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Surf Coast Shire Council Meeting

Tuesday, 28 February 2023 at 6pm

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MAYOR PATTISON: Hello and welcome to our February Council meeting, our first meeting for 2023. It's lovely to have so many people here with us in person and welcome to everybody that's livestreaming for this Council meeting. I'm Mayor Pattison and it's a pleasure to welcome you all here to the chambers tonight and, as we already mentioned, it is livestreamed so a big welcome to those tuning in online and of course welcome to my fellow Councillors, noting that we have two Councillors online tonight - Councillor Wellington and Councillor Gazzard and an apology from Councillor Schonfelder. Live captioning will accompany the livestream and the Council chamber is fitted with a hearing loop which transmits directly to hearing aids. We hope this assists those who may have hearing difficulties. The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung peoples and the Gulidjan and Gadubanud peoples of the Maar Nation. I would like to acknowledge that here in Torquay at the main Council office we are gathering on Wadawurrung country. I pay my respects to Elders past, present and emerging. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of generations and I am so grateful for the opportunity live and work in such a beautiful part of the world. We also wish to acknowledge the traditional owners of the lands on which each person is attending and acknowledge any Aboriginal people who may be viewing the meeting tonight. Quite a few important events have taken place in the Surf Coast over the summer since our last Council meeting in mid-December. These include the inaugural Pilk Purrin truth telling on 26 January, which was incredibly moving here on Wadawurrung country. With four generations of Wadawurrung people present, Pilk Purrin helped deepen my understanding of First Nations culture and experiences as we continue our journey towards reconciliation with First Nations people. In addition to Pilk Purrin, other key events held across the Shire during this period include Ash Wednesday commemorations at the Aireys Inlet Community Centre, the Pier to Pub and Mountain to Surf events in Lorne, great fun, I attended both, and the Deans Marsh sheep dog trials and the Cadel Evans Great Ocean Road event. So a real summer full of lots of fun activities and people in and around our community enjoying the great place that is the Surf Coast. And now to our agenda for tonight, so let's get things under way. With regards to process, Council meetings operate according to our adopted Governance Rules, which include the following procedures. During the meeting, the mover to 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 the motion for no more than three minutes. Just a bit of a run-down for those watching. We now say a pledge. And it's a sign of our commitment. As Councillors, we carry out our responsibilities with diligence and integrity and make fair decisions for lasting value for the wellbeing of our community and environment. As I mentioned earlier, we have an apology from Councillor Schonfelder. And do I have a mover for that? Councillor Hodge. And a seconder? Councillor Stapleton. All those in favour? The motion is carried. Can I please have a mover and a seconder to confirm the minutes of the Council meeting held on Tuesday, 13th of December. Councillor Allen and a seconder? Councillor Bodsworth. All

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those in favour? And the motion is carried. Are there any Councillors requesting leave of absence? No.

We'll now talk about conflicts of interests. If a Councillor or an officer has a conflict of interest, they must declare it now and do so again just prior to the item being discussed. The Councillor and/or officer will be requested to leave 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, the Councillor and/or officer will be returned to the meeting. Are there any declarations of conflicts of interest in relation to tonight's agenda?

CEO ROBYN SEYMOUR: Yes, Mayor Pattison. I need to declare an interest in relation to item 4.10, CEO Employment and Remuneration item.

MAYOR PATTISON: Thank you. If you could let us know at that time as well, that would be wonderful.

Are there any presentations for Councillors tonight? No?

Submissions. So while we have no-one to make a verbal submission tonight, I do want to note that we have received a written statement from Allison Dean of Winchelsea in relation to the mud hut report. In her submission, Ms Dean asks a number of questions in relation to the mud hut report and these questions will be referred to the General Manager Community Life for a written response back to Allison.

Now we move on to public question time, which is probably why we have a number of you here tonight, and so members of the public who wish to ask a question to Council are asked to submit these written questions in accordance with Council's governance rules and we have seven community members submit questions in advance of the meeting and we have 13 in total to address but sorry, I think I left my printout of questions out. Thanks, Jake. There's always lots of papers to juggle and of course the most important one I left back in the other room so apologies. So for our public questions tonight, our first question is from Mark Matthews from Torquay.

CEO ROBYN SEYMOUR: Excuse me, Mayor Pattison. We have a lot of questions. Could I make a - sorry, everyone. Before we go to the specific questions, I felt like we got a lot of questions on Cypress Lane and the paper on Cypress Lane and I'm really happy to answer those specific questions but I just thought it might be useful to be really clear upfront, which might then help with the answers as well. So just to be really clear, because there seemed to be a little bit of confusion, the report tonight to be considered by Council is about considering commencing community consultation. It's not a decision. It's about a decision to commence community consultation. It's not a decision to discontinue or sell the land. And the reason that we're doing - we're wanting to do

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the consideration of the consultation of the sale of the land and also the reserve at the same time as we release the planning application is because they're really intrinsically linked. The planning application will go up online tomorrow and you will see in that that it relies on the sale of Cypress Lane as part of it and also the reserve. So it makes sense for the consultation to be undertaken on both the sale of the land and the reserve, as well as the planning application, at the same time so that we can get submissions from the community addressing both and how they come together. We'll then hold two separate Hearing of Submissions - one on the land and the sale of the land, and the other one in relation to the planning application before a decision is brought to Council in terms of both the sale of the land and the planning application. So hopefully that helps clarify the purpose of tonight's paper, and apologies if there's a little bit of repetition then in terms of the answers to your specific questions tonight but I thought it might be useful just to be clear upfront. Hopefully that's helpful. Sorry, Mayor Pattison.

MAYOR PATTISON: Thank you, Ms Seymour. So the first question is from Mark Matthews in Torquay and it's regarding the declaration of intention to discontinue Cypress Lane and the amending resolution. Did you want to read it yourself?

MARK MATTHEWS: Yes.

MAYOR PATTISON: Certainly. Of course. Sorry about that. Often we don't have so many people in the audience so I'm used to just reading people's questions for them. Wonderful we have you here, thank you.

MARK MATTHEWS: Thank you for the clarification of the process, Robyn. My question still is around the process and at paragraph 9 on page 10, the report states Council is able to commence community consultation on potential discontinuance and sale of these properties. Look, I won't read all of the item but my question is around quite specifically that until the applicant owns the land, the planning permit is particularly not relevant - well, until you own the land you can't apply for the planning permit. I think it would be much more logical to get through the first process to decide - because you actually are asking to consult with us to see whether - and I hope our voices are heard - on whether the land should be sold or not and then when that decision is made, that's then when the planning application can actually be considered. So I would think it's much more logical and less confusing to the public if it runs serially rather than concurrently. So my question was: what's the reasoning behind these two activities actually running concurrently?

CEO ROBYN SEYMOUR: Thank you, Mark, and thank you for your question. I guess it was part of what I was trying to explain before. If this decision tonight is supported, the planning application will go up online tomorrow so that you'll be able to see it, and what you will see is that the Cypress Lane and also that reserve is intrinsic to actually

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that planning application. So Council consulting on the road and the sale of the road and before it makes a decision on that, it's actually helpful, I think, for community to be able to see how that fits with the planning application because in the absence of the planning application where you can actually see what's being proposed by the developer, it's very hard to make an informed decision about either, and so that was kind of the logic in doing it concurrently so that you have all of the information, and we hope that community provide submissions on both those issues, and it's why we're running it concurrently and closing them at the same time so that that process can be done in a very transparent way with all of the information to help inform Council around any decisions.

MARK MATTHEWS: OK. I don't necessarily agree but thank you for your answer. My second question was more around some content that was referred to in the report. Officers have conducted a preliminary assessment of this proposal, including considering engineering and social infrastructure requirements and this assessment has not identified any barriers in progressing the community engagement stage. So it refers to an assessment. My question is: where are the details of this preliminary assessment? Does the community have access to this assessment so that we can also understand what was considered to be engineering and social infrastructure requirements of the proposal? I don't know what those terms mean.

CEO ROBYN SEYMOUR: Maybe I can help clarify that for you. The assessment by our social planners and our engineers really only relates to the road and the reserve, not the planning application because that's a separate process, and so it was really looking at the intention of the road, what impact removing the road or selling that land would actually have, and so based on that initial assessment, it was deemed to not have any significant impacts but we hope that through again the submission process, if the community identifies that there are some issues, that that forms part of the submissions that we receive that Council can then consider in terms of a decision around the sale.

MARK MATTHEWS: Because very clear, if you look at the overhead shot, what the intention of that road and the fence lines and those one-acre subdivisions would have been. But thank you.

CEO ROBYN SEYMOUR: Thank you, Mark.

MAYOR PATTISON: Sam Bernardo, are you here and would you like to ask your own question or are you happy for me to read it?

MARK MATTHEWS: Sam is not here.

MAYOR PATTISON: Sam is not here? OK. So Sam has put forward two questions and they also relate to the declaration of intention to discontinue Cypress Lane and

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amending resolution. So the first question - Robyn, would you like me to read both and you respond to them together? One at a time? OK. "As the Council has agreed to sell the Deep Creek reserve, can any other person or entity enter the negotiations to purchase?".

CEO ROBYN SEYMOUR: So, as I kind of mentioned before, Council has not yet agreed to sell the relevant portion of the reserve number 3. The majority of the reserve will be retained as Council-owned land and only a portion of the reserve is being proposed to be sold. The applicant has submitted a request as part of its planning application to purchase Cypress Lane and part of reserve number 3. Consideration to acquire the land would only be provided to property owners abutting or adjoining the reserve.

MAYOR PATTISON: Thank you. Question two: "Notwithstanding that the Council has voted in favour of this land being sold and it is to the exclusive benefit of the developer, why has the Council not capitalised on this and asked for much more than the valuation figure, considering a \$50 million development hinges on this land? Surely there is an opportunity to bring in more funds to Council. It would appear to me that...". The question kind of ends. I'll just leave it at that.

CEO ROBYN SEYMOUR: So, as I mentioned, Council has not determined to sell the land. It's only provided in-principle support for the sale, subject to an approved planning application and completion of the community engagement process. The sale of the land must be valued by a licensed valuer at market value and this will be the basis for the consideration, but thank you. Please pass on our thanks to Sam and I encourage him to make a submission as part of this process.

MAYOR PATTISON: Our next question is from Ben Kennedy. Is Ben here tonight? No? "Why does the Council recommendation in the agenda support the use of public land and green space for commercial development?".

CEO ROBYN SEYMOUR: Thanks, Ben. So in the February 2022 report to Council and resolution, in principle support that was provided at that meeting, that report contained the following identified benefits as to why Council would consider heading in this direction. Number one, possible development that may benefit the community, disposal of assets, therefore removal of ongoing maintenance cost, and income from land sale would be used for Council projects.

MAYOR PATTISON: And Ben's second question - these are Ben's words, "It is quite evident that this Council had minimal regard for the land and environment as it is or perhaps you just haven't thought this through. Stormwater run-off from this development, which is of a density inappropriate for its low-density rezoning, will mean increased stormwater run-off into Deep Creek. Deep Creek is already under pressure from increased stormwater run-off from the west side of Torquay north and

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developments north of Grossmanns Road. Council's own information says Deep Creek is of environmental significance and it is under even more pressure from the impending Briody drive west development, that has recently had its own retirement village, aged care facility added to it. After the Karaaf Wetlands mistake, what guarantee can we as the residents have that stormwater from this development will be managed properly?".

CEO ROBYN SEYMOUR: Thank you, Ben. So Council is really committed to ensure stormwater discharging from this site meets the performance objectives for the stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines. And this would be a condition of the planning permit. The methodology for the treatment would be assessed during the design stage. Once a planning permit is issued, an installation will be supervised during the construction stage. Council will also enter into an agreement with the developer to ensure ongoing maintenance and treatment of the system. Ben, thank you for your questions. They're really important questions that are an important part of the consideration of the ongoing process of the planning application.

MAYOR PATTISON: Our next question is from Karen Dawson. Karen, are you here?

KAREN DAWSON: I'll just bring them up on my phone, if that's alright? Can you hear me.

MAYOR PATTISON: Yes.

KAREN DAWSON: Thank you for being able to speak to you. I've been a resident in Torquay for the last 47 years and my husband and I have committed our life to this area and worked very hard and we adjoin the land that is in question for this subdivision and our property is there and we have a vested interest because whatever happens on that land impacts us. We were also part of the body corporate that gifted the Cypress Lane road to Council at the time we dissolved the body corporate. Never imagining in our wildest dreams that Council would take that road and think of selling it to a private developer that would consider putting high-rise intensive dwellings on that land. I adore the place we live. I adore the beach. I adore our bushland and the green zones that we have in this town are really important. To consider selling off some of that nature reserve is just abhorrent to me and I think the Wadawurrung native people of this land would be rolling in their graves if they thought you were considering selling off more green space. I can walk down there and see echidnas traversing that ground. I just cannot believe that it's even a topic for discussion and I wonder how it came about that a Council officer would have even suggested to that developer that there was a potential that it could be sold to him. It just defies logic. So my question to you is: if you continue and decide to have a discontinuance and sale of Cypress Lane to the developer, why has this not been analysed by your risk and audit committee and the lane is used by locals to walk dogs and access the nature reserve. It is not redundant to the local

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community's needs. The fire risks, if it is sold, would be there. We really need to maintain green space for our wildlife that is getting pushed out of this area and that's my first question. So can you explain to me how you propose to protect those wildlife and maintain access to that green space? People walk down Cypress Lane to the laneway. We use that reserve. People walk their dogs around the block and along the creek. It's not redundant to any of us who use it. It's some redundant to people here in this building who don't access it and use it. It's not redundant to the echidnas or the birds or the wallabies or the kangaroos that go down there that are being pushed out of their space. That's my first question.

