



# Minutes

Ordinary Meeting of Council  
Tuesday, 24 October 2017

Version 2

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

**Council:**

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

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MINUTES FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL  
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY 24 OCTOBER 2017 COMMENCING AT 6.00PM

**PRESENT:**

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

**In Attendance:**

Chief Executive Officer – Keith Baillie  
General Manager Governance & Infrastructure – Anne Howard  
General Manager Culture & Community – Chris Pike  
General Manager Environment & Development – Ransce Salan  
Team Leader Governance – Candice Holloway (minutes)  
Administration Officer – Governance & Risk – Claire Rose (minutes)  
Manager Community Relations – Damian Waight  
Customer Experience Coordinator – Virginia Morris  
Coordinator Communications and Community Relations – Darryn Chiller  
Coordinator Strategic Planning – Karen Hose  
Manager Finance – John Brockway

34 members of the public  
2 member of the press

**OPENING:**

**Cr Brian McKitterick, Mayor opened the meeting.**

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

**PLEDGE:**

**Cr Carol McGregor recited the pledge on behalf of all Councillors.**

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

**APOLOGIES:**

Cr Clive Goldsworthy

**Council Resolution**

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

That an apology be received from Cr Clive Goldsworthy.

CARRIED 8:0

**CONFIRMATION OF MINUTES:**

**Council Resolution**

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

That Council note the minutes of the Ordinary meeting of Council held on 26 September 2017 as a correct record of the meeting.

CARRIED 8:0

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**LEAVE OF ABSENCE REQUESTS:**

Nil.

**CONFLICTS OF INTEREST:**

No declarations were made in relation to Conflicts of Interest.

Cr Rose Hodge made the following declaration in relation to Item 2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay.

*"I wish to advise my fellow Councillors and the members of the gallery that I intend to not participate in Council's consideration of Item 2.3 Planning Application 17/0258 (relating to Bomboras) this evening.*

*In November 2016 the Victorian Commission for Gambling and Liquor Regulation undertook a review of the liquor licence for Bomboras' pop-up bar operation. At that time I wrote a letter to the Commission in support of the continued operation of the business. My letter specifically related to the matter of the licence review and not the planning matter as that had already been determined by VCAT.*

*However, I understand that for many in the community, and in particularly objectors to this permit, there may be a perception that I have a predetermined view in relation to the future operation of the bar and therefore the planning matter to be decided tonight.*

*Due to the potential for any public perception of bias I have decided to not participate in either the debate or decision tonight and will leave the room when we get to this item. I believe that this is fairest to the Council, the applicant and the objectors."*

Cr Rose Hodge left the meeting at 6:07pm and returned at 6:20pm. Cr Rose Hodge left the meeting again at 6:21pm and returned at 6:23pm. Cr Rose Hodge left the meeting again at 6:53pm and returned at 7:07pm. Cr Rose Hodge was absent while this matter was being discussed and considered.

**PRESENTATIONS:**

Cr Brian McKitterick, Mayor formally welcomed past Councillors Dean Webster and Keith Grossman in attendance.

**PUBLIC QUESTION TIME:**

Cr Rose Hodge left the meeting at 6:07pm.

**Questions with Notice:**

Question 1 and 2 received from Thomas McGrath (Applicant) of Torquay:

**Question 1: Planning Application 17/0258 - Bomboras Pop Up Bar**

My question relates to the recommended condition by the planning officer to the issue of noise. Our acoustic engineer said that the same outcome of the condition can still be achieved with the performers using their own equipment as long as the power outlet they plug into is run through the limiter. Is it possible to reword the condition to reflect this?

General Manager Environment & Development – Ransce Salan responded:

The permit conditions can be modified to reflect a requirement to plug the power source into the noise limiter rather than to play music through the house sound system as originally contained within the report. The modification would achieve the outcome sought by the planning officer.

**Question 2: Planning Application 17/0258 - Bomboras Pop Up Bar**

In the officers report it states that the permit application requested to operate its summer trading hours from September school holidays to Easter Holidays inclusive. I note that although the recommended condition takes this into account for next year, it does not take into account the following years when Easter falls later in April. Would it be possible for this condition to be reworded to reflect Easter and September school holidays each year of operation?

General Manager Environment & Development – Ransce Salan responded:

The officers report is designed to reflect daylight savings hours, given the zoning of the land it is public park and recreation zone. It is considered that the tavern must have a close functional relationship with the use of the beach.

Questions 3 and 4 received from Rodney Ianna of Torquay:

**Question 3: Planning Application 17/0258 - Bomboras Pop Up Bar**

If Bomboras do not have legal control over all of the public viewing platform, how can the Surf Coast Shire grant them a permit to operate a business on the space that is legally controlled by the Torquay Angling Club?

General Manager Environment & Development – Ransce Salan responded:  
Officers have been advised that the leasing issue can be resolved by the Great Ocean Road Coastal Committee. This issue is not relevant to the consideration of the application for a Planning Permit. Bomboras will need an appropriate lease before it is able to act on any Planning Permit that is issued.

**Question 4: Planning Application 17/0258 - Bomboras Pop Up Bar**

Do the Surf Coast Shire Council and the elected Councillors know that the Liquor Licensing Commission cannot issue a liquor licence to a business that does not have legal control of the site nor can they issue a liquor licence where one has already been granted, in this case to the Torquay Angling Club.

General Manager Environment & Development – Ransce Salan responded:  
Council can issue a Planning Permit for a liquor licence on the land. There are other approvals required in addition to the Planning Permit which would allow the permit to be acted upon.

Questions 5 and 6 received from Lee Shears of Torquay represented by Rodney Ianna:

**Question 5: Planning Application 17/0258 - Bomboras Pop Up Bar**

What is or has the Council done in relation to the illegal building works that were undertaken prior to last year, now known to be illegal on the public viewing platform, as there were no building permits issued and the majority of the platform is under the legal control of the Torquay Angling Club, who did not ask for or agree to the building works occurring on their lease hold?

General Manager Environment & Development – Ransce Salan responded:  
This question has been previously answered. This issue is not relevant to the consideration of the application for a Planning Permit.

**Question 6: Planning Application 17/0258 - Bomboras Pop Up Bar**

What investigation and rectifications has the Council ordered in relation to the non-compliant building works (stairway, safety fence, access to the steel patio roof, electrical installations, furniture hanging hooks) that they have a documented state of knowledge of?

General Manager Environment & Development – Ransce Salan responded:  
Council's Enforcement Unit are investigating a complaint about non-compliant building works, this issue is not relevant to Council's consideration of this Application for Planning Permit.

Questions 7 and 8 received from Jacqui McKim of Torquay represented by Rodney Ianna:

**Question 7: Planning Application 17/0258 - Bomboras Pop Up Bar**

If Bomboras do not have legal control over all of the public viewing platform how can the Surf Coast Shire grant them a permit to operate a business on the public viewing platform?

General Manager Environment & Development – Ransce Salan responded:  
This question has been previously answered. This issue is not relevant to the consideration of the application for a Planning Permit.

**Question 8: Planning Application 17/0258 - Bomboras Pop Up Bar**

If a business gives misleading information to Council where Council then grants them a permit to operate a business on a site that they have no legal control of, what are the legal ramifications for the business that operated illegally?

General Manager Environment & Development – Ransce Salan responded:  
This question has been previously answered. This issue is not relevant to the consideration of the application for a Planning Permit.

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Questions 9 and 10 received from John Jenkins and Rachel Russo of Torquay represented by Rodney Ianna:

**Question 9: Planning Application 17/0258 - Bomboras Pop Up Bar**

When it comes to the issue of legal control of the public viewing platform, if the Surf Coast Shire Planning department was to grant Bomboras a permit to operate on another organisations property can they please tell the elected councillors and fellow objectors which sections of relevant legislation and internal procedures they would be in breach of?

General Manager Environment & Development – Ransce Salan responded:

This question has been previously answered. This issue is not relevant to the consideration of the application for a Planning Permit.

**Question 10: Planning Application 17/0258 - Bomboras Pop Up Bar**

If the Torquay Angling Club has not entered into a legally binding sub lease for their majority part of the viewing platform with Bomboras, how can Bomboras legally apply for a planning permit with the Surf Coast Shire Council, isn't the Council obligated to categorically reject the application?

General Manager Environment & Development – Ransce Salan responded:

Bomboras can make an application for Planning Permit but will need an appropriate lease before it is able to act on any Planning Permit.

Questions 11 and 12 received from Thelma Cameron of Torquay represented by Rodney Ianna:

**Question 11: Planning Application 17/0258 - Bomboras Pop Up Bar**

If Bomboras do not have legal control over the all of the public viewing platform how can the Surf Coast Shire grant them a permit to operate a business on the space that is legally controlled by the Torquay Angling Club?

General Manager Environment & Development – Ransce Salan responded:

This question has been previously answered. This issue is not relevant to the consideration of the application for a Planning Permit.

**Question 12: Planning Application 17/0258 - Bomboras Pop Up Bar**

How can the Surf Coast Shire issue a permit for a business to operate on a site that has known building compliance and safety issues, who would be held responsible for any injuries if they were to happen?

General Manager Environment & Development – Ransce Salan responded:

Council's Enforcement Unit are investigating a complaint about non-compliant building works, this issue is not relevant to Council's consideration of this Planning Permit Application that is before them tonight.

Questions 13 and 14 received from Neil Schipkie of Torquay represented by Rodney Ianna:

**Question 13: Planning Application 17/0258 - Bomboras Pop Up Bar**

If Bomboras do not have legal control over the all of the public viewing platform how can the Surf Coast Shire grant them a permit to operate a business on the space that is legally controlled by the Torquay Angling Club?

General Manager Environment & Development – Ransce Salan responded:

Officers have been advised that the leasing issue can be resolved by GORCC. This issue is not relevant to the consideration of the application for Planning Permit. Bomboras will need an appropriate lease before it is able to act on any planning permit issued.

**Question 14: Planning Application 17/0258 - Bomboras Pop Up Bar**

How can the Surf Coast Shire issue a permit for a business to operate on a site that has known building compliance and safety issues, who would be held responsible for any injuries if they were to happen?

General Manager Environment & Development – Ransce Salan responded:

Council's Enforcement Unit are investigating a complaint about non-compliant building works, this issue is not relevant to Council's consideration of this Application for Planning Permit.

Questions 15 and 16 received from Jennifer Appleton of Torquay:

**Question 15: Spring Creek Precinct Structure Plan**

Please advise which tree avenues will be protected in this development. The tree avenues, even the non-native ones, add greenery, establishment, environmental protection to animals and birds and contribute to residents wellbeing.

General Manager Environment & Development – Ransce Salan responded:

The Spring Creek Precinct Structure Plan aims to retain as many trees as possible, particularly native vegetation. The trees and vegetation along Grossmans Road, Duffields Road and the Great Ocean Road will be retained and large stands of significant trees within the precinct will be preserved in separate conservation reserves or in linear open space along the waterways. Developers are encouraged to retain all trees wherever practical in their subdivision designs. Council has completed a number of biodiversity surveys and arborist assessments on all trees within the precinct.

**Question 16: Spring Creek Precinct Structure Plan**

What compensation / consideration is given to residents of Ocean Views Estate and Church Estate whose peaceful edge of town lifestyle will become centre of hustle and bustle with high density housing and commercial precinct?

General Manager Environment & Development – Ransce Salan responded:

The vegetation along Duffields Road will provide an attractive visual interface to Duffields Road, with the shopping centre access provided from an internal connector road. The Precinct Structure Precinct is a high level strategic plan and the shopping centre will be designed in detail at a later stage of development. A Shopping Centre has been planned for this location since the adoption of the Sustainable Futures Torquay 2040 Plan and included in various draft plans for Spring Creek since that time.

Cr Rose Hodge returned to the meeting at 6:20pm.

Questions 17 and 18 received from David Spedding on behalf of Christian College Surf Coast Campus (not present):

**Question 17: Spring Creek Precinct Structure Plan**

We understand Council Planning Officer's and Councillors are aware of the discussions between Mack Properties and Christian College in regards to a land donation; being a strip of land on the west boundary of 220 Great Ocean Road. Does the proposed Spring Creek PSP, as recommended by Council Officer's allow the land donation to take place, still preserving the street frontage to the eastern boundary of the school?

**Question 18: Spring Creek Precinct Structure Plan**

If not, is it possible for Councillor's to incorporate flexibility in the Spring Creek PSP to allow the land donation to be further discussed?

Cr Brian McKiterick, Mayor responded:

Given Mr Spedding is not present, these questions are taken on notice and a response will be provided within 5 business days.

**Questions without Notice:**

Cr Rose Hodge left the meeting at 6:21pm.

Question 1 and 2 asked by Mark Teasdale of Torquay:

**Question 1: Planning Application 17/0258 - Bomboras Pop Up Bar**

During the last council meeting, the operator advised that the music was the attraction for the bar, and not the location. "People come especially for the music". Given that tourists and visitors currently use this site to enjoy the location, and this is the only viewing platform at Fisherman's beach, what is the justification to use the location as a privately owned music venue, rather than allowing the public to use the site to enjoy the location?

General Manager Environment & Development – Ransce Salan responded:

Council must consider whether the use is appropriate. The use is a tavern with music and the officers report provides an assessment of that application.

**Question 2: Planning Application 17/0258 - Bomboras Pop Up Bar**

As the nearest resident, and a full time university student, study will no longer be possible during the majority of the bars operation. What level of consideration has been given to families with school children, students such as myself, and future generations of families whose ability to study will also be impacted?

General Manager Environment & Development – Ransce Salan responded:

Council officer have considered the amenity impacts of the proposal including noise impacts and hours of operation. Permit conditions in the recommendation have allowed for shorted hours of operation and more stringent control on noise.

Question 3 and 4 asked by Mark Teasdale of Torquay on behalf of Dr Vic Teasdale:

**Question 3: Planning Application 17/0258 - Bomboras Pop Up Bar**

Regarding the fairness of the petition, were signatories contacted to assess their understanding of the reasons for objections?

General Manager Environment & Development – Ransce Salan responded:

The signatories of the petitions have not been contacted. The application has been assessed against the relevant provisions of the Surf Coast Shire Planning Scheme.

**Question 4: Planning Application 17/0258 - Bomboras Pop Up Bar**

According to the petition, the trial period was deemed to be a success by patrons. As neither the petition, nor online comments indicate a need to change the bar from its trial period structure, what is the justification to grant the proposed changes if these changes will cause a negative impact to the surrounding area and the neighbours?

General Manager Environment & Development – Ransce Salan responded:

The application must be considered on its merit regardless of the contents of the petition.

Cr Rose Hodge returned to the meeting at 6:23 pm.

**BUSINESS:**

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**1. PETITIONS & JOINT LETTERS**

Nil

## 2. PLANNING MATTERS & DECISIONS

### 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

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

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F16/734

**Division:** Environment & Development

**Trim No:** IC17/1155

**Appendix:**

1. Spring Creek Precinct Structure Plan (Final) (D17/118001)
2. Response to Panel Recommendations Report (D17/118002)
3. PSP Document Changes Table (D17/118003)
4. Comparison of PSP with Community Panel Recommendations (D17/118004)
5. Urban Growth Zone Schedule 1 (D17/118466)
6. C114 Explanatory Report (D17/118006)
7. Residential Design Controls of the Precinct Structure Plan – Updated Table 2 (Tabled at the meeting)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

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### Purpose

The purpose of this report is to consider the final Spring Creek Precinct Structure Plan and to adopt Planning Scheme Amendment C114 subject to changes.

### Summary

Planning Scheme Amendment C114 seeks to implement the *Spring Creek Precinct Structure Plan* (PSP). The amendment was placed on public exhibition from 26 May until 27 June 2016 and attracted 80 submissions. The amendment and all submissions were reviewed by an independent Panel in November 2016. Council considered the report of the Panel at its meeting on 28 March 2017 and resolved to accept some recommendations, reject others and undertake further work in relation to: stormwater management, biodiversity and native vegetation, open space and creek buffers, lot densities, residential design controls and bushfire management.

The further work has now been completed and has informed a final response to the Panel recommendations. This report provides an overview of the outcomes of the further work and recommended changes to the PSP and amendment documents.

In finalising the PSP, officers have been mindful of the need to balance the interests and expectations of landowners/developers and community groups/members and to ensure that the original vision for Spring Creek as informed by the Community Panel is not compromised.

### Recommendation

That Council:

1. Having considered the Panel Report and all submissions to Surf Coast Planning Scheme Amendment C114, adopt the amendment as exhibited subject to changes as outlined in this report and the appendices.
2. Prior to submission of the adopted amendment to the Minister for Planning for approval, finalise the Native Vegetation Precinct Plan.
3. If required, correct any clerical errors or consequential changes in the documentation to achieve consistency as a result of the adoption of the amendment.
4. Submit adopted Surf Coast Planning Scheme Amendment C114, including the final Spring Creek Precinct Structure Plan and Native Vegetation Precinct Plan, to the Minister for Planning for approval pursuant to section 31 of the *Planning and Environment Act 1987*.
5. Upon approval of Surf Coast Planning Scheme Amendment C114 by the Minister for Planning, commence the preparation of a Development Contributions Plan or Infrastructure Contributions Plan,

## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

as the case may be.

### Council Resolution

#### MOVED Cr David Bell, Seconded Cr Martin Duke

That Council:

1. Having considered the Panel Report and all submissions to Surf Coast Planning Scheme Amendment C114, adopt the amendment and precinct structure plan with the changes outlined in detail in Appendix 3, but altered to deliver the following within the precinct structure plan:
  - a) Retention of the three categories of residential lot sizes, with a new category added for lots down to a minimum lot size of 400 square metres directly abutting the neighbourhood and local activity centres only;
  - b) Replace Table 2 - Residential Design Controls of the Precinct Structure Plan (Appendix 1) with an updated Table 2 (attached as Appendix 7)
  - c) Retention of the large lot range 1500 – 2000 square metres in area minimum abutting Grossmans Road as per the exhibited Precinct Structure Plan;
  - d) Allow lots of 500 – 600 square metre lot size range within: 400 metres of the Neighbourhood Activity Centre, 200 metres of the Christian College School and 100 to 200 metres of the local activity centres; with the 500 – 600 square metre lot size range ending at the western boundary of the Christian College title at 240 & 248 Great Ocean Road, Jan Juc.
  - e) Add additional wording in the precinct structure plan regarding the connector road access to the school as follows:

*“Future development and subdivision should ensure adequate access to any school adjacent to the precinct for the purposes of car parking and drop offs, to the satisfaction of the Responsible Authority”.*
2. Prepare a map for communication purposes that shows where lot-size distribution will be located, based on point 1 above, within the precinct and make this publicly available.
3. Require any planning application proposing to alter the alignment of the connector road adjacent to the Christian College school site be reported to Council for decision.
4. Prior to submission of the adopted amendment to the Minister for Planning for approval, finalise the Native Vegetation Precinct Plan.
5. If required, correct any clerical errors or consequential changes in the documentation to achieve consistency as a result of the adoption of the amendment.
6. Submit adopted Surf Coast Planning Scheme Amendment C114, including the final Spring Creek Precinct Structure Plan and Native Vegetation Precinct Plan, to the Minister for Planning for approval pursuant to section 31 of the *Planning and Environment Act 1987*.
7. Upon approval of Surf Coast Planning Scheme Amendment C114 by the Minister for Planning, commence the preparation of a Development Contributions Plan or Infrastructure Contributions Plan, as the case may be.

CARRIED 8:0

## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

### Report

#### **Background**

Planning Scheme Amendment C114 seeks to implement the *Spring Creek Precinct Structure Plan* (PSP), which covers an area of approximately 245 hectares extending generally one kilometre west of Duffields Road, Torquay. The amendment was placed on public exhibition from 26 May until 27 June 2016. A total of 80 submissions were received from referral authorities, landowners, developers, community groups and residents. The amendment and all submissions were reviewed by an independent Panel in November 2016. Council considered the report of the Panel at its meeting on 28 March 2017. Council resolved to accept some recommendations, reject others and undertake further work on the remaining ones.

This report provides an overview of the outcomes of the further work and recommended changes to the PSP and amendment documents. The amended PSP is included at Appendix 1. A detailed response to the Panel recommendations is provided at Appendix 2. The table at Appendix 3 documents all changes to the PSP. A comparison of the PSP with the Community Panel recommendations is attached at Appendix 4.

In essence, the amended PSP seeks to:

- maintain lower residential densities, whilst providing greater housing diversity around the neighbourhood centre, school and local convenience centres
- maintain generous creek buffers, conservation reserves and areas of passive open space to protect natural waterways, significant native vegetation, wildlife corridors and Aboriginal cultural heritage
- provide an open space system that is well connected and builds on and enhances the natural assets of the precinct and provides opportunities for informal recreation and linear trails
- control the design and siting of residential development to encourage urban development that achieves the landscape character objectives for the precinct
- respond to the Panel recommendations whilst not compromising the original vision for the precinct as informed by the Community Panel recommendations

#### **Discussion**

Overall the Panel supported Amendment C114. It concluded that the amendment is well founded and strategically justified and that the PSP and Urban Growth Zone Schedule (UGZ1) provide a sound framework and mechanism to manage land use and development within the precinct, subject to a number of changes to address specific issues.

The key recommendations of the Panel were:

- the PSP should not preclude the potential for urban development further to the west of the PSP boundary and land to the south-west should be marked as a "Strategic Investigation Area"
- Council should review the decision to replace the signalised intersection at Great Ocean Road/Strathmore Drive East with an un-signalised T-intersection
- Council should review the provision of passive open space, including the width of waterway buffers, and determine how active open space needs will be met
- Council should increase the overall dwelling density from the proposed 10 dwellings per hectare to 12-13 in order to more meaningfully deliver greater housing diversity.

At the 28 March 2017 meeting, Council adopted the following position:

- strongly reject Panel Recommendations 3 and 4 in relation to further development beyond the western town boundary
- reaffirm Torquay's western town boundary at its current location (i.e. at a line generally one kilometre west of Duffields Road) and the retention of a green break between Torquay and Bellbrae as per current policy in the Surf Coast Planning Scheme
- confirm the decision to replace the signalised intersection at Great Ocean Road/Strathmore Drive East with an un-signalised left in/left out T-intersection and accept the other Panel recommendations in relation to the road network.

The position on the western boundary was reconfirmed at the September council meeting in response to a petition received from landowners to the west.

## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Council committed to undertake further work in relation to: stormwater management, biodiversity and native vegetation, open space and creek buffers, lot densities, residential design controls and bushfire management.

The further investigations have been completed and have informed a final response to the Panel recommendations. An overview of the outcomes of the further work and the ensuing recommended changes to the PSP and amendment is provided below.

### Stormwater management

In relation to the proposed stormwater management system the Panel made the following recommendations:

- the requirements in the PSP should provide greater flexibility to allow for alternative designs to be proposed by developers at the subdivision approval stage
- waterbody WL15 and waterway WL21 at 200-220 Great Ocean Road should be deleted and replaced with a waterbody further downstream
- review the extent of waterway WL01 affecting 225 Grossmans Road in consultation with the landowner
- include a mechanism to equitably allocate responsibility, costs and contributions where drainage infrastructure is upsized (i.e. benefits other landholders)
- consider the impact of climate change in stormwater modelling

At the March 2017 Council meeting, Council resolved to:

- provide greater flexibility in the PSP in relation to the consideration of alternative stormwater management systems and infrastructure
- review the appropriateness of replacing WL15 and WL21 with water management infrastructure at a downstream location and review the extent of WL01
- investigate mechanisms to provide for the equalisation of contributions to shared water management infrastructure
- update the stormwater modelling report to include reference to the impact of climate change.

In response to the Panel recommendations the following further work has been undertaken:

- Section 3.6.1 of the PSP has been redrafted to make it clearer that the requirements with respect to the stormwater management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision approval stage.
- The need for WL15 and WL21 has been reviewed. It is recommended that WL21 be deleted and replaced with piped infrastructure and that WL15 be replaced with water management infrastructure at a downstream location closer to the creek. The Stormwater Management Strategy has been updated to reflect these changes.
- The extent of WL01 affecting 225 Grossmans Road has not been reviewed as the mapping was based on waterway and flood extent information provided by the CCMA. The waterway is a designated waterway forming part of the northern tributary of Spring Creek. The landowner did not submit any evidence to justify why it would be appropriate to remove the waterway and has not made any further submissions.
- The use of section 173 agreements is deemed the most appropriate method for the equalisation of contributions to shared water management infrastructure.
- The Stormwater Management Strategy has been updated to consider the impact of climate change on the stormwater system. The previously provided comments on this subject have been incorporated into the report. Re-modelling was not deemed to be required. No change was made to design rainfalls as the effects of climate change are difficult to predict – with both increasing and decreasing trends predicted. The modelled system, combined with the natural topography of the site, has enough built in conservativeness to cater for events outside of those modelled in the study such as the possible effect of climate change.

## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

### Recommendation

Amend Plan 8, Table 5 and the integrated water cycle management requirements/guidelines at section 3.6.1 of the PSP to:

- provide greater flexibility and guidance for landowners to submit alternative stormwater management designs to Council for consideration at the subdivision approval stage
- delete waterway WL21 from 200-220 Great Ocean Road and relocate drainage basin WL15 closer to the creek
- relocate water bodies WL11, WL12, WL13 and WL17 to avoid encroachments onto Crown land and to avoid or minimise native vegetation losses

### **Biodiversity**

The Panel made the following recommendations in relation to biodiversity and specific areas of native vegetation:

- use the “best part” of the Bellarine Yellow Gum woodland (GW5) at 200-220 Great Ocean Road as a native vegetation offset site and accept the lower quality “degraded” south-western portion as credited open space
- remove the area of planted native vegetation (SRW1) at 200-220 Great Ocean Road as a conservation reserve
- review the status of the native vegetation at 161 and 195 Grossmans Road
- include kangaroo management principles in the PSP as recommended by DELWP
- undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species.

At the March 2017 Council meeting, Council resolved to undertake the following further work:

- review the configuration and use options of vegetation patch GW5 at 200-220 Great Ocean Road, in relation to public access and use of the south-western degraded portion as credited open space
- further investigate the advantages and disadvantages of using GW5 at 200-220 Great Ocean Road as an offset site and bring an officer recommendation back to Council to decide when C114 is again considered
- investigate if public funds have been used for the planting of vegetation within patch SRW1
- review the significance of the vegetation at 161 and 195 Grossmans Road
- undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species

The above matters have been reviewed with assistance from Ecology & Heritage Partners and the following findings have been produced:

- Acceptance of part of the Bellarine Yellow Gum reserve as a offset site for native vegetation removal is not supported due to the ongoing management responsibilities that would be placed on Council as the future land manager and the restrictions on public access.
- A reduction in size of the Bellarine Yellow Gum reserve is not supported as it would result in a greater loss of significant trees, create greater edge effects due to loss of buffers, complicate BAL setbacks and increase offset requirements due to additional vegetation removal which is avoidable. This area was identified as an area with high conservation value based on the presence of a significant number of Bellarine Yellow-gums and also because it is the largest remnant patch present within the PSP. Acceptance of the lower quality south-western portion as credited open space is accepted as it would be able to be managed as a passive open space reserve with opportunity for a nature play park.
- Although Council has strong reason to believe that the revegetation works within SRW1 were part of a publicly funded Landcare project, it has not been able to retrieve any records of these activities. The removal of planted vegetation is exempt from the permit requirements of the planning scheme, however the vegetation can be retained within the creek buffer.
- The status of the mapped native vegetation within the Grossmans Road properties is valid and does not warrant any modification. The vegetation has been confirmed as regrowth following previous land clearing and agricultural use and its removal is not exempt from the permit requirements of the planning scheme.

## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

### Recommendation

- Not accept part of the Bellarine Yellow Gum reserve at 200-220 Great Ocean Road as an offset site due to the restrictions this would place on public use and the ongoing land management obligations for Council
- Accept the lower quality south-western portion of the Bellarine Yellow Gum reserve at 200-220 Great Ocean Road as credited open space subject to boundary confirmation
- Remove the patch of SRW1 at 200 Great Ocean Road as a conservation reserve and include the patch in the NVPP as vegetation identified for 'practical retention'
- Not revise the status of the vegetation at 161 and 195 Grossmans Road in the PSP and NVPP
- Amend Appendix G of the PSP to include additional kangaroo management principles as per DELWP's submission
- Undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species

### **Open space**

The Panel was critical of the allocation of open space within the PSP. It stated that Council had not provided any strategic justification for the high level of passive open space and the wide waterway buffers, and had not made it clear how the active open space needs of future residents will be met and funded.

The Panel made the following recommendations in relation to a number of specific open space areas:

- Open space area OS-08 should be relocated to encompass trees 41-47
- Open space area OS-01 affecting 161, 165 and 195 Grossmans Road should be reviewed and reduced based on a proper assessment of its merit.

At the March 2017 Council meeting, Council resolved to undertake a review of the open space provision in Spring Creek to justify the provision of passive open space within the exhibited PSP, identify unconstrained areas for active use and review site specific technical information to establish the width and alignment of waterway buffers.

A review of the open space provision and creek buffers has been undertaken with assistance from open space planning consultants ROSS Planning. The review has confirmed that the provision of open space as proposed in the exhibited PSP is justified and will result in an outcome that is consistent with open space planning policy guidelines. It is considered that:

- The demand for active recreation (outdoor sports) facilities be met through existing and future active open space reserves outside of the precinct due to the lack of suitable areas within the precinct
- Passive open space, including parklands and gardens with opportunities for informal and unstructured sporting and recreational activities, be provided within a network of linear open spaces and local parks to ensure access to well-connected green spaces and to maximise walking and cycling opportunities for future residents
- The overall provision of open space within the precinct should not be reduced and the buffers along Spring Creek should be retained at 75 metres each side measured from the 1 in 10 year flood level.

Further to the review of the extent of native vegetation on the properties at 161, 165 and 195 Grossmans Road, the extent of open space (areas OS-01 and OS-02) affecting the properties was also reviewed. The review has revealed that there is limited justification for the extent of open space on the affected properties having regard to the extent of open space relative to the property size, the impact on the developable area of the land, the siting of existing dwellings, the location and extent of native vegetation, and the catchment area serviced by the open space. It is therefore recommended that OS-01 and OS-02 be reduced in width or deleted altogether. The waterway/drainage corridor of 20m wide each side measured from the 1 in 10 year flood level would protect significant vegetation and provide opportunities for recreation trails.

### Recommendation

- Not accept a reduction in the overall provision of open space within the precinct and retain the buffers along Spring Creek at 75 metres wide each side measured from the 1 in 10 year flood level
- Amend the PSP to:
  - Relocate OS-08 to the north to encompass trees 41-47
  - Reduce or delete OS-01 and OS-02 affecting 161, 165 and 195 Grossmans Road
  - Reconfigure OS-13 to include the south-western portion of the BYG patch as credited open space.

## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

### Densities

The Panel considered that the PSP does not provide for the meaningful delivery of housing diversity, particularly in the southern portion of the precinct. The panel recommended that the overall dwelling density across the precinct be increased from 10 to 12-13 dwellings per hectare by providing more lots of less than 600m<sup>2</sup> within a reasonable walking distance of the Neighbourhood Centre (NAC) and school (Christian College). The Panel accepted that a lower density than the state prescribed standard of 15 dwellings per hectare for growth areas is warranted, however considered a density of 10 dwellings per hectare insufficient.

At the March 2017 Council meeting, Council resolved to explore opportunities to increase the area of 500-600m<sup>2</sup> lots within walking distance of the NAC and school, and to consider the provision of pockets of medium density housing immediately adjacent to the NAC.

It is sound planning and urban design practice to increase housing densities around activity centres, schools, community facilities and open space. Increased densities make it attractive for residents to walk or cycle to these destinations as part of their daily routine and provide greater housing diversity, choice and a mix of people which is important for a healthy and sustainable community where people are able to go through different life stages. Increased housing densities within and surrounding activity centres is also essential to support the viability of businesses, services and facilities within the centre and to encourage the use of public transport.

Having reviewed the opportunities for higher densities in the Spring Creek PSP it is recommended that lots less than 600m<sup>2</sup> be provided in the following walkable catchment areas:

- Within 400m of the Neighbourhood Centre
- Within 200m of the school
- Within 100-200m of Local Convenience Centres (LCCs).

In addition it is recommended that opportunities for medium density lots (lot size less than 500m<sup>2</sup>) be provided immediately abutting the neighbourhood centre and local convenience centres and that the larger lots along Grossmans Road be replaced with 600-900m<sup>2</sup> lots.

These changes would increase the number of lots from 1,781 to approximately 2,120 and lift the overall dwelling density from 9.7 to approximately 11.3 dwellings per hectare, which is closer to the Panel's expectations while preserving the overall vision for the precinct of lower than average densities. The PSP as amended will provide for a sensibly balanced range of lot sizes, with lot sizes across the precinct varying from compact medium density and 500-600m<sup>2</sup> lots within walking distance of the NAC, school and LCCs, to larger 600-900m<sup>2</sup> lots for the majority of the precinct and 1,500-2,000m<sup>2</sup> lifestyle lots in sensitive interface areas, including the western boundary and steep land on the north side of Spring Creek.

### Recommendation

Amend the PSP as follows:

- increase the area of 500-600m<sup>2</sup> lots within 400 metres of the neighbourhood centre, within 200 metres of the school and within 100-200 metres of the local convenience centres
- provide medium density lots (lot size less than 500m<sup>2</sup>) immediately abutting the neighbourhood centre and local convenience centres
- replace the larger lots along Grossmans Road with 600-900m<sup>2</sup> lots.

### Residential Design Controls

The Panel supported the application of the Residential Design Controls (RDCs) and their implementation through a Memorandum of Common Provisions (MCP) with any subdivision, but was of the view that a greater level of flexibility was required. It recommended that the controls may be adopted by developers in full or part as either mandatory or discretionary provisions, and may be varied at the discretion of the Responsible Authority.

At the March 2017 Council meeting, Council did not support this recommendation as it would undermine the effectiveness of the controls. Council resolved to maintain the RDCs as mandatory provisions, and to undertake further work to justify the application of the controls.



## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

The RDCs have been reviewed to justify their application and to respond to submissions from landowners/developers regarding the restrictive nature of the controls, in particular the maximum 35% building site coverage which in their view would compromise opportunities for the construction of single storey dwellings on smaller lots and the provision of adequate roof space for solar panels.

In light of Council's drive to encourage sustainable development and the use of solar panels in new housing, an incentive for this provision on the smaller lots for single storey houses was considered appropriate.

In addition, since this amendment was considered in March, the State Government has introduced a sliding scale for "minimum garden area" at ground level for lots in the General Residential Zone. The provision requires between 30 and 35% of the lot in the 500-650 square metre lot size range reserved as "garden area". These provisions have also informed the recommendations below.

It is recommended that the RDCs be amended as follows:

- apply minimum side and rear setbacks to create greater separation between buildings, enhance the opportunities for landscaping along fence lines, allow vegetation to visually permeate between built forms and to facilitate privacy between upper levels of adjoining lots
- allow a building site coverage of up to 50% where a single storey dwelling is proposed that achieves a minimum 7 star energy rating in combination with the installation of a solar panel system
- introduce minimum garden area provisions to accord with recent State government changes to the residential zones
- amend the retaining wall provisions to allow greater flexibility in the siting and design of retaining walls, while still avoiding excessive cut and fill and landscape scarring
- reduce the front setback for 500-600m<sup>2</sup> lots from 6 metres to 5 metres (minimum 4 metres under ResCode) and reduce the setback from a side street for all lots from 4 metres to 3 metres (minimum 2 metres under ResCode)
- add a maximum 7.5 metre building height, which may be varied by a permit, for consistency with the Urban Growth Zone schedule
- add a requirement for the establishment of a vegetated buffer along western precinct boundary.

The amended controls will provide greater flexibility for the siting and design of dwellings, preserve the opportunity to develop single level dwellings and respond to site orientation and topography while achieving sufficient space on lots to facilitate quality landscape outcomes as per the Community Panel vision for Spring Creek.

It is considered that the RDCs should be maintained as mandatory provisions in order to reduce the administrative burden on Council and ensure implementation of the original objectives.

### Recommendation

- Retain the residential design controls as mandatory controls that must be implemented through Memorandum of Common Provisions
- Replace Table 2 Residential Design Controls with a new Table 2 Residential Design Controls.

### **Bushfire management**

The Panel did not make any recommendations in relation to bushfire risk, despite several submitters raising it as an issue. Council committed to preparing a Bushfire Assessment to inform an appropriate design response and mitigation strategies to address potential bushfire risk from the adjacent rural grasslands and vegetated creek corridor.

The assessment identified that the risk of bushfire impact can be reduced to an acceptable level and recommended minimum Bushfire Attack Level (BAL) construction standards and setbacks from classifiable vegetation (i.e. adjoining grasslands and woodland within conservation reserves).

### Recommendation

Add requirements/guidelines under Section 3.4.3 'Bushfire management' to give effect to the recommendations of the bushfire assessment.

## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

### Native Vegetation Precinct Plan

The Panel recommended that Council work with the Department of Environment, Land, Water and Planning (DELWP) to review and refine the NVPP, addressing the following matters:

- the rationale for the retention and removal of native vegetation
- inclusion of a minimisation strategy
- explanation of the Biodiversity Impact and Offset Requirements (BIOR) report
- minimisation of specific offsets for threatened species
- extending the boundary of the NVPP to include roadside vegetation on perimeter roads in order to streamline approvals for vegetation losses associated with road upgrades and intersection works
- the identification of vegetation for practical retention
- rewording of tree protection zone requirements
- information that explains the difference between specific and general offsets, and the offset requirements for landholders.

At the March 2017 Council meeting, Council resolved to work with DELWP to update and refine the NVPP as per the Panel's recommendations. This work is currently in progress but the NVPP cannot be finalised until the PSP has been approved as the NVPP is dependent on the land budget and other matters in the PSP being adopted.

### Recommendation

Adopt the NVPP with changes as outlined, to be finalised after the Council meeting and prior to submission of the amendment to the Minister for Planning for approval.

### Activity centres

The Panel considered the provision of activity centres within the precinct and made the following conclusions:

- Early delivery of a full-size Neighbourhood Centre (NAC) with 5,000m<sup>2</sup> of retail floor space and a full-line supermarket by 2021 can be supported and should be considered through a planning permit application with supporting evidence. The Panel did not support Council's position that delivery of the NAC should be staged to avoid negative impacts on the Torquay Town Centre.
- There is scope for a local convenience centre (LCC) in the northern section of the PSP. The location should be identified on Plan 5 through an asterix.
- The Panel supported a request from Parklea to review the Neighbourhood Centre design principles at Appendix B of the PSP.

Council accepted these recommendations at the March 2017 Council meeting.

The PSP and UGZ1 have been amended to reflect the Panel recommendations.

### Recommendation

- Amend the PSP requirements at section 3.2 and the requirements in the UGZ1 to enable consideration of the early delivery of the Neighbourhood Centre subject to a planning permit and supporting economic report.
- Show an asterix on Plan 5 to denote the indicative location of Local Convenience Centres in the northern and southern precincts, with the southern precinct Local Convenience Centre to be restricted to service businesses allowable in the General Residential Zone.
- Insert a table in the PSP describing the indicative size, role and land use mix of the Neighbourhood Centre and Local Convenience Centres.
- Replace the Neighbourhood Centre design principles at Appendix B of the PSP with a rationalised set of guidelines.

### **Financial Implications**

The cost of preparation of the precinct structure plan and amendment has been funded by 5 landowners within the precinct, who will in return receive a credit for their portion in the development contributions plan.

### **Council Plan**

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

## 2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

### **Policy/Legal Implications**

The amendment conforms to the legislative requirements of the *Planning and Environment Act 1987*.

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

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

### **Risk Assessment**

There are no demonstrated risks associated with adopting the amendment.

### **Social Considerations**

The PSP seeks to create an attractive, liveable, healthy and sustainable neighbourhood and takes into consideration the community infrastructure needs of the future population. The plan shows a neighbourhood activity centre, local community facility and an integrated open space and pathway network.

### **Community Engagement**

Amendment C114 was publicly exhibited from 26 May until 27 June 2016.

Since the 28 March 2017 Council meeting landowners, developers, community groups and residents have approached Council in several ways, including:

- Lodgement of 86 pro-forma letters made available by SCEG requesting that Council advocate the State government to review the planning provisions for coastal areas, review G21 growth projections for Torquay-Jan Juc, remove Torquay as a growth zone and pursue the introduction of permanent town boundaries
- Lodgement of a petition with 192 signatures requesting that Council investigate future land use in the area to the west of the PSP and south of Grossmans Road (responded to at the September 2017 Council meeting).
- Officers and Councillors have met with members of the Grossmans Road South Landowners Group to discuss future planning of the area to the west of the PSP and south of Grossmans Road
- Officers and Councillors have received further submissions from and have had meetings with a number of individual landowners, developers and community representatives to discuss aspects of the PSP.

### **Environmental Implications**

Protection of environmental assets and promotion of sustainable development are key aims of the PSP.

The PSP is informed by detailed biodiversity, arboriculture, aboriginal heritage and land capability assessments. The plan provides for 38 hectares of conservation and waterway/drainage reserves and seeks to retain as many Bellarine Yellow Gums as possible. The Native Vegetation Precinct Plan (NVPP) regulates native vegetation that can be removed and that is to be retained. The PSP encourages environmentally sustainable development and includes kangaroo management principles to manage the existing kangaroo population.

Three major developers (Amex, Parklea and Mack) have registered for the Urban Development Institute's Enviro-Development Programme, which is a nationally recognised independent technical assessment tool that encourages developers to exceed minimum sustainability standards.

This report recommends a new incentive for the provision of solar panels on new housing.

### **Communication**

Landowners within the PSP area and all submitters to the amendment will be advised in writing of Council's decision.

### **Options**

#### Option 1 – Adopt Amendment C114 (with or without changes)

This option is recommended by officers as it is considered that there is sufficient strategic justification to adopt the amendment.

## **2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan**

### Option 2 – Defer a decision on Amendment C114

Council may wish to defer a decision on the amendment if it considers further work is required. This option is not recommended by officers as it would further delay finalisation of the PSP, which has included extensive community consultation and research.

### Option 3 – Abandon Amendment C114

Council may abandon the amendment if it does not support it. This option is not recommended by officers as it would undo significant strategic work and there is a risk of intervention by the Minister for Planning given the expectation in the community of an outcome.

### **Conclusion**

Having considered the Panel recommendations, all submissions to the amendment and the outcomes of the further work it is recommended that Planning Scheme Amendment C114 be adopted as exhibited subject to changes as outlined in this report and the appendices.

Should Council adopt Amendment C114 and the proposed changes to the PSP as recommended in this report, the necessary changes will be made to the PSP document and plans. The NVPP will also be completed based on the final PSP plans and recommended changes. Upon finalisation of the PSP and NVPP, the Amendment will be submitted to the Minister for Planning for approval.

## **2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan**

**2.1 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan**

**APPENDIX 7 RESIDENTIAL DESIGN CONTROLS OF THE PRECINCT STRUCTURE PLAN –  
UPDATED TABLE 2**

**TABLED AT THE MEETING**

## Updated Table 2 Residential design controls

This table constitutes the Residential Design Controls contemplated by Clause 4.0 of Schedule 1 to Clause 37.07 Urban Growth Zone. These controls must inform the Memorandum of Common Provisions required by Clause 4.0 of Schedule 1 to Clause 37.07 Urban Growth Zone, and must be adopted as mandatory provisions in conjunction with an application for subdivision, to the satisfaction of the responsible authority.

	CHARACTER AREAS			
	MEDIUM DENSITY	VILLAGE RESIDENTIAL	INTERFACE ZONES	CONVENTIONAL RESIDENTIAL
<b>Location</b>	Land adjacent to the neighbourhood centre or local convenience centre as shown on Plan 3.	Land within the following walkable catchments: <ul style="list-style-type: none"> <li>400 metres of the neighbourhood centre and community facility</li> <li>200 metres of a school</li> <li>100-200 metres of a local convenience centre</li> </ul>	Land within the following interface areas: <ul style="list-style-type: none"> <li>Western settlement boundary</li> <li>Spring Creek (northern slopes)</li> <li>Grossmans Road</li> </ul>	All other residential areas
<b>RDC-1</b>				
<b>Dwellings per lot</b>	Only one dwelling must be constructed on a lot, unless the lot is designated as a multi-dwelling lot on Pan 3 or on an approved concept plan or plan of subdivision.			
<b>RDC-2</b>				
<b>Lot size</b>	Minimum: 400 sqm	Minimum: 500 sqm Minimum average: 520 sqm	Minimum: 1,500 sqm	Minimum: 600 sqm Minimum average: 720 sqm
<b>RDC -3</b>				
<b>Street setback</b> As measured from the relevant lot boundary to the closest dwelling wall. Porches, pergolas and verandas that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.	<b>Minimum front setback:</b> 4 metres  <b>Minimum side setback:</b> 2 metres from a side street where the site is on a corner	<b>Minimum front setback:</b> 5 metres  <b>Minimum side setback:</b> 3 metres from a side street where the site is on a corner	<b>Minimum front setback:</b> 6 metres  <b>Minimum side setback:</b> 3 metres from a side street where the site is on a corner	<b>Minimum front setback:</b> 6 metres  <b>Minimum side setback:</b> 3 metres from a side street where the site is on a corner
<b>RDC-4</b>				
<b>Side and rear setbacks</b> As measured from the relevant side or rear lot	<b>Minimum setbacks:</b> Side: 1.2 metres	<b>Minimum setbacks:</b> Side: 1.5 metres	<b>Minimum setbacks</b> From a boundary shared with rural land: 20 metres	<b>Minimum setbacks:</b> Side: 2 metres

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	CHARACTER AREAS			
	MEDIUM DENSITY	VILLAGE RESIDENTIAL	INTERFACE ZONES	CONVENTIONAL RESIDENTIAL
<p>boundary to the closest dwelling wall.</p> <p>Porches, pergolas and verandas that are less than 3.6 metres high, eaves, gutters, fascias, sunblinds and domestic services normal to a dwelling may encroach not more than 0.5 metres into the setbacks of this standard.</p>	<p>Rear: 3 metres</p> <p>A new wall must not be located on a side or rear boundary.</p> <p>Garages/carports may be constructed to one boundary of an allotment.</p>	<p>Rear: 3 metres</p> <p>A new wall must not be located on a side or rear boundary.</p> <p>Garages/carports may be constructed to one boundary of an allotment.</p>	<p>From a rear boundary shared with public open space: 20 metres</p> <p>From a side boundary shared with public open space: 9 metres</p> <p><i>No building other than a fence may be constructed within these setbacks.</i></p>	<p>Rear: 5 metres</p> <p>A new wall must not be located on a side or rear boundary.</p>
<b>RDC-5</b>				
<b>Site coverage</b>	The area of a lot covered by buildings must not exceed 40 per cent, or 60 per cent for a single storey dwelling that achieves a minimum 7 star energy rating in accordance with the Nationwide House Energy Rating Scheme (NatHERS) and a 2.5kW (minimum) photovoltaic system is installed.	The area of a lot covered by buildings must not exceed 35 per cent, or 50 per cent for a single storey dwelling that achieves a minimum 7 star energy rating in accordance with the Nationwide House Energy Rating Scheme (NatHERS) and a 2.5kW (minimum) photovoltaic system is installed.	None specified	The area of a lot covered by buildings must not exceed 35 per cent, or 50 per cent for a single storey dwelling that achieves a minimum 7 star energy rating in accordance with the Nationwide House Energy Rating Scheme (NatHERS) and a 2.5kW (minimum) photovoltaic system is installed.
<b>RDC-6</b>				
<b>Garden area* and significant trees</b>	<b>Minimum garden area:</b> 25 per cent	<b>Minimum garden area:</b> 30 per cent	None specified	<b>Minimum garden area:</b> 35 per cent
* As defined at Clause 72 of the Surf Coast Planning Scheme, but excludes decks, swimming pools and tennis courts	<p><b>All lots:</b></p> <p>A group of canopy trees must be planted on each lot, with at least two in the front building setback area.</p> <p>Sites, including the front, side and rear building setback areas, must be landscaped in a manner that places buildings in a vegetated landscape setting.</p>			
<b>RDC-7</b>				
<b>Garage setbacks and frontage (including carports)</b>	<p><b>Garage setback:</b></p> <p>A garage or carport must be set back from the street at least 5.5 metres but must not be forward of the front wall of the dwelling.</p>			



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	CHARACTER AREAS			
	MEDIUM DENSITY	VILLAGE RESIDENTIAL	INTERFACE ZONES	CONVENTIONAL RESIDENTIAL
	<b>Garage frontage:</b> Garage openings facing the front of a lot must occupy no more than 40 per cent of the width of the lot frontage.			
<b>RDC-8</b>				
<b>Driveways and crossovers</b>	Driveways must not exceed a width of 3 metres at the property boundary and only one vehicle crossover per lot is permitted.			
<b>RDC-9</b>				
<b>Front fencing and gates</b> Defined as fencing between the front dwelling wall and the street.	Must not exceed a height of 1.2 metres. Must be at least 50% permeable.	<b>Prohibited</b> except where required on a side boundary abutting public open space.  Where a dwelling on a corner lot abuts public open space (including pedestrian links) the shared side boundary fencing that is forward of the front wall of the dwelling must be no more than one metre in height and at least 75 per cent visually permeable.	<b>Prohibited</b> other than post and wire or rural style fencing not higher than 1.5 metres	<b>Prohibited</b> except where required on a side boundary abutting public open space.  Where a dwelling on a corner lot abuts public open space (including pedestrian links) the shared side boundary fencing that is forward of the front wall of the dwelling must be no more than one metre in height and at least 75 per cent visually permeable.
<b>RDC-10</b>				
<b>Side fencing to public open space</b> Defined as fencing behind the front dwelling wall and that faces or adjoins a public reserve or public open space.	Must be at least 25 per cent permeable	Must be at least 25 per cent permeable	Must not exceed 1.5 metres in height and must be of post and wire or rural style fencing	Must be at least 25 per cent permeable
<b>RDC-11</b>				
<b>Building height</b>	The maximum building height must not exceed 7.5 metres without a planning permit.			
<b>RDC-12</b>				
<b>Materials and finishes</b>	All roof materials and external finishes should be muted and non-reflective to assist in visually blending the building with the surrounding natural landscape.			

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	CHARACTER AREAS			
	MEDIUM DENSITY	VILLAGE RESIDENTIAL	INTERFACE ZONES	CONVENTIONAL RESIDENTIAL
<b>RDC-13</b>				
<b>Retaining structures</b>	<p>The extent of cut and fill should be minimised to avoid excessive landscape scarring and to reduce the need for extensive retaining walls. Changes in level should be incorporated within the footprint of the building rather than at the site boundaries.</p> <p>Changes in level outside the building footprint should be limited to 1.5 metres in height and landscaped to mitigate visual impacts where adjoining or visible from a street or public space.</p> <p>Buildings should be designed to suit the site rather than the site modified to suit the building.</p> <p>Buildings should be designed to follow land contours and step down the slope.</p>			
<b>RDC-14</b>				
<b>Vegetation buffer</b>	<p>Lots abutting land within the Farming Zone:</p> <p>A 10 metre wide vegetation buffer must be established and maintained along the western boundary of lots abutting rural land. The buffer must comprise of a mixture of trees and shrubs and must be planted at a density and in a configuration that achieves an effective visual screen upon maturity. Species should be indigenous and low bushfire risk.</p> <p>A minimum 1.8 metre high child and dog proof fence must be erected on the east side of the vegetation buffer.</p>			

## 2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea

**Author's Title:** Coordinator Statutory Planning

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** 17/0071

**Division:** Environment & Development

**Trim No:** IC17/1108

### Appendix:

1. 17/0071 - Lodgement - Application Form - 100 Great Ocean Road, Anglesea - Redacted (D17/120301)
2. 17/0071 - Lodgement - Consent for Use and Development of Coastal Crown Land - 100 Great Ocean Road, Anglesea (D17/37269)
3. 17/0071 - Lodgement - Existing Conditions Site Plan - 100 Great Ocean Road, Anglesea (D17/37588)
4. 17/0071 - Lodgement - Presentation Final - 100 and 120 Great Ocean Road, Anglesea (D17/68356)
5. 17/0071 - Lodgement - Town Planning Report - 100 and 120 Great Ocean Road, Anglesea (D17/68359)
6. 17/0071 - Lodgement - Updated Plans - 100 and 120 Great Ocean Road, Anglesea (D17/68574)
7. 17/0071 - Lodgement - Elevations - 100 and 120 Great Ocean Road, Anglesea (D17/68575)
8. 17/0071 - Assessment - Officers Report - Anglesea Residential - Lifesaving Club, 100 And 120 Great Ocean Road, Anglesea (D17/100830)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

### Status:

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

Yes

No

Reason: Nil

### Purpose

The purpose of this report is to determine Planning Permit Application 17/0071 for the redevelopment of the Anglesea Surf Lifesaving Club at 100 Great Ocean Road, Anglesea.

### Summary

An application has been received to redevelop the Surf Lifesaving Club, with the redevelopment involving the demolition of the northern-most building located on the site and its replacement with a triple storey building which is similar in height to the building being retained. Some minor vegetation removal is required to accommodate the development, with the vegetation removal being exempt under the planning scheme. No additional car parking is proposed as a result of the redevelopment.

New publically accessible toilets will be provided as part of the redevelopment. The toilet facilities will be managed by the Great Ocean Road Coastal Committee (GORCC)

The land is zoned Public Park and Recreation Zone and is surrounded by similarly zoned land. The site is located to the south of the Great Ocean Road. A Planning Permit is required for the development of the land.

Coastal Management Act Consent has been issued by the Department of Land, Environment, Water and Planning. The Public Land Manager, GORCC, supports the application.

The application has been referred to Council's Infrastructure, Health and Recreation Departments and none of the departments have objected to the issue of a Planning Permit.

The application has also been referred to VicRoads. VicRoads has not objected to the application.

Public notification of the application has been undertaken and eleven submissions (as at 27 September 2017) have been lodged with Council. Ten of the submissions are objections to the application, while one submission has been lodged in support. Most of the submitters are concerned about the height and bulk of the building and the need for such a large facility. Concerns have been raised about visual impact from the beach and other nearby areas. Other matters raised are car parking, vegetation removal and compliance with the planning policy framework.

## **2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea**

The application has been assessed and is considered to meet the relevant provisions of the Surf Coast Planning Scheme as set out in the appended Officer's Report. It is considered that the redevelopment is an acceptable outcome for the land and results in net community benefit. The redevelopment of clubrooms which meet the requirements of the Anglesea Surf Lifesaving Club will assist the Club in providing efficient and effective lifesaving services from the land, enhancing the safe use of the beach, and nearby beaches for the community.

