



MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 25 October 2016

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 5.30p.m.

ADMINISTRATORS:

Dr Kathy Alexander (Chair)
Laurinda Gardner
Peter Dorling

SECTION A - PROCEDURAL MATTERS

Acknowledgements	1
Confirmation of Minutes	1
Declarations of Conflicts of Interest	1
Question Time	2-8
Petitions	8

SECTION B – REPORTS

1. Amendment C335 – Application of Special Building Overlay Highton Flood and Drainage Study – Consideration of Panel Report and Adoption of Amendment	9-21
2. Amendment C347 – Adoption of Managing Development in Rural Areas Planning Policy	22-43
3. Community Action Plan	44-46
4. Central Geelong Task Force Update & Review	47-50
5. Annual Report 2015-2016	51-53
6. Geelong Amateur Football & Netball Club Inc. – Request for Loan Guarantee	54-56
7. Fences Amendment Act 2014	57-59
8. Contractual Matter (<i>Confidential</i>)	60

SECTION C – ASSEMBLY OF COUNCIL

SECTION D – PLANNING DELEGATIONS

SECTION E – CONFIDENTIAL

**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, 25 OCTOBER 2016
COMMENCING AT 5.30P.M.**

PRESENT: Dr K Alexander (Chair), L Gardner, P Dorling

Also present: K Spiller (Chief Executive Officer), W Tieppo (Acting General Manager Strategy & Performance), P Bettess (General Manager Planning and Development), V Shelton (Acting General Manager City Services), L Quinn (General Manager Community Life), A Keen (Executive Manager People and Organisational Development), T McDonald (Manager Customer Support and Council Business)

OPENING: The Chair declared the meeting open at 5.30pm

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.

APOLOGIES: Nil

CONFIRMATION OF MINUTES:

L Gardner moved, P Dorling seconded -

That the Minutes of the Ordinary Meeting held on 27 September be confirmed.

Carried.

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.

Roland Orchard addressed the Administrators in relation to the Saleyards:

- 1) Can the Administrators make such a decision that is detrimental to a large farming community legally in the absence of a democratically elected Council? Is this not exceeding a mandate where the Administrator's action cost shift and the consequences cause financial hardship to a section of ratepayers having to meet unreasonable transport costs to Ballarat and Colac?

Kathy Alexander responded that yes, we can make that decision as we have all the powers of the previous Council.

- 2) Is the closure of the Saleyards more of a business opportunity if properly managed, rather than the economic penalty on the farming community. Isn't the viability of the yards, the jobs available and the protection of rural ratepayers more important than the frivolous use of funds on flags and street decorations at least until Geelong stabilises economically?

Kathy Alexander understood the sentiment by which the above opinion was made but pointed out the previous Council resolved to close the facility. Obviously that closure has happened earlier than expected. We support the need for strategic investment in Geelong farming and we have agreed to consider the views of those affected. We have asked people to put options to us and to date I don't believe we have heard a lot of alternate options. We are also interested to talk to farmers about how Council can support the industry going forward.

Eric Gold expressed concerns regarding Council's use of herbicides in the children's playground in Katoomba Court, Hamlyn Heights. The areas where the herbicides have been applied have shown no signs of regrowth in the past twelve months or more. This leads me to believe that one or all of the following may be occurring:

- 1) The concentrate dilution ratio is excessive;

Vicki Shelton responded that Council uses the recommended chemical rate of 10ml per litre of water and at this site uses the small 5litre hand held spray units.

- 2) The application rate per square metre is excessive;

Vicki Shelton responded that Round-up is a contact herbicide and will only kill green material it comes in contact with. Once it hits the soil it becomes deactivated and breaks down.

- 3) The reapplication interval is excessive.

Vicki Shelton responded that the reserve is sprayed at 6 monthly intervals.

Will Council please provide a copy of its procedures which ensure that none of the above are occurring?

Vicki Shelton indicated she would provide a copy of the information.

Will Council please provide a copy of the sprayers log book for the past twelve months to verify that none of the above have been occurring?

Vicki Shelton advised that the log book is available for our dedicated spray operator not for crews. Parks crews undertake maintenance at Katoomba Park approximately every four weeks. Spraying is generally every six months due to the site conditions (soil etc) being relatively slow growing.

Gray Barton asked question in relation to Amendment C321:

My understanding is that the developer has submitted a new or adjusted building/permit plan for Amendment C321: the new plan entails no retail/commercial shops bar booking agent and 48 units for accommodation. I await with interest all actual plans and how Portarlington Panel Recommendations have been addressed.

1. Will the building be three or four storeys high or mid level development as panel recommended beside Jenkins Fish Sales (2 storey next door)?

Peter Bettess responded that at this stage Council has not received any development plans for the site.

2. Will road construction be part of the development to reduce congestion and parking due to this development?

Peter Bettess responded that until Council receives a development proposal he is unable to provide an answer.

3. Will the new development comply with all residential compliance codes for both homes beside and around the development including setbacks, bike parking – see panel criteria?

Peter Bettess indicated it has been acted on through the Revisions to the Structure Plan.

Michael Loughnan asked for costs related to subdivisional development (eg road repairs, roundabouts, slip lanes, bus access, drainage, pedestrian safety, land acquisition for all transport and pedestrian movements) to the Council and ratepayers per approved subdivision allotment in the last full tax year?

Please advise as to the contribution from developers per approved subdivision allotment in the last full tax year.

While there is a lag, the current picture of subdivision before Council funded infrastructure should show a clear financial boost to Council funds. This will be needed to meet the heavy investment required to minimise the growing traffic business and personal costs?

Kathy Alexander advised there was a report on this subject presented to Council on 27 September.

Peter Bettess responded that it is actually a complicated issue and it's not possible to answer fully as subdivision applications are considered in the framework of the Planning and Environment Act and the Subdivision Act.

Peter Bettess added the report Kathy referred to is the annual report to Council which only applies to sub divisions where Development Contribution Plans exist.

A written response will be forwarded.

Colin Wallace asked:

At the Ordinary Meeting of Council on 27 September the Minutes of the previous Ordinary Meeting, 16 August were confirmed without any clarification, discussion or dissent among the three Administrators.

Also, arising out of that meeting on 27 September, it was established on public record that the Manager Customer Service and Council Business who is Tim McDonald was responsible for the Co ordinator Governance and Legal Services and therefore had line responsibility for the Minutes of 16 August that were confirmed.

Administrators Kathy Alexander and Peter Dorling were present on both 16 August and 27 September and therefore were in a position to know that the first of my two questions at Public Question Time on 16 August was altered in the Minutes to the extent vital parts of it were omitted without trace – altered so much that my question went from being about this Council to being about a State Government panel – and that the second of my two questions was omitted without trace from the Minutes.

Bearing in mind that the Local Government Act requires the Minutes to be clearly expressed and self-explanatory, which I take to mean clearly expressed and self-explanatory about what did happen, nor clearly expressed and self-explanatory about what did not happen, I am seeking to know if Administrator Laurinda Gardner, who was absent on 16 August, knows about and approves of what was done to the two questions as read out and handed in by me on 16 August and since, even if something was shown to her, I have no way of knowing if it was my questions as read out and handed in and since, in the Minutes of 16 August, it says Council acknowledges the question which on the face of it is a fraudulent statement, for which Manager Tim McDonald, present at the confirmation of the Minutes, in fact sitting right next to the Chair Administrator, bears line responsibility, I am asking would Administrator Laurinda Gardner take a photocopy I have here with me of my two questions as read out and handed in on 16 August to look over and consider for herself, and then compare them to what is in the Minutes that were confirmed without any clarification, discussion or dissent, confirmed in her presence and in her name?

Laurinda Gardner responded she would accept a photocopy of the questions.

Stephen Voorwinde asked a question in relation to the Waurin Ponds Shopping Centre:

Would it be within Council's power to assure the public that more toilets are constructed? The present arrangement is quite inadequate for pregnant women, mothers of small children and the disabled. Even shop assistants complain sometimes about the distance they have to walk to the nearest toilets. I am also speaking on behalf of my wife who has been suffering from MS for the past 45 years.

Peter Bettess responded it wasn't Council's responsibility but would follow up with the Centre Management.

Kathy Alexander thanked Mr Voorwinde for his question and indicated Council would follow up.

Mary Wallace asked:

- 1) Since it is now established that the Co ordinator of Governance and Legal Services Ms Rhiannon Bourke reports to Manager of Customer Service and Council Business Mr Tim McDonald, when did she start reporting to him?
- 2) When was the formal change in Mr Tim McDonald's title, from Manager of Customer Service and Councillor Support to Manager Customer Services and Council Business?
- 3) When Mr Tim McDonald, previously Co ordinator of Customer Services, was appointed Manager of Customer Service and Councillor Support, was the position of Manager of Customer Service and Councillor Support a newly created position and when was the appointment?

Kathy Alexander took the questions on notice.

Fiona Conroy asked the following in relation to the Saleyards:

Some municipalities across Victoria have managed to support their saleyards and continue to offer a service to their rural communities, despite changing markets. Mt Macedon Shire is an example – that Shire promotes its saleyards via a contemporary web page, has invested in regular maintenance and offers weekly sheep and cattle sales, with through out that is not substantially higher than Geelong's even though our saleyards have not been promoted or maintained for many years.

A quote from the Kyneton Saleyards plan of 2016 "The Kyneton Saleyards are a significant part of the Shire's asset base and facilitate substantial economic activity within the local community. Supporting livestock remains a central focus of the Shire's strategic planning for agribusiness".

Would City of Greater Geelong officers join the Geelong Saleyards Users Group on a fact-finding visit to the Kyneton Saleyards, to see what we can learn that could help us maintain a service for small rural producers in Geelong?

Vicki Shelton responded that Melinda McKenzie (Council's Engineering Department) has made contact and researched local saleyards in Victoria, including Kyneton. We would consider a joint visit following the consultation workshop to be held on the 11 of November.

Lex Gugger asked how are the small farmers going to get stock to market if the Saleyards are closed, and what is the actual reason for doing so?

Kathy Alexander responded that Council is working towards identifying a regional space for the farmers. What happened was that the closure all happened much too quickly. We were wanting to talk to the farmers about how we can support people to transport their sheep and how we could keep the Saleyards open, considering the safety aspects and costs involved.

William Tieppo added he had emailed the Chief Executive Officer of Colac Shire outlining the issues around the sales being held on Thursday. Advice is that they will be getting back to us.

Alison Williams asked the following in relation to the Saleyards:

Would you please advise when the forum is to be conducted, its specific purpose and who will be on the invitation list?

Could the Geelong Saleyards Users Group please be provided with a reasonable opportunity to formally present its concerns and solutions to the forum?

Vicki Shelton indicated that a forum conducted by an independent facilitator will be taking place at the Geelong West Supper Room on Friday, 11 November between 1pm and 3pm.

Invitations will be extended to relevant stakeholders such as the VFF, Transport Buyers and Producers and representatives of Surfcoast, Golden Plains, Queenscliffe and Colac Otway Shires to discuss the options and way forward. Representatives from the Geelong Saleyards Users Group to forward names to be included in the invitation.

Lex Chalmers addressed Council as follows in relation to the Saleyards:

I understand that the Saleyards decision ('transition') by the previous Council can't be overturned. But Council has overturned the Council's previous (April 2015) decision to retain the Old Geelong Gaol and work with the community to achieve maintenance and its potential?

Why can it overturn the Gaol decision, but not others made by the former Council?

Kathy Alexander responded we can actually overturn the decision of the previous Council. We haven't as yet made a decision on the Saleyards, but have made a decision on the Old Geelong Gaol.

Ian Kelly asked question in relation to the Saleyards:

City of Greater Geelong officers have advised the Geelong Saleyards Users Group that the presence of buyers in sheep yards poses an unacceptable occupational health and safety risk. Contemporary media photos are available of auctioneers in sheep yards from all across Australia, proving this is a common and safe practice. In fact, a photo on the Macedon Shire Saleyards website shows agents and/or buyers in pens with sheep.

We have supplied relevant photos to officers, and others are readily available from almost any edition of the rural press.

- 1) Will the City of Greater Geelong review its position on this common practice, which is both safe and necessary for buyers to select the stock they want?
- 2) Will the City of Greater Geelong disclose to Geelong Saleyards Users Group the full occupational health and safety assessment of the Geelong Saleyards, that was the basis for the sudden and highly disruptive closure of this critically important facility so we can work with you to re-open it as soon as possible?

Kathy Alexander advised there was no reason why you shouldn't have a copy of the Engineer's report.

Vicki Shelton added she had just received the O H & S report on Friday outlining 21 recommendations.

Geoff Gugger asked:

The Geelong Saleyards Users Group has put forward a proposal to your officers to use alternate pens for sheep sales, to avoid the need for auctioneers to use overhead walkways.

This is a practical, low cost and sensible solution to officers' concerns about the safety of the walkways.

Would you please advise when we can expect a considered response to our proposal?

Vicki Shelton responded that as a result of the on-site meeting with users, information gathered will form part of the report and actions, which is being prepared at the moment. Some of the areas of concern were the fencing of ramps, gates to holding yards, overhead walkways, timber rails, and induction of users onto the site including the preparation of SWMS.

Kathy added as a result of the reports a lot of things were identified as needing repair. It is a difficult situation when you're thinking there is nothing wrong, yet engineers do. At some point we need to work out what we are going to do in the interim.

Jennifer Bantow asked questions in relation to the Old Geelong Gaol:

Are Administrators aware that the City of Greater Geelong advertised on 16 October 2015 for submissions for the Council to retain ownership of the Old Geelong Gaol, and a community committee would be formed to develop ways to maximize its cultural, tourist and community benefit? It was not an advertisement inviting 'Expressions of Interest' to buy the Gaol.

Kathy Alexander responded she would follow up, but understood that it had asked for Expressions of Interest.

Stephen Jumas asked, "Has there already been a decision made to sell the Saleyards"?

Kathy Alexander responded, "No there has been no discussion amongst the Administrators to sell the Saleyards".

Daniel Ryan asked:

Having put forward a practical and constructive proposal to reopen the sheepyards, the Geelong Saleyards Users Group now wishes to work with your officers to develop a solution to enable resumption of local cattle trading.

We believe a practical, low cost and sensible solution to the current block to trading is achievable quickly. Would you please advise when we can meet with officers to progress discussion on a solution?

Kathy Alexander advised there is an opportunity to discuss at the public forum on Friday, November 11 between 1pm and 3pm at the Geelong West Town Hall.

Andrew Sloan asked is there a plan, and have any steps been taken to address the occupational health and safety risks identified by Council officers that led to the closure of the Saleyards other than the recent activity resulting from users request to urgently reopen the sheepyards?

Kathy Alexander responded that a detailed report and costing is currently being progressed.

PETITIONS:

A petition was presented by Ian Kelly in relation to, *“Save the Geelong Saleyards for the Geelong Regional Farmers”*.

**1. AMENDMENT C335: – APPLICATION OF SPECIAL BUILDING OVERLAY
HIGHTON FLOOD AND DRAINAGE STUDY – CONSIDERATION OF PANEL
REPORT AND ADOPTION OF AMENDMENT**

Source: Planning and Development - Strategic Implementation
CEO: Kelvin Spiller
Index Reference: Subject: Application C335

Purpose

The purpose of this report is to enable Council to consider the Independent Panel report for Amendment C335 and to adopt the amendment.

