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## Surf Coast Shire Council Meeting

Tuesday, 28 March 2023 at 6pm

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MAYOR LIZ PATTISON: Hello and welcome. Good evening and welcome to our March Council meeting. I'm Mayor Liz Pattison and it's a pleasure to welcome members of the community into the chambers tonight. This meeting is also being live streamed, so a big welcome to those tuning in online, and of course welcome to my fellow Councillors, noting that we are likely to have Councillor Wellington online tonight.

Live captioning will accompany the live stream and the Council Chambers is fitted with a hearing loop, which transmits directly to hearing aids. We hope that this assists those who may be having hearing difficulties.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung people and the Gulidjan and Gadubanud peoples of the Maar Nation. I would like to acknowledge that here in Torquay at the main Council office, we are gathered on Wadawurrung country. I pay my respects to Elders past, present and emerging. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of generations and I am so grateful for the opportunity to live and work in such a beautiful part of the world. We also wish to acknowledge the traditional owners of the lands on which each person is attending and acknowledge any Aboriginal people who may be viewing the meeting tonight.

Last week I was part of the G21 Region Alliance of five Mayors and Council CEOs to visit Canberra for meetings with federal government ministers and shadow ministers to highlight major pressures on the G21 region stemming from rapid population growth, and that was focusing on things such as transport, housing and key worker visa extensions.

So we took part in around 18 meetings, which included Deputy Prime Minister Richard Marles, Infrastructure Minister Catherine King, and Regional Development and Local Government Minister Kristy McBain, Opposition Leader Peter Dutton, and local MPs Libby Coker and Dan Tehan. It was a really great opportunity to meet with our ministers and engage with them on things that are really important for our region. And as I already mentioned, we advocated for improved transport, affordable housing and action to address our key worker shortage.

So through G21, we are seeking a permanent policy change to the Working Holiday Maker visa, so visa holders can stay with one employer for up to 12 months rather than just six months. This will give our businesses more stability in staffing and attract workers to the region with the promise of ongoing employment.

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Last month Council celebrated International Women's Day with the unveiling of a mural the Strong Woman Strong Spirit by First Nations artist Jenna Oldaker. So if you haven't already seen it at Wurdi Baierr, when you first walk in, it's a beautiful mural, very bright and colourful with some really important messages.

The artist describes the work as "a celebration of all the strong women that have travelled this beautiful land that we are lucky enough to call home. Our ancestors and Elders travelled these same lands sharing their culture, sharing their stories and ideas, and it is now our responsibility to take care of and nurture our Wadawurrung country home." So those were the artist's words in relation to the work.

We chose to work with an artist to realise this year's International Women's Day theme of "Embrace Equity". In Australia, more than half of undergraduate and three-quarters of post-graduate fine art qualifications are awarded to women, yet women's art makes up only one quarter of the work acquired for public gallery and municipal collections, including public art. This shows us that while it's clear that women have achieved equity of access to education and training in the arts, there is still nothing like equity when it comes to career opportunities, and in a place like the Surf Coast, where the creative industries is a significant contributor to our economy, this is something we need to work actively to understand and address.

And now to our agenda for tonight. It's a long one and there's lots of important matters, so let's get that under way.

So our Council meetings operate according to our Governance Rules, which include the following procedures. During the meeting, the mover of a motion or an amendment may speak for a maximum of five minutes to open the debate and then a further 2 minutes to make a closing statement. Any other Councillor, including the seconder, may speak to a motion for no more than 3 minutes.

We have a pledge at our Council, and I would now like to recite that pledge as a sign of our commitment: 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.

And moving along on apologies, are there any apologies tonight for this Council meeting? No?

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And the confirmation of minutes - can I please have a mover and a seconder to confirm the minutes of the Council meeting held on Tuesday, 28 February 2023 and the special Council meetings for hearings of submissions held on 7 March 2023 and 14 March 2023? Thank you, Councillor Allen. Is it as per the recommendation? And seconded by Councillor Hodge. All those in favour? And the motion is carried unanimously.

Are there any leave of absence requests? No? We now move on to declarations of conflicts of interest. If a Councillor or an officer has a conflict of interest, they must declare it now and do so again just prior to the item being discussed. The Councillor and/or officer will be requested to leave the Chambers, or for those online to be placed by the host in a virtual waiting room, whilst the matter is being considered. Once the matter is resolved, the Councillor and/or officer will be returned to the meeting. Are there any declarations of conflicts of interest in relation to tonight's agenda?

I have, actually. I'd like to note that I am declaring an interest in item 4.9, as point 2 of the recommendation requests that Council note a matter related to the Jan Juc Kindergarten bike path proposal and as my brother-in-law is the President of the Parents' Association. So I will not be declaring a conflict of interest because tonight we're just noting this report. However, in future, when it's presented for a decision, I'll be declaring a conflict of interest. If any other officers or Councillors become aware of a conflict of interest, let me know.

ROBYN SEYMOUR: Councillor Wellington is in the waiting room.

MAYOR LIZ PATTISON: Oh, Jake, can we let Councillor Wellington in, please? Thank you.

Presentations - are there any presentations from Councillors tonight?

CR PAUL BARKER: A brief one, thanks, Mayor.

MAYOR LIZ PATTISON: Sure thing.

CR PAUL BARKER: On Saturday, I attended the fundraiser for Feed Me Surf Coast. I learnt a hell of a lot about the organisation and the changing demographic that they're supporting. Historically, they've only supported, or needed to support, those who were unemployed, for obvious reasons, but due to the cost of living, they've found that they're now needing to support people with jobs, but are still unable to afford to put food on the table. I'll be making mention of that more in the rest of the night, but that's a significant shift in

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only about four years of operation to now be needing to support those with work.

MAYOR LIZ PATTISON: Thank you, Councillor Barker. We now move on --

CR PAUL BARKER: Oh, and I do note that Councillor Wellington was also there, as was some other local representatives.

MAYOR LIZ PATTISON: Great, thank you. Submissions - in accordance with Part 2, clause 1 of our Governance Rules, a person whose rights will be directly affected by a decision of the Council is entitled to make a written submission to Council to speak to their submission and to have their interests considered in Council decision making. A request has been made by Tim and Caroline Wood to make an oral submission in support of their written submission provided to Council in relation to item 4.1 on tonight's agenda.

I will now invite Tim and Caroline Wood to speak. We do have a full agenda tonight, so I will allow up to 5 minutes for each of you to have your submission. Thank you. Can I just ask you bring the microphone close so that we make sure everyone can hear. Thanks so much for coming and speaking with us.

CAROLINE WOOD: Hi, I'm Caroline Wood. I have met quite a few of you, but you're obviously - there's a few new faces, a few old faces. I'm thinking you're all up to scratch with what's going on here with us.

Yes, I was an ex Businesswoman of the Year. I've been around living in Aireys Inlet for 30 years and running a small business, which has now closed.

Look, I think, you know, after hearing your welcome thing and what you stand for and just saying that you mean wellbeing and looking after people, you know, my biggest issue with this whole application and I think what it's come down to is, for me anyway, safety. You know, I'm still working with horses. I still am very passionate about it. I took a girlfriend the other day and said, "Look, give me a hand. I've got to take a couple of horses around that bitumen road, it's really unsafe, but can you give me a hand? I really need it."

Now, the two horses, they're not really handled a lot, and I thought god, Caroline, that's ridiculous, I can't ask her to do that again, and nor can I ask anyone else to do that for me. It's just not safe.

So for me the biggest issue is that not - to get to this point after four years and just say we need the whole process to stop now because it's for not the

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benefit of the greater community just makes me feel like I don't matter. Am I the sacrificial lamb? Do I have to wear that? And I am a community member and I'm a very passionate person in the town and I have put a lot of years into supporting tourism, kids, employees, you know. My three kids have grown up there.

So, yes, it has affected me but, you know, it certainly hasn't stopped me from planning a future there and using that land and still working with horses, but I'm still going to be doing the same thing, moving horses from one place to the other, and for you guys to sit there on a bench and say, "Well, sorry, we actually don't really care", it does matter to me, and that's all I want to say. So I think I'd really like you to consider that and even though I haven't got a business, it doesn't mean I'm going to not have a business in the next 10 or 20 years. I'm still going to be the one wearing that. Thank you.

MAYOR LIZ PATTISON: Thank you, Caroline.

TIM WOOD: Righto, I might - again, I'm assuming - sorry, my name is Tim Wood. I'm assuming you guys all have a pretty good understanding of what we're talking about here. So there is a farm in between Aireys Inlet and Fairhaven. I understand that it would be naive to think that this doesn't involve a fair level of emotion from the community, but this process has gone on for a ridiculous amount of time, to be perfectly honest with you.

Anyway, this is where we find ourselves. So the Council report identified Blazing Saddles as the main reason for the bridge application, which I think probably lacks scope or vision. This is a farm. It's always been a farm. The Council - VCAT obviously issued a planning permit and I read "for buildings and works for the construction of a bridge and its use as a road for the management of livestock". That hasn't changed at all.

I'm just going to go through a couple of things here. So the question seems to be, in speaking to Jake - we have a permit for a bridge. The question now is public benefit. So I did send you guys a brief letter. I'm just going to expand on it a little bit. So there is no allowable shedding on the Bambra Road side of this farm. The section 173 prevents it. We can't put a farm shed for tractors, for hay, for anything that requires you to run a farm. So it all has to come from our Bimbadeen Drive side.

Now, I'm assuming - does everyone know what a hay fork is? In order to feed out, there's steel tines about four to five foot long go through a hay bail, you drive along the road with the hay bail, you drop the hay off and you drive back

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along the road with these hay spikes out the front of your car. It's a ridiculous proposition that that's a better way to do it than coming across a farm bridge.

That's just one example. There's obviously chemicals, there's ploughs. Whatever we want to do to run that farm requires the use of machinery. A farm bridge enables us to go between paddocks instead of around three roads. Bambra Road is the second biggest road in Aireys Inlet. It has a school bus at the end of it, it has trucks for Barwon Water going down it, it has all the tradies coming from Birrego and Bambra. It has people walking up and down in prams, bike riders. It's a busy road. It's a ludicrous proposition to put farm machinery on it.

As Caroline said, the second thing is livestock. Caroline breed and trains horses. She's always done this. Despite taking people trail riding, one of the things she does, she breeds them and trains them. If you get a young foal who's untrained and you need to get it around to our side of the farm, walking it on a public road is a ridiculous proposition. If we have a cow with a sore eye that we need to paddock, stable, feed, put vets on, walking a cow along a road is ridiculous. It's unnecessary, it's dangerous, it's daft.

Now, just to further sort of prove this point, the State Government has a fund for the Victorian Farmers Federation which allocates \$50,000 funds to farmers to put underpasses in, bridges in, to get - now, I should read this, right, "To get improved safety for Victorian farmers and all road users". There is literally a state fund to get machinery and stock off roads.

So I understand that the government department - this has gone for, what, four years. I understand why the governance department, and I gave Jake a hard time the other day, which I apologise for, but I understand why it would be a hard thing to come in too late. Caroline's business has closed, "Oh, well, Blazing Saddles is not there, it's probably not important", blah, blah, blah, and I understand that. But this is clearly not the case. There is a very obvious public benefit of a bridge being there. It's obviously a benefit for us. It makes it a lot easier for Caroline and safer for Caroline, but it is bigger than that. It is a super obvious public benefit.

I also saw in your report they're worried about the risk of someone coming into a horse where the bridge is. There is virtually no access to where the bridge is. You can't see it, you can't do it. The risk of that compared to the risk to the public on the roads is absolutely minuscule. Knowing this risk and allowing it to me makes no sense for you guys. Why would the shire want to put themselves in the position where they have a knowable risk and they allow it to happen - to Caroline, to her staff, to the public? It makes no sense.

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As I said, I understand that this has been a political exercise, but this is a no-brainer, guys. It's a bridge that nobody can see. All the environmental assessments have been done. It helps a farm run smoothly. It always was to be a farm. Everyone wants the farm to be a farm. That's what people in Aireys love. They want it to be managed, looked after, maintained. This bridge helps us to do that.

Anyway, I rest my case. I hope sanity prevails. Thank you for listening.

MAYOR LIZ PATTISON: Thanks, Tim and Caroline, for coming and speaking. We have put a lot of time and thought and obviously because the matter is before us, I can't really talk about it, but I just wanted to let you know that we don't make these decisions lightly and we have had many discussions and considered this in depth, so thank you for coming and speaking with us.

TIM WOOD: Cheers.

CR PAUL BARKER: Can I just ask a quick question?

TIM WOOD: Yes.

CR PAUL BARKER: When was Blazing Saddles closed and for what reason?

CAROLINE WOOD: At the end of April last year. Look, I've worn myself out. I think it probably started during COVID and yeah. I mean, look, to be honest, a lot of it was having to walk horses myself around the roads because I was the only one that was able to do that a lot of the time. If we needed extra horses, I'd have to walk them around and back. I was exhausted, yes. I just couldn't do it anymore.

Also, you touched on it before, but having staffing issues and not being able to get staffing in at that time, I just found myself seven days a week and stressed off my head and kind of fell in a bit of a hole.

CR PAUL BARKER: So if the bridge was built within a year of the initial planning application going in, what is the likelihood that you think Blazing Saddles would still be open?

CAROLINE WOOD: Oh, I can't answer that. I couldn't tell you. I mean, I think that obviously it would have made life really - you know, it would have been much better. I think COVID probably did a lot of it.



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CR PAUL BARKER: Or the government response too.

TIM WOOD: I think also there's a lot --

MAYOR LIZ PATTISON: Sorry, I think we're going to have to cut that off, but we've had a couple of questions and thank you so much for your time, Tim and Caroline. I appreciate that. We're going to move on to our public questions. Thanks so much.

So we do have some public questions that came through prior to the Council meeting. So we have Andrew Kelly I think is here. Did you want to come up and speak, ask your question directly?

ANDREW KELLY: Yes, thanks very much. Andrew Kelly is my name. I'm here with my wife, Jessie.

Tonight a very full agenda for you all. I was trying to swot last night and understand how these things operate, so this is a departure from the agenda. I understand that mostly you deal with questions that are part of the agenda. So I wouldn't be here, obviously, if I didn't think this was an important issue and again, as was mentioned reasonably eloquently by the former speakers, I think that the announcement that you made before the meeting about wellbeing and environment probably impacts a little bit on this particular issue that I want to bring to your attention.

On reviewing the questions, they do look a bit - a little short, but I suppose I'm also not quite sure whether or not there was a word constraint upon that, so I thought maybe I'd just give a little bit of context for one minute. And whilst this may be an exercise in futility, having spoken with the police and also the local member and a Council officer about this, I suppose it would be easy to shrug and say, "Oh, well, this is a difficult issue and maybe it's too hard." So what I'm really looking for tonight is some sort of engagement as to whether or not it's worthwhile to do something about it as a community member and gather some support or whether or not it's just easier to stay in your lane and, you know, walk past what has been seen in public spaces.

So with that in mind, there's these things called gatherings, as I've come to understand, and they're young people between the age of 12 and 16 ordinarily that gather through some sort of social media medium to congregate in a particular place. At least two gatherings of more than 150 young teenagers, and the police lady that I spoke to suggested that the latest one was probably closer to 300 people, so it's my estimation that the police thought it was closer to 300, engaging in elicit and dangerous behaviour has occurred twice in

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Torquay this year alone, one on Australia Day and one most recently on the 11th of March. I can speak with great confidence about the gathering on the 11th of March because I attended it three times, twice on the night and once the morning after, to ascertain exactly what was going on.

The damage to self is self-evident. First responders - I notice there's a policeman here with us, and he may well be well across this - having to look after people that have some form of drug or alcohol on board, as opposed to being able to - and babysitting, as opposed to law enforcement must be a great frustration to them.

The damage to self as well as the public amenity is evident. So what I was interested in is what is the Council doing to keep the community and these young people safe by ensuring such activities are not able to happen again in our neighbourhood? Now, I make that with no experience in this field at all, but I would have thought that it's easier just to stop it before it happens than to deal with it when it is happening.

MAYOR LIZ PATTISON: Thanks for your question, Andrew. I'll respond to that because I know you have two questions. Actually, do we - oh, no, actually, did you want to --

ANDREW KELLY: I think they do move on from each other. Both of these have happened at holiday periods or public holiday weekends, and the next of those is Easter holidays, which is approaching, and young people emboldened by a lack of action and accountability from our community leaders - and I put everyone in that. As parents, we have a very important role to play as well, and being devoid of any tangible consequences that I can see anyway - others may be able to give me some examples of some consequences that have occurred other than people being affected by illicit substances, and particularly very, very young people - what can we as a community, inclusive of the Council, lawmakers, politicians, all tiers, parents and the people of Torquay do to counter this trend and put a stop to this before a tragedy occurs?

And yes, I admit I've been extremely scarred by what was witnessed on that night with people in and out of consciousness, clearly drug affected, lying on front yards, pulling people out of trees, and it just seems to be a difficult issue that I'm keen to get your feedback.

MAYOR LIZ PATTISON: Thanks, Andrew, for your question. I appreciate you coming and speaking to us and I can hear from you that it was really challenging what you've experienced and we share your concerns. Myself

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personally, I have four young children and as a shire, we can share those concerns.