The matter has been referred to Council to determine the application.

### **Recommendation**

That Council having caused notice of planning permit application No. 17/0071 to be given under Section 52 of the Planning and Environment Act 1987 and/or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 determines to issue a Notice of Decision to Grant a Planning Permit for Buildings and Works Associated with the redevelopment of the Surf Lifesaving Club, at 100 Great Ocean Road, Anglesea, subject to the following conditions:

### ***Before commencement of development***

1. Before the development starts:

- a) amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - i) an alternate material to Titanium Zinc. The alternate material must be chosen to respond to surrounding landscape;
  - ii) the location of all external plant, services and equipment which shall be sited to minimise its visibility from public areas. Note: plant and equipment will not be approved on the roof of the building;
  - iii) details of external lighting which is to be designed, baffled and located so as to prevent any adverse effect on adjoining land and road users;
  - iv) all glass in windows on the northern elevation to be identified as being 'non-reflective';
  - v) the location of rubbish bins around the kiosk area;
  - vi) the location of waste storage areas.
- b) a stormwater management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) and must include:
  - i) a construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail how stormwater is to be managed, including sediment controls, during both the land development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls must be regularly monitored and maintained;
  - ii) the collection, storage, treatment and disposal of stormwater from the approved building and surrounds to the satisfaction of the responsible authority, with all stormwater directed away from the cliff and down the sealed road to the beach;
  - iii) maintenance responsibilities.
- c) a construction management plan (three copies) to the satisfaction of the responsible

## 2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea

authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:

- i) identification of a construction zone;
- ii) methods of physically defining the construction zone, such as temporary or permanent fencing;
- iii) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
- iv) measures to accommodate the private vehicles of workers/ tradespersons;
- v) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
- vi) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
- vii) arrangements for waste collection and other services to be provided during construction;
- viii) methods of excavation to minimise impacts beyond the construction zone, in particular the protection of vegetation and avoidance of erosion, slumping or collapse of surrounding dunes;
- ix) emergency responses to slumping or collapse of dunes as a result of the construction works;
- x) the method of disposal of excavated material, including the location of any temporary stockpiles;
- xi) education strategies for workers to ensure they are aware of the conditions of the permit, including the endorsed plans;
- xii) methods to be taken to ensure that safe access to the beach along the access way continues to be available to the public;
- xiii) methods to ensure the restriction of materials storage, temporary buildings and non-essential vehicle traffic on the eastern side of the building.

### **Endorsed plans**

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

### **During construction**

3. All development and works must be carried out in accordance with the Stormwater Management Plan required by Condition 1b and Construction Management Plan required by 1c and endorsed under this permit, to the satisfaction of the responsible authority.
4. Written statements from a licensed surveyor shall be submitted for approval to the responsible authority confirming:
  - a) that the buildings have been set out in accordance with the endorsed plan; and
  - b) that the roof levels will not exceed the roof levels specified on the endorsed plan.

The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

### **Post construction**

5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted external to the building without the prior written consent of the responsible authority.
6. The occupier of the approved building shall be solely responsible for damage caused to the building by coastal hazards, including but not limited to sea level rise, storm surges and associated erosion of

## 2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea

the coast. This permit does not authorise buildings or works associated with the protection of the building from coastal hazards. Note: Regular monitoring of the condition of the seawalls and the transition to the cliffs is recommended to identify any necessary remedial works at an early stage. The Club is aware through the Coastal Hazard Vulnerability Assessment Report, Coastal Engineering Solutions (September 2013) it commissioned that remedial works will be required to protect the Anglesea Surf Lifesaving Club infrastructure to the year 2100.

7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
8. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the responsible authority.

### ***Restrictions during peak surf lifesaving period***

9. Unless otherwise approved in writing by the Responsible Authority, during December and January spaces within the building must not be leased to other groups.

### ***Café/Restaurant***

10. The internal areas of the café/restaurant may operate at the following capacity:
  - a) 80 seats for dining;
  - b) 30 seats for bar area;
  - c) A maximum of 150 patrons as per the current liquor licence;to the satisfaction of the Responsible Authority.

### ***Expiry***

11. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit
  - b) The development is not completed within four years of the date of this permit.

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

### **Notes:**

#### Coastal Management Act Consent

Coastal Management Act Consent DELWP Ref: 2020560/SP4592222 applies to the land.

#### Health

- The premises must be registered as prescribed accommodation.
- Approvals are required under the Food Act 1984.

### **Council Resolution**

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

That Council having caused notice of planning permit application No. 17/0071 to be given under Section 52 of the Planning and Environment Act 1987 and/or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 determines to issue a Notice of Decision to Grant a Planning Permit for Buildings and Works Associated with the redevelopment of the Surf Lifesaving Club, at 100 Great Ocean Road, Anglesea, subject to the following conditions:

#### ***Before commencement of development***

1. Before the development starts:
  - a) amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans

## 2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea

submitted with the application but modified to show:

- i) an alternate material to Titanium Zinc. The alternate material must be chosen to respond to surrounding landscape;
  - ii) the location of all external plant, services and equipment which shall be sited to minimise its visibility from public areas. Note: plant and equipment will not be approved on the roof of the building;
  - iii) details of external lighting which is to be designed, baffled and located so as to prevent any adverse effect on adjoining land and road users;
  - iv) all glass in windows on the northern elevation to be identified as being 'non-reflective';
  - v) the location of rubbish bins around the kiosk area;
  - vi) the location of waste storage areas.
- b) a stormwater management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) and must include:
- i) a construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail how stormwater is to be managed, including sediment controls, during both the land development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls must be regularly monitored and maintained;
  - ii) the collection, storage, treatment and disposal of stormwater from the approved building and surrounds to the satisfaction of the responsible authority, with all stormwater directed away from the cliff and down the sealed road to the beach;
  - iii) maintenance responsibilities.
- c) a construction management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
- i) identification of a construction zone;
  - ii) methods of physically defining the construction zone, such as temporary or permanent fencing;
  - iii) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
  - iv) measures to accommodate the private vehicles of workers/ tradespersons;
  - v) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
  - vi) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
  - vii) arrangements for waste collection and other services to be provided during construction;
  - viii) methods of excavation to minimise impacts beyond the construction zone, in particular the protection of vegetation and avoidance of erosion, slumping or collapse of surrounding dunes;

## **2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea**

- ix) emergency responses to slumping or collapse of dunes as a result of the construction works;
- x) the method of disposal of excavated material, including the location of any temporary stockpiles;
- xi) education strategies for workers to ensure they are aware of the conditions of the permit, including the endorsed plans;
- xii) methods to be taken to ensure that safe access to the beach along the access way continues to be available to the public;
- xiii) methods to ensure the restriction of materials storage, temporary buildings and non-essential vehicle traffic on the eastern side of the building.

### ***Endorsed plans***

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

### ***During construction***

3. All development and works must be carried out in accordance with the Stormwater Management Plan required by Condition 1b and Construction Management Plan required by 1c and endorsed under this permit, to the satisfaction of the responsible authority.
4. Written statements from a licensed surveyor shall be submitted for approval to the responsible authority confirming:
  - a) that the buildings have been set out in accordance with the endorsed plan; and
  - b) that the roof levels will not exceed the roof levels specified on the endorsed plan.

The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

### ***Post construction***

5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted external to the building without the prior written consent of the responsible authority.
6. The occupier of the approved building shall be solely responsible for damage caused to the building by coastal hazards, including but not limited to sea level rise, storm surges and associated erosion of the coast. This permit does not authorise buildings or works associated with the protection of the building from coastal hazards. Note: Regular monitoring of the condition of the seawalls and the transition to the cliffs is recommended to identify any necessary remedial works at an early stage. The Club is aware through the Coastal Hazard Vulnerability Assessment Report, Coastal Engineering Solutions (September 2013) it commissioned that remedial works will be required to protect the Anglesea Surf Lifesaving Club infrastructure to the year 2100.
7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
8. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the responsible authority.

### ***Restrictions during peak surf lifesaving period***

9. Unless otherwise approved in writing by the Responsible Authority, during December and January spaces within the building must not be leased to other groups.

### ***Café/Restaurant***

10. The internal areas of the café/restaurant may operate at the following capacity:
  - a) 80 seats for dining;
  - b) 30 seats for bar area;



## 2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea

- c) A maximum of 150 patrons as per the current liquor licence;  
to the satisfaction of the Responsible Authority.

### ***Expiry***

11. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit
  - b) The development is not completed within four years of the date of this permit.

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

### **Notes:**

#### Coastal Management Act Consent

Coastal Management Act Consent DELWP Ref: 2020560/SP4592222 applies to the land.

#### Health

- The premises must be registered as prescribed accommodation.
- Approvals are required under the Food Act 1984.

CARRIED 8:0

## **2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea**

### **Report**

#### ***Background***

An application has been made by Sincock Planning to redevelop the Anglesea Surf Lifesaving Club at 100 Great Ocean Road, Anglesea.

#### ***Discussion***

100 Great Ocean Road, Anglesea is land zoned Public Park and Recreation Zone and is located to the south of the Great Ocean Road. A Planning Permit is required for the development of the land.

Coastal Management Act Consent for the development of the land has been obtained from the Department of Land, Environment, Water and Planning. The Public Land Manager, Great Ocean Road Coastal Committee, also supports the application.

The redevelopment results in the demolition of the northern-most building and its replacement with a triple storey building which is similar in height to the building being retained. Some minor vegetation removal is required to accommodate the development and the vegetation removal is exempt under the planning scheme. No additional car parking is proposed as a result of the redevelopment.

New publically accessible toilets will be provided as part of the redevelopment.

Rooms within the Club are leased to a range of community groups at a nominal cost to cover cleaning and power. In the past, the users have primarily been government, community groups and schools. Over the peak surf lifesaving period, the facility is wholly used by the club and no spaces are used by other groups.

The Club have confirmed that there is no intention to lease out meeting rooms for commercial gain, nor is there any intention to hold conferences or similar events, as the club is not set up with the personnel or facilities to cater for these activities.

A detailed assessment of the application against the relevant provisions of the Surf Coast Planning Scheme is found in the attached Officer's Report.

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

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

#### ***Council Plan***

Theme	1 Community Wellbeing
Objective	1.1 Support people to participate in and contribute to community life
Strategy	1.1.2 Facilitate and support high levels of volunteering in the community

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

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

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

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

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

The merits of the proposal will be considered against the relevant provisions of the Surf Coast Planning Scheme and *Planning & Environment Act 1987*.

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

The submissions received raise a number of matters which may be classed as social impacts including the visual impact of the development when viewed from the beach areas, surrounding public land and from private properties. These social impacts will be assessed in the context of relevant planning policies and decision guidelines.

## **2.2 Planning Permit Application 17/0071 - Redevelopment of Anglesea Surf Lifesaving Club - 100 Great Ocean Road, Anglesea**

### ***Community Engagement***

Public notice of the application has been carried out in accordance with the requirements of the *Planning & Environment Act 1987*. Eleven submissions (as at 27 September 2017) have been lodged with Council. Ten of the submissions are objections to the application, while one submission has been lodged in support. Most of the submitters are concerned about the height and bulk of the building and the need for such a large facility. Concerns have been raised about visual impact from the beach and other nearby areas. Other matters raised are car parking, vegetation removal and compliance with the planning policy framework.

### ***Environmental Implications***

Environmental implications will be assessed in the context of relevant planning policies and decision guidelines.

### ***Communication***

All submitters will be advised of Council's decision.

### ***Options***

#### **Option 1 – Issue a Notice of Decision to Grant a Planning Permit**

This option is recommended by officers as the redevelopment provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme.

#### **Option 2 – Issue a Notice of Decision to Refuse to Grant a Planning Permit**

This option is not recommended by officers as the redevelopment provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme.

#### **Option 3 – Defer Consideration of the Application to a Later Meeting**

This option is not recommended by officers as:

- the application has been with Council for more than 60 statutory days, and therefore an appeal could be lodged with the Victorian Civil and Administrative Tribunal;
- delays could impact on funding arrangements and timing for the construction phase;
- given the need for and attainment of a Coastal Management Act Consent, the proposal has been through a lengthy approval process and the Club should have certainty about Council's decision;
- all of the necessary information is available to make a decision on the application.

### ***Conclusion***

As with all Planning Permit applications, a decision on this application requires the balancing of policy objectives. Council's assessment of this application also requires consideration of net community benefit. It is considered that net community benefit is realised as:

- The development of clubrooms which meet the requirements of the Club will assist the Club in providing efficient and effective lifesaving services from the land, enhancing the safe use of the beach, and nearby beaches for the community.
- The popularity of the beach could in part be attributed to the knowledge that the beach is patrolled and life guards are available to provide assistance.
- The redevelopment includes public toilet facilities which improve the standard of these facilities available for use by the community and beach goers.
- The core function of the Club is to provide surf lifesaving services. These services cover a broad range of operations, including patrol, rescue, education and training. The services are not provided to any select group, but rather to the boarder community, delivering enormous community benefit.
- The perceived detrimental impacts of the redevelopment, which generally relate to the form and scale of the building, loss of non-significant vegetation, changes in outlook and lack of additional car parking, are outweighed by the net community benefit derived from an efficient and effective surf lifesaving club.

It is therefore recommended that the application is supported.

Cr Rose Hodge left the meeting at 6:53pm.

### 2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay

**Author's Title:** Coordinator Statutory Planning

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** 17/0258

**Division:** Environment & Development

**Trim No:** IC17/1153

#### Appendix:

1. Planning Application 17/0258 - Officers Report (D17/118643)

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

#### Status:

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to determine Planning Permit Application 17/0258 for the use and development of the land for a tavern with on premises licence and waive the car parking requirements and loading bay requirements at 48 The Esplanade, Torquay.

#### Summary

An application has been received to allow a tavern to operate from the land. A previous Planning Permit was issued to allow a pop-up tavern to operate from the land. This permit expired on 17 April 2017.

The land is zoned Public Park and Recreation Zone and is located on the foreshore at Fisherman's Beach, Torquay. A Planning Permit is required for the use and development of the land, along with the waiving of car parking and loading bay and for an on premises liquor licence.

Coastal Management Act Consent has been issued by the Department of Land, Environment, Water and Planning. The Public Land Manager, GORCC, supports the application.

The application has been referred to Council's Environmental Health Unit and there has not been an objection to the issue of a Planning Permit. A non-statutory referral has been sent to the Victoria Police and at the time of writing a reply had not been received.

Public notification of the application has been undertaken and a total of 16 submissions (as at 26 September 2017) have been lodged with Council. Fourteen of the submissions are objections to the application, while two submissions have been lodged in support of the application, with one of these submissions being a petition which included approximately 1,300 signatures.

Most of the submitters are concerned about the use of public land, amenity related impacts including noise and light, lack of car parking, impact on the public viewing platform and matters which relate to the Building Code.

The application has been assessed and is considered to meet the relevant provisions of the Surf Coast Planning Scheme as set out in the appended Officer's Report. The permit conditions restrict the hours of operation of the tavern to align with daylight savings time and it is considered that this is important in ensuring the link between the use of the land and the public land use, as required by the zone.

It is considered that the pop-up tavern was able to operate effectively from the land, providing economic and tourism related benefits, with the location enabling views of Fisherman's Beach and the surrounding coastline. The officer recommendation includes similar conditions to the previous approval, with changes to hours, patron numbers and the requirement for a noise limiter. It is recommended that Council supports the application.

## **2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

### **Recommendation**

That Council having caused notice of Planning Application No. 17/0258 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit in respect of the land known and described as 48 The Esplanade, Torquay for the Use and Development of the Land for a Tavern with On Premises Licence, Waive the Car Parking Requirements of Clause 52-06-5 and Waive the Loading Requirements of Clause 52.07 in accordance with the endorsed plans, subject to the following conditions:

### **Endorsed Plans**

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

### **Hours**

2. The Tavern may operate only between the following hours:
  - (a) 1 October until 1 April – 7 days – 12pm until 9:30pm.
  - b) 2 April until 30 September – Thursday to Sunday – 12pm until 6pm.

### **Patrons**

3. Not more than 150 patrons shall be permitted within the area of the Tavern at any one time.

### **Noise**

4. Before the music can be provided on the site an acoustic report, prepared by a qualified acoustic expert, must be submitted to and approved by the Responsible Authority. The report must assess how compliance with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, using the 'Indoor Venue' criteria will be achieved, making recommendations, as appropriate, to achieve compliance and reduce the amenity impact on nearby residential properties. The report must also:
  - (a) Consider wind conditions and the impact this will have on nearby residential properties, adopting a limit for music noise which reflects the impact that wind can have on noise transfer;
  - (b) Nominate noise limits for bass noise and music noise which will be controlled by a noise limiter;
  - (c) Nominate speaker locations;
  - (d) Detail the location of the house sound system;Once approved, the report must be implemented to the satisfaction of the Responsible Authority at all times that music is provided on the Tavern premises.
5. All music must be played through the house sound system.
6. Before music can be provided on the premises, the permit holder must:
  - (a) Install a sound limiting device ("noise limiter ") which limits noise levels in the tavern to comply with the acoustic report endorsed under Condition 4 of this permit;
  - (b) Install the noise limiter in a lockable metal case that is not accessible by another person, other than a qualified acoustic engineer or technician nominated by the Permit Holder and approved by the Responsible Authority;
  - (c) Install the noise limiter to control all sound amplification equipment and associated speakers, including overall noise levels and bass sound limits;to the satisfaction of the Responsible Authority.

### **Patron Management Plan**

7. Prior to the commencement of the permitted use, a Patron Management Plan must be submitted to the satisfaction of the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed Management Plan. The patron management plan must include (but is not limited to):
  - (a) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;
    - a. Staffing and other measures which are designed to control intending patrons outside the premises to ensure no queuing of intending patrons to the tavern;
    - b. Control of noise by intending and departing patrons outside the premises;

### **2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

- c. Measures to manage patrons coming and going to/from the downstairs toilets next to the kiosk;
- d. Provision of a telephone number(s) of the manager or operator on the premises during operating hours who may be contacted in the event of any disturbance or other problem arising from the operation of the venue; and
- e. Staffing and other measures which are designed to control or prevent patrons smoking outside the premises so that no adverse noise impacts are caused to nearby residential properties.

The use must at all times operate and be managed in accordance with the conditions and provisions of the approved Patron Management Plan to the satisfaction of the Responsible Authority

#### **No Private Functions or Events**

8. The use and development approved by this permit must not be used for events or private functions.

#### **Food and Drinks**

9. Drinks must not be served in glass containers on the Tavern premises.
10. Food and drinks provided within the premises must not leave the Tavern premises.

#### **Toilets**

11. The downstairs toilets adjacent the kiosk must be available for use at all times when the Tavern is open.

#### **Surveillance System**

12. The operator of the Tavern shall to the satisfaction of the responsible authority install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars, entertainment/dance floor areas, and areas external to the Tavern and toilet entrances. The surveillance recording system must operate from the 30 minutes before commencement of trading each day and until 30 minutes after closure. A copy of the recorded images must be available upon request for the immediate viewing or removal by the Victoria Police, by an authorised officer of the Responsible Authority or a person authorised in writing by the Director of Liquor Licensing upon request, or otherwise retained for at least one month.
13. Signs reading "For the safety and security of patrons and staff this area is under electronic surveillance" shall be displayed to the satisfaction of the Responsible Authority in all areas subject to camera surveillance.

#### **Amenity**

14. Signage shall be erected near all entrances/exits to the Tavern requesting patrons to leave the premises in a quiet and orderly manner so as not to disturb nearby residents to the satisfaction of the responsible authority.
15. The operator and/or security staff must request patrons to not congregate on the footpath, in front of the premises.
16. A garbage receptacle area and bottle disposal area shall be provided for and in the vicinity of the Tavern to the satisfaction of the Responsible Authority. The area shall be within an animal-proof enclosure and shall be of such construction to complement the amenity of the area by use of suitable materials and screening from the public view to the satisfaction of the Responsible Authority.
17. On the day following each day of operation, prior to 10am, the operator of the Tavern must collect and dispose of any litter from the public land within 40 metres of the Tavern to the satisfaction of the Responsible Authority.
18. Amusement machines and gambling must not be provided on the Tavern premises to the satisfaction of the Responsible Authority.

### **2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

19. No goods or packaging shall be stored or left exposed outside the building so as to be visible from public land.
20. The use must be conducted to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any buildings, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin.
21. Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the premises to the satisfaction of the responsible authority.
22. External lighting must be designed, baffled and located so as to provide sufficient lighting for public safety and must not cause any adverse effect beyond the Tavern area, to the satisfaction of the responsible authority.

#### **Barriers**

23. Barriers in accordance with the endorsed plans must be provided between the Tavern premises and The Esplanade footpath to control the movement of patrons in and out of the premises to the satisfaction of the Responsible Authority.
24. Except with the written consent of the Responsible Authority, permanent or temporary screens, fences or barriers must not be constructed or installed on the site other than in accordance with the endorsed plans.

#### **Advertising Signs**

25. No advertising signs shall be erected unless in accordance with the Surf Coast Planning Scheme or with the further approval of the responsible authority.

#### **Expiry**

26. All temporary structures including but not limited to the converted shipping container, portable disabled access toilet and in-fill barrier on the endorsed plans must be removed within 14 days of the completion of the Tavern use permitted by this permit, being no later than 25 December 2021.

#### **Notes:**

Coastal Management Act Consent

Coastal Management Act Consent DELWP Ref: 0700258/SP applies to the land

#### Environmental Health

Outdoor areas where smoking by patrons is intended must comply with the Tobacco Act 1987.

#### **Council Resolution**

##### **MOVED Cr Heather Wellington, Seconded Cr Libby Coker**

That Council having caused notice of Planning Application No. 17/0258 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit in respect of the land known and described as 48 The Esplanade, Torquay for the Use and Development of the Land for a Tavern with On Premises Licence, Waive the Car Parking Requirements of Clause 52-06-5 and Waive the Loading Requirements of Clause 52.07 in accordance with the endorsed plans, subject to the following conditions:

#### **Endorsed Plans**

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### **Hours**

## **2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

2. The Tavern may operate only between the following hours:
  - a) 1 October until 1 April – 7 days – 12pm until 9:30pm.
  - b) 2 April until 30 September – Thursday to Sunday – 12pm until 6pm.

### **Patrons**

3. Not more than 150 patrons shall be permitted within the area of the Tavern at any one time.

### **Noise**

4. Music must not be provided on the site before an acoustic report has been prepared by a qualified acoustic expert and submitted to and approved by the responsible authority. The report must set noise limits for the premises in accordance with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2), using the 'Indoor Venue' criteria. The report must make recommendations, as appropriate, to achieve compliance with the noise limits and reduce the amenity impact on nearby residential properties. The report must also:
  - (a) Consider wind conditions and the impact this will have on nearby residential properties, adopting a limit for music noise which reflects the impact that wind can have on noise transfer;
  - (b) Nominate noise limits for bass noise and music noise which will be controlled by a noise limiter;
  - (c) Nominate speaker locations;
  - (d) Detail the noise limiter required by Condition 6 of this permit;Once approved, the report recommendations must be implemented to the satisfaction of the Responsible Authority at all times that music is provided on the Tavern premises. Music noise from the premises must comply with the noise limits within the report.
5. All music transmission and amplification equipment must be connected to the noise limiter required by Condition 6 of this permit.
6. Before music can be provided on the premises, the permit holder must:
  - (a) Install a sound limiting device ("noise limiter ") which limits noise levels in the tavern to comply with the acoustic report endorsed under Condition 4 of this permit;
  - (b) Install the noise limiter in a lockable metal case that is not accessible by another person, other than a qualified acoustic engineer or technician nominated by the Permit Holder and approved by the Responsible Authority;
  - (c) Install the noise limiter to control all sound amplification equipment and associated speakers, including overall noise levels and bass sound limits; to the satisfaction of the Responsible Authority.

### **Patron Management Plan**

7. Prior to the commencement of the permitted use, a Patron Management Plan must be submitted to the satisfaction of the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed Management Plan. The patron management plan must include (but is not limited to):
  - (a) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;
    - a. Staffing and other measures which are designed to control intending patrons outside the premises to ensure no queuing of intending patrons to the tavern;
    - b. Control of noise by intending and departing patrons outside the premises;
    - c. Measures to manage patrons coming and going to/from the downstairs toilets next to the kiosk;
    - d. Provision of a telephone number(s) of the manager or operator on the premises during operating hours who may be contacted in the event of any disturbance or other problem arising from the operation of the venue; and
    - e. Staffing and other measures which are designed to control or prevent patrons smoking outside the premises so that no adverse noise impacts are caused to nearby residential properties.

The use must at all times operate and be managed in accordance with the conditions and provisions of the approved Patron Management Plan to the satisfaction of the Responsible Authority



### **2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

#### **No Private Functions or Events**

8. The use and development approved by this permit must not be used for pre-booked events or private functions.

#### **Food and Drinks**

9. Drinks must not be served in glass containers on the Tavern premises.
10. Food and drinks provided within the premises must not leave the Tavern premises.

#### **Toilets**

11. The downstairs toilets adjacent the kiosk must be available for use at all times when the Tavern is open.

#### **Surveillance System**

12. The operator of the Tavern shall to the satisfaction of the responsible authority install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars, entertainment/dance floor areas, and areas external to the Tavern and toilet entrances. The surveillance recording system must operate from the 30 minutes before commencement of trading each day and until 30 minutes after closure. A copy of the recorded images must be available upon request for the immediate viewing or removal by the Victoria Police, by an authorised officer of the Responsible Authority or a person authorised in writing by the Director of Liquor Licensing upon request, or otherwise retained for at least one month.
13. Signs reading "For the safety and security of patrons and staff this area is under electronic surveillance" shall be displayed to the satisfaction of the Responsible Authority in all areas subject to camera surveillance.

#### **Amenity**

14. Signage shall be erected near all entrances/exits to the Tavern requesting patrons to leave the premises in a quiet and orderly manner so as not to disturb nearby residents to the satisfaction of the responsible authority.
15. The operator and/or security staff must request patrons to not congregate on the footpath, in front of the premises.
16. A garbage receptacle area and bottle disposal area shall be provided for and in the vicinity of the Tavern to the satisfaction of the Responsible Authority. The area shall be within an animal-proof enclosure and shall be of such construction to complement the amenity of the area by use of suitable materials and screening from the public view to the satisfaction of the Responsible Authority.
17. On the day following each day of operation, prior to 10am, the operator of the Tavern must collect and dispose of any litter from the public land within 40 metres of the Tavern to the satisfaction of the Responsible Authority.
18. Amusement machines and gambling must not be provided on the Tavern premises to the satisfaction of the Responsible Authority.
19. No goods or packaging shall be stored or left exposed outside the building so as to be visible from public land.
20. The use must be conducted to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any buildings, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin.

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**2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

21. Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the premises to the satisfaction of the responsible authority.
22. External lighting must be designed, baffled and located so as to provide sufficient lighting for public safety and must not cause any adverse effect beyond the Tavern area, to the satisfaction of the responsible authority.

**Barriers**

23. Barriers in accordance with the endorsed plans must be provided between the Tavern premises and The Esplanade footpath during operating hours to control the movement of patrons in and out of the premises to the satisfaction of the Responsible Authority.
24. Except with the written consent of the Responsible Authority, permanent or temporary screens, fences or barriers must not be constructed or installed on the site other than in accordance with the endorsed plans.

**Advertising Signs**

25. No advertising signs shall be erected unless in accordance with the Surf Coast Planning Scheme or with the further approval of the responsible authority.

