement the business and therefore it is considered that effectively the helicopter would be used to commute to the location from which the business would operate and would then fly on with the relevant equipment in place. Limited information has been provided about this element of the proposal, despite officer attempts to clarify the issue.

A condition within the recommendation restricts the use of the helipad to being ancillary to the dwelling. A further condition prevents the site from being used for commercial charter including scenic joy flights.

No application has been made for buildings and works or for the use of the land, or for the use of the land as a store.

#### **Particular Provisions**

A Planning Permit *is* triggered by Clause 52.15 – Heliport and Helicopter Landing Site, with the provision setting out:

*A permit is required to use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.*

Clause 52.15-1 allows the following without the need for a Planning Permit:

*The helicopter landing site where either:*

- *The landing point is located more than 500 metres from a building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne, provided:*
  - *The number of flight movements does not exceed eight in a 30 day period and four in a 24 hour period (for the purposes of this provision the take off and landing of a helicopter are separate flight movements).*
  - *Flight movements do not take place before 7am or after sunset on a weekday.*
  - *Flight movements do not take place before 8am or after sunset on a weekend or holiday; or*
- *The landing point is located more than 1000 metres from a building used for a sensitive use that is not associated with the helicopter*

A Planning Permit is required because:

- The landing point is located less than 500 metres from a neighbouring dwelling;
- The number of flights proposed would exceed eight in a 30 day period;
- It is proposed to undertake flights up until 8pm on a week day;
- It is proposed to have flights before 8am and after sunset on a weekend or public holiday;
- The landing point is located less than 1000 metres from a sensitive land use (neighbouring dwelling).

The Particular Provision provides for the following exemptions:



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### Emergency Services

*The helicopter landing site is used by a helicopter engaged in the provision of emergency service operations.*

### Agriculture

*The helicopter landing site is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.*

### Public land management

*The helicopter landing site is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of any of the following:*

- *The Department of Environment, Land, Water and Planning;*
- *The Department of Economic Development, Jobs, Transport and Resources; or*
- *Parks Victoria, whether on private land or not.*

The helicopter flights associated with Agriculture and Emergency Services do not require Planning Permit approval.

### **State Planning Policy Framework**

The relevant sections of the State Planning Policy Framework are summarised below.

#### **Clause 11.01 – Victoria**

*Clause 11.01-1 seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

**11.07 Regional Victoria** – Has to regard to regional planning and peri urban development. Clause 11.07-2 Peri Urban areas seeks to manage growth in peri urban areas to protect and enhance their identified valued attributes.

Relevant strategies to achieve this include:

- *Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.*
- *Improve connections to regional and metropolitan transport services.*

#### **Clause 11.09 – Geelong (G21)**

*Clause 11.09-8 Transport seeks to provide a range of accessible transport choices.*

The relevant strategies include:

- *Improve transport links that strengthen the connections to Melbourne and adjoining regions.*
- *Support improved transit and access within Geelong and the wider region.*

#### **13.04 – Noise and Air**

*Clause 13.04-1 seeks to assist the control of noise effects on sensitive land uses. The relevant strategy is to ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

#### **14.01 – Agriculture**

*Clause 14.01-1 ensures the protection of agricultural land ensures the protection of productive farmland which is of strategic significance in the local or regional context.*

This is achieved by:



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- *Ensuring that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.*
- *Preventing inappropriately dispersed urban activities in rural areas.*

### **Local Planning Policy Framework**

#### **Municipal Strategic Statement**

The MSS is a statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving those objectives. The key provisions of the MSS as it relates to this application include:

#### **Clause 21.05 – Agriculture**

21.05-2 Agriculture contains objectives relating to sustainable agricultural activities; protect productive farmland for future generations and to avoid the loss of agricultural productivity associated with land use conflict.

Relevant strategies include:

- *Discourage the use and development of good quality agricultural land for activities that are not reliant on the soil.*
- *Support agricultural activities and associated rural industries that will maintain and build on the economic base of the Shire.*
- *Strongly discourage fragmentation and non-productive use of agricultural land.*
- *Discourage the proliferation of housing on small lots and additional houses unrelated to the rural use of the land.*

#### **Clause 21.06 – Rural Landscape**

The site is located within the Rural Landscape Precinct of Mixed Farming as identified in Map 1 to Clause 21.06. The objectives of which are to protect and enhance the landscape values of the rural precincts, maintain an open and uncluttered rural landscape, and to protect rural landscapes from urban intrusion.

The main strategy relevant to this proposal is to *discourage uses not associated with an agricultural activity in any rural area outside the Rural Activity Zone.*

#### **Local Policy**

There are no local Policies relevant to this application.

#### **OFFICER DIRECT OR INDIRECT INTEREST**

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

#### **DISCUSSION OF KEY ISSUES**

As noted, an application has been made to use the land as a Helicopter Landing Site. Helicopter Landing Site is defined in the Planning Scheme as follows:

*Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for the assembly and distribution of goods or passengers.*

The application was initially considered by Council at its meeting on 24 April, 2018 but was deferred to enable further information to be provided, as outlined below:

- There is public discussion as to whether it was always the intention of the land owner to operate a helicopter business and infrastructure was therefore constructed with this capacity. Council as the Responsible Authority is required to assess the application against the planning scheme. The



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Responsible Authority assessment is not based on information that might be known, rather the assessment is based on what is included in the application. The Permit Applicant TGM Group has confirmed to Council in writing that the existing development which has been undertaken on the site was not specifically related to the helicopter landing site.

- The proposed use of the land is appropriately classified as a Helicopter Landing Site rather than a Heliport;
- No application has been made to store fuel on the site. A Planning Permit would be required if it is intended to store fuel for the helicopters on the site;
- The storage of agricultural related products can be undertaken without the need for planning approval;
- A Planning Permit is not required to use a helicopter for emergency work or helicopter based agricultural work, regardless of how many helicopters are operating or the scale of operations proposed. Where a Helicopter Landing Site is used by a helicopter engaged in the provision of emergency service operations, it is also exempt from requiring a Planning Permit.

It is open to the Permit Applicant to amend the application through VCAT or to make a separate application for the development works.

If an amendment application for the development works is made and fails, the use of the Helicopter Landing Site will not be able to be effected

If a separate application is made, and it fails, the use of the Helicopter Landing Site will not be able to be effected.

The application has been assessed as follows.

#### **Farming Zone**

A Planning Permit is not triggered by the zone. A permit condition within the recommendation requires flights to be ancillary to the dwelling which has been developed on the land.

#### **Planning Policy**

The proposal to use the land as a helicopter landing site is generally consistent the relevant State Planning Policy Framework.

It is considered that the use of the land will not impact on agricultural production on the subject land or on adjoining properties, which is consistent with Clause 14.01 – Agriculture and 21.05 – Agriculture.

It is considered that the application will not have an impact on the ability for the balance of the subject site to be used for agricultural purposes, given that only a small part of the site is required for helicopter landing. In addition, there is no vegetation removal required to accommodate the helicopter movements and a permit condition will ensure appropriate bunding is in place to contain any fuel spills; this is an EPA requirement.

Consideration must also be given to the existing agricultural uses that are occurring on nearby properties and within the Farming Zone. Adjoining properties are used for broad acre farming, equestrian and adjustment, cattle breeding, rural residential development, and orchards.

There is no evidence to support the assertion that the helicopter movement would impact on the use of surrounding properties for productive agriculture, including extensive animal farming associated with cattle and sheep. That the Planning Scheme allows a helicopter landing site in the Farming Zone, and in some cases, does not trigger a Planning Permit for the use of the helicopter landing site, is evidence that these uses can coexist. A search of VCAT case history has not revealed any instances where a helicopter landing site was refused because of impacts on animals, domestic or otherwise.



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There is no evidence to suggest that the use will impact agricultural activities such as cropping. While there has been an indication made that aerial spraying and fertilising may be undertaken; this component of the operation could operate under the relevant exemption and is therefore not controlled by the Planning Scheme.

Adjoining land uses include dwellings which have been developed on the properties at 415 Coombes Road, located approximately 335 metres south, and 380 Coombes Road, located approximately 531 metres south east. The zoning of the adjoining land impacts on the reasonable amenity expectations associated with these dwellings. While a peaceful location, it would be reasonable to expect noise associated with farm machinery, animal noise and noise associated with agricultural pursuits. In this locality, traffic noise associated with the Anglesea Road would be evident.

A critical consideration is whether the application achieves a reasonable separation distance from these nearby sensitive land uses. Clause 13.04 seeks to ensure that community amenity is not reduced by noise emissions and this is emphasised by the decision guidelines within the Particular Provision. As will be explained in the next section of the report, it is considered that the Acoustic Report demonstrates that there will not be an unacceptable impact on nearby dwellings and the use will meet the EPA Noise Control Guidelines Publication 1254 (October, 2008).

The noise impacts associated with the helicopter landing site are an important consideration for this application, this is particularly important for the dwellings which are located proximate to the subject site. The separation distance adopted from neighbouring dwellings achieved meets the EPA Guidelines in relation to noise, but consideration must be given to the frequency of flights, given that this will impact on the amenity of nearby dwellings in what is ostensibly a peaceful rural area.

The officer recommendation seeks to reduce the number of flights to a maximum of two movements per day, over a maximum of three days per week – allowing a total of six helicopter movements per week. It is considered that this permit condition achieves a reasonable balance between protecting the amenity of dwellings and allowing commuter type helicopter flights to be undertaken from the site. This issue will be addressed in further detail later in the report.

In general it is considered that the application is consistent with the relevant Local Planning Policy Framework.

#### **Particular Provision**

Clause 52.15 – Helipad and Helicopter Landing Site seeks to ensure that the amenity impacts of a helicopter landing site on surrounding area is considered.

The decision guidelines of Clause 52.15 require Council to consider the following:

- *Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).*
- *The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.*

The application seeks approval of four movements per day for the purposes of commuting/ recreational use.

#### *Separation distance*

The planning application was accompanied by an Acoustic Report prepared by Marshall Day Acoustics. This report assesses the noise impacts and separation distances of the landing site from sensitive land uses in accordance with the EPA Noise Control Guidelines Publication 1245 (October, 2008).

As noted, Section 16 of the EPA Noise Control Guidelines Publication 1245 (October, 2008) sets the criteria of three components, each of which should be satisfied at the nearest affected buildings:

- *The measured LAeq,T(measured over the entire daily operating time of the helipad) shall not exceed 55 dB(A) for a residence.*
- *The measured maximum noise level LA max shall not exceed 82 dB(A) at the nearest residential premises (see note below).*
- *Operation outside the hours between 7 am and 10 pm shall not be permitted except for emergency flights.*





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*Note: These levels will generally be met by a separation between the landing site and the residential premises of 150 m for helicopters of less than two tonnes all-up-weight, and 250 m for helicopters of less than 15 tonnes all-up-weight.*

The application was assessed using the Integrated Noise Model (INM) version 7.0d. This program contains a detailed database including a number of helicopter types, and their performance and noise emission. The noise levels calculated in the report are based on the default INM database for a Bell 206B JetRanger and Aerospatiale SA-350D Astar.

The report is also based on the original nine movements per day as submitted. It could be concluded that the noise levels of four movements per day as amended through the application would be significantly lower for the first component being the measured LAeq,T(measured over the entire daily operating time of the helipad) .

Even with the proposed nine movements per day the noise level generated over the entire daily operating time of the helipad are as follows:

Scenario	415 Coombes Road dB(A) LAeq,T	380 Coombes Road dB(A) LAeq,T
Bell 206B-3 between 7am and 8pm	53	46
SA 35-35 between 7am and 8pm	46	38

These noise levels are calculated as being less than the required 55 dB(A) and is considered to comply with this component of the criteria.

With regard to the measured maximum noise level LA max at the nearest residential premises for a Bell-206B-3, the following was assessed:

Movement type	Direction	415 Coombes Road dB(A) LA max	380 Coombes Road dB(A) LA max
Approach	North-east	72	65
Approach	South-west	72	65
Depart	North-east	72	65
Depart	South-west	72	65

With regards to the measured maximum noise level LA max at the nearest residential premises for a SA-350D, the following was assessed:

Movement type	Direction	415 Coombes Road dB(A) LA max	380 Coombes Road dB(A) LA max
Approach	North-east	64	60
Approach	South-west	64	59
Depart	North-east	66	58
Depart	South-west	66	58

These noise levels are calculated as being less than the required 82 dB(A) and is considered to comply with this component of the criteria.

*Effect on nearby sensitive land uses in terms of frequency of flight movements and hours of operation*

The application is seeking to vary the hours of operation included within Clause 52.15. It is considered that if a permit were to be issued then the hours of operation are restricted to the hours indicated in this Clause, and this forms part of the Officer recommendation.

The site is located within a rural area which is quieter than a residential area or more built up areas. The major noise influences in a rural setting is in association with farm machinery, agricultural activity and traffic noise. It is therefore necessary to take the quiet ambiance of this rural setting into consideration when assessment the frequency of the flights.



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The proposed four movements over a total of seven days per week would amount to a total of 28 movements per week, or 1446 movements per year, in comparison to the permitted 96 movements approximately a year pursuant to Clause 52.15 for a Helicopter Landing Site located more than 500 metres from a sensitive land use. There may be additional helicopter flights being undertaken from the land, if the exemption in relation to agricultural activities is relied on.

It is considered that the proposed four movements per day over a seven day period are excessive, with little supporting justification for the amount of movements proposed. The applicant has indicated that the helicopter will be used for commuting to work and recreational purposes, and it is considered that a reduced amount of movements would provide a balance between the needs of the applicant and the requirement to consider and protect amenity of sensitive land uses.

A similar application has been considered by VCAT previously, in *Bos v Mannigham (2005) VCAT 1048*. This application was for the use and development of a helipad. Approval was sought for five flights per week, involving two movements per flight, with the use confined to daylight hours. The use was for commuting to the property owner's place of work. The land was zoned Rural Conservation Zone. While there has been some refining of Clause 52.15 since this decision was made, the principles within the decision are considered relevant to the application before Council.

The decision includes reference to a Supreme Court decision in *Foodbarn Pty Ltd v Solicitor-General (1975) 32 LGRA 157* which considered whether helicopter flights could be ancillary to a dwelling and concluded:

*Where land is used for the purpose of a dwellinghouse the use of some part of that land for some means of private transport seems to me necessarily to be use of the land for the purpose of a dwellinghouse. The very idea of a dwellinghouse presupposes that the occupants may have some means of private transport kept at hand to travel from the dwellinghouse to their places of work, shops, social occasions and other places. In the present case I do not see any reason to treat the use by Dr Raffles of a helicopter being, for the purpose of the application of the planning scheme ordinance, different in principle to the use by him of a motor car to travel to his various places of practice and to social occasions. It should be regarded as a use of the land for the purpose of the dwellinghouse on the land.*

In the current application, the use is predominantly for commuter use purposes with travel to a business address the primary purpose of the application, along with some recreational use. Such an activity can be ancillary to the dwelling located on the land and a permit condition ensures this is the case.

*After careful consideration, I am not persuaded that the degree of change between the existing ambient noise levels and noise levels that could occur by expected with a maximum of two helicopter movements per day (ie. one movement of the helicopter off site and one into the site) is excessive.*

The member goes on further to note:

*The proposed activity would occur regularly but infrequently. Even in the setting of the review site which is low ambient noise and is valued for its conservation and ecological significance, this level of use of the helicopter (in flight and moving within the site) would be noticeable but not excessive when mindful of the acoustic environment that includes jets and other aircraft some of which may be associated with nearby airfields.*

Although the context of the subject site does not include regular aircraft noise, the Planning Officer noted some flights occurring over the site during site inspections. These flights are possibly joy flights to the Great Ocean Road area. The area is generally peaceful but with some vehicular traffic noise and with some infrequent aircraft activity, it is considered that the principle of restricting the use of the helicopter to two movements a day, over a maximum of three days per week is important in maintaining the amenity of the area. Taking into consideration the location of the helipad to existing sensitive land uses, the hours of operation, and the limited time the helicopter will be idling on the ground, which is approximately four minutes for take-off and two minutes for landing, it is considered that the use should be restricted to two movements per day over a five day period in a calendar week. This equates to 10 movements per week.



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For completeness, Council is advised of a VCAT decision, also from Manningham Council where VCAT refused an application in the Rural Conservation Zone to fly a helicopter once a week from the land, involving two flight movements per week. Concerns were raised about compliance with the EPA Noise Guidelines (October 2008) given the separation distance to the nearest dwelling was 74 metres, and there were five neighbouring dwellings located within 150 metres of the proposed helicopter landing site. In refusing the application VCAT stated:

*I consider that noise associated with the weekly arrival and departure of a helicopter, in what is a generally peaceful area – even with traffic and Transrock business noise – where “residents enjoy a high level of amenity” and where the “sometimes frenetic qualities of more urbanised settings” are absent, would be out of character with the amenity which is presently experienced and that is generally expected to continue to be experienced. I do not consider that this would be an appropriate or acceptable outcome.*

#### **Planning Practice Note 75, Planning Requirements for Heliports and Helicopter Landing Sites , December 2012**

The Practice Note contains some important information relevant to the consideration of this application including: Helicopters and airspace

*Once a helicopter is in the air, it is beyond planning control.*

*Two independent statutory authorities are responsible for administering federal legislation and regulations for airspace management, including helicopters in flight:*

*The Civil Aviation Safety Authority (CASA): Established by the Civil Aviation Act 1988 and responsible for administering the Civil Aviation Regulations 1988, CASA conducts safety regulation of civil air operations.*

*Airservices Australia: Established in 1995 and responsible for airspace management, aeronautical information, aviation communications, radio navigation aids, aviation rescue and fire fighting services.*

#### Flying overhead

*Planning consideration of a heliport or helicopter landing site does not generally extend to a helicopter flying overhead. For areas of controlled airspace, Airservices Australia is responsible for air traffic services, including managing designated flight paths.*

*For areas of uncontrolled airspace, Civil Aviation Regulations 1988 stipulate that a helicopter pilot must not fly over a city, town or populous area at a height lower than 1000 feet, or 500 feet over any other area. This does not apply if a helicopter is flying at a designated altitude, for example a flight path in controlled airspace.*

#### Exemptions

*Victoria’s planning system recognises that some helicopter functions are necessary to properly carry out rescue and emergency services, public land management and agricultural activities, which do not require a planning permit in Clause 52.15 to use land for a helicopter landing site.*

*There are also circumstances where the transient use of land for a helicopter landing site does not require a planning permit, if conditions are met.*

*Emergency services – No permit is required under any provision of the planning scheme to use land for a helicopter landing site that is used by a helicopter engaged in the provision of emergency service operations.*

*This can include hospitals, police, search and rescue and fire service helicopter landing sites, including training and the emergency landing of a helicopter due to a weather event or technical problem.*

*Agriculture – No permit is required under any provision of the planning scheme to use land for a helicopter landing site that is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.*



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*This can include flights for purposes such as spraying, dusting and fertilising operations and herding cattle. The purpose of the flight must have a direct link to the carrying out of agricultural activity on the land. It does not include private transport to and from other parts of the property or scenic tourist flights.*

*To determine whether a helicopter landing site is operating under and adhering to this exemption, the responsible authority may request to view a log book or register of flight movements from the owner (for multiple operators) or operator.*

*Log books with details of each flight made are required to be maintained by helicopter pilots under the Civil Aviation Regulations 1988.*

#### **Objections**

The key themes raised and responses to those themes are considered below.

#### **Helicopters used for commercial use**

A number of objectors raised concerns that a joy flight enterprise was proposed to be operated from the site, given the number of proposed flight movements per day, the size of the helicopter to be used and the location of the flight path in a south-westerly direction.

The application being assessed does not request approval for helicopter joy flights. This was again reiterated in a response from the applicant dated 30 January 2018, on responding to the objections raised.

A condition contained within the recommendation sets out that *the helicopter landing site must not be used for commercial charter including scenic joy flights.*

#### **Number and frequency of movements**

A significant amount of the submissions made note of the proposed amount of movements per day, indicating that this is excessive.

As discussed earlier in the report, it is considered that the requested four movements per day is excessive and likely to reduce community amenity by way of the frequency of noise emissions.

It is considered appropriate to restrict the number of movements to two movements per day over a three day period in a calendar week, to ensure that the application responds to the need to protect community amenity. A condition within the recommendation reflects this requirement.

The restricted number of movements has been supported by Council's Environmental Health Officer.

It is noted that in addition to the movements allowed by the proposed Planning Permit conditions, the applicant could also undertake flights associated with agriculture or emergency works which are exempt from needing a Planning Permit and are not controlled by the Planning Scheme.

#### **Noise – disturbance to residents**

Helicopters generate a significant amount of noise. Guidance on the assessment of noise is provided by the Environment Protection Authority Noise Control Guidelines Publication 1254, (October 2008). The Guidelines include criteria which comprise three separate components, each of which should be satisfied at the nearest affected buildings:

- The noise level measured over the entire daily operating time of the helipad shall not exceed 55 dB(A) for a residence;
- The measured maximum noise level shall not exceed 82dB(A) at the nearest residential premises;
- Operation outside the hours between 7am and 10pm shall not be permitted.

The Guidelines note that these levels will generally be met by a separation between the landing site and the residential premises of 150 metres for helicopters of less than two tonnes all-up-weight, and 250 metres for helicopters of less than 15 tonnes all-up-weight.



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The Acoustic Report prepared in support of the application details that the average noise level and maximum noise level specified in the Guidelines is met in the proposal.

The report includes particular flight paths and tests two particular models of helicopter, the Bell 206 JetRanger and the Eurocopter AS350. Permit conditions restrict the use of the site to these particular helicopters.

A 'No Fly Zone' has been applied over the area south of Coombes Road which is the location of the nearest dwelling to the subject site, and an area which is more highly developed than to the north. Conditions within the recommendation tie in the flight paths and model types to ensure that noise emissions are appropriate. The applicant has also chosen flight path in a north-easterly and south-westerly direction to limit the impacts on existing dwellings. These flight paths are controlled by the CASA. In addition, these flight paths have been controlled through conditions within the recommendation.

Permit conditions within the recommendation restrict hours of operation as follows:

- Weekdays 7am – prior to sunset or 8pm whichever is earlier;
- Weekends and public holidays 8am – prior to sunset or 8pm whichever is earlier.

In addition to seeking the comments of Surf Coast Shire Environmental Health Officers, the application was also sent to the EPA. While acknowledging that the EPA is not a statutory referral authority to the application under the *Planning and Environment Act 1987*, the EPA has not objected to the proposal. The EPA noted the criteria under the Noise Control Guidelines Publication 1254 (October, 2008), and acknowledges that the proposal meets these criteria and therefore demonstrates compliance with applicable Victorian Guidelines for the management of helicopter noise.

Objectors have also raised concerns about the acoustic report being limited to operations on the ground and not inflight noise. In accordance with Planning Practice Note 75 - Planning requirements for heliports and helicopter landing sites December 2012, "*once a helicopter is in the air, it is beyond planning control*".

*"Two independent statutory authorities are responsible for administering federal legislation and regulations for airspace management, including helicopters in flight".*

### Breach of privacy

It is assumed that this concern arises from helicopters flying above properties, allowing an aerial view of the land and breaching the privacy of residents.

Planning Practice Note 75 makes note of controls when flying overhead indicating that:

*"Planning consideration of a heliport or helicopter landing site does not generally extend to a helicopter flying overhead. For areas of controlled airspace, Airservices Australia is responsible for air traffic services, including managing designated flight paths".*

*"For areas of uncontrolled airspace, Civil Aviation Regulations 1988 stipulate that a helicopter pilot must not fly over a city, town or populous area at a height lower than 1000 feet, or 500 feet over any other area. This does not apply if a helicopter is flying at a designated altitude, for example a flight path in controlled airspace".*

The flight path has been specifically chosen to limit the impact on existing dwellings and residents, with a no fly zone proposed over the land to the south of the site.

CASA did not object to the issue of permit as long as the guidelines for the establishment and operation of onshore helicopter landing sites" (CAAP 92-2(2)) is adhered to.

As noted, a condition within the recommendation ensures the flight paths are adhered to, and a no go zone is applied, to limit the amenity impacts of surrounding sensitive land uses and privacy.



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#### Safety issues

As there is power lines located nearby the proposed landing site, the application was sent to Ausnet Services who own and manage the infrastructure on the site. The AusNet Transmission Group has not objected to the proposal, nor have any permit conditions been suggested.

The application was also referred to CASA. CASA has no objection to the proposal provided the guidelines for the establishment and operation of onshore helicopter landing sites (CAAP 92-2(2)) is adhered to. There is no evidence to suggest that these guidelines cannot be achieved.

In the guidelines for the establishment and operation of onshore helicopter landing sites (CAAP 92-2(2)) under the section under Approach and departure paths page 11, the following guideline is provided in relation to flight paths:

*"A minimum of two approach and departure paths should be assigned. These should be separated by a minimum angle of 150 degrees and maybe curved left or right to avoid obstacles or take advantage of more advantageous flight paths".*

Two flight paths have been provided in north-easterly direction and south-westerly direction. The flight paths have been designed to avoid dwellings as much as possible, and existing obstacles.

In relation to refuelling, EPA in their response provided comment that it is recommended Council includes a condition on permit as follows:

*"A secondary containment system must be provided for liquids which if split are likely to cause pollution or pose an environmental hazard, in accordance with EPA Publication 347 Bunding Guidelines 1992 or as amended".*

A condition to this effect is included in the recommendation. As noted, no application has been made to store fuel on the land.

#### Disturbance to the environment (animals/farming production)

Given the location of the site within a Farming Zone, there is concern that the use of the site will affect farming animals and general wildlife including birds.

A VCAT decision for a Helicopter Landing Site in the Rural Conservation Zone in Manningham City Council (*Bos v Mannignham (2005) VCAT 1048*) and Member Baird found at Paragraph 38:

*"Although some fears about animal behaviour associated with noise may be fairly and genuinely held, there is little supporting evidence based on the information before me. The horses agisted on the riding school land did not seem distressed or disturbed at helicopter noise during the site visit and noise from a jet was little different when it flew close over that adjacent property."*

It is true to say the same in this instance that there is little supporting evidence to suggest that the use at this location will have a significant impact on animal behaviour. A review of VCAT decisions about helicopter landing sites has not revealed any instances where it has been demonstrated that there would be an impact on farm animals.

Concern has been raised about the aerial spraying of chemicals. If this activity is undertaken in association with an agricultural activity in conjunction with the use of land for agriculture, there is no need for a Planning Permit and as such, this activity is not regulated by the Planning Scheme.

#### Urbanisation of a rural area

Concern has been raised that the approval of this application would impact on the rural character and feel of the area, with further concerns being that the application could set precedent for further applications for the use of helicopters within the area, which would further change the character of the area.



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It is important to recognise that each application is assessed on its individual planning merits. In *Zerbe & Starks v City of Doncaster & Templestowe* (1984) 2 PABR 101, the following was stated in relation to precedent:

*There is no doubt that, as a matter of principle, the Board should have regard to whether its decision would create an undesirable precedent as previous planning decisions are clearly relevant to the exercise of discretion. However for a precedent to be created in any particular case there must be scope for this to occur. Moreover for the Board to decide against a development through a fear of creating a precedent the Board must also find the subsequent development would be undesirable. In other words it is not enough to demonstrate that a particular decision will create a precedent. It must also be shown that it is a bad precedent.*

In addition, it is not considered that the use of the site for helicopter commuting purposes will change the character of the area. The land and surrounding land will remain within the Farming Zone, and agricultural activities or activities which will not impact agricultural production will continue to be encouraged.

#### Use of Torquay Airport as an alternative

Many submitters consider that the application should operate from the Torquay Airport in Blackgate Road.

The property owner explained, during the Hearing of Submissions Meeting, that this avenue had been explored, but there is insufficient space available at this airport to accommodate the helicopter.

It is noted that the application seeks consent for the use of this site, and the decision should be based on the proposal at hand, rather than a different location. In making a decision on this application, Council must decide if an acceptable outcome is achieved on this land. VCAT principles articulate that planning decisions should seek to achieve 'acceptable outcomes' as distinct from 'ideal outcomes.'

#### The use of the site for emergency and agricultural purposes

Objectors raised concerns that the application included and makes mention to the use of the site for agricultural purposes and emergency services.

Council officers sought additional information from the applicant in regards to the use of the site for these purposes. The response provided set out:

*The helicopters will be used for aerial spraying, including distribution of fertilisers within the surrounding farm district to assist in improving farm productivity in the surrounding farming district. Helicopter use is particularly advantageous in difficult to access paddocks where it is difficult to manage pasture.*

If the helicopter was to be used in the manner described above, it would not require planning approval and would not be regulated by the Planning Scheme.

#### Hours of operation

The applicant is proposing hours of operation that are not in accordance with Clause 52.15. The Permit Applicant has not provided particular circumstances which would necessitate the variation of hours and therefore a condition has been included in the recommendation specifying hours of operation which are consistent with Clause 52.15:

- Weekdays 7am – prior to sunset or 8pm whichever is earlier;
- Weekends and public holidays 8am – prior to sunset or 8pm whichever is earlier.

#### CONCLUSION

It is considered that the officer recommendation strikes a balance between the needs of the applicant and those living near to the helicopter landing site. Permit conditions within the recommendation restrict the use to two



## **OFFICER REPORT**

**Planning Application No: 17/0376**

movements per day over a maximum of three days per calendar week, while tying the hours of operation to those recommended by the Planning Scheme.

The approval allows an ancillary commuter-use/ recreation type arrangement to operate from the land and given the separation distances achieved to adjoining dwellings and the noise impacts of the proposal, is considered to be an acceptable outcome.

It is recommended that Council pursues support of the application at the upcoming VCAT hearing.



**2.1 Planning Application 17/0376 - Use of land for a Helicopter Landing Site - 420 Coombes Road, Freshwater Creek**

**ADDENDUM TO ITEM 2.1 (TABLED AT THE MEETING)**

**Addendum to Item 2.1**

The following are amendments, clarifications and corrections to be made to Item 2.1 issued in the Council Meeting agenda for the ordinary meeting to be held 24 July 2018

<b>1. Final dot point in section titled 'summary', page 6</b>
<b>Issued in Council report</b>
<ul style="list-style-type: none"> <li>Compliance checks of the land have determined that there have not been any planning scheme breaches. Helicopter movements have been within the allowable eight movements per month</li> </ul>
<b>Correction</b>
<ul style="list-style-type: none"> <li>The current use and development of the land has been checked for compliance with the planning scheme. The large dwelling and garage building and hard stand areas on the site have been lawfully constructed and the current frequency of helicopter landings on the land accords with the limitations within the planning scheme. Matters that are ancillary to the exemptions listed in cl. 52:15 of the scheme do not require a use permit. This would include things such as the storing of helicopters in a large shed that was originally built as a garage but has been re-purposed.</li> </ul>
<b>2. Final paragraphs of section titled 'development', page 10</b>
<b>Issued in Council report</b>
<p>Relevant matters for VCAT to be considering beyond the application currently lodged a VCAT would be:</p> <ul style="list-style-type: none"> <li>the use and development of the land for a store (i.e. the storing of helicopters in the large garage to the dwelling)</li> <li>whether a retrospective Planning Permit would be required for any development works already undertaken on the land which are ancillary to the Helicopter Landing Site.</li> </ul> <p>It is open to the Permit Applicant to amend the application through VCAT or to make a separate application to council for the use and development works without which no helicopters should be stored in the building.</p>
<b>Correction</b>
<p>VCAT may consider relevant matters to the application before it, such as:</p> <ul style="list-style-type: none"> <li>the use of the land for a store (eg. the storing of helicopters in the large garage to the dwelling), recognising that a holistic assessment of all activities at this time may be appropriate; and/or</li> <li>whether a retrospective planning permit would be required for any development of building and works already undertaken on the land that are ancillary to the Helicopter Landing Site as this is a matter that is likely to be raised in the proceedings.</li> </ul> <p>It is open to the Permit Applicant to amend the application through VCAT or to make a separate application to Council seeking approval for the use without which no helicopters should be stored in the building unless associated with a use that is considered to be ancillary to an exempt use. To ensure that this is addressed, the proposed conditions include a requirement in relation to storing helicopters in the building constructed as a garage and the need for further approval.</p>

<b>3. Eleventh paragraph of section titled 'characterisation of use', page 11</b>
<b>Issued in Council report</b>
If the use of the land for a helicopter landing site includes lifting or sling work that is not for agricultural or emergency services, then a permit is required.
<b>Correction</b>
If the use of the land for a helicopter landing site includes lifting or sling work that is not associated with an exempt use as defined in cl. 52:15, then a permit is required.
<b>4. Fourteenth paragraph of section titled 'characterisation of use', page 11</b>
<b>Issued in Council report</b>
If the helicopters using the landing site are engaged in activities beyond those exempt by Clause 52.15, a planning permit (or amendment to a permit) will be required for expansion of the helicopter landing site use. The land owner has referred to the helicopters being used for lifting or "sling work". Unless directly associated with emergency service operations, agriculture or public land management, it is considered that this type of use wouldn't benefit from an exemption and wouldn't be covered by the approval of this permit, if granted. A separate Planning Permit, or amendment, would be required. However this is not part of the current application.
<b>Correction</b>
If the use of the land for a helicopter landing site includes lifting or sling work that is not associated with an exempt use as defined in cl. 52:15, then a permit is required.
<b>5. Third paragraph of section titled 'enforcement', page 11</b>
<b>Issued in Council report</b>
The current use and development of the land has been checked for compliance with the planning scheme. The large dwelling and garage building and hard stand areas on the site have been lawfully constructed and the current frequency of helicopter landings on the land accords with the limitations within the planning scheme (no more than 8 per month).
<b>Correction</b>
The current use and development of the land has been checked for compliance with the planning scheme. The large dwelling and garage building and hard stand areas on the site have been lawfully constructed and the current frequency of helicopter landings on the land accords with the limitations within the planning scheme. Matters that are ancillary to the exemptions listed in cl. 52:15 of the scheme do not require a use permit. This would include things such as the storing of helicopters in a large shed that was originally built as a garage but has been re-purposed.

**6. Section titled 'options', page 13**

**There is an additional option identified**

Option 4 – Seek a VCAT declaration

Council may resolve to seek a declaration from VCAT under section 149A of the Planning and Environment Act 1987 regarding matters relating to this application.

There is already a VCAT proceeding underway that provides opportunity for VCAT to consider the application and associated matters. The directions hearing has occurred and a merits hearing has been set down to commence from 24 September 2018. Officers believe that it is in the best interest of all parties to have the application before Council determined and for VCAT to resolve the matter at the scheduled hearing. Seeking a separate declaration may prolong this matter.

To pursue a declaration as an alternative may be costly and not provide an outcome any sooner. VCAT may also decide not to accept declaration application because there is already a merits proceeding underway. VCAT may consider a declaration concurrently with the appeal application, however this report has already recognised that VCAT may choose to include consideration of matters that it sees as relevant to the application before it, without a formal declaration.

This option is not recommended.

## 2.2 Planning Permit Application 17/0374 - Development of 48 Residential Apartments, Removal of Vegetation and Construction of Fences - 86-92 The Esplanade, Torquay

**Author's Title:** Statutory Planner

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** 17/0374

**Division:** Environment & Development

**Trim No:** IC18/1106

### Appendix:

- 17/0374 - Assessment - Officer Report – 86-92 The Esplanade, Torquay (D18/87518)

### Officer Direct or Indirect Conflict of Interest:

### Status:

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to determine a position on Planning Permit Application 17/0374 - Development of 48 Residential Apartments, Removal of Vegetation and Construction of Fences - 86-92 The Esplanade, Torquay.

### Summary

An application has been received for the construction of 48 residential apartments, the removal of vegetation and the construction of fences at 86-92 The Esplanade Torquay; the site is located approximately 1km north-east of the Torquay town centre and 110m south-west of the Wyndham Resort.

The land is zoned General Residential Zone and is covered by the Design and Development Overlay Schedule 13 (DDO 13), Significant Landscape Overlay Schedule 6 (SLO 6) and Development Contributions Plan Schedule 2. The land is also in an area of Aboriginal Cultural Heritage Sensitivity.

Public notification of the application was undertaken with 71 objections being received against the proposal. The key issues relate to on-site and off-site amenity and neighbourhood character including height, spacing and siting, setbacks, massing and form, site coverage, landscaping and fencing.

The applicant has lodged an appeal at the Victoria Civil and Administrative Appeals Tribunal (VCAT) for failure to determine the application within the 60 statutory day period under the Planning and Environment Act (the Act). The applicant appealed on day 64 of the statutory day count.

Date application lodged: 9/10/2017

Date of Council meeting: 24/07/2018

No. of statutory days at Council meeting date: 109

## **2.2 Planning Permit Application 17/0374 - Development of 48 Residential Apartments, Removal of Vegetation and Construction of Fences - 86-92 The Esplanade, Torquay**

### **Recommendation**

That Council:

Having caused notice of planning application No. 17/0374 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* decide to refuse the application on land known and described as 86-92 The Esplanade, Torquay for the construction of 48 residential apartments, the removal of vegetation and the construction of fencing on the following grounds:

1. The application fails to respond to the existing and preferred neighbourhood character as evidenced by a failure to comply with the requirements and objectives of clause 43.02 – Schedule 13 relating to site coverage and landscaping, height, setbacks, spacing and fencing.
2. The application fails to meet the minimum garden area requirements of clause 32.08-4.
3. The application fails to satisfactorily respond to the objectives and standards of clause 55 including setbacks, communal open space, deep soil areas, noise attenuation, accessibility, waste and recycling, functional layout and natural ventilation.
4. The application fails to protect the amenity of adjoining properties by failing to comply with the objectives and standards of clause 55 including those relating to overlooking and overshadowing.
5. The application fails to provide a satisfactory level of internal amenity for future occupants due to excessive screening and obscure glazing and shadowing of open space.
6. The requirement for a Cultural Heritage Management Plan has not been met.

### **Council Resolution**

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

That Council:

Having caused notice of planning application No. 17/0374 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* decide to refuse the application on land known and described as 86-92 The Esplanade, Torquay for the construction of 48 residential apartments, the removal of vegetation and the construction of fencing on the following grounds:

1. The application fails to respond to the existing and preferred neighbourhood character as evidenced by a failure to comply with the requirements and objectives of clause 43.02 – Schedule 13 relating to site coverage and landscaping, height, setbacks, spacing and fencing.
2. The application fails to meet the minimum garden area requirements of clause 32.08-4.
3. The application fails to satisfactorily respond to the objectives and standards of clause 55 including setbacks, communal open space, deep soil areas, noise attenuation, accessibility, waste and recycling, functional layout and natural ventilation.
4. The application fails to protect the amenity of adjoining properties by failing to comply with the objectives and standards of clause 55 including those relating to overlooking and overshadowing.
5. The application fails to provide a satisfactory level of internal amenity for future occupants due to excessive screening and obscure glazing and shadowing of open space.
6. The requirement for a Cultural Heritage Management Plan has not been met.

CARRIED 8:0

## **2.2 Planning Permit Application 17/0374 - Development of 48 Residential Apartments, Removal of Vegetation and Construction of Fences - 86-92 The Esplanade, Torquay**

### **Report**

#### ***Background***

The application seeks approval for the development of 48 residential apartments, the removal of vegetation and the construction of fences.

The application was placed on public notification and 71 objections were received. A Hearing of Submissions meeting was held on 3 July, 2018. The application has now been appealed under *Section 79 of the Planning and Environment Act 1987*.

#### ***Discussion***

The application seeks approval for Construction of a Residential Apartment Building (48 Units) and Removal of Vegetation which requires a permit under the General Residential Zone, Design and Development Overlay-Schedule 13 (DDO13) and the Significant Landscape Overlay-Schedule 6.

At the time of writing this report, Council had received notice that the application has been appealed under *Section 79 of the Planning and Environment Act 1987*.

The application material provided to support the proposal is not considered to be sufficiently detailed to clarify or properly explain and justify the proposal. This has hindered the provision of a complete and comprehensive assessment. In addition to this, there are two primary questions of fact that remain outstanding and these relate to Cultural Heritage and Garden Area requirements.

The Cultural Heritage Assessment that has been provided to support the assertion that a Cultural Heritage Management Plan (CHMP) is not required is deficient as it fails to provide supporting evidence to demonstrate significant ground disturbance over the whole of the site and consequently it follows that unless this is demonstrated, a CHMP is required; without either, a permit cannot ensue. The assessment also indicates non-compliance with clause 32.08-4 (minimum garden area requirements) and as the requirements of clause 32.08-4 are mandatory, a failure to comply would render the proposal prohibited.

The proposal also significantly challenges the planning provisions as they relate to existing and preferred character. A broad range of characteristics determine the character of a neighbourhood and streetscape including for example, siting, spacing and setbacks, building style, size and mass, development density, fencing, subdivision patterns, topography and views, vegetation type and cover and surrounding land use. The DDO13 seeks to achieve a character outcome where buildings complement the foreshore environs by minimising their visual impact as viewed from the public realm. Requirements are applied to achieve a rhythm of spacing between buildings, setbacks and scale, and footprints are limited so that vegetation can be planted to soften development.

For development to make a positive neighbourhood character contribution, cues must be taken from surrounding and nearby development and regard must be given to the overlays and relevant policy; the application does not demonstrably do this. The proposed development fails on a number of neighbourhood character elements including height, massing, siting, footprint/landscaping, spacing, setbacks and visual permeability.

Notwithstanding the excessive height in its context and the failure to provide relief by stepping in the upper levels, the continuous development across the aggregated lots is considered to be a significant failing of this development. The DDO13 is deliberate in its attempt to establish and protect a visually permeable rhythm of development along The Esplanade and therefore, irrespective of the height, the application response to the relevant planning provisions is considered to be non-compliant.

It is also considered that the proposed development fails to protect the amenity of adjoining and nearby property owners through a failure to demonstrate compliance with a number of clause 55 standards and objectives; most notably, those relating to overlooking and overshadowing. The amenity of future occupants of the development is also raised as a concern; excessive screening, shadowing of balconies, failure to demonstrably comply with ventilation and insufficient waste provision are among the issues.

The primary concerns leading to the recommendation of refusal have been outlined above and further explained in the detailed officer assessment report attached.

## **2.2 Planning Permit Application 17/0374 - Development of 48 Residential Apartments, Removal of Vegetation and Construction of Fences - 86-92 The Esplanade, Torquay**

In summary, it is considered that the proposal does not achieve an appropriate neighbourhood character outcome that reflects the relevant planning scheme requirements and objectives. It also fails to protect the amenity of adjoining and nearby property owners and provide a reasonable standard of amenity for future occupants of the development.

### ***Financial Implications***

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets. However the appeal under section 77 of the Act may lead to a claim for costs by the applicant for the appeal application fee. This could be in the order of \$4,400 as the appeal has been made to the major cases listing.

### ***Council Plan***

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

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

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

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

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

### ***Risk Assessment***

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

### ***Social Considerations***

There could be impacts and/or perceived impacts on the individuals and/or the community. This has been considered within the attached officer's report.

### ***Community Engagement***

Public notice of the application has been undertaken in accordance with the requirements of the Act with 71 objections received. Council provided an opportunity for parties to address Council at the Hearing of Submissions meeting on 3 July 2018.

### ***Environmental Implications***

There are significant impacts on the local residential environment arising from the proposed development. It could also have impacts on aboriginal cultural heritage as this has not be sufficiently explored by the applicant.

### ***Communication***

In accordance with Section 84(2) of the Act, council must not issue or give a permit or notice of a decision or notice of refusal to the applicant, a referral authority or any objecting party.

It is appropriate, however, that Council write to the applicant and objectors to inform them of the position that Council will take in future VCAT proceedings relating to this application.

Council must also advise VCAT in writing of the decision made.

### ***Options***

#### **Option 1 – Decide Refusal of the Application at the Upcoming VCAT Hearing**

This option is recommended by officers as the proposal fails to respond to the provisions of the planning scheme relating to neighbourhood character and on-site and off-site amenity.



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## **2.2 Planning Permit Application 17/0374 - Development of 48 Residential Apartments, Removal of Vegetation and Construction of Fences - 86-92 The Esplanade, Torquay**

### Option 2 – Decide Approval of the Application at the Upcoming VCAT Hearing

Council may resolve to decide to pursue approval of the application at the upcoming VCAT hearing, contrary to the officer recommendation. However having considered all the relevant planning provisions, the proposal fails to provide a satisfactory planning response.

This option is not recommended by officers as while the site is generally suitable for multi-dwelling development, the proposed response is not respectful of the existing and preferred neighbourhood character and will result in amenity impacts for surrounding residents and future occupants of the development.

### Option 3 – Make no decision

Council may resolve not to decide the application. Council's failure to decide the application will be taken as refusal for the purpose of the application for review.

By failing to have a position to support or not support the grant of a permit, the representative for Council will not have a basis on which to put submissions to the Tribunal. It is considered that this would create a reputational risk for Council. This option is not recommended by officers.

### **Conclusion**

The application seeks approval for 48 residential apartments, the removal of vegetation and the construction of fences. Important issues for consideration include whether the proposal responds to neighbourhood character having regard to height, spacing and siting, setbacks, massing and building form, site coverage/landscaping and fencing. Other relevant matters are those relating to off-site amenity including overshadowing and overlooking and on-site amenity like noise attenuation, shadowing and open space, ventilation and accessibility.

It is recommended that Council decide to pursue refusal of the application at the upcoming VCAT hearing.

**2.2 Planning Permit Application 17/0374 - Development of 48 Residential Apartments, Removal of Vegetation and Construction of Fences - 86-92 The Esplanade, Torquay**

**APPENDIX 1 17/0374 - ASSESSMENT - OFFICER REPORT – 86-92 THE ESPLANADE, TORQUAY**



**OFFICER REPORT**  
**Planning Application No: 17/0374**

<b>ALLOCATED OFFICER</b>	Michelle Warren
<b>DATE RECEIVED</b>	09 October 2017 (application amended 28/02/2018)
<b>PROPERTY NUMBERS</b>	118750, 118760, 118770, 118780
<b>PROPERTY ADDRESS</b>	86-92 The Esplanade Torquay
<b>LOT SIZE</b>	Aggregate land size = 3,235.75m <sup>2</sup>
<b>APPLICANT</b>	Amerl Industries Pty Ltd
<b>OWNER</b>	Amerl Industries Pty Ltd
<b>PROPOSAL</b>	<b>Construction of a residential apartment building (48 Units), removal of vegetation and construction of a fence</b>
<b>ZONE</b>	General Residential
<b>OVERLAY/S</b>	Design and Development Overlay - Schedule 13, Development Contributions Plan Overlay-Schedule 2, Significant Landscape Overlay-Schedule 6

**PROPOSAL**

The application seeks approval for the construction of 48 residential apartments, the erection of fences and the removal of vegetation. The application has not proposed subdivision or the consolidation of the existing lots.

Sixteen apartments are located on each of the three levels; the apartments are comprised of 45 two bedroom apartments and 3 three bedroom apartments; the vegetation to be removed is an 8m high manna gum in poor condition. All other vegetation to be removed is exempt from requiring planning permission.

The building will be constructed over four levels including the basement car park; parapets, screens and roof top plant (including the lift overrun and stair access) are located above the finished roof level.

**Figure 1 - South-east (street) elevation**



The application includes the construction of fences forward of the building comprising of a 1.0 metre high front fence with 1.1m high panel sections and side fences to a height of 1.8m. Fences also divide the open space areas between the ground level apartments, including in the front setback; these fences are 1.8m high and appear to extend to the front title boundary.

While new fences are proposed to all boundaries, it is only those (including on side boundaries and in the front street setback) that are over 1.0 metre in height and forward of the building that trigger a permit here.

The plans provided with the application include scant level information and some inconsistencies and this has hindered an accurate assessment of the finished height. However, based on the available information, the proposed roof height of the building appears to be 10.01 metres (excluding screens and roof top plant); if measured to the lift overrun, the height is 10.65 metres.

The north elevation on drawing number DDO2 A08 (Rev C) shows a screen or parapet with an RL of 22.73<sup>o</sup> (it is not clear what the indices represent). This element is not shown on any other plan; at this point, the building height would be 11.06 metres.



**OFFICER REPORT**  
Planning Application No: 17/0374

Figure 2 - Ground floor

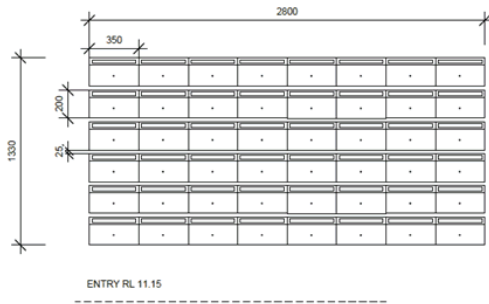


Above ground, the apartment complex is essentially broken into two "pods", connected by a central lobby at ground level; pedestrian entry is via the lobby. From here, a passage provides direct access to apartments 1 – 16 and to two lifts and two stairwells which abut apartments 3 and 10 and provide access to the south-west and the north-east "pods" respectively. Waste chutes and service cupboards are clustered with each of the lifts/stairwells on all levels.

With the exception of apartment 12 which contains three bedrooms, each of the ground level apartments contains two bedrooms, a combined kitchen/dining/living and the usual wet areas.

The rear apartments have access to ground level secluded private open space; the front apartments have direct access to open space which has 1.8m side fences and a 1.1m front fence. A 1.8m high fence (described as a timber slat fence) also isolates the common pedestrian walkway from the open space areas creating a fenced corridor of approximately 2.8m – 4.0m wide.

The front and side boundary setbacks are varied and are described here using closest point of the building to the boundary as the reference; in many instances, the closest point is to an elevated balcony or deck.



The rear (north-west) boundary setback is 2.77 metres, the side (south-west) setback is 3.12 metres and side (north-east) setback is 2.94 metres.

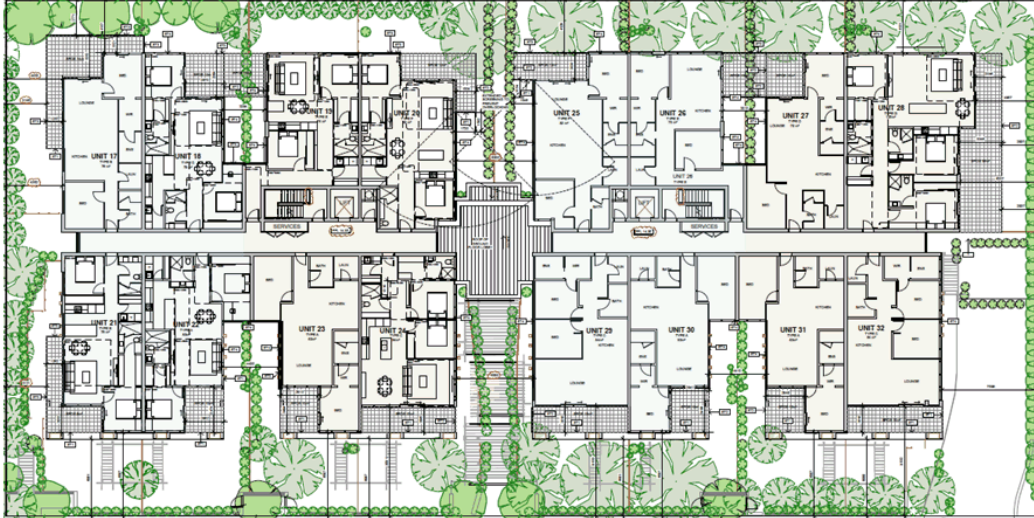
The front street setback to the building is 6.0 metres; the porticos are set back 2.0 metres from the front title boundary and a bank of mailboxes (see image on left) is located adjacent to the pedestrian walkway.



## OFFICER REPORT

Planning Application No: 17/0374

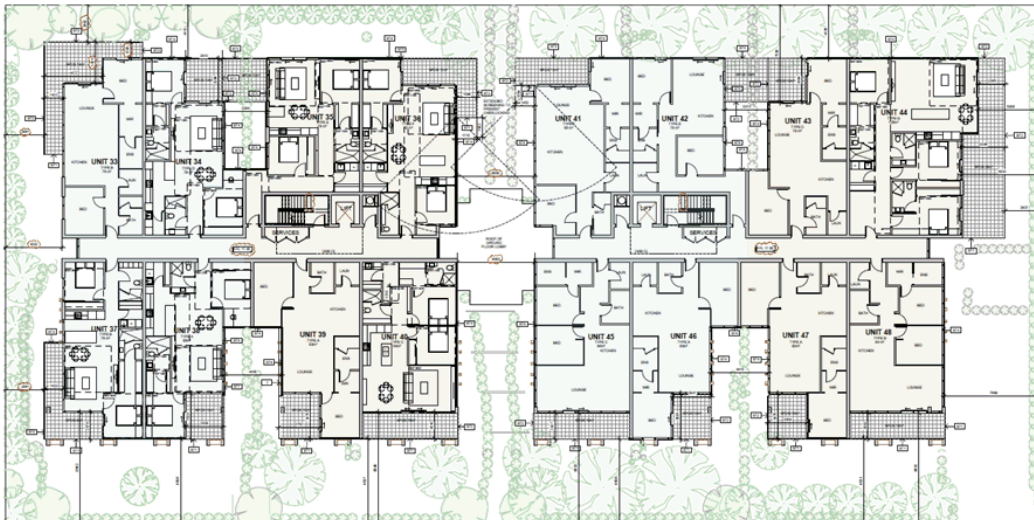
Figure 3 - First floor



The second level (first floor) is accessed via the lift and stairwell abutting apartments 19 and 26; there is no pedestrian connection between the "pods" at the first and second floor.

With the exception of the entry lobby, the layout of the first floor apartments replicates that of the ground floor although open space is provided through the provision of balconies as direct access to ground level open space is not available.

Figure 4 - Second floor



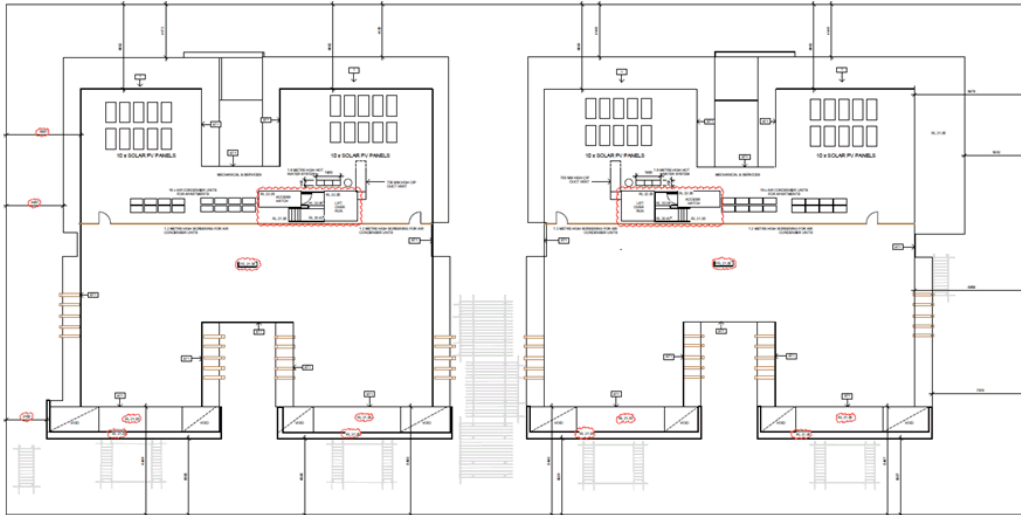
The third level (second floor) is accessed via the lift and stairwell abutting apartments 35 and 42 and the layout of the second floor apartments replicates that of the first floor.



## OFFICER REPORT

Planning Application No: 17/0374

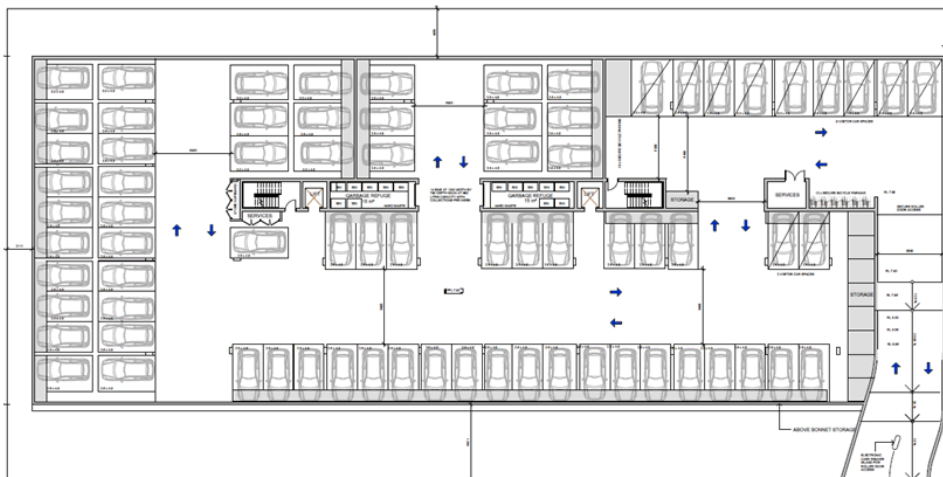
Figure 5 - Roof plan



The roof plan indicates a lift overrun and an access hatch which sit 1.0 metre above the finished roof level on each pod. Other roof top infrastructure includes two 1.6 metre high (1.9m x 0.4m x 1.6mH) hot water systems, 32 air condenser units, 40 solar panels and air vents.

A 1.0m high clear glass balustrade with aluminium railing runs around the perimeter of the roof deck and a central 1.2m high screen (with pedestrian gates) dissects the roof area, screening the plant from the front section of the roof on each pod.

Figure 6 - Basement



The development includes a basement level car park with the plans indicating parking for 75 cars. Based on an existing ground level of RL11.7 and a FFL of the basement of RL 7.8, approximately 4.0 metres (depth) of excavated soil will be removed to construct the basement.

Vehicular access to the car park is via a 5.5m – 6.0m wide ramp from The Esplanade with entering drivers able to open the roller door using an electronic card reader located in the driveway, approximately 3.0m from the front



## OFFICER REPORT

Planning Application No: 17/0374

boundary. Pedestrian access is via the lift or stairwell accessed from within the building.

Of the seventy-five car spaces provided, sixteen of these are provided in a tandem arrangement (ie. sixteen of the car spaces rely on the space behind being vacant to access the front space).

The basement also includes a services cupboard, parking for twenty-two bicycles, the waste area, forty-nine 3.1m<sup>3</sup> above bonnet storage lockers and nine unspecified storage lockers.

Materials and finishes:

South elevation (front):

- concrete finish with timber trims

North elevation (rear):

- clear glass

West elevation (side):

- clear glass and concrete
- timber trims

East elevation (side):

- clear glass and concrete
- timber trims
- opaque glass screens





## OFFICER REPORT

Planning Application No: 17/0374

### SITE AND SURROUNDING AREA

The application site is located over four properties comprising seven lots on The Esplanade in Torquay as follows:

86 The Esplanade:	Lots 13 and 14 Block 1 on LP 00239
88 The Esplanade:	Lots 1 and 2 on TP 092207V (formerly Lots 11 and 12 on LP 002379)
90 The Esplanade:	Lots 9 and 10 Block 1 on LP 002379
92 The Esplanade:	Lot 2 on PS 094525

The land lies immediately opposite the Foreshore and beach and approximately 1.0km from the Torquay town centre. The land is also located in an area of Cultural Heritage Sensitivity.



The site abuts residential lots to the north-west, north-east and south-west and these are developed with the dwellings at either single or two storey scale. To the immediate south-west is a block of attached dwellings; excepting one of the dwellings, these dwellings are single.

The rhythm of setbacks along The Esplanade is generally consistent and spacing around buildings and open back yards are features of the area. In Felix Crescent to the north-west, many of the dwellings include rear facing decks.

The Wyndham Resort is the exception in an area generally developed for housing. The resort is developed over three storeys (plus basement) and is an island site bounded by Deep Creek to the north, The Esplanade to the East, Darian Road to the south and Riverside Drive to the west. Subsequent to the construction of the Wyndham, housing development has occurred to the immediate west.

### **Relevant History and Background**

#### ***Past permits:***

No record exists for any previous planning permit applications for the site.

#### **Registered Restrictions**

Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit that would result in a breach of a registered restriction. The subject land is comprised of seven lots; none of the seven lots is affected by registered restrictions.

### **CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)**

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity. Part 2 - Division 2 of the Aboriginal Heritage Regulations 2007





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specifies exempt activities which do not require a Cultural Heritage Management Plan.

The site is located within an area of Aboriginal cultural significance.

The application is classified as a high impact activity.

The application asserts that there has been significant ground disturbance on the land and therefore, a CHMP is not required. The CHMP assessment is considered to be inconclusive and a question about the need for a CHMP remains outstanding (see discussion).

### REFERRALS

The following external referrals were undertaken:

Referral Authority	Type of Referral	Comments
Barwon Water	Informal	No response provided

The following internal referrals were undertaken:

Department	Comments
Waste management	Waste management must allow for a minimum of 120Lt of garbage and 120Lt of recyclables for each unit each week. The application only allows 80Lt of each stream for the 45 x 2 bedroom units.

Department	Comments
Infrastructure	Highlighted need for a stormwater management plan. Questions raised about construction management due to the high level of excavation required. Questioned mechanism to be used to allow egress from car park. Noted the lack of detail on the plans regarding pavement widths and line marking and requested this be included. Recommended removal of the space adjacent to the services cabinet (for unimpeded access to cabinet). Concern about the number and adequacy of tandem spaces and consequences on parking in the public realm. Recommended that car spaces be allocated (to each unit). Recommend exploration of vehicular access being split for located on the south side. Also recommend further exploration/explanation of manoeuvring into/out of site (currently left proposed as in and left out).

### PUBLIC NOTICE

Public notification of the application was required pursuant to Section 52 of the Act. Public notification included:

- Notices to adjoining property owners;
- Signs on site;
- Two notices in the Public Notices section of the Surf Coast Times (26 and 19 April, 2018).

A Statutory Declaration has been returned to Council advising that notice has been undertaken, as required.

### AMENDMENT TO APPLICATION AFTER NOTICE

A Section 57a request was made to Council to amend the application before notice was undertaken. These are the plans on which the report is based.

### OBJECTIONS

A total of 71 objections have been lodged with Council. TRIM was checked on 13 July, 2018 confirming that the last objection was received on 22 June, 2018.

The concerns of objectors are summarised in Attachment B. As the concerns of the 71 objections cover a range



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of overlapping issues, these are discussed in the body of the report.

**CONSULTATION**

As a hearing of submissions was held on 3<sup>rd</sup> July 2018, no consultation meeting was undertaken.

**PLANNING SCHEME PROVISIONS**

The use is defined as dwelling which is nested under accommodation.

**Zone table**

**General Residential Zone – (GRZ1)**

Surf Coast General Residential Areas last updated VC116

Clause	Requirement	Proposal	Permit required/ relevant								
Clause 32.08-1 <b>Use of land</b>	No permit required to use the land for a dwelling.	Dwelling	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
Clause 32.08-3 <b>Subdivision</b>	A permit is required to subdivide land. An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling and car space, must meet the relevant requirements of Clause 56. An application to subdivide land that creates a vacant lot capable of development for a dwelling or residential building, must ensure that each lot created contains the minimum garden area set out in Clause 32.08-4. Where a vacant lot less than 400 square metres is created, that lot must contain at least 25 percent of the lot as garden area. This does not apply to land where an approved precinct structure plan or an equivalent strategic plan applies.	None proposed	N/A								
Clause 32.08-4 <b>Minimum garden area requirement</b>	Whether or not a planning permit is required for the construction or extension of a dwelling or residential building on a lot, a lot <b>must</b> provide the minimum garden area at ground level as set out in the following table: <table border="1" data-bbox="466 1256 938 1406"> <thead> <tr> <th>Lot size</th> <th>Minimum % set aside as garden area</th> </tr> </thead> <tbody> <tr> <td>400-500 square metres</td> <td>25%</td> </tr> <tr> <td>500-650 square metres</td> <td>30%</td> </tr> <tr> <td>Above 650 square metres</td> <td>35%</td> </tr> </tbody> </table> <p>Note: Transitional provisions apply</p>	Lot size	Minimum % set aside as garden area	400-500 square metres	25%	500-650 square metres	30%	Above 650 square metres	35%	The percentage of lot area set aside as garden area is 35% of each lot.  Proposed = 33.5%  The alternative position is to determine the % of garden area is to base the calculated area on the area of the <u>existing</u> lots (see discussion).  Using this method, the application fails to achieve the required garden area on two lots.	Yes Fails See discussion
Lot size	Minimum % set aside as garden area										
400-500 square metres	25%										
500-650 square metres	30%										
Above 650 square metres	35%										
Clause 32.08-9 <b>Maximum building height</b>	Building height <b>must not</b> exceed 11 metres; and The building <b>must not</b> contain more than three storeys at any point Note: A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees. Note: A basement is not a storey for the purposes of calculating the number of storeys contained in a building.	Building height is defined as: The vertical distance from NGL to the roof or parapet...  <b>Roof: 10.01m</b> <b>Lift: 10.65m</b> <b>Screens: 11.06m</b>	Yes See discussion								



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	<i>Note: If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.</i>	See discussion	
		Stores: three (excludes basement)	
<b>Clause 32.08-4 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings</b>	<p>A permit is required to:</p> <ul style="list-style-type: none"> <li>Construct a dwelling if there is at least one dwelling on the existing lot;</li> <li>Construct two or more dwellings on a lot;</li> <li>Extend a dwelling if there are two or more dwellings on a lot;</li> <li>Construct or extend a dwelling if it is on common property;</li> <li>Construct or extend a residential building.</li> </ul> <p>A development must meet the requirements of Clause 55.</p>	Medium density application	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Clause 32.08-4 Front fences</b>	<p>A permit is required to construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building and the fence exceeds maximum height in Clause 55.06-2.</p> <p>A development must meet the requirements of Clause 55.</p>	Front fence with a height of 1.1 metres	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

**Overlay tables**

**Significant Landscape Overlay – Schedule 6 (SLO6)**

**Central Torquay and Jan Juc Residential Areas** last updated VC124

Clause	Requirement	Proposal	Permit required
<b>Clause 42.03-2</b> combined with <b>Schedule 6</b> <b>Permit triggers – buildings and works</b>	A permit is not required to construct a building or carry out works.	Buildings and works	No
<b>Clause 42.03-2</b> combined with <b>Schedule 6: 3.0</b> <b>Permit triggers - Vegetation</b>	<p>A permit is required to remove, destroy or lop any Bellarine Yellow Gum (<i>Eucalyptus leucoxylon</i> subsp. <i>bellarinensis</i>) or Moonah (<i>Melaleuca lanceolata</i> subsp. <i>lanceolata</i>), any exotic tree greater than 5 metres in height or native vegetation greater than 3 metres in height.</p> <p>This does not apply:</p> <ul style="list-style-type: none"> <li>If the vegetation is dead.</li> <li>If the vegetation is within 2 metres of the outer edge of the roof of a building or overhangs this area.</li> <li>If the vegetation is listed as an environmental weed in the incorporated document "Environmental Weeds – Invaders of our Surf Coast, 2nd Edition (2002)".</li> <li>To the reasonable trimming of vegetation for the purpose of maintaining its on-going health and proportion within the garden landscape.</li> <li>If the table to Clause 42.03-3 specifically states that a permit is not</li> </ul>	Vegetation removal	Yes



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	required		
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**Design and Development Overlay – Schedule 13 (DDO13)**  
**Coastal Boulevards Torquay – Jan Juc last updated C66**

Clause	Requirement	Proposal	Permit required
Clause 43.02-2 combined with Schedule 13 <b>Permit triggers - Buildings and works</b>	A permit is required to construct a building or to construct or carry out works. This does not apply to: <ul style="list-style-type: none"> <li>an outdoor swimming pool associated with a dwelling, unless the proportion of the site covered by buildings, hard surfaces and pools exceeds 50 per cent of the site area</li> <li>Construct or carry out works normal to a dwelling.</li> <li>Construct or extend an outbuilding (other than a garage or carport) with a gross floor area that does not exceed 10 square metres and a maximum building height of no more than 3 metres above ground level.</li> </ul>	Buildings and works  (construction of 48 residential apartments)	Yes
Clause 43.02-2 combined with Schedule 13 <b>Permit triggers - fences</b>	A permit is required to construct a fence that is more than 1.0 metre in height and located on or within: <ul style="list-style-type: none"> <li>6 metres of the front street boundary.</li> <li>1 metre of a boundary abutting a public open space or foreshore reserve.</li> </ul>	Front fence of 1.1m in height (excluding entry features).  Side fence forward of the residential building to 2.2m at front.  Dividing fences within the development forward of the building to 1.8m.	Yes

**Development Contributions Plan Overlay – Schedule 2 (DCP02)**  
**Torquay Jan Juc Development Contributions Plan last updated C57**

Clause	Requirement	Proposal	Levies payable
Clause 45.06-1 combined with Schedule 2: 3.0 <b>DCP</b>	A permit granted must: <ul style="list-style-type: none"> <li>Be consistent with the provisions of the relevant development contributions plan.</li> <li>Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.</li> </ul>	Charging area: 16	
		Development Infrastructure levy:	
		Community Infrastructure levy:	\$1,075.55+CPI per dwelling

**Particular Provisions**

The following particular provisions are considered in respect to this application:

Provision	Permit triggers/Requirements	Applicable
52.06 Car parking	These provisions do not apply to the extension or construction and use of one dwelling on a lot in the GRZ	Yes
52.17 Native vegetation	No permit required to remove, destroy or lop native vegetation on land which, together with all contiguous land in one ownership, has an area of less than 0.4 hectare.	No



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55 Two or more dwellings on a lot and residential buildings	Refer to the Clause 55 assessment attached to this report. (includes clause 55.07 – apartment developments)	Yes
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**State Planning Policy Framework**

The following State policies have been considered with respect to this application:

- Clause 11.02 Urban growth
- Clause 11.05 Regional development
- Clause 11.07 Geelong (G21) regional growth
- Clause 12.02 Coastal areas
- Clause 12.04 Significant environments and landscapes
- Clause 13.05 Bushfire
- Clause 15.01 Urban environment
- Clause 15.02 Sustainable development
- Clause 16.01 Residential development
- Clause 19.03 Development infrastructure
- Clause 19.02 Community infrastructure

**Local Planning Policy Framework**

The following provisions of the LPPF have been considered with respect to this application:

**Municipal Strategic Statement**

The MSS is a statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving those objectives. The key provisions of the MSS as it relates to this application include:

- Clause 21.01 Profile and Vision
- Clause 21.02 Settlement, Built Environment, Heritage and Housing
- Clause 21.03 Environmental Management
- Clause 21.08 Torquay-Jan Juc Strategy
- Clause 22.02 Streetscape and Landscaping Policy

These clauses outline that the Surf Coast Shire contains rich and diverse environmental, cultural and scenic landscapes including rugged coastlines, native forests, rolling to flat rural plains and many rivers, lakes and wetlands. The southern part of the Shire contains nodes of coastal townships dotted along the Great Ocean Road comprising Torquay-Jan Juc, Anglesea, Aireys Inlet, Fairhaven, Moggs Creek and Lorne. Each of these towns has its own distinct character and identity and a potential for development.

A recurring theme of the Surf Coast Shire's MSS is balancing development against the environmental qualities of the Shire which provide the foundation of its attractiveness as a place to live, to work and to visit. To achieve this Shire has adopted detailed policies for the coastal townships and their hinterland which direct new development into existing town areas and limit development in areas of high scenic, environmental and agricultural value.

The MSS identifies that Torquay-Jan Juc and Winchelsea will be the urban growth areas within the Shire. A lesser intensity of development is planned for the smaller coastal townships due to character, environmental and servicing considerations.

The Torquay-Jan Juc Strategy (Clause 21.08) describes Torquay-Jan Juc as follows:

*Torquay-Jan Juc is the main urban growth centre of the Surf Coast Shire. It is a popular destination for surfers, tourists, holiday makers and retirees, and the sea-change movement has resulted in the town becoming increasingly popular for permanent settlement by those valuing a coastal lifestyle.*

Key Issues and Influences identified include:

- State and regional policies identifying Torquay-Jan Juc as a growth node in the Great Ocean Road and G21 regions.
- Balancing growth and development densities against a community desire to maintain the coastal



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character of Torquay-Jan Juc whilst also achieving overarching sustainability objectives. The five values identified in Sustainable Futures Plan Torquay Jan Juc 2040 (2012) to help manage this are:

- Value 1: Places for People – The importance of a close knit community
  - Value 2: The Natural Environment – Protecting and enhancing the natural environment
  - Value 3: The Built Environment – Fostering the unique coastal look and feel
  - Value 4: Services and Infrastructure – Planning for services and infrastructure with development
  - Value 5: A Local Economy – Providing employment opportunities locally.
- Increasing housing diversity and affordability in response to socio-demographic change.

#### 21.08-2 Settlement, Built Environment and Housing

The objective of this clause is:

*To accommodate and manage the projected population growth and demographic change of Torquay-Jan Juc in an environmentally sustainable manner that respects and celebrates the distinct surfing identity and coastal character of the town and responds to Value 1 "Places for People" and Value 3 "The Built Environment" from the Sustainable Futures Plan Torquay Jan Juc 2040 (2012)*

The relevant strategies to achieve this include:

- Promote a range of lot sizes and housing types, including medium density development in appropriate locations, in the new growth areas and ensure good access to surrounding areas, public transport, public open space and other facilities.
- Provide a range of housing types, sizes and configurations at suitable densities to cater for the changing housing needs of current and future populations, taking account of the differential capacity of the various areas to accommodate housing growth and change (in accordance with Map 2 to Clause 21.08 – Torquay-Jan Juc Residential Development Framework).
- Encourage a variety of well-designed medium and higher density housing types and sizes in the form of units, townhouses, terrace housing and low-rise apartments (including smaller sized dwellings with only one or two bedrooms) in Old Torquay and within walking distance of neighbourhood activity centres, ensuring such developments value add to the evolving urban character.
- Ensure new residential development is of a high standard and builds on the coastal character by incorporating contemporary designs, with an articulated built form and a range of visually interesting building materials, colours and façade treatments that respond to the local context and preferred character of the neighbourhood.

#### **Local Policies:**

##### 22.09: Torquay – Jan Juc Residential Development and Neighbourhood Character Policy

As relevant to this application, clause 22.09 sets out the following objectives;

*To adopt a managed approach to residential development, taking account of the differential capacity of the residential areas in Torquay-Jan Juc to accommodate housing growth and change.*

*To ensure development achieves architectural and urban design outcomes that positively contribute to the preferred future character of the residential areas of Torquay-Jan Juc, as identified in the Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment (2006) and Torquay-Jan Juc Neighbourhood Character Study Review (2012).*

*To recognise the need for change in urban consolidation areas while respecting the desired future character of these areas.*

*To promote a range of housing types, sizes and configurations in appropriate locations to accommodate the future needs of Torquay-Jan Juc's growing and changing population.*

*To ensure that landscaping and trees remain a major element in the appearance and character of Torquay-Jan Juc's residential environments.*

*To provide greater certainty for the community and the development industry as to the preferred intensity of residential development and the future character of different areas of Torquay-Jan Juc.*

The policy goes on to reference a number of different "housing areas" with the preferred character statements varying subject to the area that a site falls within. In this instance, the application site falls within housing area 2 – General Residential (mixed density) which is described as having:

*the capacity to accommodate a moderate level of housing growth and diversity. They include the*



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*established neighbourhoods of Old Torquay north of Beach Road, Church Estate and Wombah Park/Golden Beach Estate and the newer residential subdivisions at Surf View Estate and Deep Creek/Briody Drive Estate. The established areas have a garden character consisting substantially of single and double storey detached houses in a garden setting. Throughout the areas there has been a reasonable level of new infill development, but this has largely been restricted to one and two storey detached dwellings and dispersed medium density developments, including villa units and townhouses.*

*The future character of these areas will evolve over time to contain a greater mix of housing types at a lower intensity than in urban consolidation areas, including well designed and site responsive medium density infill development (including second dwellings, dual occupancies and townhouse developments), and exhaustion of remaining vacant lots, dwelling renovations or extensions and replacement of older dwellings by new houses.*

*The balance between the built form and the garden setting will continue to be the valued key characteristic of these areas. Side setbacks on both sides maintain a sense of spaciousness around dwellings. New development will blend with the existing by respecting the older building styles and scales without replicating these, and will contribute to the garden setting and landscape character through the planting of canopy trees, in particular within front gardens.*

#### Relevant Incorporated and/or Reference Documents

The following relevant documents have been considered during the assessment of this application:

- Torquay and Jan Juc Structure Plan (2007)
- Sustainable Futures Torquay-Jan Juc (2012)
- Torquay-Jan Juc Neighbourhood Character Study Review (2012)
- Torquay-Jan Juc Neighbourhood Character Study and Vegetation Assessment (2006)

#### Relevant Planning Scheme Amendments and/or Strategies

There are no amendments relevant to this application.

#### **OFFICER DIRECT OR INDIRECT INTEREST**

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

#### **DISCUSSION OF KEY ISSUES**

The application seeks approval for Construction of a Residential Apartment Building (48 Units) and Removal of Vegetation which requires a permit under the General Residential Zone, Design and Development Overlay-Schedule 13 and the Significant Landscape Overlay-Schedule 6.

At the time of writing this report, Council had received notice that the application has been appealed under Section 79 of the Planning and Environment Act 1987.

