

Minutes

Meeting of Council
Tuesday, 23 November 2021

Held via video conference
(Zoom)

Commenced at 6:00pm

Council:

Cr Libby Stapleton (Mayor)
Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder
Cr Heather Wellington

MINUTES FOR THE MEETING OF SURF COAST SHIRE COUNCIL
HELD VIA VIDEO CONFERENCE (ZOOM)
ON TUESDAY 23 NOVEMBER 2021 AT 6:00PM

PRESENT:

Cr Libby Stapleton (Mayor)
Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder
Cr Heather Wellington

In Attendance:

Chief Executive Officer – Robyn Seymour
Acting General Manager Governance & Infrastructure – John Bertoldi
General Manager Culture & Community – Chris Pike
General Manager Environment & Development – Ransce Salan
Coordinator Governance – Liberty Nash
Governance Officer – Julie Morales

OPENING:

Cr Libby Stapleton opened the meeting.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung People and the Gadubanud and Guilijan People of the Eastern Maar. The main Council offices in Torquay are on Wadawurrung Country, and I am coming to you tonight from Aireys Inlet which is traditionally known as Mangowak. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of generations – and I'm so grateful that we can be here today living and working in such a beautiful part of the world. Being an online meeting tonight, we also to wish acknowledge the Traditional Owners of the lands on which each person is attending, acknowledge any Aboriginal people who may be viewing the meeting tonight, and pay respect to Elders past, present and future.

PLEDGE:

Cr Liz Pattison recited the pledge on behalf of all Councillors.

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

APOLOGIES:

Nil.

CONFIRMATION OF MINUTES:

Council Resolution

MOVED Cr Gary Allen, Seconded Cr Mike Bodsworth

That Council notes the minutes of the Special Council Meeting held on 9 November 2021 and the Council meetings held on 26 October 2021 and 16 November 2021 as correct records of the meetings.

CARRIED 9:0

For

Cr Allen
Cr Barker
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Nil

Abstained

Nil

CARRIED 9:0

LEAVE OF ABSENCE REQUESTS:

Nil.

CONFLICTS OF INTEREST:

Nil.

PRESENTATIONS:

Nil.

PUBLIC QUESTION TIME:

Questions with Notice (3 questions in total)

Question 1: Emily Torney

Many local people are interested in finding out more about the Surf Coast Shire Pathway Strategy - we are keen to know, how will this strategy prioritise community pathways and in particular a path that connects Jan Juc to Bellbrae along Bells Blvd? This iconic road will help connect the growing communities in Jan Juc and Bellbrae; allow young children (like my own) a safe route to ride to school and support Bellbrae PS in limiting traffic along School Road; provide a SAFE route for independent kids; allow families and adults the ability to SAFELY exercise; allow young mums (like myself and so many others in our area) the ability to take their children for a walk and so many other advantages. The support for this pathway has been extraordinary.

Answer provided by Libby Stapleton - Mayor:

Council's current Pathway Strategy is under review at the moment. We expect engagement with key stakeholders in 2022. This includes Council placing the draft strategy on exhibition for public comment. These comments will be considered as part of finalising the document before adoption of the final Pathway Strategy. We encourage you and others to review the draft strategy and provide your valuable feedback during this process.

Bells Boulevard is a road managed by DoT however Council officers can raise it in their next regular catch with the dept and will consider the need for a future path there through the Pathway Strategy.

In addition Council is currently investigating the pathway link along the Great Ocean Road between Jan Juc to the Bellbrae township. This pathway link is a definite priority for Council and is identified for funding as part of Torquay Jan Juc Development Contribution Plan. We are now seeking additional funding from state & fed govt which would enable Council to fast-track the works.

Question 2: Emily Torney

As Bells Blvd is such an iconic road, it may be considered a favourable project for external parties to provide grants and monetary support. Would this be something you could look at to see if this is the case? As I assume this would assist greatly in the project getting underway and prioritised.

Answer provided by Libby Stapleton - Mayor:

As Bells Boulevard is a DoT road Council will, as mentioned previously, raise with DoT the potential to fund a pathway along Bells Boulevard. Furthermore Council staff are always investigating funding opportunities from State and Federal Government to contribute to delivering infrastructure projects for Council in conjunction with Council own funds.

Question 3: G Middleton - Torquay

Could council please provide an update on the progress and expected timelines of the planned works for the Coombes Road/Surf Coast Highway intersection?

Answer provided by Robyn Seymour - CEO:

The design work for the new intersection is being finalised by the developer and we expect that these designs will be approved by the Department of Transport soon. The developer has already undertaken some works on site with the undergrounding of existing powerlines which was required prior to the commencement of road works. We are expecting tenders for the construction works to go out early in 2022 with construction works through 2022 with likely completion in early 2023.

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1. PETITIONS & JOINT LETTERS

Nil

2. RESPONSIBLE & PLANNING AUTHORITIES

2.1 Planning Scheme Amendment C140 - Correctional Amendment

Author's Title: Principal Strategic Planner
Department: Strategic Planning
Division: Environment & Development

General Manager: Ransce Salan
File No: F21/506
Trim No: IC21/1731

Appendix:

1. Ordinances (D21/208969)
2. Maps (D21/208888)
3. Explanatory Report (D21/207143)
4. Instruction Sheet (D21/199010)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 –
Section 130:

☐ Yes

☒ No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to consider Planning Scheme Amendment C140 (Correctional Amendment) and to seek authorisation from the Minister for Planning to place the amendment on public exhibition for a period of one month.

Summary

Planning scheme amendment C140 has been prepared to correct minor irregularities in the Surf Coast Planning Scheme, including mapping errors, zoning irregularities, spelling and numbering errors, incorrect addresses, and unclear wording.

The amendment also seeks to amend the Schedule to the Heritage Overlay to enable consideration of otherwise prohibited uses at the site of the former Orchard Bakery and dwelling at 44-46 Main Street, Winchelsea, which is covered by a Heritage Overlay and is of local heritage significance. By allowing discretion to be exercised in relation to consideration of prohibited uses at this site, Council may consider alternative uses like a shop, thereby giving the buildings a desirable purpose that helps to ensure their ongoing preservation.

In short, planning scheme amendment C140 helps to ensure that the planning scheme continues to be accurate and clear and therefore, an effective statutory planning decision making tool.

Recommendation

That Council:

1. Requests authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C140; and
2. Upon receipt of authorisation from the Minister for Planning, exhibits the amendment for a period of one month in accordance with section 19 of the Planning and Environment Act 1987.

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Adrian Schonfelder

That Council:

1. Requests authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C140; and
2. Upon receipt of authorisation from the Minister for Planning, exhibits the amendment for a period of one month in accordance with section 19 of the Planning and Environment Act 1987.

CARRIED 9:0

2.1 Planning Scheme Amendment C140 - Correctional Amendment

For

Cr Allen
Cr Barker
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Nil

Abstained

Nil

CARRIED 9:0

2.1 Planning Scheme Amendment C140 - Correctional Amendment

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

While Council, in its role as planning authority, has obligations to formally review the planning scheme after each council election, Council's strategic planning team also keeps a running list of planning scheme anomalies.

The anomalies list generally includes minor irregularities such as mapping errors, zoning irregularities, spelling and numbering errors, and unclear wording. Separately, each of these irregularities is not significant enough to warrant the time and expense of a planning scheme amendment so instead, they are periodically brought together to form a "correctional amendment" (also sometimes referred to as an anomalies amendment). While many of the corrections appear minor, it remains important to do these regular "fix-ups" to ensure that the planning scheme continues to be an effective statutory planning decision making tool.

Discussion

Planning scheme amendment C140 is a correctional (anomalies) amendment and it makes a number of changes that are set out in detail in the appended amendment documents, including the Explanatory Report table.

In summary, the changes that the amendment seeks to make include:

- rezone 50 Witcombe Street, Winchelsea and delete the Public Acquisition Overlay to recognise Council's acquisition of the land for the purpose of extending Eastern Reserve
- correct zone and overlay mapping at 2935 Princes Highway, Winchelsea where the zone has "bled" over the cadastral boundary
- rezone land at the Torquay North Stadium, Jan Juc Preschool, Stribling Reserve, and 6 Sutherland Court (Moggs Creek) so that each of the zones is consistent across each of the relevant sites
- delete obsolete overlays from various roads and reserves in Torquay
- correct a mapping error that resulted in the map references to the Anglesea Borefield Site and the Livewire Park (Lorne) being transposed
- rezone CA 2033 so that its zoning is consistent with the Lorne Cemetery of which the land is a part
- adjust misaligned Heritage Overlays over seven heritage assets so that the asset is covered
- adjust the Heritage Overlay over the former Orchard Bakery and associated dwelling in Main Street, Winchelsea to cover the rear garden in line with the original (2008) recommendation
- amend seven ordinances (and addresses in one associated incorporated document), to add clarity and correct minor errors relating to numbering, spelling, mapping, and street addresses
- amend the Schedule to the Heritage Overlay to allow the consideration of prohibited uses at the former Orchard Bakery and dwelling site (see further explanation below).

Former Orchard Bakery and dwelling: 44 Main Street, Winchelsea

The site of the former Orchard Bakery and dwelling at 44 Main Street, Winchelsea is appropriately zoned General Residential Zone but as a heritage listed commercial building with a zero-small setback on a busy road, it is at risk of remaining underutilised or unused.

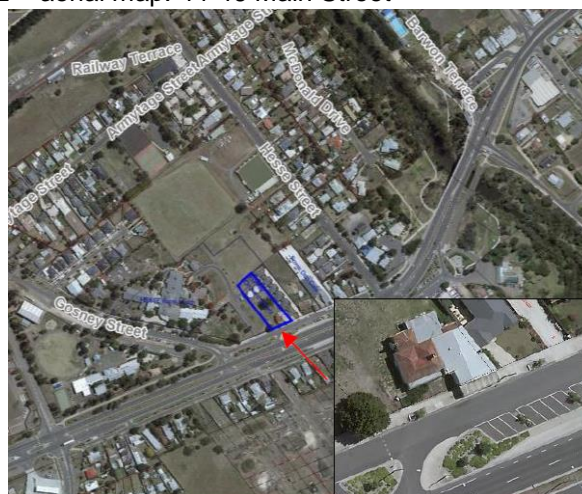
Through the Schedule, the Heritage Overlay provides the opportunity to expand the scope of permissible uses so that council may consider uses that would otherwise not be allowed. This provision is generally drawn on where a heritage listed building is less suitable for permissible uses due to its former use, building form or its location, and is at risk of falling into disrepair as a consequence.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

Figure 1 – zone map: 44-46 Main Street



Figure 2 – aerial map: 44-46 Main Street



The property at 44-46 Main Street abuts HESSE Rural Health to the west and north and a unit development to the east. As shown in Figures 1 and 2 above, the former bakery also has a zero setback line to the street: the buildings are currently vacant.

Encouraging heritage buildings to be used in a sympathetic manner is important for their long term preservation; anecdotally, a used heritage building is more likely to encourage maintenance and further investment.

While not part of this amendment, it is important to recognise that a planning permit application has previously been submitted to use the buildings at 44-46 Main Street as an Op Shop associated with the hospital, HESSE Rural Health Services. Under the zone provisions, the use of the land for a shop is not permitted: it is prohibited.

While a change to the Heritage Overlay (HO) Schedule would allow otherwise prohibited uses (like the op shop) to be considered in the future, the amended HO Schedule would not remove the need for an applicant to make a planning permit application justifying their proposal. It is also expected that where otherwise prohibited uses are considered, the (future) application would also demonstrate an enduring conservation benefit for the heritage asset.

Council Plan

Theme 7 Accountable and Viable Council
Strategy 11 Protect heritage and township character

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes

2.1 Planning Scheme Amendment C140 - Correctional Amendment

Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

The applicable Victorian Planning Provisions and relevant Acts have been taken into account in considering the proposal including the *Planning and Environment Act 1987* and *Heritage Act 2017*.

Policy/Relevant Law

The amendment complies with the relevant requirements of the Planning and Environment Act 1987 and is consistent with State policy and other relevant strategies and studies, improving the accuracy and clarity of the scheme.

Environmental/Sustainability Implications

The amendment will not adversely affect the environment.

Community Engagement

While the amendment seeks to correct minor irregularities in the planning scheme, exhibition of the amendment is required under S19 of the *Planning and Environment Act 1987*. Community engagement will adhere to the required legislative process, including giving notice and placing notices in local newspapers and the government gazette. Council's webpage will also be updated to contain all supporting documentation.

In accordance with Council's Community Engagement Policy SCS-017, the engagement level is **Consult** as shown below.

Engagement Level	Promise to the Community	Role of Community	Example of Activities
Consult	Council will listen to and acknowledge your contribution.	Contribute opinions and ideas	Submissions and associated processes.

Public Transparency

All relevant documents and council decisions relating to the amendment process will be publicly available through council's website.

Strategies/Plans

The amendment does not seek to alter council's strategic position as expressed through the planning scheme; it seeks to make the scheme clearer and more accurate.

Financial Management

Funds to process the amendment were allocated in council's 20/21 budget.

Service Performance

The amendment seeks to improve the operation of the Surf Coast Planning Scheme by correcting irregularities, thereby making the scheme clearer and more accurate.

Risk Assessment

There are no identified Workplace Health and Safety implications associated with this report.

Communication

The amendment will be exhibited in accordance with the requirements of Section 19 of the Planning and Environment Act 1987. It will be placed on public exhibition for a minimum statutory period of one month to

2.1 Planning Scheme Amendment C140 - Correctional Amendment

provide opportunity for community and stakeholder feedback; it will also be referred to all relevant authorities and prescribed Ministers as required by the *Planning and Environment Act 1987*.

Options

Option 1 – Council resolves to seek authorisation from the Minister for Planning to prepare and exhibit the amendment

This option is recommended by officers as the amendment corrects minor irregularities and errors, making the scheme clearer and more effective

Option 2 – Council does not support the authorisation request

This option is not recommended by officers as while the identified irregularities and errors are minor, the cyclical correction of such irregularities and errors is an important maintenance function that ensures the ongoing health of the planning scheme.

Conclusion

Amendment C140 seeks to correct the irregularities and errors in the Surf Coast Planning Scheme that have been identified over time, and to allow consideration of otherwise prohibited uses at the site of the former Orchard Bakery and dwelling in Winchelsea.

Most of these changes are important but routine maintenance function that ensure the ongoing health of the Surf Coast Planning Scheme so that it may continue to be used as an effective planning decision making tool as intended. The proposed change to the HO Schedule to allow consideration of otherwise prohibited uses at the site of the former Orchard Bakery and dwelling is considered an important step in helping to ensure the longevity of the heritage asset.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

APPENDIX 1 ORDINANCES

SURF COAST PLANNING SCHEME

15.01 BUILT ENVIRONMENT
31/07/2018
VC148

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-1S

31/07/2018
VC148

Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-1L-01 Design in Deans Marsh

18/06/2021
C136surf

Strategies

Orient development in Deans Marsh so it has active frontages to public streets and natural landscape features.

Site and design development in Deans Marsh and the surrounding rural land to protect the scenic values of the township entries, including by:

- Maintaining the dominance of the natural landscape from main road corridors outside the township.
- Delineating the boundary between urban development and the natural landscape beyond to ensure the township has a definite visual edge.
- Locating signs away from township entries wherever possible.

Policy document

Consider as relevant:

- *Deans Marsh Structure Plan* (Surf Coast Shire, 2008)

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-1L-02 Activity centre and commercial design

18/06/2021
C136surf

Strategies

Design mixed use development so that uses with high public interaction, such as retail, are located on ground floor and offices and apartments are located on upper floors.

Encourage flexible built form that is adaptable to changing needs.

Limit the visual impact of large at-grade car parks from main roads by locating them to the side or rear of buildings.

Provide car parking spaces in all centres to meet the projected usual demand, not peak seasonal demand.

Maximise opportunities for:

- Basement and roof top parking.
- On-street parking.
- The sharing of car parking areas between uses within a centre.

Design commercial development in Winchelsea to:

- Respect the country village or heritage theme (including pitched roofs, wide eaves, or verandahs), particularly along the Princes Highway and in the town centre along Main Street.
- Have active frontages to public streets and the Barwon River reserve.
- Locate landscaping works within flood affected areas (subject to the approval of the floodplain manager).

Set aside an area for outdoor dining and shade trees at the shop front edge of activity centres in Aireys Inlet.

Site and design commercial development adjacent to the Painkalac Creek in Aireys Inlet to respect the open scenic landscape character of Painkalac Creek.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-1L-03 Signs

10/06/2021
C136surf

Strategies

Discourage the display of large, illuminated signs associated with electronic gaming activities.

Design and position signs to maintain the long term health of vegetation and minimise removal of or disturbance to vegetation.

Design commercial signs in Winchelsea to complement the country village or heritage theme.

Discourage signs in Winchelsea's Commercial 1 Zone that obscure the shopfront display or the architectural integrity of shopfronts.

Policy document

Consider as relevant:

- *Winchelsea Townscape Study* (Mark McWha Pty Ltd, 1995)

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-1L-04 Streetscapes and landscaping

18/06/2021
C136surf

Objective

To promote the development of co-ordinated and visually attractive streetscapes and landscapes in residential, commercial and industrial areas.

Strategies

Encourage vegetation species that are:

- Low maintenance with low water requirements.
- Of a sufficient height and spread to provide shade and assist in reducing the urban heat island effect.
- Respectful to the streetscape character.
- Indigenous, particularly in streets, nature reserves and open spaces that directly connect to areas of high ecological value.
- Not a weed species identified in the incorporated document *Weeds of the Surf Coast Shire* (Surf Coast Shire, 2013).

Select vegetation species that deliver a preferred street character in Torquay-Jan Juc and Winchelsea, consisting of a mix of native and exotic species.

Develop The Esplanade in Torquay in a manner that is consistent with its role in providing access to the foreshore and being the visual link between the town and the coast.

Encourage tree species in Winchelsea's heritage areas that respect the historic character, including species identified in the *Winchelsea Townscape Study* (Mark McWha Pty Ltd, 1995).

Break up large areas of parking with landscaping and shade trees.

Support street lights and furniture that respect the streetscape and neighbourhood character.

Limit the use of non-indigenous vegetation species except:

- Where it is used to provide continuity in the streetscape of existing avenues.
- In Torquay-Jan Juc and Winchelsea, where a mix of indigenous, native and exotic tree species is encouraged.

Policy guideline

Consider as relevant:

- Planting trees at a ratio of one tree to every four spaces in parking areas (including on street parking).

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-2S

24/01/2020
VC160

Building design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

Encourage development to retain existing vegetation.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-3S

31/07/2018
VC148

Subdivision design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
 - Convenient and safe public transport.
 - Safe and attractive spaces and networks for walking and cycling.
 - Subdivision layouts that allow easy movement within and between neighbourhoods.
 - A convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-3L

18/06/2021
C136surf

Subdivision design in Surf Coast

Torquay-Jan Juc strategies

Ensure subdivision layout establishes lots for medium density housing in areas close to activity centres and lower densities in areas that contain significant vegetation or are visually prominent.

Encourage recycled water infrastructure (third pipe).

Design urban arterial roads and collector streets to present as parkways or avenues that link key destinations.

Design local streets to present as an extension of the open space system through the planting of large shade trees.

Design the street network, particularly in new estates, to reflect the coastal character of the area by applying innovative engineering solutions, such as surface treatment, footpath, kerb and channel design.

Replicate the interconnected, grid based street network of Old Torquay (identified on the Torquay-Jan Juc framework plan in Clause 02.04) in infill developments.

Design subdivisions to respond to the area's natural features and establish a natural environment character throughout the development area.

Winchelsea strategy

Design subdivisions to contribute to the country village character of Winchelsea by providing wide streets, open spaces, and adequate space for front gardens with a generous street setback.

Coastal towns strategies

Set aside land in subdivisions in Lorne for footpaths.

Design and construct new roads and footpaths in Lorne, Anglesea and Aireys Inlet to Eastern View, to achieve an informal appearance, with an emphasis on:

- Retaining vegetation in road verges, including curving road pavements to avoid vegetation.
- Using alternatives to concrete kerb and channel drainage, such as grassed swale drains.
- Encouraging surfaces and finishes that have an informal appearance, including gravel roads and accessways.

Moriac strategy

Encourage lot sizes that respect the town's rural character and enables provision of onsite waste water infrastructure.

Moriac policy guidelines

Consider as relevant:

- A minimum lot size of 0.4 hectares in the township.
- Minor variations to the minimum lot size of 0.4 hectares in the township where all waste water and septic tank effluent can be disposed of within the boundaries of the lot.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-4S

31/07/2018
VC148

Healthy neighbourhoods

Objective

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-5S

09/10/2020
VC169

Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-5L-01 Coastal towns preferred neighbourhood character

18/06/2021
C136surf

Policy application

This policy applies to the coastal settlements of Anglesea, Aireys Inlet to Eastern View and Lorne.

General strategies

Encourage building design, form, materials, features and colours that respects the low density coastal character of each town.

Maintain and enhance the vegetated landscape and encourage its dominance over the built environment.

Encourage a reasonable sharing of views of scenic landscape features from private land.

Lorne strategies

Maintain the informal streetscape character through:

- Informal landscaping with an emphasis on indigenous vegetation and tall canopy trees.
- The general absence of solid fencing.
- Driveway surfaces and finishes that are informal in appearance, including gravel, dark coloured concrete and exposed aggregate.

Protect and enhance the tall gum tree canopy and its role in providing a backdrop and canopy cover to the town and a border to the water's edge around Louttit Bay.

Conserve and enhance the preferred character of recessive built form within a tall canopy treed setting.

Reinstate the preferred character of a tall canopy treed setting in areas that are substantially cleared of vegetation.

Encourage development that provides openness between properties.

Protect the views between the ocean and Mountjoy Parade for its contribution to the character of the town.

Anglesea strategies

Preserve and enhance the non-suburban coastal character of Anglesea and retain its sense of houses dispersed in a bush setting.

Design buildings to have small footprints to allow space around buildings for landscaping.

Screen buildings with vegetation to achieve a sense of privacy.

Discourage solid fencing and encourage the use of post and wire fences or no fences at all.

Design and site development on prominent sites at Four Kings Activity Centre and Diggers Parade Activity Centre (identified on the Anglesea framework plan in Clause 02.04) to respect the heritage value of adjoining traditional beach houses on the Great Ocean Road.

Aireys Inlet to Eastern View strategies

Encourage the protection of indigenous remnant understorey and tree canopy dominated by Ironbark, Messmate, Manna Gum, Moonah and Drooping Sheoak trees.

Encourage informal fencing on property boundaries.

Protect the ambience of the night sky from artificial illumination, such as from signs and tennis courts.

Protect the dominance and visual presence of the Split Point Lighthouse and associated buildings on Eagle Rock Bluff.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

Limit the scale and intensity of buildings around the Split Point Lighthouse so that development does not intrude on views to the lighthouse or compete with its visual presence.

Protect the scenic open landscape character of the Painkalac Valley by avoiding vegetation removal close to the creek and wetlands.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-5L-02 Torquay-Jan Juc preferred neighbourhood character

49/06/2024 - 10/1/2025
6436surf Proposed C140surf



Policy application

This policy applies to an application to construct or extend one or more dwellings or subdivide land in a residential zone in Torquay and Jan Juc as shown on the Torquay-Jan Juc residential development framework plan to this clause.

Objective

To ensure development achieves architectural and urban design outcomes consistent with the preferred character of the residential areas of Torquay-Jan Juc.

All precincts strategies

Retain and enhance landscaping and trees as a major element in the appearance and character of Torquay-Jan Juc's residential environments.

Provide contemporary coastal architecture with a lightweight appearance, visually interesting well-articulated facades, simple detailing and roof forms, and a variety of lightweight materials and natural colours.

Provide visually recessive garages that are set back behind the building line or to the rear of dwellings so as not to dominate the streetscape or building façade.

Retain the openness of front gardens to the street by avoiding the use of front fences or by providing low or open style front fences, except in the General residential (standard density) precinct where all front fencing should be avoided.

Minimise adverse amenity impacts on adjoining properties by way of visual bulk.

Provide a landscape treatment that enhances the overall appearance of the development and the streetscape, including by siting development to maintain the predominant pattern of front setbacks in the street to allow for space to retain or plant canopy trees and shrubs.

Urban consolidation precinct strategy

Facilitate medium and higher density development that is respectful of the key elements of original building stock, including the low rise coastal character of the original fibro and weatherboard beach shacks, Californian bungalows and other Interwar and Postwar buildings.

Urban consolidation precinct policy guideline

Consider as relevant:

- A preference for development of up to 2 storeys (7.5 metres), with the option for 3 storeys where the development:
 - Has minimal amenity impacts on the streetscape and adjoining land uses (e.g. commercial, open space).
 - Is site responsive.
 - Achieves housing diversity by supplying smaller dwellings with one or two bedrooms.

General residential (mixed density) precinct strategies

Maintain the existing garden character formed by single and double storey detached houses in a garden setting.

Support infill development at a height that respects the scale of the surrounding area.

Provide setbacks to both side boundaries to maintain a sense of spaciousness around dwellings.

Respect older building styles and scales without replicating them.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

General residential (mixed density) precinct policy guideline

Consider as relevant:

- A maximum development height of 2 storeys (7.5 metres).

General residential (standard density) precinct strategies

Maintain the existing character typified by dwellings predominantly of single and double storey scale.

Support contemporary dwellings within landscaped gardens.

Retain and enhance existing vegetation, including canopy trees, with a mixture of traditional coastal and indigenous species to strengthen the visual connection of the area with the coast.

Maintain consistent setbacks from the front and side boundaries.

Use articulation, including a variety of materials and finishes to provide visual interest.

General residential (standard density) precinct policy guideline

Consider as relevant:

- A maximum development height of 2 storeys (7.5 metres).

Bush residential precinct strategies

Provide space around dwellings to retain and plant vegetation, in particular indigenous canopy trees and large shrubs.

Encourage landscaping to achieve bushy front gardens.

Support development of a low-scale and modest form.

Where the topography is hilly, design buildings to follow the contours of the land.

Site buildings, including those taking advantage of ocean views, so that they do not dominate the streetscape.

Bush residential precinct policy guideline

Consider as relevant:

- A maximum development height of 2 storeys (7.5 metres).

Residential growth precinct strategies

Establish a landscaped and built form character that reflects Torquay-Jan Juc's preferred coastal character and integrates with surrounding areas.

Encourage the planting of indigenous and other coastal vegetation around dwellings.

Plant street trees to unify the appearance of the area and add a sense of spaciousness and leafiness in greenfield subdivisions.

Residential growth precinct policy guideline

Consider as relevant:

- A preference for development of up to 2 storeys (7.5 metres) with the option of 3 storey development where it is in or close to activity centres and public open space.

Low density residential precinct strategy

Maintain the existing low density, single dwelling character.

Low density residential precinct policy guideline

Consider as relevant:

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

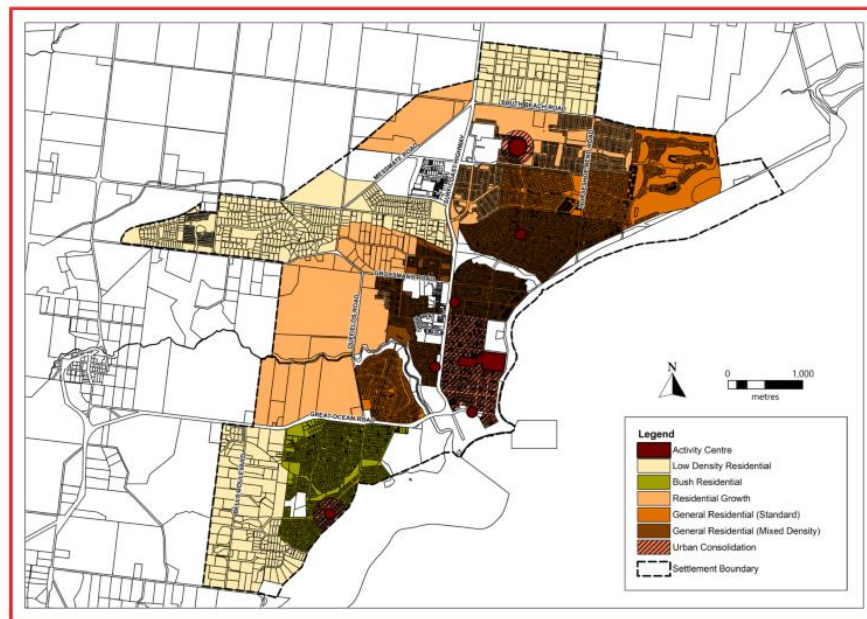
- A maximum development height of 2 storeys (7.5 metres).

Policy documents

Consider as relevant:

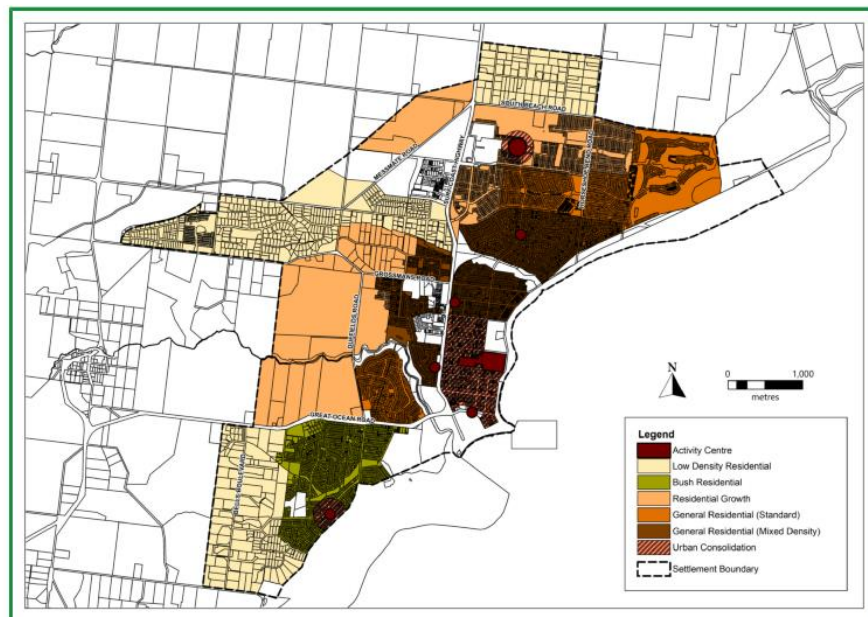
- *Sustainable Futures Plan Torquay-Jan Juc 2040* (Surf Coast Shire, 2014)
- *Torquay-Jan Juc Neighbourhood Character Study Review* (Surf Coast Shire, 2012)
- *Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment* (Surf Coast Shire, 2006)

Torquay-Jan Juc residential development framework plan



2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME



2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-6S

31/07/2018
VC148

Design for rural areas

Objective

To ensure development respects valued areas of rural character.

Strategies

Ensure that the siting, scale and appearance of development protects and enhances rural character.

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

15.01-6L

10/06/2021
C136surf

Design for rural areas

Objective

To protect and maintain open and uncluttered rural landscapes, including vistas from main road corridors.

Strategies

Encourage the siting and design of new buildings to:

- Nestle into the landscape.
- Be modest in scale.
- Complement existing farm structures.
- Avoid locating on hilltops and ridges.

Encourage indigenous revegetation around buildings, wetlands and along waterways to blend development with the surrounding landscape.

Encourage buildings on the site to adopt a clustered development pattern rather than being dispersed throughout the landscape.

Design and site buildings in the Barrabool Hills landscape precinct (as identified on the Landscape precincts plan in Clause 02.04) to foster the historic rural landscape qualities of the area.

Minimise the visual impact of timber plantations on tourist roads.

Policy guideline

Consider as relevant:

- A minimum 20 metre wide native vegetation landscape buffer from any timber production use along a Category 1 or Category 2 road or any other tourist road.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

06/02/2020
C128surf

SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ5.

TORQUAY TOURISM DEVELOPMENT PRECINCTS

Purpose

To encourage tourism development in the following high profile precincts shown on Map 1 to the Schedule to Clause 37.01:

- Precinct T1 - Surf Coast Gateway Precinct, Surf Coast Highway, Torquay
- Precinct T2 - Surf City Precinct, Surf Coast Highway, Torquay
- Precinct T3 - Town Centre Foreshore Precinct, The Esplanade, Torquay
- Precinct T4 - Corner Bristol Road and Surf Coast Highway, Torquay

To encourage a range of tourism related land uses, including:

- diverse forms of medium density tourist accommodation
- tourist activities and attractions
- tourism-related retailing in appropriate locations.

To promote a mix of tourism related uses, with food and drink premises and tourism-related retail predominantly at ground floor level, and accommodation and offices predominantly at upper floor levels.

To ensure that Precincts T1 and T2 are not dominated by restaurants, cafes and take-away food premises.

To promote the use of environmentally responsive designs, materials and colours to develop a distinct image for the Shire which reflects and complements its environmental and cultural attributes.

1.0
06/02/2020
C128surf

Table of uses

Section 1 - Permit not required

Use	Condition
Exhibition centre	Must be in Precincts T1 or T2.
Home based business	
Informal outdoor recreation	
Railway	
Restaurant	Within Precincts T1 and T2, the combined leasable floor area of all food and drink premises must not exceed 25% of the total leasable ground level floor area of all buildings within the Precinct.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Accommodation (other than Dwelling and Corrective institution)	

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

Use	Condition
Arts and craft centre	
Car park	The site must contain another use in Sections 1 or 2.
Convenience shop	The leasable floor area must not exceed 80 square metres.
Dwelling	In Precincts T1 and T2, any frontage to the Surf Coast Highway at ground floor level must not exceed 2 metres. In Precinct T3 any frontage to The Esplanade, Gilbert Street or Zeally Bay Road at ground floor level must not exceed 2 metres.
Food and drink premises (other than Restaurant)	
Hairdresser	Must be in Precinct T1 or T2.
Market	
Medical centre	In Precinct T3 any frontage to The Esplanade, Gilbert Street or Zeally Bay Road at ground floor level must not exceed 2 metres.
Office (other than Bank, Medical centre, Real estate agency and Travel agency)	Any frontage at ground floor level must not exceed 2 metres, unless the floorspace adjoining the frontage is a customer service area accessible to the public.
Place of assembly (other than Carnival, Circus and Exhibition centre in Precincts T1 or T2)	
Real estate agency	Must be in Precinct T3.
Service station	Must be in Precinct T1 (and on Lot 3 of LP213066W) or T4. In Precinct T4 the site must: <ul style="list-style-type: none"> not exceed 3000 square metres adjoin Surf Coast Highway.
Shop (other than Adult sex product shop, Beauty salon, Convenience shop, Department store, Hairdresser, Restricted retail premises, and Supermarket)	Must only sell or hire goods and services predominantly associated with the tourism industry and tourist activities and pastimes. In Precinct T3 may also sell other goods and services provided the business is normally open for business 7 days a week.
Travel agency	
Veterinary centre	Must be in T2.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Adult sex product shop
Agriculture (other than Apiculture)
Bank
Corrective institution
Department store
Funeral parlour

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

Use

Hospital
Industry
Major sports and recreation facility
Motor racing track
Restricted retail premises
Retail premises (other than Food and drink premises, Gaming premises, Market and Shop)
Saleyard
Supermarket
Transport terminal (other than Bus terminal)
Warehouse

2.0

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Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Goods and services predominantly associated with the tourism industry and tourist activities and pastimes are deemed to include:

- Clothing, footwear and accessories associated with the beach and beach activities, bushwalking and the natural environment, including other recreational and recreational branded clothing and accessories.
- Recreational and sporting goods associated with the beach and beach activities and other tourist activities and pastimes.
- Art and craft works, souvenirs, jewellery and the like.
- Books.
- Health and well being services.
- Artisan or boutique foods or beverages that are predominantly locally produced or grown.
- Goods and services ancillary to an approved tourism use on the site.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An application to use land for a Shop must be accompanied by a report detailing the range of goods and services to be offered for sale or hire in accordance with the Section 2 condition of Clause 1.0 Table of uses of this schedule to the satisfaction of the responsible authority.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

- The interface with adjoining zones, especially the relationship with residential zones.
- Whether the Accommodation use supports the tourist emphasis of the locality.
- The need to restrict land uses likely to generate high rates of vehicle movement to sites with direct frontage to main roads.
- The need to protect the core retail and service functions of the Torquay Town Centre.
- The need to protect the residential amenity of surrounding dwellings from off-site impacts such as noise, odour, traffic congestion and on-street parking.
- Whether a mix of land uses within each precinct (except T4) is provided, with food and drink premises and tourism-related retail predominantly at ground floor level, and accommodation and offices at upper floor levels.
- The effect that existing uses may have on the proposed use.
- The drainage of land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

3.0

06/02/2020
C128surf

Subdivision

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and design response demonstrating how the proposal addresses Clause 56, as appropriate.

Decision guidelines


The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Clause 56.
- The suitability of the subdivision design to accommodate a range of land uses.
- The effect the subdivision will have on the potential of the area to achieve the purpose of this schedule to the zone.
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.

4.0

06/02/2020
C128surf

Buildings and works

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority. 

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

- Adjoining roads.
 - The location, height and purpose of buildings and works on adjoining land.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - All driveway, car parking and loading areas.
 - Proposed landscape areas.
 - All external storage and waste treatment areas.
 - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of buildings and works.
 - Construction details of all drainage works, driveways, vehicle parking and loading areas.
 - A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct a building or to construct and carry out works (except for minor buildings and works associated with an existing building) must be accompanied by a site analysis and design response demonstrating how the proposal addresses:

- The provisions of the zone and this schedule.
- The constraints of the site and locality.
- The surrounding streetscape and vegetation character.
- The coastal town character of Torquay.
- The Streetscape and Landscaping Policy (Clause 22).
- Clause 54-~~or 55~~, 55 or 58 as appropriate.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development demonstrates a high quality of design that respects and enhances the town character.
- The flexibility of the building design and floor plan to accommodate a range of uses over time.
- The objectives and standards of Clauses 54-~~or 55~~, 55 or 58 as appropriate, should be used to assess amenity standards for all types of Accommodation.
- The integration of car parking and loading areas with the building design and layout so as to avoid excessive voids and potential vehicle-pedestrian conflict.
- Whether the buildings should incorporate noise attenuation measures into the design.
- All types of Accommodation must provide a high level of amenity for occupants and be designed according to principles of energy and water efficiency.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking as a result of buildings and works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

5.0

06/02/2020
C128surf

Signs

Sign requirements are at Clause 52.05. Precincts T1 and T2 of this schedule are in Category 1. Precincts T3 and T4 of this schedule are in Category 3.

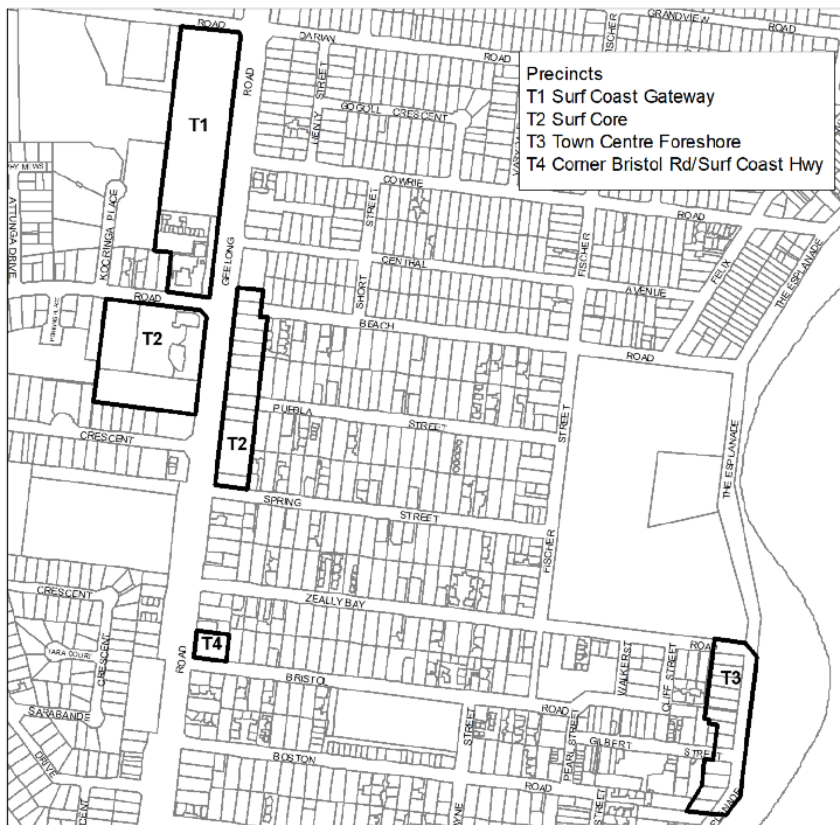
The following decision guidelines apply to an application for a permit to display a sign, in addition to those specified in Clause 52.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether signs are designed to integrate with the architectural style and character of a building.
- Whether signs are included as an integral part of the design theme of a development.
- Whether signs attached to buildings obscure architectural features and supporting structures.
- Whether signs are obtrusive when viewed from public areas.
- Whether the advertising area is proportionate to the building or structure on which the sign is to be located and whether it unreasonably obscures views to surrounding signs.
- Whether advertising schemes incorporate graphics, symbols and colours that reflect themes of the beach, ocean and natural environment as well as being dominated by images and pictures rather than words and logos.
- The need to discourage above-verandah signs in Precinct T3, and in other precincts the need to ensure above-verandah signs do not project above the wall or parapet of the building to which they are attached.
- Whether the level of illumination of flood-lit and Internally-illuminated signs cause detriment to the amenity of nearby dwellings.
- The need to discourage pole signs and promotion signs.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

Map 1 to Schedule 5 to Clause 37.01 – Torquay Tourism Development Precincts



SURF COAST PLANNING SCHEME

01/06/2017
C117

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

1.0

10/06/2021
C136surf

Application requirements

The following application requirements apply to an application for a permit under Clause 43.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A conservation management plan in accordance with the *Australian ICOMOS Charter for Places of Cultural Significance* (Burra Charter, 2013) for any proposal that raises significant or complex heritage issues or impacts on a heritage place.

2.0

Heritage places

10/06/2021
C136surf

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
Surf Coast Shire								
HO163	<p><i>Great Ocean Road</i></p> <p>Great Ocean Road between Torquay and Allansford, Surf Coast Shire</p> <p>The heritage place includes</p> <p>Part HO68 <i>Graves of Lindsay Children (Splitters Graves)</i> and</p> <p>Part HO77 <i>Mountjoy Parade Heritage Area</i></p> <p>Statement of significance:</p> <p><i>Selected Lorne/Deans Marsh Heritage Place Assessments 2003</i> (Surf Coast Shire, amended 2005)</p> <p>Heritage design guidelines:</p> <p><i>Mountjoy Parade Heritage Design Guidelines, April 2021</i></p>	–	–	–	–	yes Ref No H2261	yes	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
Aireys Inlet								
HO91	<p><i>Angahook Bark Hut</i> 10 Inlet Crescent, Aireys Inlet.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	yes	yes	no	no	no	no	no
HO1	<p><i>Split Point Lightstation Complex</i> 24 Federal Street and 7-13 Federal Street, Aireys Inlet.</p>	–	–	–	–	yes Ref No H2270	yes	no
HO92	<p><i>Pearse Cairn</i> Federal Drive Street, Aireys Inlet.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	yes	no	no	no	no	no	no
Anglesea								
HO93	<p><i>Regatta Boat Shed & adjacent Race Organiser's Stand</i> Great Ocean Road, Anglesea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	no	no	no	yes	no	no	no
HO94	<p><i>Angahook General Store</i> 119 Great Ocean Road, Anglesea.</p>	no	no	no	no	no	yes	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)							
HO95	"Children's Joy" 129 Great Ocean Road, Anglesea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	yes	no	no	no
HO96	"Rivernook" 131 Great Ocean Road, Anglesea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO98	"Lorna Lamee" 45 Harvey Street, Anglesea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	yes boundary cypress hedge only	no	no	no	no
HO99	"Ben Nevis" 69 Harvey Street, Anglesea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	Yes trees greater than 3 metres in height.	yes	no	no	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO100	<p><i>Anglesea Memorial Hall</i> 1 McMillan Street, Anglesea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	no	no	no	no	no	no	no
HO101	<p><i>"Rangi Marie"</i> 5 McMillan Street, Anglesea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	no	no	no	yes	no	no	no
HO102	<p><i>"Blink Bonnie"</i> 39-43 Parker Street, Anglesea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	no	no	no	yes	no	no	no
HO103	<p><i>Boat sheds (3)</i> River Reserve Road, Anglesea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	no	no	no	no	no	no	no
HO104	<p><i>"Carinya"</i> 1 Tonge Street, Anglesea.</p> <p>Statement of significance:</p>	no	no	no	no	no	no	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>							
Barrabool								
HO7	<i>"Ballanclea" homestead including interior.</i> 250 Ballanclea Road, Barrabool.	yes	yes	no	no	no	yes	no
HO13	<i>"Tasman" homestead.</i> 755 Barrabool Road, Barrabool.	yes	no	no	no	no	yes	no
HO14	<i>Wescott's Stable.</i> 850 Barrabool Road, Barrabool.	yes	no	no	no	no	yes	no
HO9	<i>"Foymount" homestead.</i> 960 Barrabool Road, Barrabool.	yes	no	no	no	no	yes	no
HO3	<i>Barrabool Uniting (formally Presbyterian) Church including former Manse and mature garden setting specifically Cupressus macrocarpa (Monterey Cypress) hedges, and Pinus Radiata (Radiata Pine), Lagunaria Patersonia (Norfolk Island Hibiscus), Araucaria heterophylla (Norfolk Island Pine), Fraxinus oxycarpa (Golden Ash) and Cupressus sp. trees.</i> 1135 Barrabool Road (cnr Andersons Road), Barrabool.	yes - Church and former Manse.	yes - Church.	yes	no	no	yes	no
HO8	<i>"Berramongo" homestead including interior.</i> 100 Crooks Road, Barrabool.	no	yes	no	no	no	yes	no
HO12	<i>"Stanbury" Barn including interior.</i> 130 Devon Road, Barrabool.	yes	yes	no	no	no	yes	no
HO10	<i>"Merrawarp" homestead including interior.</i> 50 Honeys Road, Barrabool.	yes	yes	no	no	no	yes	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO4	<i>Former Holy Trinity Anglican Church School.</i> 400 Merrawarp Road, Barrabool.	–	–	–	–	yes Ref No H889	yes	no
HO5	<i>Holy Trinity Anglican Church and Vicarage.</i> 410 Merrawarp Road, Barrabool.	–	–	–	–	yes Ref No H888	yes	no
HO11	<i>"Neuchatel"</i> 460 Merrawarp Road (Cnr. Barrabool Road), Barrabool.	–	–	–	–	yes Ref No H773	yes	no
Bellbrae								
HO6	<i>Bellbrae Cemetery Monumental Masonry</i> 65 School Road, Bellbrae.	no	no	no	no	no	no	no
Bells Beach								
HO88	<i>Bells Beach Surfing Recreation Reserve</i> Coastal Reserve, Bells Beach	–	–	–	–	yes Ref No. H2032	no	no
HO105	<i>Addiscot Homestead</i> 140 Bells Road, Bells Beach. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	yes	no	no	no
Benwerrin								
HO36	<i>Babington Sawmill Settlement, including sawmill complex and derelict cottage.</i> 215 Benwerrin-Mount Sabine Road, Benwerrin	no	no	no	no	no	yes	no
HO37	<i>House</i> 630 Benwerrin-Mount Sabine Road, Benwerrin.	no	no	no	no	no	no	no

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO38	<i>Wanliss Nut farm</i> Opposite 915 Erskine Falls Road, Benwerrin. Incorporated plan: <i>Wanliss Nut Farm Incorporated Plan, June 2006</i>	no	no	yes	no	no	no	no
Big Hill								
HO39	<i>East Point (Edna Walling Property), including remnant fabric and archaeological evidence of the Walling cottage, the rock walls, steps, chimney stacks/fireplaces and garden remnants.</i> 1060 Great Ocean Road, Big Hill.	no	no	no	no	no	no	no
Buckley								
HO106	<i>Former Laketown School</i> 1600 Princes Highway, Buckley. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	yes	no	no	no	no	no	no
Deans Marsh								
HO40	<i>Bridge</i> Part Government Road, (adjacent 1200 Birregurra-Deans Marsh Road) Deans Marsh. The heritage place is the bridge and all land within 20 metres of each side of the bridge.	no	no	no	no	no	no	no
HO41	<i>Howard's Carrying Depot, including the brick building, nissen hut, petrol pump and gate.</i> 1390 Birregurra-Deans Marsh Road, Deans Marsh	yes	no	no	no	no	no	no

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO42	<i>Lawrence Cottage</i> 1409 Birregurra Deans Marsh Road, Deans Marsh	no	no	no	no	no	no	no
HO43	<i>Deans Marsh Uniting (formerly Methodist) Church and hall.</i> 22 Deans Marsh-Lorne Road 6 Pennyroyal Valley Road (Gnr) , Deans Marsh	no	no	no	no	no	no	no
HO44	<i>Deans Marsh Primary School (State School No. 1642) and Marjorie Lawrence (eucalypt) plantation.</i> 30 Deans Marsh-Lorne Road, Deans Marsh	no	no	Yes - Marjorie Lawrence plantation only	no	no	no	no
HO45	<i>St Pauls Anglican Church and hall</i> 40 Deans Marsh-Lorne Road, Deans Marsh	no	no	no	no	no	no	no
HO46	<i>Deans Marsh Public Hall & Recreation Reserve, including the public hall, sports grounds, fibro pavillion, memorial gates and cypress boundary plantation.</i> 6-10 & 20 Pennyroyal Valley Road, Deans Marsh	no	no	yes	no	no	no	no
HO47	<i>Presbyterian Church (former).</i> 11 Pennyroyal Valley Road, Deans Marsh	no	no	no	no	no	no	no
HO48	<i>Yan Yan Gurt Woolshed.</i> 4940 2005 Winchelsea-Deans Marsh Road, Deans Marsh	yes	no	no	no	no	no	no
HO49	<i>Deans Marsh Hotel (former).</i> 2250 Winchelsea-Deans Marsh Road, Deans Marsh	no	no	no	no	no	no	no
HO50	<i>Mrs McInnes Milk Bar and Boarding House (former).</i> 2255 Winchelsea-Deans Marsh Road, Deans Marsh	no	no	no	no	no	no	no
Freshwater Creek								

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO15	<i>St David's Lutheran Church and Cemetery.</i> 905 Anglesea Road, Freshwater Creek.	–	–	–	–	yes Ref No. H1903	yes	no
Lorne								
HO51	<i>Keeverell</i> 16 Armytage Street, Lorne	yes	no	no	no	no	no	no
HO53	<i>Queens Park Caravan Park & Air Spotters Cabin.</i> 20 Armytage Street, Lorne Incorporated plan: <i>Queens Park Caravan Park Incorporated Plan, June 2006</i>	yes	no	yes	yes – two small buildings near front entrance and stone walling associated with terracing	no	no	no
HO107	<i>Banuke</i> 6-8 Beale Street, Lorne Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i> Heritage design guidelines: <i>Mountjoy Parade Heritage Design Guidelines, April 2021</i>	no	no	yes – trees greater than 3 metres in height.	yes – timber outbuilding and front fencing.	no	no	no
HO108	<i>Two Former Police Lock Up Buildings</i> 1-7 Charles Street, Lorne. The Heritage Place is the lock up buildings and all land within 1 metre of all sides of the buildings. Statement of significance:	no	no	no	no	no	no	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>							
HO109	<i>“Valetta”</i> 3 Fern Avenue, Lorne. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	no	no
HO52	<i>Wareen</i> 15 Fern Avenue, Lorne	no	no	no	no	no	no	no
HO54	<i>Log Cabin</i> 76 George Street, Lorne	yes	no	no	no	no	no	no
HO56	<i>Cumberland River Picnic Shelter</i> 2680 Great Ocean Road, Lorne	yes	no	no	no	no	no	no
HO78	<i>Cumberland River Ford</i> 2680 Great Ocean Road, Lorne	no	no	no	no	no	no	no
HO79	<i>Cumberland River Cypress Trees</i> 2680 Great Ocean Road, Lorne Incorporated plan: <i>Cumberland River, Cypress Trees Incorporated Plan, June 2006</i>	no	no	yes	no	no	no	no
HO110	<i>Lorne Public Cemetery</i> 10 Howard Street, Lorne. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	no	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO57	<i>Toll Gate Cottage</i> 4 Minapre Street, Lorne	no	no	no	no	no	no	no
HO60	<i>Erskine River Shops</i> 2-6 Mountjoy Parade, Lorne	no	no	no	no	no	no	no
HO34	<i>Erskine House</i> 35 Mountjoy Parade, Lorne.	–	–	–	–	yes Ref No. H1812	yes	no
HO111	<i>Lorne War Memorial</i> 51 Mountjoy Parade, Lorne. The Heritage Place is the war memorial and all land within 2 metres of all sides of the paved base of the memorial. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	no	no	no	no	no
HO61	<i>Lorne Cinema</i> 76-80 Mountjoy Parade, Lorne	–	–	–	–	yes Ref No. H2230	yes	no
HO58	<i>Cypress Avenue</i> Lorne Foreshore, Lorne Incorporated plan: <i>Cypress Avenue, Lorne Foreshore Incorporated Plan, June 2006</i>	no	no	yes	no	no	no	no
HO59	<i>Lorne Swimming Pool and Kiosk</i> 81 Mountjoy Parade, Lorne	yes	no	no	no	no	no	no

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO28	<i>St Cuthbert's Uniting Church</i> 92 Mountjoy Parade, Lorne.	no	no	no	no	no	yes	no
HO62	<i>Butchers Shop (former)</i> 112-112a Mountjoy Parade, Lorne.	yes	no	no	no	no	no	no
HO64	<i>Lorne Hotel</i> 176-178 Mountjoy Parade, Lorne	yes	no	no	no	no	no	no
HO32	<i>All Saint Anglican Church</i> 190 Mountjoy Parade, Lorne. Statement of significance: <i>Selected Lorne/Deans Marsh Heritage Place Assessments 2003 (Surf Coast Shire, amended 2005)</i> Heritage design guidelines: <i>Mountjoy Parade Heritage Design Guidelines, April 2021</i>	no	no	yes – trees greater than 3 metres in height.	yes – front fencing and retaining walls along Mountjoy Parade only.	no	yes	no
HO29	<i>Leighwood</i> 222 Mountjoy Parade, Lorne. Statement of significance: <i>Selected Lorne/Deans Marsh Heritage Place Assessments 2003 (Surf Coast Shire, amended 2005)</i> Heritage design guidelines: <i>Mountjoy Parade Heritage Design Guidelines, April 2021</i>	–	–	–	–	yes Ref No H604	yes	no
HO30	<i>Jura</i> 242-244 Mountjoy Parade, Lorne. Statement of significance:	–	–	–	–	yes Ref No H822	yes	no

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Selected Lorne/Deans Marsh Heritage Place Assessments 2003 (Surf Coast Shire, amended 2005)</i> Heritage design guidelines: <i>Mountjoy Parade Heritage Design Guidelines, April 2021</i>							
HO65	<i>House</i> 246-248 Mountjoy Parade, Lorne Statement of significance: <i>Selected Lorne/Deans Marsh Heritage Place Assessments 2003 (Surf Coast Shire, amended 2005)</i> Heritage design guidelines: <i>Mountjoy Parade Heritage Design Guidelines, April 2021</i>	yes	no	yes – trees greater than 3 metres in height only.	yes – front fencing and retaining walls along Mountjoy Parade only.	no	no	no
HO66	<i>Pacific Hotel</i> 268-270 Mountjoy Parade, Lorne	yes	no	no	no	no	no	no
HO67	<i>Swing Bridge (footbridge)</i> Ocean Road at Erskine River mouth, Lorne	no	no	no	no	no	no	no
HO68	<i>Graves of Lindsay Children (Splitters Graves)</i> Ocean Road, Lorne. The Heritage Place is the graves and all land within 3 metres of all sides of the graves.	yes	no	no	no	no	no	no
HO69	<i>House</i> 19 Ocean Road, Lorne.	no	no	no	no	no	no	no
HO70	<i>House</i> 53 Ocean Road, Lorne.	no	no	no	no	no	no	no

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO71	<i>House, including the Canary Island Palm tree.</i> 69 Ocean Road, Lorne.	no	no	yes – Canary Island Palm only.	no	no	no	no
HO72	<i>House</i> 79 Ocean Road, Lorne.	no	no	no	no	no	no	no
HO113	<i>“Stanmorr”</i> 64 Otway Street, Lorne. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	no	no
HO26	<i>Primary School No 2162.</i> 18 Smith Street & 15 Grove Road, Lorne.	–	–	–	–	yes Ref No H1716	yes	no
HO114	<i>“Kyanga”</i> 56 Smith Street, Lorne. Statement of significance: <i>Surf Coast Heritage Study Stage 2B - Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	no	no
HO115	<i>House</i> 58 Smith Street, Lorne. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	no	no
HO74	<i>Ravenswood</i> 70 Smith Street & Bay Street, Lorne.	no	no	no	no	no	no	no

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO31	<p><i>Varna</i> 101-103 Smith Street, Lorne.</p> <p>Statement of significance: <i>Selected Lorne/Deans Marsh Heritage Place Assessments 2003 (Surf Coast Shire, amended 2005)</i></p> <p>Heritage design guidelines: <i>Mountjoy Parade Heritage Design Guidelines, April 2021</i></p>	no	no	yes – trees greater than 3 metres in height only.	yes – front fencing and retaining walls along Mountjoy Parade only.	no	yes	no
HO75	<p><i>Waverley House</i> 3 Waverley Avenue Deans Marsh Road, Lorne.</p>	yes	no	no	no	no	no	no
HO76	<p><i>Amberley House</i> 15-19 William Street, Lorne.</p>	no	no	no	no	no	no	no
HO77	<p><i>Mountjoy Parade Heritage Precinct.</i> Mountjoy Parade and Smith Street, Lorne</p> <p>The heritage place includes the Moreton Bay Fig on the foreshore.</p> <p>Incorporated plan: <i>Moreton Bay Fig, Lorne Foreshore Incorporated Plan, June 2006</i></p> <p>Statement of significance: <i>Selected Lorne/Deans Marsh Heritage Place Assessments 2003 (Surf Coast Shire, amended 2005)</i></p> <p>Heritage design guidelines: <i>Mountjoy Parade Heritage Design Guidelines, April 2021</i></p>	no	no	yes - trees greater than 3 metres in height only.	yes – front fencing and retaining walls along Mountjoy Parade only.	no	no	no
Modewarre								

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO116	<i>Avenue of Honour</i> Adjacent 910 Cape Otway Road (between Considines & Taylors Roads), Modewarre. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	yes	no	no	no	no
HO117	<i>Former Modewarre State School No.396</i> 910 Cape Otway 465 Considines Road, Modewarre. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	yes	no	no	no	no
HO118	<i>Modewarre Memorial Hall, including mature oak tree and Honour Boards</i> 910 Cape Otway Road, Modewarre. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	yes	yes	no	no	no	no
HO119	<i>Former Bible Christian Siloam Chapel</i> 440 Considines Road, Modewarre. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	no	no	no	no	no
Mt Duneed								

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO17	<i>Summerhill (Prefabricated Iron Cottage).</i> 155 Mt Duneed Road, Mt Duneed.	–	–	–	–	yes Ref No H1131	yes	no
Torquay								
HO16	<i>"Scammel" house (Deckhouse from the wreck "Scammel").</i> 24 Pride Street, Torquay.	no	no	no	no	no	yes	no
HO90	<i>Sea View Villa</i> 2A Pearl Street, Torquay. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	yes – trees greater than 3 metres in height only	no	no	no	no
HO120	<i>Former Butcher's Shop and associated Outbuildings</i> 19 Anderson Street and part of 32 Munday Street, Torquay. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	yes	no	yes	no
HO121	<i>Torquay Uniting Church</i> 27 Anderson Street, Torquay. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	yes	no
HO122	<i>Torquay Caravan Park</i> 35 Bell Street, Torquay. Incorporated plan:	no	no	yes – trees greater than 3	yes	no	yes	no

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SURF COAST PLANNING SCHEME

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	<i>Torquay Caravan Park Incorporated Plan, June 2009 (amended January 2012)</i> Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>			metres in height only.				
HO123	<i>Former Payne's Garage</i> 18 Bristol Road, Torquay. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	yes	no
HO124	<i>Torquay Public Hall</i> 8-12 Price Street, Torquay. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	yes	no	no	no	no	no	no
HO125	<i>St Luke's Anglican Church</i> 17 Pride Street, Torquay. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	yes	no	no	no
HO126	<i>Torquay Foreshore Precinct</i> The Esplanade, (between Point Danger and Yellow Bluff), Torquay. Incorporated plan: <i>Torquay Foreshore Incorporated Plan, June 2009</i>	no	no	yes – trees greater than 3 metres in height only.	yes	no	no	no

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SURF COAST PLANNING SCHEME

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	Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)							
HO127	<i>House</i> 18 The Esplanade, Torquay. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO128	<i>Taylor Park</i> 47-70 The Esplanade, Torquay. Incorporated plan: <i>Taylor Park Incorporated Plan, June 2009</i> Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	yes – trees greater than 3 metres in height only.	no	no	no	no
Winchelsea								
HO129	<i>Former Shire Engineer's House</i> 17 Armytage Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO130	<i>"Fairview"</i> 13 Austin Street, Winchelsea. Statement of significance:	yes	no	no	no	no	no	no

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SURF COAST PLANNING SCHEME

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	<i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>							
HO131	<i>Former Wesleyan Mission Chapel</i> 37 Austin Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	yes	no	no	no	no	no	no
HO132	<i>Former Army Hut</i> 27 Barkly Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	no	no
HO133	<i>House</i> 29 Barkly Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	no	no
HO20	<i>St Thomas Anglican Church and School Room</i> 31 Barwon Terrace, Winchelsea.	yes	no	no	no	no	yes	no
HO134	<i>Former Anglican Vicarage</i> 5 Batson Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	yes	no	no	no	no	no	no

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SURF COAST PLANNING SCHEME

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HO135	<p><i>"Kooringa"</i> 10 Blacks Road, Winchelsea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	no	no	no	no	no	no	no
HO24	<p><i>Murdeduke Homestead</i> 730 Cressy Road, Winchelsea.</p>	yes	no	no	no	no	yes	no
HO136	<p><i>Winchelsea Primary School</i> 15 Gosney Street, Winchelsea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	yes	no	no	no	no	no	no
HO137	<p><i>House</i> 39 Harding Street, Winchelsea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	yes	no	no	no	no	no	no
HO138	<p><i>Former Winchelsea Shire Hall</i> 28 Hesse Street, Winchelsea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)</p>	yes	yes	yes	no	no	yes	no
HO21	<p><i>Winchelsea Uniting Church and Manse.</i> 30-34 Hesse Street, Winchelsea.</p>	yes	no	no	no	no	yes	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO139	<i>"The Isles"</i> 39 Hesse Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	yes	no	no	no
HO140	<i>"Toyerville"</i> Lot 1, 41 Hesse Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	yes	no	no	no
HO89	<i>Memorial Grandstand and Gates</i> Eastern Reserve, 70 Hopkins Street, Winchelsea	–	–	–	–	yes Ref No. H1525	yes	no
HO23	<i>Ingleby Homestead and Outbuildings</i> 765 Ingleby Road, Winchelsea and 3470 Cape Otway Road, Birregurra	–	–	–	–	yes Ref No H364	yes	no
HO22	<i>Barwon Park</i> 105 Inverleigh-Winchelsea Road, Winchelsea.	–	–	–	–	yes Ref No H365	yes	no
HO141	<i>Bills Water Trough</i> Main Street, Winchelsea. The Heritage Place is the trough and all land within 2 metres of all sides of the trough. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	no	no	no	no	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO142	<i>Barwon Hotel</i> 1 Main Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	no	no	no	no	no
HO19	<i>Colonial Bank.</i> Lot 2, 33 Main Street, Winchelsea.	no	no	no	no	no	yes	no
HO143	<i>Winchelsea Post Office</i> 34 Main Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO144	<i>"Daisy Cottage"</i> 35 Main Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO145	<i>"Chelsea House"</i> 39 Main Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO146	<i>House</i> 41 Main Street, Winchelsea. Statement of significance:	no	no	no	no	no	no	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>							
HO147	<p><i>Former Orchard Bakery & associated Dwelling</i> 44 Main Street, Winchelsea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i></p>	no	no	no	no	no	noyes	no
HO148	<p><i>Former Police Station</i> 53 Main Street, Winchelsea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i></p>	no	no	no	no	no	no	no
HO149	<p><i>House</i> 59 Main Street, Winchelsea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i></p>	no	no	no	no	no	no	no
HO150	<p><i>"Balgownie"</i> 65-67 Main Street, Winchelsea.</p> <p>Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i></p>	no	no	no	no	no	no	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO151	<i>Winchelsea Cemetery</i> 205 McConachy Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	yes trees greater than 3 metres in height only.	no	no	no	no
HO152	<i>St John the Baptist Roman Catholic Church and Presbytery</i> 5 Mercer Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	no	no	no	no	no
HO153	<i>"Plum Tree Cottage"</i> 9 Mercer Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	no	no	no	no	no
HO154	<i>Former Bootmaker's Shop & Dwelling</i> 21 Mercer Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO18	<i>Barwon River Bridge</i> Over Barwon River, Princes Highway, Winchelsea.	–	–	–	–	yes Ref No H1456	yes	no

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO155	<i>Winchelsea Railway Station</i> 2-18 Railway Terrace, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	no	no	no	no	no
HO156	<i>Former Winchelsea Public Library</i> 1A Willis Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	yes	no	no	no	no	yes	no
HO157	<i>Former Timon Schroeter's Store</i> 11 Willis Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO158	<i>Shinners' Café and Dwelling</i> 13 Willis Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance</i> (David Rowe & Wendy Jacobs, 2009)	no	no	no	no	no	no	no
HO159	<i>Globe Theatre</i> 17-19 Willis Street, Winchelsea.	–	–	–	–	yes Ref No. H226	yes	no
HO160	<i>Winchelsea Hotel</i> 20 Willis Street, Winchelsea. Statement of significance:	yes	no	no	no	no	no	no

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SURF COAST PLANNING SCHEME

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>							
HO161	<i>Murrell's Store</i> 22 Willis Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	yes	no	no	no	no	no	no
HO162	<i>"Meningoort" (former hospital)</i> 37 Willis Street, Winchelsea. Statement of significance: <i>Surf Coast Shire Heritage Study Stage 2B – Statements of Significance (David Rowe & Wendy Jacobs, 2009)</i>	no	no	no	no	no	no	No
HO25	<i>Wormbete Homestead including Outbuildings and Gardens.</i> 565 Winchelsea-Deans Marsh Road, Winchelsea.	yes	no	no	no	no	yes	no

SURF COAST PLANNING SCHEME

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SCHEDULE 24 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO24**.

BELLBRAE TOWNSHIP

1.0

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Design objectives

To protect and enhance the historic, village character of Bellbrae.

Infill development

To create a permeable street network that incorporates the village characteristics of the town.

To provide pedestrian access into the rear of the school and through the site from Cunningham Drive to School Road.

To provide a soft edge to the township when viewed from the Anglesea Road and to reduce the impact of noise from passing traffic.

To manage stormwater from infill development and to promote best practice stormwater management.

School Road 'active frontage'

To consolidate the community facilities and reinforce School Road as a village 'main street'.

To promote activity and an active edge along the main street.

To increase the on street car parking on School Road, particularly in the vicinity of the primary school.

To encourage design that will enhance the 'village' character of the town.

2.0

Buildings and works

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A permit is not required to construct a building or carry out works:

- where the land is outside the 'active frontage area' shown on Map 1 to this schedule.
- for a dwelling on land within the active frontage area as shown on Map 1 to this schedule where:
 - any garage within the front dwelling façade is less than 50% of the total width of the dwelling facade, and
 - the dwelling ~~is less than~~ **does not exceed** two storeys and 7.5 metres in height ~~above ground level.~~

Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building setback

Development along School Road's active frontage (excluding a dwelling) should be located on or within 4 metres of the front boundary with clear and direct pedestrian access from the entrance of the building to the street.

Building height

Development along School Road's active frontage, should not exceed 7.5 metres in height above ground level except where the part of the building that exceeds this height is the pitch of a gable roof.

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SURF COAST PLANNING SCHEME

Built form

The provision of car parking within School Road's 'active frontage', other than in association with a dwelling, should include the following elements:

- On street car parking should:
 - extend along the width of the property.
 - incorporate a shade tree every three or four spaces located within a purpose designed outstand within the parking lane.
- On site car parking should:
 - predominantly be located behind a building
 - only be located to the side of a building where landscaping makes provision for numerous shade trees to soften the dominance of the car parking area.

3.0
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Subdivision

Requirements

A permit to subdivide land must meet the following requirements:

Lot layout should allow for infrastructure in accordance with the Infill Infrastructure Requirements shown on Map 3 to this schedule.

A lot should have an area of at least:

- 4000 square metres in Precinct A, defined on Map 2 to this schedule where:
 - The stormwater wetland and retardation area may be calculated as part of the lot area.
 - The 15 metre vegetated buffer abutting Anglesea Road may be calculated as part of the lot area.
 - The drainage buffer located at 55 School Road is not calculated as part of the lot area.
- 2500 square metres in Precinct B, defined on Map 2 to this schedule where:
 - The drainage buffer located at 55 School Road may be calculated as part of the lot area.

Stormwater retardation and treatment for the infill area on the western side of School Road should be designed and located in accordance with the Bellbrae Stormwater Master plan (2013).

Stormwater easements are to be provided in accordance with the Bellbrae Stormwater Master plan (2013) to the satisfaction of the Responsible Authority.

Subdivision of land at 55 School Road should not prevent the treatment of School Road to provide footpaths and shade trees.

A new street within the infill area should be designed as a 'shared zone' incorporating traffic calming devices (such as chicanes or narrow points) to ensure low vehicle speeds and pedestrian priority. Adequate land is to be set aside within the road reservation for:

- A sealed travel lane of a similar width to the adjoining local street network (approximately 4 metres and no greater than 5.5 metres with passing bays for emergency vehicles as required).
- Shade trees.
- Power supply via underground conduit (and additional services as required).
- Grassed swales where the design and location of the swales are to be informed by the stormwater management plan submitted with the application.

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SURF COAST PLANNING SCHEME

Pedestrian access is to be provided for within the infill area, as shown on Map 3 to this schedule, providing access from either the Angelsea Road or Cunningham Drive to the rear of the Bellbrae Primary School. The footpath is to be constructed following the construction of the stormwater wetland and prior to Council's acquisition of the land.

A linear reserve of approximately 15 metres is to be set aside between Angelsea Road and the infill area, defined on Map 3 to this schedule, to provide a vegetated buffer between the future residential land and the arterial road. The reserve is to be planted with native species. Stormwater wetlands/retardation can be located within the reserve.

Street and lot location should be designed to minimise removal of existing vegetation including exotic shade trees that add to the historic character of the town.

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Signs

Signs should be simple in design and reflective of the historic/village character.

Signs should not dominate the streetscape or built form.

5.0

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Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Subdivision

A stormwater management plan, generally in accordance with the Bellbrae Stormwater Master plan (2013) should be submitted with an application to create a new lot(s) within the infill area located on the western side of School Road, defined on Map 3 to this schedule.

A stormwater management plan demonstrating how stormwater is to be treated and retarded must be submitted with an application to create a new lot(s) at 55 School Road, defined on Map 3 to this schedule.

6.0

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

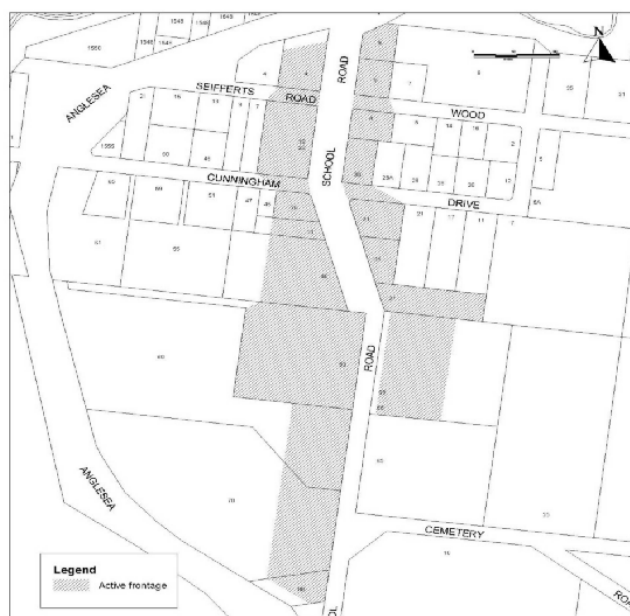
- Whether sufficient land has been provided along the western frontage of 55 School Road for a footpath and shade/street trees to be provided.
- Whether a commercial activity located on School Road will facilitate an active street edge, enhance the village character and general amenity of School Road by:
 - Formalising the on street car parking abutting the lot including making provision for adequate shade trees.
 - Minimising blank walls along the street frontage.
 - Providing an engaging and attractive entry to the site.
 - Siting surface carparking to the rear of the building.
 - Providing shade trees within the frontage of the lot (where appropriate) and within surface car parking areas.
- Whether a minor reduction to the specified subdivision lot size is warranted due to:
 - A demonstrated need to retain existing site features (including dwellings and vegetation) and the average density still meets the specified lot areas; and,

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SURF COAST PLANNING SCHEME

- The proposed lot sizes and configuration still meet the objectives of this schedule.
- Whether the stormwater management plans submitted for either an individual site or a collective subdivision area meets the requirements of the Bellbrae Stormwater Master Plan (2013).
- Whether an integrated subdivision layout for the infill site has been achieved with due consideration given to the following elements:
 - Provision of a street network that reflects the rural character which by design will encourage low vehicle speeds and pedestrian priority.
 - Lot orientation for solar efficiency.
 - Adequate land within the road reservation for:
 - a carriageway and,
 - verges containing shade trees, services and water sensitive urban design infrastructure
- Stormwater management and treatment.
- Provision of a vegetation reserve adjacent to the Anglesea Road.

Map 1 to the Schedule to Clause 43.02 – School Roads ‘active frontage’



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SURF COAST PLANNING SCHEME

Map 2 to the Schedule to Clause 43.02 – Subdivision lot sizes



SURF COAST PLANNING SCHEME

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SURF COAST PLANNING SCHEME

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SCHEDULE 1 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO1.

THE SETTLEMENTS OF AIREYS INLET, FAIRHAVEN AND MOGGS CREEK

1.0

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Statement of neighbourhood character

The settlements of Aireys Inlet, Fairhaven and Moggs Creek are characterised by low building densities and large blocks, having a distinctive non-suburban coastal character with much of the public and private realm enjoying views of the surrounding natural features. The built form is nestled within a cover of native vegetation which varies between Eucalyptus woodland, heathland and coastal scrub. Buildings, whether of one or two storeys, are generally low in profile, screened by vegetation and contained below the tree canopy, and sit within the landscape (e.g. are stepped down the slope); have warm, earthy, muted and subdued colour schemes that blend with the natural surroundings; have a lightweight, airy appearance with use of natural materials (e.g. timber), open glazing and simple architectural design; have small footprints, minimal hard surface areas and are set back generous distances from boundaries. Many properties have no boundary fences and where fencing does exist it is generally limited to post and wire. Most driveways and roads are gravel and have an informal appearance which is complemented by vegetation within the road reserve and on private and public land. Streets have minimal street lights and minimal kerb and channelling.

The preferred neighbourhood character for these settlements is based on these existing characteristics.

2.0

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Neighbourhood character objective

To preserve and enhance the low scale, low density, vegetated character of the settlements of Aireys Inlet, Fairhaven and Moggs Creek.

To ensure that applications for more than one dwelling can be subdivided in accordance with the subdivision requirements of Schedule 10 to the Design and Development Overlay (Clause 43.02).

To ensure that development presents an inconspicuous profile against the landscape setting, allowing the landscape to remain the key feature of the settlements, particularly where the vegetation canopy height is low and/or a site is prominently located.

To ensure that buildings are sited and designed to avoid protruding over or above ridgelines or form a silhouette against the sky when viewed from the Great Ocean Road or any other significant viewing point, including the lighthouse, Eagle Rock Bluff and Painkalac estuary and valley.

To encourage building design that respects and contributes to the low scale coastal character and environmental and landscape values of the settlements, with an emphasis on small footprints, large setbacks, a coastal design and avoidance of visual bulk.

To retain adequate space around buildings to provide sufficient room for the retention and/or re-establishment of native vegetation to assist in integrating built form with the landscape.

To achieve a reasonable sharing of views of significant landscape features, including views of the ocean and coastal shoreline, the Split Point Lighthouse, the Painkalac valley and natural bushland in the hinterland.

To safeguard the landscape values of the lighthouse when viewed from beyond the site and ensure that development does not dominate or compete with the prominence of the lighthouse within the immediate landscape.

To protect the visual amenity of the mouth of the Painkalac Creek and retain the established single storey character.

To encourage buildings that relate to, and blend with, the natural surroundings through the use of natural, lightweight materials, with colour schemes that are warm, natural and earthy and roofs that are clad in a non-reflective material and colour.

SURF COAST PLANNING SCHEME

To encourage accessways and other infrastructure that have an informal, non-suburban, vegetated appearance, with minimal artificial lighting.

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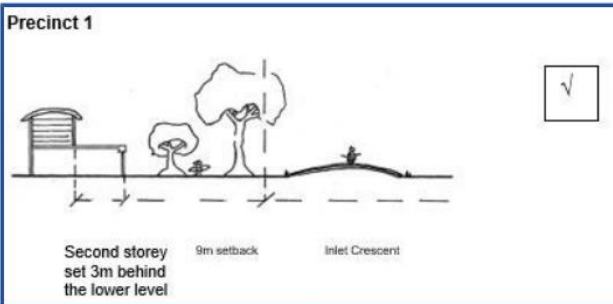
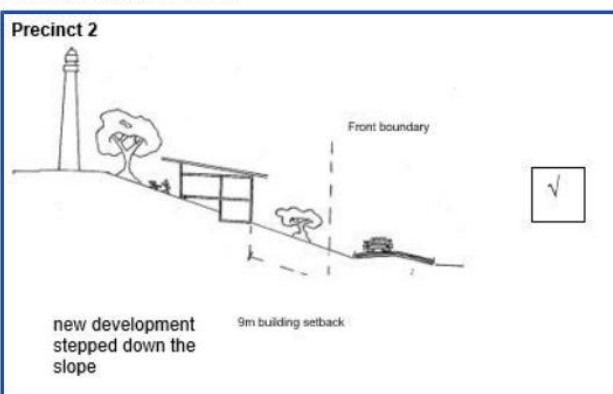
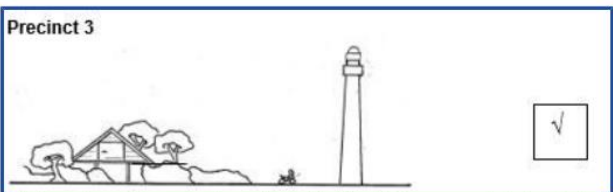
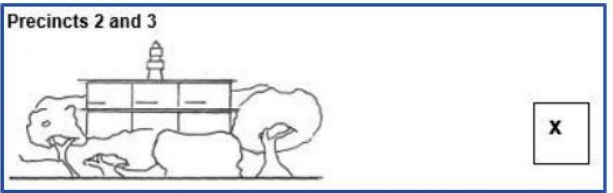
- Construct an outdoor swimming pool associated with a dwelling
- Construct or extend an outbuilding normal to a dwelling.