And we're working with Torquay Police and government support and agencies, schools and parents to address these issues. Antisocial behaviour in public places falls under the jurisdiction of Victoria Police, who are aware of the recent gatherings in Torquay, and I would like to acknowledge the attendance of the current Torquay Acting Senior Sergeant, Andrew Harris, who has actually come here to the meeting today, so thank you for attending.

And I would also like to thank Surf Coast Local Area Commander, Inspector Monique Leffanue, for providing a statement from Victoria Police, which I'll read out because we passed on your concerns to them: "Victoria Police are aware of multiple gatherings at Torquay beaches which have been attended by a large number of students from different schools across Torquay and Geelong areas. We want everyone to have a safe and enjoyable time on our beaches. However, underage drinking and antisocial behaviour will not be tolerated. Local police have been in regular contact with principals from schools across Torquay and Geelong region to encourage parents to have a conversation with their kids about the risks of underage drinking and antisocial behaviour. We want to reassure the community that local police will continue to maintain a high police presence with visible patrols on foot and on roads across Torquay's popular beach areas. Torquay police will continue to work with the Council and community to address concerns and are open to receiving any information relating to offending, which impacts community safety."

So that's the statement from Victoria Police. Council will continue to liaise with Victoria Police as the lead authority on this matter and support the work Torquay police are doing in this difficult situation. Parental responsibility is a crucial factor in ensuring the safety of young people and this is a key focus of the work of Council and partner organisations.

We do so knowing that COVID impacts and cost of living increases are adding to the pressures felt by many families. Council supports the delivery of parent and guardian skills training provided by the Drummond Street, Geelong Regional Parenting and Barwon Child, Youth and Family. We operate the Youth Lounge in Torquay three nights a week, which attracts up to 60 people each evening. Council delivers State Government-funded programs to support young people to gain employment, connect with their community, foster youth arts and music and support mental health and Council is supporting Head Space and Barwon Child, Youth and Family to deliver to specialist alcohol and other drug and mental health services in Torquay free of cost to residents.

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I've been advised that many of the young people gathering come from areas outside of the Surf Coast Shire, and that is not an excuse, but it adds to the complexity of managing the problem. As the Easter holidays approach, we urge parents and guardians to provide safe and engaging environments for their children. Furthermore, we encourage community members to report any suspicious or dangerous activities to Victoria Police immediately.

And I can see that this may or may not hit the mark for you, Andrew, but it is something that's complex and we do need to work with Victoria Police and Shire, as we mentioned, is doing a number of activities to engage, connect with and provide those supports to families and our youth in the region. So I really appreciate you drawing this to our attention and to enable this further conversation around it. I think it's a work in progress. Thank you.

ANDREW KELLY: Okay, proof will be in the pudding. Thank you.

MAYOR LIZ PATTISON: Our next question is from Tony Watts. Did Tony Watts come to the Council meeting today? No? So on that, I will read out Tony's question and this one is more of an operational nature, so our CEO, Robyn Seymour, will respond to Tony's question. So the question - this is from Tony - "If Council decides to postpone the development of the Deans Marsh Hub, we urge Council to consider how the ongoing environmental damage to our community hall can be slowed during this three-year funding pause. Council records will show our community has requested this protection work for at least five years. Further extended delay could render our hall unusable, leaving us with no meeting facilities at all. Therefore, my question is will Council consider how the ongoing environmental damage to our heritage community hall can be slowed during the proposed three-year funding pause? Our heritage hall, Council's heritage hall, is in need of your protection. Thank you."

ROBYN SEYMOUR: Thank you, Tony, for your question and I can assure you that we will continue to ensure that the building is maintained so it's safe to be used. We don't believe that at the moment there's any immediate risks to the building from water or other environmental factors that will prevent it from being used safely in the coming years. If we become aware of any new risks, we will, of course, consider what needs to be done about that and if you or anyone else believes there's something we haven't investigated, please let us know by putting a service request in so that we can look into it for you.

There's probably a couple of other important points of context in responding to your question. Like many Councils, and in fact industry more broadly, our building renewal budget is being impacted by cost escalations. We're seeing

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really significant cost escalations across our program. And so in developing our draft budget, we've had to look at when we might have funding available to fund some of our larger projects, such as the Winchelsea swimming pool and also the Deans Marsh hall.

So working with community in Deans Marsh on the facility development plan for the Deans Marsh Community Hub is proving very helpful to us understanding what options we have with the current building, what these might cost and therefore how much external funding we might need in developing the new hub and added to our own financial contribution.

So given all of that, we will be bringing a plan to the Council meeting in May this year and then there will be a further public consultation on that draft plan based on the work we've been doing with the community in Deans Marsh. But given the heavy reliance we're likely to have on external funding for the redevelopment, the draft plan currently identifies - so when I say the draft plan, I mean the draft budget - currently identifies a potential three- to five-year timeframe for us to line up our funding and get support from other levels of funding in order to deliver this important community facility. But again, just to reassure you, in that timeframe we will ensure that the building is maintained so it's safe and usable during this time until we can redevelop the hub. Tony, thanks for your question.

MAYOR LIZ PATTISON: Thank you, Ms Seymour. I have just realised we needed to actually note the presentations by Caroline and Tim Wood, so can I have a mover to note the receipt of the written submission from Tim and Caroline, and we have the recommendation on the screen. Councillor Stapleton, moved as per the recommendation.

CR LIBBY STAPLETON: Yes.

MAYOR LIZ PATTISON: And seconded? Councillor Bodsworth. All in favour? Opposed? Did you vote, Paul?

CR PAUL BARKER: Yes.

MAYOR LIZ PATTISON: Yes, okay. The motion is carried unanimously. Thank you.

We'll now move on to petitions. There are no petitions received tonight and there are also no notices of motion for tonight's Council meeting.

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So we move on to the big part of the meeting, the reports. So our first report is in relation to the request to licence land adjacent to Painkalac Creek. The purpose of this report is for Council to consider the request from landowner to grant exclusive licences on Council-owned land and Council-managed Crown land for the purpose of accessing a proposed bridge over the Painkalac Creek and Aireys Inlet. Officers are recommending that the Council does not grant these licences. Do I have a mover? Councillor Bodsworth. Is it as per the recommendation?

CR MIKE BODSWORTH: Yes, thanks, Mayor.

MAYOR LIZ PATTISON: And do I have a seconder? Councillor Stapleton. Councillor Bodsworth, do you wish to speak?

CR MIKE BODSWORTH: Thank you, Mayor. So I'd like to start by acknowledging the Wadawurrung and Eastern Maar traditional owners, as Painkalac Creek is thought to have marked a boundary zone between Wadawurrung and Gadubanud country and the Creek is now the boundary between Wadawurrung and Eastern Maar registered Aboriginal party areas. I believe that boundary status brings an extra significance to Painkalac Creek. I also congratulate the Eastern Maar Aboriginal Corporation on the hugely significant native title determination announced this morning in Warnambool.

I would like to thank Caroline and Tim for your submission and I can tell you that as a person who hates conflict, I don't relish this side of sitting in the Council chair because I can see how deeply this affects you both. It affects other people in the district deeply as well on both sides of the argument and so I, like all the rest of us, take this seriously and feel the emotional investment that you have in this really deeply. So I thank you for coming along, submitting to us and being part of this discussion tonight.

I'll explain - I think the report explains the situation well and I support the recommendation not to grant exclusive licences as it's written. I'll explain my reasoning and look forward to hearing from fellow Councillors.

It's normal for development and use of land, including farming operations, to be constrained by the nature of the environment and the lay of the land. One option might be to alter the environment to suit the farming operation or the land use might be altered to suit the environment. To me, if a natural unbridged waterway runs between the applicant's property and a property they lease, that naturally limits options for use and development of the separate properties. I don't believe we should intervene to remove that natural

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limitation through the issuing of a licence when that's not a privilege we extend to all landowners and lessees facing similar constraints.

At this time, in considering whether or not to allow a licence, I believe the question of public benefit that was central to VCAT's consideration of the planning permit application is still relevant and I believe the public benefit implicit in this licence application is minimal.

The applicant's points regarding the movement of livestock and farm vehicles describes a situation that occurs on lots of rural roads in the shire and around the world. It's not an extraordinary situation that warrants a high-impact intervention. I do agree with the applicant's points about Bambra Road potentially offering a great walking and cycling route if not for risks and accessibility and amenity issues associated with vehicle traffic, and further to that point, although it's not the proposal before us, I could imagine a bridge that was not for exclusive use and formed part of a public pathway across the floodplain linking Fairhaven and areas and connecting to a Painkalac loop walk as shown in the 2015 Aireys to Eastern View Structure Plan. It could potentially be licensed for non-exclusive commercial use, but the primary benefit would be public. That's a discussion for another day.

As far as the licence application before us is concerned, I urge Councillors to support the recommendation to not grant an exclusive licence. Thank you.

CR ADRIAN SCHONFELDER: Mayor, I have a question to ask if I may.

MAYOR LIZ PATTISON: Of the officers?

CR SCHONFELDER: Yes. And my question is a bridge did exist over the creek for some time. I'd just like that to be confirmed. And my second question is about traffic volumes and movements, whether in the roads described from the Woods, has there been an increase in traffic volumes, because I would suggest there would be?

ROBYN SEYMOUR: Councillor Schonfelder, there was a bridge across the Painkalac. In terms of traffic volumes and how that's changed, I don't have that data with me. I can only kind of make a subjective sort of comment about the fact that as the region becomes more popular, you would anticipate that there would be more activity on the road and that it would be getting busier, but I don't have the data to be able to confirm that, unless anyone else does.

CR ADRIAN SCHONFELDER: Thank you.

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MAYOR LIZ PATTISON: Thank you. Councillor Stapleton.

CR LIBBY STAPLETON: Thanks, Liz. Some decisions that come to Council are harder to make than others and for me this one is particularly challenging, and I do understand the investment, both professional and personal, that the applicants, Tim and Caroline, have made in wanting to install this bridge and I really do understand their reasons for wanting it.

Just also an acknowledgment of your submission earlier, I would hate for anyone to think that we sit up here and we don't care about the individual needs of people involved. We care deeply and it is all the more why it makes it such a difficult decision. However, as Council, we have a duty to protect public land and in our Council plan, we have a goal to ensure that growth and development across the shire are not at the expense of environmental values. We also have a strategy in place to protect significant habitats, landscapes and biodiversity.

I'm aware that in 2005 Council developed the Painkalac Estuary Management Plan, which speaks to the significant environmental and cultural values of the Painkalac Creek and valley, and that at a national level there is an ecological community listed for the Painkalac Estuary under the Federal Environment Protection and Biodiversity Conservation Act.

Interestingly, one of the actions that I read in the Painkalac Estuary Management Plan is to ensure that any structures, including signage, are low key and do not impact on the landscape values of the site. With this in mind, and the information that's been presented to us in our agenda report tonight, we must consider whether public land of significant environmental value should be licensed for private purposes. With the closure of Blazing Saddles, it is hard to identify broad public benefit that I believe would be required to justify granting a licence.

I do appreciate the safety concerns that Tim and Caroline have raised in terms of the movement of horses and farm vehicles along Bambra Road and, as Councillor Bodsworth mentioned, I think it's relevant to consider Council's longer-term vision that's outlined in the 2015 Aireys Inlet Structure Plan, which does outline a proposed pathway along Bambra Road and could potentially mitigate some of the concerns that have been raised around risks to the public, and part of that vision was also to possibly connect other parts of the Painkalac Valley with walkways to provide public access for people to enjoy the area in a low-key, environmentally sensitive way.



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I should also note that residents have regularly raised with me concerns around the speed limits on Bamba Road, and I know that's somewhat of a diversion but it's relevant to some of the safety concerns that have been raised and I hope that it's something that Council can look at as part of the future amenity and safety for all public accessing the Painkalac Valley. But getting back --

MAYOR LIZ PATTISON: You've actually gone over time.

CR LIBBY STAPLETON: Oh, sorry. Thank you.

MAYOR LIZ PATTISON: Thank you, Councillor Stapleton. Do any other Councillors wish to speak, Councillor Schonfelder.

CR ADRIAN SCHONFELDER: Thank you, Mayor. And I concur with my fellow colleagues that it's not always an easy task to make decisions in the chamber concerning people's livelihoods. However, I should confess that I am a hippophile, and I'm not sure how many people here know the meaning of that, but it means a lover of horses. I was a member of the Barwon Valley Pony Club and I've actually ridden on roads where people have done burnouts deliberately. I've actually ridden down my local road, Andersons Road, Barrabool, where I was not far from the Princes Highway and a dog chased me and I was about 11 and I ended up on the horse's neck. That's how dangerous that was.

I believe the traffic volumes have increased enormously and we welcome tourists and we welcome their input to the local economy to help businesses, and as far as our motto is concerned with wellbeing, it does concern local businesses as well who employ local people.

I feel the fact that a bridge did exist over the creek has a strong bearing on this case and I believe that was used for a long time. So I would ask my colleagues to reconsider how they're feeling about this item because safety, public safety and the safety of transporting livestock across the creek, just seems very practical to me. And I do support helping the environment and I believe that you both would as well and helping waterway areas, and the fact that you mentioned about the Farmers Federation, that they allow funding, and I know on Devon Road in Barrabool there's an underpass under that road for livestock as well.

Also, with fire danger, we had an evacuation nearby recently where just over a week ago we had a 37 degree day and I'm just concerned about areas that are highly populated and traffic movements when a fire occurs, what happens with

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the livestock, and we see with Black Saturday there was like panic and tragedies actually occurred.

So I will be voting against this item because I believe that a bridge should be allowed. Once again, there was a bridge that did exist there and I just hope that my colleagues can see the practical aspect of this that I've reported. Thank you, Mayor.

MAYOR LIZ PATTISON: Thank you. Councillor Allen.

CR GARY ALLEN: Thanks, Mayor. Could we just stop the clock for a moment? I just wanted to refer to a point that Councillor Bodsworth made which I think is not accurate. The Supreme Court decision handed down today extends the Eastern Maar, as far as I understand it, to Kennett River, not as far as Painkalac Creek. I think perhaps, if that's the case, we should set the record straight.

MAYOR LIZ PATTISON: I'll pass that on to Ms Gail Gatt.

MS GAIL GATT: Yes, that's my understanding from attending today and seeing the map that was provided.

MAYOR LIZ PATTISON: So what Councillor Allen has said is correct, just to clarify?

MS GAIL GATT: The area that was determined today, the boundary is west of Kennett River.

MAYOR LIZ PATTISON: Okay, thank you.

CR MIKE BODSWORTH: If I can just clarify, I was talking about the boundary of the registered Aboriginal party area, which is a bit bureaucratic, but it does extend to the Painkalac, whereas the native title determination, as Gail just outlined, does not, so just to clarify.

MAYOR LIZ PATTISON: Okay, thank you.

CR GARY ALLEN: The journey of the applicant relating to the existing permit held has been a long and complex one. However, the changed circumstance to me is a fairly straightforward one - blazing Saddles closed. The community benefit of employment and tourism opportunities referred to in the VCAT determination relevant to the permit have been significantly reduced. Therefore, we must turn our attention to the question of who should primarily

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benefit from Council-owned land and Council land managed - sorry, Crown land managed by the Council. There is little doubt in my mind that this is the community, the public. We have a very strong tradition in this country of not allowing exclusive private use of Crown land.

When we as a Council have the opportunity to exercise our responsibility to manage Crown land, particularly that surrounding waterways, we must act to protect water quality, native flora and native fauna. We should decide in favour of the common good. This view I believe is shared by the majority of the Aireys Inlet, Fairhaven and Moggs Creek communities. For example, the Aireys Inlet and District Association, which has a membership base of 450 people, has clearly articulated their support for the preservation of the creek, its special character, and that the issuing of an exclusive licence to a private operator would be inconsistent with the relevant provisions of the Crown Land (Reserves) Act 1978.

This view is supported in the VCAT decision. The permit was granted because of the economic and tourist benefit to the community but, and I quote from the determination, "It would have been quite a different assessment exercise if, for example, the use of the road was proposed on this Crown land for purely the benefit of a residential landowner". Since the release of the meeting papers, I have received no requests from shire residents to grant an exclusive licence. Thank you.

MAYOR LIZ PATTISON: Do any other Councillors wish to speak. Councillor Hodge.

CR ROSE HODGE: Yes, I was part of the Council that made the decision not to grant the planning permit last time and it was taken to VCAT and we were wrong, and I apologise for the Woods and the years that have gone on from that. Now, I know things have changed and I know it's licensing and when you look at 17.1 and 17.2 in why we did refuse it and VCAT overturned it.

So I won't be supporting this item. I think we could have talked to the Woods more, gone and had a look at the breeding program or whatever is happening and I agree that there is safety needed around those roads. So I know it's been a very long and drawn-out process and if COVID hadn't hit and your business was there, that bridge would be in place now. So I won't be supporting this item.

MAYOR LIZ PATTISON: Councillor Wellington.

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CR HEATHER WELLINGTON: Thanks very much. Look, I also was present at the previous Council which didn't support this. I think VCAT had a different view. I don't know that there's a right or wrong about that. It's a matter of judgment really. But I was surprised that VCAT didn't support it, usually I find VCAT pretty predictable, but of course I respect that decision.

I think, you know, it was always the case that there were going to be two decisions associated with this. One was a planning permit decision and one was a decision about the licensing under the Crown Land (Reserves) Act. I emphasise it's not a personal matter and I agree with Councillor Allen very much in this regard.