**Expiry**

26. All temporary structures including but not limited to the converted shipping container, portable disabled access toilet and in-fill barrier on the endorsed plans must be removed within 14 days of the completion of the Tavern use permitted by this permit, being no later than 25 December 2021.

**Notes:**

Coastal Management Act Consent

Coastal Management Act Consent DELWP Ref: 0700258/SP applies to the land

Environmental Health

Outdoor areas where smoking by patrons is intended must comply with the Tobacco Act 1987.

CARRIED 7:0

Cr Rose Hodge returned to the meeting at 7:07pm.

## **2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

### **Report**

#### ***Background***

An application has been made to allow a tavern to operate from the land at 48 The Esplanade, Torquay.

#### ***Discussion***

48 The Esplanade, Torquay is zoned Public Park and Recreation Zone. The land has been developed with a building and the area in which the tavern is proposed is currently a public viewing deck area.

Coastal Management Act consent for the development of the land has been obtained from the Department of Land, Environment, Water and Planning. The Public Land Manager, Great Ocean Road Coastal Committee, also supports the application.

The application has been referred to the Victoria Police and Council's Environmental Health Unit for advice. Council's Environmental Health Unit have not objected to the issue of a Planning Permit and at the time of writing this report, the response from the Victoria Police was outstanding.

The application is seeking permission to operate a tavern from the land. It is proposed that a maximum of 150 people would be accommodated within the venue and that it would operate:

- September School Holidays until Easter Monday – 7 days – 12pm until 10pm
- Easter Monday until September School Holidays – Thursday to Sunday – 12pm until 10pm
- Public Holidays and School Holidays – 12pm until 10pm.

Previously, a Planning Permit was issued through the Victorian Civil and Administrative Tribunal (VCAT), which allowed a Pop-Up Tavern to operate from the land. The permit expired on 17 April 2017. One complaint was made to Council about the operation of the tavern during this time.

The permit was issued by the Victorian Civil and Administrative Tribunal and allowed 96 patrons with the following hours:

- 31 October 2016 until 25 December 2016 – Thursday to Sunday – 1pm until 9:30pm
- 26 December 2016 until 26 January 2017 – Monday to Sunday – 1pm until 9:30pm
- 28 January 2017 until 16 April 2017 – Thursday to Sunday – 1pm until 9:30pm.

The permit restricted music as follows:

- Live musical entertainment by not more than two performers using acoustic instruments at levels no higher than background music
- Live musical entertainment must not be provided after 8pm and for more than three hours in total in any one day.

Approval is sought to allow pre-recorded and live music at background levels during opening hours.

No car parking is provided on site for the development. An on premises liquor licence is proposed. The application also involves the following development:

- Installation of a converted shipping container bar
- Installation of a portable disabled toilet
- Construction of barrier to enclose the tavern area.

A previous Planning Permit was issued to allow a pop-up tavern to operate from the land. This permit expired on 17 April 2017.

Public notification of the application was required and as a result of these processes a total of 16 submissions were lodged with Council. Two of the submissions support the proposal, with one submission being a petition containing approximately 1,300 signatures.

### **2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

Objectors have raised a range of concerns, including: use of public land, concerns about car parking, noise, lighting, consumption of liquor, and future compliance with the Building Code.

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

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

#### ***Council Plan***

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

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

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

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

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

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

The merits of the proposal will be considered against the relevant provisions of the Surf Coast Planning Scheme and *Planning & Environment Act 1987*.

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

The submissions received raise a number of matters which may be classed as social impacts including the visual impact of the development and amenity impacts, as well as the loss of a public viewing deck. These social impacts will be assessed in the context of relevant planning policies and decision guidelines.

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

Public notice of the application has been carried out in accordance with the requirements of the *Planning & Environment Act 1987*. A total of 16 submissions (as at 26 September 2017) have been lodged with Council. Fourteen of the submissions are objections to the application, while two submissions have been lodged in support of the application, with one of these submissions being a petition which included approximately 1,300 signatures.

Most of the submitters are concerned about the use of public land, amenity related impacts including noise and light, lack of car parking, impact on the public viewing platform and matters which relate to the Building Code.

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

Environmental implications will be assessed in the context of relevant planning policies and decision guidelines.

#### ***Communication***

The application was subject to public notice; all submitters have been invited to this meeting. A list of speakers is attached to this report.

#### ***Options***

##### **Option 1 – Issue a Notice of Decision to Grant a Planning Permit**

This option is recommended by officers as the application provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme.

##### **Option 2 – Issue a Notice of Decision to Refuse to Grant a Planning Permit**

This option is not recommended by officers as the application provides for an acceptable outcome when assessed against the relevant provisions of the Surf Coast Planning Scheme. This option would require the development of Grounds of Refusal if Council was to refuse the application.

### **2.3 Planning Application 17/0258 - 48 The Esplanade, Torquay - Use and Development of a Tavern with On Premises Liquor Licence and Associated Waiving of Car Parking and Loading Bay**

#### Option 3 – Defer Consideration of the Application to a Later Meeting

This option is not recommended by officers as:

- There is sufficient information available to make a decision on the application;
- It is important for all parties that some certainty is available about Council's position on this matter;
- There is a need for Council to make timely decisions on Planning Permit Applications.

#### **Conclusion**

As with all Planning Permit applications, a decision on this application requires the balancing of policy objectives.

It is considered that the pop-up tavern was able to operate effectively from the land, providing economic and tourism related benefits, and allowing the show casing of Fisherman's Beach and the surrounding coastline. The officer recommendation includes similar conditions to the previous approval, with changes to hours, patron numbers and the requirement for a noise limiter, ensuring that residential amenity is properly considered.

It is recommended that Council supports the application.

**3. OFFICE OF THE CEO**

Nil

#### 4. GOVERNANCE & INFRASTRUCTURE

##### 4.1 Project Budget Adjustments and Cash Reserve Transfers - October 2017

**Author's Title:** Coordinator Management Accounting      **General Manager:** Anne Howard

**Department:** Finance      **File No:** F17/954

**Division:** Governance & Infrastructure      **Trim No:** IC17/1279

**Appendix:**

Nil

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

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

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

**Purpose**

The purpose of this report is to seek Council's approval of the Project Budget Adjustments and Cash Reserve Transfers.

**Summary**

The project Budget Adjustments and Cash Reserve transfers report for October 2017 are included in this report. All figures in this report are exclusive of GST.

**Recommendation**

That Council:

1. Approve the Project Budget Adjustments outlined in Tables 1 to 3 in this report.
2. Approve the following net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (to) Reserve
Asset Renewal Reserve	(20,655)
Waste Reserve	(310,193)
Accumulated Unallocated Reserve	5,000
Adopted Strategy Implementation Reserve	(7,769)
<b>Grand Total</b>	<b>(333,617)</b>

3. Approve that the existing \$60K for the Painkalac Project, have a scope change to deliver development of a concept plan for the area, assess feasibility of key infrastructure and undertake preliminary consultation with the community.

**Council Resolution**

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

That Council:

1. Approve the Project Budget Adjustments outlined in Tables 1 to 3 in this report.
2. Approve the following net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (to) Reserve
Asset Renewal Reserve	(20,655)
Waste Reserve	(310,193)
Accumulated Unallocated Reserve	5,000

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#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - October 2017

Adopted Strategy Implementation Reserve	(7,769)
<b>Grand Total</b>	<b>(333,617)</b>

3. Approve that the existing \$60K for the Painkalac Project, have a scope change to deliver development of a concept plan for the area, assess feasibility of key infrastructure and undertake preliminary consultation with the community.

CARRIED 8:0



#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - October 2017

##### Report

##### **Background**

Council allocates project funding to projects through its annual budget or specific resolution.

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that Council's decisions to adjust project budgets from the originally approved allocations are open and transparent to the community. Therefore any changes to initially approved project budgets are reported in a manner that demonstrates the diligence and transparency of the organisation's project management processes.

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management and project review activities. Projects reported for closure have been through Council's project review and closure process.

##### **Discussion**

The following budget transfers, detailed in Table 1, are newly initiated projects.

**Table 1 – Newly Initiated Projects**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Barwon Valley Pony Club Storage Facility	Grant Funded	The Barwon Valley Pony Club Storage Facility is a \$20K project funded by a Club contribution of \$10K and an Australian Government Stronger Communities Program grant of \$10K. The project includes 'scope to budget' contingency. Project Management will be funded via the Community Project Management Support Fund. This transfer brings the income onto the project budget.	10,000
Barwon Valley Pony Club Storage Facility	Contribution Funded	As Above	10,000
9671: Stribling Reserve Lighting Upgrade	Adopted Strategy Implementation Reserve	Project is ready to proceed therefore need to withdraw funds from Adopted Strategy Implementation Reserve to project account per budget approved via Council meeting resolution 22/11/16.	92,231
9671: Stribling Reserve Lighting Upgrade	Grant Funded	Project income and expenditure budgets need to increase by \$10k to recognise final milestone payment of \$10K that will be received at conclusion of project, therefore full value of grant funds of \$100k from DHHS per grant agreement D17/72313.	10,000

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - October 2017

The following budget transfers, detailed in Table 2, are required where it has been identified that projects require adjustments to their approved budgets to allow achievement of project scope and objectives; or there is a request to adjust scope of project.

**Table 2 – Project Budgets Requiring Adjustment**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9539: Spring Creek Rec Reserve Master Plan (Stage 2) - Netball Facility Upgrade	Grant Funded	Australian Government funding agreement for \$200K contribution to the project has been signed and Club has contributed \$25K to contingency.	200,000
9539: Spring Creek Rec Reserve Master Plan (Stage 2) - Netball Facility Upgrade	Contribution Funded	As Above.	25,000
8740: 2 Fraser Drive - Aireys Inlet Development	Project Savings Account	Additional funds required to engage real estate agent marketing support to promote and distribute Expression of Interest document to relevant parties.	3,000
8724: Winchelsea Golf Club Sustainable Course Irrigation Project	Grant Funded	\$7,500 correction to DHHS grant funding to include final milestone payment of \$7,500 and Club contribution of \$37K (including \$10,500 club funded contingency) confirmed via funding agreement.	7,500
8724: Winchelsea Golf Club Sustainable Course Irrigation Project	Contribution Funded	As above.	37,000
9538: Anglesea Cricket Pavilion Upgrade Stage 1 (income)	Accumulated Unallocated Reserve	Budget correction re income budget incorrectly included \$10K of non-cash 'in-kind' design value and correction of \$5k to expenditure budget to match May Council Resolution.	5,000
9538: Anglesea Cricket Pavilion Upgrade Stage 1 (income)	Project Account	As above.	5,000
8470: Hinterland Futures	Project Account	Funds to be allocated from 2017/18 Towards Environmental Leadership allocation (PRO17-16, GL 8582 / W8088) to increase Hinterland Futures project consistent with intended distribution of TEL funds approved in budget.	40,000
8632: Strengthening Town Boundaries	Project Account	Funds to be allocated from 2017/18 Towards Environmental Leadership allocation (PRO17-16, GL 8582 / W8088) to increase Strengthening Town Boundaries project consistent with intended distribution of TEL funds approved in budget.	20,000
8735: Supporting Growth Initiatives - Winchelsea / Moriac	Adopted Strategy Implementation Reserve	Transfer funds to Adopted Strategy Implementation Reserve to be quarantined for future implementation of initiatives identified via 2017/18 'Planning for Growth' project (PRO18-212, GL 8731, W9162 \$40K)	(100,000)

#### 4.1 Project Budget Adjustments and Cash Reserve Transfers - October 2017

The following budget transfers, detailed in Table 3, represent projects that have been successfully completed and are presented to Council for acknowledgement. Where unexpended funds remain they are returned to the source of funding as per Council's business practices

**Table 3 Projects to be Closed**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
9520: Anglesea Landfill Stormwater Improvements Construction	Waste Reserve	The stormwater improvements have completed at a significantly lower cost than was anticipated when the estimate informed to project allocation. Unexpended funds can be returned to source. This includes \$18,600 contingency to be returned to Waste Reserve.	(310,193)
9661: Guard Rail Renewal	Asset Renewal Reserve	Scope complete and savings can be returned to source.	(20,655)

#### **Request for endorsement of Project Scope change**

In addition to the transfers and adjustments outlined in the Tables 1, 2 and 3, another project adjustment needs endorsement by Council.

Council has established a project to determine the feasibility of waterway crossings in the Painkalac Valley using \$60K of funds that had been allocated in previous years and was held in the Adopted Strategy Cash Reserve.

As this project has been scoped there has been further recognition of the importance of the Painkalac Creek and valley, in particular its role in showcasing the unique environment to locals and visitors. Officers believe that it is more beneficial to assess the strategic opportunity that Painkalac Creek will have as an environmental and eco-tourism asset in addition to the feasibility of desired infrastructure that may include a pedestrian crossing of the Painkalac Creek.

Officers are seeking Council's agreement to amend the scope for the Painkalac Project to allow the \$60K to be used for development of The Painkalac Project concept and feasibility study, including consultation with the community about this work.

#### **Financial Implications**

The proposed Project Budget Adjustments and Cash Reserve Transfers are outlined in this Report. Through this report all financial implications of the project budget adjustments and cash reserve transfers are clearly and transparently presented to Council and the community.

#### **Council Plan**

Theme 5 High Performing Council  
Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives  
Strategy 5.1.1 Establish long-term financial principles and incorporate into the long-term financial plan

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

Not applicable.

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

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

#### **Risk Assessment**

Not applicable.

#### **Social Considerations**

Not applicable.

#### **4.1 Project Budget Adjustments and Cash Reserve Transfers - October 2017**

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

Not applicable.

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

###### Option 1 – Not approve transfers as recommended

This option is not recommended because transfers are necessary to allow ongoing delivery and closure of projects, and have been through a series of governance checks.

###### Option 2 – Adopt officer recommendation

This option is recommended by officers as the project budgets and cash reserve transfers supports implementations of Council's strategies.

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

Not applicable.

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

Not applicable.

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

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for October 2017.

## 4.2 September 2017 Quarterly Finance Report

**Author's Title:** Coordinator Management Accounting      **General Manager:** Anne Howard  
**Department:** Finance      **File No:** F17/954  
**Division:** Governance & Infrastructure      **Trim No:** IC17/1272

### Appendix:

1. September 2017 Quarterly Finance Report (D17/116111)

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

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

Yes

No

Reason: Nil

#### Status:

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

Yes

No

Reason: Nil

### Purpose

The purpose of this report is to receive and note the September 2017 Quarterly Finance Report.

### Summary

The September 2017 Quarterly Finance report includes the Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Changes in Equity and Statement of Capital Works

### Recommendation

That Council notes the quarterly financial report for September 2017.

### Council Resolution

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

That Council notes the quarterly financial report for September 2017.

CARRIED 8:0

## 4.2 September 2017 Quarterly Finance Report

### **Report**

#### ***Background***

Council reports quarterly on its financial results in accordance with section 138 of the Local Government Act.

#### ***Discussion***

Quarterly financial statements included with the attached report include:

- Comprehensive Income Statement:
  - Comparison of Council's actual versus budget income and revenue for the quarter ending 30 September 2017,
- Balance Sheet:
  - Comparison of Council's actual assets and liabilities versus budget as at 30 September 2017,
- Statement of Cash Flows:
  - Statement of cash flows related to Council's actual operations and activities, and reconciliation to Council's total cash holdings versus budget for the quarter ending 30 September 2017,
- Statement of Changes in Equity:
  - Council's actual equity position versus budget as at 30 September 2017,
- Statement of Capital Works:
  - Statement of Council's capital works expenditure versus budget for the quarter ending 30 September 2017.

Council's year to date net surplus is \$37.1 million, which is \$2.6 million ahead of the year to date budget. This is mainly due to the timing of delivery of programs and expensed capital works projects.

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

Council is on track to deliver its full year budget.

#### ***Council Plan***

Theme	5 High Performing Council
Objective	5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy	5.1.1 Establish long-term financial principles and incorporate into the long-term financial plan

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

Section 138(1) of the Local Government Act states that:

*'At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure is presented to the Council at a Council meeting which is open to the public.'*

The Quarterly Finance Report fulfils this requirement.

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

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

#### ***Communication***

Not applicable.

#### ***Conclusion***

Council remains in a sound financial position.

#### 4.3 Quarterly Report Outlining Councillor Allowances and Expenses - 1 July 2017 to 30 September 2017

**Author's Title:** Manager Governance & Risk

**General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F11/786

**Division:** Governance & Infrastructure

**Trim No:** IC17/1109

**Appendix:**

1. Surf Coast Shire - Quarter 1 - Councillor Payment Summary - 1 July 2017 to 30 September 2017 (D17/113359)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to present Councillor allowances and expenses paid during the period from 1 July to 30 September 2017.

#### **Summary**

In order to ensure the highest levels of transparency and accountability, Council has resolved to make Councillor allowances and expenses available to the public through a quarterly statement reported at Ordinary Council meetings which is also published on Council's website.

Accordingly a report covering Councillor allowances and expenses for the period from 1 July to 30 September 2017 is attached.

It should be noted that some payments e.g. travel costs are included at the time they are paid out rather than when incurred, therefore figures quoted may include expenses from outside this reporting period. End of year receipting is still currently in progress and the figures in this report may therefore vary to those appearing in Council's final annual report.

#### **Recommendation**

That Council:

1. Note the attached summary of Councillor allowances and expenses for the period 1 July to 30 September 2017 (Appendix 1).
2. Publish the summary on Council's website.

#### **Council Resolution**

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

That Council:

1. Note the attached summary of Councillor allowances and expenses for the period 1 July to 30 September 2017 (Appendix 1).
2. Publish the summary on Council's website.

CARRIED 8:0

#### 4.3 Quarterly Report Outlining Councillor Allowances and Expenses - 1 July 2017 to 30 September 2017

##### **Report**

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

The Local Government Act 1989 provides that the Mayor and Councillors are paid an allowance and provided with appropriate tools and support to enable them to properly undertake their statutory obligations.

The provision of efficient communications equipment, reimbursement of official travel and telephone expenses and, if applicable, child care expenses is generally provided by municipalities across the state in order to assist Councillors to maximise their responsibilities.

The Local Government Act 1989 requires that Councils must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors. Council has therefore adopted the Councillors Entitlements (Facilities & Expenses) Policy which sets out the level of resources and support that are provided to Councillors to enable them to effectively discharge their official duties.

The policy also sets out the procedures that apply in circumstances where Councillors require reimbursement of expenses incurred, and those circumstances where prior approval is required. A copy of the policy is available on Council's website.

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

The attached report outlines Councillor allowances and expenses that have been paid during the period from 1 July to 30 September 2017 in the following categories:

- **Councillor Allowances** includes statutory allowances for the Mayor and Councillors
- **Parking Costs** includes reimbursement of parking fees whilst on official business
- **Travel Expenses** includes public transport costs and reimbursement to Councillors for kilometres travelled in their private vehicles associated with Council related travel
- **Motor Vehicle** includes costs associated with use of the mayoral vehicle
- **Mobile Phone** includes the costs associated with official Councillor mobile phone usage
- **Internet** includes cost of official internet provision and usage.

Any contributions that are paid by Councillors towards phone and internet usage are also included in the report.

Council resolved to report allowances and expenses on a quarterly basis and to post on Council's website to increase transparency and accountability. This is in addition to other reporting requirements such as the requirement to report in Council's annual report.

It should be noted that some payments eg travel costs are included at the time they are paid rather than when incurred, therefore figures quoted may include expenses from outside the reporting period. End of year receipting is still currently in progress and the figures in this report may therefore vary to those appearing in Council's final annual report.

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

Councillor allowances and expenses are covered within Council's operational budget.

##### ***Council Plan***

Theme 2 Governance  
Objective 2.4 Transparency in decision making and access to information  
Strategy Nil

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

The Local Government (Planning and Reporting) Regulations 2014 require Councils to disclose in the Annual Report the details of allowances and expenses for each Councillor, divided into certain defined categories. Council is exceeding this requirement by making quarterly disclosures at the Ordinary meeting and posting these on the website.

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

There are no conflicts of interest associated with this report.



#### **4.3 Quarterly Report Outlining Councillor Allowances and Expenses - 1 July 2017 to 30 September 2017**

***Risk Assessment***

Not applicable.

***Social Considerations***

Not applicable.

***Community Engagement***

Not applicable.

***Environmental Implications***

Not applicable.

***Communication***

The quarterly reports would be published on Council's website in addition to being included on the Ordinary Council meeting agenda.

***Conclusion***

Quarterly reporting of Councillor allowances and expenses provides an opportunity for transparency and openness in relation to these costs.

#### 4.4 Surf Coast Shire Council Annual Report 2016 - 2017

**Author's Title:** Coordinator Governance & Corporate Planning      **General Manager:** Anne Howard

**Department:** Governance & Risk

**File No:** F16/848

**Division:** Governance & Infrastructure

**Trim No:** IC17/1111

**Appendix:**

1. Surf Coast Shire Annual Report 2016 - 2017 - Final (D17/56877)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is for Council to receive and note the Surf Coast Shire Council Annual Report 2016 – 2017.

#### **Summary**

The Surf Coast Shire Council Annual Report 2016 – 2017 (the report) has been prepared in accordance with the *Local Government Act 1989* (the Act) and the *Local Government (Planning and Reporting) Regulations 2014* (the Regulations).

The report reflects the Surf Coast Shire's Council Plan 2013 – 2017 as adopted in June 2015 following a mid- term review and details the significant achievements of Council during the financial year 2016 – 2017, the final year of the plan together with the challenges, and the key directions for 2017 – 2018.

Section 133 of the Act requires Council to submit a copy of the annual report to the Minister for Local Government within 3 months of the end of each financial year. A copy of the report was forwarded to the Minister electronically on 28 September 2017.

#### **Recommendation**

That Council receive and note the Surf Coast Shire Council Annual Report 2016 – 2017.

#### **Council Resolution**

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

That Council receive and note the Surf Coast Shire Council Annual Report 2016 – 2017.

CARRIED 8:0

#### 4.4 Surf Coast Shire Council Annual Report 2016 - 2017

##### **Report**

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

Each year Council prepares an Annual Report that details Council's achievements and results from the previous financial year, as required by Section 131 of the Local Government Act 1989 (the Act).

The report is Council's statutory document for providing transparency and accountability to the community on Council's performance in delivering on the Budget and the Council Plan.

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

The Surf Coast Shire Annual Report 2016 – 2017 (the report) has been prepared in accordance with the Local Government Act 1989 (the Act) and the Local Government (Planning and Reporting) Regulations 2014 (the Regulations) as detailed below:-

1. Section 131 of the Local Government Act 1989 (the Act) specifies that the report must contain the following in respect of the financial year reported on:-
  - a) a report of operations of the Council;
  - b) an audited performance statement;
  - c) audited financial statements;
  - d) a copy of the auditor's report on the performance statement, prepared under section 132;
  - e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;
  - f) any other matter required by the regulations.
  
2. Section 133 of the Act requires that
  - 1) A Council must submit the annual report to the Minister—
    - a) within 3 months after the end of the financial year reported on; or
    - b) within any longer period permitted by the Minister in a particular case.
  - 2) After the annual report has been submitted to the Minister, the Council must give public notice that the annual report has been prepared and can be inspected at the Council office and on the Council's Internet website.
  - 3) The Council must ensure that a copy of the annual report is available for inspection by the public at—
    - a) the Council office and any district offices; and
    - b) any other place required by the regulations.
  
3. Section 134 of the Act requires that
  - 1) A Council must consider the annual report at a meeting of the Council.
  - 2) The meeting—
    - a) must be held as soon as practicable but within the time required by the regulations, after the Council has sent the annual report to the Minister;
    - b) must be advertised at least 14 days before the meeting is held in a public notice that states—
      - (i) that the annual report will be discussed at the meeting; and
      - (ii) the place from which copies of the annual report can be obtained before the meeting;
    - c) must be kept open to the public while the annual report is discussed.
  
4. Part 4 of the Local Government (Planning and Reporting) Regulations 2014 specifies what needs to be included in the Report of Operations.

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

Preparation of the Annual Report has been funded within the 2017 – 2018 Budget.

##### ***Council Plan***

Theme	5 High Performing Council
Objective	5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy	Nil

#### 4.4 Surf Coast Shire Council Annual Report 2016 - 2017

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

The Annual Report 2016 – 2017 was prepared in accordance with Section 131 of the Local Government Act 1989 (the Act) and the Local Government (Planning and Reporting) Regulations 2014 (the Regulations). It is a requirement that the report is provided to the Minister by 30 September each year.

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

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

##### **Risk Assessment**

There is a reputational risk for Council if it does not comply with its statutory obligations.

##### **Social Considerations**

The Annual Report provides details of Council activities from the previous financial year, including projects and services that enhance community wellbeing and improve the social fabric of the Shire.

##### **Community Engagement**

Section 133 of the Act requires Council to make copies of the Annual Report available for inspection by members of the public. Advertisements will be placed in local media advising that the 2016 – 2017 Annual Report is available for inspection at the following locations:

- The Council Offices, 1 Merrijig Drive, Torquay
- Aireys Inlet, Anglesea, Lorne & Winchelsea Post Offices
- Lorne Visitor Centre
- Deans Marsh & Moriac General Stores
- Torquay & Mobile Libraries
- Community houses at Anglesea, Deans Marsh, Lorne and Winchelsea.

The report as presented will be available on Council's website [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au) from 20 October 2017. It is proposed that the web interface will be available to readers following the Council meeting on 24 October 2017.

##### **Environmental Implications**

The Annual Report is a public document and will be available on Council's website to view or download. Hardcopy reports will only be printed for public exhibition purposes. This approach is in keeping with Council's commitment to Environmental Leadership principles.

##### **Communication**

Appropriate public notices have been issued advising of the Special Council meeting at which the 2016 - 2017 Annual Report will be considered pursuant to Section 134 of the Act, as well as advising the general public where copies of the Annual Report can be viewed.

##### **Options**

Option 1 – Council defer the noting of the Annual Report to a Council Meeting scheduled after 24 October 2017

This option is not recommended by officers as it is non-compliant with the requirements of the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014*.

Option 2 – Council note the Annual Report, subject to changes, at the Ordinary Council Meeting scheduled for 24 October 2017

This option is not recommended by officers, other than for minor changes or typographical corrections, as there is limited time for changes to be reviewed and incorporated in time to enable Council to meet its obligations under the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014*.

Option 3 – Council note the Annual Report as prepared at the Ordinary Council Meeting scheduled for 24 October 2017

This option is recommended by officers as the document has been prepared with significant input and review and noting at this meeting will meet Council's obligations under the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014*.

##### **Conclusion**

The Surf Coast Shire Council Annual Report 2016 – 2017 is presented to Council for noting.

#### 4.5 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

**Author's Title:** Team Leader Governance  
**Department:** Governance & Risk  
**Division:** Governance & Infrastructure

**General Manager:** Anne Howard  
**File No:** F15/1076  
**Trim No:** IC17/1141

**Appendix:**

1. S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987 (D16/116774)

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to present the updated instrument of authorisation and appointment for Council's endorsement, as required under the *Planning & Environment Act 1987*, to now include Environmental Health Officers, Adam Lee, Sarah Farrer, Rhonda Gambetta and Emma Monteath and remove Building Officer, Marianne Gibson and Senior Strategic Planner, Cletus Kweifio-Okai who are no longer employed by Council.

#### Summary

The majority of appointments of authorised officers can be made by the Chief Executive Officer under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the Chief Executive Officer. However the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made by resolution of Council.

