CITY OF GREATER GEELONG

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 10 May 2016

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

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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, 10 MAY 2016
COMMENCING AT 7.00P.M.

PRESENT: Yehudi Blacher (Interim Administrator)

Also present: K Spiller (Chief Executive Officer), D Frost (General Manager Strategy & Performance), P Bettess (General Manager Planning and Tourism), W Tieppo (General Manager City Services), L Quinn (General Manager Community Life), B Luxford (General Manager Investment and Attraction), M Kelly (Manager Financial Services), A Grant (Property Advisor), D Lever (Corporate Internal Auditor), T McDonald (Manager Customer Service & Council Business), A Paterson (Executive Officer)

OPENING: The Interim Administrator declared the meeting open at 7.00pm

ACKNOWLEDGEMENTS:

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

CONFIRMATION OF MINUTES:

Moved and declared carried by the Interim Administrator:

That the Minutes of the Ordinary Meeting held on 15 March 2016 and the Special Meeting held on 3 May 2016, be confirmed.

DECLARATIONS OF CONFLICTS OF INTEREST: Nil

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, the Interim Administrator 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.

Colin Wallace addressed the Interim Administrator as follows:

1) Mr Administrator, because the only officer you can hold directly to account if you are not given a clear answer is the CEO, would you ask CEO Kelvin Spiller if the recommendation of 'and entry/threshold treatment of the First Street approach to Waratah Street' in 6.7.7. of the Panel Report for Greater Geelong Planning Scheme Amendment C96/Planning Application number 1629/2004 was, in accordance with the Planning and Environment Regulations of the time, submitted to the Minister with a reason or reasons for it not being adopted?

2) Mr Administrator, since on the face of it the relevant regulation was not complied with in this case, when considering the mechanism for obtaining an answer, would you note that responsibility for complying at that time – 2007 – lay with planners in the Department of City Development under the authority of the Manager of City Development, Joanne Van Slageren, that Joanne Van Slageren is still the Manager of City Development, reporting to the General Manager of Planning and Development, Peter Bettess who in turn reports to the CEO, Kelvin Spiller, who is the only officer you can hold directly to account if you are not given a clear answer?

Yehudi Blacher, Interim Administrator, responded Mr Wallace raised a series of complex statements and indicated a letter of response would be provided in due course.

Mary Wallace asked:

At the Ordinary Meeting of Council on 13 August 2013, Mayor Keith Fagg was not present when the meeting began. In the chair was Deputy Mayor Bruce Harwood who at the outset told the meeting that the Mayor would be an apology that night. It was customary then for the Governance Co ordinator, located beside the chairperson, to announce requests for leave and the dates for that leave.

Out of the ordinary, Cr Andy Richards with his own lips requested an extension of leave for Mayor Keith Fagg and gave dates, the effect of which was to conceal that Keith Fagg had resumed his mayoral duties. At the previous Council Meeting on 23 July Mayor Keith Fagg was granted leave, the last day of which was 9th August and on the 11th August he had attended a function in his role as Mayor at Geelong Trades Hall.

Dean Frost, currently General Manager of Strategy and Performance, was Acting CEO at the time and was seated next to the chairperson at the start of the Ordinary Meeting of Council on 13th August 2013. The next day, Keith Fagg went to the Premier's office to tell Premier Denis Napthine of his intention to resign and two days after that Keith Fagg announced his resignation.

Through you, Mr Administrator, I'm asking Dean Frost: was Keith Fagg here at City Hall, in this building on the evening of 13 August 2013?

Yehudi Blacher, Interim Administrator, responded he did not believe it was an appropriate forum for a Council Officer to be questioned, but would provide a response in writing.

Rob Threlfall addressed the Council in respect to a funding request for St Josephs Football and Netball Club.

Yehudi Blacher, Interim Administrator, responded it was an item that would be best dealt with in consideration of the Budget report this evening. Mr Blacher indicated he would be making some general comments in relation to a number of matters.

PETITIONS: Nil

1. 2016-2017 PROPOSED BUDGET

Source **Strategy & Performance – Financial Services**
General Manager **Dean Frost**
Index Reference **Financial Management / Budget – Fin Yr 2016/2017**

Purpose

Adopt the Proposed 2016-2017 Budget to allow for a 28 day public submission period prior to adoption of the final budget.

Summary

- The Proposed 2016-2017 Budget has been prepared in accordance with the requirements of the Local Government Act 1989 (LGA) and the Best Practice Guidelines that were developed by a Local Government industry taskforce.
- The Proposed Budget (Appendix 1) includes:
  (a) The Budgeted Statements of Comprehensive Income, Cash Flows, Balance Sheet, Capital Works, Changes in Equity and Human Resources.
  (b) The Strategic Objectives to be undertaken during the financial year and Service Performance Outcome Indicators in relation to each Strategic Objective;
  (c) The relationship between the activities and initiatives in contributing to achieving the strategic objectives specified in the City Plan, and
  (d) Details of the activities and initiatives to be funded in the budget.
- As required under the LGA a schedule declaring the differential rates and charges (Appendix 2) has been provided for public scrutiny and comment.
- The Rating Strategy for 2016-2017 contains the Council Policy, Procedure, rate assistance and information on the City's approach to the raising of property rates updated to reflect the outcome of Council's budget deliberations.
- The Minister for Local Government announced on 22 December 2015 that the rate cap would be 2.5% for all Victorian councils. The City of Greater Geelong lodged an application with the Essential Services Commission for consideration of a higher rate cap of 3.5% for the 2016-2017 rating year. However, due to developments in the Council, a further review was undertaken and Council resolved on 3 May 2016, for the application to be withdrawn.
- The proposed average rate increase for all rateable property is 2.44% which is lower than the 2.5% rate cap.

Moved and declared carried by the Interim Administrator -

That Council:

1) Pursuant to Section 127 of the LGA, the Council:

(a) Receive and consider the Proposed 2016-2017 Budget document, (Appendix 1), which includes the Budgeted Statements of Comprehensive Income, Cash Flows, Balance Sheet, Capital Works, Changes in Equity and Human Resources.

(b) Receive and consider the Four Year Strategic Resource Plan (Appendix 1, Section 3) including Budgeted Statements of Comprehensive Income, Cash Flows, Balance Sheet, Capital Works, Changes in Equity and Human Resources (under Section 126 of the LGA).

(c) Receive and consider the Rates, Municipal Charge, Waste Collection & Recycling charge and other income (required to meet the appropriate financial requirements as proposed in the 2016-2017 Budget package).

Receive and consider the proposed declaration of Rates and Charges (Appendix 2), for the purpose of:

(i) public scrutiny and comment, and

(ii) inclusion within the Rating Strategy 2016-2017 of Rate waivers under section 171of the LGA as detailed therein.

(iii) inclusion within the Rating Strategy 2016-2017 of Rate rebates, under section 169 of the LGA as detailed therein.

2) Advertise the Proposed Budget and make it available for inspection at Customer Service Centres and the Council website. The advertisement be placed in the Geelong Advertiser on Wednesday, 11 May 2016 inviting written submissions from the public by 5pm on Tuesday, 7 June 2016.

3) Appoint a Budget Submissions Panel consisting of administrator(s) to hear submissions made in relation to the Budget and Differential Rating, such Panel to:

(a) consider any written submissions and to hear any person who wishes to address the Panel in support of a submission, on a date to be confirmed by administrator(s).

(b) report to Council in relation to the submissions that have been received and any recommended amendments to the Proposed Budget.

4) After considering the report of the Budget Submissions Panel, adopt the Budget and declare the rates at a Council Meeting to be set prior to 31 July 2016.

5) Advertise the adoption of the Budget and declaration of the rates following the Council meeting.

Background

In accordance with Section 127 of the LGA, Council is required to prepare a budget for each financial year and must ensure that it contains:

(a) The budgeted statements in the form and containing the matters required by the regulations;

(b) A description of the activities and initiatives to be funded in the budget;

(c) A statement as to how the activities and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;

(d) Separately identified Strategic Objectives to be undertaken during the financial year and service performance outcome indicators in relation to each Strategic Objective;

(e) Any other details required by the regulations.

In addition, Council must ensure the budget considers the following:

(a) The information the Council is required to declare under section 158(1);

(b) If the Council intends to declare a differential rate under section 161, the details listed in section161(2), and

(c) If the Council intends to declare a differential rate under section 161A, the details listed in section 161(2).

The Interim Administrator has written to the Local Government Minister seeking an extension of time to the requirement in Section 30 of the Local Government Act to adopt the Budget by 30 June 2016.

An extension of time to adopt the Budget by 31 July 2016 is considered necessary in order to allow the Administrator(s) to undertake a thorough review of the Budget.

Discussion

The Proposed 2016-2017 Budget for the financial year commencing 1 July 2016 has been completed.

The Proposed 2016-2017 Budget document (Appendix 1) has been prepared on the basis of the Best Practice Guidelines as developed by a Local Government industry taskforce and issued to all municipalities across Victoria. The Proposed Budget document has been developed under the following sections:

- Overview,
- Budget Analysis,
- Budget Strategies,
- Appendices, including Activities and Initiatives linked with City Plan.

In accordance with the LGA, the Proposed 2016-2017 Budget also includes clear linkages to Council's Proposed "City Plan 2013-2017, (2016-2017 Update)", and its supporting Key Strategies and Actions.

Specific inclusions in the Proposed Budget are a summary by Strategic Directions:

- The activities and initiatives to be funded in the Budget.
- How the activities and initiatives will contribute to achieving the strategic objectives, and,
- The service performance outcome indicators in relation to each strategic objective.

In addition, a component of the Proposed Budget is the setting of Rates and Charges. The Minister for Local Government announced on 22 December 2015 that the 2016-2017 rate cap would be 2.5% for all Victorian Councils. The Declaration of Rates and Charges for 2016-2017 is attached (Appendix 2).

On 31 March 2016 the City of Greater Geelong applied to the Essential Services Commission for consideration of a higher rate cap of 3.5%. However, due to developments in the Council, a review was undertaken of expenditure and revenue assumptions which has provided $1.7M improvement to the recurrent surplus. This improved position offsets the additional revenue sought under the higher rate cap for 2016-2017. Therefore, as resolved by Council on 3 May 2016, the application to the Essential Services Commission for a higher rate cap of 3.5% for the 2016-2017 rating year was withdrawn.

The formal Rating Strategy document will be updated to reflect Council's statements of policy, procedure, general information and historical trends.

Council has declared a special rate in respect of the central business district of Geelong applicable to non-residential, non-exempt properties. The special rate is the Central Activities Area (CAA) Rate and is in addition to other rates and charges. The purpose of the special rate is to promote the CAA as a commercial shopping precinct using events, marketing and media.

Rating Strategy 2016-2017

The Rating Strategy document will be updated to reflect the outcome of Council's Budget deliberations.

Rates and Charges are the major source of Council revenue accounting for 63% of the total Council revenue annually. An increase in rate income is required to meet the objectives of Council aspirations and community expectations for new infrastructure.

The Minister for Local Government announced on 22 December 2015 that the 2016-2017 rate cap would be 2.5% for all Victorian Councils.

Not all Council charges are included in the rate cap calculation.

- Rates and the Municipal Charge are included in the rate cap calculation.
- The Waste charge and the Fire Services Property Levy are not included in the rate cap calculation.

The 2015-2016 base average rate is calculated as $1,435.43 and the 2016-2017 Budget proposes this will increase by 2.44% to $1,470.55.

The rate cap calculation for 2016-2017 is:

Proposed Average Rate Increase all Rateable Property	**2015-2016**	**2016-2017 2.44%**
Rates and Municipal Charge (adjusted for Supplementaries 2015-2016)	168,453,253	172,574,645
Number of Rateable Properties	117,354	117,354
Base Average Rate (BAR)	1,435.43	1,470.55

The rates and charges for individual properties may have increased or decreased by a different percentage amount to the rate cap for the following reasons:

1. The valuation of a property relative to the valuation of another property in the municipal district;
2. The application of a differential rate based on land use;
3. The inclusion of other charges not included in the rate cap.

Current Year Rate Increases

Changes proposed for 2016-2017 are:

1. Rates on a residential property will increase by 2.5%, including a reduction to the rate in $ movement of (3.3%) and Municipal Charge movement of 2.5%. The residential rate has been set at $0.002739 per $ of CIV valuation.
2. The Municipal Charge represents a fee on all rateable assessments as a contribution to the fixed and unavoidable costs of governance. The Municipal Charge is to increase from $94.30 to $96.65 or 2.5%.
3. The Waste Collection Service charge is calculated based on a fee for service, including direct, indirect and overhead costs. The charge is impacted by cost estimates of EPA levy $30.75 per tenement. The charge for 2016-2017 will increase from $258.25 to $270.50 or 4.75%.
4. A new Section 162 Service Charge known as Additional Bins Service will be introduced in 2016-2017. This is for families with six or more occupants within a household, who may apply for an additional garbage, recycling or green waste bin. The charges for 2016-2017 are $135 for a garbage bin, $48 for a recycling bin and $62 for a green bin.
5. Vacant Land rate will increase by an average of 2.5% whilst adjusting the relativity to the residential rate.
6. The Farm rebate will be increased to 40% from 34% and represents a cost to Council of $1.679M.

7. The Housing Support Waiver for eligible Charitable Housing will be maintained for 2016-2017 and is available upon application.

8. A rates waiver introduced for the New Corio Estate from 2013-2014 recognising this inappropriate subdivision and Planning Scheme Amendment C243 will be maintained.

9. The pensioner concession will increase from $213.00 in accordance with movement in CPI for Melbourne as advised by the Australian Bureau of Statistics to an estimated $218.30 (to be confirmed in May 2016).

10. Petroleum and Automobile differentials have been aligned to the same rate in the dollar. Council's adopted Statement of Principle is to reduce the gap between the rate in the dollar for these differentials and the industrial differential. For 2016-2017 Petroleum and Automobile differential have moved from 322% to 302% relative to residential.

Residential Rates and Charges

The average Capital Improved Value of residential properties within the municipality has increased from $377,721 to $400,322.

The total increase in rates and charges for the average residential property with a capital improved value of $400,322 is $41.36 or 2.90%. This increase is made up of $26.76 for General Rates, $2.35 for Municipal Charge and $12.25 for the Waste Collection Service.

Residential Properties	2015-2016 Rates on Average CIV $	2016-2017 Budget Rates on Average CIV $	Increase %
General Rates CIV x Rate in $	1,069.65	1,096.41	2.50%
Municipal Charge	94.30	96.65	2.50%
Total Rates including Municipal Charge	**1,163.95**	**1,193.06**	**2.50%**
Waste Collection Service	258.25	270.50	4.75%
Total Rates & Charges	1,422.20	1,463.56	2.9%

Rate Waiver

Council declares a waiver under Section 171 of the LGA for residential land and farm land properties where the valuation of the assessment has increased between the 2014 valuation and the 2016 valuation by 50% or more and that increase is purely attributable to market factors, not attributable, in whole or in part, to improvements made to the assessment by the owner (or occupier). The amount of the waiver be set at:

- between 25% and 49.99% of the general rates payable for the 2016-2017 financial year, increasing pro rata according to the valuation increase, for valuation increases between 50% and 59.99%; and

- 50% of the general rate payable for the 2016-2017 financial year for valuation increases of 60% or more.

The waiver is designed to mitigate the impact of significant valuation increases and is only claimable once in a two year valuation cycle.

Council declare a Housing Support waiver under section 171 of the LGA of 100% of general rates and municipal charge for the following types of housing. Transitional, Emergency, Crisis Housing, Housing for Legatees or War Widows provided by the Geelong Legacy Club or provided by RSL, and supported Housing for disabled people.

This waiver recognises that these properties provide specific needs within the community. Application can be made to Council to have land classified as being eligible for the waiver.

The New Corio Estate is an old and inappropriate subdivision within an established farming zone in Corio. Since the land is zoned as farming land it cannot be developed for residential use with no services available for the area. There is no prospect of these services becoming available in the future. In addition, environment reports in recent years have shown that the land contains significant native vegetation which Council is obligated to protect for future generations. Council adopted Planning Scheme amendment C243 which formally protects the native vegetation and provides some certainty over the future of the land. This amendment was approved by the Minister of Environment & Climate Control on 30 April 2013.

From 2013-2014 Council declared a waiver under section 171 of the LGA of 100% of general rates and municipal charge for privately owned properties in the New Corio Estate. This rates assistance waiver recognises the financial burden associated with ownership of the land and the encumbrances that prevents property owners from making any demands on Council services now and into the future.

Rate Rebates

Council has declared a Farm rebate to support the continuation of broad acre farming at 40% of general rates.

Rate Structure

Council has 12 rating or tariff groups with the application of differential rates to each of these groups in accordance with Section 161 of the LGA. The finalised Ministerial Guidelines for Differential Rating were gazetted on 26 April 2013 and came into effect from 1 July 2013. The intention of the Guidelines is to provide clarity, consistency and transparency. Council needs to consider the objectives, the suitable uses and the types of classes of land when introducing a differential rate. The Guidelines establish three groups of types and classes of land categories for differential rates – those which are considered 'appropriate', those which must be 'carefully considered' by a council and those which would 'not be appropriate'.

Fire Services Property Levy

The Fire Services Property Levy Act 2012 (FSPL) came into effect from 1 July 2013 and requires Local Government to bill, receipt and collect FSPL on rateable and non-rateable properties. The FSPL is billed on the annual rate notice in accordance with legislative requirements.

The FSPL rates applicable for 2016-2017 will be released in May 2016. The levy amount to be remitted to the State Revenue Office in 2016-2017 will be approximately $29.6M.

Environmental Implications

The Proposed Budget identifies the sources and allocation of the resources to implement the many environmental initiatives that impact on the community as outlined with Council's 2013-2017 City Plan, (2016-2017 Update).

Financial Implications

The budget has been prepared in accordance with the direction provided by Council at the rate cap of 2.5%. Changes in rates, fees and charges have been structured to meet the financial requirements as proposed for the 2016-2017 financial year.

Expenditure includes the continuation of Council services to the community.

The Budget includes a recurrent operating surplus of $1.9M.

The gross capital expenditure of $103.6M includes new funding of $10.7M on Infrastructure Leisure, $28.4M on roads, footpaths, kerb & channel and drains and $24.7M on buildings.

New loans of $50.6M are proposed for 2016-2017 including $27.9M deferred loans from 2015-2016. The projected total amount of borrowings as at 30 June 2017 is $93.3M.

Policy/Legal/Statutory Implications

The Annual budget is prepared to comply with the requirements of the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014. The annual budget process also recognises the need to align the Annual Budget to the direction and allocation of resources identified within the proposed City Plan update.

Alignment to City Plan

This report contributes to responsible and sustainable financial management as aligned in Council's City Plan objective on How We Do Business.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have a direct or indirect interest in any matter to which this report relates.

Risk Assessment

Under Section 130 of the Local Government Act Council must adopt the Annual Budget by 30 June each year commencing 2016-2017 Budget.

On 13 October 2015 Council adopted a budget timetable to include community consultation, meetings of the executive and Council to prepare the 2016-2017 Budget/City Plan update. The timetable provides a framework to manage risk in order for Council to meet its statutory obligations and avoid adverse implications if the process is delayed. These include:

- A lack of internal control to monitor the financial position of the City into the new financial year.
- Delays in commencing (and therefore completion) of projects identified within the Annual Budget.
- Delaying the issuing of the first rate instalment notices (due in early September).

Social Considerations

The Proposed Budget identifies the sources and allocation of resources to implement the many social initiatives that impact on the community as outlined with Council's 2013–2017 (2016-2017 Update) City Plan.

Human Rights Charter

There are no known positive or negative effects.

Consultation and Communication

A Public Notice will be published in the Geelong Advertiser on Wednesday, 11 May 2016 advising that the Proposed 2016-2017 Budget will be available for public scrutiny and inviting written submissions to be made.

Following the closing date for the written submissions on Tuesday, 7 June 2016 at 5.00pm, it is proposed to convene a Budget Submissions Panel on a date to be confirmed by incoming Administrators to review any submissions that have been received and put forward to Council a report on any recommended amendments to the Proposed Budget.

A request has been submitted to the Minister for Local Government seeking an extension of time to the requirement in Section 30 of the Local Government Act to adopt the budget by 30 June 2016. The Council meeting to adopt the Budget is therefore not yet confirmed.

Public Notice of the adopted budget and declaration of rates and charges will be advertised following the Council Meeting.

APPENDIX 1

2016-2017
PROPOSED BUDGET

APPENDIX 2

DECLARATION OF RATES & CHARGES

1. Amount Intended to be raised by General Rates, Municipal Charge, and Annual Service Charge for the period 1 July 2016 - 30 June 2017.

An amount of $201,013,604 be declared as the amount which Council intends to raise by General Rates, Municipal Charge and the Annual Service Charge, which amount is calculated as follows:
General Rates $161,232,767
Municipal Charge $11,341,878; and
Annual Service Charge $28,438,959.

2. General Rates

2.1 A general rate be declared for the period 1 July 2016 to 30 June 2017.

2.2 It be further declared that the general rate be raised by the application of differential rates.

2.3 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.

2.3.1. **Farm Land** – means any land which:

i. is not less than 2 hectares in area; and

ii. is used predominantly for the business of grazing (including agistment), dairying, pig-farming, poultry farming, fish farming, tree farming, bee-keeping, viticulture, horticulture, fruit growing or the growing of crops of any kind or for any combination of those activities; or

iii. satisfies the criteria for municipal purpose benefit for large holdings to the extent that it is, for example, land that is predominantly used and maintained for heritage, cultural or environmental purposes, or land that is held as natural bushland under a trust for nature covenant, or land that is held under some other type of similar formal undertaking.

To avoid doubt, 'business' for the purposes of identifying Farm Land has the same meaning as that given to it by section 2(1) of the *Valuation of Land Act* 1960 for the same purpose, being a business that:

a) has a significant and substantial commercial purpose or character; and

b) seeks to make a profit on a continuous or repetitive basis form its activities on the land; and

c) is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

2.3.2 **Residential Land** - means any land:

i. that is used exclusively for residential purposes; or

ii. on which a habitable building is erected, which building is unoccupied, and which is zoned residential under the Greater Geelong Planning Scheme.

2.3.3 **Vacant Land** - means any land:

i. that does not have the characteristics of Farm Land; and

ii. on which no building is erected, save for any uninhabitable shed or shelter, the size of which does not exceed 5% of the total area of the land.

2.3.4 **Petroleum Production Land** – means any land that is:

i. used primarily for the production or conveyance of petroleum and/or petroleum by-products; and

ii. is described as such in Schedule A.

2.3.5 **Industrial Land** – means any land that:

i. does not have the characteristics of

a) Vacant Land; or

b) Commercial Land; or

c) Petroleum Production Land; or

d) Automobile Manufacture Land; and

ii. is used predominantly for industrial purposes, which includes manufacturing, repairing, servicing, processing and reprocessing.

2.3.6 **Commercial Land** – means any land that:

i. does not have the characteristics of:

a) Farm Land; or

b) Industrial Land; or

c) Petroleum Production Land; or

d) Automobile Manufacture Land; and

ii. is used predominantly for the sale of goods or services or other commercial purposes; or

iii. on which a habitable building is erected, which building is unoccupied, and which is zoned other than residential under the Greater Geelong Planning Scheme.

2.3.7 **Automobile Manufacture Land** – means any land that is:

i. used primarily for the manufacture of automobiles or automobile products;
and

ii. is described as such in Schedule A.

2.3.8 **Mixed Use Land** – means any land that:

i. has the characteristics of Residential Land combined with the characteristics of Commercial Land or Industrial Land; and

ii. is used partly for residential purposes and partly for commercial and/or industrial purposes.

2.3.9 **The Point – Residential Land -** means any land that:

i. is used exclusively for residential purposes; or

ii. on which a habitable building is erected, which building is unoccupied, and which is zoned residential under the Greater Geelong Planning Scheme; and

iii. is described as such in Schedule A.

2.3.10 **The Point – Vacant Land -** means any land:

i. that does not have the characteristics of Farm Land; and

ii. on which no building is erected save for any small uninhabitable storage shed or shelter, the size of which does not exceed 5% of the total land area; and

iii. is described as such in Schedule A.

2.3.11 **The Point – Commercial Land -** means any land that:

i. does not have the characteristics of:

a) Farm Land; or

b) Industrial Land; and

ii. is used predominantly for the sale of goods or services, or other commercial purposes; or

iii. on which a habitable building is erected, which building is unoccupied, and which is zoned other than residential under the Greater Geelong Planning Scheme; and

iv. is described as such in Schedule A.

2.4 A rate pursuant to the Cultural and Recreational Lands Act 1963 be declared for rateable land having the respective characteristics specified below.

2.4.1 **Cultural and Recreational Land -**

Any land which -

(a) has the characteristics of Recreational land as defined by the Cultural and Recreational Lands Act 1963; and

(b) is described as such in Schedule A.

2.5 Each differential rate and Cultural and Recreation Lands Rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 and 2.4 by the relevant percentages indicated in the following table:

CATEGORY %

Farm Land .002739 (or .2739 percent of Capital Improved Value).

A rebate of 40% of the CIV by rate in dollar in accordance with Council policy for farm rating.

Residential Land .002739 (or .2739 percent of Capital Improved Value).

Vacant Land .004188 (or .4188 percent of Capital Improved Value).

The Point Residential Land .002739 (or .2739 percent of Capital Improved Value).

The Point Vacant Land .004188 (or .4188 percent of Capital Improved Value).

The Point Commercial Land .005489 (or .5489 percent of Capital Improved Value).

Petroleum Production Land .008294 (or .8294 percent of Capital Improved Value).

Industrial Land .007684 (or .7684 percent of Capital Improved Value).

Commercial Land .005489 (or .5489 percent of Capital Improved Value).

Automobile - Production Land .008294 (or .8294 percent of Capital Improved Value).

Mixed Use Land .004112 (or .4112 percent of Capital Improved Value).

Cultural and Recreational .001924 (or .1924 percent of Capital Improved Value).

2.6 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions; and that

2.6.1 the respective objectives of each differential rate be those specified in Schedule B;

2.6.2 the respective types or classes of land which are subject to each differential rate be those defined in Schedule B;

2.6.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in Schedule B; and

2.6.4 the relevant
(a) uses of; and
(b) geographical locations of; and
(c) planning scheme zonings of; and
(d) types of buildings on the respective types or classes of land be those identified in Schedule B; and

2.7 It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.

3. Rebates

3.1 Farm Rebate

For 2016-2017 Council declare a rebate under section 169 of the LGA of 40% for all land classified and rated as farm land. Properties defined as farms will be entitled to a rebate recognising that there is a benefit to the community in encouraging the retention of large lot primary producing holdings. An application can be made to Council to have land classified as Farm land.

4. Waivers

4.1 Rates Assistance Waivers

Council declares a waiver of general rates under Section 171 of the LGA for the class of persons comprised of ratepayers in respect of assessments which are categorised as Residential Land or Farm Land where the valuation of the assessment has increased, between the 2014 valuation and the 2016 valuation, by 50% or more and that increase is purely attributable to market factors, not attributable, in whole or in part, to improvements made to the assessment by the owner (or occupier). The amount of the waiver is set at:

4.1.1 between 25% and 49.99% of the general rates payable for the 2016-2017 financial year, increasing pro rata according to the valuation increase, for valuation increases between 50% and 59.99%; and

50% of the general rates payable for the 2016-2017 financial year for valuation increases of 60% or more.

The waiver is designed to mitigate the rates shock of a valuation increase and can only be claimed in respect of an assessment once in a two year valuation cycle.

4.2 Council declares a Housing Support waiver of 100% of general rates and municipal charge under section 171 of the LGA for the class of persons comprised of ratepayers in respect of assessments which contain the following types of housing:

4.2.1 transitional, emergency or crisis housing;

4.2.2 housing for Legatees or War Widows, provided by the Geelong Legacy Club or provided by RSL; and

4.2.3 supported housing for disabled people.

This waiver recognises that these properties provide for specific needs within the community. Application can be made to Council to have land classified as being eligible for the waiver.

4.3 New Corio Estate (Inappropriate Subdivision)

For 2016-2017 financial year, Council declares a waiver of 100% of general rates and municipal charge under Section 171 of the LGA for the class of persons comprised of ratepayers in respect of assessments which are in private ownership within the inappropriate subdivision known as New Corio Estate. This rates assistance waiver recognises the financial burden associated with ownership of this land. Land within the New Corio Estate is zoned as farming land and the area has been determined to be an inappropriate subdivision due to the difficulty of providing utilities and drainage and due to its distance from other residential areas. The Minister for Environment & Climate Change has approved a native vegetation plan for this land in support of natural temperate grassland of the Victorian Volcanic Plains. The waiver recognises the ongoing encumbrances on the land that prevent owners from making any demands on Council services now and into the future.

5. Municipal Charge

5.1 An annual municipal charge be declared for the period commencing 1 July 2016 to 30 June 2017.

5.2 The purpose of the municipal charge is to recover some of the administrative costs of the Council.

5.3 The charge be the sum of $96.65 for each rateable property in the municipality.

5.4 Applications for exemption for farm land in accordance with section 159 of the LGA, is to be made within two months from the date of issue of annual rate notice.

6. Annual Service Charge

6.1 An Annual Service Charge be declared for the period commencing 1 July 2016 to 30 June 2017.

6.2 The Annual Service Charge be declared for the collection and disposal of refuse.

6.3 The Annual Service Charge be $270.50 for each rateable land and non-rateable land (or part) in respect of which the Annual Service Charge may be levied.

6.4 The criteria specified below, be the criteria, which form the basis of the Annual Service Charge, so declared:

Geographic existence within those areas of the municipal district in which Council provides a domestic refuse collection and disposal service. The charge will be raised irrespective of whether the service is used or not.

7. Annual Service Charge – Additional Bin Service

6.1 An Annual Service Charge – Additional Bin Service, be declared for the period commencing 1 July 2016 to 30 June 2017.

6.2 The Annual Service Charge – Additional Bin Service, be declared for the collection and disposal of refuse.

6.3 New Service Charge to apply if additional services are requested by the property owners who meet eligibility criteria.

6.4 The criteria specified below, be the criteria, which form the basis of the Annual Service Charge – Additional Bin Service, so declared:

The additional bin service charge will be available via application, compliant with the following criteria:

- Families with six or more occupants within a household may apply for an additional garbage and/or recycling bin;
- Properties that are able to prove to Council's satisfaction that the physical area of the property would generate sufficient greenwaste volumes to exceed the capacity of their existing bin may apply for an additional greenwaste bin;
- In all cases of application for additional bins, Council reserves the right to inspect the applicant's existing bins to confirm that they are overloaded. If this cannot be confirmed, the additional bins will not be provided;
- The property owner or their authorised agent signs the additional bin application form, provides appropriate supporting evidence and agrees to the applicable service charge.

Applications that meet the criteria will be billed via the Rate, Valuation & Charges notice.

If an application is received and approved in the first six months of the financial year, that is, from July to December, the full annual cost of the additional bin will be charged. If an application is received and approved in the second half of the financial year, that is January to June, half the annual cost will be charged.

The following costs will apply for the additional bin service:

- Garbage bin $135 (for 2016-2017)
- Recycling bin $ 48 (for 2016-2017)
- Green Waste bin $ 62 (for 2016-2017)

8. Central Activities Area Rate

Council has declared a special rate in respect of the central business district of Geelong applicable to non-residential, non-exempt properties. The special rate is the Central Activities Area (CAA) Rate and is in addition to other rates and charges. The purpose of the special rate is to promote the CAA as a commercial shopping precinct using events, marketing and media.

A special rate has been declared for the period commencing on 1 July 2016 and concluding on 30 June 2021. 2016-2017 will be the first year of the scheme provides to raise $1,045,122 ($824,510 in 2015-2016). The rate in dollar for 2016-2017 is set at $0.0007405 and $0.000259 for Cultural & Recreation (Cultural and Recreation properties are charged a reduced CAA rate, in accordance with the ratio of the recreation rate to the commercial rate). The rate in the dollar has been reduced from the rate published in the Council report dated 16 February 2016 ($0.0008211) to ensure only the revenue target is raised. This is due to changes to the Capital Improved Values resulting from the 2016 Revaluation.

9. Incentives

No incentives be declared as the incentives to be given by Council for the payment of General Rates, Municipal Charge and the Annual Service Charge (described earlier in this document) before the dates fixed for their payment under Section 167 of the LGA.

10. Consequential

8.1 Notwithstanding anything said in any earlier Resolution of Council, the Geelong Advertiser be chosen, as the newspaper in which the public notice will appear.

8.2 The Responsible Officer of Council be authorised to levy and recover the General Rates, Municipal Charge and the Annual Service Charge described earlier in accordance with the LGA.

11. Interest

Interest on unpaid rates and charges will be charged in accordance with Section 172 of the LGA. Interest will be charged at the penalty interest rate of 9.5% for 2016-2017. In proven cases of hardship where Council allows rates to be deferred, interest will be charged at 5.64% for 2016-2017.

SCHEDULE A

1. Petroleum Production Land

All that land generally bounded more or less by Princes Highway, Shell Parade, Corio Bay Foreshore, Wharf Road, Station Road and neighbouring land.

2. Automobile Manufacture Land

(a) All that land generally bounded more or less by Cowies Creek, Melbourne Road, North Shore Road and Geelong – Melbourne Railway, excluding the land known as 60-80 North Shore Road being the Ford Research and Development Facility.

(b) All that land generally bounded more or less by Sea Beach Parade, St Georges Road, Geelong-Melbourne Railway and neighbouring southern land.

3. The Point Residential Land

All the residential land formerly described in Certificate of Title Volume 11423 Folio 073 and 074 and also described in Lot C PS 638301 and PS 722214.

4. The Point Vacant Land

All the vacant land formerly described in Certificate of Title Volume 11423 Folio 073 and 074 and also described in Lot C PS 638301 and PS 722214.

5. The Point Commercial Land

All the commercial land formerly described in Certificate of Title Volume 11423 Folio 073 and 074 and also described in Lot C PS 638301 and PS 722214.

6. Cultural and Recreational Land

Any land reserved under the Cultural and Recreational Lands Act 1963 including the following:

Ratepayer Name	Property Address
Australian Croatian Sporting Centre	15 Gibbons Road, Lara VIC 3212
Bareena Bowling Club Incorporated	89 Noble Street, Newtown VIC 3220
Barwon Heads Bowling Club	18 Geelong Road East, Barwon Heads VIC 3227
Barwon Heads Golf Club Incorporated	Golf Links Road, Barwon Heads VIC 3227
Barwon Rowing Club Inc	2 Barwon Terrace, South Geelong VIC 3220
Beckley Park Committee of Management Inc	40 Broderick Road, Corio VIC 3214
Bell Park Sport & Rec Club Inc	68 Calvert Street, Hamlyn Heights VIC 3215
Bell Park Sports Club Inc	515 Ballarat Road, Batesford VIC 3221
Belmont Bowling Club Incorporated	16-36 Reynolds Road, Belmont VIC 3216
Clifton Springs Bowling Club	Clifton Street, Clifton Springs VIC 3222
Clifton Springs Golf Club Incorporated	86-88 Clear Water Drive, Clifton Springs VIC 3222
Corio Bay Rowing Club	10 Barwon Terrace, South Geelong VIC 3220
Corio Bay Sailing Club	Foreshore Road, Corio VIC 3214
Drysdale Bowling & Croquet Club inc	19-29 Collins Street, Drysdale VIC 3222
East Geelong Golf Club	Eastern Park Circuit, East Geelong VIC 3219
East Geelong Recreation Reserve Committee	137-139 McKillop Street, Geelong VIC 3220
Eastern Park Bowling Club Inc	51-55 Garden Street, East Geelong VIC 3219
Geelong & Dist Angling Club & Fish Protect	9 Yuille Street, Geelong West VIC 3218
Geelong Agricultural & Pastoral Society	79 Breakwater Road, Breakwater VIC 3219
Geelong Bowls Club Incorporated	4-10 Sommers Street, Belmont VIC 3216
Geelong College Rowing Club	4 Barwon Terrace, South Geelong VIC 3220
Geelong Football Club Incorporated	360-380 Moorabool Street, South Geelong VIC
Geelong Grammar School Rowing	6 Barwon Terrace, South Geelong VIC 3220
Geelong Lawn Tennis Club Incorporated	12-20 Sommers Street, Belmont VIC 3216
Geelong Pistol Club	70-80 Williams Road, Mount Duneed VIC 3216

Ratepayer Name	Property Address
Geelong Race Course Trustees	99 Breakwater Road, Breakwater VIC 3219
Geelong Rowing Association	8 Barwon Terrace, South Geelong VIC 3220
Geelong Table Tennis Association	84-88 Church Street, North Geelong VIC 3215
Geelong Watersports Club Incorporated	493-499 Wilsons Road, St Albans Park VIC 3219
Geelong West Bowling Club Incorporated	12 Bowlers Avenue, Geelong West VIC 3218
Herne Hill Bowls Club Inc	180 McCurdy Road, Fyansford VIC 3221
Highton Bowling Club Inc	204 Roslyn Road, Highton VIC 3216
Indented Head Boat Club	The Esplanade, Indented Head VIC 3223
Indented Head Yacht Club	The Esplanade, Indented Head VIC 3223
Lagoon Boat Club Inc	Foreshore Road, Corio VIC 3214
Lara Bowling Club Inc	10 Alkara Avenue, Lara VIC 3212
Lara Sporting Club Incorporated	4 Walkers Road, Lara VIC 3212
Leopold Sportsmans Club Inc	131-139 Kensington Road, Leopold VIC 3224
Lonsdale Golf Club	31-69 Fellows Road, Point Lonsdale VIC 3225
Norlane Bowling Club Incorporated	26-36 St Georges Road, Corio VIC 3214
North Shore Sports & Community Club Inc	39 Rose Avenue, Norlane VIC 3214
Ocean Grove Bowling Club	16-24 The Terrace, Ocean Grove VIC 3226
Ocean Grove Golf Club Incorporated	9 Guthridge Street, Ocean Grove VIC 3226
Portarlington Bowls Club Incorporated	Harding Street, Portarlington VIC 3223
Portarlington Golf Club	92-160 Hood Road, Portarlington VIC 3223
Portarlington Sailing Club	219 Point Richards Road, Portarlington VIC 3223
Royal Geelong Yacht Club	25 Eastern Beach Road, Geelong VIC 3220
Seabrae Boat Owners Club Inc	302 Clifton Avenue, Leopold VIC 3224
St Leonards Bowling Club	1274 Murradoc Road, St Leonards VIC 3223
St Leonards Golf Club Inc	79-175 Harvey Road, St Leonards VIC 3223
St Leonards Yacht Club & Motor Squadron	Lower Bluff Road, St Leonards VIC 3223
Western Beach Boat Club Incorporated	74-90 Western Foreshore Road, Geelong VIC
Western District Car Club	55 Beach Road, Avalon VIC 3212

Properties granted Cultural & Recreational Rate status include:

- any other not-for-profit clubs or associations having similar characteristics and objectives to Cultural & Recreational land as defined.;
- Is used for indoor sporting recreational or cultural purposes or similar indoor activities;
- Owned by organisation or has a lease or licence from the Crown or Municipal Council;
- Prohibits the distribution of dividends to members.

To be considered, each property should have limited venue hire, restricted liquor licensing provisions and have little impact on neighbouring amenity.

Ratepayer Name	Property Address
Geelong Bridge Club	148-152 Portarlington Road, Newcomb Vic 3219
Austrian Club Geelong Incorporated	258 Plantation Road, Lovely Banks Vic 3221
Serbian Parish Youth Club	256 Plantation Road, Lovely Banks, Vic 3221
Polish Community Association in Geelong	35 Ryrie Street, Geelong Vic 3220
Geelong Speedway Drivers Club Inc	1/4 Wood Street, South Geelong VIC 3220
Wood Street Public Recreation Reserve COM Inc.	2/4 Wood Street, South Geelong VIC 3220
Wood Street Public Recreation Reserve COM Inc.	3/4 Wood Street, South Geelong VIC 3220
Geelong Transport Drivers Social Club Inc	4/4 Wood Street, South Geelong VIC 3220
Croatian Community Centre of Geelong (Inc)	172-178 Cox Road, CORIO VIC 3214
Association of Ukrainians - Victoria	16-21 Monastery Court, Lovely Banks VIC 3213

SCHEDULE B

1. Farm Land

Rating Objectives:

i. To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

   a) construction and maintenance of public infrastructure;

   b) development and provision of health and community services; and

   c) provision of general support services.

ii. To encourage and support the business of primary production and, where appropriate, expand the business of primary production.

These objectives will be met by setting the Farm Land differential at 100% of the Residential Land differential and by the provision of a farm rebate under Section 169 of the LGA.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.1
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
The level of the differential rate less the applicable rebate is the level, which Council considers it necessary to achieve the objectives specified above.
Geographic Location
Wherever located within the municipal district.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

2. Residential Land

Rating Objective:
To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

a) construction and maintenance of public infrastructure;

b) development and provision of health and community services; and

c) provision of general support services.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.2
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.
Geographic Location
Wherever located within the municipal district.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

3. Vacant Land

Rating Objectives:

i. To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

   a) construction and maintenance of public infrastructure;

   b) development and provision of health and community services; and

   c) provision of general support services.

ii. To encourage the prompt development of vacant land to attract new residents and businesses to the City of Greater Geelong.

iii. To discourage untimely and unnecessary divisions of land.

These objectives will be met by setting the Vacant Land differential at 153% of the Residential Land differential.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.3
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
Wherever located within the municipal district.
Use of Land
Any use permitted under the Geelong Regional Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Geelong Regional Planning Scheme.
Types of Buildings
No building must be located on the land or constructed prior to 30 June 2017 save for any uninhabitable shed or shelter that does not exceed more than 5% of the total area of the land.

4. Petroleum Production Land

Rating Objective:

To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

a) construction and maintenance of public infrastructure;

b) development and provision of health and community services; and

c) provision of general support services.

The Petroleum Production Land differential is set at 302% of the Residential Land differential with the intention that the Petroleum Production Land differential be at the Industrial Land rate differential from 2017-2018.

Types and Classes
Rateable land having the relevant characteristics described previously 2.3.4

Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
As described in Schedule A.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

5. Industrial Land

Rating Objective:
To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

a) construction and maintenance of public infrastructure;

b) development and provision of health and community services; and

c) provision of general support services.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.5
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
Wherever located within the municipal district.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

6. Commercial Land

Rating Objective:
To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

a) construction and maintenance of public infrastructure;

b) development and provision of health and community services; and

c) provision of general support services.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.6
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
Wherever located within the municipal district.

Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

7. Automobile Manufacture Land

Rating Objective:
To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

a) construction and maintenance of public infrastructure;

b) development and provision of health and community services; and

c) provision of general support services.

The Automobile Manufacture Land differential is set at 302% of the Residential Land differential with the intention that it will be at the Industrial Land differential rate from 2017-2018.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.7
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
As described in Schedule A.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

8. Mixed Use Land

Rating Objective:
To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

a) construction and maintenance of public infrastructure;

b) development and provision of health and community services; and

c) provision of general support services.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.8
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
Wherever located within the municipal district.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

9. The Point – Residential Land

Rating Objectives:

i. To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

   a) construction and maintenance of public infrastructure;

   b) development and provision of health and community services;

   c) provision of general support services; and

   d) management of environmentally sensitive land.

ii. To ensure that, following the development of the Point Land, and transfer to Council of the management of environmentally sensitive land, including the provision of a range of services around an existing waterway, constructed lake and canal system, an equitable and efficient financial contribution to the cost of Council's management responsibilities will be made by the ratepayers in respect of that land.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.9
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
As described in Schedule A.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

10. The Point – Vacant Land

Rating Objectives:

i. To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council, generally including the:

   a) construction and maintenance of public infrastructure;

   b) development and provision of health and community services;

   c) provision of general support services; and

   d) management of environmentally sensitive land.

ii. To ensure that, following the development of the Point Land, and transfer to Council of the management of environmentally sensitive land, including the provision of a range of services around an existing waterway, constructed lake and canal system, an equitable and efficient financial contribution to the cost of Council's management responsibilities will be made by the ratepayers in respect of that land.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.10
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
As described in Schedule A.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

11. The Point – Commercial Land

Rating Objectives:

i. To ensure that all rateable land makes an equitable and efficient financial contribution to cost of carrying out the functions of Council, generally including the:

   a) construction and maintenance of public infrastructure;

   b) development and provision of health and community services;

   c) provision of general support services; and

   d) management of environmentally sensitive land.

ii. To ensure that, following the development of the Point Land, and transfer to Council of the management of environmentally sensitive land, including the provision of a range of services around an existing waterway, constructed lake and canal system, to ensure that an equitable and efficient financial contribution to the cost of Council's management responsibilities will be made by the ratepayers in respect of that land.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.3.11
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
As described in Schedule A.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

12 . Cultural and Recreational Land

Has the characteristics of Recreational land as defined by the Cultural and Recreational Lands Act 1963.

Types and Classes
Rateable land having the relevant characteristics described previously in 2.4.1
Use and Level of Differential Rate
The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.
Geographic Location
As described in Schedule A.
Use of Land
Any use permitted under the Greater Geelong Planning Scheme.
Planning Scheme Zoning
The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.
Types of Buildings
All buildings which are now constructed on the land or which are constructed prior to 30 June 2017.

2. PROPOSED CITY PLAN 2013-2017 (2016-2017 UPDATE)

Source **Strategy & Performance - Strategy & Program Delivery**
General Manager: **Dean Frost**
Index Reference **Subject: Corporate Strategy**

Purpose

City Plan 2013-2017 has been reviewed as per section 125(7) of the Local Government Act 1989. This report is to advise Council of the proposed amendments/update.

Summary

- Following the October 2012 Council Election, Council was required to prepare a new Council Plan and have it submitted to the Minister for Local Government by 30 June 2013 as per the Local Government Act 1989. Section 125(7) also provides that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.
- City Plan 2013-2017 (2016-2017 Update) contains the following amendments (please note that the information in red is 2015-2016 data due to the budget not adopted at time of publication).
    - As in previous years, City Plan has been updated to include the 2016-2017 City Plan Actions under each priority within each strategic direction.
    - The 'Our Council' section has been amended to include the role of the Commission of Inquiry and their recommendations.
    - The 'Our Councillors' section has been removed and will be replaced with City of Greater Geelong Administrators.
    - 'A word from the Mayor' explaining that City Plan 2013-2017 has been reviewed will be amended to 'A word from Interim Administrator'. This will be updated within the report on 2 May, 2016.
    - Recommendation to the Minister for Local Government was for an electoral restructure which would see the City of Greater Geelong current ward boundaries be replaced with multi-councillor wards. The restructure has not been adopted at the time of printing of the 2016-2017 City Plan update report.
    - The Strategic Resource Plan and Budget section of the update has not been updated due to the budget not adopted at time of publication. The figures in red within the report are 2015-2016 budget figures.
    - Two indicators have been removed:
        - 'Percentage of council owned conservation reserves permanently protected by fencing, planning controls and/or conservation agreement' (accurate data is difficult to obtain and was not collected in 2014-2015).
        - 'Percentage of new residential and commercial buildings achieving above mandatory standards' (accurate data is difficult to obtain and was not collected in 2014-2015).
- The remainder (and majority) of City Plan 2013-2017 remains unchanged.
- A draft 'City Plan 2013-2017 (2016-2017 Update)' has been developed and will be available at Customer Service Centres and on Council's website as per section 125(11) of the Local Government Act 1989.

- Pursuant to section 125(10) of the Local Government Act 1989, the Minister will be notified of these adjustments and receive a copy of the updated City Plan.
- Public submissions on the revised City Plan are not required as per the Local Government Act 1989. These are only required when the new Council Plan is prepared post a general Council election.

Moved and declared carried by the Interim Administrator -

That Council:

1) in accordance with section 125(7) of the Local Government Act 1989, City Plan 2013-2017 has been reviewed and as a result:

a) 2016-2017 City Plan Actions have been added under each Strategic Direction/Priority;

b) the Strategic Resource Plan and budget section will be updated once the 2016-2017 Annual Budget is adopted; and

c) revised message from the interim Administrator.

2) adopt the adjustments to City Plan 2013-2017 (2016-2017 Update) (as per Appendix 1) and take the necessary steps to advise the Minister of these adjustments pursuant to section 125(10) of the Local Government Act 1989.

Background

The Local Government Act 1989 requires that a Council must prepare and approve a Council Plan within the period of six months after each general election or by the next 30 June, whichever is later.

Section 125 of the Local Government Act also prescribes that a Council Plan must include:

- The strategic objectives of the Council,
- Strategies for achieving the objectives for at least the next four years,
- Strategic indicators for monitoring the achievement of these objectives,
- A Strategic Resource Plan, and
- Any other matter prescribed by the regulations.

In subsequent years, councils are required to, at least once in each financial year; consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

The Council's performance and results in achieving the strategic indicators of the City Plan are required to be reported in the Council's Annual Report.

City Plan 2013-2017 was developed to reflect the results of the extensive community engagement which was undertaken, Council's current priorities and the supporting resource allocation.

The framework for the City Plan 2013-2017 incorporates the planning framework based on the on the Quadruple Bottom Line framework and features four strategic directions (Community Wellbeing, Growing our Economy, Sustainable Built and Natural Environment and How We Do Business), supporting internal objectives and the Council's Vision, Mission, Values and Behaviours section.

City Plan identifies the key priorities, strategies and progress indicators that are currently planned over the said four-year period, as well as detailed actions associated with implementing this four-year City Plan.

The priorities under each of the four strategic directions are as follows:

Community Wellbeing

- Healthy lifestyles
- Healthy environments
- Connected, creative and strong communities

Growing our Economy

- Support existing businesses and encourage new and emerging growth sectors
- Facilitate major infrastructure and investment to enable economic growth
- A prosperous and innovative Geelong
- A successful and vibrant city centre
- Greater Geelong is a leading city for tourism, arts, culture and events

Sustainable Built and Natural Environment

- Enhance and protect natural areas and ecosystem health
- Support our community to live sustainably
- Advocate for and promote sustainable design and development
- Minimise our environmental footprint

How We Do Business

- Lead by advocating and collaborating on issues important to the Greater Geelong community
- Efficient and customer focused organisation
- Responsible and sustainable financial management
- Informed and engaged community
- Motivated and skilled staff in a safe work environment

All the actions within City Plan have been developed collaboratively across the organisation and support the long-term social, environmental and economic benefits for the community articulated through the Vision, Mission and Objectives established by the Council.

Discussion

Following the October 2012 Council Election, Council was required to prepare a new Council Plan and have it submitted to the Minister for Local Government by 30 June 2013 as per the Local Government Act 1989. Section 125(7) also provides that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

The City Plan 2013-2017 (2016-2017 Update) has been updated as per the amendments outlined in the Summary section above.

Environmental Implications

City Plan 2013-2017 (2016-2017 Update) outlines the objectives and strategies to deliver the environmental benefits to the community. Details of these can be found within the Sustainable Built and Natural Environment Strategic Direction

Financial Implications

City Plan 2013-2017 (2016-2017 Update) includes Council's four-year financial strategy and plan. The proposed 2016-2017 Annual Budget will be the base year in the Strategic Resource Plan in this revised City Plan once adopted.

Policy/Legal/Statutory Implications

The Local Government Act 1989 requires that a Council must prepare and approve a Council Plan within the period of 6 months after each general election or by the next 30 June, whichever is later.

Section 125(2) of the Local Government Act also prescribes that a Council Plan must include:

- The strategic objectives of the Council,
- Strategies for achieving the objectives for at least the next four years,
- Strategic indicators for monitoring the achievement of these objectives,
- A Strategic Resource Plan, and
- Any other matter prescribed by the regulations.

If a Council makes an adjustment to the Council Plan, the Council must within 30 days of making the adjustment advise the Minister of the details of the adjustment to the Council Plan.

The draft City Plan 2013-2017 (2016-2017 Update) complies with the Local Government Act, 1989.

Alignment to City Plan

Not applicable.

Officer Direct or Indirect Interest

There is no direct or indirect officer interest to which this report relates.

Risk Assessment

Failing to notify the Minister of any adjustments would result in non-compliance.

Social Considerations

City Plan 2013-2017 (2016-2017 Update) outlines the objectives and strategies to deliver the social benefits to the community.

