

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 25 March 2014

Held at the
Bellarine Aquatic and Sports Centre
Shell Road, Ocean Grove
commencing at 7.00p.m.

COUNCIL:

Cr. D. Lyons <i>Mayor</i>	(G21 Geelong Regional Alliance, Finance, Governance, Regional Cities)
Cr. T. Ansett (<i>Windermere</i>)	(Heritage, Rural Communities)
Cr. L. Ellis (<i>Coryule</i>)	(Coastal Communities, Infrastructure, Parks and Gardens)
Cr. J. Farrell (<i>Beangala</i>)	(Community Safety, Youth, Women in Community Life)
Cr. K. Fisher (<i>Corio</i>)	(Community Development, Aboriginal Affairs)
Cr. B. Harwood (<i>Kardinia</i>)	(Enterprise Geelong, Primary Industries)
Cr. M. Heagney (<i>Brownbill</i>)	(Central Geelong, Planning)
Cr. J. Irvine (<i>Austin</i>)	(Sport and Recreation)
Cr. E. Kontelj (<i>Cowie</i>)	(Aboriginal Affairs, Multicultural Affairs, Finance)
Cr. Dr. S. Kontelj (<i>Kildare</i>)	(Finance)
Cr. R. Macdonald (<i>Cheetham</i>)	(Major Projects, Knowledge Economy & Education)
Cr. R. Nelson (<i>Deakin</i>)	(Major Events, Tourism)
Cr. A. Richards (<i>Buckley</i>)	(Environment & Sustainability, Transport, Arts & Culture)

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**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE BELLARINE AQUATIC AND SPORTS CENTRE
SHELL ROAD, OCEAN GROVE
TUESDAY, 25 MARCH 2014
COMMENCING AT 7.00 P.M.**

PRESENT: Cr B Harwood (Acting Mayor), Crs T Ansett, L Ellis, J Farrell, K Fisher, M Heagney, J Irvine, S Kontelj, R Macdonald, R Nelson, A Richards

Also present: S Griffin (Chief Executive Officer), M Kelly (Acting 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), D Chiller (Senior Co-ordinator Communication & Marketing)

OPENING: The Acting Mayor declared the meeting open at 7.00pm

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:** Cr D Lyons (Mayor), Cr E Kontelj

- **Confirmation of Minutes:**

Cr Ellis moved, Cr S Kontelj seconded -

That the Minutes of the Ordinary Meeting held on 11 March 2014 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Fisher declared a Direct Interest in Notice of Motion – Planning Scheme Amendment C300 in that she is a signature to a petition in relation to the matter.

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.

Questions were submitted from the following residents, but were not present at the meeting. A response will be provided in writing.

Lou-Anne Armistead, Maureen Kavanagh, Margot Foote, Joan Hampshire, Dorothy Williams, Noel Emselle and Brenda Chick.

Peter Field asked:

- 1) that given the deep division in the community regarding the construction of a performance space in Ocean Grove Park (and the fact that Council is a 20% stakeholder), what alternative sites is Council willing to consider in order to preserve the Park as passive green space while also delivering a performance space elsewhere in Ocean Grove?

Cr Farrell responded that Council provided \$20,000 to Ocean Grove Inc in the 2009/10 budget in response to a request for funding for a scoping study and detailed design for a performance space. In 2010 Ocean Grove Park Inc applied to Council for a permit for the construction of the performance space. The permit was issued on 10 November 2010. A business case and detailed design for the performance space was completed in August 2012 and stated construction cost of \$1,002,000. That document was used as a basis to secure funding for the performance space.

Cr Farrell provided a written statement to the Gallery in relation to the Ocean Grove Park and added Council would continue to support the performance space.

- 2) There are important advantages in constructing the performance space on Council owned land. For example, if built in Ocean Grove Park, who after a concert where alcohol is consumed, is going to inspect the grounds by 7am the following morning to protect park users, e.g. young children, joggers, people walking dogs, etc from rubbish, broken glass and discarded syringes? Does Council agree that this responsibility could be beyond the capacity of a band of volunteers?

Cr Farrell responded that in regard to cleaning up - that would be part of the Management Plan. I am aware of three users of the Park and part of the conditions would be around sound and clean up. From Council's point of view we have no power or authority to go in and clean up.

John Grant provided a statement to Council, which was acknowledged by the Deputy Mayor, in relation to an amendment to application 1168/2002/A.

Angie Gallagher asked when is Council going to build a town hall/performance entertaining area on your own land and not private land? As we will have an estimated town growth of 25,000 within five years as your own urban design framework estimates, why are you using so much of our rates on the Waterfront and forgetting about infrastructure in growing areas. We don't even have a tourist information place, but I see you have given permission to demolish our first town planners home.

Cr Farrell responded that the figure of 25,000 growth within five years is incorrect. In relation to a Tourist Information Centre, Ocean Grove has one located at the Aquatic and Sport Centre which was established in consultation with the Tourist group

Anne Morell asked if Council was aware of the growing community concern about how the consultation process for C300 has been handled as evidenced by the growing number of residents either signing petitions or contacting the various residents groups informing they were not aware of the process, therefore would Council consider further community consultation post the panel?

Cr Harwood responded, "probably yes". There is a process in place to follow and if people wish to enter into this process there is an opportunity to do so.

Georgina Alford asked the following in relation to Amendment C300:

Both Drumcondra and Lawton Avenue have the same prominent features and it is these features which formed the basis for zoning Drumcondra Neighbourhood Residential Zone.

Why hasn't Lawton Avenue been zones the same as Drumcondra and Newtown Hill? Could Council please explain why they have been inconsistent in their approach to applying the Neighbourhood Residential Zone across Geelong?

Peter Bettess responded that Drumcondra is almost exclusively made up of single detached housing and is not located within close proximity of an Activity Centre as defined in the Housing Diversity Strategy. Heritage is one contributing factor to this and not the defining principle of whether to apply the Neighbourhood Residential Zone.

Comparatively the Lawton Avenue Heritage Area HO1633 does not have the same list of attributes. The presence of a Heritage Overlay in itself is not sufficient justification for the application of the Neighbourhood Residential Zone.

Judith Brooks asked the following:

- 1) Parking and Traffic – in reference to the Barwon Heads Parking and Traffic Study 2010 which is now well out of date, what is the Council planning for a review of these pressing issues in Barwon Heads? When did the Council last conduct traffic and parking counts or surveys and when will this data be released in comparison to prior counts? When was the last time parking restrictions in Barwon Heads was enforced?

Cr Richards acknowledged that the Parking and Traffic Study is out of date and advised that it would be renewed this year. The document will be put out for public comment.

- 2) Given the State Government has directed the CoGG to abandon its Councillor discretionary funding process for community grants what process will replace it? When will the public be informed of this process and how will equity and transparency be ensured?

Cr Harwood responded that the Local Government Inspectorate is coming to Geelong to investigate the budget process. There will be some recommendations as a result of that investigation. Councillor community grants still remain. Council's budget processes are open to public submission and involve extensive consultation by Councillors, officers and third parties before the budget is debated in the Chamber.

The new Community Concept process is currently being worked through as part of the budget process.

- 3) What is the status of the Barwon Heads Walkability Study? Has it been published?

Gary Van Driel responded that the Study has been completed and published via Council's website.

Betty Essex asked the following –

Ocean Grove and surrounds has a rapidly increasing population. We desperately need the public land we have to be retained for public use. Many years ago we were promised a replacement for the hall that we demolished. There is an acknowledged need for a performance and meeting building that could be sound-proofed. It could be built on existing public land that is now a car park in a commercial area, in The Terrace. Would Council consider building a multi purpose hall on this public, commercial land? It could replace the sound shell idea for the park, which is in a residential area and fraught with potential problems.

Cr Farrell responded that the footprint of the proposed performance space would take up about 1% of the area, so we are not losing a great deal of space. Regarding commercial land where the car parking is – there has been a lot of discussion about that and one of the proposals of that land is to provide long term parking and the retailers themselves are very keen to keep that. It would need to be underground parking and not an ideal place to put a Town Hall or Performance Centre. Performance space is intended to be in the rooms behind the sound shell, which are sound proofed for bands to practice.

Cr Macdonald added that the requirement for open space was originally 5%, but is currently 10% for new development.

Colin Nightingale asked:

Our group has spent weeks talking to Geelong residents about C300 whilst running our information booths and doorknocking for petition signatures. Certainly in the early stages, virtually no-one was aware of C300 and its ramifications. The broader community is now better informed and hence extremely concerned about the future of their neighbourhoods due to Council's proposal. The only consultation with Geelong residents has been forced upon the Council as public awareness has grown. When will Geelong Councillors and the officers for whom they are accountable, move away from the top-down approach where Council Planning assumes it knows what is best for the residents and move to a more consultative and collaborative planning model, as espoused in the 2008 document Embedding Community Priorities into Council Planning? This document believes the latter approach will see community engagement enhance the quality of decisions and ensure a sense of community ownership.

Cr Ansett responded it was the State Government that put this to all Councils in Victoria, we had no choice. Actually, it was this Council's decision to go out to public consultation - other Councils did not consult.

Lesley Harper asked if Council has planned or considered creating public space for additional primary schools within the areas marked for high density development and if so, where are they? The present primary school in Lawton Avenue (Ashby) is at capacity and portables would be inappropriate as it would deny the children the small play areas they currently have and enjoy. Also, are there any further public areas being considered for further future development?

Cr Harwood took the questions on notice for a written response.

Bruce Wood asked questions regarding the Men's Sheds:

The Council has been generous in supporting three sheds in the City with capital works grants. There are 11 sheds in the City either operational or in development. With the closure of industries in Geelong men's sheds are in a position to help men who lose their jobs, particularly the 30% that history shows may not work again. Men's Sheds are designed to assist the social inclusion of men within their communities particularly for those undergoing transitional stages of their life. Has Council given consideration to appointing an officer to specifically work with sheds and participate in the municipal officers group working with men's sheds? What consideration is being given to funding programs as well as capital works for men's sheds?

Cr Harwood took the questions on notice for a written response.

Karyn Howie asked questions in relation to Ann Nichol House – Portarlington:

- 1) Is Council aware that Ann Nichol House, a non for profit aged care facility in Portarlington is to be sold off by Bellarine Community Health?
- 2) Is Council also aware that Ann Nichol House was established through the hard fundraising efforts of Ann Nichol herself who was the Order of Australia for this community work?

Cr Ellis responded that there is an item of Urgent Business for presentation to Council later this evening in relation to this issue.

Jennifer Bantow asked the following in relation to Amendment C300:

Is Amendment C300 consistent with CoGG key strategic documents and Clause 15 of the CoGG Planning Scheme with reference to the conservation of the 45 important heritage precincts listed in Clause 15 of the Planning Scheme which would be protected if Neighbourhood zoning was applied to these areas?

Peter Bettess responded the answer is "yes". When Council decided to submit C300 to a Panel it made an important change in that where a building has more than one storey, the second storey of that building has to be set back to preserve the heritage character.

Cr Heagney added that there is a Notice of Motion being discussed later this evening in relation to Amendment C300 which proposes to change Residential Growth Zone to General Residential Zone for Geelong West, Belmont and Newtown.

CERTIFICATE OF APPRECIATION:

Cr Fisher presented the Meeting with a Certificate of Appreciation for Council's support for the "Having a Say Conference" and providing opportunities for people with disabilities to have their say.

PETITIONS:

Cr Heagney presented a petition containing approximately 810 signatures in relation to Amendment C300 Zoning of Geelong West and Manifold Heights.

1. DISABILITY ACTION PLAN 2014-2017

Portfolio:	Community Development - Cr Fisher
Source	Community Services - Aged and Disability Services
General Manager:	Jenny McMahon
Index Reference	Subject: Disability

Purpose

To present the Draft Disability Action Plan 2014-17 and release it for community consultation for a period of four weeks.

Summary

- In accordance with the Victorian Disability Act 2006, Council has since 2002 developed a series of Disability Action Plans.
- The Disability Action Plan (DAP) specifies the actions Council will take to reduce discrimination of people with disabilities in the areas of goods, services and facilities, employment, community participation and attitudes and practices.
- Section 38 of the Disability Act 2006 specifies that a public sector body must ensure that a Disability Action Plan is prepared for the purpose of:
 - Reducing barriers to persons with a disability accessing goods, services and facilities;
 - Reducing barriers to persons with a disability obtaining and maintaining employment;
 - Promoting inclusion and participation in the community of persons with a disability;
 - Achieving tangible changes in attitudes and practices which discriminate against persons with a disability.
- Council's DAP specifies the actions Council will take to reduce discrimination of people with disabilities in these areas.

Cr Fisher moved, Cr Richards seconded -

That Council release the Draft Disability Action Plan 2014-2017 for a period of four weeks.

Carried.

Background

Council has had an effective Disability Action Plan (DAP) since 2002. The DAPs have responded to the requirements of the Disability Discrimination Act 1992 (DDA), the Local Government Act 1989, the Equal Opportunity Act 1995 and the Disability Act 2006, the latter, which came into effect 1 July 2008. The implementation of a DAP also contributes to an organisation's obligations under the Charter of Human Rights and Responsibilities Act 2006, as well as supporting the principles of the United Nations' Convention on the Rights of Persons with Disabilities.

Discussion

The 2014-17 Disability Action Plan was developed following consultations with Council staff, disability service organisations and Council's Disability Advisory Committee. Telephone interview results from external Disability Service Organisations, indicated that they utilise Council's Goods, Services and Facilities in a range of ways, including provision of Home and Community Care (HACC) services, and access and participation in the local community.

Results from the consultation indicate that Council has improved its practice over time and is performing well in the following areas:

- Council's awareness of accessibility and supporting change
- Improved accessibility to infrastructure
- Working towards accessible communication
- Support for event organisers to hold accessible events
- Customer service improving communication
- Networking with local organisations
- Ensuring relevant legislative and statutory requirements are met
- Engaging consultants to conduct Access Audits of community facilities.

Some of the areas for continual action were:

- Disability inclusion training
- Ongoing audits and improvements to infrastructure
- Rural Access to continue to liaise with Council staff to provide advocacy and support
- Continue to improve accessible communication and customer service sites
- Greater awareness and use of the Disability Action Plan for reference.

The following diagram depicts the four priority areas identified in the Victorian Disability Act 2006 and the themes upon which the DAP is based.



Actions included in the Draft DAP are:-

Undertaking access audits and prioritising works to improve access to Council and community buildings and services; supporting the Street Access and Disability Advisory Committees to advocate on behalf of people with disabilities; identifying training needs of staff to enhance disability awareness; reviewing Council information in all formats to ensure that it remains accessible; ensuring that arts, sports and cultural events are fully accessible and inclusive and that Councils employment processes are encouraging of people with disability to apply .

The actions are all specific and measurable and reportable through Council's corporate reporting system.

Monitoring of the Disability Action Plan will be by:

- Monitoring the Four Outcome Areas on an ongoing basis to ensure ongoing improvement in universal access and inclusion;
- Encouraging ongoing policy development and consultation that fosters universal access and inclusion;
- Continuing to engage in processes that foster continuous service improvement and staff awareness;
- Encouraging community feedback: e.g. complaints, consultation comments and general feedback;
- Conducting a survey regarding staff attitudes to disability, analyse results and develop strategies for improvement.

Evaluation will be gathered on a 12 monthly basis, and will inform Council in the annual Disability Action Plan report.

A full review of this Plan will be carried out in 2017, encapsulating recommendations from the 12 month Disability Action Plan evaluations. The conclusions from the evaluations will guide the Action Areas in the new Disability Action Plan.

Environmental Implications

This report will not have any discernible impact on the environment. Impacts on the environment, including energy use and green house gas emissions will however be lessened when accessible services and facilities are planned from the outset.

Financial Implications

Strategies outlined in the Action Areas of the 2014-2017 Disability Action Plan are generally within current Council budgets.

Any additional resources required will be considered as part of the annual budget process.

Policy/Legal/Statutory Implications

The Victorian Disability Act 2006 requires that all services and facilities are accessible to people with disabilities and also that planning approvals conform to this Act. The requirements of the Victorian Disability Act 2006 are reflected in the Disability Action Plan 2014-17.