Summary

- Amendment C335 proposes to extend coverage of the Special Building Overlay (SBO) to reflect the findings of the Highton drainage and flood study, recently undertaken and adopted by Council.
- The study identifies the nature and extent of flooding in the Highton, Wandana Heights and Belmont areas.
- The exhibition of Amendment C335 resulted in the receipt of Sixty two (62) submissions from individuals seeking changes or objecting to the Amendment.
- The exhibited Amendment, together with all submissions was referred for consideration to an Independent Panel appointed by the Minister for Planning, as required by the Planning and Environment Act 1987.
- The Independent Panel has recommended that the Amendment be adopted as exhibited, with changes identified in Council's submission to the Panel.

L Gardner moved, P Dorling -

That Council:

- 1) Adopts Amendment C335 in the form as outlined in Appendix 1 and 2 to this report, consistent with the recommendation of the Planning Panel; and**
- 2) Submits the adopted Amendment, together with the prescribed information, to the Minister for Planning requesting approval.**

Carried.

Background

Amendment C335 seeks to apply the Special Building Overlay (SBO) to land subject to overland flow in the Kardinia Creek catchment. The areas affected by the Amendment are located in Highton, Wandana Heights and Belmont.

Appendix 2 to this report shows the exhibited extent of the SBO which is to proposed for adoption. The exhibited sites not proposed for adoption are identified in red, in Appendix 3.

The Amendment was exhibited for a one month period between 27th August 2015 and 28th September, 2015. Sixty two (62) submissions were received in response from individuals seeking changes or objecting to the Amendment.

Council considered the submissions under delegation and resolved to refer the exhibited Amendment and all submissions to an Independent Planning Panel appointed by the Minister for Planning.

Discussion

A Planning Panel consisting of Chair Trevor McCullough, sitting alone, conducted a directions hearing at the Geelong City Hall on 7th June 2016 and a public hearing of the submissions at the Geelong Council Offices on 14th July, 2016. Council provided a detailed presentation to the Panel and 6 submitters made verbal presentations. Expert evidence on the flood modelling from Mr Joel Lister, an engineer from BMT WBM, was called by Council in support of its submission.

A list of submitters is included as Appendix 5 to this report.

The Panel report for Council's consideration was received on 1st August, 2016, a full copy of which is available on the City website.

The Panel has assessed the Amendment in considerable detail, including the planning policy context, the strategic and technical basis for the Amendment, site specific issues and the points of submission put to it during the Hearing and as contained in the 62 written submissions.

Non-planning concerns raised by submitters

A number of written submissions expressed concern that the application of the SBO would cause them hardship, in that it would raise unnecessary apprehension of flooding on the part of prospective purchasers, leading to a reduction in demand for and, consequently the market value of properties as well as increasing insurance premiums.

As was confirmed by the Panel in its Report, there is long standing precedent that these concerns are not valid planning considerations, However, it would be trite to merely dismiss these concerns on that basis

Accordingly Council officers undertook in discussions with concerned submitters prior to the Panel hearing to include in this report comments that respond to these concerns.

For most of the 20th century the established method of house construction, utilised floors elevated well above natural ground level, on either timber/concrete stumps or brick piers. Such dwellings were largely unaffected by overland flows unless located in a low point of a natural flow path, as the relatively shallow flows, as modelled in the majority of this flood study, would either not peak above the floor level, and suffered minimal interruption, in that they could pass relatively unimpeded beneath the elevated floors.

Issues of speed, cost and skill levels in the building industry have however resulted in the increasing popularity of dwellings being constructed with 'on-ground' concrete slabs. This results in floors with minimal or, on sloping sites where the 'cut and fill' technique is utilised, negative freeboard, i.e. height above natural ground level. In such circumstances it is crucial that the SBO is applied, in order to ensure that these floors are built at sufficient elevation to avoid inundation.

While this may be seen as unfair by those whose homes have elevated floors, it is however necessary to apply the overlay on the basis that any future redevelopment of the site might utilise on-ground slab construction.

The application of the SBO at least has the advantage of clearly identifying which parts of a property are, or are not, affected by the SBO. As a result as part of the processes of due diligence and disclosure, vendors and prospective purchasers are able to easily identify the extent of potential flooding, relative to the footprint of the existing dwelling.

In cases where, for example, the floors of dwellings are built on stumps or where the area affected by the SBO consists of a portion of the property containing, an elevated deck, it should be readily apparent to all parties that any overland flow of storm water to the extent identified by the SBO would be unlikely to have any adverse effect on the structure of the dwelling, its insurance risk, or the quiet enjoyment of the property by a prospective purchaser.

This transparency should assist bona fide potential vendors and purchasers to identify the extent of any 'real world' impact of potential inundation.

Panel Conclusions and Recommendations

The Executive summary of the Panel Report is included as Appendix 4 to this report.

Based on the reasons set out in its Report, the Panel recommended that Amendment C335 to the Greater Geelong Planning Scheme should be adopted as exhibited, subject to the removal of sites identified by Council in its submission to the Panel as no longer requiring the protection of the SBO, either as a result of improvements to drainage infrastructure that have been undertaken since the study was undertaken, additional survey work or more detailed modelling. The exhibited sites that are to be not included in the adopted amendment are identified in Appendix 3 to this Report.

Environmental Implications

The application of the SBO will have no adverse environmental implications.

As the application of this overlay will facilitate the regulation of development on the affected land, it will provide a mechanism to ensure that such development does not generate adverse off-site environmental impacts as a result of changing the direction or extent of passage of water during flood events.

Financial Implications

The application of the SBO will have no adverse financial implications for Council. While the Amendment will generate additional planning permit applications, these will be at least partially off-set by a corresponding decrease in applications under the Building Act for the specification of minimum floor heights.

The increase in the number of permit applications is not likely to be of a significant magnitude, relative to the total resources of Council's Statutory Planning unit.

Policy/Legal/Statutory Implications

The Amendment is considered to be consistent with State and Local planning policies as set out in the Explanatory Report which forms part of the Amendment documentation.

The application of flood mapping consistent with the adopted flood and drainage studies will limit the potential for affected property owners to seek redress against Council, in the event that their property is adversely affected by flooding or inundation.

Alignment to City Plan

The Amendment supports the overall thrust of Growing our Economy and Sustainable Built and Natural Environment strategic directions in that it will clearly delineate the identified extent of likely inundation in a flood event and is designed to ensure that the floor levels of future development are at a level that they will not be adversely affected by a 1% probability flood event.

Officer Direct or Indirect Interest

No Council officers involved in the consideration of this application or the preparation of this report and recommendation have a direct or indirect interest, in accordance with the Section 80C of the Local Government Act (the Act), to which this amendment relates. Peter Bettess, General Manager, Planning and Development owns a property affected by the Amendment. This indirect interest is not a conflict of interest as, under Section 77A(5) of the Act, the interest held does not exceed the interests generally held in common with a large class of persons.

Risk Assessment

There are no risks to Council associated with the application of the SBO, as proposed.

Until such time as the extent of the mapped flood areas are identified in the Planning Scheme there is a risk that prospective purchasers of land may not be aware of the potential flood issues. The application of the SBO to affected land will significantly reduce this risk.

Social Considerations

The Amendment is expected to result in net community benefit, in that extension of the accurate identification of land affected by flooding through the application of the SBO will reduce community exposure to damage and loss of property due to flooding.

Human Rights Charter

The Amendment does not impact on any basic human rights, freedoms and responsibilities as set out in the Charter. The process of exhibition of the Amendment provided for submissions by the public and the consideration of those submissions by an independent planning panel appointed by the Minister for Planning, in accordance with planning legislation. This report recommends that the Amendment be adopted in a manner consistent with the recommendations of the Planning Panel.

Consultation and Communication

The Amendment has been exhibited in the normal manner and an opportunity provided for any submitter to appear before an Independent Panel appointed by the Minister for Planning.

Appendix 1 Instruction Sheet

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C335

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 3 attached maps.

Overlay Maps

1. Following Planning Scheme Map No 47 LSIO-FO insert a new Planning Scheme Map No 47 SBO, in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C235".
2. Following Planning Scheme Map No 52 LSIO-FO insert a new Planning Scheme Map No 52 SBO, in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C235".
3. Following Planning Scheme Map No. 66 LSIO-FO insert a new Planning Scheme Map No 66 SBO, in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C235".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In General Provisions – Clause 61.03, replace the schedule with a new schedule in the form of the attached document.

End of document

Appendix 2 Extent of Adopted SBO Mapping





GREATER GEELONG PLANNING SCHEME - LOCAL PROVISION



This publication is copyright. No part may be reproduced by any process without the prior written permission of the Council. This map is available in electronic form on the Council's website. Map 17 is available in electronic form on the Council's website.

Overlays
Special Building Overlay

200 0 200 400 600 800 1000 m
AUSTRALIAN MAP GRID ZONE 55

Printed 29/03/15

INDEX TO ADJOINING METRIC SERIES MAP

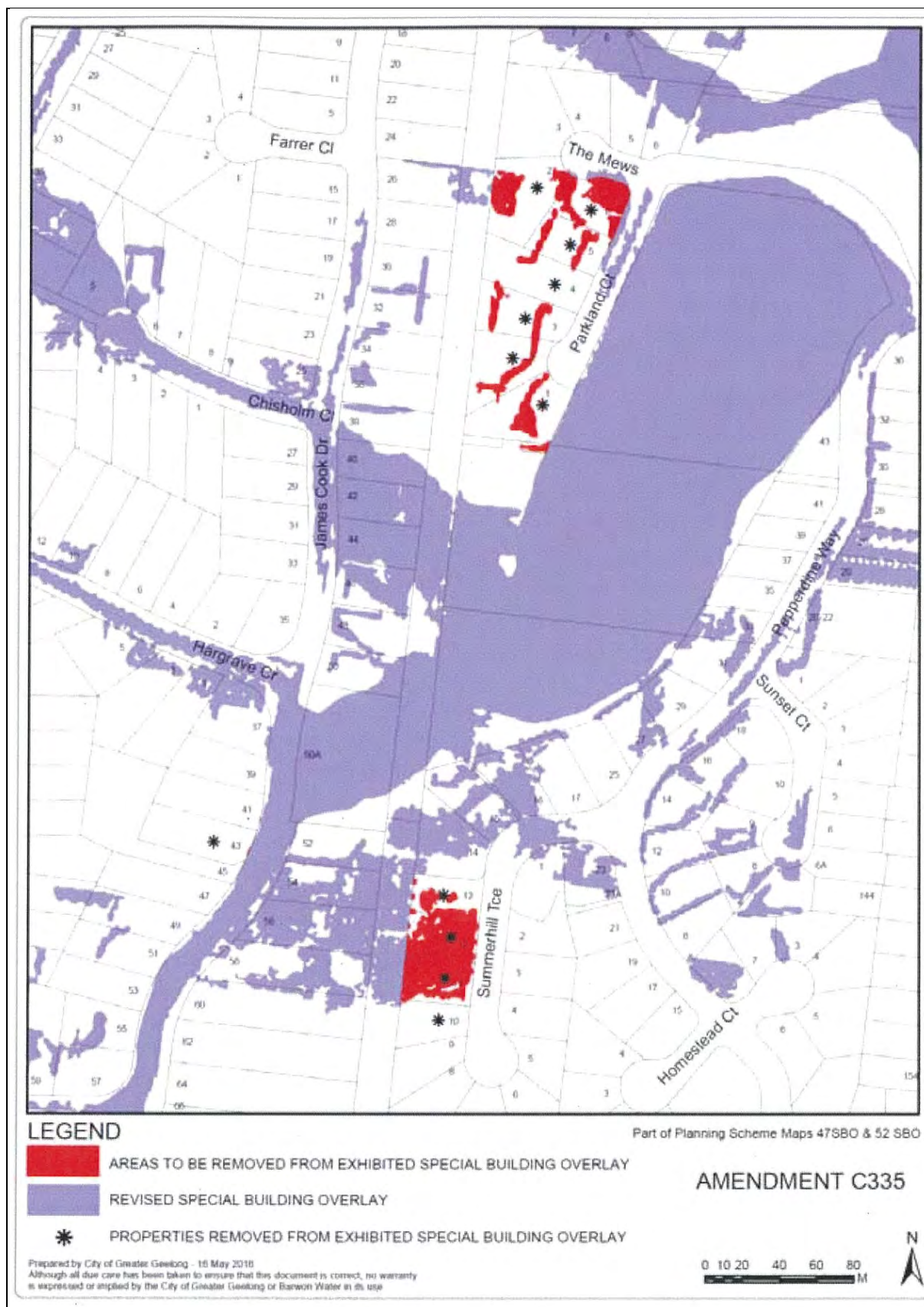
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

AMENDMENT C335

SPECIAL BUILDING OVERLAY

MAP No 66SBO

Appendix 3 – Exhibited area to not be included as part of the adopted SBO



Appendix 4 Planning Panel Executive Summary

Greater Geelong Planning Scheme Amendment C335 | Panel Report | 1 August 2016

Executive Summary

(i) Summary

Amendment C335 to the Greater Geelong Planning Scheme applies the Special Building Overlay (SBO) in parts of the Kardinia Creek catchment generally located in Highton, Belmont and Wandana Heights.

Council submitted that the Amendment is required to ensure the nature and extent of flood risk is disclosed to potential purchasers of affected properties on any Planning Certificate issued by Council and through a Section 32 Statement at the time of purchase.

Council submitted that, throughout the catchment, many of the natural flow paths have been rendered ineffective due to the presence of urban development along and within the overland flow paths. Consequently, floodwaters have been noted to build up behind road formations and within road reserves. The existing drainage network is generally undersized and therefore contributes to localised stormwater flooding.

Submissions opposing the Amendment raised the following key issues:

- The accuracy of the flood modelling was challenged.
- The flood impact on individual properties was challenged.
- Historical observations by some landowners that properties had never flooded.
- The topography of the land means that flood waters cannot remain on the property.
- Recently completed drainage works have altered stormwater flow paths.
- Impact of the overlay on property values and insurance costs.

The Panel considered all written and verbal submissions and evidence presented, and has concluded that the SBO is an appropriate planning tool to apply and that the flood mapping methodology is sound and 'fit for purpose'.

In relation to the issues raised by submitters and individual properties, the Panel considered all submissions and evidence, and inspected many of the submitter's properties, and has concluded:

- In light of the further modelling undertaken following the exhibition of the Amendment, the properties as shown in Appendix C should be removed from the SBO.
- Historical or anecdotal accounts of properties never flooding should not be taken as necessarily meaning that properties will not be flooded in the future.
- The Panel accepts the Council adopted modelling of overland flow paths as a reasonable basis for the SBO.
- The approach taken by Council to removing properties that meet Council's criteria from the SBO is appropriate. Application of the SBO to all other properties that do not meet these criteria is supported.
- No evidence was provided to support claims of impacts on property values or insurance premiums. In any case these are not matters that should impact the decision to apply the overlay.

Greater Geelong Planning Scheme Amendment C335 | Panel Report | 1 August 2016

In summary the Panel finds that the proposed Amendment is sound planning, has a net community benefit and should be supported.

(ii) Recommendation

The Panel recommends that Amendment C335 to the Greater Geelong Planning Scheme be adopted as exhibited subject to the removal of the areas as shown in Appendix C of this report.