Human Rights Charter

City Plan 2013-2017 (2016-2017 Update) will be made available on Council's website and on request at Council's Customer Service Centres. There are no known positive or negative effects.

Consultation and Communication

City Plan 2013-2017 (2016-2017 Update) will be available for inspection at Council's Customer Service Centres and on Council's Internet site www.geelongaustralia.com.au

Public submissions on the revised City Plan are not required as per the Local Government Act 1989, these are only required when the new Council Plan is prepared post a general Council election.

The Minister will be notified of any amendments to City Plan following review each subsequent year.

3. FINANCIAL MANAGEMENT REPORT – MARCH 2016

Source: **Strategy & Performance – Financial Services**
General Manager: **Dean Frost**
Index Reference: **Financial Management \ Financial Reporting 2015-2016**

Purpose

The Quarterly Financial Report for the period ending 31 March 2016 is prepared as a requirement of Section 138 of the Local Government Act 1989.

Summary

- Council approved amendments to the adopted Budget on 25 August 2015 and variances are reported based on comparing actuals to amended budget.
- The recurrent operating surplus for the nine months is $4.5M, being $18.4M favourable to amended budget and reflects favourable performance and timing issues.
- A review has been undertaken to consider likely impact of progressive results on full year projection. The projected recurrent operating result is forecast to be $2.41M favourable to the amended budget.
- The non-recurrent surplus for the nine months is $46.2M, being $5.4M favourable to budget with favourable Recognition of Infrastructure $7.2M, Developer Contributions $0.4M and Loss on Disposal of Infrastructure $3.3M, offset by unfavourable Capital Income ($0.9M), Gain (Loss) on Sale of Property ($3.6M), Non Council Assets ($0.5M) and Prior Year Adjustments ($0.5M).
- Capital expenditure for the year to date is $53.6M against a year to date projection of $71.2M, which is $17.6M underspent to projection.
- Carryover of expenditure to 2016-2017 on incomplete projects as at 30 June 2016 is projected to increase from $18M to $38M.
- The cash and investment balance of $110.8M is $13.0M favourable to budget.

Moved and declared carried by the Interim Administrator -

That the Quarterly Financial Management Report to 31 March 2016 be endorsed by Council.

Background

The report is prepared as a requirement of Section 138 of the Local Government Act 1989 which requires that at least every three months a statement be presented to Council comparing the budget with the actual revenue and expense for the financial year-to-date.

Discussion

Operating

The March Management reports are provided in the following table to report year-to-date performance and full-year projection performance versus budget.

Summary

	YTD Actual $M	YTD Am. Bgt $M	YTD Var Fav/ (UnFav) $M	FY Proj $M	FY Am. Bgt $M	FY Var Fav/ (UnFav) $M
Recurrent Surplus/(Deficit)	4.54	(13.88)	18.42	(14.61)	(17.01)	2.40
Non-Recurrent Surplus/(Deficit)	46.17	40.82	5.35	71.28	65.77	5.51
Net Surplus/(Deficit)	50.71	26.94	23.77	56.67	48.76	7.91
Capital Expenditure	53.61	71.22	17.61	106.12	120.02	13.90
Closing Net Cash Positive/(Neg)	110.76	97.77	12.99		64.76	

The Adopted Budget was amended by Council on 25 August 2015 to include Carryover Capital and discretionary projects, plus other Capital and recurrent amendments.

The impact on the Recurrent Expenditure Budget is ($17.76M), consisting of carryover discretionary projects funded in 2014-2015, plus other budget amendments including adjustment for early receipt of first two quarters Grants Commission funding in June 2015.

The impact on Non Recurrent income was $10.34M for carryover of capital income from 2014-2015 projects, plus other budget amendments.

The amended capital expenditure budget includes $52.27M to complete 2014-2015 Projects, including Corio Landfill Rehabilitation, Geelong Library & Heritage Centre, Drysdale Landfill Cell 6, Central Geelong Advancement Fund, Drainage Construction Program, Central Road Drainage, Street Construction SRC and Austin Park Redevelopment.

Other budget amendments increased total budget by $0.87M.

1. Recurrent Variance Commentary

	YTD Actual $M	YTD Am. Bgt $M	YTD Var Fav/ (UnFav) $M	FY Proj $M	FY Am. Bgt $M	FY Var Fav/ (UnFav) $M
Recurrent Income	226.58	223.95	2.63	299.41	298.45	0.96
Recurrent Expenditure	222.04	237.83	15.79	314.02	315.46	1.44
Recurrent Surplus/(Deficit)	4.54	(13.88)	18.42	(14.61)	(17.01)	2.40

YTD Variance - $18.42M Favourable

The following major variances to budget contributed to this result:

Recurrent Income

	Actual YTD $M	Variance to Budget Fav/(Unfav) $M
General Rates and Charges – favourable rates generation and supplementary rates YTD due to growth in Council's rate base.	146.16	1.75
Government Grants Main favourable variances consist of: • State Recurrent $296K favourable (Aged & Disability Services $302K (*HACC Services*). • State Specific Purpose $271K favourable (unbudgeted discretionary grants received in Arts & Culture, Family Services, Enterprise Geelong, Engineering Services and Planning Strategy. Plus favourable recurrent grants for Kindergartens). Partly offset by: • Federal Recurrent ($251K) unfavourable (Aged & Disability Services below budget due to Consumer Directed Care requirement to carry over client funds not expended). • Federal – Child Care Assistance ($237K) unfavourable (mainly Integrated Children's Centres).	27.89	0.20
User Charges Main unfavourable variances consist of: • Activities & Program Fees ($1,912K) unfavourable – Family Services ($1,200K) (*Integrated Children's Centres and Centre Based Long Day Care*), Aged & Disability Services ($256K) (*Food Services*) and Leisure Services ($497K) (*Leisurelink $129K, Splashdown $113K and BASC $182K*). (*Partly offset by reduced expenditure).* Sport & Recreation $113K favourable (*offset by unbudgeted expenditure*). Partly offset by: • Waste Disposal – Commercial $212K favourable. • Design & Supervision Fees $212K favourable (*Subdivision applications).*	36.84	(1.63)

	Actual YTD $M	Variance to Budget Fav/(Unfav) $M
Other Fees & Charges	7.94	0.68
Favourable mainly due to : • Misc Approvals & Permits $370K favourable (Building & Planning Permits). • Planning Permit Applications $158K favourable.		
Sundry Income	5.95	1.02
▪ Reimbursements & Recoveries $250K favourable (mainly Simonds Stadium). ▪ Sundry Income $764K favourable (unbudgeted income in Planning Strategy, Arts & Culture, Waste Services, Risk Management and Capital Projects).		
Interest on Investments	1.81	0.61
Higher than budgeted cash balances.		
Recurrent Income Sub-total	**$226.59M**	**$2.63M**

Recurrent Expenditure

	Actual YTD $M	Variance to Budget Fav/(Unfav) $M
Employee Related Expenditure – Favourable salary costs $3,041K and Workcover $171K mainly relating to unfilled vacancies and rate variance. Partially offset by unfavourable supplementary labour costs ($1,409K) (see external services).	96.79	3.21
General Works: *Materials* $473K favourable with the main variances being Consumable Materials $164K (*phasing only*) and Ground Maintenance Materials $232K (*ground renovations behind schedule).* *Plant / Equip / Vehicle Costs* $1,267K favourable with the main variances being Fuels, Oils & Greases $584K (*lower than budget fuel price)*, External Plant & Equipment Hire	68.77	7.12

	Actual YTD $M	Variance to Budget Fav/(Unfav) $M
$371K (*phasing only)*, Repairs & Maintenance $234K (*phasing only*). *External Services* is $5,382K favourable mainly due to: • Contractors $5,861K favourable - Phasing variances in Discretionary Projects $2,935K and in Recurrent Projects $2,582K. Plus full year savings in Waste Collection $344K (*Cleanaway contract 2014-2015).* • Levies & Contributions $1,407K favourable – Drysdale Landfill $1,381K (EPA levy payable favourable due to diversion of waste to Wyndham). • Building Maintenance $821K favourable – phasing only. • Contributions $1,131K favourable - phasing only. • Insurance Premium $215K favourable (*anticipated to be offset with inclusion of new Library & Heritage Centre)* Offset by: • Waste Disposal & Recycling ($2,765K) unfavourable - Garbage Service $2,812K, North Geelong Transfer Station $100K, Litter Service $136K and Commercial Collection Service $136K (*due to diversion of waste to Wyndham*), partly offset by favourable Green Waste Service $459K (*continuing the low cost on farm option*). • Supplementary Labour ($1,409K) unfavourable – mainly, Local Laws ($318K), City Development ($276K), Aged & Disability Services ($202K), Fleet ($141K), Operations ($200K) and Parks ($178K).		
Administration costs $1,234K favourable mainly due to : • Interest Paid $304K favourable – Interest savings due to deferment of budgeted loans. • Other phasing variances $930K favourable – mainly in Computer Software, Training & Development, Postage, Printing, Doubtful Debts, Leases and Debt Collection.	7.95	1.23
Professional Services costs $2,460K favourable mainly due to: • Consultants $2,391K favourable – Phasing variances in Discretionary Projects $1,892K and in Recurrent Projects $499K – mainly in Planning Strategy $647K, Central Geelong Task Force $1,037K, Strategic Projects $102K and Enterprise Geelong $220K.	3.19	2.46
Utility costs are $864K favourable mainly due to Electricity $1,024K (phasing and timing of invoices).	6.29	0.87

	Actual YTD $M	Variance to Budget Fav/(Unfav) $M
Depreciation costs $1,156K favourable (phasing only).	39.07	1.16
Gain/(Loss) on Sale of Plant and Equipment ($255K) unfavourable.	0.02	(0.26)
Recurrent Expenditure Sub-total	**$222.04M**	**15.79**

Full Year Recurrent Projection – $2.41M favourable to Amended Budget

A half year review has been undertaken to consider likely impact of progressive results on full year projection. The projected recurrent operating result is forecast to be $2.41M favourable to the amended budget.

The main projection changes which are favourable / (unfavourable) include:

	$M
Increased Recurrent Government Grants	0.11
Workcover Premium	0.29
Waste – Cleanaway Contract 2014-2015 adjusted	0.34
Interest Received	0.37
Fuels, Oils & Greases	0.40
Waste – Kerbside collection & Green Waste Disposal	0.40
Depreciation	0.40
Salaries / Supplementary Labour	0.45
Planning / Building Permit Income	0.54
Interest Paid – deferment of budgeted loans	0.57
Rates – Supplementary	1.16
Cultural Change Management – additional cost	(0.07)
Iconic Xmas Tree – additional cost (no offset)	(0.09)
Transfers to Capital	0.08
Transfers from Capital	(0.41)
Water Usage	(0.41)
Aquatic Centres – Net Cost Increase	(0.60)
Diversion of Waste to Wyndham – additional cost	(1.19)
Other	0.07
	$2.41

The favourable projection changes provide the opportunity to complete the internal financing of 2011 Unfunded Superannuation of $1,741,000 and remove this obligation from the 2016-2017 Budget.

The projection does not include any provision for costs associated with the State Government Investigation with appointment of Commissioners in the period January – March 2016.

2. Non Recurrent Variance Commentary

	YTD Actual $M	YTD Am. Bgt* $M	YTD Var Fav/ (UnFav) $M	FY Proj $M	FY Am. Bgt* $M	FY Var Fav/ (UnFav) $M
Non-Recurrent Surplus/(Deficit)	46.17	40.82	5.35	71.28	65.77	5.51

YTD Variance – $5.35M favourable

The following variances contributed to this result:

	Actual YTD $M	Variance to Budget Fav/(Unfav) $M
Recognition of Infrastructure $7,206K favourable (including handover of new subdivision reserves $8.8M).	27.46	7.20
Capital Grants & Income ($874K) unfavourable. Projected to be $4,875K favourable full year (offset by increased expenditure).	15.89	(0.87)
Developer Contributions $372K favourable.	2.63	0.37
Gain/(Loss) on Sale of Property - ($3,621K) unfavourable.	1.90	(3.62)
Loss on Disposal of Infrastructure - $3,262K favourable.	(0.71)	3.26
Non Council Assets – ($492K) unfavourable	(0.49)	(0.49)
Prior Year Adjustments – ($509K) unfavourable.	(0.51)	(0.51)
	$46.17	**$5.34**

3. Capital Expenditure Variance Commentary

	YTD Actual $M	YTD Projection $M	YTD Var Fav/ (UnFav) $M	FY Proj $M	FY Am. Bgt* $M	FY Var Fav/ (UnFav) $M
Capital Expenditure	53.61	71.22	17.61	106.12	120.02	13.90

CAPITAL EXPENDITURE – FULLY YEAR AMENDED BUDGET

	Total Expenditure	Income	Net Expenditure
Adopted Budget	84,873,105	21,533,027	63,340,078
Carryover from 2014-2015 plus other adj.	53,141,914	5,606,209	47,535,705
Amended Budget	138,015,019	27,139,236	110,875,783
Planned carryover to 2016-2017	(18,000,000)	0	(18,000,000)
Amended Budget less Carryover	**120,015,019**	**27,139,236**	**92,875,783**

CAPITAL EXPENDITURE - FULLY YEAR PROJECTION

	Total Expenditure	Income	Net Expenditure
Amended Budget (excluding carryover)	138,015,019	27,139,236	110,875,783
Authorised Projection Changes	6,104,786	4,874,898	1,229,888
Total Projection	144,119,805	32,014,134	112,105,671
Projected Carryover to 2016-2017	(38,000,000)	0	(38,000,000)
Total Projection less Carryover	**106,119,805**	**32,014,134**	**74,105,671**

YTD Variance – $17.61M favourable

The capital program is $17.61M underspent compared to Projection year to date, with the major project variances as follows:

	$M
• Core Programs – Roads, Footpaths, Drainage, K&C	3.37
• Heavy & Dedicated Plant	1.66
• ACWP – Acquisition of Drainage Reserves	0.72
• Light Fleet Replacement	0.94
• Central Road Drainage	0.50
• Geelong Library & Heritage Centre Car Park	0.51
• Bicycle Path Program	0.36
• Drysdale Landfill Stormwater PAN Compliance	0.37
• Queens Park Clubroom Upgrade	0.40
• AC Town Centre Community Facilities Site	0.44
• Grovedale Tennis Club Facilities Upgrade	0.39
• Improve Pedestrian Connections to Deakin & Gordon	0.30
• Home for Cycling Regional Pavilion	0.38
• Other	7.27
	$ 17.61

Carryover of expenditure to 2016-2017 on incomplete projects as at 30 June 2016 is projected to increase from $18M to $38M.

4. Cash and Investments

	YTD Actual $M	YTD Am. Bgt* $M	YTD Var Fav/ (UnFav) $M	FY Proj $M	FY Am. Bgt* $M	FY Var Fav/ (UnFav) $M
Closing Net Cash Positive/(Neg)	110.76	97.77	12.99		64.76	

YTD Variance – $12.99M favourable

The month end cash and investments balance was $110.76M. This was $12.99M favourable to budget, mainly due to favourable recurrent surplus and behind schedule spend on Capital, offset by deferred loans ($18.8M).

Council has future commitments for $26.0M, which are fully cashed back:

Long Service Leave	$19.7M
Statutory Reserves	$ 1.9M
Refundable Deposits	$ 2.2M
Income in Advance	$ 1.3M
Asset Development	$ 0.9M
Total	**$26.0M**

The Landfill Provision balance is currently $17.4M.

Environmental Implications

There are no environmental implications arising from this report.

Financial Implications

As detailed in the attached report.

Policy/Legal/Statutory Implications

The report is provided in accordance with requirements under the Local Government Act 1989.

Alignment to City Plan

This report contributes to responsible and sustainable financial management as aligned in Council's City Plan objective on How We Do Business.

Officer Direct or Indirect Interest

Council staff preparing this report have no direct or indirect interest.

Risk Assessment

There are no risk implications arising from this report.

Social Considerations

There are no social implications arising from this report.

Human Rights Charter

There are no known positive or negative effects.

Consultation and Communication

The attached report *(previously provided with Briefing papers)* is provided for information and public record and is available from the Council Governance or Financial Reporting units.

4. GEELONG LIBRARY & HERITAGE CENTRE - CAFE & CATERING FACILITIES

Source: **Strategy & Performance - Capital Projects**
General Manager: **Dean Frost**
Index Reference: **GLHC Capital Projects**

Purpose

The purpose of this report is to provide Council with information on the Geelong Library & Heritage Centre café and level 5 catering spaces.

Summary

- The Geelong Library & Heritage Centre (GLHC) was developed with a ground level café space and level 5 food preparation space.
- In response to Council's Expression of Interest process for the café the preferred respondent linked the ground level café lease with rights to occupy the level 5 catering space.
- Patrons and event organisers are identifying a need for full catering services on level 5.
- The incomplete café and limited catering capacity of Level 5 are impacting negatively on Council and the GLHC's reputation as well as constraining income sources.
- The provision of a full catering facility on level 5 requires a significant increase in capital funding as no provision was made in the original development for this service level.
- Council has sought expressions of interest for the café and level 5 catering spaces and has negotiated in-principle terms with the preferred respondent.
- The total cost to meet the preferred respondent's requirements is $850,000, which is $550,000 in excess of the available budget. (Funding of $300,000 has been retained within the original $45.5M project budget to support the fit out of the café space in conjunction with a tenant).

Moved and declared carried by the Interim Administrator -

That Council:

1) **commit an additional $550,000 towards the Geelong Library & Heritage Project (C12856) for the development of the level 5 catering space;**
2) **fund this request through savings or offsets identified in the 2015-2016 budget year;**
3) **authorise the General Manager Strategy & Performance to accept a variation under the original construction contract for the café and catering space works.**

Background

During the design phase of the Geelong Library & Heritage Centre project there was significant financial pressure on the project as a result of a funding shortfall of $5M in grant contributions.

The project business case had been originally developed around a 7,000m^2 building at a cost of $50M. The final build was closer to a 6,000m^2 building at a cost of $45.5M.The Business Case identified the need for a fully fitted out (minimum) 80 seat café as well as function space with catering capacity.

This funding shortfall placed significant pressure on project priorities and spatial requirements with the final building being approximately 1,000m^2 less in overall floor area than originally planned.

This funding shortfall also placed significant pressure on other aspects of the development. In addition to spatial reductions the value management process also reduced the café to a cold shell with no fit out, and the catering space to a plating only kitchen, reduced the volume of Collection, removed the automated book sorter, reduced the repository space, and limited car parking spaces, in addition to a number of other more minor changes.

The project budget was increased during construction from $45M to $45.5M following a bequest, and the project was subsequently delivered on time and on budget.

Discussion

During the construction phase of the Geelong Library & Heritage Centre project Council released an Expression of Interest (EOI) for operators for the new GLHC café space.

The preferred respondent in that process sought to link the ground level café space with catering rights to the level 5 function space. The basis of this request was to offset the large capital cost required to fit out these spaces by the proposed tenant.

It has also become apparent that due to the type and nature of functions that are being booked for the level 5 function space, that the catering facilities need to be upgraded to commercial kitchen standard.

As part of the tight project management process undertaken through this project the project team has been able to control expenditure such that an allowance of $300,000 was created within the project budget to support the development of the café space.

However, the need to upgrade the level 5 catering space to a commercial kitchen standard will require an additional $550,000 in capital expenditure, which is not currently funded.

Council could also consider a number of other options for the leasing of the space including:

(i) ***Re-advertising the café space (excluding the catering space)*** - The benefit of this option could be that prospective operators would now have a greater understanding of the facility with visitation trends resulting in more interest. However significant investment is still required for the fit out of the café by a tenant. This option therefore risks losing the current preferred respondent and their proposed investment, not attracting a satisfactory new tenant and the café either remaining closed, being repurposed or Council being forced to find additional funds to both fit out and operate the café.

(ii) ***Re-advertising the café and catering space with tenant improvement options -*** This would likely result in Council being required to offer longer lease and exclusivity periods to lessee (which is problematic in relation to the level 5 space as the Geelong

Regional Library Corporation needs to retain management of the function space to ensure maximum community access). It is however probable that the level of investment required under this option will limit market responses. This option is also likely to lead to the loss of the current preferred tenant and additional investment commitment.

As the Geelong Library & Heritage Centre is currently in its defects and maintenance period it is considered appropriate that any proposed works be carried out by the original construction contractor under the existing contract. This would ensure that existing warranties and defects can be assigned under the terms of the original contract. Officers would ensure that any works are completed on a cost effective basis and would utilise external quantity surveyors to assess quotations.

Environmental Implications

The café and catering spaces in the Geelong Library & Heritage Centre meet environmental standards for the handling and treatment of waste.

Financial Implications

If Council resolves to fund the project, the additional cost is $550,000. These funds can be found in the 2015-2016 financial year with a number of recent windfall gains and project savings available to offset these additional costs.

Policy/Legal/Statutory Implications

There are no policy, legal or statutory implications associated with this report.

Alignment to City Plan

This report supports Council's 'Greater Geelong is a leading city for tourism, arts, culture and events' initiative contained in the 'Growing Our Economy' priority area.

Officer Direct or Indirect Interest

No Council officers involved have a direct or indirect interest in this matter.

Risk Assessment

The risks associated with not approving the recommendations are that the café space may remain vacant and the level 5 function space will operate at a lower occupancy rate, resulting in loss of income to offset operational costs of the GLHC to Council

There is also a risk if these works are not carried out by the original building contractor that some warranties could be affected, as could Council's ability to seek rectification of some defects.

Social Considerations

The GLHC project has delivered significant community benefits for all age groups and facilitates the delivery of quality services. Council has received accolades from residents and visitors. The facility has considerably enhanced Central Geelong profile and visitation.

This project is a key component of the Geelong Cultural Precinct Masterplan which aims to create a cultural precinct that enlivens the cultural life of the people of Greater Geelong and its visitors, that is widely regarded as a quality destination providing a high level of cultural offerings through a range of exciting, inclusive and engaging activities, events and facilities.

Human Rights Charter

It is not evident or likely that this report would negatively impact any of the rights contained in the Charter of Human Rights.

Consultation and Communication

Council has consulted with catering industry experts, the Geelong Regional Library Corporation, and has received feedback from current and potential venue hirers.

5. ADOPTION OF AMENDMENT C329 - REZONING OF LAND ADJACENT TO THE MULTICULTURAL AGED CARE SERVICES FACILITY, DE STEFANO DRIVE, NORTH GEELONG

Source: **Planning and Development - City Development**
General Manager: **Peter Bettess**
Index Reference: **Application: Amendment C329 and Planning Permit 108/2015**

Purpose

This report considers the submissions received about Amendment C329 and Planning Permit 108/2015 and recommends adoption of the Amendment.

Summary

- Amendment C329 and Planning Permit 108/2015 affect a portion of an un-named drainage reserve abutting the southern boundary of De Stefano Drive, North Geelong, and to the balance (western portion) of De Stefano Drive abutting the southern side of the Multicultural Aged Care Services (MACS) Facility.
- MACS has negotiated to purchase the road and a small portion of the public land to consolidate with their title.
- The Amendment will rezone land from Public Park and Recreation Zone to General Residential Zone Schedule 1. The area to be rezoned is 1846m^2.
- The planning application is for a permit to subdivide a part of the land purchased (from the adjoining drainage reserve) and to consolidate it with the western portion of the De Stefano Road Reserve; to remove the Road Reservation from the title; to consolidate the newly acquired area into other MACS property to the north; to reconstruct De Stefano Drive, to provide of a controlled access to the MACS site; to construct a car park, and to undertake associated drainage and earthworks.
- The amendment and planning permit have been requested by Fadgyas Planning Associates on behalf of the Multicultural Aged Care Services Geelong Inc (MACS) of 100 Weddell Road, North Geelong.
- Public exhibition of the Amendment between 26 November 2015 and 11 January 2016 resulted in three submissions: 1 submission from Barwon Water offering no objections and 2 from adjoining landowners to the south seeking changes to the fencing and landscaping of the site to address visual amenity and privacy.
- Negotiations with the submitters and applicant have resulted in changes to the draft planning permit to include more screen planting and lighting control. The submitters have accepted that these changes address their concerns.
- As changes have been made to the proposed permit conditions, the submissions have been resolved and Council is able to adopt the Amendment and submit to the Minister for Planning seeking final approval.

Moved and declared carried by the Interim Administrator -

That Council:

1) **Adopts Amendment C329 in the form outlined in Appendix 2 of this report;**

2) **Submits the adopted Amendment with the prescribed information to the Minister for Planning requesting approval; and**

3) **Recommends to the Minister that a Permit be granted pursuant to Section 96G of the Planning and environment Act 1987 (Planning Permit No, 108/2015 is contained in Appendix 3).**

Background

Amendment C329 resulted from an application made by Fadgyas Planning Associates on behalf of the Multicultural Aged Care Services Geelong Inc, operator of a large aged care facility in Weddell Road, North Geelong, to rezone adjoining land to the south from Public Park and Recreation Zone to General Residential Zone 1. The Amendment request was accompanied by a planning permit application for a two-lot subdivision and buildings and works for car parking. The amendment and planning permit will provide for the re-development of De Stefano Drive as a controlled accessway to the southern part of the site and a car park to support the MACS facility, providing an additional 60 spaces.

This facility currently supports 8 independent living units and 131 high and low care beds with associated on-site car parking comfortably providing for staff and visitors. Its popularity has seen on-going incremental expansions and upgrades in recent years. As the site has been developing it has become apparent that the accessibility to, and amenity of the site could be significantly enhanced by additional modest improvements including the provision of additional car parking on site. With the formal closure of De Stefano Drive and its acquisition by MACS from Council, it is proposed to redevelop the area comprising De Stefano Drive. The car park and road works require the additional excision of a small strip of land (576 square metres) from the public reservation abutting the southern alignment of De Stefano drive, to supplement the area of the current road and facilitate the construction of more than 60 additional car parking spaces.

Appendix 1 shows the subject land and surrounding area.

Works commenced prematurely on this project before this combined rezoning and planning permit were approved. Additionally, a stand of mature gums along the southern boundary of the site, within Council's drainage reserve, were removed without Council's consent. Enforcement action was necessary and all works were halted in May 2015.

Amendment C329 and draft Planning Permit 108/2015 were exhibited between 26 November 2015 and 11 January 2016. Council received three submissions in response: one from Barwon Water advising it had no objections and two from adjoining landowners to the south in Coxon Parade (Bill McCarty and Marc North & Chamelle Yates) requesting changes to the fencing and landscaping along the southern edge of the MACS site to provide for better visual amenity and privacy from MACS.

Discussion

The two submissions seeking change to the proposal have been received from the owners of 20 and 22 Coxon Parade North Geelong. The submissions are summarised as follows:

Bill McCarty – seeking that MACS will plant trees that grow to 4-5 metres high to screen off the buildings on the south side of their land.

Marc North and Chamelle Yates – express concern about the loss of established trees along the south side of De Stefano Drive as part of the re-development works impacting on their outlook and privacy from the MACS site. They also outlined that the use of grasses Lomandra and Dianella shown on the landscaping plan generally grow no higher than 1m, giving little to no screening. As an alternative, the submitters recommend screening shrubs and trees, with a minimum mature height of 4m, be used along the southern boundary of the property and especially in front of the carpark. They are also concerned about the proposed open metal 'pool type' fence along the southern boundary as it does not provide any sort of screening or privacy. They submit that effective screening is vital to their quality of life as it will act to buffer noise, car pollutants, dust and run-off but also will restore some of the privacy they enjoyed before the construction and before the mature trees were removed.

Negotiations have taken place between Council officers, submitters and the applicant to determine any scope for changes to the plans that would address the issues raised and avoid the need for an independent panel hearing. This included an on-site meeting. At this meeting the submitters accepted the explanation for installing an open style fence for the security and passive surveillance benefits this provides.

The negotiations have been successful with the submitters accepting changes to the draft planning permit to provide for more dense planting of landscaping, installation of higher growing trees and inclusion of the standard lighting condition to address light spill from the site. The draft planning permit has been circulated to the submitters and applicant and all have accepted the changes proposed. This has been a good negotiated outcome for all parties.

As the submissions have been addressed through changes to the draft planning permit Council is now able to adopt the Amendment and forward it to the Minister for Planning seeking approval.

The Amendment to be adopted is in Appendix 2.

The Planning Permit recommended to be issued is in Appendix 3.

Environmental Implications

There are no environmental implications arising from this amendment.

The planning permit application has been prepared to avoid development on the land affected by the SBO.

Financial Implications

Council has reached agreement to sell the land to MACS. Following completion of the rezoning, the sale can be enacted.

Policy/Legal/Statutory Implications

The amendment implements the objectives of Planning in Victoria by addressing the Planning and Environment Act 1987, the SPPF and the LPPF.

Alignment to City Plan

The Amendment supports the Community Wellbeing strategic direction of City Plan, in particular the properties of connected, creative and strong communities and through the ongoing provision of wellbeing services and activities.

Officer Direct or Indirect Interest

In accordance with section 80(c) of the local Government Act no Council officers have any direct or indirect interest in the matters to which this amendment relates.

Risk Assessment

There is no risk associated with this Amendment.

Social Considerations

The amendment is seen as being strongly positive in terms of social considerations. MACS operates a large aged care facility at the site. The additional car parking will enhance the operational efficiency of the site whilst also providing for improved accessibility and amenity of the site for visitors who are often elderly themselves.

Human Rights Charter

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

Consultation and Communication

The Amendment was exhibited in accordance with the Planning and Environment Act 1987, including notices in the City News section of the Geelong Advertiser and Geelong Independent, letters to adjoining landowners and occupiers, letters to prescribed Ministers and relevant authorities, online and hard copy Amendment documents at the Brougham Street Council offices.

APPENDIX 1 – SUBJECT LAND



APPENDIX 2 – AMENDMENT TO BE ADOPTED

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C329

INSTRUCTION SHEET

The planning authority for this amendment is Greater Geelong Planning Scheme

The Greater Geelong Planning Scheme is amended as follows:

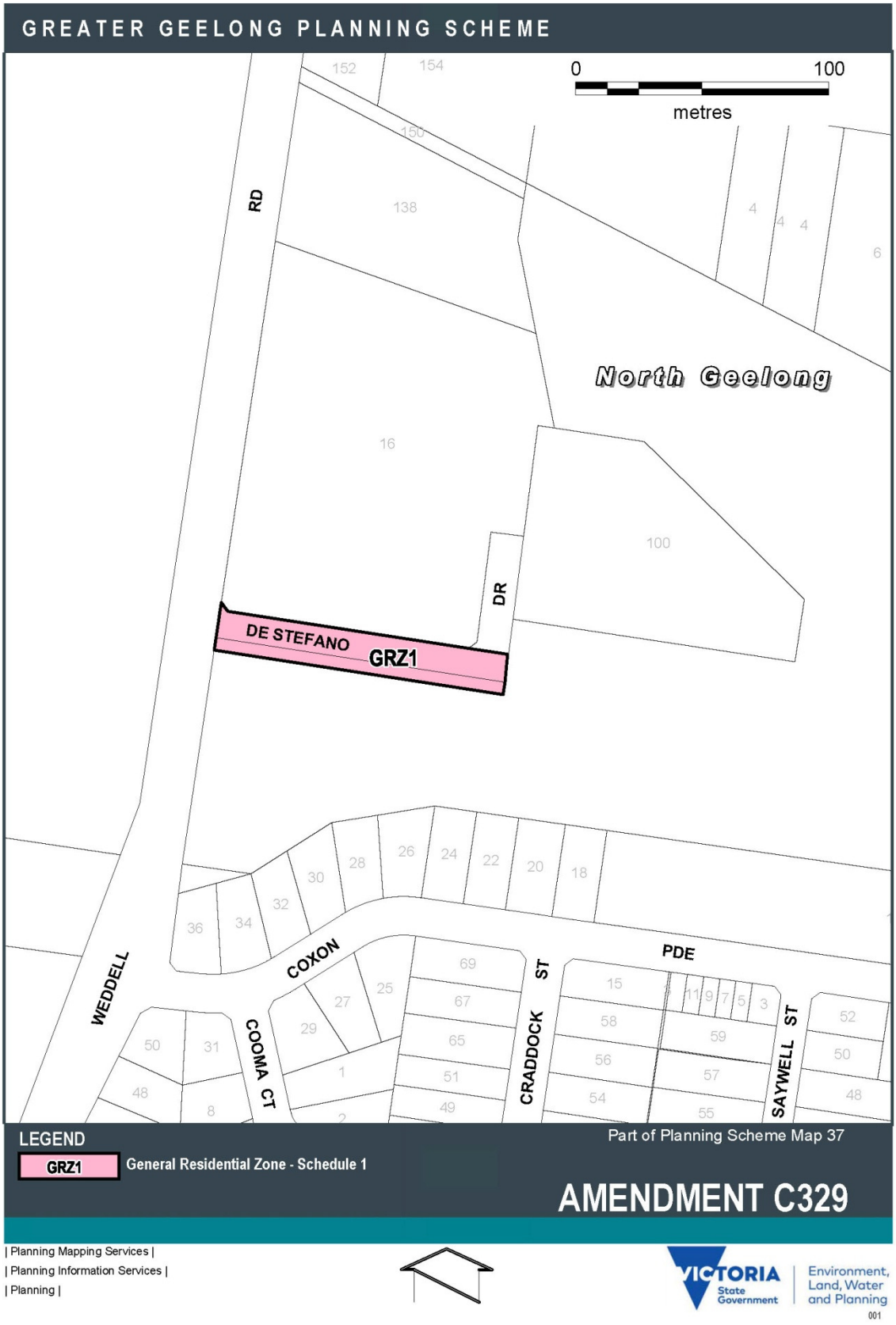
Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Zoning Maps

1. Amend Planning Scheme Map No.37 in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C329".

End of document


GREATER GEELONG PLANNING SCHEME
0
100
metres
RD
North Geelong
DR
DE STEFANO
GRZ1
WEDDELL
COXON
PDE
COOMA CT
CRADDOCK ST
SAYWELL ST
LEGEND
GRZ1
General Residential Zone - Schedule 1
Part of Planning Scheme Map 37
AMENDMENT C329
| Planning Mapping Services |
| Planning Information Services |
| Planning |
VICTORIA
State Government
Environment, Land, Water and Planning
001

APPENDIX 3 – PLANNING PERMIT TO BE ISSUED

DRAFT PLANNING PERMIT

Permit No.	**108/2015**
Planning Scheme	**Greater Geelong Planning Scheme**
Responsible Authority	**Greater Geelong City Council**

ADDRESS OF THE LAND	**100 WEDDELL ROAD, NORTH GEELONG**
THE PERMIT ALLOWS	**TWO (2) LOT SUBDIVISION AND BUILDINGS AND WORKS ASSOCIATED WITH THE EXISTING AGED CARE FACILITY GENERALLY IN ACCORDANCE WITH THE ENDORSED PLANS**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted 24 August but modified to show:

   a) Remove the trees shown as being planted in the batter.

   b) Inclusion of the following note on the drawings "All disturbed surfaces in the reserve will be made good with grading and grass hydromulching to council's satisfaction. All maintenance of disturbed reserve areas is the responsibility of the permit holder until handover is approved".

   c) All fill batters, retaining structures and all other infrastructure located outside of the land covered by the Special Building Overlay. The Special Building Overlay layer is to be superimposed on the site plan to demonstrate that this condition is met.

DEVELOPMENT

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. All development and works must be carried out in accordance with the Construction Management Plan endorsed under this permit, all to the satisfaction of the Responsible Authority.

Road and Drainage Plans

Date Issued:

Signature of the Responsible Authority: ----------

CONDITIONS OF PLANNING PERMIT NUMBER 108/2015 CONTINUED

4. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of site works, detailed, engineering designed road and drainage plans prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The stormwater drainage system on the site must be designed such that stormwater runoff exiting the land meets current best practice performance objectives for stormwater quality, as detailed in Urban Stormwater: Best Practice Environmental Guidelines (CSIRO, 1999).

Construction Management Plan

5. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of site works, a Construction Management Plan shall be submitted and approved by the Responsible Authority and shall address items including (but not be limited to) the following:

   a) The protection of all existing vegetation and waterways;
   b) Show access locations for construction vehicles;
   c) All appropriate control of site emissions during construction and the defects liability period;
   d) A staging plan for all construction phases including indicative dates for commencement and completion;
   e) Intended access for construction vehicles;
   f) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
   g) Details of actions to be implemented to in the event of damage to abutting assets;
   h) Details of where construction personnel will park;
   i) Hours/days of construction, including deliveries. (Note: These hours must be consistent with the Environment Protection Authority (EPA) legislation/guidelines);
   j) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
   k) Details of site cleanliness and clean up regimes;
   l) Location of material storage;
   m) Dust suppression management;
   n) Details of measures to be maintained during the housing construction phase of development to prevent sediment entering downstream drainage infrastructure;
   o) Any other measures that are consistent with the following Environmental Protection Authority publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions'.
   p) All development and works must be carried out in accordance with the Construction Management Plan endorsed under this permit, to the satisfaction of the Responsible Authority.

Landscape Plan

6. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of development, three (3) copies of a landscape plan prepared by a suitably qualified or experienced person must be submitted to and approved by the Responsible Authority. The plan(s) must be drawn to scale and show:

DRAFT

CONDITIONS OF PLANNING PERMIT NUMBER 108/2015 CONTINUED

a) Offset planting within Council's Reserve (minimum of 27 new trees (using 45L stock or equivalent value) with the balance of the trees to be located to the north of the MACS site;
b) The planting of Eucalyptus Cladicalyz (Sugar Gum) at 10m centres along the toe of the batter abutting the southern boundary of the site, located within Council's Reserve;
c) The grassed planting of the batter slope with Kikuyu, located within Council's Reserve;
d) Planting which provides adequate screening on the batter slope;
e) The proposed Q10 and Q100 events extent;
f) New plantings including their layout in any road reserves, municipal reserves and stormwater management elements;
g) A detailed planting schedule of all proposed trees, shrubs and groundcovers including botanical names, common names, pot sizes, sizes at maturity, quantities and densities of each plant;
h) Specifications for soil preparation, mulch etc;
i) The proposed layout, materials and finishes of paths, areas of pavement, structures, fences, maintenance vehicle access crossovers maintenance access gates and street furniture;
j) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
k) Detailed planting and construction drawings of any drainage and WSUD infrastructure within public reserves;
l) Permeable fence design details for lots abutting open space reserves and Council reserves (except road reserves). Fencing detail must be to Council specifications;
m) The maintenance schedule for all proposed landscaping, including hard and soft landscaping elements.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

Prior to the Completion of the Development

7. Unless otherwise approved in writing by the Responsible Authority, prior to the completion of the development hereby approved, the developer must:

a) Construct the site stormwater system including connection to the existing outfall to the adjoining Council land to the south of the site. Stormwater connection(s) must be in accordance with relevant standard drawings and endwalls and rock beaching must be installed to the satisfaction of the Responsible Authority.
b) Construct the car park and accessways, surfaced with an all-weather seal coat, and linemark the car park and accessways in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.
c) Remove all temporary fill supporting the car park slab from Council land, to the satisfaction of the Responsible Authority.
d) Complete the landscaping works in accordance with the endorsed plans;
e) Complete all buildings and works in accordance with the endorsed plans.

Date Issued:

Signature of the
Responsible Authority: _____

DRAFT

CONDITIONS OF PLANNING PERMIT NUMBER 108/2015 CONTINUED

All to the satisfaction of the Responsible Authority.

Lighting of Car Park

8. Prior to the completion of the development, low intensity lighting must be provided to the satisfaction of the Responsible Authority to ensure that car park areas and pedestrian accessways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land to the satisfaction of the Responsible Authority.

Maintenance of Landscaping Works

9. Unless otherwise approved in writing by the Responsible Authority, the permit holder must ensure that all works forming part of the endorsed landscaping plans are maintained for a minimum period of 24 months, to the satisfaction of the Responsible Authority. The maintenance period will commence on the date of Completion of the Development or issue of the Statement of Compliance (whichever occurs first) only where the landscaping works have been completed to the satisfaction of the Responsible Authority. Where the landscape works are bonded, the maintenance period will commence from the time that the landscape works have been inspected and completed to the satisfaction of the Responsible Authority. During this period, any dead, diseased or damaged plans, landscaped areas and hard landscape elements are to be repaired or replaced to the satisfaction of the Responsible Authority.

Landscape Maintenance Bond

10. Unless otherwise approved in writing by the Responsible Authority, prior to the completion of the development, a maintenance bond must be submitted to the responsible authority on application for practical completion of landscaping works.

11. The Landscape Maintenance Bond must be accompanied with the Landscape Maintenance Plan, a Schedule of Quantities showing financial value of all landscaping assets, to the satisfaction of the Responsible Authority.

Please Note:
The incomplete landscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete landscape works; the maintenance bond or bank guarantee must be 100 per cent of the estimated cost of maintenance of landscape works for a two (2) year period. A practical completion inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete landscape works bond will be returned on award of practical completion. Please contact Council's Recreation and Open Space Planning and Subdivisions Officer on 5272 4920

General

12. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.

13. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed

Date Issued:

Signature of the
Responsible Authority: _____

DRAFT

CONDITIONS OF PLANNING PERMIT NUMBER 108/2015 CONTINUED

traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.

14. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.

15. At the completion of the bulk earthworks, and at completion of the works for each stage, all disturbed areas shall be hydro mulched with an approved seed and fertilizer mixture to the satisfaction of the Responsible Authority to suppress dust, and minimise erosion, unless approved otherwise by the Responsible Authority.

16. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

17. No fill material may be placed within land covered by the Special Building Overlay (as shown on endorsed plans).

SUBDIVISION

Endorsed Plans

18. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

Prior to Certification

19. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.

20. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

21. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

22. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Prior to Statement of Compliance

Date Issued:

Signature of the
Responsible Authority: _____

DRAFT

CONDITIONS OF PLANNING PERMIT NUMBER 108/2015 CONTINUED

23. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of a statement of compliance for the subdivision, the subdivider must:
    a) Construct the site stormwater system including connection to the existing outfall to the adjoining Council land to the south of the site. Stormwater connection(s) must be in accordance with relevant standard drawings and endwalls and rock beaching must be installed to the satisfaction of the Responsible Authority;
    b) Construct the car park and accessways, surfaced with an all-weather seal coat, and linemark the car park and accessways in accordance with the endorsed plans, to the satisfaction of the Responsible Authority;
    c) Remove all temporary fill supporting the car park slab from Council land, to the satisfaction of the Responsible Authority;
    d) Complete the landscaping works in accordance with the endorsed plans; and
    e) Complete all buildings and works in accordance with the endorsed plans.

Maintenance of Landscaping Works

24. Unless otherwise approved in writing by the Responsible Authority, the permit holder must ensure that all works forming part of the endorsed landscaping plans are maintained for a minimum period of 24 months, to the satisfaction of the Responsible Authority. The maintenance period will commence on the date of Completion of the Development or issue of the Statement of Compliance (whichever occurs first) only where the landscaping works have been completed to the satisfaction of the Responsible Authority. Where the landscape works are bonded, the maintenance period will commence from the time that the landscape works have been inspected and completed to the satisfaction of the Responsible Authority. During this period, any dead, diseased or damaged plans, landscaped areas and hard landscape elements are to be repaired or replaced to the satisfaction of the Responsible Authority.

Landscape Maintenance Bond

25. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of a Statement of Compliance, a maintenance bond must be submitted to the responsible authority on application for practical completion of landscaping works.

26. The Landscape Maintenance Bond must be accompanied with the Landscape Maintenance Plan, a Schedule of Quantities showing financial value of all landscaping assets, to the satisfaction of the Responsible Authority.

    Please Note:
    The incomplete landscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete landscape works; the maintenance bond or bank guarantee must be 100 per cent of the estimated cost of maintenance of landscape works for a two (2) year period. A practical completion inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete landscape works bond will be returned on award of practical completion. Please contact Council's Recreation and Open Space Planning and Subdivisions Officer on 5272 4920

EXPIRY

Development Expiry

Date Issued:

Signature of the
Responsible Authority: _____

CONDITIONS OF PLANNING PERMIT NUMBER 108/2015 CONTINUED

27. This permit as it relates to the development will expire if one of the following circumstances applies:

    a) The development hereby approved has not commenced within two (2) years of the date of this permit.

    b) The development hereby approved is not completed within four (4) years of the date of this permit.

    The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

    a) Within six (6) months after the permit expires where the use or development has not yet started; or

    b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

Subdivision Expiry

28. This permit as it relates to subdivision will expire if one of the following circumstances applies:

    a) The plan of subdivision has not been certified within two (2) years of the date of this permit.

    b) A statement of compliance is not issued within five (5) years of the date of certification.

The Responsible Authority may extend the periods referred to at (a) if a request is made in writing before the permit expires or within six (6) months afterwards.

Engineering Notes:

1. *An inspection is required to satisfy conditions 7 and 20. A fee equivalent to 3.25% of the total cost of civil works, excluding GST, is payable to Council for inspection. A minimum fee of $100 applies if the 3.25% amount is less than $100. Relevant evidential documentation of the cost is to be provided.*
2. *All internal property drainage must be designed and constructed in accordance with AS/NZS 3500.*

Recreation and Open Space Notes:

1. *A Handover inspection is required to satisfy condition 4 and must be organised by the permit holder with two weeks notice given for onsite inspections. The landscape maintenance bond will be returned on award of handover.*
2. *No landscaping handovers will be accepted during the summer months from 1 December to 28 February inclusive.*

Date Issued:

Signature of the
Responsible Authority: _____

DRAFT

6. AMENDMENT C317 & PERMIT 970/2014 ST LEONARDS GROWTH AREA 1 - CONSIDERATION OF PANEL REPORT AND ADOPTION

Source **Planning & Development - Strategic Implementation**
General Manager: **Peter Bettess**
Index Reference **Amendment C317 & Permit 970/2014**

Purpose

This report considers the Panel Report for Amendment C317 and Permit 970/2014 and recommends adoption of the Amendment and that it be recommended to the Minister for Planning to grant the Permit.

Summary

- Amendment C317 proposes to rezone 321-399 Ibbotson Street, St Leonards, from the Farming Zone to the General Residential Zone Schedule 1.
- The Amendment is concurrent with a planning permit to allow a staged multi lot residential subdivision and the removal of native vegetation.
- The Amendment was exhibited for a four week period closing on 19 October 2015.
- Council received 19 submissions, 12 of which objected to the Amendment. Reasons for objection included: adequate supply of existing vacant residential land; lack of infrastructure to support the increased population; poor subdivision design; and flooding and drainage concerns.
- Council resolved under delegation on 3 November 2015 to refer the submissions to an Independent Planning Panel appointed by the Minister for Planning. The Panel Hearing simultaneously considered Amendment C325 (St Leonards Growth Area 2) submissions. The hearing was held in December 2015.
- The Panel concluded that the rezoning has strong strategic support. The Panel was satisfied that future residential development could be managed that reduces localised flood impacts.
- Overall the Panel recommended that Amendment C317 be adopted as exhibited, and that minor revisions are made to the draft Planning Permit and Section 173 Agreement.
- The Panel's recommendations are supported. The Amendment can now be adopted and together with the Permit, forwarded to the Minister for approval.
- The Section 173 Agreement with the landowner to formalise development contributions for an Early Learning Community Centre in St Leonards has been prepared and signed by the landowner. It is recommended that Council, as the other party to the Agreement, now also sign the Agreement.

Moved and declared carried by the Interim Administrator -

That Council :

1) **Adopts Amendment C317 in the form as outlined in Appendix 1 of this report;**

2) **Recommends to the Minister for Planning that Planning Permit 970/2014 be granted pursuant to Section 96G of the *Planning and Environment Act* 1987 (the Planning Permit is in Appendix 2 of this report); and**

3) **Submits the adopted Amendment together with the prescribed information to the Minister for Planning requesting approval.**

4) **Signs and seals the Section 173 Agreement accompanying this Amendment to formalise development contributions arrangements (Appendix 3 is a copy of the Agreement).**

Background

In August 2014 TGM Group on behalf of Costa Property Nine Pty Ltd submitted a combined Planning Scheme Amendment Application in accordance with Section 96A of the *Planning and Environment Act* 1987 for the rezoning and multi-lot staged subdivision of land at 321-399 Ibbotson Street, St Leonards.

It is proposed to rezone the land from the Farming Zone to the General Residential Zone Schedule 1. The proposed new estate has convenient access to the primary road network on the northern Bellarine and is only a short distance to the St Leonards Town Centre and foreshore.

The site is referred to as 'Growth Area 1' in the St Leonards Structure Plan, March 2015. Exhibition of Amendment C317 was concurrent with exhibition of Amendment C325, which also proposes to rezone St Leonards 'Growth Area 2' to the General Residential Zone Schedule 1.

Appendix 4 is an aerial map of the immediate area and Appendix 5 shows the existing zoning.

The Amendment is supported by a Section 173 Agreement to provide developer contributions for the establishment of an Early Learning Community Centre in St Leonards.

Public exhibition of Amendment C317 commenced on 17 September 2015 and closed on 19 October 2015. This included local newspaper publications and a notice and information brochure being sent to nearby landowners and occupiers.

Council received 19 submissions, 12 of which objected to the Amendment. Reasons for objection included: adequate supply of existing vacant residential land; lack of infrastructure to support the increased population; poor subdivision design; and flooding and drainage concerns.

Under delegation Council then resolved on 3 November 2015 to refer the submissions to an Independent Planning Panel appointed by the Minister for Planning. The Panel Hearing was held on 16, 17 and 18 December 2015. The same Panel also considered Amendment C325.

Discussion

A two person Panel conducted the Hearing. Parties in attendance relevant to Amendment C317 were Greater Geelong Council officers, Stuart Morris QC representing Costa Property Nine P/L (and calling drainage and traffic witnesses) and local resident Mr Barker.

The Panel provided its report to Council on 9 February 2016.

The key findings are:-

- The rezoning has strong strategic support.
- Matters relating to land supply/demand in Amendment C312 *(St Leonards Structure Plan implementation)* considered the additional supply added by the growth areas and that Panel concluded, provided issues of land release could be managed, that a supply of 25-33 years was appropriate. Without evidence to suggest otherwise the Panel supports this.
- The residential development can be managed and, in some cases, reduce localised flood impacts. Harvesting of stormwater may assist the ongoing maintenance of the golf course to the north.
- Increased traffic generated by the development is within the capacity of the surrounding street network and key intersection upgrades will ensure traffic circulation is safe and efficient.
- The vehicle connection point to the golf course is required and it should be located at the mid-point position in Stage 19 of the subdivision.
- The lot density and provision and location of open space and 2.5m wide reinforced concrete shared path are appropriate.
- Planning Permit 970/2014, as exhibited, is supported subject to changes recommended in the Panel Report (the overall development plan is shown in Appendix 6).
- Clause 3.5 of the proposed Section 173 Agreement be amended in the form contained in the Panel Report.

A copy of the Panel Report's Executive Summary is in Appendix 7.

The Panel's findings and recommendations are supported. The Panel recommended minor revisions to the planning permit and Section 173 Agreement which are accepted.

The complex set of stormwater drainage issues have been resolved to the satisfaction of Council and the Corangamite Catchment Management Authority prior to the adoption of the Amendment. Following the Panel Report release, TGM has finalised the *Addendum 2 Flood Impact Assessment* (now April 2016) supported by an additional permit condition to clarify the nature of works required for residential development south of the creek.

The Amendment can now be adopted and together with the Permit forwarded to the Planning Minister for approval.

Environmental Implications

The subject land contains a stand of River Red gums located within the riparian zone of the designated waterway. These trees will be retained to form part of the landscape attraction of the local park.

Other native vegetation identified in the Mark Trengove Ecological Services assessment identified for removal and offsetting arrangements is supported by the Department of Environment, Land, Water and Planning.

The management and treatment of stormwater runoff will result in reduced localised flood impacts and improved capture and downstream water quality and outfall to the bay.

Financial Implications

The Section 173 Agreement will legally bind Council to deliver an Early Learning Community Centre in St Leonards. The developer will contribute $38,800 per net developable hectare towards the facility, totalling approximately $1.12 million.