MAYOR PATTISON: Thanks, Karen, for that question and giving us that context.

CEO ROBYN SEYMOUR: Karen, can you just repeat the question?

KAREN DAWSON: Why wasn't this idea reported to your risk and audit committee?

CEO ROBYN SEYMOUR: So it wasn't - it's not really a matter for our Risk and Audit Committee --

KAREN DAWSON: You don't think that auditing land that's owned by Council, that you're considering selling, should be an audited item and that there's a risk there to the community, that the risk could be a financial risk to Council too, if you sell the land and then the developer doesn't manage his sewage and stormwater and then you've got to go and prosecute him and multimillion dollars later you can't get him to clean up the creek? I think there's a high risk to Council here.

CEO ROBYN SEYMOUR: You're obviously very passionate about it, which is fantastic, and I really hope you put in a submission.

KAREN DAWSON: I've already put one in.

CEO ROBYN SEYMOUR: Because the issues that you raise are important. It is important to us that we are providing wildlife corridors and that we're supporting our wildlife, so those sorts of things need to be considered as part of any decision that Council makes, and ensuring that we have the appropriate studies in place to understand that impact would need to be part of any process in a planning application process, I think. So I would encourage you to ensure that you do put in an application and in terms of then ensuring that we are managing and mitigating the risks associated with any development, that is an important part of the planning process to ensure that we are building in those frameworks to be able to do that.

KAREN DAWSON: With the potential sale of the part of the nature reserve and the road, though, you're giving an open opportunity for this developer to develop something that's

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not necessarily wanted by the community and we want to keep the road and nature reserve intact and if his development hinges on whether he can buy that land or not, do you see there's a conflict of interest there for both Council and the developer? Basically --

MAYOR PATTISON: Karen, we do have many questions and we've got a really big agenda, so if you wouldn't mind moving on to the second question, that would be appreciated.

KAREN DAWSON: Question 2, has Council undertaken environmental study to understand and ascertain the impact on the nature wildlife on the reserve and the health of the creek before deciding to sell off the land in question? Has the Country Fire Authority and emergency services been consulted regarding access to the area if Cypress Lane is closed off? A fire in there proposes a serious risk to all residents in the immediate area. If consultation has occurred, we request publication of all documents received by Council from the CFA.

CEO ROBYN SEYMOUR: Thank you for your second question, Karen. The amended application has already been referred to the CFA, who do not object to the proposal subject to conditions which will be included in any permit that's issued. At this stage, there's been no environmental study to ascertain the impact on the native wildlife on the reserve and health of the creek. This will be considered as part of the assessment of the planning application.

KAREN DAWSON: Thank you. Thank you, Councillors. I hope you are listening to the community. Thank you.

MAYOR PATTISON: Thank you. Our next question is from Tiffany Edwards. Tiffany, are you here and would like to ask your question in person?

TIFFANY EDWARDS: My question is probably a bit more of a concern of what I've been hearing about a worldwide initiative which has already started in many places - Oxfordshire for one - that it is tied in digital IDs, smart cities and 15-minute cities where we will be locked into a 15-minute city and you will have to stay, shop, eat, socialise within this 15-minute city and you'll be allowed outside that 15-minute city so many times in a year under climate change, whether you agree with climate change or not, and if you go outside that, you'll be fined and you need to apply for a permit to go outside your city. To me, I'm extremely concerned about my children and me, what we're actually going to be living in because to me, this sounds like an open-air prison which is sort of sounding a lot like China. So are we're marked here in the Surf Coast Shire for 15-minute cities? Is

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

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CEO ROBYN SEYMOUR: Thank you for your question. In relation to Surf Coast Shire, we are very supportive of walkable communities and encouraging active transport and ensuring that we are connected as a community but in terms of constraining people's movement, that is not something that we are supportive of on the Surf Coast. So the concept of a 20-minute neighbourhood, which is about connecting communities and supporting people in being able to access as a principle, yes, but --

TIFFANY EDWARDS: But I think we do that --

CEO ROBYN SEYMOUR: Yes, that's right. That's the work that we do. But in terms of controlling people's movement, no. No, that is not something --

TIFFANY EDWARDS: I certainly hope I don't live to see roads being blocked and you can't get out of your town unless you apply for a permit because that is an open-air prison. Thank you.

MAYOR PATTISON: Thank you, Tiffany. I agree with you. We definitely wouldn't want to restrict movement of our community. We'll now move on to Darren Noyes-Brown for our next question. Darren, are you here? I can't see Darren. No? I'll read Darren's question: "It is my understanding that the Council has no obligation to sell Cypress Lane and part of reserve 3 to the developer. It is also my understanding that the developer has no resource at VCAT if the Council does not sell them Cypress Lane and the public open space unless there is a signed agreement between the Council and the developer. Can the Council please advise if there is a signed agreement between the Council and the developer regarding the sale of the public land?"

CEO ROBYN SEYMOUR: Darren, there is no signed agreement between Council and the applicant.

MAYOR PATTISON: Thank you. "It is not explained in the agenda notes how the Council can ensure that developer doesn't go to VCAT after this public land is sold and after a planning permit is given. According to one of Council's senior statutory planners, developers can apply to VCAT to end a section 173 agreement and they have been successful in the past. The officer also advised VCAT say these agreements are not necessarily meant to be permanent. How will Council ensure the developer does not go to VCAT after the land sale, should the sale proceed, and after a permit is issued to achieve the outcome they would like?"

CEO ROBYN SEYMOUR: Darren, I'm not aware of there being a direct avenue for a landowner to apply to VCAT to end an agreement. Once a section 173 agreement has been entered into, it may only - my understanding is it may only be ended in two ways. The first way is by the agreement between all parties, being Council and the owner of

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the land, so agreement between the two. The second way is by an application to Council. In this instance, Council must first decide whether it gives in-principle agreement to end the agreement. If Council refuses, this in-principle decision cannot be appealed by the applicant. If Council does give in-principle agreement, the application goes through a process with public notice, third party rights of objection and rights to all parties to seek a review of Council's final decision to end or not to end the agreement. Hopefully that is reassuring to Darren and thank you for your questions.

MAYOR PATTISON: Thank you. And our last question is from Ron Lowe - well, there's two questions. Ron, are you here?

RON LOWE: Thanks for the opportunity. Mark most probably covered most of my questions - the first one. I live directly opposite the Cypress Lane. I look straight up Cypress Lane so this will impact me and my family quite significantly. I'll get it out. Excuse me. So same question. Tonight you are proposing to do this - I'll get it out, excuse me - should the community engagement process undertake before the decision is made tonight and after the amended plan are available for public viewing, it seems to me that if the Yes vote were to be given tonight, the deal is basically done. How would the public consultation from tomorrow change anything?

CEO ROBYN SEYMOUR: Just to kind of reassure you, the decision of Council tonight is to go to public consultation. It's not a decision of the sale of Cypress Lane. It is just a decision to go to public consultation on the potential sale of Cypress Lane and the reserve. So it isn't - using your language, it's not a done deal.

RON LOWE: It's not a done deal?

CEO ROBYN SEYMOUR: No, and that is why we will be seeking community input into that decision so that Council can then make an informed decision. There will be the normal process where we have submissions, we have Hearing of Submissions, and then Council - and then we will bring a paper back to Council for a decision.

RON LOWE: Sure. OK. I'll rescind my second question because I feel it might just give the wrong impression of what I want to do. Could I ask a supplementary question as to Mark's second question? Mark asked whether we would have access to the documents regarding the decisions made, the engineering reports and things like that. And I didn't hear an answer of yes or no. I just heard --

CEO ROBYN SEYMOUR: There aren't specific engineering reports. The engineers have had a look at Cypress Lane and the purpose it fulfils and what impacts selling the land would have, as have our social planners in terms of saying what is the intention, are there things that we would want. We had intended to use Cypress Lane from a social planning perspective, and their view is there is nothing to prevent this going to public

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consultation and for us to consider any additional information through that process.

RON LOWE: Sure. Alright. No worries. But is there - so the process of the officers, how they come to their conclusion, is that available?

CEO ROBYN SEYMOUR: So that's yet to be - there is no recommendation yet around the sale. That's part of this next stage, around hearing from community, doing further work, that we would then bring back to Council.

RON LOWE: And the in principle agreement that the Council already gave at the February 22 meeting last year, is that not enough of an undertaking at the moment for what the developer needs to progress with his application?

CEO ROBYN SEYMOUR: So it was because, as I was suggesting earlier, depending on the outcome of tonight's decision of Council to put the potential sale of Cypress Lane and the reserve out to public consultation, if Council support that recommendation, then that will trigger us to put that out to public consultation and release the plan - the revised plans in relation to the development because the two are so intrinsically linked. If Council didn't support that, then there would be no point in putting the planning application out to public consultation because it relies on the sale of the land, and so we want to be really transparent about that and give you all of the information all at once.

RON LOWE: OK. Thank you.

MAYOR PATTISON: Thanks so much for your questions. We did receive a question from Sue O'Shaunnessy. I think that we've answered that extensively. Is that alright with you, Sue? So we'll leave that one. So that comes to the end of our question time. Thank you, everybody, for your engagement tonight and putting forward a lot of detailed questions.

We now move on to petitions. Councillors, we did not receive any petitions before the agenda was distributed. However, we did receive a petition yesterday titled Beach Hotel Outdoor Structure. This has been circulated to Councillors. Officers have drafted a recommendation for us to receive this petition. If we resolve to receive this petition, it will be included in the minutes of the meeting but that's why it wasn't part of the agenda paper, because we only got it yesterday. So the recommendation that we have is up on the screen for everybody to see. Do I have a mover of this recommendation? Thank you, Councillor Hodge. And do I have a seconder? Councillor Barker.

CR HODGE: I'll look forward to the report next week.

CR BARKER: Likewise.

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MAYOR PATTISON: Any other Councillors wish to speak? We'll put the motion to a vote. All those in favour? And the motion is passed. Thank you. We now move on to our reports - sorry, there are no notices of motion from Councillors tonight. So we now move on to our reports, and the first report relates to the topic of much anticipation and the questions tonight, the declaration of intention to discontinue Cypress Lane and amending the resolution. Our first report - that's our first report. If supported, community consultation would commence, providing the community with the opportunity to submit feedback on the proposed discontinuance and sale. Does anyone wish to move a motion? Councillor Allen, is that as per the recommendation?

CR ALLEN: Yes.

MAYOR PATTISON: Do I have a seconder? Councillor Bodsworth. Councillor Allen, do you wish to speak to the motion?

CR ALLEN: Thank you, Mayor. Thanks, Mayor. I somewhat feel that the start of what I'm going to say is almost redundant now. It's been pretty much covered but I'll continue. If this recommendation is passed this evening, we will be initiating a statutory process for the discontinuance of Cypress Lane as a road reserve and its sale and Council's intention to sell the identified portion of the reserve number 3 and to proceed with the planning application 210333 and that we intend concurrently to consult in all three matters with the community through the Hearing of Submissions process. I must stress to the public that we are not making a decision tonight about the discontinuance and sale of Cypress Lane. Rather, we are deciding whether to open the processes to public consultation. And also that tonight we are not determining the planning application.

Councillors, I wish to frame my remarks by making two observations. Firstly, as I said at the time, that if the DAL, stopping development west of Duffields Road along Spring Creek, was successful, the decision will have unintended consequences for planning in parts of Torquay. One aspect being the pressure for increased densification, and, secondly, since its inception, I have been a community representative and now Council representative on the Positive Ageing Committee. This committee when reviewing the key areas of the age friendly communities framework has consistently advised the Council, when looking at the housing pillar - sorry, stated their support for the notion of ageing well in place. The ability for residents to age well in place is not restricted to the smaller and remoter communities in the Shire but also to Torquay residents, who have contributed to and who love this community, for them to have increased options to age well in place. These, along with community concerns, are some of the aspects Council will need to consider in making a decision on these three matters.

When 12 months ago we agreed to provide in principle support for the sale of Cypress

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Lane and a portion of reserve number 3, we did so conditionally that the land will be used for the purpose of senior housing and housing for people with a disability. This was our stated intent at the time and, given my earlier remarks, I'm very keen to hear from both the community and the applicant on these two matters. Several members of the community have, since the agenda was published, contacted Councillors with their concerns, as is their right, and these concerns will be considered through the consultation process, along with a range of other views. Since the original application was lodged, the applicant and the Council officers have been in detailed discussions and an amended application has been lodged with changed layout, height, pedestrian access and landscaping proposals. If this motion succeeds tonight, then the plans for the site will be released to the public for consultation. Thank you.