The application material provided to support the proposal lacks the necessary detail and clarity to properly explain and justify the proposal and this has hindered the provision of an accurate and comprehensive assessment.

Further, it is noted that the Cultural Heritage Assessment by Andrew Long and Associates that has been provided to support the assertion that a CHMP is not required lacks rigour and fails to provide supporting evidence or a facts to support its conclusions. The need for a CHMP is a question that remains unresolved.

The matter of garden area has also been drawn out in the discussion below. The application indicates non-compliance with clause 32.08-4 (minimum garden area requirements) and as the requirements of clause 32.08-4 are mandatory, a failure to comply would render the proposal prohibited. A question of fact on this matter remains outstanding (see further discussion below).

The detailed assessment against the Clause 55 (including 55.07) is included as an Attachment to this report and a written assessment of the proposal is included below.

#### **Neighbourhood Character**

A basic neighbourhood and site description has been provided although the key elements do not appear to have been genuinely considered in the development of the proposal which seems to indicate either a lack of understanding or a disregard for the site context and neighbourhood character.

As relevant to this application, the preferred character for Torquay is set out in the Torquay-Jan Juc 17 0374 - Assessment - Officer s Report – Torquay to Jan Juc Full - 86-92 THE ESPLANADE TORQUAY.DOCX  
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Neighbourhood Character Study and Vegetation Assessment (2006) and the Torquay-Jan Juc Neighbourhood Character Study Review (2012).

Having regard to the latter document, the application site lies in precinct 1 which is described as comprising:

*... the residential areas of Old Torquay extending from Deep Creek in the north to Point Danger in the south. It is bordered by the Surf Coast Highway to the west and The Esplanade to the east. The area is characterised by a mix of modest traditional beach houses on large lots set amongst a moderate cover of vegetation. A substantial level of medium density infill development has occurred in recent years. The area contains scattered remnants of Bellarine Yellow Gum and Moonah, as well as exotic and non-indigenous native trees and shrubs which contribute to the leafiness of the streetscapes and the coastal landscape character of the town.*

The study then goes on to include that the area falls into sub-precinct 1.3 which is described as follows:

*This area along The Esplanade opposite the foreshore stretching from Point Danger in the south to the Wyndham Resort in the north is developed by a mix of detached and medium density housing of various architectural styles, building heights and eras, including older beach houses of varied lightweight materials, suburban style dwellings constructed of brick with terracotta tiled roofs and more bold contemporary style dwellings and townhouses. The area contains a moderate vegetation cover with a mixture of exotic shrubs and trees and mature native vegetation with canopy trees. A cluster of three-storey 1960s style apartment complexes is located at the southern end of the precinct. Considerable redevelopment has occurred in recent years; however the precinct has retained its low scale coastal character for most part.*

The preferred character attributes for the sub-precinct listed in the study are:

- *Retention of vegetation and enhancement of the overall vegetation cover, with emphasis on the planting of canopy trees in new developments.*
- *Increased density of development, but limits to the extent of building and hard surface site coverage to facilitate enhanced vegetation cover.*
- *Front setbacks that are consistent with the prevailing setbacks and provide for the retention and planting of trees.*
- *Side and rear setbacks that provide for planting between buildings and retain the permeability of the streetscape.*
- *Innovative contemporary housing that is consistent with the coastal character of Torquay and complements the scenic landscape values of the foreshore.*
- *Limited building height to maintain the low scale character of current development (maximum 2 storeys).*
- *Access and vehicle parking areas that are visually recessive and well integrated with the development.*
- *Development that integrates well with the street (i.e. no high front fences).*

To achieve this, the DDO13 has been applied to the land and this sets out a preferred character outcome articulated through the following objectives:

- *To encourage building design that complements the coastal landscape setting and the scenic and landscape values of the foreshore environs.*
- *To ensure that development provides for spacing around buildings and visual permeability when viewed from foreshore areas and the street.*
- *To minimise the visual impact of development when viewed from public areas, having regard to building size, height, bulk, siting, site coverage, car parking and external materials and colours.*
- *To encourage retention and establishment of native and indigenous vegetation that enhances the softening of development, with emphasis on the establishment of vegetation that improves the interface with the foreshore areas.*
- *To provide for the reasonable sharing of views of the foreshore, ocean and significant landscape features from properties affected by this Schedule.*
- *To reinforce and/or establish a low fenced or unfenced open character along the coastal boulevards and reserves.*





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In summary, the DDO13 seeks to achieve a character outcome where buildings complement the foreshore environs by minimising their visual impact as viewed from the public realm. Spacing should be provided around and between buildings, landscaping should soften development and building prominence should be minimised by considering its size, height, bulk and external finishes.

The overlay includes requirements relating to fences, building height, site coverage and planting, parking and access and setbacks. In the interest of providing a coherent and structured assessment, these requirements have been discussed separately below.

#### Building Height

The General Residential Zone, Clause 55 (ResCode) and Schedule 13 to the Design and Development Overlay (DDO13) each refer to building height.

The zone refers to a mandatory height limit of 11 metres; the height is measured to the roof. The zone also refers to a maximum of three storeys (excluding a basement).

Clause 55.03-2 refers to a maximum building height of 9 metres which may be increased to 10 metres where there is a significant slope.

The DDO13 refers to a preferred maximum height of 7.5 metres.

As the maximum height of the building (including roof top appurtenances and features) exceeds 11 metres, it is considered important to establish compliance with the mandatory height limit in the first instance.

Of relevance, clause 72 defines building height as *the vertical distance from natural ground level to the roof or parapet at any point*. This raises a few questions, namely 1) what is the natural ground level (NGL)? 2) how is building height calculated? 3) do the roof top screens constitute a parapet?

As the application plans have not clearly referenced existing levels on the development plans, for the purpose of this assessment RL 11.34 has been used; this is the low point shown on Drawing A01 (existing site/demolition plan). Based on this reference point, the following heights have been deduced:

- Proposed height to main roof (excluding parapet): 10.01m
- Proposed height to top of lift overrun: 11.01m
- Proposed height to screen/s: 11.39m

As indicated in the clause 72 definition set out above, building height is calculated by reference to the main roof and in this instance, this is considered to exclude the lift overrun; the building height is therefore, 10.01 metres. Whether or not the lift overrun and stair access should be included is clearly articulated in VCAT decision *Prahran Orrong Park Developments Pty Ltd v Stonnington CC [2017] VCAT 1021 (12 July 2017)*. In this decision, Deputy President Mark Dwyer repeats the principles set out in *Aitken Properties Pty Ltd v Hobsons Bay CC* which are:

- *Although a 'building' (as defined) includes any rooftop service installations, the 'building height' (as defined) is calculated from ground level to the roof or parapet. This height calculation thus excludes service installations or other elements above the roof or parapet.*
- *To the extent the definition of 'building height' references the vertical distance to the roof at any point, it may therefore include the highest point of any material roofed element.*
- *Service installations or elements such as a lift overrun, water tanks, screening and solar panels will not therefore, form part of the calculation of 'building height'.*
- *Despite the above, it may be the case that a particular element is of such a size or nature or type of construction, or housed in such a way, that it should be treated as a roofed element in its own right, such that the definition of 'building height' should be referenced to the vertical distance to the roof of that element.*

The Prahran Orrong decision will not be drawn out in detail here; however, it is a useful reference as in this instance, the original application prior to its amendment on 28 February, 2018 included roof top elements (the lift overrun and roof top access) that would have been considered roofed elements. The application was subsequently amended such that now it is considered that the access and lift overrun no longer form part of the 'roof' as defined above.

The proposed development therefore, complies with the mandatory height limit under the zone and the maximum



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number of storeys.

The objective of clause 55.03-2 is to ensure that the height of buildings respects the existing or preferred neighbourhood character. The preferred character attributes are set out in the DDO13 so it follows that the objectives of clause 55.03-2 are intrinsically linked to the DDO13.

Associated standard B7 states that:

- **The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land** [my emphasis].
- **If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres** [my emphasis].
- *Change of building height between existing buildings and new buildings should be graduated.*

In this instance, a maximum height is specified in the Design and Development Overlay-Schedule 13. The maximum preferred height against which the proposal must be measured is therefore, 7.5 metres and not 9 metres or 10 metres.

To achieve the objectives set out earlier, the DDO13 includes a number of requirements. This includes a requirement relating to building height which states that *buildings should not exceed a height of 7.5 metres above natural ground level*. The decision guidelines then go on to require decision makers to consider (inter alia) the proposed height of a development in context with its other features and the preferred character outcomes. As building height must be considered in context with the remaining neighbourhood character elements, it is not discussed at length here. However, it is relevant to emphasise that the maximum preferred height limit of 7.5 metres is the relevant height against which the proposal must be measured.

#### Setbacks

Clauses 55.03-1 (street setback), 55.04-1 (side and rear setbacks) and the DDO13 each include minimum setback requirements although in this instance, the requirements of clause 55.03-1 are of lesser relevance as the DDO13 requires a greater street setback than clause 55; the side and rear setback requirements of clause 55.04-1 remain relevant and will be briefly discussed here.

The DDO13 includes that *walls of buildings should be set back from streets at least 6 metres from the front street and 3 metres from a side street on a corner lot. Porches, pergolas, balconies and verandahs may not encroach into these setbacks*. [my emphasis]

The side is not on a corner and therefore, a 6.0m setback is required; this setback must have regard to the pergolas.

In this instance, 6.0 metre setback to the main building has been achieved; however, the pergolas lie forward of the building and encroach into the front setback by approximately 4.0 metres. In short, a setback of only 2.0 metres is achieved.

The DDO13 also requires side setbacks of at least *3 metres from one side boundary at ground floor level; 3 metres from both side boundaries at first floor level and 6 metres from a rear boundary abutting a public open space or foreshore reserve*. As the rear boundary of the application site does not abut public open space, the 6.0m rear setback is not relevant.

The side setback requirements of the DDO13 seek to achieve a preferred character outcome; the objective (and standard B17) of clause 55.04-1 seek to achieve both a preferred character outcome and protect the amenity of existing dwellings. As the building is not a neat rectangle and proposed setbacks therefore, vary they are measured here from the closest point of the building to a given boundary (unless a greater setback is required having regard to another point of the building).



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Orientation	Required by DDO13	Required by B17	Proposed	Point of measurement
<i>Note: some calculations are based on approximate heights using the limited level information provided</i>				
North-west (rear)	N/A	<b>4.74 metres</b> 2.659 metres	4.112 metres 2.892 metres	Roof Second floor balcony
South-west (side)	<b>3.0 metres</b>	<b>5.13 metres</b>	3.529 metres 2.981 metres	Roof Balcony
North-east (side)	<b>3.0 metres</b>	2.72 metres	2.937 metres	Second floor balcony

As shown in the above table, the application fails to meet the side setback requirements of the DDO13 on both side boundaries. It also fails to meet the side and rear setback standards of clause 55.04-1 on the north-west (rear) and south-west (side) elevations.

**Building site coverage**

Clause 55.03-3 seeks to ensure that *the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site*. Standard B8 of that clause goes on to include that the area of the site covered by buildings should not exceed 60 per cent.

The DDO13 also includes requirements relating to site coverage and landscaping. This requirement states that *at least 50 per cent of the site should be available for the planting of vegetation. The area available for the planting of vegetation cannot include driveways, paths, decks, terraces, patios, swimming pools and tennis courts*.

The requirements of clause 55.03-3 and the DDO13 differ in their emphasis; clause 55 seeks to ensure that no more than 60 per cent of the site is covered by buildings irrespective of the area available for planting. In contrast, the DDO13 seeks to ensure that 50 percent of the site is available for the planting of vegetation irrespective of the building footprint (although it clearly follows that the footprint must be less than 50 percent of the site area). Having regard to the more stringent requirements of the DDO13, it is given greater emphasis here.

Given that the emphasis of the DDO13 is on the area available for the planting of vegetation and not just on the out of ground development on the site, the extent of coverage by the basement car park is considered relevant and this is particularly so given the apparent lack of soil depth over the basement.

The application material includes a Traffic Parking Report by TTM Consulting (Vic) Pty Ltd and that report includes a useful 'ramp longitudinal section'. The section shows what is taken to be the underside of the car park roof with an RL of 10.90 and the RL of the bike parking as RL 11.15; the latter RL is generally consistent with the levels shown on the ground floor site plan (A04) which shows an RL of 11.0. Based on these levels, it follows that there will be no soil cover over the underground car park and the area will not be suitable for planting. The basement car park has therefore, been included in the calculations of surface coverage. Based on this premise, the extent of non-plantable area is estimated to be in the order of 2,440m<sup>2</sup> or 75 percent.

Of further relevance to this discussion are the 'deep soil' provisions of clause 55.07-4, the objective of which is to *promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect*.

Associated standard B38 requires that the landscape layout and design be responsive to (inter alia) the site context and maximise deep soil areas for planting canopy trees. The standard goes on to set minimum requirements shown as a percentage of the site area that also has a minimum dimension and a minimum number of trees to be planted.

In this instance, the standard requires that 15% of the site area be set aside and that area must have a minimum dimension of 6.0 metres. One large tree (defined as at least 12 metres high) must be planted for every 90m<sup>2</sup> of deep soil (or alternatively, two medium trees for each large tree). There are some alternatives to this requirement where the requirement cannot be met; however, these are not considered relevant in this instance and are not expanded on here.



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Based on the site area, approximately 485m<sup>2</sup> must be available for the planting of five large trees (or 10 medium trees). Having regard to the footprint of the basement car park and the minimum dimension requirements of the standard, the only suitable area is within the front setback where 369m<sup>2</sup> of land is available. This calculation does, however, include the area encumbered by the pergolas. It is noted that the application proposes the planting of seven *corymbia ficifolia* 'fairy floss' in this area; these trees achieve a mature height and width of 6m x 4m.

#### **Fences**

The objective of clause 55.06-2 is to *encourage front fence design that respects the existing or preferred neighbourhood character*. The preferred character is articulated in the DDO13 and this position is reinforced through the decision guidelines which require decision makers to consider (inter alia) *any relevant neighbourhood character objective, policy or statement set out in this scheme*.

The DDO13 triggers a permit for fences that exceed 1.0 metres in height that are located within 6 metres of the front boundary. This means that all fences above 1.0m (including side and dividing fences) that are forward of the building require planning approval. The relevant design objective seeks to *reinforce and/or establish a low fenced or unfenced open character along the coastal boulevards and reserves*.

The decision guidelines of the DDO13 go on to require decision makers to consider whether a fence is appropriate having regard to the streetscape character and the level of compatibility of the fence with the prevailing style, scale and materials of existing fencing within the streetscape and whether it allows for openness/visual permeability between private and public areas.

As outlined in the proposal description the application includes a front fence that varies between 1.0 metres and 1.1 metres. The application also includes side fences which are noted on the plans as 1.8 metre but that appear to reach 2.2 metres at the front title boundary and dividing fences that run from the building to the front boundary; these are also noted on the plans as being 1.8 metres high.

It is not clear why the dividing fences are 1.8 metres high when the front fence is only 1.1 metres; the proposed fence layout is at odds with the existing streetscape and poses a poor neighbourhood and streetscape character outcome having regard to the overlay.

#### **Contextual neighbourhood character discussion**

A broad range of characteristics determine the character of a neighbourhood and streetscape including for example, siting, spacing and setbacks, building style, size and mass, development density, fencing, subdivision patterns, topography and views, vegetation type and cover and surrounding land use.

As mentioned earlier, the DDO13 seeks to achieve a character outcome where buildings complement the foreshore environs by minimising their visual impact as viewed from the public realm. Requirements are applied to achieve a rhythm of spacing between buildings, setbacks and scale; footprints are limited to ensure that plantable area is retained so that development may be softened by vegetation.

For development to make a positive contribution to the preferred character of the area, cues must be taken from surrounding and nearby development and regard must be given to the overlay and relevant policy; it is not considered appropriate to 'cherry pick' those neighbourhood elements to confirm a conclusion formed ahead of analysis. Genuine regard must be given to the site context and the objectives, requirements and decision guidelines of the Design and Development Overlay, Schedule 13 and this in turn must influence the design response. There is no evidence that this has been done here.

Reference has been made to the Wyndham in order to justify the height of the proposed building. Notwithstanding that in this location the Wyndham is anomalous in terms of its scale, it is also noted that at the time of its approval the Wyndham was located on an island site, bounded by Deep Creek to the north, The Esplanade to the east, Darian Road to the south and Riverside Drive to the west. In short, the context of the building differs to that of the application site which is set among double and single storey scale dwellings.

The proposed development fails on a number of neighbourhood character elements including height, massing, siting, footprint/landscaping, spacing, setbacks and visual permeability. Notwithstanding the excessive height in its context and the failure to provide relief by stepping in the upper levels, the continuous development across the aggregated lots is considered to be a significant failing of this development. The DDO13 is deliberate in its attempt to establish and protect a visually permeable rhythm of development along The Esplanade and therefore, irrespective of the height, this development is considered to have significant failings.



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In summary, the proposed development fails to respond satisfactorily to the DDO13 requirements as evidenced by a failure to meet the preferred height, front setbacks, side setbacks, site coverage, spacing and fence requirements. Based on the number and extent of variations, it is considered reasonable to conclude that the application indicates a complete lack of regard for the preferred character outcome sought by the DDO13; it is a development that is considered to be far from the mark.

### Off-site amenity

#### **View Sharing**

A number of the objecting parties raised concern about the loss of views which is a matter that is often considered under the scheme provisions in many of Surf Coast Shire's coastal townships.

In this instance, the DDO13 does reference view sharing in the objectives but the consideration of views is limited to those properties affected by the schedule. In simple terms and as relevant to this discussion, the DDO13 is limited to the front row dwellings on The Esplanade; a different Design and Development overlay schedule applies to those properties immediately behind the front row and beyond. The view sharing provisions may not be applied to those properties outside of the overlay (DDO13).

#### **Noise**

No acoustic assessment has been provided with the application and objecting parties have raised concern about potential noise nuisance from the proposed development including conversation noise (on balconies), traffic noise and noise from roof top appurtenances and the like.

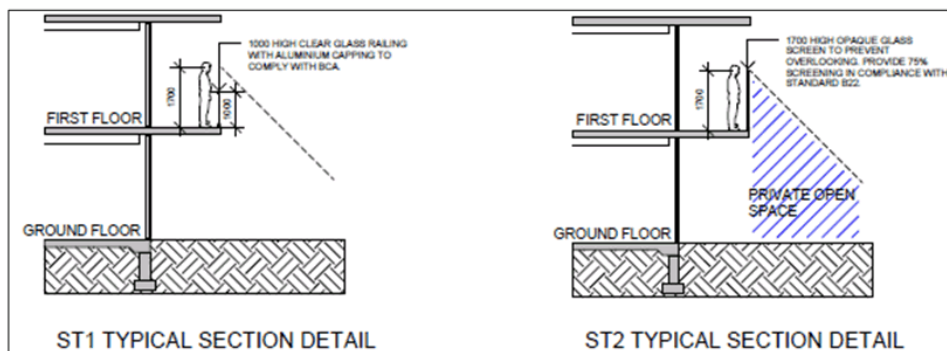
Given the site's residential zoning, conversation noise can be reasonably expected although anecdotally speaking, this can be exacerbated when the number of accommodation units is increased and accommodation is short term or holiday accommodation.

Having regard to the conservative estimate in the Traffic Assessment of 250 vehicle movements per day, it is considered possible that an unacceptable noise nuisance might occur.

It is also noted that visual screening is provided to the banks of air conditioners on the roof but no obvious acoustic attenuation is described.

#### **Overlooking**

As mentioned in Attachment A to this report, the information provided with the application is insufficient to determine whether an unreasonable degree of overlooking will occur. The application plans do include cross sections of some of the typical screening treatments although it is not always apparent where each of these has been applied. In particular, it is not clear where the obscure glazing vs clear glazing has been applied.

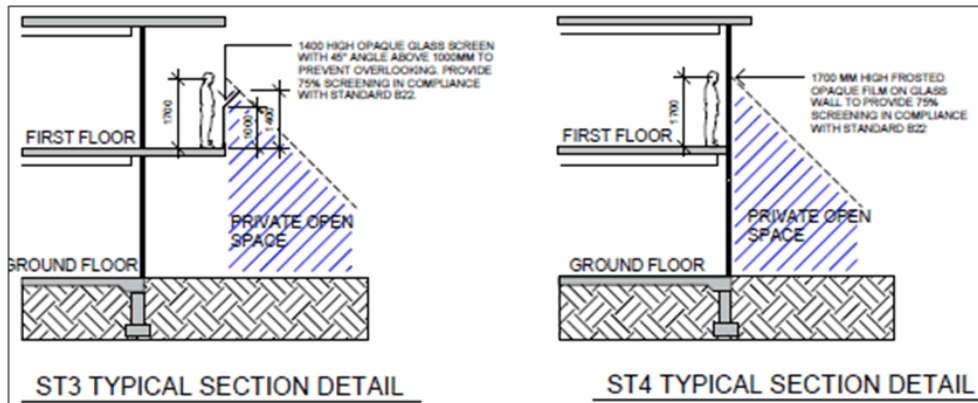


As the plans provided are not to scale and no overlooking diagrams have been provided, it is also not clear how treatment ST3 will ameliorate overlooking to nearby properties and within the development. It is further noted that the application does not address overlooking from the roof deck and in light of these deficiencies compliance with the overlooking standard has not been assumed.



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### On-site amenity

An assessment of the application against the provisions of ResCode (clause 55) was undertaken and this has indicated a lack of compliance with a number of the internal amenity objectives and standards.

In particular, reference is made to the likely shadowing of some balconies that have been provided as open space, the failure to provide secluded private open space for the ground level dwellings at the front of the development, a failure to comply with the accessibility requirements, a failure to provide for sufficient waste volumes, a failure to meet the functional layout standard some apartments and provide satisfactory levels of ventilation having regard to the standard.

In light of the limited detail, it is difficult to properly ascertain the extent of obscure glazing and screening but if compliance is assumed, much of the development will be subject to some form of screening; this would provide a poor amenity outcome for future outcomes.

This is a matter that was referenced in VCAT decision *Taranto v Glen Eira CC (Red Dot) [2015] VCAT 1904* where Senior Member Anthony Liston who described living in an apartments with a high extent of obscure glazing as being *akin to living within a plastic milk bottle*. Senior Member Liston went on to say that "if such screening measures were indeed necessary, I consider that the amenity consequences for future residents is so dire that it is doubtful that a permit should be granted". It is considered that the same risk exists here.

### Traffic and parking

The proposal generates a requirement for 51 resident spaces and 9 visitor spaces (ie. a total of 60 spaces); 75 spaces are provided. The visitor spaces are located closest to the ramp.

Each of the spaces has a depth of 4.9 metres and those adjacent to the refuse area and on the south-east, south-west side of the car park have a width of 2.6 metres. A 6.4m aisle has been provided behind the spaces and this meets the requirements of design standard 2 of clause 52.06.

Those spaces north-west of the refuse area are wider at either 2.8m or 3.0m and this is due to the narrower aisle width of 5.933m; the width of the spaces relative to the aisle width complies with design standard 2 of clause 52.06.

The car parking layout also proposes a number of blind aisles and the Traffic Engineer Assessment includes diagrams to demonstrate their functionality. The diagrams have been constructed by layering turning templates for a number of different vehicle types and this has made interpreting them a little difficult; however, they do appear to indicate that vehicles can exit the end spaces but not in a single turning manoeuvre.

Despite the excess spaces provided, the layout of the car park is problematic with sixteen spaces provided in tandem and one space impeding access to the service cupboard. It is also noted that all visitor spaces have been provided within the secure parking area; the application does not explain how visitors will gain ready access for parking. The application also does not explain how car spaces will be allocated thereby providing certainty that each residence will have on site parking available.

Concern has also been raised about the adequacy of a single entry/egress point having regard to proposed traffic



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volumes, traffic volumes on The Esplanade and street line marking (ie. limitations on turning).

### Construction management

No construction management plan has been provided with the application and it is considered critical that this be provided if a permit ensues. The proposed development includes a significant out of ground component and a very significant level of excavation having regard to the site context. Notwithstanding the difficulties in manage the storage of equipment and materials, the excavation will result in a high number of truck movements.

### Connection to infrastructure

It is noted that the site is dissected by a sewerage easement; this has not been addressed by the application and while the application was referred to Barwon Water, no response was received.

### Garden Area

On 27-March-2018, the State Government (through amendment VC110) introduced "minimum garden area requirements" into the scheme; these requirements were amended on 15-May-2018 to provide clarity but their application and underlying principles remained largely unchanged.

Of consequence to the discussion here, however, the original wording at clause 32.08-4 read (inter alia):

*Whether or not a planning permit is required for the construction or extension of a dwelling or residential building **on a lot, a lot must provide** the minimum garden area at ground level as set out in the following table... [my emphasis]*

Lot size	Minimum % set aside as garden area
400-500 square metres	25%
501-650 square metres	30%
Above 650 square metres	35%

As a result of VC143, the wording of the provision was changed and now reads (inter alia):

*An application to construct or extend a dwelling or a residential building on **a lot must provide** a minimum garden area as set out in the following table: [my emphasis]*

Lot size	Minimum % set aside as garden area
400-500 square metres	25%
500-650 square metres	30%
Above 650 square metres	35%

The garden area definition at clause 72 is:

*Any area on a lot with a minimum dimension of 1 metre that does not include:*

- a) *a dwelling or residential building, except for:*
  - *an eave, fascia or gutter that does not exceed a total width of 600mm;*
  - *a pergola;*
  - *unroofed terraces, patios, decks, steps or landings less than 800mm in height;*
  - *a basement that does not project above ground level;*
  - *any outbuilding that does not exceed a gross floor area of 10 square metres; and*
  - *domestic services normal to a dwelling or residential building;*
- b) *a driveway; or*
- c) *an area set aside for car parking.*

Notwithstanding any questions of compliance, the difficulty in applying the provision as it is written lies in the fact that the proposed development falls over seven lots. As with all planning provisions, the language of the scheme is pertinent to its application and in this instance clause 32.08-4 refers to "lots". The reference to "lot" is taken to mean the existing lot configuration and this is drawn out further below.



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A lot is defined at clause 72 as:

*A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.*

The composition of the land comprising the application site is as follows:

86 The Esplanade: Lots 13 and 14 Block 1 on LP 00239  
88 The Esplanade: Lots 1 and 2 on TP 092207V (formerly Lots 11 and 12 on LP 002379)  
90 The Esplanade: Lots 9 and 10 Block 1 on LP 002379  
92 The Esplanade: Lot 2 on PS 094525

Having regard to the definition, the land is made up of seven lots and therefore, it is the officer view that the garden area should be determined based on the lot area of each lot and not the aggregate of all lots. It follows that this will have implications for the amount of garden area required and the distribution of buildings and works across the application site.

The table below shows the lot area and the corresponding garden area requirement as a % of the lot area; the garden area must be provided on the relevant lot (ie. based on the existing lot configuration):

Street number	Lot number	Lot area (approx.)	% garden area
86 The Esplanade	13	404m <sup>2</sup>	25%
86 The Esplanade	14	404m <sup>2</sup>	25%
88 The Esplanade	1	404m <sup>2</sup>	25%
88 The Esplanade	2	404m <sup>2</sup>	25%
90 The Esplanade	9	404m <sup>2</sup>	25%
90 The Esplanade	10	404m <sup>2</sup>	25%
92 The Esplanade	2	809m <sup>2</sup>	35%

Although the decision was based on the garden area provisions as they were written prior to VC148, VCAT decision *Sargentson v Campaspe SC (Red Dot) [2018] VCAT 710* is considered to be relevant to this line of thinking and provides a useful breakdown of the rationale.

Based on the above analysis and application of the garden area provisions, the required garden area does not appear to have been provided on lot 9 at 90 The Esplanade and lot 2 at 92 The Esplanade.

### An alternate view point on the calculation of garden area

An alternate view on the application of the garden area provisions is to have regard to the application site as a single unit. It is not the method advocated here but given the lack of clarity provided around the application of the garden area provisions where multiple existing lots are involved, it is worthy of recognition in this assessment.

If the application site is taken as the aggregate of all of the individual lots, the land area is approximately 3235.75m<sup>2</sup>; being over 650m<sup>2</sup>, 35% of the land must be set aside as garden area.

As no garden area plan was provided with the application, an officer assessment of the proposed garden area provision was undertaken based on the information available and this suggests that 33% of the land will be available for garden area; this is marginally short of the required 35%.

Taking account of each of the above methods, the application material indicates that the proposal fails to meet the mandatory garden area requirements of clause 32.08-4 irrespective of the method used. A failure to meet the garden area requirements would result in the proposed development being prohibited.

### Cultural Heritage

The application site is located in an area of Cultural Heritage sensitivity. No Cultural Heritage Management Plan (CHMP) was provided with the application; however, the applicant has submitted a due diligence report to





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demonstrate significant ground disturbance.

Having considered the report, it is noted that it lacks evidence and facts to support the claims of significant ground disturbance across the whole of the site. The report is highly speculative and leaves many questions of fact unresolved. In essence, the report is not considered adequate for the purpose of demonstrating significant ground disturbance and it is the officer view that without this, a permit may not ensue.

### Bushfire risk

This land is not located in an area affected by the Bushfire Management Overlay or in a Bushfire Prone Area and the development does not create a bushfire hazard. As such, the provisions of Clause 13.05 have not been further considered in this application.

### CONCLUSION

On balance the application is considered to fail to appropriately respond to the planning provisions for the reasons set out in the discussion. It is recommended that no permit be granted for the construction of a 48 residential apartment, the removal of vegetation subject to conditions and construction of fences.



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**Attachment – Design & Development Schedule 13 – Assessment**

Updated as at C66

All new dwellings (including medium density housing), buildings and works that require a permit should meet the following requirements. <i>Clause 43.02-2 combined with Schedule 13 Requirements - Buildings and works</i>		
<b>Street setback</b>		<b>Complies Yes/No</b>
<p><i>Walls of buildings should be set back from streets at least:</i></p> <ul style="list-style-type: none"> <li>▪ 6 metres from the front street.</li> <li>▪ 3 metres from a side street on a corner lot.</li> </ul> <p><i>Porches, pergolas, balconies and verandahs may not encroach into these setbacks.</i></p>	For the purpose of assessment against the DDO13, the application site is considered to be the aggregate of the seven lots.	No The mail building achieves a 6.0m setback; this excludes pergolas (see discussion)
<b>Building height</b>		
<p><i>Buildings should not exceed a height of 7.5 metres above natural ground level.</i></p>	10.01m above NGL Excludes lift overrun, parapet and roof top appurtenances	No
<b>Site coverage / landscaping</b>		
<p><i>At least 50 per cent of the site should be available for the planting of vegetation. The area available for the planting of vegetation cannot include driveways, paths, decks, terraces, patios, swimming pools and tennis courts (whether or not these areas are pervious).</i></p>	Less than 50%	No
<b>Parking and access</b>		
<p><i>Garages and carports should be set back at least 1 metre behind the main building façade and should be visually compatible with the development.</i></p>	Basement car park	Yes
<p><i>Only one single width vehicle crossover should be provided to each lot.</i></p>	One vehicle access point for the development	Double width crossing
<p><i>A driveway should be predominantly setback at least 1 metre from the side boundary it is closest to, to allow for a 1 metre landscaped buffer.</i></p>		No
<p><i>Garages should not exceed one third of the total building width as seen from the street.</i></p>	Basement car park	Car park entrance complies
<b>Side and rear setbacks</b>		
<p><i>A new building should be set back at least:</i></p> <ul style="list-style-type: none"> <li>▪ 3 metres from one side boundary at ground floor level.</li> <li>▪ 3 metres from both side boundaries at first floor level.</li> <li>▪ 6 metres from a rear boundary abutting a public open space or foreshore reserve.</li> </ul>		Yes  Yes  N/A



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**ATTACHMENT A – ASSESSMENT AGAINST CLAUSE 55**

**NOTE:** For the purpose of the assessment against clause 55, the application site is considered to be the aggregate of the seven lots.

<b>55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE</b>				
<b>55.02-1 Neighbourhood Character</b>	<b>Met?</b>	<b>Standard B1</b>	<b>Met?</b>	<b>Comments</b>
<p>To ensure that the design respects the existing neighbourhood character or contributes to neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area</p>	No	The design response must be appropriate to the neighbourhood and the site.	No	See discussion
		The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site	No	
<b>55.02-2 Residential Policy</b>	<b>Met?</b>	<b>Standard B3</b>	<b>Met?</b>	<b>Comments</b>
<p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services</p>	No	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	No	A statement was provided and fails to demonstrate how the proposal is consistent with the relevant provisions.  See discussion
<b>55.02-3 Dwelling Diversity</b>	<b>Met?</b>	<b>Standard B3</b>	<b>Met?</b>	<b>Comments</b>
To encourage a range of dwelling sizes and types in developments of ten or more dwellings	No	<p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> <li>Dwellings with a different number of bedrooms.</li> <li>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	Yes	45 x 2BR dwellings; and 3 x 3BR dwellings  The proposal meets the standard as written but the level of dwelling diversity is considered to be limited. For this reason, the proposal is considered to be inconsistent with the objective.
<b>55.02-4 Infrastructure</b>	<b>Met?</b>	<b>Standard B4</b>	<b>Met?</b>	<b>Comments</b>
To ensure development is provided with appropriate utility services and infrastructure.	Yes	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.	Yes	The application submits that this will be met. (See discussion)
		Development should not unreasonably exceed the capacity of utility services and		As above



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To ensure development does not unreasonably overload the capacity of utility services and infrastructure.		infrastructure, including reticulated services and roads.		
		In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.		As above
<b>55.02-5 Integration With The Street</b>	<b>Met?</b>	<b>Standard B5</b>	<b>Met?</b>	<b>Comments</b>
To integrate the layout of development with the street	Yes	Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.	Yes	
		Development should be oriented to front existing and proposed streets	Yes	
		High fencing in front of dwellings should be avoided if practicable	Yes	
		Development next to existing public open space should be laid out to complement the open space.	Yes	See also character discussion

<b>55.03 SITE LAYOUT AND BUILDING MASSING</b>				
<b>55.03-1 Street Setback</b>	<b>Met?</b>	<b>Standard B6</b>	<b>Met?</b>	<b>Comments</b>
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site	No	<p>Walls of buildings should be set back from streets the distance specified below:</p> <p>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</p> <p>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</p> <p>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner:</p> <ul style="list-style-type: none"> <li>▪ The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</li> </ul> <p>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</p> <p>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p> <p>The site is on a corner.</p> <p>Min front setback if there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>Min front setback if there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p> <p>Front walls of new development fronting</p>	No	<p>The site is not on a corner</p> <p>Setbacks on adjoining lots: 2.205m (to carport at 84 The Esp.) 7.746m (94 The Esp.)</p> <p>Required setback under standard = 5.0m (some encroachments allowed) Required setback under DD13 = 6.0m (NO encroachments) Proposed setback: = 6.0m to building = 2.0m to pergolas</p> <p>See also DDO13 requirements</p>



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		<p><i>the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</i></p> <p><i>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</i></p>		
		<p><i>Porches, pergolas and verandahs that are &lt; 3.6m high and eaves may encroach ≤ 2.5m into the setbacks of this standard</i></p>	No	Encroachment is greater than 2.5m
<b>55.03-2 Building Height</b>	Met?	<b>Standard B7</b>	Met?	<b>Comments</b>
<p><i>To ensure that the height of buildings respects the existing or preferred neighbourhood character</i></p>	No	<p><i>The maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</i></p>	No	<p>The land is has limited fall (generally flat).</p> <p>Required: 7.5m Note: 9m referenced here is replaced by the preferred height of the DDO13 (see discussion)</p> <p>Proposed: *to Roof: 10.01m *to Lift: 11.01m *to Screens: 11.39m Note: given the limited detail on the plans, the above heights are based on a assumed RL of 11.34</p>
		<p><i>Changes of building height between existing buildings and new buildings should be graduated.</i></p>	No	
<b>55.03-3 Site Coverage</b>	Met?	<b>Standard B8</b>	Met?	<b>Comments</b>
<p><i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</i></p>	No	<p><i>The site area covered by buildings should not exceed 60 per cent</i></p>	No	<p>The building site coverage is: Site area: 3235.75m<sup>2</sup> BSC: 1987m<sup>2</sup> =61%</p> <p>Note: the BSC calculated here excludes the pergolas, water tanks and basement car park.</p> <p>The DDO13 also has performance measures relevant to this standard.</p>
<b>55.03-4 Permeability</b>	Met?	<b>Standard B9</b>	Met?	<b>Comments</b>
<p><i>To reduce the impact of increased stormwater run-off on the drainage system</i></p>	Yes	<p><i>The site area covered by the pervious surfaces should be at least 20% of the site</i></p>	Yes	SWMP required
<p><i>To facilitate on-site stormwater infiltration</i></p>	Yes			
<b>55.03-7 Safety</b>	Met?	<b>Standard B12</b>	Met?	<b>Comments</b>
<p><i>To ensure the layout of development provides for the safety and security of residents and property</i></p>	Yes	<p><i>Entrances to dwellings should not be obscured or isolated from the street and internal accessways</i></p>	Yes	
		<p><i>Planting which creates unsafe spaces along streets and accessways should be avoided</i></p>	Yes	
		<p><i>Developments should be designed to provided good lighting, visibility and surveillance of car parks and internal accessways</i></p>	Yes	



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		<i>Private spaces within developments should be protected from inappropriate use as public thoroughfares</i>	Yes	
<b>55.03-8 Landscaping</b>	Met?	<b>Standard B13</b>	Met?	Comments
<i>To encourage development that respects the landscape character of the neighbourhood</i>	No	<i>The landscape layout and design should:</i> <ul style="list-style-type: none"> <li>• <i>Protect any predominant landscape features of the neighbourhood</i></li> <li>• <i>Take into account the soil type and drainage patterns of the site</i></li> <li>• <i>Allow for intended vegetation growth and structural protection of buildings</i></li> <li>• <i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals</i></li> <li>• <i>Provide a safe, attractive and functional environment for residents</i></li> </ul>	No	The application fails to respond to the DDO13  See discussion
<i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance</i>				
<i>To provide appropriate landscaping</i>		<i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood</i>	No	
<i>To encourage the retention of mature vegetation on the site</i>		<i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</i>	Yes	See discussion
		<i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting</i>	Yes	
<b>55.03-9 Access</b>	Met?	<b>Standard B14</b>	Met?	Comments
<i>To ensure the number and design of vehicle crossovers respects the neighbourhood character</i>	Yes	<i>The width of accessways or car spaces should not exceed:</i> <ul style="list-style-type: none"> <li>• <i>33% of the street frontage, or</i></li> <li>• <i>if the width of the street frontage is less than 20m, 40% of the street frontage</i></li> </ul>	Yes	Double crossing servicing all apartments (80.77m frontage)
		<i>No more than one single-width crossover should be provided for each dwelling fronting a street</i>	Yes	
		<i>The location of crossovers should maximize the retention of on-street car parking spaces</i>	Yes	
		<i>The number of access point to a road in a Road Zone should be minimised</i>	NA	
		<i>Developments must provide access for service, emergency and delivery vehicles</i>	Yes	The driveway provides access to the underground car park with "swipe-card" entry.  The car park can be accessed by smaller emergency and delivery vehicles.  The proposed development is 6.0m from the street boundary (approx.. 10.2m from back of curb).
<b>55.03-10 Parking Location</b>	Met?	<b>Standard B15</b>	Met?	Comments
<i>To provide convenient parking for resident and visitor vehicles</i>	Yes	<i>Car parking facilities should:</i> <ul style="list-style-type: none"> <li>• <i>Be reasonably close and convenient to dwellings and residential buildings</i></li> <li>• <i>Be secure</i></li> <li>• <i>Be well ventilated if enclosed</i></li> </ul>	Yes	The parking arrangement is impractical but compliant with the standard.  The visitor parking is located in the basement. The application fails to explain how access will be provided having regard to the gated arrangement. This should be resolved. (see discussion)
<i>To protect residents from vehicular noise within developments</i>				



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		Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway	Yes	
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55.04 AMENITY IMPACTS				
55.04-1 Side And Rear Setback	Met?	Standard B17	Met?	Comments
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings	No	A new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.	No	See discussion
		A new building not on or within 200mm of a boundary should be setback from side or rear boundaries 1m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m	No	
		Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5m into the setbacks of this standard		See above
		Landings having an area of not more than 2sqm and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard		See above
55.04-2 Wall On Boundaries	Met?	Standard B18	Met?	Comments
To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings	Yes	A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:  10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or  Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.	Yes	No above ground walls on boundaries are proposed
		A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1m of a side or rear boundary of a lot should not abut the boundary for a length of more than:  10m plus 25% of the remaining length of the boundary of an adjoining lot, or  Where there are existing or simultaneously constructed walls or carports abutting the boundary on an	NA	As above



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		<p>abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</p>		
		<p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p>	NA	As above
		<p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	NA	As above
<b>55.04-3 Daylight To Existing Windows</b>	<b>Met?</b>	<b>Standard B19</b>	<b>Met?</b>	<b>Comments</b>
To allow adequate daylight into existing habitable room windows	Yes	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3sqm and minimum dimensions of 1m clear to the sky. The calculation of the area may include land on the abutting lot</p>	Yes	
		<p>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the existing window Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window Refer to Diagram B2</p>	Yes	
<b>55.04-4 North Facing Windows</b>	<b>Met?</b>	<b>Standard B20</b>	<b>Met?</b>	<b>Comments</b>
To allow adequate solar access to existing north-facing habitable room windows	N/A	<p>If a north-facing habitable window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m, for a distance of 3m from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east. Refer to Diagram B3</p>	NA	No north facing windows (existing dwellings) within 3m of a boundary
<b>55.04-5 Overshadow Open Space</b>	<b>Met?</b>	<b>Standard B21</b>	<b>Met?</b>	<b>Comments</b>
To ensure buildings do not significantly overshadow existing secluded private open space	?	<p>Where sunlight to secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a</p>	?	The application includes shadow diagrams (drg DDO2 A09); however, the diagrams are incorrect and further, not shown in context with adjoining properties. As a result, compliance with this standard cannot be determined.





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		<i>minimum of five hours of sunlight between 9am and 3pm on 22 September</i>		
		<i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced</i>		As above
<b>55.04-6 Overlooking</b>	<b>Met?</b>	<b>Standard B22</b>	<b>Met?</b>	<b>Comments</b>
<i>To limit views into existing secluded private open space and habitable room windows</i>	<b>No</b>	<i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45° angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above the floor level</i>	<b>No</b>	<p>The elevation plans are difficult to interpret as they relate to the location and treatment of windows/glazing; they appear to indicate large banks of clear glass windows on most elevations. This is at odds with the floor plans which suggest obscure film/glazing to 1.7m (esp. NE and NW and where there is potential viewing between apartments).</p> <p>Because the plans are not clear, a precautionary approach is taken in the assessment against this standard.</p> <p>It is not evident from the plans, how overlooking from the front section of the development into HR windows at 94 The Esplanade will be mitigated in accordance with the standard; the detail provided for rear facing windows is similarly vague (see discussion).</p> <p>The plans also show NE facing decks to the rear; these are screened with 1.4m high opaque glass screens (ST3) with a 45° angle above 1m on the NW and 1.7m high obscure glass screens (ST2) on the NE facing section (see discussion). The same (ST2) treatment has been used on SW facing decks.</p> <p>Cross sections of typical deck screens have been provided on plan DDO2 A08; however, no overlooking diagrams are provided.</p> <p>An attempt was made to manually verify the overlooking arc but as the plans provided (including a second "to scale" set) are not to scale, compliance with the standard using screen ST3 could not be verified.</p> <p>Due to a lack of clear information, compliance with the standard cannot be ascertained and is not assumed.</p>
		<i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</i> <ul style="list-style-type: none"> <li>• <i>offset a minimum of 1.5m from the edge of one window to the edge of the other</i></li> <li>• <i>have sill heights of at least 1.7m above floor level</i></li> <li>• <i>have fixed, obscure glazing in any part of the window below 1.7m above floor level</i></li> <li>• <i>have permanently fixed external</i></li> </ul>		<p>As above</p> <p>See discussion</p>



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		screens to at least 1.7m above floor level and be no more than 25% transparent		
		Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct views as specified in this standard		As above
		Screens used to obscure a view should be: <ul style="list-style-type: none"> <li>perforated panels or trellis with a maximum of 25% openings or solid translucent panels</li> <li>permanent, fixed and durable</li> <li>designed and coloured to blend with the development</li> </ul>		As above
<b>55.04-7 Internal Views</b>	<b>Met?</b>	<b>Standard B23</b>	<b>Met?</b>	<b>Comments</b>
To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development		Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development		1.8m high fences provided screening between apartments at ground level.  At first and second floor, opaque glazing is used (see discussion on amenity).  ST2 screens appear to be proposed mitigate overlooking between decks/POS; it is not clear now this meets the standard.

<b>55.05 ON-SITE AMENITY AND FACILITIES</b>				
<b>55.05-3 Daylight To New Windows</b>	<b>Met?</b>	<b>Standard B27</b>	<b>Met?</b>	<b>Comments</b>
To allow adequate daylight into new habitable room windows	Yes	A window in a habitable room should be located to face: <ul style="list-style-type: none"> <li>an outdoor space or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot, or</li> <li>a verandah provided it is open for at least one third its perimeter, or</li> <li>a carport provided it has two or more open sides and is open for at least one third of its perimeter</li> </ul>	Yes	
<b>55.05-4 Private Open Space</b>	<b>Met?</b>	<b>Standard B28</b>	<b>Met?</b>	<b>Comments</b>
To provide adequate private open space for the reasonable recreation and service needs of residents	Yes	A dwelling or residential building should have private open space: <ul style="list-style-type: none"> <li>an area of 40sqm, with one part secluded at the side or rear with a min area of 25sqm, a min dimension of 3m and convenient access from a living room, or</li> <li>a balcony of 8sqm with a min width of 1.6m and convenient access from a living room, or</li> <li>a roof-top area of 10sqm with a min width of 2m and convenient access from a living room</li> </ul>	Yes	This standard overlaps standard B43
<b>55.05-5 Solar Access To Open Space</b>	<b>Met?</b>	<b>Standard B29</b>	<b>Met?</b>	<b>Comments</b>
To allow solar access into the secluded private open space of new dwellings and residential buildings	?	The private open space should be located on the north side of the dwelling or residential buildings	?	The open space associated with the front apartments is likely to be shadowed for a large portion of the day; however, as the shadow diagrams provided with the application are not correct, compliance with this standard



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				cannot be properly ascertained.
		<i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall</i> Refer to Diagram B29		As above

<b>55.06 DETAILED DESIGN</b>				
<b>55.06-1 Design Detail</b>	<b>Met?</b>	<b>Standard B31</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage design detail that respects the existing or preferred neighbourhood character</i>	<b>No</b>	<i>The design of buildings, including:</i> <ul style="list-style-type: none"> <li>• Facade articulation and detailing,</li> <li>• Window and door proportions,</li> <li>• Roof form, and</li> <li>• Verandahs, eaves and parapets,</li> </ul> <i>should respect the existing or preferred neighbourhood character.</i>	<b>No</b>	See discussion
		<i>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character</i>		See above
<b>55.06-2 Front Fences</b>	<b>Met?</b>	<b>Standard B32</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage front fence design that respects the existing or preferred neighbourhood character</i>	<b>No</b>	<i>The design of front fences should complement the design of the dwelling and any front fences on adjoining properties</i>	<b>No</b>	See also DDO13
		<i>A front fence within 3m of a street should not exceed:</i> <ul style="list-style-type: none"> <li>• Streets in a Road Zone – 2m</li> <li>• Other Streets – 1.5m</li> </ul>		Front fence is less than 1.5m in height See discussion (side and internal dividing fences)
<b>55.06-3 Common Property</b>	<b>Met?</b>	<b>Standard B33</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that communal open space, car parking, access lanes and site facilities are practical, attractive and easily maintained</i>  <i>To avoid future management difficulties in areas of common ownership</i>	N/A	<i>Developments should clearly delineate public, communal and private areas</i>	NA	No subdivision (including common property) proposed
		<i>Common property, should be functional and capable of efficient management</i>	N/A	
<b>55.06-4 Site Service</b>	<b>Met?</b>	<b>Standard B34</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that site services can be installed and easily maintained</i>  <i>To ensure that site facilities are accessible, adequate and attractive</i>	<b>No</b>	<i>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically</i>	<b>No</b>	A sewerage pipe runs north-west to south-east adjacent to the south-west boundary of 90 The Esplanade. The application proposes to construct over this but has not explained how this will be managed. The application was referred to Barwon Water and no response was received. The implication of this is not known.  Bin enclosures are in the basement (see standard B45). Waste chutes allow disposal from all building levels.  A bank of mailboxes is provided adjacent to the footpath and pedestrian entry.
		<i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable,</i>		<b>No</b>



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		<i>waterproof and blend in with the development</i>		
		<i>Bin and recycling enclosures should be located for convenient access</i>	Yes	
		<i>Mailboxes should be provided and located for convenient access</i>	Yes	

<b>55.07-1 Energy efficiency</b>	<b>Met?</b>	<b>Standard B35</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To achieve and protect energy efficient dwellings and buildings.</i></p> <p><i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i></p> <p><i>To ensure dwellings achieve adequate thermal efficiency.</i></p>	No	<p><i>Buildings should be:</i></p> <p><i>Oriented to make appropriate use of solar energy.</i></p> <p><i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i></p>	No	<p>Appears to unreasonably overshadow 84 The Esplanade.</p> <p>See discussion</p>
		<p><i>Living areas and private open space should be located on the north side of the development, if practicable.</i></p>	Yes	<p>The arrangement of the apartments does not lend itself to the provision of north facing windows in all instances. Where available, living spaces have generally been oriented to the north or east.</p>
		<p><i>Developments should be designed so that solar access to north-facing windows is optimised.</i></p>	No	<p>Solar access and the opportunity for north facing windows are compromised by the development density.</p> <p>As above</p>
		<p><i>Dwellings located in a climate zone identified in Table B4 should not exceed the maximum NATHERS annual cooling load specified in the table.</i></p>	NA	Not applicable
<b>55.07-2 Communal open space</b>	<b>Met?</b>	<b>Standard B36</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</i></p>	No	<p><i>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5m<sup>2</sup> per dwelling or 250m<sup>2</sup>, whichever is lesser.</i></p>	No	<p>The development comprises 48 apartment style dwellings. The plans show open space that has been provided as secluded private open space for the exclusive use of each of the ground level apartments; no communal open space is provided.</p>
		<p><i>Communal open space should be located to:</i></p> <ul style="list-style-type: none"> <li>• <i>Provide passive surveillance opportunities, where appropriate.</i></li> <li>• <i>Provide outlook for as many dwellings as practicable.</i></li> <li>• <i>Avoid overlooking into habitable rooms and private open space of new dwellings.</i></li> <li>• <i>Minimise noise impacts to new and existing dwellings.</i></li> </ul>	NA	As above
		<p><i>Communal open space should be designed to protect any natural features on the site.</i></p>	NA	
		<p><i>Communal open space should maximise landscaping opportunities.</i></p>	NA	
		<p><i>Communal open space should be accessible, usable and capable of efficient management.</i></p>	NA	
<b>55.07-3 Solar access to communal outdoor open space</b>	<b>Met?</b>	<b>Standard B37</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To allow solar access into communal outdoor open space.</i></p>	N/A	<p><i>The communal outdoor open space should be located on the north side of a building, if appropriate.</i></p>	NA	Standard B36 not met
		<p><i>At least 50% or 125m<sup>2</sup>, whichever is the</i></p>	NA	As above



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		<i>lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</i>		
<b>55.07-4 Deep soil areas and canopy trees</b>	<b>Met?</b>	<b>Standard B38</b>	<b>Met?</b>	<b>Comments</b>
<i>To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.</i>	<b>No</b>	<i>The landscape layout and design should:</i> <ul style="list-style-type: none"> <li><i>Be responsive to the site context.</i></li> <li><i>Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.</i></li> <li><i>Maximise deep soil areas for planting of canopy trees.</i></li> <li><i>Integrate planting and water management.</i></li> </ul>	<b>No</b>	Aggregate land area = 3,235.75m <sup>2</sup>  Required deep soil area = 15% with a minimum dimension of 6.0m  Area provided = ~419m <sup>2</sup> (~13%)  See discussion
		<i>Developments should provide the deep soil areas and canopy trees specified in Table B5.</i>	NA	As above
		<i>If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:</i> <ul style="list-style-type: none"> <li><i>Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.</i></li> <li><i>Vegetated planters, green roofs or green facades.</i></li> </ul> <b>SEE TABLE B5</b>	<b>No</b>	The deep soil areas could be provided with a less intensive development.  In this instance, an area at the front of the development has been provided that meets the required dimensions but not the required area.  The application asserts that the standard has been met and no clear alternative response has been made.
<b>55.07-5 Integrated water and stormwater management</b>	<b>Met?</b>	<b>Standard B39</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</i> <i>To facilitate stormwater collection, utilisation and infiltration within the development.</i> <i>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</i>	Yes	<i>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</i>	Yes	The development includes 4 x 4,000L water tanks. The collected water is proposed to be used for sanitary flushing and garden use.
		<i>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</i>	NA	Not currently available
		<i>The stormwater management system should be:</i> <ul style="list-style-type: none"> <li><i>Designed to meet the current best practice performance objectives for stormwater quality as contained in the urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</i></li> <li><i>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment</i></li> </ul>		A stormwater Management Plan has not been provided. <b>This should be required if a permit ensues.</b>



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		areas.			
55.07-6 Noise impacts	Met?	Standard B40	Met?	Comments	
<p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external and internal noise sources.</p>	No	<p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p>	No	<p>The application asserts that this standard is not applicable; no acoustic assessment or noise data has been provided with the application. The ESD report does comment that a high level of acoustic insulation will be used where required; this statement does not appear to be qualified elsewhere in the application.</p> <p>This standard applies and the above assertion is not correct.</p> <p>Potential noise sources include roof top plant (esp. air conditioners and HWS), vehicles (access and parking) and the internal lift.</p> <p>The roof top plant is screened from view; the noise generated from the 32 air conditioners is not articulated in the application material.</p> <p>The car park access is located immediately adjacent to 94 The Esplanade and the Traffic Assessment conservatively estimates 250 vehicle movements per day.</p> <p>The car park is located in the basement. The application does not explain whether acoustic attenuation measures will be installed, including between the car park and the ground level dwellings. The driveway becomes covered (underground) approximately 16.5m from the front boundary and the roller door is located approximately 22.6m from the front title boundary.</p> <p>The lift abuts the laundry of dwellings 2, 10, 19, 26, 35 and 42. It is not known if any other measures have been implemented to reduce the associated noise.</p> <p>See discussion</p>	
		<p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p>	No	<p>The location of the lift and stair access immediately adjacent to dwellings is considered to be problematic.</p> <p>It is recommended that noise attenuation measures be clearly articulated and installed.</p>	
		<p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p>	No	<p>As above</p> <p>The application has not responded to this standard and compliance is not assumed.</p>	
		<p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area</p>	NA	<p>Not applicable</p>	



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		<p>specified in Table B6 should be designed and constructed to achieve the following noise levels.</p> <ul style="list-style-type: none"> <li>• Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</li> <li>• Not greater than 40dB(A) for living areas, assessed LAeq, 16h from 6am to 10pm.</li> </ul> <p><b>SEE TABLE B6</b></p>		
		Buildings, or part of a building screened from noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.	NA	No screening
		Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.	NA	The application has not responded to this standard and compliance is not assumed.
<b>55.07-7 Accessibility</b>	<b>Met?</b>	<b>Standard B41</b>	<b>Met?</b>	<b>Comments</b>
To ensure the design of dwellings meets the needs of people with limited mobility.	No	<p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> <li>• A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>• A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</li> <li>• A main bedroom with access to an adaptable bathroom.</li> <li>• At least one adaptable bathroom that meets all the requirements of either Design A or Design B specified in TABLE B7.</li> </ul>	<p><b>No</b></p> <p><b>No</b></p>	<p>Dwelling entry width = 860mm BR entry width = &lt;850mm</p> <p>Not all dwellings meet this standard; those that do not comply are not listed here.</p> <p>As above</p> <p>Detail not provided. Application asserts compliance.</p>
<b>55.07-8 Building entry and circulation</b>	<b>Met?</b>	<b>Standard B42</b>	<b>Met?</b>	<b>Comments</b>
<p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p>	Yes	<p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> <li>• Be visible and easily identifiable.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> <li>• Clearly distinguish entrances to residential and non-residential areas.</li> <li>• Provide windows to building entrances and lift areas.</li> <li>• Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</li> <li>• Provide common areas and corridors that: <ul style="list-style-type: none"> <li>• Include at least one source of natural light and natural ventilation.</li> <li>• Avoid obstruction from building services.</li> <li>• Maintain clear sight lines.</li> </ul> </li> </ul>	<p>Yes</p> <p><b>No</b></p> <p><b>No</b></p> <p>Yes</p>	<p>The communal lobby is easily identifiable and provides shelter. It is a transitional space leading to the ground level dwellings, and lift lobby (and stairwell)</p> <p>The lobby has windows; the lift area does not.</p> <p>The stairs are located within a stairwell and while locatable, it is not visible.</p>



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55.07-9 Private open space above ground floor	Met?	Standard B43	Met?	Comments						
To provide adequate private open space for the reasonable recreation and service needs of residents.	Yes	<p>A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>An area of 15m<sup>2</sup> with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or</li> <li>A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.</li> </ul> <table border="1"> <tr> <td>Studio or 1BR dwelling</td> <td>Min area: 8m<sup>2</sup> Min. dim: 1.8m</td> </tr> <tr> <td>2BR dwelling</td> <td>Min area: 8m<sup>2</sup> Min. dim: 2m</td> </tr> <tr> <td>3 or more BR dwelling</td> <td>Min area: 12m<sup>2</sup> Min. dim: 2.4m</td> </tr> </table>	Studio or 1BR dwelling	Min area: 8m <sup>2</sup> Min. dim: 1.8m	2BR dwelling	Min area: 8m <sup>2</sup> Min. dim: 2m	3 or more BR dwelling	Min area: 12m <sup>2</sup> Min. dim: 2.4m	Yes	<p>Ground level residents have private open space in the form of a yard.</p> <p>Rear dwellings have secluded private open space that meet the minimum area and dimension requirements.</p> <p>Front dwellings have private open space that meets the minimum area and dimension requirements but the open space is not secluded. Without the erection of fences or screens.</p> <p>First and second floor dwellings have balconies that meet the minimum area and dimension requirements.</p>
Studio or 1BR dwelling	Min area: 8m <sup>2</sup> Min. dim: 1.8m									
2BR dwelling	Min area: 8m <sup>2</sup> Min. dim: 2m									
3 or more BR dwelling	Min area: 12m <sup>2</sup> Min. dim: 2.4m									

55.07-10 Storage	Met?	Standard B44	Met?	Comments								
To provide adequate storage facilities for each dwelling.	Yes	<p>Each dwelling should have convenient access to usable and secure storage space.</p> <p>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.</p> <table border="1"> <tr> <td>Studio</td> <td>Total min: 8m<sup>3</sup> In dwelling: 5m<sup>3</sup></td> </tr> <tr> <td>1BR dwelling</td> <td>Total min: 10m<sup>3</sup> In dwelling: 6m<sup>3</sup></td> </tr> <tr> <td>2BR dwelling</td> <td>Total min: 14m<sup>3</sup> In dwelling: 9m<sup>3</sup></td> </tr> <tr> <td>3 or more BR dwelling</td> <td>Total min: 18m<sup>3</sup> In dwelling: 12m<sup>3</sup></td> </tr> </table>	Studio	Total min: 8m <sup>3</sup> In dwelling: 5m <sup>3</sup>	1BR dwelling	Total min: 10m <sup>3</sup> In dwelling: 6m <sup>3</sup>	2BR dwelling	Total min: 14m <sup>3</sup> In dwelling: 9m <sup>3</sup>	3 or more BR dwelling	Total min: 18m <sup>3</sup> In dwelling: 12m <sup>3</sup>	Yes	<p>Storage has been provided in the basement.</p> <p>49 x 3.1m<sup>3</sup> above bonnet lockers and 9 x unspecified lockers.</p> <p>An unspecified amount of storage is provided within each dwelling in the form of kitchen and bathroom cupboards and bedroom robes; it is expected that the storage indicated on the plans meets the standard.</p>
Studio	Total min: 8m <sup>3</sup> In dwelling: 5m <sup>3</sup>											
1BR dwelling	Total min: 10m <sup>3</sup> In dwelling: 6m <sup>3</sup>											
2BR dwelling	Total min: 14m <sup>3</sup> In dwelling: 9m <sup>3</sup>											
3 or more BR dwelling	Total min: 18m <sup>3</sup> In dwelling: 12m <sup>3</sup>											

55.07-11 Waste and recycling	Met?	Standard B45	Met?	Comments
<p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity,</p>	No	<p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> <li>Waste and recycling enclosures which are: <ul style="list-style-type: none"> <li>Adequate in size, durable, waterproof and blend in with the development.</li> <li>Adequately ventilated.</li> <li>Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> </li> <li>Adequate facilities for bin washing. These areas should be adequately ventilated.</li> <li>Collection, separation and storage</li> </ul>	No	<p>The proposal includes the provision of a communal waste/bin storage area in the basement. Recyclables will be stored in a separate bin in the same area. The location of the bin storage areas is satisfactory.</p> <p>Waste can be placed in the bins either directly or via the waste chutes.</p> <p>It is noted that the application only allows 80lt of each stream (aggregated) for the 45 x 2 bedroom units in lieu of the required 100lt-120lt (best practice requires 80lt for 1BR, 100lt for 2BR apartment, 120lt for</p>





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health and the public realm.		<p>of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.</p> <ul style="list-style-type: none"> <li>Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</li> <li>Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</li> <li>Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</li> </ul>		<p>individual dwellings).</p> <p>This volume is not considered adequate.</p> <p>No green waste bins are proposed as the application anticipates that gardening will be carried out by a contractor.</p>
		<p>Waste and recycling management facilities should be design and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> <li>Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.</li> <li>Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</li> </ul>	<b>No</b>	As above

55.07-12 Functional layout	Met?	Standard B46	Met?	Comments				
To ensure dwellings provide functional areas that meet the needs of residents.	Yes	<p>Bedrooms should:</p> <ul style="list-style-type: none"> <li>Meet the minimum internal room dimensions specified in Table B10.</li> <li>Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul> <table border="1"> <tr> <td>Main BR</td> <td>Min width: 3m Min. depth: 3.4m</td> </tr> <tr> <td>All other BRs</td> <td>Min width: 3m Min. depth: 3m</td> </tr> </table>	Main BR	Min width: 3m Min. depth: 3.4m	All other BRs	Min width: 3m Min. depth: 3m	Yes	
		Main BR	Min width: 3m Min. depth: 3.4m					
All other BRs	Min width: 3m Min. depth: 3m							
<p>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B11.</p> <table border="1"> <tr> <td>Studio and 1BR dwelling</td> <td>Min width: 3.3m Min. area: 10m<sup>2</sup></td> </tr> <tr> <td>2 or more BR dwelling</td> <td>Min width: 3.6m Min. area: 12m<sup>2</sup></td> </tr> </table>	Studio and 1BR dwelling	Min width: 3.3m Min. area: 10m <sup>2</sup>	2 or more BR dwelling	Min width: 3.6m Min. area: 12m <sup>2</sup>	<b>No</b>	Most apartments meet the standard with the exceptions being apartments 3, 5, 19, 21, 35 and 37 where the living and dining areas overlap.		
Studio and 1BR dwelling	Min width: 3.3m Min. area: 10m <sup>2</sup>							
2 or more BR dwelling	Min width: 3.6m Min. area: 12m <sup>2</sup>							

55.07-13 Room depth	Room	Met?	Standard B47	Met?	Comments
To allow adequate daylight into single		Yes	Single aspect habitable rooms should not exceed a room depth of 2.5 times	Yes	The ceiling height is 2.7m. 2.7m x 2.5 = 6.75m



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aspect habitable rooms.		<p>the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9m if all the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The room combines the living area, dining area and kitchen.</li> <li>• The kitchen is located furthest from the window.</li> <li>• The ceiling height is at least 2.7m measured from finished floor level to finished ceiling level. This excludes where services are providing above the kitchen.</li> </ul> <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>		<p>Therefore, room depth should not exceed 6.75m for single aspect rooms (or 9m subject to conditions – see dot points).</p> <p>Complies</p>
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55.07-14 Windows	Met?	Standard B48	Met?	Comments
To allow adequate daylight into new habitable room windows.	Yes	Habitable rooms should have a window in an external wall of the building.	Yes	See also standard B47
		A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.	Yes	
		<p>The secondary area should be:</p> <ul style="list-style-type: none"> <li>• A minimum width of 1.2m</li> <li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul>	NA	

55.07-15 Natural ventilation	Met?	Standard B49	Met?	Comments
To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings.	?	The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.	?	The application asserts compliance with this standard; however, there appear to be some challenges with compliance for at least some of the apartments having regard to the guidance provided in the <i>Apartment Design Guidelines for Victoria</i> .
		<p>At least 40% of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18m.</li> <li>• A minimum breeze path through the dwelling of 5m.</li> <li>• Ventilation openings with approximately the same area.</li> </ul>		The elevation plans indicate glazed doors but do not appear to indicate the location of openable windows. <b>Without this detail, this standard cannot be accurately assessed.</b>
		The breeze path is measured between the ventilation openings on different orientations of the dwelling.		As above



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**ATTACHMENT B – Summary of Objections**

<b>1</b>	<p>The development is inconsistent with the preferred character of Torquay; the design is bulky and has significant mass.</p> <p>The site has significant exposure to the Foreshore and street. The design is not sympathetic, is "box like" and has minimal articulation on the front.</p> <p>The development exceeds site coverage limits of DDO13.</p> <p>The development is inconsistent with the objectives of the DDO13 in terms of its visual permeability.</p> <p>The height is excessive.</p> <p>The high density development is not consistent in a medium density area.</p> <p>Proposed landscaping/planting is unclear.</p> <p>The fence is inconsistent with the preferred character.</p> <p>Overlooking; it is not clear how this will be managed.</p>
<b>2</b>	<p>The development is an overdevelopment of the site.</p> <p>The size and scale of the development is not appropriate and is inconsistent with the character of the neighbourhood.</p> <p>The development is "boxy" and "bulky".</p> <p>There is no strategic justification for high density living in this location. There is also no market demand for units of this scale and size.</p> <p>The height is inconsistent with the planning scheme and will have a negative impact on people travelling on The Esplanade and Foreshore and beach.</p>
<b>3</b>	<p>The size and scale of the development is inconsistent with neighbourhood character.</p> <p>There is no strategic justification for high density living in this location.</p> <p>There is no market demand for units of this scale and size; there is already an adequate supply.</p> <p>The height of the development is inconsistent with the planning scheme.</p> <p>The size and bulk of the development will have a negative impact on the streetscape as viewed from the Foreshore and beach.</p> <p>The development is an overdevelopment.</p>
<b>4</b>	<p>Too much and too many occupants for The Esplanade and Torquay</p> <p>Too high and will spoil the character of Torquay and what the Shire is trying to protect</p> <p>Increased pressure on at the intersection of Beach Road and The Esplanade would increase risk (vehicles and pedestrians)</p> <p>Increased pressure on traffic and parking along The Esplanade</p>
<b>5</b>	<p>Far too high</p> <p>Streetscape will be terrible</p> <p>Overdevelopment of Torquay</p>
<b>6</b>	<p>The design should incorporate a graduated step back in storeys to reduce streetscape impact</p> <p>Too many people packed into a small area; too many appartments for this space</p>
<b>7</b>	<p>Overdevelopment</p> <p>Inconsistent with the character of the area and goes against teh grain of The Esplanade and Torquay</p> <p>The building is 4 metres over height. The Wyndham is not an appropriate reference (different context)</p> <p>Neighbouring properties will be impacted through increased noise, rubbish, shadowing and view loss</p> <p>Increase in traffic will place strain on parking and diminish safety</p>
<b>8</b>	<p>Height of the development</p> <p>Size of the development</p> <p>Overshadowing and loss of easterly aspect</p> <p>Traffic and parking</p>
<b>9</b>	<p>The development is not consistent with the planning scheme and will be an eye sore</p> <p>Overdevelopment is wrecking the town</p> <p>Object to scale and size of the development</p>



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<b>10</b>	<p>Scale of the development is not consistent with the planning scheme The development exceeds the 7.5m low rise profile that is consistent in the planning scheme The density will impact on adjoining properties The development will create a parking issue where there is already limited parking on The Esplanade</p>
<b>11</b>	<p>The size of the building impacts on all who use the surrounding area. 3 storey scale is inconsistent with surrounding character and the context of the Wyndham is different and it also dominates the skyline from public spaces. The development visually detracts from the beautiful coastline. A 1.8m fence on The Esplanade is not consistent with the DDO13 (planning scheme controls). Traffic; The Esplanade is already busy and the increased vehicle traffic will exacerbate congestion and impact cycle and pedestrian safety. The underground car park appears to be cramped. The development could house permanent and short stay occupants and will lead to increased noise and traffic. Overlooking to the rear (and noise impacts to the rear). The 6.5 star rating sites cross ventilation as a feature but this is not evident on the plans. Loss of trees; assumes that significant trees will not be planted because of views. The proposal will not reduce demand for expansion at the edge of the township as claimed.</p>
<b>12</b>	<p>The Three storey scale offends the landscape</p>
<b>13</b>	<p>The Wyndham is out of character and no more sprawling development is needed Traffic and parking for residents and visitors</p>
<b>14</b>	<p>The 7.5m height limit has been carefully prepared and publicised The development significantly exceeds the height limit There is no valid reason to make an exception for this development If a variation is allowed, it could create a precedent which would be to the detriment of The Esplanade</p>
<b>15</b>	<p>Overdevelopment (concern about "Gold Coast" scenario) Concerned about three storey precedent on The Esplanade The Wyndham is not an appropriate reference point</p>
<b>16</b>	<p>Height and density will change the appearance, dynamic of The Esplanade which will be less family friendly Adversely affect character</p>
<b>17</b>	<p>The building is far in excess of the usual 7.5m. The development is not in character with the rest of The Esplanade. The proposal does not stagger (step) the upper levels from The Esplanade as the height increases. The use of the Wyndham as a reference is not appropriate; the design of the Wyndham is also more sympathetic. The design does not respond to the area. Car parking: there are car parks that cannot be used; it presents a fire risk for cars that cannot be shifted in a fire event; visitor parking is behind a security gate; will lead to parking in the public realm (coastal reserve, streets). The development will create a traffic hazard (safety concerns for pedestrians and vehicles). The Esplanade is not the right location for affordable housing (character, infrastructure, space). The development would be better placed in the shopping centre. The proposal will adversely affect the amenity of the neighbourhood.</p>
<b>18</b>	<p>Overdevelopment Height is inappropriate for Old Torquay The density is inconsistent with the planning scheme Likely to be short term rentals which cause noise issues Would be more appropriate in a shopping centre area but heights of 7.5m are not appropriate The height is contrary to a previous consensus that there was to be no high rise, high density buildings on The Esplanade The development is not consistent with the preferred character and future vision for development in Torquay</p>



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<b>19</b>	<p>The proposed development exceeds the preferred building height (also, excess height has not been justified). The proposal is inconsistent with the DDO13 in that it does not provide enough area for planting. The proposal is inconsistent with the DDO13 in its scale, height and bulk. The lack of plantable space adversely impacts the ability to minimise visual impacts. The height, site coverage, scale and bulk will result in an imposing development with a significant visual impact. The development does not provide for a reasonable sharing of views. The rear setback is inadequate.</p>
<b>20</b>	<p>The proposed development exceeds the preferred building height (also, excess height has not been justified). The proposal is inconsistent with the DDO13 in that it does not provide enough area for planting. The proposal is inconsistent with the DDO13 in its scale, height and bulk. The lack of plantable space adversely impacts the ability to minimise visual impacts. The height, site coverage, scale and bulk will result in an imposing development with a significant visual impact. The development does not provide for a reasonable sharing of views. The rear setback is inadequate.</p>
<b>21</b>	<p>Impacts on quality of life of which gardening in the back yard is a significant part. Loss of sky (outlook); replacement of water glimpses with high wall. Overshadowing (esp. in the morning). This will be worse in winter months. Loss of privacy to open space (overlooking). Noise pollution from balconies. The proposal is an overdevelopment of the site. The proposed building will overwhelm the streetscape and is at odds with the neighbourhood. The design does not ameliorate its impact; it goes straight up without offsets to upper levels. The proposed development will set a precedent for development on The Esplanade. Height of the building: the height is not consistent with the neighbourhood where two storeys is the norm. Reference to the Wyndham is not relevant to this build. Parking is tandem; tandem parks are seldom used. Visitor parking must be accessed through gates. The result will be overflow parking that adds congestion in the streets and foreshore which is already under pressure. No ground level open space for the upper level units to use. Uncertainty around the proposed use. Is the accommodation short term or residential (dwellings).</p>
<b>22</b>	<p>The height exceeds the current restrictions. The proposal is an overdevelopment and would be extremely imposing, affecting the streetscape. Vistas from the rear properties will be diminished. Car parking concerns: the number of cars need to turn in from the Esplanade which is already busy. Pressure on public parking.</p>
<b>23</b>	<p>The single width driveway could result in extreme traffic scenarios. The tandem parking arrangement is cramped. There is only one bike space per five dwellings. There is no development like this on The Esplanade. The development takes up an excessive amount of land. The height appears to exceed the height regulations. The three storey scale is inconsistent with other development on The Esplanade. The proposal does not minimise the impact of the development when viewed from the foreshore and street. The proposal impacts on views to the ocean and foreshore for some properties. The proposal does not reinforce the low or unfenced character along boulevards and reserves. Overshadowing and overlooking. Noise impacts (esp. from the balconies). Impact to existing residences from drawing on services (gas and electricity). The storage in the car park is not sufficient. The design is not visually engaging. The plans do not show the water tanks that are proposed; where will they go? The projection on the south western boundary is not in keeping with the required side setback objectives and will cause shadowing. Construction management will cause issues and should be addressed (esp. air quality).</p>



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24	<p>The design reflects a poor understanding of the local character.</p> <p>The apartment proposal, in terms of use, location and scale, is inconsistent with Council policy.</p> <p>Height: the building is overheight; the use of the Wyndham as a reference point is not appropriate; the building is imposing.</p> <p>The development is inconsistent with the streetscape character in terms of its siting, height, scale and design.</p> <p>The car parking layout is poor and impractical; the application fails to demonstrate how it can be appropriately managed in a residential (rather than commercial) setting.</p> <p>Visitor parking is behind security gates and cannot be practically accessed.</p> <p>The poor parking design will result in parking in the public realm (coastal reserve, residential streets etc).</p> <p>Loss of amenity due to limited setbacks and overlooking.</p> <p>Noise from balconies, courtyards. Exacerbated by likely short term rental conditions.</p>
25	<p>Process; did not receive written notification of application.</p> <p>Loss of views; the development will reduce the viewing corridor and adversely affect the outlook from the living room.</p> <p>Reduction in property values.</p> <p>The proposal is an overdevelopment.</p>
26	<p>The area (nearby residences) will be adversely affected by the size and location of the development.</p> <p>The proposal is an overdevelopment.</p> <p>Views from the (our) main living area will be severely impacted.</p>
27	<p>The proposed building is too high and is not consistent with the area.</p> <p>The proposed high density development is not consistent with the zone and is not ideal for the Torquay atmosphere.</p> <p>The proposed development will result in traffic problems due to entering and existing the development and the lack of parking for occupants and visitors. Do not want extra cars parked in Felix Crescent.</p> <p>Noise from cars, people, airconditioning units and parties.</p> <p>Replacement of relaxing vista with a brick wall.</p> <p>Loss of property values.</p> <p>Permanent change - Torquay will be an overdeveloped town.</p>
28	<p>The development is overheight.</p> <p>There is inadequate open space.</p> <p>The building size and layout is out of character with the neighbourhood.</p> <p>The development will have a negative visual impact on the open space/public realm because of its size and height.</p>
29	<p>The development is an overdevelopment of the site.</p> <p>The height is far beyond the preferred height limit of 7.5m.</p> <p>The Wyndham is not a good comparison.</p> <p>Overlooking.</p> <p>Apartments likely to be used for short term accommodation which is incompatible with the neighbourhood.</p> <p>Impact on the foreshore due to traffic and pollution.</p> <p>The development should be near the shopping precinct instead.</p> <p>Car parking is not adequate and will exacerbate parking problems on the foreshore.</p> <p>The setbacks are not consistent with the DDO13.</p> <p>The % of landscaping falls short of the requirements of the DDO13.</p> <p>The proposed development is not consistent with the character of the area.</p>



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<b>30</b>	<p>The development is out of character. The building is inappropriate and too high. The density (number of dwellings) is too high for the site. Concern that the building will be for short term accommodation and not affordable housing as evidenced by the lack of subdivision. Potential amenity (noise) impacts from short term accommodation (also notes no manager on site). Invasion of privacy (overlooking). The development will compound parking problems created by the Wyndham. Loss of ocean views and breeze and sound of the waves.</p>
<b>31</b>	<p>The plans indicate a building height (at the highest point) of 12.1m; the height is prohibited under the zone. The height is inconsistent with the surrounding area which, with the exception of 100 The Esplanade, includes residential scale (7.5m) buildings The development is inconsistent with the DDO13 which is to protect the planned community from poorly considered proposals Poor interface with the foreshore How will affordable housing be delivered with subdivision of the land and how can an affordable price be guaranteed? There should be a concurrent application for subdivision. Concessions should not be granted if a subdivision application is made at a later date Car parking: tandem spaces result in less functional parking being available and more on-street parking The architectural style is imposing and prominent and out of character Lack of ability to establish tall trees and minimal private open space for residents Also blocking sea views; lack of articulation; failure to conceal roof top plant; lack of noise attenuation</p>
<b>32</b>	<p>Development pressure more broadly is changing Torquay Building bulk Traffic impacts Adverse streetscape impacts in an area heavily used by locals and tourists Out of character with old Torquay Lack of need for this kind of housing in Torquay Overshadowing and overlooking for adjoining residences Vegetation (trees) loss Reduction in property values and loss of holiday feel</p>
<b>33</b>	<p>The building is too high. The development will set a precedent.</p>
<b>34</b>	<p>The development is completely out of character with Torquay and with this area in particular. The height exceeds the 7.5m height limit; the proposed height will disadvantage surrounding properties from The Esplanade to the Surf Coast Highway. Our view will be substantially reduced from three blocks away which is indicative of the inappropriate nature of the proposal.</p>
<b>35</b>	<p>The height exceeds reasonable community expectations and will impact on the beautiful beach vista. The building will have a negative influence on visitors wanting to come to the seaside. The proposal will set a precedent. The buildings will overshadow residences behind the buildings. The building will be detrimental to the character of the area which is the most attractive and rich in character in Torquay. Concern about the potential impact of high rise. The building design is not attractive.</p>
<b>36</b>	<p>The development could set a precedent for higher buildings (raises concern about potential for an emerging character of higher buildings).</p>



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37	<p>Height Overlooking Change to the friendly, non-commercial, low rise Esplanade which is an important feature</p>
38	<p>The height is out of character for the residential area on The Esplanade. The development will have a negative visual impact as viewed from public spaces and would set an unwanted precedent. Density; the development is an overdevelopment and is not consistent with neighbourhood character. It is out of character for this prominent and visually important area of Torquay. Increased traffic and parking is an issue and will also cause noise disturbance for neighbours. Loss of trees will have a negative impact as viewed from the street.</p>
39	<p>Overdevelopment of the site will have an enormous impact for residents and visitors to Torquay The development will be used for short term rentals The three-storey building with no step backs is out of character Increased traffic entering The Esplanade near Darian road will create traffic congestion and will be a risk to pedestrians, cyclists and other motorists The proposed tandem parking will result in overflow parking in the residential streets and public land The building will destroy the vista of Zeally Bay/Fisherman's Beach area</p>
40	<p>Inconsistent with the Planning Scheme. Detrimental to neighbouring properties. The building is 4m overheight for the area.</p>
41	<p>The four storey (three above ground) is out of keeping with its surroundings. The large imposing structure with high fences is not congruent with The Esplanade and Old Torquay. Traffic - increase in vehicle traffic and noise; this will add more pressure to The Esplanade where parking is already limited. Increased traffic will adversely affect cycle and pedestrian traffic that frequent the area. There appears to be no cross-ventilation on the plans which is at odds with the high energy rating.</p>
42	<p>Traffic; the development will exacerbate existing issues in the area including parking congestion. Height should not be more than 2 storeys; the height and number of storeys is inconsistent with the planning scheme. The scale of the building is out of character.</p>
43	<p>Not in keeping with the environment or character of surrounding properties Traffic impacts (will become overcrowded along The Esplanade) and limit parking for those visiting the Forshore and beach Potential fire hazard Will negatively change the feel of Torquay</p>
44	<p>The scale is inconsistent with surrounding character The development, if approved, could set an undesirable precedent The scale of the development will exacerbate traffic congestion in the area The amount of green space is not in keeping with the scale of the building</p>
45	<p>Overdevelopment of the site. Height; too high and too much reference to the Wyndham. Poor Carparking layout. Inconsistent with the preferred character of the area. Council policy says that the development would be more suited to the shopping centre.</p>





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46	Large scale, multi-level building is at odds with the modest growth that is wanted.
47	Three storey scale is inconsistent with existing character The proposed development will damage the existing character. It will adversely affect the amenity of nearby properties and shadow adjoining properties
48	The three storey/11.5m height is not in keeping with the existing or preferred character. The density is too high. The tandem parking is a problem. Visitor parking will overflow to the street, impacting on neighbours. If the building is used for holiday accommodation, it will greatly impact the neighbourhood. Overlooking to the rear. Visual bulk as viewed from the rear. Excessive site coverage. Lack of canopy planting in accordance with planning scheme.
49	A three storey building is not in keeping with the surrounding dwellings. The building is visually imposing and will dominate the skyline from the adjacent walkway and foreshore. The increase in vehicle traffic will impact on vehicular congestion and cycle and pedestrian safety. The building will not enhance the character or attractiveness of Torquay and is out of character.
50	Traffic; the development will exacerbate, especially during holiday periods. Pedestrian and cycle safety around The Esplanade will be impacted by increased traffic. High density development will alter the ambience of the foreshore (out of character). The development is inconsistent with Council's plans for the retail precinct around Gilbert Street. Approval of the development would set a precedent that could permanently change The Esplanade.
51	Objection grounds are: Impact on neighbourhood amenity Height Density Design Lack of open space Parking Traffic Noise
52	Inconsistent with the character of The Esplanade and surrounding homes Overdevelopment of the site Parking and traffic is an issue and the development will add to current problems The height exceeds Council guidelines (7.5m) and is too high. The Wyndham is an issue visually and this will be another eyesore Site coverage exceeds the overlay requirement of 50% Large residential development should be in the shopping centre area The development will be a detriment to the beach lifestyle that Torquay enjoys
53	Dwelling density (number of units) is inappropriate Height is unacceptable The development will detract from the aesthetic of The Esplanade
54	Inconsistent with preferred character of the area. 48 units is an extreme over development and over the height restrictions for the area. Traffic Detrimental affect on surrounding property values.



