



National Disability Award winner  
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## Surf Coast Shire Council Meeting

Tuesday, 25 July 2023 at 6pm

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MAYOR PATTISON: Good evening, everybody, and welcome to the July 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, including Councillor Schonfelder, Councillor Hodge and Councillor Wellington, who will be joining us online tonight. Live captioning will accompany the live stream of the meeting and we hope that this assists those who may have 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 in 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 of you is attending and acknowledge any Aboriginal people who are viewing the meeting tonight.

We have a really exciting annual event happening in our region soon with the Surf Coast Arts Trail taking place on Saturday, the 5th and 6th of August. Since its inception 12 years ago, the Arts Trail has become a key feature of our events calendar, showcasing the creativity and talent of artists living and working in the Surf Coast Shire.

A bigger and better Arts Trail than ever is planned for this year, with art lovers once again able to visit art studios and galleries in person. I'm really looking forward to heading out and having a look. There will be more than 200 artists and 58 venues will be offering a diverse range of art forms, including painting, glassware, ceramics, jewellery, sculpture and textiles. For more information on the Arts Trail, you can visit our website or contact our friendly customer service team.

In other exciting news, it was announced last week that the 2025 UCI Gran Fondo World Championships cycling event will be coming to Lorne. I'm really pleased that the Surf Coast continues to attract international sporting events which create great tourism opportunities for our region. There's about 3,200 participants and crew expected to come to the event as well as spectators from across the globe.

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So that's some exciting things that are happening in our shire and now the exciting Council meeting. We'll get on to the agenda.

So there's a few process things that I'll go through. Council meetings operate in accordance 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 5 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.

I ask that members of the gallery avoid using mobile phones during the meeting as this can distract the Councillors as well as other members of the gallery. I also note that any unauthorised recording of the meeting is prohibited under our Governance Rules. However, you can access a copy of the official recording on our website after the meeting.

I will now recite the 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 do we have any apologies for tonight's meeting? No. Confirmation of minutes - can I please have a mover and a seconder to confirm the minutes from the Council meeting on Tuesday, the 27th of June 2023 --

CR ALLEN: No, I wasn't there, sorry.

MAYOR PATTISON: Oh, you weren't there - for the Council meeting held on Tuesday, the 27th of June 2023 and the Special Council Meeting for Hearing of Submissions on the 4th of July from those in attendance - moved Councillor Gazzard and seconded by Councillor Bodsworth. All those in favour. And the motion is carried unanimously.

Do we have any leave of absence requests? No? Declaration 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. Do we have any conflicts of interest? No.

We have a couple of presentations from our Councillors. Councillor Allen.

CR ALLEN: Thanks, Mayor. I've got two presentations, if I may. Sadly, due to the aftermath of contracting COVID, I was absent at the June Council meeting,

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when I had intended to speak about the dinner held at the Stribling Pavilion to celebrate the 10th anniversary of the Lorne Men's Shed. The occasion was recognised by other Councillors at last month's meeting.

I wish to pay tribute to the then President, Allan Walls, key committee members Garry Fenton and Don Baldwin, who along with many others worked tirelessly to make the shed a reality and when faced at the time with very strong opposition, they conducted themselves with dignity, focusing on the outcome, responding when required with not an angry word, an example that is relevant at most times and in most settings.

Allan Walls was recognised at the dinner with a life membership by the Shedders, one so richly deserved for his strength, leadership and determination, applying his considerable business and administration skills to the task of making Lorne Men's Shed a reality. It thrives, contributing significantly to our community and to the health of its members and their families.

Allan has always expressed his gratitude to the officers, led by Mr Chris Pike, to the then Mayor, Margot Smith, and current Councillor Rose Hodge and particularly to ex-Councillor Clive Goldsworthy, who absorbed a lot of the pressure at the Council and in the community during the development and approval stages. I support this recognition and thanks to the officers and Councillors.

Secondly, on Saturday, the Lorne Community Connect had the privilege of hosting the Anglesea players stage 2 very powerful performances of Shadows of Angels, written by a local playwright, the play that they will be taking to the Edinburgh Fringe Festival later this year, a wonderful achievement. They are fundraising to support their trip and the Lorne Community Connect was delighted to make a substantial donation.

I note that the G21 Draft Regional Football Strategy is on the agenda tonight. I look forward to the formulation and release of a G21 regional arts strategy incorporating performance support and development. Thank you.

MAYOR PATTISON: Thank you, Councillor Allen. And we also have a presentation from Councillor Bodsworth.

CR BODSWORTH: Thanks, Mayor. I'd like to offer a brief presentation on the Anglesea Community House value report which was delivered recently. So every year all funded neighbourhood houses must provide information about their activity and usage to the department via data submitted to the peak body

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of Neighbourhood Houses Victoria. This year the data has been collated into a community value report for each community house.

With regard to Anglesea Community House, on an income of \$305,000, the Anglesea Community House returned a value to the community of close to \$2.4 million. The community value equates to \$7.88 for each \$1 of income. It equates to \$26.44 for every \$1 of Neighbourhood House coordination program funding and around \$1,000 for every hour that the Neighbourhood House is in use. It also includes around \$1 million worth of volunteering value. So I'd just like to congratulate Anglesea Community House, the committee, the staff and all of the volunteers who were involved in delivering that fantastic result. Thank you.

MAYOR PATTISON: Thank you. That is the end of our presentations. We've not received any submissions for this meeting, so we'll move on to our public question time.

Members of the public who wish to ask a question to Council are able to submit their written question in accordance with our Governance Rules and we've had 9 community members submit questions and we have 18 in total tonight.

If you are here to read out your questions, I request that you keep any preamble brief, in the interests of time, because there are 19 of them to get through and we've received a lot of questions tonight. I will not be reading the preamble if I am reading questions out on someone's behalf who hasn't come in and this will enable us to get more questions in. We normally allocate around half an hour to questions, but I really hope we'll move through and be able to address everybody's questions tonight. And all of the questions and the full preamble, and the like, that people have put through have been provided to Councillors prior, so all the Councillors have the full information that has been provided from the public.

So we will now get into those questions. Mira White, did you want to - are you here and did you want to do your own question? No? Alright, I'll read out Mira's question then for her. "Could you please provide an update as to the progress against works or plans in the past six months for the Department of Transport and Council to progress works for pathways and a crossing at the Great Ocean Road/Strathmore Drive intersection, including progress of the engineering improvement options?"

So I'll pass that over to our CEO. This is an operational matter in relation to the crossing. I also did want to point out for Mira, Mira provided two questions to us for the last Council meeting, but it was agreed that we would postpone

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them to this meeting. So Mira will actually have four questions for this Council meeting and I'll pass it over to our CEO.

MS ROBYN SEYMOUR: Thank you, Mayor. Thanks for your question, Mira, and thank you for agreeing to hold over your questions from last month's meeting. I understand that we wrote to you in the week following last month's meeting and the information I'll provide tonight is consistent with that correspondence.

The Department of Transport and Planning has advised that a pedestrian crossing improvement project at the Great Ocean Road/Strathmore Drive intersection is still being considered for funding in a number of road project funding. Whilst the project does not currently have funding committed, DTP staff have conveyed to us that they understand the importance of this project for safe access to schools. Pedestrian priority projects across the state arterial road network are prioritised using prescriptive criteria, including pedestrian and traffic volume data, crash data and other relevant data. Council continues to advocate on behalf of the community for road safety improvements at this location and we would encourage community members to continue drawing the Government's attention to this issue as well.

With regards to pathways in the area - are you happy for me to continue?

MAYOR PATTISON: Yes.

MS ROBYN SEYMOUR: With regards to pathways in the area, Council is currently in the detailed design stage for pathway improvements from Christian College to Bellbrae along the Old Great Ocean Road track, with construction estimated to commence at the end of 2023. Council will be developing design plans for a pathway extension on the Great Ocean Road from Christian College to Duffields Road/Sibelius intersection in the next 12 months. We will then proceed to construction as soon as we're able to secure the necessary funding for this.

In relation to the pathway on the Strathmore Drive side of Great Ocean Road, Council will consider this for funding in the future once the location for the crossing of the Great Ocean Road is confirmed by DTP. Council will be engaging with the community on our social infrastructure plan later this year, which includes the consideration of future pathway connections and I encourage all community members interested in this to make a submission regarding the pathway at this time.

MAYOR PATTISON: And Mira's second question: "What recent contact has occurred under Safe Routes to School between Council, DOT and CCG", which

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is Christian College Geelong - "to ensure the school's planning obligations are met and safe passage to school is secured for students?"

MS ROBYN SEYMOUR: In January 2022, Council gained approval for the installation of the current zone on the Great Ocean Road with a static speed sign in place. We recently requested an update from DTP on the installation of electronic school zone signage, which was part of the Christian College Geelong original planning permit.

They have told us that this work should occur in conjunction with the pedestrian crossing improvement works on the Great Ocean Road once they've secured funding for this project. Following this, Christian College and Council can work together to submit a joint application to the Safe Routes to School program, which will encourage safer active travel to school and develop safer driver behaviour patterns at school drop-off and pick-up. In the interim, officers are in regular contact with Victoria Police and will continue to recommend this location be monitored for compliance.

I also note that you refer to the installation of wombat crossings. Council officers are not aware of discussions concerning this, however, wish to clarify that a wombat crossing is a raised asphalt crossing similar to a speed hump and would not be a treatment that DTP would consider for the Great Ocean Road.

Lastly, regarding the planning permit conditions placed on Christian College, the original permit required Christian College to enter into a section 173 agreement regarding its long-term access being via a future road constructed as part of the proposed Spring Creek development. As this development is now not expected to proceed, Council will re-engage with DTP to discuss how this change impacts those original planning permit conditions and any actions which may be required moving forward. But thank you for your advocacy on this issue.

MAYOR PATTISON: Another question from Mira White - as the two previous questions were submitted from last month, as we've talked about, there are two questions for this month and the first question is Planning Permit Number 14/0374 and 17-0386, as I understand it, requires Christian College Geelong to provide electronic verbal speed limit signs as part of the condition of the permit. As Councillors responsible for ensuring planning permit conditions are met, why hasn't this been required of the school in a timely manner?"

MS ROBYN SEYMOUR: Thanks, Mira, and thank you for your questions regarding the permit obligations for Christian College, particularly around the

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electronic variable speed limit signs. The two relevant planning permits do not explicitly require the installation of such signs, but rather stipulate in the event additional mitigating traffic management measures are required, the installation and costs must be covered by the applicant.

The planning permit does not include conditions regarding the timing of such works. However, as I outlined before, Council has been liaising with the Department of Transport and Planning for information about its requirements as well as the timing of these works. At this stage, there's no grounds for Council to pursue an enforcement order to VCAT and we'll continue to work with the department on this matter.

MAYOR PATTISON: And sorry, I should have read Mira's questions together, so I'll just read - the last question relates to the enforcement component that our CEO has just referred to and Mira's second question was: "As Council, the school and the Department of Transport have had nine years to consider how to provide variable speed limit signs and any corresponding pedestrian crossing infrastructure, will Council now apply to VCAT for an order pursuant to S114 Planning and Environment Act to ensure the conditions of the planning permit are met" and Robyn's response around enforcement related to that question.

MS ROBYN SEYMOUR: Apologies, Mayor.

MAYOR PATTISON: No worries. We now move on to a question from Alan Manson. Alan, are you - great. So if you wanted to read your questions and then we can respond to them. Thanks, Alan.

MR ALAN MANSON: Thank you. So my question 1 relates to the gender neutral of the toilets and changeroom facilities within the shire. My first question is I understand from reading the minutes of Council meetings that Council says they are obligated under federal and state laws to accommodate transgender diversity toilet and changeroom facilities in the shire.

My question is this: can the Mayor identify for me the exact sections and subsections referred to in the various pieces of legislation that specifically require local Councils to reassign their public toilet and changeroom male and female facilities to become gender neutral? Can the Mayor provide me with a written copy of these requirements, please? Also, can the Mayor read these laws out to those in the meeting so that the community can appreciate the legislative obligations that Councillors are required to enforce? Thank you.



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MAYOR PATTISON: Thanks for your question, Alan. We're discussing this and making decisions on the Local Law tonight in our Council meeting and therefore it's appropriate for our CEO to respond to those questions, so I'll pass that to our CEO.

MS ROBYN SEYMOUR: Hi, Alan, and thank you --

MR ALAN MANSON: Yeah, good, thank you.

MS ROBYN SEYMOUR: -- for your question. We can refer you to the relevant legislation, there's no problems with that, but firstly I just wanted to offer some clarification. You mentioned in your email that male and female facilities will be reassigned as gender neutral. We're not proposing to do that. The toilet signage will remain the same and we will provide a range of male/female and all-gender options across the shire. We're proposing to remove the fine which currently applies to individuals using the facility, which is designed for a different gender --

MR ALAN MANSON: Well, I understand that. I do understand that.

