



**MORNINGTON  
PENINSULA**  
*Shire*

**MINUTES**

**SPECIAL COUNCIL MEETING**

**TUESDAY, 24 JANUARY, 2017**

**MUNICIPAL OFFICES  
BESGROVE STREET, ROSEBUD**

**MORNINGTON PENINSULA SHIRE COUNCIL****WARDS AND COUNCILLORS**

<b>Briars</b>	Cr. Rosie Clark Cr. Bev Colomb Cr. Sam Hearn
<b>Cerberus</b>	Cr. Kate Roper
<b>Nepean</b>	Cr. Hugh Fraser Cr. Bryan Payne
<b>Red Hill</b>	Cr. David Gill
<b>Seawinds</b>	Cr. Simon Brooks Cr. Antonella Celi Cr. Frank Martin
<b>Watson</b>	Cr. Julie Edge

**EXECUTIVE MANAGEMENT TEAM**

Mr. Carl Cowie Ms. Alison Leighton Mr. Matthew Green Mr. Robin Adams	Chief Executive Officer Chief Operating Officer Chief Financial Officer Director – Communities
---	---

**AUDIO RECORDING**

Please note that an audio recording of this Council Meeting will be made and be available on the Shire's website within seven days of the meeting.

---

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE NO</b>
<b>1</b>	<b>OPENING AND WELCOME .....</b>	<b>4</b>
	1.1 Acknowledgment of Traditional Land Owners .....	4
	1.2 Prayer .....	4
<b>2</b>	<b>PROCEDURAL MATTERS .....</b>	<b>5</b>
	2.1 Apologies .....	5
	2.2 Disclosure of Conflicts of Interest Pursuant to Section 79 of the Local Government Act 1989 .....	5
<b>3</b>	<b>MANAGEMENT REPORTS .....</b>	<b>6</b>
	3.1 Mount Martha Pillars – Management Options Report .....	6
<b>4</b>	<b>URGENT BUSINESS .....</b>	<b>33</b>
<b>5</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>34</b>
<b>6</b>	<b>MEETING CLOSE .....</b>	<b>35</b>

## **1 OPENING AND WELCOME**

The meeting opened at 4:07 p.m.

Appointed Chairperson – Mayor, Cr. Bev Colomb

### **1.1 Acknowledgment of Traditional Land Owners**

(Read by Cr. Payne)

*"In the spirit of respect, the Mornington Peninsula Shire acknowledges the Boon wurrung/Bunurong, members of the Kulin Nation, who have traditional connections for the land on which Council meets."*

### **1.2 Prayer**

(Read by Cr. Clark)

*"Almighty God, we humbly seek Thy blessings upon this Council. Direct and prosper its deliberations to the advancement of Thy glory and the true welfare of the people of the Mornington Peninsula Shire. Give us the strength and courage to make wise decisions with grace and dignity. Amen."*



## **2 PROCEDURAL MATTERS**

### **Present**

Mayor, Cr. Bev Colomb (Chairperson)

Cr. Simon Brooks

Cr. Antonella Celi

Cr. Rosie Clark

Cr. Hugh Fraser

Cr. David Gill

Cr. Sam Hearn

Cr. Frank Martin

Deputy Mayor, Cr. Bryan Payne

Cr. Kate Roper

Mr. Carl Cowie, Chief Executive Officer

### **2.1 Apologies**

Cr. Julie Edge

### **2.2 Disclosure of Conflicts of Interest Pursuant to Section 79 of the Local Government Act 1989**

Nil.

### 3 MANAGEMENT REPORTS

#### 3.1 Mount Martha Pillars – Management Options Report

Prepared By	David Smith, Manager – Infrastructure Strategy
Authorised By	Chief Operating Officer
Presented at Council By	David Bergin, Executive Manager – Planning Services; and John Rankine, Interim Manager – Environment Protection
Document ID	A7054809
Attachment(s)	YES (4)

---

#### PURPOSE

The purpose of this report is to seek Council's direction in relation to the management of the Mount Martha Pillars foreshore site. In response to the concerns raised by local residents, who are directly affected by the increasing visitation numbers to the Pillars, officers have implemented a number of measures to date to assist in managing these issues.

The following report provides Council with a number of management options to consider in further addressing the current issues being experienced.

#### BACKGROUND

The Pillars is a cliff located within Mount Martha Foreshore Reserve between Deakin Drive and Marguerita Avenue. The natural cliff face adjoins areas of deep water in Port Phillip Bay which makes it attractive for cliff jumping by locals and visitors. There are no sites nearby that offer the same natural values for those wanting to cliff jump into Port Phillip Bay. The Pillars and the surrounding area have significant cultural heritage and natural environment value.

The foreshore area including the Pillars is Crown land managed by the Department of Environment, Land, Water and Planning (DELWP), with Mornington Peninsula Shire having basic maintenance responsibilities through a CoM. The Pillars is accessible from the Esplanade which is classified as an arterial road and is under the management of VicRoads.

Previously a place only known to local residents, the popularity of the Pillars has dramatically increased in the past few years as a result of promotion articles on travel websites as a 'must visit' location and posts on social media (such as Facebook, Instagram and YouTube).

The Pillars is not a formalised location for visitors. It is in a relatively secluded location and the area does not have infrastructure (such as toilets, rubbish bins, parking, footpaths, road crossing facilities for the Esplanade etc.) to support high visitation.

Mornington Peninsula Shire has received a significant amount of correspondence from residents since last summer raising their concerns regarding a number of issues. DELWP, VicRoads, Victoria Police and State Government Ministers have also been contacted by local residents.

### 3.1 Mount Martha Pillars – Management Options Report (Cont.)

There are a number of challenges for the Shire and other agencies in managing the Pillars and associated issues. The challenges include: the shared responsibility of the foreshore between the Shire (CoM) and DELWP (manager of the Crown land), VicRoads being the responsible road authority for the Esplanade, increasing popularity of the Pillars beyond the Shire's control and difficulties/limitations in managing a natural asset.

It has been recognised that people are likely to continue to visit the Pillars for the foreseeable future. Therefore, the general approach of the Shire regarding the Pillars has been to avoid encouraging visitation to the Pillars and implement measures to manage the various issues.

There have been a number of serious incidents at the site that have required attendance by Emergency Services personnel including rescue by air ambulance. There are also significant resources required to manage the issues including regular patrols by Victoria Police and Shire Rangers, litter collection, and Shire officers responding to resident concerns.

A collaborative approach has been taken to devise appropriate measures to manage the issues associated with the Pillars by liaising with DELWP, VicRoads, Victoria Police, residents, Country Fire Authority (CFA) and Mount Martha Lifesaving Club.

