

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 8 October 2013

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 7.03p.m.

COUNCIL:

Cr. T. Ansett (*Windermere*)
Cr. L. Ellis (*Coryule*)
Cr. J. Farrell (*Beangala*)
Cr. K. Fisher (*Corio*)
Cr. B. Harwood (*Kardinia*)
Cr. M. Heagney (*Brownbill*)
Cr. J. Irvine (*Austin*)
Cr. E. Kontelj (*Cowie*)
Cr. Dr. S. Kontelj (*Kildare*)
Cr. R. Macdonald (*Cheetham*)
Cr. R. Nelson (*Deakin*)
Cr. A. Richards (*Buckley*)

(G21 Geelong Regional Alliance, Governance Regional Cities,
Women in Community Life)

(Heritage, Rural Communities)
(Coastal Communities, Infrastructure, Parks and Gardens)
(Community Safety, Education and Youth)
(Community Development)
(Enterprise Geelong)
(Arts and Culture, Central Geelong)
(Sport and Recreation)
(Aboriginal Affairs, Multicultural Affairs)
(Finance)
(Major Projects, Planning, Knowledge Economy)
(Major Events, Tourism)
(Environment & Sustainability, Transport, Primary Industries)

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**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL, LITTLE MALOP STREET, GEELONG
TUESDAY, 8 OCTOBER 2013
COMMENCING AT 7.03 P.M.**

PRESENT: Cr B Harwood (Acting Mayor), Crs T Ansett, J Farrell, J Irvine,
E Kontelj*(7.05pm), S Kontelj, R Nelson, A Richards

Also present: S Griffin (Chief Executive Officer), J Wall (General Manager Corporate Services), P Bettess (General Manager Economic Development, Planning and Tourism), G Van Driel (General Manager City Services), J McMahon (General Manager Community Services), D Frost (General Manager Projects, Recreation and Central Geelong), J Brown (Manager Administration and Governance), R Bourke (Governance Co ordinator), D Chiller (Co-ordinator Communication & Marketing)

OPENING: The Acting Mayor declared the meeting open at 7.03pm

ACKNOWLEDGEMENTS:

The Acting Mayor acknowledged that we are here today on the land of the Wathaurong People and we pay our respects to Aboriginal elders past and present.

APOLOGIES: Crs Fisher and Macdonald (Leave of Absence)

CONFIRMATION OF MINUTES:

Cr Irvine moved, Cr Ansett seconded –

That the Minutes of the Ordinary Meeting held on 24 September 2013 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Eddy Kontelj declared an Indirect Interest in relation to Contract C1300023 - Green Organics Receival, in that several of the tenderers are significant customers of his employer.

Cr Harwood declared an Indirect Interest by Close Association with one of the tenderers in Item 7 – Contract C1300022 – Waste Haulage Services, and Indirect Interest by Close Association with a business that is connected to tenderers in Item 8 – Contract C1300023 – Receipt of Green Organic Material.

QUESTION TIME:

Question Time is an opportunity for questions to be addressed to Council and while the minutes record the general content, they do not purport to be a transcript of what was said by individuals. Likewise Councillor or Officer verbal responses are in summary form only. Views expressed may not be the views of Council.

Council's practice is to provide a separate document on its website setting out questions and responses including any more detailed written responses which may be provided subsequent to the meeting.

Dennis Foster asked if Councillors were aware that a large number of concerned residents have lodged an appeal with VCAT to overturn the decision of the Development Hearing Panel to grant a permit to build a 30 metre Telecommunications Tower in Hamlyn Park? Can I ask what support the Council is willing to give us as we take this matter to VCAT? Are Councillors willing to bring this matter back to the Chamber and vote to have Council demonstrate support for residents at VCAT? As Council own the land is Council prepared to run a public submission process for this site in regard to Telstra being granted a lease?

Peter Bettess responded that Council could determine to take a different position to VCAT, but must have good reason to do so, i.e. planning issue, etc. Technically, Council can conduct a public submission panel in relation to the lease of land.

The Acting Mayor added a response will be forwarded in writing within 14 days.

Peter Hayes submitted a question but was not present at the meeting.

Richard McNay asked if Council would consider a daytime/nighttime encouragement to trucks passing through the CBD, other than an outright ban, which is highly discriminatory and unfair to heavy vehicle operators. Ideally, trucks would be discouraged from using the CBD during, say 7am to 7pm and suggested alternative routes made. These would be McKillop, Fyans and Breakwater Roads. Then the reverse applies, to limit the impact upon the residents of these areas, and uses the CBD when it is otherwise empty. This would be a simple, cheap and workable compromise solution that considers the needs of everyone involved. I would also like to request that Council takes a far reaching view, and looks to the future, rather than a simple, populist and kneejerk approach to this problem, using trucks as an easy target, when in fact the problem is not one of their making, rather a continual lack of foresight and planning on various governments and Council's behalf.

The Acting Mayor advised the question would be addressed during debate of the item.

Greg McDonald asked the following questions in relation to Agenda Item 1 - Heavy Vehicle Restriction – Central Geelong – Request for Trial Period:

- 1) Why are you proposing this and what do you hope to achieve by it?
- 2) Why have you not consulted with effected businesses and ratepayers whose livelihoods you are effecting?
- 3) Why are you not embracing the whole problem and looking for a more sustainable solution rather than compounding the problem on Ryrie Street?

The Acting Mayor took the questions on notice.

Colin Wallace asked:

- 1) Through the Acting Mayor, my question is for Cr Ellis: as one of the three Councillors on the Submissions Review Panel for the Council Meeting Procedures Local law 2013, did you have the 2009 Local law and specifically the section on Public Question Time so you could compare it with what was proposed for the Public Question Time section of the 2013 Local Law?

Cr Ellis responded the question would be taken on notice.

Further comments made by Mr Wallace were noted.

Michael Garvey asked:

- 1) Why has there not been an extensive public consultation process in relation to the Heavy Vehicle Restriction item, given past history of this issue?
- 2) Why has not traffic been re-routed via Breakwater Bridge?

The Acting Mayor advised the questions would be addressed during debate of the item.

Paul Dallas asked:

- 1) How will speed of vehicle be monitored (50k zone) - no vehicles comply?
- 2) Monitoring of noise - engine brakes and exhaust noise levels?
- 3) Ryrie and Latrobe Terrace – How will traffic signals be changed to allow for extra traffic turning in Latrobe Terrace?

The Acting Mayor advised the question would be addressed during debate of the item.

Darryn Lyons expressed his concerns in relation to a Compliance Raid (including Council officers, police and CFA) made on his business last Friday evening.

The Acting Mayor advised he has spoken with the CEO and there are meetings being arranged as we speak to address this particular issue to ensure it doesn't happen again in this manner.

Ben Connoley addressed Council as follows:

I live in the bottom end of McKillop Street between Ormond and Boundary Roads. Given that this part of McKillop Street has always been a single land residential street and not part of the Bellarine Highway, what measures do Council have in place to stop B-doubles, semis, etc. from using this street as a thoroughfare?

The Acting Mayor advised the question would be addressed during debate of the item.

Leanne McPherson as if Council is considering making the corner of McKillop and Humble Streets a 40k zone / school zone – due to Karingal?

The Acting Mayor advised the question would be addressed during debate of the item.

PETITIONS:

Cr Ellis presented a petition containing approximately 1,402 signatures from residents requesting funding for School Crossing Supervisor(s) at the Portarlington Primary School.

1. HEAVY VEHICLE RESTRICTION - CENTRAL GEELONG - REQUEST FOR TRIAL PERIOD

Portfolio:	Central Geelong Cr Michelle Heagney
	Transport - Cr Andy Richards
Source	City Services
General Manager:	Gary Van Driel
Index Reference	Central Geelong

Purpose

The purpose of this report is to provide Council with background in relation to the current East-West traffic issues within the Central Geelong area and to recommend the development of a staged implementation of trials for the restriction of heavy vehicles through Malop/Mercer Street and Ryrie Streets. The report provides details in relation to the staged implementation of these recommended trials.

Summary

- Significant work has been done across Central Geelong to date including the Central Geelong Structure Plan, Central Geelong Urban Design Guidelines, implementation of the Activity Centre Zone and the Vision 2 project. All of this work has identified that further investment/development, attraction of activity and people to Central Geelong will only be delivered with strong policy and implementation support.
- One of the major issues identified is the need to address how east/west heavy vehicle traffic can be managed across the City Centre whilst at the same time being able to deliver goods and services within Central Geelong.
- Malop Street is a key pedestrian link in the city and was identified through the Vision 2 project for the potential future development of a "green spine" through the city providing an attractive pedestrian friendly link between Eastern Gardens and Johnstone Park. It is also a key pedestrian link between the two shopping centres at Market Square and Westfield.
- The Central Geelong Transportation Links Study indicates that Malop Street accommodates over 1000 heavy vehicle movements per day at present. The need to provide heavy vehicle access across the city has to be balanced with the need to provide a safe attractive environment for pedestrians with levels of amenity appropriate to a major activity centre. To meet this objective a two staged approach is suggested.
- Establishing a road hierarchy which manages the efficient movement of heavy vehicles and meets the needs of other users including pedestrians, cyclists, public transport and motorists is a key principle in traffic management.
- The introduction of weight restrictions for heavy vehicles on Malop Street would assist in the delivery of Council's desire to stimulate increased development and activity in Central Geelong.
- The first stage proposed is a trial of weight restrictions initially on Malop and Mercer Streets. The impact of this on other routes through the city can be measured while this trial is underway.

1. HEAVY VEHICLE RESTRICTION - CENTRAL GEELONG - REQUEST FOR TRIAL PERIOD (CONT'D)

- Ryrie Street is also a key east/west route through the city for heavy vehicles. As a second stage, it is recommended that officers commence investigations to examine how heavy vehicle access across the city can be accommodated if the role of Ryrie Street as an east/west heavy vehicle route was changed in the future. This would involve further analysis of the broader traffic network to examine the need for changes and road upgrades.
- Any changes to the road network will require the City to work with key stakeholders including VicRoads, the Truck Operations Committee, representatives from the business community and the broader community in Central Geelong.

Cr Heagney moved, Cr Richards seconded -

That Council supports:

- 1) A two staged approach to traffic management in Central Geelong, including:**
 - a) the implementation of a 4.5 tonne weight restriction on Malop and Mercer Street in Geelong pursuant to necessary processes with VicRoads and the Truck Operations Committee on a six month trial basis, with the exemptions necessary for delivery to sites in the Central Geelong.**
 - b) working with all stakeholders towards the introduction of weight restrictions for vehicles on Ryrie Street following broader investigation of the traffic network, identification of required changes to the road network and supporting funding for implementation.**
- 2) Establishing a submissions panel to take written and verbal submissions on the Stage 1 trial. The panel to be made up of the Transport Portfolio Holder, Brownbill Ward Councillor, Austin Ward Councillor and any other Councillor who wishes to attend the panel. The panel will report back to Council. Heavy Vehicle limitations to continue until a final decision is made by Council.**
- 3) Establish a pre trial monitoring program including but not limited to:**
 - a) 24 hour traffic classifier counts on all East/West Streets, including Mercer, Malop, Ryrie, Myers, McKillop, Kilgour and Fyans Streets;**
 - b) air and noise monitoring on selected East/West Streets;**
 - c) pedestrian and cyclist counts on all routes.**

Amendment

Cr Irvine moved, Cr Farrell seconded –

- 4) That Council reserve the right to cease the trial should detrimental impacts arise during the conduct of the trial.**

Lost.

The motion was then put and carried unanimously.

Division Requested:

For: Crs Ansett, Ellis, Farrell, Harwood, Heagney, Irvine, E Kontelj, S Kontelj, Nelson, Richards

Against: Nil.

1. HEAVY VEHICLE RESTRICTION - CENTRAL GEELONG - REQUEST FOR TRIAL PERIOD (CONT'D)

Background

Significant work has been done across Central Geelong to date including the Central Geelong Structure Plan, Central Geelong Urban Design Guidelines, implementation of the Activity Centre Zone and the Vision 2 project. All of this work has identified that further investment/development, attraction of activity and people to Central Geelong will only be delivered with strong policy and implementation support. One of the major issues identified that will need to be managed is the need to address east/west heavy vehicle traffic through the City Centre.

The Central Geelong Transportation Links Study undertaken by the Department of Transport Planning and Local Infrastructure in conjunction with VicRoads and the City clearly identifies existing freight and heavy vehicle movements through the Central Geelong east/west network.

The study has not identified an explicit road hierarchy or heavy vehicle route for the future through Central Geelong, with VicRoads looking for direction and lead from the Council in relation to the designation of road hierarchy and in particular east/west routes across Geelong.

The study investigated opportunities to encourage east-west freight traffic to use other road routes to the south of Central Geelong.

Discussion

The Central Geelong Transportation Links Study documents existing conditions and existing traffic movements in the city. It models traffic movement across the City using existing traffic flows and gives us the ability to test scenarios if changes to the road network were proposed. For example we can model the effects on surrounding streets if heavy vehicle restrictions were introduced on primary east/west streets.

Specifically the study has identified that approximately 88% of heavy vehicles utilise Ryrie Street on a daily basis (12 hour period) to traverse east/west across the City, with a lesser number, approximately 75% of heavy vehicles per day utilising Malop Street as an east/west crossing. Refer following table of existing heavy vehicle movements on east/west network from Latrobe Terrace through to Portarlington Road, Queenscliff Highway and Breakwater Road.

Street	Vehicle Volumes - Average Daily Count					
	All Vehicles (incl Heavy Vehicles) Two way traffic	Heavy Vehicles				
		Total Two way traffic	Visiting Central Geelong Study area Two way traffic		Through Traffic Not stopping in Central Geelong Two way traffic	
Malop Street	15,400	1,080	270	25%	810	75%
Ryrie Street	24,500	1,990	239	12%	1751	88%
McKillop Street	13,400	808	154	19%	654	81%

Source: 2013-07-10 Geelong Central Transportation Links Study report vol1 Final Draft

Heavy Vehicles include any vehicle over 4.5 tonne or trucks with two or more axles.

With any restriction of heavy vehicle movements on east west streets there will be an impact on other east/west streets in relation to additional traffic volumes which are required to be accommodated.

1. HEAVY VEHICLE RESTRICTION - CENTRAL GEELONG - REQUEST FOR TRIAL PERIOD (CONT'D)

From an engineering perspective there is adequate capacity within the existing road network to accommodate the additional heavy vehicle movements on other east west route routes through the city.

Desirability of a Trial Period

In deciding whether to introduce weight restrictions, a key issue for Council to consider is the positive outcomes delivered to Central Geelong as a result of any heavy vehicle restrictions. Further, the efficient functioning of the whole network to provide for a more workable city in the long term is clearly the desired outcome.

The Council must also consider the potential impacts on amenity of residents immediately adjacent to routes that will carry additional traffic.

In order to inform a long term traffic management strategy for heavy vehicles across Central Geelong and indeed east/west traffic generally it is considered that a trial of heavy vehicle restrictions on Mercer and Malop Streets be introduced as a first stage trial. The heavy vehicle restriction on Ryrie Street would be a Stage 2 trial.

Prior to implementing any trial it will be necessary to seek approval from the state wide Truck Operations Committee and VicRoads.

Truck Operations Committee

The regulatory approval for any heavy vehicle restriction is via the Truck Operations Committee which is a peak industry body which meets at scheduled times throughout the year to provide advice to VicRoads and local councils in relation to any application for a vehicle restriction on any road across Victoria. The next available meeting for this Truck Operations Committee is 24 November 2013 and it is recommended that the Council make an application to this committee for Stage 1 heavy vehicle restrictions to be implemented on a trial basis on Malop and Mercer Streets.

Trial Methodology

The trial would relate to any vehicle above 4.5 tonnes excluding buses, with a restriction on any utilisation of the street defined under the trial arrangements.

There would be no heavy vehicle restriction on trucks, cranes, buses and other heavy vehicles that need to access the City for a genuine purpose such as deliveries.

The trial for heavy vehicle restriction would be for a 24 hour restriction on a 7 day per week basis.

Stage 1 would see the trial implemented with 4.5 tonne weight restrictions on Mercer and Malop Streets for 6 months. It is considered that such a trial would be the most appropriate for Central Geelong as a major activity centre and eliminate the potential for any confusion around business hours.

Stage 2 of the trial would relate to heavy vehicle restrictions on Ryrie Street in conjunction with changes on the broader network.

Responsibility for enforcement of the weight restriction will be negotiated with VicRoads Transport Safety Services and Victoria Police.

Consultation with VicRoads and stakeholders including freight operations, local businesses and residents will take place throughout the trial.

1. HEAVY VEHICLE RESTRICTION - CENTRAL GEELONG - REQUEST FOR TRIAL PERIOD (CONT'D)

Trial Outcomes

In order for the trial to actually serve its purpose of informing Council as to the appropriate course of action for the longer term management of east/west traffic across Geelong there will need to be significant resources committed to monitoring. This will need to cover not only traffic volumes across the entire network and the effective and efficient operation of this network, but also pedestrian activity across Central Geelong and amenity of the Central Geelong area to ascertain if the benefits envisaged are likely to be delivered by the permanent restriction of heavy vehicles through Central Geelong.

Further, there will be necessity for monitoring of residential areas adjacent to the east/west routes which will accommodate heavy vehicles during the trial period, again to ensure the Council is fully informed of the impacts of any permanent restrictions of heavy vehicles through the Central Geelong street network. This monitoring regime will require initial work to be undertaken in advance of any trial to ascertain existing base level of noise, and other amenity measures, with these to be then monitored for the life of the trial and ultimately reported to Council to inform a final decision.

Process for Implementation of Staged Trial – Stage 1

Step 1 – Liaise with VicRoads Regional Office and agree on the methodology of the heavy vehicle restriction for Stage 1 trial including specific routes. Agree on appropriate signal modifications and any civil works which are necessary to be undertaken to mitigate any impacts on congestion or any other anticipated adverse impact of heavy vehicles on these routes.

Step 2 – Pursue application in line with this agreed position to the Truck Operations Committee for 24 November 2013.

Step 3 – Develop a pre trial monitoring regime to assess efficient and effective management of traffic across entire east/west road network and for the Central Geelong area in relation to pedestrianisation and activity levels. Develop a post trial monitoring regime for any potential impact on east/west road links which will continue to accommodate heavy vehicle traffic, with the monitoring regime to address impacts resultant from any additional traffic utilising these routes.

Step 4 – Implement trial for Stage 1 and monitoring program for a 6 month period. (Note: restrictions would stay in place after a 6 month trial until Council resolves final heavy vehicle restriction regime).

Step 5 – Report to Council at the completion of the 6 month trial on results of trial. Resolve Council position in respect to permanent implementation of traffic regime trialled under Stage 1 and agree permanent implementation strategy.