I'm very sorry for the Woods. I know these planning issues are very difficult and ones that go on for a long time are costly and they're stressful and I'm really sorry at a personal level about that, but in terms of our job is always to look at the land, not the people, not what the current people are doing but what the benefit is for the land. I was a bit surprised, actually, that VCAT decided that the public benefit was so significant in the case of a private business.

So I think now that that private business has closed, there is absolutely no justification for us to approve a licence. In my view, we should never own that public land unless there's a clearly demonstrable and, most importantly, sustainable public benefit and when that public benefit is dependent on the actions of individuals who run businesses and own some land or lease some land, or whatever, I think it's not a solid foundation on which to make long-term planning decisions.

So, from my perspective, there is no difficulty in making this decision, but I do recognise it's a very difficult decision for the Woods. I don't agree at all that it shows a lack of good faith by Council. Council did reject this in the past and things changed and any public benefit no longer exists. So I support the recommendation wholeheartedly. In my view, no permit should issue - no licence, I should say, should issue. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Gazzard.

CR KATE GAZZARD: Thank you. Thank you, Caroline and Tim, for coming in and presenting your submission. I do really sympathise the years of hard work that you've put in and I'm sorry that you've had to close your business. I can imagine years of this planning permit have taken, you know, a financial, emotional and physical toll on you, but on balance, I think the environmental

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protection of Painkalac Creek is important and the consideration for the whole of the Aireys Inlet Community, on balance I support the recommendation.

MAYOR LIZ PATTISON: Thank you. Councillor Barker.

CR PAUL BARKER: Thanks, Mayor. Had Blazing Saddles still been in operation, I would have likely opposed this recommendation, though it likely wouldn't have come to this chamber. Since that business is now closed, on the surface, the recommendation makes sense as a bridge being built on public land would give primary benefit to the adjacent landowner. But since hearing from Caroline and Tim, I'm satisfied that the recommendation is wrong. Secondary benefit to the public will come as a result of opposing this recommendation through the removal of agricultural traffic on surrounding roads.

Additionally, I have concerns that the government response over the last few years contributed to the closing of Blazing Saddles. If this bridge is constructed, it paves the way to a similar business coming back. I would have liked to have seen a more community-focused plan for this proposed development in the first place. Including the community on any journey that changes the way public land is used is essential for a positive result for all involved.

Another consideration is the vegetation surrounding the area in question. Should a bushfire ever pass through the region, having an additional creek crossing could very well be essential in the future. I understand the rationale given by those who are supporting the recommendation, but I will not be supporting it.

MAYOR LIZ PATTISON: Thank you.

CR SCHONFELDER: Mayor, I just have one more question. It's been mentioned about a business closing and we understand that Blazing Saddles has closed, but the Woods have another business, they breed --

MAYOR LIZ PATTISON: Do you have a question, Councillor Schonfelder?

CR ADRIAN SCHONFELDER: Can I confirm that they actually do have a business?

MAYOR LIZ PATTISON: Yes, we heard that when Caroline spoke to us, she has a - yes, that is the case. Councillor Bodsworth, do you wish to make any closing statements?

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CR MIKE BODSWORTH: Oh, look, I thank everyone for their input on this because everybody has provided a really thoughtful response to this recommendation and I think we've had a good debate.

One thing that I'd like to add is that the Painkalac Creek has recently been listed as a salt-wedge estuary and a new environmental protection and biodiversity conservation threatened community listing, so in fairly recent times there's been an extra - I guess it's bumped up the conservation priority of the Painkalac Creek estuary.

And as Councillor Stapleton said, additional to what I said initially, I think granting a licence would somewhat contradict our Council planned vision and a number of the strategies, as Councillor Stapleton outlined.

But in closing, I'd like to pay tribute to the applicant's contributions to the local community and the good times enjoyed by patrons of their form of business over many years. I'd like to pay tribute to the other landholders in the valley who contribute to its conservation, particularly those involved in the inspiring rewilding the valley initiative, which is a work in progress. I thank the people of Aireys Inlet and district for their engagement in civic life and staunch protection of the environment and town character. Thank you all.

MAYOR LIZ PATTISON: We now put the motion to a vote. All those in favour. All those opposed. And the motion is carried.

We now move on to Council Plan Progress Report Mid Year --

CR HEATHER WELLINGTON: Excuse me, Mayor Stapleton [sic], I couldn't see how many hands were up. Can I just ask what the vote was, please?

MAYOR LIZ PATTISON: 6-3.

CR HEATHER WELLINGTON: Thank you.

MAYOR LIZ PATTISON: Council Plan Progress Report - Mid Year 2. The purpose of this report is to present the updated Council Plan Mid Year 2 Progress Report to Council. Thank you. I note that officers have an updated recommendation that is up on the screen to note a couple of changes with the attachment. Jake, can we put that up, thanks.

So for those that can see there, the recommendation is "That Council notes the Council Plan Mid Year 2 Progress Report subject to the following amendments: Strategy 5 - Pathway Strategy being amended to in progress" - it was initially

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stated as complete - "Strategy 5 - G21 Integrated Transport Strategy amended to in progress; Strategy 15 - first point under 'What We'll Do' amended from 'Collaborate with the Circular Economy team and Environmental Sustainability team to' to 'Connect businesses with ethical, social and sustainability initiatives'."

Do I have a mover of a motion? Councillor Stapleton, is it as per the amended - the updated recommendation?

CR LIBBY STAPLETON: Yes.

MAYOR LIZ PATTISON: Thank you. And a seconder? Councillor Gazzard. Do you wish to speak, Councillor Stapleton?

CR LIBBY STAPLETON: I do. Thank you, Mayor Pattison. This is a really terrific report and provides a great summary of how Council is tracking halfway through our Council term and there's a lot to be proud of in it and I do encourage the community to read the report in detail to just see how much is covered. But I'd like to just speak to a number of highlights from my perspective.

Strategy 1, which is working with traditional owners in our community to achieve reconciliation, and there's been so much progress under this theme from very public actions, like changing the way we acknowledge the 26th of January and the recent introduction of the Pilk Purriyn event this year to some less public behind-the-scenes work that people may not necessarily be aware of, like creating a network of councils on both Eastern Maar and Wadawurrung country to pursue partnerships in collaboration, which we know is so important to achieving this goal.

Under the theme of healthy connected communities, there's obvious things like delivering really important social infrastructure and open spaces, and then there's things like strategy 6, enabling communities. This has been a really strong focus of this Council. Since the very early days when we first came together, it was something that we highlighted and it's so rewarding to see that there's been so much progress in this space.

A couple of things to highlight are the recently completed Bob Pettitt Bike Park project in Jan Juc, which was very much led by the community and embraced the whole concept of enabling communities and has clearly had really great outcomes, and the other one is a streamlined community grants program, which has also had more funding allocated to it, and this really does provide the community with an opportunity to take the lead on projects and we know

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there's already been a great uptake across the various grants that are available.

There's so much that could be said under the environmental leadership theme. Strategy 7, which is to protect significant habitats and landscapes and biodiversity, there's been significant work on the Karaaf, deepening our understanding of the issues there, and working closely with community and the relevant agencies on a way forward.

Our submission to Southern Rural Water for the Anglesea River; strategy 8, reducing greenhouse gas emissions, Council's reduced corporate emissions by 41%. We now purchase 100% renewable energy. We've adopted a zero emissions target. We're now certified as carbon neutral. We've installed solar and battery across Council facilities, we've installed EV charging stations at Council's office and depots in Torquay and Winchelsea and we'll be installing them for community use in townships across the shire. It's great to see that in the next 18 months there will be a focus on removing gas from Council facilities and also working more closely with community to support projects that will get us closer to net zero emissions.

Under strategy 10, which is adapting to a change in climate, there's a couple of actions proposed for the next 18 months which I think are super important. One is reviewing the management of the unsealed road network and shifting to a more proactive maintenance program on areas that are seen to be vulnerable to storm events, and the second one there is undertaking drainage catchment management studies, which we also know are very much needed.

I've still got a little time. Sustainable growth - I'd really like to highlight the work undertaken under strategy 12 to improve access to affordable accommodation. With very limited resources, Council has achieved so much in the past 18 months in this space. We have an EOI process under way for the provision of social and affordable housing at Fraser Drive in Aireys Inlet. Council secured a \$200,000 grant to undertake a major integrated planning project for the McMillan Street precinct in Anglesea. That's progressing well.

We're working on a tiny house trial to get under way this year, and I'm really excited by the potential for tiny houses in appropriate places and I really look forward to hearing more from officers as they work through the necessary framework and parameters for this trial.

Finally, I'd like to highlight the work completed under our arts and creativity theme. We have a new Develop Arts Grant of \$15,000 which has been so successful and we know that's in really high demand. The Anglesea art space



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continues to support local artists, with more than 300 artists last year benefiting from exhibitions and professional development, and officers are close to completing the 2023 to 2031 Creative Places Strategy, which we should see mid-year and will provide a suite of actions for Council to deliver under that theme. Thank you.

MAYOR LIZ PATTISON: Thank you, Councillor Stapleton. Councillor Gazzard, did you wish to speak.

CR KATE GAZZARD: Yes, thank you. Councillor Stapleton has stolen all the highlights.

CR LIBBY STAPLETON: Oh, I'm sorry.

CR KATE GAZZARD: So I won't repeat what she said.

CR LIBBY STAPLETON: I'm just saving time.

CR KATE GAZZARD: Yes. I'd just like to say all of the strategies and principles are so important and it's really - so much work was put into the Council plan, it's really gratifying to see it come to fruition and that we're actually having an impact.

I think, from a personal point of view, I have been on the receiving end of the maternal child health nurse services having had a baby last year and I was so impressed. Like we know what goes on, but the support that they gave me through some difficult times and the resources provided and just the care was outstanding. So I feel really proud that Council are providing these services to our community and particularly mothers and babies, who often you're in quite a vulnerable phase of life. So yes, I just wanted to add in that bit.

MAYOR LIZ PATTISON: Thank you. Do any other Councillors - Councillor Allen?

CR GARY ALLEN: Oh, thanks, Mayor. Look, I'd just like to highlight the changed format of the presentation of the report detailing key progress, what is planned to be done in the next 18 months, and the reasons why some elements will slow down or in fact cease and I think that it is a clear and realistic assessment of our progress. It's more transparent and I really congratulate the officers for implementing this change. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Wellington, did you wish to speak?

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CR HEATHER WELLINGTON: I've just got a couple of questions. I've got three questions, actually. One is one of the commitments going forward is to continue to explore best ways to engage with Traditional Owners and First Nation community members and I just wondered how many there are and how many we have contact with and have got engagement with. So do we have any - first of all, how many First Nations people do we have in our shire and, secondly, have we managed to make contact with most of them or do we - you know, how do we --

MAYOR LIZ PATTISON: I'll pass that question on to our CEO.

ROBYN SEYMOUR: Thank you, Councillor Wellington. I'll start with the second question first. Our primary way that we work with our First Nations people is through the registered groups and so we predominantly work with the Wadawurrung and also Eastern Maar, which isn't to say that we don't then work with some of our local First Nations people particularly in Lorne and other areas, but our first point of call and our primary mechanism for working with our First Nations people is absolutely through those registered groups, the RAPs, and that is how we ensure that we are responding to the needs of the broader First Nations communities.

We do work with and have through a range of our events that we've run and grant programs that we've supported, whether it's our artists or some of our other NAIDOC and other events, worked more specifically with individuals within our First Nations community.

In terms of the number of First Nations people in the broader shire, without going to kind of census data or other things, it's difficult for me to actually speak to the total number of First Nations people in our shire and even the data that is publicly available isn't necessarily very accurate. So it's hard to assess the total number, Councillor Wellington.

MAYOR LIZ PATTISON: Did you have another question, Councillor Wellington?

CR HEATHER WELLINGTON: There's another comment in the report that we'll provide support to the Barwon Water-led Thomson Valley recycled water business case and I just wondered - I don't recall a Council decision about that and I presume it means financial support. I just wondered if someone could tell us what that means.

MAYOR LIZ PATTISON: Sorry, through you.

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ROBYN SEYMOUR: Councillor Wellington, that really relates to the work that we're doing as part of the collective work on our stormwater management and the Karaaf and so the State Government committed \$230,000, or something of that magnitude, to really do the next phase in the feasibility towards developing a business case for the pipeline, for the recycled water, and one of the things that we've been working on and Council have been provided updates on is the fact that that pipeline potentially provides an opportunity to remove water going into the Karaaf and allow our stormwater to be mixed - shandied with the recycled water to become productive water for high-value agriculture in the Thomson Valley. That's really what that particular item relates to.

CR HEATHER WELLINGTON: Thanks, yes, and I am aware of that. It just sounded as though the project may be contributing financial resources to do a business case, but I think what you're saying is we're working on an interagency level.

And the third one is that I saw that we're planning to confirm Council's approach to the Voice to Parliament referendum and I just wondered whether Council - I wouldn't have thought Council even has a vote in that referendum. Is that correct, or do we get a vote as --

MAYOR LIZ PATTISON: On that one, I can answer that one. We had a briefing on that and it's around Council's position in the sense of our civic leadership role. It's not about having a vote in the referendum.

CR HEATHER WELLINGTON: We don't have a vote on it?

MAYOR LIZ PATTISON: No, that's right.

CR HEATHER WELLINGTON: Thanks, right. I'll talk, if that's okay.

Look, I think it's good to read the report. It's nicely presented. I do think we need to move to a situation where we're measuring outcomes, not just things that we're doing - not just reporting things that we're doing, reporting activities. So there's a lot of activities that we're doing and I'm sure they're interesting, but they don't actually - there's very few areas in the progress report that actually talk about what we've achieved and my key issues around that relate to things like the Karaaf, where we've done processes doing reports and investigations, but I remain really concerned that we're not actually addressing the key issues of the Karaaf, which is really contaminated and damaging water flow into the Karaaf, which we are continuing to develop really as we develop more housing in Torquay. So I'm concerned about the lack of

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outcome focus, that we're talking about processes, we're doing lots of things and many of them are good, I know that many of them lead to outcomes, but we don't actually say what they are and we don't have a way of measuring them and I would hope that we would give a framework for measurement and reporting to the community that's not just about how many things have we done or what have they been, but what have we actually achieved as a result of that.

I'm still confused, and not in any particular order - generally I support the themes in the plan, but I've always thought there's a big theme missing, which is accessible, appropriate and effective services or something around service quality. We just don't address it in the plan and therefore we don't report on it. And I think we've got big gaps. We know we've got big gaps in access to services, in the quality of services in some areas. This is the only plan I've ever been involved in with a service-based organisation where the quality of services doesn't rate a mention in the strategy. So I think there's an issue with the strategy, with the plan then and the strategy.

Social and affordable housing, I'm confused about the target market, whether we're talking about housing for workers or housing for people on low incomes or housing for elderly people who need to retire. It seems to me an extremely vague issue and we're giving away large - or we're proposing to potentially give away large really valuable parcels of land without being clear about what the public benefit will be and what the target market is, so I'm concerned about that.

I think that it did strike me - I was driving past Deakin University the other day and we've got signs up saying student accommodation, encouraging people to apply, and it occurred to me that we may well have a lot of accommodation on our doorstep that's not really used much over the summer period and I don't know whether that has been explored, but if not, I would really encourage it to be explored.

I'm concerned about the Karaaf. I'm concerned about if we're developing a voice because we think we're community leaders, if we're developing a position on the Voice to Parliament, I don't think that's our leadership role at all and I will object to that when we do it, obviously. I'm very concerned about the heritage status of Deans Marsh hall in strategy 11. We're committing to a strategy --

MAYOR LIZ PATTISON: Councillor Wellington, you're now 10 seconds over.

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CR HEATHER WELLINGTON: And I've got a couple of questions about grammar in the report that don't make sense and I don't understand it, but I'll leave it with that. So I think there's some good stuff in this report --

MAYOR LIZ PATTISON: I'll get you to just finish up now, thank you, Councillor Wellington, thank you.

CR HEATHER WELLINGTON: I've got some concerns, thank you.

MAYOR LIZ PATTISON: Any other - Councillor Barker?

CR PAUL BARKER: Thanks, Mayor. I still have an issue with community vision. That states "We will leave the Surf Coast better than we found it". It's a subjective statement. To me, better involves being fiscally sound, reducing debt, reducing rates, getting out of programs that duplicate state or federal programs, such as Indigenous reconciliation and climate alarmism programs, and stop giving out financial grants left, right and centre that come from ratepayers that include hundreds of families struggling so much that they are needing food aid from Feed Me Surf Coast.

In strategy 1 it outlines a future focus to confirm Council's approach to the Voice to Parliament Referendum. Now, there's two issues with this. 1, it's a federal matter. Why on earth should ratepayers be funding anything that's a federal matter? 2, I thought there weren't any racists among us. To even consider that one might support such a referendum that divides people on race is in its very nature racist.

To quote, it is "wrong and unfair", "dangerous and divisive", "useless and costly", words from Indigenous Australian Jacinta Nampijinpa Price.

A key progress item in strategy 4 describes informing advocacy. Now, what does that really mean? It means we're involved in delivering services to the community that we can't afford and need to ask for taxpayer-funded handouts from State and Federal Governments. Now, I don't know about you, but I don't want taxpayers from Bairnsdale or Sydney paying for services in the Surf Coast. If we can afford it, we should run it. If we can't, we should get out of it. I don't think it's particularly fair to throw out our costs on to others that will likely never see the benefit.