#### KEY ISSUES

The increased visitation to the Pillars has contributed to a number of issues in the area including:

- Environmental and cultural heritage impacts of foot traffic accessing the Pillars including erosion;
- Safety risks associated with accessing the Pillars (pedestrian movements on and across public roads, steep and uneven cliff edges etc.);
- Risk of injury associated with jumping from the Pillars;
- Illegal and unsafe parking in the vicinity of the Pillars;
- Traffic and congestion on local streets;
- Litter in the vicinity of the Pillars including the nearby streets;
- Anti-social and offensive behaviour by some visitors to the Pillars including in nearby streets;
- Increased fire risk associated with trampled vegetation and undergrowth; and
- Emergency services access to local streets due to parked cars.

These issues have been categorised and further details about them provided below.

#### 1. Authority

The Pillars is part of the Mount Martha coast line and is Coastal Crown land (as defined under the *Coastal Management Act 1995* (CMA), any Crown land within 200 metres of high water mark).

The State Government is the effective 'owner' of Crown land, and in many areas the relevant State department (DELWP) acts directly as the public land manager, at times with Parks Victoria appointed as its on-ground agent. However, under the provisions of the *Crown Land (Reserves) Act 1978* (CLRA) (Section 14(2)) the Minister may also appoint a CoM consisting of three or more people (e.g. in the case of a Community based CoM) or a municipal Council.

The powers of a CoM are defined in Section 15 of the CLRA:

### 3.1 Mount Martha Pillars – Management Options Report (Cont.)

- Shall manage, improve, maintain and control the land for the purposes for which it is reserved and for that purpose may employ officers, servants and workmen;
- May exercise all such powers functions and authorities and shall carry out all such duties as are conferred or imposed on it by any regulations made pursuant to Section 13 and shall have authority to do all such acts, matters and things as are necessary for, or incidental to, carrying into effect and enforcing such regulations in respect of the land;
- May carry out works and improvements on the land, provided that in the case of works or improvements on coastal Crown land: (i) the consent of the Minister administering the [CMA](#) has been first obtained; (ii) the works are carried out in accordance with any management plan prepared under the CMA which relates to the land; and (iii) the works or improvements are being carried out solely to maintain the land; and
- A CoM may also prepare a coastal management plan for the area for which it is responsible (CMA Section 30(2), and may be directed to do so by the Minister. All public land managers must take all reasonable steps to give effect to an approved management plan applying to the land.

While there is a Coastal Management Plan (CMP) for the Mount Martha foreshore (2008) it does not contain specific recommendations for the Pillars area. A new CMP is currently being developed and it is also proposed to prepare a management plan specifically for the Pillars (funded through the State Government's Coastal Environments Program).

While the Minister may revoke the appointment of a CoM (or any person on a Committee) there are no specific provisions for Committees to resign. In some locations the appointment of Council as a CoM and the obligations of the parties involved has been set out in a Memorandum of Understanding (MoU), however no MoU has been identified for the Mount Martha foreshore area.

In appointing a Council (or a Community group) as a CoM for an area of coast line the CoM is deemed to be an agent of the State and therefore is understood to be insured through the State's public liability insurance. Council's insurers do not cover Council for its actions on Coastal Crown land where it is acting in the role of CoM.

In addition to the role of CoM, Council is also the Public Land Manager under the provisions of the Planning Scheme. This means that it is authorised to give 'public land manager' consent to any planning application, but must also consider any such application in its separate role as the 'Responsible Authority' under the Planning Scheme. It is considered that even where a CoM has been appointed, the Minister (through DEWLP) is still separately able to give Public Land Manager consent for a planning permit application to be considered. In addition, where a Minister undertakes use or development in accordance with the powers under relevant legislation they are formally exempt from any requirements of the Planning Scheme, although Crown agencies are encouraged to (voluntarily) act in accord with planning requirements.

In terms of the Planning Scheme, the area is partly within a Public Park and Recreation Zone and partly within a Public Resource and Conservation Zone. The Planning Scheme does provide an exemption for emergency works and works carried for and on behalf of Council to the value of \$1 million. Planning Permits will likely be required for vegetation removal and permissions may be required under the CMA and *Aboriginal Heritage Act 2006* for development works.

The Esplanade is the responsibility of VicRoads in terms of maintenance and regulation (e.g. of speed limits) Compared to local roads which are the responsibility of Council. As such, consultation and approvals for works related to road management will require VicRoads' consent.

### 3.1 Mount Martha Pillars – Management Options Report (Cont.)

The key issues in relation to management role and authority may be summarised as follows:

- In many areas of the coast, Council has agreed to the role of CoM on the basis that this will be primarily a local planning, management and maintenance role, to better provide for the quality of maintenance, beach cleaning, facilities etc. and to provide local input into longer term decision making;
- In all areas it has been understood that Council was not accepting responsibility/liability for major coastal protection/erosion control work, which involve very substantial costs out of proportion to the local benefit. In a number of areas along the coast ongoing and arguably increasing coastal erosion is increasing the costs of maintaining the foreshore to an acceptable standard – both in terms of access and beach condition. In this context, the expectation that Council will have the ability to implement high cost works primarily to manage demands from outside the local area is unrealistic;
- The situation at the Pillars highlights a number of competing expectations that confront coastal land managers. These expectations have been highlighted as key issues in this report. It is anticipated that the Pillars Management Plan will provide careful consideration of all key issues and create direction on how to best manage the Pillars into the future;
- The situation of excess visitor demand, including parking demand, at peak times in coastal areas is not unusual, however, in this case the added complication of the risks involved as well as the potential for additional vegetation damage, erosion and damage to an area of Aboriginal cultural heritage significance complicates the development of an effective and appropriate response;
- In fact, measures to facilitate visitation (providing additional parking, easier access, directional signage etc which are applied in other high demand areas, may, in this case be counter-productive, as encouraging/supporting visitation would arguably increase the exposure to risk (and potential liability) and the potential for damage to the area; and
- In this situation, Council's current actions to reduce the impact from parking on the adjacent residential streets, limiting parking and trimming vegetation on the Esplanade to create space for pedestrians to walk on the shoulder, advocacy for reduced speed limits (or advisory speed advice), increased litter pick-ups, and installing warning signs constitute what may be considered a 'harm reduction' approach, recognising specific impacts without providing encouragement to the activity at the Pillars. However, this approach does not necessarily resolve the problems of risk and public liability, which require further consideration.

