

# **Draft Transcript**

## Surf Coast Shire Council Meeting

22 February 2022

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MAYOR STAPLETON: Good evening. I'm Mayor Libby Stapleton and I would like to welcome everyone watching this Council meeting tonight. Unfortunately, due to the current circumstances, we are unable to have members of our community in the gallery, so we once again share our decisions via livestream. This meeting will be recorded and posted on Council's website. However, given recent announcements regarding the easing of COVID restrictions, we are very hopeful that we will be back in the Council Chamber shortly, perhaps as soon as our March meeting, and that the community will be able to attend in person, so we are definitely working towards that outcome. The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung people and the Gadubanud and Gulidjan people of the Maar Nation, and the main council offices in Torquay are on Wadawurrung country. I'm coming to you tonight from Aireys Inlet, which is traditionally known as Mangowak. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of generations and I'm so grateful for the opportunity to live and to work in such a beautiful part of the world. We also wish to acknowledge the traditional owners of the lands on which each person is attending, acknowledge any Aboriginal people who may be viewing the meeting tonight and pay respect to Elders past, present and future. Surf Coast Shire is committed to walking with the traditional owners of these lands on a journey of genuine reconciliation. I would like to thank our Deputy Mayor, Councillor Pattison, for chairing last month's meeting in my absence, and I did very much appreciate the opportunity to have some time away with my family. So thank you for that. And it's been a busy and exciting month since Council last met, with a number of events and community activities showcasing our region. We have also experienced our fair share of challenges in that time and I would like to acknowledge the recent storm event that occurred last month, with Anglesea and Aireys Inlet recording 115 millimetres and 89 millimetres of rain respectively over a 24-hour period. The storm impacted our drainage system, roads were covered with water and some areas lost power. So I want to thank all the shire staff, the SES crews and everyone who was involved in responding to this event and I hope that members of our community who were impacted have recovered or are working with Council to resolve any outstanding issues. There was a very special event in Winchelsea this month, with the formal reopening of the Winchelsea Shire Hall and this much-loved Shire Hall has entered an exciting new chapter, incorporating the Winchelsea community house and we anticipate it will return to being a vibrant community hub. We look forward to seeing people of all ages, abilities and walks of life coming together for events, exhibitions, children's story time, youth drop-ins and so much more, and while in town, a few of us also had the pleasure of an informal walk around the Winchelsea Common, which has also recently reopened, to provide the community with safe access to this beautiful, natural environment, and it is indeed beautiful. So I encourage everyone and anyone to get out there and have a look and a walk around the common. I would also like to let you know that our youth lounge is open again for 2022. It's located in Torquay at the KMCC and the lounge is available for young people to pop in after school, play table tennis, having something to eat and just hung out. It's a terrific facility open every Monday, Wednesday and Friday from 3 to 5pm. I know that many in our community took the opportunity to see Icehouse, Missy Higgins and Birds of Tokyo perform at the Torquay Common earlier this month, and the By the Sea event was a sellout, and it's really great to see major events happening again in our region. Look out next month for the Lorne Sculpture Biennale, which kicks off on 12 March. While on the topic of live music, from 1 March local artists will be able to access grants of up to \$3,000 through Surf Coast Shire's Arts

Development Seed Fund. This is a really great opportunity to receive support while recovering from the impacts of the pandemic. The fund will help our artists to develop work for an exhibition, performance or recording. So if you're interested in applying, please make sure you visit our website and look up grants. Finally, you may have noticed that we now have live captioning. This follows a recommendation from Council's community-based all abilities advisory committee. Our new captioning service has dialogue being captured by a real person, which ensures far more accuracy than using computer-generated captions. This will help ensure that everyone can access and be informed about Council issues, discussions and decisions, and we're really pleased to be able to offer this service to our community. Before we get started on the agenda items for tonight, I will remind viewers that if Council experiences any technical problems or if at any time a quorum is not met, the meeting will be adjourned and we will aim to resume tonight, but if these problems cannot be resolved within 30 minutes the meeting will need to be adjourned to a later date. I understand that virtual meetings can be tiring, if they continue for an extended period, so I will use my discretion and temporarily suspend the meeting for a short amount of time if needed so we can have a quick break. The community should be aware that Council meetings operate according to our adopted Governance Rules which include the following procedures. During the meeting, the mover of a motion or an amendment may speak for a maximum of five minutes to open the debate and then a further two minutes to make a closing statement. Any other Councillor, including the seconder, may speak to a motion for no more than three minutes. If Councillors would like to ask a question or to move, second or speak to a motion, please physically raise your hand and keep it raised until I acknowledge you. There is a clock on the screen to help you and those watching track the speaking time and if anyone goes over time, I will raise my hand just to indicate that it's time to wrap up and finish speaking. Please remain on mute when you're not speaking to help the meeting to run as smoothly as possible. I'd like to remind our viewers that as Councillors, we are bound by the behaviour and obligations of our code of conduct and we perform our duties with integrity, working collaboratively to achieve the best results to the Surf Coast Shire. We are committed to our roles, accountable to the community, and at all times we aim to be respectful and ethical in all that we do. And our decisions and debate will adhere to these values and principles. With that in mind, and in line with our Governance Rules, I would like to recite the pledge as a sign of to 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. At tonight's meeting, we will be discussing many issues of interest to the community, including the Australian National Surfing Museum, a potential new Cultural Centre for the Surf Coast. Looking at some exciting funding opportunities. There are various planning considerations and an update on our Climate Emergency Response Plan, along with a range of administrative and policy decisions. I note that there are no apologies for this meeting as all Councillors are here, so Councillors, can I please have a mover and a seconder to note the minutes of the Council meeting held on 25 January 2022 as a correct record of the meeting. Councillor Hodge and Councillor Barker, thank you. And are there any leave of absence requests from Councillors? No. Thank you. And conflicts of interest - so if a Councillor has a conflict of interest, they must declare it now and do so again just prior to the item being discussed. And the Councillor would be removed from the meeting by the host and placed in a virtual waiting room whilst the matter is being considered. Once the matter is resolved, the Councillor will be returned to the meeting. Are there any declarations of conflicts of

interest? Councillor Barker?

CR BARKER: Councillors received independent advice which has confirmed I do not have a conflict of interest on agenda item 6.1.

MAYOR STAPLETON: Thank you for confirming that, Paul - Councillor Barker, sorry. Are there any presentations from Councillors? Councillor Schonfelder.

CR SCHONFELDER: On behalf of the Council, I would like to acknowledge the passing of Kevin Bennett, a former President of the Winchelsea RSL and long-term member of the RSL and esteemed member of the Winchelsea community. I would like to convey deepest condolences to the Bennett family. Thank you.

MAYOR STAPLETON: Thank you for that, Councillor Schonfelder, and apologies, Councillors, I realise that I flew through the confirmation of minutes and getting a mover and a seconder I failed to call for a vote. So just to confirm, can I please have all those in favour to confirm the minutes to raise your hand. And that's for the minutes of 25 January, 2022. Thank you, Councillors. And we are now up to public question time. So members of the public who wish to ask a question to Council are able to submit their written question in accordance with Council's Governance Rules and we've had five community members submit questions to be read out tonight. As the meeting is virtual, I'll read out each of these questions in turn. It's probably worth - well, it's definitely worth noting that we have received a number of questions from the Torquay community in relation to the potential sale of Cypress Lane and I would like to thank the community for these questions. This is listed as item 8.1 on our agenda tonight and as it will be debated shortly, it would be inappropriate for Councillors to comment on questions in relation to this matter during public question time, as Councillors are required to approach all items on the agenda with an open mind and to ensure we do not have a predetermined view. It's a very important part of the decision making process and so I will be asking our Acting General Manager Brendan Walsh to provide a response to these questions tonight. I would also like to take the opportunity to acknowledge that we have received numerous emails from the community in regard to this particular agenda item and, although we may have not yet had an opportunity to respond to them all, there has been potentially some misunderstanding about the process and the decision before Council tonight, so I would like to clarify that we are not considering a planning application tonight in regard to Cypress Lane and that the item on the agenda is to consider in principle support for the potential sale of the land in order to progress consideration of the planning application. But there will be further discussion to take place during that agenda item and I would like to reassure all the submitters that we have received and read your questions and are very much aware of your concerns. And given the public interest in item 8.1 on Cypress Lane, I will be calling for a procedural motion after item 3 to move that this report be considered earlier in the meeting. But now back to the public questions. I will read out each question that has been received in turn. Firstly, we have two questions from Mark Matthews of Torquay. Question one: the trigger for this agenda item to discuss selling public land in Cypress Lane was the planning permit application for a high-density retirement village on the subject and surrounding land. The outcome statement in the included report on page 713 does not go into any detail at all on the benefit or otherwise of the high-density retirement village proposed for the site. The community has not been engaged on the land sale and has

not been engaged for consultation on the planning application. For alternative option 1 to not sell the land, the report states the option is not recommended by the officers as Council has no use for the land and there is no benefit in keeping the land. There are many uses for the land, the road reserve is still required, including still using it for low-density residential lots. Why does the shire recommend the sale of the land to the developer without a full and detailed assessment of what will happen on the site after the land is disposed of or consider the alternative uses? Is the only consideration the revenue from the sale and the small savings in annual maintenance? And I will now ask our Acting General Manager for Place Making and Environment, Brendan Walsh, to provide a response. Thanks, Brendan.

MR WALSH: Thank you, Mayor Stapleton. Thank you for the intro as well. As you said, this is an agenda item on the agenda today and it will be well debated so I'll be brief with these responses. The process to give in principle support for the sale of the land is largely procedural and it's to allow the planning permit process to continue, allowing the process to continue will allow for potential amendments to the current permit, further opportunity for the community to have their say, including a likely hearing of submissions process, and a decision to refuse or grant a permit to be made by Council. Regarding the use of the land, the review of Council's strategic and open space plans including the social infrastructure plan currently in development did not identify any future uses for these pieces of land. Any decision made by Council tonight does not lock Council into selling the land to the developer. This will be resolved a future Council meeting depending on the outcome of the planning permit application. Regarding a further community engagement, if Council were to approve a planning application in the future, the sale of land would be subjected to the requirements of section 114 of the Local Government Act 2020, which requires, amongst other things, public consultation.

MAYOR STAPLETON: Thank you, Mr Walsh, and the second question from Mark Matthews reads: it feels like the Councillors vote tonight on the selling of the Cypress Lane public land is a proxy vote for whether the Councillors will support the high density retirement village that is proposed in planning application 21/0333. Can the Shire please reassure the ratepayers and community that this is not the case by detailing the steps that will be taken, including appropriate community engagement, before any final decision is made on the planning application and the disposal of the public land? And I will again refer to Mr Walsh, our Acting General Manager, to provide a response.

MR WALSH: Thank you, Mayor. So I think I have detailed that in the response earlier, so it's really an opportunity to keep that planning process moving. The community will be able to engage in the planning process again before it's decided upon, including the likely hearing of submissions, and as I mentioned, there will be community engagement as part of a future land sale, so if that was the direction that we went.

MAYOR STAPLETON: Thank you. Next we have two questions from Darren Brown of Jan Jup. The first question from Darren is: the officer report on the proposed sale of Cypress Lane and reserve number 3 says Council's Engineering, Environment and Social Infrastructure Planning departments have reviewed the site and do not object to the potential sale of land. Can Council please detail how each of these Departments determined that it is acceptable to sell these parcels of land?

MR WALSH: Thank you. So as mentioned earlier, Council officers reviewed our existing strategic and open space plans including the social infrastructure plan currently in development and did not identify any future use for these pieces of lands.

MAYOR STAPLETON: Thank you, and Darren's second question, in future when planning applications are for proposed that include public land in addition to private land, would it be possible for Council to determine whether or not the public land will be sold to the developers first prior to putting the planning application out for community consultation? This would and would have prevented a lot of community concern, disruption, time and money, not only with this application but also with the five storey hotel application on the corner of Bell Street, Torquay.

MR WALSH: Thank you. So Council encourages all developers, big or small, to have pre-application meetings with our planning team and that's to identify any issues there may be with regard to the scheme or the things they are proposing. However, this is not a compulsory requirement, so we can't force people to go through this process, and they can submit applications without needing to go through this.

MAYOR STAPLETON: Thank you. Next we have two questions from Rita Christophe of Torquay. Rita's first question: why is it only now that the Council are recommending in principle support to sell Cypress Road and the adjoining public reserve land? Is the Council's decision to sell public land directly connected to the planning application for retirement village on the corner of Coombes Road and Cypress Lane and to therefore facilitate a high density development in a low density zoned area?

MR WALSH: Thank you. This is more of a procedural requirement that we talked about in an earlier question but it really does allow for consideration of the planning application. So something the future use of the land will be determined through that planning process.

MAYOR STAPLETON: Thank you. And Rita's second question. Why is the Council discussing the sale of valuable public land, Cypress Lane and adjoining reserve, prior to open and transparent consultation with the local community, and what is the point of engaging in community consultation after the Council makes its own decision in principle support to proceed with the sale of the land in question?

MR WALSH: In this one I can refer to my earlier responses about the future process and the couple of opportunities that will exist there for further community input.

MAYOR STAPLETON: And next we have two questions from Sue O'Shannessy from the 3288 Residents Association of Torquay. Question 1 from Sue: the report by Sincock Planning which forms part of the planning application 21/0333 at 5 Coombes Road, states that prior to the application being lodged, the applicant was advised by a Shire officer that Cypress Lane and the public open space that joins it to public reserve number 3 was not required for their Council's purposes. Do Councillors believe that Council officers should tell a developer that Council-owned land is not required for their purposes as stated in the report prior to an application being submitted and prior to Councillors being aware of the application?

MR WALSH: As I mentioned before, Council is unable to respond to this one as the matter is listed on the agenda but I do refer to my responses earlier in relation to the future use of the land regarding our review of existing plans and policies about those areas.

MAYOR STAPLETON: Thank you. And the next question: the agenda item 8.1 says that the owner is seeking in principle support for the closure and sale of Cypress Lane and an adjacent section of reserve prior to progressing a planning permit application, which suggests that the application will again be considered prior to a decision on the sale of the land. We believe that the correct procedure for sale of Council-owned land is for the required consultation to be undertaken before Council then decides how to proceed. Doesn't Council giving in principle support to the sale of Council-owned land pre-empt the final decision about the sale and the application and make the consultation a waste of everybody's time?

MR WALSH: Thank you. So as I mentioned before, the in principle approval is really a procedural step to allow that planning process to occur. As mentioned earlier as well, if Council were to approve a planning application in the future, the sale of the land would be subject to the requirements of section 114 of the Local Government Act, which does require public consultation.

MAYOR STAPLETON: Thank you, Mr Walsh. And, finally, we have two questions from Tim McKervale of Torquay which are in relation to a different matter. So Tim's first question is: who can help us put a stop to LFN, which is low-frequency noise, doof doof which travels through the ground via speakers that are placed directly onto the ground with no acoustic dampening measures in place in a building. Both the EPA and police tell us that it is a Council matter. The Council tell us it is an EPA matter and police matter, and after requesting the business reducing the LFN, it refuses to turn the bass down, which would, and does, reduce the problem.

MR WALSH: Thank you, Mayor. I'll take this one as well. Look, we've been working really hard with the residents at this location and the business to try and come to a resolution to keep the community's amenity in check. But to answer the question specifically, the EPA are the responsible authority for music noise from commercial industrial premises. Council officers are actively working with the EPA officers on this matter. The business owner has been requested by various parties to reduce the noise. Police are there to assist with any after-hours noise reports and, as I said, Council officers continue to work really hard to protect the amenity of these impacted residents. This includes enforcement notices to prevent two events that were - they were not approved to occur in this zone from taking place over the past weekend.