Appendix 5 – List of Submitters

Appendix A List of submitters

No.	Submitter
1	Georgina Alford
2	Christine Alsop
3	Manuel Alves
4	Susan and Anthony Baulch
5	Andrew Beechey
6	Ellis Blainey
7	Josh Bosker
8	Richard Briggs
9	Nicholas Carr
10	Robin Cawsey
11	David Collier
12	Daryl Cox
13	Violet Dandy
14	Catherine De Leur
15	Philip Dias
16	Robert Gilmour
17	Derek Griffin
18	Peter and Sally Hill
19	Warren and Edith Hobbs
20	Greg Hogan
21	Maureen Jacobson
22	Felicity Johnson
23	Robert Kovacic
23	Graham Lewis
24	David Lindsay
25	Neil Lofts
26	Peter Malone
27	Sophodes and Olga Mantzaridis
28	Loraine McBride
29	Ross McBride
30	Robert and Sally McDonald

No.	Submitter
31	Peter McGregor
32	Grace McKenzie
33	Nick Milanovic
34	Donald Moore
35	Peter Nice
36	Dianne Osborn
37	Andrew and Joanna Owen
38	David Peart
39	Karen Pitfield
40	Isobel Pretlove
41	Douglas Rennie
42	Geoff Rivett and Colin and Dorothy Robertson
43	Colin Robertson
44	Timothy and Carol Sanders
45	Jared Scott
46	Amy and Luke Sier
47	Bernard Smith
48	Lane Smith
49	Santina Spanninga
50	Laurence Michael and Hazel Anne Staynes
51	Karen Sunderland
52	Sandra Thompson
53	Mary Tresidder
54	Peter van Elden
55	Vicki Vandenbroucke
56	Caroline and Jozef Vass
57	Jeffrey Woodhouse
58	Ken Wilson
59	Mick & Beverley Wray
60	Paula Wray
61	Lloyd Yates
62	Zili Zhang

2. AMENDMENT C347: ADOPTION OF MANAGING DEVELOPMENT IN RURAL AREAS PLANNING POLICY

Source: Planning & Development - Strategic Implementation
General Manager: Peter Bettess
Index Reference: Application: Planning Scheme Amendment C347

Purpose

This report considers the Amendment C347 Panel Report and recommends the Amendment be adopted by Council.

Summary

- Amendment C347 is a Council-initiated Amendment proposing to update the Local Planning Policy Framework to reflect Council's adopted 2015 *Managing Development in Rural Areas Planning Policy Review*.
- The Planning Policy continues policies recognising that farming and the rural landscapes are very significant elements to the economy, identity, image and liveability of the municipality.
- The Amendment implements two new policies in the Greater Geelong Planning Scheme: Clause 22.06 *Tourism, Accommodation and Function Centre Development in Rural Areas*; and Clause 22.64 *Discretionary Uses in Rural Areas*.
- The Amendment responds to Victorian Government changes to the rural zones in 2013, where previously prohibited land uses are now allowed subject to planning permit.
- The Amendment only applies to land zoned Farming and Rural Conservation.
- The proposed new local policies clarify Council's position on non-agricultural use and development, providing guidance to landowners, the community and decision-makers in the consideration of planning permit applications.
- The policies balance ongoing agricultural activity with supporting non-rural uses that positively contribute to tourist and employment growth that have minimal impact on rural landscape character.
- Amendment C347 was exhibited between 18 February and 29 March 2016 and resulted in the receipt of six (6) submissions. Council resolved under delegation on 17 May 2016 to refer the submissions to an Independent Planning Panel appointed by the Minister for Planning.
- There were four outstanding objecting submissions by the time of the Panel Hearing in July 2016. Objectors at the Hearing submitted that the policies would unreasonably restrict non-agricultural and tourism land uses.
- The Panel concluded that the Amendment is well founded and is strategically justified. The Panel considered the net community benefit of the Amendment far outweighs the impact on any individual property owner.
- Overall the Panel supported the new policies subject to recommendations to improve drafting and clarity. The Panel did however recommend that the Clause 22.64 policy requirement for applicants to demonstrate that all urban location options have been exhausted before requiring a rural location, be removed.
- Council officers disagree with the removal of this critical policy requirement for reasons discussed in the report.

- It is recommended that the Amendment now be adopted and sent to the Minister for Planning requesting approval.

P Dorling moved, L Gardner seconded -

That Council:

- 1) Adopts Amendment C347 in the form as outlined in Appendix 1 of this report; and**
- 2) Submits the adopted Amendment together with the prescribed information to the Minister for Planning requesting approval.**

Carried.

Background

Amendment C347 is a Council-initiated Amendment proposing to update the Local Planning Policy Framework to reflect Council's *Managing Development in Rural Areas Planning Policy Review Final Report – September 2015*. This policy was adopted by Council at its meeting on 8 December 2015.

The Amendment only applies to land zoned Farming and Rural Conservation. The new local policies clarify Council's position on non-agricultural use and development and provide guidance to landowners, the community and decision-makers in the consideration of planning permit applications.

The new policies are:

- Clause 22.06 *Tourism, Accommodation and Function Centre Development in Rural Areas*; and
- Clause 22.64 *Discretionary Uses in Rural Areas*

These policies also require some minor changes to Clause 21.07 *Economic Development and Employment*.

Public exhibition of Amendment C347 commenced on 18 February 2016 and closed on 29 March 2016. A total of six (6) submissions were received – five objecting. One objecting submission was subsequently withdrawn following agreement on revisions to Clause 22.06.

Under delegation Council then resolved on 17 May 2016 to refer the submissions to an Independent Planning Panel appointed by the Minister for Planning. The Panel Hearing was held at Geelong City Hall on 12 July 2016.

Discussion

Senior Panel Member Con Tsotsoros conducted the Hearing. Parties in attendance included a Council officer, Ms Hicks of Counsel representing Bacchus Marsh Grammar, Mr Gibson of Counsel representing M Blackhall (Campbell Point House, Leopold) and Mr D More.

The Panel provided its report to Council on 10 August 2016.

The key findings were:-

- The Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.
- The Amendment is well founded and is strategically justified.

- The net community benefit of the Amendment far outweighs the impact on any individual property owner.
- Clauses 22.06 and 22.64 are appropriate and strategically justified, however the Panel believes they do have some issues that should be addressed. The Clause 22.64 policy *“The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted”* is too broad and difficult to measure. The Panel finds that other policies in Clause 22.64 can assist Council to consider whether a certain land use should locate in a rural area.
- The Panel recommends some drafting changes to Clauses 22.06 and 22.64 to better align with policy drafting principles.
- The Amendment aligns with State Government planning policy on accommodation in rural areas and it does not propose changes that directly relate to the *Residential Tenancies Act 1997*. The *Residential Tenancies Act 1997* review should not influence the timing of the Amendment.

A copy of the Panel Report's Executive Summary is in Appendix 2.

The Panel's recommendations are accepted except for the recommendation to remove the Clause 22.64 policy requirement:

The use requires a rural location because it can be demonstrated that all urban location options have been exhausted. The extent of the urban area to be considered is dependant on the land use proposed.

The Panel considered this policy to be a broad strategic goal and difficult to measure. The Panel concluded: *“taking into account the many possible discretionary non-agricultural land uses, the Panel considers it an unnecessary burden on applicants to have to prove each time that there is no opportunity to locate their land use in an urban area. The Panel finds that the suite of remaining policies can guide Council when considering a permit application that proposes a discretionary non-agricultural land use in a rural area without the need for this policy”*.

Council officers are of the view that the intent of this policy is critically linked to the first objective, being: *To discourage discretionary non-agricultural uses in rural areas that could reasonably be located in an urban zone.*

It is not agreed that the policy is a 'broad strategic goal'. Council's position, through the objective, is that in the first instance discretionary uses are 'discouraged'. As described in the *Policy Basis*, Council would only consider these uses if there is a unique circumstance and the use cannot be catered for in an urban area. In order for Council to determine whether a use cannot be catered for in an urban area, an applicant must undertake an assessment and demonstrate how this is the case. Hence the purpose of the policy statement. The policy is therefore prescribing what should occur and is not a broad level strategic planning issue.

The extent of the assessment will ultimately depend on the type of land use proposed. This may present as onerous on the applicant, but is a consequence of the overall objective to discourage; and is therefore considered to be a necessary and reasonable obligation.

Overall it is considered removal of this policy requirement would significantly water-down the purpose of Clause 22.64 and move towards a 'support' intent, rather than to discourage non-agricultural uses.

The Amendment as shown in Appendix 1 can now be adopted and sent to the Minister for Planning requesting approval.

Environmental Implications

There are no environmental implications as a result of adopting Amendment C347. Both policies contain objectives to preserve agricultural capacity, enhance environmental conditions and maintain rural landscape character.

Financial Implications

No impact to budget.

Policy/Legal/Statutory Implications

The Amendment is consistent with the State Planning Policy Framework, particularly the following clauses: Clause 11 *Settlement*; Clause 12 *Environment and Landscape Values*; Clause 13 *Environmental Risks*; Clause 14 *Natural & Resource Management*; and Clause 17 *Economic Development*.

The Amendment is consistent with Council's *Rural Land Use Strategy* – a critical policy document referenced at Clause 21.07 of the Municipal Strategic Statement. Clause 21.07-5 focuses on rural areas and contains objectives to support productive agriculture and preserve landscapes. A key strategy is to minimise non-farming land uses. Clause 21.07-6 supports tourism development in rural areas that respects farmed landscapes and contributes to the economy.

Alignment to City Plan

The Amendment supports the 'Growing our Economy' and 'Sustainable Built and Natural Environment' strategic directions of City Plan.

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 strikes a balance between retaining farmer's ability to use the land for productive purposes and supporting landowners who seek alternative uses allowable in the zone.

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 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 C347 to be Adopted

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C347

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 Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Local Planning Policy Framework – replace Clause 21.07 with a new Clause 21.07 in the form of the attached document.
2. In Local Planning Policy Framework – replace Clause 22.06 with a new Clause 22.06 in the form of the attached document.
3. In Local Planning Policy Framework – insert a new Clause 22.64 in the form of the attached document.

End of document

21.07 ECONOMIC DEVELOPMENT AND EMPLOYMENT

19/03/2015

~~C323~~ Proposed C347

21.07-1 Key issues and influences

14/10/2010
C168

Economic Role and Function

Geelong is the largest regional city in Victoria and the primary service and employment hub for the G21 Geelong Region Alliance.

The City's infrastructure base includes Avalon Airport, the Geelong Port and major road and rail connections to Metropolitan Melbourne and Victoria's western regions.

The provision of high quality living, working and recreational environments is critical to attracting and retaining highly skilled people and the businesses in which they work.

Industry

There is a need to provide support for ongoing employment and economic development in the Geelong region.

There is a need to provide a diverse range of appropriately located, well serviced industrial land which meets the needs of a range of industry types and minimises land use conflicts.

Traditional manufacturing industries will continue to be key economic and employment drivers in the municipality, however at the same time the City's economy will need to focus on emerging industry sectors that underpin economic development, prosperity and employment growth in the new economy.

The changing nature of industrial development means that most industrial development now requires high amenity land that offers a high quality environment for workers and visitors.

There is a need to support industry through the maintenance and improvement of infrastructure including the road, rail, Avalon Airport, deep water port and associated facilities.

The extractive industry operations in the municipality make a vital contribution to the building and construction industries and are of major economic importance to the Geelong region.

Retail

The City of Greater Geelong Retail Activity Centre Hierarchy has been established to articulate the role and function fulfilled by centres of different sizes.

The retail hierarchy supports the primacy of Central Geelong as the focus of retail activity in the region.

There is a need to ensure a mix of commercial uses in activity centres.

The retail hierarchy will be enhanced through high quality urban design and improved pedestrian and public transport accessibility.

There is increasing development pressure for sites located away from activity centres, particularly for bulky goods and other large format retail development types that seek large sites with the capacity for significant car parking.

Greater Geelong exhibits a number of factors that contribute to an increased vulnerability to problem gambling which requires sensitive consideration of their location.

Rural

Agricultural production is modest, but locally important and economically significant for landowners.

There is potential for growth in agricultural production, particularly aquaculture.

Farming activity and the rural landscape are very significant elements to the identity, image and liveability of the City of Greater Geelong.

Farming and rural landscapes form non urban breaks and are a critical element to the settlement strategy, tourism function and lifestyle of the region.

Farming and agriculture are important and valued activities in the northern area of the municipality, particularly in the Anakie area.

Rural land in a number of urban fringe areas accommodates a range of uses and developments which require buffers from residential areas.

The City's rural areas contain important environmental assets.

Tourism

Tourism is a key part of the economy of the Geelong region. The region includes major tourism destinations such as the Bellarine Peninsula and the coast.

Tourism activities in rural and coastal areas must be carefully managed so as not to compromise the natural environment and/or agricultural activities.

21.07-2

19/07/2012
C187

Industry

Objectives

- To provide an adequate supply of appropriately located industrial land that meets the needs of different industries.
- To direct different types of industrial development to appropriate locations.
- To facilitate well designed and serviced industrial development that provides a high level of amenity for workers and visitors.
- To minimise land use conflicts.

Strategies

- Focus new industrial development around major transport routes and infrastructure assets.
- Protect existing and designated future industrial areas from encroachment by incompatible land uses.
- Support the development of a technology/business park in the South Western Armstrong Creek Employment Area.
- Encourage regional and national scale industrial businesses to locate in the southern part of the Geelong Ring Road Employment Precinct, and in appropriate locations in the future South Western Armstrong Creek Employment Area.
- Direct industries which require substantial buffer zones from sensitive land uses to the core of the Industrial 2 Zone in the Geelong Ring Road Employment Precinct.

- Ensure all industrial development incorporates best practice water sensitive urban design and waste management practices.
- Ensure all industrial development is appropriately serviced by road, drainage, water, sewerage and telecommunications infrastructure.
- Ensure all industrial development provides high quality urban design and landscaping.
- Ensure new development in the Geelong Ring Road Employment Precinct is configured to minimise the individual and societal risk levels attached to the Shell LPG Storage Facility.
- Protect identified stone resources for future extraction and potential extraction industry operations from the encroachment of incompatible land uses.
- Direct materials recycling industries to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.
- Support the establishment of infrastructure that reduces costs for business and industry.
- Support an integrated Geelong Transport Strategy, ensuring that industrial areas are well connected to each other and the rail/freeway network.
- Provide sufficient industrial land to meet a range of industrial needs in Geelong, including small to medium sized industry.
- Develop the North East Industrial Precinct as a vibrant, new generation, master planned industry and business park that will attract a wide range of users and respond to the changing needs of industry sectors over time, as a key business address in the region and Victoria.

21.07-3 Retail

14/10/2010
C168

Objectives

- To facilitate the development of vibrant and viable retail activity centres in accordance with the Geelong Retail Activity Centre Hierarchy included at Clause 21.07-8.
- To ensure all major retail developments, and out of centre developments, provide a clear net community benefit.
- To avoid the risk of exacerbating problem gambling.

Strategies

- Ensure that new retail development is directed to activity centres and is consistent with the role and function described in the Retail Activity Centre Hierarchy included at Clause 21.07-8.
- Ensure Central Geelong remains the primary retail activity centre in the G21 Region and the focus of retail activity in the G21 region.
- Direct restricted retail (bulky goods) use and development to Central Geelong, the nominated homemaker precinct at Waurin Ponds, the Corio homemaker precinct subject to appropriate re-zoning and other homemaker precincts and activity centres as detailed in Clause 21.07-8.
- Discourage restricted retail (bulky goods) development in industrial areas.
- Encourage a mix of retail, office, cafes, entertainment, housing, education and community facilities to locate within activity centres.
- Support accommodation uses above ground level floor space in activity centres subject to appropriate provision of parking and access requirements.