Alignment to City Plan

The plan is referenced in the City Plan and is a component of the Health and Wellbeing actions.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any direct, indirect or personal interest in the subject of this report beyond the general benefit that will accrue to all residents and visitors to the City of Greater Geelong.

Risk Assessment

The 2014-17 Disability Action Plan will enable Council to address its statutory requirements and the Disability Action Plan may also be viewed as a mitigating circumstance in any instance of a claim.

Social Considerations

It is anticipated that there will be considerable ongoing positive impact on people in the community with disabilities and their families as the DAP is implemented. It is also expected that there will be a flow on to the wider community of understanding and consideration for the inclusion of people with disabilities in all aspects of community life. Implementation of the plan promotes the development of sustainable organisational structures to help minimise access and inclusion issues.

There will be enhanced opportunities for people with disabilities to participate in community life and for the community to be enriched by their inclusion. In addition, providing equal access will greatly benefit the growing proportion of ageing residents in the City of Greater Geelong.

Human Rights Charter

The adoption of the plan will assist Council to meet its obligations under the Charter of Human Rights and Responsibilities Act 2006, as well as supporting the principles of the United Nations' Convention on the Rights of Persons with Disabilities.

Consultation and Communication

Progress reports on the 2014-17 Disability Action Plan will provide an opportunity for Council to showcase its ongoing commitment and leadership to the community, its commitment to consult with people as well as to work towards building equity of access and inclusion in the community.

DISABILITY ACTION PLAN

2014-2017



1. Messages of Support

(please insert Mayoral image here)

It is with pleasure that I present the third City of Greater Geelong Disability Action Plan 2014-2017, which builds on and extends the scope of previous plans as part of the integrated approach to planning and service delivery.

The significant role played by Council staff in the development and implementation of this plan will further improve services and facilities for people with a disability, and show community leadership and accountability in the access and inclusion of people with disabilities.

This action plan is key, in that Geelong was the first Council in Australia to provide written support for the establishment of a National Disability Insurance Scheme NDIS. With the Geelong region as a launch area for DisabilityCare Australia, and the National Disability Insurance Agency (NDIA) to be situated here in 2014, there is reason to celebrate and give thanks for the effort put in by many people to secure the launch site and subsequently the NDIA.

We look forward to the Disability Action Plan furthering access and inclusion and promoting a Geelong that welcomes all abilities.

2. Introduction

Council is pleased to present the Disability Action Plan, which builds on the strengths of previous plans. It ensures people in Greater Geelong have universal access to the built and outdoor environment, and supports choices for inclusion in the life of the community. It also supports the local community in including people with a disability in a dignified manner, and allows Council to actively build a culture where the community experience is one of inclusion. The plan allies to the 2014-2017 Municipal Public Health and Wellbeing Plan, which has goals and strategies to maximize health and wellbeing. Our thanks go to the Disability Advisory Committee who played an invaluable role in the development of this plan, and in advising Council of both lived and professional experience of access and inclusion matters.

The Municipal Association of Victoria (MAV), in partnership with Office for Disability, Department of Human Services and the Victorian Local Government Disability Planners Network developed the 'Disability Access and Inclusion Strategy'. Workshops were held and resource guides have been made available:

- Local Government: Building Inclusive Communities. (MAV, 2012)
- Increasing civic participation and improving consultation with people with a disability (MAV, 2012)
- Creating employment opportunities for people with a disability (MAV, 2012)

These guides, along with results from consultations, have informed the development of our Disability Action Plan and will shape the goals and objectives.



3. The City of Greater Geelong: A Community Profile

The City of Greater Geelong is located in south-western Victoria, about 75 kilometres south west of Melbourne. The region is a rural, residential, commercial, industrial and resort area. Geelong is the largest regional city in Victoria with a total land area of about 1,250 square kilometres and the leading commercial centre for south-western Victoria.

The first Disability Action Plan was produced and adopted by Council in April 2002, when the population of the City of Greater Geelong was 191,018.

In 2011, the Estimated Residential Population was 210,874. Currently it is estimated that 11,877 people or 5.6% of the population in the City of Greater Geelong (CoGG) report needing help in their day-to-day lives due to disability (ABS, 2011).



4. Defining Disability

The World Health Organisation (WHO, 2013), describes disabilities as “an umbrella term, covering impairments, activity limitations, and participation restrictions. Impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.”

The City of Greater Geelong recognises the legislative definition as per the Disability Act 2006.



5. National Disability Insurance Scheme Australia

The City of Greater Geelong was the first local government to formally support the development of the National Disability Insurance Scheme (NDIS) for people with disabilities. Following considerable lobbying, in August 2012 the Hon Jenny Macklin announced that the Barwon region would, from 1 July 2013 become a launch site for the National Disability Insurance Scheme. In May 2013, Prime Minister Julia Gillard announced further that the national headquarters for the National Disability Insurance Scheme would be based in Geelong.

Council's Aged and Disability Services department is committed to partnering with the NDIA to ensure that the service system is seamless and that the launch and ongoing NDIA program will deliver great benefits to people with disabilities and enable their increased choice and control over the services they utilise. For more information on the NDIS, please refer to <http://www.ndis.gov.au/> or contact Aged and Disability Services on 5272 5272 to discuss how the changes may affect your CoGG services.



6. The Journey of Development

In 2012, the following processes were undertaken to inform the Disability Action Plan:

- Statistical Review.
- Review and comparison of other local government Disability Action Plans and best practice.
- Consultation with community members, local disability service organisations, and internal CoGG units.
- Review of CoGG plans and policies.
- Review of key state and federal legislative requirements.

Statistical Review:

The ABS has defined disability as “self-reported need for assistance with core activities due to disability”. ABS (2011) data identified that in the Greater Geelong region, people who have self-reported disability make up 5.6% of the population, which is higher than the state average of 4.8%. The statistics show that the percentage of people with disabilities in the Geelong Region is significantly correlated to people from a non English speaking or indigenous background, seniors, the frail elderly and socio economic disadvantage (SEIFA). These factors increase the likelihood of a person living with a disability.



Review of other Local Government Disability Action Plans:

In the process of developing this plan, eight local government Disability Action Plans were reviewed. The review identified opportunities to improve our plan and utilise best practice.

Consultations:

Consultations were undertaken with internal CoGG units, disability service organisations and the Disability Advisory Committee community members.

Results from the informal interview consultations with internal CoGG units were positive. They indicated that many CoGG departments and service units manage a wide range of services and facilities, and are considerate of access and inclusion for people with disabilities. There are a number of areas where CoGG units are doing well, including:

- Councillors being more aware of accessibility and supporting change
- Improved accessibility to infrastructure
- Working towards accessible communication
- Support for event organisers to hold accessible events
- Customer service improving communication
- Networking with local organisations
- Ensuring relevant legislative and statutory requirements are met
- Engaging consultants to conduct Access Audits of community facilities

Some of the areas for continual action were:

- Disability Inclusion training
- Ongoing audits and improvements to infrastructure
- Rural Access to continue to liaise with units to provide advocacy and support
- Continue to improve accessible communication and customer service sites
- Greater awareness and use of the Disability Action Plan for reference.

Telephone interview results from external Disability Service Organisations, indicated that they utilise the CoGG Goods, Services and Facilities in a range of ways, including Home and Community Care (HACC) services, and access and participation in the local community.

Disability Service Providers also identified a range of barriers to Inclusion and Participation in the community. Suggested improvements to reduce these barriers have informed outcome areas in the 2014-2017 Disability Action Plan. In regard to Attitudes and Practices, Disability Service Providers identified that CoGG has a growing focus on people with disabilities and is open to changes and consultation. To improve attitudes and practices towards people with a disability, service providers propose that CoGG take an active role to increase awareness and promote diversity of people with disabilities, set a positive example for employment accessibility, and create opportunities for work experience and volunteering. The general comments provided show that Disability Service Providers would like to see a Disability Action Plan that has an increased community inclusion focus.

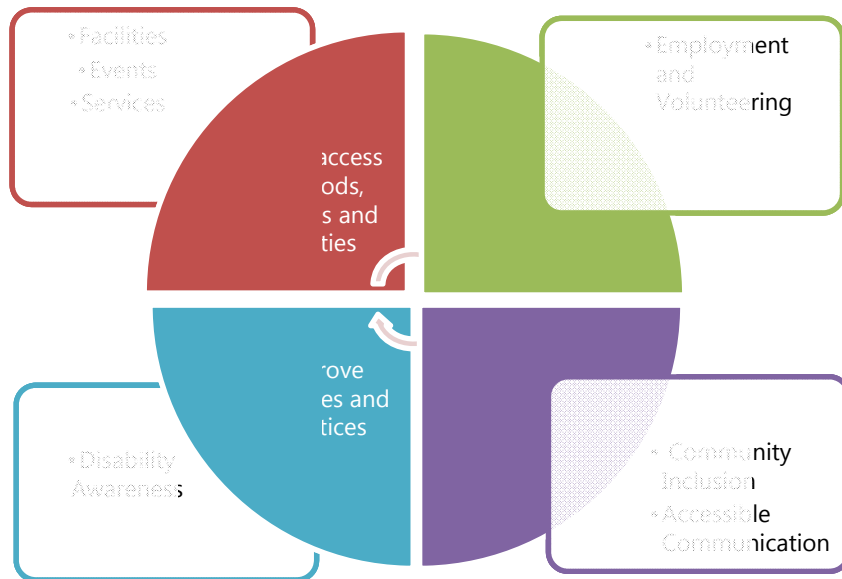
Survey results from the Disability Advisory Committee (DAC), shows that community members would like accessible parking spaces and footpaths to be made a priority in the Disability Action Plan. The DAC feel that social attitudes, access to information, and access to transport are the main issues that make it difficult for inclusion and participation in the community. Despite these issues, 100% of DAC members have had generally positive experiences of inclusion and participation in community events. DAC members rated the attitudes and practices of CoGG staff to people with a disability as positive and very positive, with 88.9% of members satisfied with attitudes and practices of CoGG staff. A range of suggestions were made regarding improvement on attitudes and practices, and included:

- Disability Inclusion training for staff
- Networking with community groups
- Accessible information
- Consultation with people with disabilities

Review of CoGG Plans and Policies

While conducting internal consultation, a number of CoGG's plans and policies demonstrated Disability Access and Inclusion. This included accessible documentation and inclusive community consultation. Some areas for improvement were identified, and this plan aims to inform all relevant plans and policies in the future.

7. Priority Areas



Four priority areas have been identified by the Victorian Disability Act 2006. Themes from the research undertaken in the development of this plan are grouped within the four priority areas as follows:

1. Improved access to goods, services and facilities
 - Facilities
 - Events
 - Services
2. Better access to employment
 - Employment
 - Volunteering
3. Promoting an inclusive and participatory community
 - Community Inclusion
 - Accessible communication
4. Improved attitudes and practices
 - Disability awareness

8. Actions

The Disability Action Plan encompasses aims to develop a plan that is informed by the community.

See pages 15-33



City of Greater Geelong
Aged & Disability Services: Rural Access
Disability Policy Directions, Objectives, Outcomes and Actions

	National Disability Strategy 2010 - 2020	UN Convention on Rights of Persons with Disabilities Improvement areas, recommendations. Report: 4 October 2013	Victorian State Disability Plan 2013 - 2016	Municipal Association Victoria (MAV) 2011 Disability Access & Inclusion Strategy: background report on development of a Strategic Framework for Local Government	City of Greater Geelong: Policies, Strategies and Disability Action Plan 2014-2017
	Outcomes & Policy Direction	Articles	Goals & Outcomes	Strategies	Disability Action Plan Objectives
INCLUSIVE AND ACCESSIBLE COMMUNITIES INCREASED COMMUNITY PARTICIPATION People with disability live in accessible and well designed communities with opportunity for full inclusion in social, economic, sporting and cultural life.	Outcome 1 - PD1: Increased participation of people with disability, their families and carers in the social, cultural, religious, recreational and sporting life of the community.	Article 29: Participation in political and public life. Recommendation ... enacts legislation restoring the presumption of the capacity of persons with disabilities to vote and exercise choice; and to ensure that all aspects of voting in an election are made accessible to all citizens with a disability.	Goal 2 'Upholding rights and promoting participation'. Outcome six: Greater participation in the community.	Strategy 6: Accessible and inclusive council services, programs and events. Council services, programs and events are accessible to people with a disability, promote their participation and provide people with a disability with opportunities to participate equally alongside other members of the community.	8.3.1 Community inclusion and participation of people with disability is promoted and supported. 8.3.3 Council Community Engagement reviewed against the IAP2 Core Values. 8.3.4 Disability Advisory Committee (DAC) remains an effective and meaningful advisory mechanism to Council on access and inclusion issues. 8.3.5 A broad range of community members with disability are available to be consulted by Council on disability related issues. 8.3.6 Inclusive consultation and engagement principles are contained within Council's broader policies, strategies and processes. 8.1.13 The events guide produced by Council has information on fielding accessible events as a guide to event holders.
BUILT AND NATURAL ENVIRONMENT	Outcome 1 - PD2: Improved accessibility of the built and natural environment through planning and regulatory systems, maximising the participation and inclusion of every member of the community.	Article 9: Accessibility. Concern at the level of compliance with accessibility standards and regs. Recommend sufficient resources be allocated to ensure monitoring and implementation of the Disability Standards and requirements.	Goal 3 'Accessing information, transport, buildings and places'. Outcome eight: Improved access to buildings and places.	Strategy 4: Systematically improve the accessibility of Council buildings and infrastructure. See full document for comprehensive detail.	8.1.1 Access audits and building modifications are prioritised on a quarterly basis. 8.1.2 Street Access Committee works to ensure streets and roads in the municipality are accessible. 8.1.4 Footpaths in trading areas are free from obstruction. 8.1.5 The Disability Advisory Committee is consulted on Council plans and policies that have an impact on disability inclusion. 8.1.6 Parks and reserves are universally accessible. 8.1.11 Council will promote features of Geelong that people with disability will find accessible and inclusive.
HOUSING	Outcome 1 - PD3: Improved provision of accessible and well designed housing with choice for people with disability about where they live.	Article 19: Living independently, and being included in the community. Persons with disabilities are given a free choice of where they want to live and with whom and be able to receive the necessary support regardless of the place of residence.			

	National Disability Strategy 2010 - 2020	UN Convention on Rights of Persons with Disabilities Improvement areas, recommendations. Report: 4 October 2013	Victorian State Disability Plan 2013 - 2016	Municipal Association Victoria (MAV) 2011 Disability Access & Inclusion Strategy: background report on development of a Strategic Framework for Local Government	City of Greater Geelong: Policies, Strategies and Disability Action Plan 2014-2017
	Outcomes & Policy Direction	Articles	Goals & Outcomes	Strategies	Disability Action Plan Objectives
COMMUNITY TRANSPORT SYSTEMS	Outcome 1 - PD4: A public, private and community transport system that is accessible for the whole community.		Goal 3 'Accessing information, transport, buildings and places'. Outcome seven: More transport options.		8.1.3 People with a Accessible Parking Permit, are able to locate parking in Geelong. 8.1.14 Council advocates and promotes accessible public transport options on behalf of people with disability in the municipality. 8.1.15 New Council vehicles purchased and available for community hire by Council are accessible in order to improve inclusion.
COMMUNICATION	Outcome 1 - PD5: Communication and information systems that are accessible, reliable and responsive to the needs of people with disability, their families and carers.	Article21: Freedom of expression and opinion, access to information. Recognition of Australian Sign Language as one of the national languages of Australia and developing the use of other accessible formats.	Goal 3 'Accessing information, transport, buildings and places'. Outcome nine: More accessible government information.	Strategy 5: Inclusive communication and information approaches. Councils' communication and information approaches and systems continue to be progressively improved to ensure that they appropriately address the needs of staff, colunteers and community members with a disability.	8.1.8 Council Information (electronic and media) is fully available to people with disability. 8.1.9 All customer service staff are trained and aware of the communication needs of people with disabilities. 8.1.10 Council offers people with disability with a range of communication options. 8.3.2 Communication access symbol is displayed at Customer Service Centres.
RIGHTS PROTECTION, JUSTICE & LEGISLATION RIGHTS OF PEOPLE WITH DISABILITIES <i>People with disability have their rights promoted, upheld and protected.</i>	Outcome 2 - PD1: Increase awareness and acceptance of rights of people with disabilities.	Article12: Equal recognition before the law. Recognition of legal capacity of persons with disabilities. Recommends immediate steps to replace substitute decision- making with supported decision-making in full conformity with Article 12 of the Convention.	Goal 2 'Upholding rights and promoting participation'. Outcome four: Better protection of human rights.	Strategy 3: Facilitate civic participation and inclusive consultation Strategies. Ensure that people with a disability can exercise their rights as equal citizens in areas such as council elections, meetings, consultation processes, membership of council's committees involving community representatives and in making complaints.	8.1.7 Councillors and Council staff understand and actively support the principles and practice of disability access and inclusion. 8.3.5 A broad range of community members with disability are available to be consulted by Council on disability related issues.

