

# Minutes

Ordinary Meeting of Council  
Tuesday, 27 November 2018

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

**Council:**

Cr Rose Hodge (Mayor)  
Cr David Bell  
Cr Libby Coker  
Cr Martin Duke  
Cr Clive Goldsworthy  
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 27 NOVEMBER 2018 COMMENCING AT 6.00PM

**PRESENT:**

Cr Rose Hodge (Mayor)  
Cr Libby Coker  
Cr Martin Duke  
Cr Clive Goldsworthy  
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  
Senior Governance Officer – Daniella Vasiloski (minutes)

7 members of staff  
127 members of the public  
2 members of the press

**OPENING:**

**Cr Rose Hodge, 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:**

**Council Resolution**

**MOVED Cr Margot Smith, Seconded Cr Clive Goldsworthy**

That an apology be received from Dr David Bell.

CARRIED 7:0

**CONFIRMATION OF MINUTES:**

**Council Resolution**

**MOVED Cr Martin Duke, Seconded Cr Libby Coker**

That Council note the minutes of the Ordinary meeting of Council held on 23 October 2018, and the Special meeting of Council held on 7 November 2018, as correct records of the meetings.

CARRIED 7:0

**LEAVE OF ABSENCE REQUESTS:**

**Council Resolution**

**MOVED Cr Libby Coker, Seconded Cr Martin Duke**

That a leave of absence be granted to Cr Heather Wellington from 12 December 2018 to 18 March 2019 inclusive.

CARRIED 7:0



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**CONFLICTS OF INTEREST:**

Cr Clive Goldsworthy declared a indirect conflict of interest for Item 6.1 – Small Grants Program September 2018 of the open agenda under Section 78B of the Local Government Act 1989 – conflicting duty. The nature of the interest being Cr Clive Goldsworthy is President, Lorne Country Club and Treasurer, Lorne Community Connect.

**PRESENTATIONS:**

Nil

**PUBLIC QUESTION TIME:**

**Questions with Notice relating to tonight's agenda (12 questions in total)**

**Question 1 received from Jenny Mathison of Winchelsea**

**Question 1: Winchelsea Shire Hall and Tearoom**

Will Councillors commit to undertaking the planned community consultation transparently, in partnership with Growing Winchelsea Inc, with the aim of identifying uses that will:

- keep the doors open and the Hall available for community use, and
- keep a reliable catering service on site that welcomes users and generates income for the Shire?

General Manager Culture and Community – Chris Pike responded:

I cannot speak on behalf of councillors but do note that the Council will consider the officer report on this matter this evening and will debate the issues it raises. That report proposes a process to consider the future use of the facility by working openly with the community including Growing Winchelsea so as to determine the options available and the merits of those options. The report contains officers' best advice at this time on a way to progress this matter without presuming the outcome of that process.

**Question 2 received from Nick Morris of Torquay**

**Question 2: Potential Oil Spill On Our Coast**

Norwegian oil company Equinor, has confirmed it will proceed with plans to drill an exploration well in the Great Australian Bight.

Independent oil spill modeling and Equinors own modeling shows that if there is an oil spill it is a very realistic chance of washing up very much along our coast and in fact spread as far as Port Macquarie. This would shut down our beaches and economy taking out countless species of wild life in the process.

Is the council opposed to the drilling of the Great Australian Bight and if not, why not?

General Manager Environment and Development – Ransce Salan responded:

Council is aware of growing community concerns that proposed exploratory oil drilling in the Great Australian Bight off the Coast of Ceduna, South Australia and answered a similar question at Council's October meeting.

Tonight, Council will formally acknowledge receipt of the community petition calling upon Council to become the first Victorian council to oppose formally oil exploration in the Great Australian Bight.

The National Offshore Petroleum Safety & Environment Management Authority (NOPSEMA) is the regulatory authority that must assess and accept an environment plan from Equinor for the proposed exploratory drilling before it commences.

NOPSEMA has advised that it has agreed to a request from Equinor to facilitate a period of public comment for the environment plan before it is submitted for assessment. NOPSEMA will publish on its website a link to Equinor's environment plan with an online submission form for public comment.

Public comments will be received by both NOPSEMA and Equinor.

As at 27 November 2018, an environment plan has not yet been published on NOPSEMA's website and

Council does not have a position on this matter.

Council will review the proposed environment plan once released for public comment and develop its position on this matter at that time, considering the potential environmental, social and economic impacts for the shire.

**Question 3 received from Sean Doherty of Jan Juc**

**Question 3: Deepwater Oil Drilling in the Great Australian Bight**

Is Council aware that leaked oil spill modelling for Equinor's proposed deepwater oil project in the Great Australian Bight would see oil washing up on every single Surf Coast beach? And if they are aware of it, what do they propose to do about it?

Refer to response given for question 2.

**Question 4 and 5 received from Linley Hurrell of Jan Juc**

Linley advised that a further 150 signatures added to petition and will be provided to Council.

**Question 4: Opposition of Drilling in the Great Australian Bight**

The Surf Coast Shire has stated that drilling in the Bight has little to no effect on our region, yet spill modeling shows that Bells Beach will be directly affected. This will have major effects on the Surf Industry and the annual Ripcurl Pro, which is a major event held in conjunction with the Shire, how will you help support the surf industry when we will inevitably see major losses because of an spill in the Great Australian Bight?

General Manager Environment and Development – Ransce Salan responded:

Council is not aware of any statements made on behalf of Council regarding the effects of drilling for oil in the Great Australian Bight. Council has not yet developed its position as formally advised on this matter but will do so. Once Council has a position it will be made public.

**Question 5 : Opposition of Drilling in the Great Australian Bight**

Under the Environment section of your website, you state 'Our community members consistently show their desire to protect our natural world and a commitment to sustainable and environmentally friendly practices' yet by not acknowledging the potential risk and losses of an oil spill in the Great Australian Bight you are directly going against your own word. Will you formally oppose drilling in the Bight and become the first Victorian council to do so?

Refer to response given for question 2.

**Question 6 received from Jackson Perry of Jan Juc**

**Question 6 : Oil drilling**

The surf industry has been the backbone of the local community for decades and would be devastated if an oil spill ever hit the beaches here. Will the Council factor the economic consequences to the surf and tourism industries of a potential oil spill? It just seems with the drilling in the Bight it's all risk and no reward?

Refer to response given for question 2.

**Question 7 received from Kate Maffett of Anglesea**

**Question 7 : Oil drilling in the Great Australian Bight**

Will the Council be the first Victorian Council to oppose oil in the Bight?

Refer to response given for question 2.

**Question 8 and 9 received from Matt Martin of Jan Juc**

**Question 8 : Oil drilling in the Great Australian Bight**

Given that Torquay and surrounding areas along the Great Ocean Road rely so heavily on our coastline for recreation and income derived from business which depend on access to our beaches, what has the council done to educate themselves on the risk to what surely must be our greatest asset.

Refer to response given for question 2.

**Question 9 : Oil drilling in the Great Australian Bight**

Has our council connected with any of the thirteen councils, such as Port Fairy in Victoria or Port Lincoln in South Australia to find out why they have taken a stand against drilling in the Bight ?

Cr Rose Hodge, Mayor responded to confirm that Council would consider the position of other local government Councils.

**Question 10 received from Alison Creevey (suburb not to be disclosed)**

**Question 10 : Oppose the oil rig in Great Australian Bight**

In the Gulf of Mexico spill, oil leaked into the Gulf over a period of 3 months. This is the expected time it would take to cap a leak in the Bight. Research has shown that impacted communities in Gulf Coast towns were forced into a full-blown recession because of the drop in house prices associated with the oil spill. What sort of economic management plan does the Council have in place to support the Shire if such an event were to occur in the Bight?

Refer to response given for question 2.

**Question 11 and 12 received from Corinne Marriner (suburb not to be disclosed)**

**Question 11 : Oppose the oil rig in the Great Ocean Bight**

Are you aware that Equinor have said they will pull out of the oil rig on the Great Australian Bight if there is a shown public uproar opposing the oil rig?

Refer to response given for question 2.

**Question 12 : Oppose the oil rig in the Great Ocean Bight**

Are you aware if this goes ahead the planned drilling area is one of the most deepest and remote wells anywhere in the world?

BP and Chevron have backed out as the chances of an oil spill are too risky. This shows as a community we are at risk and need to take action.

Refer to response given for question 2.

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## **CEO's Statement addressing public questions with notice not relating to tonight's agenda earthworks around 380 Pettavel Road**

We have a number of public questions this evening regarding works that have occurred at a property in Pettavel Road at Freshwater Creek.

This is a formal planning investigation matter and I want to assure everyone we are taking these issues seriously. However as it's a formal matter the Council meeting Public Question Time is not an appropriate forum to discuss the details.

In broad terms the matter was drawn to Council's attention at almost 10pm on Friday 9 November, and an acknowledgment was provided before lunch the following working day. Officers commenced looking into the matter shortly afterwards and since then there has been ongoing activity and communication.

I would also recognise that in addition to the planning investigation that is underway, we have also received a number of complaints in relation to the way Council has responded to this matter. These complaints will be investigated under Council's Complaints Policy to identify any issues and improvements that need to be made to Council's processes. As per the Complaints Policy the relevant parties will be notified of findings and recommendations.

We understand that some in the community have a strong interest in this matter and we encourage them to continue to communicate with the relevant officers.

Accordingly all questions about this matter will be taken on notice this evening. A response will be provided at the appropriate time in the investigation.

### **Questions with Notice not relating to tonight's agenda (13 questions in total)**

#### **Question 13 and 14 received from Penny Stevens (suburb not to be disclosed)**

##### **Question 13 : 380 Pettavel Rd – Escalation of requests**

Many residents have called the Council regarding the work at 380 Pettavel Rd, Traditionally we have escalated through the Councillors when these issues have occurred. Councillors have then, typically, convened meetings of the concerned residents and co-ordinated review with the Council Officers.

When calls to Council aren't returned:-

- What is the escalation process given recent changes to Councillors interactions with Council Officers?
- How are communications managed given the recent apparent reticence to share information with impacted parties?

Question taken on notice.

##### **Question 14 : 380 Pettavel Rd – Permit for cross-over works**

Are Officers contemplating issuing a retrospective permit for the cross-over works at 380 Pettavel Rd. If so, do the Councillors believe that this is appropriate given the level of anxiety and lack of transparent to date at this site.

Question taken on notice.

#### **Question 15 received from John Olliff of Freshwater Creek**

##### **Question 15: Earthworks and driveway at 380 Dickins Road**

Can the Surf Coast Council advise what planning and / or other permits have been issued in the last 5 years pertaining to earthworks and a new driveway entrance to Dickins Road, has been granted to the owners of 380 Dickins Road

Question taken on notice.

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## **Question 16 and 17 received from Ann Bullen of Mt Duneed**

### **Question 16 : 380 Pettavel Road**

Given the earthworks and activity that has occurred at 380 Pettavel Rd has created a level of anxiety and anger within the surrounding community, in the interests of transparency and accountability will Councillors commit to deciding any retrospective (or other permits) relating to this site within Council and not by delegated authority?

I would like either the Mayor or CEO to respond to this question.

Question taken on notice.

### **Question 17:**

Councillors would now be aware of the issues created by earthworks at 380 Petavell Road. Council departments have confirmed that there have been no applications for any permits for works at this property over the past several years.

These works have occurred in areas covered by overlays including - Salinity management, Land Subject to Inundation and Cultural Heritage Sensitivity and are subject to regulation under - the Planning Scheme including Native Vegetation Regulations, Aboriginal Heritage Act 2006 and possibly the Water Act 1989 and the EPA Act 1970.

The earthworks included:

- a 2nd unapproved Crossover carved through classified high value native vegetation destroying the connectivity and canopy.
- hundreds of cubic metres of soil from a development site in North Torquay known to be heavily infested with serrated tussock being dumped on the property.
- construction of water channels interfering with the flow of water across the land and inhibiting water flows into Taylors Gully and Thompson's Creek compromising environmental water flows..
- major enlargement and construction of dam bank walls all within a cultural heritage sensitivity overlay.
- major excavations, levelling and soil dumping on two sizeably significant areas on the property. potentially also within cultural heritage sensitivity overlays.

Community members have been contacting council, by phone and email, over the earthworks, truck movements and soil dumping, notifying the council of the unauthorised construction of the crossover on a public road reserve by email on November 9th.

Council Officers did not inspect the site until November 21st, some 12 days later. During this period the soil dumping took place continuously over 4 days with 30 plus 38 tonne trucks using this illegally built crossover daily.

Will Councillors acknowledge :

- the seriousness of the numerous breaches of the Planning Scheme and the regulations under various Acts that have occurred under their watch.
- that a far more proactive and transparent response to notifications from residents was warranted
- that prompt action to suspend works at this site would have avoided further damage to our local environment, including potentially years of work to control any serrated tussock outbreaks originating from this site.

I ask the Councillors and the CEO What processes can be put in place to improve Council performance in responding to these type of incidents?

Question taken on notice.

## **Question 18 and 19 received from Rob Bullen of Mt Duneed**

### **Question 18 : 380 Pettavel Road**

Question for the Mayor:

Ratepayers have an expectation from the council to:

- Be a trusted custodian of the commons, whether this be environment, planning, amenity shared assets etc.
- Be transparent
- Be consistent in applying the various planning and administrative provisions (so they can be easily understood)
- Keep ratepayers informed in advance, and during decisions and issues that may impact us
- Not to be endlessly engaged in trivial disputes that distract the Council from the big picture

Speaking with many of my fellow rate payers it appears that we are going in the opposite direction:

- Becoming less informed about issues that impact us
- Inconsistent application of the various planning decisions
- See the council and councillors being dragged into various time consuming escalations
- Seeing "policy on the fly" seemingly developed by individuals within the council.

Does the Mayor acknowledge that we have a problem, and if so what does the mayor suggest "we" (including the council) do about this?

Question taken on notice.

**Question 19 : 380 Pettavel Road**

The council should be commended on recently announcing a Serrated Tussock containment line bordering North Torquay. Serrated tussock is a very difficult weed to eradicate once established, it causes huge commercial losses, is incredibly invasive and its light seeds are prolific and very effectively spread by wind and even car tyres. It is subject to large environment programs to just contain, and is very difficult to eradicate.

Is the council aware that ~5 trucks have been working for over 10hrs / day for the last 2 weeks moving soil from known serrated tussock area into an area which does not have a serrated tussock as part of the construction work at 380 Pettavell road? (The neighbours are not happy that they found out the source of the soil by chance).

If so, what is their recommendation for control and eradication of Serrated tussock that will likely germinate on the property at 380 Pettavell Road?

Question taken on notice.

**Question 20 received from Leanne Prestipino (suburb not to be disclosed)**

**Question 20 : Environmental damage – 380 Pettavel Road**

Given that it is believed that an illegal secondary cross-over was constructed at 380 Pettavel Road, Freshwater Creek recently with no permit, which resulting in significant damage to established native trees and wildlife habitat, will Council uphold the Native Vegetation Protection Regulations and seek to prosecute the responsible party and order restoration and off-set plantings?

Question taken on notice.

**Question 21 and 22 received from Lisa Larcombe-Marsh of Freshwater Creek**

**Question 21 : 380 Pettavel Road - Permits**

What permits are required for the road crossovers when cutting through what council has assessed as "High Value" native vegetation.

Alternate options exist for crossovers with less impacts

Work has proceeded prior to grant of any permits

Question taken on notice.

**Question 22 : 380 Pettavel Road – Cessation of work**

How long between notification of the council and cessation of work on the property at 380 Pettavel Rd. Why was this delay?

Question taken on notice.

**Question 23 received from Mark Thomas of Freshwater Creek**

**Question 23: Inspection of 380 Pettavel Raod**

How is it that the environmental and compliance officers hadn't inspected the destruction of high value native vegetation, when minor infringements of even low value native vegetation evoke immediate response from the Council's environmental department previously and nearby.

Question taken on notice.

#### **Question 24 received from Carolyn Grills-Harte of unknown suburb**

##### **Question 24 : Councillor Questions**

I was concerned to read in today's Geelong Advertiser the concerns from Heather Wellington. If councillors cannot ask these questions then who represents us the rate payers? Who do we go to if we have concerns with the process?

Chief Executive Officer– Keith Baillie responded:

Officers are committed to supporting Councillors to fulfil their role under our system of local government, including their ability to represent the community.

This role is when Councillors come together as The Council and we provide extensive opportunities for Councillors to be fully informed when they make decisions.

We have a number of Councillor Briefing Sessions each month and also Councillors are able to raise questions and seek information on these items throughout the month. Of course for those items, Councillors also inform themselves by reading reports and talking to their constituents.

We also have many dedicated Briefing Sessions for the preparation of major items – such as the Council Plan, Annual Budget and key strategies. We also have public submissions via the Hearing of Submissions meeting where ratepayers come and present directly to the Councillors.

We also welcome information from Councillors about local issues impacting the community that officers might otherwise not be aware of.

The Local Government Act outlines that operational matters are the responsibility of the organisation and this includes decisions made by officers under delegation. For example, this includes areas such as planning investigations that I have referred to earlier. It is important to support our staff as they undertake their responsibilities.

Ratepayers and other customers should always feel free to contact officers who will be able to talk with them about laws, policies and processes that may apply to their situation. We understand that customers sometimes are still unhappy and we want to understand and learn from that. They can raise this with management or raise a complaint that will be formally considered under Council's Complaints Policy.

#### **Question 25 received from Leanne Prestipino of (suburb not disclosed)**

##### **Question 25: Councillor Role**

If our councillors are prohibited from accessing information on operational matters or decisions made by officers under their delegation authorities, then what is the purpose and function of a council in relation to community member queries particularly given that a receptionists could equally refer to appropriate council officers?

Mayor Cr Rose Hodge – responded:

As Mayor I would like to answer on behalf of all Councillors. Councillors do get information and while some Councillors say they don't, most Councillors say that they do get the information but not operational information as set out in the Victorian Government Act and that is what Councillors have to follow. Appreciate that some Councillors may differ from that. On the majority Councillors and as Mayor we work quite well. Councillors do get a lot of information. There are a lot of briefings which some Councillors can't get to. Agendas are delivered prior to meetings and Councillors are able to ask questions.

#### **Questions without Notice relating to tonight's agenda (x questions in total)**

Nil

**Questions without Notice not relating to tonight's agenda (1 question in total)**

**Question 26 received from Jackson Docherty of Freshwater Creek**

**Question 26 : Planning Permission**

What information are neighbours entitled to when significant work under council jurisdiction is being planned?

Question taken on notice.



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## 1. PETITIONS & JOINT LETTERS

### 1.1 Petition Requesting: Protect the Great Australian Bight from Big Oil (NOPSEMA)

**Author's Title:** Executive Assistant

**General Manager:** Ransce Salan

**Department:** Environment & Development

**File No:** F17/968

**Division:** Environment & Development

**Trim No:** IC18/1929

**Appendix:**

1. Petition - Protect the Great Australian Bight from Big Oil - Redacted (D18/150122)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to receive and note the petition requesting that Council formerly pass a motion opposing Equinor's plans to drill for oil in the Great Australian Bight and to request in writing a moratorium on all future oil and gas exploration in the Great Australian Bight from the National Offshore Petroleum Safety and Environmental Management (NOPSEMA).

The petition consists of 323 signatures.

#### **Recommendation**

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

1. Receives and notes the petition requesting to formerly pass a motion opposing Equinor's plans to drill for oil in the Great Australian Bight and to request in writing a moratorium on all future oil and gas exploration in the Great Australian Bight from the National Offshore Petroleum Safety and Environmental Management (NOPSEMA).
2. Refers the petition to the General Manager Environment and Development for consideration.
3. Requires a report on the petition be presented to the 11 December 2018 Ordinary Council Meeting.

#### **Council Resolution**

##### **MOVED Cr Margot Smith, Seconded Cr Libby Coker**

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

1. Receives and notes the petition requesting to formerly pass a motion opposing Equinor's plans to drill for oil in the Great Australian Bight and to request in writing a moratorium on all future oil and gas exploration in the Great Australian Bight from the National Offshore Petroleum Safety and Environmental Management (NOPSEMA).
2. Refers the petition to the General Manager Environment and Development for consideration.
3. Requires a report on the petition be presented to the 11 December 2018 Ordinary Council Meeting.

CARRIED 7:0

**1.1 Petition Requesting: Protect the Great Australian Bight from Big Oil (NOPSEMA)**

**APPENDIX 1 PETITION - PROTECT THE GREAT AUSTRALIAN BIGHT FROM BIG OIL - REDACTED**

To the Surf Coast Shire Council

Norwegian oil company Equinor (formerly Statoil) intends to drill an exploration well in the Great Australian Bight - a remote, wild and pristine ocean.

Conservative and independent oil spill modelling has shown the entire southern coastline of Australia impacted by oil. Equinor's own spill modelling released just this week has shown a worst-case scenario with oil on beaches as far north as Port Macquarie in NSW and almost to the shores of New Zealand.

In spite of decades of presumed advances in technology and regulation, we are still seeing major oil spills and accidents on our coasts and in our oceans. We have seen proof of this many times, most recently with the Deepwater Horizon oil spill in the Gulf of Mexico in 2010. There is no completely safe, risk-free way to drill for oil offshore and the unique marine and coastal environment of the Bight should be protected from such risks. When spills happen, beaches and campgrounds are closed, tourists are turned away, and recreational fisheries are impacted. Businesses all along the southern coastline of Australia (including those in the Surf Coast Shire) stand to be impacted by offshore oil drilling in our waters.

So far, 12 southern coastal communities have so far joined the campaign with their local councils passing motions to formerly oppose oil in the Bight. **We, the signatories of this petition and members of the Surf Coast community, are calling on the Surf Coast Shire Council to take action and become the first Victorian council to formerly oppose oil in the Bight.**

We wish for the Council to acknowledge receipt of the petition at the meeting on the 27 November. Equinor is likely to submit their environmental plan early in 2019 and so it is time sensitive that the Council moves to address the call to action in this petition and respond to the community's concerns at its earliest convenience.

We look forward to working with you on this matter to ensure that our beaches are protected from the devastating impacts of an oil spill in the Bight.





## Protect the Great Australian Bight from Big Oil

The petitioners whose names, addresses and signatures appear hereunder, petition the Surf Coast Shire as follows:

**To pass a motion to oppose Equinor's plans to drill for oil in the Great Australian Bight;**

**To request in writing a moratorium on all future oil and gas exploration in the Great Australian Bight from the National Offshore Petroleum Safety and Environmental Management (NOPSEMA).**

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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No.	NAME (First Name & Surname)	ADDRESS (Physical Address & Suburb)	SIGNATURE
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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.

**Council Resolution**

**MOVED Cr Martin Duke, Seconded Cr Carol McGregor**

That Council consider 6.2 Surf Coast Shire Theatre Feasibility Study and 6.4 Winchelsea Former Shire Hall- Future Use at this point in the Agenda for the benefit of the gallery present.

CARRIED 7:0

## 6.2 Surf Coast Shire Theatre Feasibility Study

**Author's Title:** Acting Manager Community Relations      **General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F18/976

**Division:** Culture & Community

**Trim No:** IC18/1886

### Appendix:

1. Torquay Theatre Feasibility Study - Final Report - November 2018 (D18/149710)

### Officer Direct or Indirect Conflict of Interest:

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

### Status:

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to present the Torquay Theatre Feasibility Study.

### Summary

Council appointed Marshall Day Enertech, in association with Randall Arts Management, to undertake a feasibility study into converting the Torquay Sport and Recreation Centre into a future theatre and arts space. The Torquay Sport and Recreation Centre will cease to operate as an indoor sports stadium once a new multi-purpose stadium is built in the Torquay Civic Precinct.

The feasibility study investigated whether the old stadium could be converted to a theatre/arts space based on the concept of a 'black box studio theatre' with ancillary exhibition space. The space was to be as flexible as possible to allow for a variety of uses, and to serve as an interim facility until a purpose built theatre/arts space could be considered in the long term.

The consultants found the building could reasonably accommodate a black box theatre space. Several existing facilities would easily convert for theatre use, including the toilets and change rooms, the commercial kitchen and an existing reception/meeting area that could accommodate a theatre lobby. Power supply and flooring are suitable subject to further investigation.

Some structural reinforcement would be required to hang lights, sound system and curtains and the consultants proposed an internal wall be built, effectively dividing the existing basketball court into a 1/3 – 2/3 split.

The consultants' report includes a basic design concept to inform the cost estimates but notes detailed design would be necessary to confirm the actual layout of the space.

A preliminary cost for the proposed works came to an estimated \$1,775,000 (ex GST). An operating model based on shared use and Council maintenance and administrative support showed an annual cost of approximately \$162,000 in the first year, decreasing to \$121,700 by the fifth year of operation. A better understanding of costs would become available if the project proceeds through a detailed planning and design process.

### Recommendation

That Council:

1. Notes the Torquay Theatre Feasibility Study as attached at Appendix 1.
2. Acknowledges the contribution of community members of the Project Working Group.
3. Considers allocating funds in Council's 2019-20 Budget to undertake further planning including detailed design.

### Council Resolution

#### **MOVED Cr Martin Duke, Seconded Cr Margot Smith**

That Council:

1. Notes the Torquay Theatre Feasibility Study as attached at Appendix 1.
2. Acknowledges the contribution of community members of the Project Working Group.
3. Considers allocating funds in Council's 2019-20 Budget to undertake further planning including detailed design.

CARRIED 7:0



## 6.2 Surf Coast Shire Theatre Feasibility Study

### Report

#### **Background**

Council's existing Torquay Sport and Recreation Centre, in the Surf City Plaza, will cease to host indoor sports when Council's new multi-purpose indoor stadium opens in 2020.

An Arts Space Feasibility Study adopted by Council in June 2015 concluded the site of the old centre was the preferred location for a future performance and arts space.

In August Council commissioned Marshall Day Enertech, in association with Randall Arts Management, to investigate the feasibility of converting the stadium. The study considered the building structure, an operating and management model, and a review of potential funding opportunities.

Council established a Project Working Group to inform the study. Membership included a representative cross section of local performing arts groups and individuals, including members of the Torquay Theatre Troupe.

Consultants met with the working group and a range of Council officers to understand potential community uses and to learn about the building and related planning considerations.

Marshall Day Entertech specialises in the design of performing arts venues. Randall Arts Management specialises in development of theatre operation and funding models.

#### **Discussion**

There has been a long standing interest in the development of a performing arts space in Torquay. The town, and surrounding area, is home to a number of creative organisations and individuals and recent population growth has added impetus to the desire for a theatre space.

The fact that the indoor sports, currently hosted at the Torquay Sport and Recreation Centre, will move to a new multi-purpose stadium in 2020 provided the opportunity to investigate whether the existing centre could serve as a theatre and arts venue.

The feasibility study investigated the structural requirements of converting the stadium. It found several existing facilities would easily convert for theatre use, including the toilets and change rooms, the commercial kitchen and an existing reception/meeting area that could accommodate a theatre lobby. There is all-abilities access and an adequate number of public car parking spaces adjacent to the centre. Power supply and flooring are considered suitable but the consultants recommend further investigation on these aspects should the project proceed.

Some structural reinforcement would be required to hang lights, sound system and curtains. To achieve this, the consultants proposed an internal wall be built, effectively dividing the existing basketball court into a 1/3 – 2/3 split. This would also provide two separate performance/exhibition spaces.

The study also considered how such a venue might be managed and what activities and groups it could accommodate.

The brief to the consultants specified that only the existing building enveloped be considered for the study, with a view to constraining costs where possible.

The study found the building could be converted for an estimated capital cost of \$1,775,000 (excluding GST) and that annual operating costs were likely to be in the order of \$162,000 in the first year, decreasing to \$121,700 by the fifth year of operation.

This assumed a shared used model with the aim of maximising use of the venue throughout the year.

To inform cost estimates, a basic concept design was prepared. Detailed design would be necessary to develop the concept, gain a better understanding of costs and to inform government grant applications.

## 6.2 Surf Coast Shire Theatre Feasibility Study

Advice from Council's Statutory Planning Unit suggested the current zone did not exclude the use of the building as a theatre/arts venue but a planning permit would be required. It should be noted, the general strategic aim of the zone is to support surfing retail and related tourism activities and the use of the building for theatre/arts activities would not fit directly with this aim.

### **Financial Implications**

The estimated capital cost of converting the Torquay sport and Recreation Centre into a black box style theatre/arts space is \$1,775,000 excluding GST. Operating costs are estimated at \$162,000 in the first year, decreasing to \$121,700 by the fifth year of operation. The costs are based on a preliminary concept. A better understanding of costs would become available if the project proceeds to detailed planning and design.

### **Council Plan**

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

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

### **Policy/Legal Implications**

A planning permit would be required if the Torquay Sport and Recreation Centre was converted to a theatre arts space.

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

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

### **Risk Assessment**

There are no risks associated with the recommendation other than the potential for some disappointment among community members that Council is not immediately commencing detailed designs.

In the future, the conversion of the sport and recreation centre to an theatre/arts facility would be contrary to the strategic aim of the planning zone and may 'lock in' a use based on facility availability rather than strategic objectives for the precinct.

There are risks in considering a multi-use facility (versus a dedicated, single-use facility) in that key groups' requirements may be partially compromised in favour of broader community needs. Multi-use facilities are designed to maximise value for money outcomes for Council capital and operating investment.

### **Social Considerations**

A community theatre / arts space would support existing and emerging arts groups in the shire. Participation in creative activities is a recognised contributor to health and well-being. A dedicated theatre / arts space would add to the cultural offering in the shire, providing a centralised, yet local, venue for a wide range of arts related activities.

### **Community Engagement**

Council sought the views of local arts practitioners including the Torquay Theatre Troupe by inviting a representative cross-section to join a Project Working Group. The group provided input into a preliminary report and the final version. Members also participated in an on-site workshop with the consultants. Broader community input will be sought if the project proceeds beyond the feasibility study.

### **Environmental Implications**

The study recommends the venue be cooled through forced air ventilation rather than air conditioning which would result in reduced power consumption.

### **Communication**

The outcome of this report will be communicated via Council's communications channels, including Council's website, social media and media release. Community members of the Project Working Group will be advised directly.

## 6.2 Surf Coast Shire Theatre Feasibility Study

### **Options**

Option 1 – note the Torquay Theatre Feasibility Study and consider an allocation for detailed design in the 2019-2020 Budget.

This option is recommended by officers as the study confirms the viability of using the Torquay Sport and Recreation Centre for a theatre/art space and detailed design would inform future grant applications. A detailed planning project is a valid candidate for funding consideration in Council's next budget.

Option 2 – note the Torquay Theatre Feasibility Study and do not consider progressing to a detailed planning stage

This option is not recommended by officers as the study confirms the viability of using the Torquay Sport and Recreation Centre for a theatre/art space and such a venue would deliver social and cultural benefits. A detailed planning project is a valid candidate for funding consideration in Council's next budget.

Option 3 – note the Torquay Theatre Feasibility Study and initiate the next stage of detailed planning and design

This option is not recommended by officers as it is prudent to consider the merits of this project alongside other candidates for future funding via Council's annual budget process which begins early in 2019. The detailed planning stage is not yet scoped and may be up to \$200k.

Option 4 – not note the Torquay Theatre Feasibility Study and consider another course of action (e.g. reopen the feasibility study with a focus on a factor not considered)

This option is not recommended by officers as the study confirms the viability of using the Torquay Sport and Recreation Centre for a theatre/art space and such a venue would deliver social and cultural benefits. The proposal is informed by the expertise of the consultants and the Project Working Group members who are active in the performing and visual arts.

### **Conclusion**

The Torquay Theatre Feasibility Study found the Torquay Sport and Recreation Centre would make a viable theatre/arts space. The building could be converted to a black box theatre venue and there is sufficient interest in the shire for such a facility to ensure regular patronage. A further stage of planning is required and funding for that work could be considered in the 2019/20 budget deliberations.

## **6.2 Surf Coast Shire Theatre Feasibility Study**

### **APPENDIX 1 TORQUAY THEATRE FEASIBILITY STUDY - FINAL REPORT - NOVEMBER 2018**



MARSHALL DAY  
Entertech

randall  
arts management

SURF COAST SHIRE  
THEATRE FEASIBILITY STUDY  
Rp 001 20181006 | 15 November 2018



6 Gipps Street  
Collingwood VIC 3066  
Australia  
T: +613 9416 1855  
ABN: 53 470 077 191  
www.marshallday.com

Project: **SURF COAST SHIRE FEASIBILITY STUDY**

Prepared for: **Surf Coast Shire Council  
1 Merrijig Dr  
Torquay Vic 3228**

Attention: **Lisa Robinson**

Report No.: **Rp 001 20181006**

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**Document Control**

Status:	Rev:	Comments	Date:	Author:	Reviewer:
Draft	A	Preliminary Findings	8/10/18	RJ	KK
Draft	B	Final Report	1/11/18	MJ	GR
Complete	C	Final Report	15/11/18	RJ	MJ





## EXECUTIVE SUMMARY

Marshall Day Entertech, in association with Randall Arts Management, has been commissioned by the Surf Coast Shire Council to prepare a Feasibility Report into converting the Torquay Sport and Recreation Centre into a future theatre and arts space. In 2020 all activities currently undertaken at the centre will be moved to a new facility, and so the existing space will be available for another purpose.

The budget to repurpose the building is limited (\$1 -2M), so in order to be able to utilise the existing building the extent of modifications to it need to be limited as far as is practicable.

An inspection of the building on 13 September 2018 revealed that in principle it can be repurposed with minimal changes to its fabric. Importantly, Back of House (BOH) dressing/ change rooms are available for actors with access to the stage and it is possible to easily provide BOH toilets (separated from the public). Existing power appears to be sufficient, there is plenty of parking, a good kitchen, and potential lobby. Importantly, on-grade access will satisfy DDA requirements.

We also met with Council's Project Control Group (PCG); Council staff members from across the organisation including Engineering, Planning and Operations; and community members of the Project Working Group (PWG).

A Preliminary Report was issued on 24 September 2018, and presented to Councillors and officers on 16 October 2018. PCG and PWG feedback has been received and where relevant, included in the report.

The design concept divides the basketball court into two with a 1/3 – 2/3 split. The smaller space would be available as a gallery/ dance studio/ pre-function space. The larger space is the theatre/ performance space. The theatre design is based around a "Black Box Studio Theatre". This design type provides maximum flexibility because the room can quickly and easily be reconfigured for various user requirements. Integral to the flexibility is a retractable seating bank and flexible lighting and rigging infrastructure.

Some structural reinforcement will be required in order to hang lights, sound system and other theatre items. In addition, it is proposed that a small amount of acoustics work be done to provide additional reverberation control and better sound isolation from/to the surrounding area.

It is proposed to install theatre drapes, sound system and lighting system to enable small productions to run with a minimum of outside equipment hire.

Minimal work will be done in the Gallery space; however it is proposed to install a suitable lighting infrastructure for gallery/ exhibition purposes.

The report discusses various operating models including the option of sharing operations staff with the adjacent Australian National Surfing Museum.

A financial model has been developed which shows the need for an operating subsidy of approximately \$120,000 pa.

The report describes a number of funding strategies including Federal and State programs.

A preliminary budget for the proposed works has been prepared and this comes to \$1,775,000 (ex GST)





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## 1.0 INTRODUCTION

This report investigates the option of converting the Torquay Sport and Recreation Centre into a future theatre and arts space. In 2020 all activities currently undertaken at the centre will be moved to a new facility, and so the existing space will be available for another purpose.

In June 2015 an Arts Space Feasibility Study report was presented to council. A key finding of this report was that the Torquay Sport and Recreation Centre was the preferred location for a future arts and performance space. The Study proposed two design options and Council have determined that Option 2 is to form the basis of consideration for this report. This option restricts works to within the existing building's envelope.

The purpose of this report is to determine the feasibility of converting the Recreation Centre into a Arts/ Theatre space. Part of undertaking this assessment requires some preliminary design concepts to be explored and these are discussed in the report. However, it should be noted that these concepts are intended as discussion/ scoping points only and are not a design per se. Undertaking the design of the space is beyond the scope of this report.

## 2.0 EXISTING CONDITIONS

### 2.1 Overview

The current building was built in the late 1980's. In general, it appears to be in good condition and well maintained. Shire staff advise that the building does not leak and does not have any other particular maintenance issues.

### 2.2 Electrical Power

The building appears to be supplied with 170A 3-phase power (based on 3phase x 70mm cable supply). This should be adequate for expected uses of the space. The distribution board appears to be populated with limited circuits and would need to be expanded.

Figure 2: Main switches



Figure 1 Distribution board





### 2.3 Asbestos

Council has had the building independently assessed for asbestos. The report advises that there is no asbestos except the report assumes the exterior switchboard does have asbestos. However, we note that inspector did not have access to this switchboard to confirm the presence or otherwise of asbestos. See figure below.

Figure 3: Extract from asbestos report

Building Number	Site Name / Address	Date Assessed (4.3.21.2c)	Sample Number	Location of material (4.3.20.4a)	Material application (4.3.20.4b)	Material type (4.3.20.4c)	Quantity	Laboratory analysis result (asbestos type) (4.3.20.4d)
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-20	Interior - Museum	Floor covering	Vinyl tiles	> 100m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-21	Interior - Museum	Wall lining	Fibre cement sheet	> 100m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-22	Exterior - at entrance	Upper wall cladding	Fibre cement sheet	> 100m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-23	Exterior - west elevation	Wall cladding	Fibre cement sheet	6m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-27	Interior - childcare room	Sink pad	Bitumen	< 1m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-28	Interior - toilet and change rooms	Partitions	Fibre cement sheet	30m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-29	Interior - bathroom service cubicles	Debris	Fibre cement sheet	20m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-30	Interior - female change room	Cover strip for power point wiring	Fibre cement sheet	1m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	2611-31	Interior - toilet and change rooms	Wall and ceiling linings	Fibre cement sheet	50m <sup>2</sup>	No asbestos detected
B065	SurfWorld Museum & Community Hall	26-Nov-12	NO ACCESS	Exterior - west elevation	Switchboard	-	1	Assume asbestos present
B065	SurfWorld Museum & Community Hall	26-Nov-12	None suspected	Interior - museum	Switchboard	-	1	-

### 2.4 Heating/ Cooling

The court is heated via electrically powered heaters. This system adequately heats the room, but is more than 20 years old and approaching its end of life.

There is no existing cooling or forced air ventilation and the space is known to get hot during the summer months.

The existing plant room houses plant for the museum and shop (not the court).

### 2.5 Public Parking

There is adequate parking at the site which includes:

- 77 Beach Rd – 55 places
- 75 Beach Rd – 67 spaces (but not Council owned)
- 79 Beach Rd (skate park) – 10 spaces
- Gravel surfaced area behind skate park – 30 spaces

Total public parking – 162 spaces (approx)

### 2.6 Floor

The floor is manufactured from timber battens laid on a concrete substrate. Whilst we understand that the floor is a not a sprung design, the timber surface laid over timber battens does provide some flex. We note that the surface is currently used for sports (including basketball) and we were not advised of any concerns arising from this use.

## 2.7 Structure

The court is of steel frame construction with concrete in-fill panels for the lower third of the walls and Woodtex<sup>1</sup> insulation panels above.

Preliminary assessment of the structure indicates that there is minimal spare capacity for supporting additional weight from the roof beams. Therefore, additional structure would need to be added to support any flown elements such as lights or speakers etc.

Figure 4: Typical wall



## 2.8 Acoustics

The Woodtex panels provide useful reverberation control and it is assumed that additional absorption panels would be added as necessary during a refurbishment.

Some sound isolation is provided by the Woodtex panels, however it is unclear as to the extent of isolation these panels provide. Comments have been made that strong rainfall can be heard in the space.

In any case doors opening directly to the outside, and in particular the roller door on the south-west wall provide very poor isolation.

---

<sup>1</sup> Woodtex panels are manufactured from compressed wood bound with cement and are used as an acoustic absorber and transmission loss barrier. [www.woodtex.com.au](http://www.woodtex.com.au)



Figure 5: Roller door and emergency exit on south-west wall



## 2.9 Toilets/ Change Rooms

Toilets have access from public and court side. There are: Female - 6x pans plus disabled; Male – 4x pans + urinal plus disabled.

Male and female change rooms are accessible from the court only.

## 2.10 Kitchen

A good quality kitchen has direct access to the current Meeting Room as well as a servery position.

Figure 6: Kitchen



## 2.11 Storage

Reasonable storage is provided along the north wall and the current chair store on the west wall.



### 3.0 DESIGN CONCEPT

#### 3.1 Intent

*The intent is to convert the existing Torquay Recreation Centre into a community theatre and arts space suitable for a wide range of uses. The primary focus of the facility is to provide space for performing and visual arts including theatre, music, dance, literary events, film, exhibitions. Key user groups will include the Torquay Theatre Troupe. The facility should have flexibility in design to provide well for the primary uses (performing and visual arts) whilst having the ability to cater for other complementary community and/or commercial hirers to maximise use and deliver an affordable operating model.*

The budget is very limited (\$1-2m) and the expected lifetime of the repurposed space is 5-10 years. Therefore there is a strong desire to minimise changes to the building's fabric.

#### 3.2 Description

The concept is to divide the basketball court into two, with a 1/3 – 2/3 split. The smaller space would be available as a gallery/ exhibition/ small seminar/ dance studio/ pre-function space. The larger space is the theatre/ performance space.

The theatre design is based around a "Black Box Studio Theatre". This design type provides maximum flexibility because the room can quickly and easily be reconfigured for various user requirements. Whilst there is a nominal stage location (at the southern end), the stage is not raised, and the performance format can easily be changed from traditional proscenium arch, to thrust, to in the round or any format a hirer chooses.

Integral to the flexibility is a retractable seating bank and flexible lighting and rigging infrastructure (both described further below)

Figure 7: Black Box Studio Theatre



Figure 8: Black Box Studio Theatre



### 3.3 Electrical Power

#### 3.3.1 General Power

Existing power will be distributed within the venue to various locations such as Technical Panel positions, Dimmer Room, Equipment Racks, Flying systems etc. This will require a new Distribution Board.

#### 3.3.2 Audio (Green) Power

An additional (smaller) distribution board will be required to distribute power used for audio systems

### 3.4 Heating/ Cooling

A new gas heating system will be required since the existing system is approaching end of life.

Due to budget constraints there is not intention to install an active cooling system. However forced air ventilation is proposed. This system should be designed to purge the building of hot air in the evenings.

### 3.5 Parking

There are approximately 162 car parking spaces available in proximity to the site (excluding on-street parking). Applying a rate of 0.3 cars per patron, this equates to capacity of 540 patrons, which significantly exceeds expected capacity.

### 3.6 Floor

The floor construction is of a type that is likely to withstand retractable seating banks with minimal if any localised reinforcement. A determination of its loading capacity should be undertaken as part of a future design, and capacity of the floor included as a design constraint for seating banks.

### 3.7 Structure

The existing structure is not capable of supporting rigging systems for flying lights, speakers etc. It is therefore proposed to that the new dividing wall (which separates the space into two) be structurally capable of supporting new head steel for flying systems. These new head steels will also be supported by the existing southern wall.

### 3.8 Acoustics

The existing Woodtex panels provide useful reverberation control as well as some sound isolation.

#### 3.8.1 Room Sound Isolation

Sound isolation will be significantly improved by replacing the existing load-in/out roller door on the south-west wall with 3m high solid weatherproof double door (Rw35) with seals.

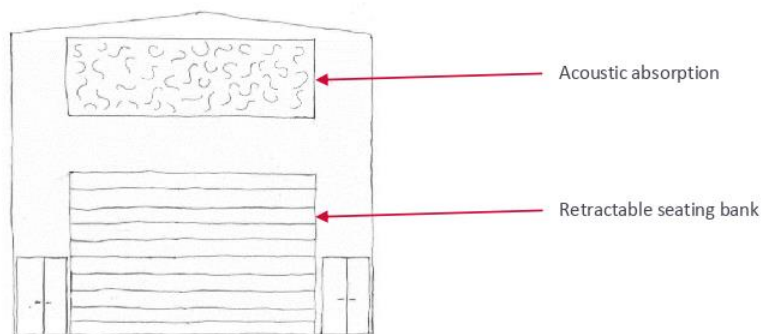
It is recommended that the existing adjacent doors be infilled with brick.

#### 3.8.2 Room Acoustics

As previously stated the existing Woodtex provides good acoustic absorbing properties. In addition, the retractable seating will also provide good acoustic absorption (assuming cushioned seats are installed). Additional acoustic absorption should be installed on the dividing wall above the seat store.

Acoustic absorption would also be required on the both sides of the dividing wall above the mirrors.

Figure 9: View of dividing wall looking north



### 3.9 Toilets/ Change Rooms

The existing toilets and change rooms can be easily reconfigured to separate FOH from BOH users. Temporary barriers could be installed to separate access from stage and from public areas. This would also isolate the Change Rooms from public access thereby providing company dressing rooms.

Improved mirrors and lighting should be provided in the change/ dressing rooms, providing 900mm width of bench space for each artist, and shared costume racking. This configuration will allow for a maximum of 8-10 artists per dressing room.





### 3.10 Green Room

The Green Room is the cast and crew lounge room, not generally accessible to the general public. It needs back of house access to the stage area, comfortable furnishings, and a kitchenette for hot water and heating light meals.

A feasible location for a green room can be seen in Appendix C.

### 3.11 Kitchen

There is no proposed work in the kitchen. However the northern end of the current meeting room should be developed into a Box Office/ Bar/ Candy Bar

### 3.12 Storage

Reasonable storage is provided along the north wall (including the old Bio Box) and the current chair store on the west wall. One of these storage spaces will need to be allocated to lockable storage for technical stage equipment.

If additional storage is required it could be provided by installing a shipping container on an unused area to the south-west of the building. Costing for this is included in the project estimate.

### 3.13 Workshop

A separate shed is proposed to be installed as a workshop for preparation or maintenance of sets etc. This shed is included in the budget and has power and water (for cleaning).

### 3.14 Theatre Systems

The items described below relate to infrastructure required for theatre systems. Torquay Theatre Troupe (TTT) have an amount of theatre equipment that may be made available. It is assumed that this includes items such as:

- Lighting and Audio consoles
- Theatre luminaires
- Loose equipment such as microphones, stands, cables, hook clamps etc

Costing for items supplied by TTT is not included in the project estimate.

#### 3.14.1 Rigging

Five flat trusses with lighting bars will be suspended from new structural head steels using beam trolleys. Bars will be accessed via a Elevated Work Platform (EWP). It will be possible to move the bars up/down stage if desired.

Sound reinforcement loudspeakers will also hang from these bars

#### 3.14.2 Drapes

A system of drapes will be installed that allow the effective size of the stage opening to be adjusted depending on the performance requirements. This will comprise:

- Soft proscenium with adjustable teasers and tormentor to adjust stage opening
- House curtain
- Legs on rotators that can be pushed back to the side walls
- Upstage cross-over



#### 3.14.3 Retractable Seating Bank

A motorised seating bank will be provided with seating for approximately 250 pax. This bank is expected to be 10 rows high when fully extended. The seating bank can be extended incrementally so that fewer rows of seats are provided if desired. Infrastructure will be provided for drapes to be hung either across the extended banks (to reduce the number of rows), and/or along the banks (to reduce the width of the rows)

#### 3.14.4 Hearing Augmentation

A Radio Frequency (RF) hearing augmentation system will be installed. This will require the venue to hold a stock of headset receivers and make them available on request.

#### 3.14.5 Technical Panels and Cabling

A comprehensive system of cabling and technical panels will be installed to support multiple operating modes.

#### 3.14.6 Projection

A connection panel for a high-powered projector will be provided. A projection screen will be able to be mounted from the head steels. A \$25,000 allowance is included in the QS budget for a projector and screen

### 3.15 Gallery/ Studio/ Pre-Function

The northern third of the space will be available for use as a Gallery/ Studio/ Seminar space. It could be used for multiple purposes including dance school, art gallery, seminar space (including using the kitchen for breakfasts etc), large meeting room.

Proposed infrastructure is limited to:

- Mirror and ballet barre on the southern wall (with curtain)
- Light-weight grid to support lighting for gallery purposes

Temporary walls could be brought in as needed to provide additional hanging space. These are not included in the budget.





#### **4.0 BUILDING CODE**

##### **4.1 General**

The information in this section is general in nature. A suitably qualified building surveyor should be engaged during any design phase.

It is likely that because it is to be used as an assembly building, the building will be classified as a Class 9b building.

A new version of the Building Code of Australia (BCA) is scheduled for release 2019 which may have an impact on this building.

##### **4.2 Statutory and Strategic Planning**

Advice from Council's Statutory Planning Unit suggests the current zone does not exclude the use of the building as a theatre/arts venue but a planning permit would be required.

It should be noted however the strategic aim of the zone is to support surfing retail and related tourism activities and the use of the building for a theatre/arts activities is generally not compatible with this aim.

##### **4.3 Disabled Access**

In general, the building needs to provide equal access for all users. This includes access, toilets, seating and where possible, operations. This building generally satisfies the following issues:

- Wheelchair access. The building is on one grade, with wide doors for access. Wheelchairs can be accommodated for performances.
- Toilets. Two toilets for disabled persons are already in the building. In Show mode, one will be available for the public and the other for performers and BOH staff.

##### **4.4 Hearing Augmentation**

A Radio Frequency (RF) hearing augmentation system will be provided.

##### **4.5 Fire**

Dual fire sensors (smoke and temperature) will be required so that haze can be used in performances. A fire engineer will need to assess how many fire compartments are required.

##### **4.6 Egress**

Egress requirements will need to be assessed depending maximum occupancy.

##### **4.7 Tiered Seating**

Tiered seating must be provided with access to aisles within the applicable guidelines – generally no more than 8 seats to reach an aisle.



## 5.0 OPERATING MODELS

### 5.1 Council's Goals and Objectives

It is our understanding that Council's goal is to deliver facilities that are capable of meeting multiple performance requirements (and the related event needs) of a wide range of users. They need to be flexible and multi-functional within a broadly performing arts focussed design and operations framework.

Specific operating objectives within that goal are:

- The new facilities must be able to be operated safely with limited management supervision.
- Operational costs and overheads should be kept to a minimum noting the need public safety, compliance with OH and S requirements and the requirement to keep the premises secure and properly maintained.
- It is expected that the theatre and ancillary facilities will be operated by Council as a venue for hire as opposed one that is actively programmed by management.
- It is also assumed that Council would directly manage the venue, including scheduling rather than enter into an operating lease with a third party.
- As a Council owned venue for hire it must be made available to a wide range of groups and organisations throughout the year.
- It's primary, but not sole, focus will be to service the needs of the local community. It may, from time to time, be used by non-Surf Coast organisations on a commercial basis for touring shows and other suitable events. These can assist the venue to reduce the financial burden on Council and/or deliver other tangible benefits to the local community.
- The particular role that the Torquay Theatre Troupe has played, both within the community and in terms of their active support to develop a suitable local performance space, is recognised and respected. The proposed operating model and functional design brief has paid particular attention to their proposals and attempted to incorporate these within the overarching goals and objectives of Council.

The above objectives have formed the basis of our key assumptions.

### 5.2 Governance

Based on Council's advice we have assumed that the venue will be directly operated by Council as opposed to allocated to a third-party through an operating lease. The implications of this approach for Council are:

- Council will need to develop and adopt a strategic plan for the venue. This must set measurable targets for cultural, economic, social and environmental objectives.
- A set of detailed operating policies and procedures will be required that can assure Council and the community that the venue is being operated safely, efficiently and fairly and that the strategic goals can be achieved.
- Council may choose to establish a user advisory group with a clear charter that can assist it to develop and refine its plans and policies and improve operational effectiveness.
- Council management will need to review/establish staff position descriptions and resourcing to meet the needs of the new venue.



- A framework for regular reporting and performance reviews including for setting rates and charges will be required.
- A mechanism for dispute resolution will be required.

We recommend Council consult with 3-4 other Victorian municipalities that operate similar, smaller venues operated primarily for the benefit of local communities. Examples include:

Glenelg Shire Council – Portland Arts Centre (120 seats plus two larger multipurpose halls).

City of Frankston – Cube 37 (200 seats)

City of Hobsons Bay – Altona Theatre (244 seats)

City of Stonnington - Chapel off Chapel/The Chapel (240seats)/The Loft (150 seats)

These are a just a sample of the many local government operated smaller performances spaces around Australia. In addition, there are some private/community owned "Little Theatres" e.g. Lowe Theatre/The 1812 Theatre in Upper Ferntree Gully who may be able to contribute some operational advice as the project is developed.

### 5.3 Operations

The Governance and Management framework that is developed will guide the day to day operations of the venue. As operational experience grows over time these will need to be revised and improved. Regulatory and compliance issues and requirements will also need to be monitored to ensure that operating policies reflect these.

#### 5.3.1 Management

The Governance and Management framework that is developed will guide the day to day operations of the venue. As operational experience grows over time these will need to be revised and improved. Regulatory and compliance issues and requirements will also need to be monitored to ensure that operating policies reflect these.

#### 5.3.2 Supervision

Council has to ensure that the venue is able to be operated day and night, 7 days a week, safely, securely, with respect for neighbours as well as for the fabric and fit-out of the facility.

It has to balance this priority against needs of the community for a functional low cost, user friendly venue that aligns with and reflects their values and welcomes their audiences/participants.

Given the nature of the venue, the resources that are available and the capacity of users to pay, a full-time management presence on site during all operations does not seem viable or sustainable in terms of Council's capacity to subsidise operations. On the other hand, simply handing over the door keys to any hirer and allowing them to self-manage a publicly owned facility for the purposes of preparing and mounting theatrical productions and similar events is not a reasonable risk for Council to take either.

The operations of the new venue and associated spaces will have to comply with all OH and S requirements. For hirers (amateur and professional) the venue will become their "workplace" for the duration of the hire and they will also have to comply with all applicable regulations and laws. Obvious compliance issues will include:

- Working at heights
- Use of an Elevated Work Platform
- Rigging



- Electrical safety including tagging and testing of hirer's equipment
- Set construction including painting
- The use of smoke and pyrotechnics
- Noise
- Fire safety including evacuation procedures/the role of Chief Warden.
- Working with children/child safety
- Safe handling of loads and materials
- Proper storage of risky materials and liquids
- Liquor licensing
- Food safety

Clearly Council has extensive experience in terms of delegating operational responsibility for venues such as sporting grounds/club rooms. This experience will be a useful reference for establishing a safe and compliant framework for the operation of the theatre. Given the specific "workplace" type risks for the theatre we have to recommend that the default position for Council is that the venue is operated under direct Council supervision when in operation. (See Production/Technical Management)

Whilst direct supervision by an appropriately qualified Council staff member is recommended as the default position there is potential for this to be varied for specific hirers. In particular this could include regular, long-term hirers who were prepared to undertake regular training and take responsibility for ensuring compliance and public safety. Council's role could then become more of a monitoring and supporting one.

The financial model has provision for one full time employee to take on the venue supervisor/duty manager role. In addition, provision has also been made for a .4 FTE administrator who can assist in the management of venue hiring requests, manage the diary, prepare and issue hire agreements and process accounts.

### 5.3.3 Relationship with Australian National Surfing Museum

There is clearly the potential for a mutually beneficial relationship with the Surfing Museum. The Surfing Museum can gain access to new facilities for lectures/talks, films, concerts and special events. In return Surfing Museum staff could aid users and perhaps even provide limited supervision at times whilst the venue is in operation. We recommend that specific discussions take place with the Museum to determine in more detail how this relationship could be developed and formalised.

Given the notional day/night, 7 days a week operation of theatre and the specific issues around safety and compliance it seems unlikely that the Museum could absorb full responsibility for managing the venue within current staffing levels.

### 5.3.4 Programming and Venue Hire

As a "black box" style, multipurpose venue the theatre will be able to be used for a wide range of activities – dance, drama, comedy, amplified and acoustic music, spoken word, cinema, small musicals, children's shows, workshops, rehearsals, lectures and meetings. Depending on catering services it could even be used for dinners and cabaret style events.

We have especially considered the Torquay Theatre Troupe's specific requests in terms of it being able to take on the role as a small intimate playhouse. Whilst it may not exactly meet the Troupe's



vision it should be able to be configured in a manner that meets the functional brief for a small proscenium arch style drama theatre.

It is to be hoped that the flexible nature and functionality of the space will stimulate creativity by local theatre artists in terms of design and presentation beyond a traditional “fourth wall” approach.<sup>2</sup>

Based on Council’s advice the theatre is to be positioned as a venue for hire rather than as a presenting or producing house<sup>3</sup>. In other words, it will be “programming” the venue through hiring it out. It’s an important point because even though the shows/events are not being presented by a theatre management the content still makes up the theatre’s brand and reputation.