MS ROBYN SEYMOUR: The specific legislation we're referring to is the federal Sex Discrimination Act of 1984 and the Victorian Local Government Act of 2020. Firstly, section 72(a) of the Local Government Act 2020 states that a local law must not be inconsistent with any other Act. Our current Local Law does not comply with this requirement as it contains a clause which is inconsistent with the Sex Discrimination Act. The relevant sections are 5(b) and 5(c).

These sections are quite lengthy, so rather than reading them out verbatim, I'll provide a summary. However, you can access this legislation full online.

MR ALAN MANSON: Okay.

MS ROBYN SEYMOUR: In the summary, the Sex Discrimination Act makes it unlawful to discriminate against another person on the grounds of their gender identity or intersex status. Many of Council's local public toilets only have male and female options. In this case, people who identify as gender diverse, non-binary or transgender cannot lawfully access toilets or facilities of their choice. Therefore, they are treated less favourably than a person from a different gender identity or a person who is not of intersex status. That's the answer to your first question.

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MR ALAN MANSON: Oh, well, yeah, I'm aware of all of that, but that isn't really answering the concerns that this has raised. Well, first of all, look, I'm really interested in the law here.

MAYOR PATTISON: Alan, we do have - if you wouldn't mind sticking to the questions because we've got 19 to get through.

MR ALAN MANSON: Yes, okay. Alright. Well, I'll give you my second question because it probably addresses everything. So the Victorian Equal Opportunity and Human Rights Commission states on its website in relation to the Victoria's Human Rights Charter that, quote, "The charter enshrines civil, political and cultural rights into Victorian law. Public authorities must observe those rights. New policies and legislation must also take into account human rights and public authorities - for example, people working for the Government - must also observe human rights so that members of the community are not treated unfairly", unquote.

In my email to Councillors last Friday, I reminded you of two of these rights - namely, the right to privacy in section 13 and the right to the protection of the family and to children in section 17 - that governing bodies such as local councils are obligated to observe.

My second question to you is this: can the Mayor or someone else please explain that by Councillors voting yes to the change in the law, on what basis is the privacy and the protection under the Charter of Human Rights being afforded to women and girls in the shire?

MAYOR PATTISON: Thanks, Alan.

MR ALAN MANSON: Thank you.

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

MS ROBYN SEYMOUR: Thanks, Alan. So we've done extensive research and benchmarking and found no evidence that removing the penalty associated with the relevant clause in our Local Law will have any impact on the privacy or safety of individuals who use our facilities. An audit of the other 78 councils shows that 67 of these, or 86%, do not have a similar clause prohibiting people of one gender from entering a facility designated for another gender and there is no evidence to indicate a rise in safety and privacy violations in the many places that already comply with these legislative requirements.

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We know that people, including children, suffer from discrimination and harm as a result of their gender identity and the proposed change is seeking to address and mitigate this. It aims to protect affected families and children from the associated discrimination and harm.

MR ALAN MANSON: Well, I don't think that that addresses my question really because this --

MAYOR PATTISON: Thanks, Alan. It's not a conversation --

MR ALAN MANSON: Okay.

MAYOR PATTISON: -- and we do appreciate you presenting your question. We'll now move on because we have some other questions to follow up, but we appreciate you taking the time to come in and raising your concerns and all of your correspondence was provided to all the Councillors, so we appreciate that.

SPEAKER: Excuse me, but as ratepayers, aren't we entitled to voice our opinions, thank you very much, without being cut off?

MAYOR PATTISON: So we've got a process in our Governance Rules which dictates that. There are many opportunities. So under our Governance Rules we submit questions, and so that's the process that we're following. There's plenty of opportunities to engage with Council. I have Meet your Mayor sessions monthly, we all can be called, emailed and contacted, so there are plenty of opportunities to engage. The process of a Council meeting follows our Governance Rules.

I'll now move on to our next question. Sam Fernando, are you here to ask your question?

SPEAKER: (Inaudible).

MAYOR PATTISON: I'll leave you - if you'd like to remain in the gallery, I'll ask you to be quiet. Otherwise you'll need to leave. We'll be moving on with our next question. Sam Fernando, would you like to be reading your question to us?

SPEAKER: She can read it, but I'm actually representing (inaudible).

MAYOR PATTISON: Great. Thank you so much. I'd love you to come and read your question. Thank you.

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SPEAKER: Sam can read it if you'd like.

MAYOR PATTISON: No, no, I'd love you to. I think Sam has asked you to, so that would be wonderful. Thanks.

SPEAKER: Okay, I will. I just haven't got my glasses. Alright, in the agenda 4.1, item 10 notes that the research undertaken during this review has determined that there is no evidence of negative impacts to community safety due to the proposed changes. Can you please provide the scope of the review undertaken, who was the review conducted by, the date of the review, what actual data was used to provide the above conclusion? Was the impact of biological men in biological female prisons considered in the review, noting that many of the women were assaulted as they are biological male overpowered the women? Did the review consider that there are currently facilities available, unisex facilities given in disabled toilets are already in use for unisex? Who funded the review and what was the cost?

MAYOR PATTISON: Thank you for reading the question. Once again, it's related to something we're making a decision on, so our CEO will respond.

MS ROBYN SEYMOUR: Can you thank Sam for her question. You'll see attachment 5 of the Local Law Report contains the Gender Equity Impact Assessment. This is quite an extensive document which contains links to the research that's been referenced throughout the officer report. As this information is publicly available and we have a lot of questions to get through tonight, I won't go into it in detail on the first five points of your question.

With regard to the availability of unisex facilities, not all Council facilities, particularly older ones, have a separate unisex toilet. As the review was conducted internally, there was no additional cost beyond the ordinary operating budget that we have within Council.

SPEAKER: I'd like to see where they review putting paedophiles in with young children.

MAYOR PATTISON: Thank you. We'll move on with our next question. Craig Ritchie, will you be speaking to your - reading your question? No? I'll read out Craig's question. So I'll just be reading out the question. "What is Council doing to ensure all views are given to consideration, regardless of how offensive they may be to those who oppose them?" I'll pass that on, and it's in the context of the Local Law conversation.

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MS ROBYN SEYMOUR: Thanks for your question, Craig. Council engaged in a broad community consultation process as part of the Local Law review, which included placing the document on public exhibition and inviting submissions from the community. We also held a meeting to hear submissions on this item. All of the submissions have been considered and you can find comprehensive responses to the themes raised within the submissions at attachment 4 of the officers' report on the Local Law.

MAYOR PATTISON: And we'll now move on to the second question. "Would you change your policies if presented with another independent study with an agreed methodology which seeks data from a wider range of up-to-date and varied sources if this new study provided a credible rebuttal of the existing study's findings?"

MS ROBYN SEYMOUR: As your second question, Craig, maintaining of clause 2.1(j) would be inconsistent with Federal Government legislation and is therefore recommended to be removed. The research that was undertaken in our view is reliable and unbiassed and in line with best practice.

Whilst I appreciate there are varying views on this matter, we're confident in the quality of the research undertaken and you can access the sources of the evidence reviewed as part of the Gender and Equity Impact Assessment, which is attached to the Local Law Report.

MAYOR PATTISON: And we thank Craig Ritchie for his question. We'll now move on. Is Amy Lissek here to read their question? No? I'll read that one for Amy. "Are the toilet facilities that present as toilet blocks with open changeroom facilities - Cosy Corner, for example - going to be changed?"

MS ROBYN SEYMOUR: Hi, Amy, and thank you for your questions. Our Governance Rules allow for two questions, so in the interests of time and fairness, I'll provide you with a written response to your remaining questions and I'll respond to 2 now. A lot of the matters you raised have been addressed in other responses, so I'll answer two of the questions that have not been raised by anyone else tonight.

We don't anticipate that the removal of this clause will result in major changes to the way toilets and facilities are used. Toilet signage will remain the same and we will still provide a range of male, female and all-gender options across the shire.

With regard to your first question, any future upgrades to our existing facilities are not within the scope of the Local Law, but the proposed change, if adopted,

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would remove the fine currently associated with a person entering a facility for a different gender.

MAYOR PATTISON: And we --

MS ROBYN SEYMOUR: And as for the second question --

MAYOR PATTISON: I'll just read the second question: "Will Council provide sanitary bins in all toilets now and how does this fit with those that have urinals? Will the urinals be removed to make women feel more comfortable?"

MS ROBYN SEYMOUR: As for your second question, we have no plans to change the infrastructure and the resources provided in our existing facilities. We will consider design matters as part of any plans for new and upgraded facilities.

MAYOR PATTISON: We now move on to Julie Orton's question. Julie, are you here? Great. Would you like to come forward and read them?

MS JULIE ORTON: Yes. How does the proposed change to the Council's toilet and changeroom facilities make it in any way legally consistent with the Commission for Children and Youth Protection's Child Safe Standards and the 11 standards that must be implemented by any organisation, including the Surf Coast Shire? I request that all Councillors please familiarise yourselves both individually and collectively with the 11 Child Safe Standards, particularly Standard 9, which deals with privacy of children.

MAYOR PATTISON: Thank you for your question. Just as an aside, our Councillors and executive management team have recently had a session around Child Safe Standards, so we are up to date and familiar with those standards. But I'll pass on to our CEO to respond directly to the question.

MS ROBYN SEYMOUR: Thanks, Julie, and thanks for raising the Child Safe Standards. Council is committed to being a Child Safe organisation and we have undertaken a lot of work to ensure that we meet the Child Safe Standards. Our child safety officers were consulted on this issue. Both outlined child abuse as a complex issue influenced by a range of risk and protective factors. Segregating genders is not considered an effective method of preventing child abuse. So the removal of this clause would not be consistent with the Child Safe Standards, nor would it put children at increased risk of child abuse.

SPEAKER: Oh, that's rubbish!

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MS JULIE ORTON: Oh, dear me. My second question is how do Council members and staff propose to police and protect the privacy of children and women against any possible predatory behaviours and provide the legislated safety for all children and women, including those who are victims of sexual abuse, harassment and violence while using these facilities, if this - sorry, if this amendment is adopted? Any change must be done properly by creating purpose-built toilets and changerooms. Please do not risk any female of any age or ethnicity becoming a victim of antisocial behaviour and incurring the consequences for all, including Surf Coast Councillors and entities.

MAYOR PATTISON: Thanks for your second question. And I'll pass that to our CEO.

MS ROBYN SEYMOUR: Thank you, Julie, for your question. There are state laws in place - the Summary Offences Act and the Crimes Act - to prevent people from behaving in an offensive or threatening way, including in Council facilities. If another person is acting in a way that makes anyone feel unsafe, remove yourself from that situation, call triple 0 and request police assistance.

MS JULIE ORTON: Third question, how does my --

MAYOR PATTISON: Sorry, Julie, we allow two questions.

MS JULIE ORTON: How does a child get protected at the stadium, stadium toilets, a 10-year-old child in alone?

MAYOR PATTISON: So thank you for your questions. Bo Carter, will you be putting forward a question?

MS ROBYN SEYMOUR: I can't see Bo.

MAYOR PATTISON: No, Bo is not here. I'll read out Bo's question: "In regards to the Gender and Equity Impact Assessment on page 51 of the meeting agenda it states that the Gender Equity and Impact Assessment was written by the Gender Equity Advisor. Who is the Gender Equity Advisor?" And I'll read the second question as well, because we can respond together with those: "In regards to the process, why weren't the public given the opportunity to be part of the discussion with key staff and stakeholders and are the residents of the Surf Coast Shire considered stakeholders?" I pass that on to our CEO.

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MS ROBYN SEYMOUR: Hi, Bo, and I'm sorry you're not here with us tonight, but thank you for your questions and for your continued interest in the local law development.

Although the assessment was undertaken by specialist Council staff, I can confirm as the Chief Executive I am responsible for the document and the recommendations. Community input was not sought specifically on the development of the Gender Impact Assessment as, like a technical study, it required technical expertise. Instead, we invited community feedback on the proposed changes to the Local Law itself. The four-week submission period on the Local Law has recently closed and Council has held a hearing of submissions meeting.

MAYOR PATTISON: Cherie Solomon - is Cherie here to present their question? No? I'll read the question: "What measures has Council taken to ensure the research undertaken on this topic is objective and unbiased? There are only three research papers referenced and this is not adequate to justify a change to Local Law." I'll put that one to our CEO as well.

MS ROBYN SEYMOUR: Hi, Cherie, and thank you for your question and the links to some of the additional articles.

The purpose of the proposed change is to improve access and inclusion and bring the law in line with legislative requirements. In putting forward this proposal, officers undertook research to ensure that it would not negatively impact people's safety and privacy. As part of this research, we spoke to the Victoria Police and Council's Child Safe officers, who all raised no concerns.

As mentioned earlier, we identified that 86% of Councils do not have a similar clause prohibiting people of one gender entering a facility designated for another gender. No evidence was found to indicate that a rise in safety and privacy violations in the many places that don't have this kind of clause in their Local Law. Officers undertook research from a range of sources and focused on those that were peer reviewed, had a clearly defined research scope and were based on representative samples to ensure findings documented behavioural patterns rather than individual examples.

