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Surf Coast Shire Council Meeting

23 August 2022

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MAYOR STAPLETON: Live captioning will accompany the livestream and the council chamber is fitted with a hearing loop which transmits directly to hearing aids. So we hope that this assists any who may have hearing difficulties. The Surf Coast Shire Local Government Area spans the traditional lands of the Wadawurrung people and the Gulidjan and Gadubanud peoples of the Maar Nation. The council office here in Torquay is on Wadawurrung Country. The Wadawurrung people have nurtured and protected these lands and waterways and creatures for thousands of generations and I am so grateful for the opportunity that we all have to live and work in such a beautiful part of the world. We also wish to acknowledge the traditional owners of the lands on which with each person is attending, acknowledge any Aboriginal people who may be viewing the meeting tonight, and pay respect to Elders past, present and emerging. Last month, we welcomed back our amazing Arts Trail and I'm pleased to report that there were good numbers around all venues this year, with strong interest in the creative industry overall. Ashmore Arts reported that 2,500 people visited, which is astounding. We also received many comments on the quality and presentation of works and the delightful disposition of artists. So thank you to all our amazing artists for your beautiful work and for doing such a great job of showcasing our region over that weekend. I was also fortunate to attend the recent 30th Annual Anglesea One Act Play Festival earlier this month, where theatre groups from across the state came together to perform a range of short, sharp and entertaining plays, while competing for a range of awards. It was wonderful to enjoy some live local theatre again and to acknowledge Anglesea Performing Arts for bringing this really much-moved community event to our region for the past 30 years. The Anglesea performers also take out many of the awards over the weekend, including best actor, best director and best production. So well done and big congratulations to all of those involved in that event.

We have a very full agenda tonight with a number of items that we know have strong community interest, including the DAL Statement of Planning Policy, the Surf Coast Safer Cycling Strategy, the Torquay Community Hospital and Biannual Customer Experience Report, just to name a few. So let's move on to our meeting. Just in terms of process, the community should be aware that council meetings operate according to our adopted Governance Rules, which include the following procedures. During the meeting, the mover of a motion or an amendment may speak for a maximum of five minutes to open the debate and then a further two minutes to make a closing statement. Any other Councillor, including the seconder, may speak to a motion for no more than three minutes. If Councillors would like to ask a question or to move, second or speak to a motion, please physically raise your hand and keep it raised until I acknowledge you. I would like to remind the community that, as Councillors, we are bound by the behaviour and obligations of our Code of Conduct, aiming to work collaboratively to achieve the best outcomes for the Surf Coast Shire community. We are committed to our roles, accountable to the community and at all times aim to be respectful and ethical in all that we do. Our decisions and debate will tonight will adhere to these values and principles. With that in mind, and in line with our Governance Rules, I would now like

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to recite the pledge as a sign of our commitment. As Councillors, we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

Apologies. Obviously Councillor Gazzard, who is on a leave of absence, is an apology. I have not received any apologies from anyone else. So I think we can just move on. Yes. Confirmation of minutes. Can I please have a mover and a seconder to confirm the minutes of the council meeting held on 26 July 2022 and the Special Council Meeting Hearing of Submissions on 9 August 2022? Thank you, Councillor Hodge. And seconded by Councillor Bodsworth. All those in favour?

CR BARKER: I wasn't in attendance at the Hearing of Submission.

MAYOR STAPLETON: So are you abstaining?

CR BARKER: Yes.

MAYOR STAPLETON: OK. So the motion is carried unanimously. Thank you, Councillors - well, unanimously minus Councillor Barker, who abstained. Leave of absence requests. I believe we do have one request tonight, Councillor Barker?

CR BARKER: Yes, Mayor. Due to announcing that I'll be running for the state election, I apply for leave from 7 November to 27 November, for the period not receiving my Councillor allowance.

MAYOR STAPLETON: Thank you, Councillor Barker. Do we have a seconder for that? Councillor Allen. Thank you. All those in favour of the request? And the motion is carried unanimously. Yes, you get to vote for it. Declarations of conflicts of interest - if a Councillor or an officer has a conflict of interest, may must declare it now and do so again prior to the item being discussed. The Councillor and/or officer will be requested to leave chambers or for those online to be placed by the host in a virtual waiting room while the matter is being considered. Once the matter is resolved, obviously the Councillor and/or officer will be able to return to the meeting. Are there any declarations of interest in relation to tonight's agenda? Councillor Bodsworth?

CR BODSWORTH: Mayor, I have what may be seen as having a conflict of interest in relation to 4.2, the planning permit application for the use of land for the sale and consumption of liquor in Anglesea, as my son, Jim, works casually as a junior for the Anglesea IGA, which is potentially a competitor in the sale of liquor. So, on that basis, I'll absent myself from that one.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. So when we get to that item, if you could just remind me, that would be great. Are there any others? Councillor Barker?

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CR BARKER: Yes, Mayor. Just in relation to item 4.11, although I've announced as a candidate for the upcoming state election, I'm yet to nominate. Therefore, under section 129A of the Local Government Act 2020, any interest would be so remote or insignificant that it would not be reasonably regarded as capable of influencing my actions or decision.

MAYOR STAPLETON: Thank you, in which case you won't need to leave the meeting, thank you. So we are now up to - sorry, were there any other conflicts? No. Thank you. And we're now up to submissions, which in accordance with part 2, clause 1 of our Governance Rules, a person whose rights will be directly affected by a decision of the council is entitled to make a written submission to council to speak to their submission and to have their interest considered in council decision-making. A request has been made by Zeally Investments Pty Ltd and Duffields Road Pty Ltd to make an oral submission in support of their written submission provided to council in relation to item 4.1 on tonight's agenda, which relates to the Distinctive Areas and Landscapes decision. We have four presenters who will be speaking to the submission and I will now invite Governance to welcome those submitters into the chambers. And I should also, sorry, earlier have acknowledged that tonight on Zoom, Councillor Liz Pattison and Councillor Heather Wellington are joining us via Zoom and everyone else is in the chamber.

So welcome. Thank you for joining us. So I'll ask that those making a submission speak to their submission in total for a maximum of 30 minutes, so between the four of you. There will be a timer that you will be able to see visible on the screen, just to give you an indication of where you're at to help us manage the time. We do have a full agenda tonight so I'd ask you to just take note of the time and stick to that and we will hand over to you. If you could just introduce yourself at the beginning of your submission and explain who you're speaking on behalf of, for the benefit of council and the community tuning in, that would be great. Thank you.

JOHN CICERO: Thank you, Madam Chair. I think it's my turn. My name is John Cicero and I represent Zeally Investments and Duffields Road, and between those two companies, they own 125 hectares of land in the 245-hectare Spring Creek. Thank you for the opportunity to speak to the submissions that we have filed with the council. I will be the first speaker, and at the end of my presentation, I'll call upon Mr Cameron Shepherd and Mr Don Welsh to address you briefly. Both of those gentlemen should be known to the council, as I have worked side by side with the council in the preparation of the PSP for the Spring Creek area - a PSP that was adopted by council and which the Minister, prior to the last election, was ready to approve with minor modifications, and a PSP which the Distinctive Area and Landscape Independent Advisory Committee - I'll refer to that process as the DAL process - recommended as its preferred choice Spring Creek. However, the SPP - and when I refer to the SPP, I'm referring to the Statement of Planning Policy - is not just about Spring Creek. As Councillors will be aware, the

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SPP sets a 50-year vision for Torquay and the Surf Coast, including protected settlement boundaries that can only be changed with the support of both houses of Parliament. Whilst the process has been run by State Government, it is Torquay and Jan Juc and the broader Surf Coast community that it affects. Any endorsement of the SPP is council's acceptance of this vision, not one set by you, but one set by State Government. So it is your council that will be left with the task of explaining the consequences of this policy to your community. And you have been asked to do this - probably one of the most important decisions that you face as a council, based upon an officer's report provided within 24 hours notice, and with all due respect to the officer's report, at best it can be described as a background briefing paper which does not provide the analysis that is required for the council to make an informed decision. This is in circumstances where in council's own submission to the advisory committee, it was critical of many significant and important aspects of the draft SPP, contending that it was incomplete and required significant further work to justify it as a policy document. None of these shortcomings and criticisms have been addressed in the SPP that council has been asked to endorse, and I want to read from council's opening submission just in brief as to the deficiencies that the council itself identified, and I read verbatim "it fails to adequately consider and integrate the social economic and commercial factors relevant to Torquay/Jan Juc's future in relation to housing and industry sectors other than tourism. It does not adequately address Torquay's role and character as a tourist destination", and later on in that same opening submission, the council said this, "As the council's original submission stated, Torquay's population has continued to grow and residential intensification is likely. Housing affordability is already pronounced and it's worsening in the area", and this is before COVID. "Council will submit that the draft SPP does not sufficiently resolve what should be the appropriate zoning and/or residential change areas to manage the increase in populations and residents to the Shire". It does not sufficiently recognise the complexities of Torquay/Jan Juc's economy, including its interrelationship with Melbourne and Geelong. It does not recognise other industry sectors. And, ultimately, what the council submitted in that opening submission in relation to the SPP was this: in this respect, the council agrees with the comments of Mr Mark Woodland. Now, Mr Mark Woodland was the town planner who was called by the Minister to give evidence on behalf of the Minister. And the council said: in this respect, the council agrees to the comments of Mark Woodland at paragraph numbers which in summary, are to the effect that further work is required to justify the draft SPP. Now, that's council's own submission and none of that work has been done. Surely at the very least, we say, the officer's report should have contained an analysis of the shortcomings identified by council before the advisory committee, and how those shortcomings have been considered and addressed in the document council has been asked to endorse. You would be familiar with the Planning Scheme amendment process where we go through the process, you appear before a panel, you put your positions, the panel then comes out with a report making recommendations, and I suspect that what would you receive as a council is a critique of those recommendations and a response from the officers and a recommendation from the officers before you make a

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decision as to whether to adopt the amendment with or without changes. You've got none of that in relation to the advisory committee report. And it's not just the council that identified significant shortcomings with the document, but so did the advisory committee for compelling reasons provided with the benefit of a five-week hearing. The Minister ignored all of the recommendations contained in the committee's extensive and compelling report, and you've got to ask yourself why. The Minister has stated that in his opinion, the committee got it wrong. So he's asking you to accept that the view of one person who incidentally is no longer the Minister for Planning has got it right. We all know what the real reason for the approval by the former Minister for Planning was, and that is to fulfil an election promise made by Daniel Andrews on the back of an irresponsible promise of Mr Darren Cheeseman. The SPP is a blatantly flawed document, created to deliver a political outcome with a significant, intended and unintended consequences over a 50-year period that you, as the council, will have to live with. Not State Government. Just ask Macedon Ranges. Extraordinary. They appeared before the advisory committee in relation to your DAL and said, "Hey, we have got significant issues with the DAL that was implemented" for their municipality. It was an extraordinary submission to be made by another municipality, saying: "Be careful of what you're doing because this is creating problems for us; no-one has thought through the consequences". Quite extraordinary for a council to appear in those circumstances. The SPP should represent your vision for the future. At the very least, the Minister should have paid due consideration to the significant shortcomings that you quite responsibly identified as a council. He hasn't and instead he's asking you to decide, with limited notice and without a proper recommendation from your officers, whether to endorse the state's vision for your town. The first question you must ask yourself before voting tonight is whether you have been provided the necessary information to make an informed decision. At the very least, that would have and should have required a detailed evaluation of the advisory committee's report, particularly given the significant shortcomings that we have referred to. Initially, it was not proposed to have an advisory committee to be appointed to scrutinise the draft SPP, but the Minister ultimately accepted that this was the responsible course to provide an independent valuation of the draft SPP. That is what he got. It was damning. He didn't like it. And for political reasons, he rejected it. Councillors, do not do the same. We have provided the council a detailed submission which cannot be ignored as it details some significant concerns, and not just the concerns expressed by our clients but by council as well as of course by the advisory committee. The advisory committee was unequivocal in its assessment of the draft SPP, concluding that it was not in a format that should be implemented directly into the scheme in any way. Specifically in relation to springs creek, its recommendation was equally as unequivocal, not supporting either option 1 or option 2 and concluding there was no planning reasons why the PSP adopted by the council should not be progressed. As we've noted above, our detailed submissions highlight a number of the short comings that have been made. We just want to highlight a few. And the first one we deal with is bushfire risk. Why? Because it's the only policy that has primacy over every other policy. Normally you have to