The attached instrument of authorisation and appointment has been reviewed and updated to now include Environmental Health Officers, Adam Lee, Sarah Farrer, Rhonda Gambetta and Emma Monteath and remove Building Officer, Marianne Gibson and Senior Strategic Planner, Cletus Kweifio-Okai who are no longer employed by Council.

The updated instrument of appointment and authorisation under the *Planning and Environment Act 1987* is attached for Council's endorsement.

#### Recommendation

That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached instrument of appointment and authorisation ('the instrument'), resolve that:

1. The members of Council staff referred to in the instrument as shown in Appendix 1 be appointed and authorised as set out in the instrument.
2. Authorise the Chief Executive Officer to execute the instrument by affixing the common seal.
3. Authorise the Mayor to additionally sign the instrument in order for this to be fully executed.
4. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.

#### Council Resolution

##### **MOVED Cr Rose Hodge, Seconded Cr Libby Coker**

That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached instrument of appointment and authorisation ('the instrument'), resolve that:

1. The members of Council staff referred to in the instrument as shown in Appendix 1 be appointed and authorised as set out in the instrument.
2. Authorise the Chief Executive Officer to execute the instrument by affixing the common seal.
3. Authorise the Mayor to additionally sign the instrument in order for this to be fully executed.
4. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.

CARRIED 8:0

## 4.5 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

### **Report**

#### ***Background***

The majority of appointments and authorisations can be made by the Chief Executive Officer under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the CEO dated 23 May 2017. Section 188(2)(c) of the *Planning and Environment Act 1987* prohibits delegation by Council of the power to appoint authorised officers under that Act. The appointment of authorised officers under that Act must therefore be by way of Council resolution.

#### ***Discussion***

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices etc if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The attached instrument of authorisation and appointment has been reviewed and updated to now include Environmental Health Officers, Adam Lee, Sarah Farrer, Rhonda Gambetta and Emma Monteath and remove Building Officer, Marianne Gibson and Senior Strategic Planner, Cletus Kweifio-Okai who are no longer employed by Council.

Legal advice obtained from Maddocks in September 2017 advised that in the event that Environmental Health Officers are required to collect evidence in relation to a planning and / or VCAT matter, the relevant officers should be authorised officers under the *Planning and Environment Act 1987* - S11A instrument separate from those powers provided under the General - S11 Instrument which provides relevant powers for Environmental Health Officers generally for the collection of evidence for non-planning matters.

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

Not applicable.

#### ***Council Plan***

Theme 5 High Performing Council  
Objective Nil  
Strategy Nil

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

The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

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

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

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

The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

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

Not applicable.

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

Not applicable.

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

Not applicable.

#### ***Communication***

The relevant parties will be notified and the Public Register of Authorised Officers updated.

#### ***Conclusion***

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure they have the required authority to carry out their roles within legislated requirements.

#### 4.6 G21 Region Road Transport Plan 2017 -2027

**Author's Title:** Manager Engineering Services

**General Manager:** Anne Howard

**Department:** Engineering Services

**File No:** F14/1438

**Division:** Governance & Infrastructure

**Trim No:** IC17/1266

**Appendix:**

1. G21 Region Road Transport Plan 2017-2027 - Final (D17/118791)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

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**Purpose**

The purpose of this report is to seek Council's endorsement of the G21 Region Road Transport Plan 2017-2027.

**Summary**

The G21 Region Road Transport Plan has been through a public consultation process and finalised to the satisfaction of the G21 Transport Pillar. Endorsement of this plan by each Council is desirable as it strengthens the use of the document when it is used for advocacy and funding applications for regional road improvements.

**Recommendation**

That Council endorse the G21 Region Road Transport Plan 2017-2027.

**Council Resolution**

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

That Council endorse the G21 Region Road Transport Plan 2017-2027.

CARRIED 8:0

## 4.6 G21 Region Road Transport Plan 2017 -2027

### **Report**

#### ***Background***

The G21 Transport Pillar has been working on a regional road transport plan for over 18 months and State and Federal funding partners are a key audience for these plans as they look for regional transport plans to support their decision-making.

A draft plan was prepared with input from all Councils within the G21 region, and officers primarily used Council's adopted Sealed Road Network Plan as input to the draft plan. The draft plan was presented to Councillors at a briefing in 17 January 2017. Councillors provided a range of comments and indicated that public comment should be invited on the draft plan.

The draft plan was put out on public consultation in May/June 2017 and 14 submissions were received and minor changes were made to the final plan. No changes were made to the Surf Coast component. Outcomes from the public exhibition period were provided to Councillors at the 15 August 2017 briefing.

#### ***Discussion***

The G21 Transport Pillar considered the final document at its meeting on 10 October 2017 and has adopted the plan but Council endorsement is desirable to ensure the plan has demonstration of support and commitment from each Council. This is important as the G21 Region Road Transport Plan will guide the development of road transport network across the region by recognising opportunities and challenges beyond municipal boundaries.

The plan will be an important document to support funding applications and provides advocacy for improvements.

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

There are no financial implications for Council except it allows the Region to seek future funding applications for road improvements.

#### ***Council Plan***

Theme	5 High Performing Council
Objective	5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy	5.1.3 Develop innovative funding partnerships with community, business and government

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

Adoption of this plan allows Council to bid for regional projects that require State and Federal funding partners as they look for regional transport plans to support their decision-making

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

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

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

If Council choose not to adopt the plan there is a risk that its effectiveness might be diminished when seeking Federal and State road funding

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

The community has been consulted on the preparation of this plan through the exhibition process and through various non-Council stakeholders that participate on the G21 Transport Pillar.

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

A public consultation process was used to invite submission to the draft pan and have informed the final plan.

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

Not Applicable.

#### ***Communication***

The endorsement will be communicated back to the G21 Transport Pillar.



#### **4.6 G21 Region Road Transport Plan 2017 -2027**

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

##### Option 1 – Adopt the G21 Region Road Transport Plan

This option is recommended by officers. The plan has been developed through a rigorous process and provided as a draft to the community. No further changes are planned and adoption allows the plan to start to be used for advocacy and funding applications.

##### Option 2 – Not endorse the G21 Region Road Transport Plan

This option is not recommended by officers as it will reduce our ability to seek future road funding.

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

The formal adoption of the G21 Region Road Transport Plan 2017-2027 is sought and this will then be used for advocacy for regional road improvements.

#### 4.7 Revocation of Interim Road Management Policy SCS-027

**Author's Title:** Strategic Asset Manager

**General Manager:** Anne Howard

**Department:** Asset Management

**File No:** F13/135

**Division:** Governance & Infrastructure

**Trim No:** IC17/1208

**Appendix:**

Nil

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to seek Council's revocation of the Interim Road Management Policy SCS-027.

#### **Summary**

Council resolved at its 13 September 2016 Ordinary Meeting to suspend its Road Management Plan 2010 and adopted Interim Road Management Policy SCS-027. The Interim Road Management Policy provided the framework within which Council manage its roads during the period where a new Road Management Plan was developed. Council adopted a new Road Management Plan on 27 June 2017. At that time the Interim Road Management Policy was effectively superseded by the new plan, but the policy has not been formally revoked. It is important to revoke the policy so that there is no ambiguity about Council's road management activities.

#### **Recommendation**

That Council revoke Interim Road Management Policy SCS-027.

#### **Council Resolution**

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

That Council revoke Interim Road Management Policy SCS-027.

CARRIED 8:0

## **4.7 Revocation of Interim Road Management Policy SCS-027**

### **Report**

#### ***Background***

At Council's 13 September 2016 Council Meeting Council resolved to suspend its Road Management Plan 2010 and adopted an Interim Road Management Policy. Following a review of the Plan during late 2016 and early 2017 Council adopted new Road Management Plan on 27 June 2017.

#### ***Discussion***

At the adoption of Council's new Road Management Plan in June 2017 Council no longer required the Interim Road Management Policy to be in place. However the Policy was not revoked at the time therefore. Council should revoke the Policy

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

Nil.

#### ***Council Plan***

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy Nil

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

To have both the Interim Road Management Policy and the new Road Management Plan in place at the same time may lead to confusion and/or contradiction in Council service requirements. The repeal of the Interim Road Management Policy will clarify that the Road Management Plan is the relevant Council document regarding Road Management.

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

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

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

The revocation of the Interim Road Management Policy will clarify that the Road Management Plan is the relevant Council document regarding Road Management and remove the risk of confusion and/or contradiction in Council service requirements.

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

Nil.

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

Community engagement took place when the new Road Management Plan was developed in early 2017 and is not relevant or required to the revocation of the interim policy.

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

Nil.

#### ***Communication***

If revoked, the policy will be removed from the website. No further communication is required.

#### ***Options***

##### **Option 1 – Repeal the Interim Road Management Policy**

This option is recommended by officers as this clarifies Council's road management obligations and service commitments.

##### **Option 2 – Not Repeal the Interim Road Management Policy**

This option is not recommended by officers as may lead to confusion in having both a Road Management Plan and Interim Road Management Policy which may contradict each other.

#### ***Conclusion***

Council currently have both an Interim Road Management Policy and Road Management Plan which are adopted by Council. The repeal of the Interim Road Management Policy will lead to better and clearer management of Council's road network.

#### 4.8 Contract T18-005, Provision of Road Asphaltting Services - Nomination of Contract Superintendent/Supervisor

**Author's Title:** Project Manager

**General Manager:** Anne Howard

**Department:** Project Management Office

**File No:** F17/1265

**Division:** Environment & Development

**Trim No:** IC17/1213

**Appendix:**

Nil

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is seek Council's authorisation of the Manager Engineering Services to act as Contract Supervisor for T18-005, Provision of Road Asphaltting Services

#### **Summary**

At the 26 September 2017 meeting, Council resolved to award contract T18-005 Provision of Road Asphaltting services to Greenhall Asphalt Pty Ltd, but the authorisation of a supervisor was omitted at that time. Council must nominate a Supervisor to administer the contract on behalf of Council for the duration of the contract. The Manager Engineering Services has been identified as being the most appropriate Council officer to fulfil this role.

#### **Recommendation**

That Council authorise the Manager Engineering Services to act as Supervisor for contract T18-005, Provision of Road Asphaltting Services over the full duration of the contract (up to four years), including authorising variations in accordance with the contract conditions.

#### **Council Resolution**

##### **MOVED Cr Margot Smith, Seconded Cr Heather Wellington**

That Council authorise the Manager Engineering Services to act as Supervisor for contract T18-005, Provision of Road Asphaltting Services over the full duration of the contract (up to four years), including authorising variations in accordance with the contract conditions.

CARRIED 8:0

## 5. ENVIRONMENT & DEVELOPMENT

### 5.1 Program Status Report - July to September Quarter 2017

**Author's Title:** Manager Program Management Office **General Manager:** Ransce Salan

**Department:** Program Management Office **File No:** F17/189

**Division:** Environment & Development **Trim No:** IC17/1271

**Appendix:**

1. Program Management Office - Program Status Report - CAPITAL Projects - 30 September 2017 (D17/119062)
2. Program Management Office - Program Status Report - OPERATIONAL Projects - 30 September 2017 (D17/119066)

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

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

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

#### **Purpose**

The purpose of this report is to receive and note the Program Status Report for the July to September 2017 quarter.

#### **Summary**

The Program Status Report provides an overview of the Program, progress of overall delivery and the status of time, cost and scope for each capital and operational project. This information provides a flag for risks to individual project delivery and the overall Program. The report attachments reflect changes to the Program that have been approved by Council including new projects, changes to project budgets, scope or time, and projects that have been completed or cancelled. This report is provided to Council quarterly.

#### **Recommendation**

That Council note the Program Status Report for the July to September 2017 quarter.

#### **Council Resolution**

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

That Council note the Program Status Report for the July to September 2017 quarter.

CARRIED 8:0

## 5.1 Program Status Report - July to September Quarter 2017

### Report

#### **Background**

The Program Management Office (PMO) has responsibility to provide leadership, support and analysis for best practice project management, including standardising and building Surf Coast Shire Council's project management capability and methods. The PMO has responsibility to support successful delivery of Council's program of projects with the right approach and level of resources.

The Program Status Report is intended to provide high level analysis to Executive Management Team and Council on progress of the overall program of capital and operational projects, and provide a point of accountability for project managers to provide accurate status information including time, cost and scope. It also provides high level information for the PMO to identify where project teams may require assistance to address issues impacting on project delivery.

A snapshot of the overall status of the Program is provided to Council via a communications report at monthly briefing. This quarterly report includes more detail with individual project status detailed in appendices.

The financial data in the appendices is drawn from Council's finance system. The relevant project manager comments on status and provides an Estimate to Complete on behalf of the project team. The 'traffic light' indicators for time, cost and scope provide a snapshot of issues that project teams are addressing to progress the project, and that may result in a request to Council to re-baseline.

Project teams consider the relationship of time, cost and scope at each of the 'gates' between project phases/stages defined in the Project Delivery Process:

Project Delivery Process – controlling the project through defined phases/stages						
Identify Phase	Initiate Phase	Plan Phase	Deliver Phase			Close Phase
Idea (Project proposal)	Verify (Charter)	Details/Method (Project Plan)	Requirements Stage	Procurement Stage	Implement Stage	Wrap-up and Learn (Closure Report)
Prepare			Do			Review

Project definition develops through each of these phases / stages and at each gate the Sponsor can recommend that the project:

- progress as planned
- change
- stop (be deferred or cancelled)

If project planning determines that the project will not deliver the intended outcome within the parameters of time, cost and scope approved by Council, officers may recommend that the project be cancelled or funds transferred to the Adopted Strategy Implementation Reserve (or other relevant reserve) while a new project proposal is prepared for Council to consider.

Projects are reported 'Life to Date' therefore multi-year project financial data includes actual spend from years prior and future allocations to represent the total project budget approved by Council.

Project budgets are reported excluding contingency. Contingency funds for each project are centralised in a separate account to be drawn on as requested by the Sponsor and reviewed / approved by the PMO.

### 5.1 Program Status Report - July to September Quarter 2017

A spend target has been established for the 2017/18 program based on:

- the program allocation made by Council in the 2017/18 Budget
- PLUS carry forwards from 2016/17
- LESS
  - Multi-year project funding that is planned to be expended in future years
  - Projects awaiting outcomes, such as grant or project partners preparedness, or high external risk i.e. subject to significant consultation or external approvals
  - Project funding in the process of being accumulated
  - Land transactions
  - Project contingency

Spend targets for the 2017/18 Capital and Operational Programs were presented to Council on 22 August 2017.

	Actual Spend 2015/16	Actual Spend 2016/17	Spend Target 2017/18
	\$'000	\$'000	\$'000
Capital	14,966	19,547	23,227
Operational	1,922	3,168	2,105
<b>TOTAL</b>	<b>16,888</b>	<b>22,715</b>	<b>25,332</b>

*Historically High Figure      Record Spend      New Challenge*

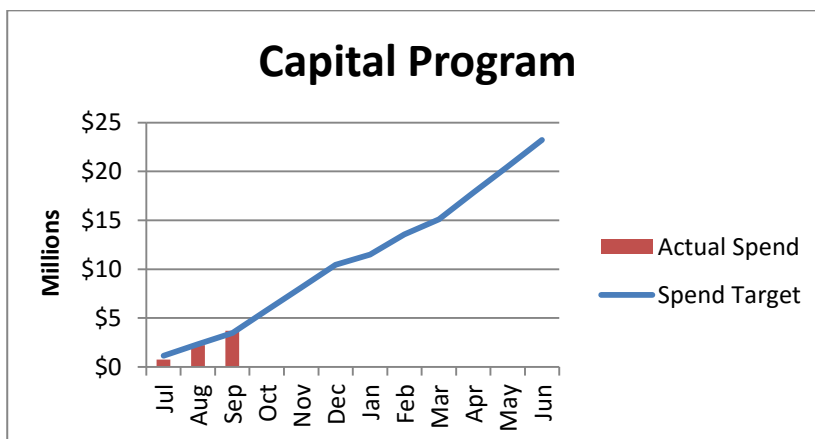
The quarterly profile for 2017/18 spend to produce the report graphs is based on historical trend:

Quarter	Percentage (%) of annual spend
June to September	15
October to December	30
January to March	20
April to June	35

A statement of Capital Works by category for annual budget, YTD budget and actual budget is included in the quarterly Finance Report to Council.

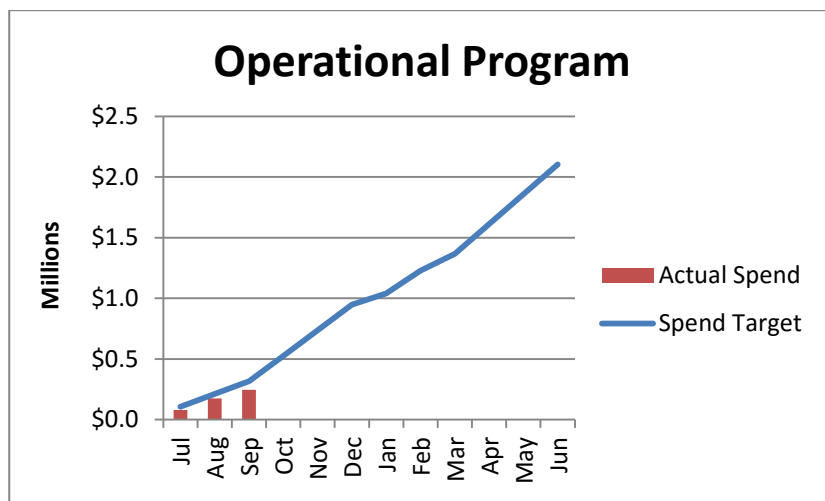
#### Discussion

Spend for the Capital Project Program at 30 September 2017 is represented in the graph below.



## 5.1 Program Status Report - July to September Quarter 2017

Spend for the Operational Project Program at 30 September 2017 is represented in the graph below.



The Year to Date spend is presented as a percentage of the Year to Date target at 30 September 2017 in the table below:

	Capital	Operational	Total
	\$m	\$m	\$m
YTD Spend Target	3.48	0.31	3.79
YTD Actual Spend	3.69	0.25	3.94
Percentage Actual Spend of Target	106%	78%	104%

The Program for 2017/18 is on target with actual spend of \$3.9m representing 104% of the 30 September 2017 target, therefore on track to deliver the 30 June 2018 spend target of \$25.3m.

Individual project status is detailed in Appendix 1 (Capital Projects) and Appendix 2 (Operational Projects).

### Financial Implications

Requests to Council regarding change to project budgets are considered monthly via the Project Budget Adjustments and Cash Reserves Transfers report. Officers make recommendations to Council to create project budgets, change project budgets (increase or decrease), cancel projects and close projects. This provides transparency for variations to project budgets and acknowledgement of projects completed under budget with savings returned to source.

There are no significant financial implications arising directly from this report.

### Council Plan

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy Nil

There are no Council Plan strategies or actions directly relevant to the purpose of this report. The overall program of projects is selected and funded by Council to deliver strategies and actions in the Council Plan.



## **5.1 Program Status Report - July to September Quarter 2017**

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

There are no significant policy or legal implications arising from this report.

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

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

### ***Risk Assessment***

Project risk assessments are prepared, monitored and reviewed as part of project initiation and delivery. Any risk associated with the status of time, cost and scope for each project is managed by the Project Sponsor in conjunction with the governance group for the project, and subject matter experts where relevant. The requirement for data on time, cost and scope for each project to be provided by project managers on a regular basis supports the discipline of status reporting, including management of risk, and early identification / resolution of issues.

### ***Social Considerations***

Any significant social issues associated with the status of time, cost and scope for each project are considered by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant.

There are no significant social considerations arising directly from this report.

### ***Community Engagement***

Community communications and engagement plans are prepared, monitored and reviewed as part of project initiation and delivery when relevant. Any emerging issues that require communications and engagement due to variations in time, cost and scope for each project are managed by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant. Project delivery supports Council's Communications and Community Engagement Strategy 2015-2018 and complies with Council policy where relevant.

There are no significant community engagement requirements arising directly from this report.

### ***Environmental Implications***

Environmental implications of individual projects are considered in the 'Identify' and 'Initiation' and 'Planning' phases as part of project approach and scope. Environmental deliverables may be specified as part of the project outcomes and benefits. Project delivery complies with Council policy where relevant. There are no significant environmental implications arising directly from this report.

### ***Communication***

Comments or questions from Council or community arising from this report will be communicated to the relevant Project Sponsor or Program Management Office and responded to.

### ***Conclusion***

The Program for 2017/18 is on target with actual spend of \$3.9m representing 104% of the 30 September 2017 target, therefore on track to deliver the 30 June 2018 spend target of \$25.3m.

## 5.2 Hinterland Futures Strategy

**Author's Title:** Coordinator Strategic/Land Use Planning

**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F17/961

**Division:** Environment & Development

**Trim No:** IC17/1246

### Appendix:

1. Hinterland Futures Issues and Opportunities Paper (D17/110568)
2. Hinterland Futures Background Report (D17/110565)

### Officer Direct or Indirect Conflict of Interest:

### Status:

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to present the draft Issues and Opportunities Paper for the Hinterland Futures Strategy and consider exhibition.

### Summary

The purpose of the Hinterland Futures Strategy is to provide a clear vision and direction for the Shire's rural areas. A Background Report and Issues and Opportunities Paper have been prepared as a talking point for community input which will assist in the development of a draft Strategy. It is important to capture all the important opportunities, constraints and issues in the hinterland in order for the Strategy to be a robust and comprehensive document.

It is recommended that the Issues and Opportunities Paper be exhibited for one month with a range of community engagement activities.

### Recommendation

That Council:

1. Exhibit the draft Issues and Opportunities Paper for a period of one month, from 30 October 2017 to 1 December 2017.
2. Conduct community engagement during that period to receive feedback on the paper.
3. Consider a draft Hinterland Futures Strategy at a future meeting of Council.

### Council Resolution

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

That Council:

1. Exhibit the draft Issues and Opportunities Paper for a period of one month, from 30 October 2017 to 1 December 2017.
2. Conduct community engagement during that period to receive feedback on the paper.
3. Consider a draft Hinterland Futures Strategy at a future meeting of Council.

CARRIED 8:0

Cr David Bell left the meeting at 07:33 pm.

## 5.2 Hinterland Futures Strategy

### Report

#### **Background**

The purpose of the Hinterland Futures Strategy is to provide a clear vision and direction for the Shire's rural areas. Guiding the vision and direction is the establishment of an understanding of the various economic opportunities that exist and the potential changes to the planning scheme required to bring these opportunities to fruition. In this context, the Hinterland Futures Project will consider how to activate the economic potential of the hinterland in a sustainable way taking into consideration the key principle of the environment forming the basis of the Surf Coast economy.

Prior to the Hinterland Futures Project commencing a volume of background work was undertaken which included two workshops with Council's Environmental Rural Advisory Committee regarding their vision for the rural hinterland and potential opportunities and constraints, land use profile information, an initial economic analysis of the value of the hinterland and land use planning context work.

A strong theme of support for local food production and sustainable practices emerged; and the feedback received has formed part of the background information for this project.

Council has engaged lead consultants, HillPDA (economic analysis and strategy) in conjunction with the Stafford Group (tourism specialist), planning consultancy Smart Planning and Design and RMCG (rural industries and environmental specialist) to complete a Hinterland Futures Strategy. The first two outputs are a Background Report and an Issues and Opportunities Paper.

The Issues and Opportunities Paper (Refer Appendix 1) will be exhibited for a period of one month from end October to end November 2017 and submissions and feedback received during that period will provide input into the draft Hinterland Futures Strategy which will be completed in early 2018. Consultation will also capture any issues and opportunities that may have been overlooked and confirm the issues and constraints that have been included.

Community engagement during the exhibition period will include one on one contact with stakeholders, workshops to be held at locations in the Shire's rural areas, feedback through Council's website and written submissions.

#### **Discussion**

The Background Report assimilates existing information with additional analysis of agribusiness in the rural areas of the Shire and tourism issues (Refer Appendix 2). The Issues and Opportunities Paper provides a concise analysis of the background information and identifies the key issues, emerging challenges, any constraints and potential actions Council can take to achieve the project objectives. The Issues & Opportunities Paper will form the basis of community consultation to inform the Hinterland Futures Strategy.

There are 18 discussion points identified in the Issues & Opportunities Paper which includes themes such as:

- Rural landscapes and environment
- Facilitating agriculture and small agri-food businesses
- Facilitating support infrastructure
- Refining Planning Policies, and
- Tourism.

A theme of appropriate job creation integrates through the above themes.

#### **Financial Implications**

The project has been fully funded in the 2017/2018 budget including consultation.

#### **Council Plan**

Theme	3 Balancing Growth
Objective	3.1 Retain and enhance rural land for appropriate and sustainable uses
Strategy	3.1.1 Finalise and implement the Rural Hinterland Strategy

## **5.2 Hinterland Futures Strategy**

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

After completion of the Strategy, a planning scheme amendment is proposed which will implement any policy changes that may be required by recommendations in the Strategy.

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

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

### ***Risk Assessment***

There is no risk in exhibiting the draft Issues and Opportunities Paper.

### ***Social Considerations***

The Hinterland Futures project affects all land within the Surf Coast Shire hinterland area, the majority of which is Farming Zoned land. A large variety of businesses operate within this area, from agribusiness and farming activities to tourism based uses. The project has a close connection with local food production. As such a broad project, it has the ability to affect a large number of people, properties and businesses.

### ***Community Engagement***

It is proposed that the Issues and Opportunities Paper is exhibited for one month (from 30 October 2017 to 1 December 2017) with a range of community engagement activities arranged including workshops/open houses in rural townships, exhibition on our website through Surf Coast Conversations, and feedback sought at community events such as the Winchelsea Farmers market or similar events.

It is also proposed that ERAP is involved further in the production of the strategy at key milestones.

Consultation with key stakeholders, businesses and agencies such as Barwon Water has already commenced, and will continue through direct contact during exhibition.

### ***Environmental Implications***

One of the primary objectives of the Council plan and the planning scheme is to protect and enhance the Shire's significant environmental assets and landscapes. This is recognised in the Issues and Opportunities Paper and remains a key foundation for the strategy.

### ***Communication***

Communication on this project will occur through direct interviews, community events and workshops and through the Council website/Surf Coast Conversations.

### ***Options***

#### **Option 1 – Exhibit the Issues and Opportunities Paper for comment**

This option is recommended by officers as it will enable feedback to be received prior to the Christmas period. That will enable a draft Strategy to be prepared for consideration by council early in 2018.

#### **Option 2 – Defer exhibition of the Issues and Opportunities Paper**

This option is not recommended by officers as it will delay the Rural Hinterland Futures project. The paper provides a mechanism to focus input into the strategy and the issues it will cover. Public exhibition will enable the issues and opportunities currently captured to be confirmed and ensure that no major issues are overlooked.

### ***Conclusion***

It is recommended that the Issues and Opportunities Paper is exhibited for one month (from 30 October 2017 to 1 December 2017) with a range of community engagement activities. The Background Report will also be published to inform the consultation.

Cr David Bell returned to the meeting at 7:35pm.

### 5.3 Circus Policy SCS-026

**Author's Title:** Coordinator Development Compliance & Local Laws      **General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F12/406

**Division:** Environment & Development

**Trim No:** IC17/1070

**Appendix:**

1. Circus Policy SCS-026 (D17/118677)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to review Council's Circus Policy SCS-026 which guides Council's approval of the use of Council managed land for circuses and performances with animals.