MAYOR PATTISON: And we'll now move on to the second question: "What measures will Council take to ensure the safety and security of women in the proposed change, if the proposed change is passed?"

MS ROBYN SEYMOUR: And in regards to your second question, we have undertaken a thorough review of the research and have not found any



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evidence that removing the clause will impact the privacy or safety of women. Ensuring safety is a priority and, as I've mentioned earlier, there are state laws, the Summary Offences Act and the Crimes Act, in place to protect our community from people behaving in an offensive or a threatening way anywhere, including in Council toilets and facilities.

MAYOR PATTISON: We now move on to our last set of questions and it comes from Kelvin Granger and Dean Hurlston from Council Watch Inc. and their question is: "Can Council please advise the dollar amount of cost shifting from the State Government they estimate they incurred in 2022 to 2023 financial year?" And I'll pass that one on to the CEO.

MS ROBYN SEYMOUR: Thank you for your question, Kelvin and Dean. This is a very topical issue for the sector at the moment and in terms of the total cost to Council, this is not easy to define because of the length of time and number of services impacted. But we do have a number of examples for you.

Back in the 1970s, libraries were reported to be funded fifty-fifty between the Victorian State Government and local government. Now the state is funding 26% and Council is funding 74%. That's around an additional \$250,000 per annum to our Council. Maternal and child health is another service that was initially funded fifty-fifty arrangement and is now closer to a sixty-forty split, with Council covering the larger majority of the costs.

Another example of cost shifting is shown in Council being responsible for bus stop renewal, despite public transport being a responsibility of the State Government. This recently cost us more than \$100,000. There are some State Government legislative changes that have also increased costs to Councils, including the increased requirements on building services in relation to swimming pools and barrier compliance inspections.

We welcome the state upper house inquiry into local government funding and service delivery. Like the Municipal Association of Victoria, we wish to see this inquiry providing answers and additional resources to meet the growing number of obligations the State Government requires of Councils. Thank you, Dean and Kelvin, for your question.

MAYOR PATTISON: Well, that's the end of our public question time and thank you to those that submitted their questions to the Council meeting. For those of you that weren't aware of the process, questions need to be submitted to Council by 3 o'clock the day prior to the Council meeting and anyone could submit two questions.

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There are plenty of other less formal ways that you can engage with Council. So if you're feeling dissatisfied with your ability to engage in this particular Council meeting, please we do appreciate your input and encourage you to get in touch the other ways through customer service through our website or contacting Councillors via email or phone. So please stay in contact.

We now move on to the more formal parts of our Council meeting and the next area is petitions. So we have no new petitions, but we have noted that the petition that was submitted at our last Council meeting has received an additional 562 signatures and that's the petition titled "Petition to the Surf Coast Shire to Leave the Local Law on Men's and Women's Facilities Alone", and as I mentioned, we received and noted that at the last Council meeting. Council will be asked to note these additional signatures when considering the agenda item, the first item on our agenda, 4.1, for the Proposed Community Amenity Local Law 2023.

We now move on to Notices of Motion. We have a Notice of Motion from Councillor Wellington relating to the Proposed Community Amenity Local Law and a copy of this has been published in the meeting agenda. Officers have asked me to advise that as part of this motion seeks deferral of consideration of the Local Law, if this motion is carried, then Council will also need to defer agenda item 4.1, being the consideration of the Community Amenity Local Law. Councillor Wellington, do you wish to move this notice of motion? I didn't hear that, sorry. Do we need to check the volume? Yes.

CR WELLINGTON: Thank you. I should say I've got laryngitis, Mayor Pattison, and I probably shouldn't be at this meeting, but I wished to participate in this discussion, in the discussion on (inaudible).

MAYOR PATTISON: That's great. Thank you. Thank you. We will make sure that we keep our ears trained so we can hear you clearly. Is there a seconder for this motion? Councillor Barker? And is that as per the notice of motion advertised? Councillor Wellington, do you wish to speak to your motion?

CR WELLINGTON: I do. Before I start, can I just ask how many signatures in total we received on the petition (inaudible).

MAYOR PATTISON: So there was 562 new signatures and I think it was 212, but I'll seek clarification.

MS ROBYN SEYMOUR: I thought it was less than that.

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MAYOR PATTISON: It was somewhere between 150 and 250, but we can get back to you, take that one on notice.

CR WELLINGTON: Thank you. Thanks very much. And I've got a couple of questions before I move on to talking on the motion. Our Governance Rules, 35.7 (inaudible) council meeting Governance Rules prohibit the CEO from making recommendations to Council about Notices of Motion, but the CEO's report on this matter states that officers remain firmly of the recommendation (inaudible) do not recommend development of clause to the effect of the one proposed in this Notice of Motion. That is a recommendation and appears to breach our Governance Rules. I've spoken to officers about this (inaudible) --

MAYOR PATTISON: Sorry, Councillor Wellington, are you asking a question or are you speaking to your motion? Okay, so have you framed your question?

CR WELLINGTON: No. So governance officers have advised me that that Governance Rule doesn't apply because it only applies to motions put forward by officers, but that obviously doesn't apply in the context of a Notice of Motion by Council. So I'm just wondering how it can be that this CEO report, which basically acts as an opposition report to my Notice of Motion, is able to - has been able to (inaudible).

MAYOR PATTISON: Thank you, I'll take that question. So it's my understanding that Governance has provided an assessment and has responded to your concern and that on that basis, we will be proceeding with the Notice of Motion tonight based on that advice.

The CEO has not made a recommendation for this non Notice of Motion as per our reports in our standard reporting for the Council meeting and the report draws on points and issues that were raised in the report for item 4.1 of our Council meeting of the agenda. So we will be progressing with the Notice of Motion tonight. So would you like to speak to your motion, Councillor Wellington?

CR WELLINGTON: I'd like to put notice of dissent on that (inaudible).

MAYOR PATTISON: We don't have a conversation on a Notice of Dissent. I'll just seek clarification.

CR WELLINGTON: (Inaudible) on the basis that the report includes a recommendation that the Notice of Motion not be accepted.

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MAYOR PATTISON: If we just pause for one moment, I'll just refer to my Governance Rules and then we can proceed. I'll just confirm with Governance. We'll be back in one moment.

Thank you for your procedural motion. Unfortunately, motions of dissent can only be put on a point of order and I was just answering a question, so it's not actually applicable in our Governance Rules. Would you like to speak to your motion, Councillor Wellington?

CR WELLINGTON: (Inaudible) the Notice of Motion actually asks for the CEO to prepare a report and so it's directed at the CEO and if the CEO - the CEO clearly has an interest in whether or not the Notice of Motion is accepted or not. I'm just wondering how (inaudible) has been able to (inaudible) report which rejects the Notice of Motion when it's a Notice of Motion requesting her to prepare some work and she clearly has a conflict of interest in it.

MAYOR PATTISON: I'll take that question now and we'll put that to our CEO. So the question as put to our CEO, thanks.

MS ROBYN SEYMOUR: Councillor Wellington, I think my interpretation of the report that has been prepared is that it addresses your Notice of Motion and then it also links to the report 4.1, which is the consideration of the Local Law, because it's really hard to actually look at one without the other. So there's consistency across the two reports. But I don't believe that we have provided a recommendation, a formal recommendation, on the Notice of Motion in this report. I just think there's consistency of language across the two reports and we've addressed some of the issues specifically that you've raised as part of your Notice of Motion.

MAYOR PATTISON: Thank you. Will you now be speaking to your motion, Councillor Wellington?

CR WELLINGTON: Thank you very much. I will say at the start (inaudible) proposition every person should have access to a safe and clean toilet in the public domain and so the issue there is really our balance of competing demands on behalf of women more than men, but my points are the same, but I do feel there's a particular issue for women here more in prominence (inaudible) would be very unhappy with women in male toilets as well, but I think there's a particular sensitive issue that's really important for women.

I do want to say also in terms of our Governance Rules, I'm limited to 500 words in terms of justifying my motion and the CEO has double that in her rebutting argument. She's not supposed to rebut a Notice of Motion. She's

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supposed to put forward the facts related to the issues raised in the Notice of Motion, and I think that (inaudible) that this doesn't breach the Governance Rules. I think it's a clear breach and I think it needs to be looked at.

I also just make the point that our Governance Rules (inaudible) lot of provisions that this Council implemented a few years ago in an attempt to stop this sort of debate that we're having around this issue and others, attempting to make it very difficult for Councillors to raise issues. I objected to those very strongly at the time and a lot of the people in the community did too, but unfortunately that wasn't successful and I suspect we're on the same pathway tonight. Well, we are, actually. But I'm really sorry about that.

So I want to say to the community I am doing my best to try to get these issues up for proper debate, respectful debate, and, you know, it's interesting to me that Council relies on being a leader in some respects with Governance Rules. Its response to my problems with the previous Governance Rules when I said, "Well, no other Council has these, or very few", the answer was, "Yes, but we're a leader." Here the answer is the complete opposite, we're (inaudible) all the other Councils that don't have them because (inaudible) purpose really. I just wanted to make that point.

In terms of the rebuttal that's been put forward by officers of my Notice of Motion, well, first of all, I note that a new Local Law would require gender identity, of course it does, it's part of the motion. It's widely understood that gender means the gender person assumes (inaudible) and mostly, but not always, gender is male or female. (Inaudible) incorporates (inaudible) and it's strongly arguable (inaudible) previous meeting that the current Local Law certainly does not discriminate against trans people on the basis of the accepted definition of gender identity, but it would be helpful to have a definition in our Local Law and we could copy it from the federal Sex Discrimination Act.

The purpose of Local Laws is not just about enforcement. Whether our officers feel they're capable of understanding if a person is presenting as a defined gender in male or female in my view highlights the need for training of officers, not the discarding of a law that makes women in particular feel safer. Local Laws set expected standards of conduct and they allow officers to act if, for example, a person of male gender who is born and has assumed male gender decides to repeatedly enter or just to enter female facilities and one of my residents said (inaudible) a male resident said that. (Inaudible) assault, no penalties to be made to the male conducting themselves in that way unless they've also harassed or threatened people. That is not what - generally women have a sense of security they're trying to protect, but some women do

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have a real fear of harassment and assault, but generally it's a sense of security that they wish to protect.

We will be in serious trouble in a range of issues if we rely on the enforcement efforts of our officers entirely for Local Law. For many years, for example, (inaudible) Local Laws (inaudible) nature strip treatments and the fact we have (inaudible) topic, though, did create a standard and platform for reform once a problem is identified and that is exactly what we're having here. (Inaudible) local law to address the problems that are going to be generated by us - address the issues that actually affect only a very small number of people (inaudible) of non-binary or diverse gender. They are the ones - contrary to the advice that we've received, I believe that they are the ones who are clearly affected by this Local Law and not transgender people who identify as a particular gender.

MAYOR PATTISON: Sorry, Councillor Allen. Councillor Allen has --

CR ALLEN: Thanks, Mayor. Could I move, if Councillor Wellington wishes, an extension of time of 2 more minutes?

CR WELLINGTON: Thank you. I can't see the timer, actually, but I appreciate that.

MAYOR PATTISON: The time has finished. Yes, that's accepted, yes.

CR WELLINGTON: It's not on the screen, Mayor Pattison.

MAYOR PATTISON: No, they were just resetting it because you'd finished your time, so there's an additional 2 minutes.

CR WELLINGTON: Thank you again. Thank you to Councillor Allen. Can I thank Councillor Allen and Councillor Barker for their support for this matter.

As I said, the reliance on a number of other Councils that don't have such Local Law in place is misplaced (inaudible) opposite argument, changing (inaudible). The resistance to community engagement on this issue is really concerning to me. I understand it's an emotive topic, individuals have specific views, but to suggest that a law should not be debated publicly because some people might (inaudible) is not an acceptable argument. Our role is to lead a reasonable and respectful debate and I believe this Council has presented the arguments (inaudible) to the community in a very biased way, in the same way it's responded to my Notice of Motion, effectively supporting (inaudible) without actively disclosing to the community the significant indirect impost

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(inaudible) of women of removing it. And I thank the people in the community who've done a lot of work to raise this issue. I am absolutely of the view that biological women who identify as women also deserve the recognition and respect of this shire.

CR WELLINGTON: One final point is that no Local Law on gender facilities (inaudible) on our toilets (inaudible) is both redundant and misleading, as was pointed out by a number of submitters and has been also I think tonight. People are saying well, if you haven't got any way to enforce that, why do you potentially mislead people into thinking that it has something because it doesn't. I agree with that point of view. I think this is terribly, terribly sad and the ideologically driven response of the Councillors, the majority of Councillors around this table (inaudible) Notice of Motion tonight, but I feel compelled to put it forward on behalf of the community. Thank you.

MAYOR PATTISON: Councillor Barker, do you wish to speak to the motion?

CR BARKER: Thanks, Mayor. As a libertarian, I care about everyone's right to live their life the way they see fit so long as they cause no harm to others. What I see happening here on this issue is a conflict of rights.