MAYOR PATTISON: Thank you. Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. I don't have a great deal to add to Councillor Allen's remarks. Just to underscore the importance of the next stage of the process, being the public submission and public comment phase, because for us as decision makers, our best chance of making good decisions on this is if we've been fully informed by both internal advice, advice from other agencies like the CFA that was mentioned before, and community perspectives, both for and against the proposal. So entering into this next phase of the process is super-important for us to get into a good decision making position and I would urge people like the submitters, people who have asked questions tonight, other people out in the community, whether you're for or against aspects of it or for or against the whole thing, as it appears to you when you see the plans later this week. It's really important to be heard on it and that will help us make the right decisions. I think that that's - there are certain things that I'm going to be looking for as we go forward. Those are things like maximum retention of existing trees, height sustainability standards, and architectural approach that respects the surrounding landscape, and really good pathway connections to nearby infrastructure and services. There are a whole bunch of other things that other people are going to be looking for when they see the plans. On the last one in terms of pathway connections, it raises that issue of the 15-minute neighbourhood that was raised before, and really that's about creating the kind of built environment that enables people to reach the things that they need to reach without being dependent on cars and to have them within easy reach, no matter what their mode of transport is, and in this case we have a site which promises easy and fairly close access to a whole range of really important services. So that's going to be part of the consideration as well. So I support the recommendation as it is and I urge people to get involved.

MAYOR PATTISON: Thank you. Are there any other Councillors that wish to speak to the motion? Councillor Wellington.

CR WELLINGTON: Thanks very much. I have a question actually if I can before I start.

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I would just like to know what the square meterage of land is in Cypress Lane please.

MAYOR PATTISON: Certainly, I'll refer that to our CEO.

CEO ROBYN SEYMOUR: Thank you, Councillor Wellington. It's just under 9,000 square metres.

CR WELLINGTON: Thank you very much. OK. I'd like to speak then, if I can. I have only started yet and the clock's already started. But anyway. Perhaps I can get some latitude at the end.

MAYOR PATTISON: We have just reset it for you.

CR WELLINGTON: Thank you very much. I have real concerns about - I have concerns about the way this process has evolved and I can see why it's been done in the way it's been done, but unfortunately what we've now got is a planning proposal completely entangled with the sale of public land in a manner that potentially could be seen to benefit Council and in any other settings would be seen as a conflict of interest for Council to be making a decision. So Council on the one hand is making a planning decision which has bound up within it the sale of an asset that Council owns and that Council would get revenue from. And unfortunately that's the consequence. Now, because we're a Council, the organisation itself is not subject to conflict of interest requirements as I understand it, but I do think there's an issue for individual Councillors who voted to give approval in principle 12 months ago to sell this land for the purposes of development, then again subsequently deciding on the proposed development. So I would have thought - I agree with one of the speakers who said that they felt that the sale of land should have been dealt with, either positively or negatively, and cleared out of the way before the planning proposal was considered. But it does feel to me that there's an implication somehow that the developer either doesn't want to proceed or would proceed in a different way if they didn't have access to that land. And that is their risk and it shouldn't be the risk of the community. So my concern is that we are almost collaborating with a developer to set up the conditions by which they can then put forward their proposed development. I feel deeply uncomfortable about it. I don't know if I am explaining my concern clearly but I do feel really uncomfortable with it. I also understand that development applications can change, and so this provision about so long as it doesn't go to VCAT or there's a section 173 agreement, my understanding is that if a developer applies for amendment of a section 173 agreement and it's refused, they can go to VCAT for that decision to be reviewed. So in my understanding, there is no such thing as a final decision at a Council level. That's just my understanding, without having researched it in great detail. I'm really concerned about the loss of public open space. What we're proposing here is to sell public assets to a developer for private use, and so from my perspective, particularly that land along the creek but also the land in Cypress Lane, that is publicly owned land and it's used by people to access

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the creek, and the creek is a really beautiful environmental area and then part of the creek reserve is also going to potentially be sold to the developer. I think there have to be absolutely compelling reasons before public land is sold for private benefit. I did have a question about whether - and I guess it will become clear when the development plans become clear to the community --

MAYOR PATTISON: I'll just note, Councillor Wellington, your time is --

CR WELLINGTON: Thank you. Well, I'd just like to ask one question actually - whether this development is proposed to be a gated development, where the public will not have access through the development - because it will all be private land - or whether it is proposed that the public will have access through the development. If someone can tell us that because if we're selling - it's an important factor in our decision making tonight, if we're selling public land for private benefit and to be retained for a small number of people with benefits because they own land in there --

MAYOR PATTISON: Thanks for the question, Councillor Wellington.

CR WELLINGTON: That is my question. Can we please have an answer to that.

CEO ROBYN SEYMOUR: Thank you, Councillor Wellington. My understanding is that it isn't intended to be a gated community and there will be pathways through the development, unless the GM of Planning and Environment - no - Placemaking and Environment has other information to add.

OFFICER: No, there will be some limited access but this is one of those issues that is prosecuted through the planning application process. Conditions can be applied to a planning permit.

CEO ROBYN SEYMOUR: Thank you.

MAYOR PATTISON: Councillor Gazzard, I see you have your hand up. Would you like to speak to the motion?

CR GAZZARD: I'm just breastfeeding because my child won't take the bottle. Thank you to all the public questions and I think - sorry. What's standing out to me I think is that the title, the intention, discontinuation of the land, is somewhat misleading because it doesn't necessarily mean that we mean to discontinue the lane and to sell the land. I agree that it's confusing because tying together the sale of the land with the planning permit is confusing, and thank you to our CEO for explaining the reasons behind that. I think it's hard to - what's the right word? We're not making a decision on this tonight and while I do think it's really important to keep our open spaces and protect Deep Creek, I think it is also important to hear from the whole community in an engagement

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process. So I think I will vote for this motion so that we can hear more from community members and I urge all people who have made their - presented questions to make submissions and hopefully we will hear from the whole range of community members so that we can be guided as leaders to do what's in the best interests for the community. Thank you.

MAYOR PATTISON: Thank you. Councillor Barker?

CR BARKER: Thanks, Mayor. I'm all for landowners doing whatever they want with their property so long as they don't cause harm to others. Even though this process would, as Councillor Allen outlined, give the community opportunity to provide feedback on the process, I'm not convinced that it will strike the right balance between the landowner and community desires. Now, there's a few things from both sides that need clarification. Access through the area from Coombes Road to Deep Creek can be achieved through other streets that run off Coombes Road, but yes, it is a significant accessway through Cypress Lane. There's other issues that haven't been raised where the location where Cypress Lane enters Coombes Road was specifically designed many, many, many, many years ago so that traffic access can be made safely. If that's brought any closer to the Surf Coast Highway, that's going to have more unintended consequences from certain decisions.

That also leads me back to values, as was raised by Karen about the ownership and the costs associated with the construction of Cypress Lane. That was built with the funds of people who built along the developments of Jetty Lane and around that area. For Council then to acquire that land means that it's really got no vested interest in releasing it. Had Council built the road, there might be a little bit more ownership of that land but because it was gifted to us, really what does it mean? Nothing. It cost us nothing. Make some money from getting rid of it? Who cares what cost it is that we get from it. Because it comes back to values. Now, I'll give examples of money but it also relates to value of land. If you're spending your own money on yourself, you both seek to spend the least amount and get the highest value. If you're getting someone else's money and spending it on someone else - ie, what's happening here - you neither seek to spend the least amount of money or seek the highest value. So when it comes to land that you did not spend any money on to develop and you are going to get money for selling it, it's an easy decision but I think a better decision would be to look at all the factors in play and not start the process to initiate the sale of the land that would then create a net loss to the community.

MAYOR PATTISON: Thanks, Councillor Barker. I note that we're over time. Councillor Stapleton?

CR STAPLETON: I just wanted to make a couple of comments. I guess there's been a bit of discussion around the actual sale of the land tonight and I think it's important to

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bring it back to what the decision tonight is about, which is opening up this process to community engagement so that the community has an opportunity to make submissions. If Councillors tonight support the motion to go out to public consultation on this, then the planning application will be uploaded in the next few days and I really encourage everyone to get on Council's website and have a look at the amended plans. My understanding is that the plans, as they currently stand, now comprise mostly single storey and double storey dwellings with some increased height in the centre of the application where the club house is up to a maximum of three storeys and I understand that there are increased setbacks. So I'm sure the community will be interested in having a closer look at those plans and understanding that the proposed development will provide accommodation for an ageing community and people with a disability. We are aware that there's a housing affordability crisis on the Surf Coast and there is increasing demand for more diverse housing across the Shire. Tonight's decision, if supported, is simply the next step in opening up the discussion for community to let us know what they think about the potential sale of Cypress Lane, along with the planning application for a retirement village, and I really do look forward to hearing directly from residents and the broader community who may not even live in Torquay about this issue and to tell us what you think. So that's it from me. Thank you, Mayor.

MAYOR PATTISON: Thank you, Councillor Hodge.

CR HODGE: I'll be very quick, and thank you, everyone, for your emails and your submissions tonight. I think if it does get through tonight, those submissions are really important to hear the passion about the amenity where you live. But it's also a really good opportunity for us as Councillors to get the applicant in to get him to clarify, or her, to clarify some of the things that they're doing. Is it accessible? You know, we can really ask the questions that would make up our mind. So it's not only your submissions that are really important but of the applicant as well so we can clarify any other concerns that you have. So I'm looking forward to the next situation that we might be in - listening to the community and being able to clarify a lot more. So thank you again for all the emails today.

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

CR ALLEN: Thanks, Mayor. I truly respect the views expressed by Councillor Wellington, Councillor Barker and the people in the gallery. We have heard the passion and the concerns that you have and all of these will be aired through the planning process. Questions will be addressed through the planning process, if the motion is successful this evening, but I thank you for your contributions. You certainly gave us a true sense of how you feel. So thank you.

MAYOR PATTISON: I'll put the motion to the vote. All those in favour? All those opposed? And the motion is carried. We now move on to the petition

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response - improvements to Mud Hut Shelter design. So for Council to consider the process of further community engagement for the design of the Mud Hut Shelter replacement in Winchelsea in response to feedback and a petition which was received by Council at the 13 December 22 Council meeting. I'll just - we'll pause and let some of the audience head out. Thank you for coming and being part of decision making in local government. Alrighty. So as per what I've just said about improvements of the Mud Hut Shelter design, do I have a mover of the motion? Councillor Wellington. Is that as per the recommendation?

CR WELLINGTON: Thank you.

MAYOR PATTISON: And do I have a seconder? Councillor Bodsworth. Councillor Wellington, do you wish to speak to the motion?

CR WELLINGTON: Thanks very much, I do. Look, this is a really topical and difficult issue that is challenging the Winchelsea community. People will be aware that the mud hut was built by local volunteer contributions predominantly and it's - you know, it was many decades ago now that it was built. It is quite old and it was flagged by Council for replacement as part of the upgrading of the area along the bar won River, which is a really critical area for the community in terms of both the local community and people visiting through Winchelsea. So it's a beautiful spot where people can gather. The mud hut is a shelter there but there's also a beautiful playground, a large toilet block, swimming pool is a little bit further along and the river is adjacent. So it's a really important spot for the town. Unfortunately, Council ignores the things that it was supposed to do in terms of advising the community about the decision to replace the mud hut. The information that Councillors and the community was given was that the mud hut had reached the end of its useful life and pretty quickly it ended up with a fence around it, which indicated that it was unsafe for people to use it, that it had been inspected and it was unsafe. So a proposal was progressed to develop a replacement and a fairly contemporary sort of structure was built or designed and actually put out through usual notification processes and ultimately was sent off to be fabricated. And it only really - despite the efforts of Council, which were pretty reasonable and straightforward in terms of the way it normally consults with community - the community generally did not I think, for whatever reason - did not actually cotton on in a sense to the fact - to what was happening with the mud hut, and so it became known to people very late in the process after the contract had been (inaudible) for application, that it was proposed to remove the mud hut and develop a new structure and there was a really significant community reaction to it and the petition was part of that. What then happened was that much more knowledge is generated in the Winchelsea community about the proposed new design and about the mud hut. And initially, there was a lot of discussion around - I suppose the conversation wasn't fully informed, in that it sort of evolved and people didn't really necessarily have all the knowledge about the money that had been spent, what had been - what had actually been proposed, but

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Council in good faith listened to that and said, "Well, we need to do something obviously because it's a very unhappy community. We'll put together a process - a sort of a process for the community to contribute ideas about how this new structure could be softened, adapted, modified in some way to meet the concerns of the community that have been expressed". And then in more recent days, there's been something of - Council responded to that by proposing a group, a community group, and that's what the project control group - and that's what is proposed in this motion tonight in response to the petition, that we have a project control group and we will look at how this fairly basic design, which people have called a carport-like design, can be modified or amended to make it more acceptable to the community. In the last few days, there's been another sort of a generation of a movement within the Winchelsea community that says we want to retain the mud hut, it's got significant historical meaning to the community and with the people that built it and the way it's been used over the years, and it should be retained, which makes this current motion slightly redundant - not redundant but slightly - looking at one part of what the community has put. What's clear to me as a Councillor is it's not clear what the general community thinks, and I don't think this is an issue of just numbers alone. As I often say it's not just about how many people vote for and against. It's about people being properly informed about the implications of various pathways and about what the consequences will be if pathways are adopted. There are micro bats in the mud hut but they've been assessed and they've been determined not to be a significant barrier to its demolition, so that takes one issue out of the way, and there's expert advice been gained on that.

I guess for me, the motion is let's get this control group together to develop options for alterations and additions to the proposed design. I think through that process, we also need to think about the new community conversation around retaining the mud hut and what that would mean but I would really encourage people in the community to give a little bit of time for this --

MAYOR PATTISON: Councillor Wellington, we're now about 20 seconds over.