MAYOR STAPLETON: Thank you. And the second question from Tim is: why are we told by Shire officers that our amenity is not considered in daytime or evening hours? It is only applicable if it is happening after 11pm or midnight and then we should contact 000?

MR WALSH: Yes, there might be a misunderstanding. So noise has to be maintained at safe levels at all times. Noise restrictions are clearly stronger in the night time than

the day time to protect residents' amenity. Council officers are able to continue attending to reports of unreasonable noise during the day and liaise with the EPA to resolve those issues, and as mentioned before, the police can assist with any after-hours noise reports.

MAYOR STAPLETON: Thank you, Mr Walsh, and that is the end of the public questions for this evening. We'll move on to item 2.1, which is petition and it's an objection to planning application 21/0248-5 at Kurzmans Road in Bellbrae, and a petition has been received from the community in relation to this planning application, and the recommendation in front of Council is to receive and note the petition and to refer it to the General Manager of Place Making and Environment so that it can be included as a formal submission. Do I have a mover and seconder for the recommendation? Councillor Barker, is that as per the recommendation?

CR BARKER: Yes, Mayor.

MAYOR STAPLETON: And seconded by Councillor Hodge. Thank you. Councillor Barker, would you like to speak to the motion?

CR BARKER: No, thanks, Mayor.

MAYOR STAPLETON: And Councillor Hodge? You're on mute Councillor Hodge?

CR HODGE: Apologies, Mayor, no, just laying it on the table for the officers to do.

MAYOR STAPLETON: Thanks, Councillor Hodge, and did any other Councillors want to speak to the motion? No. So I will now put the motion to a vote. All those in favour of accepting, please raise your hands. The motion is carried unanimously. Thank you, Councillors. There being no notices of motion tonight, I will now move to the next item. Actually, as we have two items of strong community interest on the agenda tonight, items 6.1 in relation to the Surf Coast Cultural Centre and item 8.1 for the potential sale of Cypress Lane, can I please have a mover and a seconder to move both these items earlier up in the agenda to be considered now? Councillor Hodge and Councillor Allen, thank you. And all those in favour of moving the items up? Thank you, Councillors. So we'll start with item 6.1, which is the Surf Coast Cultural Centre concept design and business case. The Surf Coast Cultural Centre is a significant project for our community and the item before us tonight is to consider endorsing a concept design and business case. The concept design contains a redeveloped Multi Arts Centre and a new Australian National Surfing Museum, visitor experience centre, arts spaces and a new library. Council has received reports on this project over the past 12 months. Back in September last year, we decided to deliver the project in two stages and we agreed to put in applications for various grant programs to start the process of securing funding for this very ambitious project. We also agreed to nominate the new Multi Arts Centre, also known as the MAC, based in the former sport and rec centre for a Federal Government program so that we could develop the facility to secure its future for the next decade. And we received the news first-hand from Minister Sussan Ley just yesterday that \$1.4 million has been made available for that MAC upgrade, which was terrific news. As I said, this report before us tonight updates us on the project and represents a significant milestone. The finalisation of concept designs and the business



case. Like all concepts, there are inevitably further phases of planning and design becoming increasingly detailed and specific as the project progresses. We know the project is of high interest to many in our community and we appreciate that there has been significant input so far from a wide variety of current and potential users, both on the layout of the facility and on its operating models. This will need to continue in any detailed planning and design phases in coming months and, of course, years. We also know this project is attracting significant interest from both state and Federal Governments. So to the item before us, Councillors, do I have a mover of a motion? Councillor Barker, is that as per the recommendation?

CR BARKER: No. I just did want to highlight that I reference the potential conflict of interest. I would like to make a comment that I don't have a conflict of interest with this item, even though I have announced as a Federal candidate. I'm yet to nominate. Therefore, under section 129A of the Local Government Act 2020, an interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing my actions or decisions.

MAYOR STAPLETON: Thank you, Councillor Barker, and apologies I didn't flag that at the beginning of that agenda item, because you had indicated it at the start, that that was the case. Now, with regard to the recommendation, we have - it is quite a detailed recommendation before us and this afternoon we did receive a revised recommendation from our General Manager, Chris Pike, just taking into account the fact that Minister Ley had made the announcement around the \$1.4 million, which was detailed in the recommendation. So I might ask Mr Pike just to clarify that for us with regard to the new recommendation that's being provided.

MR PIKE: Thanks, Mayor Stapleton. Through you, there's one edit to the recommendation and one additional point. So I'll cover the edit first. It would currently be point 9 in the current recommendation, and this updated point notes that Council has received confirmation that the \$1.4 million Multi Arts Centre redevelopment project will now be funded by the Federal Government local groups and community infrastructure project and the project will commence as soon as the funding is executed so that reflects that latest information that you provided a moment ago in relation to the announcement. It's also become clear that the officer recommendation previously failed to acknowledge the input that we received from community and other project stakeholders, so there is a point which becomes point 6 in the revised recommendation that reads as follows. Acknowledges the input of community and other project stakeholders that has informed the concept design and business case, and notes further input will be essential in later phases of planning and design.

MAYOR STAPLETON: Thank you, Mr Pike for the clarification there.

CR WELLINGTON: I was going to ask whether the revised recommendation could be screen shared. I think people in the community - if we were in the chamber, they would be able to see it, so I think as a matter of principle, we should be putting those recommendations on the screen so people can read them as well as hear them explained.

MAYOR STAPLETON: Thank you, Councillor Wellington. I'll ask governance if they

have captured those revisions to the recommendation and whether they're able to share that on the screen for the community to have a read through. (Pause). So governance - that recommendation will obviously also be captured in the minutes and thank you, Councillor Wellington, for the suggestion to share it. Hopefully that's given everybody enough time to have a read through the recommendation or the changes. So Councillors, do I have a mover of this motion? Councillor Pattison, is that as per the revised recommendation?

CR PATTISON: The further recommendation that was on the screen a moment ago.

MAYOR STAPLETON: Thanks, Councillor Pattison. As a seconder? Councillor Schonfelder, thank you. And Councillor Pattison, would you like to speak to the motion?

CR PATTISON: Yes, I would, yes, thank you. So it's really exciting to be endorsing the Cultural Centre concept and business case. I think this is a great opportunity for our community and one that really needs our community support going forward, as we can see from what's put on the table, there's a big funding commitment that's required and so I really encourage our community to get behind this. It's a great opportunity. For those that aren't aware, it's an important piece of social infrastructure to cater for the diverse interests and needs of our community. It's an expanded library facility. The redevelopment of the Australian National Surfing Museum, maker spaces and rehearsal spaces, office spaces for Surfing Victoria, visitor experience spaces - otherwise known as visitor information, but visitor experience sounds much more fun - cafe and obviously the external landscaping. So this is the stage 1. And it does require significant funding commitment and then obviously down the track there is stage 2 for 2030, which has - that's the redevelopment of the MAC but it's great as we've identified for one of our recommendation points around that there's now funding put forward and being committed for the Multi Arts Centre redevelopment, which will really carry the Multi Arts Centre forward until the stage 2 can happen. So there is obviously an ongoing cost around the operations for this. However, we do have those ongoing costs anyway with our library and surfing museum and the like, and if we look at the overall benefits for the community, it's much more favourable cost benefit to progress with this wonderful cultural facility once we get the funding that is needed. So it's a very, very detailed recommendation which you've all had an opportunity to have a look at but there's great opportunities for our community and endorsing the business case and the concept design is a wonderful way forward and I'm really excited to be endorsing that. And I encourage the other Councillors to do the same. Contemporary libraries and cultural facilities, they're places for meetings, sharing ideas and knowledge, accessing technology and fostering creativity. The current building that we have for our library, it just can't deliver that and so as our community grows and evolves, this cultural facility is so important for the whole Surf Coast community. Thank you.

MAYOR STAPLETON: Thank you, Councillor Pattison, and Councillor Schonfelder, did you wish to speak to the motion?

CR SCHONFELDER: I wish to formally second the motion and just state that it's a very exciting proposal and hopefully coming out of the pandemic it will lift spirits in the community and the artistic and arts community are a very important part of our society and, in a way, not on the same scale and not exactly the same obviously, but it is

possibly going to be our equivalent of Federation Square, which I find really exciting. Thank you, Mayor.

MAYOR STAPLETON: Thank you, Councillor Schonfelder. And would any other Councillors like to speak to this motion? Councillor Allen?

CR ALLEN: Thank you, Chair. In supporting this motion, I recognise all of the economic and social benefits to the Torquay community and to the broader Shire of this project, as outlined in the report. I thank the officers for their commitment to this project and for the enormous amount of work that has gone into finalising this concept plan for stage 1 of development. I was particularly excited by the announcement yesterday by the Federal Minister that we have been granted \$1.4 million for the redevelopment project, which budgeted for the \$300,000 previously allocated partly by the Council and partly by RDV, which will ensure that the Multi Arts Centre will become a viable facility within a year or two. I have confidence that all the parties to this staged development will be widely consulted in the detailed design stages and, like other Councillors, I have a special interest in making the different spaces accessible to not for profit organisations, and I might add so do the officers. It is difficult for smaller regional centres to attract funding for the arts, particularly the performing arts, so this 1.4 million is a really welcome boost. We are now all recognising the importance of the arts as we recover from the pandemic, but what is not so widely appreciated is that the theatre is one of the last bastions of free speech. The freedom to express and say pretty much what you want without being confined by the ever-increasing restrictions of what can be said is now very rare. It is something that we must nurture and treasure. I fully support the recommendation.

MAYOR STAPLETON: Thank you, Councillor Allen, and I have Councillor Hodge next.

CR HODGE: Thank you, Chair. Yes, I just want to say I really hope the people of the area really get behind this bigger space now. The Torquay Theatre Troupe has The Kitchen Sink on, their next play, and of course the art group now, you can go in on a Friday but please check before you go. I think this has been a long time coming and the patience of the Torquay Theatre Troupe and the other not-for-profits have been absolutely extraordinary and the work that they've put in. And also the foresight of years ago putting in the Torquay and Jan Jup developer contribution plans, and we've collected \$8 million along the way for that from our contribution to it all. But like Councillor Allen, very appreciative of the grant yesterday, and hopefully with a state and a federal election looming, this absolute concept plan will be able to, as the Mayor and the Deputy Mayor and officers advocate for us, for some more funding on this which would make it even a quicker fix-out. I look forward to the next productions by the Theatre Troupe and the art group and I hope the community get behind them. Thank you.

MAYOR STAPLETON: Thanks, Councillor Hodge. Any other Councillors? Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. There's two things that I'd like to stress in talking about this. One is that it's a very complex report. It takes a lot of getting through and I sort of sympathise with people in the community who are going to be hugely interested

in this project, not least because it's so expensive. It's such a big commitment for the Council, but there's so much really valuable detail in there and I've really appreciated having that to work through leading up to tonight's meeting. And I so appreciate the work that's gone into it from Council officers, from members of the community who've been passionately involved in this effort, and there's a big challenge for us in trying to resource the project, but having gone through I guess as a design professional, having gone through the design aspect of the project, I'm really excited about what it can deliver and the kind of liveliness that it can bring. In fact, to me it's the kind of - it's difficult for us to deliver because it's the kind of quality and presence that would befit a city. It's a great facility that's sort of fitting for a small city but our funding base is more like a town's funding base and it's difficult for us to resource it. We're going to have to all sort of pull together. We're going to need those connections with community groups and arts groups so much. So I'm looking forward to us all working together on that challenge and another thing that occurs to me from the design perspective is that with such a big investment, it's so important for it to be busy and I think as we go forward, we all have an opportunity to bring ideas into the process that are going to enliven this place, and when I say "we", I'm talking about the community as well. There's going to be all sorts of ideas out there the design team can use to maximise the liveliness of this facility in the end and to make it a really pumping part of Torquay that also provides great value for everybody in other parts of the Shire. So I'm 100% behind this. I don't know at this stage how we're going to achieve it but I'm really committed to working with everybody to go for it. Thanks.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. Councillor Wellington?

CR WELLINGTON: Thanks, Mayor. Yes, I think - I certainly want to support this. I think that the design - the concept design is fabulous actually and it will be a really impressive feature of the Torquay sort of built form when it's completed, no doubt about that. I think this is very much the start of the journey. The total cost of stage 1 is around \$40 million I think and we've got about - I think Council has committed about \$8 million and we've now got an extra 1 million towards that, and a bit, so we're a long way from all the funding for stage 1 yet at the moment, let alone for stage 2, so I agree with what others have said about needing to - there's going to need to be a lot of external support, either private or philanthropic or public support, in order to get this concept realised, but the arts are really important to a community's wellbeing and Torquay is going to be a city of 45,000 people or so as the longer term plan, so certainly at that size, a facility of this will be - a facility like this will be exceptional but not unreasonable in my view, and with the visitor economy through Torquay and along the Great Ocean Road, the potential for this to really maximise use through visitors as well, as well as local use, is really significant. Obviously the MAC needs to be involved in great detail. There needs to be very good communication between Council and the MAC to make sure that the initial stage that we're able to do is done in accordance with that community's needs, but I think it is an exciting project and we will need to work together to achieve it. We also need to be cognisant there will be an ongoing drain on Council's budget to support it, along with the aquatic centre, we're going to have some considerable financial challenges supporting this sort of infrastructure into the future, but at this point it is factored into the long-term financial plan and I'm happy to support the concept and efforts to get funding to deliver it. Thank you. Or further funding to deliver it.

MAYOR STAPLETON: Thanks, Councillor Wellington. And Councillor Pattison, did you want to make any closing comment? Sorry, Councillor Barker, did you want to speak to the motion?

CR BARKER: Yes, Mayor. I concur with Councillor Allen and Councillor Wellington that the performing arts are one of the last bastions of free speech, though they're not the only ones, and that the performing arts and arts in general are an incredible and incredibly valuable asset to community. I do think that we do need to live within our means and aim to build a library and associated facilities with what we can afford now without being so reliant on other levels of government. I don't doubt that the economic returns from the concept coming to a reality are good but there's always trade-offs that come with funding from other sources and at this point in time I don't think - even though the design is phenomenal and would obviously bring great benefits to the region - I don't think that we should be engaging in this sort of debt funding.

MAYOR STAPLETON: Thank you, Councillor Barker. And Councillor Gazzard?

CR GAZZARD: I would just like agree with most of the Councillors that this is such a worthy project and looks sensational in the design and thanks to everyone who has been involved in it. I think we are due for an expanded library facility as well as the maker space and the rehearsal space and the external landscaping looks excellent as well, with native planting palettes: wouldn't it be amazing if we're not only known as a surfing area and tourism area but also known for our arts and culture? Thanks:

MAYOR STAPLETON: Thanks, Councillor Gazzard. And Councillor Pattison, would you like to make any closing comments?

CR PATTISON: It's been great hearing everybody's support for this wonderful project. I just wanted to really remind the community that we really need our community to get behind this project so that our state and Federal politicians understand just how important this Cultural Centre is for our community and also it was great that Councillor Wellington raised around the philanthropic donations. As far as I'm aware, the Shire is open to philanthropic donations for this project. We really want to get this project up and running so let's all get behind this great project.