The proposal at 4.1 recommended by officers seeks to limit the rights of many, predominantly women, with the intent of supporting the rights of a minority who are equally entitled to have their rights considered. I think simple design tweaks could conserve established social norms, while advancing progressive changes.

This motion, the Notice of Motion, is essential to gain greater clarity on the specific issues surrounding the Proposed Local Law Amendment and gives officers the opportunity to remove the omnibus style of ramming through a mix of significant policy changes. If the Proposed Community Amenity (Amendment) Local Law 2023 gets passed in its current form, you will see significant backlash from the community more than what has been shown in the tabled petition on the matter.

The community interest shown by the 97% opposition and numbers in the gallery tonight is just the tip of the iceberg. What you will find in any decision-making body is that if you take the affected people of your decision making along the journey of change, you will get a much more receptive response than what has happened with this issue, where many generations of cultural norms are being squashed by a tiny amount of decision makers.

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We are governed mostly by socialists. That has contributed significantly to the cost of living crisis we're currently in and the reason we're heading into a recession and are dumping a significant amount of social change, such as what's being proposed in these related amendments, on to society in such a short period of time.

Between the economic impacts and the social changes, it is simply too much for society to absorb. It is causing anxiety among many, including those identified as the minority needing attention. This status mindset where the surfs are expected to blindly follow the directives of big government is causing long-term societal damage and if you care about the whole of society, you'll support this Notice of Motion.

The CEO's report ends with what I see is a recommendation, and I quote, "In summary, officers do not recommend the development of this option as there is no evidence of benefit and it is likely to have the unintended effect of causing significant harm to vulnerable community members." By my reading, that is contrary to clause 24.1 and clause 35.7 of our Governance Rules.

Most importantly, this Notice of Motion gives us some breathing space to reconsider contentious elements of agenda item 4.1. I think it would be wise to allow this Notice of Motion to pass and deal with the issue with greater consideration.

MAYOR PATTISON: Thank you. Would any other Councillors like to speak to the motion? Councillor Allen?

CR ALLEN: Thanks, Mayor. As a matter of law, local government authorities cannot have a local law that is inconsistent with state and/or Commonwealth law. Our Local Amenity Law clause 2.1(j) is inconsistent with the Commonwealth legislation, the Sex Discrimination Act 1984, and as such must be removed.

The question then arises are we to be silent on the matter of entry into Council facilities for people over the age of 6 or for carers with a disabled person or do we consider, as is the case with the motion moved by Councillor Wellington, to maintain our general prohibition on persons accessing a facility designated for a gender with which they do not identify with the listed exceptions?

I had a lengthy discussion with Councillor Wellington as her views are well known and coincide with those of a significant number of residents. I am concerned by the fears, whether real or perceived, of many women. I agreed to second her motion that we are debating tonight.



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After reading all the relevant information contained in the meeting papers, I have, after an agonising few days, decided to withdraw my support for the motion. I do so for the following reasons. I have consistently maintained that we cannot have a local law that is inconsistent with superior jurisdictions. The report refers to inconsistencies with section 5(b) and (c) of the Commonwealth Act. There is a compelling argument that the proposed law will be unenforceable.

If this motion is accepted tonight, then we will be required to undergo another period of community consultation. I am now aware, as I am not on social media, of the many harmful comments that have been posted directed against the trans community, a community which is generally very resilient, but at the same time contains many vulnerable members and I do not wish to prolong these hateful attacks. One aspect of Councillor Wellington's motion that I strongly support is the recognition of the rights of non-binary people.

Finally, the statistics showing that the overwhelming number of LGAs, 86% in Victoria, are removing such a by-law reassures me that rather quickly the real and perceived threat of harm will disappear. My one regret is that this information was not provided to Councillors sooner. I apologise to the many residents who will be disappointed if the by-law is to be removed and to Councillor Wellington, to whom two weeks ago I promised support for her motion. Her concern is real and she speaks from the heart for a significant number of people in the shire. Thank you.

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

CR BODSWORTH: Thanks, Mayor. I thank Councillors Wellington, Councillor Barker and Councillor Allen for their words as well. I've also agonised over this one. I find it a really difficult tradeoff kind of situation. I'm very concerned about people's perceptions of safety in municipal buildings.

I'm going to speak a little bit further on the next item 4.1 on the agenda, so I won't speak too much on this one, but I don't support the Notice of Motion. On balance, I'm not supporting it because I'm concerned about its enforceability. I believe that - I definitely support its intent, I support the place where it comes from. Councillor Wellington's explained that. I support where she's coming from with it.

I believe that the existing local law provisions, if we are to get rid of this particular clause, are adequate to cover the kind of fears that people have

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voiced. There will remain five clauses in the local law which cover the kind of eventualities that people are concerned about. That's leaving aside state law, of which there are several laws also that cover the kinds of things that people are concerned about. So, for those reasons, I won't support the notice of motion. Thank you.

MAYOR PATTISON: Thank you. Any other Councillors? Councillor Stapleton?

CR STAPLETON: Thank you. I do not support the motion and while I appreciate its intention and I understand the response to this issue has obviously raised genuine concerns in the community, it is clear to me that this clause in our Local Law is best removed.

Given that 67 of 78 other Councils in Victoria have removed or do not have this clause and there has been no evidence to suggest it has created safety issues within those municipalities, there is little justification for keeping it in our own local laws. A clause of this kind, as we've heard, is not enforceable and we cannot expect Council officers to be in a position where they're attempting to determine a person's gender or gender identity.

Delaying this decision would initiate a second round of public exhibition, prolonging the debate and potentially causing further harm to some members of our community. Of course women in our community deserve the respect of this shire and there are many women sitting around this table who also have daughters and mothers living in this community. Of course we care about their rights and sense of safety. We know that 86% of Councils across the state have removed or do not have this clause and there is no evidence of adverse impacts as a result. Therefore, I support us moving forward with the revised Local Law which will be debated next.

MAYOR PATTISON: Thank you. Councillor Gazzard?

CR GAZZARD: Thank you. I also won't be supporting the Notice of Motion. I think that it's a human right for access to water and sanitation and everyone needs a place to go to the toilet. All-gender bathrooms are not new. Most of us have one in our own home. We have shared bathrooms in the Councillor lounge and I think that it's inclusive and safe. Shared bathrooms create more inclusive societies that protect human dignity.

MAYOR PATTISON: I'll just ask people in the gallery to please be respectful. Otherwise you can leave the gallery. We need silence so Councillors can concentrate when they're speaking. Please can we all be respectful?

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CR GAZZARD: If a person of any gender is going to use a toilet, I think we'd all agree that should be allowed as a basic human right. If a person, regardless of gender, is entering any toilet with the intent to harm, that is unlawful regardless of the Local Law. So I won't be supporting this.

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

CR WELLINGTON: Thank you. I do. First of all, I'd like to thank Councillor Barker and Councillor Allen (inaudible) there's no issue for not supporting the motion. The fact that he supported to put it up for debate is the important issue and the fact that our local laws potentially inhibit that significantly by requiring three supporting Councillors makes me very reliant on Councillor Barker and Councillor Allen, I think the only two who've done that, but possibly Councillor Bodsworth has done it, I think, once in the past as well. I very much appreciate that. I think debate is important about important issues.

The purpose of the Notice of Motion is to accommodate all of the groups that have been identified so that we are not inconsistent with other laws. I believe that accommodating children over 6 is not a problem at all. Accommodating transgender individuals is not a problem at all. In fact, it is my view that they are already accommodated in the Local Law and they are not prohibited from entering the facilities of their choice at the moment, but we could readily clarify that with a definition of what gender means in terms of gender identity.

So the people who are left are the non-binary gender diverse people and according to the statistics that is somewhere between 75,000 and 100,000. They are nevertheless important and it would be simple to include an exclusion for those people. People are not just concerned, Councillor Bodsworth, about being assaulted in public toilet. They're concerned about their sense of security and protection, having spent their whole lives being educated about not putting themselves in positions of vulnerability in isolated places and that is what will be occurring if they use public toilets which are open to people of male gender if there are women are doing it.

It's about anxiety, it's about a sense of security. Actual attacks in public places are quite rare.

I'm not surprised to hear the opposition. It was completely expected. I'm glad we've had the debate and I'm glad the community understands it more now than they would have done if we hadn't had the debate. And I'm sorry that the debate has caused some level of aggression - aggressive language towards people of different genders.

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MAYOR PATTISON: I ask you to wind that up because you're now over time, thank you, Councillor Wellington. We'll now put the motion to the vote. All those in - so the motion, just to clarify, is the motion as put forward by Councillor Wellington for this Notice of Motion. So all those in favour of the Notice of Motion. And all those opposed. Thank you. And the motion is lost and it's 7 opposed - or 2 in favour and 7 opposed.

We'll now move on to the reports for our meeting tonight. So the first report is 4.1, Proposed Community Amenity Local Law.

CR WELLINGTON: Mayor Pattison, can I please ask a question?

MAYOR PATTISON: Yes.

CR WELLINGTON: I just feel that the issue of - obviously the issue has been raised about omnibus recommendations and this recommendation deals with public toilets, it deals with safety, it deals with nature strips and a couple of other minor things. It is my view that it should be put forward - each of the recommendations should be put forward separately because it's an improper governance approach to incorporate --

MAYOR PATTISON: Can you just clarify your question, sorry? So your question is you would like --

CR WELLINGTON: I would like it separated into separate elements, please.

MAYOR PATTISON: If you'll just give me a moment to - I'll pass that to our CEO.

MS ROBYN SEYMOUR: Thank you, Councillor Wellington, for your question. It's pretty standard practice around things like laws for those to be considered in packages and so it's a bit like when our local laws in 2021 sunsetted, we remade the whole laws and we've considered them in parts. That's pretty standard with things like road rules. They're considered in packages of changes on a semi regular basis. This is not inconsistent with that.

In terms of us separating them tonight, that's not possible because they've been certified legally in their entirety and if we looked at them separately and only supported part of them, then we'd have to reconsider the whole thing.

MAYOR PATTISON: We now move on to the Community Amenity Local Law 2023. The purpose of this report is to present the proposed Community Amenity Local Law incorporating the Residential Nature Strip Guidelines to

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Council for adoption. We have a recommendation that's in the agenda papers. Do I have a mover of a motion? Councillor Stapleton. And seconded Councillor Barker?

CR BARKER: I just need to make a statement beforehand.

MAYOR PATTISON: Oh, certainly, sorry about that, yes. Please go ahead.

CR BARKER: Given community demand for an online petition and limited time to get one created, I supported the lead petitioner by creating one myself. This attracted more than 200 additional signatures to the petition, but this has created a situation that I need to address. I hope that in the future, as other contentious issues arise, many more people in the community are prepared to take the lead in generating petitions so that I can focus on voting down these issues.

Based on advice that I've received, I want to take this opportunity to inform the Council and the gallery that I'll not be voting on this item. As I was the creator of the online petition in relation to the removal of clause 2.1(j) of the Local Law, I do not want there to be a perception of bias. I respect the democratic process and the integrity of Council decision making and I have made the decision to remove myself from this item. But you can know that if I was to vote, it would be a resounding no.

MAYOR PATTISON: Thank you, Councillor Barker. So Councillor Stapleton, you'll move the motion as per the recommendation? And do I have a seconder? Councillor Gazzard. As per the recommendation? And Councillor Stapleton, would you like to speak?

CR STAPLETON: Sure, thank you. So it's important that our Community Amenity Local Law is up to date and effective. Tonight we're considering adoption of the Community Amenity (Amended) Local Law 2023.

The Local Law went through an extensive review and engagement in 2021, with follow-up engagement this year in response to specific issues that we knew were important to our community, such as nature strips and tiny houses on wheels, as well as changes identified by officers through the review process. The key changes proposed in the amended Local Law that's before us tonight include the addition of new Residential Nature Strip Guidelines, expanding the definition of no smoking areas to include e-cigarettes and vapes, extending provisions for camping and temporary accommodation and keeping of animals to support people fleeing family violence, and removing clause 2.1(j), which relates to the use of public facilities, which has obviously attracted the most

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attention of all the proposed changes and is where I will focus my comments tonight.

Removal of this clause would mean our facilities are inclusive and respectful of everyone, regardless of their gender, so that everyone in the community has lawful options to use essential public facilities. It would also allow children over the age of 6 to be accompanied by a parent or caregiver of a different gender when using toilets of other facilities.

As we heard through the previous item, the Notice of Motion, we have considered amending rather than removing this clause. However, it is apparent that that would not have had the desired outcome, particularly with respect to Council officers being able to enforce it.

The vast majority of concerns raised by community have been around the issue of safety, especially for women, when using public toilets. These concerns are real and genuine and it makes it difficult for Councillors to make a decision that on the surface is confronting and could appear to put women in our community at risk. However, we know that 86% of local Councils do not have this clause in their Local Law and there is no evidence that they have increased safety issues in their communities as a result.

Of the remaining 10 Councils that still have this clause, we know that they will also need to address this issue when their Local Law comes up for review. I believe our neighbours at Colac Otway Shire are currently exhibiting their own Local Law review with the same clause removed.