- Require that applications for new centres establish the retail need for such use and development and demonstrate that there are no adverse impacts on the operation of the retail activity centres hierarchy.
- Direct the location of gaming machines to venues that makes gaming accessible but not convenient as detailed in Clause 22.57.

21.07-4 Economic growth sectors

28/01/2010
C129(Part1)

Objective

- To facilitate development in the City's strategic economic growth sectors.

Strategies

- Support industry development in the following strategic growth sectors:
 - Knowledge, Innovation and Research.
 - Advanced Manufacturing.
 - Health.
 - Tourism.
 - Small, Micro and Home Based Business.
 - Food and Horticulture.
- Support the development of the Geelong Technology Precinct located at the Deakin University Waurn Ponds campus, particularly biotechnology industry.
- Support the development of seafood and aquaculture industries in appropriate locations, particularly in North Geelong, Portarlington and Avalon.
- Support the development of health and medical industries, particularly in the Medical Health Cluster in central Geelong (as identified on the Central Geelong Structure Plan Map at Clause 21.09), and around the Deakin University campus at Waurn Ponds.
- Support the development of food, horticulture and viticulture industries in appropriate locations, particularly on the Bellarine Peninsula.
- Support the development of aerospace industries within the confines of the Avalon Airport site.

21.07-5 Rural Areas

28/01/2010
C129(Part1)
[Proposed C347](#)

Objectives

- To support the use of the northern, western and southern rural areas for productive agriculture.
- To ensure that rural areas provide an attractive setting through the preservation of ~~thea~~ ~~farmed~~ rural landscape ~~character~~.
- To protect and enhance the Bellarine Peninsula as a productive rural area with highly significant landscapes based on farming and environmental features.

Strategies

- Maintain rural land in large and productive parcels, in accordance with the schedules to the farming zones.
- Minimise non [agricultural farming](#) land uses in rural areas.
- Ensure that any non [agricultural farming](#) land uses will not compromise farming activity in the area.
- Ensure development in rural areas respects the [rural farmed](#) landscape character, particularly significant landscapes identified through the Coastal Spaces Landscape Assessment Study.
- Ensure that new dwellings do not compromise the productive [agricultural capacity potential](#) of land and are associated with the productive agricultural use of the land.
- Encourage agricultural development with export potential and specifically encourage aquaculture and horticulture activities in the rural areas around Avalon Airport.

21.07-6

Tourism in rural areas

28/01/2010

G429(Part 4)

649

[Proposed C347](#)

Objectives

- To support tourism development in rural areas that respects the open [rural farmed](#) landscape [character](#) of the area, and contributes to the economy.

Strategies

- Within ~~the Bellarine Peninsula~~ rural areas, support appropriately scaled, high quality, landscape responsive tourism uses that are ~~subservient and~~ complementary to their rural landscape [character](#) and environmental setting and are associated with agricultural activity on the land.
- ~~▪ In all other rural areas support tourism uses and developments in the Farming Zone that are associated with agricultural activity on the land.~~
- Support a limited number of larger scale rural based tourism development within rural areas that require rezoning.
- Direct major accommodation facilities to urban areas.

21.07-7

Implementation

23/10/2014

C267

These strategies will be implemented by:

Using policy and the exercise of discretion

Where appropriate, referring applications for the development of land in the Heales Road Industrial Estate to Worksafe.

Using the Discretionary Uses in Residential Areas Policy at Clause 22.01.

Using the Sexually Explicit Adult Entertainment Venues, Adult Sex Bookshops and Adult Cinemas Policy at Clause 22.02.

Using the Assessment Criteria for Retail Planning Applications Policy at Clause 22.03.

Using the Agriculture, Rural Dwellings and Subdivision Policy at Clause 22.05.

Using the Tourism, [Accommodation and Function Centre](#) Development in Rural Areas Policy at Clause 22.06.

Using the Racing Dog Keeping and Training Policy at Clause 22.07.

Using the Materials Recycling Policy at Clause 22.08.

Using the Gaming Policy at Clause 22.57.

Applying zones and overlays

Applying the Rural Activity Zone to major tourism proposals in accordance with Clause 22.06 – Tourism Development in Rural Areas.

Applying Schedule 1 to the Urban Growth Zone to the Armstrong Creek North East Industrial Precinct area in accordance with the North East Industrial Precinct, Precinct Structure Plan, May 2010.

Applying Schedule 1 to the Development Contributions Plan Overlay to the Armstrong Creek North East Industrial Precinct area in accordance with the North East Industrial Precinct, Precinct Structure Plan, May 2010.

Further work

Support the development of a masterplan for the Avalon Airport site.

Implement Coastal Spaces Landscape Assessment Study (Department of Sustainability and Environment, 2006).

As a priority, commence an investigation into the future residential and industrial land use needs for Geelong, as a basis for future growth area planning that would include:

- assessment of the environmental, resource, landscape, development pattern, access, servicing, land use, economic and social constraints and opportunities associated with possible growth areas around Geelong,
- identification of a preferred growth area or areas, and
- preparation of detailed growth area plans.

References

Heales Road Industrial Estate Framework Plan, MacroPlan Australia and the City of Greater Geelong, 2007.

Armstrong Creek Urban Growth Plan, City of Greater Geelong, 2006.

City of Greater Geelong Retail Strategy, Essential Economics and Hansen Partnership, 2006.

City of Greater Geelong Economic Development Strategy, City of Greater Geelong, 2005.

Geelong Seafood Industry Strategy, City of Greater Geelong, 2003.

City of Greater Geelong Rural Land Use Strategy, City of Greater Geelong, 2007.

Coastal Spaces Landscape Assessment Study, Department of Sustainability and Environment, 2006.

North East Industrial Precinct, Precinct Structure Plan, May 2010.

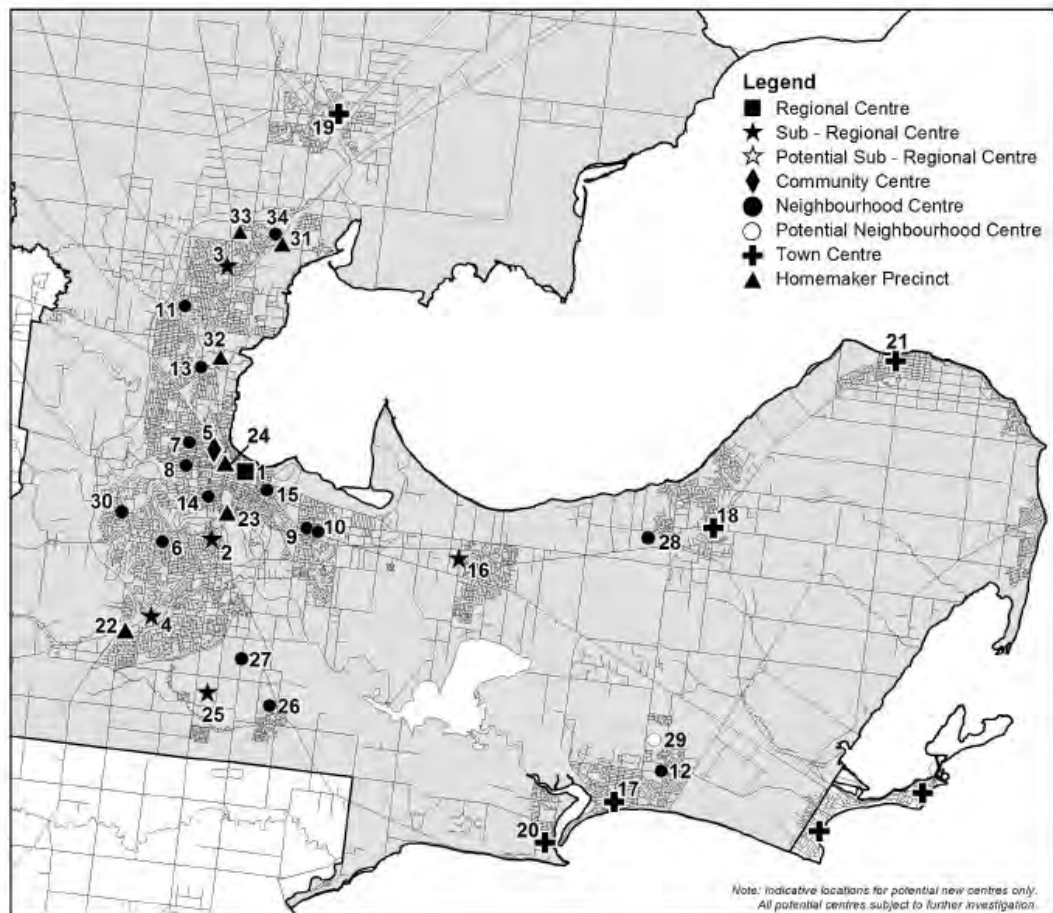
North East Industrial Precinct, Development Contributions Plan, May 2010

Greater Geelong Gaming Policy Framework, City of Greater Geelong, 2007.

Armstrong Creek Town Centre, Precinct Structure Plan, March 2014

21.07-8 City of Greater Geelong Retail Activity Centre Hierarchy

19/03/2015
C323



City of Greater Geelong Retail Activity Centre Hierarchy		
Level in Hierarchy	Identified Centres	Indicative floorspace and example key tenants
Regional Centre	Central Geelong (1)	More than 100,000 sqm Department store, discount store(s), mini major(s), supermarkets(s) and extensive range of specialties
Sub-regional Centres	Belmont (2), Corio Village (3), Waum Ponds (4) Leopold (16)	15,000 sqm to 35,000 sqm Discount department store(s), mini major(s) supermarket(s) and specialties
	Armstrong Creek Town Centre (25)	40,000 sqm Discount department store(s), mini major(s), supermarket(s) and specialties
Community Centre	Pakington Street (Geelong West) (5)	10,000 sqm to 25,000sqm Supermarket(s), mini major(s) and specialties
Neighbourhood Centres	Highton (6), Shannon Avenue (Geelong West) (7), Shannon Avenue (Newtown) (8), Bellarine Village (9), Newcomb Central (10), Bell Post (11), Ocean Grove marketplace (12), Separation Street (13), Pakington Street (Newtown) (14), Geelong East (15), Barrabool Hills Neighbourhood Shopping Centre (30), Rosewall (34), Armstrong Creek East (26), Armstrong Creek Horseshoe Bend Road (27), Jetty Road Growth Area (28)	2,500 sqm to 25,000 sqm Supermarket (small or full line), primarily convenience oriented specialties
Town Centres	Ocean Grove (Town Centre) (17), Drysdale (18), Lara (19), Barwon Heads (20), Portarlington (21)	1,500 sqm to 15,000 sqm Supermarket, mini major(s), specialties
Homemaker Precincts	Waum Ponds (22), Moorabool/Fyans (23), Geelong West (24), Princes Highway (Corio) (31), North Geelong (32), Bacchus Marsh Road (Corio) (33)	5,000 sqm to 50,000 sqm Large restricted retail type tenants
Potential Neighbourhood Centres	Ocean Grove north east growth corridor (29)	

21.07-9

Geelong Ring Road Employment Precinct Framework Plan map

19/07/2012
C187



22.06

DD/MM/YYYY
Proposed

TOURISM, ACCOMMODATION AND FUNCTION CENTRE DEVELOPMENT IN RURAL AREAS

This policy applies to all land zoned Farming and Rural Conservation. This policy does not apply to a dwelling use.

Policy Basis

The rural areas of Geelong and its many attractions are highly valued for their contribution to the economy, liveability and amenity of the whole municipality. Tourism is a key part of the economy of Greater Geelong, in particular on the Bellarine Peninsula.

Growth of the tourism economy is expected across Geelong to 2030. Most of this tourism growth is directed to Central Geelong and other townships where there is existing capacity and a settlement strategy that caters for future growth.

There are opportunities to enhance the tourism industry in rural areas through well designed developments that are associated with the farming or rural use of the land. Tourism development forecasts show that there is a demand of between 330 to 550 accommodation rooms or caravan sites in rural Geelong to 2030. Camping and caravan parks currently are traditionally the most common form of accommodation in the rural areas of Geelong with a focus on the family market. There is a need to expand the type of accommodation provided in rural areas to improve the market offer and encourage longer-term stays. This includes farm stays, accommodation associated with wineries and golf courses, nature based accommodation and integrated resort accommodation that is dispersed across the rural area.

Tourism development within the rural areas must be carefully managed and designed so that it does not compromise the rural landscape character or existing agricultural activities that are part of the economy and tourism attraction of the area.

~~In some circumstances~~ Function centres and restaurants may also be considered as tourism ventures, particularly when co-located or associated with other tourism activity. Camping and caravan parks that result in long term or permanent housing accommodation risk resulting ad hoc urban extensions. This undermines the settlement strategy and can also lead to poor social outcomes and community connectivity. Camping and caravan parks must be designed to cater for the tourism market.

Objectives

- To support tourism development in rural areas that contributes to the growth of the tourism market.
- To diversify the range of accommodation types to address an identified demand.
- To preserve the productive agricultural capacity of the land and where possible enhance the environmental condition of the land.
- To ensure the scale of development will complement and respect the rural landscape character of the area;
- To ensure development will not result in the urbanisation of the area;
- To ensure a mix of accommodation options are provided in camping and caravan parks.

Policy

~~It is policy that the responsible authority will support the use and development of rural land~~
~~For tourism, accommodation and function centre uses where, it is policy that:~~

Preferred location

- The use will be associated with an ~~existing~~ agricultural activity on the property;
- ~~Uses not associated with agriculture may be supported by the responsible authority where unless~~ all the following are met:

- It is demonstrated that the circumstances of the use are unique and support site selection in a rural location over an urban location.
- The site is strategically located with respect to an identified tourist route, such as the tourist route identified in the *Bellarine Peninsula Localised Planning Statement* or along the Bellarine Highway. Preference will be given to areas where there is already a cluster of non-rural activities and additional development will not result in urbanisation.
- The use and its associated development would not unreasonably visually compromise a non-urban break between settlements, a significant view or area identified for landscape significance or environmental significance.
- The use can address a regionally recognised demand identified in a tourism development strategy.
- Tourist accommodation provides a connection or access to a tourist facility, tourist attraction or outdoor recreation.

Impacts on agricultural productivity

- The use and development will not be out of balance with, nor change the character and nature of the primary rural land use, or result in an unreasonable loss of productive agricultural land;
- The proportion of the property used for tourism and ancillary infrastructure is minimised, and is directed to the area of lowest agricultural quality or where the natural landscape has been modified;
- Existing agricultural activity on adjoining land will not be compromised;

Design and siting

- Buildings and structures are designed and sited to not be visually dominant and can blend into the surrounding landscape and natural environment. Visual impacts should be mitigated or minimised through appropriate design, landscaping, materials and colours.
- Buildings incorporate a high design standard with environmentally sustainable design features.
- The design of a residential hotel or group accommodation avoids large, single footprint buildings and is distinguishable from a dwelling.

Amenity

- Neighbouring properties are protected from unacceptable disturbance associated with the hours of operation, number of patrons, or vehicular movements resulting from the use.