MAYOR STAPLETON: Thank you, Councillors. I will now put the motion to a vote. All those in favour, please raise your hand. And all those against? Thank you. And the motion is carried 8/1. Thank you, Councillors. We'll now move to item 8.1 on the agenda, which is the potential sale of Cypress Lane in Torquay. Again, I want to thank the community for their comments and feedback regarding this item and I hope that Mr Walsh's earlier comments have helped with any confusion regarding this matter. Again, just to confirm, we are not considering a planning application. This is to consider in principle support for the potential sale of land in order to progress the planning application. Because of the feedback we have received from the community, officers have prepared an alternative recommendation which Councillors have seen and this recommendation has the same intent and meaning as the recommendation that was provided in the printed agenda but includes steps to clarify and help everyone understand the actual process involved. I might ask governance if we could share the

updated recommendation that officers have provided, just for the benefit of the community. And while governance is doing that, I note Councillor Wellington, you've got your hand up.

CR WELLINGTON: Thank you. I just wondered if we could have an explanation - I think Mr Walsh said that this is really procedural and that the provisional approval was necessary to enable the planning application to proceed. I just would like that clarified as to what happens to - if we refuse - if we don't approve this recommendation, does that planning application then lapse or does it proceed but just have greater uncertainty for the developer or what is the procedure that requires us to give provisional approval before someone can put in an application for development on public land?

MAYOR STAPLETON: Thank you, Councillor Wellington. I'll just give the community and Councillors an opportunity to read the recommendation on the screen and then in a moment I'll ask our General Manager, Mr Walsh, to respond to your question through the CEO. (Pause). I think that's probably long enough for everyone to have read through it. And through our CEO, Ms Seymour, if you could just refer Councillors to this statement please. CEO ROBYN SEYMOUR: Thank you, our General Manager of Place Making and Environment, are you happy to respond?

MR WALSH: Yes, thanks, Robyn. Thanks for your question, Councillor Wellington. I understand that if Council was to make a determination to not support the sale of land and specifically so they wouldn't support it in principle, so they wouldn't consider the sale of land, then the permit as it is at the moment couldn't proceed any further.

CR WELLINGTON: Can I have a follow up question, Madam Mayor?

MAYOR STAPLETON: That is fine.

CR WELLINGTON: I'm not suggesting Council would make its decision saying it would not approve the sale of land. The question is what is the imperative for Council to make any decision at the moment? So the question is: if we refuse this motion, then we just don't give in principle approval at the moment. It's not a decision to not approve at any point, simply a decision to not approve at the moment. So what would be the consequences of that for the developer?

MR WALSH: Through you, Mayor, I understand it's really being brought forward to make sure the work by Council officers and also the developer and the planning consultant is useful. So if there's a determination now that the planning application shouldn't proceed because we won't sell the land to them, it's just really to stop any future work, so that's why the process has been taken now to ask that question.

CR WELLINGTON: Sorry, Madam Mayor, but I think my question is being misinterpreted. I am not saying there would be a determination to not sell the land. The question is there may be no determination. Council could make no decision to either sell or not sell the land. Can the developer continue with their application if Council makes no decision and presumably considers it in the future when it consults with the community?

MR WALSH: Yes, through you again, Mayor, yes, I understand that that's the case. That can continue. It is just a matter of trying to get to a point where we have a level of certainty for the Council officers and the developers about moving forward.

CR WELLINGTON: Thank you. So just to be clear, there's no imperative to do this now. It's a matter of convenience for both the developer and Council officers? They get some indication of what Council thinks at this point in advance of consulting the community?

MR WALSH: Sorry, through you, Mayor, again, so this planning application is currently live, so there has been referral to the community already on this. There's been a number of objections that have been received, and so that has occurred already, but, yes, you're right, it can continue. Officers recommend that this was the appropriate way forward.

CR WELLINGTON: Thank you. And just finally, Madam Mayor, if I can just clarify, it's not consultation about the development I'm talking about. It's consultation about the sale of the land. But I appreciate that explanation, thank you.

MAYOR STAPLETON: Thanks, Councillor Wellington. Councillor Gazzard, have you got a question also?

CR GAZZARD: Can I ask two questions?

MAYOR STAPLETON: Let's start with one.

CR GAZZARD: My first question is, so then what would the benefits of approving in principle sale of the land be?

MAYOR STAPLETON: I'll just direct that initially through our CEO, Ms Seymour. CEO ROBYN SEYMOUR: Thank you, Councillor Gazzard. Part of the benefits, and acting manager Place Making and Environment, feel free to also assist with this, but part of the benefit is it gives more certainty around the negotiations around working considering the planning application, and so - and more capacity for us to work with the developer around trying to seek a suitable outcome.

MAYOR STAPLETON: Thanks, Ms Seymour, and Councillor Gazzard, your second question?

CR GAZZARD: Thank you. My second question is that if we were to approve the sale of land in principle, would that give us any obligation to approve it - to officially approve the sale of land or those are completely separate things?

MAYOR STAPLETON: I'll refer that again through Ms Seymour, our CEO. CEO ROBYN SEYMOUR: They're separate things. There is a whole process, that formal process that we need to go through, in order to seek approval for the sale of the land. It's an indication of - rather than going through the formal process. That would happen post a decision around the planning application.

MAYOR STAPLETON: Thanks, Ms Seymour. Thanks, Councillor Gazzard. So with that

in mind and Councillors have seen the revised recommendation from officers, do I have a mover of a motion for this item? Councillor Pattison, is that as per the revised recommendation?

CR PATTISON: Yes, as per the recommendation that was on the screen, yes.

MAYOR STAPLETON: Thanks, Councillor Pattison. And is there a seconder for that motion? Councillor Schonfelder, thank you. And Councillor Pattison, would you like to speak to the motion?

CR PATTISON: Yes, I would, and sorry if I'm repeating some of the things that have been discussed in the question time, but I think it's really important the community understands the background. So before I begin, I wanted to make sure that our community understands that in principle support for the sale of Council land that's being considered is not endorsing the current planning application for Cypress Lane. It's really important that the community have an opportunity to share their views around this project. And if today this in principle support is carried, there will be a hearing of submissions so there's an opportunity for the community to share their views around that. This motion is not about support for the development or determining that the land is to be sold. It is as per the motion that we are discussing for in principle support of the Council land - of the sale of the Council land with conditions. So to allay concerns that the horse has already bolted, which was some of the emails and things that I have received over the last few days, there are a number of processes that will need to be carried out prior to a decision around the sale of land. These are listed as per the motion that was on the screen and they relate to obtaining evaluation of the land within six months of the sale, ensuring that Council publishes a notice of intention for sale of the land at least four weeks prior to sale, but given the community concern, I am sure it will most likely be beyond that. That's the minimum requirement. And ensuring Council undertakes a community engagement process in accordance with Council's community engagement policy and that we comply with Council's sale or exchange of Council land policy. So it's been very clear from the extensive community feedback, via calls, emails and social media, that there are many in our community that do not feel that the plans for the aged care development at Cypress Lane is in keeping with the surrounding land use. Community concerns draw - from the emails I have got and the like on the importance of the natural environment and the scale and density of the development, voting to provide in principle support for the sale of the Council land will enable the Council to commence negotiations with the developer around an appropriate scale for this retirement village. And I think that's what we need to really focus on. It's about giving Council a really good grounds to have that negotiation so that the outcome of this retirement village is one that generally meets the expectations of our community, of our Council, of the Councillors. So most importantly as a result of the motion at hand, there is the condition that the sale of Council land can only proceed if a planning permit is approved by the Surf Coast Shire Council and is not subject to a VCAT appeal. I think that for me is the crux of it and that to me is why it's important that we provide in principle support for the sale of the land. There is a need for affordable retirement aged care living in our community. Older residents and those with a disability need to be able to continue to live in their community in appropriate housing. There's wider implications for housing availability for our townships so that older residents can continue to live in our community in appropriate accommodation. So someone living in



Torquay currently, they don't want to leave Torquay but there's not been appropriate accommodation for them, and this is an opportunity to transition to an appropriate - if it progresses, an appropriate accommodation and freeing up some of the housing stock within our townships. I think addressing housing affordability is a key focus for our Council, as it was identified in the housing accommodation crisis that was identified by Councillor Allen back in 2021. So it's important that as Councillors we work to address housing needs for our community-based on this. So it is worth further consideration and negotiation, I think, with the developer to try to achieve an outcome that meets our community's needs and expectations. If an appropriate outcome on the planning permit is not met between the Surf Coast Shire and the developer, then there is no requirement to proceed with the sale of Council land. This is only provisional, in-principle support. So if we vote tonight to provide in principle support for the sale, this allows Council to be in a stronger position to negotiate positive community benefit through the planning permit process. It also provides an opportunity for Council to be in a stronger position to place appropriate conditions on the future sale of the land if the sale were to proceed. So it's on this basis that I encourage you to consider that we provide in principle support for the sale of the land. Thank you.

MAYOR STAPLETON: Thank you, Councillor Pattison. And Councillor Schonfelder, would you like to speak to the motion?

CR SCHONFELDER: Mayor, I would just like to reiterate the sentiments expressed by Councillor Pattison so eloquently and I know during the last election, there were a number of Councillors who mentioned the importance of preserving Spring Creek. As a Council group, we are committed to Deep Creek also and that is very much in our minds. Thank you, Mayor.

MAYOR STAPLETON: Thanks, Councillor Schonfelder. Would any other Councillors like to speak to this motion? Councillor Allen?

CR ALLEN: Thanks, Chair. I won't repeat the excellent points made by Councillor Pattison. I just would like to say that if we do approve the in principle support, we're keeping our options open. I'm mindful that we still do not know the outcomes of the Dell, and these outcomes may well impact the availability of land in Torquay for many purposes, including retirement living, and the community will have ample opportunities through the normal planning processes to have an input and to make submissions before any decision on the planning application is made. And, therefore, I am inclined to support the motion. Thank you.

MAYOR STAPLETON: Thanks, Councillor Allen. And Councillor Barker?

CR BARKER: Thanks, Mayor. I appreciate 3.1 of this motion requires obtaining a valuation of the land within six months before the sale but \$500 to \$1,000 per square metre is what I've heard from independent professionals in real estate to be a conservative price for land in the area noted in this agenda item. Cypress Lane, based on the valuation in the discussion section, lists it at \$165 per square metre. Reserve number 3, based on the valuation in the discussion section, lists it at \$216 per square metre. The current estimated sale of both parcels of land totals \$1.85 million. Based on the value of the land being \$500 to \$1,000 per square metre, the value of the two

parcel lands total between \$5 million and \$10 million. If we stand to give away up to \$8 million worth of land for nothing, this is unacceptable. This is some serious money. I'm a reasonable person and I imagine everyone here is, and we're open to negotiation, and I would love to see people do what they want with their land as long as the development doesn't harm others, but when it comes to the sale of public land, I think it would be unconscionable to sell these parcels for less than 20% of their potential value. Should a valuation be provided that comes close to the maximum potential value, then I would be open to considering the sale. I think anyone who endorses the sale of this land anywhere near this low value will be responsible for one of the biggest financial losses this organisation has ever experienced. I note that the valuation hasn't been conducted but, based on the indication of figures currently provided, it is far too low for me to consider any sort of in principle support of sale of this land. That's beside all of the other aspects that have been raised by the community, which are about the planning application side of things, but when it comes down to finances, I think we are potentially going to sell ourselves far too short.

MAYOR STAPLETON: Thank you, Councillor Barker. Councillor Bodsworth?

CR BODSWORTH: Mayor, can I ask a couple of questions before I speak to the motion, please?

MAYOR STAPLETON: Yes.

CR BODSWORTH: Prompted by Councillor Barker's comments just then. So the first question is: would the proposal that the proponent has put forward require the land to be rezoned? And, secondly, is the valuation or the estimate that we have that Councillor Barker just mentioned based on the current zoning or on the zoning that would have to be - that the land would have to be rezoned to, were the development to occur as per the proposal? I hope that question is clear, a two-part question.

MAYOR STAPLETON: Yes. I'll refer those to our CEO, Ms Seymour. CEO ROBYN SEYMOUR: Thank you, Mayor. The land would have to be rezoned, Councillor Bodsworth. In relation to the estimates, we would be required to get those estimates close to the time of sale, so we would need to do it at that point. In terms of what these estimates relate to, I am not clear but I can refer this to our manager of assets. He may understand whether the current estimates are based on the current zoning or the rezoning.

MAYOR STAPLETON: Thanks, Ms Seymour.

MR BERTOLDI: I will be honest and say I'm unsure - sorry, through the Mayor - I'm unsure with regards to the zoning with regards to the valuations but I will point out that the valuations are based - have been done and the assessment of the land is - it's not as easy as comparing it to market value for a house block, for example, because this road reserve, this land, you can't put it on the market as such because it's not a competitive market. The only people it actually has a value to is the developer of the adjoining properties because we could not sell this section of land off for, say, a house or anything like that because it is currently a road reserve. I hope that's clear. But it's not a competitive market, so there's kind of an encumbrance on the valuation that

decreases the value because it can't be sold in a competitive market.

MAYOR STAPLETON: Thank you, Mr Bertoldi. Councillor Bodsworth, were you wanting to speak to the motion as well?

CR BODSWORTH: Yes, please, Mayor. I am processing those answers while I'm speaking. I think Councillor Pattison has spoken to this really well. And a really critical point here is that we're effectively saying to the proponent if you get your permit through appeal and not from Surf Coast Shire Council, the deal's off, and you're going to have to think about a different way of doing things. So it's a really unique position that we're in with this because it gives us an opportunity to - on one hand the developer or the proponent may have an opportunity to pursue what they're proposing. On the other hand, we have an opportunity to use our ownership of the road reserve, now the reserve, to get the best outcomes for the community. So things like architectural guidelines and environmental sustainability guidelines and standards, we can develop in consultation with the community in developing any possible future planning permit conditions. And if that proved not to be acceptable and the developer wasn't willing to proceed with the proposal under those terms, then the land - the sale of the land wouldn't occur and the developer would have to come up with a whole other approach. So, yes, as Councillor Allen says, it's keeping our options open. On that basis, I'm inclined to support it, but I'll wait and listen to what the others have to say about it. And I'll also add that I think that our social housing policy work and our social housing action plan work has done a great job in sort of showing the evidence base around needs for diverse housing opportunities for people, so that's part of my thinking as well, that information that's been brought to us. Thank you.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. And Councillor Wellington?

CR WELLINGTON: Thanks, Mayor. Can I just ask the CEO a question before I speak? I'm just wondering about the propriety of Council using its position as an owner - a private owner of land to - presumably we're saying we're going to - I think what I'm hearing Councillors saying is we're going to use that as leverage to get changes to the planning application in order to achieve the sort of outcomes we want from it. I'm just wondering, I would have thought as a statutory decision maker we've got an obligation to be impartial and I'm feeling deeply uncomfortable at the way the conversation's going to be honest and I'm just wondering if you could comment on that.

MAYOR STAPLETON: I'll refer that to you, Ms Seymour.

CEO ROBYN SEYMOUR: So, Councillor Wellington, as a principle, we do need to be open to the planning application. You're absolutely right, from a principle perspective, we need to enter into those discussions with the developer in an open way. I guess part of what is being indicated through this discussion is that we are looking to work with the developer to achieve an outcome that is one that we believe fits in with our Planning Scheme and our aspirations and we're hoping to be able to work with the developer around reaching a decision around that as we consider their planning application and work with them.