Policy/Legal/Statutory Implications

The rezoning and permit are consistent with a range of State and Local policies as outlined in the Amendment C317 Explanatory Report. The site is identified for rezoning to the General Residential Zone in the Municipal Strategic Statement at Clause 21.14 *The Bellarine Peninsula*.

The Section 173 Agreement will legally bind the parties to deliver on the terms of the Agreement.

Alignment to City Plan

The Amendment supports the 'Growing our Economy' strategic direction of City Plan, by providing additional residentially zoned land for housing construction and future demand for services.

Officer Direct or Indirect Interest

No officers involved in this report have any direct or indirect interest In accordance with Sec 80 (c) of the Local Government Act.

Risk Assessment

There are no notable risks associated with implementing the recommendation contained in this report.

Social Considerations

The Amendment will generate positive social impacts by providing new housing opportunities, improving the local road and open space network and levying developers for contributions to deliver an Early Years Learning Centre in St Leonards.

Human Rights Charter

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

Consultation and Communication

Council officers have written to the Amendment submitters to advise them of the release of the Panel Report. Submitters will be notified of the final decision of Council and the Minister for Planning.

Appendix 1 - Amendment C317 to be Adopted

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C317

INSTRUCTION SHEET

The planning authority for this amendment is the Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

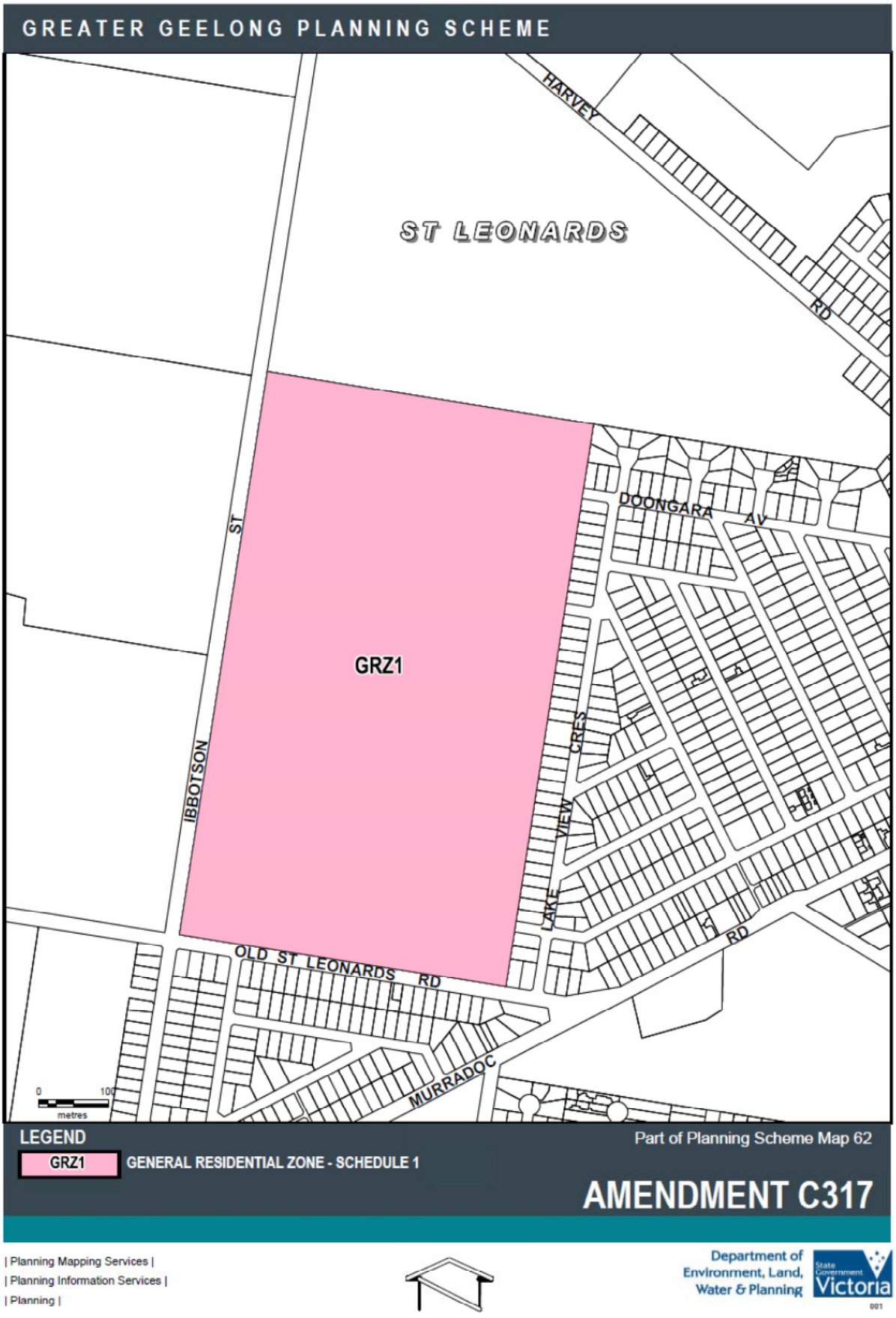
Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map.

Zoning Maps

2. Amend Planning Scheme Map No. 62 in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme, Amendment C317".

End of document


GREATER GEELONG PLANNING SCHEME
HARVEY
RD
ST LEONARDS
DOONGARA AV
ST
IBBOTSON
GRZ1
LAKE VIEW CRES
RD
OLD ST LEONARDS RD
MURRADOC
0
100
metres
LEGEND
GRZ1
GENERAL RESIDENTIAL ZONE - SCHEDULE 1
Part of Planning Scheme Map 62
AMENDMENT C317
| Planning Mapping Services |
| Planning Information Services |
| Planning |
Department of Environment, Land, Water & Planning
State Government Victoria

Appendix 2 - Permit for Approval

PLANNING PERMIT

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

Permit No: 970/2014

Planning Scheme: Greater Geelong Planning Scheme

Responsible Authority: City of Greater Geelong

ADDRESS OF THE LAND: 321-399 IBBOTSON STREET, ST LEONARDS

THE PERMIT ALLOWS: STAGED MULTI LOT RESIDENTIAL SUBDIVISION AND THE REMOVAL OF NATIVE VEGETATION

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the development associated with the subdivision, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application 15 December 2015 (REV 2) but modified to show:
a) The provision of an Access Street reserve centrally located between the northern most east-west road and the golf course;
b) Construction of the Rigby Street, Emu Street and Doongara Avenue stubs to connect to Lake View Crescent;
c) The shared concrete path located north of the creek; and
d) A staging plan for the construction of Old St Leonards Road.

Endorsed Plans

2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988, which is generally in accordance with the endorsed plans. The endorsed plan must include a staging plan, where applicable.

Engineering Conditions

3. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.

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Planning and Environment Regulations 2005 Form 9

4. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.

5. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.

6. At the completion of the bulk earthworks, and at completion of the works for each stage, all disturbed areas shall be hydro mulched with an approved seed and fertilizer mixture to the satisfaction of the Responsible Authority to suppress dust, and minimise erosion, unless approved otherwise by the Responsible Authority.

7. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Stormwater and Drainage

8. Prior to the commencement of site works for any relevant stage of the subdivision, the developer is required to submit detailed road and drainage construction plans to the Responsible Authority for approval. The plans shall include details of pits and pipes sizes, finished and existing surface levels, creation of appropriate easements, detention basin(s) including any required drainage reserves, water quality treatment and connection to the legal point of discharge in accordance with the Drainage Masterplan.

The Consulting Engineer must show that the design for the drainage system complies with the requirements of the Infrastructure Design Manual and any other relevant standards. Site run-off shall be limited to equivalent pre-developed levels for rainfall events up to and including the critical 100 year ARI event. An appropriate on site detention system shall be designed to limit site run-off to the pre-developed levels to the satisfaction of the Responsible Authority.

The plans must include, but not limited to:

a) The stormwater drainage system on the site must be designed such that stormwater run-off exiting the land meets the current best practice performance objectives for stormwater quality as follows:

i. 80% retention of the typical annual load of suspended solids;

ii. 45% retention of the typical annual load of total phosphorous;

iii. 45% retention of the typical annual load of total nitrogen; and

iv. 70% retention of the typical annual load of gross pollutants.

b) Major culvert augmentation/upgrades must be provided to the satisfaction of the Responsible Authority in accordance with recommendations of the Drainage Masterplan.

c) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.

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d) Roadwork construction details including the following:

i) fully sealed pavement with kerb and channel for new internal roads;
ii) any external roadworks and treatments identified in the LATM plan;
iii) concrete footpaths;
iv) line-marking and signage installation;

e) Reconstruction of Ibbotson Street with kerb and channel east side between Old St Leonards Road and the first intersection north of the waterway;

f) Reconstruction of Old St Leonards Road with kerb and channel on the north side; and

g) As part of the detailed design hydraulic modelling the developer, in collaboration with the owner of the golf course, undertake an analysis of the northern section of the subdivision at the relevant stage to enable stormwater discharge to the golf course with similar flows to existing.

h) Detailed Road and Drainage Design Plans for any stage must not result in flood levels on existing properties being adversely affected.

Stormwater and Drainage - Land South of the Creek

9. Prior to the commencement of works for residential development south of the creek, identified in the hatched area in Figure 6.1 of the TGM *Addendum 2 Hydraulic Model Update & Flood Impact Assessment Report Final April 2016*, the Report must be updated and submitted for approval of the CCMA and Responsible Authority. The final report must address all matters identified as requiring further investigation in the Expert Statement as prepared by Venant Solutions of 8 December 2015; and ensuing off-site drainage works completed to the satisfaction of the Responsible Authority.

Construction Management Plan

10. A Construction Management Plan for each relevant stage shall be submitted and approved by the Responsible Authority and shall address items including (but not be limited to) the following:

a) The protection of all existing vegetation (not proposed for removal) and waterways;
b) Show access locations for construction vehicles;
c) All appropriate control of site emissions during construction and the defects liability period;
d) A staging plan for all construction phases including indicative dates for commencement and completion;
e) Intended access for construction vehicles;
f) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
g) Details of actions to be implemented to in the event of damage to abutting assets;
h) Details of where construction personnel will park;
i) Hours/days of construction, including deliveries. (Note: These hours must be consistent with the Environment Protection Authority (EPA) legislation/guidelines);
j) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
k) Details of site cleanliness and clean up regimes;
l) Location of material storage;
m) Dust suppression management;
n) Details of measures to be maintained during the housing construction phase of development to prevent sediment entering downstream drainage infrastructure;

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o) Any other measures that are consistent with the following Environmental Protection Authority publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions'; and
p) No storage of materials or machinery within reserves.

10. Reserves must be reasonably maintained at all times until transferred to Council.

Construction of Roadworks/ Drainage

12. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, road and drainage works, including basin(s), must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.

13. All development and works must be carried out in accordance with the Construction Management Plan endorsed under this permit, all to the satisfaction of the Responsible Authority.

14. Ibbotson St, south of Old St Leonards Road to Murradoc Road, shall be inspected at practical completion of each stage and any identified defects directly attributed to the subdivision to be repaired by the subdivider, prior to the completion of the relevant stage defect period.

15. The design and construction of civil infrastructure to become council assets must be approved and supervised by council. A fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works.

16. A maintenance bond of 5% of the cost of civil works is to be paid to council and will be returned after successful completion of a 12 month maintenance period. A 24 month maintenance period applies to wetland vegetation.

17. Prior to the issue of Statement of Compliance for Stage 10, the applicant is required to provide a 1.5 metre wide footpath (including outstand kerbs at intersections) on the north side of Old St Leonards Road from the south east corner of the land to connect to Murradoc Road.

General Conditions

18. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the item; and
b) A suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

19. For each stage of the subdivision, all existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

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20. Utility service substations, kiosk sites and the like must not be located on any land identified as public open space or land to be used for any municipal purpose unless otherwise agreed by the responsible authority.

Traffic Engineering

21. A Local Area Traffic Management (LATM) plan must be developed with Council's Traffic Engineering unit prior to submitting of Road Construction plans for Stage 1. The LATM plan must apply to the entire subdivision, and any identified treatments that are external to the site being:

a) The provision of a splitter island in Old St Leonards Road at its intersection with Murradoc Road;
b) The Rigby Street stub and associated intersection with Lake View Crescent;
c) The Emu Street stub and associated intersection with Lake View Crescent;
d) The Doongara Avenue stub and associated intersection with Lake View Crescent; and
e) The intersection of Old St Leonards Road with Lake View Crescent.

22. The street and road layout must allow for a design vehicle 10.2 metres long with a turning circle diameter of 21.5 metres and must after allow for vehicles to be legally parked in all areas unless designated as "No Parking or No Standing". Design Vehicle swept paths using traffic templates for a Dennis eagle 6 x 4 truck with a compactor, 10.2 metres long to be provided for all streets indicating the trucks ability to safely manoeuvre in the subdivision and indicating the sections of the road and street layout designated as "No Parking or No Standing" on day of kerbside collections.

Landscaping (Recreation and Open Space)

Landscape Master Plan

23. Prior to the commencement of works associated with the subdivision, a landscape master plan (incorporating a street tree master plan) for the permit area, prepared by a person suitably qualified or experienced in landscape design, must be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three hard copies plus an electronic copy must be provided. The landscape master plan must be generally in accordance with the Creek Open Space Reserve Landscape Concept Plan and the Liner Open Space Native Landscape Plan, but modified to show and include:

a) A species list of all proposed terrestrial vegetation;
b) A species list of all proposed aquatic vegetation which must be indigenous and designed to enhance the biodiversity values of the creek and any constructed water bodies;
c) 1:10 year and 1:100 year flood extents
d) Off road walking and cycling paths constructed as 2.5m concreted shared paths in accordance with CoGG standards
e) The style and location of fencing, which is to be visually permeable, to all private property boundaries that directly abut reserves (except road reserves)
f) Nominated points of entry into open space areas for maintenance purposes.

Landscaping Plan

24. Prior to Statement of Compliance being issued for each relevant stage of the subdivision, a detailed landscape plan (where relevant), prepared by a person suitably qualified or experienced in landscape

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design, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The landscape plan must be drawn to scale with dimensions and three hard copies plus an electronic copy must be provided. The plan must address and be consistent with the endorsed landscape master plan and must show, where relevant:

a) A survey (including location, size and botanical name) of all existing vegetation on the land;
b) The proposed Q10 and Q100 events extent;
c) Any tree(s) proposed for retention within a road reserve or public open space (excluding conservation areas) for any stage of the development must be independently assessed by a suitably qualified arborist which details suitability for retention and ongoing management recommendations for the tree(s). The detailed landscape response for the area in which the tree(s) are located must be informed by the arboricultural assessment;
d) Vegetation that is approved to be retained, removed and/or lopped, including details of tree protection zones;
e) The layout of new planting in all road reserves and municipal reserves including;

    i) The layout of proposed new planting in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts).
    ii) Details of all other infrastructure within the road reserve (e.g. street lights, stormwater pits, fire plugs etc).
    iii) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and quantities for each species.
    iv) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres.
    v) All proposed groundcover & shrub planting with a minimum container size of 150mm.
    vi) The maintenance schedule for all proposed planting.

f) The layout and zonation detail of new aquatic planting in waterways and any constructed water bodies in municipal reserves;
g) A detailed planting schedule of all proposed terrestrial trees, shrubs, and groundcovers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
h) A detailed planting schedule of all proposed aquatic planting including botanical names, common names, supply sizes, sizes at maturity, zonation detail, planting densities and quantities of each plant with a note that plants must be sourced from local provenance material;
i) The proposed layout, materials and finishes of paths, areas of pavement, structures, play spaces, fences, maintenance access gates and street furniture;
j) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
k) Additional supporting information, such as certified structural designs or building forms;
l) Playground design compliance with AS4685:2004 Playground Equipment Safety and AS/NZS4422:1996 Playground Surfacing;
m) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles
n) The maintenance schedule for all proposed landscaping, including hard and soft landscaping elements;
o) Bicycle parking to support primary cycling routes throughout the subdivision,
p) The style and location of permeable fencing for all lots abutting reserves (except road reserves),
q) Retention of existing native vegetation (where possible) within a landscape corridor along Ibbotson Street at a minimum of 20 metres wide.

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r) Species within the Ibbotson Street landscape corridor must complement existing native vegetation within the road reserve and the nearby native vegetation within the St Leonards Golf Course. The species list will need to be reviewed by a specialist to assess their suitability from a fire risk perspective having regard to the concerns raised by Council's Fire Prevention Officer.
s) Retention of River Red-gums within the creek corridor, subject to assessment by a Level 5 arborist.
t) Specify details regarding the connection/interface of the Ibbotson Street pathway to land north of the development (i.e. St Leonards Golf Course).
u) An ecological corridor along the entire length of the creek to an average width of 30 metres.
v) No modifications to the creek – the natural form of the creek must be retained, except with the consent of the Responsible Authority and the Corangamite CMA.
w) Aquatic species to be used within the stormwater treatment wetlands & sediment basins (if applicable) including densities and treatments; maintenance vehicle access points; sediment drying areas.
x) Fence design details for lots abutting open space reserves and Ibbotson Street ecological corridor. Fencing detail must be to Council specifications.
y) Fence design details for lots abutting St Leonards Golf Course. Fencing detail must be to Council specifications.
z) The Stage 1 basin land to include loop path, grassing, tree and garden bed planting and some park furniture.

Completion of Landscape Works

25. The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage, or any other time when agreed in writing by the Responsible Authority and suitably bonded.

26. Prior to the issue of practical completion of landscaping works, or any other time as agreed in writing by the Responsible Authority, the following must be provided to the Responsible Authority:

a) Building permits and structural engineering compliance where necessary;

b) Landscaping maintenance plan including playground inspection regime and asset listing;

c) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format; and

d) An independent playground auditor's report with evidence of rectification of any identified defects.

The report must relate to all playground equipment, fitness equipment, natural play elements, soft fall areas and edging to ensure that all aspects of the playground construction meet Playground Standards AS/NZS4422 1996 and AS4685 parts 1-6 2004 and is in good working order and safe condition.

27. Unless otherwise agreed in writing by the Responsible Authority, a maintenance bond must be submitted to the Responsible Authority at the time of application for practical completion of landscaping works.

a) The incomplete landscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete landscape works; the maintenance bond or bank guarantee must be 100 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.
b) A practical completion inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete landscape works bond will be returned on award of practical completion.

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c) Works bonded as outstanding must be enacted within one (1) year of statement of compliance being awarded.

Maintenance of Landscaping

28. The landscaping shown on any endorsed landscape plan for a particular stage must be maintained in accordance with Council's Landscape Standards Manual dated June 2013, or any replacement landscape standard guidelines or manual which may be adopted by the Council to the satisfaction of the responsible authority for a period of two (2) years from the date of practical completion of the landscaping unless otherwise agreed in writing by the responsible authority. During this period, any dead, diseased or damaged plants are to be replaced and any landscaped areas and hard landscape elements are to be repaired as appropriate to ensure that the landscaping is retained in the condition it was in at the date of practical completion.

29. Playgrounds and fitness equipment must be inspected and maintained in accordance with Council's Landscape Standards Manual dated June 2013, or any replacement landscape standard guidelines or manual which may be adopted by the Council, and maintained in a manner to ensure public safety for the duration of the landscape maintenance period.

30. The developer and their contractors who will develop and maintain playgrounds and associated landscaping are required to obtain and maintain appropriate public liability insurance (with Council's interest noted on the certificate of insurance) over the playground and landscaping for the duration of the maintenance period.

Notes

i) The planting out of interim wetlands (or similar) will be allowed under this Permit, however the maintenance period for those areas will not commence until such time as the ultimate wetland (or similar) is constructed and planted out.
ii) Unless otherwise agreed in writing, Council will not be responsible for the equipment, the site or public liability until a handover inspection has taken place and written acceptance of handover has been issued.
iii) A handover inspection is required to satisfy the above conditions and must be organised by the permit holder with two weeks' notice given for onsite inspections. The Landscape maintenance bond will be returned upon acceptance of handover.
iv) No handovers will be accepted during the summer period, i.e. between 30 November and 1 March each year.

Removal of Native Vegetation

31. If required, any pruning or lopping must be undertaken by a suitably qualified and experienced arborist (level 5) in accordance to *AS4373 – 2007 Pruning of Amenity Trees*. Any pruning or lopping must be to the minimum extent necessary and not exceed one third of the canopy and must not include lopping of the trunk.

32. If required, a Level 5 arborist must be on-site during all works within the Tree Protection Zones of the River Red Gums to ensure all efforts are taken to avoid impact on the root zones of the River Red Gums, to monitor root damage and carry out any amelioration to disturbed roots.

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Construction Environmental Management Plan

33. Unless otherwise approved by the Responsible Authority, a Construction Environmental Management Plan (CEMP) for the relevant stage must be submitted to and approved by Council's Environment Unit. When approved, the plan will be endorsed and then form part of the permit. The plan must:

a) Clearly identify on plans, at useable scale, all native vegetation that is to be both retained and removed, for use by contractors working on site.

b) Protect the River Red Gums in accordance with AS 4970-2009.

c) Prevent the creek from sedimentation and erosion.

34. The approved Construction Environmental Management Plan (CEMP) must be implemented to the satisfaction of Council. Any non-compliance identified by the Responsible Authority must be rectified immediately at no cost to Council.

Waterway Rehabilitation Plan

35. Prior to commencement of works, a Waterway Rehabilitation Plan for the creek corridor must be submitted to and approved by the Responsible Authority. The plan must detail the specific rehabilitation and revegetation of the creek corridor to an average width of 30 metres. When approved, the plan will be endorsed and then form part of the permit. The plan must include:

a) Details regarding the proposed works within the creek and its embankments-the natural form of the creek must be retained and a riparian corridor is to be established. Cross-sections outlining the proposed treatment shall be provided.

b) Details regarding the long-term protection and enhancement of the existing River Red Gums.

c) Details of all revegetation works including the use of plants listed within the City's *Indigenous plants from of the Geelong Region Zone 1 Eastern Bellarine Plains* - including densities and treatments.

d) The location of any stabilisation works (if required) such as rockwork and/or jute matting.

e) Details of all proposed weed control works.

f) Details of the proposed maintenance program prior to transfer to the City.

36. Prior to the transfer to Council of the creek corridor all the works identified within the approved Waterway Rehabilitation Plan undertaken by the developer, unless otherwise agreed in writing by the Responsible Authority. A detailed inspection shall be undertaken by officers from the City's Environment Unit upon completion of all the required on-ground works.

DELWP Conditions

37. To offset the removal of 0.094 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and *Native vegetation gain scoring manual* (DEPI 2013) as specified below:

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a) A general offset of 0.029 general biodiversity equivalence units with the following attributes:
b) be located within the Corangamite Catchment Management Authority boundary or Greater Geelong municipal district
c) have a strategic biodiversity score of at least 0.346.

38. Prior to the issue of the Statement of Compliance for any stage that requires removal of native vegetation, evidence that the required offset for the project or stage has been secured must be provided to the satisfaction of the responsible authority. The offset evidence can be:
a) a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
b) an allocated credit extract from the Native Vegetation Credit Register.

39. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

40. In the event that a security agreement is entered into as per condition 38(a), the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Street Names - Place Signs

41. Prior to Statement of Compliance being issued for any relevant stage the subdivider must provide and place relevant signs to the satisfaction of the Responsible Authority.

Street Lighting

42. Prior to the issuing of a Statement of Compliance for each relevant stage of subdivision street lighting is to be provided within and abutting the subdivision to the satisfaction of the Responsible Authority and at the full cost of the subdivider.

Public Open Space Contribution

43. The owner of the subject land must provide for unencumbered Public Open Space in accordance with the Schedule to Clause 52.01 of the Greater Geelong Planning Scheme. The contribution will be made in accordance with the staging plan prior to the issue of a Statement of Compliance for each stage of the subdivision. A land budget must be submitted for each stage of the subdivision to determine compliance with this condition. For the purpose of this condition, encumbered land includes that part of the land that is subject to flooding in a 1% AEP rainfall event.

Section 173 Agreement

44. The owner must make Infrastructure Contributions to Council as required by the Section 173 Agreement, entitled *Growth Area 1, St Leonards Infrastructure Contributions and Subdivision Design Requirements* dated (insert). Prior to the payment of an Infrastructure Contribution, a land budget must be submitted that demonstrates the contribution payable.

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Barwon Water Conditions

General

45. The owner shall create easements for Pipelines or Ancillary Purposes in favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision.

46. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

Water

47. The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.

48. An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tappings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not being fitted. Note that tappings and services are not to be located under existing or proposed driveways.

49. Reticulated water mains or a water extension are required to service the proposed development.

50. Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

Sewer

51. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.

52. The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.

53. Reticulated sewer mains or a sewer main extension are required to service the proposed development.

54. For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land to the west in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with Section 36 of the Subdivision Act 1988.

55. These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all

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costs associated with creating these easements including payment of any compensation to other land owners for these easements.

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communications between the developer/agent and Barwon Water quote Barwon Water reference number **L008123.**

VicRoads Conditions

56. Prior to the issue of a statement of compliance for Stage 1 of this subdivision, the following works at the intersection of Murradoc Road and Old St Leonards Road must be completed at no cost to and to the satisfaction of VicRoads:
a) The northern shoulder of Murradoc Road widened and sealed to allow left turning vehicles to decelerate clear of through traffic.

57. Prior to the issue of a statement of compliance for Stage 10 of this subdivision, the following works at the intersection of Murradoc Road and Ibbotson Street must be completed at no cost to and to the satisfaction of VicRoads:
a) A left turn lane on Murradoc Road on the western approach to the intersection.
b) The southern shoulder of Murradoc Road widened and sealed to allow through traffic to pass right turning vehicles.

58. Prior to commencing any works within the Murradoc Road reserve, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval processes, including the determination of fees and the level of VicRoads service obligations.

Tenix Conditions

59. The plan of subdivision submitted for certification must be referred to SP AusNet (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor Conditions

60. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

61. The applicant shall:
a) provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
b) where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be bought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
c) Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the Responsible Authority

d) Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zone" rules.
e) Set aside on the plan of subdivision for the use of Powercor Australia ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for 'Powerline Purposes' pursuant to Section 88 of the Electricity Industry Act 2000.
g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
j) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

CFA Conditions

62. Hydrants
a) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
b) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
c) Hydrants must be identified as specified in 'Identification of Street Hydrants for Fire fighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).

63. Roads
a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
c) Roads must have a minimum trafficable width of:
   i) 5.5m if parking is prohibited on one or both sides of the road,
   ii) ii)7.3m where parking is allowable on both sides of the road.
d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Date Issued:	**Date Permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the Responsible Authority**

e) Any road with a trafficable width (Kerb to Kerb) less than 7.3 metres, must have 'No Standing' signage and/or appropriate on-road line markings installed to clearly identify that parking is only allowed on one side of the roadway.

Expiry (Staged)

64. This permit as it relates to subdivision will expire if one of the following circumstances applies:

a) The first stage of the plan of subdivision has not been certified within two years of the date of this permit.
b) All stages of the plan of subdivision have not been certified within twenty-five (25) years of the date of this permit.
c) A statement of compliance is not issued within five years (5) of the date of certification of a particular stage of subdivision.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

Date Issued:	**Date Permit comes into operation:** **(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)**	**Signature for the Responsible Authority**

Planning and Environment Regulations 2005 Form 9

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 961 of that Act.

WHEN DOES THE PERMIT BEGIN?

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT APPEALS?

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

Appendix 3 - Section 173 Agreement

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Lawyers
140 William Street
Melbourne Victoria 3000 Australia

Telephone 61 3 9288 0555
Facsimile 61 3 9288 0666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

Date / / 2016

Agreement under section 173 of the Planning and Environment Act 1987

Subject Land: 321-399 Ibbotson Street, St Leonards

Purpose of Agreement: **Growth Area 1, St Leonards Infrastructure Contributions and Subdivision Design Requirements**

City of Greater Geelong
and

Costa Property Nine Pty Ltd
ACN 111 278 481

Interstate offices
Canberra Sydney

Affiliated offices around the world through the Advoc network - www.advoc.com

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Agreement under section 173 of the Planning and Environment Act 1987

Dated / / 2016

Parties

Name	**City of Greater Geelong**
Address	City Hall, 30 Gheringhap Street, Geelong, Victoria
Short name	**Council**

Name	**Costa Property Nine Pty Ltd** ACN 111 278 481
Address	Level 1, 2 Myers Street Geelong, Victoria
Short name	**Owner**

Background

A. Council is the responsible authority pursuant to the Act for the Planning Scheme. Council is also the planning authority for Amendment C317 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 C317 proposes to rezone the Subject Land from Farming Zone to General Residential Zone Schedule 1 under the Planning Scheme.

D. Planning Permit 970/2014 allowing a staged multi-lot residential subdivision on the Subject Land is being considered concurrently with the preparation of the proposed Amendment pursuant to Section 96A of the Act.

E. The parties enter into this Agreement to:

E.1 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 Project; and

E.2 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

1. Definitions

In this Agreement unless the context admits otherwise:

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Act means the *Planning and Environment Act 1987*.

Adjustment Index means the Australian Bureau of Statistics – Producer Price Indexes Australia, Victoria Table 17 – Building Construction Victoria (for Buildings).

Agreement means this agreement.

Amendment C317 means Amendment C317 to the Planning Scheme prepared by Council in its capacity as the Planning Authority.

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 3.2.

Infrastructure Contribution Liability means the Owner's liability for the Infrastructure Contribution in respect of the Subject Land under this Agreement.

Infrastructure Project means the proposed Early Learning Community Centre in St Leonards.

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 as reflected in the Planning Permit for the Subject Land but subject to any amendment required by clause 3.4 of this Agreement.

Overall Development Plan means Plan 8 (Drawing: 5636-100-ODP- Plan 8 Revision 4 date 23/02/16).

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 Permit means Planning Permit No. 970/2014 and the plans endorsed under the Planning Permit and includes a reference to any amended plans, or amendments to Planning Permit No. 970/2014 and any other permits authorising the subdivision of the Subject Land whether issued before or after the date of this Agreement.

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

Project Land means the land 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.

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

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.

Total of the Infrastructure Contribution means the total Infrastructure contribution as specified in Schedule 2 required to be made in respect of the whole of the Subject Land and adjusted in accordance with clause 3.2.

2. 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.

3. Payment of Infrastructure Contributions

3.1 Infrastructure Contribution Liability

The Owner must pay the Infrastructure Contribution to Council in cash in accordance with clauses 3.2 and 3.3.

3.2 Indexation of Infrastructure Contribution

The Parties agree that the amount of the Infrastructure Contribution will be adjusted each year on 1 July by applying by the Adjustment Index.

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3.3 St Leonards Early Learning Community Centre Cash Contribution

The Owner agrees that the payment of the Infrastructure Contribution will be as follows:

3.3.1 An amount being 20% of the Total of the Infrastructure Contribution must be paid to Council prior to the Statement of Compliance which provides for the subdivision of a total of 20% of the NDA of the Subject Land;

3.3.2 An amount being 30% of the Total of the Infrastructure Contribution must be paid to Council prior to the Statement of Compliance which provides for the subdivision of a total of 35% of the NDA of the Subject Land; and

3.3.3 The balance of the Total of the Infrastructure Contribution must be paid to Council prior to Statement of Compliance for the subdivision of a total of 50% of the NDA of the Subject Land.

3.4 Subdivision Design Requirements

The Owner agrees that:

3.4.1 Unless Council otherwise consents, any development of the Subject Land must be generally in accordance with the Overall Development Plan; and

3.4.2 The Owner must comply with or carry out or cause to be carried out as the case may be the following requirements all to the satisfaction of Council:

(a) The upgrading of the Ibbotson Street/Murradoc Road intersection and the Old St Leonards Road/ Murradoc Road intersection in accordance with VicRoads' conditions;

(b) The upgrading of Ibbotson Street, Old St Leonards Road, Rigby Street, Emu Street and Doongara Avenue within the vicinity of the Subject Land, and the construction of new footpaths for the subdivision;

(c) A pedestrian access connection to the golf course on the north-eastern corner of the Subject Land, and a road reserve connection to the golf course from the northern-most east-west road (centrally located) of the Subject Land;

(d) The protection and enhancement of the natural creek line and its embankments, and associated remnant and riparian vegetation. Any works to the creek must be to the satisfaction of the Corangamite Catchment Management Authority;

(e) A landscaped 20m wide linear open space corridor parallel to Ibbotson Street and extending north from the natural creek line to the northern-most boundary of the Subject Land;

(f) A 2.5m wide reinforced concrete shared path together with associated park infrastructure is to be constructed within the linear open space corridor, that also continues along the northern edge of the natural creek line linking to Old St Leonards Road, in accordance with Council standards;

(g) An informal reserve for public open space is to be provided on unencumbered land directly north, and integrated with, the natural creek line;

(h) Land for a flood or stormwater purpose shall be designated encumbered;

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(i) Prior to development south of the creek (as identified in the hatched area in Figure 6.1 of the TGM Addendum 2 Hydraulic Model Update & Flood Impact Assessment Report, Final April 2016) the Owner must provide verification through a report prepared by an appropriately qualified expert that there will be no unreasonable adverse impact to surrounding properties prior to development south of the creek and the delivery of off-site drainage infrastructure upgrades and/or improvements necessary to drain the Subject Land. If such report shows that any part of the Subject Land south of the creek cannot be used for development under the Planning Permit then the NDA is to be reduced in appropriate amendments to Schedule 2 of this Agreement;

(j) A stormwater retarding basin or basins generally adjacent to the natural creek line and integrated with the informal reserve referred to in (g) to be constructed prior to the commencement of any Stage of development for which the basin is required; and

(k) Public open space shall be fronted by roads and dwellings (other than side fencing as appropriate).

4. Acknowledgement of Council

Council acknowledges that Council will apply any amount received under this Agreement for the purpose of the Infrastructure Project.

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.

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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 prescribed under section 227A 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

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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 10.4 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 10.3.

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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 12.1 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 321-399 Ibbotson Street, St Leonards

Title Details:

Certificate of Title Volume 5863 Folio 416

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Schedule 2

Infrastructure Contribution

Summary	Community Centre Cash Contribution
Estimated Lots	463
Total Area	38.71 ha
NDA	29.03 ha
Total Infrastructure Contribution	**$1,126,364**
Contribution per hectare of NDA.	$38,800

The above values are in July 2015 dollars

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Signing Page

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

SIGNED SEALED AND DELIVERED on behalf of the **GREATER GEELONG CITY COUNCIL** by Peter Bettess, General Manager Planning & Development pursuant to an instrument of delegation authorised by Council resolution, in the presence of:

.....
P Bettess

.....
Witness

EXECUTED by COSTA PROPERTY NINE PTY LTD by being signed by its Attorney **CARL CHRISTOPHER SCHOKMAN** pursuant to Power of Attorney dated 5 November, 2009 in the presence of:

) .....
)
)

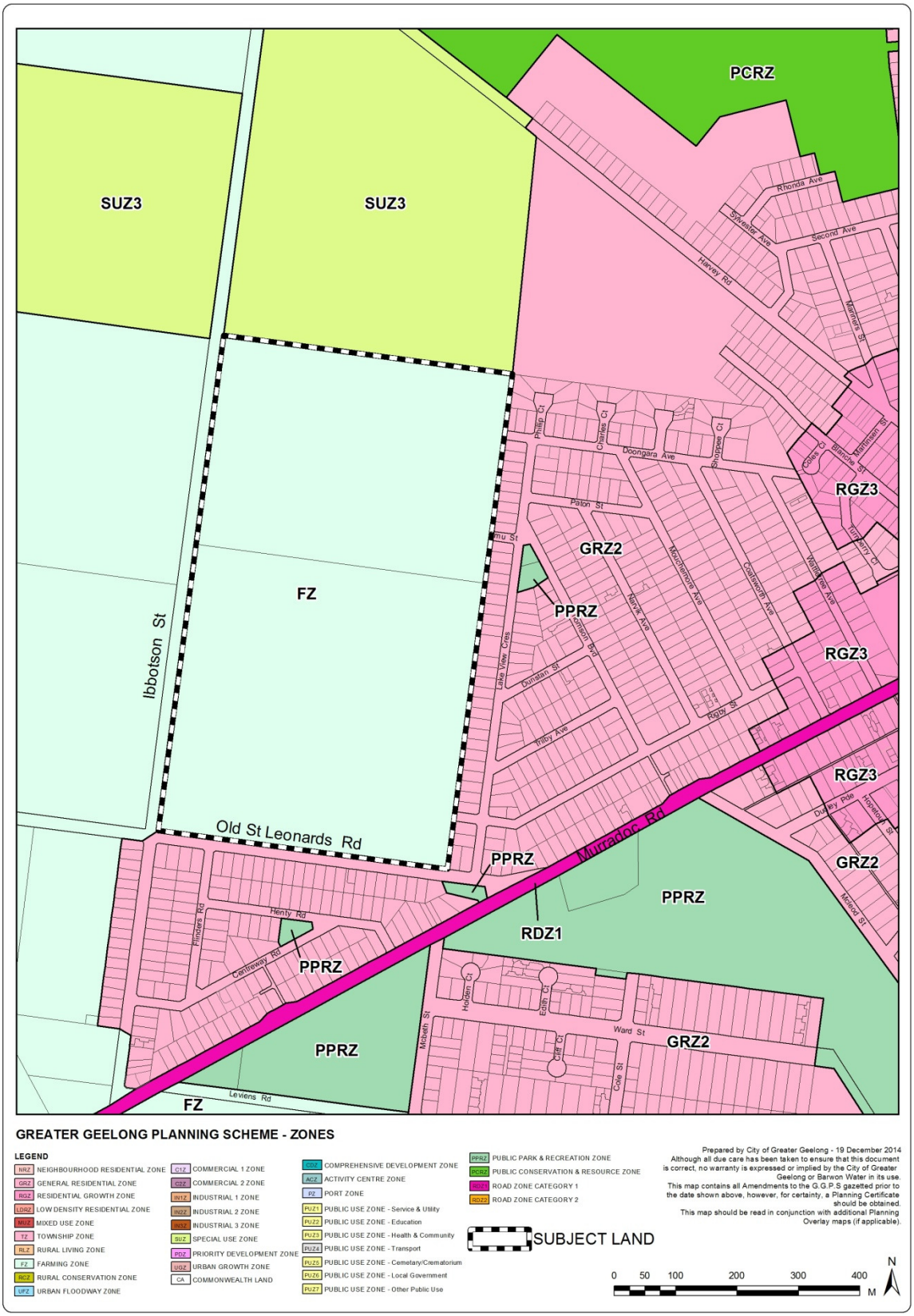
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Witness

Michael Carl Schokman

Appendix 4 - Aerial Map



Appendix 5 - Existing Zoning Map



Appendix 6 - Overall Development Plan



Appendix 7 - Panel Report Executive Summary

Executive Summary

(i) Summary

Amendment C317, Planning Permit 970/2014 and Amendment C325 to the Greater Geelong Planning Scheme apply to two growth areas in St Leonards. They seek to rezone both areas to the General Residential Zone and guide the future residential development of the land by; in Growth Area 1 by the issue of a planning permit for the subdivision; and for Growth Area 2 by applying Schedule 39 to the Design and Development Overlay.

A Section 173 Agreement for Amendment C317 (including some subdivision design requirements) and Amendment C325 (in this respect based on a Shared Infrastructure Funding Plan) are proposed to ensure the proponents contribute to local infrastructure.

Amendment C312 introduced the recommendations of the St Leonards Structure Plan in 2015 which now identifies both growth areas as 'Rezone to General Residential'. Issues of land supply were considered in detail under Amendment C312 where the Panel generally supported the rezoning of the land for residential development. The Panel accepts that analysis.

Some of the key issues raised in submissions were:

- Land supply and demand
- Stormwater and flooding impacts internally and externally (Amendment C317)
- Stormwater impacts externally on Swan Bay (Amendment C325)
- Vehicle and pedestrian connectivity (both amendments)
- Subdivision design and open space allocation (Amendment C317)
- Proposed changes to the planning permit (Amendment C317), Section 173 Agreement (Amendment C317) and Schedule 39 to the Design and Development Overlay (DDO39).

The Panel has considered all these issues and concludes:

- The rezoning of both growth areas has strong strategic support;
- Matters related to land supply/demand in Amendment C312 considered the additional supply added by the growth areas and that Panel concluded, provided issues of land release could be managed, that a land supply of 25-33 years was appropriate. Without evidence to suggest otherwise the Panel supports this
- The residential development of Growth Area 1 can be managed and, in some cases, reduce localised flood impacts. Harvesting of stormwater may assist the ongoing maintenance of the golf course to the north
- Stormwater impacts from Growth Area 2 can be managed with controlled release to Council and environmental assets including Swan Bay. The submission to conduct a more thorough hydrological investigation of subterranean freshwater flows in to Swan Bay should not be the sole responsibility of proponents and should be led by government
- Vehicle and pedestrian connectivity at both growth areas are important considerations and, where appropriate, integration with adjoining land
- The footpath connection between the Growth Area 2 and Murradoc Road is more appropriate through Charles McCarthy Reserve than along McBeth Street.

The Panel has proposed changes to Planning Permit 970/2014 and the Section 173 Agreement for Amendment C317 and the DDO39 for Amendment C325 to reflect its consideration of the above issues.

Recommendations

Based on the reasons set out in this Report, the Panel recommends:

Greater Geelong Planning Scheme Amendments C317 and C325 be adopted as exhibited subject to the following:

Amendment C317

1. **Clause 3.5 of the proposed Section 173 Agreement be amended in the form contained in Appendix C.**

Amendment C325

2. **Schedule 39 to the Design and Development Overlay be amended in the form contained in Appendix E to:**
    a) **Delete reference to the McBeth Street footpath from Clause 3.0 and replacing it with the need for a pedestrian footpath in the Charles McCarthy Reserve generally aligned with the existing vehicle access track.**
    b) **Amend the St Leonards Growth Area 2 Outline Development Plan:**
        - **to restrict the oval shape that relates to 'intersection upgrade' to the Leviens Road/Murradoc Road intersection with the notation 'upgrade Leviens Road/Murradoc Road intersection'.**
        - **to delete the McBeth Street footpath and replace it with an alignment consistent with the vehicle access track in the Charles McCarthy Reserve.**
3. **The exhibited Planning Permit 970/2014 be amended in the form contained in Appendix D.**
4. **The exhibited subdivision plan be amended to:**
    a) **Provide vehicle access into the golf course land at a mid-point in Stage 19.**
    b) **Delete residential lots in the south west corner of the site and replace with an overland flow path as shown on Overall Development Plan, Plan 8 (Drawing: 5636-100-ODP-Plan 8 Revision 2 date 15/12/2015).**

7. INDENTED HEAD STRUCTURE PLAN REVIEW 2016

Source: **Planning Strategy & Urban Growth**
General Manager: **Peter Bettess**
Index Reference: **Project: Indented Head Structure Plan Review**

Purpose

The purpose of the report is to detail the findings of the review of the Indented Head Structure Plan 2007 and to request that Council adopt the draft Structure Plan 2016.

Summary

- The adopted Indented Head Structure Plan 2007 required a basic review to be undertaken in 5 years to assess development trends and lot supply.
- The Structure Plan review commenced in late 2015. Informal stakeholder consultation was undertaken in October/November 2015 as part of the review process, which received a positive level of interest and engagement.
- The draft Structure Plan builds on the township vision originally developed as part of the Bellarine Peninsula Strategic Plan 2006 - 2016 and updates the adopted Plan with changes to the State and Local Planning Policy Framework as well as Council studies.
- The draft Structure Plan contains key directions about urban growth, settlement and housing, infrastructure, natural environment, economic development and employment and rural areas.
- Analysis of lot supply data for the municipality, the Bellarine and the town reveals that there are sufficient residential land stocks to meet the forecast population growth over the short to medium term. Indented Head is not nominated for growth, therefore additional growth areas beyond the settlement boundary are not required and have not been planned for.
- The town will continue to rely on larger townships on the Bellarine for key services, facilities and infrastructure.
- Given the town is not a designated growth area rolling 5 year reviews of the Structure Plan will no longer be required unless there is a significant shift in policy.
- It is recommended that Council adopts the draft Indented Head Structure Plan 2016 and commences a planning scheme amendment (including opportunities for public submissions) to incorporate the necessary elements of the Structure Plan into the Greater Geelong Planning Scheme.

Moved and declared carried by the Interim Administrator -

That Council

1) **adopts the draft Indented Head Structure Plan 2016 including the Structure Plan Map in Appendix 2.**

2) **resolves to prepare and exhibit a planning scheme amendment to include the necessary elements of the Structure Plan within the Greater Geelong Planning Scheme, subject to authorisation.**

Background

The current Indented Head Structure Plan was adopted by Council in 2007. The current Structure Plan map is shown at Appendix 1.

The adopted Structure Plan required that the take-up of land and redevelopment within the town be monitored regularly and that a basic review of development and lot supply should be undertaken every 5 years. It also stated that should a basic review reveal that lot supply has fallen to a rate of less than 10 years for the town, a full review of the Structure Plan should be undertaken including an investigation of additional growth areas. The G21 Residential Land Supply Monitoring Project for Geelong (June 2015) prepared by Spatial Economics confirms that for the municipality, region and town there is adequate land supply in excess of 10 years. Given Indented Head is not identified for further growth, future reviews will only be required if there is a significant change to State or Local Settlement Policy.

The review has built upon the adopted plan and updated relevant sections as a consequence of changes since 2007. This includes updated State and Local Planning Policies including the new regional plan, the G21 Regional Growth Plan 2013, Bellarine Combined Planning Statement, population growth, lot supply and dwelling/lot construction rates, the location of the settlement boundary, environmental and social considerations and the need for future infrastructure and service provision within the town.

The draft Structure Plan has been prepared in consultation with internal and external stakeholders and with inputs from the local community.

The draft Structure Plan has been largely modelled on the City of Greater Geelong's Structure Plan Framework to ensure consistency with other Council produced Structure Plans. The plan includes discussion on policy context, urban growth (demographics and lot supply), settlement and housing (urban environment) infrastructure (services, access and movement and community infrastructure), natural environment (flooding, climate change and key environmental features), economic development and employment (retail analysis, industrial analysis and tourism), and rural areas.

Since the adoption of the current Structure Plan the town has seen the expansion of the shop, construction of footpaths along The Esplanade and an upgrade to the community hall. The identified land swap has progressed with Council agreeing to enter into an agreement with the developer for a land exchange in Batman Road.

A copy of the adopted Structure Plan map is included at Appendix 2.

Discussion

Structure Plan review

The Structure Plan review process commenced in mid 2015. An important step in the process was engagement with key stakeholders. Initial engagement included internal Council departments and key external stakeholders such as Barwon Water, VicRoads, Department of Education and Training et al. This provided a high level background to key infrastructure and land use/development issues in the town.

The following key matters were considered as part of the review:

Land Supply

The State Planning Policy Framework requires municipalities to ensure a sufficient supply of land is available to accommodate a projected population growth over at least a 15 year period and, provide clear direction on locations where growth should occur. Structure Planning for towns must consider residential land supply on a municipal basis, rather than a town-by-town basis. This is a key difference between the drafting exercise of the adopted Structure Plan and the draft Structure Plan 2015.

To assist Council in its assessment of land supply matters, the G21 Residential Land Supply Monitoring Project for Geelong (June 2015) provides a municipal wide analysis, including a township perspective.

From a land supply and demand basis, there is no requirement for additional broadhectare (greenfield land) residential stocks across the municipality. There is approximately 24 to 25 years of zoned broadhectare land supply. In terms of future broadhectare land supply stocks (un-zoned or Precinct Structure Plan required), there is an additional 13 years of supply to cater for projected demand across the municipality.

On a more localised scale, the Bellarine Peninsula requires no further broadhectare residential land stocks. There is 14 years of zoned broadhectare land supply. In terms of future broadhectare land supply stocks (un-zoned), there is an additional 10 years of supply to cater for projected demand across the Bellarine.

Broadhectare residential land stocks within Indented Head are approximately 204 lots. In addition to existing broadhectare land, there are approximately 198 minor infill lots across the town. Based on the average dwelling construction rate of 31 per year (over the last 12 years) there is around 13 years supply.

Indented Head has a traditionally slow take up of land and given it is not identified for further growth no additional land is recommended for rezoning and the existing settlement boundary remains unchanged (see Appendix 1).

The population projection at 2026 is 1239 persons up from 920 at the 2011 census. The 65+ age cohort is expected to make up 24.4% of the population.

Public Submissions

An informal public consultation event was held in October 2015 at the Indented Head Community Hall. Notices were placed in multiple newspapers in the weeks preceding the event. A consultation brochure, feedback form and consultation posters were prepared to inform the community. The event was well attended with over 30 people reviewing the consultation information. Council officers were available to answer questions and discuss any concerns.

The engagement process with the community largely focused on what has happened since 2007, what are the current known issues and what are the community's view for the future of the town. It should be noted that community feedback was not sought on the draft Structure Plan. This will be undertaken as part of the future planning scheme amendment process.

A total of 26 submissions were received through the informal consultation process. All submissions received have informed the preparation of the draft Structure Plan. Key themes from the submissions are discussed below:

Foreshore Management – Place Making Project

Bellarine Bayside and many in the local community are keen to progress a Place Making Project for the main activity node on the foreshore. This project is identified in the approved Master Plan for the foreshore. Some of the key issues to be considered are:

- Boat Club and Yacht club footprint and access;
- Community Hall upgrade including replacing asbestos walls;
- Camping;
- Pedestrian links, including the long term route of the coastal trail;
- Sitting and type of beach access structures;
- Disabled access;
- Car access and parking within and outside the reserve;
- Stormwater management;
- Provision of on-road Bicycle paths;
- Links between the foreshore, The Esplanade and commercial precinct and
- Swimming/Boating/Jet ski designated areas.

Bellarine Bayside is keen to work in partnership with Council to deliver this project given Council's interest in service provision, road and parking infrastructure and connections to the foreshore from the town. Bellarine Bayside would need to lead the delivery of the project as the land manager. A formal request from Bellarine Bayside requesting Council funds and/or resources for this project will assist in this project progressing further.

Expansion of the Settlement Boundary

There has been some interest in expanding the settlement boundary to the east for the purpose of residential development (approx 100 lots). This proposal is not supported on the following grounds:

- The town is not identified for growth;
- The town has very limited access to services, facilities and infrastructure. Council has not considered any service provision beyond the growth anticipated in the current Structure Plan;
- The fact that a portion of potential buyers may be holiday makers and therefore not demand services or could rely on services in nearby towns is not a reason to approve growth that has not been planned for;
- The current lot supply for the town and more broadly the Bellarine Peninsula is adequate;
- There is an existing seafood industry use in close proximity which is earmarked for major expansion. Any residential encroachment could compromise this use and cause future conflict and amenity issues;
- Vehicle access to the site is limited to Ibbotson Street (currently an unsealed road) with McDonald Street not considered appropriate for access due to the presence of significant vegetation and
- Connectivity back into the town is very limited.

Given Indented Head is not identified for growth and has limited services further population growth beyond which is anticipated within the current settlement boundary has not been planned for and is therefore not supported.

Lack of footpath/bicycle paths

A large number of submissions discussed the lack of footpaths around the town and the broader issues of pedestrian/cyclist safety particularly along The Esplande and at key road intersections.

Given the historical subdivision of the older parts of the town, footpaths are not common place. Council acknowledges the concerns of the community. A commonly used approach to answering this problem is through a collaborative process where both parties, Council and residents, contribute towards the cost of new footpath infrastructure. This framework is called a Special Rate and Charge Scheme and sections of The Esplanade were constructed via this mechanism.

In terms of cycling infrastructure, the G21 Principal Bicycle Network identifies a number of priority projects for Indented Head. These include both on-road and off road paths that will create new connections around the town and to other townships.

The draft Structure Plan advocates for improved pedestrian/cyclist network and safety through improvement to the existing network and provision of new infrastructure.

Traffic

The draft Structure Plan supports improvements to the road network to alleviate traffic and safety issues.

Stormwater

The quality of stormwater entering the Bay was raised in a number of submissions, particularly near swimming areas. The Structure Plan advocates as part of any future upgrade works of roads or the foreshore opportunities to consolidate and improve stormwater management are investigated.