#### **Summary**

The current Circus Policy SCS-026 is expiring and has been reviewed. The policy includes clearly stated roles and responsibilities related to the hosting of a circus on Council land that do not use exotic animals.

The policy does not require any material change and has served its intended purpose since adoption.

#### **Recommendation**

That Council:

1. Adopt the reviewed Circus Policy SCS-026.
2. Review the Policy by October 2020.

#### **Council Resolution**

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

That Council:

1. Adopt the reviewed Circus Policy SCS-026.
2. Review the Policy by October 2020.

CARRIED 8:0

#### **Suspension of Standing Orders**

##### **Council Resolution**

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

That Council suspend Standing Orders at 7.35pm until 7.45pm

CARRIED 8:0

#### **Resumption of Standing Orders**

##### **Council Resolution**

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

That Council resume Standing Orders at 7.43pm.

CARRIED 8:0

### **5.3 Circus Policy SCS-026**

#### **Report**

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

The Circus Policy SCS-026 was adopted by Council in 2014. The policy provides clear instruction that permits the use of Council land for circuses and performances that include domestic animals. The policy outlines that circuses that use exotic animals will not be granted permission.

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

The review of the policy has identified that the policy is currently adequate. No circuses containing exotic animals have been approved on Council land since 2014. Circuses containing domesticated animals have been hosted without incident or reports of concern for animals used in the circus. There are no proposed changes to this policy.

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

There are no financial implications associated with adopting this policy

##### ***Council Plan***

Theme 4 Vibrant Economy  
Objective 4.2 Facilitate high quality events throughout the year  
Strategy 4.2.1 Further develop diverse, major and signature events, communication and promotion program

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

Council plays an active role in policing the Domestic Animals Act 1994 and the Prevention of Cruelty to Animals Act 1986. This policy supports Council Officers operational role in ensuring compliance is achieved.

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

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

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

Council could be exposed to reputational risks. The risk of not having a policy is that Council may be exposed to criticism, if land under Council management or ownership was used to host events with exotic animals that may not be suited the local environment.

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

No additional social considerations have been taken into account with the review of this policy.

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

Community engagement has not been undertaken for this policy review.

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

No environmental implications have been identified during this policy review.

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

The updated policy will be communicated throughout the organisation in addition to being available on Council's website

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

###### **Option 1 – Adoption of the policy**

This option is recommended by officers as adoption of this policy will help ensure Council's continues to manage the use of Council land in a responsible way by preventing circuses or performances that use exotic animals.

###### **Option 2 – Not adopt the policy**

This option is not recommended by officers. The policy has been effective operating successfully for several years. It provides strong guidance for officer decision making.

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

There are no proposed changes to the Circus Policy SCS-026. The policy has been effective since being introduced. The recommendation is to extend the policy for further three years until October 2020.

#### 5.4 Footpath Trading Policy SCS-011

**Author's Title:** Coordinator Development Compliance & Local Laws      **General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F17/73

**Division:** Environment & Development

**Trim No:** IC17/1069

**Appendix:**

1. Footpath Trading Policy SCS-011 (D17/118684)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to consider the Footpath Trading Policy SCS-011.

#### **Summary**

Footpath trading has been permitted at Surf Coast Shire for many years. Traders require a local law permit to have access to and use of Council owned or managed land for the purposes of trading. The policy that is relevant to footpath trading sets rules and regulations to ensure that any use is controlled and functional. The use of Council land across the municipality in this way provides for a vibrant atmosphere and safe spaces for our community to socialise and attend these areas for trade.

The policy is due for renewal. This report will recommend that no substantial issues have been identified warranting amendment to the current policy only a minor change to the referral document is required

#### **Recommendation**

That Council:

1. Adopt the Footpath Trading Policy SCS-011.
2. Review the Policy by October 2020.

#### **Council Resolution**

**MOVED Cr Heather Wellington, Seconded Cr Rose Hodge**

That Council defer the item.

CARRIED 8:0

## 5.4 Footpath Trading Policy SCS-011

### **Report**

#### ***Background***

Footpath trading has been an ongoing permitted use across the Municipality for many years. Footpath trading allows the use of Council owned or managed land for the purposes of commercial trading for uses such as alfresco dining and merchandise trading. The use of Council land is obtained by applying for a local law permit. If granted, Council charge a fee set each year as part of Council's annual fees and charges process which is worked out on a per square meter basis. The use of the land is controlled under the provisions of footpath trading procedures and allows safe and continued pedestrian access to these areas by the public. Each trader is required to have public indemnity insurance and maintain their trading space according to the permit.

The current policy is now expiring and a review has been undertaken. The current use of Council land has been effective, well used and maintained by traders and the community. It is essential that a policy remains in place that assists Council Officers to process new permit applications and audit ongoing approved permits. It also guides the commercial operators as to Council's expectations and behaviours to effectively manage Council owned and managed land. There are many benefits for our community and business owners in renewing the policy.

#### ***Discussion***

The review undertaken was required as the current policy is expiring. The review has identified that the policy is currently adequate. The use of Council land is well controlled with rules and regulations that aim at making areas safe and usable. The ongoing use is important to traders and this report recommends the policy be adopted and endorsed noting only minor changes to the Council fees and charges structure.

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

Footpath trading allows commercial business to pay a fee to use Council land for additional trading space. The ongoing use of Council land is economically viable for businesses and provides for the safe use of the land in an equitable and fair manner.

#### ***Council Plan***

Theme	4 Vibrant Economy
Objective	4.1 Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community
Strategy	4.1.1 Support and build capability of businesses and business / tourism groups

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

Council's Local Law Number 1 Section 6.4 and Part 8 – Division 1 – Permits, Fees and Delegations.

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

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

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

The risks associated with the use of Council owned land are controlled by this policy and procedure. The use of Council land must be used in accordance with the Local Law, policy and procedure and the user must have indemnity insurance.

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

The use of Council land for our community is an essential factor for health and wellbeing across the municipality. Using the land for alfresco dining and merchandise sales and purchases promotes a safe and vibrant community.

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

The policy has been reviewed without community consultation and it is recommended the policy be extended.



## 5.4 Footpath Trading Policy SCS-011

### ***Environmental Implications***

No environmental implications have been identified during the policy review. It is noted that any use that impacts the environment from an amenity, noise or odour can be revoked at any time pursuant to the local law.

### ***Communication***

The updated policy will be communicated throughout the organisation in addition to being available on Council's website.

### ***Options***

Option 1 – This option is to adopt this policy to ensure Council's continues to manage the use of Council land for footpath trading.

This option is recommended by officers as the policy framework associated with footpath trading works well and governs the use of land for the benefit of local businesses and our community.

Option 2 – This option is to not adopt this policy and consider discontinuing approved footpath trading.

This option is not recommended by officers as this would prevent traders using Council land for trading and would restrict economic benefits for businesses' and Council and benefits to the community in terms of reduced ability to attend trading areas and cafés/restaurants.

### ***Conclusion***

There are no proposed changes to the Footpath trading Policy SCS-011. It was been effective during the past adopted period. The recommendation is to extend the policy until October 2019.

## 5.5 Rabbit Management Policy SCS-029

**Author's Title:** Coordinator Environment  
**Department:** Environment & Community Safety  
**Division:** Environment & Development

**General Manager:** Ransce Salan  
**File No:** F12/801  
**Trim No:** IC17/1092

### Appendix:

1. Rabbit Management Policy SCS-029 (D17/118503)
2. Online Survey Report - Rabbit Management Policy Review (D17/105690)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

### Status:

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to update Council on the review of Council's adopted Rabbit Management Policy SCS-029.

### Summary

On 13 September 2016, Council adopted a Rabbit Management Policy (the Policy) to be trialled for 12 months, with implementation of the Policy to be reviewed in consultation with key stakeholders and a report provided to Council. The report was to include any reported deaths of non-target species that could be associated with Council's rabbit management program.

The Policy was developed in response to a petition submitted to Council in January 2016 requesting that Council improve its rabbit control in the Thompson and Freshwater Creek areas. On 23 February 2016, Council resolved to develop a Rabbit Management Policy in collaboration with Landcare groups and the community. The Policy was developed with expert rabbit management advice, various meetings with community groups and state agencies and two independently facilitated rabbit management workshops hosted by Council in May and August 2016.

Key stakeholders expressed a clear preference for a short online survey to capture feedback on Council's initial implementation of the Policy. A survey was developed, emailed to approximately 40 stakeholders and completed by 22 people. The survey results are positive and show that the 12 month trial of the Policy has been successful, with 86% satisfied with Council's rabbit management and 86% observing improvement in Council's rabbit management since the Policy was adopted. There is however still room for program improvement, particularly in relation to best practice management and efficient, effective and results oriented asset protection.

The Policy is next due for review in September 2019, or earlier 'if warranted by changes in best practice rabbit management'. Stakeholders have expressed interest in a workshop as part of this review to facilitate discussion between stakeholders about shared rabbit management issues.

### Recommendation

That Council:

1. Note the results of the review of the Rabbit Management Policy SCS-029 and work undertaken to date in response to feedback received from the community.
2. Note that no changes are needed to the Rabbit Management Policy SCS-029.
3. Receive a report reviewing the Policy again in two years or earlier if warranted by changes in best practice rabbit management.

### Council Resolution

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

That Council:

1. Note the results of the review of the Rabbit Management Policy SCS-029 and work undertaken to date in response to feedback received from the community.
2. Note that no changes are needed to the Rabbit Management Policy SCS-029.
3. Receive a report reviewing the Policy again in two years or earlier if warranted by changes in best practice rabbit management.

CARRIED 8:0

## 5.5 Rabbit Management Policy SCS-029

### Report

#### **Background**

Under the Victorian Catchment and Land Protection Act 1994 all land holders, including councils, have a legal duty to prevent the spread of, and as far as possible eradicate, rabbits from the land they own or manage. For Council, this includes approximately 1,500 km of rural roadsides.

At the 28 January 2016 meeting Council received a petition to improve rabbit control in the Thompson and Freshwater Creek areas. On 23 February 2016, Council resolved to develop a Rabbit Management Policy in collaboration with Landcare groups and the community. The Policy was developed with expert rabbit management advice, various meetings with community groups and state agencies and two independently facilitated rabbit management workshops hosted by Council in May and August 2016.

The Policy was adopted by Council on 13 September 2016 to be trialled for 12 months. Implementation of the Policy was to be reviewed in consultation with key stakeholders and a report provided to Council by October 2017.

#### **Discussion**

##### Implementation – Rabbit Management

In 2016/17 Council delivered its largest rabbit management program ever in the history of the Shire, working in consultation with community groups, land holders and government agencies. The works program included release of the K5 calicivirus biological control at two sites and development of six new Rabbit Management Plans for 'hotspot' sites in consultation with key stakeholders and independent expert advice.

Council officers have developed strong relationships and effective partnerships with key stakeholders and generally received very positive feedback on Council's ambitious works program. Council officers did, however, underestimate the amount of work involved in the K5 rollout and in engagement, development and implementation of Rabbit Management Plans with key stakeholders. There were some delays in scheduling works at hotspot sites and some communication issues with Pettavel Road works.

Approximately \$30,000 was set aside for baiting in 2016/17 but on the advice of independent expert Tim Bloomfield, baiting was either not required or not appropriate for key sites. Baiting is the agreed knockdown approach for Mt Moriac and Freshwater Creek Recreation Reserves and Pettavel Road. In light of recent Agriculture Victoria regulatory action against the City of Greater Geelong for 'off label' baiting, risk matrices have been developed for baiting at Mt Moriac and Freshwater Creek and Agriculture Victoria approval obtained for this approach.

Cultural heritage continues to be a significant constraint on warren removal options for Council and other land managers. The Chair of the Wathaurung acknowledged these issues at a site visit with Council officers and other stakeholders on 9 May 2017 but agreed solutions have still to be finalised with the Wathaurung. A further meeting has been requested by the Wathaurung and Landcare representatives to showcase warren removal options.

##### Policy Review – Online Survey

Approximately 40 stakeholders were invited to provide feedback on Council's performance implementing the Policy, including the key Landcare groups, participants at Council's two rabbit workshops and stakeholders involved in Rabbit Management Plan development in 2016/17. A total of 22 people completed the survey. The full survey report is available at Appendix 2.

Key results from the survey are very positive but there is still room for program improvement. Specifically:

- The large majority (86%) are satisfied with Council's current rabbit management (31% very satisfied, 54% somewhat satisfied)
- The large majority (86%) have observed improvement in Council's rabbit management since the Policy was adopted – 45% have observed a 'marked' improvement
- In terms of implementing the Policy's stated principles, for the 60% or so who had a view, Council is doing very well on strategic partnerships but could improve on best practice management and efficient, effective and results oriented asset protection
- A majority believe that Council is doing an excellent or good job on coordinating rabbit control works with community & neighbours (59%) and communicating with key stakeholders (59%) but many (33%) were neutral or unsure on their response

## 5.5 Rabbit Management Policy SCS-029

- The overwhelming majority (94%) support the development of management plans for rabbit hotspot sites and most (54%) are somewhat or very satisfied with the outcome - note a quarter of respondents were not however, involved in the development of a plan
- In terms of what is working well with rabbit management in the Shire, communication and community involvement are consistently highlighted
- In terms of what is not working well with rabbit management in the Shire, a range of matters are identified. Baiting remains a divisive issue, with some respondents wanting more baiting and others concerned at over-reliance on baiting and response driven by vocal interests versus best practice
- The optional concluding remarks are all positive bar one. Council is congratulated on the progress it has made, is acknowledged for the 'significant improvement' and 'demonstrated determination to achieve effective on ground rabbit control', 'we have come a long way' and it is 'great to see a Council so forthcoming with rabbit control'.

### **Financial Implications**

Council's rabbit management work is funded primarily through an annual operational pest plant and animal management budget of approximately \$220,000. The cost of rabbit management work for 2016/17 was approximately \$80,000 – roughly double the annual spend in recent years. Key works covered included \$32,000 for rabbit harbour removal, \$17,000 for destruction of rabbit warrens, \$9,000 for rabbit proof fencing and \$3,000 in support to Landcare groups, including event sponsorship and mail outs.

Council received \$5,300 state funding for roadside rabbit fumigation as part of the Roadside Weed and Rabbit Control Plan grant (approximately \$23,000 annually).

### **Council Plan**

Theme 3 Balancing Growth  
Objective 3.1 Retain and enhance rural land for appropriate and sustainable uses  
Strategy 3.1.3 Effectively manage pests, plants and animals on Council land

Theme 3 Balancing Growth  
Objective 3.1 Retain and enhance rural land for appropriate and sustainable uses  
Strategy 3.1.2 Develop partnerships to better manage interfaces between public and private land

### **Policy/Legal Implications**

The European rabbits is declared under the Victorian *Catchment and Land Protection Act 1994* (CaLP Act) as an 'established pest animal', which means it is already established in the wild in Victoria and is unlikely to be eradicated. Under the CaLP Act, all land owners (including Council) have a legal duty to prevent the spread of, and as far as possible eradicate, established pest animals. Council also has additional legal responsibilities under the CaLP Act regarding pest plant and animal management on municipal rural roadsides.

Delivery of integrated best practice management in partnership with the community and land management agencies also supports delivery of Council's Towards Environmental Leadership Program and Council's purpose and organisational direction.

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

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

### **Risk Assessment**

There is public health and environmental risks associated with using poison baits in public areas and these can be managed to some extent. Risk matrices have been developed for baiting at two Council reserves and Agriculture Victoria approval obtained for this approach. There are also risks to agriculture and the environment, and reputational risks for Council, if rabbits are not adequately controlled on Council owned and managed land.

### **Social Considerations**

Rabbit control requires a coordinated approach between land owners at a landscape level to be effective. To achieve this outcome, Council has worked in partnership with relevant community groups, land holders and land management agencies to develop Rabbit Management Plans for six rabbit 'hotspot' sites in the Shire. Council also coordinates an annual mail-out to land owners providing information about community baiting programs and Council's rabbit management works.

## 5.5 Rabbit Management Policy SCS-029

### **Community Engagement**

The Rabbit Management Policy SCS-029 was developed with input from various meetings with community groups and state agencies, expert advice and two independently facilitated rabbit management workshops. The scope of review of the Policy was determined in consultation with key stakeholders, including Landcare groups, who expressed a clear preference for an online survey. Approximately 40 stakeholders were invited to provide feedback on Council's implementation of the Policy and 22 people completed the survey.

### **Environmental Implications**

Rabbits cause significant damage to the natural environment as well as to agricultural production. Rabbits, along with foxes and cats at large, are considered to be Australia's most serious vertebrate pests and severely impact native flora and fauna, vegetation communities, landforms, geomorphic processes and sensitive sites, as well as primary industries. Rabbit control by baiting can cause both direct and indirect harm to native animals, so any use of baiting needs to be managed carefully. Council officers didn't observe or receive any reports about deaths of non-target species from Council rabbit control in 2016/17.

### **Communication**

The results of the online survey and Council's decision on the review of the Rabbit Management Policy will be communicated by email to the same list of stakeholders invited to undertake the survey. This group includes key Landcare groups, participants at the two rabbit management workshops and stakeholders involved in development of Rabbit Management Plans with Council in 2016/17. Council officers will also advise survey participants that they are considering all comments provided and participants are welcome to discuss comments further with us.

### **Options**

#### Option 1 – Cancel or withdraw the Rabbit Management Policy SCS-029

This option is not recommended by officers as based on the feedback received to date the majority of stakeholders are satisfied with Council's current rabbit management and have observed improvement in Council's rabbit management since the Policy was adopted. No deaths of non-target species have been observed by or reported to Council officers from Council's rabbit management work in 2016/17.

#### Option 2 – Significantly amend the Rabbit Management Policy SCS-029

This option is not recommended by officers as stakeholder feedback doesn't warrant changes to the Policy and the Policy has only been in force for 12 months. Stakeholders requested a simple, high level review of the Policy at this time with a more detailed review of the Policy and rabbit management in the Shire to follow in two to three years. Amendments to the Policy can be considered as part of this more extensive review.

#### Option 3 – Confirm and Adopt the Rabbit Management Policy SCS-029

This option is recommended by officers as the trial of the Policy has been successful. The majority of stakeholders are satisfied with Council's current rabbit management and have observed improvement since the Policy was adopted, with 45% of online survey participants observing a 'marked' improvement. No deaths of non-target species have been observed by or reported to Council officers from Council's rabbit management in 2016/17.

While there is room for ongoing program improvement regarding best practice management and efficient, effective and results oriented asset protection, Council is performing well on strategic partnerships, communication and community involvement. Survey participants congratulated Council on the progress being made, acknowledged the 'significant improvement' and commended Council for being 'so forthcoming with rabbit control'.

### **Conclusion**

The 12 month trial of the Rabbit Management Policy SCS-029 has been successful. The online survey results confirm that the majority of stakeholders are satisfied with Council's current rabbit management and have observed improvement since the Policy was adopted. It is recommended that Council note the results of the review of the Policy, including the online survey report, confirm the adoption of the Policy and receive a report reviewing the Policy again in two years, or earlier if warranted by changes in best practice rabbit management.

## 5.6 Sustainable Agribusiness Strategy for the G21 Region 2017-2022

**Author's Title:** Manager Economic Development & Tourism

**General Manager:** Ransce Salan

**Department:** Economic Development & Tourism

**File No:** F17/575

**Division:** Environment & Development

**Trim No:** IC17/1211

### Appendix:

1. Sustainable Agribusiness Strategy for the G21 Region 2017 - 2022 (D17/89181)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

### Status:

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is for Council to receive and endorse the Sustainable Agribusiness Strategy for the G21 Region 2017-2022.

### Summary

City of Greater Geelong with significant input through both a Project Control Group and key stakeholders, including Surf Coast Shire has developed a Sustainable Agribusiness Strategy for the G21 Region 2017-2022.

The Strategy has identified that the G21 Region has the opportunity to grow the current agribusiness industry profile and employment via five key priorities being:

- Priority 1: Grow our Markets – *Work together to grow our existing markets and initiate entry into new markets.*
- Priority 2: Develop our people and their businesses – *Build our people's capacity to add value to their industry and their region.*
- Priority 3: Encourage innovation and collaboration – *Create an environment that encourages innovation and collaboration across the supply chain to improve productivity and attract investment.*
- Priority 4: Build enabling infrastructure – *Cooperate and advocate at the regional level to ensure appropriate infrastructure investment to facilitate industry growth.*
- Priority 5: Implement the strategy.

Significant consultation was undertaken across the region to inform the Strategy, which included Surf Coast businesses and Council input. Twenty four submissions were received to the draft Strategy following the public consultation period (including a submission by Surf Coast Shire) and updates to the strategy have been incorporated into the strategy as agreed by the Project Control Group.

The Council Plan contains a requirement to undertake an agribusiness strategy and therefore the Sustainable Agribusiness Strategy for the G21 Region 2017-2022 is recommended for endorsement.

### Recommendation

That Council:

1. Receive and endorse the Sustainable Agribusiness Strategy for the G21 Region 2017-2022.
2. Receive a report in late 2018 providing an update on the progress of the implementation of the Strategy.

### Council Resolution

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

That Council:

1. Receive and endorse the Sustainable Agribusiness Strategy for the G21 Region 2017-2022.
2. Receive a report in late 2018 providing an update on the progress of the implementation of the Strategy.

CARRIED 8:0

## 5.6 Sustainable Agribusiness Strategy for the G21 Region 2017-2022

### Report

#### **Background**

The Sustainable Agribusiness Strategy for the G21 Region has been developed to identify opportunities to support and grow the agribusiness industry. The development of the strategy has been led by the City of Greater Geelong with significant input through both a Project Control Group and key stakeholders, including Surf Coast Shire.

A draft was presented to Surf Coast Shire Council at the 25 July 2017 Ordinary Council Meeting which was received and noted. Following this, a submission from Surf Coast Shire was provided to City of Greater Geelong to assist in the preparation of a final document.

In developing the Strategy, a series of targeted workshops were carried out to inform and develop the Strategy. Key stakeholders were grouped according to location and business type. Participants in workshops are listed in Appendix 1 of the Strategy and included a number of Surf Coast businesses.

The draft strategy was made available for public consultation and twenty four submissions were received. This feedback was then incorporated into the Strategy as agreed by the PCG.

On 2 August 2017, the City of Greater Geelong resolved to:

1. Endorse the Sustainable Agribusiness Strategy (2017-2022) for the G21 Region.
2. Proceed immediately with strategies 19 and 20 and the related actions.

#### **Discussion**

The Surf Coast Hinterland has been identified as a key area for growth of agribusiness. A number of actions in the Council Plan 2017–2021 identify the need to create an agribusiness strategy.

The Sustainable Agribusiness Strategy for the G21 Region 2017-2022 has been developed by the City of Greater Geelong to identify opportunities for growth within the agribusiness sector, many of which directly relate to objective of Surf Coast Shire.

The Strategy highlights agribusiness as a \$1billion dollar industry employing 8,600 people across the G21 Region. While Surf Coast's agribusiness sector is comparatively small (in the main due to a lack of processing facilities) when compared to other G21 areas such as Geelong and Colac, it plays an increasingly important role in the overall economy.

The Strategy has identified that the G21 Region has the opportunity to grow the current agribusiness industry profile and employment and is intended to compliment a number of existing local government strategies, state government food and fibre plan, and current agribusiness initiatives already in place in the agribusiness sector in the G21 Region.

The Strategy has five key priorities listed below. Each priority is supported by a number of goals and actions:

- Priority 1: Grow our Markets – *Work together to grow our existing markets and initiate entry into new markets.*
- Priority 2: Develop our people and their businesses – *Build our people's capacity to add value to their industry and their region.*
- Priority 3: Encourage innovation and collaboration – *Create an environment that encourages innovation and collaboration across the supply chain to improve productivity and attract investment.*
- Priority 4: Build enabling infrastructure – *Cooperate and advocate at the regional level to ensure appropriate infrastructure investment to facilitate industry growth.*
- Priority 5: Implement the strategy.

Strategies 19 & 20 have been identified by the initial Project Steering Committee for immediate action. They relate to priority 5 and aim to ensure the efficient and transparent implementation of the Strategy by:

- "Defining and allocating responsibilities for the implementation of the strategy"
- "Monitoring and evaluating the impact of the Strategy on the growth and development of the G21 agribusiness industry".

## 5.6 Sustainable Agribusiness Strategy for the G21 Region 2017-2022

An implementation framework is to be set up by the Project Steering Committee prior to December 2017.

Council will continue to be represented on the Steering Committee for the development and prioritisation of actions in the implementation framework.

The Sustainable Agribusiness Strategy for the G21 Region 2017-2022 has been used to inform the development of the Issues & Opportunity paper for the Hinterland Futures Strategy being undertaken by Surf Coast Shire.

### **Financial Implications**

There are a number of actions within the Strategy which either directly relate to Surf Coast Shire or involve Surf Coast working collaboratively with other organisations. Some of these actions require a financial contribution. In this regard, some items (such as the Hinterland Futures project) already have budget allocations. Items which require a potential financial contribution will be requested or identified via budget processes.

### **Council Plan**

Theme	4 Vibrant Economy
Objective	4.4 Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses
Strategy	4.4.4 Develop and implement an agribusiness strategy

### **Policy/Legal Implications**

There are no policy or legal implications in this report.

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

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

### **Risk Assessment**

There are no inherent risks within the Sustainable Agribusiness Strategy for the G21 Region 2017-2022. A risk would be to 'do nothing' with the Strategy as this would not meet the expectations of the stakeholders involved in developing the Strategy.

### **Social Considerations**

Implementation of the Strategy will include working with various hinterland groups including land owners, businesses and trader groups. These various stakeholders will be consulted with on an as needs basis.

### **Community Engagement**

Consultation, including a series of workshops, was undertaken to inform, develop and test the Sustainable Agribusiness Strategy for the G21 Region with business, peak bodies, key stakeholders and government agencies.

A Project Control Group (PCG) was also formed to oversee the development of the strategy.

Targeted workshops were completed to test and seek feedback to the Sustainable Agribusiness Strategy for the G21 Region. These workshops include:

- Geelong processors – *Geelong Manufacturing Council*
- Colac processors – *Colac Otway Shire*
- Otway Harvest Trail – *Colac Otway Shire*
- G21: Council Strategic Planning Officers – *City of Greater Geelong*
- Small businesses - *G21 Agribusiness Forum*
- Small businesses – *Surf Coast Shire*
- Intensive sector – *Golden Plains Shire*
- Project Control Group - *City of Greater Geelong*
- Farmers - *City of Greater Geelong and Victorian Farmers Federation*

(Note: organisations in italics are the hosts/organisers of the targeted workshops).

Twenty four submissions were received to the draft strategy following the public consultation period and updates to the strategy have been incorporated into the strategy as agreed by the PCG.



## **5.6 Sustainable Agribusiness Strategy for the G21 Region 2017-2022**

### ***Environmental Implications***

The Strategy recognises the importance of the environment in a number of actions.

### ***Communication***

A Project Steering Committee has been set up and will actively work to monitor the advancement of the Strategy to ensure its timely implementation. The Project Steering Group will be advised of the outcome of Council's decision.

### ***Options***

#### Option 1 – Do nothing

This option is not recommended by officers as the Council Plan has a requirement to complete an agribusiness strategy

#### Option 2 – To receive and note the Sustainable Agribusiness Strategy for the G21 Region 2017-2022.

This option is not recommended by officers. While the Strategy development was led by City of Greater Geelong, it has received significant contribution from Surf Coast Shire and G21 and meets the requirements of the Council Plan to develop an agribusiness strategy.