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balance competing policy. Not so in the case of bushfire risk. That Trumps every other policy. And the clear evidence of Mr Hazel, who was the Minister's own witness who appeared for the Minister, was that a conventional urban development of Spring Creek presented an opportunity to better manage the permanent hazard edge of western Torquay by reducing the potential interface from the current three exposed sites. He further agreed, in the absence of planned urban development occurring around Christian College Geelong, the school would be left with an unplanned, long-term grassfire threat. The committee accepted that not developing Spring Creek for residential purpose could very well be problematic, given the bushfire risks identified, and yet extraordinarily, the SPP that council has been asked to endorse has failed to address this issue. Now that the risk has been identified, council should ask themselves whether council would in fact be exposed to litigation if the risk identified by the Minister's own witness materialised. It is one thing not to know. But you do now know what the risk is. The memories of Ash Wednesday can never be erased. And for those of us who were present, as I was, on the day of Ash Wednesday, you don't want to go through that experience again. Excluding Spring Creek from urban development means that 2,000 lots approximately have been taken from future land supply. The draft SPP assumes that the population that would otherwise go to the Spring Creek would go into central Torquay. Has anyone explained that to the existing community? Has anyone told them that the character of their streets might change because the population might otherwise go to Spring Creek will now be in their streets? Has anyone explained to the citizens of Winchelsea that they need to accommodate an even greater proportion of population growth in the Surf Coast Shire? And this is all in the context where recent policies for central Torquay seek to restrict development to preserve neighbourhood character. Constricting land supply is a direct relationship to affordability, so where will all the local teachers, police officers, tourist workers, cleaners, et cetera, live in the draft SPP that the council have been asked to endorse will simply increase the price of housing in Torquay, where prices are already at levels which take Torquay beyond the reach of the majority of people. Is that what council want? To turn Torquay into a millionaire's enclave, where a block of land costs \$700,000, \$800,000? Is that what we really want for our town? And what allowance has been made for the fallout from the COVID pandemic? All of you should have experienced first-hand the unprecedented splurge in demand for coastal properties and the impact that is having on prices within your municipality. Is the responsible answer to that is to turn the tap off for at least 2,000 new lots and 5,000 to 6,000 people, or are you really saying to the people that want to make Torquay/Jan Juc their home, the entry price is approaching \$1 million for a block of land? Our clients have engaged Justin Ganley of Deep End Services to provide a report outlining the land supply issues evident from further information that has come to light since the advisory committee report, including the recently released census data. This report will be available to be provided to council by 12 September. This is the sort of report and analysis that should inform your decision of whether to endorse a 50-year vision or not. It would be, we say, with all due respect, irresponsible for you to make a decision without the most up-to-date information, and at the very least, you

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should delay further consideration of the decision of whether or not to endorse the document that you yourself have said is flawed, and we agree with you, until such time as you have received this report and considered its context. Further, have you considered - has anyone considered the impact of the draft SPP on funding for community facilities like hospitals, public transport, pools? In October of 2021, council adopted the Torquay-Jan Juc retail and employment land strategy. That strategy was predicated on Spring Creek proceeding. And the strategy expressly recognised that there is clearly a need to closely monitor the impacts of the DAL and Spring Creek processes and incorporate a response to the key findings and implications once available. The strategy recognises the DAL process could materially influence the basis for the strategy, so where is the analysis of those implications to that adopted strategy if Spring Creek is excluded? What impact will be on funding for community facilities like hospitals, public transport, pools, et cetera? What happens with employment opportunities? What will be the impact on the local plumber, electrician, bricklayer, carpenter? Where have all of these matters been considered? And not forgetting that the Spring Creek PSP through the ICP would have delivered about \$50 million in developer, not council, developer funded community infrastructure. Where has the loss of that been factored in? Council is reminded of the funding agreement that was entered into between Councillors and our clients and other landowners which required the council to use its best endeavours to advance the preparation of the PSP. During the processing of the PSP, there was concern expressed by our clients that best endeavours weren't being made, and of course what happened is we had the intervening DAL process. We might speculate but we can say that had those delays not occurred, had the best endeavours been implemented, that we may not be in the position that we are in now. The council should not be caught up in some political promises made by a state member of Parliament and the Premier because of absolutely no planning strategic basis. The advisory committee report was emphatic that there is no reasonable basis to (inaudible) the Spring Creek area, to prevent its planned development for urban purposes. It was also emphatic in its finding that the SPP was too long, too vague, and it had failed to provide a response entity such as a council the appropriate tool for its implementation. So it would be an easy hand pass for the State Government to council to say, "Here you go, you deal with it now; you deal with the fallout". In conclusion, from my perspective at least, we submit to you that the SPP and its 50-year vision set out by State Government, not by you, and without any regard to the recommendations of the advisory committee, simply to fulfil an election commitment, is just wrong, and that is why we are taking to Minister to the Supreme Court. Likewise, Councillors, and with all due respect to you, any endorsement of this SPP would due regard to the far-reaching implications and consequences on your community would also be simply wrong and challengeable. Any decision by you to endorse the SPP would be an endorsement of the 50-year plan that is clouded in bias, lack of due process, without any regard to the recommendations of the independent apolitical umpire. The implications go beyond Spring Creek and they will be implications which will be left to this council to deal with in circumstances where they have not been thought through

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and until the implications are known, considered and resolved by council, you should not endorse the draft SPP, and at the very least, you should delay any decision on whether to endorse it or not until that thorough analysis has been done on what is probably the most strategic planning document that you've been asked to consider in your time as a Councillor. Thank you for your time. I'll now pass on to Mr Cameron Shephard.

MAYOR STAPLETON: Thank you, John.

CAMERON SHEPHARD: Thank you, John, and thank you, Madam Mayor, and fellow Councillors for allowing us to present to you tonight. By way of introduction, my name is Cameron Shephard and along with my brother, Adam, we are the owners of Okeland Communities, who is indirectly the owner of 87 hectares of land located at 80 Duffields Road in Torquay. Okelands was created by our late family in the early 1970s and, therefore, has circa 50 years of experience in creating new communities. We are not fly-by-night developers. We are a family that cares deeply about what it is we create. We made our investment in Duffields Road in 2005, some 22 years ago, and since that time, we've always tried to work collaboratively with council in an authentic and genuine way. I would like to make the point that we were attracted to Torquay because of the unique character of (inaudible), not in spite of it. In fact, not long after we came to Torquay, we presented to the then council our vision for Duffields Road, a vision that - and I quote from the presentation in 2005 - "sought to reflect and preserve the unique culture of Torquay", quote unquote. In recent years we've been privileged to work closely with the state, the council and the community to create the PSP the subject of amendment C114. This PSP is not an urban PSP. This PSP is a significant departure from the model of the development that already exists on both sides of Spring Creek to the east of Duffields Road. It is a good plan, a good design, with space and preservation (inaudible) and much-needed community amenity at (inaudible). It would be eventually something that my family would be proud of and I'm absolutely sure the people of Torquay, as it would reflect that unique culture and character that we all hold so dear. Our family has created thousands of houses in wonderful communities in three states around this country over the last 50 years that we still take our children to, long after they are completed, because we are proud of them and we know that people that live in our communities and outside of them are proud too. In a personal capacity, I'm also the ex National President of the Urban Development Institute of Australia, the foremost thought leadership industry body, and I'm currently a National Judge for their the Australian Awards For Excellence. I have a commitment to continue leading and striving for excellence and truly hope that my family and I can bring you that excellence to Torquay. You will be proud of what we create. Thank you.

JOHN CICERO: Thank you, Cam. Don, over to you.

DON WELSH: Thanks, John, and also, thanks, Councillors, for the opportunity to speak

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to you and present my thoughts in support of what John has said. I'm a Director of Duffields Road Pty Ltd, which is the owner of 140 Duffields Road. We've owned that property for since 2013. Prior to my involvement in land development, I spent 30 years in Victorian local government, mainly in executive roles, with the last 14 years as Chief Executive Officer. I spent my whole career with councils dealing with the balance between environment and growth. That was the primary issue with every council that I worked for. My first Executive position was with the Barrabool Shire Council, which you would all know is the predecessor to Surf Coast Shire. I've got a very strong understanding of the unique circumstances of the Surf Coast Shire and particularly in respect of bushfire and bushfire recovery. I learnt that through Ash Wednesday fires of 1983. I also understand the impact that that absentee population, rate capping, grants permission funding issues and their effect on all your areas of council operation. These financial issues are significant and developer contributions play a role in that area. It's something that you need to consider that wouldn't be a consider for State Government, and it demonstrates the need for you to assess your decision about endorsement from the perspective of your responsibilities, not the state government's. Much of my local government career was spent ventilating issues and negotiating with government departments and Ministers. In my experience, our councils were driven by the best outcomes for the community. But to achieve this, you needed a strong evidence as to the impact on your community. You needed detailed analysis of available options and, ultimately, with government, in many cases you needed to provide a solution. Now, there were occasions where the best thing for the community was not notwithstanding with governance program, and in these circumstances, it was generally the case that the Government did not understand or did not address the issue from the perspective of the community. And it was incumbent upon the council of the day, and, as I say, this is in my experience, presenting to State Government on issues of transport, infrastructure, planning and so forth, that council itself not only needed to fully identify and understand the impact itself, but it needed to communicate that message on to the Government. Now, in this case, I just can't see how the council can satisfy itself that the statement for planning policy and the subsequent implementation issues are in the best interests of the community on the information at hand. So that very first step of identification and understanding doesn't seem to have been taken. If council does do the analysis and it does understand the impact of endorsement or otherwise, it will not only be able to make an informed decision but it will only be better prepared for any of the consequences that flow from that decision. So I urge you to support or accept John's proposition that you need to do the analysis, you need to understand the impact and you need to take the decision very, very seriously. Thank you so much for your time and I'll hand back to John.

JOHN CICERO: Thank you, Don and Cam, and we're open of course to questions from you, Councillors.

MAYOR STAPLETON: Thank you, John. I wasn't sure - is Kate making a presentation

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as well?

JOHN CICERO: No.

MAYOR STAPLETON: OK. So in that case, we will need to move - well, I'll call for Councillors to move a motion to note the receipt of the written submission of Zeally Investments Pty Ltd and Duffields Road Investment dated 17 August 2022 as well as the oral submissions made tonight. Could I have a mover? Councillor Allen and seconded by Councillor Barker. Thank you. And all those in favour? And that motion is carried unanimously. Thank you. And I will now - John and Cam and Don and Kate, thank you for making your submission. Governance officers will need to remove you from the Zoom but we would encourage you to join the livestream meeting via our council website if you would like to watch the council meeting, which I am sure you would, and the DAL agenda item will be up first, considered first. So there's still a few procedural items we need to go through, public question time and so on, so you will have five minutes or so before that item is up for consideration. But thank you very much for your time tonight.

JOHN CICERO: Thank you. Thank you very much.

MAYOR STAPLETON: Thank you.

CR SCHONFELDER: Mayor, I have a question. Are we on item 1.8, presentations?

MAYOR STAPLETON: That's coming up now. I was just waiting for Governance to finish there. So next up we do have Presentations and I understand we have a presentation from Councillor Schonfelder tonight. Thank you.