## 2. Insurance and Liability

### A. Insurance (Council's Cover)

The Shire does not have its own insurance policy providing cover whilst undertaking duties as CoM on Crown land. The Shire's Public Liability/Professional Indemnity policy excludes liability arising out of acts or omissions of CoM. Rather, the Shire is a named insured on DELWP's policy (number GGP000158 of Master Policy Number PPL2722V1/1617) given its role as CoM to the extent it is acting in that capacity. This coverage does not apply:

*“(a) to any liability in connection with responsibilities that would ordinarily be considered to be Council responsibilities and not responsibilities in their capacity as a Committee of Management;*

*(b) to any liability for which the Committee of Management has valid and enforceable Public and Product Liability or similar insurance by whatever name called covering the Committee of Management in its capacity as a Committee of Management; or*

### 3.1 Mount Martha Pillars – Management Options Report (Cont.)

*(c) If, by some other statute, valid decree, agreement or conditions imposed by the Governor in Council or relevant Minister in appointing the Committee of Management, or other enforceable agreement, the Committee of Management is required to maintain its own Public and Product Liability or similar insurance by whatever name called. Notwithstanding anything else to the contrary in the policy [including Definition 6.10 (g) of the policy], the policy does not extend to cover lessees, hirers or licensees of Crown land.”*

We do not consider that the options outlined below trigger this exemption. On a connected issue, in order for Shire to avail itself of this insurance, and to avoid any contention of having acted outside of authority as CoM, we recommend that DELWP be consulted and that DELWP approve any action taken.

#### **B. Liabilities**

The *Wrongs Act 1958* (Wrongs Act), as amended, is the principle statute governing claims for damages for loss arising from personal injury and death in Victoria, as a result of negligence. Under the statute, the Shire is not negligent for failing to take precautions, unless the risk was foreseeable, significant, and a reasonable person in the Shire's position would have taken those precautions.

On the basis that risk of injury and death in present circumstances is reasonably foreseeable and significant, the key determination will focus on a subjective test of precautions taken. This subjective test is informed by probability of harm, seriousness, the burden of taking precautions and the social utility of the activity that creates the risk. Courts will also consider factors including the broad range of activities performed by the Shire, its available resources and its compliance with general procedures and applicable standards.

A key defence in this area is that of voluntary assumption of risk (*volenti non fit injuria*). If the risk is obvious, the person who suffered harm is presumed to have been aware of the risk unless they prove on the balance of probabilities that they were not aware.

Each of the options below, to varying degrees, impacts the assessment of whether liability would attach to the Shire. These are discussed below further.

### **3. Safety**

#### **A. Emergency Access**

High visitation to the Pillars has created high demand for parking on residential streets in the vicinity of the Pillars with parked cars reducing the available road width. Emergency access to the area, particularly in the event of a fire, has been raised as a concern by residents (both in relation to residents' ability to leave the area and fire trucks to gain access to the area). The residential area around the Pillars is considered a relatively high bushfire risk.

Discussions have been held with Mount Martha CFA about access to this area, and it was agreed that limiting parking to one side of the key residential streets would assist fire truck access in an emergency.



---

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

Emergency access to the Pillars itself is very limited due to the steep terrain to climb down to the Pillars. This generally means that rescues of injured people must be carried out by air ambulance, by water (Coast Guard or Mount Martha Lifesaving Club) or by high angle rope rescue (CFA or State Emergency Service).

***B. Pedestrian Safety***

With the Esplanade being a fairly high traffic volume road, pedestrian safety has been recognised as a risk in relation to the Pillars. Pedestrian provisions to gain access to the Pillars are limited with no footpaths leading to the Pillars and no designated road crossing locations.

To get to the Pillars, visitors must walk along the road shoulder of the Esplanade and potentially cross the Esplanade depending on where they are walking from. The Esplanade shoulder varies in width but is generally around one metre wide. Concerns have been raised that the shoulder is not wide enough for pedestrians to walk. In addition, some pedestrians choose to walk within the Esplanade traffic lane rather than on the shoulder which increases the risk of conflict with a passing vehicle.

The windy road alignment of the Esplanade results in many locations where sight lines between vehicles and pedestrians is quite limited which exacerbates the pedestrian safety risks.

There have also been issues with vehicles parking on the Esplanade shoulder which forces pedestrians walking along the shoulder to walk out onto the road to get around the parked vehicles.

The safety of the pedestrian access from Marguerita Avenue to the Esplanade has been identified as an issue at a bend with limited sight lines as there is no footpath or verge to walk on due to a retaining wall at the side of the road.

***C. Pillars Cliff Top Behaviour and Public Injuries***

Many of the visitors to the Pillars jump from the cliffs which is a potential risk to their safety. In addition, the terrain to get down to the Pillars is very steep which also poses a safety risk.

These risks are exacerbated by varying tides which non-locals are not necessarily aware of, as well as visitors repeatedly climbing back up the cliff after jumping into the water. There have also been reports of unsafe behaviour by new Pillars visitors climbing down various cliffs in Mount Martha while searching for the Pillars.

Mount Martha Lifesaving Club patrol the Pillars due to the recognised risk of injury. However, the lifesaving club has indicated that they would prefer not to patrol the area as it takes resources away from their key task of patrolling Mount Martha Beach. The Mount Martha Lifesaving Club has also reported that up to 40 watercraft (boats and jet skis) can be in the water adjacent to the Pillars and 300 visitors at the Pillars at any one time.

There have been a number of injuries at the Pillars in the past few years. The Shire has been advised that in the past 12 months, there have been three air ambulance extractions, one CFA high angle rope rescue and one rescue by Mount Martha Lifesaving Club by boat. Injuries sustained include striking head on the cliff and becoming unconscious when performing a

---

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

back flip, falling onto jagged rocks while walking at the Pillars and jet skis colliding in the water off the Pillars. There are also anecdotal reports of regular minor injuries (scrapes and bumps) associated with walking to the Pillars and jumping from the cliff.

***D. Traffic and Parking Congestion***

High visitation to the Pillars has created demand for car parking in the area. In the 2015/2016 summer, cars were often parked on the shoulder of the Esplanade and on both sides of residential streets in the vicinity of the Pillars.

Vehicles parked on the Esplanade shoulder were regularly overhanging into the Esplanade traffic lane, and these vehicles forced pedestrians walking along the shoulder to walk out onto the road to get around the parked vehicles.

Vehicles parked on both sides of residential streets created amenity issues for residents, impacted property access, made driving down the roads difficult, obstructed lines of sight on bends and potentially impeded emergency access to the residential areas. Residents have also reported congestion and difficulty accessing properties on Deakin Drive since existing 'No Stopping' signage was removed on one side of Deakin Drive for consistency with other streets in the area.

***E. Lifesaving Victoria (LSV) Risk Assessment***

LSV has recognised the Pillars as a potential high risk location for drowning and aquatic recreation related injuries. LSV is in the process of conducting 'blackspot' risk assessments of high risk coastal areas in Victoria. The Pillars was not able to be assessed in Stage 1 of the study due to the OH&S workplace risks (e.g. steep terrain and pedestrian risks on the Esplanade) in conducting the study on-site.