Traffic and Services

- Adequate area is set aside for on site car parking and landscaping.
- The site has access to an appropriately constructed or sealed road that is capable of accommodating anticipated traffic levels or has convenient access to a major road.
- The site has access to all necessary servicing infrastructure. Where infrastructure is required or needs upgrading the applicant will meet all costs.

Camping and caravan park design

In addition to the above policy, a camping and caravan park ~~must~~should also meet the following:

- A camping and caravan park will include a mix of tourist accommodation site types and visitor facilities including:
 - Sites for caravans, motor homes or tents;
 - Sites with unregistrable movable dwellings;
 - Sites for caravans with rigid annexes;
 - Sites with cabins;
 - Lodge accommodation;

- Ablution blocks;
- Communal and recreation facilities; or
- Facilities that allow for public pre-booked or walk up bookings.
- The layout and design of the camping and caravan park will have the appearance of a camping and caravan park, rather than a residential village or subdivision – which could include restricted access, permanent constructed roads, larger building footprints, higher building densities, the provision of individual carports/ garages, and building design that resembles a permanent residence rather than a holiday cabin.

Application Requirements

An application should be accompanied by the following information to the satisfaction of the responsible authority, as appropriate:

- A description of the proposal, including a site context report; hours and days of operation; number of staff and visitors or patrons; type and number of accommodation buildings, units or camping sites; or a description of how a camping and caravan park is to be established and operate as a tourist park.
- A land management plan outlining measures to address agricultural production and environmental protection, including pest plants and animals and erosion of the land; as well as fencing off remnant vegetation, revegetating strategic areas to develop wildlife corridors and along waterways.
- A management plan outlining, the following as appropriate:
 - The mechanisms to be put in place to ensure onsite and offsite amenity is maintained on an ongoing basis, including onsite caretaker arrangements;
 - ~~Onsite and offsite~~ Traffic management procedures;
 - Set up and down procedures for functions and events;
 - Litter and waste effluent management;
 - Staffing and staff training procedures;
 - Requirement and procedure to inform adjoining residents of when a function or event is to be held; or
 - The requirement for the provision of an onsite manager for the duration of a function or event and the complaints procedure;
- A landscape plan, including a landscape character assessment for site and building design with an outline of the impact on the rural landscape.
- An acoustic report outlining noise impacts and noise mitigation measures, ~~including set up and set down for functions and events.~~
- A traffic report.

Decision guidelines

Before deciding an application the responsible authority must consider, as appropriate:

- If the use is ~~ancillary to or~~ associated with ~~an existing~~ farming activity on the site
- If a rural location is required in favour of an urban location
- The proximity and access to tourism features and infrastructure.
- Potential impacts on the rural landscape character of the area.
- How the land use is consistent with tourism strategies for the area and promotes the regional tourism economy and expands accommodation typologies.
- The mix and type of accommodation provided.
- The potential impact the use will have on neighbouring properties, including agricultural operations.

- If the proposal will maintain and/or improve the productive capacity or environmental condition of the site.

References

City of Greater Geelong Rural Land Use Strategy, City of Greater Geelong, 2007.

Managing Development in Rural Areas, Planning Policy Review, City of Greater Geelong, 2015.

22.64 DISCRETIONARY USES IN RURAL AREAS

DD/MM/YYYY
Proposed C347

This policy applies to the consideration of use and development applications within the Farming and Rural Conservation Zones. This policy does not apply to agricultural, tourism, function centre or accommodation land uses.

Policy Basis

The rural areas of Geelong and its many attractions are highly valued for their contribution to the economy, liveability and amenity of the whole municipality.

Non agricultural uses in rural areas must be carefully managed to ensure that the ongoing use of land for agriculture is supported and the rural landscape character of the rural area is preserved.

Non-agricultural uses that would attract a significant numbers of visitors, accommodate large numbers of people or generate significant volumes of traffic and car parking demand are generally incompatible with farming activities and ~~are not appropriate in the rural area rural amenity~~. These uses should be directed to urban areas where ~~there is an appropriate level of~~ municipal infrastructure services and good transport connectivity is available. ~~To ensure that development is planned in the right locations a~~ An adequate supply of land is zoned for industrial, commercial and community purposes in urban areas to provide for these uses. The encroachment of non-agricultural uses into rural areas is discouraged and should only be considered when the use or development cannot be catered for in an urban area and there are unique circumstances to justify a rural location.

Objective

- To discourage discretionary non-agricultural uses in rural areas that could reasonably be located in an urban zone.
- ~~To discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community.~~
- To preserve the productive agricultural capacity of the land and where possible enhance the environmental condition of the land.
- To maintain the unique rural landscape character of rural areas.

Policy

~~It is policy that the responsible authority would only support an application for a~~ discretionary non-agricultural use, it is policy that where the following can be met:

- The use requires a rural location because it can be demonstrated that all urban location options have been ~~fully~~ exhausted. The extent of the urban area to be considered is dependant on the land use proposed.
- ~~The use is of an appropriate scale to support the local rural population.~~
- The intensity of the use will complement and support the local rural context.
- The use will not result in an unreasonable loss of productive agricultural land.
- Existing agricultural activity on adjoining land will not be compromised.
- The scale of the development will complement and respect the rural landscape character.
- Buildings and structures are designed and sited to not be visually dominant and can blend into the surrounding landscape and natural environment. Visual impacts should be

mitigated or minimised through ~~appropriate~~sensitive design, landscaping, materials and colours.

- The site has access to an appropriately constructed or sealed road that is capable of accommodating anticipated traffic levels or has convenient access to a major road.
- The site has access to all necessary servicing infrastructure. Where infrastructure is required or needs upgrading the applicant will meet all costs.
- The environmental condition of the land could be enhanced by fencing off remnant vegetation and revegetating waterways and other strategic areas to develop wildlife corridors ~~and along waterways~~.

References

City of Greater Geelong Rural Land Use Strategy, City of Greater Geelong, 2007.

Managing Development in Rural Areas, Planning Policy Review, City of Greater Geelong, 2015.

Appendix 2 - Amendment C347 Panel Report Executive Summary

Greater Geelong Planning Scheme Amendment C347 | Panel Report | 10 August 2016

Executive Summary

(i) Summary

Greater Geelong is one of five municipalities in the G21 Region which is experiencing considerable activity and growth. The G21 Regional Growth Plan highlights the need to maintain the region's liveability and protect its unique and finite natural, tourism and farming assets, in response to growth pressures.

Greater Geelong Planning Scheme Amendment C347 (the Amendment) proposes to amend Clause 21.07 to align with the amended Clause 22.06 and new Clause 22.64; replace Clause 22.06 with a new Clause 22.06; and introduce a new Clause 22.64. The Amendment responds to changes made to the Farming Zone and Rural Conservation Zone of the Victoria Planning Provisions by Amendment VC103. These changes have impacted on how non-rural uses are managed under the Greater Geelong Planning Scheme. A number of land uses that were previously prohibited have been made discretionary. In addition, changes have been made in relation to some accommodation, retail, commercial, industry, schools and community uses.

The Amendment was exhibited between 18 February and 29 March 2016 and received six submissions. Key issues raised in submissions included whether the Amendment has sufficient strategic justification, impact on discretionary non-agricultural and tourism land uses, and alignment with legislation. The Panel considered all submissions.

The Panel finds that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework. It is well founded and is strategically justified subject to addressing the more specific issues raised in submissions as discussed in this report. The Panel considers the net community benefit of the Amendment far outweighs the impact on any individual property owner.

Clauses 22.06 and 22.64 are appropriate and strategically justified, however the Panel believes they do have some issues that should be addressed. The Clause 22.64 policy "*The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted*" is too broad and difficult to measure. The Panel finds that other policies in Clause 22.64 can assist Council to consider whether a certain land use should locate in a rural area.

The Panel recommends some drafting changes to Clauses 22.06 and 22.64 to better align with policy drafting principles. For example, the parent policy statements appear to predetermine a permit application decision if policy outcomes are not met, and should be redrafted. The Camping and caravan park design policy in Clause 22.06 should not be expressed as a mandatory requirement. The Panel finds that Council's post-exhibition drafting changes to Clauses 22.06 and 22.64 clarify their intent and improve their operation.

The Amendment aligns with State Government planning policy on accommodation in rural areas and it does not propose changes that directly relate to the *Residential Tenancies Act 1997*. The *Residential Tenancies Act 1997* review should not influence the timing of the Amendment.

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

Greater Geelong Planning Scheme Amendment C347 be adopted as exhibited subject to the following:

- 1. Amend Clause 22.06, as shown in Appendix B to:**
 - a) delete the word 'existing' in the first policy under 'Preferred location'
 - b) make minor changes to the Policy Basis, Application Requirements and Decision Guidelines.
 - c) change provisions that address drafting issues.
- 2. Amend Clause 22.64, as shown in Appendix B to:**
 - a) replace the parent policy statement with "Where a permit is required for a discretionary use, it is policy that:"
 - b) delete the second objective "To discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community."
 - c) delete the policy "The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted."
 - d) replace the second policy with "The intensity of the use will complement and support the local rural context."
 - e) change provisions that address drafting issues.

3. COMMUNITY ACTION PLAN

Source: Chief Executive Office
CEO: Kelvin Spiller
Index Reference: Subject: People and Organisation Development

Purpose

To provide an overview of the Community Action Plan developed by independent consultant Susan Halliday.

Summary

- The Community Action Plan addresses findings in the Susan Halliday Culture Review and the Commission of Inquiry, and the expectation of business and community members for a transparent understanding of operational frameworks of Council, and service delivery and behaviour that is professional and ethical.
- The Community Action Plan has six sections:
 - New approach – positive duty – an organisation wide approach that prioritises people, aiming for fair, safe and lawful treatment at all times
 - Cultural change – a clear vision, purpose statement and well understood values provide a solid platform for business interaction and community engagement, particularly during the period of cultural adjustment
 - Knowledge growth – increased communication across many platforms as part of regular interaction and involvement with business and community members
 - Enhanced frameworks – the core documents that provide information, parameters and guidance for business and community members
 - Support strategies – complaint and issue resolution systems and structure that are beyond standard
 - Monitoring – mechanisms to measure and understand external sentiment to facilitate and improve business and community relationships.

L Gardner moved, P Dorling seconded -

That Council endorse Susan Halliday's Community Action Plan, noting that some of the actions have already been undertaken and that further actions will be incorporated into the organisation's transformation change program.

Carried.

Background

In early 2015 then CEO Gillian Miles, instigated a review into the workplace culture of the City of Greater Geelong.

The review included a broad ranging review of workplace culture and an employee survey, conducted by EY Sweeney and Susan Halliday respectively.

The Culture Review was made public in October 2015.

Susan Halliday committed to continue working with the organisation on three action plans to address the findings of the review: an Organisation Action Plan, Councillor Action Plan and Community Action Plan.

The Community Action Plan is the final of the three plans to be developed.

Discussion

The Community Action Plan has been developed to address the findings of the Culture Review which was based on first person feedback received by Susan Halliday who conducted community sessions to independently inform herself about negative interactions people claimed that they had with Council staff, Council as an entity or councillors.

The Community Action Plan also takes into account the findings of the Commission of Inquiry and aligns with relevant corporate strategies. There are particularly strong relationships with the community engagement strategy and corporate communications strategy.

As a guiding approach to community and business interaction, the Community Action Plan is based on a structural framework that clarifies the roles, responsibilities and accountability of councillors, council officers and the organisation.

This framework has been considerably strengthened over the past six months through a new Councillor Code of Conduct (adopted by the Administrators 28 June 2016) provisions in *The Local Government Amendment (Improved Governance) Act 2015* and a new Staff Code of Conduct (now being developed).

The Community Action Plan also notes the work underway to transform the organisation through education and training (knowledge growth), embedding purpose and values (cultural change), strengthened focus on complaint and issue prevention and resolution (support strategies), seeking feedback on interaction (monitoring) and the new organisation approach that underpins all of this work - positive duty.

The Commission of Inquiry noted the importance of building trustful relationships and communication between the Council and the community. The Community Action Plan will contribute to this outcome.

Environmental Implications

There are no environmental implications.

Financial Implications

Initiatives underway and planned for the 2016-17 financial year are funded in the current budget. Future programs will be included in planning for the 2017-18 and future Budgets and included in the long term financial plan.

Policy/Legal/Statutory Implications

The Community Action Plan aligns and refers to the *Local Government Act 1989* and a range of policies including Councillor Code of Conduct, Staff Code of Conduct, Community Engagement Policy, Social Media Policy, Records and Document Management Policy etc.

Alignment to City Plan

The actions outlined in this report are aligned with Council's commitment to providing a safe environment for staff and good governance practice.

Officer Direct or Indirect Interest

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

Risk Assessment

The actions outlined in this report will minimise risk to Council.

Social Considerations

The actions outlined in this report will ensure that safety and wellbeing concerns are being addressed, and contribute to the development and strengthening of good working relationships with business and the community.

Human Rights Charter

We have taken into consideration the human rights relative to the subject matter of this report.

Consultation and Communication

Development of the Community Action Plan is based on firsthand feedback and written submissions from business and community direct to Susan Halliday. The plan also takes into account the findings from the Commission of Inquiry which involved 56 private and public hearings, 109 hours of evidence, staff forums and written submissions.

As elements of the plan are progressed , communication will involve a range of methods including print, digital and community engagement/presentations.

COMMUNITY ACTION PLAN

City of Greater Geelong

Culture Review 2015 - 2016 Stage Two

Stage One of the Culture Review 2015-2016 process provided sufficient content to identify core areas of concentration for Stage Two, the development and implementation of three strategic Action Plans, namely – the Organisation Action Plan, the Councillor Action Plan, and the Community Action Plan.

Themes and trends that emerged during Stage One of the Culture Review process indicated that some business and community members had concerns related to how the Council as an entity, some Council staff, and individual Councillors at times interacted and reacted when undertaking Council and Councillor duties, as well as when responding to requests for action, information or support. Mindful that the Culture Review process had a specific focus on behaviour, it is important to note that many of those who contributed from business and community took the time to talk about both positive and negative experiences, as well as share ideas about how relationships and communication could be improved for the benefit of business, community members, the Council as an organisation and the municipality at large.

The collation of information from business and community members informed a set of summarised points deemed viable for Council consideration (see Appendix A).

It was clear that when engaging with business and the community that all Council staff and Councillors were viewed as representatives of the Council, or a Council voice. In turn it was expected that irrespective of individual role and responsibilities that service delivery and behaviour should be professional, ethical and not wasteful.

Business and community members made it clear that they felt entitled to a comprehensive and transparent understanding of the operational frameworks of Council, and deserving of a commitment that all reasonable steps would be taken to ensure Council staff and Councillors would be held to account for poor conduct.

Contributions made during the Culture Review process generally supported the view that business and community members have a role to play in the evolution of more cohesive relationships and cultural change, and should also be required to behave in a reasonable and ethical manner when engaging with staff and Councillors. Following on from that there was some support for the development of an engagement framework (or engagement ground-rules) that set down the nature of expected behaviour when the parties were communicating. With the purpose of informing everyone in a consistent and clear way, that the same behavioural rules apply regarding acceptable and unacceptable conduct, it was envisaged that such a framework would articulate the types of behaviour that Council staff were not required to endure by their employer, as well as articulate the types of behaviour that business and community members should not experience from staff and Councillors.