CR SCHONFELDER: Thank you, Mayor. Today I attended the funeral of a neighbour, a dear neighbour, a dear friend, whose name was John Francis Russell and he was a dearly loved husband of Ronas, loved father and father-in-law to Carol and Kev, Gary, Jenny, Patrice and Kel, Annette and Michael, special pa to 12 grandchildren and 9 great-grandchildren. John was one of nature's true gentlemen. He was kind, respectful, humble, and loved by all. A wonderful husband, father, pa and great-pa, loved by his family, friends and, may I say, neighbours. He loved his faith and football. Not only was he a life member of the Modewarre Football Club, he was actually one of two people to be made a legend of the club, along with a very dear friend of his, the late Max Harvey. My family had actually known the Russell family for over a century and I have many treasured memories of a trusted and a very decent neighbour. John played over 290 senior games for Modewarre, so he must have been a wonderful footballer, and he actually holds the record for the most played senior games by any member of the Modewarre Football Club. And also his great-nephew, his brother's grandson, is Tom Atkins, who plays for Geelong. And, Mayor, I have said on a number of occasions that

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I have blue and white blood and I'm really hoping, on behalf of members of our community, that Geelong win the flag this year and Tom plays in that game also. And we send our condolences to the Russell family. Thank you.

MAYOR STAPLETON: Thank you, Councillor Schonfelder. We will now move on to public question time. Members of the public who wish to ask a question to council are able to submit their written question in accordance with council's Governance Rules. We have one community member, Susan Carr, who has submitted two questions for us to consider tonight. So I'll start by reading out the questions. At the 7th of December 2021 council meeting, item number 6.1 adoption of community Amenity Local Law, there was a council resolution moved by Councillor Allen, seconded by Councillor Bodsworth, that council: undertakes to commence a targeted review of the community Amenity Local Law in 2022 to consider issues relating to burns off, gravelling of nature strips, parking of vehicles on nature strips and key worker accommodation to determine if further amendments are required. It was carried 7-1. 1, why hasn't this important review taken place as it contains critical issues related to the drafting of the Nature Strip Policy? After waiting 16 years for the Surf Coast council to update its Nature Strip Policy, it is vital that we get this right. And 2, shouldn't the council do this review first and then present the draft policy for public comment? I believe this would be the proper due process. So thank you again, Susan, for your questions, and for your continued engagement and contributions to this subject, and I will ask our CEO, Robyn Seymour, to respond to those questions.

CEO ROBYN SEYMOUR: Thank you, Mayor. And thank you, Susan, for your continued interest in nature strips and the surfaces used. The community - and how the community amenity law relates to the Nature Strip Policy. The outcomes of the new residential Nature Strip Policy and guidelines that are currently on public exhibition will be the basis for any changes that we need to make to current law as it relates to gravelling on nature strips. The draft Nature Strip Policy and guidelines proposing that, as you are aware, hard surfaces such as gravel or mulch would no longer be permitted as they lead to more stormwater run-off and to materials being washed downstream into our water bodies like wetlands, rivers and the ocean. So at the moment, submissions on the draft policy are open from yesterday, 22 August, through until 29 September, and we really encourage you and the community to have your say on this. If the draft Nature Strip Policy is adopted, as it's currently proposed, the current community Amenity Local Law may require amendments to support the implementation of the policy. But thank you, Susan, for your continued interest in this really important topic of our nature strips and the use of the hard materials.

MAYOR STAPLETON: Thank you, Ms Seymour, and thank you, Susan, also for your questions. Moving on, we have not received any petitions to be tabled tonight and there are no notices of motion from Councillors tonight. So we will move on to our reports. The first one being the Distinctive Areas and landscapes project, and item 4.1 is

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presented to council to consider whether or not to endorse the Surf Coast Statement of Planning Policy released by the Minister for Planning on 28 April 2022 in relation to the distinctive area and landscape declaration. Can I call for a motion in relation to this matter? Councillor Pattison? What is your motion, Councillor Pattison?

CR PATTISON: Thank you. My motion is that council endorse the Surf Coast Distinctive Areas and Landscape Draft Statement of Planning Policy prepared on behalf of the Minister for Planning.

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

CR PATTISON: Yes, I would, thank you. So the decision currently before the council relates to the endorsement of the draft Statement of Planning Policy. Land within the Surf Coast Shire Council has been declared a Distinctive Area and Landscape by the State Government back in September 2019 and then re-declared again in September 2021. As a result of this Distinctive Area and Landscape Declaration, the Statement of Planning Policy was prepared. Our community and the many visitors that frequent our coastline have known for a long time that this amazing place is a distinctive area and landscape. The SPP that we are looking to endorse tonight relates specifically to the landscapes of Torquay, Jan Juc, Bellbrae, Mt Duneed, Connewarre and Breamlea wetlands. To clarify, the SPP is much broader than Spring Creek, and that has been discussed through the presentation earlier tonight as well. I think in making our decision tonight, it is important to focus on the purpose of the Statement of Planning Policy. This is to ensure the protection and conservation of the distinctive attributes of the declared area within this distinctive area and landscape. We are one of many responsible public entities that have the important role in relation to the endorsing of the SPP. As with the other responsible public entities, there are only two options tonight; that is, to either endorse or not endorse the SPP. The decision to endorse the Statement of Planning Policy is a separate step from the preparation of a Statement of Planning Policy by the Minister for Planning. The question of whether or not council should endorse the SPP does not relate to if the SPP could be improved or whether council would have preferred it if the SPP had have been prepared in a different way. Council is required to decide whether or not to endorse the SPP in the form prepared and provided to us by the Minister. And I think it's important to note that this is the beginning of further work to be undertaken through the implementation phase, if this SPP is endorsed tonight and it is incorporated into our Planning Scheme. Torquay-Jan Juc is located within a landscape of State and National significance and is close to areas of Wadawurrung living cultural heritage and areas of higher biodiversity values. The SPP expresses the view that these landscapes and areas should be protected from urban encroachment. I have considered a broad range of information in making my decision tonight. This includes consideration of the objectives of the planning framework

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established by the Planning and Environment Act, as well as the objectives of planning in Victoria as identified in the Planning and Environment Act and also the written and oral submissions on behalf of the Zeally and Duffields that were orally discussed today but have been provided to us prior. Through this consideration and on the many relevant matters, I have decided tonight that I will be voting to endorse the SPP. I would like to reiterate our council's submission in relation to the SPP, and that is that it is appropriate in considering preferences for future land use or integrating competing planning considerations that the SPP places greater weight on protecting the landscapes around Torquay than on providing for the scale of population growth anticipated in Victoria in the future. I encourage you all to consider deeply this decision of endorsing the SPP tonight. Thank you.

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

CR BODSWORTH: Thank you, Mayor. And thanks, Councillors. Firstly, I would like to start by acknowledging the Wadawurrung traditional owners of the area that we're discussing that's covered by the SPP. I would like to also acknowledge and thank all of the submitters along this long and tortuous process, including those we heard from tonight before the meeting, and including over 3,000 submissions to the DAL standing advisory committee. Three rounds of consultation by the DAL standing advisory committee and Engage Victoria. As Councillor Pattison said, there are a lot of elements to this. I just want to focus on a limited number that have been important to me in my own consideration of this, so I would like to express my support for the protected settlement boundaries aspect of not only this DAL but others as well to preserve distinctive area and landscape values for future generations. I also support development being directed to activity centres and precincts with sustainable and easier mobility links and pathways and infrastructure. I support the location of affordable housing close to services and community facilities. I find the SPP consistent with the objectives of planning in Victoria as identified in the Planning and Environment Act. I also think it's important to note that from a long-term financial viewpoint, we need to consider the relative financial sustainability of low-density, suburban development, versus higher density, infill and more concentrated development. Bear in mind that the infrastructure costs of lower density and spread-out development are less, offset by the value that's extracted from that land, both for the council and the community. So effectively per square kilometre we have a different cost versus benefit equation for spread-out lower density development versus higher density development, with the latter providing greater value in most cases, including long-term asset renewal, whereas we know that there are substantial contributions in the construction phase. We also know from our long-term financial plan that the long-term asset renewal implications is something that we need to think about really carefully. Regarding bushfire risk, I'm satisfied that urban development isn't the only option for managing the risk, as we can see in other towns that sit within a framework of grassland or bush. I believe the SPP sets the scene for a long period of beneficial outcomes, i.e., I don't believe that to vote

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to endorse the SPP would be to suggest that it's absolutely perfect and it nails everything. But I do believe that it sets that scene for a long period of beneficial outcomes. Compact town and city forms foster prosperity, social exchange, health and wellbeing, environmental sustainability and affordability of housing and mobility. I'm running out of time so I'll probably wrap it up there. Having carefully considered the above issues and many more relating to the SPP, I'm in favour of endorsing it. Thank you.

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

CR ALLEN: Thank you, Chair. The existence of our council plan provides Councillors with a framework to inform our decision making through an extensive engagement process, we sought the views of the Surf Coast Shire communities to inform that plan. We developed 10 principles and 7 themes, and we should be mindful of them when making our decision tonight. Decisions which, by their nature, involve both costs and benefits. The supply of land to address the issue of affordable housing and accommodation is a key factor in achieving sustainable growth and the development of a robust economy, two of our 7 themes. These connections have been clearly articulated by the landowners and a developers both in writing and from the presentation this evening. The matter of affordable housing and accommodation is a National problem, and one to which we have devoted time and resources in the past 18 months. The protection, conservation of our natural environment, environmental leadership, reconciliation, the maintenance of community identity alongside healthy, connected communities are a suite of other themes and principles. Support for endorsing the Statement of Planning Policy, as expressed in section 4 of the Planning and Environment Act, which will conserve and improve significant environmental, ecological and bio diverse attributes of declared area, supports the four mentioned themes and principles. I will support the motion, as I believe that the benefits of doing so outweigh the costs. The supply of land is not the only factor affecting affordable housing and accommodation. In Sydney, there are strategies that look at supporting the purchase of existing housing stock for key workers. The concept of densification is warranting closer examination by local governments. In other words, there are other approaches. However, once the Distinctive Areas are more intensely developed, the cost to the environment will be significant and the absolute advantage of keeping our coastal identity will be foregone, to the detriment of place-based environmental tourism. There are many roads to achieving growth, but there is only one place. In supporting the motion, I believe that I am supporting the majority of residents of Torquay Jan Juc and the surrounding districts. Thank you.

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

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CR BARKER: If the Statement of Planning Policy is endorsed and approved, a protected settlement boundary will be applied around the Torquay-Jan Juc settlement and rezoning of the Spring Creek urban growth zone to a zone consistent with the SPP. This is inconsistent with the Spring Creek PSP. I have spoken at length previously about trade-offs in economics more broadly and I won't go into that now. There are no perfect solutions to any decision. What we have before us is a decision to be made that retracts from previous decisions that have already been made. I'm not satisfied, after consideration of all the facts, that I can endorse a document such as this SPP and I would highly recommend that all of my colleagues consider very carefully their vote tonight.

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

CR WELLINGTON: Thanks, Mayor Stapleton. Yes, I would like to thank the community and the various people who put in submissions. It's been a very long-running issue. I think it is - we do need to stop and think that this is a 50-year - not only a vision but a pretty locked-in framework really and I have thought long and hard about this, and you try to kind of weigh up all the time the issues of environment and heritage and economic issues and public safety and all the things that come into determining planning decisions. It just seems to me, I don't believe we have adequate information in front of us to address some of these issues, such as what does minimal change, incremental change and substantial change mean within the proposed township boundary of Torquay and Jan Juc, for example? So we haven't, to my knowledge, really talked to the community about accommodating growth within a fixed boundary. We have talked about fixed boundaries and there's a lot of people that are very supportive of that, but from my perspective, we haven't had a really thorough engagement with the community about what that might look like, to those areas that are locked within a pretty fixed boundary. It is - in principle, I strongly support the protection of the environment that would come with fixing boundaries but I do agree with the submitters that we actually need to understand the implications of that before we endorse it, and I think that in the information that's available to us, there's many things we don't understand. I have been very concerned over the past few years, a couple of years, about the impact on the Karaaf of the development in north Torquay, and the question - I don't feel that I really properly understand, for example, the environmental impact of a more substantial change in density within the boundaries or the future boundaries of Torquay. So what does that mean for the environmental future of Torquay? I don't know. It might be good for a economic future but it might not be good for its environmental future. I just don't think adequately assessed those questions and I don't think they're addressed sufficiently, not for my needs anyway, in terms of the document that is in front of us. So I think this in principle it's a really great thing, that we've been declared a distinctive area of landscape, and clearly it is a very, very special area, but I feel we're almost being asked to rubber stamp something that we haven't really got all of the information

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about the implications of that. So I'm not going to endorse this. I think it is a huge amount of change within a single document without the adequate background analysis to really make me confident that we'll be able to look back in 10 and 20 years time and say "that's a great decision". So I'm not planning to support it.