Process for Implementation of Staged Trial – Stage 2

The recommended Stage 2 trial will be subject to VicRoads review and agreement as Ryrie Street is part of the State road network and performs a state function.

The Stage 2 trial will require significant resources to undertake signalisation modifications and civil works to ensure heavy vehicles can effectively and efficiently utilise the routes that are designated for heavy vehicles. These works would need to be negotiated with VicRoads regional office in advance of seeking consent for the trial via the Truck Operations Committee.

1. HEAVY VEHICLE RESTRICTION - CENTRAL GEELONG - REQUEST FOR TRIAL PERIOD (CONT'D)

This is an extremely significant piece of work which Council will need to commit resources and personnel to during the course of the development of the trial and monitoring of the trial. Further Council will need to continue to commit to work very closely with VicRoads and all other relevant stakeholders in particular property owners and residents in order to have a functional trial and be in a position to have all relevant data assembled to make a final decision at the completion of the 6 month trial.

The Council is requested to resolve to implement the trial across the entire Central Geelong on a staged basis.

Environmental Implications

The potential significant environmental impacts to central Geelong as a result of removal of heavy vehicle restrictions will be assessed as part of this trial. Further, the monitoring regime as detailed within the report proper for the staged trial for the heavy vehicle restrictions will take into consideration the environmental impacts on routes that may carry additional traffic as result of the restriction on central Geelong Streets under this trial.

The trial with the appropriately resourced monitoring program will provide the information and data which will enable Council to make a fully informed decision in relation to any permanent heavy vehicle restrictions across the central Geelong network, and have regard to any mitigation that may be required as a result of additional traffic on alternate routes.

Financial Implications

There are significant financial implications associated with the introduction of weight restrictions for heavy vehicles on a trial basis. There will be a necessity for changes in signage, changes to traffic signals, line marking, potential civil works and monitoring of vehicle movements and amenity impacts as part of stage 1. A dedicated staff resource for a minimum of 6 months is proposed within Engineering Services to deliver the trial.

The costs associated with the trial will incur an over expenditure in the recurrent 2013/14 budget for Engineering Services estimated at \$120,000.

Requires amendment to budget.

A more extensive program of civil works would be required before the Stage 2 trial could be implemented. This will involve future budget submissions through the State Government and Council.

Policy/Legal/Statutory Implications

The introduction of weight restrictions for heavy vehicles onto Council's road network requires approval via the Truck Operations Committee with input from VicRoads.

Any change to Ryrie Street in relation to heavy vehicle restrictions requires the formal consent of the Truck Operations Committee, and ultimately Vic Roads as Ryrie Street is an arterial road that currently functions as part of the broader state freight network. There will be a necessity to prepare a detailed application to the Truck Operations Committee for the Mercer and Malop Streets trial, with a much more detailed assessment and submission required including full cost benefit analysis, for the implementation of the trial on Ryrie Street.

1. HEAVY VEHICLE RESTRICTION - CENTRAL GEELONG - REQUEST FOR TRIAL PERIOD (CONT'D)

The recommendation in this report provides a direction in respect to the development of an implementation of the trial, however there will be a necessity for officers to undertake all relevant statutory steps in order to implement the trials as recommended.

Alignment to City Plan

The 2013 adopted City Plan identifies central Geelong revitalisation as one of Councils funding priorities for 2013-17.

The restriction of heavy vehicle movements through the city is considered to be a primary task within the revitalisation of Central Geelong and therefore it is considered that the recommendations of this report are firmly in line with the adopted City Plan of Council.

Officer Direct or Indirect Interest

Officers involved in the preparation of this report from Engineering Services and Planning Strategy own property within the Central Geelong Study area and therefore have an indirect interest in relation to the recommendations of the report or implementation of a heavy vehicle restriction across central Geelong.

Risk Assessment

There will need to be a detailed risk assessment undertaken as part of the preparation for the staged trial of restricting heavy vehicle movements through Central Geelong. The risk assessment will be undertaken on a detailed basis across each stage of the proposed trial and will include monitoring throughout the trial.

Social Considerations

The social implications of heavy vehicle restrictions through central Geelong, and broader implications on areas adjacent to streets which will accommodate the heavy vehicles dislocated as part of the trial will be a primary consideration.

Development of the monitoring program, will also consider impacts on the streets no longer accommodating heavy vehicle traffic.

Further, social considerations will be a fundamental matter which Council will have to consider in reviewing result of the trial and determining a final position in relation to the permanent restrictions on heavy vehicles through central Geelong.

Human Rights Charter

Consideration has been given to human rights relative to the subject matter of this report, such as rate payer's property rights and a right to fair hearing.

Consultation and Communication

The trial will need to be widely advertised to all stakeholders including residents, business owners and transport operators.

A detailed communication plan will be developed to ensure all stakeholders have input and can provide comment and data during the trial to assist in the monitoring and evaluation process.

2. STREET OCCUPANCY – KERBSIDE DINING

Portfolio:	Cr Heagney - Central Geelong
Source	Community Services - Local Laws
General Manager:	Jenny McMahon
Index Reference	Community Laws Management/Standards & Guidelines

Purpose

The purpose of this report is to present an amended policy (Appendix 1) that outlines the framework and principles for making decisions about the use of existing parking bays to be used for private commercial purposes. This is in response to requests from central Geelong businesses to operate alfresco dining operations within existing car parking bay/s due to not being able to accommodate such activities on the footpath.

Summary

- Council has an existing Footpath Trading Policy adopted in October 2011.
- The existing Footpath Trading and Activity Policy does not cover trading on the road in parking bays.
- Some businesses located on designated roads (minor roads under Council control) are unable to comply with the Footpath Trading and Activity Policy and by enabling the use of parking bays in certain situations, businesses will have that opportunity to trade that otherwise would not exist.
- To encourage and promote positive street activities, the existing Council policy requires amending to enable alfresco dining operations to exist within car parking bays.

Cr Heagney moved, Cr Ansett seconded -

That Council adopt the Footpath and Designated Roads Trading and Activity Policy (Appendix 1).

Carried.

Background

Council regularly receives applications from business's to conduct trading outside their property boundary on "Council Land". Generally the request is to either place goods for sale or to place tables and chairs for alfresco dining on the footpath.

Council's General Local Law 2005 requires a person to obtain a permit prior to placing signs, goods or establishing outdoor eating facilities on any road or Council land. Council officers then assess the application in accordance with Council's Footpath Trading Policy. The existing policy and guideline framework is limited to activities on footpaths. The proposed changes to the policy and guidelines will provide trading opportunities for those food businesses unable to comply with the current policy and guidelines due to narrow non-compliant footpaths.

Discussion

One of Council's priorities as articulated in City Plan 2013-2017 is to achieve "A successful and vibrant city centre".

2. STREET OCCUPANCY – KERBSIDE DINING (CONT'D)

Responding positively and proactively to requests from businesses to enable appropriate trading on roadsides is a step towards achieving this priority. This report outlines the process for issuing a permit and some of the issues to be considered.

Prior to issuing any permit for footpath trading, an inspection of the proposed location is undertaken to ensure that the placement of any items on the footpath does not at any time restrict the primary purpose of the footpath, that is being for the free and unhindered use for pedestrians' including those with disabilities and parents with prams.

With particular regards to the placement of tables and chairs, (Alfresco dining) consideration is also taken to ensure that the health and safety of those members of the public that are using the tables and chairs is protected.

Generally, all applications are granted with varying specific and non specific conditions. The majority of applications that are unsuccessful tend to be due to the proposed location being unsuitable with respect to being too narrow to accommodate the activity.

To ensure compliance with the Disability Discrimination Act 1992, the footpath must be a minimum of 2.9 metres wide. This width allows for the placement of alfresco related infrastructure whilst maintaining a minimum 1.5 meters of clear unimpeded passage for pedestrians.

In scenarios where compliance with existing policy and guidelines cannot be achieved, options exist for Council to consider the possible use of a roadside space (parking bay) for the use of alfresco dining. This enables all food businesses that are prepared to comply with the amended policy and guidelines to have an equal opportunity to conduct outdoor dining activities. An established "alfresco dining/café culture" can generate additional benefits including safe and vibrant meeting places, diverse and interesting public spaces and a general feeling of vibrancy and interaction.

The alternative option to the use of existing parking bays would be to extend footpath widths. However, this is likely to be an expensive option which would require significant strategic work before it could be implemented.

The benefits of using parking bays for alfresco dining purposes within an area needs to be conveyed and consensus achieved in order for the benefits to be universally accepted for long term benefits to that precinct. It is reasonable to expect that some businesses may view this proposal detrimentally by focusing solely on the immediate loss of a parking bay within such a precinct. It is anticipated that consultation with businesses would form part of the approval process and provide an opportunity for Council to promote the longer term benefits outweighing the perceived short term loss. (i.e. in an area where there is a 2 hour parking limit between 9.00am and 5.30pm, the total number of vehicles utilising the bay could be as low as 4 vehicles per day, which could alternatively accommodate up to 2 tables and 8 chairs and potentially increase the customer visitation rate to that general commercial precinct).

In instances where any business owner feels aggrieved by such a proposal, Council will receive and review submissions from such business owners through the office of the Chief Executive Officer.

It is proposed that permits would apply throughout the municipality where footpaths are too narrow to comply with the revised Footpath and Designated Roads Trading and Activity Policy and, that the proposal relates to a designated road where council is the responsible road authority. These generally carry low volumes of traffic and often have narrow footpaths.

2. STREET OCCUPANCY – KERBSIDE DINING (CONT'D)

Existing traders who can comply with the existing footpath trading policy will not be able to extend their activities onto the road. The purpose of amending the policy and guidelines is to enable an opportunity for those food businesses to have alfresco dining where currently they are unable to do so.

Environmental Implications

All applications must be compliant with all relevant design standards to ensure the integrity of the streetscape at the proposed location.

Issues such as traffic and emergency management, and maintenance of service deliveries such as street cleansing and garbage collection must also be considered.

Financial Implications

The cost to widen a footpath to accommodate street trading could be significant. There are numerous factors that would impact on the final figure, such as the type of kerb that needs to be removed and realigned, the surface material of the footpath (paving, asphalt etc) the removal and replacement of existing or new infrastructure including but not limited to street lights, garden beds, traffic/parking signs, safety bollards, rubbish bins and stormwater drainage as an example. It is unlikely that a footpath would be widened to accommodate one business so consideration would need to be given to widening the entire street.

The more feasible option is to make use of parking bays for Alfresco Dining. On a case by case scenario certain parking bays would only require a minimum of changes, for example ramps or bollards which would minimise costs and not require the extension of the footpath.

There is no current budget allocation to meet these costs so it is proposed that the applicant be required to meet all costs associated with infrastructure (including design). To assist the applicant with these costs, Council may consider such payments to be made over a 12 month period.

In the event that the applicant vacates the property and there is a need to reinstate the car parking bay, the applicant will be required to make payment for such works.

Alfresco Dining Permit Fees will be determined in the normal manner (\$31 per chair) and the loss of the income from that parking bay. As an added incentive for such proposals, Council will subsidise loss of parking income by applying a fee calculation based on the previous years parking occupancy rates X parking income X 50%. This would not apply in non paid parking bays.

Currently an indicative occupancy rate for such locations ranges between 25%-30%, which translates to approximately \$2.40 p/day X 365 days.

At the time of application Council could retain a bond from the applicant equivalent to the costs associated with the reinstatement of the site to its original condition. Upon vacating the premises this bond will be returned to the business owner on the condition that they reinstate the site. In situations where the business owner vacates the premises without notice, Council would utilise the bond to reinstate the site or transfer the bond to an incoming proprietor if that proprietor wished to continue that operation and subject to Council being unable to locate the previous proprietor.

2. STREET OCCUPANCY – KERBSIDE DINING (CONT'D)

Policy/Legal/Statutory Implications

- Council's General Local Law 2005
- Road Safety Act 1986
- Discrimination Disabilities Act 1992
- Road Management Act 2004
- Food Act 1984
- Tobacco Act 1987

Alignment to City Plan

City Plan articulates Council's strategic directions of Community Wellbeing, Growing our Economy, Sustainable Built and Natural Environment and How We Do Business.

The recommendation proposed in this Council report aligns with Council's strategic directions through providing opportunities to ensure that community safety is maintained, whilst allowing for and encouraging the operation of commercial activities. Thereby committing to the vitalisation of the streets and businesses within the Central Geelong Area, as well as creating a "laneway" culture.

Officer Direct or Indirect Interest

There are no officer direct or indirect implications associated with this report.

Risk Assessment

Where extension of the footpath may be appropriate, ensuring public and vehicular safety is paramount. This would require the applicant to submit a plan for the proposed works (similar to a traffic management plan) that addresses such issues as the interaction between vehicles and pedestrians.

Assessments will be conducted in accordance with the "Assessment and Management of Alfresco Dining Application Work Instruction (including exclusion zones)".

Social Considerations

To enhance the social fabric by creating certain ambience taking into consideration public safety and no adverse affect to people with disabilities.

Human Rights Charter

It has been determined that the decision will have no impact on any individuals human rights.

Consultation and Communication

Given the significance of street occupation proposals, comprehensive consultation with local traders would be undertaken, where the economic and strategic benefits to the entire precinct can be explained. Consensus amongst the local traders would be sought prior to any application being considered.

Consultation with Street Access Committee and Disability Access Committee would also be undertaken.

COUNCIL POLICY

Footpath and Designated Roads Trading and Activity Policy	Document No:	CPL260.4
	Approval Date:	25/10/2011
	Approved By:	Council
	Review Date:	25/10/2014
Responsible Officer: General Manager Community Services	Version No	00
Authorising Officer: Chief Executive Officer		

1. RATIONALE

A busy, active, footpath area has a positive impact on the viability of retail businesses and the vitality of city life. Carefully promoted and controlled footpath trading and other activities, such as dining, entertainment, trading and performances can energize and stimulate the street environment.

Geelong has many wide streets and footpaths which are suitable for a range of activities. However, where space on a footpath is sometimes limited, more creative solutions may be required to accommodate tables, chairs, people and signs without compromising access or safety.

In pursuing active, vibrant, safe and accessible footpath trading activities, this Policy is consistent with the direction of Council's Central Geelong Revitalisation Strategies, Strategic Planning direction and the Footpath & Designated Road Trading and Activity Guidelines.

This may include the occupation of a kerbside parking bay on a non government road for alfresco dining purposes only, which is provided with adequate fixtures to ensure safety to all members of the public and road users.

This would only apply in instances where businesses were unable to comply with footpath access requirements but does not apply to existing traders who are able to comply with the existing Footpath Trading Policy. Such traders will not be permitted to extend their activities on to the road. All businesses are given an equal opportunity to conduct Alfresco dining.

2. PURPOSE

The purpose of this policy is to set out the requirements for the conduct of trading and other activities on Council's footpaths in accordance with Council's General Local Law 2005 (as amended).

The policy is supported by the Footpath Trading and Activity Guidelines which together aim to;

- Promote economic development;
- Safely establish exciting and vibrant streetscapes through a diverse range of activities;
- Promote aesthetically pleasing footpath trading infrastructure in accordance with Urban Design guidelines; and

- Enhance the shopping, dining or observers experience for visitors who engage in Footpath Trading and other footpath activities.
- Enable the safe emergence of a laneway culture for laneways and minor roads under council control and declared sections of designated roads for the purpose of Alfresco Dining only.

3. SCOPE

The Policy applies throughout the municipality on footpaths and designated roads under Council's control.

4. REFERENCES

- Disability Discrimination Act 1992
- Road Management Act 2004
- Food Act 1984
- Tobacco Act 1987
- Clauses 8, 72, 84-89, 95, 97-109 and 135-179 of Council's General Local Law 2005 (as amended)
- Council Management Procedure for 'Assessment of Al Fresco Dining Applications in Exclusion Zones'

5. DEFINITIONS

- Al Fresco Dining see 'Outdoor Dining'
- Advertising Sign means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales, provision of services or notifying people of an adjacent property where goods or services may be obtained.
- Ancillary Activity includes spruiking, pavement art, barbeques, raffles, street collections and any other activity that may be designated from time to time.
- Authorised Officer means an Authorised Officer of Council appointed under Section 224 of the Local Government Act 1989.
- Busking includes a song, mime, statue, creative performance, dancing, and routines, playing of a musical instrument or provision of a display of drawing artistry on relevant medium.
- Council means the Greater Geelong City Council.
- Designated Road a public road where Council is the designated responsible road authority as defined under the Road Management Act 2004 - VicRoads is also a responsible road authority for roads they control and will have role to play in those instances.
- Exclusion Zone means the following;
 - a distance 10 metres from an intersection;
 - a distance of 20 metres from a pedestrian crossing, traffic lights or school crossing;
 - an area adjacent to a bus zone, loading zone, mail zone taxi zone or a no stopping area.

Footpath Trading and street activities within an 'Exclusion Zone' can only be conducted with the consent of an authorised officer in

accordance with the 'Assessment of Al Fresco Dining Applications in 'Exclusion Zones' Management Procedure'.

- **Footpath Width** means the distance from the face of the kerb line to the outside edge of the building line (property line).
- **Footpath and Designated Roads Trading and Activity Permit** means a permit for the conduct of activities or use on a Council footpath of outdoor dining facilities, signs, goods for sale, items such as umbrellas, pots, gas heaters, barriers screens, musical equipment and sundry items associated with all of the above.
- **Kerbside Zone** means the area between the kerb line and the outer edge of the Trading Zone.
- **Outdoor Dining (Temporary)** means dining outdoors on Council land where all furniture and other items are removed from such site by 1.00 a.m. each day or at the close of business, whichever the earlier and not place such items back on to such land prior to 7.00 a.m. on any day.
- **Outdoor Dining (Fixed)** means dining outdoors on Council land where all furniture and other items (except Fixed Barriers) are removed from such site by 1.00 a.m. each day or at the close of business, whichever the earlier and not place such items back on to such land prior to 7.00 a.m. on any day.
- **Pedestrians** means any person travelling along a footpath whether walking, using a wheeled recreational vehicle, pram/stroller/shopping/delivery trolley, a guide dog or other assistance animal or a mobility aid such as a wheelchair, motorised scooter, walker, crutch or walking frame, or any other aid to assist mobility or orientation.
- **Pedestrian Zone** means the area between the property line and the inner edge of the Trading Zone with a minimum width of 1.5 metres and minimum height of 2 metres.
- **Permit** means a Permit issued by the Greater Geelong City Council under the Greater Geelong City Council General Local Law 2005 (as amended); (see 'Footpath and Designated Roads Trading and Activity Permit').
- **Permit Holder** means the person named as the responsible person on the application form and Permit.
- **Permit Prescribed Area** means any area of the Licensed Premises where alcohol is to be served and is included in the Red Line Plan on the Liquor Licence for that premises.
- **Trading Zone** means the area between the Pedestrian Zone and the Kerbside Zone.
- **Trader** means a person who carries out a commercial activity on behalf of a business, who may also be the Permit Holder; owner.

