

**Colac Otway  
SHIRE**

**AGENDA**

**ORDINARY COUNCIL MEETING**

**OF THE**

**COLAC-OTWAY SHIRE**

**COUNCIL**

**27 MAY 2008**

**at 3.00 pm**

**COPACC Meeting Room  
Rae Street, Colac**

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

# COLAC-OTWAY SHIRE COUNCIL MEETING

27 MAY 2008

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NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 27 May 2008 at 3.00 pm.

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## **AGENDA**

1. **OPENING PRAYER**
2. **PRESENT**
3. **APOLOGIES**
4. **QUESTION TIME**
5. **PRESENTATION OF MAYORAL AWARDS**
6. **DECLARATION OF INTEREST**
7. **CONFIRMATION OF MINUTES**
  - Ordinary Meeting of the Colac-Otway Shire Council held on the 22/04/08.

### **Recommendation**

That Council confirm the above minutes.

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

OM082705-1 CEO'S PROGRESS REPORT TO COUNCIL  
OM082705-2 G21 - MEMORANDUM OF UNDERSTANDING

### **Corporate and Community Services**

OM082705-3 GLOBAL CONNECTOR INCLUDING THE JOINT USE LIBRARY  
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OM082705-5 SALE AND EXCHANGE OF COUNCIL LAND POLICY  
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- OM082705-14 DECLARATION OF ROAD AS UNUSED - ROAD NORTH OF 10 MCCORKELLS ROAD, PIRRON YALLOCK
- OM082705-15 OPERATIONAL REVIEW - LIGHT FLEET VEHICLE POLICY

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- OM082705-16 APOLLO BAY HARBOUR MASTER PLAN AND FEASIBILITY STUDY
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### **GENERAL BUSINESS**

#### **OM082705-19    General Business**

- OM082705-19.1 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 3695 COLAC LAVERS HILL ROAD, FERGUSON
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- OM082705-19.3 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 1 DOLLAR DRIVE SEPARATION CREEK

### **NOTICES OF MOTION**

#### **OM082705-20    Notices of Motion**

- OM082705-20.1 NOTICE OF MOTION NO. 141-07/08 – WINKY POP IMPLICATIONS FOR COUNCILLORS (CR WILMINK)

Tracey Slatter  
Chief Executive Officer

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>OM082705-1 CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receive the CEO's Progress Report to Council for their information.</i></p>		
<p><b><u>OM082705-2 G21 - MEMORANDUM OF UNDERSTANDING</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council endorse the G21 Memorandum of Understanding for the period 1 July 2008 to 30 June 2012 and endorse the Chief Executive Officer to sign the Memorandum of Understanding on Council's behalf.</i></p>		

**Recommendation**

*That recommendations to items listed in the Consent Calendar, with the exception of items ....., be adopted.*

**MOVED** .....

**SECONDED** .....

**OM082705-1 CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR: Tracey Slatter  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: GEN00460

**EXECUTIVE****G21 Memorandum of Understanding (MOU)**

G21 has developed a revised MOU for the adoption of each member Council. The City of Greater Geelong unanimously adopted the MOU on 13 May 2008, which was a critical outcome given the significant resource contribution made by the City of Greater Geelong to G21. A report on the MOU is included in the agenda papers for Council's consideration.

**Economic Development and Tourism Forum**

Member of Corangamite Mr Darren Cheeseman and Colac Otway Shire co-hosted a forum focusing on economic development (particularly education and tourism) on Thursday 8 May 2008. The forum generated a very positive list of ideas and issues for further exploration. In particular it was agreed that it is important for the municipality to develop a long term vision which would then help guide shorter term priorities such as the Council Plan and funding applications to government. This process will be considered as part of the Council's Community Planning project which is currently being developed for Council consideration.

**Local Government Victoria Ministerial Forum**

Minister Richard Wynne, Minister for Local Government hosted a forum for Local Government Mayors and CEOs on Wednesday and Thursday 14 and 15 May 2008 which was attended by Cr Chris Smith and Tracey Slatter. The forum was positive in that issues were able to be discussed with several Ministers who have direct relationships with Local Government. Minister Wynne played an active role in the forum including chairing the session which identified key issues and priorities for the sector. The overwhelming priority identified by the sector at the forum was the need for a major overhaul of the funding and grant levels provided to Local Government through the Financial Assistance Grants program. The role of local government has increased substantially over the past decade with Local Government now being responsible for approximately 11% of all services, yet it generates only 3% of all taxes. As a proportion of total federal tax revenue, the value of Financial Assistance Grants to local government will have fallen from 1.18% in 1993-94 to around 0.77% in 2008-09 on current budget estimates (Spokes 2005). Rate payers, particularly in rural Victoria, cannot sustain the increased costs of local government without substantial increases in funding from the Financial Assistance Grants.

**MAV Annual Report Awards**

Cr Tony Graham attended the MAV State Council Meeting, representing Colac Otway Shire and was fortunate to receive the Shire's awards for:

- Best Annual Report (low resource category); and
- Best Financial Overview (low resource category) for our 2006/07 Annual Report.

This is a very positive result for the Shire as the awards are independently assessed and highly competitive. This result builds on the steady improvements over the past couple of years with a "special mention" in 2006 and shortlistings in a couple of categories in 2007.

All staff contributed to the Annual Report through their work and the achievements they undertake each year. However, it is important to highlight the staff who have a direct role in compiling the report to ensure that everything we achieve (and do not achieve) is easily

understood and well presented to the community: Margaret Guidice, Colin Hayman, Anne-Maree Neal, Shaunnagh O'Loughlin, and David London.

## **CORPORATE & COMMUNITY SERVICES**

### **Recreation Arts & Culture**

#### **Pirron Yallock Recreation Reserve**

The Pirron Yallock Recreation Reserve upgrade and final site inspection is expected to be completed by June 2008. The upgrade has significantly improved facilities for user groups and the local community. The installation of water saving devices has also ensured future water sustainability at the Reserve.

#### **Country Action Grants (CAG) Scheme**

Council received a \$5,000 Country Action Grant to undertake Strategic Planning Workshops to assist local clubs and/or organisations to prepare a business plan. 'GrantEd' have been consulted to undertake the workshops mid 2008.

#### **Water Harvesting**

The Water Harvesting Project funding has allowed the installation of water tanks and upgraded spouting and plumbing at the Birregurra and Forrest Recreation Reserves. The Birregurra Golf Club has installed and upgraded water efficient sprinklers on two greens at the Golf Course.

Forrest Recreation Reserve and Birregurra Golf Course Water Harvesting project works have been completed. Birregurra Recreation Reserve works are nearing completion.

#### **Country Football Netball Program**

Council is awaiting notification from the Department of Planning and Community Development regarding funding for redevelopment of the Forrest Football Netball facility under the Country Football Netball Program.

#### **Eastern Reserve Netball Facility**

Council is awaiting notification from Department of Planning and Community Development regarding funding for Eastern Reserve Netball facility redevelopment.

#### **Birregurra Skate Park**

Planning requirements for the Birregurra Skate Park project site are in progress.

#### **Barwon South West Sport and Recreation Forum**

Barwon South West Sport and Recreation forum meeting will be hosted by the Colac Otway Shire on 27<sup>th</sup> June 2008. This valuable network allows members to share information, discuss projects and promotes professional development in the sector.

#### **Playgrounds**

Council's 24 playgrounds were audited on May 5<sup>th</sup> and 6<sup>th</sup> by Ray Hutchinson. This assessment is carried out twice a year to ensure maintenance tasks are identified for attention and changes and upgrades to compliance and Australian Standards are highlighted.

#### **Arts**

Otway Creative Arts will conduct their 2008 Queens Birthday weekend exhibition in Forrest, entitled "Los Artistas de Feugo", following a successful launch for the Forrest Festival Art Show in March.



Apollo Bay Arts Council recently auspiced skills development funding from the Arts and Culture Strategy Implementation to engage artists Ross and Hoya Trebilcock and Elle Wood to work together with community members from Apollo Bay and district to construct "Serafina" the Sea Dragon. The larger than life Sea Dragon, featuring mechanical eyes and mouth and operated by a number of puppeteers under the long body, led the Apollo Bay Music Festival community street parade on 25 April 2008.



An intriguing mix of 2D paintings, collages and photographs, together with 3D sculptures, jewellery and mixed media assemblage was on exhibition at COPACC from 7<sup>th</sup> May to 19<sup>th</sup> May, entitled "Lake Memories 2008". This exhibition followed on from the successful 2007 Lake Memorabilia display.

#### **Community Funding Program 2008-2009**

Community interest was strong with all staff involved with grants responding to queries, assisting with draft applications, budgets and timelines to ensure applications were completed correctly, prior to the closing date of 9<sup>th</sup> May 2008. Councillors on the Grants Committee meet on 3<sup>rd</sup> June to assess applications. A report will be prepared for the June Council Meeting, recommending 2008-2009 grant recipients.

#### **Youth**

Youth Councillors Thomas Szmidel (Murray St Campus CSC), Jenna Kettle (Hearn St Campus CSC) and Ashley Dunn (Trinity College) made a formal submission to the Parliamentary Inquiry into geographical differences on the rate in which Victorian students participate in higher education, held at COPACC on 29<sup>th</sup> April. The Youth Councillors submission was based on survey results that the students carried out in their respective schools. Their involvement was profiled through the local media.

Several Youth Councillors attended the morning service at St. Mary's and delegate Ashley Dunn laid a wreath in Memorial Square at the Colac ANZAC Day Service.

#### **Bluewater Fitness Centre**

The revised Group exercise program commenced recently offering a total of 29 classes per week. This was increased from the original number of 16. Customer feedback overall has been positive with class attendance numbers increasing and indications that the increased flexibility and variety is appreciated.

Term 2 Learn to Swim commenced on Monday 14<sup>th</sup> April combining our normal learn to swim program and our schools program. Our normal learn to swim program catering for all ages levels currently has 290 enrolments. A total of 12 local Schools are involving our schools program focusing on water safety caters for over 400 children ranging from Grade prep to Year 12.

In partnership with Multiple Sclerosis Ltd Australia Bluewater Fitness Centre are conducting a program developed for MS sufferers in the Barwon Southwest region. Aiming to provide opportunities for health and wellbeing experiences offered at Bluewater. All programs are being administered by BWFC staff and include activities such as balance and flexibility, fitness, craft, Pilates, gymnasium, and core stability. Sessions combine use of both the wet and dry facilities. A total of 12 attendees, 2 external careers and 6 BWFC staff are involved in this 8 week pilot program.

We are currently conducting a work experience placement for a Colac College student with Trinity College soon to do the same.

## **Events**

### **E Team Developments - May**

The May "E Team" meeting was held Tuesday 13<sup>th</sup> May for event committees presenting debriefs including the 2008 Otway Idol and Apollo Bay Music festival. The Debrief enables event organizers to provide feedback on areas that were successful with their event and also to identify any areas for improvement. The 6 Day Race and organizers of the KONA 24 Hour Global mountain bike event at Forrest will also submit their event application 6 months prior to the event taking place.

### **E Team**

Members of the E Team are currently reviewing the existing Event Application form to further simplify the process for event organizers. The recently developed "E Team Terms of Reference" document will be circulated to Executive for review and comment.

### **Apollo Bay Music Festival 2008**

The municipality's most well known community event was successfully staged across the ANZAC day long weekend Friday 25<sup>th</sup> – 27<sup>th</sup> April 2008. Event organizers have achieved their goal of reducing the size of the festival selling 4,500 tickets and reinvigorating the line up of performers. Headline acts included The Whitlam's, The Choir of Hard Knocks, The Black Sorrows plus Colac Bands -Sophisticated Swing, The Wise Gents and Josh Rigg and Band. Apollo Bands band's completed the line up with Wild Dog Blues, Ziggi Trio, M2W3 and the Community Choir.

The street stage which was reintroduced in 2008, proved extremely popular with the crowd, providing an opportunity for all enjoy a diverse program of free music. The FReeZA youth stage held on the Friday night following the ever popular fireworks and street parade was undeniably a crowd pleaser. FreeZa Committee members were involved in the program selection and were also offered the opportunity to gain "hands-on" experience across the Festival by participating as volunteer assistant stage managers.

Although the unfortunate perennial issue of underage drinking was present, this was effectively managed by a collaborative approach between Festival organizers, Council, First Aid, Security, Police and Health Care workers. For the first time in the history of the Festival, a "Chill Out tent" was introduced as part of the FreeZa program to provide support and professional assistance to young people under the influence of alcohol and/or drugs. Volunteers from Colac Area Health and Otway Health who staffed the "Chill Out tent" across the weekend are to be commended for their efforts in providing assistance to young people who required their services at the event.

It is anticipated that a full debrief of the event including all key stakeholders will be conducted later in the month in Apollo Bay.

**Festivals and Events Support Scheme 2008-2009 closing soon**

Funding applications under the Festivals and Events Support Scheme 2008-2009 closed Friday 9<sup>th</sup> May 2008. This scheme is available to event organizers within the Colac Otway Shire who conduct established or existing events that have operated for 3 or more years. Successful application will be announced July 2008.

**Green U GO Marathon**

Hundreds of onlookers lined the streets of Apollo Bay to cheer on a record number of participants in the 2008 Great Ocean Road Marathon. Event Organiser, John Carven of Caribou Publications was delighted with the increased number of participants across all fields. Overall, the event has increased by 23%, with a steady increase since in the inaugural event was held in 2005. Cold weather and slight rain did not deter the 214 registered runners in the Marriner's Lookout event, 568 registered for the Paradise run, 1227 registered runners in the half marathon and 466 runners registered for the full Marathon. The field across all events has now grown to 2475 compared to 1280 in 2005. A team of six staff members from the Colac Otway Shire also entered and completed the Paradise event (14kms) held on Saturday 17<sup>th</sup> May 2008.

There has also been increased interest in involvement in the event from Japan, a country with a long history of strong participation in Marathon events. Roger Grant, of Geelong Tourism has confirmed that he has been contacted by a Japanese tour operator expressing interest in the possibility of bringing one hundred Japanese distance runners to participate in future events. In addition, all four events in the 2008 Great Ocean Road Marathon attracted naming rights sponsors indicating the growing support for the event.

**INFRASTRUCTURE****Special Charge Schemes Update****Pound Road, Colac***Road Construction*

Following the October Council Meeting, where Council Declared a Special Charge Scheme for the construction of the unsealed section of Pound Road, formal First Notices were forwarded to effected property owners.

Construction of Pound Road is programmed in the 2008/2009 Capital Works Program.

**Slater Street, Elliminyt***Road Construction*

Construction of Slater Street is programmed in the 2007/2008 Capital Works Program as a special charge scheme.

The Construction of the unsealed section of Slater Street tender was advertised on the 26 October 2007, and the contract was been awarded and works have been programmed for commencement in May 2008.

**Elliminyt Gas**

At the August Council Meeting, Council resolved to Declare a Special Charge Scheme for the Provision of natural gas mains within the Elliminyt area.

Works for this project commenced on the 31<sup>st</sup> March 2008, with the contractor having eight (8) months to complete the works.

**Marks Street***Road Shoulder Construction*

Civil works for this project are complete, with final costs currently being calculated. It is anticipated all costs associated with the scheme will be finalised and a report presented to the June Council Meeting.

**Morrison Street***Road Shoulder Construction*

A meeting was held with residents of Morrison Street on the 23 April 2008 to introduce and discuss a possible Special Charge Scheme for the construction of the unsealed shoulders of Morrison Street, Colac.

Surveys have been sent to all residents seeking their feedback on whether they wish Council to further investigate the project by way of a Special Charge Scheme. Surveys were due back on Friday 16 May 2008, with the responses presently being collated.

**Sinclair Street South***Road Construction*

A meeting was held with residents of Sinclair Street South on the 16 April 2008 to introduce and discuss a possible Special Charge Scheme for the construction of the unsealed section of Sinclair Street South, Colac.

Surveys have been sent to all residents seeking their feedback on whether they wish Council to further investigate the project by way of a Special Charge Scheme. Surveys were due back on Friday 9 May 2008, with the responses presently being collated.

**SUSTAINABLE PLANNING & DEVELOPMENT****Amendment C55 (Planning Scheme Review)**

Submissions to the amendment will be considered by an independent Panel appointed by the State Government in June. A directions hearing was held on 13 May 2008 to determine the details of the Panel hearing such as timetable, venue etc. All submitters have been given an opportunity to participate in the hearing.

**Apollo Bay Harbour**

The Interdepartmental Steering Group met in April and discussed the recommendations of the Strategic Review Panel of the Department of Treasury and Finance Gateway review Process for funding bids to State Cabinet. The Steering Group agreed with the recommendation to seek further community consultation to achieve a greater understanding of the proposed development and review to ensure the design will enhance the unique fishing village character of Apollo Bay.

Further details about this are included in a report to Council which is included in the attached agenda papers.

**Small Towns***Swan Marsh*

The Swan Marsh community endorsed the revised township Master Plan priority list at the meeting on 13 May. Upon approval from Council, the Swan Marsh community will be able to further justify Small Town Improvement Program applications and requests for Capital Works projects.

**Lake Colac**

A Cultural Heritage Management Plan will be developed for Lake Colac to identify and assess cultural heritage values with respect to the recommendations in the Lake Colac Master Plan.

**Visitor Information Centres**

Both experienced a busy April with higher visitation being driven by more than usual public holidays for the month.

The new live online booking system is operational with many operators showing considerable interest. Online demonstrations have proven popular and have resulted in several operators signing up. The new system is expected to make it easier for visitors to book accommodation and to generate revenue for the Visitor Information Centres.

VICs are now entering a bit of a quiet period customer wise, which allows staff and volunteers to participate in familiarisation tours to update their knowledge of the vast array of products that are on offer in the region. With new and refurbished products coming into the region all the time this is a very important function of the VICs.

**Affordable Housing**

The Colac Affordable Housing Advisory Group has been formed and will meet 6 times per year. The group will include two Councillors, Cr Chris Smith and Cr Fran Lehmann, two Council officers and 10 members of the community. The group will look to provide local input and advice on the implementation of the Colac Otway Affordable Housing Strategy, provide advice on regional issues for Council input to the G21 Affordable Housing Taskforce and raise issues of community concern in relation to Affordable Housing in Colac

**Fire Prevention**

The fire season is over. A meeting of the Municipal Fire Prevention Committee is being arranged for late May to examine how the fire prevention process can be further improved for the next fire season. Now that the fire season is over many people think they can burn off without restraint. To ensure that residents who have stockpiled waste for a burn off are aware of their obligations, Council Officers who identify a stockpile are contacting the landowner and providing them with a leaflet that explains when and how they can burn off responsibly. The advice has been welcomed as the majority of people are keen to do the right thing but are not sure what that is.

**Recommendation(s)**

***That Council receive the CEO's Progress Report to Council for their information.***



**OM082705-2 G21 - MEMORANDUM OF UNDERSTANDING**

AUTHOR: Tracey Slatter  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: GEN01711

**Purpose**

To endorse the G21 Memorandum of Understanding.

