



ORDINARY COUNCIL MEETING

AGENDA

WEDNESDAY 23 AUGUST 2017

AT 4PM

COPACC

**Next Council Meeting: 27 September 2017
Forrest Public Hall, Forrest**

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

23 AUGUST 2017

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

NOTICE is hereby given that the next **ORDINARY MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held in COPACC on 23 August 2017 at 4pm.

AGENDA

1. THE MEETING IS DECLARED OPEN

OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

3. APOLOGIES

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

I ask that we all show respect to each other and respect for the office of an elected representative.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5. QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time).
2. Questions from the floor.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

7. PETITIONS – REDUCTION OF SPEED LIMIT ON BIRREGURRA-YEODENE ROAD

A petition containing 25 signatures has been received from a community member indicating community support to decrease the speed limit on a section of the Birregurra-Yeodene Road.

A report responding to the petition will be tabled at the Ordinary Meeting of Council to be held on 27 September 2017.

8. DECLARATION OF INTEREST

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

9. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on 26 July 2017.**

Recommendation

That Council confirm the above minutes.

ORDINARY COUNCIL MEETING

DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021

OM172308-1

LOCATION / ADDRESS	Whole of Shire	GENERAL MANAGER	Gareth Smith
OFFICER	Graeme Murphy	DEPARTMENT	Development & Community Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	1. COLAC OTWAY SHIRE - DRAFT COLAC OTWAY SHIRE DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021 (Final DRAFT).pdf		28 pages
PURPOSE	To seek Council endorsement of the draft Domestic Animal Management Plan 2017-2021 to be released for a six week public comment period.		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

The Colac Otway Shire Domestic Animal Management Plan has been reviewed in accordance with the requirements of the Domestic Animals Act 1994. The current Domestic Animal Management Plan was adopted by Council in 2013. Under the Act, Council must prepare a domestic animal management plan every 4 years.

The attached Draft Colac Otway Shire Domestic Animal Management Plan 2017-2021 (DAMP) outlines the legislative requirements for Council in relation to domestic animal management and provides detail on existing controls and services along with statistics on historical performance. The DAMP also identifies local issues in domestic animal management and includes an Action Plan that details the works to be undertaken to address them over the next four years.

The DAMP focuses Colac Otway Shire Council's limited resources on the key issues confronting the Shire. These included unregistered dogs and cats, dogs at large and dog attacks on people and livestock, cats – both wild and nuisance. These key issues have not altered from the previous iteration of the plan because they remain a priority for Colac Otway Shire Council.

Council Officers have updated the DAMP with relevant legislation changes and statistics in line with the process set out by the Department of Economic Development, Jobs, Transport and Resources (DEDJTR). The DAMP identifies the nine key priority areas that will be addressed through a series of actions that will be undertaken over the next four years. The actions identified in the draft DAMP will be implemented through Council's Compliance Unit. No increase to the existing resourcing for the Compliance Unit is required to achieve the actions identified in the draft DAMP.

The purpose of presenting the draft DAMP to this Ordinary Council is to seek approval for it to be released for a six week public comment period.

3. RECOMMENDATION

That Council:

1. ***Endorse the draft Domestic Animal Management Plan 2017-2021 for release for a six week public comment period.***

4. BACKGROUND / KEY INFORMATION

BACKGROUND

This is the third iteration of the Colac Otway Shire DAMP. The first DAMP was developed by Council in 2008 and the current version was endorsed by Council in 2013. The structure of the DAMP is compliant with the template provided by the Domestic Animals Unit of DEDJTR.

The DAMP consists of three parts outlined in more detail below:

- Part 1: Legislative requirements
- Part 2: Summary of local issues and key statistics
- Part 3: Key areas for action over the next four years.

Council has 4 Compliance Officers who spend half their time on Domestic Animal Management, equating to 2 full time Domestic Animal Management Officers. Although the Compliance Unit is always striving to undertake domestic animal management in a more efficient and effective manner there are limited opportunities to undertake additional services within existing resource constraints. In addition to domestic animal management and full operational duties of the Municipal Pound, Council's Compliance Unit also undertakes Local Laws enforcement, parking enforcement, livestock compliance, environment protection compliance, and planning enforcement.

Council Officers have updated the plan with relevant legislation changes and statistics in line with the process set out by DEDJTR. The actions listed in Part 2 of the DAMP have been developed to provide the maintenance and improvement of critical animal management services and controls within the municipality to address the priorities identified in Part 2.9 of the plan. The nine priority areas identified in the DAMP are outlined in more detail below. The actions identified in the DAMP will be implemented through the Compliance Unit's operations over the next 4 years. No increase to the existing resourcing for the Compliance Unit is required to achieve the actions identified in the DAMP.

It is worth noting that Council's Pound Facility was audited by the Biosecurity Assessment Unit of DEDJTR in November 2016. The auditor concluded that: "The operation of the facility proves that the Council is committed to providing an excellent animal pound service to the community. Council and staff are to be congratulated on the design and operation of the facility and animal transport vehicles in use to provide animal management service to the Colac Otway Shire. The level of knowledge and qualifications of the staff employed to operate the pound is impressive."

KEY INFORMATION

The DAMP is focused on the following nine key priorities:

- Training of Compliance Officers;
- Registration and identification of animals;
- Nuisance animals;
- Dog attacks;
- Dangerous, menacing and restricted breed dogs;
- Overpopulation and euthanasia rates;
- Domestic animal businesses;
- Other matters (Emergency Management Plans); and
- Annual review of plan and annual reporting.

Training:

All Compliance Officers that undertake animal management duties are required to have a Certificate IV in Animal Control and Regulation and a Certificate IV in Statutory Compliance. Ongoing training will be required over the next four years to ensure all Officers maintain/obtain the required certification in animal control and regulation.

Animal Registration & Identification:

Registration of animals in 2011 to 2017 shows a decrease in dogs of 13%. The number of registered cats has decreased from 1485 (2011) to 1412 (2017), a decrease of 4.92%. Using the prescribed formula (Page 8 of the Plan) to forecast the number of dogs within the Shire shows that we have a compliance rate of 82% in respect of dog registrations. Although this is good it is widely accepted that there are many unregistered dogs in the rural and more remote areas.

Using the accepted formula to forecast the number of cats within the shire it shows we have a compliance rate of 41.6% which in contrast to dogs is disappointing, but it is comparable to other Councils based on the 2011 figures. The ongoing challenge for Council's Animal Management Officers, particularly for cats, is to effectively seek out those animal owners who fail to register their animals in accordance with the statutory requirements of the Domestic Animals Act 1984.

It is worth noting that in 2013 Council adopted a new General Local Law Number 2 that introduced restrictions on the number of animals that could be housed on a property without a permit for the first time. These restrictions have been well accepted by the general public and have not led to a large number of new permits being issued. As intended they have helped with the management of cases where people have excessive numbers of domestic animals. At the current time there are 7 permits on issue. The details on the numbers of animals people can have without needing to obtain a permit are shown on Page 5 of the DAMP.

Nuisance Animals:

The majority of complaints received by Council relate to dogs at large, and barking dog complaints. These complaints are monitored through the Council Merit system. The issue of barking dogs is difficult to police, requires an extensive investigation and quite often the complainant/s are reluctant to become involved in a Court process. Many complainants do not wish to be identified and the penalty by way of infringement is minimal. Council has developed a barking dog package that requires the complainant to keep a diary detailing the date/time that the dog has barked and any obvious reason that the barking is occurring. This diary is usually compiled over a 14 day period so that Council Officers can assess the results in order to best develop a strategy that can be discussed with the owner to achieve an acceptable level of noise.

Dogs at large are usually quickly caught and either returned their home or impounded. An infringement for a dog at large is currently \$238 (Daytime) and \$317 (Night time). The infringement penalty amount is determined by the State Government and acts as an effective deterrent to people who allow their dog to roam unsupervised. However, cats are very difficult to manage, particularly the feral/abandoned cat population. Council receives a large number of complaints about feral cats. While every effort is made to catch feral cats, it is often very difficult to find them. When feral cats are caught they are euthanised because they cannot be safely rehoused. Unfortunately the problems associated with feral cats are a national problem that cannot be easily rectified by Council.

Dog Attacks:

The incidence of dog attack on both persons and animals has remained steady in the Colac Otway Shire, but it is known that some instances go unreported. Dog attacks reported to Council involve attacks on persons, dogs and livestock. All dogs are required to be confined to their property. This is a requirement under the *Domestic Animal Act 1994* and Council will continue to raise awareness of the importance on the need for dogs to be confined. Council will also continue to encourage people to have their dogs de sexed, as this helps to reduce their tendencies to be aggressive and/or break out from their confines. Council has developed guidelines for the seizure of dogs after an attack that takes into account the new provisions under the Crimes Act, Victoria that were amended in 2014.

Dangerous, Menacing & Restricted Breed Dogs:

Council treats all dangerous, menacing and restricted breed dogs very seriously. Council Officers review and update the Victorian Declared Dog Register and monitor the animals recorded on same to ensure compliance (e.g. suitable containment and signage). Council also undertakes awareness raising activities to help achieve compliance in line with the relevant State legislation.

Euthanasia Rates:

Table 3.6.1.1 on Page 23 of the draft DAMP shows the high level of euthanasia of impounded cats in the Colac Otway Shire, 74 in 2016-17, but it must be stressed that this includes feral and diseased cats that were handed into Council. These cats cannot be rehoused and distort the true efforts of Council's Officers to rehouse cats. The lower level of cat registration means many cats are not identifiable and are unable to be returned to an owner. Although these figures are disappointing they have improved by working in partnership with a Local Vet who runs a Cat adoption program. These efforts have seen the rehousing of cats improve by 344% (18 in 2011 and 62 in 2017).

The level of dog euthanasia was very low in 2016/17 (3 dogs). Unfortunately these three dogs were not suitable for rehousing due to behavioural and health issues. During this period Council rehoused 25 dogs. Council runs an expression of interest register for persons interested in re housing a pet and subsidises the microchip by 50%, offers free registration and also liaises with Local Vets to obtain a subsidised rate for de-sexing and vaccination. Council uses all local vet businesses to identify potential applicants who may be interested in re housing. Council also utilises local media and face book in advertising animals requiring re-housing.

Domestic Animal Businesses:

Domestic animal business registration is controlled by the *Domestic Animal Act* 1994. Council has a zero-tolerance of non-compliance in domestic animal businesses, and will continue to investigate all reports on domestic animal breeding businesses and seek compliance for any non-registered domestic animal business. In the 2016 -2017 period Council conducted inspections on all registered animal business establishments in the municipality and found that they all met the required standards.

Emergency Management – Animals:

Domestic animal management in a major emergency can become a significant issue for Council, even though primary responsibility rests on the owners of domestic animals. Confusion, conflict and diverted resources can all result from a failure to consider domestic animals in evacuation and relief centres. The numbers of animals involved in domestic animal businesses could further aggravate these issues. Council has developed plans for domestic animal management in municipal emergencies and will continue to review and improve these plans based on lessons learnt through actual events and emergency management training exercises.

DAMP Review:

The Domestic Animal Management Plan is internally reviewed on an annual basis to ensure the plan is being implemented effectively to address the legislative requirements along with the local issues in our community. If and when the DAMP is adopted it will be subject to another full review in 2021.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

Subject to Council endorsement, the draft DAMP will be released for public comment for a period of 6 weeks. To ensure there is appropriate opportunity for input by a range of stakeholders the following engagement process is proposed:

- (a) Communication to stakeholders will include:
 - (i) Information on Council's 'Have your say' online engagement page, including online submission form, FAQs, maps and other supporting material.
 - (ii) Letter / email to key community stakeholders and affected owners and occupiers.
 - (iii) Newspaper advertisement / public notice.
 - (iv) Information session for key community stakeholders and affected owners and occupiers.
 - (v) Opportunities for key community stakeholders and affected owners and occupiers to book 'one on one' meetings with Council officers.
- (b) Present a report to Council including a summary of submissions received along with a final version of the DAMP. Submitters will be notified of this meeting closer to the date and have the opportunity to speak to their submission at this meeting.

Community engagement will seek written comment in relation to the draft DAMP. Hard copies of the document will be available at Council Offices, Public Libraries and will also be available for viewing on Council's website.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

Developing and implementing the DAMP would contribute to: Council Plan Theme 2 – Our Places. In particular it helps provide safe environments which promote community life and enhance well-being. The proposal is also consistent with Colac Otway Shire's long standing commitment to the values of animal welfare, along with the inclusion and well-being of community members as set out in the Community Health and Wellbeing Plan 2013-17.

ENVIRONMENTAL IMPLICATIONS

The impact of feral cats on the natural environment is well documented. While this challenge is very complex the draft DAMP does strive to implement actions that will not help protect domestic animals while also protecting the natural environment

SOCIAL & CULTURAL IMPLICATIONS

Dogs and cats have been shown to have a clear benefit for people's general health and well-being. They are also shown to be valuable in building social connectedness. The effective management of domestic animals through the implementation of the actions identified in the draft DAMP will only help further the social benefits of domestic animals in our community.

ECONOMIC IMPLICATIONS

The draft DAMP does not set or propose to change and fees, charges or penalties associated with domestic animal management. Therefore there are no direct economic implications associated with the draft DAMP for the community.

LEGAL & RISK IMPLICATIONS

Each Council in Victoria is required to submit a DAMP to the Secretary of DEDJTR every 4 years. The legal requirement to submit the plan is found at Section 68A of the Domestic Animals Act 1994. In order to meet this obligation within the necessary timeframe Council is required to submit a revised version by 3 November 2017. However, if necessary an extension of time can be sought to enable the plan to be finalised in an appropriate manner.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

The actions identified in the draft DAMP have been developed on the assumption that current resources for Council's Compliance Unit will be maintained. Development of the draft DAMP has taken into consideration the resource implications for each action and can be delivered with the resources currently allocated for the operations of Council's Compliance Unit.

7. IMPLEMENTATION STRATEGY

The intention is for the DAMP to be released for a 6 week public comment period. When released for public comment a range of communication channels will be used to raise awareness of the opportunity to comment on the plan. After the 6 week public comment period is complete another briefing will be held with Councillors to discuss the feedback received prior to a final version of the DAMP being presented to Council for adoption in October 2017. The associated Council report will include a summary of submissions received from the public. If the DAMP is formally adopted by Council it will then be sent to the Secretary of DEDJTR. The actions set out in the DAMP will then be implemented through Council's Compliance Unit's ongoing operations over the next 4 years.

COMMUNICATION

Once approved the DAMP will be sent the Secretary of DEDJTR and placed on Council's website. Hard copies will also be placed in Council and offices and in the public libraries in Apollo Bay and Colac. A media release will also be made upon formal adoption of the DAMP along with advertising in the Victoria Government Gazette.

TIMELINE

- 23 August 2017: Draft DAMP presented to Council seeking approval to be released for comment.
- 24 August 2017: Public comment period opens (subject to Council approval on 23 August 2017).
- 6 October 2017: Public comment period closes.
- 25 October 2017: Councillor Briefing on submissions received and any proposed changes.
- 22 November 2017: Council considers adoption of the DAMP 2017-2021.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



Colac Otway Shire

Domestic Animal Management Plan

2017 to 2021



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Part 1. STATUTORY REQUIREMENTS

A four year Domestic Animal Management Plan (DAM Plan) is a statutory requirement for every Victorian municipality under the *Domestic Animal Act* 1994. It is intended to provide Colac Otway Shire Council with a management plan for all dogs, cats and domestic animal businesses within the municipality. Colac Otway Shire Council's existing DAM Plan was adopted by Council in 2013. This current plan is expected to operate from 2017 through to the end of 2021.

The plan addresses responsible pet ownership and animal welfare by focussing on registration, identification, dog attacks, nuisance behaviour, dangerous, menacing and restricted breed dogs, and animal businesses. It also deals with Council's domestic animal control services, authorised officer training, emergency management and matters relating to the enforcement, compliance and evaluation of the Council's control measures.

The *Domestic Animal Act* 1994 sets out the following requirements:

- 68A Councils to prepare domestic animal management plans
- (1) Every Council must, in consultation with the Secretary, prepare at four year intervals a domestic animal management plan.
 - (2) A domestic animal management plan prepared by a Council must—
 - (a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
 - (b) Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
 - (c) Outline programs, services and strategies which the Council intends to pursue in its municipal district—
 - (i) To promote and encourage the responsible ownership of dogs and cats; and
 - (ii) To ensure that people comply with this Act, the regulations and any related legislation; and
 - (iii) To minimise the risk of attacks by dogs on people and animals; and
 - (iv) To address any over-population and high euthanasia rates for dogs and cats; and
 - (v) To encourage the registration and identification of dogs and cats; and
 - (vi) To minimise the potential for dogs and cats to create a nuisance; and
 - (vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
 - (d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
 - (e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
 - (f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.
 - (3) Every Council must—
 - (a) review its domestic animal management plan annually and, if appropriate, amend the plan; and
 - (b) provide the Secretary with a copy of the plan and any amendments to the plan; and
 - (c) publish an evaluation of its implementation of the plan in its annual report.

Part 2. INTRODUCTION

2.1 Colac Otway Shire – Brief Overview

The Colac Otway Shire is a rural community of approximately 20,000 people centred on the townships of Colac, Apollo Bay, Birregurra, Cressy and other smaller townships. The city of Colac has a population in excess of 10,000 and the next largest centre is Apollo Bay with a population of over 1000. Apollo Bay and the coastal area have a population that swells to over 10,000 in the holiday period. All other centres are small rural towns with populations of less than 1000. The Shire's economy centres on the beef, dairying, agricultural production and agro-forestry industries.

During the financial year (2016-2017) the Council registered 4196 dogs and 1412 cats. During this period 195 dogs were returned to their owners via pound release, 25 unclaimed or surrendered dogs were re-homed and unfortunately 3 dogs were euthanised as they were unsuitable or unable to be re-homed. 7 cats were returned to their owners and 62 were re-homed and 74 were euthanised. The 74 cats that were euthanised included diseased and feral cats. There were a total of 366 Impoundments for the year.

Since the mandatory introduction of micro-chipping of animals in 2007, many animals found at large are able to be reunited with an owner instead of being impounded. This applies to non-habitual offenders and would account for in excess of 200 dogs being returned to owners without having to be impounded.

2.2 Local issues in Domestic Animal Management

The Colac Otway Shire has a number of issues relevant to domestic animal management within the shire. These have been identified by the Local Laws Team to be of particular concern and are:

- Lack of compliance in regard to registration of dogs and cats
- Dogs at large;
- Barking dog issues; and
- Nuisance and feral cats

2.3 Structure of this Plan

The structure of this plan is compliant with the 2012 Template provided by the then Bureau of Animal Welfare of the Department of Primary Industries.

Part 1 of this DAM Plan outlines the legislative requirements for this Plan.

Part 2 gives Council and the community a summary of the municipality, local issues in domestic animal management, a note on the previous Plan, existing controls and services, performance statistics, and the local priorities established.

Part 3 identifies strategies, current situation, future objectives and service activities to be undertaken to achieve Council's priority goals over the next four years.

2.4 Consultation

There has been constant communication, consultation and interviews with stakeholders including Veterinary Clinics, RSPCA Geelong, Vic Rangers Web Site, South West Authorised Officers Group and the Department of Primary Industries (Bureau of Animal Welfare), now known as the Domestic Animal Unit, which is part of the Department of Economic Development, Jobs, Transport and Resources.

The Domestic Animal Management Plan will be released for public comment prior to finalisation.

2.5 Previous Plan

The last iteration of the DAM Plan was developed for the Colac Otway Shire Council in 2013. Council's existing comprehensive animal management services, outlined in part 2.6 below, operated under the now expiring DAM Plan. Council is now required to prepare a new four year DAM Plan prior to 3 November 2017.

The existing DAM Plan correctly focused Colac Otway Shire Council's limited resources on the key issues confronting the Shire. These included unregistered dogs and cats, dogs at large and dog attacks on people and livestock, cats – both wild and nuisance. These key issues have not altered and remain a priority for Colac Otway Shire Council. Immediate emergency call-out for all dog attack related incidents has been actively operating.

2.6 Existing Domestic Animal Controls

2.6.1 Domestic Animals Act

Council's authorised officers enforce the provisions of the *Domestic Animal Act 1994* in relation to such matters as dogs and cats at large, dangerous and menacing dogs, restricted breed dogs, registration and identification, animal nuisance and registration of domestic animal businesses. There are multiple offences under the *Domestic Animal Act 1994* and Council officers seek compliance of this legislation by advice and requests, official warnings, infringement notices and prosecution. It is important that compliance with all sections of the *Domestic Animal Act 1994* is encouraged in the community, preferably by education rather than enforcement. Council undertakes extensive advertisements both in the print media and radio concerning animal compliance such as registration and nuisance offences.

2.6.2 Council Local Laws

Local Law number 2. (General) addresses animals at section 73 (Part 5) and this section requires persons not to allow dog excrement to remain on a road or Council land and further requires persons to carry a suitable device to collect same when in charge of a dog on a road or Council land. Section 101 to 107 (Part 7) deals with the keeping of animals and section 105 specifically deals with the smell or noise that is created by animals that may be a nuisance.

Our current local law **now** controls the maximum numbers of domestic animals on certain size allotments and excess animal permits. A copy of the control is as follows, (Section 129 of Colac Otway Shire Local Law No. 2)

An *owner* or occupier of land must not without a permit:

keep or allow to be kept any more in number for each type of *animal* as is set out in the following table:

	Animal	Property Size up to .25 (ha)	Property Size .25 (ha) to 1(ha)	Property Size 1 (ha) and above
a	Dogs	3	4	5 (other than dogs kept for working stock/primary production)
b	Cats	3	4	5
c	Poultry	5	10	No Permit Required
d	Roosters	Permit Required	Permit Required	No Permit Required
e	Pigeons	10	20	No Permit Required
f	Sheep or Goats	Permit Required	8	No Permit Required
g	Cattle/Horses & other large animals	Not Permitted	4	No Permit Required
h	Pigs	Not permitted	Permit Required	No permit required
i	Reptiles	Subject to the issuing of a license by the Department of Sustainability & Environment (DSE) or relevant authority		

2.6.3 Council Orders

Council has had an Order made under Section 26 of the *Domestic Animals Act 1994*. It requires dogs to be under effective control by means of a chain, cord or leash in specified areas. The schedule to the Order lists the specific areas and a copy of the Order appearing in the Government Gazette is attached herewith.

2.7 Existing Domestic Animal Services

Colac Otway Shire, through its Local Laws Department, provides the following domestic animal services to the community:

- Registration and identification for domestic dogs and cats, including renewal follow-ups;
- Registration and identification of menacing and restricted breed dogs including renewal and random inspections;
- Dog attack (immediate response - including 24 hour emergency service) and dog at large (as available) call-out services;
- Cat trap hire services;
- Vehicle patrols and nuisance complaint response;
- Re-homing of unwanted or unclaimed pets;
- A domestic animal pound for impounded animals;
- Euthanasia services where no alternative occurs;
- Registration and audits of domestic animal businesses;
- Prevention of cruelty to animals authorisation and initial response for the RSPCA;
- Infringement notice system and where required, prosecution services; and
- Educational and informational services provided, as resources and opportunity allow.

2.8 Domestic Animal Management Statistics

2.8.1 Comments on Table 1 (Below)

Council's key animal management statistics are provided in Table 1 (below). Colac Otway Shire Council's performance is compared to an average of several rural Councils (2011 Statistics), Victoria's major animal welfare agency, the RSPCA (2011 Statistics), ten like Councils (in Western Victoria 2008), the State average (2008 most recent figures available).

Recent 2011 statistics from rural Councils and the RSPCA identify that Council is in line with the State average, we acknowledge further improvement relating to rehousing figures would be desirable. Council registration rates appear close to other areas. These numbers are based on a formula estimate, making it difficult to make comparisons on small differences.

2.8.2 Comments on Table 2 (Below)

Table 2 (below) compares the performance of Colac Otway Shire Council in 2013 at the commencement of the existing DAM Plan with the last full year figures of 2016-17.

It can be seen that impoundments have reduced significantly with a 26.65% decrease in impounded dogs (304 down to 223) and a 18.3% reduction in the number of impounded cats (175 down to 143) and there have been noticeable improvements on matters of animal welfare. Registration of dogs is lower, although this could be attributed to removing deceased and relocated animals from the data base.

There has been a pleasing decrease in the percentage of euthanised dogs from 21 to 3 (from 6.9% to 1.3%) and a significant decrease of cats euthanised from 147 to 74. The statistics relating to cat euthanasia include diseased and feral cats which have no prospect of re housing. Colac Otway Shire now has a relationship with one of the local Veterinarian Practices which has a Cat Adoption program and as a result many of the cats from the pound are rehoused through this program. It is expected this will result in an extra number of about 50 to 70 cats being rehoused annually. In the period July 2016 to June 2017, 47 cats were rehoused via this program. Feral and diseased cats should not factor in the statistic as they cannot be re-housed and only serve to distort the true figures and efforts by Council.

There was 1 prosecution for dog attack on an animal and one for dog rush on a person in 2016-2017 and both were successful. There were 8 prosecutions for dog at large and unregistered dog relating to unpaid infringements.

2.8.3 Comments on Table 3 (Below)

Table 3 (below) indicates the actual numbers for various categories for the Colac Otway Shire for 2016 and have been used as a benchmark for the targets of the identified priorities for the animal management program.

2.9 Summary Comments

Being a smaller rural council, Colac Otway Council animal management services continue to be under pressure due to resourcing issues. Registration numbers appear to be stable along with offences of dogs at large. In 2012 there was a concerted effort in regard to compliance for unregistered animals and this has been maintained each year. A substantial number of infringements were issued to identified owners resulting in a substantial drop in offences of dogs at large with impoundments falling dramatically.

Priority actions identified from Table 1 and 2 include increased focus on welfare outcomes for impounded animals, including return to owner which has been maintained and re-housing options which have improved, in particular the number of cats rehoused. There has been an on-going focus on dogs at large, a more rigorous enforcement program, better education and positive incentive programs to achieve greater compliance.

Table 1 Animal Management Statistics

	Colac Otway Shire 2016-2017	Average selected rural Councils 2011 [®]	RSPCA All Sites 2011	Ten like Western Victorian Councils 2008 [#]	State Average 2008 - Latest Figures (Includes-Metro Stats)
Population	20,255	34,882	N/A	9,887	58,400
Area	3,433km ²	2,695 km ²	N/A	3,865 km ²	3,200
No. of Households	8874-2016 projections	18,014	N/A	N/A	N/A
No. of EFT Authorised Officers (4 x50%)	2	Figures unavailable	N/A	1.83	2.98
Hours training per EFT p.a.	50	N/A	N/A	38	62
No. of registered dogs. 2016-2017	4196(82%)	5,845 (73%)	N/A	2,404 (90%)	7,384
Estimated owned dog population *	5111 - 2016 figures	7,955	N/A	2,685	576 per 1000 households
No. of registered cats 2016-2017	1412(41.6%)	1,400 (25%)	N/A	689 (53%)	3,324
Estimated owned cat population *	3392 – 2016 figures	5,572	N/A	1,295	382 per 1000 households
No. of registered declared dogs	Restricted breed dogs(Nil) Danger. dogs 8 Menacing dogs 10	Figures unavailable	N/A	1.1	N/A
No. of Infringements issued	171 (3.04%)	590 (8%)	N/A	N/A	2% of registered animals
No. of prosecutions completed in	10	N/A	N/A	1.3	N/A
No. of successful prosecutions	10	N/A	N/A	1.3	N/A
No. of impoundments (dogs).	223	516	16,872	132	485
No. of dogs returned to owner	195(87.44%)	335 (65%)	8,851 (81%)	67 (51%)	53.0%
No. of dogs rehoused	25(11.21%)	80 (15%)	4,665 (27%)	18.5 (14%)	13.0%
No. of dogs euthanised	3(1.34%)	100 (19%)	2,893 (17%)	46.9 (36%)	34.0%
No. of impoundments (cats)	143	238	14,885	116.1	269
No. of cats returned to owner	7(4.9%)	29 (12%)	819 (5%)	12 (10.3%)	11.5%
No. of cats rehoused	62(43.35%)	22 (30%)	4,668 (31%)	18 (15.5%)	15.5%
No. of cats euthanised	74(51.75%)	140 (59%)	8,527 (55%)	91 (78%)	73.0%

Notes on Table 1

Blank spaces mean figures are not available or not applicable.

*Department of Primary Industry has developed a formula for calculating the numbers of domestic animals per household to assist in calculating domestic animal numbers to be registered with Council.

DPI Formula

Number of dwellings X 1.44 X 40% for dogs.

Applied to Colac Otway Shire

8874 X 1.44 X 40%= 5111.

Actual Registered Dogs = 4196(2016-17)

Number of dwellings X 1.47 X 26% for cats.

8874 X 1.47 X 26%= 3392.

Actual Registered Cats = 1412(2016-17)

[#]Statistics from Harlock and Jackson's 2008 survey (including BIS Shrapnel report of 2006) as in DAM Plan of 10 western Victorian Councils, including Colac Otway Shire Council. This survey matches the latest state figures available (July 2012 correspondence from Bureau of Animal Welfare, DPI).

[®]Latest 2011 statistics obtainable from the following rural Councils: Campaspe and Bass Coast Staffing and Organisational Structure are provided within the document.

Table 2 Colac Otway Shire 2010-11 to 2015-16 compared

	Colac Otway Shire 2010-11	Colac Otway Shire 2016-2017	Difference
No. of registered dogs.	4821	4196	13% decrease
Estimated owned dog population *	4711	5111	
No. of registered cats	1485	1412	4.92% decrease
Estimated owned cat population *	3126	3392	
No. of registered declared dogs	14	18	28.6% increase
No. of prosecutions completed in	8	10	25% increase
No. of successful prosecutions	8	10	25% increase
No. of impoundments (dogs).	304	223	26.6% decrease
No. of dogs returned to owner	245	195	20.4% decrease
No. of dogs rehoused	38	25	34.2% decrease
No. of dogs euthanised	21	3	85.7% decrease
No. of impoundments (cats)	175	143	18.3% decrease
No. of cats returned to owner	10	7	30% decrease
No. of cats rehoused	18	62	344.4% increase
No. of cats euthanised	147	74	50% decrease

Table 3 Colac Otway Shire Council 2015 – 2016

Activity	Total Number
Number of registered dogs	4196
Number of registered cats	1412
Number of reported dog on dog attacks	8
Number of reported dog on people attacks	1 (Dog Rush)
Number of reported dog on livestock attacks	1
Number of reported cats wandering at large	N/A
Number of reported dogs wandering at large	N/A
Number of wild cats caught or reported	74
Number of registered animal breeding businesses	0

2.10 Priorities in Domestic Animal Management

Council's priorities were made clear in community, stakeholder and internal consultation. The Council's statistical performance relative to neighbouring and like Councils, State Averages and the RSPCA reinforces these priorities. Despite limited resources and a large geographical area, the following priorities were identified for the period of the new DAM Plan.