- Signs includes A frame structures and other objects that can be securely and safely positioned to the satisfaction of Council to promote goods and services.
- Street Performers see 'Busking'.

6. COUNCIL POLICY

In its commitment to creating safe, vibrant and commercially active streets and precincts with respect to footpaths (all activities) and road side trading (alfresco only) Council will;

- 6.1. Implement the revised Footpath Trading and Designated Roads Activity Guidelines, which provide guidance and direction to all users of such spaces. These Guidelines support Clauses 8, 72, 84-89, 95, 97-109 and 135-179 of Council's General Local Law 2005 (as amended);
- 6.2. Ensure that a clear, safe and unobstructed access exists on Council's footpath (or designated roads) at all times for pedestrians of all abilities;
- 6.3. Be mindful that any proposed Footpath and Designated Roads Trading activity should not be perceived as 'privatising' public land and that the space is clearly maintained for the purpose of a shared public and commercial space;
- 6.4. Through its legal responsibility to regulate Footpath Trading activities, including ancillary activities such as sausage sizzles, street collections etc, exercise flexibility with the issuing of 'Footpath and Designated Roads Trading and Activity Permits' so as to encourage diverse activities to take place such as Outdoor Dining ('Al Fresco Dining'), advertising signs, goods displays, street theatre/performers, busking and to protect public safety;
- 6.5. Ensure compliance with relevant legislation including but not limited to the Disability Discrimination Act 1992, the Road Management Act 2004, Council's General Local Law 2005, Building Act 1993, Planning and Environment Act 1987, Tobacco Act 1987, Food Act 1984 and the Charter of Human Rights and Equal Opportunities;
- 6.6. Prescribe a Trading Zone by ensuring that a minimum width of 1.5 metres exists for the Pedestrian Zone on specific footpaths where the width of that footpath is between 2.9 and 3.5 metres. The minimum width of a Pedestrian Zone on footpaths with a width greater than 3.5 metres, shall be 1.8 metres;
- 6.7. Ensure that the minimum width of a Kerbside Zone on any footpath is 750 mm where there is adjoining parallel parking and 1.5 metres where there is adjoining angle parking or a disabled persons parking bay;
- 6.8. Not approve any Footpath Trading activity on footpaths with a width of less than 2.9 metres;
- 6.9. In response to a request from a business owner, investigate possibilities to implement various engineering treatments to a footpath or road on a cost recovery basis, in order to safely accommodate a trading application in accordance with this Policy and the Footpath & Designated Roads Trading and Activity Guidelines. The cost of installation and reinstatement shall be born by the applicant;
- 6.10. Where this is not possible, evaluate the possibility of converting a parking bay to a space that may be utilised for alfresco dining.
- 6.11. Consult extensively with the local businesses within the subject precinct in order to seek opinions that are relevant to assessing such proposals and to promote the opportunities and benefits to that general precinct from an economic and place-making perspective.

- 6.12.** Will receive and review any submission from any business owner who feels that they may be effected by such a proposal. This review will be conducted by the Council's Chief Executive Officer.
- 6.13.** If a parking bay is to be occupied for the purpose of alfresco dining, permit fees will be calculated on the basis of previous year average occupancy rate for that area X the parking income for that area X 50%. In areas not serviced by parking ticket machine fees shall be based on those that are applied to the footpath alfresco fees.
- 6.14.** As a general rule, not permit any Footpath Trading in a Pedestrian Zone, Kerbside Zone or Exclusion Zone. In exceptional circumstances, trading may be permitted in an Exclusion Zone subject to a risk assessment being conducted in accordance with Council's 'Alfresco Dining in Exclusion Zones Management Procedure'. This may include a road (kerbside) trading in a designated road. The costs of implementing and installing the necessary infrastructure (including a bond for the reinstatement of any works undertaken) will be borne by the applicant.
- 6.15.** Ensure that the quality of Footpath Trading infrastructure is safe and designed from materials that present a high standard;
- 6.16.** Through its Urban Design Unit, facilitate, assist and advise applicants on achieving footpath trading infrastructure design outcomes, that would result in a vibrant and aesthetically pleasing footpath and streetscape, which preserves the heritage and amenity of the area;
- 6.17.** In instances where an initial design may not comply with this Policy or the Footpath and Designated Roads Trading and Activity Guidelines, Council may in conjunction with the respective business explore other options on a cost sharing basis where it can be demonstrated that there is a broader benefit to general amenity of the area and to other local traders (i.e. Finger Boards, Bollards etc);
- 6.18.** Ensure that inappropriate advertising that may promote tobacco, alcohol or sexually explicit messages/images is not permitted in conjunction with any Footpath and Designated Road Trading activity;
- 6.19.** Ensure that the sale of food from an Outdoor Dining facility or other structure complies with the Food Act 1984;
- 6.20.** Ensure that any Footpath Trading items, objects or infrastructure (except Fixed Barriers) are removed from the footpath by 1.00 a.m. or the close of business, whichever the earlier and not be placed out on the footpath prior to 7.00 a.m. on any day;
- 6.21.** Support the placement of items/objects such as planter boxes on footpaths, which may enhance the attractiveness of a footpath, subject to such items/objects complying with the Guidelines and being removed from the footpath at the end of each days trading;
- 6.22.** Approve 'portable' permits for Real Estate Agent signs that promote 'Auctions' or 'Open for Inspection' events in accordance with the Footpath and Designated Roads Trading and Activity Guidelines;
- 6.23.** Seek reimbursement from a permit holder for any repair or reinstatement required to any footpath or infrastructure as a result of damage due to footpath and designated road trading activities or the abandonment of the business by the permit holder;
- 6.24.** Ensure that the application of its Footpath and Designated Road Trading Policy is consistent with its Central Geelong Revitalisation Strategies and Strategic Planning Direction;
- 6.25.** Ensure that any Footpath and Designated Road Trading activity shall not cause a nuisance to any other parties through noise, odour or other disturbances;
- 6.26.** Support Victoria Police and Responsible Alcohol Victoria who are responsible to monitor Liquor License compliance with the footpath trading Permit Prescribed Area;

- 6.27.** Alfresco dining activities are required to comply with Planning and Building Legislation with respect to permit prescribed areas (“red line” zone where alcohol is sold) and the toilet/patrons ratio.
- 6.28.** Allocate resources to effectively monitor and enforce the Footpath & Designated Roads Trading and Activity Policy and Footpath Trading and Activity Guidelines. With respect to serving of alcohol in public spaces a Town Planning permit may be required.

7. QUALITY RECORDS

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Permit Applications	Health and Local Laws	7 years	Corporate Records
Public Liability Insurance	Health and Local Laws	7 years	Corporate Records
Site Plans	Health and Local Laws	7 years	Corporate Records
Annual Fees & Charges	Finance Manager	7 years	Corporate Records

8. ATTACHMENTS

Schedule 1

Schedule 1

Listed below are all the roads within the Central Geelong Area and their classifications as either government or local roads.

Government Roads

Western Beach Road
 Eastern Beach Road
 Malop Street
 Ryrie Street
 Myers Street
 Ormond Street
 McKillop Street
 Yarra Street
 Moorabool Street
 Gheringhap Street
 Brougham Street

Local Roads

Union Street
 James Street
 Little Malop Street
 Little Ryrie Street
 Baylie Place
 Fenwick Street
 Fitzroy Street
 Garden Street
 Sydney Avenue
 Heaths Lane
 Richie Boulevard
 Yarra Street
 Transit Place
 Clare Street
 Henry Street
 Emerald Place
 O'Connell Place
 Cressy Place
 Cummings Place
 McCann Place
 England Street
 Prospect Lane
 Penang Place
 Pevensey Place
 Corio Place
 Days Place
 Lake Street
 Park Street
 Long Lane
 Wheeler Place
 Avoca Place
 Merrell Lane
 Swanston Place
 John Place
 Dover Place
 Board Place
 Kirk Place
 Shorts Place
 Minns Place
 Dennys Place
 James Street
 Johns Street
 Downes Lane
 Lawrence Place
 Wright Place
 Warner Place
 Star Street
 Ryan Place South
 Adams Place

Argyle Place
Thorne Place
Admiral Place
Edmonson Place
Agriculture Pace
Cubby Place
Wilson Place
Storrer Street
Bourke Crescent
Mills Lane
Little Myers Street
Benson Street
Bright Place
Pelley Place

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE

Portfolio:	Planning - Cr Macdonald
Source	Economic Development, Planning and Tourism- Strategic Implementation
General Manager:	Peter Bettess
Index Reference	C291: Consideration of Submissions

Purpose

The purpose of this report is to consider submissions to the Amendment C291 and associated Planning Permit 112/2013.

Summary

- Amendment C291 and Planning Permit 112/2013 is a combined application submitted to Council under section 96A of the Planning and Environment Act 1987.
- C291 seeks to rezone the rear portion of land at 137-139 Melbourne Road, Rippleside, from Residential 1 Zone to Commercial 2 Zone and delete Heritage Overlay 1630 (Drumcondra and Rippleside Heritage Area) from the affected part of the site.
- Planning permit 112/2013 is required to enable the use of the site for Motor Vehicle, Boat or Caravan Sales, which is a Section 2 use (permit required) under the Commercial 2 Zone.
- The application has been submitted by 10 Consulting Group Pty Ltd, on behalf of the landowner, Mr W R Capron.
- The site is roughly square in shape and has an area of 1300 sq. metres. The site comprises four titles. The site is vacant but contains a commercial building, sealed surface (in part) and a gated perimeter. (See Appendix 1).
- The site is affected by two zones, Commercial 2 Zone and Residential 1 Zone, with the former comprising the main zoning. The Commercial 2 Zone section of the site lies within a distinct commercial corridor running north/south along Melbourne Road. Heritage Overlay 1630 affects the eastern section of the site. (See Appendix 2).
- On 20 May 2013, Council officers (under delegation) resolved to support the preparation and exhibition of C291 and to request the Minister for Planning for authorisation to exhibit the amendment.
- The amendment was exhibited between 4 July 2013 and 5 August 2013.
- Four submissions were received. The owners of adjoining residential properties at 2 Margaret Street and 4 Margaret Street, Rippleside, have objected due to potential detrimental impact on residential amenity by the proposed use of the site and the lack of supporting information. VicRoads made no comments and offered no objection. The EPA provided individual late submissions for the amendment and permit application advising that they have no concern with the amendment or Council issuing a planning permit but offered some points for consideration.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

- In accordance with the Planning and Environment Act 1987, Council must now either: change the amendment in the manner requested by the objecting submission; refer submissions to an Independent Panel appointed by the Minister for Planning; or abandon the Amendment or part of the Amendment.
- Council officers have considered all submissions and recommend that no changes be made to the proposed planning scheme amendment but changes be made to the planning permit for the use of the site in the interest of protecting the residential amenity of adjoining residential properties.
- This report addresses the issues raised in the submissions and recommends they be referred to an Independent Panel appointed by the Minister for Planning.

Cr Richards moved, Cr E Kontelj seconded -

That Council, having considered all submissions to Amendment C291 to the Greater Geelong Planning Scheme, resolves to:

- 1) Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987;**
- 2) Refer all submissions to the Panel; and**
- 3) Submit to the Panel its response to the submissions generally as outlined in this report.**

Carried.

Background

The combined planning scheme amendment and planning permit application was submitted to Council in February 2013.

The amendment is necessary to rezone the rear portion of the site from Residential 1 Zone to Commercial 2 Zone to give effect to the intended use of the site. The benefit of the rezoning will also remove the split zoning status of the site. (See Appendix 3).

The planning permit is required to enable the use of the site for motor vehicle, boat or caravan sales. The proposed use is a commercial activity but requires a planning permit as it is a section 2 use under the Commercial 2 Zone.

The deletion of Heritage Overlay 1630 (HO1630) from the site is necessary and logical given the historical commercial use of the site and the clear inconsistency with the adjoining residential heritage characteristics of the Drumcondra and Rippleside area.

On 20 May 2013, Council resolved, via delegated authority powers, to support the preparation and exhibition of amendment C291 to the Greater Geelong Planning Scheme.

On 24 May 2013, Council officers wrote to the Minister for Planning requesting authorisation to prepare and exhibit amendment C291. Ministerial authorisation was received on 5 June 2013 (Authorisation No. A02549). Public exhibition took place between 4 July and 5 August 2013.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

A notice of preparation of the combined planning scheme and planning permit appeared in Victorian Government Gazette on 4 July 2013. Notices were also advertised in the Geelong Independent on 28 June 2013 and in the Geelong Advertiser on 29 June 2013.

Letters and notices were sent to relevant service authorities and to affected landowners on 20 June 2013.

** The combined planning scheme amendment and planning permit application was submitted to Council in February 2013. Since July 2013, the previous suite of Business Zones in the Victoria Planning Provisions have been replaced by the Commercial 1 and Commercial 2 Zone. Consequently, the proposed rezoning is now from Residential 1 Zone to Commercial 2 Zone. The Commercial 2 Zone contains the former Business 3 and Business 4 Zones. The mapping attached to this report shows both the Business 4 Zone and Commercial 2 Zone and will continue to do so until the Department of Transport, Planning and Local Infrastructure update the Greater Geelong Planning Scheme Maps or Council initiates a planning scheme amendment to update the planning scheme maps.

Discussion

The public exhibition period resulted in a total of four submissions. Council received a submission from VicRoads, a joint objecting submission from owners of 2 Margaret Street and 4 Margaret Street, Rippleside, and two individual late submissions from the Environmental Protection Agency (EPA). The following section of this report will discuss the submissions received during the exhibition period and will include a Council officer response.

A schedule of submitters is provided at Appendix 4.

Subject to the Minister for Planning appointing an Independent Panel to hear all submissions, the issues discussed below will form the basis of Council's submission to the Panel Hearing.

VicRoads

VicRoads does not object to the amendment.

Environmental Protection Agency (EPA)

The EPA advises that it is not a statutory referral authority under section 55 of the Planning and Environment Act 1987 because the proposal does not require a licence or works approval or amendment to a licence or works approval; the site is not proposed to be used for an industry or warehouse for a purpose listed in Clause 52.10 shown with Note 1 or for which a threshold distance cannot be met; and is not a proposed extractive industry intended to be used at a later date for landfill.

The EPA states that it has no concern with the proposed planning scheme amendment. The EPA also has no concern with Council issuing the planning permit. However, the EPA recommends that Council considers a number of conditions for inclusion in the planning permit.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

The EPA advises that while there are no specific EPA requirements regarding the proximity of the proposal to the surrounding residential zone, Council should ensure that potential noise emissions from the site are managed appropriately. The EPA advises that should Council consider there may be a high levels of vehicle movements to and from the site, it is recommended that Council consider requesting an assessment of the proposal against the Noise from Industry in Regional Victoria.

Response:

Council officers acknowledge the EPA's position in relation to the proposed planning scheme amendment and the planning permit.

The recommended conditions for inclusion in the planning permit are noted. The draft planning permit has been updated to include the EPA's condition in relation to noise levels not exceeding the recommendations contained in the Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011). (See Appendix 5 - changes shown in red text).

Council officers do not consider that vehicle movements to and from the site would have a significant adverse impact on the surrounding residential zone. Consequently, a noise assessment is considered unnecessary.

Property owners at 2 Margaret Street and 4 Margaret Street, Rippleside.

General Comments:

- The key point of the objecting submission is that the application refers to a 'buffer zone' of 9.2 metres at the rear of the site to protect adjoining properties from commercial activities but is requesting that this area be rezoned to Commercial 2 Zone. The objectors' state that the best way of protecting the residential amenity of their properties is to retain the Residential 1 Zone and Heritage Overlay 1630.

Response:

The proposal to rezone the rear portion of the site from Residential 1 Zone to Commercial 2 Zone and remove the Heritage Overlay will reflect the historical use of the site for commercial related purposes and remove the split zoning.

The rear area of the site does not hold any residential heritage characteristics and has not done so for a considerable period of time. Council does not interpret the Residential 1 Zone and Heritage Overlay as a 'buffer area' to protect the adjoining residential properties.

The request to retain the existing zoning and identify this area as a buffer to the adjoining residential properties is not considered necessary. The planning permit will contain a number of conditions that will require the proposed use to have regard to the adjoining residential zone.

- The objectors' state that the only reason for the combined planning scheme amendment and permit application is to sell the land.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

Response:

This is a hypothetical observation and Council cannot control the sale of private land through this planning scheme amendment and planning permit application.

- The objectors' comment that the landowner has neglected to maintain the commercial properties and fixtures at 137-139 Melbourne Road, at the site of Reilly's depot (141-145 Melbourne Rd) and attached residential property at 1 Walker Street (as referred to by the objector). These properties are an eyesore and a source of vermin.

Response:

The objectors' concerns are noted. For the proposed site at 137-139 Melbourne Road, part of which the objector refers to as 1 Walker Street, the planning permit (Condition no.9) requires the protection of amenity through the control of vermin. Effectively, the operator of the site will be required to implement measures to protect against potential vermin.

- The objectors' state that the site, in particular the rear section of the site, has not been used for the sale of motor boats or caravans in the past.

Response:

The requirement for a planning permit will ensure that an assessment is undertaken of the proposed use of the site for motor vehicle, boat or caravan sales. The suitability of the rear section of the site for motor vehicle, boat or caravan sales will form part of the planning assessment.

The following sub-sections correlate with the detailed issues contained in the joint objecting submission.

Number of Vehicles

The objectors' state that the application for 43 display cars will not fit on the site and that this is misleading and should not be granted.

Response:

Clause 52.14 Motor Vehicles, Boats or Caravan Sales of the Greater Geelong Planning Scheme requires that on a car sales site, the number of cars for sale or hire must not exceed 1 to each 30 square metres of the site area. The draft planning permit states that no more than 43 cars may be offered for sale on the site. This figure was proposed by the proponent on the basis of the total site area of 1300 sq. metres (1300/30=43 spaces).

The requirement in relation to permissible cars for sale per 30 sq. metres of the total site area is the assessment tool in the planning scheme. It does not relate to the exclusion of existing buildings from the total site area. Whilst in reality the actual usable site area for display cars is less than 1300 sq. metres, this requirement does not specify otherwise. In any case, it is considered the likelihood of 43 cars being displayed on the site at any one time is unlikely.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

Proposed Use of the Site

The objectors' claim that to their knowledge the site has never sold boats, never had caravans and that car yards do not last. The site has remained dormant from business use consistent with the residential nature of Walker Street. The objectors' state that the use of the site for motor vehicle, boat or caravan sales will adversely impact the adjoining and proximate residential properties. The objectors' also state that the heritage area behind the existing commercial building has not been used for business activities and should remain protected.

The objectors' state that given the application does not conform to Clause 63 Existing Uses of the Greater Geelong Planning Scheme, it should not be granted.