Removal of this clause would not only ensure Council's laws are consistent with the federal Sex Discrimination Act and the Victorian Gender Equality Act. It would mean our laws are more inclusive of people in our community. Keeping this clause in our law is impractical in many situations. We have a mix of genders using facilities at the same time for sporting and other events each week across the shire. Realistically, we don't expect to see major changes to the way the majority of people use our public toilets as a result of this change.

I do not want to discount the community's fears and concerns around the proposed change as I know they are genuine, but the evidence shows me they are unfounded. This is not a decision Council is taking lightly. The Gender Equity Impact Assessment undertaken in relation to this gave significant consideration to the safety and privacy of all people using Council's toilets and facilities.

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A review of the evidence, which is attached to the agenda report for anyone interested, shows there is no reason to expect negative impacts to community safety due to proposed changes. There have been discussions with key stakeholders, including Council's child safety officers and the Torquay Police. However, if residents are concerned about their safety, there are laws in place to protect our community from people behaving in an offensive or threatening way. People should definitely call the police if they have any issues like this.

The review of the Local Law has been well considered and done over a lengthy period to weigh up research, benchmarking and community views. We do want the Surf Coast Shire to be a place that everyone can continue to enjoy and appreciate. A large part of that is to ensure that it is safe and inclusive. These changes will help to achieve that and therefore I urge my fellow Councillors to support this amended Local Law. Thank you.

MAYOR PATTISON: Thank you. Councillor Gazzard, would you like to speak to the motion?

CR GAZZARD: Thank you. With regards to the removal of the clause, I support - well, I support the whole motion, but I think it's important to think about how we provide facilities and how they might affect or affirm trans and gender diverse people in our community.

For trans and gender diverse individuals, selecting a bathroom becomes a calculation of self-preservation, a type of self-surveillance in an effort to minimise the likelihood of harassment and violence. This is something that most of us don't need to think about when we're going to the toilet. Trans people are among the most vulnerable in our community and this law improves inclusivity and safety for our gender diverse population.

I thank everyone for their submissions and I acknowledge the concerns, particularly by women, around the prospect of sexual assault in using gender-inclusive bathrooms, but I really think we should challenge the notion that bodies assigned male at birth are inherently violent. Safety for everyone in our community can not only be guaranteed through gender-specific or sex-segregated bathroom arrangements.

I think it's important to note that violence against women, which is a huge issue, affects 1 in 3 women as per the WHO estimates and 90% of that, 90% of that is perpetrated by an intimate partner in the home. So I don't think - if we're really focusing on improving outcomes for women and decreasing violence against women, we should be investing in infrastructure, in education, in mental health and health care.

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On that note, I'm very happy to see the change in the Local Law to support those who are fleeing domestic violence to allow them care for their pets for a longer duration and for parking facilities and I'm excited to see the Residential Nature Strip Guidelines finally be put in place. Thank you.

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

CR BODSWORTH: Thanks, Mayor. I don't have a lot more to add, but I just want to I guess use my voice on this issue as well because it has been a difficult one I think for all of us. I think all of the Councillors have approached this in a genuine, thoughtful, careful way, have really tried to do what they think is best.

As we headed towards this, I always believed that it would be a contentious issue. I believed that there would be angst around it. I think it's perfectly reasonable for people to be concerned when it comes to issues of safety for themselves or for their loved ones. I think all of that is completely normal.

As Councillor Wellington has said and Councillor Barker as well, it's a time of changing social norms. I think this is an example of where changing norms involve some pain. It's difficult to get things right. So I believe that we've got this right. I believe that the evidence - well, I'm going with the weight of the evidence that I've got in front of me, which is not at all to discount the perceptions and how important perceptions are to people, so that's completely valid and I'm concerned about any upset that people might feel in the decision that we're making, as sometimes happens on Council. It's just an unfortunate position to be in. But I've certainly done my best to get my head across all of these issues. I'm persuaded by the evidence that underpins this recommendation so that I will support the recommendation.

And as I said when I spoke earlier on the Notice of Motion, if this clause is to be removed, there remain several other clauses. I want to quickly run through a couple of those. So what would remain is "a person must not commit any nuisance in a municipal building; interfere with any other person's use and enjoyment of a municipal building; act in a manner which endangers any other person; use indecent, insulting, offensive or abusive language; behave in an indecent, offensive, insulting or riotous manner." As I said before, in addition to that, there are state laws under the Crimes and Summary Offences Act also. So I don't believe that we need this clause, the clause that we're proposing to remove, to cover the kinds of things that people are concerned about, whether it be actual safety or perceived safety.



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For all those reasons, I support the recommendation. I'm also happy to see the Nature Strip Guidelines and I'll give a shout-out, which a couple of us have done before, to Patrick and Sue Carter, who've been particularly staunch on the value that nature strips offer environmentally and in terms of amenity and climate. Thank you.

MAYOR PATTISON: Thank you. Councillor Wellington, would you like to speak to the motion? Oh, actually, sorry, I've just noticed that Councillor Schonfelder has had his hand up prior to you, sorry. Councillor Schonfelder, I didn't see the yellow hand raised in the background. It's a bit difficult to see. So sorry, Councillor Wellington. Councillor Schonfelder, would you like to speak to the motion?

CR SCHONFELDER: Mayor, you can hear me alright?

MAYOR PATTISON: Yes, we can hear you fine, thanks.

CR SCHONFELDER: I'd like to thank Councillor Wellington for her Notice of Motion. I notice that both Councillor Wellington and I voted against putting the item out to the community for community consultation in relation to the amenity changes and my position has remained unchanged in relation to that. I concur with Councillor Wellington when it comes to women wanting to have a safe place and also having their own privacy respected. No-one in the community who has contacted me has been homophobic or has been anti trans people or intolerant in any manner whatsoever.

Our country has become very multicultural and changes are taking place and it's important to note that the fastest-growing religion in Australia is actually Islam and in some municipalities in Melbourne and also in Shepparton there are aquatic centres that allow women to swim only with other women and I think it's very important to recognise that. And in relation to amenities, I think it's probably best to have alterations made where people who are transgendered could go to a separate bathroom similar to people who are possibly disabled.

So once again, I thank the community who have contacted me about this issue and I feel as though the Muslim community as well as other communities who feel strongly about this issue should be listened to. Thank you.

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

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CR WELLINGTON: Thank you, yes, I do. I just wanted to address the issue of the omnibus provisions and I do have to say that the bundling up of road rules in a single provision is really quite a different thing from the bundling up of this public facility toilet issue with things like vaping and that, it's just not comparable.

I have to vote against this motion in that I strongly support the stronger approach to nature strip reform because I can't support the approach to public toilets. So it's really a very, very poor governance practice to do this. I just note that the Ombudsman has spoken about this in the past and I think this is not a good way for the Council to be exercising good governance.

We can establish all four options, in response to Councillor Allen, without removal of the clause. I believe transgender people are already permitted to access Council facilities according to the gender (inaudible). I don't think the Local Law precludes that at the moment at all and I think we can clarify that, we can state it in the Local Law, we can fix the issue of children like children aged more than 6 who need to go to toilets with their mother, that can be fixed.

The people who are left who are currently clearly excluded by the law are the (inaudible) 100,000 who are bisexual or - sorry, not bisexual, who are gender fluid and don't identify with a particular gender and they are the ones who - clearly everyone deserves clean (inaudible) public toilet facilities and it should be clarified in this Local Law that it (inaudible) those people from selecting a toilet in which they feel safest.

I agree with Councillor Gazzard that those people often have terrible difficulty finding a public facility that does feel safe for them. That won't be changed by our Local Law either. That's about community attitudes and it's about community education and that won't be changed in this Local Law.

I think benchmarking against other Councils is very fraught. If you look at the level of community satisfaction of the sector, it's very low. It's getting worse. And I don't think we should be learning off each other what the best thing to do is.

It's not just about actual assault. A man could use a female toilet with no ill intent in circumstances where the male toilet (inaudible) and there will be no prohibition at all and many women will find that very confronting and I don't think the community (inaudible) approach at all.

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A lack of evidence does not prove that something is not happening. It simply proves that the evidence is not accumulated or collated. It may still emerge.

I cannot vote for this motion because I support part of it, but I don't support the other part of it and it's very unfortunate that Council is in this position. And I do reiterate my concern about the way that Council appears to have reached this decision (inaudible) rather than engaging really frankly and openly --

MAYOR PATTISON: Thank you, Councillor Wellington. You've now exceeded your time. Councillor Stapleton, would you like to - sorry.

CR WELLINGTON: I missed that I intend to retire from the meeting after the motion.

MAYOR PATTISON: Okay. Thanks for letting us know, Councillor Wellington. Sorry, Councillor Allen, did you wish to speak to the motion?

CR ALLEN: Thanks, Mayor. Look, I can't add much more to what I've already said. I do agree with Councillor Gazzard in the sense that violence in the home is the real issue against women and against children that we as a society have to face as a principle dealing with children who are abused at home. It is heart wrenching and as a society we really have to come to terms with that.

I do believe that this will settle and that people will conduct themselves properly within the public facilities. If they don't, there is a criminal law. I mean, we assume that a man is going to abuse a little girl, but at the moment a man can abuse a boy in public toilets.

It's a very difficult, very sensitive, emotional and heart-wrenching issue and I thank Councillor Wellington for her leadership in this and her views and I agree with her that we really shouldn't be bundling up these Local Amenity Laws. I think we really do need to look at the Governance Rules about this matter. Thank you.

MAYOR PATTISON: Councillor Stapleton, do you have any closing remarks?

CR STAPLETON: Yes, there's not a lot to add and I assume by this point in the debate that most Councillors will have decided whether or not they want to support this motion, but if anyone does still feel undecided, please consider that I don't think anyone around this table, nor our Council officers, who've worked so hard on this amendment, would want to support a local law that makes life more unsafe for women or for anyone in our community.

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The proposed change to the Local Law to remove clause 2.1(j) is confronting and it has raised fears for some people about women's safety in public spaces and it's reassuring to know that so many people in our community do care about that. However, as Councillors and leaders in our community, we need to make decisions based on the evidence before us. We can't let fear of what may happen get in the way of making a decision that is right.

This is not about being led or following other Councils. It's about the impact it's having or not having in their communities. At this point in time, there is no evidence to suggest the removal of this clause has had any impact on women's safety in other communities and therefore I urge my fellow Councillors to support the proposed change and adopt the amended Local Law tonight. Thank you.

MAYOR PATTISON: Thank you. We'll now put the motion to the vote. All those in favour of the recommendation. And all those opposed. And the motion is carried 6-2.

CR WELLINGTON: Can I have what the vote - oh, I'm sorry, yes.

MAYOR PATTISON: Carried 6-2, because I know those on the screen can't see that.

Given that we've had some long conversations, public questions, and the like, we will now suspend Standing Orders for a break of 20 minutes and we will come back after that. So we'll be coming back at 8 o'clock. So for those online, you can head off. We'll put the motion to - I'll need a mover, sorry. Councillor Bodsworth, yes, and a seconder - sorry, Councillor Schonfelder, you're seconding?

CR SCHONFELDER: I was going to move it, but I'm happy to second it.

MAYOR PATTISON: Great. All those in favour to suspend Standing Orders. Thank you. It's carried unanimously. We will see those online at 8 o'clock and those in the gallery, if they choose to remain, we'll see you back at 8 o'clock. Thank you, everybody, for your involvement so far.

(Short break)

MAYOR PATTISON: Thank you. We will now recommence our Council meeting. Can I have a mover to recommence Standing Orders? Moved by

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Councillor Allen, seconded by Councillor Stapleton. All those in favour. And the motion is carried unanimously.

We now move on to item 4.2, Growing Regions Program - Funding Opportunity. The purpose of this report is to seek Council's endorsement to submit a funding application for the Winchelsea Pool Redevelopment project to the Growing Regions Program 2023. Do I have a mover of a motion? Councillor Schonfelder - is that as per the recommendation? Thank you. And a seconder? Councillor Allen. Councillor Schonfelder, would you like to speak to the motion?

CR SCHONFELDER: Yes, please. I'd like to endorse the submission of interest and subsequent funding application to the Growing Regions Program 2023 for the Winchelsea Pool Redevelopment project on the following basis: \$2.2 million from the Growing Regions Program and \$3.3 million from Council's existing asset renewal project allocation. This recommendation authorises the Chief Executive Officer to execute a funding agreement on behalf of Council should the application be successful.

If Council accepts this recommendation, officers will submit an expression of interest and subsequent funding application for the Winchelsea Pool Redevelopment project with the potential to reduce the amount of asset renewal funds required. This would provide opportunities for Council to address other renewal priorities and for the Federal Government to partner in the key project for Winchelsea and surrounds.

A key consideration in this is that the officers assess projects that met the GRP funding criteria are aligned to Council's strategic planning framework and had leverage funding allocated. The Winchelsea Pool Redevelopment project has been most suitable for this funding program. The project has asset renewal program funding allocated within the 2023-24 budget and will be submitted by late 2024. I encourage my colleagues to support this item for endorsement.