**4. Amenity**

Local residents have raised concerns with the Shire and the Police regarding threatening behaviour, vandalism, frequent litter and offensive language, resulting in a loss of local amenity and real concerns over personal safety. These reports are responded to by the Police, who conduct several patrols per day of the residential area adjacent to the Pillars. The Police advise residents to phone 000 to report these types of behaviours. Shire officers have also reported threatening and abusive behaviour from visitors who have been issued with an infringement for parking illegally.

***A. Traffic and Parking Congestion, i.e. Access and Egress from Private Property***

Traffic and parking congestion in residential streets is a significant concern on the warmer days and on weekends over summer. In the period from 3 January, 2017 to 10 January, 2017 there were 66 infringements issued by Shire officers for parking offences, mainly for stopping in a no stopping area, on Marguerita Avenue and Deakin Drive alone, including four infringements on Deakin Drive for stopping across a driveway or other means of access. It has been noted that vehicles will usually park for extended hours, sometimes all day, with the lack of parking turnover resulting in visitors parking deeper into the residential area.



### 3.1 Mount Martha Pillars – Management Options Report (Cont.)

Over the summer period it is anticipated that Shire officers and the Police, who have also been issuing parking infringements, will conduct up to eight patrols per day, seven days per week to manage the illegal parking problem.

#### ***B. Litter***

There have been reports of frequent littering in residential streets by visitors to the Pillars which adversely affects the amenity of residents. Public rubbish bins have not been provided in the area as this could be considered supporting and encouraging visitation to the Pillars. In addition, public bins are not generally provided in residential areas and bins provided on the bay side of the Esplanade at the Pillars would not be able to be emptied safely due to the lack of a safe parking location on this side of the road. It is also highly likely that if bins were installed they would become a target for the dumping of rubbish.

#### ***C. Alcohol Consumption***

The consumption of alcohol is a contributing factor to the offensive behaviour referred to earlier and adds to the vandalism problem with broken glass and the litter problem, with empty drink containers discarded in the adjacent residential streets. It could also be a contributing factor to local resident complaints of visitors urinating in the street and on private properties.

The Shire's Consumption of Liquor Local Law 2012 restricts the possession and consumption of alcohol in designated locations, assisting Police to control poor behaviour fuelled by alcohol consumption. The Pillars was included in the designated locations for a six month trial commencing on 1 November, 2016 in an area extending from the Esplanade/Sunshine Drive intersection up to the Esplanade/Lempriere Avenue intersection. Attachment 1 defines the entire designated area. The local law applies in public areas and is intended to be enforced by the Police.

## **5. Cultural Heritage**

The applicable legislation is the *Aboriginal Heritage Act 2006* which provides for the protection of Aboriginal cultural heritage in Victoria. The act provides protection against harming Aboriginal cultural heritage through offence provisions. As a CoM we need to be mindful that our management actions align with the objectives of this Act in protecting registered sites against harm and degradation

The Aboriginal archaeological sites within the Pillars extend from the edge of the Esplanade to Port Phillip Bay and consist of coastal shell middens and artefact places. The archaeological sites have been formed by periodical stays of the Aboriginal community. Shell middens which are primarily located in dune systems around the Pillars where shellfish, fish and crustaceans were collected, processed and eaten. Artefact places are stone tool sites where men have sat down to prepare and maintain their stone tools prior to hunting. Radio carbon testing of these middens indicate that they were established somewhere between 900-3,500 years ago.

The foreshore areas abutting Port Phillip between St Kilda and Portsea are recognised by the Boon Wurrung/Bunurong people as a dreaming track. These dreaming tracks link all of the Aboriginal cultural heritage places on the Mornington Peninsula. Many of the archaeological

---

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

sites still remain within the Mount Martha Foreshore where Traditional Owner communities are able to visit to connect with their ancestors. Aboriginal places are significantly important for the Aboriginal community as they are places of learning, identification and cultural connection.

The high pedestrian activity is having a significant impact on the cultural heritage site. This has caused a significant amount of erosion and loss of the midden site in some areas. Mornington Peninsula Shire (MPS) officers have met with both of the traditional land owner groups on site to discuss the issues and management of this registered site. Both groups are keen to work with the Shire to protect/cover this site to prevent further deterioration.

**6. Environmental Sustainability*****A. Erosion***

The Pillars site comprises heavily weathered Mount Martha Granodiorite which typically forms thin, easily erodible soils. Heavy foot traffic over the thin soils on the bluff has accelerated erosion significantly with associated vegetation loss, which then further accelerates the erosion process.

***B. Vegetation Damage***

The Ecological Vegetation Class (EVC) at The Pillars is Coastal Headland Scrub which has conservation status of 'depleted' within the bioregion. Though partly modified due to weed invasion, a diverse range of local native species is present. Tree species present include Drooping She-oak and Coast Tea Tree; shrub species include Sea Box, White Correa and Coast Daisy Bush; ground cover species include Spear grass tussocks, Poa tussocks, Rounded Noon-Flower, and Coast Bone Fruit.

The increasing amount of foot traffic at the site is resulting in vegetation loss, particularly of ground cover species. Vegetation loss is particularly noticeable closer to the water where foot-trodden tracks emerge onto the rocks, seen when comparing January 2015 aerial photography with January 2016 aerial photography. Weeding programs have been trialled at the Pillars but discontinued due to the steep slopes and potential to cause erosion.

***C. Fauna Impacts***

A fauna survey was conducted along this section of Mount Martha coastline in 2007. A good range of local indigenous fauna remain present. The intensity of human activity at the Pillars is likely to be impacting breeding of Brown Goshawks; disrupting roosting potential for microbats such as Gould's Wattled Bat; and feeding opportunities for Bats, Scrubwrens, Pardalotes and Fairy Wrens dependent on insect breeding amongst the vegetation. The proliferation of litter left around the Pillars is likely to have a detrimental impact on marine animals, including sea birds.

***D. Graffiti***

There have been several recent instances of graffiti on the cliff faces at the Pillars which is an additional impact on the natural environment at the Pillars.

---

**3.1 Mount Martha Pillars – Management Options Report (Cont.)****7. Economic Considerations**

Council currently provides reactive maintenance to the site given the limited existing infrastructure. The Shire has increased its presence at the site over time with an increase in maintenance activities and enforcement. Generally the costs associated with the effective management of the site include capital infrastructure requirements, maintenance of existing infrastructure, strategic/project management and enforcement and education activities.

There is currently no income derived from the site apart from fines or State Government grants.

Current Costs**A. Maintenance Activities**

Given the increased usage, Council sought quotes to complete an increase in cleansing activities which required the contractor to be certified in ropes compliance. A qualified contractor provided a quote of \$3,000 for the installation of anchor points and a rate for hard rubbish removal of \$650, plus an additional rate of \$110 for general rubbish collection over two hours.