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Standard	Modified Requirement		
A3/B6	STREET SETBACK		
	Walls of buildings should be set back from streets the distance specified in the Street Setback Table below.		
	Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
	There is an existing building on both the abutting lots facing the same street, and the site is not on a corner.	9 metres.	Not applicable
	There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	9 metres.	Not applicable
	There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	9 metres.	Not applicable
	The site is on a corner.	9 metres from the front street.	6 metres from the side street.
A4/B7	BUILDING HEIGHT		
	The maximum building height should not exceed 7.5 metres.		
	Buildings should be stepped down the slope on steep sites.		
	<i>The following requirements apply to land within the precincts shown on Map 1 of this Schedule.</i>		

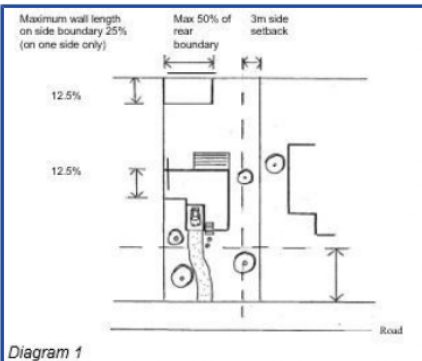
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SURF COAST PLANNING SCHEME

Standard	Modified Requirement
	<p>Precinct 1</p>  <p>Second storey set 3m behind the lower level 9m setback Inlet Crescent</p> <p>The second storey should be set back a minimum of 3 metres behind the lower storey on lots located within Precinct 1.</p>
	<p>Precinct 2</p>  <p>new development stepped down the slope 9m building setback Front boundary</p> <p>Buildings should be stepped down the site following the contour, on lots located within Precinct 2.</p>
	<p>Precinct 3</p>  <p>Buildings should be recessive adjacent to the lighthouse, on lots located within Precinct 3.</p>
	<p>Precincts 2 and 3</p>  <p>New development located in Precincts 2 and 3 is not to dominate or compete with views of the lighthouse.</p>
A5/B8	<p>SITE COVERAGE</p> <p>The site area covered by buildings should not exceed 30%, or 35% where the percentage of building exceeding 30% is unroofed deck only.</p> <p>The gross floor area of all buildings should not exceed a plot ratio of 0.4 of the site area.</p> <p>The calculation for <i>site area</i> should not include:</p>

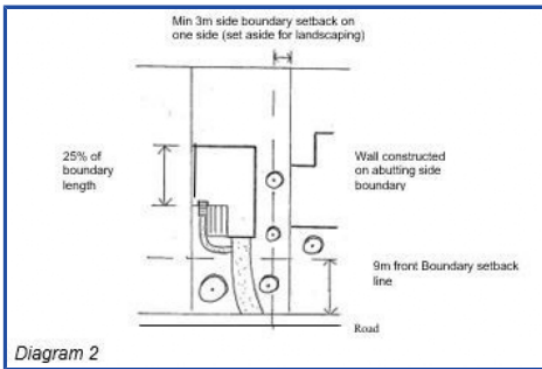
2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

Standard	Modified Requirement
	<ul style="list-style-type: none"> land common to, or in shared use between, two or more dwellings. land providing vehicular access to a rear dwelling, such as in a battle-axe lot.
A8/B13	<p>SIGNIFICANT TREES/LANDSCAPING</p> <p>The siting of new buildings should provide for the retention of existing vegetation and provide adequate space on site for the planting of new indigenous shrubs and trees.</p> <p>At least 60% of the site area (excluding should be available for the planting of vegetation (excludes the area of driveways, gravel, paving, decks, swimming pools and tennis courts) should be available for the planting of vegetation.</p>
A10/B17	<p>SIDE AND REAR SETBACKS</p> <p>A new building should be setback at least 3 metres from side and rear boundaries.</p>
A11/B18	<p>WALLS ON BOUNDARIES</p> <p>A new wall should not be located on side and rear boundaries.</p> <p>Where a lot has a boundary width of 14 metres or less or where it can be demonstrated that walls on boundaries cannot be avoided due to site constraints, the following standards apply:</p> <p>Length of walls on boundaries</p> <p>A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> 25 per cent of one side boundary, and 50 per cent of the rear boundary <p>as shown in Diagram 1.</p>  <p>Diagram 1</p>
A11 / B18 (continued)	<p>Location of walls on boundaries</p> <p>A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut more than:</p> <ul style="list-style-type: none"> one side boundary, and one rear boundary. <p>Where there is a wall constructed on the boundary of an abutting lot a new building should be setback at least 3m from that boundary as shown in Diagram 2.</p>

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

Standard	Modified Requirement
	 <p>Diagram 2</p>
A19 / B31	<p>DESIGN DETAIL</p> <p>In addition to the attributes in clause 54.06 and 55.06:</p> <p>The design of buildings should reflect the preferred neighbourhood character attributes, including:</p> <ul style="list-style-type: none"> ▪ Landscape setting ▪ Building massing ▪ Height ▪ Colours, materials and finishes ▪ Space around buildings and setbacks

5.0

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

Building setbacks

- Whether the building setbacks are adequate to achieve a sense of space around buildings and to retain native vegetation where this does not increase bushfire risk.
- Whether it is reasonable to vary a building setback to avoid or minimise the removal of native vegetation, address topographical or physical site constraints (e.g. slope, site dimensions) or retain views of significant landscape features from surrounding properties.
- Whether it is reasonable to allow minor encroachments of building elements such as sunblinds, shade sails, verandahs, porches, pergolas, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, heating and cooling equipment and small garden sheds into the required minimum side and rear setbacks.
- The visual impact of the building when viewed from the street or adjoining properties.
- The setbacks of any existing buildings on the site.
- Whether an approved building or habitation envelope provides for a reduced setback from any boundary.

Building height

- Whether a lower building height is required so that the building does not protrude above the tree canopy or protrude above ridgelines to form a silhouette against the sky when viewed from the Great Ocean Road or other significant viewing point.

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SURF COAST PLANNING SCHEME

- Whether a greater building height is reasonable due to the physical constraints of the site while ensuring that the greater height will not result in reduced residential amenity by loss of views, overlooking, overshadowing or visual bulk.
- Whether buildings have been designed to step down the slope on steep sites to reduce overall building height and bulk.

Site coverage

- Whether a lesser site coverage is required to avoid and/or minimise the removal of native vegetation.
- Whether the maximum site coverage and plot ratio for an existing lot with an area less than 550sqm should be varied where the objectives of this schedule can still be met.

Design detail

- Whether the building evokes a design that is reflective of and sympathetic to the local character.
- Whether buildings have a lightweight appearance and provide visual interest through articulation, glazing, verandahs, balconies, eaves and variation in materials and textures.
- The need to strongly discourage suburban looking buildings and historic replicas.
- The need to encourage the use of building colours that are subtle, neutral, muted and unobtrusive to assist in visually blending the building with the surrounding natural landscape.
- Whether areas for car parking and vehicle access are visually recessive and minimise the loss of space for the retention and/or planting of vegetation by:
 - recessing carports or garages behind the front facade of the dwelling;
 - ensuring crossovers are located to retain established street trees and other significant roadside vegetation;
 - requiring the use of informal, permeable surfaces for driveways and parking areas rather than hard, impervious surfaces such as concrete, where practical;
 - encouraging the use of shared driveways in multi-dwelling developments.

Recreational structures

- Whether swimming pools are integrated with the design of the dwelling and meet the objectives of this schedule.
- Whether private recreational structures such as tennis courts and swimming pools would compromise long term enhancement of the vegetation cover.

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SURF COAST PLANNING SCHEME

MAP 1 TO THE SCHEDULE TO CLAUSE 43.05 – LIGH THOUSE & ESTUARY PRECINCT PLAN



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SURF COAST PLANNING SCHEME

27/05/2019
C131surf

SCHEDULE 2 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO2.

LORNE RESIDENTIAL AREAS

1.0

27/05/2019
C131surf

Statement of neighbourhood character

The township of Lorne lies on the internationally recognised Great Ocean Road. The setting of the Otway Ranges rising from the coastline, and the nestling of Lorne within this landscape is highly valued by residents and visitors alike.

The preferred neighbourhood character for Lorne is derived from the positive elements of the existing character and is consistent across the township. It comprises a hillside amphitheatre with a strong native landscape setting and continuous tree canopy. Within this setting sit discrete, low scale buildings that are reflective of the town's origins as a popular seaside destination. Building forms range from classic older beach houses through to modern coastal designs utilising simple built forms, a diverse range of natural, visually lightweight materials, extensive use of glass and building colours that are subtle, neutral and unobtrusive. Driveways and car parking is recessive in the streetscape. While buildings are largely screened and blend with the vegetation, filtered views of the ocean, coast and hinterland are a special feature of this town. Heritage places and their landscape setting also contribute to the character.

2.0

27/05/2019
C131surf

Neighbourhood character objective

- To conserve, enhance and reinstate the preferred character of a tall canopy treed setting with recessive buildings throughout Lorne, including areas that are substantially cleared of vegetation.
- To protect the quality of the vegetated amphitheatre vista of the Lorne township as viewed from the public realm.
- To encourage building design that complements the cultural, environmental and landscape values of Lorne, with emphasis on small footprints, large setbacks and avoidance of visual bulk or prominence.
- To respect the neighbourhood character value of heritage places and their landscape setting.
- To encourage development that reflects a lightweight coastal image, avoids design repetition and blends with the vegetation using subtle, neutral and unobtrusive colours.
- To ensure that buildings sit below ridgelines and the tree canopy when viewed from the Great Ocean Road or any other significant viewing points.
- To ensure that buildings are sited and designed to avoid and/or minimise removal of native vegetation.
- To retain space around buildings to provide sufficient room for the retention of vegetation and landscaping, particularly to the front and rear of a development.
- To maintain, to a reasonable level, the residential amenity derived from the availability of views of landscape features, privacy and access to sunlight.
- To achieve a reasonable sharing of views of significant landscape features, including views of the ocean and coastal shoreline, the Erskine River and natural bushland in the hinterland.
- To encourage accessways and other infrastructure that has an informal, vegetated appearance that sits naturally in the landscape.
- To ensure dwelling densities are consistent with the subdivision requirements of Schedule 12 to the Design and Development Overlay.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

SURF COAST PLANNING SCHEME

3.0

27/05/2019
C131surf

Permit requirement

A permit is required to:

- Construct an outdoor swimming pool associated with a dwelling.
- Construct or extend an outbuilding normal to a dwelling.

Application requirement

An application for buildings and works, other than minor alterations to existing buildings, must include the following information, as appropriate:

- Details of the type and colour of all external building materials.
- A landscape plan that shows:
 - The location of existing vegetation that is to be retained and removed.
 - Planting in accordance with the requirements of this schedule, using species predominantly selected from the 'Indigenous Planting Guide (2003)', with emphasis on canopy vegetation.
 - A detailed planting schedule, which includes the botanical and common name, height and spread at maturity, quantity and size at planting.
 - The replacement of environmental weeds listed in the incorporated document '*Environmental Weeds – Invaders of our Surf Coast*' (2nd Edition, 2002).
- A report that details:
 - The structure, health and species of native vegetation on site
 - The expected impact of proposed works on native vegetation that is proposed to be retained in a development, and recommended measures to suitably protect retained trees from damage during the proposed works.
 - Recommended means of retaining mature trees as a preference to removal.
- Where a site has a slope exceeding 25%, a geo-technical report that addresses where relevant:
 - Potential for erosion, susceptibility to landslide or other land degradation.
 - The need to stabilise disturbed areas by engineering works or re-vegetation.

4.0

10/10/2013
678P
Proposed C140surf

Modification to Clause 54 and Clause 55 standards

Standard	Modified requirement		
A3/B6	Street setback		
	Walls of buildings should be set back from streets the distance specified in the Street Setback Table below.		
	Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
	If the street is Great Ocean Road, Ocean Road, Ocean Road South or Mountjoy Parade.	9 metres	9 metres
A4/B7	For other streets.	The street boundary setbacks of Standard A3 and B6 apply.	The street boundary setbacks of Standard A3 and B6 apply.
	The maximum building height should not exceed 7.5m.		
A5/B8	Site coverage		

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SURF COAST PLANNING SCHEME

Standard	Modified requirement
	<p>The area of a lot covered by buildings should not exceed 35 per cent.</p> <p>The plot ratio of a building should not exceed 0.5.</p>
A8	<p>Significant trees</p> <p>At least 50 per cent of a lot should be available for the planting of vegetation (excludes driveways and tennis courts of all surface types).</p> <p>An area of 100m², with a minimum dimension of 8 metres, should be provided for vegetative landscaping that includes canopy trees.</p> <p>Sites, in particular the front and rear building setback areas, should be landscaped in a manner that places buildings in a bushland setting, softens the appearance of buildings in the streetscape and from adjoining properties and complimentscomplements the character of the town.</p> <p>A group of canopy trees should be planted on each lot with at least two in the front building setback area.</p>
B13	<p>Landscaping</p> <p>In addition to the requirements of clause 55.03-8:</p> <ul style="list-style-type: none"> At least 50 per cent of a lot should be available for the planting of vegetation (excludes driveways and tennis courts of all surface types). An area of 100m² per dwelling with a minimum dimension of 8 metres, must be provided for vegetative landscaping that includes canopy trees. Sites, in particular the front and rear building setback areas, should be landscaped in a manner that places buildings in a bushland setting, softens the appearance of buildings in the streetscape and from adjoining properties and complimentscomplements the character of the town. A group of canopy trees should be planted on each lot with at least two in the front building setback area.
B15	<p>Parking</p> <p>In addition to the requirements of clause 55.03-10:</p> <ul style="list-style-type: none"> Any new undercover or enclosed car parking space should be sited behind the main building façade. Only one single-width vehicle crossover providing access to parking for a dwelling should be provided to each lot.
A11/B18	<p>Walls on boundaries</p> <p>In addition to the requirements of clauses 54.04-2 and 55.04-2:</p> <ul style="list-style-type: none"> A new wall should not be located on a side or rear boundary.
A19 and B31	<p>Design detail</p> <p>In addition to the attributes in clauses 54.06 and 55.06:</p> <ul style="list-style-type: none"> The design of buildings should reflect the preferred neighbourhood character attributes, including: <ul style="list-style-type: none"> Landscape setting Building massing Height Colours, materials and finishes Space around buildings and setbacks. Buildings should reference the attributes of classic beach houses and display a coastal design style of architecture. Any new undercover or enclosed car parking space should be sited behind the main building façade.

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SURF COAST PLANNING SCHEME

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Development will not be supported unless it is demonstrated that a treed setting character is reinforced or re-established.
- Applications for more than one dwelling will not be supported unless it can be shown that the development can be subdivided in accordance with the subdivision requirements of Schedule 12 to the Design and Development Overlay (clause 43.02).

Building setbacks

- Whether the setback of a building from a boundary should be varied to avoid and minimise the removal of native vegetation.
- Whether the setback of a building from a boundary should be varied because of topographical or other physical constraints of the land.
- The need to maintain a sense of space and separation between buildings, including within multi-dwelling developments.

Building height

- Whether buildings should be designed to step down the slope on steep sites to reduce overall building height and bulk.
- Whether a lesser building height is required so that the building does not:
 - Protrude above ridgelines to form a silhouette against the sky when viewed from the Great Ocean Road or any significant public viewing point.
 - Project above the existing or reinstated tree canopy so as to be prominent in the landscape.
- Whether a greater building height is reasonable due to the physical constraints of the site while ensuring that the greater height will not result in reduced residential amenity by loss of views, overlooking or overshadowing.

Site coverage

- Whether a lesser site coverage is required to avoid and minimise the removal of native vegetation.
- Whether a greater site coverage is reasonable so as to reduce the overall visual bulk, height or prominence of buildings.

Landscaping

- The extent to which the landscaping of the site will achieve the effect of:
 - Placing buildings in a bushland setting.
 - Softening the appearance of buildings in the streetscape and from adjoining properties
 - Complimenting the character of the town.
- The appropriateness of reducing the landscape area requirement in order to facilitate increased dwelling diversity in areas within close walking distance of the commercial centre, whilst still providing a high quality landscape outcome.
- The need to ensure that excavation, retaining walls, paths and other ancillary works do not reduce the ability to appropriately vegetate the site.

Parking and access

- The need to ensure that driveways and parking is visually recessive in the streetscape by:

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SURF COAST PLANNING SCHEME

- Discouraging undercover or enclosed car parking forward of the main building façade, with a preference, if required, for open carport structures.
- In multi-dwelling developments and battle-axe subdivisions, encouraging shared driveways.
- Siting driveways and parking so that it can be screened from the street by vegetation.
- Where undercover parking is not proposed, the need to accommodate future demand for undercover parking in a manner that is consistent with the objectives and requirements of this schedule.

Overlooking

- The appropriateness of allowing a greater degree of overlooking in order to maintain the open bushland character of the town.

Design Detail

- The need to avoid boxy building forms, by encouraging buildings with projecting eaves and discouraging parapet walls unless the building form is highly articulated.
- The need to encourage a diversity of built form, particularly in multi-dwelling developments.
- The need to encourage the use of building materials and finishes that result in a lightweight appearance.
- The need to strongly discourage suburban looking buildings and historic replicas.
- The need to encourage the use of building colours that are subtle, neutral, muted, receding and unobtrusive and assist in visually blending the building with the surrounding natural landscape, especially the tree canopy.

View sharing

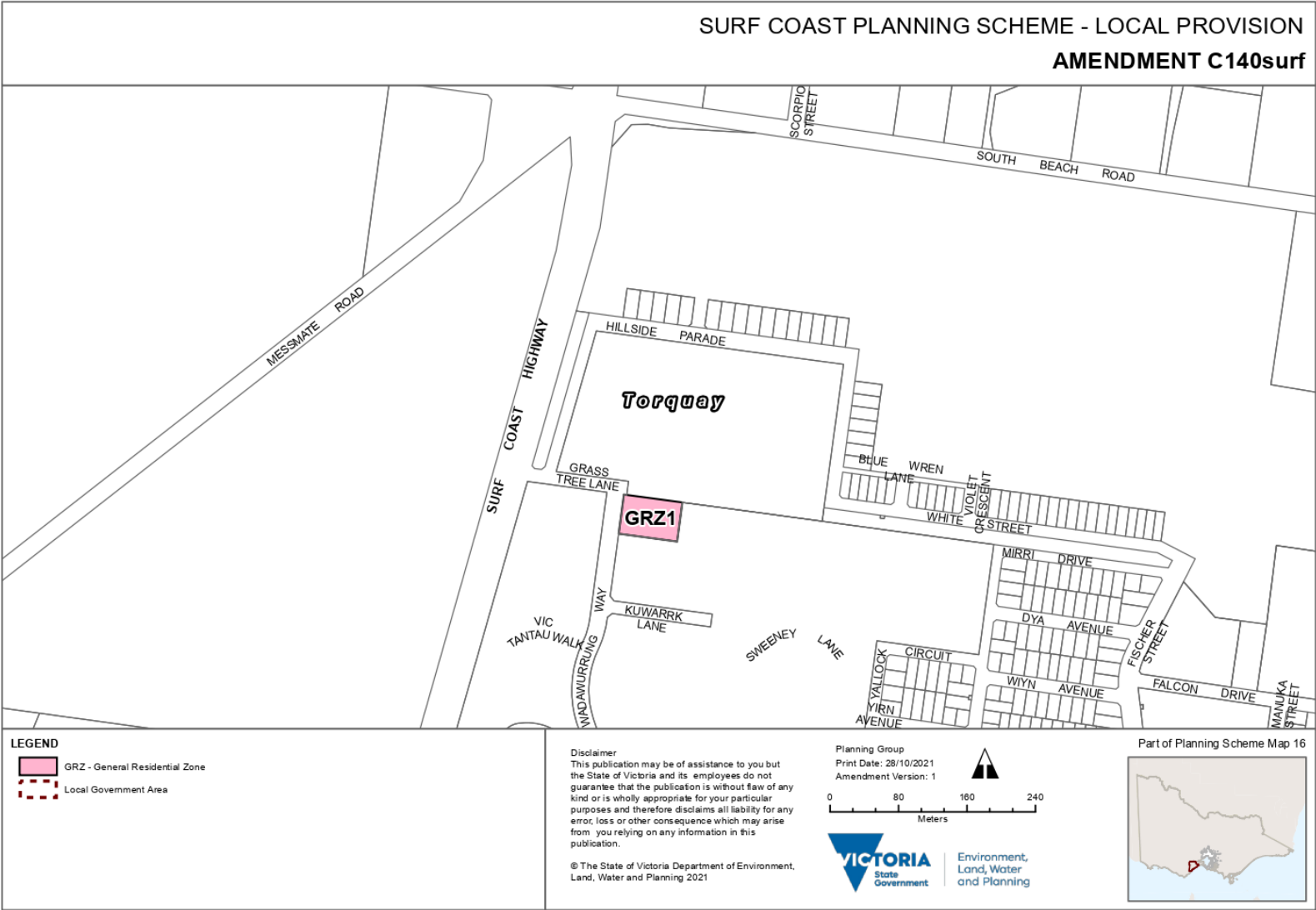
- Whether the development will achieve a reasonable sharing of views from private land, with particular emphasis on significant landscape features, including views of the ocean and coastal shoreline, the Erskine River and natural bushland in the hinterland.
- The appropriate balance between affording views from individual properties with the protection of the landscape character of the town and the visual appearance of the town from public viewing points.

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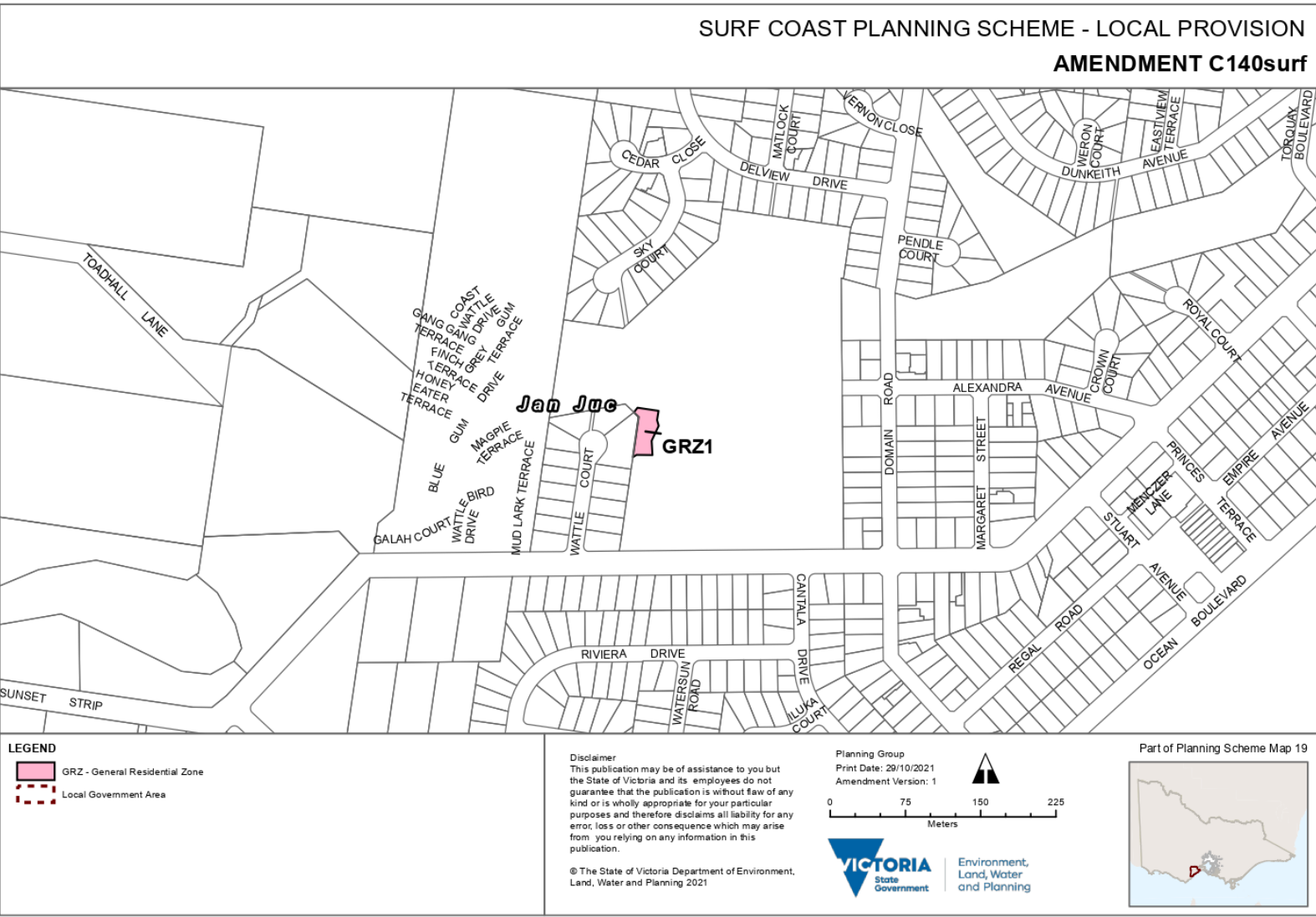
APPENDIX 2 MAPS

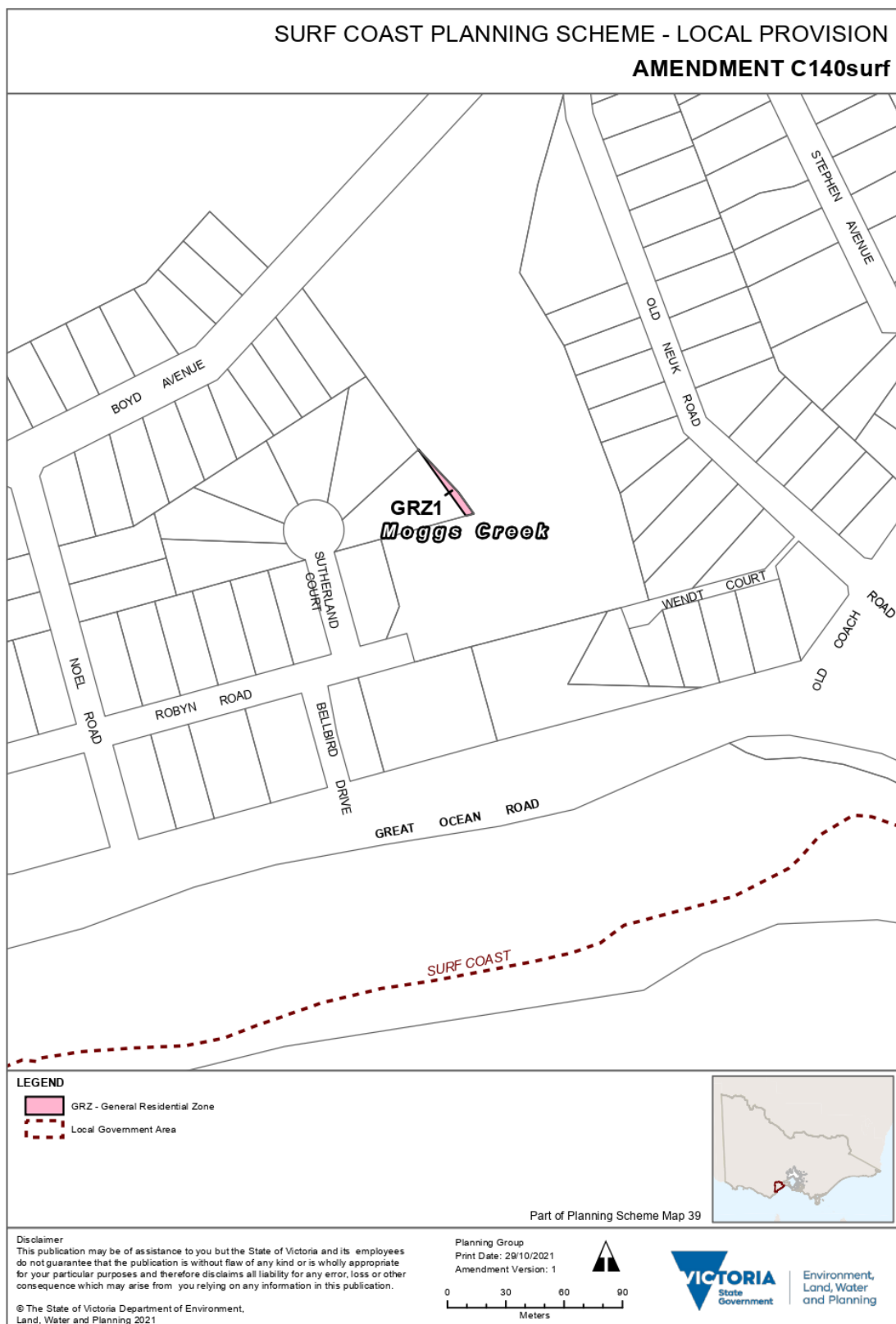


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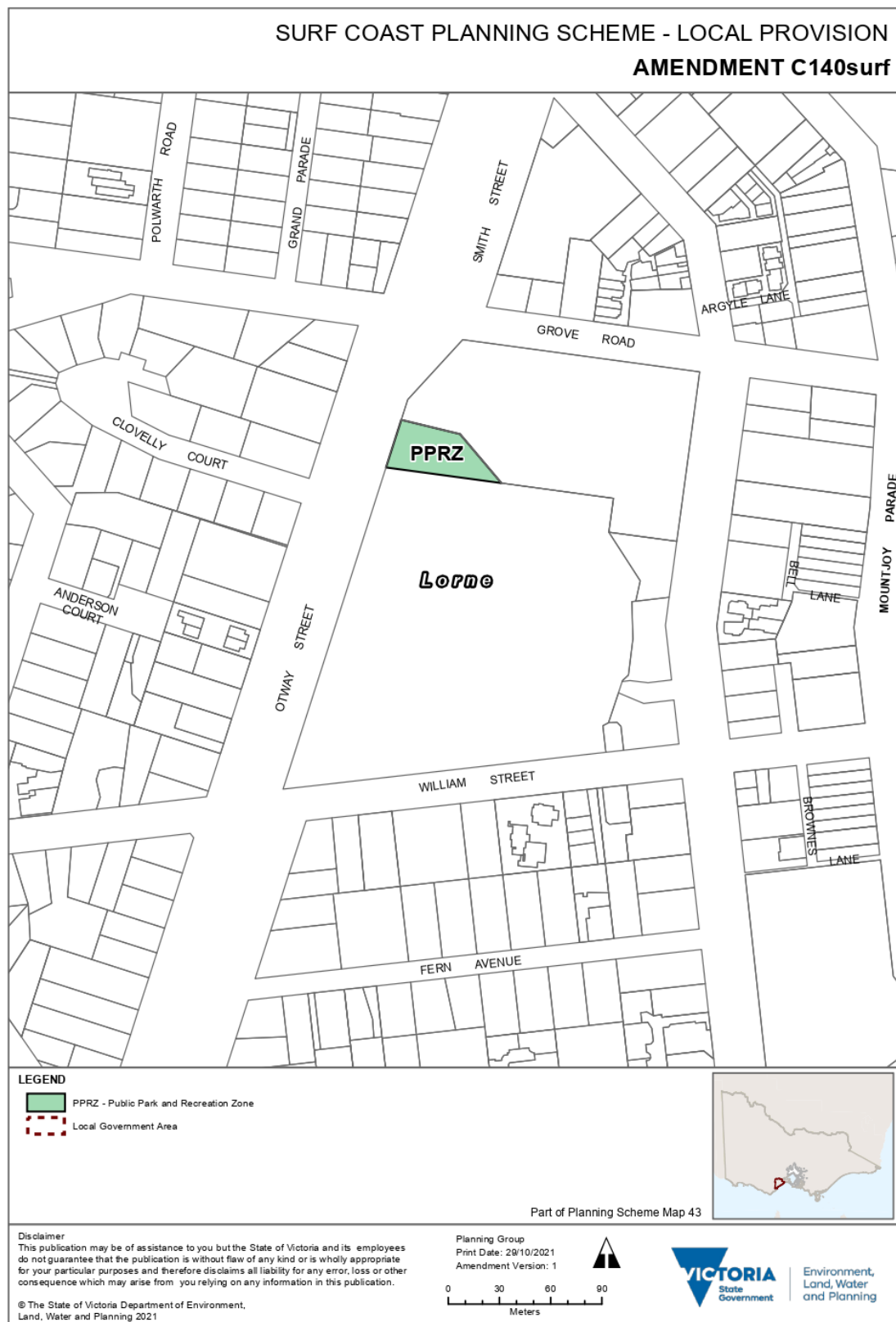


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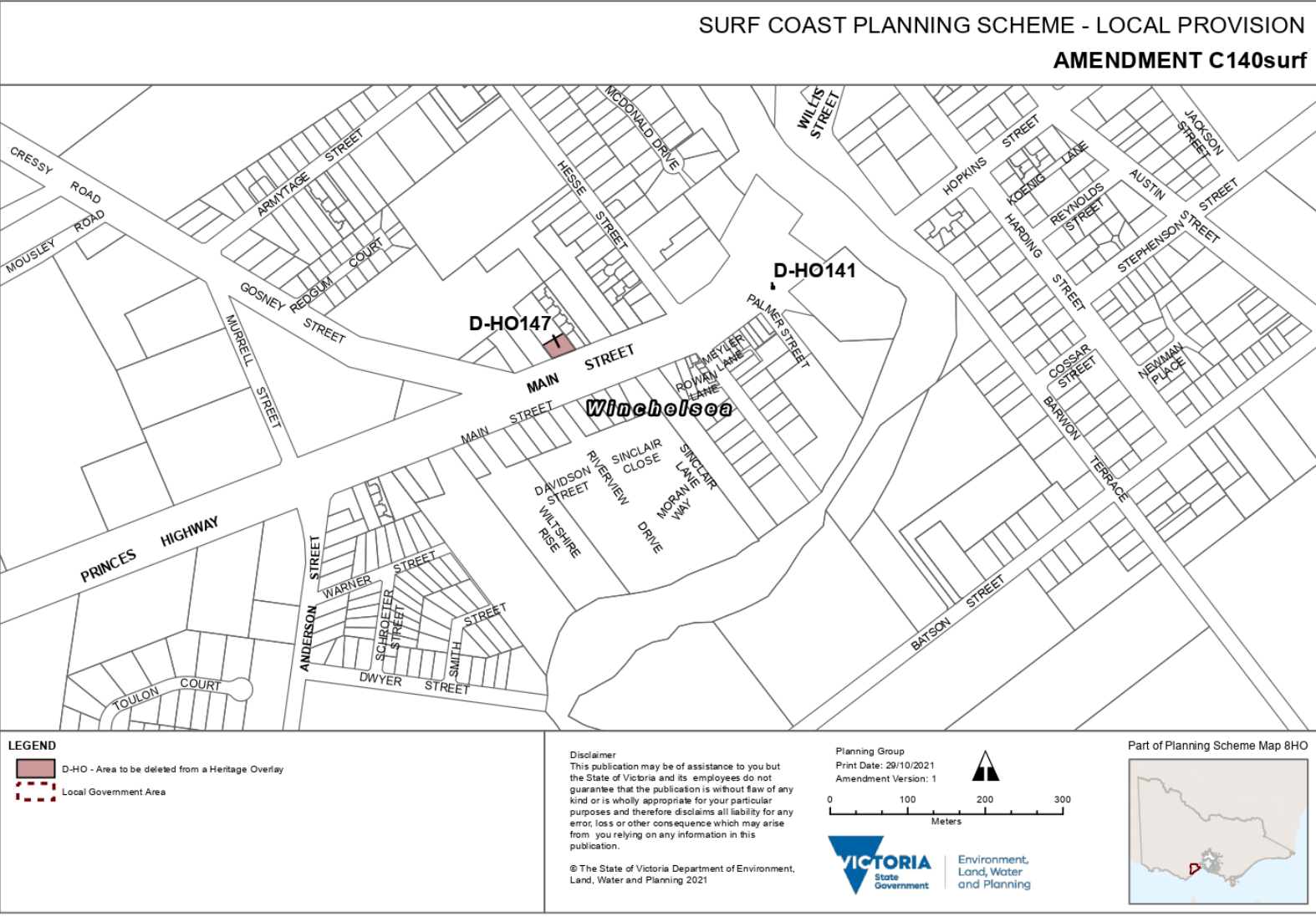


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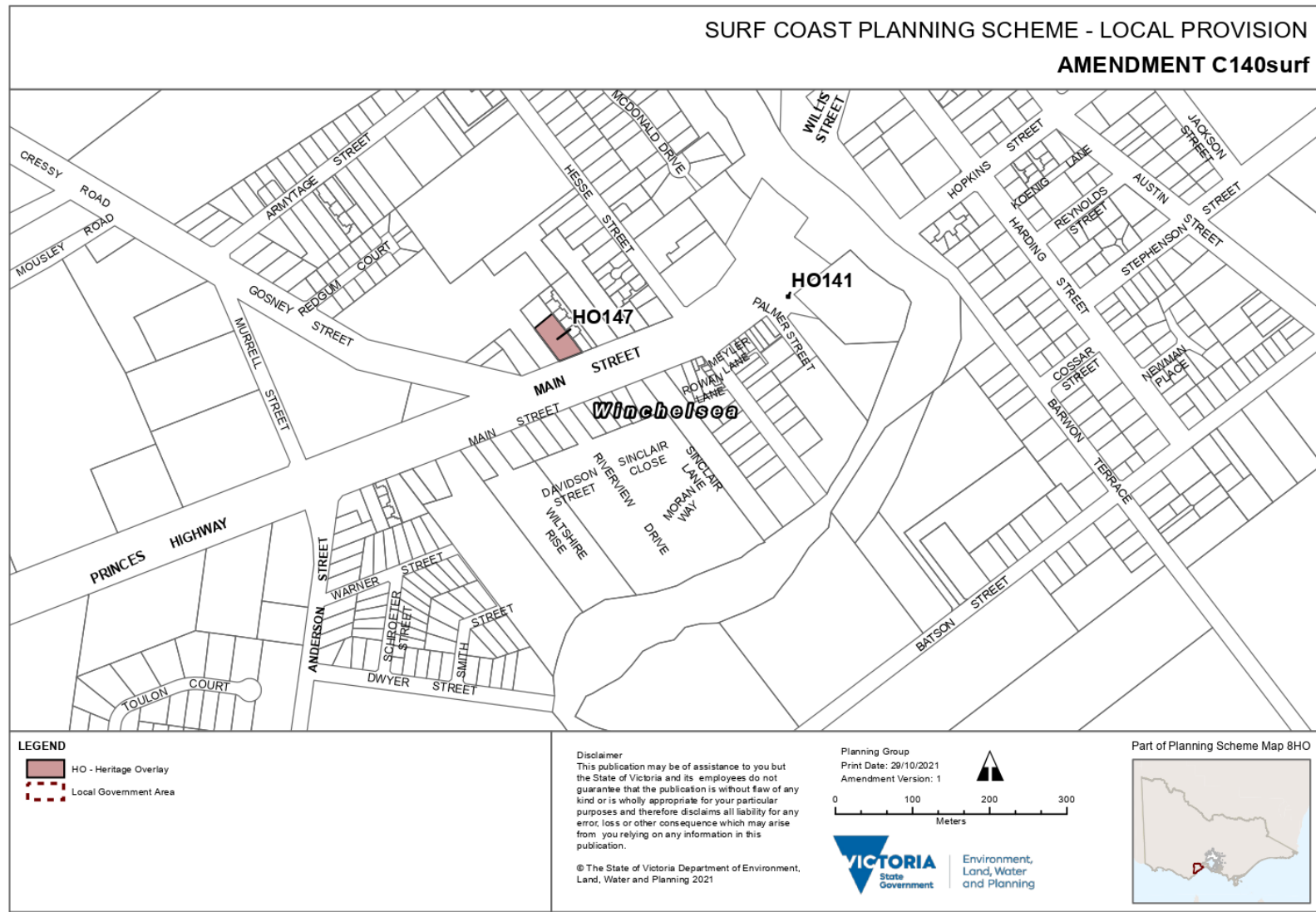


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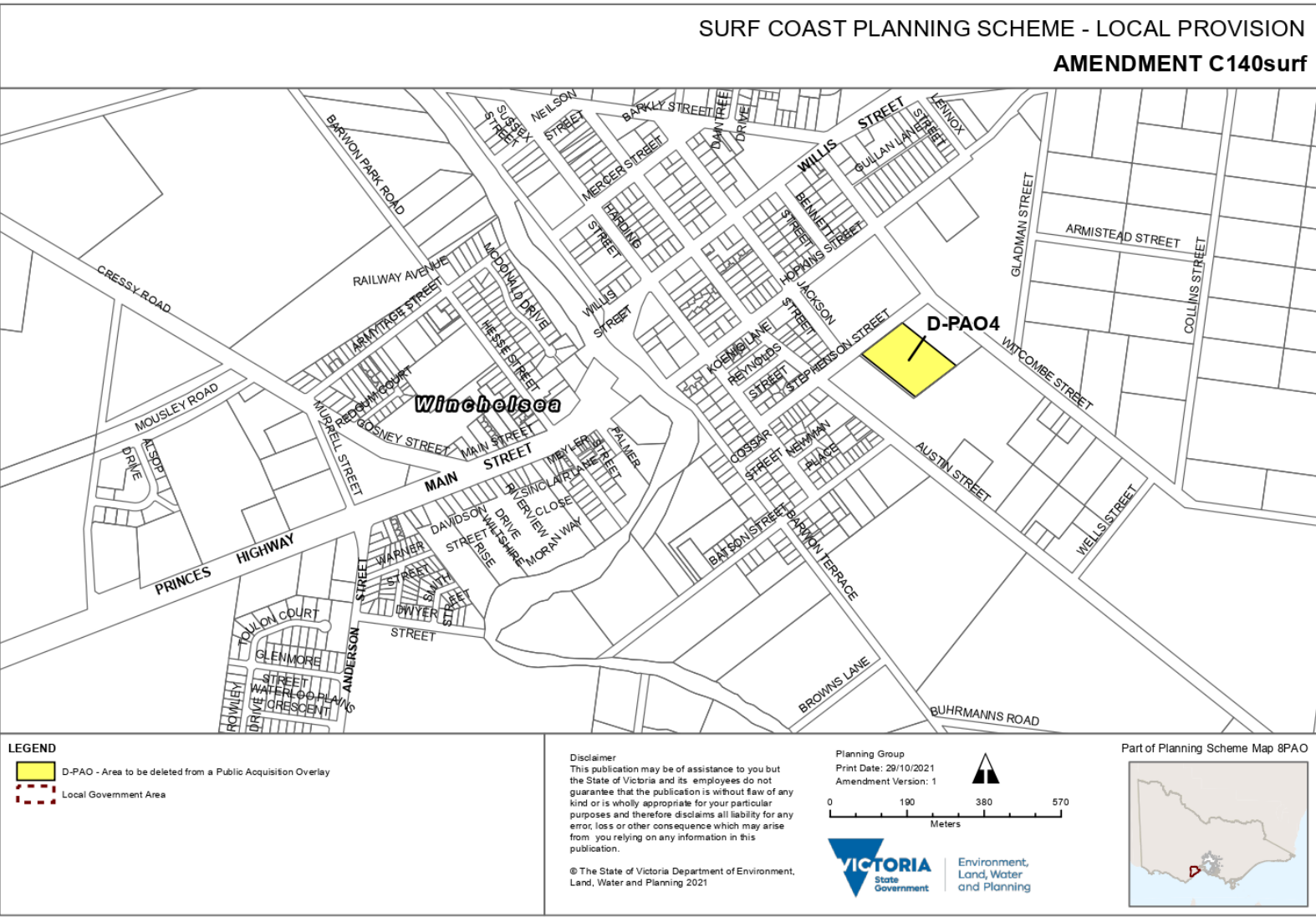




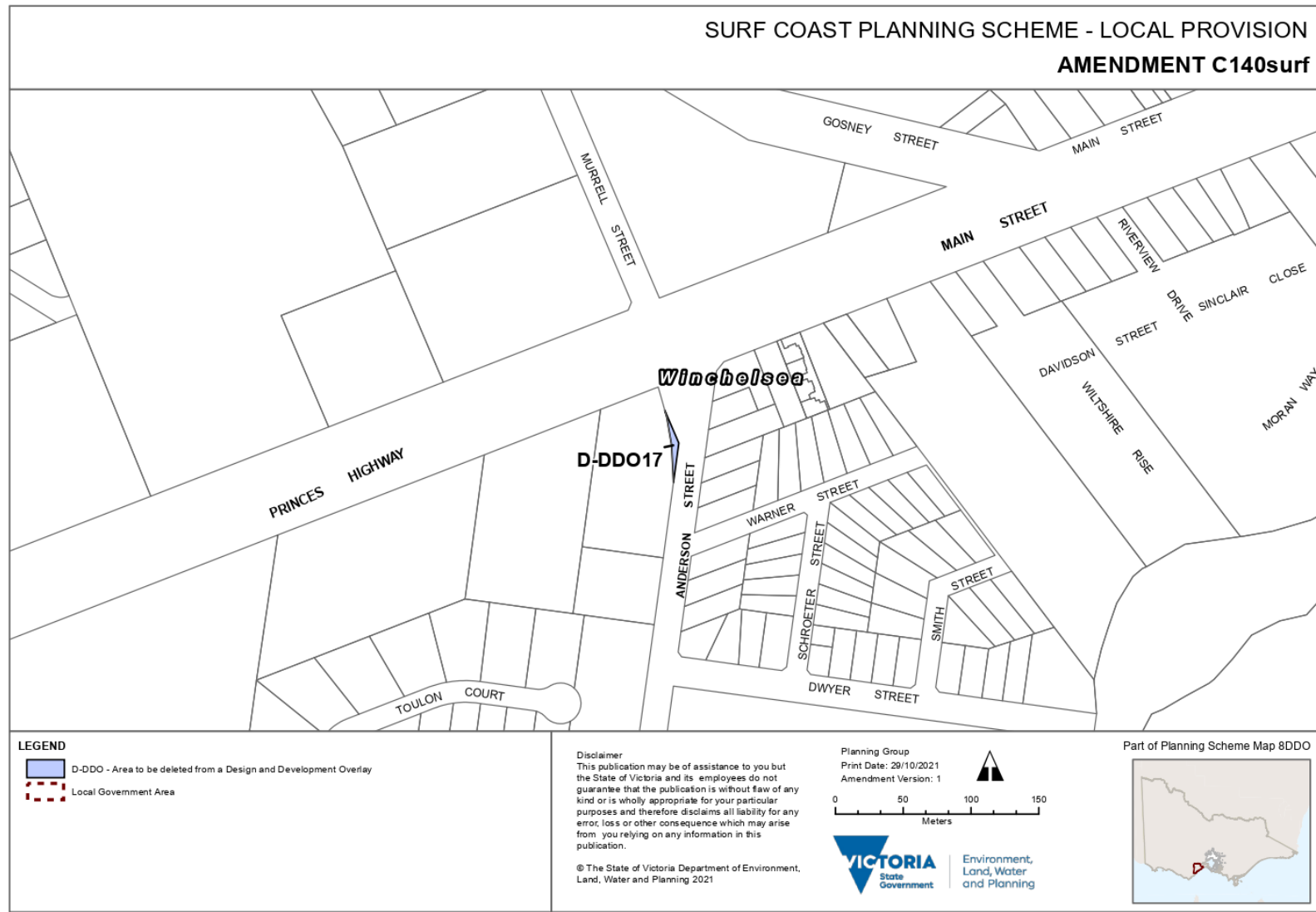
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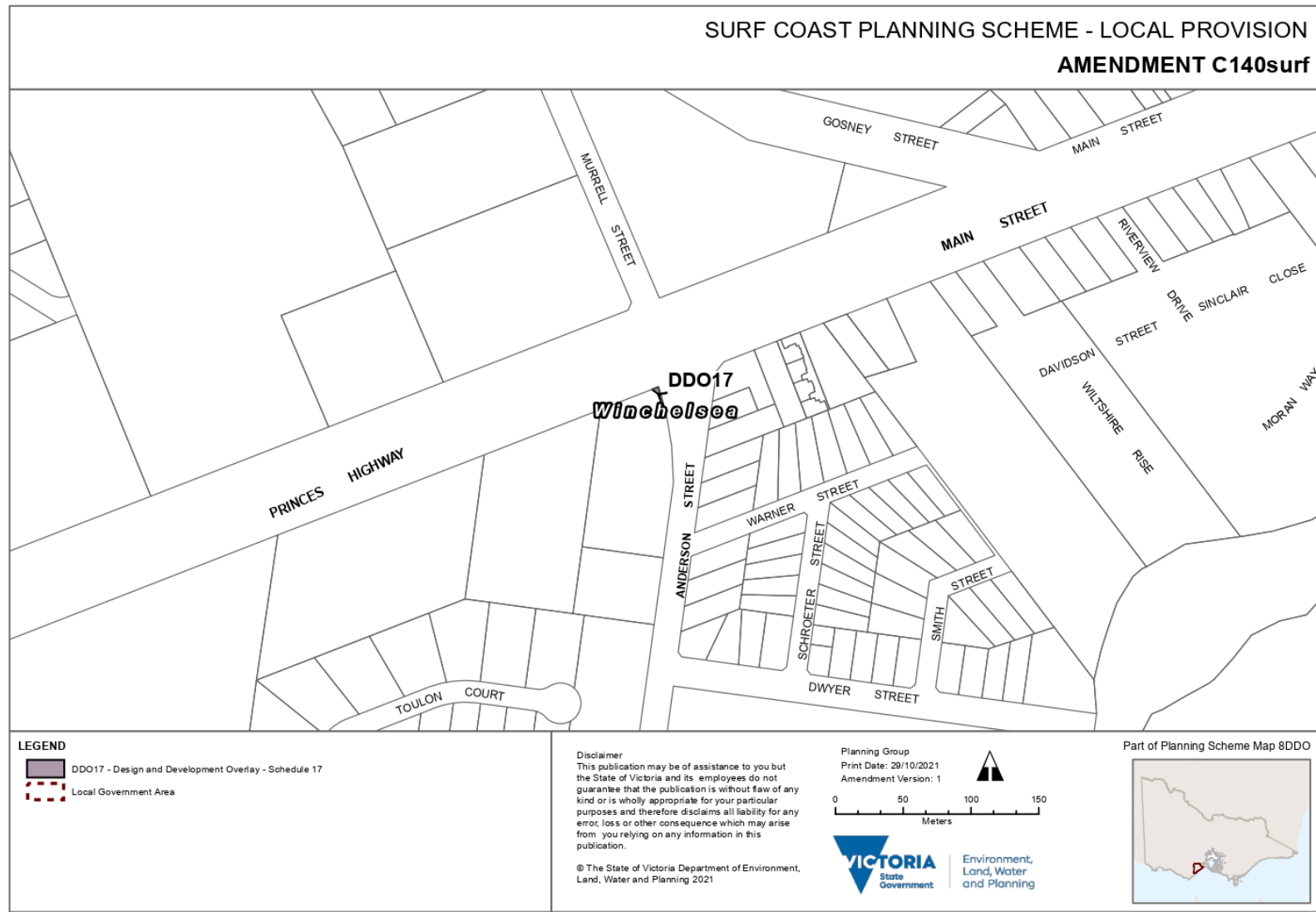
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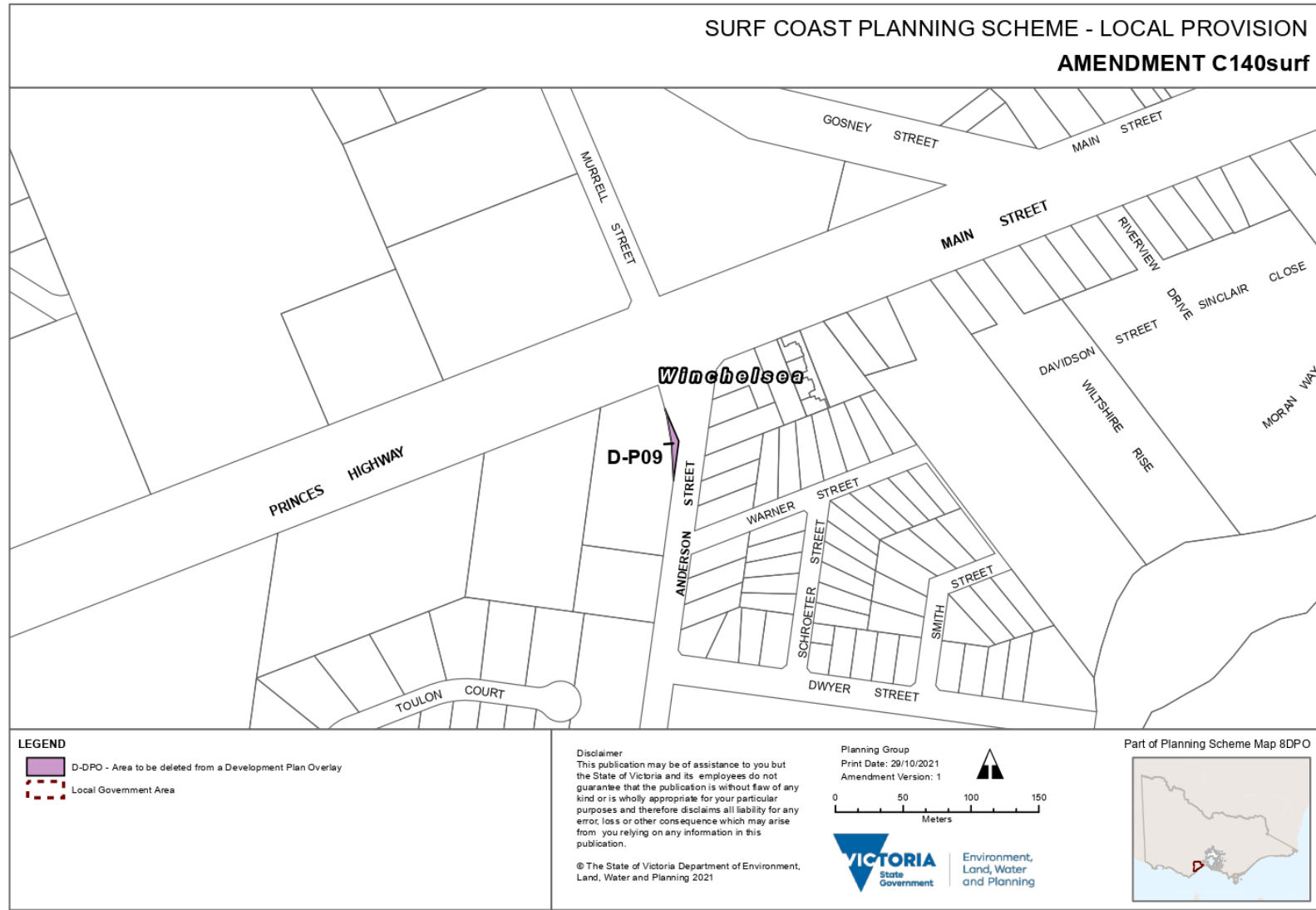
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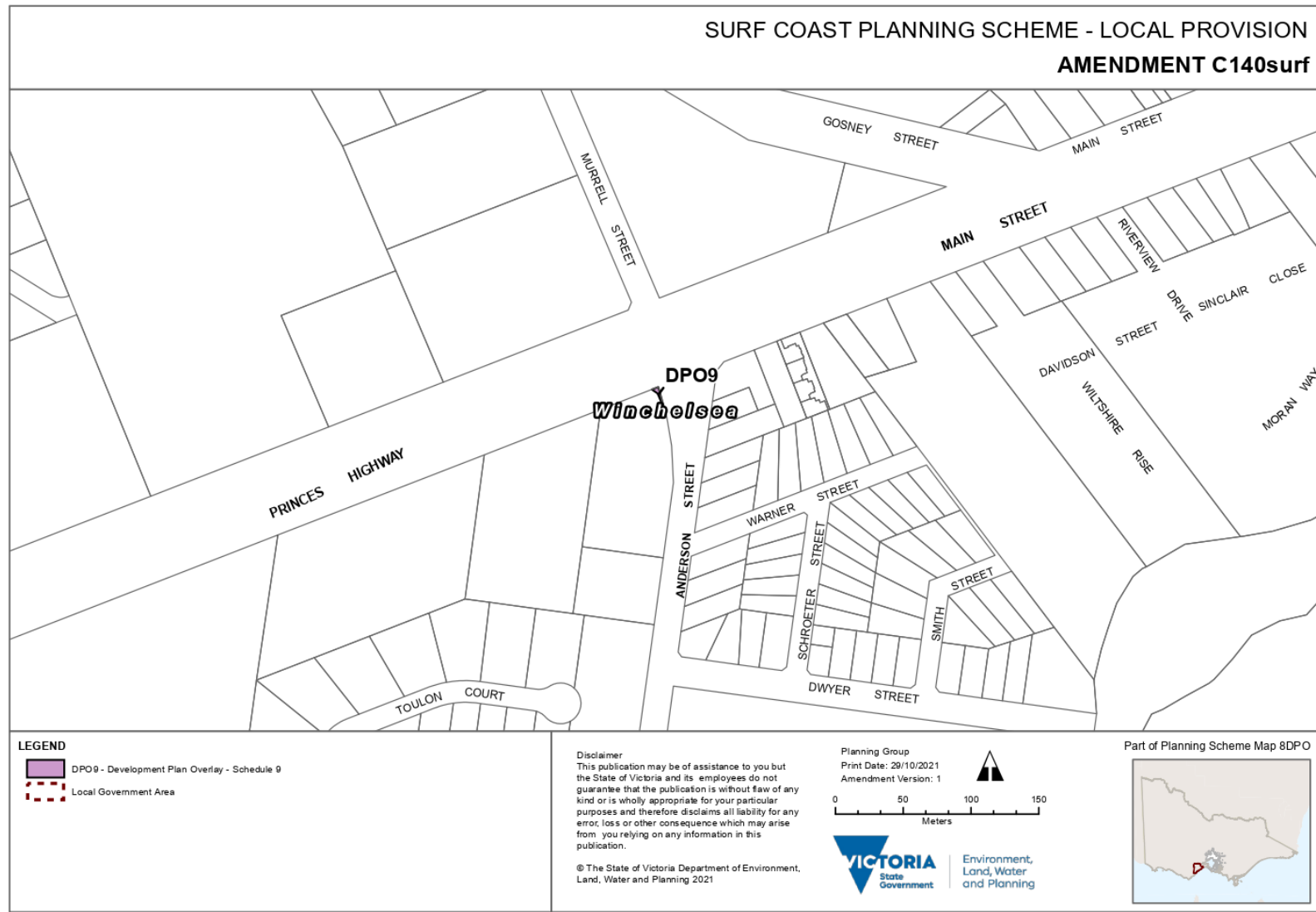
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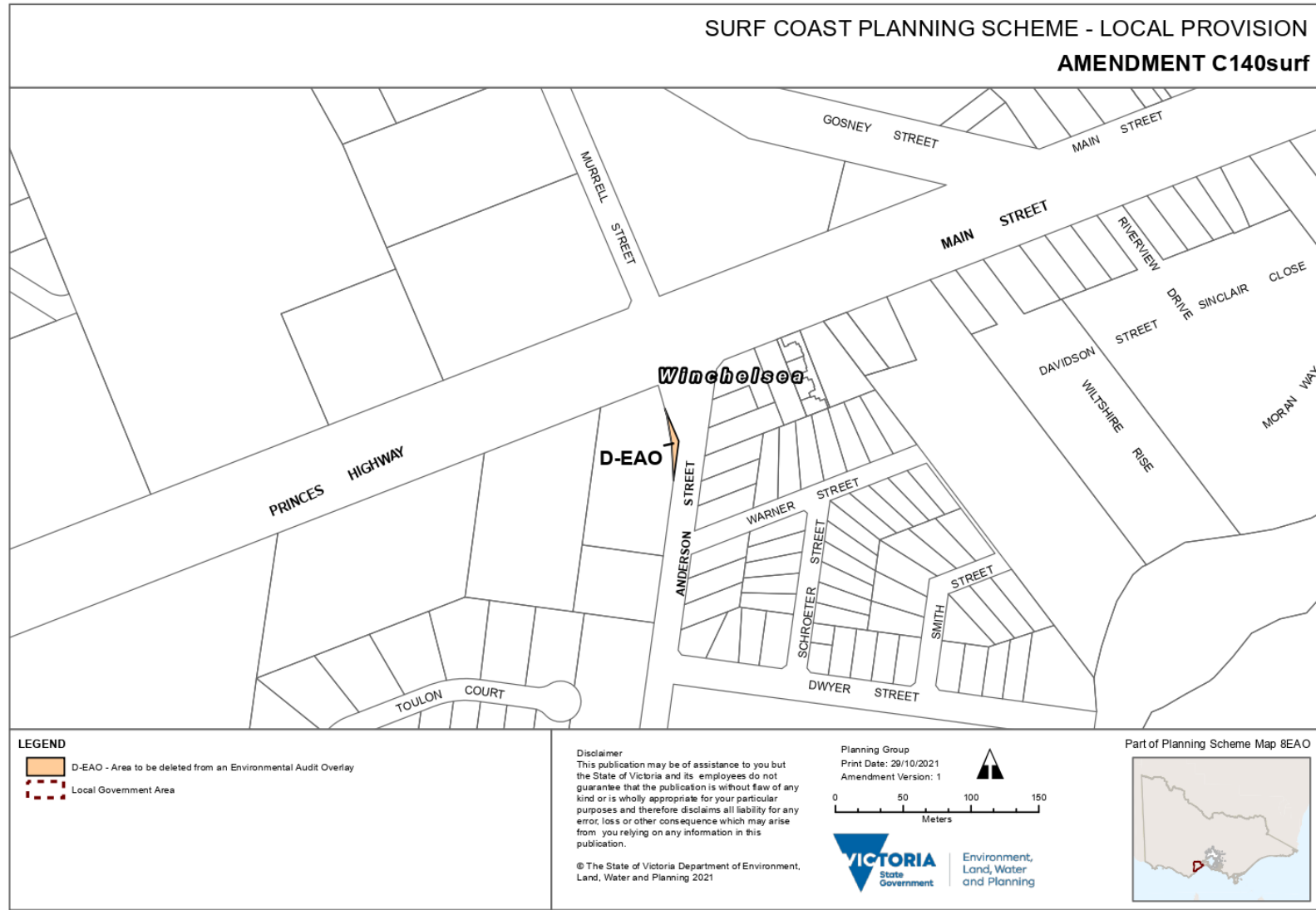
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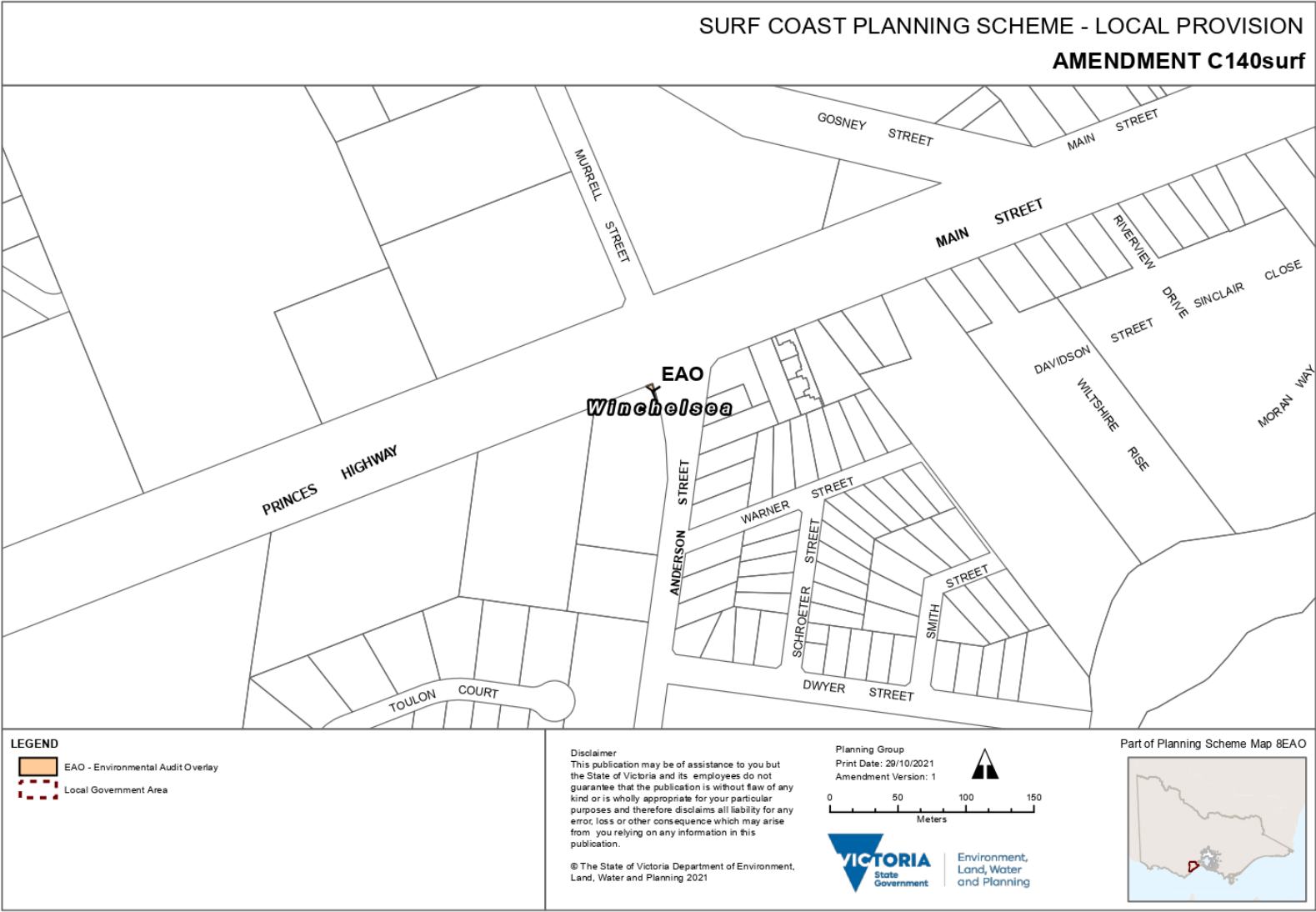
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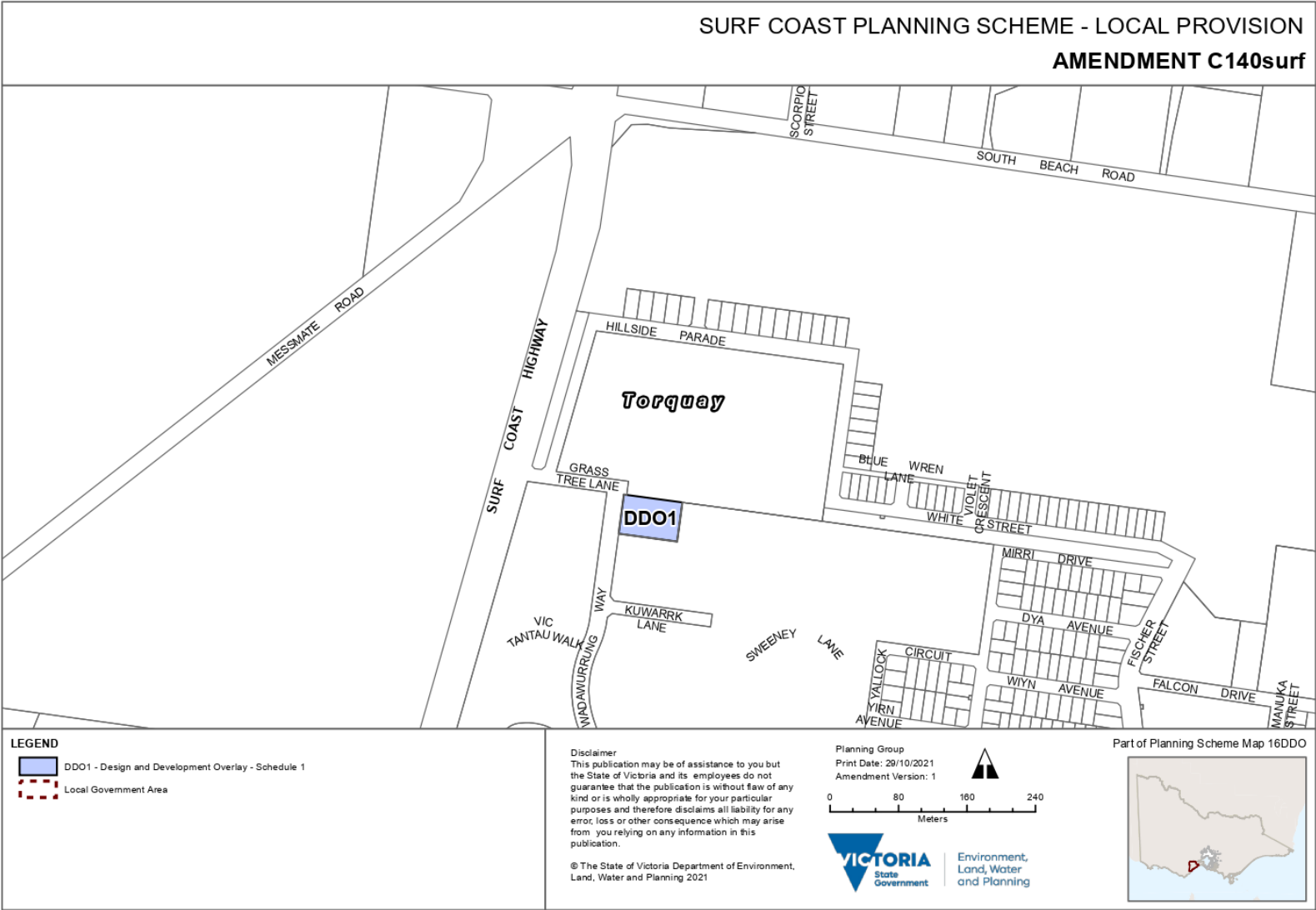
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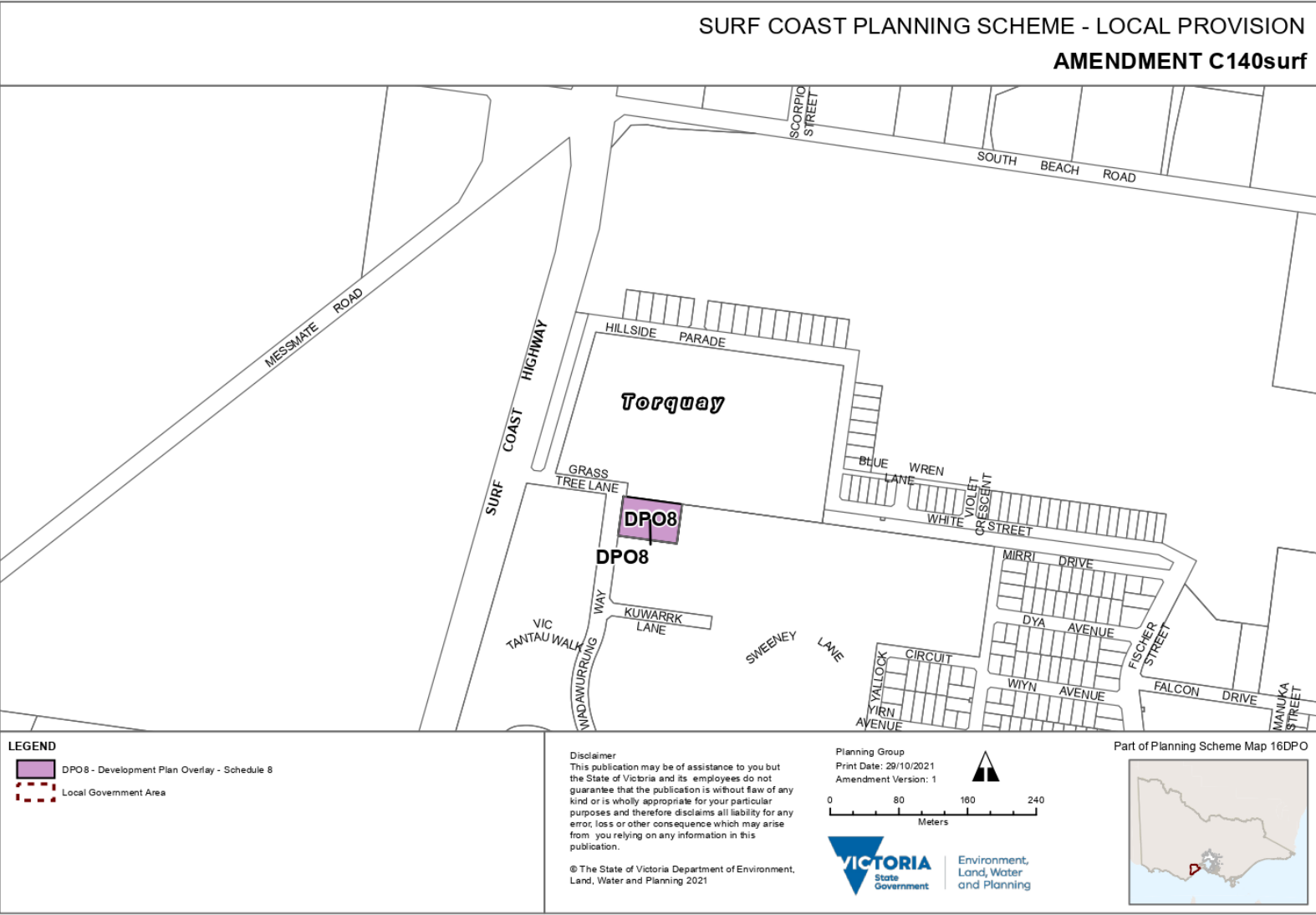
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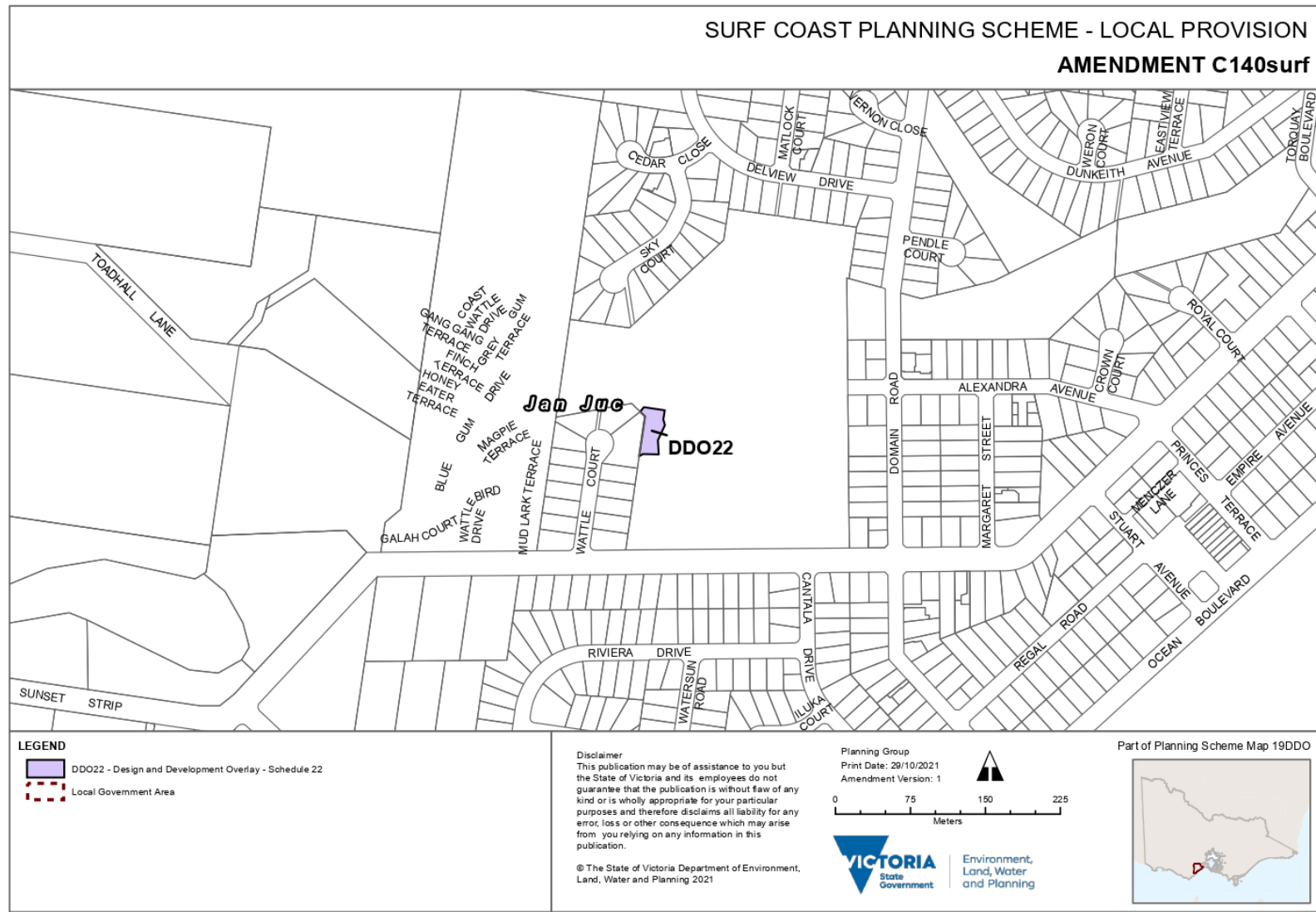
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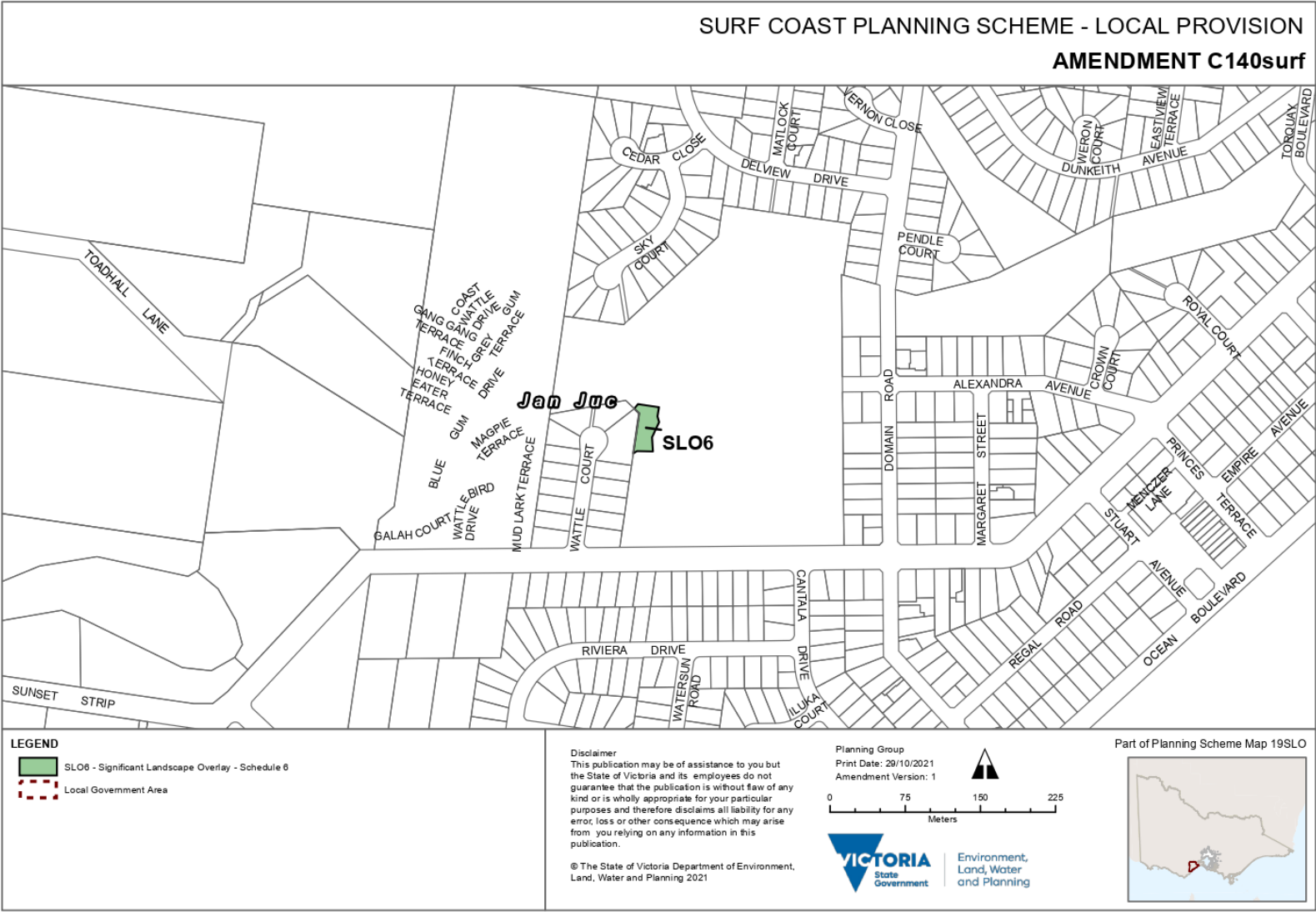
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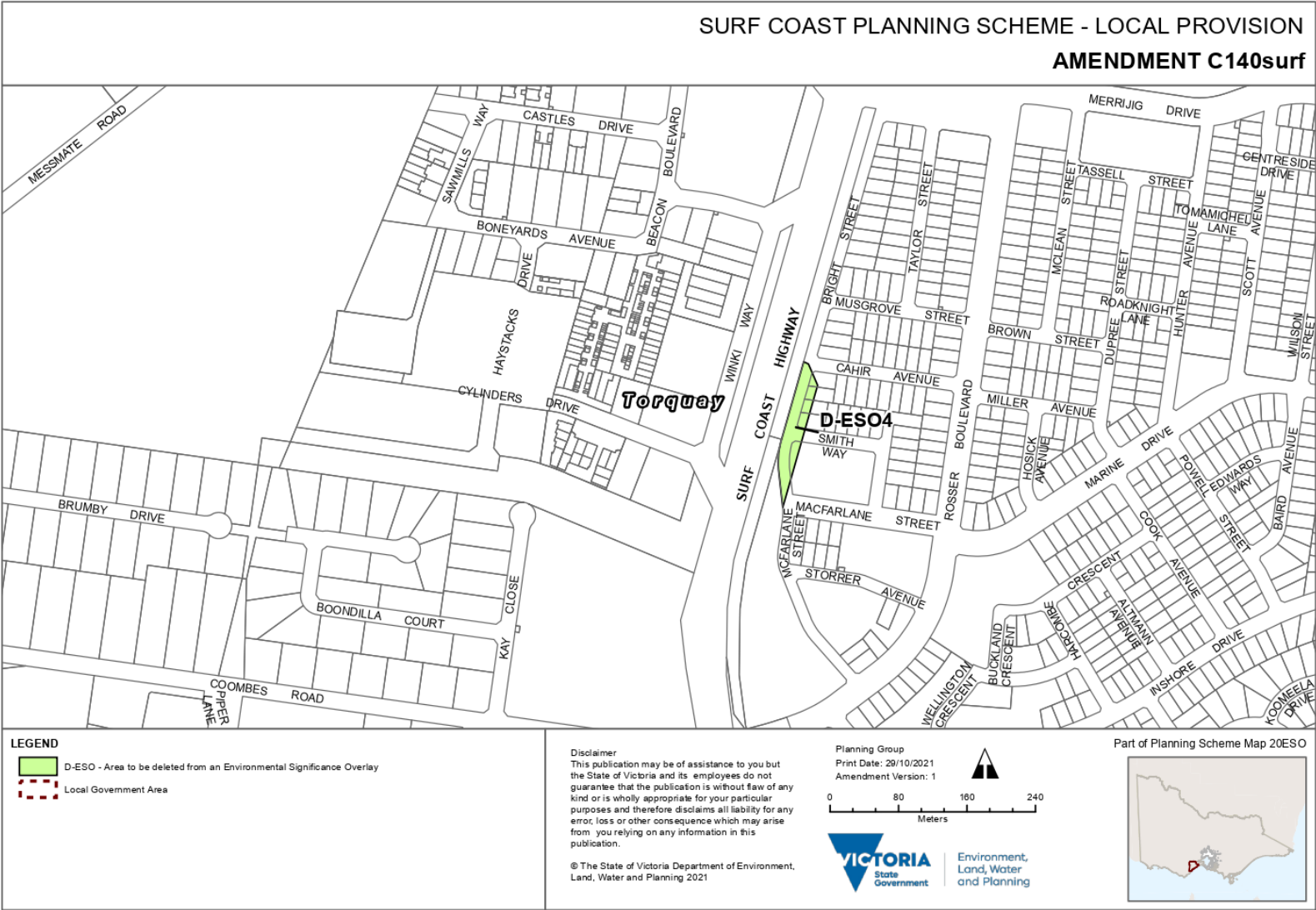
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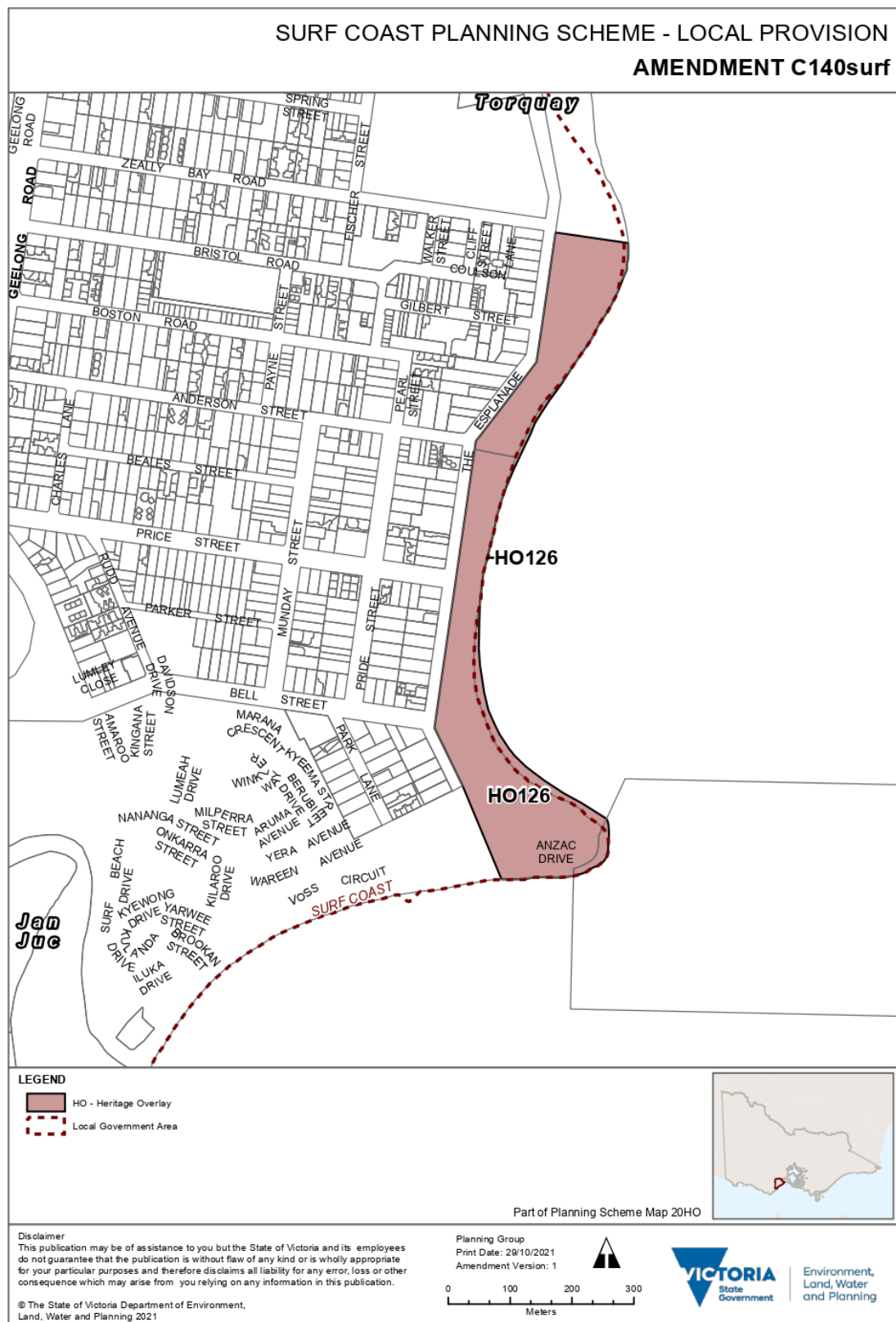