**Background**

The G21 Memorandum of Understanding (MoU) is due to expire at the end of June 2008. G21 has conducted an extensive review in consultation with all member Councils and key regional stakeholders. The review clarified G21's role, following the completion of the G21 Regional Plan, and the relationship between the G21 Board and Pillar groups.

**Corporate Plan/Other Strategies/Policy**

Our Council Plan Objective is to provide strong community leadership, governance and advocacy services which will benefit the community now and into the future, which directly relates to the G21 Recitals in the Memorandum of Understanding.

**Issues/Options**

There are two main options that Council can undertake – one is to sign the MoU and the other is to not sign it.

Not signing the MoU would effectively end Council's membership of G21.

There are many high priority projects being supported and profiled with Government by G21 which are directly relevant to Colac Otway Shire. These include the Princes Highway West campaign, Apollo Bay Harbour, Regional Trails, Climate Change and Skills.

Increasingly, Government is expected to look to G21's priorities in considering the priorities of individual Councils. Being a part of G21 helps priorities of Colac Otway Shire be understood within a regional context.

**Proposal**

It is proposed that Council sign the G21 MoU.

**Financial and other Resource Implications**

Council has made the following contributions over the last four years to G21:

2004/05 - \$34,000  
2005/06 - \$40,299  
2006/07 - \$45,000  
2007/08 - \$37,000  
\$156,299

It is anticipated that Council contributions for the following four years will be:

2008/09 - \$36,000  
2009/10 - \$37,000  
2010/11 - \$39,000  
2011/12 - \$40,000  
\$152,000

The amount projected for the next four years compares favourably with Council's contribution over the past four years. Key outcomes for Colac Otway Shire will include

progress on the above priority projects. As an example G21 and its member Councils have been strong advocates and supporters of the Princes Highway West campaign.

**Risk Management & Compliance Issues**

N/A

**Environmental Considerations**

N/A

**Communication Strategy/Consultation**

It is proposed that Council issue a media release on the G21 Memorandum of Understanding after Council's decision at this meeting.

**Implementation**

The Chief Executive Officer would sign the Memorandum of Understanding, on behalf of Council, once Council has agreed to sign.

**Conclusion**

That Council endorse the G21 Memorandum of Understanding for the period 1 July 2008 to 30 June 2012 for the Chief Executive Officer's signature.

**Attachments**

G21 Memorandum of Understanding

**Recommendation(s)**

***That Council endorse the G21 Memorandum of Understanding for the period 1 July 2008 to 30 June 2012 and authorise the Chief Executive Officer to sign the Memorandum of Understanding on Council's behalf.***

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# MEMORANDUM OF UNDERSTANDING

1<sup>st</sup> July 2008 to 30<sup>th</sup> June 2012



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# MEMORANDUM OF UNDERSTANDING

between

## **G21 GEELONG REGION ALLIANCE LTD (“G21”)**

of 199 Moorabool Street, Geelong

and

## **MEMBER MUNICIPALITIES**

comprising of:

COLAC OTWAY SHIRE .....	2 Rae Street, Colac
GREATER GEELONG CITY COUNCIL.....	30 Gheringhap Street, Geelong
GOLDEN PLAINS SHIRE .....	2 Pope Street, Bannockburn
SURF COAST SHIRE.....	25 Grossmans Road, Torquay
BOROUGH OF QUEENSCLIFFE .....	50 Learmonth Street, Queenscliff

(Collectively called “the G21 Councils” or “Member Councils” with the combined municipal districts referred to as “the G21 Region” or “the Region”)

### **1. RECITALS**

- 1.1. The objective of this Memorandum of Understanding (MoU) is to articulate the arrangements and expectations between G21 and Member Councils as funding partners for the core operation of the G21.
- 1.2. G21 is a Company Ltd formed with the purpose of fostering and undertaking actions that support sustainable growth and development of the Region within the municipal districts of Member Councils (the Region).
- 1.3. The core role of G21 is to build on the existing social, economic and environmental capacity of the Region with regard being given to the G21 Values and Principles (refer to G21 Constitution).
- 1.4. G21 provides the forum and mechanisms for regional issues or opportunities to be identified and solutions or projects implemented.
- 1.5. The MoU is for a four-year period from 1<sup>st</sup> July 2008 to 30<sup>th</sup> June 2012.
- 1.6. G21 will not expand the number of Member Councils unless agreement is obtained from current Member Councils.
- 1.7. The success of G21 pivots on the participation and good will of people and organisations across the Region.

## 2. GENERALLY APPLIED CRITERIA FOR G21 ACTIVITY

- 2.1. G21 applies a policy of: “subsidiarity where functions which subordinate or local organisations perform effectively belong more properly to them than to a central organisation such as G21.”
- 2.2. The generally applied criteria for issues or projects to be considered by G21 include assessment as to whether the impact, involvement and benefits are:
  - Regional
  - Multi-agency
  - Triple Bottom Line with overall long term and community benefit

And generally demonstrate:

- Support by a Leader, Lead Agency or Project Champion
- A general need for a cooperative effort to be successful
- Likelihood of happening.

▪

*The parties as signatories to this document understand and record the following:*

## 3. RESOURCING

- 3.1. The Member Councils are committed to support G21 via an annual subscription.
- 3.2. Councils are encouraged to participate in activities that further the objectives of G21.
- 3.3. G21 will work closely with Member Councils’ committees, advisory boards, task groups and relevant Council officers to further G21 objectives.
- 3.4. Financial contributions to support the core operation of G21 shall be based on the regional population formula included in Table 1. This formula will remain in place for the four year period of the agreement.
- 3.5. Any proposed variation to the four year contributions listed on Table 1 will be raised by the G21 Board with Member Councils at the Annual Review.
- 3.6. Funding received from Member Councils will be used for the core operation of G21 which includes the staff, on-costs, overheads and out goings required to achieve G21 objectives.
- 3.7. Additional and supplementary funding for the core operation of G21 may be obtained from Federal and State Government sources and will be advised through regular reporting to Councils and Members.
- 3.8. It is recognised that the development and updating of the regional strategic plan will occur through a planning process conducted at a frequency to be determined by the Board. Additional resources will be required to support planning, research, consultation and participation processes.
- 3.10 Additional financial contributions for specific G21 projects (ie. non-core) may be sought from Member Council’s from time to time and will be subject to separate business cases and funding submissions through normal Council approval processes.
- 3.11 It is recognised that the majority of G21 projects require partnerships and funding by a range of stakeholders from various levels of government, business and community agencies and other statutory authorities.

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**TABLE 1:**

Contributor	Population <sup>1</sup>	% Region	CONTRIBUTION <sup>2</sup>			
			2008/09	2009/10	2010/11	2011/12
<b>Colac Otway</b>	20,297	7.84%	\$36,000	\$37,000	\$39,000	\$40,000
<b>Geelong</b>	197,509	76.24%	\$347,000	\$361,000	\$375,000	\$390,000
<b>Golden Plains</b>	16,452	6.35%	\$29,000	\$30,000	\$31,000	\$33,000
<b>Surf Coast</b>	21,777	8.41%	\$38,000	\$40,000	\$41,000	\$43,000
<b>Queenscliffe</b>	3,017	1.16%	\$5,000	\$5,000	\$6,000	\$6,000
<b>TOTAL</b>	<b>259,052</b>	<b>100%</b>	<b>\$455,000</b>	<b>\$473,000</b>	<b>\$492,000</b>	<b>\$512,000</b>

<sup>1</sup>Source: 2006 Census data, Place of Usual Residence

<sup>2</sup>Adjusted to nearest '000

#### 4. ACCOUNTABILITY AND COMMUNICATION

- 4.1. G21 is accountable for operating under a Company Constitution.
- 4.2. Councils are encouraged to participate in activities that further the objectives of G21.
- 4.3. G21 will make available regional statistics, performance and forecast information of strategic use and interest. Conversely, Council's assistance in making available the same information to G21 will add value to all strategic direction processes.
- 4.4. By 31 July each year, G21 will prepare and adopt a Business Plan that details operational initiatives and targets established to evaluate performance.
- 4.5. G21 will present progress reports twice per annum to Member Councils that include performance outcomes against targets in the G21 Business Plan.
- 4.6. The G21 CEO will consult with Member Council CEOs prior to establishing annual contributions to allow for budget considerations. This will occur by March 31<sup>st</sup> annually or as agreed with individual Councils.
- 4.7. Councils recognise the independent role, structure, mission and expertise of G21 and understand the function also includes being an independent voice and advocate for regional direction in local and national media.
- 4.8. On request, G21 will be available to any Council meeting or meeting within the municipality to discuss issues, progress or any items pertinent to G21 as raised by the Council.
- 4.9. In addition to Board meetings, G21 will communicate with Councils and members on a regular basis using a range of media.

## **5. SPECIFIC ARRANGEMENTS**

### **5.1. Director Nomination:**

- 5.1.1. Each Member Council shall nominate one Director to the G21 Board as described in the G21 Constitution. Each Member Council shall also nominate an observer who may attend Board meetings and act as a proxy for that Council's nominated Director, should that Director be unable to attend.

### **5.2. Pillar Groups:**

- 5.2.1. Participation and consultation processes underpin G21 with the "Pillar Group" approach (or similar) seen as key to achieving the objectives of G21.
- 5.2.2. Any proposed major variations to the Pillar Group structure (other than normal continuous process improvement, pillar forming, cessation and review) shall be advised and agreed with Members prior to any changes being implemented.
- 5.2.3. Councils are encouraged to have a minimum of one person allocated to each G21 Pillar Group to provide active input, represent the interests of Council, and act as a conduit for communication and integration with council activities.
- 5.2.4. The role of the Board is to oversee the operation of G21, ensure it remains viable and accountable to its members in achieving the objectives, roles and responsibilities included in the Constitution. The Objectives of G21 will be achieved through participatory processes as depicted in the G21 Operating Framework (Appendix 1).

### **5.3. Innovative Staffing Options:**

- 5.3.1. Councils are encouraged to directly support G21 through initiatives such as officer placements or secondments. These arrangements may be made directly between the G21 CEO and Council CEO.

### **5.4. Demonstrate Regional Benefits:**

- 5.4.1. G21 related activities must demonstrate regional benefits.

### **5.5. Integration of Strategic Direction Processes:**

- 5.5.1. The parties acknowledge that G21 success rests largely with Councils recognising G21 as an independent but integral part of their own strategic direction and community building processes.
- 5.5.2. Every effort will be made by all parties to annually integrate strategic direction processes and timetables to maximise value adding and minimise potential duplication. Examples include the conduct of community and specific consultation, research, performance indicators, demographics or information gathering processes.
- 5.5.3. Projects will be identified from time to time that involves some or all Councils. Council officers and the G21 CEO are responsible for working cooperatively to ensure funding submissions meet the requirements of individual Councils.

### **5.6. Communication is a Joint Responsibility:**

- 5.6.1. A two way communication and feedback loop is essential for an initiative of the type and size of G21. All parties accept their responsibilities in seeking out and supporting communication and feedback processes.
- 5.6.2. G21 shall convene a working group to include each Member Council , which will coordinate any joint communications and marketing.

## **6. GENERAL**

- 6.1. G21 is accountable for operating to the Company Constitution, Board Charter, Business Plan and arrangements contained in this MoU.
- 6.2. Should a Member Council have concerns with the performance or lack of performance of G21 then discussion should be initiated to address the concerns.
- 6.3. Should a Council wish to withdraw its membership of G21 then written notice must be given twelve months in advance of ceasing membership. Such notice will allow appropriate modifications to the Business Plan and budget process.
- 6.4. If any dispute or difference arises between the parties in carrying out the principles of this Memorandum of Understanding that cannot be resolved, then the parties will seek an agreed independent mediator to resolve the difference.

DATED this .....day of .....2008

SIGNED on behalf of the )  
**G21 GEELONG REGION ALLIANCE** )  
by its duty authorised representative: )

.....  
Witness

SIGNED on behalf of the )  
**CITY OF GREATER GEELONG COUNCIL** )  
by its duty authorised representative: )

.....  
Witness

SIGNED on behalf of the )  
**BOROUGH OF QUEENSCLIFFE** )  
by its duty authorised representative: )

.....  
Witness

SIGNED on behalf of the )  
**COLAC OTWAY SHIRE COUNCIL** )  
by its duty authorised representative: )

.....  
Witness

SIGNED on behalf of the )  
**GOLDEN PLAINS SHIRE COUNCIL** )  
by its duty authorised representative: )

.....  
Witness

SIGNED on behalf of the )  
**SURF COAST SHIRE COUNCIL** )  
by its duty authorised representative: )

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## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b></p> <p><b><u>OM082705-3 GLOBAL CONNECTOR INCLUDING THE JOINT USE LIBRARY</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council accept the information regarding Library User Profile as information only and endorse the final design for the Global Connector including the Joint Use Library incorporating the community consultation feedback and the details regarding the development of programs, activities and services at the Global Connector.</i></p>		
<p><b><u>OM082705-4 BLUEWATER FITNESS CENTRE SEASONAL OPERATING HOURS</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That the proposed schedule for summer and winter hours be implemented and the Centre's Opening Hours be amended and trialled commencing 1 June 2008 for the 2008 winter period as detailed in the following;</i></p> <p><b>Summer: 1 November – 31 March 5 months (Ave. 20 weeks)</b></p> <ul style="list-style-type: none"> <li>• <i>Mon to Thur: 6am – 8.30pm (14.5 hrs)</i></li> <li>• <i>Fri: 6am – 7pm (13 hrs)</i></li> <li>• <i>Sat/Sun: 8am – 6pm (20 hrs)</i></li> <li>• <i>Total opening hours /wk: 91 hrs</i></li> <li>• <i>P/Holiday: 10am – 7pm (9 hrs)</i></li> <li>• <i>Total opening hours /season: 1,820 hrs</i></li> </ul> <p><b>Winter 1 April – 31 October 7 months (Ave. 32 weeks)</b></p> <ul style="list-style-type: none"> <li>• <i>Mon to Thur: 6am – 8.30pm (14.5hrs)</i></li> <li>• <i>Fri: 6am – 7pm (13 hrs)</i></li> <li>• <i>Sat/Sun: 8am – 4pm (16 hrs)</i></li> </ul>		

<ul style="list-style-type: none"> <li>• <i>P/Holiday: 10am – 7pm (9 hrs)</i></li> <li>• <i>Total opening hours/wk: 87 hrs</i></li> <li>• <i>Total opening hours/season = 2,784 hrs</i></li> </ul> <p><i>Total opening hours per year = 4,604</i></p>		
<p><b><u>OM082705-5 SALE AND EXCHANGE OF COUNCIL LAND POLICY</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council adopt the Sale and Exchange of Council Land Policy.</i></p>		
<p><b><u>OM082705-6 ALVIE RECREATION RESERVE</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendations</u></b></p> <ol style="list-style-type: none"> <li>1. <i>That Council consider an allocation of \$72,050 as Council's matching contribution towards the redevelopment project as part of the budget process: \$47,038 in 2008/2009 for Stage 1 Football Club facilities and shared community venue development, and \$25,012 in 2009/2010 for Stage 2 Netball facilities redevelopment and Hall demolition, subject to Club contributions of \$72,050 and a State Government Grant of \$144,100.</i></li> <li>2. <i>That Council agree to taking on the management of the Alvie Recreation Reserve, in light of the plan to consolidate facilities at the Reserve with the proposed demolition of the Alvie Hall, netball facility upgrade and redevelopment of the Alvie Football/Netball Clubrooms as the Alvie community facilities.</i></li> <li>3. <i>That Council endorse the proposal that management of the Alvie Recreation Reserve is to be formally transferred from the Trustees to Council following completion of the redevelopment project.</i></li> </ol>		



<p><b><u>OM082705-7 EVENT ROAD CLOSURE CONSULTATION AND COMMUNICATION POLICY</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council adopts the Colac Otway Shire Event Closure Consultation and Communication Policy.</i></b></p>		
<p><b><u>OM082705-8 CORANGAMITE REGIONAL LIBRARY CORPORATION LIBRARY SERVICES LOCAL LAW</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council ratifies the Corangamite Regional Library Corporation – Library Services Local Law - No 2 of 2008.</i></b></p>		
<p><b><u>OM082705-9 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) AGREEMENT</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council gives notice of its intention to enter into the new Regional Library Agreement to operate the Corangamite Regional Library Corporation with the Warrnambool City, Corangamite and Moyne Shires up to June 2013 and that submissions be invited in accordance with section 223 of the Local Government Act 1989.</i></b></p>		
<p><b><u>OM082705-10 APOLLO BAY P-12 COLLEGE LEISURE CENTRE JOINT USE AGREEMENT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council endorse the Joint Use Agreement between Council and the Department of Education and Early Childhood Development for the purposes of the joint community and school use of the Apollo Bay Leisure Centre including the outdoor swimming pool and the indoor stadium.</i></b></p>		

<p><b><u>OM082705-11 JOINT SCHOOL COMMUNITY USE PLAYING FIELD FUNDING OPPORTUNITY</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>It is recommended that Council's Recreation Unit continue to explore surface options and costings for the redevelopment of the Central Reserve Main Oval and/or Hockey Fields based on the current funding offer of \$250,000 from the Department of Planning and Community Development Sport and Recreation Victoria without expectation of Council or community contributions and submit a project proposal by the due date of 6 June 2008.</i></p>		
<p><b><u>OM082705-12 FINANCIAL PERFORMANCE REPORT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That the Financial Performance Report to the end of March 2008 be received.</i></p>		
<p><b><u>OM082705-13 2007/2008 COUNCIL PLAN</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council endorse the 2005-2009 Council Plan without change and that no changes be made to the Strategic Resource Plan 2007/08 – 2010/11.</i></p>		

**Recommendation**

*That recommendations to items listed in the Consent Calendar, with the exception of items ....., be adopted.*

**MOVED** .....

**SECONDED** .....

**OM082705-3 GLOBAL CONNECTOR INCLUDING THE JOINT USE LIBRARY**

AUTHOR: Marg Scanlon  
DEPARTMENT: Corporate and Community Services

ENDORSED: Colin Hayman  
FILE REF: GEN 00374

**Purpose**

Further to the Global Connector including the Joint Use Library report tabled for Council at the March 2008 ordinary meeting, Council endorsed that information pertaining to the current library users profile would be tabled at the May 2008 ordinary meeting, together with the final plans for the Global Connector and details regarding strategies to engage the Colac Otway Shire community in developing the programs, services and activities to be conducted at the Global Connector.

The purpose of this report is to provide a current Colac Library users profile and information regarding community engagement strategies to occur over the coming 18 months through the development of programs, activities and services for the new Global Connector including the Joint Use Library. The final Global Connector including the Joint Use Library plans which take into account the community feedback provided through the formal community consultation phase together with further consultation undertaken as described, are also attached.