Land Swap

A number of submitters were keen to know the status of the land swap that includes a council owned parcel and developer owned parcel with significant vegetation in the Sea Breeze Estate. Council has now committed to the land swap and a report went to Council in January outlining the conditions. A management plan will be prepared for the land to be owned by Council which will include stakeholder engagement.

Coastal Setting and Character

A number of submissions identified the need for more street trees and to ensure development reflects the coastal and low key nature of the town. There was also strong support for maintaining the settlement boundary and the rural surroundings. The Structure Plan supports these initiatives.

Public Transport

The lack of bus services was noted in many submissions. Given the Indented Head community contains a high proportion of older persons, social disadvantage and limited access to community services, adequate access to public transport is required. Council will continue to advocate for improved public transport on the Bellarine.

Environmental Implications

Environmental implications have been considered as part of the Structure Plan review. Key environmental features within and around the town have been reviewed and considered in terms of future land use and development and associated impacts. Comments received from the Environment Unit have informed the Plan.

Financial Implications

There will be no significant financial implications on Council as part of the future planning scheme amendment process. All future statutory processes will be covered by respective departmental budgets.

Policy/Legal/Statutory Implications

The Structure Plan review has been undertaken generally in line with Council's review of Structure Plans. The draft Structure Plan has been updated to reflect relevant State, Regional and Local Planning Policy. To give the draft Structure Plan statutory weight, a planning scheme amendment will be initiated to implement the necessary key elements in the Greater Geelong Planning Scheme.

Alignment to City Plan

This report aligns with the directions of the Sustainable and Built Environments theme in City Plan.

Officer Direct or Indirect Interest

No Council officers involved in the development of the draft Structure Plan review and preparation of the report have a direct or indirect interest in the issue, in accordance with Section 80(c) of the Local Government Act, to which this report relates.

Risk Assessment

There are no notable risks in adopting and commencing the amendment process for the Indented Head Structure Plan 2016.

Social Considerations

The process of implementing the key elements of the draft Structure Plan will be carried out via a planning scheme amendment. This process affords key stakeholders, key landowners and residents a formal opportunity to participate.

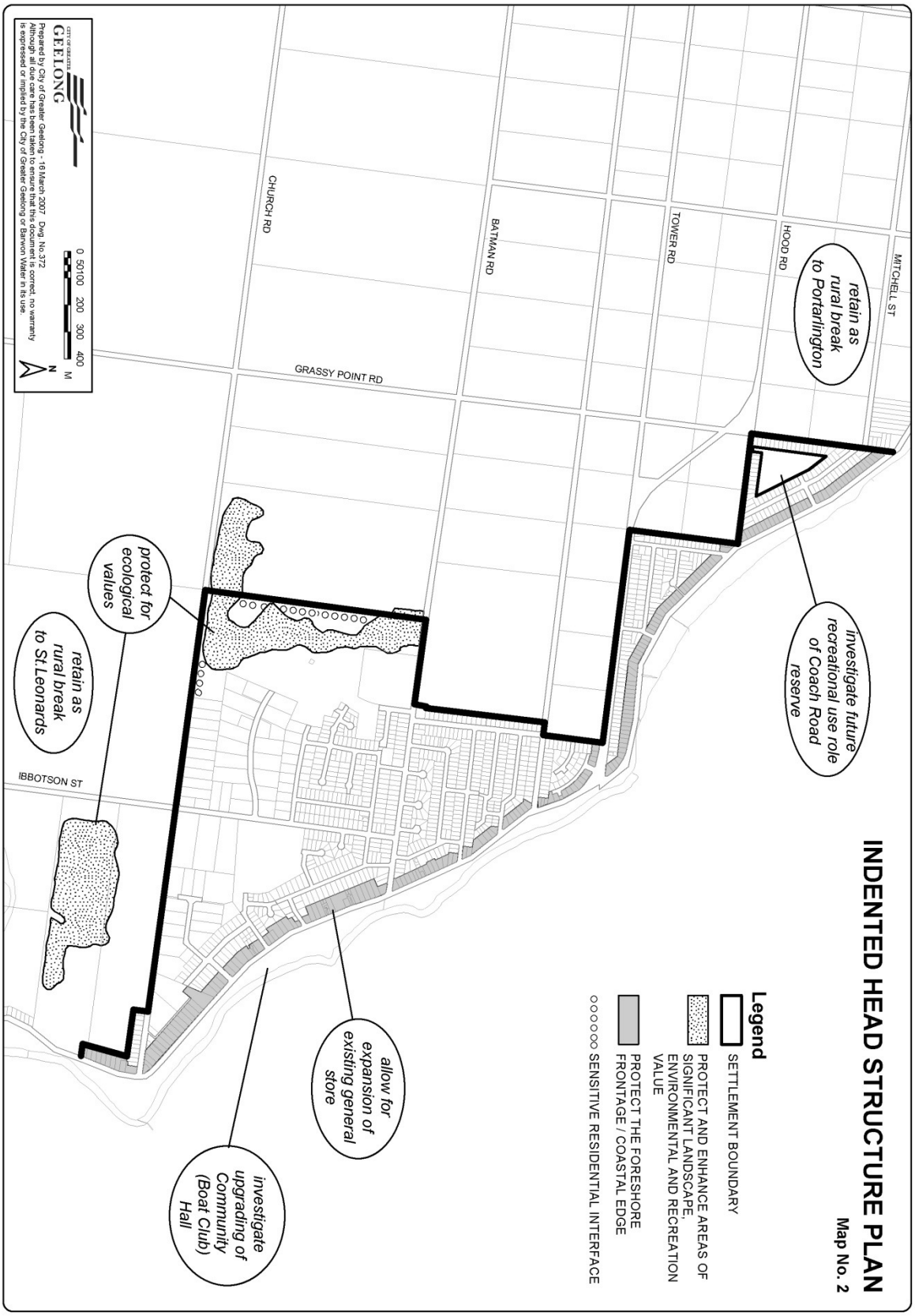
Human Rights Charter

We have taken into consideration the human rights relative to the subject matter of this report, including rate-payers property rights and the right to a fair hearing.

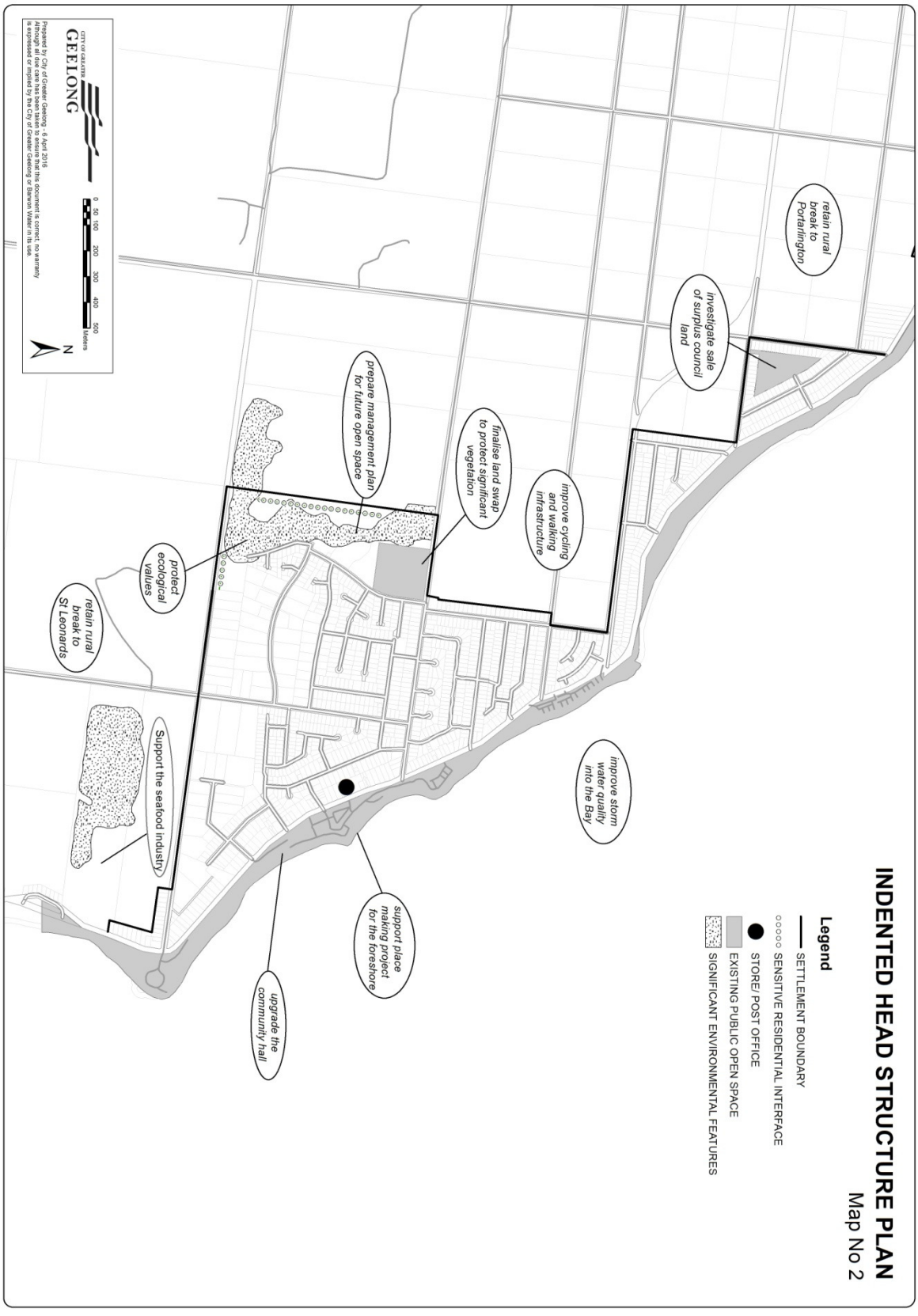
Consultation and Communication

In addition to the informal community consultation undertaken as part of the drafting of the 2016 Structure Plan, a planning scheme amendment will be required to implement the necessary elements of the Structure Plan into the Greater Geelong Planning Scheme. As part of the amendment process, a statutory consultation period of a minimum 30 calendar days will be undertaken. This will enable the community and other key stakeholders a further opportunity to comment on the adopted Structure Plan and if necessary, where objections cannot be resolved, be heard before an Independent Panel.

Appendix 1 – Current Indented Head Structure Plan 2007



Appendix 2 – Proposed Indented Head Structure Plan 2016



8. PORTARLINGTON STRUCTURE PLAN REVIEW 2016

Source: **Planning Strategy and Urban Growth**
General Manager: **Peter Bettess**
Index Reference: **Project: Portarlington Structure Plan Review 2015**

Purpose

The purpose of the report is to set out the findings of the review of the Portarlington Structure Plan 2008 and to request that Council adopt the draft Portarlington Structure Plan 2016.

Summary

- The current Portarlington Structure Plan 2008 required that a basic review be undertaken after five years to assess development trends and lot supply.
- The review commenced in early 2015. Informal stakeholder consultation was undertaken in October/November 2015 as part of the review process, which received a positive, but relatively low, level of interest and engagement.
- Key issues that were raised by submitters and are addressed in the Structure Plan relate to the future of the Portarlington Holiday Units and pool site and support for the retention of the settlement boundary; as well as issues around coastal character and building height, aged people facilities, lack of footpath/bicycle paths, the road network and public transport.
- The draft Structure Plan 2016 largely retains the key principles and directions from the 2008 Structure Plan. This includes directions about urban growth, settlement and housing, infrastructure, natural environment, town centre and economy and rural areas.
- Analysis of lot supply data for the municipality, the Bellarine and Portarlington reveals that there is more than sufficient residential land stocks to meet the forecast population growth over the required 15 year period. Portarlington is not nominated for growth and therefore additional growth beyond the settlement boundary is not required or has been planned for. At the same time the Structure Plan encourages the take up of the high level of vacant residential lots and infill development of Increased Housing Diversity Areas.
- The draft Structure Plan 2016 supports the rezoning of land already within the settlement boundary that is bounded by Geelong-Portarlington, Batman, Allens and Tower Roads, which includes the land known as ‘Olive Grove’, from Farming Zone to General Residential 1.
- Given there is more than sufficient lot supply for Portarlington for over twenty years, a rolling five year review of the Structure Plan will no longer be required unless there is a significant shift in State, Regional or Local Policy.
- It is recommended that Council adopts the draft Portarlington Structure Plan 2016 map and commences a planning scheme amendment (including opportunities for public submissions) to incorporate the necessary elements of the Structure Plan into the Greater Geelong Planning Scheme.

- A very late submission was received from the Portarlington Residential Village to extend the Settlement Boundary to allow further development of their site southwards into 33-41 Mercer Street. Due to the limited detail included in the submission this position is not supported. Should a more detailed submission be made during the planning scheme amendment process Council can further consider it at that point in time.

Moved and declared carried by the Interim Administrator -

That Council:

1) **adopts the Draft Portarlington Structure Plan 2016, including the Structure Plan map as shown in Appendix 1.**

2) **resolves to prepare and exhibit a planning scheme amendment to include the necessary elements of the Structure Plan within the Greater Geelong Planning Scheme, subject to authorisation.**

Background

The current Portarlington Structure Plan was adopted by Council in 2007 and incorporated into the Planning Scheme in 2008 (See Appendix 2 for the current Structure Plan map).

Since 2008 a number of actions have been delivered under the current plan as shown in Appendix 3. This includes the rezoning of land for development purposes at Arlington Rise and for the Portarlington Retirement Village, the inclusion of Design and Development Overlay controls for the town centre and residential coastal areas and the application of Significant Landscape Overlay controls to the west of the built up area. An urban design framework was prepared for the Town Centre and works have been undertaken in town centre areas and will continue as appropriate.

The current Structure Plan required that a basic review of development and residential lot supply be undertaken after five years. It also stated that should a basic review reveal that lot supply had fallen to a rate of less than 10 years a full review of the Structure Plan should be undertaken, including an investigation of future growth needs and the location of the settlement boundary.

Since the adoption of the current Structure Plan in 2008 a number of planning policies and Council plans have changed or been amended. This includes a complete review of Council's Municipal Strategic Statement and the adoption of the Bellarine Peninsula Localised Planning Statement. This review has built upon the current structure plan but has been amended to include updated State and Local Planning Polices, population growth, lot supply and dwelling construction rates, environmental, economic and social considerations and an update of future infrastructure and service provision within the town.

The draft Structure Plan 2016 has been prepared in consultation with internal and external stakeholders and with inputs from the Local community.

The draft Structure Plan 2016 has been modelled on the City of Greater Geelong's Structure Plan framework to ensure consistency with other Council produced structure plans. The plan includes discussion on policy context, urban growth (demographics and lot supply), settlement and housing (urban environment) infrastructure (services, access and movement and community infrastructure), natural environment (flooding, climate change and key environmental features), economic development and employment (retail analysis, industrial analysis and tourism), and rural areas.

A copy of the draft Portarlington Structure Plan 2016 map is included at Appendix 1.

Discussion

The Structure Plan review process commenced in early 2015. An important initial step in the process was engagement with key stakeholders and internal Council departments. Engagement commenced in March 2015 with stakeholders such as Barwon Water, VicRoads, the Department of Education and Training, as well as community groups including the Portarlington Community and Business associations. This provided high level background to key infrastructure and land use/development issues in the town that was incorporated into a consultation brochure.

The draft Structure Plan 2016 largely retains the key principles and directions from the 2008 Structure Plan. As a part of the review process, a number of key issues were identified and are set out below.

Land Supply and Long Term Settlement Boundary

The State Planning Policy Framework requires municipalities to ensure a sufficient supply of land is available to accommodate a projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Structure planning for towns must consider residential land supply on a *municipal basis*, rather than a town-by-town basis. This is a key difference between the drafting exercise of the current Structure Plan and the draft Structure Plan 2016.

To assist Council in its assessment of land supply matters, the G21 Residential Land Supply Monitoring Project for Geelong (June 2015) provides a municipal wide analysis, including a township perspective.

From a land supply and demand basis, there is no requirement for additional broadhectare (greenfield land) at the municipality, the Bellarine or Portarlington township levels. At the municipal level there is approximately 24 to 25 years of zoned broadhectare land supply and an additional 13 years of (un-zoned) supply to cater for projected demand. The Bellarine Peninsula has 14 years of zoned broadhectare land supply and an additional 10 years of (un-zoned) supply to cater for projected demand.

At the Portarlington township level there is currently a land supply of 335 broadhectare lots and an additional 301 existing vacant urban lots. There is also a further 250 lots of un-zoned future supply within the settlement boundary. Two methods are used to determine future lot supply growth; an average of recent lot creation rates (33 lots per year) or an average of historical building permit activity (43 lots per year). This results in a total lot supply of between 21 and 27 years for Portarlington.

Compact Settlement

There remains a significant amount of vacant urban lots available within Portarlington and the take-up has historically been low. Portarlington is also not an area identified for growth under the G21 Regional Growth Plan. The draft Structure Plan 2016 continues to promote residential development within the settlement boundary and to encourage the take up of existing vacant lots and infill development within the identified Increased Housing Diversity Areas - balanced with residential character objectives. Increased Housing Diversity Areas are located within 400m of the Town Centre in accordance with Council's Housing Diversity Strategy. Protection of the settlement boundary in this manner will allow maintenance and protection of sensitive environmental assets, significant rural landscape character features, the productive capacity of agricultural land and the non-urban breaks between settlements. This supports the policy outcomes of the Bellarine Peninsula Localised Planning Statement.

Future Land Supply and Structure Plan Review

The draft Structure Plan 2016 supports the rezoning of land bounded by Geelong-Portarlington, Batman, Allens and Tower Roads, which includes the land known as 'Olive Grove', from Farming Zone to General Residential 1. This land has been identified for future growth for a number of years. The Structure Plan recommends that this be undertaken in a staged manner to assist in dispersing land supply over a number of years and encourage infill development in other areas of the town. A Development Plan will be required to be prepared and this will need to consider matters such as stormwater discharge and the visual impacts on landscape character.

A planning scheme amendment has recently been submitted to Council for the rezoning of the land (C327) and the Council will be asked to resolve the exhibition of the amendment later in the year. The community will have the opportunity to make submissions to the amendment during this process.

Due to the rezoning of land resulting in more than sufficient lot supply for Portarlington for over twenty years the current Structure Plan does not require a subsequent review after five years. A review of the Structure Plan would only occur if there is a significant change to State or Local Policy that would result in the need for additional residential or commercial zoned land within Portarlington. The Structure Plan has a planning horizon of 15 years to 2031.

30 – 42 Geelong Road Planning Scheme Amendment (C321)

Council officers are currently considering a planning scheme amendment for the land at 30-42 Geelong Road to rezone from Commercial 2 Zone to Mixed Use Zone and was put on exhibition late in 2015. The Structure Plan recognises this rezoning subject to the completion of the Planning Scheme Amendment process.

Stormwater and Climate Change

The Department of Environment, Water, Land and Planning (DEWLP) has expressed concern over the City's approach to the increased volume of freshwater from urban development being discharged into the low lying coastal ephemeral wetlands; particularly for RAMSAR wetlands. Portarlington does not discharge into a RAMSAR wetland, however, further collaboration with DEWLP is required to agree on the level of assessment that should be undertaken for future development and the potential for measures to be incorporated into the planning scheme.

Portarlington's location on the Bellarine Peninsula makes it susceptible to climate change impacts. Council's Climate Adaptation Strategy 2011 has lead to the preparation of a 3rd Pass Local Coastal Hazard Assessment. This project builds on the State Government's Coastal Inundation Dataset (2nd Pass Assessment). The impact of coastal inundation by the year 2100 will require careful coastal planning. Development will need to be planned and assessed with regard to the State Planning Policy Framework, Local Planning Policy Framework including State Government advice on coastal planning matters and, when completed, the findings and recommendations of the 3rd Pass Local Coastal Hazards Assessment.

Portarlington Pier and Safe Harbour

The redevelopment of the Portarlington Pier and safe harbour project commenced in 2015. This will be an economic driver for the Bellarine Peninsula for the aquaculture, tourism and leisure industries. The design of the pier allows for a potential ferry service terminal that could link to Melbourne.

The Structure Plan also supports the further development of the Port Harbour Master Plan to improve the integration of the adjacent foreshore and reserve with the Town Centre. This will require Council to continue liaising with Bellarine Bayside Foreshore Committee of Management and their strategic planning of the adjoining foreshore land.

Community Facilities

The Bellarine Peninsula Community Service Plan 2006-2016 and Council's Social Infrastructure Plan 2014 – 2031 both set out a recommendation to explore options to develop a multi-purpose community hub. In February 2016 Council resolved to investigate taking over the management of the Parks Hall from Bellarine Bayside Foreshore Committee of Management. Should negotiations be successful, the community hub will cater for existing community function needs as well as being an operational base for the Portarlington Neighbourhood House, whose lease runs out at the end of 2016.

For Kindergarden and Maternal Child and Health Services, Portarlington also caters for the needs of adjoining townships; particularly for the growing townships of St Leonards, Curlewis and Drysdale. This places additional pressure on the services for Portarlington. St Leonards also does not provide early childhood services. Council is currently seeking to provide additional services at St Leonards, but this may not be delivered for a number of years as there are difficulties in acquiring a site. The draft Structure Plan identifies that Council will need to continue assessing an option for new or extended facilities at St Leonards or Drysdale to address the residential growth needs for those towns.

Population

The population projection for Portarlington is estimated to be 4,540 by 2031, which is up from 3,226 at the 2011 census and the current estimate of 3,576 for 2016. Almost half of Portarlington's population is over 60 years old. This is a very high proportion of older people in the population, particularly when compared to Greater Geelong with 22.8% of the population over 60. This high proportion of older residents is projected to be maintained over the next 15 years.

Public Consultation.

Following on from the engagement with key stakeholders in early 2015 a public consultation period was held between 27 October 2015 and 20 November 2015. An informal community 'drop in' session was held at the Portarlington Parks Hall on 27 October 2015. Notices were placed in newspapers and on the Council website in the weeks proceeding the event. A consultation brochure, feedback form and consultation posters were prepared to inform the community. The drop in session was attended by 24 people. At the drop in session people were given the opportunity to provide their comments to the survey questions. Council also received 11 responses to the survey either online, by email or post.

There was general support for the Structure Plan review and the recognition that no significant changes were being proposed from the 2008 Structure Plan. A summary of other key responses is provided below:

Portarlington Holiday Units and Pool Site

A major concern to residents raised during the consultation process was the potential loss to the community of the use of the pool within the Portarlington Holiday Units site in Smythe Street. Council has ruled out leasing the facility or providing funding due to the private ownership of the land and buildings. However, in February 2016 it was reported that an operator had been found to lease the pool and undertake the necessary renovations to keep the facility operating. There remains uncertainty over the longer term sustainability of the pool.

The site is located within the Low Density Residential Zone (LDRZ) and could be sold or redeveloped at any stage. Under a review to the LDRZ the site was rescheduled from a minimum lot size of 0.4ha to 0.2ha in May 2015 under amendment C309. In the report to Council supporting the review of the LDRZ, it was noted that in the longer term the site would be better suited to more intensive residential development (i.e. General Residential Zone), in the context of its relationship to the Arlington Rise development. The draft Structure Plan 2016 requires that any redevelopment of the site would require further assessment through a planning scheme amendment process. Through this process Council should consider advocating for the retention of community facilities to be incorporated into the redevelopment as a part of development contribution negotiations.

Retention of the Settlement Boundary

Of those who responded to the survey there was strong support for the retention of the existing Settlement Boundary; with 72% in support, none opposed and 28% with no response. No submissions were received that requested an extension to the settlement boundary or rezoning of land outside of the settlement boundary.

It is noted that a very late submission to the Structure Plan was submitted on 31 March 2016 from the Portarlington Residential Village. The submitter has requested that the land adjacent to their site at 23-31 Mercer Street and 6-18 Oxley Street be rezoned to General Residential 1: 'retirement village designation', from the Residential Living Zone. This would result in an extension to the Settlement Boundary. Due to the limited detail included in the submission and limited timeframes for assessment this position is not supported. Should a more detailed submission be made during the planning scheme amendment process Council can further consider it at that point in time. It is important to note that the current proposal for development at 23-31 Mercer Street and 6-18 Oxley Street is an over 55s 'lifestyle' village, rather than providing aged care provision. This would result in a residential extension that is not currently supported by the Structure Plan for the reasons mentioned earlier.

There was support from some submitters for the encouragement of in-fill development and to remove land banking of vacant existing sites within Portarlington. This supports the approach taken by Council noted earlier.

One submitter sought that Council should rezone all remaining Farming zoned land into Residential Living. This is not supported by State and Local Policy, or the planning scheme.

Coastal Character and Building Height

A number of submitters raised the issue of maintaining existing coastal character and scale for the township. There is concern over potential intensification and overdevelopment within and near the town centre through the development of multi level dwellings.

The basis behind the Residential Growth Zone and Increased Housing Diversity Area is set out in the 'Compact Settlement' section above. It is noted that Portarlington is located within the Coastal Residential Growth Zone 3, which has a reduced height limit and site coverage; as well as additional private open space requirements when compared to the standard Residential Growth Zone. The Structure Plan also supports a coastal landscape setting through the application of a number of Design and Development overlays and Significant Landscape overlays to ensure development occurs at an appropriate scale and character.

Aged people facilities

Some submitters noted the need for more housing for older residents and the development of age friendly cities and homes. There is a need to encourage more aged care provision in appropriate locations, as well as to encourage people to be able to stay in their homes as long as possible. This is supported by the Structure Plan, where it promotes a more compact settlement that will result in more efficient use of services and lead to better pedestrian connectivity and liveability. The Structure Plan also recommends undertaking a study to identify design options for adaptable housing and identify the strategic aged care needs across the Bellarine.

Lack of Footpath/Bicycle Paths

A number of submissions expressed concern over the lack of footpaths around the town and connections to key facilities and the broader issue of pedestrian/cyclist safety. This is exacerbated in Portarlington where there is an undulating and often steep topography that makes it difficult for older residents to get around.

The concerns raised by the community are acknowledged in the Structure Plan. The draft Structure Plan advocates for improved pedestrian/cyclist network and safety through improvement to the existing network and provision of new infrastructure. However, given the historical subdivision of the older parts of the town, footpaths are not common place. A commonly used approach to answering this problem is through a collaborative process where both parties, Council and residents, contribute towards the cost of new footpath infrastructure. This framework is called a Special Rate and Charge Scheme (SRCS).

A walkability Study has been prepared for Portarlington to assist with the future planning of paths. In terms of cycling infrastructure, the G21 Principal Bicycle Network identifies a number of priority projects for Portarlington. These include both on-road and off road paths that will create new connections around the town and to other townships.

Road Network

The draft Structure Plan supports improvements to the road network to alleviate traffic and safety issues. A SRCS has been declared by Council for sealing, the unsealed portions of roads bounded by Fisher, Clarke, Mercer and Hood streets (no footpaths or kerb and channel works to be undertaken). Other SRCS will be considered in Portarlington if there is sufficient community demand.

Public Transport

The lack of bus services was noted in many submissions. Given that the Portarlington community contains a high proportion of older persons and limited access to community services adequate access to public transport is required. Council will continue to advocate to Public Transport Victoria for improved public transport across the Bellarine.

Environmental Implications

Environmental implications have been considered as part of the Structure Plan review and Council's Environment and Waste Team provided a referral response to the Structure Plan. Key environmental features within and around the town have been reviewed and considered in terms of future land use and development and associated impacts.

Financial Implications

There will be no significant financial implications on Council as part of the future planning scheme amendment process. All future statutory processes will be covered by respective departmental budgets.

Policy/Legal/Statutory Implications

The Structure Plan review has been undertaken generally in line with Council's review of structure plans. The draft Structure Plan has been updated to reflect relevant State, Regional and Local Planning Policy. To give the draft Structure Plan statutory weight, a planning scheme amendment will be initiated to implement the necessary key elements in the Greater Geelong Planning Scheme.

Alignment to City Plan

This report aligns with the directions of the Sustainable and Built Environments theme in City Plan.

Officer Direct or Indirect Interest

No Council officers involved in the development of the draft Structure Plan review and preparation of the report have a direct or indirect interest in the issue, in accordance with Section 80(c) of the Local Government Act, to which this report relates.

Risk Assessment

There is risk in not updating the Structure Plan given there have been several changes to State and Local Policy since 2007. The recommendations will result in changes to Clause 21.14 Bellarine Peninsula where it relates to Portarlington.

Social Considerations

The process of implementing the key elements of the draft Structure Plan will be carried out via a planning scheme amendment. This process affords key stakeholders, key landowners and residents a formal opportunity to comment on the proposed changes and potential adverse social impacts on the town.

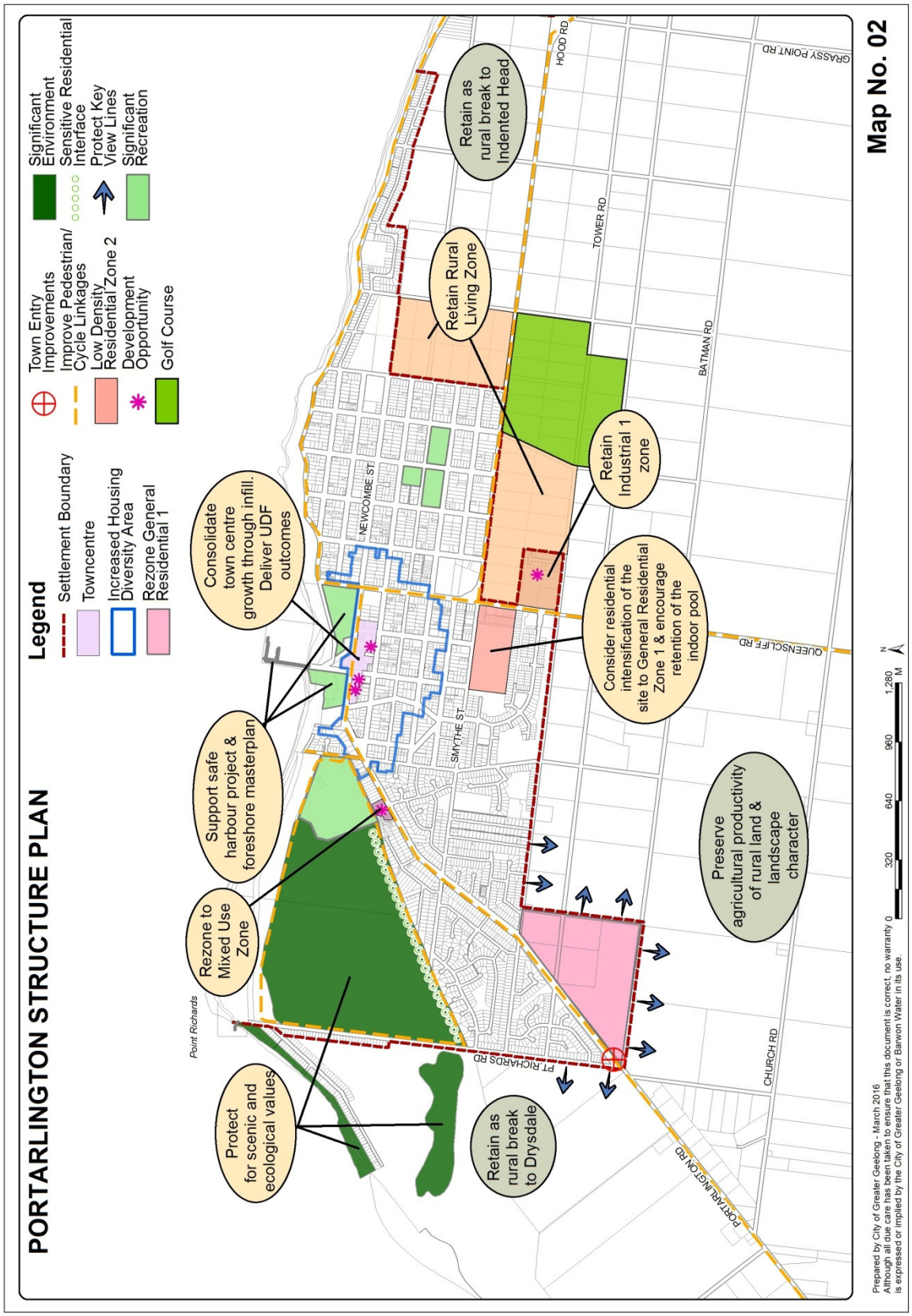
Human Rights Charter

We have taken into consideration the human rights relative to the subject matter of this report, including rate-payers property rights and the right to a fair hearing.

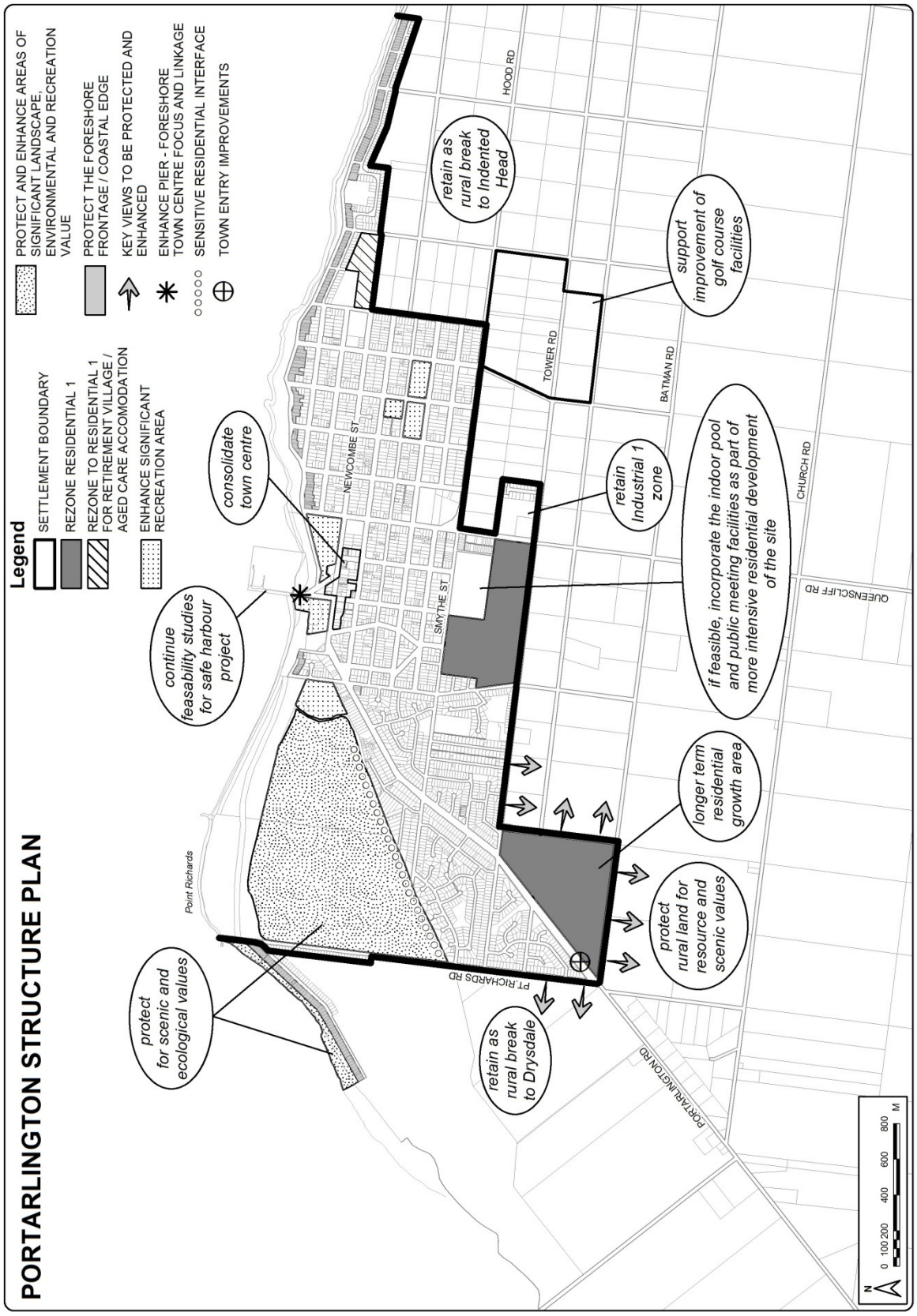
Consultation and Communication

In addition to the informal community consultation undertaken as part of the drafting of the 2016 Structure Plan, a planning scheme amendment will be required to implement the necessary elements of the Structure Plan into the Greater Geelong Planning Scheme. As part of the amendment process, a statutory consultation period of a minimum 30 calendar days will be undertaken. This will enable the community and other key stakeholders a further opportunity to comment on the adopted Structure Plan and if necessary, where objections cannot be resolved, be heard before an Independent Panel.

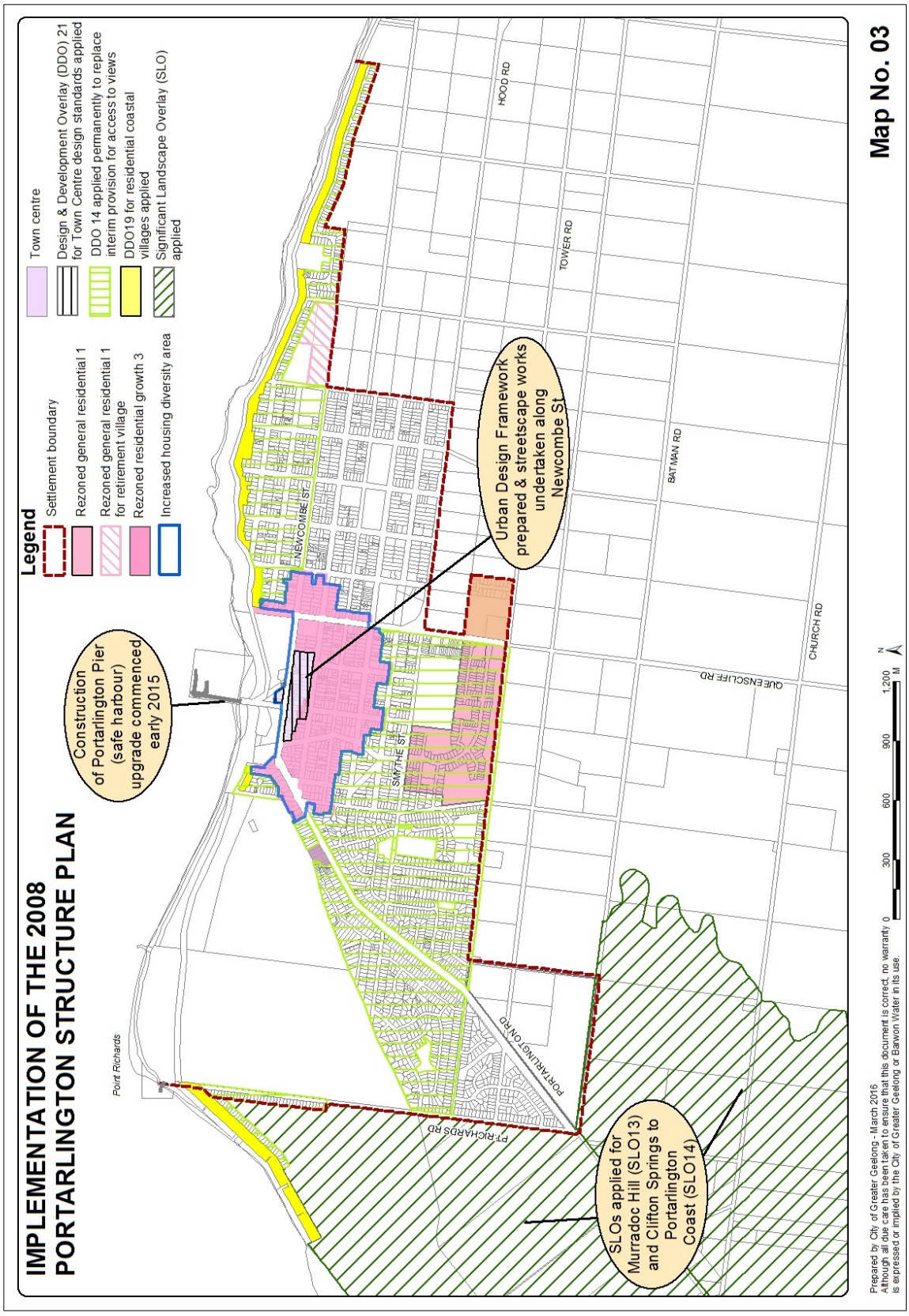
Appendix 1 2016 Draft Portarlington Structure Plan Map



Appendix 2 2008 Portarlington Structure Plan Map



Appendix 3 Implementation of the 2008 Portarlington Structure Plan



9. COUNCIL REPRESENTATION ON THE BOARD OF TOURISM GREATER GEELONG AND THE BELLARINE INC.

Source: **Investment & Attraction / Tourism Greater Geelong and The Bellarine**
General Manager: **Brett Luxford**
Index Reference: **Tourism**

Purpose

To nominate a Council representative on the Regional Tourism Board in accordance with the Memorandum of Understanding (MOU) between Council and Tourism Greater Geelong and The Bellarine Inc. (TGGB)

Summary

- Council was a foundation partner of Geelong Otway Tourism for close to twenty years and in more recent times, initiated and supported the establishment of the new Regional Tourism Structure – Tourism Greater Geelong and The Bellarine Inc.
- The Regional Tourism Board is an Incorporated Association and as such complies with the legislation and management principles that governs Incorporated Associations in Victoria, namely the Association Incorporation Reform Act 2012.
- Council signed the MOU with Tourism Greater Geelong and The Bellarine Inc and is active until 30th of June 2017.
- In accordance with both the MOU and Tourism Greater Geelong and The Bellarine Inc. Statement of Rules and Purposes Council has three options to nominate a representative to the Board of TGGB.
    1) Nominate a Councillor (Administrator);
    2) Nominate a Staff Member working for Council;
    3) Nominate a tourism industry representative (financial member of TGGB) to act on behalf of Council.

Moved and declared carried by the Interim Administrator -

That Council nominates the General Manager Investment and Attraction as Council's nominee to the Board of Tourism Greater Geelong and The Bellarine Inc and that this nomination stays in place until such time as the issue of Board representation is considered by the newly elected Council.

Background

The City of Greater Geelong has long recognised the importance of the visitor economy in strengthening and diversifying the economic base of the municipality. Council has supported the tourism sector through a formal partnership with the industry via a Memorandum of Understanding (MOU). Council signed the MOU with Tourism Greater Geelong and The Bellarine Inc and is active until 30th of June 2017.

Over the twenty years of partnership, the visitor economy has continued to grow and now visitor expenditure exceeds $780 million per annum and that expenditure supports in excess of 4,700 jobs in Greater Geelong.

The visitor economy is expected to continue to grow strongly over the next 15 years from a base of 5 million visitors per year with an additional 1.2 to 1.7 million visitors forecast to be attracted to the region by 2030.

The visitor economy is recognised as a key growth sector and a genuine competitive advantage and as such remains a key platform in the Economic Development Strategy for the City of Greater Geelong.

Discussion

Council was a foundation partner of Geelong Otway Tourism for close to twenty years and in more recent times, initiated and supported the establishment of the new Regional Tourism Structure – Tourism Greater Geelong and The Bellarine.

The new structure provides greater focus on Greater Geelong and The Bellarine as a destination in its own right, particularly for the critical Melbourne market whilst it still recognises the need to enter into partnership marketing and development initiatives with our neighbouring regions of the Great Ocean Road, Melbourne, Mornington, Peninsula and Ballarat Goldfields regions.

This report seeks approval to nominate a Council representative to the Regional Tourism Board in accordance with the Memorandum of Understanding (MOU) between Council and Tourism Greater Geelong and The Bellarine Inc. (TGGB)

In accordance with both the MOU and Tourism Greater Geelong and The Bellarine Inc. Statement of Rules and Purposes Council has three options to nominate a representative to the Board of TGGB.

1) Nominate a Councillor (Administrator);

2) Nominate a Staff Member working for Council;

3) Nominate a tourism industry representative (financial member of TGGB) to act on behalf of Council

Tourism is a dynamic growth industry that is labour intensive with a very broad range of entry levels. As a sector, tourism will continue to play an increasingly important role in the Greater Geelong economy. This is particularly true as the Geelong economy transitions from its traditional manufacturing base to a greater reliance on service sector industries like tourism.

Council's partnership support of the tourism sector through the Regional Tourism Board has understandably been focused on economic return as demonstrated in employment and dollars contributed to the local economy.

Tourism Greater Geelong and The Bellarine commissions independent research to quantify the scope, scale and performance of the sector. Further to this the Commonwealth Government collects, analysis and distributes visitor data through Tourism Research Australia (Australian Bureau of Statistics) which is broken down to the regional level (Greater Geelong and The Bellarine) on a quarterly basis.

The City of Greater Geelong is a significant partner with industry and neighbouring municipal councils (Borough of Queenscliffe and Golden Plains Shire) and contributes to the staffing, administration and city specific programs through TGGB Inc. It is important that the City of Greater Geelong remains an active partner on the Board to ensure accountability and that the work of the RTB aligns with Council's strategies and priorities.

Environmental Implications

Tourism Greater Geelong and The Bellarine Inc. continues to implement and support the Earth Check accreditation program. Earth Check is a program aimed at reducing the impact of tourism related activities on the environment and includes training and incentives for those who participate and meet the prescribed benchmarks and standards.

Tourism Greater Geelong and The Bellarine Inc. was accredited and benchmarked by Earth Check and was awarded Bronze status in 2014 and has maintained this level of recognition in 2015.

Financial Implications

There is no budget impact or implications from this update report.

As per the Memorandum of Understanding between Council and Tourism Greater Geelong and The Bellarine Inc. (2014–2017) Council funds the staffing and administration costs with further specific budget lines for Business Events and Visitor Services (Visitor Information Centres) functions.

Council's current total budget allocation to Tourism for 2015-2016 is $1.864 million.

The following is a breakdown of the 2015-2016 budget:

- Tourism administration - $1,089,000
- Visitor Information Centres - $375,000
- Business Events Geelong - $400,000

The total tourism budget (Council, State Government, industry) is just over $3 million with non-Council revenue of $1.15 million to support the Annual Action Plan.

State Government funding ($275,000) to Tourism Greater Geelong and The Bellarine Inc. is subject to a formal contract and is specifically directed towards the implementation of the Annual Action Plan. Other non-Council funds come via membership, sponsorship and industry buy-in to marketing and development programs.

Membership now exceeds 450 businesses with a target of 500 members by 30 June 2016.

Policy/Legal/Statutory Implications

There are no policy, legal or statutory implications resulting from this report.

The partnership arrangement between Council and the tourism industry via Tourism Greater Geelong and The Bellarine Inc. is consistent with Council's Tourism Policy and Economic Development Strategy. As an Incorporated Association the Regional Tourism Board complies with the legislation and management principles that governs Incorporated Associations in Victoria namely the Associations Incorporation Reform Act 2012.

Alignment to City Plan

Tourism is recognised in the City Plan 2013-2017 as a priority sector in growing the Geelong economy. Council's support of the tourism industry is base on the understanding of the need for a robust and diverse economic base for the City.

Council recognised through City Plan and through Council's Tourism Policy that tourism can generate increased economic growth and can be further developed, enhanced and expanded through effective leadership and partnership models.

The proposed new structure for tourism demonstrates Council's leadership through collaboration with industry on issues of importance to the economic and social well being of Geelong. The visitor economy is a major platform in the Economic Development Strategy currently being developed for the City of Greater Geelong.

Officer Direct or Indirect Interest

This report has been prepared by the Tourism Manager, City of Greater Geelong, who
is also the Executive Director of Tourism Greater Geelong and The Bellarine Inc.

Risk Assessment

Tourism Greater Geelong and The Bellarine plays a pivotal role in advocating on tourism related issues in a variety of settings and at different levels of Government. The organisation provides leadership to the regions tourism industry in dealing with both demand and supply issues, as well as opportunities to collaborate on a range of campaigns and initiatives. This leadership role will continue under Tourism Greater Geelong and The Bellarine Inc.

Without an organised and united approach, the industry would most likely suffer or remain stagnant. The new structure would allow for long term planning to be adopted in cooperation with neighbouring Regional Tourism Board's (RTB).

All staff are employed under the City of Greater Geelong Enterprise Agreement (No.7) 2011 as the tourism unit of the City of Greater Geelong. Staffing levels have been maintained under the new structure with a greater focus on Greater Geelong and the Bellarine, as well as the establishment of partnerships with neighbouring RTB's.

Social Considerations

The social impacts of tourism have been the subject of recent research by Sustainable Tourism Cooperative Research Centre. A set of indicators have been developed to measure these impacts, with further work proposed now that finalisation of the relationship with State Government (Tourism Victoria) has been achieved.

Human Rights Charter

The recommendations considered in this report are in accordance with the Victorian Charter of Human Rights and Responsibilities. Following a review of the twenty basic rights that promote and protect the values of freedom, respect, equality and dignity, the most relevant right relating to the report is the right of freedom of movement. This report and recommendations recognise the right of people to move freely throughout Victoria and Australia.

Whilst the proposed recommended structure focuses on Geelong and The Bellarine, the report and recommendations consider and allow for the establishment of strategic beneficial partnerships with other destinations and tourism bodies in recognition of the seamless non boundary nature of the tourism experience.

Consultation and Communication

Tourism Greater Geelong and The Bellarine has invested significantly in the development and implementation of an enhanced digital footprint that engages with both industry and visitors to our region. A dedicated industry engagement program has been initiated that includes weekly newsletters to industry and face-to-face meetings with new Industry Engagement Officers.

Facebook ambassadors now exceeds 17,000 with a 33% average reach and 8% engagement rate (well above industry standards of 8% average reach and 0.29% engagement rate).

A new consumer website www.visitgeelongbellarine.com.au is regarded nationally as best practice with over 6,000 monthly unique sessions with close to four minute time spent on the consumer sight by each user.

A formal agreement has been entered into with neighbouring tourism regions that details partnership marketing, research and emergency response programs. With the recent fires along the Great Ocean Road these protocols have been initiated and tested to provide a common and consistent message/advice to industry and visitors to our region.

Now that Tourism Greater Geelong and The Bellarine is a recognised Regional Tourism Board invitations from Visit Victoria (Tourism Victoria) have been extended to participate in State wide regional forums (research and marketing initiatives).

Tourism Greater Geelong and The Bellarine works closely with Council's media and communications department but also has a high media profile in its own right.

Within a Council context the Tourism Unit is now part of the new Investment and Attraction Division. It is anticipated that this new structural alignment will create significant new opportunities for partnership arrangements with other Council units.

10. EXTERNAL MEMBERSHIP - POTATO SHED COMMITTEE

Source: **Investment & Attraction / Arts & Culture**
General Manager: **Brett Luxford**
Index Reference: **Subject: Arts & Culture/Strategies & Programs/Arts & Culture/Committees/Bellarine Multi Arts Committee**

Purpose

The purpose of this report is to provide Council with information relating to the Community Membership of the Potato Shed's Committee of Management.

Summary

- The Bellarine Multi-Arts Facility Committee of Management was established under Section 86 of the *Local Government Act 1989* (the Act) on 24 May 2000.
- The Committee consists of two Council appointees (Councillors or Staff), two representatives of Bellarine Secondary College, two representatives of St Ignatius College Geelong and two users or potential user group representatives (referred to in this report as "community representatives").
- The two-year term of the two community representatives has expired.
- Under the terms of the Joint Development and Use Agreement, two community representatives are to be elected onto the Committee under Council endorsement.
- After seeking public expressions of interest to fill vacancies, a selection process has been conducted. Two nominees are recommended for Council endorsement.
- The Committee acknowledges with gratitude both retiring members Lorraine Hall for her service to the Potato Shed over the past four years and to Anne Brackley for her contribution.

Moved and declared carried by the Interim Administrator -

That Council:

1) **Endorse the appointment of Ms Anne Brackley and Ms Helen Nikolas as the community representatives to the Bellarine Multi-Arts Facility Committee of Management (Potato Shed) in accordance with the terms and conditions of the Joint Development and Use Agreement.**

2) **Thank Lorraine Hall for her contribution and service to the Potato Shed and the Committee of Management.**

3) **Confirm that Committee members who are not Councillors are exempt from having to submit a primary and ordinary return as per section 81 (2A) of the Act.**

Background

On 28 March 2000, Council entered into a joint venture partnership with both the Bellarine Secondary College and the Roman Catholic Trusts Corporation, in the development of the Potato Shed multi-arts facility in Peninsula Drive, Drysdale.