- To Improve animal management officer training;
- To decrease number of unregistered dogs and cats;
- To decrease dogs and cats wandering at large;
- To decrease wild cat population;
- To encourage de sexing of domestic animals;
- To decrease the risks of attacks by dogs on people and animals;
- To decrease the euthanasia rates for dogs and cats;
- To ensure registration of all domestic animal businesses; and
- To monitor, evaluate and report performance.

These priorities underlie Part 3 of this Plan, the Action Plan (which uses the 2012 template provided by the then Animal Welfare Bureau of the Department of Primary Industries). Measurable and achievable targets, as well as proposed implementation actions are given in the Four Year Action Plan in Part 3.

Part 3. ACTION PLAN

The following four year Action Plan is structured according to the 2012 Template provided by the then Bureau of Animal Welfare or the Department of Primary Industries. The Action Plan is focused on the following nine areas:

- Training of Officers;
- Registration and Identification of animals;
- Nuisance animals;
- Dog attacks;
- Dangerous, Menacing and Restricted Breed Dogs;
- Overpopulation and high Euthanasia;
- Domestic Animals Businesses;
- Other matters (Emergency Management Plans); and
- Annual Review of Plan and Annual Reporting.

Colac Otway Shire is a rural Council with limitations on resources. Each of Council's Animal management staff have many other responsibilities, both administrative and in the community, including Local Laws, Parking enforcement, Livestock compliance, Environment Protection compliance, Permit processing and Prosecution duties. In part 2 of this plan the number of Officers are described as 4 Officers who spend half their time on Domestic Animal Management. This equates to 2 full time Domestic Animal Management Officers (Table 1).

The heavily committed Local Laws Unit has limited opportunity and resources to undertake additional service activities. Maintaining the existing services is of itself an ongoing challenge.

This Action Plan is targeted to provide the maintenance and improvement of basic animal management services and controls within the municipality as outlined in the priorities identified in Part 2.9 above.

3.1 TRAINING OF AUTHORISED OFFICERS

This section outlines programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district.

Compliant with 68(A)(2)(b) of the *Domestic Animals Act* 1994.

3.1.1 CURRENT SITUATION

All Animal Management Officers are suitably qualified and all hold a Certificate IV in Animal Control and Regulation and a Certificate IV in Statutory Compliance. Two officers have extensive history and experience with the Victoria Police with over 53 years combined experience including a combined period of 35 years as qualified Detectives.

One officer has in the past completed a Diploma of Government (Investigations) and successfully completed the Court Procedure and Prosecutors Course conducted by Associated Training Consultants. Officers have a diverse background in a variety of fields such as Dairying, Beef farming, Dog Breeding and horse handling/training.

Officers are members of the Vic Rangers group and actively participate and access the educational and problem solving web site in order to deal with a variety of situations. Officers also attend conferences conducted by the South West Authorised Officer Group that are educational and informative with a variety of presentations and many guest speakers.

Below is the current organisational structure and the list of relevant staff

Staff

Compliance Unit Co Coordinator (1)
Compliance Unit Officers (3)
Compliance Unit Administration (1)

Duties of all officers include responsibilities under a large variety of legislation. Domestic Animal Management services forms only a part of each role. These responsibilities includes Local Laws, parking control, Livestock controls, Litter controls, footpath permits, Infringement prosecutions, administration duties, operation of the pound, fire prevention , and numerous other activities.

COLAC OTWAY SHIRE'S – ANIMAL MANAGEMENT STAFFING & OPERATIONAL STRUCTURE



3.1.2 CURRENT AND PLANNED TRAINING

Authorised Officer Training - Basic	2016	Planned (state when)
Certificate IV in Animal Control and Regulation (RUV40104) Officer 1 Officer 2 Officer 3 Officer 4	All staff Qualified	
OH&S training – dealing with aggressive customers Officer 1 Officer 2 Officer 3 Officer 4	Provided to all staff	Ongoing and when required
Customer service training – conflict resolution, telephone speak Officer 1 Officer 2 Officer 3 Officer 4	Provided to all staff	Ongoing and when required
Bureau of Animal Welfare – training and information days Officer 1 Officer 2 Officer 3 Officer 4	Training and information days attended to by selected staff	Attend relevant Courses
Induction program for new staff Officer 3	Provided and completed	
Diploma in Government (Investigations) PSP51704 Officer 2	Qualified	
Certificate IV in Government (Statutory Compliance) PSP 41404 Officer 1 Officer 2 Officer 3 Officer 4	Qualified Qualified Qualified Qualified	
Industry training – time management Officer 1 Officer 2 Officer 3 Officer 4	Provided to all staff	
Court Procedure and Prosecutors Course – Associated Training Consultants Officer 2	Qualified	
Canine Anatomy and Identification Training Day Officer's 1,2,3 and 4 attended	All qualified	
DNA training for all officers to be undertaken as per Domestic Animals Act 1994	To attend course when same becomes available	As soon as possible

3.1.3 OUR PLANS

Objective 1: Council will maintain the current skills and qualifications of Authorised Animal Management Officers and will encourage further study and enhancement of current skills and qualifications and where opportunity exists attend relevant courses, conferences and seminars

Activity	When	Evaluation
Review and Benchmark Current training levels Provide relevant training as identified/required in consultation with Manager of Environment and Community Safety	Dec 2018 and then annually	Evaluation/Report – Measure and report on results The annual review of this plan and the benchmarking with others will assist in identifying required or improved skills or qualifications relevant to the position
Community – Ensure Best Practice is applied to improve customer relations Aim to improve/enhance customer relations	Dec 2018 and then annually	Evaluation/Report- Monitor, record and report on results
Workload – Identify a relevant and sustainable workload within the limitations of the resources available	Dec 2018 and then annually	Evaluation/Report- Monitor, record and report on results The annual review of the plan will identify shortfalls in the ability to deliver the required service by the Officers and what additional training/resources are required

3.2 REGISTRATION AND IDENTIFICATION

This section outlines programs, services and strategies to encourage the registration and identification of dogs and cats.

Compliant with Section 68A(2)(c)(v) of the *Domestic Animals Act 1994*, - also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)

3.2.1 CURRENT SITUATION

3.2.1.1 Our current data

Colac Otway Shire Council 2011 to 2016 compared (see full Table in Part 2.8 above)

	Colac Otway Shire 2010-11	Colac Otway Shire 2016-2017	Difference
No. of registered dogs.	4821	4196	- 13%
Estimated owned dog population	4711	5111	
No. of registered cats	1485	1412	- 4.92%
Estimated owned cat population	3126	3392	

3.2.1.2 Our current Orders, Local Laws, Council Policies and Procedures

Council has no Orders or Local Laws relevant to the registration of cats and dogs. Council's current controls are under the *Domestic Animals Act 1994*, Council currently provides:

- Registration and identification for dogs and cats, including renewal follow ups;
- Registration and identification of menacing and restricted breed dogs including renewal and random inspections;

3.2.1.3 Our current Education/Promotion Activities

Council currently provides education and information services in the following manner:

- Advertisements in the local print media and local radio
- Animal information pamphlets made available at local events/shows/fairs
- Information pamphlets/packages available at Council Offices/Pound
- Direct communication and interaction by Authorised Officers with the Community
- Quarterly Newsletter to Colac Otway Shire residents that include Domestic Animal issues/rehousing/ and registration requirements
- Colac Otway Shire Web Page can raise/discuss relevant issues

3.2.1.4 Our current Compliance Activities

Council currently provides:

- Renewal follow-ups for registration and identification for domestic dogs and cats;
- Vehicle patrols re dogs at large;
- Nuisance complaint response and investigation;
- Domestic animal pound facility;
- Cat trap hire services;
- Infringement notice system;
- Prosecution service for infringement offences;

3.2.1.5 Summary

Registration of animals in 2011 to 2017 shows a decrease in dogs of 13%. The number of registered cats has decreased from 1485 (2011) to 1412 (2017). This is a decrease of 4.92%.

Whilst using the accepted formula to forecast the number of dogs within the shire it shows that we have a compliance rate of 82% in respect of dog registrations, albeit it appears very good it is widely accepted that we still have many unregistered dogs particularly in the rural and remote areas. These figures relate to the 2011 census and the figures for 2016 have not been released by the Australian Bureau of Statistics to date. When released they will be re-evaluated.

Using the accepted formula to forecast the number of cats within the shire it shows we have a compliance rate of 41.6% which is comparable to other Councils based on the 2011 figures. This will be re-evaluated on the release of new data from the Australian Bureau of Statistics.

Many departed and deceased animals have been removed from the system as a result of follow up inspections and inquiries. This could account for the reduction in numbers.

Council plans from now include maintaining a greater level of enforcement commenced in 2012, broader and effective community education and positive incentive programs to achieve greater compliance.

3.2.2 OUR PLANS

Objective: To gain compliance, with a greater percentage of all registered dogs and cats

Activity	When	Evaluation
Benchmark 2017 - 4196 dogs and 1412 cats Evaluate against other comparative shires	Dec 2018	Check records and measure results
Community Door Knocks Random inspections Targeted inspections	Dec 2018 then annually	Check records and measure results
Promotion/publicity Media Articles On hold messages Mail outs Website updates Distribution of pamphlets/flyers	Dec 2018	Number of media articles Record mail outs Number of web site updates Record relevant distribution of pamphlets and fliers and information packages Check record and measure results
Education Continue an education program in conjunction with Shire Staff, and relevant interest groups	Dec 2018 and then annually	Work with identified groups to continue education program Measure and report on results
Enforcement Random and planned inspections Reminder notices Conduct investigations and regular patrols Seek compliance of this legislation by official warnings, infringement notices and prosecution	Dec 2018, then annually	Planned inspections for compliance and non-renewal Maintain Official warning register Continue to support prosecution of unpaid infringement offences Measure and report on results

3.3 NUISANCE

This section outlines programs, services and strategies to minimise the potential for dogs and cats to create a nuisance.

Compliant with section 68A(2)(c)(vi) of the *Domestic Animals Act 1994* - also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)

3.3.1 CURRENT SITUATION

3.3.1.1 Our current data

Colac Otway Shire 2010–2011 to 2016-2017 compared (see full Table in Part 2.8 above)

	Colac Otway Shire 2010-11	Colac Otway Shire 2016-2017	Difference
No. of registered dogs.	4821	4196	Decrease 13%
Estimated owned dog population	4711	5111	
No. of registered cats	1485	1412	Decrease 4.92%
Estimated owned cat population	3126	3392	
No. of registered declared dogs	14	18	28.6% increase
No. of prosecutions completed in	8	10	25% increase
No. of successful prosecutions	8	10	25% increase
No. of impoundments (dogs).	304	223	Decrease 26.6%
No. of dogs returned to owner	245 (80.6%)	195 (87.44%)	Decrease 20.4% based on overall numbers not % of impoundments
No. of impoundments (cats)	175	143	Decrease 18.3%
No. of cats returned to owner	10 (5.7%)	7 (4.9%)	Decrease 30%

3.3.1.2 Our current Orders, Local Laws, Council Policies and Procedures

Council has an order made under Section 26 of the *Domestic Animals Act 1994*, requiring dogs to be under effective control by means of a chain, cord or leash in a specified area. The areas are listed in the notice in the *Government Gazette G 49* dated 8 December 2005 - 2851. Support documents are attached herewith.

Local Law number 2. (General) addresses animals at section 73 (Part 5) and this section requires person not to allow dog excrement to remain on a road or Council land and further requires persons to carry a suitable device to collect same when in charge of a dog on a road or Council land. Section 101 to 107 (Part 7) deals with the keeping of animals and section 105 specifically deals with the smell or noise that is created by animals that may be a nuisance.

Our current local law now controls the maximum numbers of domestic animals on certain size allotments and excess animal permits. Copy of same attached.

3.3.1.3 Our current Education/Promotion Activities

Council currently undertakes the following educational and promotional activities in support of nuisance offences:

- Advertising in the print media
- Distribution of specific educational packs relating to nuisance offences
- Use of on-hold messages and Council's website to inform pet owners
- Education and information services provided, as resources and opportunity allow
- Dog excrement bag dispensers located in high dog activity areas

3.3.1.4 Our current Compliance Activities

Council treats the issue of animal nuisance very seriously. The type of complaints regularly received are dogs at large, dogs barking (noise complaint), dogs fouling nature strips/footpaths and feral cat problems. Council currently undertakes the following compliance activities in support of nuisance offences:

- Vehicle patrols and nuisance complaint response;
- Dog attack (Immediate response – 24 hour – After hours – On Call Officer)
- Dog at large (After hours call out – discretionary attendance)
- Registration and identification of menacing and restricted breed dogs including checks to ensure compliance with legislation requirements;
- Cat trap hire service
- Prevention of cruelty to animals authorisation and initial response to complaints on behalf of the RSPCA
- Infringement Notice System
- Prosecution Services
- Domestic Animal Pound for impounded animals

3.3.1.5 Summary

The majority of complaints received by Council relate to dogs at large and barking dog complaints. These complaints are monitored through the Council Merit system. The feral/abandoned, unwanted and unregistered cat population also register considerable complaints. Since the installation of dog excrement bags via dispensers in areas of high traffic by dogs there has been a noticeable compliance with the cleaning up of dog excrement.

The issue of dogs at large are quickly resolved either by returning the dog home or impoundment and consideration for an infringement for a dog at large which currently stands at \$238.00 (Daytime) and \$317.00 (Night time).

The issue of noise complaint by barking dogs is difficult to police, requires an extensive investigation and quite often the complainant/s are reluctant to become involved in a court process. Many complainants do not wish to be identified and the penalty by way of infringement is minimal. Council has developed a barking dog package for the information of complainants and offending owners alike. Council guidelines advise on how the complaint will be handled.

3.3.2 OUR PLANS

To reduce the number of dogs and cats at large and deal with barking dog complaints in a timely manner.

The issue of dogs at large presents problems of dog attacks on other animals, livestock and persons. They can also cause a serious incident when wandering on roads. Considerable time and resources are deployed by Council addressing this problem. Many people have an absolute fear of dogs and the mere sight of a dog at large can cause fear and panic to many people whether warranted or not.

The issue of cats wandering and feral cats is the subject of many complaints due to the fouling of gardens/yards, attack on their own cat by the offending cat, destruction of wildlife and spread of disease.

Council will ensure the community is educated on the importance of animal confinement and information packages/pamphlets will be made available from Council offices and other relevant locations.

Objective 1: Reduce number of dogs and cats at large

Activity	When	Evaluation
Benchmark against other comparative Councils reports of animals at large for period 2016-2017	Dec 2018, and then annually	Measure and report on results
Community Advise owners by way of documentation (Pamphlets/flyers) Documentation to be given to owners on return of dogs found at large (Not impounded) Documentation to be provided to owners when dogs released from pound.	Dec 2018, and then annually	Measure and report results in annual review of this plan
Education Establish relationship with Dog Obedience Club/Dog Trainers and Dog walkers and have information disseminated by same. Provide relevant information to new owners	Dec 2018, and then annually	Evaluate work with identified groups Information sent to new owners Measure and report on results
Publicity and Promotion Media articles Mail out with Council rates/quarterly newsletter Website update On hold messages Distribute relevant flyers and pamphlets Establish relationship with local vets re responsible ownership	Dec 2018, and then annually	Record media articles Mail outs achieved Web site information Vet assistance regarding issue Measure and report on results
Enforcement Official Warnings Regular patrols for offences and also as deterrent Gain compliance by official warnings, infringements and prosecution where required	Dec 2018, and then annually	Compare number of offences from previous years. Number of warnings issued Number of infringements issued Number of prosecutions Measure and report on results

Objective 2: Improved response and outcomes to barking dog complaints

Activity	When	Evaluation
Benchmark against comparative shires complaints received for 2016-7 41 Complaints received in 2015-6	Dec 2018 and then annually	Measure and report on results
Community Direct interaction with complainants and offending parties regarding compliance	Dec 2018 and then annually	Measure and report on results
Education Distribute educational package developed by Council to complainants and offending parties for benefits and advice	Dec 2018 and then annually	Measure and report on results
Promotion / Publicity Media articles On hold messages Mail-outs with registration renewals Issue specific flyers, pamphlets and information packages Use local vets to encourage and educate re responsible pet ownership	Dec 2018 and then annually	Record number of media releases Mail-out data Distribution of information kit Assess relationship between Council and Local vets Measure and report on results
Enforcement Official Warnings Infringements Prosecutions	Dec 2018 and then annually	Measure and report on results

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3.4 Dog Attacks

This section outlines programs, services and strategies to minimise the risk of attacks by dogs on people and animals.

Compliant with Section 68A(2)(c)(iii) of the *Domestic Animal Act 1994*, (and also Section 68A(2)(a),(c)(i),(c)(ii),(d),(f).

3.4.1 CURRENT SITUATION

3.4.1.1 Our data

Colac Otway Shire Council 2010 to 2011 compared to (see full Table in Part 2.8 above)
Colac Otway Shire Council 2015 – 2016 (see full Table in Part 2.8 above)

	Shire of Colac Otway Shire 2010-11	Shire of Colac Otway 2016-17	Difference
No. of registered dogs.	4821	4196	-13%
Estimated owned dog population	4711	5111	
No. of registered declared dogs	14	18	28.6% increase
No. of prosecutions completed in	5	10	100% Increase
No. of successful prosecutions	5	10	
No. of impoundments (dogs).	304	223	26.6% decrease
No. of dogs returned to owner	245	195	20.6% decrease

Activity	Total Number
Number of reported dog on dog attacks	7
Number of reported dog on people attacks	1 prosecuted in Court (Dog Rush), 1 x infringement.
Number of reported dog on livestock attacks	1 Prosecuted in Court(dog on horse)

3.4.1.2 Our Orders, Local Laws, Council Policies and Procedures

Council currently enforces the provisions of the Domestic Animals Act 1994 in regard to dog attacks. All reported dog attacks are investigated and appropriate action in line with legislation is taken. Council has developed a guideline for Authorised Officers in regard to seizure of offending dogs after an attack.

3.4.1.3 Our Education/Promotion Activities

Council currently undertakes the following educational and promotional activities in support of dog attack issues:

- use of on-hold messages and Council's website to inform pet owners;
- Education and information services provided, as resources and opportunity allow.
- Use of media advertising and Court results

3.4.1.4 Our Compliance Activities

Council treats the issues of dog attack very seriously. Council currently undertakes the following compliance activities in support of nuisance offences:

- vehicle patrols and nuisance complaint response;
- dog attack (immediate - including 24 hour emergency service) and dog at large (Discretionary) call-out services;
- registration and identification of menacing and restricted breed dogs including monitoring of declared animal and spot checks;
- infringement notice system;
- a domestic animal pound for impounded animals;
- prosecution of serious dog attacks

3.4.1.5 Summary

The number of dog attacks has remained relatively low within the shire with no outstanding incidents and no serious injuries to persons reported. Confinement of dogs is a priority because the instances of wandering dogs increases risk to other pets, humans and livestock, and consumes time and resources of Compliance Officers. De sexed animals are less likely to wander so Council will continue to encourage people to have their pet de sexed. Council will ensure there is information available on the importance of animal confinement at Council service centres and other key locations.

DRAFT

3.4.2 OUR PLANS

Objective 1: To decrease dog attacks on people and animals.

The incidence of dog attack on both persons and animals is steady in the Colac Otway Shire and it is accepted that some are still unreported. Often when a dog attack is reported, officers find that it is a recurrence of an offence that went unreported previously. Had the initial attack/s been reported, subsequent attacks may have been averted.

Dog attacks continue to be reported to Council involving attacks on persons, dogs and livestock. Several cases could not be prosecuted in the Magistrates Court because of a public reluctance to appear in court. Without a victim Council officers cannot prosecute.

All dogs are required to be confined to their property. This is a requirement under the *Domestic Animal Act 1994* and Council will continue to place importance on the need for dogs to be confined. Council will encourage people to have their dogs de-sexed, as this helps to reduce their tendencies to wander and be at large.

Council has developed guidelines for the seizure of dogs after an attack to limit the repetition of an attack or the hiding of a dog from the Authorities. This will also take into account the new provisions under the Crimes Act, Victoria.

Activity	When	Evaluation (and Targets)
Benchmark against comparative municipalities 1 reported dog attack on livestock 7 reported dog on dog attacks 2 reported dog on people attacks (dog rush)	Dec 2018, then annually	Measure and report on results
Community Use media and relationships with Local hospitals and Doctors to encourage and ensure reporting of dog attacks on persons educate community about dog confinement and problem and penalties for dog attack Develop further relationship with local vets	Dec 2018, then annually	Further develop the relationship between Council and local vets, Hospitals and Medical Clinics to ensure increases in reported dog attacks from 2012 onwards Measure and report on results in the annual review of this Plan.
Educational programs with parties who may be aware of incidents such as at Hospitals, Doctors and Vet clinics	Dec 2018, then annually	Provide education for responsible pet ownership Record level of distribution of relevant information Measure and report on results
Promotion / Publicity media articles on-hold messages mail-outs with Council rates website updates issue specific flyers and brochures Use Vet Clinics to encourage dog-on-dog attack reporting.	Dec 2018, then annually	Record numbers of media articles Annual mail-out with Council rates Monthly website updates New owner information kit developed Monitor the relationship between Council and relevant agencies to ensure reporting of dog attacks Measure and report on results in the annual review of this Plan.
Enforcement Doorknocking and random domestic animal registration inspections Reminder notices Set up official warning register Conduct investigations and regular patrols Seek compliance of this legislation by official warnings, infringement notices and prosecution	Dec 2018, then annually	Reduce number of dog attacks on 2011 base year Random domestic animal registration inspections established Official warning register set up Continue to support prosecution unit Periodic report to Executive Measure and report on results in the annual review of this Plan

3.5 Dangerous, Menacing and Restricted Breed Dogs

This section outlines programs, services and strategies to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in the district and to ensure that these dogs are kept in compliance with this Act and the regulations.

Compliant with Section 68A(2)(c)(vii) of the *Domestic Animal Act* 1994, (and also Section 68A(2)(a),(c)(i),(c)(ii),(d),(f).

3.5.1 CURRENT SITUATION

3.5.1.1 Our data

Colac Otway Shire Council 2010-11 to 2015-6 compared (see full Table in Part 2.8 above)

	Shire of Colac Otway 2010-11	Shire of Colac Otway 2016-2017	Difference
No. of registered dogs.	4821	4196	13% decrease
Estimated owned dog population	4711	5111	
No. of registered declared dogs	14	18	28.6% increase

3.5.1.2 Our Orders, Local Laws, Council Policies and Procedures

Dangerous, menacing and restricted breed dogs are controlled by the *Domestic Animal Act* 1994. Council will ensure that declared dogs are kept in compliance with the Act.

3.5.1.3 Our Education/Promotion Activities

Council currently undertakes the following educational and promotional activities, including providing information of dangerous, menacing and restricted breed dogs:

- Use of Media to inform the community of their responsibilities and the consequences of non-compliance;
- Distribution of pamphlets and flyers with relevant information;
- use of on-hold messages and Council's website to inform pet owners;
- Education and information services provided, as resources and opportunity allow.

3.5.1.4 Our Compliance Activities

Council treats all dangerous, menacing and restricted breed dogs very seriously. Council currently undertakes the following compliance activities in support of such offences:

- vehicle patrols and complaint response;
- dog attack (immediate - including 24 hour emergency service) and dog at large (as available) call-out services;
- registration and identification of menacing and restricted breed dogs including monitoring of declared dogs to ensure compliance; and
- Infringement notice system;
- Prosecution services where required.

3.5.1.5 Summary

Council currently reviews the Victorian Declared Dog Register and monitors the animals recorded on same and ensures compliance is being adhered to. Council's promotional, educational, community and enforcement activities are all targeted at achieving compliance in line with the relevant State legislation involving these matters.

3.5.2 OUR PLANS

Objective: To ensure all dangerous, menacing and restricted breed dogs are identified and kept in compliance with the Domestic Animal Act 1994.

Activity	When	Evaluation (and Targets)
Community Education about dangerous menacing and restricted breed dogs via media, newsletters, and pamphlets. Contact with relevant stakeholders, i.e. Vets, Dog training groups	Dec 2018, then annually	Measure and report on results in the annual review of this Plan.
Education Media related articles On hold messages and Web Page updates Distribution of relevant pamphlets and flyers	Dec 2018, Then annually	Provide education for responsible pet ownership Work with identified groups Record number of school visits Measure and report on results
Promotion / Publicity media articles, on-hold messages mail-outs with Council rates website updates issue specific flyers and brochures Use Vet Clinics to encourage responsible pet ownership.	Dec 2018, then annually	Record numbers of media articles Annual mail-out with Council rates Monthly website updates New owner information kit done Monitor the relationship between Council and local vets Measure and report on results in the annual review of this Plan.
Enforcement Doorknocking and random domestic animal registration inspections Reminder notices Official warning register Conduct investigations and regular patrols Seek compliance of this legislation by official warnings, infringement notices and prosecution	Dec 2018, then annually	Reduce number of dog and cat at large and dog attacks from 2012 base year Official warning register set up Continue to support prosecution unit Measure and report on results in the annual review of this Plan

3.6 Overpopulation and High Euthanasia

This section outlines programs, services and strategies to address any over-population and high euthanasia rates for dogs and cats.

Compliant with Section 68A(2)(c)(iv) of the Domestic Animal Act 1994, and also Section 68A(2)(a),(c)(i),(c)(ii),(d),(f).

3.6.1 CURRENT SITUATION

3.6.1.1 Our data

Colac Otway Shire Council 2010-11 to 2016-7 compared (see full Table in Part 2.8 above).

	Shire of Colac Otway 2010-11	Shire of Colac Otway 2016-2017	Difference
No. of registered dogs.	4821	4196	-13%
Estimated owned dog population *	4711	5111	
No. of registered cats	1485	1412	-4.92%
Estimated owned cat population *	3126	3392	
No. of impoundments (dogs).	304	223	-26.6%
No. of dogs returned to owner	245	195	-20.4%
No. of dogs rehoused	38	25	-34.2%
No. of dogs euthanised	21	3	-85.7%
No. of impoundments (cats)	175	143	-18.3%

No. of cats returned to owner	10	7	-30%
No. of cats rehoused	18	62	+344.44%
No. of cats euthanised	147	74	-50%

3.6.1.2 Orders, Local Laws, Council Policies and Procedures

Council's pound and euthanasia policies are guided by the *Domestic Animal Act* 1994. Council policy is to, wherever possible, return any lost or seized at-large animal to its owner. However, registration and identification is essential.

3.6.1.3 Our Education/Promotion Activities

Council's promotion of registration and micro chipping strongly emphasises the return of lost pets. Council currently undertakes the following educational and promotional activities in support of nuisance offences:

- Print Media and Radio advertising
- use of on-hold messages and Council's website to inform pet owners;
- Education and information services provided, as resources and opportunity allow.

3.6.1.4 Our Compliance Activities

Council regards its current euthanasia rate as acceptable. Council currently undertakes the following compliance activities in support of increasing registration and thereby reducing euthanasia rates:

- renewal follow-ups for registration and identification for domestic dogs and cats;
- vehicle patrols and nuisance complaint response;
- a domestic animal pound for impounded animals;
- infringement notice system
- Prosecution services.

3.6.1.5 Summary

The Table above clearly indicates the high level of euthanasia of impounded cats in the Colac Otway Shire. 147 in 2010-11, but it must be stressed that this includes feral and diseased cats that are handed into Council. These cats cannot be rehoused and distort the true efforts of Council to rehouse animals. The low level of cat registration means many cats are not identifiable and are unable to be returned to an owner. This has been vastly improved with a partnership with a Local Vet and his Cat adoption program and rehousing of cats has moved from 18 to 62.

The level of dog euthanasia sits at 1.34% (3 dogs) and this includes dogs that were not suitable for rehousing (involved in attacks etc.) and this again distorts the true efforts of Council. During this period Council rehoused 25 dogs which is an acceptable level.

Our efforts again in 2016-2017 were of an acceptable standard, 25 (11.21%) dogs rehoused and only 3 (1.34%) of dogs euthanised. In regard to cats 62(43.75%) were rehoused. Cat euthanasia was 74(50%). Council runs an expression of interest register for persons interested in re housing a pet and subsidises the microchip by 50%, offers free registration and also liaises with Local Vets to obtain a subsidised rate for de sexing and vaccination.

Council also utilises local media and Facebook in advertising animals requiring re-housing.

Council has established a relationship with a local vet who runs a cat adoption program and many of Councils cats are re homed through this program. This has dramatically reduced our euthanasia rate.

Council also uses all local vet businesses to identify potential applicants who may be interested in re housing.

3.6.2 OUR PLANS

Objective: To decrease euthanasia rates of seized animals.

Council plans to achieve this objective by increasing the registration rates, which will allow identification and return to owners.

Activity	When	Evaluation (and Targets)
Benchmark 2017: 3 dogs, 74 domestic cats	Dec 2018, then annually	Reduce euthanasia rates for impounded dogs and cats Measure and report on results
Community Greater attempts to be made to find owners or rehouse Investigate rehoming options rather than euthanasia Work with identified interest groups	Dec 2018, then annually	Local Laws officers to investigate rehoming options Measure and report on results in the annual review of this Plan
Education Education in conjunction with registration follow-ups phone and door knocking.	Dec 2018, then annually	Measure and report on results
Promotion / Publicity esp. re. registration Media articles on-hold messages mail-outs with Council rates website updates (Facebook) issue specific flyers and brochures	Dec 2018, then annually	Record numbers of media articles Annual mail-out with Council rates Monthly website updates New owner information kit developed Measure and report on results in the annual review of this Plan.
Enforcement re. Registration Doorknocking Reminder notices Conduct investigations and regular patrols Seek compliance of this legislation by official warnings, infringement notices and prosecution	Dec 2018, then annually	Establish random domestic animal registration inspections Set up official warning register Develop prosecution unit Periodic report to Executive Measure and report on results in the annual review of this Plan

3.7 Domestic Animal Businesses

This section outlines programs, services and strategies which the Council intends to pursue in its municipal district to ensure that people comply with this Act, the regulations and any related legislation.