**Background**

Significant community consultation has taken place over the past eighteen months regarding the development of the Global Connector including the Joint Use Library as a part of the Colac Education Recreation Community Precinct (*Beechy Precinct*). Council endorsed at the March 2008 Council meeting commitment to the implementation of the Global Connector including the 1,500 sqm of joint use facilities comprising a library, meeting, lecture and seminar rooms, "children's corner" and gallery for full time joint community and school use in partnership with the Department of Education and Early Childhood Development and commit to the allocation of \$3m in funding conditional. The conditions pertain to confirmation of state government funding, final designs incorporating the community consultation feedback, signage and entrance giving prominence to the library and agreement by all parties on the key elements of governance model.

**Final Facility Design Development**

Further to the submissions received from the community consultation to the preliminary plans for the Global Connector including the Joint Use Library, changes have been incorporated into the design to reflect specific items as identified by proposed facility user groups and members of the community. The consideration of these submissions together with the modifications result in the facility design enabling harmonious facility operations encouraging maximum use at any time without compromise to the functions of the Centre. The modifications specifically include:

- Provision of a lockable cupboard and activity area on the south side of the facility to cater specifically for the Toy Library. This relocation ensures closer access to public amenities, capacity to provide a lockable space with access to a computer point for the borrowing functions. This children's area will also link with the children's section of the library book stock.
- Dedicated student and teacher direct external entrance on the south wall to the Principals Office and administration removes the need to walk the entire internal length of the facility.
- One of the six meeting rooms does not have bi-fold doors and remains a dedicated meeting room with the capacity for 12 people at all times. The remaining five meeting rooms will still have multi-functional capacity. The capacity to one solid

walled meeting room ensures greater programming capacity particularly for meetings requiring greater security or privacy. Each of these meeting rooms have access to a centrally located kitchenette.

- Altered space for the service counter, library office and archive. These changes better reflect archive needs and functional requirements.
- Inclusion of a dedicated teachers desk at the student access door for class supervision purposes. This would be operational only at specific class times and when students are undertaking classes in the library. This is located on the north wall and is in close proximity to the student amenities. This access point will also include a self checking system for resource borrowings by students.

Each of these design changes have been discussed with the Global Connector project key stakeholders, user groups and the Global Connector Sub Committee, receiving endorsement and strong support.

It should be noted that the timelines for final design requirements are being dictated by the Department of Education and Early Childhood Development Capital Development Unit. In order to meet the Department final design endorsement the Department must have evidence of Council's endorsement by the end of May. The Department's Capital Development Unit will receive a presentation of all design documents by the Project Architect in early June with the intention to endorse the project for construction tender development. These tight timelines have steered the community consultation and design development factors over recent months and all parties involved have worked towards meeting these timelines.

#### Current Library User Profile

Research undertaken in collaboration with the Corangamite Regional Library staff indicates that there are currently an estimated 2,453 active members. Active members are those that have borrowed in the past 12 months. It is difficult to ascertain exact library membership statistics as there are variables such as one adult membership often represents a family membership, typically a mother or father of a young family will borrow on behalf of the family members. Older families tend to take individual memberships. Memberships are not required to be renewed however recordings of borrowings indicate which members are active or inactive over a 12 month period. It should also be noted that not all regular users of the library are members. Library staff have indicated there are a small number of regular users of the library services and facilities who are not registered members, for example people use the internet services or read daily papers without being a registered member. The current active membership comprises 2,453 of the total membership which is 7,120. It is evident that females are the higher represented gender of library members and active members. The following table details the age and gender break down of memberships;

<b>Gender</b>	<b>Age</b>	<b>Number of members registered at Colac Library</b>	<b>Members active in the current financial year</b>
Female	0 – 12	297	124
Male	0 – 12	224	86
Female	13 – 18	439	112
Male	13 – 18	320	56
Female	18 – 29	843	194
Male	18 – 29	476	71
Female	30 – 39	647	243
Male	30 – 39	317	81
Female	40 – 49	753	281
Male	40 – 49	319	98
Female	50 – 59	663	269

Male	50 – 59	335	115
Female	60 – 69	481	235
Male	60 – 69	258	107
Female	70 – 79	266	144
Male	70 – 79	155	72
Female	80 – 100	166	83
Male	80 – 100	82	33
<b>Colac Home Library Memberships</b>			
Female	0 – 100	68	45
Male	0 – 100	11	4
<b>TOTAL</b>	<b>0-100</b>	<b>7,120</b>	<b>2,453</b>

It is evident from the membership data that current memberships represent residents from within the Colac Otway Shire, the region and beyond, as detailed in the following;

Area	Colac members	Active in the current financial year
Colac Otway Shire	6583	2316
Corangamite Shire	202	60
Moyne Shire	12	5
Warrnambool Shire	4	3
Victoria (outside region)	346	123
Interstate	25	13
<b>TOTAL</b>	<b>7172</b>	<b>2520</b>

#### Strategies for Community Engagement

To date the suggestion of various programs, services and activities to be conducted at the Global Connector accessible to the community have been identified by the community through the various public forums and by project key stakeholders. It is intended over the coming months that further development will be undertaken on the programs, services and activities to be provided.

Over the coming months further detailed community consultation will be undertaken to identify the types or programs, services and activities to be initiated, provided by and held at the Global Connector. The provision of programs and services to be provided will acknowledge services, activities and services already provided within the Shire and their appropriateness success or support. The provision of the Global Connector enables the opportunity to provide services and programs currently not provided, support those services which are in high demand and provide alternatives. Key community service providers such as the library, post compulsory education sector, Neighbourhood Renewal, early years education, senior citizen and U3A are some of the organisations that will assist with the development of specific programs. Current and potential library users will be consulted as part of this.

It is intended that over the coming months numerous dedicated community planning sessions will be held to determine specific program and service needs. The Global Connector is more than a joint use library and so the aim is to ensure that the community are not only aware of what's on offer at the Global Connector but have input into the development and delivery of the programs, services and activities.

As this process progresses further reports and updates will be provided to Council and the community. Further to confirmed funding it is proposed that construction will commence early 2009 with the facility operational early 2010. This provides a period of eighteen months to develop the programs, services and activities to be provided at the Global

Connector in partnership with the community, key stakeholders and other providers. To date the following programs, activities and services have been identified as appropriately provided at the Global Connector;

- Information and advice regarding Post Compulsory Education options within the region, including details of all education options within the Colac Otway Shire.
- Toy Library with connections to children's library services including story telling, holiday programs and after school activities.
- Information Technology courses including introduction through to advanced on computer programs and equipment.
- Broad range of lectures or information sessions on topics of interest
- Community service information pertaining to government benefits and support
- Economic development support for small or emerging business including access to government initiatives or resources.

#### **Council Plan/Other Strategies/Policy**

The Global Connector including the Joint Use Library is supported by the Colac Structure Plan and is consistent with Council's Plan.

#### **Issues/Options**

Further to Council's endorsement of the final Global Connector including the Joint Use Library Plans the Project Architect will develop supporting project construction and tender documentation for the Department of Education and Early Childhood Development Capital Development Unit. To meet funding program cycle requirements this must proceed immediately and any further delays to this process will jeopardise the allocated State Government funding.

#### **Proposal**

It is proposed that the information regarding the current Library Users Profile be read as information only and the Final Plans for the Global Connector as attached be endorsed acknowledging the changes made further to the community consultation undertaken.

#### **Financial and other Resource Implications**

At the time of compiling this report the State Government through the 2009/2010 Budget announcement confirmed the \$3million contributing allocation through the Department of Education and Early Childhood Development towards the Global Connector including the Joint Use Library.

#### **Risk Management & Compliance Issues**

To date risk management and compliance issues have been being considered and addressed throughout the ongoing management, development and delivery of the Colac Education, Recreation Community Precinct Project. It is proposed that a formal Risk Management Plan will be commenced over the coming months and will be an ongoing management tool to identify risk management and compliance requirements but also identify strategies for the consideration and rectification of these risks. It is proposed that the Risk Management Plan would be a regular item for the Project Management Group and project sub committee's consideration. This will also assist with the monitoring of risk items (potential or otherwise) and how they are being addressed, the responsible party, appropriate timelines and any resource implications.

#### **Environmental Considerations**

Environmental considerations are undertaken and addressed throughout the ongoing management, development and delivery of the Colac Education, Recreation Community Precinct Project. Specific energy efficiency aspects including facility designs, building materials, water harvesting and use of natural light have been taken into consideration and incorporated in the project planning. Environmental considerations are also being taken into account for the purchase and installation of facility equipment and furniture specifically for

the Global Connector given this is the first joint use element to be constructed within the Beechy Precinct.

### **Communication Strategy/Consultation**

Ongoing community consultation continues for the project, specifically over coming months consultation will be considering and developing the programs, services and activities to be conducted in the Global Connector including the Joint Use Library.

Specific consultation has occurred over recent weeks with key project stakeholders including the Global Connector Sub Committee to ensure knowledge and understanding of the final designs of the facility. This consultation has been well supported and has resulted in the endorsed final plans by all proposed facility user groups, project partners and key stakeholders.

The project newsletters have proven successful with ongoing requests from the community to be included on the mailing list. These newsletters are generated at critical project milestones and provide project updates as well as promoting opportunities for community input to the project. It is proposed that the next newsletter will outline opportunities for the community to have input to the development of programs, services and activities to occur at the Global Connector including the Joint Use Library.

Planning of the remaining elements within the Beechy Precinct has continued. Communication regarding the status of the Bluewater Fitness Feasibility Study, development of the Central Reserve Masterplan and Traffic Management Plan recommendations for example will also be communicated to the community and key stakeholders. While the Global Connector including the Joint Use Library has taken dominance over recent months the remaining Precinct elements continue to be planned with input from the various project subcommittees.

### **Implementation**

It is proposed that the final designs for the Global Connector will be presented to the Department of Education and Early Childhood Development Capital Department for final endorsement late June 2008. Tender documentation is then developed with intention for calling of tenders and contracts to be awarded by November 2008. Construction is expected to commence January 2009 with the facility operational January 2010.

### **Conclusion**

The concept of the joint use library linked with other share use facilities to cater for various community groups and needs was initially identified by the community. Continued consultation has provided detailed input to the design of the facility as presented in the attached final plans. The community will continue to develop the aspirations for the facility through further detailed planning of the services, activities and programs to be offered.

### **Attachments**

Final Global Connector including Joint Use Library Plans.

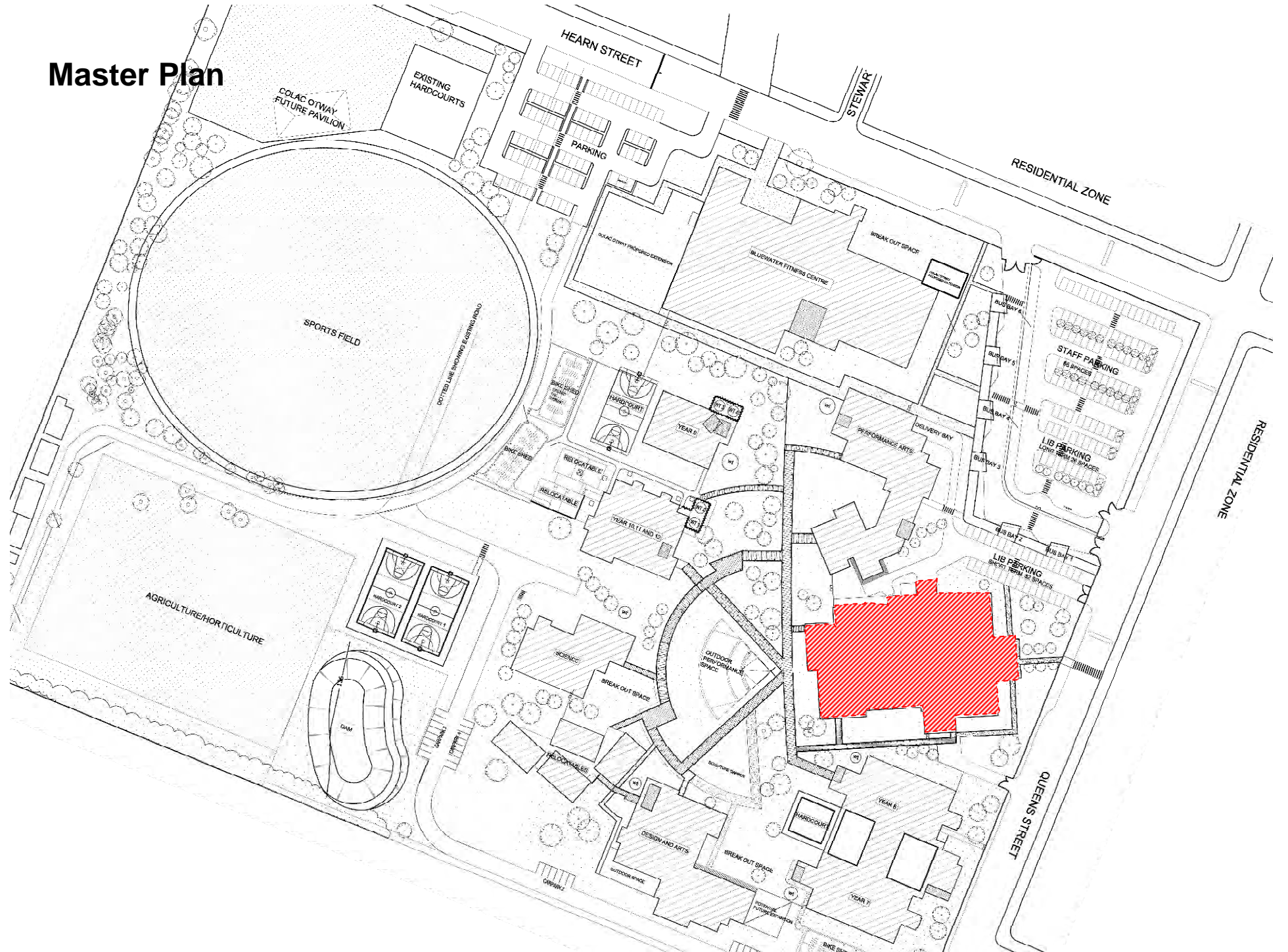
**Recommendation(s)**

***That Council accept the information regarding Library User Profile as information only and endorse the final design for the Global Connector including the Joint Use Library incorporating the community consultation feedback and the details regarding the development of programs, activities and services at the Global Connector.***