Response:

The proponent cannot demonstrate a continuous use of the site for motor vehicle, boat or caravan sales under the provisions of Clause 63.11 Proof of continuous use of the Greater Geelong Planning Scheme. Furthermore, the proposed use of the site for motor vehicle, boat or caravan sales is prohibited under the Residential 1 Zone.

To enable the use of the site for motor vehicle, boat or caravan sales, it is necessary to rezone the rear section of the site from Residential 1 Zone to Commercial 2 Zone. Under the Commercial 2 Zone, the proposed use requires a planning permit.

The amendment to rezone the rear portion of the site from Residential 1 Zone to Commercial 2 Zone is necessary for a number of reasons:

- a) To enable the use of the site for commercial uses, namely Motor Vehicle, Boat or Caravan Sales.
- b) To reflect the historical commercial use of the Residential 1 Zone section of the site.
- c) To remove the split zoning status of the land at 137-139 Melbourne Road.

While the proponent cannot demonstrate a continuous use of the site for motor vehicle, boat or caravan sales, this does not mean that the use should not be considered by Council as suitable for the site. It is important to note that the site has a split zoning and the existing Commercial 2 Zone section of the site could be proposed for use as a motor vehicle, boat or caravan sales yard.

The fact that the site may not have sold boat or caravans in the past is not a significant consideration in the assessment of the combined application. It is clear that Clause 52.14 of the Greater Geelong Planning Scheme relates to the use of a site for the sale of such vehicles and will ensure that due consideration is given to any potential issues, particularly in relation to impact on the amenity of adjoining properties.

The Residential 1 Zone section of the site does not reflect any residential or heritage character similar to the adjoining residential properties to the north and east of the site. The rear section of the site affected by the Residential 1 Zone and Heritage Overlay 1630 contains part of the existing commercial building footprint. In fact, over half of the building footprint is located in the Residential 1 Zone section of the site (See Appendix 1 and Appendix 2). Therefore, it is clear that the Residential 1 Zone/Heritage Overlay section of the site has been used for commercial uses in the past and that the objectors' reference to '1 Walker Street' being consistent with the adjoining residential area is incorrect. Notwithstanding the proposed use of the site, there is no justification to retain the Residential 1 Zone or Heritage Overlay 1630.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

The objectors' statement that car yards do not last is not a consideration in the assessment of the amendment and planning permit application. It is noted that a car yard operates immediately south of the proposed site, which provides a context to the Commercial 2 Zone corridor and associated uses that operate north/south fronting Melbourne Road. The objectors' statement that there are no boat or caravan sale yards in the vicinity of the site is not a material consideration. It should be noted that a caravan sales yard is located to the north the site on the corner of Melbourne Road and Victoria Street at 161 Melbourne Road.

Noise

The objectors' state that a noise assessment should have been prepared and submitted with the application. The objectors' have prepared a "simple assessment" that show how the noise generated from a boat or car yard could violate the Environment Protection Policy with respect to noise. The objectors' discussion focuses on the potential for varying throttle levels from motor engines. The objectors' further contend that given the application does not adequately address noise and that the simple assessment prepared shows the proposal will exceed the regulated noise levels, the application should be refused.

Response:

The objectors' simple assessment has been referred to Council's Environmental Health department for comment. The Environmental Health department provides a number of points for consideration in relation to the planning permit:

- It may be advisable to undertake an N1 assessment in order to look at addressing the objectors' concerns.
- Consider a restriction on the starting and movement of vehicles during weekends and public holidays to after 9am; and
- Request that a noise abatement system be implemented between the residential lots and the commercial zone.

The objectors' assessment was also provided to the EPA as an informative to assist with their response.

The proponent has been informed of the comments made by Council's Environmental Health Unit and the EPA.

Council's statutory planning department advise that a noise assessment is not usually requested as part of a planning permit application for motor vehicle, boat or caravan sales. Clause 52.14 Motor Vehicle, Boat or Caravan Sales of the Greater Geelong Planning Scheme and the planning permit are tools used to control the proposed use and to protect the amenity of the surrounding properties.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

The purpose of Clause 52.14 is:

- To ensure that amenity, site layout and design are considered when land is to be used for motor vehicle, boat or caravan sales, especially if the site adjoins a residential zone.
- To ensure that use of land for motor vehicle, boat or caravan sales does not impair traffic flow or road safety.

Clause 52.14 is therefore focused on the protection of residential amenity and traffic/road safety. The clause sets out a list of requirements specific to the use of the land for motor vehicle, boat or caravan sales. The requirements can be varied. Nonetheless, the requirements are often carried through to the planning permit in order to protect adjoining residential areas from any detrimental impact by the proposed use. Requirements include: No vehicle may be repaired on the site and a landscape buffer strip at least 3 metres wide must be provided on the site along the common boundary and planted and maintained to the satisfaction of the responsible authority.

The draft planning permit contains a number of conditions in relation hours of operation and amenity.

- For hours of operation, condition no.1 of the planning permit allows for the proposed use to take place between 7am and 7pm, unless otherwise approved by the responsible authority.
- For amenity, condition no. 9 of the planning permit states that the amenity of the area must not be detrimentally affected by the use through the emission of noise. Condition no. 8 states that no vehicle repairs are allowed on the site. Condition no. 3 requires the implementation of a landscape buffer adjoining the boundary with residential properties east and north of the site. Condition no. 11 requires that any lighting provided must be designed to prevent adverse light spill on adjoining land.

The site layout plan shows paling fencing and a landscape buffer strip, which are important features of the proposed use/site layout that will assist with alleviating any potential amenity concerns. The draft planning permit has been updated to include a condition relating to the repair/replacement of paling fencing along the boundaries with the adjoining properties and to confirm the dimensions of the landscape buffer strip (See Appendix 5 – changes shown in red text).

The objectors' suggested noise levels or circumstances where noise levels may exceed permissible levels are unlikely to be constant. The noise emissions from the site are likely to primarily relate to the adjustment of display cars and visiting customers. These movements are not considered to be a significant and constant generator of adverse noise. With the implementation of paling fencing and a landscape buffer, the potential for detrimental noise emissions affecting adjoining residential properties is considered low.

Having considered the objecting submission, the response from Council's Environmental Health Dept and the EPA, Council planning officers do not consider that a noise assessment is required to support the proposed use of the site nor does it consider the potential issue of noise to be a significant factor sufficient to abandon the planning scheme amendment and refuse the planning permit. The planning permit is Council's preferred tool for controlling the extent of the proposed use with due regard to the residential amenity of the adjoining area.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

Traffic

The objectors' raise concerns about the insufficient level of on-site customer car parking, the major impact visiting customers will have on the local transport system and amenity of adjoining and proximate residential properties, and the inability of the service road to provide a safe loading/unloading area. The objectors' contend that a detailed traffic management plan should have been submitted with the application. Consequently, the application should not be granted.

Response:

Council considers that there is no requirement for a detailed traffic management report to be submitted. The lack of a traffic report is not a sufficient reason to abandon the planning scheme amendment and refuse the planning permit. There will be peak and low periods of visiting customers. However, the extent of visiting customers during peak times is not expected to have a major impact on the local road network nor a detrimental impact on the residential amenity currently enjoyed by adjoining properties. Where visiting customers require car parking spaces, spaces will be provided on site, as per the site layout plan, and the local road network will be able to comfortably accommodate any additional demand, if required.

The loading/unloading of vehicles from the site can be undertaken using the access points that lead directly onto the service road. The use of the Walker Street access points would appear inferior in comparison to those on the service road. The question of safety is acknowledged. However, the existing site access points should provide a suitable basis to undertake loading and unloading in a safe manner.

Crossovers

The objectors' state that one of the two crossovers on Walker Street cannot be used for traffic movement due to employee car parks blocking access. The objectors' state that the two crossovers on the service road are not safe or practical due to the fast moving traffic and the Bus routes. Further clarification is sought by the objectors'.

Response:

It is considered that both access points onto Walker Street are available for vehicle use.

The site is gated and this set-up is designed in accordance with the existing crossovers and dropped kerbs. The set-up is not proposed to be altered and is considered suitable for the proposed use of the site. The service road is ancillary to the main Melbourne Road. The service road also has a 50 kph speed limit. Consequently, fast moving traffic and the presence of a Bus service are not considered an issue in relation to the proposed use.

Kerbs, barrier and sealed surface

The objectors' raised concerns that the rear portion of the site is not sealed and overgrown. The objectors' contend that the Heritage Overlay should not be removed from the site in order to protect the buffer between the commercial and heritage areas.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

Response:

The objectors' comments are noted and it is agreed that the rear section of the site is not sealed and slightly overgrown. It is anticipated that prior to a commercial use coming into operation on the site that the rear section of site would be cleaned up and any unwanted vegetation removed. However, this is a matter for the proponent to consider. Council does not consider it necessary to require the rear section of the site to be sealed.

The removal of the heritage overlay is warranted. The site contains no residential heritage characteristics. As has been discussed previously in this report, the purpose of the Heritage Overlay is not to act as buffer to protect residential properties from potential adverse land uses but rather to conserve buildings and areas of heritage value.

Light Spill and Glare

The objectors' contend that the application does not address light spill and glare and that it should not be granted.

Response:

The objectors' issues with previous uses of the site in relation to light spill are noted.

The planning permit deals with light spill and glare. At condition no. 11, the permit states that any outdoor and/or security lighting provided must be designed to prevent adverse light spill on adjoining land or road reserve to the satisfaction of the responsible authority. Council considers this an appropriate outcome to control any potential issues.

Adjoining commercial/residential sites and interface

- The objectors' state that the existing boundary paling fence between the proposed site and 3 Walker Street (to the east) is not 2 metres in height but closer to 1.6 metres and the windows of the house are in line of sight for noise issues.

Response:

Council notes that there has been no objection from the owner of 3 Walker Street.

The proponent will plant a landscape buffer of a specified height and depth along the adjoining property boundary, which will assist in removing any potential adverse noise and visual issues. Paling fencing will also be required and this will be reflected in the updated draft planning permit. The permit requires that the site layout accords with the endorsed plans, which will ensure that the proposed use and associated mitigation measures for screening and noise are implemented.

- The objectors' state that the proponent's description of adjoining residential properties and their associated sheds and screening are incorrect. The objector offers an alternative description.

Response:

Council acknowledges these concerns and notes the positioning and description of screening on the adjoining properties.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

- The objectors' state that a number of complaints by the residents of Margaret Street have been made in respect of noise, traffic and the activities of Reilly's Bus depot. It is stated that the area has been free from cars sales from the site.

Response:

Council acknowledges that complaints have been previously made by residents of Margaret Street in respect of activities on the site and adjoining commercial areas. However, the planning permit will seek to control the use of the site and, thereby, minimise the impact of the proposed use on the residential amenity of the adjoining properties.

The proposed planning scheme amendment and planning permit are likely to result in a good planning outcome. The appointment of an Independent Panel by the Minister for Planning will allow the objecting parties an opportunity to be heard and any matter of contention to be discussed in further detail at a Panel Hearing.

Environmental Implications

There are no environmental implications foreseen as a result of the use of the site for motor vehicle, boat or caravan sales.

The proposed use of the site will be controlled by a planning permit. The planning permit will ensure that emissions from the site (noise/light/vibration/odour/fumes/smoke etc.) are controlled and do not have a detrimental impact on the surrounding environment.

Financial Implications

There no foreseen financial implications associated with the combined planning scheme amendment and planning permit application.

No impact to budget.

Policy/Legal/Statutory Implications

The proposal is consistent with the relevant provisions of the Greater Geelong Planning Scheme, including the State Planning Policy Framework and Local Planning Policy Framework

The planning scheme amendment will rezone the rear section of 137-139 Melbourne Rd from Residential 1 Zone to Commercial 2 Zone. This will reflect the historical use of the site for commercial purposes. The planning permit will control the use of the site for motor vehicle, boat or caravan sales.

Alignment to City Plan

The combined planning scheme amendment and planning permit align with the City Plan's strategic direction, Growing our Economy and the priority to support existing businesses and encourage new and emerging growth sectors. The recognition of the historical use of the site for commercial purposes is important to ensuring the site continues to offer a source of economic activity for Geelong.

3. AMENDMENT C291 COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT 112/2013, 137-139 MELBOURNE ROAD, RIPPLESIDE (CONT'D)

Officer Direct or Indirect Interest

No Council officers or contractors involved in the proposed rezoning and planning permit have a direct or indirect interest in matters contained in this report.

Risk Assessment

There are no foreseen risks associated with the combined planning scheme amendment and planning permit application.

Social Considerations

No social implications are foreseen as a consequence of the proposed use of the site for motor vehicle, boat or caravan sales. The planning permit will ensure the proposed use does not have a detrimental impact on adjoining and surrounding sensitive land uses, namely Residential1 Zone areas.

Human Rights Charter

The amendment will not impact on any basic rights, freedoms, responsibilities as set out in the Charter. Planning legislation ensures an open community consultation process occurs enabling people to freely express their views and if necessary, obtain a fair hearing before an Independent Planning Panel.

Consultation and Communication

The planning scheme amendment and planning permit were exhibited for a period of one month. Notices and letters were issued to affected property owners and also, in the local newspapers and Victorian Government Gazette.

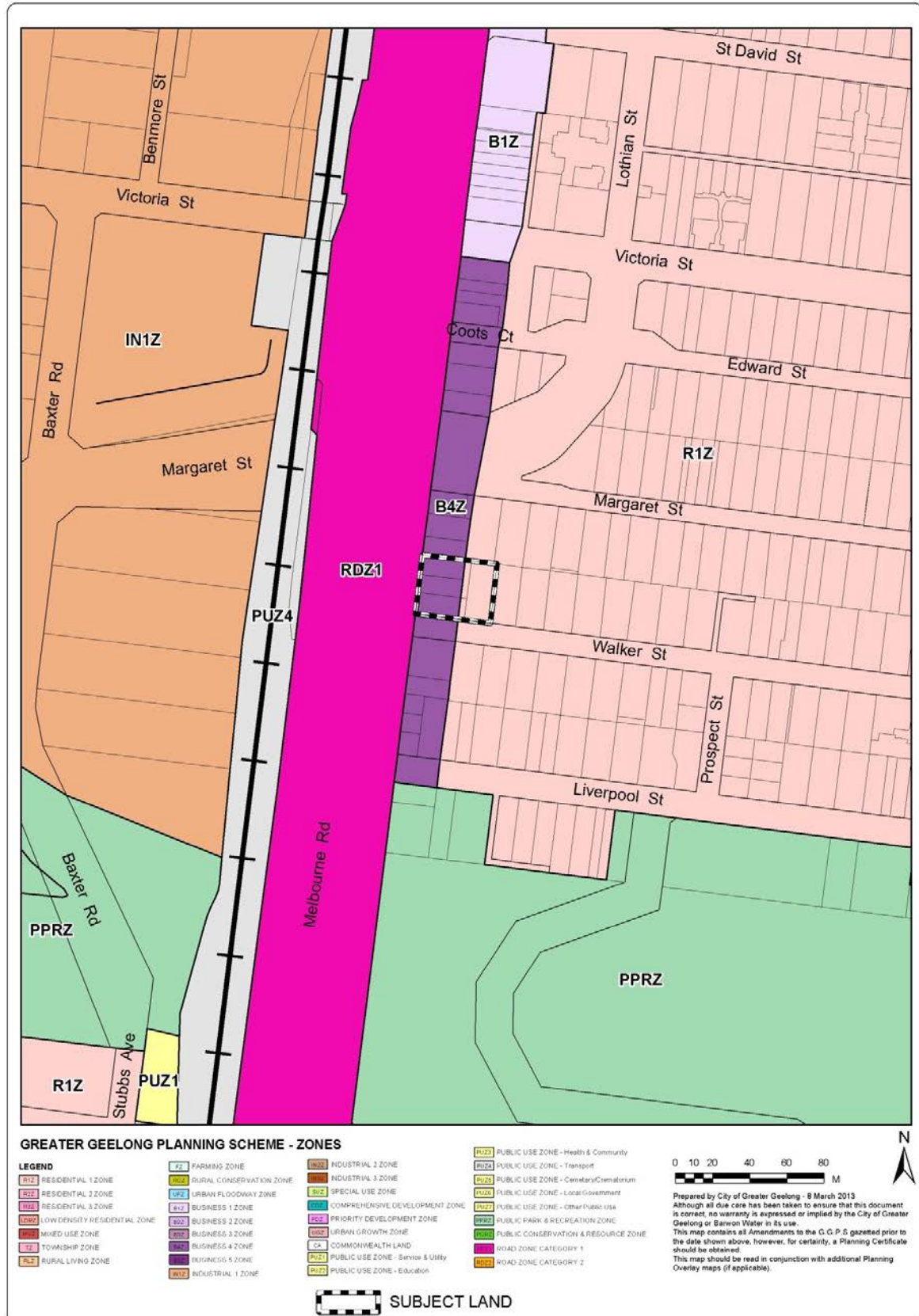
This report recommends that the Minister for Planning appoint an Independent Panel to hear all submissions to the amendment. This will ensure a just and fair process is undertaken and that the objecting submitters have an opportunity to be heard by an independent panel of planning experts.

