



# MINUTES

## ORDINARY MEETING OF COUNCIL

**Tuesday, 28 July 2015**

Held at the  
Council Conference and Reception Centre  
City Hall, Little Malop Street, Geelong  
commencing at 7.00p.m.

### COUNCIL:

Cr. D. Lyons  
*Mayor*

(G21 Geelong Regional Alliance, Finance, Governance, Regional Cities)

Cr. T. Ansett (*Windermere*)

(Heritage, Rural Communities)

Cr. L. Ellis (*Coryule*)

(Coastal Communities, Infrastructure, Parks and Gardens, Climate Change)

Cr. J. Farrell (*Beangala*)

(Community Safety, Youth, Women in Community Life, Finance)

Cr. K. Fisher (*Corio*)

(Community Development, Tourism)

Cr. B. Harwood (*Kardinia*)

(Enterprise Geelong, Primary Industries)

Cr. M. Heagney (*Brownbill*)

(Central Geelong, Planning)

Cr. J. Irvine (*Austin*)

(Sport and Recreation)

Cr. E. Kontelj (*Cowie*)

(Aboriginal Affairs, Multicultural Affairs, Finance)

Cr. Dr. S. Kontelj (*Kildare*)

(Veteran Affairs)

Cr. R. Macdonald (*Cheetham*)

(Major Projects, Knowledge Economy & Education)

Cr. R. Nelson (*Deakin*)

(Major Events)

Cr. A. Richards (*Buckley*)

(Environment & Sustainability, Transport, Arts & Culture, Climate Change)

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**MINUTES OF THE ORDINARY MEETING  
OF THE GREATER GEELONG CITY COUNCIL  
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE  
CITY HALL, LITTLE MALOP STREET, GEELONG  
TUESDAY, 28 JULY 2015  
COMMENCING AT 7.05P.M.**

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

**Also present:** K Spiller (Interim Executive Officer), D Frost (General Manager Strategy & Performance), P Bettess (General Manager Planning and Tourism), W Tieppo (General Manager City Services), L Quinn (Acting General Manager Community Services), J Brown (Manager Administration and Governance), R Bourke (Governance Co ordinator)

**OPENING:** The Mayor declared the meeting open at 7.05pm

**ACKNOWLEDGEMENTS:**

Council acknowledges Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

**Cr E Kontelj moved, Cr Nelson seconded –**

**That permission be granted to take photos as part of Cr S Kontelj's presentation.**

**Carried.**

**PRESENTATION:**

The Mayor acknowledged the resignation from Council of Cr Dr Stretch Kontelj after 17 years serving as Kildare Ward Councillor. Cr Kontelj also served as Mayor and Deputy Mayor during this period. The Mayor congratulated him on his new appointment as SpecSavers Global Legal Director based in the UK.

**APOLOGIES:** Nil.

**CONFIRMATION OF MINUTES:**

**Cr Farrell moved, Cr Ansett seconded -**

**That the Minutes of the Ordinary Meeting held on 14 July 2015 be confirmed and signed.**

**Carried.**

**Cr Farrell moved, Cr Heagney seconded –**

**That Standing Orders be suspended to enable the introduction of members of the Women in Community Life Advisory Committee.**

**Carried.**

*Cr Farrell introduced members Jenny Wills, Mandi Hyland, Shirlee Swain, Rosan Chakir, Davina Montgomery, Kath Travis and Robyn Davis and acknowledged apologies from the remainder of the group. Cr Farrell as Portfolio Holder and Chair of the Committee also acknowledged the work carried out by Linda Quinn, Heidi Waterson and Jane Wager.*

**Cr Farrell moved, Cr Irvine seconded –**

**That Standing Orders be resumed.**

**Carried.**

## **DECLARATIONS OF CONFLICTS OF INTEREST:**

*Cr Nelson declared an Indirect Interest by Close Association in Agenda Item 5 – Exchange of Land – Peninsula Drive, Drysdale and Murradoc Road, St Leonards – Update, in that he has had several confidential meetings with the Principal of St Ignatius about financial decisions pertaining to the land abutting the school.*

*Cr Farrell declared an Indirect Interest by Close Association in Agenda Item 1 – Amendment C203 Trethowan Avenue/Ocean Grove Drive, Ocean Gove – Consideration of Panel Report and Adoption of Amendment, in that some of the landholders who will benefit are known to me and members of my family.*

## **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.*

**Mandi Hyland** asked Governments throughout the world are seeing the importance of increasing the number of women on public boards, and in leadership positions. As a member of the Women in Community Life Advisory Committee, I would like to know how many women and how many men make up the top 10% of the highest paid Council employees?

*The Interim CEO responded that his observation would see more males than females in management roles, however he would make it his business to find out what the plan is and respond back in writing.*

*Dean Frost added of the top 10% of salaried staff at Council – 88 are female and 179 are male.*

Have targets been set on gender equality in leadership and what actions are you taking to achieve them?

*Dean Frost responded added targets have not been set, the question of targets will be something for the executive leadership team to consider as part of the Diversity Employment Strategy that is being developed as part of the 15/16 Business Plan.*

This is an important issue for the Women in Community Life Advisory Committee. Is there anything that our Committee can do to help Council move forward on gender equality?

*Dean Frost added The Women in Community Life Advisory Committee may be able to provide valuable input into the gender related areas of this strategy and we will invite that input at an appropriate time.*

**Davina Montgomery** asked the following question on behalf of Hannah Teesdale:

I would really appreciate an individual response from all Councillors on this question: Do you support equal numbers of men and women on Council and what are you doing within your individual portfolio to support gender equality?

*A written response will be forwarded, however consensus around the table indicated all Councillors are very active and supportive through their individual portfolios in relation to gender equality.*

**Jenny Wills** asked:

Following on from Council's 2010 endorsement of the Women's Charter will Councillors now:

- a) Demonstrate Council leadership by actively promoting gender equity outcomes in all Council roles and responsibilities?
- b) Resolve that a gender equity analysis be undertaken across Council's functions in policy formulations, planning, service provision and funding?
- c) Act on the findings of the gender analysis with the development of Council endorsed strategies, actions, targets and timelines to address inequities?
- d) Seek advice from WiCLAC and the wider community, prior to the finalisation of a Gender Equity Framework and Action Plan in 2016?

*The Mayor responded that the questions had been answered by Dean Frost, but would take on notice and provide a written response.*

**Professor Shurlee Swain** asked in light of the issues being aired before the current Royal Commission on Domestic Violence the Women in Community Life Advisory Committee would like information as to the conditions within the EBA for City of Greater Geelong staff around disclosure of domestic violence?

*Dean Frost responded the City of Greater Geelong Enterprise Agreement contains a comprehensive Family Violence clause and has done for several years (Clause 6.12 Family Violence).*

*The clause describes Council's commitment and support to our employees who may experience family violence and the measures in place to provide this support.*

*Some examples of support may be additional paid leave, changes to work patterns or duties, relocation to suitable employment, counselling and other support through our Employee Assistance Program. Full details of the clause can be found on line.*

*A response in writing will be provided.*

**Eric Jamieson** asked if Council could install a splitter island to Barrabool Road between Montague Street and Duggan Court, Highton to improve pedestrian safety and convenience?

*Vicki Shelton responded, on behalf of the General Manager City Services, that Council is currently holding discussions with VicRoads looking at ways to rectify the problem. Funding for works will then have to be allocated through the budget process.*

**PETITIONS:**

A petition was presented by Eric Jamieson in support of his question in relation to the construction of a pedestrian Traffic Management System on Barrabool Road, Highton, between Montague Street and Duggan Court.

*Cr Farrell declared an Indirect Interest by a Close Association in Agenda Item 1 – Amendment C203 Trethowan Avenue/Ocean Grove Drive, Ocean Grove – Consideration of Panel Report and Adoption of Amendment, in that some of the landholders who will benefit are known to me and members of my family, and left the room prior to discussion at 7.49pm.*

## **1. AMENDMENT C203 TRETHOWAN AVENUE/OCEAN GRAND DRIVE, OCEAN GROVE - CONSIDERATION OF PANEL REPORT & ADOPTION OF AMENDMENT**

|                         |                                                             |
|-------------------------|-------------------------------------------------------------|
| <b>Portfolio:</b>       | <b>Planning - Cr Heagney</b>                                |
| <b>Source:</b>          | <b>Planning &amp; Tourism - Strategic Implementation</b>    |
| <b>General Manager:</b> | <b>Peter Bettess</b>                                        |
| <b>Index Reference:</b> | <b>Subject: Council Reports 2015 &amp; Application C203</b> |

### **Purpose**

The purpose of this report is to enable Council to consider the Independent Panel report for Amendment C203 and to adopt the amendment.

### **Summary**

- Amendment C203 resulted from an application made by St Quentin Consulting on behalf of the North East Ocean Grove Subdivision Group to rezone 22 properties totalling 45ha from Rural Living to General Residential zone (Schedule 1) together with an accompanying Development Plan Overlay. The subject land is west of Banks Road, north of Shell Road immediately east of the Parks Estate in Ocean Grove.
- The Development Plan Overlay (DPO) Schedule has been based on an agreed Outline Development Plan which had been previously prepared to guide the future development of the area. The exhibited documentation also included a draft Shared Infrastructure Funding Plan and accompanying model template Section 173 Agreement to formalise equitable developer contribution arrangements among all landowners.
- Amendment C203 was placed on public exhibition from 7 August 2014 until 8 September 2014. A total of twelve submissions were received of which six supported or offered no objection, two authorities suggested additional DPO provisions, three residents from the adjoining Parks Estate objected on amenity and environmental grounds and impact on the integrity of Ocean Grove and a petition containing 31 signatures objected to the rezoning.
- The Council considered the submissions at its meeting on 28 October 2014 and resolved to refer them to an Independent Panel appointed by the Minister for Planning.
- The Panel acknowledges this amendment is consistent with a range of adopted Council planning policies and the Ocean Grove Structure Plan. The Panel report recommends the Amendment be adopted with additional Development Plan Overlay provisions proposed by Council to protect remnant native vegetation and prevent new vehicular access to Shell Road.
- Individual Section 173 Agreements with each of the 22 affected property owners to formalise developer contribution arrangements have been prepared and signed off by 17 of the 22 owners.
- The Panel's recommendations are supported and the amendment can now be adopted.

**Cr Heagney moved, Cr Macdonald seconded -**

**That Council:**

- 1) adopts Amendment C203 (Appendix 4 of this report);**
- 2) submits the adopted Amendment with the prescribed information to the Minister for Planning requesting approval; and**
- 3) signs and seals the Section 173 Agreements with the 22 individual landowners affected by this Amendment to formalise developer contribution arrangements (Appendix 5 is a model template of these Agreements).**

**Carried.**

### ***Background***

Amendment C203 resulted from an application made by St Quentin Consulting on behalf of the North East Ocean Grove Subdivision Group to rezone 22 properties totalling 45ha from Rural Living to General Residential Zone Schedule 1 together with an accompanying Development Plan Overlay. The subject land is west of Banks Road, north of Shell Road, immediately east of the Parks Estate in Ocean Grove.

Appendix 1 shows the land subject of Amendment C203 and existing zonings. The vast majority of the lots (each approx 2ha) are individually owned and used for rural residential purposes. They have been substantially cleared of native vegetation apart from scattered remnant trees and some intact indigenous vegetation within the Banks Road roadside reserve. Appendix 2 is an aerial photo of the subject land and surrounding area.

As part of the processing of this application there were extensive discussions and negotiations with the applicant and their consultants about the outline development plan and delivery by the developer(s) of the necessary community infrastructure in a timely manner. In this area these arrangements have been complicated by the relatively large number of individual property owners and the need to fairly and equally apportion developer contribution costs among the individual landowners.

Identified shared infrastructure requirements include:

- Provision of 2 stormwater retarding basins.
- Provision of 2 local parks (10% of the overall area)
- Upgrade of Banks Road intersections with Trethowan Avenue and Ocean Grand Drive.
- \$900 per dwelling community infrastructure levy.

A Draft Shared Infrastructure Funding Plan (SIFP), which was prepared by the applicant in consultation with Council, sets out the shared developer contribution arrangements in an equitable manner. The SIFP, along with an accompanying model template Section 173 Agreement to formalise these arrangements, were exhibited as part of the amendment documentation.

Amendment C203 was placed on public exhibition from 7 August 2014 until 8 September 2014. Notices were placed in the Geelong Advertiser, Independent and the Government Gazette and sent to all affected adjoining and nearby property owners and occupiers and all relevant Ministers and Public Authorities.

As a result of the exhibition of the Amendment the Council received a total of 12 submissions, as follows:

- Three submissions from landowners in the area proposed to be rezoned supporting the Amendment.
- Three submissions from public authorities (Barwon Water, DTPLI / now DELWP and EPA) raising no objection to the amendment.
- Two submissions from Public Authorities (VicRoads and DEPI / now DELWP) each requesting an additional DPO provision.
- Three submissions from residents in the adjoining Parks Estate objecting to the Amendment.
- A petition containing 31 signatures (half Ocean Grove residents) objecting to the rezoning and advocating Council “say no to another concrete suburb”.

The main points raised by the objecting submitters are that the future conventional residential development of the area will result in the potential loss of vegetation and wildlife habitat, loss of amenity (including during construction) and the proposal is unsympathetic to the coastal character of Ocean Grove.

### ***Discussion***

The Council considered the submissions at its meeting on 28 October 2014 and resolved to refer them to an Independent Panel appointed by the Minister for Planning.

A Directions Hearing on 28 November 2014 and the Panel Hearing on 15 December 2014 were both conducted at Council offices. The Council, applicant and three residents from the adjoining Parks Estate made presentations to the Panel.

The Panel acknowledges this Amendment is consistent with Council’s long-standing strategic planning policies which have designated the Amendment C203 area for conventional residential development since 1993.

The Panel report recommends the Amendment be adopted with additional Development Plan Overlay Schedule provisions proposed by Council to protect remnant native vegetation and prevent new vehicular access to Shell Road. The Panel acknowledges it is inevitable that there will be some loss of rural or semi-rural outlook for residents on the existing urban fringe as towns expand beyond their existing limits.

Appendix 3 is a copy of Section 7, Summary of Conclusions of the Panel Report. The Panel’s recommendations are supported and the modified Amendment can now be adopted. Appendix 4 is Amendment C203 recommended for adoption (including the changes to the DPO Schedule referred to in the Panel’s recommendations).

Individual Section 173 Agreements with each of the 22 affected property owners to formalise developer contribution arrangements (as per the exhibited version) have been prepared. At the time of writing this report, 17 out of the 22 owners had signed the Agreement. Appendix 5 is a model template of these Agreements with individual owners.

It is envisaged that developer contributions will be able to be collected from owners/developers who have not yet signed the agreement through planning permit conditions.

It should also be noted the DPO Schedule recommended for adoption removes reference in Clause 2.0 to future Section 173 Agreements, as recommended by DELWP (shown in track changes)

### ***Environmental Implications***

The proposed rezoning and subsequent residential development is not expected to result in any adverse environmental impacts.

The Development Plan Overlay schedule includes requirements relating to protection of remnant vegetation and management of stormwater to prevent downstream pollution. The Schedule has been further strengthened as proposed by DELWP (supported by Council and applicant) to protect remnant vegetation.

### ***Financial Implications***

All necessary new infrastructure or improvements to existing infrastructure will be funded by developers/land owners as set out in the Shared Funding Infrastructure Plan which formed part of the exhibited amendment documentation.

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

The Amendment is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, as follows:

- State Planning Policy Framework. The Amendment implements the objectives and strategies of Clause 11 Settlement, (in particular Urban Growth Clause 11.02, Open Space Clause 11.03, Regional Development Clause 11.05, and Clause 11.07 Geelong (G21) regional growth), Clause 15 Built Environment and Heritage, Clause 16 Housing and Clause 19 Infrastructure.
- Local Planning Policy Framework. Clause 21.06 Settlement & Housing identifies Ocean Grove as one of the City's designated primary urban growth areas. Clause 21.14 The Bellarine Peninsula sets out objectives and strategies for development of the Peninsula and each of the towns as contained in the adopted Structure Plans.

The proposed rezoning is consistent with the adopted 2007 Ocean Grove Structure Plan and as such is consistent with Clause 21.14 of the Local Planning Policy Framework

The Amendment is also consistent with a range of other environmental, infrastructure, developer contributions and open space policies contained in the Municipal Strategic Statement.

### ***Alignment to City Plan***

Amendment C203 supports both the Growing our Economy and Sustainable Built and Natural Environment strategic directions of City Plan, particularly as it is facilitating sustainable development in accordance with an adopted township Structure Plan.

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

No Council Officers have any direct or indirect interest, in accordance with Section 80 (c) of the Local Government Act to which this Amendment relates.

### ***Risk Assessment***

Amendment C203 is not expected to expose Council to any risk or liability beyond that usually associated with facilitating greenfield development.

***Social Considerations***

The Ocean Grove Structure Plan, upon which this Amendment is based, has thoroughly addressed the social implications of identifying areas for future growth.

The Panel has acknowledged that the subject land is centrally located close to some of the town's major community, retail and educational facilities.