The Community Action Plan has six sections, each of which headlines overarching strategies. Working documents will sit behind the Action Plan. It is the role of the CEO in consultation with the Administrators (the Council) and the Executive Leadership Team to prioritise and map agreed initiatives that sit under the overarching strategies, ensuring realistic milestones.

The six sections that form the structure of the Community Action Plan are mirrored in the Organisation Action Plan, and the Councillor Action Plan, which have been progressed within the organisation.

1. New Approach
2. Cultural Change
3. Knowledge Growth
4. Enhanced Frameworks
5. Support Strategies
6. Monitoring Mechanisms

1. NEW APPROACH Positive Duty

Positive Duty – a new organisation wide approach relevant to all, including those who are served by Council’s provision of facilities, goods and services. Positive Duty prioritises people, aiming for fair, safe and lawful treatment at all times.

The Victorian Equal Opportunity Act 2010 introduced a Positive Duty requiring Councils to take reasonable and proportionate measures to eliminate inappropriate and unlawful workplace and work-related behaviour. This Positive Duty ensures organisations are **proactive** and take action to **prevent** discrimination, harassment, victimisation and bullying, rather than just responding to complaints. All Council staff and Councillors should understand the law and be knowledgeable about the Council’s Positive Duty obligations.

One outcome of the Culture Review process was the organisational decision that the Positive Duty concept would be expanded beyond the legal requirements of the Victorian Equal Opportunity Act and apply to all modes of operation (i.e. to all roles and functions of the Council) including how Council engages with business and community members. A Positive Duty onus rests with every Council staff member and Councillor. Understanding the concept and adopting a Positive Duty mindset offers a common structure for cultural change as well as common language.

In addition to Council staff and Councillors remaining cognisant of the importance of a Positive Duty mindset it when undertaking duties, decision making and communicating, it is considered important and appropriate that business and community members are also informed about the concept of Positive Duty and its benefits. The adoption of the concept by business and community members who engage with Council would help ensure issues are raised and attended to promptly.

Positive Duty is about taking personal responsibility for how and why we engage we others, and speaking up when we identify potential risks or have knowledge about unfair, harmful or unlawful treatment. It is incumbent upon Council staff and Councillors to treat colleagues and members of the public with dignity and respect. It is reasonable to promote that business and community behave the same way.

Positive Duty Concept Shared With Business & Community Members

Positive duty is a way of thinking about interactions and personal accountability. It requires proactive thinking and astute honest assessments of how our conduct can impact others, before we act, make decisions, share information and opinions, or speak publicly. Positive Duty can help prevent inappropriate and unreasonable behaviour, ensuring the rights of others are not compromised. It requires pre-emptive action and a willingness to assess potential impact. It means people take responsibility for how and why they engage with others. Positive Duty places an onus on us to understand the nature of our own behaviour, from the other side. It requires us to stand ‘in the shoes’ of the person on the receiving end. When we adopt a Positive Duty mindset we speak up when we have knowledge about concerns, in order that unacceptable behaviour can be readily identified, aiding timely and fair resolution, and limiting fallout. Everyone has a role to play.

2. CULTURAL CHANGE Big Picture 2015-2025

Cultural change takes time and dedication; it requires strategic thinking, personal and professional insight and planned pragmatic steps. People experiencing and progressing cultural change from both inside and outside of an organisation are best served by a clear and compelling organisational vision, a worthwhile meaningful and realistic mission or purpose statement, and values that provide genuine commitment and aspirations with measureable boundaries. Together forming the structural underpins and ethical frameworks for an organisation, whilst simultaneously benefiting those who are served by it, and those who do business with it, the vision, mission or purpose statement and values also establish important reference points for cultural change.

VISION = Desired End State

The current 2013-2017 vision statement is *Greater Geelong: Building Our Community Through Enterprise, Opportunity and Innovation in a Quality Environment*. This vision serves as a focussed pathway for Council, providing community and business information, as well as instruction for Councillors, leaders, employees and volunteers.

This vision statement will be revisited once new Councillors are elected. A vision statement should be reasonably succinct and inspirational, covering a three to five year period.

In addition to the COGG Vision, in partnership with the community the Council is leading the development of a long-term community vision that maps a 30 year aspirational viewpoint of Greater Geelong and our community. To be available by mid 2017 the vision *Our Future* work will operate in tandem with the current, and future Vision statements established by Councillors.

MISSION or PURPOSE STATEMENT = Why The Organisation Exists

Prepared by the organisation to anchor the workforce and focus modus operandi, a mission or purpose statement should be clear, short and powerful. Written in the present tense; it explains why Council exists, and what it does; and should be embedded in all Council material related to business and the community.

After extensive work and organisational consultation; COGG has finalised its new purpose statement. A platform for cultural change and a means by which to further unify the organisation via one key goal, the purpose statement was launch in late July 2016 –

Working Together For A Thriving Community

VALUES = The Organisation's Collective Values

Organisational values are not individual values, they are collective value statements. Over recent months a new set of organisational values have been developed by Council staff. Forming a clear behavioural framework for all who are engaged by

Council, and those who represent Council, the organisation's values help ensure conduct and involvement with colleagues, and business and community members is appropriate, positive and productive.

After extensive consultation with the organisation; the four new Values were launched in late July 2016. The Values are tools that will help create a contemporary culture that enables workplace participants, and business and community members to achieve their potential whilst working together for a thriving community.

- Respect and Encourage Each Other
- Embrace New Ideas and Better Ways to Work
- Create a Healthy and Safe Environment for All
- Make People the Centre of our Business

A single set of values used organisation wide ensure a common language and standardised explanation. They also provide a means by which to assess and evaluate cultural change that is relevant to business and community members with whom the organisation directly engages, or serves generically. All who are engaged by Council, and those who represent Council, have a personal accountability to ensure that their decision making and interactions are informed by the new Values.

The structural cement and resultant stability that a clear Vision, a meaningful Purpose statement, and well understood Values provide, should not be underestimated by business and community members, particularly during periods of cultural adjustment. These operational frameworks provide a solid platform for successful business interaction and community engagement with Council. By design they prioritise people and promote processes that place people at the centre of COGG business.

3. KNOWLEDGE GROWTH

The Council has a responsibility to ensure business and community knowledge growth in areas relevant to Council activity and future initiatives. COGG has a range of opportunities to be constructive in this regard. Awareness can be heightened through increased circulation of information, as well as Council's planned delivery of structured information.

It would be helpful for Council moving forward to provide new public positive role models and cultural change paradigms as part of the organisation's regular interaction and involvement with business and community members. This will help facilitate knowledge growth and shift thinking.

While there are various ways to interact with business and community members, during the Culture Review consultations there were repeated calls for printed information as well as information on line. Briefing sessions (both general community and specialised business) at various times of the day and early evening were suggested, as were succinct fact-sheets and op-ed pieces written by Council for the media to ensure that firsthand accurate information was in circulation.

Areas of knowledge growth will include –

- Positive Duty
- 2016 COGG Purpose Statement and Organisational Values
- Staff Code of Conduct
- Councillor Code of Conduct
- Our Future – long term community vision
- Conflict of Interest
- Local Government Amendment Act 2016
 - Roles of Councillors, Administrators, Mayor, CEO and Officers
 - Complaint Procedures

Current New Initiatives Relevant to Knowledge Growth

- The re-introduction of community newsletter *Community Update* is underway. To be delivered six times a year to 109,500 households and 9,000 roadside addresses and PO Boxes across the municipality, the first edition will be delivered in October.
- The Chair of the Administrators regular columns published in the local media.
- Weekly leaders' forums attended by business and community leaders have been progressed, with Administrators engaging in round table discussions about issues facing the city and COGG's role.
- Monthly community engagement meetings in local areas enabling the Administrators and the Executive Leadership Team to hear residents' views and concerns firsthand.
- A range of Administrator community presentations.
- Community Workshops covering the long term community vision for Greater Geelong.

4. ENHANCED FRAMEWORKS

Council has a range of core documents and policies that provide information, parameters and guidance for business and community members. To be added to the list in the near future are the new Councillor Code of Conduct and the new Staff Code of Conduct. These are important business and community resources moving forward given the culture review and behavioural expectations that have been recently articulated by the organisation. The new purpose statement and four organisational values should also be viewed as enhanced operational frameworks of relevance to businesses and members of the community.

A range of other related initiatives are in train, including

- the development of a new corporate communications strategy
- the development of a new community engagement strategy
- the development of a new stakeholder engagement strategy
- the Audit Advisory Committee has been refreshed in line with established best practice, involving the recruitment of new external appointments.
- efforts to re-establish membership of important networks to foster alignment of priorities and improve collaboration on planning and advocacy for Geelong.
- a review of all council committees has been progressed with remaining and future committees now firmly based on strategic purpose
- a register system to manage and monitor actions arising from Council, decisions, has been established, and
- the Executive Manager People & Organisation Development has been appointed as Principal Conduct Officer as per the *Local Government Act* section 81Y.

Moving forward the idea of having articulated engagement ground-rules will be progressed by Council. In addition the existing Customer Service Charter is being refined and related consultation with business and community members will take place before it is finalised.

5. SUPPORT STRATEGIES

The engagement with business and community members during the Culture Review process indicated a need for several purposeful support strategies, above and beyond those that are standardised and currently exist for business and community. For example

- a Complaint Register - Councillors (2017 election onwards)
- complaint investigation process maps relevant to Councillors
- a Complaints Register - General
- complaint investigation process maps relevant to general complaints
- a Complaint Management and Resolution Information Fact-sheet for both complaints related to Councillors and general complaints, and
- an in-house issues resolution function that adopts the Ombudsman's guidelines on best practice management of complaints.

6. MONITORING

Shaping culture is an on-going proactive process. While this Action Plan headlines key initiatives and some planned areas of activity, it is important that business and community members are aware that the Council seeks to ensure all workplace participants who interact with external parties are astute to the importance of developing a professional rapport and consciously monitoring the environment.

Measuring 'progress' and understanding external sentiment is crucial to success of the overall cultural change program. There is a range of mechanisms to help facilitate necessary and timely measurement of the relationships being built with the business and community sectors including

- Targeted Surveys
- Tailored Focus Groups
- Community Engagement Meetings
- General Complaints Register
- Councillor Complaints Register
- Reviews of the register developed to manage and monitor actions arising from Council decisions
- Social media
- Traditional media
- Annual state government Community Satisfaction Survey (which assesses the performance of Councils from a community perspective)

APPENDIX A

The collation of information from business and community members informed the following set of summarised points deemed viable for Council consideration -

- increased communication via several different mechanisms would be advantageous for business and community members,
- heightened attention could be paid to the diversity of community members deserving of factual information,
- in relation to businesses, ensuring consistent application of fair and transparent process by Council and Councillors, irrespective of the size and the nature of the business, is an area worthy of increased attention,
- processes that ensure 'neutral' and 'non-biased' selection of businesses to sit on committees and expert advisory groups utilised by Council would be valued by those who currently feel they are unfairly denied such opportunities,
- active recognition that different groups living in the community require and are deserving of both tailored communication and focused engagement strategies is sought, as is evidence that such needs are better understood by Council staff into the future,
- business and community members seek improved levels of professionalism from some Council staff and Councillors, noting that past behaviour at times has been inappropriate, abusive, bullying and unfair,
- some Council staff are believed or perceived to make decisions that are not their decisions to make (and at times these decisions are thought to be based on their personal opinions, likes and dislikes) including decisions that should be made by Councillors; it was raised by business and community members that action to enforce boundaries should be taken, with specific and additional reference to businesses needing to feel comfortable to challenge or seek reviews of certain situations or decisions, without their being any fear or risk of some form of resultant detriment to the business or clients of the business, due to how the Council staff member goes about their duties given their access and power ,
- complaint processes that cover off on unacceptable conduct of Councillors or Council staff need to be more transparent and 'have teeth' – they should be documented in simple language, available to the broader community and ensure disciplinary action that can/will be progressed as well as guarantee feedback for business and community complainants, and
- business and the community were unhappy about the level of reported disharmony within the organisation given the amount of time and money understood to be needed to address inappropriate workplace behaviour, and
- business and community members perceived that Council staff were not held accountable for their actions, poor behaviour and mistakes.

4. CENTRAL GEELONG TASK FORCE UPDATE & REVIEW

Source: Investment & Attraction - Central Geelong Action Plan
General Manager: Brett Luxford
Index Reference: PRJ-16-1281 : Central Geelong Action Plan

Purpose

To provide an update on the implementation of the Central Geelong Action Plan. To acknowledge the achievements of the Central Geelong Task Force Section 86 Committee and review its operations in the context of the State-Council partnership.

Summary

- The Central Geelong Task Force (II) was established by resolution of the Council on 28 January 2014 as a Special Committee under the provisions of Section 86 of the Local Government Act.
- The purpose of the Central Geelong Task Force (II) (the Task Force) is to oversee the implementation of the Central Geelong Action Plan, the preparation of which was guided by the first Central Geelong Task Force Special Committee.
- Substantial progress has been made on a number of major initiatives under the Task Force, including designs for the Malop Street green spine, laneways precinct design, transport and drainage strategies, city heart location and public realm strategy.
- Tactical urbanism initiatives such as the Malop Street Lab and greening of the mall were also delivered under the guidance of the Task Force, improving the vibrancy and attractiveness of the CBD and changing community expectations of public spaces in the CBD.
- The release of the Revitalising Central Geelong Action Plan by the State Government in July 2016 has expanded the program.
- The Revitalising Central Geelong Action Plan builds upon the key initiatives progressed by the Task Force. Under this new governance context, the Task Force is no longer required.

K Alexander moved, L Gardner seconded -

That Council:

- 1) acknowledges the significant achievements of Central Geelong Task Force in setting the foundations for the revitalisation of Central Geelong;**
- 2) writes to individual non-Council members to thank them for volunteering their time in contributing to enhancing the liveability and prosperity of the CBD; and**
- 3) rescinds the Central Geelong Task Force Section 86 Committee.**

Carried.

*** Kathy Alexander, Chair, expressed the thanks of the community for the individuals who participated and gave of their time to improving outcomes for Central Geelong. They volunteered their time and provided their expertise free to the community. The initial appointment of community members to the committee on 10 June 2014 were Roz Hansen, Mark Edmonds, Rory Costelloe, Dan Simmonds, Nick Heath and Todd Devine.*

Three of the Taskforce members, Roz Hansen, Mark Edmonds and Rory Costello have transitioned across to the Geelong Authority, so there is a continuation of local flavour into the work of the Geelong Authority.

The Taskforce members have worked closely with Council officers and have overseen a large number of initiatives which are all outlined in the report to Council. The announcement of the partnership with the Victorian Government in the delivery of initiatives across the Central Geelong Revitalisation Plan has now meant that there is no further need for the taskforce and as such it needs to be rescinded.

Background

At its meeting on 1 June 2013, Council resolved to establish the first Central Geelong Task Force Special Committee under Section 86 of the Local Government Act to prepare a plan to support the revitalisation of Central Geelong. The Committee comprised of ten members, including State Government and Council representatives as well as urban planning experts. Finalised in December 2013, the Central Geelong Action Plan was subsequently adopted by Council on 28 January 2014.

On 28 January 2014, the Council also resolved to revise the Terms of Reference for the Central Geelong Task Force, conclude the term of the members and undertake an Expression of Interest process for a new Task Force committee.