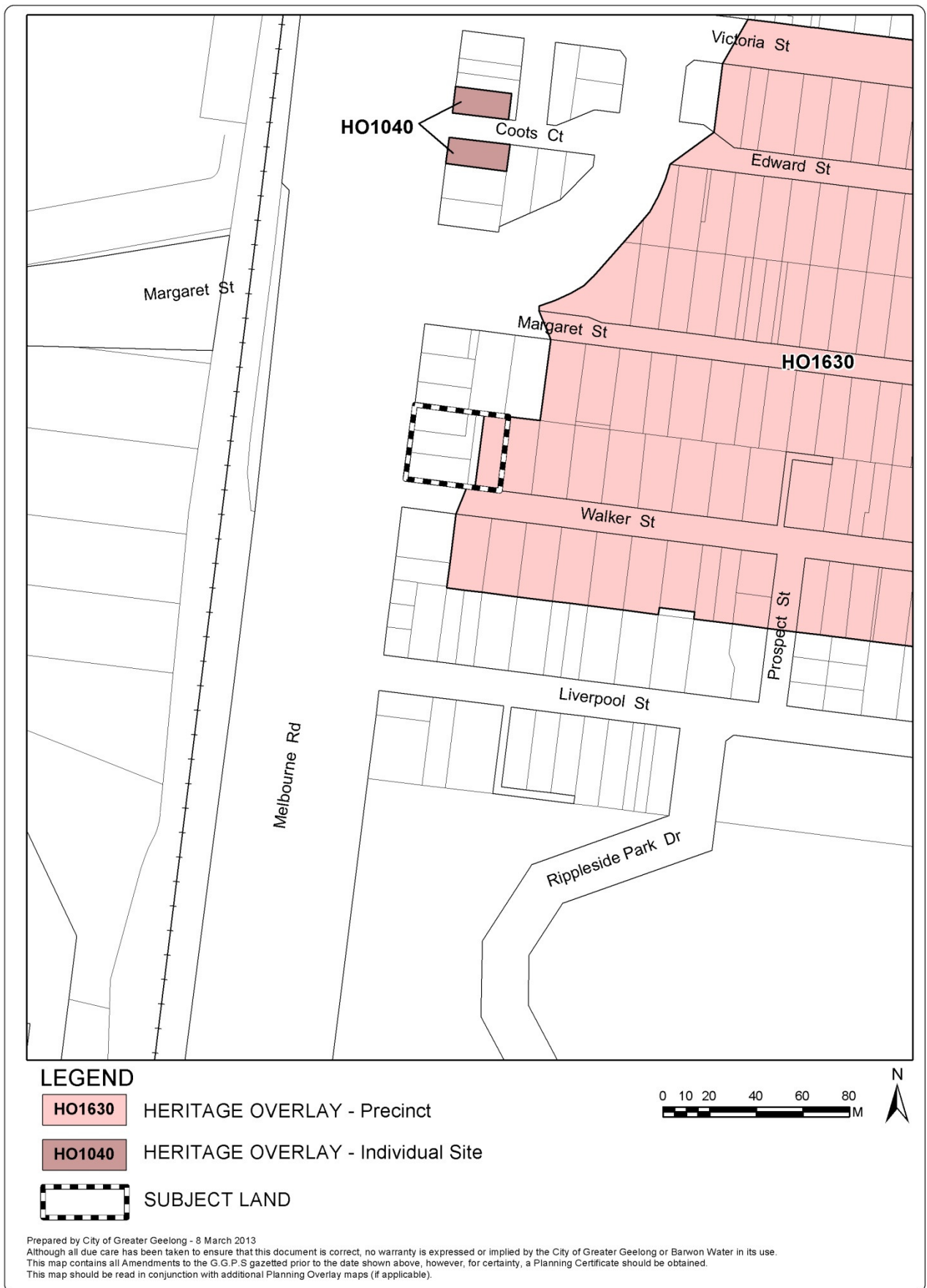
Appendix 1 Site location plan



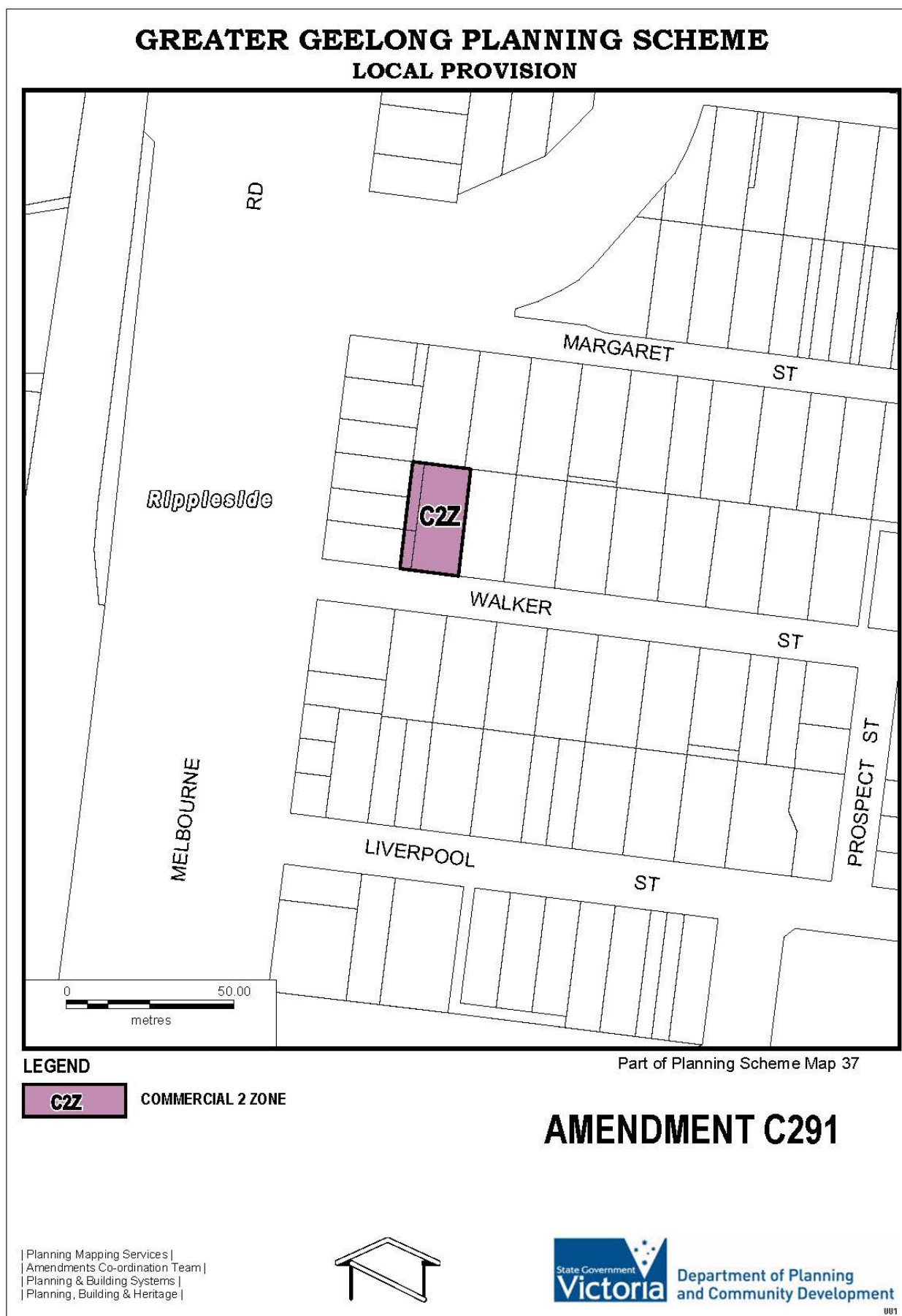
Appendix 2 Existing Zoning and Overlays

(Greater Geelong Planning Scheme maps will continue to refer to the previous Business 4 Zone but this is the new Commercial 2 Zone as per parent Clause 34.02 Commercial 2 Zone.)

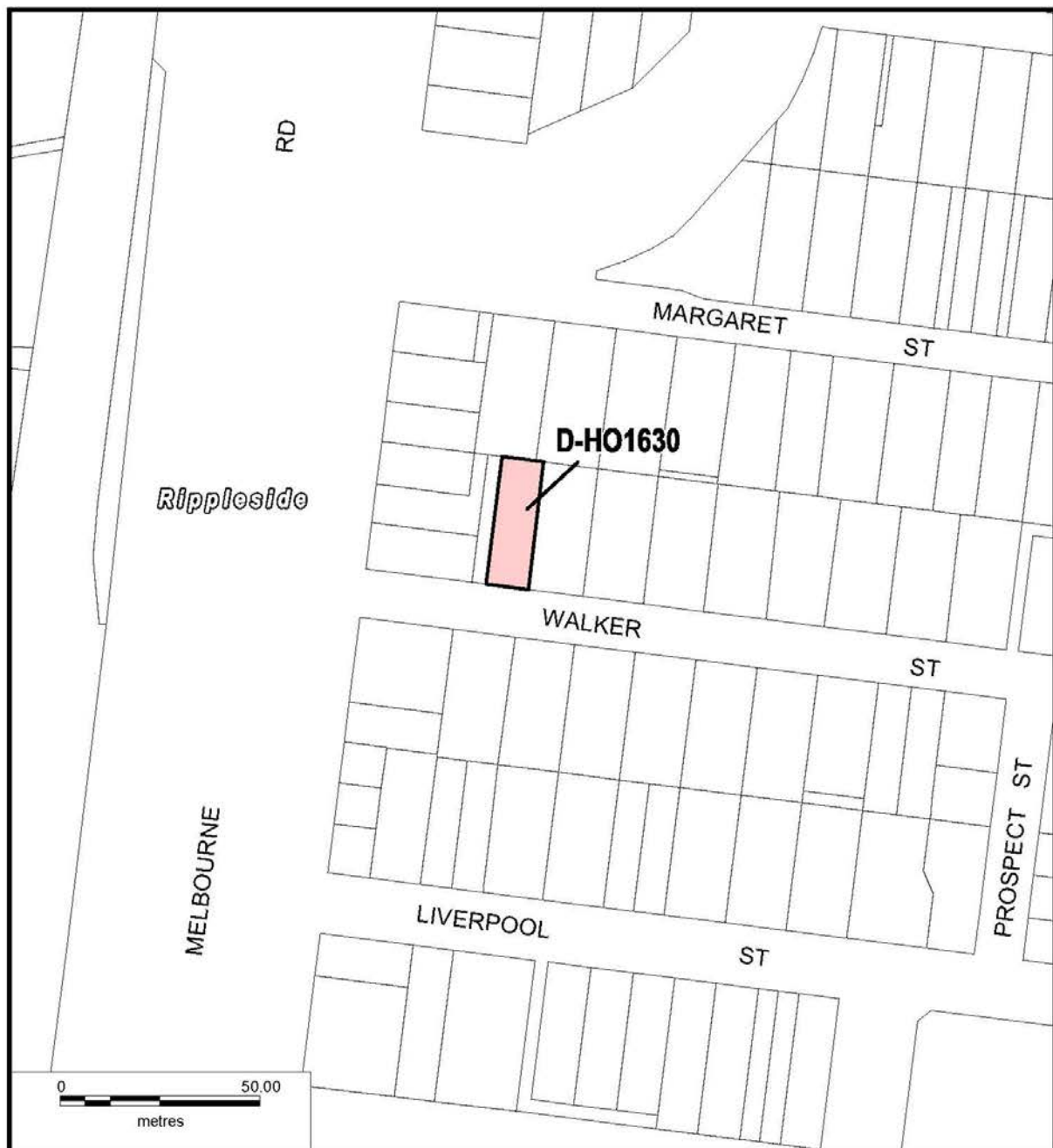




Appendix 3 Proposed rezoning and deletion of Heritage Overlay 1630



GREATER GEELONG PLANNING SCHEME LOCAL PROVISION

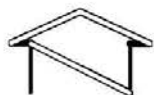


LEGEND

D-HO1630 AREA TO BE DELETED FROM A HERITAGE OVERLAY (HO1630)

Part of Planning Scheme Map 37HO

AMENDMENT C291



Appendix 4 Schedule of Submitters

Submitter	Address	Submission type
Mr Gary Yewdall	4 Margaret Street, Rippleside, VIC 3215	Joint objection with Mr. Barry Palich
Mr Barry Palich	2 Margaret Street, Rippleside, VIC, 3215	Joint objection with Mr. Gary Yewdall
VicRoads (Bryan Sherritt, Manager Program Development)	PO BOX 775, GEELONG VIC 3220	No objection
Environmental Protection Agency South West Region (Joanne Coupar, Planning Assessment Officer)	4 th Floor State Government Office, Cnr Little Malop St, GEELONG VIC 3220	Two submissions with comments: 1) Planning scheme amendment 2) Planning permit application

Appendix 5 Updated Draft Planning Permit- changes shown in red text

Planning and Environment Regulations 2005 Form 9

PLANNING PERMIT

(DRAFT)

Permit No.: 112/2013

Planning Scheme: Greater Geelong Planning Scheme

Responsible Authority: City of Greater Geelong

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

ADDRESS OF THE LAND: 137-139 Melbourne Road, Rippleside

THE PERMIT ALLOWS: Use of land for Motor Vehicle, Boat or Caravan Sales
generally in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the use, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application [or specify other amended plans] but modified to show:
 - a) Extension of the landscape buffer along the current sections of the northern and eastern property boundaries to be a minimum of 3 metres wide.
 - b) A notation on the plans that the damaged sections of northern and eastern boundary fences will be repaired and/or replaced.
 - c) The provision of four (4) clearly marked 2.6m x 4.9m staff/customer car parking spaces.

All buildings and works as shown on the endorsed plans must be completed prior to the occupation of the building works, unless otherwise approved in writing by the Responsible Authority.

Endorsed plans

2. The use as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

Hours of operation

3. Unless otherwise approved in writing, the use may only take place between:
7am and 7pm on any day.

Date Issued: DRAFT (INSERT DATE)

Date Permit comes into operation: Not Specified
(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the Responsible Authority

Planning and Environment Regulations 2005 Form 9

to the satisfaction of the Responsible Authority

Landscape buffer

4. Prior to the commencement of the use, a landscape buffer strip as shown on the endorsed plans must be provided on the site along the northern and eastern property boundaries. The landscape buffer strip must be planted and maintained to the satisfaction of the Responsible Authority.

Wash bay

5. The site must contain a concrete bay for washing vehicles and waste from the bay must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.
6. All vehicles must be washed within the designated wash bay to the satisfaction of the Responsible Authority.

Vehicle numbers

7. Unless otherwise approved in writing by the Responsible Authority, no more than 43 vehicles may be offered for sale on the site.

Vehicle display

8. No vehicle for sale may be displayed on an adjacent road.

Vehicle repairs

9. No vehicle may be repaired on the site, unless otherwise approved in writing by the Responsible Authority.

Amenity

10. The amenity of the area must not be detrimentally affected by the use or development through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;

to the satisfaction of the Responsible Authority.

11. Car spaces, access lanes, pedestrian paths and driveways must be kept available for these purposes at all times.

Noise

Date Issued: DRAFT (INSERT DATE)	Date Permit comes into operation: Not Specified (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the Responsible Authority

Planning and Environment Regulations 2005 Form 9

12. Noise emitted from the premises must not exceed the recommended levels as set out in the 'Noise from Industry in Regional Victoria' (NIRV; EPA Publication 1411, 2011) or as amended to the satisfaction of the Responsible Authority.

Lighting

13. Any outdoor and/or security lighting provided must be designed to prevent adverse light spill on adjoining land or road reserve to the satisfaction of the Responsible Authority.

Expiry

14. This permit will expire if the use hereby permitted is not commenced within two (2) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing within ~~six~~ (6) months of the date of expiry.

Date Issued: DRAFT (INSERT DATE)

Date Permit comes into operation: Not Specified
(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the Responsible Authority

Planning and Environment Regulations 2005 Form 9

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or,
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or,
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

4. COMMUNITY ARTS & FESTIVALS GRANTS PROGRAM 2013-2014

Portfolio: Arts and Culture - Cr Heagney
Source: Community Services - Arts and Culture
General Manager: Jenny McMahon
Index Reference: Subject: Arts & Culture
Subject: Community Arts and Festivals Grants 2013-2014

Purpose

To provide Council with information on the allocations made under the 2013-2014 round of the Community Arts & Festivals Grants Program.

Summary

- The Community Arts & Festivals Grants program assists the City to attain the vision of its cultural strategy Creativity+: to be an innovative, vibrant community that celebrates its many voices and offers an enriching lifestyle.
- A total of \$220,000 was made available for allocation to the Community Arts & Festivals Grants Program in the 2013-2014 budget.
- The 2013-2014 grant round opened on 1st July 2013 and closed on 31st July 2013.
- 30 applications were received under the Community Arts Grants Program requesting a total of \$157,132.95.
- 23 Arts groups were successful with a total of \$116,734 allocated (Appendix 1).
- 23 applications were received under the Community Festivals Grants Program requesting a total of \$143,500.
- 16 Festival groups were successful with a total of \$97,000 allocated (Appendix 2).
- An allocation of \$6,266 has been held in reserve for Quick Response and Professional Development grant streams throughout 2013-2014.
- The Community Arts and Festivals Committee Terms of Reference were reviewed with minor updates (Appendix 3).
- A Grant Ceremony for recipients will be held on 14th October 2013 which will showcase projects from the previous round and offer a networking opportunity for community arts and festival groups.

Cr Heagney moved, Cr Ansett seconded -

That Council:

- 1) note the allocations to community groups under the Community Arts & Festivals Grants Program for the 2013-2014 round.**
- 2) adopt the amended Committee Terms of Reference – Community Arts and Festivals Assessment Committee.**

Carried.

4. COMMUNITY ARTS & FESTIVALS GRANTS PROGRAM 2013-2014 (CONT'D)

Background

The Community Arts & Festivals Grants Program is part of the implementation of *Creativity+*, Council's Culture Strategy which aims to build the cultural strengths and raise the profile of the Geelong municipality as a creative region.

The program has two categories.

The Community Arts category – comprising four streams:

- Arts Projects – open during the main round only;
- Biennial Arts – open during the main round only;
- Quick Response – open throughout the year;
- Professional Development – open throughout the year.

Community Festivals category comprising of three streams:

- One-Off – open during the main round only;
- Development – open during the main round only;
- Triennial – open during the main round only (by invitation only).

Each year a cross-departmental panel of officers led by Arts & Culture Unit conducts a preliminary assessment and presents recommendations to the Community Arts and Festivals Assessment Committee for review. The members of this Committee are Acting Mayor Councillor Bruce Harwood, and Councillors Michelle Heagney (chair), Jan Farrell and Eddy Kontelj.

Prior to review by the Committee, all Councillors have opportunity to comment on applications of interest at a Councillor Drop-in Session.

Discussion

The 2013-2014 grant round was open from 1st – 31st July 2013.

Each year the program is reviewed and refined. For the first time application and assessment in 2013-2014 was delivered using the 'SmartyGrants' online system. The new online process was extremely well received. All applicants discussed their projects with Arts & Culture staff prior to submission.

The round was highly competitive and unfortunately not all deserving projects were able to be fully funded or funded at all. Attachments One and Two provide a summary of final allocations in each category.

Some very exciting projects were funded this year. Particularly innovative projects included: 'Growing Stages', a project which creates a fully edible stage for kindergarten children; a community engagement performance project for refugees 'Dare To Be Faceless'; and 'Feast of Gypsy Argentina - Bellarine', a unique festival-style combination of local produce and performing arts on the Bellarine Peninsula.

The 2013-2014 Grant Ceremony will be held on 14th October 2013 and will celebrate some of the outstanding projects from the previous round.

4. COMMUNITY ARTS & FESTIVALS GRANTS PROGRAM 2013-2014 (CONT'D)

Every three years the Community Arts and Festivals Committee Terms of Reference are reviewed to determine if any changes are required. Some minor updates were made (Appendix 3).

Environmental Implications

The grant round process was delivered fully online. The application and assessment process was paperless. This substantially reduced paper wastage, creating a positive environmental impact.

As with previous rounds, the environmental impact of each arts project and festival was taken into account in the overall assessment of each application, with applicants being required to detail their approach to minimising their project's impact on the environment. This proved to be an excellent way to encourage conversation about what is sustainable arts practice in the municipality.

Financial Implications

In the 2012-2013 round \$10,200 was held in reserve for Quick Response (QR) and Professional Development (PD) applications. 13 grant requests were made. Eight projects were successful receiving a total of \$6,185.

