

Agenda

Ordinary Meeting of Council
Tuesday, 26 November 2019

To be held in the
Council Chambers
1 Merrijig Drive, Torquay

Commencing at 6:00pm

Council:

Cr Rose Hodge (Mayor)
Cr David Bell
Cr Martin Duke
Cr Clive Goldsworthy
Cr James McIntyre
Cr Brian McKiterick
Cr Tony Revell
Cr Margot Smith
Cr Heather Wellington

AGENDA FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 26 NOVEMBER 2019 COMMENCING AT 6.00PM

PRESENT:

OPENING:

Council acknowledge the traditional owners of the land where we meet today and pay respect to their elders past and present and Council acknowledges the citizens of the Surf Coast Shire.

PLEDGE:

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:

CONFIRMATION OF MINUTES:

Recommendation

That Council note the minutes of the Ordinary meeting of Council held on 22 October 2019, and the Special meeting of Council held on 7 November 2019, as correct records of the meetings.

LEAVE OF ABSENCE REQUESTS:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

Councillors and Officers please note that in accordance with Section 77A of the Local Government Act 1989, there is an obligation to declare a conflict of interest in a matter that could come before Council.

A conflict of interest can be a direct or indirect interest in a matter.

A person has a direct interest if:

There is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.

A person has an indirect interest if the person has:

- 1. A close association whereby a "family member" of the person has a direct or indirect interest or a "relative" or member of a person's household has a direct interest in a matter;*
- 2. An indirect financial interest in the matter;*
- 3. A conflicting duty;*
- 4. Received an "applicable" gift;*
- 5. Become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter; or*
- 6. A residential amenity affect.*

Disclosure of Interest

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

PRESENTATIONS:

PUBLIC QUESTION TIME:

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1. PETITIONS & JOINT LETTERS

1.1 Petition - Requesting Funding for Moriac Beautification

Author's Title: Executive Assistant Community

General Manager: Chris Pike

Department: Culture & Community

File No: F16/1389

Division: Culture & Community

Trim No: IC19/1841

Appendix:

1. Petition - Budget Request - Moriac Beautification Project - Beautification of Moriac Township
Community Workshop Ideas - Redacted (D19/158557)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐ Yes

☒ No

☐ Yes

☒ No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the petition from the Moriac Community Network requesting funding in the budget for a project to beautify and improve the Moriac township.

The petition consists of 117 signatures including one name but with no signature and another two names with only one signature.

Recommendation

That Council, in accordance with its Local Law No. 2 – Meeting Procedure:

1. Receives and notes the petition from the Moriac Community Network requesting funding in the budget for a project to beautify and improve the Moriac township.
2. Refers the petition to the General Manager Community and Culture for consideration.
3. Requires a report on the petition be presented to the December 2019 Ordinary Council Meeting.

1.1 Petition - Requesting Funding for Moriac Beautification

**APPENDIX 1 PETITION - BUDGET REQUEST - MORIAC BEAUTIFICATION PROJECT -
BEAUTIFICATION OF MORIAC TOWNSHIP COMMUNITY WORKSHOP IDEAS -
REDACTED**

118.
24/10/19

improve the Moriatic Shire through the
l. We need improved
functional place for

NAME	ADDRESS	SIGNATURE
		
		

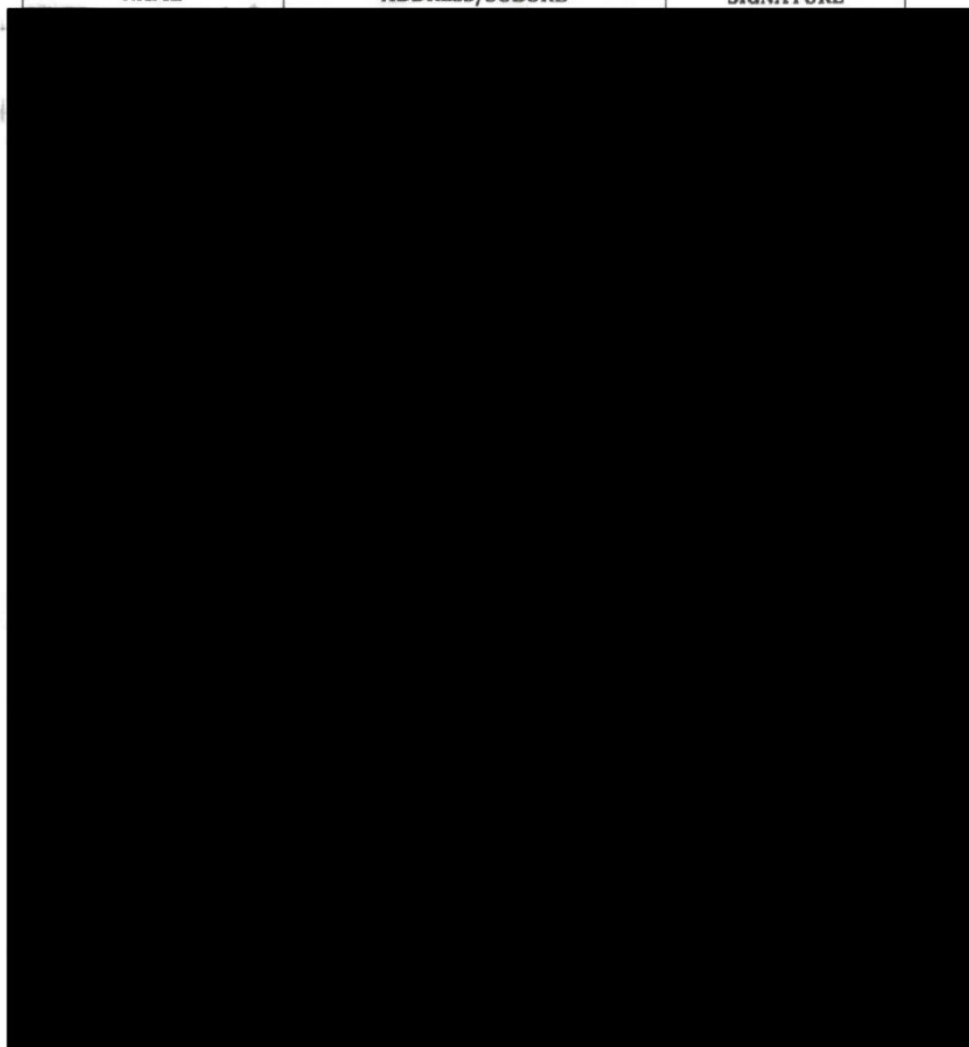
(1)

MORIAC BEAUTIFICATION PROJECT

We the undersigned residents and rate payers wish Moriac to receive funding in the budget from the Surf Coast Shire for a project to beautify and improve the Moriac township. Moriac is growing and changing and many visitors enter the Shire through the township and is often used as the return trip from the Great Ocean Road. We need improved facilities and presentation to ensure Moriac remains an attractive and functional place for locals and visitors to enjoy. This will also help with pedestrian safety and cultural value.

Email signed pages or any questions to: moriaccommunitynetwork@gmail.com or post to 112 Monahans Rd, Gnarwarre 3221

NAME	ADDRESS/SUBURB	SIGNATURE
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FIX ALL STREET LIGHTS
BETTER PUBLIC TOILETS
FIX DRAINAGE HENDY MAIN RD WATER OVER FOOT PATH

2

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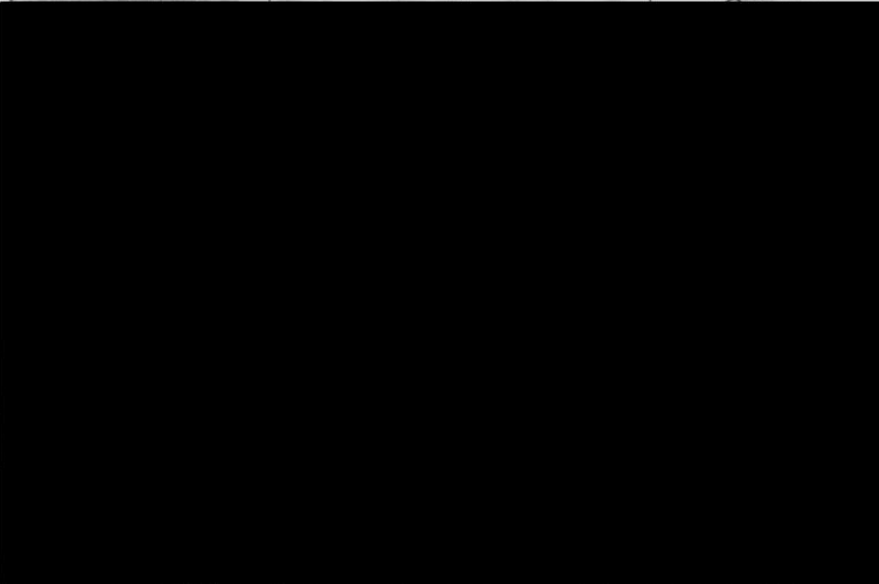
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NAME	ADDRESS/SUBURB	SIGNATURE			
					

DON'T PLANT TREES UNDER POWER LINES !!
JENNY MAIN RD

BEAUTIFICATION OF MORIAC TOWNSHIP COMMUNITY WORKSHOP IDEAS

24th October 2019

Town Entrance Eg. feature artwork in Lions Park, sign entrance feature to slow traffic, rumble strips
Bus stop improvement near toilets Eg. sealed road edging and better painting Seal car park to bus stop and toilet
Pedestrian refuges / crossovers Eg to Ravens, Hinterland and bus stop
Improve Intersection Design improved traffic flow, prevent confusion, better road painting and sealing
Moriac Toilets Upgrade to more toilets cleaner facilities (more cleans)
Moriac Lions Park landscaping eg. a feature colour tree, gardens, paving, rubbish bins and recycling and timber enclosed areas Paint gazebo and more seating in shade
Moriac noticeboard Eg. tourist information and new maps How to find petrol stations, return to Geelong/Torquay Highlight local businesses, wineries etc
Pathways Footpaths to Ravens Creek Gravel pathway in Greenfields Reserve loop back to Hendy Main Road Gravel pathway to Mt Moriac Hotel and Modewarre FNC Gravel pathway to Modewarre Hall
Dog Litter Eg. Fenced oval for dog off leash and rubbish bags/bin, more bins
Drainage Fix Hendy Main Road drainage
Moriac Hall Air conditioning Solar power

BEAUTIFICATION OF MORIAC TOWNSHIP COMMUNITY WORKSHOP IDEAS

24th October 2019

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Moriac Hall Air conditioning Solar power

2. RESPONSIBLE & PLANNING AUTHORITIES

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

Author's Title: Coordinator Statutory Planning

General Manager: Ransce Salan

Department: Statutory Planning

File No: 19/0099

Division: Environment & Development

Trim No: IC19/1745

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

☐

Yes

☒

No

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to determine a position on Planning Permit Application 19/0099 - 30 Railway Terrace, Deans Marsh.

Summary

DATE RECEIVED	14/03/2019
PROPERTY ADDRESS	30 Railway Terrace, Deans Marsh
APPLICANT	Rosevear Planning Associates
PROPOSAL	Use of the land for the disposal of clean fill, the development of earthworks and alterations to access in a Road Zone
ZONE	Farming Zone
OVERLAY/S	Land Subject to Inundation Overlay (part), Salinity Management Overlay (part)
PERMIT TRIGGERS	Clause 35.07-1, Clause 35.07-4, Clause 52.29
RESTRICTIVE COVENANTS	No
CURRENT USE/ DEVELOPMENT	Dwelling
CULTURAL HERITAGE MANAGEMENT PLAN	Not Required
OBJECTIONS	At the time of writing this report: 33 objections, 17 supporting submissions
STATUTORY DAYS	83

Recommendation

That Council having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to Refuse to Grant a Permit for planning application 19/0099 under the Surf Coast Planning Scheme in respect of the land known and described as 30 Railway Terrace, Deans Marsh for the use of the land for the disposal of clean fill, the development of earthworks and alterations to access in a Road Zone in accordance with the plans submitted with the application, on the following grounds:

1. The application results in land use conflicts inconsistent with the purpose and decision guidelines of Clause 13.07-1S – Land Use Compatibility, impacting on the residential amenity of the properties located to the east of the subject site within the Township Zone.
2. The application is not supported by the planning policy framework, particularly Clause 13.05-1S – Noise Abatement and Clause 13.04-2S – Air Quality. The application is deficient in relation to the management of noise and treatment of dust and particulate matter. The impact could not be managed by permit conditions and cannot achieve an appropriate management regime to would protect the residential amenity of properties in the Township Zone.
3. The application does not result in net community benefit and does not achieve an acceptable outcome given the residential interface to the east of the subject site.
4. The application does not provide for sustainable land management and is inconsistent with this decision guideline within the Farming Zone.

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

Report

Proposal

This is an application to receive clean fill, which is proposed to be formed on site to allow for an increased area of the land to be available for agricultural purposes.

The area of the land to be filled is a disused railway cutting which formed part of the railway connection between Birregurra and Forrest.

The plan below shows the areas of the site on which fill has already been deposited and the area in which additional fill is proposed to be placed:



The plan below shows the proposed final formation of the land, following the receipt of fill. A small site cut is also proposed in the area which has already been filled. There is an inconsistency between the two plans lodged, the latter plan below being professionally surveyed represents the full extent of what is proposed.

STAGE OF VOLUME CALCULATION:

AREA	- 13,275m ²
IMPORTED FILL	- 13,500m ³
EXISTING SITE FILL	- 1,750m ³
CUT	- 335m ³

FILL AREA
15250m³
TO DRAIN LOW SPOT

CUT AREA
335m³
TO ALLOW SWALE THROUGH
EXISTING FILL

A photograph of a wetland area with a pond and surrounding grassy fields. Two red lines point to specific areas: one pointing to a small, dark, rectangular structure in the field labeled "Area which has been filled", and another pointing to a grassy area near the pond labeled "Area proposed to be filled".

Assuming that the soil will be transported in trucks capable of transporting 10 cubic metres of material, this equates to 1,870 truckloads of material being brought onto the land and 3,740 truck movements.

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

Approval is sought to allow delivery of soil to the site for a period of 12 months (52 weeks).

Truck movements will be limited to between 7:30am and 4:30pm Monday to Friday, with the number of truck movements limited to 10 per day. This would equate to a maximum of 50 cubic metres of soil being received at the site daily. Over a 52 week period this equates to approximately 13,000 cubic metres of fill being received and a maximum of 2,600 truck movements.

A Traffic Impact Assessment has been submitted in support of the application. The report states that sight distances are adequate and that the road network can accommodate the additional traffic generated by the use.

Subject Site and Locality

The site is highlighted in red on the aerial image below:

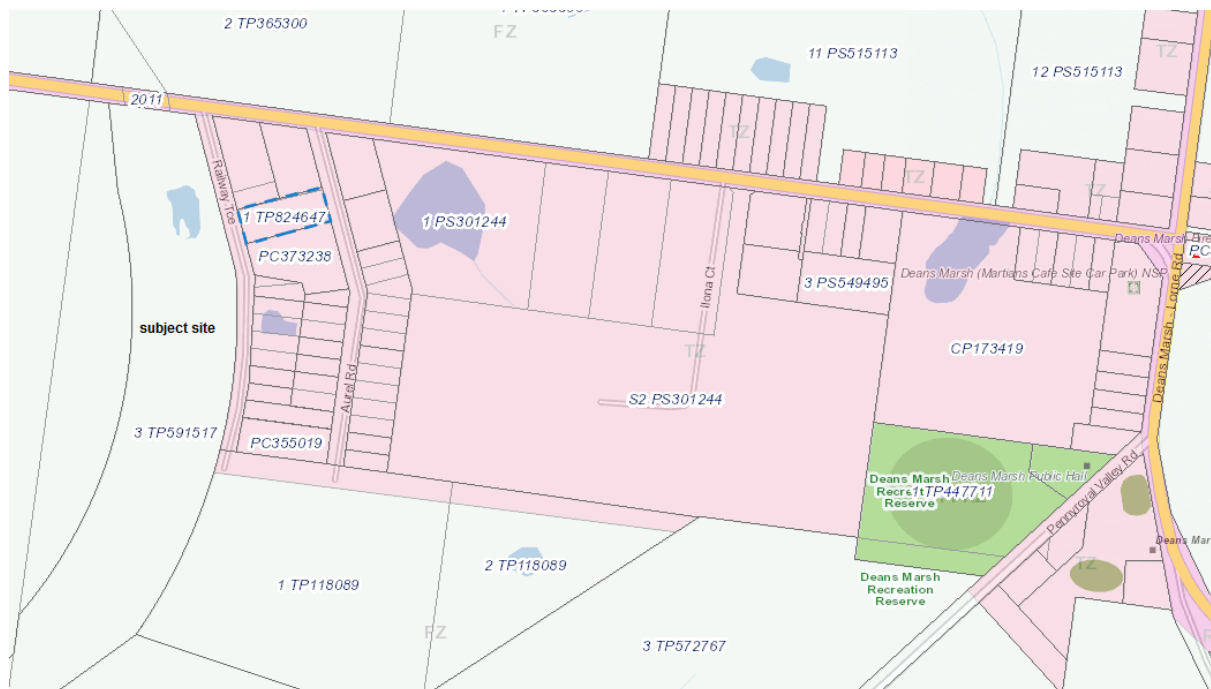


As can be seen from the image, the site is an irregular shaped parcel of land which contains a total area of approximately 10.8 hectares. It has a frontage to the Birregurra Deans Marsh Road of approximately 100 metres and abuts Railway Terrace, an unmade road, to the east.

The site is currently developed with a dwelling and associated outbuildings and includes some stands of mature trees. A dam has also been developed on the land. It is understood that the site contains a former railway cutting associated with the historic Deans Marsh Railway Station. The infrastructure has been removed from the land, but the cutting remains.

Land to the east of the subject site is developed for residential purposes and is zoned Township Zone, this can be seen in the image below. This residential enclave is located on the western boundary of the Deans Marsh township. The dwelling at 29 Railway Terrace is set the closest to the street, being setback approximately 4 metres from the front boundary of that site. Front setbacks in the street are varied and extend up to approximately 30 metres.

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh



The remainder of land surrounding the subject site is located in the Farming Zone, with the land used for grazing and cropping purposes. There are dwellings within the Farming Zone land, but these are developed at a lower intensity than those within the Township Zone. Land directly to the west of the site is developed with a dwelling which is setback approximately 130 metres from the shared boundary.

Permit / Site History

There is no permit history relevant to the consideration of this application.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site.

A Statutory Declaration has been submitted to Council confirming that the notification has been carried out correctly.

Objections

At the time of writing this report, a total of 33 objections and 17 supporting submissions (including a petition containing nine signatories) had been lodged with Council.

The common themes raised in the **objections** are as follows:

Dust and health impacts

- When soil was previously received at the site nearby residents and their pets experienced ill health from the effects of dust;
- The application will impact on the quiet enjoyment of our property and our ability to live in a clean and healthy environment;
- No detail is provided about dust management and it is unclear how the use will be managed in high winds;
- Has the sprinkler system been proven to control dust?

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

Noise

- The noise impact from the operation was constant and had a negative impact. Noise impacts have been experienced from trucks, earth moving machinery and the warning beeps on this machinery. Previous experiences include earth moving machinery being used on the site every second day;
- The noise from trucks braking is piercing and can be heard from inside homes.

Trucks and safety

- Increased truck movements on Deans Marsh Birregurra Road and through the township will increase the risk of accidents
- When soil was previously received at the site, the landowner seemed unaware of the trucks entering and exiting the property
- Truck movements should be restricted to avoid accidents with school children walking to and from school
- Increased truck movements could impact on cyclists safety
- Poor quality roads will be even further degraded by increased truck movements
- The intersection of Lorne Deans Marsh Road and Birregurra Deans Marsh Road is already precarious and truck movements will make the situation worse.

Tourism

- The use will negatively impact on the tourist industry in the town, which may affect local businesses
- The application is not consistent with Surf Coast's Hinterland Strategy.

Amenity

- Properties on the eastern side of Railway Terrace are located in a residential zone and are entitled to residential amenity
- There is no buffer zone between this proposed activity and nearby dwellings.

Contamination and weeds

- It is unclear how only clean fill will be accepted onto the land. Unclean fill could pose a risk to animals, water sources and the community
- As dairy farmers on nearby farms we are required to manage biosecurity risks
- The dumping activities already undertaken have resulted in weed growth
- It is common knowledge that clean fill uses are often not clean and contain arsenic, lead, mercury and asbestos. Water catchments could be contaminated
- Unwanted soil should be delivered to a Council facility that is appropriately monitored and managed, not individual property owners motivated by profit.

Precedent and industrial operation

- A precedent could be set for industrial scale activity being conducted within metres of a township and neighbouring residences
- The level of filling proposed equates to an industrial type operation
- The activity is not an agricultural activity but is industrial in nature.

Impact on heritage

- The filling of the cutting will negatively impact on the heritage values of the site, with the land having historic value and referenced in a book titled Sawdust and Steam by Norman Houghton
- It would be a loss to the cultural heritage for Western Victoria if a permit is granted and the cutting filled.

Compliance

- Who will ensure compliance with requirements if a Planning Permit is issued?
- The use has already been in operation illegally and therefore the impacts are known; there have been unacceptable impacts on surrounding residents.

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

Community harmony

- The application has impacted on community harmony.

The **supporters** note that the ability to dispose of fill at this site results in reduced project costs from reduced transportation costs, as well as improving the ability for the land to be used for agriculture.

The issues raised by objectors are addressed in the assessment section of this report. Those issues not addressed in the assessment are responded to as follows:

Community benefit

Planning Scheme provisions require consideration to be given to net community benefit setting out that *Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

A ground of refusal within the recommendation is that the application does not result in net community benefit.

Impact on heritage

The subject site is not subject to a Heritage Overlay and while the site may have value as the historic railway cutting for its social significance, this is not reflected in the Planning Scheme. The Deans Marsh Railway site was listed as a heritage site and was identified as one of the individual places assessed in Stage 2 of the Surf Coast Heritage Study in 1999. The statement of significance identified it to be of local significance. The study recommended local planning scheme protection for the site but further work was required. It remains an unprotected site. The filling of the site would result in its loss to the community and to the heritage of Victoria.

Compliance

If a Planning Permit is issued, Council is responsible for ensuring compliance with Planning Permit conditions.

Tourism

Council has adopted a Rural Hinterland Futures Strategy. This strategy is yet to form part of the Planning Scheme, but identifies Deans Marsh as a focus area for tourism and agritourism. The strategy does not preclude consideration of this permit application.

Consultation

Submitters were provided with the opportunity to be heard by the Hearing of Submissions Committee (the committee).

At the Hearing of Submissions Committee Meeting held on 6 November 2019 the committee heard submissions on this matter as per the committee's delegation under section 86 of the *Local Government Act 1989*. The committee resolved to receive and note the submissions and forward to Council for consideration at the 26 November 2019 Council meeting.

The Hearing of Submissions Committee Meeting resulted in an improved understanding of the application and the issues of concern, but did not result in any changes to the application by the applicant.

Referrals

The following **external referrals** were undertaken:

Referral Authority	Type of Referral	Advice/ Comments/ Conditions
VicRoads	Determining	No objection subject to conditions The following conditions should be included: 1. The secondary access (north western access directly to Birregurra-Deans Marsh Road) must only be used for truck traffic associated with the permitted

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

		<p>use, to the satisfaction of the Responsible Authority and VicRoads</p> <p>2. The secondary access (north western access directly to Birregurra-Deans Marsh Road) must prohibit right turns from Birregurra-Deans Marsh Road, to the satisfaction of the Responsible Authority and VicRoads.</p> <p>3. As appropriate, signage must be erected to ensure the above condition is complied with, to the satisfaction of VicRoads.</p>
Officer comment	<p>Noted. If a Planning Permit is issued, these conditions must be included.</p>	

Referral Authority	Type of Referral	Advice/ Comments/ Conditions
Environment Protection Authority	Section 52	<p>EPA is not a statutory referral authority for this application. EPA does not object to Council issuing this planning permit however it is recommended Council considers the following conditions for inclusion:</p> <ul style="list-style-type: none"> • Nuisance dust/ airborne particles must not be discharged beyond the boundary of the premises; • Contaminated storm water and sediment laden run off must not be discharged beyond the site boundaries. • Any fill brought onto the site must meet the specifications contained in EPA Publication IWRG621, Soil Hazard Categorisation. <p>The following comments were also offered:</p> <ul style="list-style-type: none"> • No mitigation measures have been proposed for dust management. Council could consider a condition requiring an Environmental Management Plan; • No waste material or contaminated soil may be brought onto the subject land and measures must be implemented to ensure this requirement is met; • Any fill material brought onto the land must be assessed for suitability for use as fill; • EPA Publication 1512 Illegal Dumping Alert – Avoid the Dangers of Taking Fill Material onto Your Land (2012) provides guidance; • EPA does not regulate the use of fill material. Any planning permit issues by Council should include suitable measures to prevent contaminated materials or wastes being deposited on site. • The application states that fill will be delivered to the site

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

		via an access from Birregurra Deans Marsh Road during the hours of 8am until 4:30pm. EPA notes that it is not clear in the application what days of the week this will occur. It is also noted that no hours have been provided in relation to the forming works being undertaken on the site.
Officer comment	<p>The advice is noted.</p> <p>If Council determines that a Planning Permit should be issued, the conditional approval suggested by the EPA should form part of the suite of permit conditions applied. However the ability to manage this site by permit conditions in a way the does not impact on the amenity of residents is considered unachievable due to the proximity of the residential land use.</p>	

Referral Authority	Type of Referral	Advice/ Comments/ Conditions
Corangamite Catchment Management Authority	Section 52	No objection subject to a condition requiring suitable control measures to be implemented, monitored and maintained to prevent silt from the landfill activities from entering the waterways or moving downstream.
Officer comment	Noted. If a Planning Permit is issued, it is recommended that this condition is included.	

The following internal referrals were undertaken:

Department	Advice/ Comments/ Conditions
Infrastructure	<p>Works:</p> <ul style="list-style-type: none"> Depending on the weather conditions dust could be an issue for the adjoining residential properties to the east of the site. A construction management plan providing details of how dust and associated noise from the site will be controlled should be requested. During the works there could be contamination of the site from spillage of fuels and other contaminants. How will these be addressed? Include in construction management plan. As the works will impact on the flow of stormwater around the site and to the dam on the site, this should be controlled to prevent sediment laden runoff entering the natural environment. <p>Drainage:</p> <ul style="list-style-type: none"> It is proposed to fill the area back to the original levels. This is acceptable but drainage to the existing dam on the site will be compromised due to the depth of fill to be placed and the return of the area to its previous levels.
Officer comment	Noted. If Council determines to issue a Planning Permit, the above conditions should be included

Department	Advice/ Comments/ Conditions
Environmental Health	Concerns raised about dust emissions from the site, noise from trucks and the potential for fill which is not clean to be accepted on the site.

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

	Dust and airborne particulate matter can cause a nuisance when emitted beyond the boundaries of the land. Noise may cause a nuisance. If a permit is issued conditions should address noise and compliance with the <i>Public Health and Wellbeing Act 2008</i> .
Officer comment	Noted

Officer Direct or Indirect Interest

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

Assessment

Planning Policy Framework

The following policies are relevant to the consideration of this application:

- Clause 13.05 -1S - Noise Abatement
- Clause 13.06 - Air Quality
- Clause 13.07 - 1S - Land Use Compatibility
- Clause 14.01 - 1S - Protection of Agricultural Land
- Clause 14.02 - 1S - Catchment Planning and Management
- Clause 14.02 - 2S - Water Quality
- Clause 21.05 - Agriculture
- Clause 21.03 - Environmental Management
- Clause 21.15 - Deans Marsh Strategy
- Clause 71.02-2 - Operation.

Zoning

The site is zoned Farming Zone. The purpose of which is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture. To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Overlays

The following overlays apply to the land:

- Land Subject to Inundation (part)
- Salinity Management Overlay (part).

Relevant Particular Provisions

The following Particular Provisions are relevant to the consideration of this application:

- Clause 52.29 – Land adjacent to a Road Zone.

Relevant Planning Scheme Amendments

Not applicable.

Summary of Key Issues

The application has been assessed as follows.

Use of land

It is understood that there has been a surge in disposal of fill activities across the state particularly in the

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

Yarra Ranges, Hume, Wyndham, Whittlesea and Greater Dandenong as a result of increased EPA costs in the disposal of waste and soil to landfill, and attempts by operators to avoid the levy.

In *Calleja Properties v Hume CC* the Victorian Civil and Administrative Tribunal (VCAT) found that the deposit of clean fill on land could comprise a separate use of land, having regard to the scale and nature of the activity in the context of a particular parcel of land. In this case, VCAT nominated the use as 'disposal of clean fill'. In the case of this application, the proposed use has been made for the filling of the land. The owners have identified a need for a suitable site to dispose of excavated soil from building sites, particularly in Lorne.

Planning Policy

The application is not supported by the planning policy framework.

The application lacks detail in relation to the management of noise, treatment of dust and location of internal roads to the extent that it is unclear that the development and use would comply with the planning policy framework.

It is not considered that permit conditions should be applied to request these various management plans following the issue of a Planning Permit given the constraints of the site, particularly its narrow configuration, close residential abutments and the impact that the prevailing south westerly winds could have on close residential neighbours particularly in relation to noise and dust impacts.

Clause 71.02-2 emphasises the need to achieve net community benefit and sustainable development outcomes for the benefit of present and future generations. While the approval of the application would benefit the landowner, and submissions in support have outlined benefits to contractors and house builders as a result of reduced transport costs to dispose of fill, there are significant dis-benefits associated with the proposal including:

- Noise associated with truck movements to and from the site and from equipment located on the land to compact soil, move dirt and manage dust etc over a 52 week period;
- The 52 week life of the permit sought is likely to result in more comprehensive amenity impacts if the level of filling required is to be achieved, meaning that close residential neighbours will likely be negatively impacted on a daily basis;
- Dust emissions from the receipt of material which has the potential to impact on the amenity of nearby residential properties and farmland if not appropriately managed;
- The extent of the works presents an unreasonable risk to the amenity expectations of nearby property owners;
- No information has been put forward to manage amenity impacts and it is unclear that the amenity impacts associated with the proposal could be appropriately managed.

Given the site is located on the edge of the Deans Marsh township where land to the east is located in the Township zone; there are constraints of the use of the land in the manner proposed.

While neighbours to the east are not located in a residential hinterland area, it is reasonable for surrounding landowners to expect to have a peaceful rural environment, with low levels of noise and dust. Noise is generated by the Birregurra Deans Marsh Road and within the Farming Zone, noise associated with farm equipment and farm animals would be a reasonable expectation for nearby property owners, while dust from paddock preparation and cropping may be experienced from time to time.

The application seeks to impose noise and dust emissions on nearby land which are significantly greater than those associated with farming operations and which would continue for a period of one year. The amenity available to those in the Township Zone would be significantly reduced by the operation. The consistent truck noise, banging of tailgates, use of earthmoving equipment, and noise from reversing beepers is not consistent with the noise which would be expected to be experienced on this edge of township location. In the absence of any noise assessments of noise impact, it cannot be concluded that noise will not impact on the nearby township zoned properties which are downwind of the subject site.

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Similarly, the narrow site configuration, the significant potential for dust emissions and the proximity of residential properties downwind of the subject site are such that there is no officer confidence that a condition could ensure that dust emissions are reduced to a level that neighbour's amenity will not be impacted.

Clause 13.07-1S – Land use compatibility seeks to safeguard community amenity while facilitating appropriate uses with potential off site impacts. In the case of this application, land use compatibility is not achieved and this is a ground of refusal. The potential conflict between land uses is one that planning policy seeks to avoid, by separating incompatible land uses from each other.

Planning policy, including Clause 13.05-1S – Noise Abatement and Clause 13.04-2S – Air Quality seek to ensure that environmental risks are appropriately managed. The application is lacking in dealing with potential issues arising from the use and does not address noise and dust emissions, instead stating *it is fully expected that any permit issued will include a suite of conditions requiring the operation to be managed in a way that ensures the amenity of nearby residents is appropriate for properties located at the interface of the Farming Zone.*

It is known that the previous filling activities undertaken on the land resulted in noise and dust emissions which impacted on neighbours and others in the township. As previously noted, it is not clear how dust and noise could be managed in a way which would ensure that the amenity of those in the Township Zone is not negatively impacted and therefore applying such a permit condition is a risk when the outcome is not known. The planning system is set up such that permit conditions represent the end of the decision making process for the application and they should not leave open an uncertain future process.

Clause 14.01-1, supported by Clause 21.05-2, seeks to protect productive agricultural land and to encourage sustainable agricultural activities, to grow and maintain prosperous and sustainable rural communities. The subject site is zoned Farming Zone, but has limited agricultural potential given the cutting that exists on the land. While the filling of the land will result in land which is more easily able to be cropped or grazed, this is not determinative in considering this application for planning permit.

Clause 14.02-2 – seeks to protect water quality. The CCMA have not objected to the issue of a planning permit subject to the inclusion of a planning permit condition.

The Deans Marsh Strategy emphasises the potential of the town to take advantage of tourism opportunities and the picturesque rural landscape in which the town sits.

Farming Zone

The Farming Zone seeks to:

- Provide for the use of land for agriculture
- Encourage the retention of productive agricultural land
- Ensure that non-agricultural uses do not adversely affect the use of land for agriculture.

The applicant sets out that the application will support the use of land for agriculture by improving the ability for the land to be cropped or grazed. It is true that the filling of the cutting would result in generally flat land, but the land remains in an unusual narrow configuration which has minimal potential for productive agriculture. In purchasing land, which comprises an extensive disused railway cutting, it is submitted that the land was purchased with an awareness of the limitations of agricultural activity.

There is not such a need for additional productive agricultural land in this area of the Shire which is noted within the Rural Hinterland Futures Strategy as being an area which lends itself to *highly productive, pasture based operations, berry and fruit production*. As such, the concept of need within VCAT case history would not support need for the use outweighing other important, and often decisive, planning considerations. In relation to this issue it is concluded that there is no overriding imperative to improve the agricultural values of this parcel of land, which would cause Council to set aside the amenity risks to those in the Township Zone.

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The application is not consistent with the following decision guidelines within the Farming Zone:

- The use and development does not provide for sustainable land management, with the use likely to result in dust and noise emissions which impact on the quiet enjoyment of nearby residential properties.

Vehicle access

The application proposes vehicle access to the site via the existing vehicle crossing located to the west of the site. This access arrangement has been supported by VicRoads. VicRoads are the relevant authority for the Deans Marsh Birregurra Road.

The application documents do not include details of vehicle access tracks within the site. If Council decides to issue a Planning Permit for this application, permit conditions should require the detail of internal access roads be shown, and that these should be located to the western side of the site. Permit conditions should also require the internal roads to be constructed with a gravel surface to minimise dust.

Clause 65 acceptable outcome

Clause 65 of the Planning Scheme states *because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.*

It is assessed that the approval of this application would not result in an acceptable outcome, with amenity impacts likely to be experienced within the adjoining residential zone as a result of:

- Truck movements
- Noise from earthmoving equipment
- Dust and airborne particulate emissions.

Net community benefit

As noted, the application is required to be assessed against Clause 71.02-2 which requires consideration of the concept of net community benefit.

The approach to determining whether the proposal achieves net community benefit involves weighing up the benefits and dis-benefits of a proposal having regard to the relevant planning policies and planning controls.

It is assessed that the application does not achieve net community benefit. While the application has some benefits associated with allowing cheap disposal of fill material, shorter trips to dispose of fill material and improvements to the agricultural values of the land to the limited extent possible, these are not offset by:

- The impact on sensitive residential uses located to the east of the site and a reduction in residential amenity by way of noise and dust;
- No clear documentation to demonstrate that the use could proceed with dust emissions being managed within the confines of the site and noise being managed to an acceptable level;
- Land use conflicts, which are discouraged by the planning policy framework.

Options

Option 1 – Refuse to Grant a Planning Permit

This option is recommended by officers for the reasons detailed in this report.

Option 2 – Issue a Notice of Decision to Grant a Planning Permit

This option is not recommended by officers as a result of the significant non-compliance with the planning scheme as detailed in this report,

Option 3 – Defer consideration of this application

This option is not recommended by officers as objectors have noted that the application has resulted in significant community disharmony and deferral of a decision will prolong the disharmony felt.

Summary Recommendation

It is recommended that Council as the Responsible Authority issues a Notice of Refusal to Grant a Planning

2.1 Planning Permit Application 19/0099 - Use of the land for the Disposal of Clean Fill, the Development of Earthworks, and Alterations to Access in a Road Zone - 30 Railway Terrace, Deans Marsh

Permit.

Conclusion

The planning policy framework is focussed on avoiding land use conflicts and achieving net community benefit.

It is assessed that the application will not result in net community benefit and will have an unreasonable impact on the amenity of the residential properties located to the east of the site. As such, it is recommended the application is refused.

2.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale

Author's Title: Senior Statutory Planner
Department: Planning and Development
Division: Environment & Development
Appendix:

General Manager: Ransce Salan
File No: 19/0098
Trim No: IC19/1962

Nil

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

☐ Yes

☒ No

Reason: Nil

Status:
Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to determine a position on Planning Permit Application 19/0098 – Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor – 105 Gum Flats Road Wensleydale.

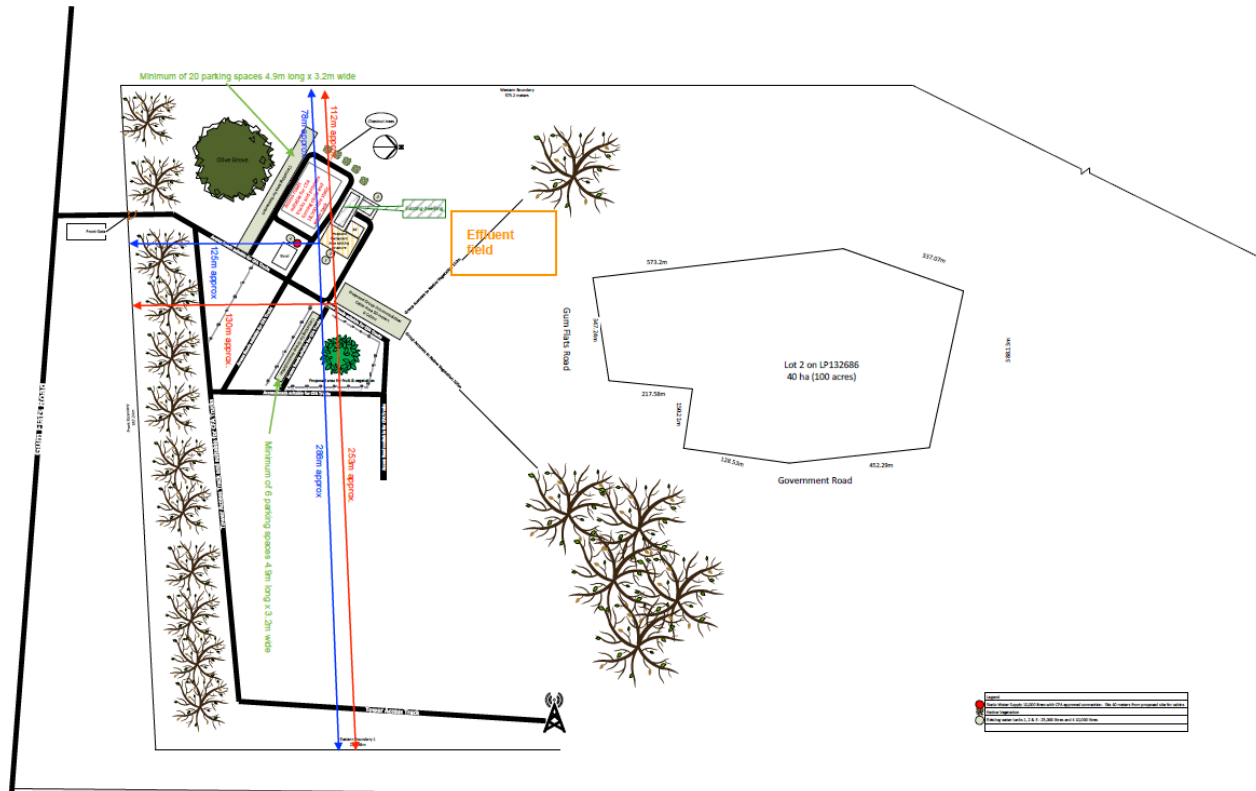
Summary

DATE RECEIVED	8/03/2019
PROPERTY NUMBER	101980
PROPERTY ADDRESS	105 Gum Flats Road, Wensleydale
APPLICANT	Phil Rosevear (Rosevear Planning Associates)
PROPOSAL	Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor
ZONE	Farming Zone
OVERLAY/S	Vegetation Protection Overlay Schedule 1 Bushfire Management Overlay
PERMIT TRIGGERS	Clause 35.07-1, Clause 35.07-4, Clause 44.06, Clause 52.27
RESTRICTIVE COVENANTS	N/A
CURRENT USE/ DEVELOPMENT	Agriculture/dwelling
CULTURAL HERITAGE MANAGEMENT PLAN	Not Required
OBJECTIONS	17 objections, one submission of support
STATUTORY DAYS	185

Recommendation

That Council: having caused notice of Planning Application No. 19/0098 to be given under Section 52 of the *Planning and Environment Act 1987* and/or the Surf Coast Planning Scheme; and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to pursue refusal of the application at the upcoming VCAT hearing in respect of the land commonly known as 105 Gum Flats Road, Wensleydale for the Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor in accordance with the plans received by the Responsible Authority on 14 August 2019, on the following grounds:

1. The proposal is contrary to Clause 13.02-1S (Bushfire planning), being an unacceptable outcome in relation to bushfire risk and the protection of human life.
2. The proposal is inconsistent with Clause 21.04 (Tourism), which discourages tourism development from locating in areas at risk from bushfire unless the risk to life, property and infrastructure can be reduced to an acceptable level.

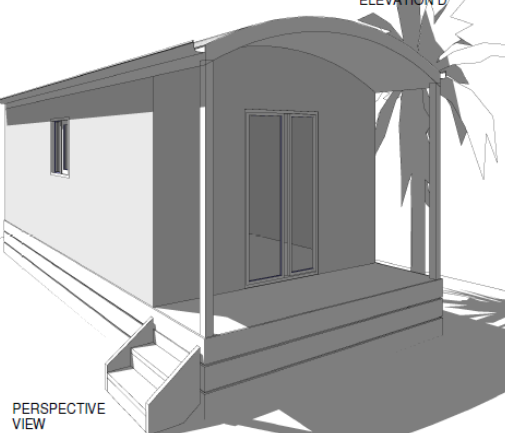
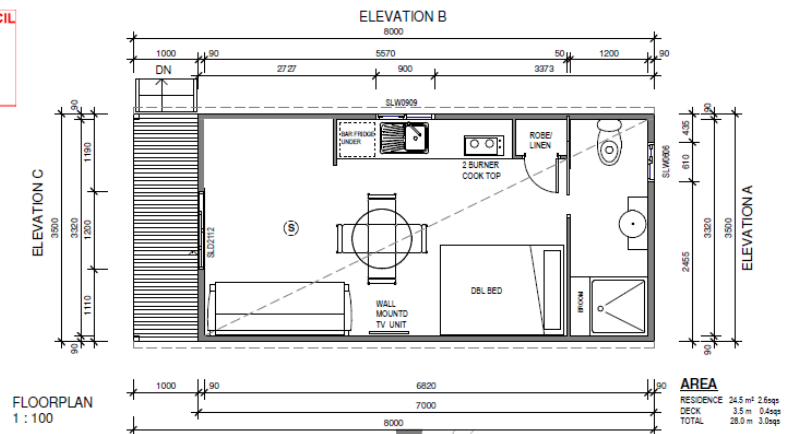
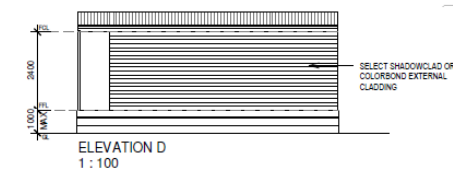
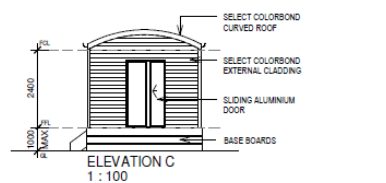
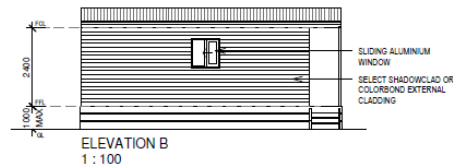
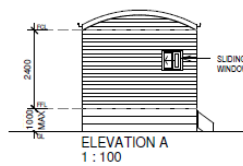


2.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale

SNAPPER 8.0m x 3.5m

SURF COAST SHIRE COUNCIL
Planning Department

14/08/149
19/0098 / D19/117682



NOTE - ALL FRAMING & CONSTRUCTION TO BE SUPPLIED BY HIGH TIDE CONSTRUCTIONS

NOTE - SUPPLY AND INSTALL SMOKE DETECTORS AS PER A.S. 3786

ALL INTERNAL AND EXTERNAL GLAZING TO BE AS PER A.S. 1288 - 2009

PROVIDE INSULATION THROUGHOUT RESIDENCE AS PER PART 3.9.3.3 OF A - 2009

NOTE: PROVIDE 1 No. TEMPERATURE CONTROL DEVICE TO REGULATE HOT WATER TO KITCHEN & TOILET TO CONFORM WITH PLUMBING & DRAINAGE CODE

ALL SANITARY COMPARTMENTS TO COMPLY WITH PART 3.9.3.3 OF AMEND 3 OF BCA 2009

Project
4 Berth Cabin

Drawn
S.M.

Scale
1:100

Date
March 2010

HIGH TIDE
CONSTRUCTIONS

T: (03) 5267 2216
F: (03) 5267 2216
M: 0423 295 829
E: shane@hightide.com.au
2970 Princess Hwy
Winchelsea VIC 3241

QUALITY RELOCATABLE BUILDINGS

Subject Site and Locality

The subject site is located on the north side of Gum Flats Road, is irregular in shape and measures 40.6 hectares in area. The site contains the existing dwelling set back 125 metres from the road frontage and sited in a cleared area, with associated shedding and access ways. The north and east sections of the site are heavily vegetated.

Directly to the east of the site is number 135 Gum Flats Road, a 3.1 hectare lot which contains a dwelling set approximately 300 metres from the subject dwelling. To the east and south is an extensive Public Conservation and Resource Zone which is densely vegetated forest managed by DELWP.

To the west of the subject site (number 51 Gum Flats Road) is a 41.7 hectare parcel which contains an agricultural shed.

2.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale



Permit/Site History

The following permits have been issued for the land:

- 08/0600 Use and development of the land for a dwelling
- 10/0518 Development of a telecommunications facility (mobile phone tower)
- 12/0392 Alterations and additions to an existing dwelling

The applicant has lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) as Council has not made a decision on the application within the prescribed time (60 statutory days).

Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining land;
- Placing a sign on site.

A Statutory Declaration has been submitted to Council confirming that the notification has been carried out correctly.

Objections

A total of 17 objections and one letter of support have been lodged with Council. The objections can be summarised as follows:

- Traffic impacts
- Appropriateness of use in the Farming Zone
- Amenity impacts
- Impact to soils
- Wastewater impacts
- Environmental impacts
- Bushfire risk

The objections have been considered in the assessment section of this report.

2.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale

Consultation

Submitters were provided with the opportunity to be heard by the Hearing of Submissions Committee (the committee).

At the Hearing of Submissions Committee Meeting held on 12 November 2019 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 of seven persons were heard by the committee. The committee resolved to receive and note the submissions and forward to Council for consideration at the 26 November 2019 Council meeting.

The Hearing of Submissions Committee Meeting resulted in an improved understanding of the application and the issues of concern, but did not result in any changes to the application.

Referrals

The following external referrals were undertaken:

Referral Authority	Type of Referral	Advice/ Comments/ Conditions
CFA	Determining	No objection subject to conditions
DELWP	Section 52 (notice as adjoining landowner)	No objection

The following internal referrals were undertaken:

Department	Advice/ Comments/ Conditions
Infrastructure	No objection subject to conditions
Environmental Health	No objection subject to conditions

Officer Direct or Indirect Interest

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

Planning Controls

Zones and Overlays

The zone provisions are as follows:

Farming Zone

Clause	Requirement	Proposal	Permit required
Clause 35.07-1 Use of land	Permit required to use the land for a restaurant and group accommodation.	Restaurant/group accommodation.	Yes
Clause 35.07-4 Buildings and works	<p><i>A permit is required to construct a building or construct or carry out:</i></p> <ul style="list-style-type: none"> ▪ <i>Buildings and works associated with a Section 2 Use, this does not apply to:</i> <ul style="list-style-type: none"> - <i>An alteration or extension to an existing dwelling provided the floor area of the alteration or extension does not exceed 100 square metres.</i> - <i>An out-building associated with an existing dwelling provided the floor area of the out-building does not exceed 100 square metres.</i> - <i>An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension does not exceed 200 square metres. The building must not be used to keep, board, breed or train animals.</i> - <i>A rainwater tank.</i> ▪ <i>Earthworks which change the rate of flow or discharge point of water across a property boundary – refer to exemption in Schedule</i> 	Buildings and works	Yes

2.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale

	<ul style="list-style-type: none"> ▪ <i>Earthworks which increase the discharge of saline groundwater - refer to exemption in Schedule</i> ▪ <i>A building which is within any of the following setbacks:</i> <ul style="list-style-type: none"> - 100 metres from a Category 1 Road; - 40 metres from a Category 2 Road; - 20 metres from any other road; - 5 metres from a boundary; - 100 metres from a dwelling not in the same ownership. - 100 metres from a waterway, wetlands or designated flood plain. 		
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Vegetation Protection Overlay Schedule 1

Clause	Requirement	Proposal	Permit required
Clause 42.02-2 Permit requirement	A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay. (See exemptions)	No vegetation removal proposed	No
Schedule 1: 3.0 Vegetation	<p><i>A permit is required to remove, destroy or lop native vegetation, except where the vegetation:</i></p> <ul style="list-style-type: none"> • <i>is on the building side of a vertical line 2m from the outer edge of the roof of a building, except where an approved landscape plan or site plan specifies the retention of the vegetation.</i> • <i>is listed as an environmental weed in the incorporated document Environmental Weeds- Invaders of our Surf Coast, 2nd Edition (2002)</i> • <i>removal in accordance with an approved Whole Farm Plan.</i> • <i>is consistent with a management plan for the Alcoa Lease Area that has been approved by Parks Vic and DNRE.</i> • <i>is included in the table of exemptions at Clause 42.01-3</i> 		No

Bushfire Management Overlay

Clause	Requirement	Proposal	Permit Required
Clause 44.06-2 Buildings & works	<p><i>A permit is required to construct a building or to construct or carry out works associated with the following uses:</i></p> <ul style="list-style-type: none"> • <i>Accommodation (including a dependent person's unit)</i> • <i>Child care centre</i> • <i>Education centre</i> • <i>Hospital</i> • <i>Industry</i> • <i>Leisure and recreation</i> • <i>Office</i> • <i>Place of assembly</i> • <i>Retail premises</i> • <i>Service station</i> • <i>Timber production</i> 	Buildings & works associated with group accommodation (nested in accommodation) and restaurant (nested in retail premises)	Yes

2.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale

	<ul style="list-style-type: none"> Warehouse <p><i>This does not apply to any of the following:</i></p> <ul style="list-style-type: none"> If a schedule to this overlay specifically states that a permit is not required. A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5. An alteration or extension to an existing building used for a dwelling or a dependent person's unit that is less than 50 percent of the gross floor area of the existing building An alteration or extension to an existing building (excluding a dwelling and a dependent person's unit) that is less than 10 percent of the gross floor area of the existing building. A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling. A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes. 		
Clause 44.06-4 Requirements of Clause 53.02	An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay. A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.	Buildings and works	The submitted bushfire management statement addresses the requirements of Clause 53.02-4.
Clause 44.06-5 Mandatory Condition	<p>Development</p> <p>A permit to construct a building or construct or carry out works must include the following condition: <i>"The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed."</i></p> <p>A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition: <i>"Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:</i></p>	Development	If a permit was to issue, the mandatory condition would be included on the permit

2.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale

	<ul style="list-style-type: none"> A dwelling constructed in accordance with planning permit [*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class10c building within the meaning of the Building Regulations 2006) is: <ul style="list-style-type: none"> Constructed on the same land as the dwelling. Available for use by the occupants of the dwelling at all times. Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter. <p>The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”</p> <p>A permit to construct a building or construct or carry out works must include any condition specified in a schedule to this overlay.</p>		
44.06-6 Referral	An application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.	Development Subdivision	The application was referred to the CFA

Particular Provisions

Clause	Content	Permit Required/ Response
52.06	<p>Car parking</p> <p>Clause 52.06 applies to:</p> <ul style="list-style-type: none"> a new use; or an increase in the floor area or site area of an existing use; or an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use. <p>Before:</p> <ul style="list-style-type: none"> a new use commences; or the floor area or site area of an existing use is increased; or an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use <p>52.06-3 – A permit is required to reduce, including reduce to zero, the number of car parking spaces required under Clause 52.06-5.</p> <p>52.06-8 – Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:</p> <ul style="list-style-type: none"> a new use commences; or the floor area or site area of an 	The required amount of car parking for the restaurant use and group accommodation use is to be provided on site, with car spaces and access in accordance with the design standards.

2.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale

	<p><i>existing use is increased; or</i></p> <ul style="list-style-type: none"> <i>an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.</i> <p><i>52.06-9 – Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.</i></p>	
52.17	<p>Native vegetation <i>A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:</i></p> <ul style="list-style-type: none"> <i>If the table to clause 52.17-7 specifically states that a permit is not required.</i> <i>If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to clause 52.16.</i> <i>To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.</i> 	No vegetation is proposed to be removed to accommodate the proposal or create defendable space.
52.27	<p>Licensed Premises <i>A permit is required to use land to sell or consume liquor if any of the following apply:</i></p> <ul style="list-style-type: none"> <i>A licence is required under the Liquor Control Reform Act 1998.</i> <i>A different licence or category of licence is required from that which is in force.</i> <i>The hours of trading allowed under a licence are to be extended.</i> <i>The number of patrons allowed under a licence is to be increased.</i> <i>The area that liquor is allowed to be consumed or supplied under a licence is to be increased.</i> 	A permit is required for a restaurant and cafe licence.
53.02	<p>Bushfire planning 53.02-1 Application <i>This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06. Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met: The land is zoned Neighbourhood Residential Zone, General</i></p>	Clause 53.02-4 applies to this application.

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	<p><i>Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.</i></p> <ul style="list-style-type: none"> <i>There is only one dwelling on the lot.</i> <i>The application meets all of the approved measures contained in Clause 53.02-3.</i> <p><i>Clause 53.02-4 applies to all other applications.</i></p>	
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Planning Policy Framework (PPF)

The following policies are relevant to the consideration of this application and have been considered:

- 11.03-5R The Great Ocean Road region
- 13.02-1S Bushfire planning
- 12.01-1S Protection of biodiversity
- 12.01-2S Native vegetation management
- 13.02-1S Bushfire planning
- 13.07-1S Land use compatibility
- 14.01-1S Protection of agricultural land
- 14.01-2R Agricultural productivity – Geelong G21
- 15.01-6S Design for rural areas

Local Planning Policy Framework (LPPF)

The following policies are relevant to the consideration of this application and have been considered:

- 21.04 Tourism
- 21.05 Agriculture
- 21.06 Rural landscape

Reference Documents

The following local reference documents are identified in the scheme:

- *Regional Bushfire Planning Assessment: Barwon South – West Region, DPCD (2012).*
- *Surf Coast Shire Rural Strategy (2007)*

Relevant Planning Scheme Amendments

There are no amendments relevant to this application.

Summary of Key Issues

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by objectors.

Non-agricultural land use in the Farming Zone

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

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The zone allows application to be considered for the restaurant and group accommodation, however consideration must be given to the appropriateness of such uses in the zone and their connection to the agricultural use of the land.

Clause 21.06 (Rural landscape) identifies the site as being within the Cape Otway Road to the Northern Foothills and Coast precinct. Land in this area is described as:

"...visually attractive undulating landscape of open farm land, framed by dense bushland. It extends from the steepening valleys and foothills of the northern slopes of the Otway Ranges in the west, through the lifestyle bush blocks of Wensleydale and Gherang to the semi-pastoral hills of Bellbrae to the urban edge of Jan Juc in the east. The gently rolling hills, with some incised creeks and gullies, and pockets of remnant vegetation contribute to a sheltered, enclosed landscape. Buildings tend to be located away from roads, often in valleys or among trees. While the main land use in the precinct is farming, it occurs predominantly for lifestyle purposes. Dairying, particularly concentrated around Deans Marsh, has declined and timber, grass seed production, vines and olive groves are emerging. There are a number of rural tourism businesses primarily around Deans Marsh and Bellbrae. The landscape and environmental values of this precinct are the primary reasons for its attractiveness for tourist and lifestyle use and development."

The precinct is identified as being predominantly farmed for lifestyle purposes, and the applicant submits that the proposed use is linked to the agricultural activity of the site through the provision of site-grown produce and development of an orchard, kitchen garden and olive grove. It is acknowledged that due to most of the site being vegetated, large-scale agricultural production is unlikely to occur.

Although the connection to the lifestyle agricultural use of the site could be more solidly established in the application, additional policy considerations relating to bushfire risk make the proposal unsuitable in this location.

Bushfire risk

State policy (Clause 13.02-1S Bushfire planning) must be applied to all planning and decision making under the *Planning and Environment Act 1987* relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

The subject site is included in the Bushfire Management Overlay, and in accordance with application requirements, the application documents include a Bushfire Management Plan which addresses Clause 53.02-4 (defendable space, construction, water supply, access etc.) and Bushfire Emergency Management Plan. The CFA is a determining referral authority, and has stated no objection to the proposal subject to endorsement of the Bushfire Management Plan, and approval of an updated Bushfire Emergency Management Plan which addresses matters including evacuation procedures.

The CFA's recommended permit conditions also include the following:

- *The use of the on-site accommodation approved under this permit must not operate after 10.00am on any day with a Fire Danger Rating of Extreme and Code Red. On days with a "Severe" Fire Danger rating the accommodation can only be used following consultation with the relevant fire authorities.*
- *The use of the restaurant/main building approved under this permit must not operate after 10.00am on any day with a Fire Danger Rating of Extreme and Code Red.*

It is considered however, that these actions will not adequately mitigate the risk which council is required to consider pursuant to Clause 13.02-1S. The objective of the clause is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Strategies to achieve this include:

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Protection of human life

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

Bushfire hazard identification and assessment

- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.*
- *Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under A AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*

Although the use is not proposed to operate on Total Fire Ban, Extreme and Code Red Fire Danger Days and in the months of January and February, it is considered that the proposal is at odds with Clause 13.02-1S as the barriers to the protection of human life will be insurmountable through emergency management conditions alone.

The official fire season can now extend from October to May, with the potential for extreme fire danger days to occur frequently throughout the season. The Bushfire Emergency Management Plan sets out that if a guest has already commenced their dining or stay when an extreme day is declared, the guests will need to vacate the premises when notified by the fire warden or site manager. This creates the danger of guests attempting to navigate through potentially hazardous and evolving environmental and fire conditions, in what may be an unfamiliar area, with limited egress options, the majority of which about the high fuel loads of the Otway Forest Park. The landscape type is identified as characteristic of the 'Broader Landscape Type Four' as per *Planning Practice Note 65* (DTPLI 2014), for which the broader landscape presents an extreme risk, and for which evacuation options are limited or not available.

The Bushfire Emergency Management Plan sets out that in the event of a local bushfire event within 10km of the site, if evacuation is not appropriate, all patrons and staff assemble within the main building. The main building (existing dwelling) has only been constructed to BAL 12.5. It is unlikely that this would provide protection in an extreme event, and due to the location of the site abutting extensive forest, it is assumed that this assembly scenario is reliant on CFA maintaining control of the bushfire event in the surrounding area or providing rescue services.

To intensify a use in this location, where there is limited option for evacuation in an emergency situation, is not conducive to the protection of human life.

In addition, local policy 21.04 (Tourism) directs to discourage tourism development from locating in areas at risk from bushfire unless the risk to life, property and infrastructure can be reduced to an acceptable level.

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Traffic

Concern has been raised in the objections that the proposal will cause unreasonable traffic impacts to Gum Flats Road and surrounding roads, and will create safety concerns during bushfire risk periods and due to the licensing of the premises.

Planning assessment is limited to impact of traffic numbers and movements, and the capability of the road to accommodate the additional vehicles. Car parking and access ways meet the requirements of Clause 52.06 Car Parking.

Council's Infrastructure unit has provided the following comment on traffic matters:

- Access to the site is from the unsealed formation of Gum Flats Road which is of sufficient width for two-way traffic from Wensleydale Station Road.
- Wensleydale Station Road is sealed from Cape Otway Road (3.7m wide) except for the last 230m which is unsealed and of sufficient width for two-way traffic.
- The access lanes and parking areas do not warrant sealing.
- Adequate manoeuvring area can be provided for all car spaces on this rural site.
- Recent traffic counts on Wensleydale Station Road indicate 200 vehicles per day are using the lower section of the road with Gum Flats Road at only 46 vehicles per day (in June).
- During the site inspection the condition of Gum Flats Road to the site was reasonable for an unsealed road at this time of the year but the lower unsealed section of Wensleydale Station Road was in worse condition.
- The expected increase of traffic from the development may be 40 vehicles per day or 80 traffic movements at full capacity with two sittings and this would reduce if patrons are staying onsite. The potential increase should not raise the traffic volumes to a level where widening of the seal or other upgrade works are required.

Wastewater/soil impacts

The basis of a number of objections is the treatment of wastewater and the potential risk of runoff to the sensitive environmental features of the surrounding area.

The application includes a Land Capability Assessment, which has been reviewed by Council's Environmental Health unit and is based on the existing conditions (three bedroom house and attached cottages) the proposed 50 seat restaurant and the six cabins each to accommodate two people .

The Environmental Health Officer has advised that the submitted LCA recommends that the required waste water volumes can be treated by primary treatment by using existing and additional septic tanks and additional absorption trenches. A total of 868m of effluent trenches is required. This is considered a very large amount of trenches, although there is adequate space if the applicant decides on this option. It is suggested that secondary treatment with pressure compensating sub surface irrigation would be a more suitable system. Although the site plan in the LCA does not accurately indicate the amount of effluent trenches and the plan is not to scale, there is sufficient land available for wastewater treatment, and any future septic tank system and effluent dispersal area must comply with the setbacks and buffer distances as stated in the current EPA Code of Practice – Onsite Wastewater Management.

Options

As an appeal has been lodged with the Victorian Civil and Administrative Tribunal (VCAT), Council must decide the position it wishes to take at the forthcoming hearing.

Option 1 – Decide to Pursue Refusal of the Application at the Upcoming VCAT Hearing

This option is recommended by officers as it is considered that the proposal is inconsistent with the relevant objectives and policies of the planning scheme.

Option 2 – Decide to Pursue Approval of the Application at the Upcoming VCAT Hearing

This option is not recommended by officers as it is considered that the deficiencies of the application are too substantial to address by permit conditions.

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Option 3 – Defer a decision on the application

Council may resolve not to decide the application. Council's failure to decide the application will be taken as refusal for the purposes of the application for review.

By failing to have a position to support or not support the grant of a permit the representative for Council will not have a basis on which to put submissions to the Tribunal. It is considered that this would be a reputational risk for Council. This option is not recommended.

Summary Recommendation

It is recommended that Council as the Responsible Authority resolves to pursue refusal of the application at the upcoming VCAT hearing.

Conclusion

The proposal represents an unacceptable outcome in relation to bushfire risk and the protection of human life. It is recommended that Council pursues refusal of the application at the upcoming VCAT hearing on the grounds contained in the recommendation.

2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA), Modewarre

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

General Manager: Ransce Salan
File No: F18/2219
Trim No: IC19/1744

Appendix:

1. Council Submission to the Cape Otway Road Australia (CORA) Proposal (D19/152499)
2. Comprehensive Development Zone Schedule (D19/149587)
3. Comprehensive Development Plan (D19/149593)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to seek Council's support for a submission to be made to the proposed planning scheme amendment for a multi-use (CORA) facility at Cape Otway Road, Modewarre to help ensure that the identified benefits of the proposal are ultimately realised by the community.

Summary

The Minister for Planning is the Planning Authority for the CORA proposal and has appointed an Advisory Committee to consider the CORA proposal and make recommendations to the Minister. The proposed amendment is on exhibition from 21 October 2019 to 28 November 2019, with a Directions Hearing to be held on 13 December 2019. The hearing is scheduled to commence in the week beginning 3 February 2020.

The proposed amendment aims to facilitate a \$135 million elite sports facility and multi-purpose development on a number of titles in proximity to Lake Modewarre on Cape Otway Road, west of the township of Moriac. The development is proposed to cover 220 hectares of land and comprises of four (4) precincts: Rural Conservation, Retail and Tourism, Elite Sports and Accommodation precincts. Within those precincts are: an elite sports facility and wellbeing centre, a 128 room hotel, accommodation (cottages for temporary and worker accommodation), art gallery and sculpture park, retail precinct including cafes and restaurants and distribution centre, 90 place child care centre, organic farm and a conservation area.

The proposal seeks to rezone the land from Farming Zone and Rural Conservation Zone to the Comprehensive Development Zone with an associated schedule (CDZS) and the Comprehensive Development Plan (CDP), which has been exhibited with the amendment, which if approved, would be incorporated into the planning scheme. A number of other consequential changes are proposed to the Local Planning Policy Framework to recognise the development.

CORA is a unique proposal that incorporates a conservation area alongside world-class elite sports training facilities, retail, and tourism and accommodation products. Council supports the proposal and considers that CORA presents an exciting opportunity for the region.

Council's submission aims to ensure that the identified benefits of the proposal are ultimately realised by the community. Accordingly, the submission raises a number of items requiring further attention, particularly those related to the implementation of the proposal and that need to be further clarified or considered. Council will be party to the full hearing in 2020 and this will provide an opportunity to expand on Council's submission. The submission is attached to this report for endorsement by the Council.

Recommendation

That Council endorses the submission to the Cape Otway Road Development Advisory Committee as outlined in Appendix 1.

2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA), Modewarre

Report

Map of subject site showing existing conditions (Source: COESR Pty Ltd)



Background

Planning Process

Council first considered the CORA concept in 2017 and at that time, the proposal was based on a draft concept plan provided by the proponent for a world class sports and tourism facility on Cape Otway Road, Modewarre.

Council recognised the economic and employment benefits that the facility could offer for the municipality and region and on 24 May 2018, Council wrote to the Minister for Planning asking that he become the Planning Authority for the amendment; Council identified that the development was of regional and state importance, and approval could have significant effects beyond the immediate locality and municipality.

The Minister granted this request and on 17 February 2019 appointed the CORA Development Advisory Committee (CORADAC) to consider the planning matters associated with the development including:

- a. The strategic planning and planning policy context and merits.
- b. The net community benefit of the project.
- c. The potential environmental impacts and net environmental gain.
- d. Any potential risks associated with the proposed sequencing of the development.
- e. The suitability of the site for the proposed development.
- f. The suitability of the proposed planning controls.

The CORADAC is required to proceed in four stages. Stage One of the Committee's assessment was to determine whether there was sufficient strategic justification for the proposal to proceed and to determine whether any further information was required prior to exhibition. The CORADAC held an information session for agencies on 28 March 2019 and visited the subject site.

The Stage One report dated 17 April 2019 was released by the Minister for Planning on 2 June 2019 and the Minister clarified that "the purpose of the Stage 1 assessment is not to fully test the strategic basis and

2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA), Modewarre

veracity of the proposal, rather to determine whether there is sufficient justification necessary for it to proceed to public exhibition”.

The report by CORADAC determined that the development proposal was suitable for public exhibition, subject to the proponent responding to the report’s 16 recommendations (further information required). While the further information was required to be provided within 30 days, more time was afforded and the requested material was submitted on 20 September 2019.

The Minister for Planning has advised that following exhibition of the draft proposed planning scheme amendment and documentation, he will make a final decision about whether to use his powers under section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve an amendment. This means that there will be no further exhibition of the proposal and invitations for feedback, including of a future amendment if supported by the Minister.

Changes to the Concept Plan

The community first had an opportunity to view the concept for the proposal in 2017. Since that time, a number of changes have been made to the concept in order to respond to feedback from various agencies and incorporate the outcome of further investigations undertaken by the proponent. Since the 2017 concept plan, a larger area of native vegetation has been retained as a conservation area, which is proposed to be subject to a Trust for Nature covenant or a similar mechanism that ensures the protection and enhancement of the environmental assets within the Conservation Precinct.

Since the receipt of the CORADAC report, a number of other alterations have been made to the concept prior to exhibition of the Comprehensive Development Plan (CDP). The most significant of these is the deletion of the rural residential lots and relocation of the accommodation cottages into the north eastern section of the site. Other minor changes include the reconfiguration of elements of the sports precinct, and a full list of the changes are contained in the project’s town planning report.

The exhibited CDP is proposed to be an incorporated document in the planning scheme, which will guide future development on the site. All future approvals will need to be generally in accordance with the CDP if approved.

Discussion

The Proposal

The subject land is located 500m south of Lake Modewarre, a portion of which is subject to inundation, and abuts the Cape Otway Road and Connies lane. The site is comprised of the titles listed below:

- 1130 Cape Otway Road
- 1280-1320 Cape Otway Road
- 1300 Cape Otway Road
- 1340 Cape Otway Road
- 155 Batsons Road (portion)
- 10 Connies Lane
- 50 Connies Lane.

The subject land is zoned Rural Conservation Zone and Farming Zone. Overlays that apply to the land include:

- Environmental Significance Overlay
- Salinity Management Overlay
- Land Subject to Inundation Overlay.

The proposed amendment seeks to:

- Update the Local Planning Policy framework to remove any existing policy conflict with the proposal, and through changes to the Municipal Strategic Statement, recognise the benefits and opportunities of CORA; and

2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA), Modewarre

- Rezone the land currently zoned Farming Zone and Rural Conservation Zone to Comprehensive Development Zone with a customised Schedule 3 to facilitate the use of the land for the mixed use CORA development.

The Comprehensive Development Zone (CDZ) requires a CDP to be prepared, approved and incorporated into the planning scheme prior to any planning permit approvals being issued for specific uses, buildings and works and subdivision.

If a planning scheme amendment is approved by the Victorian Minister for Planning, planning permissions would then be required for the use and development of the site through the Statutory Planning Process. The CDZ and the CDP would be the primary decision making tools for this.

The proposed Schedule to the CDZ places a large number of uses in Section 1. This means that while a planning permit would be required for development, the listed uses could operate on the site subject to meeting the conditions in the table, without the need to first get a planning permit. The condition placed on most of these uses requires them to be sited in the corresponding precinct set out in the CDP. This further emphasises the importance of ensuring that the planning framework is robust and clear.

Uses

The uses proposed on the site are shown conceptually in the CDP as outlined footprints. **Refer attached Comprehensive Development Plan.**

The proposal is complex and requires a number of approvals beyond the changes to the planning scheme controls through a planning scheme amendment. Detailed plans have not yet been produced and the description below is a summary only of the uses on the site and important features.

Retail and Tourism Precinct

The retail precinct contains the following uses:

- Cafes and restaurants, microbrewery, gelateria and bakery
- Art Gallery and sculpture park
- Farmers and makers market
- 90 place child care centre
- Artist design studio
- Distribution building for artist products
- 128 room Hotel.

Elite Sports Precinct

The elite sports precinct contains the following uses:

- Football ovals and soccer pitches
- Gymnasium
- Indoor training facility
- Indoor swimming pool
- Media centre and auditorium
- Wellness centre
- Sports science hub
- Staff accommodation building
- Depot buildings for maintenance and servicing of the entire site.

Accommodation Precinct

The accommodation precinct contains the following uses:

- Wastewater treatment plant to be privately managed (effluent treatment plant for the entire site as reticulated sewerage is not available).
- Accommodation in the form of 61 detached lodges, each with either 1, 2, 3 or 4 bedrooms and at single or double storey scale. The definition of "accommodation" in the planning scheme is "land used to accommodate persons" and includes a camping and caravan park, group accommodation and the like.

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Rural Conservation Precinct

The Rural Conservation Precinct contains the following uses:

- Wetland area for restoration and conservation
- Existing dwelling to be converted to site manager residence
- Second existing dwelling to be excised.
- Farming and grazing land.
- Drainage/Dam.

Built Form and Maximum Heights for the site:

- Accommodation: 129.5m AHD
- Light poles in Elite Sports Precinct: 25m from natural ground level
- Buildings and Works within Elite Sports Precinct 131m AHD except for wellness centre 125m AHD
- Retail and Tourism precinct: 125m AHD “generally single or double storey scale” except for hotel 131m AHD referred to as “generally 3 storeys in height”
- Setback from Cape Otway Road: 40 metres.

The plan gives general descriptions of the types of built form to be required. For example, the accommodation precinct specifies “simple architectural form and be constructed of materials selected to complement the bushland setting”.

Traffic and Carparking

The primary access to the site is via Cape Otway Road. Secondary/service entrance is proposed to be via Connies Lane. The internal access roads, shared paths and carparks would be the responsibility of the developer.

Upgrades to Cape Otway Road, including traffic management at the two access points to Cape Otway Road, have been highlighted in the traffic report and section 4.4 of the Comprehensive Development Plan, although the CDP does not specify the exact works.

The social impact assessment states that access to the development via Connies Lane should be limited in order to mitigate the adverse impacts of traffic and noise on Connies Lane residents although, the other supporting documents have not been modified to reflect this recommendation. If the development is to proceed, access to CORA should be reconsidered, including access for construction traffic.

The traffic report analyses the provision of carparking for the uses on the site and concludes that the carparking is in excess of planning requirements.

Financial Implications

There are no financial implications to Council for making a submission. Council officers will be representing council at the Directions Hearing. However, it is proposed that Council be represented by a planning lawyer as advocate at the full hearing to be held in 2020 due to the complexity of the proposal. This can be accommodated in the existing Planning and Development legal budget.

Council Plan

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	N/A
Theme	4 Vibrant Economy
Objective	4.4 Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses
Strategy	4.4.1 Work with key stakeholders to encourage visitors to stay longer and spend more in the shire
Theme	3 Balancing Growth
Objective	3.1 Retain and enhance rural land for appropriate and sustainable uses
Strategy	N/A

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Theme 2 Environmental Leadership
Objective 3.1 Retain and enhance rural land for appropriate and sustainable uses
Strategy N/A

Policy/Legal Implications

Changes to local policy in the planning scheme are proposed as part of the planning scheme amendment to acknowledge and facilitate CORA.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks to council in making a submission to the planning scheme amendment. The submission highlights some issues to be addressed to mitigate potential future impacts.