CR WELLINGTON: Thank you. I would like to say some things about this. I think

Councillor Pattison said it rightly, that the motion was - or the recommendation was changed in order that the community understood the Council's position but I think it's equally important that Council understands the community position. I think in principle support which we're being told needs to be given for the purposes of certainty is completely inconsistent with a suggestion that we have no obligation - we certainly have no legal obligation, but the whole intent of that is to give certainty and the developer presumably will rely on it and it will be extremely difficult to give in principle support and then to say "we changed our mind". So I think it's a really poor precedent. Ideally, what would have happened - this developer has got control of maybe eight or ten blocks of land, or something like that, and this is the only access into them, so it's not needed for the purposes of access to those blocks but it does provide access to the creek. Ideally, the developer in buying those blocks would have also come to Council well in advance of putting forward a proposal and said, "I want to get control of the whole section because I want to do something with it" and we would have gone through community consultation as we are required to do with the sale of land and he or she or whoever it was would have got control of that entire parcel, put their proposal up and it would have been looked at from a planning perspective alone. This is incredibly messy. There's absolutely no transparency. From everything that people have said tonight, it's pretty clear to me that there's a strong kind of perception in favour of this development. We're talking about affordable housing. We have no idea whether this would be affordable. I would be very surprised if it falls into the category of what I think of as affordable housing. My view is that what we should do if the developer requires certainty is we should halt the proposal process. We should go through the proper consultation process for the sale of land, determine whether we wish to sell it, offer it to the developer. They can then take the risk if they wish to buy it. How on earth we value it - it's of no value to anyone but the developer. But I will say it is of massive, massive value to the developer. How do you value a block of land like that? I don't know. My only experience of Council valuations was the Winchelsea Shire Hall, which was an absolute disaster and completely incorrect in terms of valuation of the lease when it was ultimately tested by the market. My biggest concern is we are mixing our role as the owner of land with the assessor of a planning application. The assessment of a planning application - I believe we may well end up with an allegation of perception of bias. Certainly from what has been said tonight, that's a real concern to me that we're going to attempt to use our ownership as leverage to get a particular planning outcome on the assumption that there is going to be a planning outcome. So I am really concerned about this. I will not support it. I think we need to do the proper process with the sale of land and not mix these processes and everyone tonight's talked about the development as if we're talking about a provision approval of the development. That's exactly what the community is concerned about it. I don't support it and I'm really concerned with the where the discussion is going. Thank you.

MAYOR STAPLETON: Thank you, Councillor Wellington. Councillor Hodge?

CR HODGE: Thank you, Mayor. Yes, when I first heard this, I thought it was the process I wasn't happy with. I agree. I think it should have been flagged right at the very start, community consultation, and then gone through it. And I'd like to say that I have seen the emails, and I do apologise to the ones I haven't got back to, that this is all tied up and we have already made our minds up, and it's not. It certainly isn't at briefings or anything like that. I commend the officers for trying to clarify (inaudible) the

recommendations. I thought that was great. But I'm still very dubious of the process on this and I don't think I will be supporting it. Thank you.

MAYOR STAPLETON: Thanks, Councillor Hodge, and would any other Councillors like to speak? Councillor Gazzard?

CR GAZZARD: Thank you, Mayor. I am also undecided. I think Councillor Pattison and Councillor Bodsworth made very good points and I would like to thank the community members who have contacted us regarding this, and it is sort of an unfortunate progression, I guess, where there's not been community consultation. However, I'm reassured by the responses that this is just an in principle support that does not oblige us to sell the land, it does not oblige us to approve any permit, and there will still be plenty of opportunity for community consultation in future. Yes, I still haven't decided though.

MAYOR STAPLETON: Thank you, Councillor Gazzard, and Councillor Pattison, would you like to make any closing comments?

CR PATTISON: Yes, I would, thank you. So as we all of us have addressed, this is in principle support for the sale of the land. We are not discussing the planning permit at hand. That's not what we're discussing today. I wanted to make that clear. It was just given that the extensive community engagement and concern, I thought it was important to just spell out the process. But once again, this is about in principle support for the sale of the land, not the planning permit, and we have only - I have been raising community's concern around that planning permit - not my personal thoughts or views on that planning permit. So I wanted to make that really clear. I have been reiterating and identifying that I have heard and listened to my community and their concerns in relation to this. I think it's important that we focus on what it is. It's in principle support. It's only in principle support of the sale of the land and it does enable us, and legal advice has been sought, to provide conditions on the sale of that land, and as we did with (inaudible), there were conditions on the sale of that land. It had to be used for aged care and the like, and it's similar with this. There are conditions on the sale of the land that the developer must - that a planning permit must be approved by the Surf Coast Shire and that it not be under VCAT appeal. That there are a number of other conditions around that it must be used for aged care and the like, which is set out - in the recommendation it says housing for seniors or people with a disability. But there are some clear contractual requirements and that's been provided through legal advice. So I think we focus on the task at hand. Do we want to provide in principle support for the sale of the land? The valuation, the money - the amount that it is sold for, they are all matters that will come before us in due course and there will be extensive community consultation. That's part of our process that's set out in the recommendation. There will be, and there needs to be, extensive community engagement on this matter, so I think we just need to focus on what the recommendation is and not get carried away with the future steps. It's a piece in the puzzle. Thank you.

MAYOR STAPLETON: Thank you, Councillor Pattison. Have you got another question, Councillor Wellington?

CR WELLINGTON: I do. Just before we go to the vote, can I just ask: are we actually

saying that in the sale of the road and the creek reserve that there will be a requirement that that land will be used for aged care and/or low-cost housing or disability accommodation? Or are we saying we would like to put conditions on, as Councillor Bodsworth said, the design of the whole development? What actually are we saying we will put conditions on, other than that the planning permit application must be approved by Council, which I've expressed my concerns about anyway. What is the condition we're proposing for the sale of the land?

MAYOR STAPLETON: Thank you, Councillor Wellington. I will refer that to our CEO, Ms Seymour, but my understanding is that the conditions would be placed on the full development but I'll ask our CEO to respond to that for you.

CEO ROBYN SEYMOUR: Thank you. Yes, it's on the full development so that through the - Council is saying that in principle, depending on the outcome of this debate, that the sale of the land is based on the requirement that that land in its entirety would be used for aged care or for people with disabilities and that the process to achieve the outcome of that aged care facility would need to be something that Council approves the planning permit so that Council is comfortable that the process and what is being proposed is what's needed by this community.

CR WELLINGTON: Thank you. Just one more question before we go to the vote.

MAYOR STAPLETON: Just to clarify, the recommendation is that the land be used for the purpose of providing housing for seniors or people with a disability, not specifically aged care.

CEO ROBYN SEYMOUR: Sorry, thank you, Mayor.

CR WELLINGTON: My other question was the transparency of the valuation process. I mean, one gets the sense from this that there might be a negotiation around price versus architectural features, for example, of the development or whatever. So the question I guess is: what's the transparency of both the request for valuation as to the basis on which evaluation will be made and also the valuation? I remember having a great deal of difficulty accessing the valuation of the Winchelsea Shire Hall lease so I just would like to know how transparent people think that process will be.

MAYOR STAPLETON: I'll refer that and take that as a final question, Councillor Wellington, so we can move to the vote. Ms Seymour?

CEO ROBYN SEYMOUR: Manager assets, did you want to talk to how we manage our valuations?

MR BERTOLDI: Thank you. Through the Mayor, we get - we engage a registered valuer to undertake our valuations. How do I word this? That valuation would be shared with the party that was looking at purchasing the land. They have the option to engage their own valuer to undertake a valuation as well, and if those two parties are not in agreement to what the valuation is, then there is a process - I'm not particularly familiar with it, but there is a process to have those valuations compared and a final valuation to be finalised. But it's not an area I'm specifically experienced in.

CR WELLINGTON: My question was really about transparency to the community of the entire process as well, Madam Mayor.

MAYOR STAPLETON: Thank you, Councillor Wellington. So Mr Bertoldi, I think the question was just clarifying whether the - I guess whether the process is transparent to the community and whether the valuation is as well.

MR BERTOLDI: I'd have to take that on notice. It's not a process I've been involved in previously so I'm not in a position to comment.

MAYOR STAPLETON: That's fine. Thank you, Mr Bertoldi. And we'll now put the motion to a vote. All those in favour as per the motion that was moved by Councillor Pattison please raise your hands. And all those against the motion, please raise your hands. And the motion is carried 5/4. Thank you, Councillors. We will now move on to item 4.1 on tonight's agenda, which is Planning Scheme amendment GC183, which is the implementation of stage 2C of the Surf Coast Shire Heritage Study, and this Planning Scheme amendment is coming before us tonight for Council to consider a opting the amendment and to submit the amendment to the Minister for planning for approval. We do have a recommendation before us. Do I have a mover and a seconder? Councillor Schonfelder, is that as per the recommendation? And a seconder? Councillor Barker, thank you. And Councillor Schonfelder, would you like to speak to the motion?

CR SCHONFELDER: Just briefly, if I may, Mayor. I'd just like to say that it's very important to recognise Aboriginal living cultural heritage and I welcome the motion. Thank you.

MAYOR STAPLETON: Thank you, Councillor Schonfelder, and Councillor Barker?

CR BARKER: Thanks, Mayor. I'd just like to say that it's interesting to be talking about stage 2C on 22 of 02 of 2022 on a Tuesday in Torquay. I'll support this amendment as they are minor but reasonable changes but I still think that as a default, heritage is best preserved through private ownership and where that is not possible, such as Pollocksford Bridge, then it be treated much like any other piece of infrastructure. All ratepayers are slugged for the cost of everything that we do and not all programs and services we provide are valued by everyone. By restructuring heritage protections and many other facets of council to privately managed and funded bodies, I think you will find the community will take greater ownership of the heritage value and funds will be better spent, given the proximity of the people funding the operation, to where it's being spent. I do actually have one question, though. In terms of transparency, I love greater transparency, but if you have a look at the agenda, you will notice that there's a list of Councillors attendance at briefings related to different topics. The content of briefings can be called up on after the fact, so if the inclusion of which Councillor is present at which briefing is to suggest that a particular Councillor or Councillors are not able to make informed decisions, then I would refute that assertion in the strongest possible terms. Can I just ask a question: why is the attendance of Councillors attached to this agenda for many but not all items?

CR HODGE: I have a point of order, Mayor. Are we talking about 2C heritage?

MAYOR STAPLETON: We are, Councillor Hodge, and Councillor Barker, as per our Governance Rules, questions are allowed when there hasn't been an opportunity to ask the question prior to the Council meeting and I do know that question was asked at a briefing today and a detailed discussion about the response, which clearly indicated that the inclusion of Councillor attendance at briefings was in no way an indication that Councillors have been unable to adequately prepare for the decision. It was seen as an opportunity for Councillors perhaps who weren't in attendance at the briefing to be able to refer back to that particular item that had been discussed at the briefing to easily identify when the item was discussed and to be able to go back to audio or minutes from that briefing, and also to give other Councillors transparency around which Councillors were there, so that if they had additional questions, they knew who had been in attendance and they could ask questions and so on. So it was just another opportunity to be transparent to the community about attendance at briefings but also to assist Councillors in preparing for meetings, when they're reading through the Council agenda, to be able to reflect on what briefings that item had been discussed at and if they needed to refer to it, they could. So I'll decline the question on the basis that there had been an opportunity to ask that question previously and as per our Governance Rules, that is deemed unnecessary to be asked during a Council meeting. But I will give you the opportunity to go back to the rest of your submission.

CR BARKER: I'm not sure what part of the - sorry, Mayor, but I'm not sure what part of the Governance Rules suggest that questions can be deemed unnecessary.

MAYOR STAPLETON: So item 32, Councillor Barker, seeking clarification or asking questions of officers. Just to clarify for you, in our Governance Rules, 32.1 says officers will support the meeting process through provision of reports for the agenda and Councillors should make every effort to seek clarification from officers in advance of the meeting. Where Councillors need to seek clarification by asking questions of officers during the meeting that were not able to be asked prior to the meeting, such questions must be - and then there's a list of where the question needs to be asked. So I think that's really clear that it is relevant to questions that were not able to be asked prior to the meeting and I'm aware that that question was asked and discussed at length prior to the meeting.

CR BARKER: Thanks, Mayor.

MAYOR STAPLETON: No problem. Would you like to continue, Councillor Barker?

CR BARKER: I'm happy with that, thank you, Mayor.

MAYOR STAPLETON: No problem. Would any other Councillors like to speak to the motion? Councillor Wellington?

CR WELLINGTON: Thanks, Mayor. I support this recommendation or the motion that's in front of us. This has been a really long process. I know it started in July 2020 so it's nearly two years since we did stage 2C of the Heritage Study. There was quite a bit of work that needed to be done to take into account the advice that we received from some really passionate and knowledgeable community members who assisted with that



and I think ultimately the outcome of it is good and this is part of the process of actually incorporating the outcomes into the Planning Scheme. So what we're doing, we've already approved the Heritage Study. What we're doing at the moment is putting forward the changes to the Planning Scheme to the Minister and hopefully eventually we'll get these in for the Planning Scheme. I don't agree with respect to - with Councillor Barker on the question of private management of heritage. I think we've got so many examples of developers who don't value heritage who wouldn't - you couldn't rely on some people at all to actually value some of that heritage and some of the heritage we have particularly in the Winchelsea ward, which if you have a look in the Planning Scheme, the majority of heritage listed properties are in the Winchelsea ward. We've got some incredible heritage here and it would be tragic to lose it so we do have to put protections on it so I'm very happy to support it and I'm pleased that the Pollocksford Bridge is included as well because it is a magnificent heritage structure. I do want to make a comment about the inclusion of attendance at briefings, and I think I can comment because it's part of the report. I don't think it's reasonable to comment on the report. There is a suggestion in putting those data forward that somehow people in the community I think may think "how on earth would Councillor Wellington know what's going on if she hasn't been to briefings?". Now, I think the reality is if people watch the Council meetings, they would understand, I know, pretty much what's going on and I spend a lot of time researching and reading and listening to recordings of briefings and all that kind of thing, but maybe it would be helpful to put a comment there as to the purpose of putting that information and also a comment to say there are many - briefings are not compulsory, there are many reasons people can't go to them, including that some Councillors actually do have paid employment outside Council and Council is not intended to be a full-time job and including that some people can find better ways to inform themselves rather than sitting in meetings for many hours. So I don't object to the information being published at all in the interests of transparency. I would like to suggest that we put a little interpretative comment here to say this is the purpose of the briefings and there's some nice precedence to that that the Ombudsman has written at some point I think in relation to attendance at briefings and their purpose and their non-compulsory nature and how they suit some people and not others. I agree with Councillor Barker. I think it could be quite misinterpreted. I am not personally too worried about it because I think that people who follow Council know that we can be informed without attending briefings.

MAYOR STAPLETON: Thank you, Councillor Wellington. Councillor Allen?

CR ALLEN: I agree with Councillor Wellington about the length of time that stage 2 seems to have been with us, and I think we have learnt from the mistake that was made a couple of years ago. We are now more inclined to include our local community as feedback from Historical Societies and et cetera in developing these policies. We formally adopted the study and its recommendations at our September 28th meeting and the purpose of the study and the amendment is the protection of our heritage assets, and the proper recognition of Aboriginal culture as a living culture, which acknowledges that land subject to Heritage Overlay may possess both Aboriginal living culture values along with post-European contact culture values. By passing this motion, we are recommending the adoption of minor changes to the wording that has a major significance to First Nations reconciliation. It is made in response to a timely submission by the Wadawurrung Traditional Owners Corporation and we also submit amendment

GC183 to the Planning Minister for approval. I support the recommendation.