In the 2013-2014 round the Community Arts Grants Program received 30 applications. \$116,734 has been allocated to 24 Community Arts projects. The total included one pre-allocated Biennial project approved as part of the 2012-2013 round.

\$6,266 was held in reserve for forthcoming applications to QR and PD streams in 2013-2014.

In the 2013-2014 round the Community Festivals Grants Program received 24 applications. \$97,000 was allocated to 16 Community Festivals. The total included four pre-allocated third year Triennial festivals approved as part of the 2011-2012 round.

Current approved budget.

The 2013-2014 Community Arts and Community Festivals Program budget was structured to provide a total of \$220,000 for distribution, with \$120,000 allocated for Arts and \$100,000 for Festivals.

Policy/Legal/Statutory Implications

Applications were assessed in accordance with Grant Program Guidelines and culturally-specific Assessment Criteria. Guidelines and Criteria were distributed to all applicants as part of the promotion process.

As an Advisory Committee appointed by Council, the authority of the Committee, noted in the Terms of Reference, is to:

- consider applications made in accordance with the program guidelines and make recommendations to the General Manager Community Services for allocation of funds under Delegation;
- Consider and make recommendations as to the annual budget allocation to the Programs; and oversee the annual review of the Grants Program, its processes and guidelines and make recommendations for improvements.

4. COMMUNITY ARTS & FESTIVALS GRANTS PROGRAM 2013-2014 (CONT'D)

Alignment to City Plan

The Community Arts and Festivals Grants Program relates to City Plan's Strategic Directions 'Community Wellbeing' (Priority Areas: 'Connected, creative and strong communities') and 'Growing Our Economy' (Priority Areas: 'A prosperous and innovative Geelong', 'A successful and vibrant city centre' and 'Greater Geelong is a leading city of tourism, arts culture and events').

Officer Direct or Indirect Interest

Duncan Esler noted his role as board member for Courthouse ARTS Inc. However as he represents Council on this Committee, this is not considered to be a conflict of interest.

Justyn Rowe declared his role as committee member for Theatre 3222 and noted that he had no part in the development of their application for the project 'Feast of Gypsy Argentina - Bellarine'.

Risk Assessment

The guidelines, application process, and applicant support procedures minimise potential risks associated with managing the grant program.

A thorough assessment process is undertaken with officers from the Arts & Culture, Community Development and Event Services departments, to ensure cross-departmental awareness of related projects, and mitigate risks related to funded events and projects. This includes the need for submission of Event/Risk Plans, public liability matters, or pending acquittals for projects previously funded by other departments.

Successful applicants are required to sign a Funding and Service Agreement with Council which details their roles and responsibilities, including parameters for expenditure of funds and monitoring and evaluation processes.

Social Considerations

The Program provides vital support to community groups and organisations, increases community engagement in social and cultural activity and enriches community life.

The Grants enhance community wellbeing by supporting projects that provide an avenue for community involvement in the planning, creation, participation and attendance at arts events and activities.

Criteria are designed to build community capacity, rewarding projects that focus on accessibility, community engagement and community strengthening.

In recent years Grant Ceremonies have been held annually to provide networking opportunities for community cultural groups, and showcase previously funded projects.

The previous Grants Ceremony was held on 10th December 2012 to celebrate projects which were successful from the 2012-2013 round.

The investment by arts and culture staff into working with communities on their projects is clearly visible as projects and applications are improving every year.

4. COMMUNITY ARTS & FESTIVALS GRANTS PROGRAM 2013-2014 (CONT'D)

Human Rights Charter

Analysis of the HRC matrix shows that no human rights consequences arise from this program.

Consultation and Communication

Officers promoted the program extensively via local press, online and via Customer Service Centres. Multiple Grant Information Sessions were also conducted at venues across the municipality throughout May 2013. Promotion also occurred via direct email to all groups that have applied over the previous three years. Officers had direct contact with over 90 interested parties.

Both successful and unsuccessful applicants have been notified of the outcome of the grants assessment process.

Further promotion of the QR and PD streams will be conducted in November 2013 and in early March 2014.

Appendix 1

COMMUNITY ARTS GRANTS (ARTS PROJECT)

Summary: 2013-2014

PROJECT	ORGANISATION / AUSPICE	AMOUNT
Growing Stages – three fully consumable performance stages for kindergarten children.	Bluebird Foundation Inc	\$6,000
'Seasons' Series of Concerts - five concerts and four organ recitals at St Mary's Basilica.	Music at the Basilica Inc	\$6,000
Open4 Rooftop Cinema - on civic car park during holiday times.	Open 4 / Auspice Diversitat	\$6,000
Wonderluxe - a youth engagement project exploring Geelong's alternative artforms.	Failbrother Productions	\$5,250
Kaleidoscope - for students in years five-eight, participate and engage with the Geelong cultural precinct in new ways using visual art and performance.	Geelong Regional Library Corporation	\$5,000
Geelong Summer Opera - feasibility study exploring the possibility of a new annual open air Summer Opera season at Eastern Beach.	Geelong Summer Opera	\$6,000
Cloverdale Community Record Project - a high quality audio recording (CD) which showcases local talent in the North.	Cloverdale Community Centre	\$6,000
2014 Australian Youth Classical Music Competition - a high profile national level music competition encouraging leading young classical musicians.	Trustee of the Geelong Advertiser Music Scholarship Trust	\$5,000
Concert Series 2014 - five professional classical chamber music concerts.	Geelong Chamber Music Society Inc	\$4,000
'Alice In Threadland' Embroidery Exhibition – a three day exhibition showcasing a wide variety of forms of embroidery and textile art.	The Embroiderers Guild, Victoria; Geelong Branch	\$3,600
Blues Boot Camp - a two day workshop engaging 13 - 25 year old students by exploring blues music.	Blues Boot Camp / Auspice Sleepy Hollow Blues Club	\$6,000
South Sudanese Traditional Arts Project – design and make traditional decorations and artworks to reconnect people with their culture.	South Sudanese Nuer Languages School of Australia Inc	\$5,500
Landscape to Manufacturing: The Wool Industry in Geelong - produce a short film about the people who produced wool in Geelong.	Centre for Memory, Imagination and Invention (CMII), Deakin University	\$5,000

Streetscape to Artscape Stage 2 - develop concept plans for public Art.	SpringDale Neighbourhood Centre	\$6,000
VCE Students Arts Award Exhibition – a selection of the best student art from schools across the municipality.	Geelong Art Society Inc	\$1,900
Wall of Hope: Honouring Women's Wisdom - a glow in the dark lane way art project displaying visual and written messages of hope for women.	YWCA Victoria Geelong	\$5,384
KarnivART - an annual exhibition and competition to showcase the work of artists with a disability or mental illness.	Karingal	\$4,300
Climb Above 'inTolerance' – making a documentary about eight Geelong emerging leaders from diverse Geelong communities in their attempt to summit Mera Peak Nepal.	Aussie Action Abroad Ltd. / Auspice Woomelang and District Bush Nursing Centre Inc.	\$3,000
LifeTime Totems – creating life size clay and metal totems that celebrate people's lives, cultures and histories in Geelong.	Diversitat	\$3,000
Gilbert & Sullivan come to Portarlington – the nationally acclaimed Savoy Opera Company perform and mentor locals to create their own light opera company.	The Portarlington Neighbourhood House Inc	\$3,800
Marvellous Music in May - an all day musical event including concerts and a supper dance.	Barwon Heads Fine Music Society Inc	\$2,000
Total allocation		\$98,734

COMMUNITY ARTS GRANTS (BIENNIAL)

Summary: 2013-2014

PROJECT	ORGANISATION / AUSPICE	AMOUNT
Perpetual Echoes – music composition for musicians, artists, schools and community, responding to works in the Geelong Gallery's collection.	Community Music Victoria Inc	\$6,000 (2 nd Year instalment)
Dare to be Faceless - the Development and performance of a play dealing with issues of racism around the migrant community.	Doorstep Arts Pty Ltd	\$6,000 x 2 yrs
Contemporary Theatre Practice for People with Disabilities 2014 – 2015 – summer school workshops and work-in-progress showings of contemporary theatre work devised by people with disabilities.	Back to Back Theatre Inc	\$6,000 x 2 yrs
Total allocation		\$18,000

Appendix 2

COMMUNITY FESTIVALS GRANTS (ONE-OFF AND DEVELOPMENT)

Summary: 2013-2014

FESTIVAL (One-Off)	ORGANISATION / AUSPICE	AMOUNT
The Feast of Gypsy Argentina - Bellarine – a two day celebration of local food, wine and performance with a gypsy culture theme.	Theatre 3222 Inc.	\$6,000
Total allocation		\$6,000

FESTIVAL (Development)	ORGANISATION / AUSPICE	AMOUNT
Festival of Glass - celebrates the beauty and versatility of glass through events, displays, demonstrations and competitions	Drysdale & Clifton Springs Community Association Inc.	\$4,800.00
Wholefoods Food of the World Festival – workshops and displays of handmade craft and food showcasing cuisines from almost 50 nationalities living in Geelong.	Diversitat	\$5,000.00
‘Canticle’ festival of music in Geelong’s Churches - seven concerts and four workshops of sacred and contemporary music in six locations around Geelong.	Music at the Basilica Inc	\$6,000.00
St Leonards Community Festival - a community celebration for the small coastal township promoting their local artists, cultural heritage and seaside environment.	St Leonards Progress Association	\$4,000.00
2014 Blokes Day Out Festival – a family event focused on boys’ and men’s health and wellbeing.	Barwon Health	\$6,000.00
Cloverdale Autumn Festival 2014 - a local community event that focuses on addressing disadvantage and celebrating the cultural diversity and richness of the northern suburbs.	Cloverdale Community Centre	\$6,000.00
FIGMENT Geelong 2014 – A non-commercial, interactive community arts festival.	FIGMENT Geelong	\$4,800.00

Reconciliation in the Park - a National Reconciliation Week themed event in partnership with Wathaurong Aboriginal Co-operative to raise community awareness of reconciliation through art, music and cross-cultural activities.	Geelong One Fire Reconciliation Group (GOFRG)	\$6,000.00
South Sudanese Youth Groups Festival – an inclusive event sharing traditional and modern cultures through music and dance with South Sudanese Youth and the wider community.	South Sudanese Nuer Language School of Australia Inc	\$4,900.00
Open House Geelong 2014 - provides the public a free and rare opportunity to discover a hidden wealth of architectural and historic buildings in Geelong.	Open House Geelong Inc	\$6,000.00
WestFEST - a free community event celebrating local artists, musicians and singers from the West Geelong area.	Geelong West Neighbourhood House Inc.	\$3,000.00
Total allocation		\$56,500

COMMUNITY FESTIVALS GRANTS (TRIENNIAL)

Summary: 2013-2014

FESTIVAL (Triennial)	ORGANISATION / AUSPICE	AMOUNT
Barwon Heads Festival of the Sea - aims to celebrate Barwon Heads special estuary/ Bass Strait Coast location and the talents of its population	Barwon Heads Festival of the Sea Ltd.	\$10,500 (Third year instalment)
Portarlington Mussel Festival – promotes the Bellarine Peninsula's arts, food and wine culture centred on the mussel industry.	Portarlington Mussel Festival Inc.	\$8,000 (Third year instalment)
Splash! Dance Festival - five days of dance related classes, workshops, performances, exhibitions and competitions.	Geelong Dance Network Inc.	\$8,000 (Third year instalment)
Poppykettle Festival - igniting the imagination of kindergarten and primary aged children with workshops, activities and performances.	The Geelong Performing Arts Centre	\$8,000 (Third year instalment)
Total allocation		\$34,500

COMMITTEE TERMS OF REFERENCE

Community Arts and Festivals Assessment Committee	Document No:	CTR295.8
	Approval Date:	
	Approved By:	Council
	Review Date:	16/17
Responsible Officer: General Manager Community Services	Expiry Date:	N/A
	Version No:	00
Authorising Officer:		Chief Executive Officer

1. SUMMARY

The role of the Committee is to provide advice to General Manager Community Services regarding the distribution of the following City of Greater Geelong grants.

- Community Arts Grants Program
- Community Festivals Grants Program

2. OBJECTIVES

- 2.1. To assess applications in accordance with criteria set out in guidelines and application forms and make recommendation regarding the allocation of funds.
- 2.2. To consider and make recommendations as to the annual budget allocation to the Programs.
- 2.3. To participate in the annual review of the Grants Program, its processes and guidelines.

3. DEFINITIONS

“Committee” means the Community Arts and Festivals Assessment Committee.

“Guidelines” means Community Arts and Community Festivals Grants Program Guidelines approved by Council.

4. TERMS OF REFERENCE

4.1. Expected / Definite life of the Committee

- 4.1.1. The Committee will remain in force until Council resolves to vary or revoke it.

4.2. Constituency of the Committee

- 4.2.1. The Committee is to comprise the following representatives.
 - Portfolio holder Arts & Culture;
 - Two Councillors nominated by Council;
 - The Mayor (ex-officio) or if the Mayor also holds the Portfolio Arts & Culture another Councillor may be nominated.
- 4.2.2. All members shall have voting rights.

4.2.3. The quorum shall be 2 members.

4.3. Authority of the Committee

- 4.3.1. The Committee is an Advisory Committee appointed Council.
- 4.3.2. The Committee shall consider applications made in accordance with program guidelines and make recommendations to General Manager Community Services for allocation of funds under Delegation.
- 4.3.3. To consider and make recommendations as to the annual budget allocation to the Programs.
- 4.3.4. To oversee the annual review of the Grants Program, its processes and guidelines and make recommendations for improvements.

4.4. Meeting Procedure

- 4.4.1. It is the role of the Committee to establish its meeting regime, evaluate its effectiveness and to make adjustments as necessary.
- 4.4.2. The Portfolio holder Arts & Culture will act as the Chairperson.
- 4.4.3. Minutes of key actions and decisions shall be recorded and retained in Dataworks.
- 4.4.4. All members shall be notified in writing not less than 24 hours before the meeting of the time, place and purpose of each meeting provided that where urgent circumstances exist, the General Manager Community Services may convene a meeting within a lesser timeframe following contact with members.

4.5. Reporting Requirements

- The Committee shall report to Council on its activities at least annually.

4.6. Secretariat

- The Arts & Culture Unit Co-ordinator will provide the secretariat to the Committee.

4.7. Facilities & Resources

- Adequate human and financial resources shall be provided to ensure the effective operation of the Committee.

5. QUALITY RECORDS

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Arts Grants Guidelines	Manager Arts & Culture	7 years	Corio Street
Festivals Grants Guidelines	Manager Arts & Culture	7 years	Corio Street
Committee minutes	Manager Arts & Culture	7 Years	Corio Street
Applications	Manager Arts & Culture	7 Years	Corio Street

5. ROAD RENAMING - SOUTHERN SECTION BEAUFORD AVENUE, BELL POST HILL

Portfolio:	Governance - Cr Harwood (Acting Mayor)
Source	Corporate Services - Financial Services
General Manager:	Jeff Wall
Index Reference	Subject/Financial Management - Reporting Subject/Roads, Footpaths & Streets

Purpose

Seek approval to rename the southern section of Beauford Avenue, Bell Post Hill to McNaughton Street, Bell Post Hill due to a subdivisional development.

Summary

- A subdivision on a corner allotment in Neil Street, Bell Post Hill has created a new property with frontage and access off Beauford Avenue that requires a unique property address.
- Current numbering within Beauford Avenue begins north of Ruhamah Avenue and therefore properties to the south of this roadway cannot be sequentially numbered.
- It is proposed to rename the southern section of Beauford Avenue, south of Ruhamah Avenue to "McNaughton Street", Bell Post Hill (Refer Attachment A).
- This name has been selected from a recently compiled ANZAC register of suitable road names that was compiled as part of the State Government's Office of Geographic Names ANZAC Commemorative Naming Project.
- The proposed renaming was advertised in The Independent newspaper on 10 May 2013 and the Geelong Advertiser newspaper on 11 May 2013.
- Council has not received any submissions in relation to this proposed renaming.

Cr Richards moved, Cr Irvine seconded -

That Council approves the renaming of the southern section of Beauford Avenue, Bell Post Hill to "McNaughton Street", Bell Post Hill.

Carried.

Background

A two (2) lot subdivision is occurring on a corner allotment, 45 Neil Street, Bell Post Hill which has created a new property with frontage and access off Beauford Avenue. This property will require a unique address to this section of roadway.

The current numbering of Beauford Avenue begins north of Ruhamah Avenue where it intersects with Edison Road, Bell Post Hill (Refer Attachment A). The southern section of Beauford Avenue currently has no property numbering. Renaming the section of Beauford Avenue, south of Ruhamah Avenue only, will have the least impact on property owners and residents, rather than renumbering the entire length of Beauford Avenue. This option will also enable future property subdivision to create unique identifiable property addresses.

5. ROAD RENAMING - SOUTHERN SECTION BEAUFORD AVENUE, BELL POST HILL (CONT'D)

Discussion

The proposed name of the southern section of Beauford Avenue, south of Ruhamah Avenue is "McNaughton Street". This name has been selected from a recently compiled ANZAC register of suitable road names that was compiled as part of the State Government's Office of Geographic Names ANZAC Commemorative Naming Project.

Sister McNaughton was born in Geelong and served as a nurse in Cairo and the Western Front.

The suggested naming meets the requirements of the Guidelines for Geographic Names 2010.

The proposed renaming was advertised in The Independent newspaper on 10 May 2013 and the Geelong Advertiser newspaper on 11 May 2013 and all abutting land owners were notified at this time. Council did not receive any submissions regarding this road renaming.

A favourable news article was published in The Independent newspaper on 17 May 2013 (Attachment B) recounting the history of Sister McNaughton.

Environmental Implications

There are no environmental issues arising from this report.

Financial Implications

Council is responsible for street signage at an approximate cost of \$250.00 per sign.

Policy/Legal/Statutory Implications

The Local Government Act 1989, Geographic Place Names Act 1998 and The Guidelines for Geographic Names 2010 have been followed and met.

The proposal was advertised in The Independent newspaper on 10 May 2013 and the Geelong Advertiser newspaper on 11 May 2013 with no submissions received by Council.

Alignment to City Plan

This proposal aligns to City Plan with encouragement of future growth through subdivision of land.

Officer Direct or Indirect Interest

There is no Council Officer direct or indirect interest involved in this report.

Risk Assessment

Should an emergency situation occur Council's proposal to rename this section will minimise the risk of emergency services not being able to locate the situation.

5. ROAD RENAMING - SOUTHERN SECTION BEAUFORD AVENUE, BELL POST HILL (CONT'D)

Social Considerations

The renaming of this section of roadway will allow for easy identification to the public and utility services in case of an emergency.

Human Rights Charter

It is the right of every resident and property owner for their property to have a unique address in order to receive services and reduce confusion or delay of emergency services.