	National Disability Strategy 2010 - 2020	UN Convention on Rights of Persons with Disabilities Improvement areas, recommendations. Report: 4 October 2013	Victorian State Disability Plan 2013 - 2016	Municipal Association Victoria (MAV) 2011 Disability Access & Inclusion Strategy: background report on development of a Strategic Framework for Local Government	City of Greater Geelong: Policies, Strategies and Disability Action Plan 2014-2017
	Outcomes & Policy Direction	Articles	Goals & Outcomes	Strategies	Disability Action Plan Objectives
EQUITABLE PRACTICES	Outcome 2 - PD2: Remove societal barriers preventing people with disability from participating as equal citizens.			Strategy 7: Strategic use of statutory and regulatory roles. Councils will use their statutory and regulatory roles to lead and influence improved inclusion, participation and accessibility for all members of the community. Strategy 9: Influencing community attitudes and perceptions. Councils will exercise leadership in their community in promoting the importance of inclusion for all, addressing discriminatory attitudes, promoting good models of inclusive practices and approaches and influencing others through information provision and education.	8.4.1 Equitable and inclusive practices throughout Council. 8.4.2 Positive staff culture towards disability is nurtured. 8.4.3 Council acts to positively impact on community attitudes. 8.4.4 Evidence based strategies identified to strengthen positive community attitudes.
	Outcome 2 - PD3: People with disability have access to justice.				
SAFETY	Outcome 2 - PD4: People with disability to be safe from violence, exploitation, and neglect.	Article6: Women with disabilities. More comprehensive consideration of women with disabilities in public programs and policies on the prevention of gender based violence.			
CHILDREN		Article7: Children with disabilities. Increase efforts to promote and protect the rights of children with disabilities by incorporating the Convention into ... operational procedures and compliance frameworks.			

	National Disability Strategy 2010 - 2020	UN Convention on Rights of Persons with Disabilities Improvement areas, recommendations. Report: 4 October 2013	Victorian State Disability Plan 2013 - 2016	Municipal Association Victoria (MAV) 2011 Disability Access & Inclusion Strategy: background report on development of a Strategic Framework for Local Government	City of Greater Geelong: Policies, Strategies and Disability Action Plan 2014-2017
	Outcomes & Policy Direction	Articles	Goals & Outcomes	Strategies	Disability Action Plan Objectives
	Outcome 2 - PD5: More effective responses from the criminal justice system to people with disability who have complex needs or heightened vulnerabilities.				
ECONOMIC SECURITY EMPLOYMENT OPPORTUNITIES <i>People with disability, their families and carers have access to a range of supports to assist them to live independently and actively engage in their communities.</i>	Outcome 3 - PD1: Increase access to employment opportunities as a key to improving economic security and personal wellbeing for people with disability, their families and carers.	Article27: Right to work. Adopt initiatives to increase employment participation of women with disabilities by addressing the specific underlying structural barriers to their workforce participation.	Goal 2 'Upholding rights and promoting participation'. Outcome five: Better pathways to employment.	Strategy 8: Improving employment opportunities. Councils will exercise their responsibilities as equal opportunity employers and exercise their community leadership role to work with others to enhance local employment opportunities for people with disability.	8.2.1 Council promotes and supports employment of people with disability. 8.2.2 Council provides an equal opportunity job application process. 8.2.3 Council provides an equal opportunity job application process. 8.2.3 People with disability are supported by Council to maintain their employment. 8.3.1 promoting a volunteer / mentor program to support inclusion of people with disability.
FINANCIAL INDEPENDENCE	Outcome 3 - PD2: Income support and tax systems to provide an adequate standard of living for people with disability, their families and carers; while fostering personal financial independence and employment.				
AFFORDABLE HOUSING	Outcome 3 - PD3: Improve access to housing options that are affordable and provide security of tenure.		Goal 1 'Strong Foundation in Life'. Outcome two: Improved Housing and accommodation choices.		
PERSONAL AND COMMUNITY SUPPORT SUSTAINABLE SUPPORT SYSTEM <i>People with disability, their families and carers have access to a range of supports to assist them to live independently and actively engage in their communities.</i>	Outcome 4 - PD1: A sustainable disability support system which is person-centred and self-directed, maximising opportunities for independence and participation in the economic, social and cultural life of the community.		Goal 4 'A contemporary approach through disability system reform'. Outcome eleven: Better targeted and integrated services.		

	National Disability Strategy 2010 - 2020	UN Convention on Rights of Persons with Disabilities Improvement areas, recommendations. Report: 4 October 2013	Victorian State Disability Plan 2013 - 2016	Municipal Association Victoria (MAV) 2011 Disability Access & Inclusion Strategy: background report on development of a Strategic Framework for Local Government	City of Greater Geelong: Policies, Strategies and Disability Action Plan 2014-2017
	Outcomes & Policy Direction	Articles	Goals & Outcomes	Strategies	Disability Action Plan Objectives
COMPLEX NEEDS	Outcome 4 - PD2: A disability support system which is responsive to the particular needs and circumstances of people with complex and high needs for support.				
FAMILIES AND CARERS	Outcome 4 - PD3: Universal personal and community support services are available to meet the needs of people with disabilities, their families and carers.				
FAMILIES AND CARERS	Outcome 4 - PD4: The role of families and carers is acknowledged and supported.		Goal 4 'A contemporary approach through disability system reform'. Outcome twelve: The role of families and carers is better supported.		
LEARNING AND SKILLS EDUCATION <i>People with disability achieve their full potential through their participation in an inclusive high quality education system that is responsive to their needs. People with disability have opportunities to continue learning throughout their lives.</i>	Outcome 5 - PD1: Strengthen the capacity of all education providers to deliver inclusive high quality educational programs for people with all abilities from early childhood through adulthood.		Goal1 'Strong Foundation in Life'. Outcome One: Better opportunities in education and early childhood development services.		
EQUAL EDUCATIONAL OPPORTUNITIES	Outcome 5 - PD2: Focus on reducing the disparity in educational outcomes for people with a disability and others.				

	National Disability Strategy 2010 - 2020	UN Convention on Rights of Persons with Disabilities Improvement areas, recommendations. Report: 4 October 2013	Victorian State Disability Plan 2013 - 2016	Municipal Association Victoria (MAV) 2011 Disability Access & Inclusion Strategy: background report on development of a Strategic Framework for Local Government	City of Greater Geelong: Policies, Strategies and Disability Action Plan 2014-2017
	Outcomes & Policy Direction	Articles	Goals & Outcomes	Strategies	Disability Action Plan Objectives
REFORMS	Outcome 5 - PD3: Ensure that government reforms and initiatives for early childhood, education, training and skill development are responsive to the needs of people with disability.				
PATHWAYS	Outcome 5 - PD4: Improve pathways for students with disability from school to further education, employment and lifelong learning.				
HEALTH AND WELLBEING MEETING HEALTH NEEDS <i>People with disability attain highest possible health and wellbeing outcomes throughout their lives</i>	Outcome 6 - PD1: All health providers ... have the capabilities to meet the needs of people with disability.				8.3.1 Promoting community inclusion: Offer accessible health care information in line with the Council Health and Wellbeing plan.
EARLY INTERVENTION	Outcome S6 - PD2: Timely, comprehensive & effective prevention and early intervention health services for people with disability.		Goal 1 'Strong Foundation in Life'. Outcome three: An improved response to lifelong health needs.		
UNIVERSAL HEALTH REFORMS	Outcome S6 - PD3: Universal health reforms and initiatives address the needs of people with disability, their family and carers.				

	National Disability Strategy 2010 - 2020	UN Convention on Rights of Persons with Disabilities Improvement areas, recommendations. Report: 4 October 2013	Victorian State Disability Plan 2013 - 2016	Municipal Association Victoria (MAV) 2011 Disability Access & Inclusion Strategy: background report on development of a Strategic Framework for Local Government	City of Greater Geelong: Policies, Strategies and Disability Action Plan 2014-2017
	Outcomes & Policy Direction	Articles	Goals & Outcomes	Strategies	Disability Action Plan Objectives
CHOICE AND CONTROL	Outcome S6 - PD4: Factors fundamental to wellbeing and health status such as choice and control, social participation and relationships, to be supported in government policy and program design.	Article12: Equal recognition before the law. Supported decision -making which respects the persons autonomy, will and preferences. Training in consultation with persons with disabilities at the national, regional and local levels for all actors on the recognition of the legal capacity of persons with disabilities and on the primacy of supported decision-making mechanisms.	Goal 4 'A contemporary approach through disability system reform'. Outcome ten: More opportunities for independence, choice and control.		8.3.3 Council makes decisions in line with the IAP2 Core Values, which reflect the interests and concerns of people with disability and their friends, family and core values.
DISASTER RESPONSE		Article11: Situations of Risk & Humanitarian emergencies. Disability needs are often not explicitly factored into disaster response measures... establish nationally consistent emergency management standards ... ensure inclusivity across diverse disabilities and to cover all phases of emergency management preparation.			Municipal Emergency & Management Plan 2011-2014 (updated 2012) MEMP 2.3 Vulnerable people: definition. 2.3.1 Vulnerable Persons Register. 2.3.2 Vulnerable people – screening. 2.3.3 Vulnerable community/facility listing - (fire risk areas). City of Greater Geelong, Aged & Disability Services Bushfire Action Plan 2013-2014 Aged & Disability Services. Bushfire report and plan to identify clients in bushfire risk areas (linkage with MECC: Municipal emergency Coordination Centre). High Bushfire Risk area: vulnerable people register. Management Procedure: Service delivery arrangements for extreme fire risk areas.
POLICY AND PLANNING				Strategy 2: Incorporate access and inclusion objectives in key strategic planning and policy documents. Councils will reflect their commitment to improving access and inclusion in their key strategic policy and planning documents such as the Council Plan, Municipal Public Health and Wellbeing Plan and Municipal Strategic Statement.	8.3.6 Inclusive consultation and engagement principles are incorporated into council's broader policies, strategies and processes, and the broader community.

	National Disability Strategy 2010 - 2020	UN Convention on Rights of Persons with Disabilities Improvement areas, recommendations. Report: 4 October 2013	Victorian State Disability Plan 2013 - 2016	Municipal Association Victoria (MAV) 2011 Disability Access & Inclusion Strategy: background report on development of a Strategic Framework for Local Government	City of Greater Geelong: Policies, Strategies and Disability Action Plan 2014-2017
	Outcomes & Policy Direction	Articles	Goals & Outcomes	Strategies	Disability Action Plan Objectives
ADVOCACY				Strategy 10: Exercise leadership in advocating to other organisations. Advocate to other spheres of government, business, other organisations and community ... to promote the rights of people with a disability and advance inclusion of people with a disability. Strategy 11: Foster partnership and collaboration. Work in partnership with other spheres of government, business, other organisations and the community to improve access and inclusion for people with a disability.	
ACCOUNTABILITY				Strategy 12: Effective accountability practices. Councils will ensure that they have organisational accountability processes in place for implementing their access and inclusion initiatives and will publically report on progress on implementation of these initiatives at least annually.	8.1.12 Council reports on the Disability Action Plan (DAP) in its Annual Report (Section 131 of the LGA 1989) (Victorian Disability Amendment Act 2012).

2. NATIONAL DISABILITY INSURANCE AGENCY

Portfolio:	Community Development – Cr Fisher
Source	Community Services – Aged and Disability Services
General Manager:	Jenny McMahon
Index Reference	Customer: National Disability Insurance Agency
	Subject: Disability

Purpose

This report seeks to update Council on the National Disability Insurance Agency's (NDIA) Barwon launch site and Council's Aged and Disability Department's (A&DS) role as a service provider.

Summary

- Barwon is the Victorian launch site of the National Disability Insurance Scheme (NDIS), having commenced operations in July 2013.
- The launch site has been funded by a combination of new and existing funding from Federal and State disability programs in its first year of operation.
- The Victorian State Government allocated funding from City of Greater Geelong's Home and Community Care (HACC) grant income as an in kind contribution to the Barwon Launch site in the 2013-14 year.
- Council's Aged & Disability Service department was registered as a provider to the NDIA and commenced service delivery and reporting against the in kind draw down from 1 July 2013.
- By February 2014 over 130 of Council's eligible service users had transferred from HACC to the NDIS and \$170,000 of service has been provided.
- As of July 2014, it is expected that registered providers to the NDIA will be permitted to charge market prices for their services, however at the time of writing this had not been confirmed.
- It is proposed that Council will remain a significant, quality and preferred provider of "in home services" in the region.

Cr Fisher moved, Cr Heagney seconded -

That Council:

- 1) prices its services to fully cover expenses;**
- 2) continues to be a quality provider to the NDIA after 30 June 2014.**

Carried.

Background

Following receipt of the Productivity Commission report into Disability Services, the National Disability Insurance Scheme (NDIS) was announced by the Federal Government in 2012.

The NDIS represents a positive and transformational change for people with disabilities in Australia.

It is based on actuarial analysis of the lifetime assistance and care requirements of the individual and assumes a no fault, universal entitlement for people who are born with or acquire a significant and permanent disability prior to the age of 65. The NDIS will replace all other disability care funding.

The scheme will provide a package of funding and a tailored approach of personal assistance and the provision of aids to assist the individual to reach their life goals and to live as independently as possible.

The NDIS is being undertaken in stages with launch sites in each State and territory that will enable operational and system matters to be tested and resolved prior to the full national scheme roll out which is proposed from 2015.

The Barwon launch site has been funded by a combination of new and existing funding from Federal and State disability programs in the current year. In the longer term and when the NDIS is rolled out more comprehensively, the funding allocation will come directly from the Federal Government to the National Disability Insurance Agency and is expected to be financed by general revenue or a medicare type levy.

In signing up to be a partner to the NDIS launch site, the Victorian State Government allocated in-kind funding from its existing disability programs and HACC as a contribution to the launch site services. As a consequence, up to \$1 million of funds from Council's Home and Community Care funding (2013-14) was allocated as an in kind contribution to the budget of the Barwon NDIA in its first year of operation. This was calculated from the number of Councils HACC clients who were considered eligible, and likely to transfer to the NDIS in the current financial year.

In accordance with the Government's intention that there be a seamless transition for participants moving to the NDIA, Council's A&DS department registered as a provider to the NDIA, commenced service delivery and reporting against the in kind draw down from 1 July 2013.

Council has continued to subsidise services provided to NDIA clients in the current year as has been the case under the HACC program.

In December 2013 the NDIA announced that, NDIA service providers would be free to charge market prices for their services post July 2014.

Discussion

Council's A&DS department registered to become a provider to the NDIA in July 2013. This ensured that there would be minimal client disruption in the transition from HACC to the new scheme, and to continue Council's overarching support for the introduction of the NDIS.

Participation in the NDIA is a strategic move, to secure the existing workload associated with the almost 600 clients who are likely to transfer from Council's HACC program. Participation will also ensure that Council is positioned to take on the potential increase in demand for disability care services within the local area. This was considered appropriate as Council has the largest workforce of qualified and skilled Community Care Workers in the region.