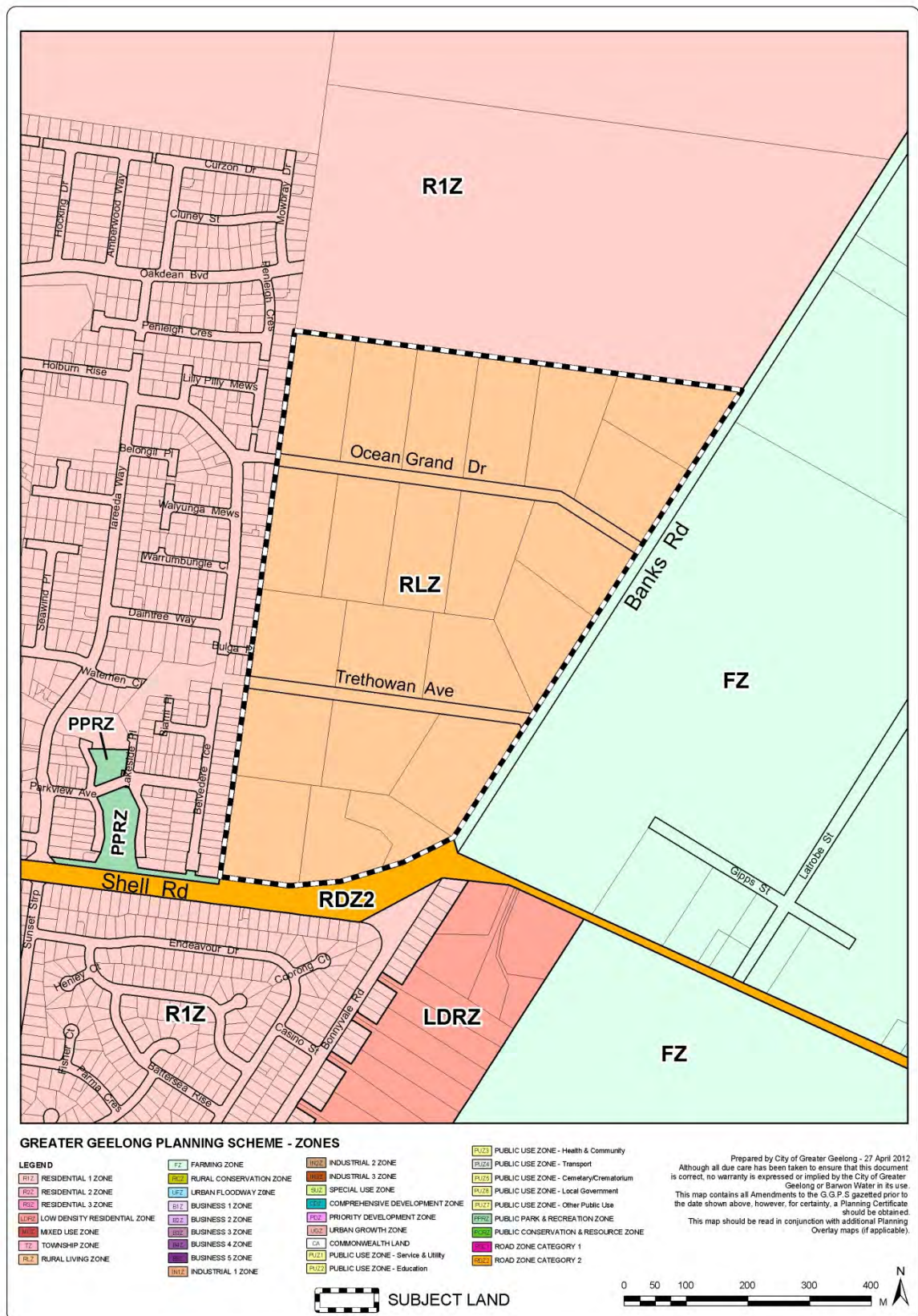
***Human Rights Charter***

Amendment C203 does not impact on any basic rights, freedoms and responsibilities as set out in the Charter. Planning legislation ensures an open community consultation process to enable people to freely express their views and obtain a fair hearing before an Independent Panel.

***Consultation and Communication***

Full public notification of Amendment C203 was given in accordance with the provisions of the Planning and Environment Act. All adjoining and nearby property owners received direct notification of the exhibition of the Amendment and had an opportunity to present their submission to an Independent Panel appointed by the Minister for Planning.

## Appendix 1



## Appendix 2 – Aerial Photograph



## Appendix 3

## 7 Summary of Conclusions and Recommendations

### 7.1 Summary of Conclusions

The Panel concludes:

- There is clear and unambiguous strategic support for the Amendment.
- The DPO schedule as proposed to be amended makes adequate provision for minimising native vegetation removal.

### 7.2 Consolidated Recommendations

For the reasons outlined in this report, the Panel recommends that:

**Amendment C203 to the Greater Geelong Planning Scheme be adopted as exhibited, subject to the following modification:**

- **Schedule 31 to the Development Plan Overlay be amended as set out in Appendix B to this report.**

**Appendix 4**

*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C203**

**INSTRUCTION SHEET**

The planning authority for this amendment is Greater Geelong City Council.  
The Greater Geelong Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of two (2) attached map sheets.

***Zoning Maps***

1. Amend Planning Scheme Map No 82 in the manner shown on one attached map marked "Greater Geelong Planning Scheme, Amendment C203".

***Overlay Maps***

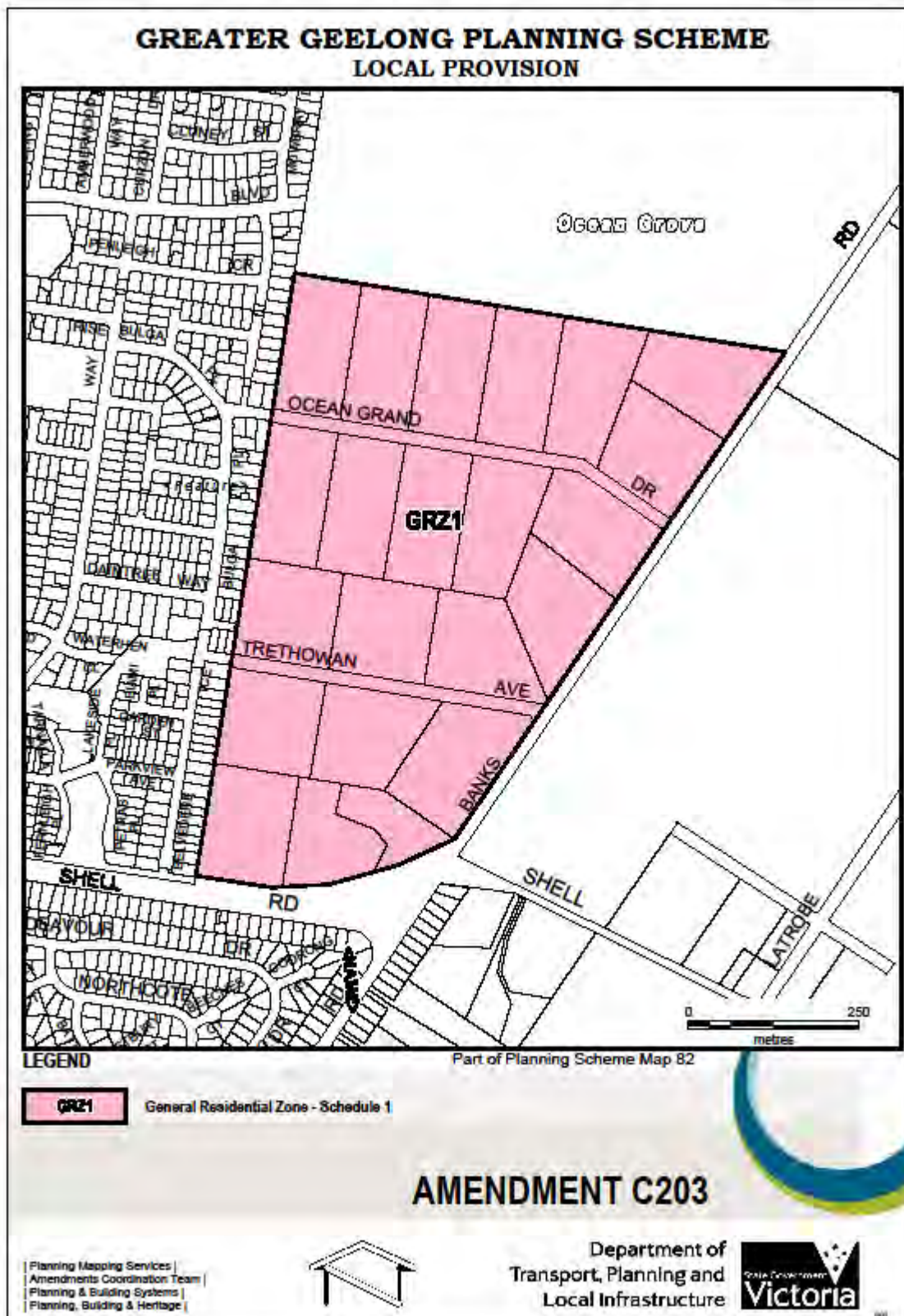
2. Amend Planning Scheme Map No 82 DPO in the manner shown on one attached map marked "Greater Geelong Planning Scheme, Amendment C203".

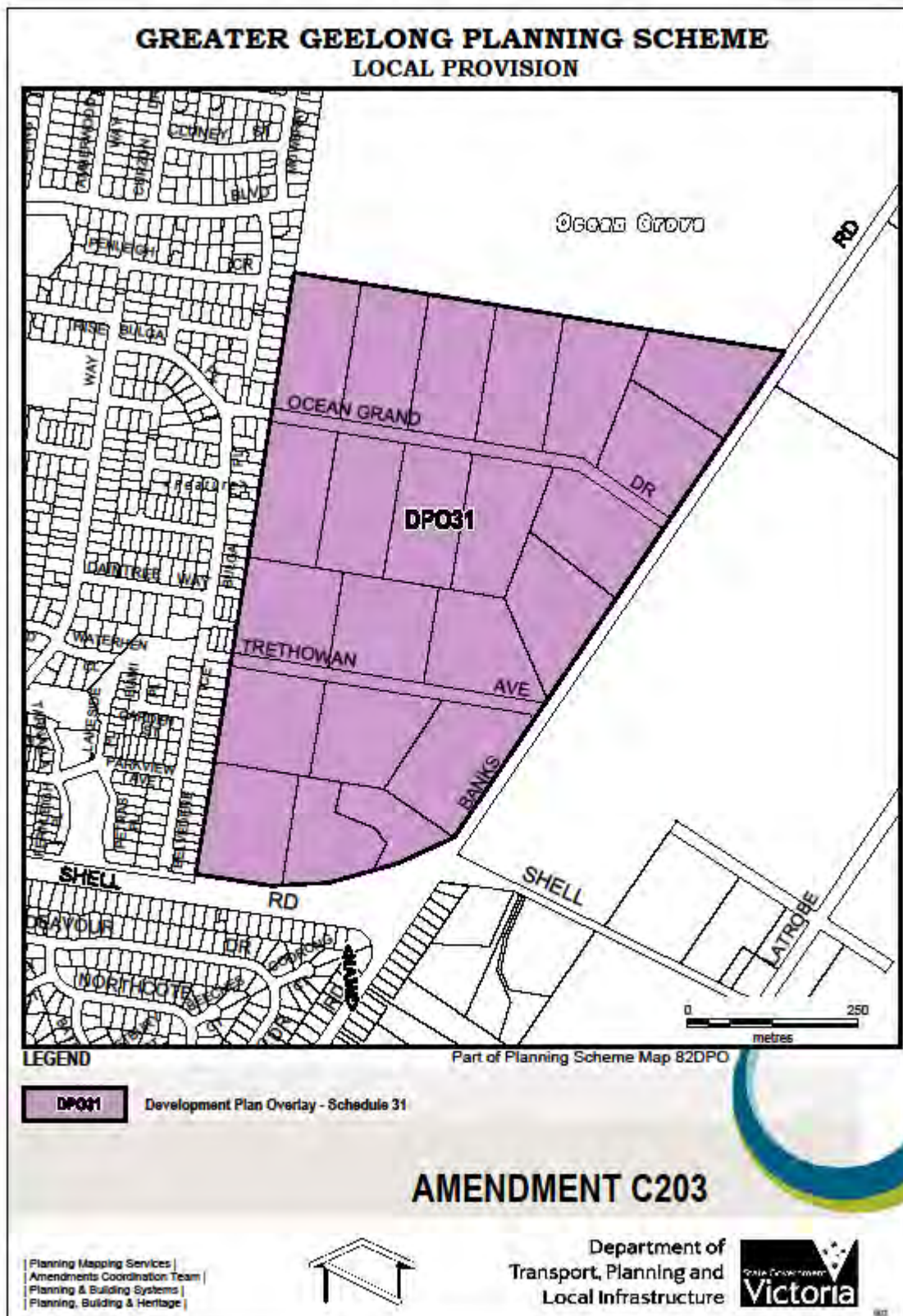
**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – following Clause 43.04, insert a new Schedule 31 in the form of the attached document.

End of document





24/02/2011  
C103

## **SCHEDULE 31 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO31**

### **TRETHOWAN AVENUE/OCEAN GRAND DRIVE OCEAN GROVE**

This Schedule applies to the area generally north of Shell Road, west of Banks Road incorporating properties in Trethowan Avenue and Ocean Grand Drive, Ocean Grove.

The aim of this Schedule is to ensure that development occurs in accordance with broad development principles as shown in the Trethowan Avenue/Ocean Grand Drive Outline Development Plan 2014 and to ensure delivery of essential community infrastructure as set out in the Trethowan Avenue Final Shared Infrastructure Funding Plan .

#### **1.0 Requirement before a permit is granted**

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C203

A permit may be granted before a development plan has been prepared for the following:

- The construction of one dwelling and associated out buildings on any lot existing at the approval date provided it is the only dwelling on the lot.
- Any buildings and works associated with the use of the land for agriculture.
- Extensions or alterations to existing buildings and works.

#### **2.0 Conditions and requirements for permits**

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C203

A permit must contain conditions or requirements which give effect to the provisions and requirements of the approved development plan including the Trethowan Avenue Final Shared Infrastructure Funding Plan.

#### **3.0 Requirements for development plan**

--/--/20  
C203

Separate development plans may be prepared and approved for Catchments 1 & 3 combined and Catchment 2 as shown in the Trethowan Avenue Final Shared Infrastructure Plan.

The Development Plan must be generally in accordance with Trethowan Avenue/Ocean Grand Drive Outline Development Plan as shown in Clause 5.0, and include the following:

An **Urban Design Masterplan** that includes:-

- The location of all proposed land uses including roads, public open space and drainage reserves.
- Contours of land at 0.5m intervals.
- The general subdivision layout including location and distribution of lots showing a variety of lot sizes and densities to encourage a range of housing types and other compatible land uses.
- A subdivision design which provides a positive identity and contributes to the amenity and safety of Banks Road and Shell Road by ensuring all development addresses these road frontages (and does not back onto or provide screen fencing along these roads).

- A walking and cycling network which will:
  - Provide a pedestrian and cycle access through the development from established residential areas to the west connecting to proposed walking and cycling tracks in future residential areas to the north.
  - Within the development area, provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths and cycle lanes.
  - Provide a continuous pedestrian/cycle path along the Banks Road/Shell Road frontages of the site.

A **Road Network and Traffic Management Plan** complying with any VicRoads requirements that includes:-

- An internal road network that provides for a high level of access within the development for all vehicular and non vehicular traffic and which responds to the topography of the site.
- No new road access to Banks Road or Shell Road and the creation of no new lot access to Banks Road or Shell Road (other than already approved by permit 447/2011).
- Details of the Trethowan Avenue/Banks Road and Ocean Grand Drive/Banks Road upgraded intersection treatments.
- Proposed future road connections between the development area and residential areas to the north and west.
- A road layout and alignment, subject to detailed design, that is consistent with the engineering standards applied in the existing subdivisions in the area.
- Traffic Management controls for the internal road network.
- Removal of the temporary road barrier which prevents vehicular access through to Daintree Way.

An **Integrated Water Management Plan** that takes an integrated approach to flooding, stormwater and drainage management, is designed with reference to the whole of the catchment and includes:

- Reference to:
  - *WSUD Engineering Procedures: Stormwater, CSIRO Publishing, 2005;*
  - *Clause 56.07 of the Greater Geelong Planning Scheme.*
  - *City of Greater Geelong Stormwater Management Plan, 2002.*
  - *The Infrastructure Design Manual and associated Design Notes.*
- A Drainage Feasibility Study which analyses the sub-catchment with appropriate hydrological and hydraulic modelling, to determine urban stormwater management strategies to the satisfaction of the Responsible Authority. Strategies shall be based on limiting flows and runoff volumes to the downstream drainage system, drainage lines, waterways and water bodies to ensure no adverse impact.
- A Water Sensitive Urban Design that:
  - Demonstrates the methods of collection, treatment and disposal of stormwater run-off in an environmentally acceptable manner including as appropriate, provision of detention and water quality treatment.
  - Utilises the MUSIC (Model for Stormwater Improvement Conceptualisation) program to measure the benefits and performance outcomes incorporated into the plan.
  - Provides for the safe overflows paths for the 1% ARI and considers the impact of the >1% ARI event.