From time to time Council will be asked to hire the venue for a season or event that for various legal and (possibly) illegal reasons it wishes to refuse.

Illegal grounds for refusing a hire could include acting in conflict with anti-discrimination rights under equal opportunity and race discrimination laws. Legal grounds for refusing a hire could include refusing an event that was itself illegal e.g. underage drinking, it posed a serious risk to health and public safety or was at odds with Council’s stated and legal policies.

Venue Management will need a clear policy framework that it can reference in terms of the above as well as how to manage conflicting demands for dates and/or unreasonable or uneconomic periods of hire. For specific long term/regular hirers such as the Torquay Theatre Troupe a multi-year agreement may be advisable that sets out clear terms of engagement and review.

The flexible nature of the space will inevitably require labour to set the space to the desired configuration and then return it at the end of the hire to an agreed “standard” set-up. A key objective for the design and fit-out of the space should be to make this as simple and efficient as possible noting the absence of a full-time theatre technical crew. Depending on the technical prowess and capability of the hirer’s team they may be required to pay for extra casual staff to achieve the desired set-up and necessary reset.

In terms of the Gallery/Studio space we have assumed that this would be fitted out to enable regular dance type classes to be conducted in addition to the space functioning for gallery and foyer/function type purposes.

A simple but reliable venue hiring/event management system should be used that can record specific hirer details, be used to generate venue hiring agreements and enable prompt processing of invoices. As well as low end proprietary software packages there are also solutions available through the public domain or even through the use of Excel/MS Office.

Provision has been made in the operating budget for an initial purchase of software and hardware.

Provision has also been made in the budget for a small annual fund (\$5,000) that can be allocated to hirers on the basis of special need or to assist management to incentivise venue utilisation.

### 5.3.5 Ticketing

The default position for the venue could be to allow hirers to do their own ticketing and not offer this service but we recommend that further investigation be undertaken to test alternatives.

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<sup>2</sup> [https://en.wikipedia.org/wiki/Fourth\\_wall](https://en.wikipedia.org/wiki/Fourth_wall)

<sup>3</sup> “Presenting” meaning that theatre management buy shows and promote/sell them rather than hire the venue to the production company. “Producing” meaning that theatre management make the shows – they commission a script/score, hire creative staff and performers and then promote the show to the public.



These could include using a simple and very cheap online system such as TryBooking<sup>4</sup>, arranging with Geelong PAC to provide these services or purchasing a simple low-cost ticketing system (also available via public domain).

The one “given” nowadays is that people want, as a first option, a simple on-line solution as opposed to an old-style walk up box office.

There are however advantages for a theatre to manage its own ticketing and offer this as a service to hirers, they include:

- Risk management – in the case of a hirer failing to deliver an event the theatre has the income in a “trust” account and can easily refund ticket holders.
- Marketing – The Theatre builds up a significant customer database that can be used to develop effective Customer Relationship Management/CRM strategies.
- Seamless service – The theatre can ensure that tickets are not double booked, or seats allocated that have not been built into the seating plan.
- Reporting – The theatre can keep an accurate record of attendances and revenues.
- Revenues – The theatre can charge a fee for this service and it is not uncommon for this revenue to make up a significant portion of the overall yield. Venue hirers can enjoy lower rental rates on the basis that the theatre is keen to sell tickets, not just “rent the hall”.

#### 5.3.6 Marketing

Venue management, at a minimum, will be expected to provide:

- An informative website that includes information on events for sale, ticketing, key contact and venue hiring information.
- Signage – inside and externally that promotes both the venue and shows and events.
- Displays (video and/or print) – that can be made available to hirers to promote their events and provide a sense of excitement and animation.
- Inclusion in local media and an active promotional strategy for the venues.
- A customer database that can be used for mailouts/e-marketing.
- An active social media presence.
- Information on local media and key contacts
- Standard logos and print quality images.

Provision has been made in the operating budget for related minor expenses.

#### 5.3.7 Production/ Technical Management

As per the recommendation in the “Operations” section above the default position should be that a properly qualified Council staff member should be available to supervise the theatre whilst it is in operation.

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<sup>4</sup> <https://www.trybooking.com>





The Duty Manager role would be responsible for the overall safety and security of the building and its occupants. Specifically:

- Granting access to the building and securing it.
- Conducting safety briefings for all staff and volunteers and ensuring that key roles such as Front of House (FOH) Manager, Back of House (BOH) Supervisor/Stage Manager, Chief Warden, First Aid Officer and, if applicable the person responsible for safe service of alcohol and compliance with liquor licensing, are aware of the roles and capable of carrying them out. (It may be that one or two people undertake multiple roles or that the hirer asks management to engage professional staff on its behalf.)
- Monitor activities throughout the hire period and ensure compliance and safety.
- Brief and advise the hirer's staff on the safe use of equipment in the venue. It may be necessary for specific training to be undertaken at the hirer's cost to meet OH and S regulations. Alternatively, the theatre may engage staff at the hirer's expense to ensure that the venue can be safely and effectively operated as part of the conditions of hire. A small provision for these costs and recoveries has been built into the annual operating budget.
- Liaise with Council on maintenance matters.

It may be possible that in certain circumstances e.g. for a dance class in the gallery area or a rehearsal in the function space that the role of Duty Manager could be delegated to a responsible person in the Surfing Museum or even, in special and agreed circumstances, to a properly qualified person nominated by the hirer. (It is likely in these circumstances that the hirer would already be enjoying a low rental rate, so further discounts should not be applicable).

#### 5.3.8 Catering

The provision of food and beverages is an expected service in most venues. Whilst there may be some pressure from hirers to provide their own services in a multi-user and multi-purpose venue like the one proposed this is problematic if consistent service and quality standards are to be maintained.

In addition, the operation of a liquor licence will require a nominated person to be in place. Again, Council's experience with sporting clubs should enable it to find workable local options.

Importantly the sale of food and beverages should assist with business sustainability. The opportunity to offer exclusive catering services for functions and events should be actively promoted to the market. Ideally an external provider prepared to enter into an agreement with Council to provide these services could be found locally. For budget purposes we have allocated a small net revenue of \$5,000 from the sale of food and beverage – whether this was via a lease or as a per head contribution would need to be explored with the operator.

#### 5.3.9 Front of House (FOH)

We have assumed that hirers would seek to minimise staffing costs and provide their own FOH management and ushering team. We have also assumed that this would only be allowed subject to formal training in emergency procedures and other agreed conditions such as presentation and hygiene.

The hirers staff/volunteers must also be briefed in terms of how to ensure the best audience experience and how to deal with common issues and questions that will arise e.g. "where are the toilets?", special needs, show timings etc.

Where a hirer is unable to provide appropriate staff/volunteers the theatre would be obliged provide, at the hirer's expense the necessary services.





### 5.3.10 Building Services and Maintenance

Based on advice from the client the majority of issues arising under this heading would be managed and provided by Council. The Duty Manager would act as a liaison on these issues and alert staff to issues as required. Regular maintenance would be arranged through the venue hiring administrator in a manner that caused least disruption to hirers and patrons.

A small provision for theatre related consumables and maintenance items that may not be covered has been allowed for in the operating budget (\$10K PA).

In order to minimise costs, it should be a condition of hire that the theatre (BOH and FOH) are left in a clean and tidy condition after every use. Council's cleaning obligations for service provision will need to be clearly defined.

### 5.3.11 Functions and Events

It is expected that the theatre and ancillary spaces would lend themselves to use for functions and events such as training session, Council presentations and civic type events, awards presentations, celebrations and even smaller conferences and meetings.

An exclusive catering arrangement with a quality service provider for the venue should be considered as the primary option.

### 5.3.12 Venue Utilisation and Attendances

Based on study and analysis we have developed a draft venue utilisation and attendance forecast for a typical year within the initial first five years of operations.

We have also used this to help guide the development of the annual operating budget model

Figure 10A: Indicative Recreation Centre Attendance/ Performance Utilisation – By Year 3

Torquay Utilisation and Attendance - Theatre		By Year 3	
Event Type	No	Avg Attend	Total Attendance
TTT Performance	40	90	3,600
Movies	36	225	8,100
School and Community Hires	16	250	4,000
Aust National Surf Museum	20	100	2,000
Council Events	4	300	1,200
Meetings/presentations	6	200	1,200
Other Theatre type performances	12	90	1,080
Music/concerts	6	200	1,200
<b>Public Events - Theatre</b>	<b>140</b>		<b>22,380</b>



Figure 11: Detailed Five-Year Project Venue Utilisation – by Hirer – All Events

Venue Utilisation - BlackBoxMFV300		Year 1	Year 2	Year 3	Year 4	Year 5
Programming Streams	Comments	Days				
TTT Performance	Includes provision for performance and exclusive rehearsal use - estimate by Year 3 40 performance days and 80 exclusive rehearsal days The Theatre space could also be used for these purposes Very conservative settings in our view Based on feedback Potential for more Potential for more Assumes at least 1-2 other theatre seasons can be attracted to the venue. Based on feedback - potential for growth	80	100	120	130	140
Movies		24	36	36	40	44
Classes/workshops						
School and Community Hires		10	12	16	18	20
Australian National Surf Museum		12	16	20	22	24
Council Events		4	4	4	4	4
Meetings/presentations		3	6	6	6	8
Other Theatre type performances		6	10	12	14	16
Music/concerts		3	5	6	7	8
<b>Total Projected Events/Performances PA</b>			<b>142</b>	<b>189</b>	<b>220</b>	<b>241</b>
<b>Studio/Gallery</b>		<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Programming Streams	Comments	Days				
TTT	Assumes 20 smaller performances by Year 4 plus rehearsals NA TBC but assumes regular use averaging twice per week for 40 weeks PA by Year 3 There is excellent potential for these spaces to be used by a wide range of users but as the venue becomes known. There is excellent potential for these spaces to be used by a wide range of users but as the venue becomes known. There is excellent potential for these spaces to be used by a wide range of users but as the venue becomes known. There is excellent potential for these spaces to be used by a wide range of users but as the venue becomes known. It is assumed that other theatre companies will be attracted the smaller spaces Smaller events certainly possible.	70	80	90	100	110
Movies						
Classes/workshops		20	60	80	80	90
School and Community Hires		2	4	6	8	10
Australian National Surf Museum		2	4	6	8	10
Council Events		2	4	6	8	10
Meetings/presentations		2	4	6	8	10
Other Theatre type performances		6	12	20	20	24
Music/concerts						
<b>Total Projected Events/Performances PA</b>			<b>104</b>	<b>168</b>	<b>214</b>	<b>232</b>

- TTT (Torquay Theatre Troupe) events are based on our understanding of their proposed programming.
- Movies –Estimated at 26 screenings PA based on feedback from the Project Working Group (PWG).
- Assumes regular use of at least twice a week across 40 weeks PA in the Studio/Gallery.
- School/Community events – Demand from local schools, especially primary, and from dance/music schools is usually one of the highest areas of demand and should see the theatre operating at full seating capacity. A very conservative estimate for demand has been forecast – further specific demand research with schools is recommended.
- Australian National Surfing Museum events – Based on PWG feedback
- Council events – A low estimate, but this could be increased
- Meetings – As per Council
- Other theatre type events – we are assuming a very conservative figure here but would expect that a quality venue would stimulate further local creativity.



- Music/concerts – again a very conservative forecast. An active local programmer/promoter looking for an alternative venue to local pubs/clubs should consider the opportunity for a Triple J type audience. Alternatively, small classical ensembles should also be able to make use of the space. Daytime “morning melodies” style events would also be an option if a suitable presenter could be found.

When non-performance utilisation is also considered e.g. rehearsals, exhibitions etc, the venue clearly has the reasonable potential to become a cost effective and active arts and entertainment centre for the local community.

#### 5.4 Financial Model

Figure 12: Financial Model

DETAILED OPERATING BUDGET					
INCOME & EXPENDITURE \$	Year 1	Year 2	Year 3	Year 4	Year 5
<b>INCOME</b>					
Other Contributed Income	0	0	0	0	0
Venue Rental	18,583	27,101	32,610	35,549	39,481
Other Earned Revenues	36,390	50,755	61,083	65,713	72,242
<b>Total Income</b>	<b>54,973</b>	<b>77,856</b>	<b>93,693</b>	<b>101,262</b>	<b>111,723</b>
<b>Expenditure</b>					
Salaries and Employee Related Costs	137,099	152,856	158,950	162,354	167,155
Administration and Maintenance	75,300	61,300	61,300	61,300	61,300
Market Incentives/subsidy	5,000	5,000	5,000	5,000	5,000
<b>Total Expenditure</b>	<b>217,399</b>	<b>219,156</b>	<b>225,250</b>	<b>228,654</b>	<b>233,455</b>
<b>Operating Surplus/Deficit</b>	<b>(\$162,426)</b>	<b>(\$141,300)</b>	<b>(\$131,557)</b>	<b>(\$127,393)</b>	<b>(\$121,732)</b>

The model is showing an operating deficit of just over \$121K from the fifth year of operations assuming some one-off start-up costs. CPI has not been considered, but it is expected that this would be balanced out. Whilst the subsidy requirement is marginally more than Council’s target of under \$100k it is not unreasonable in our experience and relies on active volunteer engagement and goodwill.

##### 5.4.1 Revenues

###### Venue rentals

Figure 13: Venue Rental and Utilisation Assumptions



ASSUMPTIONS Theatre, Studio and Gallery		Average Set Up but can be increased to a capacity of 300plus (seated and standing)					
CPI growth per annum - unless otherwise indicated	150 Seats	1,000	Year 1	Year 2	Year 3	Year 4	Year 5
Venue Rental Rates - Net per day/session	Benchmark Seat Rate						
Theatre Casual	\$ 1.50	\$ 225	\$ 225	\$ 225	\$ 225	\$ 225	\$ 225
Theatre Regular	\$ 0.70	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105
Theatre TTT	\$ 0.50	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75
Studio/Gallery Casual		\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75
Studio/Gallery Regular		\$ 50	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50
Studio/Gallery TTT		\$ 35	\$ 35	\$ 35	\$ 35	\$ 35	\$ 35
Venue Utilisation							
Theatre Casual		12	18	20	22	25	
Theatre Regular		50	71	80	89	99	
Theatre TTT		80	100	120	130	140	
Studio/Gallery Casual		3	9	12	13	15	
Studio/Gallery Regular		31	79	112	119	139	
Studio/Gallery TTT		80	100	120	130	140	
# events per annum BB and Studio/Gallery		256	377	464	503	558	

Based on the forecast Utilisation in Table 11 we have developed a five-year forecast for venue rental income.

- Daily rental rates for the theatre range between \$75 to \$225 per day. This is considerably lower than those reported in the 2017 Performing Arts Connections Australia Report of venue charges<sup>5</sup>. "Community" daily rates performances in theatres with less than 500 seats range from \$300 to over \$2,000. Rehearsal rates per day have a similarly wide spread but are often 50% to 80% of the full performance rate.
- The "benchmark" rate referred to in Table 11b for Theatre rental uses a notional \$ rate per seat to indicate the rental cost per ticket for a hirer. The "standard" rate is set at .70 cents per seat based on the Theatre being used for an average total seating capacity of 150. The Theatre is designed to have a much higher capacity of 300 plus for some events of course so Council may wish to develop a more comprehensive rate "card" to reflect this flexibility. Our goal has been to propose a reasonable average set of rates based on community expectations and to help drive high levels of utilisation.
- Total rental revenue projections for Torquay Theatre Troupe across the five-year period for use of the Theatre and Studio spaces for rehearsal and performance are estimated to commence at \$8,800, rising in line with increased user demands to \$15,400 PA by Year 5. This reflects an estimated exclusive theatre usage of 140 days and a further use of 140 sessions in the Studio/Gallery space. It is recommended that a detailed multi-year Memorandum of Understanding (MOU) be negotiated with the Theatre Troupe as the project is developed.

<sup>5</sup> PAC Australia 2017 Venue Charges and Salaries Report



Figure 14: Total Venue Rentals

Venue Rentals	Year 1	Year 2	Year 3	Year 4	Year 5
<b>BlackBox/MFV Studio</b>					
Theatre Casual	\$ 2,790	\$ 4,005	\$ 4,500	\$ 4,995	\$ 5,580
Theatre Regular	\$ 5,208	\$ 7,476	\$ 8,400	\$ 9,324	\$ 10,416
Theatre TTT	\$ 6,000	\$ 7,500	\$ 9,000	\$ 9,750	\$ 10,500
<b>Studio/Gallery</b>					
Studio/Gallery Casual	\$ 255	\$ 660	\$ 930	\$ 990	\$ 1,155
Studio/Gallery Regular	\$ 1,530	\$ 3,960	\$ 5,580	\$ 5,940	\$ 6,930
Studio/Gallery TTT	\$ 2,800	\$ 3,500	\$ 4,200	\$ 4,550	\$ 4,900

#### Other Earned Revenues

- Small sums have been included for casual FOH and BOH staff recoveries plus a \$5k net revenue from F and B.

#### 5.4.2 Expenditures

- Salaries are for 1 FTE Duty Manager at \$75k PA and 0.4 FTE for Admin (Bookings) at \$65k PA plus on costs. It is assumed that other staff and management support would also be provided as part of Council's normal service provision.
- Admin and Maintenance have considered detailed information provided by Council management regarding estimated costs.
- A small provision (\$5K) has been made to provide incentives for new hirers or those with agreed special needs. It is expected that most hirers would be local and not for profit so no "special" rate other than the "regular" one is proposed.



## 6.0 FUNDING STRATEGY FOR DETAILED DESIGN AND CONSTRUCTION PHASES

### 6.1 Introduction

The purpose of this section is to provide some high-level guidance in terms of developing a detailed funding strategy to assist Council to move to the next stages of the project.

It's important to note at the outset that there are no specific funding programs available for arts infrastructure development through Creative Victoria, the Commonwealth's Department of Communication and the Arts nor the Australia Council. The funding programs that exist are the same programs that Council would already be aware of and, most likely, have experience with:

- The Building Better Regions Fund (BBRF) – Commonwealth Department of Industry, Innovation and Science.
- Regional Development Victoria's (RDV) funding programs, notably the Regional Infrastructure Fund's Productive and Liveable Cities and Centres Stream and Visitor Economy Stream.

The other State and Commonwealth funding opportunities are generally outside of the formal funding process and lie more in the political process. A successful example that we are helped facilitate recently is the Latrobe Creative Precinct, currently in the detailed design phase. This \$30M plus project was funded equally by all three arms of government:

- By the City of Latrobe by Council decision as a first step.
- By RDV following the submission of a detailed application and business case as part of the normal funding program process as the second step, and
- By the Commonwealth as part of an election commitment made by the local member on behalf of his party.

### 6.2 Key Government Funding Opportunities

#### 6.2.1 The Building Better Regions Fund (BBRF) – Commonwealth Department of Industry, Innovation and Science

A total of \$641.6 has been allocated for the period F2018-22. Round 3 has recently been opened and will close on 15/11/18. \$200m has been made available for Round 3.

<https://www.business.gov.au/Assistance/Building-Better-Regions-Fund/Building-Better-Regions-Fund-Infrastructure-Projects>

The next round is not set but advice from the Department is the it is likely to be advertised in in the second half of 2019. Round 3 projects must be completed by Dec 2021 so Round 4 estimated to have a completion target of Dec 2022.

The minimum grant amount is \$20k and the maximum is \$10M and it can fund up to 50% of total project costs – your contribution must be cash, not in-kind. Other funding partners must be confirmed in writing and the project must be able to start very soon after a deed of grant is signed.

To be eligible the project must:

- be for new infrastructure or the upgrade or extension of existing infrastructure
- include eligible activities and eligible expenditure.
- not have started construction.

The funding is for "investment-ready" projects, i.e.;

- have identified all required regulatory and/or development approval
- can demonstrate robust planning



- if successful, are able to commence their project soon after the execution of a grant agreement with the Commonwealth.

If the project is still in the planning or concept stage, it may not be as competitive as projects that are further progressed in their planning and it is a highly competitive process.

There are five criteria used to evaluate applications:

Merit criterion 1 – Economic benefit

Economic benefits for a region may cover increases in economic activity, improvements in productivity, wider access to markets or fairer and more equitable economic outcomes.

Examples of how the project could demonstrate these economic benefits include:

- increasing the number or value of jobs, new businesses or the production of goods and services in the region (this includes direct and indirect opportunities created through the project).
- providing opportunities for growth in existing sectors, e.g. tourism, agriculture, manufacturing
- the use of local suppliers and goods
- increasing efficiency of the transport system or service delivery
- increasing Indigenous economic participation – including Indigenous employment and supplier-use outcomes
- the degree to which the project delivers benefits beyond the construction phase.

Merit criterion 2 – Social benefit

Social benefits for a region may cover increases in regional amenity, improving community connections and inclusion and providing opportunities for learning and knowledge creation.

Examples of how a project could demonstrate these social benefits include:

- making a region a more attractive place to live
- the degree to which the project fills a 'gap' within the community
- improving community connections and social inclusion
- supporting or protecting local heritage and culture
- increasing community volunteering
- the degree to which a project delivers benefits beyond the construction phase
- addresses disadvantage within the community.

Merit criterion 3 – Project delivery

Capacity, capability and resources to deliver the project

Merit criterion 4 – Impact of grant funding

You have to demonstrate this through identifying:

- the total investment the grant will leverage. This includes additional cash and in-kind contributions
- the extent to which the project leverages additional partnerships
- the likelihood the project would proceed without the grant. If not, why not? Explain how the grant will impact the project in terms of size, timing and reach.





There must be a formal Cost Benefit Analysis for projects over \$1M and for something like this project, if outsourced, this would cost in the region of \$10-15,000 for a qualified economist to complete.

In our experience an application to the BBRF would also need to be supported by the local regional development board and the local federal member. It may also be difficult to demonstrate significant ongoing economic benefits through increased employment opportunities based on the project's potential operating model.

#### 6.2.2 Regional Development Victoria's (RDV) funding programs

The Regional Infrastructure Fund's Productive and Liveable Cities and Centres Stream and Visitor Economy Stream.

<http://www.rdv.vic.gov.au/grants-and-programs/grants-and-programs-search>

Both of these RDV programs should be explored in detail with local RDV officers. There would appear to be some opportunities in terms of "revitalising existing precincts that create or enhance the conditions for economic growth", developing a cultural or arts precincts that offer a range of visitor and resident experiences and providing a "significant benefit to the regional communities economic and social base."

The amount of funding likely to be sought is well within the capacity of the program based on previous grants.

Unlike the BBRF there are not "Rounds" for RDV funding and advice on how to develop an application and time required should be obtained from RDV's staff. Under normal circumstances a well-prepared application could take 6 or more months to be refined and determined.

#### 6.3 General Requirements

The purpose of this section is to provide some high-level guidance in terms of developing a detailed funding strategy to assist Council to move to the next stages of the project.

For both state and federal bodies, a well prepared and complete application is required and would include a business case, cost benefit analysis, professionally costed and prepared concept design and possible other materials such as a risk analysis.

We recommend that Council also undertake an Investment Mapping process that complies with the Victorian Treasury's Investment Management Standard:

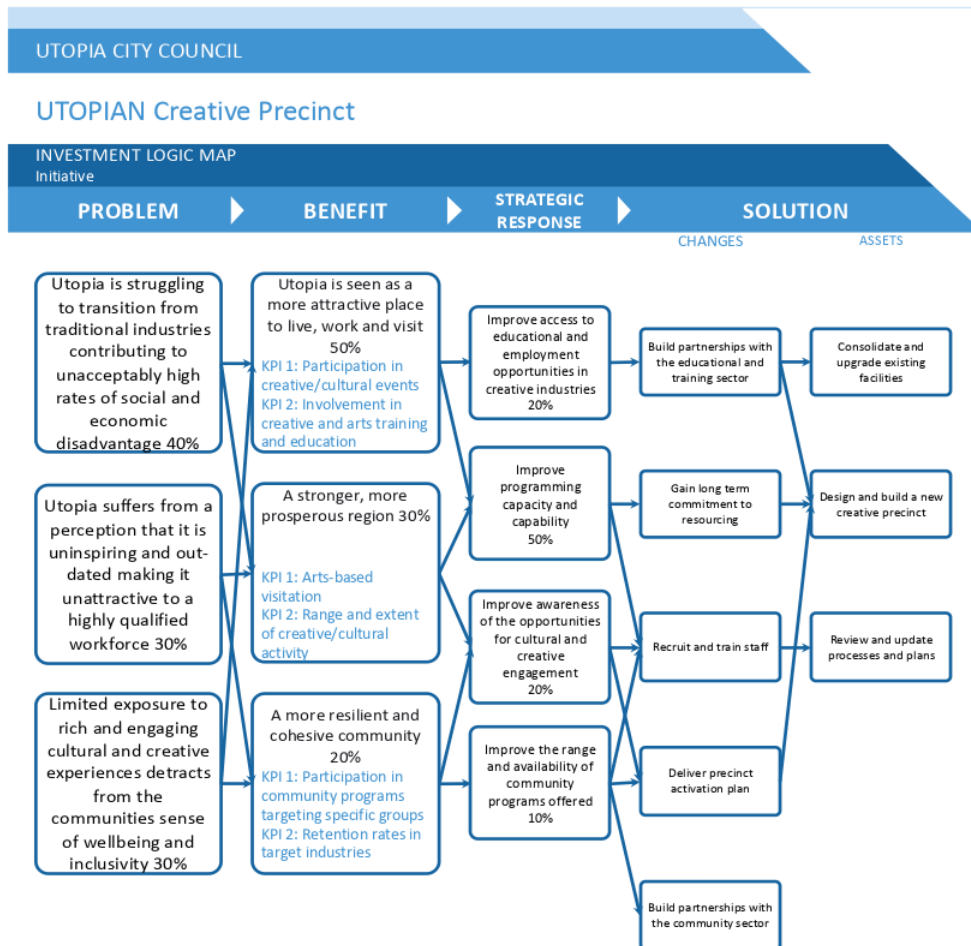
<https://www.dtf.vic.gov.au/infrastructure-investment/investment-management-standard>

The Investment Mapping workshops will produce several clear and succinct documents, notably an Investment Logic Map (ILM). This "map" will clearly articulate;

- The Problem – what is it? What is the cause and effect? Why does it need to be addressed by government?
- The Benefits – what measurable benefits will flow from this investment? What are they dependent on?
- The Strategic Response – What are the options available to address the problem? Will they deliver the desired benefits?
- The Solution – Is the proposed solution going to provide the best value for money? Is it clearly specified? Can it be delivered on time, on budget etc.

Here is an example of an *Investment Logic Map* for cultural infrastructure:

Figure 15: Investment Logic Map



The cost for a series of 3 professionally facilitated workshops would be approximately \$5-6,000. Two key outcomes are usually evident in addition to the actual materials produced:

- Participants have to express the benefits in terms of how it will impact the broader community rather than their own organisation. "The Surf Coast community will benefit because..."
- They also develop a much clearer, and strategic sense of the problems to be addressed by the project and the options available.



#### 6.4 Other opportunities – Philanthropy/ Community

Philanthropic fundraising for cultural infrastructure projects is relatively common in Australia but tends to be dominated by large institutions such as universities, private schools, state galleries and libraries and occasionally larger performing arts centres.

There may well be potential for a local donor to become involved, but this has not been identified as an option to us to date. A large donor i.e. \$100,000 or more, would not only indicate strong local support to government for the project but could also be leveraged to drive more donations into the funding.

There are a number of potential risks and pitfalls with private donations as well as benefits. If Council wished to pursue a private fundraising campaign we would recommend some further specific review and strategic development before either seeking funds or accepting them. Issues such as naming rights, tax deductibility, transparency and leveraging would best be addressed with expert advice.

In terms of what could be achieved a target of 5-10% of the project total is a generally acknowledged industry standard based on our experience.

It is also reasonable to forecast a modest but important contribution potential exists in the general community. Whether that is for specific items e.g. a sound system or for a specific space or even seats it is likely that smaller donations totalling \$20-30K could be factored in.



**7.0 FEASIBILITY BUDGET**

**7.1 General**

The budgets below are based on general concepts described above and the layout sketch. The budget from WT Partnership (Quantity Surveyor) generally makes allowance for building infrastructure costs. The Theatre Systems budget (by Marshall Day Entertech) makes allowance for theatre infrastructure and equipment.

Note that all budgets are exclusive of GST.

The totals are:

Item	Estimate
Building Infrastructure	\$1,303,000
Theatre Systems	\$412,000
Workshop (separate structure)	\$60,000
<b>TOTAL</b>	<b>\$1,775,000</b>

**7.2 Building Infrastructure (WT Partnership)**

The budget summary (\$1,303,000) is shown below. Refer Appendix B for details behind the budget.

Figure 16: WT Partnership Budget Estimate Summary

**ESTIMATE SUMMARY**

185975 - Surfcoast Shire Recreation Centre  
Budget Estimate No 1 (Rev 3)



Job No: 185975  
Cost Base Date:  
GFA (m2): 0.00

Date Printed: 30-Oct-18

Section	Unit	Quantity	Rate	Cost (\$)
1	Notes & Areas			
2	Alterations	m2	721	755,807
3	Preliminaries	%	18	136,193
4	Design Development	%	10	90,000
	<b>TOTAL CONSTRUCTION WORKS</b>			<b>982,000</b>
5	Cost Escalation to 2021	%	3.5	75,000
6	Construction Contingency	%	10.0	106,000
7	Architect & Consultants' Fees	%	12.0	140,000
	<b>TOTAL BUDGET ESTIMATE No 1 (Excl GST)</b>			<b>1,303,000</b>



### 7.3 Theatre Systems (Marshall Day Entertech)

The budget estimate (\$412,000) is shown below. This estimate includes power cabling required for theatre systems.

Figure 17: Theatre Systems Budget Estimate

Torquay Recreation Centre - Theatre Systems - Preliminary Budget Estimate			
Item	Infrastructure	Equipment	
1 Preliminaries	\$ 10,000		
2 6x Fixed lighting flat truss bars	\$ 72,000		
3 House curtain and soft proscenium	\$ 20,000		
4 Cross-over & Legs	\$ 25,000		
5 Technical Cabling, termination & Equipment racks	\$ 80,000		
6 Control system incl touchscreens	\$ 15,000		
7 Stage lighting control incl dimmers	\$ 20,000		
8 Stage Luminaires		\$ 25,000	
9 FOH speakers (self-powered)		\$ 20,000	
10 Lighting Desk		\$ 5,000	
11 Sound Desk		\$ 5,000	
12 Projector and Projection Screen		\$ WT Partnership	
13 Stage Communications	\$ 10,000		
14 Hearing Augmentation	\$ 5,000		
15 Paging system	\$ 10,000		
16 Blue-light/ work-light	\$ 5,000		
17 Power cabling & termination	\$ 40,000		
18 Miscellaneous	\$ 20,000		
Sub Total	\$ 332,000	\$ 55,000	
<b>Grand Total</b>	<b>\$ 387,000</b>		

Notes:

It assumed that TTT will provide various items of loose equipment such as microphones, stands, some stage luminaires etc



**7.4 Other Items**

7.4.1 Workshop

7 x 16 x 3 m Steel workshop on slab	\$35,000
Power and fitout	\$25,000
<b>TOTAL</b>	<b>\$60,000</b>





**APPENDIX A GLOSSARY OF TERMINOLOGY**

Acting area	The area on the stage that can be seen from the auditorium
Auditorium	The seating area of the theatre
Auditorium side lighting booms:	Vertical and horizontal 50mm pipes used for rigging stage lighting from.
Audio Green Power (AGP)	Also known as Technical power. Separate earthed electrical supply dedicated for use with audio systems so as to avoid, hisses, earth lops and hums
Centre line	The line drawn through the centre of the stage opening and auditorium. An important line as all east/west (or Prompt /OP) measurements are taken from this. Unless specifically advised there should be no structural elements on the building or the stage centre line.
Back of House (BoH)	A phrase from the hotel industry sometimes used instead of backstage.
Back Stage	The non-public areas of the theatre.
Bio Box / Control room	Control areas for the stage lighting and audio systems.
Borders	Part of the stage draperies. Long curtains generally made of black wool hung above the stage or performance area to help stop audience members seeing into the above stage or fly-tower areas.
Crossover	Upstage corridor that allows cast and technicians to travel from one side of the stage to the other without being seen by the audience.
Cyclorama	A full stage width filled gauze / soft fabric used with stage lighting and projection at the back of the stage.
Dead hung	Suspended directly from structural support beams as opposed to be rigged using diverter pulleys to enable flying. Often used with chain motors
Dimmed outlets	Dedicated stage lighting outlets used in conjunction with the stage lighting console and dimmer systems.
Downstage	Along the centreline closer to the auditorium.
Fly / Flying	The suspension movement or operation of suspended scenery or lighting bars in the theatre.
Fly bars (battens)	The actual scenery bars suspend over the stage off which the scenery, stage masking and lighting is hung. These bars move up and down (in stage parlance "in" and "out") as part of their operation during performances.
Fly-tower	The space directly above the stage, and below the grid, in which the fly bars move. No other equipment or services can be mounted in this area.
Follow-spot bridge	The lighting bridge at the rear of the auditorium also used for follow-spot operating locations.
Front of House (FOH)	The public areas of the theatre.
Forestage	The area in front of the house curtain but not into the auditorium, particularly that space over the orchestra pit.



Greenroom	The cast and crew lounge room, not generally accessible to the general public, preferably with access to natural light and outside balcony or terrace area
Grid	The above stage rigging loft, covering the entire stage area and providing access to and support for the required diverter pulleys for the stage flying or suspension system.
Grids (truss)	Structures made up of assembled entertainment industry or other truss sections, often flown or dead hung over the stage or auditorium.
Header/s	Solid panels generally used in conjunction with the teaser panel to shape the proscenium size or used on stage as a hard border for masking.
House Curtain	The curtain hung immediately upstage of the proscenium arch. Sometimes very decorative and generally hung in conjunction with a decorative boarder, header or valance. (aka the Act Drop, House rag or the Rag)
Legs	Part of the stage draperies. Tall curtains generally made of black wool hung towards the sides of the stage or performance area to help stop audience members seeing into the side stage or off stage areas.
Lighting Bridges	The structures above the auditorium where the performance lights are rigged. Technical areas not accessible to public.
Lines / Line sets	Suspended flying line and batten / bar sets
Masking	Concealment of the overhead, side or back stage areas of the stage using soft curtains (legs / borders) or hard scenery.
Prompt Side (PS)	Left hand side of the stage if you are facing the auditorium. Generally the Stage Managers console is located on PS.
Offstage	Away from the centre line.
OP or Opposite Prompt	Right hand side of the stage if you are facing the auditorium.
Orchestra pit (the pit)	The section of the forestage area that fitted with a lifting platform that may be positioned at stage level to add to the acting area, at auditorium level fitted with seats, at orchestra level for use with a band or orchestra or at substage level for transport of equipment or at any level in between these preset stops.
Proscenium	The wall between the auditorium and the stage
Proscenium arch	The opening in the proscenium wall that frames the stage/acting area.
Raked (Stage, seats, auditorium)	A raked stage is higher at the back of the stage than the front. A raked auditorium has the seating rows stepping up as they progress away from the stage edge.
Setting line	A line drawn from the upstage face of the setting line walls across the stage perpendicular to the centre line. An important line as it from this that all measurements onstage are taken from.
Setting line walls	The two walls that make up the fixed sides of the proscenium if no tormentors are in use



Teaser panel	The flown unit that flies (is suspended on moveable winch line sets) either in the proscenium line to assist in shaping the proscenium arch. Used in conjunction with the tormentors.
Technical Galleries	The structures above the stage where the motorised winches, stage lighting dimmers and other equipment is located. Technical areas not accessible to public.
Technical Panel (TP):	Coordinated wall, floor or ceiling plates holding power or other outlets, plugs and sockets for various cables and connections.
Technical Power	Separate earthed electrical supply dedicated for use with audio systems so as to avoid, hisses, earth lops and hums
Tormentors	The sliding panels of varying thickness attached to the upstage onstage edges of the setting line walls to allow adjustment of the proscenium sizes.
Truss (entertainment) Flown or dead hung	Generally alloy box, triangle or flat shaped frame like sections assembled and hung over the stage or auditorium for lighting, audio or scenic purposes. Often used for outdoor or rock and roll events.
Upstage	Along the centre line away from the auditorium and the setting line.
Winches	Power or hand driven systems used for raising or lowering of scenery or stage lighting bars
Wings / Wing space	The areas offstage from the acting area where scenery is stored and performers enter the stage from.



**APPENDIX B WT PARTNERSHIP BUDGET ESTIMATE**



**ESTIMATE SUMMARY**

**185975 - Surfcoast Shire Recreation Centre  
Budget Estimate No 1 (Rev 3)**

**Job No: 185975  
Cost Base Date:  
GFA (m2): 0.00**

**Date Printed: 30-Oct-18**

	Section	Unit	Quantity	Rate	Cost (\$)
1	Notes & Areas				
2	Alterations	m2	721		755,807
3	Preliminaries	%	18		136,193
4	Design Development	%	10		90,000
	<b>TOTAL CONSTRUCTION WORKS</b>				<b>982,000</b>
5	Cost Escalation to 2021	%	3.5		75,000
6	Construction Contingency	%	10.0		106,000
7	Achitect & Consultants' Fees	%	12.0		140,000
	<b>TOTAL BUDGET ESTIMATE No 1 (Excl GST)</b>				<b>1,303,000</b>

185975 - Surfcoast Shire Recreation Centre

WT Partnership  
Summary 1



**ESTIMATE DETAIL**

**185975 - Surfcoast Shire Recreation Centre  
Budget Estimate No 1 (Rev 3)**

**Job No: 185975  
Cost Base Date:  
GFA (m2): 0.00**

**Date Printed: 30-Oct-18**

Item	Section	Unit	Qty	Rate	Cost \$
------	---------	------	-----	------	---------

**1 Notes & Areas**

1.1	This estimate has bene based on the following information:				
1.2	- Sketch Plan SWLC181114 received 25 September 2018, 4 October 2018 & 15 October 2018				
	<u>Areas</u>				
1.3	Gymnasium Area	m2	721		
	<u>Exclusions</u>				
1.4	- Escalation past 2021				
1.5	- Consultant Fees				
1.6	- Latent Conditions / asbestos removal				
1.7	- Works to Surfworld				
1.8	- Substructure alterations				
1.9	- Lighting Alterations				
1.10	- Specialist Lighting / lighting bars / lighting rig to Stage				
1.11	- Airconditioning				
1.12	- Repainting existing				
1.13	- Electrical Upgrade				
1.14	- Finance Costs				
1.15	- Out of sequence works / out of hours works				
1.16	- Negotiated Contract / Construction Management				
1.17	- GST				

**2 Alterations**

<u>Demolition</u>					
2.1	Allow to remove sundry fittings and fitments	Item	1	10,000	10,000
2.2	Form opening for double door in fibrecement lined stud wall to Meeting room	No	1	750	750
2.3	Remove 3000 x 3000 roller door	No	3	250	750
2.4	Remove double door and brick infill	No	1	1,500	1,500





**ESTIMATE DETAIL**

**185975 - Surfcoast Shire Recreation Centre**  
**Budget Estimate No 1 (Rev 3)**

**Job No: 185975**  
**Cost Base Date:**  
**GFA (m2): 0.00**

**Date Printed: 30-Oct-18**

Item	Section	Unit	Qty	Rate	Cost \$
<b>2 Alterations</b> <span style="float: right;">(Continued)</span>					
<u>Structural Works</u>					
2.5	Assume columns can sit on existing slab	Note	1		
2.6	Remove and replace timber floor for column base plate	No	6	750	4,500
2.7	Columns for beams	m	50	250	12,500
2.8	Beams for lighting bars / truss	m	71	250	17,750
2.9	Allow for access	Item	1	10,000	10,000
<u>Internal Walls</u>					
2.10	8200 high assumed, internal wall lined both sides with 2 layer of plasterboard, insulation, to Green Room	m2	123	242	29,766
2.11	Extra over last for acoustic sealing against soffit of curved roof	m	30	200	6,000
2.12	8200 max high internal dividing wall lined both sides with 2 layers of plasterboard, insulation	m2	164	242	39,688
2.13	Extra over last for acoustic sealing against soffit of curved roof	m	20	200	4,000
2.14	Skirting	m	70	35	2,450
<u>Doors</u>					
2.15	Pair of 3m high solid doors with seals	No	1	5,000	5,000
2.16	Pair of solid core doors to new dividing wall & Green Room	No	3	4,000	12,000
2.17	Pair of glazed doors to meeting room	No	1	5,000	5,000
<u>Wall Finishes</u>					
2.18	Repaint internal walls	m2	549	18	9,882
2.19	Acoustic pannelling full height to new walls (2 walls) of Green Room, both sides	m2	246	250	61,500
2.20	Acoustic pannelling to 50% of new dividing wall, both sides	m2	164	250	41,000
2.21	Paint finish to new dividing and green room walls	m2	533	15	7,995
2.22	Paint to new doors	m2	35	50	1,750
2.23	Paint to existitng doors	m2	160	50	8,000
2.24	Paint to window trims- assumed qty at 700 high	m2	30	50	1,500
<u>Floor Finishes</u>					



**ESTIMATE DETAIL**

**185975 - Surfcoast Shire Recreation Centre**  
**Budget Estimate No 1 (Rev 3)**

**Job No: 185975**  
**Cost Base Date:**  
**GFA (m2): 0.00**

**Date Printed: 30-Oct-18**

Item	Section	Unit	Qty	Rate	Cost \$
<b>2 Alterations</b> <span style="float: right;">(Continued)</span>					
2.25	Allow for carpet floor finish to Green Room	m2	50	55	2,750
	<u>Ceiling Finishes</u>				
2.26	Nil				
	<u>Fitments</u>				
2.27	Retractable seating - 250 seats (Starena or similar)	Item	1	200,000	200,000
2.28	Portable walls for gallery / Studio	Item	1	10,000	10,000
2.29	Temporary barriers to amenities	m2	19	145	2,755
2.30	Allow for loose seats	No	100	150	15,000
2.31	Allow for furnishings to Green Room	Item	1	10,000	10,000
2.32	Allow for laser projector	Item	1	20,000	20,000
2.33	Allow for motorised screen	Item	1	5,000	5,000
2.34	Allow for signage	Item	1	5,000	5,000
	<u>Electrical Services</u>				
2.35	Allow for exit signs	Item	1	5,000	5,000
2.36	100A-3PH distribution board	No	1	2,500	2,500
2.37	30A-3PH distribution board	No	1	1,500	1,500
	<u>Lighting Infrastructure</u>				
2.38	Lightweight structure for lighting track to Gallery / Studio	m	82	100	8,200
2.39	Lighting track to Gallery / Studio	m2	243	50	12,150
2.40	Allow for LED light fittings	No	20	600	12,000
	<u>Fire Services</u>				
2.41	Allow for smoke detection (Whole of Leisure Centre Only)	m2	1,231	45	55,395
	<u>Mechanical Services</u>				
2.42	Ducted Heating system to divided hall	m2	721	75	54,075
2.43	Forced ventilation to divided hall	m2	721	35	25,235
2.44	Allow for BWIC	%	5	3,966	3,966
	<u>External Works</u>				



**ESTIMATE DETAIL**

**185975 - Surfcoast Shire Recreation Centre**  
**Budget Estimate No 1 (Rev 3)**

**Job No: 185975**  
**Cost Base Date:**  
**GFA (m2): 0.00**

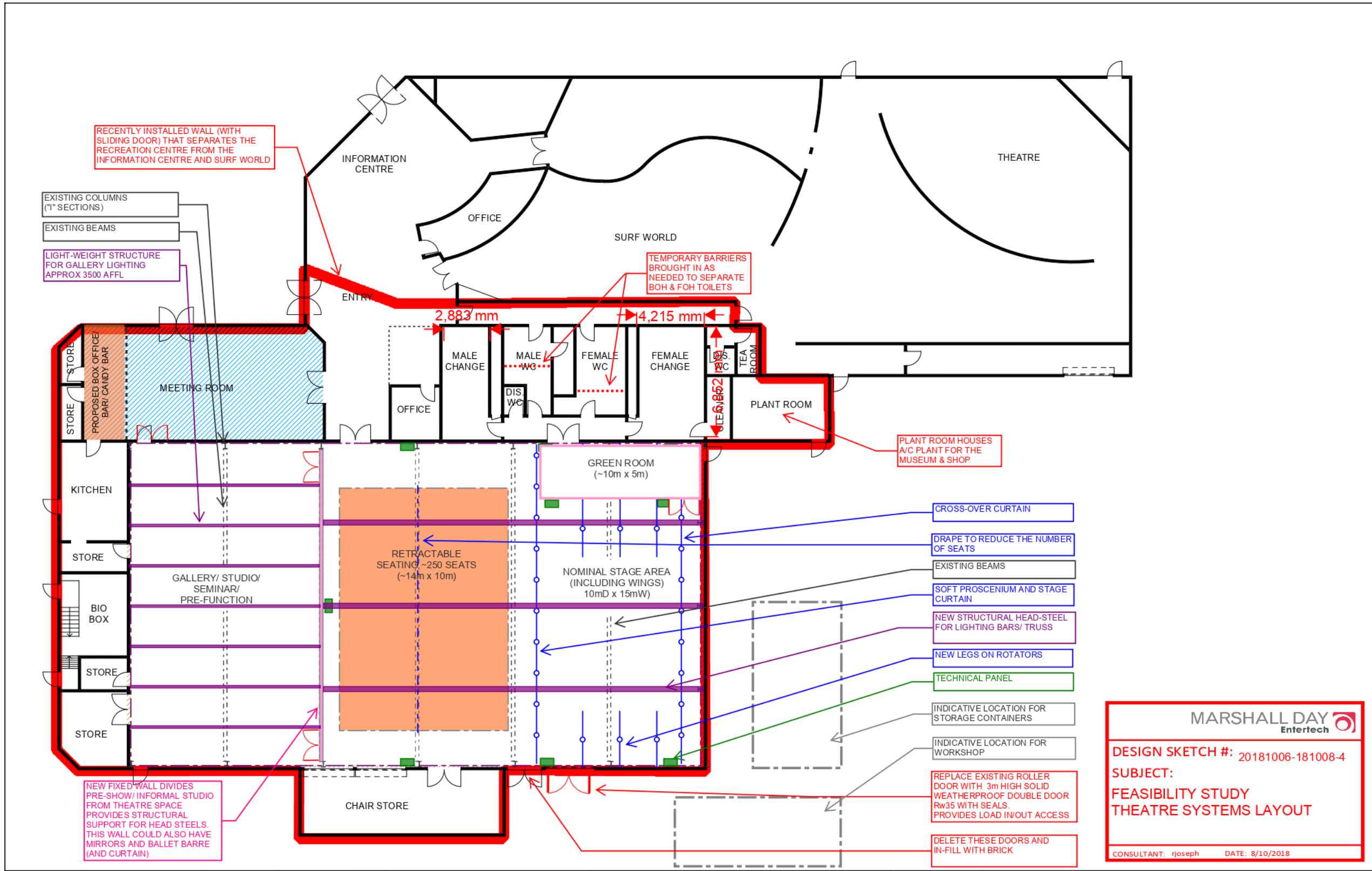
**Date Printed: 30-Oct-18**

Item	Section	Unit	Qty	Rate	Cost \$
<b>2 Alterations</b>					<i>(Continued)</i>
2.45	Allow for 2nd hand shipping container, including transport	No	2	6,000	12,000

**755,807**



**APPENDIX C FEASIBILITY LAYOUT SKETCH**



**MARSHALL DAY**  
Entertech

DESIGN SKETCH #: 20181006-181008-4

SUBJECT:  
**FEASIBILITY STUDY  
THEATRE SYSTEMS LAYOUT**

CONSULTANT: rjoseph    DATE: 8/10/2018

**APSIS BUILDING DESIGN**  
Building design & drafting

m: 0422 087 557  
e: apsisbd@optusnet.com.au

RBP DP-AD 36472  
ABN 54 517 480 426

MEMBER

**bdcv**  
Building Designers  
Association Victoria

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CONSULTANTS:

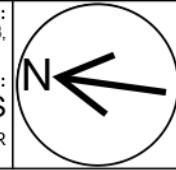
**Surf COAST SHIRE**

CLIENT:  
**SURF COAST SHIRE**  
1 Merrijig Place,  
Torquay, VIC, 3228,

PROJECT ADDRESS:  
Beach Road, Torquay, VIC, 3228,

PROJECT STAGE:  
**EXISTING CONDITIONS**

DRAWN: PR  
DESIGNER:



PROJECT NUMBER:  
**2014-03**

SCALE: NOT TO SCALE  
PLOT DATE: 18/11/2014  
ISSUE DATE: 18/11/2014

ORIGINAL SIZE: A3

**SURF WORLD & LEISURE CENTRE**

Raw Plan  
DRAWING NUMBER:  
**SWLC181114**




**APPENDIX D OPERATING EXPENDITURE MODELS**



## Summaries

### Torquay

DETAILED OPERATING BUDGET					
INCOME & EXPENDITURE \$	Year 1	Year 2	Year 3	Year 4	Year 5
<b>INCOME</b>					
Other Contributed Income	0	0	0	0	0
Venue Rental	18,583	27,101	32,610	35,549	39,481
Other Eamed Revenues	36,390	50,755	61,083	65,713	72,242
<b>Total Income</b>	<b>54,973</b>	<b>77,856</b>	<b>93,693</b>	<b>101,262</b>	<b>111,723</b>
<b>Expenditure</b>					
Salaries and Employee Related Costs	137,099	152,856	158,950	162,354	167,155
Administration and Maintenance	75,300	61,300	61,300	61,300	61,300
Market Incentives/subsidy	5,000	5,000	5,000	5,000	5,000
<b>Total Expenditure</b>	<b>217,399</b>	<b>219,156</b>	<b>225,250</b>	<b>228,654</b>	<b>233,455</b>
<b>Operating Surplus/Deficit</b>	<b>(\$162,426)</b>	<b>(\$141,300)</b>	<b>(\$131,557)</b>	<b>(\$127,393)</b>	<b>(\$121,732)</b>

CPI		1,000				
INDICATIVE Multi-Year OPERATING BUDGET						
		Year 1	Year 2	Year 3	Year 4	Year 5
Operating SURPLUS (DEFICIT) -		(162,426)	(141,300)	(131,657)	(127,383)	(121,732)
Net Operating Contribution (DEFICIT)		\$ (162,426)	\$ (141,300)	\$ (131,657)	\$ (127,383)	\$ (121,732)
DETAILED OPERATING BUDGET		Year 1	Year 2	Year 3	Year 4	Year 5
INCOME & EXPENDITURE \$		Year 1	Year 2	Year 3	Year 4	Year 5
INCOME		Year 1	Year 2	Year 3	Year 4	Year 5
Sponsorship - Towards Operating, not Programming						
Philanthropy - Towards Operating not Programming						
Other Grants						
Venue Rentals						
BlackBox/MV Studio						
Theatre Casual		2,700	4,005	4,500	4,895	5,580
Theatre Regular		5,208	7,476	8,400	8,324	10,416
Theatre TTT		6,000	7,500	9,000	9,750	10,500
Studio/Gallery Casual		255	680	930	990	1,155
Studio/Gallery Regular		1,530	3,960	5,550	5,940	6,930
Studio/Gallery TTT		2,800	3,900	4,200	4,500	4,900
Wage Recoveries						
BOH Casual Staffing (Totals from BOH Re-staffing)		21,140	31,132	38,317	41,537	46,079
FOH Casual Staffing (Totals from FOH Casual Staff)		9,250	13,622	16,766	18,175	20,165
Other Recoveries see Perm/Salesheet		-	-	-	-	-
Food & Beverage - Theatre Bars Gross Estimate TBC		5,000	5,000	5,000	5,000	5,000
Net Ticketing Fees		0	0	0	0	0
Merchandise Royalties		0	0	0	0	0
Cost Recoveries - including cleaning, consumables, energy		1,800	1,000	1,500	1,000	1,000
<b>TOTAL INCOME</b>		<b>54,973</b>	<b>77,866</b>	<b>93,693</b>	<b>101,262</b>	<b>111,723</b>
EXPENDITURE \$		Year 1	Year 2	Year 3	Year 4	Year 5
Salaries & Wages						
Permanents per Perm/Sales Sheet		90,900	101,000	101,000	101,000	101,000
Casuals BOH and FOH		22,348	32,308	40,502	43,906	48,707
IS 700r Costs (B/C) on Perm		14,353	15,948	15,948	15,948	15,948
<i>Allocation for separate costs including staffing review</i>						
Other Employee Related Costs						
Recruitment		2,000	500	500	500	500
Safety Equipment/Uniforms		7,500	2,500	1,000	1,000	1,000
Training and development						
RPT						
<b>Total Employee Related Costs</b>		<b>17,000</b>	<b>12,800</b>	<b>15,500</b>	<b>16,200</b>	<b>16,700</b>
Administration						
Office Supplies		500	500	500	500	500
Stationery		1,000	1,000	1,000	1,000	1,000
Software/Licences		2,000				
Hardware		5,000	1,500	1,500	1,500	1,500
Subscriptions						
Insurance						
IT Costs and Telephones		1,500	1,500	1,500	1,500	1,500
<b>Sub-Total Administration</b>		<b>10,000</b>	<b>4,500</b>	<b>4,500</b>	<b>4,500</b>	<b>4,500</b>
Marketing and Publicity						
Design		3,000	1,000	1,000	1,000	1,000
Printing		2,500	500	500	500	500
Advertising		5,000	3,000	3,000	3,000	3,000
Website spend						
Distribution						
Postage		1,000	500	500	500	500
Promotions						
Photography		3,000	1,000	1,000	1,000	1,000
Banners and Signs						
Sundry						
Publicity						
<b>Sub-total Marketing and Publicity</b>		<b>14,500</b>	<b>6,000</b>	<b>6,000</b>	<b>6,000</b>	<b>6,000</b>
Statutory Maintenance						
AirCon		3,000	3,000	3,000	3,000	3,000
Pool		600	600	600	600	600
Mechanical		1,000	1,000	1,000	1,000	1,000
Fire Protection Equip		400	400	400	400	400
Security		300	300	300	300	300
External Services						
<b>Sub-total Statutory maint.</b>		<b>5,300</b>	<b>5,300</b>	<b>5,300</b>	<b>5,300</b>	<b>5,300</b>
Non Statutory Maintenance						
Carpenry Materials		1,000	1,000	1,000	1,000	1,000
Signage		1,000	1,000	1,000	1,000	1,000
Garbage External		2,000	2,000	2,000	2,000	2,000
Cleaning		16,000	16,000	16,000	16,000	16,000
Landscaping		1,000	1,000	1,000	1,000	1,000
Plumbing		2,000	2,000	2,000	2,000	2,000
Roadworks/Car park		2,000	2,000	2,000	2,000	2,000
Furniture & Fitings		4,000	4,000	4,000	4,000	4,000
Painting		1,000	1,000	1,000	1,000	1,000
Electrical External (incl BMS)		3,000	3,000	3,000	3,000	3,000
Electricity		4,500	4,500	4,500	4,500	4,500
Gas		6,000	6,000	6,000	6,000	6,000
Water		2,000	2,000	2,000	2,000	2,000
<b>Sub-total Non Statutory Maintenance</b>		<b>45,500</b>	<b>46,500</b>	<b>45,500</b>	<b>45,500</b>	<b>45,500</b>
<b>Sub-Total Admin/Maintenance</b>		<b>75,300</b>	<b>61,300</b>	<b>61,300</b>	<b>61,300</b>	<b>61,300</b>
Programming/Market Development Expenditure						
Community Use Subsidy Pool		5,000	5,000	5,000	5,000	5,000
<b>Total Net Programming</b>		<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>
Theatre Bar Costs						
COGS 1/3 of Gross						
Estimated Casual Labour 1/3 of Gross						
<b>Total Theatre Bar Costs</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL EXPENDITURE</b>		<b>\$ 217,999</b>	<b>\$ 219,156</b>	<b>\$ 225,250</b>	<b>\$ 228,654</b>	<b>\$ 233,495</b>
Operating SURPLUS (DEFICIT) -		(162,426)	(141,300)	(131,657)	(127,383)	(121,732)