On 10 June 2014, the Council resolved to appoint six external members to the Task Force: Roz Hansen, Mark Edmonds, Rory Costelloe, Dan Simmonds, Nick Heath and Todd Devine. The external members joined the Mayor, Councillor for Brownbill, Councillor (Transport Portfolio Holder) and CEO on the committee, filling ten of the eleven positions identified in the Terms of Reference.

The first meeting of the Task Force occurred on 10 July 2014. Since that time, 18 meetings have been held, with the Task Force establishing its own meeting schedule in accordance with Council's adopted terms of reference. The Task Force meets on the second Friday of each month.

In May 2015, the Terms of Reference were revised by the Council, to reflect the powers of the Mayor under the Geelong Act (1993) to nominate a Chair of Section 86 Committees. An amendment was also made to clarify the powers of the Task Force to reallocate funds.

In August 2015, the State Government announced the creation of the Geelong Authority, as a body to oversee the implementation of Vision II in Central Geelong.

On 29 July 2016, the State Government released the *Revitalising Central Geelong Action Plan*. On 4 September 2016, the Minister for Planning approved revised Terms of Reference for the Geelong Authority, expanding the responsibilities of the Ministerial Advisory Committee.

Discussion

Over the past two years, the Task Force has overseen a number of significant initiatives and improvements in Central Geelong. These include:

- Malop Street Green Spine concept development and schematic designs, including endorsement of the 'botanic walk' concept, widening of the footpath south side of the street and delivery of separated bike lanes along the length of the street;
- Little Malop and Laneways concept development, including reintroduction of alfresco activity on both sides of Little Malop Street;

- Little Malop Streetscape and Pedestrian bridge design and funding resolution, enabling delivery of a priority bike connection from Geelong West to Central Geelong (construction planned 2016/17);
- Overseeing the 'City in a Park' initiative undertaken by City of Melbourne and Design Urban, setting a new vision for public realm improvements in the CBD and identifying catalyst projects;
- Undertaking the Myers Street unifying works between Gheringhap and Moorabool Streets, the first demonstration project to illustrate 'City in a Park' principles;
- Overseeing the development of a new public realm strategy for the CBD. In particular, the Public Realm Framework, sets out a higher quality materials, landscape and fixtures palette, reflecting Geelong's modern identity and depth of history;
- Delivery of the Malop Street Lab, a temporary tactical-urbanism installation between Moorabool and Yarra Streets, providing a new experience of the city's streets and public spaces and shaping community expectations about the vibrancy of the CBD over summer 2015/16;
- Enlivening Little Malop Central, through the installation of turf, transforming it into a more welcoming place for a wider range of people;
- Significant progress on the City Heart project, including the launch of a month long gallery and consultation process to obtain input into the type and design of the space, as well as its location;
- Initiating the CBD 40km/hr zone project, to increase safety for all road users and improve pedestrian and cyclist amenity within the city;
- Endorsement of the CBD drainage strategy, including identification of major infrastructure projects such as the Gheringhap Street pipe to mitigate flood risks, unlock development potential of land and enhance design outcomes for the public and private realm;
- Commissioning transport studies that underpin current work with State Government to resolve the overall transport network in Central Geelong;
- Commissioning of the Market Assessment and Investment Attraction Strategy associated with the injury and disability sector (pending release);
- Commissioning improvements to the civic car park façade, including repainting and banner installation.

These initiatives shape the future of Central Geelong: its look and feel, the way people move around the city and the quality of environment it offers to live, work, study, invest or visit. The planning and policy work overseen by the Task Force provides a firm basis for a number of initiatives identified in the *Revitalising Central Geelong Action Plan* and the work that will now be undertaken by the State Government and Council partnership.

Environmental Implications

There are no environmental impacts arising from this report.

Financial Implications

There are no financial implications arising from this report.

Policy/Legal/Statutory Implications

A formal resolution from the Panel of Administrators is required to modify or rescind the Terms of Reference for the Section 86 Committee under the relevant provisions of the *Local Government Act (1989)*.

Alignment to City Plan

The Central Geelong Task Force is a mechanism intended to implement the 'Growing the Economy' and 'Sustainable and Built Environment' through the revitalisation of Central Geelong and the implementation of Council's Central Geelong Action Plan.

A decision to repeal the operation of the Task Force does not compromise Council's ability to deliver on the outcomes described in City Plan.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks arising from this report.

Social Considerations

There are no social impacts arising from this report.

Human Rights Charter

The outcomes described in this report will not impact on any basic rights, freedoms and responsibilities as set out in the Charter.

Consultation and Communication

As part of the review of the Task Force, a discussion was held with members at the conclusion of its meeting on 13 May 2016. In addition, a number of one-on-one conversations have been held since with the members.

5. ANNUAL REPORT 2015-16

Source: Strategy & Performance – Strategy & Program Delivery
Act/General Manager: William Tieppo
Index Reference: Corporate Strategy Reporting 2016

Purpose

The Annual Report 2015-16 was submitted to the Minister for Local Government as per the requirement of the Local Government Act 1989, Section 131.

As per the Local Government Act 1989, the purpose of this report is for the Council to receive the Annual Report 2015-16.

Summary

- Section 133(1) of the Local Government Act 1989 requires that the Council submit its Annual Report to the Minister for Local Government within three months of the end of the financial year.
- The Annual Report for 2015-16 has been prepared and a copy was provided to the Minister on 26 September 2016.
- The Annual Report has been prepared to comply with Section 131 of the Local Government Act 1989 that requires it to contain the following:
 - a) a report of operations of the Council;
 - b) an audited performance statement;
 - c) audited Financial Statements;
 - d) a copy of the auditor's report on the performance statement, prepared under section 132;
 - e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994; and
 - f) any other matter required by the regulations.
- In accordance with the requirements of Section 132 of the Local Government Act 1989 the nominated Principal Accounting Officer of Council, two Councillors (Administrators) and the Chief Executive Officer have signed the Performance Statement, Financial and Standard statements.
- The Performance Statement and Financial Statements have been finalised and the Auditor General's Report on these has been received.
- After the Annual Report has been submitted to the Minister, Council is required [(under Section 133(2))] to give public notice that the Annual Report has been prepared and can be inspected at Council Offices.
- Section 134 of the Local Government Act 1989 also requires the Council to consider the Annual Report at a meeting of Council and that 14 days public notice must be given of this meeting.
- On 8 October 2016 a public notice was published in local newspapers advising of the availability of the Annual Report for viewing and the intention to discuss the Annual Report at the Council meeting on 25 October 2016.

P Dorling moved, L Gardner seconded -

That Council receives the 2015-16 Annual Report (Appendix 1) in accordance with Section 134 of the Local Government Act 1989.

Carried.

Background

Council approved “in principle” the Financial Statement of Accounts, Standard Statements and Performance Statement and authorised the signing of the Accounts subject to Auditor General requirements on 6 September 2016.

The Auditor-General has signed the accounts and issued his report stating that the accounts fairly present the financial position of the Council and comply with accounting requirements and the Local Government Act 1989.

A copy of the Annual Report together with the Report of Operations, Audited Performance Statement and Financial Statements was provided to the Minister for Local Government on 26th September 2016.

Under Section 134 of the Local Government Act 1989, the Council must consider the annual report at a meeting of Council as soon as practicable after the Annual Report has been sent to the Minister.

Discussion

The Annual Report is a comprehensive review of highlights and achievements for 2015-16 financial year.

Under the Local Government Act the Council is required to give public notice when the Annual Report is available for public inspection and is also required to provide 14 days notice of when it will be considered at a Council Meeting.

On Saturday, 8 October 2016 Council gave public notice that:

- a) Council had prepared the Annual Report for the financial year to 30 June 2016 and that copies containing the following information contained within the Annual Report were available from the Council’s website and Customer Service Centres:
 - A report on Council’s operations during the year;
 - Audited Financial Statements for the financial year; and
 - Audited Performance Statement for the year.
- b) The Annual Report, including the Performance and the Financial Statements, is to be received at the Council meeting to be held on Tuesday, 25 October 2016 commencing at 5.30 p.m.

Environmental Implications

The Annual Report addresses the City’s achievements in the Sustainable Built and Natural Environment strategic direction and reports on actions undertaken in 2015-16 and progress indicators.

Financial Implications

The Annual Report includes a copy of the City’s Audited “Financial Statements” that have been the subject of a previous report to Council.

Policy/Legal/Statutory Implications

The recommendation and procedures outlined in this report conform to the requirements of the Local Government Act and Regulations.

Council has given public notice that the Annual Report 2015-16 is available for public inspection and provided 14 days notice of a meeting to consider the report.

Alignment to City Plan

City Plan 2013-2017 is the guiding document for the 2015-16 Annual Report. The Annual Report provides an update on the achievements under the Community Wellbeing, Growing Our Economy, Sustainable Built and Natural Environment and How We Do Business strategic directions.

Officer Direct or Indirect Interest

There are no direct or indirect interests.

Risk Assessment

There are no identified risks arising from this report.

Social Considerations

The Annual Report provides a report to the community on the Actions and Initiatives undertaken during the reporting period.

In addition to the Statutory Financial Reporting, the Annual Report provides information to the community on how the resources of the City have been allocated between the Social, Environmental and Economic needs of the community.

This information is presented in the City's adopted Planning Framework of the four strategic directions being:

1. Community Wellbeing
2. Growing Our Economy
3. Sustainable Built and Natural Environment
4. How We Do Business.

Human Rights Charter

The 2015-16 Annual Report will be made available to the community in a number of formats satisfying accessibility requirements:

- Hard copies will be available for viewing at all Customer Service Centres
- Electronic versions in MS Word, MS Excel, PDF and eText (for the visually impaired) will be available on Council's website (www.geelongaustralia.com.au)
- Hard copies can be requested and mailed out on request

All images in the final design version that feature staff or members of the community have had photo releases signed.

Consultation and Communication

The Council's Annual Report 2015-16 is a primary communication document that has been made available for public inspection in draft form.

A copy of the report will also be accessible via the City's internet site and at Council's Customer Service Centres.

6. GEELONG AMATEUR FOOTBALL & NETBALL CLUB INC. – REQUEST FOR LOAN GUARANTEE

Source: Strategy & Performance – Financial Services
Act/General Manager: William Tieppo
Index Reference: Financial Reporting 2016

Purpose

Seek Council's approval to act as Loan Guarantor for the Geelong Amateur Football and Netball Club Inc. to secure a bank loan to fund the completion of works in excess of \$830,000 on the Queens Park Change Room upgrade project.

Summary

- The City of Greater Geelong has entered into an agreement with the Geelong Amateur Football and Netball Club Inc. (The Club) to provide funding for the development of a change room upgrade project. Total funding of \$830,000 has been committed from the 2016-17 Capital Budget C15842 – Queens Park Change Room Upgrade.
- The Club is project managing the project under a partnering funding agreement with the City of Greater Geelong. The Club has identified significant inkind works which will deliver a project value greater than Council funding being provided.
- Under clause 6.5 of the funding agreement the Club is solely responsible for any overrun of costs on the project. In order to fund this contingency, the Club has indicated they would require a bank loan to fund such overrun.
- The Club is unable to provide any security to the bank for the loan and in order to complete pre-approval of this line of finance, have requested the City of Greater Geelong to act as loan guarantor.
- The line of finance facility is required to be established prior to the project commencing. This facility will be cancelled at the completion of the project if no overrun occurs.
- A reduction in scope has been investigated including the review of change room sizes (which need to meet AFL Preferred Facility Guidelines for State, regional facilities) as well as options for disability access compliance (Lift vs Ramps). The scope review found that in order to comply with BCA access requirements and the AFL Facility Guidelines, change room sizes cannot be reduced any further and the lift option for disability access was determined to be the most cost effective option

L Gardner moved, P Dorling seconded -

That Council authorise the General Manager Strategy & Performance to execute all necessary documentation to complete a loan guarantee for the Geelong Amateur Football & Netball Club Inc. on the following basis:

- 1) the guarantee is for a commercial business loan facility (fully drawn principal and interest to a maximum of \$162,000 for a maximum term of 10 years);**
- 2) the loan is 'borrower specific' in that if there is a change in facilities guaranteed, then a new guarantee would be required and considered by Council;**
- 3) there are no fluctuating facilities (eg. Overdrafts) incorporated under the guarantee;**

- 4) the guarantee is limited to a maximum of \$162,000 inclusive of interest and other costs as set out in the guarantee document;
- 5) the Councils' liability only arises upon default by the Geelong Amateur Football & Netball Club Inc., and
- 6) the Club agrees to complete a separate agreement to recognise the terms on which the guarantee is being completed by Council.

Carried.

Background

The City of Greater Geelong (CoGG) has entered into an agreement with the Geelong Amateur Football and Netball Club Inc. (The Club) to provide funding for the development of a change room upgrade. Total funding of \$830,000 has been committed from CoGG's Capital Budget 2016-17 C15842 – Queens Park Change Room Upgrade. No further funding will be provided by CoGG.

CoGG is owner of the site and facilities where the works are to take place at 150 Queens Park Road, Highton.

The Club will self manage and carry out the works with significant inkind works and the project has an expected completion date of 30 June 2017.

Discussion

The maximum Grant provided by CoGG is \$830,000. CoGG will not contribute any further funding in excess of the value of this Grant.

Quantity Survey estimates based on final design indicate the total cost of the project at up to \$162,000 higher than Council funding \$830,000.

If the value of the works is greater than the amount of the Grant, the Club is required to fund any overrun. The Club has indicated they would require a bank loan to fund such overrun.

The Club is unable to provide any security to the bank for the loan and in order to complete pre-approval of this line of finance, have requested the City of Greater Geelong to act as loan guarantor.

The Club has agreed to Councils request for a line of finance facility to be put in place prior to the project commencing, to ensure that the project is not delayed if cost overruns eventuate.

Environmental Implications

There are no environmental implications since this project represents renewal of the existing facility.

Financial Implications

A Grant of \$830,000 to the Club has been approved in the 2016-17 Capital Budget.

The Club are solely responsible for funding any overrun to the project. The completion on the loan facility and draw down will require Council to recognise this Loan Guarantee as a contingent liability. The outstanding balance of the loan would be reported in the Annual Financial Statements adopted by Council.

Policy/Legal/Statutory Implications

Guarantees are covered in the Council's debt reduction policy for recreational and sporting clubs (Council Policy CPL510.1 and Management Procedure MPR510.1.1.2).

Under this policy Council will not guarantee loans and financial developments for sporting and recreational groups unless sufficient financial information is supplied to highlight the Club's ongoing ability to service the loan and then only in instances where the Club is debt free to the Council.

If the Club requests Council to act as loan guarantor for any loan they wish to take out in order to fund an overrun of the project, then this would be subject to separate Council approval and following Club approval of a guarantee agreement.

Alignment to City Plan

This project aligns with Council's strategic directions in 'Community Wellbeing' by providing improved outcomes for Healthy lifestyles, Healthy environments and Connected, creative and strong communities.

Officer Direct or Indirect Interest

The Financial Services Manager has an indirect interest in this Club as a past player and committee member. The financial position of the Club has been assessed by other finance staff members in terms of the capacity to repay the loan facility.

Risk Assessment

The Clubs' financial accounts have been reviewed for the year ending 31 October 2015. The Club traded profitably for the year with net income of \$4,044 and currently hold a \$50,000 term deposit.

Any risks with the Club either not completing the project or overrunning expenses have been accounted for in a separate Funding Agreement between CoGG and the Geelong Amateur Football and Netball Club Inc.