An **Open Space and Landscape Masterplan** that includes:

- An Open Space Contribution equal to 10% of the developable residential land or in-lieu cash payment or combination of both. Encumbered land shall not be credited as Public Open Space including land required for the future retarding basins.
- A subdivision layout demonstrates how impacts on biodiversity values identified in the Vegetation Assessment report dated June 2014 can be avoided and minimised.
- A roadside native vegetation management plan which shows how impacts on remnant vegetation on roadsides can be avoided and minimised through local and design of new roads and crossovers.
- Details of all existing vegetation to be retained and those trees to be removed.
- Details of protection measures to be applied to all individuals species of indigenous Swamp Gum, Manna Gum and Drooping Sheoak.
- Details of plant species to be used to create distinctive precincts for public open space areas (including shared pathways) and road reserves including extensive use of local indigenous species within open space areas and where suitable, within nature strips as streets throughout the development.
- Landscaping treatments to provide an attractive entrance to Ocean Grove along the Shell Road and Banks Road frontages using local indigenous species which complements and enhances the existing indigenous vegetation.
- Plans for all open space areas showing the location of proposed improvements including playgrounds, pedestrian and cycle paths, earthworks, seats, bollards, fencing, landscaping, irrigation systems, drinking fountains, drainage lines and detention basins.
- Provision for the early construction of a park utilising the southern portion of the Trethowan Avenue retarding basin site and the existing road reserve, incorporating a children's playground.

A **Final Shared Infrastructure Funding Plan** (to be identified as the Trethowan Avenue Final Shared Infrastructure Funding Plan) which updates as necessary the Draft Shared Infrastructure Funding Plan.

#### **4.0 Decision Guidelines**

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C203

In considering whether or not to approve or amend a development plan, the responsible authority must consider:

- The requirements of this schedule.
- The State and Local Planning Policy Framework.
- The Trethowan Avenue/Ocean Grand Drive Outline Development Plan 2014 in Clause 5.0.
- The Trethowan Avenue Draft Shared Infrastructure Funding Plan.
- The views of any relevant Government Department, Statutory or servicing authority.

## 5.0 Trethowan Avenue/Ocean Grand Drive Outline Development Plan

--/--/20  
C203



Date        /        / 2015

## **Agreement under section 173 of the Planning and Environment Act 1987**

**Subject Land:** ##

**Purpose of Agreement:** Trethowan Ave, Ocean Grove  
Infrastructure Contributions

**City of Greater Geelong**  
and

##

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---

## Agreement under section 173 of the Planning and Environment Act 1987

**Dated**        /        / 2014

---

### Parties

|            |                                                    |
|------------|----------------------------------------------------|
| Name       | <b>City of Greater Geelong</b>                     |
| Address    | City Hall, 30 Gheringhap Street, Geelong, Victoria |
| Short name | <b>Council</b>                                     |

|            |              |
|------------|--------------|
| Name       | <b>##</b>    |
| Address    | <b>##</b>    |
| Short name | <b>Owner</b> |

---

### Background

- A. Council is the responsible authority pursuant to the Act for the Planning Scheme. Council is also the planning authority for Amendment C203 to the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Subject Land is within an area that is being developed for urban purposes. Amendment C203 proposes to:
  - C.1 rezone the Subject Land from Rural Living Zone to General Residential Zone Schedule 1 under the Planning Scheme; and
  - C.2 apply a Development Plan Overlay to the Subject Land.
- D. The Draft Shared Infrastructure Funding Plan and the Final Shared Infrastructure Funding Plan require Infrastructure Contributions to be made to Council in respect of each Lot on the Charge Area Map including the Subject Land for the purposes of augmenting infrastructure in the vicinity of the Subject Land.
- E. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.
- F. The parties enter into this Agreement to:
  - F.1 implement the Final Shared Infrastructure Funding Plan;
  - F.2 record the terms and conditions on which Council and the Owner have agreed for the Owner to pay the Infrastructure Contribution and facilitate delivery of the Infrastructure Projects; and
  - F.3 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

## The Parties agree

---

### DEFINITIONS

In this Agreement unless the context admits otherwise:

**Act** means the *Planning and Environment Act 1987*.

**Adjustment Index** means the method of adjustment specified in the Final Shared Infrastructure Plan.

**Agreement** means this agreement.

**Amendment C203** means Amendment C203 to the Planning Scheme prepared by Council in its capacity as the Planning Authority.

**Approved Development Plan** means a development plan approved by Council in accordance with a Development Plan Overlay applying to the Subject Land.

**Charge Area** means the area identified and delineated on the Charge Area Map and that is subject to an Infrastructure Contribution under the Final Shared Infrastructure Funding Plan.

**Charge Area Map** means the charge area map included in the Shared Infrastructure Funding Plan which identifies and delineates the Lots in each Charge Area.

**Draft Shared Infrastructure Funding Plan** means the shared infrastructure plan identified as 'Trethowan Avenue Draft Shared Infrastructure Funding Plan' prepared by Urban Enterprise and exhibited as part of Amendment C203.

**Final Shared Infrastructure Funding Plan** means the shared infrastructure plan identified as 'Trethowan Avenue Final Shared Infrastructure Funding Plan' prepared by Urban Enterprise, and updated as necessary, and approved by Council as part of the Approved Development Plan applying to the Subject Land.

**Infrastructure Contribution** means the contribution specified in Schedule 2 required to be made in respect of each hectare of NDA of the Subject Land and adjusted in accordance with clause 0.

**Infrastructure Contribution Liability** means the Owner's liability for the Infrastructure Contribution in respect of the Subject Land under clause 0.

**Infrastructure Project** means a shared infrastructure project identified and delineated in the Final Shared Infrastructure Plan, inclusive of Project Land items.

**Lot** means a lot on the Charge Area Map.

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**NDA** means the Net Developable Area of the Subject Land specified in the Approved Development Plan for the Subject Land.

**Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of the Subject Land and includes any Mortgagee-in-possession.

**Party or parties** means the Owner and Council under this Agreement as appropriate.

**Plan of Subdivision** means a plan of subdivision of the Subject Land which is not a procedural plan but a plan that upon registration creates an additional lot which can be disposed of separately and is intended to be used for a dwelling or can be re-subdivided.

**Planning Scheme** means the Greater Geelong Planning Scheme and any other planning scheme that applies to the Subject Land.

**Project Land** means the land described in Final Shared Infrastructure Funding Plan. as being required for an Infrastructure Project.

**Registrar of Titles** means the Victorian Registrar of Titles.

**Residential Lot** means a lot which in the opinion of Council is of a size and dimension such that it is intended to be developed as a housing lot without further subdivision.

**Schedule** means a schedule to this Agreement.

**Specified Value** means the amount specified in the Final Shared Infrastructure Funding Plan as being

- the capital cost of the Infrastructure Project; or
- the land value of the Project Land,

as the case may subject to annual adjustment indexation in the manner set out in the Final Shared Infrastructure Funding Plan.

**Statement of Compliance** means a statement of compliance issued by Council under the *Subdivision Act 1988*.

**Statement of Practical Completion** means a statement signed by Council's authorised representative stating that the Infrastructure Works have been practically completed to the satisfaction of Council.

**Subject Land** means the land described in Schedule 1 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

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## INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If the Owner comprises more than one party, then this Agreement binds them jointly and each of them severally.
- 2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.

- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

---

## **OBLIGATIONS OF THE OWNER**

### **3.1 Infrastructure Contribution**

The Owner covenants and agrees that subject to this Agreement, the Owner must pay the Infrastructure Contribution and comply with and implement the Final Shared Infrastructure Plan to the satisfaction of Council.

### **3.2 Infrastructure Contribution Liability**

Prior to the issue of Statement of Compliance in respect of any Plan of Subdivision, the Owner must:

- 3.2.1 subject to the consent of Council which may include a requirement to enter into a further agreement, construct one or more of the Infrastructure Projects to the satisfaction of Council in return for a credit against the Owner's Infrastructure Contribution Liability; or
- 3.2.2 pay the Infrastructure Contribution to Council in cash subject to clause 0 and clause 0; or
- 3.3.3 subject to the consent of Council which may include a requirement to enter into a further agreement, undertake a combination of the obligations in clause 0 and clause 0.

### **3.3 Amount of Infrastructure Contribution**

3.3.1 The Owner agrees that, upon approval by Council of the Final Shared Infrastructure Funding Plan:

- 3.3.2 the levies in the Final Shared Infrastructure Funding Plan will be deemed to be the Infrastructure Contribution for the Subject Land for the purposes of clause 0; and
- 3.3.3 the amounts specified in Schedule 2 will be adjusted to reflect the levies in the Final Shared Infrastructure Funding Plan.

### **3.4 Indexation of Infrastructure Contribution**

The Parties agree that the amount of the Infrastructure Contribution will be adjusted each year by applying the Adjustment Index in the manner set out in the Final Shared Infrastructure Plan.

### **3.5 Credit or reimbursement for Infrastructure Project**

The Parties agree that entitlement to a credit or payment in respect of the Specified Value of an Infrastructure Project arises after the issue of a Statement of Practical Completion in respect of the Infrastructure Project;

**3.6 Credit or reimbursement for Project Land**

- 3.6.1 The Parties agree that entitlement to a credit or payment in respect of the Specified Value of Project Land arises after the Project Land has been transferred to or vested in Council;
- 3.6.2 The Parties agree that all land transferred or vested in Council or any other authority specified in Final Shared Infrastructure Funding Plan must be:
- (a) free of all encumbrances and graded except as agreed in writing by Council; and
  - (b) sown to grass to the satisfaction of Council;

**3.7 Payment of Claims**

- 3.7.1 The Parties agree that when an entitlement arises under clauses 0 or 0 an amount up to the maximum of the Specified Value is to be provided to the Owner as a credit, or if the value of all credits provided to the Owner will exceed the Owner's liability under clause 0 of this Agreement, then as a cash payment upon the latter of the:
- (a) the issue of a Statement of Practical Completion in respect of the final of the Infrastructure Project(s) which Council has agreed the Owner may construct; or
  - (b) the issue of a Statement of Compliance for the final stage of subdivision in the development of the Subject Land.
- 3.7.2 The Parties agree that where a monetary payment is to be paid to the Owner it will be paid;
- (a) within 120 days of the issue of a Certificate of Title or registration of a plan of subdivision showing that the Project Land has been registered in the name of or vested in Council; or
  - (b) in such other manner as is specified in any future Section 173 Agreement as required under clause 0.

**3.8 Facilitation of Infrastructure Projects**

The Owner covenants and agrees that:

- 3.8.1 it is the Owner's responsibility to facilitate the delivery of all Infrastructure Projects required to service the development of the Subject Land;
- 3.8.2 in exceptional circumstances, and provided the Owner has demonstrated to Council's satisfaction that it has made all reasonable endeavours to facilitate delivery of the Infrastructure Projects, Council will initiate the delivery of the Infrastructure Projects based on the criteria in clause 0 and clause 0;
- 3.8.3 Council will only facilitate an Infrastructure Project at a time when Council determines there are sufficient funds in Council's infrastructure contributions account, collected under the Trethowan Avenue Final Shared Infrastructure Funding Plan, to meet the cost of delivering the Infrastructure Project(s); and
- 3.,8.4 Council's delivery of any Infrastructure Project will be subject to:
- (a) Council's normal budgetary cycles;

- (b) normal legislative processes and timeframes for any acquisition of land that may be required to facilitate an Infrastructure Project; and
- (c) all costs and scope beyond those specified in the Final Shared Infrastructure Funding Plan relating to an Infrastructure Project being met by the Owner.

### **3.9 Further section 173 agreement**

The Owner acknowledges that it may be required to enter into a further agreement under section 173 of the Act with Council as a condition of Council consenting to the Owner delivering an Infrastructure Project as envisaged in clause 0 of this Agreement.

---

## **4. ACKNOWLEDGEMENTS OF COUNCIL**

Council acknowledges that it will:

- 4.1 apply any amount received under this Agreement for the purpose of the Infrastructure Projects as detailed in the Final Shared Infrastructure Plan; and
- 4.2 apply any remaining funds after the delivery of the Infrastructure Projects as detailed in the Final Shared Infrastructure Plan to other infrastructure projects in or around the area of the Approved Development Plan, at the complete discretion of Council.

---

## **5. FURTHER OBLIGATIONS OF THE PARTIES**

### **5.1 Notice and registration**

The Owner must bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

### **5.2 Further actions**

The Owner:

- 5.2.1 must do all things necessary to give effect to this Agreement;
- 5.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act and do all things necessary to enable Council to do so, including:
  - (a) sign any further agreement, acknowledgment or document; and
  - (b) obtain all necessary consents to enable the recording to be made.

### **5.3 Council's costs to be paid**

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the execution and registration of this Agreement which are and until paid will remain a debt due to Council by the Owner.

### **5.4 Interest for overdue moneys**

- 5.4.1 Any amount due under this Agreement but unpaid by the due date incurs interest at the rate referenced in section 172 of the *Local Government Act* 1989 and any payment made shall be first directed to payment of interest and then the principal amount owing.

- 5.4.2 Notwithstanding anything contained in this Agreement, no interest will begin to accrue unless the person obliged to make a payment has been specifically notified in writing by the other party of the event which gives rise to the obligation to make the payment.

---

## **6. AGREEMENT UNDER SECTION 173 OF THE ACT**

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act, and the obligations of the Owner under this Agreement are obligations to be performed by the Owner as conditions subject to which the Subject Land may be used and developed.

---

## **7. OWNER'S WARRANTIES**

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

---

## **8. SUCCESSORS IN TITLE**

Until such time as a memorandum of this Agreement is recorded on the Certificate of Title of the Subject Land, the Owner must require successors in title to:

- 8.1 give effect to this Agreement; and
- 8.2 enter into a deed agreeing to be bound by the terms of this Agreement.

---

## **9. GENERAL MATTERS**

### **9.1 Notices**

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 9.1.1 personally on the person;
- 9.1.2 by leaving it at the person's current address for service;
- 9.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 9.1.4 by facsimile to the person's current number for service; or
- 9.1.5 by email to the person's current email address for service.

### **9.2 No waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

**9.3 Severability**

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

**9.4 No fettering of Council's powers**

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

**9.5 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**9.6 Governing law**

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

---

**10. GST****10.1 GST Act**

In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act* 1999 have the same meaning as their definition in that Act.

**10.2 Exclusive of GST**

Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

**10.3 Recipient must pay**

If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 0 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

**10.4 Tax invoice**

The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 0.

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**11. COMMENCEMENT OF AGREEMENT**

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

---

**12. ENDING OF AGREEMENT**

- 12.1 On the issue of a Statement of Compliance for a Plan of Subdivision for Residential Lots created over the Subject Land or earlier by agreement with Council, the Agreement ends in respect of that part of the Subject Land in the Plan of Subdivision in accordance with section 177 of the Act provided that at all times, the Agreement must remain registered on the balance of the Subject Land.
- 12.2 Once this Agreement ends as to part of the Subject Land in accordance with clause 0 Council will, within a reasonable time, following a request from the Owner and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 of the Act to cancel the recording of this Agreement on the register as to that part of the Subject Land.
- 12.3 On completion of all the Owner's obligations in accordance with this Agreement, Council must as soon as practicable following the ending of this Agreement and at the request and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 of the Act to cancel the recording of this Agreement on the register.



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## Schedule 1

### Subject Land

Address:

Land known as ##

Title Details:

Certificate of Title ##

## Schedule 2

Infrastructure Contribution (as detailed within the Draft Shared Infrastructure Funding Plan)

| Summary                                  | Charge Area<br>1       | Charge Area<br>2*    | Total                  |
|------------------------------------------|------------------------|----------------------|------------------------|
| Lots                                     | 428                    | 44                   | 472                    |
| Total Area                               | 39.940 ha              | 3.683 ha             | 43.623 ha              |
| Net Developable Area ,                   | 35.703 ha              | 3.683 ha             | 39.386 ha              |
| <b>Total Infrastructure Contribution</b> | <b>\$ 6,422,498.01</b> | <b>\$ 627,916.86</b> | <b>\$ 7,050,414.87</b> |
| Contribution per NDH (\$/NDH)            | \$179,889.11           | \$170,490.59         | n/a                    |

\* Charge Area 2 contributes to all projects exclude items RD\_3 and RD\_4



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## Signing Page

**Signed, sealed and delivered** as a deed by the Parties.

**The Common Seal of Greater Geelong** )  
**City Council** was affixed hereto in the )  
presence of: )

.....  
Mayor

.....  
Chief Executive Officer

**Signed Sealed and Delivered** by ## in )  
the presence of: )  
)

.....  
Witness

## as Mortgagee of registered mortgage No. ## consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

.....

*Cr Farrell re-entered the meeting room at 7.52pm.*

## **2. CYCLING INFRASTRUCTURE ADVISORY COMMITTEE**

|                         |                                                        |
|-------------------------|--------------------------------------------------------|
| <b>Portfolio:</b>       | <b>Transport - Cr Richards</b>                         |
| <b>Source:</b>          | <b>City Services - Engineering Services Department</b> |
| <b>General Manager:</b> | <b>William Tieppo</b>                                  |
| <b>Index Reference:</b> | <b>Cycling</b>                                         |

### **Purpose**

The purpose of this report is to advise Council about the establishment of a Cycling Infrastructure Advisory Committee to support improvements to cycling infrastructure across the City.