The Joint Use Agreement provides for a Committee of Management to ensure the facility's appropriate long-term management and promotion.

The Committee, established as a special committee of Council pursuant to Section 86 of the Local Government Act 1989, consists of two Council appointees (Councillor or Staff), two representatives of Bellarine Secondary College, two representatives of St Ignatius College, and two user or potential user group (community) representatives.

The Committee members hold office for a period not exceeding two years, but are eligible for reappointment at the conclusion of their term. The Committee's structure is: Two (2) Councillors or Officers of the Council; Two (2) representatives of St Ignatius College; Two (2) persons - appointed by Council - from nominations by users or potential user groups. The two school principals are permanent members of the Committee.

Discussion

Since its appointment, the Committee's role has evolved from the focus of establishing the Potato Shed, to one of promotion and support for the operation and development of this valuable community asset.

It was the view of the selection panel that Ms Anne Brackley and Ms Helen Nikolas should be recommended to Council for reappointment to the Committee.

Anne Brackley is recommended for reappointment to the committee, on which she has already served as a member for four years. This recommendation is supported by Anne's previous work on the Committee, but is also due to her significant involvement in diverse community organisations and events on the Bellarine Peninsula, including a 10 year role as Springdale Neighbourhood House Co-ordinator. She brings extensive knowledge of the Bellarine Peninsula communities to the Committee.

Helen Nikolas is currently the Executive Manager at Bellarine Community Health working on various youth programs based in Drysdale adjacent to the schools and Potato Shed. Helen was a keynote speaker in Bendigo at La Trobe Arts and Health conference 2014 and assisted with the first five Australian Arts and Health Conferences. She is also completing a Doctor of Public Health (Flinders university) with a focus on arts and health. Helen is a member of a number of arts organisations including: Global Society for Arts and Health (US), Creative Arts and Integrative Therapies (Canada).

Environmental Implications

There are no environmental implications arising from this report.

Financial Implications

There are no financial implications arising from this report as no remuneration is paid to external representative positions on the Potato Shed Committee.

Policy/Legal/Statutory Implications

The appointment of the two community representatives is in accord with the Terms of Reference - dated 12 May 2015.

Committee Members are bound by the Local Government Act in relation to disclosure of direct and indirect interests, and must not make improper use of information acquired in their role as a Committee member.

The further requirement for Councillors and Special Committee Members to complete primary and annual pecuniary interest returns is flexible in relation to those members of the committee who are not Councillors. Section 81 (2A) enables Council to exempt non Councillors from being required to submit primary and ordinary returns.

Given that the non Councillors on this committee are nominees of the two schools and voluntary community representatives, an exemption to the requirement for their personal share holdings, property and other information to be on a public register, is considered warranted.

Alignment to City Plan

The Potato Shed aligns to Council's City Plan Strategic Directions 'Community Wellbeing' (Priority Areas: 'Connected, creative and strong communities') and 'Growing Our Economy' (Priority Areas: 'A prosperous and innovative Geelong', 'A successful and vibrant city centre' and 'Greater Geelong is a leading city for tourism, arts, culture and events').

Officer Direct or Indirect Interest

There is no direct or indirect interest noted for this report.

Risk Assessment

New external representatives will be fully briefed on and inducted to their role on the Potato Shed Committee thus ensuring that they each understand their roles and responsibilities.

Social Considerations

Both community representatives recommended for appointment bring particular skills and strengths to the Committee, including broad community networks. The Potato Shed Committee of Management greatly assists the Bellarine Peninsula community in the ongoing operation of the Multi-Arts Facility. The Potato Shed is an extremely valuable resource for the Bellarine community. The multi-purpose nature of the venue means the Potato Shed plays a significant role in the social, cultural and educational development of the community.

Human Rights Charter

The Potato Shed promotes cultural diversity and cultural acceptance and is a vital hub of arts, social and educational activity for people of all ages and abilities on the Bellarine. Bellarine Youth Action Crew, Bellarine Jongleurs and Theatre 3triple2 are all excellent examples of how the Potato Shed functions as a model for social inclusion.

Consultation and Communication

A call for Expressions of Interest for community members interested in applying for this role was posted in local media and websites on Saturday 16 January 2016. Applications closed on Monday the 15 February 2016. Applicants will be notified of outcomes via phone call and written mail.

11. GEELONG MAJOR EVENTS COMMITTEE - AMENDED INSTRUMENT OF DELEGATION AND TERMS OF REFERENCE

Source: **Investment & Attraction / Events, Central Geelong & Waterfront**
General Manager: **Brett Luxford**
Index Reference: **Geelong Major Events General**

Purpose

To seek Council endorsement of the amended Geelong Major Events Committee (GME) Instrument of Delegation and Terms of Reference.

Summary

- Geelong Major Events (GME) was established as a Council Advisory Committee in 1998 and formalised under Section 86 of the *Local Government Act 1989* in October 1999.
- In 2015, the GME Committee undertook a review of the GME Matrix of Events and GME Funding Criteria and made amendments to provide more guidance for funding applicants and greater clarity of eligibility for GME funding. The outcome was an amended GME Matrix of Events and a new GME Funding Criteria table which are to replace existing appendices to the Instrument of Delegation to GME and the GME Terms of Reference.
- In May 2016, the current term of External Representative Committee members Julie Maxwell and Dean Anglin will expire.
- During the February 2016 advertising period, a number of applications were received which were of the highest calibre in terms of relevant experience which would be very valuable in assisting the GME Committee to achieving its 2016-2026 strategic objectives.
- The GME recruitment panel determined that the current GME Terms of Reference which restricts External Member Representation to four (4) persons is limiting the ability of GME to harness interested member candidates which would bring to GME broader experience, known networks, strong relationships and valued influence at a State Government level and with key stakeholders in the major events sector.
- Therefore, it is proposed to amend the GME Terms of Reference - Constituency of the Committee to allow for “up to six” External Representative Committee members. This would enable a robust recruitment process each two years to harness the capabilities and capacity of more high calibre external candidates, if warranted by the applications received.
- Due to this recommendation extending the timeline for new appointments to the GME Committee, it is recommended that the term of the two incumbent External Representatives be extended by 3 months, to allow GME to operate with a full Committee, until the External appointments for the next term are accepted by Council at a future meeting date.
- In response to the recent restructure of Council, amendments have been made in the attached Instrument of Delegation to GME and the GME Terms of Reference to reflect the currently appropriate terminology for Council representation on the Committee.

Moved and declared carried by the Interim Administrator -

That Council:

1) **Notes the amended Geelong Major Events (GME) Events Matrix and GME Funding Criteria (Appendix 1);**

2) **Notes the amended Constituency of the Committee in the Geelong Major Events Terms of Reference to allow for up to six External Representatives on the Geelong Major Events Committee (Appendix 3);**

3) **Extends the existing term by 3 months of Julie Maxwell and Dean Anglin as External Representatives to the Geelong Major Events Committee, now to expire in August 2016.**

4) **Signs and seals the amended Instrument of Delegation to Geelong Major Events Committee (Appendix 2);**

5) **Adopts the amended Terms of Reference for the Geelong Major Events Committee (Appendix 3).**

Background

Geelong Major Events (GME) was established as a Council Advisory Committee in 1998, and formalised under Section 86 of the *Local Government Act 1989* in October 1999.

In 2015, the GME Committee undertook a review of the GME Matrix of Events and GME Funding Criteria and made amendments to provide more guidance for funding applicants and greater clarity of eligibility for GME funding.

The outcome was an amended GME Matrix of Events and a new GME Funding Criteria table which are to replace existing appendices to the Instrument of Delegation to GME and the GME Terms of Reference.

In May 2016, the current term of External Representative Committee members Julie Maxwell and Dean Anglin will expire. The GME Terms of Reference require, via public advertising, to call for applications for the vacated positions. Previous Committee members are eligible to re-apply.

Discussion

GME MATRIX OF EVENTS

The amended GME Matrix of Events is a framework for classifying events that fall within the scope of GME. The new GME Categories are; Geelong Signature Events, Hallmark Major Events, Annual Major Events, Developing Major Events and Special Major Events.

The GME Funding Criteria is a framework to support the GME Matrix of Events. It is used to assess whether an event is eligible for GME funding by identifying whether it fits the criteria of a GME Category. It also outlines the broad terms of funding that each Category would provide, if an application was successful.

The GME Matrix of Events and GME Funding Criteria is an appendix to the Instrument of Delegation to GME and also the GME Terms of Reference, therefore those documents need to be amended by Council to acknowledge the amended appendices.

GME EXTERNAL REPRESENTATIVES

Due to the expiring terms of two External Representative Committee members mid 2016, a small recruitment panel of three GME Committee members and the GME

Executive Officer was established to review applications, shortlist applicants, hold interviews and make a final recommendation to Council for the appointment of two External Representative Committee members to GME, for the period June 2016 to May 2020.

During the February 2016 advertising period, a number of applications were received which were of the highest calibre in terms of relevant experience which would be very valuable in assisting the GME Committee to achieving its 2016-2026 strategic objectives.

The quality of a number of applications led the recruitment panel to conclude that the profile and reputation of the GME Committee has increased in recent years. Therefore the ability for GME to attract high calibre Committee members who would bring a great deal of value to the Committee has also increased which was evident during this 2016 recruitment process. The Committee felt it could have reasonably appointed four or more quality members to the Committee who would add value, be highly respected by key stakeholders and assist to increase the profile, credibility and influence of the GME Committee in the major events sector whilst also maintaining experience on the Committee and a strong knowledge of the existing major event landscape in Geelong.

The GME recruitment panel determined that the current GME Terms of Reference which restricts External Member Representation to four (4) persons is limiting the ability of GME to harness interested member candidates which would bring to GME broader experience, known networks, strong relationships and valued influence at a State Government level and with key stakeholders in the major events sector.

Therefore, it is proposed to amend the GME Terms of Reference - Constituency of the Committee to allow for “up to six” External Representative Committee members. This would enable a robust recruitment process each two years to harness the capabilities and capacity of more high calibre external candidates, if warranted by the applications received.

The recommendation for an amendment has required an extra Council Report in the anticipated timeline for the External Representative Appointment process.

Due to this recommendation extending the timeline for new appointments to the GME Committee, it is recommended that the term of the two incumbent External Representatives be extended by 3 months, to allow GME to operate with a full Committee, until the External appointments for the next term are accepted by Council at a future meeting date.

COUNCIL REPRESENTATION

In response to the recent restructure of Council, amendments have been made in the attached Instrument of Delegation to GME and the GME Terms of Reference to reflect the currently appropriate terminology for Council representation on the Committee.

Environmental Implications

There are no direct implications as a result of this report, however it is worth noting that Geelong Major Events has developed a the triple bottom line evaluation tool for all funding applications and evaluations which includes assessment of Economic Impact, Social Impact and Environmental Impact.

Each Geelong Major Events funding application is assessed according to the methodology and a value is attributed to the perceived Environmental benefit relative to the environmental negative impacts associated with the event.

Considerations of positive and negative impact include energy usage, and use of renewable sources, water usage, waste and or recycling generated, traffic congestion, use of non-powered transport options, pollution, destruction or damage to natural environments, event legacies of new or reinvigorated nature and resources.

The environmental impact for each event is assessed and where appropriate actions are identified to protect the environment.

Given the nature of events and the variety of events staged within the Geelong region via Geelong Major Events support, some are environmentally friendly while others manage the environmental impacts as well as possible.

Council plays a leading role, through the Events Services Unit, Health and Local Laws and asset managers, working with external agencies to ensure that environmental implications are appropriately managed.

Wherever possible, a waste-wise program is adopted at events to minimise the impact of waste generated at events.

Financial Implications

All GME funding allocations will be made within the annual budget or when outside the current budget are referred to Council or to CEO and staff under financial delegation.

Policy/Legal/Statutory Implications

Amendments to GME Instrument of Delegation and GME Terms of Reference will be made in accordance with this Report.

Alignment to City Plan

In the City Plan 2013-2017, Council has identified Growing Our Economy as one of its four key strategic objectives. A key priority of City Plan is to see Greater Geelong as a leading city for tourism, arts, culture and events. The GME Strategy is identified in City Plan as being a key strategy that will assist Council in delivering Growing Our Economy priorities.

Officer Direct or Indirect Interest

Officers involved in the preparation of this report, do not have a direct or indirect interest.

Risk Assessment

There are no identified risks in relation to this report.

Social Considerations

Geelong Major Events make a significant contribution to the social, environmental and economic wellbeing of the community. The major events often provide a legacy for future events and community use such as redeveloped or newly constructed infrastructure.

Human Rights Charter

There are no identified Human Rights Charter implications as a result of this report.

Consultation and Communication

The changes to the GME Matrix of Events and GME Funding Criteria will be incorporated into relevant GME documentation including GME Funding application forms and GME event evaluations. It is expected that the amended documents will assist to provide more information and clarity for potential applicants as to their eligibility for GME support.

Discussions have been undertaken across the GME Committee in relation to the proposed changes. These changes are supported by the GME Committee members.

Appendix 1- Page 1 of 4

PREVIOUS MATRIX
GME MATRIX OF EVENTS

PRIMARY CATEGORY	MEGA EVENT	HALLMARK EVENT	MAJOR EVENT	SPECIAL EVENT SPONSORSHIP
	Likely to be a once–off event International title or brand Economic Impact likely to be above $20million Unique and exclusive to Australia Significant international and interstate visitation (from both participants and spectators) for multiple nights Legacy benefits to the region Significant international television and media exposure Aligns with Victoria's and Australia's events and tourism objectives and will attract State & Federal funds.	Likely to occur annually or biennially An Internationally recognised event Economic Impact likely to be above $10million Or a significant Cultural contribution Unique to Victoria Significant interstate (and some international) visitation for multiple nights Opportunities for local community to engage with event Significant media exposure outside of Geelong Aligns with Victoria's major event and tourism objectives and attracts State funding.	May occur annually or a one-off event A Nationally recognised (and may be internationally recognised) event Strong economic return or a strong cultural showcase Builds on local participation and community life Potential for Intrastate media coverage and exposure Significant interstate and intrastate visitation by participants and spectators. Showcases and uses Geelong's facilities and attractions Event is of strategic value and positions Geelong for other events.	One-off events or recurring Sport, Cultural or Industry special event. A Regional, State or National title event. A satellite event of an umbrella program. A round of a 'series' Can be hosted by a local Club, Group or Association or at a Council owned or strategic venue. Triple bottom line - Economic Benefit - Brand Benefits - Social Benefits Provides strong sponsorship benefits in return for cash sponsorship.
SECONDARY CATEGORY **DEVELOPING EVENT CAN BE IN ANY CATEGORY**		**DEVELOPING HALLMARK EVENT** Annual or Biennial hallmark event which has the potential to be a mega event for Australia.	**DEVELOPING MAJOR EVENT** Annual or Biennial event which has the potential to be a hallmark iconic event for Geelong.	**DEVELOPING SPECIAL EVENT** Recurring event which has the potential to become a major event
No. per year	Every 5 to 10 years	3 to 4 per year	10 to 15 per year	10 to 20 per year
Anticipated support *(not publicly promoted)*	$500,000 plus cash and significant in-kind support. Potential for some capital works required to support/win event.	From $100,000 to $500,000 cash and substantial in-kind support. Potential for some capital works to retain the event.	From $20,000 to $100,000 cash and potential for additional in-kind support.	Sponsorships amounts may vary due to available budget but expected to be between $5,000 and $20,000.

COMMUNITY (GRASSROOTS) EVENTS – *does not meet GME criteria*
Is an event that celebrates an aspect of community life in Geelong - Generally run by volunteer group Does not usually attract participants or spectators from outside the Region Limited likelihood of media exposure outside Geelong Limited economic benefit expected Generally seeking sponsorship or support in-kind up to the value of $5,000 per event
UNLIMITED - Hundreds of these events staged each year in the municipality – May qualify for other CoGG Community based funding grants

Appendix 1- Page 2 of 4

NEW MATRIX

GME EVENTS MATRIX

The GME Events Matrix is a framework for identifying and classifying events that fall within the scope of GME.

Table 1

MATRIX OF GEELONG MAJOR EVENTS					
GME CATEGORIES:	GEELONG SIGNATURE EVENT	HALLMARK MAJOR EVENT	ANNUAL MAJOR EVENT	DEVELOPING MAJOR EVENT	SPECIAL MAJOR EVENT
ELIGIBLE FOR FUNDING TYPE:	SPONSORSHIP	SPONSORSHIP	SPONSORSHIP	SEED FUNDING OR UNDERWRITING	HOSTING FEE OR UNDERWRITING
FUNDING TERMS:	NO LIMIT	NO LIMIT	NO LIMIT	UP TO 3 YEARS	UP TO 3 YEARS

What will GME not fund:

GME will not provide funding to Community Events (refer below for definition).

GME will not provide funding to organisations which do not have an Australian Business Number (ABN). GME can only provide funding to legal entities, such as Incorporated Associations and Companies.

GME will not fund:

- Capital or infrastructure works
- Events (primarily) of a charitable nature – GME does not provide donations
- Religious, political or racial events
- Events that are not open to the general public. For example conventions, conferences, or club events where access is restricted to members or delegates.
- Events not held in the municipality

Events outside the scope of GME, including community events, may be eligible for financial support through other areas of Council. www.geelongaustralia.com.au

Table 2

COMMUNITY (GRASSROOTS) EVENTS – *does not meet GME criteria*
Is an event that celebrates an aspect of community life in Geelong - Often run by volunteer groups. • Does not usually attract participants or spectators from outside the Region • Limited likelihood of media exposure outside Geelong • Limited economic benefit expected (< $500k) Generally seeking sponsorship or in-kind support up to the value of $10,000 per event

Appendix 1- Page 3 of 4

NEW CRITERIA
GME FUNDING CRITERIA

The GME Funding Criteria is a framework to assess whether an event is eligible for funding from Geelong Major Events by allocating it to a GME Event Category.

Table 3

FUNDING CRITERIA FOR GEELONG MAJOR EVENTS					
GME EVENT CATEGORIES	**GEELONG SIGNATURE EVENT**	**HALLMARK MAJOR EVENT**	**ANNUAL MAJOR EVENT**	**DEVELOPING MAJOR EVENT**	**SPECIAL MAJOR EVENT**
CRITERIA	Must be staged within the municipality of Geelong. Must be open to the public Occurs annually, biennially or one–off event. May be an International title or brand. Unique and exclusive to Victoria or Australia. May be a Geelong-grown event and synonymous only with Geelong. Estimated Economic Benefit to $5M to $50M. Significant non-local attendance and extended visitation. Event may contain a civic component.	Must be staged within the municipality of Geelong. Must be open to the public Occurs annually or biennially. An Internationally recognised event. Unique to Victoria. Estimated Economic Benefit to be a minimum of $5million. Significant interstate (and some international) visitation in Geelong Region for multiple nights.	Must be staged within the municipality of Geelong. Must be open to the public Occurs annually or biennially. Nationally recognised (and may be internationally recognised) event. Event's unique benefits align with GME strategic plan and may position Geelong for other events. Demonstrated significant economic benefit generator. Significant interstate and intrastate visitation by participants and spectators.	Must be staged within the municipality of Geelong. Must be open to the public Occurs annually or biennially. Intends to become a National or internationally recognised event. Strong sporting, cultural or industry showcase. Potential for strong economic benefit once established. Interstate and intrastate visitation by participants and spectators.	Must be staged within the municipality of Geelong. Must be open to the public Single event or it rotates amongst different States or venues. To be hosted in Geelong for 1 to 3 years only. Sport, Cultural or Industry special event: • State, National or International title event. • Satellite event of an International or National program. • A round of an International or National series. Provides strong sponsorship benefits in return for cash sponsorship. Significant interstate and intrastate visitation by participants and spectators.

CRITERIA	Significant media exposure including television or web based broadcasts Exposure for Geelong's brand and reputation outside of the region. Strong alignment with CoGG's City Plan and GME strategic objectives. Aligns with Victoria's and Australia's events and tourism objectives and will attract State or Federal Gov't funding. Exclusive opportunity for local engagement through participation or spectating. Event is likely to continue indefinitely in Geelong.	Significant media exposure outside of Geelong and television or web based broadcasts Exposure for Geelong's brand and reputation outside of the region. Strong alignment with CoGG's City Plan and GME strategic objectives. Aligns with Victoria's major event and tourism objectives and has the potential to also attract State or Federal Gov't funding. Exclusive opportunity for local engagement through participation or spectating. Legacy benefits to the region.	Likely to receive non-local media coverage. Exposure for Geelong's brand and reputation outside of the region. Event is of strategic value and may position Geelong for other events. Provide some opportunity for local engagement through participation or spectating.	Potential for non-local media coverage. Exposure for Geelong's brand and reputation outside of the region. Event is of strategic value and may position Geelong for other events. Has the potential to develop into another GME Event category. Provide some opportunity for local engagement through participation or spectating.	Local media coverage expected. Potential for exposure of Geelong's brand and reputation outside of the region. Event is of strategic value and may position Geelong for other events. Would be unlikely to be held/staged in Geelong, if a hosting fee was not provided. **Can be hosted by a local Club, Group or Association or at** a Council owned or Strategic venue.
FUNDING TERMS:	**NO LIMIT**	**NO LIMIT**	**NO LIMIT**	**UP TO 3 YEARS**	**UP TO 3 YEARS**
FUNDED BY:	**GME OR COUNCIL**	**GME OR COUNCIL**	**GME**	**GME**	**GME**
FUNDING TYPE:	**SPONSORSHIP**	**SPONSORSHIP**	**SPONSORSHIP**	**SEED FUNDING OR UNDERWRITING**	**HOSTING FEE OR UNDERWRITING**
EXPECTED ECONOMIC BENEFIT RANGE:	**UPWARDS OF $5M**	**UPWARDS OF $5M**	**$2M - $5M**	**NO LESS THAN $500K – UP TO $2M** FUNDING RATIO MUST BE A MINIMUM OF 30:1	**NO LESS THAN $500K – UP TO $2M** FUNDING RATIO MUST BE A MINIMUM OF 30:1

Appendix 2 - Page 1 of 4

CITY OF GREATER GEELONG

INSTRUMENT OF DELEGATION TO GEELONG MAJOR EVENTS COMMITTEE

RECITALS:

A. The Council, by resolution dated the 27th day of October 1999, established a special committee pursuant to Section 86s of the Local Government Act 1989 to be known as the Geelong Major Events Committee.

B. The Council by this Instrument of Delegation delegates to the Committee those of its functions, duties and powers set out in this Instrument, subject to the limitations set out in this Instrument.

1.0 Definitions

1.1 **"the budget"** means the statement of anticipated receipts and proposed expenditure for the support of events for which a budget is set and approved at least annually by the Council.

1.2 **"the Committee**" means the Special Committee of the Council established pursuant to Section 86 of the Local Government Act 1989, known as Geelong Major Events, as it may be constituted from time to time during the period of operation of this Instrument and Authority.

1.3 **"the Council"** means Greater Geelong City Council.

1.4 **"event"**– an occasion where people gather with a common purpose that aims to enhance community life through participation of residents, measurable economic benefits, and potential to market Geelong outside the municipality. *Within the context of the operation of the Geelong Major Events Committee an event shall include Geelong signature events, hallmark major events, annual major events, developing major events and special major events as defined by the Geelong Major Events Terms of Reference.*
(Replaces: Within the context of the operation of the Geelong Major Events Committee an event shall include mega, hallmark, major, special and developing events defined by the Geelong Major Events Terms of Reference)

1.5 **"strategy"** means a planned approach that outlines initiatives, intended outcomes and performance measures for a set period of time.

1.6 **"matrix of events"** is a framework for classifying the wide range of events held in the City of Greater Geelong. *The matrix is a guide to those events that fall within the scope of GME (Geelong signature, hallmark major, annual major, developing major, and special major events) and those Community Events which are not within the scope of GME but still may receive advisory and regulatory support from Council,* and may be eligible for financial support through the other programs such as the Community Arts & Festival Grants Program or the Councillor Community Grants Program.
(Replaces: The matrix is a guide to those events that fall within the scope of GME (mega, hallmark, major, special and developing events) and community events that receive advisory and regulatory support from Council,…)

Appendix 2 - Page 2 of 4

2.0 Functions, duties and powers delegated

2.1 Pursuant to Section 86 of the Local Government Act 1989, the Council by this Instrument delegates to the Committee all of the Council's function duties and powers which Section 86 authorises the Council to delegate to a Special Committee of the Council with respect to the conduct and support of events in the City, and in so acting the Committee shall be responsible for -:

- Development of the Geelong Major Events Strategy and Annual Business Plan in accordance with the terms of reference.
- Maintenance of a funding submissions and evaluation process.
- The development and attraction of new events.
- The continuous improvement of current events.
- Facilitation of state, federal government and private sector funding wherever possible.
- Recommendations to Council regarding event infrastructure needs.
- Allocation of funds from the budget or make recommendations to the Chief Executive Officer or Council for funding of proposals that have satisfied the criteria and are in accord with the strategy.

3.0 Limits

For the purposes of performing its functions, duties and powers the Committee:

- Shall exercise its functions, duties and powers within financial parameters set out in the budget.
- Shall not enter into any contracts requiring the expenditure of funds unless such expenditure is provided for in the budget.
- Shall make recommendations for any funding outside of the current budget year to the Chief Executive (under financial delegation) or refer to Council.
- Acknowledge that Council's Chief Executive Officer and staff are authorised to approve and/or incur expenditure or income or enter contracts or contract variations in relation to GME, up to a value as defined from time to time by "Council's Delegations – CEO to Staff".
- Shall not enter into any contracts, including leases, licences and like contracts which provide for the receipt of funds if the sum to be received falls short of (without necessarily having to be set out as a separate item in) the statement of anticipated income forming part of the budget.

4.0 Other Matters

The Committee shall:

4.1 Where pursuant to the provisions of any Act, there are conditions precedent to the exercise by Council of any of its functions, duties and powers, satisfy those conditions precedent prior to the exercise of its functions, duties and powers.

4.2 In carrying out its functions, duties and responsibilities have appropriate regard to policies adopted by the Council or the Chief Executive as it relates to the administrative function of Council.

Appendix 2 - Page 3 of 4

4.3 Provide annual status reports to the Council detailing progress against performance criteria identified in the strategy and shall provide more frequent status reports if required by the Council.

Dated the _____ day of _____ 2012

THE COMMON SEAL OF GREATER GEELONG CITY COUNCIL
Was affixed hereto in the presence of:

……..
Interim Administrator

…….
Chief Executive Officer

Appendix 2 - Page 4 of 4

GME EVENTS MATRIX

The GME Events Matrix is a framework for identifying and classifying events that fall within the scope of GME.

Table 1

MATRIX OF GEELONG MAJOR EVENTS					
GME CATEGORIES:	GEELONG SIGNATURE EVENT	HALLMARK MAJOR EVENT	ANNUAL MAJOR EVENT	DEVELOPING MAJOR EVENT	SPECIAL MAJOR EVENT
ELIGIBLE FOR FUNDING TYPE:	SPONSORSHIP	SPONSORSHIP	SPONSORSHIP	SEED FUNDING OR UNDERWRITING	HOSTING FEE OR UNDERWRITING
FUNDING TERMS:	NO LIMIT	NO LIMIT	NO LIMIT	UP TO 3 YEARS	UP TO 3 YEARS

What will GME not fund:

GME will not provide funding to Community Events (refer below for definition).

GME will not provide funding to organisations which do not have an Australian Business Number (ABN). GME can only provide funding to legal entities, such as Incorporated Associations and Companies.

GME will not fund:

- Capital or infrastructure works
- Events (primarily) of a charitable nature – GME does not provide donations
- Religious, political or racial events
- Events that are not open to the general public. For example conventions, conferences, or club events where access is restricted to members or delegates.
- Events not held in the municipality

Events outside the scope of GME, including community events, may be eligible for financial support through other areas of Council. www.geelongaustralia.com.au

Table 2

COMMUNITY (GRASSROOTS) EVENTS – *does not meet GME criteria*
Is an event that celebrates an aspect of community life in Geelong - Often run by volunteer groups. • Does not usually attract participants or spectators from outside the Region • Limited likelihood of media exposure outside Geelong • Limited economic benefit expected (< $500k) Generally seeking sponsorship or in-kind support up to the value of $10,000 per event

Appendix 3 - Page 1 of 7

CITY OF GREATER GEELONG

COMMITTEE TERMS OF REFERENCE

Geelong Major Events Committee	Document No:	CTR60.5
	Approval Date:	
	Approved By:	Council
	Review Date:	
Responsible Officer: **General Manager, Investment & Attraction**	Version No:	08
Authorising Officer:		**Chief Executive Officer**

1. SUMMARY

Geelong Major Events (GME) has been formed to coordinate all issues related to the attraction, assistance and funding of events (as defined by the terms of reference) on behalf of the Greater Geelong City Council.

2. OBJECTIVES

GME will strive to stimulate and encourage events that offer the best opportunity to provide measurable economic benefits, potential to market Geelong outside the municipality and enhance local community life through participation of residents,

GME will support the development and improvement of hallmark, major and developing events while focusing its activities on a clearly defined strategic program.

GME will establish and maintain strong links with the private sector, government and our communities to achieve high levels of stakeholder investment and activity required to realise the events potential of Geelong.

Specific elements to the achievement of the objectives include –

1. A Geelong Major Events Strategy and Annual Business Plan in accordance with terms of reference.
2. Maintenance of a funding submissions and evaluation process.
3. The development and attraction of new events.
4. The continuous improvement of current events.
5. Facilitation of state, federal government and private sector funding wherever possible.
6. Recommendations to Council regarding event infrastructure needs.
7. Allocation of funds from the budget or make recommendations to the Chief Executive Officer or Council for funding of proposals that have satisfied the criteria and are in accord with the strategy.

Appendix 3 - Page 2 of 7

In accordance with Council's Policy for Grants, Contributions, Donations and Sponsorships and the GME Guidelines, GME shall not fund the following activities:

- Capital or infrastructure works
- Events of a charitable nature – GME does not provide donations
- Religious, political or racial events
- Events that are not open to the general public, for example conventions, conferences, or club events where access is restricted to members or delegates.
- Events not held in the Municipality

3. DEFINITIONS

Event – an occasion where people gather with a common purpose that aims to enhance community life through participation of residents, measurable economic benefits, and potential to market Geelong outside the municipality. Within the context of the operation of the Geelong Major Events Committee *an event shall include Geelong signature events, hallmark major events, annual major events developing major events and special major events as provided by Schedule 1.*

(Replaces: an event shall include hallmark events, major events and developing events as provided by Schedule 1.)

Act – Local Government Act 1989

4. TERMS OF REFERENCE

4.1 Expected /life of the Committee

- This is an ongoing committee subject to review by Council from time to time.

4.2 Constituency of the Committee

Geelong Major Events' membership shall be constituted by:

- ~~The Mayor and up to three other Councillors appointed by Council;~~ Up to four members of Council
- The Chief Executive Officer;
- The Executive Director of ~~Geelong Otway Tourism~~ Tourism Greater Geelong and The Bellarine; and
- ~~Four external representatives of the business/media/arts or events community. Each external representative shall be appointed, following the public advertising calling for expressions of interest, for a term of up to four years. Two members shall initially be appointed for two years and the remaining two for four years, ensuring that half the external members' terms expire every two years.~~
- Up to six (6) external representatives of the business/media/arts or events community. Each external representative shall be appointed for a term of up to four years, following the public advertising calling for expressions of interest every two years.

  All members shall have full voting rights.

4.3 Authority of the Committee

- GME is a Special Committee of Council in accordance with Section 86 of the Local Government Act

The powers duties and functions of the Committee are as described in the sealed Instrument of Delegation.

4.4 Chair

- ~~The Chairperson is to be appointed by the Mayor, pursuant to section 11E(1)(b) of the City of Greater Geelong Act 1993. If the Mayor elects not to exercise this discretionary power, the role will be performed by the Councillor responsible for the Major Events Portfolio.~~
  The Committee shall elect a Committee member to be the chairperson.

4.5 Quorum

- A quorum of the Committee shall constitute a number equating to one more than 50% of the appointed members of the Committee.

4.6 Meeting Procedure

- It is the role of the Committee to establish a meeting regime, evaluate its effectiveness and to make adjustments as necessary.
- Minutes of key actions and decisions shall be recorded and retained in a minute book which shall be available for public inspection and published on Council's Website, except for those parts of the minutes for which the meeting has been closed to members of the public under section 89 of the Act.
- All members of the Committee shall be notified in writing not less than 48 hours before the meeting of the time, place and purpose of each meeting provided that where urgent circumstances exist, the Executive Officer may at the instruction of the Chair convene a meeting within a lesser timeframe following contact with members and circulation of any issues to be considered at the meeting.
- The Act requires that all members of the Committee be required to declare any interest or conflict of interest at each meeting as well as completing a return of pecuniary interest on an annual basis.

4.7 Reporting Requirements

- Quarterly Update reports will be presented to Council during the financial year and minutes of meetings will be distributed to all Councillors.

4.8 Secretariat

- An Executive Officer shall provide secretariat support to the Committee.

4.9 Facilities & Resources

- An Executive Officer as deemed appropriate by the Chief Executive Officer shall be appointed to support GME in the achievement of its objectives.
- Adequate resources shall be provided to ensure the effective operation of the GME Committee.

Appendix 3 - Page 4 of 7

QUALITY RECORDS

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

Record	Retention/Disposal Responsibility	Retention Period	Location
Meeting Minutes	Corporate Records	Permanent	Geelong City Council

1. ATTACHMENTS

- Attachment 1: GME Event Matrix & GME Funding Criteria *(New)*

Appendix 3 - Page 5 of 7

Attachment 1: GME Event Matrix & GME Funding Criteria

The GME Event Matrix is a framework for identifying and classifying events that fall within the scope of GME.

Table 1

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ELIGIBLE FOR FUNDING TYPE:	SPONSORSHIP	SPONSORSHIP	SPONSORSHIP	SEED FUNDING OR UNDERWRITING	HOSTING FEE OR UNDERWRITING
FUNDING TERMS:	NO LIMIT	NO LIMIT	NO LIMIT	UP TO 3 YEARS	UP TO 3 YEARS

What will GME not fund:

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Appendix 3 - Page 6 of 7

The GME Funding Criteria is a framework to assess whether an event is eligible for funding from Geelong Major Events by allocating it to a GME Event Category.

Table 3

FUNDING CRITERIA FOR GEELONG MAJOR EVENTS					
GME EVENT CATEGORIES	**GEELONG SIGNATURE EVENT**	**HALLMARK MAJOR EVENT**	**ANNUAL MAJOR EVENT**	**DEVELOPING MAJOR EVENT**	**SPECIAL MAJOR EVENT**
CRITERIA	Must be staged within the municipality of Geelong. Must be open to the public Occurs annually, biennially or one–off event. May be an International title or brand. Unique and exclusive to Victoria or Australia. May be a Geelong-grown event and synonymous only with Geelong. Estimated Economic Benefit to $5M to $50M. Significant non-local attendance and extended visitation. Significant media exposure including television or web based broadcasts	Must be staged within the municipality of Geelong. Must be open to the public Occurs annually or biennially. An Internationally recognised event. Unique to Victoria. Estimated Economic Benefit to be a minimum of $5million. Significant interstate (and some international) visitation in Geelong Region for multiple nights. Significant media exposure outside of Geelong and television or web based broadcasts	Must be staged within the municipality of Geelong. Must be open to the public Occurs annually or biennially. Nationally recognised (and may be internationally recognised) event. Event's unique benefits align with GME strategic plan and may position Geelong for other events. Demonstrated significant economic benefit generator. Significant interstate and intrastate visitation by participants and spectators. Likely to receive non-local media coverage.	Must be staged within the municipality of Geelong. Must be open to the public Occurs annually or biennially. Intends to become a National or internationally recognised event. Strong sporting, cultural or industry showcase. Potential for strong economic benefit once established. Interstate and intrastate visitation by participants and spectators. Potential for non-local media coverage.	Must be staged within the municipality of Geelong. Must be open to the public Single event or it rotates amongst different States or venues. To be hosted in Geelong for 1 to 3 years only. Sport, Cultural or Industry special event: • State, National or International title event. • Satellite event of an International or National program. • A round of an International or National series. Provides strong sponsorship benefits in return for cash sponsorship. Significant interstate and intrastate visitation by participants and spectators. Local media coverage expected.

CRITERIA	Exposure for Geelong's brand and reputation outside of the region. Strong alignment with CoGG's City Plan and GME strategic objectives. Aligns with Victoria's and Australia's events and tourism objectives and will attract State or Federal Gov't funding. Exclusive opportunity for local engagement through participation or spectating. Event is likely to continue indefinitely in Geelong. Event may contain a civic component.	Exposure for Geelong's brand and reputation outside of the region. Strong alignment with CoGG's City Plan and GME strategic objectives. Aligns with Victoria's major event and tourism objectives and has the potential to also attract State or Federal Gov't funding. Exclusive opportunity for local engagement through participation or spectating. Legacy benefits to the region.	Exposure for Geelong's brand and reputation outside of the region. Event is of strategic value and may position Geelong for other events. Provide some opportunity for local engagement through participation or spectating.	Exposure for Geelong's brand and reputation outside of the region. Event is of strategic value and may position Geelong for other events. Has the potential to develop into another GME Event category. Provide some opportunity for local engagement through participation or spectating.	Potential for exposure of Geelong's brand and reputation outside of the region. Event is of strategic value and may position Geelong for other events. Would be unlikely to be held/staged in Geelong, if a hosting fee was not provided. Can be hosted by a local Club, Group or Association or at a Council owned or Strategic venue.
FUNDING TERMS:	**NO LIMIT**	**NO LIMIT**	**NO LIMIT**	**UP TO 3 YEARS**	**UP TO 3 YEARS**
FUNDED BY:	**GME OR COUNCIL**	**GME OR COUNCIL**	**GME**	**GME**	**GME**
FUNDING TYPE:	**SPONSORSHIP**	**SPONSORSHIP**	**SPONSORSHIP**	**SEED FUNDING OR UNDERWRITING**	**HOSTING FEE OR UNDERWRITING**
EXPECTED ECONOMIC BENEFIT RANGE:	**UPWARDS OF $5M**	**UPWARDS OF $5M**	**$2M - $5M**	**NO LESS THAN $500K – UP TO $2M** FUNDING RATIO MUST BE A MINIMUM OF 30:1	**NO LESS THAN $500K – UP TO $2M** FUNDING RATIO MUST BE A MINIMUM OF 30:1

12. FUTURE PROOFING GEELONG ADVISORY BOARD TERMS OF REFERENCE REVIEW

Source: **Planning and Development - Planning Strategy and Urban Growth**
General Manager: **Peter Bettess**
Index Reference: **Subject: Future Proofing Geelong**

Purpose

The purpose of this report is to review and recommend changes to the Future Proofing Geelong Advisory Board Terms of Reference.

Summary

- Future Proofing Geelong is a collaborative partnership to provide leadership on sustainability across industry, businesses, education, government and community to achieve a vision that by 2030 Geelong is internationally recognised as one of the worlds most resilient cities through collaboration and innovation. This is principally achieved through the implementation of the *Low Carbon Growth Plan for Geelong.*
- The Future Proofing Geelong partnership is a collaboration established through a sustainability covenant in 2011 and a MoU in 2014 (extending to 2017) with Council, Barwon Health, Barwon Water, Barwon South West Waste and Resource Recovery Group, Committee for Geelong, Deakin University, Geelong Chamber of Commerce, Geelong Manufacturing Council, Geelong and Region Trades and Labour Council and the Gordon.
- The Future Proofing Program is supported though a small team based in the Planning Strategy and Urban Growth Department and focusing on community engagement, working with businesses to reduce energy costs and working with industry to develop markets, supply chains and undertake product research and development within the Cleantech space.
- An Advisory Board was established in 2011 to provide advice and inform the delivery of the Future Proofing Geelong program and support collaborative steps to implement to the Low Carbon Growth Plan. All MoU signatories have representation on the Advisory Board. The operations of the current Advisory Board are guided by a Term of Reference. The current terms of reference include provisions for membership and meeting procedures including nomination of chair, quorums etc.
- The current Terms of Reference require amendment as the board membership provisions provide for 5 councillors (including one as chair) impacting on the ability for meetings to be conducted with quorums.
- The report recommends a revised Terms of Reference (as per Attachment 1) is approved which removes Councillor and CEO representation, nominates the chair as the General Manager of City Services and includes other existing staff representatives as non-voting members.

Moved and declared carried by the Interim Administrator -

That Council endorse the revised Terms of Reference for the Future Proofing Geelong Advisory Board as shown in Appendix 1 to this report.

Background

The operations of the Future Proofing Geelong Advisory Board are guided by a Terms of Reference (ToR) Attachment 1 which was created in 2011 following the establishment of the Board to coincide with the Sustainability Covenant. All nine non-Council partners have a single representative (CEO or executive level) while Council is represented by five councillors (including one fulfilling the role of chair), the CEO and four additional officers.

Current membership is not only unbalanced and dominated by Council representation, but the current quorum provisions (half the members plus one – 11) is difficult to achieve without Councillor participation. Recent legislative changes relating to Councillors has impacted on the ability for the Advisory Board to operate.

Discussion

Given that the operation of the Board is into its 6th year operationally there is perhaps little need to have either the CEO or Councillors on the Board at this point of time. Given senior representation from partner organisations it is important that Council is represented by a senior level executive to ensure organisational buy in and support particularly as the operations of Future Proofing Geelong are not currently part of the recurrent budget. It is recommended that this role (and role of Chair) be filled by the General Manager City Services. The potential further extension of the MoU for a further three years from 2017 would warrant a Councillor representative. This is perhaps best determined when such an extension is considered by Council.

Other recommended changes to the current ToR (refer Appendix 1) include:

- Nomination of other Council representatives as non-voting members. This provides not only for greater partner equalisation on the Board but also ensures that operationally some of the key directions and actions can be embedded within the organisation;
- Reformatting the document into a City of Greater Geelong Committee Terms of Reference template format;
- Including provisions relating to the life of the Advisory Board, deputy chair role, provision of secretariat support, reporting and record keeping requirements.

Environmental Implications

The operations of Future Proofing Geelong and the Advisory Board represent a significant component of the implementation of Council's Environmental Management Strategy and provides for collaborative leadership in the sustainability space within Geelong.

Financial Implications

The operations of the Advisory Board are within the current Future Proofing Geelong program budget. The recommended changes to the existing ToR have no financial implications.

Policy/Legal/Statutory Implications

The Advisory Board has no specific decision making powers. The Advisory Board meeting is an opportunity for MoU partners to share information and collaborate on projects. There are no legal or statutory implications associated with its operations.

Alignment to City Plan

The operations of Future Proofing Geelong have alignment with 'Growing our Economy' through support for encouraging new and emerging growth sectors and innovation (Cleantech) and a 'Sustainable Built and Natural Environment' through promotion of community sustainability, minimising our environmental footprint through energy reduction in business, industry and households and promoting sustainable design.

Officer Direct or Indirect Interest

Officers involved in preparing this report have no direct or indirect interest in the matters addressed in the report.

Risk Assessment

There are no risks associated with amending the current ToR as proposed in this report as the Advisory Board is not delegated any of the responsibilities of Council and is primarily a partnership forum.

Social Considerations

The proposed recommendations in this report have no social implications.

Human Rights Charter

There are no impacts on human rights as identified in the Human Rights Charter as a result of the proposed changes to the Advisory Board ToR. These changes are procedural only and do not affect the operations of the Future Proofing Geelong project or impact on the rights of existing MoU partners.

Consultation and Communication

The Advisory Board members have been advised of the proposal to review the current ToR in the context of membership.

Appendix 1 proposed Advisory Board Terms of Reference

COMMITTEE TERMS OF REFERENCE

GEELONG

Future Proofing Geelong Advisory Board	Document No:	CTR215.5
	Approval Date:	
	Approved By:	CEO
	Review Date:	
Responsible Officer: Manager, Planning Strategy & Urban Growth		
	Version No:	00
Authorising Officer:		**Chief Executive Officer**

1. SUMMARY

The purpose of the Advisory board is to oversee the strategy direction and delivery of the Future Proofing Geelong vision.

2. OBJECTIVES

- Support Greater Geelong to become a leader in integrating sustainability considerations into key organisational operations (including planning, strategy, recurring funding, give support for the program and supply chain.
- Provide execution insight and expertise to the recommended strategies.
- Assist with removing barriers to implementation.
- Foster collaboration across organisations and facilitate introductions to relevant organisations, agencies etc. when appropriate.
- Sanction brand criteria and determine direction for questionable requests.
- Ratify yearly priorities.
- Where possible introduce pilot/demonstrations projects or new funding opportunities.
- Target responsibilities for achievement of Low Carbon Growth Plan objectives and other initiatives.

3. TERMS OF REFERENCE

3.1. Expected / Definite life of the Committee

- The Advisory Board will continue to operate for the life of the current and any subsequent partnership Memorandum of Understanding.

3.2. Constituency of the Committee

- Membership of the Advisory Board includes the following representatives of the MOU signatories:

City of Greater Geelong	General Manager City Services William Tieppo (Chair), Tim Hellsten (non-voting), Rodney Thomas (non-voting), Tina Perfrement (non-voting)
Barwon Water	Seamus Butcher
Deakin Uni Research	Prof. Tony Mills
Chamber of Commerce	Bernadette Uzelac
Committee for Geelong	Philippa Bakes for Rebecca Casson
Geelong Manufacturing Council	David Peart
The Gordon	Audrey Penney
Barwon South West Waste and Resource Recovery Group	Linda Kelly
Barwon Health	Scott Randall
Geelong and Region Trades and Labour Council	Tim Gooden

3.3. Meeting Procedure

- Advisory board meetings must have an Agenda that has been reviewed by the Council officers.
- Each meeting will be minuted and these minutes will be prepared by the City of Greater Geelong's Future Proofing Geelong team and sent out within one week of the meeting date.

3.4. Quorum

- The quorum for the board shall be at least 50% of voting board members plus one.

3.5. Inability to attend/Proxies

- It is imperative the nominated members ensure that they delegate attendance to another person from their organisation if they cannot attend.

3.6. Chair and Deputy Chair

- The Chair will be the City of Greater Geelong General Manager City Services
- The Chair will be nominate a deputy Chair as required.
- The Chair will be the spokesperson for the Advisory Board. Any media communications will be undertaken in accordance with the City of Greater Geelong Communications Strategy and any partner contributions will be attributed to the partner signatories to the Future Proofing Geelong Memorandum of Understanding (MOU).

3.7. Reporting Requirements

- The Advisory Committee will provide an annual report to Council outlining the previous 12 months activities and achievements.

3.8. Secretariat

- Secretariat support for the Advisory Board will be provided by the City of Greater Geelong's Future Proofing Team.

4. QUALITY RECORDS

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

Record	Retention/Disposal Responsibility	Retention Period	Location
Minutes/Agenda	EDRMS	As per PROV	

5. ATTACHMENTS

- Nil

13. AUDIT ADVISORY COMMITTEE - UPDATED TERMS OF REFERENCE

Source: **Chief Executive Office - Internal Audit**
General Manager: **Kelvin Spiller**
Index Reference: **Audit Advisory Committee**

Purpose

To update the terms of reference for the Audit Advisory Committee.

Summary

- The Local Government (Greater Geelong City Council) Act 2016 received Royal Assent on April 15, 2016 and the interim administrator was installed from April 16, 2016 to perform the roles and functions of the council.
- As part of the interim administrator's role to prepare for the incoming Commissioners an assessment of committees, their representation and how these will operate in the next 18 months is being conducted.
- Minor changes have been made to the composition of the Audit Advisory committee to ensure a quorum is achieved.

Moved and declared carried by the Interim Administrator -

That Council endorse the changes to the Audit Advisory Committee as outlined in Appendix 1.

Background

This report updates Council's Audit Advisory Committee Terms of Reference to ensure compliance with *s139* of *the Local Government Act 1989*.

Discussion

An Audit Advisory Committee is a sub-committee of Council and as such it assists members of Council to discharge Council's responsibilities in the areas of finance, governance, risk management, internal controls and compliance.

Previously three councillors were appointed to the Audit Advisory Committee, with the appointment of an Interim Administrator and in preparation of the appointment of three commissioners, the composition of the committee has been reviewed and updated.

The Audit Advisory Committee (AAC) terms of reference have been reviewed and minor amendments have been made to ensure that a quorum is achieved.

Environmental Implications

There are no environmental implications in this report.

Financial Implications

There are no additional financial implications in this report.

Policy/Legal/Statutory Implications

Amendments made to the AAC Terms of Reference comply with *s139 of the Local Government Act 1989.*

Alignment to City Plan

The document addresses aspects of how we do business.

Officer Direct or Indirect Interest

No officer has a direct or indirect interest in this repo

Risk Assessment

Regular review of the AAC Terms of Reference and Internal Audit Charter documents ensures compliance with changes to legislation..

Social Considerations

There are no social implications in this report.

Human Rights Charter

The contents of this report have no impacts to the Human Rights Charter

Consultation and Communication

The updated documents will be made available on the Cityweb. Members of the Audit Advisory Committee have been consulted regarding the changes made to the existing Terms of Reference.

CITY OF GREATER GEELONG

COMMITTEE TERMS OF REFERENCE

Audit Advisory Committee	Document No:	CTR550.1
	Approval Date:	10 May 2016
	Approved By:	Council
	Review Date:	10 May 2019
Responsible Officer: **Manager, Corporate Internal Auditor and Ombudsman**	Version No:	07
Authorising Officer:		**Chief Executive Officer**

1. SUMMARY

The Audit Advisory Committee is a sub-committee of Council and as such it assists members of Council to discharge Council's responsibilities in the areas of finance, governance, risk management, internal controls and compliance.

Members of Council and auditors, both external and internal, therefore, have a vested interest in the effectiveness of its Audit Advisory Committee, as it can help them to meet their legal and professional responsibilities.

The role of a properly constituted Audit Advisory Committee is strengthened if all relevant participants have a clear understanding of the committee's objectives. Disclosure of the existence and role of the committee in Council's financial reports will also enhance the credibility of those reports.

2. OBJECTIVES

2.1. Audit Advisory Committee Charter

The Audit Advisory Committee is an independent Advisory Committee of Council. The primary objective of the Audit Advisory Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit Advisory Committee is established to assist the co-ordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

As part of Council's governance obligations to its community, Council has constituted the Audit Advisory Committee to:

Enhance the credibility and objectivity of internal and external financial reporting;

Assist the Council in its management of financial and other risks and the protection of Council assets;

Ensure compliance with laws and regulations as well as use of best practice guidelines;

Provide an effective internal audit function;

Provide an effective means of communication between the external auditor, internal audit, management and the Council.

3. TERMS OF REFERENCE

3.1. Establishment of the Audit Advisory Committee

The Audit Advisory Committee is a formally appointed sub-committee of Council and is responsible to that body. The Audit Advisory Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter to assist Council in its decision making in relation to the discharge of its responsibilities.

3.2. Membership

3.2.1. The Audit Advisory Committee will comprise up to four members, being, one Council member and three external independent persons. All members shall have full voting rights.

3.2.2. External independent persons will have senior business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements. The Mayor and Chief Executive Officer will source potential members, by public advertisement and will take into account the experience of the candidate and their likely ability to apply appropriate analytical and strategic management skills. Recommendation(s) for appointment and termination will be put to Council for approval.

3.2.3. The terms of the appointment will be for a minimum of three years and should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's members.

3.2.4. If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting that is open to the public, if that member so requests.

3.2.5. Remuneration will be paid to each independent member on an annual fee basis. The CEO and Mayor will determine variation to external member fees.

3.2.6. Only one of the external independent members can be appointed as Chairperson of the Committee. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.

3.2.7. A quorum shall be two members.

3.2.8. The Chief Executive Officer and internal auditor should attend all meetings, except when the Committee chooses to meet in camera. Other members of Council may attend meetings as an observer only. Council staff may be invited to attend at the discretion of the CEO or Committee to advise and provide information when required.

3.2.9. Representatives of the external auditor should be invited to attend at the discretion of the Committee but must attend meetings considering the draft annual financial report and results of the external audit.