MAYOR STAPLETON: Thank you, Councillor Allen. And are there any other Councillors wanting to speak to the motion? Councillor Schonfelder, would you like to make any closing comments?

CR SCHONFELDER: I'd just like to thank my fellow Councillors for their contribution and thank you, Mayor.

MAYOR STAPLETON: Thank you, Councillor Schonfelder. I'll now put the motion to a vote. All those in favour, please raise your hands. And the motion is carried unanimously. Thank you, Councillors. Now moving on to item 5.1 on our agenda, which is the Australian National Surfing Museum, collection significance assessment and funding opportunity. So this item on the agenda is recommending Council to endorse the findings of the recently collection significance assessment for the Australian National Surfing Museum and note a funding application under the regional collections access program. Do I have a mover and seconder for the recommendation? Councillor Bodsworth as per the recommendation, and seconded by Councillor Gazzard, thank you. Councillor Bodsworth, would you like to speak to the motion?

CR BODSWORTH: Thank you, Mayor. After the meeting with Minister Sussan Ley yesterday on-site there at the Cultural Centre and Australian National Surfing Museum, I had the great good fortune to catch up with Gary Dunn and Kim Biggs for the tour of the museum, which leaves it very fresh in my mind for tonight's meeting, and I can see why it's so important that we obtain the funding that's going to help us to keep the collection in top condition and also why it was so important for us to study the significance of the collection. So I am going to run through a few points about findings from the significance assessment, which is that the most significant collection about Australian surfing that exists, one of the finest collections - surfing historical collections in the world, and one of Australia's best sporting collections across all sports. It has local, national and international significance. Some of the features that I would like to dwell on briefly is Simon Anderson's famous thruster board that he used to win the 1981 Bells comp which had gone down in surfing folklore as the biggest and most perfect Bells ever for the competition, and it happened to be the year when Simon Anderson, surfer and shaper, was introducing his revolutionary thruster design to the world of surfing. So what a fantastic opportunity he had, in fact in two consecutive competitions - one with really small waves and one with gigantic waves - that there's footage of in the museum by the way and everybody should rush down and have a look at this amazing footage of Simon absolutely ripping Bells, triple overhead, dead off-shore wind, just magnificent conditions in 1981. Won the comp and what an amazing way to lay down a statement about the revolutionary technology that you're bringing. There's also an amazing collection of old boards, including two invaluable historic boards brought back from Hawaii, which really show off heritage from Hawaiian surfing. There's one of Layne Beachly's world title winning boards. There's an amazing board in there shaped by Wayne Lynch, from our own coast, who is a legendary shaper and surfer, which has scorch marks in it from cinders that were falling on it during the Ash Wednesday fires. It was a board that was unfinished. It was a shaped foam board without having been fibre glassed and the falling hot cinders and embers were burning scorch marks into the foam. Wayne strapped it to his roof with towels over it for

protection and you can go and see that board there in the museum today with its - the only bits of it that aren't scorched and have cinder marks in it were the parts where the towel was lying across it. So not only is it a significant board from a really famous and fantastic person and shaper, it's also an amazing poignant testimony to a big part of the Surf Coast's history. So I was absolutely frothing after visiting the museum. I'd also like to make the point that our Surf Coast's surfing heritage doesn't just start and finish at the museum. Of course Bells is the heart and soul of Surf Coast surfing and arguably the heart and soul of Australian surfing, and the protection - the long-term protection of Bells is absolutely paramount to all of us I think, and with that in mind, I'm hopeful that we can move towards national heritage listing for Bells Beach, which does not have its own specific place on the national heritage register. It's listed as part of the Great Ocean Road listing, and I passionately believe that Bells deserves its own listing, a standalone listing as a place of tremendous heritage significance, both from traditional owners significance through the entire history of surfing and to very much an ongoing cultural significance today. So thank you very much.

MAYOR STAPLETON: Thank you, Councillor Bodsworth, and Councillor Gazzard, would you like to speak to the motion?

CR GAZZARD: Thank you. Yes. Echoing what Councillor Bodsworth has said, I have also learnt a lot about what a significant assessment is and so this is funded - commissioned and funded by the Council and was done by Dr Megan Cardamone, who is of Circa Museum Services, which is based on a comprehensive site visit, data analysis and consultation with stakeholders. So obviously surfing is very significant for the Surf Coast and significance assessment looks at why do we have this item in the collection, why do we keep it, why do we expend resources caring for it, and what story can it tell? And there's a lot of really important pieces in this collection. My own surfing museum at home, which consists of my surf foamy and a wet suit that I can no longer fit into, is less significant. So I won't bring that up. But thank you to everyone who's put a lot of work into this and it's a really very comprehensive report and it's worth looking through the photos, even if you don't read all of it.

MAYOR STAPLETON: Thank you, Councillor Gazzard. Would any other councillors like to speak to the motion? Councillor Allen?

CR ALLEN: Thank you, Chair. At the risk of being parochial, I accept that Councillor Bodsworth mentioned Wayne Lynch from Lorne, but I would also like to give a shout out to Gail Cooper and her father Stan. Gail really was the leading female surfer in the world for decades and the museum contains a lot of the memorabilia connected to both Stan and to Gail. I note from the report that the Council assumed ownership and management responsibilities for the museum in 1994, and the incorporation of the key findings of the significant assessment is that the cultural development design concept is very important. Not only do we have a custodial responsibility for this nationally and internationally important collection, but we recognise that the collection has tourist benefits for the Shire, and given it's the largest collection in the world, it is an important element in the centre's business viability. The significance assessment is very important for funding opportunities to properly house the collection, and although not required, I fully supported the \$5,000 funding being added if the application to the Victorian Government's regional collections access program is successful. Thank you, Chair.

MAYOR STAPLETON: Thank you, Councillor Allen. And Councillor Bodsworth, did you want to make any closing comments?

CR BODSWORTH: Yes. A couple of brief ones, Mayor. I think I went on a bit too long in the first place so I'll keep it short. One thing I did omit to mention was that - and it made me think of the talk about philanthropic contributions with regard to the Surf Coast Cultural Centre and there have been some really significant contributions to the surf museum and the surf companies in my opinion very much owe this coast but it's a bit of a symbiotic relationship. They've benefitted from this coast and particularly from Bells and also Bells and this coast have benefitted a lot from those companies, like Rip Curl, Quiksilver from some of the individuals that were mentioned before, and so I'd like to acknowledge the cash contributions and the in-kind contributions like donating and loaning significant boards and other really important parts of the collection. So I think that's a fantastic thing and it's hopefully something that we can roll on with as we move towards implementation of the Surf Coast Cultural Centre. So, yes, fantastic collection. It's great to see it getting the protection or the recognition and the protection that it deserves. Thanks.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. I will now put the motion to a vote. All those in favour, please raise your hands. The motion is carried unanimously. Thank you, Councillors. I will now move to item 6.2, which is the updated flag policy, and Council has had a flag policy in place since 2018 and adopted a 12 month flag flying schedule in March 2021. This report is recommending Council to adopt the updated flag policy, and do I have - Councillor Hodge, did you have a question?

CR HODGE: I would like to move a different motion, Mayor.

MAYOR STAPLETON: A motion that is different to the recommendation in the report?

CR HODGE: Yes, just slightly.

MAYOR STAPLETON: Thank you, Councillor Hodge. Would you like to share that recommendation with us?

CR HODGE: I can't share it on my screen. I can read it out. I did send it out in emails.

MAYOR STAPLETON: You have sent it out in emails. I will just see if governance is able to share it on the screen and you can let us know what the recommendation is.

CR HODGE: Yes, it's just to add two dates and I know Councillor Gazzard and I wanted to do this at the last review and we sort of didn't, so when this review came up, we thought we'll try to just change it slightly to have the transgender flag to fly on the front lawn flag pole on 31 March, being International Transgender Day visibility, and two, the transgender to be flown on the pond flagpole at half mast on 20 November for Transgender Day of Remembrance. And I would like to move that, thank you, Mayor.

MAYOR STAPLETON: Thank you, Councillor Hodge. Councillor Gazzard, are you seconding the motion? Thank you. And Councillor Hodge - sorry, Councillor Wellington,

did you have a question?

CR WELLINGTON: I do have a question, sorry, just before we go into the debate. I just wondered, in the report, we've got a number of benchmark Councils which seem to finish at M and I just wondered how the benchmark Councils were selected and why it seems to be alphabetical and finishing at M, whether we've got the complete report there?

MAYOR STAPLETON: I will refer that question to the CEO, Ms Seymour, Councillor Wellington. I'm not sure if it's something that she'll be able to answer. It may need to be taken on notice, but I'll see. Ms Seymour?

CEO ROBYN SEYMOUR: Thanks, Mayor. So Councillor Wellington, you're referring to the length of policies that are by other Councils in terms of the duration of the policies and how often they're renewed, I think in that table?

CR WELLINGTON: Yes.

CEO ROBYN SEYMOUR: I might just refer your question to our Manager, Community Support, who is with us tonight. He may be able to answer the question.

MR WAIGHT: Yes, thanks for the question, and through the Mayor, that is a full list of the benchmark Councils. They were selected for a number of reasons. It's a mix of metropolitan municipalities, life-sized municipalities and other sized municipality. So that is the full list that we're benchmarking.

MAYOR STAPLETON: Thank you, Mr Waight. And I will now go back to Councillor Hodge, if you wanted to speak to the motion.

CR HODGE: Thank you, Chair. Yes, just to add the two dates. I'm glad that this policy is being reviewed. I think there's been some really good changes in it as well. It's about the importance of members of the community, perhaps groups that feel a bit marginalised, and a simple measure can show support and we've seen that with Idaho day and the rainbow flag, and this policy gives a consistency of flag flying. It is low in cost, and easy to do. I like the idea of now the CEO, if community groups come to the CEO, she can actually look at the request and if she sees fit can accept it or it can come back to us, and there have been many of those before the policy. I remember flying the Red Cross 100th birthday flag and I remember when - and I am sure - I can remember when visiting Chinese and Saudi Arabians came down to look at our facilities for the soccer Asian cup, we actually flew the Chinese flag and the Saudi Arabian flag as well. So there are possibilities that the CEO can make those calls very quickly. But I'd like to see this supported and I think it's a very fair call. We had a terrific briefing by Merrin Wake about transgenders and of course we had the 20th of November last year at the Shire, it was a community event and I thought that was a huge success. So I hope Councillors can support the small change to a policy on our flags. Thank you.

MAYOR STAPLETON: Thank you, Councillor Hodge, and Councillor Gazzard, would you like to speak to the motion?

CR GAZZARD: Thank you. Yes, I support this motion, particularly with the amendments of transgender day visibility on 31 March and transgender day of remembrance on 20 November. I think it's really important that for the trans community worldwide, that we have openness and acceptance, and we want the Surf Coast Shire to be a place that we say you're welcome here and you will be protected. Transphobic violence and transphobia are rampant all around the world. And as evidenced in the last few weeks, we have even seen anti-trans legislation endorsed by our politicians. Murder rates of trans people globally revealed that 2021 was the deadliest year since records began in terms of murder and trans violence, and that's not including deaths. That is not including those lives lost to suicide, inadequate health care, poverty and discrimination. A community survey by England's (inaudible) found that transgender, including gender diverse, and non-binary people, experienced significant health disparities. The survey was of 920 participants and despite 47% having tertiary qualifications, the unemployment rate was 19%, which is well above the national average. 33% had had experienced employment discrimination. 63% had experienced verbal abuse. 22% physical assault. The lifetime prevalence of diagnosis of depression was 73% and anxiety 67%. 63% had previous self-harm and 43% had attempted suicide. I'm just going to read an excerpt from an article written by trans woman Amity regarding Trans Day of Remembrance: "Care about me while I'm still alive, stop erasing me, listen to my voice, fight alongside me while there is still something to fight for, because I don't want to be another trans death, another preventable tragedy that will prompt your outrage and your pity. I don't want people to say my life will have meant something if you can make my death be the moment we finally decide to do something to take action because my life already means something. In fact, it means everything". Thank you.

MAYOR STAPLETON: Thank you, Councillor Gazzard. Would any other Councillors like to speak to the motion? Councillor Wellington?

CR WELLINGTON: I just had a question before I speak. Can somebody just confirm for me that the Australian national flag protocol requires that if the Australian national flag is flown with other flags, all flags - and any of the flags are flown at half-mast, then all flags should be flown at half-mast? That's my interpretation of it but I wondered if an officer can confirm that, please.

MAYOR STAPLETON: I'll refer that through the CEO, Councillor Wellington.

CR WELLINGTON: Thank you.

CEO ROBYN SEYMOUR: Thanks very much, Councillor Wellington, and I will also refer that to the Manager Community Support.

MR WAIGHT: Thank you for the question. Without having the protocol in front of me, that's not my understanding of the protocol, but I would probably need to - if I could take a moment to refer to it, I would quickly be able to drag it up.

CR WELLINGTON: Thank you. Look, I'll just speak on this. I don't consider that Council should use its flag flying to make political statements to other levels of government and I very much objected to the previous decision of Council to fly the rainbow flag as sort of an ultimatum to Federal Government to change its laws. But I don't have any - I

don't - I mean, I think that if we fly flags for particular groups - and I understand what Councillor Gazzard says about discrimination against transgender people. I absolutely have done work in that field myself and I completely understand it and abhor it, and I think if there are things that we can do to raise awareness of that or of other disadvantaged groups in the community, then I don't have any difficulty with that. I do have a difficulty - as I said, I have a difficulty with making political statements by the flying of flags but I don't necessarily think that this policy does that or that the schedule does it. So I think it is different from other situations we have been in. But my concern is there was a debate - I think it was the Mornington peninsula Council this week which had a similar proposal or had a proposal from a Councillor to fly the Aboriginal flag at half-mast on 26th of January, and the advice that officers gave was that that would be inconsistent with the Australian national flag protocol which requires that if flags are flown together and one is flown at half-mast, they all must be flown at half-mast, and my concern is that we've got a policy that says we comply with the Australian national flag protocol, so either breach it and just fly one flag at half-mast or we fly the Australian national flag at half-mast on Australia Day, which I think would be really distressing for the community and for a large part of the community, and I don't think people would support that. So I think that that is an important question. I'm not sure what happened with the Mornington peninsula's resolution. I think it was rejected by the other Councillors actually. But I think the media reports said either the Australian national flag protocol or the advice from the Master of Australian Flags or something like that was that the protocol was that they all had to be flown at half-mast together and I would not support that and I won't support this if we are not absolutely clear on that. Thank you.

MAYOR STAPLETON: Thanks, Councillor Wellington, and Mr Waight may have found a response to that question.

MR WAIGHT: I have, Mayor. Yes, so the Australian flag protocols do state when flying the Australian national flag with other flags, all flags in the set should be flown at half-mast.

CR WELLINGTON: So that would mean if we fly the Aboriginal flag at half-mast on 26 January, we would also be flying the Australian national flag at half-mast on 26 January? If we were to comply with our policy?

MR WAIGHT: That would be my - reading the flag protocol now, that would be the interpretation I would have, yes.

CR WELLINGTON: Thank you. So I won't be supporting it on that basis.

MAYOR STAPLETON: Thank you, Mr Waight. Councillor Pattison, did you have a question?