An element that is okay to see is the review of volunteering programs as part of this, but should Council really be getting involved in volunteering programs? Personally, I think governments of any level should just get out of the way of community interacting cooperatively with each other.

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And in regards to housing, it seems to me to be quite simple. Reduce the barriers to a wider range of housing options being built, or accept that housing affordability is going to be a continual problem and continue to get worse and unless you remove the barriers, do not expect any sort of relief in housing affordability in the Surf Coast.

MAYOR LIZ PATTISON: Thank you. Do any other Councillors wish to speak? Councillor Bodsworth?

CR MIKE BODSWORTH: It's mostly been said already, so I'm just going to sort of echo my satisfaction at the things that have been done so well. It's such a massive program and on the whole, I think we're doing great.

I do agree with Councillor Wellington's comments about outcomes reporting and I know we have lots of data sets around outcomes in sort of layers beneath what we've been shown in this report - for example, on the Karaaf water monitoring - so I'm sure there's a way for us to provide opportunities for community to delve deeper and get into those data sets and see what they're saying about issues of particular importance to them.

The only one I'd like to highlight is where we initially in error said that the pathway strategy was complete and we've said now, we've clarified that it's not and for me that's a huge piece of work that I think we've made some good progress on pathways, but we're nowhere near where we'd like to be. And we've seen through the youth census last year through the Moriac Structure Plan how important pathways are in those contexts. We've seen how important pathways are to the Winchelsea community. They're an essential part of Torquay's future, particularly the arterial-sized pathways that Torquay needs to link town centres and residential neighbourhoods and major community facilities like schools. Business Anglesea has presented a fantastic vision for pathways, pedestrian bicycle connections in Anglesea, which serve locals as well as visitors. So everywhere you look and you could probably look at almost every strategy in our Council plan and pathways are relevant to that.

So I'm not confident that rolling the pathway strategy in with the social infrastructure plan, which is a huge piece of work, a very ambitious and difficult piece of work to deliver, is the right way to go. I don't think we've discussed that enough and I do think we need to really put together a strategy to deliver to get into our strategy, which sounds horribly bureaucratic, but I just think we've got to get to grips with how we move forward on pathways. But all in all, thanks for your comments, everyone.

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MAYOR LIZ PATTISON: Thank you. Did you have any summing comments?

CR LIBBY STAPLETON: Oh, look, just very quickly, just to acknowledge that the Council plan encompasses a huge suite of work strategies, goals and actions and I think at this point in time it's reasonable to say that not all of it will be achievable in this Council term and I understand that officers are doing a lot of work at the moment and previously to really look at what the key priorities are and to ensure that teams are focusing on the right things over the next 18 months to achieve those things in the Council plan that are most important. So at this point the recommendation is just to note the report and I'm sure that we're all able to do that. So thank you.

MAYOR LIZ PATTISON: All those in favour. And the motion is carried.

We now move on to the Surf Coast Shire cat curfew. The purpose of this report is to seek Council's endorsement of an updated cat confinement order which would require all cats within the municipality to be confined at all times to the owner's property unless the cat is appropriately restrained.

I note that officers have an updated recommendation that is going to be put onto the screen as there is a minor change to that proposed order. Thank you, Jake. So we can see there that the recommendation is "That Council adopts the revised cat confinement order, subject to that part 2.1 of the Order at attachment 1 be amended so that the word 'property' be replaced with the word 'premises'", and then the rest of the recommendation is the same. Do I have a mover of the motion?

CR ROSE HODGE: I'm happy to move.

MAYOR LIZ PATTISON: Councillor Hodge. Is that as per the --

CR ROSE HODGE: Yes.

MAYOR LIZ PATTISON: And a seconder? Councillor Bodsworth. Do you wish to speak?

CR ROSE HODGE: As a cat owner - I don't know if there's many other cat owners on the Council, but I've had Roy for 18 years and he's slowing down a bit, but all about cat curfews is about responsible pet ownership and that includes that your cats are safe and not roaming from their home. And owners should be very conscious of the way cats behave and of course of their neighbours' amenity as well.

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Surf Coast Shire has had a night curfew for quite a while and now, if this recommendation is passed, it will be including daytime. Cats should be on their own property as well as dogs are requested to do so as well.

This recommendation does not force cats into enclosures, but the onus is on the owner to try and ensure that their felines are on their property. If not, penalties could occur, just as dogs are too.

Out of our survey, 76% of cat owners in our survey kept their cats already 24 hours on their property and the other over 130 cat owners said it would take them nearly two years to try to achieve what they think enclosure would mean. What we will be doing, there will be a six-month transition period and the 924 registered cat owners, we'll be sending communication to them detailing changes and the best ways any modifications could be completed.

These recommendations by some cat owners go too far and we've heard from environmentalists that these recommendations to protect wildlife don't go far enough. So I think we're in the balance.

So the data that we look at in the future could, when we do our domestic animal management plan again, review this. But I call on cat owners to try to keep their cats in. We know there's a large kill on bird life and wildlife and I think those 924 owners will read the recommendations, look at how they can improve the situations at their homes and keep their cats safe and the environment safe as well. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Bodsworth, did you wish to speak?

CR MIKE BODSWORTH: Yes, please, Mayor. I just want to talk about the why of this proposal briefly, given Councillor Hodge has covered things well.

In preparing for our decision making on this tonight, in addition to referring to our own report, I've referred to the 2021 federal parliamentary inquiry into this issue and I'm just going to pass on a few interesting findings from that that I think are relevant to our decision. It found that cats kill almost 2 billion native animals per year. Roaming pet cats are estimated to kill 390 million native animals per year.

An individual roaming pet cat kills 186 animals per year on average, 60% of which are native. 39% of cats brought in at night sneak out to roam and hunt during the night. Pet cats bring home only 15% of what they hunt. Pet cats' average lifespan is three to four times longer when they're confined. They also



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suffer a lot less injuries through fights with other animals and being hit by cars, and things like that. So the federal inquiry recommended cat registration, sterilisation incentives, education campaigns and full-time confinement.

So out of those things, we have compulsory cat registration, we have sterilisation incentives, we have an education campaign which is outlined in this report, and hopefully, if we all vote the way I'm intending to vote on this, we'll bring in full-time confinement. There is a question about whether that goes far enough in my mind, given particularly with rural areas we can be talking about quite large properties with really high conservation values where cats will be still allowed to roam those properties. However, I believe that most owners of those properties won't be inclined to leave cats to roam in that way. So I'm fairly confident that they would be quite small numbers in the scheme of things.

And it's worth noting in relation to a night-time curfew that keeping cats in at night changes the species they kill, not the number of animals, so birds and reptiles in the daytime, mammals at night. So, yeah, I'm very much in favour of this recommendation. I'm a dog lover, but that means I'm a pet lover and I understand how attached we all get to our pets and I understand that equally with cat owners as with dog owners. So thanks to everyone in the community for their great input on this and I hope we vote this recommendation in.

MAYOR LIZ PATTISON: Thank you. Any other Councillors wish to speak?  
Councillor Barker?

CR PAUL BARKER: Do I appreciate what this curfew intends to do? Sure. But the method is ludicrous. Rules are only useful if they are easy to police. I see this being largely an impossible rule to enforce. Sure there will be some instances where the rules will be able to be used and penalties applied to offenders, but I'm concerned that there are going to be countless hours of officer time spent policing these rules that will result in nothing. Now, will that cost us hundreds, thousands, tens of thousands of dollars, maybe more? Only time will tell.

When I articulate my concern with the direction Council is heading, often driven by an agenda straight out of the Labor and Greens' playbook, it is the same as the Liberal playbook, authoritarian. Now, what is authoritarian? That is favouring or enforcing strict obedience to authority at the expense of personal freedom.

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Now, in this case it's restricting freedom for cats to roam and, as I mentioned before, that's an intent I can appreciate, but the method proposed here will come at a cost that I cannot support. What I do find some humour in is that cats will be permitted to leave their owner's property or premises in a reasonable means of restraint. I look forward to the burgeoning Surf Coast cat harness market growing at a faster rate than our established public dog dropping trend. Maybe we should ban public dog droppings or put a curfew on them. That will clean up our pathways.

MAYOR LIZ PATTISON: Thank you. Do any other Councillors wish to speak?  
Councillor Wellington.

CR HEATHER WELLINGTON: Thank you very much. Yes, I am a cat owner. We have two cats and I've had cats all my life. I'm also a horse lover and I won't attempt to use the sophisticated word (inaudible) but I'm a horse rider and a horse lover, so none of that is really relevant to what I think about this proposal.

I do think that the threat that cats pose to our native wildlife is just enormous. I've been a very big proponent of having curfews for cats. The times that cats tend to roam and kill is evenings and mornings, so we and probably a lot of other farmers, I imagine, definitely lock our cats up early in the evening, keep them locked up all night.

I'm just looking out the window at my 100 acre property and I think if my cats are allowed to roam in a 100 acre property at night, you know, we've spent years planting very significant plantations of native trees and we really value and cherish the birds that come to them and our cats are not permitted near the plantations at all and certainly not at the time when they would be most actively seeking to kill, which is, as I understand it, evenings and early mornings.

So I'm pretty disappointed that this regulation won't stop people like me, if we chose to, allowing our cats to roam any time of the day or night over properties that might span - you know, my property is 100 acres, but others may span thousands of acres, and I'm told that property means all of your property that you own and work on, not just the sort of title that you live on. So a lot of these farming properties are made up of multiple titles and the cats will be allowed to roam across all of them.

So I'm disappointed at the scope of this, but I think the intent is there and I think it is - and most people want to comply with the law, so most people will recognise they need to do this and they'll do it. I can't see our rangers

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running around with nets and headlights trying to find cats in the middle of the night, but it will allow neighbours who are being bothered by cats crossing into their backyards and soiling or terrorising their dogs, or whatever they do, they can make a complaint and things will be able to be done about that.

So I think it's part of the way. I will support it. I'm disappointed in its scope. I hope that rural people, and I think rural people generally would be really responsible cat owners because the biggest environmental - people should understand, I would say the most important environmentalists in this shire are the members of the farming community. They are looking after the land in a way that others just couldn't understand and the wildlife. So I will support it, but I'm a bit disappointed at it. Thank you.

MAYOR LIZ PATTISON: Thank you. Did you have any closing comments, Councillor Hodge?

CR ROSE HODGE: Oh, just to say I do agree with Councillor Wellington, I don't see our rangers going out on cat hunts and wasting time on that. It will be more of a reactive one, especially for neighbours if they've got a problem cat and our rangers then have the power to make their amenity better.

I accept this report and in several years it gets reviewed again, so there could be more data collected over the next couple of years and we'll see how it is. So I recommend this report and hopefully it gets through. Thank you.

MAYOR LIZ PATTISON: Thank you. We'll now put it to the vote. All those in favour. All those opposed. And the motion is carried.

We now move on to item 4.4, Bi-Annual Customer Experience Report July to December 2022. The item presents Council with a the Bi-Annual Customer Experience Report. Do we have a mover? Councillor Bodsworth. Is it as per the recommendation?

CR MIKE BODSWORTH: Yes, thanks, Mayor.

MAYOR LIZ PATTISON: And do we have a seconder, please? Councillor Gazzard, thank you. Did you want to speak, Councillor Bodsworth?

CR MIKE BODSWORTH: Thanks. Look, I'll keep it brief. This is a recommendation to note the report. I think the beauty of these reports is that they provide transparency to community on the things their fellow citizens believe we're doing well or we're not doing well. It provides our officers and ourselves as Councillors with a good way of working out the things that we're

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doing well and not doing well, so I think it's absolutely essential. It's also mandated through the Local Government Act now, which is a good thing.

There are a whole lot of different metrics that are expressed in this report. There are a lot of different channels for people to either complain or to compliment us. I note that new waste contracts, which we voted on a while back, kerb side waste contracts that include constant GPS monitoring of trucks and a lot of camera monitoring should make a difference to waste-related complaints, which are quite a large percentage of the complaints.

I also note the impact of La Nina, basically simultaneously La Nina weather patterns with extraordinary rainfall and wind, COVID and other unusual circumstances which are visible in this report and I'd like to thank the community for their understanding and patience through that period when we've struggled to keep up with our responsibilities and I'd particularly like to thank Council staff for their hard work over a relentlessly long period maintaining good levels of service.

So as this report notes, there are lots of things that we need to keep trying to improve, lots of things that we're doing really, really well, but the most important thing of all is that we have this program which guides us in those improvements. Thanks.

MAYOR LIZ PATTISON: Thank you. Councillor Gazzard? Would anyone else like to speak? Councillor Allen?

CR GARY ALLEN: Thanks, Mayor. Look, I continue to be surprised at the lowish number of residents who use the customer request management system. In the past two years being a Councillor, I regard this to be the most effective way to ensure that a resident request or complaint is followed up in the system. In any system there will always be faults and some requests complaints may not be answered in an acceptable timeframe. These, I believe, are very few and if this occurs, the customer has a record to then make a follow-up complaint.

Look, I appreciate that I may get the nickname of polypharma as the Lorne ward residents believe that I am handballing their concerns. However, I'm a convert and I wish to take this opportunity of promoting the system. Customers, you receive a unique reference number and information on when you will receive a response from the relevant action officer. The Council is committed to completing both customer requests and complaints within the timeframe and as you can see from this report, the Council measures the completion rate of requests within the timeframe. Thank you.

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MAYOR LIZ PATTISON: Thank you. Councillor Wellington.

CR HEATHER WELLINGTON: Thanks very much. As I've said numerous times, complaints is an opportunity, so we definitely should welcome them. As I have said previously as well, I'm just really surprised at the low number requiring investigation. I do think a lot of complaints are dealt with very quickly and addressed really well, but I also - I don't know how anyone can be a Councillor on the shire and not walk down the street of their town in areas where people know them and not be inundated with complaints, because that's what I get and I'm sure if others do that walking down the street, they must get people coming up complaining about different things. Now, for whatever reason, some of those things are requests for service, but others are complaints about - you know, the mud hut in Winchelsea, I can tell you I've had probably, I don't know, 100 complaints about that in the last couple of months, few weeks, about the engagement process there.

If I look at the number of complaints reported here, 27 upheld and 48 partially upheld, that means in my ward, if Winchelsea ward had a relative proportion of the complaints across the shire, 7 complaints would have been upheld and 12 closely upheld. I mean, it just doesn't accord with my experience. So I think we have to try to understand better what we're counting here and, you know, how we can better capture the community feedback.

We know from the customer experience, the satisfaction survey, that overall satisfaction in the last customer survey I think was 57%, so that means that 43% aren't happy, and I just don't believe that that only generates such a small number of complaints and certainly my experience people aren't complaining, it's just about where they complain and how they frame their complaints as to whether they're counted.

So it's good to have the data presented. I do believe complaints is an opportunity and as an organisation, we need to be measuring our complaints and analysing them and trying to work out where they're coming from. I'd like to see us respond to them. I've said for many years satisfaction, which is sort of a reflection of complaints, in the Winchelsea ward on unsealed roads has generally been around 30 to 40% and it's been highlighted in the satisfaction surveys every year for as many years as I can remember, but it's never rated to get its own strategy, (inaudible) more money into the strategy which was good. But it's not - so I just think there's a problem - not a problem, but this is not the full picture and I think that we need to over time develop a better understanding of the full picture and respond to it appropriately through a strategy and our plan. Thank you.

MAYOR LIZ PATTISON: Thank you.

CR PAUL BARKER: Just a question, Mayor. How many of the 515 missed bin reports did we have evidence that a garbage truck did pass by the property and the complainant just forgot to put the bins out?

MAYOR LIZ PATTISON: I think that would have to be taken on notice because that's a very detailed, specific question which I imagine officers don't have at hand. So that can be taken on notice and we can endeavour to look into that, or it may not be possible to respond to, but thanks for your question, Councillor Barker.

CR PAUL BARKER: Because if it's a significant cost, I want the rest of the community to understand that people making bogus complaints do cost us.

MAYOR LIZ PATTISON: We'll take that on notice, thanks. Councillor Bodsworth, did you have any closing statements?

CR MIKE BODSWORTH: No, thanks.

MAYOR LIZ PATTISON: No. We'll now put the motion to the vote. All those in favour. And the motion is carried.

We now move on to the Adoption of Residential Nature Strip Policy and Guidelines. The purpose of this report is to present the Residential Nature Strip Policy and Residential Nature Strip Guidelines to Council for adoption. Do we have a mover of a motion? Councillor Gazzard. And a seconder? Councillor Stapleton. And is it as per the motion?

CR KATE GAZZARD: Yes, as per the recommendation, thanks, Mayor.

CR HEATHER WELLINGTON: Can I ask a question before we start, please?

MAYOR LIZ PATTISON: Yes.

CR HEATHER WELLINGTON: There's a statement within the guidelines of this that says it's not Council's intention to require residents to retrospectively comply with the guidelines. I'm just wondering if somehow in this we can incorporate that that presumably, if it's passed tonight, refers to as of now.

MAYOR LIZ PATTISON: That's right.

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CR HEATHER WELLINGTON: I mean, it's presumably not saying in the future if you don't (inaudible) the guidelines, but you don't get caught, we're not going to make you do it retrospectively.