### **Summary**

- The establishment of a Cycling Infrastructure Advisory Committee will assist Council to meet the objectives of the Greater Geelong Cycling Strategy and Priority Bicycle Network (PBN).
- The advisory committee membership will comprise representatives from cycling organisations, VicRoads, the Transport Accident Commission, Council officers and two Council representatives (including the Chairperson).
- Advisory committee members are expected to be active and report, share, and promote actions and deliberations from and to the organisations which they are connected.

**Cr Richards moved, Cr Harwood seconded -**

**That Council:**

- 1) approves the establishment of a Cycling Infrastructure Advisory Committee;**
- 2) endorses the Draft Terms of Reference (refer Appendix 1); and**
- 3) appoints the Transport Portfolio Holder as the Chair of the Cycling Infrastructure Advisory Committee.**

*Cr Heagney left the meeting room at 7.53pm*

*Cr Heagney re-entered the meeting room at 7.54pm*

**Carried.**

### **Background**

The establishment of a Cycling Infrastructure Advisory Committee will identify gaps and opportunities for further initiatives in cycling infrastructure.

Membership will include representatives from across Council and external bodies involved in cycling.

The Greater Geelong Cycling Strategy provides a prioritised bicycle works plan. The Strategy also articulates a coordination, promotion and education strategy designed to encourage more people to cycle more often, to educate motorists about sharing the road with other users; and to educate walkers, cyclists and dog walkers to respect the safety of users on shared paths and trails.

### ***Discussion***

The aim of the Greater Geelong Cycle Strategy is to make the City of Greater Geelong more cycle friendly by creating a strategic plan for the development and improvement of cycle networks for recreational, competition and commuter cyclists.

VicRoads and BikeSafe, a community group, registered as a not-for-profit association that was started by local cyclists in Geelong and the Surf Coast in 2010, initiated the development of the PBN by working with councils and agencies within the G21 region to review existing plans and strategies, such as the Greater Geelong Cycle Strategy (2008), to determine the existing bicycle network, proposed works programs and gaps within current planning.

The primary objective of the PBN is to prioritise cycle routes from these plans and strategies that meet a range of commuter, recreational and sporting needs, and to create a connected network for all forms of cycling.

The PBN provides strategic support to high priority bicycle infrastructure, but does not cover the complete bicycle network within the municipality. The Greater Geelong Cycle Strategy which complements the PBN provides strategic context for the implementation of the complete bicycle network throughout the city, as well as guidance on maintenance, promotion and coordination.

A working group with representatives from Council and VicRoads was created in 2014 to assist with the delivery of programs identified in the Greater Geelong Cycling Strategy and the newly adopted PBN.

External support and input to this group was sought from BikeSafe and Bicycle Network in an adhoc manner as needed.

The absence of core capital allocation has meant that the development of commuter and on road routes has occurred opportunistically rather than through a planned, prioritised strategy. This has resulted in bicycle lane line marking and modest development of the PBN within the City. A further consequence is poor integration and connectivity between the on and off road networks (eg lack of signage, safe connections and crossings).

Creating the Advisory Committee will focus resources on delivering a coordinated approach to the delivery of Cycling Infrastructure.

### ***Environmental Implications***

Ongoing improvement of the bicycle network throughout the City of Greater Geelong supports increased uptake of active transport. Increased cycling for transport will reduce carbon emissions from motor vehicles.

Cars produce an average of 0.3kg of CO<sup>2</sup> per kilometre travelled – the equivalent of running a 60 watt incandescent light globe for 5 hours. Increasing the number of people that cycle for transport has a direct impact on reducing the amount of carbon released into the air. Based on an average commute of 5 kms (10 kms per day), should 334 people change their mode of transport from car to bicycle, a tonne of carbon emissions will be saved each day.

### ***Financial Implications***

The Advisory committee is supported by Council officers from Engineering Services.

The Advisory Committee will recommend projects for consideration in Capital and Recurrent works programs as well as partnering with the State for external funding via Grant opportunities.

***Policy/Legal/Statutory Implications***

There are no Policy, Legal or Statutory Implications in endorsing the Advisory Committee.

***Alignment to City Plan***

The endorsement of the advisory committee has clear connections to Council's community well-being and sustainable environment objectives. The uptake of cycling as a means of transport and/or recreation provides physical and environmental health benefits to the cyclist and the wider community.

***Officer Direct or Indirect Interest***

No Council officer 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 risks associated with the creation of the Advisory Committee.

***Social Considerations***

Improving cycling infrastructure for recreational, sporting and commuter riders provides a range of social benefits including: mental and physical health benefits; better connected and accessible neighbourhoods and townships; and improving the municipality's liveability. In the longer term an increase in commuter cycling will contribute to a decrease in traffic congestion.

***Human Rights Charter***

This report has no direct impact on the human rights of the residents of the City of Greater Geelong.

***Consultation and Communication***

The Advisory Committee shall report annually on the delivery of Cycling Infrastructure across the City.

# COMMITTEE TERMS OF REFERENCE

|                                                     |                |              |
|-----------------------------------------------------|----------------|--------------|
| <b>Cycling Infrastructure Advisory Committee</b>    | Document No:   | CTR235.2     |
|                                                     | Approval Date: | 28 July 2015 |
|                                                     | Approved By:   | Council      |
|                                                     | Review Date:   | 28 July 2017 |
| Responsible Officer: Manager, Engineering           |                |              |
|                                                     | Version No:    | 00           |
| Authorising Officer: <b>Chief Executive Officer</b> |                |              |

## 1. SUMMARY

The purpose of the Cycling Infrastructure Advisory Committee is to support improvements to cycling infrastructure across the City of Greater Geelong.

## 2. OBJECTIVES

The Cycling Infrastructure Advisory Committee will:

- Review engineering and capital works programs to identify opportunities for improvements to the cycling network.
- Monitor progress and identify priorities for implementation from the Greater Geelong Cycle Strategy.
- Promote the implementation of Austroads and other cycling infrastructure standards.
- Seek external funding opportunities for cycling infrastructure.

## 3. DEFINITIONS

- “Council” means The City of Greater Geelong.
- “Advisory Committee” mean the Cycling Infrastructure Advisory Committee.

## 4. TERMS OF REFERENCE

### 4.1. Expected / Definite life of the Advisory Committee

- 4.1.1. The Advisory Committee will remain in force for two years or until its constituent members resolve to vary or revoke it.

### 4.2. Constituency of the Advisory Committee

- 4.2.1. Membership of the Advisory Committee will be drawn from a core group of officers from Council, two Council representatives including the Transport Portfolio holder (Chair) and external representatives from VicRoads, Bicycle Network, BikeSafe Geelong, Cycling Geelong, Bicycle Users Geelong and the Transport Accident Commission.

4.2.2. The core group of officers from Council consists of:

|                                           |
|-------------------------------------------|
| Manager Engineering Services              |
| Senior Infrastructure Engineer            |
| Team Leader Traffic Operations            |
| Coordinator Sport Recreation & Open Space |
| Senior Recreation Development Planner     |
| Coordinator Maintenance                   |

4.2.3. Additional officers will be invited on an as need basis;

4.2.4. Proxies or substitute members will be permitted to attend meetings on an as needed basis. All members are to nominate their substitute before the commencement of Advisory Committee meeting time.

4.2.5. Cycling clubs and land management agencies will be engaged on a needs basis relating to project development and implementation.

#### **4.3. Authority of the Advisory Committee**

- The Advisory Committee has the authority to review works programs and recommend cycling infrastructure projects for consideration for funding through the Council budget process.

#### **4.4. Meeting Procedure**

- Advisory Committee meetings will be held a minimum of twice per year with additional sub group meetings as agreed.

#### **4.5. Reporting Requirements**

- The minutes of the Advisory Committee will be prepared and distributed to the constituent members.

#### **4.6. Secretariat**

- The role of secretariat shall be undertaken by the Chair of the Advisory Committee and will be supported by Engineering Services. Secretariat duties include the generation and publication of minutes and agendas.

#### **4.7. Facilities & Resources**

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

### **5. QUALITY RECORDS**

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

| Record              | Retention/Disposal Responsibility | Retention Period | Location |
|---------------------|-----------------------------------|------------------|----------|
| Minutes of Meetings | CityWeb Work Group                | As per PROV      | EDRMS    |

### **6. ATTACHMENTS**

- NIL

### **3. DISABILITY ACTION PLAN 2014–2017 PROGRESS REPORT**

|                         |                                                                     |
|-------------------------|---------------------------------------------------------------------|
| <b>Portfolio:</b>       | <b>Community Development – Cr Fisher</b>                            |
| <b>Source</b>           | <b>Community Services – Aged and Disability Services Department</b> |
| <b>General Manager:</b> | <b>Linda Quinn – Acting</b>                                         |
| <b>Index Reference</b>  | <b>Subject: Disability</b>                                          |

#### **Purpose**

This report seeks to update Council on progress on the 2014–2017 Disability Action Plan, one year following its adoption.

#### **Summary**

- In accordance with the Victorian Disability Act 2006, Council has, since 2002, developed a series of disability action plans.
- The Disability Action Plan 2014–2017 (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.
- There are 28 objectives and 69 actions contained in the DAP.
- Some of the headline actions include: undertaking access audits; prioritising and then undertaking works to improve access to Council 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; and reviewing Council information in all formats to ensure that it remains accessible.
- As at June 2015, 47 (68%) of the actions had been commenced or were completed. A list of these actions/status is provided in Attachment 1.

**Cr Fisher moved, Cr Farrell seconded -**

**That Council notes the progress on the 2014–2017 Disability Action Plan and continues to support activities and initiatives that provide for an inclusive organisation and community.**

**Carried.**

#### **Background**

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 people with a disability accessing goods, services and facilities.
- Reducing barriers to people with a disability obtaining and maintaining employment.
- Promoting inclusion and participation in the community of people with a disability.
- Achieving tangible changes in attitudes and practices which discriminate against people with a disability.

Council has, since 2002, developed a series of disability action plans. In 2014 Council adopted the Disability Action Plan 2014–2017 (DAP).

Reporting on the DAP is included within Council's annual report, City Plan.

### **Discussion**

A sub group of Council's Disability Advisory Committee (DAC) meets quarterly to review progress of the DAP and identify any gaps for consideration in the annual plan review.

As at June 2015, 47 (68%) of the DAP actions had been commenced or were completed. A list of these actions/status is provided in Attachment 1.

Activities that demonstrate inclusion of people with disabilities in the community by Council include:

- Pako Festa – provide support to Karingal in the provision of personal care and a rest area during this major community event.
- Loan items – provide ramps for loan to agencies and organisations staging events.
- Vary parking arrangements for the major 'Having a Say' conference held in Geelong in February each year.
- RECHARGE scheme – provides free recharge points around Geelong and the Bellarine Peninsula for wheelchairs and scooters.

Further to this Council continues to undertake access audits of Council owned buildings and other public spaces; prioritises works to improve access to Council's community buildings and services; supports the Street Access and Disability Advisory Committees to advocate on behalf of people with disabilities; (to review master plans, building plans, streetscape plans and government policies etc); identifies training needs of staff to enhance disability awareness; review information in all formats provided by Council, both internally and externally, to ensure that it remains accessible; and ensures that arts, sports and cultural events are fully accessible and inclusive.

### **Activities and developments**

In 2014 the International Day of People with Disability (IDPWD) was celebrated in Geelong in conjunction with another major event (the two day Geelong Revival motorsport festival held on the Geelong waterfront). The event attracted large numbers from within Geelong and further afield, and provided a great opportunity for participants and attendees to be aware of and to celebrate IPDWD as part of the motorsport festival. A mobile accessible art installation known as the 'Nebula' was a special attraction.

In partnership with the Barwon Disability Resource Council (BDRC) and Access4All, Council continues to support the Central Geelong/Waterfront Map. The map provides access information for users of the City centre. It is widely distributed and is available on the Geelong Australia website. BDRC staff are able to make real time changes to the electronic map (Council provided the IT training to BDRC staff).

Council's Customer Service (CS) staff have undertaken training and accreditation in access communication skills, which now entitles CS centres to display the recognised and accredited Communication Accessible Symbol. The symbol is used to indicate environments that are communication-friendly.

Geelong Regional Library Corporation undertook a similar process with support and training from Rural Access and now displays the Communication Access Symbol in the Bellarine libraries.

The access checklist 'Accessible Event Guide for Meeting and Event Organisers' has been updated and distributed across Council. The checklist is a useful guide for staff involved in booking meeting spaces.

A range of supports are available for people with disability attending meetings for Council business, eg Auslan interpreters, hearing augmentation, personal care for specific events and appropriate catering and cutlery/crockery are made available. Council community buildings have a range of facilities available on request.

#### **DAP actions yet to be undertaken**

Identified DAP actions yet to be undertaken include:

- Conduct a survey regarding staff attitudes to disability, analyse results and develop strategies for improvement.
- Setting of more specific and achievable goals for the Organisation Development department around the conduct of the Employee Opinion Survey, staff attitude focus groups, induction and recruitment; and the role of Council in creating volunteer work opportunities for people with disabilities.

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

The progress of the DAP does not impact on the environment.

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

There are no financial implications of the DAP as all activities are within Council's annual budgets.

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

The DAP is a requirement of the Disability Act 2006.

#### ***Alignment to City Plan***

The outcomes of the DAP will be reported as a component of the Health and Wellbeing section of City Plan.

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

No officer involved in the preparation of this report has any vested interest other than as an officer of Council.

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

Implementation of the DAP ensures that Council is at a reduced risk of any claims of discrimination and subsequent action by the Human Rights and Equal Opportunity Commission.

#### ***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 progressively 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 DAP promotes the development of sustainable organisational structures to help minimise issues related to access and inclusion.

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 DAP supports the rights of people with disabilities and outlines how Council will act to protect and enhance these rights.

***Consultation and Communication***

Progress reports on the 2014–2017 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.

## Section 8

### 8.1 Improved access to goods, services and facilities

| Reference Number | Objective                                                                                                                                        | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.1.1            | Corporate facilities and spaces have been progressively audited for accessibility and prioritised for modification to reduce barriers to access. | <p>The DAB Working Group meet quarterly to prioritise and track disability access upgrade works on community facilities within the allocated annual budget.</p> <ul style="list-style-type: none"> <li>• Lara Hall</li> <li>• Kardinia Seniors</li> <li>• Adjustable Adult Change Table – Vines Road</li> <li>• Marcus Hill</li> <li>• Public Toilets</li> <li>• Shell Road Reserve</li> <li>• Collendina Reserve</li> <li>• Hamlyn Reserve</li> <li>• Transvaal Square</li> <li>• Beaufort Ave</li> <li>• Barwon Valley Park</li> <li>• Geelong West Town Hall External</li> </ul> <p><b>Footpath Works Alert</b></p> <ul style="list-style-type: none"> <li>• Alert notices about footpath works in progress are issued every Monday by Engineering, and to Blind Citizens Australia (BCA), Vision Australia and information re works is broadcast on Vision Australia Radio 99.5 FM.</li> <li>• Road closures are also advised on the online maps.</li> </ul> <p><b>Works</b></p> <ul style="list-style-type: none"> <li>• Sydney Av / Sydney Pde / Fitzroy St, Geelong.</li> <li>• Strachan Av / Manifold St / Narmbool St, Manifold Heights.</li> <li>• Shepherdson Av (cnrs Diane Way, Lewis Pl, Julie Ct &amp; Purnell Rd), Corio.</li> <li>• Waurnvale Dr / Colac Rd, Belmont.</li> <li>• “Lord of the Isles” taxi stand: 5-9 West Fyans St, Newtown.</li> <li>• Pakington St (Church St to Waratah St), Geelong West.</li> </ul> |

| Reference Number | Objective                                                                                                                                                             | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.1.2            | The Street Access for the Aged and people with Disability (SAC) plays a key advisory role to ensure streets and roads in the municipality are universally accessible. | Street Access for the Aged and People with Disability (SAC): committee includes four community representatives with a lived experience of disability. Community agencies such as BDRC (Assert4All) and Vision Australia (Mobility Instructor) participate. SAC has a broad representation from within CoGG including Engineering and Local Laws. The access needs of people with a disability are represented with emphasis on people using the streets, roads and infrastructure such as bus stops. |
| 8.1.3            | People with a Disability Parking Permit are informed about use and location of disabled (accessible) parking bays in Geelong.                                         | Manager Engineering Services advised of new parking map for the city in relation to metered spaces – changes to times and provision of express parking. Some modification to disabled spaces.                                                                                                                                                                                                                                                                                                        |
| 8.1.4            | Pedestrian areas of footpaths are free from obstructions.                                                                                                             | Annual report due June 2015.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 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.                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8.1.7            | Councillors, Council staff and volunteers understand and actively support the principles and practice of disability access and inclusion.                             | <p>The induction is going well with the presentation on Disability Awards as it is also provided as a handout in the Induction booklet.</p> <p>Dates for Road Shows requested so Rural Access is undertaking to Council units for disability awareness.</p> <p>The Geelong Visitor Access Community Working Group (2011) strives towards making the centre a reality. A core group is now driving initiatives to locate funding.</p>                                                                 |