Venue Utilisation - BlackBoxMFV300		Year 1	Year 2	Year 3	Year 4	Year 5
Programming Streams	Comments	Days				
TTT Performance	Includes provision for performance and exclusive rehearsal use - estimate by Year 3 40 performance days and 80 exclusive rehearsal days	80	100	120	130	140
Movies	As per feedback	24	36	36	40	44
Classes/workshops	The Theatre space could also be used for these purposes					
School and Community Hires	Very conservative settings in our view	10	12	16	18	20
Australian National Surf Museum	Based on feedback	12	16	20	22	24
Council Events	Potential for more	4	4	4	4	4
Meetings/presentations	Potential for more	3	6	6	6	8
Other Theatre type performances	Assumes at least 1-2 other theatre seasons can be attracted to the venue.	6	10	12	14	16
Music/concerts	Based on feedback - potential for growth	3	5	6	7	8
<b>Total Projected Events/Performances PA</b>		<b>142</b>	<b>189</b>	<b>220</b>	<b>241</b>	<b>264</b>
<b>Studio/Gallery</b>						
Programming Streams	Comments	Days				
TTT	Assumes 20 smaller performances by Year 4 plus rehearsals	70	80	90	100	110
Movies	NA					
Classes/workshops	TBC but assumes regular use averaging twice per week for 40 weeks PA by Year 3	20	60	80	80	90
School and Community Hires	There is excellent potential for these spaces to be used by a wide range of users but as the venue becomes known.	2	4	6	8	10
Australian National Surf Museum	There is excellent potential for these spaces to be used by a wide range of users but as the venue becomes known.	2	4	6	8	10
Council Events	There is excellent potential for these spaces to be used by a wide range of users but as the venue becomes known.	2	4	6	8	10
Meetings/presentations	There is excellent potential for these spaces to be used by a wide range of users but as the venue becomes known.	2	4	6	8	10
Other Theatre type performances	It is assumed that other theatre companies will be attracted the smaller spaces	6	12	20	20	24
Music/concerts	Smaller events certainly possible.					
<b>Total Projected Events/Performances PA</b>		<b>104</b>	<b>168</b>	<b>214</b>	<b>232</b>	<b>264</b>
<b>By Venue Hire Rates</b>						
Programming Streams	Comments					
Theatre Casual	The "standard" rate to be applied for casual hirers. Assumes that 20% of non-TTT hirers would fall within this category.	12	18	20	22	25
Theatre Regular	A rate to be applied with hirers who commit to multiple events per annum on a regular basis	50	71	80	89	99
Theatre TTT	Subject to a specific, detailed multi-year agreement to be negotiated	80	100	120	130	140
Studio/Gallery Casual	The "standard" rate to be applied for casual hirers. Assumes that 10% of non-TTT hirers would fall within this category.	3	9	12	13	15
Studio/Gallery Regular	A rate to be applied with hirers who commit to multiple events per annum on a regular basis	31	79	112	119	139
Studio/Gallery TTT	Subject to a specific, detailed multi-year agreement to be negotiated	80	100	120	130	140
<b>Total events all spaces</b>		<b>256</b>	<b>377</b>	<b>464</b>	<b>503</b>	<b>558</b>

<b>ASSUMPTIONS Theatre, Studio and Gallery</b>						
	<b>150 Seats</b>	<i>Average Set Up but can be increased to a capacity of 300plus (seated and standing)</i>				
CPI growth per annum - unless otherwise indicated	<b>1.000</b>					
		Year 1	Year 2	Year 3	Year 4	Year 5
<b>Venue Rental Rates - Net per day/session</b>	<b>Benchmark Seat Rate</b>					
Theatre Casual	\$ 1.50	\$ 225	\$ 225	\$ 225	\$ 225	\$ 225
Theatre Regular	\$ 0.70	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105
Theatre TTT	\$ 0.50	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75
Studio/Gallery Casual		\$ 75	\$ 75	\$ 75	\$ 75	\$ 75
Studio/Gallery Regular		\$ 50	\$ 50	\$ 50	\$ 50	\$ 50
Studio/Gallery TTT		\$ 35	\$ 35	\$ 35	\$ 35	\$ 35
<b>Venue Utilisation</b>						
Theatre Casual		12	18	20	22	25
Theatre Regular		50	71	80	89	99
Theatre TTT		80	100	120	130	140
Studio/Gallery Casual		3	9	12	13	15
Studio/Gallery Regular		31	79	112	119	139
Studio/Gallery TTT		80	100	120	130	140
<b># events per annum BB and Studio/Gallery</b>		<b>256</b>	<b>377</b>	<b>464</b>	<b>503</b>	<b>558</b>

Torquay Utilisation and Attendance - Theatre		By Year 3	
Event Type	No	Avg Attend	Total Attendance
TTT Performance	40	90	3,600
Movies	36	225	8,100
School and Community Hires	16	250	4,000
Aust National Surf Museum	20	100	2,000
Council Events	4	300	1,200
Meetings/presentations	6	200	1,200
Other Theatre type performances	12	90	1,080
Music/concerts	6	200	1,200
<b>Public Events - Theatre</b>	<b>140</b>		<b>22,380</b>

<b>Venue Rentals</b>						
<b>BlackBox/MFV Studio</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	
Theatre Casual	\$ 2,790	\$ 4,005	\$ 4,500	\$ 4,995	\$ 5,580	
Theatre Regular	\$ 5,208	\$ 7,476	\$ 8,400	\$ 9,324	\$ 10,416	
Theatre TTT	\$ 6,000	\$ 7,500	\$ 9,000	\$ 9,750	\$ 10,500	
<b>Studio/Gallery</b>						
Studio/Gallery Casual	\$ 255	\$ 660	\$ 930	\$ 990	\$ 1,155	
Studio/Gallery Regular	\$ 1,530	\$ 3,960	\$ 5,580	\$ 5,940	\$ 6,930	
Studio/Gallery TTT	\$ 2,800	\$ 3,500	\$ 4,200	\$ 4,550	\$ 4,900	



Indicative Only for General venue Ops	Permanent Sals - Base Rates	NOTE for Torquay only Venues Sales and Facility Supervisor				
Positions			FTE	\$	Total	Estimate Recoverable from Hires %
General Manager				\$ 150,000	\$ -	
Manager				\$ 110,000	\$ -	
Adminsitration/CFO				\$ 75,000	\$ -	
	Admin Asst			\$ 110,000	\$ -	
Manager Sales and Market Development				\$ 90,000	\$ -	
	Mgr CRM/Ticketing			\$ 75,000	\$ -	
		Asst BO			\$ -	
		Casuals			\$ -	
<b>Venue Sales Supervisor</b>			<b>0.4</b>	<b>\$65,000</b>	<b>\$ 26,000</b>	
		Event Sales and Co- ordination		\$ 75,000	\$ -	
	Marketing/Comms Co-ord			\$ 80,000	\$ -	
Manager - Venue Operations				\$ 110,000	\$ -	
	VS Team Leader			\$ 90,000	\$ -	
		FOH Super		\$ -	\$ -	
					\$ -	
	Technical Services Team Leader			\$ 100,000	\$ -	
		Technical Ops Assitant		\$ 70,000	\$ -	
		Discipline HOD		\$ 85,000	\$ -	\$ -
<b>Facilities Mgr</b>			<b>1</b>	<b>\$75,000</b>	<b>\$ 75,000</b>	
		Stage Door		\$ 65,000	\$ -	
		Duty Cleaners/M aintenance		\$ 65,000	\$ -	
Manager Commercial Businesses				\$ 110,000	\$ -	
	Bars Mgr			\$ 90,000	\$ -	
					\$ -	
			1.4		\$ 101,000	\$ -
					Less Recoveries	\$ 101,000

**BOH/TECH Recoverable Staffing Model**



Note: Bump in Cost: 1.000  
 AVERAGE PAYING RATE: \$60,000  
 CH: 1.000  
 Total hours per year: 1,976  
 Total salary per year: \$119,440

Year	Position	Event Type	Notes	Level 3 Staff			Level 2 Staff			Level 1 Staff			Total hours per year	Total salary per year	Total FTE	
				Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)				
YEAR 1	MPV	Large activation on set-up time required per opening (on 5 days)		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Large Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Bump In/out - open second day		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Some Day performance	ASSUMPTION IS THAT 50% OF ALL EVENTS WILL REQUIRE A TECHNICIAN TO BE EMPLOYED	64	0	4	0	0	0	0	0	0	0	\$0.00	\$128.00	0.00
	Event/Other	Large		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Standard		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Small		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Open & Events - complex multi venue, indoor/outdoor		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Back-to-back performance or multiple venues making place-out of hours		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
	<b>TOTAL</b>				<b>64</b>									<b>\$0</b>	<b>\$119,440</b>	<b>13.541</b>

Year	Position	Event Type	Notes	Level 3 Staff			Level 2 Staff			Level 1 Staff			Total hours per year	Total salary per year	Total FTE	
				Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)				
YEAR 2	MPV	Large activation on set-up time required per opening (on 5 days)		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Large Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Bump In/out - open second day		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Some Day performance	ASSUMPTION IS THAT 50% OF ALL EVENTS WILL REQUIRE A TECHNICIAN TO BE EMPLOYED	64	0	4	0	0	0	0	0	0	0	\$0.00	\$128.00	0.00
	Event/Other	Large		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Standard		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Small		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Open & Events - complex multi venue, indoor/outdoor		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Back-to-back performance or multiple venues making place-out of hours		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
	<b>TOTAL</b>				<b>64</b>									<b>\$0</b>	<b>\$22,891</b>	<b>22.031</b>

Year	Position	Event Type	Notes	Level 3 Staff			Level 2 Staff			Level 1 Staff			Total hours per year	Total salary per year	Total FTE	
				Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)				
YEAR 3	MPV	Large activation on set-up time required per opening (on 5 days)		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Large Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Bump In/out - open second day		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Some Day performance	ASSUMPTION IS THAT 50% OF ALL EVENTS WILL REQUIRE A TECHNICIAN TO BE EMPLOYED	116	0	4	0	0	0	0	0	0	0	\$0.00	\$281.76	0.00
	Event/Other	Large		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Standard		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Small		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Open & Events - complex multi venue, indoor/outdoor		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Back-to-back performance or multiple venues making place-out of hours		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
	<b>TOTAL</b>				<b>116</b>									<b>\$0</b>	<b>\$28,176</b>	<b>28.176</b>

Year	Position	Event Type	Notes	Level 3 Staff			Level 2 Staff			Level 1 Staff			Total hours per year	Total salary per year	Total FTE	
				Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)				
YEAR 4	MPV	Large activation on set-up time required per opening (on 5 days)		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Large Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Bump In/out - open second day		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Some Day performance	ASSUMPTION IS THAT 50% OF ALL EVENTS WILL REQUIRE A TECHNICIAN TO BE EMPLOYED	156	0	4	0	0	0	0	0	0	0	\$0.00	\$384.00	0.00
	Event/Other	Large		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Standard		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Small		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Open & Events - complex multi venue, indoor/outdoor		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
		Back-to-back performance or multiple venues making place-out of hours		0	1	0	0	0	0	0	0	0	0	\$0.00	\$0.00	
	<b>TOTAL</b>				<b>156</b>									<b>\$0</b>	<b>\$38,400</b>	<b>38.400</b>

Year	Position	Event Type	Notes	Level 3 Staff			Level 2 Staff			Level 1 Staff			Total hours per year	Total salary per year	Total FTE	
				Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)	Hours per Event	Avg Number of Staff	Average Length of Event (Hours)				
YEAR 5	MPV	Large activation on set-up time required per opening (on 5 days)		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Large Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Bump In/out - open second day		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Standard Running		0	0	0	0	0	0	0	0	0	0	\$0.00	0.00	
		Some Day performance	ASSUMPTION IS THAT 50% OF ALL EVENTS WILL REQUIRE A TECHNICIAN TO BE EMPLOYED	156	0	4	0	0	0	0	0	0	0	\$0.00	\$384.00	0.00



Casual FOH Staff Full Year Operations

CPI 1,000

YEAR 1																			
Type of Event	No of Events PA	Avg Number of Lvl 3 casual staff per Event	Average Length of individual call - Hours	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 2 casual staff per Event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 1 casual staff per event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs			
Backdoor/MPV	94		0	0	\$0	\$0	4	0	0	\$0	\$0	1	4	4		\$10,822			
Small or Studio	0		0	0	\$0	\$0	0	0	0	\$0	\$0	1	4	4		\$0			
Onsite	0		0	0	\$0	\$0	0	0	0	\$0	\$0	1	4	4		\$0			
Special Events	0		0	0	\$0	\$0	0	0	0	\$0	\$0	0	0	0		\$0			
<b>TOTAL</b>						\$0					\$0					\$10,822			
						<b>Lvl 3</b>							<b>Lvl 2</b>			<b>Lvl1</b>			
						Total per classification							\$0			\$6,802			
						Annual FT Salary							\$70,000			\$57,500			\$52,500
						Net cost FTE							0.00			0.00			0.13

YEAR 2																			
Type of Event	No of Events PA	Avg Number of Lvl 3 casual staff per Event	Average Length of individual call - Hours	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 2 casual staff per Event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 1 casual staff per event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs			
Backdoor/MPV	94		0	0	\$0	\$0	4	0	0	\$0	\$0	1	1	4		\$10,016			
Small or Studio	0		0	0	\$0	\$0	1	4	4	\$0	\$0	1	4	4		\$0			
Onsite	0		0	0	\$0	\$0	0	0	0	\$0	\$0	1	4	4		\$0			
Special Events	0		0	0	\$0	\$0	0	0	0	\$0	\$0	0	0	0		\$0			
<b>TOTAL</b>						\$0					\$0					\$10,016			
						<b>Lvl 3</b>							<b>Lvl 2</b>			<b>Lvl1</b>			
						Total per classification							\$0			\$10,016			
						Annual FT Salary							\$70,000			\$57,500			\$52,500
						Net cost FTE							0.00			0.00			0.19

YEAR 3																			
Type of Event	No of Events PA	Avg Number of Lvl 3 casual staff per Event	Average Length of individual call - Hours	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 2 casual staff per Event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 1 casual staff per event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs			
Backdoor/MPV	110		0	0	\$0	\$0	4	0	0	\$0	\$0	1	4	4		\$12,328			
Small or Studio	0		0	0	\$0	\$0	1	4	4	\$0	\$0	1	4	4		\$0			
Onsite	0		0	0	\$0	\$0	0	0	0	\$0	\$0	0	0	0		\$0			
Special Events	0		0	0	\$0	\$0	0	0	0	\$0	\$0	0	0	0		\$0			
<b>TOTAL</b>						\$0					\$0					\$12,328			
						<b>Lvl 3</b>							<b>Lvl 2</b>			<b>Lvl1</b>			
						Total per classification							\$0			\$12,328			
						Annual FT Salary							\$70,000			\$57,500			\$52,500
						Net cost FTE							0.00			0.00			0.23

YEAR 4																			
Type of Event	No of Events PA	Avg Number of Lvl 3 casual staff per Event	Average Length of individual call - Hours	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 2 casual staff per Event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 1 casual staff per event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs			
Backdoor/MPV	120		0	0	\$0	\$0	4	0	0	\$10	\$10	1	4	4		\$13,364			
Small or Studio	0		0	0	\$0	\$0	1	4	4	\$10	\$10	1	4	4		\$0			
Onsite	0		0	0	\$0	\$0	0	0	0	\$10	\$10	1	4	4		\$0			
Special Events	0		0	0	\$0	\$0	0	0	0	\$10	\$10	0	0	0		\$0			
<b>TOTAL</b>						\$0				\$10	\$10					\$13,364			
						<b>Lvl 3</b>							<b>Lvl 2</b>			<b>Lvl1</b>			
						Total per classification							\$0			\$13,364			
						Annual FT Salary							\$70,000			\$57,500			\$52,500
						Net cost FTE							0.00			0.00			0.25

YEAR 5																			
Type of Event	No of Events PA	Avg Number of Lvl 3 casual staff per Event	Average Length of individual call - Hours	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 2 casual staff per Event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs	Avg Number of Lvl 1 casual staff per event	Average Length of individual call - Hour	Total hours per event	Avg Hourly Rate	Labour Costs			
Backdoor/MPV	140		0	0	\$0	\$0	4	0	0	\$0	\$0	1	4	4		\$14,825			
Small or Studio	0		0	0	\$0	\$0	1	4	4	\$0	\$0	1	4	4		\$0			
Onsite	0		0	0	\$0	\$0	0	0	0	\$0	\$0	1	4	4		\$0			
Special Events	0		0	0	\$0	\$0	0	0	0	\$0	\$0	0	0	0		\$0			
<b>TOTAL</b>						\$0	5.00			\$0	\$0					\$14,825			
						<b>Lvl 3</b>							<b>Lvl 2</b>			<b>Lvl1</b>			
						Total per classification							\$0			\$14,825			
						Annual FT Salary							\$70,000			\$57,500			\$52,500
						Net cost FTE							0.00			0.00			0.28



**APPENDIX E OPERATING EXPENDITURE CATEGORIES**

Item	Will Council provide any of these services/goods in-kind?  Y/N	If YES – can Council provide an estimate? This could be based on current costs e.g. energy –  Any other comments?
<b>Administration</b>		
Office Supplies	N	
Stationery	N	
Software Licenses	N	
Hardware	N	
Subscriptions	Y	Royalty payments to pay music in public halls.
Insurances	Y	User groups would need adequate insurance. Council would insure the building.
Telephone	N	
Internet	N	There is currently wi-fi on site for staff.
<b>Marketing and Publicity</b>		
Design	N	(Not for specific shows and performances, but would promote the facility via Council's Communications Department, including website, media and social media platforms.)
Printing	N	
Advertising	N	
Website spend	Y	Council's website and Social Media could link to the promotion of upcoming events and potential use of space.
Distribution	N	
Postage	N	
Promotions	N	
Photography	N	
Banners and Signage	N	
Sundry	N	
Publicity	N	
<b>Training and Travel</b>		



Staff Travel - Conferences	NA	
Staff Training	Y	There is the potential to upskill of Museum and VIC staff to assist run box office or sell artwork.
Other		
<b>Other Venue Overheads</b>		
Admin Staff (Council staff may include admin, building maintenance, Arts officer, customer service, Museum staff, VIC staff and volunteers)	Y	There will be some requirement for Council to provide assistance with the running of the facility – answer enquiries, manage facility bookings, assist with touring with potential hirers, assist with operational instructions of equipment (seating, lights, sound, etc), organise maintenance.
Cleaning Staff	Y	The facility is cleaned by contractors. Additional cleaning requirements above routine cleaning schedule could be included in facility hire fees
Building and Technical Maintenance	Y	Council maintains all their buildings. However, additional costs associated with specialist maintenance requirements may include maintenance of lighting, sound equipment, room set up, commercial kitchen equipment, etc.
Cleaning (materials?) & small purchases	Y	Cleaning materials are provided at Council facilities to allow hirers to clean up after use.
<b>Professional Fees</b>		
Audit fees	NA	
Bank charges and interest	NA	
Legal fees	NA	
Other Consultancy	NA	
<b>Statutory Maintenance</b>		
Fire Protection Equip External Services	Y	
Electrical External-(Incl BMS)	Y	
Plumbing External Services	Y	
<b>Non-Statutory Maintenance</b>		
Pedestrian Footways/Floor Coverings	Y	Standard fixtures requiring repair covered by building maintenance budget, to be covered fees paid.
Carpentry Materials	Y	Standard fixtures requiring repair covered by building maintenance budget, to be covered fees paid.
Signage	Y	Standard Council building signage would be provided
Lift Repairs & Maint	NA	
Garbage External	Y	Council pays garbage collection charges





Drainage	Y	
Air Conditioning	Y	Only heading on site.
Building Improvements	N	The building would be maintained.
Cleaning	Y	
Landscaping	Y	Basic routine tidy up of garden beds.
Locksmith	Y	
Pest & Weed	Y	
Mechanical	Y	
Window Cleaning	Y	
Plumbing	Y	
Roadworks	Y	Council maintains some of the car park area. The balance is body corporate responsibility.
Security	Y	
Indoor Plants	NA	
Furniture & Fittings	Y	
Painting	Y	
Electrical External- (Incl BMS)	Y	
Electricity	Y	
Gas	Y	
Water	Y	

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## 6.4 Winchelsea Former Shire Hall - Future Use

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

**Department:** Recreation & Open Space Planning      **File No:** F11/348

**Division:** Culture & Community      **Trim No:** IC18/1939

**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

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### Purpose

The purpose of this report is to seek Council direction regarding its preferred process by which the future use of the former Winchelsea Shire Hall may be determined, pending the end of the current lease with the Winchelsea Tea Rooms business owner.

### Summary

The former Shire Hall in Winchelsea has been used for a considerable time by private business operators under a commercial lease arrangement. Council, as landlord, has in recent months had to consider the status and future of the current lease when an impasse was reached with the tenant regarding the matter of rent.

Council's current position is that the current lease should be concluded at the end of April 2019. This decision has led to a need for Council to consider the future use of the building before any new arrangements can be put in place.

Officers recommend proceeding with investigations and consultation immediately to position Council to resolve on the future of the facility before the lease concludes. An officer will coordinate the process, engaging with key community stakeholders and council staff. The involvement of community members in the process is vital to ensure the best advice can be provided to Council.

Prioritising this work will address community uncertainty regarding the former Shire Hall. It will, however, impact on the timing of other projects.

Alternative options for Council at this stage involve a longer process or a deferral until other strategic work is completed in Winchelsea. Both would require an extension of the current arrangements for the lessee.

## 6.4 Winchelsea Former Shire Hall - Future Use

### Recommendation

That Council:

1. Commences community consultation in-line with the two stage process identified in this report to determine the future use of the former Winchelsea Shire Hall prior to the conclusion of the current lease in April 2019.
2. Notes that prioritising this work will impact the scheduling of other recreation and open space projects.

### Council recommendation

#### **MOVED Cr Heather Wellington**

That Council works in partnership with Growing Winchelsea Inc to consult with the Winchelsea community in-line with the two stage process identified in this report to determine the future use of the former Winchelsea Shire Hall prior to the conclusion of the current lease in April 2019.

Lapsed due to absence of a seconder.

LAPSED

### Council Resolution

#### **MOVED Cr Carol McGregor, Seconded Cr Margot Smith**

That Council:

1. Commences community consultation in-line with the two stage process identified in this report to determine the future use of the former Winchelsea Shire Hall prior to the conclusion of the current lease in April 2019.
2. Notes that prioritising this work will impact the scheduling of other recreation and open space projects.

CARRIED 6:1

## 6.4 Winchelsea Former Shire Hall - Future Use

### Report

#### **Background**

The former Shire Hall in Winchelsea has been used for a considerable time by private business operators under a commercial lease arrangement. Council, as landlord, has in recent months had to consider the status and future of the current lease when an impasse was reached with the tenant regarding the matter of rent.

Council resolved at its meeting on 28 August 2018 to terminate the lease on 30 November 2018, primarily on the basis that continuing to subsidise a private business in a competitive market was not appropriate. At the same meeting Council also noted *"that no alternative use of the building has been considered and that this will be the subject of a future report to Council"*.

Council considered the matter again through an item of Urgent Business at its meeting on 23 October 2018, primarily in response to community concerns that the public access previously experienced under the current lease may be diminished. At the meeting held 23 October 2018, Council resolved as follows:

#### *That Council:*

1. *Endorses the establishment of occupancy arrangements with the current tenant, though the current lease or short term license, to enable the tenant to continue to operate at current rent until 30 April 2019 or earlier as agreed with the tenant.*
2. *Notes that the Chief Executive Officer will authorise the occupancy arrangements within the current delegations.*
3. *Notes that a report is to be presented to Council regarding the process by which the future use of the building may be determined.*

This report responds to the third point of the above resolution.

#### **Discussion**

The former Shire Hall is a highly visible building located in a prominent location on the Princes Highway in the middle of Winchelsea. The building is valued by the community for its heritage values as well as the place it has in history as an important public building for the town and district. More recently the building has had a private use that has, through the discretion of the tenant, allowed the community to still enjoy relatively free access to the building.

Council has a need to determine the most beneficial and appropriate future use of the building. It is important that Council and the Winchelsea community consider this issue before establishing new longer-term arrangements, such as a lease or licence.

Council has a range of policies that have a common theme of maximising the utilisation of its community buildings. The community may also have started to consider a range of opportunities that may be supported when the current lease ends. Council's process to consider future uses will benefit from a process that draws upon the ideas of the community. The process needs to consider the current and anticipated needs and aspirations of the community in a strategic context where possible, recognising that Winchelsea will face a changing future due to its expected growth and changing population. Finally the process needs to be transparent and accessible for the community so that Council's decision-making can be understood.

This report outlines options for the process by which Council may consider the future use of the former Winchelsea Shire Hall.

Officers recommend targeted consultation with internal and external key stakeholders to further explore:

- The purpose of the facility
- Its relationship to other community facilities within Winchelsea
- The pro's and con's of a future use being community, commercial or mixed
- Internal and external key stakeholder views regarding the potential and preferred type of future use.

Key internal stakeholders to be consulted include representatives from the following departments - Economic Development and Tourism (including Winchelsea Visitor Information Centre), Governance, Community

## 6.4 Winchelsea Former Shire Hall - Future Use

Development, Facilities Operations, Environmental Health, Planning, Recreation and Open Space Planning, Youth Development and Communications and Engagement.

Key external stakeholders to be consulted include representatives from the following community groups - current facility user groups including Winchelsea Community House, Winchelsea Historical Society, Musical Melodies Group and Growing Winchelsea.

Officers recommend a two stage consultation process to determine the future use of the former Winchelsea Shire Hall prior to the current lease expiry on 30 April 2019 as follows:

### Stage 1

1. Desktop review of current use of the former Winchelsea Shire Hall, other community buildings within Winchelsea and best practice mixed use of community facility models (December 2018)
2. Targeted 'kitchen table discussions' with internal stakeholders regarding potential and preferred type of future use options (December 2018)
3. Targeted 'kitchen table discussions' with external stakeholders regarding potential and preferred type of future use options including Winchelsea Community House, Winchelsea Historical Society, Musical Melodies and Growing Winchelsea (December 2018) (Note, additional stakeholders may be identified during these discussions and meetings held accordingly, albeit noting time constraints).
4. Report consultation findings and recommended preferred type of future use back to Council (January/February 2019)

### Stage 2

1. Council to resolve preferred use and consider appropriate consequent actions in accordance with relevant Council policies such as the Property Use Agreements Policy (expression of interest process may be required) with an aim to complete processes before the planned conclusion of the current lease in April 2019.

A council officer from the Recreation and Open Space Planning Department will coordinate the project including undertaking consultation discussions, providing updates to the community and councillors, and providing analysis and making recommendations to Council. Consequently, that officer's work program for the current financial year will be impacted with other projects delayed including the Winchelsea Common BMX Track, Barwon River Playground Renewal and policy development work.

Some community members have expressed their views to officers and Council with a preference for community access and use. It is clearly an important building in the town and district. However, it is important that all options are considered through the consultation process (e.g. community, commercial, mixed use). Officers are eager to work with community representatives to explore all possibilities to provide the best outcome for the town.

### **Financial Implications**

The processes outlined in the options of this report are achievable within current operating budgets.

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

## **6.4 Winchelsea Former Shire Hall - Future Use**

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

The process by which Council can engage with the community and then consider future uses of the building is not constrained by legislation. Council's own policies provide a framework in which uses may be considered and communicated and the process options are consistent with these policies.

Depending on the type of future use preferred by Council, legislation, regulation and policies may determine the process by which a user, user group or business can be identified and established.

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

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

### ***Risk Assessment***

No formal risk assessment has been undertaken to prepare this report. Risks considered and addressed in the development of the report include:

- Development of proposals are not informed by community preferences.
- Processes to establish future use of the facility do not comply with legal obligations or Council policies.
- Failure to consider the purpose of the facility in the context of other facilities and services within the town
- Failure to determine the future use of the facility in a timely manner, acknowledging Council's position to conclude the current lease in April 2019.

### ***Social Considerations***

A process that engages with the community is important when considering the future use of the building in particular due to the high profile of the building and existing level of interest in the matter.

The Community Buildings Study (2015) highlights that there are currently 18 community buildings in Winchelsea (including the former shire hall) and six of these are dedicated community use facilities. Current usage rates demonstrate that these buildings are significantly under-utilised. The study recommends increasing the usage of these buildings and this will need to be considered during this process.

### ***Community Engagement***

Community engagement will commence once Council has determined its preferred process.

### ***Environmental Implications***

No environmental impacts are expected arising from the recommendations of this report.

### ***Communication***

The process for considering the future use of the building will be communicated directly to the current tenant for their information and to the broader community through a communication and engagement plan designed to best complement the preferred process.

### ***Options***

Option 1 - Commence consultation immediately in-line with the two stage process identified in this report.

This option is recommended by officers as it acknowledges Council's current position in relation to the lease expiry and provides the community with an immediate opportunity to influence the future use of the former Winchelsea Shire Hall prior to the current lease expiry in April 2019.

It has the disadvantage of impacting the timing of the designated officer's other projects which include the Winchelsea Common BMX Track, Barwon River Playground Renewal and policy development work.

Option 2 - Conclude current lease an additional six months later (30 October 2019) to ensure a more in-depth consultation consistent with the two stage process identified in this report.

This option is not recommended by officers.

#### **6.4 Winchelsea Former Shire Hall - Future Use**

Officers acknowledge that this option considers the availability of some stakeholder groups over the Christmas holiday period and will provide more time to work through issues and implement a more comprehensive engagement process. It would also lessen the impact on other projects in this year's work plan, resulting in fewer delays. However, this option is not preferred as:

- i. This matter appears to be of high importance to members of the Winchelsea community and it seems appropriate to remove uncertainty about the future use of the facility at the earliest opportunity.
- ii. It is not considered fair and equitable for Council to subsidise the cost of running a business in a competitive local market.

Option 3: Extend current lease to its original expiry of 31 August 2021 (at current rental payment) and delay any consultation until related strategic planning work in Winchelsea is complete.

This option is not recommended by officers.

This option will ensure a more strategic context is considered than the other two options. The building and its use could be relevant to the Planning for Growth in Winchelsea and Moriac project (use may relate to growth driver) and the Winchelsea Precinct Plan (could be a key use in the urban landscape), noting this work is unlikely to be finished until 2020. The process can be included in future work plans so not disrupting the current year's activities. However, this option is not preferred for the reasons stated in Option 2

#### **Conclusion**

Regardless of how or when Council undertakes the process to consider and determine the future use of the former Shire Hall, there will be a high level of community interest in Winchelsea and therefore transparency and accessibility to the process will be of high importance.



**2. RESPONSIBLE & PLANNING AUTHORITIES**

**Nil**

**3. OFFICE OF THE CEO**

**Nil**

#### 4. GOVERNANCE & INFRASTRUCTURE

##### 4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2018

**Author's Title:** Coordinator Management Accounting      **General Manager:** Anne Howard  
**Department:** Finance      **File No:** F18/850  
**Division:** Governance & Infrastructure      **Trim No:** IC18/1920  
**Appendix:**

**Officer Direct or Indirect Conflict of Interest:** In accordance with Local Government Act 1989 – Section 80C:  
**Status:** Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to present the project budget adjustments and cash reserve transfers for Council approval.

#### Summary

The project budget adjustments relating to November 2018 are included in this report. All figures in this report are exclusive of GST.

#### Recommendation

That Council:

1. Approve the Project Budget Adjustments outlined in Tables 1 and 3 in this report.
2. Approve 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	134,443
Adopted Strategy Implementation Reserve	876,553
Asset Renewal Reserve	10,000
DCP Council Funds Reserve	(1,460,500)
<b>Grand Total</b>	<b>(439,504)</b>

#### Council Resolution

##### MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council:

1. Approve the Project Budget Adjustments outlined in Tables 1 and 3 in this report.
2. Approve 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	134,443
Adopted Strategy Implementation Reserve	876,553
Asset Renewal Reserve	10,000
DCP Council Funds Reserve	(1,460,500)
<b>Grand Total</b>	<b>(439,504)</b>

CARRIED 7:0

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2018

##### Report

##### **Background**

Council allocates 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 are open and transparent to the community. Therefore any changes to project budgets or cash reserves are reported in a manner that demonstrates the diligence and transparency of the organisation's financial management principles.

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 \$
Planning Scheme Amendment C127 – 2995 Princes Highway, Winchelsea	Contribution Funded	Planning Scheme Amendment C127 – 2995 Princes Highway, Winchelsea	15,000
Mt Moriac Reserve Equestrian Pavilion Redevelopment	Adopted Strategy Implementation Reserve	Transfer Council's contribution on to project.	475,000
Mt Moriac Reserve Equestrian Pavilion Redevelopment	Grant Funded	Grant funding Sport and Rec Victoria confirmed for Female Friendly Facilities.	310,000
Mt Moriac Reserve Equestrian Pavilion Redevelopment	Contribution Funded	Contribution from Barwon Valley Pony Club confirmed.	25,000
Mt Moriac Reserve Netball Lighting Upgrade	Adopted Strategy Implementation Reserve	Transfer Council's contribution on to project.	75,000
Mt Moriac Reserve Netball Lighting Upgrade	Grant Funded	Grant funding Sport and Rec Victoria confirmed for Female Friendly Facilities.	80,000
Mt Moriac Reserve Netball Lighting Upgrade	Contribution Funded	Contribution from Modewarre Football Netball Club confirmed.	25,000
Mt Moriac Reserve AFL Lighting Upgrade (Oval 1)	Grant Funded	Grand funding confirmed.	160,000
Mt Moriac Reserve AFL Lighting Upgrade (Oval 1)	Contribution Funded	Contribution from Modewarre Football Netball club confirmed.	15,000
Mt Moriac Reserve Sub-surface Drainage (Oval 2)	Grant Funded	Grand funding confirmed.	90,000
Mt Moriac Reserve Sub-surface Drainage (Oval 2)	Contribution Funded	Contribution from Modewarre Cricket Club confirmed.	10,000
Winchelsea Common Future Use Plan Implementation	Grant Funded	Signed funding agreement with Department of Environment, Land, Water and Planning.	200,000

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2018

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 \$
8566: RACV Water Harvesting Agreement Licence	Contribution Funded	Correction to prior year budget, along with minor CPI adjustment.	(5,034)
8566: RACV Water Harvesting Agreement Licence	Accumulated Unallocated Cash Reserve	Historical adjustment required due to previously being accounted for in the cost centre budgets.	3,551
9692: Surf Coast Multi-Purpose Indoor Stadium	Grant Funded	Grant funding from Sport and Rec Victoria received.	3,000,000
9692: Surf Coast Multi-Purpose Indoor Stadium	Grant Funded	Grant funding from Department of Industry, Innovation and Science.	5,000,000
9692: Surf Coast Multi-Purpose Indoor Stadium	DCP Council Funds Reserve	Part Council's Contribution from DCP Council Funds Reserve to be returned to reserve.	(1,100,000)
9692: Surf Coast Multi-Purpose Indoor Stadium	Borrowings	Borrowings for project no longer required.	(3,900,000)
9538: Anglesea Cricket Pavilion Upgrade Stage 1	Accumulated Unallocated Cash Reserve	Additional funds needed for works that are required to meet contract conditions and building permit requirements that were not originally allowed for in design phase of this project.	61,287
3652: IT Asset Renewal	Asset Renewal Reserve	Unplanned replacement of two Projectors in Council Chambers required due to failure of projector.	10,000
9737: Yurrock Soccer Pitch & Lighting	DCP Council Funds Reserve	Grant funding received in September to reduce Council's contribution.	(360,500)
9676: Stribling Reserve Stadium Ventilation	Accumulated Unallocated Cash Reserve	Costs now affirmed through the procurement phase however this exceeds the available budget (previously informed by quantity surveyor input) and additional funds are needed to progress the project.	39,605
9722: Modewarre Cricket Training Facility	Accumulated Unallocated Cash Reserve	Costs now affirmed through the procurement phase however concrete and fencing costs exceed the available budget (as established for budget proposal) and additional funds are needed to progress the project.	30,000
9612: Local Roads to Market Cressy Road	Adopted Strategy Implementation Reserve	Initial scope of works was successfully completed and closed out. Now able to transfer balance of funds to project with funding body having confirmed the expansion of scope to Cressy Road project.	326,553

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2018

The following budget transfers detailed in Table 3 represent projects, that due to exceptional circumstances, the Chief Executive Officer has approved project budget adjustments that now require Council ratification.

**Table 3 – Ratification of CEO Approved Transfers**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
New: Buckley Road North Renewal	Grant Funded	Country Roads Grant funded project.	303,100

**Table 4 – Accumulated Unallocated Cash Reserve Movement**

Accumulated Unallocated Cash Reserve	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000
Opening Balance	5,018	664	309	(152)
Budgeted Annual Surplus/(Deficit)	159	(449)	(462)	(500)
Allocations through Adopted Budget	(566)	-	-	-
Transfer for Digital Transformation	(2,500)	(730)	-	-
Transfer for Recreation and Open Space	-	825	-	-
Net Allocations During Year	(1,313)	-	-	-
November Net Allocations Proposed	(134)	-	-	-
<b>Closing Balance *</b>	<b>664</b>	<b>309</b>	<b>(152)</b>	<b>(652)</b>

\* Note includes budgeted annual surplus/(deficit) as per Adopted Budget 2018-19.

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2018

<b>Accumulated Unallocated Cash Reserve</b>	<b>2018-19 \$'000</b>
<b>Net Allocations During Year</b>	
July 2018 - Anglesea Bike Path	(6)
July 2018 - Cairns Military Remembrance Winchelsea	(30)
July 2018 - Torquay Town Centre Project Grant Submission	(20)
July 2018 - Torquay Town Centre Project	(1,000)
July 2018 - Eastern Reserve Land Purchase	(720)
August 2018 - Djila Tjarri Skate Bowl Leak Investigation	(80)
August 2018 - Stribling Reserve Stair Renewal	(7)
August 2018 - Surf Coast Soccer Club Pavilion Project - Community Project	(30)
August 2018 - Winchelsea Entrance Sculptures	(127)
September 2018 - Natural Disaster Financial Assistance - Emergency Response	115
September 2018 - Natural Disaster Financial Assistance - Asset Restoration	(28)
September 2018 - Winchelsea Flagpole Lighting	(5)
September 2018 - Community Project Development Program Investigations	(18)
September 2018 - Rural Hinterland Strategy	(8)
September 2018 - Sale of Hendy Main Road Mount Moriac Blocks	663
October 2018 - Positive Ageing Service Review	0
October 2018 - Records Management Program - BC 17/18	(2)
October 2018 - Rural Hinterland Strategy	(10)
<b>Net Allocations (From)/To</b>	<b>(1,313)</b>
<b>November Net Allocations Proposed</b>	
9722: Modewarre Cricket Training Facility	(30)
8566: RACV Water Harvesting Agreement Licence	(4)
9676: Stribling Reserve Stadium Ventilation	(40)
9538: Anglesea Cricket Pavilion Upgrade Stage 1	(61)
<b>November Net Allocations (From)/To</b>	<b>(134)</b>

#### **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.



#### **4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2018**

##### ***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 November 2018 and ratify the project budget adjustments relating to the finalisation of accounts for the prior year.

## 4.2 Ordinary Council Meeting Dates & Times for 2019

**Author's Title:** Team Leader Governance

**General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F18/221

**Division:** Governance & Infrastructure

**Trim No:** IC18/1095

**Appendix:**

Nil

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to adopt the Ordinary Council meeting cycle for 2019.

### Summary

Section 83 of the Local Government Act 1989 states that Council may hold two types of meetings, being:

- Ordinary meetings at which general business of the Council may be transacted; and
- Special meetings at which the business specified in the notice calling the meeting may be transacted.

To ensure that the legislative requirements in regard to the conduct of an Ordinary meeting can be met, it is prudent for Council to resolve the date and time of future Ordinary meetings.

The recommendation allows for off-site meetings to be held as required.

### Recommendation

That Council:

1. Adopts the Ordinary Council meeting dates for 2019 as follows:
  - 22 January 2019
  - 26 February 2019
  - 26 March 2019
  - 23 April 2019
  - 28 May 2019
  - 25 June 2019
  - 23 July 2019
  - 27 August 2019
  - 24 September 2019
  - 22 October 2019
  - 26 November 2019
  - 10 December 2019
2. Notes that Ordinary Council meetings will be held at 6.00pm in the Council Chambers, 1 Merrijig Drive, Torquay unless otherwise advertised.

## 4.2 Ordinary Council Meeting Dates & Times for 2019

### Council Resolution

#### **MOVED Cr Clive Goldsworthy, Seconded Cr Margot Smith**

That Council:

1. Adopts the Ordinary Council meeting dates for 2019 as follows:
  - 22 January 2019
  - 26 February 2019
  - 26 March 2019
  - 23 April 2019
  - 28 May 2019
  - 25 June 2019
  - 23 July 2019
  - 27 August 2019
  - 24 September 2019
  - 22 October 2019
  - 26 November 2019
  - 10 December 2019
2. Notes that Ordinary Council meetings will be held at 6.00pm in the Council Chambers, 1 Merrijig Drive, Torquay unless otherwise advertised.

CARRIED 7:0

## 4.2 Ordinary Council Meeting Dates & Times for 2019

### **Report**

#### ***Background***

To ensure that the legislative requirements in regard to the conduct of an Ordinary meeting can be met, it is prudent for Council to resolve the date and time of future Ordinary meetings.

#### ***Discussion***

Section 83 of the Local Government Act 1989 states that Council may hold two types of meetings, being:

- Ordinary meetings at which general business of the Council may be transacted; and
- Special meetings at which the business specified in the notice calling the meeting may be transacted.

It is proposed that, with the exception of December 2019, Ordinary Council meetings be scheduled for the fourth Tuesday of each month, commencing at 6.00pm. It is proposed that the December 2019 meeting be held on 10 December 2019 due to Christmas.

The recommendation allows for meetings to generally be held in the Council Chambers, 1 Merrijig Drive, Torquay unless otherwise advertised providing the option for off-site meetings.

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

Not applicable.

#### ***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***

Section 89(4) of the Local Government Act 1989 requires that:

- (4) Unless subsection (4A) applies, a Council must at least 7 days before the holding of—
  - (a) an ordinary council meeting; or
  - (b) a special council meeting; or
  - (c) a meeting of a special committee comprised solely of Councillors give public notice of the meeting.

Council's Local Law No. 2 – Meeting Procedure and Council Seal, clause 13 Attendance & Notice of meetings (Pursuant to Section 89 of the Act) requires that:

- 14.1 The Chief Executive Officer must give notice to the public of any meeting of the Council by public notice at least seven days prior to the meeting and via Council's website.
- 14.2 The date, time and place for all Ordinary Council meetings shall be fixed by the Council from time to time.

#### ***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***

Provides clarity for the community as to when Council meetings will be conducted.

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

Not applicable.

#### ***Communication***

Meeting times and dates will be advertised in the local press and available on Council's website.

## **4.2 Ordinary Council Meeting Dates & Times for 2019**

### ***Options***

#### Option 1 – Adopt Council meeting dates and times for 2019

This option is recommended by officers as it will ensure Council meets requirements under the Local Government Act 1989 and Local Law No. 2 – Meeting Procedure and Council Seal.

#### Option 2 – Do not adopt Council meeting dates and times for 2019

This option is not recommended by officers as Council will be in breach of Local Government Act 1989 and Local Law No. 2 2018 – Council Meeting Procedures & Common Seal.

### ***Conclusion***

To ensure that the legislative requirements in regard to the conduct of an Ordinary meeting can be met, it is prudent for Council to resolve the dates and times of Ordinary meetings for 2019.

#### 4.3 Response to Petition: Pedestrian Crossing Including Installation of Lights at the "Top Shops" Aireys Inlet

**Author's Title:** Coordinator Design & Traffic

**General Manager:** Anne Howard

**Department:** Engineering Services

**File No:** F18/44

**Division:** Governance & Infrastructure

**Trim No:** IC18/1877

**Appendix:**

1. Petition - Pedestrian Crossing at the Top Shops at Aireys Inlet for Council Report Redacted - October 2018 (D18/128543)

**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 officers' response to a petition requesting a pedestrian crossing including installation of lights at the "Top Shops" Aireys Inlet.

#### **Summary**

A petition was received and noted by Council at its 23 October 2018 ordinary meeting. The petition requests that Council consider the installation of a pedestrian crossing including lights at the Top Shops in Aireys Inlet. The reasons provided in support of the petition include: need to cross the Great Ocean Road to access the General Store, Post office and other businesses on a daily basis as well as support for patients attending the Aireys Inlet Medical Centre need to cross the Great Ocean Road to the Aireys Inlet Pharmacy.

Although the request location for the crossing is within the Surf Coast Shire township of Aireys Inlet it is on the Great Ocean Road which is under the management of Regional Roads Victoria. Any type of infrastructure installed on this road will require its approval. Regional Roads Victoria has indicated that it has also received this petition and is currently reviewing it.

Council representatives have noted that an existing pedestrian island crossing is located approx. 100m from this request. An informal gravel pathway link is provided from the Medical Centre to this on the West side of Great Ocean Road while a concrete pathway is provided on the East side (shop side). Although it is not on the desired direct line to cross from the shops to the Medical Centre and is a short distance away. A safe crossing facility has been provided and pedestrian should use this if they have concerns crossing the road currently.

#### **Recommendation**

That Council:

1. Notes the safety concerns of the petition signatories on crossing the Great Ocean Road at the Top Shops Aireys Inlet
2. Supports officers to continue to liaise and work with Regional Roads Victoria on reviewing the safety at this location to determine if a pedestrian crossing or other safety measures are required.
3. Updates the first-named petitioner of Council's decision and outcomes of the safety review once complete by Regional Road Victoria.

#### **Council Resolution**

**MOVED Cr Libby Coker, Seconded Cr Margot Smith**

That Council:

1. Notes the safety concerns of the petition signatories on crossing the Great Ocean Road at the Top Shops Aireys Inlet
2. Supports officers to continue to liaise and work with Regional Roads Victoria on reviewing the safety at this location to determine if a pedestrian crossing or other safety measures are required.
3. Updates the first-named petitioner of Council's decision and outcomes of the safety review once complete by Regional Road Victoria.

CARRIED 7:0

#### **4.3 Response to Petition: Pedestrian Crossing Including Installation of Lights at the "Top Shops" Aireys inlet**

##### **Report**

##### ***Background***

A petition was received by Council at its 23 October 2018 Council meeting with 177 signatures requesting a pedestrian crossing including installation of lights at the "Top Shops" Aireys Inlet. Reasons for this request are due to locals needing to cross the Great Ocean Road to access the General Store, Post office and other businesses on a daily basis. Also patients attending the Aireys Inlet Medical Centre need to cross the Great Ocean Road to the Aireys Inlet Pharmacy. The Great Ocean Road has a large amount of traffic and has become difficult to cross.

##### ***Discussion***

The crossing location in question is on the Great Ocean Road which is managed by Regional Roads Victoria. Any safety measures identified to improve this location will require their involvement and approval. Council officers have contacted Regional Roads Victoria regarding this petition and they have indicated they have received the same petition. It is also currently being investigated by road safety officers in their department. As the safety concerns are on a Regional Roads Victoria managed road, it is appropriate that this authority takes the lead on reviewing the site and ensuring the correct safety measures are applied.

Due to the location being within the township of Aireys Inlet and links local community facilities, Surf Coast Shire Council officers have requested to be involved and kept informed in this safety review and provide any necessary input should any road safety works be required.

The site review will ensure that the appropriate treatment if any is applied to this area. It will also allow Council to advocate with State and Federal governments on behalf of the local community if any recommendations are required and to ensure that it is appropriately prioritised with other road safety projects in the region.

Council officers have noted during an initial site inspection that an existing pedestrian island crossing is located approx. 100m from this request. An informal gravel pathway link is provided from the Medical Centre to this on the West side of Great Ocean Road while a concrete pathway is provided on the East side (shop side). Although it is not on the direct desire line to cross from the shops to the Medical Centre and is a short distance away. A safe crossing facility has been provided and pedestrian should use this if they have concerns crossing the road currently.

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

Any safety review involvement of the location from Council can be managed within the existing operational budget for the Design and Traffic unit. Regional Roads Victoria as the road manager at this location should allocate the necessary funds if any physical road safety improvements are required. Council may wish to provide a contribution which can be approved through a Council budget request. Should Council wish to fund the any proposed works on this road as a priority it will require a business case and funded through Council's capital works program

##### ***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 addressing community safety issues and needs

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

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

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

This site safety review will inform Council on how to manage the risk of pedestrians in this area and ensure the safety measures are applied



#### **4.3 Response to Petition: Pedestrian Crossing Including Installation of Lights at the "Top Shops" Aireys inlet**

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

Safety concerns relating to the petition to be considered to ensure that there is no increased risk to users in the space due to crossing road at this location

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

Council officers to liaise with Regional Roads Victoria on the safety review at this location and inform the main signature of the petition of any outcome. Regional Road Victoria and/or Council will carry out further community engagement should there be any planned upgrade works in this location.

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

Nil.

##### ***Communication***

A letter will be sent to the first named petitioner informing them of the Council resolution.

##### ***Options***

###### **Option 1 – Liaise with Regional Roads Victoria and review site location for appropriate pedestrian crossing requirements**

This option is recommended by officers as it will help Council and responsible external authorities understand the safety concerns from the signed petition and ensure that the correct safety measures are installed and prioritised accordingly

###### **Option 2 – Do nothing**

This option is not recommended by officers as it is not managing potential safety risks and addressing concerns of local community.

###### **Option 3 – Install pedestrian facility including lights as per petition without review.**

This option is not recommended by officers as it may not be the appropriate treatment for the location.

Pedestrian lights can be seen as intrusive and not necessary in a local township. A proper review should be carried out at the site to ensure the correct required safety measures are applied.

##### ***Conclusion***

Liaising with Regional Roads Victoria and carrying out a review of the site will give Council a better understanding of any safety issues it will allow the appropriate responsible authority to address any immediate concerns. Should pedestrian crossing measures be required it will enable Council to advocate on behalf of the local community to have these works prioritised appropriately. The site review will also ensure that the correct safety measures are applied if required.

**4.3 Response to Petition: Pedestrian Crossing Including Installation of Lights at the "Top Shops" Aireys inlet**

**APPENDIX 1 PETITION - PEDESTRIAN CROSSING AT THE TOP SHOPS AT AIREYS INLET FOR COUNCIL REPORT REDACTED - OCTOBER 2018**

VicRoads and Surf Coast Shire Council  
Departments with responsibility for the Great Ocean Road

11 June 2018

Dear Sir / Madam:

**Petition for a pedestrian crossing at the "Top" shops at Aireys Inlet.**

①

<b>SURF COAST SHIRE</b>	
FILE: .....	.....
FOLIO: .....	.....
<b>27 SEP 2018</b>	
OFFICER: .....	.....
FILE COPY <input type="checkbox"/>	DUPLICATE COPY <input type="checkbox"/>

As a background to this petition, the situation is that there is a need for pedestrians to cross the Great Ocean Road for 3 main reasons.

1. There are no paper or mail deliveries in Aireys Inlet so people on the west side need to collect their daily papers and mail from the General Store and Post Office.
2. If Patients attending the Aireys Inlet Medical Centre have a prescription to be filled they need to cross to get to the Aireys Inlet Pharmacy. Aireys Inlet has a large number of retirees and as seniors they have slowed a little and as many of them walk with the aid of a stick they do not move quickly so it becomes especially hazardous.
3. People from the west side wanting to go to the General Store or any of the 3 food stores which are Truffles, Mr. T or the Aireys Bakery also need to cross.

The Great Ocean Road has a large amount of traffic on it every day and at summer holidays in particular it can be bumper to bumper so that it is quite hazardous to cross.

We ask that a set of pedestrian lights be installed as has already been done at Anglesea. As a cost saving solar power could be used as with the school crossing speed restriction signs. The lights we would request be positioned to the north side of the Medical Centre driveway, and with a small adjustment to the parking bays at the front of the shops no parking spaces would be lost.

NAME	ADDRESS	SIGNATURE

27 SEP 2018

VicRoads and Surf Coast Shire Council

Departments with responsibility for the Great Ocean Road

11 June 2018

Dear Sir / Madam:

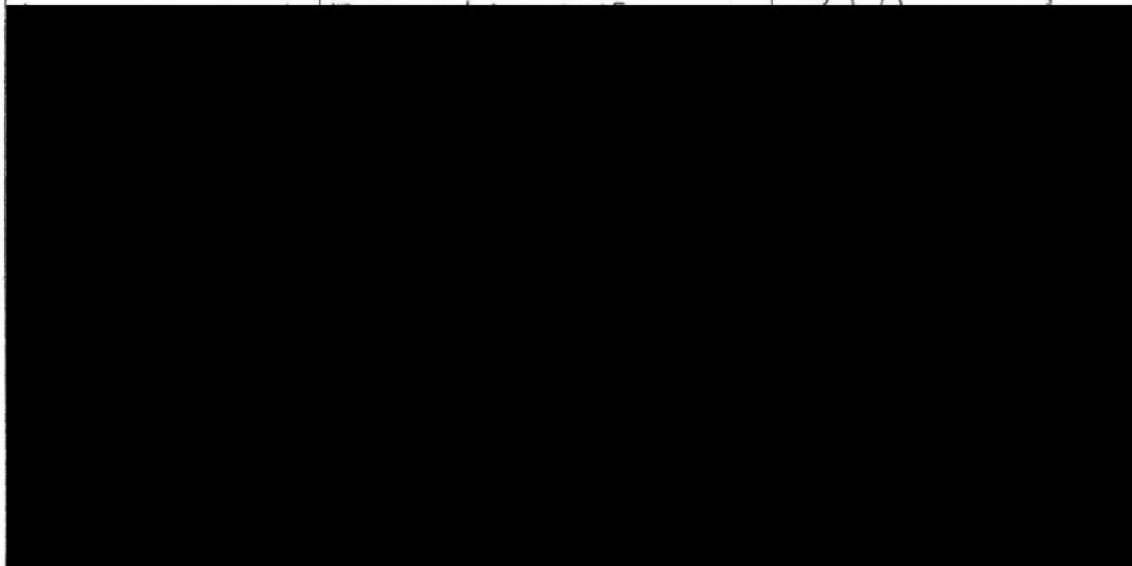
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3. People from the west side wanting to go to the General Store or any of the 3 food stores which are Truffles, Mr. T or the Aireys Bakery also need to cross.

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NAME	ADDRESS	SIGNATURE
		



VicRoads and Surf Coast Shire Council

3

Departments with responsibility for the Great Ocean Road

11 June 2018

Dear Sir / Madam:

**Petition for a pedestrian crossing at the "Top" shops at Aireys Inlet.**

As a background to this petition, the situation is that there is a need for pedestrians to cross the Great Ocean Road for 3 main reasons.