MAYOR LIZ PATTISON: No, it's my understanding that as of once the policy is passed, anything that's already gravelled or doesn't comply - it's from now going forward that you can't have gravel nature strips, et cetera.

CR HEATHER WELLINGTON: Can I suggest that the movers might consider that somehow that's incorporated in the recommendation because otherwise it will create, I believe --

MAYOR LIZ PATTISON: Are you putting forward an amendment or foreshadowing an amendment?

CR HEATHER WELLINGTON: I'm just suggesting that the mover of the motion might consider incorporating an amendment that says that --

MAYOR LIZ PATTISON: Thanks for that comment. We'll move on and let Councillor Gazzard speak to the motion.

CR KATE GAZZARD: Thank you. I will move the motion as it stands. I think in the communications that go out to the public we could make it quite clear that the policy is in place now and we're not enforcing it retrospectively in terms of people who have certain nature strips having to change it, but if people from now on do make any changes that aren't in keeping with the policy, then there will be fines applied.

So this nature strip policy feels like it's been a long time coming. Thank you to the officers for all the work that's been put in to this. It is something that we've received quite a lot of correspondence about and we've compared with other Councils who have existing nature strip policies and guidelines.

I think it is important that we have this policy and the guidelines for clarity. Nature strips are obviously Council-owned land, but are managed by the property owners. They're a public space that can contribute to the sense of place and community and really can be a pride for neighbourhoods and certainly ours sometimes is a little overgrown and our neighbour mows it for us, so it's a real community feel.

There's lots of considerations in the making of this policy and I know a lot of people feel very strongly that certain plants or grasses should be mandated, whereas other people would like gravel or other materials. It's difficult

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because there's a lot of considerations, different people have different aesthetic appeals, and I guess the main things that we've had to contend with are safety in terms of road safety and pedestrian access, that nature strips needs to be accessed for the amenities with gas and power and rubbish bins. They play an active role in our climate emergency response plan and also contribute towards a healthy environment for people, plants and animals.

The other things that we need to be very aware of are bushfire risk and there are areas where the new rules are difficult to enforce in certain parts of the shire and I acknowledge that the hinterland and different areas in the coast do differ in terms of vegetation and so while this is shire wide, we do have to be somewhat flexible with the existing nature strips that are in place.

So I think the main thing is that we're encouraging greening of the nature strips, so grass, native plants that are less than 50 centimetres tall, and even edible gardens that can be a creative way to decorate your nature strip. Gravel, concrete and artificial turf are not allowed. Note that all trees are managed by Council and so you can't plant new trees, but Council might be able to plant a tree on your nature strip if it's deemed safe, and anything outside of these guidelines requires a permit and if there's any - if there's no clarity, then you can contact our development engineering team.

So I think as a starting point, having had no guideline and now this policy, I think it reads well and is generally quite clear. We won't be forcing people to change their existing nature strip, but I will note that as per VicRoads law, it's illegal to park on your nature strip, so any of the gravel nature strips made specifically for parking, actually that's not allowed in terms of the road laws.

So thank you to Council staff and thank you to all the submissions and the community members who have been contacting us about this issue and hopefully this provides some clarity.

MAYOR LIZ PATTISON: Thank you. Councillor Stapleton?

CR LIBBY STAPLETON: Thanks, Mayor. So as we all know, coming from different parts of the shire, the character and type and role of nature strips varies enormously across the shire. The thing I really like about this policy is that it's a principles-based approach, which means that the policy and the guidelines that come with it will help to provide Council officers and the community with greater understanding of how nature strips can be treated, whilst still allowing enough flexibility to cater for the different needs that are inherent in each of our townships.



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As a whole, I think that nature strips should add to and not detract from streetscapes and township character and hopefully add to a cooler and greener environment and I'm confident that these guidelines will help us to achieve that.

Just acknowledging Councillor Wellington's point about the retrospective application of the policy, I'm comfortable that in the guidelines under section 2, which is policy application, I think it's pretty well covered with, "Council recognises that at the time of the adoption of the Residential Nature Strip Policy and Guidelines there are many nature strips through the shire where residents have undertaken works which do not comply with the new guidelines. It is not Council's intention to require residents to retrospectively comply". So I feel like that covers off that concern adequately.

And although the guidelines will not require residents to retrospectively comply with the new standards, I'm really hopeful that they provide an opportunity to educate and inspire our community to create nature strips that contribute to a more sustainable environment. Thank you.

MAYOR LIZ PATTISON: Thank you. Do any other Councillors wish to speak? Councillor Bodsworth?

CR MIKE BODSWORTH: Thanks, Mayor. I agree. I think this - well, we haven't had a nature strip policy before, so I think this is a great first attempt. I think partly it's good because of the input that we had from members of the public, so I'd like to acknowledge in some cases some quite fierce input from members of the public which pressure tested our work while we were doing it and I think has resulted in a better policy and guidelines.

In addition to the part that Councillor Stapleton highlighted in the policy application in the guidelines, there's an important paragraph around Council recognising that a "historic lack of a clear Nature Strip Policy and Guidelines has resulted in widespread inappropriate and unsustainable uses and development of nature strips". It goes on to say, "With the Policy and these Guidelines, Council aims to initiate a shift away from those uses and towards more positive outcomes in line with the Policy Principles".

So I think what is good about that is that it highlights that this is not kind of a sudden revelatory change, it's a shift, and it involves people getting to grips with the policy principles and particularly the fact that nature strips are public land and they're for public benefit and they're not for exclusive private benefit. That paragraph I noted is so important it's on the same page twice, so we could probably get rid of one of those.

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But yeah, look, I think this is really good. I think there's a review period in several years' time. I think that provides us a good opportunity to incorporate feedback that we get as we put this to practice, and yeah. So thanks to members of the public who had their input and thanks to officers for their good work on this.

MAYOR LIZ PATTISON: Thank you. Councillor Barker?

CR PAUL BARKER: Just a quick question. What's it going to cost to implement this policy?

MAYOR LIZ PATTISON: I'll pass that on to the CEO.

ROBYN SEYMOUR: Thank you for the question, Councillor Barker. We haven't quantified the direct cost. Part of the intention of the policy is to try to make it as easy as possible where we're clear around what's allowed and it's only really when it's outside of that that residents and ratepayers should feel that they need to come to us to seek a permit. So we're hoping that that means that it will be fairly light touch in terms of the need for support from Council officers and it will just be those occasional opportunities where community members want to do something a bit different on their nature strips that we would be involved.

CR PAUL BARKER: Okay. Yes, you can start the clock. Principle 2 states that nature strips must offer safety for pedestrians to prevent them from having to walk on the road. We've got hundreds of kilometres of roads with nature strips that are not safe for walking on. I fear that we're backing ourselves into a corner where we'll force ourselves to spend money that we don't have on nature strips.

Now, I understand that there's some consideration because it's all not like for like, but as I mentioned before about this direction Council has had with the climate alarmism and got to green everything, it's going to come at a cost. We're in a recession. It's like you've got the blinkers on. We just can't be everything for everyone. I can understand the intent and desire to clear things up, but I can't support it.

MAYOR LIZ PATTISON: Councillor Allen, did you wish to speak?

CR GARY ALLEN: Yes, look, I think this is an important and good start. Councillor Stapleton talked about most of the things that I wanted to say, but I would like to stress that I accept that it's a challenging issue with the difficulty

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of crafting a policy that fits the differing locations within the shire, the obvious one being topography, another heritage and character, and I'm quite confident not being retrospective that it will in fact protect the tree canopy in Lorne which is so important to the Lorne community. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Gazzard - oh, Councillor Wellington, did you wish to speak?

CR HEATHER WELLINGTON: Thanks so much. I'd like to first of all say I think this policy was kind of stimulated by (inaudible), who are Torquay residents who were very concerned about the gravelling and the sort of changing of nature strips in North Torquay to make them impermeable, which obviously just adds to the environmental risks and threats in that area and I think they have pursued it really strongly and on behalf of the community, so I'd really like to thank them for what they've done there.

I think that statement about requiring retrospectively comply with the guidelines is both redundant and unclear and I think it should be deleted. I think we obviously have the right to direct residents to remove any structural planting which we deem to be a safety risk, but we don't need to make a statement about retrospective compliance. You know, people are - I mean, how are we going to know what the state of our nature strips is as of tonight? How are we going to know when in five years' time, if we find a nature strip among the 800 acres or so I think it is of nature strips we own, we find a nature strip that doesn't comply with this policy, how are we going to know when it happened? So I think we're going into a bit of minefield there, so I think it's going to cause problems in the future.

I noted the duplicate paragraph on page 71 as well. Dot point 4 on page 74 is missing the last dot point. And then we talk about garden edges and planter boxes on page 75 and unfortunately my computer is playing up and I can't get to page 75 at the moment but I think that related when I made my notes - that related to tripping hazards and I would have thought that planter boxes are a tripping hazard. Oh, no, actually, sorry, there's just an edit there. I don't think it is. It's an edit.

In terms of the merits of the policy, I sincerely hope we enforce the illegality of parking on nature strips. We have not done it. We've ended up with a big car park in North Torquay on our nature strips that houses people's boats and caravans. It's really very detrimental to amenity, it's very detrimental to the environment, and it shouldn't be permitted and we should be enforcing that much more stringently.

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I think the guidelines generally are good. Hopefully most people will comply and we will stop people graveling their nature strips and I hope we do actually go out with some communication to builders and home owners. We should be sending these guidelines to people who apply for planning permits or building permits, or whatever, so that they've got them and they know them.

We're talking about this not being retrospective, if people have gravel or other surfaces they would incur costs. I just feel that we need to be able to do better than that in the long term. I believe there was a requirement for those people to seek permits before they did that and I believe that needs to be addressed in the longer term.

You know, this is an improvement on what we had, but it's by no means perfect and I really - there's obviously no point because everyone has decided what they'll do already, so I don't think that there's any point in moving amendments, but I'm tempted to do that but I won't.

MAYOR LIZ PATTISON: Thank you, Councillor. Councillor Wellington, you've now gone over time now.

CR ROSE HODGE: I'll just quickly --

MAYOR LIZ PATTISON: Sure thing, Councillor Hodge.

CR ROSE HODGE: I know a lot of nature strips changed. I can remember the drought in 2000 and that's when a lot of people I know let the grasses go and gravelled, and there was only guidelines. Now the policy is in, we can look at it. And I know people that do prefer grass, that they will probably change their gravel to grass. But I really hope this document is sent to other agencies. I know it doesn't include them, but my pet hate is that horrendous roundabout as you come into Torquay, it's the ugliest entrance into any town in the shire, and we have tried to get the Department of Transport to at least do something to it and they just either won't or don't.

So I'd really like to ensure that the Department of Transport and other ones - you know, we can do low maintenance greenery, but that is the ugliest roundabout ever and I'd just like to say it is only a start. This nature strip policy isn't perfect. I think it opened a Pandora's box, actually, from different areas of the shire and also parts of the shire that are under the bushfire management overlay. So that even comes into play.

So it isn't perfect, but it's a start and any new developments that come in now, and there will be new development in Torquay, no doubt, and in Winchelsea,

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that with these new developments it's just known that grass needs to be placed. So I think it's a good start, there's still growth in the area, and I think people could retrospectively change their - willingly change their nature strip back. So I'll be voting for this recommendation.

MAYOR LIZ PATTISON: Thank you.

CR HEATHER WELLINGTON: May I just ask a question, Ms Pattison?

MAYOR LIZ PATTISON: Yes.

CR HEATHER WELLINGTON: I'm just wondering could one of the officers just clarify for Council how the guidelines will be enforced? Normally guidelines are just that, they're only guidelines, as Councillor Hodge just stated. Are these going to be adopted into the community local law, is that the intention?

MAYOR LIZ PATTISON: I'll pass that on to our CEO.

ROBYN SEYMOUR: Thank you for the question, Councillor Wellington. Yes, the intention is that they will be included in our local laws.

CR HEATHER WELLINGTON: I'd like to move an amendment.

MAYOR LIZ PATTISON: Yes, you can put forward your amendment.

CR HEATHER WELLINGTON: My amendment would be that - I'm having trouble getting my Council papers up on the screen. The amendment would be that Council adopts the Residential Nature Strip Policy and Guidelines subsequent to removal of that comment about Council not intending to retrospectively enforce the guidelines because that's an issue for the local law, not for the guidelines themselves. So the amendment would be as it's stated, save for the removal of the statement that Council (inaudible) retrospectively implement.

I can't get the document up on my computer. So the statement I think that I've written in my notes is it's not Council's intention to require residents to retrospectively comply with the guidelines. I think that that statement should be deleted and perhaps the officers could put up an amendment.

MAYOR LIZ PATTISON: I'll seek clarification with the mover of the motion because otherwise we'll need to go to a vote, unless that's accepted.

SPEAKER: Which part - sorry, Councillor Wellington, which part?

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CR HEATHER WELLINGTON: It's the statement in the guidelines that says, and the officers may be able to direct us to it, "It is not Council's intention to require residents to retrospectively comply with the guidelines however Council retains the right to direct any resident to remove any structure or planting which Council deems to be a safety risk". I'd like that - I'm suggesting that that statement is removed because issues of what we bring into the local law are for the local law, not for - shouldn't be incorporated in the policy or the guidelines. So the (inaudible) would change would be as it is, with the exception of (inaudible) paragraph where that statement fits in the guidelines.

SPEAKER: Second paragraph on page 71.

MAYOR LIZ PATTISON: It's the second paragraph on page 71. Councillor Gazzard, you can either choose to accept it and then it moves on, or you can not accept it and we'll put it to the vote and then that amendment either lapses or becomes a substantive. So given that you were the mover of the motion.

CR KATE GAZZARD: Yeah, I'm happy to accept that amendment.

CR LIBBY STAPLETON: I'm not. I'm the seconder.

MAYOR LIZ PATTISON: The seconder doesn't, okay. Just hold on one second.

CR LIBBY STAPLETON: Can I just explain why I don't want to second it? Is that alright?

MAYOR LIZ PATTISON: Just hold on a second, if you will, please. Jake, can you --

JAKE BROWN: Through you, Mayor, if you could just give us 30 --

ROBYN SEYMOUR: I think you missed the discussion, which was Councillor Gazzard accepted the motion, but --

MAYOR LIZ PATTISON: Councillor Stapleton did not. Do we go to a vote then if the seconder does not accept --

JAKE BROWN: Through you, Mayor, you require both mover and seconder.

MAYOR LIZ PATTISON: Okay. So we'll now put the amendment to the vote.

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CR HEATHER WELLINGTON: I think the question is whether we accept the amendment and then debate it.

MAYOR LIZ PATTISON: That's what I was talking about, sorry.

CR HEATHER WELLINGTON: I don't think there's a seconder to it yet, is there, to the amendment?

MAYOR LIZ PATTISON: No.

CR HEATHER WELLINGTON: So the amendment is to delete the statement that starts "It is not Council's intention to require residents to retrospectively comply with the guidelines however", and I think we should just leave it in there that Council retains the right to direct any residents. So we delete the words from "It is not Council's intention" through to "however" in that second paragraph on page 71.

CR KATE GAZZARD: I'm happy to not - just to go back to the original motion.

MAYOR LIZ PATTISON: Okay, thank you. So we've just had a clarification Councillor Gazzard does not accept the amendment, nor does Councillor Stapleton. So we will return to the original motion and we'll put the motion.

CR HEATHER WELLINGTON: No, I think my motion - my motion --

MAYOR LIZ PATTISON: It lapses with the mover and the seconder.

{WHITE} CR HEATHER WELLINGTON: My motion needs to be put if there's a seconder of it.

JAKE BROWN: Through you, Mayor, to accept the amendment, you need the mover and the seconder to agree. If not, then Councillor Wellington can seek a seconder for her amendment. If a seconder is accepted, then Council may debate the amendment.

MAYOR LIZ PATTISON: Is there a seconder to Councillor Wellington's amendment? Councillor Barker.

JAKE BROWN: Through you, Mayor, can I just put it up on the screen to get the wording right first to make sure everyone is happy and Councillor Wellington is happy before we commence debate? I'll just need probably about 60 seconds.

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MAYOR LIZ PATTISON: Okay. We'll just wait for that to be put on the screen.

JAKE BROWN: Through you, Mayor, we're displaying the proposed amendment on the screen for Councillor Barker or for Councillor Wellington to confirm that's the amendment she'd like to move and for Councillor Barker to confirm that that's the amendment he wishes to second.

MAYOR LIZ PATTISON: Thank you. Councillor Barker, are you happy to second the amendment?

CR PAUL BARKER: Yes.

MAYOR LIZ PATTISON: Councillor Wellington, do you wish to speak to the amendment?

CR HEATHER WELLINGTON: Thanks so much. I think it's probably reasonably clear. But I would just say to Councillors I don't believe this is anything to be frightened of. What it's basically doing is removing from the guidelines - the guidelines itself should be about what we want on nature strips, not whether or not we're going to enforce. The guidelines need to address whether or not you can have gravel and whether or not you can have plants. Enforcement is an issue for the community amenity local law. There is nothing - we could in the community amenity local law adopt the guidelines and put a proviso that we won't enforce prior to a certain date. I think legally we wouldn't have a right to enforce retrospectively anyway. People can't be expected to comply with things that don't apply to them at the time.