The Shire has also employed the Rapid Response Team to support community efforts in rubbish collection and a variation to the Shire's cleansing contract was initiated to collect loose litter within the three adjacent local streets.

**B. Capital Infrastructure Costs**

Current rates for signage costs are \$200 per sign installed and \$60 per paddles sign to replace. Bollards have been used to restrict illegal parking and are \$600 to install.

Any new sign and bollard would be added to the SIMS2 Furniture and Signs contract for growth.

**C. Enforcement Costs**

During peak times, the Shire employs a Local Laws Ranger to patrol the area. The general cost for this resource is on average \$50 per hour.

**EXISTING MANAGEMENT APPROACH**

In response to the issues discussed above the following measures have been implemented to assist in managing issues associated with the Pillars:

- 'High Pedestrian Activity Nov-Apr' warning signage on the Esplanade in the vicinity of the Pillars;
- Cliff warning signage at the Pillars (the signage has been vandalised many times);
- A six month trial ban on the consumption of alcohol in the vicinity of the Pillars;
- 'No Stopping, Nov-Apr' parking restrictions were implemented on one side of the residential streets where demand for parking for the Pillars is in highest demand;

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

- Bollards installed in strategic locations along the Esplanade to physically prevent parking and allow a space for pedestrians to walk;
- VicRoads trimmed roadside vegetation along the Esplanade to create more space for pedestrians to walk along the road shoulder;
- Regular patrols by Shire Rangers and Victoria Police;
- Weekly litter collection in local streets (Deakin Drive and Marguerita Avenue);
- Portable electronic warning signs on the Esplanade to reinforce the 'High Pedestrian Activity Nov-Apr' signage;
- A coordinated communications strategy for Mornington Peninsula Shire, DELWP, Victoria Police and to try to engage with potential Pillars visitors about the negative aspects of visiting the Pillars (lack of facilities, limited parking, risk of personal injury); and
- Obtained a \$30,000 DELWP Public Access and Risk grant for the Pillars, and for the preparation of a management plan for the area.

The above measures have resulted in some improvement of the Pillars issues, however, concerns are still being raised by residents primarily in relation to litter, environmental impact, illegal parking, and anti-social and offensive behaviour.

Key Issue	Effectiveness of Existing Management Approach	Effectiveness Rating
Authority	The current 'harm reduction' approach is sustainable and appears to have reduced (to some degree) the amenity issues resulting from parking on nearby residential streets and improved road safety (better sight lines/advisory speed limits). Accordingly, this option may be considered reasonably effective from an amenity protection point of view, but remains limited in terms of addressing the public liability issue, controlling erosion on the site and associated damage to areas of cultural sensitivity, and in terms of facilitating enjoyment of the coast.	M
Insurance and Liability	<p>Insurance – The Shire does not have a policy and would have to seek to rely on DELWP's policy in the event of a claim.</p> <p>Liability – Given the high likelihood of serious harm, the limited action (relative to other available options) to remove the risk, and the Shire knowledge that current warnings are being ignored, whilst the Shire would have arguments to deploy in defence of a claim, we believe the liability risk of a successful claim against the Shire to be <u>high</u>.</p>	L
Safety	Emergency Access – 'No Stopping, Nov-Apr' parking restrictions have been installed on one side of residential streets in the vicinity of the Pillars. Despite some illegal parking, the restrictions have generally been effective in achieving adequate road width for emergency access	M

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

	<p>Pedestrian Safety – Measures have been implemented to improve pedestrian safety – ‘High Pedestrian Activity, Nov-Apr’ signage on the Esplanade, vegetation trimming on the Esplanade to create a shoulder for pedestrians to walk, installed bollards in strategic locations on the Esplanade to physically prevent parking to create space for pedestrians to walk, electronic signage to encourage vehicles to travel at a lower speed. The measures have resulted in most pedestrians walking on the shoulder and lower traffic speeds.</p> <p>Cliff Top Behaviour – Cliff warning signage was installed but has been removed by vandals many times.</p> <p>Traffic and Parking Congestion – Bollards were installed in strategic locations on the Esplanade to physically prevent parking which has resulted in cars no longer parking on the Esplanade. ‘No Stopping, Nov-Apr’ parking restrictions have been installed on one side of the key residential streets in the area; with regular enforcement there is a reasonable level of compliance with the restrictions. Existing ‘No Stopping’ restrictions were removed from Deakin Drive.</p>	
Amenity	<p>Threatening and abusive behaviour and the consumption of alcohol are dealt with by the Police. Traffic and parking congestion is being addressed through better signage and parking patrols.</p> <p>In response to litter issues, weekly litter collection takes place in Deakin Drive and Marguerita Avenue.</p>	L
Cultural Heritage	<p>This site contains many areas of cultural sensitivity and that further investigation and consultation is required to establish appropriate long term management. In the short term the key risks are those associated with erosion and damage through increased foot traffic and the creation of additional tracks through the foreshore/cliff-top vegetation, and ‘scrambling’ as people access the site from the water. The immediate erosion control measures noted above will provide some protection of cultural heritage assets, however, a longer term management plan needs to be developed to ensure preservation of the site.</p>	L
Environmental Sustainability	<p>The MPS successfully obtained funding through DELWP – Coast Environments Program – Public Access and Risk grant for immediate risk mitigation works and for the development of a management plan for the long term</p>	L

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

	<p>management of the site. The management plan will be developed in conjunction with the DELWP, VicRoads, Ambulance Victoria and CFA.</p> <p>Some of the funding is planned to be used to implement some erosion control measures such as fencing (to restrict pedestrian access to certain areas) and revegetation.</p>	
Economic Considerations	<p>Council has minimal contractual intervention at the site and litter collection on the foreshore is not currently an activity within the cleansing schedule.</p> <p>A variation to the current cleansing contract was initiated for litter collection in the three adjacent residential streets from November to April.</p> <p>Signage and bollards have been installed and added as growth to the SIMS2 Furniture and Signs maintenance contract.</p>	N/A

(L = Low, L-M = Low to Medium, M = Medium, M-H = Medium to High, H = High)

**OPTIONS FOR FUTURE MANAGEMENT****Option 1 – Building on Existing Measures Implemented**

The first option for management of the Pillars is to build upon the existing conditions and the measures already implemented to assist in managing issues associated with the Pillars. The additional measures may include additional Shire Ranger patrols, additional litter collections in local streets, engaging a specialist contractor to collect litter from the Pillars cliff, stronger messaging through media and social media, adjust parking restrictions, install risk warning signage at the Pillars (subject to Aboriginal Affairs Victoria approval) request additional patrols by Victoria Police, additional vegetation trimming along the Esplanade shoulder to create more space for pedestrians to walk and potentially a parking permit solution which would need a separate policy decision from Council.