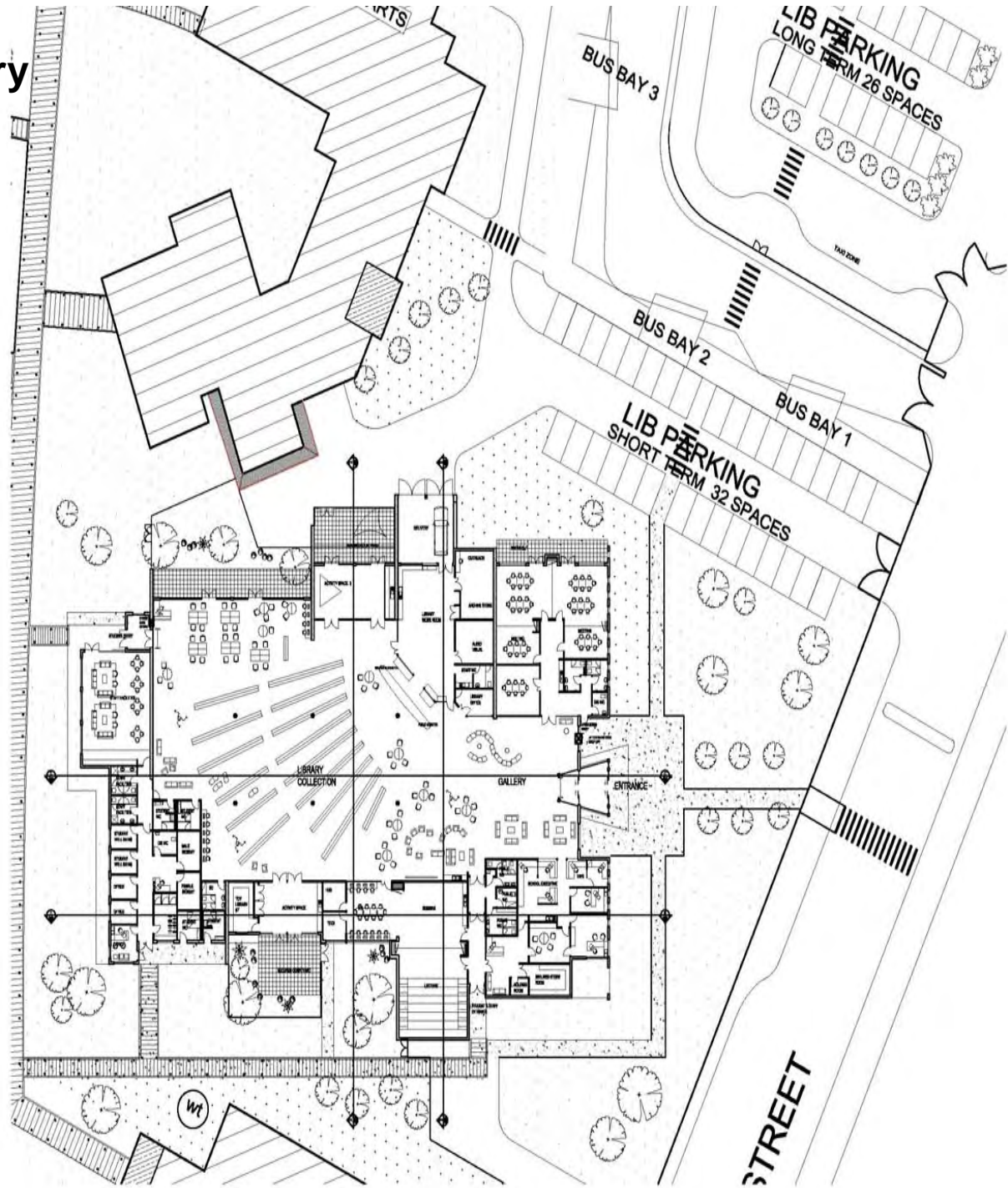




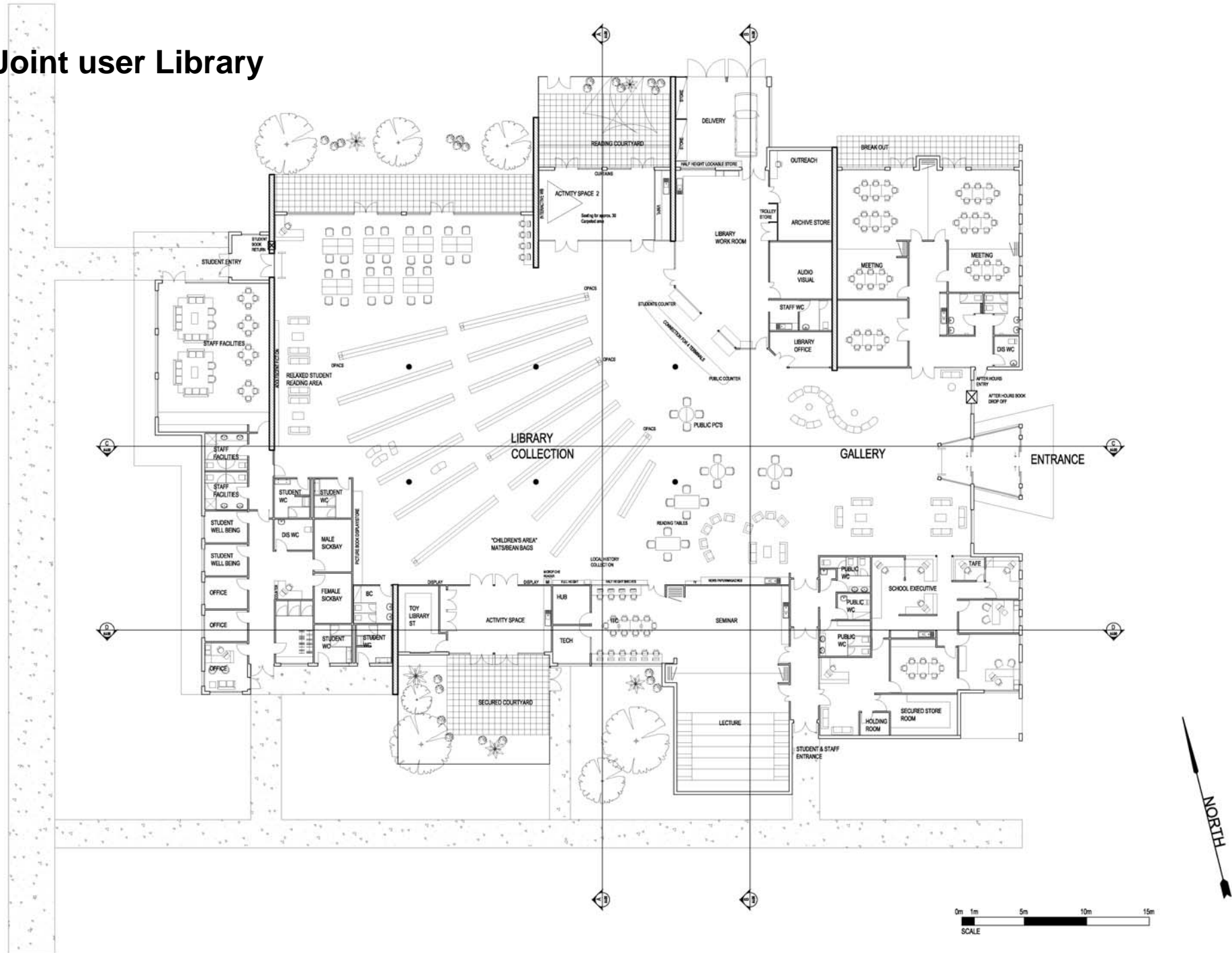
# Master Plan



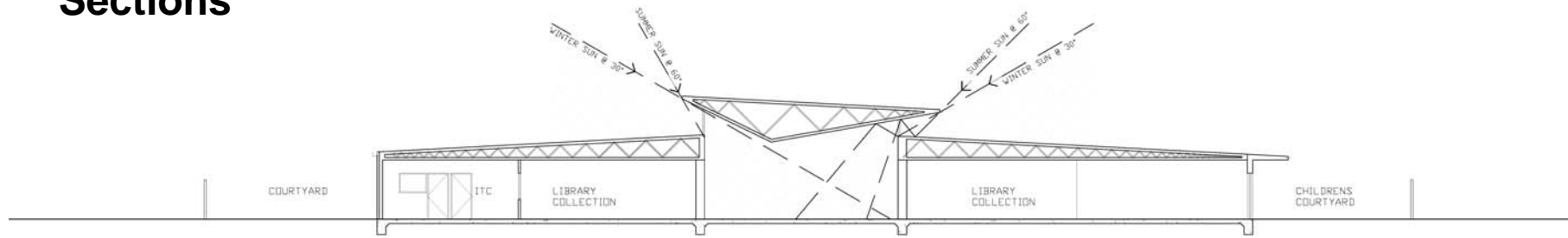
# Joint user Library in context



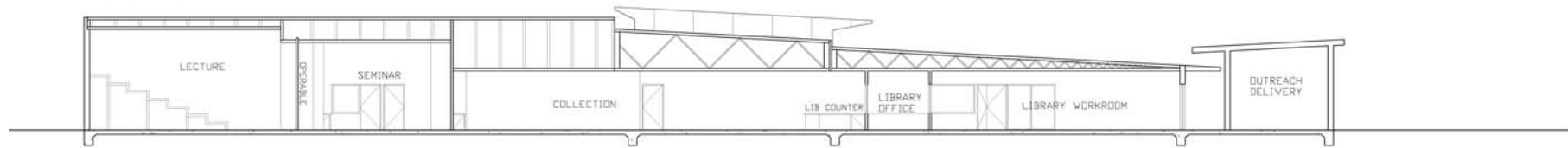
# Joint user Library



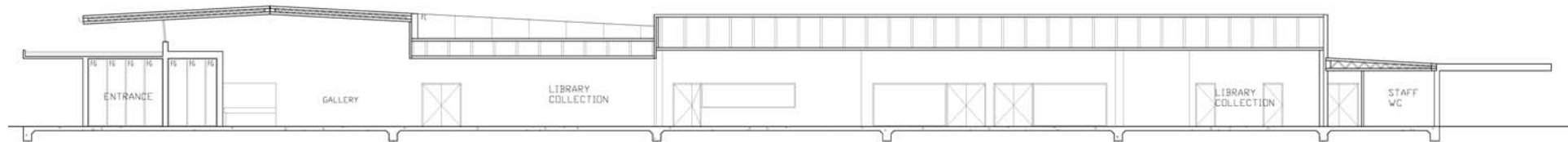
# Sections



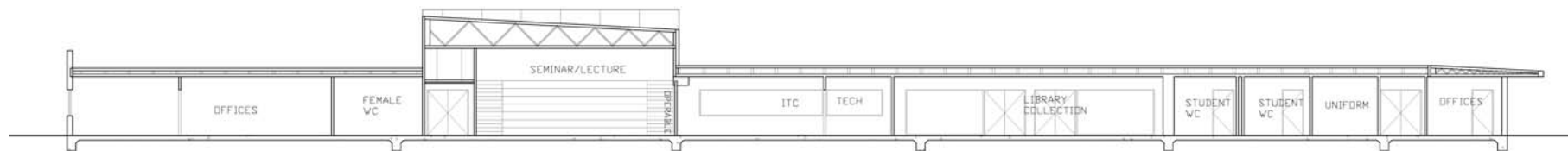
1 SECTION AA  
GLOBAL CONNECTOR  
Scale 1:100



2 SECTION BB  
GLOBAL CONNECTOR  
Scale 1:100



3 SECTION CC  
GLOBAL CONNECTOR  
Scale 1:100



4 SECTION DD  
GLOBAL CONNECTOR  
Scale 1:100





**Existing Hours of Operation**

<b>Summer 1 November – 31 May</b>	<b>Hours</b>	<b>Winter 1 June – 31 October</b>	<b>Hours</b>
7months (Ave. 30 weeks)		5 months (Ave. 22 weeks)	
Monday–Thursday 6am – 9pm	15hrs	Monday -Thursday 6am– 9pm	15hrs
Friday 6am – 7pm	13hrs	Friday 6am–7pm	13hrs
Saturday/Sunday 10am – 5pm	14hrs	Saturday/Sunday 10am – 3pm	10
Public Holiday 10am-7pm	9hrs	Public Holiday 10am – 7pm	9hrs
Total opening hours per week	101	Total opening hours/wk	83
Total opening hours/season	3030	Total opening hours/season	1826
Total yearly hours per year = 4856			

An overall a reduction of 32 hours per year was achieved.

Common themes coming from these amendments included;

- Request to extend hours on weekends – generally suggesting later close times than 5.00pm during summer and 3.00pm during winter.
- Public Holiday hours commence and finish too late during summer and winter. 10am – 7pm

In summary, the community feedback regarding closure of the Centre on Saturdays and Sundays indicates that there is community demand for the Centre to be open later than 5.00pm during the summer and later than 3.00pm during winter.

**Council Plan/Other Strategies/Policy**

This proposal is supported by the Bluewater Fitness Business Plan and Council's Plan Objective Financial Sustainability which specifically outlines that Council will optimise the effectiveness and work towards the minimisation of the Council subsidy for the Bluewater Fitness Centre, Colac Otway Performing Arts and Cultural Centre and the Visitor Information Centres.

**Issues/Options**

The current issue is the current closing time for the Bluewater Fitness Centre aquatic hall Monday to Thursdays during the winter period. Currently there is low patronage particularly after 8pm.

There are four options for consideration;

1. Reduce closing times Monday to Thursday from 9pm to 8:30pm.

This period of time is identified as a low usage period all year round allowing changes to be made with minimal negative impact on the community. A reduction in these hours provides Centre staff 30 minutes each night to complete closing duties currently undertaken between 9.00 – 9:30pm. Benchmarking comparisons of similar facilities indicates 8:00pm and 8:30pm closing as common.

It is proposed that Bluewater Fitness Centre staff become responsible for all daily cleaning duties at 2pm and at the end of the day from 8:30pm – 9pm to include the Aquatic area change rooms and toilets currently undertaken by Council contractor. Recent advice from Colac Cleaning and Property Services has indicated that this service is not to be continued into the future.

This proposal reflects better use of staff resources and saves costs currently allocated to contract cleaning services.

2. Alter and advertise the summer and winter season dates to reflect outdoor temperature trends as follows;  
Summer: 1 November – 31 March (Average 20 weeks)  
Winter: 1 April – 31 October (Average 32 weeks)

This results in an overall reduction in operating hours for an increased 10 week period. The proposed schedule dates for summer and winter periods better coincides with outdoor temperature changes.

3. Separate closing times for BWFC and the Recreation Centre.  
This allows continued use by the relevant user groups to extend beyond the normal operating hours and eliminate staffing and resource challenges created by late night programming.

This component decreases the number of weeks for summer and increases the number of weeks for winter. Some negative feedback is to be expected, particularly if warmer weather is continued throughout April, given that the overall operating hours are decreased, however the amount of only 32 hours less per year is not viewed as consequential beyond reason.

If extreme hot temperatures continued into April the Centre Management has the authority to extend trading hours. However this proposal is based on typical seasons. Council is responsible for balancing this schedule and has a policy for Centre Management discretion to extend season dates based on weather forecasting. Consistent with Council's Community Consultation and Engagement Policy further information would be appropriately provided to the community.

Existing Bluewater Fitness Centre Stadium Regular Users including Colac Basketball Association and the Colac Night Netball Association have requested usage of the centre beyond the operating hours of BWFC to address the increased demand and growth of their sports. Currently, any period beyond 9:00pm Mon – Thur and 8pm Fri, BWFC incurs increased operational costs associated when staffs are required to remain on premises to secure the building at the end of the day.

It is possible with the current facilities to secure and close BWFC's Aquatic area and separate the use of the Recreation Centre to relatively easily by locking the Eastern doors that provide common access between BWFC and the Recreation centre.

Hire agreements outlining expectations and responsibilities accepted by the user Associations would include the secure lock up of the Recreation Centre by 11pm, provision of 1<sup>st</sup> Aid room and equipment (currently in place but not enforced), Emergency contact details and management systems, communication systems and termination of agreement conditions for non compliance.

4. New proposal for Colac Swimming Club.

Implications arise from this proposal to change the Centre opening hours specifically for the Colac Swimming Club who hire lane usage on Saturdays 8am – 10am and the exclusive use of the Aquatic area on Friday evenings 7pm – 9pm.

It is proposed that the current arrangement of exclusive use of the aquatic hall on Saturday mornings 8am-10am in summer be renegotiated with the Colac Swimming Club to allow public access during these times. The proposal recommends Colac

swimming Club have use of 4 lanes from 8am – 10am or possibly 7am – 9am and the remaining two lanes be made available for public use or Centre program use.

Currently the Centre closes at 7pm on Friday evenings as historically this is a low patronage period as illustrated by daily attendance records and supported by the Stratcorp Consultancy Business Review 2007. This proposal recommends that Colac Swimming Club be provided exclusive use of the aquatic hall from 7pm-9pm for the purpose of conducting race and theme nights for its members.

This proposal was raised for consideration by the Colac Swim Club committee with initial indications received being positive. The proposal remains under consideration for the committee for implementation in October 2008.

### Proposal

It is proposed the proposed schedule for summer and winter hours be implemented and the Centre's Opening Hours be amended and trialled commencing 1 June 2008 for the 2008 winter period as detailed in the following;

<b>Summer 1 November – 31 March</b>	<b>Hours</b>	<b>Winter 1 April – 31 October</b>	<b>Hours</b>
5 months (Ave. 20 weeks)		7 months (Ave. 32 weeks)	
Mon – Thur 6am – 8.30pm	14.5 hrs	Mon – Thur 6am – 8.30pm	14.5hrs
Fri 6am – 7pm	13 hrs	Fri 6am – 7pm	13 hrs
Sat/Sun 8am – 6pm	20 hrs	Sat/Sun 8am – 4pm	16 hrs
P/Holiday 10am – 7pm	9 hrs	P/Holiday 10am – 7pm	9 hrs
Total opening hours /wk	91 hrs	Total opening hours/wk	87 hrs
Total opening hours /season	1,820 hrs	Total opening hours/season	2,784 hrs
Total opening hours per year = 4,604			

Public Holidays are not included in the calculation for normal opening times.

As defined in the Bluewater Fitness Centre Business Review benchmark average hours per week equate to 4,468, this is based on comparison with Echuca Swimming Pool. The proposed 8:30pm closing time Monday to Thursday provides the opportunity for the Centre staff to complete daily closing duties for 30 minutes giving an operational finish time of 9pm.

Proposed changes are made to the following operation hours:

- Closing times Monday to Thursday reduced from 9pm to 8.30pm.
- Summer and winter season durations defined (Increased winter and decreased summer periods).
- Public Holiday operating hours reduced (and the provision of basic services and facilities on these days).
- Earlier opening and later closing hours for weekends in summer and winter.
- Separate closing times for Bluewater Fitness Centre Pool Hall and the Stadium.

Options trialled and implemented to date focus around hours per day and the reduction of hours for the winter season when patron usage is generally low. Alternatively, it is possible to reduce the overall operating hours throughout the entire year aiming to reduce operational costs. Another area impacting on operational costs is programming, particularly on public holidays. Public Holidays attract an increased rate of pay for employees covering award entitlements for staff that is not factored into daily or membership fees and charges.



It is recommended that for public holidays services are reduced to a minimum to include the use of the Aquatic and Dry areas only and without programmes such as Learn to Swim, Group exercise classes wet and dry, personal training and crèche. This reduction in staff will reduce the subsidised costs incurred by Council for salaries and wages. Patronage during all public holidays is considerably lower than normal across all programs.

A further reduction in opening hours or the consideration for closure is also suggested for specific public holidays such as Boxing Day and New Years Day. Conditions would apply and approval would be requested annually with proposals presented to Council. Council and management would reserve the right to extend any opening hours given hot weather forecasting.

### **Financial and other Resource Implications**

Identified in the Bluewater Fitness Centre Business Review is the reduction of Council subsidy towards the Centre's operational costs. A proposal coming from the Stratcorp Business Review March 2007 is the recommendation to reduce opening hours by seven hours per week resulting in a reduction in operating costs. As previous proposals and trials have shown, the negative impact of reducing opening hours exclusively during the winter period is not acceptable and could be seen as contrary to the Shire core values and its reputation and divergent from the Bluewater Fitness Centre mission to offer diverse leisure services to the wider community.

The proposed hours of opening are reduced throughout the entire year for both summer and winter periods, Monday to Friday, at times identified as low usage. In addition, changes to summer and winter schedule dates increase the number of hours the centre is operating with minimal operating costs. It is estimated that this change would result in 64 hours per year which equates to \$7,680.00 savings per annum, this is from the reduction in summer season hours and weeknight hours.

Although only a minimal savings the proposed spread of hours offer increase usage availability in response to community and customer feedback. The proposed Monday to Thursday 8:30pm closing time provides an operational finish time of 9pm and a total reduction of 2 hours per week and 104 per year.

The proposed operational hours permit centre staff to undertake the daily cleaning duties currently contracted to an external agent. Costs negotiated for this service in 2007/08 are \$35,000.00 per annum. This service includes the cleaning of the Recreation Centre which would be negotiated to continue with an agreed reduction per annum reflecting the decrease in services. The savings associated with this proposal would be expected to range from \$5,000.00 to \$15,000.00 per annum. The minimal estimated savings equate to \$5,000.00 per year.

### **Risk Management & Compliance Issues**

Risk management and compliance requirements have been taken into consideration throughout the development of this proposal. The obvious risk presented in separate closing times for the Bluewater Fitness Centre Pool Hall and the Stadium is the reliance on the user groups to ensure facility safety and security. This is supported through the hirer agreements, defined roles and responsibilities and emergency management procedures.

### **Environmental Considerations**

There are no environmental considerations arising from the implementation of this proposal.

### **Communication Strategy/Consultation**

Consistent with Council's Community Consultation and Engagement Policy, if endorsed the changes to operating times will be advertised immediately with response to these changes

monitored and collected. A further report will be tabled with Council at the conclusion of the winter period to indicate the community response and future proposals.

### **Implementation**

It is proposed that this proposal will be implemented as of the 1 June 2008 and cease at the end of the winter season.

### **Conclusion**

This proposal is shaped following the Business Review and associated Business Plans identified key opportunities for business growth and development. Recommendations include decreased opening hours and increased program and service provisions to meet community needs and expectations.

The continual improvement plan demonstrates a future commitment required from the business to regularly address and respond to the ever changing community. Regular customer feedback and community consultation is undertaken to gather information addressed by this proposal.

### **Attachments**

Nil.

### **Recommendation**

***That the proposed schedule for summer and winter hours be implemented and the Centre's Opening Hours be amended and trialled commencing 1 June 2008 for the 2008 winter period as detailed in the following;***

#### ***Summer: 1 November – 31 March 5 months (Ave. 20 weeks)***

- ***Mon to Thur: 6am – 8.30pm (14.5 hrs)***
- ***Fri: 6am – 7pm (13 hrs)***
- ***Sat/Sun: 8am – 6pm (20 hrs)***
- ***Total opening hours /wk: 91 hrs***
- ***P/Holiday: 10am – 7pm (9 hrs)***
- ***Total opening hours /season: 1,820 hrs***

#### ***Winter 1 April – 31 October 7 months (Ave. 32 weeks)***

- ***Mon to Thur: 6am – 8.30pm (14.5hrs)***
- ***Fri: 6am – 7pm (13 hrs)***
- ***Sat/Sun: 8am – 4pm (16 hrs)***
- ***P/Holiday: 10am – 7pm (9 hrs)***
- ***Total opening hours/wk: 87 hrs***
- ***Total opening hours/season = 2,784 hrs***

***Total opening hours per year = 4,604***

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**Proposal**

That Council adopts the revised "Sale and Exchange of Council Land Policy".