CR WELLINGTON: Thank you very much. I'm happy to support the motion but hoping it that it will be adopted in a generous format because we as a Council need to understand what the community wants in Winchelsea and if there are different wants and needs, come up with a solution.

MAYOR PATTISON: Thank you. We will now move on to our second speaker. Councillor Bodsworth, did you wish to speak to the motion?

CR BODSWORTH: I would, thanks, Mayor. I appreciate what Councillor Wellington has said and I agree with those points that she's made and I am sure she will get a chance in her closing comments to finish off. So a few things that I would like to add, my own perspectives on that, which is that I've appreciated the good things that we've

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done in partnership with the Winchelsea community over the past couple of years. I think us, as a mostly new Council, and with the experienced Councillors, Councillor Hodge and Councillor Wellington, have put in a big effort to understand the Winchelsea community's needs and preferences and I think we've made some great progress and I would have hated if this project undermined that progress that we've made. So I think that the process going forward that's outlined in this recommendation is a sensible one to try and I guess continue that good collaborative relationship and I really appreciate that the petitioners and those members of the Winchelsea community have come to us and have felt, I guess, empowered in that way to put their foot down and say we're not happy with this the way it sits and we want you to work with us to get what we see as a better result. So I think that that's a good sign of a collaborative relationship and I think that there are things that we can learn from the process where - it was a slightly discontinuous consultation process, there were some disruptions in there, and one way or other the consultation process didn't lead to the outcomes we would ideally like, either your side of it or the community side of it. So here we are with kind of a reset phase where we can get back on track together and work together to get the right kind of shelter for that site, which, as Councillor Wellington points out, is a fantastic place. It's a fantastic place right on the banks of the Barwon River. It has great ecological values, as the microbats can attest, both in and around the shelter and, as the ecologists' report points out, there is opportunity to enhance that habitat. There is also fantastic natural habitat along the river, with the natural tree hollows. Another thing in the recent reporting is the structural engineering report, which I've read leading up to today's meeting, which says that the existing structure is extremely bad condition and is in danger of collapse. So there's no doubt in my mind that the safety barricading and the sort of drastic protective measures were warranted in that case and I think there's a fairly slim chance of saving the structure as it is, but who knows what will come out, with the project control group. Thanks.

MAYOR PATTISON: Thank you, Councillor Bodsworth. Any other Councillors who wish to speak? Councillor Hodge?

CR HODGE: Actually, it's on behalf of Councillor Schonfelder, who just contacted me on his travels to say that if he was here, we would support the recommendations and looks forward to the community-led control group to get a better design and to work through what they would like to see as Councillor Bodsworth as Councillor Wellington said in this beautiful space along the bar won river. So I'm sure Councillor Schonfelder will be very keen to see this progress and hopefully the community will bring back a design ...

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

CR BARKER: First up, just a couple of questions. Current budget is 185K, if it is delayed what sort of increase in cost do you forecast that to be?

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CEO ROBYN SEYMOUR: So there won't be costs in relation to delay. It's any changes to the design, and that really - it's like how long is a piece of string. Something minor might be kind of 10 to 30,000 dollars. Something a bit more major could be up to \$50,000. It's really hard to say and which is really why it's important to work with the community around what their aspirations are and then understand how we might be able to manage that and what the potential costs are, and obviously there's been some interest expressed by community to really assist with the work associated with that and so we really need to kind of work through that process to understand that and then work out what the cost might be and bring that back to Council for a decision.

CR BARKER: And do we have a set date where the LRCI funding disappears?

CEO ROBYN SEYMOUR: We're very late in delivering the project and it's reasonable to say that we are under pressure to deliver our projects and we're getting some fairly - quite a lot of pressure and negative feedback from our funding partners around delays in project delivery.

CR BARKER: That's OK. If we do lose it, it's 50 grand, correct?

CEO ROBYN SEYMOUR: Yes.

CR BARKER: I'll just talk briefly. I do hope that we can get to an end point that the community does support and if there are any regulatory hurdles that we can work with whoever is imposing them on us to get some sort of outcome that is still a safe outcome but still retains the desires of the community. Happy to support.

MAYOR PATTISON: Thank you. Councillor Wellington, did you have any - sorry, Councillor Allen?

CR ALLEN: I just wanted to make a couple of observations about the process. I accept the consultation process was interrupted by COVID and then restarted. Now, either we didn't communicate that properly with the Winchelsea community or the Winchelsea community and other communities in the Shire are consultation-weary, which is quite possible, so I hope there are some lessons that we can apply to other projects because microbats are not always going to be present to rescue the situation. But I certainly hope that everything's resolved to the satisfaction of the Winchelsea community. Thank you.

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

CR WELLINGTON: I just have a couple of questions if I may. CEO, I would just like to

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check, this motion is in response to the petition and it's about establishing a project control group to look at options for modifying the new design. I just wanted to make sure that there will be a willingness to also look at one option, which is - and it may be a feasible or non-feasible option, but will the project control group also be able to look at the option of retaining the mud hut and renovating it and making it safe?

CEO ROBYN SEYMOUR: Councillor Wellington, I think we can consider that. I think it will be part of the feasibility of any option, yes. So I think there's flexibility for us to be able to do that.

CR WELLINGTON: Thank you. Can I also ask whether the engineering report or the report on the microbats can both be made public so that people have more of an understanding of the situation?

CEO ROBYN SEYMOUR: I think that's feasible, Councillor Wellington, particularly for the project control group and then we can look at how we might be able to ensure community understand what's in those documents as well, so I think we can work through a way that there is visibility of the findings.

CR WELLINGTON: Thank you very much. Just in closing, I feel there's a process in place. We as a Council, we've got a bit of catching up and repair to do, clearly. We need to get to a solution where we've got a good structure there. It may be that the engineering report immediately takes out the option of restoring the mud hut but it may not. I mean, a structure can be in danger of collapse but can be readily fixed. On the other hand, a structure can be unfixable because all the core parts of it are completely damaged. So I think we need to understand that a bit better. We also need to get a more systematic way of talking to the general Winchelsea community. We're not just looking at the three or four people on the project control group to give us their views of what's good. They're part of it. But the project control group needs to go out to the broader community and make sure we're not just relying on the personal opinions of a very small group of people. That's not their job. I think making sure the role of the project control group is really clear and the role of the individual members, that will be important to get a more systematic process to make sure that we give people in the entire community a good opportunity, knowing all the facts, to make a decision about what we should have there and to understand the implications of it because if the community comes back and says we won't have anything but restoration of the mud hut and it's going to cost \$100,000 but so be it, we need to understand from the Shire perspective and the Winchelsea community perspective what that means. So I think there's some more facts to get on the table and then there's got to be an openness about hearing feedback and there's got to be explanations about where we finally get to and what we've taken into account in getting there. So I support resolution and I'm glad it will include the consideration of the retention of the mud hut and I really encourage Council and the project control group to make sure as much information is

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made public as is needed by the community to understand the implications of various views. Thank you.

MAYOR PATTISON: Thank you. We'll now put the motion to a vote. All those in favour? And the motion is carried. The Surf Coast Aquatic and Health Centre project update. This report has been brought to Council to advise of new modelling work which has been undertaken to assess the impact of a Commonwealth Games aquatic facility on the Surf Coast Aquatic and Health Centre. Officers are recommending a revised scope and budget in response to this new modelling. Do we have a mover for this motion? Councillor Stapleton. And a seconder? Councillor Hodge. Councillor Stapleton, do you wish to speak to the motion?

CR STAPLETON: I do, thank you, Mayor. So we have reached a significant milestone in the journey toward an aquatic centre for the Surf Coast following a lot of uncertainty about rising construction costs, as well as the impact of the Commonwealth Games pool at Armstrong creek. One thing that has been clear during this time is that the community just wants the pool delivered. We do understand this and I know that Council is working hard to achieve it. But we also have a responsibility to ensure we deliver an aquatic facility that not only meets a range of needs for our community but is also financially viable to both construct and, importantly, operate in the long term. Tonight we are presented with a revised scope and budget that addresses these issues. With the Armstrong Creek pool being built up the road, we find ourselves with a different set of data with regard to expected usage and, therefore, revenue. Modelling shows that patronage in Torquay is likely to decrease by 22% and that the immediate demand for warm water pools to cater for learn to swim and hydrotherapy will therefore not be as great as previously anticipated. With this in mind, it makes sense to select the model now most suited to the needs of Surf Coast residents, identified as option F in our agenda papers, which recommends we build a facility with one warm water pool instead of two and an indoor 25m pool for lap swimmers to access year-round. We know that this revised scope will meet the broader community expectations for an indoor pool and cater for expected demand for the next decade. The design would also be future proofed to allow for expansion in years to come if funding is available, incorporating a second warm water pool and potentially a water play area, which I know is really important for families with young children. It is important to note that the revised budget currently sits at 46 million dollars and, therefore, there is still a funding shortfall of about 3.5 million based on current cost estimates. Council had worked extremely hard over the past year to secure the additional funding needed to deliver this project for our community and we were delighted to have another \$3 million committed by the State Government late last year, bringing the total funding from state and Federal Government to 36.5 million dollars. Council has already committed 5.75 million dollars to the project too. But we need to test the market through a tendering process to determine whether the current costs are accurate. In order to progress to tendering for this project, Council needs to ensure there is a sufficient budget, which is required

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in our procurement policy, and so we need to consider how we bridge the estimated shortfall of 3.57 million dollars. It makes sense in the first instance to under write this relatively small gap so the project can at least proceed to tender and only then will we get accurate costings from potential suppliers. Any Council contribution would not be required until 2025 and Council will continue to pursue other funding opportunities in the interim. We know there are a range of sources from which funds could be accessed if needed, such as the adopted strategy reserve, the potential and future sale of Council land, and possibly an allocation from the Federal Government's local roads and community infrastructure program. There are also other avenues of additional funding already being explored such as the possible inclusion of a veterans and families hub, environmental sustainability grants or possibly philanthropic donations. With this in mind, we know that the risk of needing to borrow funds for the project is very low, and in the event that it was required, would need to come back to Council for a decision. Officers have been working closely with community through the community reference group, which includes community members with excellent knowledge and experience, who have been integral in informing the direction of the project. We believe their views have been heard and acknowledged through this revised scope. It is also important to note that the current cost estimates are for an all electric facility, in line with Council's commitment to avoid new gas installations and incorporate some key environmentally sustainable design elements. We must pursue an environmentally higher performing centre which is consistent with Council's commitment to emission reductions and the organisation's corporate Climate Emergency Response Plan. Option F will better meet the needs of our community in the short to medium term and I urge my fellow Councillors to recognise and support this motion so we can proceed with this significant project, which we know residents have wanted for so long. Thank you.

MAYOR PATTISON: Thank you, Councillor Hodge.

CR HODGE: Thank you, Councillor Stapleton. That was a terrific speech. Look, it has been going on for nearly over a decade now. When those community members first came to us, we just didn't have the money for it and we have seen grant after grant. I think with now Senator Henderson it was 20 million, the State Government was 10 million, and that was to include gyms and auxiliary offices as well, so that part of it had to be kept.

One thing I don't agree with the report is it will be a 22% drop when Armstrong Creek is built. I think it will be at capacity and I think the amount of children that are going into Geelong now learning to swim, I think it will be in the thousands. I think it will be really, really well used and, of course, we'll have running costs, and to look at it now, a 25m indoor pool is of course a much better option, and then if there is a need in the future to do another pool, another 20m pool, that would be a lot less cost than of another bigger pool. So I'm really looking forward to it going out. It will be very interesting to hear the tenders come in in our budget, in our monthly report. It's got

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how materials are going up, so we've got to do it now and I have seen it on Facebook now many times "Just get it done". So let's get it started, let's get it out there, let's get the tenders in, and hopefully within the next couple of years we see a pool that will be - I won't say it again - a missing jigsaw puzzle piece outside in a magnificent sporting area, but to have a pool that all the schools can use, the other schools won't have to travel into Waurin Ponds, it will save a lot of travel time and I think it will be, as I said, at capacity very soon and I have no doubt when it's being built and well used, we'll be looking at perhaps another 20m indoor pool in the future. So thank you to that community group that's hung around for a long time and I hope they're the first in when the pool's actually opened. Thank you.

MAYOR PATTISON: Thank you, Councillor Hodge. Any other speakers?

CR ALLEN: Thanks, Mayor. I totally support the construction of an aquatic centre in Torquay. We would be almost seen to be derelict in our duty to the community to ignore \$36.5 million in government funds and the Council has already committed to borrow 4.75 million in support of the centre. However, as the report makes clear, there is still a \$3.57 million funding shortfall. I do have several current concerns arising from the report. As the motion stands, I do not know which programs are under consideration for delay or cancellation if they need to be. I would be more at ease if I knew these projects were planned for Torquay and Jan Juc and not the hinterland or down by the coast. I am in favour of staging the project if we need to. Start now with what we can afford and plan for the future expansion when it is affordable. For example, the second floor with the gymnasium could be delayed and we could proceed before further cost escalation. I'm concerned looking at the report by the estimate of a fall of 400,000 dollars in income if this were to occur. Often these estimates are at the extreme for the self protection of consultants. I do accept that this motion, if adopted, enables the officers to continue to search for additional grants and for a current assessment of the costs by testing the market. With inflation currently at 4% higher than predictions, and with supply chain problems, we may find that the costs make the project unaffordable. I acknowledge that the officers involved have and are undertaking extraordinary efforts to secure the funding and to see the project completed to the benefit of most residents in the Shire. Once we know the true costs and the results of the continued efforts to obtain the necessary funding, then the project will need to return back to the chamber for decision. I will vote in favour of this motion with the concerns that I still have and I want to say that I would be inclined to vote against any future proposal that would require the Shire to borrow any additional funds. I take to heart the warnings about our future financial challenges, and the fact that there remain some very pressing issues and incomplete projects in other parts of the municipality. Thank you.