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<b>55</b>	<p>Due to the height, the building overlooks the units. The proposal will result in a loss of amenity due to noise. Overshadowing. The carparking arrangement will result in parking in the street which is already under pressure. The height (number of storeys) is not in keeping with the surrounding houses.</p>
<b>56</b>	<p>Height - the height is absurd Overshadowing Traffic, especially impacts on The Esplanade Residential zoning does not support 48 units Oversized development is at odds with Council's vision (ie. planning scheme controls)</p>
<b>57</b>	<p>Out of character (overdevelopment) Height is not consistent with height limit and is out of step with streetscape Overshadowing The development will exacerbate traffic issues on The Esplanade</p>
<b>58</b>	<p>High density living is not appropriate in a sprawling coastal town. Increased traffic Increased noise (traffic and people) Overshadowing (loss of sunlight and heat) Out of character (at odds with the look of the town)</p>
<b>59</b>	<p>Overshadowing for most of the morning. Large volumes of foot traffic adjacent to the fence (noise impacts at all hours). Excessive number of bins on the nature strip and resultant spillage. Limited visitor parking and resultant pressures on traffic and parking on The Esplanade.</p>
<b>60</b>	<p>Number of levels (3 levels+basement) and height (11 metres+) Overlooking and shadowing (esp. morning sun) Noise from balconies The parking arrangement (tandem) will lead to on-street parking</p>
<b>61</b>	<p>Loss of amenity due to overlooking; noise; loss of neighbourhood character. Noise from vehicles entering and exiting car park (including noise from mechanical door). Tandem parking will require shuffling of vehicles and more noise. Garbage trucks entering/exiting the car park will add to the noise. Noise from balconies close to the boundary. Overlooking. At 6m, the front setback is less than the required setback (ResCode). The 6m setback adds to the imposing nature of the development. The excavation has the potential to undermine the adjoining building. The development will have an extreme adverse impact due to visual bulk and the building is imposing having regard to size, height, bulk and site coverage. There is also minimal landscaping. The proposal is inconsistent with the preferred character of the (as articulated in policy). The proposal does not provide a transition of scale in the streetscape. The car parking is impractical. Visitor parks are behind a security door. There would be high volumes. These conditions will increase pressure on public parking and reduce safety. The proposal is an overdevelopment.</p>



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62	<p>Will dominate and overshadow the surrounding residential area (esp. adjoining properties) The building is three levels; there are no comparable examples in surrounding area The overall height of 11.5m is excessive The height and bulk is out of character Concern about building care and maintenance Higher density could result in less attractive local environment (eg. waste/rubbish management) Poor car parking layout Traffic impacts on The Esplanade Inconsistent with preferred character of the area Inconsistent with Council Policy which directs these kinds of developments to the Shopping Centre</p>
63	<p>Car parking: the density of the proposal will increase traffic and parking along The Esplanade and put further pressure on public parking. The tandem parking is reflective of overdevelopment and because of the need to shuffle cars, does not properly cater for the parking demands of the development. Visitor parking is behind the security entrance and will likely put further pressure on on-street parking. Due to foot and vehicle traffic, access to driveways on the Esplanade is difficult. Adding 75 cars will exacerbate this and make it more dangerous. The proposed building will overshadow and overlook adjoining residences. The proposed development (height) is not in keeping with the area. The context of the Wyndham is different (not an appropriate reference point for height). The proposal is inconsistent with Council policy (character and density).</p>
64	<p>The development will create additional year round parking pressures on public land which would also be detrimental to the reserve.</p>
65	<p>The height contravenes Council's height recommendations. Loss of views from the rear. Shadowing to the rear. Increased traffic having regard to the increased number of residents. The development will set a precedent. Loss of property values for surrounding properties. Noise impacts. Increased stress on overburdened infrastructure (there are already power black-outs).</p>
66	<p>Will destroy neighbourhood character Will destroy streetscape Increase in traffic volumes</p>
67	<p>The development would create a high density of people and traffic causing people to avoid the area. The building exceeds the mandatory 11.0m height limit. The building exceeds the 7.5m height limit of the DDO13. The proposal is an overdevelopment (overuse). The single entry will cause congestion on the already busy Esplanade; this is a safety issue. Emergency access (esp fire trucks). Water tanks are also not shown on the plans. The plans show no transformer; where is the power coming from? The development could set a precedent. The quality of construction is in question (having regard to the reported building cost).</p>



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68	<p>The development will negatively affect the aesthetic of the Torquay foreshore.                  Create safety issues on The Esplanade.                  Create a single high density node which would be avoided.                  Put significant strain on services and infrastructure. The electricity available to the site cannot support the density of development. The water pressure in the area is low; fire pumps would be required and are not shown.                  If approved, the development would set a precedent.                  The plans do not show the true height of the buildings which are 11.5m; the building is over the maximum height limit.                  The application fails to consider the surrounding environment (neighbourhood character).                  The development will be a burden on infrastructure.                  The development does not provide the purported housing diversity.                  The design is bulky, blocky and unsympathetic to the design objectives of planning.                  The fence exacerbates the visual bulk.                  The quality of construction is in question (having regard to the reported building cost).                  The building exceeds site coverage (DDO13).                  The waste management plan (number of bins) is too conservative and is unclear.                  Waste collection will impede traffic, exacerbating traffic pressures.                  The development poses a potential fire risk to future residents; this has not been addressed.</p>
69	<p>The development is inconsistent with the existing and preferred local character in terms of height, scale, design.                  The building is overheight and imposing.                  The minimal setbacks do not allow sufficient landscaping.                  The reference to the Wyndham is inappropriate.                  The development does not achieve a reasonable sharing of views.                  The tandem car parking arrangement is impractical and will lead to parking in the public realm, exacerbating existing pressures.                  Above bonnet storage is difficult to access and undersized.                  The proposal is inconsistent with the DDO13 in terms of height, site coverage, visual permeability, spacing and view sharing.                  The extent of the basement limits landscaping</p>
70	<p>Large residential apartments should not be built on The Esplanade                  The building is too high and its scale and mass doesn't fit the neighbourhood.                  The building will block views. It is very big and has one gap between the middle of four connected buildings.                  The building goes against many rules and regulations, including height.                  The building is a very different style of design compared to the local area.                  Do not want to change the traditional feeling of being at home at the beach.</p>
71	<p>The development does not fit with the character of the area including Old Torquay and is inconsistent with the DDO13.                  The car parking (including visitor parking) is inadequate and will result in on-street parking issues.                  The height and setbacks are unreasonable and disrespectful.                  Denser living should be located closer to the Activity Centre.                  Concern about precedent.                  The development will not be genuine affordable housing.                  The extent of landscaping and garden area are questioned.                  The contiguous ownership/development of the lots should not give the developer special rights.</p>

### 2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

**Author's Title:** Senior Strategic Planner

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F16/1585

**Division:** Environment & Development

**Trim No:** IC18/1076

**Appendix:**

1. Revised Schedule 27 to the Design and Development Overlay (D18/86581)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to consider submissions received to Surf Coast Planning Scheme Amendment C120 and to determine the next steps in the amendment process.

#### **Summary**

Surf Coast Planning Scheme Amendment C120 implements the planning recommendations in the *Growing Winchelsea: Shaping Future Growth 2015* plan. It updates the Winchelsea Strategy (Clause 21.09) in the Surf Coast Planning Scheme. It also implements some small scale rezoning and overlay recommendations, including a proposal to apply the Design and Development Overlay, and a new Schedule 27 (DDO27), to land at 8 Palmer Street.

Amendment C120 was publicly exhibited from 8 March 2018 to 18 April 2018 in accordance with the *Planning and Environment Act 1987*. Three submissions were received: one objection by an affected landowner (8 Palmer Street) and two from agencies who provided comment but offered no objection to the Amendment.

In considering submissions to Amendment C120, it is suggested that there is merit in amending the wording of the proposed DDO27. This is discussed in the report below. Should Council resolve to pursue the application of the proposed DDO27, the next step in the amendment process is to refer the Amendment and submissions to an independent state appointed panel for review.

#### **Recommendation**

That Council:

1. Receives and note the submissions received to Surf Coast Planning Scheme Amendment C120.
2. Requests the Minister for Planning appoint an independent panel pursuant to Part 8 of the *Planning and Environment Act 1987* to consider submissions to Amendment C120.
3. Refers all submissions to a panel pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.
4. Endorses the revised Schedule 27 to the Design and Development Overlay as Council's position to present to a panel.
5. Updates the references to public transport services and signalised intersections in the *Growing Winchelsea: Shaping Future Growth 2015* plan as requested by the Department of Economic Development, Jobs, Transport and Resources.

#### **Council Resolution**

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

That Council:

1. Receives and note the submissions received to Surf Coast Planning Scheme Amendment C120.
2. Requests the Minister for Planning appoint an independent panel pursuant to Part 8 of the *Planning and Environment Act 1987* to consider submissions to Amendment C120.
3. Refers all submissions to a panel pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.
4. Endorses the revised Schedule 27 to the Design and Development Overlay as Council's position to present to a panel.
5. Updates the references to public transport services and signalised intersections in the *Growing Winchelsea: Shaping Future Growth 2015* plan as requested by the Department of Economic Development, Jobs, Transport and Resources.

CARRIED 8:0

## 2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

### Report

#### **Background**

Surf Coast Planning Scheme Amendment C120 implements the planning recommendations in the *Growing Winchelsea: Shaping Future Growth 2015* plan. It updates the Winchelsea Strategy (Clause 21.09) in the Surf Coast Planning Scheme. It also implements some small scale rezoning and overlay recommendations, including a proposal to apply the Design and Development Overlay, and a new Schedule 27 (DDO27), to land at 8 Palmer Street. This land is currently developed with a residential dwelling and is zoned Commercial 1. The DDO27 introduces a requirement to provide a through access road between Hesse Street and Palmer Street as part of any future redevelopment proposal. This requirement was recommended by the report, *Winchelsea Town Centre Access and Opportunities* (the O'Brien Report) prepared as further work to the *Growing Winchelsea* plan and adopted by Council in August 2016.

Amendment C120 was publicly exhibited from 8 March 2018 to 18 April 2018 in accordance with the *Planning and Environment Act 1987*.

#### **Summary of Submissions**

Three submissions were received to Amendment C120: one objection by an affected landowner (8 Palmer Street) and two submissions from agencies with no objection. The submissions are summarised as follows:

No.	Submitter	Position	Summary of Submission	Officer Response
1.	Individual	Objection	<p>Objects to the application of the DDO27 to 8 Palmer Street, Winchelsea. The landowner's grounds for objection are:</p> <ul style="list-style-type: none"> <li>The proposal is for the benefit of the existing shopping strip to relieve traffic congestion and will not benefit land at 8 Palmer Street.</li> <li>The proposal is too onerous and would apply to any future subdivision or development, including an application for a small single commercial building.</li> <li>It will lead to a decrease in property value.</li> <li>A road along the Barwon River would be a visual intrusion in this significant area which conflicts with strategies set out in proposed Clause 21.09-3 and 21.09-4 of the Winchelsea</li> </ul>	<p>The submission is supported in part. This is discussed below in the 'Discussion' section. Responses to the stated grounds are:</p> <ul style="list-style-type: none"> <li>The proposal is intended to provide access to potential future commercial premises if created on land at 8 Palmer Street. A separate link road was recommended by the O'Brien Report to provide access for the benefit of existing commercial development.</li> <li>The proposed DDO27 would require the link road as part of <u>any</u> future development. It is considered that this may be too onerous and is discussed further below.</li> <li>The proposed requirement for a link road would only eventuate as part of future development of the site and is primarily for the benefit of the site. It would not be required if the site is not redeveloped.</li> <li>The proposed DDO27 does not specify a</li> </ul>

**2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea**

			<p>Strategy.</p> <ul style="list-style-type: none"> <li>The indicated road utilises almost the entire river frontage.</li> <li>Council should purchase land closer to the existing shops to connect Palmer and Hesse streets.</li> </ul>	<p>particular location for a link road. It is intentionally open as the appropriate location will be dependent upon a proposed development/subdivision layout. The Schedule does provide some guidance around views to the Barwon River. It is also noted that a number of other planning scheme overlays apply to this site which will guide development and works near the Barwon River, including the Environmental Significance Overlay and Floodway Overlay.</p> <ul style="list-style-type: none"> <li>Council is separately considering the proposal for a link road closer to the existing Main Street shops.</li> <li>Clause 11.03 of the Surf Coast Planning Scheme applying to activity centres includes objectives and strategies for the development of high quality, successful and accessible activity centres. It states that planning must consider the <i>Urban Design Guidelines for Victoria 2017</i>. These Guidelines include numerous principles for urban structure planning which are intended to create vibrant, safe and well connected interfaces between public space and activity centres. A road frontage to the Barwon River will facilitate public access and connectivity to the River as well as permeability in the Winchelsea Town Centre.</li> </ul>
2.	Agency: Dept of Environment, Land, Water and Planning	Support	<ul style="list-style-type: none"> <li>Supports the proposed rezoning of 72 Willis Street to Public Conservation</li> </ul>	The submission is noted.

### 2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

			<p>and Resource Zone.</p> <ul style="list-style-type: none"> <li>• DELWP has reviewed the proposed DDO27 and does not require the addition of any objectives or decision guidelines.</li> <li>• DELWPs policy interests are not affected by this Amendment.</li> </ul>	
3.	Agency: Dept of Economic Development, Jobs, Transport and Resources	No objection	<ul style="list-style-type: none"> <li>• Coordinated response from Transport for Victoria with input from Vic Roads and Public Transport Victoria.</li> <li>• The description of public transport services on page 57 needs to be updated.</li> <li>• Supports continued implementation of the Pathways Strategy.</li> <li>• Supports the Barwon River Walk Loop and states that Council should also prioritise active transport linkages to future residential growth areas and activity centres such as the town centre, schools and railway station, consistent with the Victorian Cycling Strategy.</li> <li>• Recommends updating Figure 15 to include the two recently installed signalised crossings of the Princes Highway.</li> </ul>	<p>The submission is noted. It does not request any change to the amendment documents. The request to update the relevant sections of the Growing Winchelsea plan is supported.</p> <p>With regard to the Barwon River Walk Loop it is noted that the proposed Hesse Street bridge is an important link in this walk. The bridge is important not only to complete the Loop walk but also would provide access to the south eastern residential growth corridor identified for Winchelsea. It is preferable that a bridge would be accessible for both pedestrians and cyclists. It provides a direct link to the town centre and to the signalised crossing at Princes Highway and Hesse Street thereby providing a direct route to the school and railway station.</p>

In accordance with section 223(1)(b)(i) of the *Local Government Act 1989* submitters were provided with the opportunity to be heard by the Hearing of Submissions Committee (the committee). Neither agency requested to be heard at a Hearing of Submissions.

At the Hearing of Submissions Committee Meeting held on 3 July 2018, the committee heard submissions on this matter as per the committee's delegation under section 86 of the *Local Government Act 1989*. One person was heard by the committee. The committee resolved to receive and note the submission and forward to Council for consideration at the 24 July 2018 Council meeting.

#### **Discussion**

As noted above, the only issue outstanding in proceeding with Planning Scheme Amendment C120 is the proposal to apply the DDO27 to 8 Palmer Street. This report will therefore focus on this matter.



### 2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

The need for a link road between Palmer and Hesse Streets is derived from the O'Brien Report as follows:

- There is an existing problem with circulation which will be exacerbated by further development of the commercial town centre.
- Future subdivision of 8 Palmer Street may provide an option in the longer term to provide a connection between Hesse Street and Palmer Street but this will not solve short to medium term access issues for existing commercial development and visitors to the Winchelsea Town Centre.
- Thus, two link roads should be planned: a long term connection through 8 Palmer Street and a short term connection in the vicinity of 4 and 6 Palmer Street.

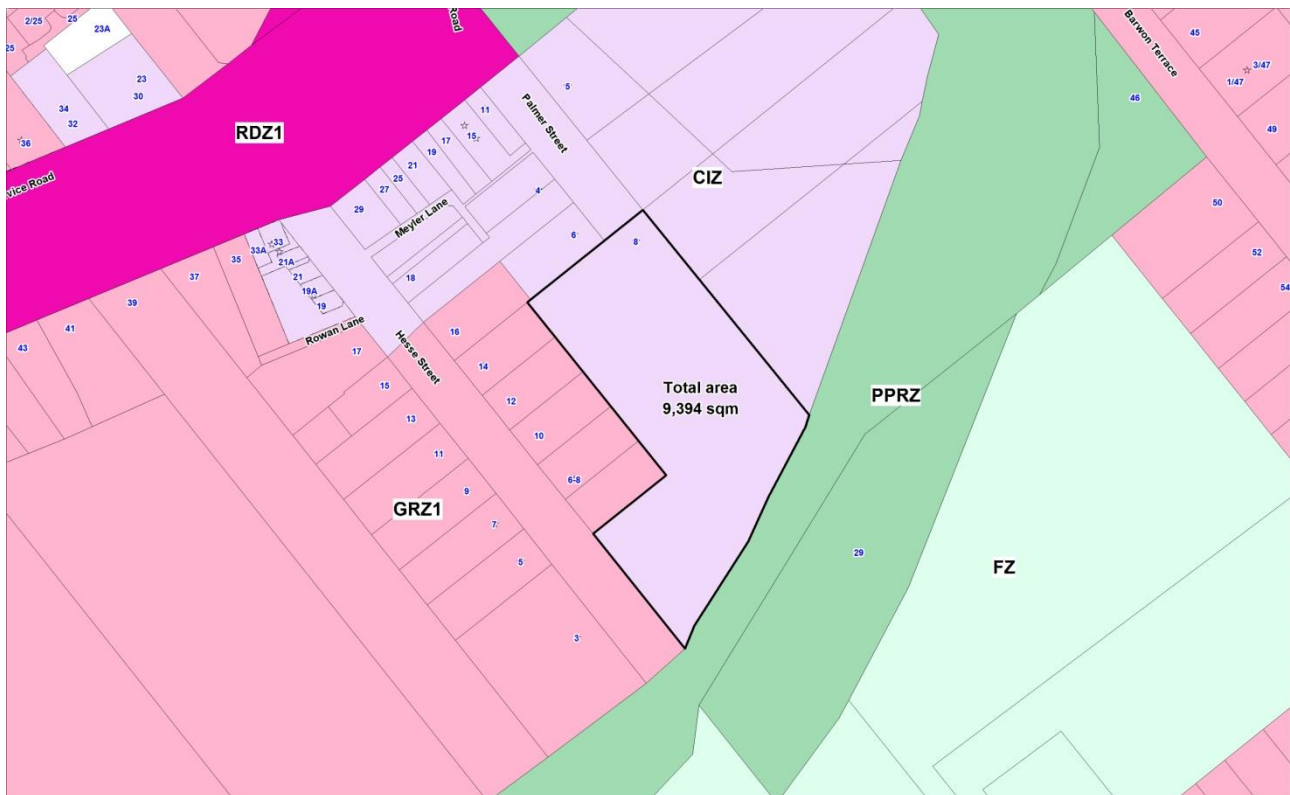
The short term connection via 4 or 6 Palmer Street would require Council acquisition of land and is being investigated as a separate matter. According to the O'Brien Report the short term link road would resolve existing circulation problems within the Winchelsea Town Centre.

With regard to the long term link through 8 Palmer Street, the exhibited DDO27 was drafted to include a requirement that vehicle and pedestrian access should be provided through the site as part of any buildings and works or subdivision application (with the exception of an application associated with the existing dwelling). This includes any proposal, small or large. In determining whether this requirement is justified a number of matters need to be considered:

- the strategic basis for the link road in this location
- equity and fairness – who would benefit from the link road
- physical limitations of the site.

#### Strategic Basis

The O'Brien Report suggests that a road link on this site should be required to service future commercial development of this southern area. 8 Palmer Street is a large site and while it has a number of constraints (discussed in more detail below), it has the potential to provide substantial additional commercial floor space.



The site is the southern-most property within the Winchelsea Town Centre. It abuts the Barwon River and has frontage to both Hesse Street and Palmer Street.

### 2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

Strategic reasons for a link road through 8 Palmer Street do depend on future development of the site. Support for such a connection is based on the following principles from the *Urban Design Guidelines for Victoria 2017* and include:

- In activity centres, provide a closely spaced and interconnected network of street and lanes.
- Locate lots intended for retail and commercial uses on well-connected main streets in activity centres.
- Where an activity centre has a barrier or edge, provide an active public space or street between the edge and the adjacent buildings.
- To integrate a large development site into its surrounding area connect the development site's movement network to the movement network of the surround area.
- Create new links across the development site to connect the new neighbourhood with the surrounding area.

These principles cover both improving connectivity (vehicle and pedestrian) within an activity centre and providing safe and active edges to a centre where it abuts a public space, in this case the Barwon River. It is also considered acceptable to locate lots adjacent to public open space as long as they provide an active frontage to the open space. This could be achieved in this location if for example a commercial premises included an outdoor deck area overlooking the river or similar. Given the physical constraints of the site however, it becomes evident that a through road connection between Hesse and Palmer Streets could not be provided anywhere but adjacent to the buffer area of the river established by the Floodway Overlay and Environmental Significance Overlay.

The submitter raises a concern that the present wording of the DDO27 would require a road connection even for a small commercial development. This is correct and upon review is considered possibly too onerous. If the site is subdivided into a number of commercial allotments the need for the link road is apparent. For a small commercial development that could utilise the existing access from Palmer Street however, there may not be a need for the road (e.g. converting the existing residential premises into a low traffic commercial business). The O'Brien Report notes that long term link road through 8 Palmer Street is very dependent on future development of this site. For these reasons it is suggested that the wording of the proposed DDO27 could be amended to only require the link road where deemed necessary following an assessment of a proposed subdivision and its impacts on access and traffic movement. Where only buildings and works are proposed the requirement could be removed and be determined at when a planning permit application is submitted. It should be noted however that without any planning scheme provision to guide this requirement it could be strongly contested by a future developer.

#### Equity and Fairness

The submitter has raised concerns about whether the road will benefit the commercial centre as a whole rather than future development on this site and thus whether it is fair and equitable to require this site to provide for such a road connection. As noted above, the O'Brien Report suggests the need for two link roads. A short term link road through 4 or 6 Palmer Street is recommended to address existing circulation problems. The long term link is suggested to improve traffic and pedestrian movement should 8 Palmer Street be developed. It may be that customers of future commercial development of 5 Palmer Street could utilise a link road in this southern location but it is more difficult to substantiate a potential benefit for other properties in the town centre. Future development of 5 Palmer Street is also quite constrained by flooding potential in the south.

The possibility of a Public Acquisition Overlay for the benefit of Council was considered when preparing Amendment C120 but was not pursued for the following reasons:

- An appropriate location for a future link road is very dependent on a development proposal at 8 Palmer Street and thus could not be determined at this time (hence the reason the map from the O'Brien Report is not proposed for inclusion as part of Amendment C120).
- The dimensions for a road are also very dependent on a future development proposal and cannot be determined at this time.

The example road and cross section shown in the O'Brien Report is based on intensive future subdivision of the site. This may not be pursued by a future landowner.

### 2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

It is considered more appropriate to require a vehicle and pedestrian access and circulation assessment as part of a future subdivision proposal to determine the most appropriate location and dimensions for a link road. Refer to Appendix 1 'Revised Schedule 27 to Clause 43.02 Design and Development Overlay'.

#### Physical Limitations of the Site

The location of 8 Palmer Street adjacent to the Barwon River presents the site with both vibrant opportunities but also means future development potential is constrained. The site is zoned Commercial 1 and is affected by the following planning scheme overlay controls:

- Floodway Overlay
- Environmental Significance Overlay
- Significant Landscape Overlay

It is also part of a Cultural Heritage Sensitivity Area meaning that future subdivision and development may be subject to the preparation of a Cultural Heritage Management Plan to determine whether any indigenous cultural heritage exists on site and needs management.

Subdivision of land within the Floodway Overlay to create additional lots is prohibited. Development of land within the Environmental Significance Overlay can be constrained and significant earthworks are generally strongly discouraged within 30 metres of the waterway (can be more if determined necessary). The following maps show how the site is affected by these overlays.

**Map 1: Floodway Overlay – 8 Palmer Street**



## 2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

### Map 2: Environmental Significance Overlay – 8 Palmer Street



The land also falls away steeply in the south and this will influence the location of a possible future link road. Due to these constraints and in the absence of an actual subdivision or development proposal for the site, it is recommended that the proposed DDO27 be amended to require a link road only if deemed appropriate based on a vehicle and pedestrian access and circulation assessment which would accompany a future subdivision application.

For Amendment C120 to proceed any outstanding submissions must now be referred to a State appointed panel for consideration. It is considered that the proposed DDO27 as amended is a more reasonable approach for 8 Palmer Street while still ensuring proper consideration of a future long term link road.

#### **Financial Implications**

Sufficient funds are available within the project budget should the amendment proceed to a panel.

#### **Council Plan**

Theme 3 Balancing Growth  
Objective 3.3 Strengthen township boundaries and support unique township character  
Strategy 3.3.2 Encourage in-fill development and direct growth to designated areas

Theme 4 Vibrant Economy  
Objective 4.3 Strengthen the vitality of town centres  
Strategy Nil

## 2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

### **Policy/Legal Implications**

In accordance with Section 23 of the *Planning and Environment Act 1987*, after considering a submission that requests a change to the amendment Council must:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel appointed under Part 8; or
- (c) abandon the amendment or part of the amendment.

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

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

### **Risk Assessment**

No risks have been identified in Council referring the submissions to an independent panel. Following receipt and consideration of the panel report, Council has the authority to adopt, change or abandon the amendment.

### **Social Considerations**

By implementing the strategic direction of the *Growing Winchelsea* plan, Amendment C120 is expected to positively influence the way the town develops into the future. It will facilitate job creation, economic investment, housing diversity and foster and build on the town's strong sense of community, identity and heritage.

### **Community Engagement**

The amendment was placed on public exhibition in accordance with the requirements of the *Planning and Environment Act 1987*. Notice was given by:

- sending notices to affected landowners
- placing notices in the Winchelsea Star, Surf Coast Times and Government Gazette.

The Amendment and supporting documents were available for viewing at the Winchelsea Community House, the Surf Coast Shire Municipal Office, and on the website of the Department of Environment, Land, Water and Planning (with a link on Council's website).

Council planning officers were available (in person) by appointment in Winchelsea on two different dates, and during office hours in Torquay.

Submitters were given an opportunity to address the Hearing of Submissions Committee on 3 July 2017. One submitter presented to the Committee.

### **Environmental Implications**

Amendment C120 is expected to have positive environmental benefits. In the broad sense it is based around a growth plan that supports sustainable and environmentally responsible development, seeking to attract "green" industry and enhance active transport and pedestrian connections. It reconfirms the Barwon River and environs as the focal point of Winchelsea through strategic policy. More specifically, it also proposes to rezone two parcels of vegetated Crown land to the Public Conservation and Resource Zone accurately reflecting the current purpose of the parcels and reconnecting them with the adjoining Winchelsea Common.

### **Communication**

Submitters will be advised of Council's decision on the Amendment following the 24 July 2018 Council meeting.

Should Council resolve to request the appointment of a panel, submitters will be contacted directly by Planning Panels Victoria to engage in the panel process.

### **Options**

#### Option 1 – Change the amendment in the manner requested by the submission

This option is not recommended by officers as it is considered that the option for a link road between Hesse Street and Palmer Street should be investigated and implemented, if feasible, to enhance vehicle and pedestrian access and circulation in the south of the Winchelsea Town Centre as part of future commercial subdivision of the site. It is recommended however, that the wording of the proposed DDO27 be amended in response to the submitter's concerns and presented to a panel with revised wording.

### **2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea**

Option 2 – Request the Minister for Planning to appoint an independent Panel to hear submissions to Amendment C120, in accordance with part 8 of the *Planning and Environment Act 1987*

This option is recommended by officers as it will progress the implementation of the *Growing Winchelsea* plan, which is important for the future growth of the town.

Option 3 – Abandon Amendment C120

This option is not recommended by officers as it would not implement adopted strategic planning policy for the Winchelsea township.

#### **Conclusion**

Amendment C120 is an important amendment for the Winchelsea community in terms of implementing an overarching growth plan for the town. Following consideration of submissions to the Amendment, it is suggested that the wording of the proposed DDO27 be amended and presented to a State appointed panel for further consideration.

**2.3 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea**

**APPENDIX 1 REVISED SCHEDULE 27 TO THE DESIGN AND DEVELOPMENT OVERLAY**

SURF COAST PLANNING SCHEME

--/20--  
Proposed C120

**SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO27**.

**8 PALMER STREET, WINCHELSEA**

**1.0 Design objectives**

--/20--  
Proposed C120

To ~~provide~~ improve vehicular and pedestrian access ~~between Palmer Street and Hesse Street as part of any subdivision or development of the site~~ in the south of the Winchelsea Town Centre.

**2.0 Buildings and works**

--/20--  
Proposed C120

~~The following buildings and works requirements apply to an application to construct a building or construct or carry out works:~~

- ~~▪ Vehicle and pedestrian access should be provided through the site to provide a connection between Palmer Street and Hesse Street.~~

~~This requirement does not apply to an application for buildings and works associated with the existing dwelling.~~

~~None specified.~~

**3.0 Subdivision**

--/20--  
Proposed C120

A permit to subdivide land ~~must~~ should meet the following requirement:

- ~~▪ Improved vehicle and pedestrian access and circulation in the south of the Winchelsea Town Centre, with a preference for a connection linking Palmer Street and Hesse Street.~~
- ~~▪ Vehicle and pedestrian access must be provided as a road through the site to provide a connection between Palmer Street and Hesse Street.~~

~~This requirement does not apply to the subdivision of existing buildings.~~

**4.0 Advertising signs**

--/20--  
Proposed C120

~~None specified.~~

**5.0 Decision guidelines**

--/20--  
Proposed C120

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~▪ Whether the proposal provides~~ An improved vehicle and pedestrian access and circulation within the south of the Winchelsea Town Centre based on an access and circulation assessment which can demonstrate this outcome.
- Whether the location of any proposed vehicle or pedestrian access will allow for views from development over the Barwon River.



**3. OFFICE OF THE CEO**

Nil

#### 4. GOVERNANCE & INFRASTRUCTURE

##### 4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report

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

**Department:** Finance **File No:** F18/850

**Division:** Governance & Infrastructure **Trim No:** IC18/1047

**Appendix:**

Nil

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Nil

**Reason:** Nil

**Purpose**

The purpose of this report is to receive and approve the final Project Budget Adjustments and Cash Reserve Transfers report for 2017-18.

**Summary**

The final Project Budget Adjustments and Cash Reserve Transfers report for 2017-18 is included.

**Recommendation**

That Council:

1. Approves the project budget adjustments outlined in Tables 1 to 4 in this report.
2. Approves the following net change to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (to) Reserve
Accumulated Unallocated Cash Reserve	(801,995)
DCP Council Funds Reserve	(184,518)
Asset Renewal Reserve	(305,803)
Waste Reserve	(577,520)
Adopted Strategy Implementation Reserve	(528,000)
Plant Replacement Reserve	(62,930))
<b>Grand Total</b>	<b>(2,460,766)</b>

**Council Resolution**

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

That Council:

1. Approves the project budget adjustments outlined in Tables 1 to 4 in this report.
2. Approves the following net change to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (to) Reserve
Accumulated Unallocated Cash Reserve	(801,995)
DCP Council Funds Reserve	(184,518)
Asset Renewal Reserve	(305,803)
Waste Reserve	(577,520)
Adopted Strategy Implementation Reserve	(528,000)
Plant Replacement Reserve	(62,930))
<b>Grand Total</b>	<b>(2,460,766)</b>

CARRIED 8:0

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report

##### Report

##### **Background**

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

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

##### **Discussion**

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

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

**Table 1 – Newly Initiated Projects**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
New: Anglesea Preschool Swing Installation	Contribution Funded	The Anglesea Kindergarten is contributing its Small Grant allocation to Council for the installation of a swing at the kindergarten. Council will manage the project	4,730
Land Exchange with RACV	Contribution Funded	Contribution paid by RACV and to be applied to improvement of the Reserve No.1 Jan Juc	10,000
Anglesea Bowling Club Storage Shed	Project Savings Account	Club has requested that savings associated with their contribution to the Anglesea Bowls Club Project be allocated to establish a storage shed.	45,000
8786: Anglesea River Public Health Investigation	Grant Funded	Grant from DELWP to undertake investigation in two instalments \$65k to commence and \$10K on completion.	75,000

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

**Table 2 – Project Budgets Requiring Adjustment**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9737 - Yurrock Soccer Pitch & Lighting (OR02)	Grant Funded	Early receipt of grant during 2017/18, budgeted in 2018/19.	90,000
9722 - Modewarre Cricket Training Facility	Grant Funded	Early receipt of grant during 2017/18, budgeted in 2018/19.	47,529
9003 - Replacement of Heavy Plant	Plant Replacement Reserve	Commitment of \$633,178 carried forward and savings \$53,857 can be returned to source	(53,857)

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9433 - Dickins Road Flood Mitigation	Adopted Strategy Implementation Reserve	Council has resolved that it will monitor the situation for period and review by March 2019. It is appropriate to transfer these funds to a cash reserve until Council considers the future of this project.	(95,679)
9742 - Cape Otway Road Bridge Strengthening	Asset Renewal Reserve	Additional funds required for strengthening of bridge deck at Tea Tree Creek on Cape Otway Road.	36,577
9610 - Blackgate Rd- Horseshoe Bend Rd to Minya	Project Savings Account	Substantive works complete. Account remains open with \$50,000 required to complete final seal after period of use of road, and to finalise grant reporting / grant income. Balance of savings can be returned to source.	(158,464)
9612 - Local Rds to Market Program: Cressy Rd	Adopted Strategy Implementation Reserve	Substantive works complete. Account remains open with \$85,000 required to complete final seal after period of use of road, and to finalise grant reporting / grant income. Balance of savings recommended to be placed in Adopted Strategy Reserve while discussions held with Roads To Market grant provider about potential to fund additional works on Cressy Road.	(333,553)
9613 - Ten Bus Shelters - PTV Grant	Project Savings Account	Incorrect final figure entered for close out in June Council meeting room. Expenditure matches grant income.	44
9045: Light Fleet Replacement	Plant Replacement Reserve	Correction to reserve transfer re purchase of vehicle.	5,000
9045: Light Fleet Replacement	Asset Renewal Reserve	Correction to reserve transfer re purchase of vehicle.	(5,000)
9475: Kurrabee Myaring Community Centre Project	DCP Council Funds Reserve	Scope complete. Work order established on same GL account for separate Defect Period and Minor Works Project \$80K. Savings can be returned to source.	(183,317)
9082 - Building Renewal	Contribution Funded	Income Budget for insurance claim	22,208
9615 - Torquay Lions / Rotary Storage Shed	Contribution Funded	Contribution under budget \$1.7k	(1,637)
9082 - Building Renewal	Asset Renewal Reserve	Carry forward \$6K spend. Carry forward income budget for insurance \$22,208. Savings can be returned to source.	(8,051)
9084 - Playground Equipment Renewal	Asset Renewal Reserve	Commitment of \$16533 carried forward and \$17,918 savings can be returned to source	(17,918)
9329 - Future Concept Design Budget	Project Savings Account	Commitment of \$450 carried forward and \$17k savings can be returned to source	(17,357)
9572 - Beal & Trebeck Crt Road Construct & Seal	Special Charges Funded	Final special charge income less than budget.	(17,519)
9584 - Hopkins St Construction & Seal	Special Charges Funded	Special Charge Scheme income reduced.	(31,444)

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report

Project Name	Funding Source	Basis for Variation	Project Allocation \$
8645 - Council Election 2016	Contribution Funded	Council election fine income	55,059
8606 - Pop Up Art Space	Contribution Funded	Reduced contributions/expenditure	(4,800)
9551 - Cape Otway Rd Widening 1.8km Gherang Rd	Grant Funded	Adjustment to expected grant funding.	(4,816)
9614 - Disaster Relief Projects	Grant Funded	Grant funding confirmed.	539,282
8717 - Public Safety Infrastructure	Grant Funded	Full grant funds not required to complete project.	(65,145)
8581 - Aireys Inlet School Rec Reserve Master Plan	Contribution Funded	Contribution funding from prior year reduced	(1,000)
8007 - FREEZA Project	Grant Funded	Grant funding adjustment.	(10)
8445 - HACC Minor Capital	Grant Funded	Grant funding adjustment.	(4,426)
8523 - Engage Program	Grant Funded	Early Receipt of grant funding.	23,337
8564 - HACC Cafe Style Support	Grant Funded	Increased Grant funding.	2,678
8566 - RACV S Water Harvest Agreement Licence	Contribution Funded	Increased contribution.	911
8594 - PS Amendments to Implement Strategic Work	Contribution Funded	Increased contribution.	1,361
8627 - Strategic Planner - Casual 12 Months	Contribution Funded	Project not proceeding; contributions will not be received.	(36,219)

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

**Table 3 Projects to be Closed**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9526: Aireys Inlet Pedestrian Island	Project Savings Account	Project closed prior to final project management cost allocation	550
9555 - Kerb Renewal Program	Asset Renewal Reserve	Project closed prior to final project management cost allocation	400
9615 - Torquay Lions / Rotary Storage Shed	Project Savings Account	Scope complete and savings can be returned to source.	(285)
9000 - Unsealed Road Renewal	Asset Renewal Reserve	Scope complete. Minor overspend represents approx. 1 hour of plant hire.	253

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9001 - Sealed Road Renewal	Asset Renewal Reserve	Scope complete and savings can be returned to source	(12,170)
9024 - Anglesea Landfill - Fence Replacement	Waste Reserve	Project to be cancelled. Recommend new project to be opened from Waste Reserve for 2018/19 to scope requirements to inform options and budget request for future works.	(112,550)
9045 - Replacement of Light Fleet	Plant Replacement Reserve	Scope complete and savings can be returned to source	(14,073)
9053 - Road Safety Program	Adopted Strategy Implementation Reserve	Scope complete and savings can be returned to source	(56,183)
9083 - Park Furniture Renewal	Asset Renewal Reserve	Scope complete. Minor overspend.	1,297
9086 - Building Facility Signage	Asset Renewal Reserve	Scope complete and savings can be returned to source	(1,068)
9116 - Fencing Renewal	Asset Renewal Reserve	Scope complete and savings can be returned to source	(17,657)
9184 - Street Lighting Renewal	Asset Renewal Reserve	Scope complete and savings can be returned to source	(102)
9276 - Nature Reserve Renewal	Asset Renewal Reserve	Scope complete and savings can be returned to source	(620)
9307 - Bells Beach MasterPlan Stg1	DCP Council Funds Reserve	Scope complete and savings can be returned to source	(1,201)
9313 - Skate Park Renewal Program	Asset Renewal Reserve	Scope complete and savings can be returned to source	(2,154)
9351 - Bike Park Renewal	Asset Renewal Reserve	Scope complete and savings can be returned to source	(3,341)
9362 - Playground Strategy Implementation	Adopted Strategy Implementation Reserve	Scope complete and savings can be returned to source	(2,845)
9398 - Sports Lighting Renewal (lighting at reserves)	Asset Renewal Reserve	Scope complete and savings can be returned to source	(20,289)
9444 - Soft Playing Surface, Irrigation Renewal	Asset Renewal Reserve	Scope complete and savings can be returned to source	(1,059)
9474 - Bike Lane at Spring Creek - PC04	Project Savings Account	Small item of scope delivered following closure of project	228
9543 - Connewarre Res Stage 3 Drainage Upgrade	Project Savings Account	Scope complete and savings can be returned to source	(43,569)
9405 - Anglesea Bowls Club Upgrade	Project Savings Account	Scope complete and savings can be returned to source, including club proportion to be returned.	(87,049)
9551 - Cape Otway Rd Widening 1.8km Gherang Rd	Asset Renewal Reserve	Scope complete and savings can be returned to source. Life of Project spend \$2,299,764. Savings release funds that can applied to Cape Otway Bridge Strengthening project.	(94,691)
9554 - Footpath Renewal Program	Asset Renewal Reserve	Scope complete and savings can be returned to source	(27,698)

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9631 - Shopping Centre Improvements	Project Savings Account	Scope complete and savings can be returned to source. Landscaping (non-capital item) to be undertaken under new project.	(4,000)
9570 - Civica Online Requisitions & AP Workflow	Project Savings Account	Scope complete and savings can be returned to source. Life of project \$58,995.	(11,006)
9572 - Beal & Trebeck Crt Road Construct & Seal	Project Savings Account	Minor overspend. Life of Project spend \$186,715.	2,756
9584 - Hopkins St Construction & Seal	Special Charges Funded	Scope complete and savings can be returned to source. Life of Project spend \$63,484. Underspend \$39k and revenue under budget \$31k	(7,695)
9607 - Bellbrae Precinct Masterplan Stage 3	Project Savings Account	Scope complete and savings can be returned to source	(7,147)
9581 - Darian Road Reconstruction (Renew)	Asset Renewal Reserve	\$9K non-capital item to be transferred to Future Sundry Non-Capital account (linked with Final Seals Deferred) for sewer restoration works completed.	(31,702)
9632 - Drainage Upgrades Discretionary Works	Project Savings Account	Scope complete and savings can be returned to source	(1,721)
9634 - Bike Path & Pathway Infrastructure	Project Savings Account	Scope complete and savings can be returned to source	(8,627)
9635 - Lorne Pathway Project	Project Savings Account	Scope complete and savings can be returned to source	(14,371)
9637 - Torquay Grossmans Road Pathway Project	Project Savings Account	Scope complete and savings can be returned to source	(2,088)
9639 - Road Safety Discretionary Works	Project Savings Account	Scope complete, slight overspend.	451
9641 - Road Safety Strategy Implementation	Adopted Strategy Implementation Reserve	Scope complete and savings can be returned to source	(39,740)
9643 - Township LATM Parking Pedestrian Improve	Project Savings Account	Scope complete and savings can be returned to source	(8,965)
9649 - Duncan Street Footpath	Asset Renewal Reserve	Minor use of contingency. Scope complete and savings can be returned to source	(375)
9650 - Sealed Rd Renewal Program Pavement Rehab	Asset Renewal Reserve	Scope complete and savings can be returned to source	(28,524)
9652 - I.T Renewal Program	Asset Renewal Reserve	Scope complete and savings can be returned to source	(36,787)
9660 - Road Reinstatements - Powercor Projects	Project Savings Account	Scope complete and savings can be returned to source	(3,607)
9662 - Globe Theatre Heritage Refurbishment	Project Savings Account	Scope complete and savings can be returned to source	(2,744)
9697 - School Crossing Horseshoe and Stretton	Project Savings Account	Scope complete and savings can be returned to source	(2,370)
9663 - Cape Otway Road Federal Black Spot	Project Savings Account	Scope complete and savings can be returned to source	(10,895)

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9522 - Anglesea Landfill Rehabilitation Stg 3	Waste Reserve	Scope complete and savings can be returned to source. Life of Project spend \$2,463,462.	(464,970)
9645 - Anglesea Netball Club Car Park Design	Project Savings Account	Project closed with slight overspend.	400
8645 - Council Election 2016	Project Savings Account	Project to be closed out with \$40,000 to be carried over re cases potentially going to court.	(48,375)
Moonah Woodlands Nature Reserve Torquay	Project Savings Account	Scope complete. Overspend of \$117 because cost of contractor works for revegetation came in slightly higher than estimated.	117
8470 - Rural Hinterland Strategy	Project Savings Account	Scope complete and savings can be returned to source. Life of Project spend \$117,322.	(7,910)
8488 - Winchelsea Common lead shot management	Project Savings Account	Scope complete and savings can be returned to source. Life of Project spend (since 2013/14) \$432,139.	(75)
8573 - Kurrabee Myaring Community Centre Operational Model	Project Savings Account	Scope complete and savings can be returned to source. Life of Project spend \$76,382.	(53,187)
8615 - Winchelsea Depot - Site Masterplan	Project Savings Account	Scope complete and savings can be returned to source	(8,113)
8617 - Domestic Animal Management Plan Review	Project Savings Account	Scope complete and savings can be returned to source. Life of Project spend \$30,587.	(6,628)
8619 - Bells Beach Coastal Management Plan Yr 2.	Project Savings Account	Scope complete. Minor overspend. Life of Project spend \$123,042.	2,791
8632 - Strengthening Town Boundaries Review	Project Savings Account	Scope complete and savings can be returned to source	(21,163)
8642 - Surfing Museum Concept Design Project (Great Ocean Road Experience Project)	Project Savings Account	Scope complete and savings can be returned to source. Life of Project spend \$124,158.	(842)
8719 - Asset Condition Audits	Asset Renewal Reserve	Scope complete and savings can be returned to source	(40,124)
8721 - Bells Beach Planning Panel	Project Savings Account	Scope complete and savings can be returned to source	(5,277)
8725 - Land Under Roads Audit & Capitalisation	Project Savings Account	Scope complete and savings can be returned to source	(37,454)
8747 - Surf Coast Multi-Purpose Indoor Stadium Planning	Project Savings Account	Scope complete and savings can be returned to source	(2,530)
8564 - HACC Cafe Style Support	Project Savings Account	Fully funded activity now sits in operations. \$20.4k unspent funds and \$2.7k additional grant money received.	(23,088)
8722 - Business Continuity Exercise	Project Savings Account	Scope complete and savings can be returned to source	(1,034)



#### 4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report

Project Name	Funding Source	Basis for Variation	Project Allocation \$
8628 - Statutory Planning Growth and Backlog	Project Savings Account	Roles are now funded through recurrent budget.	(25,030)
8711 - Senior Planning Compliance Officer	Project Savings Account	Funds not required.	(17,086)
8756 - Aireys Inlet Market Survey	Project Savings Account	Survey completed.	(1,050)
8757 - Regional Workforce P&D Study GORRT	Project Savings Account	Contribution provided to Great Ocean Road Regional Tourism for study.	0
8717 - Public Safety Infrastructure	Project Savings Account	Scope complete and savings can be returned to source	(1,614)
8581 - Aireys Inlet School Rec Reserve Master P	Project Savings Account	Contribution funding from prior year reduced	1,000
8709 - Sport and Rec Facilities Officer at SCS	Project Savings Account	Scope complete, slight overspend.	7,253
8627 - Strategic Planner - Casual 12 Months	Project Savings Account	Project not proceeding.	(7,289)
8605 - Aged and Family Strategy Implementation	Project Savings Account	Project closed out with a minor overspend.	26
8625 - Accessible Community Garden	Project Savings Account	Project closed out with a minor overspend.	453
9689 - Project Savings Account	Accumulated Unallocated Cash Reserve	Close out Projects savings account to the Accumulated Unallocated Cash Reserve	(801,995)

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

**Table 4 Ratification of CEO Approved Transfers**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9649: Duncan Street Pathway Renewal	Asset Renewal Reserve	Degree of site clean-up, top dressing seeding is greater than the survey and design indicated; also repairs to abutting kerbing required.	5,000

#### **Financial Implications**

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

#### **Council Plan**

Theme 2 Governance

Objective 2.4 Transparency in decision making and access to information

Strategy 2.4.2 Provide relevant and easy to understand financial information to the community.

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

Not applicable.

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

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

#### **4.1 Project Budget Adjustments and Cash Reserve Transfers Final 2017 - 2018 Report**

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

Not applicable.

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

Not applicable.

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

Not applicable.

##### ***Options***

###### Option 1 – Not approve transfers as recommended

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

###### Option 2 – Adopt officer recommendation

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

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

Not applicable.

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

Not applicable.

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

It is recommended that Council approve the Final Project Budget Adjustments and Cash Reserve Transfers for 2017-18.

## 4.2 Project Budget Adjustments and Cash Reserve Transfers - July 2018

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

**Department:** Finance      **File No:** F18/850

**Division:** Governance & Infrastructure      **Trim No:** IC18/1103

**Appendix:**

Nil

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

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

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

### Purpose

The purpose of this report is to approve of the project budget adjustments and cash reserve transfers.

### Summary

The project budget adjustments and cash reserve transfers report for July 2018 are included in this report. All figures in this report are exclusive of GST. Note that there are no reserve transfers this month.

### Recommendation

That Council approves the project budget adjustments outlined in Tables 1 to 2 in this report.

### Council Resolution

**MOVED Cr Libby Coker, Seconded Cr Clive Goldsworthy**

That Council approves the project budget adjustments outlined in Tables 1 to 2 in this report.

CARRIED 8:0

## 4.2 Project Budget Adjustments and Cash Reserve Transfers - July 2018

### Report

#### **Background**

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

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

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

#### **Discussion**

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

**Table 1 – Newly Initiated Projects**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
New: Four New Bus Shelters	Grant Funded	Four new bus shelters and associated infrastructure along the Great Ocean Road, Anglesea and Merrijig Drive, Torquay. Construction to be funded by Public Transport Victoria and asset to be handed to Council for ongoing maintenance and replacement responsibility.	66,098
New: Stribling Reserve Terraces Renewal	Project Account	Works at Stribling Reserve have been identified as a higher priority than other works within the 9023 Structure Renewal Program following an engineering assessment of the terraces.	135,000

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

**Table 2 – Project Budgets Requiring Adjustment**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9737: Yurrock Soccer Pitch & Lighting (OR02)	Grant Funded	Early receipt of \$90,000 grant during 2017/18, budgeted in 2018/19.	(90,000)
9722: Modewarre Cricket Training Facility	Grant Funded	Early receipt of \$47,529 grant during 2017/18, budgeted in 2018/19.	(47,529)
8753: Anglesea Bike Path	Accumulated Unallocated Cash Reserve	Additional funds required for World Trail to prepare the addendum to assess sites on Alcoa land to the Anglesea Bike Location Option Analysis Report.	6,000

## **4.2 Project Budget Adjustments and Cash Reserve Transfers - July 2018**

### ***Financial Implications***

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

### ***Council Plan***

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

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

Not applicable.

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

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

### ***Risk Assessment***

Not applicable.

### ***Social Considerations***

Not applicable.

### ***Community Engagement***

Not applicable.

### ***Options***

#### **Option 1 – Not approve transfers as recommended**

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

#### **Option 2 – Adopt officer recommendation**

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

### ***Environmental Implications***

Not applicable.

### ***Communication***

Not applicable.

### ***Conclusion***

It is recommended that Council approve the project budget adjustments and cash reserve transfers for July 2018.

### 4.3 Investment Policy SCS-016

**Author's Title:** Manager Finance

**General Manager:** Anne Howard

**Department:** Finance

**File No:** F17/1034

**Division:** Governance & Infrastructure

**Trim No:** IC18/770

**Appendix:**

1. Investment Policy SCS-016 - Reviewed 2018 (D18/45302)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

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**Purpose**

The purpose of this report is to endorse the Investment Policy SCS-016.

**Summary**

The Investment Policy SCS-016 has been reviewed by officers, and the Audit and Risk Committee on 15 May 2018, and is now being presented to Council for adoption.

Benchmarking was undertaken against other Local Government authorities, and recommendations from a recent internal audit were also incorporated.

The policy now includes:

- The process for approving release of investment funds
- A procedure for when existing investment products held by Council are downgraded by ratings agencies
- An updated Investment Risk Assessment form.

**Recommendation**

That Council endorses the updated Investment Policy SCS-016 as presented.

**Council Resolution**

**MOVED Cr Clive Goldsworthy, Seconded Cr Libby Coker**

That Council endorses the updated Investment Policy SCS-016 as presented.

CARRIED 8:0

### **4.3 Investment Policy SCS-016**

#### **Report**

##### **Background**

- The policy was adopted by Council in 2015
- Policy is due for review
- Internal audit review of Investment Policy was completed
- Benchmarking against other Council policies was undertaken with reference being made to allowable investments, investment portfolio limits and risk appetites
- Policy has been reworked
- Draft policy presented to the Audit & Risk Committee on 15 May 2018.

##### **Discussion**

The policy will assist officers by providing a clear and transparent process regarding the investment of Council funds.

The revised policy now has:

- A documented process for the release of investment funds as per internal audit recommendations.
- A procedure to review acceptable risk and potential for financial loss where an investment product is downgraded.
- An updated Risk Assessment form that requires a declaration of conflict of interest if one exists.

##### **Financial Implications**

Officers will now have options if existing investments are downgraded, other than immediate redemption of investment and loss of accrued interest.

##### **Council Plan**

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

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

This policy has been developed to comply with legislation, ministerial directions, and best practice guidelines.

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

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

##### **Risk Assessment**

Without a policy there are inconsistencies in our approach investing Council funds.

##### **Social Considerations**

Not Applicable.

##### **Community Engagement**

Not Applicable.

##### **Environmental Implications**

Not Applicable.

##### **Communication**

Not Applicable.

### **4.3 Investment Policy SCS-016**

#### **Options**

##### Option 1 – Adopt the updated Policy as presented

This option is recommended by officers as the policy has been thoroughly reviewed against best practice guidelines, other Council policies, by officers and the Audit & Risk Committee. Adoption of the policy also ensures compliance with legislation.

##### Option 2 – Adopt the Policy with amendments

This option is not recommended by officers as the policy has been through a rigorous process that has allowed consideration of issues, but there remains an opportunity to make changes if these are thought to be necessary.

##### Option 3 – Do not adopt the policy

This option is not recommended by officers as Council runs the risk of non-compliance with the Local Government Act and best practice guidelines.

#### **Conclusion**

Council's Investment Policy has been fully reviewed and is now being presented for final adoption in order to ensure compliance with legislation and best practice guidelines.



#### **4.3 Investment Policy SCS-016**

##### **APPENDIX 1 INVESTMENT POLICY SCS-016 - REVIEWED 2018**

## COUNCIL POLICY



<b>Investment</b>	Document No:	SCS-016
	Approval Date:	
	Approved By:	Council
	Review Date:	April 2021
	TRIM Reference	D18/45302
Responsible Officer:	Manager Finance	
Authorising Officer:	Chief Executive Officer	

### 1. Purpose

This policy outlines Council's requirements to ensure that all of Council's investments are actively managed within the framework of the Local Government Act, and provide maximum returns for ratepayers with consideration of an acceptable level of risk.

### 2. Scope

This policy sets out the Surf Coast Shire's policy and risk assessment approach for management of Council's investments, and applies to all funds invested on behalf of Surf Coast Shire Council.

### 3. Application

This policy applies to all Councillors, Committee members, employees and contractors of the Surf Coast Shire Council.

### 4. Definitions

<b>Investments</b>	Include all cash and cash equivalents either restricted or unrestricted, excluding cash on hand. This includes discretionary and non-discretionary cash-backed reserve funds.
<b>Short Term Investment</b>	An investment that has a term to maturity of 12 months or less from the date the investment was made.
<b>Long Term Investment</b>	An investment that has a term to maturity of more than 12 months from the date the investment was made and is restricted to a maximum term.
<b>Target Rate of Return</b>	Investment rate of return is above the 90 day bank bill swap rate plus 60 basis points.
<b>Maximum Term</b>	Term to maturity of an investment is restricted to 5 years or less from the date the investment was made.
<b>Liquidity Risk</b>	Includes the risk that, as a result of our operational liquidity requirements: <ul style="list-style-type: none"> <li>• we will not have sufficient funds to settle financial transactions when they fall due; or</li> <li>• we will be forced to sell investments at a value which is less than what they are worth; or</li> <li>• we may be unable to settle or recover financial assets.</li> </ul>
<b>Credit Risk</b>	Includes the risk that a financial institution will not complete its obligations under a financial instrument and cause a financial loss.

**Credit ratings** (published by Standard & Poors Rating Services):

#### Short Term Ratings

- A-1 The obligator's capacity to meet its financial commitment on the obligation is STRONG. Where the capacity to meet a particular obligation is EXTREMELY STRONG that obligation is designated with a plus sign, ie. A1+
- A-2 The obligator's capacity to meet its financial commitment on the obligation is SATISFACTORY, being somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than those rated A-1.

#### Long Term Ratings

- AAA The obligator's capacity to meet its financial commitment on the obligation is EXTREMELY STRONG.
- AA The obligator's capacity to meet its financial commitment on the obligation is VERY STRONG.

### 5. Policy

Council has a responsibility to actively manage its pooled investment portfolio to increase the potential for better returns and at the same time ensure prudent investments with low risk.

Printed copies of this document are uncontrolled.

## COUNCIL POLICY



Council will comply with the following in regards to investments:

- Local Government Act 1989
  - S136 - Principles of Sound Financial Management, a Council must-
    - (a) manage financial risks faced by the Council prudently, having regard to economic circumstances.
  - S143 - A Council may invest any money –
    - (a) in Government securities of the Commonwealth;
    - (b) in securities guaranteed by the Government of Victoria;
    - (c) with an authorised deposit-taking institution;
    - (d) with any financial institution guaranteed by the Government of Victoria;
    - (e) on deposit with an eligible money market dealer within the meaning of the Corporations Act;
    - (f) in any other manner approved by the Minister after consultation with the Treasurer either generally or specifically, to be an authorised manner of investment for the purposes of this section.
- Investment Management Policy and Procedure
- Australian Accounting Standards

Investment Instruments approved by the Minister for the purposes of s143(f) of the Local Government Act are attached to this document.

Council may elect to invest in any or all options available under the Local Government Act, however, in order to reduce exposure to risk, the investment instrument must also meet the following criteria:

- Investment product must comply with s143 of the Local Government Act 1989
- Investment product must be issued by an Australian owned financial institution or an Australian based financial institution with a registered ABN and a Regional office in Australia
- Council investments will have an upper exposure limit of 30% of total funds invested with each institution and their subsidiaries.
- Investment must be convertible to cash at any time with a maximum of 35 days notice
- Investments shall only remain in the following range of credit ratings published by Standard & Poors Rating Services at all times:
  - Short Term Ratings
    - A-1
    - A-2
  - Long-term ratings
    - AAA
    - AA
- The capital investment must not drop below its face value (ie the initial investment must be preserved).

The criteria above should be applied to new investment opportunities using the Investment Decision Process flowchart attached to this policy.

## COUNCIL POLICY



### 5.1 Environmental Awareness

Council resolved at its 27 January 2015 ordinary meeting to:

“...Explore and take up any opportunities to transfer Council investments consistent with the Investment Policy to financial institutions that do not fund fossil fuel developments”.

Council officers will take consideration of the environmental status of Financial Institutions into the decision making process as new investment opportunities arise. If two investment opportunities arise with the same rate of return, preference will be given to the institution that does not fund fossil fuel developments.

### 5.2 Investment Management Responsibilities

The Manager Finance is authorised to manage Council's investment portfolio.  
This responsibility includes:

- Maximising return on Council's investment of credit funds,
- Minimising the likelihood of overdraft, and
- Making investment decisions within the parameters of this policy.

Investment decisions relating to new investment opportunities must be referred to the Manager Finance or Chief Executive Officer for approval using the attached Investment Risk Assessment Form and Investment Decision Process. A register of investments shall be kept to identify the institutions where each investment is being held.

The Co-ordinator Financial Accounting is authorised to complete daily cash at call investment transfers at the Bank as an authorised bank account signatory.

### 5.3 Investment objectives

Surf Coast Shire seeks a balanced investment portfolio which aims to deliver enhanced returns whilst providing security, convenience and easy access to funds as cash flow requirements and Council investment decisions change.

This approach recognises the types and levels of cash reserves that Council holds from time to time, opportunities to maximise ratepayer value, the investments that suit Council's planned cash flow requirements and the importance of protecting ratepayer funds.

The objectives of this policy, in order of importance, are:

1. Preservation of capital;
2. Ensuring sufficient liquidity is maintained; and
3. Maximising the return on cash balances.

Preservation of capital involves minimising credit risk associated with a financial institution. Credit risk is managed by:

- only investing surplus funds with financial institutions which have a recognised credit rating specified in this Policy;
- only investing with Australian owned financial institutions, or Australian based financial institutions with an ABN and a regional office in Australia where the capital investment amount is guaranteed to be preserved by the financial institution; and
- only investing in financial instruments that are convertible to cash with a maximum 35 days notice

## COUNCIL POLICY



- eliminating currency risk by only investing in financial instruments in Australian dollars (AUD).

Minimising liquidity risk involves:

- targeting a minimum average level of cash and cash equivalents to be maintained;
- having readily accessible standby facilities and other funding arrangements in place;
- having a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments; and
- monitoring budget to actual performance on a regular basis.

Maximising the return on cash balances involves the investment of surplus cash balances after ensuring the preservation of capital and sufficient liquidity for operations.

### 5.4 Investment Management

To meet the objectives above the investment portfolio will be managed by using an institution credit rating framework and a term to maturity framework.

#### *Institution Credit Rating Framework*

Investments are limited to a specific range of investments as published by Standard & Poor's (S&P) Rating Services and outlined in this policy. Investment credit ratings advised by the investment institution or broker must be independently verified and documented. Credit ratings should be monitored regularly in the financial press to ensure compliance with the Policy requirements. In the event of an adverse report being published in the financial press, the suitability of that institution for Council investments shall be reassessed and documented.

In the event that a broker is used to purchase an investment, Council officers will put in place an agreement with the broker requiring them to only sell investment products that are in compliance with the Policy requirements and disclose any conflicts and commissions.

The level, degree and type of risks that are acceptable for any investment product will be:

- Convenient liquidity with withdrawals available on a maximum 35 days notice;
- No penalties, other than loss of interest rate for early conversion to cash;
- Have certainty regarding capital preservation with strong credit protection;
- Investment performance consistently above short-term interest rates;

#### *Term to Maturity Framework*

The following principles apply to maximise investment opportunities and maintain appropriate liquidity levels:

1. A minimum liquidity buffer level is set for operations (liquidity buffer limits).
2. An amount of surplus cash is set that should trigger an investment.
3. Investment maturity dates are aligned to the liquidity buffer limit.
4. A short term bias is generally applied to allow a level of flexibility if Council priorities change.

The following actions are required to ensure that the above principles are applied:

1. At call balances must remain above the minimum of the total cash requirement predicted. Surplus cash above this amount should be considered for investment opportunities. This amount should be increased where any uncertainty exists within the forecast cash balances.

## COUNCIL POLICY



2. Surplus daily cash in excess of long term investments shall be documented by the Co-ordinator Financial Accounting or Manager Finance on the Daily Cash Position summary prior to undertaking the funds transfer. The Daily Cash Position summary shall take account of all expected cash flows for the day.
3. Cash will be recalled daily to meet all cash requirements and minimise the likelihood of overdraft.
4. All written correspondence, including investment confirmation advice, between Surf Coast Shire and appointed investment brokers/institutions must be documented on file and forwarded to the Manager Finance. This will ensure that daily investment transfers conducted are monitored at a senior level.
5. An upper limit for long term investments will be set at the start of each financial year having regard to long term cash reserve requirements.

### 5.5 Risk Assessment

Investment risk can be evaluated and minimised by providing a template for staff authorised to manage investments and conduct risk assessments for all new types of investment.

The Manager Finance is required to conduct a risk assessment of all current and proposed investment opportunities for each different type of investment product to be considered. The Investment Risk Assessment must be documented and signed by the Manager Finance prior to any investment decision being made.

The documented risk assessment will include:

- Type of investment product;
- Term of investment;
- Level and type of risk of investment;
- Any uncertainties on the rate of return;
- Risk Credit Rating;
- Where the funds are to be invested as authorised in the Local Government Act 1989
- If any, the time lag to convert the investment to cash; and
- Penalties associated with breaking the term of the investment.

The Investment Risk Assessment form and Investment Decision Process is attached to this Policy.

At least one staff member with relevant authority (who has not signed off on the Investment Risk Assessment form) should release the funds for investment. If an independent staff member is not available at the time of the investment, the Coordinator Financial Accounting of Financial Accountant will approve the release of funds and obtain evidence of a retrospective independent review of the transaction within two business days of the release of funds.

### 5.6 Investment rating downgrades

From time to time investment product credit ratings may be upgraded or downgraded. If an investment product that Council already holds is downgraded below that required in this policy, the Coordinator Financial Accounting will prepare a report to the Manager Finance documenting:

- The affected investment and the circumstances around the downgrade
- The significance of the rating downgrade
- The remaining length of time until investment maturity
- The penalty costs payable as a result of breaking the investment early
- Other movements in credit ratings for comparable institutions.

The Manager Finance will then make a decision as to whether the investment should be redeemed early or not.

## COUNCIL POLICY



### 5.7 Reporting to Council

A report on Investment performance should be submitted to Council on a minimum quarterly basis via the Council's regular finance report. Any breach of this policy should be notified to the CEO within 24 hours of the breach being detected. In addition, the following should be noted:

- A register of investments will be maintained together with an investment file containing all correspondence from financial institutions relating to existing or new investments.
- This register will also track which investments are held with institutions that fund fossil fuel development
- Interest revenue will be recognised in the financial year that it is earned.
- On occasion the upper exposure limit for an individual financial institution (including subsidiaries) may be breached due to the redemption of unrelated investments within the portfolio which cause the overall portfolio value to decrease. This does not constitute a breach of Policy. However, no new investment contracts may be entered into with any financial institutions that would cause that institution to breach or remain above the upper exposure limit.
- Any variations to this policy are to be reported to the Audit Committee within 60 days.

### 6. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Investment Risk Assessment Form for each new investment	Finance Department	7 years	Shire Office

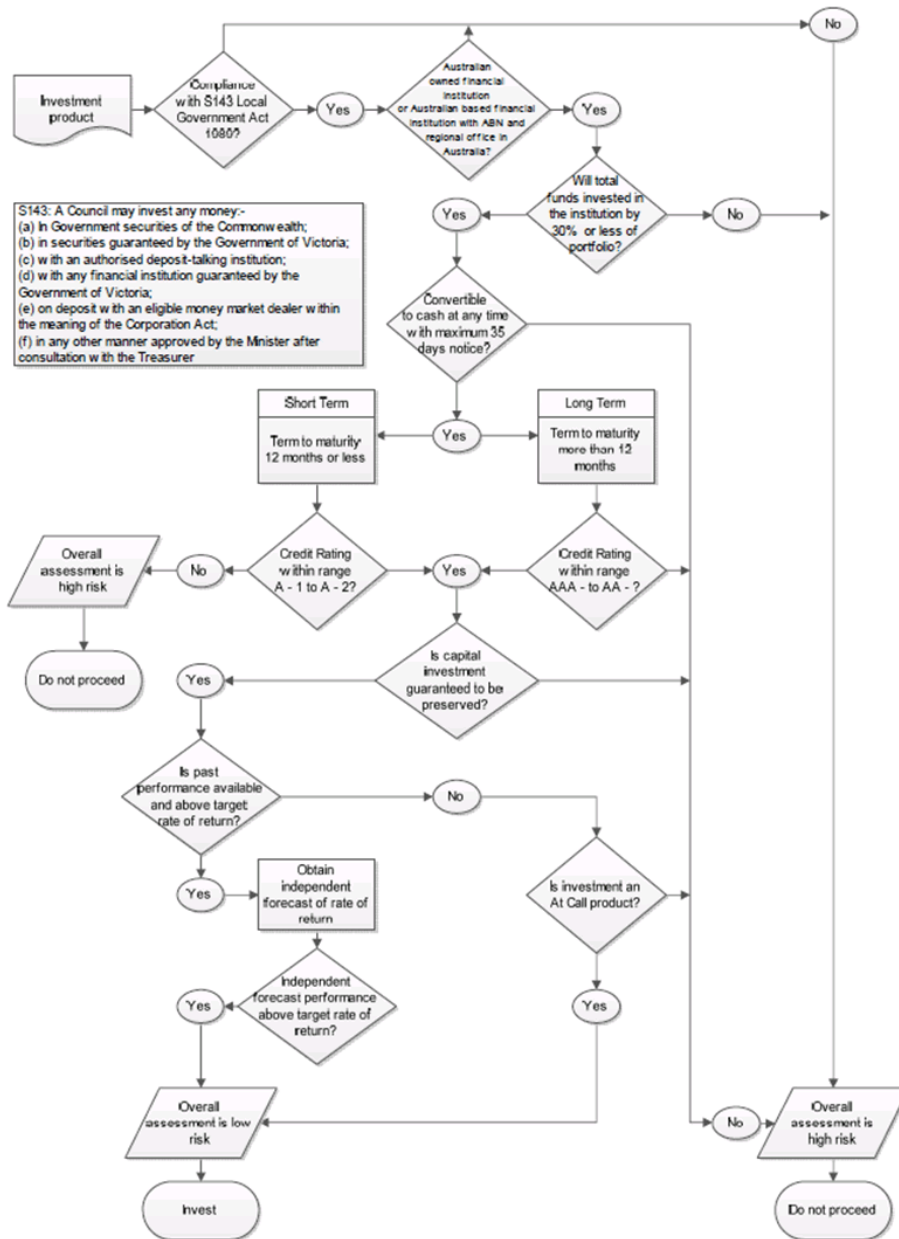
### 7. Attachments

Investment Decision Process  
Investment Risk Assessment Form  
Investment Instruments approved by the Minister for Local Government under s143(f) of the Local Government Act

## COUNCIL POLICY



### Investment Decision Process





## COUNCIL POLICY



### Investment Risk Assessment Form

<p><b>1. Type of Investment Product</b></p> <p>(a) Name of Product?</p> <p>(b) Name of Investment provider?</p> <p>(c) Name of deposit-taking institution/organisation (where investment is deposited)?</p> <p>(d) Is this Investment Short Term (12 months or less) or Long Term (more than 12 months)?</p> <p>(e) Descriptive of type of investment?</p>
<p><b>2. Compliance with Legislation</b></p> <p>(a) Does the investment comply with Section 143 of the Local Government Act 1989? Yes/No Tick a box</p> <p>Yes <input type="checkbox"/> No - Do not proceed <input type="checkbox"/></p>
<p><b>3. Term of Investment</b></p> <p>(a) Date investment matures?</p>
<p><b>4. Converting the Investment to Cash</b></p> <p>(a) Is the investment convertible to cash at any time with maximum 35 day notice period? Yes/No Tick a box</p> <p>Yes <input type="checkbox"/> No - Do not proceed <input type="checkbox"/></p> <p>(b) If longer than 3 working days, how long does it take to convert the investment to cash?</p>
<p><b>5. Level and type of risk of investment</b></p> <p>(a) If short-term, is the investment Credit Rating within the range A-1 to A-2? Tick a box</p> <p>Yes <input type="checkbox"/> No - Do not proceed <input type="checkbox"/></p> <p>Rating <input type="text"/></p> <p>(b) If long-term, is the investment Credit Rating within the range AAA- to AA-? Tick a box</p> <p>Yes <input type="checkbox"/> No - Do not proceed <input type="checkbox"/></p> <p>Rating <input type="text"/></p> <p>(c) Does the Investment product preserve the face value of the investment? Yes/No Tick a box</p> <p>Yes <input type="checkbox"/> No - Do not proceed <input type="checkbox"/></p> <p>Who is providing this?</p>

**COUNCIL POLICY**



<b>6. Uncertainties on the Rate of Return</b>		
(a) Is past performance above the target rate of return? Yes/No		
Tick a box	Yes <input type="checkbox"/>	No/N/A – Go to Question 6(c) <input type="checkbox"/>
If not applicable, why?		
(b) Is an independent (to the person preparing recommendation) forecast of the rate of return available? Yes/No		
Tick a box	Yes <input type="checkbox"/>	No – Go to Question 6(c) <input type="checkbox"/>
If yes, who is providing the forecast?		
(c) If answer to Question 6(a) is 'No' or 'N/A', is the investment an At Call product? Yes/No		
Tick a box	Yes <input type="checkbox"/>	No - Do not proceed <input type="checkbox"/>

<b>7. Overall Risk Assessment</b>		
(a) Does application of the Investment Decision Process result in a decision to invest?		
Tick a box	Yes <input type="checkbox"/>	No - Do not proceed <input type="checkbox"/>
(b) Does the overall assessment reflect a low risk investment? (Answer to Question 7 (a) must be "Yes") Yes/No		
Tick a box	Yes <input type="checkbox"/>	No - Do not proceed <input type="checkbox"/>

<b>8. Reasons for Recommendation</b>		
Provide a brief explanation for the selection of this institution and maturity date		

<b>Prepared By:</b>	<b>Declared interest in financial institution</b>	<b>Dated:</b> ___/___/___
.....	.....	
.....	.....	