Social Considerations

The CORA development is large and complex and some positive and negative social impacts have been anticipated through the social impact assessment by K2 Planning that has been submitted by the proponents to inform the planning scheme amendment. The most notable positive impacts relate to economic impacts like employment and the most notable negative impact are those relating to the Connies Lane residents; these are identified in the K2 report as 'Negative High'.

The following table is taken from the social impact assessment with the key findings as follows:

2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA), Modewarre

Table 1: Social Impact Assessment – Overall Findings

Social Impact Criteria	Overall Social Impact
Policy Alignment	
State Government	POSITIVE HIGH
Regional Strategies	POSITIVE HIGH
Surf Coast Shire	POSITIVE MODERATE
<i>Overall Impact</i>	POSITIVE HIGH
Tourism	
<i>Overall Impact</i>	POSITIVE HIGH
Employment	
<i>Overall Impact</i>	POSITIVE HIGH
Retail	
<i>Overall Impact</i>	POSITIVE MODERATE
Community Infrastructure	
<i>Overall Impact</i>	POSITIVE MODERATE
Local Community Impact	
<i>Broader Community</i>	NEUTRAL
<i>Connies Lane Residents</i>	NEGATIVE HIGH (a)
<i>Overall Impact</i>	NEGATIVE HIGH
Other Identified Social Impacts	
Indigenous Community	UNKNOWN
Potential Helipad on adjacent site	NEGATIVE HIGH
<i>Overall Social Impact</i>	POSITIVE HIGH

- a) The identified negative social impacts could be reduced to 'Negative – Moderate' if the mitigating strategies proposed below are adopted.

The report recommends a number of mitigating strategies to reduce the negative social impacts to a moderate level. These include measures like: employing students, employing those living with a disability, the traffic management plan addressing negative impacts on Moriac and Connies Lane - including restricting access via Connies Lane to the development to the eco-lodges only.

It is noted that the traffic report states that Connies Lane will provide access to the site, in particular the eco-cottages in the north eastern precinct and for service vehicles and construction traffic. Now that the rural residential lots have been deleted from the plan, the access to the site from Connies Lane may no longer be required and Council's submission, among other things, recommends that vehicle access via Connies Lane to the development should be reconsidered.

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Community Engagement

The proponent undertook preliminary consultation with the community in 2017 when the concept for the site was first made public. Between 4-9 December 2017, feedback on the proposed masterplan and development proposal was sought from the local community through:

- two community stakeholder focus group sessions held on 4 and 5 December 2017
- two community information “drop in” events, held on 5 and 9 December 2017
- online engagement through a website and online survey.

One hundred and thirteen survey submissions were received and the findings published in a Community and Stakeholder Engagement Findings report dated 31 January 2018 that was exhibited with the proposed planning scheme amendment.

Whilst Council is not the planning authority for this amendment council has attended, participated and initiated a variety of community engagement activities to assist the communities understanding of the project. Community engagement activities of note undertaken by council include the following:

- CORA Weekly Update via email provided to various individuals and community groups between December 2017 and February 2019.
- Responses to public questions on a number of occasions throughout 2018.
- Consultation meetings with the community including a recent on site meeting with residents on 18/11/2019 following an invite to all councillors that was attended by Mayor and 2 councillors, representative of Surf coast Hinterland Group, Council planning staff and residents of Connies Lane.

A detailed report on the above community engagement was exhibited with the proposed planning scheme amendment. Since that initial engagement, the concept for the development has altered including the deletion of the rural residential lots.

To inform the Social Impact Assessment, the consultants for CORA spoke with the Connies Lane residents (refer to K2 Planning social impact assessment).

In June 2019, the Minister for Planning agreed to be the Planning Authority for the amendment and appointed the CORADAC who held an information session for agencies and the proponents. Since the information session, the concept for the development has altered further with the deletion of the rural residential lots in the north east corner, relocation of the cottages to that precinct and relocation of some uses in the sports precinct.

The draft planning scheme amendment and latest CDP have been on exhibition for one month from 21 October 2019 to 28 November 2019. As a stakeholder, Council is required to make a submission during the exhibition period in order to participate in the Directions Hearing and Hearing and as such, Council has not yet had the opportunity to review the community submissions received to the planning scheme amendment.

A Directions Hearing has been scheduled in Melbourne for 13 December 2019. The full hearing is scheduled for February 2020.

It should be noted that following the consideration of the proposal and amendment by the CORADAC and report to the Minister for Planning, no further public consultation will occur prior to the Minister's final decision. As stated in the Minister's letter of 2 June 2019, the Minister's decision may include a 20(4) amendment to the Surf Coast Planning Scheme if the amendment and proposal are supported.

Environmental Implications

Environmental implications have been analysed and documented in the technical reports submitted with the planning scheme amendment. These will be considered in full by the CORADAC and relevant agencies such as DELWP and the CCMA. Matters to be considered include:

- Impacts on Lake Modewarre and ecological systems
- Impacts on the groundwater and aquifer systems
- Removal of native vegetation and the proposed conservation area management
- As the proposal is based on a floodplain: flooding and water modelling; stormwater management and catchment management
- Impacts on flora and fauna.

2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA), Modewarre

Communication

All communication is occurring directly through DELWP during the Advisory Committee process. Council's submission will be made available on Council's website.

Conclusion

The CORA Development Advisory Committee concluded in its stage one assessment of the proposal that the project was worthy of being rigorously tested through a public exhibition and hearing process. It is important that Council participates in the process to ensure that the identified benefits of the proposal are ultimately realised by the community. To this end, the submission made to the Advisory Committee concentrates on those aspects of the proposal, particularly those relating to the implementation of the proposal, that need to be further clarified or considered.

**2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA),
Modewarre**

**APPENDIX 1 COUNCIL SUBMISSION TO THE CAPE OTWAY ROAD AUSTRALIA (CORA)
PROPOSAL**



Our Ref: BC: KH: mw F18/2219 D19/152499
Contact: Karen Hose phone 52610611

19 November 2019

Ms Kathy Mitchell
Chair
Cape Otway Road Australia Development Advisory Committee

Dear Chair

**Cape Otway Road Australia (CORA) Development Advisory Committee (Advisory Committee)
Cape Otway Road Australia, Cape Otway Road, Modewarre
Elite Athlete Training, Accommodation, Retail and Tourism Facility**

Thank you for the opportunity to provide a submission to the Advisory Committee in relation to the proposed planning scheme amendment to the Surf Coast Planning Scheme which is intended to facilitate the multi-use development at Cape Otway Road, Modewarre.

1

CORA is a unique proposal that incorporates a conservation area alongside world-class elite sports training facilities, retail, and tourism and accommodation products. Council supports the proposal and considers that CORA presents an exciting opportunity for the region.

Council wants to ensure that the identified benefits of the proposal are ultimately realised by the community and accordingly submits that aspects of the exhibited documents, particularly related to the implementation of the proposal, need to be further clarified or considered.

Council requested that the Minister for Planning be the Planning Authority for this amendment due to the significance and scale of the project and further, acknowledges that the proposal has evolved over time and that the concept has been amended. Many additional technical reports have also been commissioned by the proponent to inform the proposal and assist in the analysis of its impacts.

Council considers that the relevant state and local policy provisions have been identified in the various reports prepared by the proponents and acknowledges that there is broad strategic support for the proposal. The extraordinary nature of the CORA development and the multiple uses on the site mean that it could not adequately be predicted or planned for by any policy.

Council supports the proposed amendments to the Municipal Strategic Statement subject to some proposed refinements to the drafting to ensure that the amendments are specific to the CORA proposal.



Supporting Comments

The CORA proposal has the potential to bring an additional tourism product and increased employment opportunities to the Surf Coast Shire, and Council acknowledges the economic benefit that the facility could bring to the region.

The supporting documents for the proposal include an Economic Assessment by Urban Enterprise which refers (among other things) to job creation estimates (134 direct jobs during construction and 117 direct jobs once operational).

The report also goes on to include that the retail offering within the CORA facility differs to the offering in nearby townships which have a focus on convenience and weekly shopping goods and services. The economic assessment estimates the retail impact on tourism related retailers in Torquay and Winchelsea as "low" and even less for Moriac.

The anticipated increase in jobs is significant and aligns with the identified need in the Rural Hinterland Futures Strategy (RHFS) to create additional employment opportunities. The direct employment also has the potential to increase jobs in Surf Coast Shire more broadly. The RHFS was adopted by the Council in May 2019.

Council also recognises that the geographical location of the facility is generally consistent with the RHFS, which identifies the area as suitable for tourism uses. Of further relevance, the *Great Ocean Road Visitor Economy 2015 – 2025* seeks to attract new tourism products and stimulate the visitor economy and the location of the CORA proposal in the Surf Coast and Great Ocean Road region is consistent with this objective.

2

SUMMARY – Supporting Comments

Council recognises that the CORA proposal for an integrated facility has the potential to stimulate the local and regional economy.

While the CORA proposal is unique and could not be planned for, its location generally aligns with the adopted Rural Hinterland Futures Strategy.

The introduction of a new tourism product and the anticipated creation of jobs align with objectives set out in State and Local Strategies.



General Comments

Council recognises the proponents' desire for flexibility in the planning controls to enable minor adjustments to be accommodated during the implementation and delivery of the project and this concept is supported in principle. Having said this, it is also Council's view that this flexibility must be balanced with the need for certainty and it is critical therefore, that the planning framework through which the facility is delivered is well-structured and unambiguous.

It is Council's view that in its current form, the proposed Comprehensive Development Plan (CDP) does not achieve this and needs further work in order to accurately reflect the proposal as outlined in various supporting material, and clearly set parameters and provide guidance for decision makers in relation to the future use and development of the site. Similarly, the proposed Comprehensive Development Zone Schedule (CDZS) needs to be more specific and be clear about use and development, requirements and guidelines. While not an exhaustive list, examples of this are:

- Further clarification is required about how the requirements within the CDP will be applied within a document that an application is required to be generally in accordance with. Consideration should be given to the requirements specified in the CDZS, and section 1.1 of the CDP ('How to read this document') should be drafted in clearer terms to ensure that requirements must be complied with to the satisfaction of the responsible authority.
- Further clarification is required about the application requirements within clause 4.3 of the CDZS, including:
 - Whether these are only intended to apply to buildings and works applications or to all applications, including subdivision; and
 - Whether the various reports are intended to be prepared at a whole of site level or merely at an application level and if the latter, how cumulative impacts and integrated development outcomes will be addressed.
- The requirement for development staging under clause 4.2 of the CDZS should be relocated given a staging plan should be required before any development (including subdivision) or use commences. The staging plan also needs to be approved by the responsible authority rather than merely 'submitted'.
- Further clarification is required about the relationship between the supporting reports prepared for the proposal and the CDP and CDZS as there are several instances where commitments on concepts have been discussed in the supporting reports but not implemented in the CDP or CDZS such as:
 - The supporting material refers to the relationship between the facility and the surrounding community but neither the CDP or the CDZS provide any detail on how and to what extent community access or connections will be facilitated; and
 - The Terramatrix Bushfire Development Report recommendations (discussed in further detail later in this submission).
- No information has been provided regarding hours of operation for uses on the site such as the elite sports facility, which may affect the amenity of nearby residents (as noted in the social impact assessment by K2 Planning).

3



- Details of any preliminary discussions with Trust for Nature should be provided to ascertain whether they are interested in being involved in the capacity anticipated by the proposal and if not, what other viable options have been considered. The CDP and CDZS do not currently provide a timing commitment for the conservation actions, clear obligations for ongoing conservation related costs and a mechanism to make them binding.
- Further consideration needs to be given to appropriate types of Accommodation within the CDZS. With the exception of Group Accommodation and Residential Hotel, the Table of Uses in the zone schedule is silent about Accommodation. Consideration should be given to whether the use of the land for Camping and Caravan Park should be prohibited.
- The drafting of the purposes of the CDZS should be refined to emphasis the intention to deliver an integrated development, clarify what is intended by 'serviceable infrastructure' and elaborate on the concept of orderly development as it relates to mitigating impacts on surrounding land uses.
- The role of Map 1 in the CDZS should be clarified and the precincts referred to in the conditions of use in Clause 1.0 should reference the CDP.
- Consideration should be given to the inclusion of design guidelines either as part of the CDP or as an application requirement.

Further detailed submissions in relation to these matters are outlined below in relation to particular aspects or themes of the proposal.

4

SUMMARY - General Comments

Remove all ambiguity from the CDZS and CDP to set clear parameters for the facility and provide guidance for decision makers about use (including integration), development, subdivision and staging.

Ensure that the findings and recommendations of the background reports are reflected within the CDP and where appropriate, the CDZS.

Impacts on Adjoining Properties

The residents of Connies Lane have raised concerns with council regarding this development in relation to impacts on their amenity, including the use of Connies Lane as a secondary access to the site and for potential construction traffic access.

The Traffix report describes the secondary access as primarily being for back of house and servicing vehicles and for access to the 61 accommodation cottages. Given the timing and type of vehicles that would be likely to be used in providing back of house services in particular, Council believes that the potential amenity impacts on residents resulting from the use of Connies Lane could be significant.

The concept plan considered by the Committee in early 2019 has now been altered to remove the Rural Residential lots in the north east corner of the site and this change is welcomed by Council. The lots have been replaced with the 61 accommodation cottages referenced above and these range in



size from 1 to 4 bedrooms. In light of this change, entry to the site from Connies Lane may no longer be required as access to the accommodation could be provided via Cape Otway Road. This should be explored and appropriate access arrangements should be identified within the CDP.

The Social Impact Assessment (SIA) by K2 Planning also recommends limiting access to Connies Lane and Council agrees with this recommendation. Further, the SIA recommends that the Rural Conservation Precinct immediately north of Connies Lane only be used for low scale agriculture and these, along with all other recommendations in the SIA, should be implemented to ensure that the "Negative High" overall community impact is mitigated. Council recognises that this might require modifications to the current plan.

The CDZS also references the relevant State Environment Protection Policy for the control of noise. However, the management light spill from the light towers also needs to be addressed and in particular, the adverse amenity effect that this could have on the Connies Lane residents and nearby landowners.

The mechanisms to manage potential light spill and noise nuisance, including consideration of restricted hours, require clarification.

SUMMARY – Impacts on Adjoining Properties

Primary access to the cottages and all construction vehicle and service vehicle access should be via the main Cape Otway Road entry and not Connies Lane.

Measures to manage the hours of operation and light spill and its effect on nearby residents, including those in Connies Lane, must be addressed.

Implement all of the recommendations of the SIA by K2 Planning.

5

Conservation Precinct

The restoration of the mapped wetland and the conservation precinct overall are important elements of this proposal and this should be recognised among the objectives at clause 2.2 of the CDP.

The planning report refers to the potential to maintain the conservation precinct in the Rural Conservation Zone once further work is undertaken to determine accurate precinct boundaries. Council strongly supports the concept of a conservation zone remaining on the land set aside for that purpose. Further, while Trust for Nature's interest in managing the conservation precinct has not yet been established, Council supports the principle of an allocated land manager. These are important elements of the proposal and should be confirmed at an early stage to ensure that the environmental objectives for the precinct will be realised.

The CDP includes that the purpose of conservation precinct is to facilitate restoration and conservation of the wetland and that measures to achieve this include removing livestock and manmade structures from the floodplain. These are positive actions and they should be reinforced through the CDZS which as written, currently permits agriculture as of right without any qualifying conditions in the table of uses. This should be rectified and the buildings and the works provisions for the precinct made clearer.



The supporting documents also refer to the potential excision of the dwelling that would be located on the southern portion of the precinct. It is Council's view that excising land from the integrated facility is a decision that should be made as part of the proposal and not after the fact. It is therefore, considered that the precinct should remain intact with the south dwelling either removed or used as a conservation manager's residence (or similar).

It is also noted that the precinct does not include any infrastructure to support passive recreation and this is considered to be a missed opportunity. Council requests the inclusion of boardwalks, educational walks or the like to encourage passive recreational use of the space and community participation where it does not compromise the conservation values.

SUMMARY - Conservation Precinct

Elevate the importance of the wetland restoration by including it as an objective at clause 2.2 of the CDP.

Council supports the concept of a conservation zone and an allocated land manager and these elements should be confirmed.

The suite of permissible use and development within the conservation zone should be confined and grazing ceased. The mechanism to deliver this needs to be clarified.

Include passive recreation opportunities and address public access to the conservation precinct where it does not compromise the conservation values.

6

Biodiversity

The "avoid and minimise" statement at section 5.1.1 of the Ecology and Heritage Partners *Biodiversity Assessment* describes the difference in native vegetation losses between the September 2017 concept plan and the current proposal. In doing this, the assessment explains that the potential impacts have been reduced from almost 40 hectares of native vegetation loss in the original concept, to 9.182 hectares in the current iteration. The assessment does not, however, explain how the proposal has been designed to avoid and minimise native vegetation overall.

The design plan for the northeast study area that is used in the Ecology and Heritage Partners report differs to the plan used in the CDP and this could result in minor changes to the extent of native vegetation to be disturbed. The bushfire mitigation measures also have the potential to impact native vegetation and this does not appear to have been accounted for. That is, the Bushfire Development Report by Terramatrix indicates that the final design will require vegetation management for defensible space which is yet to be determined and this might increase the extent of the impacted native vegetation.

As proposed, the retail village would be located in the mapped native vegetation and wetland layer. However, there do appear to be opportunities to locate the retail village outside of this area and justification for the selected site relative to other options has not been provided in the supporting Ecology and Heritage or Water Technology reports. The retention of the wetland south of the retail village and the maintenance and future continuity of water flows have also not been clearly explained.



Of further note, the Landscape Masterplan shows the wetland area as being revegetated with vegetation groups that are consistent with the *Plains Grassy Woodland* or *Grassy Woodland* Ecological Vegetation Classes (EVC) instead of the area being retained as a wetland.

Both the Ecology and Heritage Partners and Water Technology reports indicate that the existing berm is to be relocated rather than removed; however, neither these reports or the master plan identify a new berm location which, subject to its location, could impact on the mapped current wetland.

The Water Technology report indicates that the removal or relocation of man-made structures will improve stream flows but this is not explained apart from the statement that flows will be more direct. A key environmental objective of the Environmental Significance Overlay is the *protection of terrestrial and aquatic habitat for native flora and fauna* and a key decision guideline is *the practicality of any alternative options which do not require removal of remnant vegetation or other habitat components*. The Town Planning Report by Tract does not adequately justify siting the retail village within a wetland area.

SUMMARY - Biodiversity

The extent of vegetation loss overall should be clarified and the appropriateness of the species groups for replanting should be addressed.

Justification is required for the proposed siting of the retail village inside the mapped wetland and this should be addressed.

The proposed location of the (relocated) berm and the method to ensure the continuity of natural flows in the wetland area should be clarified.

7

Subdivision

As written, the CDP and the CDZS are silent on the relationship between the future subdivision of the site and the operation of the facility in an integrated and cohesive manner. This matter should be addressed as a matter of priority before the proposal is progressed.

In addition to this, and in the absence of more information, it is Council's view that the future subdivision of the site should be limited to precinct level subdivision without the potential for further subdivision within each precinct.

The CDP and clause 3 of the CDZS provide little direction for the future subdivision of the site. The schedule requires subdivision to be generally in accordance with the CDP; the requirement in the CDP simply states that subdivision must not adversely impact the future orderly development of the site. This is insufficient to inform the pattern of future subdivision and how this might be assessed, to explain how this will influence the integration of the facility or how this relates to the sequencing of infrastructure delivery. Considerably more detail, including more requirements in clause 3 of the CDZS and in Section 4.1 of the CDP, should be provided to reliably control subdivision.

The CDP also includes two subdivision related guidelines, being G3 and G4. Guideline G3 provides direction on the Rural Conservation Precinct and this would be given greater weight if it was a requirement. Further, the area described as *"the environmentally significant area of the Rural*



Conservation Precinct is not obvious and should be made clear. G4 would also benefit from being made a "must have" requirement with the language overall strengthened and made clearer.

In summary, clause 3.0 of the proposed CDZS should be expanded with specific requirements for subdivision that provide clear direction and greater certainty about the expected outcome. In addition, the decision guidelines for subdivision should require consideration of the following matters:

- The effect of the subdivision on the delivery of an integrated development for the entire site as shown on the Comprehensive Development Plan.
- The timing and construction of supporting infrastructure for the uses contained within the lots.
- The subdivision's compliance with the approved staging plan.
- The need to ensure that the subdivision does not adversely affect the approved sequencing of development and infrastructure works.
- The need to ensure that the subdivision will not result in an increase to permanent or temporary traffic volumes in Connies Lane.

SUMMARY - Subdivision

Resolve the mechanism to ensure the future operation of the facility in an integrated and cohesive manner post any subdivision.

Provide more detail in the CDZS and the CDP to limit any future subdivision, provide for the orderly development of the site, and provide clear direction on any subdivision for decision makers.

Resolve the mechanism to ensure that any future subdivision does not increase traffic volumes in Connies Lane.

8

Staging and Infrastructure Delivery

The proposal currently lacks clear detail about the proposed staging and infrastructure delivery and Council requests that, along with the matters articulated in the previous "subdivision" section, this is addressed as a priority.

It is reasonable that the critical infrastructure required in the first stage of development is identified in the CDP and mechanisms put in place to ensure that they are provided at an early stage. Critical infrastructure could include things like reticulated water supply, the effluent treatment plant, drainage system and the like. It should be noted that due to the site's location on a floodplain next to Lake Modewarre and the potential for groundwater effects, council is unlikely to approve interim stormwater treatments for the site.

As infrastructure delivery is critical to the coordinated development of the site and the operation of the facility, the reference to this in the CDZS needs more rigour. The language, including that under the heading "Development Staging" in the CDP, should be amended to remove any ambiguity about what is required, when it is required and what approvals must be obtained before subsequent work may occur.



In addition to the above, the requirement for a staging plan which is currently referenced under the heading "Development Staging", should be expanded to make it clear that the requirement is also for an approved staging plan prior to subdivision. The provision should include a requirement that ensures that a subsequent stage cannot commence until at least 50% of the preceding stage is completed.

Additionally, Council requests that the delivery of the Elite Sports Precinct is prioritised, and that the initial stage of the Precinct include all the facilities contained within the land bound by the perimeter roads. This land is at the centre of the precinct and includes the *Elite Sports* buildings, ovals, grounds and associated infrastructure and landscaping.

SUMMARY - Staging and Infrastructure

Within the CDP, identify critical infrastructure and the mechanisms to be put in place to ensure that they are provided at an early stage and within the CDZS, strengthen the reference to infrastructure identification and delivery.

Amend the CDP and CDZS to add rigour and remove ambiguity about what is required, when it is required and what approvals must be obtained before subsequent work may occur.

Prioritise the delivery of the central area of the Elite Sports Precinct that includes the Elite Sports buildings, ovals, grounds and associated infrastructure and landscaping.

9

Water Management Plan

Council agrees in principle with the design assumptions in the Integrated Water Management Plan (WMP) by Water Technology. It is noted, however, that the report does not clearly state the basis for the detention sizing and this should be rectified. That is, the report should be clear about 1) the size of the post development event that will be retained on site; and 2) what pre-development event the outlet flow rate conditions have been restricted to.

The WMP recommends a complex treatment train with a large number of assets and Council requests confirmation and a clear commitment that maintenance of these assets will be the responsibility of the land owner and will not pass to council.

The WMP includes design elements for the construction of swales and the like and a mechanism is required to ensure that these recommendations form part of the detailed design and on-ground works.



SUMMARY – Water Management Plan

Clarify the basis for the detention sizing.

Confirm obligations for the maintenance of on-site assets.

Confirm mechanism to ensure that the WMP recommendations form part of the detailed design and on-ground works.

Traffic

While articulated earlier in this submission, Council reiterates that the central Cape Otway Road entrance to the facility should be identified as the main entrance. Connie's Lane should not be used for service or construction vehicles or as a primary or secondary access to the facility but rather, should remain as a gated or controlled emergency exit only.

It is noted that at least some of the data in the traffic report (including traffic counts) is now four years old and it is council's view that the data that underpins the report should be updated.

The subject land is currently dissected by an unused road which is the extension of Connies Lane. It is understood that the reservation, which is proposed to be discontinued, is currently under licence to a nearby landowner who is not the proponent. This could have implications for the proposal and the licensee, and the matter should be resolved at an early stage.

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SUMMARY – Traffic

Amend the proposal to ensure that the central Cape Otway Road access is the primary access and that Connie's Lane (as it relates to the facility) may be used as an emergency access only.

Update the data underpinning the Traffic Engineering Assessment by Traffix Group.

Clarify and resolve matters associated with discontinuance of the unused road on the subject land.

Offsite Impacts and Works

The traffic engineering assessment by Traffix Group has identified that upgrades and intersection works are required at the site access points, including in relation to the primary access, on Cape Otway Road. The trigger for their construction has not been explained and it is not clear how or when those works will be provided. It is, however, Council's view that these works should occur as a priority.

Consideration needs to be given to a mechanism to secure the delivery of these works. Council's preference would be for a section 173 agreement to be prepared prior to the gazettal of the amendment. Alternatively, a requirement for such an agreement could be inserted into the CDZS. The requirement would need to provide that the agreement be registered prior to the commencement of any use or development (including subdivision) and that the agreement provide for the delivery of the necessary works at the proponent's cost prior to the commencement of any use or development of the site.



SUMMARY - Offsite Impacts and Works

Prioritise the Cape Otway Road intersection upgrade.

Stipulate the legal mechanism to ensure that offsite work will be carried out.

Bushfire and Emergency Management

The findings and recommendations of the Terramatrix Bushfire Development Report (BDP) are supported in principle. However, there is no clear enabling provision in the zone schedule or the CDP to deliver on the recommendations.

That is, the reference to bushfire in the CDZS is absent and the reference in the CDP, which reads "development must demonstrate, how performance measures are to be satisfied, and how bushfire protection measures are to be implemented", is ambiguous.

It is requested that the connection between the BDP recommendations and the planning scheme provisions be strengthened, including that the requirements and mechanisms to require management actions be made clear.

Of further note, the BDP includes that bushfire protection measures will be applied to the planned buildings, that a Bushfire Emergency Management Plan will be developed, and that a Bushfire Management Statement will be required to demonstrate how the proposed development will achieve appropriate bushfire protection measures.

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Given the integrated nature of the facility, there is also an opportunity to take an integrated approach to bushfire mitigation and emergency management at a whole of site level in lieu of the individual development level suggested in the BDP. An integrated approach would concurrently consider the capacity of the emergency services and the need for on-site resources, construction and siting, infrastructure, vegetation management, emergency and site management and shelter in place options at a whole of site level.

SUMMARY - Bushfire and Emergency Management

Create a clear and strong connection between the BDP recommendations and the CDZS and CDP.

Take an integrated (site level) approach to bushfire mitigation and emergency management.

Environmentally Sustainable Design

One of Surf Coast Shire's key pillars is Environmental Leadership and a strong commitment through the CORA project to environmentally sustainable design (ESD) principles would respond to this environmental focus. Council has adopted the One Planet system as a means of framing goals and developing actions to realise a sustainable future. The proposed amendment includes some good



initiatives and the proponent is encouraged to consider adopting a similar system to further advance their thinking in this space.

Council favours a stronger commitment to environmentally sustainable principles, with a particular emphasis on the ESD principles articulated through the CDP and CDZ schedule. It is also noted that LEED accreditation is proposed and Council supports the use of an accreditation systems.

The BESS system is more familiar to council and therefore, Council requests that the use of the BESS system is also explored to ensure that the selected system can be easily applied and achieves the best possible outcome. The selected system should include aspirational benchmarks in the CDP (eg. in the BESS system, a score of 80 or higher for buildings).

Council would also welcome a provision that requires consideration of alternative sources of renewable energy and requests that any commitments are included in the CDP.

SUMMARY - Environmentally Sustainable Design

Emphasise the facility's sustainability credentials.

Explore the use the BESS system of accreditation and set aspirational benchmarks to the selected accreditation system.

Include renewable energy initiatives.

12

Landscaping

There are a number of exotic species currently exist on the subject site. Council recognises the functional and aesthetic value that mature trees provide and their short term retention is understood. However, some of the exotic trees are designated weeds in Surf Coast Shire and it is Council's preference that these trees are targeted for selective removal where they can be progressively replaced with locally indigenous species or appropriate exotic deciduous feature or street trees. It is also noted that the planning documents and supporting material appear to be silent about passive recreation opportunities like playgrounds and having regard to the nature of the facility and the accommodation options, Council encourages further consideration in this space.

SUMMARY - Landscaping

Target wood weeds for selective removal and replacement.

Planted trees should include a mix of locally indigenous and exotic deciduous or street trees as appropriate.

Include passive recreation opportunities, including playgrounds, within the facility.



Sporting Facilities

The CDP provides limited detail about the sports facilities; this information is important to Council in its decision making around social infrastructure needs.

For example, there is no detail about the size of the proposed indoor pool and whether this will be open for public use; the playing field sizes and surfaces have not been expressed and sports that are being catered for are poorly understood.

SUMMARY – Sporting Facilities

Provide detail on the size of the proposed pool and any public accessibility.

Provide detail about playing field sizes and surface finishes and any public accessibility.

CDZ Schedule – Buildings and Works

The structure and drafting of the CDZS should be reviewed before the proposal is further progressed. Examples of this are outlined below.

Clause 4.1 exempts a fence and an out-building from requiring a permit and it is not clear why these elements have been exempted. Some fencing types are considered to be inappropriate, including those that might conflict with conservation principles. Given the integrated nature of the facility and the site context, an exemption for a fence should be qualitative. In the absence of a more considered approach, a fence should not be exempt from requiring a permit.

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The exemption for an out-building needs to be reviewed to make the context of the exemption clear. Consideration also needs to be given to the inclusion of parameters that would limit the circumstances under which the exemption would apply.

(Clause 4.3) - Application Requirements

Some of the application requirements appear to be in the wrong location. That is, if high level (master) plans do not form part of the CDP, they should be required at an early stage and their status made clear so that they may effectively underpin later decision making at an individual development level. In this instance, the schedule makes no distinction between the high level information, and that required to be provided by applicants who might be seeking a planning permit for a single building.

Notwithstanding the comments above, application requirements (information that should be submitted to and approved by the Responsible Authority prior to the commencement of use, buildings and works and subdivision) should also include:

- Environment Management Plan
- Environmental Construction Management Plan – including protocols for the rescue and relocation of any native fauna found on site
- Kangaroo Management Plan



- Integrated Bushfire Management Plan for the whole of the site. This should consider (but is not limited to) access, vegetation management, water sources, emergency management, shelter in place options and the need for perimeter roads.

SUMMARY - CDZ Schedule – Buildings and Works

Amend the CDZ schedule to either delete or qualify the proposed fence and outbuilding exemptions.

The status of high level (master) plans should be clear and form part of the exhibited amendment. Where this cannot be achieved, the plans should be provided at an early stage, prior to the commencement of any use or buildings and works.

The suite of high level plans should be expanded to include (but not limited to) a site level EMP, ECMP, KMP, and an Integrated BMP.

Accommodation

The provisions in the CDP and CDZS relating to the use of the cottages should be reviewed and strengthened so that they respond to the objective of ensuring that the cottages will primarily be for users of the facility and for some staff. Because the accommodation will be used by a range of patrons, it is considered that a mechanism to ensure that the needs of users of the CORA facility are prioritised would add rigour.

With the exception of Group Accommodation, Residential Building and Residential Hotel, the use table is silent about Accommodation. Among other things, this could enable the transformation of the group accommodation use and this deficiency in the table should be rectified.

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It is also noted that the CDP (section 4.2.3) refers to the two existing dwellings in this precinct, stating that they would be considered for excision. Vagaries like this in the CDP are considered to be unacceptable and Council requests that this be resolved at an early stage.

SUMMARY – Accommodation

Strengthen the planning controls as they relate to accommodation to ensure that the accommodation needs of users of the facility are prioritised.

Amend the table of uses to prohibit or limit other accommodation uses and be clear about any qualifying conditions.

Ensure that the proposal is explicit about any land that will be removed by excision and therefore, not included as part of the facility.

Amendment Documentation

The explanatory report recognises that only part of 155 Batson Street is included in the 'subject land' which is to be rezoned to Comprehensive Development Zone. The explanatory report is silent about whether this land will be subdivided from the parent property or whether the expectation is that the



land will continue to be held in one parcel and in two zones. This element should be reviewed and clarified.

In addition, the explanatory report includes that the "*amendment introduces the need for the CDP to be prepared and approved via an Incorporated document*". It also states that a new dot point will be added in the "reference documents" section of clause 21.04-5 to refer to the CDP; the explanatory report does not include that clause 72.04 will be amended. The two statements provide a conflicting account of the proposed status of the CDP and given the purpose of a CDP and the limited weight that can be afforded to reference documents in the scheme, the proposed status of the CDP should be clarified.

SUMMARY – Amendment Documentation

Update the instruction sheet so that the information is accurate.

Clarify any proposed changes to the overlays on the site and provide supporting detail as appropriate.

Resolve how part of 155 Batson Street will be included (ie. will it be subdivided) and amend the proposal accordingly.

Confirm that the CDP will be an Incorporated Document and amend supporting documents accordingly.

Thank you for your consideration. If you have any enquiries concerning this matter, please contact **Bill Cathcart**, Manager Planning and Development on **(03) 5261 0513**.

15

Yours faithfully

Ransce Salan
General Manager Environment and Development

2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA), Modewarre

APPENDIX 2 COMPREHENSIVE DEVELOPMENT ZONE SCHEDULE

SURF COAST PLANNING SCHEME

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C--

SCHEDULE 3 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ3**.

CAPE OTWAY ROAD AUSTRALIA (CORA)

Land

This clause applies to land at and around 1300 Cape Otway Road, Modewarre as identified in Map 1 – Cora Concept & Precinct Plan.

Purpose

To facilitate a global sports, tourism and accommodation development including training facilities, a sport science hub, various accommodation types as well as an integrated retail village and leisure precinct.

To provide for the use and development of the land generally in accordance with the Cape Otway Road Australia (CORA) Comprehensive Development Plan.

To encourage sustainable land management practices and serviceable infrastructure provision.

To protect the scenic landscape character of the Lake Modewarre and Cape Otway Road environs.

To facilitate the orderly development of the land which does not unreasonably impact surrounding land uses.

1.0

Table of uses

Section 1 - Permit not required

Use	Condition
Agriculture (other than Rice growing, Timber production, Animal keeping, Animal training, Horse stables and Intensive animal husbandry)	
Art gallery	Must be sited in the Retail and Tourism Precinct. Must not accommodate more than 150 patrons.
Caretaker's house	Must be sited in the Rural Conservation Precinct. Must be no more than 1 Caretaker's house.
Child care centre	Must be sited in the Retail and Tourism Precinct. Must care for no more than 90 children.
Food and drink premises (other than Tavern)	Must be sited in the Retail and Tourism Precinct. The total floor area must not exceed 610sqm of leaseable floor area.
Group accommodation	Must be sited in the Accommodation Precinct. Must be include no more than 61 dwellings.
Horticulture	Must not involve aerial application.
Indoor recreation facility	The total floor area of the Gymnasium in the Elite Sports Precinct must not exceed 975sqm of leaseable floor area.

SURF COAST PLANNING SCHEME

Industry (other than Research and development centre)	Must be sited in the Retail and Tourism Precinct. Must only be for a Brewery and/or Distillery that does not exceed 1000sqm of net floor area.
Leisure and recreation (other than Major sports and recreation facility, Motor racing track, Golf course, Golf driving range, Pleasure park and Zoo)	Must be sited in the Elite Sports Precinct or the Retail and Tourism Precinct.
Market	Must be sited in the Retail and Tourism Precinct.
Medical Centre	Must be sited in the Elite Sports Precinct. Must not include more than 12 practitioners.
Natural systems	
Office	Must be sited in the Retail and Tourism Precinct or the Elite Sports Precinct. The total floor area for office in the Retail and Tourism Precinct must not exceed 200 square metres. The total floor area for office in the Elite Sports Precinct must not exceed 860 square metres.
Primary produce sales	Must be sited in the Retail and Tourism Precinct.
Residential building (other than Backpackers' lodge, Boarding house, Hostel, Nurses' home, Residential aged care facility, Residential college and Residential hotel)	Must be sited in the Elite Sports Precinct or Accommodation Precinct. Must provide for no more than 28 rooms and must be used only for staff accommodation.
Residential hotel	Must be sited in the Retail and Tourism or the Elite Sports Precinct. Must provide no more than 128 bedrooms. Must not include the sale of liquor for consumption off the premises.
Restaurant	Must be associated with the Residential hotel and the total floor area must not exceed 590 square metres.
Shop (other than Adult sex product shop, Beauty salon, Bottle shop, Convenience shop, Dry cleaning agent, Department store, Hairdresser, Laundromat, Restricted retail premises & Supermarket)	Must be sited in the Retail and Tourism Precinct. The total floor area must not exceed 1220sqm of leaseable floor area.
Utility installation	Telecommunications facilities must meet the requirements of Clause 52.19.
Warehouse (other than Commercial display area, Fuel depot, Mail centre and Milk depot)	Must be sited in the Retail and Tourism Precinct. Floor area must not exceed 450sqm of leaseable floor area.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Bar	Must be sited in the Retail and Tourism Precinct and must be associated with a Brewery and/or Distillery.

SURF COAST PLANNING SCHEME

	Must not include provision of accommodation. Must not include amusement machines or gaming.
Car park	
Cinema	Must be sited in the Retail and Tourism Precinct.
Conference centre	
Place of assembly (other than Amusement parlour, Carnival, Circus, Night club and Place of worship)	Must be sited in the Retail and Tourism Precinct or the Elite Sports Precinct.
Renewable energy facility	Must meet the requirements of Clause 52.32 or Clause 53.13.
Research and development centre	Must be sited in the Elite Sports Precinct. The total floor area must not exceed 8,745 square metres.
Restricted recreation facility	Must not include gaming.
Rural industry (other than Abattoir and Sawmill)	Must be sited in the Rural Conservation Precinct.
Rural store	Must be sited in the Rural Conservation Precinct.
Store (other than Boat and caravan storage, Freezing and cool storage, Shipping contained storage & Vehicle store)	Must be sited in the Elite Sports Precinct.
Tertiary institution	Must be sited in the Elite Sports Precinct.
Utility installation	Telecommunications facilities must meet the requirements of Clause 52.19.
Winery	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use	
Abattoir	Motor racing track
Adult sex product shop	Motor vehicle, boat or caravan sales
Animal keeping	Real estate agency
Animal training	Residential age care facility
Boat and caravan storage	Saleyard
Brothel	Sawmill
Cemetery	Service station
Crematorium	Shipping container storage
Department store	Supermarket
Electoral office	Tramway

SURF COAST PLANNING SCHEME

Freeway service centre	Trade supplies
Freezing and cool storage	Transport terminal
Fuel depot	Travel agency
Funeral parlour	Vehicle store
	Veterinary centre

2.0 Use of land

2.1 Requirements

An application for use of the land must be generally in accordance with the Cape Otway Road Australia (CORA) Comprehensive Development Plan, noting that all requirements must be met.

Amenity of the neighbourhood

The use of land must not detrimentally affect the amenity of the area, 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.

Noise

The use of land must be managed in accordance with the following noise limits:

- Noise must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011);
- The use of land for the purpose of musical functions (outdoor), musical functions (indoor) and the operation of public address equipment shall comply with State Environment Protection Policy (Control of Music Noise from Public Premises) N-2 and relevant Environment Protection Authority guidelines.

2.2 Application requirements

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects of the use, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation, and light spill, solar access and glare.
- **A Management Plan** that includes:
 - An outline of the proposed uses along with operational information such as staff and patron numbers.
 - A breakdown of days and hours of operation for all proposed land uses.
 - A site plan drawn to scale that identifies the boundaries and dimensions of the site as well as the layout and use of existing and proposed buildings and works.

SURF COAST PLANNING SCHEME

2.4 Decision guidelines

Before deciding on an application to use land, in addition to the decision guidelines in Clause 37.02 and Clause 65, the responsible authority must consider, as appropriate:

- The Cape Otway Road Australia (CORA) Comprehensive Development Plan.
- The purpose of this Schedule.
- Whether the site is suitable for the use and whether the proposal is compatible with the adjoining and nearby uses.
- The effect that existing lawful uses may have on the proposed use.

3.0 Subdivision

3.1 Requirements

The subdivision of land must generally be in accordance with the Cape Otway Road Australia (CORA) Comprehensive Development Plan, noting that all requirements must be met.

3.2 Application requirements

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A plan showing the proposed subdivision in the context of the CORA Concept & Precinct Plan or any other relevant plan in the Cape Otway Road Australia (CORA) Comprehensive Development Plan.

3.3 Exemption from notice and review

An application for the subdivision of land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

3.4 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Cape Otway Road Australia (CORA) Comprehensive Development Plan.
- The effect of the subdivision on the development of the site in the long term.

4.0 Buildings and works

4.1 No permit required

No permit is required to construct a building or construct or carry out works for the following:

- A fence.
- An out-building.

4.2 Requirements

The following requirements apply to the construction of a building or the construction or carrying out of works:

SURF COAST PLANNING SCHEME

- An application for buildings and works must be generally in accordance with the Cape Otway Road Australia (CORA) Comprehensive Development Plan, noting that all requirements must be met.

Development Staging

The staging of development must be generally in accordance with the Cape Otway Road Australia (CORA) Comprehensive Development Plan.

Prior to the commencement of any use or development a staging plan must be submitted indicating the likely staging of development, specifically:

- The expected sequencing of development;
- The expected sequencing of infrastructure works to be provided in association with the development;
- Likely vehicle, road infrastructure and traffic management works; and
- Interface and access treatments.

Works to be provided in association with development

Development within the site must provide and meet the total cost of delivering the following infrastructure:

- Intersection works and traffic management measures along Cape Otway Road and Connies Lane;
- Connector streets and local streets;
- Landscaping, and where required by the responsible authority, fencing of abutting streets and roads;
- Local shared, pedestrian and bicycle paths along local roads, connector streets, utilities easements, local streets, waterways and within local parks including bridges, intersections, and barrier crossing points;
- Bicycle parking;
- Appropriately scaled lighting along all roads, major shared and pedestrian paths, and traversing the open space network; and
- Local drainage system and water quality systems.

4.3 Application requirements

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A **Landscape Masterplan** that includes:
 - An overall landscape concept plan for the entire site detailing proposed plantings palette and the location of proposed improvements;
 - Discrete landscape plans for all publicly accessible areas showing, as necessary and appropriate, the location of proposed improvements including playgrounds, pedestrian and cycle paths, earthworks, seats, bollards, fencing, landscaping, irrigation systems, drinking fountains, drainage lines and detention basins;
 - Interface treatment plans detailing the proposed interface treatments to all adjoining rural properties, conservation areas and to Cape Otway Road;
 - The extensive use of local indigenous plant species and canopy shade trees in public spaces where appropriate;
 - The Landscape Masterplan is to ensure that all publicly accessible areas are clearly visible and identifiable, with their design to generally accord with Crime Prevention Through Environmental Design (CPTED) principles.

SURF COAST PLANNING SCHEME

- An **Environmentally Sustainable Design Assessment** detailing the proposed environmental sustainability aspects of the development including use of renewable energy, optimisation of energy reduction, use of recycled materials in construction, rehabilitation of sites with environmental values, resource efficient design, LED lighting, use of recycled water and related elements.
- A **Road Network and Traffic Management Plan** that:
 - Calculates the expected traffic volumes generated by the proposal and the impact on the existing road network;
 - Identifies all necessary treatments or upgrades to roads, intersections or the pedestrian network resulting from the proposal;
 - Incorporates bus and long vehicle parking;
 - Includes concept designs for all new or upgraded intersections;
 - Includes an internal road and pedestrian/cyclist movement network that provides a high level of access and connectivity both within and to and from the site;
 - Defines the cross-sections (including verge widths, nature strips, kerb & channel, pavement widths and pathways) for all roads within and adjacent to the site;
 - Identifies all required upgrades to the external road network and external pedestrian/cyclist movement network, including pedestrian access to bus stops on the nearest public transport route; and
 - Includes a road safety audit prepared by an appropriately qualified person and report addressing any safety issues identified by the audit.
- A **Flood Impact Assessment** incorporating hydraulic modelling of the catchment to define flood depth, extent and velocity during 1% and 10% AEP flood events both pre- and post – development. The assessment must include the identification of any proposed flood mitigation works and be prepared to the satisfaction of both Council and the Corangamite Catchment Management Authority (CCMA).
- An **Infrastructure Delivery Plan**, which must show the location, type, staging and timing of infrastructure on the land as identified in the Cape Otway Road Australia (CORA) Comprehensive Development Plan or as reasonably required as a result of the development of the land and which addresses the following:
 - Stormwater drainage and water quality works;
 - Road works internal or external to the land consistent with any relevant traffic report or assessment;
 - The effects of the provision of infrastructure on the land or any other land;
 - Any other relevant matter related to the provision of infrastructure reasonably as required by the responsible authority.
- A **Water Sensitive Urban Design Assessment** that:
 - Demonstrates the methods of collection, treatment and disposal of stormwater runoff in an environmentally acceptable manner including, as appropriate, provision of detention and water quality treatment;
 - Utilises the MUSIC (Model for Stormwater Improvement Conceptualisation) program to measure the benefits and performance outcomes incorporated into the plan;
 - Provides for the safe overflows paths for the 1% ARI and considers the impact of the >1% ARI event;
 - Identifies all land to be set aside for drainage purposes, detailing the approximate size and location of all drainage reserves and system components, including retarding basins to meet peak discharge limits and WSUD elements to meet Best Practice Environmental Management Guidelines.
- A **Biodiversity Assessment** that addresses the removal of any native vegetation and outlines the corresponding offset requirements. The report should outline how the proposal has achieved the three step approach of avoid, minimise and offset.

SURF COAST PLANNING SCHEME

- An **Arborist Report** prepared by a suitably qualified arborist that assess any trees to be retained with details of suitability for retention and ongoing management recommendations for the trees including Tree Protection Zones in accordance with AS4970 – 2009 Protection of Trees on Development Sites.
- An **Environmental Site Assessment** that includes an assessment of the land by a suitably qualified environmental professional detailing the level and location of any soil contamination. This assessment is to be peer reviewed by a suitably qualified environmental professional approved by Council. If the responsible authority is satisfied that significant levels of contamination have been found:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of the Environment Protection Act 1970 that the environmental conditions of the land are suitable for sensitive uses, as required.
- A **Cultural Heritage Assessment** identifying archaeological and cultural heritage values of the study area and providing advice and recommendations with regard to the *Aboriginal Heritage Act 2006* and the *Heritage Act 1995*.
- A **Conservation Management Plan (CMP)** for conservation areas with input from the Department of Environment, Land, Water and Planning.
- An **Advertising Signage Masterplan** detailing the overarching principles for advertising signage and interpretative signage across the site
- A **Lighting Assessment** to demonstrate that light poles will not create light spill that would be detrimental to the amenity of surrounding properties.
- An **Acoustic Assessment** to demonstrate that noise levels will not exceed the relevant Environment Protection Authority guidelines.

4.4 Exemption from notice and review

An application to construct a building or construct or carry out works which is generally in accordance with the Cape Otway Road Australia (CORA) Comprehensive Development Plan is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

4.5 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Cape Otway Road Australia (CORA) Comprehensive Development Plan.
- The impact of the siting, design, height, bulk and colours and materials to be used on the amenity of the area, the natural environment, major roads, vistas and water features, and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of natural scenic beauty or importance.
- Whether the development implements environmental sustainable design practices to provide design responsive elements that ensure the proposal meets best practice energy efficiency ratings.
- Whether development protects and enhances the landscape qualities of the site and its surrounds.
- The location and design of existing and proposed landscaping treatments to be used to protect the visual amenity of the area including of the natural environment, major roads, vistas and waterbodies.

SURF COAST PLANNING SCHEME

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- The safe and efficient movement of vehicular traffic, pedestrians and cyclists to and from the site and any parking issues which will result from the proposal.

5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. Advertising sign requirements are at Clause 52.05. Signage must comply with the following:

- All land located within the Elite Sports Precinct and Retail and Tourism Precinct is in Category 3 – High amenity areas.
- All other land is in Category 4 – Sensitive areas.

SURF COAST PLANNING SCHEME

Map 1 to Schedule 3 to Clause 37.02: CORA Concept & Precinct Plan



2.3 Submission to Proposed Planning Scheme Amendment - Cape Otway Road Australia (CORA), Modewarre

APPENDIX 3 COMPREHENSIVE DEVELOPMENT PLAN

Tract

CAPE OTWAY ROAD AUSTRALIA

COMPREHENSIVE DEVELOPMENT PLAN

17 September 2019

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Quality Assurance

Rev	Date	Details	Prepared	Reviewed	Project Principal
00	15 August 2019	Draft CDP Report for Review	NC	SL	SL
01	2 September 2019	Draft CDP Report for Review	NC	SL	SL
02	16 September 2019	Draft CDP Report for Review	NC	SL	SL

1 Introduction

The Cape Otway Road Australia Comprehensive Development Plan (the CDP) applies to 220 hectares of land, 28km west of central Geelong, near the regional town of Moriac, within the Surf Coast Shire. The site is bordered to the north by land in private ownership, with views across to Lake Modewarre, to the east and south by Cape Otway Road, and to the west by private land. All land that bounds the site is a mixture of Farming Zone and Rural Conservation Zone parcels.

The site is currently used for low yielding agricultural practices.

This CDP establishes a long term plan for the staged development of sports, education, retail, accommodation and tourism uses in prescribed precincts. The CDP describes the future layout of these precincts, and provides a set of objectives, requirements and guidelines that will guide the staged development of the project.

1.1 How to read this document

The CDP is incorporated into the Surf Coast Planning Scheme. As such, it should be read as part of the planning scheme.

The various elements of the CDP are to be applied as follows:

Vision and Objectives: The vision and objectives must be complied with.

Concept & Precinct Plan: The future urban structure of the site as shown on Figure 1, must be generally complied with, to the satisfaction of the responsible authority. Minor variations may be permitted, provided the overall vision and objectives for the development of the site are complied with.

Requirements: All requirements must be complied with to the satisfaction of the responsible authority. Requirements outline matters that must be taken into account in the design of a development.

Guidelines: All guidelines should be complied with. Guidelines outline matters that should be taken into account in the design of a development. If the responsible authority is satisfied that an application for an alternative to a guideline satisfies the vision, objectives or requirements of the CDP, then the responsible authority may consider the alternative.

2 Outcomes

2.1 Vision

CORA seeks to deliver a global destination where elite sport, health and wellbeing are immersed in a unique environment of natural beauty, art, culture and locally produced food to provide three primary benefits:

- A world-class elite sport training, tourism and accommodation facility capable of attracting the world's best sporting talent whilst promoting tourism within the region.
- A regional facility capable of delivering social benefit to the community through access to employment, hospitality and cultural services, as well as leveraging existing regional educational, health, sporting and transport assets.
- An enhanced environment that promotes the conservation values of the site by delivering an exemplar development through world leading environmental sustainability outcomes including building and landscape design, energy provision and integrated water management practices.

Combined with the unique setting of the wetland which will showcase a quintessential Australian landscape, CORA will promote "brand Australia" through curated produce, products, experiences and art featured within the Retail Village. It will be enjoyed by athletes and visitors alike seeking health and wellbeing services through the Wellness Centre and Elite Sports training facilities.

The best of Australian art, culture, food, sports training and science will be offered on site to provide a first of its kind offering in the Southern Hemisphere.

2.2 Objectives

OBJECTIVES

- | | |
|---|---|
| <p>O1. To transition the site from broiler farm and broad-acre grazing to a mixed-use tourism, elite sports training and accommodation precinct.</p> <p>O2. To establish a well-designed development that contributes to high-quality built form throughout the site generally in accordance with Figure 1.</p> <p>O3. To achieve site responsive built form and landscape outcomes that reflect the rural nature of the site.</p> <p>O4. To achieve environmentally sustainable outcomes in relation to energy management, water sensitive urban design, and environmental conservation.</p> | <p>O5. To develop an inter-connected internal street and pedestrian network within the site that connects appropriately to the external road network.</p> <p>O6. To minimize impacts upon existing sensitive environments and to improve environmental outcomes upon the site through conservation and sustainable land management practices.</p> <p>O7. To deliver an integrated water management system that has regard for flood water, stormwater, waste water and their interaction with groundwater.</p> <p>O8. To ensure that development staging is co-ordinated for efficient delivery of the overall project.</p> |
|---|---|



Figure 1. Concept Master Plan



Urban Design Framework

Comprehensive Development Plan

3 Context

3.1 Strategic Context

The Site is situated in the Surf Coast Shire's Rural Hinterland and adjacent to the locality of Modewarre, approximately 9.5km south-east of Winchelsea, 26km south-west of Geelong and 90km south-west of Melbourne.

Cape Otway Road is the central spine of the Rural Hinterland and plays a significant connector role for the region between Geelong and the South-west region including Colac, Apollo Bay and the wider Great Ocean Road region.

As shown in Figure 2, Cape Otway Road, together with the Great Ocean Road and other key connector roads form a circuit for a popular tourism region that travels through the Otway National Forest and links to a variety of natural assets.

In addition to proximity to the key transport links and natural assets of the region, the site is surrounded by and is in close proximity to significant services, infrastructure and key landmarks in the region including:

- Winchelsea Railway Station – 13.5km (12 minutes)
- Deakin University, Waurn Ponds – 21.5km (15 minutes)
- Epworth Hospital Geelong, Waurn Ponds – 21.5km (15 minutes)
- GMHBA Stadium, South Geelong - 27.5km (25 minutes)
- Central Geelong (Arts, Education, Health, Recreation, Bay) - 30km (28 minutes)
- Avalon Airport – 53km (35 minutes)

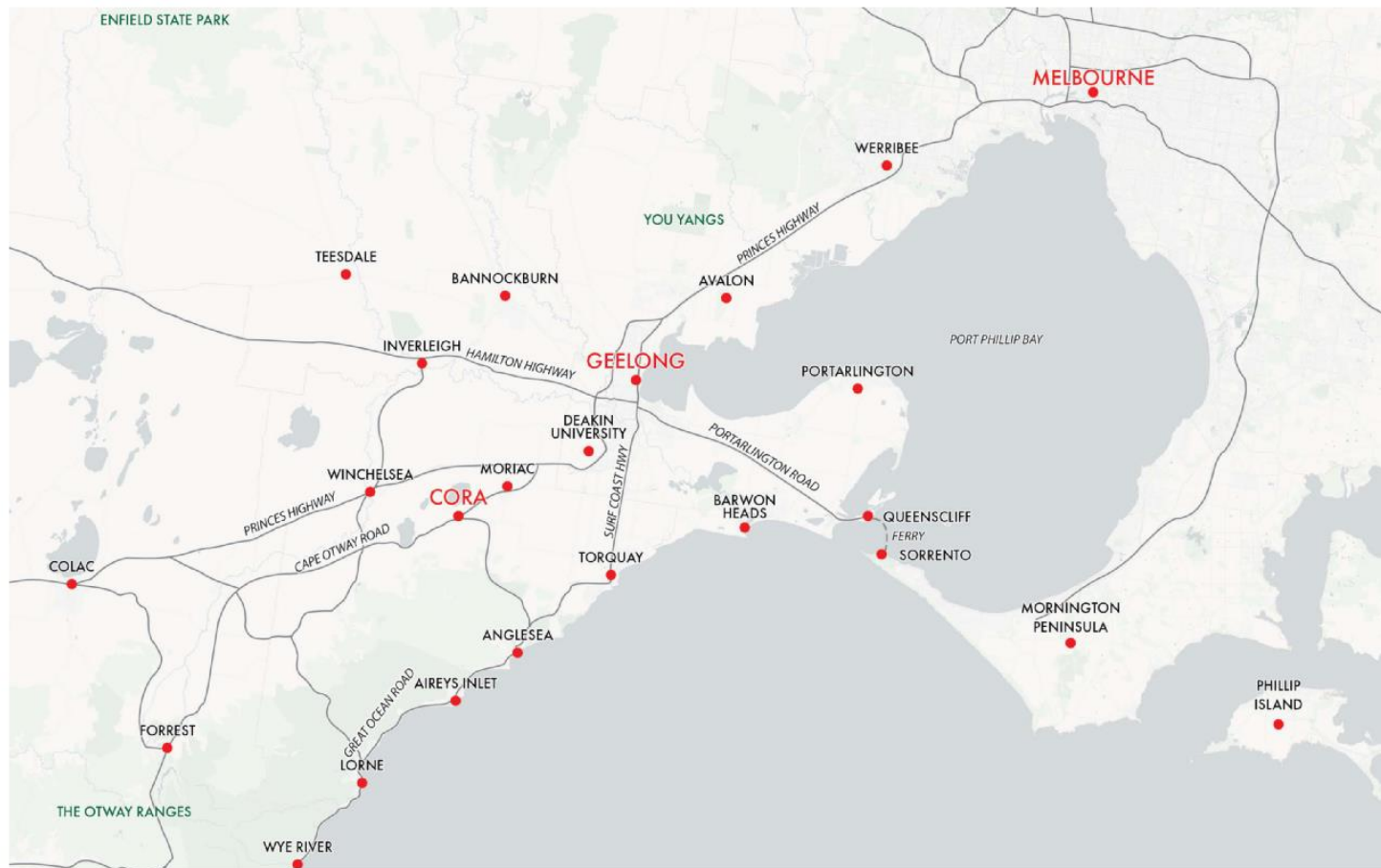


Figure 2. Context Plan



4 Implementation

4.1 Land Use & Subdivision

REQUIREMENTS

- R1. The use of land must not detrimentally affect the amenity of the area, 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.
- R2. The use of land must be managed in accordance with the following noise limits:
- Noise must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011);
 - The use of land for the purpose of musical functions (outdoor), musical functions (indoor) and the operation of public address equipment shall comply with State Environment Protection Policy (Control of Music Noise from Public Premises) N-2 and relevant Environment Protection Authority guidelines.
- R3. Subdivision of land must not adversely impact the future orderly development of the site as envisaged in this Plan.

GUIDELINES

- G1. Land uses should be located in the appropriate precinct as shown in Figure 3 and consistent with the objectives set out in Sections 4.2.1, 4.2.2 & 4.2.3 of this Plan.
- G2. Land uses with the probability of noise emissions should be sited appropriately to avoid or minimize interfaces with existing or proposed sensitive uses.
- G3. Subdivision of land should facilitate the creation of a single title for the environmentally significant area of the Rural Conservation Precinct.
- G4. Subdivision of land should consider the need to provide common property on the primary internal road network or on other shared facilities such as the waste water facility or depot.



Figure 3. Concept and Precinct Plan



Implementation

Comprehensive Development Plan

09

4.2 Built Form

CORA is to demonstrate the quality of Australian design evidenced in the new landscapes, natural environments and the built form of all buildings.

Building upon the qualities inherent within this timeless undulating landscape adjacent to Lake Modewarre, architecture will be emblematic of project quality and at the same time act as an identifier within each precinct expressing the nature, purpose and scale of the various activities within each precinct.

The new buildings of CORA will be carefully set into their respective sites where both the natural and built form will be designed to create an harmonious relationship within the landscape.

The foundation of architectural expression at CORA will be found in the background of functional, unpretentious rural buildings in Australia.

REQUIREMENTS

- R4. Buildings must be setback a minimum of 40 metres from the Cape Otway Road boundary to accommodate space for landscaping.
- R5. Buildings must not exceed the maximum building heights shown on the Built Form Plan (Figure 4). The heights nominated do not include architectural features and service equipment including plant rooms, lift overruns, structures associated with green roof areas and other such equipment provided that the following criteria is met:
 - No more than 50% of the roof area is occupied by the equipment (other than solar panels).
 - The equipment does not extend higher than 3.6m above the maximum building height.
 - The equipment and screening is integrated into the design of the building to the satisfaction of the responsible authority.
- R6. Buildings must be designed to utilize natural colours, muted tones, matte finishes and non-reflective materials.
- R7. Development must demonstrate, how performance measures are to be satisfied, and how bushfire protection measures are to be implemented.

GUIDELINES

- G5. Development should consider the need to provide multiple active interfaces where it will interface with the public domain (e.g. Cape Otway Road frontage).
- G6. Development siting, design, height, bulk and colours and materials to be used should minimize any adverse impacts on the amenity of the area, the natural environment, major roads, vistas and water features.
- G7. Environmental sustainable design practices should be implemented to provide design responsive elements that ensure the proposal meets best practice energy efficiency ratings.
- G8. Development should deliver world leading environmental design outcomes by seeking to achieve LEED Platinum accreditation.



Figure 4. Built Form Plan

4.2.1 Retail And Tourism Precinct

The Retail & Tourism Precinct is to create a highly activated and pedestrianised Village that invokes the feel of a main street in country Victoria. The Village is aimed at curating the best local and Australian brands and is to consist of:

- A broad range of hospitality and dining options including cafes, restaurants, microbrewery, gelateria and bakery.
- An Art Gallery and Sculpture Park.
- A Farmers & Makers Market.
- A 90 place Child Care Centre.
- A Design Studio for local producers and artisans.
- A Distribution Building for products created within the Design Studio.
- A 128 room Hotel.

The Village will create a sense of informality and easy relaxation within the buildings and the connecting spaces. Careful siting of the buildings will form a protective and sheltering barrier from the western exposure. The space defined by the buildings on the south and west will create a main circulation and gathering space affording close connection with the water body and wetlands.

The individual buildings will use consistent details of construction, natural materials, fixings and roof forms and will predominantly be single and two storey structures. The interface with the wetlands and its inherent seasonal variability will provide a consistent and dynamic edge to this main pedestrian way varying the sense of place from one visit to the next.

Refer to Figure 5 (Retail & Tourism Precinct Plan) for further details.

REQUIREMENTS

- R8. Provide a central public plaza to act as a focal point for surrounding retail, commercial and hospitality outlets.
- R9. Buildings within the Village without direct road frontage must orientate their activation and address towards the pedestrian pathway.
- R10. Pedestrian interfaces with landscape/water bodies must consider appropriate safety barriers.

GUIDELINES

- G9. Buildings within the Village should generally be of single or double storey scale to promote a human-scaled collection of buildings.
- G10. The Child Care building should provide a site responsive design considerate of its proximity to Cape Otway Road and surrounding landscape design.
- G11. The Hotel should generally be of three storey scale and be a high quality architectural building.
- G12. The public realm should be designed to include canopy trees, outdoor dining, pedestrian activity, and facilitate high levels of activity.
- G13. Buildings within the Village that have frontage to the internal road network should also address the pedestrianised areas, where practical, to promote surveillance.
- G14. Car parking should be well landscaped and located at the periphery of the Village, to facilitate a pedestrian-oriented environment.
- G15. 80 percent of the building facade at ground level in the Village should be maintained as an entry or with glazing to promote surveillance.



Implementation

Comprehensive Development Plan

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4.2.2 Elite Sports Precinct

The Elite Sports Precinct is to integrate the larger footprint buildings into the site and where appropriate modify the impact of scale within the setting of the precinct. Within this precinct there will be large structured areas of clear open space in the form of football ovals and soccer pitches which will provide an exciting contrast to the areas of key natural landscape and the built form.

The sports buildings will be configured as large combined footprint buildings that will be punctuated with internal courtyard spaces for both light and amenity while multiple openings and transparency at the ground floor will activate buildings. The sports buildings will consist of:

- Gymnasium.
- Indoor training facility.
- Indoor swimming pool.
- Media centre and auditorium.

The Sports Science Hub will be comprised of a campus of smaller buildings each with specific areas of interest and varied requirements for laboratories, testing tracks and installation of specialised equipment. Predominantly single storeys buildings will be interlinked and connected via courtyards and open spaces producing a complex of internal and external spaces.

The Wellness Centre is the northern most facility within the precinct, in an open landscape setting with immediate views over the wetlands. This facility will generally be housed in a single storey building maximising the employing light, texture and subtle spatial

variation. This building will use simple rammed earth and stone construction in a light and refined composition.

Situated in the south-eastern corner of the precinct is a staff accommodation building along with depot buildings which will house and facilitate maintenance and servicing of the wider site.

Refer to Figure 6 (Elite Sports Precinct Plan) for further details.

REQUIREMENTS

- R11. Car parking areas must be located in consolidated positions away from the primary movement network to promote a pedestrian-oriented environment.
- R12. Appropriate pedestrian and cyclist facilities must be provided to safely and efficiently circulate within the precinct.
- R13. Lighting associated with the sports training fields must be designed and baffled to avoid light spill to adjoining properties and landscaping is to be used to avoid adverse impacts.
- R14. The Wellness Centre must provide a key architectural feature in the north of the precinct and provide an activated frontage to the wetland.

GUIDELINES

- G16. Development should maintain separation from the eastern boundary to avoid amenity impacts to existing sensitive uses.
- G17. Elite Sports buildings should generally be of three storey scale to facilitate the internal scale required to provide for indoor sports training.
- G18. Elite Sports buildings should provide multiple active frontages where they front one or more roads or the off-road shared path corridor.
- G19. Buildings within the Sports Science Hub should generally be of single or double storey scale and provide a site responsive design considerate of its proximity to Cape Otway Road and surrounding landscape design.
- G20. Within the Sports Science Hub a high quality plaza should connect the various buildings.
- G21. Land adjacent sports fields should include passive open space for informal recreation, and tree planting to provide for climate amelioration.
- G22. Development should provide an integrated water management system to facilitate the re-use of storm and waste water for irrigation of the sports fields and landscaped areas.

- LEGEND**
- Elite Sports Sub Precinct
 - Wellness Centre
 - Elite Sports
 - Sports Science Hub
 - Staff Accommodation
 - Existing Storage
 - Depot
 - Key Active Frontage
 - Existing Dam
 - Off-Road Shared Path
 - On-Road Shared Path
 - Road
 - Car Parking



Figure 6. Elite Sports Precinct Plan



4.2.3 Accommodation Precinct

The Accommodation Precinct will create a varied bushland landscape with accommodation buildings informally located in a rich natural setting, enjoying varied private and shared open space interfaces with adjacent lodges and the broader landscape. Occasional connections with water bodies and/or the adjoining wetland will enhance the living experience in this part of the site.

Lodges within the precinct are envisaged to be single or double storey of simple architectural form and constructed of materials selected to complement the bushland setting.

Situated in the north-eastern section of the Accommodation Precinct is the Waste Water Treatment Facility (WWTF) which will provide reticulated sewer services to the CORA site.

The WWTF is envisaged to consist of a single enclosed building housing the treatment plant and equipment, along with a storage dam that will store treated water for use across the CORA site as part of the overall integrated water management plan and the whole of site environmental strategy.

The Accommodation Precinct will also contain two existing dwellings which may be considered for excision from the CORA site.

Refer to Figure 7 (Accommodation Precinct Plan) for further details.

REQUIREMENTS

- R15. Development must respect the surrounding landscape and provide for landscape design that promotes the creation of a dense bushland setting.
- R16. Car parking must be subservient to the built form and surrounding landscape, and feature high quality landscape treatments.
- R17. Development must consider the need for an integrated rubbish collection system for the dwellings associated with accommodation.
- R18. The building and storage dam associated with the Waste Water Treatment Plant must be sited to ensure that applicable buffers are contained within the site and do not cover areas of sensitive land uses.

GUIDELINES

- G23. Development should provide for a maximum of 61 accommodation lodges that include a range of 1, 2, 3 & 4 bedrooms.
- G24. Development should include built form that provides for exemplary environmental sustainable outcomes including capture of stormwater and passive solar power.
- G25. Accommodation lodges should generally be of single or double storey scale and provide simple architectural form and be constructed of materials selected to complement the bushland setting.
- G26. The internal road network should be designed to provide a 'finish' consistent with the desire to promote a highly vegetated, bushland environment.
- G27. Existing dams or new drainage basins should be utilized as key landscape features in addition to their water management role.
- G28. Development should give consideration to the operation and ongoing maintenance of the accommodation lodges



Figure 7. Accommodation Precinct Plan

Implementation

Comprehensive Development Plan

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4.2.4 Rural Conservation Precinct

The Rural Conservation Precinct is to facilitate the restoration and conservation of the wetland which is significant in terms of its biodiversity and water values.

Restoration and conservation of the wetland is broadly to be achieved by removing livestock from the floodplain, removing historic man-made structures interrupting natural water flows to Lake Modewarre, as well as appropriate revegetation and landscaping of the precinct to benefit the local environment through habitat creation, enhancement of local biodiversity and the restoration of natural land systems.

The Rural Conservation Precinct contains two existing dwellings, with one to be converted to be the residence of the CORA site manager. The other dwelling situated on the southern side of the farm may be considered for excision from the CORA site. The farm will continue to utilize the land for grazing and to facilitate food production to deliver on the paddock-to-plate concept for the various hospitality venues within the Retail & Tourism Village.

Refer to Figure 8 (Rural Conservation Precinct Plan) for further details.

REQUIREMENTS

- R19. Development must demonstrate how and when conservation management actions associated with the environmentally significant wetland area will be undertaken.
- R20. Development must demonstrate how public access to the conservation area will be prevented or managed appropriately.
- R21. Development must facilitate the transfer of the environmentally significant wetland area to Trust for Nature, or an equivalent body to appropriately manage the conservation and restoration of the wetland in perpetuity.
- R22. Development must ensure that no agricultural operations are undertaken within the area of the environmentally significant wetland area.

GUIDELINES

- G29. No new buildings should be considered within the Rural Conservation Precinct unless associated with the farming operations or environmental conservation.
- G30. The farm should facilitate the provision of produce to the various hospitality uses on the site to deliver on the paddock-to-plate concept.
- G31. Operations associated with the farm should be considerate of the proximity to the wetland area with regard to water quality run-off from the site.
- G32. Operations associated with the farm should be considerate of the proximity to the existing dwellings located to the south of Connies Lane and avoid adverse impacts to amenity.



Implementation

Comprehensive Development Plan

4.3 Landscape

CORA will build upon the qualities inherent within both the undulating pastoral landscape adjacent to Lake Modewarre and the native environment. It will see the creation of a reinvigorated landscape which draws its theming from a combination of the locally indigenous vegetation and the land management practices common to the district.

Extensive landscaping will celebrate and expand the existing environment, to ensure the interrelationship between buildings and that the landscape is seamless and provides for a setting where the built form is subservient to and respectful of the landscape.

The Landscape Concept Plan establishes a framework of significant revegetation for the wetland area utilising appropriate species. Planting around the retail, hospitality and sports facilities will utilize a mixture of native and exotic species in keeping with the existing landscape character to benefit the local environment through habitat creation, enhancement of local biodiversity, and the restoration of natural land systems.

Refer to Figure 9 (Landscape Concept Plan) for further details.

REQUIREMENTS

- R23. The use of local and indigenous plant species and canopy trees in open spaces must be prioritized, where appropriate.
- R24. Publicly accessible areas must promote a high-quality landscape amenity through the inclusion of items such as passive recreation areas, pedestrian and cycle paths, seating and lighting.
- R25. Landscape design must generally accord with Crime Prevention Through Environmental Design (CPTED) principles.
- R26. The landscape design must recognize and respond to the hazards and risks associated with development within and adjacent to fire prone landscapes.

GUIDELINES

- G33. Landscaping should consider the staged development of the site, and how amenity will be protected for adjoining properties.
- G34. Landscaping should prioritize pedestrian and cyclists movements across the site. Consideration should be given to the use of tailored surface treatments, site furniture, and way finding signage.
- G35. Water Sensitive Urban Design (WSUD) principles should be incorporated into the landscape design to manage run-off and ensure that opportunities such as passive irrigation of trees and open spaces are accommodated where practical.
- G36. Consideration should be given to the use of sustainable and locally sourced plant and landscape materials.
- G37. The landscape design should endeavour to maintain and where possible enhance the scenic and natural beauty of the surrounding rural landscape.



Figure 9. Landscape Concept Plan

Implementation

Comprehensive Development Plan

4.4 Transport & Infrastructure

CORA is well located on Cape Otway Road which forms the inland route to the Otways and the Surf Coast. Cape Otway Road will provide the primary access to the site, with secondary or service access via Connies Lane.

Upgrades to both Cape Otway Road and Connies Lane will be required to support the development, not only for vehicular access but also to promote cycling accessibility to the site.

Beyond the existing external road network, CORA seeks to create a highly permeable and interconnected network of internal roads and paths, with a focus on providing a pedestrian-oriented environment with visitors and athletes moving within and across the site.

Refer to Figure 10 (Transport Plan) for further details.

REQUIREMENTS

- R27. The internal street network must be designed to allow safe and easy access to and from Cape Otway Road and Connies Lane.
- R28. The internal pedestrian and cycling network must provide for a safe and efficient network that assists to create a pedestrian/cyclist prioritized environment.
- R29. The required upgrades to the external road network must be designed and undertaken to the satisfaction of the responsible authority.
- R30. The required upgrades to water and electrical services must be designed and undertaken to the satisfaction of the responsible authority and the relevant servicing authority.

GUIDELINES

- G38. The road network should be designed to accommodate all users, including private vehicles, buses, emergency and service vehicles, pedestrians and cyclists.
- G39. Street layout should consider long views to key destinations, such as key built form in each precinct, and long landscape views.
- G40. Pedestrian and cyclist priority should be provided across all internal roads and car park entrances.
- G41. Shared path connections should be prioritized by providing clear links between destinations.
- G42. The development should incorporate environmentally sustainable initiatives to reduce its demands on water and electricity.
- G43. Consideration should be given to the need to discontinue the Connies Lane "paper road" that intersects the wetland and floodplain.



Figure 10. Transport Plan

Implementation

Comprehensive Development Plan

4.5 Water

Lake Modewarre to the north of the site is a terminal lake, with the site being a drainage catchment which contributes inflows to Lake Modewarre in a flood event which is reflected in the land being subject to the Land Subject to Inundation Overlay (LSIO).

In addition to the site being a floodplain, the site has significant groundwater characteristics which is reflected in the site currently being within a Salinity Management Overlay (SMO) and identified as an area likely to contain Groundwater Dependent Ecosystems (GDE).

CORA is to facilitate the restoration and conservation of the wetland by removing historic man-made structures interrupting natural water flows to Lake Modewarre and appropriate revegetation to benefit the local environment through habitat creation, enhancement of local biodiversity and the restoration of natural land systems.

Given the sensitivities of the surrounding environs, a fully integrated water management system that captures, treats and discharges water in a responsible manner is critical. An integrated system of rain gardens, swales, ponds, sedimentation basins and wetlands will seek to achieve acceptable storm water quality outcomes.