| Reference Number | Objective                                                                                | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  |                                                                                          | <ul style="list-style-type: none"> <li>• Expression of Interest to be issued seeking funding to further the project. The Visitor Access Centre is being strongly followed up with a key sub group making approaches at corporate level, and negotiating with local shopping centres in central Geelong.</li> <li>• A second initiative involved lobbying NDIS to clarify re funding from the ILC program.</li> </ul> <p>The 2013 updated Accessible Events – notes for organisers produced by Meetings &amp; Events Australia was distributed to all CoGG staff via email, and a copy lodged on Dataworks. Document is also available on the AHRC website. The checklist within the document was also promoted for use in planning events.</p> <p>Using the ‘Accessible Event Guide for Meeting and Event Organisers’ (MEA), staff can use the Access Checklists Pages 30-36 when booking meeting spaces.</p> <p>Comprehensive ‘Accessible Event Guide for Meeting and Event Organisers’ (MEA) with Access Checklist for Events emailed globally across CoGG. City Hall: a range of assistance is available from Auslan interpreters, hearing augmentation, Personal Care for specific events and the type of catering and cutlery/crockery made available. Council facilities in the community have a range of facilities available on request.</p> <p>Events guide was made available by 1 July 2014 Comprehensive ‘Accessible Event Guide for Meeting and Event Organisers (MEA) with Access Checklist for Events emailed globally across CoGG.</p> |
| 8.1.8            | Council Information (electronic and media) is fully available to people with disability. | <p>Information Services (IS) follow specific guidelines re electronic publication, and ensure accessible formats of documents are published. The Council Minutes are published in Word format without maps, graphs and images.</p> <p>The complaints mechanism is identified in several places on the website. It is readily accessible via typing ‘complaints’ into the search box, or going to the ‘Contact Us’ then ‘General Enquiries’ next to the phone tab. Complaint processes and areas are explained and assistance to lodge a complaint is offered.</p> <p>12 February 2015: Web article “Web Accessibility is now a Management Policy” “Council must ensure it makes it as easy as possible for people to access service and information free of barriers or technological disadvantages the changing digital world imposes on them” CoGG Web Accessibility Policy.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Reference Number | Objective                                                                                                 | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.1.9            | All customer service staff has undertaken training in communication options for people with disabilities. | <ul style="list-style-type: none"> <li>Disability Communication Access training took place with Brougham Street staff on Tuesday 19 August 2017. Assessment took place in two stages, the final assessment being done in mid January 2015.</li> <li>Customer Service is now able to display the communication symbol. CoGG Customer Service – training and granting of the Communication Access Symbol.</li> <li>Geelong Regional Library Corp - training and granting of the Communication Access Symbol.</li> <li>Deakin University – class lecture on Communication with people with disability, and supplied learning material (booklets) produced by CoGG.</li> </ul> <p>Training session with GRLC completed, booking for audit and media information with Scope CRIC. Meeting with Scope Geelong to confirm communication boards, remaining monies for the project, and to conclude contact. Final assessment was done in mid January 2015, and GRLC can now display the communication symbol. A celebration. Staff at the Geelong Library Heritage Centre (GLHC) will receive the training. Launch/celebration of the symbol use for libraries is being planned.</p> <p>CoGG Customer Service Centres: Symbol access gained.</p> |
| 8.1.10           | Council offers a range of communication options to people with disability.                                | <p>Draft communication options survey in process.</p> <p>Awarding Communication Symbol to Customer Service and GRLC.</p> <p>Draft communication options survey ready for distribution, discussed with OD 9/4/15 they viewed the draft and are happy for it to go out.</p> <p>Information for the general public on how to access the Braille Printer is published on the Geelong Australia web page in the 'Accessibility' section.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Reference Number | Objective                                                                                                                                                                                | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.1.11           | Council will promote features of Geelong that are easy to locate and use and accessible to all.                                                                                          | <p>Items such as Braille Printer, Service Stations and new Disability action Plan have been added to the Community/Accessibility page.</p> <p>Central Geelong/Waterfront Map is completed and has been sent to the printer by BDRC and formats are on track for distribution. Map launched at BDRC AGM.</p> <p>Tracking changes on iPads for street accessibility shared with BDRC who will continue to map changes. Electronic map demonstrated and on site training provided 27/4/15.</p> <p>Access Administration worker has fortnightly updates scheduled to the directory on the first and third week of the month. Entries send in by the community may be updated within a week of receiving the item.</p> <p>Directory launched 2012. IS report that in 2013 there were 1,609 page views. This year to date there has been 1,755 page views. Record of website edits can be lifted from the web page.</p> |
| 8.1.12           | Council reports on the Disability Action Plan (DAP) in its Annual Report (Section 131 of the LGA 1989) and in accordance with requirements of (Victorian Disability Amendment Act 2012). |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 8.1.13           | The Events Planning Guide produced by the City of Greater Geelong contains information on planning accessible events to assist event holders.                                            | <p>Checklist published and is cited in the Events Guide for prospective event holders.</p> <p>Events checklist produced and published in the Events Guide.</p> <p>The three stainless steel wheelchair Ramps are made available for loan to community event providers.</p> <p>The survey is in draft form and being developed in consultation with community engagement The survey is now in draft form and will go out to units for comment prior to administering the community survey in 2015.</p>                                                                                                                                                                                                                                                                                                                                                                                                             |

| Reference Number | Objective                                                                                                                          | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.1.14           | Council advocates and promotes accessible public transport options on behalf of people with disability in the municipality.        | <p>Disability access audits of all Geelong Stations were commissioned by Rural Access and carried out, and ongoing linkages made with PTV promoting station access modifications. The DAC have written to PTV to follow up on a previous request for installations with the new track crossing plans.</p> <p>Council departments (primarily Engineering) work with PTV regarding location and upkeep of bus stops. There are connections with Geelong Taxi Network and bus companies regarding bus shelters, pickup points and taxi zones.</p> |
| 8.1.15           | New Council vehicles purchased and available for community hire by Council are accessible in order to improve community inclusion. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## 8.2 Better access to employment

| Reference Number | Objective                                                                       | Progress on actions                                                                                                                                                                                                                                                              |
|------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.2.1            | Council promotes and supports employment of people with disability.             | <p>Contained in the position descriptions</p> <p>A mail out link is provided by Organisation Development so that disability organisations and individuals can receive notice of available positions at the City of Greater Geelong.</p>                                          |
| 8.2.2            | Council provides an equal opportunity job application process.                  | <p>Position descriptions will be reviewed and streamlined where possible</p> <p>Reminder to go out to staff to ensure the offer of any particular requirements is made.</p> <p>Rural Access and Organisation Development are working on inclusion in the employment process.</p> |
| 8.2.3            | People with a disability are supported by Council to maintain their employment. | Council continues to support employees, applicants and volunteers who experience disability.                                                                                                                                                                                     |

### 8.3 Promoting an inclusive and participatory community

| Reference Number | Objective                                                                                                                                                                | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.3.1            | Community inclusion and participation of people with disability is promoted and supported.                                                                               | <p>The accessible Arts installation ‘Nebula’ was presented as a mainstream event within the Geelong Revival celebration. The NDIA event was attended 3 December 2014 to mark IDPwD.</p> <p>Through contact with CoGG departments keep access and inclusion to the fore, for example inviting speakers from various departments to give presentations to the Disability Advisory Committee on a range of topics relevant to inclusion.</p> <p>Project was prepared and presented at the Acceler8 Leadership program, then taken up as a project by Rural Access. Training and development work now being drawn up ready for launch the first half of 2015.</p>                                                                                                                                                                                                                                                                                                                                            |
| 8.3.2            | The ‘Communication Access Symbol’ is displayed at Customer Service Centres and in the broader community.                                                                 | <p>The final assessments took place in January 2015, and Customer Service (both telephone and walk in Centres) have passed assessment and are able to display the Communication Symbol.</p> <p>Geelong Regional Library Corporation have received training and passed assessment to display the Communication access symbol.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 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. | <p>As part of Council’s City Plan, a Community Engagement Hub has been created with all the information staff who need to understand, implement and record community engagement activities within Council. The Community Engagement Policy has been updated to reflect recording and reporting expectations based on IAP2 ethics and values.</p> <p>The Community Engagement hub based on IAP2 core values with a resource database, reporting and resources called ‘CONSULT’ went live in June 2014 with a guide to plan community engagement activities, best practice examples and training opportunities.</p> <p>There is a high level of internal support and expertise available to conduct inclusive engagement with the community and deliver information on that engagement in accessible format. Policy objectives recognize the IAP2 core values. and engagement activities are managed consistently across the organisation and logged in to the database (CONSULT) prior to commencing.</p> |

| Reference Number | Objective                                                                                                                             | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.3.4            | Disability Advisory Committee (DAC) remains an effective and meaningful advisory mechanism to Council on access and inclusion issues. | <p>The outcome of the 2014-2015 recruitment has resulted in a membership of 80% of DAC members with a lived experience of disability, and 20% who have immediate family.</p> <p>Planning meeting to be held in the first quarter of 2015.</p> <p>The Disability Advisory Terms of Reference (TOR) are regularly reviewed, and the current TOR is due for review in June 2017.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                  |                                                                                                                                       | <p>Budget is provided for ongoing provision of the DAC. Among items supported are specific requirements such as personal care and reasonable adjustment for communication and access.</p> <p>Council reviewed the DAC Terms of Reference (TOR) in 2014 and did not identify any changes. The next review is in 2017.</p> <p>Choices for portfolio allocation were sent out to DAC members prior to the September 2014 meeting for consideration prior to choosing a portfolio area.</p> <p>'DAC report from external meetings' has been sent to the secretariat regarding the G21 Transport Pillar meetings.</p> <p>The 2014-2017 DAP is an ongoing agenda item on DAC and the committee are particularly engaged in continual review and improvement of Section 8.1 Goods, facilities and services. A DAC sub group will meet 4 times a year to review progress and identify any gaps for consideration in the annual plan review. The 2014 contact between DAC members and Councillors occurred on 10 June as a shared dinner format. Information from the event was subsequently tabled at the next DAC meeting.</p> |
| 8.3.5            | A broad range of community members with disability are available to be consulted by Council on disability related issues.             | Community Satisfaction survey taking place in 2015, currently being developed together with Community Engagement unit at CoGG.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Reference Number | Objective                                                                                                                                               | Progress on actions                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.3.6            | Inclusive consultation and engagement principles are incorporated into Council's broader policies, strategies and processes, and the broader community. | <p>The Community Engagement hub based on IAP2 core values with a resource database, reporting and resources called 'CONSULT' went live in June 2014 with a guide to plan community engagement activities, best practice examples and training opportunities.</p> <p>Engagement events registration and principles now apply across Council for all consultations and are 'mainstream' within Council practices.</p> |

#### 8.4 Improved attitudes and practices

| Reference Number | Objective                                                                                 | Progress on actions                                                                                                                                                                                                                                                                   |
|------------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.4.1            | Equitable and inclusive practices are mainstream throughout Council.                      | Working with Information Services to publish information.                                                                                                                                                                                                                             |
| 8.4.2            | A positive inclusive staff culture is nurtured.                                           | OD have advised that the EOS has been delayed as a result of changes at the Executive level. OD have provided dates of staff meetings so Rural Access can attend and talk about disability access. Staff induction continues to feature disability awareness and inclusion training.  |
| 8.4.3            | Council acts to positively impact on community attitudes towards people with disability.  | <p>IDPwD celebrated in November/December 2014 with installation of the Nebula on waterfront during the two day Revival Festival.</p> <p>Geelong Australia website (Community/accessibility) has 12 information items published that support inclusion, and are regularly updated.</p> |
| 8.4.4            | Strategies have been identified to strengthen positive community attitudes to disability. | Good news stories and progress in disability improvements. Awareness raising and with projects like the mobility directory for Central Geelong.                                                                                                                                       |

#### **4. REVOCATION OF FLOOD-PRONE AREA DESIGNATION OF NEW LOTS AT VILLAWOOD - ARMSTRONG MOUNT DUNEED STAGES 12, 13 AND 17A**

|                         |                                                       |
|-------------------------|-------------------------------------------------------|
| <b>Portfolio:</b>       | <b>Infrastructure, Parks &amp; Gardens – Cr Ellis</b> |
| <b>Source</b>           | <b>City Services – Engineering Services</b>           |
| <b>General Manager:</b> | <b>William Tieppo</b>                                 |
| <b>Index Reference</b>  | <b>Subject: Drainage - Floods</b>                     |

##### **Purpose**

The purpose of this report is to present a revision to the flood mapping for existing conditions produced within the stages of the development of the Armstrong Creek Urban Growth Plan (UGP).

##### **Summary**

- The flood mapping is subject to a revision due to the subdivision and development at 250 Boundary Road, 193 – 237 Boundary Road and 50A Whites Road, Mount Duneed. Prior to subdivision the parent lot was considered to be liable to flooding. This development site, which is also known as Villawood Stages 12, 13 and 17A, achieves flood immunity for newly created lots for flood events up to and including the 100 year Average Recurrence Interval (ARI) event due to approved internal earthworks including the reshaping of Armstrong Creek.
- The earthworks undertaken have resulted in the floodwaters from the 100 year ARI event being contained within the boundaries of the Armstrong Creek reserve.
- Council has a statutory obligation under the Building Regulations 2006 to designate land as liable to flooding where it reasonably knows it to be prone to flooding. Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone.
- It should be noted that designation is separate to the creation of flood overlays within the Planning Scheme, which generally follows designation. In the case of the Armstrong Creek UGP area, the planning scheme amendment to create post-development flood zones or overlays is proposed after the design of the proposed precincts.
- The current designated flood mapping (refer to Attachment 1) was designated by Council at its meeting of 12 December 2006, under the provisions of the Building Regulations 2006. Designation of land as liable to flooding enables the control of floor levels for acceptable building permit applications, or refusal of consent to building applications where there is likely to be a danger to life, health or safety due to flooding. Designation also enables disclosure of flood status within statutory information certificates.

**Cr Ellis moved, Cr Richards seconded -**

**That Council revoke the Council designation of 12 December 2006 of flood affected land as highlighted as Armstrong – Mount Duneed Stages 12, 13 and 17A on Armstrong Creek Urban Growth Plan Flood Map dated 29 November 2006 as liable to flooding pursuant to Regulation 802(2) of the Building Regulations 2006.**

**Carried.**

### ***Background***

As part of the development of the Armstrong Creek Urban Growth Plan (UGP) a flood study was undertaken by specialist consulting engineers to identify the extents of the 100 year Average Recurrence Interval flood event for existing conditions. Following a public exhibition phase, the resultant flood mapping (refer to Attachment 1) was designated by Council at its meeting of 12 December 2006, under the provisions of the Building Regulations 2006.

Designation of land as liable to flooding under Regulation 802 of the Building Regulations 2006 enables the control of floor levels for acceptable building permit applications, or refusal of consent to building applications where there is likely to be a danger to life, health or safety due to flooding. Designation also enables disclosure of flood status within statutory information certificates such as the Land Information Certificate and Building Information Request Form.

The subject of this report is the residential land at Armstrong - Mount Duneed bounded by Surf Coast Highway and Boundary Road. Prior to subdivision the parent lot was used primarily as farmland.

The subdivision at 250 Boundary Road, 193 – 237 Boundary Road and 50A Whites Road, Mount Duneed was named Armstrong by the developer. The current designated flood extent affects multiple residential lots within the Estate Stages 12, 13 and 17A.

### ***Discussion***

Overland flows that may occur within the subdivision during the 100 year ARI flood event are now contained within road and drainage reserves in accordance with accepted best practice for development within flood-prone areas. Best practice requires that any overland flows within residential areas satisfy public safety criteria with respect to velocity and depth of flow.

Council has a statutory obligation under the Building Regulations 2006 to designate land as liable to flooding where it reasonably knows it to be prone to flooding. Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone.

Attachment 1 shows the existing flood designation. Attachment 2 shows the change in flood mapping at 250 Boundary Road, 193 – 237 Boundary Road and 50A Whites Road, Mount Duneed, after construction of the subdivision.

### ***Environmental Implications***

The revocation of flood-prone areas designation and designation of revised flood data does not result in any known adverse environmental impacts.

The removal of a minimum floor level requirement for new dwellings may result in a minor reduction in energy and material usage during construction. In addition, concrete slab-on-ground construction, which is normally used for a non-elevated floor, achieves the minimum energy rating more readily than a timber floor on stumps.

### ***Financial Implications***

The costs of proceeding to revoke the existing designation and to designate the revised flood mapping at 250 Boundary Road, 193 – 237 Boundary Road and 50A Whites Road, Mount Duneed, in accordance with the requirements of the Building Regulations 2006, are provided for within the annual recurrent budget.

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

The City has various statutory responsibilities for drainage management and flood management (prevention, response and recovery) as set out in the Local Government Act 1989, Local Government Regulations 1990, Planning and Environment Act 1987, Building Regulations 2006, Water Act 1989, Subdivision Act 1988 and Emergency Management Act 1986.