Compliant with Section 68A(2)(c)(ii) of the Domestic Animal Act 1994, and also Section 68A(2)(a),(c)(i),(d),(f).

3.7.1 CURRENT SITUATION

3.7.1.1 Our data

Council currently has one registered Boarding facility (Cats) and two registered Pet shops and the Council Pound facility.

3.7.1.2 Our Orders, Local Laws, Council Policies and Procedures

Domestic animal business registration is controlled by the *Domestic Animal Act 1994*. Council has a zero-tolerance of non-compliance in domestic animal businesses, and will continue to investigate all reports on domestic animal breeding businesses and seek compliance for any non-registered domestic animal business by conducting door knocks and property inspections.

3.7.1.3 Our Education/Promotion Activities

Council provides information and guidance to every domestic animal business on the necessity of registration, the procedure and the requirements to be fulfilled under the Act.

3.7.1.4 Our Compliance Activities

Council has a zero-tolerance of non-compliance in domestic animal businesses, and will continue to investigate all reports on domestic animal breeding businesses and seek compliance for any non-registered domestic animal business by conducting door knocks and property inspections. In the 2015 - 2016 period Council conducted inspections on all registered establishments.

3.7.1.5 Summary

Colac Otway Shire has a variety of domestic animal businesses. There are approved Codes of Practice for the operation of breeding and rearing establishments, boarding establishments, and shelters and pounds. Pet shops are also included. Council is obliged to ensure each establishment complies with the relevant Code of Practice with regular audits. This is an area of intense public scrutiny. Council has a zero-tolerance of non-compliance in domestic animal businesses, and will continue to investigate all reports on domestic animal breeding businesses and seek compliance for any non-registered domestic animal business by conducting door knocks and property inspections.

3.7.2 OUR PLANS

Objective: To ensure all domestic animal businesses are registered with Council and comply with the requirements of the *Domestic Animal Act 1994*.

Activity	When	Evaluation (and Targets)
Benchmark 2016-7:	Dec 2018, then annually	Measure and report on results
Community Follow-ups from animal registrations, community information, newspaper sales, advertisements (Internet) and veterinary assistance	Dec 2018, then annually	Continue to audit registered animal breeding businesses Establish random domestic animal business registration inspections Measure and report on results in the annual review of this Plan.
Promotion / Publicity Media articles on-hold messages mail-outs with Council rates website updates issue specific flyers and brochures	Dec 2018, then annually	Record numbers of media articles Annual mail-out with Council rates Monthly website updates New owner information kit developed Measure and report on results in the annual review of this Plan.
Enforcement Audits of known animal breeding businesses Conduct investigations and regular patrols Seek compliance of this legislation by official warnings, infringement notices and prosecution	Dec 2018, then annually	Continue to audit registered animal breeding businesses Establish random domestic animal business registration inspections Official warning register Support prosecution unit Measure and report on results in the annual review of this Plan

3.8 Other Matters

This section provides for the review of other matters related to the management of dogs and cats in the Council's municipal district.

Compliant with Section 68A(2)(e) of the *Domestic Animal Act 1994*.

3.8.1 CURRENT SITUATION

3.8.1.1 Our data

Colac Otway Shire Council's Municipal Emergency Management Plan (MEMP) now makes provisions for domestic animals. While full responsibility for domestic animals in all circumstances rests with the owner of the animal, Council needs to consider issues of domestic animal management when considering evacuation procedures, emergency relief centres. Housing and feeding animals may become an important issue, when people bring domestic animals into relief centres or domestic animal businesses require evacuation.

3.8.1.2 Our Orders, Local Laws, Council Policies and Procedures

Provision for emergency management planning for domestic animals is now included within the MEMP. Council has developed a separate plan/procedures/contact lists as deemed appropriate by the Emergency Management Committee of Council.

3.8.1.3 Our Education/Promotion Activities

Council may need to undertake further community education about owner responsibility for domestic animals in emergency planning.

Provide advice/brochures/media releases on what to consider for pets in an emergency – include their needs as part of your emergency planning, e.g. food, water, bowls, bedding, cage, medication, registration and micro chipping to help reunite pets with their owners after emergencies, external identification – e.g. collar with registration tag

3.8.1.4 Summary

Domestic animal management planning in a municipal emergency can become a significant logistical issue, even though primary responsibility rests on the owners of domestic animals. Confusion, conflict and diverted resources can all result from a failure to consider domestic animals in evacuation and relief centres. The numbers of animals involved in domestic animal businesses could further aggravate these issues.

Council has now reviewed its MEMP to incorporate domestic animal management planning in municipal emergencies.

3.8.2 OUR PLANS

Objective: To promote Council's inclusion of pets and animals from domestic animal businesses in Municipal Emergency Management Plan.

Activity	When	Evaluation (and Targets)
Council's MEMP Committee to review plan and include same in planned drills re domestic animal management issues in municipal emergencies	Dec 2018	MEMP is reviewed re domestic animal issues
Community / Education Include emergency management planning in community education about domestic animals	Dec 2018	Include emergency management planning in community and education information publications on domestic animals
Promotion / Publicity Include Emergency Management Planning in: Media articles and on-hold messages mail-outs with Council rates website updates issue specific flyers and brochures	Dec 2018	Record numbers of media articles Annual mail-out with Council rates Monthly website updates New owner information kit developed Measure and report on results in the annual review of this Plan.

3.9 Annual Review of Plan and Annual Reporting

This section provides for the annual review of the Plan and Annual Reporting.

Compliant with Section 68A(3)(a)(b)(c) of the *Domestic Animal Act* 1994 as below:

68A(3) Every Council must—

- (a) review its domestic animal management plan annually and, if appropriate, amend the plan
- (b) provide the Department of Primary Industries' Secretary with a copy of the plan and any amendments to the plan
- (c) publish an evaluation of its implementation of the plan in its annual report.

3.9.1 CURRENT SITUATION

3.9.1.1 Our data

The Plan is reviewed annually to Council.

3.9.1.2 Our Orders, Local Laws, Council Policies and Procedures

Council has one Order under the *Domestic Animal Act* 1994. This Order relates to on leash areas for dogs in the Colac Otway Shire.

3.9.1.3 Summary

Performance in domestic animal management should be a regular management focus. Appropriate performance statistics should be completed and reported. A review of performance under the DAM Plan is required to be included in Council's Annual Report (see Section 68A (3) (c) of the Domestic Animal Act 1994 in part 1.2 of this DAM Plan).

Measurements should relate to Activities and targets in this Plan and should include educational programs, increased registration of domestic animals, reduction of animals at large, decreased numbers of dog attacks, increases in compliance and levels of community satisfaction as a measure of success.

It should be noted that if performance under the DAM Plan is not sufficient, further revision of the Plan and its methods may be required and should be recommended.

3.9.2 OUR PLANS

Objective: To review progress on this Plan in a report to Council, including a summary report in the Annual Plan.

Activity	When	Evaluation (and Targets)
Benchmark 2017: Monitor Merit system regarding complaints by the Community	Dec 2018, then annually	Evaluate complaints and action taken Measure and report on results
Community Focus on customer service, community education and encouragement of responsible pet ownership	Dec 2018, then annually	Continue to improve customer relations and education.
Promotion / Publicity Undertake media/Newsletter/Internet publicity for key messages about responsible pet ownership	Dec 2018, then annually	Record published media articles Annual mail-out with Council rates Monthly website updates New owner information kit developed Measure and report on results in the annual review of this Plan.
Other Review and revise activities in Plan as required	Dec 2018, then annually	Revise Action Plan if required Report to Council quarterly
Enforcement	Dec 2018, then annually	Measure and report on results in the annual review of this Plan

ORDINARY COUNCIL MEETING

SPECIAL CHARGE SCHEME - HEARN AND ARMSTRONG STREETS, COLAC - DRAINAGE

OM172308-2

LOCATION / ADDRESS	Hearn/Armstrong Street, Colac	GENERAL MANAGER	Tony McGann
OFFICER	John Furleo	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F17/8260	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Drainage Works Layout Plan 2. Special Charge Scheme Drainage Works Estimation Worksheet 		
PURPOSE	<p>To consider the establishment of a Special Charge Scheme for the purpose of drainage construction. The project is a drainage line from the corner of Hearn Street and Armstrong Street to the north boundary of 142 Armstrong Street to the north west corner of the Trinity College property.</p>		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

It is proposed to establish a Special Charge Scheme to fund works to construct drainage works.

During heavy rain, runoff from the oval located at the north west corner of Trinity College at 119-243 Hart Street Colac flows towards the properties located at the corner of Hearn Street and Armstrong Street. The water builds up behind the fences and then discharges into the backyards of these properties causing some flooding.

An Easement exists on the northern boundary of 142 Armstrong Street but there is no pipe to take the flows. This proposal will collect this excess runoff from the oval and direct it to a grated pit at the rear of 142 Armstrong Street which will then discharge to the main drain in Hearn Street via proposed underground pipes to be placed in the easement on the northern boundary of 142 Armstrong Street and in the nature strip running down Armstrong Street.

3. RECOMMENDATION

That Council:

1. ***Resolves to give notice of its Intention to Declare a Special Charge Scheme for the construction of a common drainage line along the easement on the north boundary of 142 Armstrong Street and associated works in Armstrong Street and in the Trinity College such that:***
 - a. ***The construction of a common underground drainage pipe and associated works will be of special benefit to properties described in paragraph (5) and shown on the attached plan by way of:***
 - ***Controlled stormwater discharge***
 - b. ***A special charge be declared for the period commencing on 23 August 2017 and concluding on 23 August 2022.***
 - c. ***A Special Charge Scheme be declared for defraying any expenses in relation to the installation of an underground stormwater pipe system comprising of a 250mm stormwater pipe in the easement along the northern boundary of 142 Armstrong Street, Colac.***
2. ***The following be described as the area for which the special charge is declared:***
 - ***The partial area within Trinity College that can directly connect to the underground drainage line located in the easement along the northern boundary of 142 Armstrong Street, Colac and the areas north and west of this area located in Hearn Street and Armstrong Creek which will be protected by this drainage line and applying to properties described in paragraph 3.***
3. ***The following be declared as the land in relation to which the special charge is so declared:***
 - ***119-243 Hart Street, Colac Lot 14 LP 58025***
 - ***206 Hearn Street, Colac Lot 5 LP 58025***
 - ***208 Hearn Street, Colac Lot 6 LP 58025***

- 210 Hearn Street, Colac Lot 7 LP 58025
- 212 Hearn Street, Colac Lot 8 LP 58025
- 214 Hearn Street, Colac Lot 9 LP 58025
- 216 Hearn Street, Colac Lot 10 LP 58025
- 142 Armstrong Creek, Colac Lot 11 LP 58025
- 144 Armstrong Creek, Colac Lot 12 LP 58025
- 146 Armstrong Creek, Colac Lot 13 LP 58025

4. *The following be specified as the criteria which forms the basis of the special charge so declared:*

- *Ownership of the land described in paragraph 3 of the recommendation.*

5. *The following be specified as the manner in which the special charge so declared be assessed and levied;*

- *The unit of assessment is via a property area system where the special charge to each property is directly proportional to the total property area and is calculated as follows:*

<i>119-243 Hart ST</i>	<i>LOT 14 LP58025</i>	<i>10,000.00 m²</i>	<i>\$ 12,912.23</i>
<i>206 Hearn ST</i>	<i>LOT 5 LP58025</i>	<i>659.10 m²</i>	<i>\$ 851.05</i>
<i>208 Hearn ST</i>	<i>LOT 6 LP58025</i>	<i>644.70 m²</i>	<i>\$ 832.45</i>
<i>210 Hearn ST</i>	<i>LOT 7 LP58025</i>	<i>644.70 m²</i>	<i>\$ 832.45</i>
<i>212 Hearn ST</i>	<i>LOT 8 LP58025</i>	<i>644.70 m²</i>	<i>\$ 832.45</i>
<i>214 Hearn ST</i>	<i>LOT 9 LP58025</i>	<i>644.70 m²</i>	<i>\$ 832.45</i>
<i>216 Hearn ST</i>	<i>LOT 10 LP58025</i>	<i>640.70 m²</i>	<i>\$ 827.29</i>
<i>142 Armstrong ST</i>	<i>LOT 11 LP58025</i>	<i>627.60 m²</i>	<i>\$ 810.37</i>
<i>144 Armstrong ST</i>	<i>LOT 12 LP58025</i>	<i>627.60 m²</i>	<i>\$ 810.37</i>
<i>146 Armstrong ST</i>	<i>LOT 13 LP58025</i>	<i>628.00 m²</i>	<i>\$ 810.89</i>

6. *Having regard to the preceding paragraphs but subject to Section 166(1)(b) of the Local Government Act 1989:*

- a. it can be confirmed that the owner of each rateable land described in paragraph 3 above will therefore be liable for the respective amounts set out in paragraph 5 above; and*
- b. it be recorded that each owner may, subject to Section 167(4) of the Local Government Act 1989 and any further Resolution of Council pay the special charge in the following manner;*
 - i. payment of quarterly instalments (commencing within one calendar month of the issue of the notice requesting payment) over 4 years with interest paid on the remaining principal at the Council overdraft rate and that a penalty interest rate be applied to late instalment repayments only; or*
 - ii. payment by lump sum to be paid within one calendar month of the issue of notice requesting payment.*

- 7. The Chief Executive Officer be authorized to give public notice of Council's intention to declare a special charge scheme in accordance with Section 163(1C) of the Local Government Act 1989.**
- 8. It be recorded that, subject to Section 163A and 168(1)(b) of the Local Government Act 1989, Council proposes to use the money from the special charge so declared in the manner set out in the "Estimate" annexed to this resolution.**
- 9. Holds a Special Committee meeting at COPACC at 5pm on Wednesday, 4 October 2017, pursuant to Section 223 of the Local Government Act 1989, to solely hear submissions regarding the Special Charges Scheme – Hearn and Armstrong Streets, Colac – Drainage.**

4. BACKGROUND / KEY INFORMATION

BACKGROUND

The properties on the corner of Hearn Street and Armstrong Street were developed many years ago. The area at the rear of these properties was retained as farming. Due to this area being undeveloped there was little runoff during heavy rain periods. As time went on and the area slowly became developed by Trinity College the runoff increased.

The area behind the properties on the corner of Hearn Street and Armstrong Street was developed as a football / cricket oval which means the area is now more defined and has a constant slope. Because of this the runoff flowing towards these properties has increased and has caused flooding.

KEY INFORMATION

For the water to be captured prior to it entering into the properties on the corner of Hearn Street and Armstrong Street an open drain needs to be constructed along the back of these properties. The water would then flow into a pit at the rear of 142 Hearn Street. From there the water will need to be conveyed through pipes until it discharges to the main drain in Hearn Street.

To minimise any disruption on private property it has been decided that the pipe to be installed in the easement running along the north boundary of 142 Armstrong Street will be bored. This pipe will be a 250mm diameter uPVC pipe.

Due to there being no discharge point currently in Armstrong Street a pipe will be installed in the nature strip along Armstrong Street from the pit on the corner of Hearn Street and Armstrong Street up to the north boundary of 142 Armstrong Street. This pipe will be a 375 diameter pipe and will function as the discharge point for the proposed 250 diameter uPVC pipe and also capture some road water. It is proposed that Council will pay for the cost of installing this pipe along Armstrong Street.

Special Benefit:

It is considered the special benefits to be derived from the properties in the scheme are:

- Controlled stormwater discharge.

Costs:

The overall cost of the proposal is \$29,724 including the works on Armstrong Street.

The Council cost for the project is \$9,372 for the works on Armstrong Street.

Hence the cost to be apportioned to the benefitting property owners is \$20,352.

Apportionment of the Special Charge across the properties:

The apportionment to the benefitting property owners will be based on a property area system where the charge to each property is directly proportional to the total property area (m²).

Apportionment Cost= \$ 20,352.00
Total Area = 15761.80 m²
Cost per m² = \$1.29

Property	Property ID	Property Area	Apportioned cost
119-243 Hart ST	LOT 14 LP58025	10,000.00 m ²	\$ 12,912.23
206 Hearn ST	LOT 5 LP58025	659.10 m ²	\$ 851.05
208 Hearn ST	LOT 6 LP58025	644.70 m ²	\$ 832.45
210 Hearn ST	LOT 7 LP58025	644.70 m ²	\$ 832.45
212 Hearn ST	LOT 8 LP58025	644.70 m ²	\$ 832.45
214 Hearn ST	LOT 9 LP58025	644.70 m ²	\$ 832.45
216 Hearn ST	LOT 10 LP58025	640.70 m ²	\$ 827.29
142 Armstrong ST	LOT 11 LP58025	627.60 m ²	\$ 810.37
144 Armstrong ST	LOT 12 LP58025	627.60 m ²	\$ 810.37
146 Armstrong ST	LOT 13 LP58025	628.00 m ²	\$ 810.89

Payment Options:

It is proposed the Special Charge payment shall, subject to Section 167(4) of the Local Government Act 1989 and any further Resolution of Council, pay by way of either;

- payment of quarterly instalments (commencing within one calendar month of the issue of the notice requesting payment) over 4 years with interest paid on the remaining principal at the Council overdraft rate and that a penalty interest rate be applied to late instalment repayments only; or
- payment by lump sum to be paid within one calendar month of the issue of notice requesting payment.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

Formal consultation requirements as required by the special charge scheme process will be implemented.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The proposal will be implemented consistent with Council's Special Charge Scheme Policy

ENVIRONMENTAL IMPLICATIONS

It is considered the works will reduce environmental issues and impacts by reducing uncontrolled stormwater discharge

SOCIAL & CULTURAL IMPLICATIONS

The proposed works will benefit the residents on the corner of Hearn Street and Armstrong Street. There are no other direct social or cultural implications for Council

ECONOMIC IMPLICATIONS

There are no direct economic implications for Council.

LEGAL & RISK IMPLICATIONS

The proposal will be implemented consistent with council's Special Charge policy and the relative requirements of the *Local Government Act 1989*

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Administrative costs associated with the preparation of the Special Charge Scheme and council is required to make a financial contribution to the scheme due to providing a point of discharge for the proposed easement drain and for the collection of road water. The estimated cost for Council's share of the project is \$9,372 and this will be funded from the Drainage Renewal budget.

7. IMPLEMENTATION STRATEGY

DETAILS

The public Notice will be sent by certified mail to all property owners, which will outline Council's Intention to Declare a Special Charge Scheme for the construction of a common drainage line in the easement running along the north boundary of 142 Armstrong Street and the open drain at the rear of the properties.

COMMUNICATION

In 2016 Council delivered a questionnaire to the residential properties proposed to be involved in this Special Charge Scheme. The result of that questionnaire was:

- 6 respondents in favour of the Special Charge Scheme
- 1 respondent not in favour of a Special Charge Scheme
- 2 property owners did not respond

Council Officers have met with Trinity College to discuss the preparation of a Special Charge Scheme for these works.

All property owners proposed to be involved in the Special Charge Scheme were notified of Council's intention to consider the matter at the August Council Meeting.

TIMELINE

The timelines for the Special Charge Scheme and the possible construction of works includes a number of future decision points. These include Council's consideration of submissions, Council's possible future decision to declare a Special Charge Scheme, possible appeals to VCAT, a quotation process and contractor availability.

It is not anticipated that construction would commence until 2018.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Colac Otway Shire Estimation Worksheet

Site Location:	Hearne / Armstrong			
Description of Works:	Drainage Works			
Estimate Completed By:	John Furleo	Checked By:		Date: 28/07/17

Item No	Description of Work	Rate Type	Unit Rate	Quantity	Total Item Cost
	Works within Road Reserve in Armstrong Street (Council)				
	Drainage				
3.1	Supply & install 375 dia Class 2 RCP RRJ	Linear m	\$130	37	\$4,810.00
3.2	Supply & install 900x600 SE pits	No.	\$1,500	1	\$1,500.00
	Break into existing pit	No.	\$500	1	\$500.00
	Locate existing services	Item	\$500	1.00	\$500.00
3	Site Clean Up & landscaping	Square meters	\$10	50.00	\$500.00
<i>Total direct works cost</i>					\$7,810
<i>20% Contingencies</i>					\$1,562
Total works cost					\$9,372

Item No	Description of Work	Rate Type	Unit Rate	Quantity	Total Item Cost
	Drainage line in easement on the north boundary of 142 Hearn St				
	Drainage				
3.1	Directional drill and bore through easement				
3.2	Supply & install 250 dia pvc pipe through bore hole				
	Supply & install 900x900 grate pit				
	Construct swale drain				
	Site clean up and Landscaping				
3	Lump Sum Cost (as per quote)		\$16,000	1.00	\$16,000.00
<i>6% Scheme admin costs(3%) & Contract admin costs(3%)</i>					\$960
<i>Total direct works cost</i>					\$16,960
<i>20% Contingencies</i>					\$3,392
Total works cost					\$20,352

ORDINARY COUNCIL MEETING
**BLUEWATER LEISURE CENTRE - JOINT USE
 AGREEMENT**

OM172308-3

LOCATION / ADDRESS	118-134 Hearn Street Colac	GENERAL MANAGER	Tony McGann
OFFICER	Ian Seuren	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F12/3384	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To seek endorsement to execute the Bluewater Leisure Centre Joint Use Agreement.		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

The Bluewater Leisure Centre is located on Department of Education and Training land and currently managed and operated exclusively by Council through two separate agreements. The redevelopment of Bluewater provided an opportunity to renew the agreement for use of the facility in order to encompass the redeveloped facilities, streamline into one agreement and clarify any ambiguous clauses of the current agreements.

The proposed new Community Joint Use Agreement mirrors the existing agreements and clearly outlines the proposed use of the facility by Council and the Colac Secondary College.

The new agreement is required to be executed by Council in accordance with Local Law No. 4.

3. RECOMMENDATION

That Council:

- 1. Endorses the Bluewater Joint Use Agreement between Council, the Department of Education and Training and the Colac Secondary College for the term of 30 years.*
- 2. Authorises the Chief Executive Officer to place under the Common Seal of Council the Bluewater Leisure Centre Joint Use Agreement.*
- 3. Authorises the Chief Executive Officer to perform all functions and exercise all powers of the Principal within the terms of the Agreement.*

4. BACKGROUND / KEY INFORMATION

BACKGROUND

The Bluewater Leisure Centre (Bluewater) is located on Crown land owned by the Department of Education and Training (DET). The original recreation centre (stadium) was constructed in 1976 in partnership with the then Colac Technical School. The aquatics component of the facility was constructed in 1991/92, replacing the outdoor 50m cold water pool located at Central Reserve in Colac.

Whilst the land is owned by the State Government, Bluewater is solely managed by Council subject to two agreements which currently govern use of the facility by the Colac Secondary College and the community:

- Lease agreement – executed on 26 September 1990 for the aquatics component of the facility.
- Licence agreement – made on 21 July 1997 for the stadium, program rooms and gymnasium.

The redevelopment of Bluewater provided an opportunity to renew the agreement for use of the facility in order to encompass the redeveloped facilities, streamline into one agreement and clarify any ambiguous clauses of the current agreements.

Council instigated communication with DET to develop a new Community Joint Use Agreement (CJUA) between the Minister for Education, the Council of Colac Secondary College and the Colac Otway Shire Council.

KEY INFORMATION

Following a lengthy period of discussion and negotiation with DET and the Colac Secondary College (College), a draft CJUA has been finalised in order to present it to both Colac Otway Shire Council and the Colac Secondary

College Council for execution. The draft CJUA generally mirrors the current licence and lease agreements in terms of use of the facility by the community and the College.

The draft CJUA is a standard agreement used by the DET with Sections A to L standard clauses in all DET agreements. Some of the clauses have been amended slightly to suit the specifics of the Bluewater facility however the majority of the clauses are standard and not changeable.

It is proposed that the term of the agreement is 30 years with a further term of 10 years to provide long term security for Council and the community.

The key outcome of the CJUA is to provide clarity around the joint use nature of the facility, particularly the sports stadium. The draft CJUA provides for the following shared use of the facility:

Stadium and Program Rooms

- Council has exclusive use of the Stadium Area outside of school hours.
- The College has exclusive use of the Stadium Area Courts 2 and 3 during school hours.
- Council has exclusive use of the Stadium Area Court 1 during school hours.
- The College is entitled to use the Stadium Area Court 1 during school hours, when not required by Council.
- The College may use the Stadium Area, or a part of it, free of charge outside school hours on up to four (4) occasions each year at such times to be agreed with Council.
- The College may negotiate additional use of the Stadium Area outside school hours (but within the Facility Operating Hours) with Council subject to such terms and conditions as agreed with Council, including relevant fees.
- The College is entitled to use the Program Area during School Hours, as agreed to by Council (eg: when not used by Council).

Aquatics

- Council has exclusive use of the Pool Area at all times.
- The College is entitled to use the Pool Area during school hours (free of charge) on two (2) occasions each calendar year at no cost.
- If the College's use of the Pool Area requires the presence of additional lifeguards at an additional cost and in order to operate the Pool Area safely, the College must reimburse Council for such additional costs.

Construction information is included in the agreement as this is standard practice for the DET when making a financial contribution to facility developments.

The CSC has recently signed the CJUA and is now waiting for Council to execute before returning to the DET for finalisation.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

There has been significant consultation with both DET and the College in the preparation of the CJUA. Both the DET and the College are supportive of the agreement. The agreement provides for the same community access to the facility however the negotiated outcome allows greater community use of the stadium, particularly during school hours.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The proposed CJUA aligns to the State Government's 'Schools as Community Facilities' policy.

The partnership with DET and the College aligns to the Council Plan 2017-2021 through the following Goals and Actions:

Theme 3: Our Community

Goal: Provision of resources to support physical activity by the community.

- Deliver programs through the Bluewater Centre that promote physical activity in the Shire.
- Encourage more people to participate and be inclusive of others.
- Consider health of the community when formulating policy for Council's Property Strategy.

Theme 4: Our Leadership and Management

Goal: Effectively manage financial resources.

- Identify new income opportunities.

ENVIRONMENTAL IMPLICATIONS

Bluewater is a heavy consumer of water, electricity and gas which results in environmental impacts. The draft CJUA allows Council to continue to implement environmentally sustainable design initiatives which seek to provide environmental efficiencies.

SOCIAL & CULTURAL IMPLICATIONS

The Bluewater Leisure Centres provides an important service to our community, catering for health and wellness activities for people of all age groups.

The services provided through Bluewater allow our community to achieve health and wellness outcomes, improving overall quality of life. In addition, Bluewater provides social interaction of a wide range of demographics from infants through to the aged.

ECONOMIC IMPLICATIONS

The Bluewater Leisure Centre provides significant economic benefits for the region. Specifically the Bluewater business unit employs the equivalent of approximately 15 EFT (inclusive of full-time, permanent part-time and casual staff). Staff ages vary due to the variety of work and flexible hours on offer. Specifically for young people, Bluewater can provide a stepping stone into further employment.

Regional leisure centres such as Bluewater also play an integral role in population attraction and retention in regional areas. Lifestyle infrastructure such as recreation, education, health and cultural facilities directly influence where people choose to live. Metropolitan residents who may consider the move to a regional city have become accustomed to high quality lifestyle infrastructure so it is important that regional cities offer these lifestyle benefits and choices.

Furthermore, events held at the facility such as the Colac Basketball Association's Junior Tournament, provide significant economic benefits through the attraction of players, officials and families.

LEGAL & RISK IMPLICATIONS

The draft CJUA is a standard legal agreement used by the DET. The draft CJUA has been reviewed by Council's Strategic Property Unit and Council's insurer. The agreement requires Council to maintain public liability insurance policy to cover Council and its employees.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Council is solely responsible for the management of the facility and the ongoing operational costs associated with operating the Centre. The agreement sets out costs associated with use of the Centre by the College. The College will be required to reimburse Council for costs associated with use of the Stadium, specifically cleaning and electricity use.

The cleaning costs are based on the estimated costs to clean the stadium from Council's current cleaning contractor. It is proposed that the College pay the cleaning costs associated with their use of the stadium.

The cleaning and utility contribution payable by the College is proposed to be capped at \$25,000 per calendar year, however adjusted annually by the latest published current CPI. Prior to the closure of Bluewater to undertake the redevelopment project, the Colac Secondary College contributed \$13,600 for use of the stadium based on the requirements of the current agreement.

The final amount payable is still to be finalised once the scope of the cleaning is defined and confirmed. Due to the uncertainty of energy consumption and ongoing cleaning requirements/costs, the total contribution will be reviewed after two years.

In addition to the above costs, the College will be responsible for any damage caused by their use of the facility. The College must also reimburse Council 50% of the costs incurred in respect of the maintenance and repair for the stadium and associated amenities.

The use of Bluewater by the College, and costs associated with the use, reflects the following key points:

- DET's ownership of the land.
- DET do not charge Council rent to use the land.
- DET's original contribution to the development of the 'Recreation Centre' and financial contribution to the upgrade of the stadium through the recent Bluewater Redevelopment.
- The ongoing partnership between Council and the College in the development of the 'Beechy Precinct'.

7. IMPLEMENTATION STRATEGY

DETAILS

The CJUA is required to be executed by Council, the CSC and DET. The CSS has already signed the agreement is now waiting for Council to execute before returning to DET for finalisation.

COMMUNICATION

Council officers will communicate Council's decision to CSC and DET in writing.