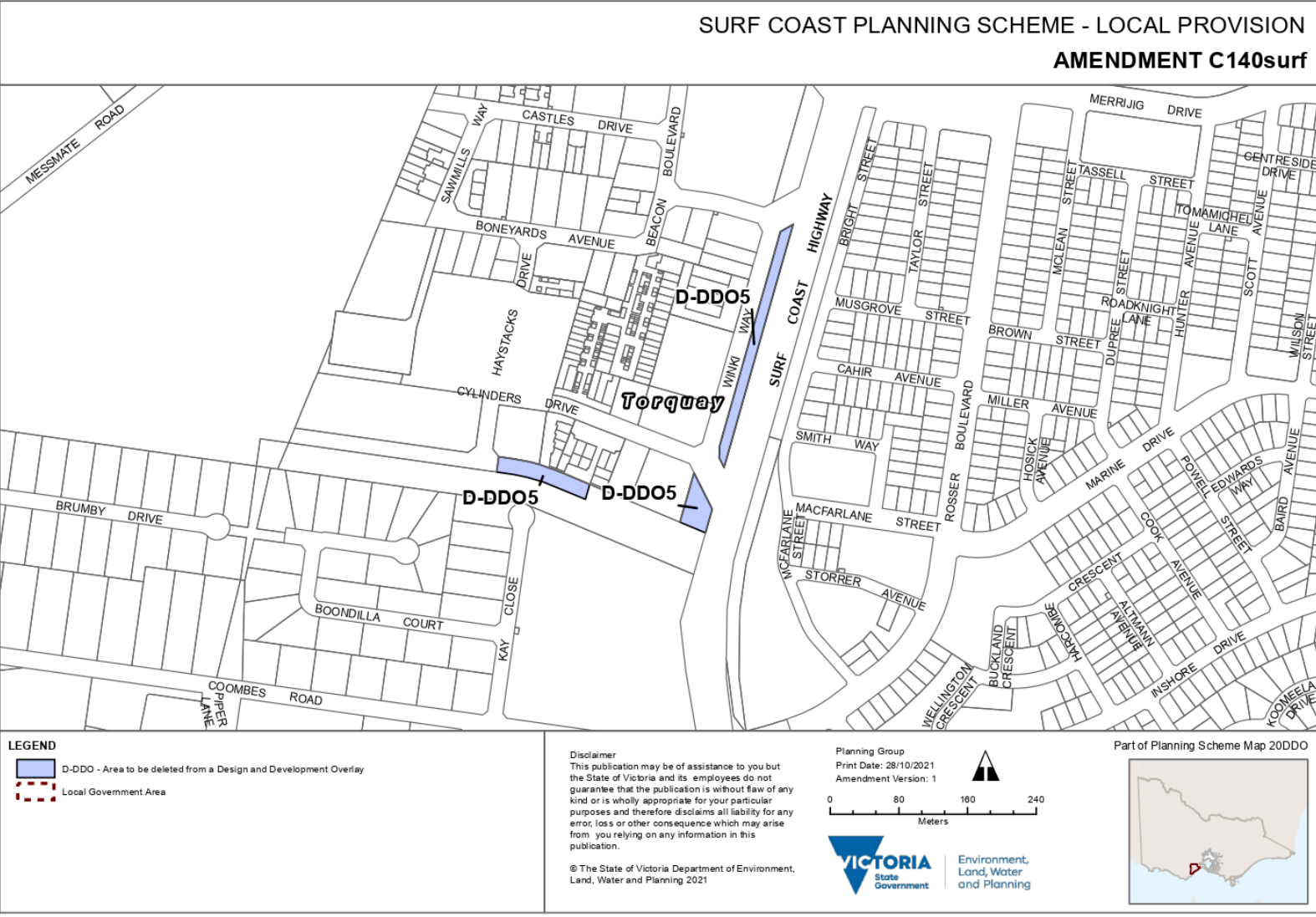
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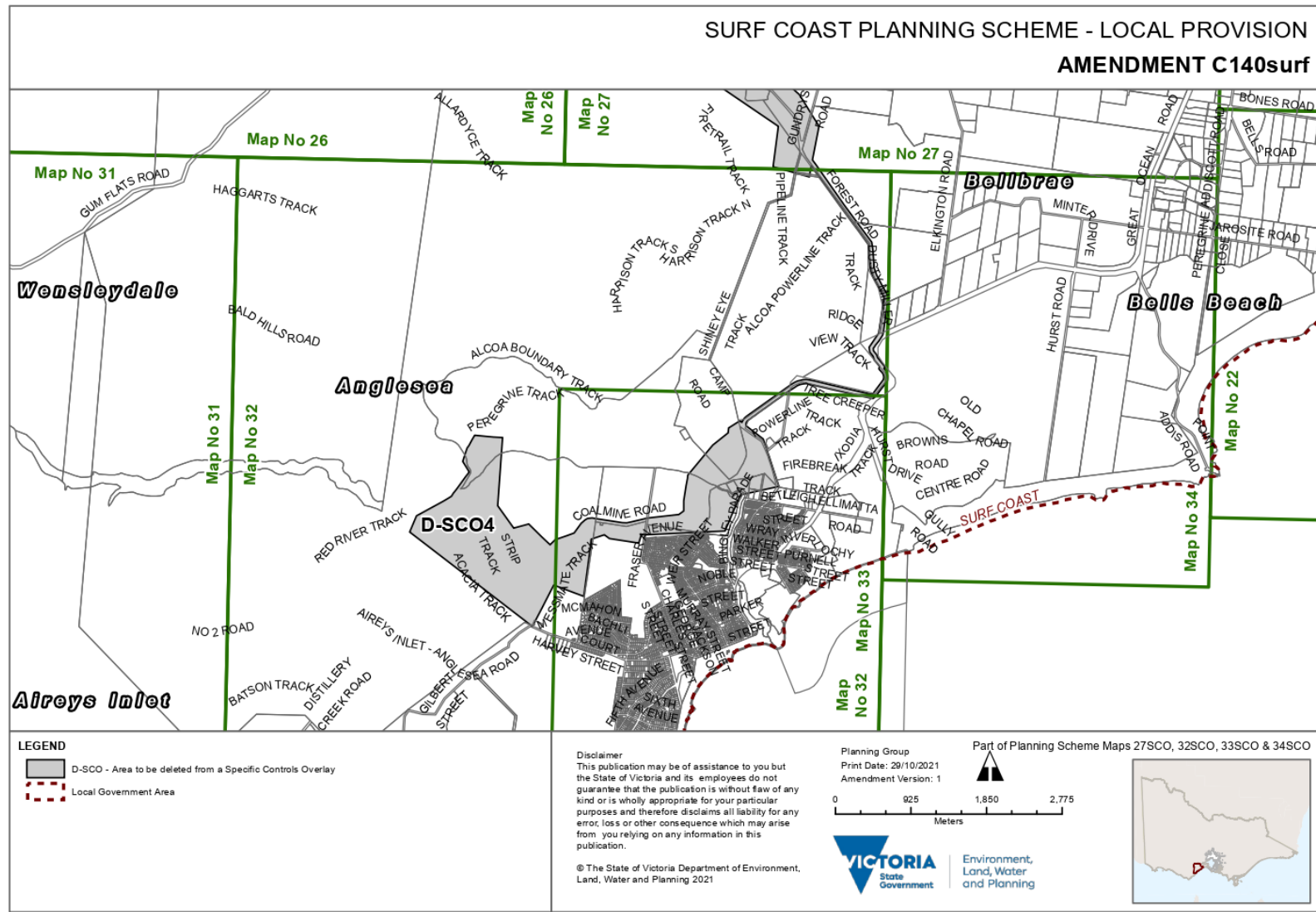


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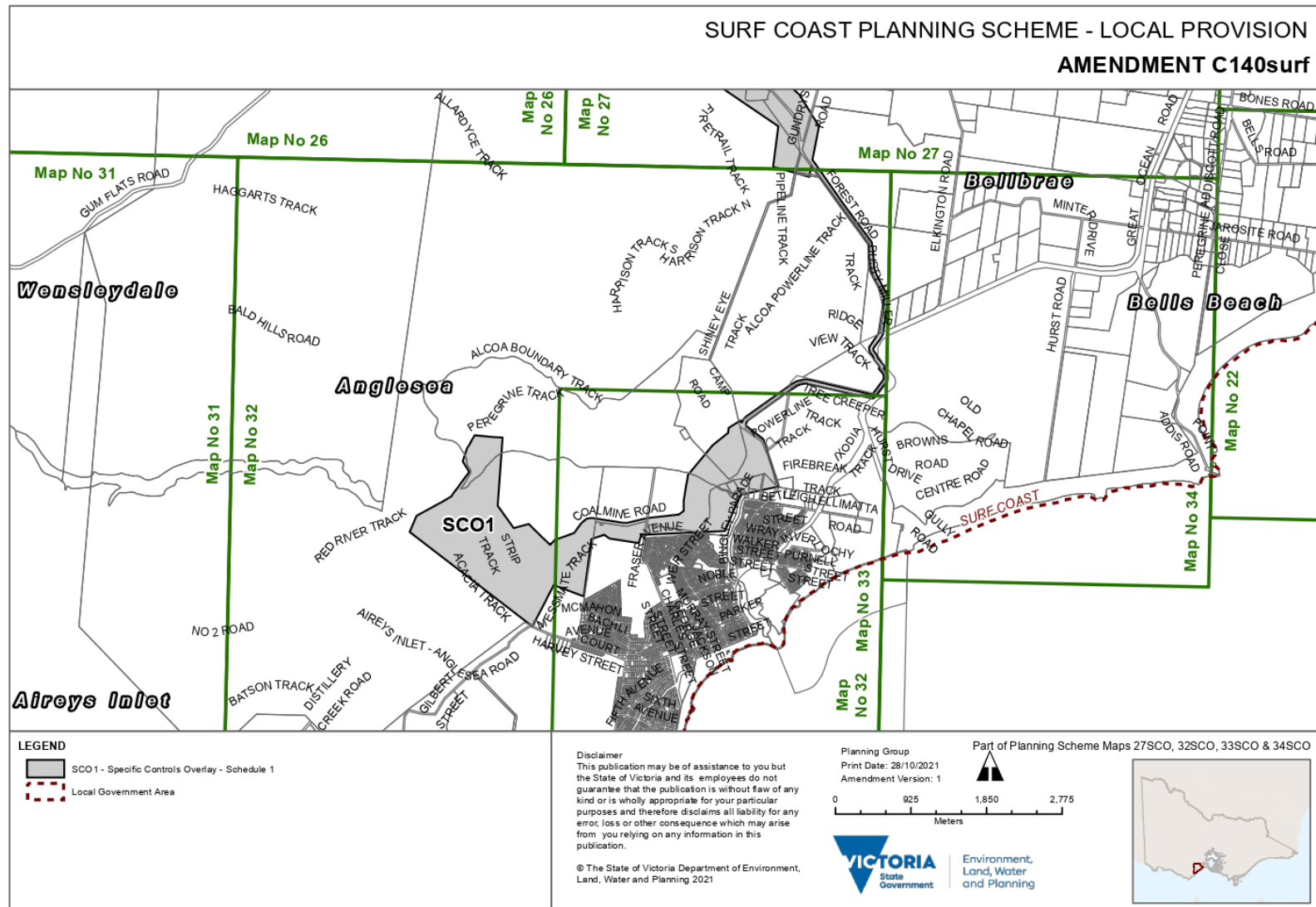




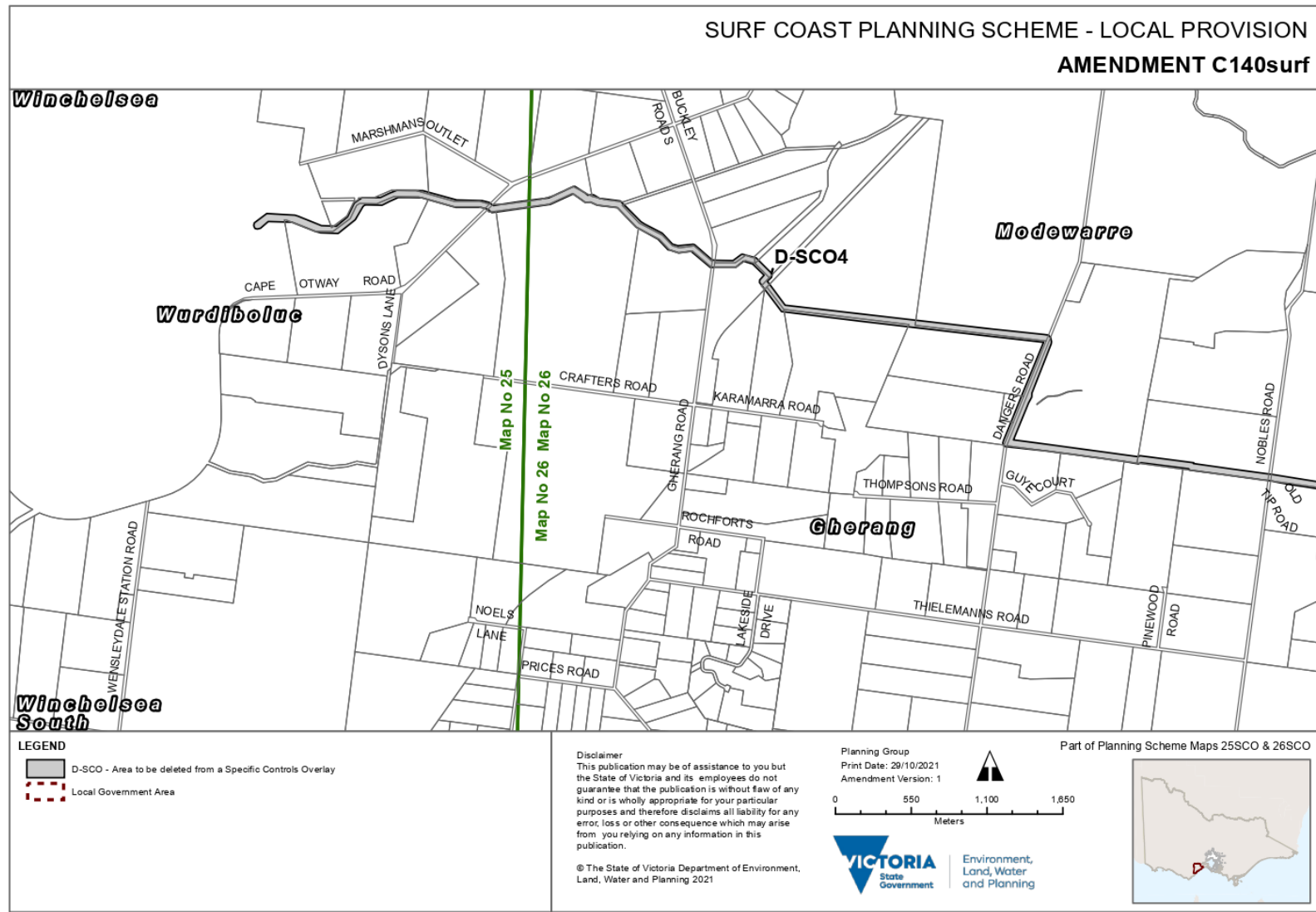
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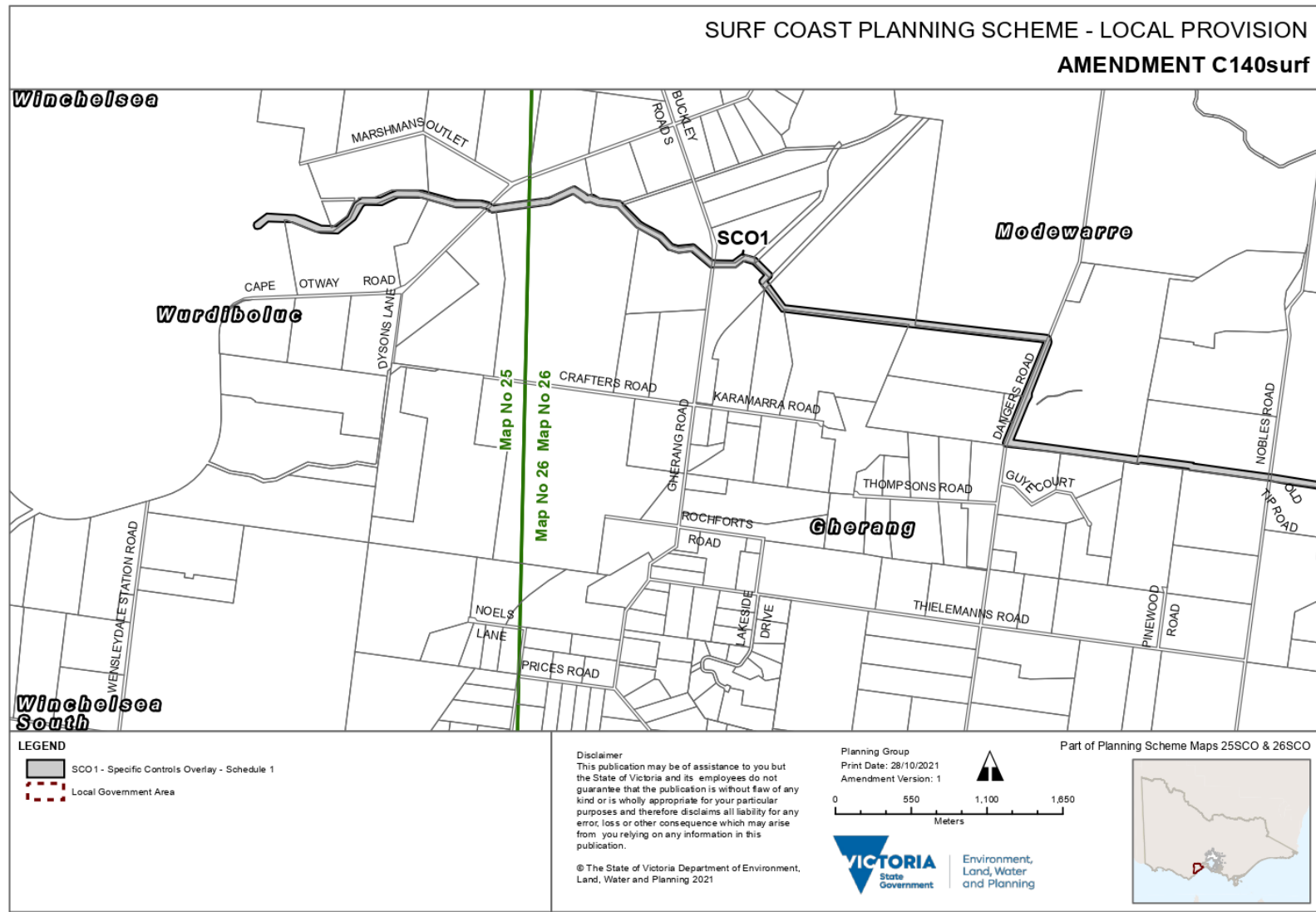
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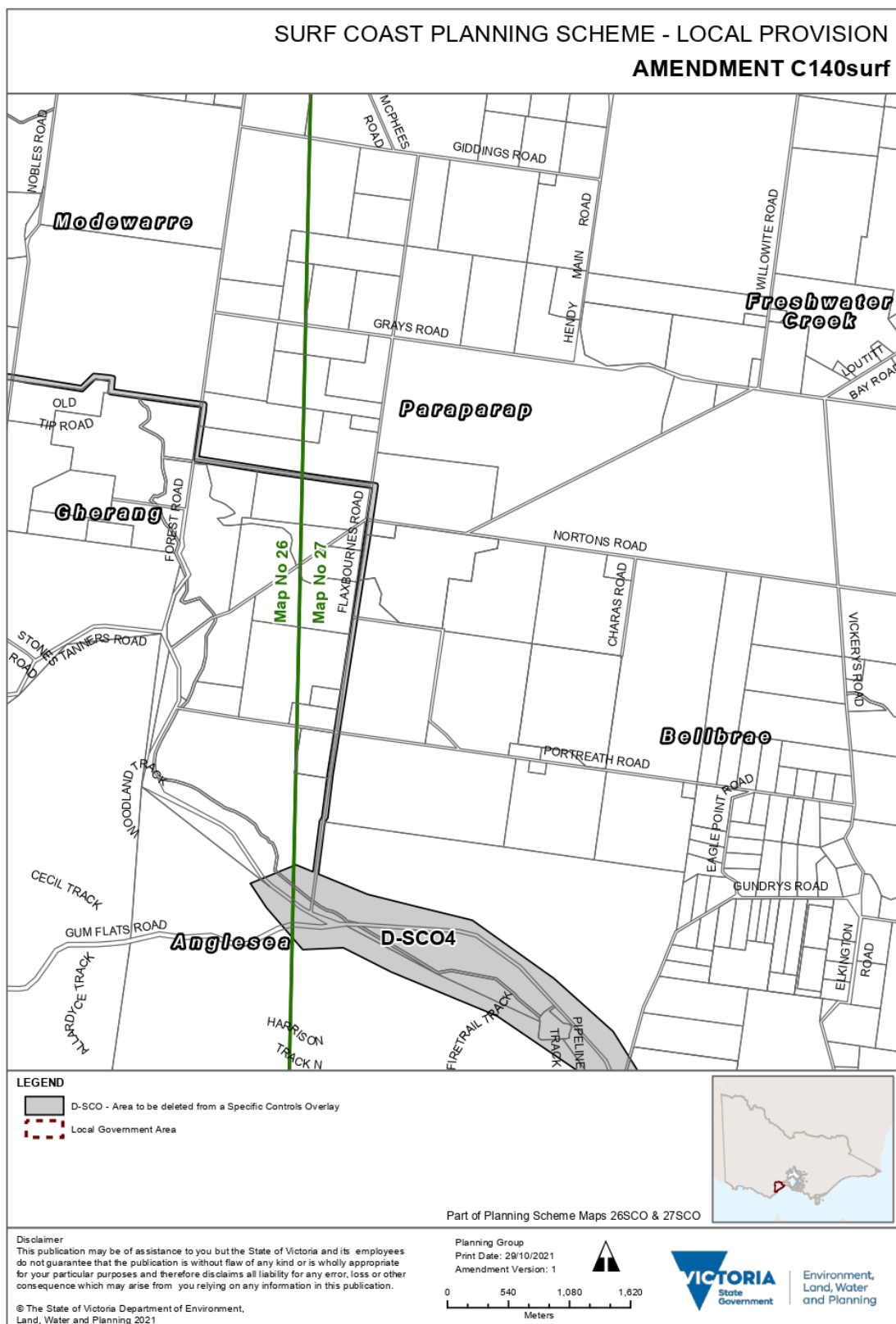


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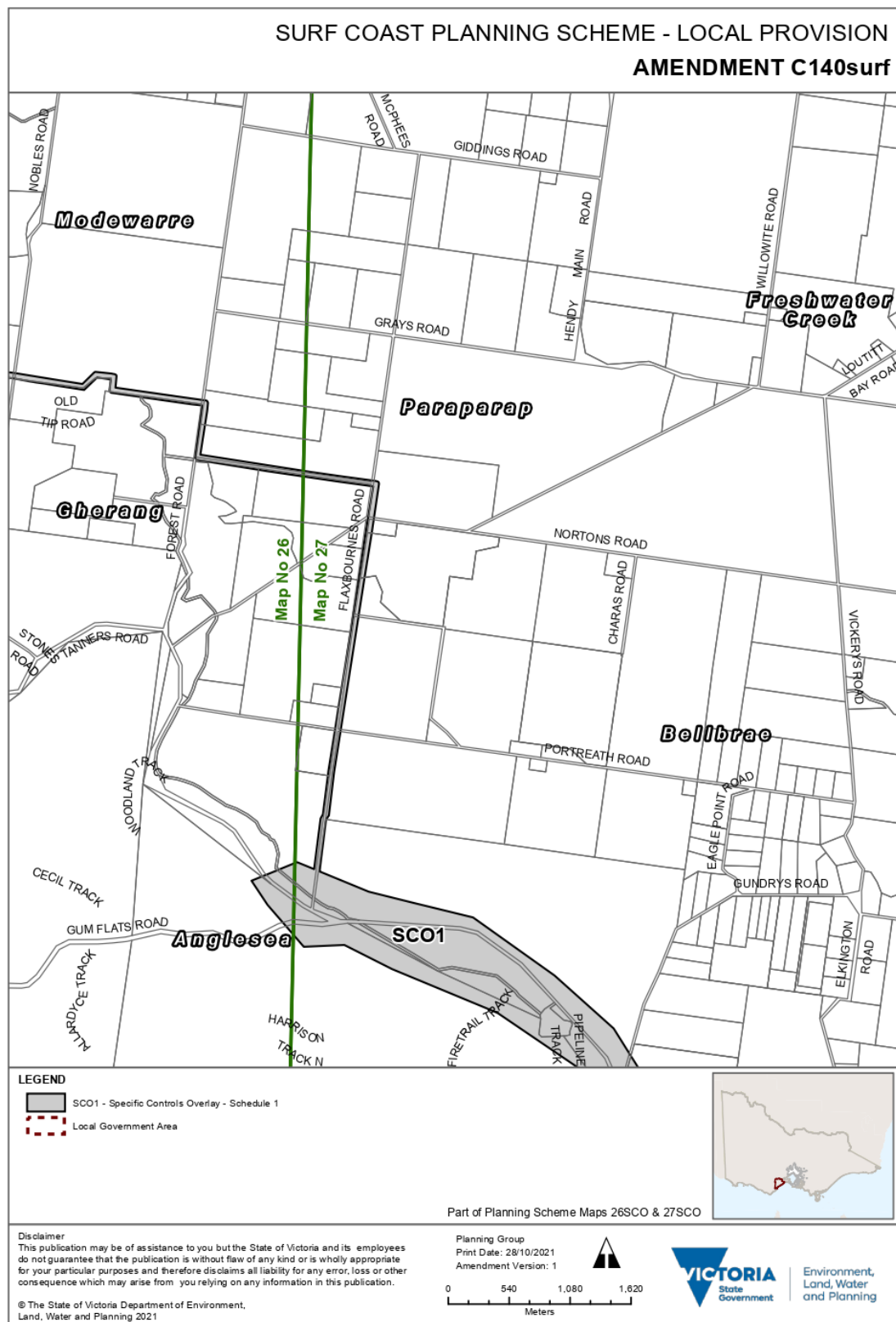


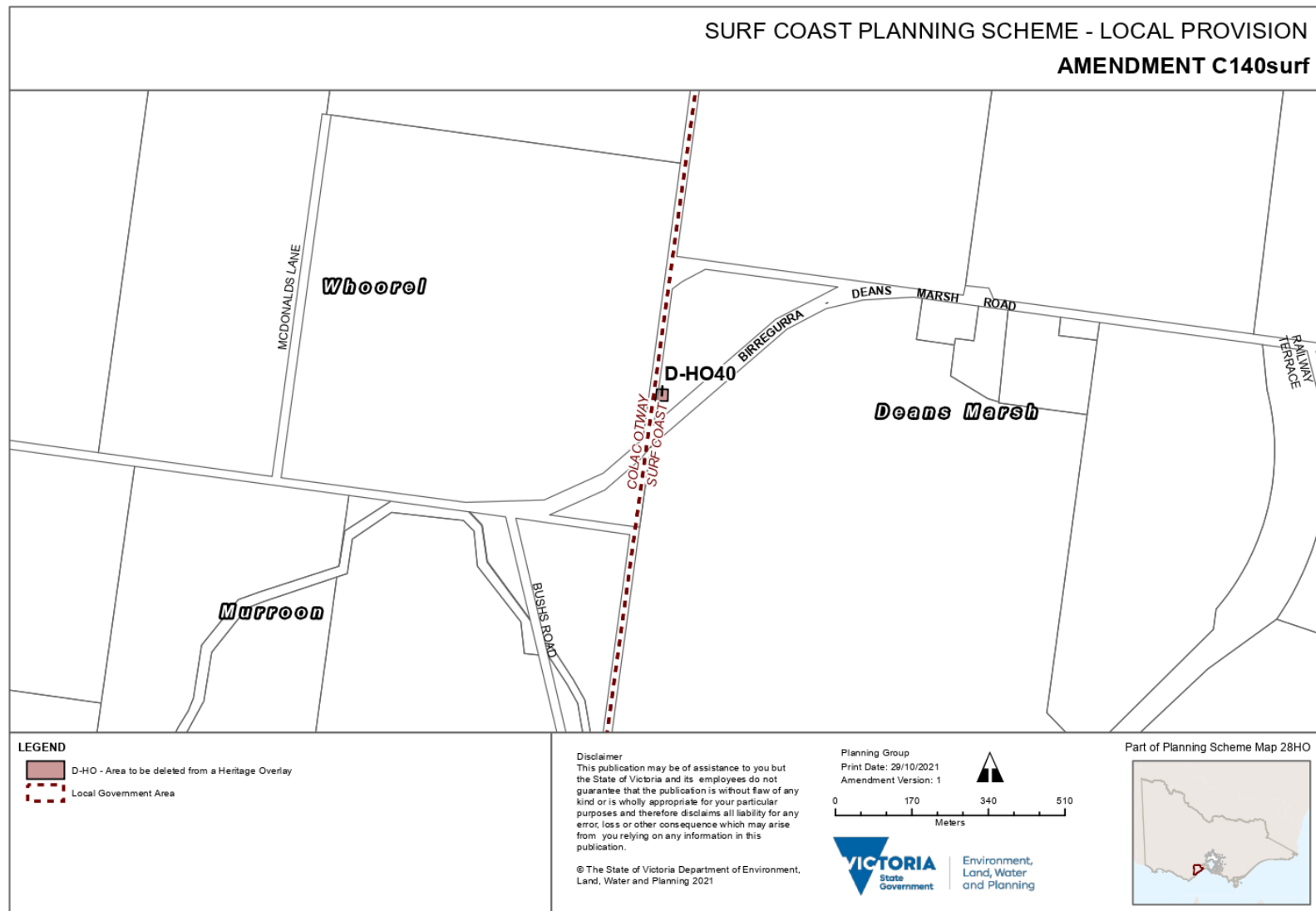
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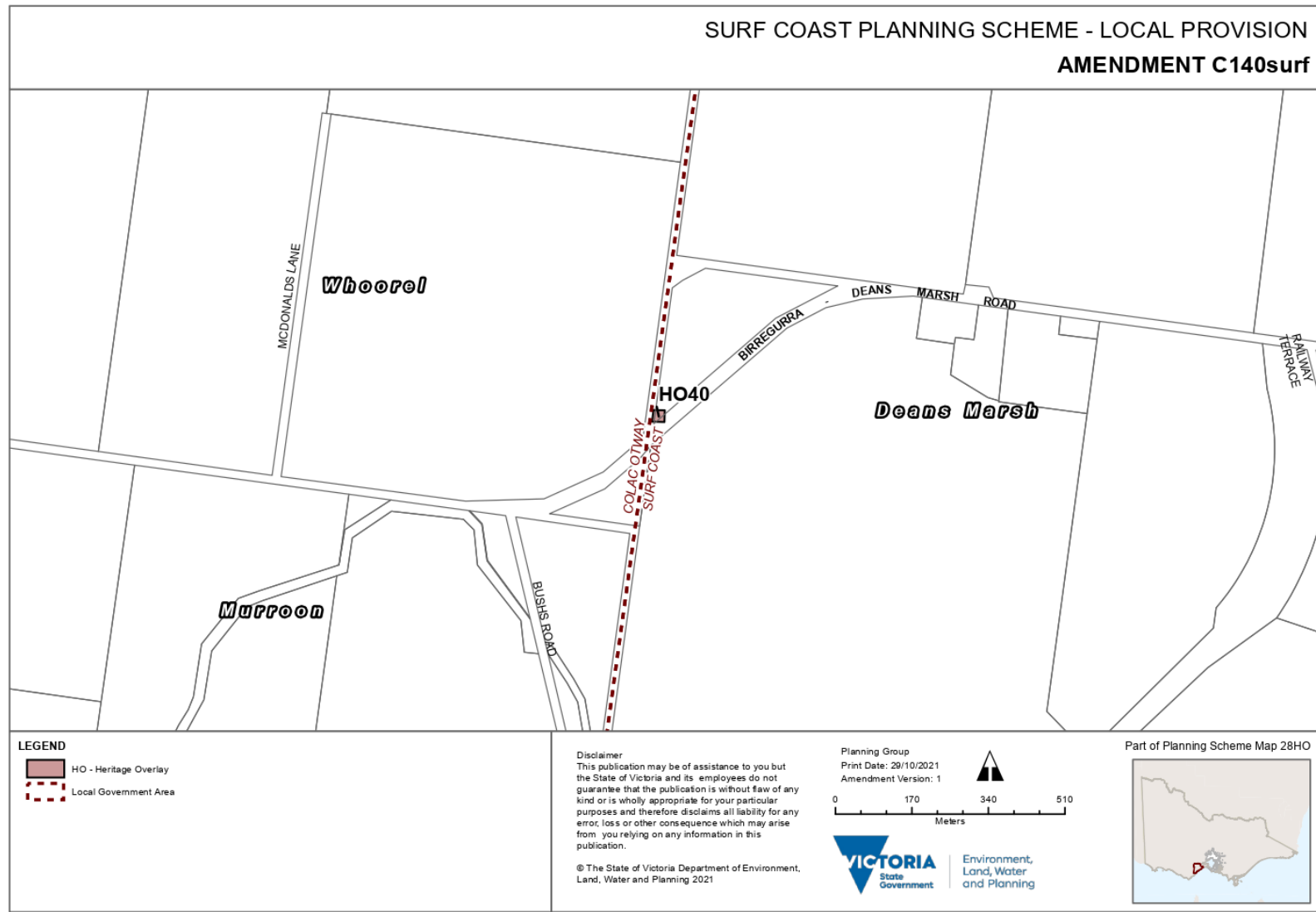


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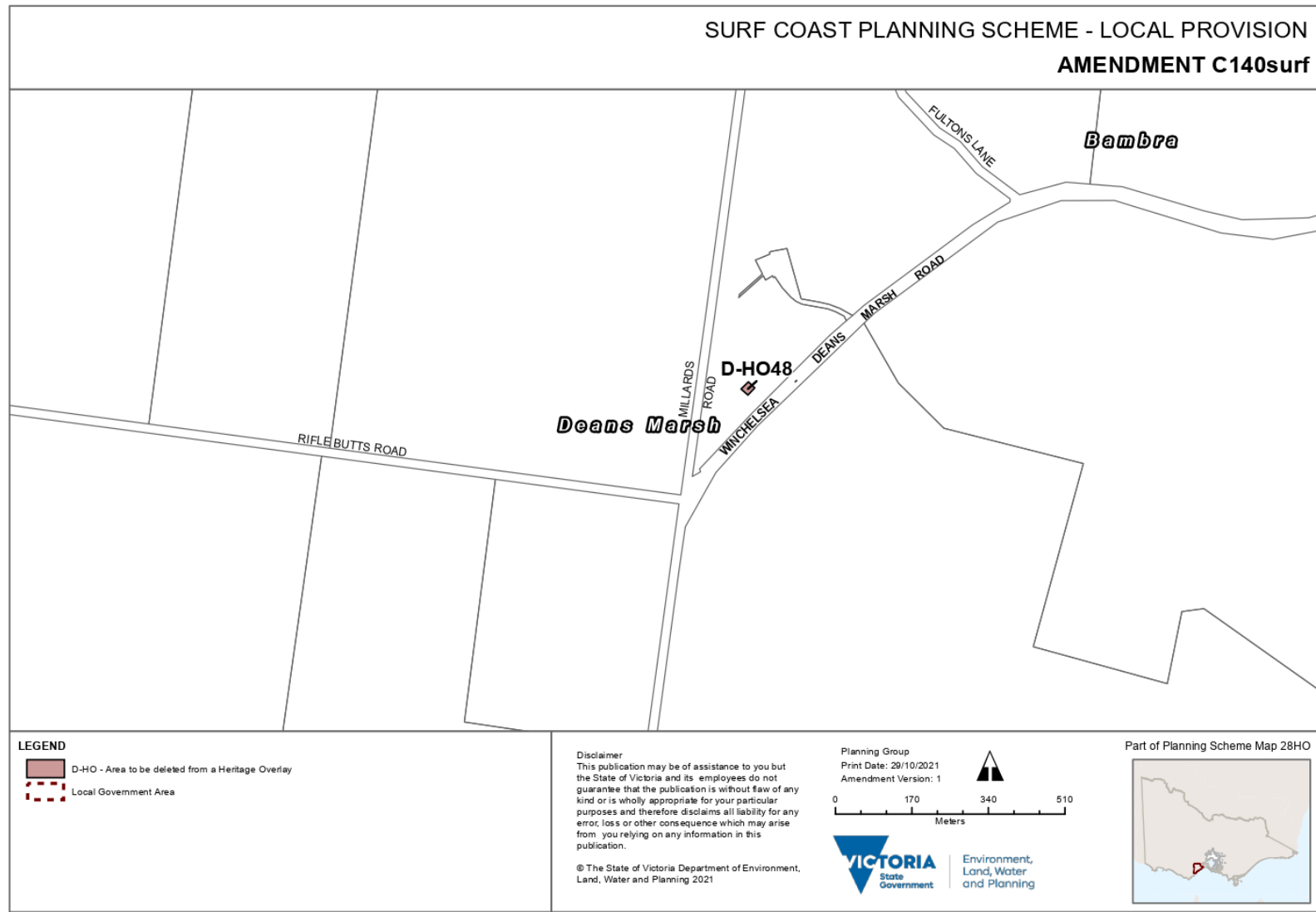




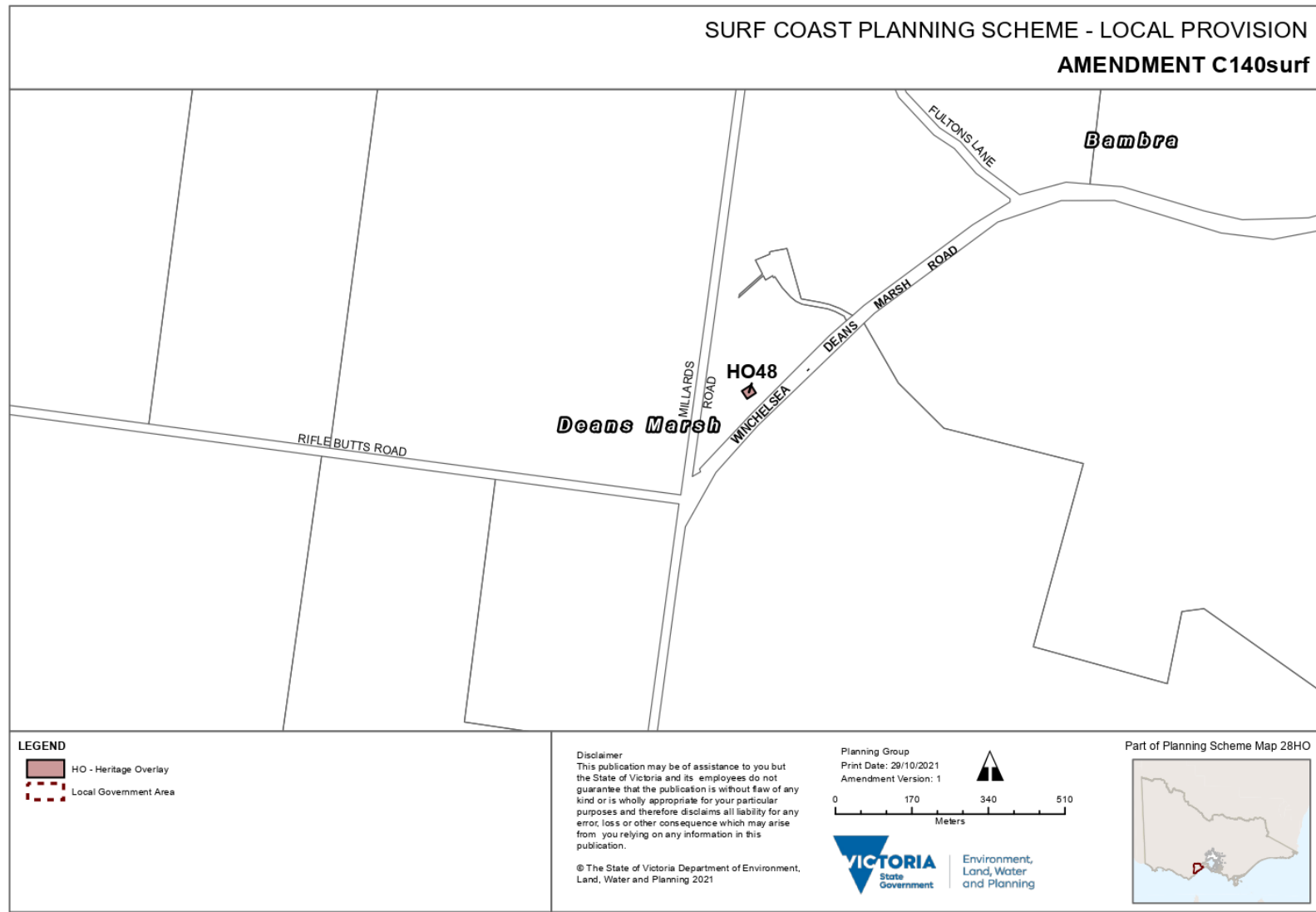
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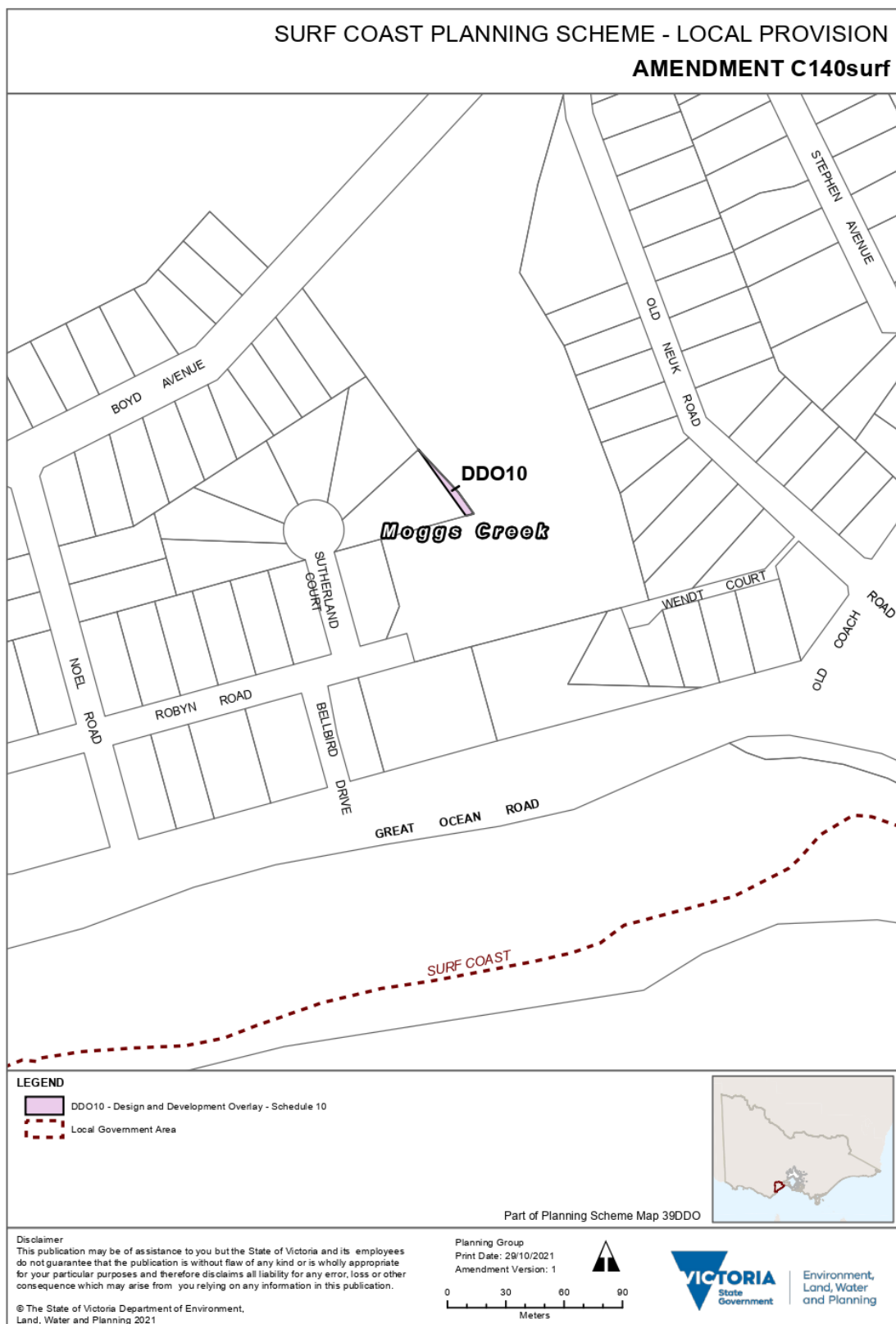


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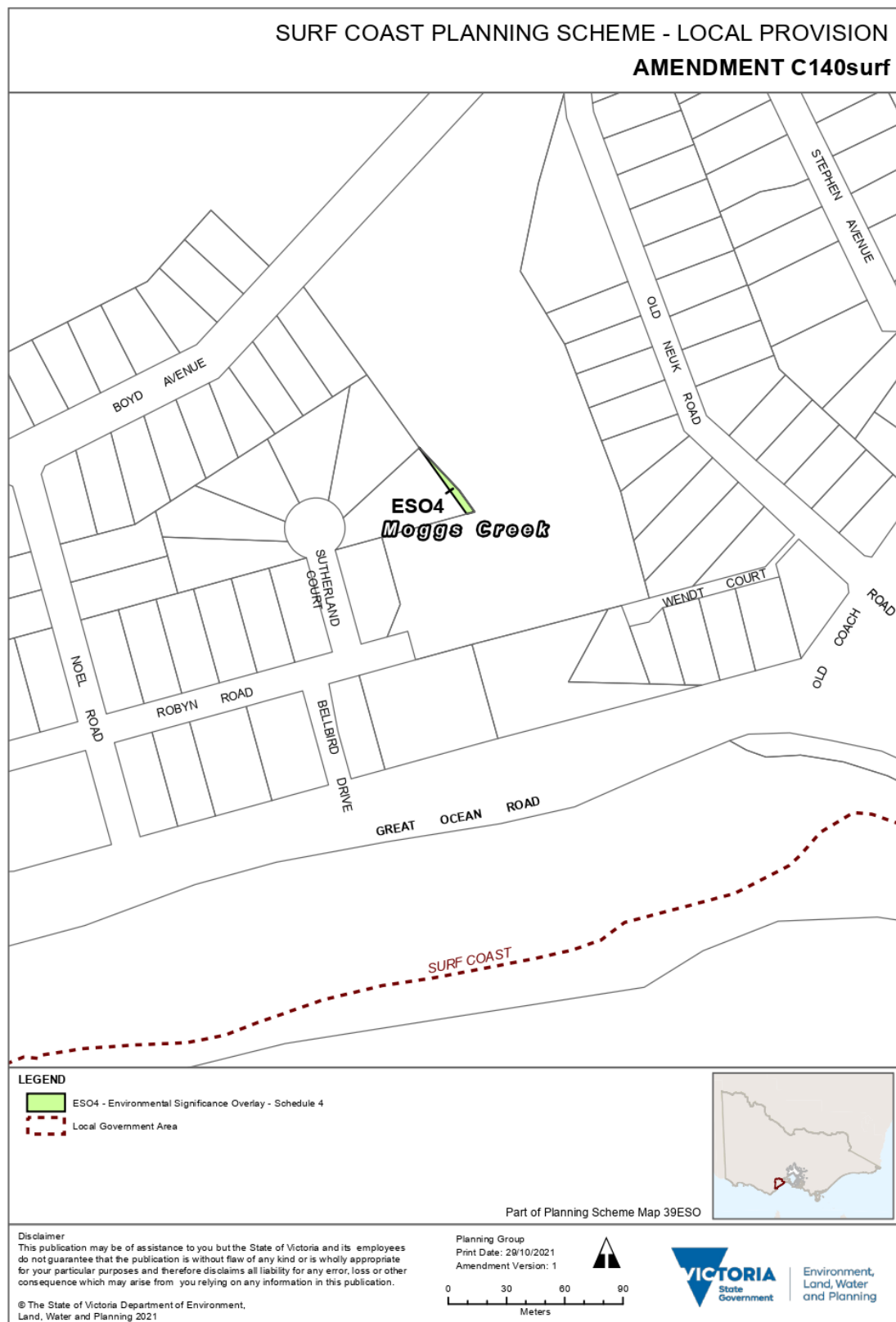


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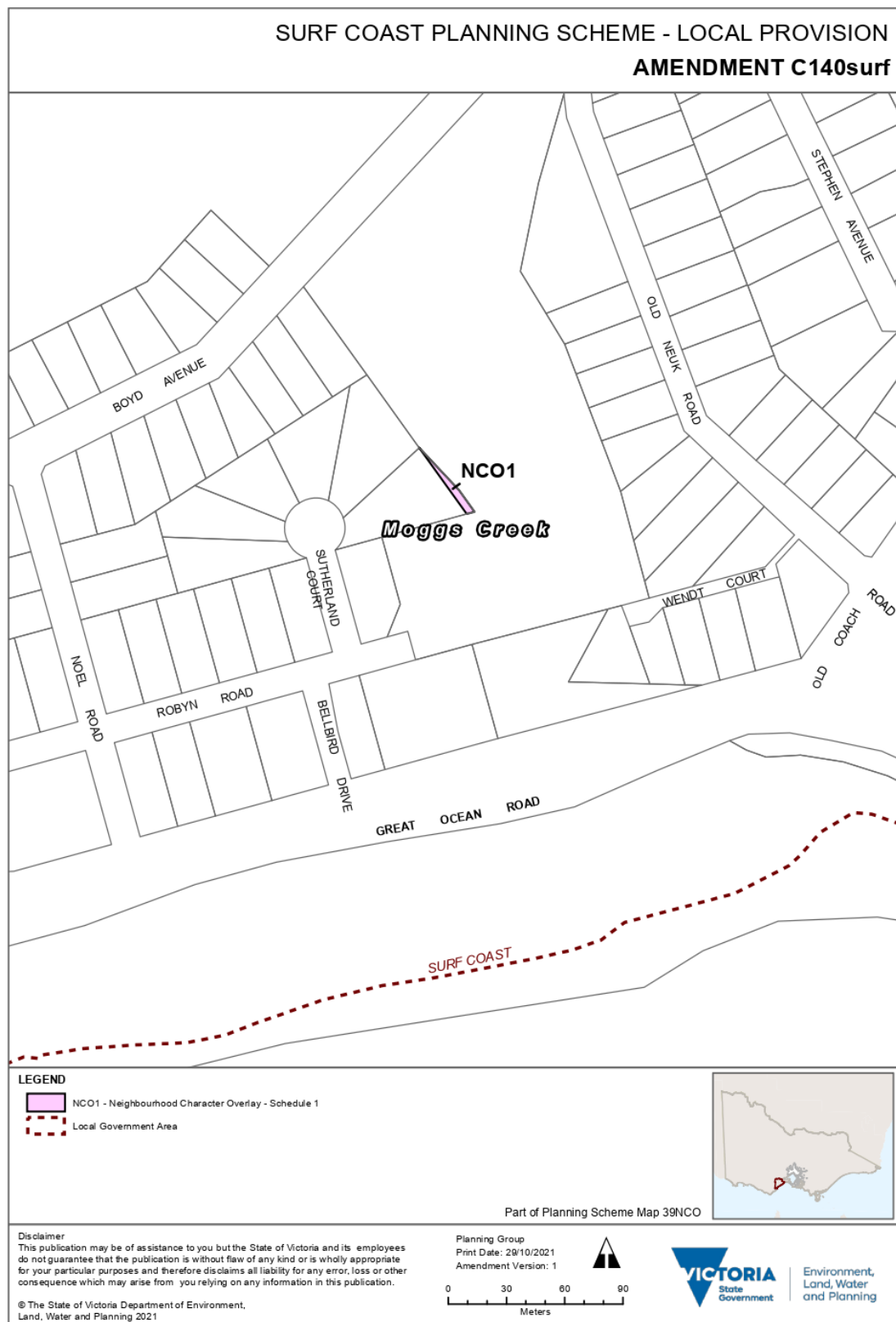




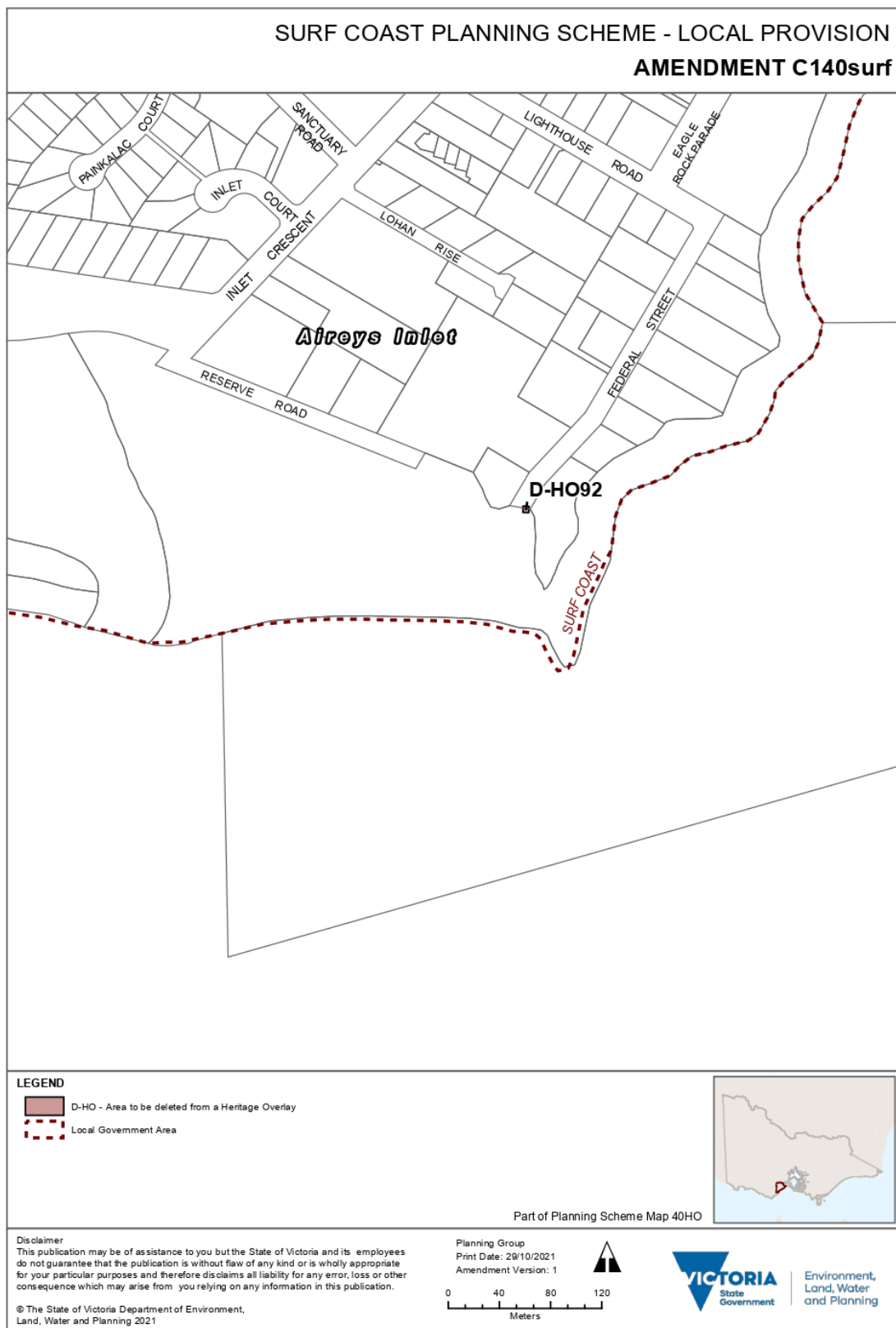
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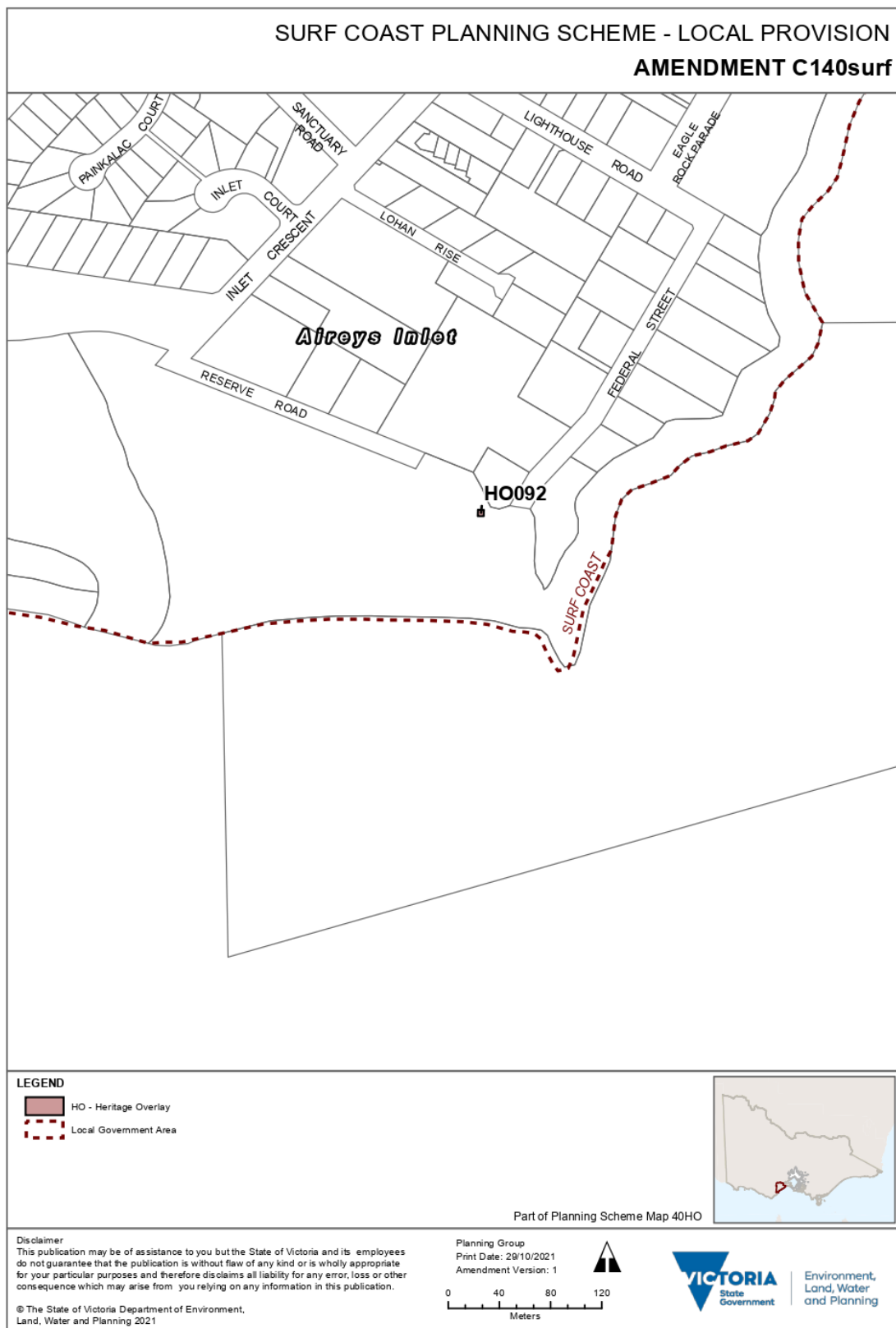
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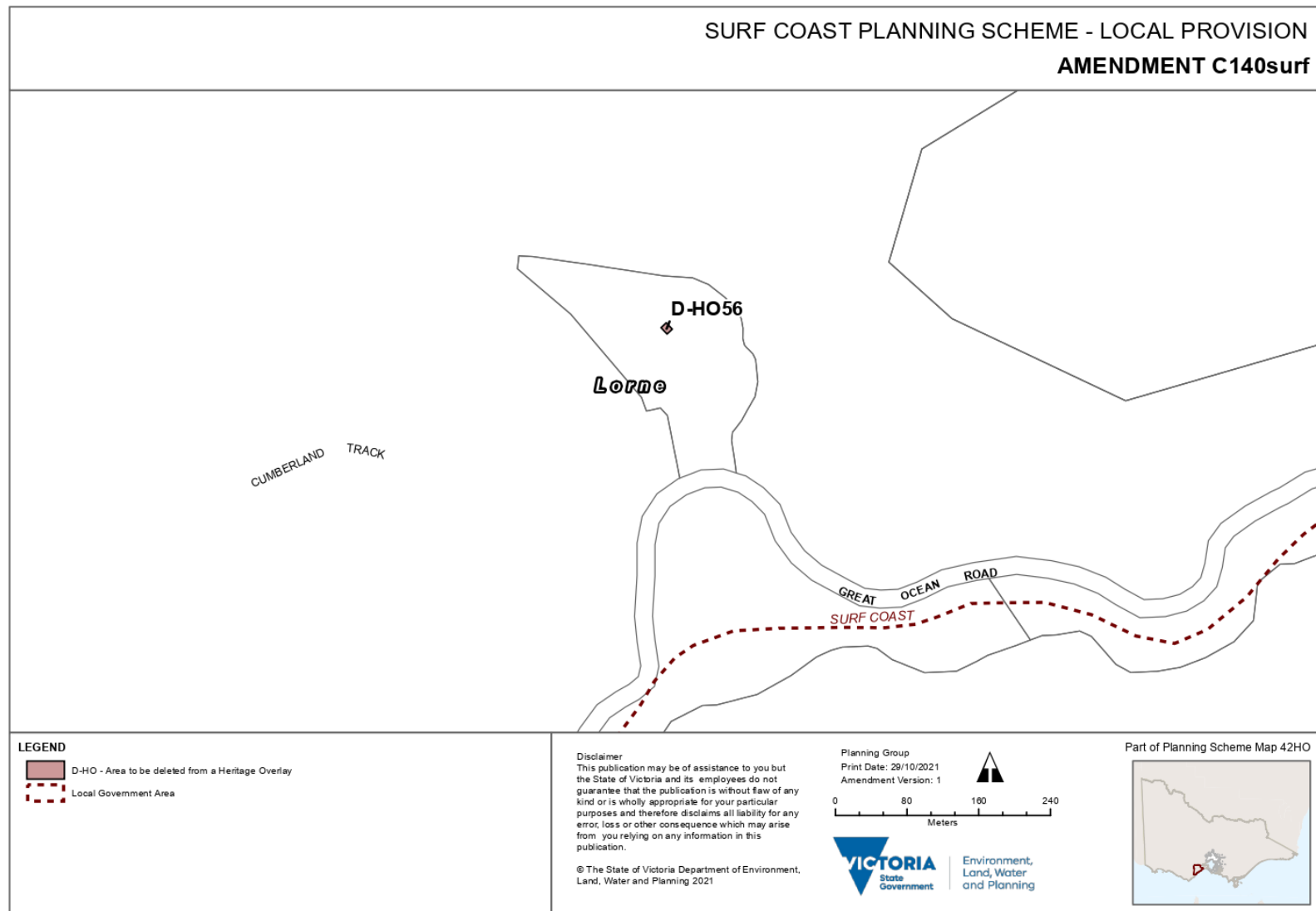


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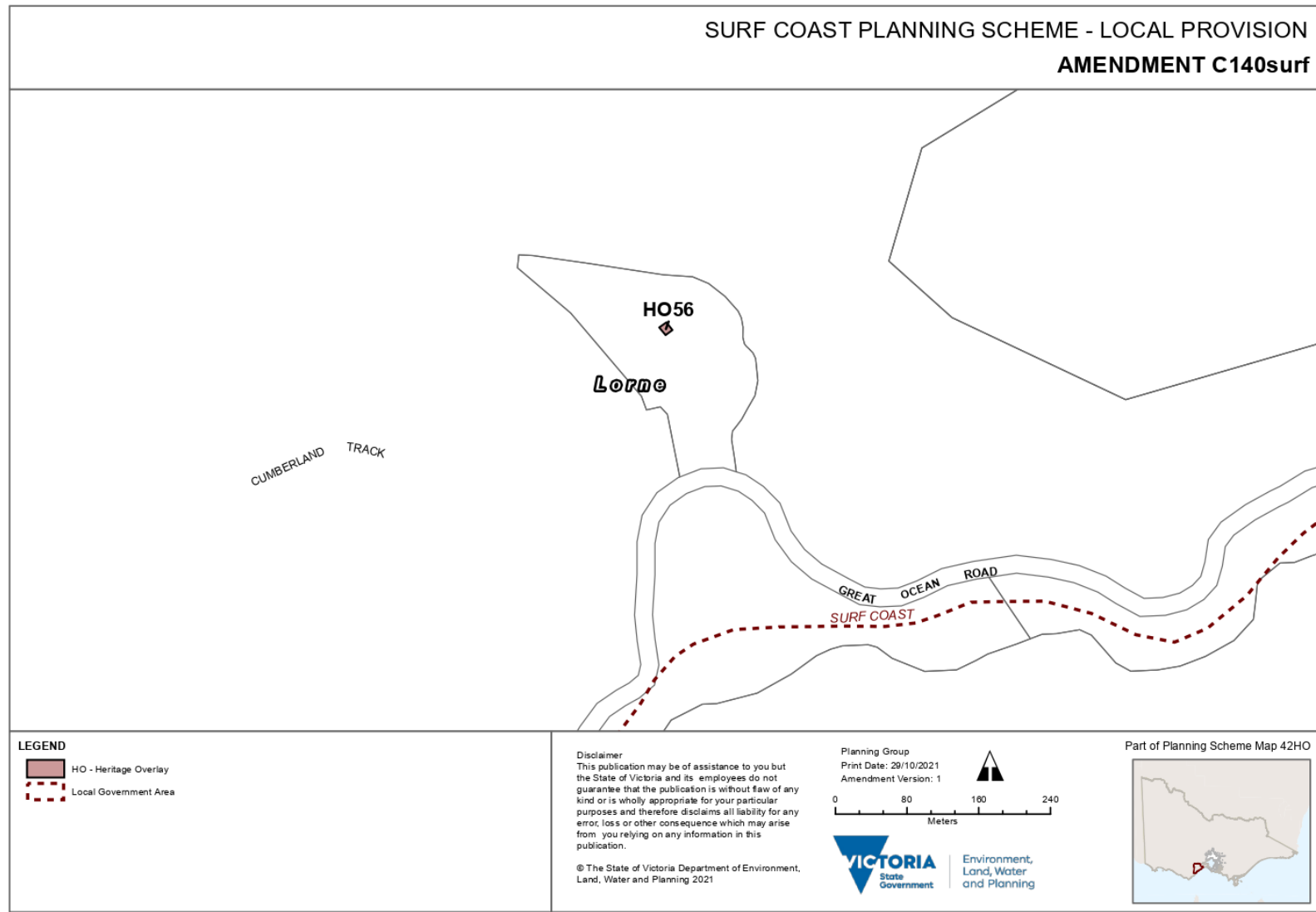