#### Option 3 – To receive and endorse the Sustainable Agribusiness Strategy for the G21 Region 2017-2022.

This option is recommended by officers, as it provides a stronger level of support toward the Strategy and its implementation and meets the need of the requirement in the Council Plan to complete an agribusiness strategy.

### ***Conclusion***

The Sustainable Agribusiness Strategy for the G21 Region has been developed to identify opportunities to support and grow the agribusiness industry. The Council Plan 2017 – 2021 contains an action to develop an agribusiness strategy. The Strategy is recommended for endorsement by Council in line with Option 3.

## 5.7 Signage on Council Owned or Managed Land Policy SCS-012

**Author's Title:** Coordinator Business & Tourism Strategy

**General Manager:** Ransce Salan

**Department:** Economic Development & Tourism

**File No:** F11/793

**Division:** Environment & Development

**Trim No:** IC17/1210

### Appendix:

1. Signage on Council Owned or Managed Land Policy SCS-012 (D17/99924)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

### Status:

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to adopt amendments to the Signage on Council Owned or Managed Land Policy SCS-012.

### Summary

The Tourism, Directional & Commercial Signage Policy SCS-012 is due for review.

The purpose of the Policy is to define the principles for effective signage and the authority which allows the regulation of all signage on land that is owned or managed by Council. The Policy is a public document that needs to be adopted by Council.

There is a related Management Procedure which has also been reviewed. This is an internal document to be used as a reference for all staff on signage.

The Council Policy for Signage on Council Managed Land is attached in Appendix 1 in draft form for adoption by Council. If the Policy is adopted by Council, it should be scheduled for review in three years' time.

### Recommendation

That Council:

1. Adopt Signage on Council Owned or Managed Land Policy SCS-012.
2. Review the Policy and related Management Procedure by October 2020.

### Council Resolution

#### MOVED Cr Heather Wellington, Seconded Cr Martin Duke

That Council:

1. Adopt Signage on Council Owned or Managed Land Policy SCS-012 subject to the first sentence under policy section 5.1 being replaced with "The following principles will be applied".
2. Review the Policy and related Management Procedure by October 2020.

CARRIED 8:0

## 5.7 Signage on Council Owned or Managed Land Policy SCS-012

### Report

#### **Background**

The Tourism, Directional & Commercial Signage Policy SCS-012 is due for review.

The review has been undertaken as it has been more than three years since the last review date and it is good practice to have a scheduled review period for Council policies and procedures.

The purpose of the Policy is to define the principles for effective signage and the authority which allows the regulation of all signage on land that is owned or managed by Council. The Policy is a public document that needs to be adopted by Council.

There is a related Management Procedure which has also been reviewed. This is an internal document to be used as a reference for all staff on signage.

The purpose of the Management Procedure is to provide guidance on the application and assessment process for the installation of many types of signs in the Surf Coast Shire. It aims to provide:

- A consistent application of the Tourism, Directional & Commercial Signage Policy
- Clarity on the Council department responsible for each type of sign
- Administration guidelines and reference material to assist with the assessment of signage requests and define sign permit requirements

#### **Discussion**

A review of the Policy and Management Procedure has been undertaken with input from a variety of officers from across the organisation responsible for signage with comment from areas including:

- Economic Development & Tourism
- Design & Traffic
- Local Laws
- Development Compliance
- Open Space Planning
- Planning
- Customer Service
- Communications
- Events
- Recreation & Open Space.

The review identified opportunities for improvement of the documents to provide greater clarity and consistency. Key changes made to the amended policy are summarised in table 1 below:

**Table 1: Summary of amendments to the Tourism, Directional & Commercial Signage Policy SCS-012.**

<b>Existing Policy</b>	<b>Amended Policy</b>
<ul style="list-style-type: none"> <li>• The policy is on an outdated corporate template.</li> </ul>	<ul style="list-style-type: none"> <li>• The information has been transferred to the current policy template.</li> </ul>
<ul style="list-style-type: none"> <li>• The name of the policy "Tourism, Directional &amp; Commercial Signage" leads to assumptions that the tourism department is responsible for signage.</li> </ul>	<ul style="list-style-type: none"> <li>• The Policy and Procedure have been renamed "Signage on Council Managed Land" to reflect that many different departments of Council have responsibility for signage.</li> </ul>
<ul style="list-style-type: none"> <li>• The information in the Council Policy sections including: purpose, scope, application, policy statement and basic principles for effective signage was scattered throughout the document.</li> </ul>	<ul style="list-style-type: none"> <li>• The purpose, scope, application and policy statements have been updated based on the Development Handbook for Corporate Guidance Documents provided by the Governance Department to ensure the relevant information is contained in the relevant section.</li> </ul>
<ul style="list-style-type: none"> <li>• The Road Management Act was not referenced as a key document authorising Council Officers to make decisions related to signs.</li> </ul>	<ul style="list-style-type: none"> <li>• Section 5.2 of the Policy confirms the three key heads of power that provides Council Officers with the authority to issue sign permits including the:                             <ul style="list-style-type: none"> <li>○ Surf Coast Shire Planning Scheme,</li> <li>○ Community Amenity Local Law No. 1 and</li> <li>○ Road Management Act.</li> </ul> </li> </ul>

## 5.7 Signage on Council Owned or Managed Land Policy SCS-012

<ul style="list-style-type: none"><li>The basic principles for effective signage did not provide clear guidance on the location and design considerations that must apply to all sign types.</li></ul>	<ul style="list-style-type: none"><li>The basic principles for effective signage have been updated based on officer feedback and accessibility guidelines for signage to provide guidance on location and design.</li></ul>
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The Policy is attached in Appendix 1 in draft form for adoption by Council. If the Policy is adopted by Council, it should be scheduled for review in three years' time.

### **Financial Implications**

Not applicable. Adoption of the policy will not introduce any significant procedural changes from current practices relating to Council's regulation of signage.

### **Council Plan**

Theme 5 High Performing Council  
Objective 5.3 Provide quality customer service that is convenient, efficient, timely and responsive  
Strategy 5.3.3 Improve how we manage customer requests and complaints

### **Policy/Legal Implications**

The Policy provides reference to the relevant legislation, standards or guidelines relating to the regulation of signage on Council Land.

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

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

### **Risk Assessment**

Not Applicable.

### **Social Considerations**

Not Applicable.

### **Community Engagement**

Not Applicable.

### **Environmental Implications**

Not Applicable.

### **Communication**

The Council Policy for Signage on Council Land and related Management Procedure will be circulated throughout the organisation. Training will be delivered to ensure staff are appropriately equipped and supported to effectively manage sign enquiries and decisions. The policy will be made available to the public on Council's website and the Management Policy & Procedure will be made available to all staff on the intranet.

### **Options**

#### Option 1 – Adopt the amended Signage Policy

This option is recommended by officers as the existing document has been reviewed and updated with input from various departments of Council.

#### Option 2 – Does not adopt the amended Signage Policy & Procedure

This option is not recommended by officers as the document is in need of review in order to provide a clear and concise policy position.

#### Option 3 – Benchmarks Council's Sign Policy & Procedure against other Council Sign Policies

This option is not recommended by officers as the Signage Policy is clear and concise. The Signage Management Procedures reflect the work practices employed by the Surf Coast Shire and may vary from other Council' practices.

### **Conclusion**

The Council Policy for Signage on Council Managed Land has been reviewed and is attached in Appendix 1 in draft form for adoption by Council. If the Policy is adopted by Council, it should be scheduled for review in three years' time.

## 6. CULTURE & COMMUNITY

### 6.1 Quarterly Advocacy Priorities Update

**Author's Title:** Manager Community Relations

**General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F16/839

**Division:** Culture & Community

**Trim No:** IC17/1216

**Appendix:**

1. Surf Coast Shire Advocacy Priorities - October 2017 (D17/118612)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to affirm Council's advocacy priorities.

#### **Summary**

Council advocating on behalf of communities is a core role and needs to be a continuous process. Council continues to have a long term view of advocacy and will use current and future advocacy opportunities to pursue benefits for the Surf Coast community.

Council is striving to be 'An innovative and flexible leader, a constructive partner that values the strengths of others'. Partnerships with government and non-government organisations are critical to this goal.

Having clearly defined priorities at all times is a feature of successful advocacy planning. Council recognises that there are many, ongoing advocacy opportunities that we should be ready for such as regional forums, funding rounds and state and federal budgets. To capitalise on these opportunities, Council is updating advocacy priorities on a quarterly basis.

The State Election will be held on 24 November 2018. Council identified State Election priorities in July to effectively communicate priorities to key politicians and advisors in the lead up to the election. The election priorities continue to be highlighted in these quarterly advocacy reports.

#### **Recommendation**

That Council:

1. Confirm the current strategic advocacy priorities (with associated projects detailed in Appendix 1) as:
  - 1.1 Great Ocean Road Visitor Economy.
  - 1.2 Towards Environmental Leadership.
  - 1.3 Building our Future.
  - 1.4 Community and Partner-Led Priorities.
  - 1.5 Key Policy Campaigns.
2. Reaffirm the recently adopted State Election priorities which are identified in Appendix 1.

#### **Council Resolution**

##### **MOVED Cr Libby Coker, Seconded Cr Rose Hodge**

That Council:

1. Confirm the current strategic advocacy priorities (with associated projects detailed in Appendix 1) as:
  - 1.1 Great Ocean Road Visitor Economy.
  - 1.2 Towards Environmental Leadership.
  - 1.3 Building our Future.
  - 1.4 Community and Partner-Led Priorities.
  - 1.5 Key Policy Campaigns.
2. Reaffirm the recently adopted State Election priorities which are identified in Appendix 1.

CARRIED 8:0

## 6.1 Quarterly Advocacy Priorities Update

### Report

#### **Background**

Council is reliant on the actions of other levels of government to achieve its objectives which means advocacy is a critically important activity. Likewise, other levels of government are often reliant on partnerships with Council to achieve their objectives.

Council continues to be committed to attracting support from the State and Federal Government to deliver infrastructure, provide services and shift policy.

Council has been active this quarter in progressing planning and advocating for priorities in the advocacy program.

The Winchelsea Netball Pavilion upgrade was successful obtaining \$200,000 from the federal Building Better Regions Fund and this was announced in August. The Torquay Active Transport application to the same round was unsuccessful

The Mayor and Surf Coast Shire CEO have continued to meet with local politicians and Ministers at a state and federal level to advance support for Council's priorities. Officers communicate Council advocacy priorities and listen to advisors and office staff of politicians. Surf Coast Shire is an active member of G21 and is represented on all G21 Pillars.

Council resolved in August on advocacy motions to the (Municipal Association of Victoria) MAV State Council Meeting held on 20 October 2017. These motions included; 1) that the MAV advocate to the State Minister for Energy, Environment and Climate Change to create regulations to establish controls over the 'free' distribution of lightweight plastic shopping bags by Victorian Retailers and 2) that the MAV advocate to the State Government to remove the recommendation for councils to recognise Land Under Roads acquired before 30 June 2008 as assets.

In September, the State Government announced the establishment of a Great Ocean Road Taskforce to streamline governance arrangements and coordinate agencies with responsibilities for the road. Chief Executive Officers of Councils along the Great Ocean Road, including Surf Coast Shire were appointed to the taskforce.

The table below summaries other activities undertaken for the quarter:

Alcoa Site Regeneration – Anglesea	Council has been involved in community workshops and worked with the Department Environment Land Water and Planning (DELWP) to draft a land use discussion paper which is now available for public consultation.
Point Grey Redevelopment Lorne	Council has been working closely with Great Ocean Road Coastal Committee (GORCC) on design function and scope and planning the advocacy strategy.
Strengthening Town Boundaries	Council received and noted a discussion paper " <i>Potential Mechanisms for Managing the Torquay/Jan Juc Town Boundary 2017</i> " at the September Council Meeting. The Council report outlined further actions such as preparation of a settlement strategy and protection of green breaks.
Hinterland Futures	Council is engaging with community members and businesses to build the profile of rural hinterland and develop a Rural Hinterland Strategy.
Multipurpose Indoor Stadium- Torquay	Council submitted a funding application for \$3 million to the State Government's Better Stadium's fund in August. The outcome of this application is expected in late 2017.
North Torquay Soccer Facilities	Council submitted a funding application for \$100,000 in September 2017 to the Sport and Recreation Victoria 2018/19 Community Sports Infrastructure Fund.
Winchelsea Netball Facilities upgrade	Council submitted a funding application for \$100,000 in September 2017 to the Sport and Recreation Victoria 2018/19 Community Sports Infrastructure Fund.
Stribling Reserve Redevelopment	Detailed design work for the change facilities progressed during the quarter.
Improved Phone and Internet Coverage	Council wrote to the chair of nbn co. requesting to work together to identify another site locally for an additional tower, or work towards establishing a quality and affordable satellite service to deliver equitable nbn service in communities that do not have access to the nbn particularly around Bellbrae.

## 6.1 Quarterly Advocacy Priorities Update

### **Discussion**

Good advocacy planning with clearly articulated priorities will improve Council's chances of advocacy success. This approach will ensure our key spokespeople are prepared with relevant data and clear messages aimed at the right people.

Affirming advocacy priorities each quarter prepares Council to capitalise on many opportunities. The State Election will be held on 24 November 2018 and this brings a significant opportunity to gain support for Council priorities. It is also an opportunity to deepen understanding of how Surf Coast Shire can achieve government and opposition parties' objectives.

A Federal Election will be held prior to mid-2019 and could be called earlier. Regularly affirming advocacy priorities positions Surf Coast Shire well in preparation for the next Federal Election.

Other advocacy opportunities include frequent funding rounds and regular meetings with Ministers and Members of Parliament. This constant advocacy schedule requires planning and pre-work for major proposals including well developed business cases, project plans and grant applications.

Strong relationships need to exist at many levels including with elected representatives and candidates, advisory and campaign staff and organisations with mutual objectives. Council will continue to identify and build strong relationships with them to gain support for priorities.

It is very important to understand government and major political party policy context when determining Council's advocacy priorities. The development of Council's advocacy priorities has included research into policy platforms of each of the major parties. Council priorities are more likely to be supported if they achieve the objectives of government or parties in opposition.

Focussing Council's advocacy efforts on defined, key projects and issues does not diminish the importance of other projects and activities. They will be progressed through advocacy opportunities including but not limited to; meetings and conversations with politicians, advisors and government staff, advocating through the MAV and Australian Local Government Association (ALGA) and active representation at the G21 Regional Alliance.

Establishing the current advocacy priorities has included a review of Council's strategic planning work which is shaped by community input through specific engagement processes. The strategic plans considered included:

- Council Plan incorporating the Health and Wellbeing Plan
- Council policy positions
- Council strategies and master plans
- Local land use plans and township design frameworks
- Developer contribution plans.

It is important to be clear with potential partners and stakeholders about Surf Coast Shire's priorities. To this end Surf Coast Shire has identified three strategic advocacy priorities:

1. Great Ocean Road Visitor Economy	2. Towards Environmental Leadership	3. Building our Future
We attract millions of visitors each year and the Great Ocean Road is a unique driver of our economy.	We recognise the Surf Coast's assets are built on our natural environment. We will pull our weight to address climate change and help reach the renewable energy target of 25% by 2020	We are growing rapidly and need to deliver facilities and services that make our communities great places to live.







A number of key projects sit within each advocacy priority (more detailed project information is in Appendix 1). The 2018 State Election Advocacy Program includes priorities which are aligned with government and opposition policies, contribute to the long term sustainability of Surf Coast Shire and are significant for the community and environment.





**- State Election Priority**

## 6.1 Quarterly Advocacy Priorities Update







### Great Ocean Road Visitor Economy

-  Shipwreck Coast Master Plan Implementation
-  Continued investment in Great Ocean Road renewal
-  Great Ocean Road Gateway Experience
-  Growing Adventure Tourism – Surf Coast Trails
-  Alcoa Site Regeneration - Anglesea
-  Point Grey Redevelopment Lorne (Partner-led)






### Towards Environmental Leadership

-  Torquay Renewable Energy Project
-  Hinterland Futures
- Strengthening Town Boundaries (policy)



### Building our Future

-  Multipurpose Indoor Stadium – North Torquay
-  Torquay Walking and Cycling Connections
-  Winchelsea Netball Facilities upgrade
-  Stribling Reserve Redevelopment
-  North Torquay Soccer Facilities
-  Improved Phone and Internet Coverage
- Outcomes of the City of Greater Geelong's Long Term Infrastructure Planning

### Key Policy Campaigns

-  Retaining Funding for Council's for Rural Access programs.
-  Public transport improvements and Surf Coast Shire inclusion in future planning.
-  Coastal agency and Great Ocean Road governance coordination.
-  Sustainable future for emergency services.
-  Kinder funding for 15 hours access to continue.

### Community and Partner Led Priorities

-  Barwon Park Fire Protection - Led by the National Trust
-  Anglesea Motor Yacht Club Upgrade – Led by Anglesea Motor Yacht Club

The State Election Advocacy Program can evolve to include small partnership opportunities to the State Government and opposition parties.

Changes in the advocacy priorities affirmed at the July Council meeting is the Renewable Energy Microgrid project has evolved to the Torquay Renewable Energy Project. Another change is the Torquay Active Transport Project has been renamed to Torquay Walking and Cycling Connections which is a more accurate description of the project.



## 6.1 Quarterly Advocacy Priorities Update

### **Financial Implications**

A successful advocacy program can deliver significant income to Council projects. In the event these advocacy priorities are funded, Council will need to consider how its financial contribution to these projects will impact on its capacity to deliver other capital projects in future budgets.

Consideration will need to be given to equity and the spread of projects across the shire. Council's cash position and the possibility of debt funding larger projects will also need to be considered.

### **Council Plan**

Theme 5 High Performing Council  
Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives  
Strategy 5.1.4 Build on relationships with agencies and key stakeholders for the benefit of the community

Theme 3 Balancing Growth  
Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth  
Strategy 3.2.6 Advocate for supporting infrastructure

### **Policy/Legal Implications**

The *Local Government Act 1989* articulates that a role of a Council includes; "advocating the interests of the local community to other communities and governments"

A review of State and Federal Government policy continues to inform Council's advocacy program. Council's advocacy activities seek to influence government policy to deliver outcomes which benefit the Surf Coast community.

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

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

### **Risk Assessment**

Failure to determine clear advocacy priorities for action may limit Council's ability to achieve support for its priorities. A clear and ongoing advocacy plan with regularly updated priorities mitigates against this risk.

### **Social Considerations**

Effective advocacy planning is a key ingredient in Council achieving support for its priorities. This increases the likelihood of Council achieving social benefits for the community.

### **Community Engagement**

Previous community engagement activities have informed the choice of priorities. They are informed by earlier engagement conducted for the Council Plan incorporating the Health and Wellbeing Plan, established master plans, developer contribution plans and other capital works planning exercises.

### **Environmental Implications**

Council is committed to being an environmental leader and this is evident in the current advocacy priorities. Council has established the 25% by 2020 Taskforce which has led to the scoping of the Renewable Energy Precinct project

### **Communication**

The Advocacy Priorities will be communicated via Council's communication channels and a media release will be issued with the aim of informing the wider community of Council's priorities.

Council will update the Advocacy Program including the State Election Priorities on a quarterly basis at ordinary Council meetings until November 2018.

### **Options**

#### Option 1 – Affirm the proposed advocacy priorities.

This option is recommended by officers as the priorities are Council deliverables and support many objectives and policy positions of the State and Federal Governments. The strategic priorities - Great Ocean Road Visitor Economy. Environmental Leadership and Building for our Future - support delivery of objectives in the Council Plan 2017-21. Affirming these priorities regularly provides transparency and currency which helps when communicating with other levels of government and the community.

## 6.1 Quarterly Advocacy Priorities Update

### Option 2 – Reduce the number of projects in the advocacy program

This option is not recommended by officers because each project included in the program is a deliverable for Council and we should be looking to leverage support from other levels of government to deliver them.

### Option 3 – Do not affirm advocacy priorities on a quarterly basis

This option is not recommended by officers as it removes transparency and currency from the program and this has a negative impact on our ability to communicate with other levels of government and the community. This approach may result in a reduction in support for Council's advocacy projects.

### **Conclusion**

Affirming advocacy priorities regularly and implementing actions to gain support gives Council the best chance of advocacy success. The State and Federal Elections will happen in the next 20 months and remaining prepared will be valuable in advocating to governments and parties in opposition in the lead up to these elections.

While elections are important, Council will continue to take a long term and ongoing approach to its advocacy effort. The focus will continue to be on maintaining government relations, developing business cases for projects and capitalising on key opportunities to achieve benefits for the community.

## 6.2 White Ribbon Day - Flag Approval

**Author's Title:** Manager Community Relations

**Department:** Community Relations

**Division:** Culture & Community

**Appendix:**

Nil

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

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

Yes

No

**Reason:** Nil

**General Manager:** Chris Pike

**File No:** F15/407

**Trim No:** IC17/1217

**Status:**

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

Yes

No

**Reason:** Nil

### Purpose

The purpose of this report is to consider the use of the Pond Flagpole at the front entrance of Council's Civic Centre to fly the White Ribbon flag for the month of November 2017.

### Summary

White Ribbon Day is a designated Level 1 Council event on the 2017 events calendar. White Ribbon Day is on 25 November 2017 and Council's communication campaign takes place in the month of November. Council achieved White Ribbon Workplace Accreditation in 2017.

Council's Level 1 events are described as larger scale community gatherings with a significant communication campaign and high level of staff and community involvement.

A flagpole, called the Pond Flagpole, was installed adjacent to the front entrance of Council's Civic Centre following a Council resolution in June 2017. Council resolved to utilise the Pond Flagpole to periodically fly flags relating to issues of community significance as determined by Council through resolution or approved Council policy.

White Ribbon Day is an event of community significance and Council has delivered White Ribbon Day events for several years. Given White Ribbon Day's prominence and Council's commitment to the event, flying a White Ribbon flag on the Pond Flagpole is consistent with the June Council resolution.

### Recommendation

That Council fly a White Ribbon flag on the Pond Flagpole at the Civic Centre for the duration of November 2017.

### Council Resolution

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

That Council fly a White Ribbon flag on the Pond Flagpole at the Civic Centre for the duration of November 2017.

CARRIED 8:0

## 6.2 White Ribbon Day - Flag Approval

### **Report**

#### ***Background***

Council has previously adopted a calendar of events and campaigns for 2017. White Ribbon Day is a Level 1 event. White Ribbon Day is designated nationally on 25 November each year. Council's community event this year is a White Ribbon Cricket match at Spring Creek Reserve on Sunday 26 November and Council's communication campaign takes place in the month of November.

Council's Level 1 events are described as larger scale community gathering with a significant communication campaign, high level of staff and community involvement and use of Banyul Warri Fields Billboard.

White Ribbon is the world's largest movement of men and boys working to end men's violence against women and girls, promote gender equality, healthy relationships and a new vision of masculinity.

Surf Coast Shire is an active participant in White Ribbon programs and organises community events, communication campaigns and achieved White Ribbon Workplace Accreditation in 2017.

At the 27 June 2017 Council meeting, Council resolved to install two new flagpoles and utilise the Pond Flagpole to periodically fly flags relating to issues of community significance as determined by Council through resolution or approved Council policy.

#### ***Discussion***

Council is a proud supporter of White Ribbon Australia and a key strategy in the Council Plan 2017-21 is to help prevent and address violence against women and children in the G21 region.

White Ribbon Day is considered a cause of significance in the Surf Coast community and it is therefore appropriate to fly the White Ribbon flag on the Pond Flagpole for the month of November as part of Council's White Ribbon activities. Council has flown the flag in previous years on other Council owned flagpoles in Surf Coast Shire.

#### ***Current Status***

Planning is underway for Council's White Ribbon event to engage men on this issue through sporting clubs in Surf Coast Shire. The aim is to build on the inaugural White Ribbon Cricket Cup in 2016 with a deeper engagement of club members and the wider community.

This will be the first time Council considers the use of the Pond Flag pole.

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

If Council resolves to fly a White Ribbon flag on the Pond Flagpole the cost of the flag is estimated at under \$300 which can be accommodated within the budget allocated for White Ribbon Day activities.

#### ***Council Plan***

Theme	1 Community Wellbeing
Objective	1.4 Provide support for people in need
Strategy	1.4.3 Contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children in the G21 region

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

There is no Legal requirement for Council's to fly a White Ribbon flag. Officers are currently drafting a Flag Policy for Council's consideration at the December 2017 meeting.

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

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

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

This is the first time Council is considering the use of the Pond Flagpole. There has been significant community interest in Council flying flags including the Rainbow Flag in 2017.

## **6.2 White Ribbon Day - Flag Approval**

Council considering the use of the Pond Flagpole for the first time may be of particular interest to members of the community who may have strong views on the type of flags flying on Council flagpoles.

### ***Social Considerations***

Men's violence against women is a significant issue in all communities. In Australia, one in three women has experienced violence perpetrated by someone known to them.

White Ribbon Australia works at the prevention level to make people aware of the problem and educate people how we can improve the situation. Surf Coast Shire Council adopts this prevention approach in its effort to help prevent violence against women. Communication and awareness raising campaigns, including signage and flags are part of the campaign.

### ***Community Engagement***

There has been no targeted engagement on this particular topic. Council engaged with over 900 people in the development of the Council Plan 2017-21. Council also engaged closely with our partners such as G21 who understand and have shared evidence of the problem in our region. This engagement has led to the prevention of violence against women to be a priority of Surf Coast Shire Council.

### ***Environmental Implications***

There are no significant environmental implications in considering this report

### ***Communication***

The decision to fly the White Ribbon flag will be communicated to our community via Council's communication channels and through contact with the media.

### ***Options***

#### **Option 1 – Fly the White Ribbon Flag on the Pond Flagpole during November 2017**

This option is recommended by officers as this is a tangible action to contribute to regional and statewide efforts to raise awareness of this issue. Council has a history of supporting the White Ribbon movement and flying the flag is a strong statement that Surf Coast Shire is playing a part in the prevention of men's violence against women. Flying this flag is consistent with the June 2017 Council Resolution which included to utilise the Pond Flagpole to periodically fly flags relating to issues of community significance as determined by Council through resolution or approved Council policy.

#### **Option 2 – Do not fly the White Ribbon Flag on the Pond Flagpole during November 2017**

This option is not recommended as it would be a missed opportunity to progress strategies identified in the Council Plan.

### ***Conclusion***

Council is a strong supporter of the White Ribbon cause and has again designated White Ribbon Day as a level 1 event in 2017. Flying the White Ribbon flag on the Pond Flagpole is consistent with the intent of the June Council resolution and adds value to the communication campaign associated with the 2017 White Ribbon Event.

### 6.3 Positive Ageing Service Review - Research Paper Executive Summary

**Author's Title:** Business Improvement Officer

**General Manager:** Chris Pike

**Department:** Business Improvement

**File No:** F16/1233

**Division:** Office of the CEO

**Trim No:** IC17/1223

**Appendix:**

1. Positive Ageing Service Review - Research Paper Executive Summary - September 2017 (D17/117686)
2. Positive Ageing Service Review - Project Success Criteria (D17/116751)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to consider the Positive Ageing Service Review - Research Paper Executive Summary, and the development of options regarding Council's future role in supporting older people and people with a disability.

#### Summary

The Federal Government's aged care reform agenda and the State Government's Fair Go Rates System (rate capping) are the key drivers to Council undertaking this review.

Individualised funding, choice and competition are key features of the reform agenda that will fundamentally change the way that aged and disability services are delivered in the future; where local government will be just another (costly) service provider in a market of many.