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

CR ALLEN: Thanks, Mayor. The Growing Regions Fund replaces the previous Federal Government's Building Better Regions fund. Under that fund, we were partly funded for the work at Wurdi Baierr and the Stribling Reserve. This fund is earmarked for regional and rural capital works program.

The expression of interest, as Councillor Schonfelder said, is report 2.2 million under the program to support the redevelopment of the Winchelsea Pool and I think, importantly, we should note that it must be submitted, the EOI must be

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submitted by August the 1st. Now, if that's successful, we will move to stage 2 and we'll require to submit a full application.

The Deans Marsh Hall redevelopment is another capital works program that would fit the criteria, but as stated in the report, the final plans and costings will not be finalised in time for the deadline for the EOI, which is, of course, August the 1st.

I support the application and, if successful, it will release funds for additional asset renewal in the shire. Hopefully the bulk of these funds can be directed to rural road renewal. Smaller scale projects can also be considered. For example, the gymnasium at the Stribling Reserve was retained and incorporated in the new complex. It was recently discovered to have mould under the floor. If this is not addressed in the short term, then there is a danger we will have a longer-term problem with termites, and I'm sure there are many other such examples that Councillors can quote that this additional renewal funding will be most welcome. Thank you.

MAYOR PATTISON: Thank you. Would any other Councillors wish to speak? Councillor Barker?

CR BARKER: Thanks, Mayor. Another funding opportunity, more of an opportunity to grab some more taxpayer funds because we have an addiction to other people's money. Now, what does this cost every Australian taxpayer? 5 cents, 14 cents, \$2? It's a rhetorical question, I don't expect you to know.

If this motion passes, I'd like to thank every Australian taxpayer for their 14 cent contribution to the renewal of the Winchelsea Pool redevelopment. Just know that every decision we make in here creates externalities that I'll continue to highlight. I won't be supporting this.

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

CR SCHONFELDER: Just very briefly, residents and taxpayers of the Surf Coast do pay income tax which does go to Canberra and in a way, we can get some of our money back with our successful application.

The people of Winchelsea are very excited about the pool and I thank the Council officers for all the work they've done in relation to this project and I'd just like to highlight the project will incorporate environmentally sustainable design principles. If there's an option to use recycled materials in the project, it will be considered and that's a wonderful goal to have. Thank you, Mayor.

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MAYOR PATTISON: Thank you. We'll now put the motion to the vote. All those in favour. And opposed. And the motion is carried 7-1 - no, sorry, not 7-1, 6-1. Apologies for my mathematics. We have two Councillors that aren't with us. So apologies for that, but it's carried.

We now move on to item 4.3, TAC 2023 Local Government Grant Program. The purpose of this report is to inform Council of Transport and Accident Commission grant opportunities and seek approval to submit applications for pedestrian and cycling safety improvements. Do we have a mover of a motion? Councillor Gazzard - is that as per the recommendation?

CR GAZZARD: Yes.

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

CR GAZZARD: Yes, please. This is a really exciting opportunity for a Local Government Grant Program. So pedestrian and cyclist safety improvements along the Surf Coast Highway service road between Baines Crescent to Bristol Road are applying for \$100,000 from TAC and more excitingly, an options analysis study to develop a safe cycling connection between Torquay and Geelong, which would really be so amazing.

Investment in cycling has multiple benefits, including curbing emissions, improving air quality, increasing rates of active transport, which reduce risk of disease and enhance mental health. Research has found that cycling is the happiest way to travel.

A UK government report found the average benefit cost ratio for walking and cycling projects deliver benefits of 13 to 35 times the cost. In Aotearoa, New Zealand, transport planners estimate money spent on high-quality cycling infrastructure yields benefits between 10 to 25 times the cost. A study in London found that an increase in cycling trips significantly contributes to the emergence of new local shops and businesses.

So I think this will be - anything that improves cycling strategy and safety in our shire is very beneficial to the community.

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

CR STAPLETON: Yes. I don't have a lot to add. This one is a no-brainer really. The TAC is offering grant in a competitive process and Surf Coast is well placed for success. It aligns with strategy 5 in our Council plan to make it

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easier for people to move around our towns and in nature without relying on cars and it also, importantly, aligns with the G21 Transport Strategy, which was launched just this week and advocates for increased use of active transport within and between local areas as one of its key priorities.

The selected projects are well considered and we know that the need is there for our community. There is currently no safe way to ride from Torquay to Geelong. If the funding application is successful, Council would take detailed designs to the community for feedback. And lastly, it would be great to see even more investment in cycling infrastructure and improved pathways for pedestrians and hopefully there are many more TAC grants just like this to come.

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

CR BODSWORTH: Thanks, Mayor, very briefly. I definitely welcome the opportunity to support these grant applications. I'm really pleased to see our Safer Cycling Strategy being put to good use and also our existing Pathway Strategy as well.

And with regard - I thank Councillor Gazzard for those statistics relating to cycling. And as Councillor Stapleton mentioned, the G21 Transport Strategy contains some really interesting projections on delays in traffic, stuck in traffic under a business as usual scenario, so it's gone to a lot of effort to capture or to sort of project the kinds of delays that people will be experiencing stuck in traffic on our current trajectory with traffic on the roads.

So in the last census, in the Surf Coast municipality 0.6% of people travelled by bike to work on census day, being online with the Victorian average. So we've got a very tiny percentage of people currently travelling to work by bike - a greater percentage travelling to school, but still fairly small - and, you know, there's just fantastic benefits there for the taking if we manage to provide the safe connections and a lot of the people who would potentially ride a bike, a lot of the trips that people undertake by car are very short, under 5 Ks, totally doable by bike, but it's safety that's the main barrier for people taking those trips by bike.

So it's about 19 Ks between Torquay centre and Geelong centre by bike, so that's a pretty easy hour bike ride, particularly on an e-bike, and according to the transport strategy, that hour could well be time that people are spending stuck in traffic in a vehicle anyway. So, yeah, it's a great option and I hope we can follow this through.



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MAYOR PATTISON: Sounds good. And Councillor Barker?

CR BARKER: Thanks, Mayor. I'm a cyclist. I give as much room as I can to cyclists when I'm driving cars and trucks and I know the shared use of roads are a safety concern for many cyclists. There will always be room to improve ways for cyclists to move through the municipality, but as we move head first into a recession, we need to stop discretionary spending, not only here but every level of government.

I'd be very happy to support infrastructure spending where the funding source is voluntarily raised, perhaps by a collective of cyclists, as this would support a philosophy that I support, the voluntary interaction between consenting adults. But what are grants? An opportunity for us to reach out to another level of government for taxpayer funds because we can't afford to pay for everything required of us or what we want to do. In this case, it highlights how our vehicle TAC fees attached to registration are far too high when not only do they pay for multimillion dollar advertising campaigns, but also directing \$130,000 to us for a cycling infrastructure works and a study.

All this from a State Government body that is part of a state with record-breaking levels of debt that dwarves multiple other states combined, yet apparently they can fritter away even more money to us here. Support this if you want to grow the tax burden on every other Victorian during a cost of living crisis or you can join me in saying no to financially unsustainable actions. That's all.

MAYOR PATTISON: Thank you. Councillor Gazzard, did you have any closing remarks? No. We'll now put the motion to the vote. All those in favour. And the motion is carried. Oh, all those against, sorry. I'm sorry about that. Anyway, moving along, apologies. Thank you.

The next item on the agenda, Grants Mod Program Review. This report seeks Council's endorsement of two new grant streams and recommends changes to the Grant Program guidelines. Do we have a mover? Councillor Allen - is that as per the recommendation?

CR ALLEN: As per recommendation.

MAYOR PATTISON: And a seconder? Councillor Gazzard. Would you like to speak, Councillor?

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CR ALLEN: Thanks, Mayor. I always find it a pleasure to speak to the grants program, a program I support, with the only regret being that we did not allocate sufficient funds. As a past recipient of grant funding, naturally prior to my term on Council, I have firsthand knowledge and appreciation of the importance of these grants to community not-for-profit voluntary organisations linked to the needs of their community in the most direct of ways.

The grants do create a more meaningful partnership between the Council and the community and it enables the Council, through the grant guidelines, to direct funding towards priorities in the Council plan. A hypothetical example is a project that promotes male participation in the performing arts. This would meet the established grants criteria and meet two Council priorities, health and gender equity.

The change to remove Councillors from the approval process has been a positive one, speeding up the awarding of grants and getting resources into the hands of the community in a more timely manner. To date, we have funded 55 projects totalling very close to \$140,000, with a wide variety of projects reflecting the range of streams. For example, in my ward, the Lorne Gardening Group, the Historical Society and the bowls club were successful, and in Deans Marsh tree carving and the solstice art exhibition reflect the range of streams that I referred to. In Lorne, a program was funded to target any year 10 to 12 students in the shire who wish to learn more about the means to reduce examination stress. The Quick Response and the Artist and Creative streams were very popular, both being significantly oversubscribed.

I am very pleased to see that several streams require a community/organisation co-contribution in funds and/or in kind, varying from 50 to 30% of the project value. This co-contribution demonstrates that the project has real community support and value. I was going to say put your money where your mouth is, but I decided against it.

I have much pleasure in supporting the recommendation and it is very pleasing to see how well the changes introduced into the program have been received in 2022/23. Thank you.

MAYOR PATTISON: Thank you. Councillor Gazzard, did you wish to speak to the motion?

CR GAZZARD: Yes, I'll support the motion. I think the grants program is amazing and anything we can do to streamline and make the funds available to community as quickly as possible is to be endorsed. So we've got 55 community projects funded, \$100,000 of funding provided and I really like the

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emphasis on municipal health and wellbeing and note that 27 of the 96 project applications had a health and wellbeing focus.

The specific standalone stream of health and wellbeing grants I think is to be commended and looking at the previous grants that we've had, it's really impressive seeing the focus on men's wellbeing, Men's Sheds, play groups, sports, a lot of school-based mental health programs and environmental tree planting and energy saving, so a shout-out to the Surf Coast Energy Group, SANE and Torquay Landcare Group. So I am very happy to support this ongoing grants program.

MAYOR PATTISON: Councillor Barker?

CR BARKER: Thanks, Mayor. I too am pleased to speak to grants programs for a different reason. If this recommendation was simply to note projects funded through the grant program, I wouldn't have had an issue supporting it, but given it's endorsing methods directing how involuntarily taken funds - ie, rates - are redistributed to the winners selected by Council, I will be voting against the recommendation.

This is just another example of where people are being paid by involuntarily taken funds and have been insulated from the economic turmoil experienced by many over the past few years are carrying on with a business as usual mindset. That is not the reality that I see. If you are happy to continue picking winners and losers, go ahead and vote for this recommendation. If, though, like me, you see taking money from some and redistributing to others is morally wrong, I invite you to join me voting against this recommendation.

MAYOR PATTISON: Councillor Stapleton, would you like to speak to the motion?

CR STAPLETON: Yes, I'll say a few words. Thanks, Mayor. So the grants program is a really great program and it's been running in its new format for the past year. If you want to know what impact grants have in helping our community to thrive, have a read through the grants awarded during the past 12 months. It's staggering to see the variety and number of community organisations all achieving such great outcomes and supporting each other and the broader community through this grants program. There is clearly the demand and interest from residents and local groups for these grants to continue and I'm pleased that Council is in a position to be able to support them.

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It's also important to note that an audit of Council's grants program was undertaken in April/May this year to consider the adequacy of Council's policies, procedures and controls for the overall management of grant funding. While the audit findings were generally good, it did make some recommendations which will help Council to continuously improve the grants program and I look forward to seeing some of these implemented in coming years. Thank you.

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

CR ALLEN: No, thanks, Mayor.

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

We now move on to 4.5, Project Budget Adjustments and Cash Reserve Transfers - July 2023. This report is presented for Council ratification and approval of proposed project budget adjustments and cash reserve transfers relating to the 2022-23 financial year. Do I have a mover? Councillor Barker - is it as per the recommendation?

CR BARKER: Yes, Mayor.

MAYOR PATTISON: And a seconder? Councillor Stapleton. Did you want to speak to it, Councillor Barker?

CR BARKER: No, thank you.

MAYOR PATTISON: No. Councillor Stapleton?

CR STAPLETON: I'll say a few words. Thanks, Mayor. This item is to provide transparency for Council and the community around movements in budgets for various projects across the shire and changes to cash reserves. You will see in the report a greater number of projects than usual due to the end of the financial year and transfers of funding from projects that are not progressing at this time.

There is just one item I would like to highlight, which is the Point Roadknight Drainage Outfall, where it is recommended returning \$550,000 to the Asset Renewal Reserve. This renewal project had 700,000 allocated to it, but the cost estimate obtained via a quantity surveyor is 1.8 million, clearly significantly higher than the project budget allows. So it is proposed that Council returns a large portion of the budget back to the Asset Renewal

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Reserve given the current scope of the project cannot be completed within this allocation.