MAYOR PATTISON: Thank you. Councillor Wellington and Councillor Gazzard, I think you both had your hand up. Councillor Wellington, did you want to speak?

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CR WELLINGTON: Thank you. Just a question, if I may. Can the community please be informed of what is proposed at Armstrong Creek? In terms of the length of the pool and whether it's in or outdoor warmed, et cetera?

CEO ROBYN SEYMOUR: So, Councillor Wellington, that information isn't publicly available and hasn't been announced to the community by the State Government, but it isn't - the competition pools are temporary pools, so our understanding at this stage is that it would be a smaller kind of warm water pool that would support learn to swim and gentle exercise as opposed to larger pools that would support lap swimming.

CR WELLINGTON: Thank you. But we don't know?

CEO ROBYN SEYMOUR: Well, it's not announced by the State Government what the final is, but I guess I've given an indication of what we understand to be the legacy outcome from Armstrong Creek.

CR WELLINGTON: Thank you. Look, I'll just speak to the motion. I also believe Torquay obviously needs a swimming pool, an aquatic centre, and it's so unfortunate that this has gone on for so long. I'd like to see a reconciliation at some point of what we've spent on consultants' fees for various plans that have been shelved, et cetera. I feel there are still too many uncertainties here. One of the issues I've always often questioned in this Council - raised it several times - is why we're not working with the city of greater Geelong because it is going to be 80,000 people in Armstrong Creek in the future, why we are not working with the city of greater Geelong to have a shared approach to a sort of a subregional aquatic and health centre there, and some time back I became aware that our Shire had spent \$5,000 of ratepayers' funds on a joint report, sort of a strategic aquatic centre report, with the city of greater Geelong. I asked for a copy of it and I was told we'd never received a copy, which I found extraordinary given that we spent that money on it. I then went and put an FOI application in to the city of greater Geelong and I received the report eventually - quite promptly actually. There was no issue with accessing it. And it talked about - the reference to the Surf Coast Shire was about its relationship to Armstrong Creek and the need for shared planning. I'm not sure if that report has ever been read by anyone other than me at the Surf Coast Shire because we didn't have a copy of it when I asked for it. And the recommendation was that we reassess our future options based on the changes to the local landscape and there was a bit of discussion about the Armstrong Creek and the proximity to Surf Coast Shire. I'm not prepared to support a motion that has us being the source of last resort for another - for 3.5 million dollars. I heard Councillor Stapleton saying, she said it several times previously, the community wants to proceed with this aquatic centre. The community outside Torquay, the community that I look after in the hinterland, I don't think I've heard many people at all who say they want this to proceed. So I think that there's certainly people in Torquay who want

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it but the only evidence we have of what the community wants was a survey we did about five years ago I think where we systematically surveyed the community: are you prepared to pay for an aquatic centre in Torquay and the very strong response was no. We have no other evidence beyond that. So my view is we mustn't keep quoting what the community wants because we don't actually know. All we know is who we talk to, and I have very different experiences from Councillor Stapleton in terms to of who I talk to and what they want. I'm not prepared to put more Council money on the line. We have a deficit. We're going into difficult financial times and we're already budgeting for 5 to 600,000 ongoing forever to support this pool in its operating costs. Effectively, if we had to borrow another 3 or 4 million dollars to cover the cost of the pool, whether it be --

MAYOR PATTISON: Thank you. You've now finished. Over your time. Councillor Gazzard, would you like to speak to the motion?

CR STAPLETON: Could I just ask a question? Officers, you probably can answer this. How much is Council committing to the renewal of the pool at Winchelsea?

CR WELLINGTON: Can I ask what the relevance of that is to the motion in front of us, Councillor Stapleton?

CR BARKER: That's tit for tat.

MAYOR PATTISON: We will just pause there if you don't mind. We will move on with Councillor Stapleton's question. It's in the context of the pool expenditure.

CR WELLINGTON: Point of order. What is it's relevance to the date?

MAYOR PATTISON: It's relevant because we are talking about borrowing money against assets --

CR WELLINGTON: Point of order.

MAYOR PATTISON: I've asked you the please --

CR WELLINGTON: I make a point of order. That is irrelevant to the motion in front of us.

MAYOR PATTISON: I ruled against it and said it is relevant to the topic at hand. So we will move on. CEO, could you please answer the question.

CEO ROBYN SEYMOUR: So our cost estimate for the renewal of the Winchelsea pool is somewhere between 8 and 9 million dollars.

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MAYOR PATTISON: Thank you. I think Councillor Gazzard had her hand up to speak to the motion. Would you like to speak, Councillor Gazzard?

CR GAZZARD: Thank you, Mayor. Thank you to the other Councillors who have spoken. I think this change of scope is actually better for the community, this outcome. Option F rather than option C, which will result in an indoor 25m pool rather than an outdoor 25m pool, which is not seasonal. It would be open all year round, so that's better for swimming lessening and lap swimming and swimming squad. I would still love to see a 50m pool, but obviously we're already stretching our finances, so that is no longer a possibility, but I think this outcome - while I also have great concerns about our financial position, I think it's important that we proceed and go ahead with the Surf Coast aquatic centre and I think option F is actually a really good option for the community compared to option C. So I'm happy to vote for this.

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

CR BARKER: I would like to talk, thanks.

MAYOR PATTISON: Certainly.

CR BARKER: We have already spent too much on this already. We have already spent about half a million dollars to essentially stay in the starting blocks. The scope has shifted well away from community expectations, the 50m. I understand the economics of that. The funding from the state and Federal partners is way too much and the construction costs are skyrocketing and this is going to continue until the housing bubble bursts and when that happens, I don't know, but it's got to bend at some point. To continue proceeding with this project in its current form, even if we move from C to F or F to C, it doesn't really matter. It would be a waste of ratepayer funds and deliver a facility that many in the community, maybe most, won't actually like. It will chew up valuable offers of time that could be better purposed, in my view, into focussing on core essential services. If others choose to support this motion and it gets up, I would like to make it categorically clear that I oppose proceeding with this, given the worsening economic climate we're experiencing, community expectations and the impost on state and Federal taxpayers. I don't know how much people in the room here will understand about the construction sector but it is at capacity. Costs are going through the roof and I fear if we continue this process, we're going to commit to building a facility that is going to be a debt burden that is potentially going to be not able to be paid off in our time. I'd love a Ferrari. I'm sure we would all love a Ferrari but I can't afford a Ferrari right now and I don't think we can afford a pool right now. As much as we would all love it, I don't think the conditions in the construction sector and our finances can deliver a pool that the community will like and the community will use that won't come at a

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significant ongoing cost to Council and, therefore, I cannot support any way forward while these conditions remain as they are or getting worse.

MAYOR PATTISON: Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. Mostly all been said already. I thank the other Councillors for their diverse opinions on it. There are a couple of other things I would like to add. One is point 11 in the papers says that external funding sources will continue to be pursued to further reduce the underwrite amount, including these few points there - it includes philanthropic opportunities. So "will continue to be pursued" is a very vague phrase to me and I'm looking forward in the very near future to us actually thrashing out what that is going to include and putting a plan together to attract funding from within the community. That's one point that I wanted to make.

The other one that I want to make is that my son and daughter both play sport at Wurdi Baierr Stadium once a week and we're part of a car pooling arrangement in Anglesea that travels to those netball and basketball games respectively. It struck me during those times how much interaction there is between the different facilities in the precinct and that's going to be particularly important as we move through the implementation of the precinct Master Plan, which we've all dealt with recently, and so I believe the value of the pool is not just in the pool or the Aquatic and Health Centre. It's not just in the value of the facility on its own but also it has value as part of a fantastic community precinct. And to that extent, I include the Torquay Community Hospital, which we're not going to be providing, but which will form part of the precinct and there's a number of other things that are really important parts of the precinct that all interact and so I'm excited, as Councillor Gazzard said, about the change to option F. I believe it's a far more usable and appealing option. I disagree with Councillor Barker to that extent that it won't be - it's likely to not be an option that's embraced by the community. I think it would be. Moving from an outdoor to an indoor pool, it provides lap swimming opportunities. That's really important to me, given the micro climate is quite notorious in this part of Torquay, and so I've got no hesitation in supporting this. I think it provides an exciting way forward and, of course, there are risks along the way and there are still unknowns and it's an intimidating process for us to be taking on but I think we need to do it and we need to do it now.

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

CR STAPLETON: Just a few short comments, thanks, Mayor. So in closing, I guess it's fair to say that we know that aquatic facilities can provide significant health and wellbeing outcomes for our community. We also know that not all facilities and services cater for every resident in the Shire, and we can't expect them to. A town the size of Torquay needs an aquatic facility. But I personally don't believe it will only serve

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Torquay residents. As a parent that's spent years driving kids from Aireys Inlet to both Geelong and Torquay for swimming lessons in years gone by, I know that this facility will be welcomed by many in the community who do live further afield. The reason I asked the question about Council's financial commitment to the Winchelsea pool, it wasn't to be difficult. It was to understand that the hinterland community will be catered for with an aquatic facility, not like the facility in Torquay, but they will have a pool, so of course it makes sense that residents in Winchelsea may not necessarily be the target audience for a pool in Torquay. The cost benefit analysis that officers provided in the agenda papers show that there's been very little variation between the previously adopted option C and the newly proposed option F with regard to operating costs, visitation and anticipated revenue, but the real benefit of option F is the advantage of having an all-year indoor pool for lap swimmers, squad training and competitions and hopefully being inside will also mean that it's more efficient to heat. The most important thing for us to do now is get accurate costs for this aquatic centre so I believe it's time to put the project out to tender and I urge my fellow Councillors to support us in doing so.

MAYOR PATTISON: Thank you. We'll now put the motion to the vote. All those in favour? All those opposed? And the motion is carried. We now move on to potential discontinuance and sale of Council-owned pathway between Smith and Warner Streets in Winchelsea. This report is being presented for Council to consider declaring its intention to discontinue and potentially sell a path way between Smith and warners streets in Winchelsea. The recommendation is seeking Council approval to commence the community engagement process for this proposal. Do I have a mover for this motion? Councillor Bodsworth. And do I have a seconder? Sorry, Councillor Bodsworth, is that as per the recommendation?

CR BODSWORTH: Yes, thanks, Mayor.

MAYOR PATTISON: Thank you, and do I have a seconder? Councillor Hodge. Councillor Bodsworth, do you wish to speak to the motion?

CR BODSWORTH: I can only speak briefly on this. I've looked through the recommendation. I've looked at the maps. I'm very mindful of connectivity within the towns and I'm a big advocate for pedestrian and bicycle connectivity and I'm satisfied that there won't be any loss, and, in fact, it will be slightly more convenient pathway for people to traverse this area. And bearing in mind that the path ways in question are very narrow and not particularly appealing pathways. Those things put together to me convinces me that this is a good recommendation.

MAYOR PATTISON: Thank you. Councillor Hodge, do you wish to speak in

CR HODGE: Thank you, Mayor. Just very quickly on point 3, it undertakes a community

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engagement process, and what we're going to do is our policy on sale, exchange or transfer of lands, so that will be a good way for the community to get involved as well too, to actually see perhaps the improvements, as Councillor Bodsworth said, of walkability, so I'm looking forward to this going out to the community and if it gets passed tonight, continue on with the recommendation as is.

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

CR WELLINGTON: I would like to ask a question. This is not similar in a way from the Cypress Lane proposal. But I wonder if the officers can explain the status of the land to the east, because it's proposed that this land will be amalgamated with the land to the east of the parcel. Can officers just tell the community status?

MAYOR PATTISON: Through you, CEO.

CEO ROBYN SEYMOUR: Councillor Wellington, are you asking - the request has come from the developer.

CR WELLINGTON: I understand that.

CEO ROBYN SEYMOUR: To say they feel that the path way won't be needed and, therefore, they have offered to purchase the land and move the path. Does that answer your question?

CR WELLINGTON: It does. I just wanted it to be clearer to - I just think reading this report, it doesn't actually identify the status of that land. But I also think people would perhaps note that this request has come forward. The developer has put a proposal forward and then the request has come forward separate from that, so there's no linkage between this request and the development, whereas that's (inaudible), as I understand it. Is that correct?

CEO ROBYN SEYMOUR: Yes, the development is already approved and the developer believes this is a better community outcome.

CR WELLINGTON: Yes. And I'm happy to speak to that but be I just wanted to make that point clear. Thank you. So in terms - I'm happy to have the community consultation and people have their say. It does feel to me that we need to be - if the community supports this - and I actually - if you look at the photos and you go and look at the site, these laneways which are narrow and potentially a bit secluded from view in some parts are potentially not desirable. It's preferable for public access routes to be open and visible to the community generally and so I think there's some good reasons to look at this and to ask the community to look at it.