Council has been able to retain and recruit a workforce to meet the needs of the community and also to provide contracted services to other agencies. It is also considered good practice to achieve economies of scale by combining the operations of Council's HACC, packaged care and disability services, all of which are similar in their objectives and administration.

Another strategic action has been the training of a group of 19 Community Care Workers as Allied Health Assistants Cert IV, thus providing increased skills within the workforce to meet the challenges of the NDIA and to provide a career path for staff. Further, the A&DS operating software provider Icon Global, has agreed to pilot a client portal within Carelink+ that will enable clients to access and control their funding package. Over recent times, cost efficiencies have also been achieved by streamlining care workers' rosters to reduce travel and subsequent travel payments.

More work will continue to reduce expenses and increase efficiencies. This will be further enhanced by Council's service planning process that is about to commence.

These innovations were seen as having positive outcomes for Council and the client population.

Councils Finance and A&DS departments have calculated the full cost of service delivery based on Councils industrial / Enterprise Agreement conditions. The fee structure has been established in a transparent manner detailing all inclusions and cost assumptions, so that the charges can be scrutinised and amended should component costs or corporate decisions alter.

Environmental Implications

There are no environmental implications of this report.

Financial Implications

The NDIS is a fully funded and managed program of the Commonwealth. During the launch phase of the NDIS, the pricing structure for NDIS support services was set at a level that was inadequate to cover the actual costs of service delivery by many community sector and Local Government providers.

The National Disability Services peak body NDS and service providers have successfully lobbied the Commonwealth to review the prescribed NDIA pricing structures, particularly with regard to the service type "Assistance with Self Care". In response, in December 2013, the NDIA CEO announced at a conference that there would be fewer controls over pricing as of the 2014-15 year, thus enabling providers to charge in accordance with their respective business models. This advice is yet to be confirmed. Based on media released there is a likelihood that the NDIA will still budget their client packages on a generic price range or 'envelope' which may or may not cover the full cost of Councils expenses in delivering the service.

Should, over time, there be a reduction in the services purchased from Council by people with disabilities, it may be necessary to facilitate a gradual reduction in the workforce. It is estimated that workforce management will be able to be achieved by natural attrition and selective recruitment, thereby avoiding the need for redundancies.

Policy/Legal/Statutory Implications

Council is bound by an enterprise agreement which provides for minimum conditions for employees. Council has also achieved accreditation under the Commonwealth Care Common Standards, ensuring that service delivery is supported by effective management, appropriate access and quality service delivery and that service user rights and responsibilities are respected.

Alignment to City Plan

The retention and ongoing employment of Council's current and skilled workforce is consistent with Council's Economic vision and strategy. The provision of quality care to the community's most vulnerable citizens is also consistent with the H&WB section of the plan.

Officer Direct or Indirect Interest

No officer involved in preparing this report has any direct or indirect interest in the recommendations other than in their current capacity as an officer of Council.

Risk Assessment

The risk of service demand changing significantly will need to be monitored. Should the service levels reduce due to clients purchasing services elsewhere then A&DS will necessarily introduce a reduction in the workforce by natural attrition and/or share the workload more equitably amongst the part time workforce.

Social Considerations

The National Disability Insurance Scheme is premised on the individual with a disability being allocated resources to assist them to achieve their individual goals. The client rather than the providing agency hold the funds. While this is empowering for the individual it has the impact of disempowering the provider sector that ceases to have security of tenure. This in turn erodes job security and employment conditions for this sector of workers.

Human Rights Charter

The NDIS is premised on enhancing the rights of people with disabilities in Australia to achieve their goals and live with dignity and independence. Thus it supports the Human Rights Charter.

Consultation and Communication

A&DS will be responsible for communications with regard to NDIS service delivery including web based information, printed brochures and other promotions.

3. GEELONG GALLERY TRIENNIAL FUNDING AGREEMENT

Portfolio:	Arts & Culture - Cr Richards
Source	Community Services – Arts & Culture
General Manager:	Jenny McMahon
Index Reference	Subject: Geelong Gallery

Purpose

The purpose of this report is to seek Council approval for a new Triennial Funding Agreement between the City of Greater Geelong and the Geelong Gallery (Appendix 1).

Summary

- The Geelong Gallery's holdings of historical and contemporary art are widely acknowledged as one of the finest and most valuable collections held by a regional gallery in Australia.
- The purpose of the Funding Agreement is to establish the minimum performance levels to be provided by the Geelong Gallery, the method of reporting those performance levels, and the level of funding provided by Council for the delivery of those performance levels – key performance indicators (KPI's).
- This is the fifth Triennial Funding Agreement which will cover a period of significant challenge for the Geelong Gallery with major building works for the Geelong Library & Heritage Centre (GLHC) immediately adjacent to and connecting into the Gallery.
- Performance indicators have traditionally increased in each Agreement in line with minor budget increases and in recognition of steadily improved performance by the Gallery. With detailed design for the GLHC finalised and understanding of the impact of the physical works on the Gallery's operation, amendments to the KPI's for the next two years have been made. For example, due to the major building works the KPI's for visitor numbers has been maintained not increased as some planned shows have had to be postponed or cancelled and works are likely to interrupt visitors' experience and lead to occasional temporary exhibition closures.
- A major review took place towards the conclusion of the third Triennial Agreement. A further review will occur prior to the development of the sixth Triennial Agreement in the context of the development of the Geelong Gallery Business Case, Council's new 2015-2025 Cultural Strategy and the opening of the GLHC.
- As asset owner Council is required to comply with all its regulatory maintenance obligations. This is included in the Triennial Agreement, subject to Council's annual budgetary considerations.
- A copy of the draft triennial Agreement containing the KPIs and annual funding allocations is attached (Appendix 1.)

Cr Richards moved, Cr Macdonald seconded -

That Council:

- 1) approve the fifth Triennial Funding Agreement between the Greater Geelong City Council and Geelong Gallery for the years 2013/14 to 2015/16 (Appendix 1);**
- 2) refer annual funding allocations in accordance with the Triennial Funding Agreement to future Council budgets.**

Carried.

Background

- The Triennial Funding Agreement for the years 2013/14 to 2015/16 is the fifth agreement the City of Greater Geelong has negotiated with the Geelong Gallery.
- The Geelong Gallery's holdings of historical and contemporary art are widely acknowledged as one of the finest and most valuable collections held by a regional gallery in Australia. Over the course of the previous Triennial, the Gallery has been visited by many VIP and government visitors including Dr. David Bomford, distinguished Director of the J. Paul Getty Museum in Los Angeles who paid tribute to the presentation of the Gallery and its collection.
- The majority of KPI's, agreed as part of the 2009/10 to 2012/13 Triennial Funding Agreement were either met or exceeded by the Gallery.
- Highlights over the previous Triennial include:

2010/2012 - the Geelong Gallery's extended loan of paintings by Eugene von Gerard to the Queensland Art Gallery and the National Gallery of Australia, for the National Gallery of Victoria's grand retrospective of Eugene von Guerard – Nature revealed, which further promoted the Gallery's presence in a landmark touring exhibition.

2011/2012 – the Geelong Gallery in partnership with the National Art Museum of China, mounted Reflections of the soul – contemporary Chinese ink/wash painting, in recognition of 2011 as the Year of Chinese Culture in Australia. This exhibition received widespread acclaim and was supported by the Department of Foreign Affairs and Trade, the Australian Embassy in Beijing and the Chinese Consulate in Melbourne.

Acquisition of a major Heidelberg School painting depicting a classic regional vista Arthur Streeton's Ocean blue, Lorne (1921), achieved by securing private donations, a public appeal and successful grant applications.

Development and presentation of a major loan exhibition (the most valuable exhibition ever mounted by a regional gallery in Australia) titled In search of the picturesque – the architectural ruin in art (2012), an exhibition including major old and modern master paintings borrowed from national and state collections around Australia.

An 18% increase in visitation to the Gallery over the course of the previous Triennial Agreement period, with visitation in 2012/13 increasing by 5,000 to 67,637.

Discussion

Triennial funding agreements provides security for the Gallery in its planning for exhibitions, events, programmes and collection management. Exhibitions can take three or more years to plan and deliver, particularly exhibitions of a significant nature. It is primarily for this reason that the triennial funding agreement was introduced and has continued.

The City of Greater Geelong is the core funder of the Gallery and is currently providing approximately 60% of the Gallery's total income. As such, Council funding is imperative to the Gallery for its ongoing operational costs. The Gallery raises other income through a variety of means including grants, sponsorship, donations, retail, subscriptions and memberships and is aiming to raise a minimum of \$600,000 per annum. The Gallery also receives triennial funding of \$135,000 from Arts Victoria through its Local Partnerships programme.

The Gallery is seeking increases to its annual grant of 4.7% (\$48,000) in 2014-2015 and 4.2% (\$45,000) in 2015-2016 for:

- **Staff Salary Costs.** To retain and attract high calibre staff (EBA).
- **Increased operating costs.** Including CPI, increasing costs of insurance and security for the fine art collection. It is expected that insurance policy increases could be as \$50,000 over the three year period of the agreement.
- **Internal Risk Management strategies.** These have been necessitated by the redevelopment works for the new Geelong Library and Heritage Centre.
- **Educational/public programmes and activities.** Additional funds are required to enable the Gallery to develop educational and public programmes and activities including increasing costs of marketing and exhibition development.

With a greater understanding of the impact of the building programme for the GLHC over the next two years, KPI's for the Agreement have been reviewed and, in discussion with the Gallery Director, in some cases amended (refer Appendix 1, changes to the Agreement highlighted in red). This includes a reduction in number of exhibitions from 20 to 16. This is due to the necessary cancellation or postponement of some exhibitions previously planned for this period as other cultural organisations are unable to lend works with the adjacent major building works and associated insurance issues. Expectations for exhibition hours have been reduced from 900 to 800 with visitation to be maintained at 60,000 per annum over the remaining life of the Agreement due to the likely occasional closures of Gallery spaces and the interruption of visitor experiences. However an increase in KPI's for the delivery of educational and public programmes (from 16 to 25) and for an increase in delivery of on-line initiatives, provides KPI's for the Gallery to continue to strive for.

Inability to implement enhanced risk management strategies (a priority of the new board) including increases in insurance policies associated with these strategies on top of increases in the Fine Art Policy in consequence of a scheduled re-valuation of the entire collection of works of art in compliance with the Policy.

A major review took place towards the conclusion of the third Triennial. A full review of the Triennial Agreement is proposed to occur prior to the development of the sixth Triennial in the context of the development of the Geelong Gallery Business Case, Council's new 2015-2025 Cultural Strategy and the opening of the GLHC. It is anticipated KPI's will be increased at this time, particularly with access to the additional Gallery space in the new GLHC.

Environmental Implications

The Geelong Gallery is a purpose built century-old gallery designed to make the most of natural light, while keeping within international environment standards for museums.

The addition of two new clauses in the previous Triennial Funding Agreement between Council and the Gallery relating to maintenance of the building enables the Gallery to benefit from contractors already engaged by Council who are encouraged to meet environmentally responsible principles where possible.

The Gallery is investigating a range of more sustainable options for ongoing operation including replacement of current display lighting as funding permits.

Financial Implications

In 2012-2013, the final year of the (fourth) triennial agreement, Council's recurrent contribution to the Geelong Gallery was \$997,000. As part of the 2013/14 budget process Council determined \$1,022,000 would be allocated for Year One, a 2.2% increase. It is recommended that Council funding for Year Two (2014/15) is \$1,070,000, an increase of \$48,000 (4.7%), and Year Three (2015/2016) is \$1,115,000, an increase of \$45,000 (4.2%).

Maintenance of the Geelong Gallery Building forms part of the Triennial Funding Agreement with requests referred to and managed by the Property Department. Additional funding for replacement of major plant and ongoing maintenance are considered separately and form part of Council's annual budgetary considerations. No major maintenance is anticipated for 2014/15. As a Council asset, the Gallery facility is depreciated through Council's accounting system.

Policy/Legal/Statutory Implications

The Geelong Art Gallery is located on Crown Land with a lease period of 999 years, due to expire on the 16th June 2854. The Building is a Council asset, operated by the Geelong Art Gallery Incorporated, as a body associated for artistic and cultural purposes. The Board is composed of 12 persons, elected each year at the Annual General Meeting.

Council is required to comply with all regulatory maintenance obligations for Essential Safety Measures in the Gallery as set out in the Building code of Australia (BCA).

Although not a document intended to create legal relations between the partners, there is a Memorandum of Understanding under the State Government's Local Partnerships programme between Arts Victoria, City of Greater Geelong and Geelong Art Gallery Incorporated, to support the annual programmes and operations of the Gallery.

The Geelong Gallery is an important cultural facility, which assists the City of Greater Geelong to deliver the actions outlined in Council's Culture Strategy Creativity +, as well as the Strategy's Vision: *to develop the City of Greater Geelong as a regional centre of innovation and excellence*. The Gallery is one of the key Cultural Precinct facilities identified in the Geelong Future Cities Masterplan.

Alignment to City Plan

The Geelong Gallery Triennial aligns with City Plan Strategic Directions and Priorities:

- Community Wellbeing
 - Connected, creative and strong communities.
- Growing Our Economy

- A successful and vibrant City Centre;
- A leading city for tourism, arts, culture and events.

Officer Direct or Indirect Interest

There is no direct or indirect interest by Council Officers involved in the preparation of this report.

Risk Assessment

As the City's most significant tourism draw-card, the funding increase will allow the Geelong Gallery to meet anticipated operating costs.

In order to safeguard the Collection on behalf of the Geelong community, the Gallery needs to implement proper security measures and acquire an appropriate level of insurance.

The Gallery has an outstanding reputation as a leading regional gallery to maintain. To do so it must be able to continue to develop its educational/public programmes and activities and retain and attract high calibre staff.

The Agreement and six monthly reporting and evaluation measures against KPI's ensures the Gallery performance is regularly reviewed and assessed.

Social Considerations

The Gallery's collection of works of art is held in trust for the region's community at large and is managed and developed in accordance with international standards of museum practice.

Galleries play a significant role in the cultural, social, educational and economic development of the community. The Geelong Gallery plays an important role in the collection, conservation and exhibition of the Region's material heritage as expressed in works of art. The reputation of the Gallery, as one of the finest regional galleries in Australia, is a source of civic pride. The Gallery's exhibitions, educational and public programmes as well as curatorial services are highly valued cultural resources.

The opportunities that the Gallery provides for our emerging and established artists are extremely crucial to the region's cultural development. The Gallery contributes to the amenity and attraction of Central Geelong and, as one of the City's major cultural attractions in the Cultural Precinct, contributes significantly to cultural tourism. The Geelong Gallery is an extremely important cultural facility, which assists the City of Greater Geelong to deliver the actions outlined in Council's current Culture Strategy Creativity +, as well as the Strategy's Vision: *to develop the City of Greater Geelong as a regional centre of innovation and excellence.*

Human Rights Charter

The Geelong Gallery respects and provides access for all visitors. It presents artists from a diversity of cultural, linguistic, ethnic and religious diversity respecting the right to express all aspects of the human experience.

Consultation and Communication

The Arts & Culture Department in consultation with Communication and Marketing will be responsible for communicating this report.

2013 - 2016

DRAFT Triennial Funding Agreement

BETWEEN

The Greater Geelong City Council

AND

The Geelong Art Gallery Incorporated

The Geelong Art Gallery Triennial Funding Agreement 2013/14 – 2015/16

1. Introduction

The Geelong Art Gallery (Geelong Gallery) is on Crown Land with a lease period of 999 years due to expire on the 16th June 2854. The Building is a Council asset, operated by the Geelong Art Gallery Incorporated, the Board, a body associated for artistic and cultural purposes.

Cultural Infrastructure is listed as one of the five key areas within the Greater Geelong City Council's (Council) **Culture Strategy – Creativity+**.

Within the key area of Cultural Infrastructure, **Creativity+** contains a number of objectives, three of which are of particular relevance to this agreement:

- To work in partnership with major cultural entities to ensure innovation, sustainability and accessibility.
- To partner with others to ensure that the scope of cultural infrastructure satisfies the requirement of our community.
- To preserve and conserve the Council's natural, built and cultural heritage.