So I think it's low risk. I think it is sensible to keep our options open, and particularly because I think the wording is currently very ambiguous and end up with problems because it's not clear when we're talking about retrospective, we're not addressing the date from which retrospectively applies.

So I think it's difficult in its current format. It's going to cause problems. Removing it will not cause problems and will make the policy clearer. And I thank Councillor Barker for seconding the amendment. Thank you.

CR PAUL BARKER: Mayor, I just have a question, if I may.

MAYOR LIZ PATTISON: Yes.



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CR PAUL BARKER: As far as the date of this policy being applicable, I would assume it would be today's date once it's passed the meeting, if it is passed, that is the date it becomes applicable.

MAYOR LIZ PATTISON: That would be my understanding, yes. Councillor Barker, did you wish to speak to the amendment?

CR HEATHER WELLINGTON: Mayor --

MAYOR LIZ PATTISON: Pattison.

CR HEATHER WELLINGTON: I'm sorry, can I please say something? I didn't use my full time. But just in relation to that, the issue will arrive in the future when we discover that somebody has a nature strip which does not comply with the policy and the question at that point would be what does retrospective application of the policy mean at that point. So I think it is going to be a difficult clause.

MAYOR LIZ PATTISON: Thank you.

CR HEATHER WELLINGTON: It doesn't really make sense to have (inaudible).

MAYOR LIZ PATTISON: Yes, Councillor Stapleton.

CR LIBBY STAPLETON: My recollection from one of the briefings was that we did seek legal advice of the policy and guidelines. Can I just - is that correct, and what the advice was.

MAYOR LIZ PATTISON: I'll put that through to our CEO, please.

ROBYN SEYMOUR: Thank you, Councillor Stapleton. I might refer that to our General Manager of Place Making and Environment to respond to.

CHRIS PIKE: Yes, through you, Mayor, we did seek legal advice, but I don't have that before me right now and so I'm going to be guessing if I try to fill in the blanks in terms of exactly what it told us, but we were providing it so as to position ourselves to have something that was workable and, if necessary, enforceable and found the feedback helpful and incorporated it where it was provided.

MAYOR LIZ PATTISON: And just to add to that - sorry, Councillor Wellington - at the briefings we were advised that aerial photos are taken and they have recently been taken for the assessment for rating and the

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assessment of property values and that that would be the basis utilised around understanding retrospective nature strips, et cetera, because that's across the shire and that was from my recollection of those briefings and in relation to the legal avenues around retrospective rectification of nature strips, and the like. We'll now move on to Councillor Barker. Did you wish to speak to the amendment?

CR PAUL BARKER: No, it just makes sense.

MAYOR LIZ PATTISON: Does any other Councillor wish to speak to the amendment? Councillor Hodge?

CR HODGE: I won't be supporting it. I'm just foreshadowing go back to the original.

MAYOR LIZ PATTISON: Thank you. We'll now put the amendment to the vote. All those - so just to clarify, all those in favour of moving to the amendment, please raise your hand. That's Councillor - and all those opposed?

CR HEATHER WELLINGTON: Sorry, can I --

MAYOR LIZ PATTISON: The amendment lapses and we move back to the substantive.

CR HEATHER WELLINGTON: Can I ask what the vote was, Mayor Stapleton - I mean Pattison.

MAYOR LIZ PATTISON: Pattison. It was two for the amendment and seven opposing the amendment.

CR HEATHER WELLINGTON: Thank you.

MAYOR LIZ PATTISON: We will now vote on the nature strip policy as per - sorry, Councillor Gazzard, did you have any closing remarks?

CR KATE GAZZARD: Thank you. Sorry for the confusion. I do think that removing that phrase doesn't necessarily clear it up given the sentence before it and my concern is that not only applies to gravel nature strips, but that also applies to existing vegetation and wildlife. So I'm happy that - as a first guideline I think this policy is a good one, so yes, happy --

MAYOR LIZ PATTISON: Thank you. We'll now put the motion to the vote. All those in favour. All those opposed. And the motion is carried.

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Given the time and it's now 8.08 and so Councillors, we have been running through the agenda now for two and a bit hours, so we'll have a short break. I know ask for a motion to adjourn the meeting. Councillor Bodsworth, and seconded by Councillor Barker. All those in favour. And the motion is carried. And we will be returning at 8.20. Thank you.

(Short break)

MAYOR LIZ PATTISON: Welcome back, those of you, for our Council meeting tonight. I just will seek a motion to resume standing orders. Councillor Allen, and seconded by Councillor Hodge. All those in favour. And the motion is carried.

We'll now kick straight off into 4.6, COVID Recovery Assistance Program Report. This item presents Council with the final report on the outcomes of projects awarded under the COVID-19 Recovery Assistance Grant Program. Do I have a mover of a motion? Councillor Allen. And a seconder? Councillor Hodge. Councillor Allen, I'm assuming that's as per the motion?

CR GARY ALLEN: As per the recommendation, yes, thank you. Included in tonight's meeting papers is an extremely comprehensive report about the COVID Recovery Assistance Grants and I encourage residents to read about the 36 grants and the 9 Council programs enabled through this initiative.

I wish to congratulate the previous Council for their foresight to envisage and resource this initiative and to the officers who were tasked with the job of implementation. We were all uncertain about the timeframe and the future individual and community impacts of the pandemic. 55% of the package supported local businesses and 45% was allocated to community-based initiatives. The Surf Coast Shire was thus providing real and timely capacity building at a time of reduced confidence. The major determinant of economic activity and growth is the level of business and consumer confidence.

Initiatives were varied, ranging from farm gate art, adopt a worker, to a large freezer for Torquay food aid to support an ostrich farm that lost its main source of income from tourism and the Council was prepared to forgo income by reducing and staging fees and charges.

I am particularly pleased that \$100,000 was allocated to the Creative Communities Fund. Economic rationalists may roll their eyes, but this allocation recognises the importance of the non-tangible benefits of the arts to individual emotional health as well as to the artists whose income and job

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security is so often overlooked. A very big well done to all concerned. This is a comprehensive report on a targeted and compassionate program. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Hodge, did you wish to speak?

CR ROSE HODGE: Yes, thank you, Mayor. When the Council of 2016 and 20 were faced with never before a situation such as COVID and after much discussion, I think it was in May 2020 we placed the money, nearly \$1 million, to help combat any unforeseeable impacts on our community. The impacts were on personal, community, regional, state and national levels. We were trying to do something in such a confused time in our lives.

With lockdowns, we had challenges in economic, physical and mental health and especially social connections. There are many statistics in the comprehensive report that is well worth a read, but we did lose - in Surf Coast, we had 52.9% of businesses apply for JobSeeker and a loss of over \$190 million in tourism.

One of the principles was lead initiatives and support others. Council gave the officers the ability to quickly assess and determine applications into the grants, eliminating wait times for the monthly Council meetings. The report comprehensively shows where and how and what the outcomes were with every successful applicant.

Just to mention a few, the feed me Surf Coast, which is such an important part of our community now - the food parcels went from 30 to 150 and meals increased from 90 to 520. 32 volunteers were trained with the grants that we gave them and the Lions certainly came and helped and they were a fantastic volunteer help.

The community houses also led the way too, with Let's Go Outside initiatives and getting people outside in a safe distance, but still socially connected. The mental health projects were also supported and the youth.

Initiatives were all across the shire and the rapid response ones were particularly terrific that the officers could get on this very quickly and to help out with community groups as Adopt a Worker, at Lorne the toy library, the sensory garden at Winchelsea, bike hubs, and a full list of all this is in the report.

And the outcomes, as you will read, were all positive. Overall, the COVID-19 Recovery Assistance Grants Program were underpinned by our wonderful

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community and the countless volunteers who wanted to make a difference in a challenging time. It led to incredible projects where people gained skills and found new legacies and I too would sincerely like to thank the staff that put so much of their lives into this report. I don't want to miss out anyone, but special mention to Gretchen, Matt, Simon. I know there are others, so please pass on to the teams, but anyone reading that report will see that that was money really well spent.

Sometimes, you know, people are "you shouldn't be doing grants". Well, if anyone complains about this giving to the outcomes that we received, especially from Feed Me and all those other ones, it was a wonderful initiative and I thank the past Council, but this Council too for continuing it because it was so important to our community and I think we're better for it, we're stronger for it, and hopefully nothing like this will happen again, but we know we've got the resources to do it.

MAYOR LIZ PATTISON: You've currently gone over. Thank you. Do any other Councillors wish to speak? Thanks for the clapping. Councillor Wellington?

CR HEATHER WELLINGTON: Thanks very much. Look, there's a huge report and it's some really fantastic stuff that was done with these grants. It was a huge amount of money. It does have actually quite a - there's quite a focus on outcomes here, although some of them weren't necessarily - you know, they were one-off kind of things and it's hard to see what sustainable difference, if you like, they made. But it was important to get community together at various times, get back together and to support certain sectors of the community.

I have two I wanted to comment on in particular, though. One is the Summer Shuttle program, Torquay/Jan Juc, and I think that's the one that was implemented directly after the elections of 2020 and I think it was in relation to the current proposal that we have a free shuttle bus service around Torquay and Jan Juc and there's a whole - we ran that and it cost quite a lot of money, \$48,000. The outcomes are reported as being extremely positive - people were employed, the initiatives were carbon neutral, you know, just different details about the people who rode on it, but the reality of that - and this is really an issue about the way we report, as opposed to an issue about whether we should have funded that shuttle bus. I don't think I supported it at the time, but that's not to say it was wrong for Councillors to support it, but I would like a more objective outcome report on that and the reality was that the cost per person was unbelievably high. There was very few people that took it up.

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I would like that to be put down as a big tick, which it seems to be at the moment. It says that objectives (inaudible) I don't know what the objectives were, but there's certainly people used (inaudible) did not make this a successful program. I think we need to just recognise that and we don't want to be sort of conveying to people that it was very successful when it actually, in my view, was not.

The other thing is just in relation to the (inaudible). I would make the comment there was a very small uptake. I can't really tell the numbers from the report, but there was a very small uptake from the non-Torquay areas of the shire. So what we've got there, in my view, is probably a reasonably good view about what the youth of Torquay (inaudible) but I don't think that that should be being relied on in relation to the views of the youth around the other parts of the shire. So I think - personally I'd like to see (inaudible) statistician engaged by this Council because we're increasingly doing surveys and I think sometimes we rely on results in a way that we shouldn't and it can be misleading in terms of future decision making.

So overall I think there were some good projects in this, there were some that weren't so successful. We need to be clear about what was not successful as well as what was and I'm happy to see the report and to note what came out of it. Thank you.

MAYOR LIZ PATTISON: Councillor Allen, did you have any closing statements?

CR GARY ALLEN: No thanks.

MAYOR LIZ PATTISON: Councillor Barker, did you have something - you wanted to speak to the motion?

CR PAUL BARKER: Thank you. I'm happy to support the motion, but only once in this whole agenda is return on investment mentioned. Any time that we're spending other people's money, it's essential that that money spent delivers a positive need for the community. Now, that's going to be subjective depending on the individual, but a million dollars is a hell of a lot of money. And even though it was \$924,711, that's still a hell of a lot of money. And as Councillor Wellington mentioned, to gloss over the spend on certain elements and not be critical is a disservice to all those people in the community that are working hard to pay their rates.

So I hope it serves as a lesson for all of us that the next time government claims there's an emergency and wants to pump out ratepayer or taxpayer funds, take a moment, take a day, take two days, a week, a month, just as

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long as you need to consider what are the long-term ramifications of significant spending. Governments have a habit of breaking your leg, stealing your wallet, giving you crutches and then expecting you to be happy. There's always going to be an emergency that governments can claim they need to do extraordinary measures, but just remember the next time it happens, don't need to lose your collective minds and blow money on unnecessary projects - one that I supported, being that shuttle bus, and in hindsight it's probably one of the worst decisions I've made, but I learnt from it and I'll definitely be more critical on wasteful spending in the future.

MAYOR LIZ PATTISON: Thank you. Councillor Allen, any closing remarks?

CR GARY ALLEN: Just simply to say that often assessment of the success or otherwise of programs is very much in the eye of the beholder and it does depend on the values and the angle from which you approach things. Particularly with non-tangible programs, it's very hard, very hard to quantify it. But overall, I'm just so delighted with the positive result of the program and again, congratulate all concerned.

MAYOR LIZ PATTISON: Thank you. We'll now put the motion to the vote. All those in favour. And the motion is carried.

We now move on to 4.7, Reviewing the Adopted Strategy Cash Reserve and program of projects. This report is presented to Council following a review which has identified that some funds held in the Adopted Strategy Reserve and funds allocated to particular projects are no longer required. The recommendation before us tonight seeks a decision from Council to allocate these funds, totalling \$1,048,693, to the Surf Coast Aquatic and Health Centre project. Do I have a mover? Councillor Stapleton. As per the recommendation?

CR LIBBY STAPLETON: Yes, thank you, Mayor.

MAYOR LIZ PATTISON: And a seconder? Councillor Schonfelder. And would you like to speak?

CR LIBBY STAPLETON: I will, thank you. So as we know, there's currently a \$3.5 million shortfall in funding for the Surf Coast Aquatic and Health Centre and this motion provides an opportunity for Council to allocate a little over \$1 million from the Adopted Strategy Reserve and from Council's program of projects to help meet some of this shortfall.

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Just by way of strategy, the Adopted Strategy Reserve is one of 15 cash reserves that hold funds for specific purposes determined by Council and when strategies are approved by Council, funds for projects related to that strategy are held in the Adopted Strategy Reserve until the project is considered live.

In some instances, as priorities shift or circumstances change, cash may end up sitting in this reserve for many years awaiting for a project to start. Officers have recently reviewed the projects that are sitting in the Adopted Strategy Reserve to determine whether we are holding cash in that reserve that due to timing of projects, or for other reasons, may be better allocated to a higher priority, which in this instance it would be for the Surf Coast Aquatic and Health Centre.

Two projects that I'll just highlight in particular offer an opportunity to transfer more than \$700,000 to the pool budget. One is the Torquay Town Centre project, which currently has an allocation of \$825,000 against it. It is proposed that \$225,000 of this is retained in the Adopted Strategy Reserve, which would be used to develop a public domain plan for the Torquay Town Centre.

Now, given that this project has been on Council's advocacy list for a number of years and my understanding is that it's gained very little traction in that time, it does make sense to use that money to develop a plan to cost and scope the work that's actually recommended in the urban design framework, which the Torquay Town Centre project sits under, so that the projects are shovel ready and much better placed to attract future funding. The remaining \$600,000 from this allocation would be reallocated to the Surf Coast Aquatic Centre.

The second significant project nominated to have funds reallocated from is Race Torquay. There is more than \$160,000 sitting in the Adopted Strategy Reserve for this event. Yet it hasn't been held since 2020 and event organisers have given no commitment to Council that this event will occur in future years. So it makes sense to allocate these funds to a project which is currently a much higher priority.

Just quickly, officers also reviewed a number of projects on its program of projects and is able to reallocate more than \$250,000 from projects that are either concluded or no longer required. So essentially we have a range of projects here that are either concluded, on hold or unlikely to happen any time soon and it makes good sense to reallocate that money to a project that is a current priority and needs more funds to see it through. I hope my fellow



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Councillors agree and that Council can make better use of more than \$1 million currently sitting in reserves awaiting a future. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Schonfelder? No? Would any other Councillors like to speak? Councillor Allen.

CR GARY ALLEN: Thanks, Mayor. Look, just to say I'm keen that of the \$3.57 million shortfall that we don't obviously increase borrowings by a cent, and this approach to me I'm in favour of because it's taking from Peter to pay Peter. So in other words, we're taking from Torquay projects to fund a project that is essentially going to benefit the Torquay industry community.

We won't know until we see the result of the tender process which we agreed to last month to test the financial viability and whether we can afford to proceed with the pool, but we must be - this motion makes us prepared in case the tenders do come within the guidelines to move ahead without borrowing and therefore I'm in favour of having this strategy in case we need to fund the pool in that sense. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Wellington?

CR HEATHER WELLINGTON: Thank you. I won't be supporting this because I don't support the pool - or I don't support an aquatic centre costing almost \$50 million being built. I think that we're living beyond our means, very much beyond our means. There's already a lot of Council money allocated towards that \$46 million or \$47 million that we've got. I suspect what we'll do is we'll find (inaudible) all of a sudden we'll have the 46.8, but that million is at the cost of other priorities as well and we've got - analysis of where we need a million dollars at the moment. Do we need it in a \$47 million aquatic centre or do we need it in roads and bridges and other infrastructure where we've got a massive asset gap? We're going to create a (inaudible) really aren't able to keep up with the assets we've got.

So I feel very - and particularly to create an asset which is going to have an ongoing drain on council and ratepayer funds every year for the foreseeable future. So I just don't support it. It's convenient to find \$1 million, that's nice, but I think it would be much more responsible to look at priorities across the shire and determine whether a \$47 million pool is really a priority. To me it's not, so I won't be supporting it.

MAYOR LIZ PATTISON: Councillor Barker?

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CR PAUL BARKER: Thanks, Mayor. Spending other people's money is fun. You don't have to work for it. You can throw it around like confetti. If it lands on an unaffordable project, it's okay, you just find money from somewhere else. Is there a need for a pool in Torquay? Yes. Do we have tens of millions of dollars of taxpayer money allocated to it? Yes. Has this stifled the development of a privately developed pool from progressing? Most likely. Who in their right mind would raise private capital when this project of ours is going ahead? No-one. Would a privately built pool be better equipped for a lower spend? I think absolutely.