Refer to Figure 11 (Integrated Water Management Plan) for further details.

REQUIREMENTS

- R31. Stormwater runoff from new development must meet the performance objectives of the CSIRO Best Practice Environmental Management Guidelines for Urban Stormwater (1999), unless otherwise approved by the Corangamite Catchment Management Authority and the responsible authority.
- R32. Quantity of stormwater runoff from development must not exceed the runoff generated from the pre-developed site, unless otherwise approved by the Corangamite Catchment Management Authority and the responsible authority.
- R33. Design of stormwater drainage, retarding and quality treatment infrastructure must be to the satisfaction of the Corangamite Catchment Management Authority and the responsible authority.
- R34. Buildings must be sited so as to sit above the Q100 flood event as determined by the Corangamite Catchment Management Authority.
- R35. Any proposed flood mitigation works must be designed and undertaken to the satisfaction of the Corangamite Catchment Management Authority and the responsible authority.

- R36. Irrigation of sports fields and landscape areas with treated waste water must be undertaken in accordance with EPA guidelines 168 and 464.2.
- R37. The design of the dam associated with the waste water treatment plant must be designed to avoid interaction with groundwater and floodwaters.

GUIDELINES

- G44. Development should avoid or minimize effects of redirecting floodwater, reducing flood storage and increasing flood levels and flow velocities.
- G45. Development should provide for improvements to health values of the wetlands, natural habitat, environmental flows and water quality.
- G46. A system of swales and rain gardens within roadways and car parks should be utilized to achieve stormwater treatment before water enters drainage basins or wetlands.
- G47. Areas affected by salinity should be stabilized and revegetated to avoid contributing to further salinisation.
- G48. Development should be undertaken in a manner which brings about a reduction in salinity recharge and avoids damage to buildings and infrastructure.



Figure 11. Integrated Water Management Plan

Implementation

Comprehensive Development Plan

4.6 Environment

The CORA site consists typically of remnant native vegetation in low-lying areas, predominantly the wetland area where it generally consists of grassy and herbaceous vegetation. The remainder of the site vegetation is comprised of introduced and planted vegetation in the form of crops, pasture, windrows and ornamental plantings.

The CORA site also has potential habitat for significant species such as Golden Sun Moth Growling Grass Frog and migratory birds such as the Red Knot and Curlew Sandpiper.

CORA is to maintain the physical and biological integrity and function of wetlands and water bodies given their importance in providing potential habitat to significant fauna.

While the proposed development does encroach into a portion of the wetland at the southern end, the supporting works of removing historic man-made structures interrupting natural water flows to Lake Modewarre, appropriate revegetation as well as improved water quality are aimed at benefiting the local environment through habitat creation, enhancement of local biodiversity and the restoration of natural land systems.

Refer to Figure 12 (Environment Plan) for further details.

REQUIREMENTS

- R38. Development must avoid or minimize its impact upon significant environmental areas including the wetland, native grass patches and scattered trees, where possible.
- R39. Development in the Rural Conservation Precinct must avoid the potential habitat for Golden Sun Moth and take steps to enhance the environmental outcomes of the wetland area to support the potential habitat area.
- R40. Development and land use must consider the potential impacts upon native fauna that may rise from noise and lighting.
- R41. Development must appropriately manage the capture, treatment and discharge of stormwater so as not to affect the biodiversity values of the wetland or receiving water bodies.
- R42. Development must demonstrate how the objectives and actions of any endorsed Conservation Management Plan is being implemented.

GUIDELINES

- G49. Development should minimize impacts to existing water bodies identified as potential habitat for Growling Grass Frog and take steps to create a connected corridor to facilitate the movement of fauna through the site.
- G50. The use of local and indigenous plant and tree species should be prioritized, where appropriate.



Figure 12. Environment Plan

Implementation

Comprehensive Development Plan

4.7 Development Staging

Appropriate and orderly staging of CORA, and its associated infrastructure upgrades, is fundamental to delivering the proposal in its entire and intended form.

The early delivery of enabling infrastructure such as power and potable water upgrades along with the construction of the Waste Water Treatment Plant will be necessary to facilitate the first stages of the CORA development to occur.

REQUIREMENTS

- R43. The staging of development must provide for supporting infrastructure that will need to be concurrently delivered, and must be informed by advice from relevant road and servicing authorities.
- R44. Development must be staged appropriately to minimize impacts on Cape Otway Road, Connies Lane and adjoining properties.

GUIDELINES

- G51. Development staging within the Retail & Tourism Precinct should ensure that the core of the village being the hospitality, retail and commercial/gallery spaces, form part of the first planning phase. The sculpture park, distribution centre and child care centre should not be considered for planning approval in the absence of the village core. The hotel component may be considered separately.
- G52. Development staging within the Elite Sports Precinct should ensure that approximately 50% of the precinct is delivered as part of the first planning phase, noting that this does not include the Sports Science Hub or the Wellness Centre which may be considered separately.
- G53. Development staging within the Accommodation Precinct should ensure the early delivery of the Waste Water Treatment Plant as it is a key piece of enabling infrastructure for the overall project. The Eco Lodges may be delivered in stages that respond to the tourism accommodation demands.
- G54. The Rural Conservation Precinct contains two existing dwellings and a farm which will be retained and continue their current uses. The revegetation and restoration of the wetland area should commence in line with the first development proposal, however is expected to continue throughout the life of the development.

Cape Otway Road Australia Comprehensive Development Plan

Prepared by Tract
for Cape Otway Road Australia

Tract

Contact Tract

Melbourne

Level 6, 6 Riverside Quay,
Southbank
VIC, Australia 3006
61 3 9429 6133
melbourne@tract.net.au

Brisbane

Sydney
Adelaide
Geelong

3. OFFICE OF THE CEO

Nil

4. GOVERNANCE & INFRASTRUCTURE

4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2019

Author's Title: Coordinator Management Accounting

General Manager: Anne Howard

Department: Finance

File No: F18/850-2

Division: Governance & Infrastructure

Trim No: IC19/2007

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐ Yes

☒ No

☐ Yes

☒ No

Reason: Nil

Reason: Nil

Purpose

To present the project budget adjustments and cash reserve transfers for Council approval.

Summary

The project budget adjustments relating to November 2019 are included in this report. All figures in this report are exclusive of GST.

Recommendation

That Council:

1. Approves the Project Budget Adjustments outlined in Tables 1 to 5 in this report.
2. Approves the following net change to cash reserves resulting from the project budget adjustments listed in this report:

Funding Sources	Transfers From/ (To) Reserve
Accumulated Unallocated Cash Reserve	51,985
Asset Renewal Reserve	22,000
Open Space Reserve	20,000
Grand Total	93,985

4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2019

Report

Background

Council allocates funding to projects through its annual budget or specific resolution.

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that Council's decisions to adjust project budgets are open and transparent to the community. Therefore, any changes to project budgets or cash reserves are reported in a manner that demonstrates the diligence and transparency of the organisation's financial management principles.

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management and project review activities. Projects reported for closure have been through Council's project review and closure process.

Discussion

The following budget transfers, detailed in Table 1, are newly initiated projects.

Table 1 – Newly Initiated Projects

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Public Art	Accumulated Unallocated Cash Reserve	Councillors briefed 7 May 2019 of new approach to funding public art projects: reduce annual operating budget from \$15k to \$0 and establish a biennial project budget of \$30k as the correct method for funding projects. This change was not made in the 2019-20 budget and this transfer seeks to rectify that omission to deliver a project in current year.	30,000

The following budget transfers, detailed in Table 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 scope of project.

Table 2 – Project Budgets Requiring Adjustment

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Widen Coombes Road (RD11)	Grant Funded	Funding agreement has been executed with Regional Roads Victoria for Blackspot Funding to enable lighting to be installed at the Ghazeepore Road / Coombes Road intersection, improving outcomes for this project.	40,000
Aged Care Reform	Accumulated Unallocated Cash Reserve	Additional funds requested to fund project management, communications and engagement that have been identified via preparation of the charter for implementation phase.	18,985
Surf Coast Multi-use Synthetic Facility Business Case	Contribution Funded	Surf Coast Secondary College has agreed to contribute \$5k to this project to increase scope for a higher quality outcome.	5,000

4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2019

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Economic Development Strategy	Grant Funded	Funding agreement with Regional Development Victoria has been renegotiated to reduce their contribution from \$195k to \$175k. Life of project budget is now \$245k.	(25,000)
Barwon River Playground Renewal	Asset Renewal Reserve	Additional funds required to enable the full scope of the project to be achieved having considered community expectations.	22,000
Djila Tjarri Skate Bowl Leak Investigation	Open Space Reserve	Additional funds required to fund contract variations, additional consultants and project management to support extended work. Total project budget now \$150k including contingency.	20,000

The following budget transfers detailed in Table 3 represent projects that have been successfully completed and are presented to Council for acknowledgement. Where unexpended funds remain they are returned to the source of funding as per Council's business practices. If the source of funds is the Accumulated Unallocated Reserve, the funds are returned to the Project Savings Account during the year and at the end of the year the balance of the Project Savings Account will be returned to the Accumulated Unallocated Reserve.

Table 3 – Projects to be closed

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Nil			

The following budget transfers detailed in Table 4 represent projects, that due to exceptional circumstances, the Chief Executive Officer has approved project budget adjustments that now require Council ratification.

Table 4 – Ratification of CEO Approve Transfers

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Rip Curl Nature Strip	Accumulated Unallocated Cash Reserve	In order to complete project, additional funds required to cover the costs of installation of bollard fencing, service location and project management. Currently council has contributed \$43,175 towards this project, with Rip Curl contributing \$26,495.	3,000

4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2019

Table 5 – Accumulated Unallocated Cash Reserve Movement

Accumulated Unallocated Cash Reserve	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000	2022-23 \$'000
Opening Balance	1,085	1,441	637	(340)
Budgeted Annual Surplus/(Deficit)	610	(804)	(977)	(1,161)
Return for Recreation & Open Space and LED	925	-	-	-
Transfer for Digital Transformation	(730)	-	-	-
Net Allocations During Year	(397)	-	-	-
November Net Allocations Proposed	(52)	-	-	-
Closing Balance *	1,441	637	(340)	(1,501)

* Note includes budgeted annual surplus/(deficit) as per Adopted Budget 2019-20.

Accumulated Unallocated Cash Reserve	2019-20 \$'000
Net Allocations During Year	
Anglesea Mountain Bike Park and Trails Concept Planning	(8)
Winchelsea Cultural Centre Implementation Plan project	(65)
PS Amendment Heritage Overlay	(16)
VEC By-Election Anglesea Ward & Winchelsea Countback	(74)
Parking Overstay Detection System	(234)
Net Allocations (From)/To	(397)
November Net Allocations Proposed	
RipCurl Nature Strip	(3)
Public Art	(30)
Aged Care Reform	(19)
Total November Net Allocations (From)/To	(52)

Financial Implications

The proposed Project Budget Adjustments and Cash Reserve Transfers are outlined in this Report. Through this report all financial implications of the project budget adjustments and cash reserve transfers are clearly and transparently presented to Council and the community.

Council Plan

Theme 5 High Performing Council
Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy 5.1.1 Establish long-term financial principles and incorporate into the long-term financial plan

Policy/Legal Implications

Not applicable.

Officer Direct or Indirect Interest

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

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

4.1 Project Budget Adjustments and Cash Reserve Transfers - November 2019

Options

Option 1 – Not approve transfers as recommended

This option is not recommended 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.

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for November 2019.

4.2 Audit and Risk Committee Membership

Author's Title: Manager Governance & Risk

Department: Governance & Risk

Division: Governance & Infrastructure

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

General Manager: Anne Howard

File No: F18/145

Trim No: IC19/1603

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to request Council's approval to extend two Independent Member appointments on the Audit and Risk Committee.

Summary

The current appointments of Melissa Field (Independent Member and Chair) and Brian Keane (Independent Member) expire on 31 January 2020.

In order to retain their valuable experience and expertise on the Committee, officers recommend that Council extends the appointments of Melissa and Brian as Independent Members until 31 January 2021, with an additional recommendation that Melissa's appointment in the position of Chair continues for that time.

This approach also supports a staggered recruitment cycle with the other two Independent Members.

Recommendation

That Council:

1. Extends the appointment of Brian Keane as an Independent Member of the Audit and Risk Committee for a period of one year until 31 January 2021.
2. Extends the appointment of Melissa Field as an Independent Member of the Audit and Risk Committee for a period of one year until 31 January 2021.
3. Extends the appointment of Melissa Field as Audit and Risk Committee Chair until 31 January 2021.

4.2 Audit and Risk Committee Membership

Report

Background

The current appointments of Melissa Field (Independent Member and Chair) and Brian Keane (Independent Member) expire on 31 January 2020.

Discussion

An open recruitment process took place at the end of 2015 and both members were appointed for a period of three years. The Audit and Risk Committee Charter allows for appointments to a maximum of four years following an open process therefore Council is able to extend the appointments for a further period of one year without having to conduct a recruitment exercise.

At the end of the proposed one year extensions both appointments will need to terminate in accordance with the Audit and Risk Committee Charter which states that members can only serve a maximum cumulative total of eight years on the Committee. Both Melissa and Brian will reach that limit on 31 January 2021.

In order to retain their valuable experience and expertise on the Committee, officers recommend that Council extends the appointments of Melissa and Brian as Independent Members until 31 January 2021, with an additional recommendation that Melissa's appointment in the Chair continues for that time.

If the Local Government Bill 2019 successfully passes into legislation the next 12 months will be a period that is likely to require significant review of governance frameworks, including the role of the Audit and Risk Committee and it is considered beneficial to maintain stability and valued expertise and experience through this period.

Financial Implications

There are no financial implications associated with this decision.

Council Plan

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Policy/Legal Implications

This decision aligns with the Audit and Risk Committee's Charter.

Officer Direct or Indirect Interest

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

Risk Assessment

NA

Social Considerations

NA

Community Engagement

NA

Environmental Implications

NA

Communication

NA

4.2 Audit and Risk Committee Membership

Options

Option 1 – Extend the Appointments for One Year

This option is recommended by officers as it allows Council to retain the experience and expertise of Melissa and Brian for a further year. This aligns with the Charter and provides a staggered recruitment cycle for independent members.

Option 2 – Do Not Approve the Extensions

This option is not recommended by officers as this would require an unnecessary recruitment process. Losing Melissa and Brian's experience and expertise from the Committee is not recommended.

Conclusion

Council has the opportunity to retain the experience and expertise of Melissa Field and Brian Keane as Independent Members of the Audit and Risk Committee, and additionally Melissa as Chair, for a further year and the extensions are therefore recommended by Officers.

4.3 SCS-001 Councillor Entitlements, Expenses and Facilities Policy

Author's Title: Senior Governance Officer
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F17/78
Trim No: IC19/2009

Appendix:

1. SCS-001 Councillor Entitlements, Expenses and Facilities Policy (D19/139184)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐ Yes

☒ No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐ Yes

☒ No

Reason: Nil

Purpose

The purpose of this report is to provide the updated SCS-001 Councillor Entitlements, Expenses and Facilities Policy for Council's adoption.

Summary

SCS-001 Councillor Entitlements, Expenses and Facilities Policy has been reviewed following consultation with relevant stakeholders, and was submitted to the Audit and Risk Committee for review.

Following Victorian Auditor General's Office (VAGO) recommendations made in the Fraud and Corruption Control Report and a full review of all the components of the policy, changes were made to increase clarity, transparency and accountability.

The policy is now presented for adoption by Council.

Recommendation

That Council adopts the SCS-001 Councillor Entitlements, Expenses and Facilities Policy as attached at Appendix 1.

4.3 SCS-001 Councillor Entitlements, Expenses and Facilities Policy

Report

Background

A review workshop, facilitated by an external consultant, was held in July 2019, with Councillors and key staff invited to participate. A draft policy containing amendments discussed at the session was subsequently circulated to Councillors and key staff who were in attendance.

A second, follow-up session, again facilitated by an external consultant, was held in August 2019 to review the draft policy. Following the second session, a second draft of the policy was circulated to staff and Councillors for review and comment.

Discussion

A full review of the policy has been completed in order to provide best practice and clarity to Councillors on their entitlements, expenses and facilities provided to allow them to fulfil their role in Council.

Some of the key improvements made to the draft policy include:

- Restructuring and rewording the policy to align with the Local Government (Planning and Reporting) Regulations 2014, for Councillor expense reporting.
- Defining 'Eligible Council Business' with specific and easily applied criteria.
- Aligning car mileage allowance rate with that set by the Australian Taxation Office (ATO), bringing Surf Coast Shire Council in line with other councils and provides a fair and reasonable rate to cover car related expenses incurred by Councillors whilst conducting eligible council business.
- Including provisions for odometer logs for eligible council business travel conducted in personal vehicles. This will support mileage claims made by Councillors, as is recommendation by VAO to enable appropriate auditing if required.
- Detailing entitlements to accommodation and associated travel expenses, clarifying claimable travel expenses while on eligible council business, or attending approved conferences or training.
- Ensuring the policy has considered community expectation and is in accordance with the VAGO Fraud and Corruption Control Report.
- An amendment to the policy's title to 'SCS-001 Councillor Entitlements, Expenses and Facilities Policy'. This encompasses the totality of the policy's coverage and meets the requirements set out under s.75-s.75C of the *Local Government Act 1989*.
- Timeframes have been included for the submission of claims to improve end of financial year reporting accuracy.

The overall result of the consultation process and review of the Councillor Entitlements Policy is a clear, specific and user friendly document that will improve how Surf Coast Shire Council manages and reports Councillor entitlements.

The Audit and Risk Committee supported the proposed changes.

Financial Implications

There are no financial implications in relation to adoption of this policy.

Council Plan

Theme	5	High Performing Council
Objective	5.2	Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Policy/Legal Implications

Each Council is required under section 75B of the Local Government Act 1989 to develop and maintain a Councillor Reimbursement Policy.

Officer Direct or Indirect Interest

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

Risk Assessment

Not applicable.

4.3 SCS-001 Councillor Entitlements, Expenses and Facilities Policy

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

The policy will be included on Council's website and staff will be made aware of the updates. Procedures and processes to support the delivery of and compliance with this policy have been developed and will be communicated to staff and councillors accordingly.

Options

Option 1 – Do not adopt the policy

This option is not recommended by officers as it does not provide for the greatest level of transparency and accountability and clarity on councillor expense entitlements.

Option 2 – Adopt with amendments

This option is not recommended by officers as the policy currently aligns with VAGO's recommendations, and was reviewed by the Audit and Risk Committee in its present form.

Option 3 – Adopt the policy as presented

This option is recommended by officers as it meets current best practice and provides clear and specific details about Councillor entitlements as outlined above.

Conclusion

Council has an opportunity to approve a Councillor expense policy that is in line with contemporary public sector best practice and community expectations of public officials.

4.3 SCS-001 Councillor Entitlements, Expenses and Facilities Policy

APPENDIX 1 SCS-001 COUNCILLOR ENTITLEMENTS, EXPENSES AND FACILITIES POLICY



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COUNCIL POLICY

SCS-001 Councillor Entitlements, Expenses and Facilities Policy

TRIM Reference: D19/139184

Due for Review: October 2021

Responsible Officer: Chief Executive Officer

1. Purpose

Councillors are elected by the local community to provide representation and civic leadership. Their role, as defined in the *Local Government Act 1989 (LGAct)* includes observing the principles of good governance and acting with integrity.

The purpose of this policy is to provide the Surf Coast Shire Council and individual Councillors with clarity and guidance as to:

- the financial entitlements of a Councillor;
- the appropriate process for the reimbursement of expenses incurred by a Councillor; and
- the resources and facilities available to Councillors;

to support them in performing their duties as a Councillor.

This policy is consistent with the:

- requirements of section 75B of the LGAct in relation to the reimbursement of expenses for Councillors and members of Council committees;
- Primary and General Councillor Conduct Principles in sections 76B and 76BA of the LGAct;
- requirements in the Local Government (Planning and Reporting) Regulations 2014 regarding categories for annual reporting; and
- Local Government (General) Regulations 2015 regarding documents to be made available for public inspection.

See the **Appendix** for relevant Definitions and Legislative Excerpts.

2. Scope

This policy applies to all Councillors of the Surf Coast Shire Council.

This policy also applies to members of Surf Coast Shire Council committees.

3. Policy

Councillors are entitled to the Allowance set by State Government but may also incur reasonable expenses and require appropriate resources and facilities to support the effective performance of their duties.

This policy ensures that Council's reimbursement of expenses and provision of resources and facilities are consistent with and in accordance with the LGAct and its Regulations.

The use of resources, facilities, reimbursement and claiming of expenses must:

- Be necessary and appropriate for the purpose of achieving the objectives of Council;
- Be reasonable bona fide Councillor expenses incurred while performing duties as a Councillor;



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- Have regard to any relevant Act, Regulations, Ministerial Guidelines or Council policies; and
- Be in accordance with the Councillor Conduct Principles.

4. Mayoral and Councillor Allowances

The Mayor and Councillors are entitled to receive an allowance while performing their duties as elected officials. Sections 73A to 74C of the LGAct provide a framework in relation to the payment of the annual Mayoral and Councillor Allowances.

4.1 Calculation of Allowances

Allowances are set by the Victorian Government, and reviewed annually by the Minister. Surf Coast Shire Council is a Category 2 Council. Allowances are paid at the maximum level available under Category 2 subject to any review pursuant to section 74 of the LGAct.

Mayoral and Councillor allowances are also subject to the addition of the equivalent of the superannuation guarantee (currently 9.5%).

In relation to payment of the allowance:

- Allowances are taxable income and are paid fortnightly, in arrears.
- Payment will be made by electronic funds transfer, into an account authorised in writing by the Councillor.

Payment to a Councillor ceasing to hold office or pending an election will be calculated based on the date on which the Councillor will cease to hold office. In the event that monies have been paid in advance to a Councillor who is ceasing to hold office, any monies paid in advance of the date of cessation are to be refunded by the Councillor.

4.2 Remote Area Travel Allowance

In accordance with Government policy:

If a Councillor, including a Mayor, normally resides more than 50kms by shortest possible practicable road distance from the location or locations specified for the conduct of ordinary, special or committee meetings of the Council, or any municipal or community functions which have been authorised by Council resolution for the Councillor to attend, he or she must be paid an additional allowance of \$40 in respect of each day on which one or more meetings or authorised functions were actually attended by that Councillor, up to a maximum of \$5000 per annum.

Claiming and payment of this allowance is achieved by completing and submitting a MF-001 Car Mileage Claim Form

5. Travel Expenses and Car Mileage Expenses

5.1 Travel Records for International and Interstate Travel

Councillors who travel overseas or interstate in an official capacity must record:

- the dates on which the travel began and ended; and
- the destination of the travel; and
- the purpose of the travel; and
- the total cost to the Council of the travel, including accommodation costs.



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Councillors undertaking this travel must complete a MF-002 Councillor Travel Claim Form and submit this to the EA to the Mayor and the Councillors (**EA to Mayor**) within 30 days of returning from the travel or where that quarter is at the end of Financial Year, within 14 days

The Manager Governance and Risk will maintain a register of overseas and interstate travel on behalf of Council.

This register will be available for public inspection.

5.2 Use of Private Vehicle for Eligible Council Business

Councillors are encouraged to use Council vehicles for **Eligible Council Business** (as defined) except where this is not practical.

Use of a council vehicle will be reported as per standard rates applicable to a mileage claim. In the absence of a log book the report will be based on an estimate of kilometres based on origin and destination.

Where the return trip is 500kms or more, Councillors will use a Council vehicle arranged on their behalf by the EA to Mayor. Any exception must be approved by the CEO in advance of the travel for a car mileage claim to be approved.

Council does not accept responsibility for loss or damage to a Councillor's private vehicle when used for performing duties as a Councillor when the travel does not directly relate to Eligible Council Business.

Private vehicles are not covered by Council's insurance policy.

Where private vehicles are used by Councillors on Eligible Council Business:

- The vehicle must be comprehensively insured by the owner of the vehicle.
- The vehicle must be roadworthy.
- The owner of the vehicle must be able to prove the vehicle is registered, comprehensively insured and roadworthy.
- The owner of the vehicle should notify their insurance company that the vehicle is being used for work purposes.
- The reimbursement rate paid by Council for the use of privately owned vehicles used on Council business includes a component for the cost of the Councillor insuring the vehicle being used.
- Councillors may be eligible for reimbursement of their personal excess in the event of an accident in a personal car when being used for Eligible Council Business purposes. Councillors should contact Council's Coordinator Risk Management and Legal Services to confirm eligibility following an incident.

5.3 Car Mileage Claims

Councillors are eligible to claim car mileage expenses when using their private vehicles to attend to **Eligible Council Business**. Travel is measured to and from their main Surf Coast Shire residence (or Surf Coast Shire rateable property).

- Councillors will be reimbursed for kms travelled while using their own vehicles in accordance with the Australian Taxation Office (**ATO**) rate upon receipt of a duly completed MF-001 Councillor Car Mileage Claim Form authorised by the Chief Executive Officer (**CEO**).
- Mileage claimed in relation to Eligible Council Business must be documented in Councillor's diaries in sufficient detail to be able to be independently substantiated for audit purposes.



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- Councillors must maintain a vehicle log book, or some appropriate form of written or digital record in relation to the use of their private vehicle in the course of conducting Eligible Council Business, including recording:
 - total kms travelled;
 - relevant locations of the travel supported by relevant odometer readings;
 - the date of travel; and
 - the purpose of the travel

The record must be made available for inspection on request for audit purposes.

- Car Mileage Expense claims are to be completed using Form MF-001 on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.
- Travel is to be undertaken as efficiently as possible.

5.4 Private Use of Council Vehicles

Other than the Mayor, no Councillor is to use a Council vehicle for private use.

The Mayor may authorise another Councillor to use the Council vehicle, allocated for use by the Mayor, in relation to the conduct of duties concerning **Eligible Council Business**.

The Mayor may not authorise another Councillor to use the Council vehicle allocated for use by the Mayor, for private use.

5.5 Classes of Transport

In the event that Councillors access other means of transport in the performance of their duties concerning Eligible Council Business, the following classes of transport apply:

- Aircraft travel in economy class including, where available, the use of a flexible fare class for any inbound flight. Under this provision, the most economical fare should be chosen, provided that the departure and/or arrival times are reasonable.
- Hire car up to standard 6 cylinder vehicle
- Train or Bus travel in economy class
- Standard Taxi or Uber

5.6 Transport Choices and Transport Expense Reimbursement

Transport expense reimbursement applies when a Councillor is attending Eligible Council Business.

Council encourages the use of public transport in the first instance as a cost effective mode of transportation and to reduce greenhouse gas emissions. Councillors are to pay the public transport fare and seek reimbursement using MF-002 Councillor Travel Claim Form.

Where public transport is not appropriate, if possible, Council's vehicle fleet should be used. This should be booked by the EA to Mayor.

If a taxi, Uber or another ride share option is unavoidable then the Councillor will pay the applicable fare, and seek reimbursement using MF-002 Councillor Travel Claim Form, providing the applicable receipt.



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5.7 Other Incidental Travel Expenses

Councillors may be eligible to claim other incidental expenses when using their private vehicles on Eligible Council Business including:

- Parking expenses
- Toll fees

Councillors are not entitled to claim the cost of any traffic infringements, penalties, parking tickets or similar expenses.

Councillors should seek reimbursement of eligible expenses by completing the MF-002 Councillor Travel Claim Form, attaching the applicable receipts, and submitting this to the EA to Mayor within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.

Where travel has been overseas or interstate, associated incidental travel costs must be completed in accordance with clause 5.1 of this policy.

5.8 Meals and Accommodation Connected with Travel

Councillors may claim the reasonable costs of:

- reasonable meal expenses (excluding alcohol) for the duration of any travel in the course of performing Eligible Council Business. This does not include the cost of meals for partners, guests or families of Councillors;
- appropriate accommodation when interstate or overseas, that has been selected by the CEO or their delegate and booked by the EA to Mayor or an officer authorised by the CEO, will be available from the day prior to commencement day and each day on which events involving Eligible Council Business are held. This does not include any additional costs of accommodation for partners, guests or families of Councillors
- Councillors may request accommodation for a night where Eligible Council Business is being conducted:
 - a) at a location more than 200kms from the Councillor's main residential address by road and:
 - i. is commencing at or before 9am; **or**
 - ii. is concluding after 5pm; **or**
 - iii. exceeds more than 5 hours in length
 - b) in Melbourne, or at a location more than 100kms from the Councillor's main residential address by road, and:
 - i. is commencing at or before 7am; **or**
 - ii. is concluding after 9pm; **or**
 - iii. exceeds more than 8 hours in length
- Accommodation at the conference, training or meeting venue is preferable for safety related reasons
- Reasonable travel and meal allowance expenses will be reimbursed by completing MF-002 Councillor Travel Claim Form and submitted to the EA to Mayor on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days of completion of travel.
- Reasonable travel and meal allowance expenses will be reimbursed with reference to guidelines such as the current recommended allowances published by the ATO.
- Incidentals do not include personal expenses including mini bar, newspapers, personal phone calls, pay-per-view entertainment, etc. Personal expenses will not be reimbursed to the Councillor. In any case



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where a personal expense has been charged to Council, these costs will be recovered from the Councillor through the debtor invoice process.

5.9 Reimbursement Issues

In any case where a Councillor is unable to provide a receipt of costs incurred whilst travelling on Eligible Council Business, a statutory declaration may be accepted by the CEO.

Appropriate and sufficient reasoning for being unable to produce a receipt must be provided by the Councillor and it will be at the CEO's discretion whether a statutory declaration will be accepted.

6. Childcare and Carer Expenses

Council will reimburse the cost of necessary childcare and carer expenses incurred by Councillors in the course of performing duties associated with Eligible Council Business.

6.1 Childcare Expenses

Councillors may claim reimbursement of reasonable childcare expenses in respect of the care of an immediate family member or member of the Councillor's household, up to and including the age of 14 years, where the Councillor or domestic partner is the primary care giver.

Childcare costs are not eligible for reimbursement if paid to a person who normally or regularly resides with the Councillor, except where a live in (professional) helper, such as a nanny, is required to work extra time at extra expense because of the Councillor's performance of duties.

6.2 Carer Expenses

Councillors may claim reimbursement of reasonable carer expenses in respect of the care of a person who is wholly or substantially dependent for ongoing care and attention on the Councillor or their domestic partner.

Carer costs are not eligible for reimbursement if paid to a person who normally or regularly resides with the Councillor, except where a live in (professional) helper is required to work extra time at extra expense because of the Councillor's performance of duties.

6.3 Process for Making a Claim

Claims for reimbursement should be made using the MF-004 Councillor Child and Special Care Reimbursement Form.

Councillors will be reimbursed for childcare expenses or carer expenses at a reasonable amount approved by the CEO having considered all relevant circumstances of the particular care event.

Claims must be accompanied by a receipt from the care provider showing the date and time care was provided, and detail the reason that care was needed on each occasion.

Such expenses are to be claimed on a quarterly basis within 30 days of the end of the quarter or where that quarter is at the end of Financial Year, within 14 days.



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7. Information and Communication Technology Expenses

Councillors are entitled to the following information and communication resources to support their performance of duties of Eligible Council Business.

7.1 Equipment Provided

The following equipment will be provided to each Councillor for use related to Eligible Council Business during their term of office:

- A portable computer (which is compatible with the corporate network) including mobile wireless internet access;
- Relevant computer software;
- A mobile phone in good working order;
- Business cards; and
- Name badge.

Where Councillors have previously been provided with printers for home use, these will continue to be maintained for the balance of the current term (which concludes in October 2020), but no further home printers will be provided to new Councillors.

Council will arrange for the installation and maintenance of relevant equipment and provide any associated products required for their operation.

Equipment is provided as part of a Councillor's induction process and all queries regarding provision or maintenance of equipment should be addressed to the EA to Mayor.

Accessories or services beyond the standard equipment referred to in this clause may be provided upon written request to the CEO. The additional cost of any accessories provided may be charged to the Councillor.

7.2 Usage Requirements and Restrictions

Mobile phone usage is restricted to domestic calls; international calls are not to be made unless first authorised by the CEO, and must directly relate to the performance of duties associated with achieving the objectives of Council and comply with the mobile phone management procedure.

Where the mobile phone plan allows for unlimited local calls and texts at no extra cost, Councillors will be advised of this and may choose to use the phone for private local telephone call and text usage.

Councillors should note that use of Council's information and communication technology and corporate network, including the internet, must be in accordance with ISP-006 Information Security Policy - Councillors. All internet usage and telephone and text log data may be monitored by Council to ensure compliance.

All mobile phone and internet usage connected with Council property must be in accordance with Council policies and the Councillor Code of Conduct.

The Manager Information Management will maintain a register of all equipment provided to Councillors for Council business. Such equipment is returnable to Council on completion of tenure of the particular Councillor and must be in good condition, subject to fair wear and tear.

This register will be available for public inspection.



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7.3 Private and other Usage Recoupment

Except as allowed or authorised in this policy, each Councillor must reimburse the direct costs of any private use of these facilities/equipment to Council, using form MF-019 Councillor Private Expenses – Single Recoupment.

Where Councillors are appointed to regional bodies as a representative of Council, Councillors are to discuss the usage and possible contribution by these bodies with the CEO prior to commencement of the appointment.

7.4 Council Papers

Council will digitally/electronically deliver Council meeting agendas and minutes, and other papers to Councillors.

If necessary, Council will also arrange for hard copy Council meeting agendas and other papers to be available for review in the Councillors' Lounge.

7.5 Inward Mail

All mail received by Councillors is deemed to be Council business and will be opened by Council's Records staff except for mail marked 'private and confidential'. Councillors must not ask any person or organisation to send private mail to them via the Council address.

7.6 Outward Mail

When communicating with constituents, Councillors are encouraged to use electronic formats where possible.

Councillors must exercise care to ensure that correspondence does not commit Council funds or convey a position which is contrary to that adopted by Council.

Letterhead paper or electronic letterhead, incorporating the Council logo, must be used for all official Council related correspondence as approved in advance by the CEO and used in accordance with the Media Policy.

Letterhead incorporating the Council logo must not be used for personal correspondence.

Items such as Christmas or seasonal cards can be provided by Council for Councillor usage. Councillors may also wish to send suitable cards to mark culturally significant occasions celebrated by particular communities. Interested Councillors are encouraged to use electronic formats. For those Councillors who choose a paper based format for sending Christmas cards or seasonal or culturally significant occasions, the cost of production and postage will be published as part of that Councillor's quarterly expense report.

Each Councillor may leave up to 50 standard mail items or equivalent per month cumulative within each financial year for postage through the Australia Post system. This limitation does not apply to correspondence related to formal Council business.

Mail must be contained within Surf Coast Shire envelopes and coordinated through the Shire offices by the EA to Mayor. Mail posted in Surf Coast Shire envelopes must be accompanied by a completed Australia Post mailing statement. The cost of postage will be published as part of that Councillor's quarterly expense report.

Mail posted outside of the above requirements will require stamps for which Councillors will not be reimbursed.



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Council letterhead must not be used in relation to a Council Election and Councillors need to remain mindful of caretaker provisions that apply in the lead up to an election.

8. Conference and Training Expenses

Councillors may attend professional development and training programs, conferences or meetings. The approval of any training, conference or meeting attendance will be based on its relevance to the role and professional development of the Councillor.

8.1 Annual Monetary Limitations

Attendance by any Councillor at any local, interstate or overseas meetings, conferences or training up to a total cost to Council of \$3,000 may be approved by the Mayor.

Expenditure by a Councillor must not exceed \$3,000 in any given financial year, with the exception of approved Australian Institute of Company Directors (AICD) training.

Attendance by a Councillor at local, interstate or overseas meetings, conferences or training where the total cost exceeds \$3,000, or the total expenditure incurred by that Councillor in the financial year will exceed \$3,000, must be subject to approval by Council Resolution.

8.2 Accommodation

Accommodation of a reasonable standard necessarily required for attendance at any approved training, conference or meeting will be booked by the EA to Mayor at the site of the training, conference or meeting or at a suitable, safe, nearby accommodation centre.

8.3 AICD Course and Membership

During their term, all Councillors will be entitled to complete the Company Director course provided by the AICD provided that:

- the course is completed in the first two years of their term in office; or
- there is at a minimum twelve months remaining of their term of office as at the completion date of the course.

Council will pay Councillors' AICD annual standard membership fees during their term of office. It is the Councillor's responsibility to personally pay the initial joining fee (unless it is part of the AICD course funded by Council) and any additional fees.

8.4 Application Process

Application to attend any local, interstate or overseas meetings or conferences involving Council expenditure must be made by completing MF-003 Councillor Application to Attend Training or Conference.

Council will pay registration fees for attendance at approved meetings, training or conference sessions. Other related travel, meal, accommodation and related expenses may be claimed as outlined in this policy.

Applications within budgetary requirements to attend relevant training, conferences and meetings will not be unreasonably refused.



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COUNCIL POLICY

9. Resources and Facilities

The following additional resources and facilities are provided to support Councillors performing their duties while undertaking Eligible Council Business and discharging duties of civic office.

9.1 Office of the Mayor

The Office of the Mayor operates to provide those functions of the Council carried out by the Mayor. It is allocated a budget by Council on an annual basis to allow the Mayor to fulfil their civic role. Within that budget, staff and other resources may be employed as considered appropriate.

Any expenses incurred by the Mayor, or person nominated by the Mayor to fulfil the civic role as partner of the Mayor, shall be deemed to be expenses of the Mayor.

Council will provide the Mayor with a fully registered, insured, maintained and fuelled vehicle for their use on official duties and for reasonable private use.

Use of a Council motor vehicle will be in accordance with Council's Motor Vehicle Policy, as amended from time to time.

Council will provide the following facilities for the Office of the Mayor:

- Office suitably equipped with quality furniture and shelving, including desk and meeting table
- Mobile phone
- Personal assistant and other administrative support during normal office hours as required, and any other necessary administrative assistance to enable the Mayor to carry out the duties of civic office.

9.2 Building Access and Parking

Each Councillor will receive a swipe card allowing the Councillor to access the areas normally available to Councillors in the Shire Offices at 1 Merrijig Drive, Torquay, during normal business hours.

Where a Councillor attends the Shire Offices 1 out of normal office hours, the Councillor must ensure that the premises are secure during and following their attendance.

Councillors must not allow third parties access to the Shire Offices without first obtaining the express permission of the CEO.

Car parking is available to Councillors at Shire Offices at no cost.

9.3 Insurance

Councillors are covered by the following Council insurance policies on a 24-hour, 7-day a week basis, while performing Eligible Council Business and discharging the duties of civic office:

- Council's workers compensation insurance
- Councillors and Officers Liability Insurance
- Travel insurance for interstate and international travel.

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Eligible Council Business where any claim is accepted by Council's insurers, whether defended or not.



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Council equipment provided to Councillors to assist in performing their role, is covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft.

Councillors must notify the CEO as soon as possible after they become aware of a potential claim.

9.4 Provision of Hospitality

The Mayor, on behalf of the Council, can provide **Hospitality** (as defined) to groups or individuals who are regarded as key stakeholders with whom the Council seeks to develop closer or more effective working relationships or to further Council's interests and objectives.

There may be occasions when it is necessary and appropriate for Council Hospitality to a particular group or individual to be provided by a Councillor other than the Mayor. Such proposals are to be discussed and approved by the Mayor and CEO prior to the occasion.

The CEO may approve the provision of alcohol at the cost of Council, in addition to Hospitality provided to groups or individuals who are regarded as key stakeholders of Council, or at any Civic Function, where the benefits to the community are documented by the CEO prior to approval of the Event. All Councillors are expected at such functions to display a high standard of civic leadership regarding the responsible provision and usage of alcohol.

Councillors are not to incur and will not be reimbursed for any Hospitality provided without prior approval.

Where approved Hospitality is provided outside of Council facilities, Council will not reimburse any Councillor the cost of any alcohol provided during that Hospitality.

9.5 Meals and Refreshments – Councillor Briefings and Council Meetings

Councillors will be requested to complete form MF-008 Councillors Catering and Dietary Requirements at the commencement of their term of office to advise of any dietary requirements or preferences or to advise of any alterations to those requirements or preferences during the course of their term.

Refreshments

Councillors will have access to Refreshment (as defined) at all times while on Council premises.

Meals

Where Council meetings or briefings are held at times which extend through normal meals times, Councillors and relevant officers will be provided with suitable Meals (as defined) served on the premises.

Councillors and Officers will be notified, of the meal arrangements for such meetings. Appropriate meals will be arranged by the EA to Mayor.

9.6 Meeting Rooms and Councillor Lounge

The Civic Council Office includes a Councillors' Lounge reserved for exclusive use by Councillors. This room is equipped with computer access and is suitable for office work, reading, and research and small meetings.

Other meeting rooms at the Council office can be booked for use by Councillors to conduct meetings during and after office hours through the EA to Mayor.



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Meeting equipment can be made available for meetings upon request.

Other venues owned and controlled by Council can be used (subject to availability) by Councillors for activities, meetings, interviews and other functions associated with the performance of their role as Councillors. The EA to Mayor can assist in the booking of these meeting rooms and venues. Meeting equipment can be made available for meetings upon request.

9.7 Administrative Assistance

Limited typing/secretarial administration assistance will be made available to Councillors for work directly related to the performance of duties of Eligible Council Business.

Where Councillors wish to use the services of a courier service for a reason directly related to the performance of duties and Eligible Council Business, this should be arranged by the EA to Mayor.

All administrative assistance should be coordinated through the EA to Mayor and approved by the CEO.

9.8 Timing of Claims for Expenses

Where a quarterly claim for reimbursement pursuant to this policy directly follows 30 June in any year, Councillors are to submit that quarter's claim within 14 days of the end of that quarter.

In all other quarters, Councillors should submit requests for reimbursement within 30 days of the end of that quarter.

Where a Councillor has completed their term or ceased to hold office for any reason, claims for expenses pursuant to this policy must be submitted within 30 days of the date of cessation of office.

Excessive and/or unreasonable delay in lodging timely claims for reimbursement of any eligible costs or expenses in accordance with the requirements set out in this policy may result in such claims being denied at the discretion of the CEO.

10. Other Expenses Not Elsewhere Covered

10.1 Legal Expenses

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor will be the responsibility of that Councillor.

Councillors may discuss potential claims on a case by case basis with the CEO who will work with Coordinator Risk to determine if any insurance claim is applicable.

10.2 Other Expenses

Any claims for expenses not specifically covered by this policy must first be referred to the CEO for authorisation/approval before being submitted.

Councillors are encouraged to discuss in advance with the CEO any event, meeting or other gathering where there is the potential for incurring expenses so that:

- i. The appropriateness of potential claims can be considered; and
- ii. Any available cost saving measures can be put in place...



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11. Recoupment of Private Expenses

Councillors must reimburse the direct costs of any private use of home/workplace facilities to Council unless there is an exception applying under this policy.

The direct costs of private use of home/workplace facilities provided by Council may be repaid to Council via the completion of form MF-019 Councillor Private Expenses – Single Recoupment.

12. Audit and Reporting

Councillor expenses are subject to audit by the Victorian Auditor General, the Victorian Local Government Inspectorate and Council's internal auditor, and are reported to the CEO.

Any items considered to be in breach of the LGAct or this policy will be reported to the Surf Coast Shire Council's Audit & Risk Committee.

All payments made to Councillors during their elected term and falling within the terms of this policy may be publicly disclosed on Council's website.

13. Consequences of Breach

Any action by a Councillor in relation to matters contained in this policy which breaches obligations under the LGAct or Councillor Code of Conduct, may result in action taken by Council pursuant to the LGAct and Code.

14. Members of Council Committees

Non-Councillor members of Surf Coast Shire Council Committees are not entitled to claim reimbursement of expenses incurred whilst exercising their duties as a committee member, unless specifically outlined in their contract with Council or the Terms or Deeds established for the committees.

Exceptions may apply to individual cases where approved has been granted by the CEO.

15. Related Legislation

Victorian *Local Government Act 1989*, particularly Sections 65(2)(b), 66AA, 73A to 74C, 75, 75B, 75C, 76B, 76BA, 76D

Local Government (General) Regulations 2015, Regulation 12

Local Government (Planning and Reporting) Regulations 2014, Regulation 14

16. Related Policies, other Documents and Relevant Forms

As well as directly related statutory obligations, Council has responsibilities under other documents such as:

- Council Media Policy
- Other Council policies and procedures
- Councillor Code of Conduct

Relevant Forms include:

- MF-001 Councillor Car Mileage Claim Form
- MF-002 Councillor Travel Claim Form
- MF-003 Councillor Application to Attend Training or Conference
- MF-004 Councillor Child and Special Care Reimbursement Form
- MF-007 Councillor Reimbursement of Expenses Form
- MF-019 Councillor Private Expense – Single Recoupment



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Appendix

Definitions		
(a)	Refreshments	Tea, coffee, non-alcoholic beverages, and a light meal such as may be considered suitable for morning tea
(b)	Meal	Council Meetings – Dinner in the form of a two course served meal together with tea and coffee. Council Briefings – Lunch or dinner in the form of a one course meal together with tea and coffee.
(c)	Hospitality	Refreshments, finger food or a meal of a reasonable and appropriate standard, not including alcohol, except where exemptions are made in this policy.
(d)	Eligible Council Business	<p>The following will be deemed to be Eligible Council Business:</p> <ul style="list-style-type: none"> A. Council meetings and Assemblies of Councillors B. Standing Committee or Advisory Committee meetings of Council when the Councillor is the nominated representative/substitute or otherwise by approval of the Mayor C. Regional meetings where the Councillor claiming reimbursement is Council's endorsed representative and travel is not paid/reimbursed by the regional organisation or meeting convenor D. Functions to which Councillors are invited by an organisation and where there is a direct benefit for the involvement of Council (attendance by partners will not be paid for by Council). E. Events where a Councillor is delivering a speech or presentation on behalf of Council. F. Travel by Councillors embarking on inspection of issues raised by identified members of the community within the Shire, which are considered reasonable and necessary and where travel is within the Shire. G. Meetings by Councillors at the request of identified members of the community, as recorded in Councillor's diaries, which are considered reasonable and necessary for the performance of the Councillor's duties and where travel is within the Shire; H. Conferences and seminars approved in accordance with this Policy. <p>Any claims for expense reimbursement related to matters falling outside of this definition must be approved by the CEO.</p>



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Legislative Excerpts and Definitions

(e)	LGAct section 65(2)(b) Role of a Councillor	(2) In performing the role of a Councillor, a Councillor must— ... (b) observe principles of good governance and act with integrity ...
(f)	LGAct Section 66AA Order for return of allowances or entitlements	If a person is found guilty or convicted of an offence under section 66, the court may order that the person return to the Council any allowances, reimbursements, equipment or materials the person received as a result of acting as Councillor for the period that the person acted as Councillor while incapable of being or continuing to be a Councillor.
(g)	LGAct Section 75 Reimbursement of expenses of Councillors	(1) A Council must reimburse a Councillor for expenses if the Councillor— (a) applies in writing to the Council for reimbursement of expenses; and (b) establishes in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor. (2) In this section, duties as a Councillor means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.
(h)	LGAct Section 75B Councillor reimbursement policy	(1) A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees. (2) A policy adopted by Council under this section must be consistent with— (a) the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide; and (b) the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.
(i)	LGAct Section 75C Resources and facilities for Councillors	A Council must make available for the Mayor and the Councillors the minimum resources and facilities prescribed for the purposes of this section.
(j)	LGAct 76B Primary principle of Councillor conduct	It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must— (a) act with integrity; and (b) impartially exercise his or her responsibilities in the interests of the local community; and (c) not improperly seek to confer an advantage or disadvantage on any person.



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(k)	LGAct 76BA General Councillor conduct principles	<p>In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—</p> <p>(a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;</p> <p>(b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person; ...</p> <p>(d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;</p> <p>(e) endeavour to ensure that public resources are used prudently and solely in the public interest;</p> <p>(f) act lawfully and in accordance with the trust placed in him or her as an elected representative;</p> <p>(g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.</p>
(l)	LGAct Section 76D Misuse of position	<p>(1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—</p> <p>(a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; ...</p> <p>(2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include— ...</p> <p>(e) using public funds or resources in a manner that is improper or unauthorised;</p>
(m)	Local Government (General) Regulations 2015, Regulation 12 Documents to be made available for public inspection	<p>For the purposes of section 222 of the Act, the following are prescribed documents if they are not published on the Internet website of the Council—</p> <p>(a) a document containing details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by any Councillor or member of Council staff in the previous 12 months, including—</p> <p>(i) the name of the Councillor or member of Council staff; and</p> <p>(ii) the dates on which the travel began and ended; and</p> <p>(iii) the destination of the travel; and</p> <p>(iv) the purpose of the travel; and</p> <p>(v) the total cost to the Council of the travel, including accommodation costs;</p>
(n)	Local Government (Planning and Reporting) Regulations 2014	<p>(1) For the purposes of section 131(3)(a)(v) of the Act, the report of operations must contain a description of the operations of the Council during the financial year.</p>



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	<p>Part 4—Annual report Regulation 14 General information</p>	<p>(2) Without limiting the generality of subregulation (1), the report of operations of a Council must contain the following information— ...</p> <p>(d) a list of the names of all Councillors and their dates of election and, if applicable, retirement;</p> <p>(da) details of current allowances fixed for the Mayor, Lord Mayor (if any) and Councillors;</p> <p>(db) details of the expenses, including reimbursement of expenses, for each Councillor and member of a Council committee paid by the Council, categorised separately as—</p> <p>(i) travel expenses; and</p> <p>(ii) car mileage expenses; and</p> <p>(iii) childcare expenses; and</p> <p>(iv) information and communication technology expenses; and</p> <p>(v) conference and training expenses; ...</p>
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Document History

Version	Document History	Approved by – Date
1	New document	Council – 26 November 2019

4.4 SCS-018 Gifts, Benefits and Hospitality Policy

Author's Title: Senior Governance Officer
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F18/221
Trim No: IC19/1981

Appendix:

1. SCS-018 Gifts, Benefits and Hospitality Policy (D19/139180)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to an updated Gifts, Benefits and Hospitality Policy SCS-018 for adoption following a recent policy review.

Summary

SCS-018 Gifts, Benefits and Hospitality Policy has been reviewed following consultation with relevant stakeholders, and was submitted to the Audit and Risk Committee for review.

Following greater scrutiny of Victorian Auditor General's Office (VAGO) recommendations and the Victorian Public Sector Commission's Gifts Benefits and Hospitality framework, changes to the policy are proposed to increase transparency and accountability.

The revised policy is now presented for Council's consideration.

Recommendation

That Council adopts the SCS-018 Gifts, Benefits and Hospitality Policy as attached at Appendix 1.

4.4 SCS-018 Gifts, Benefits and Hospitality Policy

Report

Background

The way organisations respond to offers of gifts, benefits and hospitality is critical to earning and sustaining the trust of the community and key stakeholders and demonstrates the ethical activities of Council staff.

The current policy was adopted by Council in December 2018.

In May 2017 the Audit and Risk Committee identified a number of recommendations for consideration when conducting the August 2018 review including:

- The findings from the Victorian Auditor General's (VAGO) Report "Implementing the Gifts, Benefits and Hospitality Framework" dated December 2015, and
- The Victorian Public Sector Commission (VPSC) "Gifts, Benefits and Hospitality Policy Framework", dated October 2016.

The VPSC framework recognises that policies can include one of two approaches - either a total ban on the acceptance of gifts, benefits and hospitality, or acceptance of gifts within an approved framework. For the purpose of the review, officers adopted the latter approach with a framework being developed to guide acceptance, refusal, provision and monitoring of gifts, benefits and hospitality which is incorporated into the revised policy attached at Appendix 1.

Discussion

Upon further review of the abovementioned documents from VAGO and VPSC, additional measures to increase the transparency and accountability applicable to the receipt of gifts, benefits and/or hospitality have been included in the policy.

These include:

- Reducing the threshold for reportable non-token offers from over \$50 to over \$20.
- Including recipients' names and positions, and the business reason for acceptance of the gift/benefit in the public register that will be published on Council's website.
- Improving layout and language to ensure staff and Councillors understand their obligations.

Changes to language within the policy are also aimed at providing clear, unambiguous information to staff and Councillors on their responsibilities and what action can be taken when they offered or are offering any gift, benefit or hospitality within the course of undertaking their employment.

The Audit and Risk Committee supported the proposed changes.

Financial Implications

There are no financial implications in relation to adoption of this policy.

Council Plan

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Policy/Legal Implications

Each public sector organisation is required to develop and implement a gifts, benefits and hospitality policy.

Officer Direct or Indirect Interest

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

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

4.4 SCS-018 Gifts, Benefits and Hospitality Policy

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

The policy will be included on Council's website and staff will be made aware of the updates. It is also proposed that the Gifts, Benefits and Hospitality Register will be published on Council's website including the recipient's name and position and the business reason for accepting the gift, benefit or hospitality.

Options

Option 1 – Do not adopt the policy

This option is not recommended by officers as it does not provide for the greatest level of transparency and accountability as per VAGO's recommendations and the Victorian Public Sector Framework.

Option 2 – Adopt with amendments

This option is not recommended by officers as the policy currently aligns with VAGO's recommendations, the Victorian Public Sector Framework and was reviewed by the Audit and Risk Committee in its present form.

Option 3 – Adopt the policy as presented

This option is recommended by officers as it meets current best practice guidelines as outlined above.

Conclusion

Council has an opportunity to approve a policy that is in line with contemporary public sector best practice guidelines and community expectations of public officials.

4.4 SCS-018 Gifts, Benefits and Hospitality Policy

APPENDIX 1 SCS-018 GIFTS, BENEFITS AND HOSPITALITY POLICY



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SCS-018 Gifts, Benefits and Hospitality Policy

TRIM Reference: D19/139180 Due for Review: October 2020
Responsible Officer: Manager Governance and Risk

Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to transparent and ethical behaviour in relation to the giving and receiving of gifts, benefits and hospitality to and from any external party.

Policy Principles

Council is committed to and will uphold the following principles in applying this policy:

Policy Principle	This means...
Impartiality	Individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a reasonable perception of, or actual bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.
Accountability	Individuals are accountable for: <ul style="list-style-type: none">• declaring all non-token offers of gifts, benefits and hospitality including those offers that were subsequently declined;• declining non-token offers of gifts, benefits and hospitality that do not relate to a legitimate business benefit, or if an exception applies under this policy, seeking approval before accepting the offer; and• the responsible provision of gifts, benefits and hospitality. Individuals with direct reports are accountable for overseeing the management of their direct reports' acceptance or refusal of non-token gifts, benefits and hospitality, for modelling good practice and for promoting awareness of gifts, benefits and hospitality policies and processes.
Integrity	Individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse any offer that may lead to an actual, perceived or potential conflict of interest.
Risk-based approach	Council, through its policies, processes and Audit & Risk Committee, will ensure gifts, benefits and hospitality risks are assessed and managed appropriately. Individuals with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.

Scope

This policy applies to all gifts, benefits or hospitality offered to, or received by Councillors and Council staff from external sources, and to any gifts, benefits or hospitality offered by Council, Councillors and Council staff to external entities or individuals.



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Policy

This policy is intended to support staff and Councillors to avoid conflicts of interest, maintain high levels of integrity and retain public trust.

As a general principle Council, Councillors and staff should, where possible, decline any offer of gifts, benefits or hospitality in a way that does not cause offence.

This policy is consistent with and supports behaviour outlined in the *Local Government Act 1989*, the Councillor Code of Conduct (SCS-002), and the Code of Conduct Policy (HR-24).

RECEIVING GIFTS, BENEFITS AND HOSPITALITY

1. Management of offers of gifts, benefits and hospitality

- 1.1. Any exceptions to the process outlined in this policy for accepting, declining and recording gifts, benefits and hospitality, must have the prior written approval of the relevant General Manager or Chief Executive Officer (CEO). In the case of a Councillor or CEO, the Mayor must complete prior written approval.
- 1.2. Council will not make a request for gifts, benefits and/or hospitality a condition of any financial or in-kind support being provided to any external party.

Staff

Value	Roles and Responsibilities
Token offers i.e. \$20 or less	Individuals may generally accept token offers without approval or declaring the offer on Council's register, as long as the offer does not create a conflict of interest or lead to reputational damage.
Non-token offers i.e. \$20 to \$100	General Manager will determine compliance in accordance with the policy. For gifts received by the CEO, the Mayor will sign the Gifts, Benefits and Hospitality form.
More than \$100	CEO will determine compliance in accordance with policy and notify gift recipient of outcome. For gifts received by the CEO, the Mayor will sign the Gifts, Benefits and Hospitality Form.

Councillor

Value	Roles and Responsibilities
Token offers i.e. \$20 or less	Councillors may generally accept token offers without approval or declaring the offer on Council's register, as long as the offer does not create a conflict of interest or lead to reputational damage.
Non-Token offers i.e. more than \$20	CEO will determine compliance in accordance with policy and complete relevant sections of form, and the Mayor will also sign the form.

2. Requirements for refusing offers

- 2.1. Individuals are to refuse offers:
 - o likely to influence them, or be perceived to influence them, in the course of their duties, or that raise an actual, potential or perceived conflict of interest;
 - o could bring them, or Council into disrepute;
 - o made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement or licensing);
 - o likely to be a bribe or an inducement to make a decision or act in a particular way;
 - o that extend to their relatives or friends;



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- of money (including gift vouchers), or can be used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the General Manager considers that the organisation will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Council, Councillors or staff; or
- made in secret.

2.2. If an individual considers that they have been offered a bribe or inducement, the offer must be refused and reported to the General Manager Governance & Infrastructure, or the Manager Governance & Risk.

2.3. In all circumstances where offers of money are made that are prohibited through this policy or by legislation, must to be refused and reported to the General Manager Governance & Infrastructure, or the Manager Governance & Risk.

2.4. All instances where suspected criminal or corrupt conduct has occurred will be reported to Victoria Police or the Independent Broad-based Anti-corruption Commission by the General Manager Governance & Infrastructure, or the Manager Governance & Risk.

3. Refusing an offer

3.1. Where a staff member or Councillor has decided to, or is required to decline an offer of a gift, benefit or hospitality, it is important that the offer is declined in a way that does not cause offence to the donor or damage relationships. This can be achieved by explaining Council's policy and ensuring the donor understands that the offer is appreciated.

3.2. In some cases, it would be inappropriate to refuse an offer e.g. official gift from government officials or international delegates. In this case, the gift should be accepted on behalf of Council, passed over to the CEO, and recorded on the Gifts, Benefits and Hospitality Form.

3.3. All declined non-token offers of gifts, benefits and hospitality must be recorded on the Gifts, Benefits and Hospitality Form.

4. Accepting Non-token offers (Over \$20)

4.1. Unless otherwise determined, all gifts remain the property of Council. The Mayor (Councillors) and/or the Chief Executive Officer (Councillors or Council staff) shall make a determination on the retention, use or allocation of any items or services received.

4.2. All accepted non-token offers must be approved, recorded in the Register, and must not raise an actual, potential or perceived conflict of interest, or have the potential to bring the individual, or Council into disrepute.

4.2.1. Where the gift has been accepted and would likely bring the person or the organisation into disrepute, the organisation will, where possible, return the gift.

4.2.2. Where the gift has been accepted and it represents a real or perceived conflict of interest, the organisation will, where possible, return the gift or otherwise seek to mitigate any associated risk.

4.3. Individuals can only accept non-token offers if there is a legitimate business benefit. This includes it being offered to the individual in the course of official duties, if it relates to the individual's responsibilities and has a benefit to Council.

4.4. Individuals may be offered a gift, benefit or hospitality where there is no opportunity to seek written approval from their Manager/General Manager prior to accepting. In these cases, the individual must seek approval within five business days of receiving the offer using the Gifts, Benefits and Hospitality Form.



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4.5. Where staff or Councillors are offered gifts for speaking at conferences or meetings, it is reasonable to accept a modest gift. All such gifts must be reported via the Gifts, Benefits and Hospitality Form.

5. Recording of non-token offers of gifts, benefits and hospitality

- 5.1. All non-token offers of gifts, benefits and hospitality received or declined, must be recorded on a Gifts, Benefits and Hospitality Form and submitted for approval.
- 5.2. The business reason for accepting the non-token offer will be recorded in the register with sufficient detail, to link the acceptance of the offer to the individual's work functions and the benefit to Council.
- 5.3. Individuals must provide an acceptable level of detail on the Gifts, Benefits and Hospitality Form when recording the business reason for accepting or declining the offer.
- 5.4. Completed and signed Gifts, Benefits and Hospitality Forms must be submitted to Governance with 14 days of acceptance of the gift, benefit and/or hospitality.

6. Reporting of non-token offers

- 6.1. A public version of the Gifts, Benefits and Hospitality register will be published on Council's website and updated on a quarterly basis.

7. Repeat offers

- 7.1. Where multiple offers (token or non-token) from the same person or organisation have occurred, individuals should refuse these offers if they create a conflict of interest or may lead to reputational damage.

8. Ceremonial gifts

- 8.1. Official gifts provided as part of the culture and practices of communities and government, within Australia or internationally, are the property of the Council, irrespective of value, and should be accepted by individuals on behalf of Council.
- 8.2. The receipt of ceremonial gifts are to be declared using the Gifts, Benefits and Hospitality Form and are to be recorded on Council's register.

PROVISION OF GIFTS, BENEFITS AND HOSPITALITY

This section sets out the requirements of Council, Councillors or staff when providing gifts, benefits and hospitality to others.

9. Requirements when providing gifts, benefits and hospitality

- 9.1. Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further Council's business outcomes and/or to celebrate achievements.
- 9.2. Where gifts or hospitality are provided, the following must be applicable:
 - o any gift or hospitality must be provided for a business reason that furthers the conduct of official business or other legitimate organisational goals, or promotes and supports Council policy objectives and priorities;
 - o that any costs are proportionate to the benefits obtained for Council, and would be considered reasonable in terms of community expectations;
 - o it does not raise an actual, potential or perceived conflict of interest; and
 - o when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.



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10. Breaches

- 10.1. Disciplinary action consistent with HR-07 Discipline Policy and relevant legislation, including dismissal, may be taken where an individual fails to adhere to this policy. This includes where an individual fails to avoid wherever possible, or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the Local Government Act 1989.
- 10.2. Staff and Councillors are responsible for maintaining their own records in relation to receipt of 'applicable gifts' as defined in the Local Government Act 1989, and where applicable, reporting these on their Register of Interest return. Failure to do so could constitute an offence under that Act.
- 10.3. Council will communicate its policy on the offering and provision of gifts, benefits and hospitality through its website and as part of any procurement process.

11. Reporting of breaches

- 11.1. Individuals who consider that gifts, benefits and hospitality or a conflict of interest within Council may not have been declared, or are not being appropriately managed, should speak up and notify their manager or the Manager Governance and Risk. Individuals who believe they have observed corrupt conduct by their colleagues may also make a protected disclosure to the General Manager Governance and Infrastructure or the Manager Governance and Risk.
- 11.2. Council will take appropriate action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

Definitions

Term	Definition
<i>Act</i>	<i>Local Government Act 1989</i>
<i>Benefit</i>	<p>Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts as a result of a person's employment or position, loyalty programs and promises of a new job.</p> <p>The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.</p>
<i>Bribe</i>	To give money or some other form of consideration to a public official so as to persuade the official not to exercise his or her common law or statutory powers or to bestow some privilege or favour.
<i>Business associate</i>	An individual or body that Council has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
<i>Ceremonial gifts</i>	<p>Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government.</p> <p>Ceremonial gifts are the property of Council, irrespective of value, and should be accepted by individuals on behalf of Council. The receipt of ceremonial gifts should be recorded on the register.</p>
<i>Conflict of interest</i>	A Councillor or staff member has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest as set out in the Local Government Act 1989. A conflict of interest can exist even if no improper action results from it.



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Term	Definition
	Conflicts may be:
	Actual: There is a real conflict between an employee's public duties and private interests.
	Potential: An employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.
	Perceived: The public or a third party could reasonably form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.
<i>External party</i>	Individual person or entity that is not an employee or Councillor of the Surf Coast Shire Council.
<i>Gift</i>	Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery or expensive pens), low value (e.g. a small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs).
<i>Hospitality</i>	Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.
<i>Legitimate business benefit</i>	A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of Council.
<i>Money</i>	Includes cash, cheques, money orders, travellers' cheques, direct deposits, shares, vouchers or items which can be easily converted to cash, including gift vouchers and credit notes.
<i>Official gifts</i>	Gifts presented to the Shire or the Council including gifts received from a Sister City, organisation or corporation that is bestowing a corporate gift (e.g. plaque, plate, vase, trophy and artwork) or souvenir.
<i>Register</i>	A register of all declarable gifts, benefits and hospitality, including those declined.
<i>Public Register</i>	A sub-set of information contained in a register for publication on Council's website.
<i>Reasonable hospitality</i>	A meal or service provided by a not-for-profit organisation to a Mayor, Councillor or a member of Council staff who attends a function or event in an official capacity.
<i>Token offer</i>	A gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient. They include promotional items such as a pen, note pad, or key ring, and modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting. Token offers are those that are worth \$20 or less.
<i>Non-token offer</i>	A gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$20 are non-token offers and must be declared through the Gifts, Benefits and Hospitality form and recorded in the Gift, Benefits and Hospitality Register.
<i>Value</i>	The face value or current estimated retail value.



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COUNCIL POLICY

Related Procedure

MPR-016 Gifts, Benefits and Hospitality Procedure

References

SCS-002 Councillor Code of Conduct - Council Policy
SCS-010 Fraud Control – Council Policy
HR-24 Code of Conduct
HR-032 Promotion of Goods and Services to Council Staff
HR-07 Discipline Policy
Council Fraud and Corruption Control Plan
Local Government Act 1989 – s76B, s.76BA, and s.95.
Victorian Auditor-General's Report "Implementing the Gifts, Benefits and Hospitality Framework", December 2015
Victorian Public Sector Commission "Gifts, benefits and hospitality – Policy Framework", October 2016
Victorian Public Sector Commission Gifts, Benefits and Hospitality Policy Guide
Local Government Victoria (LGV) Guidelines - Conflicts of Interest – Councillors and Council Staff
Independent Broad-based Anti-corruption Commission (IBAC) Act 2011

Document History

Version	Document History	Approved by – Date
1	<i>Amended</i>	<i>Council Resolution – 26 November 2019</i>



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COUNCIL POLICY

1. Declaration Form

GIFT, BENEFITS AND HOSPITALITY FORM

Please forward completed form to Governance for registration



Details – Recipient to complete			
Name of recipient			Position title
Name of donor (Agency / Organisation)			
Donor Address			
Relationship of donor to recipient			
Description of gift, benefit or hospitality			
Describe the business reason for gift, benefit or hospitality (refer Policy section 5)			
Estimated value			Date received
Donor acknowledged?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Previous gifts	Have you received similar gifts from the donor in the last 12 months?		Yes ^{#1} <input type="checkbox"/> No <input type="checkbox"/> ^{#1} If yes provide details below (date / nature of gift, value)
	Date	Nature of gift	Value
<p><i>Probity Statement - To my knowledge the donor is not currently subject to any tender, permit application processes, or matters under consideration, for which this gift may be perceived as exercising a beneficial interest over any Councillor or staff member, including myself.</i></p> <p><i>Conflict of Interest Statement – I declare that to the best of my knowledge the acceptance of this gift, benefit or hospitality does not raise an actual, potential or perceived conflict of interest or have the potential to bring the Surf Coast Shire Council into disrepute.</i></p>			
Recipient's signature			Date
<p>Treatment of Gifts Unless otherwise determined all Gifts remain the property of Council. The Mayor (Councillors) and/or the Chief Executive Officer (Councillors or Council staff) shall make a determination on the retention, use or allocation of any items or services received.</p>			
<p>Gift Allocation – Manager / GM / CEO / Mayor to complete in accordance with Policy.</p> <p> <input type="checkbox"/> Gift to be retained and pooled for staff use <input type="checkbox"/> Gift to be returned to donor <input type="checkbox"/> Gift to be retained by individual <input type="checkbox"/> Other (explain below) </p>			
Manager instructions/comment			
Manager signature			Date
Manager name (please print)			
General Manager comment (if applicable)			
General Manager name (please print)			
General Manager signature			Date
CEO comment (if applicable)			
CEO signature			Date
Mayor comment (if applicable)			
Mayor signature			Date
<p><small>Statement - The personal information requested on this form is being collected by Council for the purpose of maintaining Council's Gift, Benefit and Hospitality Register. The personal information will be used solely by Council for this primary purpose or directly related purposes. The employee understands that the personal information provided is for these purposes and that they may apply to Council for access and/or amendment of the information</small></p>			

5. ENVIRONMENT & DEVELOPMENT

5.1 Climate Emergency Response Plan

Author's Title: Coordinator Environmental Sustainability

General Manager: Ransce Salan

Department: Environment & Community Safety

File No: F18/2523

Division: Environment & Development

Trim No: IC19/2017

Appendix:

1. Climate Emergency Response Roadmap November 2019 (D19/173817)
2. Council and Community Climate Action - Summary Report (D19/173819)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

☐ Yes

☒ No

☐ Yes

☒ No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to provide a Climate Emergency Response Road Map for Council endorsement.

Summary

In response to petitions with more than 1000 signatures from community members seeking leadership on climate change, Council made a declaration to declare a climate emergency at its 27 August 2019 Council Meeting.

The declaration recognises that climate change is a significant threat and that more urgent action is needed globally and locally.

Analysis of different approaches to developing a climate emergency response, together with a review of current Council climate actions and internal stakeholder engagement, has led to a proposed approach of developing Council's Climate Emergency Response in three parts:

- **Part 1** - A Short Term Corporate Action Plan that identifies initiatives across the organisation that can be implemented quickly (by 2020) and cost-effectively, within existing resources.
- **Part 2** - A Strategic Corporate Action Plan that identifies initiatives across the organisation requiring implementation over a longer timeframe and potentially requiring additional resources.
- **Part 3** – Develop an approach for, and define Council's role in, community focussed action in the Climate Emergency Response.

The One Planet Living Framework and Council's existing Towards Environmental Leadership program will guide Parts 1 and 2. Corporate environmental sustainability targets for energy, emissions, waste, water, land use and biodiversity will be key inputs to Part 2.

The Climate Emergency Response will complement Council's work to establish and pursue its corporate environmental targets.

Recommendation

That Council endorses the approach for developing Council's Climate Emergency Response attached as Appendix 1 - Climate Emergency Response Road Map.

5.1 Climate Emergency Response Plan

Report

Background

In response to community petitions, Council resolved at its 27 August 2019 Council meeting:

That Council:

1. Declares a Climate Emergency.
2. Commits to develop a Climate Emergency Response Plan in partnership with the community.
3. Receives a further report on how a Climate Emergency Response Plan will be developed including any resources needed.
4. Commits to setting corporate energy, greenhouse gas emissions, water, waste, land use and biodiversity targets informed by the advice of the Renewable Energy Task Force, and supported by an evidenced based analysis.
5. Confirms its commitment to use the One Planet Living Framework and Towards Environmental Leadership Program to guide corporate responses to climate change.
6. Notes the opportunity to consider climate change in future reviews of the Council Plan (incorporating the Health and Wellbeing Plan).

Since Council's resolution on this matter, the following actions have been undertaken:

- Project governance to deliver the resolution has been established, with the Executive Management Team as the Project Control Group, recognising the need for an organisation wide response.
- An internal working group of key stakeholders from across the organisation has been established to support the development of the Climate Emergency Response Plan.
- A project charter and a draft communication and community engagement plan has been developed.
- Council officers have connected with the growing network of other councils across Victoria who have declared (or are in the process of considering) a climate emergency declaration to actively share resources and learn from each other.
- Analysis and refocussing of the Towards Environmental Leadership (TEL) program budget has been undertaken to confirm the climate emergency response plan can be developed in a timely manner within existing resources.
- Over 120 officers have participated in workshops delivered to:
 - Improve organisational knowledge on climate change issues;
 - Better understand what the climate emergency declaration means for each service area;
 - Identify how our work is related to climate change and what further action could be taken;
 - Gather information to help inform the establishment of corporate targets and the Climate Emergency Response Plan.

Discussion

Analysis of different approaches to developing a climate emergency response, together with a review of current Council climate actions and internal stakeholder engagement, has guided a proposed high level approach to developing Council's Climate Emergency Response. This will be in three parts:

- **Part 1** - A Short Term Corporate Action Plan that identifies initiatives across the organisation that can be implemented quickly (by 2020) and cost-effectively, within existing resources.
- **Part 2** - A Strategic Corporate Action Plan that identifies initiatives across the organisation requiring implementation over a longer timeframe and potentially requiring additional resources.
- **Part 3** – Develop an approach for, and define Council's role in, community focussed action in the Climate Emergency Response.

The Climate Emergency Response will complement Council's work to establish and pursue its corporate environmental targets. It will build on Council's climate action to date (a summary of Council's climate action to date is attached as Appendix 2).

The One Planet Living Framework and Council's existing TEL program will guide Parts 1 and 2. Corporate environmental sustainability targets for energy, emissions, waste, water, land use and biodiversity will be key inputs to Part 2.

5.1 Climate Emergency Response Plan

Reporting mechanisms will be established to measure progress using an evidence based approach. Engagement with internal and external stakeholders will occur throughout Parts 1, 2 and 3.

Separating the Climate Emergency Response into three parts provides the following benefits:

- Allows for an in depth analysis of Council operations to identify corporate actions over which we have the control to implement. With greater control over corporate action captured in Parts 1 and 2, Council is well placed to lead by example and demonstrate positive outcomes from its Climate Emergency Response with the community.
- The development of a Short Term Corporate Action Plan in Part 1 allows for a swift response demonstrating the urgent nature of the climate emergency. It will also help build momentum for delivery of Part 2.
- The development of community focussed actions in the Climate Emergency Response requires a different approach to Parts 1 and 2 because Council does not have control over community actions or commitments. Part 3 recognises that a more lengthy community development approach will need to be taken in collaboration with the community.

The proposed approach, with timeframes, is captured in a high level roadmap as Appendix 1.

Financial Implications

The development of Council's Climate Emergency Response plans and community engagement can be undertaken within the existing TEL program budget and other existing Council resources. Any additional funding requirements that may be required for the delivery of specific actions will be considered as part of Council's budget process.

Council Plan

Theme 2 Environmental Leadership
Objective 2.1 Drive the use of renewable energy
Strategy 2.1.1 Implement the Renewable Energy Roadmap

Theme 1 Community Wellbeing
Objective 1.3 Improve community safety
Strategy 1.3.1 Understand community safety issues and needs, and design an appropriate local response

The Council Plan does not specifically mention climate emergency, however, objectives within the Council Plan are considered responses to climate change, in particular the objective to drive the use of renewable energy.