Council considers the partnership with the Geelong Gallery as vital to the implementation of **Creativity+** and to the development of the 2015 - 2025 Cultural Strategy.

In 2010 Council identified thirteen Council funding priorities, one of which is of particular relevance to this agreement:

- The Geelong Future Cities Project - Cultural Precinct. In partnership with the State Government, the Geelong Future Cities project aims to develop and implement a strategic, long-term, comprehensive master plan to create a precinct that enlivens the cultural life of the people of Greater Geelong and its visitors.

Council considers the partnership with the Geelong Gallery as critical to the implementation of this priority, which is currently underway.

2. Purpose of the Funding Agreement

This funding agreement represents the Council's fifth triennial funding agreement with the Geelong Gallery, the first being for the period of 2001 to 2004, the second being for the period of 2004 to 2007, the third being for the period of 2007 – 2010 and the fourth 2010 to 2013.

The purpose of the funding under this agreement is to support those recurrent operating costs associated with the management of a major heritage and contemporary art collection and the delivery of a core program of exhibitions, events and activities, on a triennial basis.

3. Period of Funding Agreement

This Agreement covers the period from 1st July 2013 to 30th June 2016.

4. Conditions of Funding

4.1. General

- Council will make the following allocations to the Geelong Gallery:
 - 2013/2014 - \$1,022,000
 - 2014/2015 - \$1,070,000
 - 2015/2016 - \$1,115,000
- The allocation will be paid in two instalments. The first instalment will be paid in August of the financial years indicated within 14 days of an appropriate invoice and an End of Year Evaluation Report (for the previous financial year) being presented to Council by the Geelong Gallery. The second instalment will be paid in February of the financial years indicated within 14 days of an appropriate invoice and a Mid Year Evaluation Report being presented to Council by the Geelong Gallery.
- The Geelong Gallery will liaise and consult with Council and the Victorian State Government, as well as other stakeholders where appropriate including G21, to ensure an integrated and co-operative approach to the development of the Cultural Precinct.
- Council notes and appreciates the ongoing specialist advice and support from the Geelong Gallery in the development of policy such as Collection Management and Public Art.
- Council notes and appreciates the willingness of the Geelong Gallery to ~~consider provide specialist participation in future initiatives that may be developed in response to the implementation of Council's Culture Strategy – Creativity +~~ **in the development of Council's new Cultural Strategy 2015-2025 to commence in 2014.**
- **Council notes that temporary solutions to the Gallery's most urgent needs have been addressed partially in the design of the new Geelong Library & Heritage Centre (GLHC). The loading bay servicing the facility will provide significantly improved conditions. Additional storage for temporary exhibition crates and display furniture has also been created and, an additional exhibition space of 220sq metres will be accessible to the Gallery with the two buildings being linked. Some temporary compromises have been made by the GLHC to allow the Gallery to utilise this space, however, the space will be required to revert back fully to the GLHC in future years.**
- **Council notes an MOU will be developed between Council, the Geelong Regional Library Corporation and the Geelong Gallery for usage of the GLHC by the Geelong Gallery.**
- **Council notes that Council and the Geelong Gallery will collaborate on the development of the Geelong Gallery Business Case in the calendar year of 2014.**
- **Council notes the KPI's developed for 2014/2015 and 2015/2016 have been reviewed in accordance with the anticipated impact of the building works of the new Geelong Library and Heritage Centre (GLHC). An additional quarterly review of KPI's is required throughout this time-frame. Some KPI's have been maintained or reduced for 2014/2015 and 2015/2016 in recognition of the likely impact of the GLHC development. A full review of the Triennial Agreement is proposed to occur prior to the development of the sixth Triennial in the context of the development of the Geelong Gallery Business Case, Council's new 2015-2025 Cultural Strategy and the opening of the GLHC.**

- Council notes and appreciates the Gallery's endeavours to increase its alternative income streams.

4.2. Annual Key Performance Indicators

In order to streamline the Geelong Gallery's business planning, annual KPI's will be in line with those developed by Arts Victoria as part of its funding agreement with the Geelong Gallery.

Any changes must be discussed with Council and have Council approval in writing prior to implementation.

4.2.1. Guiding Principals

The Geelong Gallery agrees to:

- Co-operate with other relevant local bodies in the development of exhibitions reflecting the Region's social and cultural history;
- Provide opportunities for regional artists and craft practitioners to exhibit in the Gallery space;
- Generate ideas, projects, exhibitions and events to gain critical attention (other than advertising) in local, state and national media;
- Encourage and develop community access to the Gallery's exhibitions, programmes and collections;
- Develop cultural partnerships with other cities and regions to promote tourist visitation to the Gallery;
- Consolidate and extend partnerships with stakeholders in the Cultural Precinct that contribute to audience development and the development of the precinct;
- Consolidate and extend institutional partnerships that contribute to audience development and optimum use of the Region's cultural resources;
- Exercise leadership in the arts;
- Maintain a principal role in art education throughout the Region;
- Develop and implement an effective and relevant education programme for schools throughout the Region;
- Continue to provide a series of special exhibitions annually;
- Manage an effective conservation programme to ensure responsible maintenance of the Collection.

4.2.2. Annual Key Performance Indicators Programming

	Previous Per annum	Proposed Per annum
Total number exhibitions	20	16
Number of self initiated exhibitions	10	10
Number of exhibition days	900	800
Number of publications	7	7
Number of public programmes and floor talks, external speaking engagements, lectures and presentations.	30	30

Marketing

	Previous pa	Proposed pa
Total attendances: (note: reduced from 67,637 achieved in 12/13 in physical visitation with 5% increase to on-online visitations)	60,000	60,000
On-line visitation (new)		115,000
Distribution Gallery e-Bulletins (new)		20
Distribution Education e-Bulletins (new)		8
Total memberships	2,250*	2,250
Percentage expenditure on marketing and promotions	14%	14%

Financial

	Previous	Proposed
Percentage of Arts Victoria grant of Total Income	8%	8%
Local Government subsidy of Total Income	67%	60%
Percentage of earned income of Total Income	17%	20%
Percentage of sponsorship/fundraising of Total Income	8%	12%

Community Access and Participation

	Previous	Proposed
Number of public education programmes presented	16	25
Number of Community Access Gallery exhibitions	7	6
Number of exhibitions embracing subjects relating to local/regional history and featuring work by artists who are active in the Geelong region	8	6
Number of 'access space' programmes involving schools and community groups	4	4
Distribution numbers for Quarterly Newsletter (reduced in consideration of increase in electronic distribution)	27,000	25,000

4.3. Maintenance

- 4.3.1. As building owner Council will comply with all its regulatory maintenance obligations for Essential Safety Measures in the Gallery as set out in the Building Code of Australia (BCA). Essential Safety Measures are fire and life safety items installed or constructed in a building to ensure adequate levels of safety to building occupants. Such measures include air conditioning systems, fire systems, exit doors, emergency lighting and paths of travel to exits.
- 4.3.2. Council will include the Gallery in its building portfolio general maintenance provisions for non-operational internal and external building maintenance, excluding fair wear and tear, to ensure that

the building is maintained to an appropriate service level and to realise the useful life expectancy of the building asset.

4.4. Incorporation

The Geelong Gallery must be incorporated under the Associations Incorporation Act 1981. A current copy of the annual incorporation fee receipt is to be provided annually to Council.

4.5. Insurance

- Council will insure and maintain insurance, against physical loss or damage (which is not excluded) to the building which is owned or managed by Council;
- The Geelong Gallery must comply with relevant legal and insurance standards in the provision of the cultural service;
- The Geelong Gallery must insure the Collection at a level agreed to by the Board of the Geelong Gallery and Council;
- The Geelong Gallery is required to obtain minimum Public Liability Insurance of \$10M, with Council named as an interested party on the policy;
- The Geelong Gallery must effect and maintain a professional indemnity insurance policy for the term of this agreement, plus a further subsequent term of six years thereafter; and
- A certificate of currency for these policies must be submitted to Council on the signing of this agreement and in each subsequent year of this agreement.

Council, its servants or agents, shall not be responsible at any time for any liabilities incurred or entered into by the Geelong Gallery as a result of, or arising out of, that organisation's responsibilities under this Agreement.

The Geelong gallery shall release and indemnify Council, its servants and agents against any claim, demand, liability suit costs, expenses, action arising out of or in any way connected with the activities of the organisation or its servants or agents in consequence of this Agreement, except where the claim, demand, liability, costs or action is caused by Council or its servants or agents.

4.6. Marketing and Promotion

The Geelong Gallery will acknowledge the support provided by Council in the following manner:

- Inclusion of Council's logo on all print materials associated with the funded service, including major publications such as catalogues. On the signing of this Agreement the Geelong Gallery must obtain approval from Council regarding the range of products the Council logo is to be used on and the method of its application. The approved use of the Council logo by the Geelong Gallery may be reviewed on a six monthly basis throughout the term of this Agreement or at earlier intervals as determined by Council;
- Council recognition in opening speeches, public presentations and media events;
- Council recognition in appropriate media releases;

- Opportunities for Council to speak at key functions;
- Timely presentation to Council of information updates on major events and projects;
- Invitations and tickets to major events and exhibitions for Councillors and appropriate staff of Council; and
- Provide Council with the opportunity to attend meetings of the organisation.

4.7. Reporting

4.7.1. The Geelong Gallery must meet the minimum reporting requirement that provide the necessary information to Council to allow for a full assessment of the outcomes and achievements of the annual programme. These **reporting** requirements are:

4.7.1.1 Mid Year Evaluation Report

To be submitted by 31st January in each year covered by this Agreement. This report will include:

- Statement and revised annual budget to cover any variations;
- Brief report outlining activity to date and major artistic, management and financial changes and/or issues affecting the Geelong Gallery during this period;
- Brief report of achievements to date against the agreed Key Performance Indicators; and
- Brief outline of how the Gallery's exhibitions, programmes and events relate to Council's **Culture Strategy** (as adopted).

4.7.1.2 Annual Report

To be submitted by 31st October in each year of this Agreement. The minimum contents of this report will include:

- Outline of organisational structure;
- Report from the Chair;
- Report from the Director;
- An audited financial report; and
- Statement of policy objectives.

4.7.1.3 End of Year Evaluation Report

To be submitted by 31st July in each year of this Agreement. This report will include:

- Annual evaluation of performance and achievements against the agreed Key Performance Indicators;
- Evidence of achievements to date where appropriate; and
- Outline of how the Gallery's exhibitions, programmes and events relate to Council's Culture Strategy (as adopted).

4.7.1.4 Presentation to Council

Geelong Gallery may be required to conduct a presentation to a Council Briefing Session following receipt by Council of the End of Year Evaluation Report. If so, this presentation will include:

- Annual evaluation of performance and achievements against the agreed Key Performance Indicators;
- Evidence of achievements to date where appropriate; and
- Outline of how the Gallery's exhibitions, programmes and events relate to Council's **Culture Strategy** (as adopted).

4.8. **Council Services**

Should Geelong Gallery wish to use Council services, for example – venue hire, Council equipment or any other Council services, it will be on a fee for service basis, unless otherwise agreed.

4.9. **Geelong Gallery Services**

Should Council wish to use the Geelong Gallery facilities, it will do so on a fee for service basis unless otherwise agreed.

5. Breach of Agreement

- 5.1. Either party may terminate this Agreement immediately by notice in writing to the other party if the other party is in breach of any term of this Agreement and fails to remedy the breach within thirty days of written notice by the first party.
- 5.2. Either party may terminate this Agreement immediately upon written notice to the other party if the other party:
 - 5.2.1. Is unable to or fails to pay its debts as and when they fall due;
 - 5.2.2. Suffers a Change in Control which is the reasonable opinion of the other party adversely affects the ability of that party to comply with its obligations under this Agreement;
 - 5.2.3. Is unable to satisfactorily resolve a dispute arising out of matters relating to this Agreement and having followed the Dispute Resolution process referred in clause 6; or
 - 5.2.4. Refusal by the other party to engage in the dispute resolution process or any other reasonable processes that may be determined to remedy the dispute.
- 5.3. If a party believes that the other party has wrongfully terminated this Agreement or a party is in dispute with the other party concerning the terms of interpretation of this Agreement, it may instigate the Dispute Resolution Process set out in clause 16 by giving notice in writing to the other party.

6. *Dispute Resolution*

- 6.1. If a dispute arises between the Parties concerning the terms and conditions of this Agreement or the provision of the Services, the Parties shall take immediate action to resolve the dispute at an appropriate level, in good faith, and in accordance with the following procedures:
 - 6.1.1. On the first day of normal business following receipt of written notification of a Dispute, the first Party agrees immediately to arrange for discussion with the second Party, at a time and place that is mutually convenient to both Parties.
 - 6.1.2. Such discussions are to occur before the expiration of 14 days following the initial receipt of written notification of the Dispute.
 - 6.1.3. Each Party will determine their representatives to participate in the Dispute Resolution process, as long as in so doing no conflict of interest or potential conflict of interest occurs in relation to the matters of the Dispute.
- 6.2. Written notification of an alleged breach of the Agreement or issue of Dispute shall contain the following:
 - 6.2.1. detailed and specific statement of the breach alleged.
 - 6.2.2. statement of what actions have been taken or are intended to be taken to resolve the dispute or address the alleged breach of the Agreement.
 - 6.2.3. that the discussions failed to resolve the issue to the satisfaction of Party A.
 - 6.2.4. a statement of the action intended to be taken by Party A (such action being reasonable and commensurate with the scale and consequences of the breach alleged).
 - 6.2.5. a specified day, being not before Day 28 of the Dispute, on which or after Party A intends to take action.
- 6.3. If the dispute remains unresolved following the meeting, either Party may request the dispute to be formally referred to a mutually acceptable professional arbitrator to arbitrate a resolution that may be agreed in writing between the parties.
- 6.4. The costs of engaging an independent arbitrator will be shared equally by the parties involved in the arbitration process.
- 6.5. Notwithstanding the existence of a dispute, each Party shall continue to perform its obligations under this Agreement, unless such actions would contribute further to the dispute in question or prejudice the resolution process.

7. Termination Following Breach or in Other Circumstances

- 7.1. Having initiated the Dispute Resolution Process, Council may terminate this Agreement if Council has said it may do so in a Notification and Geelong Gallery has not, by Day 28 of the Dispute, referred the dispute to Council nor remedied the breach.
- 7.2. Without having initiated or followed the Dispute Resolution Process, Council may terminate this Agreement at any time if in Council's reasonable opinion:
 - 7.2.1. a statement provided by the Geelong Gallery to Council; or
 - 7.2.2. conduct on the part of the Geelong Gallery is materially misleading or deceptive or contains a material omission.
- 7.3. Without limiting Council's other remedies, where Council terminates this Agreement under Clause 7 (2):
 - 7.3.1. the Geelong Gallery acknowledges that it is not entitled to receive or retain any funding relating to a time after such termination or to an expense not actually incurred at the time of termination; and
 - 7.3.2. Council acknowledges that it is not entitled to recover funds from the Geelong Gallery, which the Geelong Gallery has spent prior to the date of termination.
- 7.4. If Council is of the reasonable opinion that any circumstances giving rise to the Council's right to terminate this Agreement under this clause exist as a result of a misunderstanding between the Parties or an innocent mistake of the Geelong Gallery it agrees to clarify the misunderstanding or allow the Geelong Gallery to rectify the mistake prior to its decision to terminate this Agreement.

8. Audit

- 8.1. Council may at its own expense, conduct an audit of the Geelong Gallery at anytime:
 - 8.1.1. If following the monitoring or review process, Council has reasonable concerns regarding the performance of the Geelong Gallery;
 - 8.1.2. to establish or investigate the financial viability of the Geelong Gallery; or
 - 8.1.3. to establish whether funds have been applied for the purposes for which they were made.
- 8.2. The Geelong Gallery agrees:
 - 8.2.1. to co-operate with Council in relation to the conduct of any such audit;

- 8.2.2. make available all relevant information and documents required for the purposes of the audit to Council within 14 days of a written request by Council;
- 8.2.3. the Geelong Gallery agrees to comply with all laws applicable to the auditing of agencies.