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

CR PATTISON: Just briefly, thanks, Mayor, in making our decision tonight, it is important to focus on the purpose of the Statement of Planning Policy, to ensure the protection and conservation of the distinctive attributes of the declared area within the Surf Coast. Council is required to decide whether or not to endorse the SPP in the form prepared and provided to us by the Minister. This is the beginning of further work to be undertaken through the implementation phase of the SPP if it is endorsed tonight. I encourage you all to think about how we can protect the significant landscapes that are under consideration through this SPP. Thank you.

MAYOR STAPLETON: Thank you, Councillor Pattison. I will now put the motion to a vote. All those in favour of the motion, please raise your hands. And all those against? And the motion is carried 6-2. Thank you, Councillors. We will now move on to item 4.2 on the agenda, which is planning permit application 22/0040 for the use of the land for the sale and consumption of liquor, with General Licence and display of associated business identification signage, at 85 Great Ocean Road, Anglesea. This item is presented to council to consider granting a notice of decision to grant a permit for the use of the land and display associated business identification signage. I do believe Councillor Bodsworth wanted to declare a conflict of interest in relation to this item?

CR BODSWORTH: So I need to repeat that? I do believe I may have a conflict of interest because my son works at IGA, which is potentially a competitor in the sale of liquor in Anglesea, and so I believe I could be seen to have a conflict of interest because of that.

MAYOR STAPLETON: Thank you, Councillor Bodsworth. If you wouldn't mind waiting, we will let you know when we have concluded this item. Thank you, Councillor Bodsworth. So we do have a recommendation before us. Would anyone like to move a motion? Councillor Allen. Is that as per the recommendation?

CR ALLEN: As per the recommendation, Chair.

MAYOR STAPLETON: And seconded by Councillor Schonfelder.

CR ALLEN: We are considering the granting of a permit for use of the land at 85 Great Ocean Road, Anglesea, for the sale and consumption of alcohol and the display of

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business signage. I note that there have been 10 objections to the granting of the General Licence, with one objector presenting to us at the Special Council Meeting for Hearing of Submissions on August 9th, and the presentation of a petition with 269 signatories. My understanding is that the main objections are the impact that the increased sale of alcohol will have on the health and wellbeing of the Anglesea community, the adverse impact of the lengthy trading hours, and outdoor dining - consumption of alcohol, and the intrusive signage proposed will have on the nature of the shopping centre. I believe that the operator has made significant concessions in discussions with our planners in response to community concerns. For example, agreeing to reduce the close of trading from 11pm to 9.30pm, but no live or DJ music will be played, a reduction in the number of patrons at any one time, and changes that will reduce the visual impact of the signage. The outdoor seating arrangement is not a planning matter, but is compliant with our footpath trading guidelines. With the consumption of alcohol, packaged food is available. The operator runs a very well-managed Cellarbrations store in Lorne that supports several not for profit community entities. I believe that the proposal will add to the vitality of the precinct as a tourist venue and to the economy of the Anglesea community, and we should always remember that we are living in a free market mixed economy and if a planning application is compliant with the terms of the Act, we will be on very shaky grounds to refuse. I think it is useful to look at a small section of the 2013 VCAT decision that is included in the officer's report, and I'll just repeat it. Town planning is not a panacea for all perceived social ills, nor is planning decision making a forum for addressing all issues of social or community concern. , at its heart, planning is about the use, development and protection of land. It is not the role of town planning to address all issues of public health, nor to regulate the pricing or general availability of a product to manage the health and wellbeing of a society. Going back to the concerns raised about the health and wellbeing of the community, planning is not the vehicle to address these concerns. I firmly believe that it is a demand-driven matter that needs an integrated approach to address, in which we as a Shire must play a part. Thank you.

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

CR SCHONFELDER: Thank you, Mayor. I would just like to say that I concur with Councillor Allen's sentiments in moving this item and I would like to highlight the fact that the small business people involved with this actually live within the Surf Coast and they do actually contribute as Councillor Allen rightly said, to various not for profit organisations and football clubs also in the hinterland as well. I agree with the comments about social ills and I believe that education is very important and people setting an example to other people is also equally as important. I believe that our society in some ways for a lack of a better word is becoming more Mediterraneanised, and I was recently in the south of France and I noticed there were many businesses

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that offered alcohol for sale, and I know that in other jurisdictions around the world, in Japan - and we're not suggesting this - but they have vending machines on streets for alcohol in Japan and in California, you can buy alcohol at petrol stations. So I believe that the current planning framework works well and I think it would add to the community, having this business being allowed. Thank you, Mayor.

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

CR BARKER: Thanks, Mayor. I take the objections to this matter seriously, issues such as reports of too many licensed premises in the area, congestion, too much signage, concerns in regards to the consumption of alcohol, trading hours, changing nature of Anglesea, carpark concerns and others. However, in listening to the Hearing of Submissions and the undertaking of the applicant to modify the way they conduct business, I am satisfied that this permit is worth granting.

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

CR WELLINGTON: Thank you, Mayor Stapleton. I agree with pretty much all that has been said, only with the exception that we really can't take into account the identity of the people who are applying to the planning permit, even though we know - I mean, I know them and they're good business people, but planning is about amenity and about land. It's not about people, and so I think we just have to - objectors - we shouldn't expect that objectors will be reassured by being told these people are good people. They are good people. They are tremendous people. But the real issues are around amenity issues, the streetscape issues, the signage, the kind of impact on character, et cetera, and I'm satisfied that they have been addressed, and I agree very much that planning is not - I mean, planning is not just about agreeing. Planning as a fact is not about controlling the sale of alcohol, so it's not a factor that can come into our consideration as to whether it's appropriate to add another liquor venue to Anglesea. That's for other authorities. And for public health and wellbeing approaches. So our approach should be limited to the planning considerations and on that basis, I'm perfectly comfortable that this is a good proposal and I think the proponents have worked closely with council to address some of the issues around signage and the visual impact on the streetscape and they have really cooperated, and also opening hours, that sort of thing, which relate to amenity. So I'm very satisfied that all the issues that have been raised have been addressed and I'm happy to support the issuing of the planning permit.

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

CR HODGE: Thank you, Mayor, and just very quickly, this area is zoned commercial under Schedule 1, so this type of business is allowed in that area. I would like to thank the submitters and also the people that signed the petition but I do hope when this goes

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ahead, that they are - the process has seen, as Councillor Allen said, that hours have been reduced and also the look of the signage. So they were the two main concerns of the submitters. So I'm hoping that with the new hours and the knowledge that it is zoned and this building is - and business is available in that zone, I will be supporting the recommendation. Thank you.

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

CR ALLEN: Just to say that I have been suitably chastised by Councillor Wellington and I take it on board and accept what she has said. Hopefully I will learn from that experience. Thank you.

MAYOR STAPLETON: Thank you, Councillor Allen. We'll now put the motion to a vote. All those in favour? And the motion is carried unanimously. Thank you, Councillors. And could someone let Councillor Bodsworth know that he can return. Thanks, Councillor Hodge. Our next report is requesting council to request authorisation from the Minister of planning to prepare amendment C138 in relation to the rezoning of Cressy Road, Winchelsea, for an industrial estate, and upon receipt of the authorisation, place the amendment and draft planning permit on exhibition for a period of four weeks. Would anyone like to move a motion in relation to that? Is that as per the recommendation, Councillor Wellington? You're on mute, but I think you nodded. Yes. And a seconder? Councillor Schonfelder. Thank you. And Councillor Wellington, would you like to speak to the motion?

CR WELLINGTON: Thank you very much. So this recommendation, as you said, is about land in Winchelsea where there's a proposal to amend the Planning Scheme to enable it to be used as - well, to be rezoned from farming to industrial 1, and that the application includes an application for subdivision as well. So the proposal is to create a number of serviced industrial lots, which would then create the opportunity for development of new businesses and creation of more employment in Winchelsea. I think this is strongly supportable. There is reportedly quite a shortage of industrial land in Winchelsea and I commonly receive comments from some of the business leaders in the town who are concerned that there's people who want to establish businesses in Winchelsea and are not able to because they can't access adequately signed land with the services that they need. This is adjacent to existing industrial land. It's really well located for that purpose and I think there's really nothing about this proposal that concerns me particularly at all. There's been a number of technical assessments which have all, I think, been performed well and adequately addressed any potential or actual concerns. It looks like a nice design with a sort of central road and, more or less, court shape at the end to accommodate the lot. I think this development would be very much welcomed by the people of Winchelsea, but the purpose of putting it out for submissions is to hear what they say. So the recommendation tonight is that it goes out for

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community consultation, assuming we receive authorisation from the Minister for Planning, which I have mentioned that we will. So the amendment and the draft planning permit will be posted on exhibition for four weeks and then it will come back to - the issue will come back to council for further decision. So I think in principle, this is really strongly supportable and it will really add - if it goes ahead, it will add to the availability of industrial land in Winchelsea and help with I think what is quite a demand situation at the moment and also generate local employment. So very much consistent with the Winchelsea strategic plan. Thank you.

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

CR SCHONFELDER: Mayor, I would just like to say that I agree completely with Councillor Wellington and I know that many members of our community commute to other places for employment and by having more possible zoned land for industrial purposes would hopefully stop people perhaps commuting as much and there would be benefits for the environment as well, and it does fit within having a 20-minute community, where you have places of employment as an example within 20 minutes of where you live, and I thank you for allowing me to speak, Mayor.

MAYOR STAPLETON: Thanks, Councillor Schonfelder. Any other Councillors? And Councillor Wellington, did you need to make any closing comments?

CR WELLINGTON: No.

MAYOR STAPLETON: We'll put the motion to a vote. All those in favour? And the motion is carried unanimously. Thank you, Councillors. Moving on to our next item, which is item 4.4 in relation to the Torquay Community Hospital, and this report is requesting council to authorise the CEO to provide a letter of support to the Victorian Health Building Authority for the development of land located on the corner of South Beach Road and Surf Coast highway for the Torquay Community Hospital. We do have a recommendation. Would anyone like to move the motion? Councillor Hodge, thank you. As per the recommendation? Yes. And a seconder. Councillor Schonfelder, thank you. Would you like to speak to the motion, Councillor Hodge?

CR HODGE: Yes, thank you, Mayor. The letter that we are authorising is on page 138 and there are some really good points on that. There's just a few I would like to really discuss. The communication plan, this is really important for the people - the community, not only in Torquay generally but also for the people that live nearby. They would really like to be brought up to speed with anything that's happening and I think that's something that should be done in a great community way. So I really do hope that communication plans really well. The traditional owners, the built form should be in a sustainable and a good design, which I'm sure it will be, because we have to be looking at this hospital will be the new gateway, coming into Torquay. And with that,

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there will be landscaping and I am hoping that the landscaping around that area improves that site but also, of course, of that roundabout that is at the start of Torquay, which is the ugliest roundabout in the Southern Hemisphere. I do jest in that, but it is a really important site now coming into Torquay and I think the letter that we're outlining to send to the other CEO really sets out our priorities. The stormwater management that we've been talking about just recently, that's really important, the car parking and access, but the landscaping, the built form, for the people that live around that, it's extremely important and where the car parking is, the lights, if it's a 24-hour facility, which it isn't as yet. So there's a lot of communication, to go out to the community and I'm really looking forward for them being really part of this process and I'm really hoping the Victorian Health Building Authority communicates well with not only Shire of Torquay but also those nearby residents. Thank you.