In its 27 August 2019 resolution, Council noted the opportunity to consider climate change in future reviews of the Council Plan (incorporating the Health and Wellbeing Plan).

Policy/Legal Implications

Policy and legal implications include the roles of local government listed in Victoria's Climate Change Adaptation Plan 2017 – 2020 and the Local Government Bill 2019, once passed through parliament an overarching governance principle to consider the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks will be included in the Act.

The State Government has advised that in the development of the Victorian and Municipal 2019-23 Public Health and Wellbeing Plans, two additional complex and emerging threats to health warrant attention at all levels and across sectors: climate change and antimicrobial resistance. How we respond through the design and use of our buildings, neighbourhoods, infrastructure and services will play a significant role in the health of current and future generations. If Council continues to incorporate its Health and Wellbeing Plan into its Council Plan, climate change will need to be specifically considered and addressed.

Officer Direct or Indirect Interest

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

5.1 Climate Emergency Response Plan

Risk Assessment

An extensive climate change risk assessment was undertaken as part of a draft Surf Coast Climate Adaptation Plan 2017-20. The assessment identified risks to our community, environment and economy. The risks within Council's control have been incorporated into Council's Risk Register and the six highest priority risks are outlined below.

Risk #	Priority Risk	Asset	Rating (0-5 yrs)	Rating (5-60 yrs)
1	Increase in heat stress and solar exposure to the community leading to increased heat-related illness.	Community Wellbeing	High	Extreme
2	Increase in heat stress and solar exposure to the community leading to increased pressure on emergency management and health services.	Community Wellbeing	High	Extreme
3	Less tourists visiting due to bushfires/bushfire risk and loss of tourist demand for region.	Industry	High	High
4	Increased bushfire risk to community homes.	Community Wellbeing	High	High
5	Damage to tourism attractions such as national parks and the Great Ocean Road.	Industry	High	High
6	A decline in water availability for agricultural operations.	Industry	Medium	Extreme

Social Considerations

The Australian Psychological Society recognise climate change as 'the greatest health threat of the 21st century and has significant impacts on physical and mental health and psychosocial wellbeing'. People of all ages, but particularly younger people, are feeling strong anxiety about climate change impacts and the lack of an adequate response. It is important that Council considers the significant impacts on physical and mental health and psychosocial wellbeing and other social dimensions of climate change, in its response to this issue.

Community Engagement

Significant internal stakeholder engagement has been undertaken to inform the proposed approach. Engagement with the growing network of councils working on climate emergency responses has further informed the approach. A commitment to ongoing engagement of internal and external stakeholders is proposed.

Environmental Implications

Climate change has extreme implications for all aspects of our Shire environment including: our coast, agriculture, forests, fisheries, water resources and all natural ecosystems.

Communication

Mobilising a climate emergency response for action across the organisation and the municipality to address climate change requires effective and engaging communications. A communications and engagement plan is under development to guide the messages and conversation with both internal and external stakeholders. Mitigation of climate change is unlikely without significant societal change and individual behaviour change. Communications will seek to build collaboration and unity in responding.

Options

Option 1 – Endorse the approach of developing a Climate Emergency Response in three parts that demonstrate immediate corporate action, a commitment to strategic corporate action over a longer term and a commitment to work closely with the community in developing community responses to the climate emergency.

This option is recommended by officers as it allows for an in depth analysis of Council operations to identify corporate actions over which we have the control to implement, providing an opportunity for Council to lead by example and demonstrate positive outcomes from its Climate Emergency Response. The development of community focussed action in the Climate Emergency Response requires a different approach, partnering closely with the community to co-design and foster shared ownership; the approach outlined in this option

5.1 Climate Emergency Response Plan

allows this to occur. Stakeholder engagement to date has informed this approach and momentum is building for shared ownership of the response.

Option 2 – Reject the proposed approach for developing a Climate Emergency Response and receive a further report on an alternate approach.

This option is not recommended by officers as it will delay both corporate and community action in responding to the climate emergency.

Conclusion

Council's declaration of a climate emergency at its 27 August 2019 Council Meeting recognises that climate change is a significant threat and that more urgent action is needed globally and locally.

The proposed approach of developing a Climate Emergency Response in three parts that demonstrate immediate corporate action, a commitment to strategic corporate action over a longer term and a commitment to work closely with the community in developing community responses to the climate emergency allows for:

- an in depth analysis of Council operations to identify corporate actions over which we have the control to implement, providing an opportunity for Council to lead by example and demonstrate positive outcomes from its Climate Emergency Response.
- a different approach to be taken for developing community responses to the climate emergency, partnering closely with the community to co-design and foster shared ownership.

The Climate Emergency Response will complement Council's work to establish and pursue its corporate environmental targets. The approach proposed is consistent with the approach that other organisations are taking in responding to the climate emergency.

5.1 Climate Emergency Response Plan

APPENDIX 1 CLIMATE EMERGENCY RESPONSE ROADMAP NOVEMBER 2019

Climate Emergency Response Plan Roadmap – November 2019



5.1 Climate Emergency Response Plan

APPENDIX 2 COUNCIL AND COMMUNITY CLIMATE ACTION - SUMMARY REPORT

Local progress on climate change - current council and community actions

Excerpt from 27 August 2019 Council Report: Response to climate emergency petitions IC19/1361

The Surf Coast Shire Council has long been committed to action on climate change from both a risk management perspective, as well as a leadership, engagement and advocacy perspective. Since 2016, Council's environmental actions and response to climate change have been framed under the Towards Environmental Leadership (TEL) Program. Prior to the TEL Program, this work was captured through Council's 2011-16 Climate Change Strategy.

The TEL Program is guided by the internationally recognised One Planet Living (OPL) framework. The OPL framework uses a set of 10 principles, based on ecological and carbon foot printing, to guide living within the limits of the planet. In this way, the OPL framework is aligned with the responses called for by climate emergency advocates, who seek for acknowledgement that urgent action is required to stop living beyond the climate's limit. The key difference is the extent and urgency of action. The alignment means that declaring a climate emergency would be consistent with the current TEL Program's OPL framework. Acknowledging a climate emergency would necessitate an escalation and organisation wide response. The TEL Program and OPL framework provide an existing foundation to guide and enable further climate action.

Council's climate actions completed to date are summarised below under the two key mechanisms for responding to climate change:

- **Mitigation** – reducing future impact through greenhouse gas emissions reduction (avoiding the unmanageable)
- **Adaptation** – managing the risks and impacts of a changing climate (managing the unavoidable)

Table 1. Summary of Council's climate action activities

Mitigation (Council operations focus)	<p>Energy efficiency and transition to renewable electricity:</p> <ul style="list-style-type: none"> • Updating Council's greenhouse gas emissions profile in line with the Greenhouse Gas Protocol. • Transitioned all pedestrian streetlights to LED. • Undertaken energy audits of 13 Council facilities. • Working with Deakin Engineering students to undertake further energy audits across Council's smaller facilities and implement proposed actions. • Installed 230kW of solar PV, 1.5kW of wind and a 6.5kWh battery storage across Council facilities • Secured funding to install an additional 150kW of solar across Council facilities in 2019-20 and upgrade the lighting in Council's Civic Office. • Participating in the renewable energy buyers group (of almost 40 Victorian councils) to purchase 100% of Council's electricity from renewable sources by 2021. <p>Transport:</p> <ul style="list-style-type: none"> • Purchased electric and hybrid vehicles for Council's fleet and installed a charging station at the Civic Office. • Set a maximum emissions standard for Council's fleet and encourage hybrid vehicles. • Host annual staff event for Ride2Work day <p>Waste:</p> <ul style="list-style-type: none"> • Flare installed at Anglesea landfill to convert methane emissions into less harmful carbon dioxide emissions. • Completed Anglesea Food Organics trial, to enhance diversion of organic material from the landfill and reduce emissions. Planning underway for a shire wide rollout. <p>Regional collaboration:</p> <ul style="list-style-type: none"> • Grant application submitted to establish a local government Climate Change Alliance in the Barwon South West Region.
Mitigation (community focus)	<p>Energy efficiency and transition to renewable electricity:</p> <ul style="list-style-type: none"> • Developed a comprehensive electricity profile for the municipality. • Set a community wide target of 25% renewable energy consumption by 2020. • Established a Renewable Energy Task Force made up of community, industry and Council representatives.

	<ul style="list-style-type: none"> Developed an independent website, Powered by Positive, to assist residents and businesses use less energy and install solar. Developing a program designed to support solar on commercial facilities. Delivered a solar bulk buy program in the community. Support sustainable living (all of these actions also deliver adaptation outcomes): <ul style="list-style-type: none"> Delivering a Local Food Program, including workshops to enhance community capacity for growing their own food, strengthening community gardens, supporting agribusiness and connecting local growers with local consumers. Hosted sustainability festivals and information talks throughout the municipality. <p>Advocacy:</p> <ul style="list-style-type: none"> Opposed drilling for oil in the Great Australian Bight. Banned unconventional gas mining in the Shire. Advocated to the State and Federal Government on climate targets. <p>Land use:</p> <ul style="list-style-type: none"> Revegetation work with the community.
Adaptation (Council operations focus)	<p>Risk Management:</p> <ul style="list-style-type: none"> Identified climate risks incorporated into Council's PAN Risk Register, including make consistent with, and refer to, risk section and/or appendices. <p>Asset Management:</p> <ul style="list-style-type: none"> Regular cycle of condition audits to proactively identify & program asset renewal. <p>Open Space Operations</p> <ul style="list-style-type: none"> Use of drought tolerant species and mulching. Use of recycled water.
Adaptation (community focus)	<p>Community Strengthening</p> <ul style="list-style-type: none"> Community development and health promotion to build resilience to stresses and shocks Place based community planning to respond to community needs and strengths Supporting vulnerable clients to manage heatwave events, including emergency planning, heatwave preparedness <p>Emergency Management</p> <ul style="list-style-type: none"> Emergency management planning together with emergency services agencies Active engagement with the community to build resilience to extreme weather events, particularly bushfire, through the ongoing Fire Up! program and award winning Fire Game education tool Strategic fuel reduction programs <p>Regional Collaboration</p> <ul style="list-style-type: none"> Participated in the Barwon South West Climate Resilient Communities Project, which included regional and municipal climate risk assessments, adaptation planning and initial local coastal hazard assessment <p>Land management:</p> <ul style="list-style-type: none"> Biodiversity resilience – native vegetation management, pest plant and animal control Consideration of climate change in Hinterland Futures strategy

5.2 Environment & Development Monthly Report - October 2019

Author's Title: Executive Assistant

Department: Environment & Development

Division: Environment & Development

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

General Manager: Ransce Salan

File No: F18/1519

Trim No: IC19/1823

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

To receive and note the Environment & Development monthly activity report for October 2019.

Summary

The monthly report provides an overview of the Environment & Development Division's key activities undertaken in October 2019.

Recommendation

That Council receives the Environment & Development Monthly Activity Report for October 2019, and notes the following items:

1. The Australian National Surfing Museum had its highest visitation for any October since the museum opened 25 years ago with 1,758 visitors through the door.
2. In October, 78.72% of all planning applications were issued within 60 statutory days. The result reflects availability of staff resources during the month. The comparative average score for the Peri Urban Group for October was 64%.
3. The Planning Compliance team is well within their target of no more than 50 live community requests, there are 41 open investigations for the month at the end of October.
4. The proposed Planning Scheme Amendment for CORA is currently on public exhibition. Council will be considering its response to the amendment at the November Council meeting.
5. Council has continued its collaboration with various corporate and community groups on environmental improvement works including collecting rubbish at nature reserves and in stormwater treatment basins, removal of weeds along Painkalac Creek and rabbit control works on Council managed land.
6. The second 'Landscaping for Bushfire' workshop was held in October with over 40 representatives from fire agencies, landscapers, teachers and staff from schools, and students from Gordon TAFE in attendance.
7. Small Business Victoria brought their Small Business bus to the Surf Coast to provide small business operators with confidential one-to-one mentoring advice. 23 businesses utilised the service over a three day period with a further 14 businesses registered on the waiting list.
8. The Surf Coast Kite Festival returned for its third edition with an estimated attendance of 2,000 people.
9. Rostered hours for the Ranger Services team is beginning to increase leading into the busier time of year.
10. A community survey is underway seeking feedback on the potential establishment of an off leash dog park in Torquay.

5.2 Environment & Development Monthly Report - October 2019

PLANNING & DEVELOPMENT

Measure: 60 Statutory Days

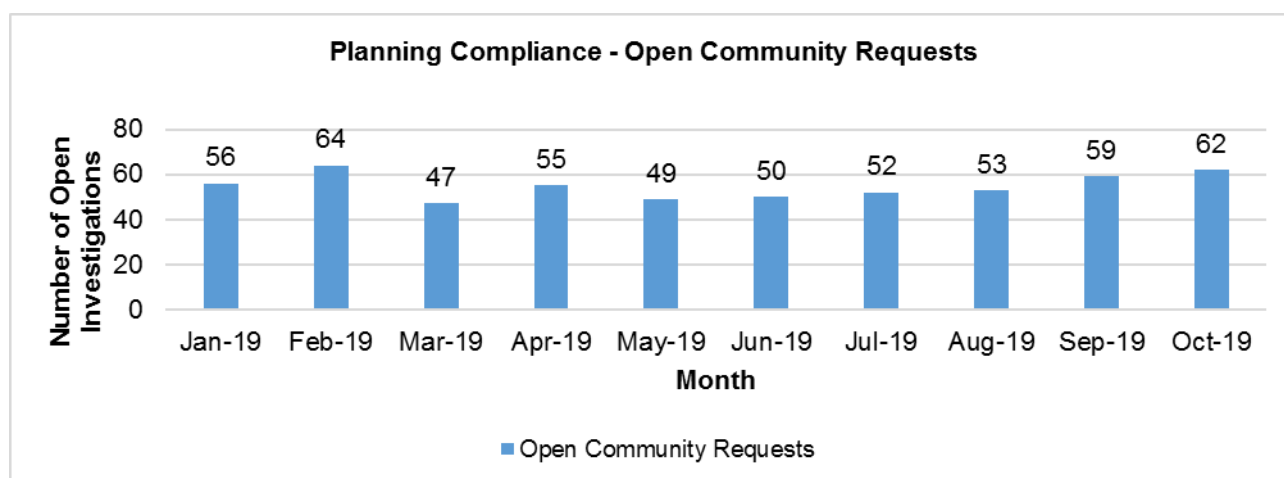
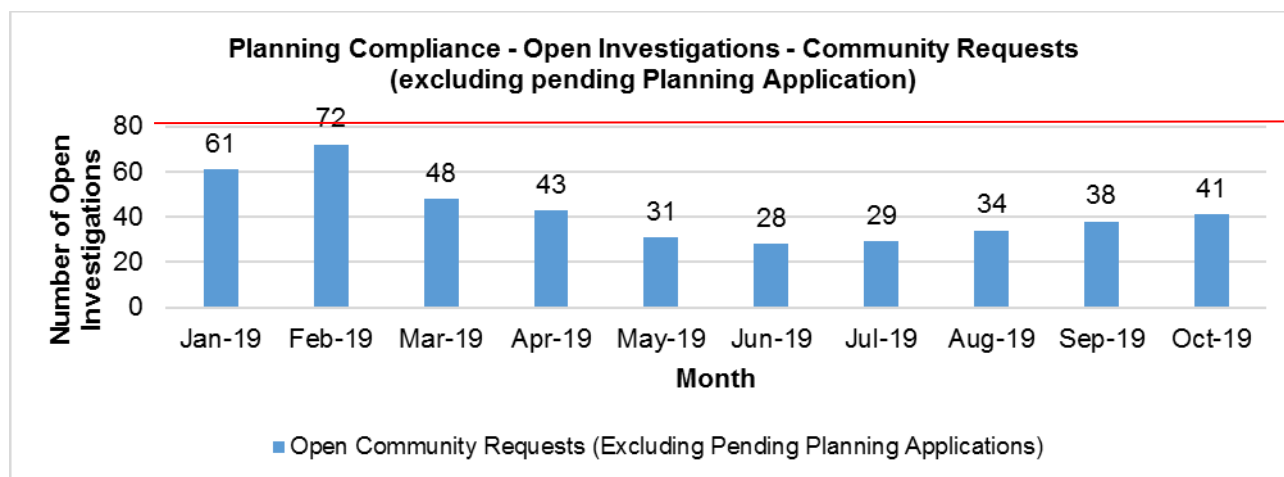
In October, 79% of all planning applications were issued within 60 statutory days. The comparative average score for the Peri Urban Group for October was 64%. This result is slightly under the new annual KPI set for the service. The result reflects availability of resources with staff leave and lower staff numbers. The result is expected to continue to improve during the year as the team returns to full size.

Measure: VicSmart (95% completed within 10 business days from the date of lodgement)

The VicSmart result for October was 33% of our VicSmart applications being issued within 10 business days the Peri urban group result was 88%. It is recognised the performance on VicSmart applications needs to be reviewed to determine the causes for delay and what can be done to consistently achieve the 10 business day statutory target as performance has varied widely, achieving 100 % some months then not meeting the target at other times.

Measure: Compliance Open Investigations

The Planning Compliance Team continues to focus on progressing investigations that involve impacts on community members by the actions of others (community requests). The key KPI is to have no more than 50 Open Investigations (community requests). As at end October 2019, there were a total 81 open cases, 62 of which were community requests. There are currently 21 retrospective planning permits being applied for following the intervention of the team. These remain open only for tracking purposes until the planning application process has concluded. When these are excluded 41 community requests remain under active investigation by the team at the end of October.



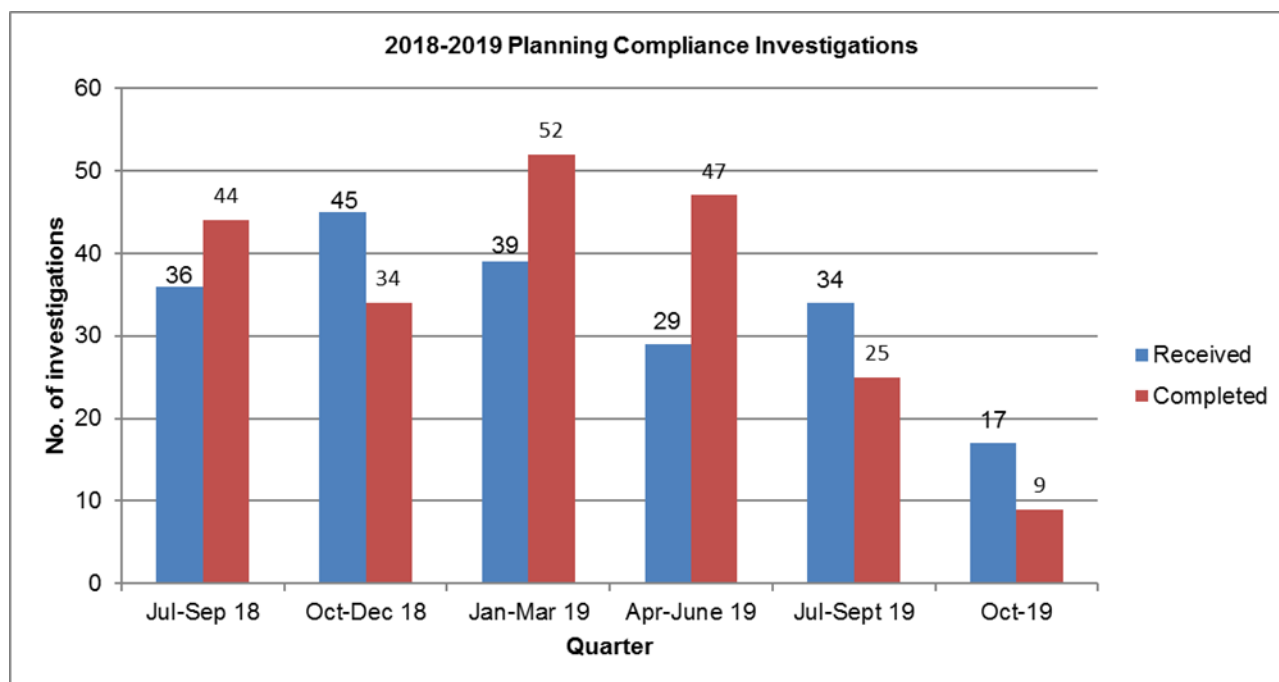
5.2 Environment & Development Monthly Report - October 2019

A summary break down of the status of the 62 open investigations has been included below.

Current Status	No. of Apps.
Active Investigation	27
Under Notice to Comply (NTC)	10
Waiting on VCAT hearing for an Enforcement Order	3
Subject to achieving compliance with a VCAT Order	1
TOTAL Open Community Requests (excluding pending Planning Applications)	41
Retrospective planning application lodged to be resolved before closing	21
TOTAL Open Community Requests	62

The volume of all planning compliance issues received has increased and is representative of the regional peak season commencing.

These figures include non-compliances identified and reported by our Planning Compliance Team and other authorised officers of Council. The completed result for the quarter reflects scheduled staff leave over this period being taken prior to the seasonal peak time.



VCAT Decisions

1 VCAT decision was received by Council in October 2019:

18/0332 - 47 Lialeeta Road, Fairhaven (Varied)

- Objector appealed against Council's decision to issue Notice of Decision (NOD) for approval. Their concern was in relation to amenity impacts (overlooking) into their property.
- Overlooking was assessed as compliant with the Planning Scheme during the assessment process.
- Parties reached consent prior to Hearing and the Hearing was vacated.
- Minor changes were made to plans to retain some existing vegetation along common boundary consistent with the defensible space requirements of the Bushfire Management Overlay (BMO). A new 1.8m high privacy screen will be installed along the fence in the section where the amenity impact is of concern. Amended condition to ensure the retention of an existing tree.

5.2 Environment & Development Monthly Report - October 2019

Current Strategic Planning Projects

- The Surf Coast was declared a Distinctive Area and Landscape (DAL) on 17 September 2019 by the Minister for Planning. The area focussed on Torquay Jan/Juc. The second phase of engagement is underway, commencing 14 October until 1 November. The first open house was held in Torquay on October 25. DELWP are inviting the community to make a submission via an online survey at <https://engage.vic.gov.au/distinctive-areas-and-landscapes-program/surf-coast>
- A Development Advisory Committee has been appointed to review the CORA DRAFT Planning Scheme Amendment Proposal. The proposed amendment is on public exhibition from 21 Oct – 19 Nov 2019. While council will be making a submission, the closing date for submissions has been extended to the 28 November providing time for the council to consider its response at the 26 November Council meeting.. A Directions hearing will be held on 13 December and a Public Hearing in the week commencing 3 February 2020 and 10 February (if required).
- Anglesea Eden Project: Critical matters for the progression of the project are filling of the mine with water and the planning authority for a future planning scheme amendment. A decision on these matters is required by Eden by Christmas to secure funding.
- Great Ocean Road Strategic Framework Plan. A Planning Context Report is being prepared by Echelon Planning with officer input. New legislation is required to create the new GOR Authority.
- Lorne Structure Plan Review: Technical background work has been concluded including the review of planning controls and a bushfire report. Council resolved to pause the structure plan review while the community pursues work on a Housing Action Plan for Lorne. Council will be updated on the progress in January 2020.
- Torquay Town Centre Built form design guidelines: The guidelines will inform a future planning scheme amendment pending outcomes from the DAL project.
- Torquay Town Centre parking and access strategy: It has been decided that the TTC Parking and Access Strategy 2016-21 needs to be updated to incorporate the recommendations arising from the UDF and the design project. Officers are working on a project, designing and estimating costs of new public car parking which will inform the updated strategy. Following this a planning scheme amendment will be undertaken.
- Torquay / Jan Juc Retail and Employment Land Strategy: The project will ultimately deliver an updated Torquay-Jan Juc Retail Strategy which will be broadened to consider other employment land and the broader hierarchy. The project is being developed and a consultant is soon to be appointed.
- Planning Policy Framework: Council officers are working with Tract Consultants, engaged by DELWP, to translate the Surf Coast Planning Scheme into the new format (gazetted in 2018). Tract will provide a draft planning policy framework in November 2019 and internal comments will be sought.
- Heritage Study Stage 2C – has been completed by Ecology and Heritage Partners. Additional community feedback has been received on the reports and implementation of the recommendations will be considered at the November Council meeting.
- Preliminary work has commenced on the Winchelsea town centre precinct structure plan and community consultation will occur early 2020, in conjunction with Amendment C134 – Winchelsea Town Centre and highway design guidelines.

Planning Scheme Amendments

- C114 Spring Creek PSP: The PSP has been submitted to the Minister for Planning for approval. The amendment is on hold until the Distinctive Areas and Landscapes project is complete.
- C123: Section 96A application with rezoning of 3-5 Loch Ard Drive, Torquay from General Residential to Commercial 1 Zone and a planning permit for shops and first floor dwelling: The amendment has been adopted by Council and is currently with Minister for Planning for approval.
- C124: Section 96A application for rezoning of 600-640 Cape Otway Road Moriac from Farming to Low Density Residential and planning permit application for multi-lot staged subdivision: Pre-Authorisation Stage - Pending proponent entering into an agreement for Council to process the PSA.
- C126: Proposed rezoning of land at 125/135 Strathmore Drive from Low Density Residential Zone to General Residential Zone: applicants progressing a concept plan with council while awaiting the outcomes of the Distinctive Areas and Landscape (DAL) project.
- C127: Section 96A application with rezoning of land at 2995 Princes Highway, Winchelsea from Farming Zone to Low Density Residential Zone and planning permit application for an 86 lot subdivision: Pre Authorisation Stage – Applicant is responding to further information requirements.

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- C128: Miscellaneous correctional amendment: has been submitted to the Minister for Planning for approval.
- C130: "The Sands" translation of planning controls: HOS occurred in August. At the request of the Owners Corporation 1 (OC1), the report to Council has been deferred until 2020 to facilitate the withdrawal of the final submission.
- C133: Officers have commenced drafting the Hinterland Futures amendment documentation which includes the preparation of siting and design guidelines. Consideration of proceeding to authorisation will be considered by Council early 2020 subject to the progress of the State Government led PPF Translation (Planning Policy Framework Planning Scheme Translation).
- C134: Officers have commenced drafting the Winchelsea town centre and highway design guidelines amendment documentation. Seeking authorisation from the Minister for Planning will be considered by Council in December.

Development Plans

- 135 -235 Austin Street, Winchelsea: A development plan application has been submitted and is being consideration by Officers.

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ENVIRONMENT & COMMUNITY SAFETY

Environmental Works

Council continued its collaboration with various corporate and community groups on environmental improvement works.

As part of their annual Planet Day activities, close to 200 Rip Curl staff picked up rubbish along Council's Deep Creek, Jan Juc Creek, Spring Creek nature reserves and in stormwater treatment basins in Torquay North, planted mulched and watered 840 local plants and pulled out several loads of invasive weeds such as Mirror Bush, Polygala, English Ivy and Angled Onion. Volunteers from Torquay Coast Action, Jan Juc Coast Action and Surfers Appreciating the Natural Environment helped with supervising the groups.



Council continued working with ANGAIR volunteers on Sweet Pittosporum weed removal along Painkalac Creek. Council provided a tree contractor to cut and chip the larger Pittosporums while volunteers helped drag the cut weeds out to the road for chipping, and hand removed smaller plants. The day was part of ongoing works to improve habitat values on Council managed land alongside the Creek.

Rabbit control works have continued on Council managed land such as Rice Nature Reserve and the Moonah Woodlands Nature Reserve along The Esplanade Torquay. We have also had teams of contractors controlling weeds in many reserves targeting invasive species such as African Weed Orchid, Wild Watsonia, Flax-leaf Broom and Bluebell Creeper.



Winchelsea Weeds Workshop

The amount of weeds on Council's own land is affected by how well our community neighbours can manage their weeds. To help our community to manage their weeds better, Council collaborated with the Winchelsea Land & River Care Group to deliver a free weeds workshop on Saturday morning 5 October to approximately 25 community members. The workshop was well received and covered topics including weed identification and control methods for the top 10 weeds in the Winchelsea area including Cape Tulip, and farm paddock management addressing common farm practices which often lead to weed problems. The Winchelsea Star later included an article on the workshop. Discussions are now underway with the Wurdale Landcare Group to host a similar weeds workshop for their local landholders in autumn with a focus on Bluebell Creeper, Gorse and Blackberry.

Landscaping for Bushfire Workshop 2

To help build bushfire community resilience in our Shire's highest risk areas, on 11 October 2019 Council officers facilitated the second 'Landscaping for Bushfire' session at the Aireys Inlet Primary school precinct. Over 40 representatives from fire agencies, landscapers, the school community and staff, and students from the Gordon TAFE workshopped actions to help the school develop long term plans in three priority areas; vegetation management, emergency planning, and community engagement for bushfire. This will assist the school to be better prepared for and able to recover from bushfire. A holistic approach to precinct design was

5.2 Environment & Development Monthly Report - October 2019

taken incorporating considerations of native vegetation, fire ecology, building and garden design and outdoor learning space.

Children's Week

It was a fun filled Children's Week with Council hosting various free activities in Deans Marsh, Moriac, Torquay and Winchelsea. Children's Week is a national celebration of children's rights, talents and citizenship. Families enjoyed the opportunity to partake in the upcycling challenges lead by Council's environmental sustainability officers. Learning how to making wicking plant pots from recycled milk bottles and turning them into mini gardens was a highlight for the children. The children then took the time to make scarecrow socks to help keep the birds away from the plants once their mini gardens start to grow.



Image: Council staff helping children learn how to make wicking pots and scarecrow socks

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ECONOMIC DEVELOPMENT & TOURISM

Economic Development

Council has been liaising with the Small Business Victoria to bring their Small Business bus to the Surf Coast to assist small business operators with confidential one-to-one mentoring service. The Small Business bus is a travelling office on wheels assisting business operators run, grow or start a business.

The bus was recently in Torquay, Anglesea and Winchelsea with a great response engaging with 23 businesses over the three days. A further 14 businesses have registered on the waiting list.

Venue Suburb	Region	Date	Mentoring Sessions	Business Engagements	Waitlist
Anglesea	Surf Coast Shire	30/09/2019	4	4	4
Torquay	Surf Coast Shire	1/10/2019	4	6	6
Winchelsea	Surf Coast Shire	2/10/2019	3	2	4

Events

October opened with two music events – FOPA in Lorne, and The Sound Doctor Presents in Anglesea. Other highlights for the month included the month-long Art of the Minds event; the second edition of the Sprint Series Adventure Race in Anglesea; and Jan Juc Pre School's annual Kite Festival. All five events have received support through Council's Event Grants Program in 2019 - 2020.

The Sound Doctor Presents (4 & 5 October, Anglesea)

The Sound Doctor presented two nights of stunning music in the Anglesea Memorial Hall, featuring mesmerising performances by Olympia and Didirri, and their respective support acts Jess Ribeiro and Ruby Gill. The shows continue to attract near-capacity crowds, and have cemented their reputation for delivering an outstanding live music experience with a distinctly local flavour. For the October shows, organisers partnered with the Hot Chicken Project Anglesea for a special dining offer, with local café Minerva and the Bean serving espresso martinis at the venue.

Surf Coast Kite Festival (27 October, Torquay)

The Kite Festival returned to Fishos Beach for its third year running.

The organising committee did an outstanding job in promoting the event, with an estimated attendance of 2,000 enjoying the spectacular kite displays supported by fun activities for people of all ages.



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Visitor Information Centres and the Australian National Surfing Museum

Record Visitation for the Australian National Surfing Museum

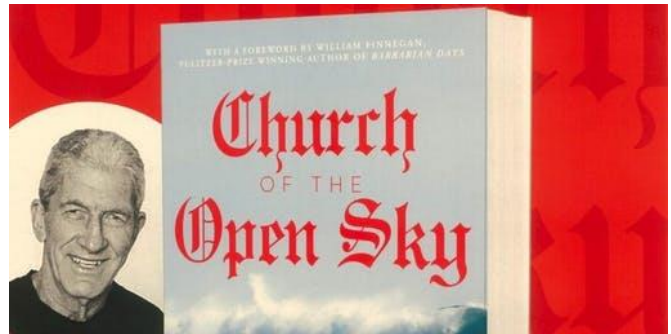
The ANSM has seen the highest visitation for any October since the museum opened 25 years ago, with 1,758 visitors through the doors. This figure is up 549 people on the average October visitation figures. The Museum also saw a single bumper day, with 6 school group visits, totalling 175 students and 35 teachers.

We look forward to the trend of increased visitation continuing throughout the summer.



Nat Young Book Launch










On 11 October, Australian World Champion surfer Nat Young launched his most recent book, *Church of the Open Sky*. The book is an extension of Nat's autobiography with a distinctly different tone – candid and wry, the book is a collection of true stories about Nat's life – and the friends, foes and heroes he has met along the way. Over 50 people attended the event held at the Australian National Surfing Museum.



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BUSINESS IMPROVEMENT, RANGER SERVICES AND BUILDING COMPLIANCE

Departmental critical functions – performance overview

	Business Improvement	Ranger Services	Building Compliance	
Financial				Tracking to budget at end of October
CRMs				195 of the 197 CRMs completed in October were completed on time, a completion rate of 99%.
OHS				No reported incidents during October.

Key:



On track






Minor delay/ issue



Off track / identified issue

Business Improvement

Deliverable	Overview	Status
Develop 2019/20 Business Improvement Program		Completed
Deliver 2019/20 Program		Underway
Deliver identified savings		Underway

Work continues on the 2019/20 Business Improvement Program with a focus on the Environmental Health Service and project work to ensure overhead savings generated from service changes are realised.

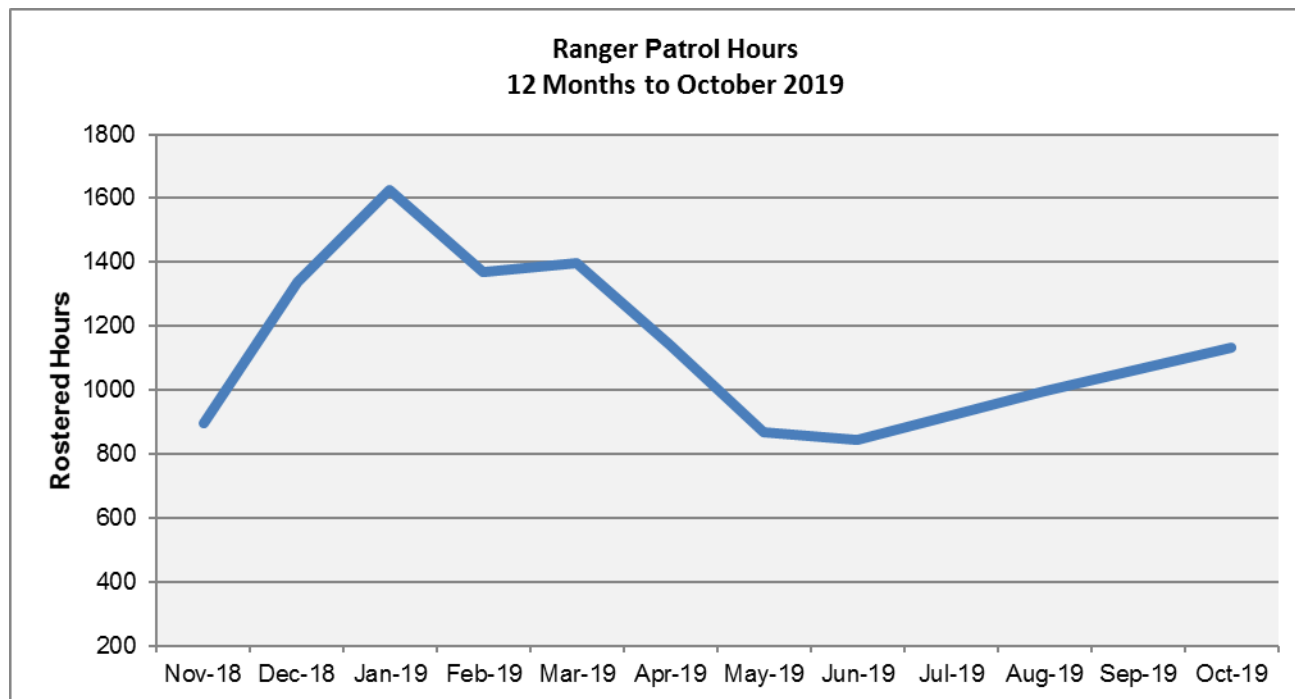
Recent work approved by Council for implementation include the completion of the review into Facilities Maintenance and a project to implement Parking Overstay Detection sensors.

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Ranger Services

The following chart indicates the high volume of Ranger Services resources deployed to deliver services.

Rostered hours have started to increase leading into the busier time of the year. Two Rangers have been working on weekends through September and October and this will increase to four by the end of November.



During September, Rangers received 210 CRMs and completed 193 CRMs. 99% of the CRMs completed were completed on time which is a great result for the team. At the end of October there were 28 outstanding CRMs with none of these overdue. This remains a driving focus for the team.

A replacement infringement issuing system has been selected and work is now underway to develop and integrate this system for Council purposes. It is hoped that the new system will be operational by the end of November.

An action in both Council's Open Space Strategy and Domestic Animal Management Plan is to investigate the feasibility of an off leash dog park in Torquay. The first step in this investigation will be a short community survey seeking feedback on potential establishment of a dog park with a focus on underlying need. The survey will be launched on Tuesday 12 November and will close on Friday 29 November.

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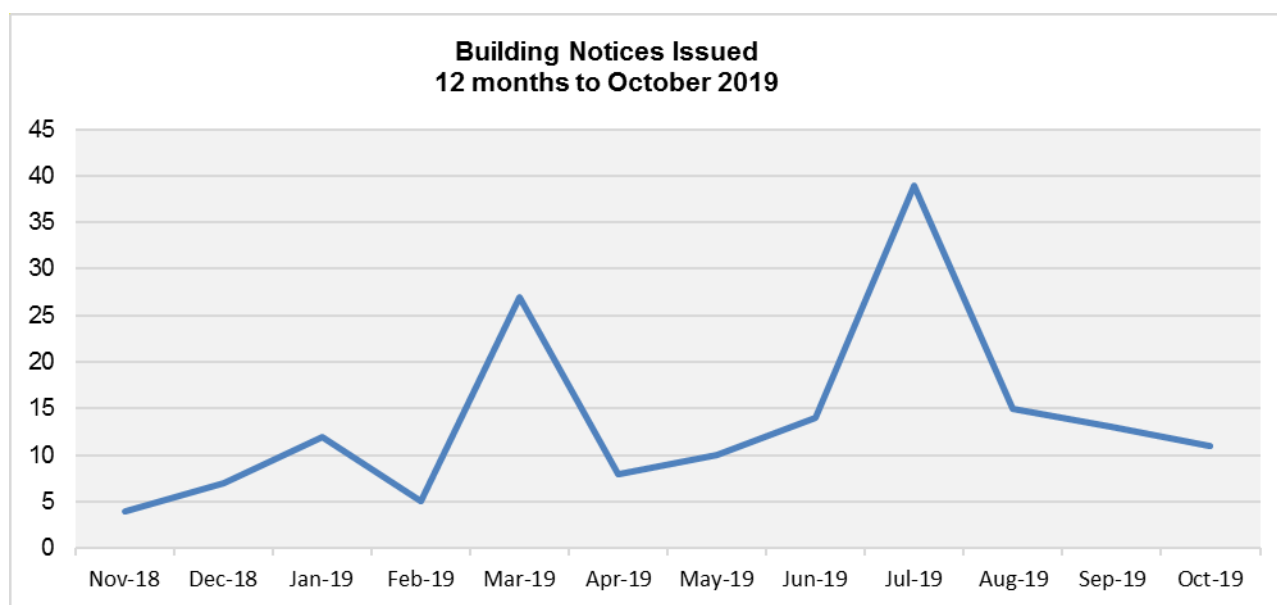
Building Compliance

The Building Compliance team has been very active in preparing for the planned legislation change relating to Swimming Pool and Spa safety. The Building Amendment (Swimming Pool and Spa) Regulations 2019 are expected to come in to effect on 1 December 2019 and will require a proactive registration and compliance inspection process for all swimming pools and spas in the State. Council has been tasked with managing this registration and compliance process by the State.

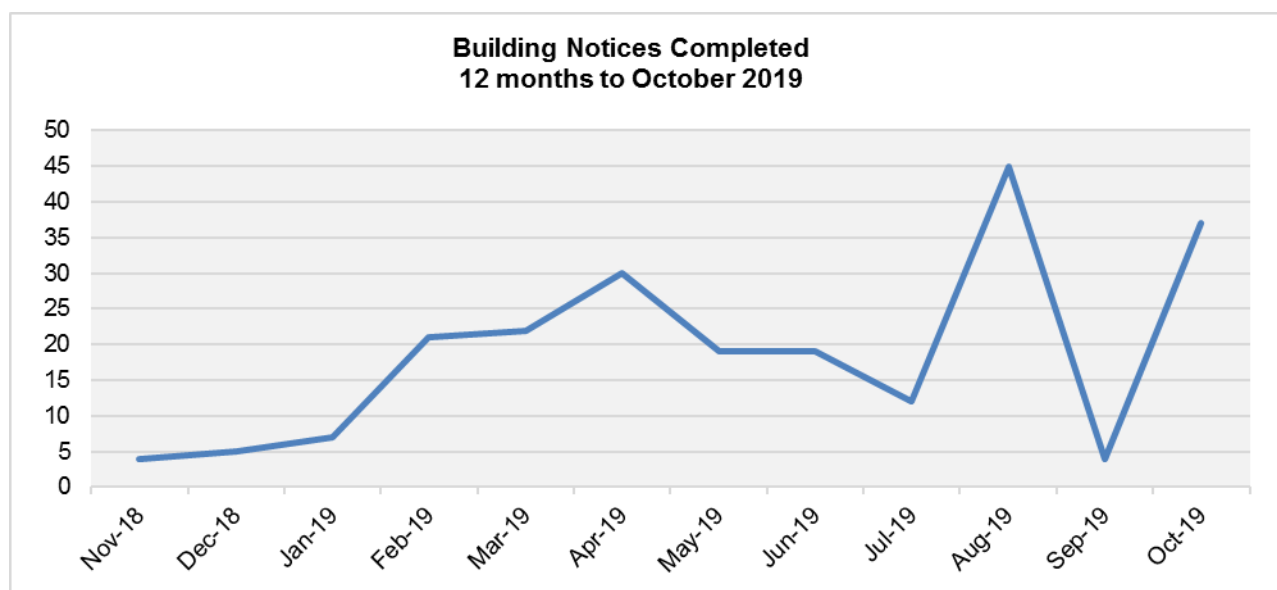
It is expected that the State will lead community consultation about the regulation changes with strong support from Council.

Key Statistics

A Building Notice is a show cause notice issued by Council's Building Compliance team when they discover illegal building works that have been carried out without a valid Building Permit. Statistics below show the Building Notice activity 12 months to October 2019.

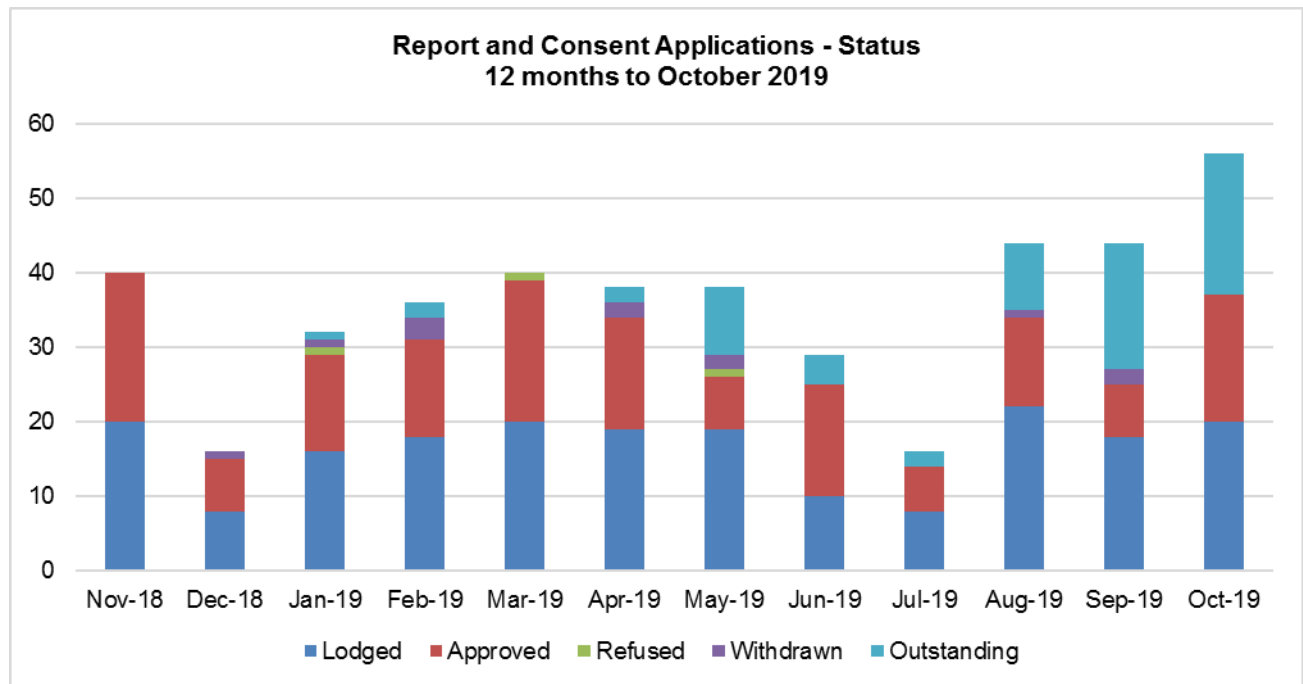


The team has closed out only 37 Building Notices during the month with a focus on the very old outstanding notices. This is an excellent outcome. The overall number of outstanding Building Notices now sits at 230 with nearly half of these being greater than two years old.

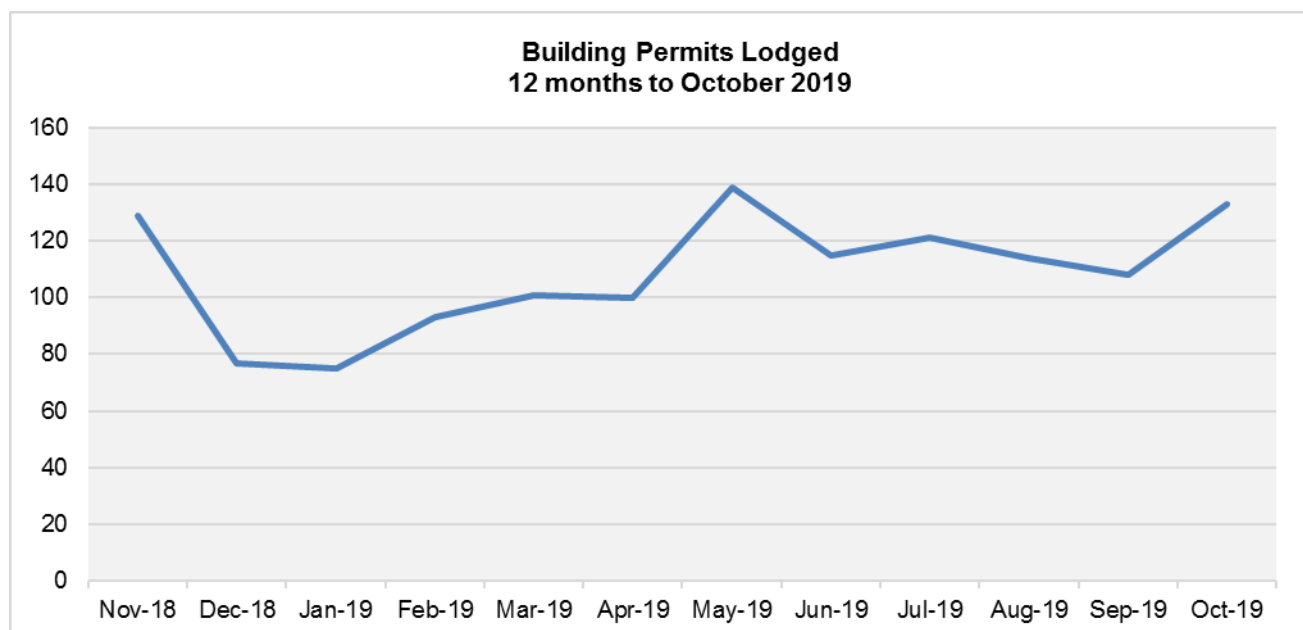


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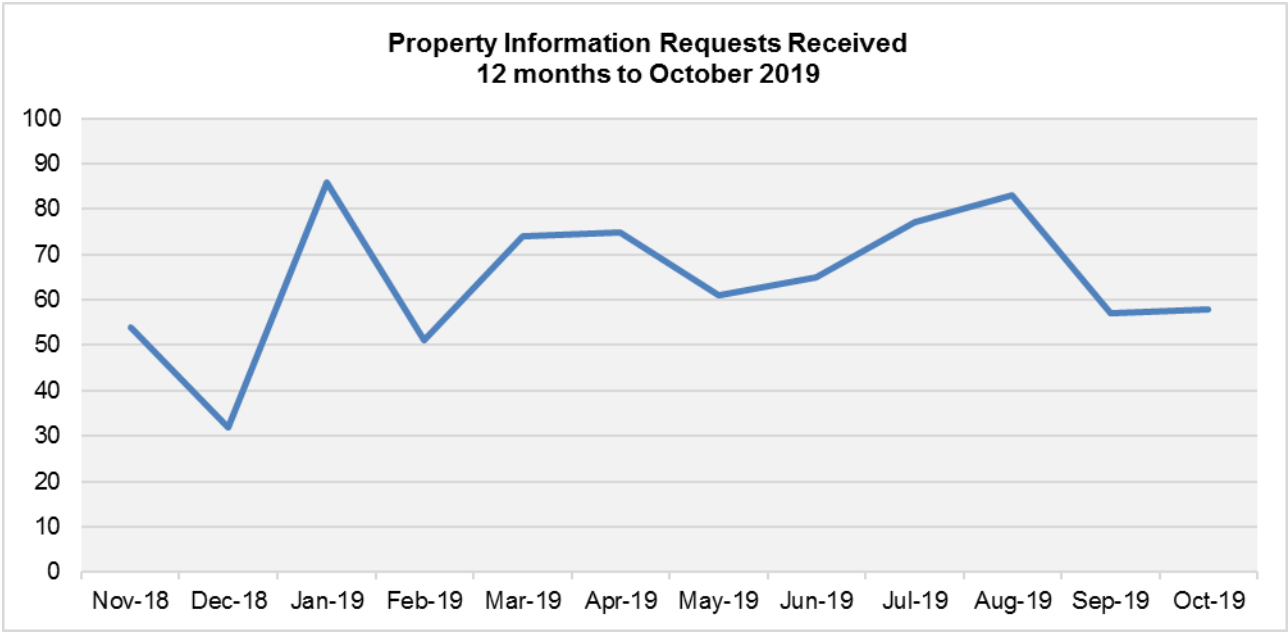
An important function of the Building Compliance team is to assess individual applications to vary building regulations. The team is delegated to provide an exemption to some building regulations such as site setbacks and other siting matters. The assessment of report and consent applications includes a range of considerations and often includes discussions with neighbouring properties. The status of applications received in the past 12 months is shown in the chart below. This is the third month in a row where we have above average consent applications.



Other key workload indicators for the Building Compliance team are shown below. These service delivery tasks are generated by the high level of building activity in the Shire. This is a significant workload for Council staff to manage, particularly the high number of Building Permits that are lodged.



5.2 Environment & Development Monthly Report - October 2019



5.3 Quarterly Program Status Report - July to September Quarter 2019

Author's Title: Manager Program Management Office **General Manager:** Ransce Salan
Department: Program Management Office **File No:** F18/189-2
Division: Environment & Development **Trim No:** IC19/2019

Appendix:

1. Capital Projects - 30 September 2019 (D19/159447)
2. Capital Programs - 30 September 2019 (D19/159448)
3. Operational Projects - 30 September 2019 (D19/159444)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to receive and note the Quarterly Program Status Report for the July to September 2019 quarter for capital and operational projects, excluding Digital Transformation.

Summary

There are a number of high value projects that will influence the spend profile for the 2019/20 Program. Two spend profiles will be tracked to monitor progress. The 'Historical Trend' year to date spend result for end September is 43% of target and the 'PM Prediction' result is 75% of target.

Recommendation

That Council notes Quarterly Program Status Report for the July to September quarter 2019.

5.3 Quarterly Program Status Report - July to September Quarter 2019

Report

Background

The Program Management Office (PMO) has responsibility to provide leadership, support and analysis for best practice project management, including standardising and building Surf Coast Shire Council's project management capability and methods. The PMO has responsibility to support successful delivery of Council's program of projects with the right approach and level of resources.

The Program Status Report is intended to provide high level analysis to Executive Management Team and Council on progress of the overall program of capital and operational projects, and provide a point of accountability for project managers to provide accurate status information including time, cost and scope. It also provides high level information for the PMO to identify where project teams may require assistance to address issues impacting on project delivery.

A snapshot of the overall status of the Program is provided to Council via a communications report at monthly briefing. This quarterly report includes more detail with individual project status detailed in appendices.

The financial data in the appendices is drawn from Council's finance system. The relevant project manager comments on status and provides an Estimate to Complete on behalf of the project team. The 'traffic light' indicators for time, cost and scope provide a snapshot of issues that project teams are addressing to progress the project, and that may result in a request to Council to re-baseline.

Project teams consider the relationship of time, cost and scope at each of the 'gates' between project phases/stages defined in the Project Delivery Process below:

Project Delivery Process – controlling the project through defined phases/stages						
Identify Phase	Initiate Phase	Plan Phase	Deliver Phase			Close Phase
Idea (Project proposal)	Verify (Charter)	Details/Method (Project Plan)	Requirements Stage	Procurement Stage	Implement Stage	Wrap-up and Learn (Closure Report)
Prepare			Do			Review

Project definition develops through each of these phases/stages and at each gate the Sponsor can recommend that the project:

- progress as planned
- change
- stop (be deferred or cancelled).

If project planning determines that the project will not deliver the intended outcome within the parameters of time, cost and scope approved by Council, officers may recommend that the project be cancelled or funds transferred to the Adopted Strategy Implementation Reserve (or other relevant reserve) while a new project proposal is prepared for Council to consider.

Projects are reported 'Life to Date' therefore multi-year project financial data includes actual spend from years prior and future allocations to represent the total project budget approved by Council. Project budgets are reported excluding contingency. Contingency funds for each project are centralised in a separate account to be drawn on as requested by the Sponsor and reviewed / approved by the PMO.

5.3 Quarterly Program Status Report - July to September Quarter 2019

A spend target has been established for the 2019/20 program based on:

- the program allocation made by Council in the 2019/20 Budget
- PLUS carry forwards from 2018/19
- LESS
 - Multi-year project funding that is planned to be expended in future years
 - Projects awaiting outcomes, such as grant or project partners preparedness, or high external risk i.e. subject to significant consultation or external approvals
 - Project funding in the process of being accumulated
 - Land transactions
 - Project contingency
 - DT (Digital Transformation) related projects

Spend targets for the 2019/20 Capital and Operational Programs were published in the Annual Budget. The spend result has been gradually improving over the last few years.

	Actual Spend 2015/16 \$	Actual Spend 2016/17 \$	Actual Spend 2017/18 \$	Actual Spend 2018/19 \$	Spend Target 2019/20 \$
Capital	14.966m	19.547m	20.527m	18.993m	25.336m
Operational	1.922m	3.168m	1.526m	1.691m	1.750m
Total	16.888m	22.715m	22.053m	20.684m	27.106m
Adjusted Result %	83.6	92.5	98.6	113	New Challenge
Adjusted result incorporates savings, cancelled and deferred projects					
Capital Spend Target for 2019/20 as published in the the Annual Budget excluding Digital Transformation spend target of \$1,560,243					

A statement of Capital Works by category for annual budget, year to date budget and actual budget is included in the quarterly Finance Report to Council.

Each of the projects has indicators for time, cost and scope. If an indicator is amber or red it means that the project manager has identified a future variance for time cost or scope. This triggers the project team to make recommendations to the Project Control Group and Sponsor to take action to 'balance the triangle'. This could be:

- accelerate the schedule to ensure planned completion date is achieved
- reduce scope to ensure the planned budget is achieved
- re-baseline schedule and / or budget to ensure the scope is achieved to expected quality

Changes to time, cost and scope are approved by the Sponsor via a Decision Approval Report. Any project budget changes (increase or decrease) are then recommended to Council for approval via the Monthly Project Budget Adjustments and Cash Reserve Transfers report.

Project managers are required to provide data on time, cost and scope for each project each month. This supports early identification and resolution of issues.

5.3 Quarterly Program Status Report - July to September Quarter 2019

The indicators used to describe risk in monthly reporting for individual project status are described below:

TIME

Green	Expected to be completed within approved schedule	
Amber	Delayed however expected to be completed within approved schedule	Schedule is over-estimated and it may be possible to reduce approved schedule
Red	Delayed and NOT expected to be completed within approved schedule	

COST

Green	Expected to be completed within approved budget	
Amber	Budget may not be adequate and use of contingency may be required	Budget is over-estimated and it may be possible to return funds to source early
Red	Budget including contingency will NOT be adequate	

SCOPE

Green	No material change to scope expected
Amber	Material change to scope may be required
Red	Material change to scope is required OR Scope is yet to be defined

Discussion

Two different spend profiles and associated graphs are presented in this report. One is a spend profile based on historical trend, which has been used in previous years to track progress, and uses information prepared for the annual budget. This graph is called 'Historical Trend'. A second graph is based on spend profile data provided by project managers and the live program which includes new projects and other adjustments since the annual budget was adopted. This graph is called 'PM Prediction'. This second graph has been created because it is anticipated that large projects such as the Multi-purpose Stadium will impact timing of spend, making the historical trend less accurate as an indicator of progress. Both profiles will be used to monitor progress during the financial year.

The following results do not include Digital Transformation projects or non-project allocations in the program such as funding for fixed term staff roles or fixed term grants for activities such as Freeza. Separate reports are provided to Council for these items.

The **Historical Trend** profile is based on the Spend Target published in the Annual Budget and the following targets:

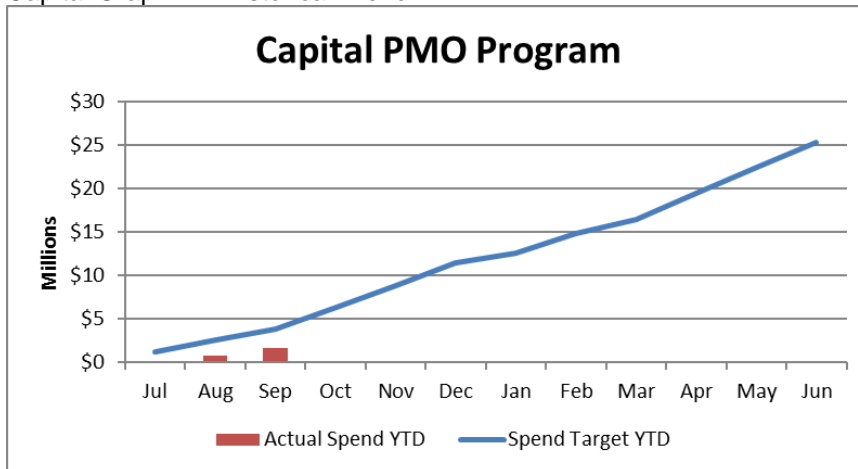
Quarter	Percentage (%) of annual spend	Cumulative %
July to September	15	15
October to December	30	45
January to March	20	65
April to June	35	100

The **PM Prediction** profile is based on information provided by project managers and their understanding of when expenditure will occur during the financial year. It includes projects that have been added to the Program since the Annual Budget was adopted.

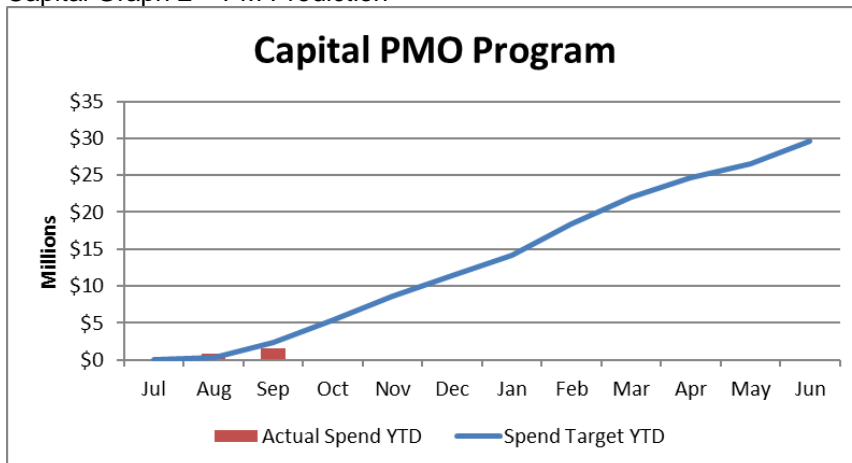
5.3 Quarterly Program Status Report - July to September Quarter 2019

Spend for the Capital Project Program at 30 September 2019 is represented in the graphs that follow:

Capital Graph 1 – Historical Trend

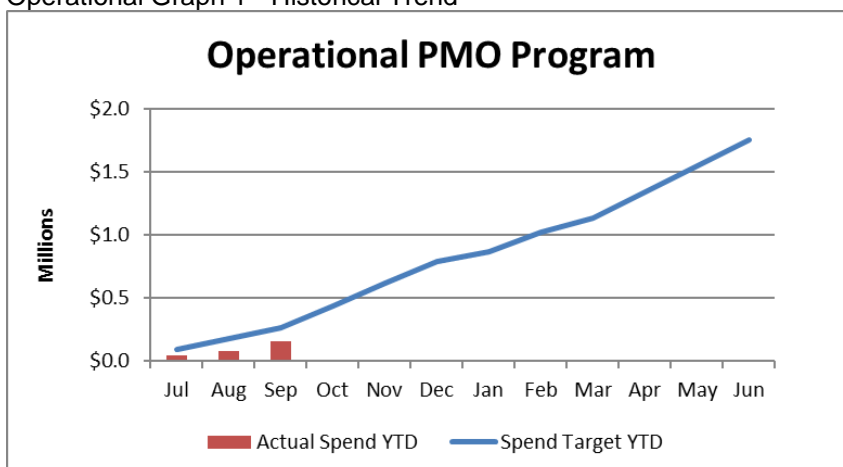


Capital Graph 2 – PM Prediction



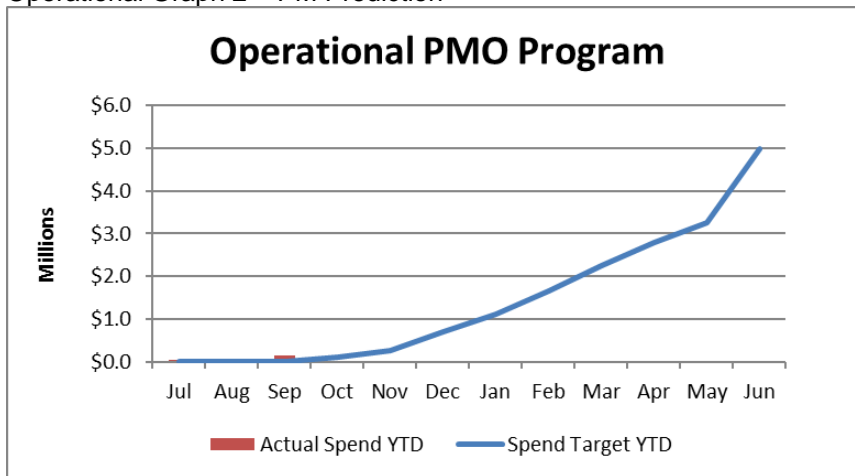
Spend for the Operational Project Program at 30 September 2019 is represented in the graphs below:

Operational Graph 1 - Historical Trend



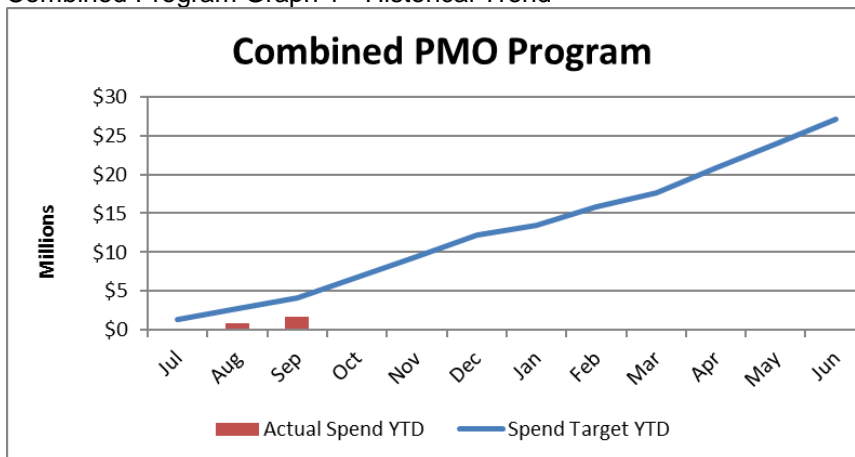
5.3 Quarterly Program Status Report - July to September Quarter 2019

Operational Graph 2 – PM Prediction

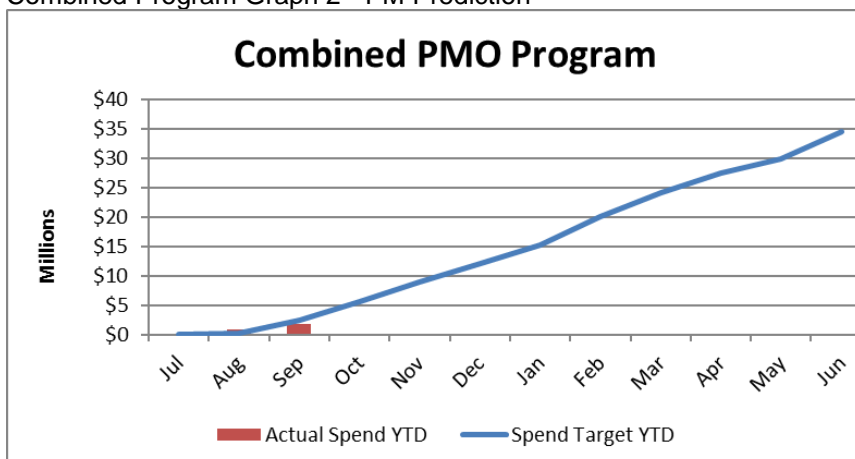


Spend for the overall Project Program at 30 September 2019 is represented in the graphs below:

Combined Program Graph 1 - Historical Trend



Combined Program Graph 2 - PM Prediction



Individual project status is detailed in:

- Appendix 1 - Capital Projects
- Appendix 2 - Capital Programs
- Appendix 3 - Operational Projects.

5.3 Quarterly Program Status Report - July to September Quarter 2019

Financial Implications

Requests to Council regarding change to project budgets are considered monthly via the Project Budget Adjustments and Cash Reserves Transfers report. Officers make recommendations to Council to create project budgets, change project budgets (increase or decrease), cancel projects and close projects. This provides transparency for variations to project budgets and acknowledgement of projects completed under budget with savings returned to source.

Council Plan

Theme	5	High Performing Council
Objective	5.2	Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil	

There are no Council Plan strategies or actions directly relevant to the purpose of this report. The overall program of projects is selected and funded by Council to deliver strategies and actions in the Council Plan.

Policy/Legal Implications

There are no significant policy or legal implications arising from this report.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no significant risks arising from this report.

Project risk assessments are prepared, monitored and reviewed as part of project initiation and delivery. Any risk associated with the status of time, cost and scope for each project is managed by the Project Sponsor in conjunction with the governance group for the project, and subject matter experts where relevant.

Social Considerations

Any significant social issues associated with the status of time, cost and scope for each project are considered by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant.

Community Engagement

Community communications and engagement plans are prepared, monitored and reviewed as part of project initiation and delivery when relevant. Any emerging issues that require communications and engagement due to variations in time, cost and scope for each project are managed by the Project Sponsor in conjunction with others participating in governance for the project, and other subject matter experts where relevant. Project delivery supports Council's Communications and Community Engagement Strategy 2019 - 2021 and complies with Council policy where relevant.

The Manager Program Management Office prepares a report for the bi-monthly Abilities Advisory Committee Meeting to advise arrangements in place for considering access and inclusion in project governance and design, and to address any specific questions raised by the Committee about projects.

Environmental Implications

There are no significant environmental implications arising from this report.

Environmental implications of individual projects are considered in the 'Identify' and 'Initiation' and 'Planning' phases as part of project approach and scope. Environmental deliverables may be specified as part of the project outcomes and benefits. Project delivery complies with Council policy where relevant.

Communication

Comments or questions from Council or community arising from this report will be communicated to the relevant Project Sponsor or Program Management Office and responded to.

5.3 Quarterly Program Status Report - July to September Quarter 2019

Options

Option 1 – That Council notes the Quarterly Program Status Report for July to September 2019.

This option **is recommended** by officers as the report represents factual information and provides transparency on the progress of projects for councillors and community.

Option 2 – That Council does not note the Quarterly Program Status Report for July to September 2019

This option is not recommended by officers as it contradictory to the Council Plan Objective 5.2 Ensure that Council decision making is balanced and transparent and that the community is involved and informed.




























Conclusion

There are a number of high value projects that will influence the spend profile for the 2019/20 Program. Two spend profiles will be tracked to monitor progress. The 'Historical Trend' year to date spend result for end September is 43% of target and the 'PM Prediction' result is 75% of target.































5.3 Quarterly Program Status Report - July to September Quarter 2019




























APPENDIX 1 CAPITAL PROJECTS - 30 SEPTEMBER 2019

Capital Projects as at 30 September 2019








































Project Manager / Actioning Officer to complete these columns Data to be entered in all white cells				Budget less Estimate at Completion = Estimated Variance at Completion						
Preloaded data or formula in these columns										
Once only data entry										
Review data then change cell to white								1 = green	2 = amber	3 = red
Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September		
Anglesea Shopping Centre Pathway - Renewal Stand Alone Project	Strategic Asset Management	120,905	-2,046	Aug-19				Project has been completed as per scope. DAR completed for use of contingency to cover additional cost. Follow-up required as finances show overspend.		
Spring Creek Rec Reserve Master Plan (Stage 2) - Netball Facility Upgrade	Recreation and Open Space Planning	784,200	19,264	Dec-19				Defects period. Minor works to side entrance		
Kurrambee Myaring Community Centre Post Opening Improvements	Community Strengthening	50,920	4,088	Nov-19				Awaiting availability of turf sods to complete landscaping of KMCC		
Grass Tree Park Masterplan Implementation (OR05)	Environment and Community Safety	136,383	0	Jun-20				Pathway works on hold until early 2020. This work relies on completion of additional ground sampling via PRO19-014 Grasstree Park Asbestos Management Phase to inform management of asbestos as the pathway works are undertaken. Outcome of sampling will also inform whether the budget for pathway works is adequate and may result in a request to Council for additional funds.		
Deep Creek Linear Reserve Masterplan Implementation - Paths and Footbridges (OR06)	Environment and Community Safety	469,658	29,870	Mar-20				Footpath works being contracted.		
Anglesea Cricket Pavilion Upgrade Stage1	Recreation and Open Space	333,288	24,128	Jul-19				Project in defects period, minor works to be completed prior to official opening.		
Winchelsea Entrance Sculptures	Community Relations	251,489	-15,022	Jul-19				\$10,728 to be reimbursed by VicRoads for Traffic Management which showing as overspend		
Pedestrian Safety in Torquay Surf Precinct	Engineering Services	205,525	0	Dec-19						
Anglesea Landfill Stage 4 Rehab - Design	Engineering Services	57,620	4,520	Jun-20				RFQ being finalised, due to close late Oct/early November		

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Reg Bike Route Horseshoe Bend Rd (PC03) - including PRC18-236	Engineering Services	1,126,725	175,102	Dec-19	●	●	●	Final seal in Nov/Dec '19 before project can close
Grenville Oval - Deferred landscaping Rye spray out in spring will 2	Facilities and Open Space Operations	14,015	0	Jun-19	●	●	●	Sprigging has just been carried out
Torquay Deep Creek Master Plan Implementation (OR06)	Recreation and Open Space Planning	39,208	0	Nov-19	●	●	●	Final payment has been received. Project closure report to be prepared
Final Seals Deferred - Cape Otway Road	Strategic Asset Management	105,000	5,204	Nov-19	●	●	●	Project currently in Defects period on stage 3
Surf Coast Civic Precinct Microgrid	Environment and Community Safety	33,701	0	Feb-19	●	●	●	Closure report to be finalised
Winchelsea Netball Pavilion Upgrade	Recreation and Open Space Planning	840,091	62,194	Dec-19	●	●	●	Minor electrical works to improve lighting toilets
The Painkalac Project	Recreation and Open Space Planning	56,197	0	Oct-19	●	●	●	Closing
Jan Juc Zone 2 Master Plan Implementation 2017/18	Environment and Community Safety	111,850	96,410	Jun-19	●	●	●	Project scope under review
Moriac Pathway Project	Engineering Services	32,000	8,355	Dec-18	●	●	●	
Winchelsea Pathway Project	Engineering Services	572,076	0	Dec-19	●	●	●	
Torquay Tigers Cricket Club Practice Facility Improvement Project Stage 2 (For stage one refer to W8355)	Recreation and Open Space Planning	5,000	-	Aug-19	●	●	●	Awaiting feedback from Cricket Club on draft concept.
Stribling Reserve Change Rooms Design	Recreation and Open Space Planning	86,000	13,698	Nov-19	●	●	●	Finalising DDA ramp options for netball pavilion
Stribling Reserve Sports Lighting Upgrade	Recreation and Open Space Planning	610,496	-91,200	Dec-19	●	●	●	On site works to be completed in December. Funding shortfall has been addressed via contingency and additional funds approval by EMT and to be addressed at October transfer table.
Gnarwarre Road Culvert - Design and Construct (Renewal)	Strategic Asset Management	1,029,057	311,883	Dec-19	●	●	●	tenders assessed, seeking to contract with preferred

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Hesse Street - Reconstruction R2R	Strategic Asset Management	411,900	21,233	Oct-19				closure meeting held, signed off
Coogoorah Playground Renewal Stand Alone Project	Strategic Asset Management	192,000	-0	Apr-20				Construction tender prices significantly over budget. Project pause to consider next steps.
Barwon River Playground Renewal	Strategic Asset Management	161,875	-0	Mar-20				Additional consultation completed and tender evaluation resumed. Negotiation with successful contractor required to bring scope back within budget.
Anglesea Landfill Leachate Pond	Engineering Services	558,000	-8,428	Nov-19				Additional (\$10k) of contingency approved by Project Sponsor to be allocated to complete project (D19/133285)
Lorne Historical Society Building Façade	Recreation and Open Space Planning	55,398	-0	Mar-20				Design works out to tender closing 18/10. Construction works timing dependant on contractor availability.
Great Ocean Road Bus Terminus	Engineering Services	109,893	1,408	Beyond Dec-18				Project closed.
Surf Coast Multi-Purpose Indoor Stadium	Facilities and Open Space Operations	12,553,001	-347,000	Beyond Dec-19				Construction tender to be awarded at October council meeting. Works expected to commence approx. mid November. Planning permit to be issued following October council meeting. Works expected complete DEC 2020. Negative figure will be balanced by contingency transfer approved in conjunction with tender award.
Anglesea Roundabout and Cameron Park Landscaping	Facilities and Open Space Operations	10,000	0	Jun-19				Detailed design phase complete 14/6/19
Changing Places Facility Anglesea	Community Relations	227,523	11,966	Nov-19				Tender phase expected complete 22/10/19
Changing Places Facility Winchelsea	Community Relations	223,060	2,757	Dec-19				Construction to commence NOV 2020

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Hesse Street Pedestrian Bridge Design	Engineering Services	12,686	0	Apr-19				Planning permit advertising complete 5th September to be awarded at 22 October council meeting
Traffic Management - Winchelsea Town Cen	Engineering Services	198,556	0	May-19				
RipCurl Nature Strip	Facilities and Open Space Operations	69,136	0	May-19				Works underway. Project to be completed by Melbourne Cup long weekend.
Annual Streetscapes Allocation	Facilities and Open Space Operations	50,875	0	May-20				Expected project completion end 2020
Torquay and Lorne Waste Drop Off Points (Business Case Project)	Engineering Services	20,000	0	May-19				
Yurrock Soccer Pitch & Lighting (OR02)	Recreation and Open Space Planning	661,000	9,335	Nov-19				Summer grass line planting scheduled to be done mid Oct. Credit variations (approx. \$5500) part of final contract claim for lighting installation.
South Beach Road Upgrade - Design (RD09)	Engineering Services	40,240	0	Apr-19				Closure report (D19/81501)
Activity Based Working	People & Culture Management	410,000	0	Jun-19				
Anderson Roadknight Reserve Master Implementation	Recreation and Open Space Planning	222,780	2,972	Dec-19				Construction to commence 21/10 and be complete in November
Fischer Street & Merrijig Drive Roundabout	Engineering Services	173,600	5,893	Jun-19				Complete

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Stribling Reserve Terraces (Structure Renewal)	Asset Management	276,600	246,442	Oct-19	●	●	●	Engineers inspection undertaken as scheduled and some minor remediation works recommended. Quote being obtained.
Modewarre Cricket Training Facility	Recreation and Open Space Planning	108,370	1,137	Oct-19	●	●	●	Works complete. Project to move into closure phase.
The Esplanade Bell Street Pedestrian Imp (note prior year 17/18 spend was on W8362, this is shown in actuals)	Engineering Services	244,847	0	Jun-19	●	●	●	Contractor has arranged to complete the works in October
Four New Bus Shelters - PTV Grant	Engineering Services	9,581	9,581	May-19	●	●	●	
The Esplanade (Bell Street to Gilbert Street) - Renewal	Engineering Services	484,000	29,987	Nov-19	●	●	●	Final payment to be made once bank guarantee received. Congrats to all involved.
Anglesea Landfill Flare Maintenance	Engineering Services	73,000	0	May-19	●	●	●	
Solar Compacting Bins	Engineering Services	104,000	0	Apr-20	●	●	●	On Hold pending decisions and direction of Waste Reform Projects.
Waste Drop Off Relocation (Lorne and Anglesea)	Engineering Services	36,000	-1	Feb-19	●	●	●	Comment as per last month
Bennett Street Kerb Renewal Stand Alone Project	Engineering Services	122,500	-127,308	Jun-20	●	●	●	Cost estimates completed and show project more expensive than allocated budget. Exploring options for funding with DELWP/BW based on IWM work.
Blackspot Program Anglesea - Forest Road from Gum Flats Road to Nortons Road	Engineering Services	462,365	-5,845	Dec-19	●	●	●	contingency required for minor works, final seal in November, closure to follow
Blackspot Program Mount Duneed - Horseshoe Bend Road from McCanns Road to west of Thompson Creek	Engineering Services	446,000	133,310	Apr-20	●	●	●	to be combined with 55334
Horseshoe Bend Road Culvert Replacement	Engineering Services	820,000	0	Apr-20	●	●	●	works tendered, construction expected 2020
Djila Tjarri Skate Bowl Leak Investigation	Recreation and Open Space Planning	120,000	-35,062	Dec-19	●	●	●	Repair works (option 1) completed in August have been unsuccessful. Additional funds (approx. \$30k) to cover cost of extended works, consultancy services & PM.