Key Issue	Discussion How the 'Option' Responds to the Issue	Likelihood that Option will Address Issue
Authority	The harm reduction approach can be continued, with a focus on road safety and residential amenity. Additional works may reduce the potential for the creation of informal tracks and reduce damage to the area (see below). It is anticipated that the management plan that has been funded for this area would provide a process to identify	M-H



## 3.1 Mount Martha Pillars – Management Options Report (Cont.)

	and consider additional ‘harm reduction’ measures, and would be consistent with the role of a CoM, without engaging in major new works.	
Insurance and Liability	<p>Insurance – The Shire does not have a policy and would have to seek to rely on DELWP’s policy in the event of a claim.</p> <p>Liability – Given the high likelihood of serious harm, the limited action (relative to other available options) to remove the risk, and the Shire knowledge that current warnings are being ignored, whilst the Shire would have arguments to deploy in defence of a claim, we believe the liability risk of a successful claim against the Shire to be diminished as compared to existing conditions, but still to remain <u>medium/high</u>.</p>	L-M
Safety	Additional measures that could be implemented do not necessarily relate directly to safety and would not be expected to provide a significant change from existing conditions.	M
Amenity	<p>The parking congestion may be eased through a comprehensive signage program detailing options for visitors and ensuring they understand where they cannot park. Resident concerns about the constraints placed on them may be eased with the introduction of a permit parking system.</p> <p>The continuation of the six month trial on the ban on alcohol consumption should also be considered.</p> <p>Increased frequency of litter collection would assist in reducing the amount of litter present in local streets in the area.</p>	L
Cultural Heritage	The impact on cultural heritage values is at this stage primarily linked to erosion of the site from foot traffic, compounded by runoff and wind erosion. The additional erosion control measures noted above will provide some protection of cultural heritage assets, however, a longer term management plan needs to be developed to ensure preservation of the site (this can be done as part of the management plan).	M
Environmental Sustainability	Reducing the numbers of people using this area will slow down the damaging erosion of the site to some extent, however, existing foot-trodden tracks will continue to focus runoff from rainfall with continued erosion.	M

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

	With additional funding there could be additional fencing installed to restrict access to vegetated areas and additional revegetation could be implemented. This will also assist with protecting the cultural heritage areas.	
Economic Considerations	<p>Additional maintenance would be required including the cleansing program for a monthly cost of \$3,500 for the two month peak period for collection and disposal.</p> <p>Additional bollards could be installed at other locations to physically prevent parking.</p> <p>An increase in Ranger patrols to include litter and antisocial behaviour enforcement would be required. Staffing of (2 people) full time for eight weeks and weekends on the shoulder period from 1 November to Easter. This would be equivalent to one EFT at \$80,000.</p> <p>Further site rehabilitation and erosion prevent may be required to enhance and promote specific access tracks to manage foot traffic. This may range from \$10,000 to \$30,000 in revegetation and erosion control.</p>	N/A

(L = Low, L-M = Low to Medium, M = Medium, M-H = Medium to High, H = High)

**Option 2 – Close Site Via Construction of a Fence**

The second option for future management of the Pillars involves the construction of a fence to prevent access to the Pillars as well building on some of the existing measures. This would greatly reduce the number of visitors in the area. However, it is likely that some people will ignore/climb/damage the fence to still gain access to the Pillars. A fence would also not prevent people from accessing the Pillars via boat.

Key Issue	Discussion How the 'Option' Responds to the Issue	Likelihood that Option will Address Issue
Authority	Measures to 'close' the site through fencing or other barriers are initially attractive as a means of addressing the role of Council as a CoM in reducing public risk, and may serve to demonstrate, in the event of some future liability claim, that Council has taken all reasonable action to prevent harm. Barriers may reduce the attraction of the site to casual visitors, particularly if the 'closure' is well advertised, with an appropriate explanation.	L



## 3.1 Mount Martha Pillars – Management Options Report (Cont.)

	<p>However, it appears unlikely that fencing alone will prevent all access to the site, given that there are multiple points of access, and the barriers themselves may create additional hazards, obstruct emergency access etc.</p> <p>Equally, barrier fencing is likely to be a relatively high cost option, requiring regular maintenance. There are numerous points of risk along the coastline and it is not feasible for public land managers to prevent access to all such areas. In this context, advice from a legal and insurance perspective may determine the appropriate measures, if any to limiting access.</p>	
Insurance and Liability	<p>Insurance – The Shire does not have a policy and would have to seek to rely on DELWP’s policy in the event of a claim.</p> <p>Liability – Notwithstanding the high likelihood of serious harm and the Shire knowledge that current warnings are being ignored, we believe that the significant action to remove the risk taken under this option results in the risk of a successful claim against the Shire to be diminished to <u>low/medium</u>.</p>	M
Safety	Having many fewer visitors to the area would significantly reduce the safety risks in relation to the Pillars.	M-H
Amenity	The closure of the site would reduce the number of visitors significantly and improve all aspects of amenity, however may have a negative impact on the aesthetics of the coastal area. This should be supported by a comprehensive media and social media campaign advising that the site is closed.	M
Cultural Heritage	Measures that reduce foot traffic and damage to the site will assist in protecting cultural heritage values. See ‘Environmental Sustainability’ below.	M-H
Environmental Sustainability	<p>Constructing a fence with frequently replaced, clear signage warning of the dangers and the environmental destruction has a very good chance of reducing foot traffic and minimising further vegetation loss and erosion. Additional erosion control measures would need to be implemented to assist in mitigating the existing erosion issues (see Option 1).</p> <p>Fence construction will require vegetation removal and could result in ecological reduction and increased erosion. Fence installation requires CMA Consent due to the type of works (and vegetation removal). CMA consent requires</p>	M-H

## 3.1 Mount Martha Pillars – Management Options Report (Cont.)

	28 days for approval. Careful consideration of the design and location of the fence is required to ensure an effective environmental outcome.	
Economic Considerations	<p>There is a range of options for fencing the site, from minimal fencing at the main entrance ways, to fencing the entire area to prevent any breaches. The type and extent of fencing would need to take into account the main issues to be addressed. The risk with a minimal approach to the closure is a more distributed access and further vegetation and erosion issues. With appropriate signage, it is likely to inform residents of the risk and attempt to prevent access but have limited compliance.</p> <p>A fence that includes the full extent of the site from Deakin Drive to Marguerita Avenue, including fencing going down to the beach, with a 2 metre high black powder coated security fencing would be approximately \$200,000 for 450 lineal metres. The benefit of the black powder coated fencing is to reduce vandalism/cutting the fence and therefore reduce ongoing maintenance.</p> <p>This cost includes double-access gates for emergency services, but not:</p> <ul style="list-style-type: none"> <li>• Geotechnical and soil testing which would be necessary, especially for the proposed fencing going down to the beach;</li> <li>• Vegetation removal permits (from top of road behind bollards and also on slopes down to beach);</li> <li>• Cultural heritage sensitivity;</li> <li>• Approval from Coastal Management;</li> <li>• Ongoing maintenance; and</li> <li>• Issues of destabilisation of cliff.</li> </ul> <p>The process to complete the above due diligence may take some time to achieve.</p> <p>The maintenance of the fence would then be added to the existing SIMS2 contract for growth and according to the agreed intervention levels and rates, would cost and additional \$20,0000 per annum to maintain. Vandalism is not covered under the current contract and any works associated with proven vandalism would be in addition to the contract.</p>	N/A