It is unfortunate that the project cannot proceed at this time, but the costs are well above what Council had budgeted. It sounds familiar. There will be people in the community disappointed about this, but it's a complex job, with the pipe running under sand dunes and potentially impacting culturally sensitive areas, so it's not an easy fix.

Fortunately, one of the two parts has been functioning well for at least the last 12 months without any reported flooding issues and we certainly hope that continues to be the case. The funds left on the project will enable officers to progress the cultural heritage management permit requirements and associated authority approvals. Then the proposed renewal works can be considered as part of future renewal program budget allocations and I would hope to see that in next year's budget, all going well. Thank you.

MAYOR PATTISON: Thank you. Any other Councillors? Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. There are a couple of - first, I thank Councillor Stapleton for raising the Point Roadknight storm water pipes one, which is an interesting situation. Two others that I would like to - three others that I'd like to quickly mention. One is there's information in there about revenue raised through litter enforcement. I think it's great that we've increased our capacity to enforce litter regulations.

Another one was about Anglesea arts space and an amount there relating to commission from arts sales and I just think that highlights the value of the Anglesea arts space, which Council effectively sponsors through paying the lease for the building. It's a space of huge value to the community and it's great to see that the artists who are usually upcoming artists selling enough work to provide those commission figures.

And the other one I'd like to mention is the grant funding for Painkalac Creek flood mitigation modelling and adaptation planning, so State Government grant funding, and I'd particularly like to acknowledge the advocacy of the Aireys Inlet community around the need to balance environmental concerns and flooding risks to property with the Painkalac Creek. Thanks.

MAYOR PATTISON: Thank you. Councillor Barker, no closing remarks? We'll now - oh, sorry, Councillor Allen.

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CR ALLEN: We're just having some power issues here with our computers. They aren't turned on for some reason.

From the report, I note that \$1,719,163 net is being transferred to our cash reserves. I'd just like to point out that this is not unusual at this time of the year, reflecting the end of the financial year.

Note in table 1 there are examples of funds returned to source as the projects are incomplete for a variety of reasons explained in the report to be allocated at a later date. Projects varying in size - for example, \$550,000 to the Point Roadknight Drainage Outfall; \$119,553 from the Agile Workplace project; and just over \$9,000 for the completion of the Telstra pit on the Birregurra-Deans Marsh Pathway.

There is a significant allocation of funds, \$698,892, to the Surf Coast Aquatic and Health Centre from the annual interest earned from the upfront grant funding as per the funding agreement; examples where the funds are not expended due to a lack of tenders and others being above the allocated budget - for example, netball renewal works at the Eastern Reserve and the Stribling Reserve. Hopefully these projects will be completed in the next financial year.

I also note that over \$200,000 has been returned to the accumulated unallocated cash reserve due to project savings. It is my hope that officers will consider these savings as a potential source of funds to complete unfinished projects. I can count on five that come to mind in the Lorne ward. Thank you.

MAYOR PATTISON: Thank you. And thank you, Governance, for sorting out our power issues. We will plod on. Gary, has that been resolved? We're all good? We've sorted it out because we've moved to the other one, so don't worry about it.

Councillor Barker, you didn't have any closing remarks, did you? No. We'll now put the motion to the vote. Gary and Libby, we're going to vote. We'll now put the motion to the vote. All those in favour. And opposed. Just to clarify, we're all in favour, yes? Yes, great, awesome, and the motion is carried.

CR BARKER: I'm naturally an agreeable person.

MAYOR PATTISON: No, no, I know. I just - I couldn't see because people weren't quite moving at the same time and I wasn't sure if there was some

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confusion there, so I just wanted to make sure we're all on the same page and that's wonderful.

4.6, Award of Contract T23-031 Road Works and Resealing Horseshoe Bend Road Torquay. The purpose of this report is to inform Council of the contract awarded by the CEO under an authorisation provided via resolution at the 28 March 2023 Council meeting.

MS ROBYN SEYMOUR: Do we need to take a break while we sort this out?

MAYOR PATTISON: Do we need to suspend for a moment while you guys sort out your computers? Gary, are you okay - Councillor Allen, sorry.

CR ALLEN: No, Mayor, I'm not. Anyway, you soldier on.

MAYOR PATTISON: But we can pause for a moment if there's a need to.

CR BODSWORTH: If you're happy to work through adversity, we can continue.

CR ALLEN: It's alright, go on. I have some battery left, but not a lot.

OFFICER: It will die.

CR ALLEN: It will die soon.

OFFICER: Yes, you should get it --

MAYOR PATTISON: We'll just pause for a moment.

SPEAKER: I move that we suspend.

MAYOR PATTISON: Can we just pause?

MAYOR PATTISON: Good? Okay. We'll resume with item 4.6. So do I have a mover of a motion? Councillor Schonfelder, you're moving the motion? Yes. And that's as per the recommendation?

CR SCHONFELDER: Yes, Mayor.

MAYOR PATTISON: Yes, great. And do I have a seconder? Councillor Gazzard. Councillor Schonfelder, would you like to speak?

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CR SCHONFELDER: Yes, please, Mayor. The Council notes the award of T23-031 Roadworks and Resealing Horseshoe Bend Road, Torquay to Fulton Hogan Industries Pty Ltd for 1.26 million. The award of the contract has allowed Council to renew the road surface and undertake road safety improvements along Horseshoe Bend Road between South Beach Road and Quay Boulevard. Based on past project experience, expertise and the project risks, the award of the contract to Fulton Hogan Industries is expected to deliver the best value for money outcome for Council.

A public tender process was conducted in accordance with Council's procurement policy. A total of three contractors submitted tenders for this contract. Each submission was assessed against pre-determined evaluation criteria, including price and non-price criteria. The contract will operate on a lump sum for the duration of the contract period.

Council has external grant funding to undertake road safety improvement works and a combination of Local Roads and Community Infrastructure Program and renewal funding to renew the road surface with an asphalt overlay.

I know the road very well, Horseshoe Bend Road, and it's one of my favourite roads, to be honest, and like many people who live in our wonderful community, I enjoy seeing all the Norfolk pine trees in the different areas adjacent to this road. So I hope it goes well making this road safer and better for our community. Thank you, Mayor.

MAYOR PATTISON: Thank you. Councillor Gazzard? No? Would any other councillors like to speak? Councillor Barker?

CR BARKER: I'll support this recommendation as it's simply for noting, so technically happy to support, but looking at the works proposed, I don't think it's entirely necessary and we should be seeking to maintain the worst of our road networks first.

MAYOR PATTISON: Thank you. Any other Councillors wish to speak? No. Councillor Schonfelder, any closing remarks?

CR SCHONFELDER: No, thank you.

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



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We now move on to 4.7, Draft G21 Regional Football - that's soccer - Strategy for 2023-2033. This report is presented to inform Council of the Draft G21 Regional Football Strategy which will be publicly exhibited for a six-week period. Do we have a mover of a motion? Councillor Gazzard - as per the recommendation?

CR GAZZARD: Yes.

MAYOR PATTISON: Yes. And a seconder? Councillor Bodsworth. Councillor Gazzard, would you like to speak?

CR GAZZARD: Yes, thank you. I endorse the motion, so the Draft G21 Regional Football Strategy to go on public exhibition for six weeks. I think this is a really exciting strategy to reduce the risk of gender inequity in football and futsal and reduce stagnation with G21 regions of ongoing growth.

Excitingly, the strategy reports a 114% increase in female participation in football, soccer - my British husband calls it football, but soccer for us - and 25% of all participants are female with an aim to get to 50% for gender equity.

We know that female footballers are paid less, promoted less and receive less public interest than their male counterparts, but excitingly, in the FIFA Women's World Cup records are being broken. 117,000 spectators attended the first two games of the 2023 FIFA Women's World Cup on Thursday in Auckland and Sydney, so 42,000 fans in New Zealand, which was the - set the record for the biggest ever crowd at a soccer game in Aotearoa, New Zealand, men or women's, the previous record being 37,000, and 75,000 fans attended in Sydney, which smashed the record for women's soccer game attendance in Australia. Viewership is set to cross 2 billion, up from 1.1 billion in 2019.

I think the notion that men's sports are better, faster and more interesting is incorrect and it's really exciting to see more female participation in sports. If you haven't seen the French ad that went - the France ad that went viral, it's really worth seeing. There's footage of Les Bleues, their soccer team, really fast paced, exciting, scoring - high-scoring game and then it reverses and it was actually AI edited and it was all women's, it was the women's team. So you should all watch it, I think. It really highlights the widespread sexism and misogyny in sports.

Anyway, so back to the strategy, I think this is really exciting and endorse. Thank you.

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MAYOR PATTISON: Thank you. Councillor Bodsworth, would you like to speak?

CR BODSWORTH: No, thanks, Mayor.

MAYOR PATTISON: Thank you. Any other Councillors? Councillor Barker?

CR BARKER: Thanks, Mayor. Given the City of Greater Geelong have pulled support of G21, I think it's time we reconsider our connection with the organisation. I don't think it's worthwhile continuing with the association with G21 and I will be voting against this motion as a precursor to our removal of connection with G21 and then everyone will be happy after that.

MAYOR PATTISON: Would any other Councillors like to speak?

CR BARKER: Just again very good timing for this strategy to go out. Why do we insist on calling it football? I mean, we're not European, we're Australian. Why don't we label it soccer? That's my only comment.

MAYOR PATTISON: I'll take that as a comment. Did you have any closing remarks, Councillor Gazzard?

CR GAZZARD: No, but I'd encourage people to make submissions if they think there should be changes to the draft. Thank you.

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

Now we move on to 4.8, MAV State Council Meeting Motion. The purpose of this report is to seek Council's endorsement of a motion to be tabled at the Municipal Association of Victoria State Council Meeting on 13 October. Do we have a mover of a motion? Councillor Schonfelder - is that as per the recommendation? Yes. And seconded by Councillor Stapleton. Did you want to speak to it, Councillor Schonfelder?

CR SCHONFELDER: Yes, please, Mayor. The recommendation is that Council resolves to submit the following motion to the MAV State Council Meeting, first, MAV calls on the Victorian Government to reform the Victorian Planning System to give greater weight to environmental sustainability in the assessment process, in line with the guidelines for sustainable buildings and subdivisions, developed by the Council Alliance for Sustainable and Built Environment, which is CASBE.

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The outcome of an acceptance of this recommendation will enable Council to seek state sector support for an initiative that aims to provide an opportunity for development proposals to be assessed according to criteria that support environmental sustainability. The MAV is a peak body for Victorian Councils and a biannual State Council meeting provides a means for member Councils to enlist support for advocacy. Motions passed at MAV State Council meetings effectively have the endorsement of the local government sector at a state level.

The motion proposed through this report aligns with several MAV stated strategic priorities, namely, healthy, diverse and thriving communities; well-planned, connected and resilient built environments; changing climate and a circular economy. The motion aligns with Council's strategic priorities, including Council Plan 2021-2025, and Council's adopted advocacy priority.

Now, I should mention that having grown up in Barrabool, I had second cousins who were dairy farmers and I had three cousins who operated dairy farms and dairy farms could not operate any more due to the changing climate and I think that (inaudible) was very correct when he said that it is - one of the biggest challenges of our generation is climate change.

On Facebook, I follow the Matterhorn mountain and that region of Switzerland and at the moment the mountain has the least amount of snow on it than it has ever had in recorded history. So there are many examples of records that have been broken, including heatwaves in Europe and North America. And I know some people argue that the climate is cyclical, and I believe that is true, but I also do believe that human impacts on the environment are so significant. And another example of this is groundwater extraction for human consumption which is at a very large level which makes micro climate change. Particularly witnessing that in the Barwon Valley, which is in our municipality.

I ask my colleagues to support this very important motion, please, Mayor.  
Thank you.

MAYOR PATTISON: Thank you, Councillor Schonfelder. Councillor Stapleton, would you like to speak?

CR STAPLETON: Thank you, Mayor. The Municipal Association of Victoria presents an excellent opportunity to advocate for key issues at a state level. The proposed motion for Surf Coast to take to the MAV State Conference will enable Council to amplify its advocacy on climate change and environmental sustainability.

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This motion reflects the dire need for more action to address and mitigate impacts of climate change. Planning is one place where Councils can make a difference, but we need the State Government to support changes to the Planning & Environment Act and the Victorian Planning Provisions.

Surf Coast Shire is advocating for a review of the planning controls to ensure climate change impacts can be considered as part of the planning assessment process as Council currently has limited powers to assess applications according to environmental sustainability criteria. There are many ways buildings could be assessed for higher ratings on environmental sustainability, such as daylight, ventilation, shading, zero carbon development, water efficiency, stormwater management, site permeability, and building materials. We've learnt more about sustainable subdivisions too, where relatively simple measures can contribute to better environmental performance.

These should be the new planning norms and there is really no time to wait. Just yesterday we heard that the ice caps of the Antarctic are severely threatened. Normally after a summer melt the ice returns. However, this year that has not been the case.