9. Intellectual Property

- 9.1. The Intellectual Property of each party, which exists at the date of this Agreement, remains the property of that party.
- 9.2. If during the course of performing the services, the Geelong Gallery develops, discovers or first introduces to practice a concept, product or process which is capable of being patented, then Council acknowledges that such concept, product or process is the property of the Geelong Gallery, and Council agrees not to use, infringe or otherwise appropriate the same without first obtaining the written consent of the Geelong Gallery.

10. Confidential Information

- 10.1. The Geelong Gallery agrees to comply with and be bound by the provisions of the Information Privacy Act 2000 (Vic) (as amended or replaced from time to time) and the operating principles and applicable codes of practice contained therein, with respect to any act done or practice engaged in, by Geelong Gallery, its employees, agents or subcontractors.
- 10.2. Geelong Gallery must not communicate, publish, release or disclose to any person, information provided to the Geelong Gallery by Council specifically for the purpose of delivery of the Services, likely to lead to the identification of a client or clients without the informed consent of the client, where the client has legal capacity to give consent; and as required by law.
- 10.3. The Geelong Gallery shall procure from each person likely to access information referred to in this clause employed or engaged by it, including each Third Party and each person a Third Party employs or engages, an undertaking that that person will not communicate, publish, release or disclose information in terms no less onerous than those in this clause.
- 10.4. Except as required by law, Council agrees to ensure that neither it, nor any person within its control, communicates to a third party any information provided to Council by the Geelong Gallery concerning the internal, financial or other affairs of the Geelong Gallery, its employees, volunteers and agents.

11. Variation of Agreement

Any variation on this Agreement shall only be made by agreement, in writing, between Council and the Geelong Gallery.

12. The Agreement

Representatives of the parties listed below agree to the conditions under which the funding specified in this Agreement is provided.

SIGNED FOR AND ON BEHALF OF THE GREATER GEELONG CITY COUNCIL

.....

**Darryn Lyons
Mayor**

Dated this day of 2014

**SIGNED FOR AND ON BEHALF OF THE GEELONG ART GALLERY
INCORPORATED**

.....

**Terry Wills Cooke
President
The Geelong Art Gallery Incorporated**

Dated this day of 2014

4. LOCAL GOVERNMENT WASTE FORUM REPRESENTATIVE

Portfolio:	Environment and Sustainability - Cr Richards
Source	City Services
General Manager:	Gary Van Driel
Index Reference	Waste Management

Purpose

To endorse the appointment of Council's representative to the Barwon South West Waste and Resource Recovery Region Local Government Waste Forum.

Summary

- Throughout 2013 the State Government, through the Minister for Environment and Climate Change, has been preparing for reforms to the governance of waste management with the preparation of the Getting Full Value - Victorian Waste and Resource Recovery Policy (VWRR Policy) and its associated documents, the Ministerial Advisory Committee Report (MAC Report) and the State Waste and Resource Recovery Infrastructure Plan (SWRRI Plan).
- With the release of drafts of each of these documents this Council has provided input that generally supports the direction proposed.
- The MAC Report recommended the reduction of the number of regional waste management groups from thirteen to seven, including the retention of the Metropolitan Waste Management Group. This Council has been included in the Barwon South West Group.
- These groups will be referred to as Waste and Resource Recovery Groups (WRR Groups) and each will be managed by a board of directors.
- The MAC Report also recommended the establishment of Waste and Resource Recovery Region Local Government Waste Forums (Waste Forums), comprising of a councillor representative from each Council in a group, to provide for local government input to the boards of the WRR Groups.
- The MAC Report recommendations have been adopted by the State Government and are currently being enacted in amendments to the Environment Protection Act 1970 through the Environment Protection and Sustainability Victoria Amendment Bill 2014.
- The Waste Forum for each region will be required to nominate four of its councillor representatives to the Minister for the recommendation of the Minister to the Governor in Council to become directors of that region's board.
- Following advertisement of positions and selection the Minister will also recommend four independent and appropriately skilled persons for approval of the Governor in Council to also become directors of that region's board.
- Boards are to be established by 1 August 2014.
- Advice has been received from the Department of Environment and Primary Industry that it now requires Council's endorsement of the appointment of a councillor to the Barwon South West Waste and Resource Recovery Region Local Government Waste Forum.

- One of the first functions of each Waste Forum will be to nominate the four councillor representatives to the Minister for recommendation to become directors of the region's board. Each Waste Forum will also be required to develop its own set of operating guidelines.
- Cr Andy Richards, Cr Lindsay Ellis and Cr Eddy Kontelj are the current directors on the Barwon Regional Waste Management Group.
- The Council may also nominate an officer to the Forum as a non voting Advisory Member. It is considered that the General Manager City Services should be nominated as the Council's Advisory Member, with the authority to nominate an alternative officer as deemed appropriate from time to time.

Cr Richards moved, Cr Irvine seconded -

That Council:

- 1) endorse the appointment of the Environment and Sustainability Portfolio Holder to the Barwon South West Waste and Resource Recovery Region Local Government Waste Forum for 2014/15 as the representative of the Greater Geelong City Council; and**
- 2) nominate the General Manager City Services as Council's Advisory Member to the Forum with the authority to nominate an alternative officer.**

Amendment

Cr S Kontelj moved, Cr Heagney seconded -

That Council:

- 1) endorse the appointment of Cr E Kontelj to the Barwon South West Waste and Resource Recovery Region Local Government Waste Forum for 2014/15 as the representative of the Greater Geelong City Council; and**
- 2) nominate the General Manager City Services as Council's Advisory Member to the Forum with the authority to nominate an alternative officer.**

Lost.

The motion was then put and carried.

Background

Throughout 2013 the State Government, through the Minister for Environment and Climate Change, has been preparing for reforms to the governance of waste management with the preparation of the Getting Full Value - Victorian Waste and Resource Recovery Policy (VWRR Policy) and its associated documents, the Ministerial Advisory Committee Report (MAC Report) and the State Waste and Resource Recovery Infrastructure Plan (SWRRI Plan).

The MAC Report recommended the reduction of the number of regional waste management groups from thirteen to seven, including the retention of the Metropolitan Waste Management Group. This Council is included in the Barwon South West Group.

The MAC Report recommendations have been adopted by the State Government and are currently being enacted in amendments to the Environment Protection Act 1970 through the Environment Protection and Sustainability Victoria Amendment Bill 2014.

The MAC Report also recommended the establishment of Regional Waste and Resource Recovery Region Local Government Waste Forums (Waste Forums), comprising of a councillor representative from each Council in a group, to provide for local government input to the boards of the WRR Groups.

This Waste Forum would then nominate four council representatives to the Minister for recommendation of the Minister to the Governor in Council to become directors of that region's board.

Following advertisement of positions and selection the Minister will recommend four independent and appropriately skilled persons for approval of the Governor in Council to also become directors of that region's board.

Boards are to be established by 1 August 2014. .

This structure is the same as that in existence since 2006 under the Melbourne Metropolitan Waste Management Group.

The functions of the WRR Groups within their region will be to:

- a. plan for the future needs of waste and resource recovery infrastructure consistently with the State Waste and Resource Recovery Infrastructure Plan
- b. facilitate the provision of waste and resource recovery infrastructure and services by councils
- c. facilitate the development of contracts for the joint procurement of waste and resource recovery facilities and services
- d. manage contracts
- e. work with Sustainability Victoria, councils, businesses and communities to ensure that state wide waste and resource recovery education programs are adapted to the needs of their region and to deliver those education programs
- f. advise Sustainability Victoria, councils and businesses on best practice and support the region's Local Government Waste Forum, and to
- g. undertake waste and resource recovery projects as funded by government, councils and other organisations.

The functions of the Waste Forums will be to:

- a. nominate to the Minister the four persons who are to be the representatives of councils for the purpose of appointment as directors of the WRR Group boards
- b. develop procedures for the nomination of these persons
- c. be a conduit for consultation between the WRR Group and local government and for advice to WRR Group boards on matters and issues affecting the role of local governments in waste management and recovery.

The establishment of the Waste Forums is recognition of the ongoing role of local government in providing waste and resource recovery services.

The proposed process for establishment of the new groups is as follows:

- February 2014: Minister for Environment and Climate Change makes a request of Mayors to nominate local council representatives for their relevant region's Waste Forum
- March 2014: Councils consider their nominees to the Waste Forums and initial preparation for the first meeting of the Waste Forums, including preparation of the Waste Forum's draft operating procedures by a steering committee comprising of current directors to the existing regional boards..
- April 2014: Initial Waste Forum meetings held to appoint Chair and Deputy Chair, endorse the Waste Forum's operating procedures and nominate the four local government board members to the Minister.
- August 2014: New WRR Groups commence operation.

Advice has been received from the Department of Environment and Primary Industry (DEPI) that it is now seeking endorsement of the appointment of a councillor to the Barwon South West Waste and Resource Recovery Region Local Government Waste Forum.

Nominees to the Waste Forum are required to complete a national police check application and consent form, provide a diversity information and privacy consent form and a current CV.

Discussion

With the release of the drafts of each of the VWRR Policy and its associated documents, the MAC Report and the SWRRI Plan documents, this Council has provided input that generally supported the directions proposed.

However, in supporting the recommendations of the MAC Report Council did specifically request that, as the major regional centre within the Barwon South West region, it be granted a position on the Board as one of the four directors appointed from local government. This position was supported by the City of Ballarat and the Greater City of Bendigo and joint representation was made to the Minister on 10 February 2014. Under the current provisions it will be up to the individual Waste Forums to decide how and therefore who it recommends to the Minister. To date no response has been received from the Minister.

In lieu of a response from the Minister it is considered that Council should proceed with its nomination to the Waste Forum.

Cr Andy Richards, Cr Lindsay Ellis and Cr Eddy Kontelj are the current directors on the Barwon Regional Waste Management Group. It is considered appropriate to nominate the Portfolio Councillor for Environment and Sustainability to provide input from Councils perspective regarding Waste issues.

Also, the Waste Forum will be required to adopt its own set of operating guidelines. DEPI has provided a draft set of guidelines that includes the ability for Council to nominate an officer as an Advisory Member to the Waste Forum. According to these draft operating guidelines the Advisory Member is 'able to participate fully in all Forum proceedings and activities but does not hold a vote'.

For expediency it is considered that Council should nominate this officer now in anticipation of the Barwon South West Waste and Resource Recovery Region Local Government Waste Forum adopting operating guidelines that includes the ability for Council to nominate an Advisory Member to the Waste Forum.

As the General Manager responsible for Council's waste services it would appear most appropriate for this nominee to be the General Manager City Services, with the ability to nominate an alternative officer as this General Manager deems to be appropriate from time to time.

Advice has been received that the first meeting of the Barwon South West Local Government Forum will be held in Camperdown on 29th April 2014.

Environmental Implications

Regional waste management groups contribute to a better environment in Victoria by providing co ordination of the planning and development of waste and resource recovery infrastructure and services.

With the changes currently being legislated the continuing role of these groups is dependent upon the nomination of local government representatives to the Waste Forums.

Financial Implications

There are no financial implications as a result of the recommendation in this report. Council does support the existing Regional Waste Management Group with project funding support of \$96,000 per annum.

Policy/Legal/Statutory Implications

The recommendation in this report provides for Council to comply with State Government legislation.

Alignment to City Plan

Support our community to live sustainably: Leading the way in waste management practices and continue to reduce the amount of waste to landfill.
Sustainable Built and Natural Environment: Partnering with our community to protect and enhance our natural ecosystems as well as encouraging reduced resource consumption.

Officer Direct or Indirect Interest

No Council staff involved in the preparation of this Report has a direct or indirect interest in the matter to which the report relates.

Risk Assessment

There are no assessed risks resulting from the recommendation in this report.

Social Considerations

There are no social considerations resulting from the recommendation in this report.

Human Rights Charter

There are no human rights charter issues resulting from the recommendation in this report.

Consultation and Communication

There are no consultation and communication outcomes resulting from the recommendation in this report.

5. CHIEF EXECUTIVE OFFICER RECRUITMENT

Portfolio:	Governance – Cr Lyons (Mayor)
Source	Office the Mayor
A/General Manager:	Michael Kelly
Index Reference	Organisational Development

Purpose

The purpose of this report is to seek the formation of a Special Committee of Council for the purposes of recruitment for the Chief Executive Officer position, and to endorse the engagement of suitable recruitment agencies to provide quotations for role profiling, search and selection services.

Summary

- The Chief Executive Officer, Stephen Griffin, has tendered his resignation with his final day of employment being 24 April 2014.
- In accordance with the Local Government Act 1989, recruitment for a new Chief Executive Officer should commence as soon as is reasonably practicable after a vacancy in the position occurs.

Cr Richards moved, Cr Heagney seconded -

That:

- 1) **Council adopt a Special Committee of Council be formed consisting of Cr Lyons (Mayor), Cr Harwood (Deputy Mayor) and Crs Fisher, Heagney and Irvine to engage directly with the Manager, Organisational Development and the appointed Executive Recruitment Agency on all matters pertaining to the recruitment of the Chief Executive Officer;**
- 2) **the Terms of Reference for the Special Committee be adopted (see Appendix 5-1);**
- 3) **the Manager, Organisation Development source appropriate recruitment agencies for the purposes of providing quotes to render services in relation to the recruitment of the Chief Executive Officer.**

Procedural Motion:

Cr S Kontelj moved, Cr Ansett seconded –

That the report be deferred.

Lost.

Division Requested:

For:	Crs Ansett, S Kontelj, Nelson
Against:	Crs Ellis, Fisher, Farrell, Harwood, Macdonald, Richards, Heagney, Irvine

The motion was carried.

Carried.

Background

Following advice from the current Chief Executive Officer not to accept a renewal of his employment contract, Council determined as follows:

That Council authorises the Mayor, in consultation with Councillors, to initiate the recruitment process for a new Chief Executive Officer by selecting a suitable Executive Recruitment agency to assist Council with the process.

Discussion

Selection Committee

In undertaking the selection of an agency and recruitment of a Chief Executive Officer, Council should establish a clear, transparent and accountable process, while ensuring that the privacy of candidates is protected. To achieve this, two options have been examined for appointment of a Special Committee under section 86 and 87 of the Local Government Act:

Option 1

The Mayor and four Councillors, with a quorum of 3 Councillors

Option 2

The Mayor, two Councillors and one or two external nominations (community representatives). Quorum 3 members.

A committee based on one of the above options can be provided with delegated powers to undertake part or all of the process, however the appointment of a Chief Executive Officer would rest with Council. The Committee of a maximum 5 representatives is recommended based on previous Chief Executive Officer recruitment processes to provide a workable group with flexibility to meet as required.

The Committee would report back to the Council at appropriate intervals during the recruitment process. Terms of Reference for the "Selection Committee - Chief Executive Officer Recruitment" is attached as Appendix 5-2. The role of the Committee includes:

- To finalise project brief for Executive Recruitment agencies;
- To determine the range of remuneration package to be offered;
- To interview and select an Executive Recruitment Agency to assist Council in conducting the process;
- In consultation with the appointed agency undertake necessary steps in the process;
- To short list and interview applicants;
- Making a final recommendation to Council.

Environmental Implications

No known environmental implications

Financial Implications

Anticipated costs for the recruitment process including agency and advertising costs are estimated to be in the order of \$70,000 to \$80,000. These unbudgeted costs will be reported as projection changes in 2013-2014 Financial management reports.

Policy/Legal/Statutory Implications

There are some specific requirements in the Local Government Act relative to the appointment of a Chief Executive Officer.

- 1) A Council must appoint a natural person to be its Chief Executive Officer.
- 2) The Chief Executive Officer is a member of Council Staff.
- 3) A Council may only appoint a person to be its Chief Executive Officer after it has invited applications in newspapers circulated generally throughout Victoria, and has considered all applications received by it that comply with the conditions specified in the notice.