TIMELINE

Council's decision will be communicated to CSC and DET immediately and the CJUA will be executed as soon as is practical.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

ORDINARY COUNCIL MEETING
APOLLO BAY HARBOUR MARKET TESTING
 OM172308-4

LOCATION / ADDRESS	Apollo Bay Harbour	GENERAL MANAGER	Gareth Smith
OFFICER	Gary Warrener	DEPARTMENT	Development & Community Services
TRIM FILE	F15/8131	CONFIDENTIAL	No
ATTACHMENTS	1. Apollo Bay Market Testing Discussion Paper (15 August 2017) - Essential Economics		
PURPOSE	To note the Market Testing report and endorse the next steps in the process.		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

Council, and the Apollo Bay community, has for many years sought to develop the Apollo Bay Harbour Precinct. Council has endorsed a process to progress potential development with the first stage to include undertaking a Market Testing process.

The Market Testing process had two principal objectives:

- To canvas private sector views about the nature and extent of potential participation in a future Expression of Interest (EOI) and development plan process.
- To gather sufficient information to inform a business case to the Minister for Energy, Environment and Climate Change and the Minister of Planning justifying a formal EOI.

At the 22 February Council meeting Council endorsed appointment of Essential Economics to undertake the Market Testing process.

The Market Testing process has been undertaken in consultation with Apollo Bay Harbour Precinct EOI Project Control Group.

The process included interviewing 11 potential developers, investors and managers with experience and knowledge in similar developments.

Several key themes regarding the Harbour Precinct arose from the interviewees including:

- Difficulties with access in the harbour area
- Significant seasonal nature of the area
- Potential impact from the prohibition of accommodation at the site (mixed views on this)
- Disconnection from the township
- Long term lease tenure would be required (in order of 50 years)
- Insufficient development scale to justify private investment in public infrastructure
- Great Ocean Road is an iconic attraction
- Entice visitors to stop and stay
- Identify a development theme
- Public facilities to be upgraded to entice private investment.

The Market Testing report's conclusions include:

- Likely level of private development investment could be in the order of \$2M to \$10M based on the current planning controls
- Four interviewees expressed interest in a future EOI process. An appropriate EOI process is to be designed that reflects the likely private investment levels. State agencies have suggested large scale EOI processes cost in the order of \$1M
- Public investment will be required to fund the majority of public infrastructure
- The existing planning controls will support moderate scaled commercial development and minimal investment in public infrastructure.

Based on the conclusions the recommendations of the Market Testing are to:

- Inform the community of the Market Testing findings
- Design an appropriate EOI process based on the likely moderate scale of development
- Seek Ministerial support for an appropriately designed EOI process
- Note there was no commercial interest in developing a pool facility at the Apollo Bay Harbour Precinct
- Develop an advocacy strategy to seek government investment towards the upgrade of public infrastructure.

3. RECOMMENDATION

That Council :

- 1. Notes the Market Testing report recommended by the Apollo Bay Harbour Precinct Expression of Interest Project Control Group.**
- 2. Notes the Market Testing findings confirm there was no commercial interest in developing a pool facility at the Apollo Bay Harbour Precinct.**
- 3. Endorses informing the Colac Otway Shire community of the Market Testing process and the main findings. In particular that private sector funding of public infrastructure in the Harbour Precinct, including a pool, health and wellness centre, connection to the town centre infrastructure such as car parks and roads is highly unlikely.**
- 4. Supports investigating the design of an appropriate transparent expression of interest process, in consultation with relevant Government, to invite the private sector for proposals that are consistent with the existing planning controls. Council may, or may not, elect to proceed with proposals from interested parties arising from this process.**
- 5. Endorses any future expression of interest process to be considered by Council at a future Ordinary Council meeting.**
- 6. Authorises the Chief Executive Officer to seek Ministerial support for an expression of interest process for the Apollo Bay Harbour Precinct, subject to future Council consideration of an appropriate process.**
- 7. Supports the Chief Executive Officer to establish an advocacy strategy to secure Government investment to upgrade public infrastructure at the Apollo Bay Harbour Precinct.**

4. BACKGROUND / KEY INFORMATION

BACKGROUND

The history of the Apollo Bay Harbour Precinct is significant. Redevelopment of the precinct, to provide improved boating and recreational facilities for residents and visitors while protecting the heritage landscape and improving public realm assets that make the harbour attractive, has been a long term goal for Council and the community.

Council has for many years sought to develop a strategic plan to facilitate the redevelopment of the Apollo Bay Harbour Precinct.

At the Council meeting held on 22 February 2017 Council endorsed the awarding of “Contract 2016/17-50 – Purpose for Market Testing of the Apollo Bay Harbour Precinct”, to Essential Economics Pty Ltd.

The Market Testing process is the first stage of the process to assist in the preparation of the Development Plan (DP) to guide further land use and development in the harbour precinct. Such a plan is required to be prepared and approved before planning permit applications can be considered within the harbour precinct and the Special Use Zone (SUZ).

KEY INFORMATION

A significant challenge for the preparation of the DP is the desire by the community to see a final DP endorsed for the Harbour including an indoor heated swimming pool and a health and wellbeing centre. A key barrier to inclusion of a pool and health and wellbeing centre is the likely cost and impact on the viability of these aspects of a proposal. There is also very strong community sentiment that any accommodation element of the development plan should not be supported.

The Market Testing process had two principal objectives:

- To canvas private sector views about the nature and extent of potential participation in a future Expression of Interest (EOI) and development plan process.
- To gather sufficient information to inform a business case to the Minister for Energy, Environment and Climate Change and the Minister of Planning justifying a formal EOI.

Essential Economics has presented their draft Apollo Bay Harbour Precinct Market Testing report to the Project Control Group (PCG) and discussion regarding have been held at several meetings since.

The Market Testing methodology, supported by the PCG, included identifying and interviewing a list of potential investors. An information package was provided to all participants in the interview process, giving them background information explaining the planning context, potential development opportunity and process. In total, 25 potential investors/developers were contacted with 11 agreeing to participate in an interview. For the purposes of the Market Testing interviews, 3 specific development opportunities of the Harbour Precinct were highlighted to interview participants:

- Seafood retail and processing (Fishermen's Cooperative building)
- Harbours edge development area
- Potential low scale commercial development.

Issues and opportunities

The Market Testing interviews raised some recurring themes. Concerns were raised about the potential for buses to enter the precinct and park within reasonable proximity to potential development sites, the turnaround and exit onto the Great Ocean Road.

Several interviews identified the need for land at the eastern end of Breakwater Road (in vicinity of the boat ramp) to be more formally presented for vehicle parking and movement. This includes the need for paved surface and line marking.

Others also suggested similar arrangements would need to be introduced at the Mothers Beach car park with bituminised surface and line marketing setting out formal parking and turning arrangements.

The parking between the Mother Beach car park and the Fishermen's Cooperative's Fish and Chips Café was another area which was identified as needing improvement.

Most participants in the interview raised the seasonal nature of the tourism to the Apollo Bay area. This is a key issue in determining the nature and success of commercial development in the Harbour Precinct. They expressed the view that Apollo Bay's seasonal tourism climate restricts the scale and nature of commercial development, unless new businesses or attractions are of a type of such that can consistently attract visitors all year round.

Various interviewees expressed the view that the absence of accommodation as a permitted use in the Harbour Precinct makes development a significantly less attractive proposition. Accommodation was seen as vital to underpin the viability of food and beverage businesses, and to assist with the provision of the necessary "foot traffic" to create a vibrant precinct. It was also noted that the absence of a unique foreshore accommodation offering removed a potential major attractor and reason to stay in Apollo Bay. Some interviewees also felt that not having an accommodation element would not impact the viability.

A number of interviewees indicated secure tenure in the order of 50 years is required to ensure investment is an attractive proposition.

Feedback was sought from interviewees concerning the potential for a contribution for investors/developers toward public infrastructure. Experienced investors/developers stated that improvements to public infrastructure such as footpaths, access points, parking and public art beautification was a given. However, participants were less enthusiastic about the potential for development to contribute toward major works such as a public pool. Based on the likely scale of commercial development, interviewees discussed the prospect that funding from developers, to fund, or partly fund, major public infrastructure would be very difficult to secure.

General opinion estimated the scale of commercial investment would be between \$2M and \$10M.

Key findings

The following is a summary of the main findings of the Market Testing process as outlined in the attached report:

1. In principle, most interviewees see the precinct as an iconic tourist location and potentially a good location for commercial investment of some kind
2. Local stakeholders have invested considerable thought into various development concepts for the Harbour Precinct including building on the existing commercial fishing industry, and incorporating an enclosed heated pool and a health and wellbeing centre
3. The existing access and parking arrangements are regarded as inefficient and inadequate
4. A number of interviewees see the seasonal nature of tourism as a limiting factor in the scale and type of potential development in the Harbour Precinct
5. A number of participants regard the absence of accommodation as a development option as a limiting factor in generating interest. This prohibition of accommodation in the planning controls was regarded by these interviewees as “fatal” for future development
6. The need for of an all-abilities pedestrian pathway linking the town centre with the Harbour Precinct was expressed by several interviewees, to provide connectedness
7. Several interviewees noted that a long term lease (eg at least 50 years) would be required to undertake a commercially viable development in the Harbour Precinct
8. Experienced developers believed the likely scale of development would not be sufficient for the developer to provide financial contributions for public infrastructure improvements beyond small to medium scale amenity improvements such as pathways and boardwalks
9. Many interviewees raised that a perceived lack of quality rest rooms and public facilities along the broader expanse of the Great Ocean Road as a real opportunity to make the Harbour Precinct area a key stopping point for visitors. Is such facilities were provided, it was argued that associated retail and tourist facilities could make the Precinct a place where visitors remained for a period of time
10. Several interviewees noted the need to determine a development theme ie: fishing and coastal education, wellness and leisure or retail were raised as possibilities. Food and beverage opportunities were allied to all themes
11. Interviewees willingly explored potential development themes and ideas included:
 - Low scale retail facilities including food and beverage
 - Wellness and leisure centre together with food and beverage facilities and associated retail
 - Fishermen’s Wharf concept building on existing assets including education facilities and potentially an aquarium.

Conclusions

The following conclusions were developed based on the consultant's industry experience and interviewee feedback:

1. Overall, potential investment interest in the Harbour Precinct is limited. The scale of commercial development is considered likely to be around the \$2M to \$10M range. It is unlikely that a developer proposing a higher level of investment would submit a proposal within the existing planning controls
2. Four interviewees expressed some level of interest in being involved in a future EOI process. The majority expressed little or no interest. The cost of a formal EOI process can be very costly (up to \$1M) and the risk is the formal nature of the process could result in little serious or substantive development interest
3. It is apparent the extent to which public infrastructure will be provided or enhanced as part of any commercial development will be limited. It is considered unlikely that private sector funding will be available to fund, or contribute towards funding, of a public swimming pool within the Harbour Precinct
4. The existing planning controls support moderate scaled commercial development in the Harbour Precinct. To secure private sector investment towards public infrastructure an amendment to the planning controls will be required to allow accommodation to be developed within the Harbour Precinct.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION AND ENGAGEMENT

The Apollo Bay Harbour Precinct EOI Project Control Group have contributed to the process including development of the project brief, appointment of the consultant and throughout the Market Testing process. The PCG has met on four occasions during the Market Testing process.

Following each PCG meeting a summary of the meetings has been provided on Council's website and in the Apollo Bay Newsheet.

As noted within this report 25 potential developers and investors were approached to participate in the process with 11 accepting the invitation and participating.

The draft Market Testing report has been reviewed by the PCG and their input incorporated into the attached final draft. A final review of the report was considered by the PCG and recommended to Council at their meeting on 7 August, 2017.

The final Market Testing report is attached submitted to Council for noting. The report is now publically available as part of the Council Meeting agenda.

Subject to Council noting the final Report it is intended to inform the community of the Market Testing outcomes and future actions through media releases and social media. Further, two community information sessions (one during the week and the other on a weekend) have been proposed to be held in Apollo Bay in late September, 2017 to provide the community an opportunity to discuss the process and findings with Council officers and members of the PCG. The PCG will contribute to the information session design and have agreed to attend.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The Market Testing process has been undertaken based on the existing SUZ schedule for the Apollo Bay Harbour. The process confirms there is some interest by commercial developers with likely moderate scale development.

ENVIRONMENTAL IMPLICATIONS

Not applicable to this report.

SOCIAL AND CULTURAL IMPLICATIONS

The Apollo Bay Harbour Precinct is a prominent and historic feature of the Great Ocean Road coastal town of Apollo Bay. The Harbour provides public access to recreational boating, as well as commercial access to fishing and harbour operations. The Harbour Precinct borders a picturesque nine hole golf course.

The Harbour Precinct is still home to a fleet of approximately ten commercial fishing vessels. Without the protection of the Harbour Precinct, support of the Cooperative and access to the Port's slipway and maintenance facilities, this vibrant industry and all of the local social and economic benefits that flow from it, would be lost.

ECONOMIC IMPLICATIONS

The Market Testing process has confirmed there is some level of commercial interest in developing the Apollo Bay Harbour Precinct. Indications are development may be in the order for \$2M to \$10M and it would be unlikely for private sector to invest in public infrastructure not directly relating to private development.

LEGAL AND RISK IMPLICATIONS

The Market Testing process has greatly assisted to better understand the likely interest from private sector in developing the harbour precinct. This reduces future risk when considering undertaking a formal EOI process and was required to inform any future submission to the Minister for Planning and the Minister for Energy, Environment and Climate Change to seek their support to undertake an EOI process for development on Crown land.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

The Market Testing process has been completed within the budget allocation of \$45,000 (excl GST) by Essential Economics.

State government agency advice regarding the cost to undertake an EOI and tender process for commercial development in the harbour could cost up to \$1m. This advice is based on recent examples around the State which were for larger scale developments. Based on the Market Testing findings that private sector investment is likely to be of a moderate scale (\$2M to \$10M) and an appropriately designed EOI process is currently being investigated and will be costed. The design and costs estimate of an EOI process will be subject to a future Council decision.

Council's 2017-18 budget includes an allocation \$200,000 which includes \$150,000 from Council and \$50,000 from a potential grant.

7. IMPLEMENTATION STRATEGY

DETAILS

There are three key elements to the next stage of implementation:

1. Inform the community of the market testing findings
2. Investigate and design an appropriate EOI process to secure private sector development to the harbour precinct consistent with the Special Use Zone schedule
3. Seek Council and Ministerial support for a future EOI process
4. Develop and implement an advocacy strategy to secure government investment for upgrading of key public infrastructure in the harbour precinct.

COMMUNICATION

As noted previously within this report the Market Testing report will become publically available with release of the Council's August Ordinary Meeting Agenda. Council will also actively promote its completion and hold a public information sessions in Apollo Bay in late September.

Officers have commenced working with State agencies to investigate similar development EOI process to inform the design and costs for an appropriate process for the harbour based on the Market Testing findings.

TIMELINE

Subject to Council noting the final report, Council Officers and the Project Control Group will undertake two community consultation sessions in Apollo Bay in September, 2017 to provide the community an opportunity to discuss the process and findings with Council officers and members of the PCG.

Timelines relating to implementation activities are noted above.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.



ESSENTIAL ECONOMICS

Apollo Bay Harbour Precinct Market Testing

Draft Report

Prepared for

Colac Otway Shire

By

Essential Economics Pty Ltd

August 2017

Contact details

For further details please contact Essential Economics Pty Ltd at one of our offices:

96 Pelham Street
Carlton
Victoria 3053
Australia
PH +61 3 9347 5255
FAX +61 3 9347 5355

Level 26 / 44 Market Street
Sydney
New South Wales 2000
Australia
PH +61 2 9089 8654

EMAIL mail@essentialeconomics.com
WEB www.essentialeconomics.com

ABN 92 079 850 427

Project reference: 16241

Confidentiality Statement

The information included in this Expression of Interest has been prepared specifically for the stated client. The methodology included in this document should not be used or replicated in any way by the stated client or by any other another party without first receiving written consent by Essential Economics.

Disclaimer

Every effort has been made to ensure the accuracy of the material and the integrity of the analysis presented in this report. However, Essential Economics Pty Ltd accepts no liability for any actions taken on the basis of report contents.

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INTRODUCTION

Background

The Apollo Bay Harbour Precinct ('Harbour Precinct') is a prominent and historic feature of the Great Ocean Road coastal town of Apollo Bay. Providing public access to recreational boating, as well as commercial access to fishing and harbour operations, the Harbour Precinct borders a picturesque nine hole, links-style golf course.

In recent years, the Apollo Bay community and the Colac Otway Shire Council have pursued options to improve the amenity of the Harbour Precinct, while preserving the character and heritage values.

A draft Master Plan for the Harbour Precinct was prepared in 2007 and amended in 2012 following community feedback. In August 2015, Amendment C73 to the planning scheme rezoned the area to the Special Use Zone, requiring a Development Plan (DP) to be approved before substantial development can occur.

Attracting private sector investment is the preferred pathway to the development of the Harbour Precinct. As a result, Council intends to issue an Expression of Interest (EOI) to formally gauge private sector interest in investing in the Harbour Precinct through the DP process, and potentially through a public/private joint venture.

However, since the Precinct is located on Crown Land, a business case to justify an EOI must be submitted to the Minister for Energy, Environment and Climate Change and the Minister for Planning. To assist in informing the EOI process, Council determined to undertake a market testing process to better understand the commercial drivers influencing potential development of the Harbour Precinct. Following a competitive tender process, Council engaged Essential Economics Pty Ltd to undertake the Market Testing brief.

In undertaking the brief, the project management relationship has been between Council and Essential Economics. To ensure local input into the process, a Project Control Group comprising community representatives, nominated Councillor and Council officers and representatives of relevant government agencies have met with Essential Economics at various stages of the project and provided feedback and background information.

Purpose

The Market Testing process has two principal objectives:

- 1 To canvass private sector views about the nature and extent of potential participation in a future EOI and DP process.
- 2 To gather sufficient information to inform a business case to the Minister of Energy, Environment and Climate Change and the Minister for Planning justifying a formal EOI.

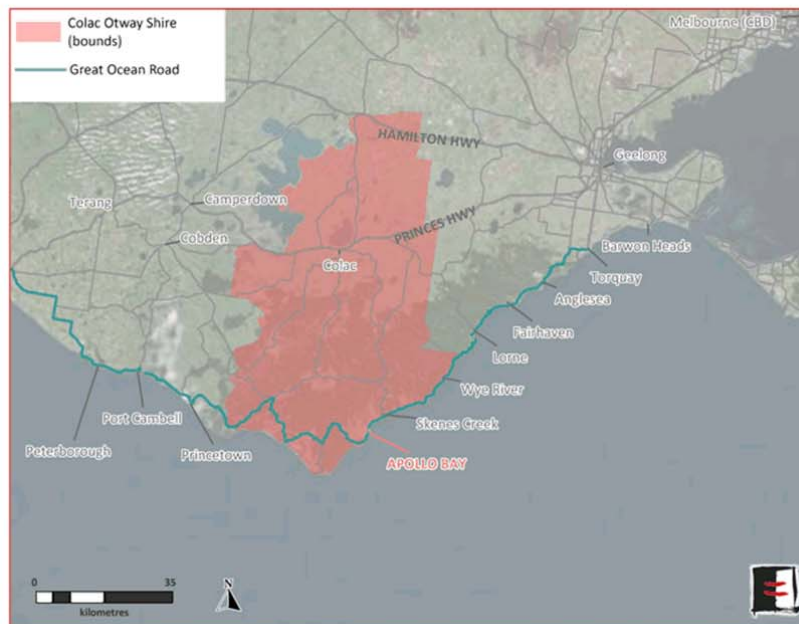
1 CONTEXT ANALYSIS

1.1 Location

Apollo Bay is located approximately 200 kilometres by road south-west of Melbourne. The town is located on the Great Ocean Road, one of Victoria's foremost tourist attractions, famous for its scenic coastal views and rugged coastline. Apollo Bay's urban area, along with adjacent urban area of Marengo, hugs a narrow coastal plain that gives way to the Otway Ranges to the west and north. A connecting road from Apollo Bay to Colac crosses the ranges for a distance of around 30 kilometres before entering undulating farm land in the north where dairy and pastoral activities are dominant.

Apollo Bay is the second largest urban area in Colac Otway Shire. Although tourism is a dominant activity that shapes the town's economic makeup, it also plays an important role as a district service centre for the southern part of the shire. The locational context of Apollo Bay is shown in Figure 1.1.

Figure 1.1 Apollo Bay locational context



Source: Essential Economics using MapInfo and Bingmaps

1.2 Apollo Bay Economy

Socio-Economic Characteristics

Apollo Bay, along with Marengo, is home to approximately 1,300 permanent residents (2011 National Census) although the town's population is estimated to swell to approximately 10,000 persons during peak summer holiday season.

The town centre is located along Collingwood Street and overlooks the bay foreshore. The centre comprises of traditional retail activity, reflecting a regional service centre role. Tourism and the visitor economy is also important, with a significant number of food and beverage outlets and other retail activities geared towards the holiday maker. Unusually for a small regional town, a number of shop-top dwellings have been included in recent mixed-use developments which make use of their elevated position to access coastal views.

The strong tourism and visitor economy results in a relatively large town centre in Apollo Bay for a town with 1,300 permanent residents.

A short socio-economic overview of the Apollo Bay-Marengo urban area is summarised in Table 1.1 and is based on 2011 National Census results. Key observations include a:

- Median annual household income (\$42,150) is 14.5% lower than the average for Regional Victoria.
- Comparatively older median age in Apollo Bay-Marengo (49 years) than Regional Victoria (41 years).
- Greater proportion of families comprising a couple with no children (52.8%) than the average for Regional Victoria (42.2%) and a smaller proportion of couples with children (32.5%/40.4%).
- Significantly higher proportion of non-traditional dwellings (eg. Semi-detached, row or terrace house, townhouse, flat, unit or apartment: 33%) compared to the average for Regional Victoria (10.1%).
- Lower proportion of total dwellings occupied by permanent residents (33.8%) than the average for Regional Victoria (83%). This measure is referred to as the Occupancy Rate and indicates very high levels of holiday home ownership in the Apollo Bay-Marengo urban area.

When viewed together, socio-economic measures such as age structure, family composition, dwelling structure and occupancy rate point to a town heavily influenced by tourism and the visitor market, with a high share of the permanent population retirees.

Table 1.1 Socio-Economic Characteristics, 2011

Category	Apollo Bay – Marengo	Regional Victoria
Income		
Median household income (annual)	\$42,150	\$49,270
Variation from Regional Victoria median	-14.5%	0.0%
% of Households earning \$2,500pw or more	4.0%	10.2%
Age Structure		
0-4 years	5.4%	6.3%
5-19 years	13.5%	19.7%
20-34 years	13.7%	16.0%
35-64 years	44.5%	40.4%
65-84 years	19.8%	15.2%
85 years and over	3.1%	2.3%
Median Age (years)	49	41
Country of Birth		
Australia	84.9%	88.8%
Other Major English Speaking Countries	9.6%	5.4%
Other Overseas Born	5.6%	5.9%
<i>% speak English only at home</i>	<i>95.8%</i>	<i>94.4%</i>
Family Composition		
Couple family with no children	52.8%	42.2%
Couple family with children	32.5%	40.4%
One parent family - Total	13.8%	16.1%
Other families	1.0%	1.3%
Dwelling Structure (Occupied Private Dwellings)		
Separate house	64.5%	88.9%
Semi-detached, terrace house, t'house etc.	23.0%	4.0%
Flat, unit or apartment	10.0%	6.1%
Other dwelling	2.5%	1.1%
<i>Occupancy rate</i>	<i>33.8%</i>	<i>83.0%</i>
Average household size	2.0	2.4
Tenure Type (Occupied Private Dwellings)		
Owned outright	38.5%	39.6%
Owned with a mortgage	24.4%	34.3%
Rented	37.1%	25.2%
Other tenure type	0.0%	0.8%
Occupation		
Managers & professionals	35.8%	32.6%
Clerical & sales workers	27.1%	32.2%
Technicians & trades workers	14.9%	15.7%
Machinery operators & drivers	4.5%	7.0%
Labourers & related workers	17.7%	12.5%

Source: ABS Census 2011

Note: Full results of 2016 Abs Census of Population and Housing not available at time of writing

Tourism and Visitor Economy

The Apollo Bay Destination Action Plan 2015-2017 (November 2014) ('DAP') was facilitated by Great Ocean Road Regional Tourism Ltd and identifies the challenges and opportunities facing the tourist market in Apollo Bay. A range of priorities are identified in the DAP to increase Apollo Bay's competitiveness and positioning within the regional and state tourism hierarchy.

The DAP recognises the contribution of tourism to the local economy noting that expenditure by visitors is 'new money' to the local economy that supports jobs, services, facilities, activities and plays a major role in underpinning the local real estate market.

Notably, the Harbour Precinct is referred to in the DAP as "probably the biggest opportunity for Apollo Bay" (Page 7). A range of potential inclusions within a redevelopment harbour precinct are referenced including seafood experiences, crayfish tours, health and wellbeing centre including spa, walkway connection to the town centre, coffee shop, sailing club and an indoor heated swimming pool.

In the five years to 2016, growth in visitor numbers and visitor expenditure was experienced across all visitor categories for Victoria and the Great Ocean Road tourist region (TR), according to data published by Tourism Victoria and summarised in Table 1.3 below. In general terms, this growth augurs well for the potential development of the Harbour Precinct and the future tourism potential of Regional Victoria as a whole.

Table 1.2 Great Ocean Road Region Tourist Visitation & Expenditure (2011-2016)

Category	Area	2011	2016	% Change 2011-2016	Average Annual Growth (%)
International Overnight Visitor Estimates (000')	Total Regional Victoria	339.4	498.0	46.7%	8.0%
	Great Ocean Road (TR)	135.6	201.6	48.7%	8.3%
International Expenditure (\$M)	Total Regional Victoria	328.0	483.0	47.3%	8.0%
	Great Ocean Road (TR)	54	94	74.1%	11.7%
Domestic Overnight Visitor Estimates (000')	Total Regional Victoria	11,280	13,950	23.7%	4.3%
	Great Ocean Road (TR)	1,560	1,910	22.4%	4.1%
Domestic Daytrip Visitors (000')	Total Regional Victoria	26,790	31,850	18.9%	3.5%
	Great Ocean Road (TR)	2,350	2,930	24.7%	4.5%
Domestic Visitor Expenditure (\$M)	Total Regional Victoria	6,930	7,940	14.6%	2.8%
	Great Ocean Road (TR)	970	1,030	6.2%	1.2%

Source: National Visitor Survey, Regional Expenditure Model (REX), Tourism Research Australia, December 2016

The growth in overnight visits and expenditure attributed to international visitors has been particularly strong for both the Great Ocean Road TR and regional Victoria as a whole. Annual growth in international expenditure for the Great Ocean Road TR over the five years was particularly significant at 11% compared to regional Victoria as a whole which observed annual growth of 8% for the same period.

The largest increase in international visitors to Victoria has been from China, with 566,200 Chinese visitors in 2016, representing an increase of +24.3% compared with the previous year. China is also the largest market for all international visitors, followed by New Zealand (326,900 visitors) and the United Kingdom (225,200 visitors), as recorded by Tourism Victoria (*International Visitation Estimates to Victoria by Origin*, September 2015).

Chinese visitors tend to spend significantly more than other nationalities visiting Victoria, with their expenditures totalling \$2.27 billion in 2016. This is generally equivalent to the combined spending of the next six largest nations for total tourist expenditure in Victoria, namely New Zealand (\$415 million), United Kingdom (\$407m), Malaysia (\$368m), USA (\$347m), Singapore (\$315m) and India (\$288m).

The overall growth in international visitation to Victoria, and to Great Ocean Road in particular, in the last five years can be partially attributed to the decline in Australia's exchange rate (from mid-2013 onwards). This has made Australia more cost-competitive as an international destination. More broadly, the emergence of Asia's (and China's) middle class as a source of international tourism has also been a major factor in Victoria's tourism growth.

Although recent growth in the international tourism market has been significant, the domestic visitor market for the Great Ocean Road TR, and regional Victoria is still dominant. In 2016 expenditure attributed to international visitors was approximately 9% of that attributed to domestic visitors in the Great Ocean Road TR.

1.3 Apollo Bay Harbour Precinct

Located approximately 450 metres (by road) from the town centre, the Harbour Precinct includes the following key components:

- A commercial fishing fleet
- Recreational boat moorings
- Boat maintenance and repair facilities
- A fish and chip café
- Seafood storage and processing facilities
- Boat ramp
- Sailing club rooms
- Car parking and access facilities.

The harbour itself provides the only secure refuge for vessels between Port Phillip Bay and Portland. Two breakwaters, an eastern and inner, enclose the harbour. Both breakwaters are accessible to pedestrians, although contain no shelter or amenities for visitors.

The inner breakwater includes a number of fixed moorings used by both the commercial fishing fleet and recreational vessels. The entrance to the harbour has to be regularly dredged to ensure it remains open to vessels. Sand has gathered in the south-eastern part of the harbour (east of the boat ramp) and will need to be removed in the future if additional berths are to be accommodated.

A tidal rock shelf dominates the southern shoreline of the harbour west of the boat ramp.

On-shore, the key feature of the harbour precinct is a low ridge along the southern shore that slopes from west to east. The central section of the ridge has been terraced, with the lower section occupied by the port operations office, storage and yard facilities and a slipway that extends northward into the harbour.

On the upper terrace, the Fishermen's Co-operative building is surrounded by an informal thoroughfare and parking as well as an outdoor eating and viewing area. The northern area of the upper terrace has been recently upgraded by the Fishermen's Co-operative, and provides views from the harbour area over the harbour itself and towards the town centre, beach and Otway ranges in the background.

South and immediately west of the Harbour Precinct is the Apollo Bay Golf Club, a nine hole course with clubrooms and facilities located 230 metres west of the Fishermen's Co-operative building.

North-west of the Fishermen's Co-operative building is the Mothers Beach car park, an informal parking area providing parking for both the Fish and Chip café (housed in the Fishermen's Co-operative building) and Mothers Beach itself.

Just south of the boat ramp is the Apollo Bay Sailing Club clubrooms (in a small re-locatable shed). West of the boat ramp is an informal parking area where larger vehicles towing boats can turn.

The eastern breakwater extends to the north at the eastern end of the Harbour Precinct.

An overview of the locational characteristics of the Apollo Bay Harbour Precinct is shown in Figure 1.2.