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I think that development - if you look at the map on page 93, what we're saying is discontinuation of the pathway will not have an effect on through pedestrian access because there will be another access which is defined in green there, and I think the timing will be important there. So I'd just like to be assured - and perhaps we can go back to the CEO on that - that access will be continued because currently used, as I understand it, and that access will be accessible at all times so that this path way won't be discontinued until the alternative access is available to people. That's a question.

CEO ROBYN SEYMOUR: Councillor Wellington, I'm not in a position to be able to answer that but I can take it on notice, unless we are able to answer that. I think we need to take that on notice, Councillor Wellington, and that might be something that we would need to negotiate with the developer through the process of sale.

CR WELLINGTON: Thank you. So I'm happy to support it going out to community feedback and we'll wait and see what the answer to that question is to ensure that the community is satisfied that it won't have a prolonged period or any period really of access down here being restricted because it is currently used. Thank you.

MAYOR PATTISON: Do any other Councillors wish to speak? Councillor Barker?

CR BARKER: Just a quick question. What evidence do we have of undesirable activity occurring, which is used as one of the reasons for this?

CEO ROBYN SEYMOUR: I'm not aware that there is - there has been undesirable activity. I think the suggestion is that when that land is developed, at the moment you can see in the picture that there's a wire fence. There's likely to be two lots of paling fences in a narrow, dark, unlit laneway, which is quite long, which potentially then could become a risky situation. I don't think we're suggesting that there's currently a problem with that laneway. I guess the suggestion is that the alternative one is shorter, more open and is likely to be less risky, as opposed to there having been a history of problems at that site.

MAYOR PATTISON: Did you wish to speak as well?

CR BARKER: I'm generally supportive of it but I just - I don't like people including data for decision making that's a hypothetical. That's all.

MAYOR PATTISON: Any other Councillors wish to speak to the motion? Councillor Gazzard?

CR GAZZARD: I just ask a question, Mayor. From the photos it looks like there's no vegetation in the laneway.

MAYOR PATTISON: That's right, it's just concrete.

CR GAZZARD: That's all, thank you.

MAYOR PATTISON: Any closing remarks?

CR BODSWORTH: No, just on the question of the perceived risk of that corridor, I think it's not just the perceived risk but it's whether that impacts on people's life that are using that pathway as well. So there's a risk question but there's also a value question there and it's important for us to maximise the value of all these pathways, and if we tolerate a situation which is going to increase that value, I don't think that's the right way to go.

MAYOR PATTISON: Thank you. We'll now put the motion to the vote. All those in favour? And the motion is carried unanimously. We now move on to road renaming, Winchelsea development roads. This report seeks Council's endorsement of the renaming of several roads within a new development in Winchelsea to ensure consistency and clear street naming, particularly for emergency vehicles and visitors. Community consultation has already been undertaken for this proposal. Do I have a mover of a motion? Councillor Barker, is that as per the recommendation?

CR BARKER: Yes, Mayor.

MAYOR PATTISON: Do I have a seconder? Councillor Wellington, did you want to second that one?

CR WELLINGTON: Thank you.

MAYOR PATTISON: Do you wish to speak?

CR BODSWORTH: No, as per the recommendation.

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

CR WELLINGTON: Yes, I think this is reasonable solution to the potential for - obviously our road names need to comply with the standard and the standard says that we can't have road names changing in mid-stream, and that's for very good purposes, for community ease of access, but also for access for emergency services and what have you. It's unfortunate that this has happened and I don't know if there is anything we can learn from it in the future when we're planning subdivisions because some people will be inconvenienced by it, and so I do recognise that. But I think in the context of needing to comply and make sure that this is right for the future, we need this

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recommendation. Thank you.

MAYOR PATTISON: Thank you. Do any other Councillors wish to speak to the motion? No? Councillor Barker, any closing remarks? We'll put the motion to a vote. All those in favour? And the motion is carried unanimously.

We now move on to the Biodiverse Carbon Offset Planting at 185 Waltons Road, Buckley. This item seeks Council endorsement for a rescoped biodiverse carbon offset planting project on Council land at 185 Waltons Road, Buckley. The recommendation also seeks a minimum 50-year commitment from Council and the reallocation for \$10,000, originally set aside for an on-title Carbo Agreement, to be instead used for direct implementation of the rescoped offset planting. Do we have a mover of the motion? Councillor Stapleton. Is that as per the recommendation?

CR STAPLETON: Yes.

MAYOR PATTISON: And Councillor Gazzard, do you wish to second? Yes. Councillor Stapleton, do you want to speak to that motion?

CR STAPLETON: I will, thank you, Mayor. So we have a terrific opportunity tonight to demonstrate Council's continued commitment to mitigate the impacts of climate change through the creation of this biodiverse carbon offsets site at Waltons Road in Buckley, on the edge of Lake Modewarre. As the Mayor mentioned, this site has previously been approved by Council as a location for a biodiverse carbon offset project back in January 2021. But at that point in time, the project was to be coordinated by Greenfleet as part of an accredited carbon offset program. However, with changes to Greenfleet's operations and priorities, they are no longer in a position to work with Surf Coast on the project. The good news is that Council is still able to proceed with the project at Buckley, with interested community groups to create our own non-accredited carbon offset site. This requires a commitment to retain and protect this parcel of land for a minimum of 50 years, along with an agreement to reallocate the \$10,000 previously set aside for the carbon project with Greenfleet, using the funds instead to pay directly for planting across four acres of the site. The benefits of this project extend beyond carbon sequestration as the proposed planting would also enhance biodiversity, provide better habitats for local wildlife and provide a future seed collection site for other local offset plantings, while also building community understanding of biodiversity and carbon offsets. I thought it was really important to note that this site also has the potential to act as a demonstration site for the region, with potential for the Corangamite catchment management authority and the Barwon South West Climate Alliance to learn from our experience on this site and to assess options for other similar small scale local carbon offset sites. We know the site has already attracted a good level of community interest from those wanting to participate in local planting projects and, in fact, some trial plantings were held in 2022, which were supported by Landcare and local school groups

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including a session attended by Moriac primary school in partnership with the Wadawurrung traditional owners who were able to give students insight into the really important cultural values and the importance of Lake Modewarre. As a Council committed to environmental leadership and action on climate change, we have an opportunity before us to achieve specific objectives to sequester carbon locally and as such I really hope that this project has the support of my fellow Councillors. Thank you.

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

CR GAZZARD: Yes, thanks, Mayor. I think this is a really great outcome for the community and for our Shire to continue with our carbon offsetting as planned. I think it's not - the purpose of paying for carbon offsets I think is not how we should be aiming. We should be trying to reduce our emissions and working on our own path, so it's great to be replanting (inaudible) ourselves (inaudible). I support the recommendation.

MAYOR PATTISON: Do any other councillors wish to speak to the motion? Councillor Barker?

CR BARKER: Thanks, Mayor. One of the concerns to me jumps out at point 1 of the recommendation, that an unaccredited carbon offset project led by Council and the volatility in this space, as evidenced by Greenfleet's reprioritisation, shows that it's not a long-term economically sound decision. If it was purely based for carbon sequestration and there was a greater voluntary contribution so that Council didn't have to invest this \$10,000, I might be inclined to support it. But what we've got in front of us is a project that was slated, conditions changed, and now we've got this money that was allocated to the original plan now in a position that we don't actually have to spend it but we're just looking at it going, "Oh, we've allocated this money. That's now not being spent. Let's go spend it on something else". So it was purely an environmental project rather than an economic one to try and jazz up some sort of potential carbon offset program. I don't know. It's just ... this environmental alarmism that's happening and creating all these different projects and programs that everyone wants to save the world but we're not looking after our own backyard, I think it's a waste of time, effort, energy and resources but if you are totally focused on capturing carbon, go plant some trees. Go to your shop and buy your saplings, buy your seeds, go plant them, and if we can allocate some space for people to do that, more than happy to. But I'm not just going to take this money that we've allocated and just chuck out on this new fan dangled thing that doesn't actually have any sound legs. So think of it what you will but I will not be supporting this motion.

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

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CR WELLINGTON: Thank you. Can I just ask, this is an 11 hectare site and we're proposing to spend \$10,000 planting four hectares of it. Can I ask what we're going to get planted for the \$10,000 when the other organisation was doing it? Were they planning to plant the whole 11 hectares or just 4?

CEO ROBYN SEYMOUR: Thank you, Councillor Wellington. I'll just refer it to our GM for Placemaking and Environment to see if he understands what the original intent with Greenfleet was.

OFFICER: Thank you. Thanks for the question, Councillor Wellington. I'd have to take that one on notice. I actually don't know the answer.

CR WELLINGTON: I have another question. For the motion, it is not clear in the original motion how much of the land was going to be planted but it also talks about consultation with the CFA. Did that ever occur and --

CEO ROBYN SEYMOUR: Yes. The consultation with the CFA did occur and they were supportive of us proceeding with the planting.

CR WELLINGTON: Thank you. And are we proposing - just a third question - are we proposing that we're going to spend the \$10,000 employing people to plant trees?

CEO ROBYN SEYMOUR: So the intention would be that it would be a community project, so the money would go into the purchase of the plants and then it will be a community initiative where community will assist us in planting those trees and it won't just be trees. There'll be other - there'll be a range of Indigenous plants that are planted on that site.

CR WELLINGTON: Thank you. Look, I'm really happy to support this. I think we absolutely need to be doing some things that we can do ourselves, as an authority that owns land, and this is a real opportunity. I wouldn't like to think we were paying people to plant trees because we have this extraordinary Landcare group in the region. Certainly the Landcare group that I've been associated with is just amazing and there's tree planting happening, and as Councillor Barker said, people are buying trees. They're paying for seeds, they're getting grants via Landcare. They're doing all these things in the hinterland to try and offset carbon emissions and create sort of locally based offsets. We got some information from Officers a couple of weeks ago - because some of our reporting talks about how much we've achieved in terms of carbon offsets but a huge amount of what we're doing is buying offsets from sites where we don't know what they're doing and we actually don't know if they're genuine offsets or not and I do not support that but I do support Council acting in its own space, and our space is the land we own and the land we manage, and really being a good corporate citizen and a good global citizen, planting trees in these spaces. So I really do hope that we work very

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closely with the Landcare groups. They're amazing in our Shire, and this is their core business and I'm glad to see it has been consulted because when you look at this on the map, it's kind of north-west of Moriac, mainly west but slightly north-west of Moriac, and it is also relatively proximate or proximate to where the Cora development is proposed. So we just need to be sure we don't create a fire hazard. But as long as we have done that and we've got CFA endorsement of this sort of approach and we keep in close contact with the CFA to make sure what we do is consistent with good fire management practice and that - I support it.

The only other issue I would alert people to is you need to maintain trees, and so if we plant four hectares of trees, we need to be prepared and have some mechanism for them to be maintained, not just planted and left. Thank you.

MAYOR PATTISON: Do any other Councillors wish to speak in Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. I just wanted to share a couple of extra perspectives with Councillors, one being that I went out for my first visit to the site this morning and I was really struck by something which made me want to acknowledge the traditional owners of the area tonight, the Wadawurrung people, because particularly given the condition the lake is in at the moment, where it's just bursting with life, full of water fowl, you can tell what a bounteous place it must have been for a long time. So that sense of place, that sense of kind of traditional country was really strong. On my visit this morning I found a small stone artefact on the ground near one of the existing parking areas. I've got no doubt there's a lot of other material there, so I think that this proposal can only enhance that kind of sense of place. It has a biodiversity component to it. Again, biodiversity was fantastic there this morning but the surrounding landscape's quite denuded and so this, as Councillor Wellington said, will be an important part of a framework of native vegetation that's gradually being re-established, and another perspective is on the carbon accounting side of this, where I think we need to - this is an opportunity for us to raise our awareness of a difficulty that local farmers face when they're planting and managing their farm trees, where they also don't have access to good carbon offsetting schemes, and a lot of them are undertaking carbon sequestration work on their farms and they don't have suitable recognition for that carbon sequestration, so I think that's something that's probably not really our business but it's certainly something that we can help advocate for and that we can understand that our local farmers who are interested in that face that difficulty, and I had a chat at the Friends of the Barwon AGM recently, with Hugh Stewart from the Stewart family of Yan Yan Gurt farm who is a forest scientist and who is heavily involved in carbon accounting, and I learned some really interesting things from him. So we certainly have fantastic expertise in the district, and I think that this can provide a really important sort of interpretative opportunity around traditional owners around carbon accounting and around biodiversity.

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MAYOR PATTISON: Thank you, Councillor Bodsworth. Any other Councillors wish to speak to the motion? Do you have any closing remarks?

CR STAPLETON: Just quickly, I would add that even though this project is to plant out four hectares, my understanding is that officers will seek grants through various environmental sustainability grants for funding to plant out more of the space and my recollection is that I think under the Greenfleet proposal, the intention was to plant out the 12 hectares. So hopefully we do get to that point down the track but initially I think it's a win/win project. The community is already engaged on it. We can do no harm by planting more trees. It's great for the environment. It's great for the community. And I think it's clear that we'll get support from most Councillors on it tonight. So thank you.

MAYOR PATTISON: I'll now put the motion to the vote. All those in favour? All those opposed? And the motion is carried. I'd now like to seek - to suspend our Standing Orders for 15 minutes. We've now been running for two hours so we'll have a short break. Can I have a mover? Councillor Hodge. And a seconder? Councillor Barker. All those in favour? And the motion is carried unanimously. We'll be back online at 8.15. Thank you, everybody, for joining us.