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
e-Waste Facility Lorne & Winchelsea	Engineering Services	230,000	79,043	Oct-19				works completed, to be closed
Anglesea Transfer Station e-Waste	Engineering Services	558,700	481,031	Mar-20				works completed, to be closed
Mt Moriac Reserve Equestrian Pavilion Redevelopment and Mt Moriac Reserve Netball Lighting Upgrade	Recreation and Open Space Planning	900,000	17,238	Beyond Dec-19				Lighting works installation currently underway. Design being finalised in conjunction with equestrian clubs. Commencement on site to follow endorsement of final design
Bells Beach replacement of wink Lookout pathways	Environment and Community Safety	183,717	205	Beyond Dec-19				Community consultation currently underway as part of CMMP review. Finalisation of design and tender of works to occur following consultation period.
Winchelsea Common Future Use Plan Implementation	Environment and Community Safety	200,000	0	Beyond Dec-19				on hold pending future land management role agreement.
Mt Moriac Reserve AFL Lighting Upgrade (Oval 1) and Mt Moriac Reserve Sub Surface Drainage (Oval 2)	Recreation and Open Space Planning	275,000	663	Beyond Dec-19				Final design of drainage currently underway. Lighting tender being reviewed by club for release to market for early 2020 construction
Bellbrae Heart Space Sculpture Installation	Recreation and Open Space Planning	1,580	190	Oct-19				RF note - financial closure requested via October transfer table.
Fleet Management System	Strategic Asset Management	55,000	0	Dec-19				Completed and transferred data into new system. Currently running testing, and working through modifications to the Licence and Booking modules
Inclusive Kindergarten Equipment Purchases	Community Strengthening	19,305	0	Jun-19				Purchases complete
Surf Coast Hwy / Coombes Rd Intersection - Design (RD03)	Engineering Services	165,000	-1					project on hold, return works to developer
Spring Creek Reserve Fence Renewal	Recreation and Open Space Planning	35,000	0	Nov-19				awaiting approval from DELWP
Anglesea Netball Car Park Ellimatta Reserve - Pick My Project	Recreation and Open Space Planning	163,947	732	Apr-20				Planning application for native veg removal submitted, permit expected mid-late Oct. Tree removal/site clearance to be done in Nov/Dec '19
Fischer Street Renewal Design - Beach Road to Highlander Street	Engineering Services	27,000	0	Unknown				Preliminary Plans have been reviewed, consultant to proceed with construction documentation

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Jan Juc Kindergarten Dry Creek Bed	Community Strengthening	13,570	0	Unknown	●	●	●	Comment as per last month
Annual Pathways Construction Program	Engineering Services	0	0	Unknown	●	●	●	Funds consolidated with Winchelsea Pathway Project via September transfer table
Purchase a Mobile Site Hut	Engineering Services	47,000	0		●	●	●	
Civic Precinct Renewable Energy Stage 3	Environment & Community Safety	51,500	0	Jun-20	●	●	●	Charter to be finalised and signed off. Project stalled due to Lachie Mc Lean's departure.
Solar Installations on Council Buildings	Environment & Community Safety	172,270	-1	Jun-20	●	●	●	RFQ process commenced.
Widen Coombes Road (RD11) and Rehabilitation includes Renewal Allocation	Engineering Services	1,391,000	277	Jun-20	●	●	●	Additional funding (\$40k) for lighting at intersection received from RRV, to be added to project via DAR
Grading Projects	Engineering Services	44,864	0	Apr-19	●	●	●	
Torquay Cultural Hub (inc. Library) Feasibility Study	Community Relations	64,800	0	Mar-20	●	●	●	Stafford Strategy engaged. Project kick off meeting and workshop scheduled for 16 October.
Torquay Preschool Play Space Upgrade	Community Strengthening	90,842	-1	Mar-20	●	●	●	Contract to be awarded. Works to be undertaken in the Christmas holiday period.
Boyd Avenue Out Fall Upgrade	Engineering Services	110,000	-0	Jun-20	●	●	●	CHMP complete. Planning, dewlap and CCMA permits all lodged and awaiting. Works out for quotation.
Newling Reserve Inclusive Basket Swing	Recreation & Open Space Planning	29,171	0	Dec-19	●	●	●	Adventure Playgrounds engaged. Works scheduled to commence 21 November.
Depot Yard Lighting	Facilities & Open Space Operations	33,075	0	Dec-19	●	●	●	Works awarded and will be undertaken in October/November
Mt Moriac Reserve - Netball Court Reconstruction (Reconstruct Original Two Courts Overlay Newest Court)	Facilities & Open Space Operations	229,000	0		●	●	●	Project quotes being obtained for design.
Point Roadknight Drainage Outfall Investigation	Asset Management	90,000	0	Jun-20	●	●	●	Geotech investigation on hold pending cultural investigations. Design development out for quotation

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Anglesea Hall Sound and Lighting Equipment Contribution (CPP29)	Community Relations	30,000	0	Unknown	●	●	●	Project Charter in development
Pollocksford Road Bridge Investigations	Engineering Services	90,000	550	May-20	●	●	●	Bridge consultant putting together proposal for review
Anglesea Skate Park - Investigation and Design	Facilities & Open Space Operations	33,000	0	Unknown	●	●	●	Planning in progress. Procurement to be finalised October.
St Annes Playground	Facilities & Open Space Operations	88,000	0	May-20	●	●	●	Signage being prepared for comms on site in October. RFQ for play equipment still to be prepared.
Barwon Park Road - Bridge Rail - Contribution Golden Plains Shire	Engineering Services	320,000	10,000	Jun-20	●	●	●	Awaiting first of two invoices from Golden Plains. Funding amount was increased due to tenders received.
Ellimatta Reserve Retaining Wall	Recreation & Open Space Planning	137,500	0	Apr-20	●	●	●	RFQ complete and submission received and assessed and award for design October 2019.
Deans Marsh Memorial Park - Playground	Facilities & Open Space Operations	214,500	0	May-20	●	●	●	liaison with Deans March Playground sub committee continuing. Draft agreement for re use to be developed. Concept design with DMP sub committee for sign off before additional broader community engagement commences
Anglesea Resale Shed Improvements	Engineering Services	33,900	0	Dec-19	●	●	●	Quotes being obtained
Solar Compaction Litter Bins	Engineering Services	132,000	-1	Apr-20	●	●	●	On Hold pending decisions and direction of Waste Reform Projects.
Stribling Reserve Pavilions Redevelopment	Recreation & Open Space Planning	5,577,000	4,771,038	Beyond Dec-20	●	●	●	Charter approved and planning phase commenced. Netball construction will commence this financial year, however majority of funds will not be spent until next financial year.
Messmate Road Sealing	Engineering Services	840,000	0	Nov-19	●	●	●	Works in progress. Scheduled to complete at the end of Oct 19
Forrest Road (Larcombes to Grays Roads)	Engineering Services	410,000	0	Jun-20	●	●	●	Design works underway with completion in December. Construction works in back half of financial year.
Birregurra Deans Marsh Pathways	Engineering Services	333,000	0	Jun-20	●	●	●	

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Camp Road Pathway Anglesea	Engineering Services	106,000	0	Jun-20	●	●	●	
Duffields Rd Roundabout and Cycling Works	Engineering Services	210,000	-0	Feb-20	●	●	●	Roundabout works underway. RFQ issued for reinstatement of 6 x removable pedestrian refuges. Works to be completed before 30 January 2020
Gundrys Road Road Safety Improvements	Engineering Services	102,000	0	May-20	●	●	●	
Torquay Town Centre Car Parking Strategy - Detailed Design	Asset Management	108,000	50,738	Mar-20	●	●	●	Designs in progress
Cape Otway Road Moriac Pathway	Engineering Services	100,000	0	Jun-20	●	●	●	
External Public Toilet at the Quay Reserve Torquay (CPP27)	Recreation & Open Space Planning	53,450	0	Jan-20	●	●	●	RFQ closing w/e 25 October. Works to commence in November.
Eastern Reserve Cricket Practice Net - Stage 2	Recreation & Open Space Planning	184,000	-0	Mar-20	●	●	●	Procurement of trades in progress. Works to commence in Dec 19
South Beach Road Upgrade (RD09) includes Renewal Allocation	Engineering Services	2,714,160	792,341		●	●	●	works progressing, expected completion December
111 Great Ocean Road Bus Shelter - PTV Funded	Engineering Services	18,515	0	Nov-19	●	●	●	Install this month (delayed by appointed contractor)
170 Great Ocean Rd Bus Shelter - PTV Funded	Engineering Services	17,415	0	Nov-19	●	●	●	Install this month (delayed by appointed contractor)
Upgrade Forest & Grays Road Stage 2	Engineering Services	590,879	0		●	●	●	
Cressy Road widening Stage 2	Engineering Services	281,722	30		●	●	●	still awaiting formal approval of extension of works by funding body.
Winchelsea Leisure Time Centre Entry Ramp	Facilities and Open Space Operations	15,000	4,114		●	●	●	
Coalmine Road Land Purchase with Contribution from DEWLP	Governance and Risk	85,000	0		●	●	●	
DDA Program Annual Allocation	Community Relations	145,189	0	Jun-19	●	●	●	Program currently out for quote. KMCC disabled toilet access works to commence this month.
Winchelsea Memorial Park and Interactive Map Project	Recreation and Open Space Planning	75,000	0	May-20	●	●	●	

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Helen M Kininmonth Kindergarten Landscaping		10,536	0	Dec-19	●	●	●	Works complete. Project to move into closure phase.

5.3 Quarterly Program Status Report - July to September Quarter 2019

APPENDIX 2 CAPITAL PROGRAMS - 30 SEPTEMBER 2019

Capital Programs as at 30 September 2019

Project Manager / Actioning Officer to complete these columns Data to be entered in all white cells				Budget less Estimate at Completion = Estimated Variance at Completion				1 = green 2 = amber 3 = red			
Preloaded data or formula in these columns											
Once only data entry											
Review data then change cell to white											
Program Name	Sponsoring Department	Program Amended Budget (Ex-contingency) \$	Program Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September			
Building Renewal	Strategic Asset Management	297,842	0	Mar-20	●	●	●	Air Conditioner Replacement Program budget is fully subscribed. Building Renewal Program is 75% subscribed. Procurement for all remaining works to be finalised in October. Works			
Drainage Renewal	Strategic Asset Management	127,373	0	Jun-20	●	●	●	Tathra on hold as resident having baby. Erskine Falls design underway. Wray Street out for tender			
Drainage Upgrades Discretionary	Engineering Services	92,416	-1	Jun-20	●	●	●	Waverely and Normanby about to commence. Wray Street out for tender.			
Facility Signage Renewal	Strategic Asset Management	10,000	0	Apr-20	●	●	●	Facility Signage Program priorities currently under review.			
Fencing Renewal	Strategic Asset Management	149,000	0	May-20	●	●	●	Project works planning and procurement in progress. Works to commence in Nov 19.			
Footpath Renewal	Strategic Asset Management	155,000	8	Apr-20	●	●	●	Program underway. A large number of paths are completed.			
Heavy Plant Renewal	Strategic Asset Management	1,653,796	179,783	May-20	●	●	●	2 x Commitments due to be delivered 2 weeks after September & two tenders have been submitted for a replacement Backhoe and Loadall			

Program Name	Sponsoring Department	Program Amended Budget (Ex-contingency) \$	Program Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
IT Renewal	Strategic Asset Management	104,000	0	May-20	●	●	●	
Kerb Renewal	Strategic Asset Management	62,000	57	Apr-20	●	●	●	Program underway
Light Fleet Renewal	Strategic Asset Management	595,116	199,474	May-20	●	●	●	2 x Utes have been ordered and awaiting delivery. Awaiting approval for 1 recommendation and 1 Request for quote has been submitted to dealers
Park Furniture Renewal	Strategic Asset Management	17,000	0	Dec-19	●	●	●	all sites inspected and materials confirmed. Furniture ordered. Awaiting delivery. Quotation for installation requested.
Playground Renewal	Strategic Asset Management	84,168	0	Jan-20	●	●	●	x 8 renewal elements completed. RFQ for soft fall out to market. RFQ for climbing nets complete. Awaiting confirmation of timing. Coogoorah park additional comms being undertaken with larger renewal project.
Asset Condition Audits	Engineering Services	312,640	159,601	Apr-20	●	●	●	Road Condition Audits underway. Bridge Condition Audits awarded. Returned additional funds to reserve
Road Safety Program	Engineering Services	539,492	-0	Jun-20	●	●	●	Ongoing program
Sealed Road Pavement Rehabilitation Rene	Strategic Asset Management	521,510	65,293	Jun-20	●	●	●	Current asphalt contract being extended, new rates to be applied to the pavement rehab jobs. Works to be coordinated with kerb renewal works
Sealed Road Renewal	Strategic Asset Management	540,006	330,661	Jun-20	●	●	●	New reseal tender awarded to Anthony T Lindsay Pty Ltd. Reseal works due to be done in Dec '19. Crack sealing in Jan '20
Small Plant	Strategic Asset Management	60,000	-318	Jun-20	●	●	●	Currently have replaced 2 small trailers, 1 x Blower, 1x Concrete Cutter and 1 x Edger











Program Name	Sponsoring Department	Program Amended Budget (Ex-contingency) \$	Program Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Soft Playing Surface Renewal	Strategic Asset Management	131,000	-0	Jun-20	●	●	●	
Structures Renewal	Strategic Asset Management	37,000	-1	May-20	●	●	●	Bells retaining wall replacement completed.
Unsealed Renewal	Strategic Asset Management	874,193	5,899	Apr-20	●	●	●	Program underway

















5.3 Quarterly Program Status Report - July to September Quarter 2019


APPENDIX 3 OPERATIONAL PROJECTS - 30 SEPTEMBER 2019

Operational Projects as at 30 September 2019

Project Manager / Actioning Officer to complete these columns Data to be entered in all white cells					Budget less Estimate at Completion = Estimated Variance at Completion				
Preloaded data or formula in these columns									
Once only data entry									
Review data then change cell to white									
Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	1 = green Time Status Indicator	2 = amber Cost Status Indicator	3 = red Scope Status Indicator	Status Comment End September	
Bells Beach Coastal Management Plan Implementation - Year 4	Environment and Community Safety	271,190	0	Beyond Dec- 19	●	●	●		
Environmental Leadership - TEL Year 5	Environment and Community Safety	427,640	0	Jun-20	●	●	●	Ongoing program	
Electronic Scoreboard - Stribling Reserve - Lorne Football Netball Club	Recreation and Open Space Planning	93,562	3,312	Oct-19	●	●	●	All works completed. Closure report completed.	
Torquay Jan Juc DCP Review	Strategic Asset Management	123,076	-46,882	Beyond Dec- 19	●	●	●	Time and cost need rebaselining. Funds required to implement PSA.	
Rural Hinterland Strategy (Hinterland Futures)	Economic Development and Tourism	135,232	10,167	Oct-19	●	●	●		
Spring Creek PSP and PS Amendment	Planning and Development	588,896	0	Jun-19	●	●	●	On hold	

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
PS Amendments to Implement Strategic Work (via statutory framework)	Planning and Development	100,463	0	Dec-19				
Local Food - TEL	Environment and Community Safety	92,879	0	Jun-20				Delivery of Local Food action plan continues.
Framework and Reporting - TEL	Environment and Community Safety	70,000	0	Jun-20				TEL/Climate Emergency strategy being developed in consultation with the PCG and staff. Workshops planned for end of October.
Zero Carbon (Renewable Energy) - TEL	Environment and Community Safety	267,921	-0	Jun-20				Recruitment underway for vacant position. Powered by Positive works still continuing.
Planning and Drivers for Growth - Winchelsea & Moriac / Torquay	Economic Development and Tourism	40,000	0	Unknown				Project definition required.
Torquay / Jan Juc Social Infrastructure Study	Recreation and Open Space Planning	50,550	1,875	Unknown				
Winchelsea Infra. for Growth Review	Strategic Asset Management	24,100	0	Jun-19				
Lorne Structure Plan	Planning and Development	180,000	0	Unknown				Structure Plan project on hold pending project plan preparation by Chris Pike's team re. housing affordability project

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Winchelsea Town Beautification Plan	Economic Development and Tourism	50,000	0	Under Review				Project scoping in progress. Sponsor direction required.
Anglesea Mountain Bike Park and Trails Concept Planning	Recreation and Open Space Planning	67,110	0	Unknown				Revised draft received 10/10. PCG meeting to occur before end of October. SCS to engage with PWG members once draft is finalised.
Torquay Parking Revenue Study	Planning and Development	32,500	2,500	May-19				
Moriac Stormwater and Septic Study	Engineering Services	65,000	-0	Jun-20				On-site investigation works are underway.
Economic Development Strategy	Economic Development and Tourism	247,179	12,779	Beyond Dec-20				RDV has approved adjustments to scope and subsequently time. Budget will be adjusted accordingly once amendments to current contract to reflect the changes have been signed off. Time frame is now likely to extend into 4th quarter of 2020.
Heritage Study Stage 2C	Planning and Development	30,000	0	Nov-19				Report finalised with local historical societies and changes made. Awaiting final report back from consultant.
Torquay Town Centre Urban Design Guidelines	Planning and Development	24,000	0	Unknown				
Winchelsea Urban Design Framework	Planning and Development	24,000	5,334	Sep-19				
Implementation of Mosquito Plan	Environment and Community Safety	10,000	0	Apr-20				Work in progress.

Project Name	Sponsoring Department	Life of Project Amended Budget (Ex-contingency) \$	Life of Project Estimated Variance at Completion \$	Close Out Month	Time Status Indicator	Cost Status Indicator	Scope Status Indicator	Status Comment End September
Grasstree Park Asbestos Management Phase	Environment and Community Safety	57,500	0	Jul-20				Project on hold until later in 2019
Winchelsea EAO Planning Scheme Amendment	Planning and Development	52,000	0	Unknown				
Street Light Program Upgrade	Engineering Services	908,050	2,446	Sep-19				Project closing
Food Organics Garden Organics Trial	Engineering Services	173,500	5,633	Sep-19				Project Closed
Asset Protection Zone Expansion Plan	Environment and Community Safety	132,267	-0	Jan-20				Project in final phases of delivery. Flora and Fauna surveys being completed.
Hinterland Futures PS Amendment	Planning and Development	34,000	34,000	Unknown				

5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25 (Updated 2019)

Author's Title: Environment Officer Biodiversity
Department: Environment & Community Safety
Division: Environment & Development

General Manager: Ransce Salan
File No: F18/604-1
Trim No: IC19/1935

Appendix:

1. Final Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25 (Updated 2019) (D19/172840)
2. Background to proposed changes for lower car park pathway and gravel area and concrete path leading to Winkipop lookout (D19/171975)
3. Final Summary - Update to Bells Beach Coastal & Marine Management Plan 2015-25 (Updated 2019) (D19/172822)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to present the Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2015-25 (Updated 2019) for adoption by Council.

Summary

Coastal Crown land is required to have an approved coastal and marine management plan under the *Marine and Coastal Act 2018* and to review the plan every five years. As the committee of management for the Bells Beach Surfing Recreation Reserve Council has responsibility for preparing this update review.

As the 2015-25 plan was written to set the management direction for at least 10 years, the Department of Environment, Land, Water and Planning advised that Council could complete a minor update of the previous plan rather than a full scale review.

The update review was undertaken during 2018 and 2019 with two periods of public consultation. With most of the plan remaining largely unchanged, the consultation focused on a small number of potential changes. A spectrum of community views were received on the proposals and the actions within the final plan have been designed to protect important Wadawurrung, natural environment and surfing cultural values while maintaining the experience of reserve users. A high proportion of survey respondents (92% in 2018 and 94% in 2019) rated their experience at the reserve as excellent or very good.

One infrastructure change proposed in the updated plan is the replacement of a 60m section of degraded concrete walkway leading to the Winkipop break with an elevated timber walkway. The elevated walkway will improve the experience for visitors and regular users, assist the Rip Curl Pro competitors and their coaches view the Winkipop break during the event and help shorten the event bump in and out period. History has shown that adding, replacing or changing any infrastructure at the reserve will attract a variety of views. Council should therefore expect some continued negative feedback about the proposed walkway.

A significant inclusion in the new plan is greater recognition of and involvement of Wadawurrung Traditional Owners in reserve management. The plan now includes Wadawurrung language for the first time, with the vision and an acknowledgement in language. The 2019 survey confirmed that there is strong community support to learn more about the Wadawurrung's connection to the reserve.

The final Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2015 –25 (Updated 2019) is included as Appendix 1.

**5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25
(Updated 2019)**

Recommendation

That Council:

1. Adopts the Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2015-25 (Updated 2019) as presented in Appendix 1.
2. Writes to the Minister for Energy, Environment and Climate Change seeking approval of the Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2015-25 (Updated 2019).

5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25 (Updated 2019)

Report

Background

Bells Beach Surfing Recreation Reserve is partly Crown land and partly Shire freehold. As the committee of management for the Crown portion of the reserve, the Marine and Coastal Act 2018 requires Council to have a Department of Environment, Land, Water and Planning (DELWP) approved coastal and marine management plan for the reserve detailing management intentions for a five year period. The plan must be reviewed every five years under the Act.

In preparing the 2015 plan, Council appointed the Bells Beach Task Force led by independent Chair, John Thwaites in late 2013. The Task Force completed an extensive and inclusive public consultation process over almost two years. The 2015 plan, with the Task Force vision, guiding principles and core values, was adopted by Council on 27 October 2015, setting the management direction for the reserve for ten years (up until 2025).

Given the Task Force and the intended 10 year life of the 2015 plan, DELWP advised that the new plan for the reserve could be handled as a minor update with most of the plan content remaining largely unchanged subject to changes to comply with the new requirements of the Marine and Coastal Act 2018.

In preparing this minor update, Council completed two rounds of public consultation – a survey of users in July/August 2018 (502 respondents) and public exhibition of the draft coastal and marine management plan during August/September 2019 (379 survey respondents, six written submissions). In 2018 public feedback was sought on a broad range of changes and this feedback led to the number of proposed changes being narrowed down during the 2019 public exhibition consultation – greater acknowledgement of the Wadawurrung Traditional Owners, replacing a section of degraded concrete path with a section of elevated timber pathway leading to the Winki break, replacing the existing stormwater pits in the Winki and Hammerhead car parks and changing a section of steeply sloping gravel pathway in the lower car park to a more stable surface.

This final updated coastal and marine management plan for Bells has been based on the requirements of the new legislation and state government policies, the strategic direction set by the Bells Beach Task Force, the 2015 plan and consultation during 2018 and 2019. The actions in the final plan are designed to protect the environmental, Wadawurrung and surfing cultural values of Bells while managing the needs of users of the reserve.

Concurrent with updating the coastal and marine management plan, the state government has been progressing a new model of management for the Great Ocean Road including the establishment of the Great Ocean Road Coasts and Parks Authority (GORCPA). Future management of the Bells Reserve as part of this new approach is yet to be determined. DELWP has advised any approved updated plan will have a five year life regardless of the land manager.

Discussion

Scope of Review

The 2019 review of the Coastal and Marine Management Plan 2015-25 is a minor update review only. The 2015-25 vision, core values and management goals for the reserve remain unchanged except for specific reference to the Wadawurrung. The vision - 'To respect and protect the natural environment, Wadawurrung heritage and surfing culture of Bells Beach', the two guiding principles – respect and protect – and the three core values – natural environment, Wadawurrung heritage and surfing culture – continue to guide management of the reserve. The updated plan contains the same ongoing actions related to the management of events, Wadawurrung heritage, cultural values, the natural environment, tour operators, traffic and visitor behaviour.

Key Achievements – Plan Implementation

To respect and protect the values of the reserve, key management actions completed during 2015 to 2018 include:

5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25 (Updated 2019)

- Appointment of a new Bells Beach Committee with a publically advertised impartial chair, directly appointed representatives from the Wathaurung Aboriginal Corporation (trading as the Wadawurrung) and Surfing Victoria, and six publically advertised community representatives.
- Construction of a new timber viewing platform on the eroding helicopter landing site
- Implementation of Council's new Events Policy including a restriction on the number of surfing events staged and the events that pass through the reserve using the Surf Coast Walk
- Widening of the gravel path in the Winki car park by shifting the kerb and installing a plinth board
- Ongoing environmental works including revegetation of bare areas, extensive weed removal and erosion control works
- Replacement sections of fences and bollards to manage visitor movement and protect culturally and environmentally significant areas
- Discussions and planning with the Wadawurrung about the future of the mural on the toilet block wall
- An independent audit of the staging of the Rip Curl Pro and progressive implementation of the audit's recommendations
- A structural assessment of all beach access stairs and lookouts

Following these three years of implementation, consultation during 2018 and 2019 found that between 92 and 94 percent of visitors rated their experience of the reserve as either excellent or very good.

Proposed Key Changes

Four key changes were proposed in the draft updated plan for public exhibition and all four changes are incorporated in the final plan (Appendix 1). The four changes are listed below, with a summary of the feedback received and the proposed response in the final plan:

- a) Clearer acknowledgement of the Wadawurrung as the Traditional Owners of Bells and improved sharing of Wadawurrung history/knowledge.

Feedback - There was overwhelming public interest in learning more about the Wadawurrung story at Bells and a high level of awareness (87%) that the Wadawurrung are the Traditional Owners of the reserve.

Response – include Wadawurrung language within the plan; amend the vision, core values and management goals to replace the word 'indigenous' with 'Wadawurrung'; work with the Wadawurrung to amend the heritage listing of the toilet block mural and to better incorporate the Wadawurrung story in the reserve; support the Wadawurrung to better understand the cultural heritage of the midden site.

- b) Replacing the old stormwater pits in the Winki and Hammerhead car parks with more modern pits to improve stormwater management.

Feedback - This change was generally seen as a positive as long as the changes didn't alter the appearance of the sites.

Response – Replace the stormwater pits in both car parks with new pits that are more effective at capturing litter and other pollutants.

- c) Changing the steeply sloping gravel pathway and wider gravel picnic area near the Hammerhead car park to a more stable surface.

Feedback - There was mixed public feedback on this proposed change. Just over half of the respondents in the 2019 survey supported or could live with the change while around one third were opposed to change, mainly concerned with an increase in hard surface and altered appearance.

Response – Council needs to address current issues with gravel and sediments eroding during rain, creating slip/trip hazards and causing sedimentation issues with the litter baskets in the Hammerhead (lower car park) stormwater pits (see photos in Appendix 2). The loose pebbles and uneven surface mean most people avoid using the path and instead walk through the car park. A

5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25 (Updated 2019)

shift to a more stable surface will help rectify these problems. This change has therefore been included in the final plan. Council acknowledges the need to ensure this change is implemented in a way that avoids any significant change in the appearance of the area and will work with the Bells Beach Committee and a suitably qualified designer to manage this.

- d) Installing a section of elevated timber pathway replacing a section of degraded concrete pathway leading to the Winki lookout.

Feedback – Public feedback on this proposal was inconsistent between 2018 and 2019. In 2018 there was broad community support for a section of elevated pathway but support declined in 2019 following a community led online campaign against the change. In 2019 just over half of the respondents did not support the proposal, expressing concerns about new infrastructure, the visibility of the pathway particularly from the water, worried that it was just being built for the staging of surfing competitions and that it would increase litter and tourism. Some respondents objected in the mistaken belief that the walkway had been specifically requested by the World Surf League and they didn't support surfing event infrastructure. Other respondents believed the proposal would be better for wildlife which could pass beneath the pathway and that timber was an improvement on concrete.

Response – Proceed with replacing a section of concrete pathway leading to Winki with an elevated pathway constructed from timber and steel and connecting to the existing elevated timber lookout and beach access stairs to Winki. Construction of an elevated walkway responds to the need to balance a variety of management considerations, including the need to upgrade the existing degraded concrete path and that the temporary elevated infrastructure used for the Rip Curl Pro is disruptive to regular reserve users during the construction and removal process.

The proposed design will be amended to minimise its visibility from the water as a priority, feature materials that are consistent with the existing lookout and stairs, promote habitat connectivity for local wildlife and provide safe access through this section of the reserve for locals and visitors alike. The height of the permanent elevated walkway will be significantly lower than the temporary structure erected each year. A state government grant of \$128,000 will assist with construction (final costs will not be known until the project is tendered).

More detailed information about the existing condition of the current concrete pathway, the existing connecting elevated timber lookout and beach access stairs, the adjoining concrete path leading photos of the site from the water and diagrams of the proposed design are included in Appendix 2.

Financial Implications

Council management of the reserve is funded from several budget streams, including recurrent funding. (basic service and maintenance work eg rubbish collection & toilet cleaning), renewal funding (e.g. fencing, pathways, signs and lookouts), project and grant funding. Oversight of the reserve (including officer time for ongoing management and plan implementation, Bells Beach Committee, support for community activities, and cultural heritage obligations) costs approximately \$70,000 - \$80,000 annually and has been funded for the current and previous three years with multi-year operational project funding.

Council has a current state government grant of \$128,000, with a Council co-contribution of \$53,000, to support upgrade of the concrete paths associated with the Winki car park, including the proposed permanent elevated walkway. There are also Developer Contribution Plan (DCP) commitments – originally estimated to be \$4.1 million, now revised to an estimated \$2.6 million. Works still to be completed and included in the updated plan include stormwater improvements and the change from gravel to a more stable surface of the steep area near the Hammerhead car park, and park furniture and landscaping.

It is expected that the proposed CMMP can be funded with existing recurrent funds, a reduced multi-year operational project funding allocation (estimated requirement \$50,000 down from current \$70,000), existing grants and DCP commitments (revised down to \$2.6 million).

5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25 (Updated 2019)

Council Plan objectives and strategies have to be for the theme listed

Theme	1	Community Wellbeing
Objective	1.2	Support people to be healthy and active
Strategy	1.1.1	Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations
Theme	4	Vibrant Economy
Objective	4.4	Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses
Strategy	4.4.3	Advocate for and drive the Great Ocean Road visitor economy
Theme	4	Vibrant Economy
Objective	4.4	Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses
Strategy	4.4.1	Work with key stakeholders to encourage visitors to stay longer and spend more in the shire

Policy/Legal Implications

The principal legislation relating to the update of the coastal and marine management plan for the reserve is the Marine and Coastal Act 2018. Council is required to complete the updated plan under this Act as the appointed Committee of Management for the reserve under the Crown Land (Reserves) Act 1978. The Marine and Coastal Act 2018 specifies what the plan must include and the public consultation and review arrangements.

Officer Direct or Indirect Interest

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

Risk Assessment

State legislation requires Council as the Committee of Management, to have a DELWP approved coastal and marine management plan for the reserve. This ensures Council activities within the reserve are compliant with the relevant legislation and policies. The plan includes many actions to manage public safety risks within the reserve eg signage, traffic management and infrastructure maintenance and renewal to ensure assets are safe and fit for purpose. Actions are also targeted at avoiding harm to environmental and cultural heritage values.

The primary risk associated with adoption and implementation of the final updated plan relates to the section of elevated timber pathway connecting with the existing elevated beach access stairs leading to the Winki surf breaks. Regular reserve users had seen and used the temporary elevated pathway erected for the Rip Curl Pro and during the 2018 engagement there was support for a permanent (but substantially lower) section of elevated timber pathway to be installed. This support continued during public exhibition of the draft plan but declined at the end of the exhibition period following a community led online campaign which included alterations to an artist's impression of the proposed pathway that Council had made public as part of the consultation.

Social Considerations

The Wathaurung Aboriginal Corporation (Wadawurrung) is the Registered Aboriginal Party for the reserve. The final plan contains actions which enable greater Wadawurrung involvement in reserve management and greater understanding of Wadawurrung culture.

The reserve is a special place for many locals as well as being a widely recognised visitor destination. Managing the reserve so locals, particularly surfers, can continue to use the reserve daily while protecting environmental and cultural values and managing visitor pressures remains a key focus of the updated plan.

Community Engagement

Extensive community engagement was undertaken during the preparation of the original coastal management plan and more recently for this updated coastal and marine management plan in 2018 and 2019. The Bells Beach Committee, Council's community advisory committee for the reserve, has assisted throughout the plan update. Engagement material, proposed actions and draft designs were discussed with

5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25 (Updated 2019)

the committee and their advice led to multiple changes and improvements. There was not a committee consensus view on all matters.

The draft updated plan was on public exhibition between 28 August and 26 September 2019 and 379 survey responses and six written submissions were received. Council staff were onsite for two half days during the exhibition period, and public involvement was encouraged through paid newspaper advertisements, social media and material directly emailed to people previously involved in engagement at the reserve. The draft plan had been informed by an earlier survey during July and August 2018. There were 502 respondents to this survey, Council staff were on site for seven half days and a cultural heritage tour was staged to encourage participation. The results of these most recent engagement activities are contained within reports available on the Council website, along with the Task Force report from 2015.

Environmental Implications

Protecting natural values remains a priority of the updated coastal and marine management plan. An approved plan for the reserve with clear priorities and actions relating to protecting and enhancing the natural environment in the reserve will be beneficial in keeping environmental works on target and appropriately funded. The final updated plan contains many actions relating to managing environmental values. All infrastructure works at the reserve are confined within the existing infrastructure footprint.

Communication

If the final updated coastal and marine management plan for the reserve is adopted by Council this will be communicated via the large mailing lists of people who have responded to recent engagement activities, Council's website and local media. It will be important for accurate information on the proposed section of elevated timber pathway to be provided.

Options

Option 1 – Adopt the Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2019-25 (Updated 2019)

This option is recommended by officers. Council is legally required under the Marine and Coastal Act 2018 to have a coastal and marine management plan for the reserve. Implementation of the management actions in the Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2015-25 (updated 2019) will enable the continued protection of the Wadawurrung, environmental and surfing cultural values of the reserve.

Option 2 – Do not adopt the Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan (Updated 2019)

This option is not recommended by officers as it will leave important management initiatives unresolved and there will be no recognised plan of the management for the reserve as required under the Marine and Coastal Act 2018.

Conclusion

The Bells Beach Surfing Recreation Reserve is a highly significant reserve for Council and residents. A coastal and marine management plan is required for the reserve under the Marine and Coastal Act 2018. The Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2015-25 (Updated 2019) is a minor update to the 2015 plan. The vision, guiding principles, core values and management goals remain the same as in 2015, aside from specific acknowledgment of Wadawurrung Traditional Owners. The four key changes proposed in the updated plan are consistent with the vision, core values and guiding principles for reserve management. As with the 2015 plan, the updated 2019 plan focuses on keeping the reserve a natural and wild place, protecting the significant cultural sites, flora and fauna and addressing public safety, maintenance, legislative and policy requirements.

**5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25
(Updated 2019)**

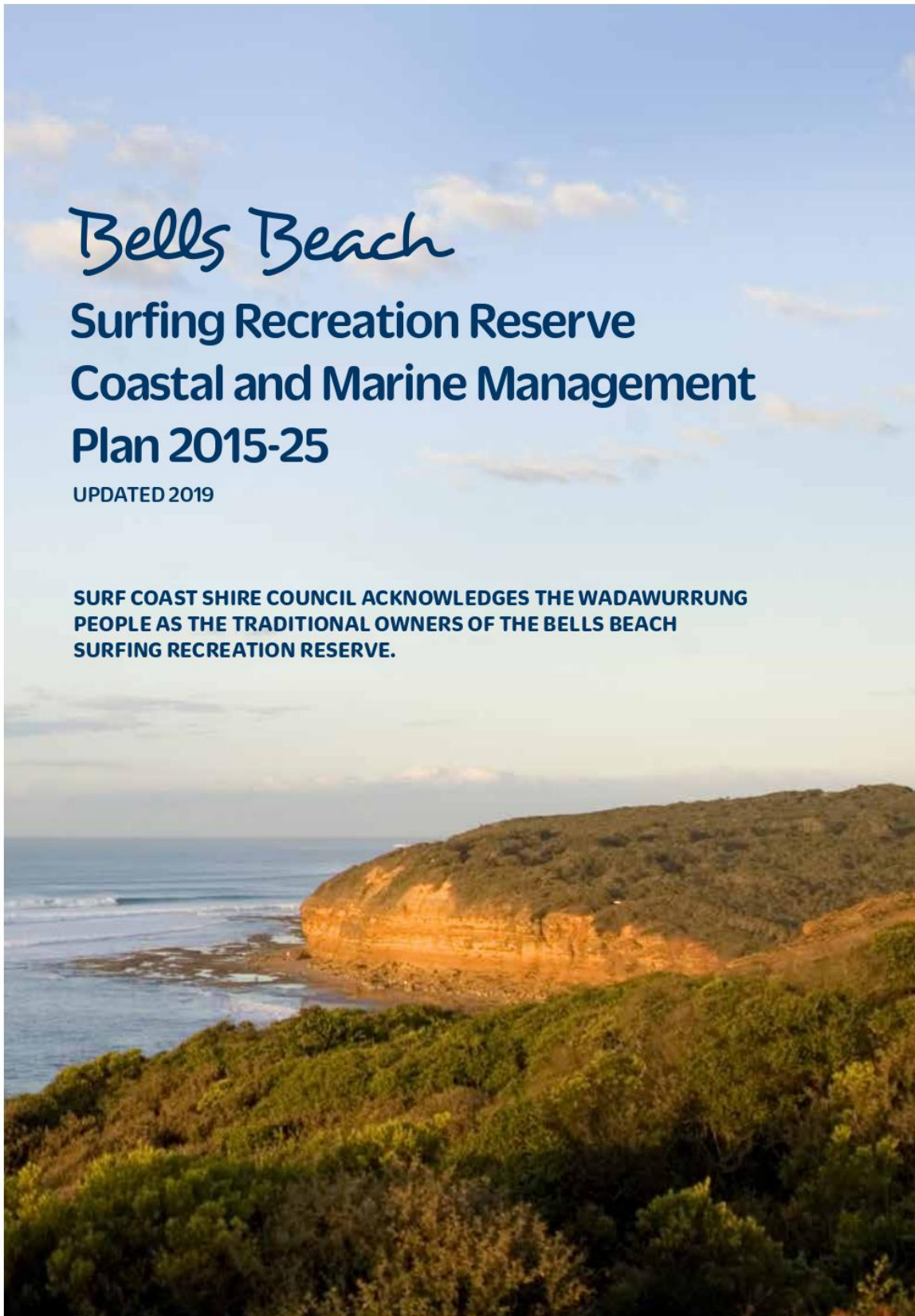
**APPENDIX 1 FINAL BELLS BEACH SURFING RECREATION RESERVE COASTAL & MARINE
MANAGEMENT PLAN 2015-25 (UPDATED 2019)**

Bells Beach

Surfing Recreation Reserve Coastal and Marine Management Plan 2015-25

UPDATED 2019

**SURF COAST SHIRE COUNCIL ACKNOWLEDGES THE WADAWURRUNG
PEOPLE AS THE TRADITIONAL OWNERS OF THE BELLS BEACH
SURFING RECREATION RESERVE.**



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Acknowledgement

Surf Coast Shire Council proudly acknowledges the Wadawurrung People as the Traditional Owners of the Bells Beach Surfing Recreation Reserve. The Wathaurung Aboriginal Corporation (trading as Wadawurrung) is the Registered Aboriginal Party (RAP) for Crown land within the reserve.

We pay our respects to their Ancestors and Elders, past and present.

We recognise and respect their unique cultural heritage, beliefs and intrinsic connection to their traditional lands.

We value the contribution their caring for Country makes to the land, coastlines, waterways and seascapes along the coast in Surf Coast Shire, including Bells Beach and its significant cultural heritage sites.

We support the need for genuine and lasting partnerships with the Wadawurrung People to understand their culture and connections to Country in the way we plan, manage and care for the Bells Beach Surfing Recreation Reserve. By integrating traditional ecological knowledge and land management practices with contemporary western ecological knowledge, we can deliver the vision to respect and protect the natural environment, indigenous heritage and surfing culture of Bells Beach.

We embrace the spirit of Reconciliation, working towards self-determination, equity of outcomes and an equal voice for Australia's First Nations People.

Acknowledgement in Wadawurrung mother tongue

*Nyatne bengadak baa bengordigek Kilik munya Wadawurrung maewan baa guli bagurk
Murrup Maewan bengordinganak Wadawurrung dja-yu
Baa Koomerringiny beek ngubitj yaluk baa warri baa narroo
Nyatne bengadak karringalabil murroop Bunjil karringabil Wadawurrung dja
Nyatne bengadak mundigurk baa wurring-wurring mirriyu Kiliny baa munya
Kuling wada-ngal*

Written by Corrina Eccles - Wadawurrung women in Wadawurrung Language

We acknowledge and thank the Wadawurrung ancestors and people

Our connection to Wadawurrung Country and continuing care of land waters, rivers and sea

We thank creator spirit Bunjil for creation of Wadawurrung country

We Thank Elders men and women past, today and future

Let us walk together



Mayor's foreword

The Bells Beach Surfing Recreation Reserve is Wadawurrung Country and its story starts with the Wadawurrung People. For their ancestors, it was an important gathering place where many meals were shared, as evidenced by the middens and stone artefacts that have survived more than two centuries of European settlement.

Today it remains a vital meeting and storytelling place, connecting indigenous and non-indigenous Australians, locals and visitors alike, including through events such as the annual Rip Curl Pro and Indigenous Surfing Titles. Through these and other activities, the Wadawurrung People continue to welcome others to their country and to share their stories.

Surfers have also shared a strong connection to Bells Beach, first surfed in the 1930s. As its reputation as a world-class wave spread, uncontrolled access – especially during the 1970s and 1980s – threatened the integrity of its natural environment, degrading the heathland and clifftops.

The combined efforts of Council, local volunteer groups such as Surfers Appreciating the Natural Environment (SANE), Torquay Boardriders Club and Surfrider, state government, our local surf industry and school children helped to turn this around, even as the status of Bells Beach across the global surfing community kept growing. In 1971, it was officially named the world's first surfing reserve while the inaugural Easter titles in 1962 continue today as the world's longest running international surfing event: the annual Rip Curl Pro.

The growing tourism appeal of Bells Beach, particularly over the past 20 years, also created additional pressures. Large tourist buses cramming car parks and bringing more people, diesel fumes and litter, for example, often sparked tensions between surfers and visitors, and threatened to ruin much of what makes the area such a special place.

Such pressures led Council, in 2014, to establish a task force to review and explore how the Bells Beach reserve could be better managed to relieve these tensions and preserve the unique environment. Headed by John Thwaites, the task force undertook extensive consultation involving all stakeholder groups. The message from most was loud and clear – “Keep Bells as it is: a natural place” – reflecting the importance of the natural environment to reserve users.

Both the terrestrial and marine environment at Bells Beach include significant values. Vegetation in the reserve includes at risk and relatively intact vegetation classes.

The coastal scrub, heathlands and forests are home to a diverse range of native fauna such as the state-listed Rufous Bristlebird and the Swamp Antechinus. The significance of the marine environment is recognised through the establishment of the Point Addis Marine National Park adjacent to the reserve.

In developing the previous coastal management plan adopted in 2015, the task force articulated – in its vision for the reserve – the need “to respect and protect the natural environment, Wadawurrung heritage and surfing culture of Bells Beach”. This provided the touchstone for various strategies, including those to manage tourism, events and other activities.

Since its adoption, the 2015 plan's implementation has been guided by the Bells Beach Committee, comprising community members and stakeholder representatives, including Wadawurrung Traditional Owners and Surfing Victoria. The committee's efforts so far are to be commended.

This 2019 update meets Victorian Government legislation requiring coastal management plans to be regularly updated. While the vision, guiding principles and management goals remain largely unchanged from 2015, its preparation has allowed for the introduction of some minor changes. Although some were necessitated by recent policy and legislative changes under the new *Marine and Coastal Act 2018*, others will continue to help balance visitor and surfer access.

Thank you to everyone involved in reviewing and updating the plan, the Bells Beach Committee and others involved in realising our shared vision for this unique and special place. I am looking forward to watching Bells Beach continue to thrive under your guidance.

Cr Rose Hodge, Mayor
November 2019



Wadawurrung foreword

The Wadawurrung People are the Traditional Owners of the land and waters that run from the Great Dividing Range in the north to the coast in the south, from Werribee River in the east to Painkalac Creek at Aireys Inlet. Our Country includes hills, rivers and grassy plains, creeks and coasts, as well as encompassing the major regional cities of Geelong and Ballarat.

Bells Beach is Wadawurrung Country, visited by Wadawurrung People for thousands of years and a significant living and gathering place – a place of connection. It remains a special place for the Wadawurrung People and our connection to this land continues to this day.

For thousands of generations, we have cared for and protected the land and waters of our Country, including its heritage, cultural values and traditions.

Our history and connection to this part of Wadawurrung Country is rich in stories, it holds the imprints of the many generations of our people living here in the middens. We held ceremonies, we gathered, hunted, traded and cared for Country with traditional fire burning to renew country. We lived a sustainable life on the land.

When we see Bunjil, our Creator Spirit, we know our waters and land are healthy. Bunjil created our landscape, our stories of all things living. He protects our country and connects us with our stories and cultural beliefs.

We have a responsibility to protect and we are continuing to protect the stories, values and significant cultural sites in Wadawurrung Country, including Bells Beach. To be able to do this today we need to work in partnership with others. We know that through these partnerships, the cultural importance of this site is valued, protected and monitored, and that this is clearly outlined in governance, law and policy.

That is why it is vital that we, as Traditional Owners, have a voice and decision making input into the management of Bells Beach. We believe that Surf Coast Shire Council is committed to seeing the best outcomes for Bells Beach and we look forward to playing a primary and active role in implementing this coastal and marine management plan.

Tourists and most locals have minimal knowledge of Wadawurrung history and culture in Wadawurrung Country. We know from the work we do that people want to know more about the First Peoples of the land. A Wadawurrung cultural heritage tour at Bells Beach in August 2018 attracted over 70 people. More can be done to acknowledge the Wadawurrung through signage, language, stories and history.

Implementing the cultural stories and values will inform people and enrich the experience of all who visit Bells Beach.

Reconciliation is about bringing all together. Let's walk together, alongside one another, so cultural heritage and values along the Great Ocean Road are known and shared with respect, understanding and accountability.



1. Executive summary

1.1 BACKGROUND

The 48-hectare Bells Beach Surfing Recreation Reserve is located within a two-kilometre stretch of the Victorian coastline south-west of Torquay-Jan Juc. Due to its significant natural, Wadawurrung and cultural values, the reserve has become an internationally renowned surfing and tourist destination.

Surf Coast Shire Council is responsible for managing the reserve to the high-water mark, with the marine areas managed by the Department of Environment, Land, Water and Planning, and Parks Victoria.

During 2014 and 2015, Council engaged a community task force to develop a new shared vision for the reserve. The ensuing vision is "to respect and protect the natural environment, Wadawurrung heritage and surfing culture of Bells Beach". Council adopted this new vision to guide its management practices until at least 2025. The vision, detailed management principles and actions for the first three years were included in the reserve's new coastal management plan released in December 2015. At that time, the plan was due for a minor review and update in late 2018.

In 2018, the *Marine and Coastal Act 2018* replaced the *Coastal Management Act 1995*. Consequently, coastal management plans are to be replaced with coastal and marine management plans with slightly different, broader requirements. The plans now have a life of five years rather than the three-year period under the previous legislation.

This 2019 coastal and marine management plan for the reserve is a minor update based on the new legislative requirements and the need to provide clear direction for works implementation. The vision, guiding principles, core values and management goals for the reserve remain largely unchanged from 2015. The previous *Bells Beach Surfing Recreation Reserve Coastal Implementation Plan 2015-18* has been updated and is now incorporated within this plan in accordance with *Marine and Coastal Act 2018* requirements (see Section 9 – Implementation Plan).

1.2 STAKEHOLDER CONSULTATION

The establishment of the Bells Beach Committee four years ago reflected a key outcome of the consultation undertaken to inform the 2015 plan. At that time, consultation activities included an online forum attracting more than 1,000 responses, written submissions, public hearings and public workshops.

Setting up the committee was one of the 2015 plan's priority actions. From the outset, the committee has been vital to providing ongoing community input to the plan's implementation. The management of events, design of infrastructure upgrades and programming of works to reduce the impacts on reserve users have all been improved by the committee's involvement and advice.

The committee's input also helped shape consultation about the updated plan. This more recent consultation included:

- a survey in July and August 2018, which attracted 502 responses and captured general demographic and usage information along with specific feedback about several possible management actions
- a Wadawurrung cultural heritage tour attended by more than 70 people, and
- public exhibition of the draft updated plan during August and September 2019, with 379 survey responses and six submissions received.

The issues under consideration attracted a variety of views. A high proportion of survey respondents (92 per cent in 2018 and 94 per cent in 2019) rated their experience at the reserve as either excellent or very good. It is worth noting that 51 respondents participated in both surveys.

This updated plan considers the feedback from the original consultation in 2015 and the more recent consultation undertaken in 2018 and 2019. Like the 2015 plan, it focuses on keeping the reserve a natural and cultural place, protecting the significant cultural sites, flora and fauna, and addressing public safety, maintenance, legislative and policy requirements.



1.3 VISION, PRINCIPLES, CORE VALUES AND GOALS

The vision for the Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2015-25 is:

To respect and protect the natural environment, Wadawurrung heritage and surfing culture of Bells Beach.

Translated into Wadawurrung language the vision is:

Gobata gupma weeagon Wadawurrung wurring-wurring baap warrimurup dja Bells

This translates as: ***To take care of all life, old ways of Wadawurrung and coastal spirit on Bells country***

At the same time, the plan also aligns with the Victorian Coastal Strategy 2014 vision of:

A healthy coast, appreciated by all, now and in the future.

Two guiding principles – **respect** and **protect** – and three core values – **natural environment, Wadawurrung heritage and surfing culture** – underpin the plan's vision, goals, actions and outcomes.

The following goals provide a clear direction in relation to the reserve's future management:

1. Protect and enhance ecological and geophysical values
2. Protect and promote Wadawurrung archaeological, social, cultural and historic values and sites
3. Recognise the Wadawurrung People's long and ongoing association with the reserve, including the interconnections between land, sea, people and biodiversity
4. Recognise the unique surfing heritage and the importance of surfing, and continue to cater for surfing and surfing events, including the Rip Curl Pro
5. Continue to cater for activities consistent with the vision
6. Ensure risks are minimised, recognising that the reserve is a natural place and risk cannot be eliminated
7. Minimise buildings and infrastructure
8. Protect existing waterways and minimise the site impacts of stormwater runoff, and
9. Acknowledge the importance of the setting within a rural hinterland landscape.

1.4 ENACTING THE VISION



Natural environment

RESPECT

- Reserve retains its unique natural character through effective infrastructure management (eg minimal car parks, signs, buildings, fences)
- Visitors are informed about the reserve's environmental values without additional onsite interpretation
- Infrastructure fits its purpose, has a consistent look and feel, and is visually sensitive to its location
- Reserve retains its rural hinterland landscape setting
- Strong relationships are maintained with community environment groups

PROTECT

- Erosion is effectively managed through the application of best practice erosion protection principles and practices, noting erosion will occur as part of an ever changing coastal landscape
- Stormwater management is improved when consistent with other values such as aboriginal heritage protection
- Events are managed in a way that prevents negative impacts on the reserve's natural and built assets
- Remnant vegetation is protected, restored and improved via effective vegetation management



Wadawurrung Heritage

RESPECT

- Recognition of Wadawurrung connections and culture
- Strong relationships maintained with Wadawurrung Traditional Owners and ongoing collaboration with Wathaurung Aboriginal Corporation (the Registered Aboriginal Party)
- Visitors are informed about the reserve's Wadawurrung heritage values and these are integrated into environmental values where appropriate (ie cultural landscape, bush tucker and resource use)

PROTECT

- Reserve's Wadawurrung values, including significant sites, are protected through involvement of Wadawurrung Traditional Owners in best practice cultural and environmental management practices (eg cultural assessments, education and interpretation, Aboriginal Heritage Management Agreement)



Surfing culture

RESPECT

- Reserve recognised for its significance in Australia's surfing history and culture
- Visitors are informed about the reserve's cultural values in relation to surfing
- Young surfers have access to opportunities to develop their skills
- Surfers are aware of surfing etiquette and 'Spirit of Surfing' principles
- Strong relationships are maintained with the surfing community in reserve management

PROTECT

- Reserve's cultural values related to surfing, including artefacts such as the wave sculpture and 'Spirit of Surfing' plaque, are protected in line with Victorian Heritage Register requirements
- Surfing and other events are managed in a consistent way that minimises their impacts on the reserve's values and reserve users
- Revenue raised through licensing, event fees and other means is re-invested into protecting the reserve's values



A healthy coast appreciated by all, now and in the future

- The community understands the Coastal Management Plan's vision for the reserve and is actively involved in its realisation
- Infrastructure management enables people to safely use the reserve without damaging its natural and cultural assets
- Traffic management facilitates safe movement within the reserve's car parks and roads
- Event management focuses on activities appropriate to the reserve's core values (refer to Event Management Policy)
- Sensitive interpretation educates people about the reserve's history and values without additional impacts on the reserve itself
- Local law enforcement protects the reserve's core values without detracting from people's enjoyment

1.5 THE STRUCTURE AND LIFE OF THE PLAN

This coastal and marine management plan replaces the *Bells Beach Surfing Recreation Reserve Coastal Management Plan 2015-25*. Given the *Marine and Coastal Act 2018* now requires an implementation plan to be incorporated into any new coastal and marine management plan, this plan also replaces the *Bells Beach Surfing Recreation Reserve Implementation Plan 2015-18*, which accompanied the previous coastal management plan.

The 2019 plan retains the strategic 10-year vision, principles, core values and goals for the reserve, as originally articulated in the previous plan, and outlines the updated management actions for the next five years. The plan is structured as follows:

- **Section 2** provides background information on the reserve and the planning and consultation steps behind the development of the 2015 coastal management plan and this updated version.
- **Section 3** sets out the vision, guiding principles, core values and management goals for the reserve, crafted during the extensive community consultation process undertaken in 2015 by the Bells Beach Task Force.
- **Sections 4 to 8** summarise the reserve's core values and issues, and provide long-term strategic management directions to guide planning, decision-making and day-to-day management approaches. Section 4 also reflects new policy and legislative requirements under the *Marine and Coastal Act 2018*.
- **Section 9** is the implementation plan, describing the detailed management actions to be undertaken over the next five years.
- **Section 10** outlines how the implementation of this plan will be monitored.

Under the new *Marine and Coastal Act 2018*, the plan has a five-year lifespan that starts from the day it is approved by the Department of Environment, Land, Water and Planning.

In October 2018, the state government announced its intention to establish a dedicated statutory parks management authority to protect and manage coastal Crown land and marine waters along the Great Ocean Road. Although this may eventually lead to changes in management responsibilities, this plan will continue to guide the reserve's management for the next five years.

1.6 MONITORING, EVALUATION AND REVIEW

Council is continuing to work towards implementing the plan with the assistance of the Bells Beach Committee. Since Council adopted the 2015 plan, key actions implemented have included:

- new impartial chair and community advisory committee established and involved in reserve management
- review of tourist bus licences completed with an associated restriction on bus licences and reduction in commercial bus use
- development and implementation of an events policy for the reserve resulting in fewer disruptions to users
- the creation of a new viewing area on the former helipad site
- widening of the Surf Coast Walk through the Winkipop car park to improve safety
- support for regular community conservation initiatives at the reserve, and
- revegetation of bare areas experiencing erosion.

Guided by this plan, on an annual basis Council will:

- a) Review management action commitments and evaluate progress towards implementation.
- b) List outstanding items and barriers to timely implementation.
- c) Compile data on key indicators of reserve condition (eg geotechnical assessments, flora and fauna status, cultural value status).
- d) Provide regular update reports to Council and the Bells Beach Committee.

As part of Council's commitment to accountability and transparency, Council provides the Bells Beach Committee with the results of a formal review undertaken annually. If progress towards implementation is falling behind schedule, actions to address this are developed in consultation with the committee.



2 Introduction

2.1 ABOUT BELLS BEACH

The Bells Beach Surfing Recreation Reserve is located within a two-kilometre stretch of coastline south-west of Torquay-Jan Juc in Victoria, Australia. It comprises 48 hectares of coastal heathland, limestone cliffs and sandy beaches, and borders the eastern edge of the Great Otway National Park.

Surf Coast Shire Council manages the reserve, which extends to the high-water mark. Below the high-water mark, the marine areas are managed by the Department of Environment, Land, Water and Planning, and Parks Victoria.

Located in Wadawurrung Country, the reserve is a culturally significant place embodying a deep and enduring connection to Country for local Wadawurrung People, with registered cultural heritage sites under the *Aboriginal Heritage Act 2006*. The Wathaurung Aboriginal Corporation (trading as Wadawurrung) is the Registered Aboriginal Party for the reserve.

The surf breaks are renowned for their quality, as evidenced by an association with the Rip Curl Pro Easter surf contest spanning more than 50 years. The reserve's car parks and walking tracks provide access to several high quality, consistent surf breaks and serve as important meeting places for surfers whenever conditions are favourable. The Torquay Boardriders Club,

formed in 1978, is the recognised 'home' competitive surfing club at Bells Beach.

The reserve is also valued for its walking paths, hang gliding launch site, viewing platforms and access to adjoining national parks.

The Bells Beach area has become an internationally renowned surfing and tourist destination. It is fiercely loved by regular local users and is a destination of choice for visitors with an interest in surfing or those seeking spectacular ocean views.

2.2 PURPOSE AND BASIS OF THIS PLAN

A coastal and marine management plan (CMMP) is a strategic document with the purpose of providing "... direction for the future local management of an area of marine and coastal Crown land" (*Marine and Coastal Act 2018*).

The CMMP for the Bells Beach Surfing Recreation Reserve is built on an understanding of the reserve's values, potential threats to these values, and opportunities to enhance the coastal environment and how locals and visitors alike experience it. The local community's values and interests were an important consideration in the plan's development, along with state, national and international interests. This updated plan must show it

meets the following objectives and guiding principles of the *Marine and Coastal Act 2018*.

Objectives

- To protect and enhance the marine and coastal environment.
- To promote the resilience of marine and coastal ecosystems, communities and assets to climate change.
- To respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change.
- To acknowledge Traditional Owner groups' knowledge, rights and aspirations for land and sea Country.
- To promote a diversity of experience in the marine and coastal environment.
- To promote the ecologically sustainable use and development of the marine and coastal environment and its resources in appropriate areas.
- To improve community, user group and industry stewardship and understanding of the marine and coastal environment.
- To engage with specified aboriginal parties, the community, user groups and industry in marine and coastal management and protection.
- To build scientific understanding of the marine and coastal environment.

Guiding principles

- Integrated coastal zone management
- Ecosystem-based management
- Ecologically sustainable development
- Evidence-based decision making
- Precautionary principle
- Proportionate and risk-based principle
- Adaptive management.

2.3 LAND STATUS AND MANAGEMENT RESPONSIBILITY

As shown in Figure 1, the reserve is partly Crown land managed by Surf Coast Shire Council and partly Council freehold land. The reserve adjoins the Point Addis Marine National Park and the Great Otway National Park, both managed by Parks Victoria, and coastal Crown land to the north managed by the Great Ocean Road Coast Committee.

Bells Beach Road passes through the reserve. VicRoads manages Bells Beach Road up until the Southside car park entrance. Beyond this point, Council manages the road.

The Wathaurung Aboriginal Corporation (trading as Wadawurrung) is both a representative organisation through which Wadawurrung Traditional Owners care for their Country and culture, and a Registered Aboriginal Party (RAP) with responsibilities, under state aboriginal cultural heritage legislation, for managing cultural heritage on Crown land within their Country.

A Wadawurrung Traditional Owner was a member of the taskforce that developed the vision for the reserve and the coastal management plan in 2015

Wadawurrung has a Traditional Owner representative on the Bells Beach Committee, which advises Council on this plan's implementation. Wadawurrung People are involved in many activities within the reserve and the corporation advises Council on any works beyond routine maintenance.

At the time of drafting this coastal and marine management plan, the Wadawurrung were finalising the Wadawurrung Healthy Country Plan 2019-2024. The Healthy Country Plan will incorporate Wadawurrung People's goals, actions and strategies for looking after and managing Wadawurrung coastal and sea Country, with recommendations for specific culturally important places, including Bells Beach.

Into the future, in 2018 the state government committed to establishing the Great Ocean Road Coast and Parks Authority to protect and manage coastal Crown land and marine waters along the Great Ocean Road from Torquay to Allansford. The new authority is expected to be established by November 2020.

What this means for the management of the reserve will be determined over the next 12 months. Regardless of who is the designated manager for the reserve, this plan will guide management for the next five years.

Figure 1: Bells Beach land status and management responsibility.



-  Surf Coast Shire managed Crown land
-  Surf Coast Shire freehold land
-  Great Ocean Road Coast Committee managed Crown land
-  Parks Victoria managed Point Addis Marine National Park
-  Parks Victoria managed Great Otway National Park
-  Department of Environment, Land, Water & Planning managed Crown land



2.4 THE PLANNING AND CONSULTATION PROCESS

The process of developing this plan started in 2013 with the appointment of an independent task force to advise Council on engaging the community in developing a vision for the reserve's future management.

Through an extensive community engagement process – involving an online forum, written submissions and public hearing process – more than 1,000 people provided ideas and input, which helped the task force develop a draft vision. This was released for further public comment before being adopted by Council in September 2014.

A series of workshops in October and November 2014 provided additional opportunities for the community to be involved in detailed discussions around the key issues to be addressed in the 2015 coastal management plan. The outcomes of these discussions helped shape the overarching management goals, outcomes and

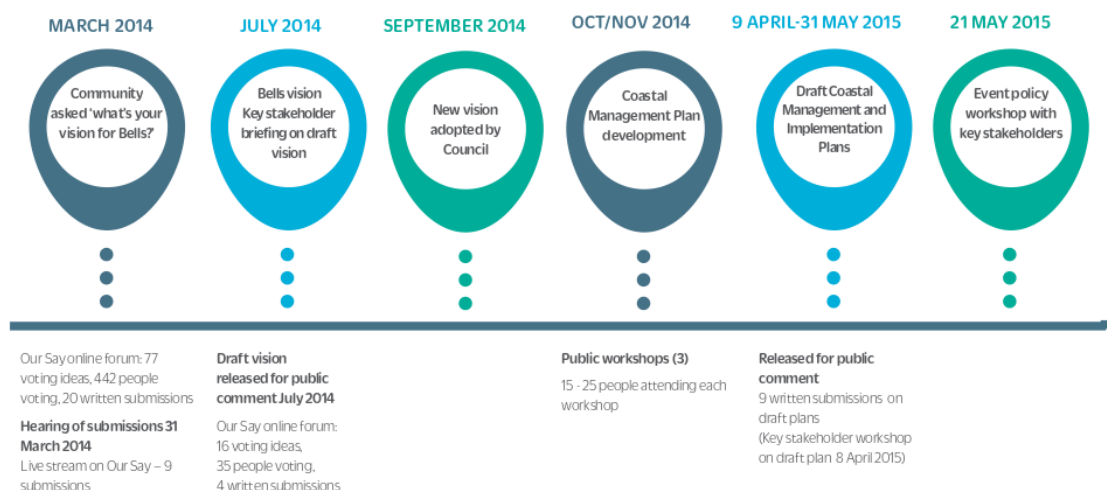
actions articulated in the 2015 coastal management and implementation plans. Each workshop was attended by between 15 and 25 people, with some locals able to attend all three workshops.

Further consultation occurred following the release of the draft plan, including two additional workshops, an open house session at the Australian National Surfing Museum and a public hearing of submissions.

Council then made further amendments before adopting the final plan in October 2015. Since then, the Bells Beach Committee has provided community input on an ongoing basis.

Following three years of implementation, the new *Marine and Coastal Act 2018* required Council to undertake a minor review as the basis for updating the plan to formalise management arrangements for the next five years. This would not entail any changes to the plan's existing vision, guiding principles, core values and management goals.

Figure 2: Bells Beach Visioning and Coastal and Marine Management Plan community engagement



Reflecting the more limited scope of the 2019 review, community consultation was targeted, with feedback sought on specific management actions. The Bells Beach Committee provided advice on the design of the consultation process, which sought to hear directly from as many reserve users as possible and included the opportunity for 'in person' feedback at the reserve.

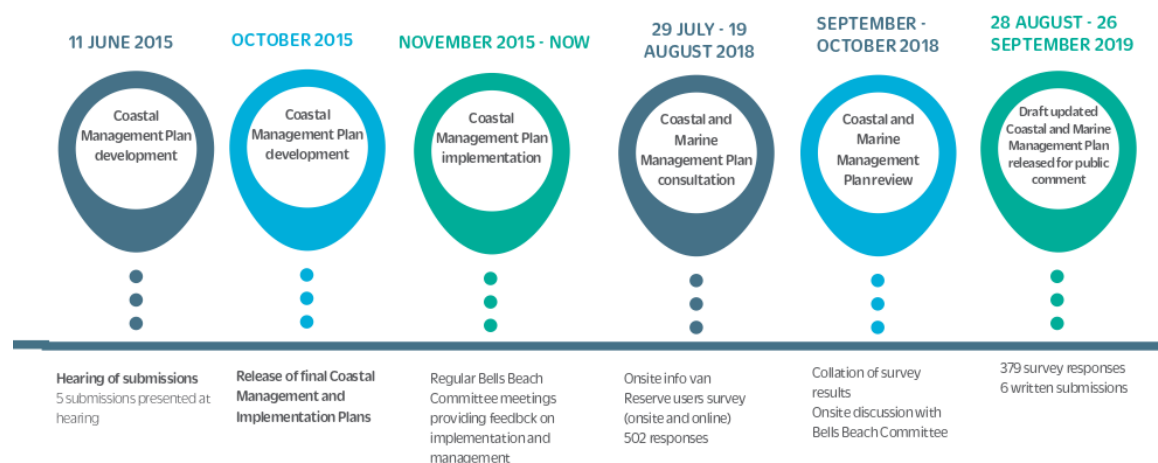
A survey in July and August 2018 attracted 502 responses and captured general demographic and usage information along with specific feedback about several possible management actions. More than 70 people attended a Wadawurrung cultural heritage tour staged as part of the consultation. During August and September 2019, the draft updated plan was placed on public exhibition and received 379 survey responses and six submissions.

The issues under consideration attracted a variety of views. A high proportion of respondents (92 per cent in 2018 and 94 per cent in 2019) rated their experience at

the reserve as either excellent or very good. It is worth noting that 51 respondents participated in both surveys. The full consultation results are available on Council's website (www.surfcoast.vic.gov.au).

This updated plan retains the vision, guiding principles and goals articulated in the 2015 plan, and aligns with the new legislative and policy framework pertaining to marine and coastal management in Victoria. Updated sections also consider feedback from the original consultation in 2015 and from the more recent process during 2018 and 2019.

As with the 2015 version, this plan focuses on keeping the reserve a natural and cultural place, protecting the significant cultural sites, flora and fauna, and addressing public safety, maintenance, legislative and policy requirements. During both plans' consultation processes, it was acknowledged that protecting and maintaining the reserve's values doesn't mean doing nothing – active and responsive management is required.



3. The vision for Bells Beach

THE VISION REPRESENTS A KEY OUTCOME OF THE TASK FORCE'S WORK AND REFLECTS MAJOR THEMES EMERGING THROUGH THE INITIAL COMMUNITY ENGAGEMENT PROCESS. IT WAS ADOPTED BY COUNCIL ON 23 SEPTEMBER 2014.



TO RESPECT AND PROTECT THE NATURAL ENVIRONMENT, WADAWURRUNG HERITAGE AND SURFING CULTURE OF BELLS BEACH.

Translated into Wadawurrung language the vision is:

GOBATA GUPMA WEEAGON WADAWURRUNG WURRING- WURRING BAAP WARRIMURRUP DJA BELLS

This translates as: *To take care of all life, old ways of Wadawurrung and coastal spirit on Bells country.*

This statement provided the foundation for defining the plan's guiding principles and core values, and for articulating its overarching management goals and outcomes. As the plan must also align with the *Victorian Coastal Strategy 2014*, this plan also identifies a series of outcomes related to the strategy's vision of:

The vision for Victoria's coast

A healthy coast, appreciated by all, now and in the future.

3.1 PRINCIPLES AND CORE VALUES

The vision statement for Bells Beach encapsulates:

- two **guiding principles**: respect and protect, and
- three **core values**: natural environment, Wadawurrung heritage and surfing culture.

Table 1 shows how these will be enacted through the plan's strategic statements and management actions.

3.2 MANAGEMENT GOALS

The management goals from the 2015 coastal management plan remain as:

1. Protect and enhance ecological and geophysical values
2. Protect and promote Wadawurrung archaeological, social, cultural and historic values and sites
3. Recognise the Wadawurrung People's long and ongoing association with the reserve, including the interconnections between land, sea, people and biodiversity
4. Recognise the unique surfing heritage and the importance of surfing, and continue to cater for surfing and surfing events, including the Rip Curl Pro
5. Continue to cater for activities consistent with the vision
6. Ensure risks are minimised, recognising that the reserve is a natural place and risk cannot be eliminated
7. Minimise buildings and infrastructure
8. Protect existing waterways and minimise the site impacts of stormwater runoff, and
9. Acknowledge the importance of the setting within a rural hinterland landscape.

3.3 ENACTING THE VISION

The following, which remains the same as in the 2015 plan, provides an overview of the links between the vision (as expressed here in the principles and core values) and the plan's strategic statements and management actions.