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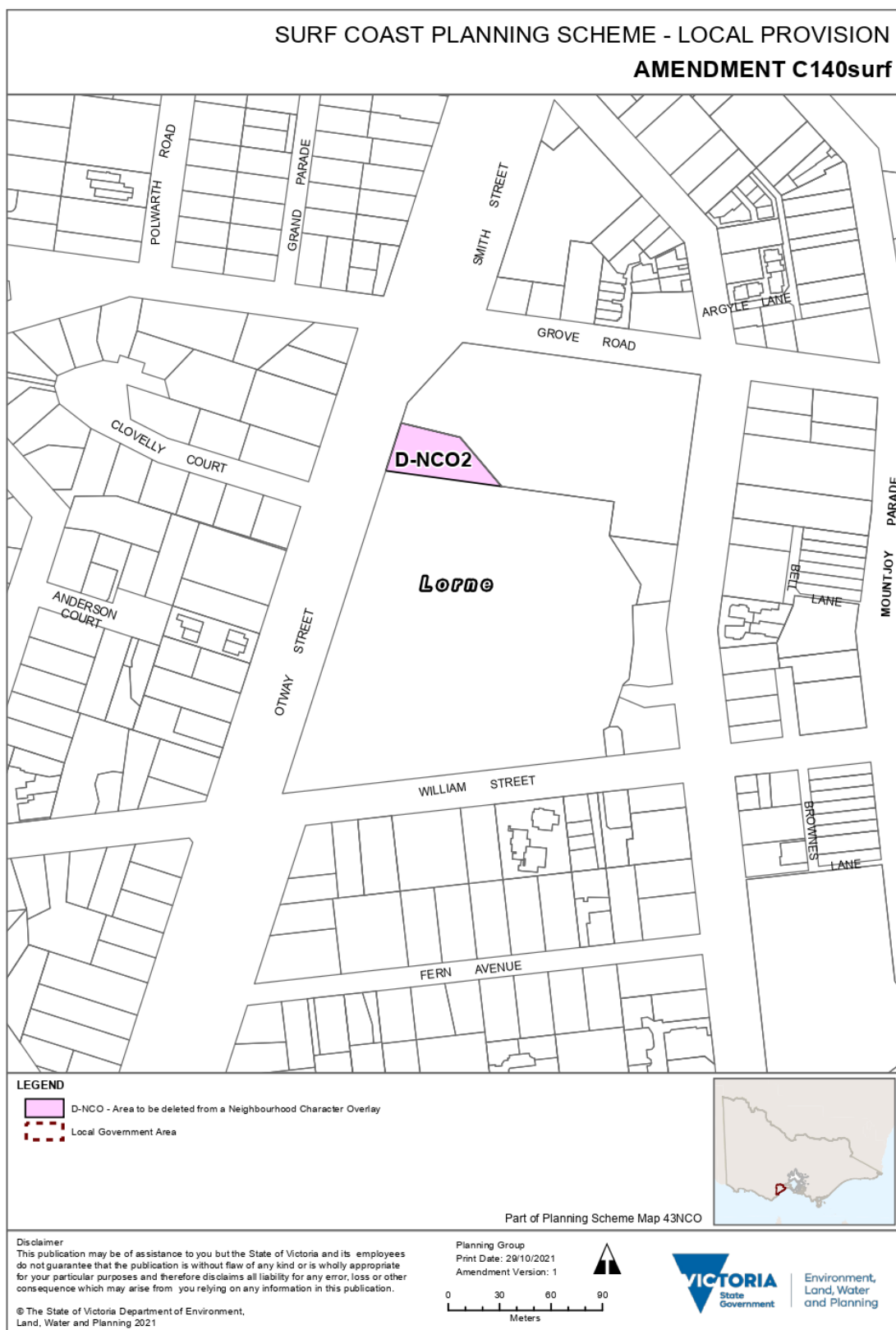
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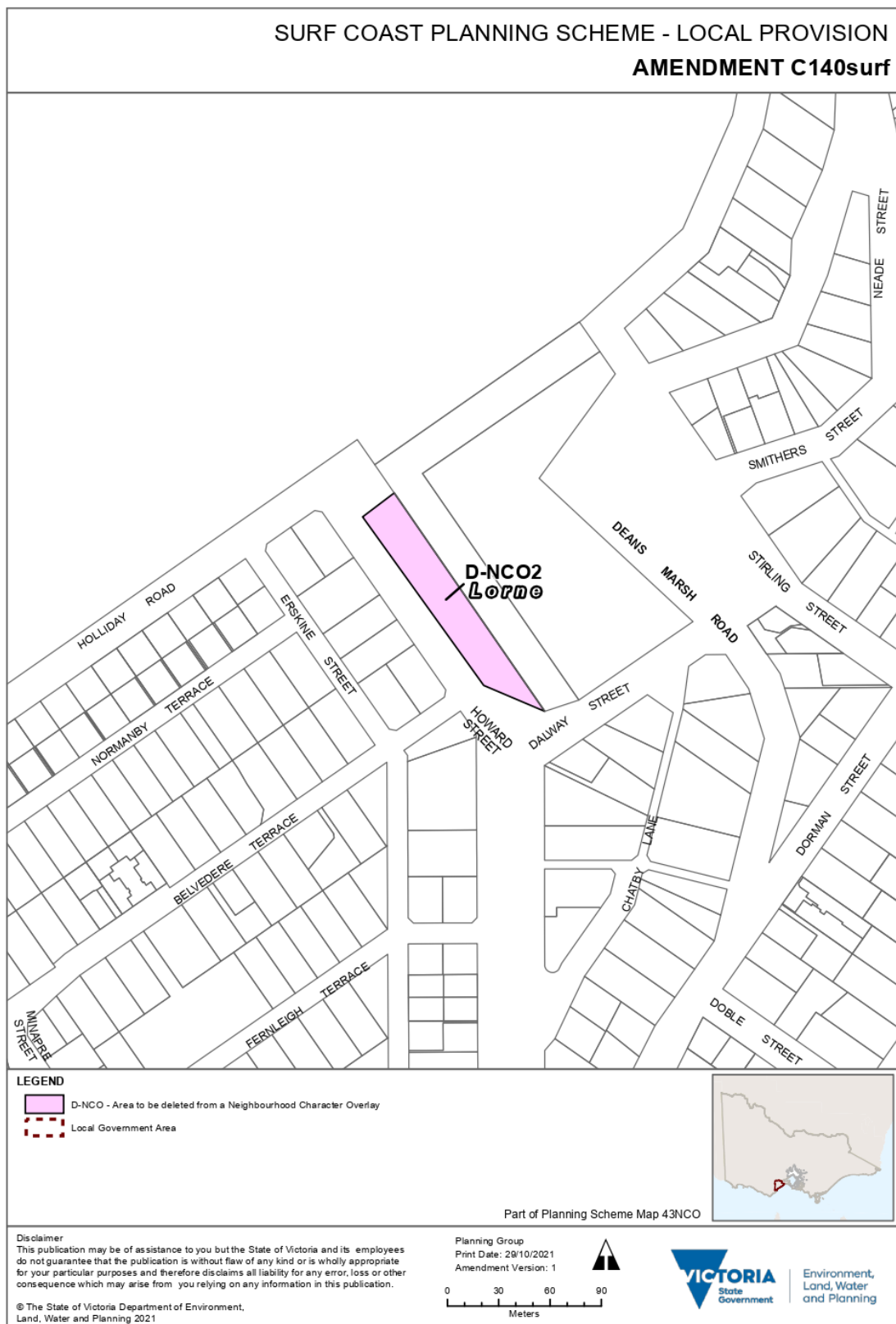
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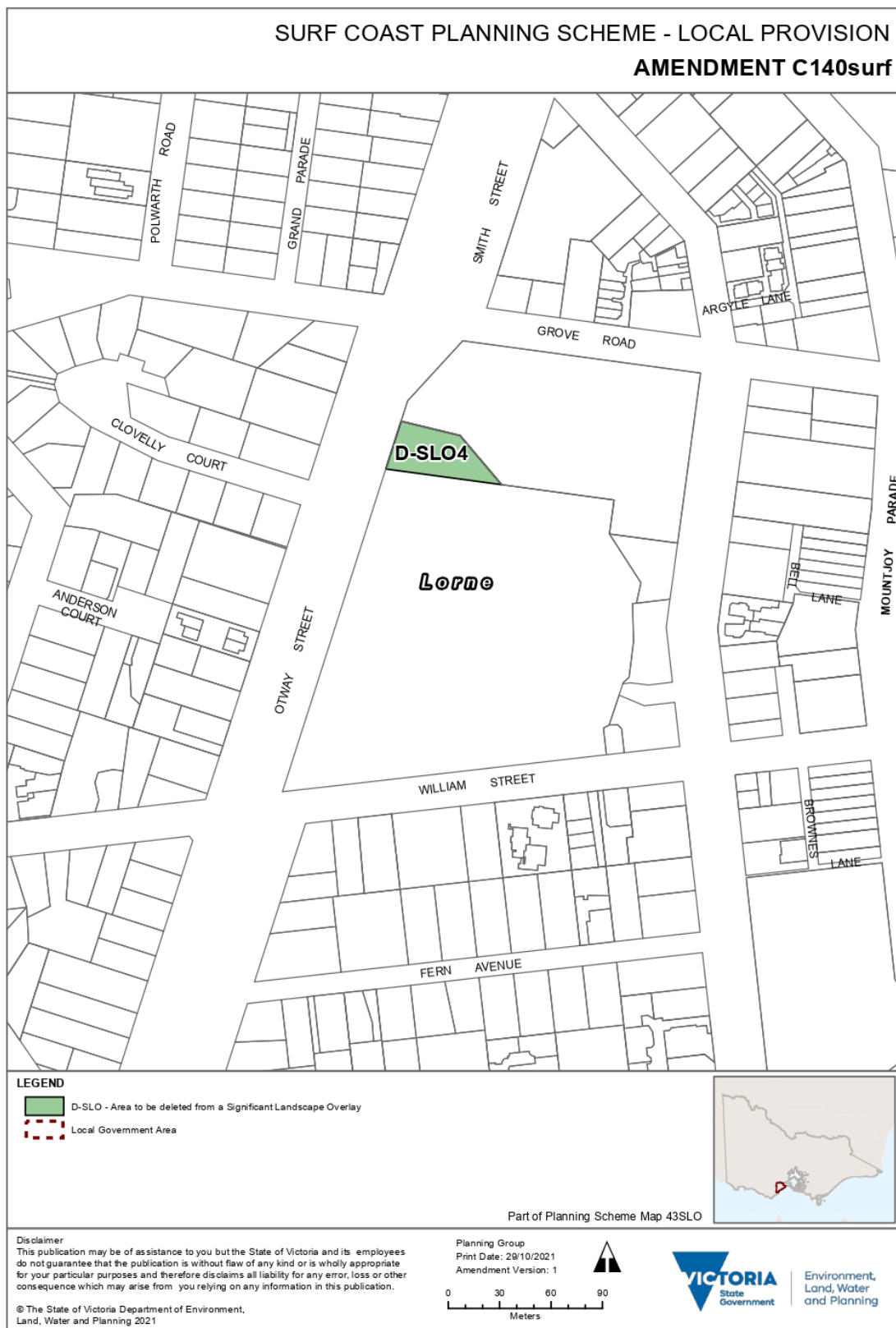
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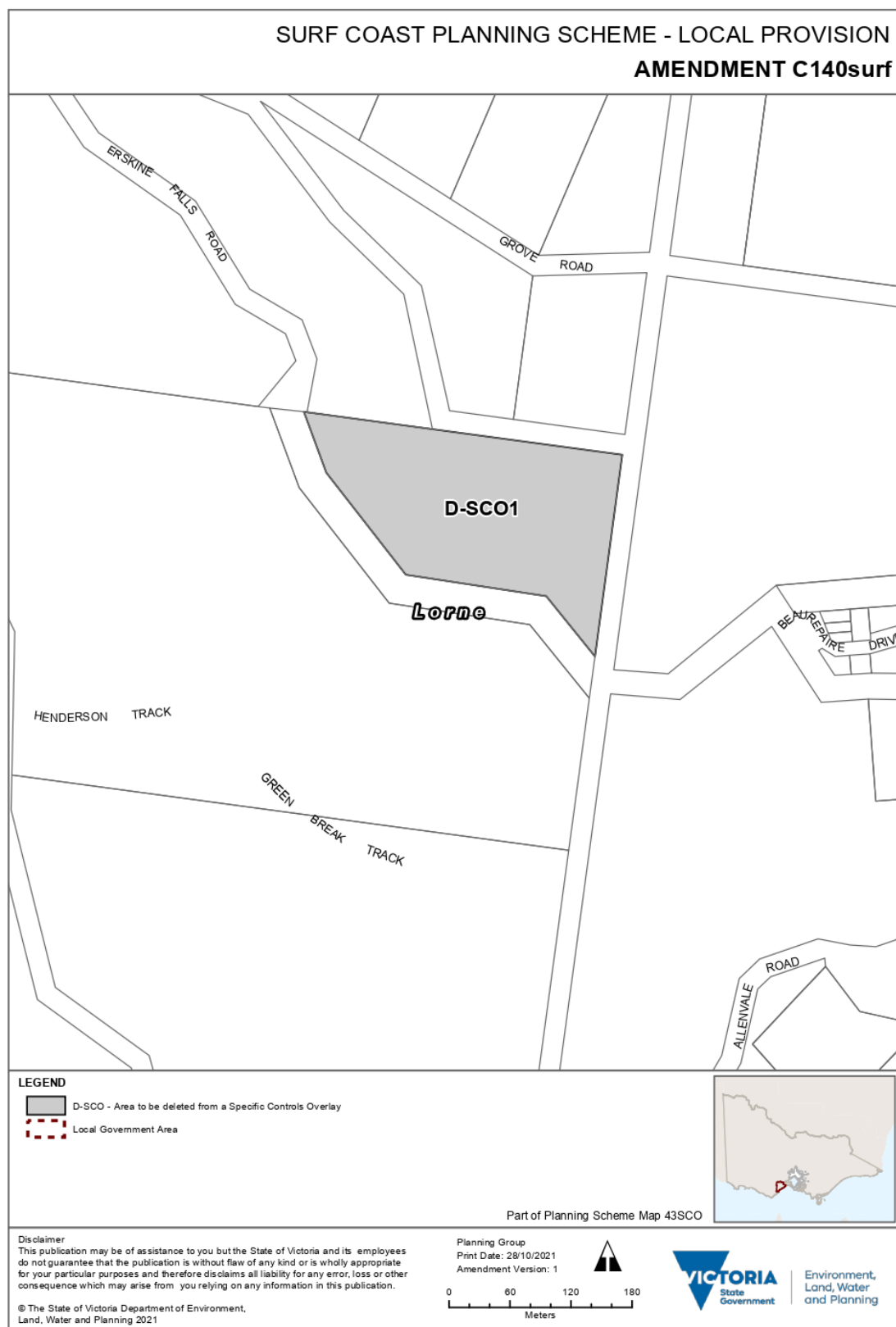
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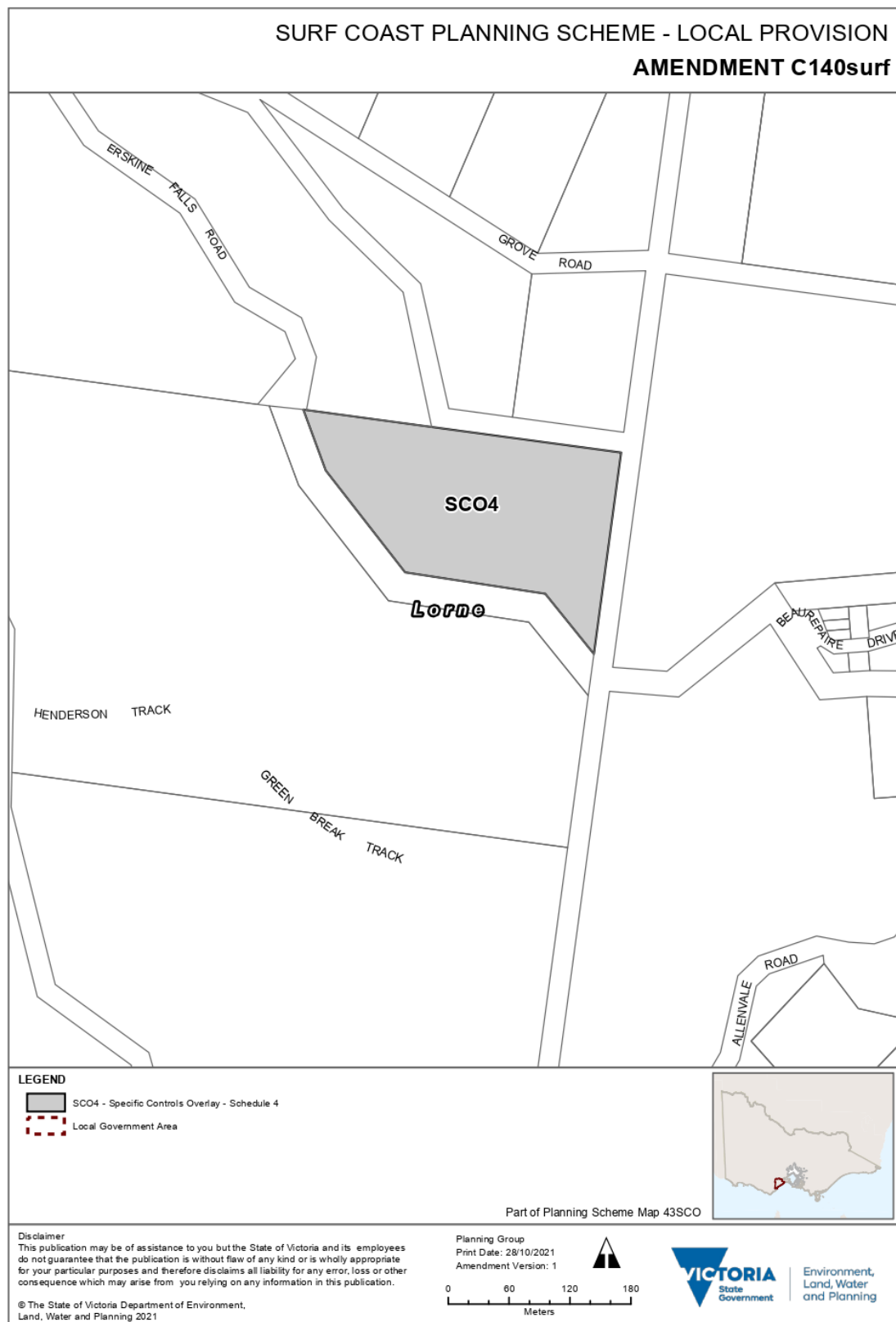
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APPENDIX 3 EXPLANATORY REPORT

Planning and Environment Act 1987

SURF COAST PLANNING SCHEME

AMENDMENT C140surf

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Surf Coast Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Surf Coast Shire Council.

Land affected by the amendment

The amendment applies to:

- Federal Street, Aireys Inlet (part Surf Coast Walk near Federal Street)
- Anglesea Borefield Precinct, Anglesea
- 22 Deans Marsh-Lorne Road
- 6-20 Pennyroyal Valley Road, Deans Marsh
- 1910 Winchelsea-Deans Marsh Road, Deans Marsh
- 2005 Winchelsea-Deans Marsh Road, Deans Marsh
- Part Government Road, Deans Marsh (adjacent to 1200 Birregurra-Deans Marsh Road)
- 4-5 Rip View Close, Jan Juc
- 111 Strathmore Drive, Jan Juc
- 113 Strathmore Drive, Jan Juc
- 113A Strathmore Drive, Jan Juc
- 115 Strathmore Drive, Jan Juc
- 115A Strathmore Drive, Jan Juc
- 115B Strathmore Drive, Jan Juc
- 115C Strathmore Drive, Jan Juc
- 115D Strathmore Drive, Jan Juc
- 89-91 Sunset Strip, Jan Juc
- 10-11 Wattle Court, Jan Juc
- CA 2033, Lorne (land adjoining 10 Howard Street, Lorne)
- 3 Deans Marsh Road, Lorne
- 180 Erskine Falls Road, Lorne
- 45 Otway Street, Lorne
- 3 Waverley Avenue, Lorne
- 910 Cape Otway Road, Modewarre
- 465 Considines Road, Modewarre
- 6 Sutherland Court, Moggs Creek
- 35 Bell Street, Torquay (Torquay Foreshore)

2.1 Planning Scheme Amendment C140 - Correctional Amendment

- 49 Bright Street, Torquay
- 51 Bright Street, Torquay
- 53 Bright Street, Torquay
- 55 Bright Street, Torquay
- 1510 Surf Coast Highway, Torquay
- 36 Wadawurrung Way, Torquay
- Main Street Service Road, Winchelsea
- 44 Main Street, Winchelsea
- R1 on PS718344P (road reserve adjoining 2935 Princes Highway, Winchelsea)
- 2935 Princes Highway, Winchelsea
- 50 Witcombe Street, Winchelsea
- Land affected by Schedule 1 to the Neighbourhood Character Overlay, Aireys Inlet
- Land affected by Schedule 24 to the Design and Development Overlay, Bellbrae
- Land affected by Schedule 2 to the Neighbourhood Character Overlay, Lorne
- Land affected by Schedule 5 to the Special Use Zone, Torquay

The amendment also corrects the page numbering for Schedule 12 of the Design and Development Overlay, Lorne.

What the amendment does

The amendment updates the Surf Coast Planning Scheme to correct mapping and ordinance anomalies.

The amendment makes the following changes to the Surf Coast Planning Scheme:

Planning Scheme Map Changes

1. Rezone land at 50 Witcombe Street, Winchelsea from GRZ1 to PPRZ and delete the PAO4
2. Rezone part of land at 2935 Princes Highway, Winchelsea from RDZ1 to C2Z and apply the DDO17, DPO9 and EAO
3. Rezone part of land at R1 on PS718344P, Winchelsea from C2Z to RDZ1 and delete the DDO17, DPO9 and EAO
4. Rezone part of land at 36 Wadawurrung Way from PPRZ to GRZ1 and apply the DCPO2, DDO1 and DPO8
5. Rezone part of land at 89-91 Sunset Strip, Jan Juc from GRZ1 to PPRZ and apply the DCPO2, DDO22 and SLO6
6. Delete the DDO5 from part of land at 1510 Surf Coast Highway, Torquay (Reserve No. 2 on PS 711644)
7. Amend Surf Coast Planning Scheme Maps 25 SCO, 26 SCO, 27 SCO, 32 SCO, 33 SCO, 34 SCO and 43 SCO to correspond with the planning scheme map reference in the Schedule to Clause 45.12
8. Rezone part of land at 6 Sutherland Court, Moggs Creek from PPRZ to GRZ1 and apply the BMO, DDO10, ESO4 and NCO1
9. Rezone CA 2033, Lorne from GRZ1 to PUZ5: apply the HO110: delete the DDO12, NCO2 and SLO4
10. Rezone part of land at 45 Otway Street, Lorne from GRZ1 to PPRZ and delete the DDO12, NCO2 and SLO4
11. Delete the ESO4 from part of land at 49, 51, 53 and 55 Bright Street Torquay
12. Amend Heritage Overlay Map No. 8HO to correct the geographical location of the Heritage Overlay applied to HO141 and HO147

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13. Amend Heritage Overlay Map No. 20HO to correct the geographical location of the Heritage Overlay applied to HO126
14. Amend Heritage Overlay Map No. 28HO to correct the geographical location of the Heritage Overlays applied to HO40 and HO48
15. Amend Heritage Overlay Map No. 40HO to correct the geographical location of the Heritage Overlay applied to HO92
16. Amend Heritage Overlay Map No. 42HO to correct the geographical location of the Heritage Overlay applied to HO56
17. Amend the Torquay-Jan Juc Residential Framework Plan at Clause 15.01-5L-02 to show the land as *Bush Residential*

Planning Ordinance Changes

18. Amend Schedule 5 to Clause 37.01 to include reference to Clause 58 under the Buildings and works Application requirements and Decision guidelines
19. Amend Schedule 24 to Clause 43.02 to delete the words, "less than" under clause 2.0 and add the words, "does not exceed" so that the full sentence reads, "the dwelling does not exceed two storeys and 7.5 metres in height"
20. Amend Schedule 2 to Clause 43.05 to correct the spelling of the word complements at clause 4.0 and complementing at clause 5.0
21. Amend Schedule 1 to Clause 43.05 to improve the clarity of the wording of Standard A8/B13
22. Amend the Schedule to Clause 43.01 to correct the addresses for HO43, HO46, HO48, HO75, HO92, and HO117
23. Amend the Schedule to Clause 43.01 to allow prohibited uses for HO147: the Former Orchard Bakery & associated Dwelling
24. Amend Incorporated document, Surf Coast Shire Heritage Study, Stage 2B to correct the address of HO117: the Former Modewarre State School No. 396, and HO92: Pearse Cairn, in the Table of Contents and on pages 1 and 14

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to correct various anomalies and minor errors (both maps and ordinances) in the Surf Coast Planning Scheme that have become apparent since the last miscellaneous amendment. This amendment is considered to be housekeeping in nature and has been prepared to tidy-up the scheme.

Reference	Description of Anomaly	Proposed Amendment
Map 8ZN and 8PAO	GRZ1 land at 50 Witcombe Street, Winchelsea is covered by a PAO to facilitate the acquisition of land by Surf Coast Shire Council for the extension of Eastern Reserve. This land has now been acquired by council and the GRZ1 zone is longer appropriate and the PAO is no longer required.	Rezone land at 50 Witcombe Street from GRZ1 to PPRZ and delete the PA04.
Map 8ZN, 8DDO, 8DPO, 8EAO	The north-east tip of the privately owned land at 2935 Princes Highway, Winchelsea that is currently zoned RDZ1 is not part of the road reserve and should be zoned C2Z and subject to the same overlays as the balance of the lot.	Rezone part of the land at 2935 Princes Highway, Winchelsea from RDZ1 to C2Z and apply the DDO17, DPO9 and EAO.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

Reference	Description of Anomaly	Proposed Amendment
Map 8ZN, 8DDO, 8DPO, 8EAO	The C2Z portion of land adjacent to 2935 Princes Highway, Winchelsea that protrudes east into the road reserve. This land is not part of the private owned land: it is vested as a road reserve and this should be reflected in its zoning.	Rezone part of R1 on PS718344P from C2Z to RDZ1 and delete the DDO17, DPO9 and EAO.
Map 16ZN, 16DDO, 16DCPO, 16DPO	Land that now forms part 36 Wadawurrung Way, Torquay was transferred from Surf Coast Shire Council to the Department of Education as part of the North Torquay Stadium development and as such, its PPRZ zoning is not consistent with the balance of the Department of Education owned land.	Rezone part of the land at 36 Wadawurrung Way from PPRZ to GRZ1 and apply the DCPO2, DDO1 and DPO8 so that the zone and overlays is consistent across the lot.
Map 19ZN, 19DCPO, 19DDO, 19SLO	Land at 10-11 Wattle Court and 89-91 Sunset Strip, Jan Juc is owned by Surf Coast Shire Council and part of the land is used for the Jan Juc Preschool. The preschool straddles two land titles and two zones. Planning permit 19/0162 permits the resubdivision of the lots to bring the preschool into a single lot. In doing this, the lot will straddle two zones, being GRZ1 and PPRZ.	Rezone part of the land at 89-91 Sunset Strip, Jan Juc that will form part of the Jan Juc Preschool at 10-11 Wattle Court, from PPRZ to GRZ1 and apply the DCPO2, DDO22 and SLO6.
Map 20DDO	Part of the land at 1510 Surf Coast Highway, Torquay was rezoned from INZ3 to PPRZ in a previous anomalies amendment but at that time, the amendment neglected to remove the DDO5 from the PPRZ land. The DDO5 relates to built form in industrial areas and it should therefore, be removed from the PPRZ land.	Delete the DDO5 from part of the land at 1510 Surf Coast Highway, Torquay (Reserve No. 2 on PS 711644).
Map 25SCO, 26SCO, 27SCO, 32SCO, 33SCO, 34SCO, 43SCO	The designation of the SCO1 and SCO4 have been transposed on the planning scheme maps.	Amend the maps to correspond with the planning scheme map reference in the Schedule to Clause 45.12 for the SCO1 and SCO4.
Map 39ZN, 39BMO, 39DDO, 39ESO, 39NCO	While most of the land at 6 Sutherland Court, Moggs Creek is zoned GRZ1, a small portion of the land that adjoins the Reserve is zoned PPRZ.	Rezone that part of 6 Sutherland Court zoned PPRZ to GRZ1 and apply the BMO, DDO10, ESO4 and NCO1.
Map 43ZN, 43DDO, 43HO, 43NCO, 43SLO	CA 2033 was formerly part of Howard Street (Government Road) which was closed and the land added to the adjoining land reserved for Cemetery purposes. The Crown allotment is still zoned GRZ1 and should be rezoned to reflect its use as part of the Lorne Cemetery and be subject to the same overlays as the remainder of the cemetery land.	Rezone land at CA 2033 from GRZ1 to PUZ5: apply the HO110: delete the DDO12, NCO2 and SLO4.
Map 43ZN, 43DDO,	The north-west corner of Stribling Reserve at 45 Otway Street, Lorne is zoned GRZ1 and subject to the BMO, DDO12, NCO2 and	Rezone part of the land at 45 Otway Street from GRZ1 to PPRZ

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Reference	Description of Anomaly	Proposed Amendment
43NCO, 43SLO	<p>SLO4. The remainder of the Reserve is appropriately zoned PPRZ and subject to a BMO.</p> <p>Because the north west corner forms part of Stribling Reserve, it should be zoned to reflect its purpose and continue to recognise the bushfire risk through the continued application of the BMO.</p>	and delete the DDO12, NCO2 and SLO4.
Map 8HO	The heritage place recognised under HO141 is <i>Bills Water Trough</i> in Winchelsea. While HO141 recognises the significance of the Trough, the overlay is misaligned and fails to properly cover the heritage place. This needs to be corrected.	Amend the map to correct the geographical location of the Heritage Overlay relative to the heritage place.
Map 8HO	The heritage place recognised under HO147 is the <i>Former Orchard Bakery and associated Dwelling</i> in Winchelsea. While HO147 recognises the significance of the buildings, the overlay does not cover the whole of the site in line with the original recommendation. Works to install infrastructure associated with the adjoining hospital have occurred on the rear most portion of the site; however, the land around the buildings remains free of development and should be covered by the HO.	Amend the map to correct the geographical location of the Heritage Overlay relative to the heritage place.
Map 20HO	<p>The heritage place recognised under HO126 is the <i>Torquay Foreshore Precinct</i> in Torquay.</p> <p>The Precinct covers land between Point Danger and Yellow Bluff and is bounded by The Esplanade to the west. Its significance includes role as a historic location for coastal recreation, its landscape and commemorative values denoted by open grassed areas, line of Norfolk Island pines, mature Cypress (and other trees), bluestone retaining walls near the foreshore, and memorials and memorabilia.</p> <p>While HO126 recognises the significance of the Foreshore, the overlay fails to properly cover the heritage place, excluding important elements like the mature pines and the bluestone retaining wall nearest the foreshore. This needs to be corrected.</p>	Amend the map to correct the geographical location of the Heritage Overlay relative to the heritage place.
Map 28HO	The heritage place (Bridge) recognised under HO40 is the bridge and all land within 20 metres each side of the bridge. While HO40 recognises the significance of the bridge, the overlay is misaligned and fails to cover the bridge itself. This needs to be corrected.	Amend the map to correct the geographical location of the Heritage Overlay relative to the heritage place.
Map 28HO	The heritage place recognised under HO48 is the <i>Yan Yan Gurt Woolshed</i> in Deans Marsh. While HO48 recognises the significance of the Woolshed, the overlay is misaligned and	Amend the map to correct the geographical location of the Heritage Overlay relative to the heritage place.

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Reference	Description of Anomaly	Proposed Amendment
	fails to properly cover the building. This needs to be corrected.	
Map 40HO	The heritage place recognised under HO92 is <i>Pearse Cairn</i> in Aireys Inlet. The Cairn lies within the Split Point Lighthouse Precinct and while HO92 recognises the significance of the Cairn, the overlay is misaligned and fails to properly cover the heritage place. This needs to be corrected.	Amend the map to correct the geographical location of the Heritage Overlay relative to the heritage place.
Map 42HO	The heritage place recognised under HO56 is the <i>Cumberland River Picnic Shelter</i> . While HO56 recognises the significance of the Picnic Shelter, the overlay is misaligned and fails to properly cover the building. This needs to be corrected.	Amend the map to correct the geographical location of the Heritage Overlay relative to the heritage place.
Map 20ESO	The ESO4 was applied prior to the subdivision of land at 1505 & 1535 Surf Coast Highway, Torquay to protect native vegetation. Since that time, the land has been developed and some of the native vegetation lawfully removed. As a result, the ESO4 now covers some cleared areas and should be removed. In particular, as the ESO4 triggers a permit for buildings and works, the overlay should be removed from private land where no remnant native vegetation exists.	Amend the map to remove the ESO4 from the properties at 49-55 Bright Street and from the road (not the reserve) immediately in from of these properties.
Clause 15.01-5L-02	Torquay-Jan Juc Residential Framework Plan: Land at pt 111, pt 113, 115, 115A & 115B Strathmore Drive and Pt 4-5 Rip View Close, Jan Juc is incorrectly shown as Low Density Residential on the Torquay-Jan Juc Residential Development Framework Plan: the land is actually zoned GRZ1.	Amend the Torquay-Jan Juc Residential Framework Plan at Clause 15.01-5L to show the land as Bush Residential.
Reference (Clause)	Description of Ordinance Anomaly	Proposed Amendment
37.01s5	The SUZ5 references clauses 54 and 55 for all types of accommodation but not clause 58. Clause 58 was introduced after the drafting of the SUZ5 and is the appropriate clause for assessing apartment developments in the SUZ5.	Amend Schedule 5 of Clause 37.01-4 (buildings and works) to include reference to clause 58 as follows: <u>Application requirements</u> <ul style="list-style-type: none"> Clause 54, 55 or 58 as appropriate. <u>Decision guidelines</u> <ul style="list-style-type: none"> The objectives and standards of Clauses 54, 55 or 58, as appropriate, should be used to assess amenity standards for all types of Accommodation
43.02s24	The buildings and works exemption at clause 2.0 refers to a dwelling being "less than two storeys and 7.5 metres in height". Taken literally, the provision suggests that only single storey dwellings are exempt from requiring a permit when in fact, the provision	Amend the wording of Schedule 24 to clause 43.02-2 (Buildings and works) to read:

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Reference	Description of Anomaly	Proposed Amendment
	seeks to exempt dwellings that do not exceed two storeys.	<ul style="list-style-type: none"> the dwelling <u>does not exceed</u> two storeys and 7.5 metres in height
43.05s2	<p>At modified standards A8 and B13, the word "complements" is incorrectly spelt as compliments.</p> <p>At clause 43.05-5 of the schedule, the word "complementing" is incorrectly spelt as complimenting.</p>	<p>Amend the schedule to correct the spelling error: there are three locations where the spelling error has been made.</p> <ul style="list-style-type: none"> Clause 43.05-4 (standards A8 and B13): replace compliments with complements Clause 43.05-5 (Landscaping): replace complimenting with complementing
43.05s1	<p>At modified standard A8/B13 of clause 43.05s1, the standard includes that:</p> <p><i>At least 60% of the site area (excluding the area of driveways, gravel, paving, decks, swimming pools and tennis courts) should be available for the planting of vegetation [emphasis added].</i></p> <p>The meaning of this clause is not clear to all users of the scheme. If read literally, the standard might be interpreted as meaning that the 60% referred to excludes driveways, decks etc when the standard actually seeks to ensure that 60% of the site area is available for planting and that the areas available for planting cannot include driveways, decks and the like.</p> <p>The wording of this standard needs to be clearer in its meaning so that users of the scheme can more easily interpret what is required through the standard.</p>	<p>Clarify the meaning of standard A8/B13 of clause 43.05s1 by moving the bracketed content to the end of the sentence and changing the word, "excluding" to "excludes" so that it reads:</p> <p><i>At least 60% of the site area should be available for the planting of vegetation (excludes the area of driveways, gravel, paving, decks, swimming pools and tennis courts).</i></p>
43.01 Schedule	<p>The heritage place recognised by HO43 is the Deans Marsh Uniting (formerly Methodist) Church and hall. The Schedule to the Heritage Overlay lists the address as 22 Deans Marsh-Lorne Road & Pennyroyal Valley Road (cnr), Deans Marsh. However, the heritage place and the overlay that applies is at 6 Pennyroyal Valley Road, Deans Marsh.</p> <p>The Schedule to Clause 43.01 needs to be amended to show correct address.</p>	<p>Amend the Schedule to Clause 43.01 to show the correct address for HO43, being:</p> <ul style="list-style-type: none"> 6 Pennyroyal Valley Road, Deans Marsh
43.01 Schedule	<p>The heritage place recognised by HO46 is the Deans Marsh Public Hall & Recreation Reserve. The Schedule to the Heritage Overlay lists the address as 6-20 Pennyroyal Valley Road, Deans Marsh. However, the heritage place and the overlay that applies is at 10-20 Pennyroyal Valley Road, Deans Marsh.</p>	<p>Amend the Schedule to Clause 43.01 to show the correct address for HO46, being:</p> <ul style="list-style-type: none"> 10-20 Pennyroyal Valley Road, Deans Marsh

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Reference	Description of Anomaly	Proposed Amendment
	The Schedule to Clause 43.01 needs to be amended to show correct address.	
43.01 Schedule	<p>The heritage place recognised by HO48 is the Yan Yan Gurt Woolshed in Deans Marsh. The Schedule to the Heritage Overlay lists the address as 1910 Winchelsea-Deans Marsh Road, Deans Marsh. However, the heritage place and the overlay that applies is at 2005 Winchelsea-Deans Marsh Road, Deans Marsh.</p> <p>The Schedule to Clause 43.01 needs to be amended to show correct address.</p>	<p>Amend the Schedule to Clause 43.01 to show the correct address for HO48, being:</p> <ul style="list-style-type: none"> 2005 Winchelsea-Deans Marsh Road, Deans Marsh
43.01 Schedule	<p>The heritage place recognised by HO75 is Waverley House in Lorne. The Schedule to the Heritage Overlay lists the address as 3 Waverley Avenue, Lorne. However, the heritage place and the overlay that applies is at 3 Deans Marsh Road, Lorne.</p> <p>The Schedule to Clause 43.01 needs to be amended to show correct address.</p>	<p>Amend the Schedule to Clause 43.01 to show the correct address for HO75, being:</p> <ul style="list-style-type: none"> 3 Deans Marsh Road, Lorne
43.01 Schedule	<p>The heritage place recognised by HO117 is the Former Modewarre State School No. 396. The Schedule to the Heritage Overlay lists the address as 910 Cape Otway Road, Modewarre. However, the heritage place and the overlay that applies is at 465 Considines Road, Modewarre.</p> <p>The Schedule to Clause 43.01 needs to be amended to show correct address.</p>	<p>Amend the Schedule to Clause 43.01 to show the correct address for HO117, being:</p> <ul style="list-style-type: none"> 465 Considines Road, Modewarre
43.01 Schedule	<p>The heritage place recognised by HO92 is <i>Pearse Caim</i> in Aireys Inlet. The Schedule to the Heritage Overlay lists the address as Federal Drive, Aireys Inlet when in fact the address is Federal <u>Street</u>, Aireys Inlet.</p>	<p>Amend the Schedule to Clause 43.01 to show the correct address for HO92, being:</p> <ul style="list-style-type: none"> Federal Street, Aireys Inlet
43.01 Schedule	<p>The <i>Former Orchard Bakery & associated Dwelling</i> recognised by HO147 is located on Main Street (the Princes Highway), Winchelsea. The buildings are valued heritage assets; however, the zero setback of the bakery in a busy location make the buildings less desirable as dwellings in spite of their residential zoning. If the buildings remain vacant, there is a risk that the condition of the buildings will further deteriorate. Currently, the schedule does not allow consideration of non-conforming (prohibited) uses; allowing such uses has the potential to give the buildings a purpose and encourage the maintenance and repairs needed to preserve the heritage place.</p>	<p>Amend the Schedule to Clause 43.01 to allow prohibited uses to be considered for HO147.</p>
	<p>Incorporated document, Surf Coast Shire Heritage Study, Stage 2B</p> <p>The addresses in the Incorporated document for HO117 and HO92 are</p>	<p>Amend the Incorporated document, <i>Surf Coast Shire Heritage Study, Stage 2B</i> to correct the address of:</p>

2.1 Planning Scheme Amendment C140 - Correctional Amendment

Reference	Description of Anomaly	Proposed Amendment
	incorrect as set out above and must be corrected to align with the Schedule to Clause 43.01.	<ul style="list-style-type: none">HO117 in the Table of Contents and on page 14 to 465 Considines Road, ModewarreHO92 in the Table of Contents and on page 1 to Federal Street, Aireys Inlet

How does the amendment implement the objectives of planning in Victoria?

The amendment ensures that the planning scheme provisions are clear and can be correctly applied to land so that it can be used and developed in accordance with the Planning and Environment Act 1987.

How does the amendment address any environmental, social and economic effects?

The amendment will not have any significant environmental, social or economic effects.

Does the amendment address relevant bushfire risk?

The amendment is a correctional amendment, addressing known anomalies and minor errors in the planning scheme. The amendment will not increase the risk to human life.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment addresses the requirements of Ministerial Direction No. 11 which seeks to ensure a comprehensive strategic evaluation is undertaken by a planning authority. This is provided in the explanatory report.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment is consistent with the Planning Policy Framework (PPF). The changes proposed are correctional, addressing known anomalies and minor errors in the scheme and as such, there are no implications for PPF.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The changes proposed are correctional, addressing known anomalies and minor errors in the scheme and as such, there are no implications for LPPF.

How does the amendment support or implement the Municipal Planning Strategy?

The changes proposed are correctional, addressing known anomalies and minor errors in the scheme and as such, there are no implications for MPS.

2.1 Planning Scheme Amendment C140 - Correctional Amendment

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions (VPP's) by improving the clarity, accuracy and therefore, effectiveness of existing planning scheme provisions.

How does the amendment address the views of any relevant agency?

Consultation with relevant agencies will be undertaken as part of the exhibition process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have any impact on the provisions of the Transport Integration Act 2010.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment does not introduce new planning provisions: the corrections will have no significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Surf Coast website at www.surfcoast.vic.gov.au

AND

The amendment is available for public inspection, free of charge, during office hours at the Surf Coast Shire Municipal Offices, 1 Merrijig Drive, Torquay

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

Coordinator Strategic Planning
Surf Coast Shire
PO Box 350
Torquay Vic 3228

or emailed to info@surfcoast.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**

2.1 Planning Scheme Amendment C140 - Correctional Amendment

APPENDIX 4 INSTRUCTION SHEET

Planning and Environment Act 1987

SURF COAST PLANNING SCHEME

AMENDMENT C140surf

INSTRUCTION SHEET

The planning authority for this amendment is the Surf Coast Shire Council.

The Surf Coast Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 49 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map Nos. 8ZN in the manner shown on the 1 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".
2. Amend Planning Scheme Map Nos. 16ZN in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
3. Amend Planning Scheme Map Nos. 19ZN in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
4. Amend Planning Scheme Map Nos. 39ZN in the manner shown on the 1 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".
5. Amend Planning Scheme Map Nos. 43ZN in the manner shown on the 2 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".

Overlay Maps

6. Amend Planning Scheme Maps No. 8HO in the manner shown on the 2 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".
7. Amend Planning Scheme Maps No. 8PAO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
8. Amend Planning Scheme Maps No. 8DDO in the manner shown on the 2 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
9. Amend Planning Scheme Maps No. 8DPO in the manner shown on the 2 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
10. Amend Planning Scheme Maps No. 8EAO in the manner shown on the 2 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
11. Amend Planning Scheme Maps No. 16DDO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
12. Amend Planning Scheme Maps No. 16DPO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".

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13. Amend Planning Scheme Maps No. 19DDO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 14. Amend Planning Scheme Maps No. 19SLO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 15. Amend Planning Scheme Maps No. 20ESO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 16. Amend Planning Scheme Maps No. 20HO in the manner shown on the 2 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".
 17. Amend Planning Scheme Maps No. 20DDO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 18. Amend Planning Scheme Maps No. 27SCO, 32SCO, 33SCO and 34SCO in the manner shown on the 2 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".
 19. Amend Planning Scheme Maps No. 25SCO and 26SCO in the manner shown on the 2 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 20. Amend Planning Scheme Maps No. 26SCO and 27SCO in the manner shown on the 2 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 21. Amend Planning Scheme Maps No. 28HO in the manner shown on the 4 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".
 22. Amend Planning Scheme Maps No. 39DDO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 23. Amend Planning Scheme Maps No. 39ESO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 24. Amend Planning Scheme Maps No. 39NCO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 25. Amend Planning Scheme Maps No. 40HO in the manner shown on the 2 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".
 26. Amend Planning Scheme Maps No. 42HO in the manner shown on the 2 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".
 27. Amend Planning Scheme Maps No. 43DDO in the manner shown on the 2 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 28. Amend Planning Scheme Maps No. 43HO in the manner shown on the 1 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 29. Amend Planning Scheme Maps No. 43NCO in the manner shown on the 2 attached map marked "Surf Coast Planning Scheme, Amendment C140surf".
 30. Amend Planning Scheme Maps No. 43SLO in the manner shown on the 2 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".

2.1 Planning Scheme Amendment C140 - Correctional Amendment

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31. Amend Planning Scheme Maps No. 43SCO in the manner shown on the 2 attached maps marked "Surf Coast Planning Scheme, Amendment C140surf".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

32. In **Local Planning Policy Framework** – replace Clause 15.01-5L-02 with a new Clause 15.01-5L-02 in the form of the attached document.
33. In **Zones** – Clause 37.01, replace Schedule 5 with a new Schedule 5 in the form of the attached document.
34. In **Overlays** – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.
35. In **Overlays** – Clause 43.02, replace Schedule 24 with a new Schedule 24 in the form of the attached document.
36. In **Overlays** – Clause 43.05, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
37. In **Overlays** – Clause 43.05, replace Schedule 2 with a new Schedule 2 in the form of the attached document.

End of document

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Author's Title: Principal Strategic Planner
Department: Strategic Planning
Division: Environment & Development

General Manager: Ransce Salan
File No: F19/92
Trim No: IC21/1659

Appendix:

Nil

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

☐ Yes

☒ No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to consider submissions relating to Amendment C133 - Rural Hinterland Futures.

Summary

Amendment C133 implements the planning recommendations in the Rural Hinterland Futures Strategy, adopted by Council in 2019.

Council exhibited Amendment C133 Rural Hinterland Futures for a period of one month, commencing 2nd September to 4th October 2021. Thirteen submissions were received, which are summarised as follows:

- 2 submissions supported the amendment (1 of which was from a referral authority);
- 4 submissions supported part of the amendment, however raised concerns with specific elements (2 of which were from referral authorities);
- 7 objected to the amendment and requested changes.

Recommendation

That Council:

1. Receives and notes all submissions to Amendment C133 Rural Hinterland Futures as summarised in this report.
2. Requests the Minister for Planning appoint an independent Panel to consider Amendment C133 to the Surf Coast Shire Planning Scheme and refers all submissions to the Panel pursuant to Part 8 of the Planning and Environment Act 1987.
3. In response to issues raised in submissions, makes the following changes to local planning policy:
 - 3.1. Amends Clause 14.01-1L-02 (dwellings in the Farming and Rural Conservation Zones) to support the approval of a dwelling where a Section 173 agreement requiring the implementation of a Land Management Plan has been entered into prior to the gazettal date.
 - 3.2. Strengthens local policy to ensure clearer guidance is provided for the safe and efficient movement of traffic on key tourism routes and the arterial road network in association with new tourism proposals.
 - 3.3. Amends the schedule to Clause 74.02 (further strategic work) to include the preparation of a landscape assessment for the Barrabool ridgeline to assess and recommend suitable mechanisms to protect its visual and aesthetic qualities as well as its Wadawurrung living cultural heritage values.
 - 3.4 Amends the schedule to Clause 72.08 (Background documents) to include Paleert Tjaara Dja: Wadawurrung Healthy Country Plan (Wadawurrung Traditional Owners Aboriginal Corporation, 2020).
4. Notes that the changes made in point 3 above form Council's adopted position that will be presented at the Panel Hearing.

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

5. Notes that officers need to continue working with the Department of Environment, Land, Water and Planning following the approval of the Statement of Planning Policy for the Distinctive Areas and Landscapes project. This is to ensure current policy specific to the internationally significant Bells Beach viewshed is not unintentionally extended across a wider area.

Council Resolution

MOVED Cr Adrian Schonfelder, Seconded Cr Heather Wellington

That Council:

1. Receives and notes all submissions to Amendment C133 Rural Hinterland Futures as summarised in this report.
2. Requests the Minister for Planning appoint an independent Panel to consider Amendment C133 to the Surf Coast Shire Planning Scheme and refers all submissions to the Panel pursuant to Part 8 of the Planning and Environment Act 1987.
3. In response to issues raised in submissions, makes the following changes to local planning policy:
 - 3.1. Amends Clause 14.01-1L-02 (dwellings in the Farming and Rural Conservation Zones) to support the approval of a dwelling where a Section 173 agreement requiring the implementation of a Land Management Plan has been entered into prior to the gazettal date.
 - 3.2. Strengthens local policy to ensure clearer guidance is provided for the safe and efficient movement of traffic on key tourism routes and the arterial road network in association with new tourism proposals.
 - 3.3. Amends the schedule to Clause 74.02 (further strategic work) to include the preparation of a landscape assessment for the Barrabool ridgeline to assess and recommend suitable mechanisms to protect its visual and aesthetic qualities as well as its Wadawurrung living cultural heritage values.
 - 3.4 Amends the schedule to Clause 72.08 (Background documents) to include Paleert Tjaara Dja: Wadawurrung Healthy Country Plan (Wadawurrung Traditional Owners Aboriginal Corporation, 2020).
4. Notes that the changes made in point 3 above form Council's adopted position that will be presented at the Panel Hearing.
5. Notes that officers need to continue working with the Department of Environment, Land, Water and Planning following the approval of the Statement of Planning Policy for the Distinctive Areas and Landscapes project. This is to ensure current policy specific to the internationally significant Bells Beach viewshed is not unintentionally extended across a wider area.

CARRIED 9:0

For

Cr Allen
Cr Barker
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Nil

Abstained

Nil

CARRIED 9:0

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

The purpose of this report is to consider submissions relating to Amendment C133 Rural Hinterland Futures. At its meeting held on 23 February 2021 Council resolved to seek authorisation from the Minister for Planning and upon receipt of authorisation publicly exhibit the amendment for one (1) month. The amendment was exhibited from 2nd September to 4th October 2021.

A letter and brochure was mailed to 1065 landowners within the Thompsons Creek Catchment area who were potentially impacted by changes proposed through the amendment. The letter and brochure outlined those changes.

In addition, an email was sent to all previous submitters to the Rural Hinterland Futures Strategy and registered community groups. Notices appeared in the Surf Coast Times and Winchelsea Star. The amendment was also advertised on Council's website. A purpose designed web page was set up for the amendment that included:

- A series of explanatory videos on what the amendment was all about and how to make a submission;
- Links to download versions of all of the amendment documents including submission form and background documents;
- Frequently asked questions;
- Contact phone number for officers who could answer unresolved enquiries.

During the exhibition period officers spoke to 36 land owners and stakeholders and emailed relevant documents as required.

The Amendment implements the Rural Hinterland Futures Strategy, adopted by Council in 2019. The strategy provides strategic land use direction for all land zoned Farming and Rural Conservation Zone in the Surf Coast Shire hinterland area. The strategy presents a vision that by 2040 the hinterland will be a key contributor to the local economy and a renowned visitor destination.

The amendment proposes a number of changes to local planning policy to facilitate this vision through confirming the need to protect agricultural land for farming, encouraging agri-tourism and nature based tourism subject to criteria and continued protection of the landscape and environmental values as a priority.

The amendment also proposes to delete a provision from the Schedule to the Farming Zone that allows consideration of a lot or 'as of right' dwelling on 40ha in the Thompsons Creek Catchment area. The removal of the provision is a recommendation of the Thompsons Creek Catchment Review, a background document to the amendment.

Summary of Submissions

A total number of 11 submissions were received during the exhibition period and 2 late submissions were received. Councillors have been provided with access to a full copy of each submission.

The table below summarises the key themes raised in submissions. The key themes have been identified based on the number of submissions received on a particular topic or issue. They are not presented in priority order.

Key Theme	Topic/Issue	Officer Response
1	Support for the amendment or particular aspects of the amendment.	Noted.
2	Support for the removal of the provision within the Schedule to the Farming Zone (FZ) that allows consideration of a 40ha lot size and dwelling 'as of	Noted. Supported. The ongoing monitoring and enforcement of the approved land

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Key Theme	Topic/Issue	Officer Response
	<p>right' subject to conditions being met within the Thompsons Creek Catchment area.</p> <p>'Council should ensure the approved land management plans are complied with or else don't approve them'.</p>	<p>management plans places a significant burden on Council's resources. This is one of the key reasons why the Thompsons Creek Catchment review recommends the removal of the provision.</p>
3	<p>Opposition to the removal of the provision within the Schedule to the Farming Zone that allows consideration of a 40ha lot size and dwelling 'as of right' subject to conditions being met within the Thompsons Creek Catchment area.</p> <p>Concern that if the provision is removed the submitter may not be able to build their dwelling even though they have an approved land management plan and have signed a Section 173 agreement.</p>	<p>Not supported. The retention of the provision is a resourcing burden to Council and a complicated process for both Council officers and the landowner to implement and monitor. There are more transparent and effective provisions within the planning scheme that have come into effect since the introduction of the provision 20 years ago that achieve the same outcome without the legislative burdens.</p> <p>To protect land owners that have received approval prior to amendment C133, officers recommend including wording within Clause 14.01-1L-02 (dwellings in the Farming and Rural Conservation zones) that will enable planning approval for a dwelling in the Farming Zone where a Section 173 agreement has been entered into prior to the gazettal date to implement a Land Management Plan. Officers estimate that this is limited to 3 properties, one of which is a submitter to the amendment.</p>
4	<p>Opposition to the Green Break between Spring Creek Urban Growth Area and Bellbrae.</p> <p>The area between Torquay and Bellbrae should not be included in the amendment until the location of the settlement boundary has been approved by the Governor in Council as part of the Declaration of the Surf Coast as a distinctive area and landscape (DAL).</p> <p>The Urban Growth Zone should not be shown on any mapping and the planning scheme should not refer to Torquay as a growth area due to the Declaration of the Surf Coast as a distinctive area and landscape.</p>	<p>Not supported.</p> <p>The Surf Coast was declared as a Distinctive Area and Landscape by the Governor in Council on 19 September 2019. Once a Statement of Planning Policy is approved by the Governor in Council it is expected that changes will be made to the Surf Coast Planning Scheme to implement that policy.</p> <p>This may include an adjustment to the location of the settlement boundary and the status of Torquay as a growth node. Until that approval has taken place the hinterland amendment reflects the current planning scheme.</p> <p>The existing planning scheme at Clause 02.04-3 (Torquay/Jan Juc framework plan) designates the land between Torquay and Bellbrae as a 'green break', i.e. non-urban land, and the amendment</p>

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Key Theme	Topic/Issue	Officer Response
	<p>The submitter has indicated that their property is situated in an optimum location for tourism, however the amendment provides no direction for their site.</p>	<p>is consistent with that local policy. It is important that the amendment confirms the green break between Torquay and Bellbrae in the Tourism focus area map. Should the location of the settlement boundary change, the boundary of the green break must also be altered to ensure consistency in direction. The green break designation is tied to the Farming Zone and sits beyond the urban zoned land.</p> <p>Officers submit that the reference to the green break in Amendment C133 does not influence the location of the settlement boundary. Importantly Amendment C133 provides guidance as to the appropriate use of the land. The land is zoned Farming Zone and C133 suggests limited tourism activity may be suitable in this area (similar to what currently occurs) with due consideration given to the important role it plays as a non-urban or green break. Should the DAL result in the application of a Significant Landscape Overlay to this land, future development will need to respond to the landscape character objectives contained within the schedule. Officers submit that C133 and the DAL will complement one another.</p> <p>Not supported. Consideration of uses in the Farming Zone between Torquay and Bellbrae was deliberately included in the scope of the RHFS in response to "Further Strategic Work" identified in the planning scheme. The land is zoned Farming and is included within the 'tourism activation area'. It is also part of a recognised green break to reconfirm its status as an important green corridor between Bellbrae and Torquay.</p>
5	<p>The Rural Hinterland Futures Strategy 2019 (RHFS) recommended increased opportunities for tourism. Submitters state the amendment does not sufficiently encourage tourism uses.</p>	<p>Not supported.</p> <p>Submissions to the draft RHFS expressed concern that tourism uses could conflict with farming activities and the final draft reinforced agriculture as the primary land use in the hinterland.</p> <p>The policy changes proposed through the amendment seek to carefully balance the protection of agriculture as the primary land use, protection of landscape and environmental values and tourism enhancement. The RHFS identifies a</p>

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Key Theme	Topic/Issue	Officer Response
		<p>large geographic area 'suitable to tourism' activities, provided constraints (such as bushfire) and opportunities (access to infrastructure) are given adequate consideration.</p> <p>Officers submit that Amendment C133 sufficiently supports tourism whilst carefully managing potential land use conflicts in line with the strategy.</p>
6	<p>The area south of Bellbrae should be recognised as a tourism cluster based on current land use and past approvals (e.g. adventure park).</p> <p>The township of Bellbrae has limited tourism or commercial activity, it is instead focused on the Great Ocean Road south of the township.</p>	<p>Not supported.</p> <p>The RHFS identified 4 locations well suited to tourism clusters. They are located in proximity to the rural towns of Deans Marsh, Winchelsea, Moriac and Bellbrae. The Bellbrae cluster is located close to the intersection of the Great Ocean Road and Forest Road in the vicinity of the GOR Chocolaterie, as a significant tourist attractor.</p> <p>The amendment adequately facilitates appropriate tourism uses in the broader area. Policies to be implemented through the amendment will direct tourism activities in the hinterland to be;</p> <ul style="list-style-type: none"> • Located with easy access to the infrastructure needed to support the intended use; • Located near an existing town, and. • Sited and designed in an environmentally and landscape sensitive manner. <p>Including the area south of Bellbrae as a new 'cluster' would be inconsistent with the RHFS. In addition it is believed to be unnecessary. The amendment includes the submitter's site within the 'tourism and agri-tourism focus area' at Clause 17.04-1L (facilitating tourism in the Surf Coast Shire). Tourism activities where appropriately designed can be considered at the landowners property under this proposed policy.</p>
7	<p>If the DAL results in the application of a Significant Landscape Overlay Schedule 10 (SLO10) to the submitters property (Great Ocean Road and Coastal environs – Bells Beach to Point Addis) current policy could make tourism use strongly discouraged which is not the intent of that policy or the DAL.</p>	<p>Supported. The amendment identifies the submitter's site located within the 'tourism and agri-tourism focus area' at Clause 17.04-1L (facilitating tourism in the Surf Coast Shire).</p> <p>Bells Beach and Point Addis are located outside the 'tourism focus area' and</p>

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Key Theme	Topic/Issue	Officer Response
		<p>covered by the Significant Landscape Overlay Schedule 1 (SLO1), identified as being subject to very high landscape protection in the planning scheme. Tourism use and development is discouraged in both of these areas.</p> <p>The SLO10 proposed through the DAL project relates to development only and does not favour or preclude different types of land use. The purpose of the new overlay is to ensure that future development does not compromise the visual landscape qualities, significant viewsheds and remnant vegetation and habitats are maintained and protected.</p> <p>It is possible that if the SLO10 is introduced the SLO1 might be deleted from the Bells Beach viewshed. Officers agree with the submitter that there is a risk that the wording in current policy 'Discourage tourist development in the Bells Beach viewshed' could be extended to include their property should the SLO10 be applied. It may become unclear where the Bells Beach 'view shed' is located if the SLO1 is removed.</p> <p>Officers recommend that current policy relating to the Bells Beach viewshed be reviewed following the outcome of the DAL process. Advice will need to be sought on the timelines and implementation of the DAL by DELWP prior to the C133 Panel Hearing (should Council support referring the submissions to a panel).</p>
8	The amendment should consider applying the Rural Activity Zone (RAZ) to the land around Gundrys Road instead of the Farming Zone if tourism is to be encouraged.	<p>Not supported.</p> <p>Amendment C68 proposed the application of the RAZ to land in the Bellbrae and Deans Marsh hinterland. That amendment was implementing the <i>Surf Coast Shire Rural Strategy</i> which was adopted by Council in 2007. The strategy sought to provide for tourism in those two (2) targeted areas.</p> <p>However the application of the RAZ was not supported due to changes to the Bushfire Management Overlay (BMO) in response to the Victorian Bushfires Royal Commission. The BMO was extended to cover the majority of the area originally proposed as RAZ in the Bellbrae area.</p>

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Key Theme	Topic/Issue	Officer Response
		<p>In addition, the changes to the Rural Zones in 2013 included many additional discretionary uses in the Farming Zone not formerly permitted. Accordingly, Amendment C68 was abandoned.</p> <p>The RHFS includes a much broader area that is 'well suited to tourism' but includes stringent criteria for the consideration of bushfire risk and access to key infrastructure to ensure tourism activities are not supported in high risk areas or where the risks cannot be reasonably mitigated.</p>
9	60ha is not a viable farming lot size. Smaller lots should be permitted and more research is required.	<p>Not supported. The Surf Coast Planning Scheme and State policy has consistently discouraged fragmentation of farming land by not allowing subdivision below the minimum lot size and proliferation of dwellings throughout rural areas.</p> <p>The 60ha minimum lot size was introduced into the planning scheme in 2000 as a recommendation of the Council adopted <i>Rural Land Use Strategy</i>, (1997). The minimum lot sizes was reviewed again through the <i>Rural Strategy Review Report</i> in 2007 which found the lot sizes and methodology applied through the 1997 strategy to be sound and relevant.</p> <p>The 1997 strategy urged against further fragmentation of land and also took into consideration the need for non-urban green breaks and the protection of environmental and landscape values.</p> <p>The RHFS did not revisit the minimum lot sizes as the criteria used to determine the suitable lot size such as soil type, physiography, geology and rain fall has not changed since 1997.</p>
10	<p>Concern that the amendment may impact on the safety of the arterial road network due to the accumulative effect of tourism activities particularly around designated clusters.</p> <p>Requests that Surf Coast undertake a traffic impact assessment for the cluster areas and more broadly for the agri-tourism focus area to ensure transport impacts can be mitigated.</p>	<p>Supported.</p> <p>The arterial Road network includes the Great Ocean Road, Deans Marsh Lorne Road, Deans Marsh Birregurra Road, Deans Marsh Winchelsea Road, Cape Otway Road (to Moriac), Hendy Main Road (to Moriac), Anglesea Road, Inverleigh Winchelsea Road, Surf Coast Highway and Princes Highway.</p> <p>The amendment recommends a clustering of tourism activities west of</p>

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Key Theme	Topic/Issue	Officer Response
	Does not support the priority action in RHFS that proposes advocacy for the transfer of the management and operation of part of Cape Otway Road to the Department of Transport (DoT).	<p>Moriac on the Cape Otway Road, in the town of Winchelsea, south of Deans Marsh (accessed via the arterial road network) and on the Great Ocean Road within proximity to the Forest Road intersection. Two of the four cluster areas could potentially raise traffic safety concerns for the DoT being directly accessed from the arterial road network (The Great Ocean Road and Deans Marsh Winchelsea Road clusters). Winchelsea is not considered to be a safety risk as the cluster is focused within the urban areas, which is a slower speed environment with network users regularly accessing the local streets from the main road.</p> <p>Officers recommend that local policy be amended to provide clearer guidance on how the efficient and safe movement of traffic along major arterials should be considered for tourism activities. The exact wording will be developed in consultation with the DoT and the amendments presented to Planning Panels Victoria.</p> <p>The RHFS identified Cape Otway Road as requiring upgrades and Council wishes to advocate to VicRoads for the road to become a VicRoads managed road. Its identification as an alternative inland route to Lorne and other destinations makes it more eligible for upgrades.</p>
11	<p>The Barrabool ridgeline is significant for its aesthetic qualities as well as its Wadawurrung living cultural heritage values and warrants greater protection.</p> <p>The document <i>Paleert Tjaara Dja: Wadawurrung Healthy Country Plan</i> (Wadawurrung Traditional Owners Aboriginal Corporation, 2020) should be included as a background document to the Surf Coast Planning Scheme.</p>	<p>Supported. A landscape assessment north of the Princes Highway cannot be undertaken as part of this amendment but it can be included as further strategic work required to be undertaken in the Surf Coast Planning Scheme.</p> <p>The Wadawurrung corporation representative agreed that this would be a satisfactory outcome. It was understood that significant landscape assessments would be undertaken in the near future by the State government south of the Princes Highway as part of the planning for the Great Ocean Road.</p>

In accordance with section 223(1)(b)(i) of the *Local Government Act 1989* submitters were provided with the opportunity to be heard by the Hearing of Submissions Committee (the committee).

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

At the Hearing of Submissions Committee Meeting held on 9 November 2021, the committee heard submissions on this matter as per the committee's delegation under section 86 of the *Local Government Act 1989*. A total number 3 presentations were heard by the committee. The committee resolved to receive and note the submissions and forward to Council for consideration at the 23 November Council meeting.

Issues

The amendment is a broad amendment covering all the rural land in the Hinterland, hence a variety of issues have been raised in submissions. During exhibition 13 submissions were received to the amendment; some of which can be addressed through minor changes to the policy documents. The number of submissions to the amendment is significantly lower than the 95 submissions received to the draft Rural Hinterland Futures Strategy.

Referring the unresolved submissions and the proposed changes in response to submissions to an independent panel will enable greater consideration of the matters raised and further exploration of the options to resolve issues.

Discussion

Of the 13 submissions received a little over half objected to the amendment in its entirety. The majority of submissions can be responded to through minor amendments to policy as recommended in the table above. It is considered that the amendment can be improved through some minor wording adjustments and that all submissions and proposed changes should be referred to an independent panel.

Council Plan

Theme 4 Sustainable Growth

Strategy 15 Foster an environment that enables businesses to operate according to ethical, social and sustainable principles

Theme 3 Environmental Leadership

Strategy 14 Support people to run successful local businesses that grow and create jobs in our changing economy

Theme 5 Robust and Diverse Economy

Strategy 14 Support people to run successful local businesses that grow and create jobs in our changing economy

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

The applicable Victorian Planning Provisions and relevant Acts have been taken into account in considering the submissions to the amendment.

Policy/Relevant Law

The Amendment implements the Rural Hinterland Futures Strategy adopted by Council in 2019. The amendment complies with the relevant requirements of the Planning and Environment Act 1987.

Environmental/Sustainability Implications

The amendment implements the strategic directions outlined in the Rural Hinterland Futures Strategy 2019 which has a strong focus on:

- Growing the economic contribution of the hinterland by increasing opportunities for agribusiness, agri-tourism and tourism ventures,
- Encouraging local food production,
- Protecting the unique landscape and environmental values of the hinterland,
- Managing the implications of climate change.
- Reinforcing the primary use of farming in the hinterland.

The amendment affects all land within the Surf Coast Shire hinterland area, the majority of which is Farming Zoned land. A range of businesses operate within this area, from agribusiness and farming activities to tourism based uses. The amendment through policy encourages local food production through the protection of agricultural land.

One of the primary objectives of the Council plan and the planning scheme is to protect and enhance the Shire's significant environmental assets and scenic landscapes. This is a key foundation for the Strategy and amendment, with objective One seeking to elevate the importance of the rural landscapes '*as a defining feature of the Surf Coast hinterland and its significance to the local economy*'. The amendment reinforces the green breaks in the planning scheme, particularly between Torquay and Mt Duneed Road and between the Torquay settlement boundary and Bellbrae. The clustering of development in appropriate locations is also intended to reduce the potential for impact on significant environmental and rural assets in the Shire and encourage co-location of complementary uses.

Community Engagement

Community engagement has been undertaken in accordance with the legislative process required by the Planning and Environment Act 1987, including giving notice and placing notices in local newspapers and the government gazette.

A series of videos were made available on Council's website explaining the amendment and outlining how a submission to the amendment could be made. The videos were created in response to COVID restrictions preventing residents and rate payers from attending Council's Civic Centre. The webpage contained all supporting documentation in one location.

The amendment was referred to all relevant authorities and prescribed Ministers under the Planning and Environment Act.

Public Transparency

All documents and council decisions relating to the processing of the amendment will be publicly available on the website for inspection and comment. All submitters to the amendment will be advised in writing and directed to the website to view the Council minutes.

Should the matter be referred to Panels Victoria, all submitters will receive correspondence directly from Panels Victoria on Hearing on Directions hearing dates and scheduling.

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

Strategies/Plans

The amendment is consistent with the strategies and policies within the Surf Coast Planning Scheme and implements the strategic direction of the Rural Hinterland Futures Strategy, 2019.

Financial Management

Sufficient budget has been allocated in the 2021/2022 budget to process the amendment and for Panels Victoria costs if required.

Risk Assessment

There are potential risks associated with abandoning the amendment (option 3 below). The amendment addresses an important policy vacuum relating to discretionary uses within the Farming Zone which has existed since 2013. It also provides clear policy direction for suitable tourism and agri-tourism in rural areas whilst protecting the landscape and environmental qualities and ensuring the primary use of the land for farming in the Farming Zone.

The RHFS is a substantial piece of work that took 4 years to complete with extensive community consultation and input.

Communication

All submitters were invited to a Hearing of Submissions on 9 November 2021 and were advised of the consideration of submissions by Council at this council meeting on 23 November 2021. Following this meeting submitters will be advised of Council's resolution and provided with details regarding the panel hearing and directions hearing dates from Planning Panels Victoria if relevant. All information will be published on Council's website.

Options

Option 1 – Refer the submissions and amendment as exhibited to an independent panel

This option is not recommended by officers as it is considered that the amendment can be improved in response to submissions.

Option 2 – Amend the exhibited amendment and refer the submissions and changes to an independent panel

This option is recommended by officers as amendments to local policy in response to submissions will make the policy more robust.

Option 3 – Abandon the amendment

This option is not recommended by officers as significant resources have been deployed in the development of the strategy and extensive community engagement has occurred. The amendment will add significant value to economic development in the Shire and provide clear direction for planning policy.

Conclusion

Following public exhibition 13 submissions were received by Council. A number of the submissions can be addressed through minor changes to text in the policy documents.

Continued discussions are required with the Department of Transport to ensure the proposed adjustments to policy address concerns relating to tourism activities and the continued safe and efficient movement of traffic on the arterial road network.

Further discussion is required with the Department of Environment, Land and Planning pending the approval of the Statement of Planning Policy for the Surf Coast Distinctive Areas and Landscape(DAL) to ensure consideration is given to how current policy, the tourism activation areas as envisaged through the Rural Hinterland Futures Strategy and the planning policy changes to implement the DAL, align.

It is recommended that the policy changes in response to submissions and all unresolved submissions be referred to an independent panel pursuant to Part 8 of the Planning and Environment Act 1987.

2.2 Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

3. OFFICE OF THE CEO

Nil

4. CULTURE & COMMUNITY

4.1 Winchelsea Leisure Time Centre Rectification Works Update

Author's Title: Manager Facilities & Open Space Operations

General Manager: Chris Pike

Department: Facilities & Open Space Operations

File No: F18/2332-3

Division: Culture & Community

Trim No: IC21/1845

Appendix:

Nil

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to receive an update on negotiations with the Victorian School Building Authority regarding the funding of the rectification works for the Winchelsea Leisure Time Centre.

Summary

At the 26 October 2021 Meeting, Council resolved allocate \$110,000 as Council's 30% share of costs to repair the Winchelsea Leisure Time Centre in accordance with its current agreement with the Winchelsea Primary School. Council noted the progression of repair work relies on the Victorian School Building Authority fully funding the Winchelsea Primary School's 70% share of costs. Council requested a progress report at the November Council Meeting.

Council officers have met with the Victorian School Building Authority (VSBA) and have sought clarity around the funding of the rectification works and progressing the new Joint Use Agreement (JUA).

VSBA officers have confirmed that, with confirmation of Council's allocation, an internal funding request has been submitted. Council officers have been advised that the proposal is now being considered and it is the VSBA's intention to expedite the matter. They will advise officers of any updates on this as they occur and have committed to provide a response as soon as possible.

Council, the VSBA and the Winchelsea Primary School have continued to refine the draft of the JUA on the assumption that funding will be forthcoming. The agreement will not be executed until funding is committed.

The CEO has written to the VSBA's CEO seeking their assistance in resolving this matter swiftly.

The information in this report is correct at the time of writing (12 November 2021).

Recommendation

That Council:

1. Notes the update provided in this report on negotiations to secure a contribution from the Victorian School Building Authority towards the cost of rectification works at the Winchelsea Leisure Time Centre.
2. Receives a further report if officers are unable to secure the necessary financial commitment from Victorian School Building Authority.

4.1 Winchelsea Leisure Time Centre Rectification Works Update

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr Adrian Schonfelder

That Council:

1. Notes the update provided in this report on negotiations to secure a contribution from the Victorian School Building Authority towards the cost of rectification works at the Winchelsea Leisure Time Centre.
2. Receives a further report if officers are unable to secure the necessary financial commitment from Victorian School Building Authority.

CARRIED 9:0

For

Cr Allen
Cr Barker
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Nil

Abstained

Nil

CARRIED 9:0

4.1 Winchelsea Leisure Time Centre Rectification Works Update

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

The Winchelsea Leisure time Centre is currently closed after the school noticed further movement in the floorboards from moisture levels underneath the floor and deemed the facility unsafe for use. This was a recurrence of a previous problem, thought to have been fixed in prior years. Council was notified of the closure of the centre via the media. Officers have since been working with the Winchelsea Primary School and the Victorian School Building Authority on a way to reopen the facility.

At the 26 October 2021 Meeting, Council resolved as follows:

1. Notes the importance of the Winchelsea Leisure Time Centre as the sole indoor court facility to Winchelsea and surrounds both now and as the population grows into the future.
2. Allocates \$110,000 as Council's 30% share of costs to repair the Winchelsea Leisure Time Centre in accordance with its current agreement with the Winchelsea Primary School sourced as follows:
 - \$30,000 from the Asset Renewal Reserve
 - \$50,000 from the Project Savings Account
 - \$30,000 from the Accumulated Unallocated Cash Reserve
3. Notes the progression of repair work relies on the Victorian School Building Authority fully funding the Winchelsea Primary School's 70% share of costs.
4. Notes, subject to the contribution of funding by the Victorian School Building Authority, the Chief Executive Officer will enter into a new Joint Use Agreement with the Winchelsea Primary School and the Victorian School Building Authority to govern use, management and maintenance of the Winchelsea Leisure Time Centre from January 2022.
5. Notes officers will continue to work with the Winchelsea Primary School and the Victorian School Building Authority to keep the local community updated on this initiative.
6. Requests that Council officers present a report to the next Council meeting which outlines the progress of negotiations with the VSBA.

Discussion

Council officers advised the VSBA of Council's resolution the day after the October Council Meeting.

Council officers met with representatives of the Victorian School Building Authority (VSBA) and Winchelsea Primary School on 5 November 2021 to further progress the new Joint Use Agreement (JUA) and also to obtain a clear timeline on the provision of VSBA funding.

VSBA officers have confirmed that, with confirmation of Council's allocation, an internal funding request has been submitted. Council officers have been advised that the proposal is now being considered and it is the VSBA's intention to expedite the matter. They will advise officers of any updates on this as they occur and have committed to provide a response as soon as possible.

The CEO has written to the VSBA's CEO seeking their assistance in resolving this matter swiftly.

A further meeting has been scheduled for 16 November 2021 to finalise the draft JUA and provide clarity around roles and responsibilities for how to govern use, management and maintenance of the Winchelsea Leisure Time Centre to benefit the school and community for years to come.

The execution of the JUA is contingent on the confirmation of the VSBA's funding.

Council Plan

Theme 2 A Healthy Connected Community

Strategy 3 Facilitate the provision of social infrastructure and open space to enable healthy lifestyles

4.1 Winchelsea Leisure Time Centre Rectification Works Update

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	No
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

This report's recommendations gives priority to delivering best outcomes for the municipal community.

Community Engagement

Limited community engagement has occurred through the Winchelsea Star and updates to Growing Winchelsea. The Victorian School Building Authority and Winchelsea Primary School have not provided any community updates.

In accordance with Council's Community Engagement Policy SCS-017, the engagement level is **inform** as shown below.

Engagement Level	Promise to the Community	Role of Community	Example of Activities
Provide news and information to the community to help them understand	Council will keep you informed	Receive information	Provide information via media releases and media statements Speak directly to affected parties

Financial Management

Council has allocated \$110,000 as Council's 30% share of costs to repair the Winchelsea Leisure Time Centre in accordance with its current agreement with the Winchelsea Primary School.

Risk Assessment

The primary risk associated with this report is the failure to secure VSBA funding prior to the end of December. This is being mitigated through regular contact with VSBA emphasising the importance of the facility, reinforcement of the nexus between the funding and the establishment of a new JUA, and additional advocacy via the CEO.

There is no indication that VSBA will not continue to play a constructive role in fixing the facility, however as previously advised the funding responsibility rests with the primary school as the centre in excess of its entitlement. Council officers understand that the VSBA needs to allocate funding from within its existing budgets (i.e. it is not an initiative funded explicitly in the state government's last budget).

4.1 Winchelsea Leisure Time Centre Rectification Works Update

If funding is not forthcoming officers would need to return to Council with advice on its options.

There are identified Workplace Health and Safety implications associated with this report. Carrying out the rectification works will remove the safety risk to the community.

Options

Option 1 – Notes this report

This option is recommended by officers as it is consistent with the resolution to receive a progress update.

Option 2 – Seek to escalate the issue to the Minister for Education

This option is not recommended as Council has a constructive relationship with the VSBA in a situation where it has no obligation to step in to fund the facility as it is currently considering. The CEO has sought to emphasise the importance of a swift resolution to the matter via the VSBA CEO. Officers consider this to be the most appropriate advocacy at this time.

Option 3 – Do not wait for the outcome and fully fund the rectification works

This is not recommended as it is inconsistent with the funding agreement and to date VSBA officers have indicated their willingness to advocate for funding with that organisation. It would be premature to make a decision to change Council's contribution.

Conclusion

Officers continue to seek assurances from the VSBA that funding will be made available to initiate rectification works as soon as possible.

4.2 Community Asset Committee Changes to Membership - Deans Marsh Hall, Stribling Reserve and Connewarre Reserve

Author's Title: Recreation Planning Officer
Department: Social Infrastructure Planning
Division: Culture & Community

General Manager: Chris Pike
File No: F12/1066-3
Trim No: IC21/1571

Appendix:

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

☐ Yes

☒ No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to consider resignations from and appointments to Community Asset Committees.

Summary

In July, September and October resignations were received from David Mullen, Michael Bjork-Billings and Michael Atkinson from three Community Asset Committees. At the 24 October 2021 Deans Marsh Community Hall and Memorial Reserve Committee meeting an expression of interest was tabled from Jane Whitehead to join the Committee and a motion was carried to recommend to Council that Jane Whitehead be appointed as a new member of the committee.

Recommendation

That Council:

1. Accepts the resignation of Michael Atkinson from the Deans Marsh Community Hall & Memorial Reserve Community Asset Committee.
2. Appoints Jane Whitehead to the Deans Marsh Community Hall & Memorial Reserve Community Asset Committee.
3. Accepts the resignation of David Mullen from the Stribling Reserve Community Asset Committee.
4. Accepts the resignation of Michael Bjork-Billings from the Connewarre Reserve Community Asset Committee.
5. Notes the Mayor has written thank you letters to David Mullen, Michael Bjork-Billings and Michael Atkinson acknowledging and thanking each of them for the service to their local community.

Council Resolution

MOVED Cr Gary Allen, Seconded Cr Adrian Schonfelder

That Council:

1. Accepts the resignation of Michael Atkinson from the Deans Marsh Community Hall & Memorial Reserve Community Asset Committee.
2. Appoints Jane Whitehead to the Deans Marsh Community Hall & Memorial Reserve Community Asset Committee.
3. Accepts the resignation of David Mullen from the Stribling Reserve Community Asset Committee.
4. Accepts the resignation of Michael Bjork-Billings from the Connewarre Reserve Community Asset Committee.
5. Notes the Mayor has written thank you letters to David Mullen, Michael Bjork-Billings and Michael Atkinson acknowledging and thanking each of them for the service to their local community.

CARRIED 9:0

4.2 Community Asset Committee Changes to Membership - Deans Marsh Hall, Stribling Reserve and Connewarre Reserve

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Nil	Nil
Cr Barker		
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Mayor Stapleton		
Cr Wellington		

CARRIED 9:0

4.2 Community Asset Committee Changes to Membership - Deans Marsh Hall, Stribling Reserve and Connewarre Reserve

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

Community Asset Committees (CACs) were established by Council resolution at the 25 August 2020 meeting in accordance with s47(1) of the Local Government Act 2020. The eight (8) new CACs replaced the Section 86 Committees of Management that were in place under the previous legislation.