As Councillor Schonfelder mentioned, the Northern Hemisphere is suffering through blistering temperatures and fires. Other places are facing torrential rain and floods. And we know there is a cost, not just socially and environmentally, but economically too. Heatwaves alone have already cost the world economy \$16 trillion in losses since the 1990s and the costs are mounting. In Australia, climate change has cost us billions of dollars and it is expected the annual cost of extreme weather events in Australia will reach \$35 billion by 2050, or an average \$2,500 per household per year, according to a report by the Insurance Council of Australia. This figure is only for the direct cost of damage to homes and infrastructure. It doesn't include the wider economic impact on jobs, lost production, food shortages and health, not to mention loss of biodiversity and impacts on nature.

So if you're not motivated by the need to protect our planet, its people and animals from the impacts of climate change, hopefully you'll be motivated by the financial cost to our community. Addressing climate change isn't just the responsibility of Federal and State Governments. It's our responsibility too and it's the responsibility of every individual in our community.

The intention of this motion is to achieve more environmentally sustainable development in the Surf Coast Shire and the achievement of this goal would take us one step closer to improving climate resilience and reducing emissions. Thank you.

MAYOR PATTISON: Thank you. Councillor Barker?

CR BARKER: Thanks, Mayor. It's incumbent on all of us who care about housing affordability to support measures that make owning a home easier. We're in a housing affordability crisis and what is being proposed here is to increase the stranglehold on the housing industry that's already suffering.

You don't need to be an economics professor to know that increasing environmental hurdles to housing construction is only going to put upward pressure on housing prices and reduce supply. If you want to make housing affordability more difficult, you're welcome to vote for this motion. I understand the economic ramifications of this motion, however well intentioned they are, and I care about people who are struggling to afford a home and, as such, will be voting against the motion and I invite you to join me.

MAYOR PATTISON: Do any other Councillors want to speak to the motion? Councillor Schonfelder, have you got any closing remarks?

CR SCHONFELDER: Just to thank Councillor Stapleton for seconding the motion and for bringing up some very valid points and I know that in the past houses were built with eaves and that's a simple way of providing more shade and an environmentally friendly measure.

In Florida I've been informed there are insurance companies that are no longer willing to ensure houses that are close to beach front areas, so that's another concern that's very pertinent for our area. Thank you, Mayor.

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

We now move on to 4.9, Risk Appetite Statements. The purpose of this report is for Council to consider and adopt the Risk Appetite Statements. Do I have a mover of a motion? Councillor Bodsworth - is it as per the recommendation?

CR BODSWORTH: Yes, thanks, Mayor.

MAYOR PATTISON: And a seconder? Councillor Gazzard. Would you like to speak to the motion, Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. As Councillors know, these Risk Appetite Statements have been through quite a long and arduous process in their

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development and there are definitely mixed feelings about the versions that we see in front of us here, but I have no hesitation in recommending that we adopt them as per the recommendation, which is not to say that I love them because I don't.

There are various things that I have trouble with with the Risk Appetite Statements and I'm not going to go into those things now because they're a personal view on the Risk Appetite Statements that I don't think would - I don't think I can improve on them. I think the main trouble that I have with them is where they sit in the overall risk management system that we're evolving. We've done a lot of work in growing our risk management system and these are just one component of that system.

So I think it's really important where we've got to and I appreciate the work that all the people involved have done to get us to where we are and I think the next step is to adopt them and to use them and it's only by using them that we're going to get a better understanding. We could fiddle around with them forever, but it's only by using them that we're going to understand how well they work for us.

They're mainly an inward-facing thing. They're mainly Council's positioning for the understanding of the organisation around key issues stemming from the Council plan.

So I believe that it's time to put them to use and through the use of them to evolve them as we need to. These are essentially live statements which we can adapt and improve as we feel we need to. It's on that basis, not because I love them, that I urge Councillors to adopt them and let's put them to use and get to know them better and improve them. Thanks.

MAYOR PATTISON: Thank you. And Councillor Gazzard?

CR GAZZARD: Thank you. I support --

CR BARKER: Mayor --

MAYOR PATTISON: Sorry, it was seconded by Councillor Gazzard. Did you have a question?

CR BARKER: Oh, sorry, yes. No, carry on.

CR GAZZARD: I support the motion as well. I think I'm proud of the work that's been done with these risk appetite statements and of course they're not

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perfect and we'll never agree on everything, but they do represent the seven themes in our Council plan and I think it's a good practice to be more aware of risk, but also where there's a balance of risk that we're happy to take in order to progress towards our strategic goals.

So agree that they can be reviewed, they're not fixed and they can change, so I think it's good to try them and see how it goes and something that can help guide us in our decision making and the Council officers as well. So happy to adopt these.

MAYOR PATTISON: Thank you. Councillor Allen?

CR ALLEN: Thanks, Mayor. I reluctantly do not support this recommendation. I'm mindful of the considerable work undertaken by the officers in an attempt to get Councillor agreement. I participated in the workshops, expressed my concerns, which were partly addressed in the second version. However, I am still very much ill at ease with the result. Why? I believe these statements are so general that they won't be useful. They took us a long time to formulate. They will, I believe, give us and the officers little effective guidance.

Risk assessment is based very much upon the item under consideration and needs a detailed risk analysis and then, if appropriate, we would receive feedback from the Audit and Risk Committee. There are often conflicting risks associated with an issue. For example, removing trees to minimise fire risk is opposed to maintaining township character and environmental protection.

Catastrophic events in the Northern Hemisphere are real evidence supporting the urgent need to reduce carbon emissions. Planting trees is one proven strategy, but we remove them to reduce the risk that we can reasonably predict but don't know when and with what severity it will occur.

The statement does not consider short-term versus long-term risk. I appreciate that this is an attempt to inform longer-term planning, but so often in this context we will take the short-term view for budgetary and expediency reasons.

Finally, what we say all too often is not in reality what we do because we are not prepared to take acceptable risk and some policies take an inordinate amount of time to develop, which in my view is contrary to our aim to empower local communities. If we are genuine in our aim to improve both physical health and mental health, we would allocate significantly increased funds to the arts and creative industries that we know are important to

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decrease the risk of poor mental health outcomes and balance what we rightly allocate to physical health, but we don't. Thank you.

MAYOR PATTISON: Thank you. Councillor Barker?

CR BARKER: Thanks, Mayor. First, I apologise for my inappropriate interjection.

MAYOR PATTISON: No worries.

CR BARKER: Those of you who have read the agenda in detail will see that I haven't attended briefings for this item. I've tried to attend briefings, but I find the environment in these briefings is not welcoming at best and I'll leave it at that. I find the contempt for ratepayers and residents to be unbearable and the ideology that's constantly expressed is seriously opposed to what I value.

Getting on to the environment, as Councillor Allen has highlighted, we've got a situation happening right before us at the moment where we're installing wombat crossings next to the Quay oval and we're removing trees and injecting a whole bunch more concrete and bitumen that for me is a totally negative outcome with regards to environmental considerations, and that then leads me back to these risk appetite statements and why I will not be supporting this motion.

There's disregard for the community in theme 1, the lack of financial consideration in theme 3, theme 4's risk appetite statement is too broad, theme 5 is anti free market, the risk appetite of theme 6 is vague and can place arts above core Council functions, I don't think this organisation is capable of living up to theme 7's risk appetite statement, and for those reasons I won't be supporting the motion.

MAYOR PATTISON: Thank you. Do we have any other speakers on the motion? No? Councillor Bodsworth, do you have any closing remarks?

CR BODSWORTH: Briefly, thanks, Mayor. I appreciate the thoroughness with which Councillor Barker has addressed this and Councillor Allen's remarks too and I will just reiterate what I said before, which is that the risk appetite statements are part of a much bigger framework of risk management. It's important that that framework functions in a systematic way, so this is just part of that system.

It's also kind of a moment in time with the Risk Appetite Statements and they're open to improvement and evolution as we go along. And in reference



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to some of Councillor Allen's comments, one of the beauties of the Risk Appetite Statements is that it positions us to take risks as well as to avoid them and risk and opportunity go hand in hand and there are opportunities that we've identified already on our term as Council.

For example, the Bob Pettitt Bike Park opportunity, where we empowered local riders to dump dirt and work and get on the tools to create the bike park that they wanted - we did that because we positioned our sort of - or we reached a position on those risks that meant that we backed the community and I think that that's one thing that we can achieve with the right risk appetite settings is that we can - it sets us up to take opportunities as well as to mitigate risks. So I think that that's an important part of what these offer and, yeah, I'm looking forward to seeing them in action and improving them over time.

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

We now move on to item 4.10, Biannual Audit and Risk Committee Update. The purpose of this report is to present the Audit and Risk Committee Biannual Activity Report to Council. Do I have a mover? Councillor Bodsworth - as per the recommendation?

CR BODSWORTH: Yes, thanks, Mayor.

MAYOR PATTISON: And a seconder? Councillor Barker. Did you want to speak to it, Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. So I'm a councillor representative on the Audit and Risk Committee, as is Councillor Wellington and Councillor Barker was previously a representative on the committee, so noting that the Audit and Risk Committee is an advisory committee providing oversight of governance risk internal controls - for example, including oversight of the grants program audit that we talked about a little earlier on. The update from the Audit and Risk Committee includes a 2023 work plan, reporting on legislative compliance - for example, the compliance with the new Environmental Protection Act, which the committee has been particularly vigilant on and provided some great guidance for our officers in compliance with that Act; financial monitoring and performance internal and external audits; internal controls, including now cyber security as a standing agenda item, which I think is a really important addition to the committee's standing agenda; and the risk management like we were just talking about then, the Audit and Risk Committee update includes noting of significant progress in risk awareness and

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management capability. And I note also that the committee has reviewed the Risk Appetite Statements that we just talked about.

So I'd just like to acknowledge the hard work that the committee members do, the Audit and Risk - they're incredibly attentive to detail. They always put a huge amount of time and effort into their preparation for meetings and I can't fault the committee. I think we're really lucky to have them and they add a huge value to the organisation.

MAYOR PATTISON: That's great. Councillor Barker?

CR BARKER: Just very briefly, very happy to see the progress of the Audit and Risk Committee travelling very productively. I would like to highlight that I think the workload is now better managed with five meetings per year, where it used to be done in four, and they were pretty hectic meetings, so hopefully they're a little less hectic now. But just one thing I did have a question on is why was Wednesday, 26 July highlighted?

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

MS ROBYN SEYMOUR: It's a good question. We moved the meeting because the Chair wasn't available and so we had the meeting last Friday rather than as published in this report.

CR BARKER: Thanks.

MAYOR PATTISON: Did you want to speak any further? That's it? Do any other Councillors wish to speak? No. Closing remarks? We'll put the motion to the vote. All those in favour. And the motion is carried unanimously.

We now move on to 4.11, Councillor Expenses and Attendance at Meetings from 1 April to 30 June 2023. This report is presented for Council to note Councillors' allowances, expenses and attendance at meetings for the June 2023 quarter. Do we have a mover of a motion? Councillor Allen - is it as per the recommendation?

CR ALLEN: As per the recommendation.

MAYOR PATTISON: And a seconder? Councillor Barker. Would you like to speak, Councillor Allen?

CR ALLEN: No, thanks, Mayor.

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MAYOR PATTISON: Councillor Barker, would you like to speak.

CR BARKER: No, thanks.

MAYOR PATTISON: Any other Councillors? Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. There's a few things I'd like to mention. One is that this is about transparency to the community. Another one is that in the expenses I've got an expense there relating to the Australian Institute of Company Directors course, which I'm really grateful for the opportunity to have done that course. I haven't finished it yet. Councillor Stapleton is also doing it and several Councillors have done it before us, so fantastic that we get the opportunity to do that course. And that will do me. Thanks.

MAYOR PATTISON: I assume there's no closing remarks.

CR ALLEN: No, thanks.

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

Instrument of Appointment and Authorisation - Planning and Environment Act 1987, item 4.12. The purpose of this report is to seek Council's appointment of authorised officers under the Planning and Environment Act 1987 through the updated Instrument of Authorisation and Appointment. Do we have a mover of a motion? Councillor Stapleton - is it as per the recommendation? And a seconder? Councillor Gazzard. Would you like to speak, Councillor Stapleton?

CR STAPLETON: No, thank you.

MAYOR PATTISON: No. And Councillor Gazzard? No. Any other Councillors? No. We'll now put the motion to the vote. All those in favour. And the motion is carried unanimously.

We now move on to 4.12, Conflict of Interest Records. The purpose of this report is to present conflict of interest records received since the previous Council meeting. Do we have a mover of a motion? Councillor Gazzard. Is it as per the recommendation? Yes. And seconded by Councillor Bodsworth. Would you like to speak, Councillor Gazzard? No. And yourself, Councillor Bodsworth?

CR BODSWORTH: No, thanks, Mayor.



National Disability Award winner  
Australian Human Rights Commission winner

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

There's no urgent business, so I now declare the meeting commence - the end of our meeting, sorry, at exactly 9 o'clock. So thank you, everybody, for your time and for joining us online and in the gallery. Thank you so much. Goodbye.