<b>Reviewed By</b>	<b>Declared interest (if yes provide detail)</b>	<b>Dated:</b> ___/___/___
.....	.....	

**Manager Finance** .....

A declared interest in a financial institution needs to be made if the person or immediate family members have shares or interest in an institution recommended for an investment (either directly or indirectly) over the value of \$10,000.

## COUNCIL POLICY



### Investment Instruments approved by the Minister for Local Government under s143(f) of the Local Government Act



## Department for Victorian Communities

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Circular No. 14/2007

The Chief Executive Officer  
All Councils and Regional Library Corporations  
(As addressed)

Dear Sir/Madam

#### AUTHORISED INVESTMENTS – SECTION 143, LOCAL GOVERNMENT ACT 1989

I wish to advise that on 19 July 2007, the Minister for Local Government, the Hon. Richard Wynne MP, following consultation with the Treasurer, the Hon. John Brumby MP, approved a new form of investment as an authorised investment for the purposes of section 143(f) of the *Local Government Act 1989* (the Act). This approval was published in the Government Gazette of 26 July 2007, G30 (copy of approval attached).

The Minister has now approved the direct investment in fixed interest securities of the other Australian States and Territories subject to these securities being issued and guaranteed by a State or Territory Government and which have a credit rating equivalent to a Standard & Poor rating of AA or better as an authorised investment for the purposes of section 143(f) of the Act.

You will note that the power to invest in fixed interest securities of the other Australian State and Territories is not new. In 1998, these investments were similarly approved along with investments in shares in corporations listed on the Australian Stock Exchange (the ASX). However, under the 1998 approval, investments could only be made at arms length through a managed fund and only after a council had:

- lodged a report on financial and investment objectives and investment strategies under Section 6 of the Prudential Statement on Investment Powers of Councils dated February 1998; and
- received confirmation from the Department of Treasury and Finance that the council complies with the requirements of the Prudential Statement.

The approval of 19 July 2007 will enable councils to invest directly in fixed interest securities of the other Australian States and Territories. It should be noted however that investments in shares of a corporation listed on the ASX continue to be restricted consistent with the 1998 approval.

The new approval has provided the opportunity to remove previously authorised investments, which had, with the passage of time, become redundant.



## COUNCIL POLICY



- 2 -

The Minister's approval of 19 July 2007 therefore revokes all previously authorised general investments and restates those that continue to apply, including the new investments.

The Minister's approval of 19 July 2007 provides a single list of all investments authorised generally to apply to all councils and regional library corporations under section 143(f) of the Act.

Please feel free to contact Paul Rozario, Analyst Governance & Legislation on 9208 3611 or by e-mail at [paul.rozario@dvc.vic.gov.au](mailto:paul.rozario@dvc.vic.gov.au) should you have any queries in relation to this matter.

Yours sincerely

A handwritten signature in cursive script that reads "Prue Digby".

**Prue Digby**  
Executive Director  
Local Government, Employment and Adult Education

25 July 2007

Encl.

## COUNCIL POLICY



### Local Government Act 1989

#### APPROVAL OF AUTHORISED MANNERS OF INVESTMENTS FOR THE PURPOSES OF SECTION 143(F) OF THE LOCAL GOVERNMENT ACT 1989

I, Richard Wynne MP, Minister for Local Government, pursuant to section 143(f) of the *Local Government Act 1989* (the Act), hereby revoke all investments previously authorised generally to apply to all councils and regional library corporations under this provision.

Pursuant to section 143(f) of the Act, I authorise as approved manners of investment to apply generally to all councils and regional library corporations:

#### 1. *Certificates of Deposit and Bills of Exchange*

- (a) a certificate of deposit, whether negotiable, convertible or otherwise, issued by an authorised deposit taking institution as defined by section 3 of the *Trustee Act 1958*;
- (b) a bill of exchange which at the time of acquisition has a maturity date of not more than 200 days and which if purchased for value confers on the holder in due course a right of recourse against an authorised deposit taking institution, as defined by section 3 of the *Trustee Act 1958*, as the acceptor or endorser of the bill for an amount equal to the face value of the bill.

#### 2. *Investments in the Treasury Corporation of Victoria.*

#### 3. *Investment in managed investment schemes*

Investments in managed investment schemes which:

- have a rating of AAm or a rating of AAF from Standard and Poors Australian Ratings;
- are registered under section 601EB of the *Corporations Law 2001* (Commonwealth); and
- are liquid within the meaning of section 601KA(4) of the *Corporations Law 2001* (Commonwealth) and have a constitution that provides for members to withdraw from the scheme.

## COUNCIL POLICY



#### **4. Fixed interest securities of an Australian Authorised Deposit Taking Institution and Shares listed on the Australian Stock Exchange**

Investments in:

1. fixed interest securities of or guaranteed by an Australian authorised deposit taking institution; and
2. shares of a corporation listed on the Australian Stock Exchange.

Investments in fixed interest securities of an Australian authorised deposit taking institution and shares listed on the Australian Stock Exchange are subject to the following terms and conditions

##### **Terms and Conditions**

These investment powers may only be used by councils which have:

- [a] lodged a report on financial and investment objectives and investment strategies under Section 6 of the Prudential Statement on Investment Powers of Councils dated February 1998; and
- [b] received confirmation from the Department of Treasury and Finance that the council complies with the requirements of the Prudential Statement.

Investments must not be made directly but only through trust vehicles managed by the Victorian Funds Management Corporation or a private sector fund manager with specialist expertise in investment.

#### **5. Fixed interest securities of the Australian States and Territories**

Investments in the fixed interest securities of the other Australian States and Territories subject to these securities being:

- issued and guaranteed by a State or Territory Government; and
- which have a credit rating equivalent to a Standard & Poor rating of AA or better.

Dated 19 July 2007

**RICHARD WYNNE MP**  
Minister for Local Government

#### 4.4 Council Rates Assistance Policy SCS-003

**Author's Title:** Coordinator Revenue

**General Manager:** Anne Howard

**Department:** Finance

**File No:** F15/1140

**Division:** Governance & Infrastructure

**Trim No:** IC18/895

**Appendix:**

1. Rates Assistance Policy SCS-003 - June 2018 (D18/88823)
2. Rates & Charges Deferment Application (D18/88802)
3. Rates & Charges Arrangement Application (D18/88803)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

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**Purpose**

The purpose of this report is to present to Council the Rates Assistance Policy SCS-003.

**Summary**

The purpose of the Rates Assistance Policy is to establish a framework to offer relief to ratepayers who endure significant hardship in meeting their rates and charges obligations (including special charge schemes).

Council last endorsed this policy on 22 March 2016. A recent review of the policy has led to proposed amendments and accordingly an updated policy is presented for Council's consideration.

**Recommendation**

That Council endorses the Rates Assistance Policy SCS-003 as presented.

**Council Resolution**

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

That Council endorses the Rates Assistance Policy SCS-003 as presented.

CARRIED 8:0

#### **4.4 Council Rates Assistance Policy SCS-003**

##### **Report**

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

Council acknowledges that some ratepayers may experience financial hardship from time to time. At these times, meeting rates, charges and levy obligations present a further challenge when a number of competing financial difficulties may be faced.

The purpose of this policy is to provide options for ratepayers facing such challenges, allowing them to deal with the situation positively and reduce strain imposed by financial hardship.

The Rates Assistance Policy was recently subject to internal audit and review. Management committed to clarify the policy in regards to payment arrangements and update eligibility criteria for rate deferrals. An updated policy with amendments is presented with this report for Council's consideration.

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

The Rates Assistance Policy is presented to Council with the following minor amendments;

- Rates and Charges Payment Arrangements can be accepted in writing (email) in lieu of a completed Rates Payment Arrangement Application form, as long as ratepayers acknowledge Council's payment arrangement terms and conditions in writing.
- The updated policy narrows the criteria for the eligibility of the deferment of rates: the property must be used exclusively for residential purposes by the applicant/s and their sole and principle place of residence. This inclusion is to eliminate ratepayers being able to defer the rates on an investment property.

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

Not applicable.

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

Theme 1 Community Wellbeing  
Objective 1.4 Provide support for people in need  
Strategy Nil

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

This amended policy maintains compliance with the Local Government Act 1989.

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

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

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

Council is required to ensure that all policies are current and meeting all legislative and organisational requirements.

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

An effective Rates Assistance Policy will offer vulnerable ratepayers experiencing financial hardship the opportunity to successfully manage their debt within set guidelines in accordance with the Local Government Act 1989 legislation.

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

Not applicable.

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

Not applicable.

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

Not applicable.



#### **4.4 Council Rates Assistance Policy SCS-003**

##### ***Options***

##### Option 1 – That Council endorse the Rates Assistance Policy SCS-003

This option is recommended by officers as to ensure Council maintains a currency of policies, taking into account internal audit recommendations, and taking the opportunity to remove deferral of rates on investment properties.

##### Option 2 – That Council does not endorse the Rates Assistance Policy SCS-003

This option is not recommended by officers as it would not address the recommendations of our audit nor would it eliminate ratepayers deferring rates for an investment property.

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

The Council Rates Assistance policy establishes principles, guidelines and criteria for the effective control and management for ratepayers experiencing financial difficulties to access alternative payment arrangements and methods in accordance with the Local Government Act 1989.

**4.4 Council Rates Assistance Policy SCS-003**

**APPENDIX 1 RATES ASSISTANCE POLICY SCS-003 - JUNE 2018**

#### 4.4 Council Rates Assistance Policy SCS-003

### COUNCIL POLICY



<b>Rates Assistance</b>	Document Number:	SCS - 003
	Approval Date:	
	Approved By:	Council
	Review Date:	July 2018
Responsible Officer: Coordinator Revenue	Reference:	D18/88823
General Manager: Manager of Governance and Infrastructure		
Authorising Officer: Chief Executive Officer		

#### 1. Purpose

The purpose of this policy is to establish a framework by which the Surf Coast Shire Council can offer some form of relief measures to ratepayers who endure significant hardship in meeting rate and charges including special rate payments.

#### 2. Scope

This policy will cover all requests from ratepayers seeking assistance with financial hardship situations.

#### 3. Application

This policy will apply to all Council ratepayers.

#### 4. Definitions

**“Deferral”** A deferral of payment can be provided in whole or in part for rates, charges and levies which are due and payable for a specified period and subject to any conditions determined by Council if it considers that an application submitted by a ratepayer shows that payment of rates, charges and levies would cause hardship to the ratepayer.

**“Waiver”** A waiver removes the liability from the eligible ratepayer to pay the whole or part of any rate, charge or levy by way of a Council resolution if it considers that an application submitted by a ratepayer shows that payment of rates, charges and levies would cause hardship to the ratepayer.

#### 5. Policy

It is acknowledged at the outset that various ratepayers may experience financial hardship for a whole range of issues and that meeting rates, charges and levy obligations constitute just one element of financial difficulties that may be faced.

The purpose of this policy is to provide options for ratepayers facing financial difficulty to deal with the situation positively and reduce the strain imposed by financial hardship. Council's approach will be:

- to firstly offer a payment plan, or
- if this is not possible then a deferral arrangement (as long as the application meets the eligibility criteria as outlined on the Rates & Charges Deferment Application) or
- finally, as a last resort, a waiver arrangement may be entered into with a resolution of Council.

Ratepayers experiencing financial difficulty paying rates or charges can contact Council's Revenue Department to confidentially discuss the alternative payment arrangements in this policy.

#### 5.1 Rates and Charges Payment Plans

In addition to the following mechanisms, Council will offer to all ratepayers, irrespective of financial circumstances, the ability to negotiate a payment instalment plan for rates, charges and levies over a twelve month period (or longer if needs be), that suits the financial capacity of the ratepayer concerned.

#### 4.4 Council Rates Assistance Policy SCS-003

Payment Arrangement Plans require an agreement to be entered into between the ratepayer and Council. Outstanding rates and charges will be subject to penalty interest rates as prescribed under the Penalty Interest Rates Act. Council will accept an application in the form of the Rates and Charges Payment Arrangement Application, or in writing, ensuring applicants acknowledge Council's terms and conditions for payment arrangements.

##### 5.2 Deferral of Rates and Charges

Under Section 170 of the Local Government Act, Council may defer the payment of any rate or charge, allowing ratepayers an extended period of time to make payments or alternatively forestall payments on an indefinite basis until the ratepayer ceases to own or occupy the land in respect of which rates and charges are being levied.

Rate deferral agreements are not transferable with a change of ownership.

Deferral of rates, charges and levies are available to all ratepayers who satisfy the eligibility criteria found on the Rates and Charges Deferment Application. Where Council approves an application for deferral of rates and charges, interest will continue to be levied on the outstanding balance of rates and charges but at an interest rate fixed annually by Council (but not exceeding the Cash Rate plus 1% - refer RBA website). This deferred interest rate will typically be lower than the prescribed penalty interest rate levied by Council on unpaid rates and charges).

##### 5.3 Waiving of Rates and Charges

Under Section 171 and 171A of the Local Government Act, Council may waive payment or part payment of any rate or charge, if it is satisfied that requiring full payment would cause undue hardship on the ratepayer. The waiving of rates may only be applied should a successful Council resolution be approved.

Council needs to be mindful in that in applying this section, any rates or charges foregone by way of rate waivers will essentially be passed onto the remaining ratepayers. It is therefore not considered to be an appropriate mechanism to waive rates and charges or special rates.

##### 5.4 Unpaid Rates and Charges

Under Section 172 of the Local Government Act, Council may charge penalty interest at a rate prescribed under the Penalty Interest Rates Act on unpaid rates.

#### 6. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Records relating to the exemption of rates payments due to exceptional circumstances. Includes records relating to the determination of individual circumstances for the application of Deferred Rates arrangements as well as records relating to the waiving of rates payments in drought or other exceptional circumstances and the establishment of rate deferral schemes for particular social or economic purposes.	Finance Department	Destroy 7 years after action completed.	Surf Coast Shire or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

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#### 4.4 Council Rates Assistance Policy SCS-003

Records relating to the administration of rates management. Includes records related to applications for pensioner rebates as well as changes of address and other administrative records.	Finance Department	Destroy 2 years after receipt.	Surf Coast Shire or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
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#### 7. Attachments

Rates and Charges Arrangement Application and Rates and Charges Deferment Application

#### 8. References

Local Government Act 1989 - Sections 170, 171, 171A and 172

Management Policy and Procedure: MPP-004

Rates Assistance Council website ([www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au))

Centrelink website ([www.centrelink.gov.au](http://www.centrelink.gov.au))

**4.4 Council Rates Assistance Policy SCS-003**

**APPENDIX 2 RATES & CHARGES DEFERMENT APPLICATION**

#### 4.4 Council Rates Assistance Policy SCS-003

Page 1 of 1

### Rates & Charges Deferment Application

Please complete and send this form to the Revenue Coordinator.

Application		
<p>I wish to defer the payment of the rates and charges (including the Fire Services Property Levy) owing in respect of my principal place of residence as described below</p> <p><input type="checkbox"/> for a period of time up until ___/___/___</p> <p><input type="checkbox"/> indefinitely</p> <p>I understand that if my application is approved, the outstanding balance of rates will be subject to a reduced penalty interest rate, at 2.5% pa (in 2018/19).</p>		
Assessment No	Property Address	Amount now due
		\$ _____
		\$ _____
		\$ _____
<b>TOTAL AMOUNT NOW DUE</b>		\$ _____

Declaration			
<p>In assessing applications for rate deferrals, the following criteria will apply:</p> <p>a) Applications must be lodged using Councils Application for Rate &amp; Charges Deferment form</p> <p>b) Applicants who meet the below definition are deemed to have an automatic qualification for rate deferral</p> <ul style="list-style-type: none"> <li>• Eligible pensioners under the State Concession Act</li> <li>• Card holders of the following identification cards: Health Care, Commonwealth Seniors, Department of Veteran Affairs, Repatriation specific.</li> <li>• The property is used exclusively for residential purposes by the applicant and is the person's sole or principal place of residence.</li> <li>• Ratepayers who can evidence (via Centrelink statement of earnings or ATO tax assessment) that they are of low income status with a maximum income of less than \$53,728. The amount of \$53,728 is the current Centrelink base rate threshold for the Family Tax Benefit Part A and this policy will be indexed by annual increases in this benchmark</li> </ul> <p>c) Applicants outside of this definition are required to provide documentary evidence from a financial planner evidencing that payment of rates will cause undue hardship</p> <p>d) Rate deferrals may be for either the full rate levy or for an agreed portion of the rates. (ie a ratepayer may elect to defer the amount of increased rates arising from a revaluation)</p> <p>e) Rate deferral ceases if Council in its discretion revokes the deferral agreement by providing the applicant with a 30 day notice period in writing or if the ratepayer ceases to own and occupy the subject property</p> <p>f) Copies of supporting documentation eg. concession card must be attached.</p>			
<b>Applicant Name (in block letters)</b>		<b>Applicant Signature</b>	
<b>Postal Address</b>			
<b>Home phone</b>		<b>Mobile</b>	
<b>Date</b>			

*Privacy Statement: The Surf Coast Shire considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Council will comply with the Information Privacy Principles as set out in the Privacy and Data Protection Act, 2014. The information will be used for the primary purpose it was collected or any related purpose for which the individual would reasonably expect Council to use or disclose the information. The information will not be disclosed to any other party unless Council is required to do so by law.*

**4.4 Council Rates Assistance Policy SCS-003**

**APPENDIX 3 RATES & CHARGES ARRANGEMENT APPLICATION**



## Rates & Charges Arrangement Application

Please complete and send this form to the Revenue Coordinator.

Application		
I wish to apply for further time to pay the rates and charges (including the Fire Services Property Levy) outstanding on the following property/ies.		
Assessment No	Property Address	Amount now due
		\$ _____
		\$ _____
		\$ _____
<b>TOTAL AMOUNT NOW DUE</b>		\$ _____

Declaration			
I agree to pay a minimum of \$ _____ <input type="checkbox"/> Weekly <input type="checkbox"/> Fortnightly <input type="checkbox"/> Monthly until the outstanding amount is paid in full, commencing from _____ (date).			
I understand the following conditions apply:			
<ul style="list-style-type: none"><li>• This agreement is for the total amount now due as shown above and will not apply to any future rates and charges.</li><li>• Interest currently at the rate of 10% per annum will continue to be charged on the reducing balance, until paid in full.</li><li>• If for any reason I am unable to pay the amount as promised, I am to contact the Customer Service Department immediately on telephone 5261 0600.</li><li>• If I fail to do so I may be subject to legal action for recovery of the debt without further notice and a further agreement may be refused.</li></ul>			
<b>Applicant Name (in block letters)</b>		<b>Applicant Signature</b>	
<b>Postal Address</b>			
<b>Home phone</b>		<b>Mobile</b>	
<b>Date</b>			

*Privacy Statement: The Surf Coast Shire considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Council will comply with the Information Privacy Principles as set out in the Privacy and Data Protection Act, 2014. The information will be used for the primary purpose it was collected or any related purpose for which the individual would reasonably expect Council to use or disclose the information. The information will not be disclosed to any other party unless Council is required to do so by law.*

#### 4.5 Permanent Barrier - Seifferts Road, Bellbrae

**Author's Title:** Coordinator Design & Traffic

**General Manager:** Anne Howard

**Department:** Engineering Services

**File No:** F18/44

**Division:** Governance & Infrastructure

**Trim No:** IC18/800

**Appendix:**

1. VicRoads SSRIP - Anglesea Road Access Modifications - Request letter to Council (D18/70222)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to seek Council support for commencement of the statutory process for the closure of Seifferts Road (East), Bellbrae at the intersection of Anglesea Road at the request of VicRoads.

#### **Summary**

VicRoads has requested the intersection of Seifferts Road and Anglesea Road, Bellbrae, be closed with a permanent safety barrier by VicRoads. This request is part improvement works VicRoads is undertaking on Anglesea Road. The safety barrier has been proposed to reduce the number of direct accesses onto the Anglesea Road and improve the safety for both residents and through traffic. The barrier will also improve safety and reduce the severity of an accident should there be any road incident at this location. It is planned that residents will use School Road which is adjacent to Seifferts Road as their alternative. VicRoads has done some initial consultation on this and has received positive feedback.

#### **Recommendation**

That Council:

1. Advertises its intention to place a permanent barrier at the intersection of Seifferts Road and Anglesea Road, Bellbrae, in accordance with Section 207 and Schedule 11 Section9(i) of the Local Government Act 1989.
2. Invites submissions in accordance with Section 223 of the Local Government Act 1989 in relation to the proposed permanent barrier.

#### **Council Resolution**

##### **MOVED Cr Rose Hodge, Seconded Cr Clive Goldsworthy**

That Council:

1. Advertises its intention to place a permanent barrier at the intersection of Seifferts Road and Anglesea Road, Bellbrae, in accordance with Section 207 and Schedule 11 Section9(i) of the Local Government Act 1989.
2. Invites submissions in accordance with Section 223 of the Local Government Act 1989 in relation to the proposed permanent barrier.

CARRIED 8:0

## 4.5 Permanent Barrier - Seifferts Road, Bellbrae

### Report

#### **Background**

- VicRoads, in partnership with the Transport Accident Commission (TAC), plans to provide safety improvements along Anglesea Road and Great Ocean Road between Geelong Ring Road and Anglesea township through works totalling \$12million.
- Works will involve a range of safety treatments including wide centreline treatment, reduced speed limit, guardrail and upgrading safety at key intersections.
- Works are in line with VicRoads Safe system approach and to be completed November 2018.

As part of this improvement works the intersection of Seifferts Road (East) and Anglesea Road has been requested to be closed by VicRoads. Following an assessment of the location, Council officers are supportive of the proposed change due to limited sight distance, the intersection on a bend, steep road grades and slippery unsealed surface on Seifferts Road.

#### **Discussion**

VicRoads has held initial conversations with locals and has indicated positive feedback on the closure. The most cost effective option to address the safety at this location is closure of the end of Seifferts Road. It should be noted that this is an infrequently used intersection and an alternative access to Anglesea Road via School Road is a safer sealed preferred access route.

Section 207 of the Local Government Act 1989 gives Council powers to close a road and this is supported by VicRoads via their request (Appendix 1).

The next step in the process is to invite submissions in accordance with Section 223 of the Local Government Act.

A plan is to be prepared by VicRoads which shows the proposed closure and construction of a hardstand/turnaround area which will allow service vehicles to perform a three-point turn. This is to be provided to Council for approval.

#### **Financial Implications**

VicRoads will carry out all works to provide the permanent closure of this intersection including the hard stand turnaround area and safety barrier. Council will be responsible for ongoing maintenance of the handstand area on Seifferts Road following hand over of works. These costs will be covered through Council's annual maintenance budgets.

#### **Council Plan**

Theme 1 Community Wellbeing  
Objective 1.3 Improve community safety  
Strategy 1.3.1 Understand community safety issues and needs, and design an appropriate local response

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

The road closure process is covered under Section 207 and Schedule 11 Section 9(i) of the Local Government Act 1989.

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

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

#### **Risk Assessment**

There is a road safety risk with the current intersection. The steep grade of approach of Seifferts Road to Anglesea Road combined with the intersection being on a bend makes it dangerous for vehicles to use. Closing the road will eliminate this risk.

#### **Social Considerations**

This road does provide an alternative access point for local residents to access Anglesea Road via School road. Impacts on residents will be minimal.

#### **4.5 Permanent Barrier - Seifferts Road, Bellbrae**

##### **Community Engagement**

Directly affected residents, emergency services and service authorities will be formally notified, and a public notice will be issued inviting submissions to the permanent barrier.

##### **Environmental Implications**

Closure of this road will have no impacts on local environment.

##### **Communication**

As outlined under community engagement.

##### **Options**

###### Option 1 – Keep access as is

This option is not recommended by officers as will provide no safety benefit to both local residents and through traffic on Anglesea Road.

###### Option 2 – Close intersection

This option is recommended by officers as will improve the road safety at this location and is in line with VicRoads Safe System approach to reducing serious and fatal accidents on our roads.

###### Option 3 – left in/left out intersection

This option is not recommended by officers as will provide in benefit to community. There are other local access roads onto Anglesea Road which provide the same outcomes and are safer to use.

##### **Conclusion**

A request has been received from VicRoads to close Seifferts Road (East) at its intersection with Anglesea Road in Bellbrae. It is recommended that Council advertise its intention to close the road and invite public submissions to the proposed closure.

**4.5 Permanent Barrier - Seifferts Road, Bellbrae**

**APPENDIX 1 VICROADS SSRIP - ANGLESEA ROAD ACCESS MODIFICATIONS - REQUEST LETTER TO COUNCIL**



SSRIP  
One McNab Avenue  
Footscray Victoria 3011  
t: 03 8572 7992  
e: [ssrip@roads.vic.gov.au](mailto:ssrip@roads.vic.gov.au)

22/05/2018

Surf Coast Shire Council  
1 Merrijig Drive (PO Box 350)  
**TORQUAY, VIC 3228**

**Attention: Mark Gibbons**

Dear Mark:

**VICROADS SSRIP – ANGLESEA / GREAT OCEAN ROAD  
NOTIFICATION OF ROAD ACCESS CLOSURES / MODIFICATIONS**

**Project Background**

Road safety improvement works are currently being delivered on Anglesea Road / Great Ocean Road by VicRoads Safe System Road Infrastructure Program (SSRIP) as part of the 2016-2020 Towards Zero Road Safety Strategy and Action Plan.

VicRoads will be undertaking various road safety improvements along the route including:

- Installing a Wide Centre Line Treatment (WCLT) where existing road formation allows.
- Installing flexible safety barriers to the left-hand side of the road.
- Install rub rail at high risk locations to better protect motorcyclists.
- Treatments at select intersections.
- Speed limit changes.

**Road Access Closures / Modifications**

As part of the safety improvements, VicRoads SSRIP will be undertaking the following:

- Closure of access to Anglesea Road at Seifferts Road, Bellbrae.
- Banning Right turn movements onto Great Ocean Road from the service road with spans between Minter Drive and Elkington Road, Bellbrae.
- Banning Right turn movements onto Anglesea Road from Grossmans Road, Bellbrae.

**Community Consultation**

VicRoads SSRIP have consulted private stakeholders impacted by the road access closures / modifications and have received verbal support.

VicRoads SSRIP have also spoken with the community at multiple stakeholder consultation sessions capturing the wider safety improvements being implemented as part of the project.

Should you have any queries in relation to this project please contact the undersigned.

Yours sincerely,

**Tom Moorfoot**  
**VicRoads SSRIP**  
**Ph: 0414 704 868**

#### 4.6 Petition Response - Reduction of Speed Limit on Ghazepore Road, Torquay

**Author's Title:** Coordinator Design & Traffic

**General Manager:** Anne Howard

**Department:** Engineering Services

**File No:** F18/44

**Division:** Governance & Infrastructure

**Trim No:** IC18/1091

**Appendix:**

1. Letter of Support from Andrew Katos - In Support of Petition from Kithbrooke Park Country Club Residents Association (D18/61364)
2. Letter of Support from Kithbrooke Park Country Club - In Support of Petition from Kithbrooke Park Country Club Residents Association (D18/87098)
3. Petition - Speed Limit on Ghazepore Road to be Reduced To 50KMH - Redacted (D18/60378)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to provide a response to a petition received requesting that Council reduce the speed limit on Ghazepore Road between Coombes Road and Grossmans Road Torquay to 50km/hr.

#### **Summary**

A petition was received by Council at its 22 May 2018 Council meeting requesting the speed limit on Ghazepore Road between Coombes Road and Grossmans Road Torquay be reduced from 80km/hr to 50km/hr. The request was based on the increase frequency of High Mass vehicles on this road and the risk presented to residents of Kithbrooke Park when entering and exiting their access. The speed limit review is also supported by the State Member for South Barwon.

Council officers have carried out an initial Traffic assessment on this road and based on VicRoads Speed Zoning guidelines the appropriate speed for this section of road is 80km/hr. Council officers would not recommend a reduction to 50km/hr as it would provide inconsistencies within the network and would likely not to be supported by VicRoads.

As part of the Ghazepore speed limit review, officers have also looked at the wider precinct area including sections of Coombes Road and Grossmans Road with the potential to have 60km/hr limit on all these roads up to and including Ghazepore Road due to the increase in rural residential development. This would also be able to consider the potential changed no right turn on Grossmans Road at Anglesea Road as well as the intersection treatment at Ghazepore and Coombes Roads. This is something that will need further investigation, consultation and support from both local and wider community, emergency services and VicRoads. Officers believe that consideration of a precinct approach is more appropriate intend exploring this before formally requesting any speed limit reduction to VicRoads.

#### **Recommendation**

That Council:

1. Undertakes a speed limit review of the wider precinct area including Coombes Road and Ghazepore Road up to and including section of Ghazepore Road between these roads.
2. Informs the first-named petitioner and the State Member for South Barwon of this proposed approach and actions to be undertaken.

#### **Council Resolution**

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

That Council:

1. Undertakes a speed limit review of the wider precinct area including Coombes Road and Ghazepore Road up to and including section of Ghazepore Road between these roads and provides a report back to Council within 6 months.
2. Informs the first-named petitioner and the State Member for South Barwon of this proposed

**4.6 Petition Response - Reduction of Speed Limit on Ghazeepore Road, Torquay**

approach and actions to be undertaken.

CARRIED 8:0



## 4.6 Petition Response - Reduction of Speed Limit on Ghazeepore Road, Torquay

### **Report**

#### ***Background***

A petition was received by Council at its 22 May 2018 Council meeting with 97 signatures to reduce the speed limit on Ghazeepore Road between Coombes Road and Grossmans Road from 80km/hr to 50km/hr. Council has also received letters of support from Kithbrooke Park Country Club and Andrew Katos, State Member for South Barwon, for this speed reduction

#### ***Discussion***

Council officers have reviewed this speed reduction request on Ghazeepore Road between Coombes Road and Grossmans Road and based on VicRoads Speed Zoning Guidelines, the current 80km/hr speed limit is the appropriate speed for this road. Council officers would not recommend formally requesting VicRoads to lower the speed limit to 50km/hr. An isolated reduction at this location would lead to inconsistencies within the road network and given the rural road characteristics does not align to a 50km/hr road environment of an urban area. Compliance of this reduced speed would also be limited and would require consistent police enforcement.

Traffic counts taken in May 2017 indicate that approx. 400 vehicles per day (vpd) use this road with approximately 50 of these being commercial vehicles. The vehicle 85<sup>th</sup> percentile speeds are at 79.6km/hr which indicates good compliance with the current speed limit.

Separate to this petition, Council officers have received a small number of isolated requests to lower the speed limit on Coombes Road and Grossmans Road due to the recent increase in rural residential development. In light of these requests and the petition, officers propose to look at a wider precinct speed limit reduction to 60km/hr to include a number of roads in the precinct.

Separate to this report, Council will also be asked to consider a proposal to change the functional layout of intersection of Grossmans and Anglesea Roads. These changes have the potential to increase "through traffic" on Ghazeepore Road. This is further justification for a precinct review rather than reacting to request for isolated changes in speed limits.

To determine if this is warranted it will require a greater level of traffic investigation, including consultation with local and wider community, emergency services and VicRoads. Following investigation, should this be justified and have a high level of support, Council will formally submit a request to VicRoads as the state authority which controls speed limits to have this lower 60km precinct speed limit introduced.

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

Investigation works can be managed within existing operational budgets and Council's current road safety budgets. Should a precinct speed reduction be implemented, additional funds in the range of \$3,000 would be required for new signs and installation costs. This would be subject to further consideration by Council.

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

Theme 1 Community Wellbeing  
Objective 1.3 Improve community safety  
Strategy 1.3.1 Understand community safety issues and needs, and design an appropriate local response

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

The proposed actions align with Council's Road Safety Strategy, which refers to developing and maintaining a safe road network and with VicRoads Speed Zoning Guidelines.

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

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

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

This speed limit review will enable Council to manage the risk of vehicle speeds in this precinct and ensure the correct speed limit is applied to these roads and not impact other areas.

#### **4.6 Petition Response - Reduction of Speed Limit on Ghazeepore Road, Torquay**

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

Vehicles speeds in local roads is a concern for residents, as expressed in the petition although the wider community may express concerns with lower limits in rural collector roads and travel times. It may also push vehicles onto other local Council roads with higher speed limits and increase risk on these roads.

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

As part of the speed limit review Council will need to engage with directly affected residents, the wider community, along with emergency services and VicRoads. This will be done through letter drop and social media to gain feedback.

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

Undertaking this speed limit review and any actions implemented from it will have no impacts on local environment.

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

A letter will be sent to the petitioners informing them of the Council resolution. Any communication as part of the proposed speed limit review will be done as outlined under community engagement section.

##### ***Options***

###### **Option 1 – Do nothing**

This option is not recommended by officers as the existing speed limits for the precinct have been in place for a number of years and it is appropriate to undertake further review. Ghazeepore Road in isolation may not require reduction although when taking into account recent rural development and driver behaviours in surrounding roads there may be some warrants to lower speed limit as precinct.

###### **Option 2 – Formally request Ghazeepore Road to be reduced to 50km/hr**

This option is not recommended by officers as initial review shows that the current rural road environment would not warrant a speed limit reduction as per VicRoads guidelines and would create inconsistencies with the broader road network. To formally submit this will likely be rejected by VicRoads.

###### **Option 3 – Carry out precinct speed limit review**

This option is recommended by officers. This will provide opportunity for a more consistent and appropriate speed limit for the whole area which is likely to be less confusing to both local and wider community than multiple or isolated speed limits. It will also ensure that recent rural residential development has been accounted for in reviewing the overall speed limit and current VicRoads speed zone guidelines are applied to this whole area. The local and wider community will also be informed and involved in this review.

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

A petition has been received by Council to reduce Ghazeepore Road between Coombes Road and Grossmans Road to 50km/hr. It is recommended that Council does not apply the 50km/hr speed reduction as does not meet VicRoads guidelines. Council officers will carry out a precinct wide speed limit review to include Grossmans Road and Coombes Road up to and including Ghazeepore Road between these roads and implement any actions required.

**4.6 Petition Response - Reduction of Speed Limit on Ghazeepore Road, Torquay**

**APPENDIX 1 LETTER OF SUPPORT FROM ANDREW KATOS - IN SUPPORT OF PETITION FROM  
KITHBROOKE PARK COUNTRY CLUB RESIDENTS ASSOCIATION**



15 May 2018

Cr David Bell  
Mayor  
Surf Coast Shire  
PO Box 350  
TORQUAY VIC 3228



*David*  
Dear Cr Bell

I write in support of Kithbrooke Park Country Club Residents Association, Torquay regarding their concerns in respect to road safety along Ghazeepore Road Bellbrae / Torquay.

I am aware that Kithbrook Park currently has 120 villas with a further 79 villas on the drawing board. It is the home for well over 200 residents. The Residents Association advise me that they have submitted a Petition to Surf Coast Shire Council requesting for the speed limit on Ghazeepore Road between Coombes and Grossmans Roads be reduced to 50kph where an 80kph currently applies.

The Association state that a number of heavy vehicles use this road and there is potential danger for both residents and visitors to this facility because of the high speed of vehicles along this section of the road.

I wish to add my support to this Petition to reduce the speed limit on this section of Ghazeepore Road. I also encourage all Councillors to give this Petition every consideration.

Advice as the outcome of the Petition and the associated review would be appreciated.

Yours sincerely

*Andrew Katos*

**ANDREW KATOS MP**  
Member for South Barwon

Copy: Kithbrooke Park Residents Association

**4.6 Petition Response - Reduction of Speed Limit on Ghazeepore Road, Torquay**

**APPENDIX 2 LETTER OF SUPPORT FROM KITHBROOKE PARK COUNTRY CLUB - IN  
SUPPORT OF PETITION FROM KITHBROOKE PARK COUNTRY CLUB  
RESIDENTS ASSOCIATION**



350 Grossmans Road, Torquay VIC 3228

21 May 2018

Mr Mark Gibbons  
Coordinator Traffic Management  
Surf Coast Shire Council  
1 Merrijig Drive  
Torquay VIC 3228

Dear Mr Gibbons

**Re: Request for Reduction of the Speed Limit on Ghazeepore Road, between Grossmans and Coombes Roads**

This letter is in support of recent correspondence received by the Surf Coast Shire Council from the residents at Kithbrooke Park Country Club (KPCC), 350 Grossmans Road, Torquay, whereby they have submitted a petition to the council to reduce the current speed limit of the above section of road from 80 kilometres to 50 kilometres per hour.

KPCC is an over 55's retirement village currently consisting of 119 independent living Villas with 176 residents. The construction of an additional 79 Villas will also occur over the next 12-18 months. These new villas will increase the number of residents living at KPCC to excess of 300 residents. The average age of the current residents is 70 years.

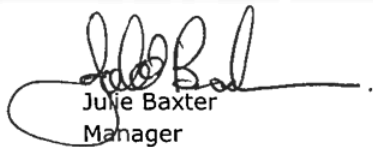
The main entrance to KPCC is on Ghazeepore Road between Grossmans and Coombes Roads. The residents have strongly expressed their fears and feel unsafe when departing or entering the main entrance as this section of Ghazeepore Road is frequently used by high mass load trucks from either land development areas or from Newcombe Sand & Soil (which is located on the corner of Grossmans Road and Ghazeepore Road). Often the drivers of these vehicles intimidate the residents when driving along this stretch of road or when residents are departing or entering due to the 80kilometres per hour speed limit they travel at.

As indicated above, with the increase in resident numbers the volume of traffic into and from KPCC on Ghazeepore Road will dramatically increase over the next 12-18 months. Hence, we would request that the Surf Coast Shire Council seriously consider the impact of this on the traffic flow along Ghazeepore Road. The current 80 kilometres per hour speed limit has caused considerable anxiety throughout the KPCC Community as has been expressed in their recent submission/petition to Council.

As this section of road is a Council asset (Asset No. 29164), and Section 11 of the *Local Government Act* provides authority to determine speed limits on Council controlled roads, it is requested that the Surf Coast Shire Council amend the speed limit to 50 kilometres per hour on the above section of road as soon as possible.

Please do not hesitate to contact me if you have any further enquiries regarding this matter on 5261 9988 or email [julie@kithbrookepark.com.au](mailto:julie@kithbrookepark.com.au).

Yours Sincerely



Julie Baxter  
Manager

Kithbrooke Park Country Club

CC Cr Heather Wellington  
Andrew Katos MP

**4.6 Petition Response - Reduction of Speed Limit on Ghazepore Road, Torquay**

**APPENDIX 3 PETITION - SPEED LIMIT ON GHAZEPORE ROAD TO BE REDUCED TO 50KMH  
- REDACTED**



10 MAY 2018

**Covering note for the attached petition addressed to the SurfCoast Council.**

The petitioners whose names, addresses and signatures appear on the attached pages petition the Surf Coast Shire as follows:

We request that the speed limit on Ghazeepoore Rd between Coombes and Grossmans roads be reduced to 50 kilometers per hour where an 80 kph currently applies. The majority frontage on that section of road belongs to Kithbrooke Park Retirement Village currently having 120 Villas with planning permission to increase to twice that number.

The main entrance and exit gate of the Village leads on to Ghazeepoore Road which is being used with increasing frequency by High Mass Load trucks and trailers weighing in excess of 50 tons. These present a significant danger to resident driver vehicles driven by retirees whose reaction time may not be as fast as those of a younger community.

As that section of road is a Council asset (Asset No.29164 ), and Section 11 of the Local Government Act gives power to Councils to determine speed limits on Council controlled roads we request that Surf Coast Shire change the speed limit to 50 kilometers per hour.

Yours Sincerely



SURF COAST SHIRE  
FILE: .....  
FOLIO: .....  
10 MAY 2018  
OFFICER: .....  
FILE COPY  DUPLICATE COPY



**SPEED LIMIT ON GHAZEEPOORE ROAD**

The petitioners whose names, addresses and signatures appear hereunder, petition the Surf Coast Shire as follows:

**TO REDUCE SPEED LIMIT ON GHAZEEPOORE ROAD BETWEEN COOMBES AND GROSSMANS ROADS, TORQUAY, TO 50 KM/HR.**

NOTE TO SIGNATORIES: Please include your name, address and signature when signing the petition, to ensure the petition conforms to requirements and is accepted by Council.

No.	NAME (First Name & Surname)	ADDRESS (Physical Address & Suburb)	SIGNATURE
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Surf Coast Shire Council is committed to protecting all personal and sensitive information consistent with the principles set out in the Privacy and Data Protection Act 2014. The personal information in this petition will be used solely by Council for the primary purpose of petitioning Council or directly related purposes as permitted by law. The signatories understand that the personal information provided is for presentation to Council and that they may apply to Council for access to and/or amendment of the information. Please note that any personal information contained in this petition will be redacted from the public agenda.



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## 5. ENVIRONMENT & DEVELOPMENT

### 5.1 Calling In of Planning Permit Applications to Council Policy MPP-011

**Author's Title:** Manager Planning & Development

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F18/560

**Division:** Environment & Development

**Trim No:** IC18/1105

**Appendix:**

1. Calling In of Planning Permit Applications to Council Policy MPP-011 (D18/88618)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to consider changes to the proposed Management Policy and Procedure MPP-011 Calling In of Planning Permit Applications to Council.

#### **Summary**

Council at its meeting on the 24 April 2018 considered Management Policy and Procedure MPP-011 Calling In of Planning Permit Applications to Council and requested that officers give further consideration to the referencing of number of objectors within the policy. A revised policy addressing this matter and issues associated with the failure to determine permits that come before council within statutory timeframes is now presented for consideration.

Councillors' involvement in the statutory planning process provides a 'check and balance' approach to applications which may have a broader community impact. Some complex applications when assessed against the planning scheme requirements give rise to competing objectives and policies that go beyond the normal "on balance decisions" planning officers make. When this occurs it is important to have the ability to have an application determined by Council. This process needs a management policy and process to guide the "calling in" of applications for consideration by Council.

The relevant management policy and procedure has been amended to be more relevant and effective following the introduction of changes to planning processes at the 27 February 2018 Council meeting and now responds to items raised since the previous policy was presented at the 24 April 2018 meeting.

#### **Recommendation**

That Council notes the Calling In of Planning Permit Applications to Council Management Policy & Procedure MPP-011 as attached.

#### **Council Resolution**

##### **MOVED Cr Heather Wellington, Seconded Cr Libby Coker**

That Council notes the Calling In of Planning Permit Applications to Council Management Policy & Procedure MPP-011 as attached subject to replacing the final paragraph in 6.1 with the following:

*If a consultation process for a planning application has commenced then in considering a request for the application to be called-in, Councillors should consider whether all parties have genuinely first sought to achieve a mediated outcome.*

CARRIED 8:0

## 5.1 Calling In of Planning Permit Applications to Council Policy MPP-011

### **Report**

#### ***Background***

Council at its meeting held 27 February 2018 considered a report on Customer Focused Planning Reforms. Council requested a further report on the Planning Application Calling-In Management Policy and Procedure. This report addresses this resolution and incorporates a number of changes aimed at providing greater clarity around the process to be followed to assist in meeting statutory timeframes. A revised version of the Management Policy and Procedure has been attached to this report. It is proposed that this will update the previous version noted by Council at the 24 April 2018 Council meeting.

#### ***Discussion***

MPP-011 Calling in Planning Permit Applications to Council Management Policy and Procedure is the document that provides internal instructions for officers and a framework for Councillors to follow when planning permits are to be determined by the elected members at Council meetings.

The Management Policy and Procedure has been updated to better support the introduction of the planning consultation and mediation approach to managing planning disputes and issues. The newly adopted consultation approach aims to find common ground and possible solutions to concerns through an assisted conversation.

Recently there have been a number of appeals lodged for failure to determine planning applications within the 60 statutory day time period as set out in the *Planning and Environment Act* (the Act). When an application is determined at Council it will result in the processing time exceeding the 60 statutory days due to the long lead time for Councillor briefings and agendas and the need to precede this with a Hearing of Submissions meeting. The procedure has been changed to help address this situation by introducing time frames for calling in applications and including the prospect of holding a Special Council meeting in certain circumstances. This also results in less delay for applicants and others involved in the planning permit process.

The criteria for calling in an application have been changed to guidelines, removing the emphasis on the volume of objections. This has been done in recognition of the fact that a significant issue might not attract large numbers of objections in the less populated rural areas of the municipality.

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

The calling in of planning applications will inevitably delay the determination of the application. When an application exceeds 60 statutory days under the Act the applicant has the right of appeal to VCAT. When this occurs Council can be liable for the costs of the appeal application fee. VCAT fees have been increased over recent years and consequently Council may incur these costs which can be from \$3,222 to \$4,436 if the application is entered on the major cases list.

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

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil
Theme	5 High Performing Council
Objective	5.3 Provide quality customer service that is convenient, efficient, timely and responsive
Strategy	5.3.4 Continued reforms in statutory planning service delivery

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

The proposed Management Policy and Procedure MPP-011 Calling In of Planning Permit Applications to Council will assist in complying with set statutory timeframes and provide guidance for the calling in process. This will create greater certainty around the process and addresses issues raised since this policy was last brought before Council back in April 2018.

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

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

## **5.1 Calling In of Planning Permit Applications to Council Policy MPP-011**

### ***Risk Assessment***

The delay in deciding planning applications results in increased costs to for both applicants and Council. The recent increase in delegation will assist to remove the delay associated with the Council meeting cycle for the majority of applications. The calling in procedure has been amended to make this a prominent matter to be considering.

### ***Social Considerations***

Calling in of an application affords both applicant and objectors the right to make formal representation to Councillors in a public forum and to have significant planning applications determined by the elected Council. It occurs when a mediated consultation meeting has not occurred. The hearing of submission process remains unchanged and is still to be used prior to Council making a decision.

### ***Community Engagement***

Nil.

### ***Environmental Implications***

Nil.

### ***Communication***

The changes to the planning process have been communicated through Council's website and this policy will assist Councillors and Council officers determine when it is appropriate to call in permits for Council to determine as opposed to determination via delegation.

### ***Options***

#### **Option 1 – Note the management policy and procedure**

This option is recommended by officers as it will provide a consistent and transparent framework for when planning applications should be decided at a Council meeting.

#### **Option 2 – Note the management policy and procedure but with further changes**

This option while available is not recommended by officers but it needs to be noted that the management policy and procedure will be subject to periodic review allowing for the opportunity to make changes following the introduction of the process.

#### **Option 3 – Not note the management policy and procedure**

This option is not recommended by officers as a number of issues associated with the current Policy and Procedure MPP-011 have been identified and the revised version as attached to this report seeks to address these issues.

### ***Conclusion***

A decision of calling-in an application on community interest grounds remains a right of Council should Councillors wish to provide for the democratic oversight of planning applications when the need arises. The amended calling in procedure will be supported by improved information regarding current applications that are attracting objections. This information is being made available weekly to Councillors by email in the Councillor Update. It is recommended that Council note the amended Management Policy and Procedure MPP-011 Calling In of Planning Permit Applications to Council.

**5.1 Calling In of Planning Permit Applications to Council Policy MPP-011**

**APPENDIX 1 CALLING IN OF PLANNING PERMIT APPLICATIONS TO COUNCIL POLICY MPP-011**

## MANAGEMENT POLICY & PROCEDURE



<b>Calling-In of Planning Permit Applications To Council</b>	Document No:	MPP-011
	Approval Date:	24 April 2018
	Approved By:	EMT
	Review Date:	24 July 2018
Responsible Officer: Manager Planning and Development	Trim No.:	D18/88618
Authorising Officer:	Chief Executive Officer	

### 1. Purpose

The purpose of this procedure is to provide the process by which Officers may decide to have a planning permit application determined by Council and the procedure for responding to Councillor requests for applications to be determined at a Council meeting.

### 2. Scope

This procedure has been prepared to document the process required for a planning permit application to be determined by Council rather than by officers under the Instrument of Delegation S 6. It excludes VicSmart planning applications that must be determined by the Chief Executive Officer or a delegated officer under the Instrument of Delegation S 14.

### 3. Application

This procedure is applicable to all Council Officers.

### 4. Definitions

Councillor	As defined in the Local Government Act 1989
Planning and Development Department	As defined in Council's Organisational Structure
Active planning application	A planning application or an application to amend a permit that has been lodged but has yet to be determined under delegation
Objection	Objection received in writing by a third party that is opposed to a planning application
Submission	Submission received in writing by a third party that is in support of a planning application
Consultation Meeting	Formal mediated meeting between third parties undertaken in accordance with the relevant council policy and procedures

### 5. Policy

Provision for a planning application to be referred to or called-in by Council is an essential part of the delegation system. It acknowledges that certain applications are best determined at a Council meeting rather than under delegation, due to the level of community interest generated by an application or where an issue of policy is raised that should be determined by Council.

### 6. Procedure

Calling-in a planning application is an important decision and in considering this Council should assess a number implications:

- The circumstances in which a calling-in may be indicated include those applications with particular community interest and/or that raise policy issues (as outlined in the Guidelines for Calling-in an Application).
- Council is seeking to have planning disputes or concerns resolved through mediation between parties where possible, as outlined in Council's Planning Consultation Policy. Deciding to call-in applications may indicate to future participants in the planning process that they do not

need to fully partake in mediation but instead seek an alternate channel for the application to be determined. This would be detrimental to the planning consultation process.

- Calling in an application will most likely result in a delay to the determination of the application and raises the prospect of a failure to determine appeal being lodged at the Victorian Civil and Administrative Appeals Tribunal (VCAT). This results in the community not having the matter determined at the council level.
- Should an applicant appeal a matter to VCAT on the basis of failure to determine, Council may be liable for the VCAT application lodgement fee incurred by the applicant.

Officers can advise Council of the timeframes surrounding an application and this can be taken into account when deciding to call-in an application. If Council does choose to call-in an application, it may be possible to request a Special Hearing of Submissions and/or Special Council Meeting so the application can be determined by Council within the prescribed timeframe. If a special meeting is required, sufficient time will be needed for necessary public notice of the meeting to be provided.

The Council report template for planning applications has been amended to highlight the timeframes for that application. This enables Council to be aware of the status of the application with regards to the requirement to determine the application within the prescribed timeframe.

#### **6.1 Guidelines for calling-in an application**

The following guidelines set out the circumstances by which an application for a planning permit may be considered at a Council meeting rather than under delegation. Any one of the guidelines may be a sufficient reason to call-in an application that has not been through a consultation process.

- a. Receipt of significant objections / submissions highlighting wide community interest.
- b. The matter has not been through a planning consultation meeting and the Hearing of Submissions process would provide an alternative way of hearing from the community.
- c. There is conflicting policy or an absence of clear policy, which may have future decision making and policy implications (e.g.: no policy exists to guide decisions making on the matter or two separate policies guiding decisions have a direct conflict).
- d. The impact of a delayed decision on the applicant and the community and whether it is likely the matter could proceed to VCAT.
- e. Council's potential liability for the VCAT application lodgement fee incurred by the applicant if the matter was appealed due to Council's failure to determine. Council may consider whether there is an opportunity to request a Special Hearing of Submissions and/or Special Council Meeting so the application can be determined by Council within the prescribed timeframe.
- f. If the planning application has been assessed and is being recommended for refusal by the Planning and Development Department and the matter has not been through a planning consultation meeting.

If a consultation process for a planning application has commenced then the planning application should be determined by Officers under delegation rather than being called-in for determination at a Council meeting.

#### **6.2 Process for calling-in an application**

Active planning applications may be referred to Council for a determination by Officers at any time it is considered necessary. In making this decision the guidelines under 6.1 are to be used.

Councillors are to be provided with a weekly report of active planning applications that have received more than five objections called the "Watching Brief Report". The regular report is aimed at providing Councillors with the opportunity to maintain an awareness of the level of community concern that some applications might be generating.

If a Councillor is concerned that an application may be required to be determined by the Council, the guidelines for calling-in an active application are to be applied.

When three or more Councillors contact the Mayor to trigger the process

The Mayor can then request the Manager Planning and Development to provide a planning update by email on an active application which will be circulated to all Councillors. The update will provide an overview of the application and consider the guidelines for calling-in the application.

The decision for Council to be calling in an application will be made following a Councillor discussion at the next available opportunity or if so advised by the Mayor in consideration of the provisions of this procedure.

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

#### **7. Quality Records**

Copies of the email requests are to be saved against the active planning application file's electronic file.

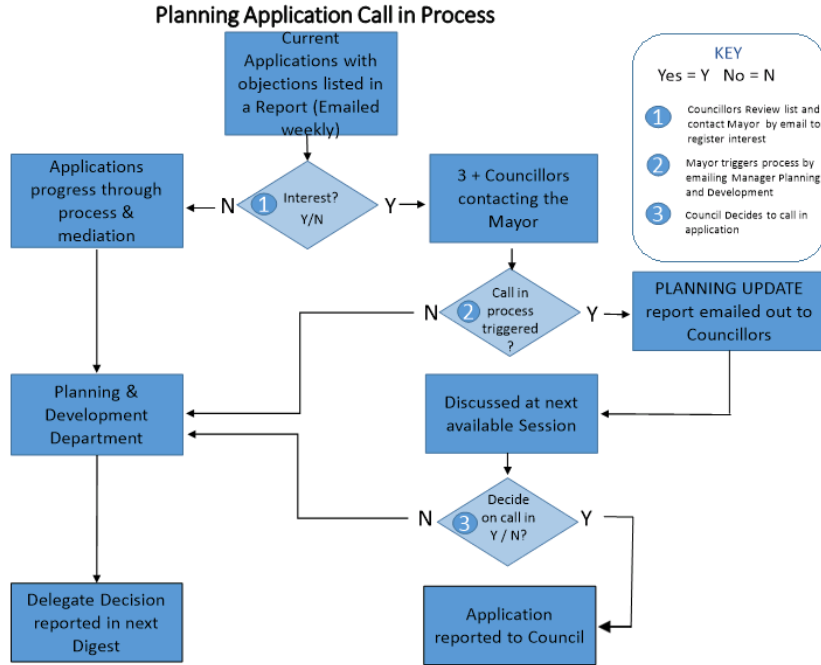
#### **8. Attachments**

Diagram 1: Process for Council to Call In-an Active Planning Application to a Council meeting for determination.

#### **9. References**

- Surf Coast Council Resolution – 27 February 2018: Planning Committee Review
- Surf Coast Council Resolution – 24 April 2018: Planning Consultation
- Planning Consultation Policy (SCS-027)

**DIAGRAM 1: PROCESS FOR COUNCIL TO CALL-IN AN ACTIVE PLANNING APPLICATION TO A COUNCIL MEETING FOR DETERMINATION.**





## 6. CULTURE & COMMUNITY

### 6.1 Anglesea Bike Park & Trails Concept Planning Project - Stage 1B

**Author's Title:** Recreation Development Officer

**General Manager:** Chris Pike

**Department:** Recreation & Open Space Planning

**File No:** F18/359

**Division:** Culture & Community

**Trim No:** IC18/1012

**Appendix:**

Nil

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to provide Council with an update regarding the Anglesea Bike Park including the emergence of new sites worthy of assessment.

#### Summary

The Chief Executive Officer wrote to Alcoa following Council's 22 May 2018 resolution to seek to secure a sustainable future for the Anglesea Bike Park in its current location. Although a formal response to the letter is yet to be received, officers have spoken with Alcoa representatives several times; most recently in a meeting with representatives from the Anglesea Bike Park Committee of Management and the Surf Coast Trails Group.

Alcoa representatives have advised officers that:

- freehold land owned by Alcoa is now able to be considered as options for the location of the bike park
- a six month lease extension for the bike park is supported to enable time for further exploration of the best way to ensure a long-term future for a bike park in Anglesea
- consideration of Council's offer will be made after this further work.

Officers have agreed with Alcoa, DELWP, and the bike park and trail group representatives that the best way to assess fresh alternatives is to apply the assessment methodology used in the location options analysis report. World Trail consultants undertook the first round of assessments and have impending commitments to other clients that will limit their availability shortly. Accordingly, officers have re-engaged World Trail and recalled the Project Control Group to commence the new assessments immediately. These will be the subject of discussion between all parties and will inform future advice to Council.

#### Recommendation

That Council:

1. Endorses the assessment of newly identified potential sites for a long-term location for a bike park in Anglesea.
2. Notes that the site assessments have commenced due to the limited availability of World Trail consultants who produced the Anglesea Bike Park Location Option Analysis Report.
3. Notes that the site assessments will be included as an addendum to the Anglesea Bike Park Location Option Analysis Report as presented to Council on the 22 May 2018 and will be presented at a future meeting of Council.
4. Notes that the Chief Executive Officer has authorised a contract variation of \$6,000 (exc GST) for World Trail to prepare the addendum to the Anglesea Bike Park Location Option Analysis Report.
5. Notes that officers will liaise with Alcoa, the Department of Environment, Land, Water and Planning and community representatives on the site assessments prior to providing further advice to Council.

## 6.1 Anglesea Bike Park & Trails Concept Planning Project - Stage 1B

### Council Resolution

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

That Council:

1. Endorses the assessment of newly identified potential sites for a long-term location for a bike park in Anglesea.
2. Notes that the site assessments have commenced due to the limited availability of World Trail consultants who produced the Anglesea Bike Park Location Option Analysis Report.
3. Notes that the site assessments will be included as an addendum to the Anglesea Bike Park Location Option Analysis Report as presented to Council on the 22 May 2018 and will be presented at a future meeting of Council.
4. Notes that the Chief Executive Officer has authorised a contract variation of \$6,000 (exc GST) for World Trail to prepare the addendum to the Anglesea Bike Park Location Option Analysis Report.
5. Notes that officers will liaise with Alcoa, the Department of Environment, Land, Water and Planning and community representatives on the site assessments prior to providing further advice to Council.

CARRIED 8:0

## 6.1 Anglesea Bike Park & Trails Concept Planning Project - Stage 1B

### Report

#### **Background**

The future of mountain biking in Anglesea is uncertain and complex. The closure of the Alcoa Mine has resulted in potential relocation of the Anglesea Bike Park (ABP) as it is located on Alcoa freehold land. This led Council to engage World Trail to undertake a Location Option Analysis that was completed in May 2018. The analysis only considered sites on Crown land as it was deemed that Alcoa freehold land would not be feasible.

The current lease agreement for the bike park has been extended until 31 December 2018, however Alcoa has indicated its preference to relocate the bike park. Alcoa has recently proposed that two options for the bike park exist on their freehold land.

#### **Discussion**

At the May 22 Ordinary Meeting Council resolved to:

1. *Receive the Anglesea Bike Park Location Option Analysis Report attached at Appendix 1.*
2. *Note that a viable alternate site has been located which could be developed at a cost of up to \$1.5 million.*
3. *Note that, due to its topography, the viable alternate site is unable to provide a mountain biking experience which matches or exceeds the current facility.*
4. *Note that the future use of the land on which the current bike park is located is uncertain and dependent on the outcome of planning processes expected to progress over the next two years.*
5. *In recognition of these findings, seek to work with Alcoa to secure a sustainable future for the Anglesea Bike Park at the current location.*
6. *Write to Alcoa advising the following:*
  - *The Anglesea Mountain Bike Park and Trails Concept Planning Project has sought to identify alternate locations for the bike park, however while a viable alternate has been identified it is considered to not be sufficiently attractive to pursue relocation.*
  - *Council believes it is premature to discontinue the use of the bike park at its current location while the foreshadowed land use re-zoning process has yet to be completed.*
  - *Council requests Alcoa to agree to a month-by-month lease extension at least until the rezoning of the land is resolved.*
  - *Should Alcoa wish to finalise the future of the bike park at this time, Council offers to purchase the land associated with the current bike park and its access for \$500,000. This offer is made on the basis of the current use, rather than the potential residential zoning that Alcoa has foreshadowed in the Alcoa Freehold Concept Master Plan.*
7. *Write to the State Government expressing Council's appreciation for its indication of financial support and land tenure for a relocated bike park, and requesting the retention of this support if required.*
8. *In the event that Alcoa accepts Council's offer to purchase land:*
  - *Allocate \$500,000 from the Accumulated Unallocated Cash Reserve*
  - *Authorise the Chief Executive Officer to represent Council in the land purchase transactions including execution of contracts and other legal documents*
  - *Agree that legal and planning costs relating to subdivision and land purchase will be paid by Council through recurrent budgets.*
9. *Note that a sustainable future for a bike park in Anglesea is critical to the vision of a destination trails network that complements existing networks in the region, including Forrest and the You Yangs.*
10. *Note that this report addresses the 'Save Anglesea Bike Park' petition received by Council on 27 February 2018.*

A letter was sent to Alcoa on 24 May 2018 advising of Council's resolution and to request consideration of the matters raised. Although a formal response to the letter is yet to be received the Chief Executive Officer, General Manager Community and Culture and Manager Recreation and Open Space Planning have met with Alcoa several times; most recently on 25 June 2018 with representatives from the ABP Committee of Management.

Alcoa representatives have advised officers that:

- freehold land owned by Alcoa is now able to be considered as options for the location of the bike park.
- a six month lease extension for the bike park is supported to enable time for further exploration of the best way to ensure a long-term future for a bike park in Anglesea.
- consideration of Council's offer will be made after this further work.

## 6.1 Anglesea Bike Park & Trails Concept Planning Project - Stage 1B

Officers have agreed with Alcoa, DELWP, and bike park and trail group representatives that the best way to assess fresh alternatives is to apply the assessment methodology in the location options analysis report. World Trail consultants undertook the first round of assessments and have impending commitments to other clients that will limit their availability shortly. Accordingly, officers have re-engaged World Trail and recalled the Project Control Group to commence the new assessments immediately. These will be the subject of discussion between all partners and future advice to Council.

### **Financial Implications**

The Chief Executive Officer has authorised a contract variation of \$6,000.00 (exc GST) for World Trail to prepare an addendum to the Location Option Analysis Report.

### **Council Plan**

Theme	1 Community Wellbeing
Objective	1.1 Support people to participate in and contribute to community life
Strategy	1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations
Theme	3 Balancing Growth
Objective	3.2 Ensure infrastructure is in place to support existing communities and provide for growth
Strategy	3.2.5 Work with the community and stakeholders to implement the Anglesea Futures program
Theme	4 Vibrant Economy
Objective	4.4 Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses
Strategy	4.4.1 Work with key stakeholders to encourage visitors to stay longer and spend more in the shire

### **Policy/Legal Implications**

If a new bike park needed to be established there would be several key statutory and legal implications including:

- Land Ownership
  - The two proposed site options are on Alcoa freehold land and Council would either need to be gifted the land in order to become the land manager or a land swap arranged with the State Government and Council be appointed as Crown Land Committee of Management.
- Planning/Rezoning
  - To be confirmed
- Environmental Requirements
  - As all identified sites include native vegetation, the appropriate process would need to be undertaken to identify the required vegetation removal for bike park components, and meeting the requirements for the associated offsets.
- Cultural Heritage
  - The assessment will seek to obtain information from DELWP to ascertain if either site is impacted by Indigenous cultural heritage. A Cultural Heritage Management Plan would need to be completed for development on either site.

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

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

### **Risk Assessment**

There is no identified major risk associated with undertaking the assessment of proposed alternate sites on the Alcoa freehold land. Conversely, the assessment will ensure that all proposed alternate site options from the community, Council, DELWP and Alcoa have been considered, assessed using the same methodology and compared to identify the site that represents the best alternate site for the ABP.

### **Social Considerations**

The ABP provides numerous social and health benefits to the community through participation in physical activity in the natural environment. Council wants to secure a sustainable future for a bike park in Anglesea that provides the best long term outcome for the community, and continues to provide the associated benefits.

## 6.1 Anglesea Bike Park & Trails Concept Planning Project - Stage 1B

### **Community Engagement**

The Project Control Group involved throughout Stage 1 will be re-engaged for the additional assessment process. This will include representatives from the ABP Committee of Management and Surf Coast Trails Group. As per the previous process, the representatives will be involved in reviewing and providing input to the suitability and feasibility assessments, and critically providing a mountain biking perspective on the proposed Alcoa sites.

### **Environmental Implications**

The most significant environmental implication of any alternate site will be the need to remove native vegetation, which is certain unless the existing site is retained. Council would be required to seek appropriate approvals and make arrangements for offsets.

There are legitimate concerns from environmental groups such as ANGAIR regarding the need for vegetation to be removed if the bike park is to be relocated. This concern will be somewhat addressed through the assessment process where there is significant importance placed on the quality of vegetation on each site; so much so that any high quality areas will be assessed as having 'low feasibility'.

There are no environmental implications at the existing site as it has been operational since 2006.

### **Communication**

As noted, the PCG will be involved throughout the assessment process. At the conclusion of the assessment process when the addendum is added to the ABP Location Option Analysis and the report is presented to Council, communication will be undertaken to update the Project Reference Group for Stage 2 of the overall project, and the broader community.

### **Options**

#### Option 1 – Endorse the assessment of newly-identified sites on Alcoa freehold land

This option is recommended by officers to ensure a more fulsome exploration of all potential sites for a bike park in Anglesea. Alcoa freehold land was excluded from the original study in favour of public land.

#### Option 2 – Not endorse the assessment of newly-identified sites on Alcoa freehold land

This option is not recommended by Officers as the failure to explore all potential locations for a bike park may prevent all parties reaching agreement on the best option for a long-term future for a bike park in Anglesea.

### **Conclusion**

The Anglesea Bike Park Location Option Analysis Report only considered sites on Crown land as it was deemed that Alcoa freehold land would not be feasible. Since Council's resolution on 22 May 2018 Alcoa have communicated that they have two alternate sites on freehold land that they believe could be suitable as an alternate site for the bike park. Alcoa have requested that Council undertake an assessment of the sites as per the previous process for the Crown land sites.

Officers have progressed engaging World Trail to undertake an assessment of the proposed sites. This will ensure that all proposed alternate location options for the ABP from the community, Council, DELWP and now Alcoa have been considered and assessed using the same methodology, and compared to identify the site that represents the best option for a bike park in Anglesea.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

**Author's Title:** Business Improvement Officer

**General Manager:** Chris Pike

**Department:** Business Improvement

**File No:** F16/1233

**Division:** Office of the CEO

**Trim No:** IC18/741

### Appendix:

1. Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper - Final Version - July 2018 (D18/77351)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

### Status:

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to consider the Positive Ageing Service Review – Community Engagement Findings and Recommended Option Paper and next steps.

### Summary

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

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

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

- it's likely that the Commonwealth Government will either market test services on a regional scale, or introduce individual funding to clients
- local government will not automatically be a designated service provider, and will become an expensive provider in competitive a market
- Council will lose its ability to influence good outcomes and future arrangements.

These reforms are unavoidable and will affect all service providers (government and non-government alike) – forcing all Councils to eventually analyse and consider their future roles and approaches. The Surf Coast Shire Council has proactively undertaken its Positive Ageing Service Review in order to identify how older people and people with a disability living in the municipality can continue to have access to affordable, quality services in the future.

This report is informed by:

- the Dyson report
- the Positive Ageing Service Review Research Paper (Council meeting date 24 October 2017)
- the Positive Ageing Service Review Options Paper (Council meeting date 27 February 2018)
- written submissions and community feedback
- the 12 June 2018 hearing of submissions, and
- the appended Community Engagement Findings and Recommended Option Paper.

Eighteen months of comprehensive research and analysis confirms that handing back service delivery to responsible agencies over an extended period of time (and guaranteeing the transition with a Council safety-net and other protections), clearly represents the best outcome for the community. However, extensive consultation highlights unresolved community concerns not only about the changing environment, but also around the complexity of the aged care and disability service reform.

With community concerns at the forefront, an 'up-front' decision for an extended exit of service delivery is not recommended. A more prudent approach is to:

- establish a Positive Ageing Advisory Committee
- develop a detailed Reform Readiness Plan to guide and give detail to the next steps, and
- seek separate Council resolutions to implement Reform Readiness Plan actions.

## **6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper**

### **Recommendations**

That Council:

1. Acknowledges the significant and valuable input from the community during the recent engagement phase of the project.
2. Receives and endorses the Positive Ageing Service Review – Community Engagement Findings and Recommended Option Paper.
3. Endorses Option 2 – Plan for Change (PLAN AND ACT) in order to prepare for the implications of national reforms to aged care and disability services.
4. Receives a report at its August 2018 Ordinary Meeting to start the process to establish a Positive Ageing Advisory Committee to Council.
5. Seeks feedback from the Positive Ageing Advisory Committee on the draft guiding principles prior to finalising them via Council resolution in order to inform future decision-making.
6. Develops a Reform Readiness Plan, with assistance from the Positive Ageing Advisory Committee, in accordance with the resolutions arising from this report.
7. Considers progress reports on the delivery of the Reform Readiness Plan at least twice a year or as Council decisions are required.
8. Notes that substantive changes to the service will be the subject of further reports to Council.
9. Re-affirms its commitment that the community will not be left without access to critical positive ageing services.

### **Council Resolution**

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

That Council:

1. Acknowledges the significant and valuable input from the community during the recent engagement phase of the project.
2. Receives and endorses the Positive Ageing Service Review – Community Engagement Findings and Recommended Option Paper.
3. Endorses Option 2 – Plan for Change (PLAN AND ACT) in order to prepare for the implications of national reforms to aged care and disability services.
4. Receives a report at its August 2018 Ordinary Meeting to start the process to establish a Positive Ageing Advisory Committee to Council.
5. Seeks feedback from the Positive Ageing Advisory Committee on the draft guiding principles prior to finalising them via Council resolution in order to inform future decision-making.
6. Develops a Reform Readiness Plan, with assistance from the Positive Ageing Advisory Committee, in accordance with the resolutions arising from this report.
7. Considers progress reports on the delivery of the Reform Readiness Plan at least twice a year or as Council decisions are required.
8. Notes that substantive changes to the service will be the subject of further reports to Council.
9. Re-affirms its commitment that the community will not be left without access to critical positive ageing services.

CARRIED 7:1

## **6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper**

### ***Background***

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

Reform is being guided by the Aged Care Roadmap which identifies short, medium and longer-term goals to make the aged care system more consumer-driven, market-based, sustainable and nationally consistent.

This review is an identified 2016-17 business improvement project, and is being undertaken to:

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

### ***Discussion***

In Victoria, Council's play an important role in the service planning, facilitation, coordination, and advocacy for residents across the whole of life spectrum. Early years, youth, families, and ageing and disability services are all important functions where Council's provide leadership and influence.

In all of these areas, Council's maintain a strong client focus and work to achieve the most appropriate client outcomes but do not necessarily provide direct service delivery.

The aged care reforms have created a policy and funding environment where it is unlikely that local government can play a meaningful role in the future as a service provider because of underlying cost structures and legislative impediments. This is at a time when there are mounting pressures on local government to critically examine its roles and functions to ensure that best value is delivered by ratepayer funding in a financially constrained environment.

The Commonwealth Government has clearly stated that it is responsible for funding, coordinating and commissioning an integrated care system. These directions appear to be well set and there is no evidence to suggest a change away from the continued implementation of a demand-led, market based, and consumer directed home support model.

Local Government has a range of important roles and functions that it should continue to play, including leadership, advocacy and planning. The Age Friendly City initiative can assist in identifying and refining Council's future role and function in relation to aged care and older people.

This Council report is informed by numerous preceding reports and papers exploring Council's options in the face national reforms. These include:

- the Dyson report
- the Positive Ageing Service Review Research Paper (Council meeting date 24 October 2017)
- the Positive Ageing Service Review Options Paper (Council meeting date 27 February 2018)
- written submissions and community feedback
- the 12 June 2018 hearing of submissions, and
- the appended Community Engagement Findings and Recommended Option Paper.

Regardless of the chosen option, planning for change will be critical, and must be:

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

### ***Financial implications***

Positive Ageing is a significant program in the Surf Coast Shire budget. The \$3.7M annual program employs approximately 50 staff, comprising 25 full time equivalent (FTE) care workers and 7 FTE office based support staff.

Council budgeted to subsidise the Positive Ageing program by \$1.35M in 2017/18. Year end actual figures are due imminently. Without change, this subsidy is forecast to increase as the population ages, and costs and revenue diverge.



## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

Several of the recommendations contained in this report such as the establishment of an advisory committee and the development of a reform readiness plan can be actioned by drawing on resources allocated in the 2018/19 budget and foreshadowed for 2019/20 (i.e. \$100k per annum for aged care and disability services planning).

Costs associated with implementation of changes to Council's services will be the subject of future reports to Council.

One of the draft guiding principles proposed in Appendix 7 of the attached report states that "reductions in Council's cost of service will be treated as a contribution towards the business improvement program savings target".

### **Council Plan**

Theme 5 High Performing Council  
Objective 5.4 Ensure the community has access to the services they need  
Strategy 5.4.1 Review Council-delivered services to ensure they are of high quality and delivering best value

Theme 5 High Performing Council  
Objective 5.4 Ensure the community has access to the services they need  
Strategy 5.4.2 Conduct service reviews to identify best service delivery model

### **Policy/legal implications**

There is no significant policy or legal implications arising from the report.

The Commonwealth Government has clearly stated that it is responsible for funding, planning and commissioning a new aged care system for Australia. The Local Government Act requires Council to provide governance and leadership for its community through advocacy, decision making and action.

Aged care reform means that Council will have to make difficult and complex decisions in the long-term interest of the community; the next phases of the review may require consideration of:

- the Surf Coast Shire Council Enterprise Agreement 2016-19
- funding agreements and contractual arrangements
- agreements with clients and volunteers
- the Local Government Act 1989
- Competitive Neutrality.

### **Officer direct or indirect interest**

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

### **Risk assessment**

There is a risk that the community may not fully understand that Council has embarked on this review in order to ensure the best outcomes for older people and people with a disability in a rapidly changing environment. The communication of the project and Council's options will emphasise this goal.

There is an increasing financial cost if Council continues to be a provider of services, and there is an emerging risk related to Competitive Neutrality – Council cannot lawfully subsidise the costs of its operations to provide a competitive advantage.

Decision making risks are:

- doing nothing and waiting to see what happens, which would result in the loss of valuable transition planning time that could be used to prepare for the future
- not acting whilst Council has the ability to influence good outcomes (before the current funding agreements begin to expire in 2019).

The Community Engagement Options Paper identifies risks associated with the possible options and implementation scenarios that have been explored.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

### **Social considerations**

Local Government in Victoria has a long history in the provision of aged care and disability services through various home support programs, and through this has built a strong social contract with its communities. The Commonwealth reforms are a disruption to this relationship and there is concern that clients and staff might be disadvantaged by changes to these arrangements. The report recommendations are designed to minimise these concerns and to provide stability to service delivery.

### **Community engagement**

In February 2018, Council endorsed the Positive Ageing Service Review – Community Engagement Options Paper and a more accessible Discussion Paper, and commenced a 60 day community engagement process inviting submissions. Promotion of this community engagement period included:

- letters and personal contact with all clients, volunteers and affected staff
- direct email to 1,700 community members
- attendance at 13 community meetings
- distribution of hardcopy at doctor's surgeries, retirement villages, library, etc
- media releases, Mayor's column, and advertisements in local newspapers
- social media.

One hundred and thirty three submissions were received, and 242 people contributed feedback at the community meetings. Thirteen authors spoke to their submissions at a Hearing of Submissions conducted in June.

Community engagement findings are summarised as follows:

- Council is a respected and trusted provider of in-home supports for older people and people with a disability
- most respondents would prefer no change and for Council to remain their service provider
- if change is unavoidable, 40% of respondents would still prefer Council to remain their service provider even if it costs a bit more, whilst 35% would prefer Council to carefully relinquish services via an extended exit plan – there is no support for a compressed exit plan
- Clients are concerned about:
  - access to services
  - a possible increase in the cost of services
  - a possible reduction in the quality of services
  - navigating a complex service system alone.

### **Environmental implications**

There are no environmental implications associated with this report.

### **Communication**

The Positive Ageing Service Review Communication and Engagement Plan is being followed.

Key stakeholders have been extensively involved, and the Australian Services Union has been informed that Council is reviewing Positive Ageing services.

Stakeholders and the wider community will be informed of Council's decision.

Council's role in the communication of changes arising from the national reforms will need to be examined in the preparation of a reform readiness plan.