At the 25 August 2020 meeting, Council appointed eight members to the Deans Marsh Community Hall and Recreation Reserve Community Asset Committee (CAC). On 31 August 2020, the Surf Coast Shire CEO formally declared the delegations for each member of the eight (8) CACs. These delegations are outlined in each CACs Instrument of Delegation and came into effect on 1 September 2020.

Discussion

The Deans Marsh Community Hall & Memorial Reserve CAC tabled an expression of interest from Jane Whitehead on 24 October 2021 to join the Committee and a motion was carried to recommend to Council that Jane Whitehead be appointed as a new member of the committee.

With the resignation of Michael Atkinson from the Committee and the endorsement of Jane Whitehead the Committee now have a total of 7 members.

With the resignation of David Mullen from the Stribling Reserve CAC the Committee now have a total of 9 members.

With the resignation of Michael Bjork-Billings from the Connewarre Reserve CAC the Committee now have a total of 9 members.

Notes Officers have written thank you letters to David Mullen, Michael Bjork-Billings and Michael Atkinson thanking each of them for the service to the Community.

Council Plan

Theme 2 A Healthy Connected Community

Strategy 6 Enable communities to strengthen their social connections and participate in community life

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No

4.2 Community Asset Committee Changes to Membership - Deans Marsh Hall, Stribling Reserve and Connewarre Reserve

Risk Assessment	No
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

This recommendation complies with the Local Government Act 2020, Section 47(1) (b). An Expression of Interest process to appoint new members is not required for CACs.

Policy/Relevant Law

This recommendation complies with the Committee's Instrument of Delegation and Council's Volunteer Policy.

Environmental/Sustainability Implications

Not applicable.

Community Engagement

The Deans Marsh Community Hall & Memorial Reserve CAC was established to enable the community to engage and participate in the management of the community's assets. The capacity of the Committee is enhanced by having a broad range of members who work together in a cohesive fashion. The proposed membership of this committee is drawn from the Deans Marsh and district community.

Public Transparency

An Expression of Interest process to appoint new members is not required for CACs, the one expression of interest was received by Council Officers on 24 September 2021 following an advertising process completed in May 2021 and shared with the CAC for consideration.

Communication

Communication with the Committee and the applicants has occurred through officers of Council's Recreation Planning unit.

Human Rights Charter

Not applicable.

Options

Option 1 – Appoint Jane Whitehead to the Deans Marsh Community Hall & Memorial Reserve CAC.

This option is recommended by officers as it supports community members volunteering in a community committee and aligns to Council's purpose to help our community and environment to thrive. The additional committee member will assist the local Deans Marsh community to thrive.

Option 2 – Do not appoint Jane Whitehead to the Deans Marsh Community Hall & Memorial Reserve CAC.

This option is not recommended by officers as it deters the interested parties from being involved in a community committee.

Conclusion

The Deans Marsh Community Hall & Memorial Reserve Community Asset Committee is seeking Council's endorsement to appoint Jane Whitehead to the Committee.

4.3 Small Grants Program September 2021

Author's Title: Community Project Officer

General Manager: Chris Pike

Department: Community Health & Development

File No: F18/2393-3

Division: Culture & Community

Trim No: IC21/1364

Appendix:

1. Small Grants Program September 2021 Projects supported (D21/195832)
2. Small Grants Program September 2021 - Projects ineligible and not supported (D21/195833)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 –
Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to present the results of the September round of the 2020-21 Small Grants Program to Council for endorsement.

Summary

Surf Coast Shire Council's Small Grants Program aims to support community groups, projects and local initiatives. It is a community development program which supports community members and groups to take action, to realise their aspirations, and contribute to helping our community and environment to thrive.

The September 2021 round of Council's Small Grants Program saw an increase in the number of applications compared to recent rounds, 35 in total. Eligible applications were assessed by a panel of Council officers in line with SCS-031 Small Grants Program Policy. As a result of this process, 17 projects are recommended for funding for a total value of \$37,535. Two further projects have been referred for COVID Recovery grant funding for a total value of \$3,495. The list of projects recommended for funding are attached in Appendix 1.

Two applications were ineligible for funding. Fourteen applications have not been recommended for funding by officers. The recommendations are made based on the scoring of applications against the Small Grants assessment criteria. The list of projects that were ineligible or not recommended for funding are attached in Appendix 2.

Recommendation

That Council:

1. Notes the September 2021 round of Council's Small Grants Program was administered according to SCS-031 Small Grants Program Policy.
2. Allocates \$37,535 for 17 projects as attached at Appendix 1.
3. Notes that the Moriac Community Network and Connewarre Landcare projects include works on Council owned or managed land and officers will provide project management support as required.

Council Resolution

MOVED Cr Kate Gazzard, Seconded Cr Liz Pattison

That Council:

1. Notes the September 2021 round of Council's Small Grants Program was administered according to SCS-031 Small Grants Program Policy.
2. Allocates \$37,535 for 17 projects as attached at Appendix 1.
3. Notes that the Moriac Community Network and Connewarre Landcare projects include works on Council owned or managed land and officers will provide project management support as required.

CARRIED 8:1

4.3 Small Grants Program September 2021

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Cr Barker	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Mayor Stapleton		
Cr Wellington		

CARRIED 8:1

Report

Officer Direct or Indirect Interest

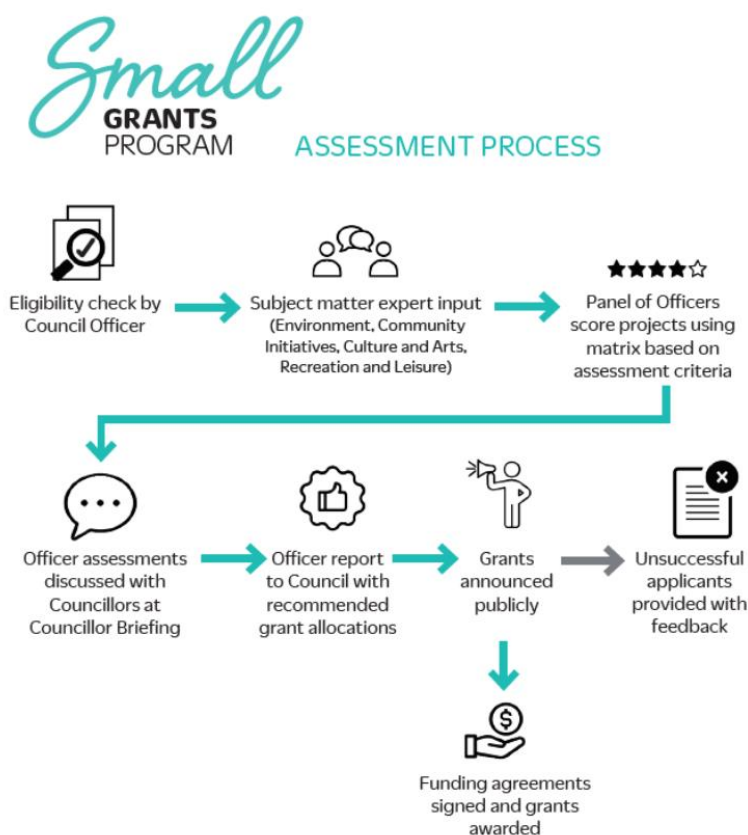
No officer involved in the preparation of this report has any conflicts of interest.

Background

In 2011, Council established the Small Grants Program to support community members and groups realise their aspirations and contribute to making Surf Coast Shire a great place to live. The program holds two funding rounds per year, round one in September and round two in March.

The program follows a formal application process in which applicants submit responses to a series of questions aligned to the weighted assessment criteria described in the *Small Grants Guidelines*. The Community Health and Development Unit lead the assessment process, with input from internal subject matter experts, in-line with the SCS-031 Small Grants Program Policy. Applicants can apply for up to \$5000.

The diagram below details the assessment process:



4.3 Small Grants Program September 2021

The Small Grants Program is a merit based grants process and does not aim to achieve equal distribution of funding across project focus areas or wards. Instead eligible applications are assessed by officers systematically against the assessment criteria.

All successful groups or their auspice agency are required to sign a Small Grant Funding Agreement confirming that they agree to set terms and conditions for the funding and project delivery. This agreement outlines any special conditions which may relate to the provision of funds, for example obtaining appropriate public liability insurance or relevant permits. Successful groups are required to report on the outcomes of their grant within 12 months of receiving funding via an online grant acquittal process.

The Small Grants Program Guidelines outline funding is available for community-based projects or activities that:

- encourage and enable the participation of a wide variety of local residents
- address an important community need
- encourage and enable groups or individuals across the Shire to collaborate and share knowledge, skills and resources.

Projects that cannot be funded according to the Small Grants Program Guidelines include:

- capital items with a total project cost greater than \$10,000
- building maintenance works
- general administrative, wages or contracts
- projects funded under other programs supported by the Surf Coast Shire
- projects that have already commenced or already occurred
- projects that are part of curriculum-based activities in schools
- projects that are fundraising in nature (unless the project provides considerable community benefit)
- recurrent funding for ongoing projects or projects which have already been funded.

Organisations ineligible to apply for a Small Grant include:

- individuals (applicants will need to approach an organisation to auspice the project)
- any Committees of the Surf Coast Shire Council including Advisory Committees, Committees of Management or Sub Committees
- organisations who have received a Surf Coast Shire Small Grant in the previous funding round
- organisations that have not completed an Acquittal Report for a previously funded Surf Coast Shire Small Grant
- for-profit or commercial organisations - unless the application can demonstrate that the proposed project or activity will have considerable tangible community benefit.

Funds are provided for projects and activities that fall into the following broad categories:

- Community Initiatives: Local partnerships that contribute to the wellbeing and quality of life of Surf Coast Shire residents.
- Environment: Projects or activities that protect or enhance the local environment or work towards sustainability.
- Culture and Arts: Community arts projects that support the development of quality arts initiatives and increase involvement in arts and culture by the community. Heritage projects that support participation, learning and recording of the cultural history of the Surf Coast Shire and its residents.
- Recreation and Leisure: Innovative or new projects that promote recreation, physical activity and increase participation for all abilities.

An annual funding pool of \$76,500 was allocated to the Small Grants Program in Councils 2021/2022 budget. This annual allocation is split evenly creating two rounds of approximately \$38,250.

Discussion

For the September 2021 round of the Small Grants Program a total of 35 applications were received and assessed by officers.

Of those 35 applications:

- 2 applications are ineligible according to the Small Grant Guidelines.

4.3 Small Grants Program September 2021

- 14 applications are eligible but funding is not recommended by officers because they did not score strongly against the Small Grants Assessment Criteria.
- 2 applications were referred for COVID recovery grant funding to the total of \$3,495
- 17 applications are eligible, scored well and are recommended for funding with a total proposed funding allocation of \$37,535

Appendix 1 lists the projects recommended for funding. Appendix 2 lists projects that were ineligible or not recommended for funding.

The breakdown of the 17 recommended projects by ward is as follows:

Ward	Number of eligible applications	Number of projects recommended for funding	Total recommended funding amount
Torquay	12	8	\$20,862
Anglesea	13	6	\$11,340
Winchelsea	5	2	\$4,460
Lorne	3	1	\$873
TOTAL	33	17	\$37,535

The breakdown of the 17 recommended projects by category is as follows:

Category	Number of projects recommended	Total recommended funding amount
Environment	8	\$21,820
Community Initiatives	5	\$6,820
Recreation and Leisure	2	\$6,891
Arts and Culture	2	\$2,004
TOTAL	17	\$37,535

A possible explanation for fewer Arts and Culture applications this round could be that many Arts and Culture projects have received funding via Council's COVID Recovery Grants program.

Of the 17 recommended projects, 2 projects include works elements on Council owned or managed land:

- Connewarre Landcare – Wetland Gazebo
- Moriac Community Network – Electric Vehicle Charge Station

Due to COVID 19, two Small Grant rounds did not run in 2020 and instead Council provided grant funding to community via the COVID Recovery Grants program. There has been a large increase in applications this round with community groups re-emerging to make a difference in their community and supporting their volunteers to get back to work. See below Figure.

4.3 Small Grants Program September 2021

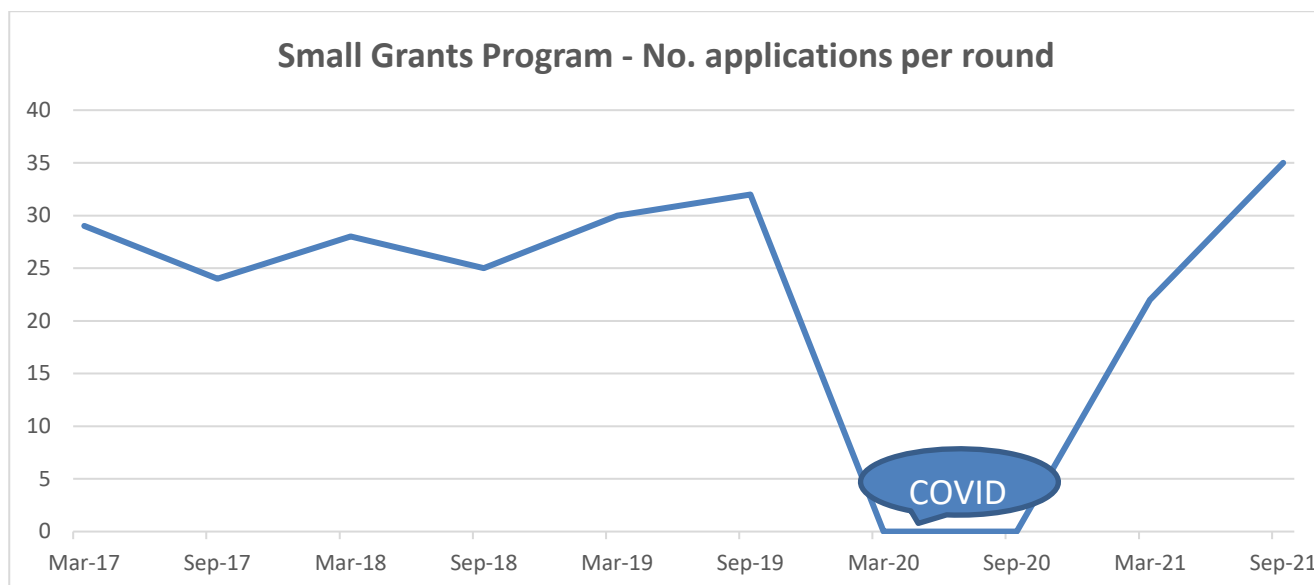


Figure One. Number of applications to Small Grants Program per round

Figure two below outlines the estimated investment from the applicant, community groups, for every dollar Council invests in the Small Grants Program. The applicant's investment is listed in their application and includes both financial resources and volunteer hours. As figure two shows the applicants investment for the September 2021 grant round is \$8.40 for every dollar Council invests. Possible explanations for this increase include more volunteer hours available to community groups as participation in community life and volunteering recovers from COVID19.

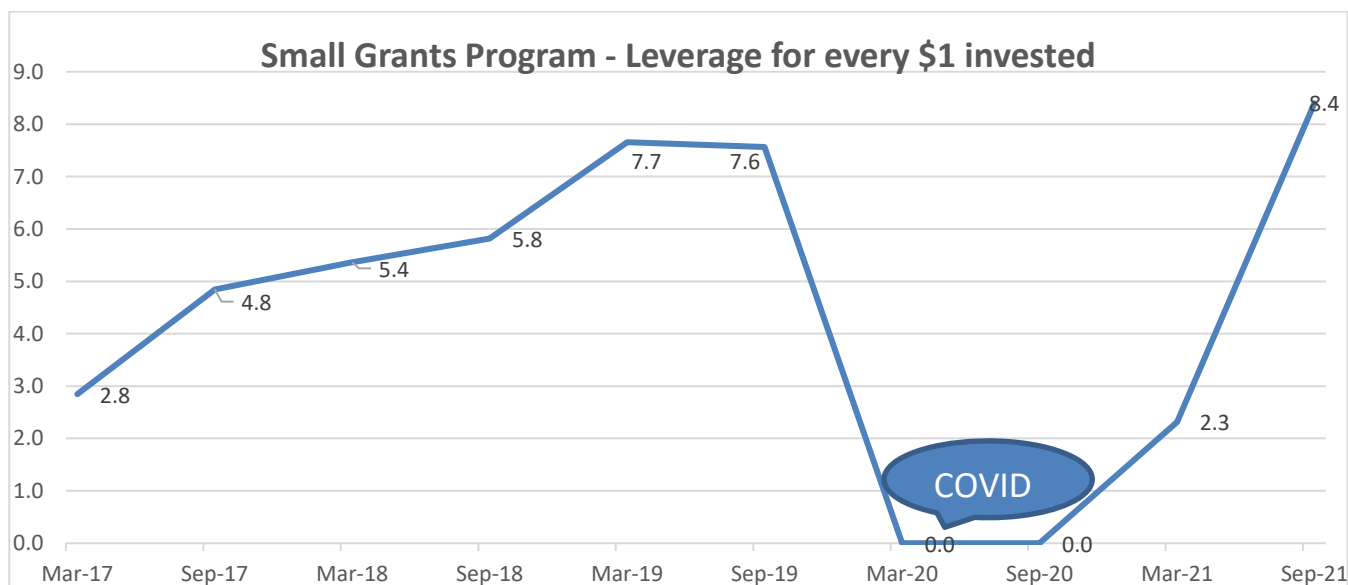


Figure two. Estimate community investment for every \$1 of Council funding

Council Plan

Theme 2 A Healthy Connected Community

Strategy 6 Enable communities to strengthen their social connections and participate in community life

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes

4.3 Small Grants Program September 2021

Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

The Small Grants Program will assist with achieving better outcomes for community groups across Surf Coast Shire Council and assist groups with perusing innovative programs and initiatives for the benefit of the wider community.

Policy/Relevant Law

The Small Grants Program directly addresses two goals in the Council Plan (2021-25) by 'Fostering a thriving, connected, healthy community' and 'Protecting our environment and helping our community to thrive through environmental leadership'. The Small Grants process was conducted in accordance with SCS-031 Small Grants Program Policy.

Environmental/Sustainability Implications

The Small Grants Program is often accessed by local environment groups. Twelve eligible applications have been received under the 'Environment' category with eight being recommended for funding. The funding of these projects will have a positive impact on the environment.

Community Engagement

Activities to inform the community of this Small Grants Program round included;

- media campaign including advertising in the Surf Coast Times, Winchelsea Star and Lorne Independent
- promotion via Council officer e-mail networks, word of mouth, community database, community action networks, community house and men's shed networks
- direct email to previous grant recipients
- direct contact with potential grant recipients
- promotion via the Surf Coast Shire website and social media.

Council Officers also engaged with community members throughout the application process, providing advice and information.

Applicants were asked to provide feedback on the Small Grant Program process and the grant review which is currently underway. This feedback will be used to inform Council officers and improve process moving forward.

In accordance with Council's Community Engagement Policy SCS-017, the engagement level is **EMPOWER** as shown below.

4.3 Small Grants Program September 2021

Engagement Level	Promise to the Community	Role of Community	Example of Activities
Empower – build capacity of community to deliver change	Council will help you implement our mutual goals	Carry out a community-led initiative.	Community led projects and programs funded by Small Grants program

Public Transparency

Guidelines including information about the application and assessment process are accessible through Council's website ensuring transparent and fair process is adhered to.

Strategies/Plans

The September 2021 round of Small Grants directly addresses two goals in the Council Plan (2021-25) by 'Fostering a thriving, connected, healthy community' and 'Protecting our environment and helping our community to thrive through environmental leadership'.

Financial Management

Due to COVID19 the March and September rounds for 2020 were suspended and the COVID Recovery grants program established. In March 2021 the Small Grants Program resumed. An annual funding pool of \$76,500 was allocated to the Small Grants Program in FY21/22. In previous years this annual allocation is split evenly creating two rounds of approximately \$38,250. This report recommends funding projects to the value of \$37,535 which is within the FY21/22 budget allocation.

The Connewarre Landcare and Moriac Community Network projects will require project management support from Councils Project Management Office.

Service Performance

The Small Grants Program is delivered according to best practice grants processes which ensures the process is equitable and transparent. Council officers manage the program informed by continuous improvement and seek to ensure it remains responsive to community need and value for Council.

Risk Assessment

Any WHS risk associated with projects occurring on Council owned or managed land will be managed according to Council's Project Management Office risk assessment process. Projects which do not occur on Council owned or managed land are the responsibility of the project applicant which is outlined in the funding agreement provided. Depending on the level of risk some applicants will be required to provide public liability insurance to the value of \$20,000,000 as a condition of receiving funding.

Communication

Following the 23 November 2021 Council meeting, all applicants will receive a letter informing them of the outcome of their application and results will be communicated to the broader community through Council's communication channels and the local media. A celebration to recognise successful grant recipients will be held on 9 December 2021.

4.3 Small Grants Program September 2021

Options

Option 1 – Endorses funding 17 projects outlined in Appendix 1 to the value of \$37,535 for the 2021-22 Small Grants Program

This option is recommended by officers as the formal application and assessment process was completed according to SCS-031 Small Grants Policy and this option reflects that outcome.

Option 2 – Endorses funding a different number of projects to a different financial value for the 2021-22 Small Grants Program

This option is not recommended by officers as the projects recommended and the coinciding funding value were recommended in line with SCS-031 Small Grants Policy. Funding different projects or a different value risks not adhering to SCS-031 Small Grants Policy and the process being unfair or unequitable for applicants.

Option 3 – Do not allocate funding for the September 2021-22 round of Small Grants Program

This option is not recommended by officers as many important community projects will not be able to progress without funding support.

Conclusion

The Small Grants Program aims to support community groups, projects and local initiatives. It is a community development program which supports community members and groups to take action, to realise their aspirations and contribute to helping our community and environment to thrive.

In the September 2021 round of the Small Grants Program a total of 35 applications were received. Eligible applications were assessed by a panel of council officers against the Small Grants Program assessment criteria. As a result of this process 17 projects are recommended for funding to the total value of \$35,535. The list of projects recommended for funding can be seen in Appendix 1.

Two applications were referred for COVID Recovery Funding, 2 applications were assessed as ineligible and 14 applications not recommended for funding by officers because they did not score strongly against the Small Grants assessment criteria. The list of projects that were ineligible and not recommended for funding can be seen in Appendix 2.

The program is a positive investment for Council as it supports community members and groups, leveraging community investment in supporting our community and environment to thrive.

4.3 Small Grants Program September 2021

APPENDIX 1 SMALL GRANTS PROGRAM SEPTEMBER 2021 PROJECTS SUPPORTED

APPENDIX 1: Surf Coast Shire Small Grants Program September 2021 - 'Projects Supported'

No.	Name of Applicant	Project Title	Description	Alignment to Grant Guidelines and Council Plan	Category	Ward	Applicants Total Project Costs	Amount Sought	Recommended	Comments
1	Surf Coast Energy Group (SCEG)	Treading Lightly - Reducing Surf Coast's Ecological Footprint	To develop a tech-based engagement tool (website calculator or app) to help residents and businesses calculate and track their ecological 'footprint' and direct residents to practical pathways to reduce their footprint (e.g. local carbon offsets, solar, home food production, conservation covenants, water conservation measures and environmental volunteering). SCEG currently has 1600 members.	Strongly aligns with Council's Climate Emergency Plan and responds to the community-led responses at scale and in detail. Aligns with Council Plan Community Vision principle "Tackling Climate Change and Implementing Climate Resilient Strategies" and Council Plan Goal "Protect our Environment and help our community to thrive through environmental leadership"	Environment	Torquay	27,280.00	5,000.00	5,000.00	Condition of Grant - tool to be available for community use on SCS website. Community led initiative
2	Surfers for Climate	Climate Revolution Summit	Series of activities aimed at increased environmental leadership in our community and delivery of a Climate Revolution Summit program diving deep into climate impacts of our local coastline and prompting community-led action. 200 community members to participate during World Surfing League - April 2022.	Aligns with Council's Climate Emergency Plan being a community-led response. Aligns with Council Plan Community Vision principle "Tackling Climate Change and Implementing Climate Resilient Strategies" and Council Plan Goal "Protect our Environment and help our community to thrive through environmental leadership"	Environment	Torquay	8,980.49	4,350.49	4,350.49	Community led initiative
3	ANGAIR	ANGAIR Education Videos	To produce two videos showcasing unique and threatened terrestrial orchids of the area with Margaret MacDonald. Educational resource for ANGAIR, Community and Schools.	Project protects the local environment and encourages and enables groups to collaborate and share knowledge, skills and resources	Environment	Anglesea	9,970.00	4,870.00	4,870.00	
4	Lisieux Catholic Primary School	South Beach Road Food Forest	A community garden that will be accessible to and engage North Torquay community. Purchase 50 fruit and citrus trees. Will include a 'Food is Free' area, donations to 'Feed Me Surfcoast' and harvest swap meets.	Aligns with Council's Climate Emergency Plan, the Council Plan Community Vision principle "Tackling Climate Change and Implementing Climate Resilient Strategies" and Council Plan Goal "Protect our Environment and help our community to thrive through environmental leadership"	Environment	Torquay	10,900.00	5,000.00	1,000.00	Benefits across broader community - 'food is free' area, donations to 'Feed Me Surfcoast', harvest swap meets and community education. Fund 50 rather than 218 as per application. North Torquay Community enabling project
5	Anglesea Historical Society	Audio Programs for the Visually Impaired	To purchase 6 voice recorders, 6 headphone sets and 10 Flash Drives to provide visually impaired members with an audio quarterly magazine and fortnightly newsletter. Currently 15 members with visual impairments. Devices will be available to visitors.	Aligns with Council Plan Health and Wellbeing focus area "Improve Mental and Social Connection" and encourage and enable the participation of a diverse range of local residents in their communities while contributing to the wellbeing and quality of life of Surf Coast Shire residents. Aligns with Access and Inclusion plan.	Culture and Arts	Anglesea	2,005.00	805.00	805.00	
6	Surf Coast Athletics Incorporated	Surf Coast Little Athletics Collapsible Hurdles	Seed funding for Surf Coast Little Athletics. To purchase 48 collapsible hurdles for Surf Coast Little Athletics to provide Surf Coast families the opportunity to experience athletics, develop friendships and connect with community. 80 families currently enrolled.	New project that promotes recreation, physical activity and increased participation for all abilities. Aligns with Health and Wellbeing focus area "Increase Healthy Eating and Active Living" and Council Community vision "Commitment to a community that promotes cultural and recreational activities"	Recreation and Leisure	Torquay	10,000.00	5,000.00	5,000.00	
7	Danawa Community Garden - Spring Creek	Growing the Garden	To install 4 mobile raised garden beds and watering system to meet the growing demand of the garden and provide participation for people with accessibility issues. Currently 150 members and membership waiting list.	Project encourages and enables group to collaborate and share knowledge, skills and resources. Aligns with Council Plan goal of "Protecting our environment and help our community to thrive through environmental leadership"	Environment	Torquay	6,155.00	3,000.00	1,890.00	Fund 4 garden beds and watering system. Not workshops
8	Platypus Toy Library	Equipment Purchase	To purchase a laptop to evolve from manual card borrowing system to technology based system. Laptop will also be used for administration tasks and volunteer management. Currently 34 volunteers.	Project encourages and enables group to collaborate and share knowledge, skills and resources whilst contributing to the wellbeing and quality of life of Surf Coast Shire residents	Community Initiative	Anglesea	2,515.00	1,135.00	897.00	Fund laptop. Not printer or laminator
9	Community Garden 3231	Wicking Beds for Community Garden 3231	To supply materials to install 2 raised wicking beds to benefit the community and environment and provide participation for people with accessibility issues. Currently 170 members.	Project encourages and enables group to collaborate and share knowledge, skills and resources. Aligns with Council Plan goal of "Protecting our environment and help our community to thrive through environmental leadership"	Environment	Anglesea	2,772.00	1,377.00	1,377.00	
10	Lorne Community House (Auspiced by Great Ocean Road Health)	Lorne Community House Sustainability Project	To purchase an irrigation system to conserve water and share gardening knowledge and skills. VCAL students, kindergarten and Lorne Community Connect participate in maintaining the garden.	Project encourages and enables group to collaborate and share knowledge, skills and resources. Aligns with Council Plan goal of "Protecting our environment and help our community to thrive through environmental leadership"	Environment	Lorne	4,896.00	2,373.00	873.00	Benefits to VCAL students, kindergarten, Lorne Community Connect, Lorne Biennale and businesses. Fund irrigation system. Not chipper
11	Torquay SES (Auspiced by Victorian SES)	Equipment for SES Torquay	To purchase a marquee, submersible pump and drill driver to equip 111 local volunteers to respond to emergency situations.	Project addresses an important community need and contributes to the wellbeing and quality of life of Surf Coast Shire residents	Community Initiative	Torquay	2,946.00	1,323.00	1,323.00	
12	Torquay Museum without Walls	Scanning Community Documents	To purchase a document scanner to preserve donated materials for digital accessibility. Group has 250 subscribers to quarterly magazine. Scanner to be shared with other Historical Societies in Surf Coast Shire.	Heritage project that supports participation, learning and recording of the cultural history of Surf Coast Shire and its residents	Culture and Arts	Torquay	43,699.00	1,199.00	1,199.00	
13	Anglesea Men's Shed (Auspiced by Anglesea Community House)	Purchase 55lt mobile dust extractor	To purchase a mobile dust extractor to reduce airborne and accumulating dust. Current membership of 46.	Project encourages and enables group to collaborate and share knowledge, skills and resources whilst contributing to the wellbeing and quality of life of Surf Coast Shire residents. Also contributes to Council Plan goal of "Fostering a thriving, connected and healthy community"	Community Initiative	Anglesea	4,300.00	2,000.00	1,500.00	Fund dust extractor. Not power tools
14	Anglesea Cricket Club	Launch of Anglesea Cricket Club Female Program	To purchase equipment for 20 participants to start a female cricket program and help players learn skills and enjoy the game.	Innovative new project that promotes recreation, physical activity and increases participation of females in sport. Also aligns with Health and Wellbeing focus area "Increase Healthy Eating and Active Living". Alignment to Gender Equity Act.	Recreation and Leisure	Anglesea	16,228.00	4,988.00	1,890.94	Fund all items excluding bowling machine and social event
15	Moriac Community Network	Moriac Community Electric Vehicle Chargers Project	To install 1 Electric Vehicle charging point on Council Land - Newling Reserve to increase the uptake and ease of use of Electric Vehicles within Surf Coast Shire. 16 community members involved in developing and implementing the project.	Strongly aligns with Council's Climate Emergency Plan and responds to community-led responses. Aligns with Council Plan Community Vision principle "Tackling Climate Change and Implementing Climate Resilient Strategies" and Council Plan Goal "Protect our Environment and help our community to thrive through environmental leadership"	Environment	Winchelsea	9,990.00	4,920.00	2,460.00	Fund one station at Newling Reserve rather than two stations as per application. Condition of Grant - Council Subject Matter Expert and Land Manager approval required prior to project commencement. Planning to include maintenance and renewal clauses. Permits required. Community led climate emergency response
16	Local Vocals all abilities choir (Auspiced by Art of the Minds)	Local Vocals All Abilities Choir	To purchase speaker and t-shirts for all abilities choir to enhance rehearsals and performances that hold positive messages that are uplifting. Current membership of 30.	Project encourages and enables group to collaborate and share knowledge, skills and resources whilst contributing to the wellbeing and quality of life of Surf Coast Shire residents. Also contributes to Council Plan goal of "Fostering a thriving, connected and healthy community"	Community Initiative	Torquay	7,000.00	3,500.00	1,100.00	Fund t-shirts and speaker. Not microphone, mixing desk and laptop
17	Connewarre Landcare (Auspiced by Inland Plains Network)	Wetland Gazebo	To install a Gazebo with picnic table and seating in the South-east corner of Connewarre Reserve for families to enjoy as per site Masterplan. 8 community members involved in developing and implementing project.	Project contributes to the wellbeing and quality of life of Surf Coast Shire residents while addressing Council's Health and Wellbeing focus area of "Improving Mental Health and Social Connection"	Community Initiative	Winchelsea	8,160.00	3,000.00	2,000.00	Partially fund. Condition of Grant - Council Subject Matter Expert and Land Manager approval required prior to project commencement. Planning to include maintenance and renewal clauses. Permits required

No.	Name of Applicant	Project Title	Description	Category	Ward	Applicant Total Project Costs	Amount Sought	Comment
1	Aireys Inlet Primary School Parents and Friends (Auspiced by Aireys Inlet Primary School)	Aireys Inlet Primary School Care Cards	To print and deliver affirmation cards designed by the 88 students of Aireys Inlet Primary School to be kept by students for continued emotional well being support and growth. Focus on mental health post COVID.	Community Initiative	Anglesea	3,200	1,600	Referred to COVID Recovery Rapid Response
2	Anglesea Movie Club (Auspiced by Anglesea Community House)	Anglesea Movie Club Start Up Project	Materials to present 8 films to Anglesea community post COVID immersing attendees in a experience of joy and connectedness using new visual and sound technology. Initially 100 memberships with 250 guest passes.	Community Initiative	Anglesea	3,295	1,895	Referred to COVID Recovery Rapid Response

4.3 Small Grants Program September 2021

APPENDIX 2 SMALL GRANTS PROGRAM SEPTEMBER 2021 - PROJECTS INELIGIBLE AND NOT SUPPORTED

APPENDIX 2: Surf Coast Shire Small Grants Program September 2021 - 'COVID funding, Not Supported and Ineligible'

No.	Name of Applicant	Project Title	Description	Category	Ward	Applicant Total Project Costs	Amount Sought	Comment
1	Surf Coast Toy Library	Storage Supplies	Supply of storage solutions for toys to reduce manual lifting and make selection more visible for children.	Community Initiative	Torquay	2,000	1,000	Not Supported - Project did not score strongly against grant criteria.
2	Lorne Kindergarten Committee	Woven Heart Space Awning for Lorne Kindergarten	To create and install a sheltered space that allows dappled light and outdoor breezes for kindergarten children to play, rest, read and enjoy story time in.	Culture and Arts	Lorne	10,000	5,000	Not Supported - Project did not score strongly against grant criteria. Insurance not supplied.
3	Barwon Valley Pony Club	Re-design and upgrade cross country course to include grade 1	To redesign and supply materials to upgrade cross country course to include grade 1 to retain more senior active members of club and attract more competitors to competition days.	Recreation and Leisure	Winchelsea	10,550	5,000	Not Supported - Project did not score strongly against grant criteria.
4	Torquay Sailing Club	New Outboard Motor	To purchase a new outboard motor for a new service/rescue boat to be used for the Youth Sailing School to enable quick response during training sessions.	Recreation and Leisure	Torquay	5,039	2,000	Not Supported - Project did not score strongly against grant criteria. Similar project funded in March 2018 round 'New boat motor for junior support boat', \$1,000.
5	Childsafe Australia (Auspiced by Childsafe Victoria)	Enhancing the Child Safety profile and capacity of Clubs in the Surf Coast Shire	To provide ChildSafe training to numerous not-for-profit clubs in the Surf Coast to ensure they are compliant to meet obligations regarding child safety.	Recreation and Leisure	Torquay	15,200	5,000	Not Supported - Project did not score strongly against grant criteria. Officers to work with group to find alternative funding sources. No quotes provided.
6	Surfcoast Wildlife Rescue	Surfcoast Wildlife Rescue	Fuel Vouchers for volunteers to respond to calls to rescue injured wildlife across Surf Coast Shire. Current travel is estimated to be tens of thousands of kms each year.	Environment	Anglesea	10,400	5,000	Not Supported - Project did not score strongly against grant criteria. Officers to work with group to develop project and find alternative funding sources. No insurance provided. Project for fuel vouchers - not sustainable.
7	Anglesea Community Garden (Auspiced by Anglesea Community House)	Replacement of broken greenhouse and celebration function	Additional funding to Community Facilities Infrastructure Fund to upgrade to a better quality greenhouse, gardening supplies and launch celebration.	Environment	Anglesea	7,530	3,752	Not Supported - Project did not score strongly against grant criteria. Greenhouse component already funded via Community Facilities Infrastructure Fund.
8	Lorne SLSC	Build Capacity of Emergency First Aid Training and Services at Lorne SLSC	Provision of a public use externally mounted Automated External Defibrillator (AED) and two Oxygen regulators to support community safety and first aid services at Lorne SLSC.	Community Initiative	Lorne	2,605	2,605	Not Supported - Project did not score strongly against grant criteria. Funding not matched by club.
9	AIDA	Oral and Visual Memories of the 1983 Bushfires in Aireys Inlet and District	To create a digital oral and visual history archive of the 1983 Ash Wednesday bushfires from Urquhart Bluff to Eastern View.	Culture and Arts	Anglesea	7,000	3,500	Not Supported - Project did not score strongly against grant criteria.
10	Torquay Pickleball Association	Pickleball Wundt Baller Stadium Expansion of Session	To purchase equipment, storage cabinet and court hire to expand offering of sessions and grow club participation.	Recreation and Leisure	Torquay	9,000	4,500	Not Supported - Project did not score strongly against grant criteria.
11	Winchelsea Historical Society	Historical Storage Project	To purchase albums and stationery to preserve and store historical photographs and maps for future generations.	Culture and Arts	Winchelsea	5,840	2,000	Not Supported - Project did not score strongly against grant criteria.
12	Surfcoast Anglican Parish	Surfcoast Anglican Parish - Transfiguration Anglesea	Contribution towards developing a strategic plan. Will provide the framework, tools, process and timeline for discussion and development of a strategic plan.	Community Initiative	Anglesea	23,710	5,000	Not Supported - Project did not score strongly against grant criteria.
13	Winchelsea and District Probud	Digital Portable Projector and Screen	To purchase a digital portable projector and screen to share information at meetings in large visually accessible format.	Community Initiative	Winchelsea	2,448	1,224	Not Supported - Project did not score strongly against grant criteria.
14	Anglesea Tennis Club	Project Bike Rack	To install 2 x 4 berth spiral design bike rack at Anglesea Tennis Club.	Recreation and Leisure	Anglesea	4,470	4,485	Not Supported - Project did not score strongly against grant criteria. Funding not matched by club.
15	Torquay Pickleball Association	Torquay Pickleball Association - Community Outreach	Purchase of 10 Pickleball Game Kits.	Recreation and Leisure	Torquay	8,880	4,440	Ineligible - Group submitted two applications
16	Surfcoast Basketball Association	Walking with Basketball	Court Hire, Equipment, Advertising and Program Facilitator to target the 55+ age demographic with low impact, social physical activity - walking with basketball.	Recreation and Leisure	Torquay	7,178	3,500	Ineligible - Outstanding acquittal March 2019 Small Grant Project, 'Youth Basketball Development Program' \$2,000.
						\$131,850	\$58,006	

5. ENVIRONMENT & DEVELOPMENT

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy

Author's Title: Senior Climate and Sustainability Officer

General Manager: Ransce Salan

Department: Environmental Sustainability

File No: F20/701

Division: Environment & Development

Trim No: IC21/1828

Appendix:

1. Environmentally Sustainable Council Facilities Policy (D21/157553)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

Yes



No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):



Yes



No

Reason: Nil

Purpose

The purpose of this report is for Council to adopt an Environmentally Sustainable Council Facilities Policy.

Summary

At its June 2021 meeting, Council's Climate Emergency Corporate Response Plan 2021-2031 was endorsed. As part of this plan there is a priority action to implement an Environmentally Sustainable Design (ESD) and climate adapted building policy for Council facilities. This "Environmentally Sustainable Council Facilities Policy" has now been developed as is attached as Appendix 1.

This policy outlines Council's commitment to ESD and ensures that climate change is considered at new facilities, renewals and upgrades. The policy sets minimum ESD requirements and utilises the widely adopted Green Star and Built Environment Sustainability Scorecard (BESS) rating systems for higher value projects.

This policy will improve the environmental performance of Council facilities. Key policy outcomes include procuring renewable electricity supply for all new buildings, avoiding new gas installations, and ensuring the incorporation of circular economy and carbon neutrality considerations during design and construction.

Whilst the policy is expected to add some upfront costs to projects, it is expected to result in an overall cost reduction over the lifecycle of facilities through reduced future operational costs due to reduced utility expenditure and carbon offsetting requirements and avoiding the need to upgrade or retrofit environmental considerations into facilities later on.

Recommendation

That Council adopts SCS-055 Environmentally Sustainable Council Facilities Policy as attached in Appendix 1.

Council Resolution

MOVED Cr Liz Pattison, Seconded Cr Kate Gazzard

That Council adopts SCS-055 Environmentally Sustainable Council Facilities Policy as attached in Appendix 1.

CARRIED 8:1

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Cr Barker	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Mayor Stapleton		
Cr Wellington		

CARRIED 8:1

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

At its June 2021 meeting, Council's Climate Emergency Corporate Response Plan 2021-2031 was endorsed. As part of this plan there is a priority action to implement an ESD and climate adapted building policy for Council facilities. This policy has now been developed and is entitled the "Environmentally Sustainable Council Facilities Policy" (see Appendix 1). The policy was developed in consultation with an internal working group including officers from the Project Management Office, Strategic Assets, Social Infrastructure Planning, Engineering Services, Facilities and Open Space Operations, Emergency Management, and Environmental Sustainability teams.

Although Council has for some time sought to demonstrate environmental leadership at its facilities, Council does not currently have a formally adopted ESD policy. This policy outlines Council's commitment to ESD and will ensure that climate change is considered at new facilities as well as in renewal and upgrade projects.

Discussion

Historically, emissions associated with Council facilities have accounted for approximately 35% of Council's corporate emissions profile (excluding landfill emissions). This policy will ensure better environmental outcomes at Council facilities and ensure the full lifecycle and full impact of facility projects is considered. The policy applies to all new buildings and facilities, significant renewals/upgrades, and appliance renewal programs; it does not apply to building maintenance, civil works and private developments.

For new facilities, renewals and upgrades, the policy sets minimum mandatory ESD requirements, including:

- carbon neutrality for specific building elements
- transition away from fossil fuels (no new gas)
- 100% renewable electricity and onsite solar generation
- demolition works to divert 80% from landfill
- water tanks, recycled water, water efficiency considerations
- stormwater treatment to best practice standards
- sustainable transport considerations (bike racks, pathway connections, electric vehicle infrastructure)
- seek to incorporate more recycled material in building elements
- Air conditioning, refrigeration and heat pumps must have minimum 5 star energy rating
- Landscaping is to take into consideration future climates, including drought tolerant species, consideration of cooling benefits of vegetation and bushfire resilience
- Climate adaptation considerations, specifically bushfire risk must be considered.

In addition to these minimum ESD standards, the policy requires the use of the widely recognised Green Star and BESS rating systems for higher value projects. BESS is an assessment tool created by local governments in Victoria, owned by the Municipal Association of Victoria on behalf of the Council Alliance for a Sustainable Built Environment. Its use will ensure Council meets best practice. Green Star is a voluntary environmental sustainability rating system administered by the Green Building Council of Australia; a 6 star rating is considered world leadership. The ESD requirements and ratings tools are set out in Table 1 below.

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy

Table 1 – ESD rating tools and project requirements

Total project value (design + construction)	ESD ratings tools and requirements
All projects	Mandatory ESD requirements (listed above)
>\$5 million	6 Star Green Star certified rating
\$1 million - \$5 million	BESS tool: Excellence score 70%
\$300,000 - \$1 million	BESS tool: Best Practice score 60%

Council's Project Delivery Framework will be utilised to enable the implementation of this policy. Project Sponsors must consider the ESD and climate adaptation requirements of projects during the 'Identify Phase' of projects, including incorporating these requirements in project feasibility, scoping and budgeting work undertaken for project proposals. Ensuring that budget implications are considered at the earliest stages of a project will avoid budget shortfalls. Whilst the policy is expected to add some upfront costs to projects, it will bring down operational costs of facilities through reduced utility expenditure, reduced carbon-offsetting requirements and avoided retrofitting or upgrades over the life of facilities. For example, studies have shown a 6 Star Green Star rated building typically incurs 2.6-6.1% extra cost, but uses 66% less electricity, 62% fewer GHG emissions, 51% less water, recycle 96% of construction waste and a productivity increase to more than 10% (Reference: Green Building Council of Australia 2021).

Compliance with, and impacts of, the policy will be monitored. The policy is scheduled to be reviewed after its full first financial year of implementation in 2023.

Council Plan

Theme 3 Environmental Leadership
Strategy 8 Reduce greenhouse gas emissions to limit the impacts of climate change

Theme 3 Environmental Leadership
Strategy 10 Adapt to a changing climate

Theme 3 Environmental Leadership
Strategy 9 Divert more material from the waste stream

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy

Governance Principles - Local Government Act 2020 (LGA 2020)

The Environmentally Sustainable Council Facilities Policy relates to:

- Section 9(2c) 'the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted'.
- Section 9(2b) 'priority is to be given to achieving the best outcomes for the municipal community, including future generations'

Policy/Relevant Law

The Plan aligns with and complements the Council Plan, and actions contained within it do not exceed Council's legislative power.

Local governments have roles and responsibilities to take action on climate change under Victoria's *Climate Change Act 2017 and the Local Government Act 2020*. This policy aligns with Victoria's Climate Change Strategy – the Government's long-term vision and approach to climate change – including targets to reduce emissions by 28-33 per cent by 2025 and 45-50 per cent by 2030. It is also consistent with Council's emissions reduction pledge under the Climate Change Act 2017 that took the form of our Climate Emergency Corporate Response Plan 2021-2031.

Environmental/Sustainability Implications

This policy sets minimum environmental sustainability design standards and climate change considerations for Council facility projects. It will demonstrate environmental leadership and promote planning for climate risks by ensuring that the full impact and lifecycle of facilities is considered as well as climate change adaptation.

Community Engagement

This policy is focused on the internal processes and delivery of Council facility projects and is therefore considered operational in nature. Input was sought from council networks and council staff from across industry in its formation.

In accordance with Council's Community Engagement Policy SCS-017, the engagement level is **Inform** as shown below.

Engagement Level	Promise to the Community	Role of Community	Example of Activities
Inform	Council will share its Environmentally Sustainable Council Facilities Policy on its website and social media. Council will continue to promote ESD principles and update the community on key project outcomes in this space.	Receive information	Provide information via media, social media posts, project updates

Public Transparency

This policy was developed with input from officers from various Council departments. The adopted policy will be made available on Council's website.

Financial Management

The policy is expected to add upfront costs to some projects but utilises Council's Project Delivery Framework to ensure that its implications are considered at the earliest possible stage of project feasibility and budgeting, so that project budget shortfalls are avoided. The policy is expected to result in an overall cost reduction over the lifecycle of project facilities through reduced future operational costs due to reduced utility expenditure and carbon offsetting requirements and avoiding the need to upgrade or retrofit environmental considerations into facilities later on.

Service Performance

This policy ensures the full impact of council's facility projects on local community and environment are considered. Many initiatives delivered as a result of this policy will improve Council's services and reduce

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy

operating costs, for example through preparations for bushfires and heatwaves, installing solar systems and improving efficiencies.

Risk Assessment

There are (no) identified Workplace Health and Safety implications associated with this report.

Communication

This policy will be shared with the community via Council's website, our Towards Environmental Leadership website, climate change and council networks and social media.

Human Rights Charter

Governments and decision-makers have a responsibility to take action to secure a safe future for generations to come, including responding to the threats of climate change.

Options

Option 1 – Adopt the Environmentally Sustainable Council Facilities Policy

This option is recommended by officers as Council has committed to implementing an ESD policy through its Climate Emergency Corporate Response Plan 2021-2031. This policy will ensure environmentally sustainable design principles and climate change considerations are incorporated into new Council facilities and significant renewals/upgrades.

Option 2 – Do not adopt the Environmentally Sustainable Council Facilities Policy

This option is not recommended by officers as it would not fulfil Council's commitment to implementing an ESD policy. It would also mean that Council is not appropriately considering environmental sustainability and climate change considerations in projects involving council facilities.

Conclusion

The Environmentally Sustainable Council Facilities Policy will deliver on a commitment made under Council's Climate Emergency Corporate Response Plan 2021-2031. This policy outlines Council's commitment to ESD and ensures that climate change is considered at new facilities, renewals and upgrades. It sets minimum ESD standards for council facility projects and is expected to ensure better environmental outcomes for projects involving Council facilities, as well as bring down operational costs through reduced utility expenditure and carbon offsetting requirements. It is recommended that Council adopt the Environmentally Sustainable Council Facilities Policy as attached in Appendix 1.

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy

APPENDIX 1 ENVIRONMENTALLY SUSTAINABLE COUNCIL FACILITIES POLICY



We exist to help our community and environment to thrive

COUNCIL POLICY

SCS-055 Environmentally Sustainable Council Facilities Policy

TRIM Reference: D21/157553 Due for Review: 2023
Responsible Officer: Manager of Environment and Community Safety

Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to Environmentally Sustainable Design (ESD) and ensuring climate adaptation considerations are incorporated into new facilities, as well as facility upgrades and renewals.

Policy Principles

The following principles underpin this policy:

- The overarching governance principles in the Local Government Act 2020 set an obligation for councils to promote the mitigation of climate change risks and plan for future generations.
- Council has declared a Climate Emergency calling for accelerated action to reduce greenhouse gas emissions within our organisation and the community.
- Council's Climate Emergency Corporate Response Plan 2021-2031, which also constitutes its local government pledge under the Climate Change Act, includes commitments to become a carbon neutral organisation, shift away from fossil fuels including gas, reduce corporate greenhouse gas emissions, offset all residual emissions that are not eliminated and demonstrate leadership on climate action.
- Greenhouse gas emissions directly related to the construction and operation of buildings are significant. This includes emissions created during construction and the embodied emissions in building materials, but also the ongoing emissions associated with the operation of facilities including ongoing energy and water use, as well as refrigerant leakages. Historically, emissions related to the operation of buildings and facilities has contributed to around 40% of Council's corporate greenhouse gas emissions, when excluding emissions from the Anglesea Landfill.
- The design of buildings can indirectly influence environmental outcomes and emissions arising in other sectors, e.g. through encouraging non-fossil fuel powered vehicles, promoting a circular economy, reducing waste, promoting biodiversity or stormwater quality improvements.
- The Victorian Government's Climate Change Strategy includes commitments to greener and more energy efficient commercial buildings, and the overall objective of reducing Victoria's emissions by 28-33% by 2005 and 45-50% by 2030 – Council must play its part in achieving these targets.
- Our climate is already changing, with worsening extreme weather events, particularly increased frequency and severity of high risk fire days and heatwaves. The Surf Coast Shire is already one of the most bushfire prone areas in the world - it is important that Council's facilities are designed to be suitable for these future climates.
- Appropriately climate adapted buildings can play a role in disaster mitigation and emergency response.
- Council can demonstrate environmental leadership and climate action in the design of new facilities, facility upgrades and renewals.

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy



We exist to help our community and environment to thrive

COUNCIL POLICY

- ESD reduces the lifecycle costs associated with the management of facilities, including through reduced utility costs, reduced carbon offsetting requirements, and increased timeframes for maintenance and renewal.
- Council has a history of demonstrating environmental leadership at its facilities and an ongoing role in this space.

Scope

This policy applies to buildings owned, leased or managed by Council and sets minimum mandatory ESD standards for Council's:

- New buildings and facilities
- Significant renewals and upgrades of existing buildings and facilities;
- Appliance and scope to budget renewal programs subject to specific criteria in the mandatory ESD requirements; for example air-conditioning and hot water units.

This policy applies to all types of Council's buildings and facilities including: administrative offices; leisure and aquatic facilities; libraries; community buildings; recreation reserve facilities; town halls; child care/kindergartens and health centres; works depots; and other Council buildings.

This policy applies to all employees and contractors of the Surf Coast Shire Council engaged in the design, management, construction and operation of Council facilities.

This policy does not apply to Council's civil works programs and building maintenance activities.

This policy does not apply to building renewals that are not considered to be significant, because they are less than \$15,000 in value and where the renewal is to one element of the building.

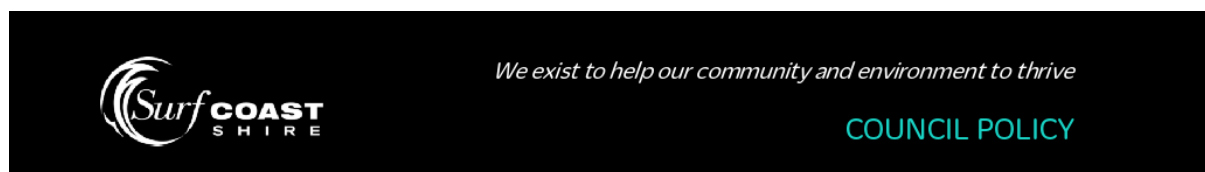
Policy

Surf Coast Shire Council is committed to environmentally sustainable design, construction and operation of its facilities.

The objective of this policy is to:

- Demonstrate environmental leadership and climate action reflective of a climate emergency at Council facilities.
- Ensure new Council facilities, upgrades and renewals generate positive environmental outcomes and do not negatively impact the environment and climate.
- Ensure all new major Council facilities are carbon neutral developments over the entire facility lifecycle.
- Ensure the efficient use of resources including electricity, water and construction materials.
- Avoid consuming fossil fuels, including transitioning away from gas at all Council facilities.
- Reduce the ongoing costs associated with managing these buildings through reduced utility bills and carbon offsetting requirements.
- Improve comfort, health, wellbeing and productivity outcomes for facility users.
- Promote renewable energy generation by incorporating solar and battery storage systems at all new facilities.
- Achieve best practice stormwater quality outcomes, including stormwater capture and reuse at all new facilities.
- Ensure waste avoidance, reuse and recycling during construction and also during operation and management of building.
- Promote innovation in the delivery of Council facilities that not only mitigate their impact on the environment but produce positive environmental outcomes and are appropriately adapted to future climates.

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy



The ESD requirements for all projects covered by the scope of this ESD policy are set out in Table 1 below.

Table 1 - ESD rating tools and project requirements

Total Project Value (Design + Construction)	ESD rating tools and requirements
All projects	Mandatory ESD requirements as set out in table 2
>\$5mil	6 star Green Star certified rating using the Buildings tool
\$1mil-\$5mil	BESS tool = Excellence score 70%
\$300k-\$1mil	BESS tool = Best Practice score 60%

See ESD Rating Tools section below for more information on the ESD rating tools detailed here.

Table 2 below sets out the mandatory ESD requirements that are applicable for all projects covered by the scope of this ESD policy. Please note, for projects valued above \$300,000 these mandatory ESD requirements apply in addition to the ESD rating tool requirements set out in Table 1.

Any recommendations by the Project Sponsor for exclusions or exemptions from these mandatory ESD requirements are to be documented in the ESD Checklist of the Project Budget Proposal Document and approved by the Project Sponsor as part of the budgeting process, in consultation with the Environmental Sustainability team. The ESD elements of scope approved in the Project Budget Proposal will flow through to the Project Charter.

Annual renewal programs following a different budget process. ESD requirements are to be included in the list of candidates for renewal. The list of candidates and associated ESD requirements will flow through to Project Charters for annual renewal programs.

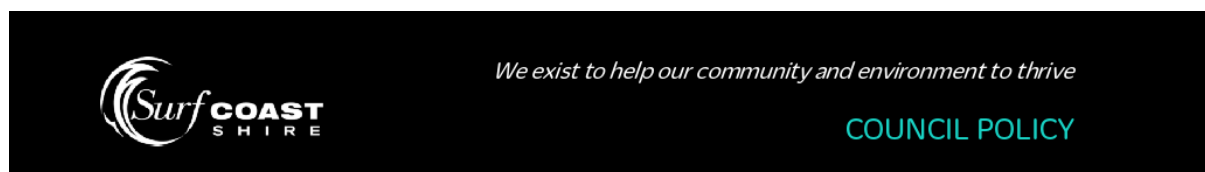
See Policy Implementation and Roles section for more details on policy implementation.

Environmental Sustainability team are available to assist in project planning to ensure compliance with this mandatory ESD requirements as required.

Table 2 – Mandatory ESD requirements

Category	Mandatory ESD requirements
Carbon neutral buildings and facilities	Greenhouse gas emissions from key quantifiable emission sources associated with construction and operation of buildings and facilities are to be calculated and minimised, with all residual emissions offset as part of Council's carbon neutrality program.
Transition away from fossil fuels	No new gas installations are to be undertaken. Any gas appliances, including kitchen appliances, hot water units and heating systems, subject to renewal or upgrade are to be replaced with electric alternatives.
Promotion of energy efficiency and renewable energy generation	Renewable electricity is to be used to power all facilities. Rooftop solar is to be installed at all new buildings, with on-site battery storage considered where demand may warrant its installation. New equipment/appliance are to have a minimum 5 star energy rating. All new light fixtures including sports lightings is to be LED type.
Water efficiency	Rainwater tanks are to be incorporated at all buildings to capture rainwater for reuse on site. Rainwater tanks are to be sized with appropriate consideration to on-site demand, including for internal use in buildings for non-potable uses such as toilet flushing. Where a connection to the recycled water network is available it is to be utilised for appropriate non-drinking water end uses, such as irrigation. All new water fittings and appliances are to have a minimum 5 star WELS rating, or the highest rating available for the specific application if 5 star is not achievable following consultation with Strategic Asset Management and Environmental Sustainability teams.

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy



	Drought tolerant grass species are to be selected for sporting fields.
Stormwater treatment	Stormwater runoff from new facilities is to be treated to meet Best Practice Environmental Management Guidelines (BPEM), including the following criteria: <ul style="list-style-type: none"> • Suspended Solids - 80% retention of the typical urban annual load • Total phosphorous - 45% retention of the typical urban annual load • Total nitrogen - 45% retention of the typical urban annual load • Flows - maintain discharges for the 1.5 year Average Recurrence Interval at pre development levels
Sustainable transport	Where a proposed development of a new facility incorporates a new carpark or significant renewal/upgrade to an existing carpark (>50% carpark area), works are to include the installation of: <ul style="list-style-type: none"> - Electric vehicle charging infrastructure, designed to suit the predicted demand at the project site. - Bicycle parking - Connections to local footpath network
Circular economy	All new facilities or significant renewals/upgrades are to seek to incorporate at least one recycled material element into the project.
Demolition works	All demolition works to divert 80% of materials from landfill. Opportunities for materials to be salvaged within the local community are to be explored, for example for use by local men's sheds.
Air-conditioning, refrigeration and heat pumps	All new air conditioning, refrigeration or heat pump units are to utilise natural refrigerants where possible or refrigerants with lowest Global Warming Potential available for the specific application. In addition, a minimum 5 star energy rating is to apply to these units.
Landscaping	Landscaping is to take into consideration future climates, including drought tolerant species, consideration to cooling benefits of vegetation and fire risk.
Climate adaptation considerations	All new facilities or significant renewals/upgrades taking place in an area subject to a Bushfire Management Overlay are to liaise with Council's Emergency Management team to determine if a Bushfire Attack Level (BAL) assessment is required to inform the project design.

Climate adapted buildings and bushfire resilient mandatory requirements

Council's Emergency Management team is to be consulted on the feasibility and design stages for new facilities or significant upgrades/renewals.

The Strategic Asset Management team will consult Council's Emergency Management team on the delivery of relevant renewal program items located in high fire-risk locations, for example decks.

Council's existing building stock

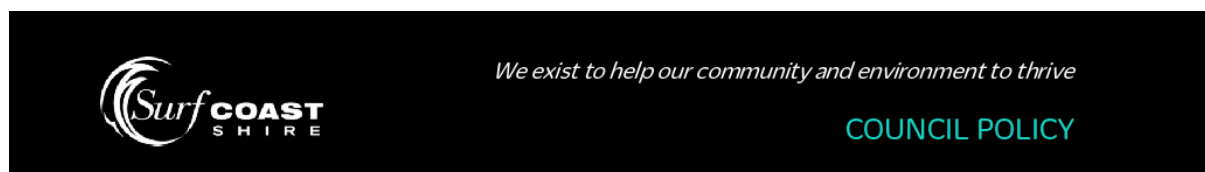
This policy will ensure ESD and climate adaption considerations are incorporated into new Council facilities as well as significant facility renewals and upgrades. However, to ensure the environmental performance of Council's existing building stock is progressively upgraded, the Solar & Energy Savings at Council Sites Program is utilised. This program can be accessed to facilitate the installation of solar, undertake energy efficiency upgrades and transition away from gas at existing facilities where a payback of less than five to seven years can be achieved.

For existing council facilities with heritage overlays or where buildings are heritage listed, it may not be possible, or practical, to achieve the mandatory ESD and climate adaptation requirements in the delivery of renewal or upgrade projects covered under the scope of this policy.

For tenanted Council buildings, Council will seek to support and work collaboratively with user groups to pursue funding opportunities and undertake upgrades works to achieve environmental objectives.

Policy implementation and roles

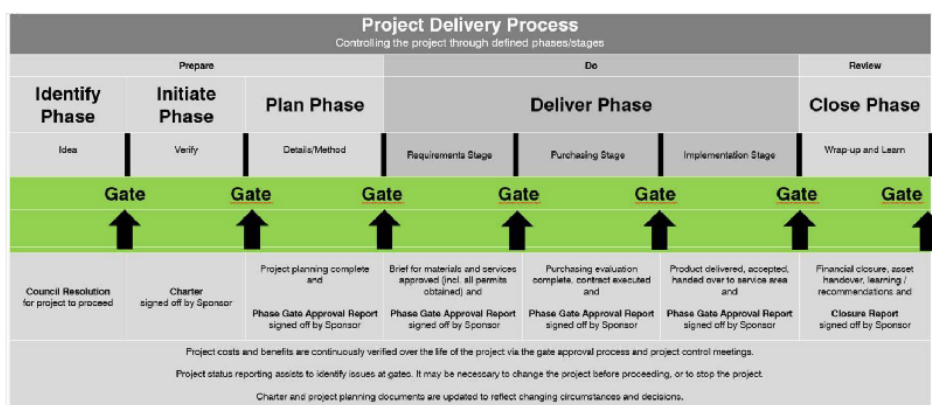
5.1 SCS-055 Environmentally Sustainable Council Facilities Policy



Council has a Project Delivery Framework that standardises how projects are undertaken. To enable the implementation of this policy, Project Sponsors must consider the ESD and climate adaptation requirements of projects during the Identify Phase of projects, including incorporating these requirements in project feasibility, scoping and budgeting work that provides the basis for the Project Budget Proposal.

Project managers will be responsible for ensuring projects are implemented in accordance with the Project Charter, and will support the Project Sponsor to ensure that the approved Charter complies with the requirements of this policy. Council's Environmental Sustainability team are available to support the project delivery process in a subject matter expert role as appropriate.

Figure 1 – Surf Coast Shire's Project Delivery Process – ESD and Climate Adaptation considerations are to be incorporated from the identify stage of a project



ESD Rating tools

Built Environment Sustainability Scorecard (BESS)

BESS is an assessment tool created by local governments in Victoria, owned by the Municipal Association of Victoria on behalf of the Council Alliance for a Sustainable Built Environment. BESS measures and assesses ESD performance of a proposed new building or alteration across nine categories: Management, Energy, Water, Stormwater, IEQ, Transport, Waste, Urban Ecology, and Innovation. Once the assessment is completed a report is produced giving a BESS overall score with 'Best Practice' defined as an overall score of 50% or higher, and 'Excellence' defined as an overall score of 70% or higher. Further information can be found at the BESS website: <http://www.bess.net.au/>

Green Star

Green Star is a voluntary environmental sustainability rating system administered by the Green Building Council of Australia aimed at improving the environmental performance and reducing the climate change impacts of the built environment. The Green Star rating system benchmarks projects across a variety of environmental sustainability categories and then produces an overall "star" rating with 5 star considered Australian Excellence, and 6 star considered demonstrating World Leadership. The applicable tool to this policy is the Buildings tool which assess buildings across 8 criteria: Responsible, Healthy, Resilient, Positive, Places, People, Nature and Leadership. Buildings must be independently audited and certified to achieve star status. Further information can be found at the Green Star website here: <https://new.gbca.org.au/green-star/rating-system/buildings/>

5.1 SCS-055 Environmentally Sustainable Council Facilities Policy



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Definitions

Climate adapted buildings: Buildings that are designed and built with consideration given to projected future climate conditions.

Environmentally Sustainable Design (ESD): The design, development and renewal of buildings and facilities that not just attempts to minimise the environmental impact of a project but actually works to enhance environmental outcomes. It is design which aims to achieve the best outcomes for our community and the environment today without compromising outcomes for future generations.

Related Procedure/ Documents

Climate Emergency Corporate Response Plan

Council Plan Incorporating the Health and Wellbeing Plan 2021 - 2025

References

Local Government Act 2020

Climate Change Act 2017 and Council's emissions reductions pledge

Victorian Government Climate Change Strategy

Document History

Version	Document History	Approved by – Date
1	Amended	Council Resolution – 23 July 2019

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review

Author's Title: Coordinator Environmental Sustainability

General Manager: Ransce Salan

Department: Environment & Community Safety

File No: F18/128-3

Division: Environment & Development

Trim No: IC21/1708

Appendix:

1. SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy (D21/210322)
2. Victorian Government Policy - Tackling Plastic Pollution - Single Use Plastics Ban (D21/197193)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

☐

Yes

☒

No

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to adopt the revised Council Policy SCS-008 Plastic Wise Events and Markets on council owned/managed land.

Summary

In April 2016, Council implemented Policy SCS-008 Plastic Wise Events and Markets on Council owned/managed land. The policy was developed with significant input from our community, particularly Council's Environment and Rural Advisory Committee, Plastic Bag Free Torquay (now Plastic Wise Torquay), Boomerang Bags and local event organisers, and was adopted by the Great Ocean Road Coast Committee (now GORCAPA).

The policy was last reviewed in October 2018 with significant stakeholder engagement, and analysis of similar policies and event guides emerging in other local government areas. The policy was strengthened at this time to set higher expectations around avoiding single use items and event waste more broadly. A Plastic Wise Guide for Events and Markets was developed to support organisers to implement the expanded policy.

The Surf Coast Plastic Wise Policy continues to be valued, celebrated and impactful in our community and beyond. At the time of this October 2021 review however, in-person events have been severely impacted by the COVID-19 pandemic, and the Victorian Government is currently leading the transition towards a ban on single use plastic straws, cutlery, plates, drink stirrers, and expanded polystyrene food and drink containers by February 2023.

Based on these and other considerations, the policy has been updated to include new content on the State Government's approach to single use plastics, and respond to requirements under the Local Government Act 2020. Stakeholders agree that now is not the time to make broad changes to the policy, however there are a number of emerging opportunities (outlined in the Discussion) that will enable Council to make significant advancements by reviewing the policy again in 2023.

Recommendation

That Council:

1. Adopts SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy as attached in Appendix 1.
2. Acknowledges the leadership shown by local event organisers, stallholders and community groups, which has reduced the amount of single use plastic and other waste associated with events in the Surf Coast Shire.
3. Acknowledges the partnership with the Great Ocean Road Coast and Parks Authority, and former Great Ocean Road Coast Committee, in developing and implementing the policy.

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review

Council Resolution

MOVED Cr Kate Gazzard, Seconded Cr Mike Bodsworth

That Council:

1. Adopts SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy as attached in Appendix 1.
2. Acknowledges the leadership shown by local event organisers, stallholders and community groups, which has reduced the amount of single use plastic and other waste associated with events in the Surf Coast Shire.
3. Acknowledges the partnership with the Great Ocean Road Coast and Parks Authority, and former Great Ocean Road Coast Committee, in developing and implementing the policy.

CARRIED 7:1

For

Cr Allen
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton

Against

Cr Barker

Abstained

Nil

CARRIED 7:1

*Cr Heather Wellington disconnected from the meeting at 7:30pm and did not participate in the vote.

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

At its ordinary meeting on 26 April 2016, Council adopted Policy SCS-008 Plastic Wise Events and Markets on Council owned/managed land. This policy is Council's commitment to eliminating single use plastic items at events, markets and organised sporting activities held at all sites owned and managed by Council.

The policy was implemented in response to our community's call for Council to introduce a local ban on plastic bags to protect the health of the natural environment. In 2014 Council sought legal advice from Russell Kennedy Pty Ltd who advised not to introduce a local law banning plastic bags, as the Victorian Government was considered to be 'covering the field', having already announced its intention to introduce a ban on plastic shopping bags.

Following this advice, the Plastic Wise policy was developed with a focus on eliminating a broader range of single use plastic items in contexts where Council has high direct control – events held on Council owned or managed land. The policy was developed with input from our community, particularly Council's Environment and Rural Advisory Committee, Plastic Bag Free Torquay (now Plastic Wise Torquay), Boomerang Bags and local event organisers, and was adopted by the Great Ocean Road Coast Committee.

It was last reviewed in October 2018 with significant stakeholder input (workshops and document reviews by event organisers, Plastic Wise community groups, and the Great Ocean Road Coast Committee), along with analysis of similar policies and event guides emerging in other local government areas across Australia. The policy was strengthened at this time to set higher expectations around avoiding single use items and event waste more broadly, and adopted by Council on 23 October 2018. The 14-page Plastic Wise Guide for Markets and Events in Surf Coast Shire was developed to support event organisers to implement the policy.

Discussion

To our knowledge, the Surf Coast Plastic Wise Policy was the first of its kind, and is a well-renowned demonstration of environmental leadership from Council and our community. We have seen significant results in plastic and waste reduction at events, reduced litter in the environment, and pride from event organisers, enjoyment and education of event participants, and strengthening of Council's environmentally sustainable approach to events. Council's sustainability officers have presented to other Councils and at conferences about the policy, and met with organisations such as Parks Victoria and Barwon South West Waste and Resource Recovery Group as they were establishing their own policies and approaches to event waste management.

The Surf Coast Plastic Wise Events and Markets Policy continues to be valued and celebrated in our community and beyond. Council officers, event organisers and community groups agree that more can be achieved through having the policy in place – working towards eliminating all single use and soft plastic items, and taking further steps towards holding events where zero waste is sent to landfill.

With in-person events and sporting activities having been severely disrupted by the COVID-19 pandemic since March 2020, and there being future uncertainties, stakeholders share the view that the timing is not right to implement significant changes to the policy at this time.

It is recommended that the Plastic Wise Policy be reviewed again in 2023 to give events and sporting clubs time to bounce back from the pandemic, and to take into consideration:

- implications of the Victorian Government's ban on the sale and supply of single use plastic straws, cutlery, plates, drink stirrers, expanded polystyrene food and drink containers and cotton bud sticks, effective February 2023;
- expected improvements to the accessibility of organic waste processing facilities, which will make it simpler and more cost effective to implement a 'compostable' stream for food scraps and certified compostable packaging at events;
- opportunities for further collaboration with other Councils, land management agencies and other organisations in our region to share an approach and resources to support zero waste events, for example broadly implementing the Barwon South West Zero Event Waste Guide (2020);

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review

- local and global changes in the way events are run, with a growing trend towards zero waste events; and
- opportunities to avoid single use items, plastic packaging and other waste in the broader community, (e.g. businesses, schools, facilities, households), particularly as the State Government's 10 year circular economy policy, *Recycling Victoria: A new economy* becomes more embedded.

Based on this, the October 2021 update of the Plastic Wise Policy has remained the same in purpose and practice, but includes new content on the State Government's approach to single use plastics (i.e. the single use shopping bag ban introduced in November 2019, further changes coming in 2023, and the ban on balloon releases effective 1 July 2021) and responds to requirements under the Local Government Act 2020.

While a very high level of compliance has been achieved by the large majority of community and Council events, the commitment to support sporting facilities and community sporting clubs operating at Council sites to become compliant will not be achieved by 31 December 2021 as stated in the current policy. The scale and complexity of sports clubs/activities, COVID-19 disruptions and competing priorities for resources have prevented this, however advances have been made.

Single use plastic packaging and bottled water have been reduced in some local sports clubs and facilities as a result of implementing the Healthy Choices guidelines (e.g. at Council's Winchelsea Pool kiosk and Wurdi Baireer Stadium), participating in the G21 Choose Water Every Day campaign (including committing to installing a new water fountain each year), and individual clubs shifting away from these items. Large sporting events that go through Council's Event Application process are supported to achieve compliance with the Plastic Wise Policy. The 2021 policy update includes the commitment of officer support to see sporting facilities and clubs compliant by December 2023 or sooner. This will also be accelerated by the State Government's implementation of an expanded single use plastic ban.

The final change to the policy at this time is the result of the Great Ocean Road Coast Committee (GORCC) transitioning to the Great Ocean Road Coast and Parks Authority (the Authority) from December 2020. Continuing the legacy of Council's partnership with GORCC in implementing this policy, GARCAPA has advised it will keep its alignment with the Surf Coast Plastic Wise Policy locally, and work towards applying it to the broader geographical spread of Crown land under its management in future.

Minor revisions have been made to the Plastic Wise Guide for Markets and Events in Surf Coast Shire (available at www.surfcoast.vic.gov.au/plasticwise), anticipating a more in-depth review alongside the next policy review.

Appendix 1 Policy SCS-008 Plastic Wise Events and Markets on Council owned/managed land (revised policy)

Appendix 2 Tackling plastic pollution: single use plastics ban, Victorian Government

Council Plan

Theme 3 Environmental Leadership
Strategy 9 Divert more material from the waste stream

Theme 5 Robust and Diverse Economy
Strategy 13 Support tourism and events that encourage people to stay longer and appreciate and care for this place

Theme 2 A Healthy Connected Community
Strategy 6 Enable communities to strengthen their social connections and participate in community life

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review

Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

Council's Plastic Wise Policy enables strategic planning, innovation, continuous improvement, and collaboration within our region. It also helps Council act on Section 9(2c) 'the economic, social and environmental sustainability of the municipal district is to be promoted'.

Policy/Relevant Law

The Victorian Government introduced a ban on single use shopping bags on 1 November 2019, with further single use items to be banned from February 2023. Balloon releases became illegal under the Environment Protection Act 2017, effective 1 July 2021.

Environmental/Sustainability Implications

The Plastic Wise Policy was developed in partnership with community in response to concerns about the impacts of single use shopping bags and other items on the natural environment.

Community Engagement

As in-person events have been disrupted since March 2019 due to the COVID-19 pandemic, Council officers (in the Events, Sustainability and Waste teams) understand that face to face community engagement on this policy review is not appropriate at this time. Council involved/collaborated (IAP2) with community stakeholders in the policy inception and 2018 review, and expect to again collaborate when the next review is due.

Public Transparency

The 2016 policy development and subsequent reviews have been conducted in a collaborative way with those impacted by the policy.

Strategies/Plans

Council's Plastic Wise Policy takes action on the Environmental Leadership theme of Council Plan 2016-2020 (Strategy 2.2.3 Review and expand Plastic Wise Program) and Council Plan 2021-2025 (Strategy 9. Divert more material from the waste stream).

Service Performance

The Plastic Wise Policy aligns with Council's approach to supporting and hosting events that demonstrate principles of environmental sustainability, for improved social, economic and environmental outcomes.

Risk Assessment

There are no identified Workplace Health and Safety implications associated with this report. The Plastic Wise Policy includes exemptions for health, safety and wellbeing.

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review

Communication

This policy and the Plastic Wise Guide are referenced/linked in Council's Event Brief and Event Application processes, and both are available to download from Council's website.

Human Rights Charter

Governments and decision-makers have a responsibility to take action to secure a safe future for generations to come, including the responsible management of resources and the environment.

Options

Option 1 – Endorse the October 2021 revision of policy SCS-008 Plastic Wise Events and Markets on council owned/managed land

This option is recommended by officers as the review process led to a number of changes being proposed.

Option 2 – Not endorse the October 2021 revision of policy SCS-008 Plastic Wise Events and Markets on council owned/managed land

This option is not recommended by officers as it is important to ensure the policy is kept updated and reflects current information and best practice.

Conclusion

To our knowledge, the Surf Coast Plastic Wise Policy was the first of its kind, and is a well-renowned demonstration of environmental leadership from Council and our community.

Implemented in 2016, and strengthened in 2018, Council officers and community stakeholders see opportunities for the policy to continue to advance and have positive impacts in our community and beyond.

At the time of the October 2021 review however, in-person events have been severely impacted by the COVID-19 pandemic, and the Victorian Government is leading the transition towards a ban on single use plastic straws, cutlery, plates, drink stirrers, and expanded polystyrene food and drink containers by February 2023.

Based on these and other considerations, the policy has had only minor updates at this time. These were to include new content on the State Government's approach to single use plastics, respond to requirements under the Local Government Act 2020, reflect the commitments of the Great Ocean Road Coast and Parks Authority, and set a new target for sporting clubs and facilities to achieve compliance.

It is recommended that the Plastic Wise Policy and Guide are next reviewed in 2023 in order to leverage off opportunities arising from new state plastic bans and waste policies, developments in organic waste processing, changes in the event industry, and collaborations within our region.

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review

APPENDIX 1 SCS-008 PLASTIC WISE EVENTS AND MARKETS ON COUNCIL OWNED/MANAGED LAND POLICY



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SCS-008 Plastic Wise Events and Markets on Council owned/managed land

TRIM Reference: D18/132255 Due for Review: 31 March 2023
Responsible Officer: Manager Environment and Community Safety

Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to eliminating single use plastic items at events, markets and organised sporting activities held at all sites owned and managed by Council.

Policy Principles

Council and our community recognise the negative impacts that single use plastics and excessive packaging have on the local environment and on the earth's natural resources. Lightweight, single use plastics are often littered or blown from one place to another, entering waterways and oceans, and impacting native wildlife and food chains. Traditional plastics are made from fossil fuel sources (oil), which over time, break up into smaller and smaller pieces (microplastics) that are also known to have harmful effects on environmental and human health.

Developed in 2016 with our community, organisers of local events, and the Great Ocean Road Coast Committee, this policy is Council's commitment to take local action on this global issue.

The State Government has since introduced a ban on lightweight plastic shopping bags (1 November 2019) and will expand this to include plastic straws, cutlery, drink stirrers, polystyrene food and drink containers and cotton bud sticks from February 2023. Additionally, releasing balloons into the environment is now illegal under the *Environment Protection Act 2017* (from 1 July 2021).

Scope

Events

This policy applies to all events, markets and regular/organised sporting activities conducted on land, in buildings, at venues and on roads owned or managed by Council. It includes all civic, commercial and community events such as markets, festivals, ceremonies, exhibitions, expos, meetings, functions, workshops, information sessions, conferences, parties, competitive sporting events, and other organised sporting and recreational activities.

Single use plastic items

This policy covers single use plastic and polystyrene items used in purchasing, packaging, sales, distribution, transportation, set up and pack down (bump in and bump out), participation, promotion and clean up practices associated with events. Refer to sections 2.3 and 2.4 for details of products covered.

Exemptions

Exemptions will be made for valid health, wellbeing or safety reasons, or where there is no practical alternative product or option currently available. All exemptions require prior written approval from Council's Coordinator Events – to be arranged through a Council officer associated with the event.

Application

This policy applies to all Surf Coast Shire Council employees and contractors, and all individuals, groups or organisations planning, organising, running and/or approving events, markets and sporting activities at

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review



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COUNCIL POLICY

Council sites. It includes stallholders/vendors, sponsors, contractors, volunteers and service providers who are on site as part of the event.

Event organisers must demonstrate how they will achieve compliance with this policy through the event planning process, such as the Event Brief (internally organised events) or Event Application (externally organised events).

The Plastic Wise Guide for Markets and Events in Surf Coast Shire, available at www.surfcoast.vic.gov.au/plasticwise, provides guidance for meeting the requirements of this policy.