**Financial and other Resource Implications**

Council is required to obtain an up to date valuation when selling or transferring land. This is at Council cost.

Other costs will include the normal expenditure when a property is sold eg. legal fees, advertising etc.

**Risk Management & Compliance Issues**

The existing policy sets out the legal obligations under the *Local Government Act* 1989. The revised policy further improves on risk management by expanding on the various requirements under the Act.

**Environmental Considerations** N/A**Communication Strategy/Consultation**

Local Government Victoria has consulted with Local Government and worked jointly with the Government Land Monitor to develop the Best Practices Guideline.

**Implementation**

Once adopted the policy will be included in the policy manual and be available on the internet. The policy will be presented to the Audit Committee and Council for periodic review.

**Conclusion**

The revised policy will ensure that Council continues to comply with legislation when undertaking any sale or exchange of Council land.

The revised policy has been based on the Local Government Best Practice Guideline for the Sale/Exchange of Land.

**Attachments**

Sale and Exchange of Council Land Policy

**Recommendation**

***That Council adopt the Sale and Exchange of Council Land Policy.***





# **SALE AND EXCHANGE OF COUNCIL LAND POLICY**

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**Policy No: 4.3**

**Date Adopted: 22/11/2006**

**File No: GEN01688**

**Revised:**

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## **1. INTRODUCTION**

Colac Otway Shire is obliged to manage its real estate so that municipal requirements are met. These requirements may change and properties need to be revaluated to establish their status.

The current and future use of property as well as the economic potential of disposal, should be considered by Council.

## **2. RELATIONSHIP WITH COUNCIL PLAN**

The Council Plan indicates that part of the mission of the Colac Otway Shire is to operate according to good governance principles.

A policy with respect to the sale of Council Land is an important part of this process.

## **3. OBJECTIVES**

Council will dispose of Council Land in a considered and responsible way and in accordance with legislation and the policy outlined.

Where Council disposes of real estate the sale should maximise the total economic return to the Council except where there is a clearly demonstrated community benefit for selling the land at a lower amount.

The policy has been prepared to assist Council and officers in determining the procedures to be followed in the sale, transfer or exchange of Council Land.

## **4. GUIDELINES**

The Guidelines are based on the "Local Government Best Practice Guideline for the Sale and Exchange of Land" – March 2008.

The Best Practice Guideline was prepared jointly by Local Government Victoria and the Government Land Monitor, Department of Planning and Community Development to provide guidance for Councils that are proposing to either sell or exchange land.

### **4.1 Legislative Requirements**

Section 189 of the LG Act requires Council to do certain things before selling or exchanging land:

- To give at least four weeks public notice of an intention to sell or exchange land before selling or exchanging this land (section 189(2) of the LG Act);
- Obtain a valuation of the land which is made not more than 6 months prior to the sale or exchange from an appropriately qualified person (section 189(2)(b) of the LG Act); and
- Allow interested persons to make a submission under section 223 on the proposed sale or exchange (section 189(3) of the LG Act).

In essence, section 189 of the LG Act requires Council to:

- Consult ratepayers and residents on any proposal to sell or exchange land;
- Give ratepayers and residents an opportunity to have their views heard; and
- Have a current valuation for the land that is proposed for sale or exchange.

It should be noted that under section 189(4) of the LG Act, the sale or exchange of land that formed part of a road that has been discontinued as the result of a Council exercising its powers under clause 3 of Schedule 10 of the LG Act is not subject to section 189(3) of the LG Act.

The exchange of land may mean that Council purchases other land in return for the land to be sold.

The sale or exchange of land under clause 3 of Schedule 10 of the LG Act is subject to a separate process.

### **Public Notice**

Section 89(2) of the LG Act requires Council to give at least 4 weeks public notice before the sale or exchange of land. Further, section 189(3) of the LG Act provides that a person has a right to make a submission under section 223 of the LG Act on the proposed sale or exchange of land.

#### *Purpose of Public Notice*

The purposes of giving this notice are twofold:

- To inform ratepayers and residents of the Council's intention to dispose of or exchange a public asset; and
- To give an indication that the Council is genuinely open to the best offer for that land, either on a price basis or alternative use basis.

#### *Content of Public Notice*

The public notice should be informative and enable ratepayers and residents to:

- clearly identify the land that is proposed for sale/exchange;
- understand the proposed sale process; and
- understand the public consultation process.

As good practice, the public notice should include the following information:

- references to the relevant sections of the Act that the council is acting under, e.g. sections 189 (public notice) and 223 (public submissions);
- the location of the property/ies – street address/es, title details (i.e. Volume and Folio number/s),
- wherever possible, a map or plan of the land should be included;
- how the property/ies is/are to be sold (i.e. by public auction, tender, private treaty);
- the time frame for the proposed sale/exchange of land;
- the prospective purchaser/s if this is known;
- the commencement and end of the consultation period;
- how submissions can be made;
- that persons making a submission can request to be heard in person; and
- contact details at the council if further information is required.

NOTE: Care should be taken that any additional information provided does not compromise the sale process or disadvantage the council.

#### *Conditional Contracts*

A common practice is for Councils to execute contracts for the sale or exchange of land conditional on a satisfactory outcome of the mandatory public consultation process.

Irrespective that Council may have determined that it wishes to sell/exchange land to/with a specific party; the public notice given in compliance with the LG Act must be genuine (and be seen to be genuine).

The drafting of a conditional contract should always be based on sound legal advice.

### **Right to Make Submissions**

Section 189(3) of the LG Act provides that a person has a right to make a submission under section 223 of the LG Act on any proposed sale or exchange of land.

In this context, the council must:

- publish a public notice stating that submissions in respect of the proposed sale or exchange of land will be considered in accordance with section 223 of the LG Act;
- consider any written submission received within 14 days of publication of the public notice;
- hear any person who requests to be heard in support of their written submission;
- where a person who has made a written submission has requested to be heard in person, fix the day, time and place of the meeting, and give reasonable notice of the meeting to every person who has made a separate submission (in the case of a submission being made on behalf of a number of persons, notice is to be given to the person specified in the submission as the person to give notice to);
- consider all submissions made under this section; and
- after making a decision, give written notification to all people who have made a submission under this section, stating the decision and the reasons for the decision (where submissions are made on behalf of more than one person, notification in writing needs to be given to 1 of these people).

### **Requirement for a Current Valuation of Land**

Under section 189(2)(b) of the LG Act, before Council sells or exchanges land, it must obtain a valuation of the land which is made not more than 6 months prior to the sale or exchange of that land.

The section stipulates that the valuer must hold the qualifications or experience specified under section 13DA(1A) of the *Valuation of Land Act 1960* (the VL Act).

### **Discontinued Roads – Sale of Land**

The sale of land that formed part of a road that has been discontinued is subject to the provisions of section 189 except for public consultation under section 223 of the LG Act. Public consultation under section 223 is specifically provided for under clause 3, Schedule 10 and section 207A of the LG Act.

### **Sale of Public Open Space**

In addition to the requirements under the LG Act, Council is also required to comply with section 20 of the *Subdivision Act 1988* (the SD Act) when selling public open space.

Section 20(2) of the SD Act requires Councils to use the proceeds from the sale of any public open space to:

- buy land for use for public recreation or public resort, as parklands or for similar purposes; or
- improve land already set aside, zoned or reserved (by Council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or
- with the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands *or for similar purposes*.

It should be noted that under section 20(4) of the SD Act, public open space can only be sold if the council has provided for replacement public open space.



## **Effect of a Breach of the Legislation**

The following section is a summary of advice from the Victorian Government solicitor.

There is a legislative purpose discernable in the LG Act to invalidate any action that fails to comply with the statutory provisions of section 189 of the LG Act. If the statutory provisions of section 189 of the LG Act are not followed, the contract for the sale or exchange of land will be void.

In *Bycon*, the Supreme Court found compliance with the provisions of section 189 of the LG Act to be mandatory and accordingly, the purported sale of land was held void.

If a contract is rendered void for non-compliance with the statutory requirements, the contract cannot be sued on, i.e. the proposed purchaser could not sue on the contract. However, the proposed purchaser may have a claim in negligence against the council. Additionally, a person with sufficient interest may also obtain an injunction restraining Council from proceeding with the sale until all statutory requirements have been fulfilled.

## **4.2 General**

All properties will be reviewed periodically for its municipal usefulness and particular attention paid to land not adequately used for municipal purposes.

Properties that are designated as surplus may be sold, exchanged or reserved for exchange for other land that the municipality requires. This would be after an assessment of Strategic Planning implications and future needs.

## **4.3 Preliminary Report to Council to Sell Land**

Prior to any sale of land and the statutory processes commencing, a report to Council is to be prepared outlining the following:

- Reason for recommended sale
- Description of property
- Current Council valuation and date of valuation
- Locality map
- Current use
- History of Council ownership
- Recommended method of sale
- Recommended sale price range and justification if range is less than valuation
- Any encumbrances
- Timelines for sale
- Proposed purchaser and if company, details of company directors and/or trustees (private sale only)

A report would also be prepared for the transfer or donation of land where no sale price is involved.

## **4.4 General Principles**

1. All sales of land must comply with the provisions of the LG Act.
2. Sales should be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, for example the sale or exchange of land by private treaty. Council should explain to its community the circumstances which led to its decision to use an alternative method of sale in the interests of probity, public accountability and transparency.

3. Sales should be in the best interests of the community and provide the best result, both financial and non-financial, for the Council and the community.
4. Generally, all sales should occur at not less than the market value assessed by a valuer engaged by the council. However, in the event that land is sold for less than the market value, Council should explain the circumstances, reasons or factors which led to the decision to accept a sale price that is less than market value.
5. Prior to being offered for sale, property should be appropriately zoned. This will ensure that the ultimate use of the land is determined by that zone and the highest possible sale price is achieved. Will also give certainty to the purchaser.

#### **4.5 Procedures for the Sale of Land**

##### **Preparation of Land for Sale**

Council should ensure that land is offered for sale in a manner that will ensure the maximum price is achieved while protecting both Council and the public interest. Land zoned for public purposes must be appropriately rezoned prior to public sale.

Some examples of matters which should be addressed before offering land for sale include:

- Is the land proposed for sale being sold at its highest and best use or for a use other than its highest and best use? If the land is being sold for use other than its highest and best use, ratepayers need to be informed of any community service obligation that might arise from its sale.
- Presentation of the land to expose its best attributes: considerations include (where relevant) repairs, cleaning, painting, clearing of vegetation, pegging of boundaries and associated works.
- Proper surveying of the boundaries of the land to ensure accuracy of the land to be sold.
- The optimum development potential of the land should be considered: a planning report should be prepared to assist/enable Council to make an informed decision about the sale of the land.
- Need to ensure that future Strategic Planning and community needs, both long term and short term, are taken into account.
- Preparation of an agreement under either section 173 of the *Planning and Environment Act 1987* or other means should Council wish to control the future use of the land (other means may include covenants, easements, leases, licenses, planning protections or controls and so on).
- Would subdivision be appropriate?
- Structural and engineering reports may be required.
- Environmental report should be obtained where there is possible contamination and must be taken into account where rezoning is proposed.
- If land proposed for sale is contaminated, a strategy for its remediation (including the responsibility for and the funding of remediation works) needs to be developed.
- A risk assessment of the land with respect to prior and potential uses of the land.
- Where Council proposes to offer a lease on the land before selling it, or where it offers a leaseback, the lease should be drawn in commercial terms and conditions to ensure the full market value of the land is realised.
- Section 32 statements must contain full and proper disclosure of all relevant matters.
- Land must be offered for sale with full disclosure of relevant information to enable a full and proper due diligence enquiry.

As each sale is different, the above are only examples of the many potential matters that should be addressed before offering land for sale. In all cases, the preparation of land for sale should be cost-effective and be consistent with the nature of the land being proposed for sale as well as the circumstances which have led to the proposed sale.

## **Appointment of Consultants and Real Estate Agents**

Consultants may be appointed to give advice or to assist with the preparation of the land for sale. Consultants may include valuers, surveyors, engineers, environmental assessors (i.e. in relation to soil contamination and remediation), demolition specialists, town planners, legal advisers and so on.

Consultants must be independent and not have any personal or pecuniary interest in the transaction. A written declaration or disclosure in this regard is essential.

A consultant must not be appointed as valuer and selling agent for the same land.

Careful selection of consultants will ensure best results are achieved. Consultants should be fully briefed on the scope of their engagement. When seeking quotes, only those consultants who are qualified, skilled and experienced should be invited to tender for the services to be performed. This will generally enable acceptance of the lowest quote or tender. Consultants must provide evidence of professional indemnity insurance.

### *Instructions for Valuers*

Valuers should receive unbiased instructions to carry out the valuation independently, free from influence or collusion with the selling real estate agent and Council officers, and in the case where land is being exchanged, with the owners of property which are the subject of the exchange. In appointing the valuer, the council must ensure that the preferred valuer must not have any conflict of interest.

Generally, valuers should be instructed to provide a valuation on the basis of highest and best use of the land proposed for sale. However, where land is proposed for sale for some purpose other than the highest and best use, the valuer should be instructed to provide a valuation on both bases. This will enable Council to make an informed decision on the sale of this land. Further, the community can be fully informed of the value of any community service obligation that might arise as a result of the land being used for a purpose other than highest and best use.

If the value of the land is high and/or the land is complex in nature, it would be prudent to have a second (check) valuation done by an independently instructed valuer on the same instructions. If there is a difference of opinion in the valuation, a valuers conference should be called to work out the differences and arrive at an agreed valuation. An impartial chairperson should preside over the conference.

### *Instructions for Real Estate Agents*

Real estate agents should be required to provide a report, which outlines:

- details of the proposed marketing and advertising campaigns;
- the expected selling price; and
- details of any works required to be undertaken on the land being offered for sale.

Where the sale is by auction, the real estate agent should nominate the auctioneer prior to the appointment.

## **Method of Sale**

### *Sale by Public Auction*

Where Council has decided that land is to be sold by public auction, the sale of this land before auction must not be permitted.

Sale of land by public auction should be conducted in the following manner:

- After the selection and appointment of a real estate agent, the date of auction should be set, allowing approximately four to six weeks for an advertising campaign. The period may need to be varied depending on the type of land. The agent should be required to submit a summary to the council of the marketing campaign, enquiry rate and anticipated result approximately two weeks before the auction.
- The advertising campaign should be conducted in a manner that adequately exposes the land to the market.
- The valuer(s) should provide valuations to Council at least two to three weeks before the auction date. This will allow sufficient time to arrange a conference of valuers, or to confer with the valuer(s) if there is any concern about or disagreement over the valuations provided.
- When the valuation(s) and the selling agent's report have been received, Council should determine a reserve price. The reserve price should be not less than the market value. The reserve price must be set before the auction and must remain confidential at all times.
- Security must be maintained over documentation relating to the reserve price. Documents such as valuations, agent's reports and related correspondence must be provided on a confidential basis and only to the council representatives responsible for the transaction.
- The reserve price or valuation advice must not be disclosed, particularly to the selling agent, before the auction.
- If the land fails to sell at auction, it is to be passed in for negotiation with the highest bidder and offered for sale to that person at not less than the reserve price.
- If the land remains unsold following negotiations after auction, it should be left on the market for private sale at not less than the reserve price for an appropriate or reasonable period of time as determined by the council.
- If an offer is received which is lower than the valuation and Council is considering acceptance of the offer, it should be submitted in writing to the valuer for consideration. Having considered the valuer's opinion and all other relevant factors, and Council having formed an opinion that the offer is reasonable, the land may be sold. Council should disclose the reasons for its decision to sell the land for a price lower than valuation.

#### *Sale by Public Tender*

Where Council has decided that land is to be sold by public tender, the sale of this land before the close of tenders must not be permitted.

Most of the procedures described in the conduct of a sale by public auction are relevant to a sale by public tender, and it is recommended that they be read in conjunction with this section.

Sale of land by public tender should be conducted in the following manner:

- Tender documents must be prepared which outline the process for the sale and all relevant timelines. The documents should also outline the broad objectives Council wishes to achieve through the sale, how tenders will be received and assessed, and how any post tender negotiations will be conducted.
- Council should consider the appointment of a probity auditor to oversee the entirety of the sale process.
- The reserve price must be set before the close of tenders and must remain confidential to ensure the integrity of the sale process. Tenders must not be opened until the reserve price is set (i.e. if a reserve price had not been set before the close of tenders).
- Tenders must be lodged with the council or its legal representative. Tenders must not be lodged with the selling agent. Tenders lodged with the selling agent should not be accepted. Tenders submitted by facsimile or by e-mail should also not be accepted.
- Late tenders must not be accepted.

- Tenders should only be opened by a formally appointed panel comprising representatives of the council and may include its legal representative and, if appointed, the probity auditor.
- The highest conforming tender at or above the reserve price should be accepted. If no conforming tenders are received at or above the reserve price, Council may commence post tender negotiations in accordance with its pre-determined strategy. This may involve negotiations with the highest tenderer or may involve inviting tenderers to consider increasing their offers for the property. Post tender negotiations should only be conducted for the duration allowed in the tender documentation. If the land remains unsold, it should be formally passed in and all tenderers must be advised. The land should continue to be marketed for an appropriate or reasonable period of time as determined by Council.
- If an offer is received which is lower than the valuation adopted as the reserve price and Council is considering acceptance of the offer, it must be submitted in writing to the valuer for consideration. Having considered the valuer's opinion and all other relevant factors, and Council having formed an opinion that the offer is reasonable, the land may be sold. Council should disclose the reasons for its decision to sell the land for a price lower than valuation.

#### *Sale by Public Registration or Expression of Interest*

This method of sale is useful where Council wishes to expose land to the market without the assistance of an agent. It can be used as a public marketing process that is an alternative to an auction or tender.

This method of sale is also appropriate in circumstances where, in addition to selling the land, Council wishes to control the future use or development of the land.

Potential purchasers can be invited to provide details of a design concept or to make a commitment to enter into an agreement to develop the land in accordance with Council's brief. Interested parties may also be required to provide details of their ability to perform and of their history of achievements.

Registration of expressions of interest may or may not be binding on either party.

The reserve price for the land should be set before the receipt of offers. Again, the reserve price must remain confidential to ensure the integrity of the sale process.

The marketing of the land should be conducted in the same manner as sales by auction or tender. If Council has a desired development outcome for the land, the advertising campaign must include details of the proposal. Valuation(s) must take the proposal into account.