(L = Low, L-M = Low to Medium, M = Medium, M-H = Medium to High, H = High)

**3.1 Mount Martha Pillars – Management Options Report (Cont.)****Option 3 – Close Site Via Construction of a Fence, with the Addition of Authorised Officer to Promote Awareness and Educate any Visitors on the Need to Close the Pillars for Safety/Environmental/Cultural Heritage Reasons**

The third option is similar to Option 2, with the addition of an authorised education/awareness officer/s onsite during the peak seasons and days of warm weather. The purpose of the officers would be to advise possible visitors of the reasoning behind the closure and provide information about the safety/environmental and cultural heritage issues affecting the Pillars site. These officers can be deployed during peak times on weekends and warm weather days. They are not proposed to be at the site all the time. As with Option 2, this option would not prevent people visiting the Pillars by boat.

<b>Key Issue</b>	<b>Discussion How the 'Option' Responds to the Issue</b>	<b>Likelihood that Option will Address Issue</b>
Authority	This option is essentially an extension of the fencing option with the same benefits and costs, but would be somewhat more effective in excluding access during the period of site supervision. The costs of supervision and the legal right to restrict access would need to be investigated.	L-M
Insurance and Liability	<p>Insurance – The Shire does not have a policy and would have to seek to rely on DELWP's policy in the event of a claim.</p> <p>Liability – Notwithstanding the high likelihood of serious harm and the Shire knowledge that current warnings are being ignored, we believe that the significant action to remove the risk taken under this option results in the risk of a successful claim against the Shire to be diminished to <u>low</u>.</p>	M-H
Safety	Having many fewer visitors to the area would greatly reduce the safety risks in relation to the Pillars.	M-H
Amenity	The closure of the site would reduce the number of visitors significantly and improve all aspects of amenity. The added element of an officer presence would further improve the situation. This should be supported by a comprehensive media and social media campaign advising that the site is closed.	M-H
Cultural Heritage	The provision of supervision would improve the effectiveness of barriers, but at a cost	M-H
Environmental Sustainability	As per Option 2. The addition of officer presence will assist in preventing erosion, only if breaches of fencing are occurring.	M-H

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

Economic Considerations	<p>In addition to the minimum capital cost of \$200,000 for the fencing and annual maintenance cost of \$20,000 the estimated cost for an education/awareness officer is \$50 per hour.</p> <p>This officer would be required during the November to April period on days when warmer weather is expected. This contract would cost approximately \$60,000. This would increase if two officers are required.</p> <p>Whilst the added presence of an officer would assist with compliance of access to the site, they would not be an authorised officer. Any additional enforcement would need to be referred to the local Police.</p>	N/A
-------------------------	---	-----

(L = Low, L-M = Low to Medium, M = Medium, M-H = Medium to High, H = High)

**Option 4 – Handing Back the Responsibility of CoM for Mount Martha Foreshore**

The fourth option is to commence the process of handing back the CoM responsibilities to DELWP for the entire Mount Martha Foreshore area.

Key Issue	Discussion How the 'Option' Responds to the Issue	Likelihood that Option will Address Issue
Authority	<p>This option has the advantage of reducing uncertainty for Council in terms of exposure to public liability claims and avoiding the costs of proposed works to limit erosion, define preferred paths, maintenance of signage etc. However, it is anticipated that the proposed management plan will provide a basis for (at least) joint funding of works and it is not clear that DEWLP would be able to better resolve the land use and amenity issues resulting from the activities at the Pillars. Council would still be responsible for protecting amenity in the adjoining residential streets.</p> <p>There may be some advantages in direct DEWLP control, given this would tend to streamline approval requirements and reinforce that coastal erosion management is a State Government responsibility. However, this area may not warrant prioritisation from a state perspective unless there is effective Council advocacy, and the role of CoM provides some leverage in this regard.</p> <p>In this context, this option addresses the issue of cost shifting from State to Local Government, but does not necessarily provide a better means of resolving the current concerns. Nevertheless, it is appropriate to retain</p>	L

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

	this option in the event that there is a lack of support from the State government (and agencies) in the development and implementation of an agreed management plan.	
Insurance and Liability	<p>Insurance – The Shire does not have a policy and would have to seek to rely on DELWP's policy in the event of a claim.</p> <p>Liability – Relinquishing the role as CoM has the potential to extinguish the risk of an adverse claim against the Shire. Nevertheless, that risk would subsist in certain circumstances. For example, if the Shire was to assume liability via its actions, which it may do by continuing to practically maintain the land in question.</p>	M-H
Safety	Handing back the responsibility of CoM would not directly resolve any of the safety issues associated with the Pillars, above the existing conditions.	L
Amenity	This will have no impact on amenity.	L
Cultural Heritage	There may be some advantages in the direct management of the site by the State Government and the State may have additional expertise and resources in relation to the management of cultural heritage sites. However, handing back of a site due to challenges may have a negative impact on the reputation of Council.	L-M
Environmental Sustainability	MPS has the ability to engage with residents and users of the reserve on a more local level than the DELWP. The Shire also has the ability to direct resources to specific local sites. The DELWP may be stretched further with funding and this may result in fewer resources used at this site.	L
Economic Considerations	<p>This option would reduce the capital and maintenance costs associated with waste, fencing, signage and environmental management.</p> <p>However, given the likely risk that the State Government would not take steps to limit access to the site, the Shire would maintain responsibility for managing the parking, anti-social behaviour in the surrounding streets and the ongoing pedestrian risks.</p> <p>Therefore, ongoing enforcement activities would still be required in peak time in adjacent streets (\$80,000) and some additional infrastructure to limit illegal parking.</p>	N/A

**3.1 Mount Martha Pillars – Management Options Report (Cont.)**

(L = Low, L-M = Low to Medium, M = Medium, M-H = Medium to High, H = High)

**Options Summary**

The below table provides a summary of the likely effectiveness of each option across all key issue areas.