While the appointment is to be made by the Council, a Committee may be appointed in accordance with Sections 86 & 87 of the Local Government Act 1989 with delegated powers to undertake designated steps in the recruitment process.

Alignment to City Plan

The Manager Organisation Development, and/or the selected Executive Recruitment Agency would be required to engage the Executive Management Team in order to ensure the recruitment brief reflects the strategic initiatives of the City Plan.

Officer Direct or Indirect Interest

There is no officer direct or indirect conflict of interest.

Risk Assessment

A professional approach to the recruitment will minimise risk. It is important that attendance at meetings of the Committee be consistent. Unless committee members can attend all interviews they should not participate in interviews at all. To maintain a workable committee it is preferable that membership be limited to four or five, however if greater numbers are involved all participants should consider the time commitment having regard to the Easter holiday period.

Social Considerations

No known social considerations.

Human Rights Charter

Human Rights Charter has been considered and there are no known impacts identified.

Consultation and Communication

At the appropriate time the vacancy will be publicly advertised. It is imperative that information regarding candidates remain strictly confidential throughout the process.

Appendix 5-1

**Greater Geelong City Council
Instrument of Delegation
Selection Committee - Chief Executive Recruitment**

Council delegates to the special committee established by resolution of Council passed on 25 March 2014 and known as the "Selection Committee - Chief Executive Recruitment" ("the Committee"), the powers and functions set out in the Terms of Reference, and declares that:

1. the delegation:
 - 1.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 1.2 remains in force until such time as Council enters a contract for a Chief Executive Officer to replace the incumbent or Council resolves to vary or revoke the delegation; and
 - 1.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
2. the purposes of the Committee are those set out in the Terms of Reference.
3. the Committee comprises the Mayor, as Chairperson, Deputy Mayor and Councillors Fisher, Heagney and Irvine.
4. the Committee is required to report to Council at the intervals specified in the Terms of Reference.
5. the quorum for the Committee shall be 3 Councillors.
6. all members of the Committee have voting rights on the Committee.

THE COMMON SEAL of GREATER)
GEELONG CITY COUNCIL was affixed)
hereto in the presence of:)

Mayor

Chief Executive Officer

Appendix 5-2



COMMITTEE TERMS OF REFERENCE

Selection Committee - Chief Executive Recruitment	Document No:	CTR5.2
	Approval Date:	18-03-2014
	Approved By:	Council
	Review Date:	
Responsible Officer: Manager Organisation Development	Expiry Date:	
	Version No:	
Authorising Officer:		

1) SUMMARY

The Selection Committee - Chief Executive Recruitment has been appointed by Council as a Special Committee pursuant to Section 86 & 87 of the Local Government Act 1989 to oversee the recruitment of a Chief Executive Officer.

2) OBJECTIVES

To recommend to appointment of a Chief Executive Officer through a process which is clear, transparent, open and accountable.

To establish the authority and responsibility conferred by Instrument of Delegation conferred by Council on the Selection Committee - Chief Executive Recruitment.

3) DEFINITIONS

"Contract" refers to the Chief Executive Employment contract.

"Instrument of Delegation" refers to the Delegation conferred on the Committee by resolution of Council on 25 March 2014.

4) TERMS OF REFERENCE

4.1. Expected / Definite life of the Committee

- The Committee shall cease to function upon the appointment by Council of a Chief Executive Officer to replace the incumbent whose term concludes in April 2014

4.2. Constituency of the Committee

The Mayor, Deputy Mayor and Councillors Fisher, Heagney and Irvine.

The quorum is 3 Councillors.

4.3. Authority of the Committee

- To finalise project brief for the purpose of seeking registrations of interest from Executive Recruitment agencies.
- To determine the range of remuneration package to be offered.
- To review registrations of interest received from Executive Recruitment agencies, interview and select a firm to assist Council in conducting the process.
- In consultation with the appointed agency:
 - establish a timetable for the recruitment process;
 - develop a recruitment profile that identifies core competencies for the position;
 - arrange advertising of the position;
 - interview short listed candidates;
 - all communications with the agency to be through the Mayor unless otherwise determined by the Council.
- To report to Council on its actions and making a recommendation for consideration by Council as to the preferred candidate.
- To authorise payment of the agency expenses within the agreed fee structure.
- If necessary, authorise reimbursement of out of pocket travel expenses incurred by applicants selected for interview.
- To appoint any sub-committee deemed necessary to research and provide advice to the Committee.

4.4. Meeting Procedure

- The committee shall be chaired by the Mayor and may determine its meeting procedures.

4.5. Reporting Requirements

- The Committee shall report back to the Council at appropriate intervals during the recruitment process to advise the Council on progress. Reporting may include:
 - advice of appointment of a recruitment agency to assist Council;
 - details of remuneration package for Chief Executive Officer;
 - at close of applications, provide general information on the level of interest;
 - upon short listing of applicants by the Committee.
- The Committee shall report to Council at the earliest opportunity after it has conducted interviews, making its recommendation to Council regarding the appointment of a Chief Executive Officer.

4.6. Secretariat

- The agency shall primarily be responsible for secretarial support to the Committee. Where necessary, the Governance Unit may assist.

4.7. Facilities & Resources

- Where necessary the Committee may call upon the services of the Manager Organisation Development or other Council staff.

5) QUALITY RECORDS

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

Record	Retention/Disposal Responsibility	Retention Period	Location
Instrument of Delegation	Not Applicable	Permanent	Council Minutes
Applications for Position Chief Executive Officer		Permanent	Corporate Records
File G250-01-05	Corporate Records	Permanent	Corporate Records

6) ATTACHMENTS

- Nil

6. REVIEW OF COUNCIL POLICIES

Portfolio:	Governance - Cr Lyons (Mayor)
Source	Corporate Services - Administration and Governance
A/General Manager:	Michael Kelly
Index Reference	Subject Policies and Procedures

Purpose

To review and update Council Policies on Information Privacy and Health Records and Unmade Roads.

To rescind the Cash Handling and Merchandise Control policy and Sponsorship of Council Assets, Services and Activities.

To seek EMT endorsement for the Information Privacy procedure and Sponsorship of Council Assets, Services and Activities management policy and procedure.

Summary

- Council policies are developed to provide guidance for the various services and functions of the City of Greater Geelong.
- The policies presented in this report were due for review and have been updated where required.
- Approved policies are made available to the public through Council's website.

Cr Macdonald moved, Cr Heagney seconded

That Council endorse the following policies:

- 1) Information Privacy & Health Records CPL545.1 and Unmade Roads Development CPL250.5;**
- 2) Rescind the Cash Handling and Merchandise Control CPL510.3 and Sponsorship of Council Assets, Services and Activities CPL295.9.**

Carried.

Background

Council policies are reviewed regularly to ensure that they are current and remain relevant.

Discussion

The Information Privacy & Health Records Policy that was approved in 2010 has been reviewed and no changes to content have been recommended, only cosmetic changes. This policy meets the requirements set out in the Information Privacy Act 2000 and Health Records Act 2001. It establishes Council's position in relation to the management and handling of personal and health information.

The Unmade Roads Development Policy was approved by Council in 2010 and the amendment has been made to include dust suppression factors as one of the criteria to take into consideration when assessing the annual works program.

The Cash Handling and Merchandise Control policy and the Sponsorship of Council Assets, Services and Activities policy are to be rescinded as they are now covered off in organisational management policies.

For consideration by the Executive Management Team - these policies and procedures do not need to proceed to Council.

1. Sponsorship of Council Assets, Services and Activities policy

The Council policy was endorsed in 2002 and there has been limited application.

It is worthwhile noting that the policy did not cover:

- Sponsorships provided by the City in accordance with the Grants, Contributions, Donation and Sponsorship policy (CPL295.1)
- Sponsorship with various sporting clubs and organisation which are covered by Council policy for Recreation Reserve Advertising signage.

And as a consequence of feedback received an additional exclusion to the policy is now proposed:

- sponsorship arranged and paid to entities such as event owners, organisers or contractors who partner with the City to stage events within the municipality.

Given the limited application of the Council policy, the number of exclusions and the need for various internal referrals it is proposed to rescind the Council policy and establish a management policy and procedure. This management policy addresses all key aspects and considerations in potentially accepting a proposed sponsorship.

The policy has been circulated for comment and consultation with relevant departmental stakeholders. The Events Unit requested the above exclusion clause. Feedback from the Community Services Division has been considered and the following changes have been incorporated:

- Inclusion of a sponsorship checklist, including Healthy Together considerations, relevance to City Plan etc.
- Encouraging sponsorship that aligns with the City's Healthy Together program.

2. The Information Privacy and Sponsorship procedures have also been reviewed with only minor changes to outdated references.

Environmental Implications

The proposal to update these policies has no environmental implications.

Financial Implications

Sponsorship can help reduce the cost to the City of current activities or programs or provide funding to develop new ones. In return, sponsors gain the benefit of exposure. The policy provides that the City should not enter into proposals where the value outweighs the benefits and must be subject to agreement by all concerned parties.

There are no financial implications associated with the review of the other policies.

Policy/Legal/Statutory Implications

These policies have been developed in accordance with relevant legislation.

Alignment to City Plan

The policies align with How we do Business.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report had a direct or indirect interest.

Risk Assessment

Clearly articulated policies provide Council with a consistent and publicly declared position. This will assist in reducing the risk and negative consequences to Council that may occur through inconsistent decision making, actions or practices.

Social Considerations

Social considerations have been taken into account in the development of Council policies.

Human Rights Charter

Human Rights are considered in the updated policies, particularly in relation to people's right to privacy.

Consultation and Communication

Once approved, the Council policies will be accessible through Council's internet website. Relevant stakeholders were consulted in the update of the sponsorship proposal and consequent amendments made.

NOTICE OF MOTION – Cr Andy Richards

GROVEDALE EAST KINDERGARTEN CLOSURE

Grovedale East Kindergarten, located within the Uniting Church facility at 274 Torquay Road, Grovedale will close at the end of 2014. The Uniting Church will use the space currently occupied by the kindergarten to accommodate the services that have previously been provided from their South Geelong facility, which has recently been sold.

Grovedale East Kindergarten is managed by Geelong Kindergarten Association and has a strong parent advisory group. In 2014 up to 45 four year old children and 20 three year old children are enrolled at the kindergarten. While we are confident that the children can be accommodated with local services, there is concern about the long term impact of loss of this kindergarten.

Early years service and infrastructure planning for Grovedale East/Marshall will need to be revised taking into account the loss of this kindergarten, expected population growth and identified vulnerabilities of families and children.

Cr Richards moved, Cr Macdonald seconded -

That Council:

- 1) notes the planned closure of Grovedale East Kindergarten at the end of 2014;**
- 2) writes to the Uniting Church to seek further information regarding the closure.**

Carried.

Cr Fisher declared a Direct Interest in Notice of Motion – Planning Scheme Amendment C300 in that she is a signature to a petition in relation to the matter and left the meeting room prior to discussion at 8.50pm.

NOTICE OF MOTION – Cr Heagney

At its meeting on 25 February 2014 Council considered a report on submissions to Planning Scheme Amendment C300. This amendment is to implement the State Government's new residential zones.

Council passed the following resolution:

That Council, having considered all submissions to Amendment C300 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 Independent Panel; and*
- 3) Submit to the Independent Panel its response to the submissions generally as outlined in this report.*

The Council report of 25 February 2014 described 6 changes to the exhibited amendment in response to the submissions. The changes included: reducing the maximum height limit in the Residential Growth Zone (RGZ) from 13.5m to 10.5m; amending the boundaries of the RGZ at two locations in Newtown and updating the Increased Housing Diversity Area Policy to make further reference to building height and heritage areas.

In response to further concerns from the community regarding the conflict between heritage areas and the proposed Residential Growth Zone, further changes are recommended to the amendment.

This notice of motion proposes to make further changes to the Amendment and for officers to present this revised position on behalf of Council at the upcoming Panel Hearing.

It is proposed that the parts of Geelong West, Belmont and Newtown that are within precincts covered by heritage overlays and which were to be rezoned Residential Growth Zone should now be zoned General Residential Zone (GRZ1) - the State Government's standard General Residential Zone. These changes are proposed on a precinct basis and not for scattered properties that may be subject to a heritage overlay. The proposed changes to the zoning maps are shown on the attached maps.

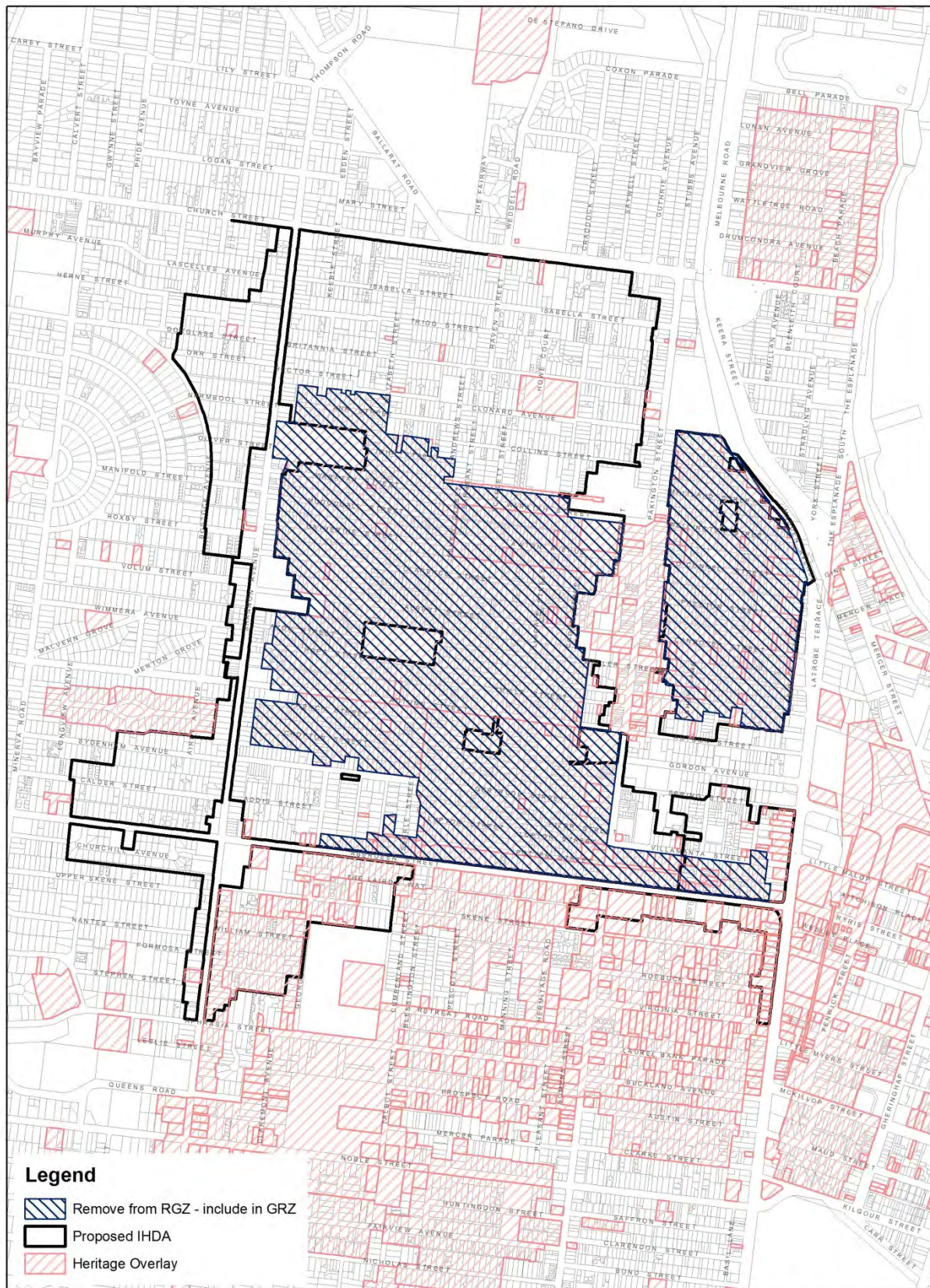
The intention is that these areas still should be shown as Increased Housing Diversity Areas (IHDAs) in the planning scheme as they are within walking distance of activity centres. However they should be zoned GRZ to reflect the constraint posed by the heritage overlay and the local communities concerns.