CR PATTISON: I did. Given that we have multiple flag poles, if Mr Waight could just confirm, or perhaps this needs to be deferred, but if we fly - if they weren't - we talked about the set, so if it was on a different - sorry, do you understand what I'm talking about, we have the flag poles next to the Council building and the flag poles over multiple sections, therefore we have multiple sets of flags being flown, is that a

relatively easy amendment that would mean we're still not breaching the flag policy?

MAYOR STAPLETON: So, Councillor Pattison, just to clarify, you are suggesting that the Aboriginal and Torres Strait Islander flags could be flown at half-mast at either the front lawn or the pond flagpoles as an alternative?

CR PATTISON: That is what I am proposing and I think that would probably comply with the flag pole rule but I am seeking clarification?

MAYOR STAPLETON: I'll just give our General Manager, Mr Waight, an opportunity to respond to that.

MR WAIGHT: Thank you, Mayor Stapleton and Councillor Pattison. Look, my interpretation of the protocol would be that that would be more compliant. It's still a bit open to interpretation, but it doesn't exactly state how close - what proximity the flags need to be flown to be considered to be together. But it's open to interpretation about flags being flown on other flag poles, whether they're with the Australian flag or separate to. So I think that would be a subjective call to make, to be honest.

MAYOR STAPLETON: Thank you, Mr Waight. Councillor Wellington?

CR WELLINGTON: I thought, but I may not be correct, that the national flag protocol required the Aboriginal flag to be flown with the Australian national flag, and I also thought that the policy says that, but I may be wrong on that as well, but somebody can easily answer the question about the policy. Yes, the policy says Council will continuously fly the Australian national flag and the Australian Aboriginal flag on the ceremonial flag poles and on the front entrance flag poles. I personally think we should be - I think it should be deferred and we should sort it out. I don't think we should be going into a situation where we're approving a policy that is potentially in conflict with itself.

CR HODGE: Have we already done this on Australia Day? Because this transgender one that I'm talking about would be away from the national flags.

MAYOR STAPLETON: Councillor Hodge, I think the question is more in relation to in the flag schedule, it includes the flying of the Aboriginal and Torres Strait Islander flags at half-mast so the question relates to if we approve the revised policy tonight with that schedule, it would have implications for where we fly the Aboriginal flag on 26 January.

CR WELLINGTON: I would like to move a deferral, please.

MAYOR STAPLETON: OK, Councillor Wellington. Is there a seconder for that motion to defer the item? Councillor Allen is seconding the deferral. And I think that even though that is a procedural motion, when we're deferring the debate on a motion, there is an opportunity for Councillors to speak to the proposed motion, so Councillor Wellington, as the mover of that motion to defer, would you like to speak to it?

CR WELLINGTON: Very briefly. I certainly think it's a good idea to have a policy and a schedule. I don't think that we can have a policy that is internally inconsistent and I



don't think there's any harm in deferring it and checking it against - I think this just came to my attention because of the public discussion about the Mornington Peninsula Shire item, and I'm not completely familiar with the Australian national flag protocol obviously but I think we should get it right and there's no harm in leaving it for a month and I certainly would never support something that saw the Australian national flag put to half-mast on Australia Day as a consequence of trying to do something for another group - you know, for a particular group within the community. So I just think that we should defer it and check it and make sure that we know exactly what we're doing before we endorse this policy and schedule.

MAYOR STAPLETON: Thank you, Councillor Wellington. And just for the sake of clarity, can I assume that you're suggesting just to get the motion right that the debate on this matter be deferred until the March meeting?

CR WELLINGTON: Yes, thank you.

MAYOR STAPLETON: Thank you. Councillor Allen, did you want to speak to that?

CR ALLEN: Yes, thank you, Chair. Look, I was profoundly moved by Councillor Gazzard's seconding of the motion and I really don't want to be forced into a position of voting against this motion until we do clarify it. I would have to vote against it if we are uncertain about the proper protocols for the flying of the national flag. And I think Councillor Wellington raises an excellent point that we really do need to clarify that point and, therefore, I would support the deferral by one month.

MAYOR STAPLETON: Thank you, Councillor Allen. And would any other Councillors like to speak to the motion to defer? Councillor Hodge?

CR HODGE: Yes, I do agree, we've got to get it fine tuned. Maybe fourth time lucky. But Councillors, I still will be doing the same amendment and I hope you respect that, but, yes, I wouldn't want the Australian flag lowered on a matter that it didn't need to be or if we did it incorrectly, so I'm more than happy to defer. Thank you.

MAYOR STAPLETON: Thanks, Councillor Hodge. Any other Councillors? OK. And we will put the motion to a vote. All those in favour to defer, please raise your hands. And all those against deferring? The motion is carried 8/1, and the matter will be considered at our next meeting in March. Thank you, Councillors. And we'll now move on to the next item on the agenda, which is the item - actually, sorry, Councillors, I just realised the time. Is that what you were both putting your hand up for. So we have been going for more than two hours and in the interests of giving Councillors a 10-minute break and our viewers for that matter, could I have a mover and a seconder for Standing Orders to be suspended? Councillor Allen and Councillor Gazzard, thank you, and we will resume at 8.15 and if you could rejoin us then for the last stream, that would be wonderful. Thank you. (Pause).

MAYOR STAPLETON: I'm just waiting for confirmation from governance that the livestreaming is on. Thank you. And welcome back, everyone, for the continuation of our Council meeting tonight and thank you for your patience while we took a short break. Can I please have a mover and a seconder to resume Standing Orders?

Councillor Bodsworth and Councillor Schonfelder, thank you. And all those in favour please raise your hands. Thank you, Councillors, and we're now up to item 6.3 on the agenda, which is the customer experience biannual report for July to December 2021, and this item is with regard to Council's complaint handling policy which makes the commitment that a report on complaints performance will be prepared for Council twice a year and this report is recommending to Council to note the customer experience biannual report for the period and we do have a recommendation before us. Do I have a mover and a seconder for the recommendation? Councillor Bodsworth, and a seconder? Councillor Schonfelder, thank you. And Councillor Bodsworth, would you like to speak to the motion?

CR BODSWORTH: Yes, thanks, Mayor, just clarifying as per the recommendation. No, I think that this program's great. As I've heard before from Virginia Morris, who runs this and brings this to us, the complaints are a great opportunity for us to understand what we can do better, so I really like the starting point where a program like this is viewed as a chance for us to improve the quality of what we're doing on an ongoing basis, so a sort of continuous improvement concept. So I noted in this period July to December 2021 we had almost 20,000 customer requests for information and action, which is an absolutely staggering amount. Some other facts and figures - 1266 complaints, of which around 80% related to bins. So I think that's a really important point for us to remember in our confidential section of tonight's meeting, we're discussing an item relating to bins and it's obviously - although it's not a particularly savoury topic, it's one that is really important to people out in our communities. We have the rated system with a little smiley face through to a frowny face. We've got a score from that close to 9, which is an excellent rating. We also have a net promoter score of positive 74, which suggests that a lot of people are inclined to talk positively about our organisation, which is nice. I noted that there are a lot of improvements resulting from complaints, which is important, harking back to the first point that I made about it's a great opportunity for continuous improvement, including things like fixing software issues, reviewing our signage, website updates, waste management practices improved, including some contract conditions which we'll be talking about in that confidential part of the meeting, and staff training. We also had 77 compliments, which sort of pales into significance against the 1266 complaints, but thanks to all of those 77 people. We really appreciate it. And whether you have a complaint or a compliment, we love hearing from you and I really commend the program that has been set up. It's so important and the work that officers put into making it function really well. I think it's been a really great improvement for us and I'm so glad to see it. Thank you.

MAYOR STAPLETON: Thank you, Councillor Bodsworth, and Councillor Schonfelder, did you want to speak to the motion?

CR SCHONFELDER: I'd just like to add that dialogue is so important and I concur with Councillor Bodsworth's opening remarks. Governing is about listening, irrespective of which tier of government. It's so important to listen to people. Thank you, Mayor.

MAYOR STAPLETON: Thank you, Councillor Schonfelder. And did any other Councillors want to speak to the motion? Councillor Allen, and then Councillor Barker?

CR ALLEN: Thank you. I agree that the customer experience reports are very important

and I note that of the 19,000, I think it was 396 complaints we received, but 92 were completed within the mandated time frame. It wasn't clear from the report what that time frame is, but also I just am a bit concerned in the sense that the request is completed but it's not necessarily resolved, and I don't know whether perhaps we should try and attempt to see whether there's a resolution of the issue from the point of view of the ratepayer. I also notice that 61% of people still use the telephone to make their request complaints and only 21% by the website and I think I'd like to see greater promotion of the CRM website way of registering complaints, which I believe is more effective and more accurate, particularly with the ability of customers to upload photographs. But thanks for the report. Thank you, Chair.

MAYOR STAPLETON: Thank you, Councillor Allen. And Councillor Barker?

CR BARKER: Thanks, Mayor. Six reports per day of missed bin collections isn't great, even though it's a very low percentage. I would love to see this reduced for the quarter that we are currently in. What I would also like to highlight is that I have heard along the grapevine that some reports of missed bin collections aren't exactly accurate where someone might have just forgotten to put it out and they've sought to catch up, that actually costs us a lot of money in the end. So for every report that isn't accurate, please consider that it's having an overall financial impact to the rest of the community.

MAYOR STAPLETON: Thank you, Councillor Barker. Councillor Wellington?

CR WELLINGTON: Yes, thank you, Mayor. I still find this report difficult to interpret. I have to be honest, as a Councillor, I have - I guess as Councillors, we often spend a lot of our time - I do anyway - trying to resolve customer dissatisfaction with the organisation. That's what happened. The last couple of days we've had a lot of people very unhappy about the lack of consultation around Cypress Lane, for example. Now, are they complaints? I don't know. I would say they're people very unhappy with the way the Shire has gone about that but they don't get recorded anywhere. I see complaints as opportunities, always for improvement, and I very much like that philosophy. I do hear from some people that their complaints aren't always welcomed and I have recently heard some residents told they shouldn't be complaining to their Councillor because then I ask questions and then it takes officers away from the work that they need to do. Now, that's not a culture I want to see in local government. We're there for a purpose and if people raise issues with me, I will follow them through and if they're complaints, well, they need to be addressed. So I feel we're on the start of a journey, certainly not at the end. It did occur to me tonight, looking at the report on I think the climate action plan, that one of the actions that is talked about in there is this introduction of the B Corp accreditation system or certification system in the Surf Coast Shire that we've actually promoted, and I wondered whether - who certifies us, who accredits us, who accredits our processes? I have grown up in health care where every hospital in Australia practically is accredited, so somebody comes in every year or three or four - a team comes in and really drills down into these processes. What's your complaint system? What are the outcomes? How often do we ask people who have made complaints whether they're satisfied with the complaints resolution process, similar to what Councillor Allen was talking about? How do we know whether they don't just get a letter, which I hear from some people saying well, your complaint has been investigated but it's now closed, and they come to me and say, "What do I do now? I

still have my problem", and so I'm often in the process of trying to get officers to maybe just question again why was that closed. So I think the statistics are - you can't rely on them because they're such general stats. I am not sure we've got really to the heart of governance reporting about complaints. I'd like to think that one day we will be an organisation where people - everybody in the community feels welcomed to make a complaint or a comment. I don't think that's the case at the moment, and I'd like to think that we then get really strong governance reports that really highlight the areas where we've got problems and we need to integrate that with information back from the customer satisfaction survey and from all sorts of other information that we get across the organisation and really get a comprehensive picture of our performance. So it's a good start and it's interesting but it's - there's more work to be done on this I think, and I look forward to seeing that happening. Thank you.

MAYOR STAPLETON: Thanks, Councillor Wellington. Councillor Bodsworth, did you want to make any closing comments?

CR BODSWORTH: Thank you, Mayor. I agree with Councillor Allen and Councillor Wellington that there is room for improvement. I think the most important thing is that this system exists and also that the people operating it on our staff really welcome suggestions as to how it can work better. So I've got no doubt that those sorts of suggestions that we've just heard are going to be acted upon in good faith and that there's a genuine effort - I mean, that's what I have seen, that there's a genuine, sincere effort to make this work as well as it possibly can, and I agree that the timeliness and the quantity of issues that are followed up and checked off is only one part of the picture and the quality of the response is really important, and the opportunity for people to tell us if they think that the action was taken - that was taken was inadequate, I think that's really important as well. So those are things that we can keep working on and I know that our staff will help us nail that. So thanks. I commend this motion to you.

MAYOR STAPLETON: Thank you, Councillor Bodsworth. And I'll put the motion to a vote. All those in favour, please raise your hands. And the motion is carried unanimously. Thank you, Councillors. I'll now move on to item 7.1, which is SCS027 planning consultation policy review. So the planning consultation policy has been in use since 2018, providing the framework for resolution of planning disputes, and this policy has undergone a periodic review and is being presented to Council for adoption in a slightly changed format. So we do have a recommendation there before us to adopt the planning consultation policy as attached at appendix 1. Councillors, do I have a mover and a seconder for that motion? Councillor Pattison, is that as per the recommendation?

CR PATTISON: Yes, it is as per the recommendation.

MAYOR STAPLETON: And Councillor Hodge, you're seconding that? Thank you. And Councillor Pattison, would you like to speak to the motion?

CR PATTISON: Yes. I would. So as identified, this is a periodic regular view and I think it is important to note that this policy encourages parties involved in planning disputes to resolve concern through a structured process based on the approach used by the

Victorian dispute resolution centre as part of the Surf Coast Shire planning service. So there have been 181 planning applications that have gone through this process and 41% of those were resolved through a consultation meeting or a high poll meeting. 47% were through a written exchange between those parties and only 12% needed to be determined by Council and resulted in hearing submissions and the like. So I think it's great that we can enable our community to resolve these disputes in a facilitated process through Council because it makes it much more cost-effective for residents and for Council to do it in a constructive way and I think we end up with more win/win outcomes for the community and that's what we aim for. So in the report it points out that this policy is in a new format and that some of the principles are to provide a fair process for all parties that enables participants to hear each other's concerns in a safe environment. I think that's really important, and to listen actively to each other. So there's some great values in this policy and it's important that all our policies are reviewed as required. And I really encourage you to support this policy as it's put forward to us today. Thank you.

MAYOR STAPLETON: Thanks, Councillor Pattison. And Councillor Hodge?

CR HODGE: Yes, thank you, Chair. Look, I agree with what Councillor Pattison said. If you can work it out beforehand instead of going through the expense, but there was also 181 applications that went through this, and 457 people were involved in that process. So there's nearly 500 people in the community already talking about planning matters before it escalates into something bigger and that is a win/win, not only for the people involved but for our officers as well that can get on processing these applications that can now go through. But anywhere or any Councillor - any Council that really wants people to talk together, this is a great policy. Planning is one of the most emotional and has a lot of money usually attached to it, so to have this beforehand, before people get really upset or have to take it further, I think it's a credit to our officers for doing it and for the continual renewal of their knowledge on every case that's attached to this process. So congratulations and I really hope to see, as Councillor Pattison said, a lot of win/wins before it escalates. Thank you.

MAYOR STAPLETON: Thank you, Councillor Hodge. Councillor Wellington?

CR WELLINGTON: Thanks, Mayor. I just have a couple of questions. I am not sure if I have read this correctly but I think the report says there were 46 consultation meetings but I just wondered what the outcomes of those meetings were, whether they actually resolved the problems, just because it hasn't come to Council doesn't mean the problems are resolved. It might mean that the issue then goes to officers and gets decided at that point. I just wondered if one of the planning officers could tell us, of the 46 meetings, how many actually resulted in agreement or compromise on the issues?