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

CR SCHONFELDER: I would like to thank Councillor Hodge for her words and I completely agree with her, and I would also like to emphasise that that site where the hospital was being built is under the jurisdiction of the State Government and also the roundabout as well is controlled by the Department of Transport but we are in a conversation with endeavouring to beautify that area, and I believe that the hospital, there's an opportunity there to have some public art as well, and I agree as far as the First Nations people, and in particular the Wadawurrung people, an art installation there could perhaps be sympathetic to their history and their heritage. I know that within Torquay, with surf city and the dunes, the scale of developments and also the Woolworths in the main part of old Torquay, it capitalises on the history of Torquay as far as being a fishing village, and I really like the fact that it's not multistorey and I really hope that - and I think it's a wonderful idea, the CEO is writing the letter because I really hope that the design of the hospital can represent a fisherman's husk or a beach shed, and I believe many people in our community enjoy the fact that we have a small town feel, and it's about just maintaining that and hopefully some timber can be used and it can be pleasing on the eye and, as Councillor Hodge has stated, landscaping as well, the importance of landscaping and appropriate lighting as well. It's a facility that's much needed in Torquay and, once again, being a health facility, part of that 20 minutes community where you have health facilities available as well locally. So I'm actually quite excited about it. Thank you, Mayor.

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

CR WELLINGTON: Thanks, Mayor Stapleton. I'm excited about the hospital, Torquay hospital. It's probably more like - I think it will be more like - quite a comprehensive health service, as opposed to what people would traditionally think of as a hospital. So not so much an in patient facility but a very important public facility. It will be operated, as I recall, by Barwon Health, which is an excellent organisation. I think with a predicted

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population of Torquay, it will make a huge difference for people to have that sort of health facility locally. But the purpose of this resolution or motion is not just whether or not we support the hospital. It's whether or not we support the Minister exempting herself from the Planning Scheme process under the exemption powers available to her under the Planning and Environment Act, and the key purpose, the key point of this letter, is to say that council supports the Minister's proposal to except herself from the provisions of Act and then we give a number of important suggestions really, I suppose, so it does say - I think it says "subject to the following requests". I don't know whether that means subject to those requests being accepted and implemented or whether it's just a little exception about things. I expect it's the latter. My concern about this is we have done no community consultation at all and we as local government have a community engagement policy which really this goes - this flies totally in the face of it. Now, there might well be reasons - there may well be reasons that we haven't been able to do consultation, but I don't see why the Minister for health needs a letter of support from us to exempt herself when she has the power of the government council to exempt herself. She doesn't need a letter of support from this council to do that. So I feel we're sort of exerting ourselves in a process which, for no obvious reason, I don't think this is actually going to be definitive as to whether or not the Minister exempts herself. I would think that in order to do this, as a council that's committed to engagement, we should have talked to the local community. I can certainly recall from comments coming in from people living around that site that were concerned about it. That may have been resolved, I don't know, but I don't think as a council we have gone through a proper process of understanding of whether or not it is reasonable for the Minister to except herself from the Planning and Environment Act processes. So I'm not going to support it. It's not that I don't support the hospital or any hospital in Torquay. I strongly support it. But I don't - I can't see why we've been asked to write this letter. I can't see that all this - I don't think making it subject to all these suggestions is sensible because I think they're just suggestions. I don't think they're making our support subject to them is sensible. And I don't think we have got enough knowledge of the community's views about this to really represent the community in this way. So I'm not going to support it.

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

CR ALLEN: Thanks, Chair. The council was invited on July 22nd to provide the letter. Hence, the late notice, I suppose - that we were invited to do so. And really that didn't give us the time to undertake our own community consultation. But the community does have representation on the Torquay Community Hospital consultative committee. I like Councillor Wellington regret the use of the term "hospital". I think it is misleading. It really is a Torquay community health centre, and I would like to see it as a double storey building, not as a single building, to reduce the built footprint of the facility. But apart from that, I'm happy to endorse the content of the letter, the points raised by Councillor Hodge summarise what would be community concerns.

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MAYOR STAPLETON: Thanks, Councillor Allen. And any other Councillors? Councillor Bodsworth?

CR BODSWORTH: Just to echo the comments from Councillor Allen regarding the built form. I also thought that there was an opportunity for this to potentially be one storey high and have a smaller footprint. I also note in the letter that we talk about our pathway strategy, identifying a 2.5m wide shared Councillor Pattison, whereas I think there's an opportunity - in fact, I think there will be a need for us to go for something more like a 3.5m wide arterial pathway through the precinct, which has brown into a really substantial and great and important community precinct and I just think that we need to start moving to a bigger scale of pathway infrastructure to accommodate all the different kinds of uses and it's particularly important with a facility like this to accommodate personal mobility devices like mobility scooters and that kind of thing. So without wanting to get too much into the weeds of it, and in full support of the concept overall, and also the comments about consultation, I just put in that plea for wider pathways. Thanks.

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

CR BARKER: Thanks, Mayor. As noted by Councillors Allen and Wellington, the definition of a hospital is an institution providing medical and surgical treatment and nursing care for sick or injured people. The VHBA defines Community Hospitals as a small public hospital offering a range of health services tailored for each community. A significant deviation from the definition of word hospital that I am concerned will lead to services being less than what the community expectations may be. Aside from that, the Torquay Community Hospital Consultative Committee was convened in 2019 by the VHBA and chaired by Darren Cheeseman, MP, member for South Barwon. I am not aware of any consultation with adjoining landowners being made in the lead-up to this announcement of this project, evidenced by the communication I received immediately following, and I am concerned that this shows a contempt for local residents who bought in the area on the understanding that their neighbours would be residential houses. Also, there has been no discussion that I am aware of for any compensation of these affected residents. The recommendation before us authorises the CEO to provide a letter of support to the VHBA CEO for the development of the land located on the corner of South Beach Road and Surf Coast Highway for the purposes of a Community Hospital. In light of this, I cannot in good faith support this recommendation. Had there been adequate consultation with impacted locals prior to the announcement, I may have had a different decision on this outcome.

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

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CR HODGE: Yes, very just quickly. Thank you all Councillors for your input and also the land was acquired by the State Government and hopefully with the consultation that will occur, or we will be hopefully part of it as well, to talk to those people around the community. I know some have contacted me and they are hoping, and they will be talking to Darren Cheeseman and any other politician in the future about this hospital. It's called a Community Hospital. So I'm looking forward to it going ahead and bringing along the community people that live nearby and also the full community. I appreciate Councillor Bodsworth, about the footpaths. I think that's really important too, and of course for the public transport, will be able to feed into that when they hopefully come and talk to us about bus stops and other places where public transport could be used in that area too. So I still endorse this recommendation and looking forward to it going ahead to the next stage. Thank you.

MAYOR STAPLETON: Thanks, Councillor Hodge. I'll now put the motion to a vote. All those in favour? And against? And the motion is carried 6-2. Thank you, Councillors. Moving on to item 4.5, which is the Biannual Customer Experience Report. Council's complaint handling policy makes the commitment that a report on complaints performance will be prepared for council twice a year, and this report is requesting council to note the Customer Experience Biannual Report for the period 1 January to 30 June 2022. Do I have a mover for that? Councillor Pattison. And is that as per the recommendation?

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

MAYOR STAPLETON: Thank you. And a seconder? Councillor Hodge. Oh, Councillor Barker. Thank you. Sorry, I thought you were putting your hand up. Thank you. Councillor Pattison, would you like to speak to the motion?

CR PATTISON: Yes, please. I'll speak to it. So council is committed to completing customer requests on time and to a high standard and I think this is evident in the biannual customer experience report and the figures that are presented in the agenda. There were 19,712 customer requests registered from January to June 2022. The volume of customer requests is really significant and the officers work very hard in responding to customer requests. I think it's good to note that 95% of customer requests were completed within the required time frame and this is an improvement on our previous results. Council has undertaken a reform program in recent years to improve the registering and management of customer requests and they there is a clear complaints handling policy which sets out the reporting requirements and definitions of complaints. Council recognises people's rights to complain and considers complaint handling to be part of the core business of serving the community. It is good to note of the 19,712 requests there were only 1,418 requests that were registered as complaints, but it is still a significant number, but in the context of the number of requests received, it is a relatively small proportion, and of that, the majority of those

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related to missed bin services and infringement notice reviews. That comes to a total of 1,145. So no council is perfect and the council through this process has identified a number of improvements which have been implemented. So this really is a win for the community, as our council has listened and responded to the requests and complaints that have come through. So there's a couple of key improvements that are being implemented which I think are worth noting. The first one, waste contractors installed cameras to promote visibility of the collection system, and just pointing out 600 of the complaints related to missed bins. So having a way for the camera to identify what is happening there is definitely an improvement. There is also staff awareness in recognising and working on complex issues, the need to ensure a customer is kept informed of the progress, even when progress is slow or stalled. A couple of other ones - implementing of a hotspot drainage register prior to cleaning, also some work around - a litter prevention officer, having a key focus on development sites in the municipality, and then review of planning permit conditions for the mandatory maintenance of trees by developers during the defects period of development. And then another one - improved communication with customers and how we manage roads, maintenance requests and realtime programming versus timelines set out in the Road Management Plan. So once again, lots of engagement with our community on things that need improvement and general requests and also compliments. There were 70 compliments, and our council, most importantly, is listening and learning and making changes where they can. So I encourage you all to note this report. Thank you.

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

CR BARKER: Very briefly, thanks, Mayor. While there will never be a perfect outcome from a organisation of the size and providing the number of services that we do, however, the report notes what I think most people would consider a reasonable expectation.

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

CR ALLEN: Thanks, Chair. Of the 1,418 complaints, I see that 625 were for missed bins, mine included, but it is gratifying that know that that only represent 0.054 of the total possible number of bins emptied, which is great. I am not surprised to see of the 520 infringement notices there were 22 complaints. Very few people like to receive infringement notices. Overall I believe that the process and response time is building trust within the community. That is certainly the response that I'm getting in Lorne, and that the process endorses an improvement culture within the organisation, which I think is most important, and given the nature in many areas of the outdated drainage systems that we have and the extent of our unsealed road network, I am not surprised that 46% of our complaint types relate to outdoor maintenance. Again, I want to relate to an example that I am not familiar with. There was a complaint received about a

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recent repair that we undertook on the Bambra-Aireys Inlet Road and repair really was inadequate and the road was dangerous. The matter was addressed immediately and I think it is important to recognise and appreciate when swift and appropriate rectification is taken as a result of the complaint. Thank you.

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

CR WELLINGTON: Thank you, Mayor Stapleton. I was very much involved in developing a complaints system that actually was founded on learning from complaints, and that's the background that I've got in the continuous improvement background in the health care system. About acknowledging complaints around learning from them. It is good to see that the number of complaints has increased, so it actually is quite good when people feel they can complain and that their complaint will be listened to. One of my concerns - I'm looking at this period of January to June 2022 and I personally know of numerous complaints about drainage, unsealed roads, and these are not just requests for service. They are real complaints about "I've been trying to get my road fixed for years". So I just don't know - I don't think we are capturing them all. I am sure we are not, because where would they fit under that? Whether they fit under the 211 investigated complaints but I reckon I could list 211 of them myself just from the Winchelsea ward. So most of the complaints I get are not about infringement reviews, missed bins, overflowing street bins, although I do get a lot of complaints about overflowing building site bins. I haven't had any complaints about property valuations to date this year, but I've just had an onslaught of complaints about roads, and this was before the end of June - about roads, about pot holes, about maintenance, about planning delays. I'm pretty surprised to see that we addressed 95% of them - of complaints within, what was it, however many days, because that's not my experience as a Councillor. So certainly I have had people saying, "I have given up asking because I have asked so frequently and I haven't received a response" or "I haven't received an adequate response". So I don't quite know whether we're counting - I don't believe we are counting everything. I don't know where those data are going. I think it's good that we're having more than we used to and I think it's good we are looking at - we have got some outcomes to report, but when you look at something that says 95% of customer requests are completed within the nominated time frame, that to me doesn't stack up with my experience as a Councillor and it doesn't stack up with the community satisfaction survey, which shows that only I think 60 or 65% of people are satisfied with council, and a lot of that I think is about responses to requests for things to be fixed. So I think we've got excellent people on our phones who really set a very nice tone for the council engaging with the community and we've got a lot of people working very hard but I do believe we've got a lot more complaints than are coming through this process, and we need to keep working to capture them because it's important data.