MAYOR PATTISON: Hello, and welcome back. I'll now have a motion to resume Standing Orders. Can I have a mover? Councillor Hodge and Councillor Allen. All in favour? And motion is carried.

So thank you, everybody, for coming back to our continuing on with our Council meeting for tonight. We'll pick up on item 7, 4.7, the ALGA Assembly and MAV State Council motions. The purpose of this report is to seek Council's endorsement of motions to be tabled at the Australian Local Government Association 2023, National General Assembly, to be held in June, and the Municipal Association Victoria State Council meeting to be held in May this year. Do we have a mover? Councillor Allen. Is that as per the recommendation?

CR ALLEN: As per the recommendation.

MAYOR PATTISON: Thank you. And do I have a seconder? Councillor Barker. Councillor Allen, do you wish to speak?

CR ALLEN: Thanks, Mayor. Since the declaration of the key worker accommodation crisis by this Council at the May meeting in 2021, we have been active in at terming to address what is a National problem. Accommodating seasonal workers was an immediate priority and we changed the local amenity laws and supported the adopt a worker program. At the same time, we have been looking at longer term solutions, beginning in Winchelsea, Anglesea and Aireys Inlet, in response to full-time essential

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workers finding accommodation unaffordable and unavailable, with many being forced out of housing as the owners used their properties for short-term rather than long-term rental.

Advocacy forms an important part of our strategy, with the two parts of this motion opportune. International workers are now returning. The Commonwealth Government extended current workers' visas until July 2023 and this motion calls for the Australian Local Government Association to lobby for this policy change to become permanent, allowing international workers to be employed for the 12 months of their visa. Currently, a limited number of industry sectors enable working holiday maker visa holders to apply for a second year permit. These are known as specified workers. By including hospitality jobs in the definition of specified workers, tourism and hospitality based businesses would be able to reemploy workers who apply for a second year visa. We all know stories of businesses throughout the Shire that have reduced their hours of trading due to a lack of staff and/or nowhere appropriate to house them, at a time when tourism along the coast has blossomed. Now is an appropriate time for this advocacy as the Federal Government is currently looking to overhaul the migrant worker system, attempting to make it relevant to our current needs and to reduce the opportunity for overseas workers to be exploited. The second part of the recommendation calls for a motion to be placed before the Municipal Association Victoria State Council for consideration in their advocacy program to the State Government. The motion references a pilot program held in 2020 in four municipalities to allow the use of secondary dwellings for long term rental accommodation. Importantly, this trial did not include a coastal community where essential workers have, as I said previously, been priced out of the market or there simply is very little to nothing available. Under current planning provisions, second dwellings such as granny flats can only be occupied by a single person and that person must be a dependant of the occupiers of the primary residence. A trial in a coastal community of an essential worker not dependent on the resident is really appropriate as the impact upon neighbours, say, in Lorne will be very different to greater Bendigo, where the neighbours are more than likely to be permanent residents. The results of the existing trial have not been released but evidence from a trial in a coastal community will better inform those who control the state Planning Scheme and will add results relevant to a post COVID environment as the first trial took place during the height of the pandemic. With these two approaches, we are attempting to address the number of essential workers available, along with increasing the supply of affordable accommodation. Both parts of our recommendation are consistent with priorities in our Council plan and are appropriately timed, as I believe that the attention to all levels of government is increasingly focused on this urgent matter. Thank you.

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

CR BARKER: Thank you very much for that, Mayor, and very well spoken, Councillor

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Allen. I'll put it in my terms. I very much support these advocacy measures because they take government interference in the voluntary interaction between consenting adults down to a lower level so that we can have a more free market in the accommodation space. That is all.

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

CR STAPLETON: I would like to speak, thank you, Mayor, and Councillor Allen has obviously outlined what is proposed but I just thought it might be useful for the community to understand a little bit about the process. So each year Council has an opportunity to submit motions to two representative bodies, being MAV, which is the Municipal Association Victoria at a state level, and ALGA, the Australian Local Government Association, at a National level. These organisations represent the voice of local Councils and, as such, they play a really important role in making sure that the voices of our local communities are being heard by decision makers in Spring Street and in Canberra. As such, both MAV and ALGA have a significant role to play in convincing our state and Federal Governments that more action is needed to address the ongoing housing affordability crisis and key worker shortages, which are having an acute impact on many who live and work in the Surf Coast Shire. Councillor Allen has already explained the importance and purpose of these motions, but I would just like to reiterate that although Council is working on various affordable housing projects and opportunities throughout the Shire, our resources are limited and we need much more support from the state and Federal Governments to address the housing crisis. Council has helped facilitate the WinAngLo housing project in Winchelsea, has worked with the Lorne Business Association on programs for seasonal workers, is now working on a social and affordable housing project in Aireys Inlet, a Master Plan for the McMillan Street precinct in Anglesea, and has a tiny house trial scheduled for this year. These are all important projects but will only help address a small part of the housing problem. We need the power of state and Federal Government policy to make significant inroads into the housing crisis. We know that Surf Coast is not alone in this, which is why we are seeking support from the MAV and ALGA to advocate for better solutions. I endorse the two motions presented here tonight, which have been outlined by Councillor Allen, as these both provide important opportunities for MAV and ALGA to step up their advocacy on housing and key worker shortages and hopefully generate a far greater response from state and Federal Government to address this ongoing and worsening crises. Thank you.

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

CR WELLINGTON: Thank you. I certainly support the first part of the motion, which is the extension of the holiday making visa to the 12-month period. I know there's tremendous shortage of workers, as everyone has explained, and it seems unbelievable

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that we have businesses that could operate but can't open their doors because they can't get people. So we need to fix that. In terms of the second one, I have no problem with supporting it but I struggle with the notion of conducting another pilot when there's been a pilot conducted and the results haven't been released. So one of the things we should ask is for the results to be released so that we can see what the pilot showed. I understand that it wasn't undertaken in coastal areas but I would have thought there would be lessons to be learnt from it that could be applied in coastal areas, and the other point is that as I understand it, at least New South Wales and Victoria and possibly other jurisdictions, have changed their laws to enable people to live in secondary accommodation who are not members of the household, so they've just removed prohibition. So I don't know why we're trying to reinvent the wheel in Victoria. We know we've got a problem. I'm not sure that another pilot is going to help. I don't really object to one but I'm not sure another pilot will help it. Why don't we advocate to State Government to change the law so people can live in this existing accommodation? So we're not talking about new planning permits or anything like that. We're talking about existing accommodation and people occupying accommodation which is self contained and is not restricted to people who are members of the family? So I support it. I don't support tents in front yards, which is something this Council has approved for three months of the year for family, camping on residential property. I don't support that at all. But I have no problem at all with people living in existing developed accommodation. I think we haven't gone far enough with the motion but I don't mind supporting it.

MAYOR PATTISON: Thank you. Any other Councillors wish to speak? Any closing remarks?

CR ALLEN: Thanks, Mayor. Look, Councillor Wellington makes a very valid point and we really should be urging the early release of the results from the first trial. I don't know whether that can be included in the advocacy when we go to the MAV Council meeting. Thank you.

MAYOR PATTISON: Thank you. I'll put the motion to the vote. All those in favour? And the motion is carried unanimously.

We now move on to appointment of Audit and Risk Committee independent member and Chair. The purpose of this report is for Council to consider appointing an independent member to the Audit and Risk Committee and to approve the appointment of a Chair of the Audit and Risk Committee. Do we have a mover of the motion? Councillor Bodsworth. Is that as per the motion?

CR BODSWORTH: Yes, thanks, Mayor.

MAYOR PATTISON: Do we have a seconder? Councillor Wellington. Councillor

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Bodsworth, do you wish to speak?

CR BODSWORTH: I think I just pipped Councillor Wellington for moving this one and she's had longer experience on the Audit and Risk Committee than I have, so I'll go briefly, which is that as we know, Debra Russell and John Gavens both left the committee after their full two terms, being eight years, both really well respected members of the community and great contributors, and through the expressions of interest process, a selection panel, interview process and referee checks, we've got two fantastic new independent members of that committee, being Peta Maddy and Michael Ulbrick, who has also taken on the Chair role. So Peta is an engineer. She has a lot of experience in asset management and quality systems. She has a Bachelor of Science, as well as her engineering qualifications. She's got other Audit and Risk Committee memberships and other board memberships, extensive experience in the water sector. Michael is more experienced in the local government sector. He also has other board and Audit and Risk Committee experience. He's a former acting CEO of this organisation. He's worked in the office of local government. He's worked in corporate governance, finance and service standards, and in the field of service standards, so across the two, Peta and Michael, we've got a fantastic combination of skills and having attended the interviews myself, along with Councillor Wellington, I'm really confident that they'll be great new members of the Audit and Risk Committee.

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

CR WELLINGTON: Just briefly, thank you. I agree with those comments. I think it's important on the Audit and Risk Committee to have a balance of people with local government experience but not a predominance because we need people from other sectors to bring in other ideas, so we've got a good balance with the four independent members. We've got now - we've always had a good balance of local government expertise, with expertise from other sectors, and that will continue with these two new members. They certainly bring a lot of expertise. The Chair role is a really important role and it's been done extremely well for the past several years so there will be big shoes to fill but I'm sure they will be filled, and the really critical thing in that meeting is making sure that new ideas are considered and that different ways of doing things are considered and that questions are received appropriately and all that sort of thing. I am sure that will continue to happen. It's been a really well-performing committee and I've been very pleased and proud to be a member of it actually. Thank you.

MAYOR PATTISON: Any other Councillors wish to speak? Any closing remarks, Councillor Bodsworth?

CR BODSWORTH: No, thanks.

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MAYOR PATTISON: Put the motion to the vote. All those in favour? And the motion is carried unanimously.

We now move on to the transition to Victorian Telecommunications service contract with Telstra. The purpose of this report is to seek approval to enter into a contract with Telstra Corporation Ltd for the provision of telecommunication and data network services, subject to the provisions of Victorian Telecommunications Services head contract, established by the Department of Premier and Cabinet. Do we have a mover of a motion? Councillor Bodsworth. Is that as per the recommendation?

CR BODSWORTH: Yes.

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

CR BODSWORTH: I'll just briefly run through it, thank you. This organisation has had an existing contract with Telstra for provision of Telecommunications Services. That contract has run out. We've had the opportunity to enter into a new contract under the Victorian Telecommunications Services or VTS contract and entering into that offers us four main outcomes, which is a more viable foundation for our digital transformation activities, greater cyber security and business resilience, so turning back to the Audit and Risk Committee for a second, that's been one of their areas of focus - cyber security and fraud protection. Improved - lower cost for Council's Telecommunications Services, which I'm sure Councillor Barker will support, and improved digital communications user experience across Council sites, including remote access look Zoom, which we have a couple of Councillors joining us via Zoom tonight. So really lower cost combined with higher performance via this contract I think is a really compelling reason to go with it.

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

CR BARKER: It's a clear-cut decision. Unfortunately there's not a huge amount of competition in the telecommunications space so we're pretty much left with Telstra. It would be nice if there was more competition and other great options to choose from but this is it. This is what we've got and hopefully that's not too bad.

MAYOR PATTISON: Would anyone else like to speak to the motion? No. Councillor Allen?

CR ALLEN: Just to say that the digital transformation process has been over the last few years a very important to budget savings in the Council, a very important part, and so this is obviously an important element of that process that will continue.

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

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CR BODSWORTH: No, thanks, Mayor.

MAYOR PATTISON: We'll put the motion to the vote. All those in favour? Carried unanimously. Oh, Kate? Yes, it is unanimously.

We now move on to SCS007 CEO Employment and Remuneration Policy. The purpose of this report - sorry, we have a conflict.

CEO ROBYN SEYMOUR: Sorry, Mayor Pattison. I would like to declare an interest. I didn't let you finish, but as it relates to the CEO Employment and Remuneration Policy, I declare an interest and I will remove myself.

MAYOR PATTISON: Sounds good. We will wait for you to go out into the lounge and we'll come and get you. We won't leave you there. We promise. Alright. I'll just finish. The purpose of this item is to seek Council's endorsement of the updated SCS007 Chief Executive Officer Remuneration and Employment Policy. Do we have a mover of a motion? Councillor Allen. Is that as per the recommendation?

CR ALLEN: Yes.

MAYOR PATTISON: And a seconder? Councillor Hodge. Councillor Allen, do you wish to speak?

CR ALLEN: Just very briefly, Mayor. Being part of the CEO employment cycle and the remuneration process is a very important responsibility that we have and I affirm that the policy as published is very comprehensive. It's well administered and transparent. We have received detailed CEO performance objectives and Councillors have been part of their review. We have ensured that the objectives aligned with the priorities stated in the Council plan, but most importantly, that members of the Audit and Risk Committee have reviewed the process and they have not made any suggested changes. Thank you.

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

CR HODGE: No, I won't add to that.

MAYOR PATTISON: Anyone else like to speak to the motion? Councillor Wellington?

CR WELLINGTON: I would like to confirm there are no changes to the policy. It doesn't say that. It says the Audit and Risk Committee and the Employment Matters committee didn't recommend changes but there's not a red line version, so I'm assuming it's the same policy that we passed about a year ago but I just wanted to confirm that.

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OFFICER: Sorry, through you, Mr Waight.