MAYOR STAPLETON: Thanks, Councillor. I will refer that to the CEO, Ms Seymour.

CEO ROBYN SEYMOUR: Thanks. I'm not sure, Councillor Wellington, whether our General Manager of Place Making and Environment will have the answer to that, as we don't have any planning officers with us in the meeting, but I'll just check. We might need to take that on notice for you.

MR WALSH: Yes, thanks for the question, Councillor Wellington. Through you, Mayor, look, I don't have that at hand. It does go through the process and talk about how many end upcoming to Council and so if submissions can't be resolved on consultation, then there's too many - and there's too many objections, then the delegation falls away from the manager for planning and ends up at Council. So that leads you to suggest how many couldn't go through the process properly, but I can chase that up for you and get that further information.

CR WELLINGTON: Thank you. I'll just say a couple of things. This policy applies to applications that have two or more objections, so presumably applications with small numbers of objections, they would never come to Council unless there was something really unusual about them, so it would seem to me that they might have a consultation meeting, they may or may not resolve the issues, it would be interesting for us to know - I mean, I am always focused on outcomes, not process. I'm not really that interested in how many people went through a process; I want to know what became of it. So for me, from my perspective, this report would be great if it sort of said we had 46 meetings and 20 of the issues - 20 of the applications were resolved at that step, to everyone's satisfaction, as opposed to I'm presuming that you can have an unsuccessful meeting and then officers will make delegated decisions and people will either go to VCAT or live with it. It doesn't really tell me the outcome of the process. The other issue I noticed in it - I mean, I think this in principle is a really good policy. I do wonder how many of our staff are actually formally trained in dispute resolution, so obviously to facilitate a meeting like this well, one would need to be well trained, not just with a half-day course but with a proper training in dispute resolution. And that was a question which perhaps I can put on notice as well because I suspect we won't have the answer here tonight, but I think if we want this to work, we need to make sure people are properly trained. And the other issue I just wanted to pick up, it says in the report I think that information meetings have been not been occurring as they don't advance an opportunity to resolve or work on the points in dispute. And my experience as a Councillor is you often get community members in real distress when a planning application comes forward, they get notified, they've got a couple of weeks or sometimes unfortunately even shorter periods of time, and they don't know the process and they find it hard to get information about what their rights are and what the process is, and I can - as what I now think of as a very experienced Councillor, I'm quite happy to tell them and help them understand the process, but I'm not sure that everyone can do that. I don't know what happens to those people - I think there's a place for meeting with objectors for the Council to meet with objectors and actually explain how the process works and what their rights are and where they get their say and what the Planning Scheme covers and what it doesn't, and I feel that those sort of information meetings, I effectively hold them myself as a Councillor with groups of objectors when they approach me and ask me to do so. But ideally the officers would do that and I might avert a whole lot of unnecessary anxiety and stress and process at that point. So I was a bit surprised to see information meetings were not occurring. I would like perhaps to see objectors have more access to information. I think proponents always have access to Council officers and often get advice about how to structure their application in order to comply. So I think objectors, we might do well if we spent a bit more time with objectors as well. Thanks, Mayor.

MAYOR STAPLETON: Thanks, Councillor Wellington. Any other Councillors? Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. Yes, I have some similar concerns to those just raised by Councillor Wellington. I guess I take it in good faith that the process is a good process because, unlike Councillor Wellington, I don't feel like I have a really strong background in the details of cleaning, which get pretty complex, but in my experience so far as a Councillor, I have quite a number of meetings, including one this morning, with objectors who feel anxious and nervous about potentially going into battle against proponents or their consultants, and I think that there is a danger which we can continue to look at as we go forward that we're putting the burden of those negotiations on to objectors who - like, if I look at the way things are going in Anglesea, for example, we have - I want to be careful about what I am saying to not be stereotyping, but the fact is that we have a lot of very assertive, well-backed affluent people being proponents of things and we do tend to have quite a number of fairly mellow people who turn out to be objectors. Now, that immediately is a kind of a - if not a power imbalance, then it's an imbalance in world view, and I think that our system, if it puts this responsibility on objectors to go up against what can be very, very determined and well-resourced proponents, I think it's potentially unfair, and I have seen in my time really genuine distress and anxiety, and I'm not sure that our system is right if that's what we're seeing. And another thing that I think is interesting is whether there's - I don't know if there is or isn't potential or maybe a systematic opportunity for a debrief and for people who've been involved in this process, we can ask them afterwards: how was it for you? Did you feel disempowered? Fairly empowered? I am sure we could come up with some kind of system to systematically rate their feelings about it so that we're not just going on quantity statistics but we're going on qualitative measures and how people have felt at the other end of it. So I'm happy to support this but those are things that I think we can look at going forward.

MAYOR STAPLETON: Thank you, Councillor Bodsworth. And Councillor Pattison, did you have any closing comments? Sorry, Councillor Allen, did you speak to want to the motion as well? Go ahead, Councillor Allen.

CR ALLEN: Yes, thank you, Chair. I think it's not a statutory requirement for direct consultation to occur but I really do record it as best practice, and taking on the points made by Councillor Wellington and Councillor Bodsworth, we have talked about a planning concierge before and I think maybe the time has come to view this more seriously because that person would be a conduit for objectors to receive advice, and so I think that process would work hand in hand with what we're doing here with this policy. Thank you.

MAYOR STAPLETON: Thank you, Councillor Allen. And Councillor Pattison, any closing comments?

CR PATTISON: No, thanks.

MAYOR STAPLETON: Thank you. I'll now put the motion to a vote. All those in favour, please raise your hands? And the motion is carried unanimously. Thank you, Councillors. Item 7.2 on the agenda is the Climate Emergency Response Plan quarterly

update for October to December 2021. The Surf Coast Shire Council declared a climate emergency in 2019, acknowledging the need for more urgent and extensive action to reduce emissions and respond to local climate change impacts. So the purpose of this report is recommending that Council note the quarterly update that has been provided by officers on the progress of Council's climate emergency corporate response plan for 2021 to 2031. Do I have a mover and a seconder for the recommendation before us? Councillor Gazzard, is that as per the recommendation? Thank you. And a seconder? Councillor Bodsworth, thank you. And Councillor Gazzard, would you like to speak to the motion?

CR GAZZARD: Thank you. It's really good to see regular updates on our Climate Emergency Response Plan, and it's good to see that 15% of actions have been completed, 72% of actions are on track to be delivered within two years, and only 13% delayed or awaiting funding. The ones on track include reducing greenhouse gas emissions, offsetting residual emissions, increasing renewable energy generation and storage capacity at Council sites and facilities, consuming only renewal electricity and avoiding fossil fuel sources, as well as continuing work with Wadawurrung traditional owners in the management of Council land. This is all really good to see.

MAYOR STAPLETON: Thank you, Councillor Gazzard. Councillor Bodsworth, did you want to speak to the motion?

CR BODSWORTH: Yes, please, Mayor, just briefly. A couple of things that I would just like to note. As you mentioned in your preamble to the meeting, we had the recent flash flooding in particularly severe in Anglesea and Aireys and I note that had a big impact on people. One thing that I would like to see in our adaptation planning is that we review the capacity of our stormwater system, and particularly that we ensure that communities understand the limitations of that capacity because what I have seen in the after math of those rainfall events was that there was not a very good understanding of - even the fact that those systems have limited capacity, they may be designed to cope with, say, a 1 in 5 five rainfall event. I don't think that people out in communities would necessarily expect that their properties might be occasionally flooded. Most people would probably assume that they won't. So I think that there's a communication challenge there that we can face. As far as the Bells - the review of the Bells Victorian heritage register listing in partnership with the Wadawurrung Aboriginal Corporation, the traditional owners, I think that's fantastic, but, as I've said before, I think we should be aiming higher than that in partnership with the traditional owners and with the Great Ocean Road coast and parks authority, I think we should be gunning for a national heritage listing for Bells Beach and that's something that I'll be working on as we move forward. But otherwise I agree with Councillor Gazzard. It's great that we are getting this reporting and the community has an opportunity to see what progress is being made against the action plan. Thank you.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. Councillor Wellington?

CR WELLINGTON: Thank you. The first thing is I think a really minor point but I just want to point out that on page 669 under goal 2, one of our objectives is to consume only renewable energy and avoid consuming electricity and fuels from fossil-free sources. And I have seen that repeated a couple of times in this report. I can't think



where else it is now. I don't think we're wanting to avoid - I might be misreading this but surely we don't want to avoid consuming electricity and fuels from fossil-free sources. I thought that's what we wanted to do. So I just ask - I don't know whether that's in our published documents or whether it's been mistranscribed, but am I correct that what we want to do is avoid consuming electricity and fuels from fossil-fuel sources?

MAYOR STAPLETON: I think that might be a typo, Councillor Wellington.

CR WELLINGTON: Yes, but it was repeated a couple of times so I just think the original document should be reviewed to make sure we've got it right and fixed. A couple of other points. I said that is a minor one, and it kind of is except it's quite an important goal. I do have some concerns that - I would be interested to see how much electricity we are able to avoid - what the balance is in terms of paying for fossil-free electricity versus actually changing the way we do things within our Council and our Shire so that we reduce our own consumption of fossil fuel generated electricity. So at the moment I can't tell that from this. I can only tell that we're worried about how much we're going to spend in order to offset what we do. So that's just a point there. The second one is that I see there's budget being submitted to expand our street tree program in the hinterland areas. And I strongly support that. I just want to make a point about the issue of nature strips, which I know we're going to be reviewing this year. But I know there's concern in some of the suburban areas of Torquay about the gravelling of nature strips and what happens is we get - we're losing huge areas of public open space effectively, replacing grass for gravel, and that has implications for urban warming but also implications for stormwater run off and particularly into the carafe because when you have a compacted gravel surface, it can't absorb stormwater like rain. So I think we need to think about that. I would love to know how much land we own in the Shire in nature strips and what we could potentially do with it in terms of our environmental action plan. I'm also interested in the B corp issue. I know that we've progressed the implementation or the introduction of the B corp accreditation system in our Shire, and that certification of social and environmental performance of for-profit companies. I would like to know whether there's any certification or accreditation that we as an organisation can have, which is more of an independent look at our performance in relation to - particularly in relation to environmental and environmental activities and what else we can do. And the final point is that I'm really pleased to see that we're getting closer to tracking greenhouse gas emissions and I'm hoping that we will start to publish them almost like a financial report, how much greenhouse gas are we emitting as a Council and are we making progress in that regard. So I found the report - I find the report interesting. It probably raises lots of questions but that's normal because it's at the beginning of a process of improving our environmental performance. My biggest concern is the Karaaf Wetlands at the moment. I don't really see it addressed in that report. I am deeply concerned about the state of the stormwater drainage into it. I'm hoping at some point soon we will get a comprehensive report that really lays out what the problem is and what needs to be done and that actually shows the commitment. I know many Councillors feel that we actually need to address the Karaaf. We're going to lose an incredibly valuable - an asset that is valuable to everybody if we don't do something about it. Thank you.

MAYOR STAPLETON: Thank you, Councillor Wellington. Would any other Councillors

like to speak to this motion? Councillor Barker?

CR BARKER: I still think this plan is alarmist in nature, especially given its title, and will be seen to have been an unnecessary use of public resources that could have been better off spent addressing the issue that we've got on our doorstep: the environmental concern of the hyper-saline Karaaf wetlands. If the climate emergency was as bad as claimed, our property values would be declining. People would be fleeing our low-lying coastal areas and we wouldn't be wasting money on good, connected inconsistent renewable power like the white elephant wind turbine on the Council offices' roof. I would like to clarify that all power sources have their own unique waste challenges and no power source power generation is free of CO2 emissions.

MAYOR STAPLETON: Thank you, Councillor Barker. And Councillor Gazzard, I'm looking at you. Would you like to make any closing comments?

CR GAZZARD: Yes, thank you. I'll just rebut what Councillor Barker said, that we are actually seeing the effects of climate change, maybe not in our Shire as much as the Pacific Islands and the Torres Strait islands, who contribute the least amount to carbon emissions and will be the affected the most and the earliest. So I think we disagree there.

MAYOR STAPLETON: Thank you, Councillor Gazzard. I will now put the motion to a vote. All those in favour, please raise your hands. And the motion is carried unanimously. Thank you, Councillors. Moving on to item 7.3, Enabling Tourism fund projects. This item is in relation to the Victorian Government Enabling Tourism fund, which provides an opportunity for Councils to secure grants up to \$500,000 for strategic tourism infrastructure projects. The report recommends that Council submits two applications for consideration as per the detailed recommendation before us. Do I have a mover and seconder for the recommendation? Councillor Bodsworth, is that as per the recommendation? Thank you. And a seconder? Path. Thank you. And Councillor Bodsworth, would you like to speak to the motion?

CR BODSWORTH: Thanks, Mayor. So the applications are for firstly Torquay town centre public domain plan, estimated cost of \$220,000 with a \$50,000 contribution from Council's project reserve. The second one is Anglesea mountain bike trail, network planning and detailed design, \$300,000 cost with a \$60,000 contribution from Council's project reserve. So important to note that the Council contributions are coming from existing project reserves and also that the intent of this work is to get both projects to a shovel-ready stage where they are eligible and in a strong position for further external funding. So I would like to just focus briefly on the Anglesea mountain bike trail network. It has been probably 15 years that the local mountain biking community has been advocating for something like this so I would like to start by acknowledging the hard work and long and persistent advocacy from the mountain biking community, including the Surf Coast Trail Group, which later morphed into the Surf Coast Mountain Bike Club, particularly Tony Smailes who's been an absolute driving force behind that effort for many, many years, and I'd also like to acknowledge the similar patience and persistence of our own officers, particularly Sian Briggs and Paul Elshaw who've worked hard on this and been incredibly patient because this has been a long and often uphill kind of a battle. So I'd basically like to acknowledge those efforts and I really look forward to

this project progressing so we can begin to see some of the fantastic outcomes from it that we all know that we're going to be getting. Thanks.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. And Councillor Pattison, did you want to speak to the motion?

CR PATTISON: A few things. I think it's great that we move forward on this motion to enable the two funding applications to go to these two key projects and it's important because we get - to get these two projects ready for investment, given our upcoming state and Federal elections and the need to have clarity around the advocacy priorities and having these projects shovel-ready, as they call it, and I think that's really important. Mike has focussed on the Anglesea mountain bike trail so I won't go into that. I also think that's a great project and there's lots of great opportunities in the implementation and operational phase and health outcomes, et cetera. What I wanted to focus on was the Torquay town centre. It's really important to revitalise and strengthen the Torquay town centre and make it a key destination. This project identifies - these are from the Torquay town centre urban design framework but it will ensure that those key aspects will be scoped up and shovel-ready so that they can be accelerated and funded when opportunities arise. And the key focus is around enhancing and connecting key natural assets such as the Torquay foreshore and tailors park. There is so much opportunity and potential in our Torquay town centre and this project will help us scope out and work out how we can implement those changes to revitalise our town centre. So I encourage you to support this. Thank you.

MAYOR STAPLETON: Thank you, Councillor Pattison. Are there any other Councillors wanting to speak to this motion? Councillor Allen?

CR ALLEN: Thanks, Chair. I support both projects. The Torquay town centre, it's tired like me. Now, there's no hope for me but I think there is for the Torquay town centre, and so I'm really pleased that it will be shovel ready to make improvements there to attract business and economic activity into the Torquay centre. And also I'm very supportive of the bike trails to be planned, well executed and good health - both physical and mental health advantages for the community.