Figure 1.2 Apollo Bay and Harbour Precinct



Source: Essential Economics with MapInfo, Bing Maps & StreetPro

2 PLANNING FRAMEWORK

2.1 Current Planning Framework

In 2015, planning scheme amendment C73 to the Colac Otway Planning Scheme rezoned the Apollo Bay Harbour to the Special Use Zone (SUZ2). The rezoning was applied to express the preferred form of development in response to extensive community consultation. The SUZ2 requires that a Development Plan is prepared prior to development occurring within the Harbour Precinct.

A number of concept plans for the Harbour Precinct have been developed by Council and other stakeholders prior to and after the Amendment C73 was applied, although these do not have any official status.

For any development to proceed at the Harbour Precinct, a Development Plan will need to be prepared which meets the Special Use Zone requirements. In particular, an endorsed Development Plan will need to detail how the land will be developed by indicating aspects including:

- The specific locations and types of land uses
- The layout of any buildings or works
- Building envelopes (including heights, elevations and building footprint)
- Allocation of car parking, and
- Detailed floor plans.

Until a Development Plan is approved, Council cannot consider any proposal for use and/or development which requires a planning permit. Note that some works can occur without a Development Plan, such as routine harbour management operations and minor building repairs and works.

The Special Use Zone (Schedule 2) outlines some broad parameters on the nature and scale of development considered appropriate for the site. Specifically, the Special Use Zone:

- Prohibits accommodation as a use.
- Requires that development supports the ongoing operations and viability of the Harbour's port operations (including commercial fishing and the Fishermen's Cooperative).
- Requires that built form reinforces the established land scape character and does not intrude upon the Harbour's southern skyline. While no height limit is prescribed, it is understood that development is effectively limited to a maximum of two levels.
- Limits food and drink premises to 200 square metres of leasable floor area.

- Provides for the ongoing operation of the Apollo Bay golf course.

Also of relevance for any development of the Harbour Precinct is the guidance provided in the Special Use Zone (Schedule 2) relating to inclusions in a future Development Plan, including:

- Expansion and relocation of the port operations and boat repair facility slightly north of the current location.
- Provision of a new Sailing Club facility in the general location of the existing clubhouse.
- Extension of the eastern breakwater to enhance safe harbour access and construction of a new recreational marina mooring along the eastern breakwater.
- Upgrading of the Mother's Beach car park.
- Upgrading of the public boat launching facility and boat trailer parking area.

Figure 2.1 Locality Plan - Schedule 2 to the Special Use Zone



Source: Colac-Otway Planning Scheme (Schedule 2 to the Special Use Zone)

Apollo Bay Harbour Precinct Heritage Overlay

A heritage overlay (HO300) applies to the Harbour Precinct, including the Fishermen's Co-operative building. It is understood that, while the citation for the site identifies the Fishermen's Co-operative building as a significant feature, scope exists for changes to the building without undermining the heritage features of the area. Although demolition of the

building is unlikely to be an option supported in any approved Development Plan, strict interpretation of the applicable controls may allow such an outcome.

3 APPROACH TO MARKET TESTING

3.1 Methodology

A market testing process for the Harbour Precinct has been undertaken with the following broad methodology.

The initial phase identified potential participants based on the experience and knowledge of individuals and companies. Targeted participants have included:

- Investors/developers experienced in commercial developments in coastal locations, including foreshores and harbour-based environments
- Investors/business owners with specific knowledge and experience of Western Victoria
- Prospective investors/developers with specific interests in the Apollo Bay area
- Existing tourist operators in the Apollo Bay area
- Major companies involved in running tourist attractions including, where possible, in the Otway Region
- Business owners with experience in running food and beverage or other businesses in a foreshore/harbour-based environment
- Legal practitioners with experience in planning and/or commercial arrangements in a foreshore/harbour-based environment
- Operators of tourist businesses in coastal locations.

A list of potential interviewees was identified, with input from Project Control Group, from which to canvas views on potential commercial development of the Harbour Precinct. Not all targeted individuals or companies agreed to participate. Where individuals declined or did not respond, alternatives were then targeted and approached.

Where targeted organisations or individuals agreed to participate, each was provided with an information package which was prepared with assistance of the Project Control Group. The purpose of the information package is to provide background information that explains the background, planning context, development opportunity and potential development process for the Harbour Precinct.

An interview framework was then subsequently prepared, in order to provide a structure to the questions and conversation with participants. Again, this was approved by the Project Control Group.

The actual interviews were undertaken in person where possible, and following the same broad interview framework for general consistency. If face-to-face interviews were not possible, a phone interview was undertaken. The duration of the interviews ranged from 10

minutes to almost two hours. In total, 25 persons or entities were approached for an interview and 11 interviews were completed.

Most participants expressed a preference to retain confidentiality in order to encourage robust feedback and avoid compromising any future involvement in an Expression of Interest process for the precinct. Furthermore, some participants wished to ensure that the nature and direction of their feedback did not make their identity obvious. As a result, this report does not disclose any individual or company names arising from the market testing process.

3.2 Summary of Interviewees

An overview of interviewees is provided in Table 3.1 and includes a description of the company or organisation, the level of the individual within their respective entity, the reason the participant was identified and the method of interview (in person or by telephone).

Table 3.1 Summary of Interview Participants

Description of Company/Organisation	Level of individual interviewed	Reason for Participation	Interview type
Company specialising in the management of local government and, state government and private infrastructure	General Manager - Business Development	Infrastructure manager and potential investor	Person
Commercial developer	Managing Director	Potential investor/developer	Phone
Party proposing major accommodation and function centre at Apollo Bay	Consortium leader and prominent businessman	Potential investor/developer already active in Apollo Bay area	Person
Food manufacturer and wholesaler	Managing Director	Potential investor/developer	Person
Regional tourist operator	CEO	Prospective investor in Apollo Bay area	Phone
Food manufacturing and tourism	Proprietor	Regional tourism operator and potential business operator	Phone
Developer, food and beverage operator	Proprietor and prominent businessman	Potential investor/developer	Person
Food and beverage business and tourism operator	Proprietor	Experience in food and beverage and tourism	
Leisure and wellbeing, food and beverage operator in a tourist market	Proprietor	Established business in a holiday market area	Phone
Development advisory and project management consultants and project manager with experience in harbour-based retail and commercial development		Long history of property advisory and development. Specific involvement in harbour-based retail and commercial development.	Person
Legal firm	Partner	Involvement in legal and commercial arrangements of harbour-based retail and commercial development	Person

Source: Essential Economics Pty Ltd

Several key attributes of the participant group should be noted:

- Without exception interviewees represented senior persons within their respective companies or organisation. In the majority of cases, the interviewees were either the full owner or part-owner of their respective companies

- The interviewee group included several prominent businesspersons
- The interviewee group included a number of individuals who have considerable experience in the development of harbour-side retail and commercial facilities. The experience includes dealing with Crown lease conditions as is required in the Harbour Precinct.

3.3 Scoping the Development Opportunity

For the purposes of the market testing process, and broadly consistent with the planning controls set in the Special Use Zone, three specific development opportunities in the Harbour Precinct were highlighted to interview participants.

- **Area 1 - Seafood Retail & Processing:** an elevated area which includes the heritage listed Fisherman's Co-operative building (currently operated by the Fishermen's Co-operative as a café and seafood processing facility), car parking and viewing area. This area represents the potential key area for commercial development.
- **Area 2 – Harbours Edge Development Area:** this area is identified based on the possibility for some form of development on, or near, the tidal rock shelf. Community stakeholders have identified possible concepts involving aquatic based recreation, associated retail, aquatic centre with health and wellbeing facilities; as well as multi-use event and meeting spaces for club, community and commercial activities.
- **Area 3 – Potential Low Scale Commercial Development:** this area represents a more speculative development opportunity based on low scale commercial activity and car parking.

The three potential development areas are identified in Figure 3.1.

3.4 Incorporating Local Ideas for the Harbour Precinct

Background material to the Harbour Precinct and discussions with the Project Control Group and local stakeholders highlights detailed historic consideration of development options for the land.

In some instances, these ideas have been incorporated into the existing planning controls. For example, strict height limits and the prohibition of accommodation. Other potential development outcomes – for example, the inclusion of an enclosed public pool – are well-developed and have strong support from some elements of the local community.

The ongoing importance of the harbour's commercial fishing operations, primarily represented by the Fishermen's Co-operative, is already recognised in the applied planning controls for the Harbour Precinct. The Fishermen's Co-operative is presently limited to a short-term lease on the building that houses the Fish and Chip café and seafood processing facilities, pending resolution of the EOI process and completion of a Development Plan for the Harbour Precinct.

The Fishermen's Co-operative has also prepared concept plans for a staged development including:

- Reconfiguration of access and car parking arrangements
- Additional seafood handling and processing facilities
- Educational and interactive experiences
- Expansion of the Fish and Chip Café towards the north
- An upper level to incorporate an additional food service, look out and exhibition space
- A seafood industry and marine education hub including an aquarium and research facility.

Figure 3.1 Apollo Bay Harbour Precinct - Indicative Development Areas



Source: Essential Economics

Another notable stakeholder is the Apollo Bay Sailing Club which operates from the harbour and has a small clubroom building near to the boat ramp. The Sailing Club seeks an ongoing presence in the precinct and has drawn up concept plans for more permanent and expanded clubrooms.

Other ideas include:

- the construction of a foreshore pathway through elevated sand dunes north of the golf course between the Mothers Beach car park area and the town centre.
- the incorporation of a new enclosed (and heated) public swimming pool and accompanying wellness and recreational facilities within the Harbour Precinct. This concept has strong support from elements of the community.
- The incorporation of Aboriginal occupation and early European settlement themes into future development.
- Potential to have the Great Ocean Road Walk trailhead recognised as commencing at the Harbour.
- Low scale and sensitive development in the sand dune area at the end of the Breakwater Road towards the end of the point.

Where appropriate, the above community-derived ideas were identified and discussed with market testing participants.

4 OPPORTUNITIES AND ISSUES EMERGING FROM MARKET TESTING PROCESS

A number of recurring themes – couched in terms of both issues and opportunities – emerged during the interview and market testing process. Alternatively, some interviewees raised particular points not raised by others.

This section of the discussion paper summarises principal and relevant issues and opportunities raised by interviewees.

4.1 Issues

Difficulties with Access and Parking in the Harbour Area

A familiar and recurring theme raised by interviewees relates to the accessibility and parking in the Harbour Precinct. Concern was expressed about the potential for buses to enter the precinct, park within reasonable proximity to potential development sites, turn around and exit to the Great Ocean Road.

Interviewees knowledgeable of the existing conditions spoke critically of the current access and parking arrangements, although noted the difficulties involved in resolving the issue. A number of interviewees pointed to the need for land at the eastern end of Breakwater Road (in the vicinity of the boat ramp) to be more formally presented for the purposes of vehicle movement and parking. This includes the need for a paved surface and line marking.

Other interviewees suggested similar arrangements could be introduced at the Mothers Beach car park with a bituminised surface and line marking setting out formal parking and turning arrangements.

In terms of access to the existing fish and chip café, several interviewees identified the need for improvements in the pathway and steps between the Mothers' Beach car park and the Fish and Chip café.

Seasonality of Visitation

Most participants in the market testing process raised the seasonal nature of tourism to the Apollo Bay area. This is a key issue in determining the nature and success of commercial development in the Harbour Precinct.

A number of developers and business people noted the difficulty of generating sufficient revenue in, say, 100 days each year to offset 265 'quiet days' where opening can be a marginal proposition.

One interviewee suggested that retail tenancies be configured as 'pop-ups' in which businesses could potentially close during the off-season or transition to another business that might be more suited to the cooler months.

Most interviewees expressed the view that Apollo Bay's climate restricts the scale and nature of commercial development, unless new businesses or attractions are of a type or scale that can consistently attract visitors on an all-year-round basis.

Accommodation Prohibited by Current Planning Controls

A number of interviewees (3 to 4 participants including experienced developers and business operators) expressed the view that the absence of accommodation as a permitted use in the Harbour Precinct makes development a substantially less attractive proposition.

One participant was particularly blunt in their assessment, describing the absence of accommodation as '*fatal*'.

These interviewees noted the need for accommodation to help underpin the viability of food and beverage businesses, and to help provide the necessary 'foot traffic' to create a vibrant precinct. Moreover, they pointed out, the absence of a unique foreshore accommodation offering removes a potential major attractor and reason to stay in Apollo Bay.

Opinion was divided in terms of what an accommodation venue in the Harbour Precinct might look like. All participants acknowledged the need for development (whether it included accommodation or not) to be respectful of the precinct's physical geography and the environment more generally.

Some interviewees envisaged high-end accommodation along with a function and conference centre as a commercially viable opportunity. Others imagined a more nuanced offering with a limited number of suites pitched as a unique luxury experience.

One participant suggested a mix of accommodation in which both high-end accommodation and a niche backpackers-style hostel could sit side-by-side. The latter was imagined as providing accommodation for both international backpackers and, potentially, for visiting workers involved in the fishing or other local industries.

One participant felt the absence of accommodation would not greatly impact on the potential for commercial development. Several others did not express a specific opinion.

Disconnect from the Town Centre

A number of participants noted that, while Apollo Bay's town centre and primary retail strip is just 500 metres (approximately) from the Harbour Precinct, the distance and existing pedestrian access provides little to no sense of connectedness between the 'main street' and any retail or commercial development at the harbour.

Some participants expressed the view that this did not represent a significant issue, and that commercial development at the harbour precinct would necessarily be a different type of offering to that of the main street. However, several others with experience in the commercial

development of marinas/harbours expressed concerns about having a Harbour Precinct isolated from other attractors.

Citing examples such as the Queenscliff Harbour and the 'Mirage Marina' development in Port Douglas, concern was raised about the way in which the new developments both competed with the town centres at some level, yet at the same time, sought to differentiate from the town centre.

While the 'Mirage Marina' is an infamous example of a retail failure, the Queenscliff Harbour is perhaps the more relevant case study.

At Queenscliff, the present tenant mix is split between five food and beverage (including a function venue) and eight non-food and beverage retailers, the majority of which are themed around the coastal or leisure activities such as angling charters, day spa and tours of the bay. Several commercial tenancies also house harbour-side management activities.

It is understood a higher than anticipated level of changeover in businesses has occurred at Queenscliff Harbour, with a high-end restaurant failing to attract sufficient clientele to support viability.

One interviewee noted some specific similarities and differences in comparing the potential for commercial development at the Apollo Bay Harbour Precinct with that undertaken at Queenscliff, including:

- Both Apollo Bay and Queenscliff experience significant variations in visitor numbers (particularly overnight visitors) between peak season and non-peak seasons.
- Queenscliff is 1.5 hours from Melbourne and just 20 minutes from Geelong and is therefore better positioned in terms of access to major population centres. Apollo Bay by contrast is approximately 3 hours from Melbourne.
- In the summer months, overnight visitors to the Queenscliff area are generally more affluent than visitors to Apollo Bay.
- Queenscliff has access to passing traffic by virtue of the Queenscliff-Sorrento ferry service which operates hourly between 6.00am and 7.00pm, 365 days per year.

As a result, the interviewee expressed the view that commercial development at the Apollo Bay Harbour Precinct would likely be on a considerably smaller scale than at Queenscliff.

Long-term Tenure Required to Justify Investment

Most interviewees noted and understood the nature of commercial arrangements at the Harbour Precinct as a Crown leasehold. While several participants expressed the view that such arrangements are not as attractive as freehold title, a general view was that Crown leasehold arrangements can be 'made to work'.

Implicit in this sentiment is the need for long-term tenure to remove tenure-based risk and to provide the opportunity to secure a sufficient return on what most observed would be an upfront capital investment with at least a moderate degree of risk attached.

Several interviewees indicated secure tenure in the order of 50-years is required to ensure investment is an attractive proposition. They indicated that longer tenure was likely to result in stronger interest in the Harbour Precinct and proposal of a greater scale.

Insufficient Development Scale to Leverage Public Amenity Improvements

Feedback was sought from interviewees concerning the potential for a contribution from investors/developers towards improvements to the public realm and/or public infrastructure.

Experienced developers/investors noted that improvements to the public realm in the form of footpaths, access points and parking, along with public art and general beautification was a 'given' to ensure commercial development was a success. They noted however, that the extent of such works depended on the scale of development, and achievable commercial returns.

Participants were less enthusiastic about the potential for private investment to contribute towards major works such as a public swimming pool. Again, based on expectations about the likely scale of commercial development, interviewees dismissed the prospect that development could fund or partly fund major public infrastructure as part of any development agreement for the Harbour Precinct. There was a view however, that public sector improvements to the Harbour Precinct could only enhance the level of private sector interest.

4.2 Opportunities

Great Ocean Road an Iconic Attraction

Despite concern from some interviewees about the seasonal nature of tourism activity at Apollo Bay, an overwhelming view was expressed that the Great Ocean Road represents one of Australia's iconic attractions. Furthermore, as the largest urban area between Lorne and Warrnambool, Apollo Bay represents a strategic location that can be, and should be, promoted as a key stop for visitors. In this regard, interviewees were more positive about the opportunity for commercial development in the Harbour Precinct.

Enticing Visitors to Stop, or to Stay Longer

Interviewees regarded Apollo Bay as a popular stopover for visitors to the Great Ocean Road. The key, it was suggested, is to entice visitors – particularly those on bus tours – to spend longer in Apollo Bay or to consider Apollo Bay as the key overnight destination along the Great Ocean Road, and a means of turning a largely one-day bus tour market into two days.

Participants pointed to the need for larger scale accommodation in Apollo Bay, tailored specifically to Asian markets, and attractions again geared towards enticing international tourists to spend longer in the town¹.

Interviewees offered a variety of ideas as to what might attract visitors to the Harbour Precinct, and by extension Apollo Bay more generally. These included:

- High end seafood restaurant
- A diverse range of food and beverage establishments within the harbour area, including in an elevated position able to afford direct views of the bay and nearby ranges
- Educational and/or interactive experiences around the fishing industry
- An aquarium
- Local art and craft offerings
- A health and well-being centre including day spa centre
- An enclosed public swimming pool as part of, or independent of, other uses described above
- Associated retail and commercial facilities including gift shops and tourism operators
- Appropriately configured accommodation
- Conference and function facilities.

Identifying a Development Theme

Several participants noted the need to ensure that development at the Harbour Precinct is appropriately themed and defined. In this regard, they encouraged a clearly defined theme such as commercial fishing and seafood, or arts and crafts, or food and beverage. The key, they argued, was to avoid a 'grab bag' of different attractions and facilities with no real coherent synergies or integration.

Public Realm and Quality Facilities

Interviewees, particularly those with first-hand experience of the Harbour Precinct, agreed that improvements to the public realm will be critical to ensuring commercial development is successful.

One opportunity mentioned by a number of participants, was the potential for quality public rest rooms within a redeveloped Harbour Precinct. The issue, as explained by interviewees

¹ Note: A number of bus tour operators already schedule Apollo Bay as the lunch destination for one-day tours of the Great Ocean Road. Arrangements are in place with some restaurants along Collingwood Street.

relates to the view that convenient and quality public restrooms are few and far between along the Great Ocean Road. It was suggested the presence of such facilities within a commercial development would represent a strong reason to stop at the Harbour Precinct.

It was also noted that vehicular access arrangements including parking and turning would need to be resolved to make the harbour a convenient stop for buses and larger vehicles.

4.3 Potential Development Themes

In discussing the potential for commercial development with interviewees, it is reasonable to state that genuine investment interest was not strong. Although four participants indicated a degree of interest (three as potential developer/investor, one as potential business operator), the majority suggested they were unlikely to become commercially engaged in a future expressions of interest process.

Even so, the majority provided views and observations in terms of potential development themes that could be pursued in the Harbour Precinct. As a summary, the following were identified.

Development Theme 1 Small Retail Development or Expansion of Existing Retail

This development theme can be described as ‘an expanded café/restaurant and a couple of shops’. This is based on the perception that development of the Harbour Precinct is likely to represent a relatively high risk proposition, and only a development concept limited in scale is likely to be achievable.

The development could be provided in the form of new construction or through adaptive re-use and expansion of the existing buildings.

Development Theme 2 Wellness Centre

Several interviewees considered the Harbour Precinct as a good location for a health and wellbeing centre, including a leisure, spa and health treatment facilities. Ideally, such a facility would include an expended retail presence with one or more food and beverage premises and a gift shop. A development of this nature was envisaged to include elements of the lower terrace and, potentially, the rock shelf.

One participant felt that a development of this sort may be commercially viable. Another suggested further research to establish the potential for hot water spas at Apollo Bay. Hot springs or spas, it was indicated, have great appeal to the Asian market and would potentially represent a major drawcard.

Development Theme 3 Wellness Centre, Retail and Public pool

One participant suggested an integrated facility that included a wellness centre and associated food and beverage facilities, along with an enclosed public pool. An outcome such as this, it was suggested, could establish the Harbour Precinct and Apollo Bay as a major destination for visitors and meet local demand for a public pool facility.

However, the participant noted that funding for the construction of the pool component would need to be sourced from Government, as it would not represent a commercially viable private sector investment. The same participant also noted that operational costs associated with a public pool would, in all likelihood, need to be subsidised by the public sector.

Development Theme 4 Fisherman’s Wharf

Several participants suggested a development theme built around the fishing industry would be a logical direction for future development at the Harbour Precinct. In general terms, ideas were floated based on a small-scale Fisherman’s Wharf activity area. This would be where fishing, dining, seafood processing, trades associated with fishing and harbour-side activities, educational facilities and tourist operations could be co-located and encouraged. The concept would see a relatively low-scale collection of buildings with tight design guidelines, encouraging a range of mixed activities. To visualise the concept the wharf/harbour precinct of Nantucket, the historic whaling centre, in Massachusetts was cited as potential example.²

Image 4.1: Nantucket Fisherman’s Wharf



Source: Panoramio.com

² It should be noted that the population catchment within a 2-3 hour journey of Nantucket numbers in the tens of millions of persons. It can be safely assumed commercial development and activity at Apollo Bay would be on a smaller scale than at Nantucket.

Development Theme 5 Retail, Food and Beverage and Accommodation

A final development theme raised by several participants – and one which is not permitted under the planning controls – involved a mix of food and beverage, and other retail facilities along with accommodation and, potentially, conference and function facilities.

Generally, those interviewees who raised the issue of accommodation envisaged a high-end offering as the key ingredient as the increased room rates provide the ability to offset potential risks and high development costs associated with the precinct.

4.4 Participant interest in the Expressions of Interest Process

Four interviewees confirmed their potential interest in the Expression of Interest process; three as potential developers/investors and one as a potential business operator.

5 SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Main Findings

Market testing the potential for commercial development in the Apollo Bay Harbour Precinct has provided the opportunity to gain insights from investors, developers and business operators into how they are likely to respond to a future expressions of interest process. The following main findings are relevant:

- 1 **The Harbour Precinct.** The Apollo Bay Harbour Precinct is well-known and regarded. At least on a first principles basis, most interviewees see the precinct as a potentially good location for commercial investment.
- 2 **Local ideas are well advanced.** Local stakeholders have already invested considerable thought and energy in various development concepts for the Harbour Precinct. Local ideas include building on the existing commercial fishing industry and incorporating new enclosed public swimming facilities on the foreshore of the harbour. As with any proposals for the Harbour Precinct, these would need to be consistent with the provisions of the Special Use Zone.
- 3 **Access and parking.** Many participants commented that existing access and parking arrangements at the harbour are inefficient and inadequate. Most regard a reconfiguration and more formal presentation of access and parking as critical in any future development. A commitment to improved parking and access is considered a pre-condition to maximising developer interest.
- 4 **Seasonal economy.** A number of interviewees regard the seasonal nature of tourism, particularly overnight visitors, as a limiting factor in the scale and type of potential development in the Harbour Precinct.
- 5 **Accommodation.** A number of participants regard the absence of accommodation as a development option as a limiting factor in generating development interest. Several (in the order of three to four, but including experienced developers and hotel/accommodation operators) interviewees commented that the prohibition on accommodation in the planning controls for the Harbour Precinct were likely to prove 'fatal' in terms of future development outcomes.
- 6 **Town centre disconnect.** Several participants expressed the view that the lack of connectedness with the town centre would limit the type and scale of development. It was acknowledged that an all-abilities pedestrian pathway linking the town centre with the Harbour Precinct would assist, though it was also noted the two locations would remain separate in a commercial sense regardless of attempt to improve links.

- 7 **Long-term tenure required.** Several interviewees (in the order of three to four, but including developers experienced in crown lease arrangements) noted that to undertake a commercially viable development in the Harbour Precinct, agreements concerning tenure would need to be long term in nature (eg at least 50 years or more).
- 8 **Likely development scale insufficient to leverage major public investment.** Participants with extensive development experience believed the likely scale of development would be insufficient for the developer to provide financial contributions for public infrastructure improvements beyond small to medium scale amenity improvements such as pathways and boardwalks.
- 9 **Iconic location.** Interviewees agreed Apollo Bay and the Harbour Precinct represents an iconic tourist location and the subject site is an attractive location for investment of some kind.
- 10 **Improved public facilities.** Many participants raised a perceived lack of quality rest rooms and public facilities along the broader expanse of the Great Ocean Road as a real opportunity to make the harbour area a key stopping point for visitors, particularly bus tours. If such facilities were provided, it was argued that associated retail and tourist facilities could make the Harbour Precinct a place where visitors remained for a period of time.
- 11 **Determining a harbour theme.** Several interviewees noted the need to determine a specific development theme; fishing and coastal education, wellness and leisure or retail were raised as possibilities. Food and beverage opportunities were allied to all development themes.
- 12 **Development themes identified.** During interviews, participants willingly explored potential development themes. Ideas included:
 - Low scale retail facilities including food and beverage
 - Wellness and leisure centre along with food and beverage facilities, and associated retail
 - Wellness and leisure centre, retail and public pool
 - Fishermen's wharf concept building on existing assets including of education facilities and, potentially, an aquarium
 - Various versions of the above with accommodation (noting such an outcome is prohibited under the schedule to the Special Use Zone that applies to the Harbour Precinct).

5.2 Conclusions

While direct feedback from interviewees has informed the main findings, the following conclusions are based on the consultant's experience in, and knowledge of, the development process. Conclusions include:

- 1 **Level of developer interest.** Overall, potential investment interest in the Harbour Precinct among interviewees was limited. As a rough guide, the scale of commercial development is considered likely to be around the \$2 million to \$10 million range, though it is also possible no developer will be identified. It is considered unlikely a developer proposing a higher level of investment (\$10 million-plus) would submit a proposal within the existing planning controls (Noting again that accommodation is prohibited under the planning controls).
- 2 **Interest in Expression of Interest (Eoi) process.** Four interviewees expressed some level of interest in being involved in a future Expressions of Interest process; three with potential development/investment interest, and one with possible interest in establishing a business on the site. The majority expressed little to no interest. As the cost to the State Government of a formal Eoi process is understood to cost up to \$1 million (depending on the project scale), there is a risk the very formal nature of the process will result in little serious or substantive development interest.
- 3 **Public Funding.** Based on feedback from experienced developers, it is apparent the extent to which public infrastructure will be provided or enhanced as part of any commercial development will be limited. The question of public infrastructure in the Harbour Precinct is a vexed issue in that improved infrastructure is likely to influence the extent and scale of private sector interest, yet commercial development may assist in driving infrastructure funding. It should be noted that it is considered unlikely that private sector funding will be available to fund, or contribute towards funding, of a public swimming pool within the Harbour Precinct.
- 4 **Planning Controls.** The existing planning controls will support moderate scaled commercial development in the Harbour Precinct. Based on the Market Testing process they do not support encouragement of large scale commercial development nor private sector contribution to major public infrastructure works.
- 5 **Accommodation.** An amendment to the planning controls to allow accommodation within the Harbour Precinct would increase the likelihood of securing private investment towards large scale infrastructure.

5.3 Recommendations

The following recommendations relate to how Council may consider taking the process forward.

- 1 **Inform community of the Market Testing findings.** Council, with the Project Control Group, inform the community of the Market Testing process main findings (see above). In particular that private sector is highly unlikely to provide funding towards public infrastructure at the Harbour Precinct, including a public pool, wellness centre, connection to the two centre and traffic infrastructure such as roads and car parks. The development of public infrastructure will be required to be funded by Local, State and/or Federal Governments.

- 2 **Note no commercial interest in the development of a pool at the Harbour Precinct.** It is important Council acknowledge the response by the commercial sector was that they would not invest in a pool facility at the Harbour Precinct. This acknowledgement allows the community to progress investigating alternative locations within Apollo Bay.
- 3 **Ministerial support for an expression of interest process.** Council is required to seek the support of both the Minister for Planning and Minister for Energy, Environment and Climate Change prior to undertaking an expression of interest process for Crown land. The request to the Minister for Energy, Environment and Climate Change should also seek in principle support for consideration of leases greater than 21 years, subject to future justification based on commercial grounds. This request should progress once Council has identified an appropriate expression of interest process (Refer recommendation 4).
- 4 **Design an appropriate Eol process.** An Eol is a formal process where every single risk and issue is effectively tabled and considered upfront. With significant costs involved and, potentially, little interest and/or limited investment arising as a result, the process for the Harbour Precinct is considered to be a risky and expensive one. As an alternative, it is suggested that Council (in consultation with relevant Government agencies/departments) designs an appropriate transparent process to invite the private sector for proposals that are consistent with the existing planning controls. This approach has the benefit of 'flushing out' interested parties for further discussions. Council may, or may not, elect to proceed with proposals from interested parties arising from the process.
- 5 **Infrastructure upgrade requirements.** Whichever approach is taken to advance the potential for commercial development in the Harbour Precinct, there is a need to progress securing of Government funds to significantly upgrade the public infrastructure as noted in recommendation 1. Advancing the case for the funding of public infrastructure improvements will require development of an advocacy plan to obtain funding.

ORDINARY COUNCIL MEETING

PLANNING SCHEME AMENDMENT C96 - ANOMALIES AMENDMENT

OM172308-5

LOCATION / ADDRESS	Various sites across Colac Otway Shire	GENERAL MANAGER	Gareth Smith
OFFICER	Sean O’Keeffe	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Amendment C96 - Maps 2. Amendment C96 - Amendment Documents 		
PURPOSE	To correct anomalies identified in the Colac Otway Planning Scheme.		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

The Colac Otway Planning Scheme (the Scheme) guides land use and development within Colac Otway Shire (the Shire). Council, as the Planning Authority, is responsible for the ongoing upkeep of its Planning Scheme to ensure it is up to date, accurate, and meets the relevant provisions of the *Planning and Environment Act 1987 (the Act)* and changing community needs.