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NAME	ADDRESS	SIGNATURE
[Redacted]		

(4)

VicRoads and Surf Coast Shire Council

Departments with responsibility for the Great Ocean Road

11 June 2018

Dear Sir / Madam:

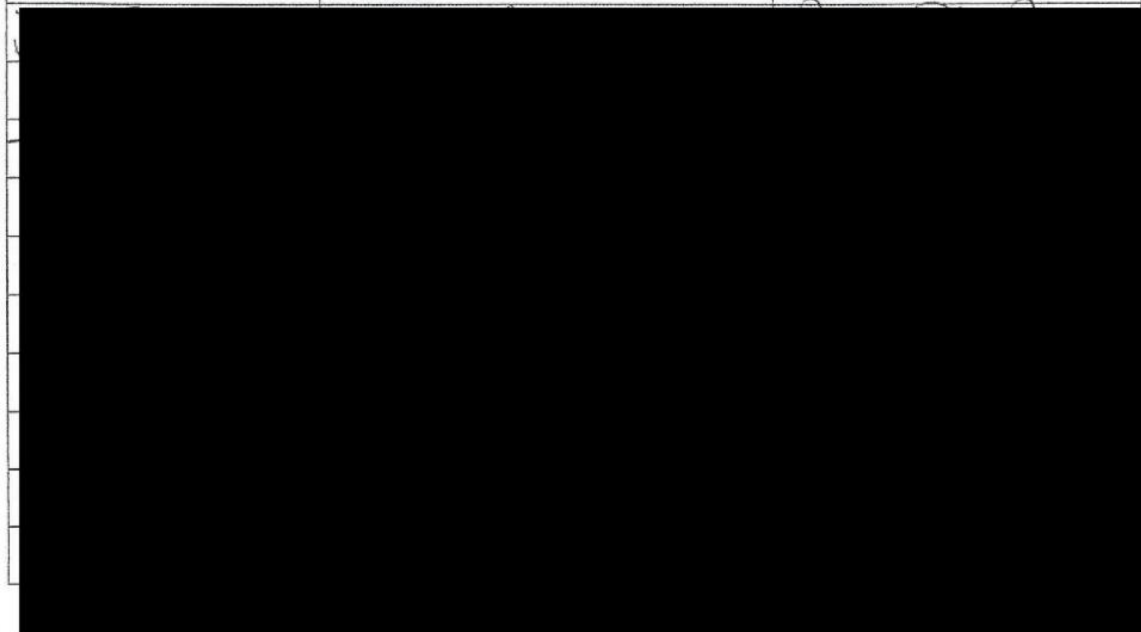
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VicRoads and Surf Coast Shire Council

Departments with responsibility for the Great Ocean Road

11 June 2018

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NAME	ADDRESS	SIGNATURE

6

VicRoads and Surf Coast Shire Council

Departments with responsibility for the Great Ocean Road

11 June 2018

Dear Sir / Madam:

**Petition for a pedestrian crossing at the "Top" shops at Aireys Inlet.**

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NAME	ADDRESS	SIGNATURE



VicRoads and Surf Coast Shire Council

Departments with responsibility for the Great Ocean Road

11 June 2018

Dear Sir / Madam:

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Departments with responsibility for the Great Ocean Road

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(14)  
+ drinking fountain  
+ TOILET AT TOP SHOPS

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15

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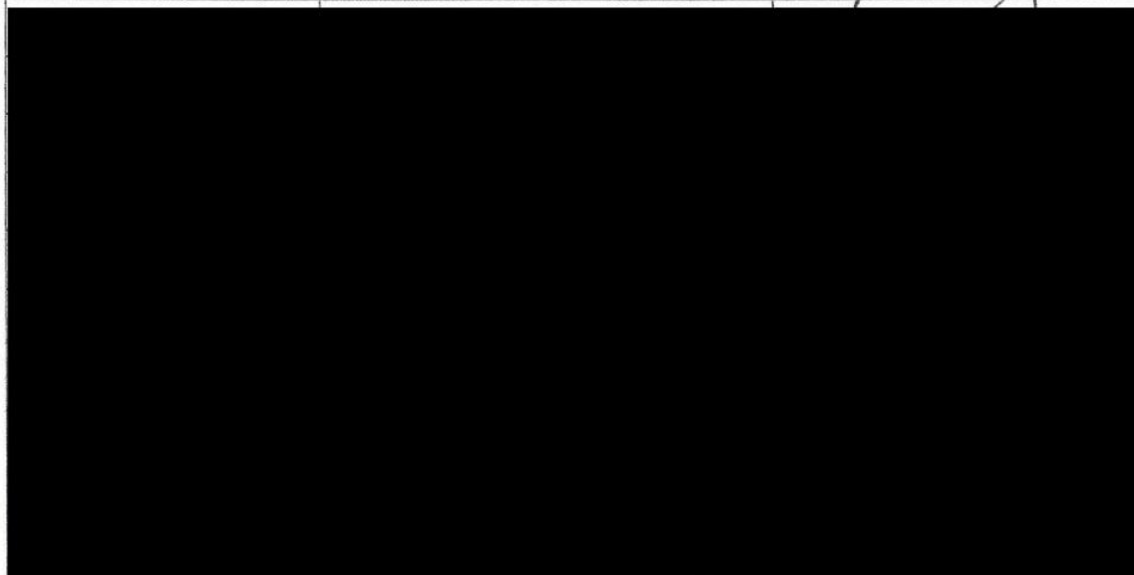
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GOOD  
IDEA

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#### 4.4 Torquay Farmers Market - Expressions of Interest for a Licence

**Author's Title:** Property & Legal Services Officer

**General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F18/1396

**Division:** Governance & Infrastructure

**Trim No:** IC18/1542

**Appendix:**

1. Torquay Farmers Market - Expression Of Interest (D18/104322)
2. SCS-034 Property Use Agreements Policy - 25 September 2018 (D18/102358)

**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 the Expressions of Interest in entering a licence to operate a Farmers Market in the car park of Council office located at 1 Merrijig Drive, Torquay (the location).

#### **Summary**

A weekly market has operated at the Council office car park since 2014 under series of separately awarded licence agreements. The current agreement expires on 31 January 2019.

Council ran an Expression of Interest (EOI) process to operate a Farmers Market at the location in 2018. The EOI process seeking submissions was advertised in the Surf Coast Times on 4 October 2018. Submissions closed on Thursday 1 November 2018 at which time one submission was received from David Kingsley Bell (the entity), operating as Torquay Farmers Market (the business), with registered ABN 14933821014.

An assessment panel, comprising officers from Economic Development & Tourism, Recreation Planning and Facilities & Open Space Departments reviewed the submission against the advertised criteria.

Having reviewed the submission, the evaluation panel is recommending that David Kingsley Bell be the preferred licensee and that a licence agreement be established with this entity.

#### **Recommendation**

That Council:

1. Notes the Expression of Interest process is complete and that the submission received has been reviewed as successfully meeting the advertised criteria.
2. Endorses David Kingsley Bell as the preferred licensee for the purpose of operating a Farmers Market in the car park located at Council Offices, 1 Merrijig Drive, Torquay.
3. Authorises the Chief Executive Officer to represent Council in negotiating a final licence agreement with David Kingsley Bell for the purpose of operating a Farmers Market in the car park located at Council Offices, 1 Merrijig Drive, Torquay, with conditions generally consistent with the advertised EOI, standard licence conditions and the following key terms:
  - a. Licence period to be three (3) years with options of two (2) x 2 years; and
  - b. The fee structure to be based on a current market valuation.
  - c. Provision of power supply to be funded by the licensee and Council on a cost-sharing basis (capital and operating) that reflects the estimate benefit to each party, with Council's contribution for installation being up to \$10,000 (excluding GST) to be funded from the Accumulated Unallocated Cash Reserve.
4. Authorises the Chief Executive Officer to execute the Licence Agreement under delegation.

#### 4.4 Torquay Farmers Market - Expressions of Interest for a Licence

##### **Council Resolution**

##### **MOVED Cr Martin Duke, Seconded Cr Margot Smith**

That Council:

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4. Authorises the Chief Executive Officer to execute the Licence Agreement under delegation.

CARRIED 7:0

#### 4.4 Torquay Farmers Market - Expressions of Interest for a Licence

##### Report

##### **Background**

The current licence between the licensee and Council commenced 1 February 2018, for a 12 month term with no further terms of renewal. The current licence is due to expire on 31 January 2019.

Council ran an EOI process to operate a Farmers Market at the location. The EOI was advertised in the Surf Coast Times on Thursday 4 October 2018, submissions closing on Thursday 1 November 2018. A copy of the information requested from submitters for the EOI is attached.

One submission was received by the closing date. An assessment panel comprising officers from Economic Development & Tourism, Recreation Planning and Facilities & Open Space Departments reviewed the submission against the advertised criteria.

The panel assessed the submission in accordance with the assessment criteria detailed in the discussion section of this report.

##### **Discussion**

One submission was received at the closing time from David Kingsley Bell.

The submission was evaluated by the panel in accordance with the following criteria:

<b>Criterion</b>	<b>Relative Weighting</b>
Proposed economic and social return / benefit to community	40%
Relevant experience and resources (previous work of this type)	20%
Environmental Management Plan	20%
Requirement for resources provided by Council	10%
Financial viability	10%

The panel recommends that David Kingsley Bell be deemed to be the preferred Licensee to operate the Torquay Farmers Market at the location after successfully meeting the above criterion.

The terms and conditions proposed for the Licence will be based upon the EOI, as follows:

<b>Licence Fee:</b>	To be based on a market valuation prepared by an independent valuer.
<b>Term:</b>	Three years (with two further terms of renewal of two years each)
<b>Commencement Date:</b>	1 February 2019 or by agreement.
<b>Permitted Use:</b>	Farmers Market, with restrictions stipulated in planning permit.
<b>Licence Location:</b>	Portion of car park, Council Office's, 1 Merrijig Drive
<b>Insurance:</b>	\$20 million public liability insurance
<b>Additional costs:</b>	Such as consumables of services, if any, will be based on a full cost recovery basis.

##### **Financial Implications**

The fee for the Licence Agreement will be determined by the Chief Executive Officer and will be based on market valuation conducted by an independent valuer. The licence fee may be charged on either:

- (i) A 'per market' basis as per common valuation methodology; or
- (ii) A 'per stall' basis as per previous licence arrangements, with the rate per stall established by dividing the 'per market' rate by the average number of stalls over the year.

Revenue derived from the Licence Agreement will be utilised for general revenue.

The submission also requests that Council consider the provision of power to the car park with availability to stall holders. The submission does not specify how this might be funded, but there is the potential for the market to benefit, as well as other users, and therefore a shared-cost arrangement would be appropriate if power is provided.

#### **4.4 Torquay Farmers Market - Expressions of Interest for a Licence**

##### **Council Plan**

Theme 2 Governance  
Objective 2.4 Transparency in decision making and access to information  
Strategy 2.4.3 Ensure decision-making is as transparent as possible.

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

Council have recently adopted the Property Use Agreements Policy SCS-034, the officers recommendation complies with the requirement of the Policy and 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**

The Licensee is required to hold a current Certificate of Public Liability Insurance for \$20 million in accordance with the conditions of a Licence.

##### **Social Considerations**

Farmers Markets provide a range of benefits to the community, they add vibrancy and supply access to fresh, local and seasonal produce direct from the food producer. It is supported to issue the Licence Agreement to David Kingsley Bell in order for the market to continue to provide these benefits to the community.

##### **Community Engagement**

The EOI seeking submissions was published in the Surf Coast Times on Thursday 4 October 2018. No submissions were received from the general public in relation to the EOI or licence.

##### **Environmental Implications**

Environmental management was considered within the EOI process and criteria and the submission has satisfactorily addressed this issue.

##### **Communication**

The outcome of this decision will be communicated to all submitters.

##### **Options**

There are a range of options and decision for Council to consider at this time.

##### Option 1 – Do not enter a new licence

This option is not recommended by officers. Without a licence the Farmers Market would cease to operate until an alternative site is found and this would be considered a loss to the local and regional community as the market provides a range of economic and social benefits.

##### Option 2 – Determine a preferred licensee and formalise a licence

This option is recommended by officers for the following reasons:

- This allows the Farmers Market to continue to operate and provide ongoing benefits to the local community and broader region.
- Provides security to a commercial business enabling it to continue to invest in marketing and development of the market.
- Provides some revenue for Council from a facility that is not commonly used for other purposes on the weekend.

##### a. Fee structure

As outlined already in this report, Council could consider different fee structures as follows:

- (i) A 'per market' basis as per common valuation methodology; or
- (ii) A 'per stall' basis as per previous licence arrangements, with the rate per stall established by dividing the 'per market' rate by the average number of stalls over the year.

The 'per market' fee is recommended by officers because of the financial certainty it provides Council as well as the streamlined administration processes that apply.

#### 4.4 Torquay Farmers Market - Expressions of Interest for a Licence

If Council determines to charge a 'per stall' fee, it would be appropriate to set a minimum charge per market such as 50% of the market value.

b. Additional support by Council

As outlined already in this report, the submission has raised the possibility of the provision of power to the car park with availability to stall holders. Council could choose to:

- (i) Decline this request
- (ii) Approve the request at full cost to the licensee
- (iii) Approve the request under a cost-sharing arrangement that recognises that there is shared benefit available to Council and other car park users.

Officers recommend option (iii) be pursued if a mutually agreeable arrangement can be negotiated.

#### **Conclusion**

The submission from David Kingsley Bell offers an opportunity for the Farmer Market to continue to operate under appropriate terms and conditions.

#### **4.4 Torquay Farmers Market - Expressions of Interest for a Licence**

##### **APPENDIX 1 TORQUAY FARMERS MARKET - EXPRESSION OF INTEREST**



## Expressions of Interest

*Licence of car park site | 1 Merrijig Drive, Torquay*

### INTRODUCTION

Surf Coast Shire Council (**Council**) invites Expressions of Interest (**EOI**) from organisations or individuals with suitable resources to licence a portion of the car park at 1 Merrijig Drive, Torquay for operation of a farmer's market.

### BACKGROUND INFORMATION

The Torquay Farmer's Market has been held each Saturday, 52 weeks a year, in the car park at 1 Merrijig Drive, Torquay for the past four years. It is run under a commercial licence agreement with Council.

The current licence expires on 31 January 2019 and Council is seeking expressions of interest from potential licensees to run and manage a farmer's market at the site.

### OBJECTIVES

The objective of the farmer's market is to provide access to local and regional produce and provide an additional community hub and tourist attraction in the form of a weekly market.

A secondary objective is to provide financial return to the Council and community. A licence fee will be charged based on a market valuation set by an independent valuer, with a minimum fee included to provide certainty of financial return to Council and the community.

### EOI SUBMISSION REQUIREMENTS

Submissions must include:

#### Non-assessable Requirements

1	Contact details of organisation representative (phone and email).
2	Organisation name, ABN and structure (eg. sole proprietor, company, partnership).

#### Assessable Requirements

3	Proposed economic and social benefits / return to local community.
4	Any previous experience in market management or operation (location, dates and summary of operations). <b>Note:</b> Please include any information about existing resources available for proposed use (eg. professional tents / stalls / equipment for use by stallholders).
5	Any requirements for materials, resources, infrastructure or services that would be required to be provided by Council rather than the licensee (eg. power or electricity).
6	Proposed hours and dates for market operation during the year. <b>Note:</b> The site is only available on Saturdays.
7	Proposed number of stalls and breakdown of stall types / services / goods / produce provided by stalls. <b>Note:</b> Site area is limited to that shown on the plan at Annexure A. Council will not permit stalls undertaking the resale of commercial goods.
8	Information on how market is to be managed in terms of staff, volunteers or





	community groups.
9	Confirmation of ability to obtain necessary insurance (\$20 million public liability insurance) and necessary planning permits.
10	Proposed environmental impact management plan (including waste disposal and rubbish collection).

**SUBMISSIONS CLOSING DATE - 5:00pm, Thursday 1 November 2018**

Proposals addressing the EOI Submission Requirements as outlined above should be lodged, by electronic mail, in person, by courier, or by post to be received no later than **5:00pm**

**Thursday 1 November 2018** marked to the attention of:

- Property & Legal Services Officer, Surf Coast Shire.
- **Post:** PO Box 350, Torquay VIC 3228
- **In person:** Surf Coast Shire Office, 1 Merrijig Drive, Torquay 3228
- **Email:** info@surfcoast.vic.gov.au

EOIs not complying with the requirements will not be accepted. It is the organisation's responsibility to ensure that correct lodgement occurs.

Where information included in the EOI is unclear, clarification may be sought from the lodging party.

**Council is under no obligation to consider any incomplete submission, submission lodged incorrectly or submission lodged after the closing time.**

**NO CANVASSING OF COUNCILLORS OR COUNCIL STAFF**

Prospective licensees must not approach, or request any other person to approach any member of the Council's staff or a Councillor – individually or collectively to solicit support for their submission or otherwise seek to influence the outcome of the EOI process. Any such conduct will cause the applicant to be disqualified from consideration.

**ASSESSMENT OF EOI SUBMISSIONS**

All submissions that are lodged in accordance with the above EOI Submission Requirements will be assessed by a panel of Council Officers in accordance with the assessment criteria below and a preferred applicant will be recommended to Council.

The Council Officers may determine that no submissions satisfy the EOI Submission requirements and decide that there is no preferred applicant.

The panel of Council Officers will be made up of representatives from the following departments:

1. Economic Development & Tourism;
2. Recreation & Open Space Planning; and
3. Facilities & Open Spaces Operations.

In initiating and while conducting this EOI process, the Council offers no guarantee that the Council will, as a result of this process, enter into a licence, contract or agreement with any applicant or a preferred applicant if selected.



### ASSESSMENT CRITERIA

The following criteria will be used to assess the EOI submissions:

Criterion	Relative Weighting
Proposed economic and social return / benefit to community	40%
Relevant experience and resources (previous work of this type)	20%
Environmental Management Plan	20%
Requirement for resources provided by Council	10%
Financial viability	10%

All assessment criteria must be addressed in the submission and applicants are encouraged to attach supporting documentation where appropriate.

### DETERMINATION BY COUNCIL

Council's Chief Executive Officer will determine whether to enter into negotiations for a licence with the preferred applicant if recommended by the panel of Council Officers in accordance with Council's Use of Council Facilities Policy and Property Use Agreements Policy

**Council is not under any obligation to enter a licence or agreement with the preferred applicant or any other applicant.**

All parties who lodged an EOI submission will be advised of the outcome if the preferred applicant is approved by Council or if the Council determines that it will not enter into licence negotiations.

### TERMS OF ENGAGEMENT

The preferred applicant will be required to enter into a mutually acceptable licence with Council, including the following key commercial terms:

- **Licence Fee:** To be determined by independent valuer at market valuation.
- **Term:** Three years (with two further terms of renewal of two years).
- **Nominated Commencement Date:** 1 February 2019 or by agreement.
- **Permitted Use:** Farmer's Market. No resale of commercial goods.
- **Insurance:** \$20million public liability insurance.
- **Licence Area:** Limited to the area set out in Attachment A.

It is emphasised that throughout the EOI process Council is not entering into a licence, contract, lease or agreement with any applicant until a full licence is negotiated and signed by both parties.

### ENQUIRIES

Enquiries related to this EOI process can be directed to the Property and Legal Services Officer via telephone: 5261 0581 or e-mail: [info@surfcoast.vic.giv.au](mailto:info@surfcoast.vic.giv.au)



Annexure A



Map Scale: 1:1,604



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The map is published for the Government of Victoria (GOVERNMENT) under the Australian Geodetic Datum 1984 (AGD84).  
Surf Coast Shire uses the Mean Sea Level of Australia 1984 (MSL) datum.



1 MERRLING DRIVE  
PO BOX 890  
TORQUAY, VICTORIA  
AUSTRALIA 3226  
PHONE : +61 3 5521 0600  
FAX : +61 3 5291 0605  
INTERNET : [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au)  
EMAIL : [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)



#### **4.4 Torquay Farmers Market - Expressions of Interest for a Licence**

#### **APPENDIX 2 SCS-034 PROPERTY USE AGREEMENTS POLICY - 25 SEPTEMBER 2018**

## COUNCIL POLICY



<b>Property Use Agreements</b>	Document No:	SCS - 034
	Approval Date:	25 September 2018
	Approved By:	Council
	Review Date:	25 September 2020
	TRIM Reference	D18/102358
Responsible Officer:	General Manager Governance and Infrastructure	
Authorising Officer:	Chief Executive Officer	

### 1. Purpose

To ensure that Council has a clear and workable framework for property use agreements with individuals, businesses and/or groups that:

- Are consistent in their application;
- Protect public land and assets; and
- Support the users' objectives.

### 2. Scope

This policy covers the following aspects of developing Agreements for the use of Council property:

- Types of Agreements;
- Conditions of Agreements;
- Landowner obligations; and
- User obligations.

### 3. Application

This policy applies to individuals, groups or businesses that have been determined by Council to be a preferred user of a Council property.

The consideration of eligible preferred users will be determined through other policies and processes approved by Council.

This policy applies to parties who use Council owned or managed property on a regular, medium to long term basis.

This Policy does not apply to users seeking access to facilities for less than 3 months or an ad-hoc basis.

#### 3.1 Pre-Agreement requirements

The party must have all the following before entering into an agreement:

- Be a registered legal entity;
- Hold current Public Liability Insurance; and
- Capacity for electronic business transactions primarily financial and communication.

## COUNCIL POLICY



### 4. Definitions

**Agreement** – A Lease, Licence, User Agreement, Casual Hire Agreement, Tour Operator Licence, Retail Lease, Residential Tenancy Agreement, Commercial Lease for Council Property.

**Casual Hire Agreement** – An Agreement that is no longer than three months in length and is for short term, non-regular bookings.

**Carrying Capacity** – Acknowledges the competing goals of recreation and preservation of site values in natural public land. It can refer to a numerical threshold of activities beyond which the loss of site values is unacceptable.

**Commercial Occupiers** – Any occupier who operates a business or commercial enterprise with the intent to generate profit. \* Note that does not include operators who are classified as Tour Operators under the Crown Land Reserves Act 1978.

**Council** – Surf Coast Shire Council which may be the Landlord, Licensor or Lessor under an Agreement.

**Council Property** – Land (including open space), buildings, property or facilities owned or managed by Council.

**Crown Land** – As defined in the Crown Land (Reserves) Act 1978

**Expression of Interest** – A process whereby Council invites individuals, groups or businesses to submit a detailed expression of interest detailing how it will meet key objectives, to be assessed under evaluation criteria

**Not for Profit** – Any occupier who operates a business or activity that does not operate for profit, personal gain or other benefit of particular people i.e. its members.

**DELWP** – Department of Environment Land Water and Planning

**Facility** – A place and amenity provided for a particular purpose

**Head-lease** – A Head-lease is the original Lease between a Tenant and a Landlord. In such a Lease, the overall contractual responsibility is given to one identifiable tenant called the Head-lessee. It is a primary Lease under which Sub-leases have been granted.

**Insurable Value** – The cost of replacement of a building which could conceivably be destroyed. The assessed value excludes any contents stored on the premises e.g. furniture and equipment.

**Lease** – A Lease is a right granted by the owner of the property (Landlord) to another person (Tenant) to have exclusive possession of that property, or part thereof, for a fixed duration in return for rental payment. Council will grant a Lease where the premises will be occupied exclusively by the one user.

**Licence** – A Licence permits a person (Licensee) to occupy property (or part thereof) under particular conditions. The main feature that distinguishes a Licence from a Lease is that a Licence does not permit exclusive occupancy of the property.

**Market Rental Value** – The estimated amount for which an asset should rent, as at the relevant date, between a willing Tenant and a willing Landlord in an arm's length transaction, wherein the parties had each acted knowledgeably, prudently and without compulsion, and having regard to the usual terms and conditions for agreements of similar property.

**Minimum Rent / Peppercorn** – \$1.00 per annum

**Non-commercial group** - Not-for-profit community based groups and funded organisations and agencies that service community members that live, work or have a connection with Surf Coast Shire.

## COUNCIL POLICY



**Outgoings** – including but not exclusive to water, sewerage services and usage charges, electricity and gas utilised at the property.

**Residential Tenancy Agreement** – A Residential Tenancy Agreement is a right granted by the owner of the land (Landlord) to a Tenant to have possession of a house for a fixed duration in return for rental payment.

**Regular User** – Regular pattern of use for a period between 3 to 12 months, however it must be less than 10 occasions. A regular use cannot reapply for a User Agreement on an annual basis.

**Sub-letting** – Sub-lease or Sub-let is the name given to an arrangement in which the Tenant in a Lease assigns or transfers the Lease to a third party, thereby making the old Lessee the Sub-lessor, and the new Tenant the Sub-tenant. This means they are not only leasing the property, but also Sub-leasing it simultaneously.

**Tenant** – a person who occupies land or property rented from a landlord.

**Tour Operator** – A person who conducts an organised tour or recreational activity for profit on land reserved under section 3A of the Crown Land Reserves Act. This amendment to the Act came in 2009.

**User** – a person who uses Council property as per a User Agreement or Casual Hire Agreement.

**User Agreement** – An Agreement that is no longer than twelve months in length and is for regular bookings with a high frequency.



## COUNCIL POLICY



### 5. Policy

Council aims to provide a workable framework for property use agreements that are consistent in their application, protect public land and assets; and Support the users' objectives.

### 6. Consultation and Notification

Council will undertake consultation or notification in following circumstances:

- Where Council has an identified desired use for a property and is seeking to identify potential users to deliver this use, eg. a Commercial Occupier or Tour Operator. The consultation process will generally be an Expression of Interest (EOI) process. Once the EOI process is completed all submissions will be assessed in accordance with the eligibility criteria advertised to determine the preferred user.
- Where Council is approached by a potential interested individual, group or business that wishes to use a Council property and Council wishes to inform key stakeholders, competitors or the broader community. Council will advertise a notice stating we are considering entering into an agreement in the local newspaper and or on Council's website seeking public feedback. This may also occur when existing agreements are nearing expiry.
- Where Council needs to comply with legislation or regulatory requirements.

## COUNCIL POLICY



### 7. Types of Agreements

The following table sets out a framework for different types of agreements to be applied under various situations and with an outline of typical pre-requisites or conditions.

Types of Agreement	Intended or desired Access	User Type	Pre-application Process	Payment Type	Payment Basis	Initial Terms	Options for further terms	Outgoings	Maintenance by User	Sub-letting Permissible
<b>Casual User</b>	<3 months and irregular pattern of use	N/A Users will access through casual user hire arrangements								
<b>Regular User</b>	<ul style="list-style-type: none"> <li>• between 3-12 months; and</li> <li>• regular pattern of use; and</li> <li>• less than 10 occasions.</li> </ul>	Any user	N/A	User Fee	Set through Annual Budget	<12months	No	Contribution through fee.	No	No
<b>Licence</b>	<ul style="list-style-type: none"> <li>• Greater than 12 months; and</li> <li>• Regular pattern of use; and</li> <li>• Non-exclusive occupation</li> </ul>	Crown Land Tour Operator	Expression of Interest	Licence Fee	Statutory Fee set by State Govt.	3 years	2 x 2 years	N/A	Yes	No
		Commercial User	Expression of Interest	Licence Fee	Market Valuation	3 years	2 x 2 years	Direct outgoings charged if possible, otherwise apportionment based on time	Yes	No
		Non-commercial User	Advertise Council are considering entering into an	Licence Fee	Set through Annual Budget	1 to 3 years by agreement	Nil	Direct outgoings charged if possible, otherwise	Yes	No

**COUNCIL POLICY**



Types of Agreement	Intended or desired Access	User Type	Pre-application Process	Payment Type	Payment Basis	Initial Terms	Options for further terms	Outgoings	Maintenance by User	Sub-letting Permissible
			agreement					apportionment based on time		
<b>Lease</b>	<ul style="list-style-type: none"> <li>Greater than 12 months; and</li> <li>Exclusive occupation</li> </ul>	Commercial User	Expression of Interest	Rent	Market Valuation	5 years	3 x 3 years	Yes	Yes	Yes
		Non-commercial User	Advertise Council are considering entering into an agreement	Rent	Peppercorn amount (set through Annual Budget)	5 years	Nil	Yes	Yes	Yes
		Non-commercial User	Advertise Council are considering entering into an agreement	Rent	Peppercorn amount (set through Annual Budget)	5 years	2 x 2 years (Where Tenant has contributed 25% or more capital) Nil	Yes	Yes	Yes
<b>Lease</b>	<ul style="list-style-type: none"> <li>Greater than 12 months; and</li> <li>Residential occupation</li> </ul>	Residential Tenancy	Tenant Selection by Dept. of Human Services	Rent	Rent determined by Department of Human Services	1 year	Nil	Yes	Yes	No

## COUNCIL POLICY



### 7.1 Lease

A Lease may be used if Council considers that providing exclusive rights to a single Tenant is:

- Necessary to provide sufficient certainty and security to the Tenant to invest in their business;
- Necessary to recognise financial investment by the Tenant to the facility;
- The only way to secure the desired use; and
- Aligned with the long term strategic plan for the property.

#### 7.1.1 Commercial Leases / Retail Leases

Commercial lease agreements will be prepared and managed in accordance with the requirements of the Retail Leases Act 2003 (if applicable) and any other legislative requirements.

#### 7.1.2 Peppercorn Leases

Peppercorn leases are generally used where access and conditions are as per a standard commercial or retail use but Council is entering the lease with a not-for-profit or non commercial group. In these circumstances the lease agreements will be prepared and managed in accordance with the requirements of the Retail Leases Act 2003 (if applicable) and any other legislative requirements, but only a nominal or 'peppercorn' rent will be requested.

#### 7.1.3 Residential Tenancy Agreement

Residential Tenancy Agreements will be prepared and managed by Council's preferred Real Estate Agent in accordance with the Residential Tenancies Act 1997 and the Residential Tenancies Regulations 2008.

### 7.2 Licences

#### 7.2.1 Tour Operator Licence (only applicable to Crown land managed by Council)

Tour Operator Licences are required for anyone who runs an organised tour or recreational business for profit on Crown Land managed by Council which may be part of Council's open space network. Tour Operator Licences will be prepared and managed in accordance with the requirements of the Crown Land (Reserves) Act 1978.

#### 7.2.2 Other Licences

Other licence agreements will be used where users require certainty about facility or land availability but do not require exclusive use. In these instances, licence agreements will be based on the requirements of the Crown Land (Reserves) Act 1978 or the Local Government Act 1989.

### 8. Rent

#### 8.1 Rent

Rent is applicable for all Lease agreements as follows:

- Commercial users will pay rent based on a market valuation prepared by a suitably qualified independent valuer.
- Not-for-profit users will pay a peppercorn amount for rent based on a peppercorn fee set by Council through the Annual Budget.

#### 8.2 Rent Review

Council reserves the right to review and amend the rent if a Tenant or Licensee obtains access to other commercial means of income (excluding fundraising) generated during the term of the Agreement e.g. rent received from sub-letting, obtaining a liquor licence, telecommunication tower rental, revenue received from advertising at the premises. Consent from Council is required for any such use.

## COUNCIL POLICY



Council reserves the right to review and amend the rent if the footprint of the property increases to be greater than the footprint in the existing Agreement, or the property has undergone significant refurbishment improvements which increases the value of the property by more than 10%.

All Commercial rent will be increased annually by 3% during the term of a Lease or Licence. On the exercise of any option for renewal the rent will be determined by Council's qualified Valuer at the current market rental.

### 8.3 Sub-letting

Tenants or Licensees may only Sub-Lease or Sub-Licence with prior written consent from Council in all instances and the Department of Environment Land Water and Planning (DELWP) if the property is Crown Land.

The rent of the Head-lease or Head-Licence will immediately be reviewed when a Sub-lease or Sub-Licence is developed.

Any financial gain from Sub-leasing or Sub-licensing will be payable to the Head tenant or Head Licensee, except where Council has decided to apply a subsidy to assist the Tenant or Licensee with operational costs such as outgoings, maintenance or to reinvest into future capital works.

### 8.4 Maintenance responsibilities

Each Tenant, Licensee or User is required to maintain the facility in accordance with the Outgoings and Maintenance Schedule attached to their agreement. This Outgoing and Maintenance Schedule is available on Council's website as updated from time to time. The Outgoing and Maintenance Schedule specifies the responsibilities of Council and the Tenant, Licensee or User. The Tenant, Licensee or User will be responsible for keeping the facility clean, in good condition and performing incidental maintenance not requiring a skilled tradesperson.

All work is to be undertaken by an accredited qualified tradesperson registered on Council's Work Health and Safety (WHS) System.

Council reserves the right to negotiate maintenance responsibilities and costs. Council reserves the right to inspect the premises each year or more frequently as required.

### 8.5 Capital Works – Alterations or Additions

Tenants and Licensees will not make any alteration or additions to the Council Property without Council and / or DELWP consent. Any alterations or additions consented to shall be undertaken by Council's contractors, unless otherwise agreed between the parties in writing.

### 8.6 Outgoings

Council reserves the right to apply a subsidy for outgoings. Any subsidy will be decided through Council resolution or by an officer that has been delegated this authority by Council.

### 8.7 Insurance (Building, Contents and Public Liability)

The Tenant, Licensees or Users must hold current insurance for contents or equipment held by them at the Council Property.

Building Insurance for all Council assets will be paid for by Council.

All Tenants, Licensees, or Users are required to hold current Public Liability Insurance to a value determined by Council as detailed in the agreement. A copy of the Public Liability Insurance is to be provided to Council on an annual basis as evidence of cover.

## COUNCIL POLICY



### 8.8 Use of Council Property

Tenants, Licensees or Users must obtain prior written consent for any change or additional use of the Council Property.

For Licensees who occupy Council property under a Licence Agreement, Council may also use or allow others to use the Council Property outside the normal operating hours of the Licensee, provided the use does not unreasonably interfere with the Licensees' use.

Tenants, Licensees or Users must also comply with all guidelines and directions issued by the Environment Protection Authority, Planning Permit provisions (including Liquor Licence provisions), Liquor Licensing Commission and Council Local Laws.

#### 8.8.1 Child safe standards

Surf Coast Shire Council is committed to creating a child safe and child friendly environment where children and young people are respected valued and encouraged to reach their full potential. Surf Coast Shire Council's policies and procedures support the implementation of requirements under the Child Wellbeing and Safety Act 2005. If the use of Council's property involves the tenant or any sublease tenant being in the physical proximity of children, the tenant must comply with the Child Safe Standards made under section 17(1) of the Child Wellbeing and Safety Act 2005.

### 8.9 Permits

All Tenants, Licensees or Users must adhere to the conditions of any Planning Permit, Food Handling Permit, or any other permit issued by Council or any other authority.

Council prohibits gaming Licences in Leased or Licensed Council Property.

Liquor Licence applications require Council approval and must only be applied for after prior written consent is given.

## 9. Records

Record	Retention/Disposal Responsibility	Retention Period	Location
Legal Documents	General Manager Governance and Infrastructure	Term of Legal Document	Legal Documents Register – Authority  Original document – strong room  Relevant file in TRIM

## 10. Attachments

Nil

## 11. References

Local Government Act 1989  
Local Government (General) Regulations 2015  
Retail Leases Act 2003  
Retail Leases Regulations 2003  
Crown Land (Reserves) Act 1978  
Crown Land Acts Amendment (lease and licence terms) Act 2009  
Crown Land (Reserves) (Tour Operator Licence Fee) Regulations 2011  
Occupational Health and Safety Act 2004  
Residential Tenancies Act 1997  
Residential Tenancies Regulations 2008

## COUNCIL POLICY



Children's Services Act 1996 & Children's Services Regulations 1998 – Outlines the space and safety requirements for children's service centres.

**Other document references:**

Use of Council Facilities Policy (SCS-033)  
Council Plan 2013-2017  
Open Space Land Management System  
Capital Works Program  
Asset Management Plan for Buildings  
Condition Appraisal Report  
Outgoing and Maintenance Obligations Schedule  
Casual Hire Form  
Standard templates for Agreements for Council and Crown Land



#### 4.5 Addition of Road Off Princes Highway to Council Road Register

**Author's Title:** Strategic Asset Manager

**General Manager:** Anne Howard

**Department:** Asset Management

**File No:** F16/199

**Division:** Governance & Infrastructure

**Trim No:** IC18/1890

**Appendix:**

1. Detailed Information on road for consideration for reclassification - Road of Princes Highway, Buckley - Lake Dubban (D18/137472)

**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 direction from Council relating to the management of the access track to properties at Lake Dubban State Game Reserve.

#### **Summary**

An access road off the Princes Highway, Buckley currently accesses Lake Dubban State Game Reserve as well as 3 adjoining properties. Although on a Government Road Reserve the access is not managed by Council and historically has been considered a private driveway and the responsibility of the landowners. As the access also provides access to a public facility, Lake Dubban State Game Reserve, it is felt that it is unreasonable to sit maintenance responsibility with the adjoining landowners. Furthermore if Council is to take on management of the road the road should be named to assist in locating the properties.

#### **Recommendation**

That Council:

1. Takes ongoing management responsibilities for the unnamed road that provides access from Princess Highway to Lake Dubban State Game Reserve.
2. Adds this road to Council's Road Register as a *secondary access* road.
3. Declares its intention to name the unnamed road Lake Dubban Road.
4. Issues a public notice and invite submissions in accordance with Section 223 of the Local Government Act 1989.

#### **Council Resolution**

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

That Council:

1. Takes ongoing management responsibilities for the unnamed road that provides access from Princess Highway to Lake Dubban State Game Reserve.
2. Adds this road to Council's Road Register as a *secondary access* road.
3. Declares its intention to name the unnamed road Lake Dubban Road.
4. Issues a public notice and invite submissions in accordance with Section 223 of the Local Government Act 1989.

CARRIED 7:0

## 4.5 Addition of Road Off Princes Highway to Council Road Register

### **Report**

#### ***Background***

Council has been approached by residents querying the management of the access to their properties and Lake Dubban State Game Reserve. The residents felt that as the access is in a government road reserve and provides access to a public reserve it should not be their responsibility to maintain as a private driveway.

The access track accessing Lake Dubban State Game Reserve and adjoining properties was not constructed by or maintained by Council however it provides public access to the Lake Dubban State Game Reserve as well as three properties.

#### ***Discussion***

The following points have been considered when looking at the ongoing management of this access

- There is a public facility (not Council's) at the end of the access which receives use by the general public.
- The residents feel that it is unreasonable that they, as private residents, have responsible to maintain this access used by public accessing the Game Reserve.
- There are numerous other examples of government road reserves where Council doesn't have constructed roads or responsibility for roads, and therefore this matter might set a precedent however the fact that there is a public reserve at the end of the road assists in justifying management in this case.

Regarding the naming of the road the name Lake Dubban Road is a logical option due to the location of the primary access to State Game Reserve on the road.

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

The access is currently constructed to a reasonable standard and will require minimal short term work. Some costs will be associated with the provision of a street blade for the road.

#### ***Council Plan***

Theme	1 Community Wellbeing
Objective	1.3 Improve community safety
Strategy	Nil

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

Council has the authority to take on ongoing management responsibilities for roads within Government Road Reserves.

The proposed name of Lake Dubban Road complies with relevant sections of the Geographic Place Names Guidelines developed under the Geographic Place Names Act however Council will need to proceed with the process to have this formally adopted. The naming proposals also comply with Council's Place Naming policy.

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

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

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

Once the road is added to Council's Road Register it will be added to regular inspection program for roads and inspected as per Council's Road Management Plan.

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

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

Council taking on management responsibilities for the road will provide an improved level of service for both the residents and users of the Reserve.

Regarding the naming the community should have input into proposed naming of roads and this process provides that opportunity

#### **4.5 Addition of Road Off Princes Highway to Council Road Register**

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

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

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

Not Applicable

##### ***Communication***

The decision of Council regarding taking on management of the road will be communicated to the adjoining landowners.

Regarding the road naming communication will occur through a public notice process and informing properties directly affected by such a change

##### ***Options***

###### **Option 1 – Council take on management of the road and proceed with the naming of the road Lake Dubban Road**

This option is recommended by officers as the road is required for public access to the reserve. Naming the road will assist in the event of any emergencies at the location as well as assisting in users locating the reserve.

###### **Option 2 – Not take on management of the road**

This option is not recommended by officers as this leaves the maintenance of the access, which is used by the general public, to the adjoining landowners.

###### **Option 3 – Council take on management of the road and not proceed with the naming of the road Lake Dubban Road**

This option is not recommended by officers as although this resolves the management issues it would leave the road unnamed and difficult to find.

##### ***Conclusion***

It is reasonable for Council to take on ongoing management responsibilities for the road as it currently provides access to a public facility (Lake Dubban State Game Reserve) as well as private residences.

**4.5 Addition of Road Off Princes Highway to Council Road Register**

**APPENDIX 1 DETAILED INFORMATION ON ROAD FOR CONSIDERATION FOR RECLASSIFICATION  
- ROAD OF PRINCES HIGHWAY, BUCKLEY - LAKE DUBBAN**

#### 4.5 Addition of Road Off Princes Highway to Council Road Register

**Appendix – Detailed Information on road for consideration for reclassification**

**Unnamed Road – Off Princess Highway, Buckley**

110 metre gravelled road in good condition. Access to 3 properties (2 residences, 1 undeveloped) and State Game Reserve, Lake Dubban.

Reclassify from unused road reserve to **Secondary Access**



#### 4.6 Council Policies - Equal Opportunity and Workplace Health & Safety

**Author's Title:** Manager Governance & Risk

**General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F17/78

**Division:** Governance & Infrastructure

**Trim No:** IC18/1843

**Appendix:**

1. SCS-038 Councillor Workplace Health and Safety Policy - 27 November 2018 (D18/151842)
2. SCS-039 Councillor Equal Opportunity and Workplace Behaviours Policy - 27 November 2018 (D18/151843)

**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 adopt the SCS 038 Councillor Workplace Health & Safety policy and SCS 039 Councillor Equal Opportunity & Workplace Behaviours policy.

#### Summary

Council engaged Betteridge Legal Consulting to facilitate the development of Workplace Health & Safety and Equal Opportunity & Workplace Behaviours policies that relate solely to Councillors, in order to provide greater clarity and guidance in relation to roles and responsibilities.

The process has included three workshops being held on 8 May, 24 July and 11 September 2018 with facilitator Joanna Betteridge, Councillors and key staff to discuss and develop content.

Separate policies relating to staff have also been developed for approval by the Chief Executive Officer.

Both Councillor policies are attached for Council's formal adoption.

#### Recommendation

That Council:

1. Adopts the SCS 038 Councillor Workplace Health and Safety Policy as attached at Appendix 1.
2. Adopts the SCS 039 Councillor Equal Opportunity and Workplace Behaviours Policy as attached at Appendix 2.

#### Council Resolution

**MOVED Cr Carol McGregor, Seconded Cr Margot Smith**

That Council:

1. Adopts the SCS 038 Councillor Workplace Health and Safety Policy as attached at Appendix 1.
2. Adopts the SCS 039 Councillor Equal Opportunity and Workplace Behaviours Policy as attached at Appendix 2.

CARRIED 6:1

#### Division

Councillor *Cr Wellington* called for division, voted on which was as follows:

**For**

Cr Coker

Cr Duke

Cr Goldsworthy

Mayor Hodge

Cr McGregor

Cr Smith

**Against**

Cr Wellington

**Abstained**

Nil

## **4.6 Council Policies - Equal Opportunity and Workplace Health & Safety**

### **Report**

#### ***Background***

As part of Council's governance reform program it was established that current Workplace Health & Safety and Equal Opportunity & Workplace Behaviours policies would benefit from being split into separate policies applying to staff and Councillors in order to provide greater clarity and more formal guidance.

#### ***Discussion***

Council commissioned Betteridge Legal Consulting to develop Workplace Health & Safety and Equal Opportunity & Workplace Behaviours policies that relate solely to Councillors.

The process has included three workshops with Joanna Betteridge, Councillors and key staff which were held on 8 May, 24 July and 11 September 2018 to discuss and develop content.

Separate policies relating to staff have also been developed for approval by the Chief Executive Officer. When finalised and approved existing Council policy SCS 014 will need to be formally revoked at a future Council meeting.

The Councillor policies are attached for Council's formal adoption.

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

Not applicable.

#### ***Council Plan***

Theme 5 High Performing Council

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

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

The policies will replace the current versions and are compliant with legislation.

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

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

#### ***Communication***

Once adopted the policies will be available on Council's website.

#### ***Options***

##### **Option 1 – Adopt the updated policies**

This option is recommended by officers as they have been developed by an expert lawyer in consultation with Councillors to address a recognised need.

##### **Option 2 – Do not adopt the policies**

This option is not recommended by officers as it would mean that the current joint staff/Councillor policies would remain in force and these are not thought to be as clear and targeted as the updated policies.

#### ***Conclusion***

Council has an opportunity to update its Equal Opportunity and Workplace Health & Safety policies following a review process that has included consultation with Councillors and relevant staff.



**4.6 Council Policies - Equal Opportunity and Workplace Health & Safety**

**APPENDIX 1 SCS-038 COUNCILLOR WORKPLACE HEALTH AND SAFETY POLICY - 27 NOVEMBER 2018**

## 4.6 Council Policies - Equal Opportunity and Workplace Health & Safety



<b>Councillor Workplace Health &amp; Safety</b>	Policy No:	SCS 038
	Approval Date:	27 November 2018
<b>Responsible Officer:</b> Manager People and Culture	Approved By:	Council
	Review Date:	November 2019
	Version No:	1.0
	Trim Reference:	TBC
<b>Authorised Officer:</b> Chief Executive Officer		

### 1. Purpose

Surf Coast Shire Council exists to represent the community, and its work includes providing a range of community, corporate, infrastructure, planning and environmental services to the Surf Coast Shire in a safe, efficient, cost effective and environmentally responsible manner.

Councillors care about the community and acknowledges their responsibility to provide leadership on workplace safety and relevant social justice issues.

Councillors recognise their responsibilities, participating in the formal decision-making of the Council and individually taking reasonable care as 'Officers' within the meaning of the legislation, to provide and maintain so far as is reasonably practicable:

- a working environment;
- work systems, processes and training; and
- Council managed buildings and community facilities;

that are safe and without risks to the health of employees, contractors, volunteers, visitors and members of the public as required by the *Occupational Health & Safety Act 2004 (OHS Act)*.

### 2. Scope

This policy applies to all Councillors of the Surf Coast Shire Council.

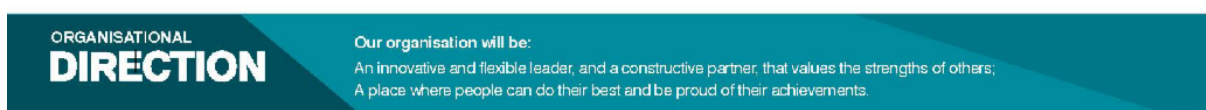
It provides guidance to Councillors concerning meeting their legal obligations, corporately and individually, concerning the general duties, requirements and other obligations under the OHS Act, and any other associated legislation. The policy has been enacted for the protection of employees, contractors, visitors and members of the public during the course of work at Surf Coast Shire Council and arising out of the conduct of the undertaking of Council. See the Appendix for relevant definitions.

This policy is in addition to the responsibilities of Councillors under the Councillor Code of Conduct.

### 3. POLICY

Recognising the obligations placed on Council and individual Councillors by relevant legislation and acknowledging the expectations of the community at Surf Coast Shire, the Council and Councillors are committed to:

- ensuring, so far as is reasonably practicable, the health and safety of all



#### 4.6 Council Policies - Equal Opportunity and Workplace Health & Safety



- employees, Councillors, contractors, visitors, and members of the public;
- compliance with all relevant workplace health and safety legislation.

Council and individual Councillors will demonstrate a commitment to health and safety by ensuring that Council's Management establishes and maintains objectives that are measurable and consistent with Council's values, goals and expectations which include:

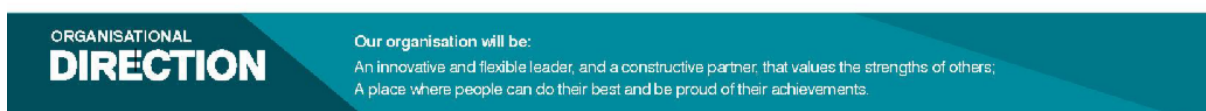
- Eliminating, or if that is not possible, reducing, so far as reasonably practicable, risks to health and safety and wellbeing;
- Providing work environments that do not compromise the health, safety or wellbeing of Council employees, contractors and volunteers;
- Monitoring and reporting on relevant OHS issues;
- Providing relevant OHS information to Council or delegated committee to enable Council to make informed decisions;
- Consulting with employees, and other people likely to be affected by decisions, about safety;
- Ensuring that workplace health and safety is managed in a proactive manner; and
- Continually improving the effectiveness of all safety management systems.

#### 4. What are Councillors Responsible For?

As well as being responsible for participating in the decision-making of the Council to comply with Council's obligations under the OHS Act, Councillors are subject to the obligations imposed on Officers in the OHS Act and acknowledge that they each have an individual responsibility to take reasonable care to ensure that Council carries out its health and safety obligations.

Councillors will best achieve these objectives by:

- Ensuring that decisions made by the Council have taken into account issues concerning health and safety where relevant;
- Ensuring that Council has the resources to implement and manage an appropriate safety management systems;
- Requiring the CEO and Senior Management team to provide appropriate information regarding any relevant health and safety matters;
- Asking questions of the CEO and Senior Management team to ensure that Council understands and accepts, as reasonably practicable, the measures that Council has in place to manage issues of health and safety as required by the OHS Act and related legislation;
- When performing duties on behalf of Council or attending Council workplaces, ensuring that they are complying with this policy and any directions by Council concerning health and safety;
- Interacting with all Council employees, contractors, volunteers, members of the public and fellow Councillors in a manner that does not compromise any person's physical and/or psychological health and safety;
- Being aware of and reporting any incidents, near misses or perceived hazards, including any incidents, near misses or hazards arising from the behaviour of any person, to the Mayor, or the Deputy Mayor;



#### 4.6 Council Policies - Equal Opportunity and Workplace Health & Safety



- The Mayor and Deputy Mayor taking all reasonable actions to ensure the health and safety of Councillors in relation to any safety issues arising internally within Council;
- The Mayor and Deputy Mayor reporting to the CEO all hazards identified by Councillors relating to Council property, staff, contractors or the community;
- Attending any safety related training or making themselves familiar with any briefing provided to Councillors in relation to workplace health and safety;
- Participating actively in any matter concerning the resolution of a safety issue;
- Undertaking all duties in a manner that does not put themselves or any other person at risk to their health or safety, at all times.

#### 5. Failure to Comply

Any acts or omissions by Council which are in breach of Council's obligations under the OHS Act and related legislation may result in:

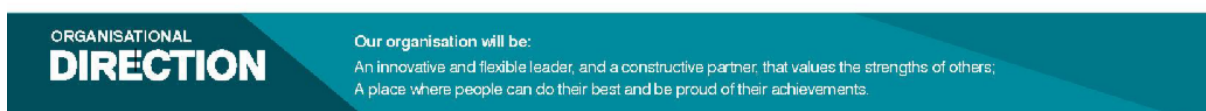
- Accident and injury to persons and damage to Council property
- Investigation and criminal prosecution of Council, Councillors or Staff under the OHS Act by WorkSafe Victoria
- Damage to the reputation of Council and Councillors in the community
- Intervention by the Minister

Any failure by an individual Councillor to take reasonable care to ensure that Council carries out its safety obligations may result in investigation and individual criminal prosecution by WorkSafe Victoria.

#### 6. PROCEDURE

This Policy will be achieved by Council and Councillors:

- Where relevant, having a section in any briefing paper provided by Management, for the purposes of Councillor Briefings, that identifies safety issues and provides details of any risk management;
- Considering workplace health and safety policy considerations and risk in all decisions before Council;
- Delegating authority to the Audit and Risk Committee to consider workplace health and safety issues at every committee meeting and to report any significant risks to Council;
- Receiving monthly reports from the CEO regarding strategic or significant OHS issues as a standing item at ordinary meetings of the Council;
- Reviewing annually Council's risk register and in particular, the top 5 risks identified as the most serious for Council;
- Considering the safety of Councillors and members of the public at any Council meeting or Civic engagement where it might be reasonably anticipated that additional security is warranted;
- Taking all reasonable care for their own safety while carrying out any Council or Civic duty, including ensuring that they are not impaired by drugs or alcohol at any Council meeting or event or while driving to and from any such meeting or event.



## 4.6 Council Policies - Equal Opportunity and Workplace Health & Safety



### 7. Related Legislation

*Victorian Occupational Health and Safety Act 2004*

*Victorian Occupational Health and Safety Regulations 2017*

*Victorian Workplace Injury Rehabilitation and Compensation Act 2013*

*OHSAS 18001:2007 Occupational Health and Safety Management System*

*Victorian Local Government Act 1989*

*Victorian Privacy and Data Protection Act 2014*

### 8. Related Policies and other Documents

As well as directly related statutory obligations Council has responsibilities under other documents which have OHS implications such as:

- Councillor Equal Opportunity and Workplace Behaviours Policy
- Council policy, IS-010 Records Management Policy
- Other Council policies and procedures
- Contractual conditions that may change from time to time
- Current and relevant staff enterprise agreements
- Agreements with health authorities
- Voluntary principles, best practices, codes of conduct, charters and guidelines

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#### 4.6 Council Policies - Equal Opportunity and Workplace Health & Safety



##### Appendix – Definitions from the OHS Act

9.	The Principles of Health and Safety Protection (section 4)	<ol style="list-style-type: none"> <li>1) The importance of health and safety requires that employees, other persons at work and members of the public be given the highest level of protection against risks to their health and safety that is reasonably practicable in the circumstances.</li> <li>2) Persons who control or manage matters that give rise or may give rise to risks to health or safety are responsible for eliminating or reducing those risks so far as is reasonably practicable.</li> <li>3) Employers and self-employed persons should be proactive, and take all reasonably practicable measures, to ensure health and safety at workplaces and in the conduct of undertakings.</li> <li>4) Employers and employees should exchange information and ideas about risks to health and safety and measures that can be taken to eliminate or reduce those risks.</li> </ol>
10.	Contractor owed a duty under section 21 of the OHS Act	an independent contractor engaged by the employer, and any employees of the independent contractor, in relation to matters over which the employer has control or would have control if not for any agreement purporting to limit or remove that control.
11.	Health	includes psychological health
12.	Officer	officer of a body corporate, unincorporated body or association or partnership has the meaning (other than in Part 8) given by section 9 of the Corporations Act;
13.	So far as is reasonably practicable	<p>regard must be had to the following matters in determining what is (or was at a particular time) reasonably practicable in relation to ensuring health and safety—</p> <ol style="list-style-type: none"> <li>(a) the likelihood of the hazard or risk concerned eventuating;</li> <li>(b) the degree of harm that would result if the hazard or risk eventuated;</li> <li>(c) what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;</li> <li>(d) the availability and suitability of ways to eliminate or reduce the hazard or risk;</li> <li>(e) the cost of eliminating or reducing the hazard or risk.</li> </ol>
14.	Volunteer	means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses);
15.	Workplace	means a place, whether or not in a building or structure, where employees or self-employed persons work.

**4.6 Council Policies - Equal Opportunity and Workplace Health & Safety**

**APPENDIX 2 SCS-039 COUNCILLOR EQUAL OPPORTUNITY AND WORKPLACE  
BEHAVIOURS POLICY - 27 NOVEMBER 2018**





<b>Councillor Equal Opportunity and Workplace Behaviours</b>	Policy No:	SCS039
	Approval Date:	27 November 2018
<b>Responsible Officer:</b> Manager People & Culture	Approved By:	Council
	Review Date:	November 2019
	Version No:	1.0
	Trim Reference:	TBC
<b>Authorised Officer:</b> Chief Executive Officer		

**1. Purpose**

Councillors recognise that it is the responsibility of Surf Coast Shire Council to provide:

- a workplace that is free from bullying, sexual harassment, harassment, discrimination and victimisation and where staff, Councillors, contractors, prospective employees and volunteers treat each other with respect, courtesy and dignity;
- a framework to ensure Council, Councillors and individuals comply with relevant legislation, Council policy and relevant codes of conduct;
- an environment where diversity is embraced and employment and promotion decisions are merit based;
- flexible arrangements to encourage full participation in the workplace;
- a workplace that recognises staff's right to raise genuine concerns without fear of victimisation;
- an organisation that recognises its role in the community to lead by example and set a high standard for others to follow; and
- a workforce that broadly mirrors our community's diversity.

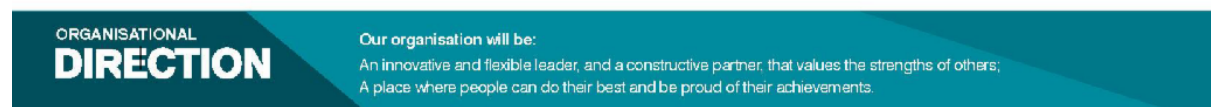
Councillors, like all workplace participants, are required to behave in a manner that does not breach reasonable behavioural standards as encapsulated in Council policies, procedures and codes of conduct.

In addition, Councillors have a key role to play in modelling behaviours and leading by example as well as ensuring that the CEO and staff have appropriate policies and systems in place to address any inappropriate behaviours in the workplace and to comply with legislation.

**2. Scope**

This policy applies to all Councillors of the Surf Coast Shire Council.

It provides guidance to Councillors concerning meeting their legal obligations corporately as Council and individually as Councillors concerning addressing inappropriate and unreasonable behaviours demonstrated by any Councillor in Council's workplaces as well as carrying out their governance functions to ensure that Council is meeting or exceeding its obligations to address inappropriate or unreasonable behaviours demonstrated by any person in the workplace.



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### 3. POLICY

Recognising the obligations placed on Council by relevant legislation and acknowledging the expectations of the community at Surf Coast Shire, the Council and Councillors are committed to ensuring that Council is:

- taking proactive, reasonable and proportionate measures to eliminate all forms of bullying, harassment, discrimination, sexual harassment and victimisation within its workplaces;
- eliminating discrimination on the basis of any ground or attribute contained in Federal or Victorian anti-discrimination legislation including the attributes set out in the Appendix to this Policy;
- creating a workplace culture where staff, Councillors, volunteers, prospective employees and contractors treat each other with respect, dignity and courtesy;
- fostering by way of equal employment opportunities a diverse and skilled workforce, improved employment access and participation, and a workplace culture of fair workplace practices and behaviours where each person has the opportunity to progress to the extent of their ability;
- promoting appropriate standards of conduct at all times by way of policy and procedure, codes of conduct, supervision and monitoring of behaviours in the workplace;
- acting consistently with the Workplace Diversity Commitment;
- implementing education and awareness-raising strategies to ensure that employees are aware of their rights and responsibilities;
- encouraging reporting of inappropriate behaviour and providing an effective procedure for resolving complaints in a sensitive, confidential, fair and timely manner.

Councillors will best attain these goals by:

- carrying out their governance functions to satisfy themselves that the CEO and Senior Leadership team have appropriate policies, procedures, practices, codes of conduct and standards in place;
- demonstrating the highest standards of personal behaviour at all times when engaged in carrying out Council functions.