MR WAIGHT: Yes, Mayor, and thank you Councillor Allen for the question. It's very difficult to pick up many changes because there's not many actually tracked through the document. It's very grammatical and administrative only. So the policy is materially the same, Councillor Wellington.

CR BARKER: Except the review schedule.

MR WAIGHT: Yes, good point, Councillor Barker. The one change is its term is suggested to be three years instead of one, which was one of the suggestions coming through via the Councillor engagement on the topic.

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

CR WELLINGTON: No, I'm happy with that, thanks.

MAYOR PATTISON: Alright. Any closing remarks?

CR ALLEN: No, thank you.

MAYOR PATTISON: We'll now put the motion to the vote. All those in favour? And the motion is carried unanimously. We'll just let - can you let - thanks, Councillor Hodge. Thank you.

Now that our CEO is back, we'll move on to the next item, project budget adjustments and cash reserve transfers, February 2023. This report is presented for Council ratification and approval of proposed project budget adjustments and cash reserve transfers relating to the 2023 financial year. Do we have a mover of the motion? Councillor Allen, is that as per the recommendation?

CR ALLEN: Yes.

MAYOR PATTISON: Do we have a seconder? Councillor Bodsworth. Councillor Allen, do you wish to speak?

CR ALLEN: Thank you, Mayor. This report really is one of good news. I'm surprised there wasn't a lot of competition to move it! When you look through the report, there's a total of 1,830,000 dollars of grant funded initiatives. I note Councillor Barker probably would like that, listed in tables 3 and 4, which includes importantly the blackspot program, and it's granted funded to the tune of 1,160,000 dollars. It's great to see that

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the Surf Coast tennis club's contribution to the perimeter fencing of \$6,830, which is terrific. I note that the Anglesea community health club precinct plan has attracted \$200,000 in funding and there will be important lessons that may well be applied to other opportunities in the Shire in the space that we've talked about in one of the previous motions. And if you look also, there's project savings returned to the project saving account of 86,800 dollars so all in all it's a terrific report and well done to the officers who secured that level of funding.

MAYOR PATTISON: And Councillor Bodsworth, did you wish to speak? No? Any other Councillors? Councillor Wellington?

CR WELLINGTON: Thank you. I just had a question about the table 5. I notice that there's \$6,000 as a project saving for the Winchelsea Memorial Cairns project and I just wondered - it's a fairly significant amount. I just wondered if we could have an explanation of that and also can it be confirmed, the destination of that, please.

MAYOR PATTISON: Through you, CEO.

CEO ROBYN SEYMOUR: Councillor Wellington, we had a good amount of - my understanding is we had a good amount of funding both in terms of funding for the garden and also the Cairns, and so with that combined funding, we were able to achieve the intended project, which meant that the money could be returned to our funding. But I think our GM of strategy and effectiveness might be able to add some more detail to that.

OFFICER: Yes, thank you, Robyn, and thank you, Mayor, and thanks, Councillor Wellington, for the question. This project was the recipient of some significant funding as well as some project money we had allocated to landscaping for the precinct around the Cairns. So we were able to combine those to get the full scope deliver but it's returned some savings to the project savings account. It's probably a result of having a good and generous project budget and being able to deliver the items that were important to the community and this is a saving that can be returned.

CR WELLINGTON: Thank you. My only comment would be it's a hugely important project to the Winchelsea community. The whole memorial - the whole methods for ensuring that memories are kept in the town, they're really, really important to the community and it's a large amount of - it's effectively a quarter of the project funds or a little bit more, and I just wonder if consideration could be given to - because I know the RSL's got many requirements at their facility in Winchelsea. I just wonder if consideration could be given to looking at related projects, that that money could be spent on, given that it was allocated specifically for memorial purposes.

OFFICER: I'm happy to continue. I think in that case we would look to close this as a

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project and maybe if there was a new project established down the track, then some of this project saving might be able to be added to it. But in our project management approach, we try to keep that as quite a separate and deliberate decision making process so I don't disagree with you. I think there could be some important things down the track but we would look to establish a separate project for that.

CR WELLINGTON: Thank you.

MAYOR PATTISON: Alright. Councillor Allen, do you have any closing remarks?

CR ALLEN: No, thanks, Mayor.

CR BARKER: Yes, Mayor. First, I'll just do a minor amendment. If you go down to page 155 where it says 196 as well, there's just a typo. It says "meetings" where it should say "meets" under risk cloud replacement. Other than that, I'm conflicted because it does cover the costs for some pretty important work but it also takes money from us as taxpayers and taxpayers outside the area so for that on a principle based decision making process, I cannot support but it won't have an impact on the outcome.

MAYOR PATTISON: Thank you. Do any other Councillors want to speak to the motion? No. Councillor Allen, do you have any closing remarks?

CR ALLEN: No, thank you, Mayor.

MAYOR PATTISON: Putting the motion to the vote. All those in favour? All those opposed? And the motion is carried. We now move on to the quarterly budget report, December 2022. The purpose of this report is to receive and note the December budget report for the 2022-23 financial year. This includes the comprehensive income statement, balance sheet, statement of cashflows, statement of changes in equity and statement of capital works. Do we have a mover of a motion? Councillor Hodge. Is that as per the recommendation?

CR HODGE: Yes, thank you.

MAYOR PATTISON: Do we have a seconder? Councillor Bodsworth.

CR HODGE: I'll be very quick on this. This report contributes to the public transparency of our budget report being available to the community and you've already listed, Mayor, all the statements that are on it and it's very well explained with the numbering for variances and they're all numbered and explained below each statement, so people can see where there is favourable and unfavourable variances. But the one thing that I think is really relevant, and even to our discussion earlier tonight, was mentoring some of the key risks and one of them is cost escalation of fuel and civil and building materials

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and I think that will be a risk that we're going to be really looking at with the pool and anything operational. So this is a good report that's available to the community to see where all our financials are and I thank the staff for putting it together.

MAYOR PATTISON: Thank you. Councillor Bodsworth?

CR BODSWORTH: No, nothing to add.

MAYOR PATTISON: Any other Councillor like to speak? Councillor Allen?

CR ALLEN: Thanks, Mayor. The second quarterly report is one in which the CEO is required by statute to report if a revised budget is required, which I'm pleased to say it's not. We have a year to date favourable operational surplus of 0.9 million dollars, partly due to the increased grant income from the State Government kindergarten initiatives and higher earnings from interest. I would just like to note that supplementary rate income is lower than budget, as is garbage charge income, and one can speculate as to the reasons for the drop in supplementary rate income. Maybe the higher interest rates, seeing projects deferred or shelved, a slowing of the implementation of projects due to supply chain matters, but the trend needs watching as if it continues, there will be future budgetary implications that are quite serious. Thank you.

MAYOR PATTISON: Any other Councillors wish to speak? No? Councillor Hodge, any closing remarks? No. We'll put the motion to the vote. All those in favour? And the motion is carried unanimously. The next one - we have received a request through the CEO to alter the recommendation and defer this report. It relates to the appointment of Councillor conduct officer. A revised recommendation will be displayed on the screen. So the recommendation is that Council notes that officers are going to undertake further investigations on this matter and a report on this matter will be presented to a future Council meeting. So I now - is there anyone that wishes to move this deferral motion? Councillor Stapleton?

CR STAPLETON: I'm happy to move it as per the recommendation.

MAYOR PATTISON: And a seconder? Councillor Barker, thank you. All those in favour? And the motion is carried unanimously. Thank you. We now move on to Councillor expenses and attendance at meetings, December quarter. The purpose of this item is to present a report of Councillors expenses claimed and attendance at meetings for the December 22 quarter. Please note we have been advised by officers that there was a processing issue with this report and some figures were presented incorrectly. As such, officers will now display a corrected recommendation on the screen for us to consider. So this relates to - the total remains unchanged in relation to point 2 around the Councillor allowances but the breakdown has changed. So do I have a mover of the

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motion as per being displayed on the screen? Thank you, Councillor Stapleton. And a seconder? Councillor Bodsworth. Do you wish to speak to the matter, Councillor Stapleton?

CR STAPLETON: No, that's fine.

MAYOR PATTISON: Councillor Bodsworth?

CR BODSWORTH: No, thanks, Mayor.

MAYOR PATTISON: Anyone else wish to speak to it? Councillor Wellington?

CR WELLINGTON: Thanks very much. I just wanted to point out that I haven't made any claims for expenses for quite a long time because I was accused of misusing my entitlement to expenses and I wanted to get that allocation sorted before I put in any claims. So my claims are well out of date. I've now been absolutely exonerated of that allocation. I'm very, very disappointed that it was made and supported by at least one Councillor from this Council, but I do want to make the point that it was completely unfounded. It's gone through legal proceedings and it has been clearly confirmed that there's no substance to that allegation at all. So I just wanted to put that on the record and I will be making a claim which goes back for quite some period shortly and I hope that that doesn't lead to a further allegation that I am inappropriately claiming expenses. Thank you.

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

CR BARKER: Is this the first report where Councillors' allowances are all in one total rather than individual?

MAYOR PATTISON: I think in the report it is broken down. It's just because there were some amendments to the recommendations that it's come up like that. But if you look through the report, it is broken down as per it has been previously. Did you want to speak to the motion, Councillor Barker?

CR BARKER: I might have a different copy.

CEO ROBYN SEYMOUR: On page 178.

MAYOR PATTISON: It talks about professional development expenses and it's per Councillor.

CR BARKER: But the individual Councillor allowance.

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MAYOR PATTISON: The second table. For the second table - I guess each Councillor has the same allowance unless they're Mayor or Deputy so you can just divide that by 7.

CR BARKER: No, they don't.

MAYOR PATTISON: OK, yes, true, if others have chosen to take less of the allowance. I'm not aware of the situation there.

CEO ROBYN SEYMOUR: If you could prefer that we show it separately in future, we're happy to do that, Councillor Barker.

CR BARKER: I think it would provide accurate transparency.

MAYOR PATTISON: Sure. We can take that on notice for future meetings. Thanks. Would anyone like to speak to the motion? No? Any closing remarks? We'll put the motion to the vote. All those in favour? All those opposed? And the motion is carried. That takes us to conflict of interest records. This item presents conflict of interest records received since the previous -- did I miss one? Sorry. 4.15. Sorry, my thing doesn't go page to page. It's all good. Sorry about that. Thanks. I'm glad we're all on the ball, even though it's 8.50. Good work, Councillors. Thank you.

So item 15 is instrument appointment and authorisation Planning and Environment Act 1987. The purpose of this report is to seek Council's endorsement for authorised officers under the Planning and Environment Act 1987 through the updated instrument of authorisation and appointment. This instrument requires updating due to recent staff appointments. Do we have a mover? Councillor Allen. As per the recommendation?

CR ALLEN: Yes.

MAYOR PATTISON: Secunder? Councillor Barker. Would you like to speak, Councillor Allen?

CR ALLEN: No, thanks.

CR BARKER: No, thanks.

MAYOR PATTISON: Any other Councillors like to speak? Now put the motion to the vote. All those in favour? And the motion is carried unanimously. We now move on to conflicts of interest records, item 16. This item presents conflict of interest records received since the previous Council meeting. Do we have a mover of a motion? Councillor Bodsworth, is it as per the recommendation?

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CR BODSWORTH: Yes, thanks.

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

CR BODSWORTH: No, thanks.

MAYOR PATTISON: Councillor Stapleton? Would anyone else like to speak? Councillor Wellington?

CR WELLINGTON: Yes, thanks. I'd just like to say briefly it's really important that there's transparency, and nothing that we do in Council should be not transparent to the public. The attendance at meetings is a difficult one. Because it's the only thing really we collect about Councillors, or very little else, there's almost an implication that being a Councillor means - being a good Councillor means attending a lot of meetings and I think that crept into our reporting because in an effort to sort of suggest that it was improper for Councillors not to be attending briefings particularly, and I just don't agree with that at all and I think at the end of the day, the community gets good value from Councillors who are well informed, regardless of whether they attend briefings. But I do feel it raises the question of how the community can assess the performance of Councillors and I'd like to see something in the future where there's some performance indicators for Councillors as well as for the CEO, not just related to how many meetings they attend but what they actually do, and how they support their communities. I don't know what those performance indicators would be but to me, that would be a much more useful thing to do than present tables saying, "Oh, somebody didn't come to briefings" because I just think it's completely sort of pointless really. It doesn't give anybody any idea of what people do as a Councillor and it's kind of misleading for people who don't understand much about Council. So just a comment and a suggestion really.

MAYOR PATTISON: Thank you. Councillor Bodsworth, do you wish to have any closing remarks?

CR BODSWORTH: No, just to welcome Councillor Wellington's comments and suggestions on that.

MAYOR PATTISON: We'll now put the motion to the vote. All those in favour? All those opposed? Are you opposed or you haven't voted?

CR BARKER: Sorry.

MAYOR PATTISON: Conflict of interest records. Opposed?

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CR BARKER: For.

MAYOR PATTISON: So the motion is carried unanimously. And as there is no urgent business for tonight's meeting and the next section is confidential, we will say goodnight to our remaining people in the audience, in the gallery. Thank you very much for coming. We always appreciate your attendance. And we will now say goodbye to our community online. Thank you very much for being part of our Council meeting. And I'll now move into confidential. Do I have a mover? Councillor Allen. And seconded by Councillor Stapleton. And we'll all vote. And that's carried unanimously. Thank you.