Social Considerations

Supporting sporting clubs encourages participation in physical activity. Sporting clubs also provide a range of broader benefits to the community, including contributions to social capital, community cohesiveness, community connection and building local leaders.

Human Rights Charter

It has been determined that the project will not have an impact on any individual's human rights.

Consultation and Communication

The Club has met to discuss the proposal with Council officers and provide all required information. At a meeting of members on 14 September 2016 it was resolved to agree to a loan agreement with the Bendigo Bank for \$162,000. This being the agreed outstanding amount of the value of the 'in kind' support of goals and services that the Club is providing towards the upgrade of the Queens Park Pavilion change room.

Up to \$162,000 of the loan funding to be made available should the construction costs of the upgrade exceed the allocated budget of \$830,000.

7. FENCES AMENDMENT ACT 2014

Source: City Services - Engineering Services
Act/General Manager: Vicki Shelton
Index Reference: Fencing

Purpose

The purpose of this report is to present a revision to Council's current contributions for dividing fences along public parks and public reserves that are owned and/or vested to Council.

Summary

- Council's dividing fence contribution is subject to a revision due to the Fences Amendment Act 2014.
- In applying the Fences Amendment Act 2014, Council's contribution to the construction of fences within public parks and public reserves will be reduced.
- Council will no longer contribute to the construction of dividing fences along public parks and public reserves.

P Dorling moved, L Gardner seconded -

That Council following amendments to the Fencing Act 2014 will;

- 1) not contribute to the construction of dividing fences along public parks and public reserves; and**
- 2) apply a 3 month grace period before this change comes into effect.**

Carried.

Background

The Fences Act 1968 contains rules about who pays for a dividing fence, the type of fence to be built, notices that neighbours need to give one another and how to resolve disputes that come up when discussing fencing works with your neighbour.

A dividing fence is a fence built to separate two pieces of adjoining land.

A dividing fence does not include a retaining wall or any wall that is part of a house, garage or other building (although sometimes these types of walls may mean that a dividing fence is not needed, or is needed for part of the boundary).

Generally, owners of adjoining land must contribute in equal shares to a dividing fence. The standard of fence that you must contribute to is a 'sufficient dividing fence', which will depend on the circumstances.

Contributions can cover more than just building or repairing the dividing fence. Neighbours are required to contribute in equal proportions to fencing works, and any other associated work to allow the fencing works to take place (called 'subsidiary works' in the Fences Act), required for a sufficient dividing fence. Depending on the circumstances, this may include clearing the land, removing the existing dividing fence, having the land surveyed and using temporary barriers.

In accordance with the Fences Act 1968, Council currently contributes towards half the cost of a standard fence where adjoining lands abut a public reserve or public park.

This liability does not extend to front and side fences in road reserves and Council has not contributed in these instances.

Discussion

Under the Fences Act 1968, the responsibility for undertaking fencing works and contributing to dividing fences was on occupiers of land.

Under the Fences Act 1968, notice was only required where a financial contribution was being sought. If an occupier did not want a financial contribution to the fencing works from their neighbour, they could undertake fencing works without giving notice to the adjoining occupier or seeking the adjoining occupier's agreement.

The Fences Amendment Act 2014 provides that an owner must generally give notice to an adjoining owner before undertaking fencing works, unless the owner's have already agreed outside of the Act.

The fencing notice forms the basis for the owners to negotiate and agree about the fencing works.

Under the Fences Amendment Act 2014, the Act shifts this liability to owners of land in most instances. The owner will generally be the registered proprietor of land or someone who holds an estate in fee simple. Owners Corporations are also deemed to be owners in respect of dividing fences between common property in an owners Corporation subdivision and external land.

There are some exclusions from the definition of "owner" and, therefore, from fencing responsibilities, Municipal Council's and others who own or manage land for the purposes of a public park or public reserve are excluded and the Crown exemption from contributing to dividing fences between Crown land and adjoining land remains unchanged.

Environmental Implications

There are no environmental implications as a result of complying with the Fences Amendment Act 2014.

Financial Implications

In applying the Fences Amendment Act 2014 Council's contribution and expenditure for fencing adjacent to public parks and public reserves will be significantly reduced.

Council contributed the following amounts for the construction of fencing adjacent to public land.

Year	Amount
2013/14	\$119,000
2014/15	\$93,000
2015/16	\$80,973
2016/17	\$21,927 (expenditure to Aug 2016)

Policy/Legal/Statutory Implications

The Fences Amendment Act 2014 does not change the position that particular types of Crown land are exempted from contributions under the Act. The Government may choose to contribute in some circumstances, but this is not required by the Act.

The Fences Amendment Act 2014 also provides that where a municipal Council or other body or person owns or manages land for the purposes of a public park or reserve, then they are not considered to be an 'owner' under the Act and so do not have to contribute to fencing works for a dividing fence between that land and privately owned land.

Alignment to City Plan

The recommendation of this report is consistent with the City Plan in relation to responsible and sustainable financial management.

Officer Direct or Indirect Interest

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

Risk Assessment

Council has no exposure to risk in complying with the Fences Amendment Act 2014.

Social Considerations

There are no social considerations as a result of complying with the Fences Amendment Act 2014.

Human Rights Charter

We have taken into consideration the human rights relative to the subject matter of this report.

Consultation and Communication

Although the Act came in to effect in 2014, it was not well publicised. It is therefore suggested the Council responsibly advertise the change in act, confirming that Council will be complying respectively and are no longer required to contribute to dividing fences.

In the interest of current planned projects it is deemed reasonable to provide a grace period of 3 months for this change to come into effect.

No other formal consultation with the public is deemed required to comply with the Fences Amendment Act 2014.

8. CONTRACTUAL MATTER

Source: Strategy & Performance - Property & Procurement
Act/General Manager: William Tieppo
Index Reference: Property and Procurement

L Gardner moved, P Dorling seconded -

That in accordance with Section 89 (2) (d) of the Local Government Act 1989, this contractual matter be considered at the conclusion of all other business at which time the meeting be closed to members of the public.

Carried.

ASSEMBLY OF COUNCIL RECORD

Source: Strategy & Performance
Act/General Manager: William Tieppo

Summary

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

K Alexander moved, P Dorling seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCIL
(Council Meeting 25 October 2016)

Assembly Details	Administrators	Officer Attendees	Agenda Items	Conflict of Interest Disclosures
Community Engagement (Grovedale) 21 September 2016	Dr Kathy Alexander Laurinda Gardner Peter Dorling	P Bettess (A/CEO) W Tieppo (A/GM) J Van Slageren (A/GM) L Quinn (GM) V Shelton (A/GM) A Keen (MGR) G Russell (MGR) K Paton (A/GM) S Rayner (CO ORD)	Opportunity for residents to raise local issues and to raise issues/questions relevant to the Council Meeting Agenda of 27 September 2016	Nil.
Strategic Workshop 4 October 2016	Dr Kathy Alexander Laurinda Gardner Peter Dorling	K Spiller (CEO) B Luxford (GM) V Shelton (A/GM) P Bettess (GM) W Tieppo (GM) A Keen (MGR) M Kelly (MGR) P Jamieson (MGR) K Timmins (MGR) D Lever (AUDITOR) J Wager (CO ORD)	- Economic Development Strategy - Aboriginal Action Plan - Multicultural Strategy - Green Spine Variation - ICT Review - Osborne House - Acquisition of Residential Property (Confidential) - Final Report – Review of Financial Position and Strategies Update	Nil.
Council Briefing 11 October 2016	Dr Kathy Alexander Laurinda Gardner Peter Dorling	K Spiller (CEO) V Shelton (A/GM) B Luxford (GM) L Quinn ((GM) P Bettess (GM) W Tieppo (GM) A Keen (MGR) G Russell (MGR) A Noonan (CO ORD)	- Amendment C335 Application of Special Building Overlay Highton Flood & Drainage Study – Consideration of Panel Report and Adoption of Amendment - Amendment C347 Adoption of Managing Development in Rural Areas Planning Policy - Committee Representation - Community Action Plan - Central Geelong Task Force Update and Review - Contractual Matter (Confidential) - Annual Report 2015-2016 - Geelong Amateur Football and Netball Club Inc – Request for Loan Guarantee - Fences Amendment Act 2014	<i>Peter Bettess declared an Indirect Interest in Amendment C335 in that he owns a property affected by the Amendment</i>

PLANNING DELEGATIONS - SEPTEMBER 2016

Source: Planning & Development - City Development
General Manager: Peter Bettess
Index Reference: Delegation

Summary

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

P Dorling moved, L Gardner seconded -

That the information be received.

Carried.

PLANNING DECISIONS REPORT - SEPTEMBER 2016

App Number	Location	Application Type	Decision	Description	Authority
PP-1027-2014	181-199 Matthews Road, LEOPOLD VIC 3224	Use of land for a residential hotel and place of assembly (function centre) in the Farming Zone. Construction of buildings and works for a residential hotel and place of assembly (function centre) on land in the Farming Zone. Construction of buildings and works on land in the Environmental Significance Overlay Schedule 2. Construction of buildings and works on land in the Significant Landscape Overlay Schedule 10. Use of land for the sale and consumption of liquor under Clause 52.27.	13/9/2016	Permit Issued	VCAT
PP-1167-2013	187 Swanston Street, SOUTH GEELONG VIC 3220	Retention of an Existing Dwelling and the Construction of Two (2) Double Storey Dwellings	27/9/2016	Extended Planning Permit	Delegated Authority
PP-163-2015	300-400 Broderick Road, LARA VIC 3212	Partial Use and Development of Land for Materials Recycling, Reduction in the Car Parking Requirement and Display of Business Identification and Direction Signage	12/9/2016	Clerical - Error Permit Issued	VCAT
PP-399-2016	18 Bridge Road, BARWON HEADS VIC 3227	Construction of Three (3) Double Storey Dwellings and Three (3) Lot Subdivision and Alteration and Creation of Access to a Road Zone	16/9/2016	NOD Planning Permit	Development Hearings Panel
PP-402-2016	35 Seaview Parade, BELMONT VIC 3216	Buildings and Works for the Construction of Four (4) Dwellings and a Four (4) Lot Subdivision	16/9/2016	NOD Planning Permit	Development Hearings Panel
PP-435-2015	455 Bacchus Marsh Road, LARA VIC 3212	Use of the land as a Store To construct a building and construct or carry out works Display of business identification signage Alteration of an access to a road in a Road Zone, Category 1	12/9/2016	Permit Issued	VCAT
PP-50-2015	133-143 Torquay Road, GROVEDALE VIC 3216	Use and development of a service station (24 hours) and take away food premises (drive through coffee) in a General Residential Zone, display of internally illuminated business identification signage (Clause 52.05), creation of access to a Road Zone Category 1 Clause 52.29) and a two lot subdivision in a General Residential Zone	29/9/2016	Grant a Planning Permit	VCAT

PP-554-2015	93-95 Minerva Road, HERNE HILL VIC 3218	Buildings and works for a Telecommunications facility and associated infrastructure in a Public Use Zone, a Heritage Overlay and under clause 52.19	6/9/2016	Grant a Planning Permit	VCAT
PP-717-2015	225 Staceys Road, LOVELY BANKS VIC 3213	Use and Development of a Materials Recycling Facility (Construction and Demolition Materials Recycling) and Reduce the Car Parking Requirement at Clause 52.06-5	27/9/2016	Permit Issued	VCAT
PP-351-2015	241 Roslyn Road, HIGHTON VIC 3216	Construction of Three (3) Double Storey Dwellings and a Three (3) Lot Subdivision.	9-Sep-2016	NOD - Delegate	Objectors - 2
PP-369-2016	5-103 Hamilton Highway,	Buildings and Works Associated with the Installation of a 35m High	29-Sep-	NOD - Delegate	Objectors - 4
PP-379-2016	68 Isabella Street,	Development of the Land for a Second Dwelling and a Two (2) Lot	2-Sep-	NOD - Delegate	Objectors - 2
PP-522-2016	55 Isabella Street, GEELONG WEST VIC 3218	Buildings and Works Associated with the Construction of Four (4) Dwellings and a Four (4) Lot Subdivision	14-Sep-2016	NOD - Delegate	Objectors - 3
PP-523-2016	71 West Fyans Street, NEWTOWN VIC 3220	Buildings and Works Associated with the Construction of a Building and Front Fence and the Display of Business Identification Signage	16-Sep-2016	NOD - Delegate	Objectors - 5
PP-527-2016	158 Princes Highway, NORLANE VIC 3214	Construct a Second Dwelling, Two (2) Lot Subdivision, and Alter an Access to a Road in a Road Zone	16-Sep-2016	NOD - Delegate	Objectors - 1
PP-538-2016	12 Montpellier Drive, HIGHTON VIC 3216	Construction of Two (2) Dwellings and a Two (2) Lot Subdivision	22-Sep-2016	NOD - Delegate	Objectors - 1
PP-568-2016	26 Pakington Street, GEELONG WEST VIC 3218	Use and Development of the Land for a Restaurant and Use of the Land for the Sale and Consumption of Liquor and Reduction of Car Parking Requirements	8-Sep-2016	NOD - Delegate	Objectors - 2
PP-632-2016	119 Hitchcock Avenue, BARWON HEADS VIC 3227	Buildings and Works Associated with the Construction of Three Dwellings and a Three Lot Subdivision	28-Sep-2016	NOD - Delegate	Objectors - 1
PP-671-2015	35 Summit Avenue, BELMONT VIC 3216	Construction of Three (3) Single Storey Dwellings	22-Sep-2016	NOD - Delegate	Objectors - 1
PP-681-2016	8 McNicol Street, GEELONG WEST VIC 3218	Partial demolition and extension to the rear of the existing dwelling and alterations to external paint controls in a Hertiage Overlay	6-Sep-2016	NOD - Delegate	Objectors - 1

PP-694-2016	39 Osborne Street, OCEAN GROVE VIC 3226	Buildings and Works for the Construction of Two (2) Dwellings	15-Sep-2016	NOD - Delegate	Objectors - 1
PP-792-2016	273 Pakington Street, NEWTOWN VIC 3220	Construction and external painting of a Dwelling; Demolition, construction and painting of a boundary fence; construction of a driveway and modifications to bluestone kerb in Heritage Overlay	16-Sep-2016	NOD - Delegate	Objectors - 1
PP-869-2016	21-39 Mollers Lane, LEOPOLD VIC 3224	Development of a Telecommunications Facility (NBN Fixed Wireless)	23-Sep-2016	NOD - Delegate	Objectors - 1
PP-941-2016	51 Bourke Crescent, GEELONG VIC 3220	Buildings and Works for a Partial Demolition including a Deck and Verandah, Alterations and an Upper Storey Extension to a Dwelling including the Construction of a Deck and Verandah in a Heritage Overlay	23-Sep-2016	NOD - Delegate	Objectors - 1
PP-983-2016	5A Nantes Street, NEWTOWN VIC 3220	Buildings and Works to an Existing Dwelling in the Design and Development Overlay	23-Sep-2016	NOD - Delegate	Objectors - 5

L Gardner moved, P Dorling seconded –

That the meeting be closed to the public.

Carried.

The Meeting was closed to the public at 7.19pm

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 7.21pm

As there was no further business the meeting closed at 7.21pm. Tuesday, 25 October 2016.

Signed: _____
Dr Kathy Alexander - Chair

Date of Confirmation: _____