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

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Bodsworth?

CR BODSWORTH: Thank you, Mayor. Just very quickly to back up Councillor Pattison's point regarding the missed bin service, which is that under our new contracts, the new cameras monitoring and the realtime tracking of the bin services should eat into that number substantially, if not eliminate it. So hopefully the next report will contain some data from those contracts, but overall I particularly agree with the comments about the importance of us having this system and the hunger of the customer service team for receiving complaints, listening to them and learning from them.

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

CR PATTISON: No, that is fine.

MAYOR STAPLETON: Thank you. We'll put the motion to a vote. All those in favour? And the motion is carried unanimously. Thank you. Moving on to item 4.5, the Surf Coast Safer Cycling Strategy and Action Plan for 2022-27. This report is requesting council to adopt the strategy and Action Plan, which has been developed to work towards the goal of establishing and maintaining a safe cycling network and to reduce the reliance on cars throughout our region. We do have a recommendation. Do I have a mover? Yes, 4.6. Councillor Bodsworth, is that as per the recommendation?

CR BODSWORTH: It is, Mayor. I would like to propose a slight amendment to point 2, so the motion that I'm putting is the same as this one but with an annual progress report rather than every two years.

MAYOR STAPLETON: OK. Is there a seconder for that motion? Councillor Schonfelder, thank you. And Councillor Bodsworth, would you like to speak to the motion?

CR BODSWORTH: So I'll speak briefly to the amendment I have suggested first to get that out of the way. The Safer Cycling Strategy has a five-year time frame. It's really for that reason that I believe two reviews every two years is not the best way to go for that kind of a time frame, so my suggestion to Councillors is that we change it to every year. Sorry to the officers who are going to have to put that much extra work in, but I think it's very much a worthy cause. As to the strategy itself, people talk about lived experience. I've got lived experience. I've had three collisions with cars in my time as a commuter cyclist years ago. Luckily none of which resulted in serious injury. Golden Plains Mayor Gavin Gamble told me one day that he'd been hit by a car at 100 kilometres an hour while he was out cycling. He was lucky to survive. So as we know, there's a terrible toll on pathways, streets and roads from inadequate cycle safety. So I've got no hesitation in supporting this recommendation to adopt the strategy. I would like to congratulate the officers who have put so much hard work into this and to acknowledge

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the grant funding from TAC. I would like to also thank the almost 600 survey respondents and submitters, 70% of whom were local, 25% were visitors, which I think is a noteworthy and fantastic figure, 60% male and 40% female, which again I would note a really good response from female cyclists. We also had responses from non-cyclists, which is really important to get that perspective in the mix as well. Note that the strategy focuses on safety and participation, so it's not a be all and end all of cycling issues, which is to my frustration a little bit, but nonetheless, that is its scope. It has a five-year time frame as I said. So turning to some key issues, for all the Surf Coast Shire's strong points, safe and excellent cycling infrastructure isn't one. We have a relatively poor existing cycling infrastructure, particularly in relation to the amount of cycling interest areas and the appeal that our municipality holds for cyclists. We have a huge - there's a huge amount of data in the strategy on participation, cyclist attitudes, accidents and a really interesting level of stress analysis that I recommend readers to check out. So some excellent rigour behind this strategy, which I'm really pleased with. Huge list of community-sourced safety hot spots and missing links, and one theme from this strategy is just the enormous array of different issues that we could attend to and that hopefully we eventually will. Routes to and from schools are particularly important. Supporting infrastructure like parking and locking facilities gets some good attention. Maintenance of road shoulders, paths and bike lanes is a particularly important thing and a particular bugbear of mine where otherwise quite good, safe, roomy, effective space, particularly on road shoulders, is rendered unusable or unsafe because of obstacles, whether that be debris that's built up on the pavement or in the case of a tree that was protruding over - - which forced cyclists to either hit the tree or veer out into passing traffic to negotiate that. So I think that's an easy win for any of us who are managing roads. It's the low hanging fruit that people talk about. How do we meet the challenges set out in the Safer Cycling Strategy that remains to be seen and that's a massive challenge for us and hopefully for us to do in partnership with our communities. One thing that I've talked about before and that I think is particularly noteworthy is the transition in my time living in Anglesea over 15 years, the transition from boards on cars to bikes on cars. Boards on cars was the thing, even at that time. Now boards and bikes - everybody is bringing their bikes down, which is absolutely fantastic for us and for our visitor economy. We have a very strong local cycling fraternity: with those things in mind, I think this strategy is timely. It is super important. People's lives literally depend on strategies like this one. So I'm proud of us for developing it for the hard work that's gone into it. And I commend it to my fellow Councillors. Thanks.

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

CR SCHONFELDER: Thank you, Mayor, and I thank Councillor Bodsworth for his advocacy and since being elected as a Councillor, I have noticed in particular that Councillor Bodsworth has been very passionate in this space and I feel as though the passion is infectious and I know during the pandemic, I witnessed many people walking

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more and even more people cycling and I agree also with the fact that you see more people with their bikes on their cars and I know there's a saying - and I believe Councillor Bodsworth told me this - that the Romans had, and that is build us and they will come, and in relation to bike paths, that's exactly what we need to do. I believe there's a great need for that, and with the maps that I looked at with the strategy, they were very helpful and insightful, and I know that Councillor Allen has commented on the fact that when you look at a map like Lorne, you don't know about the geography and you don't always know how hilly some areas are. And I know that I cycled in Washington DC and I tried to cycle to the cathedral but it was on a hill, and about halfway up, I started just pushing the bike along. I actually stopped at a very nice place where they sold ice-creams, where President Obama and Vice-President Biden - I noticed photographs of them there. So that was very nice, and I think I bought fudge too. I don't know how healthy that was, but it was very enjoyable. So we do learn from what has happened overseas with more bike paths and some are joined to roads and some are separate. I notice that in Moriac, near Greensfield Drive, there is scope to have a separate bike path and that's safer particularly for those learning how to ride a bike, and I remember learning how to ride a bike as a youngster and I was thinking that I could never be able to ride a bike, but I was able to. And we have talked tonight about the Community Hospital and we know there's only so much money and do we spend money on health care or do we spend money also on encouraging our community to be healthier and to ride bikes and to be more active? I think that seems to be very much a worthy cause to encourage people to have a healthier lifestyle, and I know people in Moriac now who ride their bikes to buy the paper on the weekend and get a coffee, and they used to drive, and of all different ages as well. So I really welcome the strategy and I actually agree with the amendment of having it once a year as well because I really - I do feel it is of great importance. Thank you.

MAYOR STAPLETON: Thank you, Councillor Schonfelder. Any other Councillors? Councillor Allen?

CR ALLEN: Thanks, Chair. Look, may I ask a question. I meant to ask this at the briefing today and forgot.

MAYOR STAPLETON: What is your question, Councillor Allen?

CR ALLEN: I believe that this strategy was constructed from surveys and I wasn't sure whether this document had gone out as a draft for consultation? It has?

MAYOR STAPLETON: Yes.

CR ALLEN: Thank you. I just missed that.

MAYOR STAPLETON: Yes, earlier in the year.

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CR ALLEN: Thank you. There was one element of the report that I suppose I focus on always, the Deans Marsh Lorne road, which is I believe very dangerous for joint use with cyclists and motorists. I note in the report that it is listed as a priority road as a fitness and training route, and it's universally accepted that motorists speed on the road, that the bends conceal on coming traffic and there's insufficient width on the road with a lack of shoulders, and there's often debris on the road and it really is a matter of concern to me and for many residents who travel on that road. I avoided an accident some time ago by a matter of seconds, with a car overtaking in an area where it shouldn't have been overtaking. Now, I have been assured by the officers that there is review of movement and place classification and that the officers do advocate for increased maintenance in priority cycling routes and that there will be regular meetings with the Department of Transport which includes Safer Cycling Strategies as an agenda item. So I'm pleased with that response. But it still does concern me - that road still does concern me.

MAYOR STAPLETON: Thank you, Councillor Barker.

CR BARKER: Without this plan, we will still allow people to move around town safely without relying on cars, so long as both drivers and cyclists take appropriate responsibility. It appears this plan is to facilitate officers opportunities to seek external grant funding to improve Council's on-road and off-road cycling network. I don't have much of an issue with the policy itself but it appears as though there is no consideration on the economic climate we are in. Cost of living is skyrocketing. Household budgets are suffering, and we appear to be bobbing along as though all is good. This plan is costing us, even more now that we have the reporting schedule doubled what was originally planned, and I'm not satisfied that it is a wise use of resources at this point in time.

MAYOR STAPLETON: Thank you, Councillor Barker. Any other Councillors? Councillor Bodsworth, would you like to make any closing comments?

CR BODSWORTH: Yes, please, Mayor. Thanks to everybody for their communities. Yes, I would just like to reiterate the proposal - the motion, that the motion includes that annual review, which would be June 2024, '25, '26 and '27, as distinct from the recommendation in the report. In closing, I would just like to run you through a bit of vision that occurs to me through this strategy. So where are we going with cycling? Our kids ride to schools - schools and bus stops safely, and with allowance for the areas of judgment or skill that kids are bound to make. They can leave their bikes secure and sheltered. Workers ride to work, including in Geelong. Shoppers to the shops. Lunchers to their cafes. E-bikes and e-scooters make it all quicker, easier and less sweaty, regardless of topography. Fuel money saved leaves more to spend in local communities. And to Councillor Barker's point about cost of living, there are huge cost

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of living advantages to be gained from greater participation in cycling. Mountain bike trails link seamlessly to town streets and parks and to town centres. Visitors love the Surf Coast for its cycling. They ride to the beach. They don't need to use their cars. It takes multiple visits to ride all of our paths and trails. They feel revitalised. Non-cyclists rediscover the joy and convenience of cycling. Streets get quieter, greener, cooler. Cyclists feel valued. They don't feel threatened. They're confident and empowered. These are all things that we can achieve by prioritising cycling in our planning policies and town plans, our advocacy and partnerships, our community relationships, grant applications, civil engineering and maintenance. Thanks.

MAYOR STAPLETON: Thank you, Councillor Bodsworth. I'll put the motion to a vote. All those in favour? And all those against? And the motion is carried 7-1. Thank you, Councillors. And we will move on with item ---al

CR SCHONFELDER: Normally at 8 o'clock we do have a break. But it's three minutes to 8 o'clock, so how do you feel?

MAYOR STAPLETON: I looked at the time and I thought we could potentially do one more item, but if anyone needs a break urgently, we can move a motion to adjourn now and come back. Happy to do one more item? Yes, great. OK. So we're up to item 4.7 - I better put my glasses on to make sure I have the right number. 4.7, which is to ratify a submission made to the Victorian Government's Investment Fast Track Fund for 2022-23, for the McMillan Street Anglesea precinct master plan. The fund provides an opportunity for councils to secure up to \$500,000 with a four to one funding ratio. Applications opened on Thursday, 21 July and closed on Wednesday, 17 August. Successful projects must be completed by 1 June 2023. So we do have a recommendation before us to ratify that submission with some details. Do I have a mover? Councillor Bodsworth, is that as per the recommendation?

CR BODSWORTH: Yes, thanks, Mayor.

MAYOR STAPLETON: Thank you, and a seconder? Councillor Allen, thank you. Councillor Bodsworth, would you like to speak to the motion?