#### *Sale/Exchange by Private Treaty*

There may be circumstances where it may be more appropriate to sell/exchange land by private treaty. Generally it will be:

There may be circumstances where it may be more appropriate to sell/exchange land by private treaty.

Generally, it will be:

- the nature of land that is proposed for sale/exchange; and
  - how the proposed sale/exchange is initiated, e.g. often it is an external person who has initiated discussions with the council with regard to the sale/exchange of land,
- that will determine if a sale/exchange by private treaty is appropriate.

The nature/type of land may include:

- rear laneways and rights-of-way;
- disused/closed roads; and
- allotments in inappropriate subdivisions.

Prospective purchasers of this type of land may include:

- owners of adjacent properties;
- developers;
- community groups;
- State/Commonwealth Government; and
- other parties with a particular interest in that land.

An important consideration is the value of land proposed for sale/exchange. The value of this land to the council may be different (and in some cases, significantly different) to the value of land to the prospective purchaser. For example:

- The addition of part of a laneway or disused/closed road to an adjoining owner's property may increase the value of the combined property.
- The sale of allotments in an inappropriate sub-division to an adjoining owner could mean the difference between not being able to and being able to develop the property.
- The sale/exchange of land to a developer could reap the developer a significant return on his/her/their investment.

Additionally, the sale/exchange of land to/with a community group may result in a loss of general public access to land which may become restricted as a consequence of the sale/exchange. Any change in public access needs to be balanced with the public/community benefit which may arise from the sale/exchange and managed properly.

Given the nature of land generally offered for sale/exchange, the differences in value of the land for the vendor and the prospective purchaser, and the likely public perceptions of the proposed transaction, the highest standards of probity and transparency must be applied and be seen to be applied.

When proposing to sell/exchange land by private treaty and having considered the nature and value of this land, and how the proposed sale/exchange was initiated, it is advisable that a probity auditor be appointed to oversee the probity of the transaction.

Where Council and a government agency are proposing to transact a private treaty sale for land, the Government Land Monitor's policy needs to be followed in relation to the transaction and valuations. To avoid unnecessary costs and delays, joint instructions from Council and agency should be made to VGV who will then value the land and advise on the transaction.

#### *Other Sales*

- If any sales fall aside the guidelines above then Council approval will be required prior to acceptance of any offer to purchase.

## **4.6 Contracts of Sale**

All Contracts of Sale are to be prepared by Council's legal advisors and tabled for Council signing and sealing.

## **4.7 Reimbursement of Costs**

The purchaser is to be responsible for all costs of sale (excluding valuation costs). If however, as a result of negotiations, Council will incur costs in excess of \$500, Council approval has to be sought.

#### **4.8 Authorisation**

The Chief Executive Officer or General Manager of Corporate and Community Services are authorised to negotiate and sign contracts of sale and engaging legal firm to act for Council. It is important to re-check legislative and policy compliance (eg. currency of valuation) prior to finalising the sale.

#### **4.9 Annual Report**

All land sales for the financial year are to be disclosed in the Annual Report of Council for that year.

#### **4.10 Expiration of Sale Offer**

If a contract of sale has not been signed within a period of 6 months from date of Council resolution to sell, the offer lapses unless due to unforeseen circumstances and will be required to be referred back to Council for determination.

#### **4.11 Responsibility**

The Infrastructure Department (Assets) shall have the responsibility of identifying surplus properties and advising Council. The actions of the department shall include, but not be limited to the following:

- Identify potential parcels.
- Refer property to other departments for comments and advice.
- Obtain toxic or environmental reports.
- Apply for relevant planning requirements.
- Prepare Council papers and reports.
- Request valuations.
- Place statutory and other advertisements in newspapers.
- Engage a real estate agent.
- Authorise preparation of vendor statements, contracts and documents.

#### **4.12 Use of Proceeds**

Unless otherwise directed by the Council, sale proceeds from land other than that reserved as Public Open Space shall be assigned in accordance with Council's adopted long term financial plan.

Proceeds from the sale of land reserved for Public Open Space must be assigned as directed in the Local Government Act (1989), Planning and Environment Act (1987) and Subdivision Act (1988).

### **5. Related Legislation, Guidelines, Specifications and Codes of Practice**

Local Government Act 1989, Sections 189 & 191; Part 2 Section 89:2.  
Planning and Environment Act (1987) and Subdivision Act (1988).  
Council Tendering Policies  
Local Government Best Practice Guideline for the Sale and Exchange of Land – March 2008

### **6. Implementation and Review**

This policy will be implemented by staff at the Colac Otway Shire and will be presented to the Audit Committee and Council for periodic review.

The policy is subject to immediate review should any relevant legislation changes occur.

**OM082705-6 ALVIE RECREATION RESERVE**

|             |                                  |           |                                  |
|-------------|----------------------------------|-----------|----------------------------------|
| AUTHOR:     | Irene Pagram                     | ENDORSED: | Colin Hayman                     |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | 1140 Corangamite Lake Rd, Alvie. |

**Purpose**

The purpose of the report is firstly to seek Council endorsement of financial support towards redevelopment of the Alvie Football/Netball facilities, including demolition of the Alvie Public Hall and development of the clubrooms into a shared-use, community meeting venue.

Secondly, the report seeks Council approval to transfer the Alvie Recreation Reserve from the Alvie Recreation Reserve and Hall Trustees Committee to Council management, further to the in-principle agreement endorsed by Council in October 2006.

**Background**

During 2003 the Alvie Recreation Reserve and Hall Trustees Committee (the Trustees) indicated their intention to approach Council to transfer the management of the Reserve from Trustees to Council.

At the September 2003 Meeting Council acknowledged correspondence from the Trustees requesting Council to accept the transfer of the assets and reserve at Alvie and requested officers to prepare a report on the steps necessary for Council to accept the Titles of the reserve. The Alvie Recreation Reserve and Hall has been under Trustee management since establishment, over more recent years there was a need to transfer trustee membership as some members of the Trust had since died. In June 2006 the Department of Sustainability and Environment advised the Trustee Committee that the transfer of Trustee members had been approved. This process had taken in excess of two years.

There are three Titles that cover the Reserve and Hall. The Certificates of Titles are held with Arundell, Murray and Ryan, Barristers and Solicitors of Colac.

In 2006 the Trustees raised their concerns regarding the state of the Alvie Public Hall (the Hall) and their financial inability to undertake remedial or repair works. The Trustees also identified the lack of use or demand for the Hall in light of its current state, amenities and the community needs. This raised the question of viability and capacity to develop more appropriate community facilities.

Council engaged the independent consultancy group CT Management to assess the status of the Hall from a building compliance perspective and to provide cost estimates for its reinstatement. This assessment estimated a cost of \$500,000 to reinstate the Hall.

In discussions with the Trustees it was identified that a better outcome would be to demolish the hall and support a funding application for improvements to the Alvie Football/Netball Clubrooms to meet identified community needs. The need for community facilities to cater for resident user groups (Football/Netball Club and Cricket Club) and other community groups such as Country Women's Association, Alvie School and the Country Fire Authority was also identified.

In October 2006 Council approved in principle to taking on the management of the Alvie Recreation Reserve and Hall consistent with other regional recreation reserves, in light of the longer term plan to consolidate facilities at the Reserve with the proposed demolition of the Alvie Hall and redevelopment of the Alvie Clubrooms as the Alvie community facilities.



The Trustees were requested to formally move this at a Committee Meeting and advise Council upon completion.

On 12 February 2008 Council received correspondence from the Trustees indicating that a motion had been unanimously passed at their 19 December 2007 Committee Meeting, requesting the Recreation Reserve land be transferred to Council. The correspondence indicated support for demolition of the Alvie Hall, once improvements have been completed to Club facilities at the Reserve.

Benchmarking was carried out across a number of Victorian Local Government Authorities during April 2008, seeking information about processes used in similar transfers. Three Councils with Trustee/Council transfer precedents responded, with the general consensus that transfers are taking place based on guiding principals, rather than established policies or procedures. It was agreed that Section 86 Committees of Management made up of user group delegates rather than named individuals, provide a more flexible, contemporary management model for recreation reserves for Councils.

The proposed \$288,200 redevelopment project at the Alvie Recreation Reserve comprises:

| Stage   | Works                                                                | Total costs | Council contribution sought | Proposed Club contribution | Proposed CSF/CFNP contribution |
|---------|----------------------------------------------------------------------|-------------|-----------------------------|----------------------------|--------------------------------|
| Stage 1 | 1. Football Clubroom / Community Facility Works                      | \$188,154   | \$47,038                    | \$47,039                   | \$94,077                       |
| Stage 2 | 1. Hall Demolition<br>2. Netball Facility<br>3. Court reconstruction | \$100,046   | \$25,012                    | \$25,011                   | \$50,023                       |

#### **Council Plan/Other Strategies/Policy**

The proposed Alvie Recreation Reserve development is consistent with the Colac Otway 2006-2010 Recreation Strategy and Council's mission and values to working in partnership with the community to provide facilities that are sustainable and appropriate for community needs and aspirations. There is an opportunity to work in partnership with State Government funding agencies to support development of these facilities.

#### **Issues/Options**

The proposal has both benefits and costs to Council and the Alvie and District community.

Benefits to Council include an improved community asset achieved at a lower cost than the estimate to refurbish the Alvie Public Hall, and the consolidation of partnerships with the community and State Government in a capacity building project funded through Victorian Community Support Grants. The proposed cost to Council is \$72,050 over the 2008/2009 and 2009/2010 financial years, plus ongoing maintenance as identified through the Building Assets Management Plan.

There are identified benefits to Alvie and District communities in gaining an upgraded shared-use community meeting venue and compliant netball facilities. To gain these benefits the community will be required to match Council's financial commitment by fundraising \$72,050. Further, there will be the requirement of user groups to form a Section 86 Committee of Management, responsible for routine maintenance and identification of agreed developments, as detailed on the Reserve Masterplan.

Redevelopment of the Alvie Recreation Reserve facilities

There are 3 options for Council's consideration regarding the redevelopment of the facilities at the Alvie Recreation Reserve, costed at \$288,200:

1. Do not support the Business Case for \$72,050 as Council's contribution towards the redevelopment project.

Applications to the Community Support Fund must be matched \$1 for \$1 and fully supported by the local government agency. The local Alvie community is highly unlikely to be in a position to raise \$144,100 in the near future, should Council not support the proposal financially. Support for the proposal is a preferable outcome to refurbishment of the Alvie Hall, costed at \$500,000.

2. Partially support the Business Case for \$72,050 as Council's contribution towards the redevelopment project.

As above, the local Alvie community is highly unlikely to be in a position to raise more than \$72,050 the near future, should Council not match the community amount to support the proposal.

3. Stage support for the Business Case for \$72,050 as Council's contribution towards the redevelopment project.

As the proposed redevelopment can clearly be split into two:

- Stage 1 Football Club facilities and shared-use community venue development,
- Stage 2 Netball facilities redevelopment and Hall demolition,

it is possible for Council to support the redevelopment with \$47,038 in 2008/2009 and \$25,012 in 2009/2010. This process also allows the Alvie community a longer period to complete raising of the matching component. Rationale for the order of staged development is not to demolish the Hall until the Football Clubroom redevelopment is completed as per the request from the Trustees.

Management Options

There are 3 options for Council's consideration regarding the Reserve Management:

1. Reject the request from the Alvie Recreation Reserve and Hall Trustees to take on the management of the Reserve and Hall.

This will result in the Reserve facilities becoming further run down and inaccessible to the community as the Trustees are without financial capacity to undertake the necessary maintenance or to demolish the facilities. This option places further expectation on Council to provide financial and other support, for the retention of the two facilities.

2. Agree to Council taking on the management of the Alvie Recreation Reserve and Hall.

The proposal to redevelop the Alvie Recreation Reserve will be considered by Council as part of the budget process. A Business Case for \$72,050 to match the Club's component, as partners towards a funding application to the Community Support Fund for \$144,100 has been prepared. The funding would be required over a two-year period.

3. Agree to Council taking on the management of the Alvie Recreation Reserve, contingent on the Alvie Recreation Reserve redevelopment project going ahead, to take effect after the completion of the redevelopment project which is to include demolition of the Alvie Public Hall in 2009/2010.

This option is preferred in light of the proposal to demolish the Alvie Public Hall allowing extension of the netball court to achieve Netball Victoria compliance standards for run-off distances and improved player and spectator amenities, as part of the redevelopment of the Alvie Recreation Reserve.

**Proposal**

It is proposed that Council consider an allocation of \$72,050 as Council's matching contribution towards the redevelopment project as part of the budget process: \$47,038 in 2008/2009 for Stage 1 Football Club facilities and shared community venue development, and \$25,012 in 2009/2010 for Stage 2 Netball facilities redevelopment and Hall demolition, subject to Club contributions of \$72,050 and a State Government Grant of \$144,100.

It is proposed that Council agree to taking on the management of the Alvie Recreation Reserve, in light of the plan to consolidate facilities at the Reserve with the proposed demolition of the Alvie Hall, netball facility upgrade and redevelopment of the Alvie Football/Netball Clubrooms as the Alvie community facilities.

It is proposed that Council endorse the proposal that management of the Alvie Recreation Reserve is to be formally transferred from the Trustees to Council following completion of the redevelopment project.

**Financial and other Resource Implications**

Currently there is not any dedicated budget allocation towards redevelopment of the Alvie Recreation Reserve facilities. This proposed project is a collaborative approach with various possible funding partners such as the Alvie Football/Netball Club, Department for Planning and Community Development, and Council. The proposal seeks a financial commitment of \$72,050 from Council over two financial years.

Any cost overruns will be the responsibility of the Club(s) and will be signed off prior to any commencement of redevelopment works.

There will be financial implications to Council in future years. Once the Titles have been transferred to Council the value of the land and buildings will increase Council's asset values. There will also be an increase in Council's depreciation figure as a result of the building becoming a Council asset. The actual amount will depend on the value of the building and useful life, but could be approximately \$10,000.00 per annum.

There will be ongoing maintenance requirements consistent with other Council facilities. These will be the shared responsibility of Council through the Building Asset Management Plan and the Section 86 Committee of Management, put in place after the transfer of Alvie Recreation Reserve management responsibility from Trustees. The current users - Alvie Football and Netball Clubs and Alvie Cricket Club, will still be able to access Council's Community Funding Program and other State Government funding programs such as the Country Football/Netball Program for future projects and facility improvements.

The proposed financial contribution is in line with Council's practice of supporting funding applications at 25% of project cost, matched by local contribution, and seeking \$1 for \$1 State/Federal grants.

The proposed investment is appropriate in effecting consolidation of two aging assets at a cost significantly less than upgrading both independently. There are significant community benefits in having an upgraded shared-use community meeting venue and compliant netball facilities. All stakeholder parties have been involved in development of the proposal and will support implementation through local fundraising initiatives.

**Risk Management and Compliance Issues**

The Alvie Reserve and Hall Trustees have identified the risks associated with the current hall facilities and the difficulty in promoting the hall facilities for further use in its current state of disrepair. This collaborative project will ensure Alvie community facilities do not pose any community safety risk. The current facilities are not compliant from a Building Code or Disability Discrimination Act perspective and subsequently these issues would be addressed with the proposed consolidation of facilities and redevelopment of the clubrooms.

There is a risk of missed opportunity to consolidate the aged facilities if Council is not an active partner in this proposed project. This project requires strong leadership, possible through Council's development and management of the project.

There are potential financial risks to Council if the current facility issues are not addressed, as the community will have expectations of Council re-establishing the Alvie Public Hall as the shared community-use venue; however this proposed long term solution avoids these risks through the response to the current situation.

If the Reserve and Hall facilities are retained there is a significant risk to Council with regard to community service provision. Should Council decide not to take on the management role the risk is that the Trustees will cease to operate as a Committee of Management as indicated, the Recreation Reserve will cease to be adequately maintained, the Hall could be condemned, and the community will be without any community facility in the location, given that the current state of the Football/Netball facilities is inadequate as a shared-use venue.

There are 52 Committees of Management for Recreation Reserves/Halls in Colac Otway Shire. Of these 24 are located on Crown Land and 25 are Council managed. The remaining three are managed by Trustees: Alvie Recreation Reserve, Elliminyt Public Hall and Gellibrand Public Hall. It is acknowledged that accepting the proposal sets a precedent for Trustees of the other two halls to request management responsibility be transferred to Council. This risk is recognised but current trends indicate an ongoing arrangement with a Section 86 Committee of Management, with delegate members from user groups, responsible for routine maintenance and supported by Council's Building Asset Management Plan, provides a preferred management option.

**Environmental Considerations**

It has been identified within the proposal to redevelop the Alvie Football Clubrooms, that sustainable energy practices should be included to ensure more cost effective operation of the facilities. These opportunities include but are not limited to water saving systems, energy efficient heating and reduction of energy usage.

**Communication Strategy/Consultation**

Over recent months various meetings have been held between Council Officers and representatives from the Alvie Football Netball Club, Reserve and Hall Trustees and the Department for Planning and Community Development.

Monthly meetings of stakeholder representatives are occurring during 2008 at the Alvie Recreation Reserve to plan future options. Both Cr. Riches and the Recreation and Arts Co-ordinator attend these meetings.

**Implementation**

If financially supported by all parties, implementation of the redevelopment project would commence within the 2008/2009 year at a time to suit the seasonal requirements of user groups.

If endorsed, the transfer of Reserve management from the Alvie Trustees to Council would commence immediately following the completion of the redevelopment project, including demolition of the Alvie Public Hall.

### **Conclusion**

This project proposal is an innovative approach to the increasing issue of reduced demand on smaller country town halls, as the various community groups have worked collaboratively to develop solutions to the current issues in partnership with Council. The overall concept for the future facilities at the Alvie Reserve is more sustainable than what exists currently.

The Trustees model for Committees of Management is increasingly being phased out across the Recreation Reserve and Community Halls sector in Victoria as new management models become operational.

There will be costs to Council regarding depreciation and increased maintenance obligations of taking over management responsibility of the Alvie Recreation Reserve; however it is considered that the benefits to Alvie and District communities in gaining an upgraded shared-use community meeting venue and compliant netball facilities are commensurate.

### **Recommendations**

- 1. That Council consider an allocation of \$72,050 as Council's matching contribution towards the redevelopment project as part of the budget process: \$47,038 in 2008/2009 for Stage 1 Football Club facilities and shared community venue development, and \$25,012 in 2009/2010 for Stage 2 Netball facilities redevelopment and Hall demolition, subject to Club contributions of \$72,050 and a State Government Grant of \$144,100.***
- 2. That Council agree to taking on the management of the Alvie Recreation Reserve, in light of the plan to consolidate facilities at the Reserve with the proposed demolition of the Alvie Hall, netball facility upgrade and redevelopment of the Alvie Football/Netball Clubrooms as the Alvie community facilities.***
- 3. That Council endorse the proposal that management of the Alvie Recreation Reserve is to be formally transferred from the Trustees to Council following completion of the redevelopment project.***





document has been on public display in accordance with Council's Community Consultation and Engagement Policy requirements.