Consultation and Communication

Correspondence was sent to all 10 adjoining property owners advising them of the proposal to rename this section of roadway and inviting submissions.

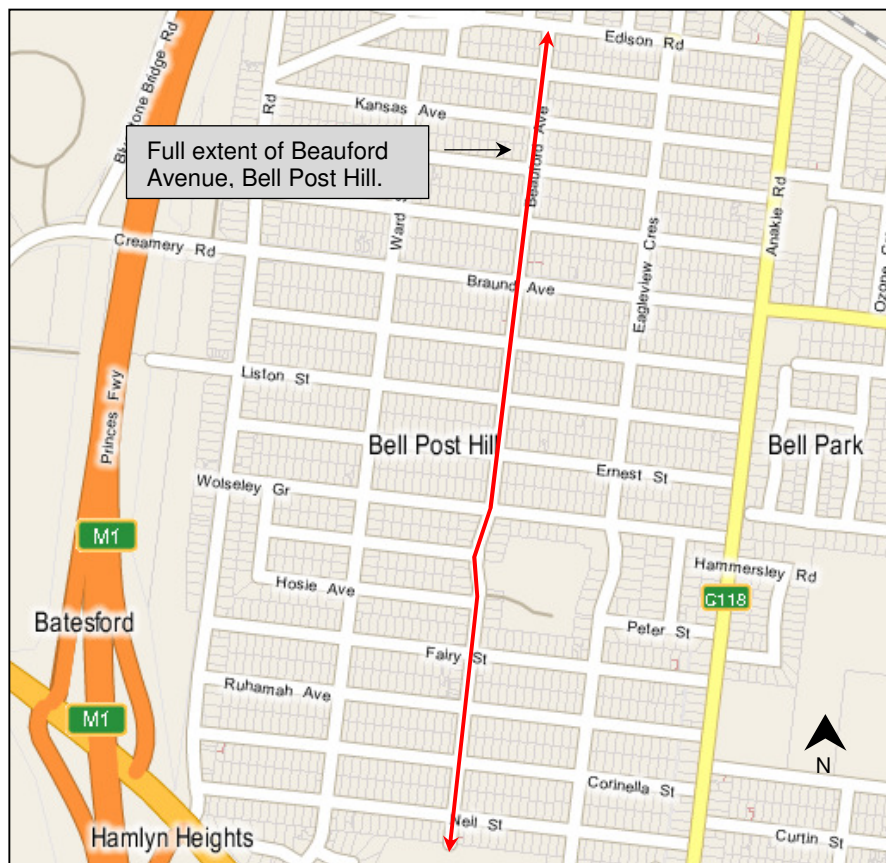
This proposal was also advertised in The Independent newspaper on 10 May 2013 and the Geelong Advertiser newspaper on 11 May 2013. The proposal was published on Council's Geelong Australia website for 30 days as per the Guidelines for Geographic Names 2010.

No submissions have been received and it is now appropriate to seek Council approval to proceed with the proposed renaming.

Subject to Council and The Registrar of Geographic Names approval, the relevant authorities and abutting owners will be notified of the official registration of this road renaming.

Attachment A

Road Renaming - Southern Section Beauford Avenue, Bell Post Hill



Attachment B

Overdue honour for our angel of World War I

Posted on 17 May 2013. Tags: [News](#)



By NOEL MURPHY

A DAUGHTER of Mars will be honoured as namesake of Bell Post Hill's McNaughton St. Nursing sister Kit McNaughton's surname will be assumed along the southern stretch of Beauford Ave to mark her work with Australia's wounded soldiers at Gallipoli and The Western Front in World War I.

The renaming is part of City Hall's push to acknowledge local wartime achievements as Australia moves to commemorate the century of Anzac Day in 2015.

Sr McNaughton tended to Gallipoli's wounded on the nearby isle of Lemnos in appalling cold, facing hunger, disease and discrimination by senior officers.

The nurse's depredations at Lemnos were immortalised in recent Thomas Keneally novel *The Daughters of Mars*.

Author Katrina Hedditch, in her *Lemnos 1915: A Nursing Odyssey to Gallipoli*, described appalling conditions for nurses without food, water or supplies to treat soldiers' maggot-riddled, gangrenous wounds.

Sr McNaughton described the nurses as "the funniest-looking crowd of weather-beaten and toil-worn women one could imagine – hats of various shapes, coats ditto. And boots and gloves beyond description".

Author Janet Butler also recounted Sr McNaughton's struggles in a recently-released and critically-acclaimed book *Kitty's War*.

Sr McNaughton saw childhood friends killed in The Somme's bloody conflict, became ill and was transferred to England before returning to the front.

Born in Geelong and raised at Little River, she trained at Geelong Infirmary and Benevolent Asylum before enlisting in 1915.

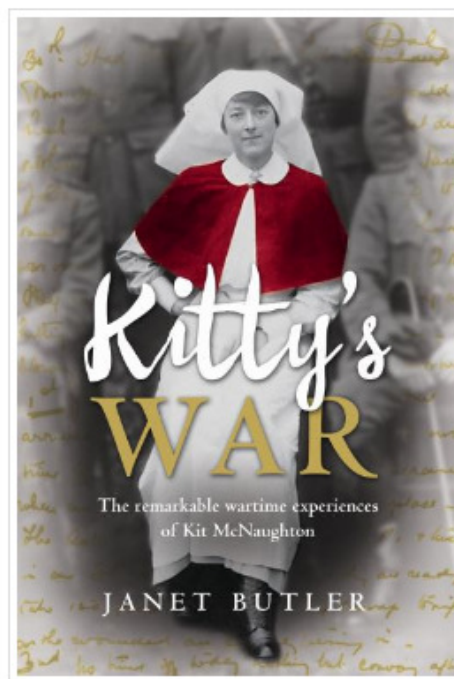
She worked at Cairo, Lemnos and the Western Front before assisting pioneer plastic surgery at London's Queen Mary Hospital.

She was the first theatre nurse to work for celebrated Australian surgeon Colonel Sir Henry Newland.

Sr McNaughton was awarded nursing's highest decoration, the Royal Red Cross, first class.

After her return to Australia she married Joe Ryan. The couple had three children.

Sr Naughton died in 1953, aged 69.



Kit McNaughton

6. ROAD RENAMING - TRUNCATED SECTION BREAKWATER ROAD, BELMONT/ BREAKWATER

Portfolio:	Governance - Cr Harwood (Acting Mayor)
Source	Corporate Services - Financial Services
General Manager:	Jeff Wall
Index Reference	Subject/Financial Management - Reporting Subject/Roads, Footpaths & Streets

Purpose

Seek approval to rename a truncated section of Breakwater Road, Belmont/Breakwater to Gundog Lane, Breakwater / Belmont.

Summary

- State Governments Roads Corporation (trading as VicRoads) has constructed a new bridge over the Barwon River which has retained the name Breakwater Road.
- The truncated section of the original Breakwater Road, Belmont/Breakwater requires renaming to comply with the Guidelines for Geographic Names 2010.
- The proposed new name is "Gundog Lane" Belmont/Breakwater.
- This name recognises the two organisations accessing their Clubs from this section of roadway, namely the Target Rifle Geelong Inc. Club and Geelong Obedience Dog Club Inc.
- The proposed renaming was advertised in The Independent newspaper on 17 May 2013 and the Geelong Advertiser newspaper on 18 May 2013.
- Four submissions were received on the proposed renaming with two submissions in favour and two submissions against the proposed renaming.

Cr Richards moved, Cr Irvine seconded -

That Council approves the renaming of the truncated section of Breakwater Road, Belmont / Breakwater to "Gundog Lane", Belmont / Breakwater.

Carried.

Background

VicRoads have constructed a new bridge, retaining the name of Breakwater Road for the section of roadway crossing the new bridge.

The original roadway known as "Breakwater Road" and the breakwater crossing have been declassified as an arterial road and transferred to Council as a local road. The roadway is a continuous roadway through two suburbs with the Barwon River being the locality boundary between Belmont and Breakwater.

The road has been truncated and disjointed from the remainder of Breakwater Road and can only be accessed over the old breakwater crossing off Tucker Street, Breakwater. According to the Guidelines for Geographic Names 2010, a separate name is required for any section of roadway that becomes disjointed.

6. ROAD RENAMING - TRUNCATED SECTION BREAKWATER ROAD, BELMONT/ BREAKWATER (CONT'D)

Discussion

It is proposed to rename the truncated section of Breakwater Road to "Gundog Lane".

The truncated section of Breakwater Road is the only access point to the Target Rifle Geelong Club and the Geelong Obedience Dog Club. The proposed name chosen for this section of roadway recognises both organisations in the word "Gundog". Also **gundogs** or bird dogs, are types of dogs developed to assist hunters in finding and retrieving game, usually birds.

The suggested renaming complies with the Guidelines for Geographic Place Names 2010.

The proposed renaming was advertised in The Independent newspaper on 17 May 2013 and the Geelong Advertiser newspaper on 18 May 2013 and abutting occupiers were notified at this time.

Council has received four submissions in regard to this proposed renaming. Two submissions were in favour and supported the new name. Two submissions were against the proposed new name, with one submission suggesting to rename the roadway as 'Centre Fire' and the other submission would like a name honouring Foster Fyans.

The name 'Centre Fire' only recognises one of the clubs utilising the roadway. Foster Fyans has already been recognised in the naming of West Fyans Street, Fyans Street, Foster Street and a number of other features across Geelong. Utilising either of these names would be considered as a duplicate according to the Guidelines for Geographic Names 2010 and therefore is not acceptable.

Environmental Implications

There are no environmental issues arising from this report.

Financial Implications

Council is responsible for signage costs, however in this case VicRoads will be arranging for the purchase and placement of the signs.

Policy/Legal/Statutory Implications

The Local Government Act 1989, Geographic Place Names Act 1998 and the Guidelines for Geographic Names 2010 have been followed and met.

The proposal was advertised in The Independent newspaper on 17 May 2013 and the Geelong Advertiser newspaper on 18 May 2013 with four submissions being received.

Alignment to City Plan

This proposal aligns to the current City Plan with How we do Business and The Changing Needs of the Community.

Officer Direct or Indirect Interest

There is no Council Officer direct or indirect interest involved in this report.

**6. ROAD RENAMING - TRUNCATED SECTION BREAKWATER ROAD,
BELMONT/ BREAKWATER (CONT'D)**

Risk Assessment

Should an emergency situation occur within this roadway, Council's proposal to rename will minimise the risk of emergency services not being able to locate the situation.

Social Considerations

The renaming of this section of roadway will allow for easy identification to the public and utility services in case of an emergency.

Human Rights Charter

It is the right of every resident and property owner for their property to have a unique address in order to receive services and reduce confusion or delay of emergency services.

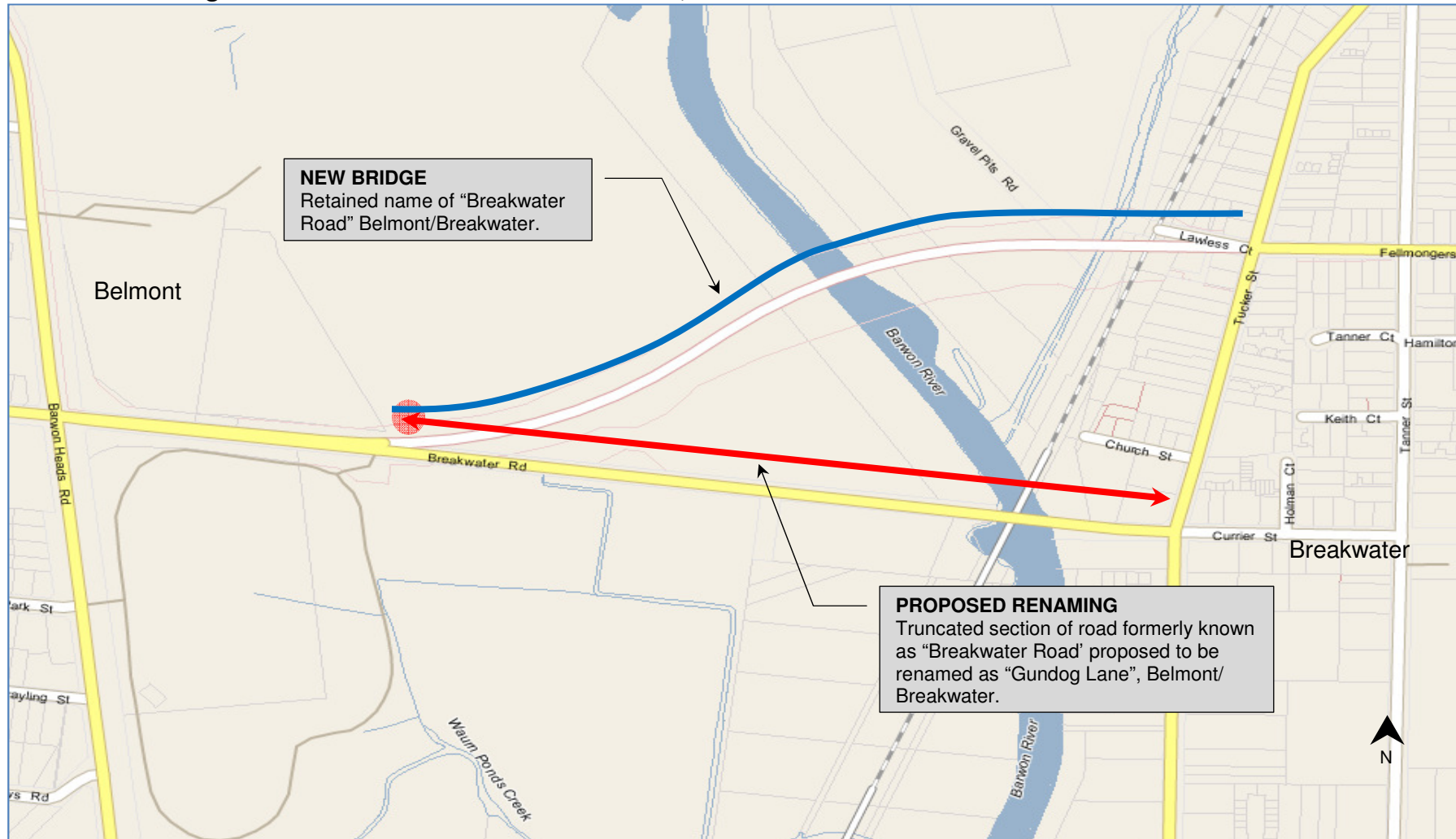
Consultation and Communication

Correspondence was sent to all adjoining property occupiers and owners advising them of the proposed renaming and inviting submissions.

The proposed renaming of this roadway was advertised in The Independent newspaper on 17 May 2013 and the Geelong Advertiser newspaper on 18 May 2013. The proposal was also published on Council's Geelong Australia website for 30 days as per the Guidelines for Geographic Names 2010.

Subject to Council and The Registrar of Geographic Names approval, the relevant authorities and abutting residents will be notified of the official registration of the road renaming.

Road Renaming - truncated section Breakwater Road, Belmont/ Breakwater



Cr Harwood declared an Indirect Interest by Close Association with one of the tenderers in Item 7 – Contract C1300022 – Waste Haulage Services, and Indirect Interest by Close Association with a business that is connected to tenderers in Item 8 – Contract C1300023 – Receipt of Green Organic Material and vacated the Chair prior to discussion at 8.39pm

Cr Nelson assumed the Chair at 8.39pm.

7. CONTRACT NO. C1300022 – WASTE HAULAGE SERVICES

Portfolio:	Environment & Sustainability – Cr Andy Richards
Source	Environment & Waste Services
General Manager:	Gary Van Driel
Index Reference	T1300022

Purpose

Consideration of tender submissions for Tender No. T1300022 – Haulage Services: Landfill Waste & Green Organics

Summary

- Council has sought tenders to establish a Waste Haulage Services panel from capable transport contractors.
- The work to be performed under the Contract involves the hire of walking floor bulk haulage vehicles of a minimum capacity of 20 tonne that Council anticipates will be required for the transport of:
 - Municipal solid waste collected from residential properties (red lid bin) from Council's transfer facility (currently at a site in Point Henry Road, Moolap) to the Drysdale landfill site.
 - Green organic material collected from residential properties (green lid bin) and Council operations.
- The successful contractors will be appointed as preferred suppliers to a panel for a period of three years.
- A total of four companies provided tender submissions for the provision of these services.
- Following a detailed evaluation of each of the submissions the Evaluation Panel recommended that all four contractors be included on the panel of preferred suppliers. These are:
 - D. P. & J. L. Dunoon Pty Ltd t/a Newcomb Sand and Soil Supplies
 - Four Seasons Waste Pty Ltd
 - Vegetation Management & Greenwaste Recycling Services Pty Ltd t/a Green Care Mulching
 - N. W. Sand & Soil Pty Ltd t/a Tidy Town Bin Hire
- In providing the waste haulage service, Council will endeavour to commit some vehicles to long term hire (set hours per week for any period of between one week and two years) as best fits Councils operational requirements.

7. CONTRACT NO. C1300022 – WASTE HAULAGE SERVICES

- Vehicles may also be hired on an 'at call' basis due to variations in the quantities of material being transported and in the case of green organic material the location of delivery.
- Council maintains the right to hire vehicles on a needs basis as relevant to the flexible hire arrangements agreed to in this Contract.
- The annual value of the service provided under this contract is estimated to be at least \$600,000.

Cr Richards moved, Cr Ansett seconded -

That Council:

1) Accept the tender submission's from:

- **D. P. & J. L. Dunoon Pty Ltd t/a Newcomb Sand and Soil Supplies**
- **Four Seasons Waste Pty Ltd**
- **Vegetation Management & Greenwaste Recycling Services Pty Ltd t/a Green Care Mulching**
- **N. W. Sand & Soil Pty Ltd t/a Tidy Town Bin Hire**

for inclusion on a panel of preferred suppliers for the hire of haulage vehicles under Contract No. C1300022 – Waste Haulage Services for the hourly hire rates submitted (exclusive of GST).

2) Sign and seal the contract documents.

Carried.

Background

The City of Greater Geelong has invited tenders for the provision of Waste Haulage Services via public advertisement in Tenderlink, The Age and the Geelong Advertiser.

At the close of tenders the following submissions were received:

- Four Seasons Waste Pty Ltd
- Vegetation Management & Greenwaste Recycling Services Pty Ltd t/a Green Care Mulching
- NW Sand & Soil P/L t/a Tidy Town Bin Hire
- Newcomb Sand & Soil Supplies

Discussion

The tender called for submissions on the basis of hourly hire for vehicles of a minimum of 20 tonne load capacity with a preference for walking floor vehicles. Tenderers could choose from hire periods ranging from 10 hours per week to in excess of 40 hours per week as well as at-call hire or for extended periods from one week through to two years. These flexible arrangements are necessary to meet the likely variations in material quantities due to seasonal variations and in particular to enable changes to the location of delivery for green organic material.