Table 1: Principles, values and outcomes



Natural environment

RESPECT

- Reserve retains its unique natural character through effective infrastructure management (eg minimal car parks, signs, buildings, fences)
- Visitors are informed about the reserve's environmental values without additional onsite interpretation
- Infrastructure fits its purpose, has a consistent look and feel, and is visually sensitive to its location
- Reserve retains its rural hinterland landscape setting
- Strong relationships are maintained with community environment groups

PROTECT

- Erosion is effectively managed through the application of best practice erosion protection principles and practices, noting erosion will occur as part of an ever changing coastal landscape
- Stormwater management is improved when consistent with other values such as aboriginal heritage protection
- Events are managed in a way that prevents negative impacts on the reserve's natural and built assets
- Remnant vegetation is protected, restored and improved via effective vegetation management



Wadawurrung Heritage

RESPECT

- Recognition of Wadawurrung connections and culture
- Strong relationships maintained with Wadawurrung Traditional Owners and ongoing collaboration with Wathaurung Aboriginal Corporation (the Registered Aboriginal Party)
- Visitors are informed about the reserve's Wadawurrung heritage values and these are integrated into environmental values where appropriate (ie cultural landscape, bush tucker and resource use)

PROTECT

- Reserve's Wadawurrung values, including significant sites, are protected through involvement of Wadawurrung Traditional Owners in best practice cultural and environmental management practices (eg cultural assessments, education and interpretation, Aboriginal Heritage Management Agreement)



Surfing culture

RESPECT

- Reserve recognised for its significance in Australia's surfing history and culture
- Visitors are informed about the reserve's cultural values in relation to surfing
- Young surfers have access to opportunities to develop their skills
- Surfers are aware of surfing etiquette and 'Spirit of Surfing' principles
- Strong relationships are maintained with the surfing community in reserve management

PROTECT

- Reserve's cultural values related to surfing, including artefacts such as the wave sculpture and 'Spirit of Surfing' plaque, are protected in line with Victorian Heritage Register requirements
- Surfing and other events are managed in a consistent way that minimises their impacts on the reserve's values and reserve users
- Revenue raised through licensing, event fees and other means is re-invested into protecting the reserve's values



A healthy coast appreciated by all, now and in the future

- The community understands the Coastal Management Plan's vision for the reserve and is actively involved in its realisation
- Infrastructure management enables people to safely use the reserve without damaging its natural and cultural assets
- Traffic management facilitates safe movement within the reserve's car parks and roads
- Event management focuses on activities appropriate to the reserve's core values (refer to Event Management Policy)
- Sensitive interpretation educates people about the reserve's history and values without additional impacts on the reserve itself
- Local law enforcement protects the reserve's core values without detracting from people's enjoyment



The beaches, rocky cliffs and heathland at Bells Beach are part of Victoria's coastal interface ecosystem, where terrestrial and marine life and non-living components – such as air, rocks and water – interact and function together. The system is dynamic with natural forces and human pressures contributing to ongoing change.

Following the completion of baseline landslide risk assessments in 2006 and 2007, the reserve was zoned in relation to the nature of the slope stability hazards present. This led to many changes to reduce risk and improve the resilience of natural systems and important infrastructure, including:

- beach access pathways realigned and changed from gravel to raised timber stairs
- the Button lookout shifted further back from the cliff edge
- stormwater management enhanced with further improvements planned
- ongoing planting works to reduce erosion
- fencing installed to keep people within stable areas
- signage to alert users to unstable cliff edges and overhanging cliffs.

Ongoing work is needed to manage risks and hazards levels at the reserve.

Responding further to the need to collect baseline information and to improve monitoring, 3D imagery of the entire reserve was captured in 2016. This has enabled assessment of difficult-to-access areas and will help with monitoring rates of change. There is also the potential to use the flyover images to better inform users of the hazardous nature of unstable cliffs in the reserve.

Climate change impacts are likely to drive future changes. According to the Great Ocean Road Coast Committee's *Climate Change Vulnerability and Adaptation Study* (SKM, 2012), different inundation patterns, storm erosion and beach recession will place increasing pressures on the reserve's cliffs and dunes. Surf breaks are also likely to experience changes, with some breaks predicted to become less reliable.

The structural integrity of all staircases and lookouts was assessed in July 2018, with the remaining life of these structures estimated at between five and 15 years. Replacement is not likely to be required during the life of this plan, but maintenance materials and schedules are important as they impact overall infrastructure life.

Community and industry involvement in protecting and managing natural values is ongoing and supported by Council. Surfers Appreciating the Natural Environment (SANE) hold regular working bees in the reserve while Rip Curl employees have staged part of their annual Planet Day works at Bells Beach each year since 2000. Environmental works include weeding, planting, rubbish collection and erosion control.

4.1 COASTAL AND MARINE VALUES

On the land

Aerial photographs dating from 1947 show much of the reserve's vegetation has been affected by land clearing for agriculture, beach access, parking, camping, event management and other human activities.

This was first noted as a concern during the late 1960s, which marked the start of ongoing rehabilitation and improvement works. In 1971 for example, the Australian Surfriders' Association required Conservation Contest competitors to plant a tree to obtain entry.

Since forming in 1988, SANE has continued to work voluntarily to preserve the reserve's natural values, helping to turn a serious degradation issue into an environmental success story. SANE is aided by Rip Curl employees who spend two days each year undertaking environmental works in the reserve. The Surf Coast branch of the Surfrider Foundation, formed in 1996, also holds an annual clean-up day.

Beyond the main car park area, the reserve supports relatively intact vegetation belonging to a mix of ecological vegetation classes. Coastal Alkaline Scrub (endangered) including the Coastal Moonah Woodland community, Coastal Headland Scrub and Clay Heathland (both vulnerable) occur mainly on the clifftops on the southern side of Bells Beach Road.

North of the road, Shrubby Dry Forest (least concern) dominates with this community including the nationally significant *Glenelg Pomaderris*. Recent investigations by botanist Geoff Carr found this vegetation type may grade further inland to an undescribed vegetation community he called Red Ironbark-Moonah Scrub or Low Open Forest.

The vegetation is home to the state-listed Rufous Bristlebird (vulnerable) and Swamp Antechinus (near-threatened), along with a diverse range of other native fauna, such as the Sugar Glider, Echidna, Wedge-tailed Eagle, White-lipped Snake and Gould's Wattled Bat. Maintaining the vegetation in good condition ensures that it can provide quality habitat for local fauna.

Weeds are an ongoing threat to the quality of the reserve's remnant vegetation. High-threat weeds include Boneseed, Serrated Tussock, Chilean Needle-grass, African Weed-orchid and a wide variety of woody weeds, as documented in the *Integrated Vegetation Management Plan for the Bells Beach Surfing Recreation Reserve 2009*. This plan provides more information on the biodiversity values and guides vegetation management activities within the reserve.

Approaching the reserve from any direction offers sweeping views of the rural hinterland, featuring farm paddocks with clumps of trees and mobs of grazing kangaroos set against the ocean in the background.

This landscape creates a sense of space around the reserve while providing a transition to the Bells Beach and Great Otway National Park landscapes. Its importance to the reserve itself is recognised in the *Surf Coast Planning Scheme*. Protection of the Bells Beach hinterland was supported and clarified by Amendment C121 to the planning scheme in early 2018.

In the ocean

While Council does not directly manage the marine areas, activities, works and visitors within the reserve interact with the marine environment and potentially have marine impacts. The plan's goals and actions reflect this.

Council works with adjoining land managers on an ongoing basis. Important areas where Council can positively support management of the marine environment include advisory and regulatory signage, enforcement of local laws such as dogs on leash, containment of litter, stormwater treatment and event management.

The significance of offshore areas is recognised by their inclusion in the Point Addis Marine National Park. The park was declared to give enhanced protection to the wide sandy beaches (including the Bells Beach intertidal zone), rock platforms and small limestone reefs occurring in the area. The subtidal waters are known for their rhodolith beds (aggregations of coralline red algae), coloured sponge gardens, and a high diversity of invertebrate and fish species.

Further information on the marine park can be found in the *Point Addis Marine National Park, Point Danger Marine Sanctuary and Eagle Rock Marine Sanctuary Management Plan* (Parks Victoria, 2005). This plan recognises the iconic importance of Bells Beach, as evidenced in one of its management directions: "Bells Beach will remain a surfing icon, protected and accessible for recreational and competitive surfers".

4.2 ISSUES RAISED DURING PREPARATION OF THE 2015 PLAN

The reserve's natural environment is widely recognised as its most significant value, as evidenced by the high number of people expressing support for keeping "Bells as it is... a natural place".

Concerns about negative impacts of infrastructure development – existing and potential – attracted the highest number of comments during consultation on the coastal management plan in 2014-15. Most of the existing infrastructure exists to manage the general use of the reserve and ensure minimal damage to its natural assets.

An earlier coastal management plan developed in 2010 proposed various infrastructure improvements, including a second public toilet block in Winkipop car park, new showers and onsite interpretation. There was little or no support for these actions in 2015.

Stormwater management remained an improvement opportunity despite recent advances (eg connecting the existing toilet block to the town sewer system, installing litter traps). These were recognised as positive steps forward with further improvement work supported (eg updated kerbing following water-sensitive urban design principles).

Other improvement opportunities included signs (number and diversity with many using styles, colours and materials at odds with the coastal location), memorial

plaques and car parking. Different car parking options were considered without attracting any clear support for major changes.

Maintaining current viewing areas and stabilising and formalising, in a low-key manner, the former helicopter landing area attracted general support (completed in 2016). The condition of the toilets, while cleaner than previously, remains an ongoing concern.

The issue of protecting privately owned rural hinterland was also discussed during the 2014 and 2015 workshops. The 2018 planning scheme amendment has helped to strengthen references to the scenic, environmental and cultural values of the Bells Beach hinterland.

Note about 2018-19 consultation

In preparing this 2019 update, community consultation sought feedback on specific management actions and demographic and usage information. Feedback was not sought on the vision, guiding principles, core values or management goals of the 2015 plan, as these remain the same.

The full results of the consultation undertaken to inform this 2019 update are available on Council's website (www.surfcoast.vic.gov.au).



4.3 STRATEGIC MANAGEMENT – NATURAL ENVIRONMENT ISSUES

Strategic management actions for natural environment values remain the same as in the 2015 plan and are shown in Table 2. Please refer to Section 9 for detailed management actions.

Table 2: Strategic actions to respect and protect natural values

Outcomes sought	Strategic actions	Responds to
RESPECT		
Reserve retains its unique natural character through effective infrastructure management (eg minimal car parks, signs, buildings, fences)	a) Maintain infrastructure for public safety purposes and to manage visitation impacts (eg ensure people keep to pathways) b) Retain the existing car park footprint	Community concerns about negative infrastructure impacts on reserve's natural character and a desire to "leave Bells the way it is"
Visitors are informed about the reserve's environmental values without additional onsite interpretation	c) Explore and develop options for making information about the reserve's terrestrial and marine ecosystems available onsite via new technologies (eg phone apps, QR scanning) and at suitable offsite locations (eg Australian National Surfing Museum)	Strong community desire for no new onsite interpretation
Infrastructure fits its purpose and is visually sensitive to its location (eg signs have a consistent 'look and feel')	d) Use materials and colours sympathetic to the reserve (eg earthy tones) and natural materials (eg timber and iron) where possible	Community concerns about the visual impacts of essential infrastructure
Reserve retains its rural hinterland landscape setting	e) Support protection of the Bells Beach hinterland through planning scheme processes	Concerns about protecting the reserve's rural hinterland landscape
Strong relationships are maintained with community environment groups and Wadawurrung Traditional Owners	f) Support community weeding and revegetation activities by groups such as SANE and environmental activities such as Rip Curl Planet Day and Clean Up Australia Day	Concerns about the condition of native vegetation
PROTECT		
Erosion is effectively managed through the application of best practice erosion protection principles and practices, noting some erosion will occur as part of an ever-changing coastal landscape	g) Continue to undertake annual geotechnical inspections to assist in understanding erosion issues and public safety management risks, and consider how climate change may impact the reserve and management decisions h) Undertake additional geotechnical assessments, if considered prudent after significant weather events	Ongoing concerns about natural erosion
Stormwater management is improved when consistent with other values such as indigenous heritage protection	i) Undertake further stormwater management works in conjunction with other protection measures (eg Wadawurrung heritage protection)	Ongoing concerns about stormwater management impacts
Events are managed in a way that prevents negative impacts on the reserve's natural, cultural and built assets	j) Ensure event management plans for approved events in the reserve are consistent with the environmental outcomes expressed in the coastal and marine management plan	Community concerns about the impacts of major events (eg Rip Curl Pro)
Remnant vegetation is protected, restored and improved via effective vegetation management	k) Continue to implement the Integrated Vegetation Management Plan for the <i>Bells Beach Surfing Recreation Reserve 2009</i> l) Ensure infrastructure maintenance, event management and public use is managed to provide for protection and enhancement of the condition of native vegetation within the reserve m) Ensure reserve management is consistent with <i>Parks Victoria's Point Addis Marine National Park, Point Danger Marine Sanctuary and Eagle Rock Marine Sanctuary Management Plan 2005</i> n) Improve knowledge of flora and fauna occurring within the reserve	Recognised need to preserve and restore reserve's remnant vegetation



5 Strategic actions to protect and respect Wadawurrung cultural heritage

5.1 WADAWURRUNG CULTURAL HERITAGE

The reserve is on Wadawurrung Country and is a significant cultural landscape with Wadawurrung living and gathering places, as evidenced by the many documented Wadawurrung cultural values, stories and activities.

The midden sites along Bells Beach are the footprints left by past generations of Wadawurrung ancestors camping, living and cooking. The Coastal Moonah holds traditional stories that teach this and future Wadawurrung generations what happens if cultural practices aren't maintained. Bells Beach is full of important bushfoods and resources and is home for Bunjil, the Wadawurrung People's creator spirit.

Knowledge and stories continue to be strengthened and understood through new investigative work and this history is being passed on through Wadawurrung involvement in events and management of the reserve. There is an approved *Cultural Heritage Management Plan* (No. 10062) for the reserve, covering activities in the main visitor use area and providing management guidance.

Under the *Aboriginal Heritage Act 2006*, the Wathaurung Aboriginal Corporation (trading as Wadawurrung) is the Registered Aboriginal Party for this area, with its

members involved in cultural education, planning for and implementing works in the reserve. There are strong connections between Wadawurrung People and surfing. The National Indigenous Surfing Titles are held in the reserve annually and an ongoing relationship exists with the staging of the Rip Curl Pro.

The *Aboriginal Heritage Act 2006* and associated regulations guide the protection of cultural values and places at Bells Beach, and officially recognise and support Traditional Owners' connection with and care for their Country.

The Wadawurrung Healthy Country Plan 2019-2024 is being developed by the Traditional Owners to map out a collective dream and direction for the future of Wadawurrung Country. The plan will guide how and who Wadawurrung People work with to look after their Country to realise the aspirations most important to them as Traditional Owners.

Climate change and accompanying sea level rise is likely to present challenges to the management of Wadawurrung sites in the reserve such as the midden.

Corporation members provided advice and input to many aspects of the development of the original plan and have provided input into this review and update.



Image: 2019 Rip Curl Pro Welcome to country, WSL

5.2 ISSUES RAISED DURING PREPARATION OF THE 2015 PLAN

Acknowledging, respecting and protecting the reserve's Wadawurrung heritage values emerged as a very strong theme during the community consultation phases in 2014 and 2015.

Bells Beach is an old place that has seen many changes. Its status as a surf break, for example, only emerged several decades ago and its landscape will change again in the future. For Wadawurrung People, it is important that their long history with the reserve continues to be recognised and respected.

The reserve's natural and indigenous values must be nurtured, protected and managed in a way that ensures compatible use and enjoyment by all people. Although Wadawurrung People appreciate surfers' love for Bells Beach, they are clear about the reserve being for everyone's enjoyment and the need for all users to respect the area.

Note about 2018-19 consultation

In preparing this 2019 update, community consultation sought feedback on specific management actions and demographic and usage information. Feedback was not sought on the vision, guiding principles, core values or management goals of the 2015 plan, as these remain the same.

The full results of the consultation undertaken to inform this 2019 update are available on Council's website (www.surfcoast.vic.gov.au).

5.3 STRATEGIC MANAGEMENT – WADAWURRUNG HERITAGE ISSUES

Strategic management actions for Wadawurrung heritage values are shown in Table 3. Please refer to Section 9 for detailed management actions.

Table 3: Strategic actions to respect and protect Wadawurrung heritage values

Outcomes sought	Strategic actions	Responds to
RESPECT		
Recognition of Wadawurrung connections and culture	<ul style="list-style-type: none"> a) Continually seek advice from Wadawurrung Traditional Owners on reserve management b) Advise Wadawurrung Traditional Owners of any issues (eg damage or erosion) to cultural heritage sites in the reserve 	Strong desire to respect and honour Wadawurrung People's long association with the reserve
Strong relationships maintained with Wadawurrung Traditional Owners and ongoing collaboration with Wathaurung Aboriginal Corporation (the Registered Aboriginal Party)	<ul style="list-style-type: none"> c) Work with Wadawurrung Traditional Owners to develop and tell the Bells Beach story in relation to its cultural heritage values d) Work with Wadawurrung Traditional Owners to better understand the cultural heritage of the midden site e) Look for opportunities to link Wadawurrung heritage activities with other relevant events (eg Indigenous Surfing Titles, NAIDOC Week) f) Explore and develop options for making information about the reserve's Wadawurrung's heritage available onsite via new technologies (eg phone apps, QR scanning) and at suitable offsite locations (eg Australian National Surfing Museum) g) Wadawurrung Traditional Owners conduct small 'On Country' learning and site tours at the reserve to share oral history and significance of the cultural sites and place 	<p>Strong community desire for no new onsite interpretation</p> <p>Wadawurrung People wanting to learn more about the cultural heritage of the midden</p> <p>Wadawurrung People wanting updated interpretation of cultural history</p>
Visitors are informed about the reserve's Wadawurrung heritage values and these are integrated into environmental values where appropriate (ie cultural landscape, bush tucker and resource use)		
PROTECT		
Reserve's Wadawurrung values, including significant sites, are protected through involvement of Wadawurrung Traditional Owners in best practice cultural and environmental management practices (eg cultural assessments, education and interpretation, Aboriginal Heritage Management Agreement)	<ul style="list-style-type: none"> h) Protect all Wadawurrung places within the reserve by implementing the approved cultural heritage management plan and obtaining heritage approvals for works beyond routine maintenance i) Work with Wadawurrung Traditional Owners to apply to Heritage Victoria to amend the heritage listing for the reserve relating to the mural on the exterior wall of the toilet block. j) Work with Wadawurrung Traditional Owners and Corangamite Catchment Management Authority to appropriately name the unnamed creek at Bells Beach a Wadawurrung language name. k) Work with Wadawurrung Traditional Owners and the Bells Beach Committee to liaise with the Department of Environment, Land, Water and Planning and Parks Victoria towards achieving a more integrated approach to planning and managing Wadawurrung Country. 	Concerns about protecting the reserve's indigenous heritage values



6 Strategic actions to protect and respect surfing culture

6.1 SURFING CULTURE

Bells Beach is named after local landholders, the Bell family, and was first surfed in the 1930s. It has since acquired a mythology, among the local and worldwide surfing community, making it the stuff of legend. The combination of its unique geography and local weather conditions produces a world class wave, highly valued by surfers.

The reserve is listed on Victoria's Heritage Register and is part of the federal listing of the Great Ocean Road as a National Heritage Place due to its surfing values, natural history, spectacular views and for being part of an exemplar coastal drive. The National Heritage Place listing also recognises the reserve as:

- having strong links to the surf industry and technological innovations (eg board design and composition)
- the location of the world's longest, consecutive international surfing competition, and
- the first site to be officially named a surfing reserve (in 1971).

Torquay's surf industry shares a strong connection with Bells Beach. Local companies such as Rip Curl and Quiksilver were initially set up by local surfers as small shopfront or backyard operations, growing to become global corporations. Their involvement in and sponsorship of local surfing contests have similarly seen an event like the annual Easter rally develop over the years into the major international sporting event that is today's Rip Curl Pro.

Surfing culture is also a key element of Surf Coast's sense of place with many residents choosing to live in the municipality to be close to quality surf breaks such as Bells Beach.

The Torquay Boardriders Club is currently the only community group that runs local surfing competitions and related activities in the reserve. Formed in 1978, the club's values align closely with those articulated in this coastal and marine management plan (eg the club's value to "protect the Bells Beach spirit of surfing by respecting the ocean, respecting the land and respecting each other").

Bells Beach has provided a stage for the development of Australia's surfing culture – from its early beginnings last century through to the present day – and will continue to play a key role in its ongoing evolution in future. The Australian National Surfing Museum located in Torquay

is an important place to visit to better understand the profound links between Australian surfing culture and Bells Beach.

Rising sea levels are a future threat to the quality of the surfing conditions at the reserve. With the prime breaks at Bells Beach being reef-based and performing best at low tides, if sea levels rise significantly as predicted, favourable surf conditions may be impacted.

6.2 ISSUES RAISED DURING PREPARATION OF THE 2015 PLAN

The need to recognise the role of Bells Beach in Australia's surfing heritage and culture represented another dominant theme raised during the 2014-15 community consultation on the coastal management plan. There was a strong desire to see this role more actively promoted and acknowledged.

Management planning and decision-making processes and practices also emerged as key concerns, particularly in relation to events and commercial activities. Surfing contests comprise the majority of events occurring in the reserve with people expressing concern about their number, organisation and impacts on regular users.

While some argued for reducing the number, others pointed out the value of surfing contests in developing local surfers and juniors. Many surfers are uncomfortable delineating between competitive and recreational surfers because they see themselves purely as surfers who surf for the love of the experience.

There was consensus that non-surfing events (eg Bells Bash) passing through the reserve were acceptable, but there was no support for weddings or commercial activities. It is recognised that, from time-to-time, paddle-outs in memory of surfers who have passed away may occur independently of Council. People also wanted to see revenue raised through licensing, event fees and the like expended directly on the reserve rather than going into general Council revenue.

Note about 2018-19 consultation

In preparing this 2019 update, community consultation sought feedback on specific management actions and demographic and usage information. Feedback was not sought on the vision, guiding principles, core values or management goals of the 2015 plan, as these remain the same.

The full results of the consultation undertaken to inform this 2019 update are available on Council's website (www.surfcoast.vic.gov.au).

6.3 STRATEGIC MANAGEMENT – SURFING CULTURE ISSUES

Strategic management actions for surfing culture values remain the same as in the 2015 plan and are shown in Table 4. Please refer to Section 9 for detailed management actions.



Table 4: Strategic actions to respect and protect surfing culture values

Outcomes sought	Strategic actions	Responds to
RESPECT		
Reserve recognised for its significance in Australia's surfing history and culture	a) Retain the name Bells Beach Surfing Recreation Reserve b) Continue to acknowledge the significant role of surfing in shaping Surf Coast's sense of place, including the special connection between Bells Beach and Australia's surfing culture	Strong desire to acknowledge the reserve's unique surfing heritage
Visitors are informed about the reserve's cultural values without additional onsite interpretation	c) Explore and develop options for making information about the reserve's surfing culture available onsite via new technologies (eg phone apps, QR scanning) and at suitable offsite locations (eg Australian National Surfing Museum)	Strong community desire for no new onsite interpretation
Surfers are aware of surfing etiquette and 'Spirit of Surfing' principles	d) Actively promote surfing etiquette and 'Spirit of Surfing' principles	Concerns about anti-social behaviour
Strong relationships are maintained with the surfing community	e) Ensure surfing interests are represented on the Bells Beach Committee f) Seek opportunities for surfing interests to partner with events to promote improved environmental and cultural outcomes awareness	Desire to ensure the needs of surfers are considered during management decisions
All surfers using the reserve are recognised as stakeholders when making decisions that potentially impact surfing	g) Design community engagement strategies to include all surfers	Concerns that surfers aligned with different surfing groups will be treated unequally
PROTECT		
Reserve's cultural values related to surfing, including artefacts (eg wave sculpture, 'Spirit of Surfing' plaques), are protected in line with Victorian Heritage Register requirements	h) Maintain the wave sculpture and 'Spirit of Surfing' plaques in line with Victorian Heritage Register requirements	Concerns about protecting the reserve's surfing heritage and culture



7.1 RECREATIONAL

While surfing represents the dominant recreational activity undertaken at Bells Beach, the reserve offers opportunities for other compatible social and recreational activities, including hang gliding, walking, cycling and sightseeing. The Surf Coast Walk passes through the reserve, providing hundreds of residents and increasing numbers of visitors with an off-road link to Bells Beach from Torquay-Jan Juc and other coastal townships.

Hang gliders have used the cliffs north of the Winkipop car park since the early 1970s with the site offering a natural launch pad. This use is restricted to advanced pilots and contingent on strong east to south-east wind patterns. Since these conditions are infrequent, the site is only used approximately 10 to 15 days a year. Pilots set up on the west side of Bells Beach Road and walk across the road to launch. Council formalised this use in 2012 by granting a licence to the Hang Gliding Federation of Australia.

Issues raised during the preparation of the 2015 plan

Access represented the key issue for recreational users in 2014-15, including access to surf breaks during major events, to the hang-gliding launch site and to car parking.

In the past, some reserve users have had their dogs unrestrained on the reserve's beaches. Dogs are not permitted off-lead on beaches within the Point Addis Marine National Park. There will be an increased effort to ensure dogs are kept restrained within the reserve.

Note about 2018-19 consultation

In preparing this 2019 update, community consultation sought feedback on specific management actions and demographic and usage information. Feedback was not sought on the vision, guiding principles, core values or management goals of the 2015 plan, as these remain the same.

The full results of the consultation undertaken to inform this 2019 update are available on Council's website (www.surfcoast.vic.gov.au).

Strategic Management – Recreational issues

Strategic management actions for recreational issues remain the same as in the 2015 plan and are shown in Table 5. Please refer to Section 9 for detailed management actions.

Table 5: Strategic actions for recreational values



A healthy coast appreciated by all, now and in the future

Outcomes sought	Strategic actions	Responds to
Infrastructure management enables people to safely use the reserve without damaging its natural and cultural assets	<ul style="list-style-type: none"> a) Maintain infrastructure such as pathways and fencing to allow continued safe visitor access (refer Section 8.3 Infrastructure for more detail) b) Continue to enable hang glider use of the licensed launch area north of Wikipop in accordance with the licence conditions c) Continue to monitor cultural sites, especially the midden, and notify Wadawurrung Traditional Owners of any erosion or damage 	<ul style="list-style-type: none"> Desire for recreational use to not adversely impact reserve's core values Recognition of unique opportunity that launch site provides for journeys to Apollo Bay
Traffic management facilitates safe movement within the reserve's car parks and roads	<ul style="list-style-type: none"> d) Improve the line marking, parking arrangements and bus licence requirements to maintain and improve public safety within the reserve's busy car parks (refer Section 8.4 Traffic Management for more detail) 	<ul style="list-style-type: none"> Concerns about public safety in the reserve's busy car parks
Local laws enforcement protects the reserve's core values without detracting from people's enjoyment	<ul style="list-style-type: none"> e) Undertake local laws enforcement to ensure unlicensed buses, unrestrained dogs, camping and litter do not damage the reserve's values or reduce users/visitors' enjoyment (refer Section 8.5 Management and Enforcement for more detail) 	<ul style="list-style-type: none"> Concerns that some users' actions are threatening the reserve's values or spoiling others' experiences

7.2 HISTORICAL VALUES (OTHER THAN WADAWURRUNG AND SURFING)

Following European settlement, the land in and around the reserve was farmed from the 1840s onwards with several families using it as part of their pastoral run. Elias Harding's Mount Pleasant Run, for example, included land from Torquay to Point Addis, but the Steele and McVean families also held part of this run at different times.

These larger runs were later split into smaller allotments with William Bell acquiring the land adjoining Bells Beach in 1857. D. Cyril Lewis purchased the land in 1899 and then sold it to John Calvert Bell in 1905. Mr Bell and his family leased the adjoining foreshore (now the reserve) for grazing from 1905 until 1940-41, using it to run sheep.

Detailed historical information from the time of European settlement is contained in *Farmland, Forest and Surf, Environmental History: Surf Coast Shire Heritage Study Stage 2b* (Kellaway, 1998) and *Barrabool: Land of the Magpie* (Wynd, 1992).

Issues raised during the preparation of the 2015 plan

The need to acknowledge the reserve's pastoral heritage, alongside its indigenous and surfing heritage, was raised in 2014-15 as a minor issue to be considered within the plan's overall development.

Note about 2018-19 consultation

In preparing this 2019 update, community consultation sought feedback on specific management actions and demographic and usage information. Feedback was not sought on the vision, guiding principles, core values or management goals of the 2015 plan, as these remain the same.

The full results of the consultation undertaken to inform this 2019 update are available on Council's website (www.surfcoast.vic.gov.au).

Strategic Management – Historical issues

Strategic management actions for historical issues remain the same as in the 2015 plan and are shown in Table 6. Please refer to Section 9 for detailed management actions.

Table 6: Strategic actions for historical values



A healthy coast appreciated by all, now and in the future

Outcomes sought	Strategic actions	Responds to
Sensitive interpretation educates people about the reserve's history and values without additional impacts on the reserve itself	a) Explore and develop options for making information about the reserve's pastoral history available onsite via new technologies (eg phone apps, QR scanning)	Desire for the reserve's early pastoral history to be recognised

7.3 ECONOMIC AND SUSTAINABLE USE VALUES

Bells Beach carries significant economic value as a quality destination for surfing and non-surfing tourists. This value underpins the local surfing industry, Surf Coast Shire's most significant industry sector.

The value of this sector to the local economy is evidenced by the outcomes of a study commissioned by Council in 2014. This found that:

- Surf Coast Shire's surfing industry represents 29.6 per cent of total full-time employment locally
- direct employment accounts for 1,532 full-time equivalent positions, over 500 more than the next biggest sector (construction)
- the industry generates 26.5 per cent of industry value-add activity in the municipality
- direct industry value-add contributions total \$155 million, 50 per cent higher than the next biggest contributor (ownership of dwellings)

- the surf industry accounts for more than 28 per cent of all incomes generated in Surf Coast Shire
- wholesale trade and retail trade are the biggest contributors to the surf industry, and
- excluding Quiksilver and Rip Curl, approximately 79 per cent of goods and services are sold locally, 12 per cent nationally, five per cent regionally and four per cent internationally.

In terms of surfing-related tourism, around 140,000 people from outside the Surf Coast and Geelong regions visited the municipality in 2014 to go surfing, contributing close to \$50 million to the local economy. This confirms the value of local surf breaks like Bells Beach to the shire's economy, compared to use of the reserve by large tourist coaches whose contribution tends to be more at the state level.

Surf Coast Shire is also home to:

- Australian National Surfing Museum (formerly Surf World), the only accredited surfing museum in the world

- Surfing Victoria, one of the world's oldest surfing administration organisations and Victoria's largest state sporting organisation based outside Melbourne, and
- Torquay Boardriders Club, one of Australia's largest, most successful and active boardriding clubs.

These organisations share a direct link to Bells Beach that supports their activities and/or economic viability. In addition, the reserve is used for major events such as the Rip Curl Pro and Cadel Evans Great Ocean Road Race, providing direct and indirect significance to the value of local, regional and state economies.

Issues raised during the preparation of the 2015 plan

Minimising tourism impacts on the reserve's environmental, indigenous heritage and surfing culture values represented a major concern for many in 2014-15. While most people supported tourists visiting Bells Beach, the preference was for managed, sustainable tourism rather than large coaches packed with day-trippers. The significance of the travelling surfer making the pilgrimage to Bells Beach was also recognised as valuable to the local economy and seen as highly compatible with the reserve's other values.

The need to ensure management of the reserve continues to support the staging of the Rip Curl Pro formed part of the discussions. The event's standing as the world's longest, continuously held surfing event is an important part of the reserve's history.

There was general support for providing visitors with an appreciation of the reserve's core values in a way that doesn't involve onsite interpretation. This could be addressed via offsite interpretation at the Australian National Surfing Museum and use of technology (eg phone apps, QR codes) to minimise onsite interpretation impacts. Other suggestions for a stronger connection between the reserve and the Australian National Surfing Museum included a shuttle bus, bike hire and walking tours.

Note about 2018-19 consultation

In preparing this 2019 update, community consultation sought feedback on specific management actions and demographic and usage information. Feedback was not sought on the vision, guiding principles, core values or management goals of the 2015 plan, as these remain the same.

The full results of the consultation undertaken to inform this 2019 update are available on Council's website (www.surfcoast.vic.gov.au).

Strategic Management – Economic and Sustainable use issues

This plan deals with land use and management issues directly associated with the reserve. It is beyond its scope to recommend offsite actions, such as measures to support the surf industry within the shire. These are however indirectly addressed by management actions listed in other sections, specifically those relating to events and surfing culture, which consider the need to:

- protect all the reserve's values over the long-term
- provide for sustainable tourism opportunities, and

support the staging of an agreed type and number of surfing events that assist in maintaining the local surf industry's stature.

More information on the value of surfing to Surf Coast Shire's economy is available in *Economic Value of the Surf Industry to Surf Coast Shire: Final Report, December 2014*.



8 Management issues and actions

8.1 MANAGEMENT, RELATIONSHIPS AND GOVERNANCE

The term 'governance' relates to how reserve management decisions, including stakeholder engagement, are made and delivered in accordance with the relevant legislation, policies and strategies.

Council has been appointed under the *Crown Land (Reserves) Act 1978* to act as the Committee of Management for the Crown land portion of the Bells Beach Surfing Recreation Reserve. Council also manages its privately owned land in the reserve in a similar way. More information about the reserve's status and legislative framework is contained in Appendix 12.1.

As land manager, Council's association with the reserve goes back to the former Shire of Barrabool, which started undertaking works after public access was improved in the early 1960s. This arrangement was formalised in 1971 when Council was appointed as the Committee of Management. Since then, Council has worked to involve local community members and event organisers in the

reserve's management via sub-committees, advisory committees and the community consultation process associated with developing the coastal management plan.

The latter confirmed a desire for the community and other stakeholders to continue to be involved in the reserve's ongoing management, preferably via a well-supported, formal committee comprising Council representatives and those representing environmental, indigenous, surfing and other community interests.

Council has committed to retaining its Committee of Management responsibilities for the Crown land and to engaging with stakeholders, including Wadawurrung Traditional Owners, on how this occurs.

Strategic Management - Management, Relationships and Governance issues

Strategic management actions for governance issues remain the same as in the 2015 plan and are shown in Table 7. Please refer to Section 9 for detailed actions.

Table 7: Strategic actions for management, relationships and governance issues



A healthy coast appreciated by all, now and in the future

Outcomes sought	Strategic actions	Responds to
The community understands the coastal and marine management plan's vision for the reserve and is actively involved in its realisation	a) Re-establish a committee – to be known as the Bells Beach Committee and comprising members with knowledge and experience in environmental management, indigenous heritage and surfing – to advise Council on the plan's implementation b) Appoint an independent chair to the Bells Beach Committee c) Allocate adequate Council resources to support the committee's proper functioning	Desire for community members to have an ongoing role in reserve management

Respect

Outcomes sought	Strategic actions	Responds to
Ongoing cooperation and collaboration with Wadawurrung People	d) Include a Wadawurrung Traditional Owner representative on the Bells Beach Committee e) Continue to work with Wadawurrung Traditional Owners on management of the reserve	Desire for ongoing indigenous input into reserve management
Strong relationships are maintained with the surfing community	f) Include a Surfing Victoria representative on the Bells Beach Committee g) Encourage surfers who regularly use the reserve to participate in the Bells Beach Committee	Need to have surfers and event managers involved in reserve management
Strong relationships are maintained with community environment groups	h) Include community representatives on the Bells Beach Committee with knowledge, skills and experience in environmental management relevant to the Bells Beach environment. i) Continue to support community environmental activities in the reserve	Desire for local environmentalists to advise on reserve management

8.2 EVENTS MANAGEMENT

The majority of events occurring in the reserve are competitive surfing events including:

- Rip Curl Pro, an annual international surf contest, which has been run at Bells Beach during Easter since 1962 (the Surfing Rally of 1961 was not an official contest)
- Surfing Victoria national and state competitions, including the Australian Indigenous Surfing Titles, and
- Three Torquay Boardriders Club contests, which give local community members an opportunity to compete at Bells Beach.

Other non-surfing events generally pass through the reserve (eg Bells Bash and other distance running events using the Surf Coast Walk). Event organisers are required to apply for and obtain a permit from Council setting out the conditions under which the event is to be staged. These events must not have detrimental impacts on the values of the reserve, including the natural environment, cultural heritage and reasonable access for surfers.

Traditional Welcome to Country ceremonies (smoking ceremony and dance) are conducted by Wadawurrung Traditional Owners on occasions.

As land manager, Council receives numerous requests to use the reserve for various other commercial and non-commercial events and activities, including filming, photography, weddings and memorial services. These are assessed on a case-by-case basis against existing Council policy before a decision is made whether to issue a permit or not.

There has been a 'no weddings' policy in place for several years and Council's Events Policy makes it clear that commercial activities such as filming, if it is unrelated to indigenous culture or surfing, are not permitted.

It is recognised that, from time-to-time, paddle-outs in memory of surfers passed away are likely to be arranged independently of Council. As these events occur in the water outside the reserve boundary, Parks Victoria and DELWP approval may be required for these events.

The community consultation raised various issues regarding the type and management of events in the reserve. Private events (eg weddings) and non-surfing commercial events were not supported. There was also consensus about ensuring any events taking place in the reserve did not impinge on recreational surfing activities, with concerns raised about various aspects of the Rip Curl Pro (eg duration of bump in/bump out period, event infrastructure).

Section 6 – Protecting and respecting surfing culture details other issues relating to events at the reserve along with a series of broad strategic actions. Council's Events Policy for the reserve is important in preserving surfing culture.

Improving the sustainability of events is a focus. Minimising waste and diverting waste from landfill has been a major achievement for the staging of the Rip Curl Pro over many years and improvements are made annually. All events must adhere to Council's Plastic Wise policy.

Strategic Management – Events Management issues

Strategic management actions for event management issues vary slightly from those in the 2015 plan and are shown in Table 8. Please refer to Section 9 for detailed management actions.

Table 8: Strategic actions for event management issues





Respect		
Outcomes sought	Strategic actions	Responds to
 Surfing and other events are managed in a consistent way that limits their impacts on the reserve's values and reserve users	a) Implement Council's Events Policy and associated guidelines, and work with event organisers to ensure compliance b) Continue to restrict the number of competitive surfing events in the reserve, in line with the Events Policy c) Consider the staging requirements of surfing events when renewing infrastructure within the reserve d) Improve the sustainability of events and links with other reserve users e) Implement Council's Plastic Wise Policy during all events staged in or passing through the reserve f) Continue to work on ways of improving the bump in/bump out periods associated with the Rip Curl Pro g) Promote better knowledge of upcoming events and communicate more effectively h) Continue to retain access to surf breaks in the reserve during competitive surfing events in line with Council's Events Policy	Concerns about the impacts of events on the reserve's values and regular users in the absence of a publicly available events policy Desire to enable surfing events catering for surfers of all levels Need to offer surfing opportunities during events for people not competing Desire for event dates to be known well in advance
 Revenue raised through licensing, event fees and other means is re-invested into protecting the reserve's values	i) Expend revenue raised through licensing, event fees and other revenue-raising activities at Bells Beach on reserve maintenance and improvement costs	Desire to see revenue raised from activities in the reserve spent on its maintenance and protection

Table 8: Strategic actions for event management issues continued

Respect

Outcomes sought	Strategic actions	Responds to
 Young surfers have access to opportunities to develop their skills	j) Identify strategies to cater for young surfers' development needs via discussions with key groups (eg Surfing Victoria, Torquay Boardriders Club, schools)	Desire to foster young surfing talent
 Reconciliation with Wadawurrung People is supported	k) Work with Wadawurrung Traditional Owners and key surfing and environmental groups (eg Surfing Victoria, Torquay Boardriders Club and SANE) to hold an annual 'Clean Up Country' day	Desire to foster Reconciliation

8.3 INFRASTRUCTURE MANAGEMENT

The reserve's infrastructure includes signs, car parks, lookouts, toilet block, memorial plaques, fences, stormwater drains, pathways and other built assets. The general condition of most of this infrastructure enables it to perform its function although there are some issues with the condition and performance of some infrastructure assets. These include:

- bitumen car park surfaces show deterioration in some areas and concrete kerbing is ageing which, if not renewed, could affect its ability to cope with stormwater flows
- established pathways work effectively to keep pedestrians and cyclists to designated areas, but the gravel surfacing is steep in some sections leading to erosion risks and increased risk to the public of injury from slips and falls
- some concerns remain about the visual impact of the stormwater outfall to the southern end of the beach



- the Victorian Heritage Register-listed toilet wall mural is starting to deteriorate, and the images do not accurately represent Wadawurrung stories for Bells Beach
- the toilet block is ageing and would be improved by an upgrade, though there are concerns with the location of the facility limiting its usefulness
- reserve furniture (eg picnic tables, bollards) is a mix of ages, materials and styles, including treated pine bollards and barriers showing clear signs of age, and other ageing or redundant fencing requiring replacement or removal, and
- while safe, aesthetically pleasing lookouts have been constructed at various vantage points, but vegetation growth could restrict viewing opportunities in fut

Strategic Management – Infrastructure issues



Strategic management actions for infrastructure management issues have changed little from the 2015 plan and are shown in Table 9. Please refer to Section 9 for detailed management actions.

Table 9: Strategic actions for infrastructure issues

Respect

Outcomes sought	Strategic actions	Responds to
 Reserve retains its unique natural character through effective infrastructure management (eg minimal car park signs, buildings, fences, etc.; no new memorial plaques; obsolete fencing and gates removed)	a) Minimise infrastructure within the reserve/ confine infrastructure to existing modified areas b) Investigate improving toilet facilities in ways that improve their utility without contributing to increased built infrastructure c) Remove obsolete infrastructure and memorial plaques d) Close the northern part of the overflow car park (except during the Rip Curl Pro)	Community desire to keep Bells Beach in a natural looking state
 Infrastructure fits its purpose and is visually sensitive to its location (eg signs have a consistent 'look and feel')	e) Maintain infrastructure so it performs its intended function f) Ensure consistency in colours, materials and design.	Belief that the appearance of the reserve can be improved by using a consistent set of materials that are sympathetic to the reserve's location and history

Protect

 Erosion is effectively managed through the application of best practice erosion protection principles and practices (noting some erosion will and should be allowed to occur as part of an ever-changing coastal landscape)	g) Base erosion management actions on expert advice received as part of the annual geotechnical inspection h) Factor potential climate change impacts into erosion management decisions i) Monitor the impact of erosion on cultural sites	Concerns with how erosion will be managed
 Stormwater management is improved when consistent with other values such as indigenous heritage protection	j) Install new stormwater pits in the main car park areas k) Look for opportunities for further stormwater improvements as part of general infrastructure maintenance (eg kerb and channel maintenance and replacement)	Desire to improve stormwater management



Healthy coast, appreciated by all, now and in the future

Infrastructure management enables people to safely use the reserve without damaging its natural and cultural assets	l) Include public safety considerations in infrastructure management decisions m) Maintain infrastructure to keep visitor activities within approved/suitable areas	Need to manage risks and manage high visitor numbers
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8.4 TRAFFIC MANAGEMENT

Population growth and increasing independent, non-commercial tourist numbers continue to place added pressure on traffic management and parking in the reserve. As well as the Wave, Winkipop, Bells and Hammerhead car parks, vehicles also use what is known as the 'overflow' parking area to the west of Bells Beach Road. This area is used for parking during major events and occasionally by hang gliders.

While the introduction of *Victorian Public Land Tour Operator and Activity Provider Licences* in 2012 has helped reduce the number and impacts of large tourist coaches, some unlicensed companies continue to use the reserve. Council will use traffic signage to enable the *Road Safety Act 1986* to be used to enforce the requirements for commercial buses to have a licence.

Other traffic management issues include:

- non-commercial long vehicles (eg vehicles with trailers or caravans) in the reserve's car parks where there are restricted opportunities for parking, turning and reversing safely

- capacity of car parks to cater for growing visitor numbers and potential to reduce congestion by encouraging people to access the reserve by bike or foot, with the viability of running a shuttle for casual visitors from Torquay to be explored
- on high quality surf days, cars parking within the car parks and along Bells Beach Road in a manner that is not compliant with road safety rules, and
- safety concerns related to the steep gradient, high pedestrian numbers and vehicle speeds.

Strategic Management – Traffic Management issues

Strategic management actions for traffic management issues remain the same as in the 2015 plan and are shown in Table 10. Please refer to Section 9 for detailed management actions.

Table 10: Strategic actions for traffic management issues



A healthy coast appreciated by all, now and in the future

Outcomes sought	Strategic actions	Responds to
Traffic management facilitates safe movement within the reserve's car parks and roads	<ul style="list-style-type: none"> a) Continue to offer, through a competitive allocation process, a restricted number of licences (8) for tour operators to bring long vehicles into the reserve (restricted to 22 seats or less) b) Investigate sustainable and innovative tour operators offering services such as a shuttle bus from the Australian National Surfing Museum to the reserve c) Continue to allow non-commercial vehicles to enter the reserve's car parks d) Retain the Hammerhead car park and existing pedestrian crossing in the Bells Beach car park but minimise related signage 	Concerns regarding the functioning of the car parks and their use by commercial operators
Local laws enforcement protects the reserve's core values without detracting from people's enjoyment	<ul style="list-style-type: none"> e) Maintain traffic signage within the reserve to enable enforcement under the Road Safety Act 1986 of the requirement for commercial buses to hold a licence f) Undertake regular patrols by local laws staff to deter and fine unlicensed commercial vehicles g) Ensure the licence conditions for commercial tour operators minimise the impacts of commercial operations on other reserve visitors h) Enforce road safety regulations in relation to parking within the car parks and along Bells Beach Road to assist with the management of visitor numbers and improve safety 	Frustration with unlicensed buses entering the reserve car parks

8.5 ENFORCEMENT AND MANAGEMENT

Managing the reserve and enforcing compliance with regulations to effect positive outcomes, for the reserve itself and its users, requires:

- environment and event planning staff
- on-ground cleaning, maintenance, waste collection and vegetation management staff
- staff involved in engineering design, planning and implementation for capital works projects, and
- local laws enforcement officers.

The presence of Council staff in the reserve was regularly raised during the 2014-15 community consultation, specifically in relation to enforcing Council regulations pertaining to:

- unlicensed buses
- overnight camping and sleeping in vehicles
- parking infringements
- litter (including toilet paper from people using the Winkipop car park island as a toilet), and
- dogs (Bells Beach is a dog-free zone due to the beach being part of the Point Addis Marine National Park), with dogs left off-leash and unsupervised while their owners surf being a common problem.

In addition, the following management activities were also recognised as critically important to the reserve's ongoing maintenance:

- vegetation management works (eg weed removal and revegetation using locally indigenous plants)
- litter pick-up and waste management

- improved toilet cleaning, and
- improved fence, track and sign maintenance.

During the initial 2014-15 consultation process, there was broad community support for having a full-time ranger in the reserve. This approach, trialled in the past, occurred when there were large numbers of commercial tour operators coming into the reserve daily in large coaches, which required a range of management interventions. With the introduction of commercial tour operator licences, these large commercial coaches are no longer allowed into the reserve.

A team-based approach currently applies to the day-to-day management and maintenance of the reserve, involving local laws officers responsible for patrol and enforcement, a Council parks crew and a toilet cleaning contractor. This enables a wide variety of tasks to be completed by appropriately skilled people.

Community members have also contributed significant time and effort to reserve management activities. This includes ongoing conservation works and clean-up days undertaken by Surfers Appreciating the Natural Environment and Surfrider Foundation volunteers, and those involved in the annual Rip Curl Planet Days. This work is greatly appreciated by Council.

Strategic Management – Enforcement and Reserve Management issues

Strategic management actions for enforcement and reserve management issues remain the same as in the 2015 plan and are shown in Table 11. Please refer to Section 9 for detailed management actions.

Table 11: Strategic actions for enforcement and reserve management issues



A healthy coast appreciated by all, now and in the future

Outcomes sought	Strategic actions	Responds to
Infrastructure management enables people to safely use the reserve without damaging its natural and cultural assets	a) Improve regulation messages to reserve users	Concerns that users are disregarding or not informed about regulations relating to dogs, parking, litter and camping
Local laws enforcement protects the reserve's core values without detracting from people's enjoyment	b) Provide adequate Council resources to enable the reserve to be effectively managed in accordance with this plan, including the enforcement of regulations	Desire for greater Council enforcement presence
The community understands the plan's vision for the reserve and is actively involved in its realisation	c) Facilitate community involvement in management activities (eg working bees, community education activities)	Desire for reserve users to be involved in on-ground management activities, including education campaigns

8.6 CARRYING CAPACITY

The issue of the reserve's carrying capacity was raised during the initial 2014-15 consultation, with people questioning the number of users/visitors Bells Beach can support without significantly impacting the reserve.

Before Council implemented a range of access control measures (eg sealing car parks, installing extensive fencing and pathways), degradation of natural and historic values was clearly visible. This included areas denuded of vegetation, erosion of cliffs and dunes, and the impacts of unrestricted access to culturally significant sites (eg middens). Infrastructure is now used to encourage people to stay within designated areas.

Management Actions – Carrying Capacity issues

The plan makes many recommendations aimed at improving the resilience of the reserve's core values to withstand user/visitor pressures. Actions such as maintaining vital infrastructure (eg fences and pathways) to high standards, managing erosion-prone areas and undertaking weed removal and revegetation works will help to manage potential impacts. Other recommendations will assist in managing visitor numbers (eg events management conditions, tour operator licences, enforcement of parking restrictions and road safety regulations).

Through its multi-pronged approach, the plan aims to facilitate a degree of self-management of visitor numbers and their expectations. The current restrictions include a ban on coaches and limiting the number of bus licences. During the past five years, these measures have demonstrated the effectiveness of this type of strategy in impacting positively on the experiences of regular reserve users and one-off visitors.

One of the responsibilities of the new Great Ocean Road Coast and Parks Authority will be to undertake a capacity analysis of key visitor destinations. A regional approach to visitor management will assist with implementing effective management strategies, although increasing tourism and the growing local population means capacity pressures are likely to continue.

9 Implementation Plan

Under the *Marine and Coastal Act 2018*, coastal and marine management plans must incorporate an implementation plan. Previously, the implementation plan for the reserve was a separate but accompanying document to the coastal management plan.

Based on the reserve's vision, core values, goals and guiding principles and the strategic management actions recommended in Sections 4 to 8, the tables in this implementation plan detail the actions planned for the next five years. While each action has been assigned to the most relevant heading, it should be noted that many have beneficial outcomes across multiple areas.

Most of the actions are ongoing, continuing from the 2015 coastal management plan. There are some actions that are either new or more detailed. Such changes have been made following the update consultation undertaken in 2018 and 2019. The full results of the consultation to inform this 2019 update are available on Council's website www.surfcoast.vic.gov.au.

At the time of drafting this coastal and marine management plan, the Wadawurrung were developing a Healthy Country Plan, which will incorporate Wadawurrung People's goals, actions and strategies for looking after and managing Wadawurrung coastal and sea Country. The Healthy Country Plan will include recommendations for specific culturally important places, including Bells Beach, and will inform the implementation of this coastal and marine management plan.

Council is continuing to work towards implementing the plan with the assistance of the Bells Beach Committee. Key implementation progress under the 2015 plan includes:
































- new impartial chair and community advisory committee established and involved in reserve management
- review of tourist bus licences completed with an associated restriction on bus licences and reduction in commercial bus use
- development and implementation of the Events Policy for the reserve resulting in fewer disruptions to reserve users
- a new viewing area on the former helipad site
- widening of the Surf Coast Walk through the Winkipop car park to improve safety
- support for regular community conservation initiatives at the reserve, and
- revegetation of bare areas experiencing erosion.

9.1 PROTECTING AND RESPECTING THE NATURAL ENVIRONMENT

The reserve's natural environment, including its wild heathland vegetation and the limestone cliffs, are highly valued. Although past grazing, uncontrolled recreational activities and other human impacts led to some degradation, extensive restoration works from the early 1970s onwards have contributed to improved vegetation cover, less erosion, fewer weeds and increased habitat values. The following actions are intended to support ongoing protection and restoration efforts.

Table 12 Protecting and respecting the natural environment actions

Projected timeframe

Management action	2019-20	2020-21	2021-22	2022-23	2023-24
Enhance weed control in line with the Integrated Vegetation Management Plan.					
Continue to revegetate and/or brush-mat eroded areas from past uncontrolled use.					
Support SANE, Planet Days, Surfrider and other community groups in undertaking environmental initiatives consistent with the coastal and marine management plan.					
Employ a contractor to undertake quarterly rubbish collection in the reserve beyond the main car park area.					
Undertake a flora and fauna survey every five years.					
Undertake a geotechnical inspection before the Rip Curl Pro each year or at other times if considered necessary (eg after major storm events).					
Provide information on terrestrial and marine ecosystems through technologies with a focus on innovative interpretation and offsite messaging rather than signage.					

9.2 PROTECTING AND RESPECTING WADAWURRUNG HERITAGE AND SURFING CULTURE




































































The reserve has a rich Wadawurrung history and more recently has evolved as a significant surfing cultural site. Various legislation and government policies guide the protection of these values. The following actions reflect Council's commitment to collaborating with Wadawurrung Traditional Owners to ensure protection of significant sites and Wadawurrung values at the reserve. Council acknowledges that maintaining honest and respectful relationships with Wadawurrung Traditional Owners will be critical to successfully implementing this coastal and marine management plan.

In addition, the reserve's surfing culture and other related values (eg hang gliding, pastoral heritage) are addressed by actions intended to improve visitor knowledge without extensive onsite interpretation.



Table 13 Protecting and respecting Wadawurrung heritage and surfing culture actions

PROJECTED TIMEFRAME

Management action	2019-20	2020-21	2021-22	2022-23	2023-24
Liaise regularly with Wadawurrung Traditional Owners on planning and management directions for the reserve.					
Use the approved Cultural Heritage Management Plan (No. 10062) to guide management in the main visitor use areas.					
Work with Wadawurrung Traditional Owners on cultural heritage approvals for all activities above routine reserve maintenance, including preparation of cultural heritage management plans and supervision of works, and ensure public access to indigenous places is controlled.					
Obtain Heritage Victoria permits as required for works above routine maintenance to ensure the full consideration of indigenous and surfing cultural matters.	 	 	 	 	 
Promote the reserve's heritage and cultural values at the Australian National Surfing Museum.					
In partnership with Wadawurrung Traditional Owners, and the Wathaurung Aboriginal Corporation (trading as Wadawurrung), apply to Heritage Victoria to amend the heritage listing of the mural on the toilet block exterior wall.					
Work with Wadawurrung Traditional Owners on a new way of telling their stories at the reserve (other than the toilet block mural).					
Work with Wadawurrung Traditional Owners to better understand the cultural heritage of the midden site.					
Provide information on the reserve's indigenous heritage and surfing culture through technologies (eg QR codes) with a focus on innovative interpretation and offsite messaging rather than signage.	 	 	 	 	 
Work with Wadawurrung Traditional Owners and key surfing and environmental groups (eg SANE, Surfrider, Surfing Victoria, Torquay Boardriders Club) to hold an annual 'Clean Up Country' day.	 	 	 	 	 
With the Bells Beach Committee, continue to implement strategies for ensuring current and future events protect and respect indigenous heritage and surfing culture.	 	 	 	 	 
Develop an Aboriginal Heritage Agreement for the reserve to provide cultural protection and management of the reserve linked to the cultural heritage management plan.					




































9.3 MANAGEMENT AND GOVERNANCE

The community has formally advised Council on management of the reserve since Council's predecessor, the Shire of Barrabool, was appointed Committee of Management of the reserve in 1971. This tradition continues with the appointment of the Bells Beach Committee.

The following actions aim to support the committee's operations.

Table 14 Management and governance actions

PROJECTED TIMEFRAME

Management action	2019-20	2020-21	2021-22	2022-23	2023-24
Appoint committee members, including an impartial chair.					
Support the committee's operations in line with its endorsed terms of reference.					
Provide resources to manage the reserve and support the Bells Beach Committee.					
Coordinate the plan's implementation, including budgeting, monitoring and evaluation, and all relevant stakeholder engagement and statutory approvals.					
Obtain the necessary statutory approvals for all works.					
Undertake community engagement as needed to ensure reserve users understand implementation works and disruptions to use are minimised.					
Use data collected on visitor views, experiences and traffic counts to inform maintenance and management.					

9.4 EVENTS MANAGEMENT

Council's Events Policy for the Bells Beach Surfing Recreation Reserve was developed through extensive community consultation as part of the development of the original coastal management plan.

The policy supports the staging of the Rip Curl Pro, Australia's most significant surfing event. The policy also directs that all events are consistently managed in a way that limits their impacts on users and the reserve's natural, cultural and surfing values.

The policy restricts the number of surfing events and the types of events that can be staged. Commercial events or activities, such as filming not related to indigenous culture or surfing, are not permitted. Events along the Surf Coast Walk can pass through the reserve, but the car parks are

not suitable for the setup of infrastructure associated with these events because of the impacts on surfers.































The staging of the Rip Curl Pro each year by the World Surf League (WSL) is managed via a Crown Land (Reserves) Act licence agreement with Council for the Crown land portion of the reserve and a separate but similar licence covering use of Council's freehold portion.

The current five-year licence agreements are for 2019 to 2023. They outline the direct and in-kind support provided by Council towards the event. In return, WSL provides an event contribution and delivers a range of sponsorship benefits, listed in the agreements.

The Crown land licence agreement required state government approval.

Table 15 Events management actions

PROJECTED TIMEFRAME

Management action	2019-20	2020-21	2021-22	2022-23	2023-24
Manage all events and event applications in accordance with Council's Events Policy for the reserve.					
Maintain the restrictions on the number of surfing events and the types of events as per the Events Policy.					
Set all event dates for the coming year at a November meeting between Council, Surfing Victoria and Torquay Boardriders Club, with dates to be published on Council's website and on Surfing Victoria and Torquay Boardriders Club websites.					
Provide an opportunity for Bells Beach Committee members to participate in reserve condition inspections before and after the staging of the Rip Curl Pro.					
Ensure event organisers implement a Council-authorised event management plan for the Rip Curl Pro.					
Continue implementation of the recommendations of the Rip Curl Pro Bump In/Bump Out Audit completed in 2016.					

9.5 INFRASTRUCTURE MANAGEMENT

Depending on surf conditions, the number of people visiting the reserve each day regularly exceeds 1,000 (based on traffic count data for cars, following the introduction of the bus licensing system). Without any supporting infrastructure, this level of visitation would lead to the site's degradation, as occurred when it first became popular in the 1960s.

The following actions have therefore been designed to keep the reserve similar to its current state, in terms of infrastructure, while ensuring onsite infrastructure fits its purpose and meets safety requirements. Management actions also support infrastructure maintenance and replacement sensitive to the coastal environment by using appropriate design, materials and colours. In this way, these actions protect the reserve's natural, cultural, surfing and other values.

The 2018 and 2019 consultation asked reserve users their views on a range of infrastructure issues. These included toilet facilities, types of materials used for pathways and built structures, replacing a section of concrete path with an elevated pathway, resurfacing a steep, unstable gravel section in the lower car park, stormwater improvements and safety enhancements at the base of the Winkipop stairs.

Most infrastructure issues attracted consistent survey responses and the draft plan was updated to reflect this feedback. No changes were made where issues attracted little or no comment or support. Two issues presented inconsistencies between the feedback received in 2018 and in 2019: a proposed elevated pathway leading to the Winkipop surfbreak and a proposed gravel pathway

resurfacing in the Bells car park.

While the 2018 survey indicated broad community support for both, the 2019 survey raised concerns, particularly in relation to the proposed elevated pathway. There were concerns that this could negatively impact the reserve (by increasing tourist numbers) and benefit only competitive surfing events (eg Rip Curl Pro). It is also seen as having higher visibility from the water than existing infrastructure (ie concrete path and adjoining fencing).

The concerns raised about the elevated walkway have been considered alongside other factors, including that the current path is in poor condition and requires upgrading and that temporary elevated infrastructure used for the Rip Curl Pro is disruptive to local surfers during the construction and removal process.

Further, the proposed design will minimise visibility from the water, feature materials that are consistent with the existing lookout and stairs, promote habitat connectivity for local wildlife and provide safe access through this section of the reserve for locals and visitors alike.

Similarly, the steep gravel pathway in the lower Bells car park is a slip hazard for users and a source of sediment to litter baskets, which impacts their performance. Resurfacing the pathway with more stable, non-gravel materials will promote safety and environmental benefits.

Both projects have received funding through the Victorian Government's Coastal Public Access and Risk program, which will cover much of the costs associated with their design and construction.

Table 16 Infrastructure management actions

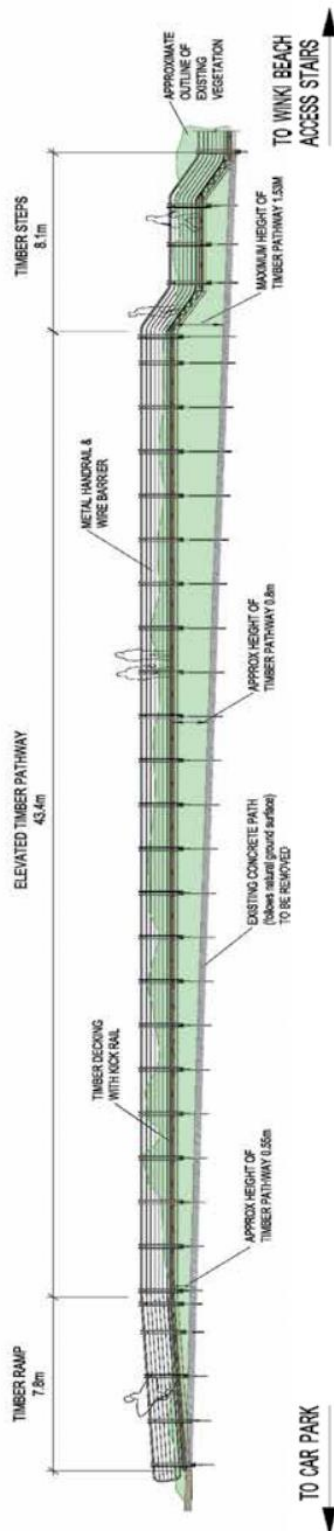
PROJECTED TIMEFRAME

Management action	2019-20	2020-21	2021-22	2022-23	2023-24
GENERAL INFRASTRUCTURE MAINTENANCE					
Reserve maintenance to comprise: Council infrastructure officers and nature reserve crew, tools, vehicles and other equipment, stormwater, sewer, water supply (other than toilet cleaning – see section below). Actions include weed management, native vegetation management, pathway and fence maintenance, repair and/or replacement of minor infrastructure as required.					
Implement maintenance of beach access stairs, lookouts and other structures in line with the recommendations of the 2018 structural assessment.					

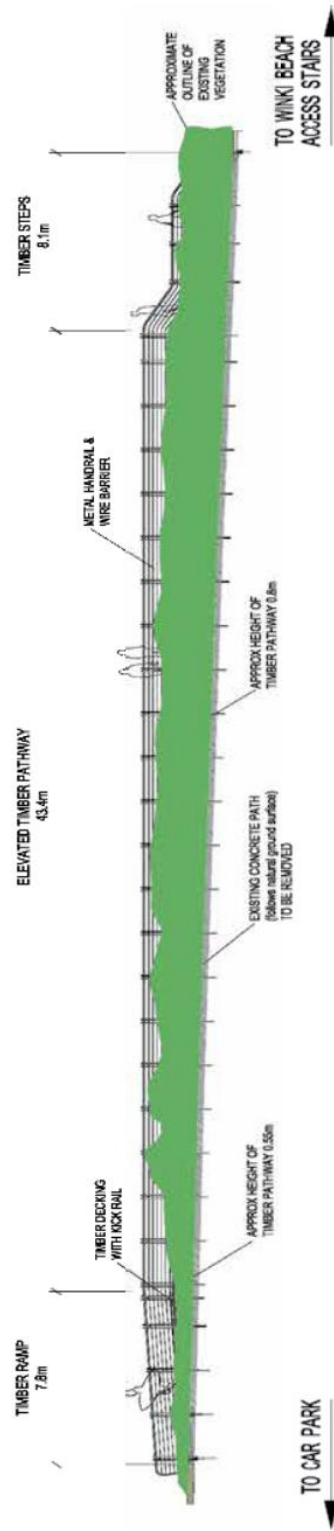
Management action	2019-20	2020-21	2021-22	2022-23	2023-24
GENERAL SIGNS (OTHER THAN TRAFFIC)					
Minimise signage throughout the reserve but ensure there is sufficient advisory and regulatory information to support public safety and enforcement of appropriate behaviours.					
Acknowledge Wadawurrung People's heritage on signs when opportunities arise, in collaboration with Wadawurrung Traditional Owners.					
Conduct an audit of existing signage with Wadawurrung Traditional Owners to determine which signs require an upgrade in terms of Wadawurrung People's heritage and provide for appropriate Wadawurrung story telling following review of the future of the mural on the toilet block.					
FENCING AND PARK FURNITURE PROJECTS					
Remove obsolete infrastructure.					
Replace ageing or damaged infrastructure as required.					
Use materials consistent with the natural appearance of Bells Beach, with priority given to the sustainability of the materials and avoiding undesirable impacts such as the spread of micro plastics.					
Fence the western side of the back-track beach access to properly define the track boundary and restrict public access.					
Install additional bins in Winkipop and Bells Beach car parks.					
MEMORIAL PLAQUES					
Publicise the 'no memorial plaques' policy.					
Remove all new memorial plaques as they appear in the reserve and attempt to return them to family members.					
VIEWING AREAS					
Maintain views from existing viewing platforms to encourage visitors to stay out of fenced areas. This may involve minor vegetation trimming.					
PATHWAY PROJECTS					
Upgrade the cracked concrete pathways to the Button and Winkipop lookouts with concrete aggregate for the path to the Button lookout and a section of elevated timber pathway leading to the Winkipop lookout and beach access stairs, broadly in keeping with the design shown in Figures 3, 4 and 5.					
Reduce the width of the pathway envelopes to the Button and Winkipop lookouts by removing old fencing and replacing with new post and wire fencing closer to the pathway edge (except the section of elevated walkway where no fencing is required).					

A wide wooden staircase with metal railings leads down a grassy hillside towards the ocean. Two people carrying surfboards are walking down the stairs. The sky is cloudy.

Design diagrams showing the proposed replacement section of elevated timber pathway, as seen from the ocean side. The top diagram shows the proposed pathway in its entirety and the relative height of the vegetation on the ocean side of the path, and the second diagram shows how the vegetation on the ocean side of the path will screen the pathway when viewed from the ocean side.



PROFILE VIEW OF ELEVATED TIMBER PATHWAY, REPLACING EXISTING CONCRETE PATHWAY TO WINKI LOOKOUT
(VIEWED FROM OCEANSIDE)



PROFILE VIEW OF ELEVATED TIMBER PATHWAY, REPLACING EXISTING CONCRETE PATHWAY TO WINKI LOOKOUT
(VIEWED FROM OCEANSIDE)

PATHWAY PROJECTS CONTINUED					
Revegetate the gravel areas where the pathway envelope has been reduced in width.					
Replace sloping gravel sections in the lower Hammerhead car park with more stable materials.					
Incorporate picnic tables into the changed treatment of sloping areas in the lower Hammerhead car park and ensure they can easily be taken out and replaced during the Rip Curl Pro staging.					
Maintain pathways to ensure they provide safe public access.					
TOILETS AND SHOWERS					
Work with Wadawurrung Traditional Owners and a specialist heritage advisor on amending the heritage listing for the Bells Beach Surfing Recreation Reserve to better recognise and acknowledge Bells Beach as Wadawurrung Country while removing specific mention in the listing of the mural on the external wall of the toilet block.					
Maintain the existing toilet facilities.					
Clean toilet block daily.					
STORMWATER, KERB AND CHANNEL, AND CAR PARKS					
Continue to implement stormwater improvements, including the installation of new stormwater treatment pits.					
Maintain and renew, as required, existing kerb and channel assets within the main car parks to ensure effective stormwater management.					











9.6 TRAFFIC MANAGEMENT

The following actions aim to address a range of traffic management issues, including parking availability and restrictions, and enforcement of licensing requirements for commercial passenger vehicles. They should be read in conjunction with the Bells Beach Surfing Recreation Reserve Traffic Management Plan 2018.

Other outcomes include compliance with the Road Safety Act 1986 and minimising signage while meeting safety and enforcement requirements.

Table 17 Traffic management actions

PROJECTED TIMEFRAME











Management action	2019-20	2020-21	2021-22	2022-23	2023-24
Use the Road Safety Act 1986 to enforce parking permit and licence requirements.					
Continue to use Public Land and Tour Operator licences (8 maximum and limited to no larger than 22-seater buses) to manage commercial vehicles in the reserve. An expression of interest process will be used to manage the licence process and the licence term will generally be three years.					

9.7 ONSITE ENFORCEMENT AND BEHAVIOUR

Not all users respect the site's significance, with a small number behaving in a manner impacting on the reserve's values and others' experiences. The following actions relate to providing a regular staff presence onsite to minimise such impacts.

Table 18 Onsite enforcement and behaviour actions

PROJECTED TIMEFRAME

Management action	2019-20	2020-21	2021-22	2022-23	2023-24
Ensure Council's local laws staff undertake regular patrols to enforce regulations relating to bus licensing and parking, off-lead dogs, litter and sleeping in vehicles.					
Communicate reserve regulations to all users to assist with compliance.					

10 Monitoring, evaluation and reporting

This coastal and marine management plan gives strategic management direction until at least 2025 and provides detailed management actions for the next five years, pending establishment of the new Great Ocean Road Coast and Parks Authority.

Guided by this plan, on an annual basis Council will:

- a) Review management action commitments and evaluate progress towards implementation.
- b) List outstanding items and barriers to timely implementation.
- c) Compile data on key indicators of reserve condition (eg geotechnical assessments, flora and fauna status).
- d) Provide regular update reports to Council and the Bells Beach Committee.

As part of Council's commitment to accountability and transparency, Council provides the Bells Beach Committee with the results of a formal review undertaken annually. If progress towards implementation is falling behind schedule, actions to address this are developed in consultation with the committee.



11 References

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12 Appendices

12.1 ACTS AND REGULATIONS

There are numerous State and Commonwealth Acts that control or influence how the reserve is managed. The following describes the most relevant documents.

Crown Land (Reserves) Act 1978

The *Crown Land (Reserves) Act 1978* enables the reservation of Crown land, the creation of management regulations and the setting of licensing provisions. It is under this Act that Council has been appointed the Committee of Management for the reserve.

Crown land within the reserve is permanently reserved for public purposes and protection of the coastline under this Act. In Victoria, an Act of Parliament is required to revoke the reservation of permanently reserved Crown land. This means that there is a high level of protection for the site and any proposed change would be subject to parliamentary and public scrutiny.

While it is not currently possible to reserve Crown land in Victoria for surfing purposes, in 1971 the land was assigned the name 'Bells Beach Surfing Recreation Reserve' under the *Survey Co-ordination Act 1958* (today Victorian place names are assigned under the *Geographic Place Names Act 1998*). This name recognises the importance of the reserve for surfing.

Regulations for the care, protection and management of the reserve were updated in 1993. They are a consistent set of regulations for all coastal Crown land reserves between Portarlington and Aireys Inlet, and outline approved activities, permit requirements and offences. These regulations are made under the *Crown Land (Reserves) Act 1978*.

Marine and Coastal Act 2018

The *Marine and Coastal Act 2018* replaces the *Coastal Management Act 1995*. This act aims to establish a coordinated approach to the protection and management of Victoria's marine and coastal environment, improve coastal and marine planning decisions, and set out principles for ecologically sustainable development. Consents for the use and development of coastal Crown land are managed by this act.

Victorian Coastal Strategy (2014)

The vision for coastal management in Victoria is 'A healthy coast, appreciated by all, now and in the future'.

The *Victorian Coastal Strategy* is a strategic planning document that sets out a hierarchy of principles to achieve the stated vision as shown below.

Victoria's Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018

This act and regulations provide for the protection of indigenous heritage within the reserve. The Act and Regulations enable the appointment of a Registered Aboriginal Party (Wathaurung Aboriginal Corporation – trading as Wadawurrung – in the case of Bells Beach), outline cultural heritage management plan requirements and detail the approval processes for works or uses that potentially impact upon indigenous heritage values.

The Cultural Heritage Management Plan (CHMP) for the reserve was prepared in 2011 under the provisions of the Act. Site-specific cultural heritage management plans are required for locations that have not been covered in detail in this plan. The approved CHMP provides guidance for reserve management decisions. Council discusses works beyond maintenance with Wadawurrung Traditional Owner representatives and then follows the Regulations to prepare site-specific cultural heritage management plans as required.

Heritage Act 1995

In regard to surfing values, the reserve is included on the Victorian Heritage Register (VHR H203), established under the *Heritage Act 1995*. Inclusion on the VHR reflects the iconic status Bells Beach has for Australian surfing culture, its location as the world's longest continuous running surf competition and its impacts on surfboard and wetsuit technology in Australia. The register specifically includes the wave sculpture, the toilet block mural and the three 'Spirit of Surfing' sandstone markers.

At a national level, the reserve was a 'Listed Place' on the Register of the National Estate (place identification 103928). The listing recognised "...the special place of surfing and Bells Beach in Victorian social history". However, this register is no longer a maintained statutory list. Protection provided by the listing was restricted to the control or guidance of potential adverse actions undertaken by Commonwealth agencies. It is now considered more appropriate for the protection of sites of state and local significance to be protected by state and local government.

Source: Victorian Coastal Strategy (2014)

Hierarchy of Principles

Managing the coast now and in the future requires responses to the many ongoing pressures we face.

To assist with this, previous strategies have introduced a Hierarchy of Principles.

This strategy continues a Hierarchy of Principles and recognises that the foundation of coastal planning and management is a healthy coastal and marine environment.

The Hierarchy of Principles gives effect to the directions in the *Coastal Management Act 1995* and is included in the State Planning Policy Framework and in planning schemes across Victoria. Planning and decision-making on the coast needs to be guided by and consistent with the Hierarchy of Principles.

The policies and actions in the strategy have been grouped into three sections that align with the Hierarchy of Principles:

VALUE & PROTECT	<p>1. Ensure the protection of significant environmental and cultural values</p> <p>The starting point is recognising and protecting what we value on the coast, based on identification and sound understanding of coastal and marine features and processes, vulnerabilities and risks.</p>
PLAN & ACT	<p>2. Undertake integrated planning and provide clear direction for the future</p> <p>This highlights the importance of having integrated policies, plans and strategies that respond to the major issues affecting coastal and marine environments, provide clear direction for protection, management and sustainable development, and involve coastal stakeholders and the broader community.</p>
USE & ENJOY	<p>3. Ensure the sustainable use of natural coast resources</p> <p>This emphasises that natural coastal resources are a limited and valuable public resource, and if developed or used, this should be done wisely and deliver proven new community and public benefits for current and future generations.</p> <p>Only when the above principles have been considered and addressed:</p> <p>4. Ensure development on the coast is located within existing, modified and resilient environments where the demand for development is evident and any impacts can be managed sustainably</p> <p>This aims to ensure that development on and adjacent to the coast is of high quality design, sensitively sited, suitable and sustainable over the longer term. Development on coastal Crown land must have a demonstrated need to be located on the coast and a demonstrated public benefit.</p>

12.1.1 OTHER RELEVANT VICTORIAN ACTS

Protection of natural values is provided for under a variety of Victorian legislation such as the *Flora and Fauna Guarantee Act 1988*, the *Planning and Environment Act 1987* (which includes native vegetation clearance requirements), the *Wildlife Act 1975* and the *Catchment and Land Protection Act 1994* (which sets out pest plant and animal obligations). Offshore waters that are included in the Point Addis Marine National Park are protected under the *National Parks Act 1975*.