Cr Heagney moved, Cr S Kontelj seconded -

That Council revise its response to submissions to Amendment C300 (as outlined in the Council minutes of 25 February 2014) with the following additions:

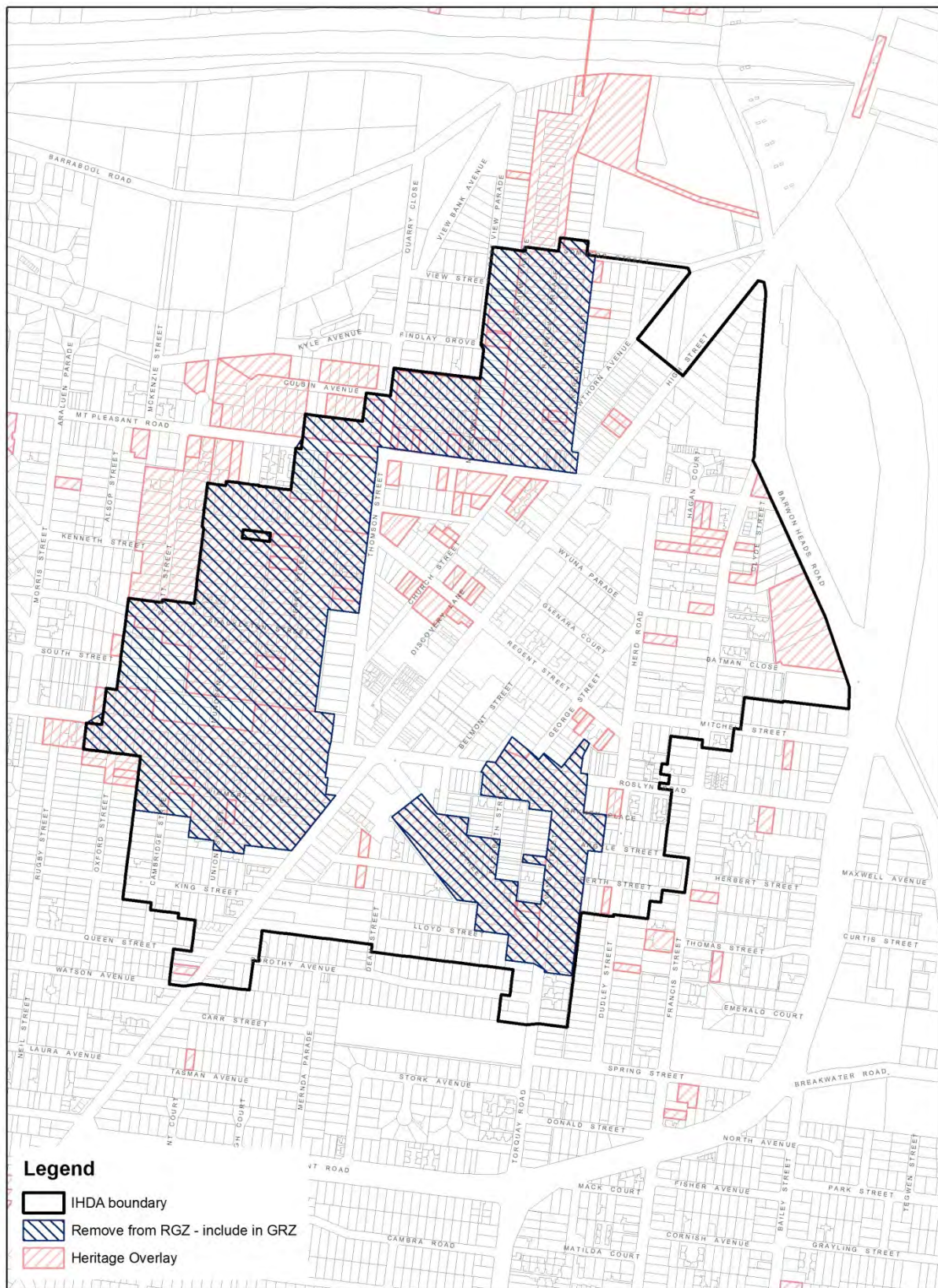
- 1) Amend the proposed zoning of areas in Geelong West, Belmont and Newtown that are located within heritage overlays (precinct based) that were exhibited as Residential Growth Zone to General Residential Zone Schedule 1 (as per the attached maps).**
- 2) Confirm that the areas proposed for rezoning to General Residential 1 as described at 1 above are still be shown as Increased Housing Diversity Areas (IHDAs).**

Carried.

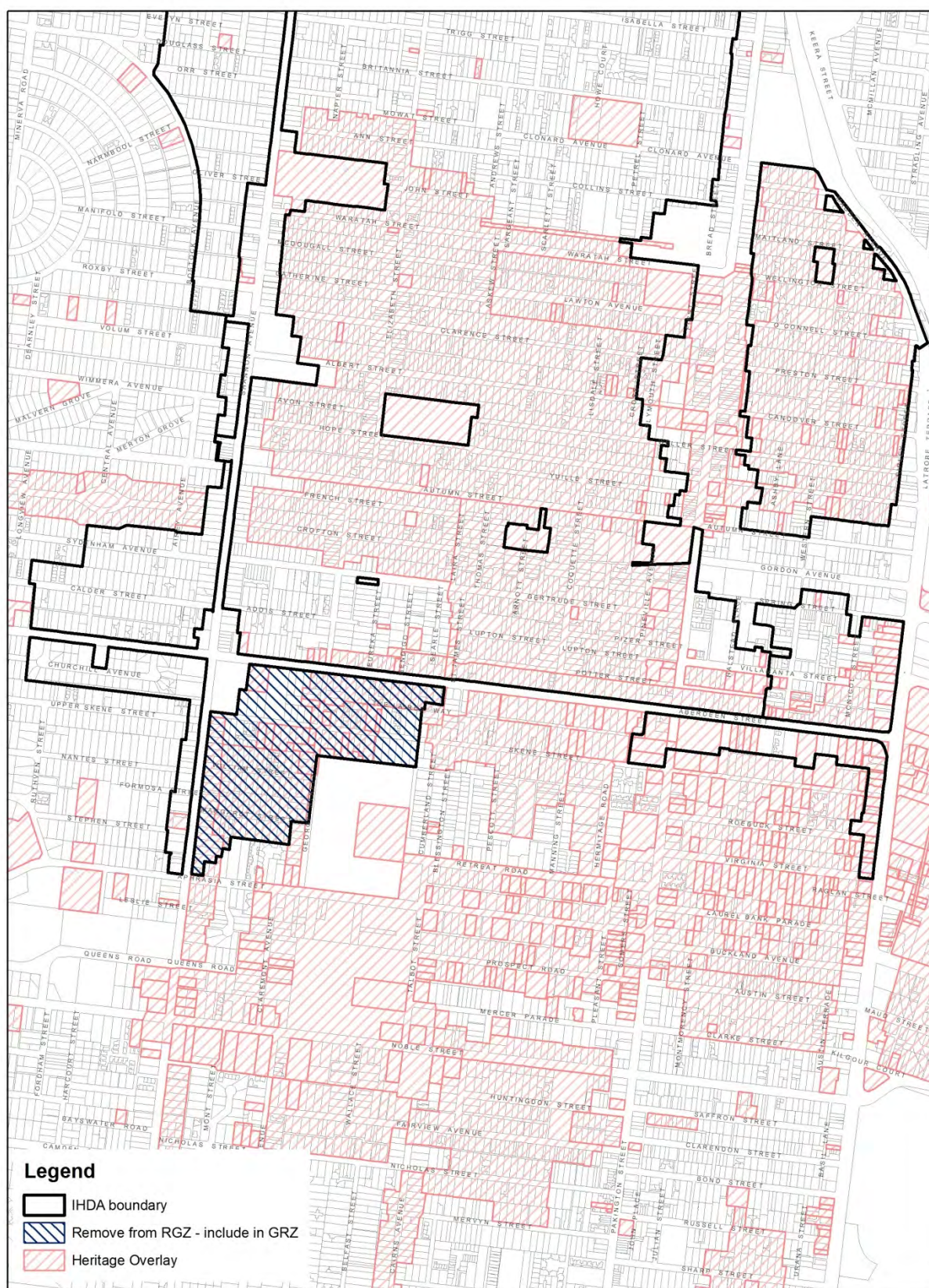


Map 1: Geelong West

0 75 150 300
Meters



Map 2: Belmont 0 50 100 200 Meters



Map 3: Newtown

Cr Fisher re-entered the meeting room at 9.06pm.

ASSEMBLY OF COUNCILLORS RECORD

Portfolio: Governance – Cr Lyons (Mayor)
Source: Corporate Services
Act/General Manager: Michael Kelly

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 Macdonald moved, Cr Fisher seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 25 March 2014)

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
Geelong Gambling Advisory Committee 25 February 2014	Cr Farrell	S Levakis (OFF) J Wager (CO ORD)	• Responsible Gambling Awareness Week 2014 • Geelong Gambling Forum • Gambling Social Policy/MSS Review • Gambling Action Plan • Gambling Advisory Committee Terms of Reference • Victorian Gamblers Help Services Review • Victorian Pre-Commitment Program • Responsible Gambling Ministerial Advisory Council • International Gambling Conference • Victorian Commission for Liquor and Gambling Regulation Electronic Gambling Machine Transfer Market • Armstrong Creek Planning Policy	Nil.
Councillor Briefing 18 March 2014	Crs Ansett, Ellis, Farrell, Fisher, Harwood, Heagney, Irvine, E Kontelj, S Kontelj, Macdonald, Richards	S Griffin (CEO) J McMahon (GM) P Bettess (GM) G Van Driel (GM) D Frost (GM)) J Brown (MGR) K Paton (MGR) K Fulton (A/MGR) K Pritchard (MGR) T McDonald (MGR) A Grant (PROP ADV)	• Geelong Gallery Triennial Funding Agreement • National Disability Insurance Agency • Customer Services Face-to-Face (Confidential) • Local Government Waste Forum Representative • Sale of Land Matrix (Confidential) • Disability Action Plan 2013-2017 • Mayor's Charitable Fund • Chief Executive Officer Recruitment Process • Council Policies	Nil.

PLANNING DELEGATIONS

Portfolio:	Planning – Cr Heagney
Source:	Planning & Tourism - City Development
General Manager:	Peter Bettess
Index Reference:	Delegation

Summary

- Section 98 of the Local Government Act 1989 and section 188 of the Planning and Environment Act 1987 empower Council to delegate its powers, duties and functions under relevant legislation to members of Council staff.
- Council may also delegate to committees comprising Councillors and staff or a combination of both, pursuant to sections 86 and 87 of the Local Government Act and section 188 of the Planning and Environment Act.
- At its meeting on 13 March 2007 Council established a Planning Committee and a Development Hearings Panel with delegated powers to determine upon any development applications which have been the subject of an objection or in circumstances where officers have recommended refusal of the application.
- At its meeting on 23 September 2008 Council adopted a recommendation to allow Officers (restricted to Manager, Coordinator and Team Leader level) the ability to consider and approve applications with five or less objections.
- The appendix to this report contains a schedule of all applications determined under these delegations.

Cr Heagney moved, Cr Macdonald seconded -

That the information be received.

Carried.

MONTHLY DECISIONS REPORT - FEBRUARY 2014

App No	Location	Application Type	Description	Decision Date	Objectors
1236/2013	560 Anakie Road, LOVELY BANKS VIC 3213	Buildings and Works (Multi Purpose Gymnasium) in Association with Use of the Land as an Education Centre	NOD - Delegate	04/02/2014	Delegates Authority - Objectors 2
1415/2013	3 Thomas Street, BELMONT VIC 3216	Development of the land for three (3) single storey dwellings and three (3) lot subdivision	NOD - Delegate	18/02/2014	Delegates Authority - Objectors 2
383/2012	1/124 Ryrie Street, GEELONG VIC 3220	Buildings and Works, Change of Use to Accommodation (Student Accommodation), Reduction of Car Parking Requirements and Display of Advertising Signage	NOD - Delegate	18/02/2014	Delegates Authority - Objectors 3
550/2013	34 Nottingham Street, PORTARLINGTON VIC 3223	Buildings and Works Associated with the Construction of an Extension to an Existing Dwelling Greater than 7.5 Metres in Height	NOD - Delegate	27/02/2014	Delegates Authority - Objectors 2
943/2013	14 Roslyn Road, BELMONT VIC 3216	Development of the Land for Two Dwellings (A Second Dwelling to the Rear of the Existing Dwelling) and a Two (2) Lot Subdivision	NOD - Delegate	19/02/2014	Delegates Authority - Objectors 2
1031/2013	1A Sylvester Avenue, ST LEONARDS VIC 3223	Conversion of Existing Dwelling into Four (4) Dwellings	NOD -Grant a Planning Permit	07/02/2014	Development Hearings Panel
645/2013	63-65 Sunderland Road, WANDANA HEIGHTS VIC 3216	Construction of Three Double Storey Dwellings and Three Lot Subdivision	NOD -Grant a Planning Permit	07/02/2014	Development Hearings Panel
1309/2013	171-179 Princess Street, DRYSDALE	Two (2) Lot Subdivision of Land Containing Two (2)	NOD -Refused to Grant a Planning Permit	07/02/2014	Development Hearings Panel

URGENT BUSINESS

Note: Introduction of Urgent Business requires a two-thirds majority vote.

Cr Ellis proposes to raise the following item as Urgent Business:

Cr Ellis moved, Cr Farrell seconded -

That Council considers as Urgent Business a motion concerning the sale of Ann Nichol House in Portarlington. This business is urgent because it was announced on the weekend that Ann Nichol House, a residential aged care home owned and managed by Bellarine Community Health, is to be sold. The local community is concerned about the impact of this decision on the large population of older residents who live on the Bellarine and who seek to age in place.

Carried.

Cr Ellis moved, Cr Farrell seconded -

That Council write to the:

- 1) Chair of Bellarine Community Health voicing its concern at the sale of Ann Nichol House and calls for a review of this decision;**
- 2) Federal Assistant Minister for Social Services, the Hon Mitch Fifield, State Minister for the Environment, the Hon Ryan Smith, and State Minister for Ageing, the Hon David Davis, requesting they intervene in the sale of Ann Nichol House and convene urgent discussions with the residents and families, community and key stakeholders about the future of residential care on the Bellarine.**

Carried.

Division Requested:

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

URGENT BUSINESS

Note: Introduction of Urgent Business requires a two-thirds majority vote.

Cr Fisher proposes to raise the following item as Urgent Business:

Cr Fisher moved, Cr Macdonald seconded -

That Council considers as Urgent Business a motion concerning World Autism Awareness Day.

Carried.

Background

World Autism Awareness Day is supported by thousands of people around Victoria, as well as across Australia and around the world.

We are extremely lucky to have a dedicated group of parents and care givers in Geelong who have brought a version of Melbourne's Autism Walk to Geelong.

The walk has been in Geelong for 2 years, this year being the 3rd, and is extremely successful with around 500 people participating and a particular highlight of the Geelong Walk as well as Ballarat's Walk is a "Balloon Release" that signifies unity for all those attending.

Council has provided support to each of the walks through our events unit and through Councillor and Mayoral attendance, though each year we have had discussions around a "balloon release", and this year is no different.

The organizers have gone to lengths to make sure all balloons and string are biodegradable so as not to harm the environment.

The report tonight asks that Council allow a balloon release for the 2014 Autism Walk being held on Sunday, 6 April.

Cr Fisher moved, Cr Ansett seconded -

That:

- 1) Council resolves to allow a Balloon Release for the 2014 Autism Walk being held on 6 April;**
- 2) a further report come back to Council on future balloon releases in the municipality.**

Carried.

CLOSE OF MEETING

As there was no further business the meeting closed at 10.00pm. Tuesday, 25 March 2014.

Signed: _____
Chairperson

Date of Confirmation: _____