Like most councils, Surf Coast Shire Council is keen to understand how it can respond to these changes so that people continue to receive the important services they need.

The 'Positive Ageing Service Review – Research Paper Executive Summary' sets out key findings that:

- invite the question, 'what is Council's future role in supporting older people and people with disabilities'
- validate the exploration of options associated with Council both retaining and relinquishing service provision
- mark the completion of Part 1 of the project and signal the commencement of Part 2.

#### Recommendations

That Council:

1. Receive and endorse the Positive Ageing Service Review – Research Paper Executive Summary – September 2017 as attached at Appendix 1.
2. Authorise the commencement of Part 2 of the project - the exploration of options regarding Council's future role in supporting older people and people with a disability.
3. Endorse the success criteria as attached at Appendix 2 for use in the development and assessment of options regarding Council's future role in supporting older people and people with a disability.

#### Council Resolution

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

That Council:

1. Receive and endorse the Positive Ageing Service Review – Research Paper Executive Summary – September 2017 as attached at Appendix 1.
2. Authorise the commencement of Part 2 of the project - the exploration of options regarding Council's future role in supporting older people and people with a disability.
3. Endorse the success criteria as attached at Appendix 2 for use in the development and assessment of options regarding Council's future role in supporting older people and people with a disability.

CARRIED 8:0

## 6.3 Positive Ageing Service Review - Research Paper Executive Summary

### Report

#### **Background**

This review is an identified 2016/17 business improvement project, and is being undertaken to:

- assist Council to understand the social and economic perspectives of the positive ageing services it provides
- identify the service model that will best ensure that older people and people with a disability, continue to have access to affordable, high quality services in the future.

In 2016, Council engaged Dyson Consulting Group to provide a baseline service assessment, cost analysis, and social and economic benefits analysis. The Dyson Consulting Group Aged Care Reform Research Project Final Report (the Dyson report) was received and endorsed in March 2017.

Officers have now expanded on the Dyson report with:

- a detailed analysis of Council's positive ageing service by activity
- client, volunteer and staff surveys
- a comprehensive benchmarking study of G21 Councils
- an extensive scan of the external provider market, and
- interviews with representatives of the Commonwealth and State government, and the Municipal Association of Victoria.

The Research Paper Executive Summary combines all of this information in its key findings.

#### **Discussion**

The Positive Ageing Service Review has been separated into 2 parts; Part 1 of the service review has now been completed.

Part 2 of the Positive Ageing Service Review will involve the exploration of options regarding Council's future role in supporting older people and people with a disability.

Two additional Council reports have been added to the project schedule as follows (this will have the effect of extending the project completion date from February to April 2018):

Original date	New date	Activity
New	Oct 2017	Council report – receipt of Research Paper Executive Summary, endorsement of success criteria, and approval to commence Part 2 of the project
New	Jan-Feb 2018	Council report – receipt of options paper and seek stakeholder submissions
Feb 2018	April 2018	Council report – adopt preferred option and recommendations

Numerous success criteria are recommended for endorsement (refer to appendix 2), and importantly these will be used to develop, shortlist, and assess options in Part 2 of the project. The success criteria have been sourced from:

- aged and disability care service objectives
- the Council Plan
- Council's Business Improvement principles, and Positive Ageing Strategy
- the Project Control Group.

#### **Financial implications**

There are no financial implications associated with the completion of Part 1 of the review.

Part 2 of the review will quantify the financial impacts associated with the various options that are developed.

#### **Council Plan**

Theme 5 High Performing Council

Objective 5.4 Ensure the community has access to the services they need

Strategy 5.4.1 Review Council-delivered services to ensure they are of high quality and delivering best value

### 6.3 Positive Ageing Service Review - Research Paper Executive Summary

Theme	5 High Performing Council
Objective	5.4 Ensure the community has access to the services they need
Strategy	5.4.2 Conduct service reviews to identify best service delivery model

#### ***Policy/legal implications***

There is no policy or legal implication associated with Council adopting the recommendations of this report.

Part 2 of the review will explore various options which may affect Council's:

- obligations under the Surf Coast Shire Council Enterprise Agreement 2016-19
- various positive ageing funding agreements
- relationship with clients and volunteers
- employer responsibilities to staff
- responsibilities under the Local Government Act 1989, and
- obligations according to the Department of Treasury and Finance's Competitive Neutrality Policy.

These implications will be addressed appropriately.

#### ***Officer direct or indirect interest***

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

#### ***Risk assessment***

Misinterpreting the reason for conducting this review is the main risk associated with Part 1 of this project; possibly giving rise to negative public opinion and reputational damage. Council is undertaking this review in order to ensure the best outcomes for older people and people with a disability in a rapidly changing environment.

Part 2 of this project involves the exploration of options and brings with it the greatest risk. It's expected that:

- the success criteria recommended for adoption will be used to develop and shortlist options
- a triple-bottom-line (TBL) methodology utilising financial, social and risk lenses will be employed to identify the preferred option.

Advance planning, good communications and an extended transition schedule to possible new arrangements will mitigate risks associated with Part 2 of this project.

#### ***Social considerations***

The purpose of this review is to identify the most appropriate service model that will best ensure that older people and people with a disability continue to have access to affordable, high quality services in the future.

The Research Paper Executive Summary:

- acknowledges the difference that positive ageing supports make to the lives of older people and people with a disability
- points out that in the new paradigm, local government will be just another (costly) service provider in a market of many, and Councils will no longer be automatically designated service providers, and
- recognises that Council wishes to understand how it can respond effectively to the federal government's aged care reform agenda so that people can continue to receive the important services they need.

Part 2 of this project involves the exploration of options regarding Council's future role in supporting older people and people with a disability. Social considerations feature strongly in the success criteria that will be used to develop and short list options, and is one of three TBL lenses that will be used to identify a preferred option (refer to the 'Discussion' section of this report, above).

#### ***Community engagement***

Extensive community engagement was undertaken during the research phase of the project, providing valuable insights that are reflected in the Research Paper Executive Summary. A Community Engagement plan was developed in February and has been closely followed, including:

- client survey (214/680 respondents)
- volunteer survey (15/47 respondents)
- staff survey (24/47 respondents)



### 6.3 Positive Ageing Service Review - Research Paper Executive Summary

- regular staff meetings
- meetings with G21 Councils
- interviews with 7 Councils that have relinquished service provision
- meetings with 7 non-government service providers
- meetings with Hesse Rural Health, Lorne Community Hospital and Barwon Health
- meetings with the Department of Health (Commonwealth government), the Department of Health and Human Services (State government), the National Disability Insurance Agency, and the Municipal Association of Victoria.

Further extensive engagement is planned for Part 2 of the review.

#### **Environmental implications**

There are no environmental implications associated with this review.

#### **Communication**

The Positive Ageing Service Review Communication and Engagement Plan has been strictly adhered to. Key stakeholders have been extensively involved, and the Australian Services Union has been informed that Council is reviewing Positive Ageing services.

Stakeholder submissions will be invited regarding the options paper; stakeholders and the wider community will be informed of the adopted option after the April 2018 Council meeting.

#### **Options**

The following options are possible at this juncture:

Option	Discussion
Receive the report and proceed with Part 2 of the project - exploration of options	<p>This option is in keeping with the original project aim 'to identify the service model that will best ensure that older people and people with a disability, continue to have access to affordable, high quality services in the future'</p> <p>The Research Paper Executive Summary:</p> <ul style="list-style-type: none"> <li>• reinforces the project aim</li> <li>• invites the question, 'what is Council's future role in supporting older people and people with disabilities'</li> <li>• validates the exploration of options regarding Council's future role in supporting older people and people with a disability, and</li> <li>• invites the commencement of Part 2 of the project.</li> </ul> <p>Proceeding with Part 2 of the project provides the best opportunity to proactively respond to the Commonwealth aged care reform agenda in a timely manner.</p>
Undertake further research, defer the next stage of the project	<p>The details of the aged and disability care environment are constantly changing as the Commonwealth reform agenda progresses, and it could be argued that Council should wait and see what happens next. But the key features of the reform agenda (individualized funding, choice and competition) are unchanging and for the sake of its communities, local government must be prepared for this new paradigm.</p> <p>The research conducted to this point has been extensive and consistently points to the identified key findings; it's unlikely that further research will uncover significant new results or add further value.</p> <p>An extended schedule that allows sufficient time to implement thoughtful change strategies will be critical to achieving a smooth transition to possible new arrangements. Deferring Part 2 of the project would put a smooth transition at risk and would not be in the community's best interests.</p>
Do not continue with the review	<p>Not proceeding with the review is an option, but implies doing nothing to prepare for inevitable change.</p> <p>Not proceeding with the review would result in a lack of understanding of Council's future role in supporting older people and people with disabilities, ignorance of possible future options, and would squander valuable planning and transition time.</p>

### **6.3 Positive Ageing Service Review - Research Paper Executive Summary**

Options regarding Council's future role in supporting older people and people with a disability will be explored in Part 2 of the review project.

#### ***Conclusion***

Aged care reform is fundamentally changing the way that aged and disability supports will be delivered in the future.

In the new paradigm, consumers will have choice, local government will be just another (costly) service provider in a market of many, and Councils will no longer be automatically designated service providers.

The 'Positive Ageing Service Review – Research Paper Executive Summary' sets out key findings that:

- invite the question, 'what is Council's future role in supporting older people and people with disabilities'
- validate the exploration of options associated with Council both retaining and relinquishing service provision
- mark the completion of Part 1 of the project and signal the commencement of Part 2.

Council approval is now sought to:

- commence Part 2 of the project
- endorse the success criteria that will be used to develop and assess options regarding Council's future role in supporting older people and people with a disability, and to measure the future success of the project.

## 6.4 Tree Risk Management Plan

**Author's Title:** Executive Assistant Community

**Department:** Culture & Community

**Division:** Culture & Community

**General Manager:** Chris Pike

**File No:** F16/683

**Trim No:** IC17/1099

### Appendix:

1. Surf Coast Shire - Tree Risk Management Plan 2017-21 - Draft (D17/62313)

### Officer Direct or Indirect Conflict of Interest:

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

Yes

No

**Reason:** Nil

### Status:

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

Yes

No

**Reason:** Nil

### Purpose

The purpose of this report is to consider the adoption of the Tree Risk Management Plan.

### Summary

Council manages vast numbers of trees over a large area and within many varied landscape contexts. All trees may pose some level of risk to nearby people, structures and assets. Typically, this risk is minimal and is far outweighed by the environmental, social and economic benefits of the tree.

The purpose of the Tree Risk Management Plan (TRMP) is to enable Council to manage the risk to people and assets caused by the failure of trees that are managed or maintained by Council.

The Tree Risk Management Plan establishes:

- the timeframe for inspection of trees to identify or assess a hazard or defect that poses a risk
- the circumstances in which intervention action is to be taken with respect to removal of hazards
- the period of time within which the intervention action is to be taken.

The TRMP is designed to work in conjunction with the Road Management Plan.

### Recommendation

That Council adopt the Tree Risk Management Plan as attached at Appendix 1.

### Council Resolution

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

That Council adopt the Tree Risk Management Plan as attached at Appendix 1.

CARRIED 8:0

## 6.4 Tree Risk Management Plan

### Report

#### **Background**

The Tree Risk Management Plan (TRMP) is an action to address *Surf Coast Shire Enterprise Risk – Damage caused by the failure of trees to assets or people*, as well as addressing the recommendations from the coroner's office regarding local governments responsibility in the management of trees from their finding into death inquest (Court Reference 2013/6032) of a child in Bendigo who was killed as a result of a falling tree limb. This also takes in to consideration the response from the Municipal Association of Victoria (MAV) in regards to the coroner's findings and recommends that all local governments have a detailed management plan for how they will manage tree risk.

The Tree Risk Management Plan has been developed to work in conjunction with the recently adopted Road Management Plan (RMP) and follows the same format in addressing risk through proactive and reactive inspections as well as setting intervention actions response times.

#### **Discussion**

The purpose of the Tree Risk Management Plan is to outline Council's intended management of the risk associated with trees on Council owned or maintained land.

Council's management of trees needs to consider both the tree itself as well as the impact on people and assets. An important element of the management of trees on Council owned or maintained land relates to how Council identifies and addresses hazards or defects that trees may pose. When Council establishes its approach to tree risk management it needs to consider its obligations and its capacity as well as the needs of the public.

The Tree Risk Management Plan establishes:

- the timeframe for inspection of trees to identify or assess a hazard or defect that poses a risk
- the circumstances in which intervention action is to be taken with respect to removal of hazards
- the period of time within which the intervention action is to be taken.

Council is not responsible for all trees within the municipality and the Tree Risk Management Plan only applies to trees on Council owned or managed land.

#### **Financial Implications**

Council has allocated an additional \$50K in 2017/18 to improve the way that Council manages tree risk. This funds additional proactive inspections and necessary remedial works identified from the inspections. It is anticipated that similar allocations will be required in future years to maintain a proactive inspection and remedial works regime in keeping with the TRMP.

#### **Council Plan**

Theme	1 Community Wellbeing
Objective	1.3 Improve community safety
Strategy	1.3.1 Understand community safety issues and needs, and design an appropriate local response

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

A catalyst for the development of the TRMP are the recommendations from the coroner's office regarding local government's responsibility in the management of trees and the Municipal Association of Victoria (MAV) response to these recommendations.

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

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

#### **Risk Assessment**

The TRMP addresses Council's Enterprise Risk 30 – Damage caused by the failure of trees to assets and people.

It is not possible to limit all risk associated with trees, however, the TRMP aims to minimise the likelihood of a negative occurrence (e.g. a tree limb falling on a pedestrian which could result in serious injury or death).

## **6.4 Tree Risk Management Plan**

Failure to adopt a plan leaves Council without documented evidence of its approach to managing tree risk. Quite aside from the potential injurious impacts of an occurrence, Council would bear a significant risk of legal action and any accompanying financial and reputational cost.

### ***Social Considerations***

Ensuring public confidence when utilising open space and facilities in the approach Council is taking in the management of tree risk.

### ***Community Engagement***

No community engagement.

### ***Environmental Implications***

Surf Coast Shire staff and contractors will follow Australian Standard AS 4373-2007 Pruning of Amenity Trees when undertaking these works. This will ensure correct arboricultural techniques will be used when undertaking works on trees to maximise their health and condition to retain high quality trees on Council owned and maintained land.

### ***Communication***

Approved Tree Risk Management Plan will be made available on Council's website.

### ***Options***

#### **Option 1 – Adopt Tree Risk Management Plan**

This option is recommended by officers in accordance with the rationale included in the body of the report.

#### **Option 2 – Adopt Tree Risk Management Plan with changes**

Councillors could alter the hierarchy of facilities and spaces or the timeframes for proactive inspection or reactive response. This is not recommended as these have been included in their current form in the plan on the basis of subject matter expert input and with regard to Council's current resources (plus the anticipated \$50k per year identified in the financial impacts section of this report). Alteration of the parameters of the plan would require investigation to fully understand their impacts. Should this option be considered appropriate, a deferral of the adoption of the plan is recommended.

#### **Option 3 – Do Not Adopt a Tree Risk Management Plan**

It is not advisable to continue to operate without a Tree Risk Management Plan as this exposes the public to greater risk and Council to legal action should an event occur.

### ***Conclusion***

The Tree Risk Management Plan has been developed to position Council to manage risk associated with trees on Council-owned and managed land.

## Accept Item of Urgent Business

### Council Resolution

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

That Council agree to admit one additional item to be considered as Urgent Business in relation to Amended Motion to Municipal Association of Victoria (MAV) State Council Meeting October 2017

CARRIED 8:0

## 7. URGENT BUSINESS

### 7.1 Amended Motion to Municipal Association of Victoria (MAV) State Council Meeting October 2017

**Author's Title:** Manager Community Relations

**General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F17/968

**Division:** Culture & Community

**Trim No:** IC17/1302

**Appendix:**

Nil

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

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

Yes

No

**Status:**

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to ratify an amended motion put to the Municipal Association of Victoria (MAV) State Council meeting on 20 October 2017.

### Summary

Council resolved on 22 August 2017 to put two motions to the MAV State Council meeting held on 20 October 2017:

1. That the MAV advocate to the State Minister for Energy, Environment and Climate Change to create regulations to establish controls over the 'free' distribution of lightweight plastic shopping bags by Victorian Retailers (similar to the action taken in TAS, SA, the ACT and the NT), using the State Government's existing authority under Section 71 of the Environment Protection Act.
2. That the MAV, on behalf of Victorian Councils, advocate to the State Government to remove the recommendation for councils to recognise Land Under Roads acquired before 30 June 2008 as assets.

The Victorian State Government announced on 18 October 2017 that it will ban single-use, lightweight plastic shopping bags in Victoria. The State Government is now consulting on the method to be used to ban single-use plastic bags.

The State Government's announcement made the first MAV State Council motion in the August Council resolution less relevant. An amended motion was put to the MAV State Council at the meeting on 20 October 2017 which was more relevant given the State Government's announcement. The amended motion was carried by the MAV State Council.

### Recommendation

That Council ratify the amended motion that was put to the Municipal Association of Victoria (MAV) State Council meeting on 20 October 2017:

1. That the MAV write to the State Government to acknowledge and thank them for banning plastic bags and that the letter:
  - 1.1 Calls on the State Government to design a process that delivers an effective and lasting ban on plastic bags.
  - 1.2 Requests that the implementation of the ban of plastic bags occurs as soon as possible from March 2018 after community consultation has concluded.

## **7.1 Amended Motion to Municipal Association of Victoria (MAV) State Council Meeting October 2017**

### **Amended Recommendation**

That Council ratify the amended motion that was put to the Municipal Association of Victoria (MAV) State Council meeting on 20 October 2017:

1. That the MAV write to the State Government to acknowledge and thank them for banning single use plastic bags and that the letter:
  - 1.1 Calls on the State Government to design a process that delivers an effective and lasting ban on single use plastic bags.
  - 1.2 Requests that the implementation of the ban of single use plastic bags occurs as soon as possible from March 2018 after community consultation has concluded.

### **Council Resolution**

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

That Council ratify the amended motion that was put to the Municipal Association of Victoria (MAV) State Council meeting on 20 October 2017:

1. That the MAV write to the State Government to acknowledge and thank them for banning single use plastic bags and that the letter:
  - 1.1 Calls on the State Government to design a process that delivers an effective and lasting ban on single use plastic bags.
  - 1.2 Requests that the implementation of the ban of single use plastic bags occurs as soon as possible from March 2018 after community consultation has concluded.

CARRIED 8:0

## **7.1 Amended Motion to Municipal Association of Victoria (MAV) State Council Meeting October 2017**

### **Report**

#### ***Background***

Council regularly adopts MAV State Council meeting motions in advance of the MAV State Council meeting.

As outlined in this report summary, Council resolved at the Council meeting on 22 August 2017 to put two motions to the Municipal Association of Victoria (MAV) State Council meeting held on 20 October 2017:

1. That the MAV advocate to the State Minister for Energy, Environment and Climate Change to create regulations to establish controls over the 'free' distribution of lightweight plastic shopping bags by Victorian Retailers (similar to the action taken in TAS, SA, the ACT and the NT), using the State Government's existing authority under Section 71 of the Environment Protection Act.
2. That the MAV, on behalf of Victorian Councils, advocate to the State Government to remove the recommendation for councils to recognise Land Under Roads acquired before 30 June 2008 as assets.

The Victorian State Government announced on 18 October 2017 that it will ban single-use, lightweight plastic shopping bags in Victoria. The State Government is now consulting on the method to be used to ban single-use plastic bags.

#### ***Discussion***

Council regularly adopting MAV State Council motions in advance of MAV State Council Meetings provides a strategic, transparent and coordinated approach to an important advocacy opportunity.

To meet submission deadlines, Council often adopts MAV State Council motions well in advance of meetings occurring. On this occasion, a State Government announcement occurred after Council had resolved on the MAV State Council meeting motions.

This announcement made the previously resolved MAV State Council motion less relevant as it delivered the request from the original motion; i.e. the ban of single use plastic bags. This is always a possibility as policy changes can happen any time. In this case, the policy update happened between Council resolving on its MAV State Council Motions and the MAV State Council meeting date.

Given the State Government's announcement delivered the request of the original motion, an amended motion regarding the process and timing of a plastic bag ban was put forward at the MAV State Council meeting. The amended motion was carried by the MAV State Council.

Council's MAV delegate developed an amended motion based on advice from officers which was seen to be consistent with the intent of the original motion giving consideration to the State Government announcement.

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

There is no financial implication by Council ratifying the amended motion.

#### ***Council Plan***

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

Theme 2 Environmental Leadership  
Objective 2.2 Improve the re-use of resources  
Strategy 2.2.3 Review and expand Plastic Wise Program

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

The policy position adopted by the State Government to ban single use plastic bags is consistent with the request in Council's original MAV State Council motion.

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

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



## **7.1 Amended Motion to Municipal Association of Victoria (MAV) State Council Meeting October 2017**

### ***Risk Assessment***

The risks associated with putting forward an amended motion can be considered low. The amended motion put forward is more relevant given the State Government's announcement on 18 October 2017 to ban single-use plastic bags.

### ***Social Considerations***

There are no significant social considerations in this report

### ***Community Engagement***

No community engagement was conducted in drafting the amended motion. The original motions in the 22 August 2017 Council resolution are influenced by previous community engagement on other topics such as the Council Plan incorporating the Health and Wellbeing Plan and the Towards Environmental Leadership project.

### ***Environmental Implications***

The State Government ban on the free distribution of single use plastic bags will deliver positive outcomes for the environment.

### ***Communication***

Council will communicate the MAV State Council motion to the community via communication channels which may include the website and media articles.

### ***Options***

#### **Option 1 – Council ratify the amended motion put to the MAV State Council on 20 October 2017**

This option is recommended by officers as the amended motion is more relevant than the original motion due to the State Government announcing a ban on single-use plastic bags. Ratifying the amended motion after the MAV State Council meeting provides transparency regarding this MAV State Council motion.

#### **Option 2 – Council does not ratify the amended motion put to the MAV State Council on 20 October 2017**

This option is not recommended by officers as this would fail to acknowledge the need to change the original motion due to the State Government's announcement to ban single-use plastic bags. The motion was carried at the MAV State Council meeting on 20 October so a subsequent motion would need to be put to MAV to have the motion withdrawn. This is not considered a feasible option and carries the risk of damage to Council's reputation.

### ***Conclusion***

Council resolving on MAV State Council motions is a clear and transparent way to advocate often on policy issues. Sometimes, events will happen between Council resolving on MAV State Council motions and the date of the MAV State Council meeting. In this case, putting forward amended motions can make Council's motion more relevant. Council ratifying amended motions is a way to maintain transparency.

## 8. PROCEDURAL BUSINESS

### 8.1 Advisory Committee Minutes

**Author's Title:** Administration Officer

**General Manager:** Anne Howard

**Department:** Governance

**File No:** F17/285

**Division:** Governance & Infrastructure

**Trim No:** IC17/180

**Appendix:**

1. Audit & Risk Committee Meeting Minutes – 7 September 2017 (D17/110855)
2. Municipal Emergency Management Planning Committee Meeting Minutes - 24 August 2017 (D17/97363)

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

**Status:**

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to receive and note the minutes of the Advisory Committee meetings as appended.

### Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

### Recommendation

That Council receive and note the minutes of the following Advisory Committee meetings:

1. Audit & Risk Committee Meeting – 7 September 2017.
2. Municipal Emergency Management Planning Committee Meeting - 24 August 2017.

### Council Resolution

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

That Council receive and note the minutes of the following Advisory Committee meetings:

1. Audit & Risk Committee Meeting – 7 September 2017.
2. Municipal Emergency Management Planning Committee Meeting - 24 August 2017.

CARRIED 8:0

## 8.2 Assemblies of Councillors

**Author's Title:** Administration Officer

**General Manager:** Anne Howard

**Department:** Governance

**File No:** F17/285

**Division:** Governance & Infrastructure

**Trim No:** IC17/1146

### Appendix:

1. Assembly of Councillors - Council Briefing - 19 September 2017 (D17/112924)
2. Assembly of Councillors - Macquarie Local Government Lawyers – 26 September 2017 (D17/111533)
3. Assembly of Councillors - Council Briefing - 26 September 2017 (D17/112929)
4. Assembly of Councillors - Council Briefing - 3 October 2017 (D17/115143)

### Officer Direct or Indirect Conflict of Interest:

### Status:

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

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to receive and note the Assembly of Councillors records received since the previous Council Meeting.

### Summary

The Local Government Act 1989 section 80A(2) states that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is as soon as practicable reported at an Ordinary Meeting of Council and incorporated in the minutes of that Council Meeting.

### Recommendation

That Council receive and note the Assembly of Councillors records for the following meetings:

1. Assembly of Councillors - Council Briefings - 19 September 2017.
2. Assembly of Councillors - Macquarie Local Government Lawyers - 26 September 2017.
3. Assembly of Councillors - Council briefings - 26 September 2017.
4. Assembly of Councillors - Council Briefings - 3 October 2017.

### Council Resolution

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

That Council receive and note the Assembly of Councillors records for the following meetings:

1. Assembly of Councillors - Council Briefings - 19 September 2017.
2. Assembly of Councillors - Macquarie Local Government Lawyers - 26 September 2017.
3. Assembly of Councillors - Council briefings - 26 September 2017.
4. Assembly of Councillors - Council Briefings - 3 October 2017.

CARRIED 8:0

**9. NOTICE OF MOTIONS**

Nil

## 10. CLOSED SECTION

### Council Resolution

#### **MOVED Cr Libby Coker, Seconded Cr Rose Hodge**

That Council pursuant to section 89(2)(h) other matters and section 89(2)(d) contractual matters of the Local Government Act 1989, close the meeting to members of the public to resolve on matters pertaining to the following items:

**10.1 Confidential Assemblies of Councillors**

**10.2 Anglesea Landfill Cell 3D Liner – Construction Contract T18-013**

**10.3 Positive Ageing Service Review - Confidential Research Paper**

CARRIED 8:0

### Council Resolution

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

That:

1. The resolution and report pertaining to Confidential item 10.1 and 10.3 remain Confidential.
2. The resolution pertaining to Confidential item 10.2 be made public and the report remain Confidential.
3. Council open the meeting to the public at 8.19pm.

CARRIED 8:0

## 10.2 Anglesea Landfill Cell 3D Liner – Construction Contract T18-013

### Council Resolution

#### **MOVED Cr David Bell, Seconded Cr Libby Coker**

That Council:

1. Allocate an additional \$700,000 from the Waste Reserve to project PRC18-263 - Anglesea Landfill Stage D Liner.
2. Accept the tender from Ertech Pty Ltd for the construction of Stage D of Cell 3 Liner and extending the side liner and bund wall based on the tender evaluation having found that the tender meets the requirements of the contract and provides best value for money.
3. Award contract T18-013 Anglesea Landfill Cell 3D Liner Construction & 3C Sideliner Extension to Ertech Pty Ltd, as a lump sum contract with a value of \$1,391,798 (exc. GST).
4. Authorise the Chief Executive Officer to award the contract and execute contract documents on behalf of Council.
5. Authorise the General Manager Governance and Infrastructure to act as Superintendent for contract T18-013, including authorising variations in accordance with the contract conditions for the duration of the contract.
6. Determine that the name of the successful tenderer be no longer confidential and advise tenderers of the outcome of the tender process.

CARRIED 8:0

**Close:** There being no further items of business the meeting closed at 8.20pm.