In implementing this policy, Council works in partnership with other Crown land managers, including the Great Ocean Road Coast and Parks Authority, who share the goal of reducing plastic in the environment.

Organised sporting and recreational activities

Council officers will support Council owned and managed sporting facilities and community sporting clubs operating at Council sites to become compliant with this policy by December 31 2023 or sooner.

Policy

Surf Coast Shire Council is committed to eliminating single use plastic items at events, markets and organised sporting activities held at all sites owned and managed by Council.

Expectations outlined in this policy aim to avoid unintended negative impacts – by considering current options for managing items at the end of their use, and being clear that the priority is to remove the risk of plastic having a harmful impact on the natural environment. More broadly, Council is committed to the target of zero recoverable waste being sent to landfill or finding its way into the environment.

1. Expected outcomes of this policy

- 1.1 Deliver Council and community events that demonstrate the principles of the waste hierarchy – prioritising avoidance, reduction, reuse, then recycling, with disposal being the last resort.
- 1.2 Apply a best practice plastic wise approach to all Council run events.
- 1.3 Help our community to achieve, (or advance towards) a best practice plastic wise approach for events and markets that they run.
- 1.4 Develop and maintain positive and constructive relationships with event and market organisers and our community.
- 1.5 Ensure the Surf Coast Shire Plastic Wise Guide for Markets and Events is kept up to date to assist all event organisers to operate consistently with this policy.

2. Expected event outcomes

Before the event – planning

- 2.1 Event organisers plan to incorporate and accommodate the principles of the waste hierarchy before, during and after the event.
- 2.2 Event organisers are active in educating and guiding their event staff (including volunteers, contractors, service providers), vendors/stallholders, sponsors, patrons and participants on why a plastic wise approach is important and what practices should be followed, including:
 - Eliminating all disposable plastic items where possible;
 - encouraging and enabling the use of reusable alternatives;
 - ensuring that no plastic items become litter at the event site; and
 - providing information and infrastructure to assist with achieving the above.
- 2.3 Some plastics are both a greater risk to the environment and/or more easily avoided or replaced. Recognising this, the following products are not used, sold or distributed (unless an exemption is granted for health, wellbeing or safety reasons):
 - Single use plastic bags, including promotional or event participant bags;
 - single use plastic plates, bowls, cups, straws, cutlery, food containers and sachets;
 - single use/disposable items and plastic packaging used for promotional items, giveaways and merchandise;
 - plastic bottled water (also refer to 2.6 about the provision of drinking water); and
 - balloons.

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review



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- 2.4 Some plastics remain a risk to the environment; however they are currently less easily avoided or replaced. Recognising this, if they cannot be eliminated immediately, event organisers demonstrate a shift away from the following (unless an exemption is granted for health, wellbeing or safety reasons):
- Single use, plastic lined and/or plastic lidded cups used for hot or cold drinks (e.g. takeaway coffee cups);
 - single serve drinks (in addition to water) that are packaged in plastic bottles, e.g. soft drink, juice, milk, etc. (Note: also refer to Council's Local Law 2, section 4.1.2 Glass Free Areas).
 - soft plastic packaging including cling wrap, wrappers, bags and similar; and
 - single use or limited use plastic items used in event infrastructure and promotion, including cable ties, course markings, decorations and giveaways.
- 2.5 Cigarette butts, which consist mostly of plastic with a thin paper coating, are contained and prevented from entering the natural environment, and disposed of to landfill after the event.
- 2.6 Access to free drinking water is provided (unless the event location prevents this) and clearly signed, along with alternatively packaged water if it is required.
- 2.7 Organisers of events that require an Event Brief (Council run events) or Event Application (external events) provide to Council a waste management plan.
- 2.8 All events, regardless of whether they require a waste management plan, strive to meet the following waste management outcomes:
- Certified compostable cups, cutlery, containers, packaging, etc. are collected and sent for processing into compost;
 - if it cannot be avoided, soft plastic packaging is collected for recycling through a separate waste stream; and
 - event materials (e.g. event signage, promotional banners, flags and course markings) are designed for future reuse, rather than disposal.

During the event – delivery and performance monitoring

- 2.9 Event organisers are active in educating and guiding their event staff (including volunteers, contractors, service providers), vendors/stallholders, sponsors, patrons and participants on why a plastic wise approach is important and what practices should be followed.
- 2.10 No items, including small items such as cable ties and cigarette butts, become litter.
- 2.11 Event organisers monitor their event and collect evidence (e.g. photos) that illustrate the effectiveness of their plastic wise approach and waste management systems with the intention to identify opportunities for improvement for future events and for this policy.

After the event – clean up and evaluation

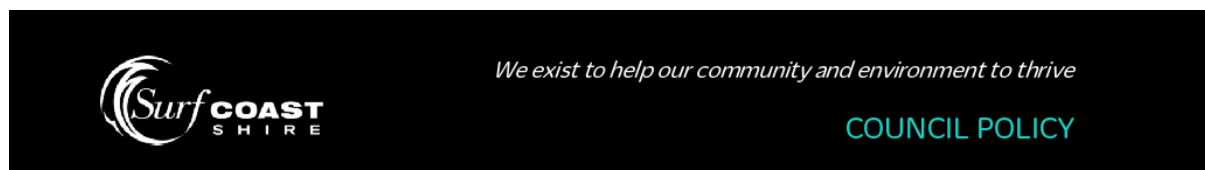
- 2.12 The event site or venue is left litter free and returned to pre-event conditions in the agreed timeframe, and with no risk of litter items impacting the environment, e.g. waterways, in this time. (Note: any site remediation required will be at the expense of the event organiser).
- 2.13 Event organisers should review their event against the expected event outcomes of this policy (section 2) to identify opportunities for improvement for future events and for this policy.

3. Council officer responsibilities

Council officers involved in the planning, approval and/or delivery of events will:

- Apply a best practice plastic wise approach to all Council run events;
- seek to develop and maintain positive and constructive relationships with event and market organisers and our community;
- help our community to achieve, or make progress towards a best practice plastic wise approach for events and markets that they run;
- ensure that the Surf Coast Shire Plastic Wise Guide for Markets and Events is updated in line with the next policy review, to assist all event organisers to operate consistently with this policy;
- when there is repeated, poor adherence to this policy, recommend to Senior Management that these events not be supported or approved by Council; and
- ensure that events receiving Council grants and/or sponsorship commit to complying with the policy before support is made available.

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review



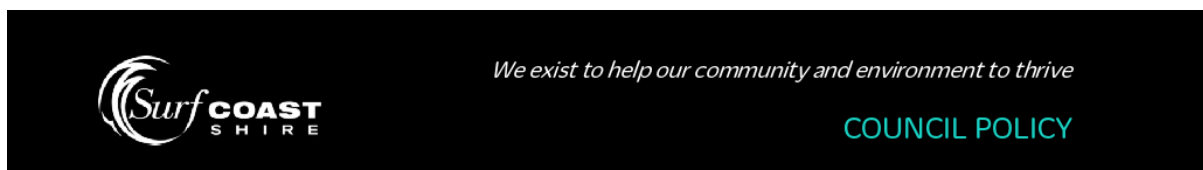
Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	This policy relates to Section 9(2)(c) 'the economic, social and environmental sustainability of the municipal district is to be promoted'.
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes	Development of this policy in 2016 and the review in 2018 involved collaboration (IAP2) with local event and plastic wise community groups. Minimal community engagement occurred in the 2021 review due to the limitations on in-person events due to COVID-19, however it will be relevant to involve/collaborate on the following review.
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes	This policy is easily accessible to the community, and clearly referenced in Council's event application processes.
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes	This policy links to strategies in the 2016-2020 and 2021-2025 Council Plans, and aligns with Council's ongoing aspiration to demonstrate environmental leadership.
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No	
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes	This policy contributes to enhanced enjoyment of local events, and reduced pressure on waste management systems.

Definitions

Event	Any planned activity that occurs in a certain place, during a certain time, which involves a gathering of people and has some level of impact on the immediate surroundings.
Civic event	Any event organised by Council staff.
Commercial event	An event conducted for profit.
Community event	An event conducted by or for the community.
Sporting and recreational activities	Any regular or organised sporting or recreational activity occurring at Council owned or managed sites, including those run by community sporting clubs.
Council sites	Land, buildings, venues, roads or any other location owned or managed by Council.
Single use plastics	Any disposable plastic or polystyrene item that is designed to be used only once or for a short period of time before being discarded. They include, but are not limited to, plastic bags, cups, bowls, plates, cutlery, straws, bottled water, sachets (e.g. sauces, sunscreen), containers, packaging and other similar items. For the purpose of this policy, it also applies to balloons, disposable paper cups with plastic linings and/or lids (for hot or cold drinks), plastic glitter, glow sticks and confetti, and single use or disposable plastic promotional items and giveaways.
Plastic	Polyethylene, polystyrene and polypropylene made from petrochemical compounds, including degradable and biodegradable products made from these compounds.

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review



Bioplastic	<p>A term that can describe either <i>bio-based</i> or <i>biodegradable</i> plastic, including plastic made with or without the use of petrochemical compounds.</p> <ul style="list-style-type: none"> • Bio-based plastic: Plastic made from natural bio-polymers – i.e. organic and renewable matter such as rice, starch, sugar cane, wheat or corn. Despite their origins, some bio-based products are designed to behave like traditional plastics and do not biodegrade. • Biodegradable plastic: Plastic that has the potential to break down into its natural components over a period of time. These products can be made from natural and/or fossil fuel based materials.
Certified compostable	A subset of biodegradable plastic, made from material assessed to be safe to compost in a commercial or home composting environment in accordance with Australian Standards (AS4736 and AS5810-2010 respectively).
Single use plastic bag	A type of bag or pouch made from thin, flexible, plastic film that is used for containing or transporting goods, designed to be used only once or for a short period of time before being discarded. For the purpose of this policy, this definition includes both thin (35 microns) and heavier weight disposable or limited use plastic bags.
Soft plastics	Plastic products that can be easily scrunched up in your hand and cannot be recycled through Council's kerbside recycling collection. They include, but are not limited to, plastic bags (including shopping bags, freezer bags and garbage bags), cling wrap, lolly wrappers, chip packets, shrink wrap, bubble wrap and other packaging.
Plastic bottled water	Drinking water sealed in plastic bottles designed or intended to be discarded after consumption.
Waste hierarchy	The waste hierarchy ranks waste management options in order of their general environmental desirability. Rankings are Avoid (most preferred); Reduce; Reuse; Recycle and Dispose (least preferred).

Related Procedures

- Event Brief – submitted for events organised by Council staff
- Event Application – submitted for events organised external to Council
- Plastic Wise Guide for Markets and Events (Edition 2, October 2021) available at www.surfcoast.vic.gov.au/plasticwise.

References

- Victorian Government single-use plastics ban www.vic.gov.au/single-use-plastics
- Victorian Government plastic bag ban www.vicbagban.com.au
- Environment Protection Authority and balloon releases www.epa.vic.gov.au/balloons
- Barwon South West Zero Waste Event Guide (2020) www.reduce-recycle.com.au/community/event-guide/

Document History

Version	Document History	Approved by – Date
1	Adopted	Council Resolution – 26 April 2016
2	Amended	Council Resolution – 23 October 2018
3	Amended	Council Resolution – 23 November 2021

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review

APPENDIX 2 VICTORIAN GOVERNMENT POLICY - TACKLING PLASTIC POLLUTION - SINGLE USE PLASTICS BAN

Tackling plastic pollution

We're banning problematic single-use plastics in Victoria

Increases in population and consumption have increased our reliance on problematic single-use plastics. Single-use plastics can negatively impact the health of our communities, our environment and our wildlife when they are disposed of incorrectly.

The Victorian Government will work with businesses and communities to ban problematic single-use plastic items, including straws, cutlery, plates, drink-stirrers, expanded polystyrene food and drink containers and cotton bud sticks by February 2023.

The problem of plastic pollution

Plastic pollution causes environmental harm, is detrimental to human health and wildlife, and attracts significant clean-up costs.

Plastics are strong, lightweight, and inexpensive, they are widely used in packaging, transport, healthcare, textiles, construction and electronics. Plastics are cheap, versatile and have a range of benefits. In some instances, they can keep our food fresh for longer and help reduce food waste.

Plastics do, however, cause significant harm. Globally, at least eight million tonnes of plastic enter oceans each year — the equivalent of dumping a garbage truck of plastic into the ocean every minute. Without action, the volume of plastic litter could double by 2030, and quadruple by 2050. This is why governments, businesses and communities around the world are acting to reduce plastic pollution.

Many single-use plastic items are difficult and economically unviable to recycle. Often they end up in and contaminate recycling.

These items can usually be avoided or replaced with reusable products.

Actions to address plastic pollution

Single-use plastics ban

These single-use plastic items will be banned from sale or supply in Victoria:

- straws
- cutlery
- plates
- drink stirrers
- expanded polystyrene food and drink containers
- cotton bud sticks.

The phase out of single-use plastics starts now

The Victorian Government will lead by example, phasing out single-use plastic straws, cutlery, plates, drink-stirrers, expanded polystyrene food and drink containers, and cotton bud sticks from the Victorian public service by February 2022.

We're banning these single-use plastics by February 2023



Straws



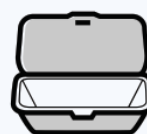
Cutlery



Plates



Drink stirrers



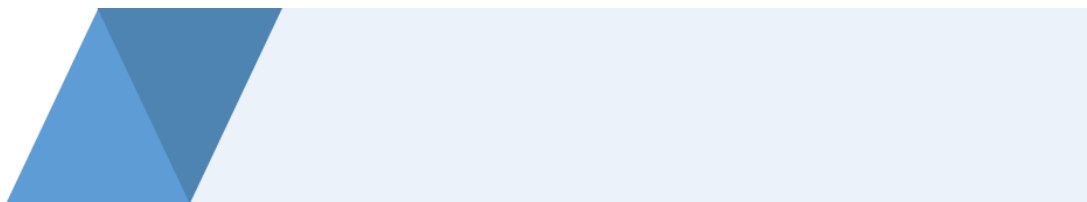
Expanded polystyrene food and drink containers



Cotton bud sticks

¹ World Economic Forum (2016). The New Plastics Economy: *Rethinking the future of plastics*, p.7, available at http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review



Ban single-use plastics by February 2023

Following a transitional period to give businesses and communities time to adjust, the Victorian Government will ban these single-use items by February 2023. The Victorian Government will consult with businesses and the broader Victorian community ahead of the ban coming into effect. This will include working with businesses to identify sustainable alternatives to the items included in the ban.

Plastics Pledge

The government will encourage and support Victorian businesses and organisations to reduce single-use plastics and join the Victorian Government in phasing them out.

Exemptions to the ban

The ban will not affect medical or scientific equipment, emergency management services, or people who require specific single-use plastic products for health and safety.

The government will work with the aged care and disability sectors to understand and develop exemptions for people who require straws or other single-use plastics.

Available alternatives

There are readily available alternatives to the single-use items being banned. In many cases these single-use plastics can be avoided.

Victorian businesses and community will be encouraged to consider:

- avoiding straws or choosing reusable ones made from bamboo, stainless steel or silicone
- avoiding drink stirrers or choosing reusable metal

teaspoons or swizzle sticks

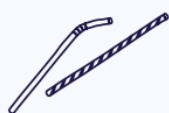
- choosing cotton buds without the sticks or with bamboo sticks
- choosing reusable:
 - cutlery made from stainless steel, heavy-weight plastic or bamboo
 - plates made from plastic or ceramic
 - glass, plastic or metal containers
 - silicone cotton buds

The government will work with businesses to identify sustainable alternatives to the items included in the ban.

Next steps

- Engagement with industry and local government
- Public consultation on regulatory impact statement
- Regulations finalised
- Transition period for industry – mid 2022 to February 2023
- State-wide ban on single-use plastics commences – February 2023.

Alternatives to banned single-use plastic items



Metal, silicone or paper straw



Metal or reusable picnic cutlery



Reusable plates



Spoon or reusable drink stirrer



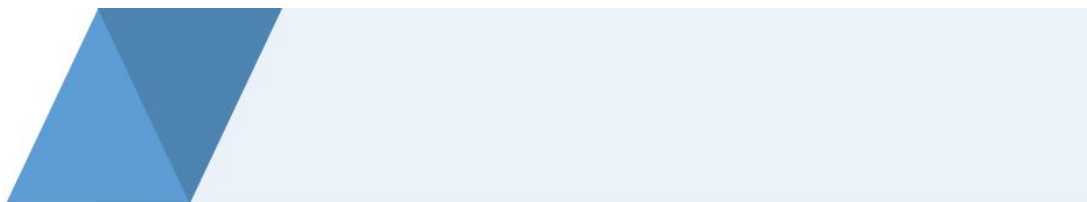
Reusable food container



Paper, bamboo or reusable silicone buds

Wash well and follow current coronavirus advice at www.vic.gov.au/coronavirus.

5.2 SCS-008 Plastic Wise Events and Markets on Council Owned/Managed Land Policy Review



Transforming the use and management of plastics

Tackling plastic pollution is part of *Recycling Victoria* – *A new economy*, the once-in-a-generation plan to transform Victoria's waste and recycling system and build the state's circular economy. Through Recycling Victoria and investment of \$515 million, the Victorian government will meet ambitious targets for a cleaner, greener Victoria with less waste and pollution, improved and expanded recycling, more jobs and a stronger economy.

The ban of problematic single-use plastics builds on the Victorian Government's single-use plastic bag ban which came into effect on 1 November 2019, and a range of other Recycling Victoria initiatives that are transforming how we use and manage plastic throughout the Victorian economy, including:

- grants to encourage businesses to use plastic more productively through the Circular Economy Business Innovation Centre
- household recycling reforms for better quality and more plastic recycling
- the Recycling Markets Acceleration package and the Recycled First policy to ensure more recycled plastic is used in construction of public infrastructure.

The Victorian Government will continue to work with industry to phase out problematic single-use plastics and shift the way plastics are recovered, recycled, and reused – creating new jobs and industries for Victoria.

You can learn more about *Recycling Victoria* at www.vic.gov.au/recycling.



Case study: Reducing single-use plastic with BetterCup

BetterCup is a Melbourne-based business that minimises single-use waste at events and venues such as music festivals, sports stadiums and universities by providing Australian-made reusable and durable plastic cups that are washed and reused. BetterCup offers services including on-site or off-site washing solutions and reuse communication strategies. At the end of their life cycle, cups are recycled locally into products such as wheelie bins and flowerpots.

BetterCup has worked with organisations all over Australia to provide reusable cups including at the Brunswick Music Festival in Moreland, Melbourne Fashion Week and Monash University. BetterCup's reusable products and systems have, to date, diverted almost one million single-use cups from landfill.

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review

Author's Title: Principal Strategic Planner
Department: Strategic Planning
Division: Environment & Development

General Manager: Ransce Salan
File No: F15/1626-3
Trim No: IC21/1542

Appendix:

1. SCS-042 Private Planning Scheme Amendment Fee Policy (D21/207970)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 –
Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to consider the review and adoption of Council Policy SCS-042 Private Planning Scheme Amendment Fee Policy.

Summary

The Private Planning Scheme Amendment Fee Policy (the Policy) was drafted to enhance the clarity of the private planning scheme amendment fee process in response to a 2019 recommendation from the office of the Victorian Ombudsman. The policy was adopted by Council in August 2019 and is subject to a biennial review: this report summarises the first review of the Policy.

The focus of the adopted Policy is on private planning scheme amendments, rather than Council amendments. Each year, Council undertakes planning scheme amendments in order to make changes to the Surf Coast Planning Scheme. Some of these are “Council amendments” and these amendments are initiated by Council. Others are referred to as “private amendments” and these amendments are initiated by a private individual or company (proponent). While a private amendment will generally fit with Council’s municipal direction and deliver a community benefit, the primary beneficiary is the proponent. Fees for private planning scheme amendments are prescribed by the *Planning and Environment (Fees) Regulations 2016* (the Regulations).

Council charges the prescribed fee for private planning scheme amendments and in addition, where direct costs exceed the prescribed fee, Council officers negotiate an agreement with the proponent for the payment of the excess amount. Unresolved submissions to an amendment are often referred to an independent panel appointed by the State Government. The excess costs could include, for example, the cost of a Panel that exceeds the prescribed fee and, where requested by the proponent, legal or expert witness costs. Council Policy SCS-042 Private Planning Scheme Amendment Fee Policy (the policy) was adopted on 27 August 2019 to add clarity and transparency to this process and the policy is subject to a subsequent biennial review.

This first biennial review of the Policy has now been undertaken and it has found that the Policy is functioning as intended: only minor clerical changes are recommended.

Recommendation

That Council adopts the reviewed SCS-042 Private Planning Scheme Amendment Fee Policy as attached at Appendix 1.

Council Resolution

MOVED Cr Mike Bodsworth, Seconded Cr Kate Gazzard

That Council adopts the reviewed SCS-042 Private Planning Scheme Amendment Fee Policy as attached at Appendix 1.

CARRIED 8:0

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Nil	Nil
Cr Barker		
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Mayor Stapleton		

CARRIED 8:0

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

In October 2018, the office of the Victorian Ombudsman commenced a process seeking information from a number of councils about their fees and charges for processing private planning scheme amendments. The outcome of that investigation was an ombudsman's recommendation to council that the private planning scheme amendment fee process be further clarified and well documented (paraphrased).

At the time, council's planning scheme amendment process was only set out in the *Surf Coast Shire Private Planning Scheme Amendment Guidelines* (the Guidelines), which remain relevant today and continue to be publicly available through council's website. While the Guidelines provided direction to proponents and ensured that council's expectations in relation to costs were transparent, prior to the adoption of the Policy in 2019 there was no formal Council position on the process.

The need for a clear Council endorsed position was considered to be particularly important where officers sought to recover costs for elements of the amendment process that exceeded the prescribed fees and as a consequence, policy SCS-042 was developed and adopted to underpin and strengthen the Guidelines.

Discussion

Each year, council undertakes planning scheme amendments in order to make changes to the Surf Coast Planning Scheme. Some of these are "council amendments" and others are referred to as "private amendments". A council amendment is a planning scheme amendment that is initiated by council. These amendments deliver a broad community benefit and are subject to an annual prioritisation and budget process. In contrast, a private planning scheme amendment is an amendment that is initiated by a private individual or company, and while a private amendment will generally fit with council's municipal direction and deliver a community benefit, the primary beneficiary of a private amendment is the applicant or owner (proponent). In addition, the timing does not always accord with Council's workplan.

Fees for private planning scheme amendments are prescribed by the Planning and Environment (Fees) Regulations 2016 (the Regulations). Council charges the prescribed fees for private planning scheme amendments and, in addition, where direct costs exceed the prescribed fee, an agreement is negotiated with the proponent for the payment of the excess amount. The excess costs could include the cost of a Planning Panel appointed to hear submissions and (where requested by the proponent), legal or expert witness costs. Under Section 156(3) of the Planning and Environment Act 1987 the Council can request applicants to contribute to the cost of the panel. To ensure that a private amendment can progress to its conclusion once started, council must be certain of its ability to cover any direct costs that exceed the prescribed fee. To this end, it is council's practice to negotiate with the proponent to reach agreement about payment of these excess costs and this usually means that a proponent would pay the prescribed fee and any additional costs over and above this.

Council Policy SCS-042 Private Planning Scheme Amendment Fee Policy was adopted 27 August 2019 to formalise the practice of recovering the costs associated with private planning scheme amendments. The adopted Policy is referenced in the Guidelines and its objective is to ensure clarity and transparency; its purpose is to set out the process for the apportionment of costs associated with privately requested planning scheme amendments.

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review

Policy SCS-042 is required to be reviewed biennially to ensure that it remains consistent with the relevant legislation and effective in its application. The first review was scheduled to occur in August 2021 and this review has now been completed.

Since the adoption of the policy in August 2019, there have only been two private planning scheme amendments (PSA). While this has largely been due to the State Government hold on considering selected amendments in the declared (DAL) area and is therefore, outside of Council's control, it has had the effect of limiting the field against which the review could be tested.

Of the private amendments:

- one private PSA commenced after the adoption of the policy
- one PSA commenced prior to the policy adoption and as such, the policy did not apply.

The review confirmed that the relevant officers are aware of the policy, and that there is recognition and acceptance that it sets out Council's position on the recovery of costs that exceed or are outside the ambit of the prescribed fees as defined in policy SCS-042.

At the time of review, and having regard to the very limited test sample, the policy has been operating as intended and no change is recommended beyond the correction of administrative (spelling and punctuation) errors.

Council Plan

Theme 7 Accountable and Viable Council
Strategy 18 Establish a sustainable financial position

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	Yes

Governance Principles - Local Government Act 2020 (LGA 2020)

The applicable Victorian Planning Provisions and relevant Acts have been taken into account in undertaking the review.

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review

Policy/Relevant Law

The Regulations restrict the fees that council may charge for private planning scheme amendments and Regulation 6 sets out the fees and the services encompassed by each stage. In addition to the prescribed fee and through voluntary agreement with the proponent, council may recover the direct cost of elements not covered by Regulation 6.

The policy complies with previous Victorian Ombudsman's office recommendations that council make its current practice clearer to proponents and that council officers document the negotiation process designed to reach agreement about the recovery of costs. The current review has found that the policy responds well to those recommendations and only minor clerical improvements have been made.

Community Engagement

Policy SCS-042 was adopted in 2019 to formalise what was, an existing process. This report details the first biennial review of that Policy. No community engagement has been undertaken and is not considered necessary as the matter is procedural.

Financial Management

Planning fees, which include the prescribed fee and the recovery of direct costs, are an important revenue source required to offset the cost of implementing a private amendment.

The Regulations prescribe the fees that may be charged. However, if the direct costs associated with a private amendment exceed the prescribed fee and the proponent does not pay those costs, either an amendment will stall or the financial burden will fall to council. While private amendment fees may be charged and other costs recovered without the endorsement of a policy, policy SCS-042 adds rigour to council processes and the review ensures that the Policy continues to be effective.

Risk Assessment

The adopted policy reduces financial and reputational risk. Council took on board the Ombudsman's recommendations to improve the clarity of the private planning scheme amendment fee process and developed a policy to underpin the existing guidelines. The review ensures that the Policy continues to be effective.

Human Rights Charter

The adopted Policy is a tool that assists in creating a clear, transparent and equitable process for the recovery of the direct costs associated with private planning scheme amendments that are over and above the statutory fees. The review ensures that the Policy continues to be effective.

Options

Option 1 – Endorse policy SCS-042

This option is recommended by officers as it responds to the procedural requirement to review the Policy that was developed in response to the 2019 Ombudsman's recommendation, and ensures that the Policy continues to be relevant and effective.

Option 2 – Resolve not to endorse policy SCS-042

This option is not recommended by officers as the Policy is required to be reviewed biennially. While the test sample was small, the review must still be undertaken and based on consideration against the sample and a review against the relevant legislation, the Policy continues to be relevant and has been applied as intended. The changes proposed are superficial and do not alter the policy's purpose or effectiveness.

Option 3 – Defer the Council's decision

This option is not recommended by officers as the Policy is required to be reviewed biennially. While the test sample was small, the review must still be undertaken and based on consideration against the sample, and a review against the relevant legislation, the Policy continues to be relevant and has been applied as intended. The changes proposed are superficial and do not alter the policy's purpose or effectiveness.

Conclusion

Prescribed fees do not always cover all direct costs and to ensure that a private amendment can progress to its conclusion once started, council must be certain of its ability to recover any direct costs that exceed the prescribed fee. Policy SCS-042 was adopted in 2019 and sets out the process to recover these costs.

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review

The biennial review of the Policy has been undertaken and the policy was found to be current, relevant and was being applied as intended. Minor amendments to the Policy are recommended to correct clerical errors; however, no substantive changes are recommended.

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review

APPENDIX 1 SCS-042 PRIVATE PLANNING SCHEME AMENDMENT FEE POLICY



We exist to help our community and environment to thrive

COUNCIL POLICY

SCS-042 Private Planning Scheme Amendment Fee Policy

TRIM Reference: [D21/207970](#) Due for Review: August ~~2021~~2023
Responsible Officer: Manager Planning and Development

Purpose

This policy outlines Surf Coast Shire Council's (Council) process for the apportionment of costs associated with privately requested planning scheme amendments, including where direct costs are incurred that exceed or are outside the ambit of the prescribed fees.

Policy Principles

This policy assists Surf Coast Shire Council in ensuring a transparent and equitable process for the recovery of costs associated with the private amendment process.

Scope

This policy applies to Council, its employees and all applicants (proponents) seeking to undertake a private planning scheme amendment.

This policy covers the charging of fees directly associated with the private amendment process that are over and above the fees prescribed pursuant to section 6 of the Regulations. It does not cover the method for determining the strategic merit or prioritising amendments.

Policy

Regulation 6 of the Regulations sets out the fees for each stage of an amendment to a planning scheme.

Subregulation (1) states that:

The fee for the whole or any part of a stage of the process for amending a planning scheme specified in Column 1 of the Table at the foot of this regulation is the fee specified in Column 2 of that Table corresponding to that stage.

Subregulation (4) states that:

A fee prescribed in subregulation (1) or (3) relating to a stage of the process of amending a planning scheme is to be paid:

- (a) By the person who requested the amendment to the person specified in Column 3 of the Table at the foot of this regulation corresponding to that stage; and*
- (b) At the time specified in Column 4 of that Table corresponding to that stage.*

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review

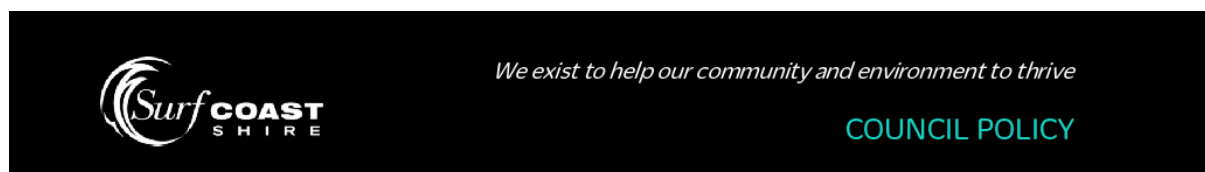


Table			
Column 1 Stage in the process for amending a planning scheme	Column 2 Fee	Column 3 Person to whom fee is paid	Column 4 Time at which fee must be paid
Stage 1 which consists of: a. considering a request to amend a planning scheme; and b. taking action required by Division 1 of Part 3 of the Act; and c. considering any submissions which do not seek a change to the amendment; and d. if applicable, abandoning the amendment.	206 fee units	The Planning authority	The time at which the amendment is requested.
Stage 2 which consists of: a. considering: i. up to and including 10 submissions which seek a change to an amendment, and where necessary referring the submissions to a panel; or ii. 11 to (and including) 20 submissions which seek a change to an amendment, and where necessary referring the submissions to a panel; or iii. submissions that exceed 20 submissions which seek to change an amendment, and where necessary referring the submissions to a panel; and b. providing assistance to a panel in accordance with section 158 of the Act, and c. making a submission to a panel appointed under Part 8 of the Act at a hearing referred to in section 24(b) of the Act; and d. considering the panel's report in accordance with section 27 of the Act; and e. after considering submissions and the panel's report abandoning the amendment.	1021 fee units; or 2040 fee units; or 2727 fee units	The planning authority	Before the planning authority considers submissions.
Stage 3 which consists of: a. adopting the amendment or a part of the amendment in accordance with section 29 of the Act; and b. submitting the amendment for approval by the Minister in accordance with section 31 of the Act; and c. giving the notice of the approval of the amendment required by section 36(2) of the Act.	32.5 fee units if the Minister is not the planning authority or nil fee if the Minister is the planning authority	The planning authority	Before the planning authority adopts the amendment.
Stage 4 which consists of: a. consideration by the Minister of a request to approve the amendment in accordance with section 35 of the Act; and b. giving notice of approval of the amendment in accordance with section 36(1) of the Act.	32.5 fee units if the Minister is not the planning authority or nil fee units if the Minister is the planning authority.	The Minister	At the time the planning authority submits the amendment to the Minister for approval.

It is policy that Surf Coast Shire Council will process private amendments only where:

- the applicant agrees to pay the prescribed fees; and
- the applicant voluntarily agrees to pay any direct costs that exceed the prescribed fees or any direct costs that exceed a budget formally allocated by council; and

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review



We exist to help our community and environment to thrive

COUNCIL POLICY

- council's strategic Land Use Planning Coordinator or delegate determines that suitable human resources are available to project manage the amendment; and
- the amendment supports or implements the Municipal Planning Strategy; or
- the Council resolves that the amendment may be processed; and
- evidence of the voluntary agreement referenced at dot point 2 of this clause is provided in writing.

Council reviews its strategic work plan annually, prioritising projects and amendments and allocating funds to priority projects and amendments accordingly. Where an amendment is a council amendment, it cannot commence unless the amendment is on council's strategic work plan and a budget has been allocated.

Private amendments are not on council's strategic work plan and have no allocated budget. Without funds, the amendment cannot proceed. Where the amendment is a private amendment it is policy to afford applicants the opportunity to:

- add the amendment to council's strategic work plan where the request will be considered at the next annual budget review. All projects and amendments on council's strategic work plan will be subject to the same prioritization-prioritisation and budget allocation process; or
- request that council process the amendment as a privately funded amendment (private amendment).

Where the amendment is a private amendment, fees will be charged in accordance with Section 6 of the Regulations with the stage 1 fee being inclusive of advertising costs and the stage 2 fee being inclusive of the costs associated with the provision of secretarial assistance during that stage.

The fees set out in Section 6 of the Regulations do not account for all direct costs that may be incurred during a planning scheme amendment process. Costs that are beyond the ambit of the prescribed fees include:

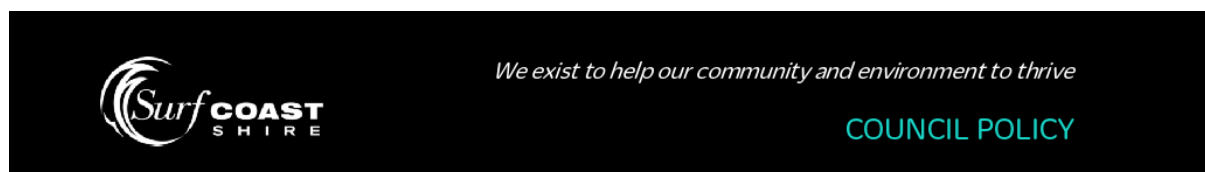
- the portion of a fee charged by Planning Panels Victoria that exceeds the stage 2 fee prescribed by Section 6 of the Regulations; and
- legal fees associated with the preparation and lodgement of a S173 agreement (or similar) where the S173 agreement forms part of the amendment; and
- expert witnesses and reports where the applicant (proponent) requests council to engage the expert to support the amendment or technical aspects of the amendment at a panel hearing; and
- professional advocates at a Planning Panel acting on behalf of Council.

The use of expert witnesses and professional advocates is discretionary. They can also be critical to an amendment.

Before council processes a private amendment, funding of the amendment will be assured by the applicant through the provision of a written agreement. The agreement will evidence that the applicant has:

- agreed to pay the prescribed fee; ~~and~~
- voluntarily agreed to pay to council, any difference between the prescribed fee and the fee required to be paid by Planning Panels Victoria (PPV) where the PPV fee exceeds the prescribed fee; ~~and~~

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review



- voluntarily agreed to pay all legal costs associated with the preparation and lodgement of a related section 173 Agreement and any other legal costs directly associated with the amendment; ~~and~~
- voluntarily agreed to pay the cost of discretionary work or professional services that are requested by the applicant (proponent) in writing.

Records will be kept of all negotiations and agreements between council and the applicant pertaining to the apportionment of such costs.

Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	Consistent with the Act and Regulations, ensuring a consistent and transparent process for the equitable recovery of private amendment costs
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes	Clear policy is publicly available, ensuring that the process to recover private amendment costs is transparent
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No	
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes	Clear and equitable method to recover private amendment costs, ensuring that once started, a private amendment can proceed to its conclusion.
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes	Ensures an equitable process for the recovery of private amendment costs.

Definitions

Applicant: a private individual or company (proponent) who initiates a private amendment. The applicant may or may not be the land owner.

Council amendment: a planning scheme amendment initiated by Council. These amendments are included on council's strategic work plan.

Fee unit: The Regulations set fees in fee units. The fee unit value is adjusted annually under the Monetary Units Act 2004 and published in the Government Gazette.

Planning authority: while the Victorian Minister for Planning and Council each act as the planning authority within a set context, for the purpose of this policy the planning authority is Council.

Planning Panel: an independent panel appointed by the Minister for Planning under Part 8 of the Planning and Environment Act 1987. The panel may also be referred to as Planning Panels Victoria.

Prescribed fee: a fee prescribed by the Regulations.

Private amendment: a planning scheme amendment that is initiated by a private individual and/or company where the main beneficiary of the amendment is the applicant or owner.

S173 agreement: a legal agreement made under Section 173 of the Planning and Environment Act 1987.

Strategic work plan: an annual work plan listing council's proposed strategic land use projects and planning scheme amendments.

The Act: Planning and Environment Act 1987

The Regulations: Planning and Environment (Fees) Regulations 2016

5.3 SCS-042 Private Planning Scheme Amendment Fee Policy Review



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COUNCIL POLICY

Related Procedure

Not applicable

References

Planning and Environment Act 1987
Planning and Environment (Fees) Regulations 2016

Document History

Version	Document History	Approved by – Date
1	<i>Adopted</i>	<i>Council Resolution – 27 August 2019</i>
<u>2</u>	<u>Amended</u>	

5.4 Lorne Swing Bridge Lighting Project

Author's Title: Manager Economic Development & Tourism

General Manager: Ransce Salan

Department: Economic Development & Tourism

File No: F21/898

Division: Environment & Development

Trim No: IC21/1860

Appendix:

1. Fauna Assessment - Lorne Swing Bridge Project (D21/209286)
2. Lorne Swing Bridge Lighting Concept (D21/202968)
3. Lorne Swing Bridge Supply and Install Document (D21/217653)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to consider the allocation of an additional \$40,000 towards the Lorne Swing Bridge lighting project from the accumulated unallocated cash reserve.

Summary

Council allocated \$30,000 towards the 150 Year Anniversary of Naming Lorne project early in 2021. A component of this project involves the installation of lights on the Lorne Swing Bridge.

The Lorne Swing Bridge is an asset under the management of Great Ocean Road Coast and Parks Authority (the Authority) and as such needs their approval.

The Authority is agreeable to the temporary installation of lights on the bridge during the Biennale in March 2022 and is open to considering permanent installation subject to successful community consultation.

A number of studies and reports have been completed including a Fauna Assessment and lighting concept. A high level cost estimate for the total project indicates a required budget of between \$83,900 - \$98,900.

By working with a Lorne community entity to complete the project, the total cost is estimated to reduce to \$70,000. This leaves a current budget shortfall of \$40,000.

Under this method of project delivery, Council would remain the project manager and enter into an agreement with the community entity to supply, install, (potentially remove), and maintain the lights. The Authority has expressed its comfort in this approach.

The lights have an estimated life of 15 years and this report does not propose to replace them at the end of their lifecycle.

This report seeks the allocation of an additional \$40,000 towards the project and confirmation to work with a Lorne community entity to deliver the project. It should be noted the cancellation of the Lorne fireworks will see \$41,000 returned to the accumulated unallocated cash reserve.

Recommendation

That Council:

1. Notes the existing budgeted \$30,000 towards the 150 Year Anniversary of Naming Lorne project
2. Notes project expenditure to date of \$7,900.
3. Notes the Great Ocean Road Coast and Parks Authority advice for Council to remain project manager regarding the placement of lighting on the Lorne Swing Bridge.
4. Allocates an additional \$40,000 from the accumulated unallocated cash reserve toward the 150 Year Anniversary of Naming Lorne project, to be used for the installation of lighting on the Lorne Swing Bridge and community consultation in March 2022.

5.4 Lorne Swing Bridge Lighting Project

5. Authorises the release of a Request for Quote seeking submissions from Lorne community entities to deliver the supply, install, (potential removal) and community consultation components of the placement of lighting on the Lorne Swing Bridge, under the project management of Council.
6. Enters into an agreement with the successful Lorne community entity to deliver the items in part 5.
7. Notes the successful Lorne community entity will be responsible for the ongoing maintenance of the lights.
8. Agrees that any underspend in the supply and install and potential removal of the lighting be maintained by the community entity for future maintenance.
9. Notes the budgeted estimate for supply, installation and potential removal of the lighting is \$50,000, and that the project may require a reduction in scope if the full project cannot be delivered with the available funding.
10. Notes that there is no intention to replace the lights at the end of their estimated 15 year lifespan.

*Councillor Wellington returned to the meeting at 7:33pm

Suspension of Standing Orders

Motion

MOVED Cr Heather Wellington, Seconded Cr Paul Barker

That Council suspend Standing Orders at 7:49pm.

LOST 3:6

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Cr Bodsworth	Nil
Cr Barker	Cr Gazzard	
Cr Wellington	Cr Hodge	
	Cr Pattison	
	Cr Schonfelder	
	Mayor Stapleton	

LOST 3:6

Defer debate to next meeting

Motion

MOVED Cr Paul Barker, Seconded Cr Heather Wellington

That Council agree that debate on item 5.4:Lorne Swing Bridge Lighting Project be deferred until the next meeting of Council scheduled to be held 14 December 2021 at 6:00pm.

LOST 1:8

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Barker	Cr Allen	Nil
	Cr Bodsworth	
	Cr Gazzard	
	Cr Hodge	
	Cr Pattison	
	Cr Schonfelder	
	Mayor Stapleton	
	Cr Wellington	

LOST 1:8

5.4 Lorne Swing Bridge Lighting Project

Council Resolution

MOVED Cr Gary Allen, Seconded Cr Adrian Schonfelder

That Council:

1. Notes the existing budgeted \$30,000 towards the 150 Year Anniversary of Naming Lorne project
2. Notes project expenditure to date of \$7,900.
3. Notes the Great Ocean Road Coast and Parks Authority advice for Council to remain project manager regarding the placement of lighting on the Lorne Swing Bridge.
4. Allocates an additional \$40,000 from the accumulated unallocated cash reserve toward the 150 Year Anniversary of Naming Lorne project, to be used for the installation of lighting on the Lorne Swing Bridge and community consultation in March 2022.
5. Authorises the release of a Request for Quote seeking submissions from Lorne community entities to deliver the supply, install, (potential removal) and community consultation components of the placement of lighting on the Lorne Swing Bridge, under the project management of Council.
6. Enters into an agreement with the successful Lorne community entity to deliver the items in part 5.
7. Notes the successful Lorne community entity will be responsible for the ongoing maintenance of the lights.
8. Agrees that any underspend in the supply and install and potential removal of the lighting be maintained by the community entity for future maintenance.
9. Notes the budgeted estimate for supply, installation and potential removal of the lighting is \$50,000, and that the project may require a reduction in scope if the full project cannot be delivered with the available funding.
10. Notes that there is no intention to replace the lights at the end of their estimated 15 year lifespan.

CARRIED 7:2

For

Cr Allen
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Cr Barker
Cr Bodsworth

Abstained

Nil

CARRIED 7:2

Adjournment of Meeting

Motion

MOVED Cr Adrian Schonfelder, Seconded Cr Gary Allen

That Council agree to adjourn the meeting at 7:57pm.

*The meeting adjourned at 7:57pm and resumed at 8:10pm.

5.4 Lorne Swing Bridge Lighting Project

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

In 2021 Lorne celebrated the 150 year anniversary naming of the township.

In recognition of this anniversary, community members from Lorne proposed the placement of lighting on the Lorne Swing Bridge to coincide with the Lorne Sculpture Biennale as a way to recognise the anniversary of naming Lorne.

The Lorne Swing Bridge is located at the mouth of the Erskine River between the Great Ocean Road and the junction of Otway Street and Cypress Avenue in Lorne and is situated on land under the management of Great Ocean Road Coast and Parks Authority (the Authority). As such, any proposed project involving the Lorne Swing Bridge requires the permission of the Authority.

In January 2021 Council allocated \$30,000 towards the 150 Year Anniversary of Naming Lorne project.

The project has two distinct components.

- 150 Year Anniversary – Lorne banners to be placed on flag poles along Mountjoy Parade (completed March 2021).
- Seek permission to place lights on the Lorne Swing Bridge from the Authority.

The Authority has since advised Council that it is supportive of the temporary installation of lights, coinciding with the Lorne Sculpture Biennale. The Authority cannot make a decision regarding the permanent installation of lights due to the following factors:

- Uncertainty surrounding the visual impact permanent lighting would have on the site given its prominence and significance.
- Potential negative impacts that additional night-time artificial light at this location may cause on the surrounding environment.
- No confirmation of an ongoing maintenance budget towards the upkeep of lighting.

The Authority has suggested a willingness to reconsider its position on the permanent installation of lights subject to satisfactorily addressing the above three points via the following:

- The completion of an impact assessment on the surrounding environment – Fauna Assessment.
- A thorough community engagement process is needed on the proposal – during the March 2022 Lorne Sculpture Biennale.
- Confirmation of a budget for maintenance.

The Lorne Sculpture Biennale was originally intended to take place in November 2021, however due to uncertainty regarding the staging of events due to Covid, it was rescheduled to March 2022.

Discussion

Land owner consent

The placement of non-permanent (and potential subsequent permanent installation) lighting on the Lorne Swing Bridge requires consent from the Authority and the Department of Environment, Land, Water and Planning (DELWP).

As part of achieving the Authority's and DELWP's requirements the following has been undertaken:

- Confirmation from Lorne Sculpture Biennale committee of the inclusion of the proposed lighting of the Lorne Swing Bridge as part of Lorne Sculpture Biennale in March 2022;
- The Authority has applied for a variation to the DELWP Consent provided to Lorne Sculpture Biennale to add the temporary lights as an installation for next year's Lorne Sculpture Biennale. Confirmation of consent is expected shortly;
- A Fauna Assessment by Ecology and Heritage Partners has been completed. The Assessment identifies the lighting of the Swing Bridge for 35 – 40 nights a year to mark various occasions poses

5.4 Lorne Swing Bridge Lighting Project

minimal impact on the surrounding fauna (10km radius) and is therefore acceptable. The Fauna Assessment can be found at Appendix 1.

- A lighting concept for the Swing Bridge (attached) has been completed by lighting experts Total Events Co. The concept can be found at Appendix 2.
- A detailed Supply and Installation document has also been completed to assist with installation and is marked as Appendix 3.

The above documents have been provided to the Authority, which has sought a variation to the consent provided to the Lorne Sculpture Biennale for the inclusion of the temporary lighting display from DELWP. While consent has not yet been provided it should be noted that lighting displays on the Erskine River and the Lorne Swing Bridge have previously been approved.

In delivering the project, the Authority has advised council must remain the project manager.

Planning aspects

The swing bridge is within the Public Park and Recreation Zone (PPRZ) and is covered by Environmental Significance Overlay Schedule 1 (ESO1), Bushfire Management Overlay (BMO), Land Subject to Inundation Overlay (LSIO) and Heritage Overlay Schedule 67 (HO).

The installation of the lights is exempt from requiring a planning permit as long as the lights are installed by or on behalf of Council and the cost is less than \$1,000,000. The installation of lighting would also be exempt if installed temporarily as part of an event approved by the land manager. Consent for the lighting has been lodged.

The relevant Clauses in the planning scheme are Clauses 62.02-1 and 62.02-2. These Clauses are similar in providing an exemption from any permit trigger within the scheme with the difference being that 62.02-2 provides an exemption only so long as the matter is not specifically referred to in another provision.

Nature of lighting

The temporary light installation will be on display during the Lorne Sculpture Biennale (Saturday 12 March – Sunday 3 April 2022). During this period, the lights would be switched on in the evening (dusk) and switched off between 11pm and 12 midnight.

Should the lighting receive positive community feedback and remain the lighting would be used to mark significant occasions such as Christmas, major events and other significant days at various time of the year in an ongoing manner. It is estimated this would be between 35 – 40 nights annually.

Given the prominence of the Lorne Swing Bridge it is important to ensure the quality and placement of lighting is to a high standard. A concept has been provided by a specialist lighting provider in accordance with Council's procurement processes.

The concept would illuminate the Lorne Swing Bridge with controlled coloured feature lighting and will be solar powered. Two LED fixtures will be mounted on each side of the bridge at the top of the tapered towers pointing down, lighting the hardwood poles forming the towers.

A total of eight LED fixtures will be individually controlled, allowing the bridge to take on a multitude of different lighting outcomes. This includes highlighting the towers in a single colour, different colours at each end, or slowly changing the colour of the bridge in different areas.

The LED lights will be weatherproof and installed at the top of the towers to minimise access, as well as avoiding direct sightlines for those visiting the landmark. The installation will be installed to be weatherproof and vandal resistant. A control system which can be automated and remotely controlled will be installed in a weather and vandal proof enclosure as well as the solar system necessary to power the lights and control system. The lights have an estimated lifespan of 15 years. It is not proposed to renew the lighting at the end of this period. The detailed supply and installation document identifies the position of lighting, required angling and the nature of lighting to be installed.

5.4 Lorne Swing Bridge Lighting Project

Community sentiment

During the March 2022 Lorne Sculpture Biennale a range of consultation will take place to identify community support for the lighting to remain affixed to the bridge and occasionally turned on to mark significant occasions.

It is envisaged this will involve seeking feedback from the broader Lorne community, Biennale attendees, nearby residents. A communications plan will be designed and will be provided to the Authority for approval closer to the Biennale.

Should community sentiment towards the lights be positive, Council will seek consent from DELWP for permanent installation.

Concept Cost Estimates

There is currently \$30,000 budgeted towards the project. Approximately \$7,900 has been expended completing the lighting concept and Fauna Assessment. The remaining budget is \$22,100.

In establishing a project cost, several lighting specialists were contacted to provide a detailed quote for the project against the lighting concept to establish an accurate cost estimate. This has included the offer of paying the company to provide a quote for the supply and installation of lights. Given the Authority has not yet permitted the permanent installation of lights the quote would also need to contain an estimate for removal should permanent installation not be supported during community consultation.

A detailed cost estimate was unable to be obtained. After discussing the project with one specialist lighting company the following high level estimate was provided.

- Supply & Installation of lighting: \$70,000 - \$85,000 (ex GST).
- Removal of lighting: up to \$5,000.
- Annual maintenance: Dependant on any vandalism, but could be \$1,000. In the future, due to the specialist nature of lighting used, replacement lights would be several thousand dollars.

As identified above consultation will be required to test community sentiment for the permanent installation of lights on the Swing Bridge. An estimate of cost is approximately \$1,000.

Based on the above, a best available non detailed total project estimate (excluding project management) is therefore as follows:

Fauna Assessment:	\$ 5,500 (already completed)
Concept development:	\$ 2,400 (already completed)
Supply & installation:	\$70,000 - \$85,000
Consultation:	\$ 1,000
Potential removal:	\$ 5,000
Total Cost Est:	\$83,900 - \$98,900

As such, there is an estimated budgeted project shortfall of between \$53,900 and \$68,900. This excludes the ongoing maintenance aspect, estimated to be \$1,000 annually and any costs associated with significant vandalism.

Community led Council managed

Given the shortfall in budget there is merit in considering a community led, council managed approach to reduce costs. Council has had positive experience in this method of project delivery. The Authority has indicated its comfort for community involvement as long as Council remain the project manager and all requirements (including ongoing maintenance) are met.

Under this approach Council would maintain its role as project manager and work with an identified Lorne community entity to assist in delivery of the project. This may result in significant in-kind contributions towards the project and bring down the supply and installation cost.

The community entity would work to a fixed supply and installation budget. Any savings made should be retained by the entity for future maintenance requirements. Beyond this, the entity would be required to enter an agreement to maintain the lights.

5.4 Lorne Swing Bridge Lighting Project

Pursuing this method would require there to be a clear agreement in place for the supply, install (potential un-install), consultation and maintenance phases to ensure the quality of light installation and level of community engagement undertaken were to the satisfaction of Council and the Authority.

Additional project management cost estimated to be: \$11,000 would be involved in this approach. While this represents a higher than usual project management value there is a level of complexity associated with DELWP being the land manager and Council supervising the project in partnership with community. Project management would also involve the planning and oversight of the consultation phase. It should be noted that this amount is not to be paid to the successful community entity, but rather, covers Council's own project management costs.

In pursuing this method of project delivery it is believed an approximate budget increase of \$40,000 (resulting in a total budget of \$70,000) would be required resulting in the following budget breakdown:

Fauna Assessment:	\$ 5,500 (already completed)
Concept development:	\$ 2,400 (already completed)
Project management	\$11,000
Supply & installation:	\$45,000
Consultation:	\$1,100
Potential removal:	<u>\$5,000</u>
Total Cost Est:	\$70,000

In under this approach the \$45,000 for supply and install and \$5,000 for potential removal would be directed to the community entity. If the supply and install of lighting does not fall within budget, the lighting should be reduced in scope and in line with the installation concept to accommodate the budget.

Should the lights need to be removed they would be stored by Council for use in an alternative future lighting project.

It should be noted the cancellation of the Lorne fireworks will see \$41,000 returned to the accumulated unallocated cash reserve.

Council Plan

Theme	6 Arts and Creativity
Strategy	17 Increase support for creative industries and arts

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No

5.4 Lorne Swing Bridge Lighting Project

Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

Council will follow the required procurement policy in securing a contractor or community groups to deliver the project.

Environmental/Sustainability Implications

DELWP requires conformation that no negative impacts to local fauna will result from the project. A Fauna Assessment by Ecology and Heritage Partners has been completed. The Assessment identifies the lighting of the Swing Bridge for 35 – 40 nights a year to mark various occasions poses minimal impact on the surrounding fauna (10km radius) and is therefore acceptable. The report has been provided to DELWP as part of seeking the variation to the Biennale's event in March 2022.

Community consultation will also be undertaken with the Lorne community and in particular nearby residents on amenity impacts.

Community Engagement

During the March 2022 Lorne Sculpture Biennale a range of consultation will take place to identify community support for the lighting to remain affixed to the bridge and occasionally turned on to mark significant occasions.

It is envisaged this will involve seeking feedback from the broader Lorne community, Biennale attendees, nearby residents. A communications plan will be designed and will be provided to the Authority for approval closer to the Biennale.

Should community sentiment towards the lights be positive, Council will seek consent from DELWP for permanent installation.

In accordance with Council's Community Engagement Policy SCS-017, the engagement level Consult as shown below.

Engagement Level	Promise to the Community	Role of Community	Example of Activities
Consult	Council will listen to and acknowledge your contribution	Contribute opinions and ideas.	Survey Submission processes

Financial Management

The project currently has a \$30,000 budget.

A detailed cost estimate was unable to be obtained. After discussing the project with one specialist lighting company a high level estimate between \$70,000 - \$85,000 was provided for installation. A total project cost factoring in consultation and potential removal is estimated to be between \$83,900 and \$98,900. As such, there is an estimated budgeted project shortfall of between \$53,900 and \$68,900 for a contractor installed option.

A community led, council managed approach would reduce project costs. Council has had positive experience in this method of project delivery. Under this option additional project management would be required however the community entity and Council would work to a fixed supply and install budget of \$45,000. The total budget, including project management is estimated to be \$70,000.

In pursuing this method of project delivery an approximate budget increase of \$40,000 would be required.

Risk Assessment

There are (no) identified Workplace Health and Safety implications associated with this report.

5.4 Lorne Swing Bridge Lighting Project

The project has a significant budget. There is a risk the lights may require removal post Biennale. The budget factors in a removal cost, but this does not negate the significant cost of a possible short term project.

Consent from DELWP for either the temporary or permanent light installation has not been provided. All requested documents have been provided to the Authority for the temporary consent. Lights have been installed on Erskine River as part of previous Biennale's. The Fauna Assessment identifies that the lighting will have minimal impact and is acceptable.

An engagement plan will be developed at a 'consult' level to ensure the community feel adequately consulted. The plan will be shared with the Authority for approval. Council will also connect with local Lorne community groups, the Lorne Business and Trader Group and the Biennale organisers to ensure widespread awareness.

In undertaking the project with a community entity there is a risk of scope creep and or the project not meeting re requirement of the Authority. To mitigate this a detailed supply and install document has been provided. Agreements will be entered into regarding the supply and install of lighting, consultation, potential removal and maintenance.

Communication

The Authority will be advised of the report outcome. The Authority has indicated its comfort for community group involvement as long as Council remains the project manager and all requirements are met.

Options

Option 1 – Provide additional funding of \$40,000 towards the project and work with an identified Lorne community group to place lights on the Lorne Swing Bridge. This option **is recommended** by officers as it will deliver a high quality, completed project at less cost to Council. This method of project delivery has been successful in the past. In doing so Council will enter into a clear agreement with the identified community entity to ensure the delivery of the lighting and community consultation and subsequent maintenance meets the project requirements as set out by the Fauna Assessment and the supply and installation document.

Option 2 – Provide additional funding of \$68,900 towards the project and seek the delivery be undertaken by a contracted lighting specialist

This option is not recommended by officers as an alternative option exists that will deliver the project for less cost. Council has successfully delivered projects with community entities in the past. Additional project management costs have been factored in to ensure there is no scope creep.

Option 3 – Cease the project to place lights on the Lorne Swing Bridge and return any unused funds to the Council reserve.

This option is not recommended by officers as there is a community expectation to deliver the project. The required documentation has been provided to the Authority, which is supportive of the temporary project and open to considering permanent installation should positive community feedback be received during the Biennale.

Conclusion

Council has budgeted \$30,000 towards the 150 Year Anniversary of Naming Lorne project. An additional \$40,000 is required to complete the project, and is sought in this report. It is proposed the delivery of lighting be done in collaboration with a Lorne community entity to reduce costs. The project is required to be completed in time for the Lorne Sculpture Biennale in March 2022.

5.4 Lorne Swing Bridge Lighting Project

APPENDIX 1 FAUNA ASSESSMENT - LORNE SWING BRIDGE PROJECT



Final Report

Fauna Assessment: Lorne Swing Bridge, Lorne, Victoria

Prepared for

Surf Coast Shire Council

October 2021



Ecology and Heritage Partners Pty Ltd

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5.4 Lorne Swing Bridge Lighting Project



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DOCUMENT CONTROL

Assessment type	Fauna Assessment
Address	Lorne Swing Bridge, Lorne, Victoria
Project number	15486
Project manager	Matthew Boyd (Zoologist)
Report reviewer	Sally Burgemeestre (Consultant Zoologist/Bushfire Ecologist)
Other EHP staff	Liam McGarry (Botanist)
Mapping	Monique Elsley (GIS Coordinator)
File name	15486_EHP_FA_LorneSwingBridge_Draft_14102021
Client	Surf Coast Shire Council
Bioregion	Otway Ranges
Catchment Management Authority	Corangamite
Council	Surf Coast Shire Council

VERSION CONTROL

Report versions	Comments	Comments made by:	Date submitted
Draft	Draft submitted to client for review	-	14/10/2021
Final	Final report submitted to client	MB	3/11/2021

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5.4 Lorne Swing Bridge Lighting Project



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1 INTRODUCTION

1.1 Background

Ecology and Heritage Partners Pty Ltd was commissioned by Surf Coast Shire Council to undertake a Fauna Assessment at Lorne Swing Bridge, Lorne, Victoria (the study area) (Figure 1).

We understand that Surf Coast Shire Council are looking to install lighting along Lorne Swing Bridge and the feasibility of this is being investigated. The lighting will consist of lighting installations and will be active for approximately 35 to 40 evenings, from approximately 6pm to 1am on special occasions or during holiday periods throughout the year. There are concerns that the lighting may have negative impacts on local fauna.

The purpose of this fauna assessment was to determine what fauna potentially utilise the study site, including the immediate surrounding area, to determine the potential legislative impacts to fauna. This report includes a desktop assessment to determine the extent and condition of habitat in the area, and a fauna assessment to determine the potential impacts on native fauna.

This report presents the results of assessment and discusses the potential ecological and legislative implications associated with the proposed action. It is understood that this report will be used by the Surf Coast Shire Council in the decision-making process for the final design of the lighting installation, whilst considering the results of the ecological assessments to reduce impacts on fauna which utilise the study area.

1.2 Objectives

The objectives of the Fauna Assessment were to:

- Review relevant flora and fauna databases and available literature;
- Based on the available data, provide locations of any significant flora and fauna species, and/or fauna habitat (if present);
- Classify any flora and fauna species and vegetation communities identified or considered likely to occur within the study area in accordance with Commonwealth and State legislation;
- Highlight any fauna that were documented during the field assessment;
- Identify relevant environmental legislation and policy; and,
- Document any opportunities and constraints associated with the proposed light installation on fauna values within and around the study area.

1.3 Study Area

The study area is located at Lorne Swing Bridge, Lorne, Victoria, and is approximately 150 kilometres south-east of Melbourne's CBD. Lorne Swing Bridge crosses Erskine River inlet, connecting Bet Alsop Track to

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Shipwreck Trail. The study area is bound by the township of Lorne to the north, south and west, and Louttit Bay to the east.

According to the Department of Environment, Land, Water and Planning (DELWP) NatureKit Map (DELWP 2021a), the study area is located adjacent to the Otway Ranges bioregion, Corangamite Catchment Management Authority (CMA) and Surf Coast Shire Council.

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2 METHODS

2.1 Desktop Assessment

Relevant literature, online-resources and databases were reviewed to provide an assessment of flora and fauna values associated with the study area. The following information sources were reviewed:

- The DELWP NatureKit Map (DELWP 2021a) and Native Vegetation Information Management (NVIM) Tool (DELWP 2021b) for:
 - Modelled data for location risk, native vegetation patches, scattered trees and habitat for rare or threatened species; and,
 - The extent of historic and current Ecological Vegetation Classes (EVCs).
- EVC benchmarks (DELWP 2021c) for descriptions of EVCs within the relevant bioregion;
- The Victorian Biodiversity Atlas (VBA) for previously documented flora and fauna records within the project locality (DELWP 2021f);
- The National Light Pollution Guidelines for Wildlife (DEE 2020) for identification of impacts of light pollution on fauna and mitigation measures;
- The Atlas of Living Australia (ALA) (ALA 2021) for assistance with the distribution and identification of flora species;
- The Commonwealth Department of Agriculture, Water and the Environment (DAWE) Protected Matters Search Tool (PMST) for matters of National Environmental Significance (NES) protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (DAWE 2021a);
- Relevant listings under the Victorian *Flora and Fauna Guarantee Act 1988* (FFG Act), including the latest Threatened (DELWP 2021e) lists; and,
- Aerial photography of the study area.

2.2 Limitations

A site assessment was undertaken to determine the presence of fauna values within and surrounding the study area to determine what species are likely to be impacted. The 'snapshot' nature of a fauna assessment meant that migratory, transitory or uncommon fauna species may have been absent from typically occupied habitats at the time of the field assessment.

Based on available data the conclusions outlined in this report are considered accurate. Should detailed understanding of flora values be required, a detailed site assessment would need to be undertaken to document the extent and quality of any native vegetation, and to outline any implications under relevant Commonwealth and State biodiversity legislation and policy. Ecological Vegetation Classes (EVCs) were determined with reference to DELWP pre-1750 and extant EVC mapping (DELWP 2021a) and their published descriptions (DELWP 2021c).

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2.3 Field Assessment

This assessment combines details on a desktop assessment of the ecological values, of both fauna values, and a fauna assessment to determine potential impacts of the proposed lighting along Lorne Swing Bridge on fauna values. The field assessment was undertaken on 29 September 2021 to obtain information fauna values within the study area. The study area was walked, with all commonly observed fauna species recorded, and significant fauna records and the overall condition of habitats noted.

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3 RESULTS

Habitat condition and extent plays an intrinsic role in the presence or absence of native fauna. A desktop assessment of flora values was undertaken to determine the extent and condition of habitat which can be utilised by local native fauna.

3.1 Vegetation Condition

3.1.1 Remnant Patches

Based on the NVIM tool (DELWP 2021b) the 2005 modelled vegetation identifies three modelled EVCs occurring adjacent to the study area (within 200 metres), including:

- Coastal Dune Scrub/Coastal Dune Grassland Mosaic (EVC 1);
- Estuarine Wetland (EVC 10); and,
- Shrubby Foothill Forest (EVC 45).

This is consistent with the pre-1750 vegetation mapping (DELWP 2021b). The modelled EVCs and their conservation status are provided below (Table 1).

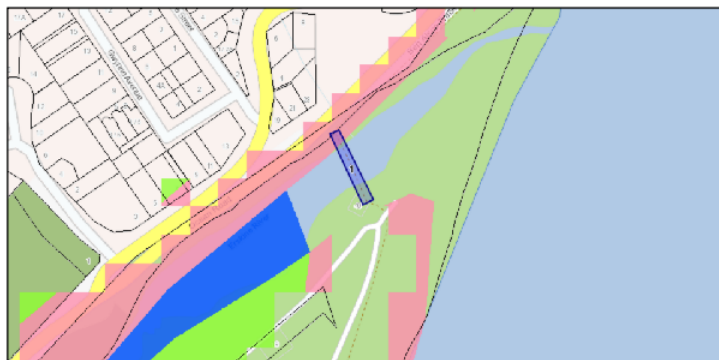


Plate 1. Modelled extent of Coastal Dune Scrub/Coastal Dune Grassland Mosaic (pink), Estuarine Wetland (dark blue) and Shrubby Foothill Forest (light green) predicted to occur around study area according to NVIM tool (DELWP 2021b).

Table 1. EVCs and their bioregional conservation status recorded within the vicinity of the study area (DELWP 2021c).

EVC	Conservation Status
Coastal Dune Scrub/Coastal Dune Grassland Mosaic (1)	Depleted
Estuarine Wetland (10)	Endangered
Shrubby Foothill Forest (45)	Least Concern

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Coastal Dune Scrub/Coastal Dune Grassland Mosaic (EVC1)

Coastal Dune Scrub/Coastal Dune Grassland Mosaic is a mix of closed shrubland and grassland to 5 metres with wind-pruned vegetation (DELWP 2021c) (Plate 2; Figure 3). It typically occurs on exposed dunes and trees establish in protected areas. Occurs on coastal dunes, in deep often unstable moving sand. Canopy species typically comprise of Black Wattle *Acacia mearnsii*, Drooping Sheoak *Allocasuarina verticillate*, Coast Tea-tree *Leptospermum laevigatum*. A wide variety of shrubs and grasses can establish.

Estuarine Wetland (EVC 10)

Vegetation is determined by fluctuating salinity which varies from fresh to brackish or occasionally saline, depending on river flood or marine tide events (DELWP 2021c) (Figure 4). Dominated by graminoids, halophytic herbs and often a fringed tall scrub layer comprised predominantly of Woolly Tea-tree *Leptospermum lanigerum* or Scented Paperbark *Melaleuca squarrosa*. Typically grows on the edges of estuarine waterbodies, such as creeks, rivers and lagoons. Understorey species include; Slender Knotweed *Persicaria decipiens* Creeping Brookweed *Samolus repens*, Shiny Swamp-mat *Selliera radicans*, Swamp Crassula *Crassula helmsii*, Common Tussock-grass *Poa labillardierei*, and Common Reed *Phragmites australis*, among others.

Shrubby Foothill Forest (EVC 45)

The canopy is comprised of medium eucalypt forests to 25m tall over an understorey that is dominated by a diversity of narrow-leaved shrubs, a paucity of ferns, graminoids and herbs (DELWP 2021c) (Plate 5). It typically occurs on ridges and exposed aspects on moderately fertile soils, at a range of elevations. Canopy is comprised of Messmate Stringybark *Eucalyptus obliqua* and Mountain Grey-gum *Eucalyptus cypellocarpa*. Understorey vegetation, includes; Hop Goodenia *Goodenia ovata*, Snowy Daisy-bush *Olearia lirata*, Ivy-leaf Violet *Viola hederacea*, Common Raspwort *Gonocarpus tetragynus*, Tall Sword-sedge *Lepidosperma elatius*, among others.

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Plate 2. Coastal Dune Scrub/Coastal Dune Grassland Mosaic located north-east of Lorne Swing Bridge (Ecology and Heritage Partners 29/09/2021).



Plate 3. Coastal Dune Scrub/Coastal Dune Grassland Mosaic located north-west of Lorne Swing Bridge (Ecology and Heritage Partners 29/09/2021).



Plate 4. Estuarine Wetland located west of Lorne Swing Bridge (Ecology and Heritage Partners 29/09/2021).



Plate 5. Shrubby Foothill Forest located south-west of Lorne Swing Bridge (Ecology and Heritage Partners 29/09/2021).

3.1.1.1 *Native Vegetation extent and condition*

According to the NVIM tool (DELWP 2021a), native vegetation occurs immediately north and south of the study area (Plate 6).

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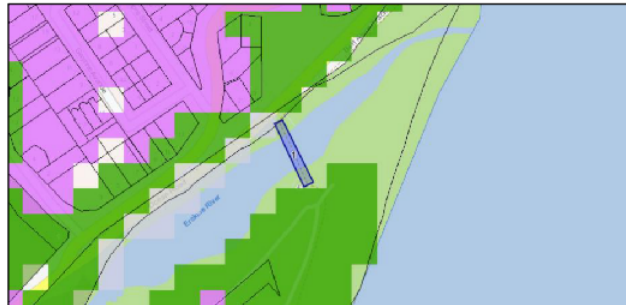


Plate 6. Native vegetation (dark green) extent modelled to occur within the study area according to NVIM tool (DELWP 2021b).

The NVIM tool models the condition of the native vegetation within and around the study area, and overall it varies between 0.21 – 0.80, representative of low to high quality native vegetation (Plate 7). The majority of the study area and surrounding area is modelled as 0.21 – 0.60, representative low to moderate quality native vegetation. One small patch along Erksine River is modelled as 0.61 – 0.80, which is representative as moderate to high quality estuarine habitat (DELWP 2021b).

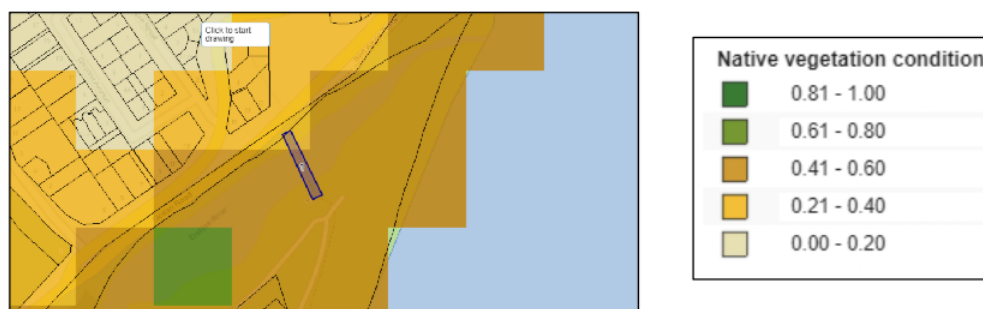


Plate 7. Native vegetation condition modelled across the study area according to NVIM tool (DELWP 2021b).

3.2 Fauna Assessment

Due to the degraded nature of the habitat around the study area, in both condition and extent, there is limited capacity for native fauna species to establish and breed in the area. Vegetation surrounding the study area mainly consisted of coastal and estuarine habitat, which is likely to be used as a foraging resource by common generalist bird species that are tolerant of modified open areas. The field assessment identified several species within one kilometre of the study area, including; Little Pied Cormorant *Microcarbo melanoleucos*, Silver Gull *Larus novaehollandiae* (Plate 8; Plate 9), Australian Magpie *Gymnorhina tibicen* and Little Raven *Corvus mellori*.

Species that are likely to be impacted include those which are nocturnal or active during the evening. According to the National Light Pollution Guidelines for Wildlife (DEE 2020), artificial light at night can disrupt

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critical behaviour by animals and cause physiological changes in wildlife. This can be in the form of compromising an animal's ability to undertake long distance migrations, delay reproduction, delay flight for fledgling seabirds and disorientate marine hatchling turtles from finding the ocean (DEE 2020).

Due to the coastal and estuarine nature of the surrounding study area, a wide variety of species are likely to frequent the area, including migratory birds, shorebirds, small mammals, fish, and frogs. The potential impacts on these species are outlined below.



Plate 8. Silver Gull along the beach, south-west of Lorne Swing Bridge (Ecology and Heritage Partners 29/09/2021)



Plate 9. Silver Gull along the estuarine inlet, east of Lorne Swing Bridge (Ecology and Heritage Partners 29/09/2021)

3.3 Significance Assessment

3.3.1 Fauna

The VBA search identified 27 significant fauna species that have previously been recorded within 10 kilometres of the study area (DELWP 2021b). The PMST nominated an additional 34 nationally significant species which have not been previously recorded but have the potential to occur in the locality (DAWE 2021a) (Figure 4; Appendix 2). 18 species of national significance have been recorded within 10km's of the study area, including; Swamp Antechinus *Antechinus minimus maritimus*, Subantarctic Fur Seal *Arctophoca tropicalis*, Red Knot *Calidris canutus*, Spot-tailed Quoll *Dasyurus maculatus maculatus*, Leathery Turtle *Dermochelys coriacea*, Wandering Albatross *Diomedea exulans*, Southern Right Whale *Eubalaena australis*, White-throated Needletail *Hirundapus caudacutus*, Southern Brown Bandicoot *Isodon obesulus obesulus*, Southern Giant-Petrel *Macronectes giganteus*, Broad-toothed Rat *Mastacomys fuscus mordicus*, Long-nosed Potoroo *Potorous tridactylus trisulcatus*, Australian Grayling *Prototroctes maraena*, Shy Albatross *Thalassarche cauta*, Grey-headed Albatross *Thalassarche chrysostoma* and Black-browed Albatross *Thalassarche melanophris*.

Mammals

The following national and state significant marine mammals are recorded to occur within 10 kilometres of the study area; EPBC listed Subantarctic Fur Seal *Arctophoca tropicalis* and FFG listed Long-nosed Fur Seal

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Arctophoca forsteri were recorded within 10 kilometres of the study area and may utilise the estuarine inlet when sufficiently inundated during king tides for foraging. However, this is likely to occur infrequently, and lights are likely to pose little impact to the species.

Several nationally and State significant terrestrial mammals are recorded to occur within 10 kilometres of the study area. It is unlikely that Spot-tailed Quoll *Dasyurus maculatus maculatus*, Southern Brown Bandicoot *Isodon obesulus obesulus* and Long-nosed Potoroo *Potorous tridactylus trisulcatus* will be impacted by lighting instalments along the swing bridge because they typically rely on forests, woodlands, and rainforests, whilst rarely utilising coastal habitats. The FFG Act-listed Platypus *Ornithorhynchus anatinus* is also recorded to occur within the area, however they typically don't saline environments, such as the saline estuarine habitat surrounding the bridge. The EPBC Act-listed Swamp Antechinus *Antechinus minimus maritimus* relies on typically wet heath, heathy woodland or sedgeland habitat, and Broad-toothed Rat *Mastacomys fuscus mordicus* typically utilises tall open-forests, fern gullies, mixed open forests, and coastal and inland heath habitats (DAWE 2021b). Due to the lack of habitat Swamp Antechinus and Broad-toothed Rat would not use the surrounding study area and be impacted by the proposed lighting along Lorne Swing Bridge.

Birds

Due to the coastal nature of the study area, a wide range of nationally and state significant migratory birds and shorebirds are recorded to occur within 10 kilometres of the study area, including: EPBC listed Red Knot *Calidris canutus*, Wandering Albatross *Diomedea exulans*, Southern Giant-Petrel *Macronectes giganteus*, Shy Albatross *Thalassarche cauta*, Grey-headed Albatross *Thalassarche chrysostoma*, and Black-browed Albatross *Thalassarche melanophrys*; and FFG listed White-bellied Sea-Eagle *Haliaeetus leucogaster*, Common Sandpiper *Actitis hypoleucos*, Ruddy Turnstone *Arenaria interpres* and White-bellied Sea-Eagle *Haliaeetus leucogaster*. These EPBC and FFG listed species are likely to utilise the study area for foraging and dispersal, however due to the lack of records and lack of available habitat they are unlikely to be impacted by the proposed lighting along Lorne Swing Bridge.

The EPBC Act-listed White-throated Needletail *Hirundapus caudacutus* has been recorded 23 times within 10 kilometres of the study area as recently as 2019. Due to the lack of suitable forest or woodland habitat for breeding, the species is unlikely to utilise the surrounding area for more than foraging, and the impacts of lighting are likely to be minimal (DAWE 2021b). The FFG Act-listed Grey Goshawk *Accipiter novaehollandiae* has been recorded 15 times as recently as 2015 and Rufous Bristlebird (Otway) *Dasyornis broadbenti caryochrous* has been recorded 69 times as recently as 2019, within 10 kilometres of the study area. Both of these species rely on either closed forests or heathlands for foraging, dispersal or habitat, and are rarely seen on beaches (DAWE 2021b).

Fish

The nationally significant Australian Grayling *Prototroctes maraena* has been recorded 15 times within 10km's of the study area. The last documented record was in 1997, and as such is unlikely to be utilising the estuarine or creek habitat adjacent to Lorne Swing Bridge.

Due to the location of the Swing Bridge near the previously disturbed, active residential area of Lorne, and with minimal suitable habitat for species to utilise, it is not anticipated that any significant fauna will be impacted by the proposed lighting along Lorne Swing Bridge.

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3.3.2 Flora

The VBA contains records of one nationally significant and 22 state significant flora species previously recorded within 10 kilometres of the study area (DELWP 2021f) (Figure 3). The PMST nominated an additional eight nationally significant species which have not been previously recorded but have the potential to occur in the locality (DAWE 2021a) (Figure 3; Appendix 1.3). The installation of lights along Lorne Swing Bridge will not impact any nationally or state significant native flora species.

3.3.3 Ecological Communities

No national or State-significant communities are predicted to occur within the study area.

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4 LEGISLATIVE AND POLICY IMPLICATIONS

This section identifies biodiversity policy and legislation relevant to the study area, principally:

- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Commonwealth);
- *Flora and Fauna Guarantee Act 1988* (FFG Act) (Victoria);
- Wildlife Act 1975 and Wildlife Regulations 2013 (Victoria);
- Water Act 1989 (Victoria); and,
- *Catchment and Land Protection Act 1994* (CALP Act) (Victoria).

4.1 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The EPBC Act establishes a Commonwealth process for the assessment of proposed actions (i.e. project, development, undertaking, activity, or series of activities) that are likely to have a significant impact on matters of NES, or on Commonwealth land. An action, unless otherwise exempt, requires approval from the Commonwealth Environment Minister if it is considered likely to have an impact on any of the following matters of NES:

- World Heritage properties;
- National heritage places;
- Ramsar wetlands of international significance;
- Threatened species and ecological communities;
- Migratory and marine species;
- Commonwealth marine area;
- Nuclear actions (including uranium mining);
- Great Barrier Reef Marine Park; or,
- Water resources impacted by coal seam gas or mining development.

It is considered unlikely that proposed lighting along Lorne Swing Bridge will result in a significant impact on any matter of NES due to the lack of recent records and suitable habitat identified within the study area during the desktop and site assessment.

4.2 Flora and Fauna Guarantee Act 1988 (Victoria)

The FFG Act is the primary legislation dealing with biodiversity conservation and sustainable use of native flora and fauna in Victoria. Proponents are required to apply for an FFG Act Permit to 'take' listed and/or protected flora species, listed vegetation communities and listed fish species in areas of public land (i.e. within road reserves, drainage lines and public reserves). An FFG Act permit is generally not required for removal of species or communities on private land, or for the removal of habitat for a listed terrestrial fauna species.