### **Options**

The following options are possible at this juncture:

Option	Discussion
Option 1 – Wait for change and then respond (WAIT AND SEE)	The rationale for this option is to wait and see how the reform progresses and then respond appropriately. This approach is consistent with community feedback, but is not recommended for the following reasons: <ul style="list-style-type: none"> <li>• may provide additional time, but the fundamentals of the reforms will not change</li> </ul>

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

	<ul style="list-style-type: none"> <li>• staff morale has been impacted and staff have expressed a desire for certainty and clarity regarding Council's position</li> <li>• reduces the time available to plan for the change that is coming</li> <li>• Council's presence inhibits market growth</li> <li>• may limit Council's ability to guarantee a safety-net</li> </ul>
Option 2 – Plan for change (PLAN AND ACT)	<p>The rationale for this option is to proactively plan for the change that's coming, including establishing a Positive Ageing Advisory Committee and developing a detailed Reform Readiness Plan to guide the next steps. This option is recommended for the following reasons:</p> <ul style="list-style-type: none"> <li>• respects community feedback</li> <li>• guidance provided by a Positive Ageing Advisory Committee</li> <li>• best match with success criteria and best outcome for the community</li> <li>• aligns with the reform roadmap</li> <li>• facilitates market growth</li> <li>• maximises time for a smooth transition</li> <li>• detailed planning supports future decisions</li> <li>• underpinned by Council safety-net.</li> </ul>
Option 3 – Extended exit plan (ACT NOW)	<p>The rationale for this option is to relinquish service delivery in a carefully planned way over several years, with protections in place to guarantee a smooth transition and service continuity for clients. This option achieves the best match with the success criteria and therefore represents the best outcome for clients and the community. However it is not recommended that Council determines its future role at this point in time. It is evident from the significant community concerns raised during the consultation period that more detailed planning work is required to determine Council's response to the reforms and to bring the community along on the journey of change.</p>

### **Conclusion**

The very clear change of policy and accountability for aged care at a national level demands that Council considers the implications and makes decisions that are in the long-term interests of its community and organisational sustainability.

There is no doubt that the home support programs that Council has funded and delivered over many years are an important part of the network of supports that have allowed older people to live independently with good levels of health and wellbeing.

Thorough and extensive research, analysis and assessment demonstrates that Council's past and current role in direct service delivery is of a high quality but Council is a relatively inefficient service provider. In the new era of Commonwealth reforms the role of local government in Victorian aged care and disability services is likely to look very different to their past role. Councils will continue to play a very influential role in supporting the ageing population through service planning, facilitation and advocacy.

The proposed recommendations acknowledge community concerns and represent a responsible and prudent approach on a matter of great importance.

**6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper**

**APPENDIX 1 POSITIVE AGEING SERVICE REVIEW - COMMUNITY ENGAGEMENT FINDINGS AND RECOMMENDED OPTION PAPER - FINAL VERSION - JULY 2018**

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper



# Positive Ageing Service Review Community engagement findings and recommended option paper

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

### FAST FACTS:

- Faced with the challenges of an ageing population, the Australian Government is changing the way that aged and disability care services will be delivered in the future. The aim is a 'consumer driven, market based, sustainable aged care system' – where local government will no longer be an automatically designated service provider
- By 2020, Government funding agreements with Councils will be replaced by choice and competition, and the Productivity Commission will require the removal of subsidies and the introduction of full cost pricing so that local government competes fairly with the private sector (Competitive Neutrality)
- Full cost pricing will make Council an expensive provider in a competitive market
- Council is conducting this review to find the service model that will best ensure that older people and people with a disability, continue to have access to affordable, quality services in the future
- The outcome of this review will not affect whether clients receive a service, but it may affect whether it's Council that provides those services in the future
- This review compares service delivery options against a wide range of 'client-centred' success criteria and identifies the best match - the best outcome for clients
- Council won't need to provide a competing service if there are appropriate alternatives (it's acknowledged that the local market is currently weak and that Council's presence is hindering its development)
- This review is informed by extensive consultation with the community and key stakeholders
- From 2019, Council will begin to lose its ability to influence good outcomes, therefore action must be taken now to plan for the change that is coming, and to enable a smooth transition for clients and staff to new arrangements
- Changes won't happen overnight
- Council will not leave our community without a needed service

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

### EXECUTIVE SUMMARY

This Community Engagement Findings and Recommended Option Paper (the Paper) represents the end of an extensive 18 month review examining Council's role in the aged care and disability environment.

Faced with the challenges of an ageing population, the Australian Government is changing the way that aged care and disability services will be delivered in the future. The aim set out in the Aged Care Roadmap (refer to chapter 1a - Illustration 1) is 'a consumer driven, market based, sustainable aged care system'. In this new environment local government will no longer be an automatically designated service provider.

By 2020, Government funding agreements with Councils will be replaced by choice and competition, and the Productivity Commission will require the removal of subsidies and the introduction of full cost pricing so that local government competes fairly with the private sector (Competitive Neutrality). Full cost pricing will make Council an expensive provider in a competitive market.

These reform changes are unavoidable and will affect all service providers (including Councils that are still involved in service provision) - change is coming and all Councils must analyse and carefully consider their future roles and approaches.

This review has been undertaken to identify how older people and people with a disability living in the Surf Coast Shire, can continue to have access to affordable, quality services in the future.

This Paper is informed by:

- the Dyson report
- the Positive Ageing Service Review Research Paper (produced internally)
- the Positive Ageing Service Review Options Paper (produced internally), and
- written submissions and community feedback

Eighteen months of comprehensive research confirms that handing back service delivery to the responsible agencies over an extended period of time (and guaranteeing the transition with a Council safety-net and other protections), clearly represents the best outcome for the community. Refer to Section 5: Summing-up.

However, extensive consultation described in Section 4, highlights unresolved community concerns not only about the changing environment, but also around the complexity of the aged care and disability service reform. Key themes that we have heard loud and clear from our community are:

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- there is fear of change and the unknown future of the aged care and disability service environment
- significant concerns around how older people and people with a disability will navigate the new and complex system alone, without Council there to support and advise them, and
- a belief that Council is currently the only proven, local provider known to existing clients and the broader community.

Consideration of the community feedback gained through the consultation process has resulted in a pause and reflection on the next steps. With community concerns at the forefront, an 'up-front' decision for an extended exit of service delivery is not recommended. Rather, a detailed plan is required that shows the next steps and allows for these options to be developed and assumptions tested, prior to Council endorsement. This has resulted in a further refinement of the options as follows:

Refined options	Comments
1. Wait for change and then respond (WAIT AND SEE) <ul style="list-style-type: none"> <li>a. Conclude service review – retain findings</li> <li>b. Await further developments in the sector (expected early 2019)</li> <li>c. Consider options at that time</li> </ul>	<ul style="list-style-type: none"> <li>• aligns with community feedback</li> <li>• possibly more information available for decision making</li> <li>• reduces available time to respond to change or transition</li> <li>• inhibits market growth</li> <li>• no safety-net guarantee</li> </ul>
2. Plan for change (PLAN AND ACT) <ul style="list-style-type: none"> <li>a. Establish a Positive Ageing Advisory Committee</li> <li>b. Develop a Reform Readiness Plan (with Advisory Committee input)</li> <li>c. Provide proactive advice and recommendations to Council</li> </ul>	<ul style="list-style-type: none"> <li>• respects community feedback</li> <li>• best match with success criteria and best outcome for community</li> <li>• aligns with the reform roadmap</li> <li>• facilitates market growth</li> <li>• maximises time for a smooth transition</li> <li>• comprehensive review supports action</li> <li>• underpinned by Council safety-net</li> </ul>

After weighing up the evidence for an extended exit plan against community concerns, it's recommended that Council continue to proactively plan for the change that's coming and adopt refined option 2:

- 2. Plan for change (PLAN AND ACT), including**
- a. Establish a Positive Ageing Advisory Committee
  - b. Develop a Reform Readiness Plan (with Advisory Committee input)
  - c. Provide proactive advice and recommendations to Council



## **6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper**

Initial actions associated with the implementation of Option 2 should include:

1. establishment of a Positive Ageing Advisory Committee
2. development of a refined suite of guiding principles
3. development of a Reform Readiness Plan, and
4. communication with key stakeholders

This refined option:

- protects the interests of existing and future clients and families
- respects community feedback
- will NOT affect whether clients receive a service
- provides the best match with the success criteria and the best outcome for the community
- aligns with the reform roadmap
- will support market growth
- maximises the time available to plan for reform changes, and
- proactively responds to aged care reforms

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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## Section 1 - INTRODUCTION

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 1. INTRODUCTION

#### a. Background

The Federal Government's aged care reform agenda (refer to Illustration 1: Australian Government Aged Care Roadmap) and the State Government's Fair Go Rates System (rate capping) are the key drivers to Council undertaking this review.

Individualized funding, choice and competition are key features of the reform agenda that will fundamentally change the way that aged and disability services are delivered in the future. These changes will impact all local governments and in the new paradigm; Council will:

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

Funding agreements that currently identify Council as a service provider begin to expire in 2019. When that happens, it's likely that the Australian Government will either market test services on a regional scale, or introduce individual funding to clients. Council will not be competitive in either scenario and won't be able to influence future arrangements.

Like most councils, Surf Coast Shire Council is keen to understand how it can respond to these changes so that people continue to receive the important services they need.

In September 2016, Council's Business Improvement team commenced its review of Positive Ageing services and has now produced a Research Paper, an Options Paper, a Discussion Paper, and completed a comprehensive phase of community engagement.

This Paper closes out the review, which has been conducted in the following parts:

#### Part 1- Research

In March 2017, Council received the Dyson Consulting Group Aged Care Reform Research Project final report.

Then in October 2017, Council:

- endorsed the Positive Ageing Service Review Research Paper
- authorised the exploration of options regarding Council's future role in supporting older people and people with a disability, and
- endorsed the success criteria that will be used to identify and assess possible options

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### Part 2 - Options Development

In February 2018, Council:

- endorsed the Positive Ageing Service Review Options Paper
- authorised the public release of the Options Paper and a Discussion Paper, and the commencement of a phase of active community engagement
- authorised the development of a Preferred Option Paper (this Paper), incorporating community feedback and submissions, and
- restated its commitment that the future implementation of the preferred option will not leave the community without a needed service

### Part 3 - Identification of Preferred Option

Part 3 of the review comprises:

- comprehensive community engagement, including direct mail-outs to clients, and community and stakeholder meetings
- receipt of submissions and feedback, and
- the development of a Preferred Option Paper incorporating community feedback (this Paper)

The Paper is scheduled to be referred to the July 2018 Council meeting where a decision regarding Council's future Positive Ageing role will be sought.

### Part 4 - Planning for change

The next phase of the review should comprise:

- the formation of a Positive Ageing Advisory Committee
- development of a detailed Reform Readiness Plan, and
- implementation and regular monitoring/review

#### b. Review milestones

The following table sets out key service, and service review milestones:

Milestone	Date
Council meeting - endorse Project Charter	Sep 2016
Dyson report received	Mar 2017
Client, volunteer and staff survey	Apr/May 2017
Council meeting - endorse Research Paper	Oct 2017

Final report - July 2018

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Council meeting - endorse Options Paper, commence community engagement	Feb 2018
Proposed CHSP funding extension (to 30 June 2020) issued	Mar 2018
Community engagement	Mar/Apr 2018
Hearing of submissions	June 2018
Council meeting - endorse Rec Option Paper (inc. community feedback)	Jul 2018
Barwon HCP Program Alliance MOU expiry date	Jul 2018
Current CHSP funding agreement expiry date	30 Jun 2019
RAS funding agreement expiry date	30 Jun 2019
Temporary staff employment contracts expiry date	30 Jun 2019
NRCP funding agreement expiry date	30 Jun 2020
Proposed CHSP funding agreement extension expiry date	30 Jun 2020
DVA contract expiry date	30 Nov 2020
Transition to new arrangements	from July 2018

### c. Conclusion

Officers have conducted an extensive, 18 month review of Council's future role in Positive Ageing, in response to the Federal Government's aged care reform agenda.

Council has been proactive, but will lose its power to influence good outcomes when the current funding agreements begin to expire in 2019, and block funding is replaced by choice and competition.

A timely decision will maximise the limited time available and allow for a detailed and well researched implementation phase to commence.

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Positive Ageing service review - community engagement findings and recommended option paper

Illustration 1: Australian Government Aged Care Roadmap

Domain	Short Term (within 2 years)	Medium Term (3-5 years)	Long Term (5-7 years)	Destination
<b>How do consumers prepare for and engage with their aged care?</b>	<ul style="list-style-type: none"> <li>Promote positive societal attitudes about aged care and benefits of talking about and planning for aged care.</li> <li>Improve access to information and support services, including advocacy.</li> <li>Co-design strategies to support consumer empowerment.</li> <li>Start building the narrative around social expectations – who is responsible for what decisions and who has to pay by starting to communicate why long term change is needed.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to highlight the individual benefits of talking and planning early and increasing awareness of home care services.</li> <li>Continue to support informed consumer choice by enhancing information published on My Aged Care.</li> <li>Implement measures to support greater consumer empowerment based on the co-design process.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to build long term messaging, based on ongoing evaluation.</li> <li>Continue to expand My Aged Care to become a core component of a virtual aged care market.</li> </ul>	Consumers, their families and carers are proactive in preparing for their future care needs and are empowered to do so
<b>How are eligibility and care needs assessed?</b>	<ul style="list-style-type: none"> <li>Rollout of a national screening and assessment framework.</li> <li>Implement a single assessment process for eligibility, care needs and funding level for home care.</li> </ul>	<ul style="list-style-type: none"> <li>Establish an integrated assessment workforce.</li> <li>Establish an assessment process for eligibility, needs and funding levels for the new integrated care at home programme.</li> </ul>	<ul style="list-style-type: none"> <li>Single assessment framework extended to cover residential and flexible care, and becomes service agnostic.</li> </ul>	A single government operated assessment process that is independent and free, and includes assessment of eligibility, care needs and maximum funding level
<b>How are consumers with different needs supported?</b>	<ul style="list-style-type: none"> <li>Identify barriers that constrain access and choice for consumers and implement strategies to address these.</li> <li>Identify information and support needs of providers serving consumers with different needs and develop information products to help them prepare for the long term.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing evaluation, review and enhancement of information and support products.</li> <li>Government and providers will monitor and adapt strategies that address barriers to access and choice for consumers.</li> </ul>	<ul style="list-style-type: none"> <li>Government and providers will continue to monitor and adapt strategies that address barriers to access and choice for consumers.</li> </ul>	Regardless of cultural or linguistic background, sexuality, life circumstance or location, consumers can access the care and support they need
<b>How do we make dementia care core business throughout the system?</b>	<ul style="list-style-type: none"> <li>Consolidate existing dementia programmes.</li> <li>Identify information and support needs of people with dementia and their informal carers and develop information products to assist these people to prepare for the long term.</li> </ul>	<ul style="list-style-type: none"> <li>An appropriately knowledgeable and skilled workforce delivers quality care to people with dementia.</li> <li>Quality, consumer directed dementia care is core business.</li> <li>Government to increase the number of specialist dementia care units for people with extreme and very severe behavioural and psychological symptoms associated with dementia.</li> </ul>	<ul style="list-style-type: none"> <li>Government and providers continue to work together to ensure dementia care is evidence based, and research knowledge is translated into care in a timely manner resulting in improved quality of services.</li> </ul>	The community is dementia aware and dementia care is integrated as core business throughout the aged care system
<b>What care is available?</b>	<ul style="list-style-type: none"> <li>Government will reduce controls on distribution of places and pilot allocation of places with minimal regional restrictions.</li> <li>Develop robust modelling for estimating future demand.</li> <li>Home Care Package consumers choose any provider to deliver care and packages are portable.</li> </ul>	<ul style="list-style-type: none"> <li>Monitor unmet demand and supply patterns to inform removal of supply controls in aged care.</li> <li>Cease the allocation process for residential care places.</li> <li>Amalgamate existing home care programmes to form an integrated care at home programme with individualised funding that follows the consumer.</li> </ul>	<ul style="list-style-type: none"> <li>Seamless movement between home based and residential care with true consumer choice of care and provider across the spectrum.</li> <li>Uncap supply.</li> <li>Remove distinction between care at home and residential care, creating a single aged care system – agnostic as to where care is received.</li> </ul>	A single aged care and support system that is market based and consumer driven, with access based on assessed need
<b>Who provides care?</b>	<ul style="list-style-type: none"> <li>Streamline process for approved providers of one type of care to apply to provide another type of care.</li> <li>Scope changes needed to move 'approved provider' to 'registered provider' status.</li> </ul>	<ul style="list-style-type: none"> <li>Establish categories of registration for providers.</li> <li>Commonwealth Home Support Programme and Home Care Programme providers transition to care at home registered providers.</li> </ul>	<ul style="list-style-type: none"> <li>Transition remaining approved providers to registered providers.</li> <li>Implement capacity for 'mutual recognition' of similar registration/accreditation systems.</li> </ul>	A single aged provider registration scheme that recognises organisations registered or accredited in similar systems, and that has a staged approach to registration depending on the scope of practice of the providers
<b>Who pays?</b>	<ul style="list-style-type: none"> <li>Undertake work on current funding, financing and means testing arrangements in order to establish longer term financing arrangements.</li> <li>Determine the market informed price government is prepared to pay.</li> <li>Examine alternative arrangements to the Bond Guarantee Scheme.</li> </ul>	<ul style="list-style-type: none"> <li>New financial products are available to support consumer choice.</li> <li>Measures are in place to enable continued access for vulnerable consumers including additional government assistance if required.</li> <li>Integrate fee arrangements for home care and Commonwealth home support to support the new care at home programme.</li> <li>Reform or replace the Bond Guarantee Scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Means test all income and assets.</li> <li>A consumer will receive the same government contribution, regardless of whether they are receiving care and support in their home or in a residential setting.</li> </ul>	Sustainable aged care sector financing arrangements where the market determines price, those that can contribute to their care do, and government acts as the 'safety net' and contributes when there is insufficient market response
<b>How will the formal and informal workforce be supported?</b>	<ul style="list-style-type: none"> <li>Clarify the roles of government and providers on workforce matters.</li> <li>Leverage government programmes that will boost workforce supply.</li> <li>Develop an integrated plan for carer support services.</li> </ul>	<ul style="list-style-type: none"> <li>Develop career structures and pathways within aged care and across care and community services sectors.</li> <li>Implement actions from the integrated plan for carer support services to support unpaid carers.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to implement actions from the integrated plan for carer support services to support unpaid carers.</li> </ul>	A well-led, well-trained workforce that is adept at adjusting care to meet the needs of older Australians
<b>How will quality be achieved?</b>	<ul style="list-style-type: none"> <li>Government co-designs and pilots a single set of core aged care standards.</li> <li>Publish information on My Aged Care about providers' performance against standards.</li> <li>Consumer choice supported by better information to drive competition and quality.</li> </ul>	<ul style="list-style-type: none"> <li>Implement the single set of core aged care standards.</li> <li>Providers grow capacity to support co-regulation and earned autonomy.</li> <li>Publish differentiated performance information on core standards and quality indicators on My Aged Care in order to continue to drive competition and quality.</li> </ul>	<ul style="list-style-type: none"> <li>Review of aged care standards.</li> <li>Fully implement co-regulation and earned autonomy.</li> <li>Government does not regulate beyond consumer protections (core standards).</li> </ul>	Greater consumer choice drives quality and innovation, responsive providers and increased competition, supported by an agile and proportionate regulatory framework

A consumer driven, market based, sustainable aged care system

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# Section 2 - RESEARCH



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### 2. DYSON REPORT

Council engaged Dyson Consulting Group to provide a baseline service assessment, cost analysis, and social and economic benefits analysis. The Dyson Consulting Group Aged Care Reform Research Project Final Report (the Dyson report) was received in March 2017 and concluded that:

- financial viability is a challenge due to a number of factors including the inefficiency of Council's Enterprise Agreement, high overheads, and the employment of Community Care Workers at higher pay rates than the market
- Council needs to explore the various means by which financial viability might be addressed
- increasing service volumes will exacerbate the deficit because of staffing costs
- there are opportunities to more clearly demonstrate the value of Positive Ageing services, and
- shared services may provide opportunities, but administrative efficiencies will not be sufficient to offset high (relative to other providers) salary rates

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### 3. CONFIDENTIAL RESEARCH PAPER

#### a. Introduction

In 2017, the Business Improvement team produced the Positive Ageing Service Review Research Paper (the Research Paper); and a set of 'Success Criteria' to be used to develop and assess future options for the Positive Ageing activities currently provided by Council.

The Research Paper builds on the Dyson Report and includes:

- further analysis of positive ageing activities
- client, volunteer and staff survey data and analysis
- G21 Council benchmarking data and analysis
- market scan data and analysis, and
- Commonwealth and State government commentary

The Research Paper analyses Council's Positive Ageing services by the following activity types (and this detailed level of analysis is repeated in the Options Paper):








- Assessment
- CHSP and HACC PYP (personal care, domestic assistance and respite)
- CHSP and HACC PYP (property maintenance)
- CHSP and HACC PYP (delivered meals)
- Home care packages
- Veterans home care
- NDIS
- Brokered services
- Musical mornings
- Café style support
- Senior citizens centres
- Special projects

#### b. Research Paper key findings

The key findings of the Research Paper are:

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	Key findings
 <b>HISTORY</b>	<ul style="list-style-type: none"> <li>• Council has a long history of funding and providing aged and disability care services</li> <li>• Council is a trusted provider of a complex range of aged and disability care services</li> </ul>
 <b>SERVICE RESPONSIBILITY</b>	<ul style="list-style-type: none"> <li>• The Federal and State governments are responsible for aged and disability care (local government is not)</li> <li>• The Positive Ageing Strategy commits Council to planning well for its older citizens, but does not specify how services are to be delivered</li> <li>• In the new paradigm, local government will be just another service provider (in a market of many)</li> </ul>
 <b>GROWTH</b>	<ul style="list-style-type: none"> <li>• The growing and ageing population adds to the imperative to change how aged and disability care is provided</li> </ul>
 <b>ACTIVITY ANALYSIS</b>	<ul style="list-style-type: none"> <li>• Council currently subsidises each positive ageing activity it provides</li> <li>• Connection with the cohort is the primary benefit of Council providing aged and disability care services</li> <li>• Socialisation programs (such as musical mornings and café style support) may not exist without Council</li> </ul>
 <b>OPERATIONAL EFFICIENCY</b>	<ul style="list-style-type: none"> <li>• The local government sector is a costly service provider</li> <li>• Council budgeted to subsidise the positive ageing program by \$1.353M in 2016/17 (actual = \$1.030M), and by \$1.347M in 2017/18 (all including overheads)</li> </ul>
 <b>SURVEY</b>	<ul style="list-style-type: none"> <li>• Client, volunteer and staff surveys consistently tell us that quality is important and provided this is met, who provides the service is less important</li> <li>• Staff are proud of the service they provide</li> </ul>
 <b>BENCHMARK</b>	<ul style="list-style-type: none"> <li>• Councils that have relinquished service provision typically retain a leadership role, no longer contribute a subsidy, and report a high level of community satisfaction with NGO providers</li> </ul>

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Key findings	
 MARKET	<ul style="list-style-type: none"><li>• Federal reforms are creating an increasingly competitive market place, as planned (less evident in the Surf Coast Shire)</li><li>• The aged and disability care market is currently 'thin' in the Surf Coast Shire, but keen to expand</li><li>• The DOH and NDIA are confident that markets will successfully develop without intervention</li></ul>
 GOVERNMENT	<ul style="list-style-type: none"><li>• On one hand government departments are not fixed to Councils being service providers, but on the other hand Councils are viewed as providers of last resort</li><li>• Government departments endorse Council's review methodology</li></ul>

### c. Conclusion

The Research Paper provides clarity and understanding and:

- a. supports the assessment of options associated with Council retaining service provision
- b. validates the exploration of options associated with Council relinquishing service provision, and
- c. poses the question, 'what is Council's future role in supporting older people and people with a disability in the Surf Coast Shire'

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### 4. SUCCESS CRITERIA

Council endorsed the following 'client centred' success criteria to develop and assess future options for the Positive Ageing activities currently provided by Council:

#### Business improvement principles

- cost savings, improved quality, risk reduction
- financial savings benefit whole community
- improve efficiency, focus on core business
- the community isn't left without access to a critical service
- Council may not need to be a provider where an appropriate market exists
- address services that should be the responsibility of others

#### Council Plan and Positive Ageing strategy

- older people are supported to live independent and meaningful lives
- high quality services are available to the community
- easy for older citizens to access what they need
- use knowledge to respond to the needs of older citizens
- older citizens are connected with the community
- plan ahead for services and programs to adapt to change

#### Service outcome

- quality support is available for older people and people with a disability to maximise their independence at home and in the community

#### Transition

- service continuity
- service system sustainability
- smooth transition to new arrangements

It's important to recognise the strong community focus of the success criteria; and to acknowledge that economic outcomes have secondary standing.



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# Section 3 – OPTIONS DEVELOPMENT

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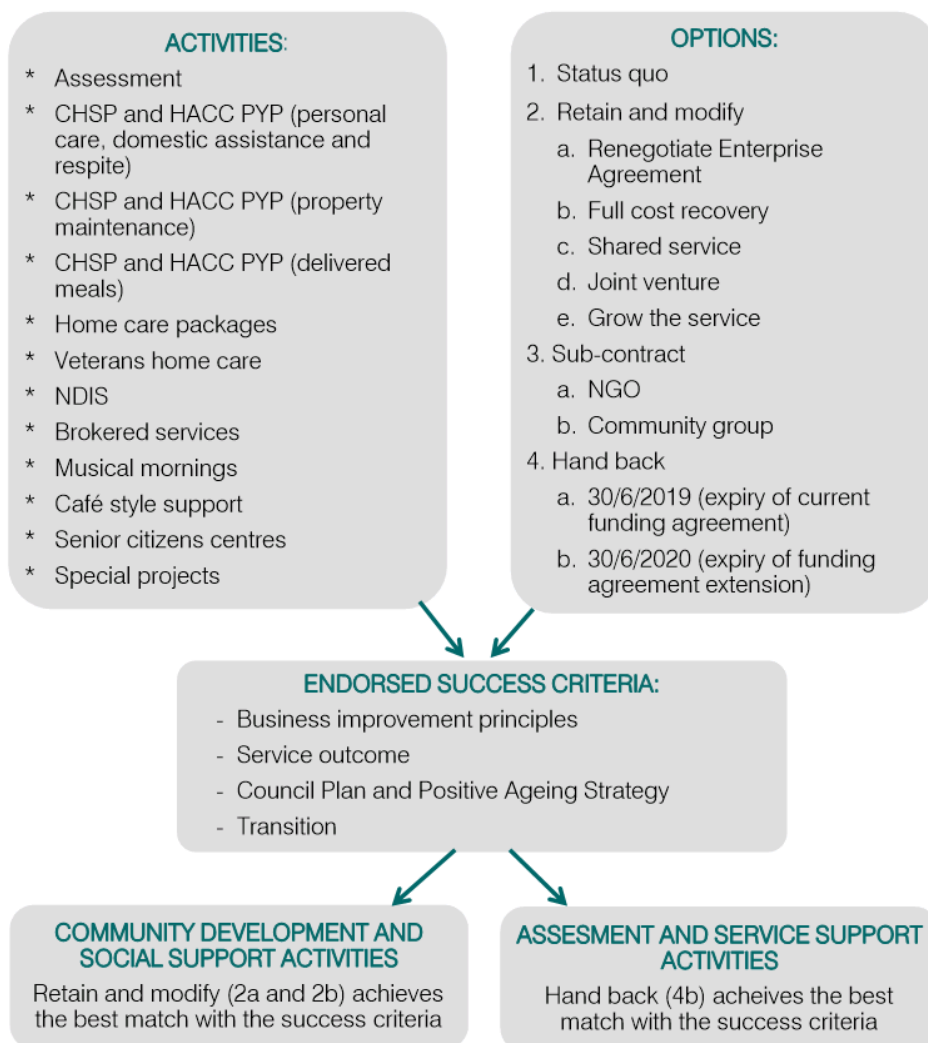
### 5. OPTIONS PAPER

#### a. Introduction

In 2018, the Business Improvement team produced the Positive Ageing Service Review Options Paper (the Options Paper). The Options Paper uses the endorsed success criteria (chapter 4) to assess each Positive Ageing activity against a full range of possible options, and identify the best match. The Options Paper was publically released to inform community consultation.

#### b. Options analysis methodology

The following diagram illustrates how activities and options were filtered to identify the best match with the endorsed success criteria:



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### c. Options development findings

The results of the comprehensive options analysis for each Positive Ageing activity are tabulated below:

Activity	Best match with the success criteria	BI principles	Positive Ageing	Service outcome	Transition	Financial implications of implementing the indicated option (in today's \$s)
Assessment	Relinquish					\$171,000pa saving
CHSP (PC, DA, and respite)	Relinquish					\$506,000pa saving
CHSP (property maintenance)	Relinquish					\$24,000pa saving
Delivered meals (CHSP and HACC PYP)	Relinquish					\$139,000pa saving
Home care packages	Relinquish					\$41,000pa saving
Veterans home care	Relinquish					\$62,000pa saving
NDIS	Relinquish					\$78,000pa saving
Brokered services	Relinquish					\$64,000pa saving
Musical mornings	Retain/modify					\$32,000pa saving
Café style support	Retain/modify					\$67,000pa saving
Senior citizens centres	Retain/modify					\$2,000pa cost
Special projects	Relinquish					\$128,000pa saving

Legend:

- = High match with adopted success criteria
- = Medium match with adopted success criteria
- = Low match with adopted success criteria

Relinquishing assessment and in-home service supports, and retaining and modifying social supports achieves the best match with the success criteria. Analysis also finds that sub-contracting, full cost pricing, and a hold on new clients for certain activities, may be appropriate transition tools.

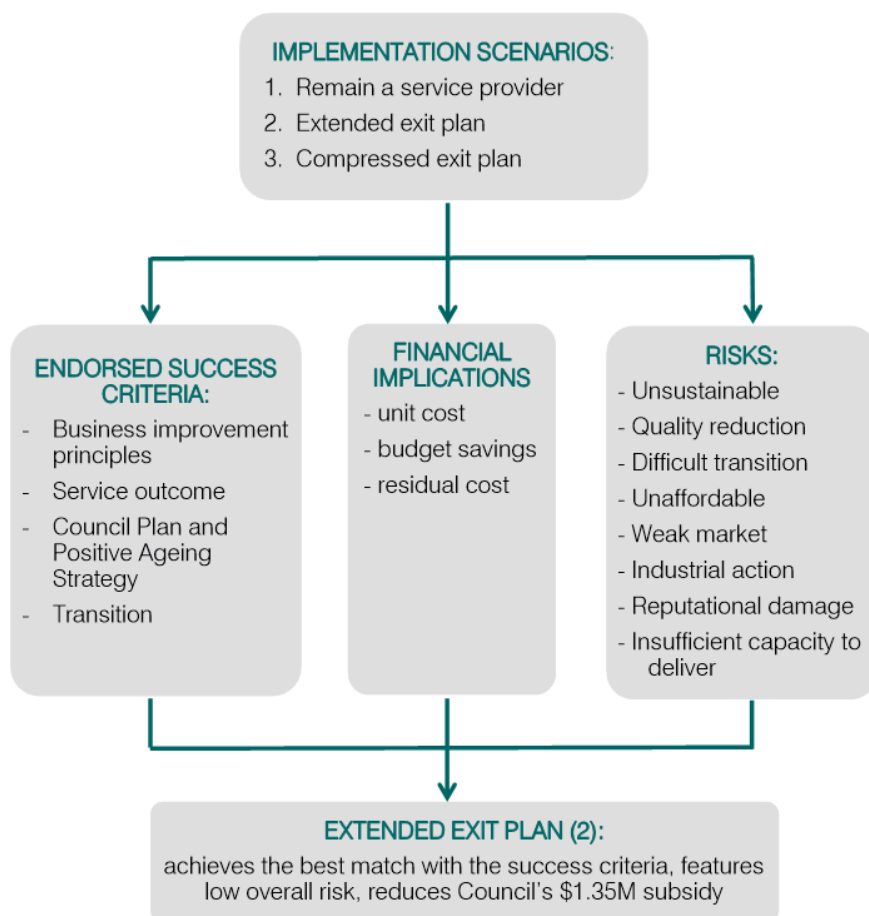


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### d. Implementation scenarios

The Options Paper identifies three possible scenarios to provide insight into how the indicated options may be implemented, and to assist with consultation. The following chart illustrates how the scenarios were assessed against the endorsed success criteria, financial implications, and risk criteria, to identify the best match:



### e. Implementation scenario findings

The results of the implementation scenario analysis are tabulated below:

Possible implementation scenario	Match with success criteria	Risk	Financial implications
Remain a service provider	●	●	●
Extended exit plan	●	●	●
Compressed exit plan	●	●	●

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An extended exit plan achieves the best match with the endorsed success criteria, risk criteria, and financial implications.

### f. Conclusion

The reformed aged care environment of the future, featuring choice and competition, will lead to local government not being a competitive service provider. Evidence contained in the Research Paper and the Options Paper shows that:

- relinquishing in-home service supports (including assessment), and retaining and modifying social supports achieves the best match with the success criteria
- an extended exit plan achieves the best match with the adopted success criteria, features a low overall level of risk (with no high risk items), and will eliminate Council's \$1.35M subsidy of above market wages and overheads
- an extended exit plan will facilitate market growth and development (the market provides quality services), and allow a smooth transition to new arrangements for clients
- sub-contracting, full cost pricing, and a hold on new clients for certain activities, may be appropriate transition tools, and
- with funding agreements beginning to expire in 2019, a timely decision is essential to maximise the limited time available

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### 6. REVIEW PART 3 - NEXT STEPS

The preceding Sections 2 and 3 of this report revise and summarise the research and options development phases of this review that have been completed.

The following Section 4 comprises the bulk of the remaining phase of the review, and includes:

- a summary of the extensive community engagement process undertaken
- detailed analysis of the submissions and feedback received
- identification of actions in response to the feedback, and
- a final check of the reform environment

Section 5 sums up the accumulated research, options development, and community engagement information to identify the options and implementation scenario that are likely to provide the best outcomes for the community.

Section 6 weighs up the facts against community feedback and recommends a refined option with implementation actions, for consideration by Council

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# Section 4 – COMMUNITY ENGAGEMENT and ENVIRONMENT CHECK

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### 7. COMMUNITY ENGAGEMENT

#### a. Introduction

The Positive Ageing Service Review - Community Engagement Plan called for stakeholder engagement during the Research phase, and comprehensive community engagement during the Options Development phase of the project.

The Options Paper and a Discussion Paper were publicly released to inform community feedback. This section of the report describes the community engagement process, and analyses and provides responses to the written submissions and community workshop findings.

#### b. Community engagement plan – options development phase

The engagement plan for the Options Development phase of the review project is summarized as follows:

Stakeholders	Engagement tools
Positive Ageing staff	<ul style="list-style-type: none"> <li>Meeting/workshops with Positive Ageing staff</li> <li>Regular updates</li> </ul>
All staff	<ul style="list-style-type: none"> <li>Shire Wire</li> </ul>
Selected stakeholders to serve as reference groups	<ul style="list-style-type: none"> <li>Attendance at scheduled meetings</li> <li>4-6 page discussion paper</li> </ul>
Clients and families	<ul style="list-style-type: none"> <li>Letter explaining review and feedback opportunities</li> <li>4-6 page discussion paper</li> <li>Submission form with prompt questions (hardcopy, via phone or online)</li> <li>Carers</li> <li>Web page for engagement form</li> <li>Client sessions</li> </ul>
Wider community	<ul style="list-style-type: none"> <li>4-6 page discussion paper</li> <li>Direct email to selected stakeholders</li> <li>Distribute around community settings</li> <li>Mayor's Column</li> <li>Media release</li> <li>Web content</li> <li>Link to submission form</li> </ul>
Union	<ul style="list-style-type: none"> <li>Letter/direct contact as needed</li> </ul>
Media	<ul style="list-style-type: none"> <li>4-6 page discussion paper</li> <li>Media release and briefing</li> </ul>

There were numerous challenges particularly associated with this round of consultation, including:

- Reform complexity – the Australian government is six years into its 10 year reform plan; where traditional block funding agreements will be replaced by choice and competition

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- Review complexity – feedback was sought regarding Council's future Positive Ageing role, requiring the consideration of 10 different options for 12 separate Positive Ageing activities, using 16 'success criteria' as assessment filters
- Discussion Paper – the complexity of the matter made it very difficult to design an accessible document that conveyed the necessary information to a broad community audience
- Target audience – the target audience are mostly the elderly, some of whom would find it difficult to understand the aged care reforms or Council's review of its Positive Ageing services, and
- Engagement – the difficulty of engaging with, and gaining feedback from the broader community (118 of the 133 submissions received were from clients or friends or family of clients)

The Community Engagement plan was comprehensive and adhered to in full and expanded/extended when it was identified that more time was required. The following measures were implemented to mitigate the above challenges:

- Community Care Workers were briefed to be able to answer basic client questions and to provide advice regarding completing the submission document
- a letter including a discussion paper, frequently asked questions, and a submission form, was mailed to all clients
- meetings and workshops were conducted with community groups to explain the review, answer questions, and encourage further dissemination and submissions
- community networks and forums (such as U3A, Lions, Rotary and progress associations) were used to reach out to existing and future clients and families
- paper literature was distributed as widely as possible including Doctors surgeries, libraries, retirement villages, community noticeboards, and Council offices
- the media were briefed, press releases issued, and advertisements placed in local newspapers
- electronic information was posted to Council's website and facebook page
- submissions of any type were accepted (including telephone, or verbal via Customer Service), and
- the closing date was extended to 23 April, allowing 9 weeks for submissions

### c. Community engagement schedule

The engagement schedule for the Options Development phase of the review project is tabulated below (the 'Reach' column refers to the number of people that were either

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directly mailed/mailed, attended meetings, viewed the webpage, or *the estimated number of readers, visitors, etc*):

Date	Audience/distribution	Description	Reach
21/2	PA staff	Briefing regarding Council report	7
22/2	All staff	Briefing regarding Council report	60
23/2	Geelong Advertiser Surf Coast Times	Media briefing regarding Council report (attended by 2 Journalists)	2
27/2	Council/community	Council meeting - release discussion paper and commence community engagement (gallery attendance and download of minutes not recorded)	9
28/2	PA staff	Explanation of Council meeting outcomes	35
28/2	Council office visitors	Discussion Paper and Submission Form hardcopies placed at reception	est - 3,600
28/2	Community	/haveyoursay webpage uploaded, with links to Discussion Paper, Submission Form, Options Paper and FAQs	617
28/2	External providers (participants in 2017 market scan)	Direct email with link to website	10
28/2	External providers (identifying as local providers)	Direct email with link to website	10
29/2	Library patrons	Discussion Paper and Submission Form hardcopies placed at reception	est <21,000
1/3	Community	Surf Coast Times article	est >5,000
1/3	Committee for Lorne	Telephone conversations, email to CFL, on-forwarded to all members and connected networks (offer to meet with executive declined)	600
1/3	Probus	Email request to speak to 7 Surf Coast Probus clubs and/or email members (response from Anglesea Probus only)	7
2/3	Clients	Mail-out (Discussion Paper and Submission Form) to all clients	600
5/3	Community	Posted to facebook	4,000
5/3	Community House Network (Lorne, Spring Creek, Winchelsea, Deans Marsh)	Email to Community House Network for forwarding on to all members (unable to meet due to misalignment with quarterly meeting cycle)	est - 1,914
5/3	Men's Sheds (Torquay, Anglesea, Winchelsea, Lorne)	Email to Men's Shed Network for forwarding on to all members (unable to meet due to misalignment with quarterly meeting cycle)	est - 275
6/3	Volunteers	Direct email to all volunteers with link to website	53
9/3	Lorne Community Hospital	Meeting with CEO	1

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Date	Audience/distribution	Description	Reach
11/3	Retirement Villages (Star of the Sea, Lions Village (Torquay and Anglesea), Villa Maria)	Discussion Paper and Submission Form hardcopies placed at reception	4
13/3	Café style and Laurel Ladies (Torquay)	Face to face presentation, followed by group workshops – refer to appendix 2	15
14/3	Growing Winchelsea Inc	Face to face presentation to executive; collateral issued to all members	15
16/3	GPs and Doctors Surgeries	Discussion Paper and Submission Form hardcopies placed at reception	Unknown
19/3	Senior Citizens	Face to face presentation, followed by group workshops – refer to appendix 3	10
20/3	Café style and Laurel Ladies (Anglesea)	Face to face presentation, followed by group workshops – refer to appendix 4	15
20/3	Lions Club (Torquay, Anglesea, Winchelsea)	Face to face presentation to zone executive; collateral issued to all members	10
20/3	Anglesea Community Network	Face to face presentation	5
21/3	Moriac Community Network	Face to face presentation	3
21/3	Hesse Rural Health	Offer to meet with executive (declined, but will make a submission)	-
22/3	Community	Advertisement on Council page in Surf Coast Times	est >5,000
23/3	Volunteers	Face to face presentation and discussion	2
23/3	Department of Health	Direct email with link to website	N/A
23/3	Department of Health and Human Services	Direct email with link to website	N/A
23/3	National Disability Insurance Agency	Direct email with link to website	N/A
23/3	Municipal Association of Victoria	Direct email with link to website	N/A
27/3	Café style and Laurel Ladies (Winch/Moriac)	Face to face presentation, followed by group workshops, refer to appendix 5	20
28/3	Lions Village (Anglesea)	Face to face presentation and discussion, residents encouraged to make individual submissions	15
29/3	Community	Advertisement on Council page in Surf Coast Times	est >5,000
4/4	Anglesea Community Network	Email to ACN, on-forwarded to all members and connected networks (offer to meet with executive declined)	800
5/4	All Abilities Advisory Committee	Face to face presentation to the committee; submissions encouraged	5
6/4	U3A (Torquay and Anglesea)	Face to face presentation to executive; collateral issued to all members	3



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Date	Audience/distribution	Description	Reach
9/4	Salvation Army and Surf Coast churches	Email to the Salvation Army and to Surf Coast churches inviting a submission and for forwarding on to all members	6
9/4	Rotary Club (Torquay)	Guest speakers at Rotary Club dinner meeting; collateral issued to all members	30
16/4	Anglesea Probus (incorporating Aireys Inlet)	Face to face presentation to members	100
19/4	Community	Extended closing date -advertisement in the Geelong Advertiser, Surf Coast Times, and Winchelsea Star	est >5,000
23/4		Submissions close	

### d. Feedback received

One hundred and thirty three written submissions were received by the extended closing date. One hundred and eighteen of those submissions were either from clients, or family (or friends) representing clients.

Sixty clients provided feedback at community group workshops.

Feedback from 178 clients (118 + 60) from a client base of 600 represents a response rate of 30%.

### e. Submissions analysis

The submissions are carefully analysed in the following chapters:

Chapter 8 provides an overview of all submissions and quantifies community support of the various options and implementation scenarios

Chapter 9 analyses and provides commentary to five very detailed and well researched submissions

Chapter 10 provides an overview of the four workshops that were conducted with Café style, and Seniors Citizens groups, and

Chapter 11 provides a wrap-up of the community engagement phase, including conclusions and actions that manifest in this report and will inform implementation and transition planning

Note that an electronic compilation of all submissions (redacted for confidentiality, but otherwise verbatim and unedited), is available upon request.

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### f. Conclusion

It's believed that the consultation process undertaken was detailed and comprehensive and allowed clients, carers, family members, service providers, and the general community multiple opportunities to provide feedback on the options and scenarios put forward.

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### 8. WRITTEN SUBMISSIONS SUMMARY

#### a. Introduction

One hundred and eighteen of the 133 submissions received were either from clients, or family (or friends) representing clients. One hundred and eighteen submissions from a client base of 600 represents a response rate of 20%.

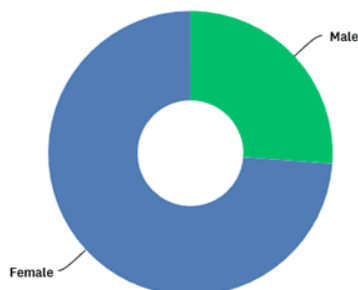
The submissions were inputted into the SurveyMonkey app for analysis. Based on the response rate and a required confidence level of 95%, the SurveyMonkey calculator indicates a margin of error of 8%. This means that there's a 95% likelihood that the submission results are within +/- 8% of the views of all clients.

#### b. Typical respondent

The typical respondent is female, lives in Torquay and is a recipient of the service.

##### Q1. Gender?

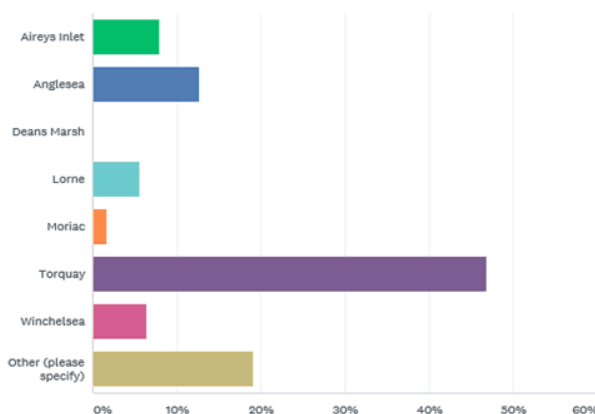
Answered: 126 Skipped: 7



ANSWER CHOICES	RESPONSES	
Male	26.19%	33
Female	73.81%	93
<b>TOTAL</b>		<b>126</b>

##### Q2. Locality?

Answered: 126 Skipped: 7



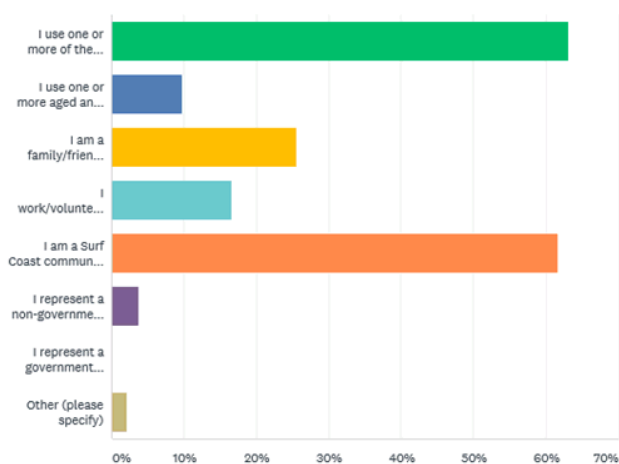
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'Other' includes Bellbrae, Fairhaven/Moggs Creek, City of Geelong and Melbourne (the Melbourne respondents are Non-Government Organisations (NGOs)).

### Q3. Interest?

Answered: 133 Skipped: 0



ANSWER CHOICES	RESPONSES
▼ I use one or more of the aged and disability services delivered by Surf Coast Shire	63.16% 84
▼ I use one or more aged and disability service offered by another provider	9.77% 13
▼ I am a family/friend of someone who accesses these services	25.56% 34
▼ I work/volunteer in aged and disability services	16.54% 22
▼ I am a Surf Coast community member	61.65% 82
▼ I represent a non-government service provider	3.76% 5
▼ I represent a government agency	0.00% 0
▼ Other (please specify)	Responses 2.26% 3
<b>Total Respondents: 133</b>	

There were 5 submissions from non-government service providers, all of whom participated in the market scan reported in the Research Paper. These NGOs also made contact to restate their interest in the review and in local opportunities.

### c. Possible future service delivery options

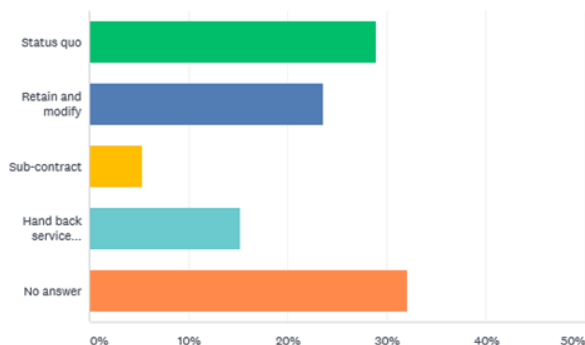
Q4. Possible future service delivery options. A series of possible options for future service delivery has been outlined in the discussion paper. These include options to retain, modify, subcontract, or relinquish Council operation of existing services. Do you have any feedback on these service delivery options?

- 53% of respondents favour Council remaining a service provider, either with no change to the service (29%), or modified to improve efficiency and charging full cost prices (24%) ... "I'd prefer to pay a little more, than compromise a good service".
- 32% of respondents failed to answer this question, indicating in general, a lack of understanding of the issues.

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Answered: 131 Skipped: 2



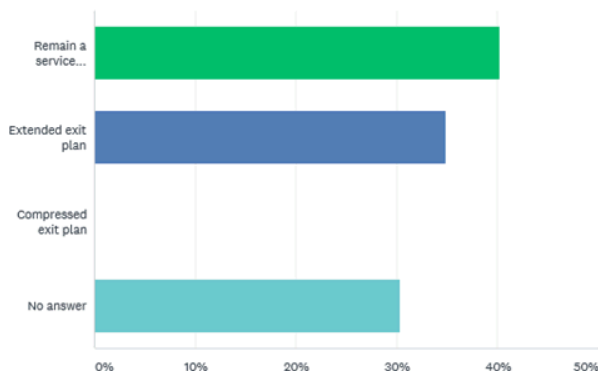
ANSWER CHOICES	RESPONSES
▼ Status quo	29.01% 38
▼ Retain and modify	23.66% 31
▼ Sub-contract	5.34% 7
▼ Hand back service delivery responsibility	15.27% 20
▼ No answer	32.06% 42
Total Respondents: 131	

- 15% either clearly understood the issues, or had experience with NGO providers, and favoured handing back service delivery responsibility to the responsible agencies.
- 5% favour sub-contracting; in part ... "so that Council can retain an overseeing role".

### d. Possible implementation scenarios

Q5. Possible implementation scenarios. Three scenarios for implementation are outlined in the discussion paper. The options are: for Council to remain a service provider, to develop a long term exit plan, or to develop a short term exit plan. Each option has been assessed against the review criteria. Do you have any feedback on these scenarios?

Answered: 132 Skipped: 1



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ANSWER CHOICES	RESPONSES	
▼ Remain a service provider	40.15%	53
▼ Extended exit plan	34.85%	46
▼ Compressed exit plan	0.00%	0
▼ No answer	30.30%	40
<b>Total Respondents: 132</b>		

- When it comes to possible implementation scenarios, remain a service provider is preferred over an extended exit plan by a narrow margin (40% vs 35%).
- Consistent with the previous question, 30% of respondents failed to answer this question. And not surprisingly, there's no interest in a compressed exit plan.
- Responses add up to 105.3% because some respondents answered twice; they ... *"prefer Council to remain a service provider, but also understand that change is coming and therefore an extended exit plan is the best option"*.

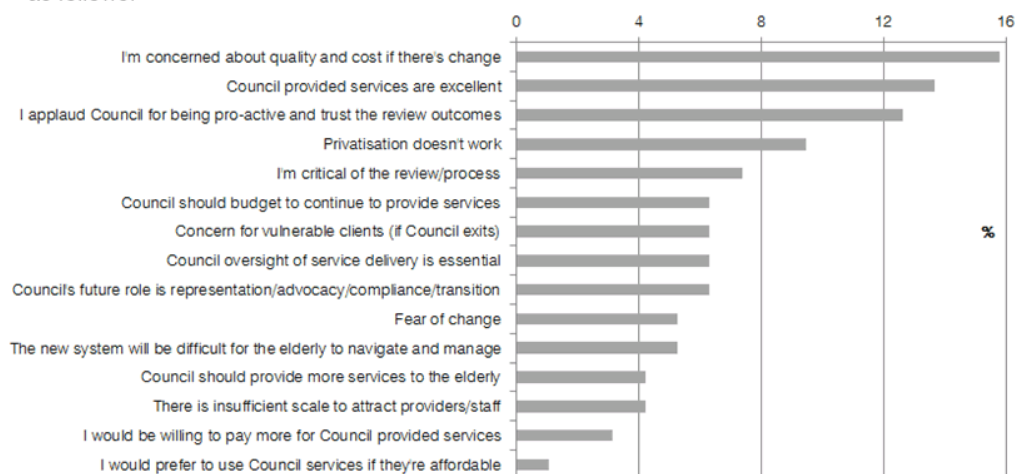
### e. Comments

The submission form invited comments:

Q6. Other comments. Do you have any other feedback on the discussion paper, the options paper, or the review generally?

Answered: 95 Skipped: 38

Ninety-five 'other' comments were received and without a guiding question, the responses were quite varied. Nevertheless, the responses can be generally categorized as follows:



Note that although 'fear of change' was only specifically identified in 5% of submissions, its presence can be noted in most through concerns, preferences, and criticisms.

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Of the above categories, 'Fear of change', 'the difficulty of navigating the system alone', and 'a lack of understanding of reforms, the review and the future' were common themes of concern observed at meetings held with community groups (refer to chapter 10).

The following table identifies feedback that has been taken into account in this report, and will be taken into account in communications and in future phases of the project:

Feedback	Action
Aged care reform, that Council will become an unaffordable provider in a competitive market, and the need for change, is not well understood by the community	Emphasise that: <ul style="list-style-type: none"> <li>the purpose of this review is to identify the service model that will best ensure continued access to affordable, quality services, and</li> <li>the aim of an extended exit plan is to provide a smooth transition to new arrangements</li> </ul>
Most respondents are fearful of change and the unknown	Recommend that Council maintain a representation/advocacy/service system navigation role
Many respondents expect Council to have an ongoing role - in aiding service system navigation, advocacy and representation	

### f. Conclusions

The following conclusions may be drawn from the submissions received:

- there's a high level of confidence (95%) that the submissions received are representative of the views of all clients (+/- 8%)
- Council is a respected and trusted provider of in-home supports for older people and people with a disability
- 53% of respondents would prefer no change, and for Council to remain their service provider
- if change is coming, 40% of respondents would still prefer Council to remain their service provider even if it costs a bit more, whilst 35% would prefer Council to carefully relinquish services via an extended exit plan

The written submissions provide feedback that has been taken into account in this report, and will be taken into account in communications and in future phases of the project. The findings of the service review are not affected by the written submissions.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 9. ANALYSIS OF DETAILED WRITTEN SUBMISSIONS

#### a. Introduction

Five detailed written submissions were received warranting specific comments and responses. These 5 focused on critiquing the review process and raised reasonable concerns that are important to address. Without a response, these submissions would leave unanswered questions regarding the review process.

#### b. Concerns

Refer to Appendix 2: 'Analysis of detailed written submissions', for a complete tabulation of the 5 submissions, including each concern verbatim and unedited, the Officer's comment, and a resultant action.

The following table identifies actions that can be implemented in response to the concerns raised in the detailed written submissions:

Concern category	Action
Review scope Methodology Funding agreements Connection with Council strategy Population analysis Activity analysis Market analysis Implementation scenarios Community engagement	Provide better clarity and visibility of the: <ul style="list-style-type: none"> <li>- reform roadmap</li> <li>- review purpose - to identify the service model that will best ensure continued access to affordable, quality services</li> <li>- the extensive background research and analysis that has been conducted</li> <li>- endorsed 'success criteria' and the comprehensive evaluation matrices used to identify and analyse options, and</li> <li>- comprehensive community engagement process</li> </ul>
Review focus Activity analysis Provider analysis Organisational implications System navigation Council safety net Council's future role Implementation	Address care coordination and integration  Introduce and discuss options for Council's future role in aged and disability care (which may include establishing a local advisory committee)
Thin market	Clearly articulate the benefits of an extended exit plan
Implementation scenarios	Provide a more prominent definition of timeframes Clearly communicate Council's decision, the implications, and the next steps
Paper leads to a foregone conclusion	Reinforce the message that the service itself is not under threat, the review is about Council's future role, and how services can be delivered sustainably



## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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Concern category	Action
	Review whether the Research Paper can now be released to the public
Gender equity	Consider gender equity implications in future detailed phases of the project
Affordability	Reinforce that: <ul style="list-style-type: none"> <li>- block funding will be replaced by choice and competition when funding agreements begin to expire in 2019</li> <li>- the Productivity Commission requires a level playing field</li> <li>- full cost pricing must be introduced in 2020 (but note that current guidelines don't allow services to be refused if a client is unable to pay), and</li> <li>- Council will become an unaffordable provider in a competitive market</li> </ul>
Organisational implications	Continue to meet or exceed industrial requirements (the Surf Coast Shire Council Enterprise Agreement)
Council safety net Council's future role Implementation	Carefully plan future phases to ensure minimum disruption to clients, and include mechanisms to support clients, and metrics to measure and judge market penetration and capacity
Community engagement	Carefully plan any implementation and transition phase, including establishing an advisory committee  Make redacted submissions (but otherwise verbatim and unedited) available upon request

### c. Conclusion

The detailed submissions provide feedback that has been taken into account in this report, and will be taken into account in communications and future phases of the project.

The findings of the service review are not affected by the detailed written submissions.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 10. COMMUNITY WORKSHOPS

#### a. Introduction

Council conducted 13 community meetings attended by 242 people. Most meetings were in the form of presentations, followed by a question and answer session, and an invitation to participate and submit an individual submission. Workshops were conducted with four Café style, Laurel Ladies, and Senior Citizens groups.

#### b. Summary

Refer to Appendices 3 to 6, for workshop details and notes. The following table identifies actions that will be implemented as part of the transition planning process, in response to the community workshop findings:

Finding	Action
Clients trust and are very comfortable with the Council provided service	Emphasise that the purpose of this review is to identify the service model that will best ensure continued access to affordable, quality services
Concern about cost and quality if Council is not the service provider	
Clients are fearful of change	Reinforce the message that the service itself is not under threat, the review is about Council's future role, and how services can be delivered sustainably
Concern about navigating the new system without Council's involvement	Introduce and discuss options for Council's future role in the aged and disability environment
Council has an ongoing representation/advocacy/community strengthening role	
Provided quality and cost are maintained, who provides the service is less important	Clearly articulate the details and benefits of an 'extended exit plan'
Preference for a longer time frame for change	
Some are anticipating choice and competition, and want to know the details	Continue to communicate with the community and actively share available information

#### c. Conclusion

The community workshops provided feedback that has been taken into account in this report, and will be taken into account in communications and in future phases of the project.

The findings of the service review are not affected by the Community Workshop outcomes.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 11. COMMUNITY ENGAGEMENT WRAP-UP

#### a. Introduction

The conclusions and actions from the preceding three chapters (and the appendices) are consolidated in this chapter.

Note that an electronic compilation of all submissions (redacted for confidentiality, but otherwise verbatim and unedited), is available upon request.

#### b. Options development phase key findings

The key community engagement findings are:

- the consultation process undertaken was detailed and comprehensive and allowed clients, carers, family members, service providers, and the general community multiple opportunities to provide feedback on the options and scenarios put forward
- One hundred and thirty three written submissions were received by the extended closing date. One hundred and eighteen of those submissions were either from clients, or family (or friends) representing clients. 60 clients provided feedback at community group workshops. Feedback from 178 clients represents a response rate of 30%
- There's a high level of confidence (95%) that the submissions received are representative of the views of all clients (+/- 8%)
- Council is a respected and trusted provider of assessments and in-home supports for older people and people with a disability
- Most respondents would prefer no change, and for Council to remain their service provider
- If change is unavoidable, 40% of respondents would still prefer Council to remain their service provider even if it costs a bit more, whilst 35% would prefer Council to carefully relinquish services via an extended exit plan
- Clients are concerned about:
  - access to services
  - a possible increase in the cost of services
  - a possible reduction in the quality of services, and
  - navigating a complex service system alone

#### c. Actions arising:

The following table lists the actions identified in the preceding chapters that respond to community engagement feedback, concerns and findings, and provides a reference describing how/where the action will be addressed:

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Action	How/where addressed
<p>Emphasise that:</p> <ul style="list-style-type: none"> <li>- the purpose of this review is to identify the service model that will best ensure continued access to affordable, quality services</li> <li>- the aim of an extended exit plan is to provide a smooth transition to new arrangements, and</li> <li>- Council will maintain a representation/ advocacy/service system navigation role</li> </ul>	<p>Executive Summary, Sections 1, 5 and 6, Appendix 7</p> <p>Community Engagement Plan</p> <p>Future project phases</p>
<p>Provide better clarity and visibility of the:</p> <ul style="list-style-type: none"> <li>- reform roadmap</li> <li>- review purpose - to identify the service model that will best ensure continued access to affordable, quality services</li> <li>- the extensive background research and analysis that has been conducted</li> <li>- endorsed 'success criteria' and the comprehensive evaluation matrices used to identify and analyse options, and</li> <li>- comprehensive community engagement process</li> </ul>	<p>Sections 1 and 2 of this paper</p> <p>Community Engagement Plan</p> <p>Future project phases</p>
<p>Address care coordination and integration</p>	<p>Future project phases</p>
<p>Introduce and discuss options for Council's future role in the aged and disability environment (including establishing a local advisory committee)</p>	<p>Sections 5 and 6, Appendix 7</p> <p>Future project phases</p>
<p>Clearly articulate the benefits of an extended exit plan</p>	<p>Section 5</p>
<p>Provide a more prominent definition of timeframes in future documentation</p>	<p>Appendix 7 – Reform Readiness Plan</p>
<p>Clearly communicate Council's decision, the implications, and the next steps</p>	<p>Community engagement plan</p>
<p>Reinforce the message that the service itself is not under threat, the review is about Council's future role, and how services can be delivered sustainably</p>	<p>Executive summary, Section 5</p> <p>Community engagement plan</p> <p>Future project phases</p>
<p>Review whether the Research Paper can now be released to the public</p>	<p>The Research Paper contains sensitive information relating to various agencies and organisations; refer instead to the publicly released Research Paper Executive Summary</p>
<p>Include a Staffing Matters chapter</p>	<p>Future project phases</p>
<p>Continue to meet or exceed industrial requirements</p>	<p>Future project phases</p>
<p>Carefully plan future project phases to ensure minimum disruption to clients, and include mechanisms to support clients, and metrics to measure and judge market penetration and capacity</p>	<p>Appendix 7</p> <p>Future project phases</p>
<p>Carefully plan future project phases, including the establishment of an advisory committee</p>	<p>Appendix 7</p> <p>Future project phases</p>
<p>Make all submissions (redacted for confidentiality, but otherwise verbatim and unedited) freely available</p>	<p>Available upon request</p>
<p>Continue to communicate with the community and actively share available information</p>	<p>Community engagement plan</p>

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### d. Conclusion

The Research phase included client, volunteer and staff surveys, and was conducted during April and May 2017. A key finding of the Research phase survey was that quality, affordability and reliability are important; who provides the service is less important. This comprehensive round of community engagement confirmed the importance of quality and affordability, but was less definitive regarding who provides the service.

Community engagement has reinforced the importance of transitional arrangements, and provided feedback that has been taken into account in this paper, and will be taken into account in communications and in future phases of the project.

The findings of the service review are not affected by the community engagement outcomes.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 12. REFORM ENVIRONMENT CHECK

#### a. Introduction

The responsible agencies identified in the Research Paper were interviewed again during April/May 2018 to discuss the reform environment and any changes or developments that may affect the funding programs that they are responsible for, or the findings in Council's Options Paper.

#### b. Department of Health and Human Services (State government)

The DHHS is responsible for Regional Assessment Services and the HACCC Program for Younger Persons. The Regional Assessment Service Agreement is fixed term and expires on 30 June 2019. The HACCC PYP Service Agreement is ongoing.

DHHS representatives:

- advise that there have not been any changes or developments that affect the information on which the findings of the Options Paper are based
- advise that if Council decides to exit, the DHHS would favour an extended exit plan to facilitate a smooth transition, and
- commented that Council's review process seems to be thorough, accurate and appropriate

#### c. City of Greater Geelong

COGG is the lead agency responsible for the administration of Home Care Packages in an alliance of G21 Councils. The Barwon Local Government Home Care Packages Program Alliance Memorandum of Understanding expires on 31 July 2018.

COGG representatives advised that they are not aware of any changes to the Home Care Packages program or to the alliance memorandum, which will affect the findings of the Options Paper.

#### d. National Disability Insurance Agency

The NDIA is responsible for the implementation of the National Disability Insurance Scheme (NDIS). The NDIA provides individual funding to support Consumer Directed Care.

NDIA representatives:

- advise that there have been changes to improve the participant and provider experience with the NDIS, which would not necessarily affect the overall thrust of the Options Paper

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- reminded Officers that it's the responsibility of current providers to ensure service continuity ie, find another provider (note that this is unique to the NDIS and doesn't apply to block funded activities), and
- commented that Council's review process seems to be thorough, allowing full consideration of available options

### e. Department of Veterans' Affairs

The DVA is responsible for Veterans' Home Care. The Delivery of Veterans' Home Care Services to Entitled Persons Agreement with Council expires on 30 November 2019. DVA has an option to extend the agreement by periods of up to a total of three years.

DVA representatives:

- advise they are not aware of any developments or changes in the Veterans' home care environment that might affect the findings of the Options Paper
- confirm that 3 months' notice is required to terminate the current service agreement, and
- believe that client continuity of care is paramount, and therefore careful planning to ensure a smooth transition to new arrangements is important (if the decision is made to exit)

### f. Department of Health (Commonwealth government)

The DOH is responsible for the Commonwealth Home Support Program (CHSP). In Victoria, existing CHSP funding arrangements will continue until 30 June 2019, after which new Standard Grant Agreements will be offered to deliver services until 30 June 2020.

DOH representatives advised the following:

- The new CHSP Program Manual, effective from 1 July 2018, provides an increased focus on wellness and re-ablement however in regards to the reform roadmap, the DOH representatives were unable to provide further information to that which is already publically available, as decisions on the future of the program post 2020 have not yet been made
- Council may consider the following options in determining its role under the CHSP:
  - continuation of service provision
  - sub-contracting to a suitable alternative provider that can maintain overall direction and responsibility for the services council delivers
  - nominating an alternative provider for possible novation of funding - note that this is subject to the Department's agreement and Council should work with the Department in determining an appropriate alternative provider, and

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- relinquish funding to the Department to consider an approach to market if appropriate
- Service Providers will be required to work with the Department to ensure the smooth transition of services to another provider, keeping in mind the following:
  - the outgoing service provider remains responsible for the continuity of the service delivery throughout the transition period
  - the outgoing service provider is required to prepare, update and implement a Transition-Out Plan and ensure that all client records are complete and up to date, and
  - formal transition of services to an alternative provider can take many months to identify and to reach agreement on an appropriate alternative provider. Any such approval will be at the discretion of the Department's delegate

(Refer to the Department of Health, 'Transfer of Commonwealth Home Support Service Delivery between Victorian Service Providers – Fact Sheet').

### **g. Conclusion**

The findings of the service review are not affected by a check of the reform environment.



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### 13. CONCLUSION

Community engagement and review of the reform environment:

- reveals nothing to affect or change the findings of the service review
- reinforces the importance of transition and implementation planning, and provides feedback and actions that can be taken into account and implemented
- allows identification and confirmation of the preferred:
  - future options for each Positive Ageing activity, and
  - implementation scenario
- allows the development of recommendations for consideration by Council

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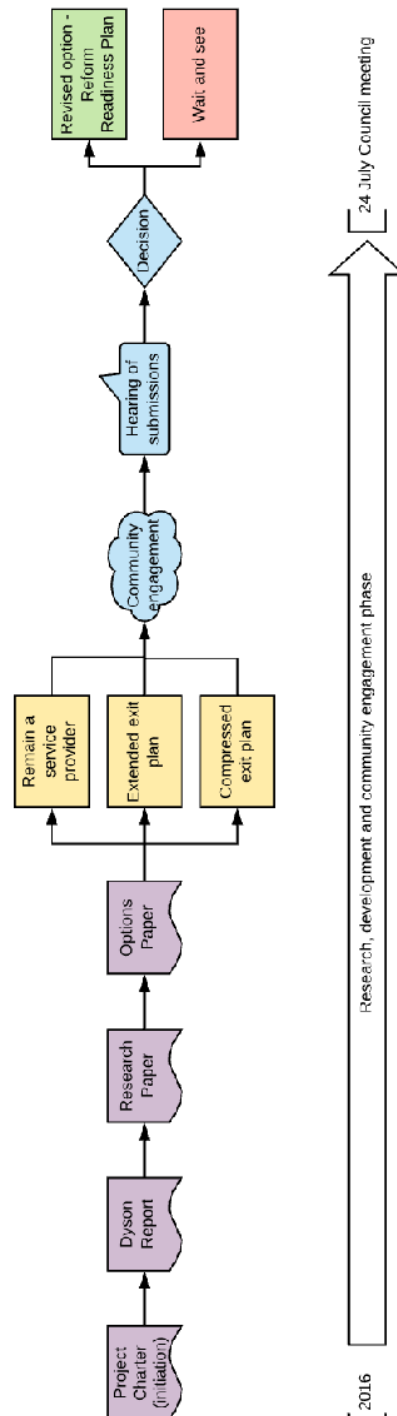
# Section 5 – SUMMING UP

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 14. JOURNEY

The following illustration charts the comprehensive review process that's been undertaken to inform good decision making at the 24 July Council meeting:



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### 15. BEST MATCH BY ACTIVITY

The Options Paper employs the endorsed 'success criteria' to assess each Positive Ageing activity against a full range of possible options, and identify the best match. Community engagement and a final review of the reform environment fails to reveal any material thing to change or affect the options analysis, but does highlight unresolved community concerns not only about the changing environment, but also around the complexity of the aged care and disability service reform.

Although not recommended, it can now be confirmed that progressively relinquishing the following assessment and in-home support services:

In-home support services:
Assessment
CHSP (Personal care, Domestic assistance, and Respite)
CHSP (Property maintenance)
Delivered meals (CHSP and HACC PYP)
Home care packages
Veterans home care
NDIS
Brokered services
Special projects

and retaining and modifying the following social support activities:

Social support activities:
Musical mornings
Café style support
Senior citizens centres

achieves the best match with the success criteria and therefore represents the best outcome for clients and the community.

Refer to the Options Paper for detailed analysis and evaluation.

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### 16. BEST MATCH BY IMPLEMENTATION SCENARIO

The Options Paper identifies three possible implementation scenarios that provide insight into how the best options may be implemented. It assesses those scenarios against the endorsed 'success criteria', and risk and financial implications, to identify a best match.

Community engagement and a final review of the reform environment failed to reveal any material thing to affect or change the best match, but does highlight unresolved community concerns not only about the changing environment, but also around the complexity of the aged care and disability service reform.

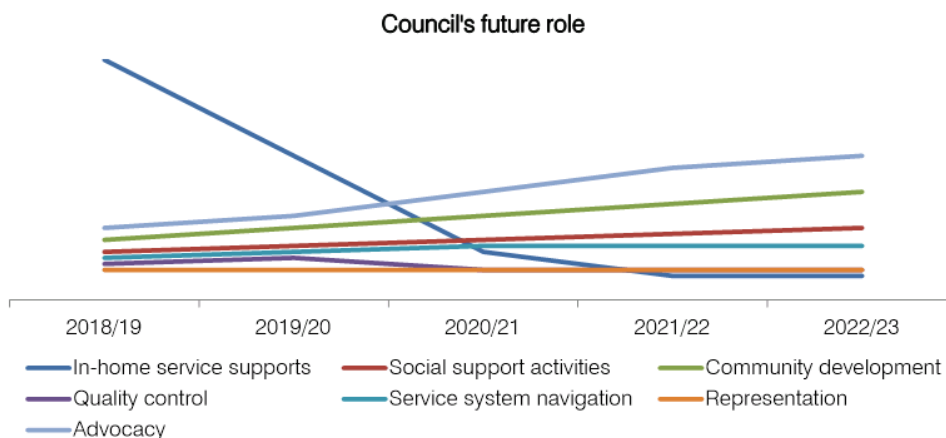
Although not recommended, it can now be confirmed that an extended exit plan (relinquish service delivery in a carefully planned way over three years, with an emphasis on a smooth transition and service continuity for clients, and fostering market growth for long term sustainability), achieves the best match with the success criteria and therefore represents the best outcome for clients and the community.

Refer to the Options Paper for detailed analysis and evaluation.

### 17. COUNCIL'S FUTURE ROLE

Reform and eventual change is unavoidable. The review indicates a changing role for Council, from a current focus on service delivery, to a future role focusing more on community strengthening and advocacy.

The following diagram illustrates how Council's role may change over time to benefit the community:



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The diagram shows how:

- Council's provision of in-home support services may be progressively reduced with a residual safety net service maintained until a reliable external market is established
- advocacy and community strengthening activities may increase, and
- service system navigation and representation activities remain available

## 18. CONCLUSION

Eighteen months of comprehensive research and analysis confirms that handing back service delivery to the responsible agencies over an extended period of time (and guaranteeing the transition with a Council safety-net and other protections), represents the best outcome for the community.

But community feedback gained through the consultation process has resulted in a pause and reflection on the next steps.

Although an extended exit of service delivery clearly represents the best outcome for the community, a more prudent approach is recommended, with the development of a detailed 'reform readiness plan', formulated with input from a representative advisory committee.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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# Section 6 – RECOMMENDED OPTION

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 19. REFINED OPTIONS

Faced with the challenges of an ageing population, the Australian Government is changing the way that aged care and disability services will be delivered in the future.

The major reform feature is the introduction choice and competition, which is set to replace current 'block' funding arrangements in 2020 (but it's likely that a limited time extension to the current agreements will be offered). In the new environment, local government will be an expensive provider in a competitive market.

These reform changes are unavoidable and will affect all service providers (including Councils that are still involved in service provision) - change is coming and all Councils must analyse and carefully consider their future roles and approaches.

This review has been undertaken to identify how older people and people with a disability living in the Surf Coast Shire can continue to have access to affordable, quality services in the future.

Eighteen months of comprehensive research confirms that handing back service delivery to the responsible agencies over an extended period of time (and guaranteeing the transition with a Council safety-net and other protections), clearly represents the best outcome for the community. Refer to Section 5: Summing-up.

Extensive consultation described in Section 4, highlights unresolved community concerns not only about the changing environment, but also around the complexity of the aged care and disability service reform. Key themes that we have heard loud and clear from our community are:

- there is fear of change and the unknown future aged care and disability service environment
- significant concerns around how older people and people with a disability will navigate the new and complex system alone, without Council there to support and advise them and
- a belief that Council is currently the only proven, local provider known to existing clients and the broader community.

Consideration of the community feedback gained through the consultation process has resulted in a pause and reflection on the next steps. With community concerns at the forefront, an 'up-front' decision for an extended exit of service delivery is not recommended. Rather, a detailed plan is favoured that shows the next steps and allows for these options to be developed and assumptions tested, prior to Council endorsement. This has resulted in a further refinement of the previously identified options as follows:



## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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Refined options	Comments
<ol style="list-style-type: none"> <li>1. Wait for change and then respond (WAIT AND SEE)               <ol style="list-style-type: none"> <li>a. Conclude service review – retain findings</li> <li>b. Await further developments in the sector (expected early 2019)</li> <li>c. Consider options at that time</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• aligns with community feedback</li> <li>• possibly more information available for decision making</li> <li>• reduces available time to respond to change or transition</li> <li>• inhibits market growth</li> <li>• no safety-net guarantee</li> </ul>
<ol style="list-style-type: none"> <li>2. Plan for change (PLAN AND ACT)               <ol style="list-style-type: none"> <li>a. Establish a Positive Ageing Advisory Committee</li> <li>b. Develop a Reform Readiness Plan (with Advisory Committee input)</li> <li>c. Provide proactive advice and recommendations to Council</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• respects community feedback</li> <li>• best match with success criteria and best outcome for community</li> <li>• aligns with the reform roadmap</li> <li>• facilitates market growth</li> <li>• maximises time for a smooth transition</li> <li>• comprehensive review supports action</li> <li>• underpinned by council safety-net</li> </ul>

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 20. RECOMMENDATION

Reform is underway and all Councils must carefully rethink their roles and approaches.

After weighing up the evidence for an extended exit plan against community concerns, it's recommended that Council continue to proactively plan for the change that's coming and adopt refined option 2:

- 2. Plan for change (PLAN AND ACT), including**
  - a. Establish a Positive Ageing Advisory Committee
  - b. Develop a Reform Readiness Plan (with Advisory Committee input)
  - c. Provide proactive advice and recommendations to Council

Initial actions associated with the implementation of Option 2 should include:

1. establishment of a Positive Ageing Advisory Committee
2. development of a refined suite of guiding principles
3. development of a Reform Readiness Plan, and
4. communication with key stakeholders

Refer to Appendix 7: 'Planning for change', for further detail regarding identified actions.