3.2.10. The CEO will provide secretarial and administrative support to the Committee.

3.3. Meetings

3.3.1. The Committee shall meet at least quarterly.

3.3.2. A schedule of meetings will be developed and agreed to by the members. As an indicative guide, meetings would be arranged to coincide with relevant Council reporting deadlines, for example in June to coincide with the approval of corporate plans, annual plans and budgets and in August to coincide with the finalisation of the financial statements and the draft annual report to the Minister. Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee, internal or external auditor.

3.4. Reporting

3.4.1. The Audit Advisory Committee shall after every meeting forward an Audit Summary Report explaining any specific recommendations and key outcomes to the next ordinary meeting of the Council.

3.5. Duties and Responsibilities

The following are the duties and responsibilities of the Audit Advisory Committee in pursuing its Charter:

3.5.1. To review the scope of the internal audit plan and the effectiveness of the function. This review should consider whether, over a period of years, the internal audit plan systematically addresses:

Internal controls over significant areas of risk, including non-financial management control systems;

Internal controls over revenue, expenditure, assets and liability processes;

The efficiency, effectiveness and economy of significant Council programs; and

Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.

3.5.2. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.

3.5.3. Review the level of resources allocated to internal audit process and the scope of its authority.

3.5.4. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.

3.5.5. Review, critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of, the issues raised.

3.5.6. Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place.

3.5.7. Determining whether ethical standards, related party transactions and the systems of control are adequate.

3.5.8. Review Council's draft annual financial report, focusing on:

Accounting policies and practices;

- Changes to accounting policies and practices;

The process used in making significant accounting estimates;

- Significant adjustments to the financial report (if any) arising from the audit process;
- Compliance with accounting standards and other reporting requirements;
- Significant variances from prior years.

3.5.9. Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation prior to the signing of the financial report.

3.5.10. Discuss with the external auditor the scope of the audit and the planning of the audit.

3.5.11. Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.

3.5.12. Review the annual performance statement and recommend its adoption by Council.

3.5.13. Review issues in relation to financial reporting by Council business units and comparative performance indicators.

3.5.14. Identify and refer specific projects or investigations deemed necessary to the Chief Executive Officer, the internal auditor and the Council if appropriate. Oversee any subsequent investigation, including investigations of any suspected cases of fraud within the organisation.

3.5.15. Monitor the progress of any major lawsuits facing the Council.

3.5.16. Address issues brought to the attention of the Committee, including responding to requests from Council for advice that is within the parameters of the Committee's terms of reference.

3.5.17. Report to Council after each meeting, in the form of minutes and Audit Advisory Summary Report.

3.5.18. Seek information or obtain expert advice on matters of concern within the scope of its responsibilities, on approval from the Chief Executive Officer and authorisation from the Council.

3.6. Conflict of Interest

3.6.1. Committee Members shall abide by Council's Code of Conduct Policy. Committee members are responsible for determining if they have a direct or indirect interest in accordance with the Local Government Act. If a Committee member determines that they have a Conflict of Interest in any matter which is to be considered at a meeting of the Audit Advisory Committee then that person must:

- If he or she intends to be present at the meeting, disclose the nature of the interest immediately before the consideration or discussion ; or
- If he or she does not intend to be present at the meeting, disclose the nature of the interest to the Chief Executive Officer or Chairperson of the Audit Advisory Committee at any time before the meeting is held.

3.6.2. While any vote or discussion is taken on the subject matter the Member must:

- Leave the room and notify the Chairperson that he or she is doing so; and
- Remain outside the room and any gallery or other area in view or hearing of the room.

3.6.3. The Chairperson of the Audit Advisory Committee must record the declaration and the nature of the interest in the minutes of the meeting.

3.7. Confidentiality of Information

3.7.1. In accordance with section 77 of the Local Government Act 1989 " a person who is or has been a member of Council or a member of a special committee must not release information that the person knows, or shall reasonably know is confidential.

3.8. Audit Committee members to lodge primary and ordinary returns

3.8.1. Members of audit committees are required to submit a primary return within 30 days of becoming a member and to lodge an ordinary return twice each year.

3.8.2. A Council may exempt a member of an audit committee who is not a member of Council from being required to submit a primary or ordinary return (section 81 (2A) of the Act).

4. QUALITY RECORDS

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

Record	Retention/Disposal Responsibility	Retention Period	Location

5. ATTACHMENTS

Internal Audit Charter – FRM550.1

CHARTER

Internal Audit Charter	Document No:	FRM550.1
	Approval Date:	10 May 2016
	Approved By:	CEO
	Review Date:	10 May 2019
Responsible Officer: **Manager, Corporate Internal Auditor and Ombudsman**	Version No:	07
Authorising Officer: **Chief Executive Officer**		

1. FUNCTION

1.1. Role

The internal audit function is established to assist the Chief Executive Officer, the Members of Council and other Managers to ensure all activities within the City of Greater Geelong are carried out effectively and efficiently.

Accordingly, the internal audit programs must be sufficiently comprehensive to regularly review all facets of the Council's operations having regard to the functions and responsibility of the municipality.

The Internal Auditor is to provide the Chief Executive Officer with effective control mechanisms at reasonable cost by supplying:

1.1.1. Assurances as to the reliability of accounting and financial management information, protection of assets and resources.

1.1.2. Assurances as to compliance with relevant legislation, policies and procedures.

1.1.3. Independent and confidential advice on remedial action to improve the organisation's effectiveness, efficiency and economy.

1.1.4. Progress reports to Chief Executive Officer on remedial action taken by staff members and managers.

1.2. Independence

The internal audit function shall have independence status within the Council, and for that purpose the Internal Auditor shall:

1.2.1. Have direct and unrestricted access to the Audit Advisory Committee to discuss matters arising from time to time.

1.2.2. Have no executive or managerial powers, authority, function or duties except those relating to the internal audit function.

1.2.3. Not be involved in the day to day operations of the financial systems and associated control mechanisms.

1.2.4. Not be responsible for the detailed development of new systems, but shall be consulted on these matters and provide assurances to management that the completed systems will contribute to the achievement of the corporate objectives and that they include meaningful performance measures.

1.3. Authority

Internal audit staff shall at all reasonable times be subject to security arrangements and observance of all expected courtesies, have unrestricted

access to property, accounts, information, documents and records of the organisation.

In support of this:

1.3.1. Every officer and employee of Council shall provide the Internal Auditor with such information advice or explanation and assistance necessary for audit purposes.

1.3.2. The Internal Auditor shall have no direct responsibility or direct authority over any activities that are reviewed.

1.3.3. An internal audit review or appraisal shall in no way relieve other officers and employees in the Council of the responsibilities assigned to them.

1.4. Planning & Implementation

The Internal Audit Manager will develop and implement a comprehensive risk based three year strategic and annual audit plan which is to be approved by the Chief Executive Officer and which is to be reviewed and endorsed by the Audit Advisory Committee and which may incorporate the following key functions:

1.4.1. Reviewing, analysing and reporting on the efficiency and effectiveness of internal control systems and procedures and recommending changes.

1.4.2. Reviewing Council's activities and making assessments and recommendations in relation to risk management.

1.4.3. Monitoring, evaluating and reporting on compliance and probity issues surrounding the management of tendering arrangements, including contract compliance, the annual performance statement, comparative performance indicators, the national competition policy compliance statement, financial reporting by business units of Council and competitively neutral pricing guidelines.

1.4.4. Reviewing, assessing and reporting recommended changes to the Council's policies, practices and systems in respect to requirements for the highest standards of ethical behaviour and the impact on Council's financial statements and performance.

1.4.5. Providing strategic advice, conducting and completing corporate governance and compliance audits to assess performance against the Council's corporate, financial and strategic plans.

1.4.6. Conducting investigations of any special cases of fraud within the organisation and monitoring the progress of any major law suits facing the Council.

1.4.7. Reviewing policies, procedures and controls having appropriate regard of information technology systems employed.

1.4.8. Develop and implement a detailed annual Internal Audit Plan, which is to be approved by the Chief Executive Officer and endorsed by the Audit Advisory Committee.

1.4.9. Provide advice to the Chief Executive Officer and management as requested, including the development of policies and procedures.

1.4.10. Undertake special assignments as requested by the Chief Executive Officer.

1.4.11. Liaise with the external auditor and co-ordinate audit coverage.

1.4.12. Report to the Chief Executive Officer and Audit Advisory Committee.

2. REPORTING STANDARDS

2.1. Preparation

All internal audit reports shall:

2.1.1. Be clear, concise and complete

2.1.2. Clearly explain the scope and objectives of the audit.

2.1.3. Present findings and conclusions in an objective manner relevant to the specific users needs.

2.1.4. Use only factual information, findings and conclusions that are adequately supported by properly documented evidence.

2.1.5. Include, as applicable, the Internal Auditor's suggestions for the type of action to be taken and information on the underlying causes of the problems.

2.1.6. Place emphasis on improvement rather than criticism of the past recognising any difficulties faced by the Council staff.

2.1.7. Identify and explain issues or questions needing further study and consideration by the Internal Auditor or others.

2.1.8. Include recognition of management initiated improvements.

2.1.9. Include recognition of the views of responsible Managers, whether they are in agreement or in a contrary position, and state any significant information that has been omitted because it is privileged or confidential. The grounds for omission should be also given.

2.2. Distribution

2.2.1. Audit reports are issued to the relevant Manager concerned with a request for a written response to the issues raised. Management responses will be monitored through Council's performance management system, CorVu.

2.2.2. An Internal Audit Summary Report of issues raised and responses will be tabled at each Audit Advisory Committee meeting and Council meeting for information and further actions as deemed necessary.

2.2.3. Outstanding issues will be carried forward to the next report until cleared.

3. GENERAL AUDIT STANDARDS

Standards of internal auditing shall be consistent with the International Professional Practices Framework (IPPF) issued by the Institute of Internal Auditors

4. RELATIONSHIPS

The Internal Auditor will liaise with professional organisations, other municipalities and bodies regarding development in internal audit practices for both manual and automated major systems.

5. QUALITY ASSURANCE

In order to ensure that the quality of internal audit work is consistently of a high standard the Internal Auditor shall:

5.1.1. Develop a comprehensive reporting arrangement

5.1.2. Maintain a regular review of audit plans, reports and working papers.

5.1.3. Maintain effective communication links with the External Auditor as appropriate.

6. MEETINGS

6.1. Audit Advisory Committee

Meetings between the Audit Advisory Committee and Internal Auditor shall be no less than four times per year to discuss the Audit reports.

6.2. Minutes

Minutes shall be kept by the Internal Auditor, distributed to Committee members and made available for review by the External Auditors.

14. EXCHANGE OF LAND - BATMAN ROAD INDENTED HEAD – CONSIDERATION OF SUBMISSIONS

Source **Strategy & Performance - Property & Procurement**
General Manager: **Dean Frost**
Index Reference **Land Sales**

Purpose

Having given public notice of its intention to exchange land, the purpose of this report is to recommend that Council, having considered all submissions received, proceeds with the exchange of land with Mira Ira Nominees Pty Ltd ("the developer") at Batman Road, Indented Head.

Summary

- Mira Ira Nominees Pty Ltd ("the developer") has been developing the Seabreeze residential estate at Indented Head for a number of years, and as development moves to the west it is approaching land of high ecological significance which contains a non perennial watercourse.
- Council is the owner of a 3.917ha municipal reserve adjacent to the Seabreeze residential estate which remains undeveloped for any active purpose, and is higher land of lower ecological significance. Refer to Attachment 2.
- At its meeting on 27 January 2016 Council resolved to enter into an exchange of land agreement with the developer to exchange the Council reserve for approximately 13.6 ha of the developer's land being land of high ecological value
- Notice of Council's intention to exchange the land (including the sale of its reserve at 690 Batman Road) was publish in City News on 5 and 6 February 2016 and a total of 37 submissions were received. All submissions supported the proposed exchange of land. Refer to Attachment 1.
- Council obtained an ecological assessment in 2014 of the Council's and the developer's land which identifies a large area of land of high ecological value. The land of high ecological value is one of the two most significant parcels of remnant vegetation remaining in private ownership on the Bellarine Peninsula.
- It is recommended that Council, having considered all submissions, enters into a land exchange agreement on the terms set out in the Recommendation, and notify all submitters of the decision.

Moved and declared carried by the Interim Administrator -

That Council, having given public notice of its intention to exchange land at Indented Head and having considered all submissions received, resolves to:

1) proceed with the exchange of Council land at 690 Batman Road, Indented Head for approximately 13.6ha of land on the following conditions:

- **The land being exchanged for a payment to Council of $95,000 plus GST;**
- **The developer obtaining planning approval to develop the land it will own following the exchange;**
- **Removal of the reserve restriction from the Council's land;**
- **Other appropriate terms and conditions; and**

2) notify in writing each person who has made a submission of the Council's decision.

Background

Mira Ira Nominees Pty Ltd ("the developer") is the developer of the Seabreeze Estate at Indented Head which has been undergoing a staged residential development for a number of years. The developer's land remaining undeveloped is zoned General Residential Zone 2 and much of that land is land of high ecological value.

An ecological assessment of both Council's and the developer's land was undertaken for Council in 2014. In summary that assessment identified significant fauna and flora including:

- Plains grassy woodland;
- Grassy woodland;
- Plains freshwater sedge wetland (EPBC Act listed).
- Latham's Snipe was observed in the wetland which is a threatened fauna species. 32 native birds and 2 native frog species were also observed.

In 1988 at the commencement of development of the land, an area of 3.917 ha was set aside as a reserve for municipal purposes with frontage to Batman Road. Apart from routine mowing of the reserve, it has never been developed or used for any active recreational purpose.

For over 10 years discussions have been held between Council and the developer about the future of the municipal reserve and the land with significant ecological values including the possibility of a land exchange.

The Bellarine Peninsula Recreation and Leisure Needs Study (2005) recommended that Council should actively pursue a land exchange where the developer would obtain the municipal reserve and Council would obtain the land of ecological significance.

Discussion

At its meeting on 27 January 2016 Council resolved to enter into an exchange of land agreement with the developer to exchange Council's reserve for approximately 13.6 ha of the developer's land being land of high ecological value. Refer to Attachment 2.

Notice of Council's intention to exchange the land (including the sale of its reserve at 690 Batman Road) was published in City News on 5 and 6 February 2016 and a total of 37 submissions were received. All submissions supported the proposed exchange of land.

Initially 2 of the submitters indicated they wish to be heard, however those requests for hearings were subsequently withdrawn, given that all submissions were supporting the proposal.

Environmental Implications

The proposed land exchange presents an opportunity for Council to own and preserve one of the two most significant parcels of remnant vegetation that remain in private ownership on the Bellarine Peninsula. Parts of the land of lesser ecological value may be able to be used for alternative more active recreation use as appropriate.

A management plan for the land to be owned by Council will be prepared which will recommend appropriate capital works and annual maintenance programs. There is also an opportunity for community involvement in on going management of the land.

There are no major capital works required for future management purposes although works compromising fencing, walking trails and signage are anticipated. Recurrent costs will be mainly weed control and slashing.

Financial Implications

Consideration for the land exchange is a $95,000 payment to Council. This amount is based on the valuations obtained by Council and represents the difference in the values of the land parcels being exchanged.

Estimates for capital and recurrent costs for Council in relation to the ownership of the land of high ecological significance are:

Preparation of management plan	$17,000
Fencing, gates, paths	$35,000
Other including signage, community event	$7,300
Annual maintenance including mowing	$15,000

Policy/Legal/Statutory Implications

The exchange of land involves an agreement to sell and purchase land. For the sale of the municipal reserve the reserve restriction needs to be removed from the title and a planning permit is required to do this.

Council is also required to give notice of intention to sell land under s189 of the Local Government Act, the outcome of which is the subject of this report.

There are no procedures under the Local Government Act for purchase of the land of ecological significance by Council.

Council is required to obtain a valuation for the sale of the land, and two valuations have been obtained.

Alignment to City Plan

The proposed exchange of land is consistent with objectives of the Enhance and Protect Natural Areas and Ecosystem Health priority in City Plan 2013/17.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no significant risks for Council in the ownership and management of the land of high ecological value.

Social Considerations

Ownership of the land by Council provides an opportunity for community involvement in the improvement and management of the land, which has the potential to provide both active and passive recreational opportunities along with the protection and enhancement of land of high ecological significance.

Human Rights Charter

The recommendations of this report and the subsequent exchange of land have no implications relating to the Human Rights Charter.

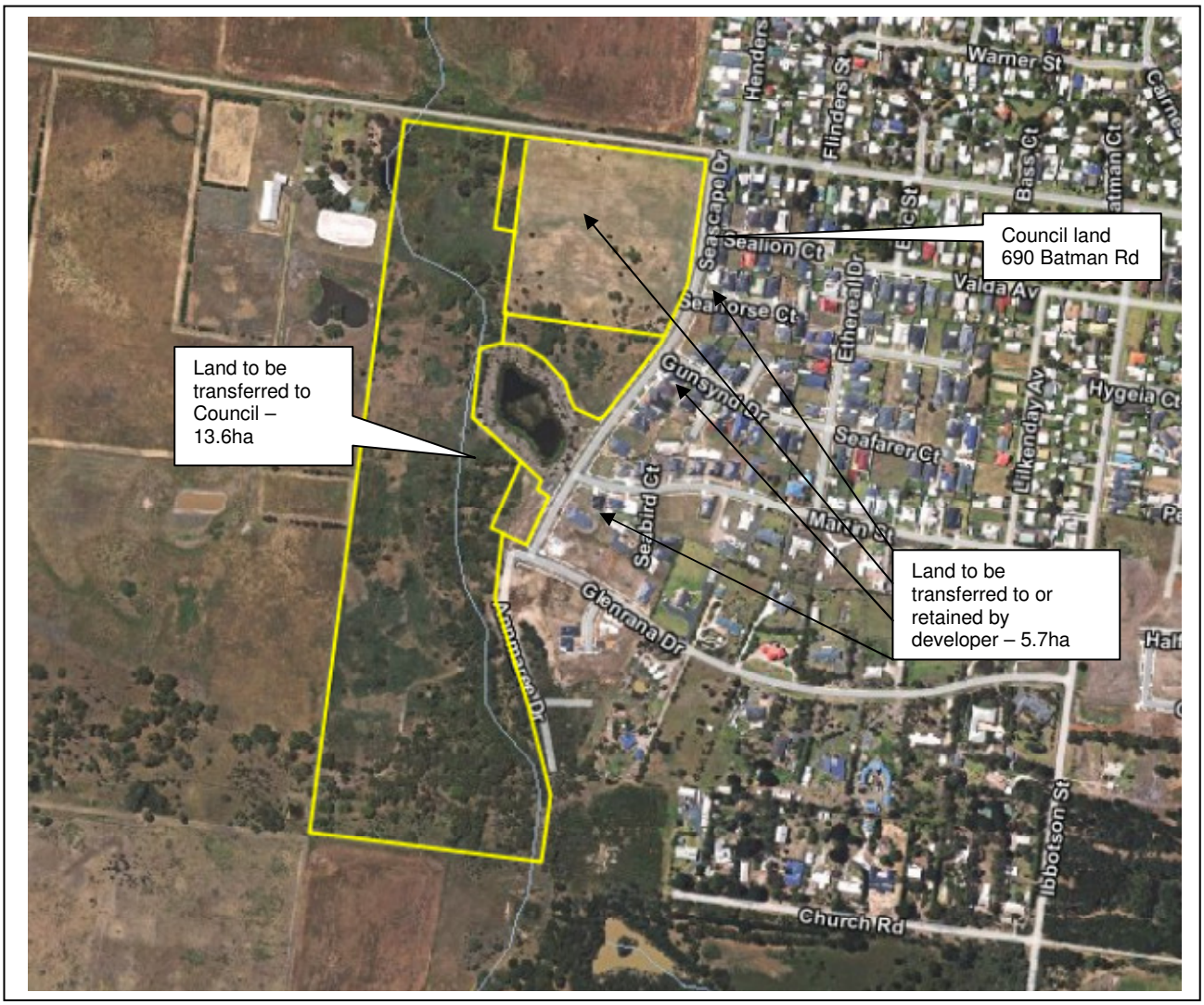
Consultation and Communication

Public consultation has occurred in the advertising process and further planning approvals are required. The exchange of land is supported by Council's Recreation and Open Space and Environment Departments.

Attachment 1 – Schedule of Submitters
(All Supporting Submissions)

	Submitter		Submitter
1	Indented Head Community Association	20	G Wren
2	Bellarine Catchment Network	21	P Wren
3	R & M Ruta	22	J Bliss
4	P Meyers	23	V Burrnard
5	W Healther	24	B Parton
6	M Carrabott	25	D & S Sandkhul
7	D & H Bartlett	26	L Dressing
8	U Clinnick	27	K Douglas
9	G & B Georgakopoulos	28	T Pescott
10	A Bowman	29	P & M Robotham
11	S Cohen	30	I Stoddart
12	S Cohen	31	E Gross
13	J Cormack	32	P Steitberger
14	B Cormack	33	L & G Wishart
15	D Creaser	34	A Black
16	G Creaser	35	V Perrett
17	W Craig	36	Geelong Field Naturalists
18	R Parton	37	J Moore
19	A White		

Attachment 2 - Plan of Land Exchange



15. BAKER STREET GROUP, OCEAN GROVE ROAD CONSTRUCTION SPECIAL CHARGE SCHEME – SRC 340 – INTENTION TO DECLARE

Source: **City Services - Engineering Services**
General Manager: **William Tieppo**
Index Reference: **Council Reports 2016, Special Rates and Charges**

Purpose

The purpose of this report is to seek a resolution by Council to give notice of its 'Intention to Declare' a special charge to property owners for road construction in the Baker Street group of roads, Ocean Grove.

Summary

- Complaints have come in over the years about the state of the unsealed roads within the Baker Street group of roads, Ocean Grove.
- Council officers developed some options and a Special Charge Scheme proposal as a means to fund the project. This was shown to property owners at a public meeting held on 21 March 2015. Feedback to the proposal was sought via a subsequent survey. The survey indicated that a majority of property owners are in favour of road construction with a narrower than convention road seal with roll over kerb (semi mountable) and an upgrade to drainage as the most preferred option.
- Considerable support was also shown for the construction of Field Street South to the more standard road pavement width of 7.5 metres including a Council funded footpath to the beach and car parking.
- The proposed scope of works includes sealing all unsealed portions of roads including Field Street South, Baker Street, Osborne Street and Inskip Street, Ocean Grove. (See Plan Appendix 4). The Esplanade between Field Street South and Inskip Street will also be constructed but will not be included as part of the scheme. The Esplanade will be funded by Council as a community facility for beach users as the road is not an essential requirement for access for any of the benefiting properties within the scheme.
- There is 1.4 km of roads to be sealed as part of the scheme and there are 106 individual properties benefiting from the scheme. 250 metres of The Esplanade will be sealed as part of the project but without kerbing or drainage upgrades.
- Council funded works will include intersection safety improvements, the footpath in Field Street, underground drainage upgrades and The Esplanade road construction.
- The total cost of the project is estimated to be $1,899,146. This includes a direct contribution by Council of $324,480 for underground drainage improvements and a footpath along Field Street South plus a further $173,040 to construct The Esplanade between Field Street south and Inskip Street. Owners will be contributing $1,191,382 towards the scheme and Council will contribute an additional $210,244 in recognition of the benefits the scheme will provide to the wider community.
- The scheme has been prepared in accordance with the special rate and charge provisions of the Local Government Act 1989, along with Council's Special Rates and Charges Policy and community engagement guidelines.

Moved and declared carried by the Interim Administrator -

That Council:

1) **Gives notice of its intention to declare a Special Charge Scheme in accordance with Section 163 (1A) of the Local Government Act 1989 ('the Act'), as follows:**

   a) **The Special Charge is declared for a period of five (5) years commencing upon completion of the works and scheme finalisation.**

   b) **The special charge be declared for the purposes of defraying expenses incurred by Council in relation to the construction of roads for streets including Field Street South, Baker Street, Osborne Street and Inskip Street, Ocean Grove which:**

      b1) **will provide proper sealed road access, improved street drainage and enhancement to the 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) **it be recorded that, for the purposes of Section 163 (2A) of the Act, the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula (R x C = S), the:**

      c1) **'benefit ratio' (R) being calculated at 0.85 represents the special benefits to all persons liable to pay the special charge; and**

      c2) **'total cost' (C) of performing the function described in Part b of this Resolution based on estimated cost be recorded as $1,401,626.**

      c3) **'maximum levy' (S) total amount of the special charge be levied and recorded as $1,191,382.**

   d) **the following be specified as the area for which the special rate is so declared:**

      d1) **the area within municipal district of Council highlighted in the plan attached to this Resolution ("the area").**

   e) **the following be specified as the land in relation to which the special charge so declared:**

      e1) **All land within the area shown on the plan.**

   f) **the following be specified as the criteria which form the basis of the special charge so declared:**

      f1) **Ownership of any land described in Part 1(e) of this Resolution.**

   g) **the following be specified as the manner in which the special charge so declared will be assessed and levied:**

      g1) **The costs to be apportioned based on access and amenity benefits.**

      g2) **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.**

h) having regard to the preceding parts of this Resolution but subject to Section 166 (1) of the Act, it be recorded that:

h1) the owners of the land described in column 1 and 2 of Schedule C to the Resolution are estimated liable for the respective amounts set out in column 6 of Schedule C; and

h2) such owners may, subject to any further resolution of Council pay the special charge in the following manner:

h2(a) 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;

h2(b) 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

h2(c) in accordance with Section 172 of the Act, the rate of interest which is payable on the special charge which has not been paid by the specified 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) Consider any submissions made under Section 223 of the Act and the proposed declaration via Council's Submissions Review Panel, and then by Council at a subsequent meeting, at which time Council will consider whether to make a declaration in the form proposed.

3) Authorise Council's Chief Executive Officer to give public notice of the proposed declaration in accordance with sections 163 (1A) and (1B) of the Act and send a copy of the public notice to each person who is liable to pay the special rate in accordance with Section 163 (1C) of the Act.

4) Authorise the construction of The Esplanade between Inskip Street and Field Street South as part of the project work.

Background

Consultation between Council and the Baker Street group of property owners culminated in a public meeting held at the Boorai Center, Ocean Grove on 21 March 2015. Scheme proposal options were shown to the approximately 60 affected property owners in attendance including the estimated charges to property owners and the Benefit Ratio Calculations. All questions in relation to the proposed scheme were answered in a transparent manner.

As a follow up to this meeting, an informal survey and detailed information sheet was sent out to the affected property owners. 90 responses to the survey were received representing an 85% response. Of the responses, there were 46 Yes votes to the proposed road construction and 44 No votes. The owners of the caravan park have indicated their support. As the owner of 40 individually titled properties, this weights the numbers in terms of overall voting rights and support for the scheme. With voting rights included, the final vote is 85 yes votes and 44 no votes.

A second question posed on the survey form was whether or not property owners wanted Field Street south constructed to a standard pavement width of 7.5 metres. A clear majority of property owners were in favour of this proposal

A detailed design and cost estimate for the project has been prepared. The estimated charge for a property receiving full benefits for access and amenity is $9,521.

Discussion

Council officers have been in consultation with the Baker Street Group since early 2014 for this revised scheme proposal.

Many of the affected property owners want solutions to the ongoing problems inherent with unsealed roads in residential areas; these being mud in the wet, dust in the dry, potholes and uneven surfaces and the related problems such as respiratory difficulties associated with dust, and car and home maintenance concerns associated with dust and mud.

By March 2015, the scope of work was defined via the results of a detailed survey. The option of a narrower than convention road pavement including driveable kerb and channel and underground drainage was the most preferred option. This option will be used for Baker Street, Osborne Street and Inskip Street as a way of keeping some of the natural character of the area. The option of sealing Field Street South to the standard road width of 7.5 metres and include provision for car parking and a footpath was also considered appropriate due to high use of this street during the peak holiday periods.

Development of the scheme proposal followed and the allocation of costs was determined by allocating a Benefit Unit (BU) to all affected properties. In general, all properties are considered to receive access and amenity benefits.

The access benefit is obvious in that all properties with a new or partially sealed road abutting the property will receive an improved access, either in full or in part. The amenity benefit includes things like improved nature strips, improved appearance to property frontages, property value, resident comfort and safety, and reduced levels of dust and mud.

For a standard property fronting an existing unsealed road, one (1) access Benefit Unit (BU) and one (1) amenity BU have been assigned for each property giving a total of two (2) BU. There are variations to this model which are summarised as follows:

- **Corner properties with both frontages currently unsealed**

These properties are considered to receive no more benefit to any other property with unsealed roads for this scheme and therefore have been assigned the standard 2 BU each.

- **Corner properties with an existing sealed road on one frontage.**

These properties are considered to receive either a full or partial access benefit depending on where the main driveway access to the property is but only a partial amenity benefit.

- **Multiple unit development sites**

Some properties have multiple units. The units with street frontage are considered to receive a full access and partial (0.75) amenity benefit. The units at the rear are considered to receive a full access benefit but only half an amenity benefit. Some units have received a further reduction to amenity due to the title arrangement.

- **Large properties**

Some property owners in the scheme own larger properties or multiple lots. If a home has been constructed on a portion of the large property, it is considered that the property may be further subdivided into smaller standard lots. These properties have incurred additional charges.

- **Caravan Park**

The Caravan Park is zoned residential and fronts the unsealed roads of all streets within the scheme. The park has an existing residential subdivision status and charges have been apportioned to each allotment the same as any other allotment as described above.

Environmental Implications

The road infrastructure proposal provides proper sealed access, improved drainage and improved safety for pedestrian and vehicular traffic**.** Dust is eliminated.

Storm water runoff will be less contaminated with silt prior to discharge as the bulk of the storm water will be cleaner coming off a sealed road environment.

It is anticipated that minimal vegetation removal will be required to complete the project however a planning permit for vegetation removal will be sought if required.

During the course of construction and the manufacture and procurement of materials, there is expenditure of energy sources and greenhouse gas emissions. This does cease, however, when construction is complete.

The project does not create waste with the exception of some excess spoil. The proposal does not affect any natural habitats.

Financial Implications

The project has a one off capital cost and there will be minimal ongoing maintenance costs. The scheme is funded from the core road construction program C02301 and could proceed in the 2016/17 financial year if approved.

A breakdown of costs is as follows:

Estimated scheme cost to property owners	**$1,191,382**
Estimated scheme cost to Council - **$210,244**	**$707,764**
Estimated direct cost to Council for improved roadside drainage and footpath - **$324,480**	
Estimated direct cost to Council for the construction of The Esplanade between Field Street South and Inskip Street - **$173,040**	
Total Project Cost	**$1,899,146**

The total estimated net cost to Council for this project is **$707,764**

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 Council's Special Rates and Charges Policy and community engagement guidelines.

Alignment to City Plan

This report aligns with the City Plan as follows:

Community Wellbeing:

- Healthy Lifestyles – Facilitating and promoting physical activity.
- Healthy Environments – Safe, hazard and nuisance free environments.

Sustainably Built and Natural Environment

- Enhance and protect natural areas and ecosystem health
- Support our Community to live – Encourage increased use of alternatives to car transport.
- Advocate for and promote sustainable design and development – Promoting sustainable design and retrofitting and acknowledging the communities desire to have their say.

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 sealed roads will provide safer driving conditions for motorists with a defined and more standard road profile. Walking conditions for pedestrians will also be enhanced by minimising the risk of personal injuries through conflict with vehicles. The improved drainage will reduce the hazards associated with water over roads and the affects of nuisance flooding to property. There are no identified risks for Council in making its intention to declare the scheme.

Social Considerations

The provision of properly sealed and drained roadways is aligned to Council's City Plan as described above and provides improved connectivity and safety for motorists and pedestrians.

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 Baker Street group of roads 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 of the road construction Special Charge Scheme has been carried out as follows:

- January 2015 – Update letter to property owners reintroducing the scheme proposal.
- March 2015 – Invitation letter to public meeting
- 21 March 2015 - Public meeting (open forum with 60 attendees) held at the Boorai Centre, Ocean Grove. This meeting disclosed all information in relation to the proposed scheme including scope of work, cost apportionment and Benefit Ratio Calculation.
- April 2015 – Update letter, information sheet and property owner survey.
- 19 July 2013 – Update letter to property owners disclosing results of survey and process from here.
- Many phone calls, emails and letters have been received and responded to during the consultation process.

Further correspondence will be sent to all affected property owners should Council resolve to make its Intention to Declare the scheme.

Appendix 1

COST ESTIMATE FOR CONSTRUCTION OF ROADS BAKER STREET GROUP

The works for the construction of roads in Baker Street, Osborne Street Inskip Street and Field Street South which consist of excavation, drainage improvements, intersection improvements, reinstatement of nature strips, legal advice and professional services associated with survey, engineering design, supervision and administration of the project as included in the cost estimate as shown below.

Road construction including Field Street South					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE**	**AMOUNT**
1.00	**GENERAL**				
1.01	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.		ITEM		$80,000.00
1.02	Traffic management costs.		ITEM		$15,000.00
1.03	Setting out of works.		ITEM		$4,000.00
2.00	**EARTHWORKS & DEMOLITION**				
2.01	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.	2800	m^3	$60	$168,000.00
3.00	**PAVEMENT WORKS**				
3.01	150mm compacted depth Class 3 40mm crushed rock, supplied, spread and compacted.	1123.65	m^3	$100	$112,365.00
3.02	150mm compacted depth Class 2 20mm crushed rock, supplied, spread and compacted.	1123.65	m^3	$110	$123,601.50
3.03	30mm compacted depth 10mm nominal size type N Asphalt spread and compacted including emulsion prime & grit using a paver.	7491	m^2	$35	$262,185.00
4.00	**CONCRETE WORKS:**				
	KERBING				
4.01	B1 Barrier kerbing, including fine crushed rock bedding.	208	m	$120	$24,960.00
4.02	SM2 Semi-mountable kerb and channel 600mm wide, including fine crushed rock bedding.	2635	m	$130	$342,550.00
4.03	Concrete open invert 600mm wide including fine crushed rock bedding.	184	m	$140	$25,760.00
5.00	**LANDSCAPING**				
5.01	Top soiling and seeding nature strips, medians and outer separators.	1200	m^2	$8	$9,600.00
SUB-TOTAL					**$1,168,022**
10% CONTINGENCY					**$116,802**
DESIGN					**$58,401**
PROJECT ADMINISTRATION					**$58,401**
CONSTRUCTION COST ESTIMATE					**$1,401,626**

Council Funded Works - Road Drainage and Footpath Construction					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**GENERAL**				
1.01	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.		ITEM		$30,000.00
1.02	Traffic management costs.		ITEM		$5,000.00
1.03	Setting out of works.		ITEM		$1,000.00
4.00	**DRAINAGE**				
	PIPES				
4.01	300mm dia RC pipe, supplied, laid and jointed including excavation, placement of approved fine crushed rock bedding and back-filling with approved FCR.	520	m	$160	$83,200.00
	PITS : SOAK PIT				
4.02	Supply, deliver and assemble 158 Atlantis Double Storage units. Place filtergrade Geofabric around Storage units. Encase soak pit in clean river sand. Place 350mm deep layer of clean excavated material backfill.	1	ITEM	$40,000	$40,000.00
	PITS : GRATED				
4.03	900mm x 600mm grating pit supplied and placed including excavation, placement of approved fine crushed rock bedding and back-filling with approved material.	3	No.	$1,950	$5,850.00
	PITS : SEP				
4.04	900mm x 600mm S.E.Pit, with Gatic type cover, supplied and placed including excavation, placement of approved fine crushed rock bedding and back-filling with approved material.	26	No.	$1,400	$36,400.00
	PITS : JP				
4.05	900mm x 600mm junction pit, less than 1.5m deep with Gatic type cover, supplied and placed including excavation, placement of approved fine crushed rock bedding and back-filling with approved material.	6	No.	$1,600	$9,600.00
5.00	**CONCRETE WORKS:**			`	
	PAVING				
	75mm concrete footpath with SL72 mesh including crushed rock bedding and reinstate nature strip.	400	m^2	$115	$46,000.00
	125mm concrete paving with SL72 mesh including crushed rock bedding and reinstate nature strip.	30	m^2	$125	$3,750.00
7.00	**LANDSCAPING**				
7.01	Top soiling and seeding nature strips, medians and outer separators.	1200	m^2	$8	$9,600.00
SUB-TOTAL					**$270,400**
10% CONTINGENCY					**$27,040**
DESIGN					**$13,520**
PROJECT ADMINISTRATION					**$13,520**
CONSTRUCTION COST ESTIMATE					**$324,480**

Council Funded Works - The Esplanade					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**GENERAL**				
1.01	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.	1	ITEM		$15,000.00
1.02	Traffic management costs.	1	ITEM		$5,000.00
2.00	**EARTHWORKS & DEMOLITION**				
2.01	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.	350	m^3	$60	$21,000.00
3.00	**PAVEMENT WORKS**				
3.01	150mm compacted depth Class 2 20mm crushed rock footpath, supplied, spread and compacted.	20	m^3	$120	$2,400.00
3.02	150mm compacted depth Class 3 40mm crushed rock, supplied, spread and compacted.	175	m^3	$100	$17,500.00
3.03	150mm compacted depth Class 2 20mm crushed rock, supplied, spread and compacted.	175	m^3	$120	$21,000.00
3.04	30mm compacted depth 10mm nominal size type N Asphalt spread and compacted including emulsion prime & grit using a paver.	1170	m^2	$35	$40,950.00
4.00	**LANDSCAPING**				
4.01	Top soiling and seeding nature strips, medians and outer separators.	250	m^2	$15	$3,750.00
4.02	Bollards 125mm dia, 1.2m high round top treated pine supplied and placed with concrete backfill.	104	No	$150	$15,600.00
5.00	**SIGNING, LINE-MARKING AND FENCING**				
5.01	Line-marking	1	ITEM		$2,000.00
SUB-TOTAL					**$144,200**
10% CONTINGENCY					$14,420.00
DESIGN					$7,210.00
PROJECT ADMINISTRATION					$7,210.00
CONSTRUCTION COST ESTIMATE					**$173,040**

Appendix 2

Benefit Ratio Calculation – SCHEDULE 'B'

A Purpose

To construct Field Street South, Baker Street, Osbourne Street, Inskip Street and The Esplanade, Ocean Grove.

B Coherence

The works will provide a physical connection between Presidents Avenue, Orton Street, Surf Beach Road and Barwon Heads Road, Ocean Grove and will provide a special benefit to adjoining and adjacent properties.

C Total Cost C

Total Estimated cost of works - urban beachside road construction	$1,401,626.00
TOTAL COST	**$1,401,626.00**

D Identify Special Beneficiaries

111 properties are considered to receive a combination of access and amenity benefits.

E Properties to include

Total Special Benefits (in) is apportioned to 111 properties

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 this scheme it is considered that an equal portion of access and amenity benefits apply to an individual property therefore 50% of the benefits relate to access and 50% to amenity. Estimated use of the roads is 30% for the wider community and 70% for the affected property owners. This estimate is based on the average use of the roads over a twelve month period and has been calculated with the use of colated traffic data. There are no amenity benefits apportioned for the wider community. Amenity benefit is based on frontage with 100% of the new roads fronting benefiting properties. TSB (in) is therefore calculated as follows:

TSB (in) = 50% X 70%(access) + 50% X 100% (amenity) = **85.0%**

G Estimate of Total Community Benefit -TCB

It is considered that people in the community will receive an access benefit from the works as the roadways are used to access other areas considering potential destinations such as the surf beach, Dunes restaurant and access to surrounding roads. TCB is calculated as follows:

TCB = 50% X 30% (access) = **15.0%**

H Calculate "Benefit Ratio" - R

$$\text{Benefits Ratio} = \frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}} = \frac{85}{85 + 0 + 15} = \mathbf{0.85}$$

I Maximum Total Levy (S)

Maximum Total Levy S = R X C	**$1,191,382.10**
Council Contribution to Special Charge Scheme	$210,243.90

Appendix 3

SCHEDULE "C"

PROPOSED SPECIAL CHARGE SCHEME - ROAD CONSTRUCTION OCEAN GROVE

Baker Street Group - Road Construction Cost Apportionment					
Column 1	**Column 2**	**Column 3**	**Column 4**	**Column5**	**Column 6**
Prop Key	Address	Access Benefit	Amenity Benefit	Total Benefit	Total Estimated Cost
244172	1-3 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244191	2 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
244192	4 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244173	5 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244193	6 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244174	7-9 Baker Street, OCEAN GROVE	2.0	2.00	4.00	$19,043.07
244194	8 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244175	11 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244176	13 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
327367	1/15 Baker Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
327368	2/15 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
201419	1/25 Baker Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
222101	2/25 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
221742	3/25 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
343241	Unit 1/29-33 Baker Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
271896	Unit 2/29-33 Baker Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
271897	Unit 3/29-33 Baker Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
334931	Unit 4/29-33 Baker Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
271899	Unit 5/29-33 Baker Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
343242	Unit 6/29-33 Baker Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
271901	Unit 7/29-33 Baker Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
343243	Unit 8/29-33 Baker Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
244181	35 Baker Street, OCEAN GROVE	0.5	0.50	1.00	$4,760.77
356854	36 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
269729	PARENT - 36 Baker Street, OCEAN GROVE			0.00	$0.00
244182	37 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
272284	1/38 Baker Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
272285	2/38 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
244183	39 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244197	40 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244184	41 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244198	42 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
341149	1/43 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
341150	2/43 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
244199	44 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244186	45 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
335617	1/46 Baker Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34

Baker Street Group - Road Construction Cost Apportionment					
Column 1	**Column 2**	**Column 3**	**Column 4**	**Column5**	**Column 6**
Prop Key	Address	Access Benefit	Amenity Benefit	Total Benefit	Total Estimated Cost
335618	2/46 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
270348	1/47 Baker Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
270349	2/47 Baker Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
244201	48 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244188	49 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244202	50 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244189	51 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244203	52 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244190	53 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
244204	54 Baker Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
356855	137 Field Street South, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
253744	1/1-3 Inskip Street, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
253745	2/1-3 Inskip Street, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
253746	3/1-3 Inskip Street, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
253747	4/1-3 Inskip Street, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
253748	5/1-3 Inskip Street, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
253749	6/1-3 Inskip Street, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
253750	7/1-3 Inskip Street, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
264136	2 Inskip Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
336258	1/4 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
336259	2/4 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
253751	5 Inskip Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
314987	1/6 Inskip Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
314988	2/6 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
318158	1/8 Inskip Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
318159	2/8 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
312894	16 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
312893	18 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
312892	20 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
312891	22 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
312890	24 Inskip Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
264147	30-34 Orton Street, OCEAN GROVE	1.0	1.75	2.75	$13,092.11
350443	8/32 Orton Street, OCEAN GROVE	0.0	0.25	0.25	$1,190.19
314298	1 Osborne Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
314299	3 Osborne Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
257308	5 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257309	7 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257310	9 Osborne Street, OCEAN GROVE	2.0	2.00	4.00	$19,043.07
257311	1/11 Osborne Street, OCEAN GROVE	2.0	2.00	4.00	$19,043.07
257312	2/11 Osborne Street, OCEAN GROVE				$0.00
257313	3/11 Osborne Street, OCEAN GROVE				$0.00
257314	4/11 Osborne Street, OCEAN GROVE				$0.00
257315	5/11 Osborne Street, OCEAN GROVE				$0.00

Baker Street Group - Road Construction Cost Apportionment					
Column 1	**Column 2**	**Column 3**	**Column 4**	**Column5**	**Column 6**
Prop Key	Address	Access Benefit	Amenity Benefit	Total Benefit	Total Estimated Cost
257316	6/11 Osborne Street, OCEAN GROVE				$0.00
338009	1/18 Osborne Street, OCEAN GROVE	1.0	0.75	1.75	$8,331.34
338010	2/18 Osborne Street, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
257327	20 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257328	1/22 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257329	2/22 Osborne Street, OCEAN GROVE				$0.00
257330	24 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257331	26 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257332	28 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
330522	34 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257317	35 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
250549	36 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257318	37 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
250550	38 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257319	39 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
250551	40 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257320	41 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
250552	42-44 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257321	43 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257322	45 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257323	47 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257324	49 Osborne Street, OCEAN GROVE	1.0	1.00	2.00	$9,521.54
257325	51 Osborne Street, OCEAN GROVE	0.5	0.25	0.75	$3,570.58
264146	16 Sweetman Parade, OCEAN GROVE	0.0	0.50	0.50	$2,380.38
314297	18 Sweetman Parade, OCEAN GROVE	1.0	0.50	1.50	$7,141.15
312883	1/5-7 The Esplanade, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
312884	2/5-7 The Esplanade, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
312885	3/5-7 The Esplanade, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
312886	4/5-7 The Esplanade, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
312887	5/5-7 The Esplanade, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
312888	6/5-7 The Esplanade, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
312889	7/5-7 The Esplanade, OCEAN GROVE	1.0	0.25	1.25	$5,950.96
264134	9 The Esplanade, OCEAN GROVE	37.0	37.00	74.00	$352,296.80
330521	29 The Esplanade, OCEAN GROVE	1.0	1.00	2.00	$9,521.54

Appendix 4

PLAN



Location of proposed road

Location of proposed footpath

Properties included in the proposed scheme

Attachment 1

PROCESS CHART

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

Baker Street Group of Streets

Stage	***Status***	***Description***
Approval to prepare scheme	✓	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. April 2015.
Intention to Declare Scheme	✓	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.
Advertisement		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.
Submissions		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.
Submissions Review Panel Hearing		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.
Declaration Report		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.
Appeal		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.
Construction		Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.
Final Cost Report		At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

16. WYNDHAM STREET, DRYSDALE - PROPOSED FOOTPATH CONSTRUCTION - SRC 343 - DECLARATION OF CHARGE

Source: **City Services - Engineering Services**
General Manager: **William Tieppo**
Index Reference: **Special Rates and Charges**
Wyndham Street, Drysdale

Purpose

This report seeks a resolution by Council to declare the charges to partially fund the construction of a footpath along the north side of Wyndham Street, Drysdale between Jetty Road and Sheileen Court. (See plan – Appendix 4).

Summary

- At its meeting of 17 December 2015, Council resolved its Intention to Declare a Special Charge Scheme to fund the Wyndham Street footpath.
- The scheme was advertised in the Geelong Advertiser on Saturday 28 November 2015. One submission was received during the submission period that closed on Monday 11 January 2016.
- After negotiating with the property owner in relation to the submission, minor plan amendments have been made that have addressed the owners concerns. They are in support of the footpath and do not wish to proceed to a panel hearing.
- It is proposed to construct 840 lineal meters of 1.5 metre wide concrete footpath to provide for pedestrian access along Wyndham Street, Drysdale.
- There are eleven (11) rural residential properties abutting the proposed footpath that will receive special benefit. There are no Council owned properties in the scheme.
- The total estimated project cost is $242,434. This includes direct funding by Council estimated at $25,739 for the construction of supporting retaining walls.
- A Benefit Ratio of 0.095 has been calculated in accordance with Section 163 of the Local Government Act, which equates to a Council contribution to the scheme of $196,057 and property owner contribution of $20,638.
- Property owners are considered to receive benefit from the works by way of improved pedestrian access, safety and general amenity improvements.
- 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.

Moved and declared carried by the Interim Administrator -

That Council:

Resolves to declare a Special Charge Scheme in accordance with Section 163 (3) of the Local Government Act 1989 (The Act), as follows:

a) The Special Charge is declared for a period of five (5) years commencing upon completion of the works and scheme finalisation.

b) The Special Charge be declared for the purpose of defraying any expenses incurred by Council in relation to the construction of the footpath on Wyndham Street between Jetty Road and Sheileen Court, Drysdale which:

b1) Will provide proper pedestrian access, improved pedestrian safety and enhancement to the 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 $242,434(Schedule A).

d) It be recorded that, for the purposes of Section 163 (2A) of the Act, the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula (R x C = S), the:

d1) 'benefit ratio' (R) being calculated at 0.095 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 $216,695; and

d3) 'maximum levy' (S) be recorded as $20,638.

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 divided equally on an access and frontage share basis;

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 1 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 Council's Chief Executive Officer to levy the Special Charge in accordance with Section 163 (4) of the Act.

Background

On 17 December 2015, Council resolved to give notice of its intention to declare a Special Charge Scheme for the construction of the Wyndham Street footpath, Drysdale.

During the subsequent submissions period one submission was received from an affected property owner. Subsequent discussions have resolved the concerns of the owners and they have agreed that a panel hearing is not required. As no panel hearing is required, Council may now consider the declaration of charges as presented.

Discussion

Wyndham Street is now and important link between the Drysdale township and the fast establishing Jetty Road community of which a new shopping centre has recently been opened to the west of Jetty Road in Centennial Boulevard. The shopping precinct of Drysdale still provides the backbone for services to the area. For this reason, it is anticipated that pedestrian movements between the two centres will increase. A footpath link is warranted and is now a high priority in Council's strategic footpath network.

When considering the Benefit Ratio for this footpath, it is obvious that a high proportion of cost would be apportioned to the community benefit when investigating the potential usage. With a calculated Benefit Ratio of 0.095, a high majority of funding for this scheme will be coming from Council. $20,638 has been apportioned to the affected property owners in this case which results in an average cost per property of $1,876. Considering the size of these properties and comparison to other footpath schemes, the estimated charge is considered to be favourable.

During the submission period, one subsmission was received. Concerns were raised in regards to the close proximity of the footpath to the owners' home and a driveway not shown on the plans. Amendments were made to the footpath alignment that maximised the distance from the home and amendments were made to the driveway layout of the property. The owners are now happy with the outcome and do not wish to proceed to a panel hearing.

A further consideration for this scheme is the development potential of the rural residential land to the north of Wyndham Street. This land is earmarked for rezoning into a conventional residential zone in accordance with the Drysdale Structure Plan. Negotiations between Council's Strategic Implementation Unit, property owners and Developers are ongoing to assist in the facilitation of this development. Due to the complex nature of negotiations, it is not known when this development may occur but an earliest case scenario suggests that a 5 year minimum period is possible. As a latest case, timings are open ended.

As the recommendation in this report is to proceed with the footpath construction, it should be a consideration by Council that this is reasonable based on the development potential of this land.

Environmental Implications

The provision of a sealed pathway surface 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 may require some nature strip and property trees and shrubs to be trimmed but removal of vegetation is not expected.

Financial Implications

The project is a one off capital cost and there will be minimal ongoing maintenance costs. If approved, the scheme could proceed this financial year as funding is currently set in the core C02303 Footpath Construction Program 2015/16.

Financial details are as follows:

Maximum scheme levy to Property Owners (income)	$20,638
Scheme levy to Council - $196,057	$221,796
Direct Funding by Council to construct sleeper and concrete retaining walls - $25,739	
Total Project Cost	$242,434

From the table above, the total net cost to Council for this project is estimated to be $221,796.

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

- Support our Community to live sustainably – Encourage increased use of alternatives to car transport and seek efficient traffic movement throughout the municipality.
- 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

An indirect conflict of interest exists for Council consideration. The author of this report resides within the Jetty Road residential estate that represents part of the community benefit as described in preceding parts of this report. Although not a direct beneficiary and financial contributor to this scheme, it is considered that the author will gain an indirect benefit as a result of the scheme via the community benefit. This indirect conflict has not affected the development or funding considerations of this report and the author has no direct or indirect interest in the properties affected by the scheme.

Risk Assessment

Provision of a sealed pathway will provide safer walking conditions for pedestrians by minimising the risk of personal injuries through conflict with vehicles and the elimination of uneven and slippery surfaces.

There are no identified risks for Council in making its intention to declare the scheme.

Social Considerations

The provision of properly sealed and drained pathways is aligned to Council's City Plan as described above and provides improved connectivity and safety for pedestrians. It is further considered that the footpath 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 footpath 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 footpath construction Special Charge Scheme has been carried out as follows:

August 2015 – Initiation letter including a concept plan, cost estimate, apportionment of charges and survey to property owners.

25 November 2015 – Letter advising of Councils Intention to Declare the scheme, upcoming advertisement and invitation to make a submission.

The scheme was advertised in the Geelong Advertiser on Saturday 28 November 2015. A letter was mailed out on 2 December 2015 showing a copy of the news paper advertisement.