MAYOR STAPLETON: Thanks, Councillor Allen. Councillor Barker?

CR BARKER: Thanks, Mayor. I concur partially with Councillor Allen that the Torquay town centre is a little bit tired but it disagree with the assertion that you are tired. I think you've still got plenty more years of energy left. But in terms of this motion, I used to be of the opinion that if money was being offered, I would support applying for it, but I've learned a lot about debt and taxation in recent times and cannot support this funding application. Deficit spending and government borrowings hurt us all and we all end up paying for these funding applications in the end. I don't think it's fair for Victorian taxpayers to fund the Torquay Town Centre Public Domain Plan to the tune of 5 cents each and the Anglesea Mountain Bike Trail Network planning and detailed design totalling 10 cents each. While they're both valid programs, I don't think it's worth adding to the tax burden of other Victorian taxpayers.

MAYOR STAPLETON: Thank you, Councillor Barker. And Councillor Bodsworth, did you

want to make any closing statements?

CR BODSWORTH: Thanks, Mayor. So I think like Councillor Allen, the Torquay town centre has good bones, so that we can certainly improve on it and it's a fantastic place, so I look forward to that investment in the future and just how could I forget to mention our ride with Cadel Evans recently? The number of us Councillors were lucky enough to go on it, and during that ride when I was chatting to Cadel after we had been dropped by the group of Councillors in front of us and were trying to catch up, I was talking to him and his manager Jason Backer who were just absolutely enthralled by the Anglesea back country and they were asking what's the plan for out here? What are you going to do? This is amazing. Well, part of the plan is this Anglesea mountain bike network. So I think when you've got two guys who've travelled all over the world who are international sportsmen and have seen a lot and they were genuinely amazed and thrilled with our ride out the back of Anglesea, I think you know that you're on a winner. So I'm such a strong believer in this project and I'm looking forward to us taking it forward. Thanks.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. I will now put the motion to a vote. All those in favour please raise your hand. And all those against? And the motion is carried 8/1. Thank you, Councillors. Item 7.4, local roads and community infrastructure program overview. So this report is in relation to the local roads and community infrastructure program which supports local Councils to deliver priority local road and community infrastructure projects, supporting jobs and the resilience of local economies and communities. This report is recommending that Council notes the status of the 20 projects that have been funded, authorises the CEO to seek approval from the program manager to redirect some costs to the Torquay Scouts Extension Project, and notes that officers will continue to communicate with the Moriac Community Network and Moriac Community Action Group about this decision. Do I have a mover and a seconder for the recommendation? Councillor Schonfelder, is that as per the recommendation? Thank you. And is there a seconder for that motion? Councillor Bodsworth, thank you. And Councillor Schonfelder, would you like to speak to the motion?

CR SCHONFELDER: Yes, please. The purpose of this report is to authorise officers to seek a redirection of the local roads and community infrastructure funds from the Moriac Lions park upgrade project to the Torquay scouts extension project to fund the shortfall and enable this to be completed. The Moriac Lions park project cannot be delivered prior to 30 June 2022 due to land tenure issues and potential site contamination, which are the subject of ongoing investigations. I'd like to just highlight the fact that this is not due to the Council. This is not the Council's fault, this problem, because of the area being owned by Vic Track. This redirection approach will positively impact the Torquay scouts as their project will be completed. However, it will create disappointment for the Moriac community as their project won't be delivered under phase 2 of the funding round. Given the current issues with the Moriac project, the proposal will ensure the completion of one key project rather than being unable to complete either and needing to return to apply for further funding. Council officers have recommended that subject to the potential contamination issues being resolved with Vic Track, the Moriac Lions park upgrade project will be considered as part of Council's 2022/23 annual budget process and the project will also be prioritised for application in any future eligible

funding programs. I'd also like to thank the President of the Moriac Community Network, Kim Rowe, and the past President Cari Van der Velt for their advocacy in relation to the Moriac Lions park. It is akin to a town square. It is very important for the local community but it also attracts many visitors as well. So I am hopeful in future that we can improve that area. Thank you, Mayor.

MAYOR STAPLETON: Thank you, Councillor Schonfelder. And Councillor Bodsworth, did you want to speak to the motion?

CR BODSWORTH: Thanks, Mayor. Just to note that of the 20 projects in the program, 18 are either complete or on track and these two that Councillor Schonfelder have outlined are not so much and hence the changes that are being brought. So I would only like to add on top of that thanks to the Moriac community for your understanding over this change and also thanks to the officers who I believe have worked closely with the project groups to try and make sure that everybody's feeling OK about the changes and the approach and any delays. So I'm grateful to those project groups for their understanding. Thanks.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. Were there any other Councillors wanting to speak? Councillor Wellington?

CR WELLINGTON: Thank you. I'm really terribly disappointed about the loss of this opportunity for Moriac. I think in the circumstances, there's not a lot else that can be done. Obviously the Torquay scouts are a worthy group as well, and at least we can use the funds, but the reality is that Moriac community worked really, really hard over several years to get this project up and for it to be held up by a site contamination issue, to be honest, fills me with dread because the last site contamination issue we had in my ward, or our ward, of Winchelsea, was the gun club and that took 10 years to resolve, and huge amounts of money and it was only through the efforts in the last six months really of the new CEO working with DELWP that we've managed to get the common open again. So I just wonder whether officers can give us an indication of what's the time frame for the contamination investigation of the Lions park and what's the prospect of there being a project that we can move on with in the next financial year because I think this community has not had a lot over the years, bits and pieces only, and they've been very reserved in their expectations and this is a really big disappointment for them. So if I could just get an indication of what the time frame is on that investigation and what the process is, I would appreciate it, thanks.

MAYOR STAPLETON: Thanks, Councillor Wellington. I'll just refer that question through the CEO, Ms Seymour.

CEO ROBYN SEYMOUR: Thank you, Mayor, and I'll refer it to our Place Making and Environment. My understanding is, though, while he's coming online, Councillor Wellington, is we are hoping that we'll be able to look to see if we can get funding for that project so we can continue it next financial year, but if I can refer to our acting GM, please.

MR WALSH: Thank you, everyone. Through you, Mayor, so we're about to sign off on a consultant to complete the investigation works on the site. We expect that to

take - we will hopefully have a report back within a couple of months. I can't be 100% sure on that but that's the time frame I understand. The advice that has come from Vic Track so far is that the contaminants may be low level, things like herbicides and things associated with track maintenance, but it is something we really want to make sure we're clear on before we re-sign the lease for that piece of land for community use. So that's something we're in the process of doing now. With respect to the future of that project, Council has the ability to fund a portion of the project potentially through the open space reserve next financial year, pending the contamination issue being sorted and the land tenure issue being discovered, but we will also be hotly looking for similar grants in the future to be able to get the project back up to where the Moriac community want it.

CR WELLINGTON: Thank you. So I would really encourage that we have real diligence in driving that through and making sure the timings are met and we are in time for next year's budget and that we can get the full project funded, not in dribs and drabs. So hopefully that will happen. Thank you very much.

MAYOR STAPLETON: Thank you. Councillor Schonfelder, did you want to make any closing comments?

CR SCHONFELDER: Just a final comment. I am committed, and I believe the whole Council are committed, to beautification of all the towns in the Shire and I hope that we can achieve that, particularly with the tree canopy issue to address the heat issues relating to climate change as well. So the beautification of Moriac, particularly the Hendy Main Road area would be something that we are working towards and would be welcomed. Thank you.

MAYOR STAPLETON: Thank you, Councillor Schonfelder. I will now put the motion to a vote. All those in favour, please raise your hands. Thank you, Councillors, and the motion is carried unanimously. Item 7.5 on the agenda is the Torquay Jan Jup Developer Contributions Plan, payment of works in kind, credits to the developer. So the developer of the Quay 2 development has undertaken works in kind within the estate under the Torquay Jan Juc Development Contributions Plan and the recommendation here to Council authorises the CEO to make payment of the works in kind credits to developers for the Torquay Jan Juc Development Contributions Plan, which is explained in the recommendation and the report. Do I have a mover and a seconder for that item? Councillor Barker, is that as per the recommendation? Thank you. And a seconder? Councillor Hodge, thank you. And Councillor Barker, did you want to speak to the motion?

CR BARKER: Just very briefly, Mayor. Really disappointed that the construction of this intersection has been on and off many times for many years now, and not at any time due to the developer based on my understanding of the issue. This has negatively impacted many local residents and it's great to see that we'll have clarity on this in section construction now.

MAYOR STAPLETON: Thank you, Councillor Barker. And Councillor Hodge?

CR HODGE: It's one of those things that is needed. I'm sure the community don't want

another set of lights. But that Coombes Road intersection will be probably quite dangerous so it is great that lights are going in there. It has been a long time coming so I look forward to the CEO moving with this recommendation and getting it done, thank you.

MAYOR STAPLETON: Thanks, Councillor Hodge. Were any other Councillors wanting to speak to that motion? No? Councillor Barker, did you have any closing comments?

CR BARKER: No, thanks, Mayor.

MAYOR STAPLETON: Thank you. I'll put the motion to a vote. All those in favour please raise your hand. And the motion is carried unanimously. Thanks, Councillors. Moving on to item 8.2, which is project budget adjustments and cash reserve transfers for February 2022. And the report contains proposed project budget adjustments and cash reserve transfers recommended for Council approval. We do have a recommendation that outlines this. Do I have a mover and a seconder please? Councillor Bodsworth is that as per the recommendation?

CR BODSWORTH: Yes, thanks.

MAYOR STAPLETON: Thank you. And a seconder? Councillor Schonfelder, thank you. And Councillor Bodsworth, did you want to speak to the motion?

CR BODSWORTH: No, only to recommend that we approve as per the report.

MAYOR STAPLETON: Thank you. And Councillor Schonfelder?

CR SCHONFELDER: No, thank you.

MAYOR STAPLETON: And any other Councillors? No. I'll put the motion to a vote. All those in favour, please raise your hands. And the motion is carried unanimously. Thank you. I think Councillor Hodge, you were putting your hand up there. Thank you. And item 8.3, instrument of appointment and authorisation for the Planning and Environment Act 1987. So the purpose of this report is to seek Council's endorsement for authorised officers under the Planning and Environment Act and there is a recommendation there. Do I have a mover and a seconder? Councillor Bodsworth and Councillor Wellington, thank you. Is that as per the recommendation? Yes. And Councillor Bodsworth, did you want to speak to the motion?

CR BODSWORTH: No, just - no, I recommend that we authorise it mainly resulting from staffing movements and changes, so no, I am happy to recommend it to the Council.

MAYOR STAPLETON: Thank you. And Councillor Wellington?

CR WELLINGTON: No, thank you.

MAYOR STAPLETON: Thank you. Any other Councillors? I'll put the motion to a vote. All those in favour please raise your hands. And the motion is carried unanimously.

Thank you, Councillors. And item 8.4 is the Municipal Association of Victoria rules review discussion paper, and this report is in relation to the MAV discussion paper, which was released in November 2021, signalling the start of the review of the MAVs rules of association. The discussion paper poses several important considerations for the MAV board and its member Councils, including the role of the board, the position of the President and the purpose and operations of state Council. The report before Council is recommending that Council supports the efforts of the MAV to modernise its rules of association and requests the CEO to communicate Council's support. Do I have a mover and a seconder for this recommendation? Councillor Schonfelder, is that as per the recommendation? Thank you. And seconded by Councillor Hodge. Councillor Schonfelder, did you wish to speak to the motion?

CR SCHONFELDER: Yes, please. I would like to just add that the discussions and briefings indicated a preference for the President, a two year or possibly a four year term, a two year term for the President, Council was also open to a four year term if there was a mechanism in the MAV rules for member Councils to replace an existing President. The notion of a two year membership commitment in order to ensure the Council of the elected President remained a member of the MAV for their term of office, also the inclusion of skilled based board members to complement board members elected from member Councils. Each member Council having one vote. Motions that are presented at MAV state Council having a formal resolution of Council, limiting the number of years an individual Council can serve as an MAV board member; for example, no more than eight years. And also a reduction in the number of motions considered by MAV state Council to ensure MAV's effective, strategic and targeted in its work. Thank you, Mayor.

MAYOR STAPLETON: Thank you, Councillor Schonfelder. And Councillor Hodge?

CR HODGE: Look, I will be quick, being a MAV rep, one of the things that I'm interested in and really wanted to push was that one vote per municipality. It is still in now that the bigger municipalities, especially Melbourne, had two votes to the hinterland's ones. And that doesn't happen in state or Federal politics. It is one vote. So I think 79 Councils all having one vote each is much more democratic and we can still advocate for our communities through MAV but I think having equal votes makes it much more easier too for the hinterland groups to actually put their points across, thank you.

MAYOR STAPLETON: Thank you, Councillor Hodge. Would any other Councillors like to speak to this motion? Councillor Allen?

CR ALLEN: Thank you, Chair. I would just like to give ourselves a pat on the back: I think that we were proactive in seeking consultation. We had the MAV officers come to us and present to us and our officers effectively coordinated our feedback into what I think is a very effective response to the MAV, and so congratulations to all concerned.

MAYOR STAPLETON: Thank you, Councillor Allen. Councillor Wellington?

CR WELLINGTON: Thanks. I just wanted to make a comment about the proposal to include skills-based board members to complement elected board members. I really - I strongly support that. I think a mix of people with different skills, training, expertise



and experience around a governing body table is really, really important. I think the local government sector is too closed. People move often - there's not a lot of external sort of movement into the local government sector and I think there's a lot of things that this sector could learn from other sectors outside local government and it would be interesting to see what MAV or what's being thought about in terms of how those board members would be appointed. Hopefully they wouldn't be, dare I say it, retired local government bureaucrats, for example, because I think it's really important that you get people that have got experience from other sectors - water, the law, health, public sector, private sector, they bring a different perspective. The perspective in local government is very outdated in many areas in my view and I would really like to see these peak organisations be more innovative and proactive. Thank you.

MAYOR STAPLETON: Thanks, Councillor Wellington. Councillor Gazzard?

CR GAZZARD: Thank you. I still might not understand exactly what MAV's role and responsibility or their operations are but I think they're really sensible changes to the rules.

MAYOR STAPLETON: Thanks, Councillor Gazzard. And Councillor Schonfelder, did you want to make any closing comments?

CR SCHONFELDER: No, thank you.

MAYOR STAPLETON: Thanks, Councillor Schonfelder. So I'll now put the motion to a vote. All those in favour, please raise your hands. And the motion is carried unanimously. Thank you, Councillors. Item 8.5 on the agenda is just in relation to our conflict of interest records. The dates of which are listed there in the agenda recommendation. Do I have a mover and a seconder to note the conflict of interest records? Councillor Allen and Councillor Gazzard, thank you. Did anyone want to speak to that motion?

CR ALLEN: No, thank you.

MAYOR STAPLETON: Thank you. And all those in favour of the motion, please raise your hands. Thank you. And the motion is carried unanimously. So Councillors and community, we have three confidential items to consider tonight, so we'll now say good night to everyone watching from home and thank you so much for joining us. And I will ask for Councillors to move and second a motion to move into confidential. Councillor Gazzard and Councillor Bodsworth, thank you. And all those in favour? Thank you. The motion is carried. And I will ask governance to turn off livestreaming so that we can begin recording and we will then move into confidential.