	<b>Likelihood that Option will Address Issue</b>			
<b>Key Issue</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>
Authority	M-H	L	L-M	L
Insurance and Liability	L-M	M	M-H	M-H
Safety	M	M-H	M-H	L
Amenity	L	M	M-H	L
Cultural Heritage	M	M-H	M-H	L-M
Environmental Sustainability	M	M-H	M-H	L

(L = Low, L-M = Low to Medium, M = Medium, M-H = Medium to High, H = High)

**Communication of Preferred Option**

Over the past 12 months the community has continually raised concerns through both social media and letters/emails to the Shire regarding the issues above.

Noting this, it will be critical that whichever management option is chosen a comprehensive Communication and Media Plan be developed to inform the community of the decision and resulting outcomes.

**OFFICER DIRECT OR INDIRECT INTEREST**

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

**CONCLUSION**

Management of the Pillars site relies on the cooperation of key government agencies, including VicRoads, DELWP and Victoria Police. The current partnership approach in managing the site should continue with whichever option is recommended.

While there is still some uncertainty about the best approach to the multiple issues raised by activities at and around the Pillars, it is considered that Council's current 'harm reduction' approach has been reasonably effective and can be further strengthened with the cooperation of key agencies.

### 3.1 Mount Martha Pillars – Management Options Report (Cont.)

In addition to the above, constructing a fence to physically close the Pillars foreshore area will no doubt improve the amenity and safety within residential streets as well as reduce the negative impacts on the environment and cultural heritage at the site. However, this must be weighed up against the costs, loss of amenity for those residents still wishing to visit the Pillars as well as the aesthetics of constructing a large fence within the coastal area.

If fencing to prevent access is the preferred option of Council it is recommended that DELWP approval be sought prior to installation.

Handing back the role of CoM has some attractions, although the actual process (under the relevant Act) is not clear. However, it is unlikely to produce a better outcome, other than to limit the extent of cost shifting. This has to be balanced with the additional leverage the role of CoM provides to Council in advocating changes to improve conditions for the resident community. At this stage the continuation of a 'partnership' approach to the preparation and implementation of a management plan for the Pillars is preferred but may be reviewed in the future.

In conclusion, the analysis undertaken to compare the four options indicates that no option will completely resolve all of the issues associated with the increased visitation to the Pillars. Whilst this may be the case, the first three options will improve the current situation for local residents and reduce the risk of personal injury and further damage to the Pillars site.

### RECOMMENDATION

That Council approves:

1. That Option XXX be implemented.
2. That an Implementation Plan is prepared and executed in line with Option X.
3. That a Communication and Media Plan be prepared and executed in conjunction with the Implementation Plan.

### COUNCIL DECISION

Moved: Cr. Celi

Seconded: Cr. Clark

1. That Option 3 (Close site via construction of a fence, with the addition of Authorised Officer to promote awareness and educate any visitors on the need to close the Pillars for safety/environmental/cultural heritage reasons) be implemented.
2. That an Implementation Plan is prepared and executed in line with Option 3.
3. That a Communication and Media Plan be prepared and executed in conjunction with the Implementation Plan.

### Part B

That the Shire writes to Aboriginal Affairs Victoria seeking their direction to reinforce and protect the cultural heritage values in accordance with the *Aboriginal Cultural Heritage Act*.

**3.1 Mount Martha Pillars – Management Options Report (Cont.)****Part C**

That the Shire writes to the Department of Environment, Land, Water and Planning, the Minister for Energy, Environment and Climate Change, and the Minister for Aboriginal Affairs, to seek their direction and advice on putting in place legal processes to prohibit public access to the Pillars.

**Part D**

In the event that the Shire fails to gain support for the resolution of Council, that the Shire commences the process of handing back the Committee of Management responsibility to the Department of Environment, Land, Water and Planning for the Pillars section of the Mount Martha Foreshore between Ellerina Road and Bay Road as detailed in Option 4 of the report.

**Part E**

That fencing in Option 3 be installed as a temporary fence with outcomes reviewed through a report to Council after a trial period of two years.

**Vote by Division** (Requested by Cr. Gill)

For the Motion: Cr. Hearn, Cr. Clark, Cr. Roper, Cr. Payne, Cr. Fraser, Cr. Martin, Cr. Brooks, Cr. Celi and Cr. Colomb

Against the Motion: Cr. Gill

**Carried**



### 3.1 Mount Martha Pillars – Management Options Report (Cont.)





3.1 Mount Martha Pillars – Management Options Report (Cont.)

Attachment 2

Attachment 2. Mt Martha Pillars



3.1 Mount Martha Pillars – Management Options Report (Cont.)

Attachment 3

Attachment 3. Pillars Visitor Parking in Residential Streets



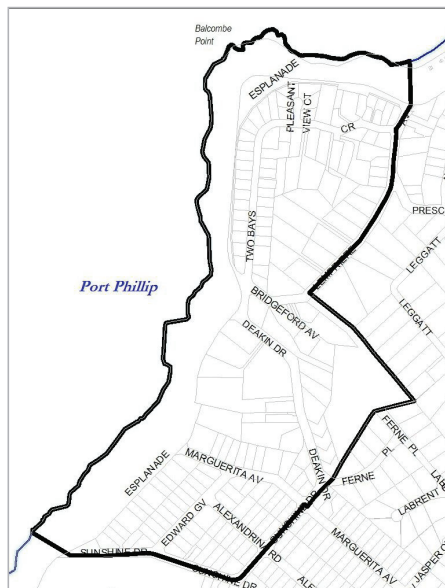


## 3.1 Mount Martha Pillars – Management Options Report (Cont.)

Attachment 4

**PUBLIC NOTICE****CONSUMPTION OF LIQUOR LOCAL LAW 2012 (TRIAL)  
AMENDMENT**

Notice is hereby given that Council at its meeting on 12 September, 2016 resolved to apply restrictions to the consumption and possession of liquor at the designated location (see attachment) which is within the Municipal District in accordance with **Consumption of Liquor Local Law – 2012 Part 2** Clause 9(1)(c) for a trial period of six months (November 2016 to April 2017).



If you have any queries regarding this meeting, please contact the Environment Protection Unit on 5950 1050.

Carl Cowie  
**CHIEF EXECUTIVE OFFICER**

## 4 URGENT BUSINESS

Under Council's Meeting Procedure and Common Seal Local Law, no business may be admitted as urgent business unless it:

1. Relates to a matter which has arisen since distribution of the Agenda.
2. Cannot because of its urgency, be reasonably listed in the Agenda of the next Council Meeting.

Section 84(4) Special Meetings of the *Local Government Act 1989* states:

*"Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted."*

Nil.

## **5 CONFIDENTIAL ITEMS**

Nil.

## **6 MEETING CLOSE**

As there was no further business, the meeting closed at 5:08 p.m.

**CONFIRMED THIS 13<sup>TH</sup> DAY OF FEBRUARY 2017**

.....  
**MAYOR, CR. BEV COLOMB, CHAIRPERSON – COUNCIL**