Even though the study area is located on public land, a permit under the FFG Act will not be required due to the lack of recent records and suitable habitat identified within and surrounding the study area. The impacts on fauna are likely to be minor.

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4.3 *Wildlife Act 1975* and *Wildlife Regulations 2013* (Victoria)

The *Wildlife Act 1975* (and associated *Wildlife Regulations 2013*) is the primary legislation in Victoria providing for protection and management of wildlife. Authorisation for habitat removal may be obtained under the *Wildlife Act 1975* through a licence granted under the *Forests Act 1958*, or under any other Act such as the *Planning and Environment Act 1987*.

No habitat is proposed to be removed with the installation of lighting along Lorne Swing Bridge, and as such there are no implications under the *Wildlife Act 1975*.

4.4 *Water Act 1989* (Victoria)

The purposes of the *Water Act 1989* are manifold but (in part) relate to the orderly, equitable, efficient and sustainable use of water resources within Victoria. This includes the provision of a formal means of protecting and enhancing environmental qualities of waterways and their in-stream uses as well as catchment conditions that may affect water quality and the ecological environments within them.

The proposed lighting installation along Lorne Swing Bridge occurs over Erskine River. There is likely to be no impacts to the waterway, therefore a 'works on waterways' permit from Corangamite CMA will not be required.

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5 POTENTIAL IMPACTS AND MITIGATION MEASURES

The below statements are based off the high-level overview of the proposed lighting installations for the Lorne Swing Bridge. It is understood that the ecological values presented in this report will be used to inform the feasibility of this approach, with the intention to avoid ecological values where possible. The lighting installations along Lorne Swing Bridge are proposed to be utilised approximately 35-40 evening of the year, on special occasions or during holiday periods. The lighting will be in the form of fairy lights and active in the evening from 6pm-1am.

The study area and surrounding area has undergone significant land use change and has been modified to support urban expansion. The study area is generally consistent with DELWP's 1750's modelled vegetation, including Coastal Dune Scrub/Coastal Dune Grassland Mosaic (EVC 1), Estuarine Wetland (EVC 10), and Shrubby Foothill Forest (EVC 45). Whilst EVC's are consistent with pre-1750 extent and condition, current distribution is limited to small pockets along beach front or adjacent to Erskine River. Due to the limited habitat in the surrounding area, it is unlikely that any national or state significant fauna species will utilise the study area for more than dispersal or habitat. Additionally, species that are likely to utilise the area are common generalist species which are adaptable and can rely on a range of habitats.

Based on this desktop assessment of flora values and field assessment on fauna values, there is likely to be minimal impacts to fauna species in the local area. To ensure that impacts to fauna are reduced to the minimal extent, best practice lighting design should be adhered to, in accordance with the National Light Pollution Guidelines for Wildlife (DEE 2020).

5.1 Mitigation Measures

According to the National Light Pollution Guidelines for Wildlife (DEE 2020), best practice lighting design should incorporate the following principles:

- Start with natural darkness and only add light for specific purposes
- Use adaptive light controls to manage light timing, intensity and colour
- Light only the object or area intended – keep lights close to the ground, directed and shielded to avoid light spill
- Use the lowest intensity lighting appropriate for the task
- Use non-reflective, dark coloured surface
- Use lights with reduced or filtered blue, violet and ultra-violet wavelengths.

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6 FURTHER REQUIREMENTS

Further requirements associated with development of the study area, as well as additional studies or reporting that may be required, are provided in Table 1.

Table 1. Further requirements associated with development of the study area.

Relevant Legislation	Implications	Further Action
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	The EPBC Act establishes a Commonwealth process for the assessment of proposed actions likely to have a significant impact on any matters of National Environment Significance (NES). The proposed action is highly unlikely to have a significant impact on any matter of NES. As such, a referral to the Commonwealth Environment Minister is unlikely to be required regarding matters listed under the EPBC Act.	No further action required.
<i>Flora and Fauna Guarantee Act 1988</i>	There are confirmed records of 47 fauna species listed as threatened and/or protected under the FFG Act. The study area is public land owned, however there are unlikely to be any impacts to flora or fauna.	No further action required.
<i>Wildlife Act 1975</i>	Any persons engaged to conduct salvage and translocation or general handling of terrestrial fauna species must hold a current Management Authorisation.	Ensure wildlife specialists hold a current Management Authorisation.
<i>Water Act 1989</i>	A 'works on waterways' permit is not likely to be required from the Corangamite CMA where any action impacts on waterways within the study area.	a 'works on waterways' permit from the Corangamite CMA is not required.

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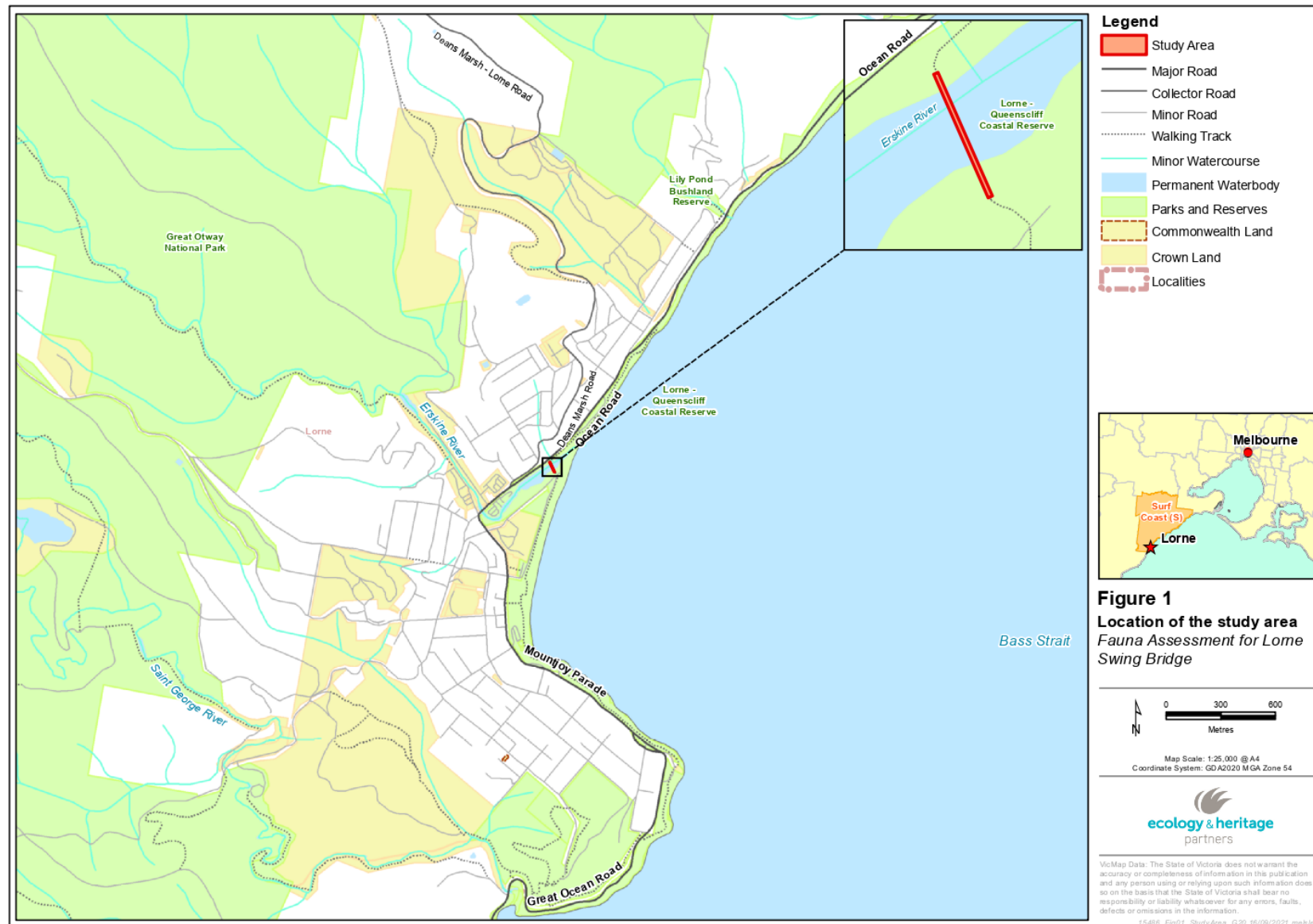
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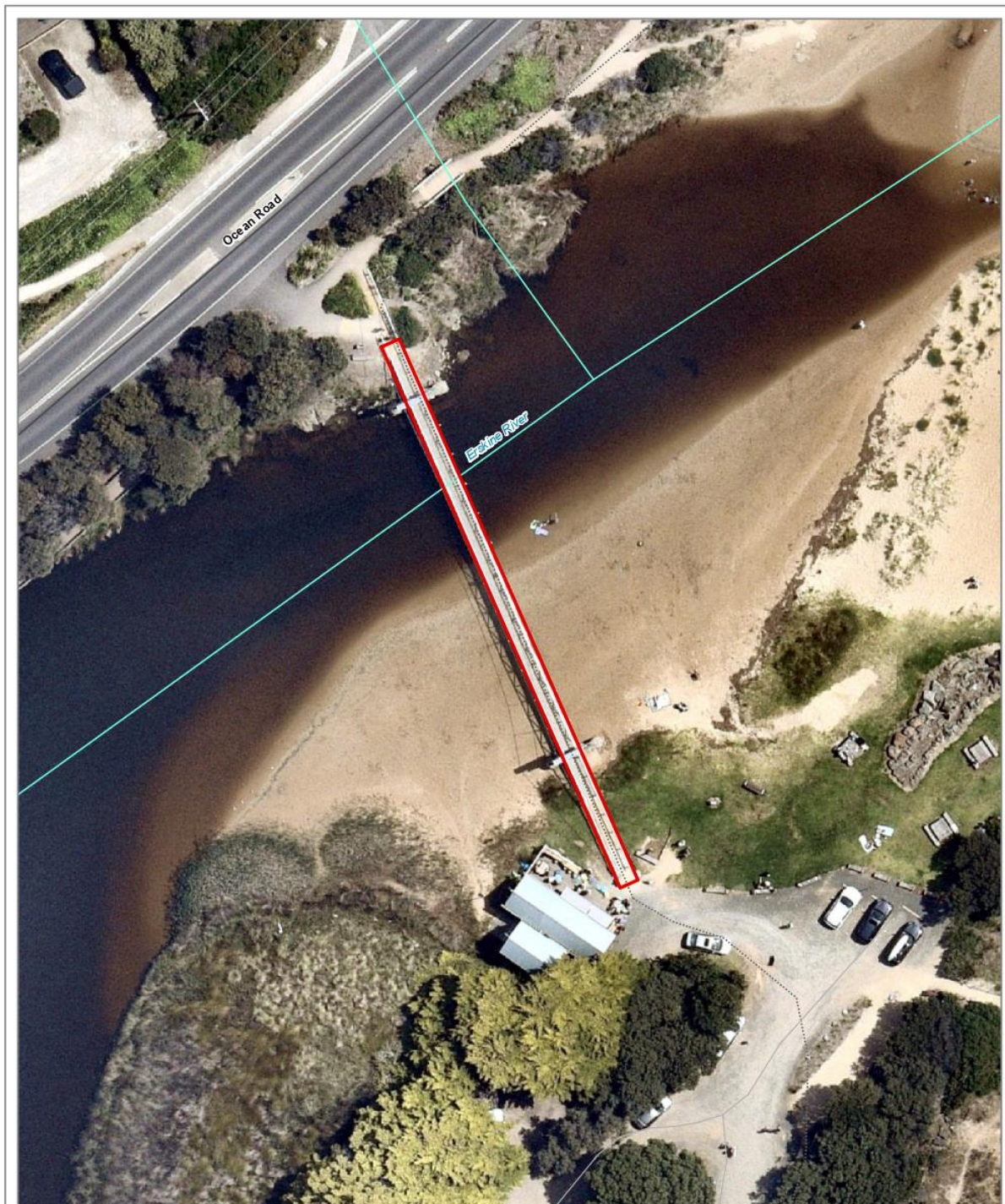
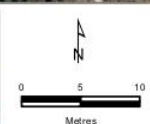


Figure 2
Ecological features
Fauna Assessment for
Lorne Swing Bridge

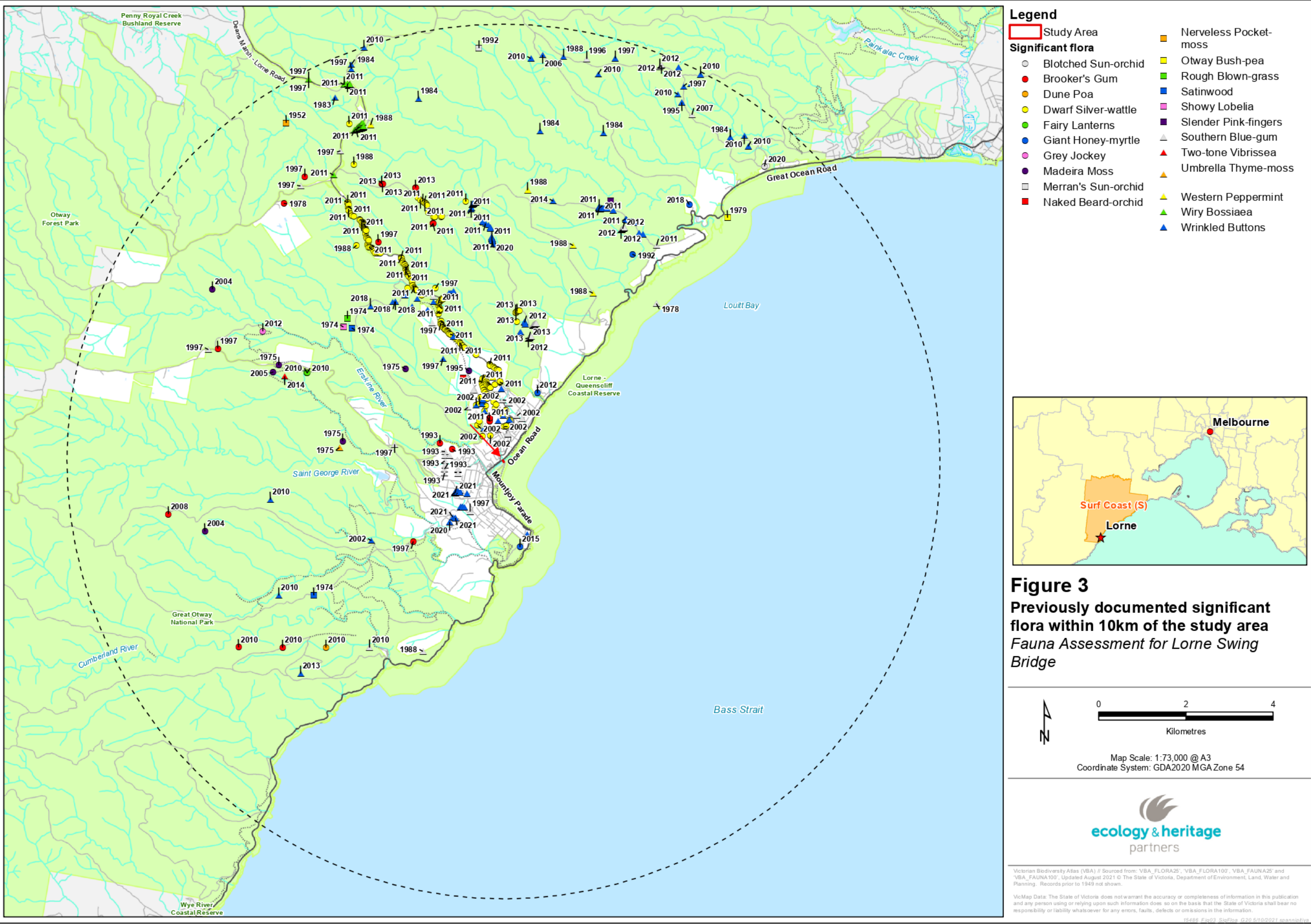
Legend
[Red Outline] Study Area



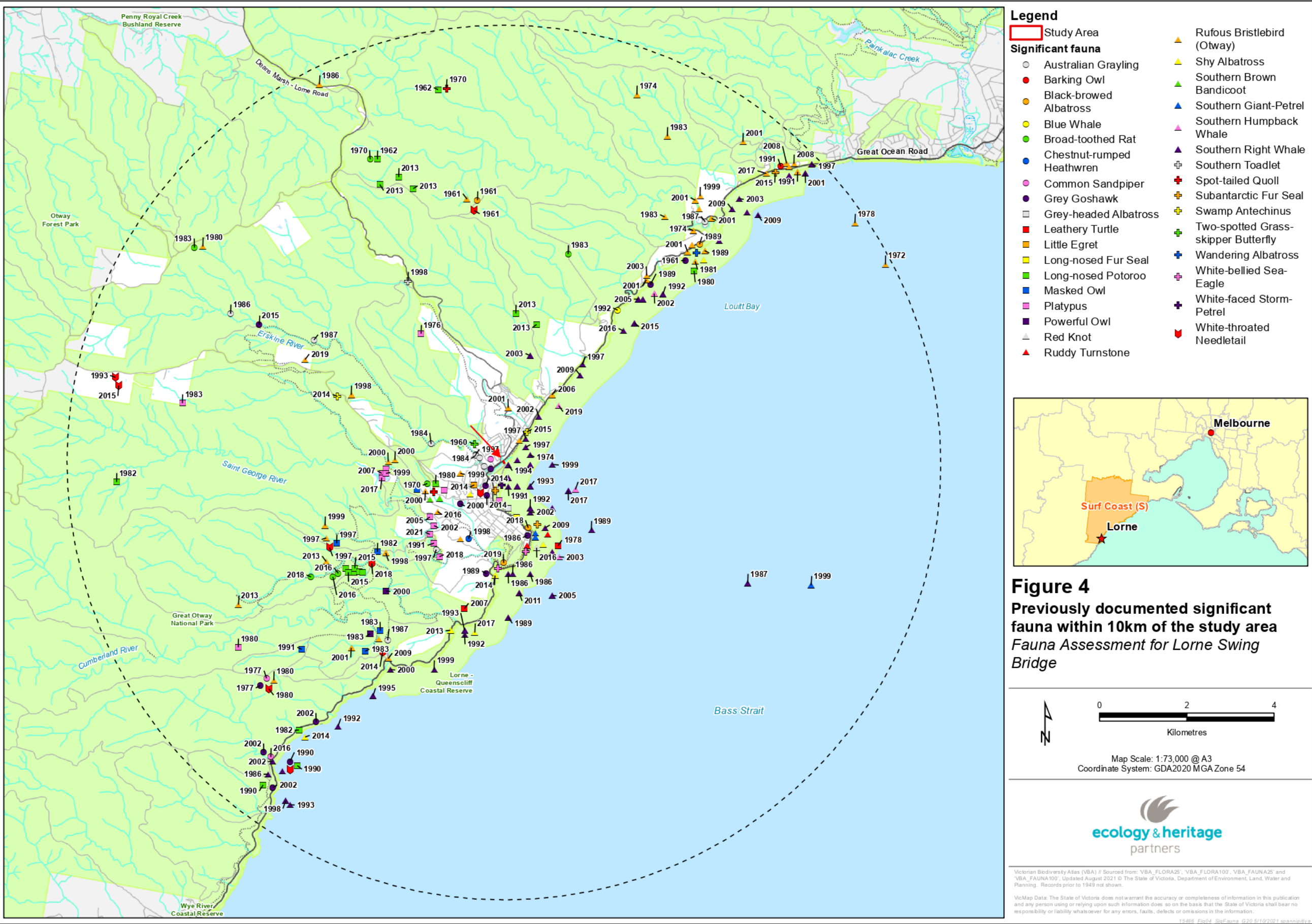
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Coordinate System:
GDA2020 MGA Zone 54

VicMap Data: The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

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5.4 Lorne Swing Bridge Lighting Project



APPENDIX 1 FLORA

Appendix 1.1 Significant Flora Species

Significant flora within 10 kilometres of the study area is provided in the Table A1.1.3 at the end of this section, with Tables A1.1.1 and A1.1.2 below providing the background context for the values in Table 1.1.3.

Table A1.1.1 Conservation status of each species for each Act. The values in this table correspond to Columns 5 and 6 in Table A1.4.3.

EPBC (<i>Environment Protection and Biodiversity Conservation Act 1999</i>):		FFG (<i>Flora and Fauna Guarantee Act 1988</i>):	
EX	Extinct	EX	Extinct
CR	Critically endangered	CR	Critically endangered
EN	Endangered	EN	Endangered
VU	Vulnerable	VU	Vulnerable
#	Listed on the Protected Matters Search Tool		

Table A1.1.2 Likelihood of occurrence rankings: Habitat characteristics assessment of significant flora species previously recorded within 10 kilometres of the study area, or that may potentially occur within the study area to determine their likelihood of occurrence. The values in this table correspond to Column 7 in Table A1.1.3.

1	Known Occurrence	<ul style="list-style-type: none"> Recorded within the study area recently (i.e. within ten years).
2	High Likelihood	<ul style="list-style-type: none"> Previous records of the species in the local vicinity; and/or, The study area contains areas of high-quality habitat.
3	Moderate Likelihood	<ul style="list-style-type: none"> Limited previous records of the species in the local vicinity; and/or The study area contains poor or limited habitat.
4	Low Likelihood	<ul style="list-style-type: none"> Poor or limited habitat for the species, however other evidence (such as lack of records or environmental factors) indicates there is a very low likelihood of presence.

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5	Unlikely	<ul style="list-style-type: none"> No suitable habitat and/or outside the species range.
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Table A1.1.3 Significant flora recorded within 10 kilometres of the study area.

Scientific name	Common name	Total # of documented records	Last documented record	EPBC	FFG	Likely occurrence in study area
NATIONAL SIGNIFICANCE						
<i>Amphibromus fluitans</i>	River Swamp Wallaby-grass	-	-	VU	-	5
<i>Glycine latrobeana</i>	Clover Glycine	-	-	VU	vu	5
<i>Leiocarpa gatesii</i>	Wrinkled Buttons	2021	277	VU	cr	2
<i>Lepidium hyssopifolium</i> s.s.	Basalt Peppercross	-	-	EN	en	5
<i>Prasophyllum spicatum</i>	Dense Leek-orchid	-	-	VU	cr	5
<i>Pterostylis chlorogramma</i>	Green-striped Greenhood	-	-	VU	en	5
<i>Pterostylis cucullata</i>	Leafy Greenhood	-	-	VU	-	5
<i>Senecio psilocarpus</i>	Swamp Fireweed	-	-	VU	-	5
<i>Thelymitra matthewsii</i>	Spiral Sun-orchid	-	-	VU	en	5
STATE SIGNIFICANCE						
<i>Acacia nanodealbata</i>	Dwarf Silver-wattle	2013	303	-	vu	3
<i>Asterophora mirabilis</i>	Grey Jockey	2012	2	-	en	5
<i>Bossiaea cordigera</i>	Wiry Bossiaea	2011	122	-	en	3
<i>Caladenia flavovirens</i>	Christmas Spider-orchid	1942	1	-	cr	5
<i>Caladenia vulgaris</i>	Slender Pink-fingers	2011	1	-	vu	5
<i>Calochilus imberbis</i>	Naked Beard-orchid	2002	2	-	cr	5
<i>Chlorovibrissea bicolor</i>	Two-tone Vibrissea	2014	1	-	en	5

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Scientific name	Common name	Total # of documented records	Last documented record	EPBC	FFG	Likely occurrence in study area
<i>Echinodium hispidum</i>	Madeira Moss	2005	14	-	vu	4
<i>Eucalyptus brookeriana</i>	Brooker's Gum	2013	30	-	en	4
<i>Eucalyptus falciformis</i>	Western Peppermint	1988	5	-	vu	5
<i>Eucalyptus globulus</i> subsp. <i>globulus</i>	Southern Blue-gum	2014	163	-	en	3
<i>Fissidens dealbatus</i>	Nerveless Pocket-moss	1952	2	-	en	5
<i>Hymenodontopsis bifaria</i>	Umbrella Thyme-moss	1975	3	-	cr	5
<i>Lachnagrostis rudis</i> subsp. <i>rudis</i>	Rough Blown-grass	1974	1	-	en	5
<i>Lobelia beaugleholei</i>	Showy Lobelia	1974	1	-	vu	5
<i>Melaleuca armillaris</i> subsp. <i>armillaris</i>	Giant Honey-myrtle	2018	4	-	en	5
<i>Nematolepis squamea</i> subsp. <i>squamea</i>	Satinwood	1974	2	-	vu	5
<i>Poa poiformis</i> var. <i>ramifer</i>	Dune Poa	2010	1	-	en	5
<i>Pultenaea prolifera</i>	Otway Bush-pea	1979	1	-	en	5
<i>Thelymitra benthamiana</i>	Blotched Sun-orchid	2020	1	-	en	5
<i>Thelymitra X merraniae</i>	Merran's Sun-orchid	1992	1		cr	5
<i>Thismia rodwayi</i>	Fairy Lanterns	2010	2	-	en	5

Data source: Victorian Biodiversity Atlas (DELWP 2021); Protected Matters Search Tool (DAWE 2021a).

Taxonomic order: Alphabetical.

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APPENDIX 2 FAUNA

Appendix 2.1 Significant Fauna Species

Significant fauna within 10 kilometres of the study area is provided in the Table A2.1.3 at the end of this section, with Tables A2.1.1 and A2.1.2 below providing the background context for the values in Table 2.1.3.

Table A2.1.1 Conservation status of each species for each Act/Plan. The values in this table correspond to Columns 5 to 7 in Table A2.1.3.

EPBC (<i>Environment Protection and Biodiversity Conservation Act 1999</i>):		FFG (<i>Flora and Fauna Guarantee Act 1988</i>):	
EX	Extinct	EX	Extinct
CR	Critically endangered	CR	Critically endangered
EN	Endangered	EN	Endangered
VU	Vulnerable	VU	Vulnerable
CD	Conservation dependent	CD	Conservation dependent
#	Listed on the Protected Matters Search Tool		

Table A2.1.2 Likelihood of occurrence rankings: Habitat characteristics assessment of significant fauna species previously recorded within 10 kilometres of the study area, or that may potentially occur within the study area to determine their likelihood of occurrence. The values in this table correspond to Column 7 in Table A2.1.3.

1	High Likelihood	<ul style="list-style-type: none"> Known resident in the study area based on site observations, database records, or expert advice; and/or, Recent records (i.e. within five years) of the species in the local area (DELWP 2018); and/or, The study area contains the species' preferred habitat.
2	Moderate Likelihood	<ul style="list-style-type: none"> The species is likely to visit the study area regularly (i.e. at least seasonally); and/or, Previous records of the species in the local area (DELWP 2021); and/or, The study area contains some characteristics of the species' preferred habitat.
3	Low Likelihood	<ul style="list-style-type: none"> The species is likely to visit the study area occasionally or opportunistically whilst en route to more suitable sites; and/or, There are only limited or historical records of the species in the local area (i.e. more than 20 years old); and/or, The study area contains few or no characteristics of the species' preferred habitat.
4	Unlikely	<ul style="list-style-type: none"> No previous records of the species in the local area; and/or, The species may fly over the study area when moving between areas of more suitable habitat; and/or,

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partners	<ul style="list-style-type: none"> • Out of the species' range; and/or, • No suitable habitat present.
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Table A2.1.3 Significant fauna recorded within 10 kilometres of the study area.

Scientific name	Common name	Total # of documented records	Last documented record	EPBC	FFG	Likely occurrence in study area
NATIONAL SIGNIFICANCE						
<i>Antechinus minimus maritimus</i>	Swamp Antechinus	2015	2	VU	vu	3
<i>Anthochaera phrygia</i>	Regent Honeyeater	-	-	CR	cr	4
<i>Arctophoca tropicalis</i>	Subantarctic Fur Seal	2016	3	EN	-	3
<i>Balaenoptera borealis schlegelii</i>	Southern Sei Whale	-	-	VU	-	4
<i>Balaenoptera musculus</i>	Blue Whale	1992	1	EN	en	4
<i>Balaenoptera physalus</i>	Fin Whale	-	-	VU	-	4
<i>Botaurus poiciloptilus</i>	Australasian Bittern	-	-	EN	cr	4
<i>Calidris canutus</i>	Red Knot	2016	3	EN	en	3
<i>Calidris ferruginea</i>	Curlew Sandpiper	-	-	CR	cr	4
<i>Dasyurus maculatus maculatus</i>	Spot-tailed Quoll	1970	3	EN	en	4
<i>Dermochelys coriacea</i>	Leathery Turtle	2007	2	EN	cr	4
<i>Diomedea antipodensis</i>	Antipodean Albatross	-	-	VU	-	4
<i>Diomedea epomophora</i>	Southern Royal Albatross	-	-	VU	cr	4
<i>Diomedea exulans</i>	Wandering Albatross	1989	1	VU	cr	4
<i>Diomedea sanfordi</i>	Northern Royal Albatross	-	-	EN	-	4
<i>Eubalaena australis</i>	Southern Right Whale	2017	94	EN	en	4
<i>Falco hypoleucos</i>	Grey Falcon	-	-	VU	vu	4
<i>Galaxiella pusilla</i>	Dwarf Galaxias	-	-	VU	en	4

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Scientific name	Common name	Total # of documented records	Last documented record	EPBC	FFG	Likely occurrence in study area
<i>Grantiella picta</i>	Painted Honeyeater	-	-	VU	vu	4
<i>Halobaena caerulea</i>	Blue Petrel	-	-	VU	-	4
<i>Hirundapus caudacutus</i>	White-throated Needletail	2019	23	VU	vu	3
<i>Isodon obesulus obesulus</i>	Southern Brown Bandicoot	1996	2	EN	en	4
<i>Lathamus discolor</i>	Swift Parrot	-	-	CR	cr	4
<i>Limosa lapponica baueri</i>	Nunivak Bar-tailed Godwit	-	-	VU	-	4
<i>Litoria raniformis</i>	Growing Grass Frog	-	-	VU	vu	4
<i>Macronectes giganteus</i>	Southern Giant-Petrel	2019	3	EN	en	3
<i>Macronectes halli</i>	Northern Giant-Petrel	-	-	VU	en	4
<i>Mastacomys fuscus mordicus</i>	Broad-toothed Rat	2018	11	VU	vu	3
<i>Megaptera novaeangliae australis</i>	Southern Humpback Whale	2019	4	VU	cr	4
<i>Miniopterus orianae bassanii</i>	Southern Bent-winged Bat (southern ssp.)	-	-	CR	cr	4
<i>Neophema chrysogaster</i>	Orange-bellied Parrot	-	-	CR	cr	4
<i>Numenius madagascariensis</i>	Eastern Curlew	-	-	CR	cr	4
<i>Pachyptila turtur subantarctica</i>	Fairy Prion	-	-	VU	-	4
<i>Phoebastria fusca</i>	Sooty Albatross	-	-	VU	cr	4
<i>Potorous tridactylus trisulcatus</i>	Long-nosed Potoroo	2016	47	VU	vu	3
<i>Prototroctes maraena</i>	Australian Grayling	1997	15	VU	en	3
<i>Pseudomys fumeus</i>	Smoky Mouse	-	-	EN	en	4
<i>Pseudomys novaehollandiae</i>	New Holland Mouse	-	-	VU	en	4
<i>Pterodroma leucoptera</i>	Gould's Petrel	-	-	EN	-	4
<i>Pterodroma mollis</i>	Soft-plumaged Petrel	-	-	VU	-	4

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Scientific name	Common name	Total # of documented records	Last documented record	EPBC	FFG	Likely occurrence in study area
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	-	-	VU	vu	4
<i>Rostratula australis</i>	Australian Painted-snipe	-	-	EN	cr	4
<i>Sterna nereis</i>	Fairy Tern	-	-	VU	cr	4
<i>Thalassarch salvinii</i>	Salvin's Albatross	-	-	VU	-	4
<i>Thalassarche bulleri</i>	Buller's Albatross	-	-	VU	en	4
<i>Thalassarche bulleri platei</i>	Northern Buller's Albatross	-	-	VU	-	4
<i>Thalassarche cauta</i>	Shy Albatross	2018	10	VU	en	3
<i>Thalassarche chrysostoma</i>	Grey-headed Albatross	1987	1	EN	en	4
<i>Thalassarche impavida</i>	Campbell Albatross	-	-	VU	-	4
<i>Thalassarche melanophris</i>	Black-browed Albatross	2019	4	VU	-	4
<i>Thalassarche steadi</i>	White-capped Albatross	-	-	VU	-	4
<i>Thinornis cucullatus</i>	Hooded Plover	-	-	VU	vu	4
STATE SIGNIFICANCE						
<i>Accipiter novaehollandiae</i>	Grey Goshawk	2015	15	-	en	3
<i>Actitis hypoleucos</i>	Common Sandpiper	2016	3	-	vu	4
<i>Arctophoca forsteri</i>	Long-nosed Fur Seal	2018	1	-	vu	4
<i>Arenaria interpres</i>	Ruddy Turnstone	2016	3	-	en	4
<i>Calamanthus pyrrhopygius</i>	Chestnut-rumped Heathwren	1998	1	-	vu	4
<i>Dasyornis broadbenti caryochrous</i>	Rufous Bristlebird (Otway)	2019	69	-	vu	3
<i>Egretta garzetta</i>	Little Egret	2014	1	-	en	4
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	2018	5	-	en	3
<i>Miniopterus orianae oceanensis</i>	Eastern Bent-winged Bat	2004	1	-	cr	4

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Scientific name	Common name	Total # of documented records	Last documented record	EPBC	FFG	Likely occurrence in study area
<i>Ninox connivens</i>	Barking Owl	1991	1	-	cr	4
<i>Ninox strenua</i>	Powerful Owl	2000	2	-	vu	4
<i>Ornithorhynchus anatinus</i>	Platypus	2021	34	-	vu	3
<i>Pasma tasmanica</i>	Two-spotted Grass-skipper Butterfly	1960	8	-	en	4
<i>Pelagodroma marina</i>	White-faced Storm-Petrel	2019	1	-	en	3
<i>Pseudophryne semimarmorata</i>	Southern Toadlet	1998	1	-	en	4
<i>Tyto novaehollandiae</i>	Masked Owl	2000	7	-	cr	4
<i>Victaphanta compacta</i>	Otway Black Snail	2001	12	-	en	4

Data source: Victorian Biodiversity Atlas (DELWP 2021); Victorian Fauna Database (Viridans 2011b); Protected Matters Search Tool (DAWE 2021a).

Taxonomic order: Mammals (Strahan 1995 in Menkhorst & Knight 2004); Birds (Christidis & Boles, 2008); Reptiles and Amphibians (Cogger et al. 1983 in Cogger 1996); Fish (Nelson 1994).

5.4 Lorne Swing Bridge Lighting Project



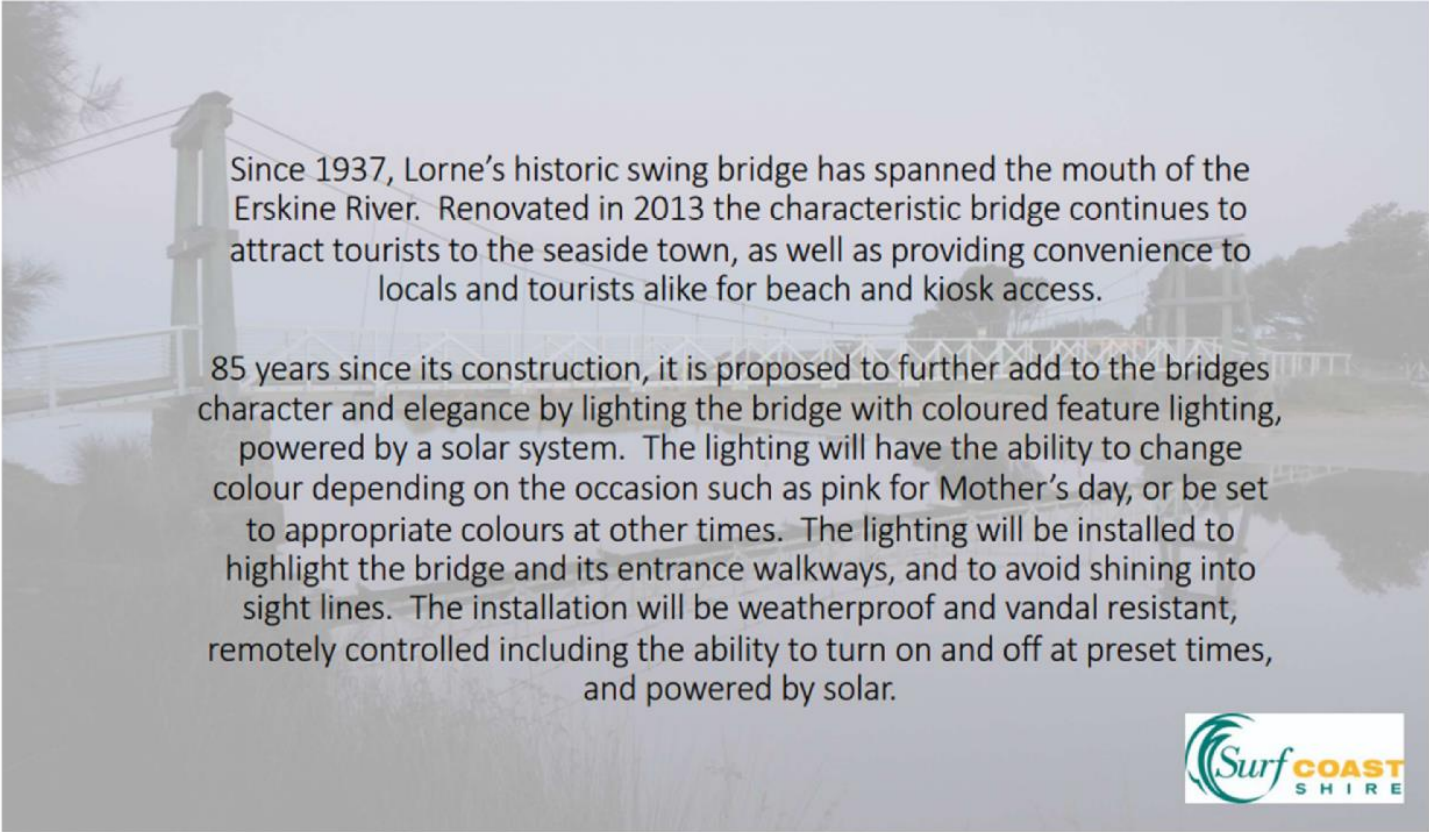
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5.4 Lorne Swing Bridge Lighting Project

APPENDIX 2 LORNE SWING BRIDGE LIGHTING CONCEPT



5.4 Lorne Swing Bridge Lighting Project



Since 1937, Lorne's historic swing bridge has spanned the mouth of the Erskine River. Renovated in 2013 the characteristic bridge continues to attract tourists to the seaside town, as well as providing convenience to locals and tourists alike for beach and kiosk access.

85 years since its construction, it is proposed to further add to the bridge's character and elegance by lighting the bridge with coloured feature lighting, powered by a solar system. The lighting will have the ability to change colour depending on the occasion such as pink for Mother's day, or be set to appropriate colours at other times. The lighting will be installed to highlight the bridge and its entrance walkways, and to avoid shining into sight lines. The installation will be weatherproof and vandal resistant, remotely controlled including the ability to turn on and off at preset times, and powered by solar.



5.4 Lorne Swing Bridge Lighting Project



Tower as seen from the beach

Main Installation

The hardwood poles forming both towers will be highlighted with two colour changing lights on both sides. The eight LED lights will be individually controlled, allowing the bridge to take on a multitude of different qualities, from highlighting the towers in one solid colour or a different colour at each end, to slowly changing the colour of the bridge in different areas. The LED lights will be weatherproof and installed at the top of the towers to minimise access, as well as avoiding direct sightlines for those visiting the landmark.

A control system which can be automated and remotely controlled will be installed in a weather and vandal resistant enclosure, as well as the solar system necessary to power the lights and control system.



5.4 Lorne Swing Bridge Lighting Project

View from Kiosk, Main Design shown



View from Bert Alsop Track, Main Design shown

5.4 Lorne Swing Bridge Lighting Project



5.4 Lorne Swing Bridge Lighting Project

Optional Installation

Three additional colour changing LEDs will be mounted on each tower, lighting the walkways leading onto the bridge as well as the beginning of the bridge on either end, including the distinctive white square handrail and bracing. The six additional LED lights will allow even more variety of colour and provide another element to the installation, as well as providing additional visibility on the paths and bridge at night.



Tower with Optional Installation

5.4 Lorne Swing Bridge Lighting Project



5.4 Lorne Swing Bridge Lighting Project

APPENDIX 3 LORNE SWING BRIDGE SUPPLY AND INSTALL DOCUMENT

Lorne Swing Bridge Lighting Project Information for Tender

Brief

It is proposed to light the bridge with controlled coloured feature lighting, powered by a solar system. Two LED fixtures will be mounted on each side at the top of the bridge's tapered towers pointing down, lighting the hardwood poles forming the towers. The total of eight LED fixtures will be individually controlled, allowing the bridge to take on a multitude of different qualities, from highlighting the towers in one solid colour or a different colour at each end, to slowly changing the colour of the bridge in different areas. The LED lights will be weatherproof and installed at the top of the towers to minimise access, as well as avoiding direct sightlines for those visiting the landmark. The installation will be installed to be weatherproof and vandal resistant. A control system which can be automated and remotely controlled will be installed in a weather and vandal proof enclosure, as well as the solar system necessary to power the lights and control system.

Supply and Installation (Main Installation)

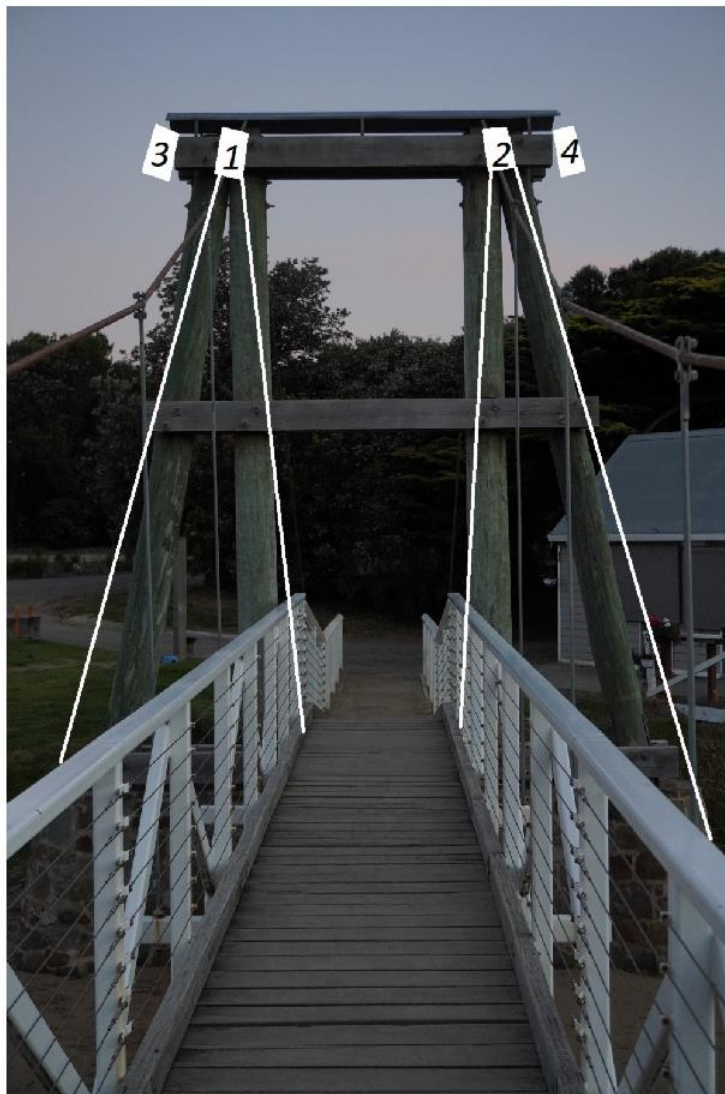
The contractor will supply & install;

- Eight full colour IP68 rated LED fixtures with a beam angle of 20-30 degrees, with a minimum output of 2500 lux @ 3m
 - o Two fixtures to be mounted on both sides of each tower, pointing down and focused on the two hardwood poles as per sketches A & B
- Suitable control system capable of;
 - o Controlling each light individually through cabled DMX
 - o Turning the fixtures on and off at programmed times
 - o Storing 'scenes' and basic colour effects
 - o Remote access for programming, control and system monitoring
- Solar system including;
 - o Photovoltaic Panels with an output rating of 200% of the lighting systems daily power requirements estimated average run time of five hours daily (to allow for variable weather)
 - o Storage system with capacity for ten days of power usage for the lighting system
 - o Ability to remotely monitor harvesting and usage data including current charge
- Suitable outdoor rated control enclosure to house lighting control and solar storage, with ability to be padlocked
- All required cable, conduit, clamps, and all consumables and material required to install the above equipment suitable for the environment, and to Australian Standards
- Conduit running between the two towers to be mounted underneath the bridge decking
- Commission system and instruct client on use
- Recommend maintenance strategy including timing for the lighting fixtures, control system, and solar system

Supply and Installation (Additional Installation)

5.4 Lorne Swing Bridge Lighting Project

The project proposal includes an option for an additional six LED fixtures to be installed, for the purpose of lighting the entrance to and the beginning of the bridge on either side. One LED fixture will be mounted in the centre of each tower's top horizontal beam focused on the land entrance to the bridge, and two will be mounted on either side of the top horizontal beam lighting the start of the bridge proper. These two fixtures are expected to light approximately a third of the spans white balustrade and handrail. The six fixtures will be the same specification as the eight supplied for the main design, and the control system shall be capable of controlling all fourteen fixtures individually. The six additional fixtures shall be focused to light the entrance and span of the bridge, pointing down as far as is practical to avoid direct sightlines for visitors, see sketches.



Sketch A) Fixtures 1 & 2 focused on hardwood poles, repeated on other side of tower, not shown. Fixtures 3 & 4 additional installation to light bridge span proper, see sketch C for focus

5.4 Lorne Swing Bridge Lighting Project



Sketch B) Fixtures 1 & 2 focused on hardwood poles, repeated on other side of tower, not shown. Fixture 3 additional installation to light bridge entrance decking. Fixtures 4 & 5 additional installation to light bridge span proper

5.4 Lorne Swing Bridge Lighting Project



Sketch C) Fixtures 1 & 2 additional installation focused on bridge span proper. Pole downlights shown for position only

6. GOVERNANCE & INFRASTRUCTURE

6.1 Councillor Expenses and Attendance at Meetings - September Quarter

Author's Title: Governance Officer

General Manager: John Bertoldi

Department: Governance and Risk

File No: F18/221-3

Division: Governance & Infrastructure

Trim No: IC21/1848

Appendix:

1. Quarterly Summary of Councillor Allowances and Expenses (D21/191839)
2. Quarterly Summary of Councillor Attendance (D21/212012)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to present a quarterly report on councillor allowances and expenses paid and councillor attendance at meetings.

Summary

With an aim to promote transparency and accountability, Council resolved in April 2017 to make councillor allowances and expenses available to the public through quarterly reporting to Council and by publishing these reports on Council's website. The councillor allowances and expenses report for each financial year is also published in the Surf Coast Shire Council Annual Report.

The councillor meeting attendance report includes councillor attendance at council meetings, councillor briefings and meetings held under the auspices of council. The quarterly report is made available to the public through council meeting documents and the financial year report is also published in the Surf Coast Shire Council Annual Report.

Recommendation

That Council:

1. Notes the attached Quarterly Summary of Councillor Allowances and Expenses for the period 1 July to 30 September 2021 (Appendix 1).
2. Publishes the Quarterly Summary of Councillor Allowances and Expenses on Council's website.
3. Notes the attached Quarterly Summary of Councillor Attendance for the period 1 July to 30 September 2021 (Appendix 2).

Council Resolution

MOVED Cr Paul Barker, Seconded Cr Adrian Schonfelder

That Council:

1. Notes the attached Quarterly Summary of Councillor Allowances and Expenses for the period 1 July to 30 September 2021 (Appendix 1).
2. Publishes the Quarterly Summary of Councillor Allowances and Expenses on Council's website.
3. Notes the attached Quarterly Summary of Councillor Attendance for the period 1 July to 30 September 2021 (Appendix 2).

CARRIED 9:0

6.1 Councillor Expenses and Attendance at Meetings - September Quarter

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Nil	Nil
Cr Barker		
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Mayor Stapleton		
Cr Wellington		
CARRIED 9:0		

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

The *Local Government Act 2020* (the Act) outlines that the mayor and councillors are paid an allowance and are provided with the appropriate tools and support to enable them to properly undertake their statutory obligations.

The Act also requires Councils to adopt and maintain a policy in relation to the reimbursement of expenses to councillors. The Councillor Entitlements, Expenses and Facilities Policy, adopted by Council in September 2021, outlines the level of resources and support that is provided to councillors to enable them to effectively discharge their official duties. This policy is available on [council's website](#).

Discussion

Councillor allowances and expenses paid

The format of the allowance and expenses quarterly report has been updated in line with the Local Government Better Practice Guide Report of Operations 2018-19, with parking, travel, car mileage and conferences/accommodation now defined separately.

Councillor allowances and expenses are defined by the following categories:

- Councillor Allowance - statutory payment made to the mayor and councillors
- Parking Costs - includes reimbursement of parking fees whilst performing official business
- Travel Expenses - includes public transport costs and reimbursement to councillors for associated council related travel
- Car Mileage - kilometres travelled in private vehicles associated with council related travel
- Motor Vehicle - includes costs associated with use of the mayoral vehicle
- Mobile Phone - includes the costs associated with official councillor mobile phone usage
- Internet - includes cost of official internet provision and usage.

Any contributions paid by councillors towards phone and internet usage are also included in the summary. It should be noted that some payments (e.g. travel costs) are included at the time they are paid out rather than when incurred, therefore, figures quoted may include expenses from outside this reporting period.

Councillor attendance at meetings

In line with best practice and to promote transparency, council reports on councillor attendance at meetings in their annual report and quarterly to Council. Councillor attendance at meetings is recorded at:

- Council meetings
- Special Council Meetings for Hearing Submissions (previously undertaken by the Hearing of Submissions Committee)
- Meetings held under the auspices of council (including councillor briefings).

6.1 Councillor Expenses and Attendance at Meetings - September Quarter

Council Plan

Theme 7 Accountable and Viable Council

Strategy 19 Improve Council's credibility as a trusted decision maker through meaningful engagement

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

Policy/Relevant Law

The Local Government (Planning and Reporting) Regulations 2014 requires council to disclose the details of allowances and expenses for each councillor, divided into certain defined categories, in its annual report. Council is exceeding this requirement by making quarterly disclosures at council meetings and by posting these details on their website. Reporting of councillor attendance at meetings is commonly included in annual reports as better practice.

Public Transparency

In line with public transparency principles outlined in the Act, quarterly and annual reporting on councillor allowances and expenses paid and councillor attendance is made publically available through council meetings, council's website and annual reporting.

Financial Management

Councillor allowances and reimbursement of expenses are managed in accordance with the Act and Council's Councillor Entitlements, Expenses and Facilities Policy, adopted in September 2021.

Risk Assessment

There are no identified workplace health and safety implications associated with this report.

Communication

These reports will be communicated through the agenda and minutes of this meeting and will be included in the 2021-22 annual report. The public can access these documents on council's website or via request.

6.1 Councillor Expenses and Attendance at Meetings - September Quarter

Options

Option 1 – Adopt proposed recommendations

This option is recommended by officers as it enables public transparency around councillor reporting and allows for the quarterly data to be published on the Council website in accordance with local government regulations and best practice reporting.

Option 2 – Do not adopt proposed recommendations

This option is not recommended by officers as obstructs public access to councillor reporting and does not align with government regulations and best practice reporting.

Conclusion

Quarterly reporting of councillor allowances and expenses and councillor attendance at meetings provides for transparent, accountable and open communication of council information.

6.1 Councillor Expenses and Attendance at Meetings - September Quarter

APPENDIX 1 QUARTERLY SUMMARY OF COUNCILLOR ALLOWANCES AND EXPENSES



Surf Coast Shire Council Councillor Payment Summary Between 1 July to 30 September 2021											
Councillor	Allowance ^ (\$)	Expenses Reimbursed					Items Provided			Contributions	Total (\$)
		Travel & Parking (\$)	Child Care (\$)	Car Mileage (\$)	Conferences, Events & Training (\$)	Other Expenses (\$)	Motor Vehicle (\$)	Mobile Phone (\$)	Internet (\$)	By Councillors (\$)	
Cr Adrian Schonfelder	6,770	-	-	-	-	-	-	98	95	-	6,964
Cr Gary Allen*	4,880	-	-	-	-	-	-	98	95	-	5,074
Cr Heather Wellington**	-	-	-	-	-	-	-	98	95	-	194
Cr Kate Gazzard	6,770	-	-	-	-	-	-	98	95	-	6,964
Cr Liz Pattison	6,770	-	1,683	-	2,140	-	-	98	95	-	10,787
Cr Libby Stapleton*	20,957	-	-	-	2,100	-	2,311	98	95	-	25,562
Cr Mike Bodsworth	6,770	-	-	-	-	-	-	98	95	-	6,964
Cr Paul Barker*	6,100	-	-	-	-	-	-	98	95	-	6,294
Cr Rose Hodge	6,770	-	-	-	-	-	-	98	95	(35)	6,929
Total	65,789	-	1,683	-	4,241	-	2,311	883	859	(35)	75,731

Notes:

* Cr Libby Stapleton (Mayor period: 18/11/2020 - present).

^ Under the Local Government Act 2020, a Mayor, Deputy Mayor or Councillor may elect to receive a specified part of their allowance to which they are entitled.

** Leave without pay during period.

Car mileage reimbursement includes remote area travel allowance.

Allowance figures include superannuation.

Figures exclude GST.

6.1 Councillor Expenses and Attendance at Meetings - September Quarter

APPENDIX 2 QUARTERLY SUMMARY OF COUNCILLOR ATTENDANCE

**2021-22 Councillor Attendance - Council Meetings, Special Council Meetings for Hearing
Submissions and meetings held under the auspices of Council - Quarterly**

September Quarter 2021			
	Council Meetings Scheduled by Resolution	Other Council Meetings*	Meetings Held Under the Auspices of Council**
Total meetings held (in quarter)			
Cr Rose Hodge	3	4	12
Cr Heather Wellington	3	3	0
Cr Gary Allen	3	4	12
Cr Paul Barker	3	4	12
Cr Mike Bodsworth	3	4	12
Cr Kate Gazzard	3	3	5
Cr Liz Pattison	3	3	11
Cr Libby Stapleton	3	4	11
Cr Adrian Schonfelder	3	4	12

* Includes Special Council Meetings for Hearing Submissions an Council meetings not scheduled by Council resolution.

** Meetings held under the auspices of Council generally refer to Councillor briefings.

6.2 Council Meeting Dates and Times for 2022

Author's Title: Governance Officer

General Manager: John Bertoldi

Department: Governance and Risk

File No: F18/221-3

Division: Governance & Infrastructure

Trim No: IC21/1743

Appendix:

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 2020 –
Section 130:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to adopt the Council Meeting cycle for 2022.

Summary

Council's Governance Rules outline that the dates, time and place for all Council meetings shall be fixed by Council resolution, with the exception of Council meetings which may be required to urgently consider matters which cannot wait until the next scheduled Council meeting, and Special Council Meetings for Hearing Submissions.

In accordance with part 12 of the *Local Government Act 2020* (the Act), Council meetings may be conducted virtually to ensure local government decision-making can continue during the coronavirus pandemic. These measures are in force until 26 April 2022.

The recommendation therefore allows for virtual meetings to be held as required and in such instances, these details will be outlined in the public notice in advance of the meeting.

Recommendation

That Council:

1. Adopts the Council Meeting Dates for 2022 as follows:
 - 25 January 2022
 - 22 February 2022
 - 22 March 2022
 - 26 April 2022
 - 24 May 2022
 - 28 June 2022
 - 26 July 2022
 - 23 August 2022
 - 27 September 2022
 - 25 October 2022
 - 22 November 2022
 - 13 December 2022
2. Notes that Council meetings will be held at 6.00pm in the Council Chambers, 1 Merrijig Drive, Torquay unless otherwise advertised.

6.2 Council Meeting Dates and Times for 2022

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Paul Barker

That Council:

1. Adopts the Council Meeting Dates for 2022 as follows:
 - 25 January 2022
 - 22 February 2022
 - 22 March 2022
 - 26 April 2022
 - 24 May 2022
 - 28 June 2022
 - 26 July 2022
 - 23 August 2022
 - 27 September 2022
 - 25 October 2022
 - 22 November 2022
 - 13 December 2022
2. Notes that Council meetings will be held at 6.00pm in the Council Chambers, 1 Merrijig Drive, Torquay unless otherwise advertised.

CARRIED 9:0

For

Cr Allen
Cr Barker
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Nil

Abstained

Nil

CARRIED 9:0

6.2 Council Meeting Dates and Times for 2022

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Discussion

It is proposed that with the exception of December 2022, Council meetings be scheduled for the fourth Tuesday of each month, commencing at 6.00pm. It is proposed that the December 2022 meeting be held on 13 December 2022, as the fourth Tuesday falls on the week between the Christmas and New Year's public holidays.

Council Plan

Theme 7 Accountable and Viable Council

Strategy 19 Improve Council's credibility as a trusted decision maker through meaningful engagement

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	No
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

In accordance with section 9 of the Local Government Act 2020, fixing the dates of Council meetings in advance will maximise transparency which promotes decision making which prioritises the achievement of the best outcomes for the municipal community.

Policy/Relevant Law

Council's Governance Rules outlines that the dates, time and place for all Council meetings shall be fixed by Council resolution, with the exception of unscheduled Council meetings.

Options

Option 1 – Adopt Council Meeting dates and times for 2022

This option is recommended by officers as it will ensure Council meets requirements under Council's Governance Rules.

Option 2 – Do not adopt Council Meeting dates and times for 2022

This option is not recommended by officers as Council will be in breach of Council's Governance Rules.

6.2 Council Meeting Dates and Times for 2022

Conclusion

To ensure that Council meets the requirements outlined within the Governance Rules, Council should resolve the dates and times of Council meetings for 2022.

6.3 SCS-003 Hardship Policy

Author's Title: Manager Finance

General Manager: John Bertoldi

Department: Finance

File No: F18/850-4

Division: Governance & Infrastructure

Trim No: IC21/1847

Appendix:

1. SCS-003 Hardship Policy (D21/212218)
2. SCS-003 Rates Assistance Policy Review 2021 showing changes (D21/161053)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 –
Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to present a new SCS-003 Hardship Policy, to replace the previous SCS-003 Rates Assistance Policy, for formal adoption by Council.

Summary

This policy review has taken into consideration Council's COVID-19 Hardship Policy and the Ombudsman's Review into Rates Hardship. It provides more flexibility and targeted support to ratepayers/sundry debtors in hardship.

Recommendation

That Council adopts the SCS-003 Hardship Policy as attached at Appendix 1.

Council Resolution

MOVED Cr Paul Barker, Seconded Cr Kate Gazzard

That Council adopts the SCS-003 Hardship Policy as attached at Appendix 1.

CARRIED 9:0

For

Cr Allen
Cr Barker
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Nil

Abstained

Nil

CARRIED 9:0

6.3 SCS-003 Hardship Policy

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

This policy was last updated at the July 2018 Council meeting. The purpose of the policy is to establish a framework by which the Surf Coast Shire Council can offer some form of relief measures to ratepayers who endure significant hardship in meeting payments. Council's SCS-050 COVID-19 Hardship Policy adopted at the April 2020 Council meeting also offers relief measures to ratepayers as well as sundry debtors who endure financial hardship specifically due to COVID-19 or the Coronavirus pandemic. This policy has a limited life and is due to expire 30 June 2022.

Discussion

This updated policy has been renamed "Hardship Policy" as it now encompasses relief measures for sundry debtors. It includes the flexibility of payment arrangement plans and some of the policy principles included in the SCS-050 COVID-19 Hardship Policy.

The policy allows for the Chief Executive Officer to waive rates up to \$5,000 in extreme circumstances and addresses waiving of interest in hardship cases. The policy is silent on the interest to be charged on deferment arrangements and Council will set the rate as part of the budget under fees and charges.

Circumstances around withdrawal of payment arrangements and deferrals are specified and Council's commitment to use multiple communication methods when following up on overdue accounts and promise not to take legal action for those complying with an approved payment or deferral arrangement plan.

The policy has been updated to the current format and minor wording amendments as required have been made.

Council Plan

Theme 7 Accountable and Viable Council
Strategy 18 Establish a sustainable financial position

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	Yes
Human Rights Charter	No

6.3 SCS-003 Hardship Policy

Governance Principles - Local Government Act 2020 (LGA 2020)

The policy provides support to ratepayers and sundry debtors in hardship giving payment plan options and using waiving of rates and charges as a last consideration when all other avenues are exhausted.

Policy/Relevant Law

Under Section 170 of the Local Government Act 1989, Council may defer the payment of any rate or charge. Under Section 171 and 171A of the Local Government Act 1989, Council may waive payment or part payment of any rate or charge on the grounds of financial hardship; Under section 171(1)(b) of the Local Government Act 1989, payment of rates may be waived in whole or in part if the ratepayer falls into a class of persons which Council has determined eligible on the grounds of financial hardship.

Environmental/Sustainability Implications

Whilst this policy provides support to ratepayers and sundry debtors in hardship giving payment plan options, it recognises that waiving of rates and charges essentially passes on the burden to the remaining ratepayers and is only considered as a last resort.

Public Transparency

Once adopted the SCS-003 Hardship Policy will be published and made available to the public via Councils' website.

Financial Management

Waiving of interest charges will have an impact on interest revenue but is not expected to be material. Waiving of rates will only occur in rare circumstances and is also not expected to be material.

Risk Assessment

There are no identified Workplace Health and Safety implications associated with this report.

Communication

Once adopted the SCS-003 Hardship Policy will be published and made available to the public via Councils' website. Council officers in the revenue and customer service teams will be trained on the new policy and Council's debt recovery agency will also be updated.

Options

Option 1 – Adopt the Policy as presented

This option is recommended by officers as the policy is designed to support ratepayers/sundry debtors in making payments and better aligns with the Ombudsman's view of what a good rates/hardship policy looks like.

Option 2 –Do not adopt Policy

This option is not recommended by officers as Council will not have an up to date policy in place.

Conclusion

Council's Hardship Policy has been reviewed and is now being presented to Council for adoption.

6.3 SCS-003 Hardship Policy

APPENDIX 1 SCS-003 HARDSHIP POLICY



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SCS-003 Hardship Policy

TRIM Reference: D21/161053
Responsible Officer: Manager Finance

Due for Review: November 2024

Purpose

The purpose of this policy is to establish a framework by which the Surf Coast Shire Council can offer some form of relief measures to ratepayers/sundry debtors who endure significant hardship in meeting rates and charges including special charge rates and sundry debtor payments.

Policy Principles

The following principles underpin this policy:

- It is recognised that not all ratepayers/sundry debtors require alternate arrangements and for those that do the particulars of the arrangements may vary;
- Support needs to be easy for ratepayers/sundry debtors to access as well as for staff to implement;
- Short term support for individuals needs to be balanced with long term sustainability of Council;
- Financial support provided to individuals needs to be balanced with the burden, equity and fairness for the broader ratepayer base;
- When ratepayers/sundry debtors face difficulty in paying bills, these obligations would likely be to many organisations and it is not reasonable for Council alone to provide relief;
- Council will use its legislative and regulatory powers to achieve its objectives; and
- Council will respect the confidentiality of any person needing to share their financial circumstances with Council or seek its assistance with rates and debts.

Scope

This policy will cover all requests from Council's ratepayers and sundry debtors seeking assistance with financial hardship situations.

Policy

It is acknowledged at the outset that various ratepayers/sundry debtors may experience financial hardship for a whole range of issues and that meeting rates, charges and levy obligations constitute just one element of financial difficulties that may be faced.

The purpose of this policy is to provide options for ratepayers/sundry debtors facing financial difficulty to deal with the situation positively and reduce the strain imposed by financial hardship. Council's approach will be:

- to firstly offer a payment plan, or
- if a payment plan is not possible for rates, then a deferral arrangement (as long as the application meets the eligibility criteria) or
- in exceptional circumstances as a last resort, where a payment plan or deferral arrangement for rates and charges cannot be established and hardship exists, a waiver arrangement may be considered.

Ratepayers experiencing financial difficulty paying rates or charges can contact Council's Revenue Department to confidentially discuss the alternative payment arrangements in this policy.

Payment Arrangement Plans for Rates, Charges, Fees and Sundry Debts

Council will offer to all ratepayers and sundry debtors the ability to negotiate a payment arrangement plan for rates, special charge scheme charges or sundry debtor invoices with a flexible start date. Council

6.3 SCS-003 Hardship Policy



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encourages ratepayers/sundry debtors who are experiencing financial difficulty to set up a payment plan tailored specifically to their needs. This will reduce the amount of debt owing in the long term. Rate notices/invoices will continue to be issued while payment arrangements are in place to keep ratepayers informed of the outstanding balance.

All payment arrangement plans should suit the financial capacity of the ratepayer or sundry debtor concerned with a known end date that clears the debt within an agreed timeframe. Payment plans will be flexible with respect to the following:

1. timing of payments (eg. weekly, fortnightly, monthly, quarterly);
2. amount of instalments; and
3. period of the payment plan to be reasonable given the ratepayers/sundry debtors circumstances.

Outstanding rates and charges under a payment arrangement are subject to penalty interest rates as prescribed under the Penalty Interest Rates Act.

A payment arrangement will be deemed withdrawn on the basis of any of the following conditions:

1. the debt is paid in full;
2. the ratepayer advises financial hardship no longer exists;
3. the ratepayer ceases to own or occupy the property; or
4. the ratepayer has defaulted repeatedly in meeting the agreed terms for payment of the debt.

Payment Arrangement Plans require a written agreement to be entered into between the ratepayer/sundry debtor and Council. Council will accept an application in the form of the Rates and Charges Payment Arrangement Application (available on Council's website: www.surfcoast.vic.gov.au/rate-arrangement), or in writing via email to info@surfcoast.vic.gov.au and addressed to the Revenue Department or mailed to Surf Coast Shire Council, 1 Merrijig Drive, Torquay VIC 3228. Applicants are required to acknowledge Council's terms and conditions for payment arrangements.

Deferral of Rates and Charges

Under Section 170 of the Local Government Act 1989, Council may defer the payment of any rate or charge, allowing ratepayers an extended period of time to make payments or alternatively forestall payments on an indefinite basis until the ratepayer ceases to own or occupy the land in respect of which rates and charges are being levied.

Deferral of rates, charges and levies are available where the rateable property is used exclusively for residential purposes, is the person's sole or principal place of residence (not a corporation) and where the ratepayer satisfies the following eligibility criteria:

1. eligible pensioners under the State Concession Act; or
2. Health Care card holders; or
3. ratepayers who can evidence (via Centrelink statement of earnings or ATO tax assessment) that they are of low income status with a maximum income that is less than the Centrelink base rate threshold for the Family Tax Benefit Part A.

Where Council approves an application for deferral of rates and charges, interest will continue to be levied on the outstanding balance of rates and charges but at an interest rate fixed annually by Council through the budget process. This deferred interest rate will typically be lower than the prescribed penalty interest rate levied by Council on unpaid rates and charges).

A deferment will be deemed withdrawn on the basis of any of the following conditions:

1. the ratepayer no longer satisfies the eligibility criteria for deferment;
2. the ratepayer advises financial hardship no longer exists;
3. the ratepayer ceases to own or occupy the property;
4. the ratepayer has defaulted in meeting the agreed terms for payment of the debt;
5. the ratepayer has provided false or misleading information in support of the application for relief.

Deferral of rates and charges require a written agreement to be entered into between the ratepayer and Council. Council will only accept an application in the form of the Rate Deferment Application (available on Council's website: <http://www.surfcoast.vic.gov.au/About-us/Permits-and-forms#Rates> www.surfcoast.vic.gov.au/rate-arrangement or ring customer service on 5261 0600 to request a hardcopy). Submit your application via the website or in writing via email to info@surfcoast.vic.gov.au and addressed

6.3 SCS-003 Hardship Policy



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to the Revenue Department or mailed to Surf Coast Shire Council, 1 Merrijig Drive, Torquay VIC 3228. Applicants are required to acknowledge Council's terms and conditions for deferments.

Waiving of Rates and Charges

Under Section 171 and 171A of the Local Government Act 1989, Council may waive payment or part payment of any rate or charge on the grounds of financial hardship. Under section 171(1)(b) of the Local Government Act 1989, payment of rates may be waived in whole or in part if the ratepayer falls into a class of persons which Council has determined eligible on the grounds of financial hardship. For the purpose of this section, a person is considered to be within this class of persons if their circumstances are considered by the Chief Executive Officer to significantly exceed the circumstances ordinarily experienced by someone experiencing financial hardship as defined by this policy.

Waiving of rates and charges is a last consideration when all other avenues are exhausted. Council needs to be mindful in that in applying this section, any rates or charges foregone by way of rate waivers will essentially be passed onto the remaining ratepayers. It is therefore not considered to be an appropriate mechanism to waive rates and charges or special rates.

Waiving of rates and charges requires a written request and will only be considered if all financial information has been disclosed to Council with supporting documentation as requested.

Applications for waivers will be reviewed by the Revenue Coordinator, Manager Finance and the General Manager Governance and Infrastructure. The General Manager Governance and Infrastructure will make a recommendation to the Chief Executive Officer. Waivers for rates and charges can be approved by the Chief Executive Officer to a limited value of \$5,000.

Waiving of Interest, Legal or Debt Recovery Fees

Interest waivers are divided into three categories: administrative, compassionate and financial hardship.

1. Waiver on administrative grounds - Ratepayers/sundry debtors may have interest, legal or debt recovery fees only waived in the event of an administrative issue, error or omission which caused or significantly contributed to the failure to pay rates on time. An administrative error may include:
 - a. Failure to process a change of address notified to Council in writing and the rate notice was sent to a wrong address; or
 - b. Processing of a payment to an incorrect assessment causing interest to be charged incorrectly.
2. Waiver on compassionate grounds - Ratepayers/sundry debtors may have interest, legal or debt recovery fees only waived where they have demonstrated compassionate grounds for a payment being late. Acceptable compassionate grounds would generally relate to illness, a death in the family, sale of property or upcoming scheduled payment.
3. Waiver on Financial Hardship grounds - Ratepayers may have interest, legal or debt recovery fees only, or part thereof, waived where they have demonstrated the payment of such interest would cause severe financial hardship.

Waiving of interest, legal or debt recovery fees on administrative grounds can be applied for via a telephone call to the Revenue Department or in writing. Waiving of interest on compassionate or hardship grounds requires a written request with supporting documentation as requested.

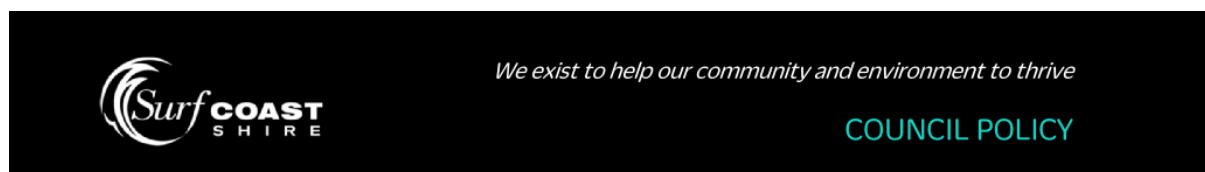
Unpaid Rates and Charges

Under Section 172 of the Local Government Act, Council charges penalty interest at a rate prescribed under the Penalty Interest Rates Act on unpaid rates and charges and sundry debtors.

Debt Recovery

Council will make a reasonable attempt to contact a ratepayer or sundry debtor about their overdue account. This may include a reminder/overdue notice (with appropriate reference to this Hardship Policy to ensure that ratepayers and sundry debtors are well-informed of their options), account statement, email or phone call. Debt recovery action will not be taken on an approved deferment of rates or whilst a ratepayer/sundry debtor is complying with an approved payment arrangement plan.

6.3 SCS-003 Hardship Policy



Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	This policy complies with the Local Government Act 1989 Sections 170 and 171.
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes	This policy will be adopted by Council and available for viewing on Council's website.
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes	This policy considers resources (revenue) needed to implement the Council Plan.
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes	This policy helps to provide stability and predictability in the financial impact on ratepayers with providing support with providing payment arrangements and limiting waivers.
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No	

Definitions

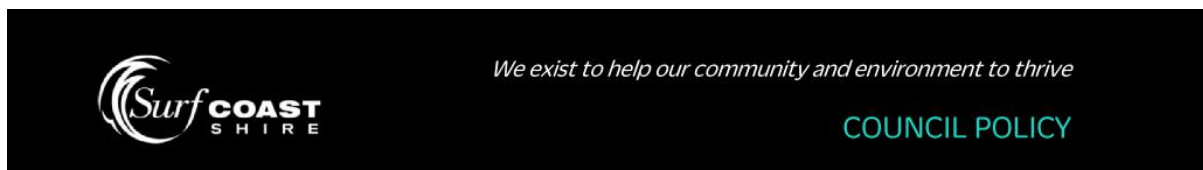
"Debt"	Debt is the amount of money owed by the debtor as a result of a transaction with Council.
"Deferral"	A deferral of payment can be provided in whole or in part for rates, charges and levies which are due and payable for a specified period and subject to any conditions determined by Council if it considers that an application submitted by a ratepayer shows that payment of rates, charges and levies would cause hardship to the ratepayer.
"Waiver"	A waiver removes the liability from the eligible ratepayer to pay the whole or part of any rate, charge or levy by way of a Council resolution if it considers that an application submitted by a ratepayer shows that payment of rates, charges and levies would cause hardship to the ratepayer.
"Sundry Debtor"	Sundry Debtor refers to the individual, organisation or other party that owes a debt as a result of a transaction with Council.
"Ratepayer"	Is the occupier or owner of any rateable property who is liable to pay rates. This may be the property of the owners or a tenant who under the lease agreement is liable to pay rates.
"Financial Hardship"	Financial hardship is defined as a situation where Council reasonably considers that a customer is unable because of prolonged illness, unemployment, or other cause to discharge their financial obligations to Council. Financial hardship will be considered on an individual basis and always with a view to the ratepayer or debtor (a) re-establishing financial capacity and (b) meeting their financial obligations to Council.

Related Procedure

References

Local Government Act 1989 - Sections 170, 171, 171A and 172
Rates Assistance Council website (www.surfcoast.vic.gov.au)

6.3 SCS-003 Hardship Policy



Centrelink website (www.centrelink.gov.au)

Document History

Version	Document History	Approved by – Date
1	Amended	Council Resolution – 24 July 2018

6.3 SCS-003 Hardship Policy

APPENDIX 2 SCS-003 RATES ASSISTANCE POLICY REVIEW 2021 SHOWING CHANGES



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COUNCIL POLICY

SCS-003 ~~Rates Assistance~~ Hardship Policy

TRIM Reference: D21/161053
Responsible Officer: Manager Finance

Due for Review: ~~July 2021~~ November 2024

Purpose

The purpose of this policy is to establish a framework by which the Surf Coast Shire Council can offer some form of relief measures to ratepayers/~~sundry debtors~~ who endure significant hardship in meeting rates and charges including special charge rates and sundry debtor payments.

Policy Principles

The following principles underpin this policy:

- ~~It is recognised that not all ratepayers/sundry debtors require alternate arrangements and for those that do the particulars of the arrangements may vary.~~
- ~~Support needs to be easy for ratepayers/sundry debtors to access as well as for staff to implement.~~
- ~~Short term support for individuals needs to be balanced with long term sustainability of Council.~~
- ~~Financial support provided to individuals needs to be balanced with the burden, equity and fairness for the broader ratepayer base.~~
- ~~When ratepayers/sundry debtors face difficulty in paying bills, these obligations would likely be to many organisations and it is not reasonable for Council alone to provide relief.~~
- ~~Council will use its legislative and regulatory powers to achieve its objectives; and~~
- ~~Council will respect the confidentiality of any person needing to share their financial circumstances with Council or seek its assistance with rates and debts.~~

Scope

This policy will cover all requests from Council's ratepayers and sundry debtors seeking assistance with financial hardship situations.

Policy

It is acknowledged at the outset that various ratepayers/sundry debtors may experience financial hardship for a whole range of issues and that meeting rates, charges and levy obligations constitute just one element of financial difficulties that may be faced.

The purpose of this policy is to provide options for ratepayers/sundry debtors facing financial difficulty to deal with the situation positively and reduce the strain imposed by financial hardship. Council's approach will be:

- to firstly offer a payment plan, or
- ~~or if a payment plan is not possible for rates, this is not possible~~ then a deferral arrangement (as long as the application meets the eligibility criteria ~~as outlined on the Rates & Charges Deferral Application~~) or
- ~~in exceptional circumstances as a last resort, where a payment plan or deferral arrangement for rates and charges cannot be established and hardship exists, finally, as a last resort,~~ a waiver arrangement may be considered entered into with a resolution of Council.

Ratepayers experiencing financial difficulty paying rates or charges can contact Council's Revenue Department to confidentially discuss the alternative payment arrangements in this policy.

Rates and Charges Payment Arrangement Plans for Rates, Charges, Fees and Sundry Debts

6.3 SCS-003 Hardship Policy



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~~In addition to the following mechanisms, Council will offer to all ratepayers and sundry debtors, irrespective of financial circumstances, the ability to negotiate a payment instalment arrangement plan for rates, special charge scheme charges or sundry debtor invoices with a flexible start date, and levies over a twelve-month period (or longer if needs be); that suits the financial capacity of the ratepayer concerned. Council encourages ratepayers/sundry debtors who are experiencing financial difficulty to set up a payment plan tailored specifically to their needs. This will reduce the amount of debt owing in the long term. Rate notices/invoices will continue to be issued while payment arrangements are in place to keep ratepayers informed of the outstanding balance.~~

~~All payment arrangement plans should suit the financial capacity of the ratepayer or sundry debtor concerned with a known end date that clears the debt within an agreed timeframe. Payment plans will be flexible with respect to the following:~~

- ~~1. timing of payments (eg. weekly, fortnightly, monthly, quarterly);~~
- ~~2. amount of instalments; and~~
- ~~3. period of the payment plan to be reasonable given the ratepayers/sundry debtors circumstances.~~

~~Outstanding rates and charges under a payment arrangement are will be~~ subject to penalty interest rates as prescribed under the Penalty Interest Rates Act.