**5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25
(Updated 2019)**

**APPENDIX 2 BACKGROUND TO PROPOSED CHANGES FOR LOWER CAR PARK PATHWAY
AND GRAVEL AREA AND CONCRETE PATH LEADING TO WINKIPOP LOOKOUT**

Appendix 2 Background to proposed changes to steeply sloping gravel area near the Hammerhead car park and concrete path leading to the Winkipop lookout and beach access stairs.

a) Steeply sloping gravel area near the Hammerhead car park

Location of the steeply sloping gravel area proposed to be changed to a more stable surface



Erosion of this area following rain

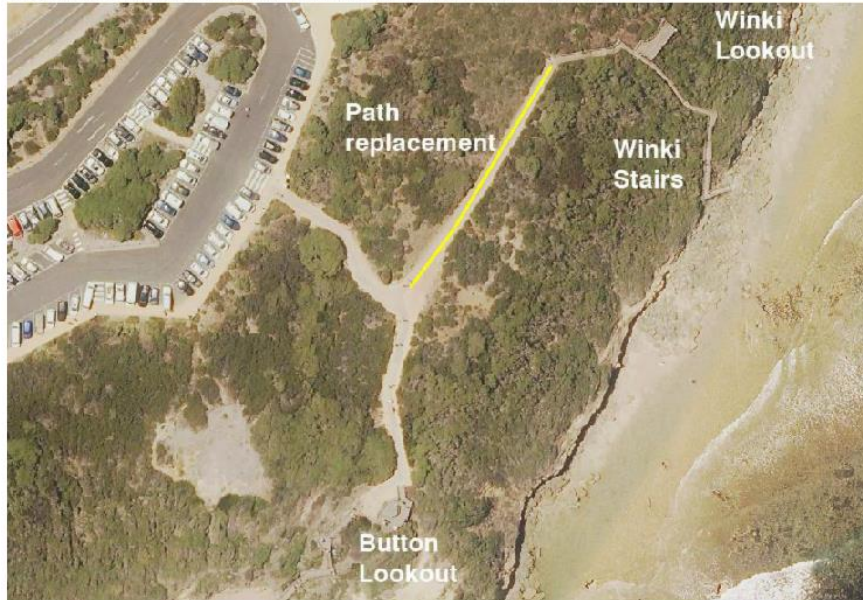


Uneven surface with eroded material flowing downhill to stormwater pits in Hammerhead car park



b) Section of concrete pathway proposed to be removed and replaced with an elevated timber pathway

Overview of the pathways and lookouts leading from the Winki car park



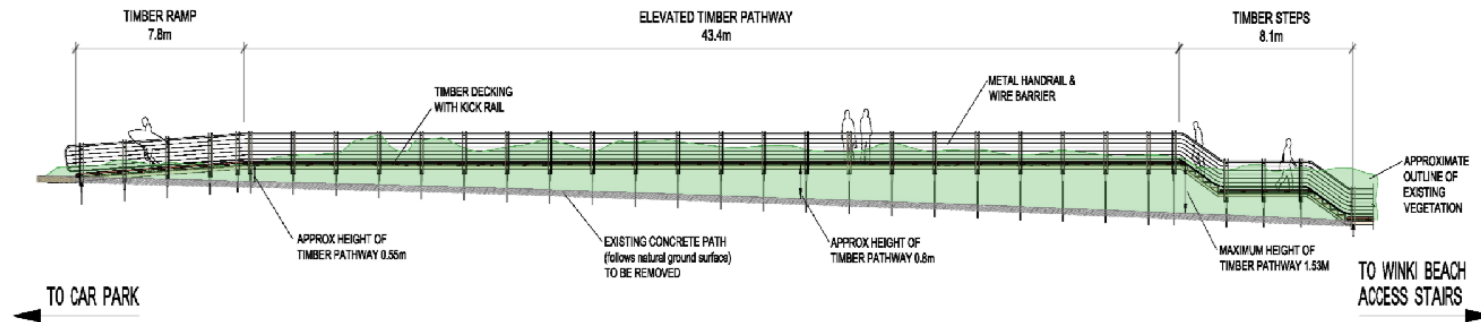
Elevated timber and metal beach access stairs to the Winkipop surf breaks were installed more than 10 years ago. The proposed new section of elevated pathway would be continuous with the existing elevated beach access stairs but incorporate a modified design based on engineering advice recommending against continued use of vertical metal poles for the balustrade (these result in accelerated weathering of the timber where rain collects in the supporting grooves) and metal screw pile supports instead of timber posts for the substructure (the screw piles minimise ground disturbance). The proposed angled balustrade is also a design recommendation which would allow people carrying surfboards to pass each other without widening the decking and the change to a metal handrail was recommended to minimise visibility – the current thick timber handrails of the existing beach access stairs and lookouts are clearly visible from the water.

An extended permanent section of elevated pathway will:

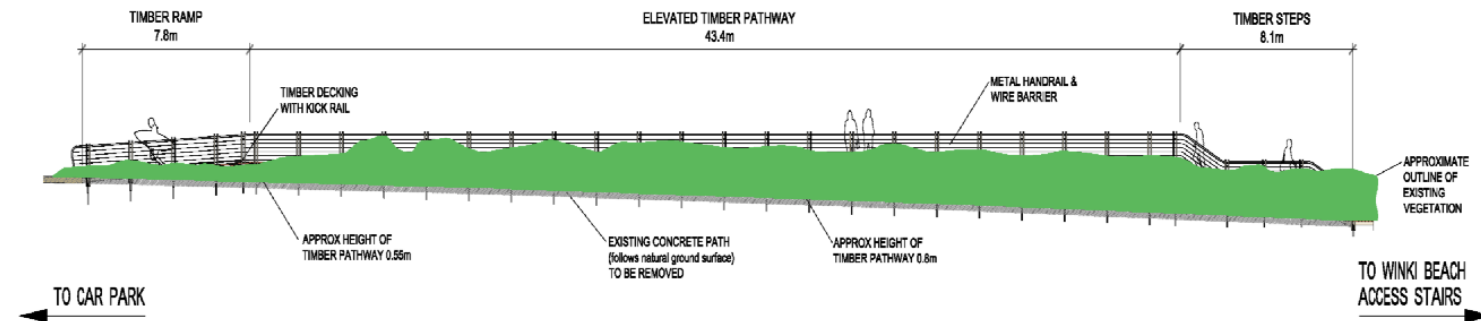
- Be restricted to the existing pathway footprint.
- Be consistent with the connecting Winkipop lookout and beach access stairs which have been elevated timber and metal structures for more than 10 years
- Replace the existing worn concrete path and reduce hard surface.
- Enable the concrete path leading from the car park to be upgraded as construction vehicle access will no longer be required down this path to erect a temporary elevated pathway for the Rip Curl Pro.
- Improve wildlife habitat connectivity.
- Be significantly lower than the temporary structure erected each year and avoid native vegetation trimming to maintain views of the surf breaks from the pathway.

- Not lead to any significant changes to views as the design and materials have been chosen to minimise visibility and be consistent with other elevated pathways within the reserve.
- Reduce disruption to surfers and other visitors as construction and dismantling of the temporary pathway each year takes two days.
- Assist with further reducing the staging time of the Rip Curl Pro (known as the bump in/bump out – currently 45 days, down from 47 days under the previous licence).

Design diagrams showing the proposed replacement section of elevated timber pathway, as seen from the ocean side. The top diagram shows the proposed pathway in its entirety and the relative height of the vegetation on the ocean side of the path, and the second diagram shows how the vegetation on the ocean side of the path will screen the pathway when viewed from the ocean side.



PROFILE VIEW OF ELEVATED TIMBER PATHWAY, REPLACING EXISTING CONCRETE PATHWAY TO WINKI LOOKOUT
(VIEWED FROM OCEANSIDE)



PROFILE VIEW OF ELEVATED TIMBER PATHWAY, REPLACING EXISTING CONCRETE PATHWAY TO WINKI LOOKOUT
(VIEWED FROM OCEANSIDE)

View of the temporary elevated pathway erected for the 2019 Rip Curl Pro

Photo from the Uppers surf break at Winkipop – shows the existing elevated Winki beach access stairs on the right hand side with wooden handrails and in the centre the temporary pathway with metal handrail. Note that this temporary structure was more than 80 cm higher at its highest point than the planned new section of pathway. At the lower height the decking will no longer be visible from the water and much of the handrail will fall below the line of vegetation on the inland side of the pathway.



Substructure of temporary pathway installed for the Rip Curl Pro. A small but wide wheel base crane vehicle drives down the concrete pathway leading from the car park to safely bring in and remove these construction materials each year. Note that this temporary structure is more than 80cm higher than the proposed timber pathway. This need for ongoing vehicle access is impacting upgrade of the concrete path from the Winki car park to the Button lookout.



Existing pathway, looking upslope to the south west



Junction of the pathway to be replaced with the concrete pathway leading to the car park, looking north west towards the car park



Standing on the Winki lookout looking towards the Winki beach access stairs to where they will join with the replacement timber pathway



The elevated timber and metal Winki beach access stairs were installed more than 10 years ago



**5.4 Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25
(Updated 2019)**

**APPENDIX 3 FINAL SUMMARY - UPDATE TO BELLS BEACH COASTAL & MARINE
MANAGEMENT PLAN 2015-25 (UPDATED 2019)**

Summary



UPDATE TO BELLS BEACH SURFING RECREATION RESERVE COASTAL AND MARINE MANAGEMENT PLAN 2015-2025

We invited the community to have their say on a minor update to the Bells Beach Surfing Recreation Reserve Coastal and Marine Management Plan 2015 – 2025. State legislation requires Council to update the plan every five years.

We made it clear that no significant changes have been made to the vision, guiding principles, core values or management goals for the plan. Respect and protect remain the core focus.

Council undertook significant consultation as part of updating the plan. The engagement comprised two phases. The first conducted in 2018, the second in 2019. Engagement methods included on site and on line surveys, with a focus on seeking the views of diverse user groups.

In total, Council received more than 870 submissions on the update to the plan.

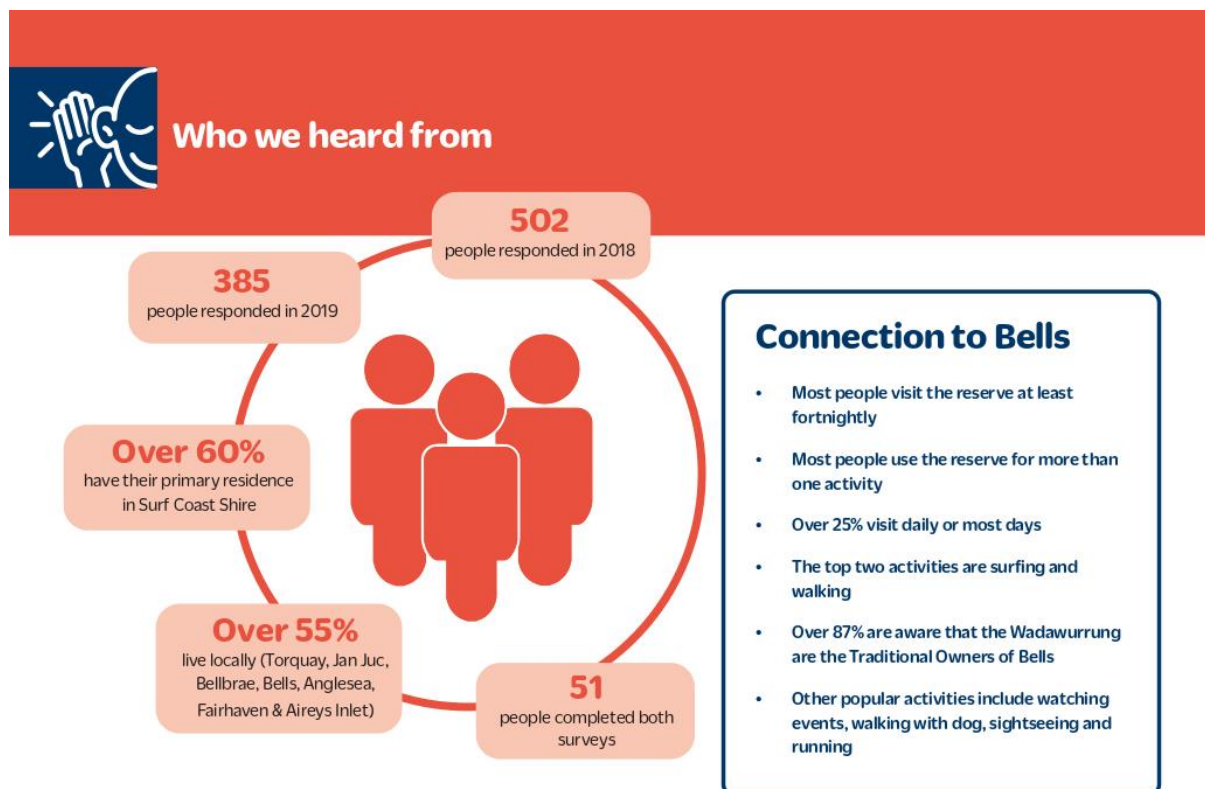
Communications and Engagement

PHASE ONE – JULY & AUGUST 2018



PHASE TWO – AUGUST & SEPTEMBER 2019





Proposed changes



What changes were considered and what was decided?

CHANGE BEING CONSIDERED	2019 PUBLIC EXHIBITION COMMENTS	RESPONSE IN FINAL CMMP & REASONING
Clearer acknowledgement of the Wadawurrung as the Traditional Owners of the reserve and improved sharing of Wadawurrung history/knowledge	<p>Most people were aware the Wadawurrung are the Traditional Owners of the reserve.</p> <p>Strong support for and interest in learning more about the Wadawurrung story at the reserve and Wadawurrung culture more generally.</p>	<ul style="list-style-type: none"> - Include Wadawurrung language within the plan. - Amend the vision, core values and management goals to replace the word 'indigenous' with 'Wadawurrung'. - Work with the Wadawurrung to amend the heritage listing of the toilet block mural and to better incorporate the Wadawurrung story in the reserve. - Support the Wadawurrung to better understand the cultural heritage of the midden site at the reserve. <p><i>Responds to the need to amend the plan to better incorporate Traditional Owner management roles and requirements</i></p>
Installing a section of elevated timber pathway replacing a concrete pathway leading to the Winki lookout	<p>While the 2018 survey indicated broad community support, the 2019 survey raised some concerns about the proposed elevated pathway.</p> <p>There are concerns that the elevated pathway could negatively impact the reserve (by increasing tourist numbers) and benefit only competitive surfing events (eg Rip Curl Pro). It is also seen as having higher visibility from the water than existing infrastructure (ie. concrete path and adjoining fencing).</p> <p>Other respondents thought that the proposal would be better for wildlife which could pass beneath the pathway and that timber was an improvement on concrete.</p>	<p>Proceed with replacing a section of concrete pathway to the Winki lookout with an elevated pathway constructed from timber and steel.</p> <p><i>Responds to the need to balance a variety of management requirements, including that the current path requires upgrading due to poor condition, and that the temporary elevated infrastructure used for the Rip Curl Pro is disruptive to the local environment and regular reserve users during the construction and removal process.</i></p> <p><i>The proposed design will minimise visibility from the water, feature materials that are consistent with the existing lookout and stairs, promote habitat connectivity for local wildlife and provide safe access through this section of the reserve for locals and visitors alike.</i></p> <p><i>The height of the permanent elevated pathway will be significantly lower than the temporary structure erected each year.</i></p>
Replacing the old stormwater pits in the Winki and Hammerhead car parks with more modern pits to improve stormwater management	<p>There was community support for replacing the existing stormwater pits, with the public keen to reduce litter and other pollutants reaching the ocean.</p> <p>People want assurances that the pits will not be visually obtrusive. Other suggestions were also made about further stormwater management improvements.</p>	<p>Stormwater pits in the Winki and Hammerhead car parks will be replaced with new pits that are more effective at capturing litter and other pollutants.</p> <p><i>Responds to the need to reduce the impact of visitors and the car parks on the adjoining marine environment</i></p>

CHANGE BEING CONSIDERED	2019 PUBLIC EXHIBITION COMMENTS	RESPONSE IN FINAL CMMP & REASONING
Changing the steeply sloping gravel pathway and wider gravel picnic area near the Hammerhead car park to a more stable surface	<p>Public feedback on this matter was mixed.</p> <p>More than half of the respondents supported the change or could live with it, while close to one third were opposed to change. Some respondents do not want any surface change or any increase in hard surface.</p> <p>Some respondents want the picnic tables, others want them shifted or worry they will increase tourism and litter.</p>	<ul style="list-style-type: none"> - Replace steeply sloping gravel areas near the Hammerhead car park with a more stable surface (eg exposed concrete aggregate). Engage a designer to design this in a way which minimises the change in appearance and retains the natural feel. - Include removable picnic tables in this area. <p><i>Responds to the need to stop sediments and gravel eroding from these areas and washing into the stormwater system during rain, to reduce the slip hazards and provide safer pedestrian movement through the lower car park area.</i></p>

The results of the 2018 and 2019 consultation are contained in survey and engagement reports, which can be viewed on Council's website at www.surfcoast.vic.gov.au together with artist impressions of the Winkipop elevated walkway.

Next steps

Council will consider the updated Coastal and Marine Management Plan for Bells at the council meeting on 26 November 2019. If Council endorses the plan, it will be submitted to the Department of Environment, Land, Water and Planning for ministerial approval.

5.5 SCS-029 Rabbit Management Policy Review

Author's Title: Coordinator Environment
Department: Environment & Community Safety
Division: Environment & Development

General Manager: Ransce Salan
File No: F12/801
Trim No: IC19/1952

Appendix:

1. SCS-029 Rabbit Management Policy (D19/169895)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to update Council's Rabbit Management Policy.

Summary

Council's Rabbit Management Policy (the Policy) was developed in 2016 in response to a community petition submitted in January 2016 requesting that Council improve its rabbit management. On 23 February 2016, Council resolved to develop a rabbit management policy in collaboration with Landcare groups and the community.

The Policy was developed with expert management advice, various meetings with community groups and state agencies and two independently facilitated rabbit management workshops. Council adopted the Policy on 13 September 2016, to be trialled for 12 months, with implementation of the Policy to be reviewed in consultation with key stakeholders and a report provided to Council. The policy focuses on protecting high value environmental and agricultural land from the damage that rabbits can cause.

The Policy was reviewed in 2017, with a survey of stakeholders showing that the 12 month trial had been successful. On 24 October 2017, Council resolved to note the results of the review, note that no changes were needed to the Policy and receive a report to update the Policy in two years or earlier if warranted by changes in best practice rabbit management.

Feedback on the policy review was sought in May 2019 from Council's key Landcare partners in rabbit management in the Shire – Barrabool Hills Landcare Group, Surf Coast & Inland Plains Network and Surf Coast Rabbit Action Network. Each group was involved in developing the 2016 Policy and Council officers have worked closely with them to implement it over the past three years. All three groups indicated that they were satisfied with how Council was implementing the Policy and they wanted Council to continue with its ongoing rabbit management. The groups acknowledged the significant work that went into developing the Policy and confirmed that there was no appetite or need for a major review of the Policy.

Based on this feedback, the Policy is amended to incorporate minor improvements recommended by the three Landcare groups. The Policy has also been re-ordered and re-formatted consistent with Council's new policy template.

Recommendation

That Council:

1. Notes the process undertaken to review the SCS-029 Rabbit Management Policy and feedback received from the community.
2. Adopts the updated SCS-029 Rabbit Management Policy attached as Appendix 1.

5.5 SCS-029 Rabbit Management Policy Review

Report

Background

Under the Victorian Catchment and Land Protection Act 1994 all land holders, including councils, have a legal duty to prevent the spread of, and as far as possible eradicate, rabbits from the land they own or manage. For Council, this includes a number of recreation and nature reserves and approximately 1,500 km of rural roadsides.

At the 28 January 2016 meeting Council received a petition to improve rabbit control in the Thompson and Freshwater Creek areas. On 23 February 2016, Council resolved to develop a rabbit management policy in collaboration with Landcare groups and the community. The policy was developed with expert rabbit management advice, various meetings with community groups and state agencies and two independently facilitated rabbit management workshops hosted by Council in May and August 2016.

The Rabbit Management Policy SCS-029 (the Policy) was adopted by Council on 13 September 2016 to be trialled for 12 months. Implementation of the Policy was to be reviewed in consultation with key stakeholders and a report provided to Council by October 2017. The review was conducted in 2017 and included a survey sent to approximately 40 stakeholders and completed by 22 people. The survey results were positive and showed that the one year trial of the Policy had been successfully, with 86% satisfied with Council's rabbit management and 86% observing improvement in Council's rabbit management since the Policy was adopted.

At the 24 October 2017 meeting Council noted the results of the review of the Policy and work undertaken to date in response to feedback received from the community, noted that no changes were needed to the Policy and resolved to receive a report reviewing the Policy again in two years or earlier if warranted by changes in best practice rabbit management.

Discussion

Implementation – Rabbit Management

Delivering rabbit management in accordance with the Policy and in partnership with the community and stakeholders has delivered significant results both in terms of on ground results and stakeholder relationships. Key achievements under the Policy include:

- Most hotspot sites now in maintenance mode: Five of the six rabbit hotspots identified in 2016 on Council owned and managed land are now former hotspots, only requiring annual ongoing maintenance.
- Reduction in number of active warrens: The number of active rabbit warrens in 2016 at hotspot sites were between 10 and 50 at the larger recreation reserve sites such as Modewarre, Mt Moriac & Freshwater Creek. After harbour removal and warren destruction works, that number in 2019 had greatly reduced to between zero and 5 at all but Freshwater Creek Recreation Reserve due to cultural heritage restrictions (officers have been working through this with the registered aboriginal party).
- Harbour removal & warren destruction: Targeted, significant surface harbour removal and warren destruction was carried out where possible to remove long-established large warren systems. The harbour works included the removal of aged and failing pine and cypress trees at each of the recreation reserves, pruning up of native vegetation such as Hedge Wattle, and the removal of old rubbish/burn piles. The old warrens were excavated, imploded or hand-collapsed depending on their location and the presence of native vegetation.
- Installation of rabbit proof fencing: installation of approximately 3.5kms of rabbit proof fencing now completed at Mt Moriac and Freshwater Creek Recreation Reserves to address issues with external rabbit incursion into both sites.
- Regulator approved baiting matrix: a baiting risk matrix has been developed by Council officers and approved by Agriculture Victoria for use if required at Mt Moriac Recreation Reserve and Freshwater Creek Recreation Reserve and used as template for two baiting programs conducted at Pettavel Road reserve in 2016 and 2018. Baiting was not required at Mt Moriac and Freshwater Creek Recreation Reserves due to low rabbit numbers.

5.5 SCS-029 Rabbit Management Policy Review

- Stakeholder site assessments not required: reflecting the significant progress achieved at former Council rabbit hotspot sites, stakeholders indicated that site assessments with Council officers and an independent rabbit management expert were not warranted in 2019. These assessments had previously been conducted annually by Council officers with stakeholders and the independent rabbit management expert at all hotspot sites.
- Council partnered with the federal and state governments and participated in the 2017 national release of the new K5 calicivirus at two hotspot sites (Mt Moriac & Freshwater Creek), supporting the introduction of the biological control into the broader environment.

Stakeholder feedback

Council officers approached Barrabool Hills Landcare Group (BHLG), Surf Coast & Inland Plains Network (SCIPN) and Surf Coast Rabbit Action Network (SCRAN) in May 2019 and requested their feedback on the scope of the 2019 review of the Policy. Each of these groups was involved in developing the Policy and Council works closely with them to implement it. All three groups indicated:

- They were satisfied with how Council was implementing the Policy
- They wanted Council to continue with its ongoing rabbit management
- Significant work went into developing the Policy – there was no perceived need to change it
- There was no appetite for a major review of the Policy or another survey to capture feedback.

While not seeking a major review of the Policy, the Landcare groups did suggest the following minor improvements to the Policy:

- Consider how the community and Council could work more closely together with landowners failing to meet their legal obligations to manage rabbits (BHLG & SCRAN)
- Update the Policy to include a list of current and historic hotspot areas and ensure that any new Landcare or community groups interested in rabbit management can nominate sites on Council owned and managed land for consideration as hotspot sites (SCIPN).

Policy Amendments

The following minor amendments have been made to the Policy as a result of the review:

- Landcare group suggested improvements:
 - Council's role and support for private land owner enforcement added
 - List of historic and current hotspots added
 - Ability for new groups to nominate additional hotspot sites added
- History and review of Policy added
- Reference added to current Council Plan 2017 – 2021 requirements
- List of attachments and appendices updated
- Policy re-ordered and re-formatted in new Council policy template

Financial Implications

Council's rabbit management is funded primarily through a recurrent operational pest plant and animal management budget. Since the Policy was adopted, an average of \$90,000 per annum has been spent on rabbit control works across the Shire (not just hotspot sites). Control works have included large scale rabbit harbour removal (such as removal of cypress trees and pine trees at the riding club sites), excavation works, implosion, and rabbit proof fencing at the two recreation reserves used by horse riding clubs.

Council Plan

Theme	3	Balancing Growth
Objective	3.1	Retain and enhance rural land for appropriate and sustainable uses
Strategy	3.1.3	Effectively manage pests, plants and animals on Council land
Theme	3	Balancing Growth
Objective	3.1	Retain and enhance rural land for appropriate and sustainable uses
Strategy	3.1.2	Develop partnerships to better manage interfaces between public and private land

5.5 SCS-029 Rabbit Management Policy Review

Policy/Legal Implications

The European rabbit is declared under the Victorian *Catchment and Land Protection Act 1994* (CaLP Act) as an 'established pest animal', which means it is already established in the wild in Victoria and is unlikely to be eradicated. Under the CaLP Act, all land owners and managers (including Council) have a legal duty to prevent the spread of and as far as possible eradicate, established pest animals. Council also has additional legal responsibilities under the CaLP Act regarding pest plant and animal management on municipal rural roadsides.

Delivery of integrated best practice rabbit management in partnership with the community and land management agencies also supports delivery of Council's Towards Environmental Leadership Program and Council's purpose and organisational direction.

Officer Direct or Indirect Interest

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

Risk Assessment

There are public health and environmental risks associated with using poison baits in public areas and these can be managed to some extent. Risk matrices have been developed for baiting at two Council reserves and Agriculture Victoria approval obtained for this approach if baiting is required. There are also risks to agriculture and the environment, and reputational risks for Council, if rabbits are not adequately controlled on Council owned and managed land.

Social Considerations

Rabbit control requires a coordinated approach between land owners at a landscape level to be effective. To achieve this outcome, Council has worked in partnership with relevant community groups, land holders and land management agencies to develop rabbit management plans for six rabbit 'hotspot' sites in the shire. Council also coordinates an annual mail-out to land owners on behalf of three Landcare groups (BHLG, SCIPN and SCRAN) providing information about community baiting programs and Council's rabbit management works.

Community Engagement

The Policy was developed with input from various meetings with community groups and state agencies, expert advice and two independent facilitated rabbit management workshops. The scope of the 2017 and 2019 reviews of the Policy were determined in consultation with key stakeholders. For the 2019 review, engagement was targeted to Council's key community partners in rabbit management, Landcare groups BHLG, SCIPN and SCRAN.

Environmental Implications

Rabbits cause significant damage to the natural environment as well as to agricultural production. Rabbits, along with foxes and cats at large, are considered to be Australia's most serious vertebrate pests and severely impact native flora and fauna, vegetation communities, landforms, geomorphic processes and sensitive sites, as well as primary industries. Rabbit control by baiting can cause both direct and indirect harm to native animals, so any use of baiting needs to be managed carefully.

Communication

Council's decision on the review of the Policy will be communicated by email to the Landcare groups that provided feedback, community stakeholders and land management agencies working with Council on delivery of rabbit management plans and Agriculture Victoria.

5.5 SCS-029 Rabbit Management Policy Review

Options

Option 1 – Cancel or withdraw the Rabbit Management Policy SCS-029

This option is not recommended by officers as based on the feedback received to date the majority of stakeholders are satisfied with Council's current rabbit management and have observed improvement in Council's rabbit management since the Policy was adopted. Landcare stakeholders have also emphasised that they want Council to continue ongoing rabbit management in accordance with the Policy.

Option 2 – Significantly amend the Rabbit Management Policy SCS-029

This option is not recommended by officers as stakeholder feedback doesn't warrant significant changes to the Policy.

Option 3 – Confirm and adopt the updated Rabbit Management Policy SCS-029

This option is recommended by officers as implementation of the Policy has been successful and the Policy is supported by stakeholders. Improvements have been made to the Policy based on stakeholder feedback and stakeholders have requested that Council continue ongoing rabbit management at current and former rabbit hotspot sites in accordance with the Policy.

Conclusion

Council's Rabbit Management Policy has guided significantly improved rabbit management outcomes on Council owned and managed land. Stakeholder feedback on the Policy in 2017 and 2019 confirms that implementation of the Policy has been successful. Landcare representatives have advised that they are satisfied with how Council has been implementing the Policy, they want Council to continue with its ongoing rabbit management and that there is no appetite or need for a major review of the Policy. Based on this feedback, the 2019 review of the Policy is a minor update only. This update incorporates minor improvements recommended by the three Landcare groups and the Policy has been re-ordered and re-formatted consistent with Council's new policy template.

5.5 SCS-029 Rabbit Management Policy Review

APPENDIX 1 SCS-029 RABBIT MANAGEMENT POLICY



We exist to help our community and environment to thrive

COUNCIL POLICY

SCS-029 Rabbit Management Policy

TRIM Reference: D19/158798 Due for Review: 26 November 2023
Responsible Officer: Manager Environment and Community Safety

Purpose

To outline Council's commitment and approach to best practice rabbit management in Surf Coast Shire, in partnership with the community and land management agencies.

Policy Principles

The following principles, which have been developed with input from two community rabbit management workshops hosted by Council in 2016 with representatives from local Landcare and community groups, relevant state government departments and the Corangamite Catchment Management Authority, are adopted by Council in the management of rabbits in Surf Coast Shire:

- Community led – recognise the inherent strength of the community. The primary role of local government is to assist people to achieve their goals, while recognising this must not be at the expense of the broader community. Sometimes this involves Council leading, other times standing alongside or removing unnecessary barriers.
- Long-term commitment and continuous improvement – successful rabbit management requires an ongoing commitment and regular monitoring and evaluation of program effectiveness.
- Strategic partnerships – coordination of control works with the community, community groups, land management agencies and land holders is essential to effective 'no boundaries' rabbit management.
- Best practice management with a focus on harm minimisation – use a variety of recognised techniques, in a coordinated manner, implemented at the landscape scale which reflect humane treatment & limit impact on non-target species.
- Efficient, effective, results oriented asset protection – target efforts where the best results can be achieved and defended to protect key environmental, economic and social assets.

Rationale

Council committed in the Council Plan 2013 – 2017 to improve pest plant and animal management as a priority and allocated significant additional budget to support this commitment. Council reaffirmed this commitment in the current Council Plan 2017 – 2021 with a desired outcome that rural land use is productive and sustainable and in keeping with environmental values of the shire, and a related strategy to effectively manage pest plants and animals on Council land. Council is responding to environmental opportunities with its Towards Environmental Leadership program, which focuses on sustainability themes including land use and wildlife.

Rabbits cause considerable damage to the natural environment and agriculture by competing with livestock for pasture, grazing of crops and native vegetation and causing soil erosion. Rabbits are well adapted to climatic conditions in much of Australia and occur in all states and territories. Rabbits, along with foxes and cats at large, are considered to be Australia's most serious vertebrate pests and severely affect native flora and fauna, vegetation communities, landforms, geomorphic processes and sensitive sites, as well as primary industries. This situation continues despite the availability and application of chemical and physical control methods, and the release of the biological control agents myxomatosis and rabbit haemorrhagic disease. Competition and land degradation by feral rabbits are listed as a key threatening process under the federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and pose a threat to a large number of native species.



We exist to help our community and environment to thrive

COUNCIL POLICY

The European rabbit is declared under the Victorian *Catchment and Land Protection Act 1994* (CaLP Act) as an 'established pest animal', which means that it is already established in the wild in Victoria and is unlikely to be eradicated. Under the CaLP Act, all land owners (including council) have a legal duty to prevent the spread of, and as far as possible eradicate, established pest animals. Coordination of rabbit management activities across the landscape between the community and other land managers is absolutely critical for effective, long term rabbit control. Council also has additional legal responsibilities under the CaLP Act regarding pest plant and animal management on municipal rural roadsides.

From time to time, the release of a new biological control measure (like the K5 strain of the calici virus) provides the opportunity to increase land holder and land manager return on investment in rabbit management, especially through a coordinated, best practice approach.

This policy was developed directly from the results of two rabbit management workshops hosted by Council (24 May and 1 August 2016) with representatives from local Landcare groups, community groups, the Department of Economic Development, Jobs, Transport and Resources and the Corangamite Catchment Management Authority. The policy also reflects legal advice received by Council regarding the use of poison baits on Council owned and managed land.

The policy was adopted by Council on 13 September 2016, trialled for 12 months, reviewed and approved by Council on 24 October 2017 with no changes. The policy was reviewed again in October 2019, with minor improvements made at the recommendation of community stakeholders.

Scope

This policy applies to:

- a) rabbit management works undertaken by Council or at Council's direction on Council owned and managed land, including rural roadsides, recreation reserves and nature reserves; and
- b) how Council interacts with the community to achieve best practice rabbit management across the Surf Coast Shire.

This policy applies to Council, its employees and all contracted service providers.

Council Purpose and Direction

This Policy is consistent with Council's purpose to 'help our community and environment to thrive' and helps deliver on one of Council's organisational directions 'to be an innovative and flexible leader and a constructive partner'. Strategic partnerships with the community, community groups, land management agencies and land holders are integral to the successful delivery of this Policy.

Policy

Council's policy is to:

- meet its legal obligations regarding rabbit management;
- use best practice rabbit management on Council owned and managed land;
- help our community to achieve best practice rabbit management on land that is not Council owned or managed; and
- develop and maintain partnerships with the community and land management agencies.

Council also supports the development of a community led rabbit management plan for the Shire which reflects the following community vision and community aspirational goal, developed at two rabbit management workshops hosted by Council with representatives from local Landcare and community groups, relevant state government departments and the Corangamite Catchment Management Authority:



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- Community Vision
The Surf Coast Shire community leads the way in integrated best practice rabbit management.
- Community Aspirational Goal
To reduce rabbits to less than one active burrow per hectare at a timeline that can be defended by the land manager.

1. Management Approach

The most efficient and effective way to control pest animals, including rabbits, is by using a variety of techniques, in a coordinated fashion in partnership with the community and land management agencies, and implemented at the landscape scale. To the extent possible, Council will deliver its rabbit management activities in accordance with all the guiding principles listed above.

To achieve the most effective results, Council will, subject to site specific constraints, a site risk assessment and the baiting requirements noted below, deliver its rabbit management with reference to Agriculture Victoria's recommended approach:

- Allow biological control and natural mortality to reduce the rabbit population;
- Bait to reduce numbers prior to ripping;
- Remove surface harbour (above ground shelter) and destroy warrens;
- Follow up with fumigation and further warren destruction; and
- Be persistent, remain vigilant and monitor regularly.

1.1. Control Techniques

Baiting

There are two approved poisons for baiting rabbits – Pindone and 1080. If conducting baiting on Council owned or managed land, Council will generally use Pindone because an antidote, Vitamin K, is available. The poison 1080 will generally not be used on Council owned or managed land that is open to the public, as no antidote is available.

Baiting will only be used on Council owned and managed land in accordance with verbatim legal advice received by Council from Russell Kennedy lawyers in April 2016, namely:

- Council is legally able to use poison baits for the control and eradication of pest animals on land owned and/or managed by Council, where it is considered to be an appropriate pest control measure in the circumstances;
- A uniform approach of widespread poison baiting across the municipality should not be adopted. Any baiting undertaken should be location specific and conducted only after a risk assessment for the location has been undertaken by a qualified expert or contractor to determine whether or not poison baiting is suitable at the particular location;
- Any use of poison baits must be in accordance with the product label, any standard operating procedures and in accordance with best practice methods;
- All reasonable precautions to prevent the bait being ingested by non-target species must be taken; and
- Baiting should always be undertaken by a suitably qualified and experienced pest control operator.

Above-Ground/Surface Harbour Removal

Removal of above-ground harbour destroys surface shelter for rabbits, facilitates and increases the effectiveness of warren removal and deters recolonization of warrens. Harbour used by rabbits may, however, also be important habitat for native wildlife and/or significant native vegetation.

In assessing harbour removal, Council will consider the benefits for rabbit management against the risk to native wildlife and vegetation, especially in conservation areas. Where removal, destruction or lopping of native vegetation is required for harbour removal, Council will consult with relevant adjoining land holders and remove the vegetation in accordance with the exemption for pest animal burrows under the Surf Coast Shire

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planning scheme. This approach minimises the amount of native vegetation removed and avoids the need for a planning permit, the development of a native vegetation offset management plan and purchase of offsets by Council. Where appropriate, Council may, in consultation with the Department of Environment, Land, Water & Planning, apply for a planning permit to remove native vegetation beyond the scope of the exemption for pest animal burrows.

Warren Removal

Warren removal is integral to successful rabbit management and is achieved by ripping or use of explosives (implosion).

Council will conduct warren removal using equipment appropriate to the local conditions. Implosion or excavation may be used to destroy warrens in areas that are inaccessible to ripping or where ripping is undesirable due to risk of soil erosion, cultural heritage issues and/or sensitive native vegetation.

Fumigation

Fumigation is best used as a follow up technique to poisoning and warren ripping, but may also be effective where ripping cannot be done, in situations where poisons cannot be used and when treating small areas or isolated rabbit populations.

Council will use fumigation on sites where the site risk assessment indicates baiting is inappropriate, the site constraints preclude ripping or implosion, the rabbit population is isolated or low in number and/or the site is small in area. Fumigation will only be undertaken on Council owned and managed land by suitably qualified and experienced pest control operators.

Other Management Options

In addition to the rabbit management options of biological control, Pindone baiting, warren and surface harbour removal and fumigation, Council may also consider, where appropriate, the following management control options on Council owned or managed land:

- Exclusion fencing
- Shooting
- Ferreting

Private Land Owner Enforcement

Council does not have any regulatory powers to enforce or pressure land owners to fulfil their obligations under the CaLP Act regarding rabbit management. Council will however, where appropriate, continue to:

- support local Landcare outreach to land owners through mailouts and promotion of community baiting programs and field days to demonstrate integrated rabbit management; and
- contact Agriculture Victoria, the agency responsible for regulating pest plant and animal management, and request an advisory letter be sent to recalcitrant land owners regarding their CaLP Act obligations.

2. Rabbit Hotspots

Council will help develop and maintain a prioritised list of rabbit 'hotspots' in the Shire, in partnership with the community, Landcare groups and land management agencies. The list will be developed using agreed criteria. A list of current and former rabbit hotspots is included at Appendix A and B to this policy. Council acknowledges that ongoing rabbit management is still required at former hotspot sites to maintain low rabbit numbers.

Additional hotspot sites may be nominated by community and Landcare groups and land management agencies for consideration and assessment by Council against the agreed hotspot criteria.



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For rabbit hotspots located on Council owned or managed land, hotspots will be assessed according to the agreed criteria and prioritised. A site management plan will be developed for each prioritised site by Council officers in partnership with relevant community groups and land management agencies. Independent expert advice will be obtained where appropriate for the site. Development of site management plans will be staged according to available resources.

The plans will be reviewed annually in partnership with relevant community groups and land management agencies until rabbit numbers reach acceptable levels. Independent assessment of the effectiveness of particular plans may be sought where appropriate.

3. Policy Review

This Policy will be reviewed in four years or earlier if warranted by changes in best practice rabbit management.

4. Records

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

Record	Retention/Disposal Responsibility	Retention Period	Location
Policy	PROS 0701 13.1.1	Permanent	Electronic

Definitions

Baiting	Laying of poisoned oats or carrots
Best practice rabbit management	The use of a variety of recognised techniques, in a coordinated manner, and implemented at the landscape scale which reflect humane treatment and limit impact on non-target species
Fumigation	Introduction of toxic fumes into a warren where it is inhaled by rabbits
Implosion	Targeted use of explosives to destroy/collapse rabbit warrens in areas inaccessible to or inappropriate for ripping
Pindone	An anticoagulant causing fatal haemorrhages. Antidote is Vitamin K1
Rabbit	Refers to feral or wild populations of European rabbits (<i>Orytolagus cuniculus</i>), a declared 'established pest animal' under the <i>Catchment and Land Protection Act 1994</i> .
Rabbit harbour	Shelter above-ground, usually prickly woody species, rock piles or logs
Ripping	Destruction of warrens using machinery
Warren	A collection of burrows
1080	Fast acting poison compound Sodium fluoroacetate

Related Procedure

Nil.

References

- Workshop Report – Surf Coast Shire Council Rabbit Management Policy Workshop 24 May 2016
- Workshop Report – Surf Coast Shire Council Rabbit Management Policy & Hotspots Workshop 1 August 2016
- PestSmart Standard Operating Procedures (www.pestsmart.org.au)
- RAB004: Ground baiting of rabbits with pindone;
- RAB005: Diffusion fumigation of rabbit warrens

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- *RAB006: Rabbit warren destruction by ripping*
- *RAB007: Rabbit warren destruction using explosives*
- *Biology, ecology and management of vertebrate pests in NSW*, NSW Government: Department of Primary Industries 2013
- Threat Abatement Plan for competition and land degradation by rabbits (Department of Environment, Water, Heritage & the Arts 2008)
- Background document for the threat abatement plan for competition and land degradation by rabbits (Department of Environment, Water, Heritage & the Arts 2008)

Surf Coast Shire Council documents

- Surf Coast Shire Council Plan 2013 – 2017
- Surf Coast Shire Planning Scheme
- Pest Plant & Animal Strategy 2019 - 2022 (*under development*)

External Documents

- www.agriculture.vic.gov.au
- Victorian Rabbit Management Collaboration Initiative (2014), Invasive Animals CRC

Appendices

Appendix A: List of current rabbit hotspots

Appendix B: List of former rabbit hotspots (now under ongoing management)

Document History

Version	Document History	Approved by – Date
3	Amended	Council Resolution – 26 November 2019
2	Reviewed – no changes	Council Resolution – 24 October 2017
1		Council Resolution – 13 September 2016



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Appendix A: List of current Rabbit Hotspots

- Moonah Woodlands
- Loutitt Bay South Road/Woodlands Road
- Loutitt Bay North

Appendix B: List of former Rabbit Hotspots (ongoing management still required)

- Mt Moriac recreation reserve
- Modewarre recreation reserve
- Freshwater Creek recreation reserve
- Pettavel Road reserve
- Dickins Road reserve

5.6 SCS-046 Councillor Assistance for Planning Matters

Author's Title: Manager Planning & Development

Department: Planning & Development

Division: Environment & Development

General Manager: Ransce Salan

File No: F18/1811

Trim No: IC19/1742

Appendix:

1. SCS-046 Councillor Assistance for Planning Matters (D19/112770)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to consider Council Policy SCS-046 Councillor Assistance for Planning Matters.

Summary

The Planning and Environment Act 1987 (the Act) defines and differentiates local government as both a Planning Authority (PA) and a Responsible Authority (RA). For the purposes of the Act, Council is both a Planning Authority and a Responsible Authority for the Surf Coast Planning Scheme.

In exercising their respective roles, responsibilities and obligations as a Responsible Authority and as a Planning Authority under the Act, Councillors may have direct involvement in planning processes and interact with participants.

Interactions include but are not limited to:

- Planning Compliance and Enforcement matters
- Statutory Planning processes
- Strategic Planning processes.

Interactions can expose Councillors to a number of risks including risks to Council's planning and legal processes, risks to personal safety and wellbeing and risks to Council's reputation.

The purpose of the policy is:

To assist Councillors respond to the needs of participants in planning processes in a way that is consistent with Council's roles under the Planning and Environment Act 1987.

The policy has been developed around five guiding principles:

1. A customer-focused approach requires the community to have access to, and understanding of, Council's planning processes.
2. All parties benefit from consistent and transparent processes.
3. Councillors and staff understand their roles, responsibilities and obligations when Council is Responsible Authority and a Planning Authority under the Act.
4. Authorised Officers maintain the integrity of legal processes undertaken by Council.
5. Council staff provide important support for Councillors in their interactions with participants in planning processes.

The Councillor Assistance for Planning Matters Policy, when endorsed, will be a supporting policy for Councillors to refer to when interacting with planning process participants.

Recommendation

That Council adopts Policy SCS-046 Councillor Assistance for Planning Matters.

5.6 SCS-046 Councillor Assistance for Planning Matters

Report

Background

The Planning and Environment Act 1987 (the Act) defines and differentiates between a Planning Authority (PA) and a Responsible Authority (RA). For the purposes of the Act, Council is both a Planning Authority and a Responsible Authority for the Surf Coast Planning Scheme. The Council decisions made under their roles are subject to ministerial review or maybe subject to review by Victorian Civil and Administrative Tribunal (VCAT). As such, there is a high level of oversight and accountability on Council when acting in these capacities.

In exercising their respective roles, responsibilities and obligations as a Responsible and Planning Authority under the Act, Councillors are involved in planning processes and consequently may interact with participants. Interactions include but are not limited to planning compliance and enforcement matters; statutory planning processes; and strategic planning processes. This can expose Councillors to a number of risks.

The need for this policy was identified as part of the Planning Customer Service Improvement Program that Council has been implementing over a number of years, previously referred to as a planning protocol, and includes:

- Creation of the role of the Community Liaison Officer specifically to support Councillors and planning participants (established in 2018)
- Development of a planning protocol to give direction to community liaison in planning (this policy).

The policy has now been developed to provide clarity to the Community Liaison Officer role and to support Councillors with community liaison in planning.

Discussion

The Planning and Environment Act 1987 (the Act) defines and differentiates local government as both a Planning Authority (PA) and a Responsible Authority (RA). For the purposes of the Act, Council is both a Planning Authority and a Responsible Authority for the Surf Coast Planning Scheme.

In exercising their respective roles, responsibilities and obligations as a Responsible and Planning Authority under the Act, Council is required to administer and enforce the requirements of the relevant planning scheme. This involves strategic planning processes, statutory planning processes and planning compliance and enforcement matters. In fulfilling their requirements under the Act, Councillors may have direct involvement in planning processes and interact with planning process participants.

If not well-managed, interactions can be problematic, exposing Councillors to a number of risks including personal safety and wellbeing. Actions by Councillors and staff can also lead to compromising planning and legal processes, with financial and reputational impacts if proper and appropriate policies are not adhered to. The policy responds to this challenge by identifying and providing processes aimed at mitigating a number of risks to Council and Councillors.

The policy will assist Councillors to respond to the needs of participants in planning processes in a way that:

- manages risks identified in the policy
- protects the integrity of planning and legal processes
- is consistent with Council's roles under the Act
- allows staff to fulfil their roles as Authorised Officers
- demonstrates consistent and transparent processes
- creates further clarity about the role of the Planning Community Liaison Officer
- encourages Councillors to use the support of the Community Liaison Officer.

The adoption of this policy will assist Councillors to act appropriately with their roles, responsibilities and obligations as defined within legislation, while supporting any interactions with participants in planning processes. It will also support those in the community to more effectively participate in the planning system.

Surf Coast Shire has articulated a desire to be a high performing Council where decision making is seen as transparent and where our customers experience service excellence. Clear and consistent processes and policies are key features of quality customer service performance. To date, a gap in policy has been the

5.6 SCS-046 Councillor Assistance for Planning Matters

provision of clear guidance on how Councillors should manage their interactions with planning process participants. This policy will help address this gap.

Financial Implications

There are no financial obligations.

Council Plan

Theme	5	High Performing Council
Objective	5.2	Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil	
Theme	5	High Performing Council
Objective	5.3	Provide quality customer service that is convenient, efficient, timely and responsive
Strategy	5.3.3	Improve how we manage customer requests and complaints
Theme	1	Community Wellbeing
Objective	1.1	Support people to participate in and contribute to community life
Strategy	Nil	

Policy/Legal Implications

This policy supports Council in its roles, functions and responsibilities under the Local Government Act 1993 and the Planning and Environment Act 1987.

Officer Direct or Indirect Interest

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

Risk Assessment

Risks associated with not endorsing the policy include risk to Council reputation, risks to Council's legal processes and risk of perceived bias of planning processes influencing decision making when involved in strategic planning, statutory planning and planning compliance decisions where actions are subject to review either by the Minister for Planning, VCAT or the courts. This heightens the need for a best practice policy, transparency and accountability.

Social Considerations

This policy supports lawful, balanced and transparent decision making for and on behalf of the community. It also provides support for those members of our community who might struggle with the complex nature of the planning system and need liaison support on planning matters.

Community Engagement

Not required.

Environmental Implications

None.

Communication

The policy will be available on the Surf Coast Shire website and be included with the Councillor Induction process.

Options

Option 1 – Council endorses the Policy

This option is recommended as it is considered that the policy will assist Councillors in their interactions with participants of planning processes, respond to a gap in policy guidance and further clarify the role and function of the Community Liaison Officer.

Option 2 – Council rejects the Policy

This option is not recommended as it is considered that there is currently no clear guidance on expected standards for Councillors and the role of the Community Liaison Officer when interacting with participants of planning processes.

5.6 SCS-046 Councillor Assistance for Planning Matters

Option 3 – Council asks for the Policy to be amended

This option is not recommended as it is considered that the policy has been well researched and considered and contains the necessary guidance.

Conclusion

The Councillor Assistance for Planning Matters Policy, when endorsed, will be a supporting policy for Councillors to refer to when interacting with planning process participants. It is recommended that the policy be adopted.

5.6 SCS-046 Councillor Assistance for Planning Matters

APPENDIX 1 SCS-046 COUNCILLOR ASSISTANCE FOR PLANNING MATTERS



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SCS-046 Councillor Assistance for Planning Matters

TRIM Reference: D19/112770 Due for Review:

Responsible Officer: Manager Planning and Development

Purpose

This policy assists Councillors in responding to the needs of participants in planning processes in a way that is consistent with Council's roles under the Planning and Environment Act 1987 (the Act).

Policy Principles

This policy is based in five guiding principles:

1. A customer-focused approach requires the community to have access to, and understanding of, Council's planning processes.
2. All parties benefit from consistent and transparent processes.
3. Councillors and staff understand their roles, responsibilities and obligations when Council is a Responsible Authority and a Planning Authority under the Act.
4. Authorised Officers maintain the integrity of legal processes undertaken by Council.
5. Council staff provide important support for Councillors in their interactions with participants in planning processes.

Scope

This policy applies to interactions between Councillors, staff and participants in planning processes according to the Act and the Surf Coast Planning Scheme (the Scheme) and includes the following areas:

- Planning compliance and enforcement
- Statutory planning
- Strategic planning

Policy

1. Roles of the Responsible Authority and the Planning Authority

The Act differentiates between a Responsible Authority and a Planning Authority. For the purposes of the Act, Council is both the Responsible Authority and the Planning Authority for the Scheme.

Section 14 of the Act defines the duties of a Responsible Authority as:

- Being responsible for administering the planning scheme, which includes making decisions on planning applications.
- Enforcing the planning scheme, which includes seeking voluntary compliance or taking legal action.

Section 8A of the Act defines the role of a Planning Authority as:

- Any person or body, which has the power to prepare a planning scheme or an amendment to a planning scheme.
- Setting the strategic policy framework for the municipality and initiating any amendments to the Planning Scheme.

2. Councillors and Planning Processes

Councillors have direct involvement in planning processes through:

- Participating in decision-making at an Ordinary or Special Council meeting; or
- Delegating powers and duties to others.



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In exercising their roles, responsibilities and obligations with respect to planning processes, Councillors should:

- Understand the roles Council must perform as a Responsible Authority and a Planning Authority.
- Consider the views of all participants in planning processes.
- Listen to views of constituents and be mindful of those who may not have the capacity to participate or have chosen not to.
- Avoid expressing views that could be perceived as demonstrating bias, a pre-determined view or having a closed mind.
- Have regard to the relevant planning information and considerations, and disregard matters not relevant to planning when fulfilling their statutory obligations.
- Recognise that officers have defined roles, legal obligations and authorisations based on legislation that are not available to Councillors.
- Allow officers to undertake delegated duties without hindrance or undue or improper influence.

To allow staff to fulfil their roles as Authorised Officers and protect the integrity of planning compliance or enforcement investigations and associated legal processes, Councillors will not:

- Undertake their own investigations, either formal or informal, but will refer any compliance or enforcement matters to the appropriate officers.
- Enter a site that is currently under investigation or provide advice or assistance to parties as this may compromise the integrity of legal processes.
- Improperly direct or influence, or seek to improperly direct, or improperly influence Council staff in the exercise of their power or performance of any duty or function.

3. Conflicts of Interest and Perceptions of Bias

Councillors should be aware of the legal implications affecting the validity of a decision where an individual is found to have applied bias in a decision making process, or where a conflicting personal interest has not been disclosed (*Winky Pop P/L & Ors v Hobsons Bay City Council*, 2008).

When considering planning matters:

- i. Councillors should:
 - Contain deliberations and debate to the planning merits of the application under consideration.
 - Maintain an open mind and make decisions impartially and for justifiable reasons.
 - Abstain from participating in or influencing decision-making where a reasonable apprehension of bias or pre-determined view exists.
- ii. Councillors should not:
 - Behave in a way that could be perceived as biased including providing assistance to either applicants or submitters to an application
 - Facilitate meetings or activities for the benefit of one party, but rather refer such requests to an officer or other party who are independent of the processes.

4. Lobbying

It is acknowledged that lobbying of Councillors occurs and that those who may be affected by a planning decision will often seek to influence the outcome through an approach to Councillors.

To demonstrate independence of the influence of lobbying:

- i. Councillors should:
 - Exercise their responsibilities in the interests of the municipal community.
 - Avoid behaviour and comments that could be perceived to be favouring one party over another particularly if being lobbied by applicants, submitters or other parties.
 - Seek to acknowledge issues raised in a genuine manner without expressing a personal opinion in support or opposition of a matter.
- ii. Councillors will not:
 - Participate in lobbying for a particular outcome including organising support for, or opposition to, a planning application



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5. Support and Assistance

The role of the Community Liaison Officer exists to assist Councillors and participants in planning processes. The Community Liaison Officer will:

- Assist the Councillors' and participants' understanding of planning processes; and
- Help manage risks identified in this policy.

Planning matters involve a broad range of issues and legal matters. When approached by participants in planning processes, Councillors should:

- Avoid putting themselves in difficult or dangerous situations, such as attending meetings or sites alone.
- Attend planning meetings with participants of planning processes in the company of the Community Liaison Officer and/or other officers nominated to assist in the specific matters.

To support the community's access to, and understanding of, Council's planning processes, Councillors should:

- Involve officers to assist community members to obtain relevant planning information.
- Recognise that the planning system is technically complex and requires Councillors to act cooperatively with staff to achieve planning outcomes, noting that these may be subject to legal processes including judicial review.

Definitions

<i>Authorised Officer</i>	means an officer who has been duly appointed by Council to exercise all of the powers conferred by law upon appointed officers
<i>Council</i>	means the Surf Coast Shire Council
<i>The Scheme</i>	means the Surf Coast Planning Scheme
<i>Planning participant</i>	means a member of the community who is interacting with any aspect of a planning process be it strategic planning, statutory planning or planning compliance and enforcement
<i>Planning Compliance</i>	means action taken by Council to seek voluntary compliance with the planning scheme
<i>Planning Enforcement</i>	means action taken by Council to enforce compliance by issuing a Planning Infringement Notice or proceedings to Victorian Civil and Administrative Tribunal or Magistrates Court

Related Procedure

Nil.

References

- "Ensuring Unbiased Democratic Council Decision Making: Principles to Guide Good Practice" (Department of Planning and Community Development, 2013).
- "Conflict of Interest Guide for Council staff" (Department of Planning and Community Development*, October 2011).
- *now known as Department of Environment, Land, Water and Planning (DELWP).
- Winky Pop P/L & Ors v Hobsons Bay City Council, 2008

Document History

Version	Document History	Approved by – Date
1	New Policy Adopted	Council Resolution – 26 Nov 2019

6. CULTURE & COMMUNITY

6.1 Small Grants Program September 2019

Author's Title: Community Project Officer
Department: Community Health & Development
Division: Culture & Community

General Manager: Chris Pike
File No: F18/2393
Trim No: IC19/1306

Appendix:

1. Small Grants Program September 2019 Projects - Supported (D19/152927)
2. Small Grants Program September 2019 Projects Ineligible and Not Supported (D19/152926)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to allocate funding for the September 2019-20 Round 1 Small Grants Program.

Summary

The Small Grants Program aims to support community groups, projects and local initiatives. It is a grass roots program which enables community strengthening and helps to build vibrant and healthy communities within the Surf Coast.

A total of 32 applications were received. Eligible applications were assessed by Council Officers against the Small Grants Program selection criteria in the categories of 'Community Initiatives', 'Culture and Arts', 'Environment' and 'Recreation and Leisure'. A recommended project funding list has been developed for Council's consideration (see Appendix 1).

A total of 18 applications are recommended for funding in the Small Grants Program. Three applications were assessed as ineligible and eleven applications not recommended by officers (see Appendix 2).

Recommendation

That Council:

1. Allocates funding for the September round of the 2019-20 Small Grants Program to 18 projects to the value of \$38,223.50 as per Appendix 1.
2. Notes that the Heartspace Users Group and Anglesea Art House projects include capital elements and officers will provide project management support as required.

6.1 Small Grants Program September 2019

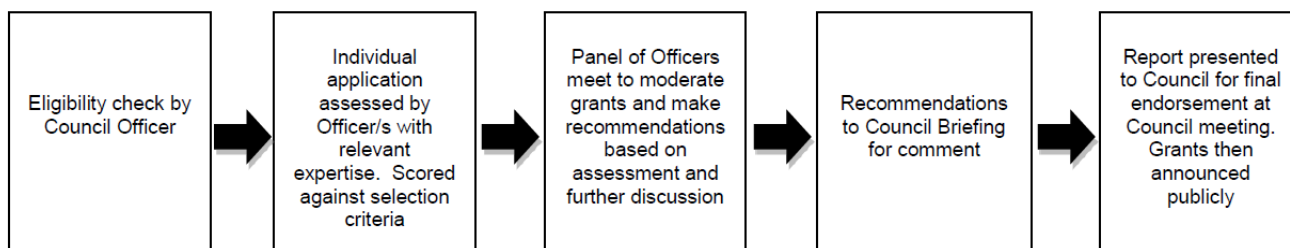
Report

Background

For a number of years Council has supported the Small Grants Program with two funding rounds held in September (Round 1) and March (Round 2) each year.

The Small Grants Program follows a formal application process in which applicants submit responses to a series of questions aligned to the weighted selection criteria described in the *Small Grants Guidelines 2019-20*. The Community Health and Development Unit lead the assessment process, with input from internal subject matter experts, in-line with the *Small Grants Program Policy SCS-031*.

The diagram below details the assessment process:



The Small Grants Program is a merit based grants process and does not aim to achieve equal distribution of funding across categories, as some categories are more popular than others. Complete applications are assessed by officers according to an assessment matrix that considers the proposed project's demonstrated need and alignment to shared goals including promoting social connection, positive impact on our environment, mental and physical health and wellbeing and creative and cultural development (as identified in the Council Plan). The assessment also ensures that proposed projects match or exceed Council's contribution, are well planned and meet all other relevant legislation and requirements.

All successful groups or their auspice agency are required to sign a small grant funding agreement confirming that they agree to set conditions. This agreement clearly 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 a grant acquittal process.

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 not funded under the Small Grants Program 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.

6.1 Small Grants Program September 2019

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.

The total project value describes the other resources (human and financial) that applicants have attracted to their projects, leveraging Council investment through the Small Grants Program. The total project value has grown from \$86,928 in round two in 2016/17 to \$289,092 in round one 2019/20 (Figure one). Accordingly, Council's return on investment has increased each round by an average of 24%. Council's return on investment for the September 2019 grant round is \$7.56 for every dollar invested (figure two).

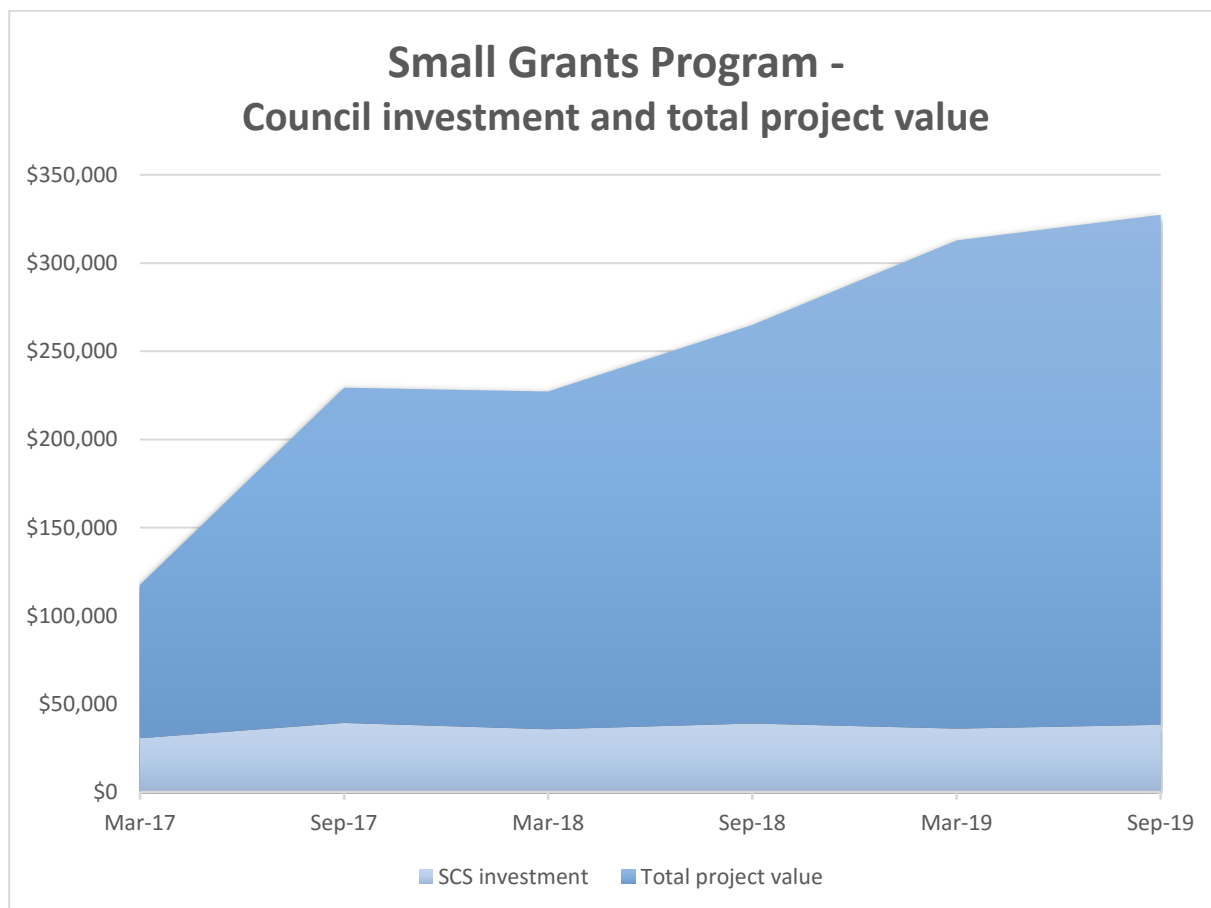


Figure one. Total project value 2016/17 – 2019/20

6.1 Small Grants Program September 2019

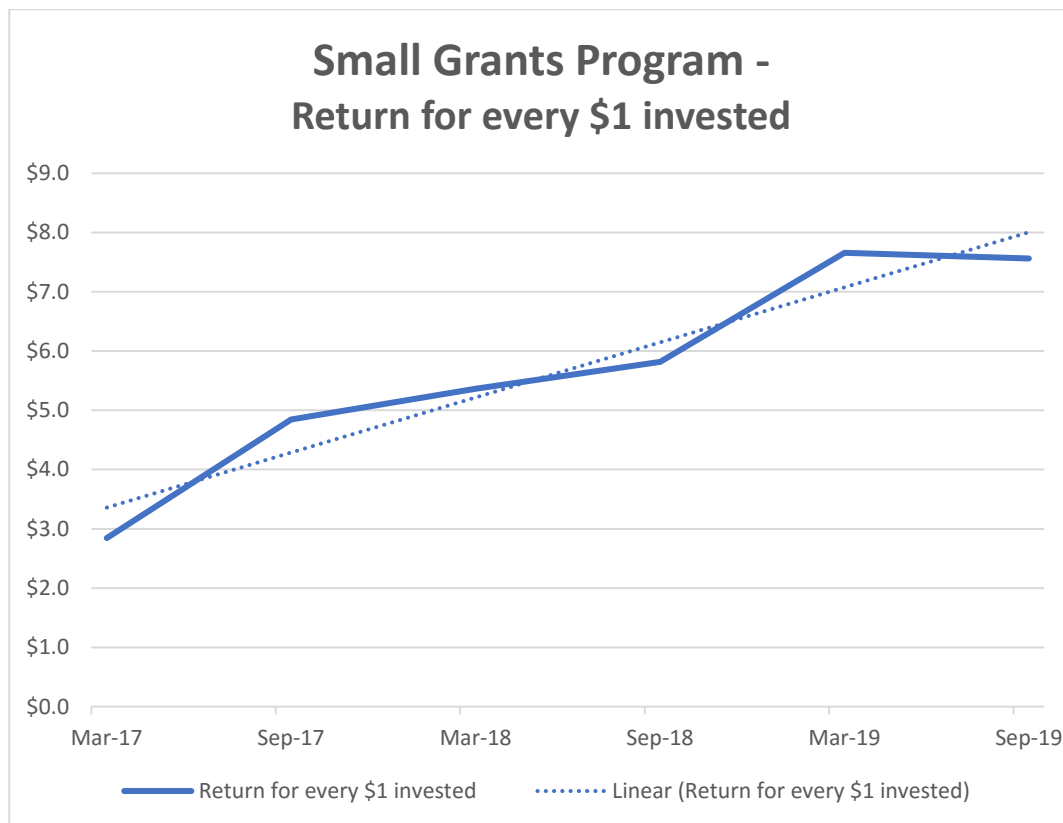


Figure two. Return on investment.

Since round one 2017/18, the number of applications received and the amount of funding requested has increased by an average of 8% and 13% respectively. Over the same period, the round allocation has not increased.

The opportunity to apply for up to \$5,000 was actively promoted during the September 2019 round to encourage greater diversity in the type of applicants and applications received. Thirteen of 29 eligible applications (40%) requested funds greater than \$2,000. This figure is up 63% on the previous round.

The number of applications with an auspicing arrangement in place with an incorporated not for profit organisation has increased from seven to 14 since round two of 2016/17.

6.1 Small Grants Program September 2019

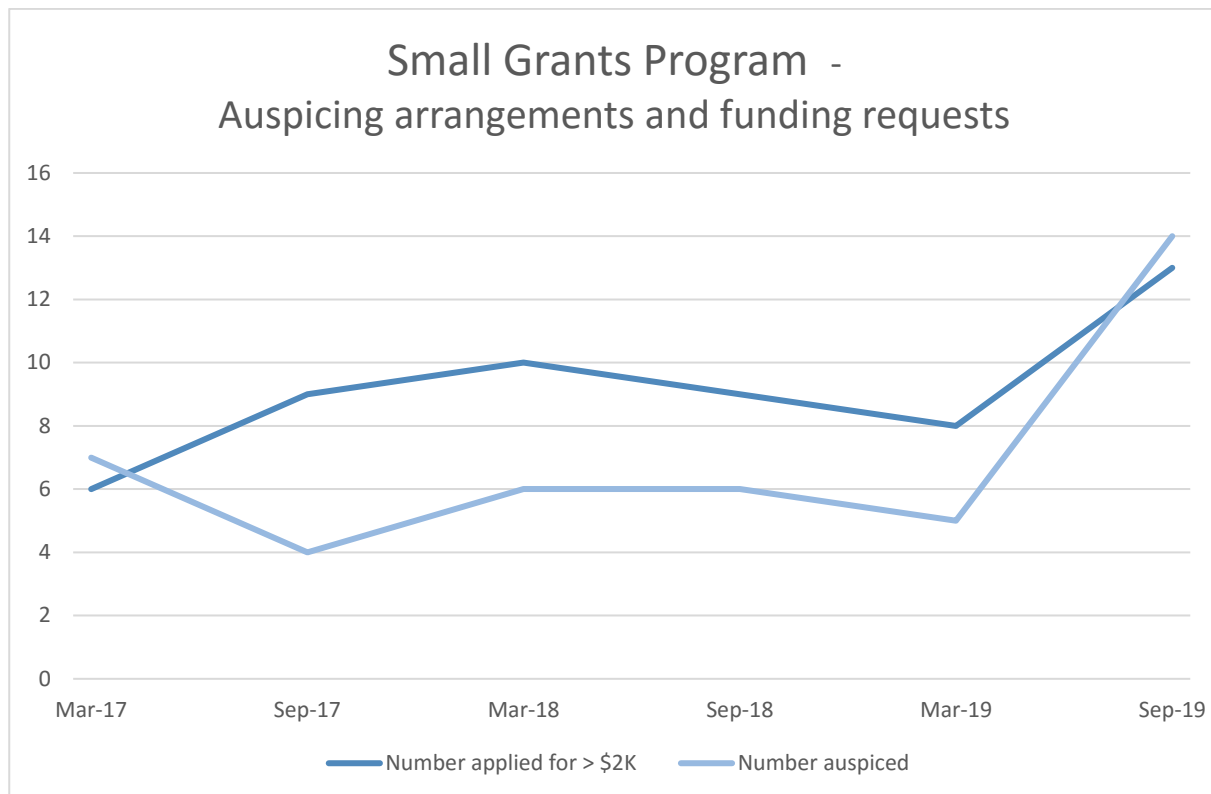


Figure three. Recent trends in the number of applicants with an auspicing arrangement with an incorporated not for profit organisation and the number of applications requesting greater than \$2,000

Since round one 2017/18, of the 168 applications received through the Small Grants Program, 83 or 49% have previously applied and 85 or 51% are first time applicants.

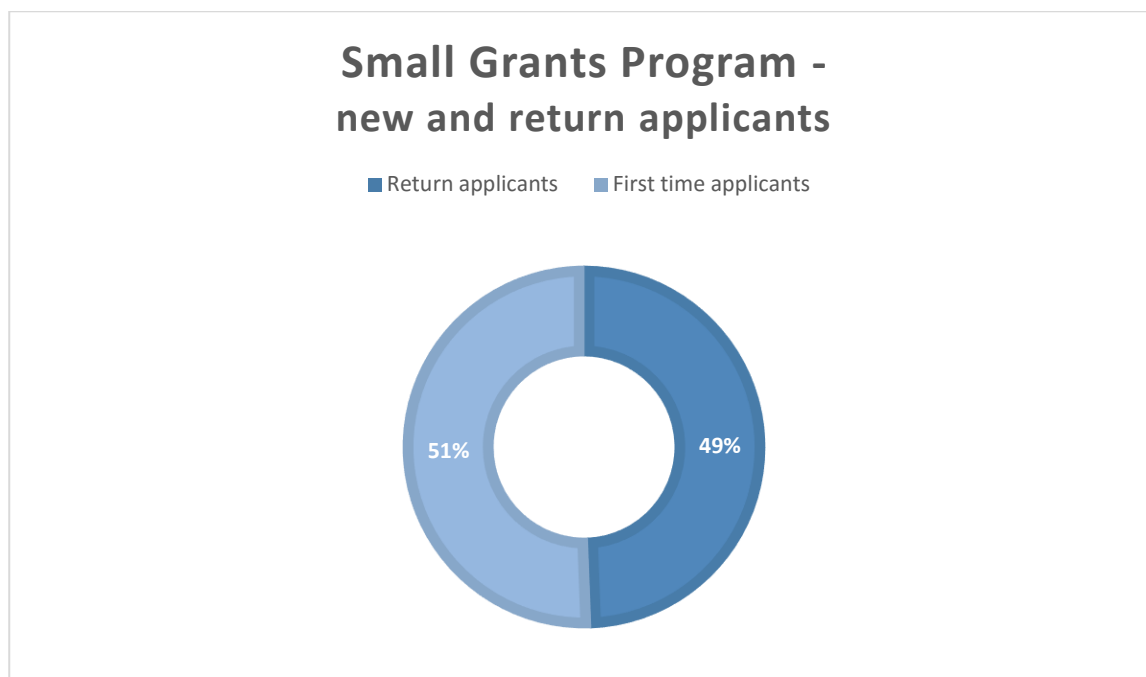


Figure four. Breakdown of the number of first-time and previously applied applicants

6.1 Small Grants Program September 2019

Discussion

A total of 32 applications were received. Three projects have been assessed as ineligible and eleven not recommended as detailed in appendix 2. Officers will work with all unsuccessful applicants to improve their project applications for future rounds. Following a thorough assessment process, the officers' recommendation is to fund a total of \$38,223.50 to deliver 18 projects.

The breakdown of the 18 recommended projects by Ward is as follows:

Ward	Number of eligible applications	Number of projects recommended for funding	Total recommended funding amount
Torquay	14	8	\$18,728.00
Anglesea	6	5	\$11,588.00
Winchelsea	5	5	\$7,907.50
Lorne	4	0	\$0.00
TOTAL	29	18	\$38,223.50

The breakdown of the 18 recommended projects by category is as follows:

Category	Number of projects recommended	Total recommended funding amount
Arts and Culture	11	\$25,120.50
Community Initiatives	2	\$5,000.00
Environment	2	\$3,730.00
Recreation and Leisure	3	\$4,373.00
TOTAL	18	\$38,223.50

Appendix 1 lists the applications submitted across each of the four Small Grant categories – Community Initiatives, Environment, Culture and Arts, Recreation and Leisure and the proposed funding for each project.