You do whatever you want, it's not your money, it's not mine either, but I think I'm part of the minority voice in this aspect, so vote the way you see fit.

MAYOR LIZ PATTISON: Thank you. Councillor Stapleton, did you have any closing remarks?

CR LIBBY STAPLETON: No, thanks, Mayor.

MAYOR LIZ PATTISON: I put the motion to the vote. All those in favour. Opposed. And the motion is carried.

CR HEATHER WELLINGTON: The vote was?

MAYOR LIZ PATTISON: 7-2.

CR HEATHER WELLINGTON: Thank you.

MAYOR LIZ PATTISON: We now move on to 4.8, Planning Permit Application 22/0427 Construction of a telecommunications facility - 460 Grossmans Road Bellbrae. This report has been presented to Council to determine a position on Planning Permit Application 22/0427 for the development of a telecommunications facility at 460 Grossmans Road Bellbrae. Do I have a mover of the motion? Councillor Schonfelder - as per the recommendation? And do I have a seconder, please? Councillor Barker. Did you wish to speak?

CR ADRIAN SCHONFELDER: Yes, just briefly, Mayor. I'd just like to say that the application seeks approval for the construction of a 30 metre high concrete monopole tower on top of which is to be installed an array of antennas for mobile phone communications reaching a maximum overall height of 32.5 metres above ground level.

The proposed tower is to be sited in the north-east corner of the land approximately 55 metres south of an existing telecommunications tower. It

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will be set back 77 metres from Coombes Road, 29 metres from the east side boundary, and a minimum of 37 metres from the southern boundary.

The land to be developed is currently grazing land. The tower and associated equipment cabinet and compounds will occupy 73 square metres of area. And I'd just like to add that I do use my mobile phone often and like many other members of our community, we do rely very much on telecommunications and having the most updated infrastructure possible. Thank you, Mayor.

MAYOR LIZ PATTISON: Thank you. Councillor Barker, did you wish to speak?

CR PAUL BARKER: Thanks, Mayor. A key strategy for telecommunications infrastructure is to colocate telecommunications facilities wherever practical. Victorian planning reports note that carriers are encouraged to colocate facilities wherever practical. This provision encourages colocation where an existing structure has the capacity to cope.

I'm not certain that all attempts to colocate the infrastructure in question with this existing infrastructure have been exhausted. I accept that if colocation were to occur, it would result in a taller pole at the existing site. I think this would be a preferable situation and set a precedent that all efforts must be made for colocation. Allowing this application to pass may set a precedent that will result in many more similar structures popping up around the shire.

I appreciate the applicant's attempts to meet the minimum requirements laid before them. I do not like the way this development is planned to occur, though I think you should be able to do what you want with your land so long as you aren't causing harm to others, and in this light, I will be supporting the recommendation.

MAYOR LIZ PATTISON: Would any other Councillors like to speak to the motion? Councillor Bodsworth?

CR MIKE BODSWORTH: Just briefly, thanks, Mayor. I share some of Councillor Barker's misgivings. I'm happy to support the motion. I just note that I'm interested in - as a landscape architect, I'm interested in visual impact mitigation options. I drove up Coombes Road on the way to tonight's Council meeting past the site where this monopole is proposed and there's a combination of green power poles and plain grey cement existing telecommunications tower which offer an opportunity to compare the visual impact of those two different colours and I don't believe there's a substantial difference in the visual impact.

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But this is obviously not the last of these proposals that we're going to get, so I think it's important for us to do some - well, just to continue to stay in touch with best practice in visual impact mitigation, in electromagnetic emissions and in the other issues that were part of this consideration tonight.

So, yeah, I'm happy to support the recommendation, but I think these impacts are really important and we need to do what we can to mitigate them on an ongoing basis. Thanks.

MAYOR LIZ PATTISON: Thank you. Councillor Wellington?

CR HEATHER WELLINGTON: Yes, can I just ask a couple of questions? On the east of that site at 460 there's a parcel of land which is also (inaudible) on the corner of Coombes Road and (inaudible) Road on the south-west corner. I just wonder if somebody could tell me - as I understand it, the pole is proposed to be located in the north-east corner of the subject land and then there's another parcel of land next to it and another one south of that adjacent to the public land and I just wondered if I can be told the - I was trying to find the size of those blocks and whether or not they've got homes on them.

MAYOR LIZ PATTISON: I'll pass that through to you, CEO.

ROBYN SEYMOUR: Councillor Wellington, I can't give you the size of those blocks at this point. In terms of whether they've got homes on them, to be honest, I'm not actually clear which blocks you're talking about. I'll just check if the General Manager of Place Making and Environment is clearer on those blocks of land for you.

CHRIS PIKE: Yes, through --

CR ADRIAN SCHONFELDER: Sorry, I was just going to say, Mayor, on page 207, point number 5 is helpful in this regard.

MAYOR LIZ PATTISON: Thank you, Councillor Schonfelder.

CHRIS PIKE: Yes, through the Mayor, I was going to point to that image on the top of page 208. Certainly the smaller block to the south, if you like, does have a residence on it and that's referenced in the analysis of the potential impacts of the pole being sited there. There is a property to the east too, and likewise that's addressed in the report. I too don't have the information on the size of the parcels.

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MAYOR LIZ PATTISON: Thank you. Councillor Wellington, do you wish to speak to the motion?

CR HEATHER WELLINGTON: Yes. Look, so I've just - I can see there's farming zone land to the east of this property which I presume would be separate ownership, but I don't know.

MAYOR LIZ PATTISON: Councillor Wellington, I'll just let you know the clock started because I did ask if you were speaking, so are you speaking currently to the motion or are you --

CR HEATHER WELLINGTON: I'm speaking, yes.

MAYOR LIZ PATTISON: Great.

CR HEATHER WELLINGTON: Thank you. So in looking at this, it seems to me there's farm zone land, parcel (inaudible) Coombes Road, there's a parcel of farming zone land just south - just to the south of that. There's a lot of rural or low-density residential zone land around this and it's very close to Kithbrooke and various other sort of low-density residential developments. I'm really concerned just about the fact that (inaudible).

MAYOR LIZ PATTISON: Councillor Wellington, your internet is becoming very unstable and we can't actually hear what you're saying.

CR HEATHER WELLINGTON: (Inaudible) support that. I agree totally with Councillor Barker what he says there (inaudible). Can I turn my video off for a moment? Is that better? Can you hear me?

MAYOR LIZ PATTISON: Yes, that's better.

CR HEATHER WELLINGTON: I'll just leave it off for a moment, if you don't mind. So I agree entirely with Councillor Barker that the duplication of infrastructure is just absolutely appalling and will just create, you know, massive visual impact on the environment. I know there's a lot of infrastructure in this sort of area already, but if there's unnecessary additional infrastructure, then I don't support it.

I'm just not convinced about the location of this and I'm not sure about the impact on that land that's adjacent to it. To me it's very close to the boundary. That land is small and probably not suitable for, you know, a commercial farming enterprise and the parcel of land to the south of that corner next to the public use farmland is also fairly small and still zone farming

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zone. So it just is potentially going to leave some orphan land in that corner that won't be very useful for much because it will be very closely adjacent to a telecommunications facility. I don't think I can support. And I know there's a lot of community unrest about this, a lot of submissions made about it, although I think only one person attended the hearing of submissions, but I'm sympathetic to those submissions and I don't think I will support this proposal. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Schonfelder, did you have any closing remarks? No. We'll put the motion to the vote. All those in favour - sorry, Gary, did you want to - and also, Councillor Wellington, you'll need to put your video on before we vote.

CR GARY ALLEN: Yes, thanks, Mayor. Again, I'm a bit conflicted about this. I'm very sympathetic to the Kithbrooke Retirement Village people who submitted to us, just adding to the terrible visual pollution that exists in that area.

I understand it's probably well within the planning laws and therefore perhaps there's little we can do about it, but I think on principle I'm really opposed to this ad hoc siting of telecommunications poles, so I think I'll vote against the motion.

MAYOR LIZ PATTISON: Thank you. We've already talked about - great, okay. All those in favour - we'll put the motion to a vote. All those in favour. All those opposed. And the motion is carried 6-3.

The next item we have is 4.9, Community Project Development Program - March 2023 Update. I'd like to note that I am declaring an interest in item 4.9 as point 2 of the recommendation requests that Council note a matter related to the Jan Juc kindergarten bike shed proposal as my brother-in-law has a key role in the project. I will not be declaring a conflict of interest tonight because this is just for noting. However, when the item is presented for decision at a later date, I will declare a conflict of interest then.

So the purpose of this report is to provide Council with the quarterly Community Project Development Program update. Do we have a mover of a motion? Councillor Allen - is it as per the recommendation?

CR GARY ALLEN: As per the recommendation, Mayor.

MAYOR LIZ PATTISON: And do we have a seconder? Councillor Hodge. And would you like to speak, Councillor Allen?

CR GARY ALLEN: Thanks, Mayor. The Community Project Development Program is driven from community ideas, with the Council helping through investigation support and finally approval. In the March quarterly update, we are affirming the feasibility of the Deans Marsh community streetscape proposal, referring the Jan Juc Kindergarten bike shelter program to the June meeting to allow for further investigation, and moving three proposals into the investigation phase.

The Deans Marsh and District community is a very dynamic, proactive community with the Deans Marsh and District Community Action Plan being formulated in late 2019 through what is affectionately known as the mad cap process. The actions identified in mad cap were delayed due to the impacts of COVID. However, it's great to see the reactivation of the plan through the streetscape proposal. One of three actions in priority 2 our local environment and this recommendation tonight affirms its feasibility. The plan includes principally avenue plantings, an art and heritage trail, and township entry signage.

Because of the demonstrated level of community commitment to the proposal, element working groups will start their detailed planning, which includes funding strategies. Congratulations to the streetscapers, a committed group who have worked with Council officers and a landscape architect to progress high-level ideas and to identify any site or project constraints. This group will be the catalyst to drive the proposal forward, with detailed planning and design work.

It is also pleasing to note that three proposals now move into the investigation phase - namely, the upgrade to the Stribling Reserve Cricket Nets, netting behind the goalposts at the north end of the Polwarth Oval Torquay, and lighting for the Winchelsea Bowls Club. I have knowledge of the cricket nets proposal at Stribling Reserve Lorne, which I strongly support. It is great to see the revival of the cricket club at Lorne after several years in recess, with special thanks to Darren Balderas and his band of volunteers.

It was a really special experience to be at a Friday night cricket match in Lorne under lights - and unlike the Gabba, they didn't fail - with several hundred people enjoying the game and the joy of seeing the revival of the club going against the trend of many sporting clubs in smaller rural townships.

Polwarth Oval netting to stop lengthy retrieval of footballs is important for the fluency of the game and the protection of the surrounds. And lights at the Winchelsea Bowls Club will extend the amenity of the facility to all in the

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community, with extended hours of play being possible, and I expect it will place the club in a position to capitalise on the expected increased interest in bowls generated by the Commonwealth Games, which certainly was the experience in Manchester - Manchester, or Birmingham? Birmingham. It certainly was the experience in Birmingham, probably Manchester too. So I have much pleasure in moving the recommendation.

MAYOR LIZ PATTISON: Thank you, Councillor Allen. Councillor Hodge.

CR ROSE HODGE: Well, I think it's all been covered, actually. But one thing great about this, we've got great officers that work out with the community and you see the volunteers coming forward and putting forward their ideas of what they want and then they can help go fund part of it and it's absolute ownership. So congratulations to Deans Marsh, great to see that is moving on, and we all saw - many of us went up to Deans Marsh on Sunday for their festival. What a fantastic community that is.

But to see Lorne and Torquay and Winchelsea all involved with their volunteers of these clubs getting together, putting forward what they want, working with our officers, it's a great relationship we have with these volunteers of these great clubs and I recommend the report.

MAYOR LIZ PATTISON: Thank you. Would any other Councillors wish to speak to the motion? Councillor Wellington.

CR HEATHER WELLINGTON: Yes, I'd just like to say the Winchelsea Bowls lighting, as Councillor Allen mentioned, I do think bowls has been becoming increasingly popular. It's attracting a younger group, which is what's happening out at Winchelsea, and I think it will only continue to grow and particularly as Winchelsea grows. So I think we need to look at the facilities those clubs have, not just their lighting but the quality of other facilities. They're certainly not as good - I think the quality is not as good as some other sports around the district, like potentially basketball, et cetera, have got really good facilities. But the bowls club I think need to be (inaudible) and they are becoming increasingly popular, so I'm pleased to see that project funded. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Barker?

CR PAUL BARKER: Thanks, Mayor. We're heading into a recession. Hundreds of rate paying, working families in our shire are struggling to put food on the table. Many of the projects listed here generally sound, sure. But in the current financial climate, I don't think so.



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I think this is discretionary spending that needs to be halted. I'd prefer to see greater fundraising from the community to pay for these sorts of items. All of these commitments of thousands, tens of thousands, hundreds of thousands of dollars add up to millions of dollars. If you want to carry on like business as usual, that's your choice. I know we're only at the start of widespread financial pain over coming decades. With all of mainland Australia's states now governed by big spenders and supposedly financial conservatives dwindling in relevance, you can be sure financially responsible governance is a long way off.

There's just so much to address here. I know I'm in the minority, so you vote the way you do and I'll vote the way I do.

MAYOR LIZ PATTISON: Thank you. Councillor Allen, did you have any closing statements?

CR GARY ALLEN: Just a couple of comments. I think what is often overlooked with government spending at all levels is the multiplier effect of that spending, that it has generating income and employment throughout the community and it does put food on the plates of workers and their families. The effect of this spending is widespread and is directly related to the ability of people to consume or to spend, influencing that multiplier effect, but it's real.

Talking about the Winchelsea Bowls Club, Councillor Wellington raised the issue of the expansion of the club. I think bowls is really an intergenerational sport and it's gender neutral, so in all those aspects it's just fantastic that you've got a 20-year-old bowling with an 85-year-old, no matter what the gender. So what we can do to enhance bowling within our communities I think is a very positive thing. Thank you.

MAYOR LIZ PATTISON: Thank you. All those in favour. Opposed. And the motion is carried 8-1.

Now we move on to 4.10, Community Asset Committee Changes to Membership - Anderson Roadknight Reserve, Anglesea Bike Park, and Connewarre Reserve. The recommendation for this report requests that Council accept the resignation of members from the Anderson Roadknight Reserve and Anglesea Bike Club Community Asset Committees and appoints new members to these committees as well as to the Connewarre Reserve Community Asset Committee. Do we have a mover of a motion? Councillor Bodsworth - as per the recommendation?

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CR MIKE BODSWORTH: Yes.

MAYOR LIZ PATTISON: And a seconder? Councillor Barker. And Councillor Bodsworth, do you wish to speak?

CR MIKE BODSWORTH: Yes, thanks, Mayor. In the interests of time, I'd just like to thank all of our community asset committee members past, present and future, including the people listed in our report, but I'd particularly like to acknowledge Ari Lingam's contribution as the driving force behind the creation of the Anglesea Bike Park, which was completed in 2006. I think it's pretty fair to say that if it wasn't for Ari's advocacy and tenacity on that, the bike park wouldn't exist and in that time, in that 16-odd years, it's brought so much joy to so many people as well as being a significant part of Anglesea's attractiveness to visitors. So a special shoutout to Ari and great appreciation to the other people mentioned. Thanks.

MAYOR LIZ PATTISON: Thank you. Councillor Barker, did you want to speak to the motion?

CR PAUL BARKER: No, thanks.

MAYOR LIZ PATTISON: No? Councillor Hodge?

CR ROSE HODGE: Just very, very quickly, I want to reiterate Councillor Bodsworth on Ari and the other people as well, but I remember it was in December 2006 when that bike path was opened. It was my first event as Mayor and it was about 110 degrees, I remember it very well, and Ari was a shining star then and he still was and he was a huge driver in that area and has continued. So could you please pass on my personal thanks to him too for being there for me for my first event and also the great work that he's given, it's really been great.

MAYOR LIZ PATTISON: Did you have any closing remarks, Councillor - sorry, Councillor Wellington?

CR HEATHER WELLINGTON: Thank you. Sorry, I just wanted to briefly say thank you to those volunteers that have retired and to all the volunteers who run these committees and facilities for us. I'm deeply disappointed to see that we still require them all to do a Working With Children check. It's not a good policy and it's a bureaucratic barrier put in people's way. There's a cost to it. It is clear that it's not good practice. You only should do Working with Children checks when people actually have some realistic prospect of working with children and many of these people do not. Obviously some of them would,

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some of our communities would, but many of them do not and it's very poor practice and I'm very disappointed to see it's still there. But I hope it doesn't dissuade some volunteers from continuing to come forward to do this important job. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Bodsworth, do you have any closing?

CR MIKE BODSWORTH: No, thanks, Mayor.

MAYOR LIZ PATTISON: We'll put the motion to the vote. All those in favour. And the motion is carried unanimously.

We now move on to Review of SCS-004 Place Naming Policy. This report seeks Council's endorsement for the draft Place Naming Policy to be placed on public exhibition. Do I have a mover? Councillor Schonfelder. And a seconder? Councillor Allen. Did you wish to speak to the motion?