This refined option:

- protects the interests of existing and future clients and families
- respects community feedback
- will NOT affect whether clients receive a service
- provides the best outcome for the community
- aligns with the reform roadmap
- will support market growth
- maximises the time available to plan for reform changes, and
- proactively responds to aged care reforms

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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# Section 7 – APPENDICES

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 21. APPENDICES

No.	Appendix
1	References
2	Analysis of detailed written submissions
3	Workshop notes - Torquay Café Style and Laurel Ladies
4	Workshop notes – Senior Citizens Groups
5	Workshop notes - Anglesea Café Style and Laurel Ladies
6	Workshop notes – Winchelsea and Moriac Café Style and Laurel Ladies
Note: An electronic compilation of all submissions (redacted for confidentiality, but otherwise verbatim and unedited), is available upon request	
7	Planning for reform

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### Appendix 1: REFERENCES

Department of Health, 'Transfer of Commonwealth Home Support Service Delivery between Victorian Service Providers – Fact Sheet'

Tune Report

Positive Ageing Service Review – Part 3 community engagement written submissions

Positive Ageing Service Review – confidential options paper

Positive Ageing Service Review – confidential research paper

Surf Coast Shire Council Service Review – Positive Ageing Project Charter

Commonwealth Home Support Program - Program Manual 2015

Aged Care Roadmap, Aged Care Sector Committee

([https://agedcare.health.gov.au/sites/g/files/net1426/f/documents/04\\_2016/strategic\\_roadmap\\_for\\_aged\\_care\\_web.pdf](https://agedcare.health.gov.au/sites/g/files/net1426/f/documents/04_2016/strategic_roadmap_for_aged_care_web.pdf))

Surf Coast Shire Council Positive Ageing Strategy 2015-18

Surf Coast Council Aged Care Reform Research Project - Dyson Consulting Group - March 2017

Surf Coast Shire Council Enterprise Agreement 2016-19

Fair Work Commission (analysis of Council and NGO enterprise agreements)

(<https://www.fwc.gov.au/>)

profile.id

(<http://profile.id.com.au/>)

Know Your Council

(<https://knowyourcouncil.vic.gov.au/>)

2015/16 Annual Reports, 2016/17 Strategic Plans, interview notes, and associated collateral relating to:

- Australian Home Care Services
- Mecwacare
- Bapcare
- Mercy Health Home and Community Care
- Barwon Health
- Lorne Community Hospital
- Hesse Rural Health
- Southern Cross Care Victoria
- Karingal
- St Laurence

2015/16 Annual Reports, 2016/17 Strategic Plans, interview notes, and associated collateral relating to:

- Colac Otway Shire Council
- Golden Plains Shire Council
- City of Greater Geelong Council
- Borough of Queenscliffe

Local Government Act

Competitive Neutrality Policy

Department of Health – Future reform; an integrated care at home program to support older Australians – Discussion paper; July 2017

SurveyMonkey – Client, volunteer and staff survey results

Barwon Local Government Home Care Packages Program Alliance Memorandum of Understanding

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### Appendix 2: ANALYSIS OF DETAILED WRITTEN SUBMISSIONS

#### a. Introduction

Five detailed submissions were received warranting specific comments and responses (refer to chapter 9). The identified concerns have been grouped by issue as follows (in order to deal with them efficiently):

- Review scope
- Funding agreements
- Activity analysis
- Thin market
- Gender equity
- Affordability
- Implementation
- Review focus
- Connection with Council strategy
- Market analysis
- Implementation scenarios
- Organisational implications
- Council safety net
- Community engagement
- Methodology
- Population analysis
- Provider analysis
- Paper leads to a foregone conclusion
- System navigation
- Council's future role

The following tables list each concern verbatim and unedited, and provide comment and a resultant action:

#### b. Detailed analysis

##### Issue - Review scope

Submitter	Verbatim submission	Comment	Action
1	The discussion paper focused on the current delivery of services of Council, and not the wider suite of aged and disability services offered across the municipality	The Project Charter identifies the review scope as the services provided by Council. Nevertheless, the Research Paper introduces and discusses the continuum of aged and disability care, and finds that many NGOs offer a more comprehensive continuum of care than local government	Provide better visibility in this paper and in communications, of the extensive background research and analysis that has been conducted as part of this review

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### Issue - Review focus

Submitter	Verbatim submission	Comment	Action
1	The review focuses narrowly on the current services it provides, and does not demonstrate the 'value add' of the current services (service coordination and integration)	<p>It's an omission that neither the Research Paper nor the Options Paper specifically discuss the excellent and beneficial care coordination services provided by Council; rather the papers simply acknowledge that Council provides well respected, high quality, responsive services.</p> <p>Care coordination and integration is not exclusive to local government. Many NGOs offer a more comprehensive continuum of care and integration than local government</p>	Address care coordination and integration in this paper

### Issue - Methodology

Submitter	Verbatim submission	Comment	Action
1	The options are founded on economics. The methodology behind the options development is sound, but dependent on the organisation and wider community interests focused purely in financial terms. It does not explore wider impacts of exiting services, and the non-economic rewards	<p>Council endorsed 'success criteria' are solely used to identify and analyse options (refer to the publicly released Options Paper). The success criteria include:</p> <ul style="list-style-type: none"> <li>• Business Improvement principles</li> <li>• Council Plan and Positive Ageing Strategy</li> <li>• Service outcomes, and</li> <li>• Transition</li> </ul>	Provide better visibility in this paper and in communications, of the endorsed 'success criteria' and the comprehensive evaluation matrices used to identify and analyse options
2	It's a disappointing discussion paper when the proposal outlines are aligned only with economic benefits, and fails miserably on the alignment between service delivery and health and wellbeing outcomes for the community	But it's critical to also understand the financial implications of each identified option, and this is quantified afterwards	
2	There is no discussion about splitting and/or retaining a component of the service/assessment functions. Surely Council should consider to retain the assessment focus should it choose to withdraw from the service delivery arm and yet this paper fails to discuss this as an option. The Assessment function is in place, the infrastructure is already in place, the staff who work within the assessment function are the contact points for the community, they are often the most trusted interface between community and	<p>The Research Paper and the Options Paper both provide comprehensive analysis of component Positive Ageing activities (including Assessment).</p> <p>The Options Paper identifies and discusses all possible options, and uses the endorsed 'success criteria' to assess those options against each Positive Ageing activity.</p>	Provide better visibility in this paper and in communications, of the extensive background research and analysis that has been conducted as part of this review

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Submitter	Verbatim submission	Comment	Action
	Council and yet this paper fails to provide any discussion about this as an option	Due diligence is detailed and comprehensive.	
2	The paper fails to discuss 'other options' and by that, it is extremely limited in its value. One must ask if due diligence has been undertaken here. I implore Councillors to ask many questions, to seek out and find the answers to their concerns and that of the community and to ensure that all options are on the table for robust and spirited community debate and discussion. These changes are not to be taken lightly.	<p>These submissions highlight:</p> <ul style="list-style-type: none"> <li>the shortcomings of expressing complex issues in a brief (but accessible) discussion paper, and</li> <li>that most readers either don't have the time, or the interest, to refer to more detailed background work</li> </ul>	

### Issue - Funding agreements

Submitter	Verbatim submission	Comment	Action
1	The review talks to expiring funding agreements, but doesn't acknowledge that funding agreements have operated in a 3-year cycle for the past 25 years, and this is not new.	Chapter 6 of the Research Paper confirms that funding agreements are for 3 year terms. Chapter 7 of the Research Paper discusses how the Australian government is reforming the aged care system and explains how block funding will be replaced by individual funding (Consumer Directed Care) when current funding agreements expire in June 2019. This is a new development and is the major driver of this review.	Continue to reinforce the key message that this review is being conducted in response to the Australian Government's reform of the aged care system

### Issue - Connection with Council strategy

Submitter	Verbatim submission	Comment	Action
2	This discussion paper is woefully inadequate for the community purpose it serves. There is no connection between this paper and the broader remit of Council, its connection with both Statutory requirements of a Council Plan and Municipal Public Health and Wellbeing Plan	Chapter 6 of the Research Paper discusses responsibilities; Chapter 8 discusses the aims and objectives of the Surf Coast Shire Council Positive Ageing Strategy. Council reports provide connection with the Council Plan.	Provide better visibility in this paper and in communications, of the extensive background research and analysis that has been conducted as part of this review



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### Issue - Population analysis

Submitter	Verbatim submission	Comment	Action
1	The review doesn't look at population forecast implications, and that by 2022, 1 in 4 SCS residents (and rate payers) will be aged over 65. It does not delve into the highest growing cohort of homelessness in the G21 region is women over the age of 65, and how the organisation could be best to respond to this critical growing need of its community, if it were no longer in the Assessment of older people	Chapter 8 of the Research Paper includes a comprehensive demographic analysis and finds that 'older citizens currently represent about 14% of the resident population and that this is forecast to double in the next 20 years'.  The Research Paper and the Options Paper both provide a breakdown of the units provided by each activity, but neither provide a breakdown of clients per activity. Chapter 12 of the Research Paper mentions 680 as the total number of clients.	Provide better visibility in this paper and in communications, of the extensive background research and analysis that has been conducted as part of this review
2	This paper fails the test on providing community context, the number of people who currently use this service not to mention, the number of people who will age over time. We know that the Australian population is an aging one.	A key finding of the Research Paper is that 'the growing and ageing population adds to the imperative to change how aged and disability care is provided'	Introduce and discuss options for Council's future role in aged and disability care in this paper
5	'That is a significant cost for ratepayers especially given rate capping limit how much revenue Council can raise through rates.' – isn't it more about clarifying priorities? If according to the G21 'Surf Coast Region Profile' that 'by 2031, the 65 years and over age cohort will represent 21% of the total Surf Coast population', shouldn't aged care services be a major priority?		

### Issue - Activity analysis

Submitter	Verbatim submission	Comment	Action
1	Council is a registered and independent Regional Assessment Service. Retaining this service would ensure that Council remains informed around its community members, and active and impartial in the Aged and Disability space. Both the Dyson report and SCS discussion paper highlight that the RAS delivered more than double the number of target hours in 16/17 because of demand for assessment. It also shows that council subsidised this service. The conclusion that if SCS reduced	Unit rates have been used to assess the costs of Positive Ageing activities, because unit rates are not affected by quantity.  Reducing assessment hours will reduce the total subsidy, but cannot lead to a breakeven situation, because Council subsidises every hour it provides.	Introduce and discuss options for Council's future role in aged and disability care in this paper

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Submitter	Verbatim submission	Comment	Action
	its hours of assessment to only those required, that Council would not need to subsidise the service has not being explored. The trend shows a downward trend in cost to council, and this could potentially break even, if SCS only deliver hours they are funded to. It would be beneficial to further explore this scenario in order to maintain contact with the Aged cohort.		
4	Home Care Packages run at a considerable profit for Council, so the money factor cannot be used as a reason to discontinue Aged Care services in the future. Council certainly has the ability, capacity, set-up, staff and systems to continue providing much needed services to Seniors (and Council has already taken massive positive steps in reducing redundant overhead administration costs to stay within budget)	The Dyson Report, the Research Paper and the Options Paper all show that Council subsidises each Positive Ageing activity it provides	Provide better visibility in this paper and in communications, of the extensive background research and analysis that has been conducted as part of this review
5	Summary Findings (p110, Options Paper) recommendation seems to be to relinquish all supports apart from 'musical mornings, cafe style and Senior Citizens centres but are these really meeting current needs? They don't seem to be essential services. Are these the true priorities for Aged Care services?	The Options Paper identifies the best match with the endorsed Selection Criteria, it doesn't make recommendations.  'Best match' identifies the option that represents the best outcomes for clients and the community	Emphasise that the purpose of this review is to identify the service model that will best ensure continued access to affordable, high quality services

### Issue - Market analysis

Submitter	Verbatim submission	Comment	Action
1	There was not a comprehensive analysis of organisations that offer other aged care or disability services in the Surf Coast, nor an attempt to identify current gaps and opportunities. Only select organisations were approached. A simple way of mapping would be to access the Health services directory. This is absent from the review process	Chapters 15 and 16 of the Research Paper provide a comprehensive analysis (including a Continuum of Care tabulation), of 10 NGOs identified from the 'myagedcare' health services directory.  A further 10 local providers were invited to provide feedback regarding the Options Paper.  This research provides a satisfactory analysis of current possible	Provide better visibility in this paper and in communications, of the extensive background research and analysis that has been conducted as part of this review

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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Submitter	Verbatim submission	Comment	Action
		providers.	

### Issue - Provider analysis

Submitter	Verbatim submission	Comment	Action
5	How will 'alternative providers' of services be assessed both before and during delivery?	<p>Responsible agencies set the performance standards that providers (including Councils) must meet. Council currently provides regular reports that responsible agencies use to assess our performance.</p> <p>New providers must be assessed by responsible agencies before being registered.</p> <p>If Council relinquishes service delivery, responsible agencies will assess the performance of alternative providers (and receive complaints).</p> <p>In the new paradigm, clients will have the ability to choose another provider if they're dissatisfied with the service they're receiving.</p>	Introduce and discuss options for Council's future role in aged and disability care in this paper

### Issue - Thin market

Submitter	Verbatim submission	Comment	Action
1	SCS was part of the Barwon trial site of the NDIS and have been a provider under NDIS for over 4 years. In that time, the NDIA will be able to show evidence that there are limited service providers for basic ADLs (Activities of daily living) in the surf coast. Other services such as Allied health and day programs/ housing options etc are available and growing, however, organisations that provide daily ADLs are decreasing. This is a concern as this enables individuals with a disability to remain in their own homes. Research(VicHealth) shows that for communities to show resilience and adequate levels of mental health and wellbeing, the community needs to address health inequalities, and this focuses on access to	<p>Council is currently the predominant provider of the Positive Ageing style of in-home supports in the municipality; and Council's strong presence and provision of a subsidized service inhibits market growth.</p> <p>There's strong evidence that the market will respond if Council ceases as a service provider:</p> <ul style="list-style-type: none"> <li>Chapter 14 of the Research Paper identifies Councils that have successfully relinquished service provision and are now observing market growth</li> <li>Chapter 15 of the Research Paper finds that all of the NGOs</li> </ul>	Clearly articulate the benefits of an extended exit plan in this Paper and in communications

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Submitter	Verbatim submission	Comment	Action
	relevant health and community services. Pockets of the SC already suffer poor or limited access to these services. A high risk of the current process of review is that these health inequalities increase, and the resilience and strength of the SCS decreases. This is contradictory to the SCS Strategic plan, and puts the SCS Council at risk of not achieving priorities.	<p>interviewed are very interested in increasing their presence and service offering in the Surf Coast Shire</p> <ul style="list-style-type: none"> <li>• Victoria and Western Australia are the only states where local government is involved as a service and funding provider, and</li> <li>• the NDIA advise that despite weak markets, the NDIA have not witnessed a market failure anywhere in Australia (including much more remote and isolated communities than Surf Coast)</li> </ul>	
4	<p>The Surfcoast Shire is a large rural area and there is not one NGO Provider who has a reliable and stable workforce to cover services required by vulnerable seniors within the Surfcoast Shire area. This will not change in the future as you cannot alter the rural geographical nature of the Shire; nor will the Surfcoast Shire's decision to relinquish its services and falsely assume their actions will 'force Other Providers to take up the extra Consumers left by the Surfcoast Shire' change the situation.</p> <p>NGO cannot meet their current existing service demands, let alone deal with any further expansion. This fact is noted in the Tune Review (see below extract) and by my own extensive personal experience over the past eight years.</p>	<p>If Council decides to cease as a service provider, most of its current workforce will be available to be recruited by other providers. The experience of other Councils that have relinquished service provision, is that almost all of their Care Workers have been recruited by alternative service providers</p> <p>The purpose of an 'extended exit' option is to maximize the time available to grow the market and facilitate a smooth transition to new arrangements</p> <p>Council's commitment to not leave the community without a needed service provides a safety net as the local market develops</p>	
4	<p>My personal experience and knowledge spanning over 30 years of being connected with Surfcoast Shire, is that the Surfcoast Shire has been the only Service Provider that has been capable of supplying regular, reliable and high quality services to our vulnerable and Seniors. Prices charged have always been above the average compared with other NGO. Gladly these higher prices have been accepted and paid to ensure regular and reliable Services. Consumers are not looking for the cheapest service, but for the services to be provided in a professional, regular and reliable manner. They are more than willing to pay the extra to have peace of mind and security with reliability of Services.</p>	<p>Council is currently the predominant provider of the Positive Ageing style of in-home supports in the municipality; and Council's strong presence and provision of a subsidized service inhibits market growth.</p> <p>Full cost pricing will significantly increase Council prices to the point of being unaffordable, making these essential services inaccessible.</p> <p>It's anticipated that a competitive market will provide affordable, quality services</p>	
5	<p>How available currently are alternative Service Providers on the Surf Coast and will an 'extended exit plan' allow sufficient time to</p>	<p>The market in the Surf Coast is currently 'thin'. The purpose of an extended exit plan is to maximise the time available to develop and</p>	

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Submitter	Verbatim submission	Comment	Action
	develop these?	grow the market.  Council's commitment to not leave the community without a needed service provides a safety net as the local market develops	

### Issue - Implementation scenarios

Submitter	Verbatim submission	Comment	Action
1	The options do not explore what is a 'short term' and what is a 'long term' exit. Is short term 5 years or 12 months? Is long term exit 10 years? Or another option of exiting.	Chapters 22 and 23 of the Community Engagement Options Paper sets out the proposed timeframes as: Extended – 2 to 3 years Compressed – 1 to 2 years	Provide a more prominent definition of timeframes in future documentation
2	A long term exit plan would normally be in the vicinity of 5-10 years. The timeframes around this review are extremely short. Should Council recommend an option, then it should be within the longest time frame possible. However, in order to do this, Council must have a fully transparent Strategy that outlines the steps and milestones required for any long term exit plan. The long term exit plan must also include guarantee delivery with "other providers" so that no one individual is left in the lurch and un-supported. There is no guarantee that this may not occur for any individual or family member.	These timeframes have also been discussed in all meetings with community groups  Unfortunately, the Australian government's reform agenda doesn't allow for a timeframe beyond 3 years  This review project comprises several stages including Research, Options Development, Preferred Option Identification, and Implementation. A detailed Implementation Plan will be developed and released dependent on Council's decision.	Clearly communicate Council's decision, the implications, and the next steps
5	Our main concern with either the 'extended' or 'compressed' exit plan is that both will privatise the services to the ageing. Does Council see this as inevitable and what lobbying is currently being carried out to seek better solutions? We believe the privatisation route has already been tainted in the provision of services such as those offered in both child care and aged care accommodation so why would the suggested solutions of the 'Discussion Paper' achieve better results?	The primary features of the Australian Government's Aged Care reform are choice and competition, and national equity. The nation is currently 5-6 years into the 10-year aged care reform roadmap.  Victorian Councils advocated for retention of the 'old' system at the beginning of the reform journey and achieved some concessions.  The options that achieve the best match with the endorsed selection criteria (extended exit plan) provide the best opportunity for a smooth transition to the new environment.  Council's commitment to not leave the community without an	Provide clarity in the paper and in communications regarding the reform roadmap, and the purpose of the review

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Submitter	Verbatim submission	Comment	Action
		essential service provides a safety net	

### Issue - Paper leads to a foregone conclusion

Submitter	Verbatim submission	Comment	Action
1	Both the discussion paper and Community Engagement Options paper direct the reader to the foregone conclusion that Council should exit the service delivery and assessment services it provides.	The Discussion Paper and the Options Paper both identify and assess options and scenarios against Council endorsed 'success criteria'; and highlight the best match.	Reinforce the message that the service itself is not under threat, the review is about Council's future role, and how services can be delivered sustainably
2	This discussion paper leads the reader into a foregone conclusion without providing the reader and in turn, the community, the opportunity to really understand the problem and context. We know that older people and those of our community who can age in their home will have a much better chance to achieve a high quality of life in their later years.	The Community Engagement process emphasises that a decision has not been made, and openly seeks community feedback to inform decision making.	Review whether the Research Paper can now be released to the public
2	The paper leads the reader (community) to believe that SCS will no longer remain a service provider due to the 'tone' of the paper. This approach is disingenuous and misleading	This review is not about whether or not a service is provided (that's not in question), it's about who and how services will be provided to allow older people to age in their home.  The Options Paper and the Discussion Paper both provide context, but further information is provided in the Research Paper which was not released to the public.	

### Issue - Gender equity

Submitter	Verbatim submission	Comment	Action
1	The Positive Ageing Unit (and other services in the scope of this review) employs just under 70 staff. A majority employed as part time female staff. SCS is an organisation that states it supports gender equity. Research shows that having access to part time work shows improvement in female representation in the workforce, as females still complete 91% of domestic duties and child responsibilities in the home. This discussion paper outrageously suggests that removing the 70 female staff would "balance" the	It's acknowledged that the Positive Ageing team consists mostly of part-time female staff and that this group will be directly affected as a consequence of this service review.  The Confidential Options Paper includes a 'Staffing Matters' chapter addressing matters such as gender balance, the age of Positive Ageing staff, and pay scales.	Include a Staffing Matters chapter in this paper

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Submitter	Verbatim submission	Comment	Action
	Culture and Community department. It does not highlight that the Culture and Community department also employs all early years staff for SCS, of which majority are female. It does not compare to the wider organisation, of which has high male representation, and shows the impact it will have	Council will consider workforce impacts as part of its decision making process; but it must be noted that the need for part-time care workers will continue to grow as the Surf Coast community grows and ages	
2	The discussion paper fails to discuss the workforce consequences. As I understand it, there are over 60+ women who work in this area of Council, mostly, if not all part time and yet we know that there will be consequences on this workforce should this change occur. How does the removal of an all -female, part- time staff fit with Council's Gender Equity policy? We know that part-time positions are often the best option for women as it provides them with their option for family care and yet, it would seem that this area of community concern is completely deleted from this discussion paper. What transition arrangements will be made for this workforce into the future?		

### Issue - Organisational implications

Submitter	Verbatim submission	Comment	Action
1	The review does not explore the implications for the wider council; eg redundancy in support services of People and Culture, Finance, payroll, customer service, etc. It does not include narrative on responsibilities of the Aged and Family department, if Aged and disability services would no longer be a part of SCS service. The review does not talk to what will happen to the working space that Positive Ageing services currently occupies in the main Council building	The Confidential Options Paper includes an 'Other Considerations' section that addresses the implications of the Enterprise Agreement, Overheads, Best Value, and Competitive Neutrality.  The Overheads chapter recognises the financial burden that overheads place on frontline services, and finds that half of the attributed costs can be easily resolved by addressing fleet, IT and training	Introduce and discuss options for Council's future role in aged and disability care in this paper  Continue to meet or exceed industrial requirements
5	There are real concerns here with loss of staff positions, loss of reputation and need for redundancies. What plans are in place to avoid industrial action resulting from this preference?	Council is aware of its industrial obligations and to date, has exceeded requirements.	

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### Issue - System navigation

Submitter	Verbatim submission	Comment	Action
3	<p>Advocacy – who will advocate on behalf of individuals and the aged community Range of providers for the diversity of services needed eg. having to navigate through different service providers and pay the cost of different overheads. Not cost efficient and overwhelming for the elderly again especially if they have no family, no advocate and are at risk.</p> <p>Consumer directed care – who/how are \$'s managed by individuals, what will the management fees be and how will individuals ensure they get the best value for their small amounts of \$'s. Is it a realistic expectation that the elderly have to manage their own 'care packages' - NO it's not!!</p>	<p>Over 65 years of age is a growing cohort (particularly in the Surf Coast Shire), and therefore Council will have a future role regardless of the decision that's made</p> <p>That said, it must also be noted that Council is just one of numerous advocacy services/options currently available, including</p> <ul style="list-style-type: none"> <li>• family and friends</li> <li>• the Older Persons Advocacy Network (OPAN)</li> <li>• provider (management) services, and</li> <li>• the Aged Care Complaints Commissioner</li> </ul> <p>The extent of Council's future involvement is discussed in this paper, and will depend on the decision(s) made</p>	<p>Introduce and discuss options for Council's future role in aged and disability care in this paper (which may include establishing a local advisory committee)</p>

### Issue - Affordability

Submitter	Verbatim submission	Comment	Action
3	<p>Cost and affordability – risk of prices increasing and the cost of overheads that will be taken from our individual packages will impact the access to the services we need</p>	<p>One of the aims of aged care reform is to introduce choice and competition, which will have the effect of driving prices down.</p> <p>The Research Paper and the Options Paper both find that Council will become an unaffordable provider in a competitive market when funding agreements begin to expire on 30 June 2019 and full cost pricing is progressively introduced (the Productivity Commission requires the public sector to compete fairly with the private sector)</p>	<p>Reinforce in this paper and in communications that block funding will be replaced by choice and competition when funding agreements begin to expire in 2019, the Productivity Commission requires a level playing field, full cost pricing must be introduced in 2020, and Council will become an unaffordable provider in a competitive market</p>



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### Issue - Council safety net

Submitter	Verbatim submission	Comment	Action
1	If council resolves to exit, and then discover that there is no adequate replacement organisation (as NDIS has taught us) will they return to service delivery? How will the principles of the review be upheld?	The current thin market is due in part to Council's strong presence with a subsidised service. If Council decides on an extended exit plan, the sensible approach will be to facilitate market growth and capacity through a detailed transition plan, before fully relinquishing service delivery	Carefully plan any implementation and transition phase, including metrics to measure and judge market penetration and capacity
1	The greatest risk of this review is the following: The review states that no individual will be left without a service as a principle, but this principle is not supported, as the review also states that LG and SCS is not responsible for the provision of services for aged and disability, and therefore cannot guarantee the provision of high quality services if SCS was no longer the provider. The review highlights that if an individual would be left without service, it would continue to deliver that service, but is stating it needs to exit the service in order to see if the service will be delivered by another organisation. Could this please be explained how this will work?	Reform changes mean that local government won't automatically be the provider of aged and disability care services after June 2020  Nevertheless, the Surf Coast Shire Council has decided to provide a 'safety net' until a reliable market is established. This may require Council to maintain service delivery capability until that happens. But it's also possible that the 'safety net' may take a different form, such as a subsidy payment to an NGO provider to guarantee service to a client with complex needs.  An early decision to adopt an extended exit plan provides the most time to plan, foster market growth, and facilitate a smooth transition to new arrangements	Carefully plan any implementation and transition phase, including metrics to measure and judge market penetration and capacity
2	The paper discusses that SCS will continue to guarantee a service but how can you? What arrangements have been made to ensure this guarantee of service delivery? Again, I find this statement misleading.	The ideal transition plan would see NGO providers growing and taking the place of Council as it gradually withdraws. Planning and cooperation will ensure that no one is left without an essential service.	
5	The 'Options Paper' promises that "Council will not leave our community without a needed service" – what protections have been set in place to guarantee this promise?	Implementation and transition planning (Part 4 of the project), will commence immediately if Council decides to relinquish service delivery	
5	There appears to be no planned safety net guaranteeing a quality service that is both immediate and flexible to the needs of the individual.	Refer to the evaluation matrices appended to the Options Paper	

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Submitter	Verbatim submission	Comment	Action
5	If, as stated in the discussion paper, 'consumer-driven, market-based, sustainable, and nationally consistent' reform is the preferred outcome, how can Council guarantee this or are these just bureaucratic words?		
3	If providers try to keep the costs low you can guarantee quality will be impacted.  Quality of service - how will that be monitored, who will be the monitoring agency, what will be the benchmark for service quality, - serious risk to vulnerable clients and those that do not have family and/or people to advocate on their behalf.	Responsible agencies set the performance standards that service providers (including Councils and NGOs), must meet and adhere to.  Competition should deliver a quality service, but if that's not the case, individuals should contact their provider in the first instance, then the Older Persons Advocacy Network, and finally the Aged Care Complaints Commissioner, if a complaint remains unresolved	Introduce and discuss options for Council's future role in aged and disability care in this paper (which may include facilitating a local advisory/advocacy network)
5	The 'extended exit plan' appears to be the inevitable preferred option. It may lead to a 'competitive market' but what guarantees can Council give that other service providers will offer professional service or will a 'competitive market' call the shots?		

### Issue - Council's future role

Submitter	Verbatim submission	Comment	Action
2	The Discussion paper fails to provide any information about the reinvestment of the \$1.35m into other services. The paper provides an under-current of a financial crisis looming given that this is the basis for the review and yet, Surf Coast Shire is in a financially strong position with no crisis looming. This paper misleads our community. What is re-investment of the so-called services back into this population cohort of the community? There is no mention of how this cost saving would be re-invested back into those who need it most.	None of the material published by Council suggests a financial crisis; however the message regarding the need to prepare for aged care reform is regularly repeated.  It's likely that Council will decide to maintain a future role in Positive Ageing (possibly focussing on representation, advocacy, and community development), even if the decision is made to relinquish service delivery.	Introduce and discuss options for Council's future role in aged and disability care in this paper (which may include facilitating a local advisory/advocacy network)
3	The most important priority must be the elderly that are unable to advocate for themselves (isolated, dementia, no family or friends to provide support), unable to navigate a system that is clunky and		

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Submitter	Verbatim submission	Comment	Action
	NOT user friendly especially for the many that are not IT literate. This is the section of the community that will be most impacted by these changes and their needs need to be considered NOW not when they are faced with a crisis.		
3	Security for the future – how will existing service users be supported through the changes to service providers	<p>If the decision is made to relinquish service delivery:</p> <ul style="list-style-type: none"> <li>the aim will be to achieve a smooth transition to new arrangements (to the extent that clients don't notice a change)</li> <li>NGOs will need staff, and it's possible the clients will be provided with the same Community Care Worker, and</li> <li>it's likely that Council will decide to maintain a future role (possibly focussing on representation, advocacy, and community development)</li> </ul> <p>It's thought that the change to Consumer Directed Care will be more noticeable than a change of provider.</p>	Carefully plan any implementation and transition phase, including mechanisms to support clients

### Issue - Implementation

Submitter	Verbatim submission	Comment	Action
1	Notably absent from the review are the actions that will ensure that the principles are upheld. How will SCS ensure that no individual will go without key services? SCS cannot guarantee this under the current proposal. In order for SCS to progress the review to Councillor decision stage, a clear transition plan is required to ensure that no vulnerable person is left without services, or have concern about not having access to services. Parents and caregivers of those with a disability, or children and caregivers of elderly loved ones experience increased levels of anxiety and a decrease in mental wellness when having to worry if their loved one will have basic ADL's taken care of (fed, clothed, personal care, medications, etc).	<p>Implementation and transition planning (Part 4 of the project), will commence immediately if Council decides to relinquish service delivery.</p> <p>The level of care provided is not in question, aged and disability care reform is about introducing choice and competition, and this in turn will affect who and how services will be provided in the future</p>	<p>Carefully plan any implementation and transition phase to ensure minimum disruption to clients</p> <p>Reinforce the message that the service itself is not under threat, the review is about Council's future role, and how services can be delivered sustainably</p>

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Submitter	Verbatim submission	Comment	Action
3	Next best option is to develop a long term implementation plan (note, NOT exit plan) - set up a genuine aged services working group that actually has some teeth that consists of potential providers (I'm sure you already know who some of them are), community reps, relevant Councillor eg. Rose Hodge, Senior (not a project officer) Manager that has the power to facilitate action	It's likely that Council will decide to maintain a future role in Positive Ageing (possibly including facilitating a local advisory/advocacy network), even if the decision is made to relinquish service delivery	Introduce and discuss options for Council's future role in aged and disability care in this paper (which may include facilitating a local advisory/advocacy network)

### Issue - Community engagement

Submitter	Verbatim submission	Comment	Action
1	It is very apparent from news media and social media, that the community is not aware of the review, or its implications. The community does not understand what it means. This is partially because of the Rainbow Flag policy discussion and debate has overshadowed (pun intended) the review process. This is also in part due to the way the review was structured towards the view of exiting services.	<p>Council forecast to receive about 300 submissions (based on 214 actual responses to last year's client survey). Instead, 133 submissions were received by the extended closing date. The lower than anticipated response rate is thought to be due to the complexity of the subject, rather than a lack of awareness – 600 clients, 53 volunteers, and 67 staff were personally contacted, 1,700 community members were directly emailed, and 242 people attended community meetings.</p> <p>As feedback is progressively inputted, it's noted that the receipt of further submissions has little effect on the overall results – suggesting that the submissions received reasonably represent the community view.</p> <p>It's wrong to suggest that the review is structured towards relinquishing service delivery. The review documentation identifies and analyses various options and scenarios against Council endorsed 'success criteria', and highlights the best match</p>	Provide clarity in the paper and in future communications regarding the comprehensive community engagement process
1	I do not feel that there has being adequate representation of those whom this decision will most affect. There was no consumer representation in the PCG. Why was this? How can a transition to new arrangements guarantee no one will miss out on key services,	<p>Implementation and transition planning (Part 4 of the project), will commence immediately if Council decides to relinquish service delivery.</p> <p>Part 4 of the project is likely to include the formation of local</p>	Carefully plan any implementation and transition phase, including the formation of an

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Submitter	Verbatim submission	Comment	Action
	without including these proposed transition arrangements transparently?	advisory/advocacy committee including consumer membership	advisory/advocacy committee
2	I believe that the community engagement process for this Discussion paper is underdeveloped. The users of these services are our vulnerable and elderly in the main and yet, a health literacy lens has not been used to help clarify and explain concepts so that the reader (community) can have the best information at hand. What other methods are being delivered to those people hard to reach and to share this information? As an existing service that also employs a number of staff, I hope that the process has been more than just a discussion paper	The complexity of the subject makes community engagement difficult (especially with the target group). The consultation process was comprehensive with care taken to maximise accessibility, including: <ul style="list-style-type: none"> <li>personal letter to 600 clients, 53 volunteers, and 67 staff</li> <li>direct email to 1,700 community members</li> <li>13 Community meetings attended by 242 people</li> <li>617 /haveyoursay webpage views</li> <li>face to face advice and assistance by Community Care Workers</li> <li>ability to make verbal submissions over the phone or in person at reception</li> </ul>	Provide clarity in the paper and in future communications regarding the comprehensive community engagement process
3	Undertake a better engagement process - interview actual community members (in a 1 on 1 situation not in groups - not conducive to hearing the feedback of the elderly) that give a broad cross section of the aged community - dissect the issues	One on one feedback is not feasible, as feedback is progressively inputted, it's noted that the receipt of further submissions has little effect on the overall results – suggesting that the submissions received reasonably represent the community view	
3	The feedback questionnaire was NOT suitable for the audience. The discussion paper was a reasonable attempt at getting the message across BUT again not ok for the audience you want feedback from.		
3	What has been done to engage with the next layer of service users (40, 50, 60 year olds) - many of whom don't even realise that this review is happening or will even impact on them.	The consultation process has been comprehensive and extensive, comprising: <ul style="list-style-type: none"> <li>direct mail-out to all clients</li> <li>email to all volunteers with link to /haveyoursay website</li> <li>media briefing with resultant articles in Geelong Advertiser and Surf Coast Times</li> <li>newspaper advertisements</li> <li>/haveyoursay page on Council website and social media</li> <li>face to face meetings with stakeholder groups</li> <li>hardcopies placed at reception, library, doctors surgeries, and retirement villages</li> <li>email to community networks, associations, clubs, external</li> </ul>	Provide clarity in the paper and in future communications regarding the comprehensive community engagement process
3	It is essential that you undertake a more comprehensive consultation process and do more marketing of the process. Individual consultation with the most vulnerable not just the select few that are already engaged in Lions, Senior Citizens, etc. I am not at all happy with the process of engagement - extend the transition phase, engage a working group and start again. If by some chance you already have a working group established for this project - Where are they!!!!		Carefully plan any implementation and transition phase, including the formation of an advisory/advocacy

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Submitter	Verbatim submission	Comment	Action
		<p>providers, government agencies with link to /haveyoursay website, and request to share with members</p> <p>A consistency in feedback is noted, suggesting that:</p> <ul style="list-style-type: none"> <li>the submissions received reasonably represents the community view, and</li> <li>nothing would be gained by 'starting again'</li> </ul> <p>Part 4 of the project is likely to include the formation of local advisory/advocacy committee including consumer membership</p>	committee
5	Limited period to consult with members	The formal consultation period was 9 weeks, submissions continued to be accepted until 14 May (12 weeks)	Provide clarity in the paper and in future communications regarding the comprehensive community engagement process
5	The discussion paper did not clearly explain how funding for services currently operates and the often bureaucratic language used sometimes made processes unclear. The 'Options Paper' was practically unintelligible.	<p>Detailed information is provided in the comprehensive Options Paper</p> <p>The difficulty of providing a simple overview of this complex topic is acknowledged</p>	
5	We believe that the consultation process seems to have disregarded many of the institutions within the community that should have been encouraged to have had input. Churches, like St Luke's seemed unaware of the planned changes.	It's acknowledged that Churches were not invited to provide input in the first instance. However, all churches in the municipality were directly emailed on 9 April (following this insight), allowing up to 6 weeks to provide feedback	
5	We understand that all responses will be summarized by the Shire's Business Improvement Officer and presented to Council. How appropriate is it that one person alone responds and what are the opportunities for groups such as ours to respond more personally?	Every effort has been made to impartially summarise the submissions. And in order to provide transparency, all submissions will be made freely available (redacted for confidentiality, but otherwise verbatim and unedited)	Make all submissions (redacted for confidentiality, but otherwise verbatim and unedited) freely available

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**Appendix 3: TORQUAY CAFÉ STYLE WORKSHOP SUMMARY**

**Workshop details**

Focus group:	Café style support and Laurel Ladies - Torquay group
Location:	Kurrambee Myaring Community Centre
Date:	13 March 2018
Time:	11.00am
Number of participants:	15

**Transcribed workshop notes:**

Council to keep services/programs	Modify and retain	Hand the services back
Leave them as they are	We don't like change	Worried about the quality of the service
Private providers are unreliable	Good idea to retain social connection programs like Café Style support It creates socialisation, and the staff are amazing	Will be confusing to know who to go with
We like and trust the council staff	Retain domestic services as staff easy to deal with and take time to explain	It will make the decision making harder
Council staff have local knowledge	It would be easier to have a one stop shop	How will the packages be managed
Local jobs	I'm open to social services staying but council give the other services to a private provider	Customer service will be compromised
It is efficient like this	We like the strong connection to the current carers and workers	The costs may increase and I may not be able to afford services
It is really flexible for my needs	Cost will be a factor	Quality may also be higher and I may pay more?
NDIS in the region has been difficult	Competition could increase the service provision	It's too early to know how I feel
I have experience with Bolton Clarke and found them unsatisfactory	Council is accessible to clients and for clients and easy to deal with	The change of Government may change everything
Council was excellent at providing short term care when I needed it and could respond quickly		
Customer service team are excellent		
The services are affordable		

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Private company standards will be lower, who will regulate them? Who do they report to?		
How do we know if the new provider will be any good?		
Jan and our volunteers are all amazing and provide great connections.		
Private providers may be impersonal		

Summarising, workshop participants:

- trust and are very comfortable with the Council provided service
- are worried about cost and quality if Council is not their service provider
- are concerned about navigating the new system without Council's involvement, and
- are fearful of change



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### Appendix 4: SENIOR CITIZENS GROUPS WORKSHOP SUMMARY

#### Workshop details

Focus group:	Senior Citizens groups
Location:	Kurrambee Myaring Community Centre
Date:	19 March 2018
Time:	11.00am
Number of participants:	10

#### Transcribed workshop notes:

Council to keep/modify	Hand services back (short & long term options)
Please waiver shopping bus fee for Anglesea bus (Tuesdays)	We don't know what we will get
If cost is the same, and service is identified, we have no issue with who provides it	How much will services be? Can I afford services?
Can a senior citizen club tender to be a provider? If costs are the same, no issue who provides it	Limitations of services – what can be done, what can't be done? Clear information, don't use acronyms
Decrease in cost of services	Will it be a local provider and/or one stop shop? Or many different providers that the individual needs to find?
Social activities – linking in to community groups	Will it mean reassessment? By whom?
Volunteering	Concerned it will be a decline in service eg. people won't know who to contact
	You do need to transition over 3 years, not sooner
	Can more be done, in an easier way...?

#### Summarising, workshop participants:

- believe that provided quality and cost are maintained, who provides the service is less important
- are anticipating choice and competition and want to know the details, and
- are concerned about navigating a new system

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### Appendix 5: ANGLESEA CAFÉ STYLE WORKSHOP SUMMARY

#### Workshop details:

Focus group:	Café style support and Laurel Ladies - Anglesea group
Location:	Kurrambee Myaring Community Centre
Date:	20 March 2018
Time:	10.45am
Number of participants:	15

#### Transcribed workshop notes:

Council keep and modifies programs and services	Hand over 1-2 years	Hand over 3 years
We get a good deal now	Longer time frame would assist the clients to understand the change	Gives more time to familiarise the community with the plan
Some improvements would be helpful	People need to know 'what' services are available	Will new providers be competitive?
Happy with Council services now Concerned with increase costs	How do we qualify for the new services? Council still needs to control the quality and delivery of the services	Will the new services be as reliable as the Council? We don't want the change, we don't like change
Can Council still subsidise	Council should be the liaison and direct clients to the services	Who will handle the complaints processes? Will this be another independent body?
All social connection programs need to stay locally with Council	For all new providers, communication needs to be outside of the internet as a lot of older people do not use computers let alone the internet.	Council should still be in charge of the services
Café program is wonderful please keep it	A longer time would allow time for clients to understand the change	Quality of services may be lower
What about the fire awareness services?  Very concerned about the cost of social connection programs if they go to private provider	Costs of services e.g. social activities – will they increase? Private providers are pushy	
The shopping trips are very important for medical appointments and the shopping locations	Fear of private providers	
How can we keep it as it is if there is change can you keep it the same as it is?	Clients prefer longer time frame for this change	
	We need a communication	

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timeline

Summarising, workshop participants:

- trust and are very comfortable with the Council provided service
- are worried about cost and quality if Council is not their service provider
- believe that Council has an ongoing representation/advocacy/community strengthening role, and
- favour a longer time frame for change

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### App 6: WINCHELSEA and MORIAC CAFÉ STYLE SUPPORT WORKSHOP SUMMARY

#### Workshop details

Focus group:	Café style support and Laurel Ladies (Winchelsea and Moriac)
Location:	Kurrabee Myaring Community Centre
Date:	27 March 2018
Time:	1.00pm
Number of participants	20

#### Transcribed workshop notes:

Council to keep all services	Council hand back short term 1-2 yrs	Council transition over 3 years
Have enough staff	NO to this time frame – too short	Not happy with these changes
Keep the way it is	Is there enough time to be organised for change to occur	Yes to 3 years transition
We are familiar with the staff We trust the current staff	Will we just be a number when moved to private provider Will quality be the same?	What happens if the Government changes- election year this year The impact of this is not known yet?
Council is a one stop shop	Concerned for the community workers	We are a bit frightened about the future
Staff are well trained	Lack of trust with private providers	We are concerned about staff and their future employment
We can afford the services now	Assumed increase on costs?	Concern about quality of service when moved to private provider
Staff know the local community	Can we rely on a private provider- council is reliable	Can café style and music programs stay with council?
Happy to increase our costs if you keep the services Who else is out there?	Need more time to adjust to change	We need to be kept informed, information is important to us Good information to date
Lorne Community Hospital, Hesse Rural Health?		Could be good to talk with families too

Summarising, workshop participants:

- trust and are very comfortable with the Council provided service (and conversely, don't trust private providers)
- are worried about cost, quality and reliability if Council is not their service provider
- believe that Council has an ongoing community strengthening role
- favour a longer time frame for change, and

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- are fearful of change

# Appendix 7 –PLANNING FOR REFORM

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 1. PURPOSE

This appendix recognizes the importance of planning for the aged care and disability services reform, and identifies and outlines elements that will be critical to its success. Note that these planning elements also respond to community engagement feedback.

### 2. PLANNING FOR REFORM OBJECTIVES

#### a. Objectives

Planning for the aged care and disability services reform objectives are:

- Clients and the community are provided with timely information on the aged care and disability reform
- To ensure any changes are well planned and implemented to minimize any impact on clients
- Client support is readily available
- Redefine Council's community strengthening and development role with older people and people with a disability
- The development of a reliable, quality external market
- The community isn't left without access to a needed service

#### b. Draft guiding principles

Guiding principles will be required to guide planning and ensure that the objectives are achieved:

Primary guiding principles (articulated from a client's perspective) should include:

- I can access and afford quality services
- I can choose my preferred service provider, or if I'm unable to choose I can get help to make a choice
- I can easily navigate the service system
- I am able to age in place
- there are no sudden or unexpected changes to my services
- I am well informed about aged care and disability options

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Secondary guiding principles should include:

- Council will seek to support staff through changes associated with the aged care reform process
- Council actions will not inhibit the creation of a competitive market
- reductions in Council's cost of service will be treated as a contribution towards the business improvement program savings target

### 3. PLANNING FOR REFORM ELEMENTS

Critical planning for reform elements will include:

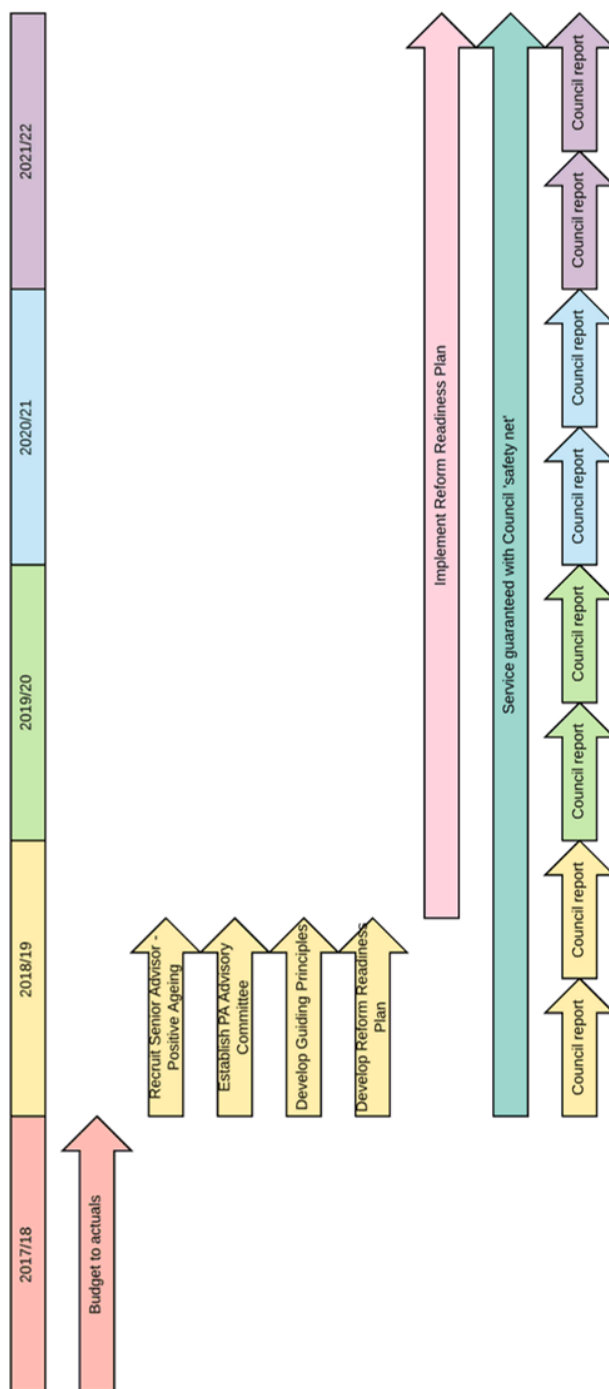
- Recruit temporary Senior Adviser Positive Ageing (2-year)
- Establish Positive Ageing Advisory Committee
- Develop Reform Readiness Plan
- Increase efficiencies in current service delivery model
- Provide a safety net service for existing clients
- Address overheads
- Regular monitoring and reporting

These tasks are illustrated in the following 5-year framework to provide clarity:

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### Illustration: Planning for reform framework



The following chapters describe the planning tasks in detail:



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### 4. BUDGET TO ACTUAL

The Research Paper and the Options Paper both identify a significant and diverging gap between budgeted and actual subsidy over time, due to the variables of service delivery and a history of conservative budgeting that is no longer appropriate.

Refer to chapter 5e of the Research Paper, and chapter 27 of the Options Paper.

The 2018/19 Positive Ageing budget has been reduced by \$183,000 per annum through a more accurate budgeting methodology.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 5. SENIOR ADVISER POSITIVE AGEING

#### a. Introduction

Implementation of the recommendation and actions will require dedicated resourcing, separate to the existing staffing group. The temporary appointment of a Senior Adviser Positive Ageing is considered essential for reform readiness planning.

#### b. Key responsibilities

The initial key responsibilities of the Senior Adviser Positive Ageing should include:

- Advisory committee
  - develop terms of reference
  - recruit members
  - convene and administer regular meetings
  - action outcomes
- Reform Readiness Plan
  - develop and implement a detailed Reform Readiness Plan
  - recommend and implement key actions
- Monitoring and reporting
  - conduct bi-annual check against Reform Readiness Plan
  - develop and implement remedial plans (if necessary)
  - regularly report to the PA Advisory Committee, Council, and the community
- Relationships
  - develop and maintain productive and effective relationships with clients, volunteers, staff, funding agencies, external providers, and other key stakeholders

#### c. Conclusion

The appointment of an Senior Adviser Positive Ageing is considered to be essential for reform readiness planning - funds are allocated in the 2018/19 budget, and the recruitment process should commence in July 2018.

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### 6. POSITIVE AGEING ADVISORY COMMITTEE

#### a. Introduction

A Positive Ageing Advisory Committee (Advisory Committee) is considered essential for smooth, transparent reform readiness planning. An Advisory Committee could also help to drive Council's desire to be an Aged Friendly City.

#### b. Background

The community engagement phase of this project repeatedly highlighted the community's desire for Council to remain involved in a representation/advocacy/service system navigation/performance monitoring role.

Chapter 14 of the Research Paper provides brief examples of Victorian Councils that have successfully introduced 'Advisory Committees' to lead, plan and advocate for quality in-home service supports (including ensuring that clients with complex needs are not overlooked).

#### c. Purpose

The purpose of the Advisory Committee should be to represent the community and assist Council by providing advice and multiple perspectives to policies, plans and services affecting older people.

#### d. Terms of reference

Advisory Committee Terms of Reference should be developed, and consideration given to:

- being the peak advisory and advocacy body on issues affecting the wellbeing of older people within the municipality
- overseeing the development and implementation of Council's Positive Ageing Reform Readiness Plan, including
  - activity based recommendations
  - service system navigation
  - advocacy
  - representation
  - market development
  - performance monitoring
  - service solutions and safety net guarantee
  - bi-annual monitoring and reporting

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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- advocating to the Community and Council, on behalf of older people, reflecting the United Nations principles of independence, participation, care, self-fulfillment and dignity
- connecting with other community advisory structures of Council, and
- liaising with other organisations and networks that have a direct interest in older persons

The Advisory Committee's terms of reference should be reviewed in 2020/21 to reflect Council's evolving role.

### e. Membership

A diverse, but representative membership is necessary; consideration should be given to representation of:

- older persons
- persons with a disability
- different localities
- funding agencies
- external providers

### f. Conclusion

Establishing an Advisory Committee should be a critical first task of the newly appointed Senior Adviser Positive Ageing.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 7. REFORM READINESS PLAN

#### a. Introduction

A carefully formulated Reform Readiness Plan will be essential to place Council, clients and community in a strong position to respond to the Aged Care Reform in a planned and timely manner.

#### b. Context

Chapter 26b of the Options Paper recognizes that regardless of the chosen path, implementation planning and delivery will be critical, and should:

- be conducted in collaboration with responsible agencies and federal and state departments
- be adaptable to balance client needs, market development, reform requirements, and Council's capacity to deliver a quality service, and
- include regular monitoring, progress updates, and direction reviews

The community engagement phase of this project emphasized the need for effective planning, focused on minimizing disruption to clients. Community engagement also confirmed the following actions to assist with the next phases of the project:

- formation of an advisory committee
- provision of client support mechanisms, and
- introduction of metrics to measure success

#### c. Purpose

The purpose of the Surf Coast Shire Council Positive Ageing Reform Readiness Plan (the Reform Readiness Plan) will be to guide and oversee Council's planning for the Aged Care Reform and disability service environment.

#### d. Development referrals

Development of the Reform Readiness Plan should include:

- referral to the Advisory Committee (and/or clients)
- collaboration with responsible agencies
- discussion with external service providers
- consultation with staff and volunteers, and
- referral to community strengthening stakeholders

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### e. Content

The Reform Readiness Plan should draw on the extensive information accumulated in the various phases of this service review project, be considerate of the activity based format of the preceding papers, and include the following content:

- Objectives -** confirmation of planning for change objectives (and clarification of the refined guiding principles), including:
- Clients and the community are provided with timely information on the aged care and disability services reform
  - To ensure any changes are well planned and implemented to minimize any impact on clients
  - Client support is readily available
  - Redefine Council's community strengthening and development role with older people and people with a disability
  - The development of a reliable, quality external market, and
  - The community isn't left without access to a needed service
- Overall framework-** provide an overall guiding framework identifying the contingent steps of the next phase of the project
- Detailed plans -** identify and describe in detail, the actions necessary to achieve the objectives, including:
- activity description
  - strategy and anticipated outcome
  - timeline and sequencing
  - lead person(s) and key stakeholders
  - risk
  - finance and budget implications
- Reform tools -** consider and discuss the following tools and methods to achieve the objectives:
- sub-contracting
  - full cost pricing and current service efficiencies
  - declining new clients for identified activities
  - phasing
  - novated agreements, market test by responsible agency, and
  - withdrawal by activity type, funding type, locality, or a combination

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- Safety net -** describe the application of the Council 'safety net' service
- Regular review -** describe regular review and reporting arrangements, including:
- metrics (meaningful and measurable) to gauge performance against objectives and actions
  - environment check, how has the reform environment changed
  - schedule check, how is the reform going, are we achieving objectives and tracking according to plan
  - a remedial planning framework (to return to plan), and
  - bi-annual report to Council

### f. Conclusion

Development of the Reform Readiness Plan should be a critical first priority of the Senior Adviser Positive Ageing, and the Advisory Committee.

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 8. COUNCIL SAFETY NET

#### a. Introduction

Council has stated that it 'will not leave the community without a needed service'. This statement is reflected in the endorsed 'success criteria' principle that 'the community isn't left without access to a critical service'.

#### b. Community engagement feedback

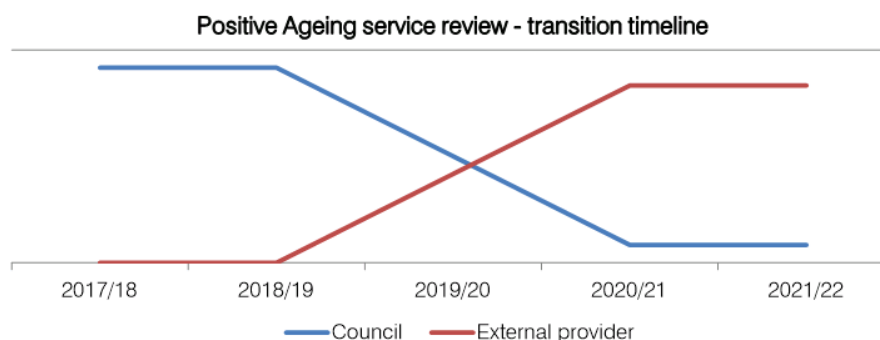
Feedback received during the community engagement phase of the project identified concerns about how this guarantee might work if Council decides to hand back services to responsible agencies (refer to Appendix 2: Analysis of written submissions – Council safety net).

#### c. NDIS clients

It's the responsibility of current providers to ensure service continuity (refer to Chapter 12). This obligation effectively constitutes a 'safety net', and in practice means that services must be continued until an alternative provider is appointed. This obligation is currently unique to the NDIS, but may be duplicated when choice and competition is introduced to the CHSP.

#### d. Reform planning

The following diagram illustrates how Council could provide a residual safety net/community strengthening role even if a decision were made to withdraw from service delivery:



If future decisions are made to relinquish service delivery responsibility, the ideal transition plan would see external providers growing and taking the place of Council as it gradually withdraws. Planning and cooperation would ensure that no one is left without an essential service.



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### e. Effect on unit costs

The provision of a residual safety net service to a handful of clients with complex needs may have the temporary effect of increasing unit costs for a low volume service (until a reliable market is established).

### f. Conclusion

Reform changes mean that local government won't automatically be allocated funding to be the sole provider of aged and disability care services after June 2020.

Nevertheless, the Surf Coast Shire Council has decided to guarantee that clients will continue to have access to the services they need. This 'safety net' could take various forms, including a subsidy payment to an external provider (sub-contracting) to guarantee service to a client with complex needs.

Proactively planning for change maximizes the time available to be ready for the Aged care and disability services reform.

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### 9. REGULAR REPORTING

#### a. Introduction

Regular review and reporting will be essential to achieving the transition objectives and in maintaining community trust in the process.

This chapter provides further detail to the review and reporting arrangements described in the Reform Readiness Plan section.

#### b. Checkpoints

The development and implementation of the Reform Readiness Plan should be reviewed bi-annually. Progress should be measured against agreed metrics, and reported to the Advisory Committee and Council.

#### c. Metrics

Meaningful and measurable metrics should be developed to gauge:

- whether the Reform Readiness Plan objectives and actions are being achieved
- change performance against the endorsed success criteria, and
- whether a remedial plan is required to get the Reform Plan back on track

#### d. Environment check

The bi-annual check should include reviews of:

- reform developments and progress
- the external provider market, and
- Council capacity (changing resources, finances, etc)

#### e. Stakeholders

The following stakeholders may contribute information to the bi-annual review:

- Advisory Committee
- external providers
- staff
- clients
- community groups
- funding agencies
- volunteers

#### f. Remedial Plan

Concerning metrics or a significant shift in the environment should trigger the development of a remedial plan to address the issue.

Remedial plans should include:

- description of the issue

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- what needs to be done
- what risks and barriers exist
- what strategies/actions will be implemented to address the issue
- what is the timeframe
- who is responsible
- how will success be measured

### g. Council report

Bi-annual reports and remedial plans should be referred to the Advisory Committee and then to Council for endorsement

## 6.2 Positive Ageing Service Review - Community Engagement Findings and Recommended Option Paper

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### 10. RISK

The Reform Readiness Plan should be cognisant of, and address the following risks:

Risk	Control(s)
Difficult for clients to navigate the service system without Council	<ul style="list-style-type: none"> <li>place clients at forefront of decisions</li> <li>position Council for greater influence in future service planning</li> <li>maintain Council's advocacy and support role</li> <li>advocate for service system improvements and support</li> <li>refer clients and families to existing supports</li> </ul>
Reduction in service quality	<ul style="list-style-type: none"> <li>place clients at forefront of decisions</li> <li>remove Council barriers to choice and competition</li> <li>carefully implement the Reform Readiness Plan to promote market development</li> <li>refer clients and families to quality standards and responsible agency complaint resolution supports</li> <li>sector meetings</li> <li>advocate as necessary</li> </ul>
Difficult transition	<ul style="list-style-type: none"> <li>place clients at forefront of decisions</li> <li>carefully implement the Reform Readiness Plan to promote market development and progressively replace Council as a service provider</li> <li>maintain Council's advocacy and support role</li> </ul>
Unaffordable	<ul style="list-style-type: none"> <li>place clients at forefront of decisions</li> <li>remove Council barriers to choice and competition</li> <li>carefully implement the Reform Readiness Plan to promote market development</li> <li>provide Council safety net service</li> <li>advocate as necessary</li> </ul>
Failure of market to respond	<ul style="list-style-type: none"> <li>provide extended time for establishment of new providers in the market</li> <li>remove Council barriers to choice and competition</li> <li>carefully develop and implement the Reform Readiness Plan to promote market development</li> <li>meet with external providers and responsible agencies to facilitate market growth</li> </ul>
Industrial action	<ul style="list-style-type: none"> <li>act on sound research and analysis</li> <li>communicate well and maintain good staff relations</li> <li>liaise with staff to develop and carefully implement the Reform Readiness Plan</li> <li>comply with EA requirements</li> </ul>
Reputational damage	<ul style="list-style-type: none"> <li>act on sound research and analysis</li> <li>adhere to Community Engagement plan</li> </ul>

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Risk	Control(s)
Insufficient capacity to continue to deliver services	<ul style="list-style-type: none"><li>• carefully implement the Reform Readiness Plan</li><li>• communicate well and maintain good staff relations, key messages include:<ul style="list-style-type: none"><li>- changes won't happen overnight</li><li>- maximum notice will be provided</li><li>- employment conditions and entitlements are very attractive</li><li>- PA is a growth industry</li><li>- experience shows that almost all staff that wish to remain in the industry, will gain employment with a new provider (often working with current clients)</li></ul></li><li>• consider loyalty incentives for staff</li><li>• consider sub-contracting</li></ul>

### 6.3 Surf Coast Shire Theatre Feasibility Study

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

**General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F18/976

**Division:** Culture & Community

**Trim No:** IC18/1058

**Appendix:**

Nil

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to note the scope and process to conduct Council's Theatre Feasibility Study.

#### **Summary**

Council is delivering a multi-court indoor stadium in the Civic Precinct on Surf Coast Highway adjacent to Surf Coast Secondary College. Council has yet to formally resolve on the long term future use of the Torquay Sport and Recreation Centre however it will no longer be needed to meet the indoor sport needs of Torquay and surrounding areas.

In response to a proposal by the Torquay Theatre Troupe, Council has allocated \$30,000 in the 2018-19 budget to conduct a Surf Coast Theatre Feasibility Study. This will complement a study Council conducted in 2015 which delivered a finding to consider the Torquay Sport and Recreation Centre as a potential future art space.

The scope of the Theatre Feasibility Study will focus on the Torquay Sport and Recreation Centre and will aim to address matters that were not included in the 2015 study such as:

- smaller scale and interim use solutions
- an assessment of the building's condition and suitability for repurposing as a theatre
- a potential partnership operating model with community groups
- options for a staged development
- a funding strategy.

The findings of the Theatre Feasibility Study will be brought to Council at the earliest opportunity, ideally by October 2018 in order to consider whether to include a construction project in Council's election advocacy program.

#### **Recommendation**

That Council:

1. Notes that the Torquay Sport and Recreation Centre is expected to be available for other uses by mid 2020.
2. Notes the commencement of the 2018 Surf Coast Theatre Feasibility Study to investigate the conversion of the Torquay Sport and Recreation Centre into a short term theatre.
3. Considers the available findings of this study by October 2018.
4. Notes officers will liaise with representatives of the Surf Coast Shire arts community, including the Torquay Theatre Troupe, in undertaking the study.

#### **Council Resolution**

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

That Council:

1. Notes that the Torquay Sport and Recreation Centre is expected to be available for other uses by mid 2020.
2. Notes the commencement of the 2018 Surf Coast Theatre Feasibility Study to investigate the conversion of the Torquay Sport and Recreation Centre into a short term theatre.
3. Considers the available findings of this study by October 2018.
4. Notes officers will liaise with representatives of the Surf Coast Shire arts community, including the Torquay Theatre Troupe, in undertaking the study.

CARRIED 8:0

## 6.3 Surf Coast Shire Theatre Feasibility Study

### Report

#### **Background**

Surf Coast Shire is home to many artists and several community arts organisations. Surf Coast Shire has a higher proportion of creative industries than the national average. Recently the Regional Australia Institute ranked Surf Coast Shire the 4<sup>th</sup> most creative hot spot in Australia based on analysis of 2016 census data.

Despite this ranking, there is no purpose built art space in Surf Coast Shire's largest town, Torquay, which can host visual art exhibitions or large performances. The Torquay Theatre Troupe has regularly encouraged Council to undertake further planning and construction work to advance a dedicated theatre space in Torquay. This advocacy included a recent submission to the 2018-19 draft Council budget suggesting Council allocate money to explore an affordable design for a theatre space in the Torquay Sport and Recreation Centre with a capital allocation in future budgets after the new multi court stadium is complete.

Torquay Theatre Troupe's submission suggests integration of their assets such as sound equipment, lighting and seating to contribute to a new facility.

Council's 2015 Arts Space Feasibility Study developed a functional brief for the development of a purpose built arts facility which was informed by researching other facilities and community input.

Key findings of the 2015 study included:

- the participation rates of Surf Coast Shire residents in the arts is higher than the State average
- when compared to similar sized municipalities, Surf Coast Shire is under supplied in terms of dedicated arts spaces
- there is a high degree of interest from residents involved in the arts in Council providing a dedicated arts space and improve existing spaces
- the key components for the development of a dedicated arts space include performance and rehearsal spaces, gallery / exhibition spaces and workshop spaces
- the preferred site for a dedicated arts facility is at the Torquay Sport and Recreation Centre when this space becomes available around 2020 when a 3 court stadium is expected to be constructed in North Torquay
- the cost for an optimal design including all the components from the functional brief is estimated at \$11.6 million. An alternative design with fewer components could cost approximately \$5.75 million
- operating financial result for an optional designed facility would cost Council approximately \$440,000 per annum plus CPI in year one, \$250,000 plus CPI one year prior to opening and \$150,000 plus CPI two years prior to opening.
- explore opportunities for a community and Council partnership to advocate for funding
- consider a short-term flexible art exhibition facility
- there may be prospects at the Lorne Community Hub (in particular the Community House and Senior Citizens Centre) to optimise access to spaces that may encourage additional arts activities
- there could be opportunities to enhance provision for the arts at a number of Council facilities including the Winchelsea Globe Theatre, the Anglesea Hall, the Bellbrae Hall, the Anglesea ArtHouse, and the Lorne Community House.

An assumption of the 2015 study is that the current Torquay Sport and Recreation Centre is surplus to need once a new multi-court stadium is built at the Civic and Community Precinct. Council is yet to make this decision; however a multi court stadium is being delivered in the Civic Precinct on the Surf Coast Highway adjacent to Surf Coast Secondary College. Indoor sports are expected to cease at the existing centre by mid 2020. There is no other use identified for the facility at this stage.

A key initiative from the 2015 study is the establishment of a flexible arts space which Council has pursued and operated for over two years in the Arts Space in Anglesea. This is a non-permanent gallery space which can be used for very small performances. The Arts Space has been well received by artists and audiences with over 10,000 visits, over \$50,000 in sales, an average of 600 visits to Council's Calendar Exhibition each year (approximately a 300% increase) and regular artist development workshops and networking.

### 6.3 Surf Coast Shire Theatre Feasibility Study

#### **Discussion**

This Theatre Feasibility Study needs to build on the findings of the 2015 study to address a number of items not covered.

The 2015 study delivered two multi-million dollar concepts to repurpose the Torquay Sport and Recreation Centre. This was in response to the study's aim to provide recommendations that address immediate and future needs for an arts space for residents and visitors to Surf Coast Shire.

Of course, this level of investment is something Council needs to carefully consider alongside other future plans and commitments. The 2015 study assumed Council would manage the facility which would include staffing and programming. Given the size of investment in the 2015 concepts, it is worthwhile considering whether a smaller scale facility can meet the needs of the arts community and which is more achievable.

The 2018 Theatre Feasibility Study can consider different construction and operating options not explored in 2015.

The scope of work for this Theatre Feasibility Study will include:

- Assess the viability of a smaller, shorter-term (i.e. 5-10 year) facility including operating considerations
- Assess Torquay Sport and Recreation Centre condition and suitability for repurposing
- Assess value and suitability of Torquay Theatre Troupe assets
- Assess different operating models
- Revisit capital and operating costs
- Develop funding strategy
- Assess options to stage the development
- Revisit any other relevant developments (e.g. industry guidelines) that impact 2015 assumptions/conclusions.

This work should commence as soon as practicable and the findings should be the subject of a future Council report. It is important to note that Council may need other information from strategic work such as the Social Infrastructure Strategy and Economic Development Strategy to finalise its decision on the short and longer term use of the Torquay Sport and Recreation Centre.

#### **Financial Implications**

Council has included \$30,000 in the 2018-19 budget to undertake the Theatre Feasibility Study. The project will be managed within Council's project management framework.

The 2015 study proposed two multi-million dollar concepts which will be difficult to achieve in the short to medium term. The 2018 Theatre Feasibility Study may be able to provide alternative concepts and operating models which are more achievable.

#### **Council Plan**

Theme	1 Community Wellbeing
Objective	1.1 Support people to participate in and contribute to community life
Strategy	1.1.3 Work in partnership with the community to review, update and continue to implement the heritage, arts and culture strategy
Theme	1 Community Wellbeing
Objective	1.2 Support people to be healthy and active
Strategy	Nil

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

There is no significant policy or legal implications in Council considering this report.

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

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

#### **Risk Assessment**

A risk in undertaking the Theatre Feasibility Study is it may build expectation that a facility will soon be built at the Torquay Sport and Recreation Centre. This will be managed by communicating the scope of the Theatre Feasibility Study directly with community arts groups including the Torquay Theatre Troupe and more broadly to the community.



### 6.3 Surf Coast Shire Theatre Feasibility Study

A further risk is Council's ability to deliver a theatre or a more permanent arts facility as it is currently not factored into long term financial plans.

#### **Social Considerations**

Participation in the arts either as a creator or an audience member creates opportunities for individuals to connect with others in their community and enjoy the health benefits this brings.

The health benefits of arts participation are well documented. Arts participation improves mental health by decreasing stress, anxiety and depression through reducing social isolation and increasing social and community connections, (Cuypers et al. 2011). Research has also found links between arts participation, increased longevity, better health (Bygren et al. 1996), and higher life satisfaction (Cuypers et al. 2011).

Improving the provision of arts facilities will improve access to the arts for our community which will enhance social and health outcomes in the community.

#### **Community Engagement**

The Theatre Feasibility Study will establish reference group which will include invited community arts representatives to provide input into the study.

The basis for the Theatre Feasibility Study was the work done in 2015 which received almost 400 contributions during the community consultation with a majority of these coming from those involved or interested in the arts. General community input was gained through listening posts at community events.

#### **Environmental Implications**

There are no significant environmental implications in considering this report.

#### **Communication**

Inclusion of this project in the 2018-19 budget has already been communicated directly to the Torquay Theatre Troupe and more broadly to the community via Council communication channels and the local media.

A communication and engagement plan will be developed for the project to communicate key milestones to a variety of audiences.

#### **Options**

##### Option 1 – Deliver the Theatre Feasibility Study as soon as possible as scoped in this report

This option is recommended by officers as it builds on the work done by Council in 2015 and considers the future needs and suggestions of the arts community in assessing the feasibility of a theatre in Torquay.

##### Option 2 – Deliver the Theatre Feasibility Study as soon as possible with a different scope

This option is not recommended by officers as this would not advance the work done in 2015 and would not take into account the needs and suggestions of the arts community.

##### Option 3 – Deliver the Theatre Feasibility Study later after the Social Infrastructure and Economic Development Strategies are completed

This option is not recommended by officers as it would unnecessarily delay the project and have a negative effect on Council being well placed to understand future financial implications and potential funding opportunities.

#### **Conclusion**

The 2015 Arts Space Feasibility study provided Council with sound advice and concepts with substantial estimated costs for a dedicated arts facility. The finding in 2015 that Council is undersupplied with arts facilities for communities of our size along with community input on this subject provides a compelling reason to continue to explore how Council can deliver an important community asset.

Council need to understand more information in the Torquay Feasibility Study such as; the condition of the Torquay Sport and Recreation Centre, alternative construction concepts, different operating models and potential partnerships with community groups.

Commencing this work now will provide more information to Council to help with the decision of the short and longer term future use of the Torquay Sport and Recreation Centre.

#### 6.4 Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, Year Two Action Plan

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

**Department:** Governance & Risk      **File No:** F16/396

**Division:** Governance & Infrastructure      **Trim No:** IC18/974

**Appendix:**

1. Council Plan (incorporating the Health and Wellbeing Plan) 2017- 21, Year Two Action Plan (D18/60540)

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

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

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

#### Purpose

The purpose of this report is to seek Council's endorsement of the proposed year two action plan to deliver the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21.

#### Summary

Council has a statutory obligation to maintain key strategic planning documents including the Council Plan, Health and Wellbeing Plan and Municipal Strategic Statement.

The Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014 provide the planning and accountability framework for Council to the community and inform statutory performance reporting requirements.

An endorsed action plan to deliver key strategic planning documents enables appropriate consideration of resource requirements, informs operational work plans, increases Council's transparency and accountability to the community and informs community focussed performance reporting processes.

#### Recommendation

That Council:

1. Endorses the 2018-19 action plan to deliver on the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 as at Appendix 1.
2. Notes the following:
  - 2.1 That the action plan will form the basis of organisational work plans.
  - 2.2 That reports against the strategic indicators included in the following statutory plans and regulations will be provided to Council at six monthly intervals.
  - 2.3 That the December year-to-date report will be presented to Council at the Ordinary meeting of Council in February 2019.
  - 2.4 That the end of year report will be presented to Council at the Ordinary meeting of Council in September 2019 and incorporated into the Annual Report.
  - 2.5 That key actions to deliver the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 will be communicated to the public through a variety of channels including the Mayor's Column, Council's social media accounts and the quarterly newsletter "Groundswell".

#### 6.4 Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, Year Two Action Plan

##### **Council Resolution**

##### **MOVED Cr Heather Wellington, Seconded Cr Margot Smith**

That Council:

1. Endorses the 2018-19 action plan to deliver on the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 as at Appendix 1.
2. Notes the following:
  - 2.1 That the action plan will form the basis of organisational work plans.
  - 2.2 That reports against the strategic indicators included in the following statutory plans and regulations will be provided to Council at six monthly intervals.
  - 2.3 That the December year-to-date report will be presented to Council at the Ordinary meeting of Council in February 2019.
  - 2.4 That the end of year report will be presented to Council at the Ordinary meeting of Council in September 2019 and incorporated into the Annual Report.
  - 2.5 That key actions to deliver the Council Plan (incorporating the Health and Wellbeing Plan) 2017-21 will be communicated to the public through a variety of channels including the Mayor's Column, Council's social media accounts and the quarterly newsletter "Groundswell".

CARRIED 8:0

## 6.4 Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, Year Two Action Plan

### **Report**

#### ***Background***

The Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014 provide the planning and accountability framework for Council to the community and inform statutory performance reporting requirements.

In addition to statutory reporting requirements, in recent years Council have considered an annual action plan developed by officers to deliver on both the Council Plan and Health and Wellbeing Plans.

The endorsed action plans have then been used to inform organisational work plans and performance reporting to the community.

#### ***Discussion***

The Local Government (Performance and Reporting) Regulations 2014 require that Council can demonstrate compliance with its Council Plan reporting requirements as follows:

1. Governance and Management Checklist Item 17
  - a. Council Plan reporting (report reviewing the performance of the Council against the Council Plan, including the results in relation to the strategic indicators for the first six months of the financial year, together with dates.
2. The report of operations section of the Annual Report must contain:
  - a. A statement that reviews the performance of the Council against the Council Plan, including results achieved in relation to the strategic indicators including in the Council Plan under section 125(2)(c) of the Act.
3. The Public Health and Wellbeing Act 2008 does not specify any reporting requirements against the Health and Wellbeing Plan. Current practice is that performance is reported to Council on a quarterly basis also, consistent with Council Plan reporting.

In addition to statutory reporting requirements, Council has established a practice of developing and endorsing an annual action plan to deliver the Council Plan and Health and Wellbeing Plan. These action plans have been used as the basis of organisational work plans, and performance reporting to the community in a variety of ways including the Mayors Column and quarterly newsletter "Groundswell".

In June 2017 Council integrated the Council and Health and Wellbeing Plans to form the "Council Plan (incorporating the Health and Wellbeing Plan) 2017-21" (hereafter referred to as the "Council Plan").

Council's endorsement of annual action plans provides a transparent and accountable reporting framework for staff and the community.

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

Actions to deliver the Council Plan in year two of the plan have been funded by the budget for 2018-19. Action plans for year's three and four of the Council Plan will be development in conjunction with annual budgets.

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

Theme	5 High Performing Council
Objective	5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy	Nil

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

Statutory reporting requirements are contained in the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2015.

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

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

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

A stronger emphasis on organisational performance reporting structures increases the likelihood that Council adopted plans and strategies will be delivered.

## 6.4 Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, Year Two Action Plan

### ***Social Considerations***

The proposed action plan supports enhanced community engagement in Council's performance reporting against key strategic plans.

### ***Community Engagement***

Not applicable.

### ***Environmental Implications***

Not applicable.

### ***Communication***

Progress in delivering the Council Plan will be reported to the community in a variety of ways including Council reports, the Mayors Column and the quarterly "Groundswell" newsletter.

### ***Options***

#### Option 1 – Reject action plan

This option is not recommended by officers. It is important that Council provides staff and the community with an endorsed annual action plan confirming Council priorities.

#### Option 2 – Modify plan

This option is not recommended by officers. There has already been considerable engagement with staff during the development of this plan to ensure that the actions are realistic and deliverable. Further delays in adoption of an annual action plan will impact on the ability of staff to deliver the plan during 2018-19.

#### Option 3 – Endorse annual action plan

This option is recommended by officers as it will provide clear direction to staff and the community on the outcomes Council has prioritised for delivery in 2018-19.

### ***Conclusion***

Action planning to deliver on key strategic documents is an important element of Council's performance reporting framework.

While Council have statutory requirements to report against key strategic plans, there is a broader opportunity to engage the community in the annual action planning process to strengthen community understanding of Council priorities.

The proposed recommendations are designed to support statutory requirements and enhance greater engagement in Council's performance reporting.