4. Example: Councillors are to be aware of situations where those who have a disability may be discriminated against and will support reasonable decisions to remove any such disadvantage, such as supporting changes to local law procedures that require people to stand, which procedures discriminate against those who are unable to stand or find standing difficult.
5. Example: Councillors are to be aware of the heightened effect of their behaviour when interacting with the CEO and Council Staff by reason of the power imbalance between their positions and the positions of Staff. Councillors will be cognizant of ensuring that their behaviour does not result in any staff member feeling intimidated, harassed, bullied or discriminated against by reason of unreasonable repeated requests, unreasonable excessive contact, disrespectful and/or discourteous communications, displays of anger or the use of any abusive language.

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**6. What are Councillors Responsible For?**

Councillors, when performing duties on behalf of Council or attending Council workplaces, have an obligation to meet the requirements of this policy by:

- promoting and encouraging staff to behave professionally and appropriately by adhering themselves to a high standard of appropriate behaviour including through any written communication or any online forum or site;
- demonstrating respectful and courteous behaviour to all persons with whom they come in contact while carrying out any Council function;
- adhering to the Councillors Code of Conduct in the treatment of colleagues;
- ensuring Council has developed appropriate policies, procedures, practices and codes of conduct with which to educate staff on appropriate behaviours and to monitor and deal with any breaches in the standard of behaviour required;
- ensuring that Council is not vicariously liable for any breaches of relevant legislation due to any unlawful behaviour by a Councillor.

7. Example: In dealing with Council Staff or with other persons with whom they come into contact in the course of carrying out Council functions, Councillors will be cognizant of ensuring that they do not assign stereotyped roles to any person and in the course of any communications will not assume that a particular role should be filled by a person of a particular gender or ask questions implying gender stereotyping such as asking a woman at an evening function questions like "who is looking after the children tonight"?

8. Example: If Councillors experience abusive posts to any social media medium used by the Councillor for Council related comment, and the person posting such abusive comments is blocked by the Councillor, the Councillor will ensure that other Councillors and the CEO are advised of this.

**9. PROCEDURE AS IT APPLIES TO COUNCILLORS**

There are a range of behaviours including bullying, harassment, sexual harassment, discrimination and victimisation, which are expressly addressed by this policy, however, the policy extends to any form of inappropriate, unreasonable or unlawful behaviour.

Councillors who believe they have been (or are being) bullied, harassed, sexually harassed, discriminated against or victimised, are encouraged to directly talk to the offender. This involves raising the issue of concern with the person involved and explaining your perspective and why you found a certain behaviour, decision or action unacceptable.

If this course of action is not appropriate to the situation or does not resolve the issues, then any inappropriate, unreasonable or unlawful behaviour may be the subject of a complaint through Council's **Grievance Policy**.

Any complaints will be handled confidentially, transparently, impartially, sensitively and promptly and be mindful of the need to ensure victimisation does not occur.

Complaints will be handled in accordance with the principles of natural justice and procedural fairness for all involved, including the respondent(s).

**10. Complaints of Bullying, Harassment, Discrimination, Sexual Harassment or**

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**Victimisation Against the CEO by a Councillor**

Complaints of this nature against the CEO should be handled in accordance with Part 4, Division 4 of the Local Government Act 1989 eg the CEO must notify Council, and the CEO or Mayor can request the appointment of a probity auditor to assist.

11. **Other Avenues of Complaint**

A Councillor may at any time lodge a relevant complaint with:

- Victorian Equal Opportunity and Human Rights Commission;
- Australian Human Rights Commission
- Victoria Police
- WorkSafe Victoria

12. **Confidentiality**

Attention will be paid to the sensitive nature of the complaint and confidentiality maintained to protect all parties. This includes the storage and retrieval of documents in accordance with the Privacy and Data Protection Act 2014. Confidentiality will be observed as far as possible but in cases where there is a risk to health and safety or where there is the potential for a crime, or an actual crime has been committed, this can be impractical. Management has a legal duty to follow up on such matters once they become aware of them, regardless of whether the person bringing the complaint wants action to be taken or not. In these circumstances, management should seek the advice of People & Culture on how to proceed.

13. **DEFINITION OF TERMS**

14. **Discrimination**

Discrimination against prospective employees, employees, contract workers and those working in a common workplace may be unlawful if the relevant tests in State and Federal anti-discrimination legislation apply.

Discrimination based on an identified attribute or ground, set out in State or Federal anti-discrimination legislation may form the basis of an unlawful discrimination legal complaint where direct or indirect discrimination occurs in an area of life set out in the legislation such as employment or the provision of services.

See Appendix 1 for a list of the attributes set out in the *Equal Opportunity Act 2010* (Victoria).

15. **Direct Discrimination Occurs When:**

When a person treats, or proposes to treat, a person with a protected attribute unfavourably, because of that attribute.

16. **Indirect Discrimination Occurs When:**

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An unreasonable requirement, condition or practice that purports to treat everyone the same ends up actually disadvantaging someone with a protected attribute.

17. **Workplace Flexibility**

Workplace arrangements shall be as flexible as reasonably possible to account for Councillor's family responsibilities, religious beliefs, disabilities, and personal needs.

18. **Victimisation**

Victimisation occurs when someone is intimidated, disadvantaged or treated unfavourably or to their detriment because they have, or intend to, raise a matter of concern under the internal procedures for making a complaint, or for contacting the Victorian Equal Opportunities & Human Rights Commission or the Australian Human Rights Commission, for information or advice about making a complaint.

19. **Sexual Harassment**

Sexual harassment occurs when someone is subjected to an unwelcome sexual advance or request for sexual favours or is subject to unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person would be offended, humiliated or intimidated by this behaviour.

Sexual harassment is not mutual attraction or flirtation based on consent.

There is commonly a situation of power imbalance between the person committing the sexual harassment and the person being harassed.

20. In s102 of the Victorian *Equal Opportunity Act 2010*, there is a specific provision which states:

A councillor of a municipal council must not sexually harass—

- (a) another councillor of that council; or
- (b) a member of a committee of that council who is not a councillor of that council.

21. Example: Care should be taken to avoid:

- addressing any person in too casual or too personal a fashion, for example, calling people by forms of endearment such as "love" or "darling" or any similar names; and
- touching people in any manner that they may find offensive or intimidating or overly familiar.

22. **Bullying and Harassment (Non-Sexual) and Workplace Violence**

Bullying, harassment and workplace violence are unsafe behaviours that are criminal offences pursuant to the Victorian *Occupational Health and Safety Act 2004*.

23. **Bullying**

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Workplace bullying is characterised by persistent and repeated negative behaviour directed at an employee or Councillor that creates a risk to health and safety.

24. Example: Repeatedly referring directly or by clear inference to another Councillor in a critical manner in any social media forum may cause that person to suffer stress, humiliation, offense or intimidation or any other negative reaction that creates a risk to their health and safety.
25. Example: Working with one or more other Councillors to deliberately exclude or isolate any other Councillor may cause that person to suffer stress, hurt, humiliation and distress or any other negative reaction that creates a risk to their health and safety.
26. **Harassment**

Harassment occurs when someone is subjected to unreasonable or inappropriate conduct that the person finds offensive, embarrassing, humiliating or intimidating. It can include a single incidence of unreasonable behaviour which if repeated would be bullying.

27. **Workplace Violence**

This includes behaviour where an employee or Councillor is physically attacked or threatened with physical or psychological harm in the workplace.

28. **Relevant Legislation**

Local Government Act 1989 (as amended)  
Fair Work Act 2009 including the National Employment Standards  
Victorian Occupational Health and Safety Act, 2004  
Victorian Equal Opportunity Act 2010  
Victorian Racial and Religious Tolerance Act 2001  
Victorian Charter of Human Rights & Responsibilities 2006  
Commonwealth Sex Discrimination Act 1984  
Commonwealth Racial Discrimination Act 1975  
Commonwealth Age Discrimination Act 2004  
Commonwealth Disability Discrimination Act 1992  
Australian Human Rights Commission Act 1986  
Victorian Crimes Act 1958  
Privacy and Data Protection Act 2014

29. **Other Related Council Policies**

- Councillor Workplace Health and Safety Policy and Procedure
- SCS Workplace Health and Safety Policy and Procedure
- SCS Equal Opportunity and Workplace Behaviours Policy and Procedure
- HR-01 Recruitment & Selection Policy
- HR-21 Complaints Policy and Management Procedure

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- HR-07 Discipline Policy
- HR-24 Code of Conduct
- Councillors Code of Conduct
- WHS 1.0 WHS Issue Resolution
- Council policy, IS-010 Records Management Policy
- Other Council policies and procedures
- Current and relevant staff enterprise agreements
- Agreements with health authorities
- Voluntary principles, best practices, charters, codes of conduct and guidelines

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30. **Appendix 1 – Protected Attributes for the purposes of Anti-Discrimination legislation – *Equal Opportunity Act 2010***

**7(2) Discrimination on the basis of an attribute includes discrimination on the basis—**

**(a) that a person has that attribute or had it at any time, whether or not he or she had it at the time of the discrimination;**

**(b) of a characteristic that a person with that attribute generally has;**

**(c) of a characteristic that is generally imputed to a person with that attribute;**

**(d) that a person is presumed to have that attribute or to have had it at any time.**

31.	Age	includes age group
32.	Breastfeeding	includes the act of expressing milk
33.	Employment activity	means an employee in his or her individual capacity— (a) making a reasonable request to his or her employer, orally or in writing, for information regarding his or her employment entitlements; or (b) communicating to his or her employer, orally or in writing, the employee's concern that he or she has not been, is not being or will not be, given some or of his or her employment entitlements;
34.	Gender identity	(a) the identification on a bona fide basis by a person of one sex as a member of the other sex (whether or not the person is recognised as such)— (i) by assuming characteristics of the other sex, whether by means of medical intervention, style of dressing or otherwise; or (ii) by living, or seeking to live, as a member of the other sex; or (b) the identification on a bona fide basis by a person of indeterminate sex as a member of a particular sex (whether or not the person is recognised as such)— (i) by assuming characteristics of that sex, whether by means of medical intervention, style of dressing or otherwise; or (ii) by living, or seeking to live, as a member of that sex;
35.	Disability	(a) total or partial loss of a bodily function; or (b) the presence in the body of organisms that may cause disease; or (c) total or partial loss of a part of the body; or (d) malfunction of a part of the body, including— (i) a mental or psychological disease or disorder; (ii) a condition or disorder that results in a person learning more slowly than people who do not have that condition or disorder; or (e) malformation or disfigurement of a part of the body—

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		and includes a disability that may exist in the future (including because of a genetic predisposition to that disability) and, to avoid doubt, behaviour that is a symptom or manifestation of a disability;
36.	Industrial activity	(a) being or not being a member of, or joining, not joining or refusing to join, an industrial organisation or industrial association; or (b) establishing or being involved in establishing an industrial organisation or forming or being involved in forming an industrial association; or (c) organising or promoting or proposing to organise or promote a lawful activity on behalf of an industrial organisation or industrial association; or (d) encouraging, assisting, participating in or proposing to encourage, assist or participate in a lawful activity organised or promoted by an industrial organisation or industrial association; or (e) not participating in or refusing to participate in a lawful activity organised or promoted by an industrial organisation or industrial association; or (f) representing or advancing the views, claims or interests of members of an industrial org
37.	Lawful sexual activity	means engaging in, not engaging in or refusing to engage in a lawful sexual activity;
38.	Marital status	means a person's status of being— (a) single; or (b) married; or (c) a domestic partner; or (d) married but living separately and apart from his or her spouse; or (e) divorced; or (f) widowed
39.	Parental status or status as a carer	parent includes— (a) step-parent; (b) adoptive parent; (c) foster parent; (d) guardian; carer means a person on whom another person is wholly or substantially dependent for ongoing care and attention, other than a person who provides that care and attention wholly or substantially on a commercial basis;
40.	Physical features	physical features means a person's height, weight, size or other bodily characteristics;
41.	Political belief or activity	means— (a) holding or not holding a lawful political belief or view; (b) engaging in, not engaging in or refusing to engage in a lawful political activity;
42.	Pregnancy	being or planning to become pregnant. Includes making decisions based on the assumption that someone is, or will become pregnant

ORGANISATIONAL  
**DIRECTION**

Our organisation will be:

An innovative and flexible leader, and a constructive partner, that values the strengths of others;  
A place where people can do their best and be proud of their achievements.

**COUNCIL PURPOSE**

We exist to: **Help our community and environment to thrive**



43.	Race	including colour, descent or ancestry, nationality and national origin, ethnicity or ethnic origin
44.	Religious belief or activity	means— (a) holding or not holding a lawful religious belief or view; (b) engaging in, not engaging in or refusing to engage in a lawful religious activity;
45.	Sex	being male or female
46.	Sexual orientation	means homosexuality (including lesbianism), bisexuality or heterosexuality;
47.	Expunged homosexual conviction	means an expunged conviction within the meaning of Part 8 of the Sentencing Act 1991
48.	Personal association	(whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

**ORGANISATIONAL DIRECTION**

Our organisation will be:  
An innovative and flexible leader, and a constructive partner, that values the strengths of others;  
A place where people can do their best and be proud of their achievements.

#### 4.7 Road Management Plan Review

**Author's Title:** Manager Engineering Services

**General Manager:** Anne Howard

**Department:** Engineering Services

**File No:** F18/1655

**Division:** Governance & Infrastructure

**Trim No:** IC18/1917

**Appendix:**

1. Road Management Plan 2017-2021 - Amended September 2018 (D18/150629)

**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 the amendments to the Road Management Plan and submissions received in response to the exhibition of the proposed amendments.

#### **Summary**

Council considered the report to amend the Road Management Plan (the Plan) at its ordinary meeting on the 25 September 2018. The Plan was placed on public exhibition and at the end of the submission period two submissions had been received. Council also received a late submission.

One submitter requested to be heard but did not appear at the Hearing of Submissions committee meeting that was scheduled for 13 November 2108.

The amended Road Management Plan is now presented to Council for finalisation of the review process.

#### **Recommendation**

That Council:

1. Notes the exhibition of the proposed amendments the Road Management Plan and receipt of three submissions received in response to the exhibited document.
2. Adopts the amended Road Management Plan to take effect from 1 January 2019.
3. Notes that officers will provide a written response to each submitter of its determination on the amendments to the Road Management Plan.

#### **Council Resolution**

##### **MOVED Cr Margot Smith, Seconded Cr Carol McGregor**

That Council:

1. Notes the exhibition of the proposed amendments the Road Management Plan and receipt of three submissions received in response to the exhibited document.
2. Adopts the amended Road Management Plan to take effect from 1 January 2019.
3. Notes that officers will provide a written response to each submitter of its determination on the amendments to the Road Management Plan.

CARRIED 7:0

## 4.7 Road Management Plan Review

### Report

#### **Background**

The current Road Management Plan was adopted at the ordinary Meeting of Council held on the 27 June 2017. Council has been operating under the Road Management Plan for over 12 months and a review has identified a number of opportunities for improvement. These include:

- Minor changes to the body of the report to make it easier to follow and read
- Changes to the intervention actions and timeframes for sealed and unsealed roads
- The inspection schedule has been aligned to the revised road hierarchy and definition of inspection types and to ensure the inspections times are achievable
- The intervention action and repair timelines have also been reviewed to align to the revised road hierarchy and definition of inspection types and to ensure the inspections times are achievable.

At its meeting held on 25 September 2018 Council resolved to publicly exhibit the Amended Road Management Plan and publish a public notice inviting submissions in accordance with section 223 of the *Local Government Act 1989*.

#### **Summary of Submissions**

A total number of three submissions were received in response to the exhibition of the proposed amendments, summarised as follows:

No.	Submitter	Position	Summary of Submission	Officer Response
1.	Individual	Supporting additional funding for roads.	The submitter has requested that Council increase its percentage of budget on roads including widening, line marking and signage.	The submitter request does not seek specific changes to the Road Management Plan requirements with respect to inspection, repair or maintenance of the road network. The request for increased funding may be relevant to the budget process and the submitter should be referred to this process.
2.	Individual	Support the plan.	Seeking more focus on safe road shoulder for cyclists.	The submitter is requesting safer shoulders for cyclist. This request relates to the edge drop on sealed roads which currently is considered reasonably consistent with other Councils. If the intervention level was to be altered it would have a significant increase in expenditure. Council has limited data in relation to customer requests or defects rectification at this time but the matter can continue to be monitored as more data becomes available.
3.	Organisation	Seeking increased frequency of inspections.	The submitter is seeking more frequent inspections on gravel roads and line markings, increased communication on dust suppression program and	The level of inspections of gravel roads is considered appropriate at the present time and reflects a risk-based approach consistent with other councils. Council will

#### 4.7 Road Management Plan Review

No.	Submitter	Position	Summary of Submission	Officer Response
			a higher standard on intervention on areas of potholes. They would like greater advocacy road improvements on the arterial road network.	be monitoring the customer requests for reaction inspections as well as defects arising from its own proactive inspections. The line marking is inspected at night to ensure it meets guidelines. Intervention levels for potholes are generally consistent with some similar Councils. Improvements to line marking are considered as part of the road safety program.

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).

At the Hearing of Submissions Committee Meeting held on 13 November 2018, the committee received submissions on this matter as per the committee's delegation under section 86 of the *Local Government Act 1989*. One submitter indicated that they wished to present their submission to the committee at the meeting but did not attend the meeting. The committee resolved to receive and note the submissions and forward to Council for consideration at the 27 November 2018 Council meeting.

#### **Discussion**

Following the public exhibition of the proposed amendments to the Road Management Plan a number of issues were raised. These issues are summarised below.

- Increased road funding request could be referred to the 2019-20 budget process for consideration.
- To reduce the drop off to provide safer shoulders for cyclist would be an increase in budget allowance that could be referred to the next budget process. There is limited data at this time to provide greater understanding about the prevalence of this issue and the current levels are similar to other councils. This matter should be monitored and considered again as part of the next review.
- Increased inspection frequency of gravel roads would require an increase in budget. Current inspection level is considered appropriate at this time.
- Increased inspection of line markings to ensure they meet night time foggy conditions requirements. Night time inspections are carried out regularly to ensure they meet the standard. Any improvement to the current line marking levels is referred to Council's road safety program.
- Review the standard of pothole repairs for large areas of potholes. The current level is generally consistent with industry peers. Any increased intervention would require increased funding to implement these improvements.
- To advocate for improved road maintenance on the arterial road network.

The submissions that relate to inspection frequency and intervention levels have been considered by officers using both Council's data about service requests and works to fix defects, as well as benchmarking against the Road Management Plans of other similar councils. The review did not identify any immediate concern with the proposed amendments or Road Management Plan.

It is proposed that Council continue to develop its data sets and monitor this information in readiness for the next review, most likely the review that is required to be conducted following the next Council election.

Written responses will be provided to the three submitters that have taken time to review the amendments and the Plan and made the effort to make a submission. Responses will include advice regarding the following:

- The process for making submissions to the 2019-20 budget should they wish to raise funding issues through that process

#### **4.7 Road Management Plan Review**

- That Council's road safety program continues to assist in sealing of shoulders to allow for safer cycling on our rural road, where funds are available.
- That Council continues to seek funding to upgrade cycling routes.
- That Council continues to develop datasets regarding customer requests, inspections, types of defects on sealed and unsealed roads and will use this data in future reviews.

#### **Financial Implications**

Adopting the proposed amendment would have no financial impact on Council.

#### **Council Plan**

Theme 3 Balancing Growth

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

Strategy 3.2.6 Advocate for supporting infrastructure

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

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

Council, as a Road Authority, has a range of functions, powers and duties conferred or imposed on it through a range of legislation including:

- (i) The Road Management Act 2004
- (ii) The Road Safety Act 1986
- (iii) The Local Government Act 1989 (referred to in section 5(2))
- (iv) The Transport (Compliance and Miscellaneous) Act 1983.

Of particular relevance are the following parts of the above legislation:

- Section 40 of the Road Management Act 2004 places a statutory duty on Council to inspect, maintain and repair public roads for which it is responsible
- Section 205 of the *Local Government Act 1989*, requires that Council has the care and management of municipal roads within its responsibility.

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

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

#### **Risk Assessment**

The Road Management Act 2004 empowers Councils to establish a Road Management Plan. The plan outlines Councils commitment to inspections, maintenance and repair of roads to address a nominated hazard or defect. This amendment of the Road Management Plan assists in ensuring that the Plan is an effective document that articulates how Council will meet its duty of care to road users.

#### **Social Considerations**

The exhibition of the Plan has enabled members of the community to review the proposed amendments and the current Plan and make a submission to Council for its consideration.

#### **Community Engagement**

The community was invited to make submissions on the proposed amendments to the Road Management Plan under Section 223 of the Local Government Act.

#### **Environmental Implications**

There are no environmental implications to placing the Road Management Plan on exhibition and adopting the amendment Plan.

#### **Communication**

Council has placed the plan on public exhibition in the local papers and on Council's website inviting submissions from the community and now Council will consider the submissions.



#### **4.7 Road Management Plan Review**

##### ***Options***

##### **Option 1 – Adopt the Amended Road Management Plan as exhibited**

This option is recommended by officers as this will assist in Council's ability to meet its requirements under its Road Management Act.

##### **Option 2 – Reject the proposed amendments to Road Management Plan and continue to operate under the Road Management Plan in its current form**

This option is not recommended by officers as the proposed amendments are considered constructive improvements providing greater clarity to the reader and making minor changes to inspections and intervention levels that will assist Council to continue to meet the commitments outlined in the Plan.

##### **Option 3 – Make further amendments to the Road Management Plan and adopt the amended plan.**

This option is not recommended by officers if the amendments are inconsistent with the service levels in the exhibited or current document. If amendments are made outside of the current or exhibited document then the community will have had the opportunity to consider the proposed amendments and this would not be a transparent process. Such changes may trigger the requirements to re-exhibit the document.

##### ***Conclusion***

The Road Management Plan outlines how Council will satisfy its obligations under the *Road Management Act 2004* to inspect, repair and maintain those roads managed by Council. The Plan has been reviewed in consultation with relevant staff, benchmarked against other similar Councils and has been placed on exhibition under Section 223 of the Local Government Act. The amendment plan is now presented to Council for finalisation of the review.

#### **4.7 Road Management Plan Review**

##### **APPENDIX 1 ROAD MANAGEMENT PLAN 2017-2021 - AMENDED SEPTEMBER 2018**



# Road Management Plan 2017-21

Adopted: 27 June 2017

Proposed Amendment 27 November 2018

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|

## 1 INTRODUCTION

### 1.1 Background

The Surf Coast Shire municipality covers an area of 1,556 square kilometres with a seasonally variable resident population of around 28,941. In addition, it was recorded in the 2015/2016 financial year that Surf Coast Shire had 2.139 million visitors to the municipality including day trippers, overnight visitors and international visitors.

As at the commencement of 2017, Council's road network comprises approximately 1,062 kilometres of roads. The road network includes sealed roads (588kms), unsealed roads (474kms) and tracks.

Approximately 27% of Council's roads are in urban areas and usually include pathways, and road furniture, and kerb and channel that discharges into a drainage network. The remaining roads are classified as rural with stormwater usually controlled by open drains and culverts. Road infrastructure also includes major assets such as bridges and major culverts, roadside drainage, kerb and channel, shared paths and pathway networks.

The condition of these assets and the road environment has a significant impact on the safety of the people who use the network each day for recreation, sport, leisure, education and business.

Council's management of the road network needs to consider both the physical infrastructure and the operation of that infrastructure. To achieve this, Council has a range of policies, procedures and programs that involve day-to-day operations, regular maintenance as well as longer-term investment (*refer to Figure 1*).

An important element of Council's management of the road network relates to how Council defines, identifies and addresses hazards or defects in roads, pathways and road related infrastructure. Defects in these assets are inevitable and so Council establishes its approach to road management by balancing the reasonable needs and views of the road users and the cost of the service delivery to the ratepayers and residents. Accordingly Council sets out in this plan what it believes are reasonable intervention levels, below which a defect does not warrant action but defects identified that exceed those levels will be actioned within a reasonable timeframe.

### 1.2 Legislative Basis

Council, as a Road Authority, has a range of functions, powers and duties conferred or imposed on it through a range of legislation that includes:

- (i) The Road Management Act 2004;
- (ii) The *Road Safety Act 1986* ;
- (iii) The *Local Government Act 1989* (referred to in section 5(2); and
- (iv) The *Transport (Compliance and Miscellaneous) Act 1983*.

The following sections from the above legislation are particularly relevant to this Road Management Plan:

- Section 40 of the *Road Management Act 2004* places a statutory duty on Council to inspect, maintain and repair public roads for which it is responsible.
- Section 205 of the *Local Government Act 1989*, requires that Council has the care and management of municipal roads within its responsibility.

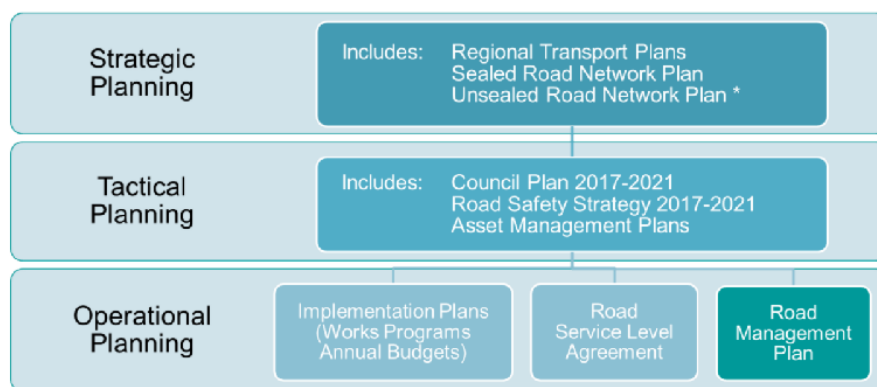
This Road Management Plan is prepared in accordance with Division 5, Sections 49 to 55 of the *Road Management Act 2004*.

### 1.3 Purpose of the Road Management Plan

The purpose of the Road Management Plan is to set out the management system that Council proposes to implement in the discharge of its duty to inspect, maintain and repair the public roads for which the Council is responsible.

The Road Management Plan is an operational plan within Council's hierarchy of road-related plans, as shown in Figure 1 below.

**Figure 1 – Hierarchy of Road-Related Plans**



*\*The Unsealed Road Network Plan was under development at the time of preparing this Road Management Plan.*

The Road Management Plan establishes:

- The timeframes for inspection of the road reserve to identify or assess a nominated hazard or defect (refer to Tables 4 and 5);
- Only defects found to exceed the stated intervention levels in this plan will require repair or a warning;
- The circumstances in which intervention action is to be taken with respect to removal of defects that exceed intervention (refer to Tables 6, 7, 8 and 9); and
- The period of time within which the intervention action is to be taken (refer to Tables 6, 7, 8 and 9).

Council is not responsible for all roads in the municipality and the Road Management Plan only applies to those roads listed on Council's [Roads Register](#) for which Council is the Responsible Road Authority.

In accordance with Section 115 of the *Road Management Act 2004*, a person who intends to take court proceedings in relation to a claim for damages arising out of the condition of a public road or infrastructure must first lodge a written notice with the Council. This notice must be lodged with the Council within 30 days of the incident occurring.

Compliance with the Road Management Plan will contribute to Council's evidence of duty of care for road users.



#### **1.4 An Achievable Plan**

It is important to both road users and ratepayers that the Road Management Plan is achievable. The development of the Road Management Plan has considered information available to Council regarding its financial and non-financial resources, historical performance and has been developed through discussion with the people that deliver the day-to-day services for Council to ensure that targets and timeframes are achievable.

#### **1.5 A Readable Plan**

The Road Management Plan helps the community to understand how Council will meet its obligations under the *Road Management Act 2004*. It is structured and written using simple language where possible. The Road Management Plan presents information in tables where practical and incorporates a number of photos and diagrams to explain some of the more technical terms.

## 2 ROLES OF THE ROAD AUTHORITY

### 2.1 Coordinating Road Authority and Responsible Road Authority

Council is the Coordinating Road Authority as defined by the *Road Management Act 2004* for municipal roads within its boundaries. These are roads that Council considers are reasonably required for general public use.

Council is the Responsible Road Authority for all roads on the road register for which the Council is identified as having care and management responsibility. The Road Management Act 2004 sets out the powers and duties of the road authority to manage the roads for which it is the responsible authority, and to install and maintain infrastructure on those roads.

There are a number of other authorities responsible for parts of the road network and/or infrastructure within the road reserves within the municipality.

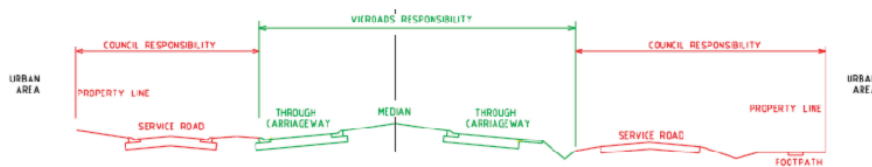
### 2.2 VicRoads

VicRoads is the Coordinating Road Authority for all State Roads.

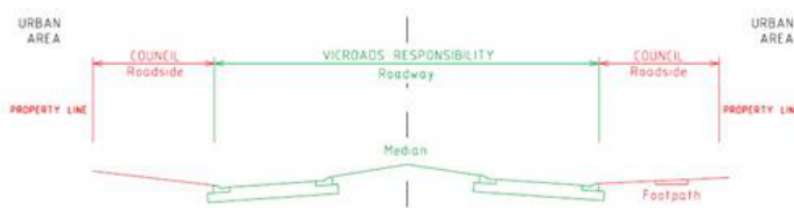
Council is responsible for Council owned assets within road reserves where VicRoads is the Coordinating Road Authority, for example Council pathways on a VicRoads arterial road. Likewise, VicRoads' responsibility can extend into adjoining roads where Council is the Coordinating Road Authority. The demarcation between Council and VicRoads' responsibilities is detailed in the *Road Management Act 2004 Code of Practice – Operational Responsibility for Public Roads (Code of Practice)*.

Figures 2, 3 and 4 provide typical examples of demarcation between VicRoads and Council on roads within the Surf Coast Shire. Other demarcation arrangements can be found by referring to the Code of Practice.

**Figure 2 – Demarcation Arrangements Urban Arterial Roads with service roads**



**Figure 3 – Demarcation Arrangements Urban Arterial Roads**



**Figure 4 – Demarcation Arrangements for Typical Rural Arterial Roads**



### 2.3 Department of Environment, Land, Water and Planning (DELWP)

A number of roads and tracks exist on Crown Land (other than road reserves), or Great Ocean Road Coast Committee (GORCC) eg. national and regional parks. In the absence of any other specific arrangements or agreements, DELWP, Parks Victoria or GORCC have management responsibility of these roads.

### 3 OTHER STAKEHOLDERS

The Road Management Plan is intended to demonstrate to stakeholders that Council is managing its roads and road-related assets responsibly.

#### 3.1 Key Stakeholders

The key stakeholder groups who are both users of the road network and are affected by it include:

- the community in general;
- residents and businesses adjoining the road network;
- pedestrians;
- users of a range of miscellaneous smaller, lightweight vehicles such as bicycles, motorised buggies, wheelchairs and prams;
- vehicle users using motorised vehicles such as trucks, buses, commercial vehicles, cars and motor cycles;
- tourists and visitors to the area;
- utilities as described in Section 3 of the *Road Management Act 2004*;
- school, bus and public transport operators;
- Emergency agencies (Police, CFA, Ambulance, VIC SES); and
- Victorian and Australian Governments.

#### 3.2 Duty of the Road User

Road users have a duty in respect of the use of a road or road related area as defined by the *Road Safety Act 1986*. This duty is set out in Clause 17A of the *Road Safety Act 1986* and imposes an obligation on all road users to operate in a safe manner having regard to the road conditions. A road user must also:

- Have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of themselves or other road users;
- Have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve; and
- Have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

The Road Management Plan does not diminish any obligations of the Road User.

#### 3.3 Duty of Persons working on Municipal Roads

Unless an exemption applies under the *Road Management Act 2004*, an organisation or person must not conduct any works in, on, under or over a road without the written consent of the Coordinating Road Authority.

If required permits are not obtained prior to commencement of eligible works in the road reserve, penalties may apply in accordance with the *Road Management Act 2004*. Fees and penalties are indexed annually by the State Government.

Works requiring written consent of the Coordinating Road Authority include works on pathways and nature strips, including the installation or modifications of driveways outside of private property.

In the case of Municipal Roads, Council is the Coordinating Road Authority. Organisations and people seeking consent for works within road reserves are required to apply for a [Works Within Road Reserve Permit](#). Application forms can be obtained from Council offices or the Council website [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au).

## **4 SCOPE OF THE ROAD MANAGEMENT PLAN**

### **4.1 What does the Road Management Plan address?**

The Road Management Plan outlines how Council will satisfy its obligations under the *Road Management Act 2004* to inspect, repair and maintain those roads management by Council.

The *Road Management Act 2004* imposes a statutory duty to inspect the following parts of a public road:

- a) a roadway;
- b) a pathway;
- c) a shoulder;
- d) road infrastructure.

When Council inspects the roads on the road register, it will look for hazards and defects that exceed the stated intervention levels in this plan across a number of asset types that include:

- (i) Road surface and supporting pavement;
- (ii) Constructed pathways (pedestrian, bicycle and shared));
- (iii) Constructed car parking (within the road reserve);
- (iv) Road shoulders;
- (v) Bridges and large culverts as part of roads infrastructure;
- (vi) Kerb and channel;
- (vii) Selected regulatory signs

The above applies to public roads listed on the Road Register and includes boundary roads which Council which has responsibility through agreement with the adjoining council.

### **4.2 What does the Road Management Plan not address?**

The Road Management Plan is part of an integrated management approach to Council's road management responsibilities. Each year Council allocates financial and non-financial resources to the operation and maintenance of the road network to support its intended purpose and function.

Although Council also carries out inspection and maintenance of roadside, stormwater and drainage assets, fire hydrants, street trees and information signs, the maintenance and inspection of these assets is outside the scope of this Road Management Plan as they are deemed non-road infrastructure under the Road Management Act. The operation and maintenance of these assets are covered by separate operational plans (refer to Figure 1).

The Road Management Plan does not address recurrent works that may be programmed from time to time. regardless of hazards and defects.

The *Road Management Act 2004* does not impose a statutory duty that creates a duty to upgrade a road or to maintain a road to a higher standard than the standard to which the road is constructed.

The Road Management Plan does not address capital investment or upgrade decisions of Council to upgrade the standard of a road or change its classification in the road hierarchy.

Other matters that are outside the scope of the Road Management Plan are:

- Roads that are managed by VicRoads, other state departments and government authorities (refer to Section 2.2 and 2.3); and
- Private roads and private assets (refer to Sections 4.2.1 and 4.2.2)

#### 4.2.1 Service Utilities

Council is not responsible for service authority assets contained within road reserves where Council is the designated Coordinating Road Authority. These assets include infrastructure for water supply, sewer, telecommunications, gas, electricity, tramways and railway functions, which are the responsibility of the relevant authority.

**Table 1 Service Authority Responsibilities**

Asset Type	Infrastructure Manager
Powerlines, poles and streetlights	Powercor
Traffic signal installations	VicRoads
Telecommunications Infrastructure	Telstra
Water Infrastructure	Barwon Water
Sewerage Infrastructure	Barwon Water
Gas Infrastructure	SP AusNet
Railway lines and crossings	Victrack (refer to Section 4.2.2)
National Broadband Network	NBN

The provision and maintenance of these assets is to conform to the Management of Infrastructure in Road Reserves Code of Practice – October 2008.

In general, Council does not have the authority to undertake works on service authority assets. Often this is due to the safety-related aspects of certain infrastructure, eg. risks with working around electricity or confined spaces present with sewerage infrastructure. In these instances Council will if aware refer the hazard or defects to the relevant service authority or infrastructure manager to take action.

Due to the above, management and intervention of hazards relating to non-road infrastructure that is the responsibility of service authorities, are excluded from Council's responsibilities under the Road Management Plan.



#### 4.2.2 Rail-related assets

VicTrack is responsible for maintaining railway level crossings which include the area in the immediate vicinity within three (3) metres of the railway line. Council is responsible for maintaining the approaches to the rail line and approach signage on the municipal road network. VicTrack is also responsible for road and pedestrian bridges over rail and rail over road bridges within the municipality, unless there is an individual agreement stating otherwise

#### 4.2.3 Private roads

Council has a role in supervising the construction of private subdivisional works that occur within the municipality. This ensures that assets are constructed to an appropriate standard. Roads which are constructed as part of a subdivision are generally private roads until such time as the Statement of Compliance is finalised at which point they become public roads. There are some roads which remain privately owned and maintained. Council is not responsible for these roads.

#### 4.2.4 Vehicle Crossovers

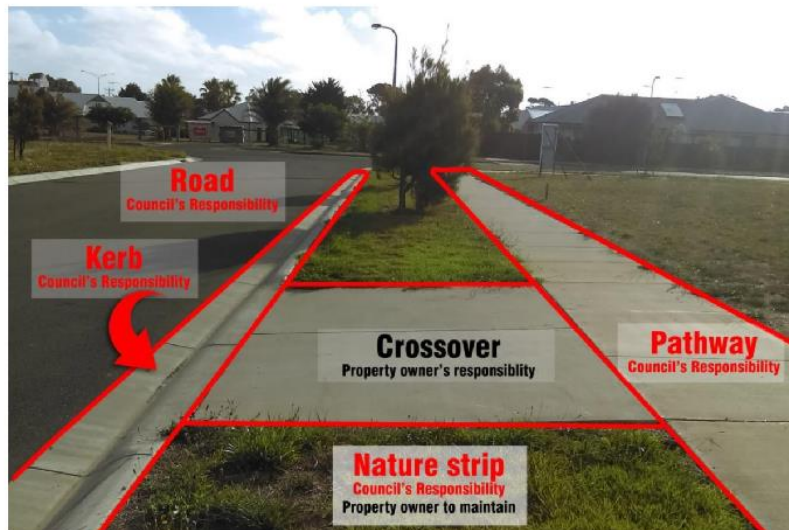
A vehicle crossover (alternatively referred to as a driveway) provides vehicular access to private property from the traffic lane of the public road.

Vehicle crossovers are the responsibility of the abutting landowner and are constructed to Council standards at the landowner's expense. Landowners are responsible for ensuring the crossovers are maintained in a safe condition.

If a pathway is constructed in front of the property, Council is responsible for the section of pathway through the crossover.

The following diagram illustrates the layout of a typical vehicle crossover in urban areas, showing Council's responsibility and that of the property owner.

Figure 5 – Typical Urban Crossover



In the rural area, the typical crossover may consist of a crushed rock pavement, or sealed pavement, often including a reinforced concrete pipe or culvert and should include endwalls. All elements are the responsibility of the landowner, including general maintenance and cleaning of the pipe.

Roadside maintenance in rural areas where the speed zone is 100 kilometres per hour is the responsibility of the road authority. If landowners wish to do works in the road reserve, they should contact Council to arrange appropriate approvals.

Figure 6 – Typical Rural Crossover (A)

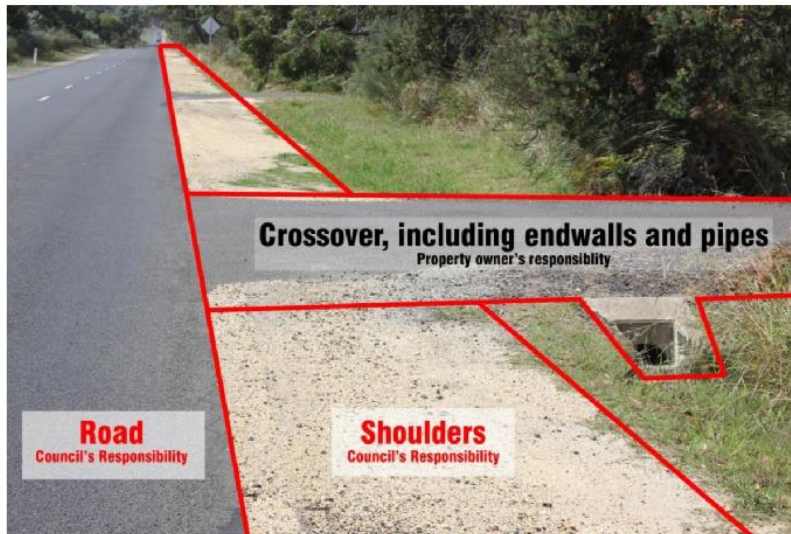
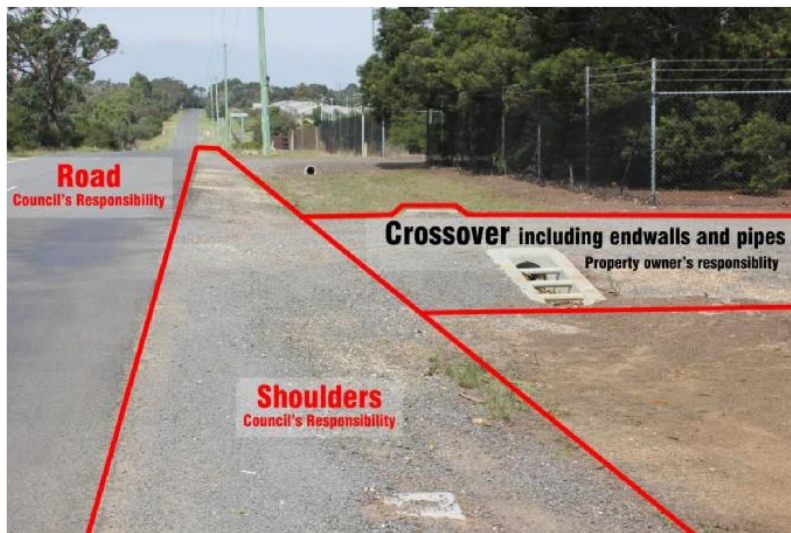


Figure 7 – Typical Rural Crossover (B)



Section 107 of the *Road Management Act 2004* provides that Council is under no statutory duty to inspect, maintain or repair roadside such as nature strips. This also extends to private vehicle crossings (driveways) and pathways on road reserves that provide access to land adjoining a road. This responsibility rests with the adjoining landowner.

Vehicle crossings must comply with Council's specifications and standards. Landowners must obtain a Works Within Road Reserves permit (WWRR) and comply with Council specifications and WWRR permit conditions when constructing vehicle crossovers.

#### **4.2.5 Street Lighting**

Streetlights in road reserves provide a service to the community and by agreement are funded by the Council. However, they are owned and maintained by the respective network provider. They are therefore not covered by this Road Management Plan. The levels of service relating to these assets are considered through the Asset Management Plan and arrangements made directly with the appropriate utility.

#### **4.2.6 Works within Road Reserves by Others**

Periodically Council will issue permits and approvals for other parties to undertake works in the road reserve (refer to Section 3.3). The Works Manager responsible for delivery of these works will be responsible for the condition of the road reserve from the commencement of construction until such time that a post-construction inspection has been conducted by Council confirming that reinstatement is satisfactory and that no hazards are present due to the works.

Until a post-construction certification or record is provided by Council, the Works Manager will be deemed to be responsible for the area of works. In situations where hazards or damaged assets are identified through inspection, and have been caused by others undertaking works in the road reserve, Council will make a record of the inspection finding and provide notice to the Works Manager to rectify the issues at their cost as per Schedule 7 of the *Road Management Act 2004*.

Management and intervention relating to hazards or damaged assets that are under the responsibility of a Works Manager or others, as outlined above, are considered to be outside of Council's responsibilities under the Road Management Plan.

## 5 IMPLEMENTATION OF THE ROAD MANAGEMENT PLAN

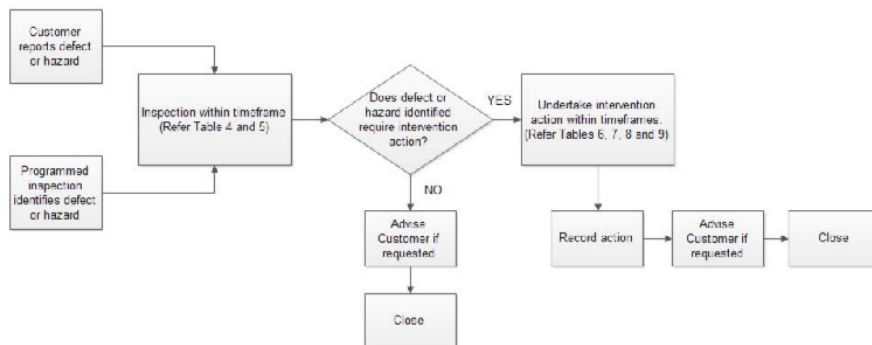
### 5.1 Systems, processes and skills required to implement the Road Management Plan

Council recognises that establishing targets in the Road Management Plan does not ensure their achievement. As part of the development of this Road Management Plan, Council's road management processes have been reviewed. The systems that support these processes have been aligned to the targets set in the plan and Council staff have been engaged to assure that there is both an understanding and appreciation of the role and importance of the Road Management Plan in Council's day-to-day operations.

Council's commitment to implementation of the Road Management Plan includes:

- Development of systems and processes that align to the timeframes established in this Road Management Plan;
- Training of relevant officers to ensure understanding of the existence, intent and delivery of the Road Management Plan and that annual refresher training will be delivered to staff;
- Presentation of regular reporting of the organisation's performance against compliance with this Road Management Plan to the Executive Management Team, the Audit and Risk Committee and to Council as per agreed reporting schedules; and
- Opportunities to improve the standards, understanding and implementation of the Road Management Plan, particularly noting opportunities emerging through new technology and Digital Transformation.

**Figure 8 – Process for actioning identified hazards and defects**



### 5.2 Reviews of the Road Management Plan

The Road Management Plan will be reviewed within the timeframes required under the *Road Management Act 2004*.

Council may also choose to review its Road Management Plan if:

- there are changes to legislation;
- there is an issue identified with the Road Management Plan;
- there is an issue identified with Council's performance against the plan; or
- Council's capacity to meet its obligations under the plan change substantively.

### 5.3 Suspension of the Road Management Plan

Although Council will make every endeavor to meet all aspects of the Road Management Plan, Council reserves the right to suspend compliance during extreme events. Pursuant to Section 83 of the *Victorian Wrongs Act (1958)*, Council's obligations may be suspended in the event of:

- Natural disasters - including, floods, fires, droughts, etc.
- Human factors - such as unavailability of Council staff or qualified Contractors.
- Any other major event beyond the control of Council.

In such circumstances, the General Manager Governance and Infrastructure may deem that the requirements of Council's Road Management Plan cannot be satisfied and will seek the Chief Executive Officer's approval to suspend all, or part of this Road Management Plan. The General Manager Governance and Infrastructure will advise the Chief Executive Officer which activities and response times in the Road Management Plan cannot be achieved.

If the Road Management Plan is suspended, the Chief Executive Officer will:

- (i) Ensure that there is a record of when the Road Management Plan is suspended and the circumstances that led to the suspension;
- (ii) Determine whether interim timeframes and responses will apply;
- (iii) Determine which parts of the Road Management Plan are to be reactivated and when; and
- (iv) Ensure that there is a record of when the Road Management Plan is reactivated.

In the event that the Chief Executive Officer suspends all or part of the Road Management Plan, Council will issue a public notice on its website and local papers to advise residents about the suspension or reduction of services under the Road Management Plan.

#### 5.3.1 Extreme or Code Red Days

Council's priority on any day declared as Extreme or Code Red by the Country Fire Authority is for the safety of its employees, councilors', contractors and volunteers. On these days, Council's Code Red and Extreme Fire Danger Policy will apply and have precedence over any aspect of the Road Management Plan.

- Council Services in all areas, except the Civic Offices, will not be provided on days declared as Code Red.
- Council Services in Highest Risk Areas during Highest Risk Times will not be provided on days declared as Extreme in the Surf Coast Shire.
- Council Services based in all other areas on days declared as an Extreme will be provided unless:
  - Staff required to provide these services have to travel through Highest Risk Areas at Highest Risk Times; or
  - Emergency Services advise it is unsafe to provide Council services.



## 6 ROAD REGISTER

Section 19 of the *Road Management Act 2004* requires that a road authority must keep a Register of Public Roads specifying the public roads in respect of which it is the Coordinating Road Authority.

Council's Register of Public Roads is available for inspection on Council's website via [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au).

The Register of Public Roads includes the following details:

- Road name and locality
- Road section description
- Responsible Road Authority
- Road classification
- Asset hierarchy
- The date on which the road became a public road, if it became a road after 1 July 2004
- Other relevant details

The Road Register will be updated at intervals of no greater than 12 months and the current register will be accessible on Council's website.

### 6.1 Hierarchy Classifications

Based on factors such as functionality, traffic volumes, traffic type and accessibility, Council has developed a road hierarchy for the Municipal Road Network.

The Levels of Service provided by a particular road will depend in part on its road hierarchy classification. The road hierarchy classifications for each Municipal road and path are detailed in the [Road Register](#).

**Table 2 Road and Pathway Hierarchy Classification**

Asset type	Road Hierarchy Classification	Road Hierarchy Description
Roads	Primary Collector	Provides a strategic link between arterial roads, suburbs, commercial areas, major housing areas or a defined destination. Access to tourist facilities or industrial centres and may include regional links. These roads carry the heaviest volumes of traffic.
	Secondary Collector	Provides connection into residential areas. These roads carry heavy volumes of traffic.
	Primary Access	Provides access to local residents or secondary access to commercial areas.
	Secondary Access	Provides secondary access to residential properties, or provides access to property (non-residential) only.

Asset type	Road Hierarchy Classification	Road Hierarchy Description
	Tracks	<p>These tracks have little or no imported pavement material but are not closed to the public. They are infrequently used or dry weather or fire access only.</p> <p>These tracks are not maintained to a standard suitable for general public access and are excluded from the inspection and response requirements of the Road Management Plan. Council may undertake maintenance on nominated fire access tracks to allow access for fire fighting vehicles. This is done through specific agreement rather than under the Road Management Plan.</p>
Pathways	Primary Pathway	Pathways, including shared pathways, providing direct access or adjoining to significant facilities such as Shopping Precincts / Aged Care Units / Schools / Kindergartens / Hospitals
	Secondary Pathway	Remainder of constructed pathway network

## 6.2 Boundary Roads

It is more efficient and economical for certain councils to maintain particular roads. This may be due to their isolation from the rest of a neighbouring Council's road network or other efficiency-related reasons. Refer to Appendix A. Surf Coast Shire Council has roads in the following categories:

- Shared roads
- Surf Coast roads maintained by others under written agreement; and
- Another council's roads maintained by Surf Coast Shire Council.

## **7 SETTING SERVICE LEVELS**

### **7.1 Principles and Risk Management Philosophy**

Section 20 of the *Road Management Act 2004* states that “the principal object of road management is to ensure that a network of roads is provided primarily for the movement of persons and goods as part of an integrated transport system and that road reserves are available for other appropriate uses.”

A key principle of the *Road Management Act 2004* that applies to the management of works and infrastructure is the minimisation of road safety hazards. In the application of this principle, Council has taken a risk management approach to the development of timeframes and intervention levels that apply to inspections, and any necessary repairs of defects that are found to exceed stated intervention levels. .

The hazards and defects, intervention levels and timeframes documented in this Road Management Plan have considered:

- The anticipated traffic volumes of different classification of roads;
- The likelihood that a particular type or extent of defect or hazard may contribute to an incident resulting in harm to persons or damage to property; and
- The potential harm that might be experienced in the event of an incident.

The above considerations are balanced with the cost to the community of infrastructure and services.

The above principles and considerations are reflected in the nominated timeframes and intervention levels outlined in Tables 4 to 9.

### **7.2 Community considerations**

Council sets levels of service for its roads in accordance with the needs of the community. To do this Council uses various techniques to identify those needs, then considers those needs within the overall context of its road management resources.

Techniques to identify the community needs include:

- Community Satisfaction Measurement Survey;
- Council’s Customer Service Request system data.

### **7.3 Financial and non-financial considerations**

To evaluate its resources, Council’s considerations include:

- Asset Management requirements as outlined in “Strategic Overview of Asset Management” and “Roads Asset Management Plan” documents.
- Level of service (Road Maintenance Service Level Agreement and Infrastructure Design Manual).
- Annual budget for both recurrent and capital works expenditure.



#### 7.4 Inspection, maintenance and repair commitments

For the purpose of the tables in Section 7, Council defines “days” as usual business days, excluding weekends, public holidays, and common rostered days off.

##### 7.4.1 Inspection types

Council undertakes regular inspections of municipal roads as part of the Road Management Plan. The table below outlines the definition and purpose of each inspection type.

**Table 3 Inspection Types**

Inspection Type	Definition and Purpose
<b>Reactive inspection</b>	<ul style="list-style-type: none"> <li>• Inspections undertaken in response to notification to council by members of the community.</li> <li>• These inspections allow Council to program required works where an intervention action is warranted.</li> </ul>
<b>Proactive Inspection</b>	<ul style="list-style-type: none"> <li>• Inspection undertaken in accordance with a programmed inspection schedule.</li> <li>• These inspections determine if the road asset complies with the levels of service as specified.</li> </ul>
<b>Condition Inspection</b>	<ul style="list-style-type: none"> <li>• Inspection undertaken specifically to identify deficiencies in the structural integrity of the various components of the road infrastructure assets which if untreated, are likely to adversely affect the lifespan of the asset.</li> <li>• Condition data will inform Council’s long term asset management planning.</li> <li>• Such inspections are not intended to measure individual defects against the relevant intervention levels, this is done via the proactive and reactive inspections.</li> </ul>
<b>Incident Inspection</b>	<ul style="list-style-type: none"> <li>• An inspection carried out to comply with the requirements the Road Management Act [Division 5 – Claims Procedure, Clause 116];</li> <li>• This inspection enables an incident condition report to be prepared for use in legal proceedings and the gathering of information for the analysis of the causes of accidents and the planning and implementation of road management and safety measures.</li> </ul>

##### 7.4.2 Inspection frequency

An inspection regime has been established for all roads and road related infrastructure identified as part of the Road Management Plan. This regime has been established having considered issues outlined in Section 6.1. The frequency of the inspections is greater for roads and road related infrastructure of higher classification and usage.

**Table 4 Inspection Program and/or Response Times for Roads**

Inspection type	Hazard or defect	Collector Roads		Access Roads		Tracks
		Primary Collector	Secondary Collector	Primary Access	Secondary Access	
Reactive Inspection	Water over road Spillage / obstruction Stop and Give Way signage	Respond by inspecting within four (4) <b>hours</b> and implement temporary measures such as signage as required.	Respond by inspecting within four (4) <b>hours</b> and implement temporary measures such as signage as required.	Respond by inspecting within four (4) <b>hours</b> and implement temporary measures such as signage as required.	Respond by inspecting within four (4) <b>hours</b> and implement temporary measures such as signage as required.	No inspections carried out by Council.
Reactive Inspection	Other defects as listed on Tables 6, 7, 8 and 9.	Respond by inspecting within five (5) <b>days</b>	Respond by inspecting within five (5) <b>days</b>	Respond by inspecting within five (5) <b>days</b>	Respond by inspecting within five (5) <b>days</b>	
Proactive Inspection	Refer to Council's Service Level Agreement	Daytime: once within each Calendar month. All roads will be inspected as per maintenance programs, but at least once within each second Calendar months  Night time reflective signage: Once within each Calendar year during winter season	Daytime: Based on the maintenance program, but at least once within each second Calendar months  Night time reflective signage: Once within each Calendar year during winter season	Daytime: Based on the maintenance program, but at least once within each third Calendar months .  Night time reflective signage: Once within each third Calendar year during winter season	Based on the maintenance program, but at least once within each sixth Calendar months  Night time reflective signage: Once within each third Calendar year during winter season	
Condition Inspection	As per Council's Condition Inspection methodology	Once within every 36 months period	Once within every 36 months period	Once within every 36 months period	Once within every 36 months period	

**Table 5 Inspection Program and/or Response Times for Pathways**

Inspection type	Hazard or defect	Primary Pathway	Secondary Pathway
Reactive Inspection	Other defects as listed on Table 6, 7, 8 and 9.	Respond by inspecting within three (3) days	Respond by inspecting within three (3) days
Proactive Inspection	Refer to Council's Service Level Agreement	Based on the maintenance program, but at least once within each 6 Calendar months.	Based on the maintenance program, but at least once within each Calendar year.
Condition Inspection	As per Council's Condition Inspection methodology	Once within every 36 month period	Once within every 36 month period

### 7.4.3 Intervention action

It is inevitable that assets deteriorate over time and through use. Road-related assets may deteriorate and defects might be detected but do not exceed stated intervention levels requiring action at that point.