7. CONTRACT NO. C1300022 – WASTE HAULAGE SERVICES (CONT'D)

The tender submissions were evaluated by a panel consisting of:

- Michael Dougall Acting Manager Infrastructure Operations and Waste
- Shane Middleton Co-ordinator Waste Services
- David McNamara Acting Team Leader Waste Services
- Stephen Adams Co-ordinator Strategic Development & Special Projects
(Technical Advisor)
- Brett Gilliland Contracts Officer (Procurement Advisor)
- Tony Kerr Co-ordinator Procurement Services

Evaluation: Stage One – Mandatory Criteria

The Evaluation Panel determined that all four tender submissions received complied with Council's OH&S requirements as detailed in the Tender Schedule

Evaluation: Stage Two – Comparative Criteria

Tenderers with an overall score of 60% or above were deemed to have the necessary skills, experience and resources. The tenderers who achieved this score were then assessed on a best value basis resulting in the following suppliers being recommended for inclusion to the Waste Haulage Panel.

Tenderer	Rank
Vegetation Management & Greenwaste Recycling Services Pty Ltd t/a Green Care Mulching	1
Four Seasons Waste Pty Ltd	2
NW Sand & Soil P/L t/a Tidy Town Bin Hire	3
Newcomb Sand & Soil Supplies	4

Overview of Successful Tenderers

D.P. & J.P. Dunoon Pty Ltd t/a Newcomb Sand & Soil Supplies

Newcomb Sand & Soil Supplies have operated in Geelong for 40 years and are a current contracted supplier to CoGG. This tender complied with Council's OH&S requirements and was supported with detailed documentation covering their current workplace OH&S practices.

Vegetation Management & Greenwaste Recycling Services Pty Ltd t/a Green Care Mulching

Green Care Mulching currently provides waste haulage services to CoGG and being a local supplier (they operate from Point Henry) they utilise and support local businesses. Green Care Mulching stated compliance with Council's OH&S requirements and supported this with documentation detailing their current health & safety practices.

Four Seasons Waste Pty Ltd

Four Seasons lodged a detailed submission that addressed all aspects of the evaluation criteria. They provide waste haulage services for a number of Councils including CoGG. Their submission complied with the OH&S requirements for the works with independent AS/NZS4801 certification.

7. CONTRACT NO. C1300022 – WASTE HAULAGE SERVICES (CONT'D)

NW Sand & Soil Pty Ltd t/a Tidy Town Bin Hire

Tidy Town Bin Hire have operated in Geelong for 28 years. They currently transport green organics for CoGG and have a proven track record for service delivery. They demonstrated to the satisfaction of the Evaluation Panel that they have the capacity to successfully deliver the service offering a range of options including a 73 cubic metre and a 50 cubic metre truck and trailer which the Evaluation Panel thought would meet Council's short haulage requirements. This tender submission complied with Council's

OH&S requirements with evidence provided of their current workplace health & safety practices.

Environmental Implications

The haulage is for waste materials collected under Council's environmental best practice residential kerbside waste collection system. Within this system the quantity of material disposed of at landfill is reduced by the provision of the green organic material collection and this haulage service provides for the delivery of this material for processing for environmentally beneficial purposes.

The haulage of municipal solid waste reduces the number of vehicles on the road by bulking material for the longer distance cartage to the Drysdale Landfill. This reduction in vehicle numbers also reduces the traffic through the township on the haulage route, such as Drysdale.

Financial Implications

The tendered rates of the contractors recommended for acceptance represent value for money to Council and will enable the provision of this service for an amount within current approved budget. The annual value of this service is estimated to be at least \$600k, depending upon the material quantities and delivery locations.

By accepting these contractors to a panel the General Manager City Services will be able to select the most suitable combination of haulage vehicles to suit the circumstances at any particular time.

Policy/Legal/Statutory Implications

The requirements of Section 186 of the Local Government Act have been complied with for this tender. There are no other policy, legal or statutory implications associated with this tender process.

Alignment to City Plan

This tender aligns with two of the Strategic Directions in the City Plan:

Sustainable Built and Natural Environment – Priority: Support our community to live sustainably and minimise our environmental footprint; and

How We do Business – Priority: Efficient and customer focused organisation.

Officer Direct or Indirect Interest

No Council officers involved during the evaluation process or the preparation of this report have any direct or indirect interest in this matter, in accordance with Section 80c of the Local Government Act.

7. CONTRACT NO. C1300022 – WASTE HAULAGE SERVICES (CONT'D)

Risk Assessment

There are not considered to be any risks associated with the acceptance of this tender that cannot be managed through the contract conditions.

Social Considerations

There are no social implications that will arise from the acceptance of this tender.

Human Rights Charter

There are no human rights implications that will arise from the acceptance of this tender.

Consultation and Communication

There are no communication issues associated with the acceptance of these tenders.

Cr Eddy Kontelj declared an Indirect Interest in relation to Contract C1300023 - Green Organics Reveal, in that several of the tenderers are significant customers of his employer and left the meeting room prior to discussion at 8.41pm.

8. CONTRACT NO. C1300023 – RECEIPT OF GREEN ORGANIC MATERIAL

Portfolio:	Environment & Sustainability – Cr Andy Richards
Source	Environment & Waste Services
General Manager:	Gary Van Driel
Index Reference	T1300023

Purpose

Consideration of tender submissions for Tender No. T1300023 – Receipt of Green Organic Material.

Summary

- Council has sought tenders to establish a panel of contractors capable of receiving green organic material collected by Council's residential kerbside collection service (green lid bin), as deposited at resource recovery and transfer facilities or generated during the course of Council operations.
- The green organic material will be delivered to the contractors facility either decontaminated and mulched or just decontaminated, depending on the contractors stated preference and Council's preferred option.
- A secondary consideration is that green organics processed into compost may be purchased from the contractor and backloaded for use in urban landscape works or for blending with soil for landfill rehabilitation.
- The successful contractors will be appointed as preferred suppliers to the panel for a period of three years and actual quantities supplied by Council and periods of supply will be at the discretion of the General Manager City Services.
- The following six companies provided tender submissions:
 - Camperdown Compost Company Pty Ltd (Camperdown)
 - Barro Group Pty Ltd (Point Wilson)
 - Boral Recycling Pty Ltd (Truganini)
 - SITA Australia Pty Ltd (Epping)
 - Pomala Pty Ltd (Warrnambool)
 - Bio Mix Pty Ltd (Stanhope)
- Following a detailed evaluation of each of the submissions an Evaluation Panel has recommended that Camperdown Compost Company Pty Ltd, Barro Group Pty Ltd, Boral Recycling Pty Ltd and SITA Australia Pty Ltd are capable of providing this service.
- However, in their tender submissions Barro Group Pty Ltd, Boral Recycling Pty Ltd and SITA Australia Pty Ltd also included requests for variations to the contract documentation to better align the contract requirements to their particular organisational and operational practices.

8. CONTRACT NO. C1300023 – RECEIPT OF GREEN ORGANIC MATERIAL (CONT'D)

- These requests have been reviewed by Council's Waste Services, Procurement Services and Governance and Legal Services Units and it is considered that:
 - the requests by Barro Group Pty Ltd and Boral Recycling Pty Ltd may be reasonably met
 - not all requests by SITA Australia Pty Ltd could be met.
- As a result just Camperdown Compost Company Pty Ltd, Barro Group Pty Ltd and Boral Recycling Pty Ltd are recommended for acceptance to the panel of preferred service providers.
- Council is currently investigating the feasibility of establishing its own composting operation for the purpose of producing compost to blend with soil for use in the rehabilitation of the former Corio Landfill site. Should this eventuate the supply of material to any or all of these receipt contractors may be short term only.
- The annual value of this service is estimated to be at least \$600,000.

Cr Richards moved, Cr Heagney seconded -

That Council:

1) Accept the tender submission's from –

- **Camperdown Compost Company Pty Ltd**
- **Barro Group Pty Ltd**
- **Boral Recycling Pty Ltd**

for their inclusion on a panel of preferred suppliers for Contract No. C1300023 – Receipt of Green Organic Material for the associated schedule of rates (exclusive of GST).

2) Sign and seal the contract documents.

Carried.

Background

Council has sought tenders to establish a panel of contractors to receive the City's green organic material collected by Council's residential kerbside collection service (green lid bin), as deposited at resource recovery and transfer facilities and generated during the course of Council operations.

At tender close the following six organisations submitted tenders for the Receipt of Green Organics:

- Camperdown Compost Company Pty Ltd
- Barro Group Pty Ltd
- Boral Recycling Pty Ltd
- SITA Australia Pty Ltd
- Pomala Pty Ltd
- Bio Mix Pty Ltd

8. CONTRACT NO. C1300023 – RECEIPT OF GREEN ORGANIC MATERIAL (CONT'D)

The green organic material will be delivered to the contractor's facility either decontaminated and mulched or just decontaminated, depending on the contractor's stated preference and Council's preferred option.

A secondary consideration is that compost produced from the green organics may be purchased from the contractor by Council as backload material for use in urban landscape works through to blending with soil for landfill rehabilitation.

The successful contractors will be appointed as preferred suppliers to a panel for a period of three years and actual quantities supplied by Council will be at the discretion of the General Manager City Services. This operational flexibility is necessary due to the uncertainties in the organics processing industry as requirements may change to meet market demands or changes in regulations, almost on a day to day basis.

Also, a number of the tenderers have requested variations to the contract arrangements to suit their particular organisational arrangements and operations. The establishment of a panel with the General Manager City Services able to select the most beneficial contractor at any particular time within the context of the Council's and the contractor's operational parameters provides the best opportunity to achieve the most beneficial environmental and financial outcomes.

The tendered prices are for delivery of the green organics to the contractor's facility and therefore actual cost to Council may also include the cost of hauling the material. This haulage will be carried out by contractors nominated from Contract No. C1300022 with the best financial outcome coming from a combination of the receival fee and haulage costs. Again, having flexibility in the choice of the receival contractor will enable Council to utilise the best value package of receival and haulage.

Barro Group Pty Ltd, Boral Recycling Pty Ltd and SITA Australia Pty Ltd included contract non conformance requests in their submissions that sought to amend various aspects of the contract conditions to align to their organisational and operational practices.

Discussion

The tender submissions were evaluated by a panel consisting of:

- Michael Dougall Acting Manager Infrastructure Operations and Waste Services
- Shane Middleton Co-ordinator Waste Services
- David McNamara Acting Team Leader Waste Services
- Stephen Adams Co-ordinator Strategic Development and Special Projects (Technical Advisor)
- Brett Gilliland Contracts Officer (Procurement Advisor)
- Tony Kerr Co-ordinator Procurement Services

Evaluation: Stage One – Mandatory Criteria

The Evaluation Panel determined that all six tender submissions complied with Council's OH&S requirements as detailed in the Tender Schedule

Evaluation: Stage Two – Comparative Criteria

Tenderers with an overall score of 60% or above were deemed to have the necessary skills, experience and resources.

8. CONTRACT NO. C1300023 – RECEIPT OF GREEN ORGANIC MATERIAL (CONT'D)

The tenderers who achieved this score were then assessed on a best value basis resulting in the following suppliers being recommended for inclusion to the Panel for Green Organics Receipt.

Tenderer	Rank
Camperdown Compost Company Pty Ltd	1
Boral Resources (Vic) Pty Ltd	2
SITA Australia	3
Barro Group Pty Ltd	4

In a review of the requests for variations to the contract documentation from Barro Group Pty Ltd, Boral Recycling Pty Ltd and SITA Australia Pty Ltd by Council's Waste Services, Procurement and Governance and Legal Services Units it was concluded that the requests from Barro Group Pty Ltd and Boral Recycling Pty Ltd could be met or addressed by reasonable operational changes. SITA proposed two options, the Shell Refinery option could not proceed as Council could not comply with SITA's decontamination requirements and the Epping site option did not represent a value for money solution. Accordingly SITA Australia Pty Ltd will not be recommended for inclusion onto the panel of preferred suppliers. .

The operational variations required to meet the requests by Barro Pty Ltd and Boral Recycling Pty Ltd will be considered as required in the selection of the actual receipt contractor by the City Services General Manager from time to time.

As a secondary consideration tenderers were also requested to provide prices for the supply of composted material that could be backloaded for use by Council in landscaping or landfill rehabilitation works. The savings in the supply of this material will also be a consideration in the choice of the actual contractor at any particular time.

In nominating the above suppliers Council does not warrant the quantity of green organic material that will be delivered during the Contract term. The selection of the actual contractor and the quantity of material to be supplied will be at the discretion of the General Manager City Services, subject to actual conditions of receipt and operational efficiencies.

It should also be noted that Council is currently testing the feasibility of establishing its own composting operation for the purpose of producing compost to blend with soil for use in the rehabilitation of the former Corio Landfill site. Should this eventuate then the supply of material to any one or all of these receipt contractors may be short term only.

Overview of Successful Tenderers

Barro Group Pty Ltd

Barro Group currently obtains green organic material from the City of Greater Geelong for use in their quarry rehabilitation program. The Evaluation Panel determined that their tendered rates provided value for money to Council and through their local facilities employing 100+ staff they demonstrated their economic benefit to the local region. Barro Group's business processes and systems including OH&S have been independently certified and endorsed to the Australian standard AS9001 and AS4801.

8. CONTRACT NO. C1300023 – RECEIPT OF GREEN ORGANIC MATERIAL (CONT'D)

Camperdown Compost Company Pty Ltd

Camperdown Compost has received green organics from the City of Greater Geelong since March 2012 and has complied with Council's requirements for both service and safety (they also process green organics from Southern Grampians Shire, Moyne Shire and Colac Otway Shire). They use the green organics to rehabilitate local farming land resulting in both cost savings and environmental benefits for ~100 farms between Geelong and Portland this year.

Boral Recycling Pty Ltd

Boral in conjunction with subcontractor PineGro supply municipal green waste services to a range of Councils including Booroondara City Council, the City of Stonnington and Maroondah City Council. Boral operate from a landfill site located at Christies Road, Truganini where green organic material is used for site rehabilitation and composted for sale into the landscaping market. Their submission demonstrated their continuous improvement processes that are governed by the EPA and comply with the Australian standard AS4454 for mulching and composting, while their tender submission detailed their approach to continuous improvement and safety.

Environmental Implications

The predominant material to be delivered to these contractors for processing is that collected under Council's residential kerbside collection service as part of its three bin system that is environmental best practice. This system is designed to maximise the reduction of waste going to landfill and the receipt of this material is an essential element of the system with value being added through processing the material into usable product that in some instances also reduces reliance on less environmentally beneficial products.

Effectively without a sustainable receipt and processing option(s) this material may end up in landfill with detrimental consequences for Council's waste reduction programs and an increase in Council's carbon footprint.

Financial Implications

Funding for the provision of this service is included within the current approved budget. As with the environmental implications should a sustainable processing option(s) not be available and this material is then directed to landfill there will be a significant increase in the cost of this service with no current budget allocation to cover this increase.

The establishment of a panel of preferred service providers enables the General Manager City Services to select the most financial and operationally beneficial materials receipt and haulage package at any particular time within the industry parameters that exist at that time. The green organics industry has a history of uncertainty and this is likely to continue as markets and regulations continue to adjust to materials supply and best practice.

The annual value of this service is estimated to be at least \$600,000.

Policy/Legal/Statutory Implications

The requirements of Section 186 of the Local Government Act have been complied with for this tender.

8. CONTRACT NO. C1300023 – RECEIPT OF GREEN ORGANIC MATERIAL (CONT'D)

The receipt and processing of green organics is an essential element of Council's waste reduction policy position.

Alignment to City Plan

This tender aligns with two of the Strategic Directions in the City Plan:

Sustainable Built and Natural Environment – Priority: Support our community to live sustainably and minimise our environmental footprint; and

How We do Business – Priority: Efficient and customer focused organisation.

Officer Direct or Indirect Interest

No Council officers involved during the evaluation process or the preparation of this report have any direct or indirect interest in this matter, in accordance with Section 80c of the Local Government Act.

Risk Assessment

The risks associated with the acceptance of these contractors have been thoroughly examined by both the Evaluation Panel and the group of Council units. This has led to the non acceptance of three of the tenderers and a comprehensive review of the remaining tenderers, particularly with regards to the requests for variation.

Risks have been minimised within the contract documentation and these will continue to be assessed on a day to day basis in the selection of the actual service provider within the context of the contract requirements and to some extent the variation sought by some of the contractors.

The greatest risk is that of no service at all that would see green organics delivered to landfill at a significant increase in cost to Council and the likely undermining of the community's faith in Council's entire waste reduction program.

Social Considerations

There are no social implications that will arise from the acceptance of this tender.

Human Rights Charter

There are no human rights implications that will arise from the acceptance of this tender.

Consultation and Communication

There are no communication issues associated with the acceptance of this tender.

Cr Harwood assumed the Chair at 8.43pm

Cr E Kontelj re-entered the meeting room at 8.43pm

ASSEMBLY OF COUNCILLORS RECORD

Portfolio:	Governance – Cr Harwood (Acting Mayor)
Source:	Corporate Services
General Manager:	Jeff Wall

Summary

- Section 80A (2) of the Local Government Act 1989 requires the record of an Assembly of Councillors be reported to the next practicable Ordinary Meeting of Council.
- A record of Assembly of Councillors meeting(s) is attached as an Appendix to this report.

Cr Farrell moved, Cr Irvine seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 8 October 2013)

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
Councillor Briefing 1 October 2013	Crs Ansett, Ellis, Farrell, Harwood, Heagney, Irvine, E Kontelj, S Kontelj, Nelson, Richards	S Griffin (CEO) J Wall (GM) S Bentley (A/GM) J McMahon (GM) G Van Driel (GM) J Van Slageren (A/GM) R Thomas (MGR) S Sodomaco (MGR) R Roob (OFF) R Bourke (CO ORD)	• Presentation – Local Coastal Hazard Assessment Project • Presentation – Batesford Development • Avalon Airport Rail Link – Planning Authority • Contract C1300022 – Waste Haulage Services • Contract C1300023 – Green Organics Receival • Heavy Vehicle Restriction – Central Geelong Request for Trial Period • Amendment C291 – 137-139 Melbourne Road, Rippleside – Rezoning and Permit – Consideration of Submissions • Street Occupancy – Kerbside Dining • Defined Benefit Superannuation Fund Taskforce – Update • Community Arts and Festivals Grants Program 2013-2014 • Road Renaming – Truncated Section Breakwater Road, Belmont • Road Renaming – Southern Section Beauford Avenue, Bell Post Hill	Cr E Kontelj declared an Indirect Interest in relation to Contract C1300023 Green Organics Receival and left the meeting room prior to discussion.

CLOSE OF MEETING

As there was no further business the meeting closed at 8.43pm. Tuesday, 8 October 2013.

Signed: _____
Chairperson

Date of Confirmation: _____