**6.4 Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, Year Two Action Plan**

**APPENDIX 1 COUNCIL PLAN (INCORPORATING THE HEALTH AND WELLBEING PLAN) 2017- 21,  
YEAR TWO ACTION PLAN**

**Council Plan (incorporating the Health and Wellbeing Plan) 2017 – 2021  
Year Two Action Plan**

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
<b>COMMUNITY WELLBEING</b>			
Support people to participate in and contribute to community life	1	Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations	Develop a community development action plan that includes internal mapping, development of a framework and policy.
			Continue to identify, implement and evaluate opportunities for community to be involved in project governance groups.
			Develop a monitoring and evaluation framework that aligns to the community development framework.
			Present Community Project Proposal Master List to Council on a quarterly basis to determine priority projects for feasibility investigation.
			Release an online annual small grants program in September and March
	2	Facilitate and support high levels of volunteering in the community	Identify how Council can strengthen volunteering in the community and implement findings
			Develop and implement processes to achieve National Standards in volunteering.
	3	Work in partnership with the community to review, update and continue to implement the heritage, arts and culture strategy	Review, update and adopt new Heritage, Arts and Culture strategy
			Implement new Heritage, Arts and Culture strategy
			Undertake further feasibility work on a Surf Coast Shire theatre space
Pursue funding opportunities for the Winchelsea Walk of Honour project			
		Continue to deliver a pop up art space	
Support people to be healthy and active	4	Develop and implement local programs to support Healthy Eating and Active Living	Pilot the implementation of healthy eating priorities identified in the G21 Regional Healthier Eating and Active Living Workplan in a select number of early years settings.
			Develop a policy and implement program changes to support healthy eating at Winchelsea pool.

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
			Work with Leisure Networks and G21 to increase girls' and women's physical activity across the region.
	5	Implement health and wellbeing impact assessments as part of infrastructure and project planning	No action year two
	6	Develop and implement an alcohol, tobacco and drug strategy based on local evidence and best practice	Investigate alcohol, tobacco and drug issues and develop an action plan.
	7	Reinforce policies to manage electronic gaming machines	Review the Gaming Policy as part of the comprehensive planning scheme review
Improve community safety	8	Understand community safety issues and needs, and design an appropriate local response	Implement community safety consultation plan and produce a findings report.
	9	Continue to build community resilience to prepare for emergencies	Work collaboratively with other agencies to delivery community engagement activities and other programs that help the community prepare for, respond to and recover from high risk emergencies.
Provide support for people in need	10	Work in partnership with community and agencies to improve young people and their families' access to the services and support they need	Monitor and evaluate the activation of the Kurrambee Myaring Community Centre and Youth Pod in improving access to services and support. Implement Engage and FReeZA initiatives to support the social connection and resilience of young people. Develop and implement an Early Years Strategy. Develop and implement a Youth Development Strategy
	11	Pursue Age Friendly City status	Develop and implement an action plan arising from the Positive Ageing Service Review including establishing the process for achieving Age Friendly City status.
	12	Contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children in the G21 region	Identify and implement opportunities to support the prevention of violence against women that aligns to G21 Prevention of Violence Against Women Strategy.



Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
	13	Implement the Accessible and Inclusive Surf Coast Shire Strategic Plan	Deliver a program of access improvements in existing Council buildings
<b>ENVIRONMENTAL LEADERSHIP</b>			
Drive the use of renewable energy	14	Implement the Renewable Energy Roadmap	Work with the community, businesses and relevant organisations to deliver the priority Roadmap actions.
	15	Support the work of the Renewable Energy Taskforce	Facilitate the Renewable Energy Task Force in accordance with the approved Terms of Reference and regularly report progress to Council.
Improve the re-use of resources	16	Develop and implement organic waste diversion pilot program	Develop a plan for implementing the preferred food diversion, including audits, location(s), consultation
			Implement a trial kerbside food diversion program
	17	Develop and implement a waste reduction program to increase the life of the landfill	Work with contractors to recycle e-waste
			Encourage discussion about use of recycled materials in projects and associated procurement approach as part of project charter development
			Continue to collect data from project managers on extent of recycled materials used in projects as part of monthly Program Status Report data collection.
			Develop and implement waste education initiatives for community and business to reduce waste and increase recycling compliance
	18	Review and expand Plastic Wise Program	Continue to ensure markets and events are transitioning away from single use plastics.
Develop an action plan to transition away from single use plastics in sporting clubs.			
Support local groups championing the transition away from single use plastics.			
19	Work in partnership with relevant stakeholders to investigate the feasibility of recycled water to support agriculture in the Thompson Valley and other rural areas	Maintain quarterly meetings with Barwon Water to discuss project opportunities.	

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
Support local food production	20	Develop and implement a local food program in partnership with community	Develop and implement waste education initiatives for community and business to reduce waste and increase recycling compliance
Retain and enhance rural land for appropriate and sustainable uses	21	Finalise and implement the Rural Hinterland Strategy	Complete Hinterland Futures Strategy Implement Hinterland Futures Strategy action plan
	22	Develop partnerships to better manage interfaces between public and private land	Continue to work with Landcare, community groups, private landholders & local businesses on weed & rabbit management and revegetation work
	23	Effectively manage pests, plants and animals on Council land	Develop a new Council Pest Plant & Animal Strategy and implement Council's Rabbit Management Policy
<b>BALANCING GROWTH</b>			
Ensure infrastructure is in place to support existing communities and provide for growth	24	Advocate for better public transport, including buses, and investigate the provision of community transport and transport connections	Utilising existing processes to investigate the needs and barriers of isolated and vulnerable community members in accessing public transport.
			Strengthen representation of Council needs through the G21 Transport Pillar priorities and action plan review
			Advocate for better public transport by delivering actions in Council's Advocacy Program
	25	Explore the potential public transport link to Torquay and the level of rail service on the Warrnambool line	Participate in State Government planning for transit corridor to Torquay
			Advocate for improved levels of service on the Warrnambool line
			Leverage advocacy effort for public transport and transit corridor via the G21 Transport Pillar
	26	Conduct a review of the existing pathway strategy and implement recommendations	Conduct a biennial review of Council's Pathway Strategy.
27	Ensure appropriate funding mechanisms are in place to support future growth including developer contributions	Implement the Torquay/ Jan Juc Development Contributions Plan (DCP) review and develop a Development Contributions Plan / Infrastructure Contributions Plan for Spring Creek Urban Growth Area.	

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
	28	Work with the community and stakeholders to implement the Anglesea Futures program	Provide input and support community engagement into development of the Implementation Framework for the Land Use Plan
	29	Advocate for supporting infrastructure	Implement actions in Council's Advocacy Program to advocate for supporting infrastructure.
			Complete the Stribling Change rooms Design project.
			Complete the Spring Creek Netball Pavilion Upgrade project.
			Implement the Winchelsea Netball Pavilion Upgrade project.
			Lead the G21 Regional Hockey Strategy development.
			Implement the Surf Coast Multi-purpose Indoor Stadium Project.
			Implement the Yuurrock Soccer Pitch Project at Banyul Warri Fields.
			Implement the Anderson Roadknight Reserve Masterplan Project.
			Support the implementation of key Surf Life Saving Club developments at Jan Juc and Anglesea and the Anglesea Motor Yacht Club.
Initiate a precinct planning approach to open space planning.			
Strengthen township boundaries and support unique township character	30	Work with the community to identify and define desired town footprints and ensure that Township Structure Plans reflect this	Implement the recommendations of the Strengthening Town Boundaries discussion paper.
	31	Encourage in-fill development and direct growth to designated areas	No action year two
	32	Develop a communications strategy to explain the implications of living in different planning zones	No action year two

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire	33	Advance a Winchelsea and Moriac Development Program	Complete an investigation into a Development Contributions Plan for Winchelsea.
	34	Advance a strategic plan for Lorne	Develop a new structure plan for Lorne that includes economic, social and place making aspects.
	35	Conduct an impact analysis of Torquay's growth including Armstrong Creek	Complete a project charter for a study into the impacts of population growth in and near to Torquay and identify strategic priorities to ensure balanced outcomes.
			Complete a Torquay and Jan Juc Social Infrastructure needs study
36	Explore the impact of increased traffic on the road network including inland transport routes	Complete a biennial review of traffic volumes on key roads in the local road network and review against adopted strategies and plans to ensure that strategic priorities are correct	
<b>VIBRANT ECONOMY</b>			
Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community	37	Support and build capability of businesses and business / tourism groups	Negotiate new funding agreement with Great Ocean Road Tourism.
			Complete an annual Business Survey with trader groups and report on findings by June each year/.
	38	Investigate how the strategic road network impacts on commercial transport	Compare the Hinterland Strategy and the Strategic Road Network Plan to ensure that key infrastructure has been identified and planned for
			Ensure the currency of the priorities identified in Strategic Road Network Plans on an annual basis to assist in understanding commercial priorities
39	Facilitate and enable stronger relationships between industry and education	Investigate a graduate program, traineeships or apprenticeships at Council	
40	Plan for industrial and commercial zones in growing communities	No action year two	
Facilitate high quality events throughout the year	41	Further develop diverse, major and signature events, communication and promotion program	Finalise the Surf Coast Events Policy
			Release an annual funding program to support events in Surf Coast Shire

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
			Facilitate high quality events in collaboration with key stakeholders including Cadel Evans Great Ocean Road Race, Rip Curl Pro, Surf Coast Century, Amy Grand Fondo, Falls Festival, Aireys Open Mic Etc.
			Conduct an annual promotion of the key environmental, economic & social benefits of events
Strengthen the vitality of town centres	42	Identify and support the economic and social drivers of town centres within the shire	Implement the Torquay Town Centre urban design project.
			Implement an annual township landscape beautification program.
Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses	43	Work with key stakeholders to encourage visitors to stay longer and spend more in the shire	Participate in the Visitor Servicing Project, led by Great Ocean Road Regional Tourism.
			Work with Great Ocean Road Regional Tourism (GORRT) to enhance digital platforms to effectively market the regions
			Explore the feasibility of walking trails in and around the Painkalac Valley.
			Develop a Surf Coast Trails Network Concept Plan
	44	Develop and implement an industry development and attraction program	Complete an Economic Development & Tourism Strategy.
			Develop a regular series of workshops to assist key industry sectors i.e. marketing, business security, exports etc.
			Implement Planning actions from Hinterland Futures Strategy
	45	Advocate for and drive the Great Ocean Road visitor economy	Advocate for the Great Ocean Road visitor economy in Council's advocacy program by implementing actions in Council's advocacy program
			Continue to promote the Great Ocean Road Visitor Economy as a regional priority through regional advocacy opportunities
	46	Develop and implement an agribusiness strategy	Implement agribusiness actions from Hinterland Futures Strategy and G21 Agribusiness Strategy as relevant to Surf Coast Shire

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
<b>HIGH PERFORMING COUNCIL</b>			
Ensure Council is financially sustainable and has the capability to deliver strategic objectives	47	Establish long-term financial principles and incorporate into the long-term financial plan	Review outcomes of the Local Government Act changes and establish key planning principles to inform the long-term financial plan
	48	Develop and implement an organisational capability and capacity program	Implement the People & Culture strategy
	49	Develop innovative funding partnerships with community, business and government	Identify examples of public/private partnerships undertaken by other Councils or public authorities and present an overview to Council.
	50	Build on relationships with agencies and key stakeholders for the benefit of the community	Strengthen existing and identify and formalise new partnerships with relevant organisations Partner with Deakin University to support a PhD student to investigate the visitor economy
Ensure that Council decision-making is balanced and transparent and the community is involved and informed	51	Prepare for Local Government Act review recommendations	Assess the implications of the revised Local Government Act, consult with relevant stakeholders and develop plans for implementation.
	52	Evolve our community engagement approach to inform strategic Council direction and decision-making	Include deliberative community engagement processes in key strategic processes and decisions.
			Strengthen and extend Councillor and executive stakeholder group meetings
53	Use technology to make Council decision-making more accessible	Investigate costs and benefits of live streaming Council meetings	
Provide quality customer service that is convenient, efficient, timely and responsive	54	Implement Digital Transformation Program, including opportunities for customer self-service	Continue to implement online planning applications
	55	Investigate the feasibility of a certified quality system	No action year two
	56	Improve how we manage customer requests and complaints	Provide a new function for customers to lodge requests for service online
Publish a dashboard report of customer request and complaints handling performance			

Strategic Objective	Strategy No.	Strategy Description (What we will do - actions / programs )	Year 2 Action
	57	Continued reforms in statutory planning service delivery	No action year two
	58	Further update and implement a customer service strategy	Review and update Customer Service strategy.
			Implement new Customer Service strategy
Ensure the community has access to the services they need	59	Review Council-delivered services to ensure they are of high quality and delivering best value	Present annual Business Improvement Program to Council for endorsement.
	60	Conduct service reviews to identify best service delivery model	Deliver Council endorsed annual Business Improvement Program
	61	Advocate for services that are best delivered by others	Advocate for other agencies or levels of governments to deliver services and infrastructure that are best delivered by them by implementing actions in the Council's Advocacy Program.
			Continue to implement State Election Advocacy Program
62	Review arrangements for governance of the coast	Participate in Victorian Government review of governance arrangements on the Surf Coast.	

Cr Libby Coker declared a direct conflict of interest in Items 6.5 Quarterly Advocacy Priorities Update - July 2018 under Section 77A of the Local Government Act 1989. The nature of the interest being Cr Libby Coker is the Labour Candidate for Corangamite in the upcoming State Government election.

Cr Libby Coker left the meeting at 7:38pm.

## 6.5 Quarterly Advocacy Priorities Update - July 2018

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

**General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F18/854

**Division:** Culture & Community

**Trim No:** IC18/1027

### Appendix:

1. Advocacy Priorities - July 2018 (D18/86624)

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

#### Status:

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to affirm Council's advocacy priorities.

### Summary

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

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

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

The State Election will be held on 24 November 2018. Council identified State Election priorities in July 2017 to effectively communicate priorities to key politicians and advisors in the lead up to the election. The election priorities have been refined since that time taking into account Council's adopted commitments to projects and policy positions.

This quarterly update includes additional projects; Mt Moriac Reserve Female Facilities Upgrade, Mt Moriac Reserve AFL Lighting and Drainage Upgrade, Ellimatta Reserve Sports Lighting Upgrade and the Cape Otway / Winchelsea Deans Marsh Road Intersection. The report proposes the inclusion of a policy priority for increased support to Council's 'Good Times Great Breaks' program. Community projects that have been prioritised by Council through the Community Project Development program remain in the program with some project updates since the last quarterly report. State politician and election candidate interest in smaller projects is expected as the election approaches.

This quarterly report proposes the Torquay Multipurpose Stadium and Torquay Soccer Facilities are removed as they recently received significant Federal Government funding and they are now live projects.



## 6.5 Quarterly Advocacy Priorities Update - July 2018

### Recommendation

That Council:

1. Confirms the current strategic advocacy priorities (with associated projects detailed in Appendix 1) as:
  - 1.1 Great Ocean Road Visitor Economy.
  - 1.2 Towards Environmental Leadership.
  - 1.3 Building our Future.
  - 1.4 Key Policy Campaigns.
  - 1.5 Community and Partner-Led Priorities including the Community Project Development program.
2. Adopts the revised State Election priorities as detailed in Appendix 1.

### Council Resolution

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

That Council:

1. Confirms the current strategic advocacy priorities (with associated projects detailed in Appendix 1) as:
  - 1.1 Great Ocean Road Visitor Economy.
  - 1.2 Towards Environmental Leadership.
  - 1.3 Building our Future.
  - 1.4 Key Policy Campaigns.
  - 1.5 Community and Partner-Led Priorities including the Community Project Development program.
2. Adopts the revised State Election priorities as detailed in Appendix 1.

CARRIED 7:0

Cr Libby Coker returned to the meeting at 7:40pm

## 6.5 Quarterly Advocacy Priorities Update - July 2018

### Report

#### **Background**

Council is reliant on the actions of other levels of government to achieve its objectives which means advocacy is a critically important activity. Likewise, other levels of government are often reliant on partnerships with Council to achieve their objectives.

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

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

Affirming advocacy priorities each quarter prepares Council to capitalise on many opportunities. The State Election will be held on 24 November 2018 and this brings a significant opportunity to gain support for Council priorities. It is also an opportunity to deepen understanding of how Surf Coast Shire can achieve government and opposition parties' objectives.

A Federal Election will be held prior to mid-2019 and could be called earlier. Regularly affirming advocacy priorities positions Surf Coast Shire well in preparation for this Federal Election.

Other advocacy opportunities include frequent funding rounds and regular meetings with Ministers, Members of Parliament and election candidates. This constant advocacy schedule requires planning and pre-work for major proposals including well developed business cases, project plans and grant applications.

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

The development of Council's advocacy priorities has included research into policy platforms of each of the major parties to increase likelihood of support.

Focussing Council's advocacy efforts on defined, key projects and issues does not diminish the importance of other projects and activities. They will be progressed through advocacy opportunities including but not limited to; meetings and conversations with politicians, advisors and government staff, advocating through the MAV and Australian Local Government Association (ALGA) and active representation at the G21 Regional Alliance.

#### **Discussion**

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

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

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

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

## 6.5 Quarterly Advocacy Priorities Update - July 2018

A number of key projects sit within each strategic advocacy priority (more project information is in Appendix 1). The 2018 State Election Advocacy Program includes priorities which are aligned with government and opposition policies, contribute to the long term sustainability of Surf Coast Shire and are significant for the community and environment.

This report seeks to clearly identify State Election Priorities based on Council having an allocated financial commitment to a project or there is a policy or time imperative to achieve an outcome. Project specific changes to the State Election Advocacy Program from the last quarter are detailed later in the discussion section.

### Great Ocean Road Visitor Economy - **State Election Priorities**

Shipwreck Coast Master Plan (Partner led)	Growing Adventure Tourism – Surf Coast Trails
Winchelsea River Loop Walk and Memorial	Point Grey Redevelopment Lorne (Partner-led)

### Great Ocean Road Visitor Economy - **Long-Term Priorities**

Continued investment in Great Ocean Road renewal	Alcoa Site Regeneration - Anglesea
Great Ocean Road Gateway Experience	Walk the Painkalac

### Towards Environmental Leadership – **State Election Priorities**

N/A

### Towards Environmental Leadership – **Long Term Priorities**

Hinterland Futures	Thompson Valley Feasibility and Investment Prospectus
Strengthening Town Boundaries (policy)	

### Building our Future - **State Election Priorities**

Stribling Reserve Redevelopment	Horseshoe Bend Road Upgrade
Torquay Town Centre Place Making	Mt Moriac Reserve Female Facilities Upgrade
Mt Moriac Reserve AFL Lighting and Drainage Upgrade	Ellimatta Reserve Sports Lighting Upgrade

### Building our Future – **Long-Term Priorities**

Torquay Walking and Cycling Connections	Improved Phone and Internet Coverage
Cape Otway / Winchelsea Deans Marsh Road Intersection	

### Key Policy Campaigns

Retaining Funding for Council's Rural Access program.

Public transport improvements to include:

- Rerouting a V/Line service from Bellbrae more directly to Waurin Ponds and the addition of a V/Line service on the Great Ocean Road.
- Surf Coast Shire inclusion in future planning.

## 6.5 Quarterly Advocacy Priorities Update - July 2018

Continued coastal agency and Great Ocean Road governance coordination.

Sustainable future for emergency services.

Kinder funding for 15 hours access to continue.

State Government responsibility for the 'Good Times Great Breaks' program

Council has completed investigations on over 40 community project proposals and currently has eight projects recommended to progress to a funding strategy. Sourcing external funding for these projects will help deliver them so they are important additions to Council's advocacy program.

### Community and Partner-Led Priorities

- Barwon Park Fire Protection - Led by the National Trust
- Anglesea Motor Yacht Club Upgrade – Led by Anglesea Motor Yacht Club.

### PROJECTS IN COUNCIL'S COMMUNITY DEVELOPMENT PROGRAM

- Ellimatta Reserve / Anglesea Netball Club Additional Car Park
- Anglesea Mens Shed – repurpose and refit 2 storage spaces
- Deep Creek Reserve Tennis Court multi-use area
- Mt Moriac Reserve Oval 1 net behind goals
- Torquay Nautical Rise Linear Reserve Indigenous Edible Garden
- Torquay Quay Reserve Public Toilet
- Torquay Great Ocean Views Reserve Activation
- Deans Marsh Priority Pathways #1

The State Election Advocacy Program may evolve during 2018 in response to the policies of the major parties, the emergence of community led projects and financial allocations to other projects.

### Recent advocacy developments

The Mayor and Surf Coast Shire Chief Executive Officer have continued to meet with local politicians and Ministers to advance support for Council's priorities. Officers continue to liaise with the advisors and office staff of politicians. Surf Coast Shire continues to be an active member of G21 and is represented on all G21 Pillars.

The State Budget was announced in May and \$153 million was included for the Geelong City Deal, funding major visitor and tourism attraction initiatives, including the Shipwreck Coast Masterplan and Geelong Convention and Exhibition Centre.

A City Deal will help to deliver new jobs and make the area an ever better place to live and work. Areas of focus will include improved transport links in the region, ensuring the Great Ocean Road reaches its full potential, revitalising the Geelong city centre and supporting innovation and the growth of knowledge industries. Council and our partners are waiting to hear whether the Federal Government will announce funding to this important initiative.

The Mayor and Chief Executive Officer joined a G21 delegation to Canberra in May to advance the region's advocacy priorities including Shipwreck Coast Masterplan, the Great Ocean Road Visitor Economy, waste and renewable energy. Meetings were held with 15 Ministers and Shadow Ministers.

The Mayor and Chief Executive Officer attended the Australian Local Government Association National Assembly in June which had a focus on the upcoming Federal Election and an opportunity to vote on motions affecting local government.

Council received a major funding announcement in July with the Federal Government providing \$5 million to the Torquay Multipurpose Stadium and \$360,500 to the Torquay Soccer Facilities from the Building Better Regions fund.

## 6.5 Quarterly Advocacy Priorities Update - July 2018

The table below summaries other project specific activities undertaken for the quarter:

Point Grey Redevelopment - Lorne	Council has been working closely with Great Ocean Road Coastal Committee (GORCC) on design function and scope and planning the advocacy strategy. Council is considering a request received from GORRC to contribute funding to this project at tonight's Council meeting.
Growing Adventure Tourism – Surf Coast Trails	Council received notification that it was unsuccessful in securing \$100,000 from the Federal Government's Building Better Regions Fund.
Multipurpose Indoor Stadium - Torquay	The Federal Government announced in July that Council is receiving \$5 million from the Building Better Regions Fund. This is on top of the previously announced \$3 million from the State Government making this a live project
Torquay Soccer Facilities	The Federal Government announced in July that Council is receiving \$360,500 from the Building Better Regions Fund. This is on top of the \$100,000 previously announced from the State Government making this a live project.
Stribling Reserve Redevelopment- Lorne	Detailed design work for the change facilities progressed during the quarter and will extend into much of 2018.
Ellimatta Reserve Lights Upgrade - Anglesea	Council submitted a \$100,000 funding application to Sport and Recreation Victoria's Country Football Netball Grants in April.
Public transport improvements	Officers met with Transport for Victoria and community members to discuss options and community feedback on re-routing services. More conversations are required.
Mt Moriac Reserve Female Facilities Upgrade	Council submitted a \$400,000 funding application to Sport and Recreation Victoria's Female Friendly Facilities Fund in June
Mt Moriac Reserve AFL Lighting and Drainage Upgrade	Council submitted a \$250,000 funding application to Sport and Recreation Victoria's Community Sports Infrastructure Fund in June
Winchelsea River Loop Walk and Memorial Cairns	Council submitted a \$110,000 funding application to the Federal Government's Saluting Their Service Major Commemorations Fund in July.

### Changes to the advocacy program

#### *Ellimatta Reserve Lights Upgrade – Anglesea – NEW*

This project will upgrade the existing sports lighting system and infrastructure on the sports oval.

#### *Mt Moriac Reserve Female Facilities Upgrade – NEW*

This project includes increased storage, female change facilities and amenities, event space/function room, increased viewing areas, DDA compliant shower & toilet amenities, kitchen facilities and first aid area. The project includes an upgrade the netball lighting system to meet Australian Standards for competition (200lux) to all three courts.

#### *Mt Moriac Reserve AFL Lighting and Drainage Upgrade - NEW*

This project includes the upgrade of the existing sports lighting system and infrastructure on oval 1 and the installation of a drainage system on oval 2 at Mt Moriac Reserve.

#### *Cape Otway / Winchelsea Deans Marsh Road Intersection – NEW*

This project aims to improve the safety of the intersection by constructing a roundabout to reduce the incidence of cross intersection crashes.

#### *Torquay Town Centre – AMENDMENT*

Council adopted the Torquay Town Centre Urban Design Framework in December 2017 which outlines concepts for streetscape, lighting, sculpture elements; play elements, street and footpath improvements. Delivering these elements will transform the town centre and help grow the Great Ocean Road Visitor Economy and Build for our Future. This advocacy priority has been amended from the last quarter report to change the scope of works needed and includes items such as Gilbert Street beautification and intersection upgrades resulting in an increase in costs to an estimated \$6 million.

## 6.5 Quarterly Advocacy Priorities Update - July 2018

Council's contribution to this priority is the subject of a separate Council report in this meeting agenda.

### *Winchelsea River Loop Walk and Memorial Cairns – AMMENDMENT*

Council has updated project costings and total cost has increased from \$830,000 to \$880,000. Council included \$50,000 in the 2018/19 budget which increases Council's total contribution to \$180,000.

### *Multipurpose Indoor Stadium – Torquay and Torquay Soccer Facilities - REMOVE*

The Federal Government announced in July that Council is receiving \$5 million for the Multipurpose stadium and \$360,500 from the Building Better Regions Fund making these live projects.

### **Financial Implications**

This quarterly update seeks to provide greater certainty and clarity about which State Election priorities have a confirmed Council financial commitment already in place. The details are included in Appendix 1.

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

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

### **Council Plan**

Theme 5 High Performing Council  
Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives  
Strategy 5.1.4 Build on relationships with agencies and key stakeholders for the benefit of the community

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

### **Policy/Legal Implications**

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

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

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

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

### **Risk Assessment**

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

### **Social Considerations**

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

### **Community Engagement**

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

### **Environmental Implications**

Council is committed to being an environmental leader and this is evident in the current advocacy priority – Towards Environmental Leadership.

## 6.5 Quarterly Advocacy Priorities Update - July 2018

### **Communication**

The Advocacy Priorities will be communicated via Council's communication channels and media reporting is likely to communicate to the wider community of Council's priorities.

Council will update the Advocacy Program including the State Election Priorities on a quarterly basis at ordinary Council meetings until November 2018.

### **Options**

#### Option 1 – Affirm the proposed Advocacy priorities

This option is recommended by officers as the priorities are Council deliverables and support many objectives and policy positions of the State and Federal Governments. The strategic priorities - Great Ocean Road Visitor Economy, Environmental Leadership and Building for our Future - support delivery of objectives in the Council Plan 2017-21 and have proven to be a consistent and understandable narrative for discussions with Governments and political figures in opposition. Affirming these priorities regularly provides transparency and currency which helps when communicating with other levels of government and the community.

#### Option 2 – Alter the projects in the Advocacy program

This option is not recommended by officers as each project is proposed on the basis of its contribution to delivering on the Council Plan 2017-21.

#### Option 3 – Do not adopt an Advocacy program

This option is not recommended as Council is highly reliant on the actions of other levels of government to achieve its objectives which means advocacy is a critically important activity. The absence of a transparently agreed advocacy program with clearly articulated priorities will reduce Council's chances of attracting support, likely as a result of inconsistent messaging about Council's most important priorities.

### **Conclusion**

Updating and affirming advocacy priorities regularly and implementing actions to gain support gives Council the best chance of advocacy success. The State and Federal Elections will take place in 2018 and before mid 2019 respectively so it essential that Council is well prepared to advocate to governments and parties in opposition in the lead up to these elections.

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

**6.5 Quarterly Advocacy Priorities Update - July 2018**


**APPENDIX 1 ADVOCACY PRIORITIES - JULY 2018**







## 6.5 Quarterly Advocacy Priorities Update - July 2018




### Appendix 1 – Project Information – Surf Coast Shire Advocacy Priorities – July 2018

#### COUNCIL-LED PRIORITIES



 - State Election Priority  
DCP = Developer Contributions Plan

Project	Description	Project Cost	Council Contribution
<b>GREAT OCEAN ROAD VISITOR ECONOMY - State Election Priorities</b>			
 Shipwreck Coast Master Plan (Partner led priority)	Advocate on behalf of partner organisations to gain support for the implementation of the Shipwreck Coast Masterplan and improve visitor connections to Surf Coast Shire. Increasing visitation along the Great Ocean Road will benefit all of its communities and the region's economy.	\$174,000,000	Nil - Partner Led
 Growing Adventure Tourism – Surf Coast Trails	Complete the enhancement of the existing Surf Coast Walk to enable dual use by pedestrians and cyclists. Feasibility and design of Stage 2 of the Surf Coast Walk to extend the current trail from Fairhaven to Cumberland River.	\$210,000	\$100,000
 Winchelsea River Loop Walk and Memorial Cairns	This project will connect Winchelsea with pathways along the beautiful Barwon River and provide a new pedestrian bridge. The 'Walk of Honour' will continue to recognise men and women who have served Australia in conflicts by delivering memorials to compliment the current World War 1 Cairn. The pathways, decking and boardwalks will support Winchelsea's growing economy by attracting visitors and will provide better connections for the community.	\$880,000	\$180,000
 Point Grey Redevelopment Lorne (Partner led priority)	A Great Ocean Road Coastal Committee (GORCC) project to deliver new and improved community infrastructure and facilities including: Redeveloping two existing buildings, including: <ul style="list-style-type: none"> <li>• Stand-alone aquatic and angling clubroom</li> <li>• Improvement to public open spaces</li> <li>• New picnic and BBQ areas</li> </ul>	\$6,000,000	Nil - Partner Led
<b>GREAT OCEAN ROAD VISITOR ECONOMY - Long-Term Priorities</b>			
Continued investment in Great Ocean Road renewal	Previous announcements from the State and Federal governments to invest in renewing the Great Ocean Road will support the 5 million visitors per year. Funding needs to continue in road renewal to ensure it meets visitor expectation for future years.	As required	Not required. Govt infrastructure
Great Ocean Road Gateway Experience	Creating a 'must do' destination at the beginning of the Great Ocean Road to frame and influence the visitor journey along the Great Ocean Road. This would be achieved through combination of various elements, including: <ul style="list-style-type: none"> <li>• A Great Ocean Road Gateway experience</li> <li>• An enhanced Australian National Surfing Museum</li> <li>• A visitor transit hub and visitor centre</li> </ul>	TBC	\$50,000

## 6.5 Quarterly Advocacy Priorities Update - July 2018



Project	Description	Project Cost	Council Contribution
Alcoa Site Regeneration – Anglesea	Consultation on the future use of the Alcoa site in Anglesea is continuing. Council is pursuing positive environmental and community outcomes for the site consistent with community aspirations put forward through the consultation.	TBC	TBC
Walk the Painkalac	This project is aligned with the Great Ocean Road Visitor Economy. This project proposes establishing a nature-based walking experience that is a unique offering on Great Ocean Road. Feasibility and business case investigation is required and there is potential for this project to become an advocacy project later in 2018.	\$1.5 - 2 million	TBC
<b>TOWARDS ENVIRONMENTAL LEADERSHIP - Long Term Priorities</b>			
Hinterland Futures	Capitalising on new opportunities in Surf Coast Shire's beautiful and productive hinterland through local food, niche tourism and agricultural exports.	TBC	TBC
Thompson Valley Feasibility and Investment Prospectus	This project explores the feasibility of the use of recycled water in the Thompson Valley area. It will consider aspects such as soil quality, water quality, required infrastructure land availability and market sounding.	\$250,000	TBC
Strengthening Town Boundaries	Current town boundaries are capable of accommodating forecast population growth and retain township character. Residential and other urban development will occur within defined settlement boundaries. Surf Coast shire seeks government policies which support Council's land use planning.	Nil	Policy Support
<b>BUILDING OUR FUTURE - State Election Priorities</b>			
 Stribling Reserve Redevelopment	Completing reserve redevelopment by upgrading male and female change facilities to enable more use for local sport and community events. The project will enhance the capability of the reserve to play a key role in emergency management.	\$1,220,000	TBC
 Horseshoe Bend Rd Upgrade	This project will widen Horseshoe Bend Road from South Beach Road to Blackgate Road to provide a sealed shoulder on each side which will improve vehicle and cycle use.	\$1,650,000	\$1,225,000
 Torquay Town Centre	Improving central Torquay through streetscape works, Gilbert Street Beautification and intersection upgrades. Delivering these elements would transform the town centre and help grow the Great Ocean Road Visitor Economy and Build for our Future.	\$6 million	TBC
 Mt Moriac Reserve Female Facilities Upgrade	This project includes increased storage, female change facilities and amenities, event space/function room, increased viewing areas, DDA compliant shower & toilet amenities, kitchen facilities and first aid area.  The project includes an upgrade the netball lighting system to meet Australian Standards for competition (200lux) to all three courts.	\$1,000,000	\$550,000  \$50,000 community contribution

## 6.5 Quarterly Advocacy Priorities Update - July 2018





Project	Description	Project Cost	Council Contribution
 Mt Moriac Reserve AFL Lighting and Drainage Upgrade	This project includes the upgrade of the existing sports lighting system and infrastructure on oval 1 and the installation of a drainage system on oval 2 at Mt Moriac Reserve.	\$550,000	\$275,000  \$25,000 - Modewarre FNC
 Ellimatta Reserve Sports Lighting Upgrade	This project will upgrade the existing sports lighting system and infrastructure on the sports oval.	\$272,000	\$157,000  \$15,000 – Anglesea FNC
<b>BUILDING OUR FUTURE – Long-Term Priorities</b>			
Torquay Walking and Cycling Connections (DCP project)	Investing in walking and bike paths will help keep the Surf Coast community an active community and enhance our reputation as a home for major events such as the Cadel Evans Road Race.	\$2,600,000	\$600,000
Cape Otway / Winchelsea Deans Marsh Road Intersection	This project aims to improve the safety of the intersection by constructing a roundabout to reduce the incidence of cross intersection crashes.	\$5,000,000	TBC
Improved Phone and Internet Coverage	Mobile towers are needed in Surf Coast Shire to improve mobile and internet coverage. There is a particular focus on equitable access to the nbn services where towers do not cover all households in a particular location. Due to the topography of the Surf Coast Shire, mobile and internet coverage is poor in many places. Even the larger towns experience poor reception.	Federal Government infrastructure	Not required. Govt infrastructure

N.B. - Projects in DCPs are contractual commitments and Council has a funding obligation to deliver these projects.

### KEY POLICY CAMPAIGNS

Policy	Description
 Retaining Funding for Councils for Rural Access programs.	Funding of Rural Access programs in councils is not guaranteed beyond 30 June 2018. Funding will transition from the Victorian Department of Health and Human Services (DHHS) to the National Disability Insurance Scheme (NDIS). Council will advocate that this funding is retained in the NDIS so councils can continue to improve access and inclusion.
 Public transport improvements to include:	
<ul style="list-style-type: none"> <li>Investment from the State Government to reroute a V/Line service from Bellbrae directly to Waurn Ponds and the future addition of a V/Line service from Surf Coast Shire to Waurn Ponds</li> <li>Surf Coast Shire to be included in future planning</li> </ul>	<p>Council will advocate that the State Government invest in rerouting a Great Ocean Road bus service to run more directly from Bellbrae to Waurn Ponds to help improve travel efficiency people in Surf Coast Shire. Longer term, Council seeks the State Government invest in additional, more direct services into Geelong from Surf Coast Shire.</p> <p>Council will advocate to be included by other levels of government in future public transport planning.</p>

## 6.5 Quarterly Advocacy Priorities Update - July 2018

	Coastal agency and Great Ocean Road Governance coordination.	Many agencies have coastal management responsibilities in Victoria. Council will advocate for better coordination between these agencies to deliver better outcomes for the community and environment. Council strongly encourages the State government to go further to address complexity, clarify roles and responsibilities, promote shared services and reduce or remove inefficiencies in coastal land management. Council will advocate for clearer governance and institutional arrangements for management of the Great Ocean Road.
	Sustainable future for emergency services.	Council will advocate that emergency services (SES, Marine Rescue, and Surf Life Saving) in Victoria are funded adequately by the State Government.
	Kinder funding for 15 hours access to continue.	Seeking support from the Victorian Government to deliver its commitment to make Victoria the Education State by advocating to the Federal Government for ongoing funding for 15 hours of kindergarten. Council will support the MAV advocacy campaign to strengthen local government's voice with the federal government.
	State Government responsibility for 'Good Times Great Breaks'.	'Good Times Great Breaks' is a program to support the safety of young people celebrating the end of secondary school. This is currently funded by the State Government in several municipalities. The State Government taking responsibility to run these programs will create efficiencies and deliver better outcomes for young people.

### PRIORITIES DEVELOPED BY COMMUNITY AND PARTNERS

Project	Description
Barwon Park Fire Protection	Establishing water supply and fire protection systems to protect this heritage and economic asset.
Anglesea Motor Yacht Club Upgrade	Extend & renovate existing clubrooms to better serve the needs of the increased club membership and other community groups, including the addition of a lift for disabled access.
PROJECTS IN COUNCIL'S COMMUNITY DEVELOPMENT PROGRAM	
Ellimatta Reserve / Anglesea Netball Club Additional Car Park	Design of a new car park south of the Anglesea Netball courts to accommodate demand for car parking within the reserve and to address cars having to park outside of the reserve on either side of Ellimatta Rd.
Anglesea Mens Shed – repurpose and refit 2 storage spaces	This project will reconfigure storage areas, extend community room, creating private meeting space and relocate welding area.
Deep Creek Reserve Tennis Court multi-use area	Additional activities to be included on the 2 asphalt community tennis courts at Deep Creek Reserve to complement the adjacent play space.
Mt Moriac Reserve Oval 1 net behind goals	Supply and installation of barrier netting behind football goal posts at Mt Moriac Reserve to address safety of participants, spectators and vehicles accessing the reserve and for training and game day functionality.
Torquay Nautical Rise Linear Reserve Indigenous Edible Garden	Activation and redevelopment of Torquay Nautical Rise Linear Reserve as a unique indigenous edible orchard garden.
Torquay Quay Reserve Public Toilet	A unisex accessible public toilet facility at the popular Quay Recreation Reserve to support the range of organised and casual use of the various reserve facilities. The toilet facility would be an extension to the Quay Reserve pavilion and would be open 24/7.
Torquay Great Ocean Views Reserve Activation	Activate the site to encourage greater use and social connections. The community are testing some ideas with park neighbours / users via a meet and greet / door knock but seek some seed funding for works that may be developed further in future.
Deans Marsh Priority Pathways #1	Realising community benefits through 3km pathway loop in Deans Marsh of which .65km is existing and 2.35km would be new to improve safety, recreation and social connections.

## 6.6 Council Complaints Handling Report: January to June 2018

**Author's Title:** Customer Experience Coordinator      **General Manager:** Chris Pike  
**Department:** Community Relations      **File No:** F18/254  
**Division:** Culture & Community      **Trim No:** IC18/899

**Appendix:**

Nil

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

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

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

### Purpose

The purpose of this report is to present information on complaints received for the period 1 January to 30 June 2018.

### Summary

Council's Complaints Policy outlines an open and transparent complaint handling system to ensure all complaints are handled fairly and objectively.

Council is committed to resolving complaints in a timely manner, recognises people's right to complain and analyses complaint data to find ways to improve.

The policy commits that a report on complaints performance will be prepared to Council twice a year. The Complaints Policy and Management Procedure outline complaint performance indicators.

This report contains performance on these indicators for the period of 1 January to 30 June 2018.

In the period Council received 14 complaints. During this time officers also recorded 6654 requests for service from customers through the Authority software system, also known as CRMs. Authority handles a significant number of customer requests, but not all and so the number of customer interactions is much higher.

### Recommendation

That Council receives and notes the complaints report for the period of 1 January to 30 June 2018.

### Council Resolution

**MOVED Cr Heather Wellington, Seconded Cr Clive Goldsworthy**

That Council receives and notes the complaints report for the period of 1 January to 30 June 2018.

CARRIED 8:0

## 6.6 Council Complaints Handling Report: January to June 2018

### Report

#### **Background**

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

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

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

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

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

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

#### 1. Commitment

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

#### 2. Accessibility

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

#### 3. Transparency

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

#### 4. Objectivity and fairness

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

#### 5. Confidentiality

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

#### 6. Accountability

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

#### 7. Continuous Improvement

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

#### **Discussion**

The performance report is based on the indicators outlined in Complaints Policy and Management Procedure for the period of 1 January to 30 June 2018:

- 14 complaints received from customers, of these:
  - 7 were upheld
  - 3 were partially upheld
  - 2 were not upheld
  - 2 are still under investigation
- There was an average 10 day response time to complaint investigations.
- No complaints fell beyond the target response time.
- There are recommended changes to services as a result of complaints.
- No internal complaint reviews were conducted.

## 6.6 Council Complaints Handling Report: January to June 2018

- A total of 11 complaints were registered with the Victorian Ombudsman's office (note: these complaints are not necessarily complaints that have been previously registered with Council, nor are they automatically investigated or actioned by the Victorian Ombudsman's office).
- No complaints registered with the Ombudsman have resulted in the Ombudsman issuing a proposal for action to Council for the period.

It is important to note a complaint must be investigated by a Council before it will be considered for investigation by the Victorian Ombudsman. A complaint may be recorded with the Victorian Ombudsman (and included in the annual data), even if the only action was to direct the complainant to lodge their complaint with the Council for investigation.

In the January-June period Council recorded 6654 requests for service from customers through the Authority software system, also known as CRMs. Authority handles a significant number of customer requests, but not all. In the same period Council received 14 complaints.

The complaints received fell under the themes of:

- Not happy with works undertaken
- Not happy with the service
- Staff behaviour
- Concerns with process

The following remedies were offered:

- Acknowledgements and apologies
- Supplementary works conducted

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

Officers have identified the following improvement opportunities from the complaints investigated in the period:

- Correction of staff performance
- Staff training
- Reviewing and improving clarity of customer response times.

### Financial Implications

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

### Council Plan

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

### Policy/Legal Implications

No policy or legal implications arising from this report.

### Officer Direct or Indirect Interest

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

### Risk Assessment

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

### Social Considerations

There are no significant social considerations arising from this report.

## **6.6 Council Complaints Handling Report: January to June 2018**

### **Community Engagement**

There was no dedicated community engagement in developing this report. The report is the result of customers engaging with Council by registering their complaint.

### **Environmental Implications**

There are no environmental implications arising from this report.

### **Communication**

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

### **Options**

#### Option 1 – Council receive and note the complaints handling report.

This option is recommended by officers as the complaints handling report is a commitment from the Complaints Policy and describes complaint handling performance from 1 January to 30 June 2018. The analysis of complaints offers insights and opportunities for improvement.

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

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

### **Conclusion**

This report includes Council's performance against the measures identified in Council's Complaints Policy. The report identifies three service improvements based on the complaints received for the period 1 January to 30 June 2018. This bi-annual report will continue to report performance, and identify service improvements to provide a better experience in the future for our customers.



## 6.7 Deans Marsh Memorial Park Committee of Management – Request to Change Name

**Author's Title:** Recreation Development Officer      **General Manager:** Chris Pike  
**Department:** Recreation & Open Space Planning      **File No:** F12/1066  
**Division:** Culture & Community      **Trim No:** IC18/912

### Appendix:

1. Deans Marsh COM - May 2018 Meeting Minutes (name change request highlighted) (D18/85354)
2. Instrument of Delegation - Deans Marsh Community Hall and Memorial Reserve Committee of Management - July 2018 (D18/86343)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

### Status:

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

Yes

No

Reason: Nil

### Purpose

The purpose of this report is to consider changing the name of the Deans Marsh Memorial Park Committee of Management to the Deans Marsh Community Hall and Memorial Reserve Committee of Management.

### Summary

The Deans Marsh Memorial Park Committee of Management wish to change its name to better reflect its current purpose and responsibilities, and create consistency in naming conventions both within Council and for use in the community.

The current name of the Committee being Deans Marsh Memorial Park doesn't specifically mention the hall or the recreation reserve. These facilities are the most prominent and utilised within the Memorial Park.

Changing the Committee name to the Deans Marsh Community Hall and Memorial Reserve Committee of Management will acknowledge these facilities while also retaining the memorial aspect of the current name.

### Recommendation

That Council:

1. Endorses the request from the Deans Marsh Memorial Park Committee of Management to change its name to the Deans Marsh Community Hall and Memorial Reserve Committee of Management.
2. Adopts the updated Instrument of Delegation for the Deans Marsh Community Hall and Memorial Reserve Committee of Management as attached at Appendix 2.
3. Authorises the Chief Executive Officer to sign the Instrument of Delegation on behalf of Council.

### Council Resolution

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

That Council:

1. Endorses the request from the Deans Marsh Memorial Park Committee of Management to change its name to the Deans Marsh Community Hall and Memorial Reserve Committee of Management.
2. Adopts the updated Instrument of Delegation for the Deans Marsh Community Hall and Memorial Reserve Committee of Management as attached at Appendix 2.
3. Authorises the Chief Executive Officer to sign the Instrument of Delegation on behalf of Council.

CARRIED 8:0

## **6.7 Deans Marsh Memorial Park Committee of Management – Request to Change Name**

### **Report**

#### ***Background***

At the Deans Marsh Memorial Park Committee of Management meeting held on 24 May 2018 a motion was carried to formalise the official name of the Committee from the Deans Marsh Memorial Park Committee of Management to the Deans Marsh Community Hall and Memorial Reserve Committee of Management (refer Appendix 1). The aim of the motion is to achieve two key outcomes:

1. Be more reflective of its current purpose and responsibilities.
2. Ensure consistency in naming conventions both within Council and for use in the community.

#### ***Discussion***

The discussion at the Committee meeting held 24 May 2018 and in previous correspondence was that the current name of the Committee doesn't specifically mention the hall or the recreation reserve. These facilities are the most prominent and utilised within the Memorial Park.

The name change will acknowledge these facilities while also ensuring retention of the memorial aspect of the current name.

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

There are no financial implications for Council.

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

Theme 1 Community Wellbeing  
Objective 1.1 Support people to participate in and contribute to community life  
Strategy 1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations

Theme 1 Community Wellbeing  
Objective 1.1 Support people to participate in and contribute to community life  
Strategy 1.1.2 Facilitate and support high levels of volunteering in the community

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

The Instrument of Delegation will need to be updated and adopted by Council. Naming conventions within Council will need to be changed to ensure consistency.

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

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

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

The Committee is representative of the community and officers suggest that there is no risk of dissatisfaction from the broader community to the proposed name change.

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

Council provides support and advice to Special Committees to establish a supportive partnership with open and effective lines of communication. Participation in the operation of Section 86 Committees provides an opportunity for community members to contribute to community capacity building and strengthen community involvement. A name that reflects the purpose and responsibilities of the current Committee is important.

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

Committees of Management are established to enable the community to engage and participate in the management of community assets. The capacity of a Committee of Management is enhanced by having a broad range of members who work together in a cohesive fashion. The membership of this Committee is drawn from the district through both community and user group representatives.

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

There are no known environmental issues or implications with the proposed name change.

#### ***Communication***

Communication on this matter will be directly with the committee.

## **6.7 Deans Marsh Memorial Park Committee of Management – Request to Change Name**

### ***Options***

#### Option 1 – Endorse the name change

This option is recommended by officers as it supports the Committees motion and is a better reflection of its current purpose and responsibilities.

#### Option 2 – Do not endorse the name change

This option is not recommended by officers as it is the opposite of the outcome that the Committee are seeking.


### ***Conclusion***

The Deans Marsh Memorial Park Committee of Management wish to change its name to the Deans Marsh Community Hall and Memorial Reserve Committee of Management to better reflect its current purpose and responsibilities, and create consistency in naming conventions both within Council and for use in the community.

**6.7 Deans Marsh Memorial Park Committee of Management – Request to Change Name**

**APPENDIX 1 DEANS MARSH COM - MAY 2018 MEETING MINUTES (NAME CHANGE REQUEST HIGHLIGHTED)**

**6.7 Deans Marsh Memorial Park Committee of Management – Request to Change Name**

	<p><b>COMMITTEE:</b> DEANS MARSH <b>PRESENT:</b> Sandra, Mark, Tony, Fran, Paul <b>APOLOGIES:</b> Tom, Lisa and Clive <b>VISITORS:</b></p>	<p><b>DATE:</b> 24/05/2018 <b>TIME:</b> 6.30pm <b>VENUE:</b> Deans Marsh Hall</p>
<p><b>Adoption of previous minutes</b></p>	<p>Moved Fran Seconded Mark</p>	
<p><b>Conflict of Interest Declaration</b></p>		
<p><b>Business Arising from previous minutes</b></p>	<p>To be discussed at General Business</p>	
<p><b>OHS</b></p>		
<p><b>Correspondence In</b></p>	<p>Nil</p>	
<p><b>Correspondence Out</b></p>	<p>Nil</p>	
<p><b>Treasurers Report</b></p>	<p>Opening Balance Feb. 2018 \$10,555.44 Received: \$2142.50 Payments: \$\$3198.97 Closing Balance \$ 9498.97 Tony moved Mark seconded that we accept the Treasurers report.</p>	
<p><b>Booking Officer Report</b></p>	<p>Louise Brown has booked the Hall for June 20<sup>th</sup>. Fran to complete booking form for \$30 hire. Wedding booked for 2019 [ weekend before the Festival] \$550</p>	
<p><b>User Groups Report</b></p>	<ul style="list-style-type: none"> <li>• Tony tabled the Curtain Mural Report. Fran thanked Tony for all his work toward this wonderful asset to the Hall.</li> </ul>	
<p><b>Shire Report</b></p>	<ul style="list-style-type: none"> <li>• Fence renewal program. The front fence along the road is to be replaced, along with all gates . Similar to tennis court fence , black coated and 900 mils high with top and bottom rail. Paul to request the contractor to roll up and leave the old fence for Sandra Dempsey to collect. This includes the turnstyle.</li> <li>• Reminder that Working With Childrens and Police Checks are to be done by end of June. Paul will help anyone needing assistance.</li> </ul>	

**6.7 Deans Marsh Memorial Park Committee of Management – Request to Change Name**

	<ul style="list-style-type: none"> <li>• For the Cottage rep to be on the Committee they need to put an expression of interest into Shire [Paul] . [As Bec has not left and Lisa is in an acting position, we will leave this until later in the year.]</li> <li>• Shire have not heard from Heath Smith about what he needs to do to go on their books [as our emergency electrician] Sandra to notify Heath to remind him.</li> <li>• Paul is working through the hire form that we use . Sending a draft soon.</li> <li>• Program Maintenance and CRM report still to come.</li> <li>• Paul will send the Key Register for us to check who has keys for the buildings.</li> </ul>
<b>General Business</b>	<ul style="list-style-type: none"> <li>• Name of the Committee was discussed as we are called different names by different departments in the Shire, Bank and Auditors. Fran moved, Tony seconded that we formalize our official name to be known hereafter as “ The Deans Marsh Community Hall and Memorial Reserve” . Paul will follow through with this if needed with the Shire.</li> <li>• Discussion re the Routine Maintenance Agreement. Should it be routine and emergency maintenance? Moved Sandra and seconded Fran that it be emergency maintenance ONLY and that we continue to work toward having a local plumber and electrician registered with the Shire to call on in the case of an emergency.</li> <li>• Sandra to contact Wazza re water bought prior to Festival so that he can be paid.</li> <li>• Tony to add GST to Fees document. Fran to type up and submit to Council.</li> <li>• Sub committee with someone from the Hall and Cottage to look at a proposal to Council to add some power points in the Hall and look at outside needs for reserve.</li> <li>• Ramp up date. Shire have a quote to remove the ramp. We are looking to see if anyone locally wants the landfill. Sandra to contact Sam Smith to see if he wants it. If he does, he will deal directly with Shire and if he does not want it , Fran will let Paul know and ask for its removal.</li> <li>• Committee do not want any new planting at the front of the Cottage and Hall entrance.</li> <li>• Fran to make a CRM re dead plants around the reserve to have them pulled out.</li> <li>• The Footy Shed has been cleaned since the end of the Cricket Season. Tony to invoice Cricket Club when he receives and account from Deb [ cleaner]</li> </ul>
<b>Notice of Motions to Council</b>	<ul style="list-style-type: none"> <li>• Power subsidy:Hall committee and Deans Marsh Cottage request that the Shire look at the possibility of subsidising our Power account. Moved Tony seconded Sandra.</li> </ul>

**6.7 Deans Marsh Memorial Park Committee of Management – Request to Change Name**

<b><i>Next Meeting</i></b>	<b>February, May, August, November</b>

SURF COAST SHIRE SECTON 86 SPEIAL COMMITTEE AGENDA/MINUTES TEMPLATE

**6.7 Deans Marsh Memorial Park Committee of Management – Request to Change Name**

**APPENDIX 2 INSTRUMENT OF DELEGATION - DEANS MARSH COMMUNITY HALL AND MEMORIAL RESERVE COMMITTEE OF MANAGEMENT - JULY 2018**





## INSTRUMENT OF DELEGATION

### DEANS MARSH COMMUNITY HALL AND MEMORIAL RESERVE COMMITTEE OF MANAGEMENT - July 2018

#### 1. **GENERAL:**

##### 1.1 Powers

In exercise of the power conferred by Section 86(3) of the Local Government Act 1989 ("The Act"), the Surf Coast Shire Council delegates to the Special Committee (known as the **Deans Marsh Community Hall and Memorial 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 24 July 2018; and

1.1.2 The delegation

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

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

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

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

#### 2. **DEFINITIONS:**

2.1 "The Special Committee" shall mean the **Deans Marsh Community Hall and Memorial 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 **Deans Marsh Community Hall and Memorial Reserve** and as highlighted on the attached plan.

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

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

- 3.1 Act as an advisory and liaison body between the Council and the community which use the Facility.
- 3.2 Encourage public interest and maximise involvement and participation of the community in the development of the Facility.
- 3.3 To ensure a wide range of community, cultural and entertainment programs to give residents a choice of leisure-time activities.
- 3.4 To ensure the effective financial control of the Facility to meet the Council's and Special Committee's objectives.
- 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:
    - actively promoting its use.
    - 4.2.2 assisting the community and user groups to access the facilities.
    - 4.2.3 ensuring users maintain the facilities in accordance with their user agreements.
    - 4.2.4 monitoring the physical condition of all precinct assets, ensuring they are generally maintained in a safe condition and are fit for purpose.
    - 4.2.5 working with council officers on asset maintenance and development plans.
    - 4.2.6 implementing and maintaining a simple technology-based financial management system.
    - 4.2.7 raising funds and soliciting and receiving donations.
- 4.3 Recommend to Council on the development of future capital works and the provision of future facilities and amenities to the Facility.
- 4.4 The Special Committee shall not carry out or authorise any capital works, extensions, additions or materially alter the buildings or surrounds without prior approval from the Council.
- 4.5 Authority to seek advice, assistance and expertise as is necessary for the proper and efficient management of the Facility within the constraints of the budget and including the ability to invite persons to the meetings of the Special Committee as observers or advisers. *(Note: Special Committee meetings must be open to the public).*
- 4.6 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 Publicise and promote interest in the Facility.
- 4.12 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.
- 4.13 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.
- 4.14 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.
- 4.15 To promptly report to the Council via the Customer Request Maintenance (CRM) system 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.
- 4.16 To undertake or arrange for maintenance in respect of the Facility under the management of the Special Committee as outlined in **Appendix 1**.
- 4.17 Conduct an asset register audit for contents and equipment to be submitted to Council in February of each year. Any equipment or contents that are purchased by the Special Committee are required to be documented on Council's Asset register.

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.
- 5.2 Submit a recommended fees and charges summary to Council for consideration prior to 30 November each year. Upon approval Council will include this summary in its adopted schedule of fees for the following financial year.
- 5.3 To open an account in the name of a Special Committee, funds must be deposited in an institution that meets the following guidelines:
  - It is an authorised deposit-taking institution as stipulated in s143(c) of the Local Government Act with a registered ABN and a Regional office in Australia.
  - Is a deposit-taking institution, whether bank, credit union, or building society, that is covered by the Australian Commonwealth Government's bank deposit guarantee and is eligible to use the following seal below.
  - The deposit taking institution shall only remain in the following range of credit ratings published by Standard & Poors Rating Services at all times:  
Short Term Ratings  
A-1  
A-2  
Long-term ratings  
AAA  
AA



- 5.4 All monies received from hire fees, rental and charges associated with the management of the Facility shall be retained by the Special Committee. All monies received by the Special Committee shall be applied to the maintenance, operations and improvements of the Facility and any other expenses which may be incurred by the Special Committee in its management of the Facility.
- 5.5 The financial year shall be from 1 July to 30 June and all accounting functions shall conform to the requirements of Australian Accounting Standards, the Local Government Act 1989 and relevant regulations.
- 5.6 The Special Committee member elected as Secretary/Treasurer shall present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the designated meeting of the Special Committee.
- 5.7 All monies received on behalf of the Special Committee shall be banked within fourteen (14) days of receipt.
- 5.8 The Special Committee may enter into supplier/service contracts 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 pay from funds received the cost of minor maintenance, electricity, water charges or gas used, honorariums, petty cash and secretarial expenses as the Special Committee determines.
- 5.11 The Special Committee shall have the power to hold or sponsor fundraising activities subject to written Council approval
- 5.12 All monies received by the Special Committee shall be paid promptly into a bank account in the Special Committee's name and amounts shall only be drawn from that account on the signature of any two of the following office bearers:  
Chairperson  
Secretary  
Treasurer
- 5.13 The Special Committee shall forward to Council an Annual Statement of Accounts for audit purposes bearing the Auditor's Certificates. The Chairperson shall be responsible for ensuring that the report is lodged with Council by 31 October each year prior to the Special Committees Annual General Meeting.

**6. MEMBERSHIP:**

- 6.1 The Special Committee shall comprise up to nine (9) members, appointed by Council resolution as per below.
- 6.2 Community representatives who must be residents of the Surf Coast Shire (unless otherwise approved by Council).
- 6.3 The appointment of the 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 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.
- 6.4 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
  - Demonstrated Local Knowledge
  - Community Interest or Involvement.
- 6.5 It is also highly desirable that the skills mentioned above in 6.4 are possessed by the Office Holders for the following positions:
- Chairperson
  - Secretary
  - Treasurer
- 6.6 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.
- 6.7 A Special Committee member who is absent from three (3) consecutive committee meetings without approval by the Special Committee shall forfeit their membership.
- 6.8 Any vacancy caused by the resignation of a Committee representative, shall only be filled by Council via an expression of interest process. Any new member(s) nominated by the Committee must be endorsed by Council Resolution.
- 6.9 A Council Officer will liaise with the Committee and attend meetings as requested. A Council Officer will attend the Special Committee AGM each year.
- 6.10 Any new Committee members will be required to undertake a Police check and working with children check in accordance with Victorian Government Child Safe Standards Legislation
- 6.11 Each new Committee member is required to undertake governance training with Council within 6 weeks of their membership being endorsed by Council.

**7. MEETINGS:**

**7.1 Meetings**

- 7.1.1 The Special Committee shall hold at least four (4) meetings during the year on such dates as the Chairperson appoints.
- 7.1.2 The Secretary shall give reasonable notice of all meetings by distributing a notice of the meeting to all members at least seven (7) clear days prior to the meeting.
- 7.1.3 At the Committee AGM Office Bearers will be elected to the positions of Chairperson, Secretary, Treasurer and other positions determined by the Special Committee as being necessary for the efficient functioning of the Committee. At this meeting the Special Committee will also receive 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 upon receiving from any three members of the Special Committee a written request that such a meeting be called. The notice by the Chairperson or the request by the three Special Committee members shall contain a statement of the purpose of the meeting. The meeting will be held on such dates and at such time as fixed by the Chairperson.
- 7.2.2 In cases where the Chairperson calls a meeting in response to a request, the meeting shall be held within 21 days of receiving such request. The Chairperson shall arrange for notice of the meeting to be given to all Special Committee members. No other business shall be transacted at that meeting except that specified in the Notice.
- 7.2.3 Council must be informed of any Special Committee meetings. Minutes must be distributed within 14 days and must be formally endorsed at the next Committee meeting.

## 7.3 Meeting Procedures

All relevant requirements of the Local Government Act 1989 and Council's Local Law No. 2 – Council Meeting Procedures and Common Seal must be adhered to including:

- 7.3.1 The quorum at any Special Committee meeting shall be a majority of members of the Special Committee (ie half of the Committee members, plus one).
- 7.3.2 The Chairperson shall take the Chair at all meetings at which the Chair is present. If the Chair is absent the members present may appoint one of their numbers to chair the meeting.
- 7.3.3 Minutes shall be kept of the proceedings at all meetings and after confirmation shall be signed by the Chairperson of the meeting at which they are confirmed. Copies of minutes will be circulated and forwarded to Council within fourteen (14) days of the meeting.
- 7.3.4 If a member of the Special Committee has a conflict of interest in any matter in which the Special Committee is concerned, the member must disclose the nature of that interest at the meeting at which the matter is discussed. The member must leave the room in which the meeting is being held during discussion or voting on the matter. The minutes must record the conflict of interest and the time the member left and returned to the meeting.
- 7.3.5 Any meeting or special meeting of the Special Committee must be open to members of the public.
- 7.3.6 The Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:
  - 7.3.6.1 Contractual matters.
  - 7.3.6.2 Proposed development.
  - 7.3.6.3 Legal advice.
  - 7.3.6.4 Matters affecting the security of Council property.
  - 7.3.6.5 Any other matters which the Special Committee considers would prejudice the Council or any person.
  - 7.3.6.6 A resolution to close the meeting to members of the public.
- 7.3.7 If the Special Committee resolves to close the meeting to the public, the reason must be recorded in the minutes of the meeting.
- 7.3.8 A motion before a meeting of the Committee is to be determined as follows:
  - 7.3.8.1 Each member of the Special Committee who is entitled to vote is allowed one vote.
  - 7.3.8.2 The question is determined in the affirmative by a majority of the members of the Special Committee present at a meeting at the time the vote is taken voting in favour of the question.
  - 7.3.8.3 If the number of votes in favour of the question is half the number of Special Committee members present at the meeting at the time the vote is taken, the Chairperson has a second vote.
  - 7.3.8.4 Committee members may abstain from voting however the decision to do so should not be taken lightly as it could be seen as an abrogation of a Committee Member's responsibility.
  - 7.3.8.5 Unless the procedures of the Special Committee otherwise provide, voting must be by show of hands.
- 7.3.9 Any decision of the Special Committee which does not relate to a matter delegated to the Special Committee cannot be actioned until approved by Council.
- 7.3.10 In the event of any unresolved dispute arising, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.
- 7.3.11 The Special Committee may form sub-committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of this instrument of delegation, provided that no decision is made.
- 7.3.12 The Chairperson shall be an ex-officio member of all sub-committees.
- 7.3.13 Such sub-committees shall only be established by resolution of the Special Committee and shall only carry out those functions stated in such resolution.

**8. OFFICE BEARERS:**

8.1 The Special Committee shall elect the following Office Bearers:

- Chairperson
- Secretary
- Treasurer
- Bookings Officer (as required)
- Maintenance Liaison Officer (as required)
- Any other office the Committee may wish to appoint.

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

**9. INDEMNITY:**

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

**10. POWERS EXCLUDED:**

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

- 10.1.1 Enter into contracts, exceeding a value of \$5,000 p.a.
- 10.1.2 Borrow money.
- 10.1.3 Incur any banking overdraft.
- 10.1.4 Make any alterations or additions to the facility without consent of Council.

**11. TERMS OF APPOINTMENT:**

This delegation shall expire on the 26 October 2021, unless otherwise extended or revoked in writing by the Council.

**12. COMMUNICATIONS:**

Surf Coast Shire Council and **Deans Marsh Community Hall and Memorial 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 communication between the Committee and Council.

**13. REVOCATION:**

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

In accordance with the Council resolution dated 24 July 2018.

Signed on behalf of the Surf Coast Shire Council )  
by the Chief Executive Officer )  
in the presence of: )

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

\_\_\_\_\_  
Witness

**APPENDIX 1 - MAINTENANCE RESPONSIBILITY SCHEDULE FOR TENANTS OF COUNCIL OWNED OR MANAGED PROPERTY**

ITEM	LESSEE'S RESPONSIBILITY	COUNCIL'S RESPONSIBILITY
Air conditioning and/or heating & cooling appliances  (If applicable).	<ul style="list-style-type: none"> <li>• Any additional units.</li> </ul>	<ul style="list-style-type: none"> <li>• Replacement of existing units at the end of its economic life</li> <li>• Service and repair when required of all units.</li> </ul>
Building, General.	<ul style="list-style-type: none"> <li>• Determine and document any specific requests to Council for building alterations and other capital improvements.</li> <li>• Not to undertake any work unless prior written approval by Council.</li> <li>• Notify Council of any damage requiring rectification.</li> <li>• All repairs resulting from inappropriate activity by the Lessee as reasonably determined by Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure satisfactory completion of approved works.</li> <li>• Undertake works required to ensure the Premises meet appropriate standards or regulations.</li> <li>• Assess all requests submitted.</li> </ul>
Cleaning.	<ul style="list-style-type: none"> <li>• All costs of cleaning for the Premises, to ensure it is maintained in a clean &amp; hygienic state</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that reasonable standards are maintained.</li> </ul>
Ceiling, internal walls.	<ul style="list-style-type: none"> <li>• Costs of repair and replacement due to negligent damage by the Lessee.</li> <li>• Report faults to council</li> </ul>	<ul style="list-style-type: none"> <li>• Major repair and/or replacement due to structural faults/age.</li> <li>• Cost of routine repairs &amp; painting</li> </ul>
Furnishings and equipment (if applicable).	<ul style="list-style-type: none"> <li>• Repairs or replacement as required.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Curtains/Drapes/Blinds  (If applicable).	<ul style="list-style-type: none"> <li>• Report faults to council</li> </ul>	<ul style="list-style-type: none"> <li>• Periodic cleaning</li> <li>• Cost of routine repairs</li> </ul>
Electrical wiring, fittings and lights. Test & Tag compliance	<ul style="list-style-type: none"> <li>• Reimburse Council for the cost of any additions to existing lighting.</li> <li>• Supply and replacement of all light globes.</li> </ul>	<ul style="list-style-type: none"> <li>• Repair or replacement of all electrical components other than light globes.</li> <li>• Provision of electrical safety switches to switchboards.</li> <li>• Test &amp; Tag compliance</li> </ul>
Emergency Lighting.	<ul style="list-style-type: none"> <li>• Report to council</li> </ul>	<ul style="list-style-type: none"> <li>• Annual replacement of light globes.</li> <li>• Compliance inspections and annual BCA essential safety measures testing</li> <li>• All maintenance and repair as required</li> </ul>
Fire alarm system  (If installed).	<ul style="list-style-type: none"> <li>• Any costs associated with abuse by Lessee.</li> <li>• Any costs of false alarms as a result of action of the Lessee.</li> </ul>	<ul style="list-style-type: none"> <li>• Replacement of batteries to stand alone smoke detectors on a 12 monthly basis.</li> </ul>

ITEM	LESSEE'S RESPONSIBILITY	COUNCIL'S RESPONSIBILITY
Exit Doors	<ul style="list-style-type: none"> <li>Maintain a clear path of travel</li> </ul>	<ul style="list-style-type: none"> <li>Undertake 3 monthly inspections. (ESM Regulations).</li> </ul>
Emergency Exit Plans & Procedures.	<ul style="list-style-type: none"> <li>Ensure Plans &amp; procedures are known to all user groups</li> </ul>	<ul style="list-style-type: none"> <li>Provide and maintain.</li> </ul>
Fire extinguishers and other fire suppression equipment.	<ul style="list-style-type: none"> <li>Cost of fill if discharged due to misuse.</li> <li>Report defects or loss.</li> <li>Replace if stolen or lost except in the case of burglary of the Premises.</li> <li>Maintain clear access.</li> </ul>	<ul style="list-style-type: none"> <li>Additional units if assessed by Council as required...</li> <li>Replacement on expiry date.</li> <li>Service inspection and maintenance charge</li> <li>Undertake 6 monthly inspections. (ESM Regulations).</li> </ul>
Floor surfaces and coverings.	<ul style="list-style-type: none"> <li>Cleaning of all floor surfaces and coverings.</li> <li>Report faults to council</li> </ul>	<ul style="list-style-type: none"> <li>Repair and/or replacement at the end of their economic life.</li> </ul>
Flyscreens (If applicable).	<ul style="list-style-type: none"> <li>Costs of repair and replacement due to negligent damage by the Lessee.</li> </ul>	<ul style="list-style-type: none"> <li>Install fly screens if required under regulation.</li> <li>All maintenance and repair as required</li> </ul>
General joinery, doors, cupboards etc.	<ul style="list-style-type: none"> <li>Costs of repair and replacement due to negligent damage by the Lessee.</li> <li>Report faults to council</li> </ul>	<ul style="list-style-type: none"> <li>Replacement due to age, structural defect or vandalism, subject to Council assessment.</li> <li>All maintenance and repair as required.</li> </ul>
Glass & Glazing.	<ul style="list-style-type: none"> <li>Cleaning as per "Cleaning Schedule".</li> <li>Costs of repair and replacement due to negligent damage by the Lessee.</li> <li>Report faults to council</li> </ul>	<ul style="list-style-type: none"> <li>Replacement due to breakage as result of all other actions or events.</li> </ul>
Grounds and surrounds. Fencing and gates.	<ul style="list-style-type: none"> <li>Determine and document any specific requests to Council for building alterations and other capital improvements.</li> <li>Maintenance of garden hoses, sprinklers, etc...</li> </ul>	<ul style="list-style-type: none"> <li>Fencing to comply with regulatory requirements</li> <li>Remove graffiti from external areas.</li> <li>Define and oversee standards</li> <li>Major pruning (branches greater than 100mm diameter) or any tree removal</li> <li>Repair and replacement of existing pavements to pathways, driveway etc.</li> </ul>
Intercom/communication system (if installed).	<ul style="list-style-type: none"> <li>Service/maintenance charges.</li> <li>Up-grade or replacement.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Keys and locks.	<ul style="list-style-type: none"> <li><i>Site specific input</i></li> <li>Cost of replacement of lost or damaged keys.</li> <li>Cost or repair and replacement of lock if due to Lessee abuse.</li> <li>At the discretion of the Council, costs of re-keying of Premises in the event of loss of keys by Lessee.</li> <li>Replacement of lock/additional locks if required for security.</li> </ul>	<ul style="list-style-type: none"> <li>All maintenance and repair as required</li> <li>Ensure locks are on Councils key system.</li> <li>Provide 2 keys</li> </ul>



ITEM	LESSEE'S RESPONSIBILITY	COUNCIL'S RESPONSIBILITY
	<ul style="list-style-type: none"> <li>Additional keys supplied by council at users cost.</li> <li>Report to council</li> </ul>	
Daily Security of Building	<ul style="list-style-type: none"> <li>Securing of premises including locking doors and windows before leaving</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Notice Boards etc.	<ul style="list-style-type: none"> <li>Provide and maintain units.</li> <li>Locate units in locations as approved by Council.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Painting.	<ul style="list-style-type: none"> <li>Costs to re-paint internally if damage result of misuse by Lessee.</li> </ul>	<ul style="list-style-type: none"> <li>Internal and external as per council cyclic program</li> </ul>
Permanent appliances if applicable (direct wired to main switchboard) e.g.:  Dishwashers  Ovens, stoves  Exhaust fans  Ceiling fans.	<ul style="list-style-type: none"> <li>Cleaning as per "Cleaning Schedule".</li> <li>Repair and/or replace if damaged through Lessee abuse.</li> <li>Report to council</li> <li>Ensure appliances are switched off prior to vacating premises.</li> </ul>	<ul style="list-style-type: none"> <li>Repair and replace when required, subject to Council assessment.</li> <li>Additional appliances. Testing and Tagging in accordance with AS 3760</li> </ul>
Plumbing.	<ul style="list-style-type: none"> <li>Report to council</li> <li>Trade Waste Trap cleaning costs</li> </ul>	<ul style="list-style-type: none"> <li>Repair and replace when required, subject to Council assessment.</li> <li>Replacement of tap washers.</li> <li>Cleaning of blocked toilets and blocked property sewerage pipes</li> <li>Drainage repairs/works, including broken sewerage pipes, drains and pits.</li> </ul>
Roof, external walls, spouting and downpipes.	<ul style="list-style-type: none"> <li>Report faults to council</li> </ul>	<ul style="list-style-type: none"> <li>Repair and replace when required, subject to Council assessment...</li> <li>Gutter cleaning program</li> </ul>
Security Alarm System (If installed).	<ul style="list-style-type: none"> <li>Seek approval in writing from Council prior to installation.</li> <li>Install or replace systems.</li> <li>Meet system and operating costs.</li> <li>Manage usage of the system.</li> <li>Any calls out and service costs i.e. false alarms, misuse.</li> <li>Provide security system details to Council.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Security patrol services (at discretion of Council).	<ul style="list-style-type: none"> <li>Call out and emergency service costs.</li> </ul>	<ul style="list-style-type: none"> <li>Security patrol services</li> </ul>
Signage (Internal).	<ul style="list-style-type: none"> <li>Cleaning of all signs.</li> <li>Additional signage as required and as approved by Council.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that reasonable standards are maintained.</li> </ul>
Signage (External).	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance as per "Grounds Maintenance".</li> <li>Additional signage as required and</li> </ul>

ITEM	LESSEE'S RESPONSIBILITY	COUNCIL'S RESPONSIBILITY
		<ul style="list-style-type: none"> <li>as approved by Council.</li> <li>Initial identification signage to be provided by Council.</li> <li>Replacement or maintenance of initial signage.</li> </ul>
Skylights. (If installed).	<ul style="list-style-type: none"> <li>Report faults to council</li> </ul>	<ul style="list-style-type: none"> <li>Repairs when required,</li> </ul>
Smoke detectors.	<ul style="list-style-type: none"> <li>Change batteries 12 monthly for portable units.</li> </ul>	<ul style="list-style-type: none"> <li>Service inspection and maintenance</li> <li>Undertake 6 monthly inspections. (ESM Regulations).</li> </ul>
Telecommunications systems (fax, photocopier, telephones, printers, computers, and modems).	<ul style="list-style-type: none"> <li>Service and maintenance outgoings.</li> <li>Replacement costs.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Waste Disposal.	<ul style="list-style-type: none"> <li>As per Clause 2.4.</li> <li>Additional removal of hard rubbish above standard domestic waste service.</li> <li>Additional domestic waste handling.</li> <li>Provision of sanitary services</li> </ul>	<ul style="list-style-type: none"> <li>Provide domestic garbage and recycling service, as per standard council residential waste program</li> </ul>
White goods or equipment i.e. Refrigerator, washing machine, clothes dryer, freezer., toasters, urns, microwaves  (not supplied by council)	<ul style="list-style-type: none"> <li>Service and maintenance costs.</li> <li>Replacement costs.</li> <li>Ensure appliances are switched off prior to vacating premises</li> </ul>	<ul style="list-style-type: none"> <li>Testing and Tagging in accordance with AS 3760</li> </ul>
Utilities Charges	<ul style="list-style-type: none"> <li>All utility charges including but not restricted to water , gas, telephone, sewerage, electricity</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
Car Parks	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Repaint existing line markings</li> <li>Maintain existing surfaces in safety operational condition</li> </ul>
Bookings/Fees	<ul style="list-style-type: none"> <li>Bookings for premises</li> <li>Collection of all fees &amp; charges</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
On-Site Contractors	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Supervised by Council Nominated Officer</li> <li>Notify Community House coordinator in advanced of works commencing</li> </ul>
Food Preparation Areas /Kitchens	<ul style="list-style-type: none"> <li>Maintain food handling equipment/ area in Hygienic condition so as to comply with regulations</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
Advertising Signs	<ul style="list-style-type: none"> <li>Maintenance of advertising signs where written council approval has been given for erection</li> </ul>	<ul style="list-style-type: none"> <li>Written approval</li> </ul>

Note:-

Please report all requests for service by calling (03) 5261 0600

This will ensure recording of the details in the Surf Coast Shire Computerised Maintenance System

## 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:

- Seek to manage service delivery to meet the expectations of the community within the resources available; and
  - 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:

- Provide each new committee member with governance training within 6 weeks of their membership being endorsed by Council.
- 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 affect 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 the Recreation and Open Space Planning Department 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 Recreation and Open Space Planning Department 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 Recreation and Open Space Planning Department.

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

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

APPENDIX 3 – SITE PLAN, DEANS MARSH COMMUNITY HALL AND MEMORIAL RESERVE



Creative Writing Information  
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GDA96 supersedes the Australian Geodetic Datum 1984 (AGD84).  
Surf Coast Shire uses the Map Grid of Australia (MGA94) Zone 56 projection.

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## 6.8 Winchelsea Walk of Honour – Grant Application

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

**General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F18/903

**Division:** Culture & Community

**Trim No:** IC18/1079

**Appendix:**

Nil

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to consider submitting a funding application to the State Government's Victoria Remembers Major Grant Program for the Winchelsea Walk of Honour project.

### Summary

The Victorian Government is accepting funding applications under the Victoria Remembers Major Grant Program. The Victoria Remembers Major Grant Program is designed to support major projects which have a significant commemorative or educational benefit for Victoria's diverse community.

Council installed a World War I memorial cairn on a riverside reserve west of the Barwon River in 2016. This project will complement the first cairn by installing two new war memorial cairns at the same reserve.

Council has the opportunity to apply for funding from the Victoria Remembers Major Grant Program to complete the two cairns in the Winchelsea Walk of Honour project. This project is one of Council's advocacy priorities and this grant application is an opportunity to pursue funding to make it happen. Council has previously resolved to pursue funding via a Federal Government grant program. By applying for two separate grants Council will maximise its chances of success. If successful with the Federal Government grant application, Council will need to withdraw its application to the Victoria Remembers Major Grant Program.