Regulation 802(2) of the Building Regulations 2006 provides Council with the powers to 'designate' land liable to flooding. Regulation 802(3) provides that consent must be obtained from Council for an application to build on land liable to flooding.

Section 27 of the Interpretation of Legislation Act 1984 provides the power for Councils to 'repeal or amend a subordinate instrument made in the exercise of that power'.

Section 807 of the Building Regulations 2006 requires Council to update the municipality's designated special area maps at the Building Control Commission in the event of alterations to a designated special area. Designated special areas include areas designated as being liable to flooding.

Section 229 of the Local Government Act and Regulation 326 of the Building Regulations provide for the issue of information certificates containing prescribed information, including the flood status of properties.

The revised flood data for 250 Boundary Road, 193 – 237 Boundary Road and 50A Whites Road, Mount Duneed will assist the City in meeting its statutory obligations with regard to flood data.

The revised flood data will also assist in fulfilling the recommendations of the Municipal Emergency Management Committee adopted by Council in November 1998 (i.e. mapping of 1 in 100 year flood levels)

### ***Alignment to City Plan***

The recommendations of this report are consistent with City Plan, in relation to Growing our Economy and promoting a sustainable built environment, sustainable land use and development.

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

There are no officer direct or indirect interests with respect to this report.

### ***Risk Assessment***

Council also has some risk exposure with any failure to disclose the flood-prone status of a property in a Land Information Certificate.

The designation of the flood data produced by the flood study Armstrong Creek UGP project is a key step toward minimising Council's exposure to these risks.

Council has a risk exposure through its statutory obligations under the Building Regulations 2006 to:

- 1) designate land as liable to flooding where it reasonably knows it to be prone to flooding;
- 2) specify minimum floor levels in consultation with the relevant floodplain management authority (CCMA); and
- 3) refuse consent to building applications where there is likely to be a danger to life, health or safety due to flooding.

Council also has some risk exposure with any failure to disclose the flood-prone status of a property in a Land Information Certificate.

The designation of the flood data produced by the flood study Armstrong Creek UGP project is a key step toward minimising Council's exposure to these risks.

Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone. Designation of land as being liable to flooding can result in extra construction costs and concerns regarding saleability, in some cases.

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

Council has a responsibility to the community to provide the best possible information on areas that are flood-prone.

#### ***Human Rights Charter***

We have taken into consideration the human rights relative to the subject matter of this report, which improves protection of private property.

#### ***Consultation and Communication***

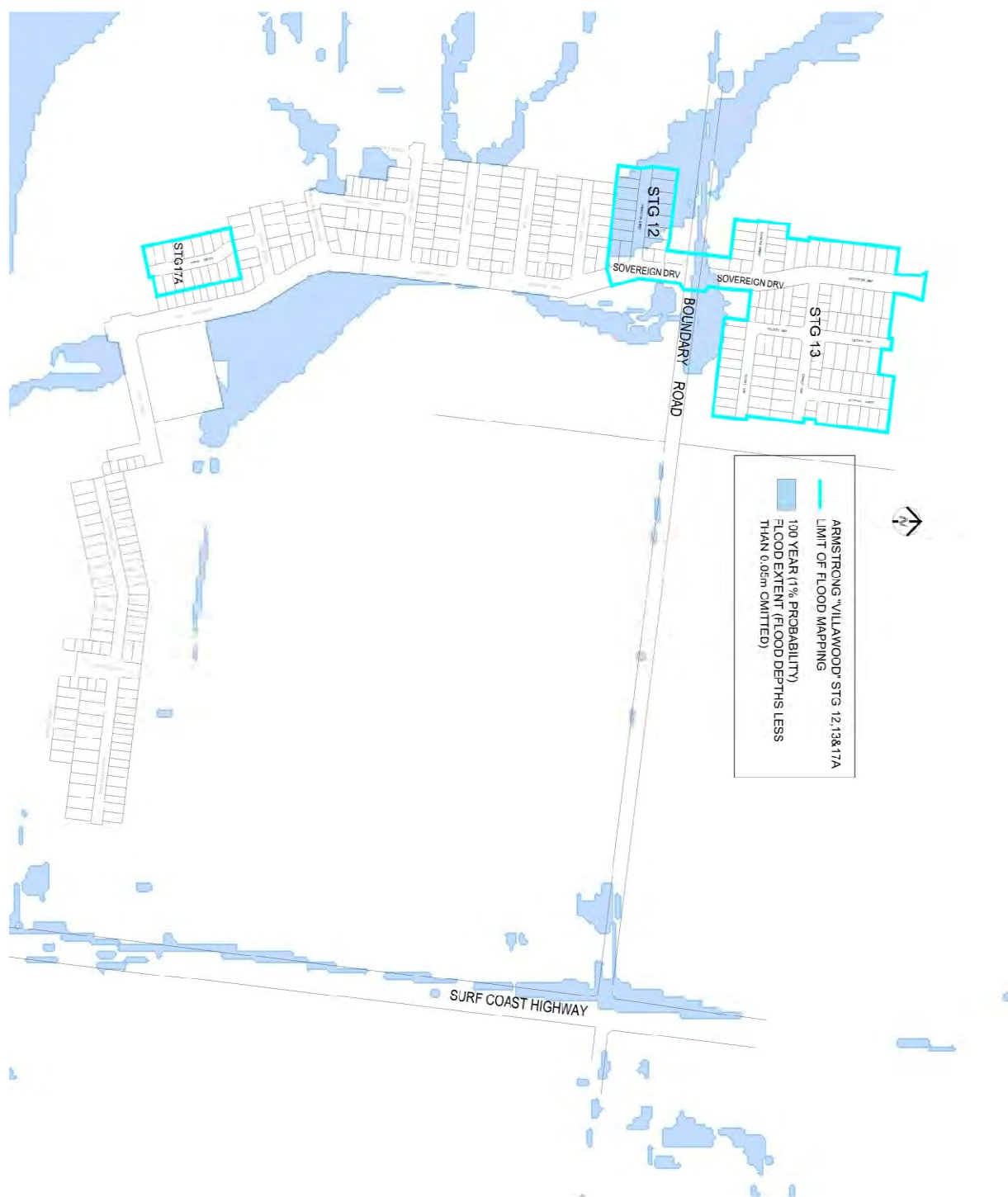
The current designation was undertaken following a public exhibition in October 2006 with notification of affected property owners. These owners were sent letters and fact sheets with an invitation for submissions.

A revocation of designation does not warrant public consultation as it constitutes the removal of an encumbrance on land.

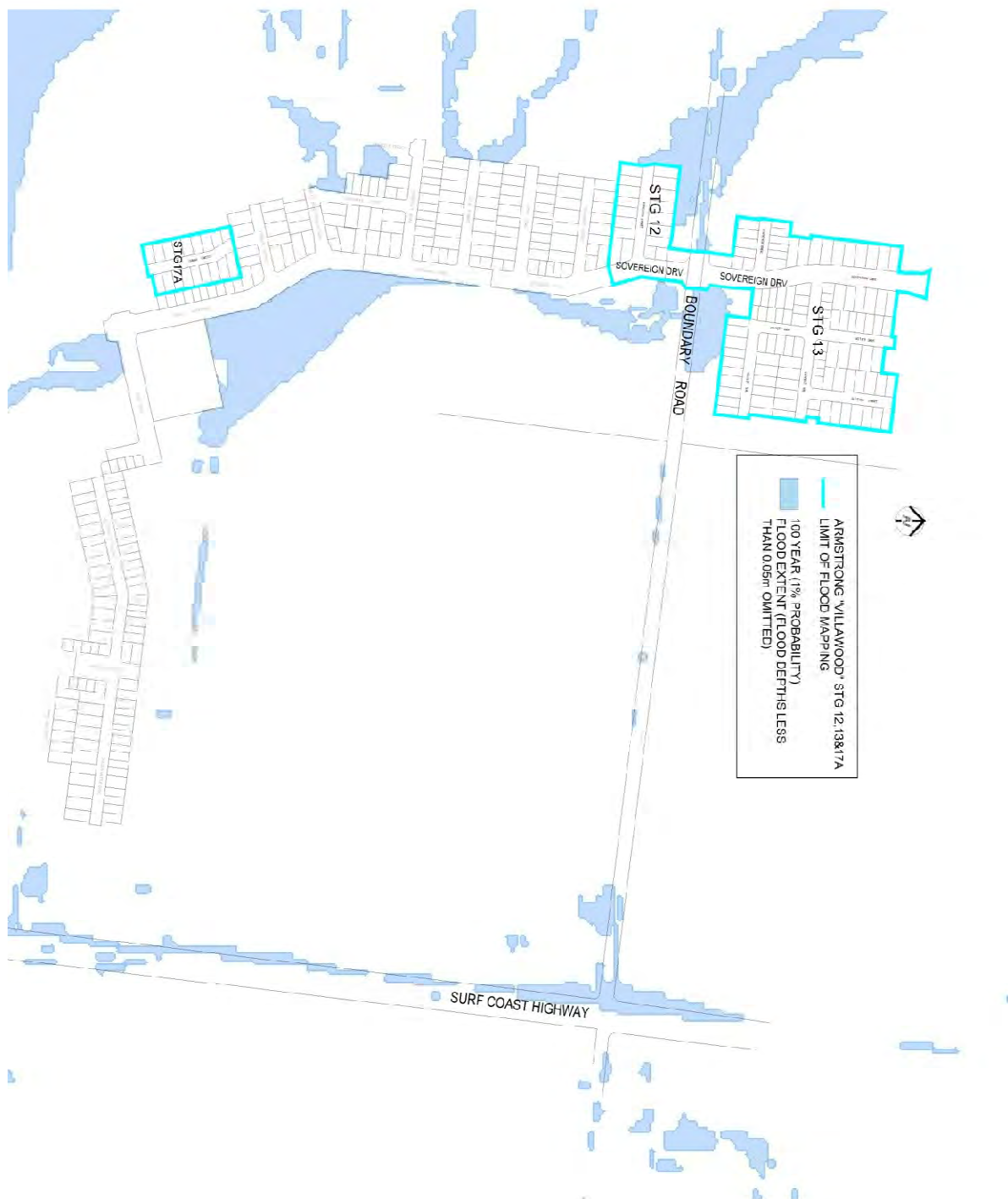
The owners of properties affected by the revocation will be notified so they are aware that disclosure of flood status on a Section 32 Vendors Statement is no longer required.

Relevant Council databases and flood maps will be revised and updates sent to the Corangamite Catchment Management Authority and Building Control Commission.

## Appendix 1 CURRENT FLOOD MAP



## Appendix 2 REVISED FLOOD MAP



*Cr Nelson declared an Indirect Interest by a Close Association in Agenda Item 5 – Exchange of Land – Peninsula Drive, Drysdale and Murradoc Road, St Leonards – Update, in that he has had several confidential meetings with the Principal of St Ignatius about financial decisions pertaining to the land abutting the school, and left the meeting room prior to discussion at 8.16pm.*

## **5. EXCHANGE OF LAND – PENINSULA DRIVE DRYSDALE AND MURRADOC ROAD ST LEONARDS UPDATE**

|                         |                                                                  |
|-------------------------|------------------------------------------------------------------|
| <b>Portfolio:</b>       | <b>Finance - Cr Lyons (Mayor), Cr Farrell &amp; Cr E Kontelj</b> |
| <b>Source:</b>          | <b>Strategy &amp; Performance – Corporate Property</b>           |
| <b>General Manager:</b> | <b>Dean Frost</b>                                                |
| <b>Index Reference:</b> | <b>Land Sale</b>                                                 |

### **Purpose**

To provide Council with an update on the proposed exchange of land; Peninsula Drive Drysdale, and Murradoc Road, St Leonards, and for Council to indicate a way forward in the light of submissions received.

### **Summary**

- At its meeting on the 28 April 2015 the Council resolved to sell approximately 2.6ha of land in Peninsula Drive, Drysdale at the rear of the Potato Shed to the Roman Catholic Trust Corporation (RCTC) for expansion of St Ignatius Secondary College. Refer to attached diagram.
- The sale of the land is conditional upon the RCTC selling to Council 2,500m<sup>2</sup> of its land in Murradoc Road, St Leonards to the Council for a future children's services centre.
- Notice of intention to sell the Peninsula Drive land was published on 15 and 16 May 2015 and at the end of the submissions period a total of 38 submissions had been received. The main recurring themes of the objecting submissions are:
  - Land should not be sold for expansion of St Ignatius but retained for arts, culture and other uses.
  - Selling the land will prevent the expansion of the Potato Shed.
  - The exchange of the land in Drysdale for land in St Leonards is inequitable in terms of area and value.
  - Expansion of St Ignatius College will increase traffic problems in Peninsula Drive.
- The Bellarine Secondary College has objected to the land sale.
- Submissions supporting the land sale were received from St Ignatius College and the St Thomas Presbytery. The RCTC and St Thomas Presbytery have both advised that the St Leonards land is not available for sale.

**Cr Ellis moved, Cr Farrell seconded -**

**That Council:**

- 1) notes that 1343 – 1349 Murradoc Road, St Leonards is not for sale;**
- 2) directs Officers to abandon the sale of land at 29-39 Peninsula Drive Drysdale, on the basis that the land exchange condition linked to the sale could not be met;**
- 3) requests Officers to report back to Council any future requests to facilitate a land exchange.**

**Carried.**

***Background***

At Council meeting dated 28 April 2015, Council resolved to sell approximately 2.6ha of land in Peninsula Drive, Drysdale at the rear of the Potato Shed to the Roman Catholic Trust Corporation (RCTC) for expansion of St Ignatius Secondary College. Refer to attached diagram.

The sale of the land is conditional upon the RCTC selling to Council, 2,500m<sup>2</sup> of its land in Murradoc Road, St Leonards for a future children's services centre.

Notice of intention to sell Peninsula Drive land was published 15 and 16 May 2015, at the end of the submissions period a total of 38 submissions had been received. The main recurring themes of the objecting submissions are:

- Land should not be sold for expansion of St Ignatius but retained for arts, culture and other uses.
- Selling the land will prevent the expansion of the Potato Shed.
- The exchange of the land in Drysdale for land in St Leonards is inequitable in terms of area and value.
- Expansion of St Ignatius College will increase traffic problems in Peninsula Drive.

Bellarine Secondary College has objected to the land sale.

Submissions supporting the land sale were received from St Ignatius College and the St Thomas Presbytery. The RCTC and St Thomas Presbytery have both advised that the St Leonards land is not available for sale.

***Discussion***

In the light of submissions received and the position of both the RCTC and St Thomas Presbytery in relation to the St Leonards land, options for the Council include:

1. Continue to attempt to gain an agreement from the RCTC for the sale of the St Leonards land and proceed with the land exchange, as per the existing Council position;
2. Proceed with the sale of the Peninsula Drive land only, and look elsewhere in St Leonards for suitable land;
3. Abandon the sale of the land accepting that the St Leonards land is not for sale.

With options 1 and 2, which both involve a sale of the land, Council is required to complete the statutory process and provide an opportunity for the submitters to be heard by the Submissions Review Panel with a further report to Council.

The notice of intention to sell provided details of the sale of the land at Peninsula Drive alone, as the Council is only obliged to give such notice when it intends to sell rather than purchase land. Excluding details of the requirement to purchase land at St Leonards, allows the Council flexibility to consider proceeding with either the sale and purchase or sale of land alone without the need to repeat the notice of intention to sell.

It is noted that the purchase and sale received publicity in the print media and is generally understood by submitters.

If Council indicates a willingness to proceed with option 2, being the sale of the Drysdale land without the purchase of the St Leonards land, it is recommended that Council rescind its resolution 28 April 2015 before the hearing of submissions.

### ***Environmental Implications***

One of the submissions has pointed out that sale of the land at Peninsula Drive to St Ignatius will increase pressure on the Basin Reserve. The reserve is a 2.4ha Crown land parcel of native vegetation under the management of the Council with input from community members.

There are no other environmental implications associated with the sale and purchase of the land.

### ***Financial Implications***

Council's current resolution is to sell Peninsula Drive land for \$700,000 being Council's valuation dated January 2015. The purchase price of the St Leonards' land has not been determined, however it will be no more than Council's valuation (to be obtained).

There are costs involved in subdividing both parcels which will have to be apportioned between the parties as appropriate if a sale and purchase proceeds.

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

The Local Government Best Practice Guideline for the Sale and Exchange of Land recommends that where ever possible land be sold by a public process such as auction or listing. In this case a direct sale to the Roman Catholic Trust is recommended to assist with its expansion plans.

Section 189 of the Local Government Act ("LG Act") requires that Council obtain a certified valuation dated not more than six months prior to the sale of the land being the date of the contract of sale. Prior to sale Council's valuation will have to be refreshed.

Under the same section of the Local Government Act Council is required to give public notice of its intention to sell the land and consider any submissions received.

Council land is a Reserve which is a restriction on the title that needs to be removed prior to sale, and a planning permit is required for this purpose. In addition the land requires subdivision prior to sale.

### ***Alignment to City Plan***

The sale of the land will provide the best option for the expansion of St Ignatius College to meet its projected demands for education.