~~A payment arrangement will be deemed withdrawn on the basis of any of the following conditions:~~

- ~~1. the debt is paid in full;~~
- ~~2. the ratepayer advises financial hardship no longer exists;~~
- ~~3. the ratepayer ceases to own or occupy the property; or~~
- ~~4. the ratepayer has defaulted repeatedly in meeting the agreed terms for payment of the debt.~~

Payment Arrangement Plans require a written agreement to be entered into between the ratepayer/sundry debtor and Council. Council will accept an application in the form of the Rates and Charges Payment Arrangement Application (available on Council's website: www.surfcoast.vic.gov.au/rate-arrangement), or in writing via email to info@surfcoast.vic.gov.au and addressed to the Revenue Department or mailed to Surf Coast Shire Council, 1 Merrijig Drive, Torquay VIC 3228. Applicants are required to acknowledge Council's terms and conditions for payment arrangements.

Deferral of Rates and Charges

Under Section 170 of the Local Government Act 1989, Council may defer the payment of any rate or charge, allowing ratepayers an extended period of time to make payments or alternatively forestall payments on an indefinite basis until the ratepayer ceases to own or occupy the land in respect of which rates and charges are being levied.

Deferral of rates, charges and levies are available where the rateable property is used exclusively for residential purposes, is the person's sole or principal place of residence (not a corporation) and where to all the ratepayers who satisfy the following eligibility criteria: found on the Rates and Charges Deferment Application.

1. eligible pensioners under the State Concession Act; or
2. Health Care card holders; or
3. ratepayers who can evidence (via Centrelink statement of earnings or ATO tax assessment) that they are of low income status with a maximum income that is less than the Centrelink base rate threshold for the Family Tax Benefit Part A.

~~Rate deferral agreements are not transferable with a change of ownership.~~

~~Where Council approves an application for deferral of rates and charges, interest will continue to be levied on the outstanding balance of rates and charges but at an interest rate fixed annually by Council through the budget process, (but not exceeding the Cash Rate plus 1% – refer RBA website). This deferred interest rate will typically be lower than the prescribed penalty interest rate levied by Council on unpaid rates and charges).~~

~~A deferment will be deemed withdrawn on the basis of any of the following conditions:~~

- ~~1. the ratepayer no longer satisfies the eligibility criteria for deferment;~~
- ~~2. the ratepayer advises financial hardship no longer exists;~~
- ~~3. the ratepayer ceases to own or occupy the property;~~
- ~~4. the ratepayer has defaulted in meeting the agreed terms for payment of the debt;~~
- ~~5. the ratepayer has provided false or misleading information in support of the application for relief.~~

6.3 SCS-003 Hardship Policy



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Deferral of rates and charges require a written agreement to be entered into between the ratepayer and Council. Council will only accept an application in the form of the Rate Deferment Application (available on Council's website: <http://www.surfcoast.vic.gov.au/About-us/Permits-and-forms#Rates> surfcoast.vic.gov.au/rate-arrangement or ring customer service on 5261 0600 to request a hardcopy). Submit your application via the website or in writing via email to info@surfcoast.vic.gov.au and addressed to the Revenue Department or mailed to Surf Coast Shire Council, 1 Merrijig Drive, Torquay VIC 3228. Applicants are required to acknowledge Council's terms and conditions for deferments.

Waiving of Rates and Charges

Under Section 171 and 171A of the Local Government Act 1989, Council may waive payment or part payment of any rate or charge on the grounds of financial hardship, if it is satisfied that requiring full payment would cause undue hardship on the ratepayer. The waiving of rates may only be applied should a successful Council resolution be approved. Under section 171(1)(b) of the Local Government Act 1989, payment of rates may be waived in whole or in part if the ratepayer falls into a class of persons which Council has determined eligible on the grounds of financial hardship. For the purpose of this section, a person is considered to be within this class of persons if their circumstances are considered by the Chief Executive Officer to significantly exceed the circumstances ordinarily experienced by someone experiencing financial hardship as defined by this policy.

Waiving of rates and charges is a last consideration when all other avenues are exhausted. Council needs to be mindful in that in applying this section, any rates or charges foregone by way of rate waivers will essentially be passed onto the remaining ratepayers. It is therefore not considered to be an appropriate mechanism to waive rates and charges or special rates.

Waiving of rates and charges requires a written request and will only be considered if all financial information has been disclosed to Council with supporting documentation as requested.

Applications for waivers will be reviewed by the Revenue Coordinator, Manager Finance and the General Manager Governance and Infrastructure. The General Manager Governance and Infrastructure will make a recommendation to the Chief Executive Officer. Waivers for rates and charges can be approved by the Chief Executive Officer to a limited value of \$5,000.

Waiving of Interest, Legal or Debt Recovery Fees

Interest waivers are divided into three categories: administrative, compassionate and financial hardship.

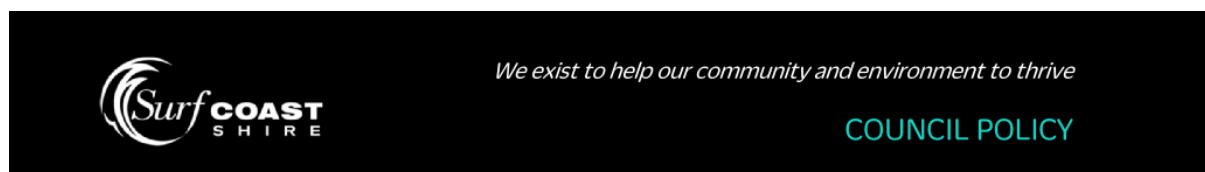
1. Waiver on administrative grounds - Ratepayers/sundry debtors may have interest, legal or debt recovery fees only waived in the event of an administrative issue, error or omission which caused or significantly contributed to the failure to pay rates on time. An administrative error may include:
 - a. Failure to process a change of address notified to Council in writing and the rate notice was sent to a wrong address; or
 - b. Processing of a payment to an incorrect assessment causing interest to be charged incorrectly.
2. Waiver on compassionate grounds - Ratepayers/sundry debtors may have interest, legal or debt recovery fees only waived where they have demonstrated compassionate grounds for a payment being late. Acceptable compassionate grounds would generally relate to illness, a death in the family, sale of property or upcoming scheduled payment.
- 4.3. Waiver on Financial Hardship grounds - Ratepayers may have interest, legal or debt recovery fees only, or part thereof, waived where they have demonstrated the payment of such interest would cause severe financial hardship.

Waiving of interest, legal or debt recovery fees on administrative grounds can be applied for via a telephone call to the Revenue Department or in writing. Waiving of interest on compassionate or hardship grounds requires a written request with supporting documentation as requested.

Unpaid Rates and Charges

Under Section 172 of the Local Government Act, Council may charge penalty interest at a rate prescribed under the Penalty Interest Rates Act on unpaid rates and charges and sundry debtors.

6.3 SCS-003 Hardship Policy



Debt Recovery

Council will make a reasonable attempt to contact a ratepayer or sundry debtor about their overdue account. This may include a reminder/overdue notice (with appropriate reference to this Hardship Policy to ensure that ratepayers and sundry debtors are well-informed of their options), account statement, email or phone call. Debt recovery action will not be taken on an approved deferment of rates or whilst a ratepayer/sundry debtor is complying with an approved payment arrangement plan.

Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes/ No	<u>This policy complies with the Local Government Act 1989 Sections 170 and 171.</u>
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes /No	
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes/ No	<u>This policy will be adopted by Council and available for viewing on Council's website.</u>
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes/ No	<u>This policy considers resources (revenue) needed to implement the Council Plan.</u>
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes/ No	<u>This policy helps to provide stability and predictability in the financial impact on ratepayers with providing support with providing payment arrangements and limiting waivers.</u>
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes /No	

Definitions

"Debt" Debt is the amount of money owed by the debtor as a result of a transaction with Council.

"Deferral" A deferral of payment can be provided in whole or in part for rates, charges and levies which are due and payable for a specified period and subject to any conditions determined by Council if it considers that an application submitted by a ratepayer shows that payment of rates, charges and levies would cause hardship to the ratepayer.

"Waiver" A waiver removes the liability from the eligible ratepayer to pay the whole or part of any rate, charge or levy by way of a Council resolution if it considers that an application submitted by a ratepayer shows that payment of rates, charges and levies would cause hardship to the ratepayer.

6.3 SCS-003 Hardship Policy



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"Sundry Debtor" Sundry Debtor refers to the individual, organisation or other party that owes a debt as a result of a transaction with Council.

"Ratepayer" Is the occupier or owner of any rateable property who is liable to pay rates. This may be the property of the owners or a tenant who under the lease agreement is liable to pay rates.

"Financial Hardship" Financial hardship is defined as a situation where Council reasonably considers that a customer is unable because of prolonged illness, unemployment, or other cause to discharge their financial obligations to Council. Financial hardship will be considered on an individual basis and always with a view to the ratepayer or debtor (a) re-establishing financial capacity and (b) meeting their financial obligations to Council.

Related Procedure

References

Local Government Act 1989 - Sections 170, 171, 171A and 172

~~Management Policy and Procedure: MPP-004~~

Rates Assistance Council website (www.surfcoast.vic.gov.au)

Centrelink website (www.centrelink.gov.au)

Document History

Version	Document History	Approved by – Date
1	Amended	Council Resolution – 24 July 2018

6.4 SCS-019 Procurement Policy

Author's Title: Acting Coordinator of Procurement

Department: Governance & Risk

Division: Governance & Infrastructure

General Manager: John Bertoldi

File No: F16/1522-3

Trim No: IC21/1834

Appendix:

1. SCS- 019 Procurement Policy (D21/192798)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 –
Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to present the updated SCS-019 Procurement Policy for formal adoption by Council.

Summary

- The procurement provisions under the new Local Government Act 2020 came into effect 1 July 2021. Council has until 31 December 2021 to implement the new changes.
- Section 186 of the Local Government Act 1989 has been replaced with s.108 and s.109 of the new Act.
- SCS-019 Procurement Policy has been extensively revised in line with the provisions of the 2020 Act.
- The policy has been prepared following benchmarking of neighbouring G21 councils, and consultation with the executive team, internal stakeholders and the Audit and Risk Committee (ARC).

Recommendation

That Council adopts the SCS-019 Procurement Policy as attached at Appendix 1.

Council Resolution

MOVED Cr Liz Pattison, Seconded Cr Adrian Schonfelder

That Council adopts the SCS-019 Procurement Policy as attached at Appendix 1.

CARRIED 8:1

For

Cr Allen
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Cr Barker

Abstained

Nil

CARRIED 8:1

6.4 SCS-019 Procurement Policy

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

Section 108(3) of the 2020 Act outlines what the Policy must include. Each of these items were addressed in the review of the Policy:

- a. the contract value above which the Council must invite a tender or seek an expression of interest (refer clause 9.5 of the Policy);
- b. a description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money (refer clause 10.1 of the Policy);
- c. a description of how the Council will seek collaboration with other Councils and public bodies in the procurement of goods or services (refer clause 12 of the Policy);
- d. the conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest (refer clause 9.8 of the Policy); and
- e. a description of the process to be undertaken in inviting a public tender or expression of interest (refer clause 9 of the Policy).

In accordance with s.108(1-2), the fundamental best practice principles such as transparency, accountability, fairness and value for money previously required under s.186 of the 1989 Act, remain as requirements of the new Act.

Discussion

The new Act also removes some of the previous prescriptive requirements of s.186 such as a mandated public tender threshold and exemptions. Therefore providing councils with more flexibility to develop their own procurement policies that embrace collaboration, economies of scale and effective procurement processes that support the achievement of Council objectives.

After consultation with neighbouring G21 councils, the executive team, internal stakeholders and the ARC, the following key changes have been made to the Procurement Policy;

- Uniform tendering thresholds for goods services and works.
 - New tendering thresholds
 - \$150K - <\$350K (ex-GST) **Select Tendering Process – (*Optional)**
 - \$350K or greater (ex-GST) **Public Tender Process**
- * Where mandatory requirements of a select tender process cannot be met, a public tender process will be undertaken (Refer- clauses 9.3 & 9.5 of the Procurement Policy).*
- Clear identification of expenditure that is exempt from procurement thresholds
 - Advertising a public tender in a newspaper is no longer required.
 - Strengthening of the social sustainable procurement provisions, including the increasing of potential evaluation criteria weighting up to 20%.
 - The new Act has a strong focus on collaborative procurement. In order to accommodate this a number of barriers have been removed that would have otherwise limited opportunities for collaboration.

The option of select tendering (within the parameters outlined in clause 9.3 of the Policy) is recommended for the purpose of increasing regional economic benefit. Through direct invitation, greater opportunity will be provided to target and engage with small to medium local and G21 businesses, who may not otherwise be motivated to participate in a public tender process.

Although very supportive of the revised Policy overall, ARC feedback noted that Council may be reluctant to introduce a select tendering method which has not previously been used by the Surf Coast Shire Council. In recognition of this feedback, an alternative recommendation incorporating the deletion of the select tendering option (clause 9.3) of the Policy, has been provided for Council's consideration.

6.4 SCS-019 Procurement Policy

Council Plan

Theme 7 Accountable and Viable Council
Strategy 15 Foster an environment that enables businesses to operate according to ethical, social and sustainable principles

Theme 7 Accountable and Viable Council
Strategy 14 Support people to run successful local businesses that grow and create jobs in our changing economy

Theme 3 Environmental Leadership
Strategy 15 Foster an environment that enables businesses to operate according to ethical, social and sustainable principles

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	Yes
Human Rights Charter	No

Governance Principles - Local Government Act 2020 (LGA 2020)

As required under s.108(3)(c) the policy details how Council will collaborate with other Councils and public bodies in the procurement of goods or services, and reporting requirements under s.109(1).

In accordance with s.108(1-2) the Procurement Policy promotes innovation and the best practice principles of value for money, open and fair competition, accountability, probity and transparency, risk management and positive sustainable outcomes.

Policy/Relevant Law

Council must amend its current procurement policy prior to 31 December 2021, and ensure that it is in-line with the requirements of s.108 and s.109 the Local Government Act 2020.

Environmental/Sustainability Implications

The Policy aligns with, and supports the achievement of Council objectives regarding sustainable and socially responsible procurement. The Policy affirms Council's commitment to strive to improve local, social, economic and environmental sustainability outcomes through its procurement practices.

6.4 SCS-019 Procurement Policy

Communication

Once adopted the SCS-019 Procurement Policy will be published and made available to the public via Councils' website.

Education sessions will be provided to all council officers who undertake procurements on Council's behalf to ensure effective application of the Policy and supporting internal procedures.

Options

Option 1 – Adopt the Policy as presented - inclusive of select tendering method

This option is recommended by officers as it is designed for Council to provide greater opportunity to target and engage with small local and G21 businesses, who may not otherwise participate in a public tender process. An extensive review of the Procurement Policy has been completed to ensure compliance with the new requirements from the Local Government Act 2020.

Option 2 – Adopt the Policy as presented, save for deletion of the select tendering method and replacing this with Public Tender at \$200,000 or greater and Request for Quotation to be stated as \$20,000 - <\$200,000 (ex-GST).

This option is not recommended by officers as it does not promote regional economic benefit.

Option 3 –Do not adopt Policy

This option is not recommended by officers as Council risks being non-compliant with the Local Government Act 2020.

Conclusion

Council's Procurement Policy has been extensively reviewed and is now being presented for final adoption in order to ensure compliance with legislation.

6.4 SCS-019 Procurement Policy

APPENDIX 1 SCS- 019 PROCUREMENT POLICY



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COUNCIL POLICY

SCS-019 Procurement Policy

TRIM Reference: D21/83123

Due for Review: 1 December 2025

Responsible Officer: Manager Governance and Risk

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6.4 SCS-019 Procurement Policy

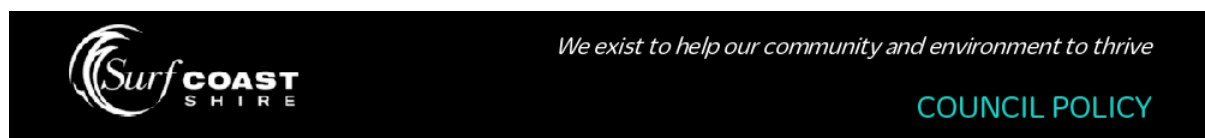


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COUNCIL POLICY

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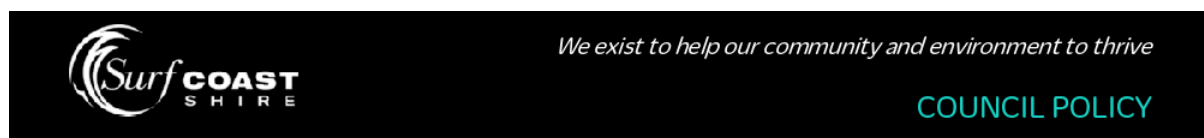
6.4 SCS-019 Procurement Policy



1. DEFINITIONS

Term	Description
Act, the	Local Government Act 2020 .
Best and Final Offer (BAFO)	The process whereby shortlisted respondents may be invited to submit a best and final offer (BAFO) in relation to all or certain aspects of their proposal.
Collaborative Procurement	A contract established by a council, government or a nominated agent, aggregator or other approved entity, for the benefit of multiple state, federal and/or local government entities and that achieves value for money by leveraging combined economies of scale.
Collaborative Procurement Register	A register of collaborative procurement opportunities, either amongst Councils or with other organisations.
Commercial in Confidence	Information that, if released, may prejudice the business dealings or commercial interests of Council or another party (e.g. prices, discounts, rebates, profits, methodologies, process information, etc.).
Contract	A legally binding agreement (including deeds and purchase orders) between parties. For the purpose of this policy, the definition of <i>Contract</i> is limited to agreements with Suppliers for the purchase of goods, services or works on behalf of Council.
Contract Management	The process that ensures all parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the contract objectives and provide value for money.
Council	Surf Coast Shire Council, including Councillors and Council Staff.
Councillors	Council's elected representatives (the Mayor and Councillors)
Council Staff	Includes all Council officers, temporary employees, contractors, volunteers and consultants while engaged by Council.
Emergency	A sudden or unexpected occurrence which constitutes a risk to life or property requiring immediate action, and which may require the immediate procurement of goods/services/works to provide relief, business continuity or public safety.
Evaluation Criteria	The criteria that are used to evaluate the compliance and/or relative ranking of proposals. Evaluation criteria must be clearly stated in the request for tender documentation.
Expression of Interest (EOI)	An invitation for persons to submit an EOI for the provision of the goods, services and works which generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract.
G21 Region	Includes the municipalities of City of Greater Geelong, Colac Otway Shire, Surf Coast Shire, Borough of Queenscliffe and the Golden Plains Shire.
Goods	Movable personal property, especially merchandise used in trade or commerce and requiring carriage from one place to another.
Indigenous Business	A business that is owned and operated by an Aboriginal or Torres Strait Islander person(s).
Local Supplier	A business that is physically located within the municipality of the Surf Coast Shire.
Panel Contract	A standing offer arrangement based on a Schedule of Rates contract that sets out rates for goods and services which are available for the term of the agreement but without a commitment to purchase a specified value or quantity of goods or services.
Probity	Within government, the term <i>probity</i> is often used in a general sense to mean good process. A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation, are established, understood, and followed from the outset.
Probity Advisor	Provides advice during the undertaking of a procurement process on probity issues which may arise, together with advice on strategies to overcome potential problems.
Probity Auditor	Provides independent scrutiny after completion of a procurement process and expresses an objective opinion to whether the probity principles and standards were

6.4 SCS-019 Procurement Policy



Term	Description
	adhered too.
Procurement	Procurement is the whole process of acquisition of external goods, services and works for and on behalf of Council. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Request for Quotation (RFQ)	The process of inviting parties to submit a quotation followed by evaluation of submissions and selection of a successful bidder.
Supplier	An external person or organisation from which goods, services and works are purchased for, on behalf of Council, and in accordance with contractual obligations.
Sustainability	A strategic approach to meeting social and environmental objectives by using procurement processes and purchasing power to generate positive social and environmental outcomes in addition to the delivery of efficient goods, services and works.
Public Tender Process	The process of inviting parties via public advertisement to submit an offer by tender followed by evaluation of submissions and selection of a successful bidder or tenderer in accordance with pre-determined evaluation criteria.
Value for Money	The achievement of a desired procurement outcome at the best possible price, not necessarily the lowest price, based on a balanced judgement of financial and non-financial factors relevant to the procurement.

2. PURPOSE

This Procurement Policy (Policy) is made under Section 108 of the *Local Government Act 2020* (Act).

The Act requires each council to:

- Prepare and adopt a procurement policy which specifies the principles, processes and procedures to be applied in respect of the purchase of goods and services and carrying out of works by Council; and
- Review its procurement policy at least once during each 4-year term of Council.

3. POLICY PRINCIPLES

This policy provides direction to the Surf Coast Shire Council, in conducting procurement functions in accordance with legislative requirements, and achieving the following key principles:

- ethical behaviour in public sector procurement
- consistency and control over procurement activities
- transparency and accountability to rate payers; and
- risk minimisation.

4. SCOPE

The Policy applies to all contracting and procurement activities conducted within Council and is applicable to Councillors and Council Staff.

5. TREATMENT OF GST

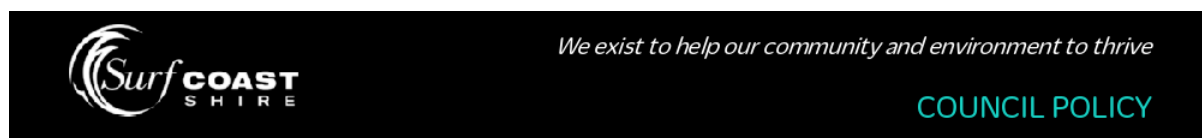
All monetary values stated in this policy exclude GST unless specifically stated otherwise.

6. BACKGROUND

This Policy is consistent with the requirements of s108(2) of the Act and will:

- Promote open and fair competition and deliver value for money.
- Provide consistency and control over council's procurement activities.
- Demonstrate accountability to ratepayers and residents.

6.4 SCS-019 Procurement Policy



- Provide guidance on ethical behaviour within Council's procurement processes.
- Incorporate best practice in all procurement activities.
- Focus sustainability in procurement with respect to social, economic and environmental factors; and
- Promote collaborative procurement.

In accordance with the above objectives, Council's contracting and purchasing activities will:

- Support Council's corporate strategies, aims and objectives, including but not limited to those related to sustainability, protection of the environment and social objectives.
- Take a long term strategic view of procurement needs while continually assessing, reviewing and auditing procedures, strategy and objectives.
- Span the whole life cycle from initial concept through to disposal of an asset or the completion of a service contract.
- Demonstrate that public money has been well spent.
- Be conducted in an impartial, fair and ethical manner.
- Seek continual improvement including harnessing innovative and technological initiatives such as electronic tendering processes to reduce activity cost.
- Ensure that risk is identified, assessed and managed at all stages of the procurement process.
- Comply with legislation, Council policies and other best practice requirements.
- Use strategic procurement practices and innovative procurement solutions, in particular, making use of collaboration and partnership opportunities; and
- Generate and support businesses in the local community.

7. BEST PRACTICE PROCUREMENT

7.1. Best practice principles

Council purchases goods, services and works to support service delivery and the maintenance and development of infrastructure. Council's procurement processes will be based on the following principles:

- value for money
- open and fair competition
- accountability
- probity and transparency
- risk management; and
- sustainability (positive local, social, economic and environmental outcomes).

7.2. Applying best practice

Value for Money

- Council's procurement activities will be carried out on the basis of obtaining value for money consistent with acceptable quality, reliability and delivery considerations.
- Lowest price is not the sole determinant of value. Both cost and non-cost factors are considered, including:
 - o Contribution to the advancement of Council's priorities and objectives.
 - o Fitness for purpose, quality, social and environmental impacts, service and support; and
 - o Cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.
- Value for money is best achieved by:
 - o Developing, implementing and managing procurement strategies that support the coordination and streamlining of activities throughout the procurement lifecycle.
 - o Aggregating purchasing whenever possible; and
 - o Undertaking competitive procurement processes.

6.4 SCS-019 Procurement Policy



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Open and fair competition, accountability, probity and transparency

- In all commercial dealings, Council will apply the highest standards of integrity and honesty, and conduct business in a fair, honest and open manner consistent with the public interest to build confidence in the outcome.
- Councils' must adequately test the market in a consistent manner without any bias or perception of bias.
- All prospective suppliers must be treated (and be seen to be treated) fairly and provided with the same access to information.
- All people undertaking procurement activities on Council's behalf are responsible for the actions and decisions they take in relation to procurement and for the resulting outcomes.
- Where a third-party agent is engaged to procure works, goods or services on behalf of Council, they must ensure they are compliant with this Policy and relevant legislation including the Act.

Risk management

The provision of goods, services and works by a supplier potentially exposes Council to risk.

- Council shall have in place consistent procedures for managing risks associated with procurement activities.
- Appropriate risk management principles must be considered and applied at all stages of procurement to ensure continuity of supply of goods and services to Council.
- Procurement activities will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from risks of personal injury, property damage, reputation, financial exposure and interruption to the supply of goods, services and works.
- Council will minimise its risk of exposure through measures that:
 - o Allow sufficient planning and lead-time for procurement preparation and consideration.
 - o Integrate risk identification at the earliest planning stage to inform the procurement process.
 - o Use Council standard-form or Australian Standard contracts which include current, relevant clauses to mitigate risk to Council.
 - o Obtain contract security e.g. bank guarantees where appropriate.
 - o Seek input from relevant experts in the drafting of tender specification documentation.
 - o Address contract departures and non-standard contracts prior to the award of the contract with evidence of review and recommendation.
 - o Ensure agreements are executed by the delegated officer prior to commencement; and
 - o Ongoing and timely contract management including monitoring and enforcing performance.

Sustainability (local, social, economic and environmental)

- Council will seek to improve local, social, economic and environmental sustainability outcomes through sustainable procurement. Council will strive to:
 - o Avoid unnecessary consumption.
 - o Minimise environmental impacts over the life of the goods and services, including their production, use and disposal.
 - o Prioritise goods that include recycled content and/or can be recycled.
 - o Prioritise energy efficient and low emissions products and/or services.
 - o Purchase goods, services and works that benefit local businesses or social enterprises.
 - o Foster innovation through its procurement of sustainable products and services.
 - o Ensure that fair and ethical sourcing practices are applied and that suppliers comply with socially responsible and ethical practices, including legislative obligations to employees.

8. POLICY COMPLIANCE AND CONTROL

8.1. Ethics and probity

Council's procurement activities shall be performed in an open, transparent and ethical manner with demonstrated integrity, fairness and accountability that meets relevant legislative requirements.

All procurement processes shall be conducted in accordance with the requirements of this Policy and any associated procedures, relevant legislation, legal requirements and the Act.

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COUNCIL POLICY

8.2. Conduct of Councillors and Council Staff

Councillors and Council Staff shall conduct themselves in ways that are in accordance with the Councillor Code of Conduct or the Staff Code of Conduct policies respectively, performing their duties ethically and with integrity, and must:

- Treat potential and existing suppliers with equality and fairness.
- Not use their position to seek or receive personal gain in procurement matters.
- Maintain confidentiality of Commercial in Confidence information.
- Present the highest standards of professionalism and probity.
- Afford suppliers and tenderers with the same information and an equal opportunity to tender or quote for goods, services and works contracts.
- Be able to account for all decisions, and demonstrate and provide evidence of the processes followed.
- Not perform any work under any council contracts they are supervising (i.e. Council Staff cannot also work for the relevant supplier);
- Query incidents, decisions or directions that appear to contradict or deviate from Council's standards of ethics or probity, or established policies and procedures; and
- Ensure that this Policy and associated guidelines are adhered to in relation to any expenditure of Council funds.

8.3. Conflict of Interest

Councillors and Council Staff shall at all times avoid situations which may give rise to an actual or perceived conflict of interest. A conflict of interest may be a *general* or a *material* conflict of interest.

A member of Council Staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A member of Council Staff has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit or loss may be direct or indirect and pecuniary or non-pecuniary. Affected persons include, among others, the member of Council Staff and their family members.

Council Staff involved in the procurement process, in particular preparing tender documentation, writing tender specifications, opening tenders, participating in tender evaluation panels, preparing a recommendation report; and Councillors and Council Staff awarding tenders must:

- Avoid conflicts of interest, whether material or general, or actual, potential or perceived.
- Declare that they do not have a conflict of interest in respect of the procurement. Council Staff participating in tender evaluation panels must complete a Conflict of Interest declaration. Council Staff must declare any actual or perceived conflicts in line with Council's internal processes for reporting conflicts of interest; and
- Observe prevailing Council and Government guidelines on how to prevent or deal with conflict of interest situations, and not take advantage of any tender related information whether or not for personal gain.

Endorsement

Council Staff must not publicly endorse any products or services without the permission of the relevant General Manager or the Chief Executive Officer (CEO).

8.4. Fair and honest dealing

All prospective suppliers must be treated impartially and afforded an equal opportunity to tender or submit a quotation.

Any suspected improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action should be managed in accordance with Council's internal policies and processes.

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8.5. Probity, accountability and transparency

Accountability in procurement means being able to justify and provide evidence of the process followed. An independent third party must be able to see clearly that a process has been followed and that the process was fair and reasonable.

Council Staff must be able to account for all procurement decisions and ensure all procurement activities leave an audit trail for monitoring and reporting purposes.

8.6. Gifts and benefits

No Councillor or member of Council staff shall seek or accept any immediate or future reward or benefit in return for the performance of any duty or work for Council where it could be reasonably perceived as influencing them or their position or undermining their integrity or the integrity of the process in some way.

Any gift or benefit offered to a Councillor or Council staff will be managed in accordance with Council's internal policies and processes.

Councillors and Council staff, particularly contract supervisors:

- Must not knowingly visit a current supplier's premises without invitation when acting in their official capacity; and
- Must not knowingly engage a Council supplier for private benefit, unless that engagement is on proper commercial terms.

8.7. Disclosure of information

Commercial in Confidence information received by Council must not be disclosed and is to be stored in a secure location.

Councillors and Council Staff must take all reasonable measures to maintain confidentiality of:

- Information disclosed by organisations in tenders, request for quotations or during tender negotiations; and
- Commercial in Confidence information.

Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could improperly influence the procurement process or negotiation of a contract prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

8.8. Complaints and reporting suspicious activities

Complaints handling

Members of the public and suppliers are encouraged to report known or suspected incidences of improper conduct to the CEO. Councillors and Council staff will report and manage complaints in accordance with Council's internal policies and processes.

Reporting Suspicious Activities

All Councillors, Council staff and Council suppliers are required at all times to act honestly and with integrity and to safeguard the public resources for which they are responsible. Council is committed to protecting all revenue, expenditure and assets from any attempt to gain illegal benefits (financial or otherwise).

Council will take all reasonable steps to protect those who assist Council by providing information about suspected fraud. This will include confidentiality of identity and protection from harassment, to the extent possible.

Suspected improper conduct, offers of bribes, commissions and any other irregular approaches from suppliers, prospective suppliers or other individuals will be investigated and reported in accordance with Council's internal policies and processes.

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The CEO must notify the *Independent Broad-based Anti-corruption Commission* (IBAC) of any matter they suspect on reasonable grounds to involve corrupt conduct occurring or having occurred in accordance with IBAC's mandatory reporting requirements.

9. MARKET ENGAGEMENT METHODS

9.1. Procurement options

The Policy applies to all procurement regardless of process. Procurement options include:

- under contract following a request for quotation or tender process
- purchase order following a request for quotation process
- approved purchasing schemes or panel contracts such as MAV Panel Contracts
- multi-stage tenders commencing with an EOI followed by a tender process
- under a sole-sourcing arrangement in accordance with this Policy
- purchasing cards; and
- petty cash.

9.2. Public tender requirements

A public tender process provides an open invitation to all potential participants to submit a proposal.

Public tenders must be advertised via Council's eTendering portal.

Council staff may provide further notice of public tender opportunities by advertising in newspapers, industry network forums (e.g. ICN – Industry Capability Network, G21-Business connect) and through other digital media.

When undertaking a public tender, Council staff must use Council's eTendering portal to conduct the tender process and for the receipt of tender submissions.

9.3. Select tender requirements

A select tender is a competitive tender process that is open to invited suppliers only.

When undertaking a select tender process, Council staff must:

- Conduct the tender process using Council's eTendering portal.
- Invite a minimum of five suppliers to tender, including:
 - o At least one local supplier or a supplier located within the G21 region, and
 - o At least one supplier that has not been awarded a tendered contract by Council within the last 12 months.

Where the goods, services or works to be procured are of a specialist nature, and there are insufficient suppliers or genuine suppliers available in the general market or local region to invite to tender:

- a public tender process is to be undertaken.

9.4. Late tenders

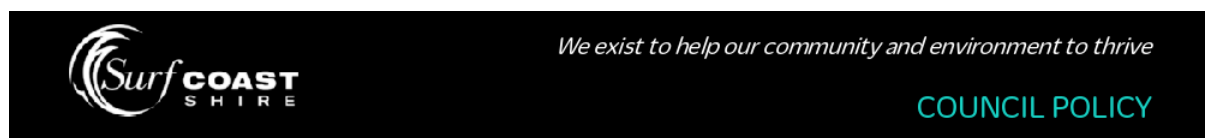
A late tender is a submission that has not been received in the electronic Tender Box prior to the published tender closing date.

Council staff shall not accept a late tender.

9.5. Procurement thresholds

Section 108 of the Act details that each Council will establish the public tender threshold above which tenders or expressions of interest must be publicly invited.

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The table below identifies the market engagement methods to be employed taking into consideration the procurement thresholds.

Total spend value (GST Exclusive)	Market Engagement Method (minimum requirement)	Agreement Type
< \$1,000	Single Quotation: Obtain one verbal quote	Purchase Order
\$1,000 - < \$20,000	Single Quotation: Obtain one written quote	Purchase Order(
\$20,000 - < \$150,000	Request For Quotation: Seek a minimum of three written quotations	RFQ Purchase Order Agreement
\$150,000 - < \$350,000*	Select Tender:* Invite a minimum of five Suppliers to tender. (*Subject to satisfying requirements of clause 9.3, otherwise Public Tender will be required)	Contract - Formal Instrument of Agreement
\$350,000 or greater	Public Tender : Invitation to tender is via public notice	Contract - Formal Instrument of Agreement

The above are minimum requirements only.

If a better value for money outcome may be achieved Council Officers are to:

- Seek further quotations in excess of the minimum specified
- Conduct a Tender process in lieu of a Request for Quotation.

9.6. Contract value

The value of all contracts for the purposes of compliance with the above procurement thresholds includes:

- Costs for the full term of the contract, including any options for either party to extend the contract.
- Anticipated contingency allowances or variations.
- In kind contributions (if any); and
- All other known, anticipated and reasonably foreseeable costs.

Cumulative expenditure with a single supplier is to be considered in determining the appropriate method of procurement, and will be based on a rolling two-year average spend, taking into account the lifetime spend of the goods, services or works purchased.

Procurements may not be split to avoid procurement thresholds.

9.7. Delegation of authority

Delegations define the limitations within which Council staff are permitted to commit Council to the procurement of goods, services or works and the associated costs.

Council must approve the decision to award a contract where the contract value exceeds the Chief Executive Officer's delegation.

The Instrument of Delegation allows specified Council staff to undertake certain purchases, quotation, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

9.8. Exemptions from procurement thresholds

The decision to award a Contract and the authority to enter into a contract on behalf of Council, will at all times be governed by Council's Instrument of Delegation, however exemptions to the procurement thresholds are permitted where the purchase is identified as:

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- **Accepted general exemptions:**
The expenditure is of a type listed in *Appendix 1 – Accepted general exemptions*, and no further approval process is required in relation to exemption from market engagement methods; or
 - **Exemptions requiring approval:**
Where the circumstances and nature of a specific purchase requires an alternate market engagement method to deliver a value for money outcome, a formal exemption process is required as detailed below.
- Council staff may seek an approval for an exemption to the procurement thresholds when the procurement is undertaken in the follow circumstances:
- In matters of emergency including public health, security or safety as a result of an unforeseen event or occurrence.
 - Installations where a change in supplier would necessitate the procurement of goods and services that do not meet the requirements for interoperability or interchangeability.
 - An absence of competition; There is one or a limited number of available tenderers in the market or suppliers able to submit quotations.
 - The goods, services or works are required as part of a grant, funding agreement, lease or similar arrangement specifically stating how the deliverables are to be provided or undertaken.
 - Where the acquisition is of a cultural or artistic nature (i.e. a live show or art piece).
 - The marketplace is restricted by statement of license or third-party ownership of an asset.
 - Council is party to a joint arrangement where Council jointly owns the Intellectual Property with a third party provider.
 - To extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected; or
 - It is not in the interest of the public to apply the procurement thresholds.

Exemption approval process:

Council staff must obtain prior written approval as set out below:

Procurement Value (ex- GST)	Policy Exemption
\$20k - < \$150K	Written approval must be obtained from the relevant General Manager
\$150k - < \$350K*	Written approval must be obtained from the CEO (* Emergency requiring immediate attention)
\$350K or greater	Approval must be obtained by way of resolution at Council Meeting.

***Emergency requiring immediate action**

Where an emergency requires immediate action to protect lives or property, the CEO is authorised to provide exemption to procurement thresholds for contracts valued \$350,000 or greater. Once the immediacy of the incident has passed, the CEO shall report to Council the details of contracts entered into.

Notwithstanding approval of an exemption to the procurement thresholds, Council staff are to adhere to the Best Practice Principles (including value for money) of the Policy as part of any contractual arrangement.

9.9. Risk management

Risk assessments are a vital part of the procurement planning process.

Risks will be identified for each part of the sourcing, transition, delivery and finalisation stages of procurement and appropriate risk avoidance and mitigation strategies will be employed.

9.10. Probity Advisor and Probity Auditor

Council will consider the appointment of an external Probity Advisor to oversee the conduct of the procurement where:

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- The expected purchase value of the procurement is above \$5,000,000, or
- A proposed contract is considered by Council or the CEO to be particularly complex, of a high-risk or controversial nature, and requiring a high level of public confidence.

Where it is reasonably estimated that the contract value will exceed \$5,000,000, written approval from a General Manager will be required prior to undertaking a procurement process without the appointment of an external Probity Advisor.

A Probity Auditor may be engaged by Council to investigate compliance to the procurement process, including any probity concerns, conflicts of interest and breaches of confidentiality, and report on the auditor's findings.

Where a Probity Auditor is to be engaged, the Audit and Risk Committee will be informed at the next available meeting. On completion of the audit, the Probity Auditor's report will be provided to the CEO and the Audit and Risk Committee.

The role of Probity Advisor and Probity Auditor are mutually exclusive and cannot be undertaken by the same person.

10. EVALUATION AND NEGOTIATION PROCESS

The tender selection criteria and weighting for each criterion, will be agreed to and documented by the tender evaluation panel prior to the requesting of tenders and quotes.

10.1. Evaluation criteria

- Evaluation criteria include both price (whole of life) and non-price factors (risk, quality and contribution to council's sustainability objectives).
- Unless approved by the Procurement Unit, price (cost) will be a weighted criteria.
- Evaluation criteria (and weightings) must be included in the tender / procurement document.
- Council may include the following evaluation criteria categories to determine whether a proposed contract provides value for money:
 - o mandatory compliance criteria (e.g. OH&S, applicable registrations or licences, etc.)
 - o tendered price
 - o capacity to provide the goods and/or services and/or works
 - o capability of the tenderer
 - o methodology
 - o demonstration of sustainability (local, social, economic and environmental).

10.2. Evaluation Panel

An appropriately qualified Evaluation Panel will be established to evaluate each tender or quotation submission, against the published selection criteria and in accordance with the conditions of tender.

For procurements with a value of \$500,000 or greater, a tender evaluation panel comprising a minimum of three voting members must be established.

For all other EOI, RFQ or tender processes a minimum of two voting tender evaluation panel members will be required.

10.3. Shortlisting and negotiations

Council may conduct a shortlisting process for EOI, tender or RFQ procurements. Shortlisting can be based on any the published selection criteria, but only in pursuit of the most advantageous outcome for Council.

Negotiations (including a BAFO process) are only permitted:

- Where the EOI, tender or RFQ documents include provision for negotiation provisions;
- Will achieve a value for money outcome for Council; and
- Where negotiations remain within the intent and scope of the EOI, tender or RFQ.

Probity requirements apply to all negotiations.

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11. CONTRACT MANAGEMENT

Good contract management ensures goods, services or works are delivered to the required standards of quality and quantity as intended by the contract through:

- Establishing a system for monitoring and achieving the responsibilities and obligations of all parties under the contract.
- Providing a means for the early recognition of issues and performance problems and the identification of solutions.
- Adhering to the Council's Contracts Management Guide, Risk Management Framework and relevant Workplace Health and Safety requirements.

11.1. Contract variations

All contract variations must be assessed to determine whether they are properly characterised as variations, or whether they are in effect a new contract. This will depend on factors like:

- The monetary value of the proposed variation (i.e. the value of the variation in the context of the thresholds fixed by the Policy); and
- The subject matter of the proposed variation, and whether it is consistent with the scope of the original contract.

Contract variations must be approved in accordance with Council's delegations. Variations should not exceed the available budget.

12. COLLABORATIVE PROCUREMENT

In accordance with section 108(c) of the Act, Council will first give consideration to collaboration with other councils and public bodies or utilise existing collaborative procurement arrangements when procuring goods, services and works in order to take advantage of economies of scale.

Council will actively pursue opportunities to collaborate and work across municipal boundaries to improve procurement outcomes, maximise savings and benefits, share better practices and achieve enhanced value for money outcomes or other community benefits.

12.1. Identifying collaborative procurement opportunities

To aid in the identification of collaborative procurement opportunities, the procurement unit will maintain a *Collaborative Procurement Register* that will identify:

- Council contracts with a minimum value of \$500,000 (per annum for the ongoing supply of goods or provision of services or works).
- Other contracts which, due to the subject matter, nature or scope, are likely to deliver operational efficiencies if procured in collaboration for consideration as a possible joint procurement opportunity; and
- Projects that are bespoke or unique to Council (e.g. unique construction or works projects), which will be excluded from collaboration.

The overarching strategic aim of collaboration is for communities to benefit from the productive use of Council resources. Where benefit to the community, either directly or indirectly is unlikely to be achieved, a collaborative approach should not proceed.

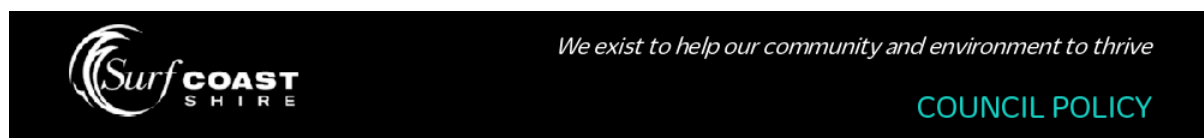
12.2. Participating in a collaborative procurement

Modification of Council's standard Procurement Policy requirements may be necessary to achieve the optimum benefits available from collaborative procurement opportunities.

Various models of collaborative procurement exist, each present varying challenges, governance and probity complexities, which without appropriate planning may otherwise limit Council's ability to participate in cooperative purchasing arrangements.

Accepted departures to standard policy and process requirements are as detailed in *Appendix 2 - Collaborative Procurement Parameters*.

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The standards set out in the *Best Practice Principles* of this Policy will continue to apply for all collaborative procurement.

12.3. Reporting requirements

When a report for a procurement is presented to Council for approval, it will include information relating to any collaborative arrangement opportunities that were explored as part of the procurement process including:

- The nature of those opportunities, if any, and councils or public bodies with which they are available; and
- Why Council did, or did not, pursue the identified opportunities for collaboration in relation to that procurement process.

13. SUSTAINABLE PROCUREMENT

Council is committed to reducing its environmental impacts and operating in a socially, financially and environmentally responsible manner.

Council staff will be supported to use Council's procurement processes to deliver sustainable procurement outcomes where such purchases may be justified on value for money grounds.

As part of a tender or request for quotation process, an evaluation panel may assign a weighting of up to 10% to a single selection criteria for the purpose of recognising one of the following:

- environmentally sustainable benefits
- strengthening and building the economic growth of Aboriginal and Torres Strait Islander owned businesses
- social benefits; and/or
- promoting economic benefits to the local region.

It is recognised that for some procurements, the above factors may compete with each other in importance.

For the purpose of achieving multiple sustainability outcomes, an evaluation panel may assign a collective weighting for the relevant selection criteria that does not exceed 20% in total.

Where council expenditure is funded from state or federal government grant monies the above requirements remain, unless there are grant conditions which require alternative social procurement criteria and/or weightings.

13.1. Environmental Sustainability

Under the *Local Government Act 2020* and *Climate Change Act 2021*, councils are obligated to reduce their greenhouse gas emissions and factor climate change into decision-making and actions that will impact future generations.

Council's Climate Emergency Corporate Response Plan 2021-2031 commits Council to monitoring and reporting on activities and programs that demonstrate environmental leadership, for example by:

- reducing greenhouse gas emissions
- increasing energy efficiency and the uptake of renewable energy
- reducing waste
- promoting a circular economy
- using environmentally sustainable design principles
- conserving water conservation; and
- protecting biodiversity.

In its procurement and purchasing, Council will value the following environmental sustainability criteria:

The waste hierarchy

The waste hierarchy is a set of priorities for the efficient use of resources. Waste avoidance is the highest priority, followed by reduction, reuse, recycling and recovery, with disposal being the very last option. Using this hierarchy avoids unnecessary consumption and waste throughout the product lifecycle.

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Supporting a circular economy

A circular economy shifts away from a linear process of making, using and disposing of products, to one where waste is avoided through good design, and resources are valued through the planned recovery and reuse of materials. ([Recycling Victoria: A new economy 2020](#)). In a circular economy, zero recoverable waste is sent to landfill.

Acting on climate change

Responding to climate change involves taking action to mitigate (reduce greenhouse gas emissions), adapt (build resilience to prepare for the impacts of our changing climate) and mobilise (empower people to implement climate solutions). Where possible, Council will choose products and suppliers that are carbon neutral or use low-emissions production methods and supply chains.

Supporting industry change to sustainable practices

All levels of government have a responsibility to use their purchasing power to support innovation in environmentally sustainable products and practices. Council can play a role in stimulating demand and strengthening local markets by purchasing products made from recycled content and using suppliers who utilise sustainable products and/or supply chains.

13.2. Social Sustainability

Social sustainability focuses on the social (or people) aspects of procurement and in particular social equity.

Social equity goals address disadvantage and are underpinned by principles of diversity, acceptance, fairness, compassion, inclusiveness and access for people of all abilities. A focus is placed on people who are underrepresented and people with less opportunity.

Social procurement generates positive outcomes and contributes to building stronger communities by elevating the inherent *social value* of doing business.

Where applicable within the context of purchasing on a value for money basis, Council staff will be supported to use Council's procurement processes and purchasing power to generate positive social and economic outcomes for our community through exploring opportunities including but not limited to:

- Engaging Social Enterprises for the procurement of goods or service.
- Valuing suppliers that identify principles of inclusion, diversity and gender equity.
- Promoting the use of suppliers/businesses owned by Aboriginal and Torres Strait Islander People.
- Council's commitment to actively participate in the G21 Regional Opportunities for Work (GROW) Program.

13.3. Support of local business

Council is committed to buying from local suppliers where such purchases may be justified on value for money grounds.

Council will also seek from prospective suppliers, where applicable, details of the economic contribution they will make to the local Shire and the wider G21 Region.

Such examples may include:

- engaging and contracting with local suppliers
- supply chain engagement of local sub-contractors
- suppliers participation in any local apprenticeship schemes
- contributing to the financial, social and environmental wellbeing of the G21 region; and/or
- enabling business expansion, growth and servicing of local business.

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Enhancement of the capabilities of local business and industry

Council is committed to the enhancement of local business and the wider G21 regional economy.

Enhancement of the capabilities of local business and industry means where local capacity exists, actively seeking to engage the local market and encourage their participation in tender and quotation processes, through:

- Actively seeking quotes from local suppliers and industry; and
- Ensuring that the discretionary elements of specifications do not prevent local businesses and industry from competing.

Enhancing opportunities for local business and industry does not mean giving preferential treatment to local suppliers.

14. IMPLEMENTATION OF THIS POLICY

Compliance will be monitored by Council's Procurement Unit and minor issues identified will be addressed by Council staff in leadership positions. Where required, serious compliance issues will be reported by the CEO, to the Audit and Risk Committee and to Council.

Responsible Officer	Roles and Responsibilities
Chief Executive Officer	Ensure overall organisation compliance with the policy.
General Managers	Ensure compliance with the policy by all Council Officers under their supervision.
General Manager Governance & Infrastructure	Overall responsibility for the policy implementation and compliance.
Managers	Ensure compliance with the policy by all Council Officers under their supervision.
Coordinator Procurement	Responsible for reviewing, updating and implementing policy. The Procurement Unit is the primary source for procurement advice, training and guidance.

14.1. Procurement Unit responsibilities

Council's Procurement Unit is responsible for and will:

- Development and review the Policy and associated guidelines, processes and procedures.
- Maintain procurement systems and tendering documentation.
- Provide best practice procurement advice and support to the organisation.
- Build organisational procurement capability through training and guidance materials.
- Promote awareness of and monitor compliance with this Policy and all relevant legislation.
- Report on procurement activity including compliance against this Policy.
- Collaborate with other councils and organisations to identify opportunities for continuous improvement and to deliver better value from procurement.

14.2. Policy review process

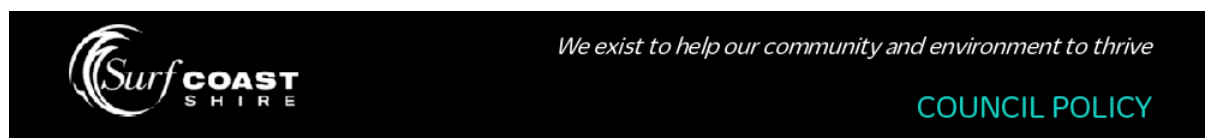
In accordance with the Act, Council will review its Policy at least once during each 4-year term of Council.

14.3. Policy owner and contact details

Council's General Manager Governance & Infrastructure is the designated owner of this Policy.

All questions regarding the Policy should be directed to the Coordinator Procurement.

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15. RELATED PROCEDURE

Nil

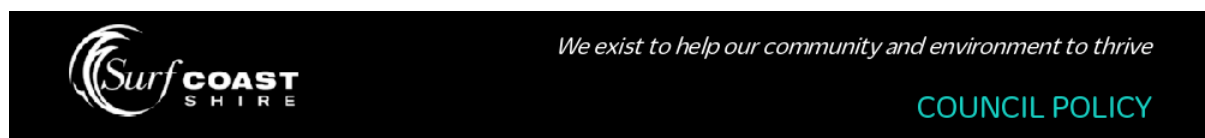
16. REFERENCES

- Councillor Code of Conduct
- Staff Code of Conduct
- Contract Management Procedures
- Instruments of Delegation
- Fraud Control Policy
- Corporate Card Procedures
- Gifts, Benefits & Hospitality Policy
- Risk Management Policy
- Local Government Act 2020
- Preface to new Local Government Best Practice Procurement Guidelines
- The relevant provisions of the Competition and Consumer Act 2010 (Cwth)
- Fair Work Act 2009
- Environment Protection Act 2017 and
- other relevant Australian Standards

17. DOCUMENT HISTORY

Version	Document History	Approved by – Date
1	Amended	Council Resolution –

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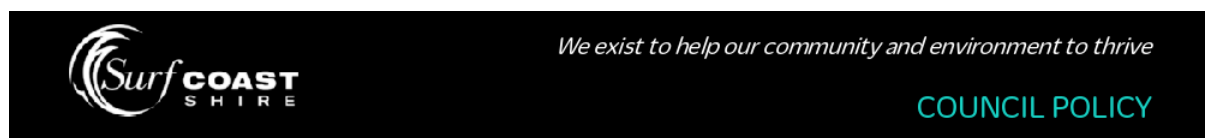


APPENDIX 1 – ACCEPTED EXEMPTIONS

- Regardless of the nature of the expenditure, Council Staff are to adhere to the Best Practice Principles (including Value for Money) of the Procurement Policy as part of any contractual arrangement.

Expenditure Type	Exempt from Procurement Thresholds	Exempt from Purchase Order
Legal Services	Yes	No
Novated Contracts (initial contract complied with Procurement Thresholds)	Yes	No
Statutory Compulsory Insurances (Motor vehicle compulsory third party and Workover)	Yes	Yes
*Insurance Brokerage Fees	No	No
Carbon Offsets (Price of Carbon Offset units and certification fees)	Yes	No
*Carbon Offsets consultancy fees	No	No
Australia Post (Postage and over the counter transaction fees)	Yes	No
Information Technology resellers and software developers Renewal of existing software licenses, maintenance and support agreements or upgrade existing systems and the intellectual property is owned by a single provider	Yes	No
Utilities and Service Authorities <ul style="list-style-type: none"> Realignment or other infrastructure works to assets controlled by service authorities (e.g. water, gas, electricity), where use of the authority's contractors is mandated. Permit and application fees charged by service authorities in relation to the above works 	Yes	No
Statutory Taxes, Levies, Fines and Regulatory fees (e.g. PAYG, GST, EPA levies, motor vehicle registrations)	Yes	Yes
Loans and Investments	Yes	Yes
Property acquisitions (Land and Buildings)	Yes	Yes
Property Leases and Licences	Yes	No
Financial and operating leases where ownership of the goods does not transfer to Council at completion (e.g. motor vehicles, I.T. equipment, gymnasium equipment)	Yes	No
Contracts of Employment (person as an employee of the council)	Yes	Yes
Advertising Costs (recruitment, public notices, general advertising)	Yes	No
Memberships and Subscriptions	Yes	No
Venue Hire	Yes	No
Grants, Contributions, Donations and Reimbursements	Yes	Yes
Professional workshops, conference fees and certification courses	Yes	Yes
Medical Expenses	Yes	Yes

6.4 SCS-019 Procurement Policy



APPENDIX 2 – COLLABORATIVE PROCUREMENT PARAMETERS

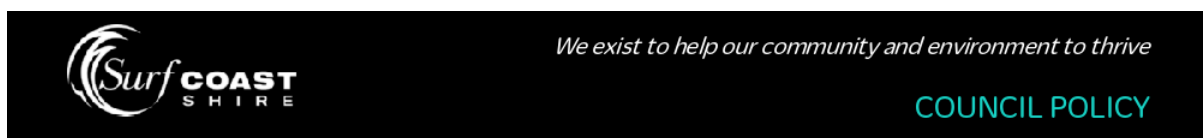
The two primary methods of Collaborative Procurement are:

1. Where another entity has established an existing contract or arrangement, that permits Council to engage suppliers within the terms of the other entity's head agreement; or
2. A joint approach between Council and another entity(s) to the market.

The following departures to standard Procurement Policy requirements and process, are accepted with a view to removing barriers that may otherwise limit collaborative procurement opportunities for Council.

Collaborative Method	Entity / Contract Type	Description/ Limitations	Policy Exemptions
1.1	SPC (Victorian State Purchasing) WoGV (Whole of Government) • Contract or Standing Offer Agreement	Head agreement must include provision for Council use. Council use must be within Contract scope	Clause: 9 (excl. 9.7), 10 13.1
1.2	WRRG (Waste & Resource Recovery Groups). • Existing Contract or Standing Offer	Head agreement must include provision for Council use. Type of engagement must be within head Contract scope	Clause: 9(excl. 9.7), 10 13.1
1.3	Group Buying Agents (Aggregators): Municipal Association of Victoria (MAV), National Procurement network members (e.g. Local Buy), Procurement Australia (PA) • Existing Public Tendered Contract or Standing Offer Agreement	Head agreement must include provision for Council use. Type of engagement must be within head Contract scope. <i>Clause 9* - these contracts often include variable schedules of rates, some form of competitive procurement process may still need to be undertaken to demonstrate value for money e.g. RFQ within contract panel, in lieu of a Tender.</i>	Clause: 9* (exc. 9.7) 10 13.1
1.4	Federal and State Government: prequalified Supplier Lists (e.g. Construction Supplier Register) Preferred Supplier lists established without a tender process and /or pricing has not been obtained as part of prequalification.	Terms of Supplier Prequalification must include provision for Council use. <i>Clause 9.5* - Council staff are required to demonstrate value for money by undertaking a further competitive procurement process with the prequalified suppliers, noting the following amendments;</i> • For expenditure \$350K or greater - a Select Tender process may be used in lieu of Public Tender; and • For all other expenditure General Manager may approve a reduction in minimum suppliers invited to quote.	Clause: 9.5* (only) 13.1
2.	A joint market approach with other government entities, government-owned entity or other approved third party. Council is part of the joint approach to market a contract for the procurement of goods services or work. <i>When considering partnerships for joint procurements, the Surf Coast Shire Council will in the first instance look for collaborative opportunities with other G21 Regional Councils to enhance the capabilities of local industry.</i>	Council may only participate in a joint tender where a <i>Procurement Collaboration Plan</i> is developed and agreed to by all participating entities. A <i>Procurement Collaboration Plan</i> may take various forms and is scalable to reflect the complexity, risk and nature of the procurement. At a minimum a plan will include; • Recording of initial CEO authorisation to participate in the joint procurement; • Address management of probity and risk throughout the procurement process • Roles and responsibilities for participants including development specification request for tender documentation, and form of	Clause: 9 (excl. 9.7), 10 13.1*

6.4 SCS-019 Procurement Policy



Collaborative Method	Entity / Contract Type	Description/ Limitations	Policy Exemptions
		<p>contract;</p> <ul style="list-style-type: none"> Address each entities individual requirements for acceptance of tender(s) and awarding of contract(s) <p>At a minimum, General Manager approval of the final Collaboration Plan is required for Council to participate in a joint tender.</p> <p><i>*Clauses 9, 10 & 13.1 – in the event of any other conflict between the approved Collaboration Plan and Council's Procurement Policy, which may otherwise prevent a joint tendering opportunity, the CEO may authorise that Collaboration Plan take precedence (excluding changes to clause 9.7).</i></p>	

6.5 Project Budget Adjustments and Cash Reserve Transfers - November 2021

Author's Title: Coordinator Management Accounting **General Manager:** John Bertoldi

Department: Finance

File No: F18/850-4

Division: Governance & Infrastructure

Trim No: IC21/1850

Appendix:

Nil

Officer Conflict of Interest:

In accordance with Local Government Act 2020 –
Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance
with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to present the project budget adjustments and cash reserve transfers for Council approval and the project budget adjustments and cash reserve transfers endorsed by the Executive Management Team for Council ratification.

Summary

The project budget adjustments presented in this November 2021 report relate to the 2021-22 financial year. All figures in this report are exclusive of GST.

Recommendation

That Council:

1. Approves the project budget adjustments and ratifies the project budget adjustments endorsed by the Executive Management Team outlined in Tables 1 to 7 of this report.
2. Approves the net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From / (To) Reserve
Asset Renewal Reserve	55,112
Grand Total	55,112

Council Resolution

MOVED Cr Adrian Schonfelder, Seconded Cr Mike Bodsworth

That Council:

1. Approves the project budget adjustments and ratifies the project budget adjustments endorsed by the Executive Management Team outlined in Tables 1 to 7 of this report.
2. Approves the net changes to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From / (To) Reserve
Asset Renewal Reserve	55,112
Grand Total	55,112

CARRIED 9:0

6.5 Project Budget Adjustments and Cash Reserve Transfers - November 2021

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Nil	Nil
Cr Barker		
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Mayor Stapleton		
Cr Wellington		
CARRIED 9:0		

6.5 Project Budget Adjustments and Cash Reserve Transfers - November 2021

Report

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Background

In providing a balance between smooth project delivery and ensuring Council involvement in decision making on material scope change or new projects to be created, the Executive Management Team are being presented on a fortnightly basis for its endorsement project budget adjustments of a straight forward nature such as allocating grant funding to a project and corrections. Transfers relating to material scope change or new projects not already approved by Council are presented to Council for approval. Transfers endorsed by the Executive Management Team are presented to Council for ratification. This process ensures that Councillors have the decision on major changes and are kept informed of all project budget changes; allowing for smooth project delivery. The report also provides transparency for the community.

Discussion

The following project adjustments, detailed in Table 1 and 2, are required where it has been identified that projects require adjustments to their approved budgets to allow achievement of project scope and objectives; or there is a request to adjust project scope. The project adjustments in Table 1 have been endorsed at an Executive Management Team meeting.

Table 1 – For Council Ratification - Projects Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
COVID-19 Vaccination Program Community Engagement Grant	Grant Funded	This Department of Health program aims to support the vaccine roll out by addressing vaccine hesitancy and misinformation in the Victorian community. The funding is an extension to our original funding in 2020-21 and can be used for communication and engagement activities.	7,746
Strategic Focus Officer Allowance	Project Account	The 12 month Strategic Initiatives Coordinator is funded by the 'Strategic Focus Officer Allowance' project and the 'Key Worker Accommodation Crisis' project. Projects will be consolidated into one project, commencing with development of a residential accommodation action plan.	(60,000)
Key Worker Accommodation Crisis			60,000
Kindergarten Central Enrolment Development	Project Account	Procurement of the kinder enrolment enhancement software is being delivered under the 'Digital Transformation Customer View - Kindergarten Enrolment Enhancements' project. Propose to consolidate funding under the one project for efficient delivery and project management.	(14,000)
Digital Transformation Customer View - Kindergarten Enrolment Enhancements			14,000

Table 2 – For Council Approval - Projects Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Nil			

6.5 Project Budget Adjustments and Cash Reserve Transfers - November 2021

The following budget transfers, detailed in Tables 3 and 4, are newly initiated projects, Table 3 projects have been endorsed at an Executive Management Team meeting.

Table 3 – For Council Ratification – New Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Ballanclea Road Upgrade	Contribution Funded	At the January 2021 Council Meeting, Council supported the private contribution to upgrade Ballanclea Road. The project contribution will total \$135,000. The Road Safety Program will deliver the intersection sealing concurrently with this project for efficiencies from its existing budget.	135,000

Table 4 – For Council Approval – New Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Nil			

The following project closures, detailed in Table 5, have been endorsed at an Executive Management Team meeting.

Table 5 – For Council Ratification – Closed Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Community Garden 3231 Shed Repairs & Shipping Container Storage Contribution	Project Savings	Scope complete on budget. Total project cost \$4,200.	-

Projects in Table 6 have been endorsed under Council delegation by the Chief Executive Officer.

Table 6 – For Council Ratification – CEO Approved Transfers

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Bob Pettitt Reserve Electrical Renewal and Performance Shelter Connection	Asset Renewal Reserve	Replacement of electrical connections at Bob Pettitt Reserve which includes servicing the new Performance Shelter. A \$55,112 allocation from the Asset Renewal Reserve is required to meet additional costs of rewiring facilities to meet Powercor and electrical industry requirements. Revised project budget \$140,318.	55,112
	Project Account		5,206
Bob Pettitt Performance Shelter	Project Account	A project budget transfer of \$5,206 from the existing project 'W68086 Bob Pettitt Performance Shelter' will contribute to the new electrical connection.	(5,206)

6.5 Project Budget Adjustments and Cash Reserve Transfers - November 2021

Table 7 – Accumulated Unallocated Cash Reserve Movement

Accumulated Unallocated Cash Reserve	2021-22 \$'000	2022-23 \$'000	2023-24 \$'000	2024-25 \$'000
Opening Balance	3,493	3,049	2,316	718
Budgeted Annual Surplus/(Deficit)	50	(1,018)	(1,598)	(3,312)
Transfer for Adopted Projects Funded	(465)	285	-	-
Net Allocations During Year	(30)	-	-	-
New Allocations Proposed	-	-	-	-
Closing Balance *	3,049	2,316	718	(2,594)

Accumulated Unallocated Cash Reserve	2021-22 \$'000
Net Allocations During Year	
Winchelsea Leisure Time Centre Rectification Works	(30)
Net Allocations (From)/To	(30)
New Allocations Proposed	
Nil	-
Total New Net Allocations (From)/To	-

*Note: Includes budgeted annual surplus/(deficit) as per Adopted Budget 2021-22.

Council Plan

Theme 7 Accountable and Viable Council
Strategy 18 Establish a sustainable financial position

Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	No
Human Rights Charter	No

6.5 Project Budget Adjustments and Cash Reserve Transfers - November 2021

Governance Principles - Local Government Act 2020 (LGA 2020)

This report contributes to financial viability by ensuring Council approves and is well informed about the allocation and movement of project funds to achieve the best outcomes for the municipal community.

Public Transparency

This report contributes to public transparency by ensuring that the allocation and movement of project funds is made available to the community.

Financial Management

This report contributes to financial management principles by recording the allocation and movement of project funds that may impact on the budget, current and future.

Service Performance

This report contributes to service performance for project delivery by considering the allocation and movement of project funds for successful project outcomes.

Risk Assessment

There are no identified Workplace Health and Safety implications associated with this report.

Options

Option 1 – Not approve transfers as recommended

This option is not recommended by officers because transfers are necessary to allow ongoing delivery and closure of projects, and have been through a series of governance checks.

Option 2 – Adopt officer recommendation

This option is recommended by officers as the project budgets and cash reserve transfers supports implementations of Council's strategies.

Conclusion

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for November 2021.

7. REPORTS FOR NOTING

Nil

8. URGENT BUSINESS

Nil

9. PROCEDURAL BUSINESS

9.1 Conflict of Interest Records

Author's Title: Governance Officer

General Manager: John Bertoldi

Department: Governance and Risk

File No: F18/225-3

Division: Governance & Infrastructure

Trim No: IC21/1775

Appendix:

1. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 26 October 2021 (D21/205004)
2. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Workshop - Session with EMT - 28 October 2021 (D21/215942)
3. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 3 November 2021 (D21/210703)
4. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 9 November 2021 (D21/214449)
5. Conflict of Interest Record - Meetings conducted under the auspices of Council - Anglesea Community Action Network - 10 November 2021 (D21/215945)

Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

☐

Yes

☒

No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to receive and note any conflict of interest records received since the previous Council meeting.

Summary

The *Local Government Act 2020* (the Act) outlines requirements for Councillors to declare and manage conflicts of interests. By disclosing conflicts of interests and following the prescribed procedures, Councillors engage in practices that promote the integrity and transparency of decision-making.

The attached conflict of interest records are prepared in accordance with the Act and Council's Governance Rules. The Act outlines that the procedure for disclosing conflicts must be included within the Governance Rules and Chapter 3 of these rules prescribes that a record of any meeting held under the auspices of Council must be kept and presented to the next possible Council meeting.

Meetings held under the auspices of Council may include (but are not limited to) Councillor briefings or forums, advisory committee meetings, public consultations and site meetings (including meetings the Council arranges jointly with other organisations).

These records replace the previous requirements for 'Assemblies of Councillors' under the *Local Government Act 1989*.

Recommendation

That Council receives and notes the conflict of interest records for the following meetings:

- Councillor Briefings - 26 October 2021
- Councillor Workshop - Session with EMT - 28 October 2021
- Councillor Briefings - 3 November 2021
- Councillor Briefings - 9 November 2021
- Anglesea Community Action Network - 10 November 2021

9.1 Conflict of Interest Records

Council Resolution

MOVED Cr Paul Barker, Seconded Cr Gary Allen

That Council receives and notes the conflict of interest records for the following meetings:

- Councillor Briefings - 26 October 2021
- Councillor Workshop - Session with EMT - 28 October 2021
- Councillor Briefings - 3 November 2021
- Councillor Briefings - 9 November 2021
- Anglesea Community Action Network - 10 November 2021

CARRIED 9:0

For

Cr Allen
Cr Barker
Cr Bodsworth
Cr Gazzard
Cr Hodge
Cr Pattison
Cr Schonfelder
Mayor Stapleton
Cr Wellington

Against

Nil

Abstained

Nil

CARRIED 9:0

9.1 Conflict of Interest Records

APPENDIX 1 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 26 OCTOBER 2021



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 26 October 2021
Responsible Officer: Chief Executive Officer
Date: 26 October 2021
In Attendance: Yes (✓) No (X)

Councillors	✓	Officers	✓
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Gary Allen	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Paul Barker	✓	General Manager Culture & Community – Chris Pike	✓
Cr. Mike Bodsworth	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Kate Gazzard	X	Coordinator Governance - Liberty Nash	✓
Cr. Rose Hodge	✓	Governance Officer - Julie Morales	✓
Cr. Liz Pattison	✓		
Cr. Adrian Schonfelder	✓		
Cr. Heather Wellington	X		

MEETING COMMENCED	9:34am	MEETING CONCLUDED	11:48am
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Matters considered at the meeting
1. Agenda Review
2. Our Capacity Challenge
3. Monthly Program Status Report Update - Sept 2021
4. Digital Transformation Program Update - Sept/Oct 2021
5. Water Quality Analysis of North Torquay Drainage Network - Sept 2021
6. Monthly Finance Report - Sept 2021
7. Quarterly Council Resolutions Update - July - Sept 2021
8. Councillor Topics

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil		
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> Responsible Officer Signature: </div> <div> Print Name: Robyn Seymour </div> </div>		

To be completed on conclusion of session and provided to Governance Officer.

Governance Rules, Chapter 3, Clause 3

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—

- a) reported at a meeting of the Council; and
- b) incorporated in the minutes of that Council meeting.

Auspices of the Council

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 2 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - COUNCILLOR WORKSHOP - SESSION WITH EMT - 28
OCTOBER 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Councillor Workshop – Session with EMT
Responsible Officer: John Bertoldi
Date: 28 October 2021
In Attendance: Yes (✓) No (X)

Councillors		Officers	
Cr. Gary Allen	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Paul Barker	X	General Manager Culture & Community - Chris Pike	✓
Cr. Mike Bodsworth	✓	General Manager Planning & Environment - Ransce Salan	✓
Cr. Kate Gazzard	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Rose Hodge	✓		
Cr. Liz Pattison	✓		
Cr. Adrian Schonfelder	✓		
Cr. Libby Stapleton	✓		
Cr. Heather Wellington	X		

MEETING COMMENCED	10.30am	MEETING CONCLUDED	1.00pm
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Matters considered at the meeting
<ol style="list-style-type: none"> 1. General discussion around how Councillors had worked since election 2. General discussion around how Councillors could work better with EMT and the organisation moving forward

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
N/A		
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> Responsible Officer Signature: </div> <div> Print Name: John Bertoldi </div> </div>		

Governance Rules, Chapter 3, Clause 3

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—

- a) reported at a meeting of the Council; and
- b) incorporated in the minutes of that Council meeting.

Auspices of the Council

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 3 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 3 NOVEMBER 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 3 November 2021
Responsible Officer: Chief Executive Officer
Date: 3 November 2021
In Attendance: Yes (✓) No (X)

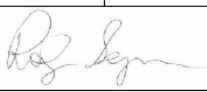
Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Gary Allen	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Paul Barker	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Mike Bodsworth	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Kate Gazzard	✓	Climate and Sustainability Officer - Sean Keown	✓
Cr. Rose Hodge	✓	Acting Coordinator of Procurement - Julie Finnigan	✓
Cr. Liz Pattison	✓	Acting Revenue Coordinator - Toni Ristevski	✓
Cr. Adrian Schonfelder	✓	Administration Officer - Planning & Development - Claire Cowan	✓
Cr. Heather Wellington	X	Community Development Advisor - Shannon Fielder	✓
		Community Project Officer – Terri Hannan	✓
		Coordinator Environment - Kate Smallwood	✓
		Coordinator Environmental Sustainability - Sally Sneddon	✓
		Coordinator Environmental Sustainability - Lauren Watt	✓
		Acting Manager Planning & Development - Karen Hose	✓
		Governance Officer - Julie Morales	✓
		Governance Statutory Compliance & Reporting Officer - Zoe Eastick	✓
		Manager Business Improvement - Brendan Walsh	✓
		Manager Community Relations - Damian Waight	✓
		Manager Economic Development - Matt Taylor	✓
		Manager Environment and Community Safety - Rowan Mackenzie	✓
		Manager Facilities and Open Space Operations - Travis Nelson	✓
		Manager Governance and Risk - Sasha Tarasin	✓
		Manager Social Infrastructure Planning - Shaan Briggs	✓
		Principal Strategic Planner - Barb Noelker	✓
		Principal Strategic Planner - Michelle Warren	✓
			✓

MEETING COMMENCED	10:00am	MEETING CONCLUDED	2:56pm
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Matters considered at the meeting
1. Advocacy Discussion
2. Great Ocean Road & Environs Protection Amendment Bill 2021
3. SCS-019 Procurement Policy Review
4. SCS-003 Rates Assistance Policy
5. Planning Scheme Amendment C133Surf - Implementation of the Rural Hinterland Futures Strategy

9.1 Conflict of Interest Records



6. Plastic Wise Policy Review		
7. Planning Scheme Amendment C140 - Correctional Amendment		
8. Environmentally Sustainable Council Facilities Policy		
9. Small Grants - September 2021		
10. Other Business - Councillor Topics		
Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil		
Responsible Officer Signature: 		Print Name: Robyn Seymour
To be completed on conclusion of session and provided to Governance Officer.		

Governance Rules, Chapter 3, Clause 3

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—

- a) reported at a meeting of the Council; and
- b) incorporated in the minutes of that Council meeting.

Auspices of the Council

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 4 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 9 NOVEMBER 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 9 November 2021
Responsible Officer: Chief Executive Officer
Date: 9 November 2021
In Attendance: Yes (✓) No (X)

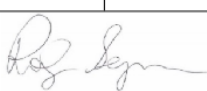
Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Gary Allen	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Paul Barker	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Mike Bodsworth	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Kate Gazzard	X	Biodiversity Officer - Gabrielle O'Shea	✓
Cr. Rose Hodge	✓	Community Engagement Facilitator - Robyn Lucas	✓
Cr. Liz Pattison	✓	Community Fire Safety and Environment Officer - Zac Hooper-Travers	✓
Cr. Adrian Schonfelder	✓	Coordinator Communications and Community Engagement - Darryn Chiller	✓
Cr. Heather Wellington	X	Coordinator Environment - Kate Smallwood	✓
		Coordinator Environmental Health - Adam Lee	✓
		Coordinator Governance - Liberty Nash	✓
		Coordinator Governance Projects - Wendy Hope	✓
		Coordinator Management Accounting - Tim Dickson	✓
		Ecologist - Robyn Neville	✓
		Governance Officer - Julie Morales	✓
		Manager Business Improvement - Brendan Walsh	✓
		Manager Community Relations - Damian Waight	✓
		Manager Community Strengthening - Jill Moodie	✓
		Manager Economic Development - Matt Taylor	✓
		Manager Environment and Community Safety - Rowan Mackenzie	✓
		Manager Facilities and Open Space Operations - Travis Nelson	✓
		Manager Finance - Gabby Spiller	✓
		Manager Governance and Risk - Sasha Tarasin	✓
		Project Manager - Capital and Operational Projects - Kane Rogozik	✓
		Senior Project Design Engineer - Aoife Corcoran	✓
		Team Leader Youth Development - Jack Pearson	✓

MEETING COMMENCED	10:07am	MEETING CONCLUDED	3:06pm
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Matters considered at the meeting
1. Lorne Swing Bridge Lights Concept Update
2. Winchelsea Common

9.1 Conflict of Interest Records



3. Budget 2022-23 Briefing #1: Budget Process		
4. RACV Stormwater Harvesting Licence Renewal		
5. Our Communications Approach		
6. Supporting Our Youth		
7. Design Tender for the Aquatic and Health Centre		
8. Council Meeting Report Template Review		
9. Winchelsea Leisure Time Centre Rectification Works Update		
10. Final Municipal Early Years Plan (MEYP)		
11. Review of Community Amenity Local Law - Submissions		
12. Reports Coming to the November Council Meeting		
13. Draft Safer Cycling Strategy and Action Plan		
14. Private Planning Scheme Amendment Fee Policy Review		
15. SCS-027 - Planning Consultation Policy Review		
16. Other Business - Councillor Topics		
Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil		
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> Responsible Officer Signature:  </div> <div> Print Name: Robyn Seymour </div> </div>		
To be completed on conclusion of session and provided to Governance Officer.		

Governance Rules, Chapter 3, Clause 3

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—

- a) reported at a meeting of the Council; and
- b) incorporated in the minutes of that Council meeting.

Auspices of the Council

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

9.1 Conflict of Interest Records

**APPENDIX 5 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE
AUSPICES OF COUNCIL - ANGLESEA COMMUNITY ACTION NETWORK - 10
NOVEMBER 2021**



Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

Description of Meeting: Anglesea Community Action Network (monthly)
Responsible Officer: Rob McVernon/Sally Sneddon
Date: 10 November 2021
In Attendance: Yes (✓) No (X)

Councillors		Officers	
Cr. Gary Allen	x	Community Development Advisor - Sally Sneddon	✓
Cr. Paul Barker	x	Volunteer Advisor - Rob McVernon	✓
Cr. Mike Bodsworth	✓		
Cr. Kate Gazzard	x		
Cr. Rose Hodge	x		
Cr. Liz Pattison	x		
Cr. Adrian Schonfelder	x		
Cr. Libby Stapleton	✓		
Cr. Heather Wellington	x		

MEETING COMMENCED	1:00 PM	MEETING CONCLUDED	2:05 PM
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Matters considered at the meeting
<ol style="list-style-type: none"> 1. Cr Stapleton gave updates on Domestic Animal Management Plan, mosquito controls 2. Cr Bodsworth gave updates on Anglesea river heath monitoring 3. All community members gave updates on behalf of their community groups/interests as per meeting notes 4. Rob reported on actions from last meeting and noted new actions

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil		
Responsible Officer Signature: Print Name: Sally Sneddon		
To be completed on conclusion of session and provided to Governance Officer.		

Governance Rules, Chapter 3, Clause 3

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—

- a) reported at a meeting of the Council; and
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- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

10. NOTICE OF MOTIONS

Nil

11. CLOSED SECTION

Council Resolution

MOVED Cr Adrian Schonfelder, Seconded Cr Rose Hodge

That Council, pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020*, close the meeting to members of the public at 8:37pm to resolve on matters pertaining to items that deal with information that is confidential in accordance with section 3(1) of the Act, as follows:

- 11.1 T22-014 - Design Tender for the Surf Coast Aquatic and Health Centre** - confidential in accordance with section 3(1)(xd.), pertaining to contractual matters.

CARRIED 9:0

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Nil	Nil
Cr Barker		
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Mayor Stapleton		
Cr Wellington		

CARRIED 9:0

Close: There being no further items of business the meeting closed at 8:42pm.

Council Resolution

MOVED Cr Mike Bodsworth, Seconded Cr Kate Gazzard

That Council:

1. Accepts the tender from Peddle Thorp Melbourne Pty Ltd for the design of the Surf Coast Aquatic and Health Centre based on the outcome of the tender evaluation, having found that the tender meets the project requirements and provides best value for money.
2. Awards contract T22-014 Architectural Design Services – Surf Coast Aquatic and Health Centre to Peddle Thorp Melbourne Pty Ltd as a lump sum contract with a value of \$1,537,440.00 (excl. GST).
3. Authorises the Chief Executive Officer to execute contract documents on behalf of Council.
4. Authorises the Senior Contracts Manager to act as Superintendent for contract T22-014, including authorising variations in accordance with the contract conditions.
5. Deems this resolution is not confidential.
6. Notes that unsuccessful tenderers will be advised of the outcome of the tender process.

CARRIED 9:0

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr Allen	Nil	Nil
Cr Barker		
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Mayor Stapleton		
Cr Wellington		

CARRIED 9:0

*The above item was resolved in the closed section of the Council meeting, with the resolution deemed to not be confidential.