When a defect is identified by Council that does exceed its stated intervention levels then these will be addressed through an intervention action. Council has defined the criteria for which it will take an intervention action in this Road Management Plan. From time to time Council may at its discretion chose to address a defect that is below intervention levels through routine and programmed maintenance activities. It is important to note that this would be purely as part of a long term asset preservation strategy and not because it believes such a defect represents a hazard.

Criteria for interventions actions are presented in Tables 6, 7 and 9 of the Road Management Plan.

Further definitions and clarifications follow to assist the understanding of defects and intervention actions.

#### Signage

Regulatory signs are enforceable by law and must be obeyed by road users. The types of regulatory signs are limited to the following:

- Stop
- Give Way
- Roundabout
- One Way
- Keep Left/Right
- No Entry
- No U Turn
- Speed restriction

Warning signs (black symbol on a yellow background) indicate road conditions and are limited to the follow:

- Alignment signs (W1 type)
- Intersection and junction signs (W2) type

Standard signs are all other signs not listed above.

#### Pipes and Culverts

Council defines a culvert as a transverse and totally enclosed drain under a road, railway or culvert.

A major culvert is a drain greater than six square metres in open flow area.

**Table 6 Intervention Actions and Timeframes for Sealed Roads**

Hazard or defect	Criteria for Intervention Action	Collector Roads		Access Roads	
		Primary Collector	Secondary Collector	Primary Access	Secondary Access
Water Across Roads	Obstruction to more than 50% of traffic lane with water greater than 300mm deep.	1 day	1 day	1 day	1 day
Spillage / obstruction	Debris, including fallen limbs, on carriageway causing an obstruction to more than 50% of the traffic lane.	1 day	1 day	1 day	1 day
Rutting	Greater than 150mm depth and less than 300mm depth, greater than 25m long, as measured by a three (3) metre straight edge from centreline towards edge of seal.	50 days	50 days	50 days	60 days
	Greater than 300mm depth and greater than 25m long, as measured by a three (3) metre straight edge from centreline towards edge of seal.	15 days	15 days	15 days	15 days
Potholes	Greater than 50mm depth and less than 100mm depth, with a diameter greater than 300mm.	10 days	10 days	15 days	15 days
	Greater than 300mm diameter and greater than 100mm depth	5 days	5 days	10 days	10 days
Edge Breaks	Reduction in original sealed width of greater than 150mm, for greater than 20 metres in length.	25 days	25 days	60 days	NA
	Reduction in original sealed width of greater than 250mm, for greater than 5 metres in length.	15 days	15 days	30 days	NA
Shoulders	Edge of seal drop greater than 100mm, for greater than 20 metre length of seal.	50 days	50 days	60 days	60 days

**Table 6 Intervention Actions and Timeframes for Sealed Roads**

Hazard or defect	Criteria for Intervention Action	Collector Roads		Access Roads	
		Primary Collector	Secondary Collector	Primary Access	Secondary Access
Sight distances - grass/shrubs	Intersections where grass/shrub height is greater than 900 mm above the general road surface level and within the sight triangle. <i>(Refer to Appendix D).</i>	5 days	10 days	15 days	20 days
Sight distances - overhanging vegetation	Intersections where overhanging vegetation sit below 2 metres above the general road surface and within the sight triangle. <i>(Refer to Appendix C).</i>	5 days	10 days	15 days	20 days
Signage – Stop and Give Way	Signs missing or more than 70% of sign illegible at 100m distance.	4 hours	4 hours	4 hours	4 hours
Signage – Other regulatory signage	Sign missing or more than 70% of sign illegible at 100m distance.	10 days	10 days	10 days	10 days
Vegetation Clearance (Appendix C)	Overhanging vegetation above traffic lanes less than 4.9m from the road surface.	60 days	60 days	100 days	100 days

**Table 7 Intervention Actions and Timeframes for Unsealed Roads**

Hazard or defect	Criteria for Intervention Action	Collector Roads		Access Roads	
		Primary Collector	Secondary Collector	Primary Access	Secondary Access
Water Across Roads	Obstruction to more than 50% of traffic lane with water greater than 300mm deep.	1 day	1 day	1 day	1 day
Spillage / obstruction	Debris on carriageway causing an obstruction to more than 50% of the traffic lane	1 day	1 day	1 day	1 day
Rutting	Greater than 150mm depth and less than 300mm depth, greater than 25m long as measured by a three (3) metre straight edge from centreline towards edge of road.	50 days	50 days	50 days	60 days
	Greater than 300mm depth, greater than 25m long as measured by a three (3) metre straight edge from centreline towards edge of road.	15 days	15 days	15 days	15 days
Potholes	Greater than 100mm depth and less than 150mm depth, with a diameter greater than 500mm.	NA	30 days	30 days	30 days
	Greater than 150mm depth, with a diameter greater than 500mm.	NA	15 days	15 days	15 days
Corrugations	Corrugations greater than 35mm in depth to less than 75mm in depth, for a length greater than 300 metres road length.	NA	60 days	60 days	60 days
	Corrugations greater than 75mm in depth, for a length greater than 300 metres road length.	NA	15 days	15 days	15 days
Sight distances - grass/shrubs	Intersections where grass/shrub height is greater than 900 mm above the general road surface level and within the sight triangle. (Refer to Appendix D)	5 days	10 days	15 days	20 days



**Table 7 Intervention Actions and Timeframes for Unsealed Roads**

Hazard or defect	Criteria for Intervention Action	Collector Roads		Access Roads	
		Primary Collector	Secondary Collector	Primary Access	Secondary Access
Sight distances - overhanging vegetation	Intersections where overhanging vegetation sit below 2 metres above the general road surface and within the sight triangle. <i>(Refer to Appendix C)</i>	5 days	10 days	15 days	20 days
Signage – Stop and Give Way	Signs missing or more than 70% of sign illegible at 100m distance	4 hours	4 hours	4 hours	4 hours
Signage – other	Sign missing or more than 70% of sign illegible at 100m distance.	10 days	10 days	10 days	10 days
Vegetation Clearance (Appendix C)	Overhanging vegetation above traffic lanes less than 4.9m from the road surface.	60 days	60 days	100 days	100 days

**Table 8 Intervention Actions and Timeframes for Bridges, Major Culverts and Drainage**

Hazard or defect	Criteria for Intervention Action	Timeframe
Lid/ pit damage/ open	Lid or pit damaged leaving pit open and exposed	1 day
Bridge damage	Implement temporary measures to make safe damage to superstructure of bridge from Level 1 inspection	1 day
	Implement temporary measures to make safe missing planks or railings from Level 1 inspection.	1 day
	Implement temporary measures to make safe damaged planks, railings or signs from Level 1 inspection.	10 days

**Table 9 Intervention Actions and Timeframes for Pathways (concrete, gravel and other)**

Hazard or defect	Criteria for Intervention Action	Primary Pathway	Secondary Pathway
Steps/ Breaks (concrete)	Greater than 20mm step or misalignment in path surface levels	30 days	60 days
Pothole	Greater than 300mm diameter and greater than 50mm depth.	30 days	60 days
Signage	Guideposts or reflectors significantly damaged. Signs missing or less than 70% of sign illegible at 100m distance	30 days	30 days
Vegetation Clearance	Overhanging vegetation above pathway less than 2.5m above path surface	30 days	60 days

## 8 DEFINITIONS

### 8.1 Definitions from the Road Management Act

**arterial road** means a road which is declared to be an arterial road under section 14 of the *Road Management Act 2004*.

**municipal road** means any road which is not a State road, including any road which:

- (a) is a road referred to in section 205 of the Local Government Act 1989; or
- (b) is a road declared by VicRoads to be a municipal road under section 14(1)(b) of the RMA
- (c) is part of a Crown land reserve under the Crown Land (Reserves) Act 1978 and has the relevant municipal council as the committee of management;

**public highway** means any area of land that is a highway for the purposes of the common law;

**public road** means a road opened or dedicated for the free right of passage of the public on foot, in a vehicle, or otherwise, (together with the right to drive stock or other animals along its length) and declared to be a public road for the purposes

**repair** means the taking of any action to remove or reduce a risk arising from a defect in a roadway, pathway or road-related infrastructure, including:

- (a) reinstating a road to its former standard following works to install any infrastructure;
- (b) reinstating a road to its former standard following deterioration or damage;
- (c) providing a warning to road users of a defect in a roadway, pathway or road related infrastructure - but does not include the upgrading of a roadway, pathway or road-related infrastructure

*Examples:* Filling in a pothole in a roadway, resurfacing the roadway and erecting a warning sign would be actions to repair the road.

**road** includes:

- (a) any public highway;
- (b) any ancillary area;
- (c) any land declared to be a or forming part of a public highway or ancillary area.

**road infrastructure** means:

- (a) the infrastructure which forms part of a roadway, pathway or shoulder, including
  - (i) structures forming part of the roadway, pathway or shoulder;
  - (ii) materials from which a roadway, pathway or shoulder is made;
- (b) the road-related infrastructure - does not include:
- (c) if the irrigation channel, sewer or drain is **works** within the meaning of the **Water Act 1989**, any bridge or culvert over an irrigation channel, sewer or drain, other than a bridge or culvert constructed by a road authority; or

**road-related infrastructure** means infrastructure which is installed or constructed by the relevant road authority for road-related purposes to:

- (a) facilitate the operation or use of the roadway or pathway; or
- (b) support or protect the roadway or pathway;

*Examples:* A traffic control sign, traffic light, street light, road drain or embankment would be road-related infrastructure. A noise wall, gate, post or board installed on the road reserve by the relevant road authority for road-related purposes would be road-related infrastructure.

**road reserve** means all of the area of land that is within the boundaries of a road.

## 9 REFERENCES

Legislation, Standards Codes of Practice, Guidelines, Council Strategies, Policies, Quality Plans and Procedures that are relevant to this Road Management Plan include:

Legislation:

- Local Government Act 1989
- Road Management Act 2004
- Transport Act 1983
- Road Safety Act 1986 (Amended 2004)

Regulations:

- Road Management (General) Regulations 2005
- Road Management (Works and Infrastructure) Regulations 2005
- Codes of Practice:
- Road Management Plans
- Clearways on Declared Arterial Roads
- Operation Responsibility for Public Roads
- Worksite Safety – Traffic Management
- Management of Road and Utility Infrastructure in Road Reserves

Council documents:

- Council Plan 2017-2021
- Council Strategic Infrastructure Asset Management Policy 2016
- Council Road Asset Management Plan
- Council Service Agreement for Road Reserve Maintenance
- Council Road Safety Strategy 2017-2021
- Council AusSpec Design & Construction Manual 2003.
- Roadside Vegetation Management Plan
- Construction of Vehicular Property Entrances

## **APPENDIX A - ROADS THAT ARE THE RESPONSIBILITY OF OTHERS**

### **VicRoads – Arterial Roads (Highways, Main Roads and Tourist Roads)**

- Great Ocean Road
- Princes Highway
- Surf Coast Highway
- Anglesea Road
- Barrabool Road (Merrawarp Road to Devon Road)
- Bells Beach Road (Bones Road to Jarosite Road)
- Bells Boulevard
- Birregurra Deans Marsh Road
- Bones Road (Bells Boulevard to Bells Beach Road)
- Deans Marsh Lorne Road
- Devon Road
- Hendy Main Road
- Inverleigh Winchelsea Road
- Winchelsea Deans Marsh Road
- Lower Duneed Road
- Mt Duneed Road (Surf Coast Hwy to Anglesea Road)
- 

### **Shared Road Responsibilities**

Roads where the centreline forms the shire boundary, have historically been maintained with a formal or informal agreement between the two Councils.

The *Road Management Act* requires clarification of the responsibilities for these roads and allows Surf Coast Shire Council to transfer responsibility for maintenance to another entity.

The following is a breakdown of the shared boundary roads, roads which the Surf Coast Shire will accept full responsibility (inspect, maintain and repair in accordance with our standards), and roads which we have transferred responsibility to another Road Authority.

### **Colac Otway Shire**

#### Maintained By Surf Coast Shire Council

- Benwerrin Mt. Sabine Road (1km south of Erskine Falls Road to Shire Boundary)
- Ingleby Road
- Pennyroyal Wymbooliel Road
- Prices Lane (Cressy Road to Ondit Road West)
- Salt Creek Road (Cape Otway Road to Rifle Butts Road)
- Wingeel Road (Cressy Road to McIntyres Road)

Maintained by Colac Otway Shire

- Bushs Lane
- Lidgerwoods Lane
- Prices Lane (Ondit Road West to Princes Highway)
- Salt Creek Lane (Rifle Butts Road to Birregurra Deans Marsh Road)

**Golden Plains Shire**

Maintained by Surf Coast Shire Council

- McIntyres Road
- Pollocksford Road Bridge

Maintained by Golden Plains Shire

- Gallaghers Road
- Barwon Park Road Bridge
- Flemmings Road Bridge

**City of Greater Geelong**

Maintained by Surf Coast Shire Council

- Honeys Road
- Mt Duneed Road (Anglesea Road to Pettavel Road)
- Pettavel Road (Princes Hwy to Mt Duneed Road)

Maintained by City of Greater Geelong

- Blackgate Road (Breamlea Road to Bridge)
- Breamlea Road (Barwon Heads Road to Blackgate Road)
- McCartney's Bridge (Blackgate Road)

Arrangements are in place to clarify maintenance responsibility for these roads. The Road Register identifies which Councils have maintenance responsibilities for various sections of the boundary roads.

Councils generally share road or bridge renewal and rehabilitation costs on an equal basis when these works are require

**APPENDIX B - EXAMPLES OF HAZARDS AND DEFECTS**

Photo Reference	1 and 2
Inspect for	Rutting
Classification	Sealed road
Photo 1 – Requires intervention action	Photo 2 - Below intervention action
	
Greater than 150mm depth, greater than 25m long.	Less than 150mm depth, less than 25m long.



Photo Reference	3 and 4
Inspect for	Potholes
Classification	Sealed road
Photo 3 – Requires intervention action	Photo 4 - Below intervention action
	
Potholes greater than 300mm diameter and greater than 50mm depth.	Potholes less than 300mm diameter and less than 50mm depth

Photo Reference	<b>5 and 6</b>
Inspect for	<b>Edge breaks</b>
Classification	<b>Sealed road</b>
<b>Photo 5 – Requires intervention action</b>	<b>Photo 6 - Below intervention action</b>
	
Reduction in original seal width. 150mm for greater than 20 metres in length.	Reduction in original seal width. Less than 150mm for less than 20 metres in length.



Photo Reference	<b>7 and 8</b>
Inspect for	<b>Shoulders</b>
Classification	<b>Sealed road</b>
<b>Photo 7 – Requires intervention action</b>	<b>Photo 8 - Below intervention action</b>
	
Edge of seal drop greater than 100mm for greater than 20m in length.	Edge of seal drop less than 100mm for less than 20 metres in length.



Photo Reference	<b>9 and 10</b>
Inspect for	<b>Rutting</b>
Classification	<b>Unsealed road</b>
<b>Photo 9 – Requires intervention action</b>	<b>Photo 10 - Below intervention action</b>
	
Greater than 150mm depth, and greater than 25m long.	Less than 150mm depth, and less than 25m long.

Photo Reference	<b>11 and 12</b>
Inspect for	<b>Potholes</b>
Classification	<b>Unsealed road</b>
<b>Photo 11 – Requires intervention action</b>	<b>Photo 12 - Below intervention action</b>
	
Greater than 500mm diameter and greater than 100mm depth, or more than 10 potholes of this size or greater in 10 linear metres.	Less than 500mm diameter and less than 100mm depth, or less than 10 potholes of this size or smaller in 10 linear metres.

Photo Reference	13 and 14
Inspect for	Corrugation
Classification	Unsealed road
<b>Photo 13 – Requires intervention action</b>	<b>Photo 14 - Below intervention action</b>
	
Corrugations greater than 35mm in depth for a length greater than 300m road length.	Corrugations greater less than 35mm in depth for a length greater than 300m road length.

Photo Reference	15 and 16
Inspect for	Lid or pit damage
Classification	Drainage
<b>Photo 15 – Requires intervention action</b>	<b>Photo 16 - Below intervention action</b>
	
Lid or pit damaged leaving pit open and exposed.	

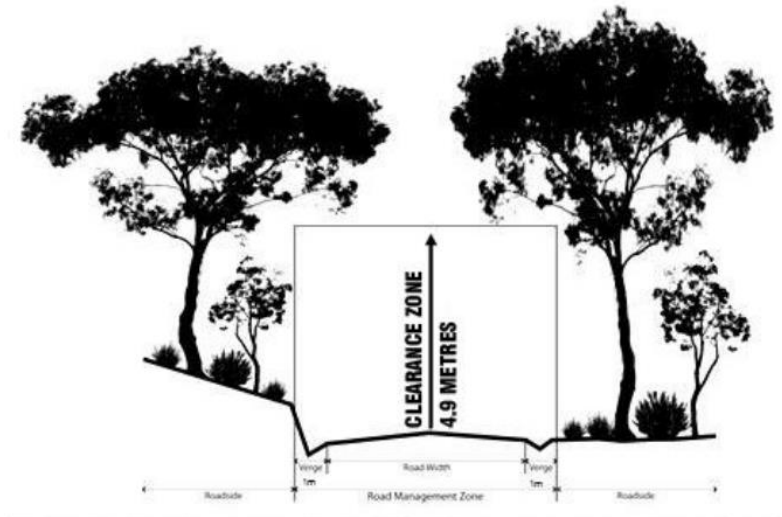
Photo Reference	17 and 18
Inspect for	Damaged planks, railings or signs
Classification	Bridges
Photo 17 – Requires intervention action	Photo 18 - Below intervention action
	
Make safe damage to hand railings.	

Photo Reference	19 and 20
Inspect for	Steps and breaks
Classification	Primary pathways
Photo 19 – Requires intervention action	Photo 20 - Below intervention action
	
Greater than 20mm step or misalignment in concrete path surface levels.	Less than 20mm step or misalignment in concrete path surface levels.

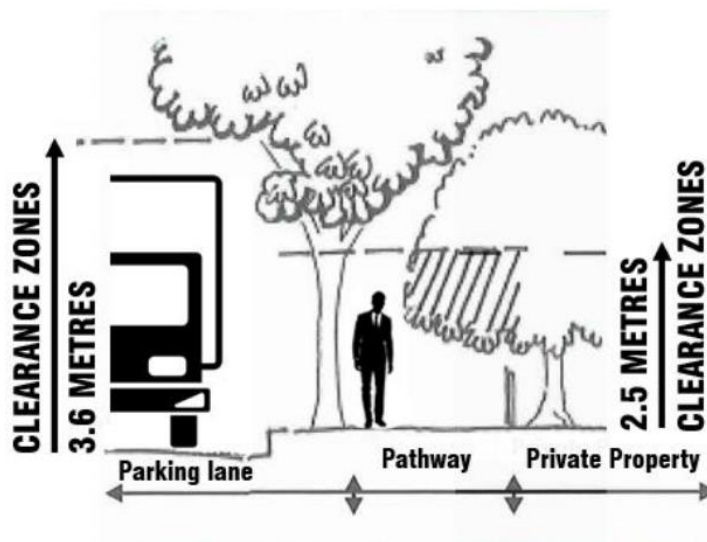


Photo Reference	20 and 21
Inspect for	Water across road, hazard to traffic
Classification	Sealed and unsealed roads
Photo 20 – Requires intervention action	Photo 21 - Requires intervention action
	
Water over the carriageway – hazard to traffic.	Debris on carriageway causing a serious obstacle.

**APPENDIX C - VEGETATION CLEARANCE**

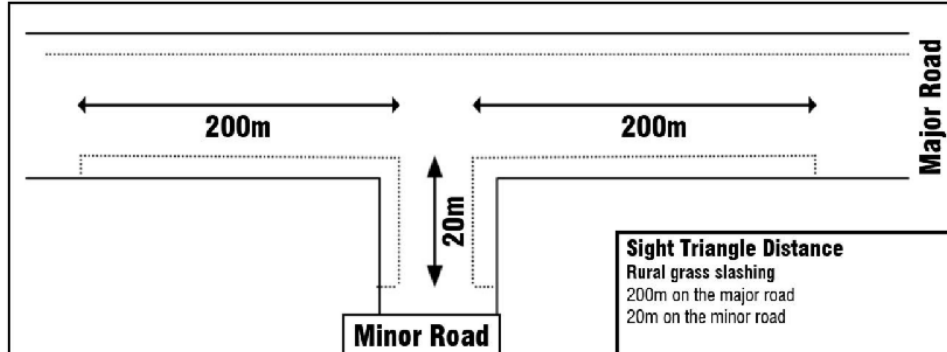


*Above: Example of vegetation clearance zone over traffic lanes (urban and rural).*

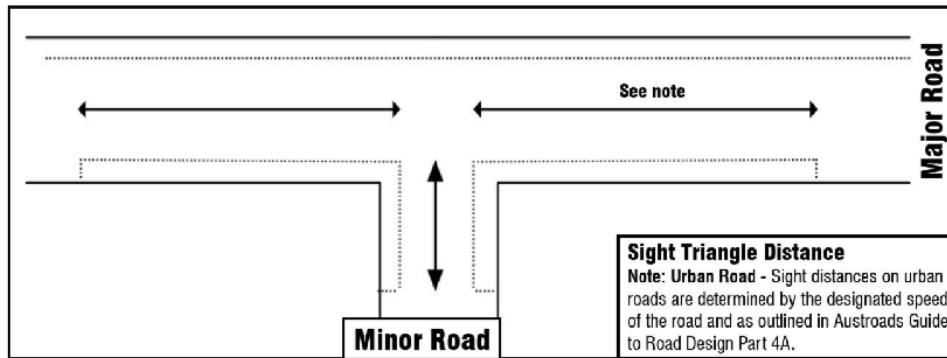


*Above: Example of vegetation clearance zones required from private property in urban areas.*

**APPENDIX D - INTERSECTION SIGHT TRIANGLE**



*Above: Rural road sight triangle distance*



*Above: Urban road sight triangle distance*

#### 4.8 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

**Author's Title:** Manager Governance & Risk

**General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F17/51

**Division:** Governance & Infrastructure

**Trim No:** IC18/1906

**Appendix:**

1. S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987 (D18/148129)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to seek Council's endorsement for authorised officers under the *Planning & Environment Act 1987* through the updated instrument of authorisation and appointment. This request results from recent staff changes.

#### **Summary**

The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the Chief Executive Officer. However the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

The attached instrument of authorisation and appointment has been reviewed and updated following recent staff changes.

The updated instrument of appointment and authorisation under the *Planning and Environment Act 1987* is attached for Council's endorsement.

#### **Recommendation**

That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached instrument of appointment and authorisation ('the instrument'), resolves that:

1. The members of Council staff referred to in the instrument as shown in Appendix 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Local Law No. 2 of 2018 Council Meeting Procedures & Common Seal.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 28 August 2018 is revoked.

#### **Council Resolution**

##### **MOVED Cr Martin Duke, Seconded Cr Margot Smith**

That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached instrument of appointment and authorisation ('the instrument'), resolves that:

1. The members of Council staff referred to in the instrument as shown in Appendix 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Local Law No. 2 of 2018 Council Meeting Procedures & Common Seal.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 28 August 2018 is revoked.

CARRIED 7:0

## 4.8 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

### **Report**

#### ***Background***

The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the Chief Executive Officer. However the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

#### ***Discussion***

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The attached instrument of authorisation and appointment has been reviewed and updated.

#### **Summary of changes:**

Planning and Enforcement staff Marshall Sullivan, Donna Groves, Jayde Whitten and Leah Protyniak have been added to the instrument. Jorgen Peters has been removed as he no longer works at Council.

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

Not applicable.

#### ***Council Plan***

Theme 5 High Performing Council  
Objective Nil  
Strategy Nil

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

The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

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

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

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

The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

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

Not applicable.

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

Not applicable.

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

Not applicable.



#### **4.8 Instrument of Appointment and Authorisation - Planning and Environment Act 1987**

##### ***Options***

##### Option 1 – Endorse the updated instrument of authorisation and appointment

This option is recommended by officers as it will ensure Environmental Health Officers and Local Laws Officers are appropriately authorised under the *Planning & Environment Act 1987*.

##### Option 2 – Not endorse the updated instrument of authorisation and appointment

This option is not recommended by officers as it will limit the authorisations and authority of Environmental Health Officers and Local Laws Officers.

##### ***Communication***

The relevant parties will be notified and the Public Register of Authorised Officers updated.

##### ***Conclusion***

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure they have the required authority to carry out their roles within legislated requirements.

**4.8 Instrument of Appointment and Authorisation - Planning and Environment Act 1987**

**APPENDIX 1 S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987**



**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officers" means -

William Cathcart	Jozo Majic
Ben Schmied	Robert Pitcher
Michelle Watt	Trevor Doueal
Maggie Juniper	Tony Rolfs
Roger Curnow	John Bauer
Jennifer Davidson	Luke Shanhun
Carol Mitchell	Wayne Sandars
Sarah Smith	Ben O'Regan
Cameron Hayes	Adam Lee
Michelle Warren	Sarah Farrer
Karen Hose	Rhonda Gambetta
Sally Conway	Jonathan Brett
Barbara Noelker	Rochelle Humphrey
Claire Cowan	Callum Thompson
Andrew Hewitt	Brendan Walsh
Karen Campbell	Trevor Britten
Bianca Wilkin	Marshall Sullivan
Trent Blackmore	Donna Groves
Nick Helliwell	Leah Protyniak
James Hamilton	Jayde Whitten
Shaun Barling	

**By this instrument of appointment and authorisation Surf Coast Shire Council -**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

Executed by the Chief Executive Officer on behalf of the Surf Coast Shire Council pursuant to the Council resolution dated 27 November 2018.

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

.....  
Chief Executive Officer

.....  
Mayor/Deputy Mayor

.....  
Witness

.....  
Date

## 5. ENVIRONMENT & DEVELOPMENT

### 5.1 Environment & Development Monthly Activity Report - October 2018

**Author's Title:** Executive Assistant  
**Department:** Environment & Development  
**Division:** Environment & Development

**General Manager:** Ransce Salan

**File No:** F18/1519

**Trim No:** IC18/1806

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

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

**Status:**

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to receive and note the Environment & Development monthly activity report for October 2018.

#### **Summary**

The monthly report provides an overview of the Environment & Development division's key activities undertaken in October 2018.

#### **Recommendation**

That Council receives the Environment & Development Monthly Activity Report for October 2018 and notes the following items:

1. In September 76% of all planning applications were issued within 60 statutory days. The comparative average score for the Peri Urban Group for September was also 76%.
2. The October result of 77% of applications issued within 60 statutory days was a slight increase on September.
3. That 23 planning permits were older than 60 days as of 31 October 2018.
4. The Minister of Planning has directed DELWP to work with Council and other key stakeholders to review the Spring Creek PSP in light of concerns relating to the retention of native vegetation, increased housing densities and the provision of a primary school.
5. For the nineteenth year running, Rip Curl staff volunteered their time to work on environmental restoration projects in cooperation with local conservation groups, the Shire, Great Ocean Road Coastal Committee (GORCC) and Parks Victoria.
6. A three year action plan was finalised to deliver Council's Local Food Program.
7. The SurfCoast.Localised campaign was launched which resulted in over 260 Surf Coast local businesses joining in the first six weeks to further enhance the ability for local business to profile themselves and connect with other businesses.
8. The Economic Development Strategy project was initiated which will create a strategic vision and 10 year action plan for the Surf Coast economy.
9. Legislative changes will come into effect on pool and spa barriers on 1 December 2019. It is anticipated this will have significant workload implications for Council.
10. Council received three VCAT decisions during the month. Council's position was supported for two of these matters.

## 5.1 Environment & Development Monthly Activity Report - October 2018

### Council Resolution

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

That Council receives the Environment & Development Monthly Activity Report for October 2018 and notes the following items:

1. In September 76% of all planning applications were issued within 60 statutory days. The comparative average score for the Peri Urban Group for September was also 76%.
2. The October result of 77% of applications issued within 60 statutory days was a slight increase on September.
3. That 23 planning permits were older than 60 days as of 31 October 2018.
4. The Minister of Planning has directed DELWP to work with Council and other key stakeholders to review the Spring Creek PSP in light of concerns relating to the retention of native vegetation, increased housing densities and the provision of a primary school.
5. For the nineteenth year running, Rip Curl staff volunteered their time to work on environmental restoration projects in cooperation with local conservation groups, the Shire, Great Ocean Road Coastal Committee (GORCC) and Parks Victoria.
6. A three year action plan was finalised to deliver Council's Local Food Program.
7. The SurfCoast.Localised campaign was launched which resulted in over 260 Surf Coast local businesses joining in the first six weeks to further enhance the ability for local business to profile themselves and connect with other businesses.
8. The Economic Development Strategy project was initiated which will create a strategic vision and 10 year action plan for the Surf Coast economy.
9. Legislative changes will come into effect on pool and spa barriers on 1 December 2019. It is anticipated this will have significant workload implications for Council.
10. Council received three VCAT decisions during the month. Council's position was supported for two of these matters.

CARRIED 7:0

## 5.1 Environment & Development Monthly Activity Report - October 2018

### PLANNING & DEVELOPMENT

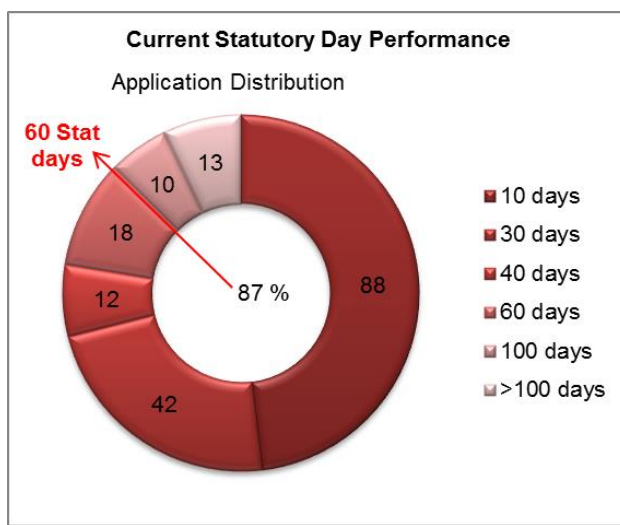
#### Measure: 60 Statutory Days

In September 76% of all planning applications were issued within 60 statutory days. The comparative average score for the Peri Urban Group for September was also 76%.

The October result of 77% of applications issued within 60 statutory days was a slight increase on September. It is anticipated this will stabilise above 80% in the next month with the recruitment of replacement positions in the team.

#### Measure: Current Statutory Day Performance (>60 Statutory Days)

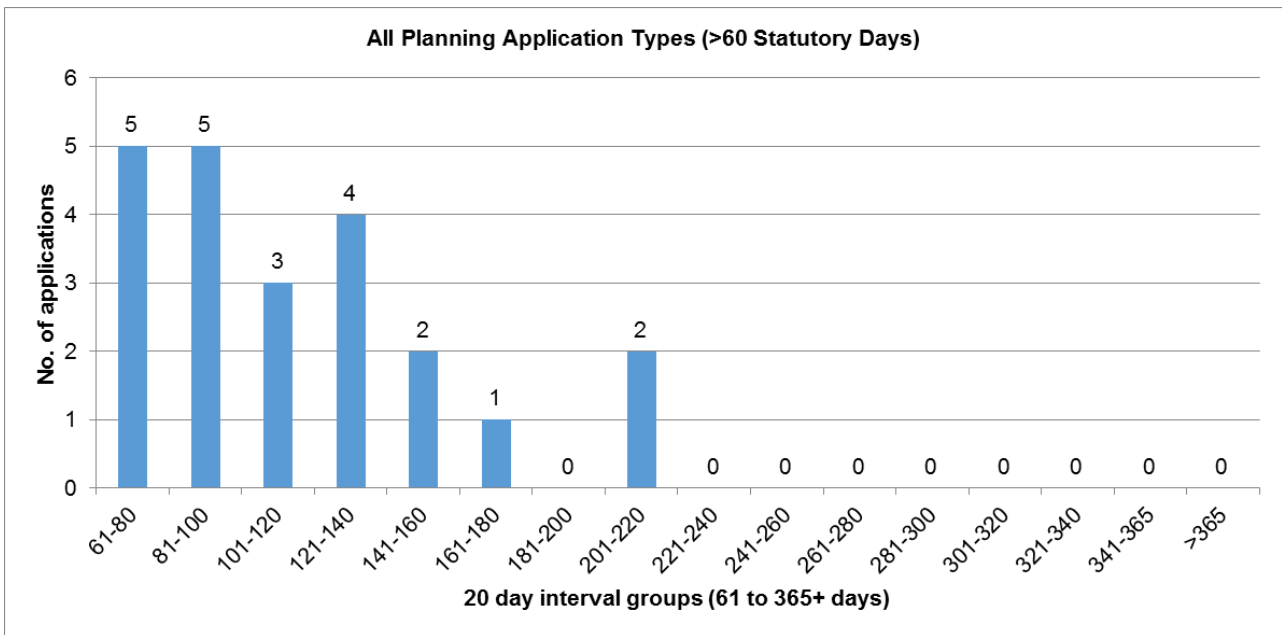
The backlog of applications continues to be reduced (backlog being those applications greater than 60 statutory days). The statistics below are as at 7 November 2018. They show 87% of applications are within the 60 statutory days.



#### Measure: Backlog tail (>60 Statutory Days)

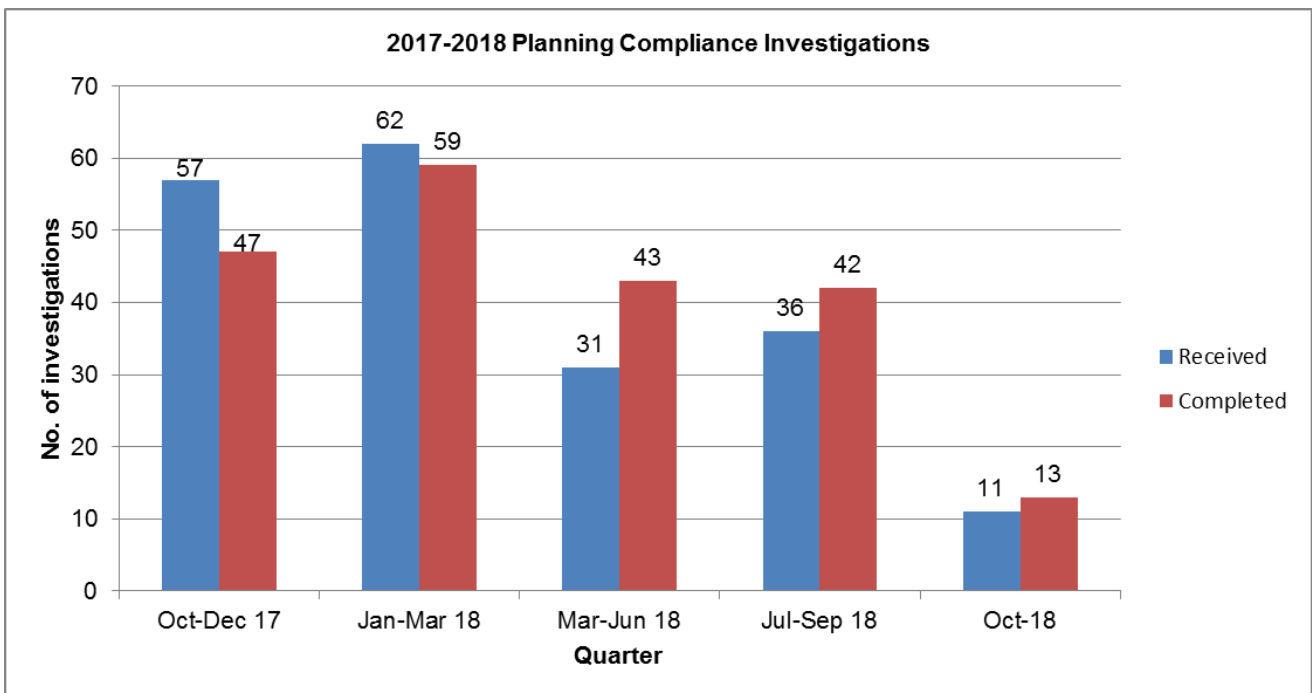
This measure provides a breakdown of the applications that are currently greater than 60 statutory days (as at 7 November 2018). The focus is continuing on reduction of this group of applications. The system has continued to improve planner's ability to track and progress applications with 91% of all applications processed within 100 Statutory Days.

**5.1 Environment & Development Monthly Activity Report - October 2018**



Measure: Compliance Open Investigations

The Planning Compliance team focus continues to be on progressing investigations that involve community members that are being impacted by the actions of others. The aim is to keep this type of complaint to less than 50 live investigations by June 2019 so that compliance investigations are addressed in a timely way. As of 7 November 2018 there were 59 live investigations.



VCAT Decisions

Three VCAT decisions were received by Council in October, with two of the decisions supporting Council's position on these matters.

**30A-32 William Street, Lorne**

The review of Council's decision to grant a permit was brought by an objector owning land to the west, upslope, of the application site. The issue in contention was the impact on views and whether the proposal achieves a reasonable sharing of views. The Tribunal found in favour of Council's decision with only minor

## 5.1 Environment & Development Monthly Activity Report - October 2018

variations to conditions. The objector was concerned about the loss of a 'prized' view to the surf breaking along the point, notwithstanding coastal and open ocean views to the northeast and east being unaffected. The Tribunal found that the "proposed development will result in a small portion of the overall view being lost. Panoramic views will be retained from the review applicant's balcony and lounge room and of ocean views from the kitchen. Together, I find the continued availability of these coastal views represent a reasonable sharing of views."

### 240 Portreath Road, Bellbrae

Council made application for declarations in relation to a range of matters involving the on-going development of the yabby farm at 240 Portreath Road Bellbrae. The use and development of the yabby farm was authorised by Planning Permit 03/0547 issued for aquaculture and construction of dams. By subsequent amendments to the planning scheme, the use of aquaculture in the Farming zone became a section 1 permit not required use and the permit trigger for the construction of a dam larger than 3000 cubic metres was removed. The occupier (Moora Moora) continued to develop the site with dams beyond those permitted by the Permit 03/0547, expanding the aquaculture use. Additionally extracted clay has been supplied to contractors for civil construction projects including the Anglesea landfill.

The proceeding largely concerned whether Permit 03/0457 has expired and if it has not expired does it require further planning permission. The Tribunal found that the permit hasn't expired and therefore the permit and its conditions continue to have effect. Condition 10 of the permit is a typical secondary consent type condition specifying that the use and development shown on the endorsed plans must not be altered without written consent of the responsible authority. The binding decision of the Supreme Court in *Benedetti v Moonee Valley City Council* [2005] held "that such a condition continues to have effect while the owner of the land takes the benefit of the permit. While the development is maintained, the conditional obligation not to modify the layout or the size of the buildings persists." The Tribunal found "that the Permit does require further planning permission as the earthworks and dams have altered the layout of the site without the written consent of the responsible authority." Similarly, the Tribunal also found that an amendment to the permit would be required to farm species other than yabbies.

Whilst the planning scheme no longer requires a planning permit for dams above a certain size, there continues to be a permit trigger in the Farming zone for earthworks which change the rate of flow or discharge point of water across a property boundary. The Tribunal found that "Moora Moora and Council should have been able to tell from the location of the works, shown on the sketches provided, that there could be an impact to the rate of flow of water across the land. There has been no evidence regarding potential impacts to the rate of flow of water across the land and Council should have required Moora Moora, at this point to prove that there was no impact." This related to the historical expansion of dams on the site beyond the permit.

The final matter the Tribunal addressed was whether a permit is required for extraction of clay. The Tribunal found that the past extraction of clay for use at the Anglesea landfill may have been exempt as works carried out on behalf of Council costing less than \$1 million but that any future extraction may not be exempt. In a concluding comment of the Tribunal stated "The intent of a permit is to ensure that potentially impactful activities are managed appropriately. The extractive activities, earthworks and construction of dams, particularly in the volume occurring on this site, are activities that could have an impact and should be subject to a permit so that Council can manage the activities and ensure a suitable outcome."

The determination provides clarity on the planning law on this matter. The decision will result in the need for new compliance action as there is now a requirement for the owner (Moora Moora) to obtain consent for alterations to that have occurred outside of the permit 03/0457.

### 330 Grossmans Road Bellbrae

Council applied for an enforcement order in relation to the operation of Newcomb Sand & Soil Supplies. The disputes relate to the area of land on which the use may operate under existing use rights; works undertaken on the land without permission and the maintenance of landscaping. The Tribunal agreed that works had been undertaken without permission but declined to grant an enforcement order.

On the critical matter of the area with existing use rights Council argued that the western quarter of the site does not enjoy a right. The Tribunal agreed with this but then went on to consider whether there were existing use rights for a wider area. The Tribunal found that there are existing use rights pursuant to Planning



## 5.1 Environment & Development Monthly Activity Report - October 2018

Permit 94/5796 issued for garden supplies and that the endorsed plans and conditions of that permit continue to have effect following the principles established by the Supreme Court in *Benedetti v Moonee Valley City Council* [2005]. It was found that the permit was issued and the use right is for the whole of 460 Grossmans Road (since subdivided), but the area that may be used is then limited by the endorsed plans. The sketched endorsed plan dimensions the area of use as 100x100m, but other features on the plan (buildings, accessways, and plantations) do not match with those dimensions. The Tribunal “found there to be some discrepancies between the endorsed plans and the current use of the site. The imprecise nature of the endorsed plans results in a level of uncertainty as to the part of the site which may be used for garden supplies. On the facts before us we consider the current use of the site to be within the limits of this uncertainty.” Therefore it has been found that the area under use (205x85m) is within the ambit of permission granted by the 1994 permit.

In relation to landscaping, the Tribunal was again critical of the lack of detail in the endorsed plans and found that “the lack of any indication from Council over the 24 year life of the 1994 Permit (including numerous amendments to endorsed plans) that this landscaping was insufficient, is adequate indication of Council’s ‘satisfaction’ with the landscaping which has been provided and maintained.” In determining not to issue an enforcement order the Tribunal concluded “In this case, we do not consider an enforcement order warranted. This is because the nature of the non-compliance is minor and Council’s response to our questions as to the rectification works Council would require in relation to this breach should we consider it to be made out, was that it did not seek any such works.” This was not included in the VCAT application because Council had previously refused to amend the plan.

### ePlanning Portal

The target full Go-Live date for the ePlanning Portal is currently 4 February 2019. This date may vary as there are components such as the Word to PDF tool that are required prior to full Go-Live.

### Current Strategic Planning Projects

- **Hinterland Futures Strategy:** The draft strategy was on exhibition until 24 August 2018. In October, Council noted all submissions to the draft strategy and deferred the final adoption of the strategy to undertake further work as outlined in the Council resolution. This included further analysis of bushfire risk. Upon the completion of the further work, Council will consider a revised strategy with public consultation thereafter.
- **CORA, Cape Otway Road Australia elite sports facility and tourist development:** The Minister for Planning has recently directed that an advisory committee be appointed to consider the CORA proposal. The terms of reference for the advisory committee are currently being drafted by DELWP.
- **Anglesea Futures:** In October, the State Government released the final version of the Land Use Framework Plan. The next steps are for DELWP to implement the land use framework plan within the Surf Coast Planning Scheme.
- **Winchelsea town centre:** Consultants have been appointed to prepare built form guidelines for the town centre. Officers are currently working closely with the consultant in preparation for future community engagement.

There has been no change in the status of the following projects since the October report:

- Lorne Structure Plan
- Strengthening Town Boundaries
- Spring Creek
- Torquay Town Centre

### Planning Scheme Amendments

- **C114: Spring Creek PSP:** The amendment and PSP were submitted to the Minister for Planning for approval in March. Based on DELWP’s advice, the NVPP for the precinct was revised by Council’s consultants and was submitted to DELWP late July. The Minister for Planning has recently directed DELWP to work with Council and other key stakeholders to review the PSP in light of concerns that include retention of native vegetation, increased housing densities, provision of a primary school. Council is awaiting further information from DELWP on the future process.
- **C120: Growing Winchelsea implementation.** The amendment to implement the Growing Winchelsea Strategy into the planning scheme was exhibited until 19 April. One submission was received in opposition to the proposed Design and Development Overlay. Council resolved at the July council meeting to request an independent panel to hear the submission. The panel hearing was held 24

## **5.1 Environment & Development Monthly Activity Report - October 2018**

September 2018 and report received in October. Officers are currently considering the Panel's recommendations. The next step is to report to Council.

- C123: Proposed section 96A application with rezoning of 3-5 Loch Ard Drive, Torquay from General Residential to Commercial 1 Zone and a planning permit for shops and first floor dwelling. At the August Council meeting, Council resolved to send the unresolved submissions to an independent panel hearing. The Panel hearing took place in November with the report expected in late November/early December.

There has been no change in the status of the following Planning Scheme Amendments since the October report:

- C118: Rezoning and planning permit for subdivision to create an additional 4 hectares of Industrial 3 land to the West Coast Business Park.
- C124: Proposed section 96A application for rezoning of 600-640 Cape Otway Road Moriac from Farming to Low Density Residential in accordance with the Moriac Structure Plan
- Rezoning application for Strathmore Drive, Jan Juc
- 2995 Princes Highway/Andersons Road, Winchelsea: Rezoning from Farming Zone to Low Density Residential Zone.

## 5.1 Environment & Development Monthly Activity Report - October 2018

### ENVIRONMENT & COMMUNITY SAFETY

#### Children's Week

Children's Week is a national program recognising the talents, skills, achievements and rights of children. Held from Sunday 20 – Sunday 28 October 2018, hundreds of activities took place across Australia, including at Torquay and Winchelsea where our Waste team helped kids and adults better understand what things can go in which kerbside bin. Children in the Shire are concerned about waste and are interested in how they can assist reduce, reuse and recycle it.



#### Grasstree Park Nature Reserve Planned Burn

In conjunction with CFA, Council delivered a successful ecological and fuel reduction burn in Council's Grasstree Park Nature Reserve. The 1ha planned burn was part of the Grasstree Park Masterplan and restoration project which aims to reduce fire fuel loads, protect and enhance the reserve's environmental values, remove woody weeds, and encourage native species and habitat regeneration.



#### Rip Curl Planet Days

For the nineteenth year running, Rip Curl staff volunteered their time to work on environmental restoration projects in cooperation with local conservation groups, the Shire, Great Ocean Road Coastal Committee (GORCC) and Parks Victoria. Works undertaken this year included Council managed reserves at Bells Beach, Deep Creek and Greenfields and involved weeding, mulching, erosion control and planting of over 750 plants.

#### Community emergency engagement stalls

Council and its emergency management partners CFA, Forest Fire Management, SES have undertaken a number of joint community emergency engagement stalls at a number of markets through the Surf Coast. This provided an opportunity for many people to come and talk to the agencies to help them prepare for summer bushfire season.

#### Fire clean-up program

The annual Moggs Creek Melbourne Cup weekend fire clean-up has been completed. Council promoted and coordinated the program, with the collection of fuel around houses in Moggs Creek. Residents were encouraged to remove fuel from around their house to help reduce their risk as well as having the option to talk to officers around bushfire risk and vegetation. A total of 90 cubic metres of chipped vegetation was

## 5.1 Environment & Development Monthly Activity Report - October 2018

removed (6 truckloads), an excellent result for risk reduction and a sign that the people of Moggs Creek are aware of their high bushfire risk.

### Moggs Creek Septic Education

Council, in conjunction with EPA Victoria recently developed a septic tank information postcard for property owners/occupiers. *The Septic Tank Do's and Don'ts* to protect environment and public health were sent to all properties in Moggs Creek to trial the program with the potential to roll out to the wider community that have septic tanks.

### Immunisation

This year, Council's Environmental Health Unit began conducting one of their monthly immunisation sessions at the Kurrabee Myaring Community Centre (KMCC). This move has proven very successful for staff who can utilise purpose built rooms, and for parents who can now access the council immunisation program at two locations. The new location has also seen many parents leaving the car at home and walking their children to the centre. Sessions at KMCC have also made it easier for children from Surf Coast Secondary College to attend when catching up on their school immunisations.



### Action Plan finalised to deliver on Council's Local Food Program

With a temporary Local Food Officer appointed in September, we've now finalised a 3 year action plan to deliver Council's Local Food Program (Council Plan Strategy G20). The action plan has been developed based on community and stakeholder feedback and covers actions across the areas of: access and consumption, production, processing, distribution, waste avoidance and resource recovery. We expect to see some great outcomes from the Local Food Program including: increased agritourism opportunities; building resilience in our local food system; increased small scale production and processing; greater connection between local producers, retailers and consumers; enhanced reputation for local food in our region; demonstrate our commitment and provide leadership for local food; and, greater diversion of valuable resources from ending up in landfill.

### Reflections from Council's Renewable Energy Task Force

Over the last 12 months Council's Renewable Energy Task Force have reviewed their efforts and developed a detailed understanding of the shire's energy consumption. Based on this greater understanding of the shire's energy use, the Task Force have redeveloped their high level road map through until 2020, and have continued to ensure Council operations are leading the transition to a larger mix of renewables. Feedback provided in our most recent Task Force meeting have revealed that community and industry members have found the Task Force is a valuable mechanism for community input and members are keen to continue working with Council on this project over the coming years.

## 5.1 Environment & Development Monthly Activity Report - October 2018

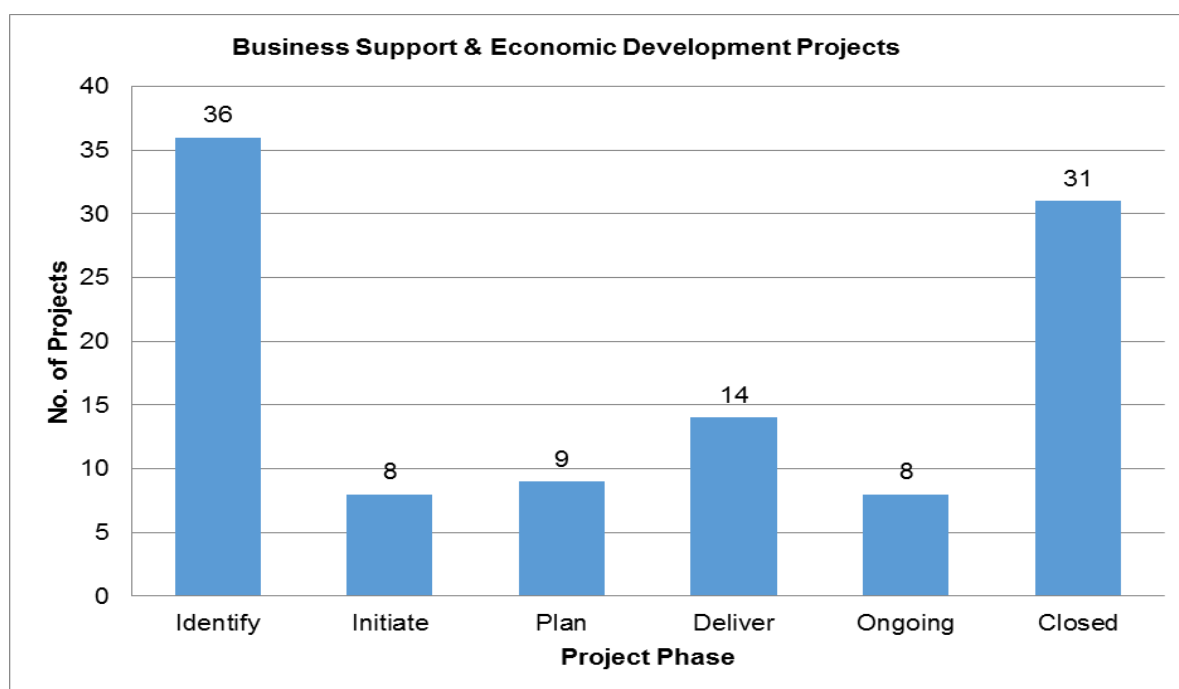
### ECONOMIC DEVELOPMENT & TOURISM

#### Economic Development Projects

A number of actions have been completed in the past month by the economic development team:

- The results of the Business Sentiment Survey were discussed with 25 members of the Growing Winchelsea Group. Interest in the results from the group was strong and it was a great way to ground truth if the findings matched their experiences.
- A workshop on Tax Essentials with ATO was held in Torquay. The workshop forms part of a larger program designed to strengthen and support businesses. Those attending rated the workshop very highly.
- SurfCoast.Localised campaign launch: The launch of the project has resulted in over 260 Surf Coast local businesses joining in the first six weeks further enhancing the ability for local businesses to profile themselves and connect with other businesses. The online platform has received several positive comments. New additions to the service were added in November including an Expert Articles section to and Announcements section. The main business types registering are as follows:
  - Building, Construction and Trades (9.8%)
  - Retail Trade (7.5%)
  - Accommodation (6.7%)
  - Professional Services (6.7%)
  - Healthcare and Medical Services (6.7%)
- Victorian Agribusiness Council Summit: This was used as a means to engage many regional agribusiness stakeholders on the Hinterland Futures consultation and to highlight agribusiness initiatives in the Surf Coast Shire.
- In addition to projects being completed several new projects have been initiated in the past month. This includes:
  - **The Economic Development Strategy:** A project which will create a strategic vision and 10 year action plan for the Surf Coast economy and involve significant community consultation during 2019.
  - **Geelong - Essendon Local Food Showcase:** A project that will showcase Surf Coast region food producers at the AFL Geelong V Essendon game at the MCG in May 2019.
  - **'Stevie's Plate':** discussing a new YouTube channel that is being developed to showcasing the region's food producers and their stories.
  - **Torquay destination website:** Major review of content on the site - [www.torquaylife.com.au](http://www.torquaylife.com.au).

The graph below summarises the phasing of projects being delivered by the Business & Tourism team as at 31 October 2018.





## 5.1 Environment & Development Monthly Activity Report - October 2018

### Business Events & Conferences

A regular tour program has been secured following a successful recent visit by 40 primary school principals from China. The program will involve 120 Chinese primary school students (grades 4 & 5) and teachers visiting the Surf Coast twice a year in February and August for five nights. Each visit will involve 6 of the 40 schools.

As part of an industry led project, Surf Coast and the Great Ocean Road will be promoted at a major conference industry event called AIME in February 2019. Staged in Melbourne AIME attracts over 10,000 conference organisers from around the globe.

### Events

With summer approaching events continue to play a significant feature in attracting visitation to the Surf Coast. Highlights for October were:

- Planning for the **Falls Festival** is well under way. A table top exercise was held for the upcoming festival (staged from December 28 – January 1), involving Council officers, event organisers and representatives of all emergency management agencies responsible for the safe delivery of the event. The purpose of the table top is to test planning processes and challenge emergency response. The table tops are an excellent way to develop relationships and highlight areas of improvements amongst collaborating agencies for event management
- The **Sun Bear Children's Festival** was held on the Anglesea Riverbank on the weekend of 13-14 October, re-locating from its previous home in Torquay. The event has a strong environmental focus and featured a twilight indigenous ceremony with a fire pit on the beach, followed by stargazing through giant telescopes. This is a great community event run by locals, who are committed to educating young people about the protection of our environment and wildlife.
- The **Sprint Series Adventure Race** came to Anglesea for the first time on 21 October. Part of a national series which caters to both novice and experienced athletes, the event involves three disciplines – trail running, mountain biking and kayaking – which are perfectly suited to the Anglesea environment. This year's event attracted 100 participants, and organisers are keen to return in 2019.
- The **market season** is in full force, with October seeing the return of the Aireys Inlet Market and the annual Steiner School Spring Fair.
- The Events team were happy to see the updated **Plastic Wise Events and Markets Policy** adopted in October, and look forward to working with the Environment team and event organisers to ensure that the Surf Coast continues to lead the way in sustainable event management practices.

### Event Media coverage

- The Victorian Government announced a funding extension to support the delivery of the Cadel Evans Great Ocean Road Race until at least 2022. This is great news for our region, and the opportunity to meet Cadel was a special thrill for the students and teachers of Surf Coast Secondary who are about to embark on the Great Victorian Bike Ride.



- The upcoming **GKA Kite-Surf World Cup Torquay** event was officially launched on 22 October, with event organisers bringing together representatives of event partners Surf Coast Shire Council, Great Ocean Road Coast Committee and Kite Boarding Australia, together with local pro rider James 'Storm'

## 5.1 Environment & Development Monthly Activity Report - October 2018

Carew and students from Surf Coast Secondary. The event will be held at Point Danger from 12 - 16 December. Visit [www.kitesurftorquay.com.au](http://www.kitesurftorquay.com.au) for further information.