***Officer Direct or Indirect Interest***

No officers or contractors involved in the preparation of this report have a direct or indirect interest in matters to which this report relates.

***Risk Assessment***

The risks associated with the subdivision and sale of this land are able to be managed following normal management procedures and processes.

***Social Considerations***

With the sale of the land to the Roman Catholic Trust the Council still has sufficient land in around the Potato Shed and to the west of Peninsula Drive to cater for the medium to long term community and sporting needs of Drysdale and the wider Peninsula.

***Human Rights Charter***

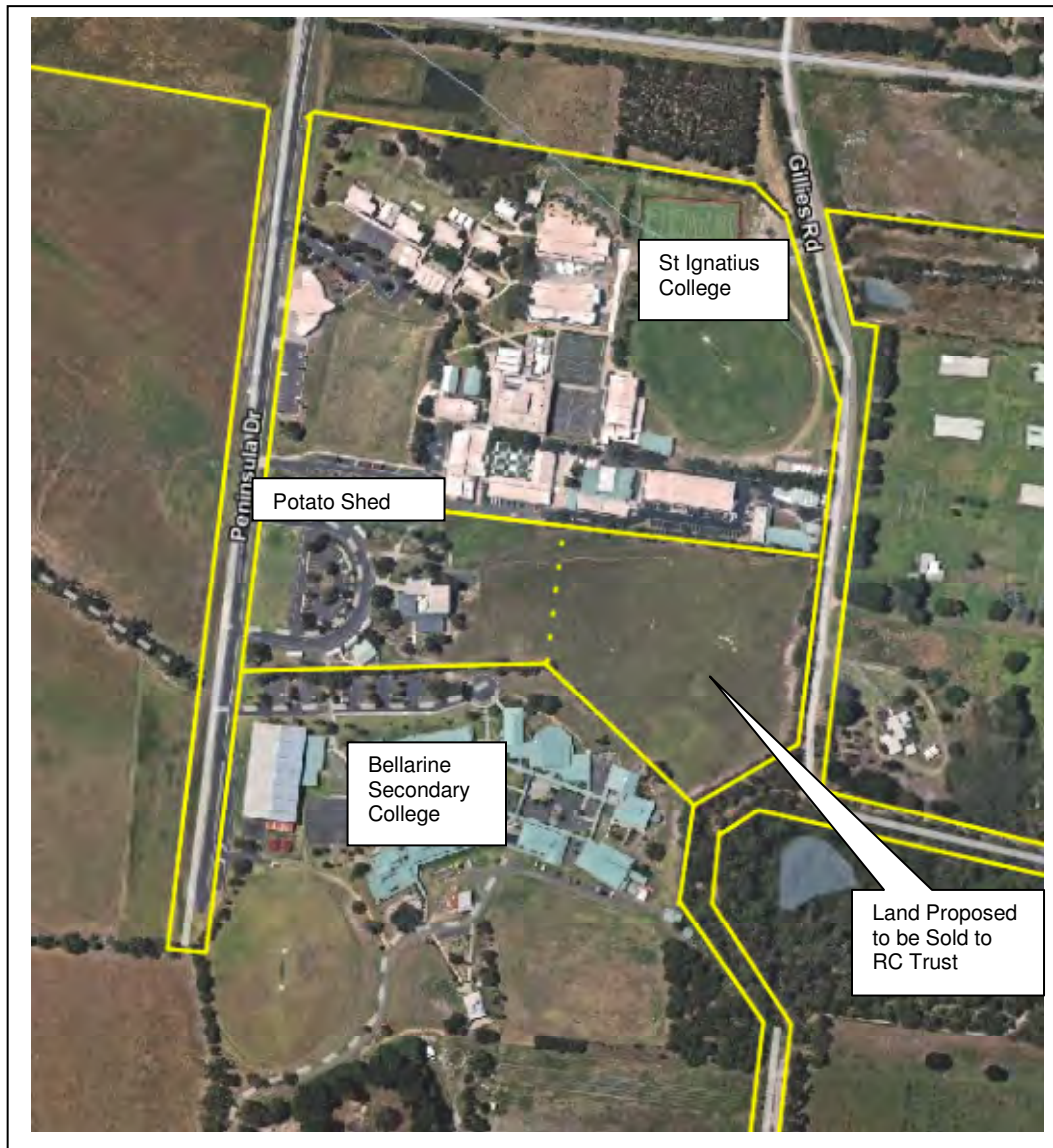
No human rights will be affected by the recommendation of this report.

***Consultation and Communication***

The relevant internal departments have been consulted in the preparation of this report.

**Attachment 1**

**Aerial View of Schools and Council Land in Peninsula Drive Drysdale**



*Cr Nelson re-entered the meeting room at 8.35pm.*

**6. REAR 307-313 PAKINGTON STREET, NEWTOWN - PROPOSED LANEWAY CONSTRUCTION - SRC 341 - DECLARATION OF CHARGE**

|                         |                                                            |
|-------------------------|------------------------------------------------------------|
| <b>Portfolio:</b>       | <b>Infrastructure – Cr Ellis</b>                           |
| <b>Source</b>           | <b>City Services - Engineering Services</b>                |
| <b>General Manager:</b> | <b>William Tieppo</b>                                      |
| <b>Index Reference</b>  | <b>Special Rates and Charges; Pakington Street Newtown</b> |

**Purpose**

This report seeks a resolution by Council to declare the charges to fund the construction of a laneway between Noble and Huntingdon Streets, Newtown. (See plan – Appendix 4).

**Summary**

- Property owner concerns relating to the unsealed laneway at the rear of 307 to 313 Pakington Street have been highlighted in recent times. It is considered that the proposed laneway construction will provide a direct access and amenity benefit for the abutting properties.
- It is proposed to construct the laneway with a standard asphalt seal with provisions for drainage already in place.
- There are eleven (11) properties abutting the proposed laneway that will receive special benefit. There are no Council owned properties in the proposed scheme.
- The total estimated project cost is \$31,318. A Benefit Ratio of 0.93 has been calculated in accordance with Section 163 of the Local Government Act. This equates to a Council contribution to the scheme of \$2,185 and a property owner contribution of \$29,133.
- Council considered a separate report on 24 March 2015 and one objection was received during the subsequent submissions period.
- The property owner who lodged the objection is not able to attend a panel hearing but has agreed to have the objection tabled at the Council meeting. In lieu of a panel hearing, a copy of the objection is tabled for consideration.
- The scheme has been prepared in accordance with the Special Rate and Charges provisions of the Local Government Act 1989 along with the 2004 Ministerial Guidelines and Council's Special Rates and Charges Policy.

**Cr S Kontelj moved, Cr Ellis seconded -**

**That Council:**

**1) Resolves to declare the Special Charge Scheme as follows:**

- a) The Special Charge is declared for a period of five (5) years commencing upon completion of the works and scheme finalised.**
- b) The Special Charge be declared for the purpose of defraying any expenses incurred by Council in relation to the construction of the laneway between Noble and Huntingdon Streets, Newtown is the project which :**

- b1) Will provide proper vehicular access and improved general amenity for each of the properties included in the scheme;**
  - b2) Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this Resolution); and**
  - b3) Arises out of Council's function of planning for and providing infrastructure for property owners.**
- c) The total cost of project, be recorded as \$31,318(Schedule A).**
- d) It be recorded that, for the purposes of Section 163 (2A) of the Local government Act 1989 (the Act), the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula ( $R \times C = S$ ), the:**
  - d1) 'benefit ratio' (R) being calculated at 0.93 represents the special benefits to all persons liable to pay the special charge (Schedule B);**
  - d2) 'total cost' (C) of performing the function described in part 1 (b) of this resolution based on estimated cost be recorded as \$31,318; and**
  - d3) 'maximum levy' (S) be recorded as \$29,133.**
- e) the following be specified as the area for which the special rate is so declared:**
  - e1) the area within municipal district of Council highlighted in the plan attached to this Resolution (Appendix 4).**
- f) the following be specified as the land in relation to which the special charge so declared:**
  - f1) land within the area shown on the plan.**
- g) the following be specified as the criteria which form the basis of the special charge so declared:**
  - g1) ownership of any land described in Part 1(e) of this Resolution.**
- h) the following be specified as the manner in which the special charge so declared will be assessed and levied:**
  - h1) Each lot receives a primary access and amenity benefit;**
  - h2) The maximum levy is apportioned 50% on access benefit and 50% on a frontage share basis (amenity benefit); and**
  - h3) The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to section 163(4) of the Act.**
- i) having regard to the preceding parts of this Resolution but subject to Section 166 (1) of the Act, it be recorded that;**
  - i1) the owners of the land described in column 2 & 3 of Schedule C to the resolution are estimated liable for the respective amounts set out in column 8 of Schedule C; and**
  - i2) such owners may, subject to any further resolution of Council pay the special charge in the following manner;**

- i2a) the charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167 (3) of the Act;
  - i2b) interest will not be charged for six months after the issue of the notice provided the person liable makes timely payment in accordance with any repayment arrangements that may be agreed on by Council; and
  - i2c) in accordance with Section 172 of the Act, the interest rate payable on the special charge which has not been paid by the specific date is set at Council's overdraft rate, reviewed every three months (provided that it shall not exceed the rate fixed by the Governor in Council by Order for the purposes of Section 172 (2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order for the purposes of this section).
- 2) Authorise the Chief Executive Officer to levy the Special Charge in accordance with Section 163(4) of the Act.

**Carried.**

### ***Background***

On 24 March 2015, Council resolved to give notice of its intention to declare a Special Charge Scheme for the construction of the laneway between Noble and Huntingdon Streets, Newtown.

During the subsequent submissions period, one objection was received from the affected property owners. This property owner originally requested to attend a panel hearing however a medical condition made this a not possible. The property owner has entrusted Council officers to convey his objection to Council. The objection is tabled as a confidential document with this report.

### ***Discussion***

The concerns raised in the objection and corresponding considerations by Council officers include:

- *Do not use the laneway;*  
This argument holds true for the current property owner however with all Special Charge Schemes, the considered benefits go to the property and not the owner. As the new laneway will provide improved access and amenity benefits for this property, it is considered appropriate to allocate the charge.
- *Laneway is of no benefit to me;*  
As per above considerations
- *Is a waste of money and money could be spent in better ways*  
This is a personal view held by the property owner that is not necessarily reflected in others.

### ***Environmental Implications***

The provision of a sealed laneway provides a permanent and safe means of access. During the course of construction and the manufacture and procurement of materials, energy is expended resulting in some greenhouse gas emissions. This ceases when construction is complete.

The project does not create waste with the exception of some excavated material.

The proposal does not affect any natural habitats.

The proposal will not require any vegetation removal.

***Financial Implications***

The project is a one off capital cost and there will be minimal ongoing maintenance costs. If approved, the scheme could proceed in the 2015/16 financial year.

Financial details are as follows:

|                                                 |          |
|-------------------------------------------------|----------|
| Maximum scheme levy to Property Owners (income) | \$29,133 |
| Scheme levy to Council                          | \$2,185  |
| Total Project Cost                              | \$31,318 |

From the table above, the total net cost to Council for this project is estimated to be \$2,185.

***Policy/Legal/Statutory Implications***

The scheme has been prepared in accordance with the Special Rate and Charge provisions of the Local Government Act 1989 along with the 2004 ministerial guidelines and Council's Special Rates and Charges Policy.

***Alignment to City Plan***

This report aligns with the City Plan as follows:

- Sustainably Built and Natural Environment.
- Advocate for and promote sustainable design and development – Promoting sustainable design and retrofitting.
- Acknowledge the community's desire to have their say and be involved in planning for the future of Greater Geelong.

***Officer Direct or Indirect Interest***

No Council Officer involved with this process has any direct or indirect interest in the properties.

***Risk Assessment***

Provision of a sealed laneway will provide safer driving conditions for motorists by the elimination of uneven and slippery surfaces.

There are no identified risks for Council in resolving to declare the charges for this scheme.

***Social Considerations***

The provision of properly sealed and drained laneways is aligned to Council's City Plan as described above and provides improved connectivity and safety for motorists. It is further considered that the laneways will enhance the general amenity of the area.

### ***Human Rights Charter***

In developing this report to Council, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in this report. It is considered that the subject matter does not raise any adverse human rights issues.

It is further considered that the construction of the laneways upholds the right to freedom of movement (Section 12 of the Human rights Charter) by enhancing a person's ability to move freely within the area they choose to live.

### ***Consultation and Communication***

Community consultation for the laneway construction Special Charge Scheme has been carried out as follows:

2 October 2014 – Initiation letter including a plan, Special Rates and Charges brochure, Apportionment spreadsheet and survey forms were sent out to all affected property owners. The survey results indicated sufficient support for the scheme proposal to proceed to the next stage.

31 March 2015 – A Scheme letter to property owners advised of Council's Intention to Declare the Special charges. This letter included an invitation to make a submission.

Further correspondence will be mailed should Council resolve make its 'Declaration of Charge' for the scheme.

## Appendix 1

### SCHEDULE 'A'

The works for the construction of a laneway which consist of excavation, asphalt pavement, miscellaneous construction works, legal advice and professional services associated with survey, engineering design, drafting, supervision and administration of the project all as included in the cost estimate shown below.

#### **COST ESTIMATE FOR CONSTRUCTION OF LANEWAYS – BETWEEN HUNTINGDON AND NOBLE STREETS, NEWTOWN**

| TOTAL COST OF SPECIAL CHARGE SCHEME |                                                                                                                                                                              |          |                |          |                   |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------|----------|-------------------|
| ITEM                                | DESCRIPTION                                                                                                                                                                  | QUANTITY | UNIT           | RATE \$  | AMOUNT \$         |
| <b>1.00</b>                         | <b>GENERAL</b>                                                                                                                                                               |          |                |          |                   |
| <b>1.01</b>                         | Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.                                                   |          | ITEM           | 2,000.00 | \$2,000.00        |
| <b>1.02</b>                         | Traffic management costs.                                                                                                                                                    | 2        | ITEM           | 500.00   | \$1,000.00        |
| <b>1.03</b>                         | Service / Cable locations                                                                                                                                                    |          | ITEM           | 250.00   | 250.00            |
| <b>2.00</b>                         | <b>EARTHWORKS &amp; DEMOLITION</b>                                                                                                                                           |          |                |          |                   |
| <b>2.01</b>                         | Excavation and disposal of all materials to limits of work as indicated on plan, including trimming for new road pavement, excavation of soft spots and removal of concrete. | 54       | m <sup>3</sup> | 60.00    | \$3,210.00        |
| <b>2.04</b>                         | Saw-cutting of asphalt paving.                                                                                                                                               |          | Item           | 200.00   | \$200.00          |
| <b>3.00</b>                         | <b>PAVEMENT WORKS</b>                                                                                                                                                        |          |                |          |                   |
| <b>3.01</b>                         | 30mm compacted depth 10mm nominal size type H Asphalt spread and compacted including emulsion prime & grit using a paver.                                                    | 357      | m <sup>2</sup> | 35.00    | \$12,485.00       |
| <b>3.02</b>                         | 150mm compacted depth Class 2 20mm crushed rock, supplied, spread and compacted.                                                                                             | 53.505   | m <sup>3</sup> | 120.00   | \$6,420.60        |
| <b>SUB-TOTAL</b>                    |                                                                                                                                                                              |          |                |          | <b>\$25,565</b>   |
| <b>10% CONTINGENCY</b>              |                                                                                                                                                                              |          |                |          | <b>\$2,556.54</b> |
| DESIGN                              |                                                                                                                                                                              |          |                |          | <b>\$1,278.27</b> |
| SRC ADMINISTRATION                  |                                                                                                                                                                              |          |                |          | <b>\$1,917.41</b> |
| <b>CONSTRUCTION COST ESTIMATE</b>   |                                                                                                                                                                              |          |                |          | <b>\$31,318</b>   |

## Appendix 2

### Benefit Ratio – Schedule 'B'

#### A Purpose

To construct the laneways at the rear of 307-313 Pakington Street, Newtown to provide all weather vehicular access for abutting property owners.

#### B Coherence

The works will provide a physical laneway connection between Noble Street and Huntingdon Street, Newtown and will provide a special benefit to abutting properties.

#### C Total Cost C

Total Estimated cost of works

|                                            |                    |
|--------------------------------------------|--------------------|
| <b>Total Cost of Footpath Construction</b> | <b>\$31,318.00</b> |
|--------------------------------------------|--------------------|

#### D Identify Special Beneficiaries

10 properties with frontages to the proposed laneway are considered to receive access and amenity benefits.

#### E Properties to include

Total Special Benefits (in) is apportioned to 10 properties. Three (3) properties are commercial properties which attract additional access benefits. Seven (7) properties are residential that attract standard access benefits. All properties receive amenity benefits based on actual frontage.