CR ADRIAN SCHONFELDER: I'll just speak very briefly and say that since being elected, I've been really heartened by the measures that we've taken as a Council towards reconciliation and I've actually heard back from many members of the community who are very enthusiastic about us and they believe the time is right to forward the progress of trying to achieve reconciliation. And I know that this policy is a review of place naming and recently, Mayor, I visited relatives overseas and I went to the museum of the City of New York and I learnt that Manhattan is actually the native American Indian name for Manhattan Island and I was really heartened by that, and I know that many of our areas within our shire have Aboriginal names and there are also names of areas that have English or non-Aboriginal names and I know as a part of the reconciliation process we're addressing that. So I welcome this review. Thank you, Mayor.

MAYOR LIZ PATTISON: Thank you. Councillor Allen?

CR GARY ALLEN: Thanks, Mayor. We're combining two policies into one - namely, the place making policy with the plaque and memorials policy. If the recommendation is passed, this draft policy will be put out to the community for four weeks to seek feedback.

Now, whilst not wishing to comment specifically about any element of the policy, I was reminded a little bit of the policy when I recently conducted a tour of the Lorne cemetery for the Lorne Historical Society. The old cemetery was a variety of memorials both colourful in their design and with the stories also

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colourful, compared to the recent Lawn Cemetery, that's L-A-W-N Cemetery, with admittedly the same colourful stories but with the standard memorials. And I thought we are regulated in life and now we are regulated and controlled in death.

The Lorne community were recently told they could not name a seat after an individual or have a wall to remember those whose ashes have been scattered at sea. Now, this was not a Council regulation, but it was a regulation by a similar authority with ever increasing power over our lives. I'll be very interested to look at the policy feedback that we receive by putting this draft out for consultation. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Wellington?

CR HEATHER WELLINGTON: I just had a quick question. As I read this proposal for names of roads and other infrastructure, it could be traditional owner - you know, Indigenous names or they could be other names. There's no compulsion to name every street in the shire after Indigenous persons, is there?

MAYOR LIZ PATTISON: No, that's not the case.

CR HEATHER WELLINGTON: Okay, thanks. The reason I asked that is because I've been told in Winchelsea that for some reason people associated with new development had the impression that officers were saying to them that they could only put forward Indigenous names and they didn't understand that and it doesn't seem to be associated with any - well, certainly I don't believe that the new developments of which I'm aware have been compelled to use Indigenous names and I think it's appropriate - I mean, I live in a place with an Indigenous name, but it's certainly there in the mix principally, which I see as being appropriate. But I wouldn't like to think we would sort of implement a requirement that no other names were acceptable or appropriate.

So I just wanted to clarify that this policy didn't do that. I'll be interested in the feedback on this. There's obviously a lot of people in communities (inaudible) you walk around the cemeteries, but you only need to talk to people in small towns and you'll get the names and family histories and the incredible contributions people have made over the years and it's right that those people should continue to be recognised.

As long as we're not somehow precluding that through this policy, which it didn't read to me as if we were, but I was surprised to hear that feedback. However, I'm happy for it to go out to community and I'll make sure it goes to

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the people who gave me that feedback and just see what their view on it is.  
Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Schonfelder, did you have any closing remarks?

CR ADRIAN SCHONFELDER: No, thank you.

MAYOR LIZ PATTISON: No. We'll put the motion to the vote. All those in favour. And the motion is carried unanimously.

We now move on to 4.12, Local Government Performance Reporting - 1 July-31 December 2022. This item presents the Local government Performance Report to Council for the period of the 1st of July to the 31st of December 2022. Do we have a mover of a motion? Councillor Barker. Is that as per the recommendation? Yes. And a seconder? Councillor Bodsworth. Councillor Barker, did you wish to speak to the motion?

CR PAUL BARKER: No, thanks, Mayor.

MAYOR LIZ PATTISON: Councillor Bodsworth, do you wish to speak to it?

CR MIKE BODSWORTH: No, thanks, Mayor.

MAYOR LIZ PATTISON: Would anybody like to speak to the motion? Councillor Allen?

CR GARY ALLEN: Look, many of the service indicators are incomplete as they require a 12-month period or that the surveys are to be conducted in January to March and have not yet been completed. And I note with satisfaction that there are fewer Council decisions made at closed meetings. This is resulting in improved transparency due mainly to more tenders being awarded in the open meeting, which I think has been a fantastic move.

The timeframe to action food complaints is very good, with most being completed within one day, and perhaps we can give ourselves a bit of a pat on the back with the number of Councillors attending Council meetings rising significantly since 2019. Thank you.

MAYOR LIZ PATTISON: Thank you. We'll now put the motion to the vote. All those in favour. And the motion is carried. I note that's 8. 4.13 - Councillor Wellington, Councillor Gazzard has just stepped out for a moment, so that's why it's 8 that have been in favour.

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4.13, Award Contract Under 2022-23 Capital Works Program. This matter is being presented to Council to seek higher powers of delegation for the CEO in relation to one specific 2022-23 Capital Works Project so that it can be delivered prior to the winter months and to meet grant deadlines. Do we have a mover of a motion? Councillor Bodsworth - is it as per the recommendation.

CR MIKE BODSWORTH: Yes, thanks, Mayor.

MAYOR LIZ PATTISON: And seconded by Councillor Schonfelder. Did you wish to speak, Councillor Bodsworth?

CR MIKE BODSWORTH: Briefly just to say that this is an example of what Councillor Allen just mentioned, where we're discussing more contract-related motions in open Council meeting rather than in closed Council meeting, which I think is a good thing. We're not able to discuss the budget and other aspects of it, which are confidential, but we can discuss the content of the report, and in this case, we're looking at a restricted time window to get really important work done before the winter season strikes, which requires that the CEO be able to sign on to a contract without it having to come back to Council.

So I think it's a sensible recommendation given the time constraints. You also have a grant - we have some external funding deadlines to meet in relation to this work, so there are a couple of good reasons why it needs to be expedited and we don't want it to have to come back to a council meeting. So I fully support the recommendation.

MAYOR LIZ PATTISON: Thank you. Councillor Schonfelder, did you wish to speak to it? No. Would any other Councillors wish to speak? Councillor Wellington.

CR HEATHER WELLINGTON: (Inaudible) this is a very important project. (Inaudible) suffered substantial damage in (inaudible) that we had. I think this is an important project to help address this (inaudible) get the report back to the CEO. There's no problem with it. Thank you.

MAYOR LIZ PATTISON: Councillor Barker, did you identify you wanted to speak as well?

CR PAUL BARKER: Yes, thanks, Mayor. This recommendation is based on time constraints bound to external grant funding. If it wasn't the key consideration would be whether impact to works I might be keen to support it, but it's related to external grant funding, so what we're voting on here is rushing a

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piece of road works because we want to get our hands on taxpayer funds from outside our shire.

The reason this delegation of power for spending exceeds the CEO's financial allocation of \$600,000 is that a number of projects, most of which I don't think are critical, have all been lumped together. Now, what happens when multiple projects are lumped together? They create tenders that smaller contractors simply cannot apply for. That leaves only larger companies in a position to tender, meaning less competition, resulting in a less competitive tender process, meaning we all pay more.

Yeah, I'd rather see a focus going into specifically fixing Horseshoe Bend Road at the Thompsons Creek rectification zone, but that was only built in - well, reconstructed in 2019, I think. Is that about --

MAYOR LIZ PATTISON: Mr Pike, did you want to mention something.

CHRIS PIKE: Through the Mayor, just if I can offer a point of clarification to help Councillors in their debate. Obviously Horseshoe Bend Road is a significantly long road and the section that this contract would relate to is here in urban Torquay close to the primary school, the Torquay Coast Primary School, so south of South Beach Road roundabout. There's separate work being undertaken around rectifying the damage at the actual bend in Horseshoe Bend Road where the flood damage occurred.

MAYOR LIZ PATTISON: Thanks for clarification. Did you have any further comments, Councillor Barker?

CR PAUL BARKER: Yeah, thanks for that clarification, Mr Pike, but I see there's all these bits and pieces going on on like the wombat crossing and all the rest and we're getting taxpayer funds for that. I think we need to focus on what's most important and that's the Thompson Creek damage, but getting into all these other little bits and pieces, I don't think it's essential. So again, you do you, I'll do me.

MAYOR LIZ PATTISON: Councillor Bodsworth, did you have any closing statements?

CR MIKE BODSWORTH: No, thanks, Mayor.

MAYOR LIZ PATTISON: We'll put the motion to the vote. All those in favour. And opposed. And the motion is carried, 8-1.

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We now move on to item 4.14, Project Budget Adjustments and Cash Reserve Transfers - March 2023. This report is presented for Council ratification and approval of proposed budget adjustments and cash reserve transfers relating to the 2022-23 financial year. Do we have a mover? Councillor Allen - as per the recommendation?

CR GARY ALLEN: As per the recommendation.

MAYOR LIZ PATTISON: And do I have a seconder, please? Councillor Bodsworth. Councillor Allen, do you wish to speak?

CR GARY ALLEN: Yes, thank you, Mayor. I just wanted to focus on the item that is reporting the transfer of \$1,260,000 from the Deans Marsh Community Hall redevelopment to the Winchelsea Pool redevelopment. I along with Councillors Hodge and Stapleton was at the Deans Marsh Festival on Sunday and I and they heard mixed views about this recommendation.

One consequence was referred in the public question time by Tony Watts - namely, the ongoing maintenance issues at the hall. Others were despondent that the project has been placed on hold. People have been working very hard over the past two years to reimagine the facility.

Due to the issues faced with the redevelopment of the hall and the comprehensive nature of our consultation with the Deans Marsh community, this project is not ready to progress in the 2023-24 financial year and given the complexities identified, we will need grant funding as identified by the CEO earlier this evening. And as stated in the report, this project will be rescheduled for asset renewal in the 2026-27 budget, thus giving time to source the necessary grant funding if the project proceeds.

It is therefore appropriate to allocate, or reallocate, this asset renewal funding, which we know is an important element of our future budgetary deliberations and is limited to the Winchelsea Pool redevelopment project which has seen cost overrun. This is an asset that will also be accessed by the Deans Marsh and District communities and therefore I think it is a worthy project for that money to be redirected too as the Deans Marsh Hall project isn't ready to go out. Although it's painful in the Deans Marsh community and I sympathise with the various views expressed in that community, but it's just the reality, I'm afraid. Thank you.

MAYOR LIZ PATTISON: Thank you. Councillor Bodsworth?



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CR MIKE BODSWORTH: Just to agree with Councillor Allen and to say I appreciate the report, the transparency that it provides, and I think it's fairly self-explanatory.

MAYOR LIZ PATTISON: Do any other Councillors wish to speak?

SPEAKER: Just very briefly. I'd just like to add that there have been prior examples of where money has been relocated. One such example was the Lions Park in Moriac, where the soil was being tested for contamination and that money went to Torquay for a Scouting project. So it has happened previously and I sympathise with the Deans Marsh community and I understand the sentiments expressed by Councillor Allen. Thank you.

MAYOR LIZ PATTISON: Thank you. Counsellor Barker?

CR PAUL BARKER: I'd like to thank Victorian taxpayers. Without your contribution of \$90,000, we would not have been able to \$74,595. It's only about 2 cents for every Victorian taxpayer to chip in, so it's no biggy, right? But how many of these small contributions are we all making to projects that have little to no relevance to the funding source? It's disappointing to see the Deans Marsh Hall redevelopment get bumped to the 26/27 financial year, as noted by other Councillors, so we can focus on Winchelsea Pool budget. I'm sure there will be many sad to hear this.

MAYOR LIZ PATTISON: Thank you. Councillor Wellington?

CR HEATHER WELLINGTON: Thank you. I really very much empathise with the Deans Marsh people. \$1.2 million is a huge allocation for a small community like that and then to have to sort of forgo the Winchelsea Pool renewal is really a very important project, obviously, to the Winchelsea community, but if I'm still around in whenever it was, 2026/27, when I think the project is due to come up again, I'll certainly support Deans Marsh with their hall.

I do think that - I'm concerned about the hall, I'm concerned about its condition, and I think Tony Watts' question was a very good question. We are the custodians of that hall and it does have a heritage overlay and we should not and cannot just allow demolition by neglect.

So I'll be watching this current budget, forthcoming budget process, to see what we're doing. If that hall is just left with water undermining it, then it will just continue to deteriorate and there will be no prospect of retaining the heritage that some people think is a really important element of it. And the

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fact that it's listed in our planning scheme as a property with heritage significance, we should be taking that seriously and supporting it.

So I thank Councillor Allen and the Deans Marsh community for their tolerance of the situation regarding the pool and throwing that money (inaudible) Winchelsea, but I also will be looking to make sure that the Deans Marsh Hall is probably maintained.

MAYOR LIZ PATTISON: Thank you. I think you've stopped speaking there, Councillor Wellington. I think we heard everything that you were saying, but you seem to have frozen a little. I'll take that, thank you. Councillor Allen, did you have any closing remarks?

CR GARY ALLEN: Just to thank Councillor Wellington for her sentiments expressed. But obviously there is division within the Deans Marsh community and we can't gloss over that. The community is a little bit divided about whether we retain or whether the hall is replaced and this is one of the reasons I think why the project was delayed. But we must be diligent and continue to work with the community to reach resolution.

The drainage was one of the reasons why there had to be massive maintenance and a massive amount of money spent to redevelop the hall, which opens up a whole series of questions which we can't explore this evening. But I thank Councillor Wellington for her concern and it's something that we will all be monitoring. Thank you.

MAYOR LIZ PATTISON: Thank you. We now put the motion to the vote. All those in favour. All those opposed. Councillor Barker, did you vote?

CR PAUL BARKER: Yes.

MAYOR LIZ PATTISON: Opposed or for?

CR PAUL BARKER: For.

MAYOR LIZ PATTISON: For. Okay, the motion is carried unanimously, and that's eight.

So we now move on to 4.16, s6 Instrument of Delegation - Council to Members of Council Staff. The purpose of this report is to present the s6 Instrument of Delegation from Council to members of Council staff which has been reviewed and updated following changes. Have I skipped one? Sorry. In my eagerness, I skipped over it. Apologies for that.

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Moving on to 4.15, Instrument of Appointment and Authorisation. I'm glad no-one has fallen asleep. Actually, it was just a test to make sure you're all awake. Planning & Environment Act 1987. So 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 instrument requires updating due to recent staff appointments. Do we have a mover of a motion? Councillor Barker - as per the recommendation? Seconded by Councillor Bodsworth. Did you wish to speak, Councillor? No? And Councillor Bodsworth?

CR MIKE BODSWORTH: No, thanks.

MAYOR LIZ PATTISON: No. Do any other Councillors wish to speak? No. We put the motion to a vote. All those in favour. And the motion is carried unanimously. We now move on to - and that's eight, Councillor Wellington. Councillor Gazzard is still out of the meeting.

We now move on to 4.16, s6 Instrument of Delegation - Council to Members of Council Staff. The purpose of this report is to present the s6 Instrument of Delegation from Council to members of Council staff which has been reviewed and updated following changes to relevant legislation. Do I have a mover of a motion? Councillor Schonfelder - as per the motion? Seconded Councillor Barker. Councillor Schonfelder do you wish to speak?

CR ADRIAN SCHONFELDER: No, thank you.

MAYOR LIZ PATTISON: No. Councillor Barker?

CR PAUL BARKER: No, thanks, Mayor.

MAYOR LIZ PATTISON: Anyone else wish to speak? No. We put the motion to a vote. All those in favour. Motion is carried unanimously. Once again, that's eight, Councillor Wellington. Kate Gazzard is still out of the meeting.

CR HEATHER WELLINGTON: I did have my hand up to speak. I just wanted to say that these are really important documents. We're relying on officers to tell us if there's any substantial change or anything we should be aware of because they're so (inaudible) that's all I wanted to say and I did vote for it.

MAYOR LIZ PATTISON: Great. Thank you. Sorry about that. With the delay with your internet, it was hard to see that you were wanting to speak, so apologies on that one.

## Draft Transcript

We now move on to 4.17, Conflict of Interest Records. This item presents Conflict of Interest Records received since the previous Council meeting. Do we have a mover of a motion? Councillor Bodsworth - as per the motion?

CR MIKE BODSWORTH: Yes, thanks, Mayor.

MAYOR LIZ PATTISON: And a seconder? Councillor Stapleton. Would you like to speak, Councillor Bodsworth?

CR MIKE BODSWORTH: No, thanks.

MAYOR LIZ PATTISON: Councillor Stapleton? No. Would anybody like to speak to this motion? No. We'll put the motion to the vote. All those in favour. And the motion is carried unanimously. Once again, that's eight voted on that one.

Now, that was - we whizzed through a few there. So there is no urgent business and we now actually have a closed section. So we have one confidential item to consider tonight. We will now say good night to everybody watching from home and thank you for joining us. Thank you for our loyal listeners in the gallery. We much appreciate your attendance. Thank you so much. And we now will need you to leave, though, so we can move into confidential. Can I have a Councillor to move a motion to go into confidential? Yes, that's right. Councillor Hodge. Councillor Allen. Thank you. All those in favour. And the motion is carried unanimously. And that's eight.

Can Governance please turn off the live streaming. Thank you, everyone, for your attendance tonight.