CR BODSWORTH: Thanks, Mayor Stapleton. I'll be brief this time. I strongly support this proposed submission and the proposed precinct masterplanning process. The McMillan Street in Anglesea precinct is a very special little community hub containing the Anglesea Community House, the community garden, kinder, Anglesea Memorial Hall, where the wonderful Sound Doctor concert series takes place, and a whole bunch of other great community activities, Anglesea Senior Citizens Centre, which unfortunately is a bit chewed up by termites at the moment. It has been closed and is further assessed for its structural stability. And, of course, the Barwon Health Anglesea precinct. So there's a lot of compatible uses in the precinct. I think these days there

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are a lot of attempts to integrate different community uses like that, to have senior citizens for example rubbing shoulders with the kinder kids and occasional care kids, so mixes across generations. The community garden is active 7 days a week. There's so much vitality, activity, energy and love in that precinct, and yet the precinct is run-down. The site is fantastic. It's centrally located. It has so much going for it and I'm a landscape architect so I tend to want to master plan things anyway, but a good master plan there with really good community engagement, it just cries out for it and I am sure the results would be fantastic and I am sure that the results would also attract investment and also investment from the local community in their time and their energy. So I look forward to hopefully the success of this application and also to the longer term success of the precinct which I just think is wonderful.

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

CR ALLEN: As often is the case with these funding applications, little lead time is given for the funding opportunities, and noting that 200,000 would come from the State Government and 50,000 from the Surf Coast Shire, and that comes from an existing integrated planning budget. But it is important to note for the Anglesea community that although this is a quick application, that there will be plenty of time because it is a master plan that will involve a high level of community consultation to whatever is determined for the precinct and it's important to have the precinct investment ready for other funding opportunities. Obviously the precinct is an important community hub with medical centre, kindergarten, youth rooms, facilities, historical society and the ever disappearing senior citizens building. The buildings are approaching the end of their useful life and many are in need of an upgrade and so with some really creative reimagining, this could be a significant community hub for the next 30 years. So it really is a wonderful opportunity. Thank you.

MAYOR STAPLETON: Thank you, Councillor Allen. Any other Councillors? Councillor Barker?

CR BARKER: Thanks, Mayor. This agenda item is described as driving economic growth and prosperity. Sorry, but prosperity is not driven by the use of taxpayer funds repurposed through the Victorian Government Investment Fast Track Fund. Again, like other agenda items, I don't have any issue with the purpose of the recipient of this application but I don't think it's fair on taxpayers in Bendigo, Greensborough, Portland to be funding precinct plan in our Shire. Do you want to know how we're heading into a future of economic ruin? It's because of thousands of these grants here and there, all across society, that are leading us to a future where taxation is much higher, that will directly oppose any possibility of prosperity.

MAYOR STAPLETON: Thank you, Councillor Barker. Any other Councillors? And, Councillor Bodsworth, any closing comments?

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CR BODSWORTH: Just in relation to Councillor Barker's point, which I appreciate, I think it is important to note that - I hope that Councillor Barker would agree that getting maximum value out of a precinct like this is really, really important. If we have a precinct which already is supported with public money but we're not getting maximum value out of it, I think that's an inferior outcome to the same kind of dynamic where we're getting maximum value out of it and where it's a really dynamic and vital place for the community. So I think that's the opportunity open to us here. I note the report talks about possibilities of affordable housing. There is already an affordable housing - an existing development there in the Lions village Anglesea, which is a successful, small, affordable housing development, so I think that is important potential to note. So this tremendous community value that can be gotten out of this precinct.

MAYOR STAPLETON: Thank you, Councillor Bodsworth. I will now put the motion to a vote. All those in favour? And against? And the motion is carried 7-1. Thank you, Councillors. I will now ask for a procedural motion to suspend Standing Orders for a short break. Moved by Councillor Schonfelder and seconded by Councillor Allen. Thank you. And for our viewers on the livestream, we will return at 8.15 - sorry, all those in favour? I do that all the time. The motion is carried unanimously. Thank you. We will turn off the livestream until 8.15 and return then to continue with the meeting. Thank you.

MAYOR STAPLETON: Welcome back to our viewers on the livestream. Could I please have a mover to resume Standing Orders. Councillor Barker and seconded by Councillor Allen. And all those in favour? The motion is carried unanimously. The next item on our agenda is 4.8, the public transparency policy review, requesting council to endorse the policy for community consultation for a period of four weeks. We do have a recommendation before us. Do I have a mover for that item? Councillor Pattison? Is that as per the recommendation?

CR PATTISON: Yes, as per the recommendation.

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

CR PATTISON: Yes, please. Thank you. So tonight we are endorsing the Draft Public Transparency Policy - well, we're voting on endorsing the Draft Public Transparency Policy to go out to community consultation. By endorsing the Draft Public Transparency Policy for release for community engagement, council is providing the opportunity for community to give feedback on a policy that sets out how council information is made publicly available. Through this policy, council supports transparent decision making processes and public awareness of the availability of council information. Council is committed to promoting greater clarity and council decision making, enhanced decision

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making by the community and reassurance for the community that council is spending public moneys wisely. I am happy to say that just tonight I received some feedback from a community member that they feel there is improved transparency from council and they are more able to understand processes of council in relation to matters that are going on in council meetings and the like. So I think that's great feedback in the context of when they're also discussing our public transparency policy. So it would be good to get that formal feedback through this policy review. So through this policy review, it does also turn out there are instances where information will not be made available and this is also outlined in the policy. There are instances where information needs to remain confidential - for example, for private commercial information, law enforcement information and personal information, et cetera - and these are all identified in section 7 of the policy. So I encourage fellow Councillors to endorse this to go out for consultation. Thank you.

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

CR SCHONFELDER: Mayor, I would just like to state that this item is relevant to the part of the council plan that is about the accountable and viable council, and by adopting and maintaining a transparency policy, council is complying with its legislative obligations and, importantly, stating its commitment to providing public access to council information. Public transparency policy describes the way in which the council information is to be made publicly available, and I hope I am not necessarily repeating what Councillor Pattison has said but I would just like to highlight that the policy supports council in its ongoing drive for good governance and the importance of open and accountable conduct and supports the overarching governance principles and the supporting public transparency principles. Once again, this also outlining of information which may not be made publicly available mainly I would say for commercial reasons. Thank you, Mayor.

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

CR BODSWORTH: Thanks, Mayor. I welcome this policy review and the release of a draft for public input. I think transparency is incredibly important. I personally believe we have seen some really great progress in transparency within this organisation over the past 18 months particularly, and I think that this policy review should make a good contribution to that as well, and I know that just focussing on freedom of information for a second, there's a new proposal in the draft policy for a register of information released under freedom of information. I think it's really important to the people who go through freedom of information applications because it's a frustrating process for people who believe that they should have access to information and it's denied them, when that information - or if a determination is reached to release that information, I

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think it's really important for us to have a policy that explicitly recognises people's right to access that information. So that's one particular thing that I would like to highlight with it. I am sure that we can do better. I am sure that most organisations could do better. From my experience, this organisation is better than some others that I have dealt with, and I am sure there are others that do better with transparency than we do. But I think this is a really important in a journey of progress towards better transparency. So I support this.

MAYOR STAPLETON: Thanks, Councillor Bodsworth. Councillor Wellington?

CR WELLINGTON: Thanks, Mayor Stapleton. Look, I support transparency. I have been a huge advocate to improve transparency by this council. This policy was first put in place in 2020 and I think it was primarily put in place as a compliance issue because the Local Government Act required it. My personal experience of transparency of information in the past has been appalling. I have to say that. I have gone - in the end, I had to resort to freedom of information applications to get information that should have been routinely available not only to Councillors but to the public, and twice I have been to VCAT and my most recent decision was only yesterday or the day before when I was given access or the decision was made that I should have access to the staff satisfaction survey statistical results, which I'm very pleased about. What has - I think we had an attitude in the past, council, that - it was mainly directed at council laws and I don't know how the public went with freedom of information but certainly as a Councillor I was denied information. Then when I applied under FOI I was vilified for doing that, and of course I didn't do that lightly and I don't think there's any information that I sought that I didn't ultimately get, and that suggests there was a problem with those FOI decisions, not with me. One of the things that has concerned me has been the attitude of council in engaging very expensive legal representation to try and stop this information becoming public, and it just makes absolutely - it just is in contrast to this claim of transparency that we would do that. So I hope that's not going to continue. You can have a policy, but if you don't implement it, then it's not worth the paper it's written on. I do have one question, if we could stop the clock. Under point 2.2.2, we say council information must be publicly available, unless public availability would be contrary to the public interest. My question is who determines the public interest in those circumstances? Who makes that decision?

MAYOR STAPLETON: I'll just put that question to the CEO.

CEO ROBYN SEYMOUR: Thank you, Mayor Stapleton, and thank you, Councillor Wellington, for your question. From my perspective, I would be seeking advice from our head of strategy and effectiveness, but I might pass to our GM of strategy and effectiveness to answer that question for you more directly, Councillor Wellington.

OFFICER: Thank you, Councillor Wellington, for your question. The issue of public

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interest is actually outlined in the policy principles and we've given it a definition in the policy. So it is something that we've attempted to define and we're also happy to have feedback on. So you'll see it just below - I think it's page 1 of 7 in the policy in relation to public interest.

CR WELLINGTON: Thank you. So my question was who determines it, not how it's defined. Look, it is probably a rhetorical question that isn't going to be answered at this meeting tonight but it's an important question because if somebody putting in an application for information and they're simply told, "Well, it's not in the public interest for you to get that", unless they have made an FOI application, and public interest does play a role in part - in some FOI applications, the public interest is taken into account, and there is also an overriding public interest consideration in FOI. But my question would be: how is that determined? And my view is council information should be available, unless there is a legislative reason, prohibition. Make it available full stop, whether it's under the FOI Act, the Data Policy Protection Act or any other Act. Unless there is something barring its release, then it ought to be released, and it ought to be released happily and genuinely with the idea that we might learn something from the community reading it. So I suppose my view on policy is it's a bit tokenistic until we see it put into action. The previous problems I had under the previous administration are not evident to me anymore, which is really good and I haven't had any cause to put any more applications in, but I am disappointed that this council has continued to spend a considerable amount of money obviously on lawyers, right up until the last FOI decision, the staff satisfaction one that I received recently, where again my position was information should have been publicly available. So I hope we implement some real transparency. I know it's in the intention of the current administration, very much so, but it needs a system change in order for it to happen. Thank you.

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

CR SCHONFELDER: Mayor, I have a question. In relation to this, I just want confirmation, it's not just the Local Government Act. It's also the Privacy Act and I believe other acts of Parliament that we have to adhere so. My second part of the question is that Councillor Wellington referred to a VCAT matter but in fact not all the information she sought was released due to privacy, I believe. So that's my question, to confirm that point.

MAYOR STAPLETON: I'll direct that question through the CEO.

CEO ROBYN SEYMOUR: Thank you, Mayor Stapleton. A decision has been made and I think that in terms of that decision, that's probably available on the VCAT website. I don't think that it's relevant to the decision tonight around this policy.

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MAYOR STAPLETON: Thank you. Councillor Allen.

CR ALLEN: Thank you, Chair. I think this really is a very important principle, local government, and obviously support this draft going out for consultation, and I just would like to acknowledge the role that Councillor Wellington has played in highlighting this importance of transparency, and VCAT has vindicated her stance, and so it makes transparency more than just lip-service. I think that's an important service to this council and to the community. Thank you.

MAYOR STAPLETON: Thank you, any other Councillors? Councillor Barker

CR BARKER: We're on the way to better transparency and I'm happy to endorse this policy for community consultation. What I dream of is a future where all public use of ratepayers money is managed within a culture to be fully transparent. Commercial in confidence is reduced and everyone can see what their money is being spent on in totality. As we as an organisation grow and do more and more things for the community, transparency naturally suffers as the time it takes to review the increased spending gets to a point that it just cannot be all reviewed. By shrinking the size of our organisation, doing less, giving the responsibility for as many elements of our work as possible back to the community and being fully transparent, we will increase the public trust in us, increase local prosperity and can fully inform all ratepayers of how their money is being used in a way that they can all digest. In recent times, as you just noted, and Councillor Allen added to, Councillor Wellington has made applications under FOI at her personal emotional and financial cost that have been supported by the VCAT tribunal. I hope that our organisation and every level of government more broadly learns that being more open is in everyone's best interests. Shifting this culture to one that embraces transparency is in my view essential.