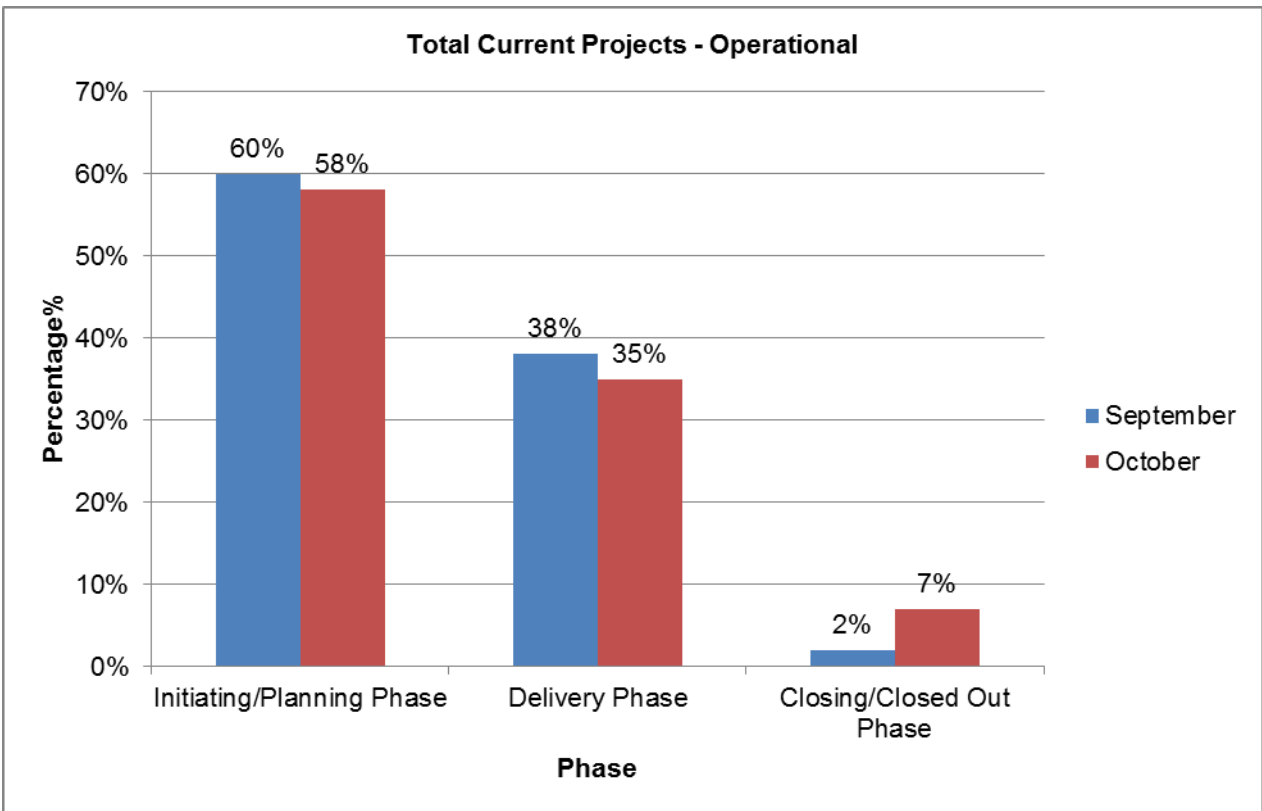
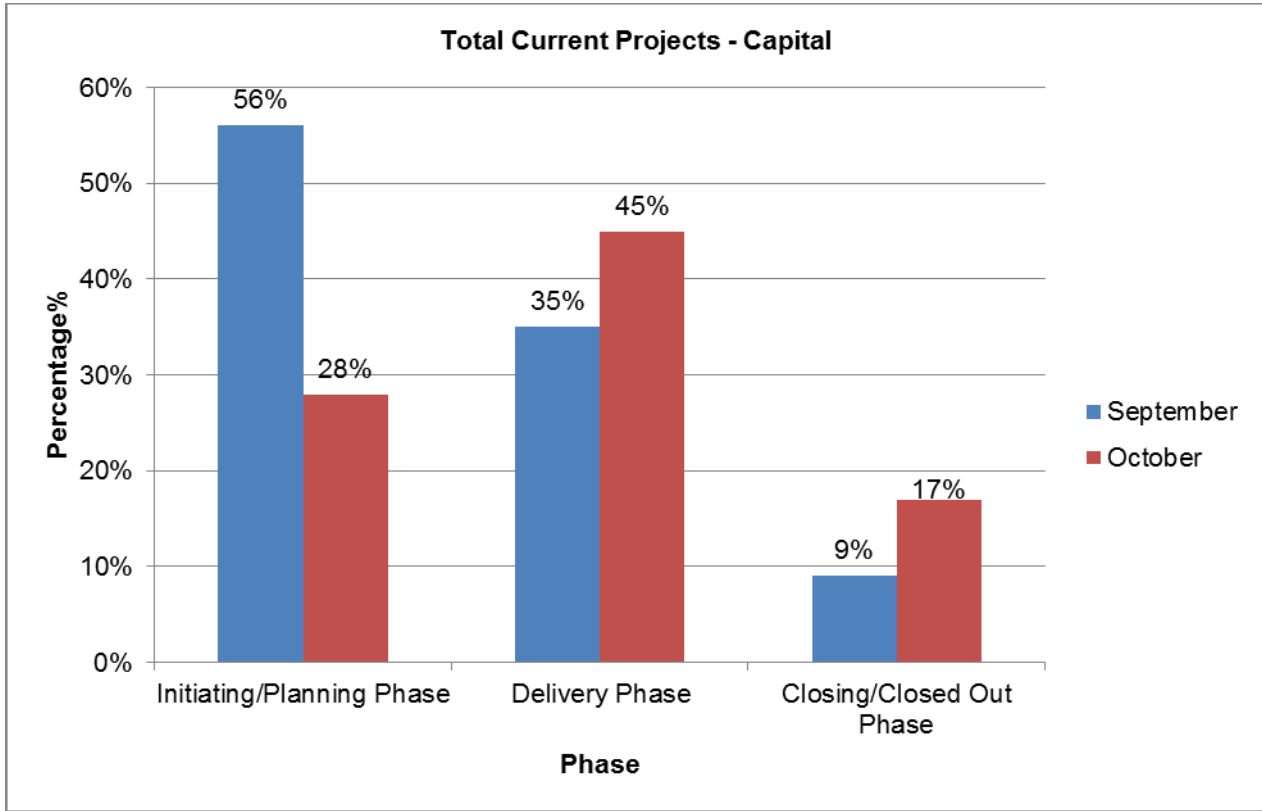
### Visitor Information Centres & National Australian Surfing Museum

The Australian National Surfing Museum has continued its recent success with another month of exceptional visitation. The Museum has now exceeded its entire visitation for last year with two busy months still to come! It is anticipated that it will achieve its highest annual visitation in 20 years. This can be attributed to a number of factors including its recent exhibition policy. Media also plays a significant role with very positive reviews and editorial in Trip Advisor, Lonely Planet among others. Local and national media have also featured the Museum resulting in inter and intra state visitation and importantly 'locals' who are returning to rediscover their Museum. The development of its next exhibition, Fossil Beach, is well underway and will open on December 21.

### 5.1 Environment & Development Monthly Activity Report - October 2018

#### PROGRAM MANAGEMENT OFFICE

##### Total Projects Overview





**5.1 Environment & Development Monthly Activity Report - October 2018**

**BUSINESS IMPROVEMENT, RANGER SERVICES AND BUILDING COMPLIANCE**

Departmental critical functions – performance overview

	<b>Business Improvement</b>	<b>Ranger Services</b>	<b>Building Compliance</b>	
<b>Financial</b>	●	●	●	\$(actual/budget) < 1
<b>CRMs</b>	●	●	●	1 overdue at end of month (has since been completed)
<b>OHS</b>	●	●	●	Active surveillance, compliant

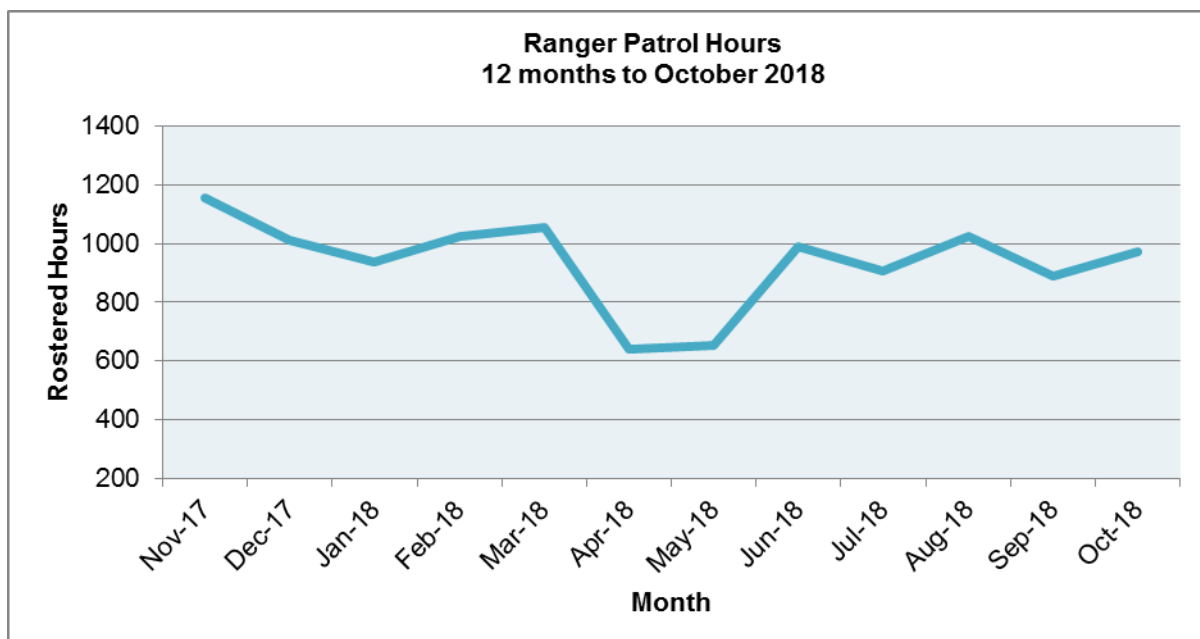
Business Improvement

<b>Deliverable</b>	<b>Overview</b>	<b>Status</b>
Develop 2018/19 Business Improvement Program	●	Completed
Deliver 2018/19 Program	●	Underway <ul style="list-style-type: none"> <li>• One review complete</li> <li>• Three reviews underway</li> <li>• Seven yet to commence</li> </ul>
Deliver identified savings	●	Underway

The end of year result is at risk due to the diversion of resources to the management of Ranger Services and Building Compliance. This is being addressed through minor program changes and strong involvement from the leadership group to identify further operational savings through development of the 2019/20 budget.

Ranger Services

The following chart indicates the high volume of Ranger Services resources deployed to deliver services.



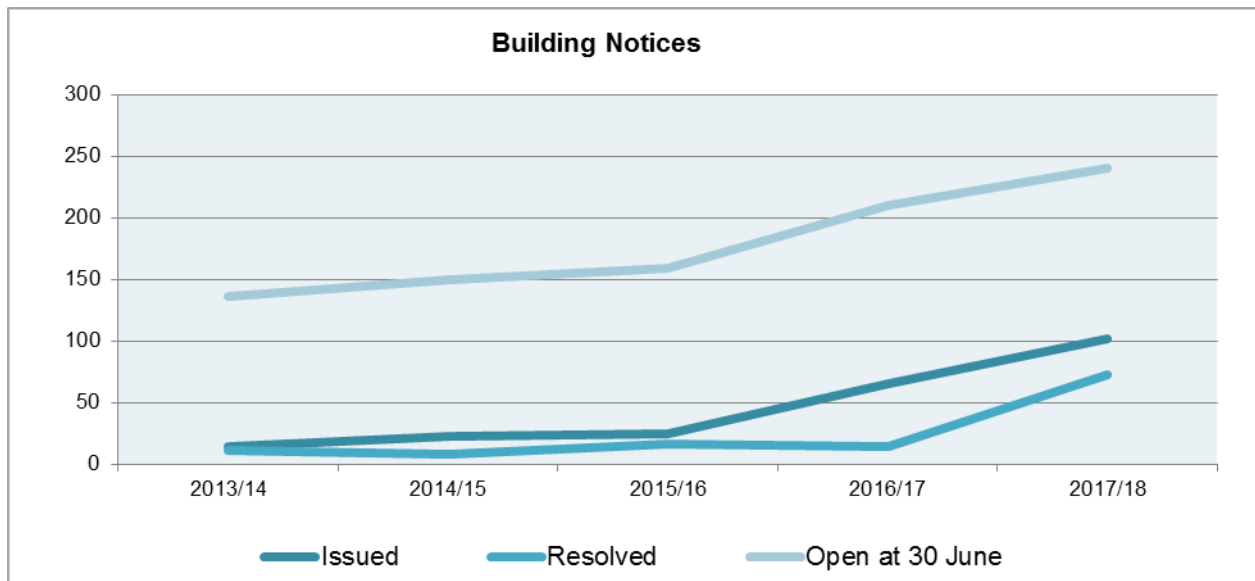
### 5.1 Environment & Development Monthly Activity Report - October 2018

The staffing profile will be bolstered in the summer peak period in 2018/19 compared to 2017/18. This will be achieved through internal secondments and the return of key staff from long service leave.

CRMs are a strong work load indicator for the Ranger Service team. Division wide CRM performance data is included at the end of this report. Work unit team statistics will be provided specifically for the Ranger Services team in next month's report.

#### Building Compliance

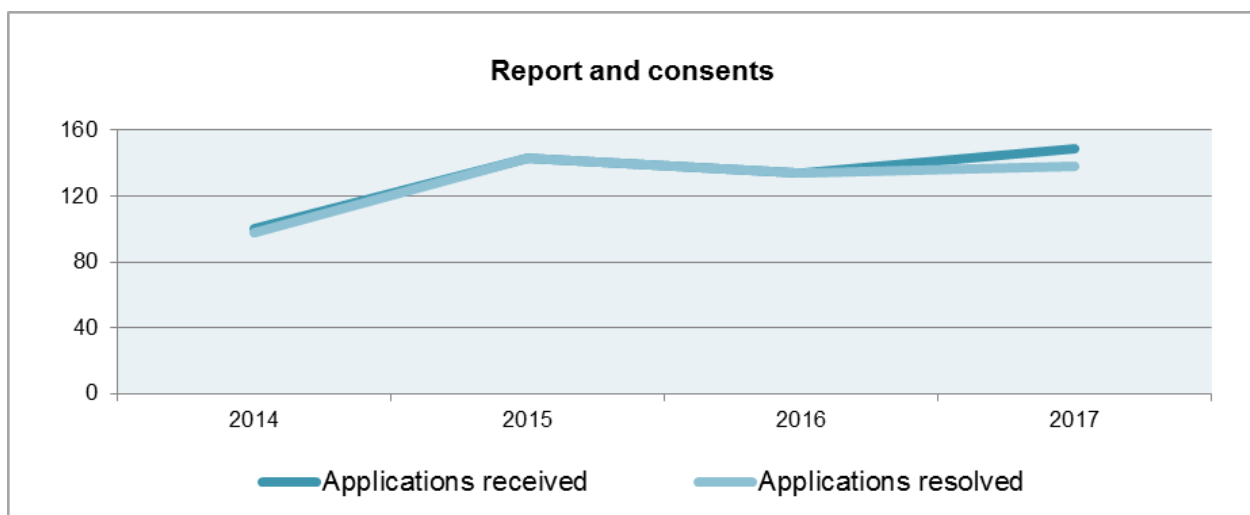
##### *Key Statistics*



A Building Notice is a show cause notice issued by Council's Building Compliance team when they discover illegal building works that have been carried out without a valid Building Permit.

Council has a backlog of unresolved building notices and unaddressed unsafe structures to address. The granting of additional resources has resulted in significant increases in the number of building notices issued, and building notices resolved.

Open building notices are forecast to decline in 2018/19 when a full staff complement is achieved, and more notices are resolved than issued.



### 5.1 Environment & Development Monthly Activity Report - October 2018

A report and consent is an application by a property owner seeking dispensation or modification to an applicable building regulation. This may be for work to be undertaken or for work already completed. Council’s Municipal Building Surveyor is delegated power to provide this dispensation for certain regulations.

Council is receiving an increasing number of report and consent applications. Applications are usually promptly resolved. Report and consent performance will be maintained.

#### Swimming Pools

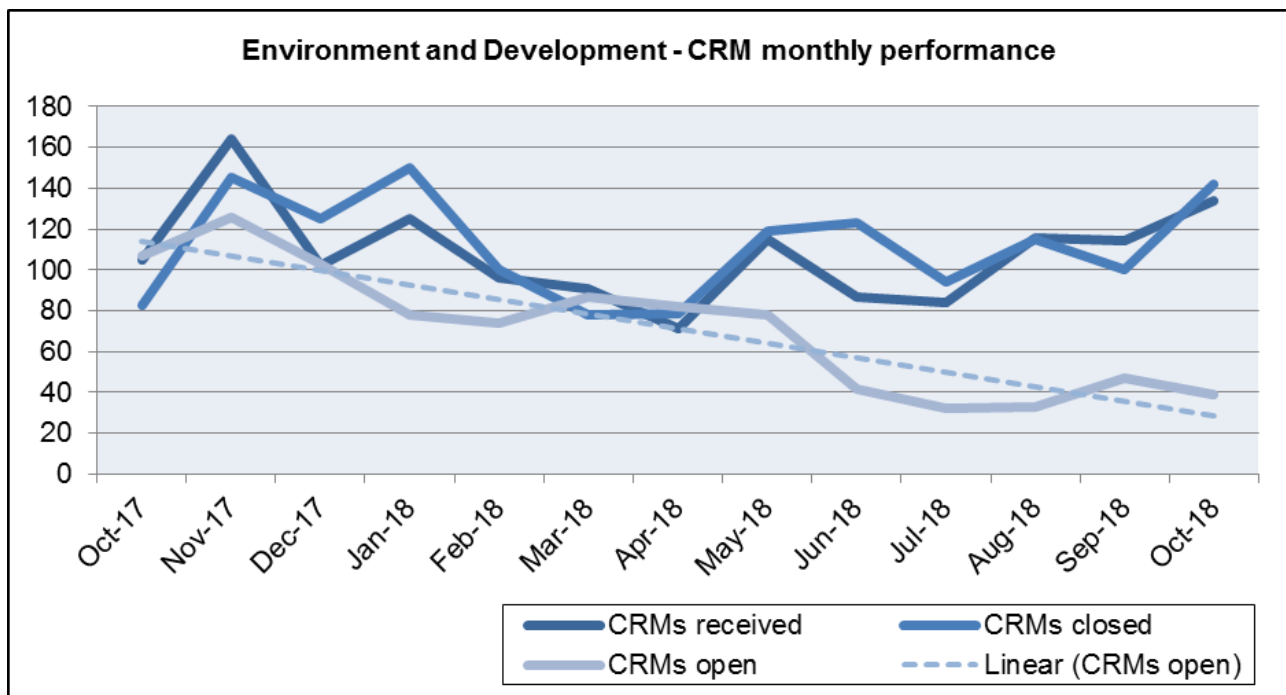
Legislative changes were made through the Victorian Parliament in September 2018 which impact the regulatory framework related to pool and spa barriers. The State have established a commencement date for these new provisions of 1 December 2019. The State is preparing a Regulatory Impact Statement in relation to these changes. Once this work, which will include consultation with Councils, has been completed Council will be better placed to understand its future obligations. This is expected to be a significant challenge for Council in the future.

#### Comments

The Victorian Building Authority has taken over Council’s responsibilities for the combustible cladding issue. The recruitment of approved additional resources, and the development and implementation of the eBuilding information system are priorities.

A full staff complement will reduce risk and allow priorities to be addressed. The first round of recruitment has successfully appointed an internal candidate into the role of Building Surveyor. Further recruitment is underway for a replacement Building Inspector and a Building Officer.

#### Division wide CRM report



Note the amount of open CRMs is decreasing over time.

## 5.2 SCS-011 Footpath Trading Policy

**Author's Title:** Business Improvement Officer

**General Manager:** Ransce Salan

**Department:** Business Improvement

**File No:** F11/792

**Division:** Environment & Development

**Trim No:** IC18/1908

### Appendix:

1. SCS-011 Footpath Trading -November 2018 - Revised (D18/131604)

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

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

Yes

No

Reason: Nil

#### Status:

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

Yes

No

Reason: Nil

### Purpose

The purpose of this report is to endorse the revised Footpath Trading Policy, Document No: SCS-011.

### Summary

Footpath trading is described as the use of Council owned or managed land for commercial purposes, such as alfresco dining and merchandise trading.

Footpath Trading has operated successfully in the municipality for many years.

The Footpath Trading Policy has recently been reviewed, and the revised document clearly articulates Council's approach to footpath trading as:

- supported in footpath trading zones in shopping and business areas
- is a privilege, not a right
- will be regulated to ensure access, inclusion, and equity
- prioritises public good over commercial interests, and
- both Council and individual traders have a duty of care to pedestrians.

### Recommendation

That Council adopts the revised SCS-011 Footpath Trading Policy.

### Council Resolution

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

That Council adopts the revised SCS-011 Footpath Trading Policy.

CARRIED 7:0

## 5.2 SCS-011 Footpath Trading Policy

### **Report**

#### ***Background***

The Footpath Trading policy states Council's approach to footpath trading and is due for review.

The 'Footpath Trading policy and procedure' (approved separately by the CEO), sets out the procedures for the issue of permits and the regulation of activities.

#### ***Discussion***

A scheduled review of the existing policy has been undertaken. The policy has been revised to clearly state that Council:

- supports the conduct of footpath trading associated with established businesses, in shopping and business areas, in footpath trading zones
- believes that footpath trading:
  - is a privilege, not a right, and
  - must make a positive contribution to the urban character and amenity of the area and surrounding residential areas
- will regulate footpath trading to ensure that:
  - public safety and disability access are not compromised
  - pedestrians can move freely along footpaths
  - furniture and ancillary items placed on footpaths is in keeping with the character of the town, and consistent with the themes and palettes of any relevant plans that may be developed
  - business proprietors are treated equally, and
  - footpaths, irrespective of the activities permitted on them, remain as community assets
- prioritises public assets and fixtures on footpaths over commercial interests

The superseded policy has been effective; the revised policy provides greater clarity without changing the original intent.

#### ***Financial implications***

Footpath trading allows commercial businesses to use Council land for additional trading space for a modest annual fee. Permit fees are set out in the Schedule of Fees and Charges in the budget, and are indexed annually.

#### ***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

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 are no legal implications associated with endorsing the revised policy.

Refer also to Local Law No 1 Community Amenity - s6.4 Using footpaths or Council land for commercial purposes, and Part 8 Division 1 Permits, Fees and Delegations.

#### ***Officer direct or indirect interest***

Officers involved in the preparation of this report do not have any conflicts of interest.

## 5.2 SCS-011 Footpath Trading Policy

### ***Risk assessment***

Risks are controlled by the Footpath Trading policy and procedure.

Traders are required to have public indemnity insurance, and maintain their trading space according to the issued permit, the Local Law, and the Footpath Trading policy and procedure.

Permits may be revoked if traders contravene permit conditions, or adversely impact the environment (including amenity, noise, or odour issues).

### ***Social considerations***

Footpath trading:

- adds to the vibrancy and appeal of our Shire and its streetscapes
- brings economic benefits to individual traders and the Shire
- encourages and attracts shoppers, tourists, visitors, and
- increases social interaction within our community

However in permitting footpath trading, Council and traders must give priority to their duty of care to pedestrians.

### ***Community engagement***

The policy, and the policy and procedure, have been approved by the Rural Access Officer in relation to access and inclusion.

### ***Environmental implications***

No environmental implications have been identified during the policy review.

### ***Communication***

The revised policy will be made available with Council's meeting minutes, posted on Council's website, and communicated throughout the organisation.

### ***Options***

#### Option 1 – Endorse the revised Footpath Trading policy

This option is recommended for the reasons stated in the report.

#### Option 2 – Do not endorse the revised Footpath Trading policy

This option involves not supporting the improvements that have been made and remaining with the current policy, and is not recommended.

#### Option 3 – Discontinue approved footpath trading

This option would be detrimental to the community and traders and is not recommended.

### ***Conclusion***

The continuance of regulated footpath trading, and endorsement of the revised Footpath Trading Policy is recommended. The next policy review date will be October 2023.

**5.2 SCS-011 Footpath Trading Policy**

**APPENDIX 1 SCS-011 FOOTPATH TRADING -NOVEMBER 2018 - REVISED**

## COUNCIL POLICY



<b>Footpath Trading</b>	Document No:	SCS-011
	Approval Date:	27 November 2018
	Approved By:	Council
	Review Date:	October 2023
	TRIM Reference	D18/118566
Responsible Officer:	Manager Business Improvement, Ranger Services and Building Compliance	
Authorising Officer:	Chief Executive Officer	

### 1. Purpose

The purpose of this policy is to control footpath trading in the Surf Coast Shire.

Footpath trading:

- adds to the vibrancy and appeal of our Shire and its streetscapes
- brings economic benefits to individual traders and the Shire
- encourages and attracts shoppers, tourists, visitors, and
- increases social interaction within our community,

but both Council and individual traders have a duty of care to pedestrians.

### 2. Scope

This policy states Council's approach to footpath trading, including the placement and use of furniture, signs and displays.

Council's Management Policy and Procedure - Footpath Trading, sets out the procedures for the issue of footpath trading permits and the regulation of footpath trading activities.

### 3. Application

This policy applies to Council staff, contractors and any business operator/trader who proposes to use Council's footpaths.

### 4. Definitions

Not Applicable.

### 5. Policy

Surf Coast Shire Council:

- supports the conduct of footpath trading associated with established businesses, in shopping and business areas, in footpath trading zones (refer to clause 6)
- supports the concept that footpath trading:
  - is a privilege, not a right, and
  - must make a positive contribution to the urban character and amenity of the area and surrounding residential areas
- will regulate footpath trading to ensure that
  - public safety and disability access are not compromised
  - pedestrians can move freely along footpaths
  - furniture and ancillary items placed on footpaths is in keeping with the character of the town, and consistent with the themes and palettes of any relevant plans that may be developed
  - business proprietors are treated equally, and
  - footpaths, irrespective of the activities permitted on them, remain as community assets
- prioritises public assets and fixtures on footpaths over commercial interests

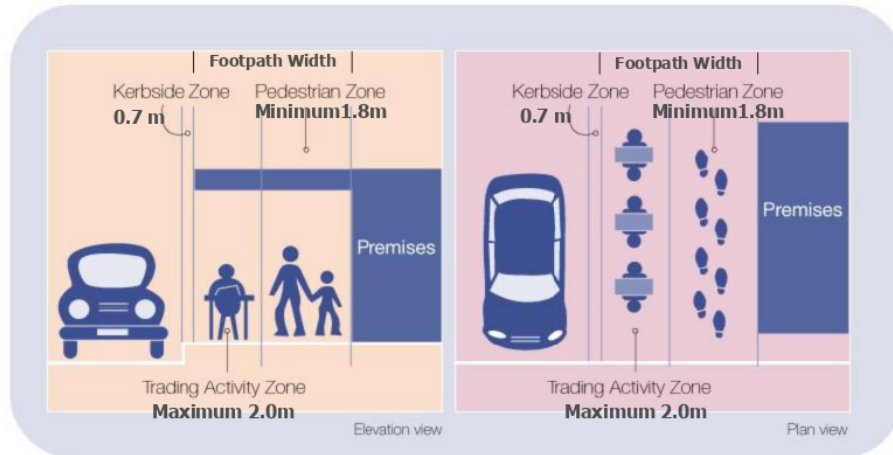


## COUNCIL POLICY



### 6. Trading activity zone

Footpath trading will only be permitted in trading activity zones, on footpaths wider than 2.9m as shown below:



The trading activity zone gives precedence to the maintenance of a continuous accessible path of travel that is consistent, safe and unobstructed for everyone, including people who have a disability.

### 7. Fees

Footpath trading permit fees are set out in the Schedule of Fees and Charges, in the annual Budget.

### 8. Decision making and authority

Authorised Officers derive their authority for the purposes of this policy from the Surf Coast Shire Community Amenity Local Law No. 1 of 2011.

Local conditions will influence the approval of a permit. An Authorised Officer cannot permit activity where it would compromise pedestrian, cyclist or vehicle traffic safety or cause detriment to the amenity of the area.

### 9. Policy review

The Surf Coast Shire Council will review this policy from time to time as required and reserves the right to make any alterations it deems necessary.

### 10. Management Policy and Procedure - Footpath Trading

Surf Coast Shire Council's Management Policy and Procedure - Footpath Trading, sets out conditions for the issue of footpath trading permits and the regulation of footpath trading activities.

### 11. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal responsibility	Retention period	Location
Application forms	Ranger Services team	For the period of the licence	Trim file F11/335

### 12. Attachments

Not applicable.

## COUNCIL POLICY



### 13. References

Disability Discrimination Act

Surf Coast Shire MPP-010 Management Policy and Procedure - Footpath Trading

Surf Coast Shire Tourism, Directional and Commercial Signage Policy SCS-012

Surf Coast Shire Tourism, Directional and Commercial Signage Management Procedure MPP-012

Surf Coast Shire Community Amenity Local Law No. 1 of 2011

Surf Coast Shire Annual Budget - Appendix D - Schedule of Fees and Charges.

Cr Clive Goldsworthy declared a indirect conflict of interest for Item 6.1 – Small Grants Program September 2018 of the open agenda under Section 78B of the Local Government Act 1989 – conflicting duty. The nature of the interest being Cr Clive Goldsworthy is President, Lorne Country Club and Treasurer, Lorne Community Connect.

Cr Clive Goldsworthy left the meeting at 07:15 pm.

## 6. CULTURE & COMMUNITY

### 6.1 Small Grants Program September 2018

**Author's Title:** Community Project Officer

**General Manager:** Chris Pike

**Department:** Community Health & Development

**File No:** F17/1784

**Division:** Culture & Community

**Trim No:** IC18/1255

#### Appendix:

1. Small Grants Program September 2018 Projects - Supported (D18/129338)
2. Small Grants September 2018 Projects - Ineligible and Not Supported (D18/129340)

#### 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 allocate funding for the September 2018-19 Round 1 Small Grants Program.

#### Summary

The Small Grants Program aims to support community groups, projects and local initiatives. It is a grass roots program which enables community strengthening and helps to build vibrant and healthy communities within the Surf Coast.

A total of 25 applications were received. Eligible applications were assessed by Council Officers against the Small Grants Program selection criteria in the categories of 'Community Initiatives', 'Culture and Arts', 'Environment' and 'Recreation and Leisure'. A recommended project funding list has been developed for Council endorsement (see Appendix 1).

A total of 23 applications are recommended for funding in the Small Grants Program, including one project requiring project management support. One application was assessed as ineligible and one not recommended (see Appendix 2).

#### Recommendation

That Council allocates funding for the September round of the 2018-19 Small Grants Program to 23 projects to the value of \$38,857.95 as per Appendix 1.

#### Council Resolution

##### **MOVED Cr Margot Smith, Seconded Cr Libby Coker**

That Council allocates funding for the September round of the 2018-19 Small Grants Program to 23 projects to the value of \$38,857.95 as per Appendix 1.

CARRIED 6:0

## 6.1 Small Grants Program September 2018

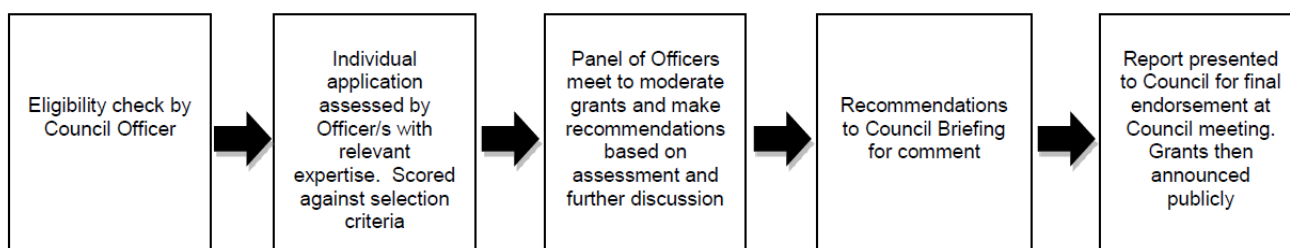
### Report

#### **Background**

For a number of years Council has supported the Small Grants Program with two funding rounds held in September (Round 1) and March (Round 2) each year.

The Small Grants Program follows a formal application process in which applicants submit responses to key questions based around weighted selection criteria. The assessment process is undertaken in-line with Small Grant Policy SCS-031.

The diagram below details the assessment process:



The Small Grants Program is a merit based grants process and does not aim to achieve equal distribution of funding across categories, as some categories are more popular than others.

All successful groups or their auspice agency are required to sign a small grant funding agreement confirming that they agree to set conditions. This agreement clearly outlines any special conditions which may relate to the provision of funds, for example obtaining appropriate public liability insurance or relevant permits. Successful groups are required to report on the outcomes of their grant within 12 months of receiving funding via a grant acquittal process.

Funding is available for community-based projects or activities that:

- encourage and enable the participation of a wide variety of local residents
- address an important community need
- encourage and enable groups or individuals across the Shire to collaborate and share knowledge, skills and resources.

Projects not funded under the Small Grants Program include:

- capital items with a total project cost greater than \$10,000
- building maintenance works
- general administrative, wages or contracts
- projects funded under other programs supported by the Surf Coast Shire
- projects that have already commenced or already occurred
- projects that are part of curriculum-based activities in schools
- projects that are fundraising in nature (unless the project provides considerable community benefit)
- recurrent funding for ongoing projects or projects which have already been funded.

Organisations ineligible to apply for a Small Grant include:

- individuals (applicants will need to approach an organisation to auspice the project)
- any Committees of the Surf Coast Shire Council including Advisory Committees, Committees of Management or Sub Committees
- organisations who have received a Surf Coast Shire Small Grant in the previous funding round
- organisations that have not completed an Acquittal Report for a previously funded Surf Coast Shire Small Grant
- for profit or commercial organisations - unless the application can demonstrate that the proposed project or activity will have considerable tangible community benefit.

Funds are provided for projects and activities that fall into the following broad categories:

- Community Initiatives: Local partnerships that contribute to the wellbeing and quality of life of Surf Coast Shire residents.

## 6.1 Small Grants Program September 2018

- Environment: Projects or activities that protect or enhance the local environment or work towards sustainability.
- Culture and Arts: Community arts projects that support the development of quality arts initiatives and increase involvement in arts and culture by the community. Heritage projects that support participation, learning and recording of the cultural history of the Surf Coast Shire and its residents.
- Recreation and Leisure: Innovative or new projects that promote recreation, physical activity and increase participation for all abilities.

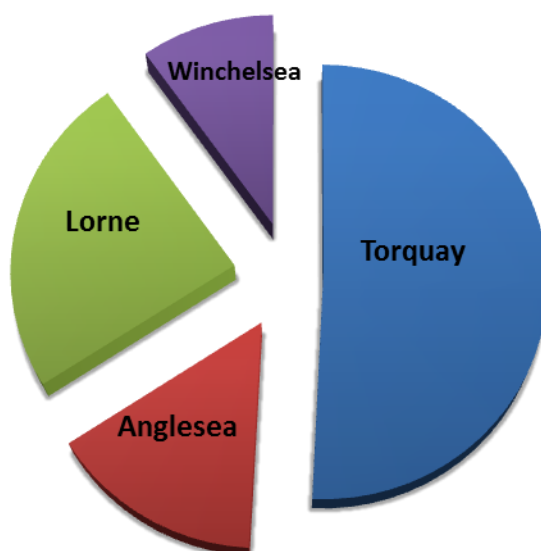
### **Discussion**

A total of 25 applications were received. There is one project that has been assessed as ineligible and one not recommended as detailed in appendix 2. Officers will work with all unsuccessful applicants to improve their project applications for future rounds. Following a thorough assessment process Officer's recommendation is to fund a total of \$38,857.95 to deliver 23 projects.

The breakdown of the 23 recommended projects by Ward is as follows:

Category	Applications received	Recommended for funding	Funding amount
Torquay	13	11	\$19,748.75
Anglesea	4	4	\$5,851
Winchelsea	4	4	\$3,859
Lorne	4	4	\$9,399.20
<b>Total</b>	<b>25</b>	<b>23</b>	<b>\$38,857.95</b>

## Funding Allocation by Ward

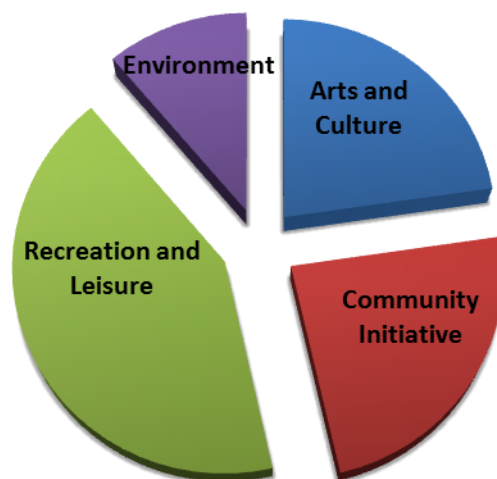


## 6.1 Small Grants Program September 2018

The breakdown of the 23 recommended projects by Category is as follows:

Category	Applications received	Recommended for funding	Funding amount
Arts and Culture	4	4	\$8,824
Community Initiatives	8	7	\$9,215.75
Environment	4	3	\$4,345
Recreation and Leisure	9	9	\$16,473.20
<b>Total</b>	<b>25</b>	<b>23</b>	<b>\$38,857.95</b>

### Funding Allocation by Category



Appendix 1 lists the applications submitted across each of the four Small Grant categories – Community Initiatives, Environment, Culture and Arts, Recreation and Leisure and the proposed funding for each project.

Of the 23 recommended projects, 1 project includes capital elements on Council owned or managed land – Surf Coast Football (Soccer) Club Portable Goal Storage. This project was referred by the Community Project Proposal (CPP) process and has allowed for project management and contingency in the proposed budget.

The grant guidelines confirm that grants up to \$2,000 are available and at the discretion of Council some projects that meet additional community need may be considered for funding up to \$5,000. To be considered for additional funding, projects need to demonstrate:

- High evidence of need and participation by a wide variety of key audiences
- A provide track record in managing similar size projects
- Have a well-developed project plan
- Appropriate expenditure and resourcing.

There are a total of 5 projects that have been recommended to receive a contribution greater than \$2,000.

## 6.1 Small Grants Program September 2018

<b>Applicant</b>	Lorne Community Connect
<b>Project name</b>	Lorne Community Connect Artist Working Space
<b>Description</b>	To purchase portable floor covering and 8 timber easels to establish a new weekly art class at Lorne Community Connect Centre (previously Lorne Senior Citizens Centre)
<b>Comments</b>	Currently Lorne art groups travel to Anglesea for classes. This project would increase involvement in arts and culture in Lorne and utilise the Lorne Community Connect facility
<b>Recommended funding</b>	\$2,500

<b>Applicant</b>	Surf Coast Football Club (Soccer)
<b>Project name</b>	Surf Coast Football Club Portable Goal Storage
<b>Description</b>	To create a secure fenced area for the portable goals to reduce vandalism of the asset
<b>Comments</b>	Currently in season portable goals are used continuously for training purposes and they are left assembled as it would be impractical to assemble for each time they are used. As such, they are vulnerable to misuse or vandalism. This project would provide a secure fenced enclosure. Project referred by the Community Project Proposal (CPP) process. Well-developed project budget with project management and contingency included
<b>Recommended funding</b>	\$4,488

<b>Applicant</b>	Lorne Historical Society
<b>Project name</b>	The Elders of Lorne
<b>Description</b>	Funding to purchase disk storage and Apple iPad to store and share stories from the 'Elders of Lorne'
<b>Comments</b>	Heritage project that captures stories told by the elders of the community in their 80's and 90's. These stories will depict the vibrancy of the community and how different the town was socially and economically. Disk storage to store information and the iPad for people who are not computer literate to access videos. Well-developed project budget and quotations submitted
<b>Recommended funding</b>	\$2,324

<b>Applicant</b>	Lorne Country Club
<b>Project name</b>	Tennis Court Improvements and Equipment
<b>Description</b>	Replace lines, nets, install windbreak fences and purchase tennis equipment to bring tennis courts up to standard for use by Lorne P-12, club members and the broader community
<b>Comments</b>	Project will provide an opportunity to assist Lorne P-12 school with tennis facilities as there are no other public courts in Lorne. Improvements will promote recreation, physical activity and increase participation
<b>Recommended funding</b>	\$2,575.20

<b>Applicant</b>	Torquay Boardriders Club
<b>Project name</b>	Public Access Defibrillator (PAD)
<b>Description</b>	To purchase and install a Public Access Defibrillator (PAD) at Jan Juc beach amenities block that will provide 24/7 access which is currently not available
<b>Comments</b>	Project is dependent on landowner (GORCC) approval. In conjunction with GORCC, Torquay Boardriders Club will ensure regular maintenance of the PAD. Project addresses an important community need
<b>Recommended funding</b>	\$3,000

## 6.1 Small Grants Program September 2018

### **Financial Implications**

The total pool for two rounds allocated to Small Grants in the 2018/19 budget is \$75,000. The total funding allocation of recommended projects for Round 1 is \$38,857.95 leaving \$36,142.05 for Round 2.

### **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 1.2 Support people to be healthy and active  
Strategy 1.2.1 Develop and implement local programs to support Healthy Eating and Active Living

### **Policy/Legal Implications**

The Small Grants Program supports the Council Plan (2017-21) objective 'Support people to participate in and contribute to community life'. The process was conducted in accordance with the adopted Small Grant Policy SCS-031.

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

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

### **Risk Assessment**

All projects have been reviewed by Council's Risk Management Co-ordinator. Depending on the level of risk some applicants will be required to provide public liability insurance to the value of \$20,000,000 as a condition of receiving a funding grant.

The Small Grants program supports the implementation of projects important to our community. Applying this merit based grant process reduces the risk of selecting projects that do not deliver a high level of community benefit.

### **Social Considerations**

The Small Grants Program offers support to new and existing community groups to undertake community strengthening activities and to contribute to the social and cultural wellbeing of the Surf Coast Shire. A diverse range of locally driven projects and activities will be delivered through the support of small grant funding. Many of these initiatives could not be delivered should they be unsuccessful in securing a small grant.

### **Community Engagement**

Communications and engagement activities prior to the September round of grants include:

- media campaign including advertising in the Surf Coast Times, Winchelsea Star and Lorne Independent
- promotion via Council Officer E-mail networks, word of mouth, Community House and Men's shed networks
- grant writing assistance sessions
- direct email to previous grant recipients
- direct contact with potential grant recipients
- promotion via the Surf Coast Shire website and social media.

### **Environmental Implications**

The Small Grants program is often accessed by local environment groups. Four applications have been received under the 'Environment' category and three projects have been recommended for funding.

### **Communication**

Following adoption at the 27 November 2018 Council meeting, all applicants will receive a letter informing them of the outcome of their application and results will be communicated to the broader community through Council's communication channels and the local media.



## 6.1 Small Grants Program September 2018

### **Options**

Option 1 – Allocate funding for the September round of the 2018-19 Small Grants Program to 23 projects to the value of \$38,857.95 as per Appendix 1

This option is recommended by officers as it aligns to Council's adopted Small Grant Guidelines and completes a formal application and assessment process that supports people to participate in and contribute to community life.

Option 2 – Allocate funding for the September round of the 2018-19 Small Grants Program to a mix of projects identified in Appendix 1 and 2

This option is not recommended by officers as projects considered 'ineligible' or 'not supported' have either not met eligibility criteria as per the Small Grants Program Guidelines or not scored as strongly against the grants assessment criteria as the other officer supported projects.

Option 3 – Do not allocate funding for the September 2018-19 round of Small Grants Program

This option is not recommended by officers as many important community projects will not be able to progress without funding support.

### **Conclusion**

The Small Grants Program is a positive community strengthening initiative that supports local groups to take action and contribute to the vibrant culture of their local community. The program involves significant collaboration with community given the high level of in-kind volunteer support involved in delivering each project.

A full list of recommended projects is attached (Appendix 1).

A celebration to recognise successful grant recipients will be held on 13 December 2018.

**6.1 Small Grants Program September 2018**

**APPENDIX 1 SMALL GRANTS PROGRAM SEPTEMBER 2018 PROJECTS - SUPPORTED**

**APPENDIX 1: Surf Coast Shire Small Grants Program September 2018 - 'Projects Supported'**

No.	Name of Applicant	Project Title	Description	Alignment to Grant Guidelines	Category	Ward	Applicants Total Project Costs	Amount Sought	Recommended (excl GST)
1	Connewarre Landcare (Auspiced by Surf Coast and Inland Plains Network)	Greening of Connewarre Reserve	Purchase 3 Hamilton tree planters to plant 6000 indigenous trees at Connewarre Reserve	Project protects and enhances the local environment and enables the group to collaborate, share knowledge, skills and resources	Environment	Winchelsea	\$5,385.00	\$345.00	\$345.00
2	Torquay Food Aid (Auspiced by Torquay Christian Fellowship)	Torquay Food Aid Relocation Project	Signage, printing and distribution of brochures following relocation of Torquay Food Aid to a new premises	Local partnership that contributes to the wellbeing and quality of life of Surf Coast Shire residents. Project addresses an important community need	Community Initiative	Torquay	\$6,600.00	\$600.00	\$600.00
3	Anglesea Community Garden (Auspiced by Anglesea Community House)	Recycle Your Garden	Provide a series of workshops to community members that promote sustainable food growing, reduction of food waste and household plastics	Project works towards sustainability and encourages and enables individuals across the Shire to collaborate and share knowledge, skills and resources. Group to work with Council's Sustainability Team to develop content of workshops	Environment	Anglesea	\$4,000.00	\$2,000.00	\$2,000.00
4	Lorne Community Connect	Lorne Community Connect Artist Working Space	Purchase a portable floor covering and 8 timber easels to establish a new weekly art class at Lorne Community Connect Centre (previously Lorne Senior Citizens Centre)	Community arts project that supports the development of quality arts initiatives and increases involvement in arts and culture across the community	Culture and Arts	Lorne	\$5,550.00	\$2,500.00	\$2,500.00
5	Torquay Netball Club	Summer Masters Netball Tournament	Flyers, posters, newspaper advertising, social media and umpiring to support Surf Coast Shire's first summer masters women's netball tournament in 2020.	Innovative project that promotes recreation and physical activity	Recreation and Leisure	Torquay	\$4,470.00	\$2,000.00	\$2,000.00
6	Torquay Museum Without Walls	Together They Served :1914-1918 Surf Coast Memorials	Editing, design and printing of a book recording stories of over 600 men and women from the Shire who served during WW1. 150 free copies for families, schools, libraries, community houses, senior citizens, Shire, RSL and history groups. The book will also be available online	Heritage project that supports participation, learning and recording of the cultural history of the Surf Coast Shire and its residents. The Society has a proven track record of managing similar projects. Well developed project plan	Culture and Arts	Torquay	\$34,181.00	\$3,282.00	\$2,000.00
7	Anglesea Community Network (Auspiced by Anglesea Community House)	Anglesea Community Network Start-Up Project	Website development, email server, venue hire and domain name to support the establishment of the Anglesea Community Network who aim to improve communication and connections between community groups and residents in Anglesea	Local partnership that contributes to the wellbeing and quality of life of Surf Coast Shire residents. Project encourages and enables groups or individuals across the Shire to collaborate and share knowledge, skills and resources. Well developed project plan	Community Initiative	Anglesea	\$32,535.00	\$3,055.00	\$1,075.00
8	Bellbrae Cemetery Trust	Historic Pioneer Plaques for Bellbrae Cemetery	Develop and install eight plaques at Bellbrae cemetery to highlight families who pioneered the area and raised families in Bellbrae, Torquay and Anglesea	Heritage project that supports participation, learning and recording of the cultural history of the Surf Coast Shire and its residents	Culture and Arts	Winchelsea	\$5,800.00	\$2,000.00	\$2,000.00
9	Lorne Bowls Club	Lorne Bowls Club - Bowls Equipment	To purchase 6 lawn bowls mats and 3 outdoor lawn bowls score boards for pennant bowls and community tournaments to meet growing membership demand	Project promotes recreation, physical activity and increases participation for all abilities	Recreation and Leisure	Lorne	\$4,020.00	\$2,000.00	\$2,000.00
10	Anglesea and District Table Tennis (Auspiced by Anglesea Recreation and Sports Club)	Anglesea and District Table Tennis table partitions	To purchase 10 tennis fences to prevent balls interfering with adjoining tables during competition and games	Equipment will contribute to the wellbeing of Surf Coast Shire residents. Project promotes recreation, physical activity and increases participation for all abilities. Project was assessed as ineligible in previous round. Group has since secured an Auspice	Recreation and Leisure	Anglesea	\$830.00	\$410.00	\$410.00
11	Surf Coast Football Club (Soccer)	Surf Coast Football Club Portable Goal Storage	To create a secure fenced area for the portable goals to reduce vandalism of the asset	Referred by the Community Project Proposal (CPP) process and will be project managed by SCS. Project promotes recreation, physical activity and increases participation and addresses an important community need	Recreation and Leisure	Torquay	\$9,425.00	\$4,488.00	\$4,488.00
12	Cancer Council Victoria Relay for Life - Surf Coast	HOPE Signage	To produce 100 x 50mm letters for HOPE signage in conjunction with Men's Shed, Bellbrae Primary, St Therese and Torquay Primary Schools to raise awareness of cancer and Relay for Life	Project encourages the participation of a wide variety of local residents and contributes to the wellbeing of Surf Coast Shire residents	Community Initiative	Torquay	\$1,740.75	\$660.75	\$660.75
13	Lorne Historical Society	The Elders of Lorne	Funding to purchase disk storage and Apple iPad to store and share stories from 'The Elders of Lorne'.	Heritage project that supports participation, learning and recording of the cultural history of the Surf Coast Shire and its residents	Culture and Arts	Lorne	\$8,174.00	\$2,324.00	\$2,324.00
14	Lorne Country Club	Tennis Court Improvements and Equipment	Replace lines, nets, install windbreak fences and purchase tennis equipment to bring tennis courts up to standard for use by Lorne P-12, club members and the broader community	Project promotes recreation, physical activity and increases participation	Recreation and Leisure	Lorne	\$5,175.20	\$2,575.20	\$2,575.20
15	Jan Juc Coast Action	Continuing the battle against Gazania	Control of Gazania on the Jan Juc cliff tops and adjacent residential areas. Gazania is an evasive weed that impacts negatively on the environment	Project protects and enhances the local environment and enables the group to collaborate and share knowledge, skills and resources	Environment	Torquay	\$11,000.00	\$2,000.00	\$1,000.00
16	Torquay Surf Life Saving Club	Lifesaving Program for 13-15 year olds	Purchase of rash vests for safety in the delivery of a new program that aims to provide an opportunity for 13-15 year olds to stay engaged in surf life saving	Program encourages and enables individuals to collaborate and share knowledge, skills and resources. Also promotes recreation, physical activity and increases participation	Recreation and Leisure	Torquay	\$6,408.00	\$2,000.00	\$1,000.00
17	Jan Juc Surf Life Saving Club	Jan Juc Surf Life Saving December Bronze Medallion Camp	Due to the current Jan Juc Surf Life Saving Club renovation the annual bronze medallion camp will be held at Torquay Surf Life Saving Club. Funding to subsidise additional cost associated with venue hire	Group has a proven track record in managing similar projects. Project promotes recreation, physical activity and increases participation	Recreation and Leisure	Torquay	\$30,027.50	\$5,000.00	\$1,000.00
18	St Thomas Anglican Church Winchelsea (Auspiced by Anglican Diocese of Melbourne)	Mainly Music Playground	Contribution to playground construction (wet pour rubber, retainer wall and mulch) targeted at 0-4 year olds to provide play opportunities for participants that attend Mainly Music program. The playground will also be open to the public	Well developed budget and project plan. Project promotes recreation, physical activity and increases participation and addresses an important community need	Recreation and Leisure	Winchelsea	\$9,857.00	\$2,000.00	\$2,000.00
19	Surf Coast Badminton Association	Badminton Start-Up Grant	Court hire and Equipment to support the development of the first Surf Coast Badminton Association to encourage local participation	Well developed project plan. Project promotes recreation, physical activity and increases participation	Recreation and Leisure	Torquay	\$8,000.00	\$2,000.00	\$2,000.00

**APPENDIX 1: Surf Coast Shire Small Grants Program September 2018 - 'Projects Supported'**

20	Torquay Boardriders Club	Public Access Defibrillator (PAD) project	To purchase and install a Public Access Defibrillator (PAD) at Jan Juc beach amenities block that will provide 24/7 access which is currently not available	Project contributes to the wellbeing and quality of life of Surf Coast Shire residents and addresses an important community need	Community Initiative	Torquay	\$6,000.00	\$3,000.00	\$3,000.00
21	Surf Coast Secondary College	Box Trailer	To purchase a box trailer to support programs for students outside normal curriculum and make available free to community groups	Local partnership that contributes to the wellbeing of Surf Coast Shire residents	Community Initiative	Torquay	\$11,275.00	\$5,000.00	\$1,000.00
<b>No.</b>	<b>Name of Applicant</b>	<b>Project Title</b>	<b>Description</b>	<b>Alignment to Grant Guidelines</b>	<b>Category</b>	<b>Ward</b>	<b>Applicants Total Project Costs</b>	<b>Amount Sought</b>	<b>Recommended</b>
22	Anglesea Aireys Inlet Senior Citizens Club Inc.	Seniors Shopping Trip	The seniors shopping trip provides transport and support to Anglesea residents who no longer drive to go to Warun Ponds Shopping Centre to attend appointments, shop and other services. The funding will expand the service from once a week to twice a week to meet growing demand	Project contributes to the wellbeing and quality of life of Surf Coast Shire residents and addresses an important community need	Community Initiative	Anglesea	\$8,265.00	\$1,655.00	\$1,655.00
23	Lions Club of Winchelsea	Pallet Lifter	Purchase hydraulic pallet lifter to move 500kg pallets to assist with Winchelsea Lions Club paper recycling project	Project encourages and enables groups or individuals to collaborate and share knowledge, skills and resources	Community Initiative	Winchelsea	\$1,294.00	\$514.00	\$514.00
							<b>\$220,012.45</b>	<b>\$51,408.95</b>	<b>\$38,146.95</b>

**6.1 Small Grants Program September 2018**

**APPENDIX 2 SMALL GRANTS SEPTEMBER 2018 PROJECTS - INELIGIBLE AND NOT SUPPORTED**

**APPENDIX 2: Surf Coast Shire Small Grants Program September 2018 - 'Projects Ineligible (as per Program Guidelines) and Not Supported'**

Name of Applicant	Project Title	Description	Category	Ward	Applicant Total Project Costs	Amount Sought	Comment
Rotary Club of Torquay	Reusable Shopping Bags	To purchase and distribute laminated polypropylene reusable shopping bags to the public	Environment	Torquay	\$4,000.00	\$2,000.00	<b>Not supported</b> - Highly competitive round. Project did not score strongly against grant criteria. Sustainability team outlined proposed bag (polypropylene) was not environmentally friendly and propose to work with group to develop project in line with 'Boomerang Bags' program
Surf Coast LEGO Club	Surf Coast LEGO Club for special needs children	Venue hire, equipment, travel and advertising to set up a Surf Coast LEGO Club for school aged children with autism spectrum diagnosis	Community Initiative	Torquay	\$1,999.00	\$1,999.00	<b>Ineligible</b> - Group is not incorporated or auspiced as per grant guidelines. Public liability insurance, project plan and quotations not provided. Officers to work with club for eligible application next round and explore partnerships with the library
					<b>\$5,999.00</b>	<b>\$3,999.00</b>	

Item - 6.2 Surf Coast Shire Theatre Feasibility Study - has been moved to another part of the document.

Cr Clive Goldsworthy returned to the meeting at 07:22 pm.

### 6.3 SCS-015 Control of Noise from Recreation Reserves Policy Review

**Author's Title:** Recreation Planning Coordinator **General Manager:** Chris Pike

**Department:** Recreation & Open Space Planning **File No:** F12/406

**Division:** Culture & Community **Trim No:** IC18/1581

#### Appendix:

1. SCS-015 - Control of Noise from Recreation Reserves 2018-20 (D18/148856)

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

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

Yes



No

#### Status:

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



Yes



No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to provide a review of the Control of Noise from Recreation Reserves Policy (SCS-015) for Council approval.