Some phone calls have been received in response to the initial mail out and advertisement detailing Council's 'intention to declare' the scheme. Further correspondence will be sent to all affected property owners should Council resolve to make its declaration of charges.

Appendix 1
Page 1

SCHEDULE 'A'

The works for the construction of a footpath in Wyndham Street, Drysdale which consist of excavation, concrete footpath, retaining walls, reinstatement of nature strip, 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 FOOTPATH – WYNDHAM STREET, DRYSDALE

TOTAL COST OF FOOTPATH CONSTRUCTION

ITEM	DESCRIPTION	QTY	UNIT	RATE $	AMOUNT $
1.00	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.		Item		$20,000
2.00	Traffic management costs.	1	Item	$5,400	$5,400
3.00	Setting out of works.	1	Item	$1,000	$1,000
4.00	Service / Cable locations.	1	Item	$1,000	$1,000
5.00	Internal supervision fee (COGG construction).		Item		$11,000
6.00	Supply, place and consolidation of structural fill for the path construction. 164 & 128-132 Wyndham Street.	1	Item	$1,000	$1,000
7.00	Trimming / Removal and disposal of trees. 140-144, 134-138 & 96-120 Wyndham Street.	1	Item	$1,000	$1,000
8.00	Alteration to Telecommunication Assets.	1	Item	$2,000	$2,000
9.00	Construct Path 1.5m wide 125mm (25 Mpa) concrete paving with SL72 mesh including crushed rock bedding. Jetty to Central Rd 522m & Central to 94 Wyndham 300m.	1233	m2	$110	$135,630
10.00	Construct Gravel Aprons 0.4m wide at existing driveways.	15	m3	$120	$1,800
Sub-Total					$179,830
10% Contingency					$17,983
Design					$8,992
Project Administration					$9,891
Construction Cost Estimate					$216,695

ESTIMATED COST FOR RETAINING WALLS

ITEM	DESCRIPTION	QTY	UNIT	RATE $	AMOUNT $
1.00	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.		Item		$3,000
2.00	Traffic management costs.	1	Item	$1,000	$1,000
3.00	Internal supervision fee (COGG construction).		Item		$1,000
4.00	Construction of timber retaining wall maximum height 600mm high. 164 (8m) & 128-132 (30m) Wyndham Street.	38	m	$150	$5,700
5.00	Reinforced Concrete Retaining Wall and Footing with SL72 mesh including 50 mm compacted depth Class 3 FCR bedding and reinstate nature strip. 94 Wyndham Street.	26	m	$410	$10,660
Sub-Total					$21,360
10% Contingency					$2,136
Design					$1,068
Project Administration					$1,175
Construction Cost Estimate					$25,739

Appendix 2

Benefit Ratio – Schedule 'B'

A Purpose

To construct a footpath in Wyndham Street, Drysdale to provide all weather pedestrian access for abutting property owners and the wider community.

B Coherence

The works will provide a physical pathway connection between the Jetty Road residential development and the Drysdale township and will provide a special benefit to adjoining properties.

C Total Cost C

Total Estimated cost of works - footpath construction	**$242,434.00**
Direct funding by Council to construct supporting retaining walls.	**$25,739.00**
TOTAL COST	**$216,695.00**

D Identify Special Beneficiaries

11 properties with frontages to the proposed footpath are considered to receive access and amenity benefits.

E Properties to include

Eleven (11) properties receive access and amenity benefits. Therefore: Total Special Benefits (in) is apportioned to 11 properties.

There are no Council owned properties receiving benefit. Therefore: Total Special Benefits (out) is apportioned to no property.

F Estimate of Total Special Benefits

Benefit will be apportioned on the basis of access and amenity by way of a Benefit Unit (BU). We shall assume that the makeup of the BU for each of the private properties abutting the proposed footpath comprises 1/2 BU of amenity benefits and 1/2 BU of access benefits.

A summary of the special benefits is shown in table form below:

	11 private properties abutting TSB (in)
Access	5.5 BU
Amenity	5.5 BU
Total Special Benefits	11 BU

TSB (in) **11** **BU**

TSB (out) **0** **BU**

G Estimate of Total Community Benefit -TCB

It is estimated that the wider community will use the footpath 95% of the time and the benefiting property owners 5% considering the catchment at either end of the footpath. There are no amenity benefits associated with the wider community. If 5% of total access benefits equals 5.5 BU for properties in the scheme, then 95% will represent 104.5 BU.

TCB **104.5** **BU**

H Calculate "Benefit Ratio" - R

$$\text{Benefits Ratio} = \frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB(out)} + \text{TCB}} = \frac{11}{11 + 0 + 104.5}$$ **0.095238095**

I Maximum Total Levy (S)

Maximum Total Levy S = R X C	**$20,637.62**
Council Contribution to Special Charge Scheme	$196,057.38

Appendix 3

SCHEDULE 'C'

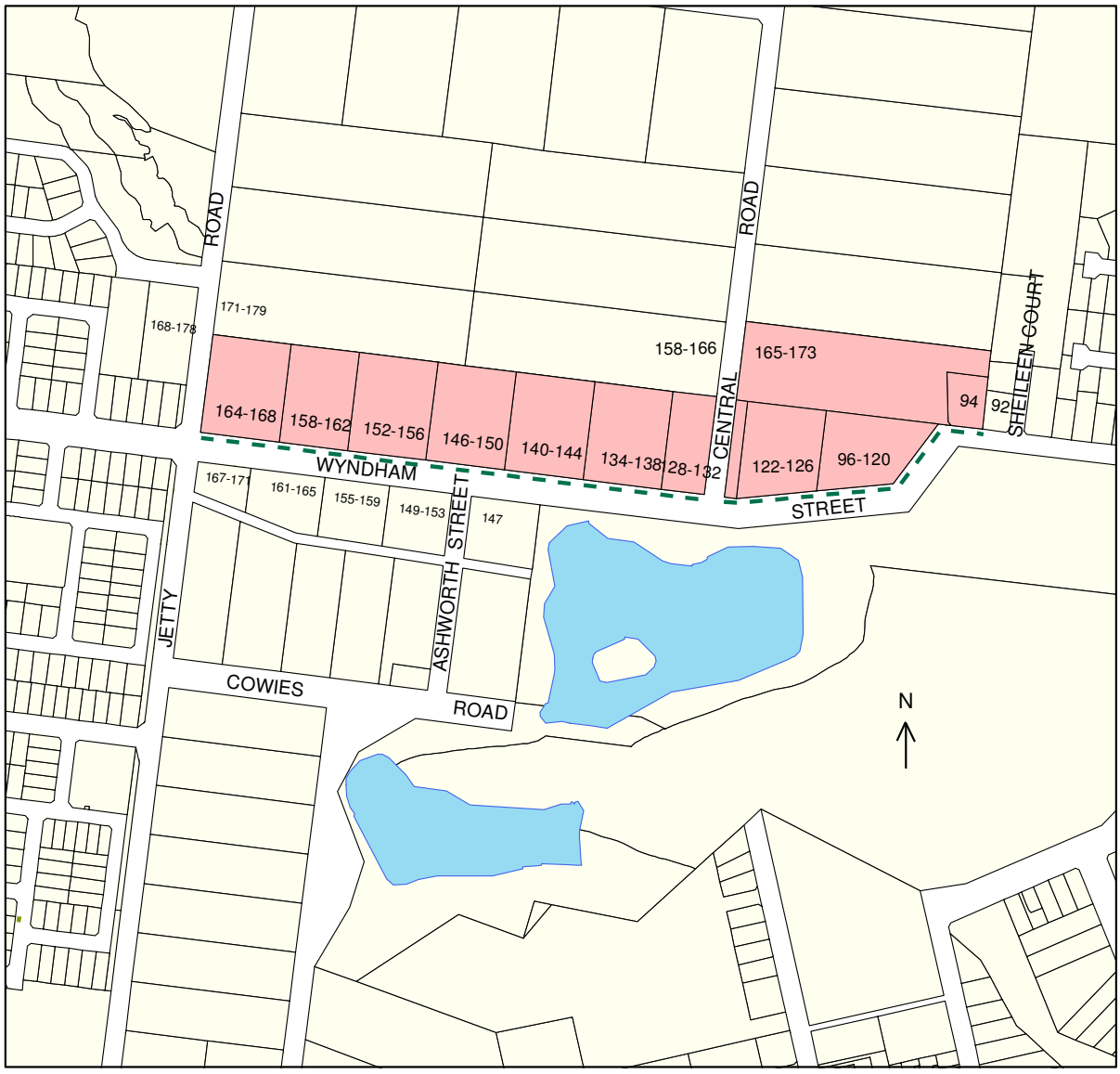
SPECIAL CHARGE SCHEME FOR FOOTPATH CONSTRUCTION

WYNDHAM STREET, DRYSDALE

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8
	ADDRESS	**FRONTAGE (metres)**	**ALLOWANCE FOR DRIVEWAY**	**APPORTIONABLE FRONTAGE (metres)**	**ACCESS BENEFIT**	**ACCESS BENEFIT (50%)**	**AMENITY BENEFIT (50%)**	**ESTIMATED TOTAL COST**
1	94 Wyndham Street, DRYSDALE	32.14	0.00	32.14	1.00	$938.07	$461.33	**$1,399.41**
2	165 -173 Central Road, DRYSDALE	13.05	0.00	13.05	1.00	$938.07	$187.32	**$1,125.39**
3	96-120 Wyndham Street, DRYSDALE	154.70	0.00	80.00	1.00	$938.07	$1,148.30	**$2,086.38**
4	122-126 Wyndham Street, DRYSDALE	94.35	0.00	80.00	1.00	$938.07	$1,148.30	**$2,086.38**
5	128-132 Wyndham Street, DRYSDALE	44.70	0.00	44.70	1.00	$938.07	$641.62	**$1,579.69**
6	134-138 Wyndham Street, DRYSDALE	80.00	0.00	80.00	1.00	$938.07	$1,148.30	**$2,086.38**
7	140-144 Wyndham Street, DRYSDALE	80.00	0.00	80.00	1.00	$938.07	$1,148.30	**$2,086.38**
8	146-150 Wyndham Street, DRYSDALE	80.00	0.00	80.00	1.00	$938.07	$1,148.30	**$2,086.38**
9	152-156 Wyndham Street, DRYSDALE	80.00	0.00	80.00	1.00	$938.07	$1,148.30	**$2,086.38**
10	158-162 Wyndham Street, DRYSDALE	70.00	0.00	70.00	1.00	$938.07	$1,004.77	**$1,942.84**
11	164-168 Wyndham Street, DRYSDALE	80.00	0.00	79.00	1.00	$938.07	$1,133.95	**$2,072.02**
								$20,637.62

Appendix 4

Plan



Properties included in the proposed scheme

Location of proposed footpath

Attachment 1

PROCESS CHART

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

WYNDHAM STREET DRYSDALE – PROPOSED FOOTPATH

Stage	***Status***	***Description***
Approval to prepare scheme	✓	Decision made to prepare scheme following consideration of surveys of residents 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. July 2015
Intention to Declare Scheme	✓	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. 17 December 2015
Advertisement	✓	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 or at a subsequent meeting. Advertised Saturday 28 November 2015
Submissions	✓	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. Submissions period closed Monday 11 January 2015 with no submissions received.
Submissions Review Panel Hearing	✓	A Submissions Review Panel is convened if required (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. Not required.
Declaration Report	✓	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. Report to Council on 19 April 2016.
Appeal		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.
Construction		Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.
Final Cost Report		At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

17. ELCHO CHANNEL AND DRAINAGE UPGRADE - SRC 322 - DECLARATION OF CHARGE

Source: **City Services – Engineering Services**
General Manager: **William Tieppo**
Index Reference: **Subject: Special Rates and Charges; Drainage**
Street: Elcho Road, Lara

Purpose

This report seeks a resolution by Council to declare the charges to partially fund the construction of open channels, a wetland system, underground drainage and associated works known as the Elcho Channel drainage scheme at the Geelong Ring Road Employment Precinct (GREP) industrial estate, Lara. (See plan – Appendix 4).

Summary

- At its meeting of 11 August 2015, Council resolved its Intention to Declare a Special Charge Scheme to fund the Elcho Channel drainage scheme.
- The scheme was advertised in the Geelong Advertiser on Saturday 22 August 2015. Four submissions were received by the closing date of Monday 21 September 2015.
- A panel hearing was held on 2 February 2016 where all submissions were considered. The advice of the panel was to proceed with the scheme as presented.
- Works include purchase of land for drainage reserves, widening of the open channel including provision of a concrete lining, culverts under McManus Road, large capacity underground pipes and a major wetland facility.
- The cost of the scheme is estimated at $10,547,085. A government grant of $500,000 is available for the scheme and offsets the total project cost. The cost to Council as a property owner is $2,693,974.10. The cost to Council as a scheme contributor is $1,372,422.84 as detailed in the Benefit Ratio calculation and the cost to remaining property owners is $5,980,688.
- The proposed scheme is declared for practical and public health reasons.
- The scheme has been prepared in accordance with the special rate and charge scheme provisions of the Local Government Act 1989, the 2004 Ministerial Guidelines on Special Charge Schemes and Council's Special Rates and Charges Policy.

Moved and declared carried by the Interim Administrator -

That Council:

1) Resolves to declare a Special Charge Scheme in accordance with Section 163 (3) of the Local Government Act 1989 (the Act) as follows:

a) The special charge is declared for a period of five (5) years commencing upon commencement of the works.

b) The special charge be declared for the purpose of defraying expenses incurred by Council in relation to construction of an open channel between Bacchus Marsh Road and McManus Road, north of Heales Road, a detention basin in McManus Road opposite Minyip Road, underground drainage and associated works, Lara, and is a project which:

b1) will provide proper drainage and opportunity for subdivision and development of 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 provided infrastructure for property owners.

c) The special charge be declared for the purposes of alleviating future public health problems likely to arise, pursuant to Section 163B (2) (a) of the Act.

d) Council considers that an area wide drainage scheme is the most effective and efficient storm water drainage capture, transmission, quality treatment and disposal solution, for the properties included in the scheme.

e) Council considers that the properties listed in Schedule 'B' are the beneficiaries of the works.

f) It be recorded that, for the purposes of section 163(2)(a) of the Act, the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula (R x C = S), the:

f1) 'benefit ratio' (R) being calculated at 0.86 represents the special benefits to all persons liable to pay the special charge including Council;

f2) 'total cost' (C) of performing the function described in Part 1(b) of this Resolution based on estimated cost be recorded as $10,047,085; and

f3) 'maximum levy' (S) being the total amount of the special charge levied be recorded as $8,674,662.16.

g) The following be specified as the area for which the special charge is so declared:

g1) The area within municipal district of Council highlighted in the plan attached (Appendix 4) to this Resolution ("the area").

h) The following be specified as the land in relation to which the special charge so declared:

h1) All land within the area shown on the plan.

i) The following be specified as the criteria which form the basis of the special charge so declared:

i1) Ownership of any land described in Part 1(e) of this Resolution.

j) The following be specified as the manner in which the special charge so declared will be assessed and levied:

j1) The cost allocated has been based on lot area; and

j2) the special charge will be levied by sending notice to the person who is liable to pay, pursuant to section 163(4) of the Act.

k) Having regard to the preceding parts of this resolution but subject to Section 166 (1) of the Act, it be recorded that;

k1) the owners of the land described in column 1 and 2 of Schedule B to the resolution are estimated liable for the respective amounts set out in column 4 of Schedule B; and

k2) such owners may, subject to any further resolution of Council pay the special charge in the following manner:

k2a) 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.

k2b) The notice requesting payment shall be issued within one month of the works commencing on site.

k2c) Interest shall commence to accrue one month after the issue of the notice requesting payment in accordance with j2a) above or as agreed with Council at the time of notice issue.

k2d) In accordance with Section 172 of the Act, the rate of interest which is payable on the special charge which has not been paid by the specified 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 Council's Chief Executive Officer to levy the Special Charge in accordance with Section 163 (4) of the Act.

3) Authorise Council's Chief Executive Officer to sign documentation relevant to land acquisition.

4) Authorise Council's Chief Executive Officer to sign and seal the transfers of land.

Background

On 11 August 2015, Council resolved to give notice of its intention to declare a Special Charge Scheme for the construction of the Elcho Channel drainage scheme, Lara.

During the subsequent submissions period four submissions were received from land owners. A panel hearing was held on 2 February 2016 and during the hearing one of the land owners made a submission that was not received by Council in hard copy form. Also further questions were presented and documentation was requested by the panel in order to make full consideration of the submissions. It was agreed that the panel should reconvene at a later date.

The panel reconvened on 16 February 2016 and considered the questions posed by land owners and other documents. A description of each issue is discussed below. The panel recommends that the scheme proceed to declaration as presented.

Discussion

A summary of the main concerns highlighted during the submissions review panel and corresponding considerations are as follows:

- There was some concern stated about the use of Coefficients of Runoff (Cr) used in the calculation of the Benefit Ratio calculation. In summary it was claimed that the values were high and correlate to increased charges to property owners.

The Cr values, as used in drainage computations were rounded up for use in the Benefit Ratio calculation for simplicity. The affect of the rounded up values was to reduce the benefit ratio slightly (0.86 compared to 0.88) and reduce the charge to property owners. This is opposite to the belief as stated by two of the land owners. For transparency and comparison, the actual Cr values were used in the Benefit Ratio calculation and shown to the land owners via the submission response letters.

- Compensation estimate for drainage reserve land is not correct. Compensation should be negotiated with the land owners.

It is intended that the compensation paid for the drainage reserve land be carried out in accordance with the Land Acquisition and Compensation Act. The land affected includes the privately owned land at 450-490 Bacchus Marsh Road and 137-207 McManus Road. This due process will ensure that the final compensation amount will be fair and reasonable and that the land owners have rights under this process.

A meeting was held post panel hearing with the land owners of No 450-490 Bacchus Marsh Road which included their land valuer and legal representative. This meeting reassured the owners that the land acquisition process will be carried out by fair and reasonable means. They were willing to proceed on this basis. Recommendations 3 and 4 of this report relate to the acquisition of land.

- Land costs and completed works cannot be included in the cost of the scheme.

This relates to the Council owned farm land that was purchased so that the main 31Ha wetland system could be constructed. It also relates to a $564,118 section of pipe that was constructed under Broderick Road in advance of the scheme. Under Section 163(6) of the Act, the cost of land previously acquired before Council has declared the charge may be recovered via the scheme so long as the purpose of the land is for the main drainage scheme. Similarly, material costs may also be recovered as it has been established that the completed works are also to be used for the purpose of the drainage scheme.

- The submissions should be made available

This was a concern for one of the land owners who requested that a copy of the remaining submissions should be provided. This request was denied. It is considered appropriate that if the land owner wanted copies of the submissions, then a request should be made to the various authors of the submissions.

- All benefiting properties should be contributing

Concerns were expressed by three of the land owners about properties outside the scheme receiving benefit. Specifically this relates to rural residential properties on the west side of Bacchus Marsh Road, down stream properties within the Lara Lakes estate and the sixteen rural residential properties in the Gibbons and Minyip Road area.

For properties west of Bacchus Marsh Road, the existing culvert under Bacchus Marsh is not being upgraded as part of the scheme. Therefore these properties receive no direct benefit from the scheme works.

The properties downstream of the Elcho basin receive incidental benefit from the scheme works in that the storm water is retarded to pre development flows. There is no direct benefit to these properties however as they do not receive any greater benefit when compared to properties included in the scheme or properties considered as part of the community benefit.

For the properties in the Minyip and Gibbons Road area, they do receive a benefit from the works as detailed in previous reports. This benefit has been considered as part of the Community Benefit of which Council funds.

Environmental Implications

Should the scheme proceed to construction, there are environmental benefits in term of water quality treatment and habitat.

Storm water will be treated to best practice standards prior to discharge back into the Elcho Channel. This will protect down stream systems, particularly the biodiversity wetlands at the entrance to Limeburners Bay from the consequences of industrialisation.

The 31 Hectare wetland system will become a haven for birdlife and other flora and fauna species.

Financial Implications

Should Council resolve to proceed it is anticipated the project could be ready for construction by July 2016.

Funding is approved in the 2016/2017 and 2017/18 Financial Years from the C17301 project account.

A summary of the estimated cost of the scheme is as follows:

Elcho channel reconstruction	$ 1,787,080
Construction of remaining component of wetland system	$ 1,628,965
Land purchase/acquisition estimate for Elcho Channel drainage reserve 137 – 207 McManus Road ($100,000) 220 Heales Road ($360,000) 450 – 490 Bacchus Marsh Road ($370,000)	$ 830,000
Cost of land for detention basin at 202-280 McManus Road	$ 790,000
Cost of underground drainage and open channels	$ 5,011,040
TOTAL PROJECT COST	**$10,047,085**

The total estimated scheme cost is $10Mil and encompasses land which the Council currently owns and will not have to acquire. Council will however be compensated by scheme contributors for the land purchased and used for the purposes of delivering the drainage infrastructure.

The cost of land purchased at 202 – 280 McManus Road for the wetland system ($790,000) and the land value for drainage reserve purposes at 220 Heales Road ($360,000) does not have to be budgeted for as these parcels are Council owned land. This equates to $1,150,000 ($790,000 + $360,000).

A further consideration is the construction of the main underground drainage at the northern end of Broderick Road. This drain was constructed in advance of the scheme due to the construction of the road and equates to an actual cost of $564,118. This cost will also be recovered via the Special Charge Scheme process.

Council must therefore budget $8,332,967 to allow for construction of the drainage infrastructure and remaining land acquisition costs associated with the Special Charge Scheme. $5,980,688 in estimated charges will be recovered from remaining affected property owners within a 5 year period via the Special Charge Scheme process.

The following table summarises the budgeting implications for Council:

Estimated upfront budget required for Council to construct all drainage infrastructure associated with the Elcho Channel and fund remaining drainage reserve acquisition.	$8,332,967
Cost of land purchased already owned by Council to be partially recovered through the scheme	$1,150,000
Cost of drainage associated with the scheme but constructed due to a subdivision development in Production Way (Permit No 1554/2012/A). *Note: this drain was not constructed as a permit condition but as a consequence of road construction.*	$564,118
TOTAL PROJECT COST	**$10,047,085**

Council's estimated contribution as a land owner to the scheme is $2,693,974 as shown in Column 4 in Schedule 'B'. Council's estimated scheme contribution as a result of the Community Benefit consideration and in accordance with the Benefit Ratio calculation is a further $1,372,423 bringing the total estimated net Council Contribution to $4,066,397. A summary of Council and property owners costs are summarised in the table below:

Council contribution to scheme as a property owner - $2,693,974	$4,066,397
Council contribution to scheme as scheme administrator and responsible authority - $1,372,423	
Property owner contribution to scheme	$5,980,688
TOTAL PROJECT COST	**$10,047,085**

Policy/Legal/Statutory Implications

The scheme has been prepared in accordance with the provisions of Local Government Act 1989, 2004 Ministerial Guidelines and Council's Special Rates and Charges policy.

In developing the scheme, special consideration was given to the method provided by Melbourne Water within the 'Principles for Provision of Waterway and Drainage Services for Urban Growth'.

Alignment to City Plan

This report aligns with the City Plan as follows:

Community Wellbeing:

- Healthy Lifestyles – Investing in prevention and improved health across all communities in Greater Geelong.
- Healthy Environments – Safe, hazard and nuisance free environments.

Growing our Economy:

- Support existing businesses and encourage new and emerging growth sectors – Promote Geelong as a great place for business and investment, nationally and internationally.
- Facilitating major infrastructure and investment to enable economic growth – Advocating on local, state and federal government infrastructure priorities and funding submissions.

Sustainably Built and Natural Environment:

- Advocate for and promote sustainable design and development – Promoting sustainable design and retrofitting.
- Minimise our environmental footprint - Continue to seek methods of reducing energy, water and waste consumption.

How we do business:

- Informed and Engaged Community – Being open and transparent.

Officer Direct or Indirect Interest

There are no direct or indirect interests to be disclosed by Council staff members before this report is considered by Council.

Risk Assessment

The scheme has been prepared giving careful considerations to precedent in VCAT, other Councils and Melbourne Water.

The scheme has been peer reviewed from both a legal and technical perspective.

Constructing infrastructure in advance of the scheme is considered to be a financial risk in that the scheme may not proceed as recommended.

Social Considerations

There are no adverse social considerations involved in Council adopting this recommendation. Should the scheme proceed to construction, there are positive social impacts on the community. The wetland will provide opportunity for integration with future footpaths and cycling paths interconnected with the surrounding road network. Pedestrian and cycling connections between North Geelong and Lara will be possible. Wetland planting and vegetation will provide amenity to the area as flora and fauna species begin to thrive.

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 human rights issues.

Consultation and Communication

Officers from Councils Engineering Services Department have undertaken extensive consultation with all affected property owners via personal meetings and correspondence.

Information has been sent to all affected property owners to inform them of the proposal and cost allocations prior to the Council meetings. This included information on the revised plan, Benefit Ratio calculation, apportionment of costs and process from here.

Letters were sent out to all affected land owners on 18 August 2015 advising of Council's intention to declare the scheme. The scheme was advertised in the Geelong Advertiser on 22 August 2015 and a copy of the advertisement was sent out to the land owners on 26 August 2015.

Submission response letters were mailed out to four land owners in February 2016, responding to their submissions and advising of the submissions panel recommendations and reason to proceed.

Letters will be sent to all affected land owners should Council resolve to declare the charges.

Appendix 1

SCHEDULE 'A'

The works are to upgrade the Elcho channel, provide provision of a wetland system, underground drainage and associated works at the Geelong Ring Road Employment Precinct (GREP) industrial estate, Lara. The estimate includes miscellaneous construction works, legal advice and professional services associated with survey, engineering design, drafting, supervision and administration of the project.

COST ESTIMATE FOR UPGRADE OF THE ELCHO CHANNEL, DETENTION BASIN, UNDERGROUND DRAINAGE, GREP INDUSTRIAL ESTATE, LARA

ELCHO CHANNEL UPGRADE

Cost estimates of land acquisition for drainage reserves.					
ITEM	DESCRIPTION	QUANTITY	UNIT	RATE $	AMOUNT $
1.00	450-490 Bacchus Marsh Rd, (EAS 01)		ITEM		370,000
2.00	CoGG land, (EAS 02)		ITEM		360,000
3.00	137-207 McManus Rd, (EAS 03)		ITEM		100,000
TOTAL					**$830,000**

Cost of farm land associated with wetland					
ITEM	DESCRIPTION	QUANTITY	UNIT	RATE $	AMOUNT $
1.00	Equivalent land purchase for basin		ITEM		790,000
TOTAL					**$790,000**

Construction of wetland					
ITEM	DESCRIPTION	QUANTITY	UNIT	RATE $	AMOUNT $
1.00	**SITEWORKS**				
1.01	Site establishment and set up	ITEM			5,000
2.00	**EARTHWORKS**				
2.01	Respread topsoil	100,000	sqm	2.00	200,000
2.02	Hdyroseed dry areas	60,000	sqm	1.50	90,000
2.03	Capping layer	20,000	cm	10.00	200,000
2.04	Geotech testing	1	ea	10,000	10,000
3.00	**DRAINAGE**				
	Outlet low flow				
3.01	3 x 1050dia RC pipe incl bedding	160	m	950	152,000
3.02	Endwalls incl beaching	2	no	40,000	80,000
	Outlet structures				
3.03	Weir	3	no	75,000	225,000
3.04	Beaching	3	no	25,000	75,000
4.00	**LANDSCAPING**				
4.01	Planted aquatics (60% wet area @4 plants/sqm)	30,000	sqm	6.00	180,000
4.02	Preparation (20% wet area)	10,000	sqm	1.00	6,000
4.03	Netting/Aquatic Guard 10% deep marsh area(deep marsh area =20% wet area)	1,000	sqm	6.00	6,000
4.04	Maintenance 12 months period	ITEM			30,000
4.05	Landscape Architect fee	ITEM			40,000
5.00	**ENVIRONMENTAL MANAGEMENT**				
5.01	Environmental management incl plan preparation	ITEM			20,000
Sub Total					1,319,000
6.00	Contingency 20%				263,800
7.00	Design fee 2%				26,380
8.00	SRC Admin 1.5%				19,785
TOTAL					**$1,628,965**

Reconstruction of Elcho Channel					
ITEM	DESCRIPTION	QUANTITY	UNIT	RATE $	AMOUNT $
1.00	**SITEWORKS**				
1.01	Site establishment and set up	ITEM			15,000
2.00	**EARTHWORKS**				
2.01	Cut and dispose of material on site	30,521	cm	4.00	122,084
2.02	Filling	4,451	cm	4.00	17,804
2.03	De-sludge existing channel	4,600	cm	10.00	46,000
2.04	Stripping of topsoil (150mm)	6,000	cm	4.00	24,000
2.05	Disposal of excess material on site	26,070	cm	2.00	52,140
2.06	Topsoil and seed	60,000	sqm	4.00	240,000
3.00	**CONCRETE WORKS**				
3.01	Concrete invert channel	8,500	sqm	80.00	680,000
4.00	**DRAINAGE**				
4.01	Culvert crossing at McManus Rd	ITEM			250,000
Sub Total					1,447,028
5.00	Contingency 20%				289,406
6.00	Design fee 2%				28,941
7.00	SRC Admin1.5%				21,705
TOTAL					**$1,787,080**

ELCHO CHANNEL UPGRADE UNDERGROUND DRAINAGE COMPONENT

DRAIN MD01 - HEALES ROAD					
ITEM	DESCRIPTION	QUANTITY	UNIT	RATE $	AMOUNT $
1.00	**Site establishment**				
1.01	Set up	item			8,892
1.02	Set out	item			6,224
1.03	Existing Services Relocations	item			8,000
1.04	Traffic management	item			50,000
2.00	**Piped Drainage**				
2.01	Supply and place underground drainage 1050 dia in road including CRB and asphalt reinstatement	30	m	750	22,500
2.02	Supply and place underground drainage 1200 dia in road including CRB and asphalt reinstatement	158	m	850	134,300
2.03	Supply and place underground drainage 1350 dia in road including CRB and asphalt reinstatement	400	m	1,000	400,000
3.00	**Pits**				
3.01	Junction pit 1050 x 900mm	2	No	2,500	5,000
3.02	Junction pit 1350 x 900mm	2	No	3,500	7,000
3.03	Junction Pit 1500 x 900mm	2	No	4,000	8,000
3.04	Junction Pit 1650 x 900mm	2	No	4,500	9,000
3.05	Junction Pit 1650 x 1650mm	1	No	7,000	7,000
Sub Total					665,916
4.00	Contingency 10%				66,592
5.00	Design fee 2%				19,977
6.00	SRC Admin 1.5%				13,318
TOTAL					**$765,804**

DRAIN MD02 - WEST BOUNDARY OF 220 HEALES ROAD					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**Site establishment**				
1.01	Set up	item			12,700
1.02	Set out	item			3,810
1.03	Traffic management	item			8,890
2.00	**Piped Drainage**				
2.01	Supply and place underground drainage 1200 dia x3 in road	365	m	2,167	791,138
3.00	**Pits**				
3.01	Junction Pit 1500 x 900mm	9	No	4,000	36,000
3.02	RC Endwall - 1200mm dia triple RC Pipes	1	No	12,000	12,000
3.03	Form overflow drain	item			7,500
Sub Total					872,037
4.00	Contingency 10%				87,204
5.00	Design fee 2%				26,161
6.00	SRC Admin1.5%				17,441
TOTAL					**$ 1,002,842**

DRAIN MD03 - McMANUS ROAD SOUTH SECTION					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**Site establishment**				
1.01	Set up	item			2,925
1.02	Set out	item			878
1.03	Existing services relocations	item			5,000
1.04	Traffic management	item			2,048
2.00	**Piped Drainage**				
2.01	Supply and place undergd drainage 825dia inc CRB	260	m	700	182,000
3.00	**Pits**				
3.01	Junction pit 1200 x 900 pits	2	No	3,000	6,000
3.02	Junction pit 1200 x 1200mm	2	No	3,500	7,000
Sub Total					205,850
4.00	Contingency 10%				$20,585
5.00	Design fee 2%				6,176
6.00	SRC Admin 1.5%				4,117
TOTAL					**$236,728**

MD04 - EASEMENT DRAIN EXTENSION TO McMANUS ROAD AND MCMANUS ROAD NORTH TO ELCHO CHANNEL					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**Site establishment**				
1.01	Set up	item			19,590
1.02	Set out	item			5,877
1.03	Traffic management	item			13,713
2.00	**Piped Drainage**				
2.01	Supply and place underground drainage 900 dia in easement	130	m	600	78,000
2.02	Supply and place underground drainage 1050 dia in easement	200	m	800	160,000
2.03	Supply and place underground drainage 1200 dia in easement	100	m	900	90,000
2.04	Supply and place underground drainage 1350 dia in road including CRB	920	m	1,000	920,000
3.00	**Pits**				
3.01	Junction pit1 1200 x 900mm	2	No	3,000	6,000
3.02	Junction pit 1350 x 900mm	4	No	3,500	14,000
3.03	Junction Pit 1500 x 900mm	2	No	4,000	8,000
3.04	Junction Pit 1500 x 1500mm	4	No	5,500	22,000
3.05	RC Endwall - 1350mm dia dual RC pipes	1	No	8,000	8,000
Sub Total					1,345,180
4.00	Contingency 10%				134,518
5.00	Design fee 2%				40,355
6.00	SRC Admin 1.5%				26,904
				TOTAL	**$1,546,957**

MD06 -EASEMENT DRAIN EXTENSION TO BRODERICK ROAD AND BRODERICK ROAD SOUTH SECTION					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**Site establishment**				
1.01	Set up	item			3,548
1.02	Set out	item			1,064
1.03	Existing service relocations	item			5,000
1.04	Traffic management	item			2,483
2.00	**Piped Drainage**				
2.01	Supply and place underground drainage 450 dia in easement	50	m	300	15,000
2.02	Supply and place underground drainage 600 dia in easement	65	m	400	26,000
2.03	Supply and place underground drainage 750 dia in road including CRB	270	m	650	175,500
3.00	**Pits**				
3.01	Junction Pit 900 x 900mm	2	No	2,000	4,000
3.02	Junction Pit 1050 x 900mm	4	No	2,500	10,000
3.03	Junction Pit 1050 x 1050mm	2	No	3,000	6,000
Sub Total					248,595
4.00	Contingency 10%				24,860
5.00	Design fee 2%				7,458
6.00	SRC Admin 1.5%				4,972
TOTAL					**$285,884**

OPEN DRAIN ALONG THE SOUTH BOUNDARY OF COUNCIL OWNED LAND, 202-280 McMANUS ROAD (Broderick Rd Channel - drain excavated as part of grant)					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**Site establishment**				
1.01	Set up	item			1,944
1.02	Set out	item			583
1.03	Traffic management	item			1,361
2.00	**Open Drain**				
2.01	Place concrete invert	1,500	sqm	80	120,000
2.02	Hydro seed balance of drain.	9,600	sqm	1	9,600
Sub Total					133,488
3.00	Contingency 10%				13,349
4.00	Design fee 2%				4,005
5.00	SRC Admin 1.5%				2,670
TOTAL					**$153,511**

MD07 - BRODERICK ROAD NORTH SECTION TO PRODUCTION WAY					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**Site establishment**				
1.01	Set up	item			7,185
1.02	Set out	item			2,156
1.03	Traffic management	item			5,030
2.00	**Piped Drainage**				
2.01	Supply and place underground drainage 1200 dia in road	300	m	850	255,000
2.02	Supply and place underground drainage 1350 dia in road	200	m	1,000	200,000
3.00	**Pits**				
3.01	Junction pit 1500 x 900 pits 87,88.89,90, 91, 92, 93.	7	No	2,500	17,500
3.02	Junction pit 1500 x 900 pit 94	1	No	4,000	4,000
3.03	Outlet structure to open drain	1	No	2,500	2,500
				Sub Total	493,370
4.00	Contingency 10%				49,337
5.00	Design fee 2%				14,801
6.00	SRC Admin 1.5%				9,867
				TOTAL	**$567,376**

MD08 - HEALES ROAD WESTERN END TO ELCHO CHANNEL VIA 220 HEALES ROAD					
ITEM	**DESCRIPTION**	**QUANTITY**	**UNIT**	**RATE $**	**AMOUNT $**
1.00	**Site establishment**				
1.01	Set up	item			4,995
1.02	Set out	item			1,499
1.03	Service Relocations	item			50,000
1.04	Traffic management	item			3,497
2.00	**Piped Drainage**				
2.01	Supply and place underground drainage 1050 x 2 dia in road including asphalt reinstatement	30	m	800	24,000
2.02	Supply and place underground drainage 1350 dia in road including asphalt reinstatement	292	m	1000	292,000
3.00	**Pits**				
3.01	Junction pit 1700 x 1700mm	3	No	4,000	12,000
3.02	Junction pit 4300 x 1500	1	No	5,000	5,000
				Sub Total	392,990
4.00	Contingency 10%				39,299
5.00	Design fee 2%				11,790
6.00	SRC Admin 1.5%				7,860
				TOTAL	**$451,939**

Appendix 2

SCHEDULE 'B'

PROPOSED SPECIAL CHARGE SCHEME FOR ELCHO CHANNEL CONSTRUCTION AND UNDERGROUND DRAINAGE SYSTEM

COLUMN 1		COLUMN 2	COLUMN 3	COLUMN 4
SITE ADDRESS		**PROPERTY DESCRIPTION**	**PROPERTY REFERENCE**	**ESTIMATED COST INCLUDING REMAINING DETENTION BASIN**
1	137-207 McManus Road	Lot 2 LP 38862	284333	$970,288.90
2	180 Heales Road	Lot 1 LP 38862	284332	$118,223.32
3	450-490 Bacchus Marsh Road	Lots 1, 2, 3, 4 TP 379065	284019	$1,142,500.80
4	220 Heales Road	Lots 1, 2, 3, 4 TP 400237 and TP 400238	284334	$1,083,346.33
5	162-200 McManus Road	Pt CA 111	343226	$619,903.62
6	130 Heales Road	Stg 4 PS 328477	284331	$443,082.38
7	120 Heales Road	Lot 3 PS 328477	299269	$190,381.72
8	50-60 Production Way	Lot 3 PS 710783	356713	$178,637.16
9	70-80 Production Way	Lot 2 PS 710782	356710	$178,622.89
10	90-100 Production Way	Lot 1 PS 710776	356703	$178,633.59
11	420 Bacchus Marsh Road.	Lots 1, 2 TP 886974	284018	$575,843.69
12	215 - 295 Heales Road	Pt Lot 1 TP 810188	342568	$494,063.46
13	285 Heales Road	Pt Lot 1 TP 810188	353846	$400,335.32
14	175 Heales Road	Lot 1 TP 116784	282164	$561,266.45
15	110 Heales Road	Lot 2 PS 328477	297844	$288,726.34
16	100 Heales Road	Lot 1 PS 328477	294295	$216,767.73
17	300-400 Broderick Road	Lot 2 PS 410115	302729	$374,052.77
18	300-400 Broderick Road	Lot 1 PS 410115	302729	$142,682.83
19	88-90 Heales Road	Lot 1 PS 620452	339174	$15,479.84
20	210 Broderick Road	Lot 2 PS 620452	339175	$13,464.14
21	270-298 Broderick Road	Lot 1 TP 132804	281988	$445,033.86
22	84 Heales Road	Lot 1 TP 940027	284328	$21,662.50
23	80 Heales Road	Lot 1 TP 21723	284327	$21,662.50
				$8,674,662

Appendix 3

BENEFIT RATIO CALCULATION

A Purpose

To construct drainage in the GREP industrial estate, Lara to provide 1%AEP drainage.

B Coherence

The works are located in the industrial estate to the east of Bacchus Marsh Road near Lara. The works will provide a special benefit to surrounding industrial properties.

C Total Cost C

Total Estimated cost of works - Open Channel and piped drainage and retardation basin.	**$10,547,085.00**
Works funded by Government Grants	**$500,000.00**
TOTAL COST - C	**$10,047,085.00**

D Special Beneficiaries

19 industrial properties that discharge storm water to the proposed drainage provision are considered to receive special benefits. 16 rural properties external to the scheme are considered to receive flood protection benefits.

E Determination of Properties to include

There are 19 industrial allotments that receive a special benefit and are included in the scheme. There is one Council owned property at 202-280 McManus Road zoned as farm land that is considered to receive special benefit but is out of the scheme as defined in the 2004 Ministerial Guidelines on Special Charge Schemes.

F Estimate of Total Special Benefits in the scheme - TSB (in)

We will consider the total benefits to each property in terms of affective area as determined in drainage computations. The coefficient of runnoff (Cr) for the 1% storm event is used. For industrial land the Cr value is 1.0, for rural residential the Cr is 0.5 and for farmland (Lynara land) the Cr is 0.4. The affective area is calculated by multiplying the land area by the corresponding Cr value. The construction of the drainage network is considered to provide special benefit to the abutting properties and all properties are considered to receive the same level of service. For the 19 industrial allotments receiving benefit from the scheme, this represents a total of 227.4185Ha (227.4185 Ha X 1.0)

Properties Included **TSB (in) = 227.4185 Ha**

For the property at 202-280 McManus Road, the affective area of this parcel is equivalent to 11.6Ha (29 X 0.4).

Properties Excluded **TSB (out) = 11.6 Ha**

G Estimate of Total Community Benefit -TCB

It is considered that people in the community will receive a benefit from the works as the proposed drainage works better protects up to 16 rural residential properties in the Minyip and Gibbons Road area from large flood events. Based on the affective area principle, the total area is 24.38 Ha (48.76 Ha X 0.5)

TCB = 24.38 Ha

H Calculate "Benefit Ratio" - R

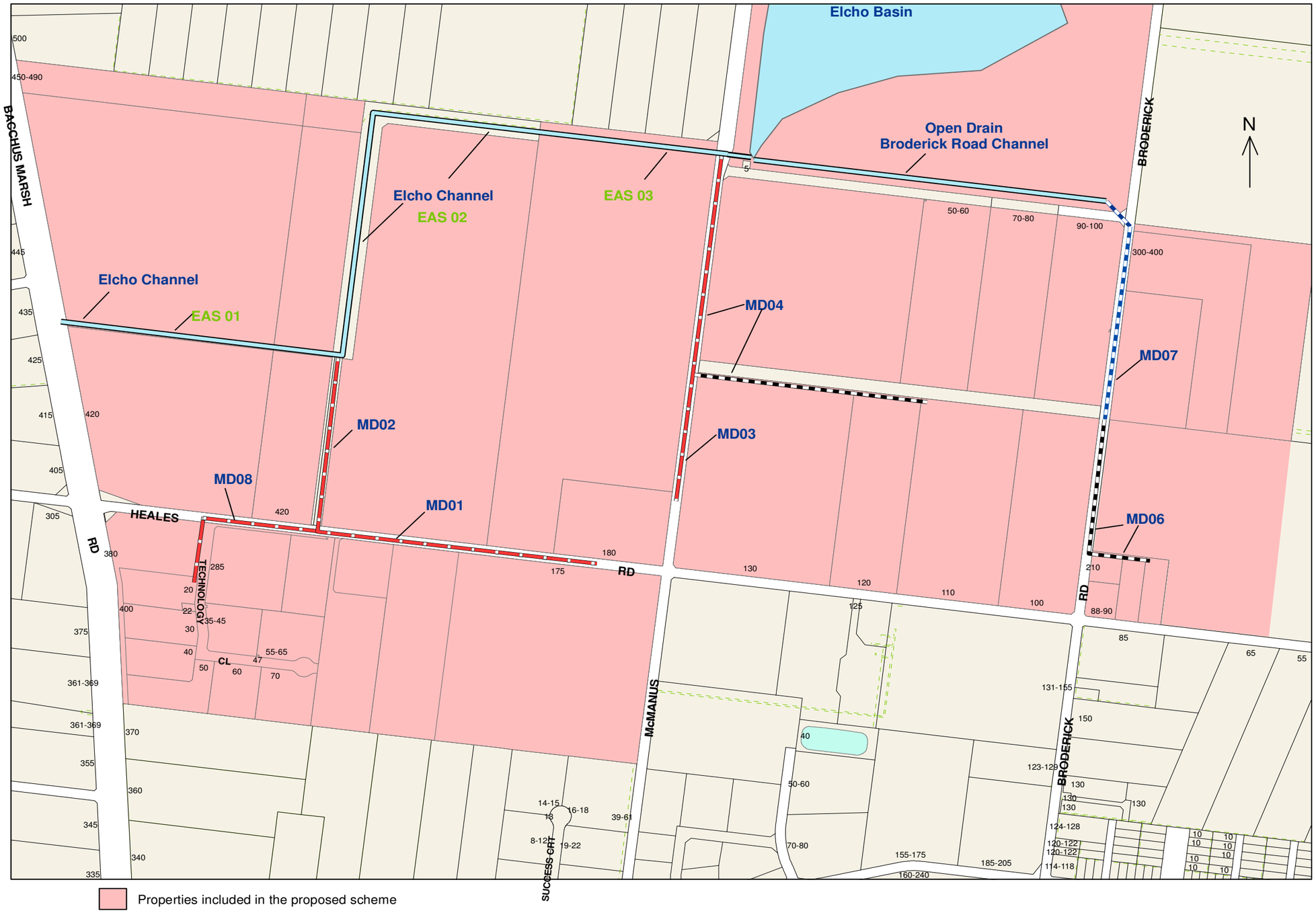
$$\text{Benefits Ratio} = \frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}} = \frac{227.42}{} \quad \textbf{0.86}$$

I Maximum Total Levy (S)

Maximum Total Levy S = R X C	**$8,674,662.16**
Council Contribution to Special Charge Scheme	$1,372,422.84

Appendix 4

PLAN



Properties included in the proposed scheme

Attachment 1

PROCESS CHART

SPECIAL CHARGE SCHEME – (Section 163 – Local Government Act 1989)

ELCHO CHANNEL DRAINAGE SCHEME – DECLARATION OF CHARGE

Stage	***Status***	***Description***
Approval to prepare scheme	✓	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. 2013
Intention to Declare Scheme	✓	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. 11 August 2015
Advertisement	✓	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. 22 August 2015
Submissions	✓	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. Submissions period closed on 21 September 2015.
Submissions Review Panel Hearing	✓	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. 2 and 16 February 2016.
Declaration Report	✓	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.
Appeal		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.
Construction		Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.
Final Cost Report		At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

18. HIGH STREET, BELMONT - CONSTRUCTION OF EASEMENT DRAIN - SRC 303 & BELMONT STREET, BELMONT - CARPARK CONSTRUCTION - SRC 304 - FINALISATION OF SCHEMES

Source: **City Services - Engineering Services**
General Manager: **William Tieppo**
Index Reference: **Special Rates and Charges, High Street and Belmont Street, Belmont**

Purpose

The purpose of this report is to finalise the High Street, Belmont Easement Drain and the Belmont Street Carpark, Belmont Special Charge Schemes.

Summary

- The Special Charge Scheme for the construction of easement drain SRC 303 was declared by Council at its meeting of 31 January 2012.
- The Scheme for the drainage construction affects eight (8) properties including three (3) owned by Council. The cost estimate at the time of scheme declaration was $39,437. The charge to owners was modelled on the Unit Cost Method at $4,930 per lot.
- The Special Charge Scheme for the car park construction SRC 304 was declared by Council at its meeting of 29 January 2013.
- The Scheme affects 179 properties and the cost estimate at the time of scheme declaration was $909,170 which included a land purchase cost of $665,205 and car park construction cost of $243,965. The capital improved value of the properties has been used as a basis for calculating the charge to owners.
- The works have now been completed and the Schemes SRC 303 and SRC 304 can be finalised by Council. The final cost of the combined project was $985,003. This includes actual land purchase cost of $665,205 and easement drain and car park construction cost of $319,798.
- The Car Park (SRC 304) cost has come in over estimate by $51,784. The costs above the scheme estimate are explained within the discussion heading of this report and it is recommended to increase the levy to property owners by 9.95% for Scheme 304 to recoup some of the expense. The easement drain cost has come in $15,390 under estimate and a charge reduction has resulted (SRC 303). A summary of the costs is shown in the financial implications section of this report and at Schedule A and B.
- The schemes have been administered in accordance with the Special Rates and Charges provisions of the *Local Government Act 1989*, ministerial guidelines, Council's Special Rates and Charges policy and engagement guidelines.
- This report seeks a Resolution by Council to confirm the Special Charge Schemes for the construction of the easement drain at High Street, Belmont and the car park construction at Belmont Street, Belmont in accordance with the Special Charge Scheme process as shown at Attachment 1 and Attachment 2 respectively.

Moved and declared carried by the Interim Administrator -

That Council having declared Special Charges SRC 303 on 31 January 2012 and SRC 304 on 29 January 2013, for the purpose of defraying the expenses in relation to the construction of an easement drain for High Street, Belmont (Appendix 1 – Plan) and car park at Belmont Street, Belmont (Appendix 2 – Plan), in accordance with Section 163 of the *Local Government Act 1989* (The Act) resolves that:

1) **The Special Charges as declared be decreased for the easement drain scheme as shown in Schedule A – Appendix 4;**

2) **The Special Charges as declared be increased by 9.95% for the car park scheme as shown in Schedule B – Appendix 5;**

3) **The concessions be applied to those properties forming part of the scheme which are used solely for residential purposes and are shown in Schedule C – Appendix 6;**

4) **The remaining increase in cost from the project estimate for the Car Park scheme be funded by Council;**

5) **The General Manager of Strategy and Performance be authorised to levy and recover the Special Charges, by sending notices to the persons who are liable to pay, in accordance with Section 167 of the *Act* and the Regulations; and;**

6) **In accordance with Section 172 of the *Act,* the rate of interest payable on the Special Charges, which have not been paid by the specified 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 of the *Act,* in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order, for the purposes of the Section). The interest is to be calculated from the date the Special Charge is due, with a six month interest free period, providing those persons who choose to pay by instalments, adhere to their repayment plan.**

Background

When High Street, Belmont Special Charge Scheme SRC 303 (drainage) was declared by Council on 31 January 2012 and advised to property owners, there was originally one (1) appeal application made to VCAT. This application was dismissed by VCAT on 12 February 2013 and the Special Charge Scheme was confirmed.

When Scheme SRC 304 (car park) was declared by Council on 29 January 2013 and advised to property owners, there was also one (1) appeal application made to VCAT. This application was dismissed by VCAT on 18 July 2013 as being invalid and the Special Charge Scheme was confirmed.

The combined projects went to tender in late June 2014. Once the contract was awarded, the scope of work was increased, due to poor on site soil types and the additional provision of car park lighting to provide a safer and more secure environment for users of the adjacent businesses.

Discussion

At the time of the scheme declarations, the cost estimate for the easement drain and car park were $39,437 and $243,965 respectively.

The combined total cost estimate was $283,402. Prior to tender (June 2014), a review of the scheme was carried out and the total cost estimate was revised to $341,515. This estimate could not be used within the scheme as the scheme had already been declared. However, the accepted tender was valued at $280,018, comparative with the original cost estimate for the project of $283,402.

During construction, poor soil (too soft) was discovered within the car park. This required deeper excavation and more crushed rock to be used. Geotextile was also used to better stabilise the car park base. Additional works were included, such as LED lighting, metering cabinet, provision for power point supply and asphalt overlay to the existing sealed section. These variations added to the car park construction cost.

In accordance with Section 166 of the *Local Government Act 1989 (Variation of a Special Rate or Charge),* Council may increase charges to affected property owners by effectively recommencing the scheme declaration and submission process. This process is not required if the increase in charge to property owners is less than 10%.

It is therefore recommended to increase the charge to property owners by 9.95% for the car park scheme. It is considered that any further increase by recommencing the declaration process will be an unnecessary burden to property owners and further expense to the project. Council will need to directly fund the balance of the cost increase.

15 properties in Belmont Street and Regent Street were given a concession to paying the Special Charge. These properties are residential and will not have to pay the allocated charge until the use of these properties reverts, changes or alters from that used solely for residential purposes. The revised charges to these properties are shown at Schedule C (Appendix 6).

The easement drain came in under budget due to an estimated allowance made for property connections and reinstatement works (due to the car park construction). This has resulted in a $1,924 reduction in charge per property

It is further recommended to pass on the charge reduction to the properties affected by the easement drain scheme as shown in Schedule A (Appendix 4).