As part of managing the performance of the Scheme, both Council officers and the local community periodically identify anomalies and errors within the Scheme. Anomalies could include where zoning boundaries do not match lot boundaries, public zones having been applied across private land or where land uses such as public conservation or service authority managed land is covered by rural or residential zones.

Errors and anomalies in the Planning Scheme limit the intended use and development capacity of land and may cause difficulties when owners try to sell land with anomalies. As such correcting anomalies and errors is essential for the effectiveness and performance of the Planning Scheme.

This amendment is only to correct the identified anomalies within the Planning Scheme maps, and as such it is different to the Colac Otway Planning Scheme Review and Cutting Red Tape project and associated amendments. The Cutting - Red Tape amendments will streamline the planning scheme requirements by eliminating unnecessary permit triggers that do not add value through the process, and streamline the referrals processes when a planning permit is required. In addition, it will also update the Municipal Strategic Statement (MSS), and local policies within the Planning Scheme to reflect the changing community needs, policy directions form adopted strategies and will maintain consistency with the relevant State planning policies at local level.

Correction of anomalies and errors within the Planning Scheme does not cause detrimental impact to any persons; as such they are considered policy neutral. Therefore they can be undertaken under section 20(2) of the Act, under which the Minister may exempt Council from a full public exhibition process. However the affected landowners and occupiers, relevant authorities and anyone nominated by the Minister at authorisation will be notified of the amendment and have an opportunity to respond for a period of 4 weeks.

Council's approval is sought to request authorisation from the Minister to undertake Amendment C96 to correct a number of anomalies and errors within the Colac Otway Planning Scheme and seek exemption under section 20(2) of the Act for a full exhibition of the amendment.

3. RECOMMENDATION

That Council:

- 1. Notes the importance of correcting anomalies as part of the maintenance of the Colac Otway Planning Scheme to ensure accuracy and improve efficiency in the development approval process.***
- 2. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise Amendment C96 to the Colac Otway Planning Scheme.***
- 3. Pursuant to section 19 (1) (b) of the Planning and Environment Act 1987, notify the owners and occupiers of the land forming part of the amendment.***
- 4. Pursuant to section 20(2) of the Planning and Environment Act 1987, request the Minister for Planning to exempt Amendment C96 from the requirements of sections 19(2) and (3) of the Act.***
- 5. Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C96 documents prior to sending to the Minister for Planning for authorisation.***

4. BACKGROUND / KEY INFORMATION

An important part of Council’s role in maintaining the Colac Otway Planning Scheme is to correct errors and anomalies. This ensures the Planning Scheme continues to be relevant, up-to-date and the provisions and maps in the Scheme are correct.

Council has received a number of requests to correct anomalies in the Planning Scheme. Landowners often notice the anomalies when they either seeking to develop or sell their land and find the anomaly in the Scheme limits them doing so. Landowners could apply to Council to correct the anomaly on their land through individual amendments or wait for a periodic anomaly amendment to be undertaken by Council. This amendment combines 15 anomalies identified within zones and overlays maps in the Planning Scheme.

Other anomalies or errors within the ordinance of the Planning Scheme, such as discrepancies between requirements, duplications, outdated information and reference documents and typological errors are to be corrected during the three year review of the Planning Scheme which is a separate project. The current Colac Otway Planning Scheme Review and Cutting – Red Tape project will include such corrections as part of an amendment implementing the review recommendations at a later stage. The most recent anomalies amendment to the Colac Otway Planning Scheme was completed in February 2012.

Section 20(2) of the Act enables “Fast tracked with limited notice amendments,” which allows for the Minister to give complete or partial exemptions from notice requirements for amendments that do not require full public exhibition process. Amendment C96, correcting 15 anomalies in zones and overlays, can be considered for this exemption as it will not cause detrimental impacts to any person and/or adjoining uses of the parcels of land affected by the amendment.

Given the minor nature of the proposed changes and their positive impact, officers recommend that this amendment to be processed using the provisions of section 20(2) of the Act.

KEY INFORMATION

Table 1 below shows the parcels of land impacted by the proposed Amendment C96, corrections required and justification (refer Attachment 1 for maps of the land affected by the Amendment).

Table 1

Address	Proposed Changes	Reasons for changes
Part 465 Skenes Creek Road, Skenes Creek	Rezone land from Road Zone Category 1 (RDZ1) to Rural Conservation Zone (RCZ)	The land owner requested this rezoning. The land is partly included in the RDZ1 zone. RDZ1 applies to VicRoads managed land. This amendment seeks to rezone the privately-owned land to RCZ (the balance of the lot) so that the zoning of the entire land is consistent, and reflects other privately owned properties in the locality.
6 Bath St, Colac	Rezone land from Public Use Zone Schedule 6 (PUZ6 – for Local Government use) to Public Use Zone Schedule 3 (PUZ3 – for Health and Community use)	The Department of Health and Human Services owns the land. The current zoning allows for Council land uses. This amendment will reflect the current owner and its land use. It will allow health and community related land uses and development on the land.

LOT RES1 PS705228 (Boronia Way Elliminyt)	Rezone land from General Residential Zone Schedule 1 (GRZ1) to Public Park and Recreation Zone (PPRZ)	The land forms part of a recently subdivided housing estate in Elliminyt. The land has been vested in Council to be used as parkland to service the needs of the new community. The proposed zone reflects the future planned use of the land.
79 – 81 Grant Street Forrest (5E P081777, 8E P081778, 9E P081779 and 10E P081780)	Rezone land from Rural Living Zone (RLZ) and Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ)	The Department of Environment, Land, Water and Planning, the manager of the land, requested this rezoning. The land is part of the Otway Forest Park, and is public (Crown) land. The land is currently included in zones associated with private land. The rezoning will ensure its zoning is consistent with the balance of the Otway Forest Park and reflects its current and future public use.
360 Corangamite Lake Road, Cororooke	Rezone land from Farming Zone (FZ) to Rural Living Zone (RLZ)	The land is occupied by a dwelling and falls within two zones. A small section of the land is zoned FZ. Rezoning this section to the RLZ will allow the entire lot to be included in a single zone that reflects the current use of the land.
Part Nos. 270 and 340 Dewings Bridge Road, Gerangamete and 390 Dewings Bridge Road, Gerangamete	Delete Public Acquisition Overlay (PAO)	Barwon Water requested this amendment. The works on the land form a key part of the Colac Water Supply Upgrade project. An acquisition overlay was placed over the land to facilitate its purchase and redevelopment. The land has been acquired by Barwon Water and is being redeveloped for water infrastructure purposes. The PAO is therefore redundant and should be removed.
Part 15-19 Strachan Street, Birregurra	Rezone land from Township Zone (TZ) to Public Park and Recreation Zone (PPRZ)	The Crown land forms part of the Birregurra Recreation Reserve. The land, which is to the rear of residential dwellings, is currently included in the Township Zone but is used for recreational purposes and managed by Council. The rezoning will ensure the zoning of the land is consistent with its ownership, current use and the broader zoning of the Reserve.
2A Alexander Street, Colac	Rezone land from General Residential Zone Schedule 1 (GRZ1) to Public Use Zone Schedule 1 (PUZ1)	Barwon Water, which acquired the land for a sewerage pumping station, requested this rezoning. The small section of land was excised off an existing residential lot. The proposed zoning acknowledges the existing public ownership and public utility land use.

162 Lineens Road, Corunnun (Lot 1 TP192207 and Lot 1 LP77507)	Rezone land from Public Use Zone Schedule 6 (PUZ6) to Farming Zone (FZ)	The land was previously owned by Council and used as a quarry. The land was sold in 2002. The current zoning reflects the former use and ownership of the land. The land is now privately owned. The surrounding zone is Farming Zone. The zoning should revert to the underlying Farming Zone, reflecting both the current use of the land and the rural character of the locality.
1535, 1571, 1575, 1577, 1579, Birregurra Forrest Road, Barwon Downs	<ul style="list-style-type: none"> • Rezone part 1535 Birregurra-Forrest Road, Barwon Downs from Township Zone (TZ) to Farming Zone (FZ) • Rezone part 1571 Birregurra-Forrest Road, Barwon Downs from Public Use Zone 7 (Schedule 7) to Township Zone (TZ) • Rezone part 1575 Birregurra-Forrest Road, Barwon Downs from Township Zone (TZ) and Farming Zone (FZ) to Public Use Zone 7 (Schedule 7) • Rezone part 1577 and 1579 Birregurra-Forrest Road, Barwon Downs from Farming Zone (FZ) to Township Zone 	The owner at 1571 Birregurra-Forrest Road, Barwon Downs requested their land be rezoned. On investigation, it was revealed that the zoning along this section of Birregurra Forrest Road does not reflect the current title boundaries and all lots have at least two separate zones. These zones do not reflect the existing land uses and title boundaries. The rezoning of land will ensure that the zones reflect both the title boundaries and the current land uses along the road.
130 Old Ocean Road, Glenaire	Rezone land from Public Conservation and Resource Zone (PCRZ) to Rural Conservation Zone (RCZ)	The land owner requested this rezoning. The land is included in a public land zone. The land is privately owned and occupied by a single dwelling. The zone should reflect the current land use and private ownership. All surrounding private land is included in the Rural Conservation Zone.
13 Lang Street, Beeac	Rezone land from Farming Zone (FZ) to Public Use Zone Schedule 1 (PUZ1)	The land is currently owned and occupied by the CFA. The partial Farming Zone does not reflect the title boundaries or the current land use. This rezoning will ensure that the zone is consistent with the title boundary and ownership.
195 McCalls Road, Yeodene	Rezone land from Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ)	The land owner requested this rezoning. The land is part of the Otway Forest Park, and is public (Crown) land. The land is currently zoned FZ. The proposed correction will ensure the zoning of the land is consistent with the balance of the Otway Forest Park.

<p>10 McDonnells Road, Birregurra</p>	<p>Remove HO95</p>	<p>The Department of Environment, Land, Water and Planning requested this rezoning. HO95 covers 10 McDonnells Road, Birregurra. This land has no heritage significance. The land in the heritage citation and ordinance section of the Colac Otway Planning Scheme refers to this land as 'Bleak House'. Bleak House is located nearby at 4970 Princes Highway, Birregurra. The current heritage overlay mapping is incorrect, as it applies to the wrong land. This amendment will remove the incorrect overlay from the land. Further work, including consultation with the land owner of Bleak House, will define the correct boundary of the HO95. This will be undertaken as part of an additional planning scheme amendment process.</p>
<p>25 Weston Street, Beeac</p>	<p>Rezone land from Public Use Zone Schedule 6 (PU6Z) to Township Zone (TZ)</p>	<p>The privately owned residential lot is partially covered by the PUZ6. PUZ6 is applied to Council owned land used for municipal purposes, and has been applied to the abutting Council works depot. This zone appears to have been inadvertently extended into the adjacent private residential land at 25 Weston Street. This rezoning will ensure that the entire lot is located in the Township Zone.</p>

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

It is noted a number of landowners affected by this amendment have requested Council for amending the zoning or overlay anomaly of their land.

Section 20 (2) of the Act will be used to guide the community consultation process. It is proposed to notify of the amendment to the affected land owners and occupiers and any relevant public authority. It is also required that prescribed Ministers will also be formally notified. Exemption is requested from the need to advertise the amendment in the local newspaper and the Government Gazette.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

Amendment C96 directly relates to Council policy through the 'Cutting the Red Tape' initiatives.

The proposed amendment will allow errors and anomalies within the planning scheme to be corrected. This will facilitate any future redevelopment of the subject land without having to negotiate the current zoning irregularities, which may limit or prevent the future development and use of the land.

ENVIRONMENTAL IMPLICATIONS

It is considered that there are no environmental implications associated with this amendment.

SOCIAL AND CULTURAL IMPLICATIONS

It is considered that there are no social and cultural implications associated with this amendment.

ECONOMIC IMPLICATIONS

It is considered that there are no negative economic implications associated with this amendment. By correcting the anomalies in the zones and overlays, landowners will be able to use their land to its full capacity, which will have a positive impact by maximising the land use within the Shire.

LEGAL AND RISK IMPLICATIONS

It is considered that there are no legal and risk implications associated with this amendment. It is noted that Council as the Planning Authority has an obligation under *the Act* to maintain its planning scheme up to date and accurate as intended.

It is also noted that several parcels of Council owned or managed land are included in this amendment.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

The amendment is undertaken in-house and no additional resource implications are associated with this amendment.

7. IMPLEMENTATION STRATEGY

DETAILS

Subject to Council endorsement, the Minister for Planning will be invited to approve amendment C96. Subject to the Minister's approval, the proposed changes and corrections to the Planning Scheme will be implemented through Amendment C96 under relevant provisions of *the Act*.

COMMUNICATION

Subject to Council endorsement, the Minister for Planning will be notified in writing of Council's decision.

Affected landowners and occupiers will be notified of the Amendment.

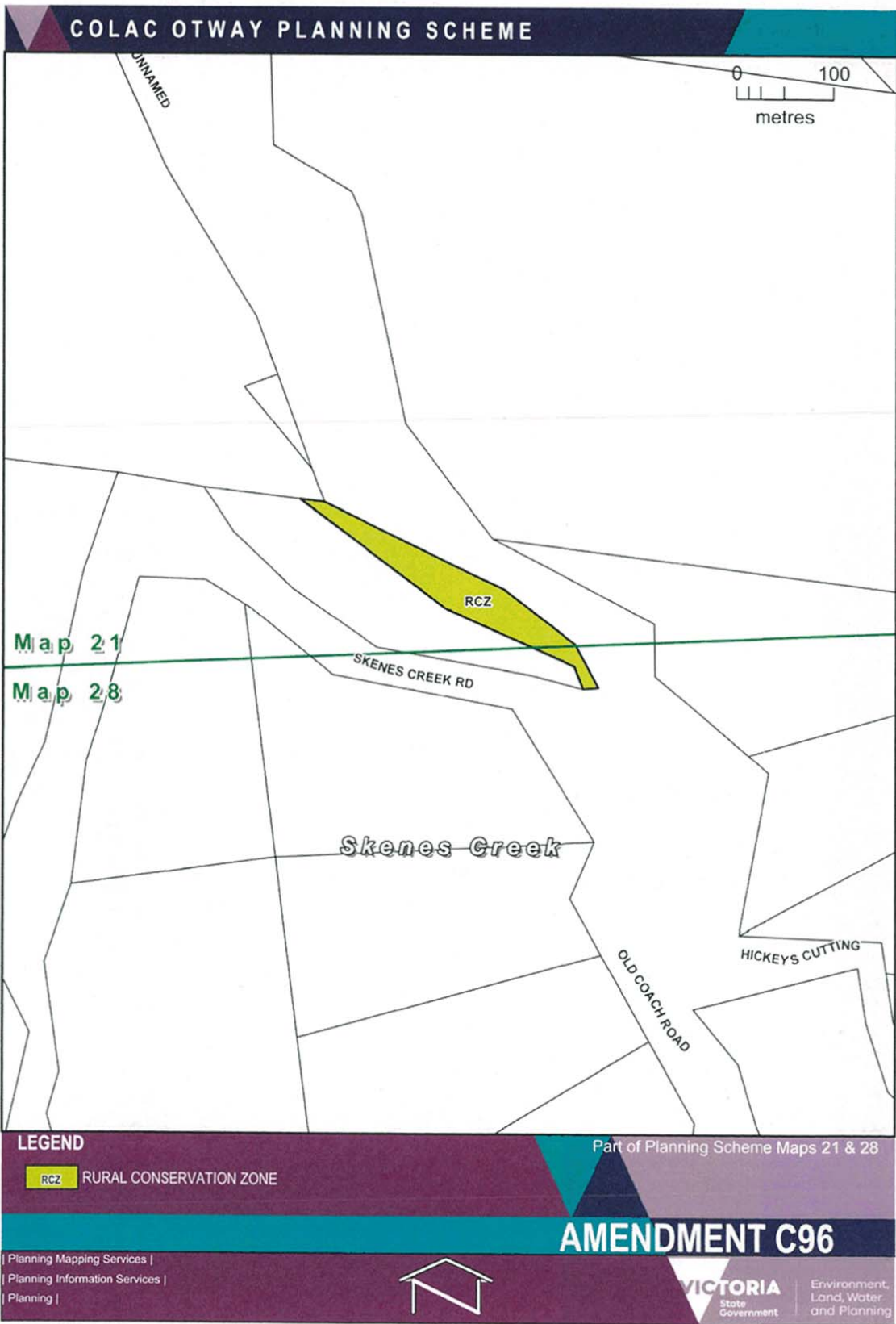
TIMELINE

The following is a proposed timeline:

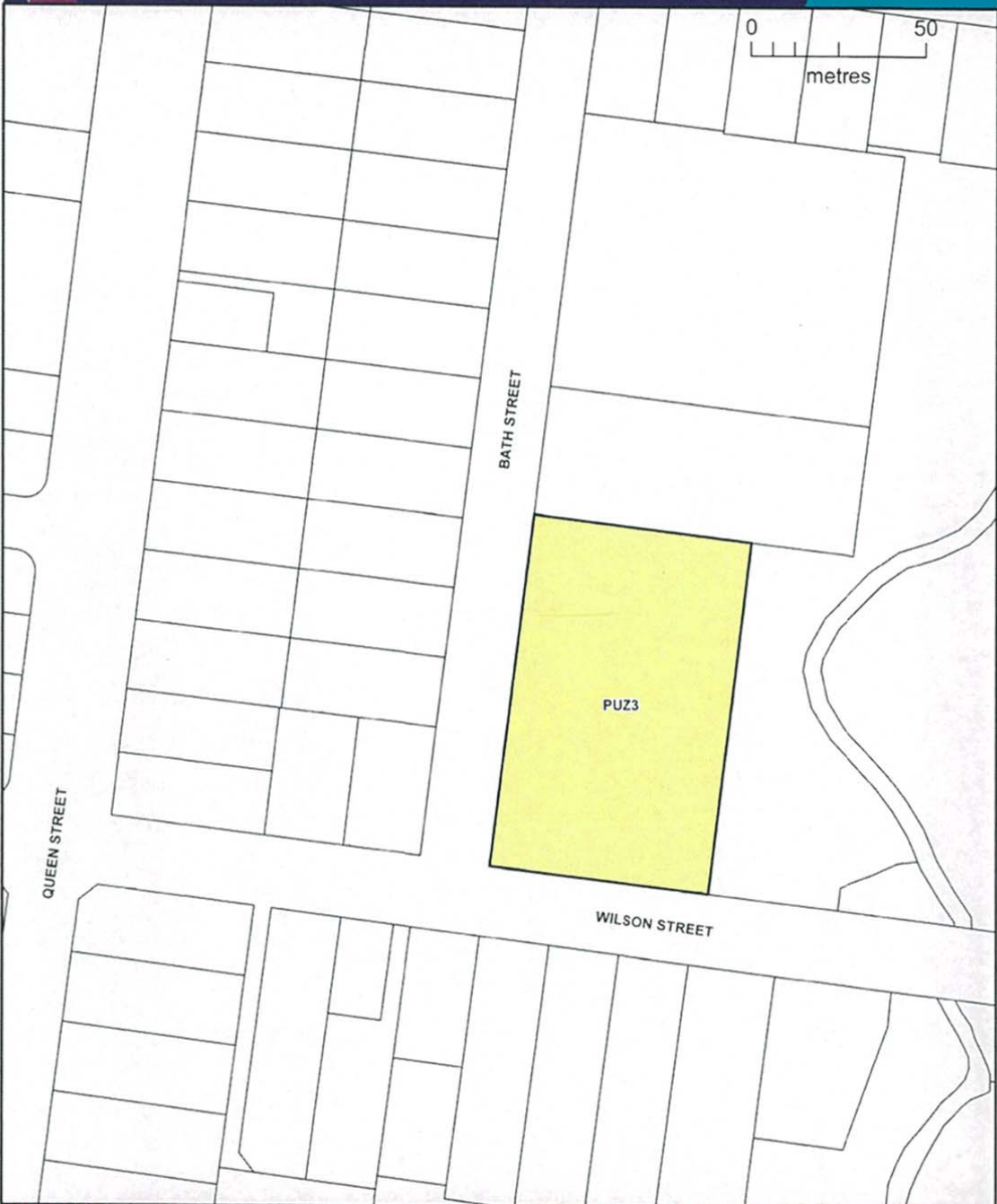
- September 2017 – Send to the Minister for authorisation (subject to Council endorsement).
- October 2017 – Notify affected parties.
- December 2017 – Council reconsiders the Amendment and forward it to the Minister for approval.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



COLAC OTWAY PLANNING SCHEME



Part of Planning Scheme Map 11

LEGEND
PUZ3 PUBLIC USE ZONE - HEALTH AND COMMUNITY

AMENDMENT C96

| Planning Mapping Services |
| Planning Information Services |
| Planning |



VICTORIA
State Government

Environment,
Land, Water
and Planning



COLAC OTWAY PLANNING SCHEME



LEGEND

PPRZ PUBLIC PARK AND RECREATION ZONE

Part of Planning Scheme Map 16

AMENDMENT C96

Planning Mapping Services |
Planning Information Services |
Planning |



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State Government


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COLAC OTWAY PLANNING SCHEME



LEGEND Part of Planning Scheme Map 17

 **PCRZ** PUBLIC CONSERVATION AND RESOURCE ZONE

AMENDMENT C96

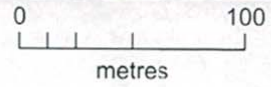
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VICTORIA State Government | Environment, Land, Water and Planning

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COLAC OTWAY PLANNING SCHEME



LEGEND

RLZ RURAL LIVING ZONE

Part of Planning Scheme Map 7

AMENDMENT C96

| Planning Mapping Services |
| Planning Information Services |
| Planning |

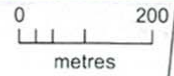


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
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COLAC OTWAY PLANNING SCHEME



LEGEND

 D-PAO AREA TO BE DELETED FROM A PUBLIC ACQUISITION OVERLAY

Part of Planning Scheme Map 16PAO

AMENDMENT C96

| Planning Mapping Services |
| Planning Information Services |
| Planning |



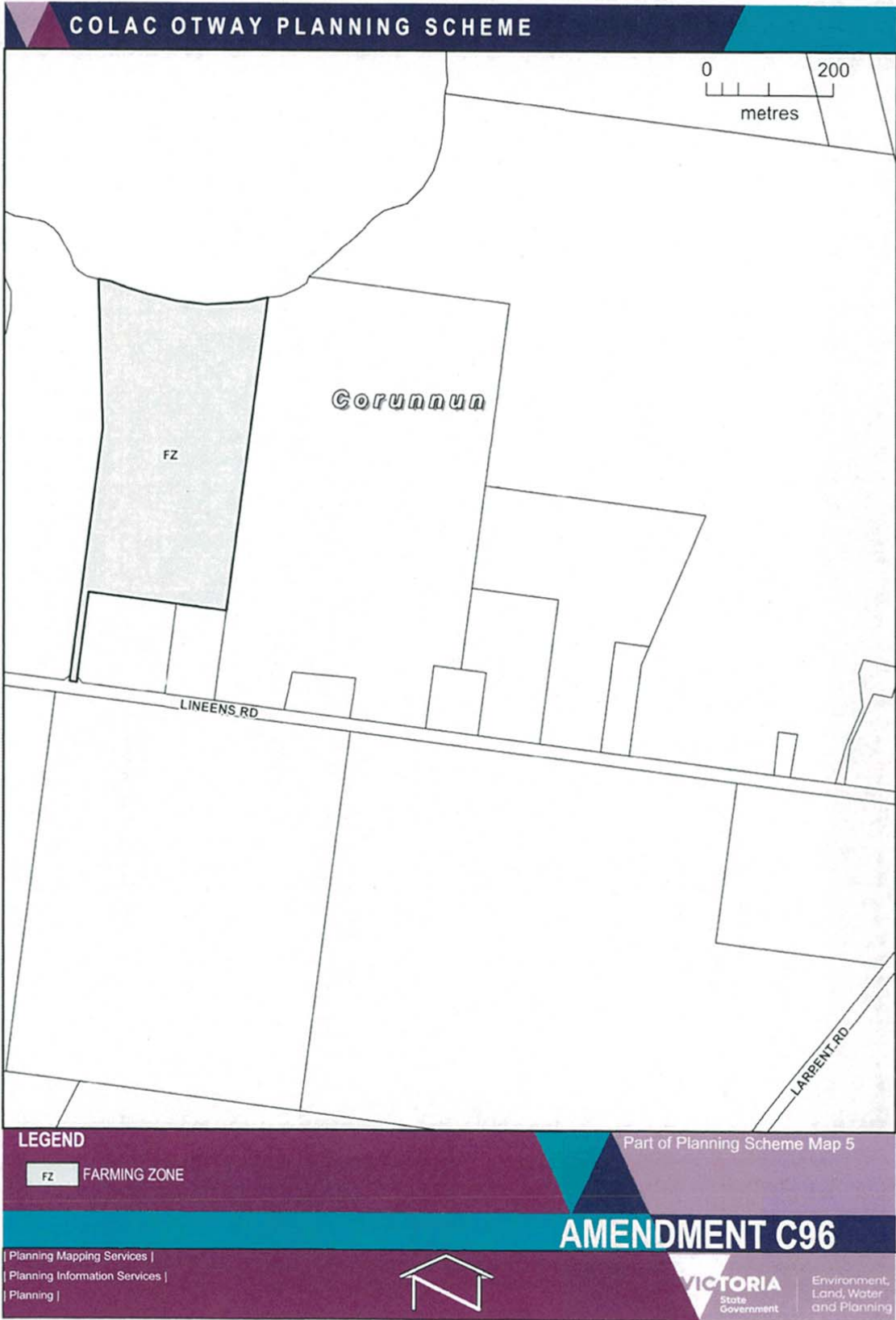
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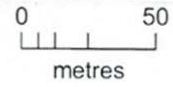
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COLAC OTWAY PLANNING SCHEME



LEGEND

- PUZ7** PUBLIC USE ZONE - OTHER PUBLIC USE
- TZ** TOWNSHIP ZONE
- FZ** FARMING ZONE

Part of Planning Scheme Map 16

AMENDMENT C96

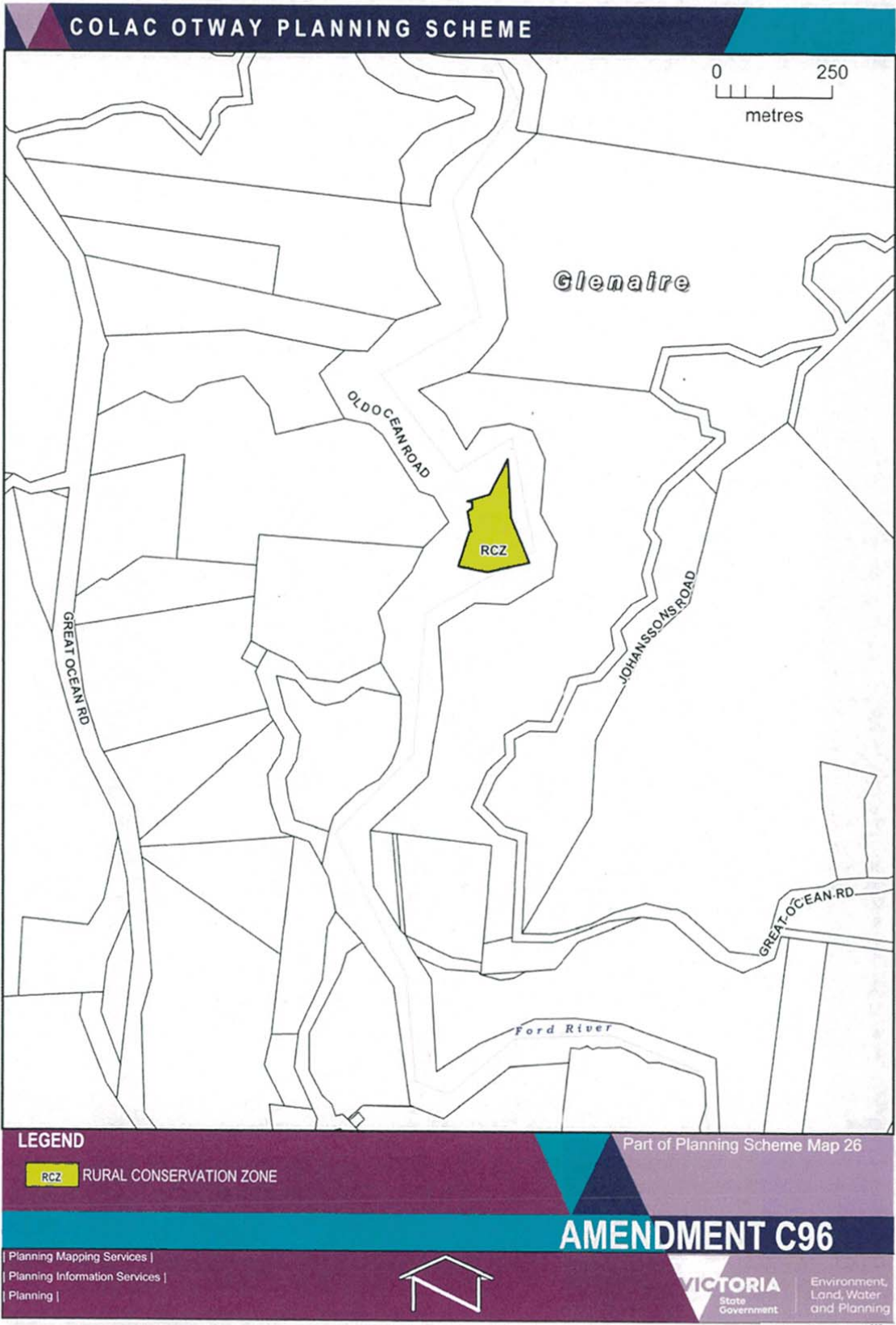
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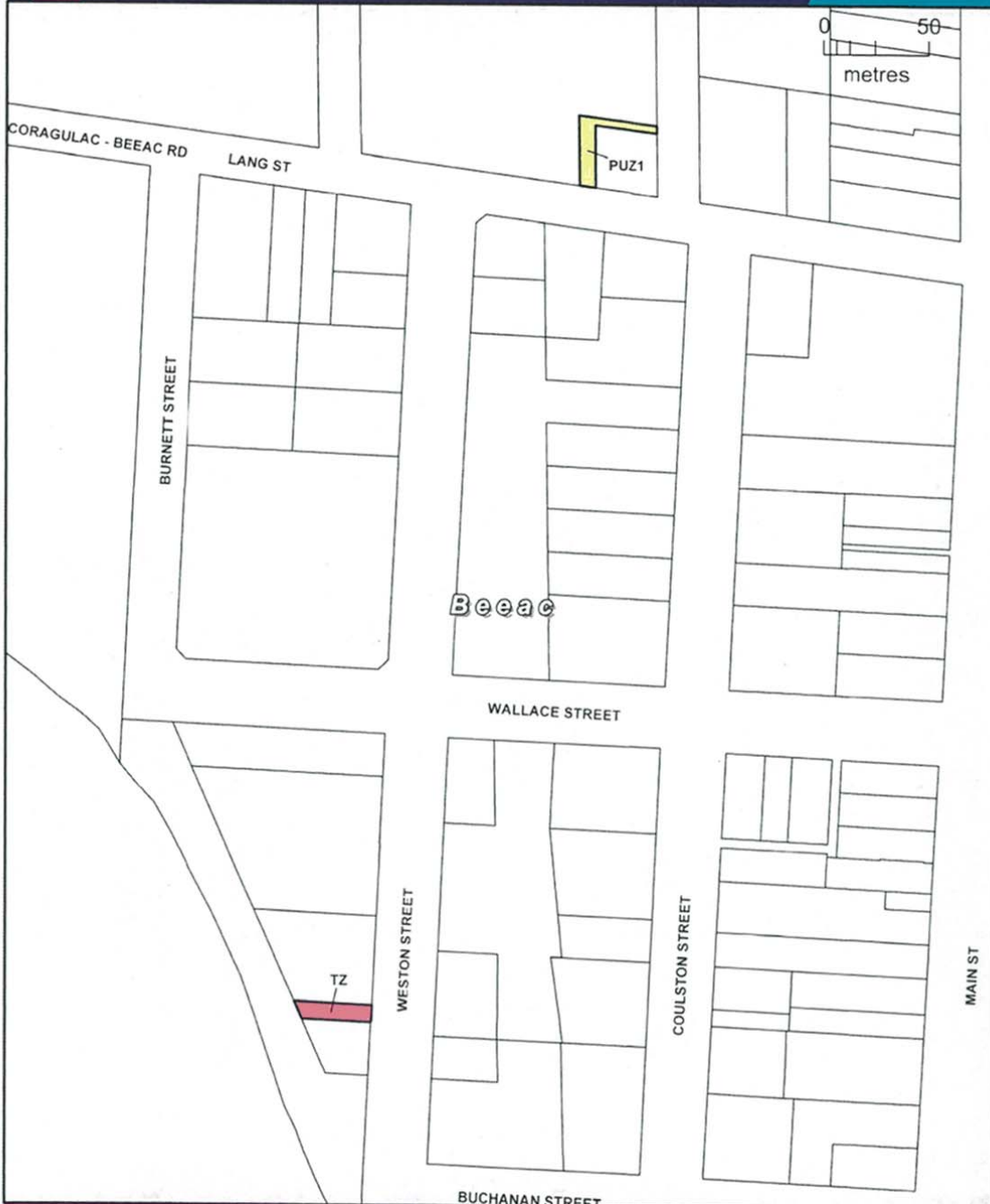
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

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COLAC OTWAY PLANNING SCHEME



LEGEND

-  PUZ1 PUBLIC USE ZONE - SERVICE AND UTILITY
-  TZ TOWNSHIP ZONE

Part of Planning Scheme Map 10

AMENDMENT C96

| Planning Mapping Services |
| Planning Information Services |
| Planning |



VICTORIA
State Government

Environment,
Land, Water
and Planning

003





COLAC OTWAY PLANNING SCHEME

AMENDMENT C96

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Colac Otway Shire, which is the planning authority for this amendment.