CR SCHONFELDER: Point of order, Mayor. I would like to say that I'm concerned that we're misleading the public because Councillor Wellington did go to VCAT, but not all the information that she sought was released to her, and I think it's important to note that. Thank you, Mayor.

MAYOR STAPLETON: Thank you, Councillor Schonfelder.

CR WELLINGTON: Can I please respond. I just feel it's important to be clear. And if I can have a moment just briefly to respond so that it is clear to people who are listening what the decision was and then I would be happy --

MAYOR STAPLETON: Councillor Wellington, no, I might actually refer to our General Manager of strategy and effectiveness and she can just clarify the situation for the benefit of those listening.

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OFFICER: Thank you, Mayor Stapleton. So there was a VCAT decision which was handed down last Friday. That decision contemplated and approved the release of some information but not information that contained personal information in relation to our staff and so that was the outcome of the VCAT decision, as our CEO has said, it is available on the website.

MAYOR STAPLETON: Thank you for that. And we will now - sorry, there was - any other Councillors wanting to speak to the motion? And Councillor Pattison, did you want to make any closing comments?

CR PATTISON: No, that's fine.

MAYOR STAPLETON: We'll now put the motion to a vote. All those in favour? And the motion is carried unanimously. Thank you, Councillors. Moving on to item 4.9, which is virtual council meetings. So in order to continue to permit online attendance by Councillors at meetings, council must endorse updated Governance Rules by 2 September 2022 and in order to comply with the new provisions of the Act, Councillors are required to incorporate changes to its Governance Rules to provide for online attendance by Councillors at meetings when required. We do have a recommendation before us to accept the - or to adopt the updated Governance Rules. Do I have a mover? Councillor Barker, as per the recommendation, and seconded by Councillor Allen. Thank you: and would you like to speak to the motion, Councillor Barker?

CR BARKER: Very briefly, thanks, Mayor. It is better late than never. In about a week, the state legislation which permitted remote participation by Councillors expires. This change to our Governance Rules gives us the legal framework to continue to hold virtual meetings and remote participation into the future, and I fully support the adoption of these amendments to our Governance Rules.

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

CR ALLEN: Thank you, Chair. Personally I dislike hybrid meetings. However, both the reality of COVID and the fact that there are special circumstances that justify us adopting these changes, I think online participation often delays a meeting and makes it difficult due to internet connection problems to hear Councillors properly in the debate. Importantly, it also makes the job of the Mayor or the Chair taxing, which is taxing at the best of times. Meetings are taking four hours. Having to listen to Councillors in the chamber and online, it is difficult for the Chair. I think it reduces interaction between Councillors to discuss matters or to understand a point of view or to judge a nuance. However, I reluctantly accept the reality of the times and support the motion.

MAYOR STAPLETON: Thank you, Councillor Allen. Any other Councillors wanting to

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Speak to this item?

CR SCHONFELDER: Mayor, I would just like to highlight we are still in a pandemic and I do welcome this change to the government's rules because I, in a voluntarily capacity, care for a relative and a neighbour and they are at high risk and they are elderly and I wouldn't want to in any way affect their health in a detrimental manner and I've also noted that there has been an encouragement where possible to work from home and there are environmental benefits to travelling less, using fuel, lowering your emissions personally. I don't want to sound too facetious, but in relation to Councillor Allen's point about possibly not hearing other Councillors due to internet problems, that could be a benefit in some regard! I'm just cracking a joke, Mayor.

MAYOR STAPLETON: I understand, Councillor Schonfelder. Thank you. And Councillor Barker, did you need to make any closing comments? No. We'll put that motion to a vote. All those in favour? The motion is carried unanimously. Thank you, Councillors. Moving on to item 4.10, which is public space closed circuit televisions policy review, SCS.014. This item is requesting council to consider adopting the public spaces closed circuit televisions policy, which is being reviewed with feedback sought from Victoria Police and internally from council officers, including our Freedom of Information and Privacy Officer. Minor administrative changes have been made just to ensure that it meets legislative and privacy requirements and council's policy development requirements. So we do have a recommendation before us to adopt the revised policy. Would anyone like to move that motion? Or a motion? Councillor Bodsworth as per the recommendation?

CR BODSWORTH: Yes, thanks, Mayor.

MAYOR STAPLETON: Seconded by Councillor Hodge, thank you. Would you like to speak to the motion, Councillor Bodsworth?

CR BODSWORTH: No, I don't, thanks, Mayor. I think it is pretty self-explanatory in the report.

CR HODGE: I would like to say the policy is in place to ensure council meet its legal and regulatory obligations and on its constant approach to CCTV, and the coverage in public spaces, that balances safety with individual rights to privacy. The Vic Police had no suggestion for this policy so I accept it as it is and put it to all Councillors.

MAYOR STAPLETON: Thank you, Councillor Hodge. Any other Councillors? We will put the motion to a vote.

CR BARKER: Sorry, Mayor. Old dog, new tricks! This policy update has been made in consultation with Victoria Police, as you know, but no external privacy or human rights

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groups have been engaged with the formation of this. I appreciate efforts by officers to highlight the concerns about risk of privacy through the use of public CCTV systems. Unfortunately, I don't think this policy has gone far enough to protect the privacy of the public, though.

MAYOR STAPLETON: Thank you, Councillor Barker. And, Councillor Bodsworth, did you have any closing comments?

CR BODSWORTH: No, thanks, Mayor.

CR SCHONFELDER: Mayor, I was just going to say very briefly that I believe Councillor Allen is actually a cat and not a dog. I believe he barracks for Geelong, so I don't want him misrepresented.

MAYOR STAPLETON: Thanks, Councillor Schonfelder. We will now put the motion to a vote. All those in favour? All those against? The motion is carried 7-1. Thank you, Councillors. Moving on to item 4.11 with regard to election advertising signs policy review, SCS-024. Councillor Barker, did you want to make your statement at this point regarding the potential --

CR BARKER: Yes, very briefly. Yes, although I have announced as a candidate for the upcoming state election I am yet to nominate and therefore under section 129 of the Local Government Act, any interest would be so remote or insignificant that it could not be reasonably regarded as capable of influencing my actions or decision.

MAYOR STAPLETON: Thank you, Councillor Barker, in which case we'll allow you to stay. So this item is requesting council to considered a opting the election advertising signs policy. The policy outlines council's commitment to remain totally impartial during all levels of government elections and to avoid excessive signage clutter which in part is achieved by not allowing temporary election advertising signage to be placed on council land, municipal buildings or roads. There is a recommendation before us. Do I have a mover for that motion? Councillor Schonfelder as per the recommendation. And is there a seconder? Councillor Bodsworth, thank you. And Councillor Schonfelder, did you want to speak to the motion?

CR SCHONFELDER: No, thank you, Mayor.

MAYOR STAPLETON: Councillor Bodsworth?

CR BODSWORTH: Mayor, just to know I've got no problem with the policy. I just would like to point out that corflute, which is one of the very widely used materials in election signage, is not readily recyclable, so I would just like to make the point that perhaps as far as we can, we should urge candidates, including potentially some people

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in this room, and others, to look for more sustainable options than corflute and some of the other election signage materials.

MAYOR STAPLETON: Thank you, Councillor Bodsworth. You might be able to recycle your signs next time around.

CR BODSWORTH: I just use the same ones.

MAYOR STAPLETON: That's what I meant. Did any other Councillors want to speak to this item? Councillor Barker?

CR BARKER: Just based on Councillor Bodsworth's points, I do make sure that all my signs are repurposed in one way or another and they don't go in landfill, and I encourage all other candidates to do the same.

MAYOR STAPLETON: Thank you, Councillor Barker. And Councillor Schonfelder, did you have any closing comments?

CR SCHONFELDER: No.

MAYOR STAPLETON: We will put the motion to a vote. All those in favour? And the motion is carried unanimously. Thank you, Councillors. Item 4.12 is the instrument of appointment and authorisation under the Planning and Environment Act 1987. And the purpose of the report is for council to authorise the instrument of authorisation, and to authorise the CEO to execute the instrument. We do have a detailed recommendation there. Councillor Wellington, are you moving the motion?

CR WELLINGTON: I have a question. I just have a question, Mayor Stapleton. We haven't got a red line version that shows us the changes. I just wondered --

MAYOR STAPLETON: Yes, the version that shows the tracked changes. Is there an officer that - I'll just direct that question through the CEO and we might be able to get clarity around that.

CEO ROBYN SEYMOUR: It was reflecting changes in staff members. I am not sure whether Governance or our GM of Strategy and Effectiveness has the list of new staff members that have been added.

OFFICER: Thanks, CEO. I don't have the new list but this is the whole list of authorised staff, so without going through the history of it, this is the whole list of authorised staff.

MAYOR STAPLETON: Thanks. And is there a Councillor that would like to move the motion? Councillor Hodge, is that as per the recommendation? And is there a seconder?

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Councillor Schonfelder. Thank you. Councillor Hodge, did you want to speak to it?

CR HODGE: No, not really but just to say that is the entire list. Thank you to the GA for letting us know, and perhaps the next time we do it, we can have the red lines of Councillor Wellington's and all of our knowledge of who is coming and who is going. So thank you.

MAYOR STAPLETON: Thank you for that. Councillor Schonfelder, did you wish to speak?

CR SCHONFELDER: No, thank you.

MAYOR STAPLETON: Would any other Councillors like to speak to this motion? And we will put the motion to a vote. All those in favour? And the motion is carried unanimously. Thank you. And we have an item just asking for council to authorise the conflict of interest records and we have detailed dates there for the various conflict of interest records. We do have a recommendation to note them as presented in the attachments. Do we have a mover? Councillor Allen as per the recommendation.

CR ALLEN: As per the recommendation.

MAYOR STAPLETON: Thank you and seconded by Councillor Barker. Would you like to speak to the motion?

CR ALLEN: No, thanks.

CR BARKER: No, Mayor.

MAYOR STAPLETON: Any other Councillors? Councillor Wellington?

CR WELLINGTON: Under each of the items that we go through at a meeting, we have now started to put a little comment - so we record each of the - who was in attendance at relevant briefings and then we say Councillor attendance at briefings is not a statutory requirement, which is absolutely correct, but the next line says "Councillors are able access" - I think that should be "able to access and request information to understand what is being presented at a council meeting". I don't know - does that mean that Councillors are able to access and request information at briefings or via other mechanisms? My view is obviously that we're able to access them --

MAYOR STAPLETON: Councillor Wellington - sorry, Councillor Wellington, I'm just unclear in relation to this item, which is 4.13, the conflict of interest records, what part of that agenda item you're referring to.

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CR WELLINGTON: Yes. The conflict of interest records actually also confirm who is present at each Councillor briefing. So - and that is then transferred into each agenda item, as I understand it. So that the data from this conflict of interest records are actually recorded under each agenda item in relation to who was present at each agenda item. So it is related, although it is not directly within the documentation of this agenda. I think it's a fair question that needs to be answered, whether it be via this question or via some other mechanism, as to that little statement that's been put there, it doesn't quite make sense. And I think what it should say is regardless of whether you're present at a briefing or not, there are other ways to access the information and it's not a statutory requirement.

MAYOR STAPLETON: Yes. OK. Thanks for clarifying that, Councillor Wellington. I'll just refer the question to our CEO for you.

CEO ROBYN SEYMOUR: I think that's right, Councillor Wellington. We can update that to reflect that correction. Thank you.

CR WELLINGTON: Thanks very much.

MAYOR STAPLETON: Thank you. So is there any Councillors that wanted to speak to the motion with regard to the conflict of interest records, other than those who have already spoken? And Councillor Allen? No. We will put the motion to a vote. All those in favour? And the motion is carried unanimously. Thank you. And councillors, we have four confidential items to consider tonight, so we will now say good night to those in the gallery who have kindly joined us for the meeting. Thank you, Jill, and we will now also say good night to those watching from home and turn off our livestream. Thank you so much for joining us. All those in favour? Can I have a mover to go into confidential? Councillor Allen. Seconded by Councillor Schonfelder. All those in favour? Thank you. And against?