3. Adopt the Colac Otway Shire Event Road Closure Consultation and Communication Policy for implementation.

### **Proposal**

It is proposed that the Colac Otway Shire Event Road Closure Consultation and Communication Policy be presented to Council seeking Council adoption, further to the completion of the Community Consultation and Engagement Policy requirements.

### **Financial and other Resource Implications**

There will continue to be resource implications in the implementation of a Policy to address this issue, however the outcomes of a Policy to formalise sign off requirements for events road closures is expected to save organisational time closer to the event. Significant time has been spent in the past dealing with enquiries from members of the community on issues of event road closure communication and seeking final sign off from coordinating authorities.

### **Risk Management & Compliance Issues**

Permits are only issued to conduct an event if all issues identified by the E Team (Council Departments involved in event approval) have been addressed. This includes acknowledgement that a traffic management plan has addressed traffic issues associated with the conduct of an event.

There is additional pressure placed on organisational staff (and co-ordinating authorities) to sign off on events (often the day prior to the event) when information is not provided in a timely manner by the event organisers or in sufficient detail to indicate that issues of concern have been addressed. This also diverts Officers attention from undertaking other important programmed work for the organisation.

There have been no events conducted within the municipality with out the necessary permits being issued.

### **Environmental Considerations**

Environmental considerations are not applicable to this report.

### **Communication Strategy/Consultation**

The development of the Policy involved consultation with community and stakeholder groups as detailed in the March Council report. Feedback was obtained from event organisers who conduct events involving road closures and other external agencies including Vic Roads in the preparation of the initial Policy.

Eight submissions were received, including: Local Tourism Groups, township associations and individuals, local traders, event organisers and business groups, further to the public invitation for interested persons to contribute to the further development of the Policy. These have been summarised as follows:

**Event Road Closure Consultation and Communication Policy**

| Comment                                                                                                                                                                                                                                                                                                                                         | Action                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Grateful for the opportunity for input into the consultation process.</p> <p>Evident that Policy only applies to Council managed roads. Members of this group are only impacted by closures to The Great Ocean Road.</p>                                                                                                                     | <p>Acknowledged.</p> <p>Ensure Group members have opportunity for representation and input regarding closures of The Great Ocean Road.</p>                                                                                                                                                                                                                                                                                        |
| <p>Policy is achievable and should be put into practice. Grateful for opportunity for input into consultation process.</p>                                                                                                                                                                                                                      | <p>Acknowledged.</p>                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Emphasis is on consultation and communication by event organisers and would like to see greater emphasis on the process of obtaining a permit for an event.</p> <p>Given the restricted access to specific areas along the Great Ocean Road, the request was made that all road closure are kept to an absolute minimum.</p>                 | <p>Ensure that an Event Organiser's Communication Strategy adequately captures feedback from individuals who may be regularly affected by similar events.</p> <p>Documentation of these considerations will demonstrate that the Council has actively sought to balance a resident's rights to freedom of movement and privacy, on the one hand and the public's right to freedom of association and expression on the other.</p> |
| <p>Road closures from events are important to only a small number of people and event organisers.</p> <p>Road closures are becoming too frequent along The Great Ocean Road, which has negative flow on impacts to traffic through the township of Forrest. Other comments provided related to specific events and not the proposed Policy.</p> | <p>Proposed Consultation and Communication process will ensure that feedback of this nature is captured and will be considered prior to approving the event.</p>                                                                                                                                                                                                                                                                  |
| <p>Suggestions regarding further refinement of definitions contained in the Policy.</p>                                                                                                                                                                                                                                                         | <p>Amendments made in the Policy where identified.</p>                                                                                                                                                                                                                                                                                                                                                                            |
| <p>Very detailed items regarding road closure impacts in relation to one specific event. Comments demonstrate that road closures can have detrimental affects on local businesses reliant on weekend traffic, by diverting traffic due to road closures.</p>                                                                                    | <p>Acknowledged.</p> <p>Quantifiable action plan detailed in Policy.</p>                                                                                                                                                                                                                                                                                                                                                          |
| <p>Recognition that many ratepayers and tourists are affected by closure of The Great Ocean Road. Council should scrutinise all proposals presented prior to granting approval.</p>                                                                                                                                                             | <p>Acknowledged.</p> <p>Quantifiable action plan detailed in Policy.</p>                                                                                                                                                                                                                                                                                                                                                          |
| <p>Identification that closure of rural roads (as opposed to town roads) poses increased risks to residents. Objections to road closures from a specific event were also identified.</p>                                                                                                                                                        | <p>Proposed Consultation and Communication process will ensure that feedback of this nature is captured and will be considered prior to approving the event.</p>                                                                                                                                                                                                                                                                  |



|                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>An assessment of the draft Policy was provided for consistency with the Charter of Human Rights and responsibilities 2006</p> | <p>Amendments made in the Policy where identified.</p> <p>Suggested amendments to policy include; amending section 6 relating to implementation and review to ensure that an Event Organiser's Commutation Strategy adequately captures feedback from individuals who may be regularly affected by similar events.</p> <p>Documentation of these considerations will demonstrate that the Council has actively sought to balance a resident's rights to freedom of movement and privacy, on the one hand and the public's right to freedom of association and expression on the other.</p> |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### **Implementation**

It is proposed that subject to Council adoption, the implementation of the Colac Otway Shire Event Road Closure Consultation and Communication Policy will commence immediately.

### **Conclusion**

Concerns raised within the communities of Apollo Bay and Forrest relating to impacts of road and street closures associated with events highlight the need that all events within the Shire require a formalised communication and consultation sign off process to be undertaken by event organisers and developed as Council Policy to address this issue. In addition to the sign off process, the proposed Policy considers the level of community "host tolerance" of residents/traders.

Furthermore, this Policy also considers parameters associated with requests to use Public Reserves managed by the Colac Otway Shire for events (such as the type and number of events to be permitted access to public reserves across a year.)

### **Attachments**

- Colac Otway Shire Event Road Closure Consultation and Communication Policy
- Guidelines to Road Closures for Events – Communication & Consultation Process
- Road Closures for Events - Communication Plan Development

### **Recommendation**

***That Council adopts the Colac Otway Shire Event Closure Consultation and Communication Policy.***

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# EVENT ROAD CLOSURE CONSULTATION AND COMMUNICATION POLICY

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**Policy No: 13.9**

**Date Adopted:**

**File No: GEN01688**

**Revised:**

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## **1. INTRODUCTION**

Historically concerns have been raised within the community relating to impacts arising from street and road closures associated with the running of events across the municipality and the consultation process undertaken by event organisers with the affected community.

This Policy seeks to develop and formalise the consultation and communication signoff process to be undertaken by event organisers. This process will enable the assessment and implementation of delivery options for event organisers co-ordinating events involving road closures.

In addition, this Policy seeks to consider the level of community "host tolerance" to the number of road or street closures that residents/traders would accept per year. Impacts resulting from the number of events held on Public Reserves managed by the Colac Otway Shire will also be considered.

The Council has a responsibility to ensure that the intrusion on a person's right to freedom of movement is not a regular occurrence. Recognition of this has been incorporated into this Policy.

## **2. RELATIONSHIP TO COUNCIL PLAN**

One of Colac Otway Shire's values is to undertake genuine consultation on key issues as part of decision making to improve the quality and accountability of decisions.

This policy ensures the community is provided with the opportunity to have input into Council's decision making process.

## **3. OBJECTIVES / PURPOSE**

To develop a policy to formalise the consultation and communication sign off process for Event Organisers requiring street or road closures (on or involving local roads within the Municipality).

This policy also considers the level of community "host tolerance" to both the number of road or street closures and the level of usage of Public Reserves that residents/traders would accept per year.

## **4. DEFINITIONS**

### **Event**

Any planned activity where any structure (permanent or temporary), open area, roadway, (fenced or unfenced) will contain a number or persons greater than that normally surrounding the area prior to, during or after the event.

### **Event Organiser**

A commercial entity, community group or individual who undertakes the planning and/or implementation of an organised event.

### **Consultation Process**

Consultation is the method of obtaining input from the affected community and/or those individuals/groups who feel they are affected to ensure views can be identified and communicated with respect to the proposed event.

### **Communication Plan**

A written plan outlining the methods and implementation process for communicating information regarding road closures proposed for the event.

### **Affected Community**

Owners and/or occupiers of properties in the immediate vicinity including all the abutting property occupiers to the road/street closure. This will also apply to member of the general public who use Public reserves.

### **Temporary Road Closure**

The temporary closure of a road to public vehicular traffic for a set time period as required for the holding, set up and set down of an event.

Full road closure - entire road is closed between designated points.

Partial road closure - a portion of the road width is closed between designated points.

### **Notification Process**

The notification process is the communication method of approved road closure information relating to road closure areas and times to the affected community.

### **Catchment area**

The catchment area identifies residents and/or traders who are deemed to be affected by the road closures.

The catchment area is to include -

Occupiers of properties whose;

- frontage is within the closed section or the proposed detour, and
- primary/only access is via the closed section.

Businesses/services that normally use the closed road as a primary route (or have stops within) including but not limited to;

- Bus companies,
- Transport companies, and
- Operators of milk tankers.

### **Public Reserves**

A Public Reserve is any land which is owned, occupied or managed or controlled by Council and dedicated or used for outdoor cultural, environmental, sporting or recreational purposes.

## **5. POLICY**

This Policy will enable event organisers to complete the required consultation and communication sign off process for events involving road closures and assist in the management of community "host tolerance" to both the level of usage of Public Reserves and the number of road or street closures that residents/traders would accept per year.

Public Reserves are dedicated or used for outdoor cultural, environmental, sporting or recreational purposes. Therefore, the community expect to access and utilise these areas unhindered.

Consultation undertaken by event organisers will assist to ascertain the level of "host tolerance" to the event proposal.

## 6. IMPLEMENTATION AND REVIEW

### Communication Plan

A communication plan is to be developed by the event organiser detailing the methods and timelines for communicating road closure information to affected property owners and retailers.

Key elements of the communication plan will include:

- Identification of area impacted by the event (Catchment area)
- Consultation Methodology
- Notification schedules
- Event notification letter content - including but not limited to:
  - Details of event to be held
  - Date of event, time of event
  - Details of impacted roads
  - Details of how road closure will be undertaken
  - Contact details of event organiser

The Communication Plan requires approval from Colac Otway Shire prior to implementation. A Draft Communication Plan is to be submitted at the first E-Team Meeting, with the Communication Plan consultation completed 4 months prior to the event.

The Council has a responsibility to ensure that the intrusion on a person's right to freedom of movement is not a regular occurrence. Event Organiser's must ensure that their Communication Strategy adequately captures feedback from individuals who may be regularly affected by similar events.

Documentation of these considerations will demonstrate that the Council has actively sought to balance a resident's right to freedom of movement and privacy, on the one hand, and the public's right to freedom of association and expression, on the other.

### Consultation

Consultation is the gathering of feedback from the affected property owners to ensure event impact is managed and minimised without removing the integrity of the event.

Consultation with affected property owners is not necessarily to determine if the event should proceed, rather to give consideration to individual needs, address the concerns and needs of residents and traders and explore the potential for compromise where appropriate.

The method of consultation undertaken will vary depending on the type of event held. As part of the communication plan, a consultation methodology will be established.

Information gained from consultation is to be collected and reviewed in conjunction with Colac Otway Shire Officers. Where resistance to an event is demonstrated by the community a report based on an officer review of objections will be prepared for Council consideration on whether to approve of the event proceeding.

In order to enable sufficient time for Council to review submissions relating to any proposed road closure, community consultation is to be completed 4 months prior to the event. Where no submissions are received, evidence of direct contact with affected property owners must be provided and endorsed by Colac Otway Shire 4 months prior to the event.

#### IMPLEMENTATION SCHEDULE

| TIME FRAME           | 6 MONTHS PRIOR TO EVENT | 4 MONTHS PRIOR TO EVENT | 6 WEEKS PRIOR TO EVENT                   |
|----------------------|-------------------------|-------------------------|------------------------------------------|
| COMMUNICATION PLAN   | PLAN COMPLETED          | IMPLEMENTATION COMPLETE | IMPLEMENTATION COMPLETE                  |
| CONSULTATION PROCESS | APPROVED METHODOLOGY    | IMPLEMENTATION COMPLETE | RESOLUTION OF COMMUNITY ISSUES COMPLETED |
| NOTIFICATION PROCESS |                         | APPROVED PROCESS        | 2 WEEK FROM EVENT IMPLEMENTED            |

#### 7. RELATED LEGISLATION

*Local Government Act 1989 - Schedule 11*  
*Road Safety Act 1986*  
*Road Safety (Traffic) Regulations 1985*  
*Transport Act 1983*  
*Colac Otway Shire Local Law No. 2 - Clause 90*

#### 8. RELATED POLICIES / PROCEDURES / GUIDELINES

*Procedure for Council Policy Development & Review*  
*Festival and Events Strategy 2007- 2011*  
*Event Management Guide*  
*Guideline to Road Closures for Events - Communication & Consultation Process*



## **Guidelines to Road Closures for Events Consultation & Communication Process**

### **GENERAL INFORMATION**

For some events held within the shire, temporary road closures are required to ensure the safe conduct of the event. For a road to be closed for an event for any period of time, approval must be sought by Council.

If you are proposing to close a VicRoads managed road, you will need to contact VIC Roads offices on 5225 2525 to access the relevant permit application forms and set requirements.

If you are unsure what roads are managed by Council please contact the Infrastructure Department or visit our website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) Event Organisers seeking to close a street or road as part of their event are required to complete the Application for Temporary Local Road or Road Reserve Closure for Events. This document forms part of the Colac Otway Shire Event Application Form.

For events that require road closures, it is essential to communicate information to both the property owners and/or occupiers of the property directly affected by the road closure, and to the wider community.

By communicating and consulting with the property owners and/or occupiers of property that is directly affected by road closures, event organisers can reduce the inconvenience and impacts caused by the road closure, which in turn helps increase the community's acceptance of events requiring road closure.

A communication plan details the methods and timelines for communicating road closure information to affected property owners and retailers.

Key elements of the communication plan will include:

- Identification of area impacted by the event (catchment area)
- Consultation Method
- Notification schedules
- Event notification letter content - including but not limited to:
  - Details of event to be held
  - Date of event, time of event
  - Details of impacted roads

- Details of how road closure will be undertaken
- Contact details of event organiser

The Communication Plan requires approval from Colac Otway Shire prior to implementation. A Draft Communication Plan is to be submitted following the first E-Team Meeting, with an approved plan developed 4 months prior to the event.

Consultation is the gathering of feedback from the affected property owners to ensure event impact is managed and minimised without removing the integrity of the event. There are many different forms of consultation, each of which is applied depending on what information the event organiser is seeking from the affected property owners.

Consultation with affected property owners is not necessarily to determine if the event should proceed, rather to consider individual needs and address the concerns and needs of residents and traders where appropriate.

Communication and consultation, if undertaken early in the event planning process can result in a well received and welcomed event within the community.

### **Developing a Communication Plan**

A Communication Plan is a document that is used to highlight who needs to be consulted with, and what information they need to have communicated to them. In partnership with the Shire, the event organiser will establish a catchment plan, which is a map showing how the affected property owners and/or occupiers are.

The method of consultation will depend largely on the style of event, and the purpose for requiring a road closure. In some cases a number of consultation methods may be required to ensure all elements of the catchment area are given the opportunity to raise any concerns or comments in relation to the proposed event.

### **Consultation –Seeking Feedback**

When communicating information to the affected property owners and/or occupiers, it is important to allow property owners or occupiers the opportunity to provide feedback to the proposed road closure.

Consultation allows property owners or occupiers to highlight issues, concerns or comments regarding the proposed road closure. Where practicable, event organisers shall incorporate feedback into their Event Management Plan and event notification information.

It is important to clarify the parameters surrounding events, which sets out what elements are flexible and what elements are not, with respect to the road closure. Therefore, consultation is not necessarily to determine if all property owners are supportive of a road closure, but more to determine what can be done to minimise the impacts and inconvenience of a road closure.

It is important to allow property owners the opportunity to highlight any needs that they might have that would be greatly impacted by the closing of a road for the duration of the event. Examples of this would include access to and from



the property for works, medical requirements, and deliveries or impacts to business during the road closure. Once this information has been gathered through the consultation process, it is then possible to review the closure of the road to minimise the impacts to property owners.

In conjunction with Council a consultation method(s) will be determined reflecting the level of consultation required for a specific event.

Event organisers are required to present all issues, comments or complaints received by property owners or occupiers to Council. Council will consider all correspondence received and forward recommendations to Event Organisers. Consultation is to be completed 6 weeks prior to the event to enable consideration of resident/trader comments.

### **Notification Process**

The notification process is the final step in the communication plan. The purpose of notification is to advise the affected residents/traders as well as the wider community that an event requiring road closure is taking place. This process is to ensure information relating to the road closure is communicated.

Notification process is generally conducted within 2 weeks prior to the event taking place. In conjunction with Council a notification process will be determined to ensure accurate information is communicated to affected communities.

Council requires evidence that notification information has been distributed as agreed to between Event Organisers and Council.

### **FOR MORE INFORMATION**

If you are unsure what roads are managed by Council please contact the Infrastructure Department or visit our website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

All other enquiries should be directed to Council's Events Department on 52329400.

### **COLAC OTWAY SHIRE CUSTOMER SERVICES CENTRES**

#### **Colac – 8.30am to 5pm, Monday to Friday**

2-6 Rae Street, Colac, 3250

PO Box 283, Colac, 3250

Ph: 5232 9400

Fax: 5232 1046

Email: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

Web: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

#### **Apollo Bay – 8.30am to 1.30pm, Monday to Friday**

69 Nelson Street, Apollo Bay, 3233

PO Box 283, Colac, 3250

Ph: 5237 6504

Fax: 5237 6734

## Communication Plan Development for Event Organisers

The following is the suggested minimum of activity to be undertaken by event organisers as part of developing a Communication plan for implementation at events involving road closures.

1. Identify Catchment area in consultation with Council Officers (i.e. determine who will be affected by road closure in the community)

2. Community Consultation - How event organisers will seek feedback from affected community members with required methods outlined below.

### Consultation Method

- Public Meeting
- Letter with signed response
- Letter seeking comment /concerns
- Emergency services

3. Review of submissions/feedback. Event Organisers to provide a report outlining a summary of feedback received (positive and negative) including measures to be implemented to address concerns and issues raised where appropriate. Where submissions are received objecting to the proposed road closure submissions are to be forwarded to Council for review. Council will provide recommendations in response to the submissions received.

Council will review the consultation report and provide sign off prior to approval issued for a road closure.

4. Communication of event to community (to be conducted during the period 3 weeks-1week before the event). How event organisers will inform the affected community with required methods outlined below.