The Amendment has been made at the request of Colac Otway Shire.

Land affected by the Amendment

The Amendment applies to various parcels of land throughout the municipality.

What the amendment does

The Amendment corrects anomalies and errors in the mapping of the Colac Otway Planning Scheme.

Specifically, the amendment seeks to make the following changes:

Planning Scheme Zone Map Changes:

- Amend Planning Scheme Zone Maps 21 and 28 to rezone part of 465 Skenes Creek Road, Skenes Creek from Road Zone Category 1 (RDZ1) to Rural Conservation Zone (RCZ). The land is partly included in the RDZ1 zone. This zone is applied to VicRoads managed land. This amendment seeks to rezone the privately-owned land to RCZ (the balance of the lot) so that the zoning of the entire site is consistent, and reflects other privately owned properties in the locality.
- Amend Planning Scheme Zone Map 11 to rezone 6 Bath Street, Colac from Public Use Zone Schedule 6 (PUZ6) to Public Use Zone Schedule 3 (PUZ3). The Department of Health and Human Services own the land. The current zoning allows for Council land use. This amendment will reflect the current ownership and will allow health and community related land uses and development on the land.
- Amend Planning Scheme Zone Map 16 to rezone part of lot Res1 PS705228 (Boronia Way, Elliminyt) from the General Residential Zone Schedule 1 (GRZ1) to the Public Park and Recreation Zone (PPRZ). The land is part of a recently subdivided housing estate in Elliminyt. The land has been vested in Council to be used as parkland to service the needs of the community.
- Amend Planning Scheme Zone Map 17 to rezone 5E P081777, 8E P081778, 9E P081779 and 10E P081780 (79-81 Grant Street Forrest) from Rural Living Zone (RLZ) and Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ). The land is public (Crown) land and forms part of the Otway Forest Park. The land is currently included in zones associated with private land. The rezoning will ensure its zoning is consistent with the balance of the Otway Forest Park and reflect its current and future public use.

- Amend Planning Scheme Zone Map 7 to rezone part of 360 Corangamite Lake Road, Cororooke from the Farming Zone (FZ) to the Rural Living Zone (RLZ). The land, occupied by a dwelling, currently falls in two zones. A small section of land is zoned FZ. The rezoning will allow the entire lot to be included in the one zone, reflecting the current use of the land.
- Amend Planning Scheme Zone Map 13 to rezone part of 15-19 Strachan Street, Birregurra from the Township Zone (TZ) to the Public Park and Recreation Zone (PPRZ). The land is Crown land and forms part of the Birregurra Recreation Reserve. The land is to the rear of existing residential dwellings and is currently included in the Township Zone. The rezoning will ensure the zoning of the land is consistent with its current use, ownership and the broader zoning of the Reserve.
- Amend Planning Scheme Zone Map 11 to rezone 2A Alexander Street, Colac from the General Residential Zone Schedule 1 (GRZ1) to the Public Use Zone Schedule 1 (PUZ1). The land was excised off a residential lot, acquired by Barwon Water and is currently used as a sewerage pumping station. The proposed zoning acknowledges the existing ownership and the use of the land for public utility purposes.
- Amend Planning Scheme Zone Map 5 to rezone 162 Lineens Road, Corunnun (Lot 1 TP192207 and Lot 1 LP77507) from the Public Use Zone Schedule 6 (PUZ6) to the Farming Zone (FZ). The land was previously owned by Council and used as a quarry. The current zoning reflects the former use and ownership of the site. The land is now privately owned and the surrounding land is included in the Farming Zone. The zoning should revert to the underlying Farming Zone, reflecting both the currently land use and the rural character of the locality.
- Amend Planning Scheme Zone Map 16 to rezone part of 1535 Birregurra-Forrest Road, Barwon Downs from Township Zone (TZ) to Farming Zone (FZ), rezone part of 1571 Birregurra-Forrest Road, Barwon Downs from Public Use Zone 7 (Schedule 7) to Township Zone (TZ), rezone part of 1575 Birregurra-Forrest Road, Barwon Downs from Township Zone (TZ) and Farming Zone (FZ) to Public Use Zone 7 (Schedule 7) and rezone part of 1577 and 1579 Birregurra-Forrest Road, Barwon Downs from Farming Zone (FZ) to Township Zone. The zoning along this section of Birregurra-Forrest Road does not reflect the current title boundaries. All of the lots have at least two different zones. The rezoning of land represents a zone boundary re-alignment and will ensure that the zone reflects the site boundaries, ownership and the current land uses along the Birregurra - Forrest Road in Barwon Downs.
- Amend Planning Scheme Zone Map 26 to rezone 130 Old Ocean Road, Glenaire from the Public Conservation and Resource Zone (PCRZ) to the Rural Conservation Zone (RCZ). The land is currently included in a public land zone. The land is privately owned and occupied by a single dwelling. The application of the RCZ is consistent with the zoning of privately owned land in the locality.
- Amend Planning Scheme Zone Map 10 to rezone part 13 Lang Street, Beeac from the Farming Zone (FZ) to the Public Use Zone Schedule 1 (PUZ1). The land is currently owned and occupied by the CFA and used as a fire station. The zone does not, in part, reflect the title boundaries nor the current land use and ownership. This rezoning will ensure that the zone matches the title boundary and land use.
- Amend Planning Scheme Zone Map 16 to rezone 195 McCalls Road, Yeodene, from the Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ). The land is public (Crown) land and forms part of the Otway Forest Park. The land is currently included in a zone generally associated with private land. The rezoning will ensure the zoning of the land is consistent with the balance of the Otway Forest Park.

- Amend Planning Scheme Zone Map 10 to rezone part of 25 Weston Street, Beeac from the Public Use Zone Schedule 6 (PUZ6) to the Township Zone (TZ). The privately owned residential lot is partially covered by the PUZ6. This zoning is applied to Council owned land used for municipal purposes, and has been applied to the abutting Council works depot at 33 Weston Street. This zone appears to have been inadvertently extended into the adjacent private residential land at 25 Weston Street. This rezoning will ensure that this entire lot is located within the Township Zone.

Planning Scheme Overlay Map Changes:

- Delete Public Acquisition Overlay Map 16 to remove the PAO from 390 Dewings Bridge Road, Gerangamete and parts of 270 and 340 Dewings Bridge Road, Gerangamete. The properties form part of the Colac Water Supply Upgrade project. An acquisition overlay was placed over the land to facilitate its redevelopment for water utility purposes. The land has now been acquired by Barwon Water and the PAO is now redundant.
- Amend Planning Scheme Overlay Map 12 to remove the HO95 from 10 McDonnells Road, Birregurra. HO95 covers 10 McDonnells Road, Birregurra. This land has no heritage significance. The land in the heritage citation and ordinance section of the Colac Otway Planning Scheme refers to this land as 'Bleak House'. Bleak House is located nearby at 4970 Princes Highway, Birregurra. The current heritage overlay mapping is incorrect. This amendment will remove the incorrect overlay from the site.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to correct a number of errors and anomalies in the mapping of the Colac Otway Planning Scheme in order to improve the implementation of the Scheme. The amendment is part of Council's monitoring and review process required to ensure that the administration of the planning scheme is efficient and accurate. Several of the amendments were identified by land owners or their managers who requested that the zone or overlay provisions be updated.

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

The amendment implements the objectives of planning in Victoria. It results from the constant monitoring and review of the Colac Otway Planning Scheme to ensure that it is maintained in a clear and useable form and that land can be used and developed in accordance with the Act.

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

This amendment improves the operation of the Planning Scheme by correcting anomalies and errors, thus improving environmental, social and economic effects as the Planning Scheme will be implemented correctly.

Removing redundant planning controls will reduce economic burden on applicants by removing the requirement for applying for a planning permit when it is not justified.

Rationalising zoning of allotments into one zone and correcting mapping errors will avoid confusion for applicants and Council officers, removing or improving planning permit

processing times and reducing stress for applicants, resulting in positive social and economic effects.

Removing lapsed or incorrect overlay such as Public Acquisition Overlay (PAO) and Heritage overlays (HO) will also improve the functioning of the Planning Scheme by removing redundant planning permit triggers.

Does the Amendment address relevant bushfire risk?

The amendment does not impact on existing bushfire controls and will not result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act. Ministerial Direction No. 11 (Strategic Assessment of Amendments) is addressed through this explanatory report.

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

The correction of anomalies and errors in the Planning Scheme will improve the implementation of the SPPF.

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

The correction of anomalies and errors in the Planning Scheme will improve the implementation of the LPPF.

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

The amendments correct anomalies through the Colac Otway Planning Scheme to ensure the Victoria Planning Provisions are applied appropriately.

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

The amendment has been prepared, in part, with correspondence from the Department of Environment, Land, Water and Planning, VicRoads and Barwon Water. The relevant authorities will be further notified as part of the standard notice requirements during the exhibition period of this Amendment.

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

The Transport Integration Act 2010 is not relevant to this amendment.

Resource and administrative costs

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

The amendment will result in no negative impact on the resource and administrative costs for the Responsible Authority as the proposed changes are minor in nature. Administration

of the Colac Otway Planning Scheme will likely be more efficient as a result of this amendment.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following place:

Colac Otway Shire Council
2-6 Rae Street
COLAC VIC 3250

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

Planning and Environment Act 1987

COLAC OTWAY PLANNING SCHEME

AMENDMENT C96

INSTRUCTION SHEET

The planning authority for this amendment is the Colac Otway Shire.

The Colac Otway Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 14 attached map sheets.

Zoning Maps

Amend Planning Scheme Zone Map No's 5, 7, 10, 11, 13, 16, 17, 21, 26 and 28 in the manner shown on the 12 attached maps marked "Colac Otway Planning Scheme, Amendment C96".

Overlay Maps

Amend Planning Scheme Map No HO12 in the manner shown on the one attached map marked "Colac Otway Planning Scheme, Amendment C96".

Delete Planning Scheme Map No 16PAO in the manner shown on the attached map marked "Colac Otway Planning Scheme, Amendment C96".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

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

End of document

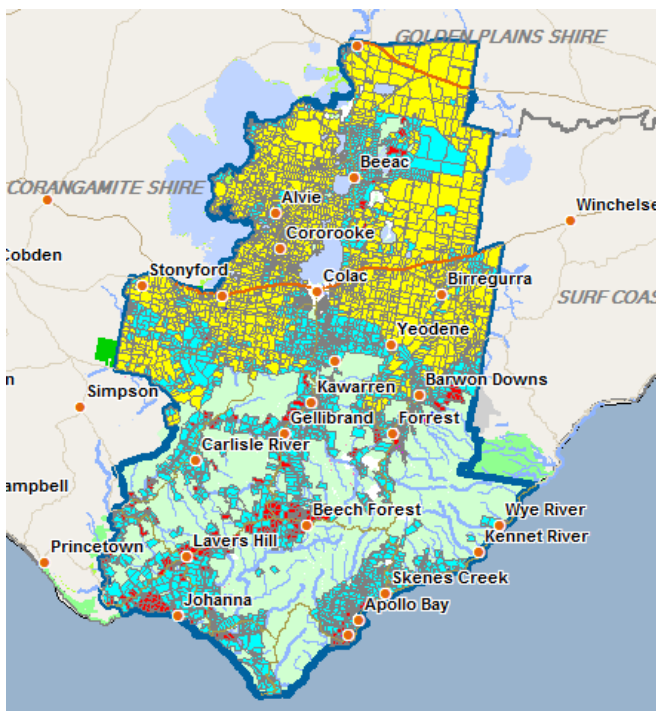
ORDINARY COUNCIL MEETING

RE-ENDORSEMENT OF COLAC OTWAY SHIRE'S DOMESTIC WASTEWATER MANAGEMENT PLAN "AS AMENDED"

OM172308-6

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Jonathan Brett	DEPARTMENT	Development & Community Services
TRIM FILE	F17/7021	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To seek re-endorsement of Colac Otway Shire's Domestic Wastewater Management Plan "as amended"		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

At its Ordinary Council Meeting on 25 November 2015 Council adopted the Colac Otway Shire Domestic Wastewater Management Plan (DWMP). The DWMP was developed to meet legislative requirements under State Environment Protection Policy (Waters of Victoria) (SEPP).

The DWMP adopted by Council is intended to be a living document. As the plan was not adopted 'as amended' operational learnings have not been able to be incorporated into the Plan. Such amendments are considered minor, do not change the fundamental nature of the plan and improve the outcomes of the plan.

It is intended to seek Council re-endorsement of the DWMP 'as amended' which allows future minor amendments, subject to the review of DWMP working group and approval of the General Manager Development and Community Services, rather than Council.

3. RECOMMENDATION

That Council:

- 1. Re-endorse the Domestic Wastewater Management Plan 'as amended'.*
- 2. Authorises the General Manager Development and Community Services to amend the Domestic Wastewater Management Plan for minor amendments noting four examples of minor changes required within this report.*

4. BACKGROUND / KEY INFORMATION

BACKGROUND

At its Ordinary Council Meeting on 25 November 2015 Council adopted the current version of the DWMP prepared by Whitehead and Associates and endorsed by Wannon Water and Barwon Water.

Colac-Otway Shire's Domestic Wastewater Management Plan (DWMP) was developed to meet legislative requirements under State Environment Protection Policy (Waters of Victoria) (SEPP) and in so doing, develop a plan to assist with the efficient and effective management of domestic wastewater within the Shire in a way which will minimise the potential risk posed by domestic effluent upon public health, the physical environment and local receiving environments.

In preparing the DWMP, COS meets the requirements of the Minister for Water's Guideline 1 - Planning Permit Applications in Open, Potable Water Supply Catchment Areas (DSE, November 2012) for DWM; to ensure existing and future development does not compromise the Declared Water Supply Catchments (DWSCs, otherwise known as drinking water catchments) and to assist in maintaining a sustainable environment. This enables Council and Water Authorities to apply flexibility to the State Government's guidelines for allowing development in declared water catchments through the planning permit process (i.e. to allow a higher density of development than 1 dwelling per 40 hectares).

KEY INFORMATION

The DWMP is detailed and comprehensive. Because of this detail, it was intended that the DWMP be a living document and subject to change. A consideration of the DWMP progress meeting with Barwon Water and Wannon Water was to discuss operational learnings from the first six months. The following items were discussed and the proposed amendments supported by the DWMP stakeholders. When looking to make the changes it was discovered that the DWMP was not adopted "as amended" and that each learning will need to be adopted by Council. Rather than return to Council for each amendment, re-adoption of the plan "as amended" will reduce red-tape for minor amendments.

The current amendments proposed from operational learnings to date include;

1. The moving of the sensitivity threshold between 'low' sensitivity sites and 'moderate' sensitivity sites.

The sensitivity 'rating' of a site is used to provide information to a property owner, land capability assessors and assessing officers as to whether a Land Capability Assessment (LCA) report will be required to support Planning applications/Septic applications will likely be required and the level of detail that will likely be required to support the application.

The DWMP provides a sensitivity rating for all unsewered properties/parcels within the Shire providing greater clarity for applicants, land capability assessors and assessing officers.

Inspections to date have shown that those properties on the lowest end of "Moderate" sensitivity could be re-classified as "Low sensitivity". Some of these properties may still require an LCA following a site inspection however *"Constraints are present at a low level and are unlikely to substantially limit opportunities for DWM. In most cases appropriately designed and managed conventional systems will be accepted."*

Any variance in sensitivity threshold will only alter those properties/parcels outside of declared water supply catchments.

2. Modify the 'Land Capability Assessment Checklists' (Checklists) to improve workflow.

The checklists require an assessor to provide site and preliminary design information to Council to confirm the sensitivity of the site based on the new data (Report element 4 LCA Confirmation).

Operationally, there have been no variations in sensitivity category from the information submitted by assessors. This reporting step was intended to allow land capability assessors to advise of the increase/decrease of sensitivity following fieldwork at the subject property. In practical terms, this has provided no significant benefit to the process. If further information is required, this request may be made upon receipt and review of the LCA.

3. Provide an explicit statement regarding potential short-falls in data provided by Colac-Otway Shire.

An LCA submitted in a Water Supply Catchment did not accommodate a stream that exists as it was not in the data sets in the settlement profiles. Wannon Water have requested that caveats be included within the DWMP and Councils webpages to state;

"While every effort is made to consider all relevant factors in the sensitivity mapping, information used may not account for relevant features. E.g. some streams may not be captured in the mapping which may impact sensitivity and usable land".

The DWMP, as adopted, is an ambitious, complex and detailed document. Due to the complexity it is intended to be a "living document" where learnings from implementation can be re-incorporated to improve the plan. Due to the wording in the Council resolution, amendments currently have to be approved by Council.

1. Amendments to the DWMP are minor and more appropriately dealt with by mechanisms other than a Council resolution. Allowing for operational amendments will reduce red-tape.
2. Approval of amendments by a stakeholder group comprising Water Authorities and COS with approval by General Manager Development and Community Services will provide oversight suitable for the changes.
3. The amendment will allow for operational changes to be made in a timely manner. The example amendments above were observed and raised at the first six monthly meeting of stakeholders (Wannon Water, Barwon Water and Colac-Otway Shire).
4. Amendments that improve processes and resources required to achieve the outcomes of the DWMP will benefit the wider community, generally allowing for reduced red-tape when making planning applications affected by the DWMP.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

Extensive consultation has been undertaken with respect to how the DWMP was developed and the adoption of the final plan. Re-endorsement “as amended” will not require community consultation and engagement.

Water Authority approval is required to ensure flexibility under Minister for Water’s Guideline 1 - Planning Permit Applications in Open, Potable Water Supply Catchment Areas (DSE, November 2012) is retained. This approval is gained through the DWMP working group.

Wannon Water and Barwon Water support this proposal to seek the DWMP to be endorsed by Council ‘as amended’ to allow future minor amendments.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

Re-endorsement of the DWMP “as amended” will enable operational amendments allowing for better application of the DWMP. This will translate to improved planning process for applicants.

ENVIRONMENTAL IMPLICATIONS

Re-endorsement of the DWMP “as amended” will have no adverse environmental implications.

SOCIAL & CULTURAL IMPLICATIONS

Re-endorsement of the DWMP “as amended” will have no adverse social and cultural implications.

ECONOMIC IMPLICATIONS

Re-endorsement of the DWMP ‘as amended’ will benefit the community by allowing amendments that improve processes and to the planning applicants by reducing red tape. This will result in less cost to the community and potential encourage greater appropriate development.

LEGAL & RISK IMPLICATIONS

There is no legal and risk implications. The proposed governance structure for amendments of the DWMP, requires approval by Water Authorities and by General Manager Development and Community Services. This will form approval by all stakeholders.

Confirmation will be required that officers at the working group level can recommend approval of operational amendments on behalf of their parent organisation for the General Manager Development and Community Services to approve.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Re-endorsement of the DWMP ‘as amended’ will improve the process and application of the DWMP. It is not possible to quantify the resource gains.

7. IMPLEMENTATION STRATEGY

DETAILS

Re-endorsement of the DWMP 'as amended' requires a Council resolution only. Subject to Council resolution the minor amendments detailed in this report would be approved by the General Manager Development and Community Services.

Future recommended amendments by the DWMP working group would be submitted in writing to the General Manager for consideration.

COMMUNICATION

Subject to the Council resolution Wannon Water and Barwon Water would be informed. Communication around specific amendments will be undertaken on an amendment by amendment basis.

Consultants that work within the field would be informed of the amendments to the DWMP.

TIMELINE

Subject to Council endorsement, the minor changes outlined within this report will be considered by the General Manager and likely to be authorised in August then become effective immediately.

The amended DWMP would be immediately be updated on Council's website.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

ORDINARY COUNCIL MEETING
**OLD BEECHY RAIL TRAIL MINUTES AND
 ASSEMBLY OF COUNCILLORS NOTES**
 OM172308-7

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Trevor Olsson
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Meeting Minutes - Old Beechy Rail Trail Committee - 4 April 2017 2. Assembly of Councillors - Councillor Briefing - 12 July 2017 3. Assembly of Councillors - Friends of the Colac Botanic Gardens - 13 July 2017 4. Assembly of Councillors - Councillor Briefing - 19 July 2017 5. Assembly of Councillors - Councillor Briefing - 26 July 2017 6. Assembly of Councillors - Lake Colac Advisory Committee - 1 August 2017 7. Assembly of Councillors - 2 August 2017 8. Assembly of Councillors - Councillor Briefing - 2 August 2017 9. Assembly of Councillors - Central Reserve Advisory Committee - 2 August 2017 10. Assembly of Councillors - 9 August 2017 - 12.15pm 11. Assembly of Councillors - Councillor Briefing - 9 August 2017 12. Assembly of Councillors - 9 August 2017 - 4.45pm 13. Assembly of Councillors - 16 August 2017 14. Assembly of Councillors - Councillor Briefing - 16 August 2017 		
PURPOSE	To note the minutes of the Old Beechy Rail Trail Committee and to note the Assemblies of Councillors		

1. LOCATION PLAN / AERIAL PHOTO

Not applicable

2. EXECUTIVE SUMMARY

OLD BEECHY RAIL TRAIL COMMITTEE MINUTES

The minutes of the Old Beechy Rail Trail Committee from the meeting held on 4 April 2017 are attached. Meetings are held every two months, commencing February of each year.

ASSEMBLY OF COUNCILLORS

The *Local Government Act 1989* requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and incorporated in the minutes of the Council meeting. All relevant meetings have been recorded, documented and will be kept by Council for 4 years. The attached documents provide details of those meetings held that are defined as an Assembly of Councillors.

3. RECOMMENDATION

That Council:

1. *Notes the Minutes of the Old Beechy Rail Trail Committee for 4 April 2017.*
2. *Notes the Assembly of Councillors reports for:*
 - *Councillor Briefing* *12 July 2017*
 - *Friends of the Colac Botanic Gardens Advisory Committee* *13 July 2017*
 - *Councillor Briefing* *19 July 2017*
 - *Councillor Briefing* *26 July 2017*
 - *Lake Colac Advisory Committee* *1 August 2017*
 - *Councillor Briefing* *2 August 2017*
 - *Assembly of Councillors* *2 August 2017*
 - *Central Reserve Advisory Committee* *2 August 2017*
 - *Assembly of Councillors 12.15pm* *9 August 2017*
 - *Councillor Briefing* *9 August 2017*
 - *Assembly of Councillors 4.45pm* *9 August 2017*
 - *Assembly of Councillors* *16 August 2017*
 - *Councillor Briefing* *16 August 2017*

4. BACKGROUND / KEY INFORMATION

OLD BEECHY RAIL TRAIL COMMITTEE MINUTES

Colac Otway Shire formed the Old Beechy Rail Trail Committee (OBRTC) on 26 September 2001. The OBRTC was conferred as a Section 86 Committee under the *Local Government Act 1989* and delegated the functions, duties and powers set forth in the schedule titled Old Beechy Rail Trail Committee Charter. The Charter was developed as the basis of the Instrument of Delegation to be used by the Old Beechy Rail Trail Committee.

The Old Beechy Rail Trail Committee, Special Committee, Charter states that:

- “Minutes of the Old Beechy Rail Trail Committee should be included in the Council agenda once any confidential items have been identified and the minutes have been confirmed by the Committee” (Item 6.1.1).
- “Confidential minutes of the Old Beechy Rail Trail Committee are to be included in an In-Committee agenda of Council” (Item 6.1.2).

ASSEMBLY OF COUNCILLORS

The *Local Government Act 1989* S.3 (1) defines an 'Assembly of Councillors' as:

A meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers or is likely to be:

- the subject of a decision of the Council or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

The *Local Government Act 1989* S.3 (1) defines an Advisory Committee as:

Any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a Special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under S. 98 (Delegations).

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable

6. ANALYSIS

ASSEMBLY OF COUNCILLORS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

The *Local Government Act 1989* requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and incorporated into the minutes of the Council meeting.

ISSUES / OPTIONS

Not all gatherings or meetings at which Councillors are present will constitute assemblies of Councillors. For a meeting to be an assembly of Councillors it MUST be one of the two types of meetings described above.

ENVIRONMENTAL IMPLICATIONS

Not applicable

SOCIAL & CULTURAL IMPLICATIONS

Not applicable

ECONOMIC IMPLICATIONS

Not applicable

LEGAL & RISK IMPLICATIONS

The inclusion of the Assembly of Councillors report meets the compliance requirements of the *Local Government Act 1989*:

Section 80 A – requirements for an assembly of Councillors;

Section 3 (1) – definition of an ‘advisory committee’ and ‘assembly of Councillors’.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

Nil

7. IMPLEMENTATION STRATEGY

ASSEMBLY OF COUNCILLORS

COMMUNICATION

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform. This is achieved by including documentation and notification of the Assemblies of Councillors that have occurred to the public at the Ordinary Council meeting.