There are no Council owned properties in the scheme. Therefore:

Total Special Benefits out of the scheme TSB (out) = 0

#### F Estimate of Total Special Benefits

For the purpose of calculating the benefit ratio, a Benefit Unit (BU) will be used and a distinction is made between an access and amenity benefit. We shall assume that the 1 BU consists of 0.5BU for access and 0.5BU for amenity and is equal to the average benefits for each of the private properties. The access benefit for all properties will be considered via the number of car parking spaces available. It is considered that all private properties have provision for two cars at 0.5 BU each (2 X 0.5 = 1BU for access). The retail property at 313 Pakington Street has provision for 4 spaces, 311 Pakington Street has 8 and 309 Pakington Street has 4. The amenity benefit will be the same for all properties at 0.5 BU each. This can be summarised in the table below:

|                               | 7 Private Properties | 3 Commercial / Retail properties |
|-------------------------------|----------------------|----------------------------------|
| Access                        | 14 spaces = 7 BU     | 16 spaces = 8 BU                 |
| Amenity                       | 3.5 BU               | 1.5 BU                           |
| <b>Total Special Benefits</b> | <b>10.5 BU</b>       | <b>9.5 BU</b>                    |

Total Special Benefits in the scheme: TSB (in) = 20.00 BU

#### G Estimate of Total Community Benefit -TCB

It is considered that people in the community will receive some benefit from the works as the laneway is used as an access between Huntingdon and Noble Street. It is expected that no more than 10% of laneway users will fit this category and this includes the neighbouring bowling club. There is no amenity benefits considered for the wider community. TCB is calculated as follows:

TCB = 10% X 15 (Total access BU) = 2

#### H Calculate "Benefit Ratio" - R

Benefits Ratio =  $\frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}}$  =  $\frac{20}{20 + 0 + 2}$  = 0.93

#### I Maximum Total Levy (S)

Maximum Total Levy S = R X C

Council Contribution to Special Charge Scheme

|                    |
|--------------------|
| <b>\$29,133.02</b> |
|--------------------|

\$2,184.98

## Appendix 3

**SCHEDULE 'C'**  
**SPECIAL CHARGE SCHEME FOR LANEWAY CONSTRUCTION**  
**BETWEEN HUNTINGDON AND NOBLE STREETS, NEWTOWN**

| COLUMN 1 | COLUMN 2                          | COLUMN 3                     | COLUMN 4                             | COLUMN 5            | COLUMN 6      | COLUMN 7       | COLUMN 8               |
|----------|-----------------------------------|------------------------------|--------------------------------------|---------------------|---------------|----------------|------------------------|
| Prop Key | Address                           | Legal Details                | Apportionable Rear Frontage (metres) | Access Benefit (BU) | Access Charge | Amenity Charge | Estimated Total Charge |
| 203761   | 307 Pakington Street, NEWTOWN     | Lot 1 TP 760329              | 15.55                                | 1                   | \$971.10      | \$1,578.24     | <b>\$2,549.34</b>      |
| 203762   | 309 Pakington Street, NEWTOWN     | Lot 1 TP 698263              | 16.00                                | 2                   | \$1,942.20    | \$1,623.91     | <b>\$3,566.12</b>      |
| 203763   | 311 Pakington Street, NEWTOWN     | Lot 1 TP 423761              | 16.26                                | 4                   | \$3,884.40    | \$1,650.30     | <b>\$5,534.71</b>      |
| 343424   | 1/313 Pakington Street, NEWTOWN   | 1/2 Share of Lot 1 TP 902736 | 23.13                                | 2                   | \$1,942.20    | \$2,347.57     | <b>\$4,289.77</b>      |
| 203764   | 2-3/313 Pakington Street, NEWTOWN | 1/2 Share of Lot 1 TP 902736 |                                      |                     |               |                |                        |
| 203307   | 83 Noble Street, NEWTOWN          | Lot 1 TP 704786              | 12.19                                | 1                   | \$971.10      | \$1,237.22     | <b>\$2,208.32</b>      |
| 203308   | 85 Noble Street, NEWTOWN          | Lot 1 TP 117779              | 12.29                                | 1                   | \$971.10      | \$1,247.37     | <b>\$2,218.47</b>      |
| 203309   | 87 Noble Street, NEWTOWN          | Lot 1 TP 829448              | 12.19                                | 1                   | \$971.10      | \$1,237.22     | <b>\$2,208.32</b>      |
| 347341   | 2A Huntingdon Street, NEWTOWN     | Lot 1 PS 703708              | 8.37                                 | 1                   | \$971.10      | \$849.51       | <b>\$1,820.61</b>      |
| 347342   | 2B Huntingdon Street, NEWTOWN     | Lot 2 PS 703708              | 8.39                                 | 1                   | \$971.10      | \$851.54       | <b>\$1,822.64</b>      |
| 202332   | 4 Huntingdon Street, NEWTOWN      | Lot 1 TP 684217              | 19.15                                | 1                   | \$971.10      | \$1,943.62     | <b>\$2,914.72</b>      |

## Appendix 4

### Plan



**Attachment 1**

**PROCESS CHART**

**SPECIAL CHARGE PROJECTS –  
(Section 163 – Local Government Act 1989)**

**REAR OF 307 – 313 PAKINGTON STREET, NEWTOWN**

| <b>Stage</b>                            | <b>Status</b> | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Approval to prepare scheme</i>       | ✓             | Decision made to prepare scheme following consideration of surveys of property owners and feed back from the community. Council may then place the project in the budget system or proceed immediately to prepare a scheme. Scheme preparation involves survey, design and preparation of an apportionment of costs. <b>October 2014.</b>                                                                                                      |
| <i>Intention to Declare Scheme</i>      | ✓             | Report to Council providing information on scheme including advice of impending advertising of scheme and declaration of charge. Seeks Council approval by resolution to proceed with process. <b>24 March 2015</b>                                                                                                                                                                                                                            |
| <i>Advertisement</i>                    | ✓             | The scheme is advertised in the local newspaper and all allotted property owners are notified by mail. This advertisement indicates Council's intention and notification to 'declare' a scheme in a month's time. <b>4 April 2015</b>                                                                                                                                                                                                          |
| <i>Submissions</i>                      | ✓             | From the time of advertising property owners have 28 days (as set down by the Local Government Act) to lodge submissions, either in support or opposition to the scheme.                                                                                                                                                                                                                                                                       |
| <i>Submissions Review Panel Hearing</i> | ✓             | A Submissions Review Panel is convened (quorum of three Councillors) and meets to consider submissions. Some submissions are written only, and other submitters may wish to be heard before the Panel. The Panel makes a recommendation to Council regarding the scheme. <b>Panel not required in this circumstance.</b>                                                                                                                       |
| <i>Declaration Report</i>               | ✓             | Any time 28 days after advertising the scheme and after the Submissions Review Panel has met and considered submissions, Council considers a report and may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme. |
| <i>Appeal</i>                           |               | Property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes three to four months. Decisions made by VCAT are binding on all parties.                                                                                                              |
| <i>Construction</i>                     |               | Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.                                                                                                                                                                                                                                                                                                   |
| <i>Final Cost Report</i>                |               | At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.                                                                                                                                                                                                                                                                                                      |

## **ASSEMBLY OF COUNCILLORS RECORD**

**Portfolio:** Governance – Cr Lyons (Mayor)  
**Source:** Strategy & Performance  
**General Manager:** Dean Frost

### **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 Irvine moved, Cr Fisher seconded -**

**That the information be received.**

**Carried.**

**RECORD OF ASSEMBLIES OF COUNCILLORS**  
**(Council Meeting 28 July 2015)**

| Assembly Details                           | Councillor Attendees                                                                                            | Officer Attendees                                                                                                                                                                              | Matters Discussed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Conflict of Interest Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillor Briefing<br><b>21 July 2015</b> | Crs Ansett, Ellis, Fisher, Farrell, Harwood, Heagney, Irvine, E Kontelj, S Kontelj, Macdonald, Nelson, Richards | K Spiller (INT/CEO)<br>P Bettess (GM)<br>W Tieppo (GM)<br>D Frost (GM)<br>J McMahon (INT/GM)<br>L Quinn (ACT/GM)<br>S Cavanagh (MGR)<br>A Paterson (Exec Officer – Mayor)<br>R Bourke (CO ORD) | <ul style="list-style-type: none"> <li>• Iconic Floating Christmas Tree – Ongoing Services Contract (Confidential)</li> <li>• Disability Action Plan 2014-2017 Progress Report</li> <li>• Cycling Infrastructure Advisory Committee</li> <li>• Exchange of Land – Peninsula Drive, Drysdale and Murradoc Road, St Leonards – Update</li> <li>• Amendment C203 Trethowan Avenue/Ocean Grand Drive, Ocean Grove – Consideration of Panel Report and Adoption of Amendment</li> <li>• Revocation of Flood-Prone Area Designation of New Lots at Villawood – Armstrong Mount Duneed States 12, 13 and 17A</li> <li>• Rear 307-313 Pakington Street, Newtown – Proposed Laneway Construction SRC341-Declaration of Charge</li> </ul> | <ul style="list-style-type: none"> <li>• Cr Nelson declared a Conflict of Interest in the Exchange of Land – Peninsula Drive, Drysdale and Murradoc Road, St Leonards Update and left the room prior to discussion.</li> <li>• Cr Farrell declared an Indirect Interest in Agenda Item 1 – Amendment C203 Trethowan Avenue/Ocean Grove Drive, Ocean Gove – Consideration of Panel Report and Adoption of Amendment, however the item was not discussed.</li> </ul> |

## **PLANNING DELEGATIONS – JUNE 2015**

|                         |                                                  |
|-------------------------|--------------------------------------------------|
| <b>Portfolio:</b>       | <b>Planning - Cr Heagney</b>                     |
| <b>Source:</b>          | <b>Planning &amp; Tourism - City Development</b> |
| <b>General Manager:</b> | <b>Peter Bettess</b>                             |
| <b>Index Reference:</b> | <b>Delegation</b>                                |

### **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 Macdonald moved, Cr Ansett seconded -**

**That the information be received.**

**Carried.**

### Monthly Delegations Report - June 2015

| App Number   | Location                                           | Application Type                                                                                                                                                                                                                                    | Decision Date | Description                                       | Authority Description      |
|--------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------|----------------------------|
| 1022/2012    | PARENT - 121-131 Torquay Road, GROVEDALE VIC 3216  | Construction of Fourteen (14) Single Storey Dwellings and alter access to Road Zone Category 1                                                                                                                                                      | 23/6/2015     | PI - Extended Planning Permit                     | Delegated Authority        |
| 1222/2012    | PARENT - 71 Glenrana Drive, INDENTED HEAD VIC 3223 | Multi Lot Subdivision and Removal of Native Vegetation                                                                                                                                                                                              | 11/6/2015     | PI - Extended Planning Permit                     | Delegated Authority        |
| 1271/2013    | 1065-1089 Queenscliff Road, SWAN BAY VIC 3225      | Use of Land for the Purpose of Outdoor Recreation Facility (Microlight Flights, Training and Storage) and Display of Associated Business Identification Signage                                                                                     | 17/6/2015     | No Appeal Lodged Permit Issued                    | Development Hearings Panel |
| 1333/2014    | 110 The Parade, OCEAN GROVE VIC 3226               | Construction of Five Dwellings and Waiver of a Visitor Car Parking Space.                                                                                                                                                                           | 3/6/2015      | No Appeal Lodged Permit Issued                    | Development Hearings Panel |
| 1424/2011 /A | PARENT - 404 Ryrie Street, EAST GEELONG VIC 3219   | Part Demolition of the Existing Building, Buildings and Works Associated with the Existing Dwelling, Use of Part of the Site as a Food and Drink Premises (Cafe) and Associated Buildings and Works and Reduction in Car Parking and Liquor Licence | 17/6/2015     | Grant a Amended Planning Permit-(No Appeal Lodge) | Development Hearings Panel |
| 157/2015     | 42 Lelean Street, OCEAN GROVE VIC 3226             | Buildings and Works Associated with the Construction of an Extension to an Existing Dwelling                                                                                                                                                        | 3/6/2015      | No Appeal Lodged Permit Issued                    | Development Hearings Panel |
| 1587/2014    | 851-859 Portarlinton Road, LEOPOLD VIC 3224        | Use and Development of Land for a Dwelling                                                                                                                                                                                                          | 19/6/2015     | Refusal to Grant a Planning Permit                | Development Hearings Panel |
| 165/2015     | 5-6 Industry Court, LARA VIC 3212                  | Change of Use to Indoor Recreation Facility (Swimming School) and a Reduce the Number of Car Parking Spaces Required Under Clause 52.06-5                                                                                                           | 5/6/2015      | Refusal to Grant a Planning Permit                | Development Hearings Panel |
| 265/2015     | 50 Wedge Street, OCEAN GROVE VIC 3226              | Construction of a Dwelling over 7.5 metres                                                                                                                                                                                                          | 5/6/2015      | NOD - Planning Permit                             | Development Hearings Panel |
| 28/2015      | 52-54 Yellow Gum Drive, OCEAN GROVE VIC 3226       | Variation of Restrictive Covenant (vary building envelope of Lot 16 on Plan of Subdivision 715047M) and Removal of Native Vegetation                                                                                                                | 26/6/2015     | No Appeal Lodged Permit Issued                    | Development Hearings Panel |

|           |                                                 |                                                                                                                                                                                      |             |                                    |                      |
|-----------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------|----------------------|
| 343/2015  | 2-4 Grantham Drive, HIGHTON VIC 3216            | Development and Use of a Medical Centre                                                                                                                                              | 19/6/2015   | Refusal to Grant a Planning Permit | Development Hearings |
| 46/2015   | 851-859 Portarlington Road, LEOPOLD VIC 3224    | Use and Development of Land for a Dwelling                                                                                                                                           | 19/6/2015   | Refusal to Grant a Planning Permit | Development Hearings |
| 55/2015   | 312 Bellerine Street, SOUTH GEELONG VIC 3220    | Buildings and Works for the Construction of Two (2) Dwellings and Two (2) Lot Subdivision                                                                                            | 5/6/2015    | NOD - Planning Permit              | Development Hearings |
| 803/2007  | 282-300 Clifton Avenue, LEOPOLD VIC 3224        | Erection of forty four (44) re-locatable dwellings                                                                                                                                   | 17/6/2015   | PI - Extended Planning Permit      | Delegated Authority  |
| 844/2014  | 40 Winstanley Road, AVALON VIC 3212             | Two Lot Subdivision                                                                                                                                                                  | 9/6/2015    | Permit Issued - VCAT               | VCAT                 |
| 922/2014  | 150-190 Corio Quay Road, NORTH GEELONG VIC 3215 | Use and Development of a Store (Grain Storage Facility) and Reduce the Number of Car Parking Spaces Required Under Clause 52.06-5                                                    | 17/6/2015   | NOD - PC/C Planning Permit         | Planning Committee   |
| 1025/2014 | 7 Taits Road, BARWON HEADS VIC 3227             | Construction of Two (2) Dwellings and Removal of Vegetation                                                                                                                          | 1-Jun-2015  | NOD - Delegate                     | Objectors - 3        |
| 1589/2014 | 11-21 Petrel Street, GEELONG WEST VIC 3218      | Buildings and Works Including the Construction of a Classroom Building and Bike Sheds in Association with a Primary School                                                           | 2-Jun-2015  | NOD - Delegate                     | Objectors - 3        |
| 164/2015  | 152 Shannon Avenue, GEELONG WEST VIC 3218       | Use of Land for the Sale and Consumption of Liquor, Buildings and Works for Additions to an Existing Building, Reduction of Car Parking and Waiver of Loading/Unloading Requirements | 30-Jun-2015 | NOD - Delegate                     | Objectors - 4        |
| 225/2015  | 36 Clarke Avenue, BELMONT VIC 3216              | Construction of Two (2) Dwellings and Two (2) Lot Subdivision                                                                                                                        | 4-Jun-2015  | NOD - Delegate                     | Objectors - 1        |
| 237/2015  | 3 Lindel Street, NEWCOMB VIC 3219               | Construction of Six (6) Dwellings and Subdivision of the Land into Six (6) Lots                                                                                                      | 16-Jun-2015 | NOD - Delegate                     | Objectors - 3        |
| 238/2015  | 22 Carr Street, BELMONT VIC 3216                | Construction of a Second Dwelling and Two (2) Lot Subdivision                                                                                                                        | 9-Jun-2015  | NOD - Delegate                     | Objectors - 3        |
| 324/2015  | 1 Giddings Street, NORTH GEELONG VIC 3215       | Construction of Two Additional Dwellings and Three Lot Subdivision                                                                                                                   | 23-Jun-2015 | NOD - Delegate                     | Objectors - 1        |
| 387/2015  | 47A Albert Street, GEELONG WEST VIC 3218        | Buildings and Works for the Construction of a Dwelling                                                                                                                               | 17-Jun-2015 | NOD - Delegate                     | Objectors - 1        |
| 456/2015  | 10 Marjorie Avenue, BELMONT VIC 3216            | Construction of Two (2) dwellings and a Two (2) Lot Subdivision                                                                                                                      | 18-Jun-2015 | NOD - Delegate                     | Objectors - 1        |
| 690/2014  | 55 Maud Street, GEELONG VIC 3220                | Use of Existing Building for Student Accommodation                                                                                                                                   | 25-Jun-2015 | NOD - Delegate                     | Objectors - 5        |

**CLOSE OF MEETING:**

As there was no further business the meeting closed at 8.38pm. Tuesday, 28 July 2015.

**Signed:** \_\_\_\_\_  
**Chairperson**

**Date of Confirmation:** \_\_\_\_\_