The grant guidelines confirm that grants up to \$2,000 are available and at the discretion of Council some projects that meet additional community need may be considered for funding up to \$5,000. To be considered for additional funding, projects need to demonstrate:

- High evidence of need and participation by a wide variety of key audiences
- A provide track record in managing similar size projects
- Have a well-developed project plan
- Appropriate expenditure and resourcing.

A total of seven projects have been recommended to receive a contribution greater than \$2,000.

Financial Implications

The total pool for two rounds allocated to Small Grants in the 2019/20 budget is \$75,000. In Round 1 September 2019 it is recommended to fund projects to the value of \$38,223.50 leaving \$36,776.50 for Round 2.

The Torquay and District Historical Society project was referred by the Community Project Proposal (CPP) process and has allowed for project management and contingency in the proposed budget and no further Council project management would be required.

The Heartspace Users Group and Anglesea Art House projects will require project management support. This allocation has an in-kind value of \$770.

6.1 Small Grants Program September 2019

Council Plan

Theme	1	Community Wellbeing
Objective	1.1	Support people to participate in and contribute to community life
Strategy	1.1.1	Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations
Theme	1	Community Wellbeing
Objective	1.1	Support people to participate in and contribute to community life
Strategy	1.1.3	Work in partnership with the community to review, update and continue to implement the heritage, arts and culture strategy

Policy/Legal Implication

The Small Grants Program supports the Council Plan (2017-21) objective '*Support people to participate in and contribute to community life*'. The process was conducted in accordance with the adopted Small Grant Policy SCS-031.

Officer Direct or Indirect Interest

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

Risk Assessment

All projects have been reviewed by Council's Risk Management Coordinator. 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 a funding grant.

Social Considerations

The Small Grants Program enables community groups to draw on their skills, networks and resources and leverage Council funding to deliver community strengthening activities that contribute to the social and cultural wellbeing of the Surf Coast Shire.

Community Engagement

Communications and engagement activities prior to the September round of grants include:

- 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 house and men's shed networks
- grant writing assistance sessions
- direct email to previous grant recipients
- direct contact with potential grant recipients
- presentations at Musical Mornings and Probus Clubs
- promotion via the Surf Coast Shire website and social media.

Environmental Implications

The Small Grants Program is often accessed by local environment groups. Two applications have been received under the 'Environment' category and both projects recommended for funding.

Communication

Following adoption at the 26 November 2019 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.

6.1 Small Grants Program September 2019

Options

Option 1 – Allocate funding for the September round of the 2019-20 Small Grants Program to 18 projects to the value of \$38,223.50 as per Appendix 1

This option is recommended by officers as the formal application and assessment process was completed according to Council's adopted Small Grant Policy. Additionally, the projects allocated deliver on the Council Plan objective to support people to participate in and contribute to community life.

Option 2 – Allocate funding for the September round of the 2019-20 Small Grants Program to a mix of projects identified in Appendix 1 and 2

This option is not recommended by officers as projects considered 'ineligible' or 'not supported' have either not met eligibility criteria as per the Small Grants Program Guidelines or not scored as strongly against the grants assessment criteria as the other officer supported projects.

Option 3 – Do not allocate funding for the September 2019-20 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 is a positive community strengthening initiative that supports local groups to take action and contribute to the vibrant culture of their local community. The program involves significant collaboration with community given the high level of in-kind volunteer support involved in delivering each project.

A full list of recommended projects is attached (Appendix 1).

A celebration to recognise successful grant recipients will be held on 12 December 2019.

6.1 Small Grants Program September 2019

APPENDIX 1 SMALL GRANTS PROGRAM SEPTEMBER 2019 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
1	Upper Barwon Landcare Group	Improving Connections to Country	30 members of Winchelsea Land and Rivercare, Wurdale Landcare and East Otway Landcare to attend a tour led by Wadawurrong elders to enhance knowledge of indigenous history and natural environment	Activity protects and enhances the local environment and supports participation and learning of cultural history. Supports objectives of Hinterland Futures Strategy	Environment	Winch	\$7,265.00	\$1,650.00	\$1,650.00
2	Eliza Feely (Auspiced by surf Coast Arts)	Waxy Fungoo	Artist Fee, drawing materials promo posters and postcards, graphics, display board, travel and presentation materials to engage Aireys Inlet Primary School to develop a book titled 'Waxy Fungoo' which advocates person first gender later	Community project that supports development of arts and culture. Project facilitates collaboration, sharing of knowledge, skills and resources. Positive, diverse gender promotion and care of environment	Culture and Arts	Anglesea	\$5,450.00	\$2,000.00	\$2,000.00
3	Torquay and District Historical Society	Torquay History Trail Project	Design and install in Torquay 30 historical information signs and develop a brochure to promote and support the history trail	Project enables the collaboration and sharing of knowledge and skills and records the cultural history of Surf Coast Shire. Stakeholders include GORCC, Wadawurrong, private landowners (businesses and residents), Torquay Community Enterprise, DELWP, Torquay Improvement Association, Torquay RSL and Torquay Surf Life Saving Club	Culture and Arts	Torquay	\$20,874.00	\$5,147.00	\$5,000.00
4	Anglesea and District Historical Society	Oral History Foundation Project	To purchase quality recording equipment to capture oral histories of members of the Anglesea and district community	Heritage project that supports participation, learning and recording of the cultural history of the Surf Coast Shire and its residents. Need for project well demonstrated and supports participation and learning	Culture and Arts	Anglesea	\$1,020.00	\$510.00	\$510.00
5	Aireys Inlet Primary School Parents and Friends (Auspiced by Aireys Inlet Primary School)	Wadawurrong Immersion Excursion at Point Impossible	Bus transport for school community to attend Wadawurrong cultural day at Point Impossible facilitated by the Wadawurrong Traditional Owners Corporation	Project enables sharing of knowledge and skills of the culture and history of Surf Coast Shire. Early years educational opportunity to engage with shared history and Aboriginal and Torres Straight Island culture	Culture and Arts	Anglesea	\$3,996.00	\$1,998.00	\$1,998.00
6	Lifechanger Foundation	Torquay Community Lifechanger Program	Facilitators and materials to deliver a series of three Mentor Development Workshops focusing on building rapport, emotional intelligence and the GROW framework and delivery of five Immersive Workshops (Activation, Health, Self, Skills and Purpose) culminating in a community 'tribe' event for over 160 grade 6 students attending Torquay College	Project contributes to the wellbeing and quality of life of Surf Coast Shire residents. Benefits will include increased health and well-being and social inclusion. Emotional intelligence and resilience supporting mental health of young people	Community Initiative	Torquay	\$13,600.00	\$3,500.00	\$3,500.00
7	Torquay Community Men's Shed	Metalwork Shed	To install 2 laserlite roof panels, lighting and wall vent in metal workshop to create a safer work environment for members	Project contributes to the wellbeing and quality of life of Surf Coast Shire residents. Benefits will include increased health and well-being and participation for all abilities. Project will enable group to continue working in partnership with schools and community	Community Initiative	Torquay	\$3,011.84	\$1,500.00	\$1,500.00

No.	Name of Applicant	Project Title	Description	Alignment to Grant Guidelines and Council Plan	Category	Ward	Applicants Total Project Costs	Amount Sought	Recommended
8	1st Torquay Scout Group	1st Torquay Scouts - Indoor and Outdoor Connectivity	To purchase hiking tents and cooking tranguas to enable scouts to experience outdoor activities that encompass longer hikes and overnight camping. To purchase a printer and Wi-Fi dongle for the Scout Hall to enable administration and communication	Project promotes recreation, physical activity and increases participation for all abilities. Connects members to nature and creates self reliance and independence	Recreation and Leisure	Torquay	\$8,395.00	\$2,695.00	\$2,695.00
9	Anglesea Community Garden (Auspiced by Anglesea and District Community House)	Anglesea Community Garden Orchard Netting Replacement	Remove current netting and replace with product that meets proposed government legislation	Project works towards sustainability and addresses an important community need. Need for project well demonstrated and supports participation and learning. Future state requirement to change netting	Environment	Anglesea	\$9,100.00	\$4,550.00	\$2,080.00
10	Heartspace Users Group (Auspiced by Bellbrae Residents Association)	Heartspace Mural	To employ a local artist to paint a mural on the external south facing wall of the Heartspace building	Community arts project that supports the development of quality arts initiatives and increases involvement in arts and culture by the community. Participatory process building investment in community hub	Culture and Arts	Winch	\$5,350.00	\$2,710.00	\$2,710.00
11	Anglesea Art House	Stage 1 Front Landscaping Project	To relocate and install 2 fish sculptures from the 2006 Commonwealth Games and general planting and landscaping	Quality arts initiative and heritage project that supports learning and culture. Project enhances the natural environment. Creates 'outdoor classroom' extending space available	Culture and Arts	Anglesea	\$9,999.00	\$5,000.00	\$5,000.00
12	The Bonnie Upwelling Choir (Auspiced by Torquay Museum without Walls)	The Bonnie Upwelling Choir 'Christmas Carolvan Songs' recording 2019	To record and preserve in history 'The Christmas Carolvan' with audio and audio-visual recordings. Project to be housed at the Shire, Toy Library, Torquay Museum without Walls, Surf Coast Arts and Bonnie Upwelling Choir	Community arts project that supports and increases involvement in the development of quality music, culture and talent in the Shire. Heritage project that records the cultural history of the Shire and extends the reach of the volunteer driven Carolvan	Culture and Arts	Torquay	\$5,300.00	\$2,000.00	\$2,000.00
13	Torquay Golf Club (Auspiced by Torquay Museum without Walls)	Creating 100 Years of Golf at Torquay	Production of 100 page book, 30 minute audio visual and ten banners recognising key events of the past 10 decades of Torquay Golf Club	Heritage project that supports participation, learning and recording of the cultural history of the Surf Coast Shire and its residents	Culture and Arts	Torquay	\$61,000.00	\$5,000.00	\$500.00
14	Torquay Museum without Walls	Torquay Museum without Walls Information Technology Refresh Project	To purchase a laptop computer to manage the societies magazine, social media, website and Torquay History App	Heritage project that supports participation, learning and recording of the cultural history of the Surf Coast Shire and its residents. Helps sustain reach of project through technical evolution	Culture and Arts	Torquay	\$43,799.00	\$2,500.00	\$2,500.00
15	Heartspace Users Group - Musical Group (Auspiced by Bellbrae Residents Association)	Microphone and Accessories for Bellbrae Heartspace Music Groups	To purchase a new microphone and accessories to upgrade the existing sound system for the Bellbrae Heartspace Music Groups	Project encourages groups across the Shire to collaborate. Program contributes to the quality of life of Surf Coast Shire residents.	Culture and Arts	Winch	\$805.00	\$402.50	\$402.50
16	Surf Coast Volleyball Association	Surf Coast Volleyball Association Start Up Grant	First aid kit, first aid training, net and ball purchase to establish Surf Coast Volleyball Association	Program contributes to the health and wellbeing of Surf Coast Shire residents, promotes recreation and physical activity of inclusive sport. Continued utilisation of space attracting members and volunteers to arts projects	Recreation and Leisure	Torquay	\$4,543.00	\$1,993.00	\$1,033.00

No.	Name of Applicant	Project Title	Description	Alignment to Grant Guidelines and Council Plan	Category	Ward	Applicants Total Project Costs	Amount Sought	Recommended
17	Modewarre Scout Group (Auspiced by Scouts Australia Victoria Branch)	Update Camping Seats	To purchase 20 light weight camp seats to replace older heavy wooden seats that are difficult to transport and set up	Recreational project that promotes physical activity and participation.	Recreation and Leisure	Winch	\$1,290.00	\$645.00	\$645.00
18	Growing Winchelsea	Christmas in Winchelsea	Install lighted Christmas trees near the skate park in Winchelsea during the festive season	Community project that will create social connection and create a cultural experience	Culture and Arts	Winch	\$8,000.00	\$4,000.00	\$2,500.00
							\$212,797.84	\$47,800.50	\$38,223.50

6.1 Small Grants Program September 2019

APPENDIX 2 SMALL GRANTS PROGRAM SEPTEMBER 2019 PROJECTS INELIGIBLE AND NOT SUPPORTED

Name of Applicant	Project Title	Description	Category	Ward	Applicant Total Project Costs	Amount Sought	Comment
Lighthouse Literacy Festival	Lighthouse Literary Festival Sunday Lunch Series	Accommodation, air fairs and car hire to run a series of literacy lunch festivities	AC	Anglesea	33,550.00	2,500.00	Ineligible - Project is an 'Event'. Events not funded under Small Grants Program. Officers to work with group for eligible Community Event Grant.
ANGAIR	Permanent Signage - Indigenous Planting in Cameron Park	To design and install permanent signage about the indigenous planting in Cameron Park Reserve	AC	Anglesea	4,000.00	2,000.00	Ineligible - Group funded in previous grant round "Open Garden Weekend". Officers to work with group to develop application for next round.
Surfcoast Cycling Club	Geelong and Surfcoast Cycling Club Clubrooms	To insulate, line and carpet main meeting room to improve comfort of rooms to seasonal fluctuations in temperatures	RL	Winchelsea	10,622.50	5,000.00	Ineligible - Capital project with total project cost greater than \$10,000 and no landowner permission submitted. Officers to work with group scope project for next grant round.
Geelong Junior Marlins Water Polo Club	Growth and Development of Junior Marlins Water Polo	To purchase caps, inflatable goals and balls for the Geelong Junior Marlins Water Polo Club	Rec	Torquay	4,000.00	2,000.00	Not supported - Highly competitive grant round. Project did not score strongly against grant criteria.
Sirovilla	Sirovilla Hub	To deliver a series of wellbeing, health and exercise/education sessions for residents and purchase consumables to create a drop-in centre where community can attend and engage with residents	CI	Anglesea	8,000.00	4,000.00	Not supported - Highly competitive grant round. Project did not score strongly against grant criteria.
Rotary Club of Torquay	Book Fair Equipment	To purchase tables for annual Torquay Rotary Club Book Fair	CI	Torquay	2,400.00	2,000.00	Not supported - Highly competitive round. Project did not score strongly against grant criteria. Officers to work with group to address matched funding in application for next round.
Lorne P-12 College Parents and Friends Association	Fundraising BBQ Trailer	To purchase a commercial BBQ trailer to be used at events for school fundraising and by other community groups	CI	Lorne	6,250.00	2,000.00	Not supported - Highly competitive grant round. Project did not score strongly against grant criteria.
Deans Marsh Table Tennis Club	Outdoor Table Tennis Facility for Public Use	To purchase and install for general community use an outdoor table tennis table in the Deans Marsh Recreation Reserve	RL	Lorne	1,750.00	600.00	Not supported - Highly competitive round. Project did not score strongly against grant criteria. Officers to work with group to address landowner permission, installation, maintenance and suitable equipment in application for next round.
Jan Juc Preschool	Music Time Program	To fund facilitator to run Music Time Program	AC	Torquay	3,500.00	2,000.00	Not supported - Highly competitive round. Project did not score strongly against grant criteria. Officers to work with group to address eligibility criteria in application for next grant round.
Torquay Bridge Club	Torquay Bridge Club Dealing Machine	To purchase a dealing machine that will allow after play records	RL	Torquay	4,499.00	2,000.00	Not supported - Highly competitive grant round. Project did not score strongly against grant criteria.

Name of Applicant	Project Title	Description	Category	Ward	Applicant Total Project Costs	Amount Sought	Comment
Torquay Surf Life Saving Club	Paddle Ergo to Meet Lifesaving Training Needs	To purchase an inside paddle ergo to engage current and attract new patrolling members in lifesaving through the winter off season	RL	Torquay	4,360.00	2,000.00	Not supported - Highly competitive grant round. Project did not score strongly against grant criteria.
Lorne Community House	Information and Communications Technology Access	To replace two old PC's with current equipment, software and service support	CI	Lorne	2,986.00	2,500.00	Not supported - Highly competitive round. Project did not score strongly against grant criteria. Officers to work with group to address matched funding in application for next round.
Jan Juc Surf Life Saving club	Minor Games	To purchase equipment (ladder sets, crawling tunnels, beach buckets, hurdle packs, plastic balls, parachutes, relay batons and tug-o-war ropes) for children participating in the Summer Holiday and Kids Plus programs	RL	Torquay	10,949.55	2,000.00	Not supported - Highly competitive grant round. Project did not score strongly against grant criteria. Feedback to include recommendation to reduce purchase of plastic
Lorne Historical Society	Lorne Historical Society Exhibitions for 2020	To prepare material for exhibitions including 'Timber Industry', 'Pioneers of Lorne' and '50th World Surfing'	AC	Lorne	30,600.00	3,600.00	Not supported - Highly competitive grant round. Project did not score strongly against grant criteria. Officers to work with group to address project planning, budgets and quotations in application for next round.
					\$127,467.05	\$34,200.00	

6.2 Positive Ageing Reform Readiness Plan Implementation

Author's Title: Project Manager - Positive Ageing
Department: Community Strengthening
Division: Culture & Community

General Manager: Chris Pike
File No: F19/264
Trim No: IC19/1330

Appendix:

1. Map of Service Delivery Areas 1, 2 & 3 (D19/29777)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to consider exiting Council's three remaining aged care support services, by 30 June 2020, and commencing the process to determine a future direction for Council's role in Positive Ageing.

Summary

In response to the Commonwealth Government's Aged Care Reforms, Council has been developing options for a new service model to ensure the community continues to have access to much needed services in the new aged care paradigm.

Officers have been liaising closely with the Positive Ageing advisory Committee which has been an invaluable source of advice and connection to the community. The Committee continues to be supportive of Council's direction.

On 25 June 2019, Council adopted the *Positive Ageing Reform Readiness Plan (June 2019)*. Additionally at this meeting Council affirmed that changes to Positive Ageing services arising from the delivery of the *Positive Ageing Reform Readiness Plan (June 2019)* will only be initiated by future resolutions of the Council.

On 27 August 2019, Council resolved to cease to provide specialist support services, namely Brokerage services, National Disability Insurance Scheme services and Home Care Package Program services by December 2019. Transitional processes have since commenced to enact this resolution.

Recently officers have been actively engaged in processes relevant to transitioning the final three program areas, namely:

- Commonwealth Home Support Program services (approx. 550 clients) – Commonwealth Department of Health (DOH)
- Department of Veterans Affairs Support Services – Commonwealth Department of Veterans' Affairs (31 clients)
- Home and Community Care (HACC) Program for Young People services (17 clients) – State Department of Health and Human Services

Officers have:

- Undertaken an extensive process to ensure suitable established providers are available.
- Engaged with the three funding bodies and established clear processes with each for any potential transition.
- Identified preferred providers for Commonwealth Home Support Program as directed by the Commonwealth Department of Health.

Having undertaken this due diligence, officers are satisfied suitable established service providers are able to meet the service delivery needs of the community. A complementary confidential report is presented as a separate agenda item at the 26 November 2019 meeting. This addresses the Commonwealth Department of Health's requirement to identify preferred providers for the Commonwealth Home Support Program, Council's largest service.

6.2 Positive Ageing Reform Readiness Plan Implementation

Recommendation

That Council:

1. Notes Council's significant body of work over the past three years considering the future of aged care in Australia and service delivery models that ensure Surf Coast residents have access to affordable, accessible and high quality services into the future;
2. Notes the advice and recommendations within this report have been developed in consultation with the Positive Ageing Advisory Committee and that the Committee continues to support Council's direction established in the Positive Ageing Reform Readiness Plan (June 2019).
3. Acknowledges that it is the responsibility of the Commonwealth and State Governments to consider and appoint service providers for the funded programs that are the subject of this report;
4. Provides formal notice to the Commonwealth Department of Health of its intention to exit its agreements to deliver services under the Commonwealth Home Support Program effective no later than 30 June 2020;
5. Provides formal notice to the State Department of Health and Human Services, of its intention to exit its agreements to deliver services under the Home and Community Care Program for Young People effective no later than 30 June 2020;
6. Provides formal notice to the Commonwealth Department of Veterans' Affairs of its intention to exit its agreements to deliver services to Department of Veterans' Affairs clients effective no later than 30 June 2020;
7. Notes that despite issuing the formal notices above the Departments have rights under the contracts requiring Council to continue delivering the funded services until alternate service providers are appointed and commence service delivery.
8. Notes that the Chief Executive Officer or delegate will undertake all necessary measures to enact these resolutions including but not limited to the submission of a Transition Out Plan to the Commonwealth Department of Health in relation to the Commonwealth Home Support program.
9. Notes that the Transition Out Plan will include consideration of preferred alternate service providers which are the subject of a separate confidential report;
10. Affirms its commitment to work with alternate service providers and clients during any period of transition to ensure the client experience continues to be of a high quality.
11. Notes that officers have developed a range of supports to be offered to staff affected by resolutions arising from this report;
12. Develops a new strategic plan for its Positive Ageing initiatives, based on the Age Friendly Communities Framework, for consideration at a future meeting of the Council; and
13. Receives at least one report on the status of transition activities by 30 June 2020.

6.2 Positive Ageing Reform Readiness Plan Implementation

Report

Background

In 2016, the Commonwealth Government determined that reform is necessary to ensure the aged care and disability service system is best placed to meet the needs of an ageing population in an efficient, fair and sustainable way.

Council has been proactive in understanding the potential impacts of these reforms and creating options and pathways forward to ensure the community is best served in the new Aged Care system.

Since 2016 officers have undertaken activities that can be categorized into four main components, with four Papers aligned to each stage.

Part 1 – Research:	<i>Positive Ageing Service Review Research Paper</i>
Part 2 – Options Developed:	<i>Positive Ageing Service Review Options Paper</i>
Part 3 – Identification of Preferred Option:	<i>Preferred Option Paper</i>
Part 4 – Planning for Change	<i>Positive Ageing Reform Readiness Plan (June 2019)</i>

Council has been consistently updated and has resolved on each stage to date. Key milestones have included:

Council Meeting – 24 July 2018

Council endorsed Option 2 Plan for Change (PLAN AND ACT) in order to prepare for the implications of national reforms to aged care and disability services.

Council Meeting – 25 June 2019

Council adopted the Reform Readiness Plan (June 2019).

Council affirmed that changes to Positive Ageing services arising from the delivery of the Positive Ageing Reform Readiness Plan (June 2019) will only be initiated by future resolutions of the Council.

Council Meeting – 27 August 2019

Council resolved to cease providing specialist support services, namely Brokerage services, National Disability Insurance Scheme services and Home Care Package Program services by December 2019.

In totality, this is a substantial body of research, analysis and assessment to determine the most appropriate model of service within the Shire to meet client needs both now and into the future. In addition Council has been mindful of its own suitability and competitiveness as a service provider in the new aged care paradigm.

Council has been advised by its Positive Ageing Advisory Committee since late 2018. The Committee's advice has been instrumental in assisting both officers and Councillors to consider options for the future.

Discussion

The Reform Readiness Plan was adopted by Council on 25 June 2019. The Plan outlines a potential model to identify preferred providers for service delivery for the community. Officers have been developing this model, working with Commonwealth and State governments, potential service providers and the Positive Ageing Advisory Committee, to ensure the community will not be left without much needed quality services.

Funding Bodies

The three remaining funding bodies are the ultimate decision makers. They will undertake their own processes and due diligence, before formalising their future service delivery contracts. Each has a different process to appoint new service providers, as outlined below.

Commonwealth Department of Health (DOH) – Commonwealth Home Support Program services (approx. 550 clients)

- Requires Council to identify one or more preferred provider/s for Commonwealth Home Support Program service provision.
- Seeks official notification from Council of its service delivery intentions by December 2019 to be able to meet timeframes of commencing with new providers by 1 July 2020.
- Is the ultimate decision maker and will undertake its own due diligence before appointing new providers and entering into contracts with these providers.

6.2 Positive Ageing Reform Readiness Plan Implementation

Commonwealth Department of Veterans Affairs – Department of Veterans' Affairs services (31 clients)

- Undertakes its own process to appoint a new service provider.
- Requests a minimum of three months notification from Council to exit service delivery.
- Will extend Surf Coast Shire contract until 31 March 2020 to allow for that notification period.

State Department of Health and Human Services – Home and Community Care Program for Young People services (17 clients)

- Awaits the decision of the Commonwealth on its Home Support Program and will potentially align with the same service provider.
- Requests a minimum of 3 months notification from Council to exit service delivery.
- Will undertake its own process to appoint a service provider, with potential transition timeframes between 1 April – 30 June 2020.

Officers have been working with the funding bodies to ensure Council's obligations are met and ensure any successors can meet the community's needs. Most work relates to our obligations with the Commonwealth Department of Health in providing a preferred provider option for their consideration for the Commonwealth Home Support Program.

The Department of Health funding guidelines state:

"The service provider requesting the transfer is expected to work with the Commonwealth Department of Health (DOH) to ensure smooth transfer of business entity or service provider and remains responsible for the continuity of service delivery throughout the transfer."

(Department of Health - Transfer of Commonwealth Home Support (CHSP) Service Delivery between Victorian Service Providers – Fact Sheet)

Officers have been working with the Department of Health to identify preferred provider/s and prepare to develop the Department's *Transition Out Plan* to ensure a seamless transition is possible.

Identification of Preferred Providers

Within the Positive Ageing Review process, it had been identified that meeting the needs of our more isolated and sparse communities needed special consideration to ensure they would not be left without much needed services. There was concern that these areas currently lacked alternate service options other than Council and local health providers, and being such 'thin markets' would struggle to attract new providers within a competitive market context.

Due to this, the model for exploration outlined within the Positive Ageing Reform Readiness Plan (June 2019), divides the Shire into three geographical areas (refer to Appendix A). This has enabled consideration of the particular needs of these less populated communities.

Additionally within the Review process, community consultation identified key factors of concern when considering alternate service providers. These factors have been utilised to form the basis of assessment in identifying preferred providers in all three areas.

These factors include:

- Local Presence / market penetration
- Transition Capacity
- Accreditation & quality standards
- Client feedback
- Service affordability / fees & charges
- Staffing
- Philosophy & values
- Sustainability
- Performance disclosure
- Experience & capability

6.2 Positive Ageing Reform Readiness Plan Implementation

Reform Readiness Plan Action One:

Develop a service delivery model for consideration, which includes aged care support services being provided by:

- *Area One: Hesse Rural Health*
- *Area Two: Lorne Community Hospital*

Throughout the engagement process with both Hesse Rural Health and Great Ocean Road Health (formerly Lorne Community Hospital) it became clear there were significant strengths in the potential of these organisations providing Commonwealth Home Support Programs services for their designated communities.

Key factors for both organisations include:

- Aligning with strategic vision of both organisations
- Both have a proven record of meeting the needs of the community
- Commonwealth Home Support Program would provide another element of service to broaden the continuity of care for the community
- Both are currently funded through the Department of Health for Commonwealth Home Support Program services, and therefore this would be an extension of current contract
- Department of Health have a relationship with these organisations, are aware of their standards and meeting accreditation requirements
- Both have strong community / client feedback mechanisms in place
- Both are committed to being part of the formal Alliance
- As established organisations within Areas One and Two, concerns raised throughout the review process regarding 'thin markets' and concerns of clients not receiving services in more isolated/ remote areas would be resolved

Engagement and developmental activities were undertaken and included:

- Engagement with Chief Executive Officers and Directors of these health services to determine suitability based on key criteria
- Formal "Statements of Intent" from both organisations to Surf Coast Shire Chief Executive Officer
- Disclosure of relevant information regarding capacity to undertake service delivery
- Further discussion regarding:
 - Proposed model
 - Client numbers
 - Funding allocations
 - Staffing models
 - Alliance
 - Transitional processes etc.
- Discussions with the Commonwealth Department of Health regarding suitability of these organisations
- Formal commitments attained from Boards (Great Ocean Road Health) and Chief Executive Officers (Hesse Rural Health)

Reform Readiness Plan Action Three:

Explore alternate service providers for Area Three.

Area Three (Torquay / Anglesea and surrounds), does not have the same concerns of 'thin markets' and attracting suitable providers as do Areas One and Two. There are multiple service providers in this area currently providing a range of aged care support services. The higher volume of clients in this area also is attractive to potential service providers. Nevertheless, the key criteria for suitable providers for this area remained the same, with the focus on ensuring much needed quality services would be provided by the most suitable provider for the community.

Engagement & developmental activities:

As instructed by the Commonwealth Department of Health, a process was undertaken to identify a preferred provider for the provision of Commonwealth Home Support Program for Area Three.

6.2 Positive Ageing Reform Readiness Plan Implementation

Officers aimed to invite all aged care service providers providing services in the Barwon region and beyond to participate in this process. Service providers were identified through:

- Local service provider network mailing lists
- My Aged Care portal
- Service providers identified in the initial review process

Service providers invited included, but were not limited to:

City of Greater Geelong; GenU; Hesse Health; Mercy; VMCH; Feroscare; Wintringham; Baptcare; Boltonclarke; Southern Cross Care Victoria; Bellarine Community Health; Simply Helping; Prestige in Home Care; Absolute Care Health; Lorne Community Hospital; MACS (Multicultural Aged Care Services); Borough of Queenscliff; Coast it; Absolute Care Health; Prompt Care; Vision Australia; Barwon Health; Colac Otway Shire; Uniting Age Well; Mable; Trefoil Care Services; Home Instead; Mecwacare.

Activities included:

- Forum / briefing session for all local service providers
- 1-1 meetings with potentially interested providers
- Formal "Statements of Interest" received from service providers
- 'Request for Information' documentation completed
- Follow up assessment meetings with service providers
- Discussions with Department of Health regarding suitability
- Commitments at CEO and Board levels as appropriate

Outcome summary:

In accordance with the Commonwealth Department of Health requirements, Council's preferred provider information is to remain confidential and is the subject of a separate report.

The Commonwealth Department of Health Transition Out Plan states:

"Service providers should be aware that the transfer process is not formally agreed to by the Department until all due diligence has been fulfilled to the satisfaction of the Delegate including suitability and risk of the proposed new business entity and/or nominated replacement provider/s; and the delegate has approved the transfer."

A complementary report, 'Positive Ageing Reform Readiness Plan - Identification of Preferred Provider/s' is provided to Council, outlining further summary details and the identification of the preferred provider/s. In accordance with Local Government Act sections 89(2)(d), this Report is required to remain confidential.

In concluding this process, it is important to note that:

- The process of identifying preferred providers should not be construed or perceived as a procurement process under the Local Government Act;
- Any recommendation is made on a without prejudice basis and the Commonwealth Department of Health will undertake its own due diligence and make independent decision on reconditioning; and
- The assessment process has been conducted to mitigate the potential impact on clients and strengthen the local service network. It should not, and does not imply or infer a transfer, or transmission of business under any industrial agreement or legislation.

Future of Positive Ageing

Action Five within the Reform Readiness Plan, is a key component to ensuring the transitional process from a direct service delivery focus to a developmental focus to pursue age friendly communities. Currently Council's Positive Ageing resources are almost entirely consumed in the process of delivering direct service to individual clients. Council's capacity to work with older adults (both young and old) to move towards an age friendly community is limited due to this service delivery focus.

6.2 Positive Ageing Reform Readiness Plan Implementation

Reform Readiness Plan Action Five:

Develop a comprehensive Positive Ageing Strategic Plan (2020 – 2025) which includes:

- ***Ongoing support of the established advisory committee***
- ***Capacity building and project development based on the Age Friendly Communities framework***
- ***Monitoring, evaluation and ongoing advocacy role relating to Aged Care Reform agenda outcomes and new service delivery paradigm***
- ***Allocation of sufficient Council resources to execute the 2020 – 2025 Plan***

Officers and the Positive Ageing Advisory Committee have developed a community engagement plan to gather information from the local communities which will directly inform the strategic plan. Part of the engagement is to hold forums across the Shire with officers and committee members co-facilitating. Three forums have already occurred, with others organised. It is envisaged these forums, held across the Shire, will be completed by March 2020.

Other information gathering strategies are planned, to maximize Council's capacity to gather information from those isolated, unable to attend forums or those who have a preference to use a other methods of communication. Engaging with established groups and networks (e.g. Probus groups, Senior Citizens groups) is also underway to inform Council's future direction.

Officers are currently developing an alternative future staffing model and budget allocations to ensure the future of Council's vision for Positive Ageing can be realised.

Financial Implications

The table below summarises the Annual Budget for these services.

Service	Annual Budget 2019-20
Commonwealth Home Support Program(CHSP)	\$265,001 net cost
Home and Community Care for Younger People (HACC PYP)	\$4,611 net income
Veterans Home support	\$ 9,495 net cost
Aged Care Coordination and Training	\$784,461 net cost

There are significant financial implications directly arising from the recommendation in this Council Report. These services are material in the broader context of the Surf Coast budget, with an annual budgeted deficit of \$1.1million.

The programs employ 21 part time care workers (average 15 hours per week) and 10 office-based support staff (majority part time).

There are significant one-off transition costs (approximately \$561,000) associated with the recommendations within this report (noting the decisions of funding bodies are critical to the timing of these costs). These costs will be factored into the organisation's mid-year budget forecast and reported to Council via existing regular financial reports and factored into the budget development process for 2020-21. These one-off expenses will be offset by recurring future reductions in expenditure subject to future decisions of Council on its annual recurrent investment in Positive Ageing services.

Pending funding body decisions it is possible some costs will be incurred in 2020-21 to finalise the process of transition and if applicable will form part of the annual budget deliberations. All budget allocations will be determined through Council's standard budgeting processes.

Council Plan

Theme	1	Community Wellbeing
Objective	1.4	Provide support for people in need
Strategy	1.4.2	Pursue Age Friendly City status

6.2 Positive Ageing Reform Readiness Plan Implementation

Theme 5 High Performing Council
Objective 5.1 Ensure Council is financially sustainable and has the capability to deliver strategic objectives
Strategy 5.1.4 Build on relationships with agencies and key stakeholders for the benefit of the community

Theme 5 High Performing Council
Objective 5.4 Ensure the community has access to the services they need
Strategy 5.4.3 Advocate for services that are best delivered by others

Policy/Legal Implications

There are no foreseen policy or legislative issues arising from this report. The relevant funding bodies have been consulted and are the ultimate decision makers regarding funding allocations to service providers in the region. The proposal to exit services, as outlined in this report, have been discussed and no concerns raised at this stage.

Council remains contractually obliged to continue to fulfil service agreements with funding agencies until new providers are appointed and transition plans enacted.

Officer Direct or Indirect Interest

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

Risk Assessment

The following key risks have been identified:

Financial Risk – there is a likelihood of increasing costs (on the basis of current unit costs) for Council if it continues to be a provider of services due to cost structures and demand for services.

Competitive Neutrality- there is an emerging risk related to Competitive Neutrality whereby Council cannot lawfully subsidise the costs of its operations to provide a competitive advantage over other providers in an open market scenario anticipated in future years.

Competition – in a competitive market local government is exposed to a range of commercial risks that it may not have previously encountered.

Employee Relations – there are industrial and employee relations risks related to staff. Additionally there are health and wellbeing risks associated with such change.

Transition Processes – Poor transition planning and implementation could impact client service delivery

Reputation - Council could attract criticism from the community for its decision to exit its role in direct delivery of home support and community care services

Risk Mitigations

The recommendations as presented will mitigate risks by:

- Reducing levels of uncertainty and ambiguity
- Placing clients at the forefront of decisions with Council's set of client focussed guiding principles acting as a lens by which recommendations are made
- Community members, including clients, family, carers, staff and the broader community have been consulted throughout the process and been kept up to date through all review and planning stages
- Providing sufficient time for the transition to alternative service providers. Officers are confident that with well-developed transitional planning processes, the impact on services to clients can be minimised.
- Enabling support services for staff during a period of change.
- Prudently managing Council resources against service demands, reducing ongoing allocations for positive ageing services and yet enabling an expansion of capacity building support to the community (not currently achievable due to Council's strong service delivery focus).

6.2 Positive Ageing Reform Readiness Plan Implementation

Social Considerations

Local government has a long history in the provision of aged and disability services through the previous Home and Community Care Program (HACC) (now Commonwealth Home Support Program) and through this built a strong social contract with its community. The Commonwealth Aged Care Reforms are a disruption to this relationship and there is concern that clients and staff might be disadvantaged through the transition process. The recommended action is designed to minimise this concern and to provide stability for the future of service delivery during a period of reform. A strong focus on transitional processes is key to allaying these potential concerns.

Community Engagement

The Positive Ageing Advisory Committee provides community representation from across the Shire. The Committee has actively participated in the reform process. A community engagement plan has been developed whereby Officers, advisory members and new service provider representatives will work together to present the new model to the community. The engagement process will be a twofold process, one of information sharing regarding the new service delivery model and secondly an information gathering process to attain input into the Positive Ageing strategic plan. Members of the Committee have participated in the process of assessing alternate providers as key community advisors.

Environmental Implications

There are no foreseeable environmental implications arising from this report.

Communication

Officers have developed a Reform Readiness Communication & Engagement Plan which involves a methodology that is followed at each decision making point.

It has an emphasis on the use of plain English and includes:

Clients:

- Direct communication to affected clients via letter and/or phone message.
- Key messages developed and distributed to Positive Ageing staff and customer service to ensure consistent messaging
- Key contact information distributed and encouragement to contact with concerns / queries

Staff:

- Direct contact with staff within allocated meeting times
- Briefed prior to relevant Council meetings
- Letters and emails regarding decision and impact / non-impact on them
- People and culture support regarding employment implications

Community:

- Media releases prepared and distributed at each decision making point

Advisory Committee:

- Consulted in the development of the Communications & Engagement Plan
- Engagement program has been developed with their support and participation.

Options

Option 1 – That council exit the three remaining aged care support services, by 30 June 2020, in accordance with the *Positive Ageing Reform Readiness Plan (June 2019)* and set a new Positive Ageing direction for Surf Coast Shire Council

This option is recommended by officers as it is supported by the Positive Ageing Advisory Committee, aligns with Council's Plan and Act mandate and the actions as outlined in the Positive Ageing Reform Readiness Plan (June 2019). Furthermore, the extensive work undertaken since 2016 ensures our community will not be left without much needed services moving into the new aged care service delivery paradigm

Option 2 – That council defers a decision and requests further information

This option is not recommended by officers as officers have no other activities to undertake to identify preferred providers. Officers are confident all due diligence has been undertaken to meet the Departmental requirements and ensure our community is not left without much needed services. Any delays in Council's decision making will impact on the possibility of exiting by 30 June 2020.

6.2 Positive Ageing Reform Readiness Plan Implementation

Option 3 – That council decide not to exit these 3 remaining aged care support services.

This option is not recommended by officers as the Aged Care Reform Agenda outlines a new paradigm for service delivery. Council has worked consistently since 2016 to ensure our community's needs will fit within this future model realising that Council will not be a preferred provider in this new paradigm. If no decision is made at this time Council will lose its opportunity to provide a preferred provider.

Conclusion

In response to the Commonwealth Government's Aged Care Reforms, Council has been developing options for a new service model to ensure the community continues to have access to much needed services in the new aged care paradigm.

In consultation with the Positive Ageing Advisory Committee a new service delivery model has been developed for the Surf Coast Shire community. Processes have been undertaken to ensure suitable alternate providers are available and from those available, preferred providers for our community have been identified.

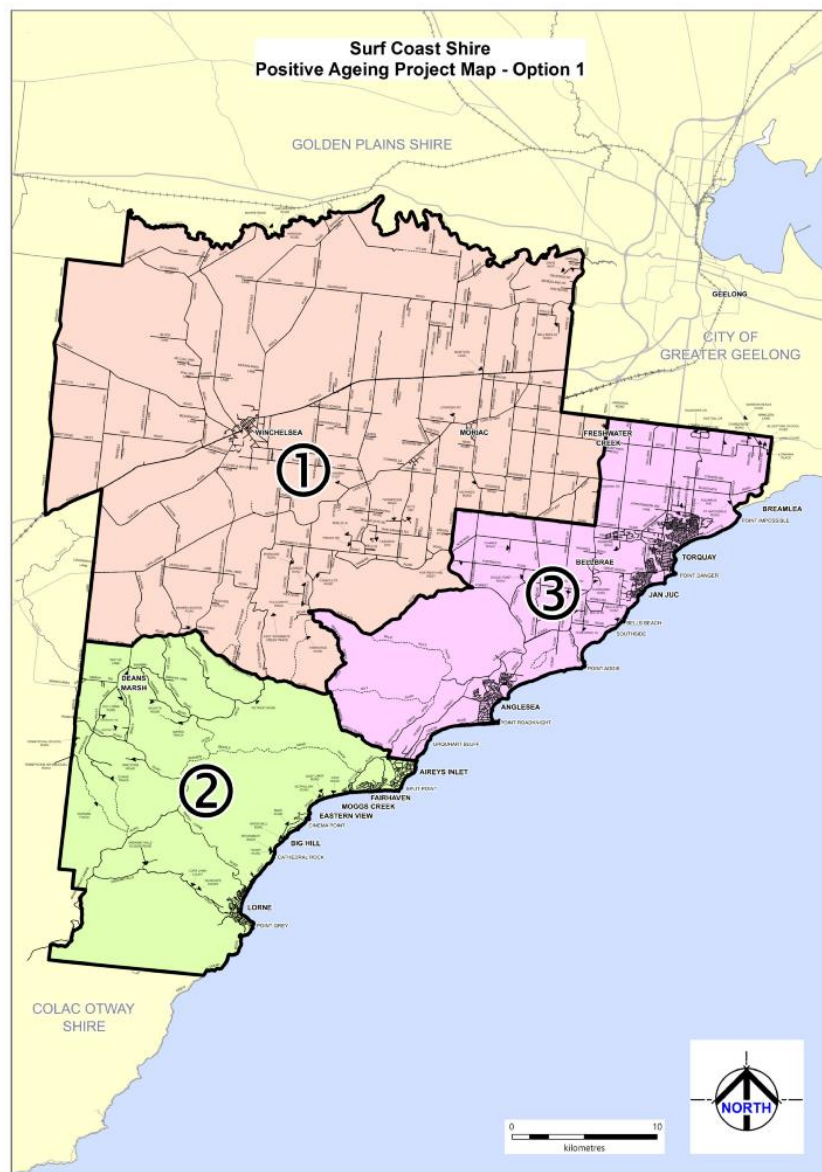
In August 2019 Council resolved to cease specialist services namely NDIS, Home Care Package and Brokerage services by 31 December 2019 in line with actions outlined within the Reform Readiness Plan (June 2019). Transitional processes are underway.

There are three support services remaining, namely Commonwealth Home Support Program, Department of Veteran Affairs and Home and Community Care Program for Young People. Officers have proceeded cautiously to ensure all remaining activities have been undertaken before transitioning out of these program areas.

To meet Departmental requirements, timeframes and enable a well planned and seamless transition, officers seek Council resolution to undertake all activities necessary to cease providing these remaining services by 30 June 2020.

6.2 Positive Ageing Reform Readiness Plan Implementation

APPENDIX 1 MAP OF SERVICE DELIVERY AREAS 1, 2 & 3



6.3 Council Events Calendar 2020

Author's Title: Community Relations Manager

Department: Community Relations

Division: Culture & Community

Appendix:

1. Council Events Calendar 2020 (D19/159198)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

☐

Yes

☒

No

Reason: Nil

General Manager: Chris Pike

File No: F10/219

Trim No: IC19/1932

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to determine the Council Events Calendar 2020.

Summary

Council adopts a calendar of events to recognise aligned campaigns and causes. The calendar provides clarity about the events and causes that Council is supporting and identifies the resources required to deliver these events.

Priority areas of the Council Plan 2017-2021, incorporating the Health and Wellbeing Plan, have informed the selection of causes recommended for support in 2020. The selection of these events does not diminish the importance of causes not included in Council's program. The framework and the number of events does however guide resource allocation.

Adoption of this calendar helps determine which causes to support and how to manage these activities appropriately.

Recommendation

That Council adopts the Council Events Calendar 2020 as attached at Appendix 1.

6.3 Council Events Calendar 2020

Report

Background

Council can consider supporting many worthwhile causes by conducting events or awareness raising activities. Council applies a coordinated approach, establishing a calendar to improve the management of these initiatives.

Confirming an annual calendar provides several benefits including improved internal coordination of events and activities and an understanding of the resourcing requirements to run the events. The agreed calendar also provides clarity to our community about which causes Council is involved in.

Discussion

The proposed 2020 calendar includes a framework to guide allocation of resources, which is described in Appendix 1. The proposed 2020 calendar includes four Level 1 events, six Level 2 events, three Level 3 events. The Cadel Evans Great Ocean Road Race Welcome Wave event is classified higher than a standard Level 1 event as it is of a larger scale. The events have been selected based on links to the Council Plan incorporating the Health and Wellbeing Plan.

The proposed calendar includes social causes for which Council has previously demonstrated its support. The calendar identifies the strategic link to the Council Plan for each proposed initiative.

The level of planning and staff resources required has also informed the selection of proposed events. Level 1 events require significant input of staff time across multiple business units in their planning and delivery. Level 2 events generally can be managed at a department level and in consultation and cooperation with other service providers or agencies. Level 3 initiatives will require lower levels of resourcing and may not require a significant event.

The number of events proposed is based on Council's ability to deliver the program within existing resources. Should the number or scale of events in the calendar increase, consideration would need to be given to either increasing staff resources to support delivery of events or a reduction in other work priorities and projects.

The framework and event management approach applies to the awareness raising events and causes included in the 2020 calendar. Citizenship ceremonies, festivals and community events are not included in this calendar and are subject to their own process and management criteria as outlined in Council's events policy.

Officers will continue to identify and pursue partnerships with community organisations for particular events in keeping with our organisation direction of being a constructive partner that values the strengths of others.

Financial Implications

The cost to deliver the Level 1 – 3 events in the calendar is \$33,500. The Cadel Evans Great Ocean Road Race Welcome Wave event sits outside this budget and has a budget of \$10,000. This event is at a larger scale compared to other Level 1 events in the attached calendar. Officer time is not costed in this total.

Council Plan

Theme	1	Community Wellbeing
Objective	1.1	Support people to participate in and contribute to community life

Policy/Legal Implications

One of the roles of Local Government as defined in the *Local Government Act 1989* is fostering community cohesion and encouraging active participation in civic life. This calendar of events and awareness raising campaigns can play a role in fostering cohesion across the Surf Coast Shire community.

Officer Direct or Indirect Interest

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

6.3 Council Events Calendar 2020

Risk Assessment

The establishment of an event schedule linked to Council's strategic direction clearly articulates the rationale for the selection of events. It provides a framework for management of managing events. This mitigates the risk of Council supporting events and causes that are not linked to Council objectives or over committing resources by adding more events.

Social Considerations

Community members will be encouraged to participate in awareness raising events. These events can support people to be more involved in community life and participate socially in their community.

Community Engagement

The proposed event schedule aims to raise awareness of issues that the Surf Coast Community is passionate about. Community engagement done to create key strategic plans, in particular the Council Plan and Health and Wellbeing Plan 2017-2021, has informed the 2020 events calendar.

Environmental Implications

All events will comply with Council's plastic wise and event policy

Communication

Communication plans will be developed for each event and activity and will be promoted through channels such as local media, social media and on Council's website. The Banyul Warri Fields billboard will advertise level one events.

Options

Option 1 – Adopt the proposed calendar of events

This option is recommended by officers as the events proposed in the calendar align to the objectives in the Council Plan and can be delivered within existing resources.

Option 2 – Adopt a different calendar of events

This option is not recommended by officers as the proposed events are closely aligned to the Council Plan. A different calendar of events may not align as closely and any additional events would require additional resource allocation.

Option 3 – Do not adopt a calendar of events

This option is not recommended by officers as this would diminish clarity and remove the framework which manages the amount of resources allocated to events.

Conclusion

While there are many worthwhile causes that Council may choose to support, it is useful to link the selection of these particular awareness raising causes with Council's strategic plans. The proposed schedule and scale of events is for 2020, and is subject to annual review.

Adopting a calendar of awareness raising events provides clarity regarding which campaigns are supported in 2020. This allows for appropriate planning and resource allocation.

6.3 Council Events Calendar 2020

APPENDIX 1 COUNCIL EVENTS CALENDAR 2020



Council Events Calendar 2020 (adopted November 2019)

Date	Event	Level (See event level framework)	Link to Council Plan
26 January	Australia Day	2	Strategic Objective - Support people to participate in and contribute to community life
29 January	Cadel Evans Great Ocean Road Race Welcome Wave	1*	Strategic Objective - Facilitate high quality events throughout the year
8 March	International Women's Day	1	Strategy 12 - Contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children in the G21 region
April	Rip Curl Pro Civic Event	1	Strategic Objective - Support key industry sectors such as surfing
3-12 April	National Youth Week	2	Strategy 10 - Work in partnership with community and agencies to improve young people and families' access to the services and support they need.
17 May	IDAHOBIT Day	3	Strategic Objective - Provide support for people in need
18-24 May	National Volunteer Week	1	Strategy 2 - Support high levels of volunteering
5-12 July	NAIDOC Week	2	Strategic Objective - Provide support for people in need
October	Mental Health Awareness Week	3	Strategic Objective - Provide support for people in need
October	Seniors' Festival	2	Strategy 11 - Pursue Age Friendly City Status
October	Children's Week	2	Strategy 10 - Work in partnership with community and agencies to improve young people and families' access to the services and support they need.
November	Fire Action Week	3	Strategy 9 - Community resilience to prepare for emergencies
November	Barwon Month of Action - Prevention of Violence Against Women	1	Strategy 12 - Contribute to the delivery of the Strategic Plan for prevention and addressing violence against women and children in the G21 region
3 December	International Day of People with a Disability	2	Strategy 13 - Implement the Accessible and Inclusive Surf Coast Shire strategic plan.

(This calendar is updated annually and approved by Council and events may vary each year)

KEY: Event Level Framework		
Level	Allocated budget	Example of activities <i>(Guided by the event allocated budget)</i>
Level 1 Events	\$5,000 NB - Cadel Evans Welcome Wave budget is \$10,000*	<ul style="list-style-type: none"> Substantial Event / Activity - Larger scale community gathering eg; breakfast, afternoon teas. Significant communication campaign. Use of Banyul Warri Fields Billboard and Pond flag pole provided it meets the conditions of the Flag Policy. High level of staff and community involvement.
Level 2 Events	\$2,000	<ul style="list-style-type: none"> Smaller event/Business unit level activity. Could involve other service providers. Local communication campaign. Promotion by organisations.
Level 3 Events	\$500	<ul style="list-style-type: none"> Small scale communications. Counter sales of ribbons, pens etc. May include small scale community gathering.

6.4 SCS-047 Volunteer Policy

Author's Title: Coordinator Community Health and Development

General Manager: Chris Pike

Department: Community Health and Development

File No: F19/653

Division: Culture & Community

Trim No: IC19/2022

Appendix:

1. SCS-047 Volunteer Policy (D19/157148)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to adopt SCS-047 Volunteer Policy.

Summary

The Volunteer Policy:

- recognises that volunteers and volunteering make a significant contribution, supporting individuals and communities to be healthy and well.
- delivers on Council Plan commitments to:
 - support people to participate in and contribute to community life
 - facilitate and support high levels of volunteering in the community; and specifically
 - 2019-20 action to develop policies and processes in line with the National Volunteering Standards
- formalises Council's intent, purpose and commitment to involving volunteers and provides the groundwork for management policies and procedures that define responsibilities for leading and managing volunteer involvement.

Recommendation

That Council adopts SCS-047 Volunteer Policy as attached at Appendix 1.

6.4 SCS-047 Volunteer Policy

Report

Background

The Surf Coast Shire has high volunteering rates and Council has long supported voluntary roles in the provision of Council's visitor information, social support and delivered meal services. Council currently has over 180 volunteers. During the 2018-19 financial year 13,201 volunteer hours were amassed with an economic value for the community of \$460,582.89.

Across the Shire, there are 6,500 volunteers, representing 28% of the population 15 years and over. Volunteer rates are even higher in Lorne and Aireys Inlet-Fairhaven-Moggs Creek (35%), Anglesea (34%) and Deans Marsh and district (31%).

Research into Surf Coast Shire volunteer involving community groups and organisations (Johnson 2019; n = 127) found that 69% of survey respondents said that their group or organisation needs help to attract and retain volunteers which, the survey results identified, could be supported through training (81%), networking opportunities (72%), and mentoring (70%).

Discussion

Council is already actively engaged with volunteers. In a number of areas working with volunteers, Council's current practice is aligned with some of the National Standards for Volunteer Involvement 2015.

The National Standards for Volunteer Involvement are:

1. Leadership and management
2. Commitment to volunteer involvement
3. Volunteer roles
4. Recruitment and selection
5. Support and development
6. Workplace safety and wellbeing
7. Volunteer recognition
8. Quality management and continuous improvement

Currently there is no policy statement to inform our community on Council's commitment to volunteering. Creating a Council policy will make a public declaration of our intent, purpose and commitment to volunteer involvement and provide a foundation for management policies and procedures to define responsibilities for leading and managing volunteer involvement.

Work has begun with volunteer supervisors and an internal advisory committee to develop a consistent organisational practice, guided by the National Standards including:

- sharing current practice
- benchmarking with the National Standards
- adjusting practice and process, where necessary
- identifying gaps and developing agreed practices and processes and
- documenting processes and monitoring progress

The input of volunteer supervisors and an internal advisory committee into the development of the Volunteer Policy will help to establish consistent, aligned processes and practices and ensure that they are well communicated, understood and implemented by all relevant staff across the organisation.

Financial Implications

The Volunteer Policy makes a commitment to support volunteering across the Surf Coast Shire within available resources.

6.4 SCS-047 Volunteer Policy

Council Plan

Theme	1	Community Wellbeing
Objective	1.1	Support people to participate in and contribute to community life
Strategy	1.1.2	Facilitate and support high levels of volunteering in the community
Theme	1	Community Wellbeing
Objective	1.2	Support people to be healthy and active
Strategy	1.1.1	Develop and implement a program to support communities of place and interest, and to provide opportunities for them to identify and achieve their community aspirations
Theme	5	High Performing Council
Objective	5.4	Ensure the community has access to the services they need
Strategy	5.1.3	Develop innovative funding partnerships with community, business and government

Policy/Legal Implications

The Volunteer Policy assists Council in meeting its obligations regarding involving volunteers in line with the National Standards for Volunteer Involvement 2015.

Officer Direct or Indirect Interest

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

Risk Assessment

The Volunteer Policy aligns to practice guidance and benchmarks for leading, managing and supporting volunteer involvement and will enable Council to manage the risk and safety aspects of its work with volunteers.

Social Considerations

The Volunteer Policy will help improve the volunteer experience for residents volunteering with Council and those giving their time, energy and skills to volunteer involving community groups and organisations.

Community Engagement

The Volunteer Policy delivers on commitments made to the community in Council Plan strategies and actions and accords with the findings of research conducted into Surf Coast Shire volunteering involving organisations.

Environmental Implications

The Surf Coast Shire is home to 26 volunteering involving environmental groups. The Volunteer Policy makes a commitment to support volunteering across the Surf Coast Shire within available resources.

Communication

Adoption of the Volunteer Policy will be promoted through Council media and communicated to participants of Council's research into volunteer involving community groups and organisations.

Options

Option 1 – Council adopts the SCS-047 Volunteer Policy

This option is recommended by officers as the Volunteer Policy delivers on Council commitments to align with the National Standards for Volunteer Involvement 2015, establishing best-practice principles for involving volunteers and providing the foundation for management policies and procedures that will define responsibilities for leading, managing and supporting volunteer involvement.

Option 2 – Council does not adopt and requests amendments to the SCS-047 Volunteer Policy

This option is not recommended by officers as the Volunteer Policy has been informed by research into volunteering involving community groups and organisations and was developed with the input from Surf Coast Shire Council volunteer supervisors and an internal advisory committee.

6.4 SCS-047 Volunteer Policy

Option 3 – Council does not adopt a Volunteer Policy

This option is not recommended by officers as research into volunteer involving community groups and organisations and with Surf Coast Shire Council volunteer supervisors identified a need for policies and procedures to better support involving volunteers. The Volunteer Policy makes a public declaration of Council's intent, purpose and commitment to involving volunteers and establishes the groundwork for management policies and procedures that will define responsibilities for leading, managing and supporting volunteer involvement.

Conclusion

The adoption of the SCS-047 Volunteer Policy signals Council's recognition of the contribution that volunteers make to our community. Delivering on Council Plan commitments, the Volunteer Policy formalises Council's intent to purpose and commitment to involving volunteers and provides the groundwork for management policies and procedures that define responsibilities for leading and managing volunteer involvement.

6.4 SCS-047 Volunteer Policy

APPENDIX 1 SCS-047 VOLUNTEER POLICY



We exist to help our community and environment to thrive

COUNCIL POLICY

SCS-047 Volunteer Policy

TRIM Reference: D19/157148 Due for Review: November 2022
Responsible Officer: Manager Community Strengthening

Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to volunteering in our Shire.

Volunteers are integral to a strong community and make a valuable contribution to community life – environmentally, socially and economically.

Council appreciates those in our community who volunteer their time and a wide range of skills, expertise and experience. Their efforts are highly valued and represent a significant contribution towards the strength and success of our community.

Council also acknowledges the extensive research that points to the health benefits of social connections and sees volunteering as a way to support these connections.

This is consistent with Council's purpose: We exist to help our community and environment to thrive.

Policy Principles

This policy provides the framework through which volunteers will be recognised and supported by Council.

Scope

This Policy applies to:

- Council
- Committees with delegated authority from Council;
- Advisory and other groups with Council adopted Terms of Reference; and
- Staff

Policy

Surf Coast Shire Council:

- a) Recognises the valuable contribution of volunteers and the community benefit they create;
- b) Acknowledges that Council is just one of the many organisations that engage and support volunteers;
- c) Commits to aligning with the National Standards for Volunteer Involvement 2015; and
- d) Supports volunteering across the Surf Coast Shire as best it can within available resources.

Definitions

Council uses Volunteering Australia's Definition of Volunteering 2015:

- Volunteering is time willingly given for the common good and without financial gain.

Related Procedure

Management Procedures:

- Volunteering; and
- Volunteer Recognition

References

Local Government Act 1989
Workplace Health and Safety Act 2004
National Standards for Volunteer Involvement 2015
Privacy and Data Protection Act 2014



We exist to help our community and environment to thrive

COUNCIL POLICY

See also - research on the health benefits gained through Volunteering, such as:

<https://www.nib.com.au/the-checkup/community/national-volunteer-week-4-surprising-health-benefits-of-volunteering>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5504679/>

<https://headtohealth.gov.au/meaningful-life/purposeful-activity/volunteering>

<https://sydney.edu.au/news-opinion/news/2017/05/03/7-surprising-benefits-of-volunteering-.html>

<https://www.trenchhealth.com.au/articles/VolunteerForHappiness.pdf>

<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1150&context=lcp>

Document History

Version	Document History	Approved by – Date
1	New policy	Council Resolution – 26 November 2019

7. URGENT BUSINESS

Nil

8. PROCEDURAL BUSINESS

8.1 Assemblies of Councillors

Author's Title: Administration Governance Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/221

Division: Governance & Infrastructure

Trim No: IC19/1753

Appendix:

1. Assembly of Councillors - External Presentation - G21 Geelong Regional Alliance - 22 October 2019 (D19/155849)
2. Assembly of Councillors - Responsible and Planning Authority Briefings - 22 October 2019 (D19/155891)
3. Assembly of Councillors - Councillor Briefings - 22 October 2019 (D19/155886)
4. Assembly of Councillors - Councillor Briefings - 6 November 2019 (D19/162117)
5. Assembly of Councillors - Facilitated Wellbeing Discussion with Joanna Betteridge - 12 November 2019 (D19/170105)
6. Assembly of Councillors - WHS & EEO Policy with Joanna Betteridge - 12 November 2019 (D19/170104)
7. Assembly of Councillors - Governance Induction for Councillors with Terry Bramham - 12 November 2019 (D19/170107)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

☐

Yes

☒

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

Reason: Nil

Purpose

The purpose of this report is to receive and note the Assembly of Councillors records received since the previous Council Meeting.

Summary

The *Local Government Act 1989* section 80A(2) states that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is as soon as practicable reported at an Ordinary Meeting of Council and incorporated in the minutes of that Council Meeting.

Recommendation

That Council receives and notes the Assembly of Councillors records for the following meetings:

1. External Presentation – G21 Geelong Regional Alliance – 22 October 2019
2. Responsible and Planning Authority Briefing – 22 October 2019
3. Councillor Briefings – 22 October 2019
4. Councillor Briefings - 6 November 2019
5. Facilitated Wellbeing discussion with Joanna Betteridge – 12 November 2019
6. WHS & EEO Policy discussion with Joanna Betteridge – 12 November 2019
7. Governance Induction for Councillors with Terry Bramham – 12 November 2019

8.1 Assemblies of Councillors

**APPENDIX 1 ASSEMBLY OF COUNCILLORS - EXTERNAL PRESENTATION - G21 GEELONG
REGIONAL ALLIANCE - 22 OCTOBER 2019**



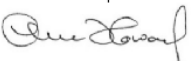
Assembly of Councillors Record

Description of Meeting: External Presentation G21 Geelong Regional Alliance
Responsible Officer: Anne Howard
Date: 22 October 2019
In Attendance: Yes (✓) No (X)

Councillors		Officers		Externals	
Cr. Rose Hodge, Mayor	✓	Chief Executive Officer – Keith Baillie	✓	G21 Geelong Regional Alliance - Elaine Carbines	✓
Cr. Clive Goldsworthy	✓	General Manager Governance & Infrastructure – Anne Howard	✓		
Cr. David Bell	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. James McIntyre	✓	Senior Governance Officer - Julie Anderson (minutes)	✓		
Cr. Brian McKitterick	✓	Administration Officer Governance – Jocelyn Christensen (minutes)	✓		
Cr. Tony Revell	✓				
Cr. Margot Smith	X				
Cr. Heather Wellington	X				

MEETING COMMENCED	2.34pm	MEETING CONCLUDED	2.59pm
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Matters considered at the meeting
1. G21 MOU

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Y/N)	Type & Details of Interest(s) Disclosed
Nil		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 22 October 2019		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

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- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
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8.1 Assemblies of Councillors

**APPENDIX 2 ASSEMBLY OF COUNCILLORS - RESPONSIBLE AND PLANNING AUTHORITY
BRIEFINGS - 22 OCTOBER 2019**



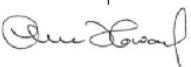
Assembly of Councillors Record

Description of Meeting: Responsible and Planning Briefing
Responsible Officer: Anne Howard
Date: 22 October 2019
In Attendance: Yes (✓) No (X)

Councillors		Officers	
Cr. Rose Hodge, Mayor	✓	Chief Executive Officer – Keith Baillie	✓
Cr. Clive Goldsworthy	✓	General Manager Governance & Infrastructure – Anne Howard	✓
Cr. David Bell	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	✓
Cr. James McIntyre	✓	Senior Governance Officer - Julie Anderson (minutes)	✓
Cr. Brian McKitterick	✓	Administration Officer Governance – Jocelyn Christensen (minutes)	✓
Cr. Tony Revell	✓	Manager Planning and Development - Bill Cathcart	✓
Cr. Margot Smith	X	Coordinator Statutory Planning - Michelle Watt	✓
Cr. Heather Wellington	X	Principal Strategic Planner - Michelle Warren	✓

MEETING COMMENCED	3.02pm	MEETING CONCLUDED	3.09pm
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Matters considered at the meeting
1. Conflict of Interests
2. 86- Use and Development of Land for an Indoor Recreation Facility -Surf Coast Secondary College 75 White Street, Torquay
3. Amendment GC104 - Train Stabling and Maintenance Facility at 255 Reservoir Road, Waum Ponds
4. Other Business

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Y/N)	Type & Details of Interest(s) Disclosed
Nil		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 22 October 2019		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

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- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
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8.1 Assemblies of Councillors

APPENDIX 3 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 22 OCTOBER 2019



Assembly of Councillors Record

Description of Meeting: Councillor Briefings
Responsible Officer: Anne Howard
Date: 22 October 2019
In Attendance: Yes (✓) No (X)

Councillors		Officers	
Cr. Rose Hodge, Mayor	✓	Chief Executive Officer – Keith Baillie	✓
Cr. Clive Goldsworthy	✓	General Manager Governance & Infrastructure – Anne Howard	✓
Cr. David Bell	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	✓
Cr. James McIntyre	✓	Senior Governance Officer - Julie Anderson (minutes)	✓
Cr. Brian McKitterick	✓	Administration Officer Governance – Jocelyn Christensen (minutes)	✓
Cr. Tony Revell	✓	Manager Finance - John Brockway	
Cr. Margot Smith	X	Digital Transformation Program Manager - Stevan Muskett	
Cr. Heather Wellington	X	Manager Program Management Office - Rowena Frost	
		Manager People and Culture - Leanne Perryman	
		Customer Experience Coordinator - Virginia Morris	
		Manager Community Relations - Damian Waight	

MEETING COMMENCED	3.30pm	MEETING CONCLUDED	5.00pm
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Matters considered at the meeting
1. Conflict of Interests
2. Monthly Finance Report - September 2019
3. Digital Transformation Program Update
4. Monthly Program Status Update - September 2019
5. Quarterly Workplace Health and Safety Report - 2019/20
6. Quarterly Update - Customer Requests & Complaints - July to September 2019
7. Agenda Review - Council Meeting - 22 October 2019
8. Other Business

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Y/N)	Type & Details of Interest(s) Disclosed
Nil		
Responsible Officer Signature:		Print Name: Anne Howard
Date: 22 October 2019		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

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8.1 Assemblies of Councillors

APPENDIX 4 ASSEMBLY OF COUNCILLORS - COUNCILLOR BRIEFINGS - 6 NOVEMBER 2019



Assembly of Councillors Record

Description of Meeting: Councillor Briefings
Responsible Officer: Anne Howard
Date: 6 November 2019
In Attendance: Yes (✓) No (X)

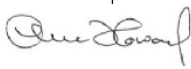
Councillors		Officers		Externals	
Cr. Rose Hodge, Mayor	✓	Chief Executive Officer – Keith Baillie	✓	General Manager, Great Ocean Road Regional Tourism - Liz Price	✓
Cr. Clive Goldsworthy	✓	General Manager Governance & Infrastructure – Anne Howard	✓	Chairman, Great Ocean Road Regional Tourism - Wayne Kayler-Thompson	✓
Cr. David Bell	✓	General Manager Environment & Development - Ransce Salan	✓	Urban Enterprises – Paul Shipp	✓
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. James McIntyre	X	Administration Officer Governance – Jocelyn Christensen (minutes)	✓		
Cr. Brian McKitterick	X	Property Officer - Sheree Seiffert	✓		
Cr. Tony Revell	✓	Property and Legal Services Officer - Sophie Stickland	✓		
Cr. Margot Smith	✓	Engineering Services Manager - Ian Stewart	✓		
Cr. Heather Wellington	X	Coordinator Waste Management - Neil Brewster	✓		
		Special Projects Coordinator - Richard Bain	✓		
		Manager Environment and Community Safety - Rowan Mackenzie	✓		
		Coordinator Environment - Kate Smallwood	✓		
		Project Manager - Positive Ageing - Nicole Langtip	✓		
		Manager Community Strengthening - Jill Moodie	✓		
		Coordinator Positive Ageing - Carolyn Trowell	✓		
		Community Project Officer - Terri Hannan	✓		
		Coordinator Community Health & Development - Alicia Hooper	✓		
		Coordinator Recreation Planning - Jarrod Westwood	✓		
		Recreation Development Officer - Paul Elshaug	✓		
		Strategic Asset Manager - John Bertoldi	✓		



	Project Manager - Capital and Operational Projects - Ronan Corcoran	✓	
	Manager Economic Development - Matt Taylor	✓	

MEETING COMMENCED	1.00pm	MEETING CONCLUDED	5.03pm
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Matters considered at the meeting
1. External Presentation – Great Ocean Road Regional Tourism
2. Confirmation of Minutes
3. Conflict of Interests
4. Project Plan Renewal of Leases and Licences
5. Road Management Plan Standards (Cr Enquiry) and Dust Suppression Program Update
6. Council Submission: Infrastructure Victoria - Recycling and resource recovery infrastructure: Evidence Base October 2019
7. Bells Beach Surfing Recreation Reserve Coastal & Marine Management Plan 2015-25
8. Torquay Jan Juc DCP Review External Paul Shipp - Urban Enterprises
9. Winchelsea Infrastructure Projects
10. Positive Ageing Reform Readiness Plan Implementation
11. Small Grants Program September 2019
12. Aquatic and Health Centre Planning
13. SCS-029 Rabbit Management Policy Review
14. Deans Marsh Reserve Festival Stand Project - Community Led Project Delivery Option
15. Council 2020 Events Calendar
16. SCS-018 Gifts, Benefits and Hospitality Policy Review
17. Other Business

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Y/N)	Type & Details of Interest(s) Disclosed
Nil		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 6 November 2019		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

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8.1 Assemblies of Councillors

**APPENDIX 5 ASSEMBLY OF COUNCILLORS - FACILITATED WELLBEING DISCUSSION WITH
JOANNA BETTERIDGE - 12 NOVEMBER 2019**



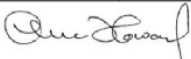
Assembly of Councillors Record

Description of Meeting: Facilitated Wellbeing Discussion
Responsible Officer: Anne Howard
Date: 12 November 2019
In Attendance: Yes (✓) No (X)

Councillors		Officers		Externals	
Cr. Rose Hodge, Mayor	✓	Chief Executive Officer – Keith Baillie	X	Betteridge Legal Consulting - Joanna Betteridge	✓
Cr. Clive Goldsworthy	✓	General Manager Governance & Infrastructure – Anne Howard	X		
Cr. David Bell	✓	General Manager Environment & Development - Ransce Salan	X		
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	X		
Cr. James McIntyre	✓	Executive Assistant to Mayor – Lisa Thomason	X		
Cr. Brian McKitterick	✓				
Cr. Tony Revell	✓				
Cr. Margot Smith	✓				
Cr. Heather Wellington	X				

MEETING COMMENCED	11.00am	MEETING CONCLUDED	1.00pm
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Matters considered at the meeting
1. Facilitated Wellbeing Discussion

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Y/N)	Type & Details of Interest(s) Disclosed
Nil		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 12 November 2019		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

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8.1 Assemblies of Councillors

**APPENDIX 6 ASSEMBLY OF COUNCILLORS - WHS & EEO POLICY WITH JOANNA
BETTERIDGE - 12 NOVEMBER 2019**



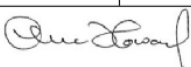
Assembly of Councillors Record

Description of Meeting: WHS & EEO Policy
Responsible Officer: Anne Howard
Date: 12 November 2019
In Attendance: Yes (✓) No (X)

Councillors		Officers		Externals	
Cr. Rose Hodge, Mayor	✓	Chief Executive Officer – Keith Baillie	✓	Betteridge Legal Consulting - Joanna Betteridge	✓
Cr. Clive Goldsworthy	✓	General Manager Governance & Infrastructure – Anne Howard	✓		
Cr. David Bell	✓	General Manager Environment & Development - Rance Salan	✓		
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. James McIntyre	✓	Executive Assistant to Mayor – Lisa Thomason	✓		
Cr. Brian McKitterick	✓	Manager Governance and Risk – Wendy Hope	✓		
Cr. Tony Revell	✓	Manager People and Culture – Leanne Perryman	✓		
Cr. Margot Smith	✓	Coordinator WHS – Sam Liston	✓		
Cr. Heather Wellington	X				

MEETING COMMENCED	1.30pm	MEETING CONCLUDED	2.30pm
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Matters considered at the meeting
1. WHS & EEO Policy discussion

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Y/N)	Type & Details of Interest(s) Disclosed
Nil		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 12 November 2019		
To be completed on conclusion of session and provided to Governance Administration Officer.		

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8.1 Assemblies of Councillors

**APPENDIX 7 ASSEMBLY OF COUNCILLORS - GOVERNANCE INDUCTION FOR
COUNCILLORS WITH TERRY BRAMHAM - 12 NOVEMBER 2019**



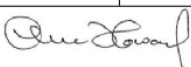
Assembly of Councillors Record

Description of Meeting: Governance Induction for Councillors
Responsible Officer: Anne Howard
Date: 12 November 2019
In Attendance: Yes (✓) No (X)

Councillors		Officers		Externals	
Cr. Rose Hodge, Mayor	✓	Chief Executive Officer – Keith Baillie	✓	Macquarie Local Government Lawyers – Terry Bramham	✓
Cr. Clive Goldsworthy	✓	General Manager Governance & Infrastructure – Anne Howard	✓		
Cr. David Bell	✓	General Manager Environment & Development - Ransce Salan	✓		
Cr. Martin Duke	✓	General Manager Culture & Community - Chris Pike	✓		
Cr. James McIntyre	✓	Manager Governance and Risk – Wendy Hope	✓		
Cr. Brian McKitterick	✓	Acting Coordinator Governance and Corporate Planning - Julie Anderson	✓		
Cr. Tony Revell	✓	Acting Senior Governance Officer – Zoe Eastick	✓		
Cr. Margot Smith	X	Administration Officer Governance – Jocelyn Christensen	✓		
Cr. Heather Wellington	X	Manager Planning and Development - Bill Cathcart	✓		

MEETING COMMENCED	2.30pm	MEETING CONCLUDED	4.00pm
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Matters considered at the meeting
1. Governance Induction for Councillors

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Y/N)	Type & Details of Interest(s) Disclosed
Nil		
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 12 November 2019		
To be completed on conclusion of session and provided to Governance Administration Officer.		

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- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest" under the Act [s.80A(3)].

9. NOTICE OF MOTIONS

Nil

10. CLOSED SECTION

Recommendation

That Council pursuant to section 89(2)(d) contractual matters and section 89(2)(h) other matters of the Local Government Act 1989, close the meeting to members of the public at pm to resolve on matters pertaining to the following items:

- 10.1 **G21 Memorandum of Understanding 2020-2024** (section 89(2)(d) contractual matters)
- 10.2 **IT Computer Replacement Program - 2019** (section 89(2)(d) contractual matters)
- 10.3 **Future Management of Bells Beach Surfing Recreation Reserve and Great Ocean Road Coast and Parks Authority Update** (section 89(2)(h) other matters)
- 10.4 **Award of Contract No. T20-001 Environmental Land & Roadside Pest Management Services** (section 89(2)(d) contractual matters)
- 10.5 **Positive Ageing Reform Readiness Plan Implementation - Identification of Preferred Providers** (section 89(2)(d) contractual matters)
- 10.6 **Confidential Assemblies of Councillors** (section 89(2)(h) other matters)