TIMELINE


All meetings that are defined as an Assembly of Councillors will be recorded, documented and kept by Council for 4 years. They will be reported to the next practicable Ordinary meeting of Council.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

MINUTES


	ITEMS & ACTIONS	RESPONSIBLE OFFICER	ACTION DUE DATE
1.	ATTENDEES Cr. Chris Smith (Chairperson), Bernard Jordan, Ronice Knight, Noel Barry, Sue Thomas, Philippa Bailey, Tricia Jukes. Nicole Frampton (COS – Minutes) Non-voting members – Philip Dandy, Tony Grogan		
2.	APOLOGIES Cyril Marriner, Mark Mellington (Parks Victoria), Nathan Swain, Bec Cross (DELWP - Proxy), Jordan Wood, Bob Atkins, Virginia Atkins.		
3.	CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 6 February 2017 Corrections – Minor corrections made and then confirmed. Moved – Ronice Knight Seconded – Bernard Jordan Carried		
4.	BUSINESS ARISING from previous minutes. <ul style="list-style-type: none"> Signage – reporting defects along the OBRT, Code of Conduct, horses on the trail – Committee discussion. Crowes Buffer Station Site – the community member has not contacted the Friends to organise a working bee. No work completed. Coram Station Sign – replacement of the sign in progress OBRT New Maps and Brochure – Committee discussion – no work has progressed. Committee Appointment of C. Marriner – Committee Question – When is the report going to Council? Response – Expected to go to the May 2017 Ordinary Council Meeting. 	Nicole Frampton	
5.	CORRESPONDENCE – IN <ul style="list-style-type: none"> 10 February 2017 – Trail Feedback – Committee discussed the user feedback and identified issues when using the trail. 2 March 2017 – Trail Feedback – Committee discussed the user feedback and identified issues when using the trail. Christian's Bus Co account received for committee tour on 23 February – Committee to pay this account. See Treasurer's Report for decision. 		
6.	CORRESPONDENCE – OUT <ul style="list-style-type: none"> Various Emails to V/Line re Renewal of Colac Station Licence. 21 February 2017 – Response to trail feedback received on 10/02/2017. 21 March 2017 – Response to trail feedback received on 2/03/2017 		
7.	WORKS REPORT – Presented by Nicole Frampton Works Report – Provided by COS Gellibrand Depot Old Beechy Rail Trail works since last meeting (6 February 2017).	Nicole Frampton	


	<ul style="list-style-type: none"> Large tree near Lovat Station has been removed. Works/inspections of trail prior to recent events. <p>Action: Nicole to get works report from Gellibrand depot for works completed.</p> <p>Issues to discuss with Gellibrand depot following the Otway Trail Run.</p> <ul style="list-style-type: none"> 103 mile post to Birnam Station – tree pruning and slashing did not appear to be completed prior to Rotary Club's Otway Trail Run. Action: Nicole to discuss with Gellibrand depot. Steep decent before Gellibrand bridge – a participant had a fall resulting in injury (first aid treatment administered on the day). Committee discussion - the gravel surface for this area can be slippery. Committee discussed whether signage should be installed to warn trail users that the trail can be slippery. Committee asked whether some sections could be a different surface, discussion that this would eliminate the slippery gravel however could result in still having a slippery trail surface due to weather conditions ie moss, rainfall, debris on the surface, etc. In the interim, Nicole to discuss with the Gellibrand Depot whether signage should be installed to warn trail users of the possible slippery surface. Action: Nicole to discuss with Gellibrand Depot to determine possible interim and long term measures for this section of the trail. Outstanding Works: <ul style="list-style-type: none"> Trail pavement surface works and drain souring works identified during trail inspection. Action: Nicole to discuss with Gellibrand Depot and get a date for when the works will be completed. <p>Project Report – provided by Project Delivery Officer</p> <ul style="list-style-type: none"> No current OBRT Projects – Nothing to report 		
8.	<p>FRIENDS REPORT</p> <ul style="list-style-type: none"> McDevitt shelter – the Friends held a working bee where the shelter was repainted, cleaned and tidied. For Committee Information – Letter received from bus tour operator informing them of a tour of the Timboon Rail Trail this coming weekend. For Committee Information – February 1966 was the last time a train ran on the Old Beechy Railway line. It was a diesel rail tractor. The Friends provided some history around the train. 	Noel Barry	
9.	<p>TREASURERS REPORT</p> <ul style="list-style-type: none"> Treasurer's Report submitted at the meeting. Closing balance to 28/02/2017 is \$6,895.60. Moved: Tricia Jukes Second: Philippa Bailey Carried. Motion – "That the Old Beechy Rail Trail Committee pay the account for 	Tricia Jukes	

	<p>the bus hire for the Committee trail tour conducted on 23/02/2017". Moved: Noel Barry Second: Bernard Jordan Carried.</p> <ul style="list-style-type: none"> Mini-Brochure Feedback – See General Business for discussion. 																																																																									
10.	<p>EXECUTIVE OFFICER REPORT</p> <p><u>Pedestrian Tracker Counters</u></p> <table border="1"> <thead> <tr> <th></th> <th>Reading</th> <th>Ped Count</th> <th>No of Days</th> <th>Peds/day</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Colac</td> <td>7816 (23/2)</td> <td>230</td> <td>23</td> <td>10</td> </tr> <tr> <td>8211 (4/4)</td> <td>395</td> <td>41</td> <td>10</td> </tr> <tr> <td rowspan="2">Coram</td> <td>1275 (23/2)</td> <td>108</td> <td>23</td> <td>5</td> </tr> <tr> <td>1735 (4/4)</td> <td>460</td> <td>41</td> <td>11</td> </tr> <tr> <td rowspan="2">Maggio's Rd.</td> <td>30453 (23/2)</td> <td>249</td> <td>23</td> <td>11</td> </tr> <tr> <td>30996 (4/4)</td> <td>543</td> <td>41</td> <td>13</td> </tr> <tr> <td rowspan="2">Maxwell Rd.</td> <td>64854 (23/2)</td> <td>27110</td> <td>113</td> <td>240 * Excessively High</td> </tr> <tr> <td>65288 (4/4)</td> <td>434</td> <td>41</td> <td>11</td> </tr> <tr> <td>Fry's Rd.</td> <td>7344 (23/2)</td> <td>2324</td> <td>161</td> <td>14</td> </tr> <tr> <td>Larson's Gate</td> <td>40347 (23/2)</td> <td>3592</td> <td>166</td> <td>22</td> </tr> <tr> <td>Zappelli's</td> <td>33645 (23/2)</td> <td>1099</td> <td>112</td> <td>10</td> </tr> <tr> <td>Ditchley</td> <td>10005 (23/2)</td> <td>950</td> <td>112</td> <td>8</td> </tr> <tr> <td>Beech Forest</td> <td>4601 (23/2)</td> <td>1148</td> <td>112</td> <td>10</td> </tr> <tr> <td>Fairyland</td> <td>5861 (23/2)</td> <td>1815</td> <td>112</td> <td>16</td> </tr> </tbody> </table> <p><u>Event Applications</u></p> <ul style="list-style-type: none"> Nil received. Trinity Year 9 Beechy Walk Dates – 18, 19, 20, 21 April 2017. <p><u>Event Feedback</u></p> <ul style="list-style-type: none"> Rotary Club of Colac – Otway Trail Run – Barongarook to Gellibrand – 19 March 2017. Event Feedback <ul style="list-style-type: none"> 160 runners participated in this year's event. 103 mile post to Birnam Station section – See Works Report for discussion and action. 		Reading	Ped Count	No of Days	Peds/day	Colac	7816 (23/2)	230	23	10	8211 (4/4)	395	41	10	Coram	1275 (23/2)	108	23	5	1735 (4/4)	460	41	11	Maggio's Rd.	30453 (23/2)	249	23	11	30996 (4/4)	543	41	13	Maxwell Rd.	64854 (23/2)	27110	113	240 * Excessively High	65288 (4/4)	434	41	11	Fry's Rd.	7344 (23/2)	2324	161	14	Larson's Gate	40347 (23/2)	3592	166	22	Zappelli's	33645 (23/2)	1099	112	10	Ditchley	10005 (23/2)	950	112	8	Beech Forest	4601 (23/2)	1148	112	10	Fairyland	5861 (23/2)	1815	112	16	Nicole Frampton	
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	<ul style="list-style-type: none"> ○ Steep decent before Gellibrand bridge – See Works Report for discussion and action. ● We Ride Bikes – Otway 300 – 1 April 2017 – 10am to 5pm No event feedback received. 		
11.	<p>GENERAL BUSINESS</p> <ul style="list-style-type: none"> ● Committee Trail Inspection Notes – Thursday 23 February 2017 <ul style="list-style-type: none"> ○ Committee attendees – Nicole Frampton, Cr Chris Smith, Sue Thomas, Bec Cross (DELWP proxy), Bernard Jordan, Philippa Bailey, Ronice Knight, Tony Grogan, Noel Barry. Tricia Jukes met group at Ditchley. Andrew Daffy met the group and Ditchley. ○ Committee apologies – Nathan Swain, Mark Mellington, Cyril Marriner, Bob and Virginia Atkins. ○ Inspection comments: <ul style="list-style-type: none"> ▪ Colac section – needs mowing, graffiti on signs, paddock needs mowing. ▪ Queen/Wilson St Roundabout – is it possible to move the signs to the Active Transport sign in the middle of the roundabout? ▪ Aireys/Queen St corner – sign faded, needs replacing. ▪ Forrest Rd – need to re-classify the road to a shared pathway for bicycle use – corrugations and loose gravel is often too dangerous to ride bikes on. ▪ Alfords Rd, Barongarook – sign faded, needs replacing. ▪ Alfords/Maggio's Rd intersection – sign missing, replace sign. ▪ 103 Mile Post – need reach arm along this section – it's a bit overgrown. ▪ All signs need a good wash. ▪ Missing km markers – 7km sign (Forrest/Shorts Rd), 11km and 12km signs at Barongarook, Alfords Rd – Will need to be replaced in the future. ▪ Trees – between Campiglis and Phillips property need trimming. ▪ Phillips driveway – a yellow OBRT sign could be installed to provide better direction for trail users (people continue along Phillips driveway thinking they are on the trail even though there is signage along the driveway informing users to turn around and go back). There is a finger board; however a yellow sign would be more noticeable. ▪ Gellibrand township – Need new finger board signs. ▪ Humphris property – need signage at loop entry to direct users. ▪ Steep section – need to relocate/move the dismount signs to further back at the top of the hill prior to the decent. ▪ Banool section – Noel provided a map with a proposed realignment and committee members inspected the section. ▪ One of the major concerns discussed on the tour was the safety for users along the Ditchley section of the trail. ● Future planning / OBRT improvements <ul style="list-style-type: none"> ○ Barongarook Rd – Committee member asked if the committee has in the past considered an off-road option along Barongarook Rd where 	Nicole Frampton	



	<p>users are required to share the road. This section can be dangerous due to the amount of traffic that use the road. Safety of users is a concern, especially families.</p> <ul style="list-style-type: none"> ○ Scanlan/Wyuna section – it is expected that this will be a future section of the trail. The committee asked if information about this section of the trail is available to Committee members so that planning can commence for when this section of the trail becomes available. ○ Friends Rd to Tulloh section – If the Scanlan/Wyuna Estate section of the trail is developed in the future, the Committee discussed how this section could link with the current trail alignment. This would eliminate the need to use the current Forrest Road section. ○ Following the above discussions about possible new sections and realignments to the existing trail, the committee further discussed whether they should be approaching land owners to get an understanding as to whether they would be interested in being involved in any future sections of the trail being developed/realigned. Any approach to property owners must be in accordance with the “Old Beechy Rail Trail Licence Agreement Fact Sheet (March 2015) – document attached for the Committee members information. ○ The Committee will need to undertake some preliminary planning for these sections of the trail and how they will align any new sections with the current sections of the trail. To commence this, the following motions were passed: <p>Motion 1 – “That Nicole source maps of the area from Aireys Street to Coram including Forest St to Colac Lavers Hill Road”. Moved - Noel Barry Seconded - Tricia Jukes Carried.</p> <p>Motion 2 – “That Cr Chris Smith, Noel Barry and Tricia Jukes begin the process of having informal discussion with the affected potential landowners for any possible future alignment for the Old Beechy Rail Trail”. Moved – Philippa Bailey Seconded – Sue Thomas Carried.</p> <ul style="list-style-type: none"> • Trail development of the Queen St & Pound Rd corner – nothing further to report. Nicole to keep the committee updated. • Condition of the trail and negative feedback (Colac Herald and Letters received) – Issues discussed by the Committee in Correspondence. • Review “Use of the Old Beechy Rail Trail by Recreational Vehicles” Policy – Discussion. Nicole to review and update as necessary. • Beechy Fun Run – event update – See Executive Officer report. 	<p><i>Following discussion with Managers, a Council officer must be included in any meetings/ discussions with property owners.</i></p>	
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<ul style="list-style-type: none"> • Coach on OBRT at Kawarren – Local resident has reported this to COS Local Laws department. Bus has now been moved from the area by owner. • Cleaning of rail trail signs and clearing weeds – Philippa proposed that she will undertake this task on behalf of the OBRT Committee and Friends of OBRT Committee. • OBRT management plan – the committee discussed the development of a management plan. New committee members were informed that some strategic planning for the trail has previously been completed; Nicole to circulate the two strategic documents. The Committee discussed establishing a working group/sub-committee to review the current documents and update where necessary. Development of a Marketing/Promotions Plan (could include the future use of establishing an Old Beechy Rail Trail App). Other suggestions include: <ul style="list-style-type: none"> ○ Installing OBRT maps in various places/locations along the trail showing "you are here". Would then provide users with guidance as to where they are going and other sections of the trail that could be completed. ○ Facebook page – Nicole to check if the committee is able to develop a page and whether this could then link to Council's website (and vice-versa). Sue could help with this task however she would require someone else to help. Need to consider the ongoing work required to keep a Facebook page current. ○ Using the Rail Trails Australia website better. <p>At the next meeting it was suggested that if Bec Cross from DELWP is able to attend, she could provide an update on the work that is currently being undertaken by DELWP for tracks, trails, promotion, etc.</p> <ul style="list-style-type: none"> • Develop/review OBRT promotion at local events – the Committee discussed the development of a calendar of local events so that the committee can consider organising a display. Committee discussed the development of a Festival/Event Promotion Pack. See Mini Brochure discussion for further information. • Mini Brochure Discussion – as a way to increase awareness of the OBRT and the production of the new brochure, the Committee discussed having a Festival /Event promotional display pack to promote the trail at local events. The pack would include items such as pull up banner, teardrop flags, brochures, table, chair for example. <p>Motion – “The Committee authorises Tricia Jukes to purchase some additional promotional materials with the balance of funding available under the mini-brochure funding application with the intention of having a promotional pack”.</p> <p>Moved – Philippa Bailey Seconded – Sue Thomas Carried.</p>	
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	<p>Discussion was also held about the future selling of the detailed OBRT maps. Following discussions with local Visitor Information Centres, it was determined that it will be difficult to sell this style of map in the future. The brochures are a good form of advertising the trail.</p> <ul style="list-style-type: none"> • Golden Gumboot 2017 – Program suggestions. Tricia & Philippa have been working on developing a plan for this year's program. The proposed theme for this year's event is the "Timber industry". The event will focus on 2 activities – one targeted at young people and all abilities using the Gellibrand township to Larson's Gate section, and the other a Golden Gumboot Challenge over 25km, which will avoid the Humphris/Ditchley section due to the condition of this section of the trail during the wetter months. • Lavers Hill to Crowes and Melba Gully – Committee asked for an update of the project. The Committee was informed that Council endorsed the designs and the developed concept plans and report. The development of the concept plans will assist in advocating for the project and the project will now need to wait for future funding to complete further planning. • Potable water along the trail – need to determine where, and if there is, access to potable water along the trail. If potable water is available, Committee should consider promoting this and it could be included on any future maps. This follows a request by a trail user to know if there is potable water available at Beech Forest. • Mr. A. Daffy has recently retired from Colac Otway Shire. Given Mr. Daffy's extensive knowledge and support of the trail during his time with Colac Otway Shire, the Committee has asked Nicole to formally approach Mr. Daffy to see if he would like to attend the OBRT meetings and the role he would like to have, if any, on the committee. Cr Chris Smith suggested that a "Certificate of Appreciation/Thanks" on behalf of the committee for his wonderful service to this committee, easy going attitude and assistance in getting works completed be acknowledged. 		
12.	<p>Meeting closed 12:20pm.</p> <p>Next meeting – Tuesday 6 June 2017 – 10am to 12.30pm. Venue – COPACC Rehearsal Room</p> <p>Meeting dates for 2017 – 1st Tuesday of the even months – 10am to 12:30pm.</p> <ul style="list-style-type: none"> • Tuesday 8 August 2017 • Tuesday 3 October 2017 • Tuesday 5 December 2017 		



Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gareth Smith		
ATTENDEES: Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gary Warrener, Shellie Nicholls, Greg Fletcher, Emma Clark, Margaret Giudice, Blaithin Butler, Sarah McKew, Lyndal Mclean		
EXTERNAL ATTENDEES:		
APOLOGIES: Cr Woodcroft, Gareth Smith		
ABSENT: Cr Smith		
Meeting commenced at 11.55am		
Declaration of Interest	Item	Reason
Nil		
Councillor Briefing		
Time	Item	Attendees
11.55am – 12.15pm	Child Safe Standards	Greg Fletcher Shellie Nicholls
12.15pm – 12.22pm	2017 Great Ocean Road Running Festival - Event Review	Gary Warrener Emma Clark
12.22pm – 12.28pm	Break Cr Hart left the meeting at 12.22pm; returned at 12.28pm Cr McCracken left the meeting at 12.22pm; returned at 12.28pm	



Time	Item	Attendees
12.28pm – 1.05pm	2017 Community Satisfaction Survey Cr Hart left the meeting at 1.00pm; returned at 1.03pm	Margaret Giudice
1.05pm – 1.50pm	Break	
1.50pm – 2.15pm	2017/2018 Small Town Improvement Program (STIP) Allocation of Funds	Gary Warrenner
2.15pm – 3.08pm	Draft Municipal Health & Wellbeing Plan	Greg Fletcher
3.08pm – 3.15pm	Break Cr Hanson left the meeting at 3.08pm; returned at 3.15pm Cr McCracken left the meeting at 3.08pm; returned at 3.15pm Cr Hart left the meeting at 3.10pm; returned at 3.15pm	
3.15pm – 3.32pm	General Business <ul style="list-style-type: none"> • Challenges for Rural and Regional Councils' submission • Annual waste report • Saleyards • Beechy Rail Trail incident 	
3.32pm – 3.40pm	Planning Committee Meeting Preparation Cr Schram attended the meeting at 3.32pm	Blaithin Butler Sarah McKew Lyndal McLean
3.40pm	Meeting closed	



Assembly of Councillors Record

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Assembly Details:

Date: 13, 7, 17
Time: 6.00 am/pm

Assembly Location: Colac Botanic Gardens Tea room
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

In Attendance:

Councillors: J. McCracken, / / /

Officer/s: MARK ROBINSON, / / /

MURIEL TAYLOR, / / /

Matter/s Discussed: Colac Botanic Friends of the Gardens

July Meeting

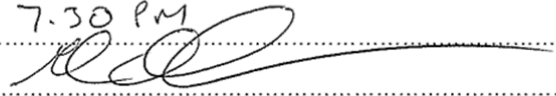
(some e.g's. Discussions with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors: Nil, / / /

Officer/s: Nil, / / /

Left meeting at: 7.30 PM

Completed by: 

Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gareth Smith		
ATTENDEES: Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Trevor Olsson, Tony McGann, Gary Warrener, Ian Seuren, Vige Satkunarajah, Sean O'Keeffe, Greg Fletcher, Michael Swanson, John Clark, Sarah McKew, Andrew Kavanagh		
EXTERNAL ATTENDEES: Nil		
APOLOGIES: Cr Woodcroft, Sue Wilkinson, Gareth Smith		
ABSENT: Cr Smith		
Meeting commenced at 1.42pm		
Declaration of Interest	Item	Reasons
Ian Seuren	<ul style="list-style-type: none"> Bluewater Stadium - Colac Basketball Association User Agreement Bluewater Leisure Centre Consulting Rooms 	Indirect interest - son plays with and partner coaches in the Colac Basketball Association
Councillor Briefing		
Time	Item	Attendees
1.42pm – 2.30pm	Amendment C86 and the Colac Township - Economic Development Commercial and Industrial Land Use Strategy 2017 – Planning Panel Report	Vige Satkunarajah Sean O'Keeffe
2.30pm – 2.33pm	Municipal Health and Wellbeing Plan	Greg Fletcher
2.33pm – 3.08pm	Colac Regional Saleyards Update Cr Schram left the meeting at 3.02pm; returned at 3.05pm	Michael Swanson



Time	Item	Attendees
3.08pm – 3.15pm	Break	
3.15pm – 3.45pm	Bluewater Stadium - Colac Basketball Association User Agreement Ilan Seuren declared a conflict of interest	Ilan Seuren John Clark
3.45pm – 3.52pm	Bluewater Leisure Centre Consulting Rooms Ilan Seuren declared a conflict of interest	Ilan Seuren John Clark
3.52pm – 4.00pm	Break	
4.00pm – 4.45pm	Procurement Policy Review Cr Hart left the meeting at 4.42pm; returned at 4.45pm Cr Schram left the meeting at 4.26pm and did not return.	Andrew Kavanagh Sarah McKew
4.45pm – 5.02pm	General Business <ul style="list-style-type: none"> • Councillor field trip to Apollo Bay • Colac Visitor Information Centre incident • Working with Children/Child Safe • Borrow Pit Cr Hanson left the meeting at 5.00pm and did not return. Cr McCracken left the meeting at 5.00pm and did not return.	
5.02pm	Meeting closed	



Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gareth Smith		
ATTENDEES: Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gary Warrener, Daniel Fogarty, Paul Carmichael, Sarah McKew, Lyndal McLean		
EXTERNAL ATTENDEES: Nil		
APOLOGIES: Cr Woodcroft, Gareth Smith		
ABSENT: Cr Smith		
Meeting commenced at 1.55pm		
Declaration of Interest	Item	Reason
Nil		
Councillor Briefing		
Time	Item	Attendees
1.55pm – 2.45pm	Rating Strategy (Workshop 2) Cr Potter attended the meeting at 2.05pm	Daniel Fogarty Paul Carmichael
2.45pm – 2.50pm	Break Cr Hart left the meeting at 2.45pm; returned at 2.50pm Cr McCracken left the meeting at 2.45pm; returned at 2.50pm	
2.50pm – 3.08pm	Pre-Council Meeting preparation	Sarah McKew Lyndal McLean



Time	Item	Attendees
3.08pm – 3.20pm	General Business <ul style="list-style-type: none">• Notice of Motion• Workplace incident	
3.20pm	Meeting closed	

Councillor Briefing – 26 July 2017



Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. (See over for Explanation/Guide Notes)

Assembly Details: *Lake Colac Committee*

Date: *1. 8. 17*

Time: *1-3:00 pm*

Assembly Location: *COPACC Meeting Room 2*
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

In Attendance:

Councillors: *C. Smith, J. Schram*

Officer/s: *S. Anderson, C. Redlich*

Matter/s Discussed: *Environmental issues associated with Lake Colac*
(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors:

Officer/s:

Left meeting at:

Completed by: *Stewart Anderson*

[Signature]
10/8/17

Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken		
ATTENDEES: Cr Woodcroft, Cr Hanson, Cr Hart, Cr Potter, Cr McCracken, Trevor Olsson		
EXTERNAL ATTENDEES: Nil		
APOLOGIES: Cr Schram		
ABSENT: Cr Smith		
Declaration of Interest	Item	Reason
Nil		
Time	Item	Attendees
12.30pm – 1.15pm	Employment Issues Cr McCracken left the meeting at 12.50pm; returned at 1.00pm	Trevor Olsson
1.15pm	Meeting closed	



Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gareth Smith		
ATTENDEES: Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gareth Smith, Sarah McKew, Simone Robertson, Stewart Anderson, Graeme Murphy, Michael Swanson, Ian Seuren, Vige Satkunarajah, Bláithín Butler		
EXTERNAL ATTENDEES: Steve Cooper, Civic Mind		
APOLOGIES: Nil		
ABSENT: Cr Smith		
Meeting commenced at 1.45pm		
Declaration of Interest	Item	Reason
Nil		
Councillor Briefing		
Time	Item	Attendees
1.45pm – 2.03pm	Smart City Solutions solar compaction bin trial	Simone Robertson Sarah McKew
2.03pm – 2.20pm	Draft Domestic Animal Management Plan	Stewart Anderson Graeme Murphy
2.20pm – 3.20pm	Planning Scheme Review - Cutting the red tape Cr Hanson left the meeting at 2.20pm; returned at 2.24pm Cr Schram attended the meeting at 2.32pm Cr Potter left the meeting at 3.10pm and did not return Cr Hart left the meeting at 3.13pm; returned at 3.15pm	Vige Satkunarajah Bláithín Butler



3.20pm – 3.25pm	Break	
3.25pm – 3.35pm	Consultation process for the use of the former annexe	Ian Seuren Michael Swanson
3.35pm – 5.15pm	Review of Governance Local Law No: 4 Cr Schram left the meeting at 4.55pm; returned at 5.00pm Cr Schram left the meeting at 5.03pm; returned at 5.05pm Cr Schram left the meeting at 5.07pm and did not return	Steve Cooper Sarah McKew
5.15pm	Meeting closed	



Assembly of Councillors Record

This Form **MUST** be completed and saved in TRIM by the attending Council Officer and the original soft copy returned within 1 business day to the Governance Officer. The Governance Officer must provide the original to IMS for filing within 1 business day. A copy of the completed form must be provided for reporting at the next Ordinary Council Meeting. *{See over for Explanation/Guide Notes}*

Assembly Details:

Name of Advisory Committee: **Central Reserve Advisory Committee**

Date: 02/08/2017

Start Time: 5:15pm

Assembly Location: Central Reserve – Upstairs Pavilion

(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices – Nelson Street, Apollo Bay

In Attendance:

Councillors: Cr Chris Smith...../...../.....

Officer/s: Nicole Frampton – Recreation and Open Space Coordinator.... /

Matter/s Discussed:

- Facilities and Grounds Maintenance Reports;
- Central Reserve Master Plan implementation;

(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors: Not Applicable...../...../.....

Officer/s: Not Applicable...../...../.....

Cr Smith and Mrs Nicole Frampton left at the conclusion of the meeting at 6:15pm

Completed by: Nicole Frampton – Recreation and Open Space Coordinator

Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken		
ATTENDEES: Cr Woodcroft, Cr Hanson, Cr Hart, Cr Potter, Cr McCracken, Cr Schram, Trevor Olsson		
EXTERNAL ATTENDEES: Nil		
APOLOGIES: Nil		
ABSENT: Cr Smith		
Declaration of Interest	Item	Reason
Nil		
Time	Item	Attendees
12.15pm – 1.37pm	Employment Issues	Trevor Olsson
1.37pm	Meeting closed	



Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gareth Smith			
ATTENDEES: Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gareth Smith, Vige Satkunarajah, Gary Warrener, Jonathan Brett, Andrew Kavanagh			
EXTERNAL ATTENDEES: Chris McNeill - Essential Economics, Brydon King – BJK Planning			
APOLOGIES: Nil			
ABSENT: Cr Smith			
Meeting commenced at 1.37pm			
	Declaration of Interest	Item	Reason
Cr Hart left the meeting at 2.15pm; returned at 2.25pm	Cr Stephen Hart	Colac Otway Shire's Domestic Wastewater Management Plan	Direct Interest – own a house in Lavers Hill in the area assessed as the highest risk
Cr McCracken left the meeting at 3.45pm; returned at 4.00pm	Cr Joe McCracken	Special Charge Scheme - Hearn & Armstrong Streets, Colac - Drainage	Indirect interest – conflicting duty
Councillor Briefing			
Time	Item	Attendees	
1.37pm – 2.15pm	Apollo Bay Harbour Marketing Testing Report & Recommendation	Vige Satkunarajah Gary Warrener Chris McNeill	



Time	Item	Attendees
2.15pm – 2.20pm	Colac Otway Shire's Domestic Wastewater Management Plan Cr Hart left the meeting at 2.15pm	Vige Satkunarajah Jonathan Brett
2.20pm – 2.25pm	Break Cr Hart returned to the meeting at 2.25pm Cr McCracken left the meeting at 2.20pm; returned at 2.25pm	
2.25pm – 3.02pm	Planning Application Tourism Resort Development 275 Barham River Road Apollo Bay	Vige Satkunarajah Brydon King
3.02pm – 3.10pm	Amendment C96 - Anomalies Amendment Cr Woodcroft left the meeting at 3.02pm; returned at 3.10pm	Vige Satkunarajah
3.10pm – 3.45pm	Break Cr Schram attended the meeting at 3.40pm	
3.45pm – 3.58pm	Special Charge Scheme - Hearn & Armstrong Streets, Colac - Drainage Cr McCracken left the meeting at 3.45pm	
3.58pm – 4.40pm	Procurement Policy Review - Local Business Support Model Cr McCracken returned to the meeting at 4.00pm Cr Hart left the meeting at 4.18pm; returned at 4.21pm	Andrew Kavanagh
4.40pm	Meeting closed	



Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken		
ATTENDEES: Cr Woodcroft, Cr Hanson, Cr Hart, Cr Potter, Cr McCracken, Cr Schram, Trevor Olsson		
EXTERNAL ATTENDEES: Nil		
APOLOGIES: Nil		
ABSENT: Cr Smith		
Declaration of Interest	Item	Reason
Nil		
Time	Item	Attendees
4.45pm – 6.00pm	Employment Issues	Trevor Olsson
6.00pm	Meeting closed	



Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken		
ATTENDEES: Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken ,Trevor Olsson		
EXTERNAL ATTENDEES: Terry Bramham (Macquarie Local Government Lawyers)		
APOLOGIES: Nil		
ABSENT: Cr Smith		
Declaration of Interest	Item	Reason
Nil		
Time	Item	Attendees
12.15pm – 3.15pm	Employment Issues	Trevor Olsson Terry Bramham
3.15pm – 3.30pm	Break	
3.30pm – 4.10pm	Employment Issues (continued)	Trevor Olsson Terry Bramham
4.10pm	Meeting closed	



Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Trevor Olsson, Tony McGann, Gareth Smith		
ATTENDEES: Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Trevor Olsson, Tony McGann, Gareth Smith, Gary Warrener, Paul Carmichael, Jade Thomas		
EXTERNAL ATTENDEES:		
APOLOGIES: Sue Wilkinson		
ABSENT: Cr Smith		
Meeting commenced at 4.30pm		
Declaration of Interest	Item	Reason
Nil		
Councillor Briefing		
Time	Item	Attendees
4.30pm – 4.42pm	G21 Agribusiness Strategy Cr McCracken left the meeting at 4.35pm and did not return.	Gary Warrener
4.42pm – 5.02pm	Rating Strategy	Paul Carmichael
5.02pm – 5.15pm	General Business <ul style="list-style-type: none"> • Birregurra Hall • Apollo Bay Harbour Precinct Market Testing 	Jade Thomas
5.15pm	Meeting closed	



IN COMMITTEE

Recommendation

That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In Committee" in order to deal with:

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
Minutes of In Committee Council Meeting held on 26 July 2017	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Confidential Contract	this matter deals with a personal matters; AND this matters deals with contractual matters.	Section 89 (2) (a) & (d)