Environmental Implications

There are no identified environmental implications in regards to emissions, energy consumption, water use, storm water quality, waste generation or natural habitats in Council's resolution to finalise the Scheme.

Financial Implications

The financial details of the projects are detailed as follows:

	SRC	Estimated Cost	Actual Cost
Charge to Property Owners	Easement Drain	$24,648	**$15,031**
	Car Park	$208,903	**$229,689**
Cost to Council	Easement Drain	$14,789	**$9,018**
	Car Park	$35,062	**$66,060**
Land purchase (Cost to Council & State Gov't)	Car Park	$665,205	**$665,205**
Total		$948,607	**$985,003**

The works were completed and funded from the Special Rates and Charges construction program of 2014/15. Additional funds are not required.

Property owners will be advised of the final costs, which will be reduction for the easement drain scheme and an increase of 9.95% from the 'as declared' charges for the car park scheme.

Policy/Legal/Statutory Implications

The Special Charge Scheme has been administered in accordance with the Special Charge Scheme provisions of the *Local Government Act 1989,* as well as Council's Special Rates and Charges policy.

Officer Direct or Indirect Interest

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

Risk Assessment

Provision for the car park has resulted in safer and more secure parking conditions. Instances of illegal or errant parking in the local area should be reduced. There are no identifiable risks to Council in finalising this Scheme.

Social Considerations

There are no particular social considerations applicable to this recommendation.

Human Rights Charter

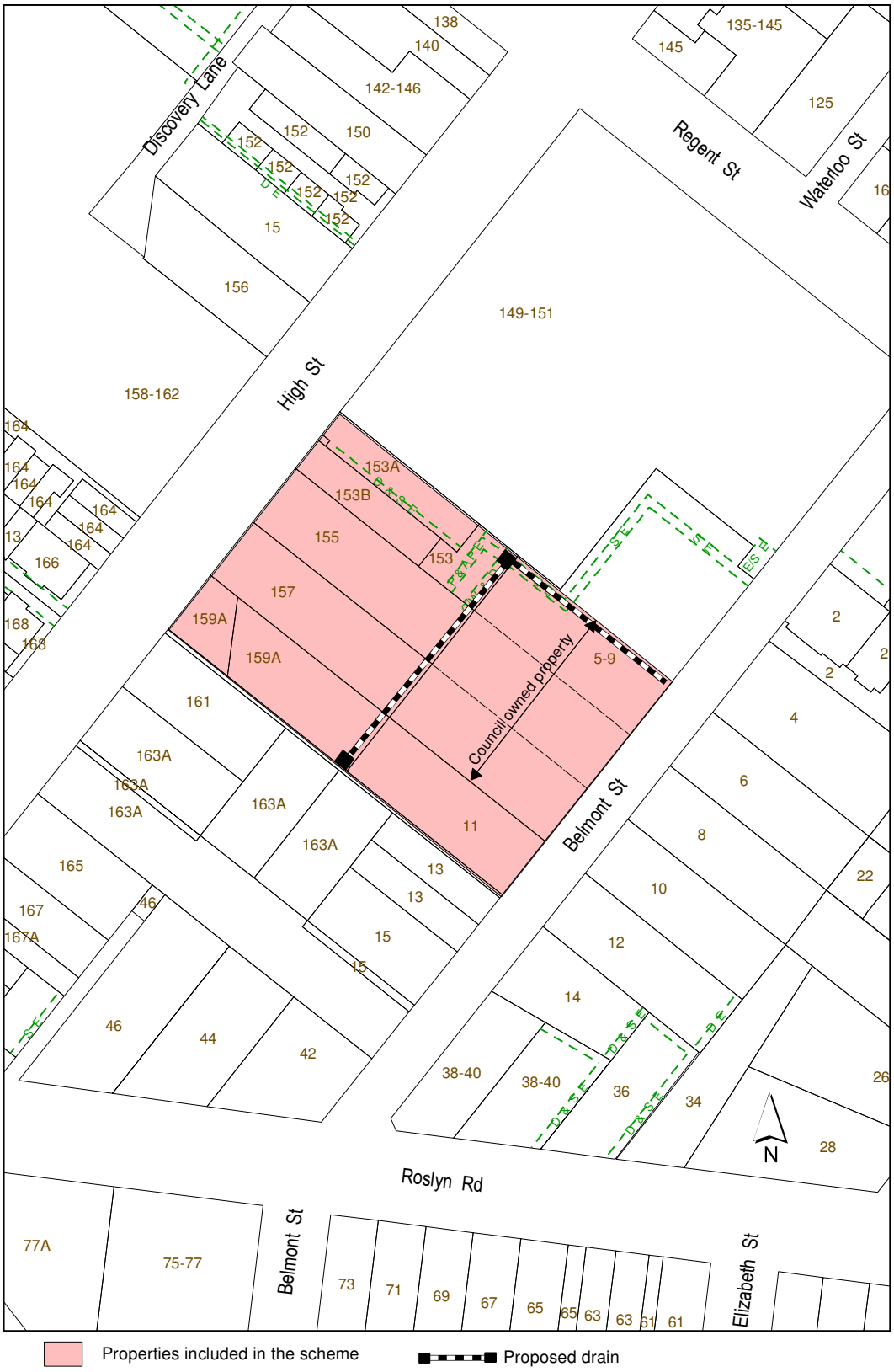
In developing this report to council, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right, established by the Victorian Charter of Human Rights and Responsibilities, is in any way limited, restricted or interfered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

Consultation and Communication

Extensive communications with property owners have taken place during the course of the project and the Special Charge Scheme process. Council will advise the property owners of the final costs.

Appendix 1

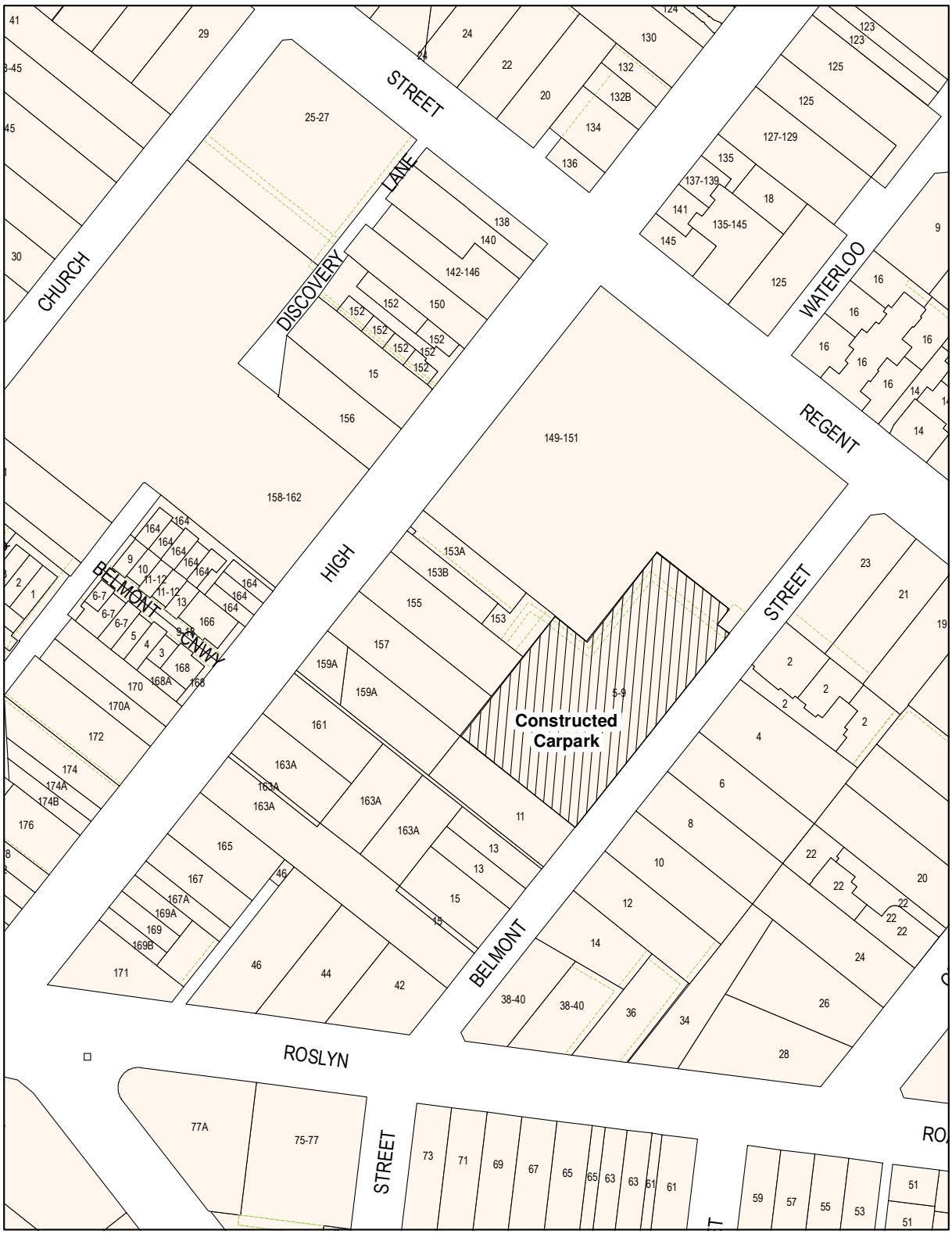
PLAN
EASTMENT DRAIN CONSTRUCTION BLOCK BOUNDED BY HIGH STREET AND BELMONT STREET, BELMONT – SPECIAL CHARGE SCHEME SRC 303



Appendix 2

PLAN

BELMONT STREET, BELMONT CARPARK CONSTRUCTION – SPECIAL CHARGE SCHEME SRC 304



Appendix 3

PLAN SHOWING NOMINATED SUB-AREAS

BELMONT STREET, BELMONT CARPARK CONSTRUCTION – SPECIAL CHARGE SCHEME SRC 304



Appendix 4

SCHEDULE A

SPECIAL CHARGE SCHEME FOR EASEMENT DRAIN CONSTRUCTION BLOCK BOUNDED BY HIGH STREET AND BELMONT STREET, BELMONT

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS		
Lot 1 LP 14613	$4,930	**$3,006.10**	221372	11	Belmont Street	Belmont
Lot 2 TP 119165, Lot 1 TP 119165	$4,930	**$3006.10**	229263 229264 229265	159 159A 159B	High Street	Belmont
Lot 1 TP 6327	$4,930	**$3006.10**	229261	157	High Street	Belmont
Pt Sec 24 CA 2	$4,930	**$3006.10**	229259	155	High Street	Belmont
Pt Sec 24 CA 2	$4,930	**$3006.10**	229255	153	High Street	Belmont
Lot 2 PS 527884	$14,789	**$9018.30**	335793	5	Belmont Street	Belmont

Appendix 5
Page 1

SCHEDULE B

SPECIAL CHARGE SCHEME FOR THE CONSTRUCTION OF CARPARK 9 BELMONT STREET, BELMONT

AREA 1

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 1 LP 14613	$1,559	**$1,714**	221372	11 Belmont Street, Belmont VIC 3216
Lot 1 PS 425883	$1,107	**$1,217**	230096	1/13 Belmont Street, Belmont VIC 3216
Lot 2 PS 425883	$1,107	**$1,217**	230095	2/13 Belmont Street, Belmont VIC 3216
Lot 6 LP 8734	$1,283	**$1,411**	221376	15 Belmont Street, Belmont VIC 3216
Lot 1 PS 527884	$18,107	**$19,909**	335792	149-151 High Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,609	**$1,769**	351037	153A High Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,609	**$1,769**	351038	153B High Street, Belmont VIC 3216
Pt Sec 24 CA 2	$3,219	**$3,539**	229259	155 High Street, Belmont VIC 3216
Lot 1 TP 6327	$4,175	**$4,590**	229261	157 High Street, Belmont VIC 3216
1/3 Share of Lot 2 TP 119165, 1/3 Share of Lot 1 TP 119165	$1,534	**$1,687**	229263	159 High Street, Belmont VIC 3216
1/3 Share of Lot 1 TP 119165, 1/3 Share of Lot 2 TP 119165	$1,408	**$1,548**	229264	159A High Street, Belmont VIC 3216
1/3 Share of Lot 1 TP 119165, 1/3 Share of Lot 2 TP 119165	$1,408	**$1,548**	229265	159B High Street, Belmont VIC 3216
1/3 Share of Lot 1 LP 8734	$1,333	**$1,466**	229266	161 High Street, Belmont VIC 3216
1/3 Share of Lot 1 LP 8734	$905	**$995**	229267	161A High Street, Belmont VIC 3216
1/3 Share of Lot 1 LP 8734	$1,031	**$1,134**	337309	161B High Street, Belmont VIC 3216
Part of: Lot 2 LP 8734, Lot 3 LP 8734, Lot 4 LP 8734, LP 8734, LP 8734, Res LP 8734	$13,213	**$14,528**	229268	163 High Street, Belmont VIC 3216

AREA 2

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 1A RP 1987	$1,119	**$1,230**	221385	3 Belmont Centreway, Belmont VIC 3216
Lot 4 RP 1987	$729	**$802**	221386	4 Belmont Centreway, Belmont VIC 3216
Lot 5 RP 1987	$704	**$774**	221387	5 Belmont Centreway, Belmont VIC 3216
Lot 6 RP 1987, Lot 7 RP 1987	$1,195	**$1,314**	221388	6-7 Belmont Centreway, Belmont VIC 3216
Lot 8 RP 1987	$566	**$622**	221389	8 Belmont Centreway, Belmont VIC 3216
Lot 9 RP 1983	$553	**$608**	221390	9 Belmont Centreway, Belmont VIC 3216
Lot 10 RP 1983	$666	**$732**	221391	10 Belmont Centreway, Belmont VIC 3216
Lot 11 RP 1983	$553	**$608**	221392	11 Belmont Centreway, Belmont VIC 3216

Appendix 5
Page 2

AREA 2 Cont'd

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 12 RP 1983	$553	**$608**	221393	12 Belmont Centreway, Belmont VIC 3216
Lot 13 RP 1983	$553	**$608**	221394	13 Belmont Centreway, Belmont VIC 3216
Lot 8 PS 509670	$679	**$747**	333476	Shop No. 1/13 Discovery Lane, Belmont VIC 3216
Lot 7 PS 509670	$541	**$595**	320254	Shop No. 2/13 Discovery Lane, Belmont VIC 3216
Lot 6 PS 509670	$767	**$843**	320255	Shop No. 3/13 Discovery Lane, Belmont VIC 3216
Lot 4 PS 509670	$440	**$484**	229158	15 Discovery Lane, Belmont VIC 3216
1/2 Share of Lot 1 GLS 537	$1,270	**$1,396**	229240	1/138 High Street, Belmont VIC 3216
1/2 Share of Lot 1 GLS 537	$516	**$567**	229241	2/138 High Street, Belmont VIC 3216
Lot 1 TP 8400	$943	**$1,037**	229242	140 High Street, Belmont VIC 3216
Lot 2 GLS 1429	$1,949	**$2,143**	229244	142 High Street, Belmont VIC 3216
1/2 Share of Lot 1 GLS 1429	$855	**$940**	229246	148 High Street, Belmont VIC 3216
1/2 Share of Lot 1 GLS 1429	$943	**$1,037**	229248	150 High Street, Belmont VIC 3216
Lot 1 RP 14628	$679	**$747**	229249	1/152 High Street, Belmont VIC 3216
Lot 2 RP 14628	$742	**$816**	229250	2/152 High Street, Belmont VIC 3216
1/2 Share of Lot 3 RP 14628	$566	**$622**	229251	3/152 High Street, Belmont VIC 3216
Lot 4 RP 14628	$350	**$385**	229252	4/152 High Street, Belmont VIC 3216
Lot 5 RP 14628	$350	**$385**	229253	6/152 High Street, Belmont VIC 3216
1/2 Share of Lot 3 RP 14628	$282	**$310**	298819	7/152 High Street, Belmont VIC 3216
Lot 6 RP 14628	$402	**$442**	229254	8/152 High Street, Belmont VIC 3216
Lot 3 PS 509670	$918	**$1,009**	229256	1/154 High Street, Belmont VIC 3216
Lot 2 PS 509670	$792	**$871**	229257	2/154 High Street, Belmont VIC 3216
Lot 1 PS 509670	$604	**$664**	333938	3/154 High Street, Belmont VIC 3216
CP 166022	$2,087	**$2,295**	229260	156 High Street, Belmont VIC 3216
PC 364115	$10,286	**$11,309**	229262	158-162 High Street, Belmont VIC 3216
Lot 8 RP 3540	$1,132	**$1,245**	229269	15/164 High Street, Belmont VIC 3216
Lot 6 RP 3540, Lot 7 RP 3540	$1,270	**$1,396**	229270	16-17/164 High Street, Belmont VIC 3216
Lot 5 RP 3540	$641	**$705**	229271	18/164 High Street, Belmont VIC 3216
Lot 4 RP 3540	$767	**$843**	229272	19/164 High Street, Belmont VIC 3216
Lot 3 RP 3540	$792	**$871**	229273	20/164 High Street, Belmont VIC 3216
Lot 1 RP 3540, Lot 2 RP 3540	$1,094	**$1,203**	229274	21/164 High Street, Belmont VIC 3216
Lot 14 RP 1983	$1,220	**$1,341**	229283	166 High Street, Belmont VIC 3216
Lot 2 RP 1987	$868	**$954**	229286	168 High Street, Belmont VIC 3216
Lot 3A RP 1987	$692	**$761**	334246	168A High Street, Belmont VIC 3216

Appendix 5
Page 3

AREA 3

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
1/9 Share of Lot 1 TP 229720	$156	**$172**	24960	1 Belmont Arcade, Belmont VIC 3216
1/9 Share of Lot 1 TP 229720	$156	**$172**	24961	1A Belmont Arcade, Belmont VIC 3216
1/9 Share of Lot 1 TP 229720	$156	**$172**	24962	2 Belmont Arcade, Belmont VIC 3216
1/9 Share of Lot 1 TP 229720	$309	**$340**	24963	3 Belmont Arcade, Belmont VIC 3216
1/9 Share of Lot 1 TP 229720	$ 98	**$108**	24964	4 Belmont Arcade, Belmont VIC 3216
1/9 Share of Lot 1 TP 229720	$279	**$307**	24965	6 Belmont Arcade, Belmont VIC 3216
Lot 1 SP 24282	$729	**$802**	24977	1 Belmont Square, Belmont VIC 3216
Lot 2 SP 24282	$692	**$761**	24978	2 Belmont Square, Belmont VIC 3216
Lot 3 SP 24282	$767	**$843**	24979	3 Belmont Square, Belmont VIC 3216
Lot 4 SP 24282	$390	**$429**	24980	4 Belmont Square, Belmont VIC 3216
Lot 5 SP 24282	$428	**$471**	24981	5 Belmont Square, Belmont VIC 3216
Lot 6 SP 24282	$372	**$409**	24982	6 Belmont Square, Belmont VIC 3216
Lot 7 SP 24282	$372	**$409**	24983	7 Belmont Square, Belmont VIC 3216
Lot 1 LP 68848	$1,446	**$1,590**	26430	170 High Street, Belmont VIC 3216
Lot 2 LP 68848	$1,220	**$1,341**	26431	170A High Street, Belmont VIC 3216
1/2 Share of Pt CA 1 Sec 24	$3,144	**$3,457**	26433	172 High Street, Belmont VIC 3216
1/2 Share of Pt CA 1 Sec 24	$1,107	**$1,217**	26434	172A High Street, Belmont VIC 3216
Lot 1 LP 68138	$566	**$622**	26436	1/174 High Street, Belmont VIC 3216
Lot 1 LP 73340	$780	**$858**	26439	1/174A High Street, Belmont VIC 3216
Lot 1 LP 68138	$1,345	**$1,479**	26435	174 High Street, Belmont VIC 3216
Lot 2 LP 73340	$943	**$1,037**	26441	174B High Street, Belmont VIC 3216
Lot 1 LP 73340	$516	**$567**	26440	2/174A High Street, Belmont VIC 3216
Lot 2 LP 18152	$1,496	**$1,645**	26442	176 High Street, Belmont VIC 3216
177.5m2 Lot 1 TP 830165	$1,245	**$1,369**	26443	178 High Street, Belmont VIC 3216
Pt CA 1 Sec 24, Lot 1 TP 15952	$1,270	**$1,396**	26444	180-182 High Street, Belmont VIC 3216
1/9 Share of Lot 1 TP 229720	$1,195	**$1,314**	26445	184 High Street, Belmont VIC 3216
1/9 Share of Lot 1 TP 229720	$993	**$1,092**	26446	186 High Street, Belmont VIC 3216
1/9 Share of Lot 1 TP 229720	$566	**$622**	26447	186A High Street, Belmont VIC 3216
Lot 1 TP 818905	$1,094	**$1,203**	26448	188 High Street, Belmont VIC 3216
Pt 1 TP 11618	$322	**$354**	28012	46B Roslyn Road, Belmont VIC 3216
Lot 1 TP 11618	$578	**$636**	28013	46C Roslyn Road, Belmont VIC 3216
Lot 1 SP 22394	$566	**$622**	28972	1/57 Thomson Street, Belmont VIC 3216
Lot 11 SP 22394	$541	**$595**	28981	11/57 Thomson Street, Belmont VIC 3216
Lot 2 SP 22394	$465	**$511**	28973	2/57 Thomson Street, Belmont VIC 3216
Lot 3 SP 22394	$629	**$692**	28974	3/57 Thomson Street, Belmont VIC 3216

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AREA 3 Cont'd

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 4 SP 22394	$478	**$526**	28975	4/57 Thomson Street, Belmont VIC 3216
Lot 5A SP 22394	$654	**$719**	28976	5/57 Thomson Street, Belmont VIC 3216
Lot 6A SP 22394	$654	**$719**	28977	6/57 Thomson Street, Belmont VIC 3216
Lot 7 SP 22394	$541	**$595**	28978	7/57 Thomson Street, Belmont VIC 3216
Lot 8 SP 22394	$679	**$747**	28979	8/57 Thomson Street, Belmont VIC 3216
Lot 9 & 10 SP 22394	$968	**$1,064**	28980	9/57 Thomson Street, Belmont VIC 3216
Lot 1 SP 29167	$453	**$498**	28983	1/63 Thomson Street, Belmont VIC 3216
Lot 3 SP 29167, Lot 2 SP 29167	$742	**$816**	28984	2-3/63 Thomson Street, Belmont VIC 3216
Lot 4 SP 29167	$350	**$385**	28985	3/63 Thomson Street, Belmont VIC 3216
Lot 5 SP 29167	$528	**$581**	28986	4/63 Thomson Street, Belmont VIC 3216
Lot 6 SP 29167	$440	**$484**	28987	5/63 Thomson Street, Belmont VIC 3216
Lot 7 SP 29167	$591	**$650**	28988	6/63 Thomson Street, Belmont VIC 3216
Lot 9 SP 29167	$1,081	**$1,189**	28942	63-67 Thomson Street, Belmont VIC 3216
Lot 8 SP 29167	$654	**$719**	28989	7/63 Thomson Street, Belmont VIC 3216

AREA 4

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 5 SP 28348	$1,031	**$1,134**	229275	1-2/165 High Street, Belmont VIC 3216
Lot 4 SP 28348, Lot 6 SP 28348	$2,439	**$2,682**	229278	3/165 High Street, Belmont VIC 3216
Lot 3 SP 28348	$1,031	**$1,134**	229280	4/165 High Street, Belmont VIC 3216
Lot 1B SP 28348	$1,358	**$1,493**	229281	5/165 High Street, Belmont VIC 3216
Lot 1A SP 28348	$1,333	**$1,466**	229282	6/165 High Street, Belmont VIC 3216
Unit 2 SP 28348	$1,081	**$1,189**	327839	Suite No. 1/Level No. 1 165 High Street, Belmont VIC 3216
Lot 7 SP 28348	$734	**$807**	229279	Suite No. 3/Level No. 1 165 High Street, Belmont VIC 3216
Lot 8 LP 8734	$2,867	**$3,152**	229284	167 High Street, Belmont VIC 3216
Lot 1 TP 618935	$1,987	**$2,185**	229285	167A High Street, Belmont VIC 3216
Lot 2 PS 345011	$1,559	**$1,714**	229287	169 High Street, Belmont VIC 3216
Lot 1 PS 345011	$2,087	**$2,295**	229288	169A High Street, Belmont VIC 3216
Lot 3 PS 345011	$1,861	**$2,046**	229289	169B High Street, Belmont VIC 3216
Lot 10 LP 8734	$4,074	**$4,479**	229292	171 High Street, Belmont VIC 3216

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AREA 5

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
1/2 Share of Lot 1 PS 339874	$1,848	**$2,032**	26332	1/110-112 High Street, Belmont VIC 3216
1/2 Share of Lot 1 PS 339874	$1,572	**$1,728**	112283	1A/110-112 High Street, Belmont VIC 3216
Lot 2A PS 339874	$478	**$526**	815703	2A/110-112 High Street, Belmont VIC 3216
Lot 2B PS 339874	$553	**$608**	815704	2B/110-112 High Street, Belmont VIC 3216
Lot 2C PS 339874	$534	**$587**	815705	2C/110-112 High Street, Belmont VIC 3216
Lot 3 PS 339874	$327	**$360**	26334	3/110-112 High Street, Belmont VIC 3216
Lot 4 PS 339874	$327	**$360**	26335	4/110-112 High Street, Belmont VIC 3216
Lot 5 PS 339874	$497	**$546**	26336	5/110-112 High Street, Belmont VIC 3216
Lot 6 PS 339874	$692	**$761**	26337	6/110-112 High Street, Belmont VIC 3216
Lot 7 PS 339874	$692	**$761**	26338	7/110-112 High Street, Belmont VIC 3216
Lot 8 PS 339874	$886	**$974**	100805	8/110-112 High Street, Belmont VIC 3216
Lot 1 PS 330701	$434	**$477**	26345	1/124 High Street, Belmont VIC 3216
Lot 2 PS 330701	$185	**$203**	26346	2/124 High Street, Belmont VIC 3216
Lot 3 PS 330701	$80	**$88**	26347	3/124 High Street, Belmont VIC 3216
Lot 4 PS 330701	$74	**$81**	26348	4/124 High Street, Belmont VIC 3216
Lot 5 PS 330701	$96	**$106**	26349	5/124 High Street, Belmont VIC 3216
Lot 6 PS 330701	$67	**$74**	26350	6/124 High Street, Belmont VIC 3216
1/2 Share of Lot 7 PS 330701	$112	**$123**	26351	7/124 High Street, Belmont VIC 3216
1/2 Share of Lot 7 PS 330701	$258	**$284**	26352	8/124 High Street, Belmont VIC 3216
1/7 Share of Lot 1 TP 834474	$346	**$380**	26356	1/130 High Street, Belmont VIC 3216
1/7 Share of Lot 1 TP 834474	$346	**$380**	26357	2/130 High Street, Belmont VIC 3216
1/7 Share of Lot 1 TP 834474	$156	**$172**	26358	3/130 High Street, Belmont VIC 3216
1/7 Share of Lot 1 TP 834474	$175	**$192**	26359	4/130 High Street, Belmont VIC 3216
1/7 Share of Lot 1 TP 834474	$156	**$172**	26360	5/130 High Street, Belmont VIC 3216
1/7 Share of Lot 1 TP 834474	$156	**$172**	26361	6/130 High Street, Belmont VIC 3216
1/7 Share of Lot 1 TP 834474	$156	**$172**	26362	7/130 High Street, Belmont VIC 3216
Lot 1 TP 242087	$421	**$463**	26363	132 High Street, Belmont VIC 3216
1/2 Share of Lot 1 TP 689143	$428	**$471**	26364	132A High Street, Belmont VIC 3216
1/2 Share of Lot 1 TP 689143	$201	**$221**	26365	132B High Street, Belmont VIC 3216
Pt CA 2 Sec 24	$239	**$263**	26366	134 High Street, Belmont VIC 3216
CA 2 Sec Pt24	$384	**$422**	26369	136 High Street, Belmont VIC 3216
Pt CA 2 Sec 24	$597	**$656**	27768	20 Regent Street, Belmont VIC 3216
Lot 1 TP 22522	$528	**$581**	27770	22 Regent Street, Belmont VIC 3216

19. REVOCATION OF FLOOD-PRONE AREA DESIGNATION OF NEW LOTS AT ARMSTRONG VILLAWOOD ESTATE STAGES 14 AND 23

Source **City Services – Engineering Services**
General Manager: **William Tieppo**
Index Reference: **Subject: Drainage - Floods**

Purpose

The purpose of this report is to present a revision to the flood mapping for existing conditions produced within the early 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 193-237 Boundary Road, Mount Duneed and 465-489 Torquay Road, Mount Duneed. Prior to subdivision the parent lots was considered to be liable to flooding. This development site, which is also known as Armstrong Villawood Stages 14 and 23, 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.

Moved and declared carried by the Interim Administrator -

That Council revoke the Council designation of 12 December 2006 of flood affected land as highlighted as Stages 14 and 23 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.

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 Creek fronting Boundary Road and Torquay Road. At the time of the flood study the subject land comprised of two larger lots. Prior to subdivision the parent lot was used primarily as farmland.

The subdivision at 193-237 Boundary Road, Mount Duneed and 465-489 Torquay Road, Mount Duneed was named Armstrong Villawood Estate by the developer. The current designated flood extent affects multiple residential lots within the Armstrong Villawood Estate Stages 14 and 23.

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 193-237 Boundary Road, Mount Duneed and 465-489 Torquay 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 193-237 Boundary Road, Mount Duneed and 465-483 Torquay 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 193-237 Boundary Road, Mount Duneed and 465-489 Torquay 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 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.

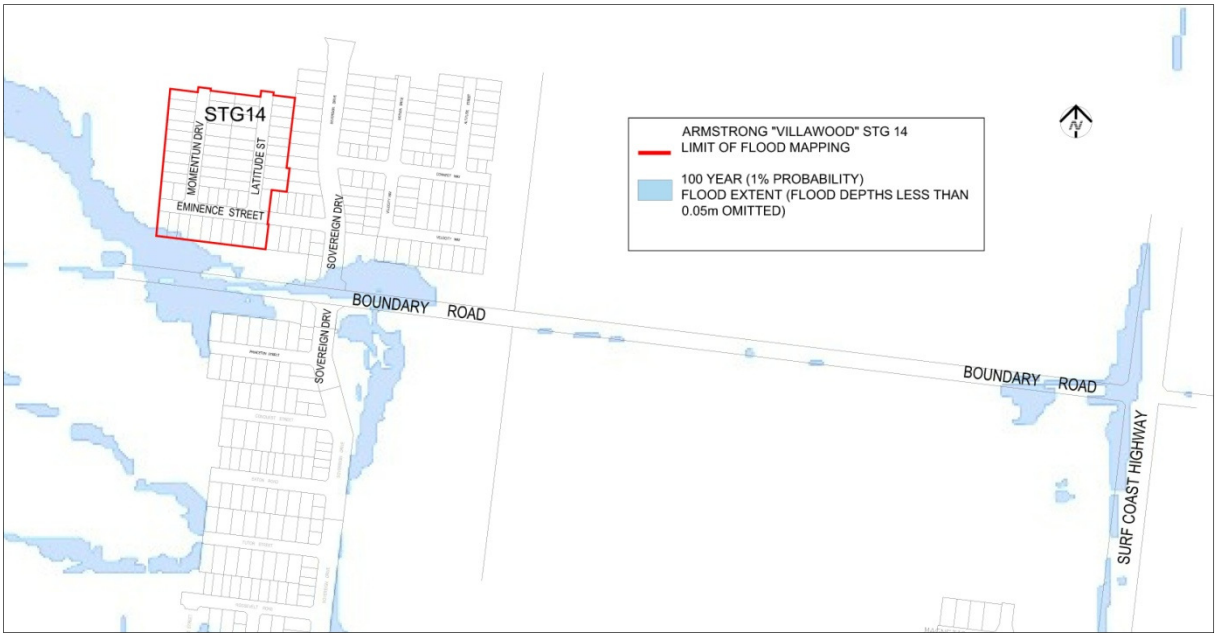
A revocation of designation does not warrant public consultation as it constitutes the removal of an encumbrance on land.

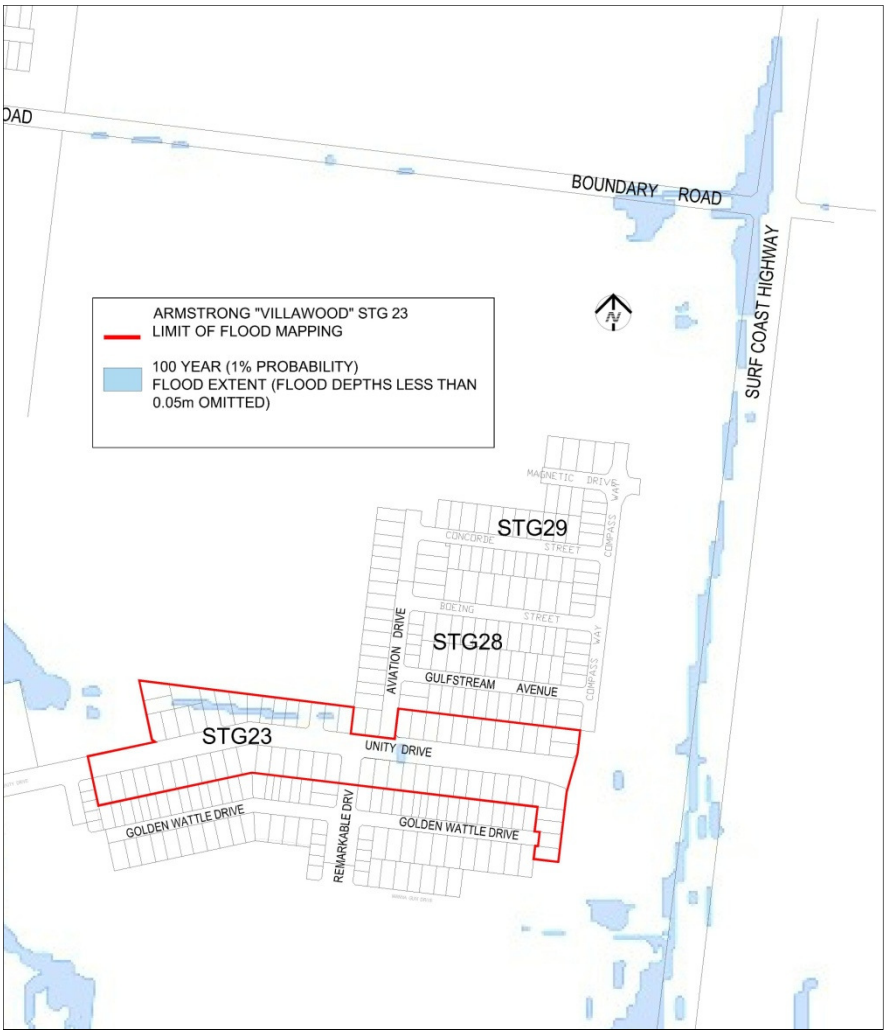
The owners of properties affected by the revocation will be notified so they are aware that disclosure of flood status on a Section 32 Vendors Statement is no longer required.

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

Attachment 1

Current Flood Map

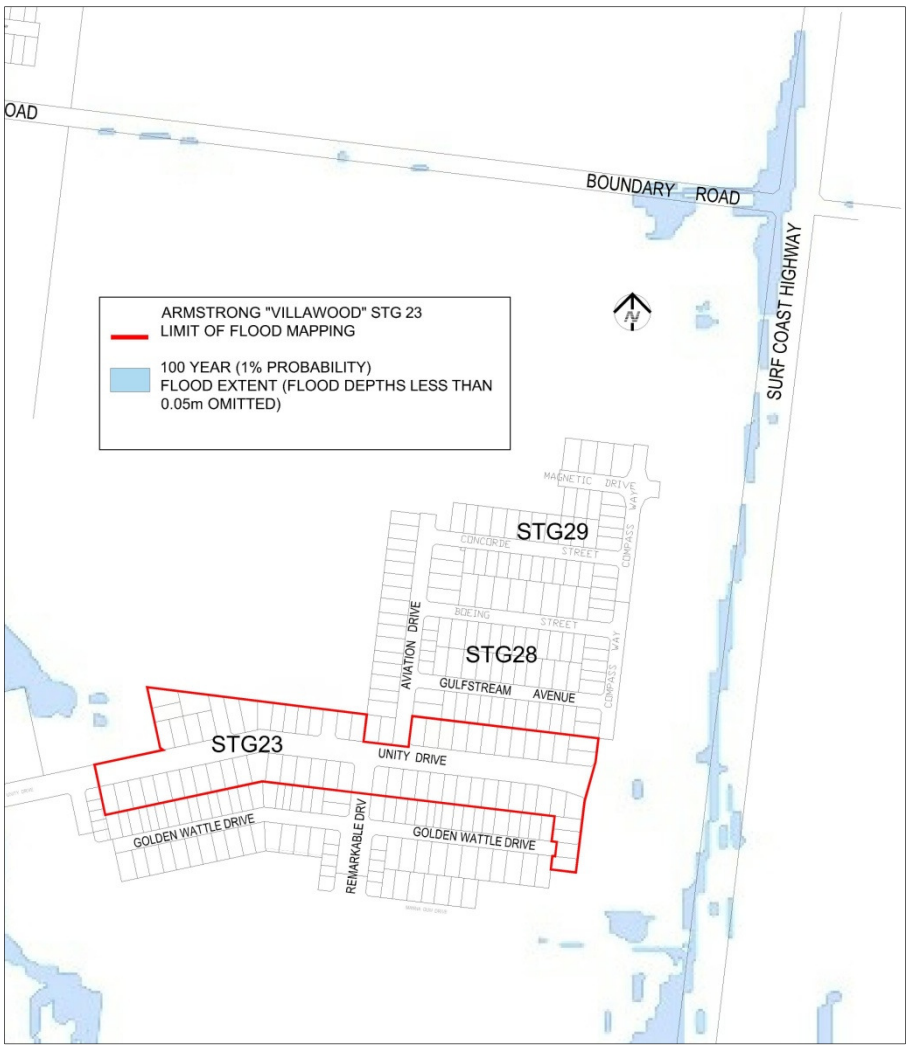




Attachment 2

Revised Flood Map





Appendix 5
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AREA 6

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 1 LP 110417, R1 LP 110417, Lot 9 LP 14655	$2,867	**$3,152**	229201	107-113 High Street, Belmont VIC 3216
Lot 2 LP 110417, Lot 5 LP 18347	$2,024	**$2,225**	229213	115-117 High Street, Belmont VIC 3216
Lot 5 LP 18347, Lot 2 LP 110417	$1,886	**$2,074**	299808	119-121 High Street, Belmont VIC 3216
Lot 1 LP 40082, Lot 2 LP 40082	$1,283	**$1,411**	229214	123 High Street, Belmont VIC 3216
Pt CA 2 Sec 24	$3,596	**$3,954**	229225	127 High Street, Belmont VIC 3216
Lot 1 SP 33626	$880	**$968**	229237	135 High Street, Belmont VIC 3216
Lot 2 SP 33626	$805	**$885**	229239	137 High Street, Belmont VIC 3216
Lot 3 SP 33626	$805	**$885**	229243	141 High Street, Belmont VIC 3216
Lot 4 SP 33626	$1,257	**$1,382**	229245	145 High Street, Belmont VIC 3216
Lot 5 SP 33626	$1,320	**$1,451**	236436	18 Regent Street, Belmont VIC 3216

AREA 7

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 2 PS632351	$480	**$528**	348657	1/2 Belmont Street, Belmont VIC 3216
Lot 2 PS632351	$511	**$562**	348658	2/2 Belmont Street, Belmont VIC 3216
Lot 2 PS632351	$518	**$570**	348659	3/2 Belmont Street, Belmont VIC 3216
Lot 1 LP 16051	$1,685	**$1,853**	221367	4 Belmont Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,207	**$1,327**	221369	6 Belmont Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,333	**$1,466**	221370	8 Belmont Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,333	**$1,466**	221371	10 Belmont Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,333	**$1,466**	221373	12 Belmont Street, Belmont VIC 3216
Lot 4 LP 62588	$1,081	**$1,189**	221375	14 Belmont Street, Belmont VIC 3216
Pt CA 3 Sec 24	$1,584	**$1,742**	236437	19 Regent Street, Belmont VIC 3216
1/2 Share of Lot 1 TP 9227	$664	**$730**	236439	Suite No. 1/21 Regent Street, Belmont VIC 3216
1/2 Share of Lot 1 TP 9227	$287	**$316**	335658	Suite No. 2/21 Regent Street, Belmont VIC 3216
Lot 1 GLS 1123	$956	**$1,051**	236441	23 Regent Street, Belmont VIC 3216
Lot 1 LP 62588	$1,559	**$1,714**	237211	36 Roslyn Road, Belmont VIC 3216
Lot 3 LP 62588, Lot 2 LP 62588	$2,414	**$2,654**	237212	38 Roslyn Road, Belmont VIC 3216

AREA 11

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 1 TP 553608, Lot 2 TP 553608	$805	**$885**	224335	3 Corio Street, Belmont VIC 3216
PC 356216	$1,936	**$2,129**	300206	75-77 Roslyn Road, Belmont VIC 3216
PC 157686	$2,072	**$2,278**	237251	77A Roslyn Road, Belmont VIC 3216

Appendix 6

SCHEDULE C

SPECIAL CHARGE SCHEME FOR THE CONSTRUCTION OF CARPARK 9 BELMONT STREET, BELMONT

The following properties were Granted Concession

PROPERTY DETAILS	AS DECLARED ESTIMATE	ACTUAL COST ($)	PROPERTY REFERENCE	PROPERTY ADDRESS
Lot 2 PS632351	$480	**$528**	348657	1/2 Belmont Street, Belmont VIC 3216
Lot 2 PS632351	$511	**$562**	348658	2/2 Belmont Street, Belmont VIC 3216
Lot 2 PS632351	$518	**$570**	348659	3/2 Belmont Street, Belmont VIC 3216
Lot 1 LP 16051	$1,685	**$1,853**	221367	4 Belmont Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,207	**$1,327**	221369	6 Belmont Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,333	**$1,466**	221370	8 Belmont Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,333	**$1,466**	221371	10 Belmont Street, Belmont VIC 3216
Pt Sec 24 CA 2	$1,333	**$1,466**	221373	12 Belmont Street, Belmont VIC 3216
Lot 1 LP 62588	$1,559	**$1,714**	237211	36 Roslyn Road, Belmont VIC 3216
Lot 1 GLS 1123	$956	**$1,051**	236441	23 Regent Street, Belmont VIC 3216
Pt CA 3 Sec 24	$1,584	**$1,742**	236437	19 Regent Street, Belmont VIC 3216
Lot 1 LP 14613	$1,559	**$1,714**	221372	11 Belmont Street, Belmont VIC 3216
Lot 1 PS 425883	$1,107	**$1,217**	230096	1/13 Belmont Street, Belmont VIC 3216
Lot 2 PS 425883	$1,107	**$1,217**	230095	2/13 Belmont Street, Belmont VIC 3216
Lot 1 TP 22522	$528	**$581**	27770	22 Regent Street, Belmont VIC 3216

Attachment 1

PROCESS CHART

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

EASEMENT DRAIN CONSTRUCTION BLOCK BOUNDED BY HIGH STREET AND BELMONT STREET, BELMONT

Stage	***Status***	***Description***
Approval to prepare scheme	✓	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.
Intention to Declare Scheme	✓	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. 23 March 2011
Advertisement	✓	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. 23 April 2011
Submissions	✓	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.
Submissions Review Panel Hearing	✓	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. 21 September 2011
Declaration Report	✓	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. 31 January 2012
Appeal	✓	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. VCAT dismissed single application on 12 February 2013 and ordered the Special charge.
Construction	✓	Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement. 2015
Final Cost Report	✓	At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

Attachment 2

PROCESS CHART

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

BELMONT STREET, BELMONT – CONSTRUCTION OF CARPARK

Stage	***Status***	***Description***
Approval to prepare scheme	✓	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.
Intention to Declare Scheme	✓	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. 23 March 2010
Advertisement	✓	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. 23 April 2010
Submissions	✓	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.
Submissions Review Panel Hearing	✓	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. 21 September 2010
Declaration Report	✓	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. 29 January 2013
Appeal	✓	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. VCAT dismissed single application on 18 July 2013 and ordered the Special charge.
Construction	✓	Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement. 2015
Final Cost Report	✓	At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

20. CONSIDERATION OF TENDER SUBMISSIONS FOR TENDER NO. T1600011 SUPPLY OF ASPHALT WORKS, PRODUCTS AND SERVICES

Source: **City Services**
General Manager: **William Tieppo**
Index Reference: **T1600011**

Summary

- Council has sought tenders for the Supply of Asphalt Works, Products and Services.
- The successful tenderer's will be appointed as preferred suppliers to a panel of providers for the provision of this service.
- The term of the contract is for 2 years commencing 1 July 2016 with options to extend the contract term for a further period of 12months x 12months, ie potentially a four year term.
- A total of six (6) companies have provided tender submissions for the provision of these services.
- Following a detailed evaluation of each of the submissions it is considered that the tender submission/'s of Fulton Hogan Industries Pty Ltd, Boral Resources (Vic) Pty Ltd, Econopave Asphalt Services Pty Ltd and Hetakaro Pty Ltd trading as Asphalt Paving Services are preferred.

Moved and declared carried by the Interim Administrator -

That Council:

1) **accept the tender submission/'s from Fulton Hogan Industries Pty Ltd, Boral Resources (Vic) Pty Ltd, Econopave Asphalt Services Pty Ltd and Hetakaro Pty Ltd trading as Asphalt Paving Services for Tender No T1600011 – Supply of Asphalt Works, Products and Services for the associated schedule of rates exclusive of GST;**
2) **the Chief Executive Officer be authorised to sign the contract documents for and on behalf of the City of Greater Geelong Council.**

Report

Background

Tenders for the Supply of Asphalt Works, Products and Services were invited via public advertisement in the Geelong Advertiser and Tenderlink on Saturday 16 January 2016.

At the close of tenders on 10 February 2016 the following tender submissions were received:

Tenderer
Hetakaro Pty Ltd trading as Asphalt Paving Services
Boral Resources (VIC) Pty Ltd
Econopave Asphalt Services Pty Ltd
Fulton Hogan Industries Pty Ltd
Greenhall Asphalt Settlement Trust
Oz Group Constructions Pty Ltd

All tenders have been submitted exclusive of GST.

Discussion
The tender submissions associated with this service were evaluated by a panel of authorised Council Officers.

Stage One – Mandatory Criteria
Mandatory requirements apply to this Tender. All tenderers met the mandatory requirements.

Stage Two –Comparative Criteria
Tender submissions were assessed based on the respondent's performance or tender response in the following areas:

Criteria	Weighting
Economic Contribution to Geelong Region	10%
Quality Policy	10%
Risk Management Policy	10%
Customer Service	10%
Capability & Experience over the past 3 years	60%
	100%

Tenderers with an overall score of 60 or above were deemed to have the necessary skills, experience and resources to undertake the service. The tenderers who achieved this score were then assessed on a best value basis as listed below;

Tenderer
Boral Resources (VIC) Pty Ltd
Fulton Hogan Industries Pty Ltd
Hetakaro Pty Ltd trading as Asphalt Paving Services
Econopave Asphalt Services Pty Ltd

The evaluation panel agreed that four (4) contractors is a satisfactory number of contractors to appoint to this panel taking into account the services required on an annual basis.

The panel of contractors have submitted detailed schedule of rates and Council Officers will engage the panel members utilising best value to deliver the program during the course of the contract.

The four contractors have complied with the OH&S requirements of the tender documentation.

Environmental Implications
Any environmental implications associated with this contract will arise from the execution of this service. It is considered that these are the responsibility of the Contractor and will be managed through the contract documentation.

Financial Implications

This is a schedule of rates tender and will rely upon the amount of funds allocated in the Budget Code (C02306) in the 2016/2017 budget. The budget allocation for this service is approximately $4.3 million.

Policy/Legal/Statutory Implications

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

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

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

Social Considerations

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

Communications

There are no communication issues associated with the acceptance of this tender. Councils representative will liaise with affected community groups.

City Plan

The key outcomes of the delivery of this tendered service are incorporated into the key City Plan objectives

Human Rights Charter

There are not anticipated to be any Human Rights impacts associated with the acceptance of this tender

21. AUDIT ADVISORY COMMITTEE SUMMARY REPORT

Source: **Corporate Internal Auditor**
Chief Executive Officer: **Kelvin Spiller**
Index Reference: **Audit CG - Internal**

Moved and declared carried by the Interim Administrator -

That in accordance with Section 89 (2) (h) of the Local Government Act 1989, this matter, which the Council considers would prejudice the Council or any person, be considered at the conclusion of all other business at which time the meeting be closed to members of the public.

ASSEMBLY OF COUNCILLORS RECORD

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.

Moved and declared carried by the Interim Administrator -

That the information be received.

RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 10 May 2016)

Assembly Details	Interim Administrator	Officer Attendees	Agenda Items	Conflict of Interest Disclosures
Detailed Budget Briefing with new Interim Administrator **21 April 2016**	Yehudi Blacher	K Spiller (CEO) D Frost (GM) W Tieppo (GM) P Bettess (GM) B Luxford (GM) L Quinn (GM) M Kelly (MGR)	• Budget Funding Review – Capital and Operating • Budget Changes – Guidelines to Draft 2 • 2016-17 Proposed Projects Review	• Nil.
Councillor Briefing **3 May 2016**	Yehudi Blacher	K Spiller (CEO) W Tieppo (GM) D Frost (GM) B Luxford (GM) P Bettess (GM) L Quinn (GM) M Kelly (MGR) T McDonald (MGR A Paterson (EO)	*Items Discussed:* • 2016-17 Proposed Budget • Proposed City Plan 2013-17 (2015 update) • Financial Management Report – March 2016 • Exchange of Land – Batman Road, Indented Head – Consideration of Submission • Geelong Library & Heritage Centre – Café and Catering Facilities • CTR550 1 Audit Advisory Committee VO7 – Terms of Reference DRAFT • Audit Advisory Committee Summary Report (Confidential) • Amendment C317 & Permit 970/2014: St Leonards Growth Area 1 – Consideration of Panel Report and Adoption • Amendment C329 – Rezoning of Land Adjacent to the Multicultural Aged Care Services Facility, DeStefano Drive, North Geelong • Portarlington Structure Plan Review 2016 • Indented Head Structure Plan Review 2016 • Geelong Gallery Annual Report 2014-2015 • Geelong Major Events Committee – Half Yearly Report • Geelong Major Events Committee – Amended Instrument of Delegation and Terms of Reference • Back to Back Theatre – 2015 Annual Report • External Membership – Potato Shed • Council Representation on the Board of Tourism Greater Geelong and the Bellarine Inc	• Yehudi Blacher declared an Interest in Consideration of Tender Submissions for Tender T1600032 – Legal Services, however the item was not discussed.

			• Baker Street Group, Ocean Grove Construction Special Charge Scheme SRC340 – Intention to Declare • Wyndham Street, Drysdale – Proposed Footpath Construction SRC343 – Declaration to Charge • Elcho Channel and Drainage Upgrade SRC322 – Declaration of Charge • High Street, Belmont – Construction of Easement Drain SRC303 and Belmont Street, Belmont – Carpark Construction SRC304 – Finalisation of Schemes • Revocation of Flood Prone Area Designation of new Lots at Armstrong Villawood Estate Stages 14 and 23 • Consideration of Tender Submissions for Tender T1600011 – Supply of Asphalt Works – Products and Services *Items not discussed:* • Consideration of Tender Submissions for Tender T1600032 – Legal Services	

Moved and declared carried by the Interim Administrator -

That the meeting be closed to the public.

The Meeting was closed to the public at 7.52pm

A record of the proceedings of this section of the meeting is contained in a Confidential Minute Book.

The Meeting was opened to the public at 7.54pm

As there was no further business the meeting closed at 7.54pm. Tuesday, 10 May 2016.

Signed: _____
Interim Administrator

Date of Confirmation: _____