#### Summary

Council's SCS-015 Control of Noise from Recreation Reserves Policy was last reviewed in January 2017. The report included a recommendation to review the policy again by 30 June 2018 after the Environment Protection Authority Victoria (EPA) review of State Environment Protection Policies (SEPPs) for noise in Victoria is complete.

The EPA review is taking longer than expected and is not yet complete. The review includes the State Environment Protection Policy No. N2 – Control of Music Noise from Public Premises (SEPP-N2) which provides guidelines for local government regarding the control of noise from recreation reserves.

It should be noted that there have been no complaints relating to the control of noise from recreation reserves since the last review of this policy, demonstrating that it is still working effectively.

This policy applies to Council owned and/or managed recreation reserves only. The policy does not apply to land that Council does not own and/or manage (i.e GORCC, PV). In this instance the EPA/State Environment Protection Policy (SEPP) legislation applies under the Environmental Protection Act 1970. Each individual land manager is responsible for upholding this legislation where relevant.

There are minor administrative changes only proposed to the SCS-015 Control of Noise from Recreation Reserves Policy. Noting that the EPA are not able to confirm when the review of SEPPs will be complete, it is recommended that the policy be extended to 26 November 2020 (two years) and a further review be undertaken after the EPA review of SEPPs for noise in Victoria is complete and report released.

#### Recommendation

That Council:

1. Adopts the Control of Noise from Recreation Reserves Policy as attached at Appendix 1.
2. Notes the Control of Noise from Recreation Reserves Policy will be reviewed again by 26 November 2020 after the Environment Protection Authority Victoria (EPA) review of the State Environment Protection Policies (SEPPs) for noise in Victoria is complete.

#### Council Resolution

##### MOVED Cr Martin Duke, Seconded Cr Margot Smith

That Council:

1. Adopts the Control of Noise from Recreation Reserves Policy as attached at Appendix 1.
2. Notes the Control of Noise from Recreation Reserves Policy will be reviewed again by 26 November 2020 after the Environment Protection Authority Victoria (EPA) review of the State Environment Protection Policies (SEPPs) for noise in Victoria is complete.

CARRIED 7:0



## 6.3 SCS-015 Control of Noise from Recreation Reserves Policy Review

### Report

#### **Background**

Council's Control of Noise from Recreation Reserves Policy (SCS-015) was reviewed in January 2017 and was due for review in June 2018. This was delayed whilst the Environment Protection Authority Victoria (EPA) completed a review of statutory policies and guidelines relating to the management of noise in Victoria. This EPA review remains ongoing and is not yet complete.

The policy applies to Council owned and/or managed recreation reserves only. The policy does not apply to land that Council does not own and/or manage (i.e GORCC, PV). In this instance the EPA/State Environment Protection Policy (SEPP) legislation applies under the Environmental Protection Act 1970. Each individual land manager is responsible for upholding this legislation where relevant.

A review of the existing Control of Noise from Recreation Reserve Policy has been undertaken by Council's Environmental Health, Events and Recreation and Open Space Planning teams with minor administrative changes only recommended.

#### **Discussion**

Environment Protection Authority Victoria (EPA) and the Department of Environment, Land, Water and Planning (DELWP) are currently reviewing the following statutory policies and guidelines for the management of noise in Victoria:

- State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1)
- State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)
- EPA guideline: Noise from Industry in Regional Victoria (NIRV).

An initial discussion paper on the policy review for the State Environment Protection Policies (SEPPs) for noise was released in 2014, and the EPA received a number of submissions to this paper from local government authorities. In late 2015 the EPA established the Noise External Reference Group (NERG) to assist in the development of policy options with representatives from eight councils.

During the review it was identified that many Victorian councils experience challenges with the existing noise SEPPs, NIRV and associated guidelines. Specifically, councils raised concerns regarding resource availability and costs, complexities of assessment and enforcement under the noise policies/guidelines and uncertainty around regulatory responsibilities.

In response to these concerns EPA is undertaking a review of each noise policy and it was anticipated that a report and guidelines for local government would be released by early 2018. This has not yet been completed and the EPA have not yet confirmed when the review will be complete and report released.

There have been no complaints relating to the control of noise from recreation reserves since the review of this policy in January 2017, demonstrating that the current policy is working effectively.

There are minor administrative changes only proposed to the SCS-015 Control of Noise from Recreation Reserves Policy. It is recommended that this policy be extended for a further two years and a further review of the policy be scheduled after the EPA review of the State Environment Protection Policies for noise in Victoria is complete and report released.

#### **Financial Implications**

Nil

#### **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

### **6.3 SCS-015 Control of Noise from Recreation Reserves Policy Review**

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

The policy continues to assist with compliance of the *Liquor Control Reform Act 1998* and the *State Environment Protection Policy No. N2 – Control of Music Noise from Public Premises (SEPP-N2)*.

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

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

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

There are no risks associated with any recommendations from this report

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

There have been no complaints in relation to the control of noise from recreation reserves since the review of this policy in January 2017, which demonstrates that the existing policy is working effectively. The revised policy with minor changes will ensure the protection of residents living adjacent to Council owned and managed recreation reserves from high levels of noise.

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

Not applicable

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

There are no environmental implications associated with any recommendations from this report

#### ***Communication***

The Control of Noise from Recreation Reserves Policy will be circulated throughout the organisation including distribution to Section 86 Committee's of Management and will be updated on Councils website.

#### ***Options***

Option 1 – Adopt the SCS-015 – Control of Noise from Recreation Reserve Policy as attached at Appendix 1

This option is recommended by officers as the revised policy provides officers with direction on the control of noisy activities taking place on recreation reserves that are owned or managed by Council.

Option 2 – Reject the SCS-015 – Control of Noise from Recreation Reserve Policy as attached at Appendix 1

This option is not recommended by officers as the current policy is working effectively in providing guidance on the control of noisy activities taking place on recreation reserves.

#### ***Conclusion***

The SCS-015 Control of Noise from Recreation Reserves Policy provides increased protection of the amenity of residents living adjacent to Council owned and/or managed recreation reserves from high levels of noise. The adoption of a revised policy will provide officers with clear guidelines in undertaking their role relating to noise emanating from recreation reserves.

**6.3 SCS-015 Control of Noise from Recreation Reserves Policy Review**

**APPENDIX 1 SCS-015 - CONTROL OF NOISE FROM RECREATION RESERVES 2018-20**

## COUNCIL POLICY



<b>Control of Noise from Recreation Reserves</b>	Document No:	SCS - 015
	Approval Date:	27 November 2018
	Approved By:	Council
	Review Date:	26 November 2020
	TRIM Reference	D18/148856
Responsible Officer:	Manager Recreation and Open Space Planning	
Authorising Officer:	Chief Executive Officer	

### 1. Purpose

This policy is to provide direction on the control of noisy activities taking place on recreation reserves that are owned or managed by Council.

### 2. Scope

This policy will assist with compliance of the State Environment Protection Policy No. N2 – Control of Music Noise from Public Premises (the "SEPP-N2") and to ensure protection of the residents living adjacent to Council owned and managed recreation reserves from high levels of noise.

### 3. Application

This policy will apply to all employees, Section 86 Committees of Managements and sports clubs who hire out all or part of recreation reserves including public halls and social rooms. It will also apply to the use of social rooms by clubs.

### 4. Definitions

Liquor Licence = A licence issued under the *Liquor Control Reform Act 1998*

### 5. Policy

The use of musical instruments and any electrical amplified sound reproducing equipment including a stereogram, radio, television and public address systems are not permitted on recreation reserves during these times:

#### Outdoor Venues.

Monday to Thursday	before 7am and after 10pm
Friday	before 7am and after 11pm
Saturday and Public Holidays	before 9am and after 11pm
Sunday	before 9am and after 10pm
New Year's Eve	before 9am and after 1am on the next morning (New Year's Day)

#### Indoor Venues.

Monday to Thursday	before 7am and after 11pm
Friday	before 7am and after 12 midnight
Saturday and Public Holidays	before 9am and after 12 midnight
Sunday	before 9am and after 11pm
New Year's Eve	before 9am and after 1am on the next morning (New Year's Day)

All non-emergency mechanical equipment other than that used for refrigeration, air conditioning and heating are not permitted to operate during these times.

All activity including cleaning up and closing down at outdoor and indoor venues is to cease within one hour of the times listed in the above tables.

## COUNCIL POLICY



Council may allow later operations where it is satisfied that music from the premises will be inaudible within all noise sensitive areas or is of special social significance. Applications to allow later operations must be submitted in writing and the applicant must notify residents living within a 200 metre radius of the location where the activity or event will occur.

If there is inconsistency between SEPP-N2, any relevant Liquor Licence issued for the premises or activity and this Policy, SEPP-N2 and the Liquor Licence takes precedence.

A liquor licence will generally state the allowed times that liquor can be served and a statement about compliance with SEPP N2 and not causing amenity issues in the area.

### 6. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
D18/148856	07/01-13.1.1	Permanent	HPE Content Manager

### 7. Attachments

Not applicable

### 8. References

S.86 Committee Delegations

Item - 6.4 Winchelsea Former Shire Hall - Future Use - has been moved to another part of the document.

**7. URGENT BUSINESS**

**Nil**

## 8. PROCEDURAL BUSINESS

### 8.1 Advisory Committee Minutes

**Author's Title:** Executive Assistant Community

**General Manager:** Chris Pike

**Department:** Culture & Community

**File No:** F18/221

**Division:** Culture & Community

**Trim No:** IC18/1887

**Appendix:**

1. All Abilities Advisory Committee Minutes - 11 October 2018 (D18/129175)

**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 All Abilities Advisory Committee (AAAC) meeting 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 meeting:

1. All Abilities Advisory Committee – 11 October 2018.

#### **Council Resolution**

##### **MOVED Cr Margot Smith, Seconded Cr Libby Coker**

That Council receives and notes the minutes of the following Advisory Committee meeting:

1. All Abilities Advisory Committee – 11 October 2018.

CARRIED 7:0



**8.1 Advisory Committee Minutes**

**APPENDIX 1 ALL ABILITIES ADVISORY COMMITTEE MINUTES - 11 OCTOBER 2018**

**All Abilities Advisory Committee (AAAC) Minutes  
Thursday 11 October 2018, 11am – 1pm  
Surf Coast Shire Council, 1 Merrijig Drive Torquay**

**Attendees:** Richard Porter (Deputy Chairperson), Cr Rose Hodge, Janet Brown, Michael Chan, Kate Marshall, Dan Remenyi, Helen Shepherd, Kerri Deague (Surf Coast Shire),

**Apologies:** Cr Heather Wellington, Caroline Maplesden, Laurel Wieland, Leone Mervin, Darryn Chiller (Surf Coast Shire), Manny Pimentel, Damian Waight (Surf Coast Shire)

Ag. No.	Issue Topic	Time	Points of Discussion Details/ Decision	Agreement/ Action/Timeframe	Responsible
1.1	Welcome, introductions and acknowledgements	5	The meeting began with an acknowledgement of our meeting being held on the traditional lands of the Wadawurrung people. Respects were paid to their Elders, past and present.		R Porter
1.2	Minutes from previous meeting	2	The minutes from Thursday 2 August were submitted at the Council meeting on 28 August 2018.	Accepted: Cr R Hodge Secoded: J Brown Carried: All	R Porter
1.3	Conflicts of Interest	2	Declaration of conflict of interest	Nil	R Porter
<b>2</b>	<b>Business Arising</b>				
2.1	Darryn Chiller - Acting Manager Community Relations	2	Coordinator of Communications and Community Relations - Darryn Chiller is Acting Manager Community Relations whilst Damian is temporarily acting in another role. Darryn is an apology for today's meeting.		R Porter
2.2	Standard item – noteworthy items or new resources in the space of access and inclusion	10	Discussion items: A new App exists for people with vision impairment, "Be My Eyes". Janet B promoted the play – "The Hope Song", being performed this weekend at the Courthouse Theatre in Geelong. Janet B attended and advocated for access for all at the community consultation regarding the Torquay Theatre feasibility study Kate M - All Aboard Art Exhibition "This is Me", commences Thursday 19 – Sunday 21 October at the Anglesea Art Space.	<b>Action:</b> K Deague will circulate invitations to All Aboard Art Exhibition	All members

2.3	Pedestrian safety on footpaths, nature strips and parks. Update on progress	2	Carried forward to December meeting		R Porter
2.4	Adult Changing Places project update	5	Architect appointed to complete designs for both sites. Community engagement to inform residents, traders and disability providers in the region of the progress will take place in November – December. Construction is due to be completed by June 2019.	<b>Action:</b> AAAC members will be invited to provide feedback as part of the community engagement process	K Deague
<b>3.</b>	<b>New Business</b>				
3.1	Council infrastructure projects in 2018-19 with access implications	15	Kerri D listed 11 capital and operational Council (infrastructure) projects that will benefit from AAAC input and recommendations. AAAC input is vital at the design phase and close to completion phase for projects with access relevance. AAAC members acknowledge the importance of seeking feedback from community members with a disability to gain user perspectives.	<b>Recommendation:</b> That Council consider endorsing a requirement that all Council infrastructure projects with access implications consult with people with a lived experience of disability at key phases in the life of a Project	K Deague
3.2	Planning for Inclusive Cowrie market event. AAAC feedback and volunteer attendance welcome	20	Kate M provided an overview of a Council planned event in November to celebrate inclusion in the Surf Coast. The event will take place at the Cowrie Community Market on Sunday November 18 and include performances from two musicians who have a physical disability, a reThink disAbility stall and a sneaky flash mob dance being initiated by All Aboard disAbility service participants.	<b>Action:</b> Media release, promotion and filming of the event to be arranged	K Deague
3.3	All Aboard DisAbility Services Volunteers required	5	All Aboard is a community service in Torquay providing inclusive skill development and learning opportunities for members of the community who have a disability. Learning opportunities are provided in various community settings such as Freshwater Creek Cottages farm, the Recycle shop at the Anglesea Landfill site, and at an Art and About program in Torquay. All Aboard are seeking community to contribute and participate. Members of AAAC recommended that Council staff, CEO and Councillors be invited to meet participants engaged in the community programs.	<b>Recommendation:</b> That an invitation be made to Council staff, CEO and Councillors to meet with All Aboard participants on site  <b>Action:</b> K Marshall to promote the information to U3A in Torquay	K Deague K Marshall

3.4	Township Access Maps – seek feedback from AAAC on updating map features	15	Access Township maps are due for updating. AAAC members provided recommendations to list accessible places of interest in all townships, and to prioritise the Anglesea and Winchelsea township map production to complement the construction of Adult Changing Places in the two locations. Maps should highlight accessible toilets all abilities playgrounds, and provide an enlarged map in VIC noticeboards.		K Deague
3.5	New Positive Ageing Advisory Committee. Project Coordinator Nicole Langtip		Nicole provided an overview of the new Positive Ageing Advisory Committee purpose and aims. There will be opportunities for AAAC and the Positive Ageing Committee to jointly make recommendations to Council to create an age friendly, inclusive and accessible community for all.		N Langtip
4.	<b>Next meeting</b>	2	Thursday 6 December 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 Feb</del>  <del>Thursday 5 April</del>  <del>Thursday 7 June</del>  <del>Thursday 2 August</del>  <del>Thursday 11 October</del>  Thursday 6 December</p>					

## 8.2 Section 86 Committee Minutes

**Author's Title:** Administration Officer – Governance & Risk      **General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F18/221

**Division:** Governance & Infrastructure

**Trim No:** IC18/1922

### Appendix:

1. Hearing of Submissions Minutes - 13 November 2018 (D18/148482)

### 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 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 – 13 November 2018.

### Council Resolution

#### MOVED Cr Clive Goldsworthy, Seconded Cr Libby Coker

That Council receives and notes the following minutes of the Section 86 Committee meetings:

1. Hearing of Submissions – 13 November 2018.

CARRIED 7:0

## **8.2 Section 86 Committee Minutes**

### **APPENDIX 1 HEARING OF SUBMISSIONS MINUTES - 13 NOVEMBER 2018**



# Minutes

## Hearing of Submissions Committee Tuesday, 13 November 2018

Held in the  
Council Chambers  
1 Merrijig Drive, Torquay  
Commencing at 5.00pm

**Council:**

Cr Rose Hodge (Chair)  
Cr David Bell  
Cr Libby Coker  
Cr Martin Duke  
Cr Clive Goldsworthy  
Cr Carol McGregor  
Cr Brian McKitterick (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 13 NOVEMBER 2018 COMMENCING AT 5.00PM

**PRESENT:**

Cr Rose Hodge (Chair)  
Cr David Bell  
Cr Libby Coker  
Cr Martin Duke  
Cr Clive Goldsworthy  
Cr Margot Smith  
Cr Heather Wellington (Observer via teleconference)

**In Attendance:**

General Manager Governance & Infrastructure – Anne Howard  
General Manager Environment & Development – Rancee Salan  
Manager Planning & Development – Bill Cathcart  
Acting General Manager Culture & Development Leanne Perryman  
Coordinator Statutory Planning – Michelle Watt  
Principal Statutory Planner – Ben Schmied  
Engineering Services Manager – Ian Stewart

**Not In Attendance:**

Chief Executive Officer – Keith Baillie  
General Manager Culture and Development – Chris Pike

48 members of the public  
1 member of the press

**APOLOGIES:**

**Committee Resolution**

**MOVED Cr Clive Goldsworthy, Seconded Cr Libby Coker**  
That an apology be received from Cr Carol McGregor

CARRIED 6:0

**CONFIRMATION OF MINUTES**

**Committee Resolution**

**MOVED Cr Martin Duke, Seconded Cr Margot Smith**

That the Hearing of Submissions Committee note the minutes of the meeting held on 2 October 2018 as a correct record of the meeting.

CARRIED 6:0

**CONFLICTS OF INTEREST:**

Nil



## **1. Environment and Development**

### **SUBMITTERS HEARD**

#### **1.1 Planning Permit Application 18/0159 – 109 Great Ocean Road Anglesea**

1. Patricia Morgan
2. Liz Vines on behalf of 26 Anglesea residents
3. Scott Webster on behalf of Seaview Marine (via teleconference )
4. Scott Webster on behalf of Faye Webster(via teleconference )
5. Barbara Crowhurst
6. Irene Karpala
7. Wes Smith
8. James Kelly
9. Peter Doyle
10. Brian Smith
11. Kirsten Kilpatrick (applicant)

#### **1.2 Planning Permit Application 18/0419 – 2-4 Geelong Road and 48-50 Bell Street and Lumley Close, Torquay**

1. Geoff Collins
2. Phillip Stockton
3. David Newton
4. Steve Csiszar
5. Barrie Sutherland and Barry White on behalf of Committee for Torquay
6. Dale Tepper
7. Peter Doak
8. Graeme Stockton
9. Chris Barr
10. Peter Donnelly
11. Sue O'Shanassy
12. Andrew Cherubin on behalf of 3228 Residents Association
13. Tarquin Leaver on behalf of applicant

## **2. Other Matters**

### **2.1 Road Management Plan Review**

1. Adrian Schonfeld – (submitter did not attend).

**BUSINESS:**

<b>1. PLANNING MATTERS</b> .....	<b>5</b>
1.1 <i>Planning Permit Application 18/0159 - 109 Great Ocean Road, Anglesea</i> .....	5
1.2 <i>Planning Permit Application 18/0419 - 2 and 4 Geelong Road and 48 and 50 Bell Street, Torquay</i> .....	12
<b>2. OTHER MATTERS</b> .....	<b>16</b>
2.1 <i>Road Management Plan Review</i> .....	16



**1.1 Planning Permit Application 18/0159 - 109 Great Ocean Road, Anglesea**

No.	Submitter	Position	Summary of Submission
			<ul style="list-style-type: none"> <li>• Lack of need for shops</li> <li>• Blocking views, including to businesses in Diggers Parade</li> <li>• Reduction in property values</li> <li>• Parking impacts on Diggers Parade</li> <li>• Eye-sore, out of character</li> <li>• Shadowing of Diggers Parade</li> <li>• Loss of privacy</li> <li>• Not in community interest</li> </ul>
5.	Individual	Objection	<ul style="list-style-type: none"> <li>• Plans do not reflect the title boundaries and rely on the use of private land between site and Diggers Parade for pedestrian access</li> <li>• Traffic congestion and parking issues</li> <li>• Reduced amenity and outlook</li> <li>• Reduction in property values</li> <li>• Does not respect neighbourhood character and town's coastal character</li> <li>• Dominate streetscape</li> <li>• Shadowing of neighbouring property</li> <li>• Overlooking</li> <li>• Inadequate car parking</li> <li>• Traffic impact assessment undertaken at wrong time of year, does not account for peak demand</li> <li>• Reliance on private parking on other land</li> <li>• Impact of waste collection</li> </ul>
6.	Individual	Objection	<ul style="list-style-type: none"> <li>• High density accommodation</li> <li>• Traffic congestion and parking issues</li> <li>• Reduced amenity and outlook</li> <li>• Loss of views</li> <li>• Reduction in property values</li> <li>• Does not respect neighbourhood character and town's coastal character</li> <li>• Dominate streetscape</li> <li>• Shadowing of neighbouring property</li> <li>• Overlooking</li> <li>• Inadequate car parking</li> <li>• Impact of waste collection</li> </ul>
7.	Individual	Objection	<ul style="list-style-type: none"> <li>• Negative impact on neighbourhood character</li> <li>• Does not respond to <i>Anglesea Great Ocean Road Study</i> and the planning scheme</li> <li>• Overdevelopment</li> <li>• Lack of landscaping and open space</li> <li>• High site coverage</li> <li>• Door design</li> <li>• Excessive height</li> <li>• Car parking</li> </ul>
8.	Individual	Objection	<ul style="list-style-type: none"> <li>• Block view and exposure of restaurant</li> <li>• Parking problems in Diggers Parade</li> <li>• Loss of privacy</li> <li>• Spoil ambience</li> </ul>
9.	Individual	Objection	<ul style="list-style-type: none"> <li>• Building height and lack of third storey recess</li> <li>• Visual bulk and imposing</li> </ul>

**1.1 Planning Permit Application 18/0159 - 109 Great Ocean Road, Anglesea**

No.	Submitter	Position	Summary of Submission
			<ul style="list-style-type: none"> <li>Impact on township character</li> </ul>
10.	Individual	Objection	<ul style="list-style-type: none"> <li>Building height</li> <li>Loss of potential views</li> <li>Loss of privacy</li> <li>Traffic and parking impacts on Diggers Parade</li> <li>Traffic noise</li> <li>Lack of loading and unloading facilities</li> <li>Inappropriate waste management</li> <li>Building imposing</li> </ul>
11.	Individual	Objection	<ul style="list-style-type: none"> <li>Detrimental to character</li> <li>Lack of demand for apartments and shops</li> <li>Development excessive</li> <li>Building height excessive and not compatible with streetscape</li> <li>Lack of landscaping</li> <li>Lack of stepped form</li> <li>Infrastructure capacity</li> <li>Traffic and parking impacts on Diggers Parade</li> <li>Traffic impact assessment undertaken at wrong time of year, does not account for peak demand</li> <li>Loss of privacy</li> <li>Inappropriate scale</li> <li>Location of waste collection</li> </ul>
12.	Individual	Objection	<ul style="list-style-type: none"> <li>Negative impact on character of Anglesea</li> <li>Does not respond to <i>Anglesea Great Ocean Road Study</i> and the planning scheme</li> <li>Overdevelopment of site</li> <li>Lack of landscaping</li> <li>Poor design and response to character</li> <li>Inappropriate height</li> <li>Concern about car parking</li> </ul>
13.	Individual	Objection	<ul style="list-style-type: none"> <li>No need for more shops</li> <li>Change of character</li> <li>Unightly</li> </ul>
14.	Individual	Objection	<ul style="list-style-type: none"> <li>Negative impact on character of Anglesea</li> <li>Does not respond to planning scheme and <i>Anglesea Structure Plan</i></li> </ul>
15.	Individual	Objection	<ul style="list-style-type: none"> <li>Negative impact on character of Anglesea</li> <li>Does not respond to <i>Anglesea Great Ocean Road Study</i> and the planning scheme</li> <li>Overdevelopment of site</li> <li>Lack of landscaping</li> <li>Poor design and response to character</li> <li>Inappropriate height</li> <li>Concern about car parking</li> </ul>
16.	Individual	Objection	<ul style="list-style-type: none"> <li>Building height and scale</li> <li>Parking impacts on Diggers Parade</li> <li>Traffic impact assessment undertaken at wrong time of year, does not account for peak demand</li> <li>Waste collection location</li> <li>Lack of need for shops</li> </ul>

**1.1 Planning Permit Application 18/0159 - 109 Great Ocean Road, Anglesea**

No.	Submitter	Position	Summary of Submission
17.	Individual	Objection	<ul style="list-style-type: none"> <li>• Not a positive contribution to character</li> <li>• Visually dominant and bulky</li> <li>• Overdevelopment of site</li> <li>• Lack of landscaping</li> <li>• Concern about non-tourist accommodation</li> </ul>
18.	Individual	Objection	<ul style="list-style-type: none"> <li>• Does not respond to planning scheme and <i>Anglesea Structure Plan 2012</i></li> <li>• Overdevelopment</li> <li>• Lack of need for shops</li> </ul>
19.	Individual	Objection	<ul style="list-style-type: none"> <li>• Building height</li> <li>• Overshadowing of neighbouring properties and road</li> <li>• Bold façade, could be more understated</li> <li>• As it would be biggest building in surrounding context needs to be best practice design</li> </ul>
20.	Individual	Objection	<ul style="list-style-type: none"> <li>• Out of scale and character</li> <li>• Overdevelopment</li> <li>• Poor apartment amenity</li> <li>• Parking impacts</li> <li>• Compromises Anglesea River views</li> <li>• Impact on views to river from Diggers Parade</li> </ul>
21.	Individual	Objection	<ul style="list-style-type: none"> <li>• Out of scale and character</li> <li>• Planning controls for this area should be reviewed</li> <li>• Oversupply of shops</li> </ul>
22.	Individual	Supporter	<ul style="list-style-type: none"> <li>• Sustainable development on Anglesea foreshore</li> <li>• Precedent for future development</li> </ul>
23.	Individual	Supporter	<ul style="list-style-type: none"> <li>• Boost to local economy</li> <li>• Opportunity for people entering the housing market looking for beachfront property</li> </ul>
24.	Individual	Objection	<ul style="list-style-type: none"> <li>• Negative impact on character of town</li> <li>• Overdevelopment</li> <li>• Lack of landscaping</li> <li>• Poor design</li> <li>• Inappropriate height</li> <li>• Inadequate car parking</li> </ul>
25.	Individual	Supporter	<ul style="list-style-type: none"> <li>• Provide quality accommodation</li> <li>• Enhance appearance of industrial strip</li> <li>• Increase in population assisting small business</li> </ul>

The issues raised in the submissions will be considered in detail in a report to be presented to a Council meeting at a later date.

The permit applicant has requested that Council not determine the application before they have the opportunity to respond to the objections through amendments to the proposal. This application had been scheduled for determination on the 27 November 2018, but subsequently has been deferred to a yet to be ascertained meeting. Submitters will be informed of any changes made to the plans by the applicant.

**1.1 Planning Permit Application 18/0159 - 109 Great Ocean Road, Anglesea**

**Recommendation**

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 18/0159 - Construction of a Building Containing 21 Apartments and Two shops; Use of the Land for Accommodation and Shop - 109 Great Ocean Road, Anglesea and forward to Council for consideration.

**Committee Resolution**

**MOVED Cr Libby Coker, Seconded Cr Margot Smith**

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 18/0159 - Construction of a Building Containing 21 Apartments and Two shops; Use of the Land for Accommodation and Shop - 109 Great Ocean Road, Anglesea and forward to Council for consideration.

CARRIED 6:0

**1.1 Planning Permit Application 18/0159 - 109 Great Ocean Road, Anglesea**

**APPENDIX 1 ORDER OF SPEAKERS - 13 NOVEMBER 2018**





Hearing of Submissions  
Tuesday, 13 November 2018  
5.00 pm  
Council Chambers  
1 Merrijig Drive, Torquay

**ORDER OF SPEAKERS**

**Environment and Development**

**1.1 Planning Permit Application 18/0159 – 109 Great Ocean Road Anglesea**

	<b>Submitter Name</b>
1.	Michael Morgan
2.	Liz Vines
3.	Liz Vines on behalf of Peter Doyle
4.	Liz Vines on behalf of S & J Wardle
5.	Scott Webster on behalf of Seaview Marine
6.	Scott Webster on behalf of Faye Webster
7.	Barbara Crowhurst
8.	Irene Karpala
9.	Wes Smith

**1.2 Planning Permit Application 18/0419 - 2 and 4 Geelong Road and 48 and 50 Bell Street, Torquay**

**Author's Title:** Coordinator Statutory Planning

**General Manager:** Ransce Salan

**Department:** Statutory Planning

**File No:** 18/0419

**Division:** Environment & Development

**Trim No:** IC18/1848

**Appendix:**

1. Order of Speakers - 2 and 4 Geelong Road & 48 and 50 Bell Street, Torquay (D18/142611)

**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 hear submissions relating to Planning Permit Application 18/0419 which relates to the properties known as 2 and 4 Geelong Road, Torquay and 48 and 50 Bell Street, Torquay.

**Summary**

In October 2018 the application was publicly exhibited in accordance with the *Planning and Environment Act 1987*.

**Summary of Submissions**

A total number of 134 submissions were received including 133 objections and one submission in support. The key issues raised are summarised as follows:

**Height**

- The height of the development is out of character and will impact on the streetscape;
- The concept is good, but the height and density is too much for the site;
- The building will dominate the skyline vistas from Torquay's two major arterial roads;
- The development exceeds the nominated height in DDO7;
- Planning policy requires that the character of towns is respected;
- People come to Torquay to get away from the city;
- The high building will overshadow Bell Street and reduce public enjoyment of this space;
- Comparisons to the RACV development are not relevant;
- The building is higher than 16.9 metres and is 20.5 metres in height;
- The building is not a low rise building.

**Car parking and traffic**

- Inadequate on site car parking is provided and this will be particularly evident in peak summer periods;
- The roundabout cannot cope with the additional traffic generated by the use;
- The Torquay car park land is not available to support the development's parking needs.

**Noise**

- The outdoor eating/drinking areas will impact on neighbouring residential properties;
- The access ramp on the northern boundary will be a high traffic area consisting of motel customers, employees and trucks/ service traffic at all hours. This is an assault on neighbouring residents and will impact on residential amenity. Access to the development should be relocated away from the residential interface.

**Siting and design**

- No setbacks and very tight to boundary;
- The building does not reflect the natural beauty of the area;
- Extensive walls on boundaries will impact on neighbour's amenity;

**1.2 Planning Permit Application 18/0419 - 2 and 4 Geelong Road and 48 and 50 Bell Street, Torquay**

- The building should be contained within the property boundaries, Council cannot give away the rights to this airspace;
- Overshadowing of neighbouring properties;
- At street level there is no landscaping or green space;
- The building design is ugly;
- The building is better suited to a metropolitan location.

**Need**

- There is no need for additional accommodation; two of the existing hotels are currently struggling;

**Geelong Road**

- The opening of the northern end of Geelong Road is of concern to me; it was closed in the late 90s as a safety measure;
- The developer should not be allowed to put its parking spaces in the road reserve

**Lumley Close**

- The road will be completely enveloped within the building and will be largely inaccessible to shop keepers during the development cycle. How will these businesses manage deliveries and staff parking?

**Other**

- The land could be contaminated by its former use as a service station;
- The construction phase will cause significant disruption to the community over 2-3 years;
- The deep excavation works could impact on neighbouring properties;
- Council has an obligation to its ratepayers that clearly usurps the needs of transient visitors;
- The glass will reflect into the eyes of drivers driving down the hill from Jan Juc in the afternoon;
- Pedestrian movements along Geelong Road will be compromised;
- Public views of the coast will be lost;
- Another licensed premises is not needed and will create social issues;
- Odour from bins may impact on neighbours;
- Planning Department pre-application discussions with the applicant have been questioned as not being appropriate;
- There hasn't been any community consultation;
- The development presents a poor cultural outcome for our coastal towns and other coastal towns throughout Australia;
- The interests of the Shire are with developers and not the community;
- The application should not be entertained as it is so non-compliant with the planning scheme;
- The development may impact on sea views of surrounding properties;
- Converting the grassed area to car parking does not provide a welcoming entrance to tourists using the Great Ocean Road;
- Local birdlife could fly into the glass;

The issues raised in the submissions will be considered in detail in a report to be presented to a Council meeting; the date of this meeting is not currently known as further information has been requested.

**Recommendation**

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 18/0419 and forward to Council for consideration.

**Committee Resolution**

**MOVED Cr Margot Smith, Seconded Cr David Bell**

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 18/0419 and forward to Council for consideration.

CARRIED 6:0

**1.2 Planning Permit Application 18/0419 - 2 and 4 Geelong Road and 48 and 50 Bell Street,  
Torquay**

**APPENDIX 1 ORDER OF SPEAKERS - 2 AND 4 GEELONG ROAD & 48 AND 50 BELL STREET,  
TORQUAY**



**Hearing of Submissions**  
**Tuesday, 13 November 2018**  
**5.00 pm**  
**Council Chambers**  
**1 Merrijig Drive, Torquay**

**ORDER OF SPEAKERS**

**Environment and Development**

**1.1 Planning Permit Application 18/0419 – 2-4 Geelong Road and 48-50 Bell Street and Lumley Close, Torquay**

	<b>Submitter Name</b>
1.	Geoff Collins
2.	Phillip Stockton
3.	David Newton
4.	Steve Csiszar
5.	Barrie Sutherland
6.	Dale Tepper
7.	John Foss
8.	John Bleazby
9.	Peter Doak
10.	Graeme Stockton
11.	Chris Barr
12.	Geoff Collins
13.	Charles Brooks
14.	Peter Donnelly
15.	Tarquin Leaver on behalf of applicant

**2. OTHER MATTERS**

**2.1 Road Management Plan Review**

**Author's Title:** Manager Engineering Services                      **General Manager:** Anne Howard  
**Department:** Engineering Services                                      **File No:** F18/1655  
**Division:** Governance & Infrastructure                                      **Trim No:** IC18/1838

**Appendix:**

1. Hearing of Submissions - Speaker List (D18/143381)

**Officer Direct or Indirect Conflict of Interest:**                      **Status:**  
In accordance with Local Government Act 1989 –                      Information classified confidential in accordance with  
Section 80C:    Local Government Act 1989 – Section 77(2)(c):

Yes                       No                       Yes                       No

**Reason:** Nil    **Reason:** Nil

**Purpose**

The purpose of this report is to hear submissions relating to draft changes to Council's Road Management Plan 2017 - 21.

**Summary**

At its meeting held on 25 September 2018 Council resolved to publicly exhibit the Draft Road Management Plan and publish a public notice inviting submissions in accordance with section 223 of the *Local Government Act 1989*.

**Summary of Submissions**

A total number of 3 submissions were received, as follows:-

No.	Submitter	Position	Summary of Submission
1.	Individual	Supporting additional funding for roads.	The submitter has requested that Council increase its percentage of budget on roads including widening, line marking and signage.
2.	Individual	Support the plan.	Seeking more focus on safe road shoulder for cyclists.
3.	Organisation	Seeking increased frequency of inspections.	The submission requested increase frequency of inspections and generally improved signage, line markings and road widths. They would like greater advocacy road improvements on the arterial road network.

The issues raised in the submissions will be considered in detail in a report to be presented to the 27 November 2018 Council meeting.

**Recommendation**

That the Hearing of Submissions Committee receives and notes the submissions relating to Road Management Plan and forward to Council for consideration.

Speaker did not attend therefore hearing not required. Road Management Plan Review will proceed to the 27 November 2018 Council meeting.

**2.1 Road Management Plan Review**

**APPENDIX 1 HEARING OF SUBMISSIONS - SPEAKER LIST**



**Hearing of Submissions**  
**12 November 2018**  
**5.00pm - 8.00pm**  
**Council Chambers**  
**1 Merrijig Drive, Torquay**

**ORDER OF SPEAKERS**

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Engineering Services  
Road Management Plan

	Submitter Name
1.	Adnan Schonfelder

**Close:** There being no further items of business the meeting closed at 7.02pm.



### 8.3 Assemblies of Councillors

**Author's Title:** Administration Officer – Governance & Risk      **General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F18/221

**Division:** Governance & Infrastructure

**Trim No:** IC18/1643

**Appendix:**

1. Assembly of Councillors - Councillor Briefings - 2 October 2018 (D18/133367)
2. Assembly of Councillors - Councillor Briefings - 16 October 2018 (D18/133387)
3. Assembly of Councillors - Mayoral Election Discussion - 23 October 2018 (D18/134055)
4. Assembly of Councillors - Responsible & Planning Authorities Briefing - 23 October 2018 (D18/134338)
5. Assembly of Councillors - Councillor Briefings - 23 October 2018 (D18/134053)
6. Assembly of Councillors - Councillor Briefings - 7 November 2018 (D18/134056)

**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. Councillor Briefings – 2 October 2018.
2. Councillor Briefings – 16 October 2018.
3. Mayoral Election Discussion – 23 October 2018.
4. Responsible & Planning Authority - 23 October 2018.
5. Councillor Briefings - 23 October 2018.
6. Councillor Briefings – 7 November 2018.

#### Council Resolution

**MOVED Cr Margot Smith, Seconded Cr Libby Coker**

That Council receives and notes the Assembly of Councillors records for the following meetings:

1. Councillor Briefings – 2 October 2018.
2. Councillor Briefings – 16 October 2018.
3. Mayoral Election Discussion – 23 October 2018.
4. Responsible & Planning Authority - 23 October 2018.
5. Councillor Briefings - 23 October 2018.
6. Councillor Briefings – 7 November 2018.

CARRIED 7:0

### **8.3 Assemblies of Councillors**

#### **APPENDIX 1 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 2 OCTOBER 2018**



## Assembly of Councillors Record

<b>Description of Meeting:</b> Councillor Briefings
<b>Responsible Officer:</b> Anne Howard – General Manager Governance & Infrastructure
<b>Date:</b> 2 October 2018
<b>In Attendance:</b> Yes (✓) No (X)      N/R (Not Required)

Councillors		Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	Kathryn Arndt, CEO - VLGA	✓
Cr. Libby Coker	X	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓	Bo Li, Senior Policy Advisor - VLGA	✓
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓	Tracey Slatter Managing Director - Barwon Water	✓
Cr. Rose Hodge	✓	Acting Team Leader Governance – Claire Rose (minutes)	✓		
Cr. Carol McGregor	X	Coordinator Risk Management and Legal Services - Maureen White	✓	Shaun Cumming - General Manager Infrastructure & Technology - Barwon Water	✓
Cr. Brian McKiterick (Leave of Absence)	X	Manager Environment & Community Safety - Rowan Mackenzie	✓		
Cr. Margot Smith	✓	Biodiversity Officer - Gabrielle O'Shea	✓		
Cr. Heather Wellington	X	Coordinator Communications and Community Relations - Darryn Chiller	✓		
		Manager Recreation & Open Space Planning - Shaan Briggs	✓		
		Coordinator Recreation Planning - Jarrod Westwood	✓		
		Recreation Development Officer - Paul Elshaug	✓		
		Project Manager – Capital and Operational Projects - Karyn Rice	✓		
		Manager Community Strengthening Services - Bronwyn Saffron	✓		
		Coordinator Community Health & Development - Olivia Naughtin	✓		
		Coordinator Early Years and Youth - Jackie Walsh	✓		
		Project Officer Economic Development & Tourism - Jodie Keating	✓		
		Service Delivery Intake Officer/Rostering Administration Officer - Kirsty Boxshall	✓		
		Financial Accountant - Ash Hughes	✓		
		Acting Manager Economic Development and Tourism - Simon Loone	✓		
		Business Support Officer – Gretchen Gibson	✓		



<b>MEETING COMMENCED</b>	1.05pm	<b>MEETING CONCLUDED</b>	4.37pm
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<b>Matters considered at the meeting</b>		
External Presentation 1: VLGA Delegation		
External Presentation 2: Barwon Region Food Production and Employment Precinct		
1. Conflict of Interest		
2. Confirmation of Councillor Briefing Minutes 18 September 2018		
3. Victorian Electoral Commission – Review of Surf Coast Electorate Structure		
4. SCS-021 Risk Management Policy - Reviewed		
5. Bells Beach - Review of Coastal Management Plan; Term of Bells Beach Committee		
6. Quarterly Report Advocacy Priorities - July-September 2018		
7. G21 Regional Hockey Strategy – Draft for Public Exhibition		
8. Section 86 Committees - Review of Current Model		
9. Anglesea Bike Park and Trails Concept Planning Project - Stage 1B Update		
10. Point Grey Funding Request		
11. Early Years Strategy 2018-22 Update		
12. Council Plan Mid-Term Review - 2018		
13. General 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>
Anne Howard	No	General Manager Governance & Infrastructure Anne Howard declared an indirect conflict of interest relating to External Presentation 2 - Barwon Region Food Production and Employment Precinct under Section 78 of the Local Government Act 1989 - close association. The nature of the interest being Anne Howard's husband works at the Black Rock Solid Waste facility. Anne Howard did not leave during the presentation or as the item was being discussed.
<b>Responsible Officer Signature:</b>		<b>Print Name:</b> Anne Howard
<b>Date:</b> 2 October 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)].

**8.3 Assemblies of Councillors**

**APPENDIX 2 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 16 OCTOBER 2018**



## Assembly of Councillors Record

<b>Description of Meeting:</b> Councillor Briefings
<b>Responsible Officer:</b> Anne Howard – General Manager Governance & Infrastructure
<b>Date:</b> 16 October 2018
<b>In Attendance:</b> Yes (✓) No (X) N/R (Not Required)

Councillors	✓	Officers		Externals	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	CEO Liz Price – Barwon Water	✓
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓	Chairman Wayne Kayler-Thomason – Barwon Water	✓
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓	Robert Joseph, Design Consultant – Marshall Day Enterech	✓
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓	Greg Randall, Principal - Randall Arts Management	✓
Cr. Rose Hodge	✓	Team Leader Governance – Claire Rose (minutes)	✓		
Cr. Carol McGregor	✓	Manager Economic Development Matt Taylor	✓		
Cr. Brian McKitterick (Leave of Absence)	X	Event Delivery Officer - Lynne Hume	✓		
Cr. Margot Smith	✓	Coordinator Events - Kate Patterson	✓		
Cr. Heather Wellington	X	Manager Business Improvement - Brendan Walsh	✓		
		Coordinator Business and Tourism Strategy - Simon Loone	✓		
		Manager People & Culture - Leanne Perryman	✓		
		Engineering Services Manager - Ian Stewart	✓		
		Coordinator Waste Management - Neil Brewster	✓		
		Coordinator Strategic Planning Karen Hose	✓		
		Senior Strategic Planner - Sally Conway	✓		
		Recreation and Facilities Project Officer - Meredith Kelly	✓		
		Environmental Health Officer Sarah Farrer	✓		
		Coordinator Environmental Sustainability - Lauren Watt	✓		
		Waste and Sustainability Officer - Sally Sneddon	✓		
		Local Food and Sustainability Officer - Sarah Bolus	✓		
		IT Officer / Web Administrator - Andrew McKenna	✓		
		Asset Management Analyst -	✓		



	Tymothy Guthridge		
	Coordinator Environment - Kate Smallwood	✓	
	Principal Strategic Planner - James Hamilton	✓	
	Manager Recreation & Open Space Planning - Shaan Briggs	✓	
	Acting Coordinator Recreation Planning – Paul Elshaug	✓	
	Acting Manager Community Relations - Darryn Chiller	✓	
	Coordinator Community Health & Development - Olivia Naughtin	✓	
	Acting Manager Aged & Family - Damian Waight	✓	
	Team Leader Youth Development - Jack Pearson	✓	
	Youth Development Officer - Damian O'Brien	✓	
	Customer Experience Coordinator – Virginia Morris	✓	
	Project Manager - Capital and Operational Projects - Lisa Robinson	✓	
	Coordinator Financial Accounting - Tracey McCarthy	✓	

<b>MEETING COMMENCED</b>	10.11am	<b>MEETING CONCLUDED</b>	4.37pm
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**Matters considered at the meeting**

External Presentation 1: Great Ocean Road Regional Tourism (GORRT) Achievements & Priorities


External Presentation 2: Surf Coast Shire Theatre feasibility Study Preliminary Findings

1. Hotel Proposal – 2-4 Geelong Road, Torquay
2. Conflicts of Interest
3. Update on Review of Great Ocean Road Event Closure Guidelines
4. CEO Employment Matters Committee Chairperson and Terms of Reference
5. Quarterly Report - Road Management Update, including Unsealed Road Action Plan
6. Unsealed Road Action Plan - Councillor Queries
7. Food Organics - Garden Organics (FOGO)
8. Draft Hinterland Futures Strategy - Submissions
9. SCS-008 Plastic Wise Policy review: For Events and Markets in Surf Coast Shire
10. Anglesea Futures Land Use Plan
11. Quarterly Customer Requests and Complaints - Update
12. Youth Development Update
13. Walking Painkalac Concept & Feasibility Plan
14. Community Safety and Closed Circuit Television (CCTV)
15. Building Better Regions Fund - Round Three 2018-19
16. Question Time Discussion
17. Surf Coast Soccer Club Pavilion - Community Project Proposal Investigation Update
18. Draft G21 and Cricket Victoria Barwon Regional Cricket Strategy
19. Other Business

**Councillor/Officer Declarations of Interest**

Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Keith Baillie	Yes	Chief Executive Officer – Keith Baillie declared a direct conflict of interest in Item 4.7 (briefing item 4) CEO Employment Matters Committee – Updated Charter and Position of Chairperson under Section 77A of the Local Government Act 1989. The nature of the interest being the matter relates to Mr Baillie's role as CEO. Keith Baillie left the meeting at 11.45am and returned at 11.50am. Keith Baillie was absent while this matter was being discussed.



Libby Coker	Yes	Cr Libby Coker declared a direct conflict of interest in Item 4.6 (briefing item 15) Building Better Regions Fund – Round Three 2018-19 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 Coker left the meeting at 2.55pm and returned at 3.05pm. Cr Coker was absent while this matter was being discussed.
<b>Responsible Officer Signature:</b> 		<b>Print Name:</b> Anne Howard
<b>Date:</b> 16 October 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)].



### **8.3 Assemblies of Councillors**

#### **APPENDIX 3 ASSEMBLY OF COUNCILLORS - MAYORAL ELECTION DISCUSSION - 23 OCTOBER 2018**



## Assembly of Councillors Record

<b>Description of Meeting:</b> Mayoral Election Discussion
<b>Responsible Officer:</b> Keith Baillie – Chief Executive Officer
<b>Date:</b> 23 October 2018
<b>In Attendance:</b> Yes (✓) No (X)      N/R (Not Required)

Councillors		Officers		Others	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker	✓				
Cr. Martin Duke	✓				
Cr. Clive Goldsworthy	✓				
Cr. Rose Hodge	✓				
Cr. Carol McGregor	X				
Cr. Brian McKiterick (Leave of Absence)	X				
Cr. Margot Smith	✓				
Cr. Heather Wellington	X				

<b>MEETING COMMENCED</b>	5.30pm	<b>MEETING CONCLUDED</b>	5.55pm
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### Matters considered at the meeting

1. Mayoral Election Discussion.

### Councillor/Officer Declarations of Interest

Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil Declared.		

**Responsible Officer Signature:**

**Print Name:** Keith Baillie

**Date:** 23 October 2018

To be completed on conclusion of session and provided to Governance Administration Officer.

### General Information:

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- (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;
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- 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)].

**8.3 Assemblies of Councillors**

**APPENDIX 4 ASSEMBLY OF COUNCILLORS - RESPONSIBLE & PLANNING AUTHORITIES  
BRIEFING - 23 OCTOBER 2018**



## Assembly of Councillors Record

<b>Description of Meeting:</b> Responsible & Planning Authority Briefings
<b>Responsible Officer:</b> Ransce Salan – General Manager Environment & Infrastructure
<b>Date:</b> 23 October 2018
<b>In Attendance:</b> Yes (✓) No ( ) N/R (Not Required)

Councillors		Officers		Others	
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. Libby Coker (arrived 3.10pm)	✓	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. Rose Hodge	✓	Team Leader Governance – Claire Rose (minutes)	✓		
Cr. Carol McGregor	X	Coordinator Strategic Planning - Karen Hose	✓		
Cr. Brian McKiterick (Leave of Absence)	X	Manager Economic Development - Matt Taylor	✓		
Cr. Margot Smith	✓	Coordinator Governance and Corporate Planning - Danielle Foster	✓		
Cr. Heather Wellington	X	Manager Finance – John Brockway	✓		
		Project Manager – Capital and Operational Projects - John Fitzpatrick	✓		

<b>MEETING COMMENCED</b>	3.10pm	<b>MEETING CONCLUDED</b>	3.56pm
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### Matters considered at the meeting

- Conflicts of Interest
- Draft Hinterland Futures Strategy - Submissions

### 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:** 23 October 2018

To be completed on conclusion of session and provided to Governance Administration Officer.

### General Information:

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- the subject of a decision of the Council; or
  - 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;
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  - 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)].
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  - 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)].

**8.3 Assemblies of Councillors**

**APPENDIX 5 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 23 OCTOBER 2018**



## Assembly of Councillors Record

<b>Description of Meeting:</b> Councillor Briefings			
<b>Responsible Officer:</b> Anne Howard – General Manager Governance & Infrastructure			
<b>Date:</b> 23 October 2018			
<b>In Attendance:</b> Yes (✓) No ( ) N/R (Not Required)			
<b>Councillors</b>	✓	<b>Officers</b>	<b>Externals</b>
Cr. David Bell, Mayor	✓	Chief Executive Officer - Keith Baillie	✓
Cr. Libby Coker	✓	General Manager Governance & Infrastructure - Anne Howard	✓
Cr. Martin Duke	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Clive Goldsworthy	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Rose Hodge	✓	Acting Team Leader Governance – Claire Rose (minutes)	✓
Cr. Carol McGregor	X	Manager Finance - John Brockway	✓
Cr. Brian McKiterick (Leave of Absence)	X	Acting Manager Program Management Office - John Fitzpatrick	✓
Cr. Margot Smith	✓	Coordinator Governance and Corporate Planning - Danielle Foster	✓
Cr. Heather Wellington	X	Digital Transformation Project Manager - Stevan Muskett	✓
		Digital Transformation Benefits Manager- Wendy Scott	✓
<b>MEETING COMMENCED</b>	3.56pm	<b>MEETING CONCLUDED</b>	5.26pm
<b>Matters considered at the meeting</b>			
1. Conflict of Interest			
2. Monthly Finance Report – September 2018			
3. Quarterly Program Status Update – July to September 2018			
4. Digital Transformation Quarterly Program Update – October 2018			
5. Agenda Review – 23 October 2018 Council Meeting Agenda			
<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>	
Keith Baillie	Yes	Chief Executive Officer – Keith Baillie declared a direct conflict of interest in Agenda review relating to Item 6.5 CEO Employment Matters Committee Chairperson and Terms of Reference under Section 77A of the Local Government Act 1989. The nature of the interest being the matter relates to Mr Baillie’s employment as CEO for Surf Coast Shire. Keith Baillie left the meeting at 5.14pm and returned at 5.20pm. Keith Baillie was absent while this matter was being discussed.	
Libby Coker	Yes	Cr Libby Coker declared an indirect conflict of interest in Agenda review relating to Item 5.4 Signature event Funding request: Aireys Inlet Open Mic Music Festival under Section 78B – conflicting duty - of the Local Government Act 1989. The nature of the interest being that Cr Libby Coker is an owner of the Aireys Inlet Hotel which is one of the venues hosting the Open Mic. Cr Libby Coker left the meeting at 5.00pm and returned at 5.14pm. Cr Libby Coker was absent while this matter was being discussed.	
<b>Responsible Officer Signature:</b>			<b>Print Name:</b> Anne Howard
<b>Date:</b> 23 October 2018			
To be completed on conclusion of session and provided to Governance Administration Officer.			



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- 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)].

### **8.3 Assemblies of Councillors**

#### **APPENDIX 6 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 7 NOVEMBER 2018**





## Assembly of Councillors Record

<b>Description of Meeting:</b> Councillor Briefings
<b>Responsible Officer:</b> Anne Howard – General Manager Governance & Infrastructure
<b>Date:</b> 7 November 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	✓	General Manager Governance & Infrastructure - Anne Howard	✓		
Cr. Martin Duke	X	General Manager Environment & Development - Ransce Salan	✓		
Cr. Clive Goldsworthy	✓	Acting General Manager Culture & Community – Leanne Perryman	✓		
Cr. Rose Hodge	✓	Executive Assistant Governance & Infrastructure – Daniela Caudullo (minutes)	✓		
Cr. Carol McGregor	✓	Administration Officer – Sandra Robertson (observing)	✓		
Cr. Brian McKiterick (Leave of Absence)	X	Manager Governance and Risk – Wendy Hope	✓		
Cr. Margot Smith	✓	Manager Recreation & Open Space Planning - Shaan Briggs	✓		
Cr. Heather Wellington	X	Coordinator Recreation Planning - Jarrod Westwood	✓		
		Recreation Development Officer - Paul Elshaug	✓		
		Manager Environment & Community Safety - Rowan Mackenzie	✓		
		Emergency Management (Fire) Coordinator - Peter Ashton	✓		
		Community Emergency Management Officer - Kerrie Williams	✓		
		Economic Development Officer - Scott Jardine	✓		
		Coordinator Business and Tourism Strategy - Simon Loone	✓		
		Business Improvement Officer - Trevor Britten	✓		
		Team Leader Local Laws - Shaun Barling	✓		
		Coordinator Environmental Sustainability - Lauren Watt	✓		
		Local Food and Sustainability Officer - Sarah Bolus	✓		
		Acting Manager Aged & Family - Damian Waight	✓		
		Coordinator Community Health & Development - Olivia Naughtin	✓		
		Coordinator Environment - Kate Smallwood	✓		
		Biodiversity Officer - Gabrielle O'Shea	✓		



<b>MEETING COMMENCED</b>	1.14pm	<b>MEETING SUSPENDED</b>	2.59pm
<b>MEETING RESUMED</b>	3.29PM	<b>MEETING CONCLUDED</b>	4.19PM

<b>Matters considered at the meeting</b>		
1. Confirmation of Councillor Briefing Minutes and Confirmation of Responsible & Planning Authority Briefing Minutes		
2. Conflicts of Interest		
3. Private Road Off Princes Highway, Buckley to Lake Dubban Reserve		
4. Unsealed Road Action Plan		
5. Former Shire Hall Winchelsea – Ongoing Occupancy for Tea Rooms		
6. Emergency Management Pre-Season Update		
7. Colac Saleyards Transition – 12 Month Report		
8. SCS-011 Footpath Trading Policy Review		
9. Infringement Notices and Appeals		
10. Local Food Program Action Plan		
11. Small Grants Program – September 2018		
12. Painkalac Valley – Landowner Consent – Bridge Application		
13. 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>
Cr Libby Coker	Yes	Cr Libby Coker declared an indirect conflict of interest for: - Item 12 - Painkalac Valley Landowner Consent – Bridge application, - Items 3 and 4 – Surf Coast Planning Scheme Procedural Review 23-79 Bambra Road, Aireys Inlet - Painkalac Valley Compliance Plan (Confidential briefing) under Section 78 of the Local Government Act 1989 – close association. The nature of the interest being Cr Libby Coker has a relationship through business with the landowners of the relevant property.
Cr Clive Goldsworthy	Yes	Cr Clive Goldsworthy declared a direct conflict of interest for Item 11 – Small Grants Program September 2018 of open briefing under Section 78B of the Local Government Act 1989 – conflicting duty. The nature of the interest being Cr Clive Goldsworthy is President, Lorne Country Club and Treasurer, Lorne Community Connect.
<b>Responsible Officer Signature:</b>		<b>Print Name:</b> Anne Howard
<b>Date:</b> 7 November 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)].

**9. NOTICE OF MOTIONS**

**Nil**

## 10. CLOSED SECTION

### Council Resolution

#### **MOVED Cr Martin Duke, Seconded Cr Libby Coker**

That Council pursuant to section 89(2)(h) other matters of the Local Government Act 1989, close the meeting to members of the public at 7.26pm to resolve on matters pertaining to the following items:

- 10.1 **Appointment of Bells Beach Committee** (section 89(2)(h) other matters)
- 10.2 **Confidential Assemblies of Councillors** (section 89(2)(h) other matters)

CARRIED 7:0

**Close:** There being no further items of business the meeting closed at 7.28pm.