Council has allocated \$50,000 in the 2018-19 budget as a contribution to the project. Total estimated project cost for the two memorial cairns is \$160,000. The maximum grant amount under the Victoria Remembers Major Grant Program is \$80,000. Council needs to allocate an additional \$30,000 to be eligible for the funding program.

### Recommendation

That Council:

1. Notes that the 2018-19 Annual Budget includes a \$50,000 allocation to the Winchelsea Walk of Honour project.
2. Allocates an additional \$30,000 from the Accumulated Unallocated Cash Reserve to increase Council's contribution to \$80,000.
3. Submits the following funding application to the Victoria Remembers Major Grant Program, for the Winchelsea Walk of Honour project – Total project cost \$160,000 consisting of \$80,000 from the Victoria Remembers Major Grant Program, and \$80,000 from Council (including project management and contingency).
4. Agrees to underwrite the total cost of the project, less the grant amount in the event that its application is successful.
5. Authorises the Chief Executive Officer to sign a funding agreement should the application be successful.

## 6.8 Winchelsea Walk of Honour – Grant Application

### Council Resolution

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

That Council:

1. Notes that the 2018-19 Annual Budget includes a \$50,000 allocation to the Winchelsea Walk of Honour project.
2. Allocates an additional \$30,000 from the Accumulated Unallocated Cash Reserve to increase Council's contribution to \$80,000.
3. Submits the following funding application to the Victoria Remembers Major Grant Program, for the Winchelsea Walk of Honour project – Total project cost \$160,000 consisting of \$80,000 from the Victoria Remembers Major Grant Program, and \$80,000 from Council (including project management and contingency).
4. Agrees to underwrite the total cost of the project, less the grant amount in the event that its application is successful.
5. Authorises the Chief Executive Officer to sign a funding agreement should the application be successful.

CARRIED 8:0

## 6.8 Winchelsea Walk of Honour – Grant Application

### Report

#### ***Background***

The installation of memorial cairns in Winchelsea has been a priority for members of the Winchelsea community for many years. The existing World War I memorial cairn was installed in 2016 after significant planning and contribution from community members. The Winchelsea RSL sub-branch and Winchelsea and District Historical Society in particular contributed to the first memorial cairn.

The existing World War I memorial cairn has three sides and stands at 3.6 meters. Each side commemorates an important piece of World War I history:

- Men and women from Winchelsea and District who served in World War I
- The first Australian Victoria Cross Recipient, Captain Albert Jacka and his 14<sup>th</sup> battalion
- All Victoria Cross recipients from World War I.

The Victoria Remembers Major Grants Program is a State Government fund which opened in June 2018 and applications are due by 27 August 2018.

Council recently completed the Winchelsea Township Beautification project with the support of Federal Government funding. The Winchelsea Walk of Honour will further enhance the beauty of central Winchelsea.

The State Government recently granted Council \$100,000 to deliver a Changing Places change and toilet facility in Winchelsea for people with high support needs. This project will be completed in 2019 and complements recently completed projects and the proposed Walk of Honour completion.

Council has also recently applied to the Federal Government's Saluting Their Service Commemorations Program for \$110,000 to fund the memorial cairns which is another potential funding opportunity to complete this project.

#### ***Discussion***

The Winchelsea Walk of Honour project is included in Council's advocacy priorities and is a high priority for members of the Winchelsea community. Winchelsea and the surrounding district has a distinguished military history and this project helps keep this history alive.

The project aligns well with the objectives of the Victoria Remembers Major Grant Program which assists projects or activities that commemorate wars, conflicts and peacekeeping operations in which Victorians have served. The Victoria Remembers Major Grant Program is designed to support major projects which have a significant commemorative or educational benefit for Victoria's diverse community.

The completion of the Winchelsea Walk of Honour project will enhance Winchelsea's identity connecting the Barwon River and the town's distinguished military.

The completion of these cairns will deliver a state and nationally significant Victoria Cross Memorial – recognising all Australian Victoria Cross recipients in all conflicts throughout history. This will create a memorial which is significant from a state or national perspective. The Victoria Cross is the pre-eminent award for acts of bravery in wartime and is Australia's highest military honour.

The Winchelsea Walk of Honour project is linked to a proposed new river loop walk which is a new two-kilometre pathway along the river with all-abilities access, an observation and fishing deck. The project will connect residents and visitors to the Barwon River and will deliver economic benefits through tourism-related business activity.

It is anticipated Council will be notified of the outcome of the application to the Federal Government's Saluting Their Service Commemorations Fund prior to the Victoria Remembers Major Grant Program. Should Council be successful in the Federal Government's Saluting Their Service Commemorations Fund, it will be necessary to withdraw the application to the Victoria Remembers Major Grant Program.

## **6.8 Winchelsea Walk of Honour – Grant Application**

### ***Financial Implications***

Council will project manage the delivery of this project and this has been considered in the total project cost.

Council has \$50,000 allocated to this project in the 2018-19 budget. The Victoria Remembers Major Grant Program has a maximum grant amount of \$80,000. The recommendation in this report includes allocating an additional \$30,000 from Accumulated Unallocated Cash reserve to increase Council's contribution to \$80,000 which is required to complete this \$160,000 project.

Council will need to fund project management and contingency for this project. Council will need to maintain and insure the assets once completed.

### ***Council Plan***

Theme 1 Community Wellbeing

Objective 1.1 Support people to participate in and contribute to community life

Strategy 1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations

Theme 4 Vibrant Economy

Objective 4.3 Strengthen the vitality of town centres

Strategy 4.3.1 Identify and support the economic and social drivers of town centres within the shire

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

There is no policy or legal implications in Council considering this report.

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

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

### ***Risk Assessment***

Officers consider the risks associated with this project are low. Cost estimates have been obtained to minimise the risk of financial overruns. Contractors provided electrical services to the site for the remaining two cairns when the first cairn was installed which simplifies the project.

One risk that will need close attention is ensuring the accuracy of information for each of the memorial cairns. Officers will dedicate adequate time to work with community members on this element of the project.

A risk of not applying to this funding round is Council would miss an opportunity to access funding from the State Government for this important project.

### ***Social Considerations***

The Winchelsea Walk of Honour will enhance Winchelsea's identity and build community members' pride in their town.

The link to the existing riverside reserve and proposed new two-kilometre loop pathway along the river will deliver recreation and health benefits for more people.

This project can improve social and economic outcomes by adding to the Winchelsea visitor experience, increasing potential for more overnight stays and increase learning about the town's rich military history.

### ***Community Engagement***

Community members have been highly engaged in the delivery of the World War I memorial cairn and they continue to plan for cairns two and three.

Officers will continue to work with groups including the Winchelsea RSL sub-branch, Winchelsea and District Historical Society and Growing Winchelsea to finalise planning and implement the project if Council is successful in gaining funding.

### ***Environmental Implications***

There are no significant environmental implications in considering this report.



## 6.8 Winchelsea Walk of Honour – Grant Application

### **Communication**

Officers will communicate Council's direction directly with the Winchelsea RSL sub-branch, Winchelsea and District Historical Society and Growing Winchelsea. Officers will communicate with community members more widely via Council's communication channels and local media.

### **Options**

Option 1 – Submit an application to the Victoria Remembers Major Grant Program as per the recommendation in this report

This option is recommended by officers as the project aligns with the funding guidelines and this is an opportunity to leverage State Government funding for this important project. Increasing Council's allocation to \$80,000 will enable the project to meet community expectation and this strengthens the application and should increase the chances of securing State Government funding.

Option 2 – Submit an application to the Victoria Remembers Major Grant Program with Council's contribution at \$50,000 as per the 2018/19 budget and adjust the scope to this budget

This option is not recommended by officers as this would necessitate a reduction in project scope which would not meet community expectation. This approach would not deliver a project that adequately commemorates the service men and women of Winchelsea and district and Australian Victoria Cross recipients.

Option 3 – Do not submit an application to the Victoria Remembers Major Grant Fund and use Council's budget allocation to either spend directly on the project now or apply for future funding rounds

This option is not recommended by officers as this would relinquish an opportunity to leverage Council's allocation to a project and secure a significant contribution from the State Government.

### **Conclusion**

The Winchelsea Walk of Honour project aligns to the guidelines of the Victoria Remembers Major Grant Program. This fund is designed to support major projects which have a significant commemorative or educational benefit for Victoria's diverse community.

The Winchelsea Walk of Honour is an important project for many community members and groups preserving the history of the town and district. It builds on the recent road upgrades and town centre beautification. It will add to the visitor experience and encourage more people to stop in Winchelsea delivering economic benefits for the town.

This project is one of Council's advocacy priorities and this grant application could attract funding to make it happen.

Council allocating additional funds to its 2018-19 budget would be an effective way to deliver a project that meets community expectation, adequately honours service men and women and increase the chances of attracting State Government investment to the Winchelsea Walk of Honour.

Cr Libby Coker declared a direct conflict of interest in Items 6.9 Torquay Town Centre Project under Section 77A of the Local Government Act 1989. The nature of the interest being Cr Libby Coker is the Labour Candidate for Corangamite in the upcoming State Government election.

Cr Libby Coker left the meeting at 7:49pm.

## 6.9 Torquay Town Centre Project

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

**General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F18/854

**Division:** Culture & Community

**Trim No:** IC18/1088

**Appendix:**

Nil

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to consider allocating funds to the Torquay Town Centre Project in order to leverage significant contributions from the state and federal governments.

### Summary

The Torquay Town Centre Urban Design Framework was adopted in December 2017 and this provides a clear vision for the Torquay Town Centre, including design principles to guide future development. This framework guides the development of the built form and 'public realm' - which includes streets, parks and other public spaces.

Regional Development Victoria (RDV) provided funding and partnered with Council to deliver the Torquay Town Centre Urban Design Framework which identified a number of improvements to streetscapes and public areas.

The projects identified in the Torquay Town Centre Urban Design Framework are an adopted Council advocacy priority. These projects will help Torquay Town Centre become a more vibrant place to be. The projects will enable a diversified economy and improved public places. Elements include:

- Streetscape beautification and way finding elements
- Intersection and pedestrian improvements
- Play and dwell spaces, sculptures and event areas
- Improved and consistent lighting.

Council officers have discussed the projects in the Torquay Town Centre Urban Design Framework with RDV representatives. Council have been encouraged to submit a significant funding expression of interest which is an initial step to pursue RDV funding for this project from the Regional Tourism Infrastructure Fund.

Funding expressions of interest and applications with RDV are more likely to be successful with a funding contribution from the applicant. Council has not allocated funds in the 2018/19 budget for this project. Given there is an opportunity to submit an expression of interest and potential future funding applications, a contribution from Council can increase the likelihood of leveraging funding from RDV and other sources for this important project.

Council is likely to record a favourable 2017-18 end of year result with an expected surplus between \$1.5 million and \$2 million. This is a logical source of Council's contribution to this project.

Council can pursue Federal Government funding in future rounds of significant funding programs such as the Building Better Regions Fund.

## 6.9 Torquay Town Centre Project

The overall cost estimate for projects in the Torquay Town Centre project is over \$12.35 million so attracting external investment now and in future years is critically important. Completing all projects in one stage is not the most viable option. Council can deliver Stage 1 of the Torquay Town Centre by packaging projects to deliver projects worth \$6 million comprising of; \$1 million from Council, \$2 million from RDV and \$3 million from the Federal Government's future Building Better Regions Fund round three.

### Recommendation

That Council:

1. Endorses a staged approach for the \$12.35 million Torquay Town Centre Project with a Stage 1 scope to comprise of Gilbert Street beautification and conversion to one way, town centre intersection upgrades, pedestrian improvements and landscaping to a total project cost of \$6 million.
2. Allocates \$1 million from the Accumulated Unallocated Cash Reserve to Stage 1 of the Torquay Town Centre Project in order to leverage total contributions of up to \$5 million from other levels of government.
3. Submits an Expression of Interest to the State Government's Regional Tourism Infrastructure Fund for \$2 million towards Stage 1 of the Torquay Town Centre Project.
4. Submits a full application to the State Government's Regional Tourism Infrastructure Fund if invited to do so by Regional Development Victoria following the Expression of Interest process.
5. If successful with the application to the State Government's Regional Tourism Infrastructure Fund, uses the accumulated commitments of \$3 million to seek a matching commitment of up to \$3 million in the next round of the Federal Government's Building Better Regions Fund to fully fund Stage 1 of the Torquay Town Centre Project.
6. Authorises the Chief Executive Officer to sign funding agreements on behalf of Council for any applications that are successful.
7. Receives a report at a future Council meeting to consider the feasibility of delivering Stage 1 of the Torquay Town Centre Project should either of these funding applications be unsuccessful.

### Amended Recommendation

That Council:

1. Notes that further discussions with RDV since the inclusion of the Council report contained within the agenda have led to a review of the proposed funding strategy.
2. Endorses a staged approach for the \$12.35 million Torquay Town Centre Project with a Stage 1 scope to comprise of Gilbert Street beautification and conversion to one way, town centre intersection upgrades, pedestrian improvements and landscaping to a total project cost of \$6 million.
3. Allocates \$1 million from the Accumulated Unallocated Cash Reserve for the purpose of leveraging grant funding to deliver Stage 1 of the Torquay Town Centre Project.
4. Authorises the Chief Executive Officer to submit funding applications to state and federal government funding programs seeking up to \$5 million in total grant income.
5. Allocates \$20,000 from the Accumulated Unallocated Cash Reserve for the purpose of preparing documentation required for the submission of grant applications.
6. Authorises the Chief Executive Officer to sign funding agreements on behalf of Council for any applications that are successful.
7. Receives a report at a future Council meeting to consider the viability of Stage 1 of the Torquay Town Centre Project if \$5 million in grant funding is not achieved by April 2019.

### Council Resolution

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

That Council:

1. Notes that further discussions with RDV since the inclusion of the Council report contained within the agenda have led to a review of the proposed funding strategy.
2. Endorses a staged approach for the \$12.35 million Torquay Town Centre Project with a Stage 1 scope to comprise of Gilbert Street beautification and conversion to one way, town centre intersection upgrades, pedestrian improvements and landscaping to a total project cost of \$6 million.
3. Allocates \$1 million from the Accumulated Unallocated Cash Reserve for the purpose of leveraging grant funding to deliver Stage 1 of the Torquay Town Centre Project.
4. Authorises the Chief Executive Officer to submit funding applications to state and federal government funding programs seeking up to \$5 million in total grant income.
5. Allocates \$20,000 from the Accumulated Unallocated Cash Reserve for the purpose of preparing documentation required for the submission of grant applications.

## **6.9 Torquay Town Centre Project**

6. Authorises the Chief Executive Officer to sign funding agreements on behalf of Council for any applications that are successful.
7. Receives a report at a future Council meeting to consider the viability of Stage 1 of the Torquay Town Centre Project if \$5 million in grant funding is not achieved by April 2019.

CARRIED 7:0

## 6.9 Torquay Town Centre Project

### Report

#### ***Background***

The Torquay Town Centre Urban Design Framework was adopted in December 2017. This was after many months of work including engaging with community members and businesses in and around Torquay. This framework guides the development of the built form and 'public realm'- which includes streets, parks and other public spaces.

The Torquay Town Centre Urban Design Framework is a guiding document designed to shape the future development of the commercial centre of Torquay.

Regional Development Victoria (RDV) provided funding and was a partner with Council to deliver the Torquay Town Centre Urban Design Framework and it identified a number of improvements to streetscapes and public areas.

The Torquay Town Centre Urban Design Framework is an adopted Council advocacy priority. The projects in the Urban Design Framework will help Torquay Town Centre become a more vibrant place to be. The project will deliver a diversified economy beyond and improved public places. Elements include:

- Streetscape beautification and way finding elements
- Intersection and pedestrian improvements
- Play and dwell spaces, sculptures and event areas
- Improved and consistent lighting.

Council most recently updated its advocacy projects in April with \$1.2 million worth of place making elements identified as the projects to deliver. Officers discussed delivering these place making elements of the project with RDV representatives. It was in these discussions that the potential to deliver larger, more expensive elements of the project emerged.

A planning scheme amendment is expected to commence in the coming months to amend the land use conditions of the Torquay Town Centre.

#### ***Discussion***

The Torquay Town Centre Urban Design Framework seeks to establish an agreed vision for Torquay's main activity centre to be realised over a period of up to 20 years. A number of key projects and priority actions will facilitate change within the area.

The Urban Design Framework will inform the Surf Coast Planning Scheme and be the basis for future decision making related to planning and design matters within the Torquay Town Centre.

Over the past 5 years, Torquay's population has increased by an average of 5.3% each year, making it one of the State's fastest growing areas. In order to keep pace with this population growth it is estimated approximately 2,200 additional jobs need to be created in Surf Coast Shire by 2036.

The Torquay Town Centre is expected to play a significant role in the provision of these jobs. Torquay, and its town centre, need to play a strong tourism role at the designated eastern start of the Great Ocean Road.

The Urban Design Framework seeks to balance growth and the need for additional jobs with the valued character of Torquay. Strengthening the 'sense of place' through investment in the public realm and management of private development is critical from a social and economic perspective.

The RDV expression of interest presents challenges in that Council has not allocated funds to this project. Council is yet to finalise the 2017-18 financial end of year result however current indications are that the surplus will be between \$1.5 million to \$2 million.

To increase the chance of attracting several million dollars of external funding, a substantial contribution from Council is required. Council contributing \$1 million increases the chance of leveraging \$2 million from RDV and a subsequent \$3 million from the Federal Government's Building Better Regions Funding round three for the Torquay Town Centre.

## 6.9 Torquay Town Centre Project

The full scope of all projects in the Torquay Town Centre Urban Design Framework includes:

- Gilbert Street beautification and conversion to one way
- Bristol Road traffic lights
- Intersection realignment, crossings, roundabout
- Footpath and laneways upgrades
- Streetscape / landscaping works
- Way finding
- Place making elements - play / dwell spaces, sculpture treatments, small event areas.
- Uniformed lighting
- Toilet block.

The suggested scope for this stage of the project for inclusion in the RDV expression of interest and future Building Better Regions Fund application is:

- Gilbert Street beautification and conversion to one way
- Intersection realignment, crossings, roundabout
- Footpath and laneways upgrades
- Streetscape / landscaping works.

### **Financial Implications**

If Council commits \$1 million of the 2017-18 surplus to the Torquay Town Centre project, this will require decisions about other future projects not yet included in the long term financial plan.

It should be noted that the expenditure of \$1 million on this project is not expected to impact the current and forecast financial position of Council due to the larger than expected 2017-18 end of year surplus.

The officer recommendation is that allocating \$1 million of the 2017-18 surplus to this project is the preferred approach as this contains the expenditure to that source and avoids an allocation from current or future budgets. Essentially this would see Council invest this unbudgeted surplus to an important project and limit the impact on future budgets.

### **Council Plan**

Theme	4 Vibrant Economy
Objective	4.1 Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community
Strategy	Nil
Theme	3 Balancing Growth
Objective	3.4 Understand and manage the impact of population and visitation growth in neighbouring municipalities and our own shire
Strategy	Nil

### **Policy/Legal Implications**

There is no policy or legal implications by Council considering this report.

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

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

### **Risk Assessment**

A risk in considering this report is that Council has yet to finalise its 2017-18 financial result. Monthly finance reporting in 2017-18 has shown substantial and increasing favourable variances and the end of year surplus is expected to be between \$1.5 million and \$2 million.

A risk of Council not pursuing the RDV expression of interest and future funding applications is it would forego a serious opportunity to attract significant funding to this large scale project.

## 6.9 Torquay Town Centre Project

### **Social Considerations**

Torquay-Jan Juc will continue to experience population growth for many years. As part of planning for this growth, the Torquay Town Centre Project considers the future role and development of the town centre to improve social and economic outcomes for the community.

The Urban Design Framework aims to facilitate development in order to provide the services, facilities and job opportunities that are required for the growing population.

### **Community Engagement**

The Torquay Town Centre Urban Design Framework was developed with the following engagement process:

- An online engagement page on Council's website
- Direct notification to all landowners and occupiers within the study area
- Direct notification to all landowners and occupiers within the area proposed for rezoning (Anderson/Pearl Streets)
- Direct email to all people registered as interested parties to the Torquay Town Centre Project
- Two open house consultation sessions
- Periodic social media content
- Presentation by the Chief Executive Office to the Torquay Commerce and Tourism Association
- Officers meeting person with members of the public and other interested parties during the exhibition period.
- Hearing of Submissions Council Meeting on Tuesday 14 November 2017.

There has not been active engagement on the proposed approach of committing \$1 million to this project and submitting an expression of interest / funding application to RDV and a future Building Better Regions Fund application.

### **Environmental Implications**

The Urban Design Framework aims to create a pedestrian friendly environment, reducing reliance on cars. It aims to amplify the natural assets of Torquay which include the beach, foreshore and relaxed lifestyle and, is consistent with the coastal character of Torquay.

### **Communication**

The Council decision will be communicated through the minutes on Council's website. Local media outlets are expected to be interested and publish content on this topic.

### **Options**

Option 1 – Council allocates \$1 million, from the 2017-18 surplus, to the Torquay town Centre Project and submits an RDV expression of interest and future Building Better Regions Fund application to fund Gilbert Street Beautification and One Way, Intersection Upgrades and Landscaping

This option is recommended by officers as it gives Council an improved chance of attracting a significant amount of external funding to one of the largest priorities in Council's advocacy program. The Torquay Town Centre Urban Design Framework identified these projects based on a thorough process. These projects are needed for the town centre to realise its potential by providing for the social and economic needs of a growing community.

Option 2 – Council allocates an amount lower than \$1 million, from the 2017-18 surplus, to the Torquay Town Centre Project and submits an RDV expression of interest and future Building Better Regions Fund application which includes a different set of projects from the Urban Design Framework

This option is not recommended by officers as there is an opportunity to pursue a significant amount of funding for this important project and deliver some of the more expensive elements in the Torquay Town Centre. A lower investment from Council may result in less interest from the funding body to fund this project. The elements selected are foundation projects that need to be delivered early and offer the greatest impact.

Option 3 – Council allocates an amount higher than \$1 million, from the 2017-18 surplus, to the Torquay town Centre Project and submits an RDV expression of interest and future Building Better Regions Fund application which includes more projects from the Urban Design Framework

This option is not recommended by officers as this is not seen as a prudent financial approach. A \$1 million contribution is significant and is expected to be adequate to attract interest and leverage external funding.

## 6.9 Torquay Town Centre Project

### Option 4 – Council does not allocate funds to the Torquay Town Centre Project and does not submit an RDV expression of interest and future Building Better Regions Fund application

This option is not recommended by officers as it would forego a significant funding opportunity to attract external funding to this important project in Council's advocacy program.

#### **Conclusion**

The Torquay Town Centre is an important project that will require external investment for it to happen. The RDV expression of interest is a great opportunity to pursue significant external funding. The early discussions with RDV show this to be a project that funding bodies are interested in.

Council needs to consider contributing funding to leverage external funding. The 2017-18 surplus presents an opportunity to allocate Council funds to this project without have an impact on the current or future budgets. While the end of year result is not yet finalised it is expected the surplus will be between \$1.5 million and \$2 million.

Given this is a state election year and a federal election will be held within 11 months, now is a very important time to pursue funding opportunities for this large scale project.



Cr Libby Coker declared an indirect conflict of interest in Item 6.10 Painkalac Valley Land Matters under Section 78 of the Local Government Act 1989 - close association. The nature of the interest being Cr Libby Coker has a close friendship with a party that could benefit from the matter.

Cr Libby Coker remained out of the room.

## 6.10 Painkalac Valley Land Matters

**Author's Title:** Open Space Planning Coordinator

**General Manager:** Chris Pike

**Department:** Recreation & Open Space Planning

**File No:** F17/1676

**Division:** Culture & Community

**Trim No:** IC18/1107

### Appendix:

1. TPP Proposal for Acquisition of Land in the Painkalac Valley 23-79 Bambra Road, Aireys Inlet (D18/75731)
2. Painkalac Valley Map - Extent and Overview (D18/88489)

### Officer Direct or Indirect Conflict of Interest:

### Status:

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:**

### Purpose

The purpose of this report is to consider a request from The Painkalac Project Inc (TPP) for Council to assume future land management and maintenance responsibilities for land the TPP are seeking to purchase in the Painkalac Valley.

### Summary

The TPP approached Council in late 2017 with a proposal to privately fund the purchase of the wetland portions of Lots 2 and 3 at 23-79 Bambra Road, Aireys Inlet, which would be vested in Council and returned to public ownership permanently.

The TPP proposal and long term vision seeks a commitment from Council to have the land vested in Council and to commit to any ongoing management and maintenance of the proposed purchased parcel which would also be encumbered by a Trust for Nature (TFN) covenant.

Until recently all three lots were in common ownership, however Lot 3 has been recently sold. Lots 1 and 2 currently remain in common ownership. The TPP have advised that negotiations between the new owners of Lot 3 have not reached an agreed outcome at this stage. However, it is considered that an agreement of some portion of the wetland acquisition on Lot 3 is still possible.

Negotiation with the owner of Lots 1 and 2 is in progress. Therefore, it is not possible to confirm the exact areas that are proposed to be vested in Council with the TFN covenant, but it is likely to consist of a portion of Lot 2 and possibly Lot 3.

A resolution of Council to take responsibility for any land purchased and encumbered by a Trust for Nature covenant provides certainty to TPP as it negotiates with the land owners.

Given the environmental, cultural and visual significance of the valley to Aireys Inlet and the region, this proposal is considered an excellent opportunity. Council is not being asked for any upfront capital investment and the recurrent management costs are relatively minor.

## 6.10 Painkalac Valley Land Matters

### Recommendation

That Council:

1. Notes The Painkalac Project Inc.'s proposal for the acquisition of land in the Painkalac Valley as attached as Appendix 1.
2. Notes Council currently manages significant amounts of land in the Painkalac Valley and is familiar with its community significance, environmental values and maintenance requirements.
3. Affirms its support for The Painkalac Project Inc.'s proposal to bring further areas of land within the valley into public ownership.
4. Notes that further reports will be presented to Council to progress the finer details of the proposal as required.

### Council Resolution

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

That Council:

1. Notes The Painkalac Project Inc.'s proposal for the acquisition of land in the Painkalac Valley as attached as Appendix 1.
2. Notes Council currently manages significant amounts of land in the Painkalac Valley and is familiar with its community significance, environmental values and maintenance requirements.
3. Affirms its support for The Painkalac Project Inc.'s proposal to bring further areas of land within the valley into public ownership.
4. Notes that further reports will be presented to Council to progress the finer details of the proposal as required.

CARRIED 7:0

Cr Libby Coker returned to the meeting at 7:58pm.

## 6.10 Painkalac Valley Land Matters

### Report

#### **Background**

The Painkalac Project Inc. (TPP) was formed in 2016. Its membership is a mixture of residents and members of other community groups in and around Aireys Inlet and Anglesea including AIDA and ANGAIR.

The group's vision is "*to rehabilitate, preserve and protect the upper valley for future generations*" and to ensure that the wetlands currently within private ownership in the Painkalac Valley are rehabilitated and returned to public ownership. The TPP approached Council in late 2017 with a proposal to privately fund the purchase of the wetland portions of Lots 2 and 3 at 23-79 Bambra Road, Aireys Inlet, which would be vested in Council and returned to public ownership permanently. Council also received a briefing presentation from key members of the group on 6 March 2018.

The TPP proposal and long term vision seeks a commitment from Council to accept the land area, and for any ongoing management and maintenance of the proposed purchased parcel which would also be encumbered by a Trust for Nature (TFN) covenant.

Surf Coast Shire currently manages a mix of freehold and Crown Land parcels in and around the Painkalac Valley area, of particular note is Alan Noble Reserve, Mellors Swamp near the estuary, and the Painkalac Nature Reserve which currently has a TFN covenant on it.

#### **Discussion**

It is considered that the TPP proposal is consistent with the key directions and actions in the Aireys Inlet to Eastern View Structure Plan (Nov 2015, p.3-4). The Open Space Strategy 2016 – 2025 also supports the development of increased walking opportunities and enjoyment of the natural environment in the Lorne Aireys Inlet Precinct (p. 45).

Returning any additional land within the valley to public ownership and control would provide security and protection of a key and highly valued natural asset. It will also maintain the natural visual amenity of the valley whilst providing the opportunity to rehabilitate the area. This will improve the overall environmental quality and assets in the valley both with regards to flora and fauna and enable the stories of the valley to be told through interpretation educational opportunities.

The TPP proposal is a consideration in Council's Walk the Painkalac project currently in progress and expected to be completed later this year. This project is being undertaken by Stafford Strategy and was the result of a resolution at the 24 October 2017 Council Meeting, where an existing \$60K allocation toward pathway feasibility works (including several crossings of tributaries along the Painkalac Creek), was re-scoped to deliver the development of a concept plan for the valley. The aim of the project is to assess the feasibility of key infrastructure for the creation of a hub at the bottom shops, and a series of pathways and loop tracks.

The outcomes of this project are not contingent on any additional land being vested to Council, but both need to be aware of the impacts one may have on the other. The outcomes of the project could however be enhanced by any additional land being made available for public use. This may allow for the development of additional controlled sections of walking tracks and loops for increased passive recreational opportunities, and access to the water. The development of multiple options with a variety of use and activity has the capacity to contribute to the local and broader tourist economy and to an enhanced and unique visitor experience.

The TPP have been in discussions with the land owner of Lots 1 and 2 and the new owners of Lot 3 over several months. We are advised that these discussions are progressing and remain positive. The TPP will continue to pursue the outcomes as outlined in the proposal attached at Appendix 1 and keep Council informed as negotiation continues.

## 6.10 Painkalac Valley Land Matters

### **Financial Implications**

There are no immediate financial implications in supporting the recommendations in this report. However, should Council formally accept the TPP proposal in the future, budget implications and costs to Council will include:

- Legal costs estimated to be \$10,000 - \$15,000 associated with the removal of the restriction and amendment to the Section 173 (S173).
- Maintenance costs which although the exact land area is not yet confirmed, are estimated to be up to a maximum of \$50,000 per annum based on Council's experience managing similar parcels.

### **Council Plan**

Theme 1 Community Wellbeing  
Objective 1.1 Support people to participate in and contribute to community life  
Strategy 1.1.1 Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations

### **Policy/Legal Implications**

The existing three Lots at 23 – 79 Bambra Road are encumbered by a S173 agreement restricting further subdivision. As such the creation of a reserve to vest in Council will require further subdivision of the Lot.

Advice was sought from Harwood Andrews which is summarised as follows:

1. The current restriction on the plan of subdivision would need to be varied to allow subdivision of the land to create a reserve which is then vested in Council. This would require a planning permit following standard processes, including public notification.
2. A variation to the S173 needs to be undertaken. This can be undertaken by agreement with all persons party to the agreement. In this case it would be Council and the land owners of Lots 1, 2 and 3 at 23-79 Bambra Road, Aireys Inlet. Alternatively, Council could elect to undertake an application process to the agreement.
3. The subdivision of the land to create a reserve - The creation of the 'reserve' is eligible for exemption from a planning permit requirement in accordance with 62.04 of the Surf Coast Shire planning scheme. This is providing the plan of subdivision vests a reserve in Council and does not create an additional lot. This will require the preparation and lodgement of a plan of subdivision.

The details of the TFN covenant to be applied on the vested parcel would need to be developed and agreed to with the Shire and the TPP.

An agreed management model for the vested land will also need to be established in consultation with key stakeholders including other land management agencies such as the Great Ocean Road Coast Committee, (GORCC), Parks Victoria (PV), Corangamite Catchment Management Authority (CCMA), Barwon Water, Department of Environment, Land, Water and Planning (DELWP), Registered Aboriginal Party (RAP), local business owners such as those in the bottom shops, Blazing Saddles and the local community.

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

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

### **Risk Assessment**

If the proposal by the TPP is not supported by Council the land will most likely remain in private ownership for the foreseeable future. Whilst recreational opportunities can still be provided within the current land owned and managed by Council the opportunity for increased passive recreational, tourism and business development in the township and environmental outcomes will not be available. It could be considered by many of the local community groups as a missed opportunity by Council if not supported.

Support for rehabilitation and restoration of an area of land within the valley could receive opposition from those sectors of the community that still believe an active outdoor area should be developed within the valley.

Objections could be received during the planning process to remove the current restriction. This could result in delays to the process and increased costs, in particular should the matter be referred to VCAT.

## 6.10 Painkalac Valley Land Matters

### **Social Considerations**

Any additional land within the valley made available for public use will increase the net benefit to the open space network and provide additional passive recreational opportunities for both the local community and visitors. Introducing appropriate interpretive information will provide educational opportunities relating to how the valley ecology and ecosystems function and the cultural heritage stories of the valley.

### **Community Engagement**

As the acquisition of land is a private matter not being undertaken directly by Council there is no community consultation proposed at this stage. The TPP and AIDA have, through their own publications, indicated the intent to secure additional land within the valley but the detail is limited.

Should Council provide conditional agreement to have any such land vested to them as a reserve with a TFN covenant, negotiations will move to the next stage. The TPP have indicated that once they have a confirmed outcome they will be seeking donations and input from the broader community.

The planning process to remove the restriction would require an exhibition period, allowing the community an opportunity to provide input.

Initial discussions have been had with TFN, however they will not fully engage in the process until funds are available and a land purchase confirmed.

Discussions with other land management authorities regarding the feasibility of walking tracks and a creek crossing have been undertaken through the Walk the Painkalac project. This has not included any of the land proposed to be vested to Council. It has however given a reasonable indication of what is feasible and could be developed in relation to walking opportunities and improvements to the bottom shop area including options for better connectivity to other major attractions in the area.

### **Environmental Implications**

The proposed acquisition and application of a TFN covenant including any subsequent rehabilitation works will increase the environmental values of the valley including better outcomes for flora and fauna.

### **Communication**

Discussions with the TPP will continue as required with Council officers. Should any land acquisition occur then all relevant departments will be invited to contribute to the preparation of the Trust for Nature Covenant and any management plans that will be developed.

Communication to the broader community of the proposal has already occurred through TPP and AIDA publications. Should Council provide conditional agreement, it is the intention of the TPP to release the proposal in more detail to the broader community to assist with raising additional donations to cover some of the rehabilitation and maintenance works in the formative years.

Any amendment to the S173 and restriction will require a Planning permit. This would require the mandatory public exhibition period.

### **Options**

#### Option 1 – Accept the TPP proposal including vesting of land and long term management responsibilities

Council can accept vesting of the land purchased by the TPP allowing for conditions relating to the rehabilitation and restoration of the wetland, in kind works and long term management and maintenance of the land including any agreements which may need to be developed in the future should the proposal be successful.

This option is recommended by officers for the following reasons:

- The TPP proposal for the valley land is consistent with the key directions and actions of the Aireys Inlet to Eastern View Structure Plan (Nov 2015, p.3-4).
- There is little to no capital cost to Council. Ongoing management costs are not excessive.
- It provides security and protection over a key natural asset into the future, making it available for use by the local community and visitors to the town.
- It provides the opportunity to rehabilitate the valley and provide greater passive recreational opportunities, while positively impacting the local and broader tourist economy.

## 6.10 Painkalac Valley Land Matters

- The Surf Coast Open Space Strategy 2016 – 2025 supports the development of increased walking opportunities and enjoyment of the natural environment in the Lorne Aireys Inlet Precinct.
- It will provide additional land to further enhance the environmental quality and natural assets of the valley corridor.

Option 2 – Not accept the TPP proposal including vesting of land and long term management responsibilities  
Council can refuse the gifting of any additional land purchased by the TPP and therefore long term ownership, land management and maintenance responsibilities. This option is not recommended by officers for the following reasons:

- Whilst there are current controls on the use of the private land through existing permit conditions and legal agreements, the long term security, environmental quality, accessibility, visual amenity and use of the land could still be compromised and remains variable whilst it remains in private ownership.
- Whilst the land will visually remain the same, the environmental quality of the corridor will not be improved for the long term whilst under private ownership.
- The passive recreational opportunities will be limited to the area currently under Council control.

### **Conclusion**

Conditional agreement from Council will allow the TPP to continue their negotiations with confidence. The Painkalac Valley has a long and diverse history. It is highly valued in the local community not only for its contribution to the unique visual amenity of Aireys Inlet, but for its existing natural values.

It is unlikely that the opportunity for Council to acquire land within the valley at limited to no capital cost will present again in the near future. The additional land will enhance and enable the valley area and open space network to move closer to reaching its full potential. This will be achieved by establishing better links with other major attractions in the township and allow for a variety of experiences and activities in the valley with greater access to the creek being possible both physically and visually.

**6.10 Pailkalac Valley Land Matters**

**APPENDIX 1 TPP PROPOSAL FOR ACQUISITION OF LAND IN THE PAINKALAC VALLEY 23-79  
BAMBRA ROAD, AIREYS INLET**

## 6.10 Painkalac Valley Land Matters

### Proposal from The Painkalac Project Incorporated to the Surf Coast Shire to take ownership of the Wetlands at 23-79 Bambra Rd Aireys Inlet

#### Summary of the Proposal:

The Proposal as detailed below seeks approval from Council for the Painkalac Project Inc. (TPP), through the Trust for Nature (TfN), to pay the current landowner/s of the upper area of the Painkalac valley to vest an area of the valley, including the majority of the upper valley wetlands, to the SCS. The land would be vested to the Shire with a TfN covenant in place to protect the environmental values of the area in perpetuity.

The TPP would then in consultation with the community and other stakeholders, and in active partnership with the SCS, rehabilitate and manage the land for the first 10 years following the vesting. During this period the wetlands would be gradually rehabilitated, and it is hoped, a walking track established to both encourage community usage and appreciation of the area as well as to support local businesses through the establishment of an important tourism asset. After 10 years management of the area would be assumed by the SCS.

#### The Painkalac Project:

The TPP is an incorporated body formed in 2016 to ensure that the currently privately-owned Wetlands on the Painkalac Valley be retained in public ownership and rehabilitated.

#### *TPP Vision Statement for 23–79 Bambra Rd, Aireys Inlet*

- To preserve the upper valley in public ownership in perpetuity;
- To implement and/or support the provision of appropriate conservation covenants over the land;
- To facilitate and/or support the knowledge and recognition of the Indigenous cultural history of the flood plain of the Painkalac Creek;
- To develop, implement and/or support a conservation management plan to rehabilitate the original estuarine ecosystems with appropriate evaluation, review and reporting;
- To facilitate and/or support public environmental and Indigenous education and interpretation, and appropriate access to the land
- 

#### *What makes this place special?*

- Cultural and historical values (Indigenous occupation, Buckley, early European history);
- Landscape and floristic values – e.g., *Poa* estuarine grassland community;
- Reclaimed and enlarged wetland at a time of loss of habitat for migratory birds;
- Significant fauna – e.g., Latham's snipe;



## 6.10 Painkalac Valley Land Matters

- Treasured by the Aireys and district community (social significance);
- Conservation value;
- Large mob of kangaroos that can be readily seen from the GOR;
- Flora and fauna (natural heritage);
- Potential for regeneration and reclamation.
- Potential for the development of new environmental tourism infrastructure

### The Proposal:

Michael Loughnan a (member of the TPP) is currently in discussion with Caroline and Tim Wood, the owners of a local horse riding business, Blazing Saddles. They have recently purchased Lot 3 from Mr. John Allen, the owner of Lots 1 and 2. We are negotiating with them to vest to the Surf Coast Shire the majority of the wetlands on Lot 3, including the protected areas defined in the section 173. The exact extent of the land to be vest to the Shire is still under discussion. The vested land would not include the area with a housing planning permit and would leave significant land for continued horse grazing.

We also hope to negotiate with Mr John Allen to include the section 173 protected area on Lot 2.

The Surf Coast Shire already owns and manages the Painkalac Creek Nature Reserve and Mellors Swamp, immediately to the south of the land under discussion, both under a Trust for Nature Covenant. The SCS also owns a 10 metre strip of land along the eastern side of the Painkalac Creek, vested to the SCS under the 1999 VCAT ruling that created the current subdivision. The wetlands under discussion are contiguous with this strip of land.

We are seeking agreement from the SCS to accept ownership of the wetland area discussed above if our negotiations are successful. As we are currently in negotiation with the landowners a response from Council to this proposal in the near future would be very helpful.

The TPP would manage the land for the initial ten years following completion of the land transfer. The cost of rehabilitation and management of the land would be the responsibility of the TPP.

The SCS will have representation on the TPP Management Committee for the land to ensure that the TPP management is compatible with SCS requirements.

### *Acquisition of the Land*

The TPP would cover the acquisition costs of the land and has already received pledges to cover the cost, including the legal costs, of the current offer to the landowner.

## 6.10 Painkalac Valley Land Matters

The TPP has arranged that the Trust for Nature will receive the donations for the purchase and management of the land into a designated DGR (tax deductibility) account for this project.

The land would be transferred directly from the current landowner to the SCS. The Trust for Nature will place a covenant on the property to protect its environmental values in perpetuity. The specific details of the covenant would be negotiated between the Trust for Nature, the TPP and the SCS. The covenant will include provision for a walking track connected to the bottom shops area of Airey's Inlet.

### *Rehabilitation and Initial Management of the Land*

The TPP intends to proceed with public fundraising to cover the management and rehabilitation of the land once there has been an agreement with the owner to vest the land to the Shire. The community through the TPP is willing to contribute to the management and rehabilitation of the land through financial and in-kind means and would seek to establish an agreement with Council regarding the exact details.

The TPP management of the land will include engagement with stakeholders including the:

- Traditional Owners
- CCMA
- Barwon Water
- Blazing Saddles
- The local community
- Others

### *Long-term Management of the Land*

After 10 years it is expected that the rehabilitation of the land will have been largely achieved.

It is expected that the cost of maintaining the Valley Wetlands would be much the same as the area already owned by Council to the south of this land. An example of such an agreement between the Council and a conservation body is the agreement with Angair on the purchase of the Heathland at O'Donahue Rd, Angelsea.

## **6.10 Pailkalac Valley Land Matters**

### **APPENDIX 2 PAINKALAC VALLEY MAP - EXTENT AND OVERVIEW**



**PAINKALAC VALLEY - EXISTING LAND MANAGED BY COUNCIL (PINK) AND EXISTING LOT BOUNDARIES  
JULY 2018**

**7. URGENT BUSINESS**

Nil

## 8. PROCEDURAL BUSINESS

### 8.1 Assemblies of Councillors

**Author's Title:** Administration Officer, Governance & Risk      **General Manager:** Anne Howard

**Department:** Governance

**File No:** F18/221

**Division:** Governance & Infrastructure

**Trim No:** IC18/932

#### Appendix:

1. Assembly of Councillors - Responsible & Planning Authority Briefings - 26 June 2018 (D18/83082)
2. Assembly of Councillors - Councillor Briefings - 26 June 2018 (D18/83073)
3. Assembly of Councillors - Councillor Briefings - 3 July 2018 (D18/83075)

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

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

Yes

No

Reason: Nil

#### Status:

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

Yes

No

Reason: Nil

#### Purpose

The purpose of this report is to receive and note the Assembly of Councillors records received since the previous Council Meeting.

#### Summary

The Local Government Act 1989 section 80A(2) states that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is as soon as practicable reported at an Ordinary Meeting of Council and incorporated in the minutes of that Council Meeting.

#### Recommendation

That Council receives and notes the Assembly of Councillors records for the following meetings:

1. Responsible & Planning Authority Briefings - 26 June 2018.
2. Councillor Briefings - 26 June 2018.
3. Councillor Briefings - 3 July 2018.

#### Council Resolution

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

That Council receives and notes the Assembly of Councillors records for the following meetings:

1. Responsible & Planning Authority Briefings - 26 June 2018.
2. Councillor Briefings - 26 June 2018.
3. Councillor Briefings - 3 July 2018.

CARRIED 8:0

**8.1 Assemblies of Councillors**

**APPENDIX 1 ASSEMBLY OF COUNCILLORS - RESPONSIBLE & PLANNING AUTHORITY  
BRIEFINGS - 26 JUNE 2018**



### Assembly of Councillors Record

<b>Description of Meeting:</b> Responsible & Planning Authority Briefing Meeting
<b>Responsible Officer:</b> Ransce Salan – General Manager Environment & Development
<b>Date:</b> 26 June 2018
<b>In Attendance:</b> Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker	X	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. Clive Goldsworthy	X	General Manager Environment & Development - Ransce Salan	✓		
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓		
Cr. Carol McGregor	✓	Manager Development & Planning - Bill Cathcart	✓		
Cr. Brian McKiterick (Leave of Absence)	X	Manager Recreation & Open Space Planning - Shaan Briggs	✓		
Cr. Margot Smith	X				
Cr. Heather Wellington	X				

<b>MEETING COMMENCED</b>	4.05pm	<b>MEETING CONCLUDED</b>	4.18pm
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#### Matters considered at the meeting

1. Planning Scheme Amendment C123 and Planning Permit Application 17/0207: 3-5 Loch Ard Drive, Torquay
2. Surf Coast Shire Planning Scheme Review 2018

#### Councillor/Officer Declarations of Interest

Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared.		

**Responsible Officer Signature:**

**Print Name:** Ransce Salan

**Date:** 29 June 2018

To be completed on conclusion of session and provided to Governance Administration Officer.

#### General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest\* under the Act [s.80A(3)].



**8.1 Assemblies of Councillors**

**APPENDIX 2 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 26 JUNE 2018**



### Assembly of Councillors Record

<b>Description of Meeting:</b> Councillor Briefings Meeting
<b>Responsible Officer:</b> Anne Howard – General Manager Governance & Infrastructure
<b>Date:</b> 26 June 2018
<b>In Attendance:</b> Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker	X	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Clive Goldsworthy	X	General Manager Culture & Community - Chris Pike	✓		
Cr. Rose Hodge	✓	Team Leader Governance - Candice Holloway (minutes)	✓		
Cr. Carol McGregor	✓	Manager Program Management Office - Rowena Frost	✓		
Cr. Brian McKitterick (Leave of Absence)	X	Manager Recreation & Open Space Planning - Shaan Briggs	✓		
Cr. Margot Smith	X				
Cr. Heather Wellington	X				

<b>MEETING COMMENCED</b>	4.21pm	<b>MEETING CONCLUDED</b>	4.53pm
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<b>Matters considered at the meeting</b>
1. Conflicts of Interests
2. Monthly Finance Report - May 2018
3. Monthly Program Status Report Update - May 2018
4. Digital Transformation Program Update
5. Agenda Review - 26 June 2018 Council Meeting Agenda

<b>Councillor/Officer Declarations of Interest</b>		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared.		

**Responsible Officer Signature:**  **Print Name:** Anne Howard

**Date:** 29 June 2018

To be completed on conclusion of session and provided to Governance Administration Officer.

**General Information:**

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest\* under the Act [s.80A(3)].

**8.1 Assemblies of Councillors**

**APPENDIX 3 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 3 JULY 2018**



## Assembly of Councillors Record

<b>Description of Meeting:</b> Councillor Briefings Meeting
<b>Responsible Officer:</b> Anne Howard – General Manager Governance & Infrastructure
<b>Date:</b> 3 July 2018
<b>In Attendance:</b> Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	Kristian Willand, Managing Director - Brand Dimensions	✓
Cr. Libby Coker	X	General Manager Governance & Infrastructure - Anne Howard	✓	Estelle Eames, Event Manager - Brand Dimensions	✓
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓	Phoebe Dunn – CEO, Amy Gillett Foundation	✓
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓	Andrew Duncan – Business and Commercial Manager, Amy Gillett Foundation	✓
Cr. Rose Hodge	✓	Administration Officer Governance – Claire Rose (minutes)	✓	Kane Osler – Senior Manager, Events – Fairfax Media	✓
Cr. Carol McGregor	✓	Manager Economic Development and Tourism - Simon Loone (Acting)	✓	Jordan O'Neill – Fairfax Media	✓
Cr. Brian McKiterick (Leave of Absence)	X	Coordinator Events - Kate Patterson	✓		
Cr. Margot Smith	X	Manager Environment & Community Safety - Rowan Mackenzie	✓		
Cr. Heather Wellington	X	Coordinator Environmental Health - Adam Lee	✓		
		Environmental Health Officer - Sarah Farrer	✓		
		Manager Community Relations - Damian Waight	✓		
		Arts Development Officer - Julie Dyer	✓		
		Manager Recreation & Open Space Planning - Shaan Briggs	✓		
		Recreation Development Officer - Paul Elshaug	✓		
		Project Manager - Capital & Operations Projects – Karyn Rice	✓		
		Manager Aged & Family - Bronwyn Saffron	✓		
		Business Improvement Officer - Trevor Britten	✓		
		Co-ordinator Governance & Corporate Planning - Danielle Foster	✓		

<b>MEETING COMMENCED</b>	11.34am	<b>MEETING CONCLUDED</b>	3.17pm
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<b>Matters considered at the meeting</b>
External Presentation 1 - Signature Event Funding Request: Kite-Surf World Tour
External Presentation 2 - Signature Event Funding Request: Amy's Gran Fondo
1. Confirmation of Councillor Briefing Minutes 12 & 26 June 2018
2. Conflicts of Interest
3. Mosquito Management Plan
4. Torquay Arts and Culture Facility
5. Customer Experience Quarterly Update - Customer Requests & Complaints July 2018



6. Anglesea Bike Park - Verbal Update		
7. Positive Ageing Service Review - Community Engagement Findings and Recommended Option		
8. Council Plan (incorporating the Health and Wellbeing Plan) 2017-21, Year Two Action Plan		
9. Other Business		
<b>Councillor/Officer Declarations of Interest</b>		
<b>Councillor/Officer</b>	<b>Left Meeting (Yes/No)</b>	<b>Type &amp; Details of Interest(s) Disclosed</b>
Nil declared.		
<b>Responsible Officer Signature:</b>		<b>Print Name:</b> Anne Howard
Date: 6 July 2018		
To be completed on conclusion of session and provided to Governance Administration Officer.		

**General Information:**

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest\* under the Act [s.80A(3)].

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## 8.2 Section 86 Committee Minutes (Withdrawn)

This item was withdrawn by the CEO and will be re-presented at a future meeting.

**Author's Title:** Administration Officer, Governance & Risk      **General Manager:** Anne Howard

**Department:** Governance

**File No:** F18/221

**Division:** Governance & Infrastructure

**Trim No:** IC18/1039

### Appendix:

1. Hearing of Submissions Committee Meeting Minutes - 3 July 2018 (D18/83000)

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

#### Status:

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

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### Purpose

The purpose of this report is to receive and note the minutes of the Section 86 Committee meetings as appended.

### Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

### Recommendation

That Council receives and notes the following minutes of the Section 86 Committee meetings:

1. Hearing of Submissions Committee Meeting – 3 July 2018.

No resolution because item was withdrawn.

**8.2 Section 86 Committee Minutes**

**APPENDIX 1 HEARING OF SUBMISSIONS COMMITTEE MEETING MINUTES - 3 JULY 2018**



# Minutes

Hearing of Submissions Committee

Tuesday, 3 July 2018

Held in the

Council Chambers

1 Merrijig Drive, Torquay

Commencing at 5.00pm

**Council:**

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



MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL  
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY 3 JULY 2018 COMMENCING AT 5.00PM

**PRESENT:**

Cr Clive Goldsworthy (Deputy Mayor)  
Cr Martin Duke  
Cr Rose Hodge  
Cr Carol McGregor  
Cr Heather Wellington

**In Attendance:**

General Manager Environment and Development – Ransce Salan  
Manager Planning & Development – Bill Cathcart  
Senior Strategic Planner - Sally Conway  
Principal Planner - Michelle Warren  
Coordinator Strategic Planning - Karen Hose  
Coordinator Statutory Planning - Michelle Watt

27 members of the public  
0 members of the press

**APOLOGIES:**

Cr David Bell

**Committee Resolution**

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

That an apology be received from Cr David Bell.

CARRIED 5:0

**Not In Attendance:**

Chief Executive Officer – Keith Baillie

**CONFIRMATION OF MINUTES**

**Committee Resolution**

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

That the Hearing of Submissions Committee note the minutes of the meeting held on 12 June 2018 as a correct record of the meeting.

CARRIED 5:0

**CONFLICTS OF INTEREST:**

Nil declared.

**SUBMITTERS HEARD**

**1. Environment and Development**

1.1 Surf Coast Planning Scheme Amendment C120 - Implementation of Growing Winchelsea

**Order of submitters heard:**

1. Christine Phillips.

1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments

**Order of submitters heard:**

1. David Merrett.  
2. Richard Glawitsch.  
3. John Foss.  
4. 3228 Residents Association.  
5. Jill Tickner and Brian Weppner.

**BUSINESS:**

<b>1. PLANNING MATTERS .....</b>	<b>4</b>
1.1 <i>Surf Coast Planning Scheme Amendment C120 - Growing Winchelsea Implementation .....</i>	<i>4</i>
1.2 <i>Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments.....</i>	<i>7</i>

**1. PLANNING MATTERS**

**1.1 Surf Coast Planning Scheme Amendment C120 - Growing Winchelsea Implementation**

**Author's Title:** Senior Strategic Planner **General Manager:** Ransce Salan  
**Department:** Planning & Development **File No:** F16/1585  
**Division:** Environment & Development **Trim No:** IC18/910

**Appendix:**

1. Order of Speakers (D18/78488)

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

Yes  No

**Reason:** Nil

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

Yes  No

**Reason:** Nil

**Purpose**

The purpose of this report is to hear submissions relating to Surf Coast Planning Scheme Amendment C120.

**Summary**

Surf Coast Planning Scheme Amendment C120 was publicly exhibited from 8 March 2018 to 18 April 2018 in accordance with the *Planning and Environment Act 1987*.

The Amendment proposes to implement the planning recommendations in the *Growing Winchelsea: Shaping Future Growth 2015* plan. It updates the Winchelsea Strategy (Clause 21.09) in the Surf Coast Planning Scheme. It also implements some smaller scale rezoning and overlay recommendations, including a proposal to apply the Design and Development Overlay, and a new Schedule 27 (DDO27), to land at 8 Palmer Street. This land is currently developed with a residential dwelling and is zoned Commercial 1. The DDO27 introduces a requirement to provide a through access road between Hesse Street and Palmer Street as part of any future redevelopment proposal. This requirement was recommended by the *Winchelsea Town Centre Access and Opportunities* report prepared as further work to the *Growing Winchelsea* plan and adopted by Council in August 2016.

**Summary of Submissions**

One submission was received, objecting to the Amendment, and is summarised as follows:

No.	Submitter	Position	Summary of Submission
1.	Individual	Objection	<p>Objects to the application of the DDO27 to 8 Palmer Street, Winchelsea. The landowner's grounds for objection are:</p> <ul style="list-style-type: none"> <li>The proposal is for the benefit of the existing shopping strip to relieve traffic congestion and will not benefit land at 8 Palmer Street.</li> <li>The proposal is too onerous and would apply to any future subdivision or development, including an application for a small single commercial building.</li> <li>It will lead to a decrease in property value.</li> <li>A road along the Barwon River would be a visual intrusion in this significant area which conflicts with strategies set out in proposed Clause 21.09-3 and 21.09-4 of the Winchelsea Strategy.</li> <li>The indicated road utilises almost the entire river frontage.</li> <li>Council should purchase land closer to the existing shops to connect Palmer and Hesse streets.</li> </ul>

The issues raised in the submissions will be considered in detail in a report to be presented to the 24 July 2018 Council meeting.

**Recommendation**

That the Hearing of Submissions Committee receive and note the submissions relating to Surf Coast Planning Scheme Amendment C120 and forward to Council for consideration.

**Committee Resolution**

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

That the Hearing of Submissions Committee receive and note the submissions relating to Surf Coast Planning Scheme Amendment C120 and forward to Council for consideration.

CARRIED 5:0

**1.1 Surf Coast Planning Scheme Amendment C120 - Growing Winchelsea Implementation**

**APPENDIX 1 ORDER OF SPEAKERS**



Hearing of Submissions  
Tuesday 3 July 2018  
5:00pm  
Council Chambers  
1 Merrijig Drive, Torquay

**ORDER OF SPEAKERS**

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**Planning and Development**

1.1 Surf Coast Planning Scheme Amendment C120 - Growing Winchelsea  
Implementation

Submitter Name	
1.	Christine Phillips

**1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments**

**Author's Title:** Statutory Planner **General Manager:** Ransce Salan  
**Department:** Planning & Development **File No:** 17/0374  
**Division:** Environment & Development **Trim No:** IC18/954

**Appendix:**

1. Order of Speakers (D18/79096)

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

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

Yes  No

**Reason:** Nil

**Status:**

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

Yes  No

**Reason:** Nil

**Purpose**

The purpose of this report is to hear submissions relating to application 17/0374; the construction of 48 residential apartments at 86-92 The Esplanade, Torquay.

**Summary**

In April 2018 the application relating to the construction of 48 residential apartments at 86-92 The Esplanade, Torquay was publicly exhibited in accordance with the *Planning and Environment Act 1987*.

**Summary of Submissions**

A total number of 70 submissions were received including 70 objections and 0 in support, summarised as follows:

No.	Submitter	Position	Summary of Submission	Officer Response
1.	Individual	Objection	Grounds: fence, height, scale, bulk/design, landscaping/site coverage, neighbourhood character, density, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
2.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, density	Grounds are within the ambit of considerations under the relevant planning provisions.
3.	Individual	Objection	Grounds: height, neighbourhood character, density	Grounds are within the ambit of considerations under the relevant planning provisions.
4.	Individual	Objection	Grounds: height, neighbourhood character, density, traffic, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
5.	Individual	Objection	Grounds: height, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
6.	Individual	Objection	Grounds: bulk/design, density	Grounds are within the ambit of considerations under the relevant planning provisions.
7.	Individual	Objection	Grounds: height, neighbourhood character, traffic, parking, shadowing, view sharing, noise	Grounds are within the ambit of considerations under the relevant planning provisions.
8.	Individual	Objection	Grounds: height, scale, traffic, parking, shadowing	Grounds are within the ambit of considerations under the relevant planning provisions.
9.	Individual	Objection	Grounds: height, scale, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
10.	Individual	Objection	Grounds: height, scale, density, parking	Grounds are within the ambit of considerations under the relevant planning provisions.

**1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments**

11.	Individual	Objection	Grounds: the fence, height, neighbourhood character, traffic, parking, overlooking, noise and energy efficiency	Grounds are within the ambit of considerations under the relevant planning provisions.
12.	Individual	Objection	Grounds: height	Grounds are within the ambit of considerations under the relevant planning provisions.
13.	Individual	Objection	Grounds: scale, traffic, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
14.	Individual	Objection	Grounds: height and creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
15.	Individual	Objection	Grounds: height, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
16.	Individual	Objection	Grounds: height, neighbourhood character, density	Grounds are within the ambit of considerations under the relevant planning provisions.
17.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, traffic, parking, infrastructure, wrong location for affordable housing	Grounds are within the ambit of considerations under the relevant planning provisions.
18.	Individual	Objection	Grounds: height, neighbourhood character, density, noise	Grounds are within the ambit of considerations under the relevant planning provisions.
19.	Individual	Objection	Grounds: height, scale, bulk/design, neighbourhood character, setbacks, view sharing	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
20.	Individual	Objection	Grounds: height, scale, bulk/design, landscaping/site coverage, setbacks, neighbourhood character, view sharing	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
21.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, parking, shadowing, overlooking, view sharing, noise and the creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
22.	Individual	Objection	Grounds: height, scale, neighbourhood character, parking, views	Grounds are within the ambit of considerations under the relevant planning provisions.
23.	Individual	Objection	Grounds: height, scale, bulk/design, neighbourhood character, setbacks, traffic, parking, shadowing, overlooking, view sharing, noise, the creation of a precedent, storage, construction management	Grounds are within the ambit of considerations under the relevant planning provisions although precedents are a broad consideration.
24.	Individual	Objection	Grounds: scale, bulk/design, neighbourhood character, setbacks, parking, overlooking,	Grounds are within the ambit of considerations under the relevant planning provisions.

**1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments**

			noise	
25.	Individual	Objection	Grounds: neighbourhood character, views, property values	Excepting property values which may not be considered under the planning scheme, the grounds are within the ambit of considerations under the relevant planning provisions.
26.	Individual	Objection	Grounds: scale, neighbourhood character, view sharing	Grounds are within the ambit of considerations under the relevant planning provisions.
27.	Individual	Objection	Grounds: height	Grounds are within the ambit of considerations under the relevant planning provisions.
28.	Individual	Objection	Grounds: height, scale, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
29.	Individual	Objection	Grounds: height, landscaping/site coverage, neighbourhood character, setbacks, traffic, parking, overlooking, open space	Grounds are within the ambit of considerations under the relevant planning provisions.
30.	Individual	Objection	Grounds: height, neighbourhood character, density, parking, overlooking, view sharing, noise, short term rentals	Grounds are within the ambit of considerations under the relevant planning provisions although use for short term rentals is broadly considered in the context of the residential zone.
31.	Individual	Objection	Grounds: height, bulk/density, landscaping/site coverage, neighbourhood character, parking, noise, lack of subdivision application	The responsible authority must consider the application before it and no application has been made for subdivision. The remaining grounds are within the ambit of considerations under the relevant planning provisions.
32.	Individual	Objection	Grounds: bulk/design, neighbourhood character, traffic, shadowing, overlooking, property values	Excepting property values which may not be considered under the planning scheme, the grounds are within the ambit of considerations under the relevant planning provisions.
33.	Individual	Objection	Grounds: height, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
34.	Individual	Objection	Grounds: height, neighbourhood character, view sharing	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
35.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, shadowing, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
36.	Individual	Objection	Grounds: height, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the



**1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments**

				creation of precedents is a broader consideration.
37.	Individual	Objection	Grounds: height, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
38.	Individual	Objection	Grounds: height, neighbourhood character, traffic, parking, creation of a precedent, tree loss	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
39.	Individual	Objection	Grounds: bulk/design, neighbourhood character, traffic, parking, short term accommodation	Grounds are within the ambit of considerations under the relevant planning provisions although use is considered in the context of the residential zone.
40.	Individual	Objection	Grounds: height	Grounds are within the ambit of considerations under the relevant planning provisions.
41.	Individual	Objection	Grounds: height, neighbourhood character, traffic, parking, noise, creation of a precedent, energy efficiency.	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
42.	Individual	Objection	Grounds: height, scale, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
43.	Individual	Objection	Grounds: neighbourhood character, traffic, parking, fire hazard	Grounds are within the ambit of considerations under the relevant planning provisions although whether the building is a fire hazard must be considered in context.
44.	Individual	Objection	Grounds: scale, landscaping/site coverage, traffic, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
45.	Individual	Objection	Grounds: height, neighbourhood character, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
46.	Individual	Objection	Grounds: height, scale	Grounds are within the ambit of considerations under the relevant planning provisions.
47.	Individual	Objection	Grounds: height, scale, neighbourhood character	Grounds are within the ambit of considerations under the relevant planning provisions.
48.	Individual	Objection	Grounds: height, bulk/design, landscaping/site coverage, density, parking, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
49.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, traffic, parking, infrastructure	Grounds are within the ambit of considerations under the relevant planning provisions.
50.	Individual	Objection	Grounds: neighbourhood character, density, traffic, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
51.	Individual	Objection	Grounds: height, bulk/design,	Grounds are within the ambit of

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			landscaping/site coverage, neighbourhood character, density, traffic, parking, noise	considerations under the relevant planning provisions.
52.	Individual	Objection	Grounds: height, landscaping/site coverage, neighbourhood character, traffic, parking	Grounds are within the ambit of considerations under the relevant planning provisions.
53.	Individual	Objection	Grounds: height, neighbourhood character, density	Grounds are within the ambit of considerations under the relevant planning provisions.
54.	Individual	Objection	Grounds: neighbourhood character, density, traffic, property values	Grounds are within the ambit of considerations under the relevant planning provisions.
55.	Individual	Objection	Grounds: height, neighbourhood character, parking, shadowing, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
56.	Individual	Objection	Grounds: height, scale, traffic, shadowing, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
57.	Individual	Objection	Grounds: height, neighbourhood character, traffic, shadowing	Grounds are within the ambit of considerations under the relevant planning provisions.
58.	Individual	Objection	Grounds: neighbourhood character, parking, overlooking, noise	Grounds are within the ambit of considerations under the relevant planning provisions.
59.	Individual	Objection	Grounds: traffic, parking, overlooking, noise, waste disposal	Grounds are within the ambit of considerations under the relevant planning provisions.
60.	Individual	Objection	Grounds: height, parking, shadowing, overlooking, noise	Grounds are within the ambit of considerations under the relevant planning provisions.
61.	Individual	Objection	Grounds: height, bulk/design, neighbourhood character, setbacks, parking, overlooking, noise, construction management	Grounds are within the ambit of considerations under the relevant planning provisions.
62.	Individual	Objection	Grounds: height, scale, bulk/design, neighbourhood character, traffic, parking, shadowing, building maintenance	Excepting the future maintenance of the building, the grounds are within the ambit of considerations under the relevant planning provisions.
63.	Individual	Objection	Grounds: neighbourhood character, density, traffic, parking, shadowing, overlooking	Grounds are within the ambit of considerations under the relevant planning provisions.
64.	Individual	Objection	Grounds: parking	Grounds are within the ambit of considerations under the relevant planning provisions.
65.	Individual	Objection	Grounds: height, traffic, shadowing, views, noise, infrastructure, creation of a precedent	Grounds are within the ambit of considerations under the relevant planning provisions although the creation of precedents is a broader consideration.
66.	Individual	Objection	Grounds: neighbourhood character, traffic	Grounds are within the ambit of considerations under the relevant planning provisions.
67.	Individual	Objection	Grounds: height, neighbourhood character, density, traffic, infrastructure, creation of a precedent, construction quality	Excepting construction quality which is a building matter, the grounds are within the ambit of considerations under the relevant

**1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments**

				planning provisions although the creation of precedents is a broader consideration.
68.	Individual	Objection	Grounds: the fence, height, bulk/design, landscaping/site coverage, neighbourhood character, setbacks, parking, view sharing, fire risk, waste collection	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
69.	Individual	Objection	Grounds: height, landscaping/site coverage, neighbourhood character, setbacks, parking, view sharing, limited storage	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.
70.	Individual	Objection	Grounds: height, scale, bulk/design, character, views	Grounds are within the ambit of considerations under the relevant planning provisions although the scheme only includes view sharing consideration for those properties covered by the DDO13.

The issues raised in the submissions will be considered in detail in a report to be presented to the 24 July 2018 Council meeting.

**Recommendation**

That the Hearing of Submissions Committee receive and note the submissions relating to Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments, and forward to Council for consideration.

**Committee Resolution**

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

That the Hearing of Submissions Committee receive and note the submissions relating to Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments, and forward to Council for consideration.

CARRIED 5:0

**1.2 Planning Permit Application 17/0374: 86-92 The Esplanade, Torquay – Development of 48 Residential Apartments**

**APPENDIX 1 ORDER OF SPEAKERS**



**Hearing of Submissions**  
Tuesday 3 July 2018  
5pm  
Council Chambers  
1 Merrijig Drive, Torquay

**ORDER OF SPEAKERS**

**Environment & Development**

1.2 Planning Permit Application 17/0374 – 86-92 The Esplanade, Torquay – Construction of a Residential Apartment Building (48 Units)

	Submitter Name
1.	David Merrett
2.	Richard Glawitsch
3.	John Foss
4.	3228 Residents Association
5.	Jill Tickner and Brian Weppner

D18/78446

**Close:** There being no further items of business the meeting closed at 5.56pm.

### 8.3 Advisory Committee Minutes

**Author's Title:** Administration Officer, Governance & Risk      **General Manager:** Chris Pike

**Department:** Governance

**File No:** F18/221

**Division:** Governance & Infrastructure

**Trim No:** IC18/1048

**Appendix:**

1. All Abilities Advisory Committee Meeting Minutes - 7 June 2018 (D18/75935)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to receive and note the minutes of the Advisory Committee meetings as appended.

#### **Summary**

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

#### **Recommendation**

That Council receives and notes the minutes of the following Advisory Committee meetings:

1. All Abilities Advisory Committee Meeting – 7 June 2018.

#### **Council Resolution**

##### **MOVED Cr Rose Hodge, Seconded Cr Clive Goldsworthy**

That Council receives and notes the minutes of the following Advisory Committee meetings:

1. All Abilities Advisory Committee Meeting – 7 June 2018.

CARRIED 8:0

**8.3 Advisory Committee Minutes**

**APPENDIX 1 ALL ABILITIES ADVISORY COMMITTEE MEETING MINUTES - 7 JUNE 2018**

<b>All Abilities Advisory Committee (AAAC) MINUTES</b> <b>Thursday 7 June 2018, 11am – 1pm</b> <b>Surf Coast Shire Council, 1 Merrijig Drive Torquay</b>					
<b>Attendees:</b> Caroline Maplesden (Chairperson), Leone Mervin, Cr Heather Wellington, Cr Rose Hodge, Janet Brown, Michael Chan, Richard Porter, Manny Pimentel, Damian Waight (Surf Coast Shire), Kerri Deague (Surf Coast Shire).					
<b>Apologies:</b> Nil.					
Ag. No.	Issue Topic	Time	Points of Discussion Details/ Decision	Agreement/ Action/Timeframe	Responsible
1.1	Welcome, introductions and acknowledgements	5	Our meeting is being held on the traditional lands of the Wadawurrung people and we acknowledge them as Traditional Owners. We pay our respects to their Elders, past and present.		C. Maplesden
1.2	Minutes from previous meeting	2	The minutes from 5 April were submitted at the Council meeting on 22 May 2018.	Accepted: L Mervin Seconded: R Porter Carried: All	C. Maplesden
1.3	Conflicts of Interest	2	Declaration of conflict of interest	Nil	C. Maplesden
<b>2</b>	<b>Business Arising</b>				
2.1	Standard item – noteworthy items or new resources in the space of access and inclusion	10	K Deague circulated flyers about upcoming forums D Waight spoke about Chris Bunton - a gold medal-winning gymnast, coach and Sydney University student. He is proof that living with disability is no obstacle to realising your dreams. R Porter – Noted the good work of Prevention and Recovery Care (PARC) facility in Geelong E Pimmentel – All Abilities Band (Rockheads) asked to play at Victorian College of the Arts J Brown – spoke about alternative housing options for participants receiving NDIA funded supports	<b>Action:</b> circulate potential funding sources information with minutes	K Deague
2.2	Pedestrian safety on footpaths, nature strips and parks.	20	C Mapleseden presented a report and discussion about pedestrian safety on footpaths, the legal framework and options for Council to consider addressing pedestrian safety. A discussion by AAAC members followed the presentation, about the role of Council with questions remaining such as: How well do we understand the community's concern of this issue? What is Council's existing level of enforcement on footpaths? How does Council measure the need around pedestrian safety? Is this an issue AAAC would like to advise Council that action should be taken and if so what should	<b>Agreement:</b> All members agree the issue is worth further exploration within Council. Please see attached summary meeting notes. <b>Action:</b> Invite Michael Walker from DHHS to	C. Maplesden and K Deague



			it be?	next meeting to invite comment on actions around pedestrian safety in Victoria	
2.3	AAAC new member appointments	5	Decision to appoint has been deferred to a future Council meeting – likely July		D Waight
2.4	Adult Changing Place project update	10	Funding from Victorian Government. Council contribution. Timelines for commencement and completion. Website link: <a href="https://vhhsba.vic.gov.au/health-infrastructure/changing-places">https://vhhsba.vic.gov.au/health-infrastructure/changing-places</a>		D Waight and K Deague
2.5	Rural Access (Building Inclusive Communities) program review and funding update	5	The Rural Access service review will come before Council at the July meeting		D Waight
<b>3.</b>	<b>New Business</b>				
3.1	Campbell Page Community Employment Service commencing in Torquay.	12:00 30 mins	Presentation by Chloe Span: Partnership Coordinator	Refer to attached digital presentation for details	Chloe Span
3.2	Tour of Kurrabee Myaring Community Centre (KMCC)	12:30 30min	Carried forward until next meeting in August		All
<b>4.</b>	<b>Next meeting</b>	2	Thursday 2 August 2018 – Council Offices 11am – 1pm		
<p><b>Ground Rules for our Meeting:</b></p> <ul style="list-style-type: none"> <li>We start on time and finish on time</li> <li>We all participate and contribute – everyone is given an opportunity to voice their opinions</li> <li>We use improvement tools that enhance meeting efficiency and effectiveness</li> <li>We actively listen to what others have to say, seeking first to understand then to be understood</li> </ul>			<ul style="list-style-type: none"> <li>We follow-up actions for which we are assigned responsibility and complete them on time</li> <li>We give and receive open and honest feedback in a constructive manner</li> <li>We use data to make decisions (whenever possible)</li> <li>We strive to continually improve our meeting process and build time into each agenda for reflection</li> </ul>		
<p>2018 meeting times: 11am – 1pm first Thursday of every second month commencing February 2018.  <del>Thursday 1 February, Thursday 5 April, Thursday 7 June.</del>          Thursday 2 August, Thursday 4 October, Thursday 6 December.</p>					

**9. NOTICE OF MOTIONS**

Nil

## 10. CLOSED SECTION

### Council Resolution

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

That Council pursuant to section 89(2)(d) contractual matters, section 89(2)(f) legal advice, section 89(2)(h) other matters and section 89(2)(a) personnel matters of the Local Government Act 1989, close the meeting to members of the public at 8:00pm to resolve on matters pertaining to the following items:

- 10.1 **CEO Employment Contract** (section 89(2)(d) contractual matters)
- 10.2 **Legal Advice for Planning Application 17/0376 for use of a Helicopter Site at 420 Coombes Road, Freshwater Creek** (section 89(2)(f) legal advice)
- 10.3 **Winchelsea Land Acquisition Update** (section 89(2)(d) contractual matters)
- 10.4 **SKM Contract Variation for Recycling Services** (section 89(2)(d) contractual matters)
- 10.5 **Barwon Integrated Water Management Forum, Strategic Directions Statement** (section 89(2)(h) other matters)
- 10.6 **Signature Event Funding Request: GKA Kite-Surf World Cup Torquay 2018-20** (section 89(2)(h) other matters)
- 10.7 **Signature Event Funding Request: Amy's Gran Fondo 2018-20** (section 89(2)(h) other matters)
- 10.8 **Award of Contract T18/037 - Spring Creek Netball Pavilion** (section 89(2)(d) contractual matters)
- 10.9 **Extension of Contract 14/564 - Cleaning of Council Buildings** (section 89(2)(d) contractual matters)
- 10.10 **All Abilities Advisory Committee Appointments** (section 89(2)(h) other matters)
- 10.11 **Confidential Assemblies of Councillors** (section 89(2)(h) other matters)
- 10.12 **Councillor Governance Matters** (section 89(2)(a) personnel matters)

CARRIED 8:0

### 10.1 CEO Employment Contract

Council deemed that Mr Baillie's reappointment be no longer confidential. Council reappointed Keith Baillie as Chief Executive Officer for a further four year term.

### 10.6 Signature Event Funding Request: GKA Kite-Surf World Cup Torquay 2018-20

#### Council Resolution

#### **MOVED Cr Clive Goldsworthy, Seconded Cr Rose Hodge**

That Council:

1. Commits to funding the GKA Kite-Surf World Cup Torquay for a total amount of \$60,000 over a three-year period for the 2018, 2019 and 2020 events.
2. Allocates \$20,000 funding from the 2018-19 Signature Events program budget to the 2018 GKA Kite-Surf World Cup Torquay event.
3. Pre-allocates \$20,000 funding from the 2019-20 and 2020-21 Signature Events program budgets to the 2019 and 2020 GKA Kite-Surf World Cup Torquay events respectively.
4. Notes that a Funding Agreement will be entered into with Brand Dimensions outlining the commitment of \$60,000 over a three year period for the 2018, 2019 and 2020 events, including a requirement to submit an event acquittal report following the 2018 event for assessment by Council officers prior to the release of any subsequent funding.
5. Agrees that the resolution is no longer deemed confidential.

CARRIED 8:0

### 10.7 Signature Event Funding Request: Amy's Gran Fondo 2018-20

#### Council Resolution

#### **MOVED Cr Clive Goldsworthy, Seconded Cr Libby Coker**

That Council:

1. Commit to funding Amy's Gran Fondo for an amount of \$52,500 over a three-year period for the 2018, 2019 and 2020 events.
2. Allocate \$15,000 funding from the 2018-19 Signature Events program budget to the 2018 Amy's Gran Fondo.
3. Pre-allocate \$17,500 from the 2019-20 Signature Events program budget and \$20,000 from the 2020-21 Signature Events program budget to the 2019 and 2020 Amy's Gran Fondo events respectively.
4. Agrees that the resolution is no longer deemed confidential.

CARRIED 8:0

**10.8 Award of Contract T18/037 - Spring Creek Netball Pavilion**

Council determined that the name of the successful tenderer B-D-H Constructions and awarded tender price of \$584,352 (exc GST) be made public.

**10.9 Extension of Contract 14/564 - Cleaning of Council Buildings**

Council determined that the award of the contract extension be no longer confidential. Council approved the contract extension to Contract 14/564 Cleaning of Council Buildings for a period from 1 August 2018 to 30 June 2021 for a lump sum of \$1,797,978 (plus GST).

**Close:** There being no further items of business the meeting closed at 8:56pm.