### Communication Notification Schedule

- Letter drop
- Web based information
- Public notice in newspapers
- Signage
- VMS
- Emergency services

[date]

To the Resident

Dear Resident,

**Notification of road closures – [date]**

The [event name] will be held at [location] on [date]. As a result, restrictions on traffic will apply and details of these restrictions and the ways in which they may affect you are noted below.

**Set up period – [time] to [time]**

Set up will begin at [time & date]. During this period, you will be able to enter and leave the area with minimal disruption.

Residents from [street names] who may need to use their vehicles during the event period are asked to remove their vehicles from the street before [time] as vehicle movement will be restricted once the event begins.

**Event period – [time] to [time]**

During the event, pedestrian and vehicle access will be restricted and [street names] will be closed to all traffic. As a result, access to and from [street names] will be restricted.

**Completion of event – [time] to [time]**

Once the event is finalised, street closure barricades and pedestrian barriers will be removed and normal access will resume.

If you have any queries, please contact [event organiser] on [contact phone number].

Thank you for your support of the [event name].

Yours sincerely

[Event organiser]  
[Event organiser Title]

**TO THE RESIDENT**

On [Date] the [Event Name] will be held at [location of event]. Council will be closing some roads to through traffic in order to provide a safe event for all patrons and performers.

We have taken into account the impact of this event on local residents and have decided to implement the following road closures for the event:

- [road name] - [road name] to [road name]
- [road name] - [road name] to [road name]

Traffic Management Staff will be manning road-blocks from [time] to [time]. Access for residents will be via a temporary road closure at the intersection of [street names].

**Please display the enclosed pass on your vehicle to access the road closure on the day.**

We believe that the [event name] is a significant event for the entire community of Colac Otway Shire. We will do all that we can to minimise the inconvenience to residents of the Colac Otway Shire and will provide further information to the community via [media].

Please complete and return this form to [Event organiser’s details]. Please be aware that if no response is received it will be considered that you have no "in principle" objection to the proposed road closure.

We hope that as a Colac Otway Shire resident you will come to the [event name]. If you have any queries regarding the [Event name] please contact the [Event Organiser].

Yours sincerely,  
[Event Organisers Name]  
[Address]  
[Phone number]  
[Mobile Phone number]

-----  
[Event Name]

We have no objections to the road closure

We do have objections to the road closure (please specify below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Proposal**

That Council ratifies the Corangamite Regional Library Corporation "Library Services Local Law – No 2 of 2008".

**Financial and other Resource Implications** Nil

**Risk Management & Compliance Issues**

Under section 197F of the Local Government Act each member Council of the CRLC must ratify the Local Law before it can be made by the Corporation.

Once all Councils have ratified the Local Law the procedure for making a local law is set out in the Local Government Act and it is proposed that the following process will be followed:

- 1) The Board resolves to agree in principle to the draft and advises the party Councils of its intention to develop the Local Law and seek their respective ratification – 24 March 2008.
- 2) The party Councils to advise the Board, pursuant to section 197F of the Act, of their respective ratification of the Local Law.
- 3) The Board can then resolve to give public notice of its intention to make the Local Law.
- 4) Notice of intention to make the Local Law is then advertised in the Victoria Government Gazette, the Colac Herald and the Warrnambool Standard.
- 5) Public submissions can then be made on the proposed Local Law.
- 6) The Board then resolves to adopt or amend the Local Law.
- 7) Finally, the making of the Local Law is advertised in the Victoria Government Gazette, the Colac Herald and the Warrnambool Standard.

**Environmental Considerations** N/A

**Communication Strategy/Consultation**

Once all Councils in the CRLC have ratified the Local Law, the Board will carry out the submission process as detailed above.

**Implementation**

Once all Councils have ratified the Local Law the next steps in the process for making it will be undertaken.

**Conclusion**

The Corangamite Regional Library Corporation have advised Council that it has prepared a draft Library Services Local Law - No 2 of 2008.

Under Section 197F of the Local Government Act, Council is required to ratify it before taking the next steps in the process.

**Attachments**

Corangamite Regional Library Corporation Library Services Local Law - No 2 of 2008.

**Recommendation**

***That Council ratifies the Corangamite Regional Library Corporation – Library Services Local Law - No 2 of 2008.***

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**CORANGAMITE REGIONAL LIBRARY  
CORPORATION**

**LIBRARY SERVICES LOCAL LAW**

**NO. 2 OF 2008**

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**CORANGAMITE REGIONAL LIBRARY CORPORATION  
LIBRARY SERVICES LOCAL LAW  
NO. 2 OF 2008**

**PART 1  
PRELIMINARY**

1.1 TITLE

This is the “Library Services Local Law” (Local Law No.2 of 2008).

1.2 OBJECTIVES

The principal objectives of this Local Law are to regulate the management and control of library services provided by the Corangamite Regional Library Corporation.

1.3 POWER TO MAKE THIS LOCAL LAW

This Local Law is made under the provisions of Part 5 of the Local Government Act 1989.

1.4 COMMENCEMENT DATE OF THIS LOCAL LAW

This Local Law shall come into operation on the day following publication of its making in the Victoria Government Gazette.

1.5 DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease ten (10) years after the day it comes in to operation.

1.6 SCOPE OF THIS LOCAL LAW

This Local Law shall apply to and have operation throughout the whole of the Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool.

## 1.7 WORDS USED IN THIS LOCAL LAW

| <b>WORDS</b>            | <b>MEANING</b>  |
|-------------------------|---|
| Act                     | Means the Local Government Act 1989   |
| Applicant               | Means any person applying to become a Member  |
| Authorised Officer      | Means any person for the time being in charge of any branch, section or portion of the library service.   |
| Board                   | Means the Corangamite Regional Library Corporation Board  |
| Chief Executive Officer | Means the person appointed by the Corporation as Chief Executive Officer being in charge of the library service generally.  |
| Corporation             | Means the Corangamite Regional Library Corporation  |
| Item                    | Includes any and every book, magazine, newspaper, pamphlet, gramophone record, video recording, digital videorecording, music score, picture, print, map, chart, manuscript, toy, reading or listening equipment, electronic resources, compact disk, audio tape recording, software program or any other article forming part of the contents of the Library available for borrowing, reference or perusal whether or not the property of the Corporation. |
| Library                 | Means all the library facilities, resources and activities provided by or under the management or control of the Corporation.   |
| Library Service         | Means all or any Library outlet under the management and control of the Corporation.  |
| Library Service Area    | Means the whole of the municipal districts of Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool.  |
| Member                  | Means a person, school or institution holding a current and valid membership card issued in accordance with this Local Law.   |

Membership Card Means a current and valid card issued to a member by the Library in accordance with this Local Law as an authority to borrow books.

Patron Means any person making use of the library service.

## **PART 2 ADMINISTRATION**

### **2.1 EXERCISE OF DISCRETIONS**

- (1) In exercising any discretion contained in this Local Law the Corporation must have regard to:
  - (a) the objectives of the Local Law; and
  - (b) any guidelines made by the Corporation from time to time.
  
- (2)
  - (a) The Corporation may from time to time make guidelines for use by the Corporation, its officers and other persons for the purpose of this Local Law.
  - (b) Guidelines made by the Corporation must not be inconsistent with the objectives of this Local Law.

### **2.2 REGISTER OF DETERMINATIONS**

- (1) Any determinations or guidelines made by the Corporation for the purposes of this Local Law must be maintained by the Corporation in the register kept for that purpose.
  
- (2) The register kept for the purposes of this clause must be made available for inspection at the office of the Corporation during normal office hours.

### **2.3 POWER OF CHIEF EXECUTIVE OFFICER**

Any person using the library service shall obey the lawful directions of the Chief Executive Officer or an Authorised Officer in charge of the library service generally or any branch, section or portion thereof.

### **2.4 APPEALS**

Any person who is aggrieved by any matter under this Local Law may apply to the Corporation to be heard and may make a written submission for consideration by the Corporation, but this right will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under this Local Law.

## **PART 3 MEMBERSHIP**

### **3.1 ELIGIBILITY**

- (1) Subject to the approval of the Chief Executive Officer or Authorised Officer, the following persons shall be eligible to become members:
  - (a) any ratepayer of Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool;
  - (b) any resident of Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool;
  - (c) any non-resident who is employed in or who attends an educational institution in the Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool;
  - (d) any person eligible to join another Victorian Government subsidised public library; and
  - (e) any temporary visitor to the library service area.
- (2) All persons in the categories listed in Clause 3.1(1) of this Local Law shall provide proof of eligibility as shall be required by the Chief Executive Officer or Authorised Officer.

### **3.2 INSTITUTIONAL MEMBERSHIP**

Institutional Membership may be extended to any association, society, school, institution, business or agency at the discretion of the Chief Executive Officer or Authorised Officer provided that the applicant's premises, predominant area of service, business activity or normal meeting place is situated within the library service area.

### **3.3 APPLICATION**

Persons wishing to borrow items shall –

- (a) complete and sign the appropriate application form, which shall include an undertaking to comply with the provisions of this Local Law and any policy from time to time adopted by the Board or the Chief Executive Officer;
- (b) satisfy the Chief Executive Officer or Authorised Officer that he or she is eligible for membership, providing proof of name and current residential address; and
- (c) be accompanied, in the case of persons under the age of 18 years, by an undertaking duly signed by a parent/guardian of the applicant to the effect that he or she will comply with this Local Law and and policies adopted from time to time by the Board or the Chief Executive Officer.

3.4 PERIOD OF MEMBERSHIP

Membership shall be current for a period of one thousand (1,000) days unless previously suspended or cancelled.

3.5 CESSATION OF MEMBERSHIP

- (1) A member will cease to be a member if:
  - (a) one thousand (1,000) days elapse from the date on which his or her application was granted; or
  - (b) he or she ceases to be eligible to become a member; or
  - (c) if the Chief Executive Officer is satisfied that a member has contravened or failed to comply with any provision in this Local Law or a policy adopted by the Board or the Chief Executive Officer and communicated to the member he or she may suspend the membership of the member and impose conditions for the reinstatement of such membership.
- (2) The Chief Executive Officer or Authorised Officer may suspend or cancel the membership of any member who refuses to -
  - (a) return items borrowed; or
  - (b) pay overdue, lost or damaged item charges; or
  - (c) comply with any lawful request or action by the Chief Executive Officer or Authorised Officer under this Local Law.

3.6 MEMBERSHIP CARD

- (1) Every member on being issued with a membership card shall -
  - (a) be responsible for the safe custody of the membership card;
  - (b) produce the membership card to the Chief Executive Officer or Authorised Officer whenever an item is borrowed;
  - (c) report the loss of the membership card to the Chief Executive Officer or Authorised Officer immediately such loss is discovered;
  - (d) notify any change of address to the Chief Executive Officer or Authorised Officer;
  - (e) surrender the card to the Chief Executive Officer or Authorised Officer on ceasing to be eligible for membership.
- (2) Membership cards are not transferable.
- (3) A member is responsible for the safe care of every item borrowed on his or her membership card.
- (4) If a membership card is lost or destroyed the Chief Executive Officer may issue to the member a replacement membership card upon payment of any fee fixed by resolution of the Board as being payable in the event of a replacement membership card being issued.

## **PART 4 BORROWING AND SERVICES**

### **4.1 ACCESS**

- (1) Any person shall have access to the Library to use services, resources and facilities provided for public use subject to the provisions of this Local Law.
- (2) Persons shall enter only those parts of the Library open for public use and during hours of opening fixed by the Board, except with the permission of the Chief Executive Officer or Authorised Officer.
- (3) Persons shall leave the Library at the times fixed for closing the Library or at the request of the Chief Executive Officer or Authorised Officer.
- (4) All persons shall have access to all items in the Library for consultation on the premises, with the exception of items determined by the Chief Executive Officer or Authorised Officer to be unavailable for lending or on restricted access.
- (5) The Library shall not exclude borrowing of any items to persons under the age of 18 unless the availability of such items is restricted by legislation.

### **4.2 BORROWING**

Members shall be entitled to borrow items from the Library subject to the provisions of this Local Law. Persons who are not members shall not be entitled to borrow items.

### **4.3 MAXIMUM NUMBER OF ITEMS BORROWED**

The Chief Executive Officer or Authorised Officer shall make rules from time to time stating the maximum number of items which may be borrowed at any one time.



#### 4.4 BEHAVIOUR

- (1) Patrons shall not behave in the Library in such a manner as may, in the opinion of the Chief Executive Officer or Authorised Officer, cause serious inconvenience to any other person in the Library.
- (2) Patrons shall not eat, drink whilst in a Library unless in a specially designated area or with the consent of the Chief Executive Officer or Authorised Officer
- (3) The Chief Executive Officer or Authorised Officer may request a person to leave a Library if that person commits an offence against this Local Law.
- (4) The Chief Executive Officer; or an Authorised Officer may refuse any member or member of the public admission to the Library if:
  - (a) that person is in a drunken or intoxicated condition, or is under the influence of any prohibited drug;
  - (b) except in the case of a blind person who is in control of a guide dog, the person is accompanied by an animal, mammal, bird or reptile;
  - (c) that person is carrying a firearm or an offensive weapon;
  - (d) that person is not decently attired; or
  - (e) that person is under the age of five (5) years and is not in the apparent care of a responsible person;
- (5) A person must not, without the authority of the Board or the Chief Executive Officer:
  - (a) consume any intoxicating liquor, or supply or sell any intoxicating liquor to any person or persons, within the Library;
  - (b) erect, fix or place any advertisements or notices within the Library.
  - (c) organise, hold or attend any rally, procession, demonstration or other public gathering within the Library;

- (d) sell, expose or offer for sale within the Library any food, drink or other article;
  - (e) make a collection of money within the Library;
  - (f) permit any animal owned by him or her or of which he or she is in charge to be within the Library unless, in case of the dog, such dog is a guide dog under the control of a blind person;
  - (g) enter any area of the Library which is designated or set aside for the exclusive use of Library staff;
  - (h) enter or use any room which has been designated or set aside for persons of the opposite sex unless that person is a child under the age of six (6) years who is in the care of a responsible person; or
  - (l) distribute any handbills, pamphlets, advertisements, notices within the Library or give a public address...
- (6) A person must not:
- (a) misplace or hide items with the intention of withholding their use from other patrons;
  - (b) deface, mutilate, mark or damage any item belonging to or in the care of the Library;
  - (c) consume any drugs, supply or sell any drugs to any person or persons, within the Library;
  - (d) smoke in any area of the Library;
  - (e) behave in a disorderly manner while within the Library;
  - (f) create or take part in a fight or disturbance within the Library;
  - (g) use any offensive, indecent or abusive language while within the Library;
  - (h) offend against decency while within the Library, whether by reason of dress, conduct or use of information technology and Internet access;
  - (i) ride any skateboard, bicycle or other recreational vehicle into or within the Library;

- (j) remain within the Library after having been lawfully directed to leave by the Chief Executive Officer, Authorised Officer, a member or a member of the Victoria Police;
- (k) emit or cause to be emitted such a volume of noise as to interfere with the use and enjoyment of the Library by other persons;
- (l) endanger any other person or persons within the Library;
- (m) destroy, deface, defile or damage, remove or interfere with any notice, equipment, furniture, fixture, fitting, carpet, ceiling, wall or plant within the Library;
- (m) leave within the Library any litter, other than in a bin or receptacle provided for such purpose; or
- (n) engage in any illegal activity.

#### 4.5 GUARANTEE

Persons under the age of 18 may be required by Chief Executive Officer or Authorised Officer to provide a guarantee signed by a parent or guardian to make good the loss or damage to any item whilst in the member's use or possession.

#### 4.7 PERSONAL ITEMS

Persons may, with the consent of the Chief Executive Officer or Authorised Officer, bring into the Library reading or writing materials, bags, parcels or other articles. Large bags and trolleys shall be left in designated areas while their owners are using the Library. The Corporation takes no responsibility for loss or damage to any bag or other article so left. Any container or receptacle brought into the Library may be opened for inspection on the request of the Chief Executive or Authorised Officer as the user leaves the Library.

#### 4.8 USE OF FACILITIES AND EQUIPMENT

- (1) Patrons may use equipment and facilities provided for the use of patrons.
- (2) The Chief Executive Officer or Authorised Officer may determine procedures or guidelines for the use of facilities and equipment by patrons.

## **PART 5 RETURN OF ITEMS**

### **5.1 DATE OF RETURN**

The time allowed for retaining an item and the date for return shall be clearly indicated to the member. However, a member may apply by telephone, post or in person for an extension of time allowed for retaining an item, and where the request has been received prior to the date the item is to be returned to the Library, such extension may be granted if the item has not been reserved by another member.

### **5.2 RETURNS**

No item shall be deemed to have been returned to the Library unless it has been handed to the Chief Executive Officer or Authorised Officer or left in a place or receptacle designated for the return of items, or dispatched to the Library by a means previously approved by the Chief Executive Officer or Authorised Officer.

### **5.3 REPLACEMENT CHARGES**

- (1) Items stolen or lost shall remain the property of the Corporation although replaced or paid for.
- (2) On return of an item upon which a replacement fee has been paid a member is entitled to a refund of the replacement fee.
- (3) A refund shall only be paid on items returned:
  - a. within twelve months of the original loan; and
  - b. deemed by the Chief Executive Officer or Authorised Officer to be in a satisfactory condition.
- (4) The amount refunded shall be the replacement fee less an amount deemed by the Chief Executive Officer or Authorised Officer as appropriate to cover administration and processing costs.

### **5.4 ITEMS DAMAGED OR NOT RETURNED**

- (1) A member is responsible for reporting to the Chief Executive Officer or Authorised Officer any damage discovered in any item on loan to him or her. This damage shall be reported at the time of issue or immediately upon return.

- (2) If an item is not returned, or in the opinion of the Chief Executive Officer or Authorised Officer is damaged (either to the degree warranting withdrawal from the collection, or partially) or if it is stolen from a member, he or she shall at the discretion of the Chief Executive Officer or Authorised Officer pay to the Chief Executive Officer the full replacement value of the item to cover processing and administration costs, together with an amount deemed by the Chief Executive Officer or Authorised Officer appropriate.
- (3) The Chief Executive Officer or Authorised Officer may take such action as is deemed necessary for the recovery of an item or at the discretion of the Chief Executive Officer, the recovery of the replacement cost thereof, or the value of, at any time after the item becomes overdue together with such amount as the Chief Executive Officer deems appropriate as the costs associated with such recovery and the member who is recorded as having the item on loan shall be liable to pay the costs of any such recovery.

**PART 6  
FEES AND CHARGES**

**6.1 SETTING FEES AND CHARGES**

- (1) The Corporation may levy charges as determined from time to time which will be listed in the Register of Determinations.
- (2) A member may be required to pay a charge for retaining an item beyond the time allowed. The amount of such charge shall be advised by notice in a manner to be determined by the Chief Executive Officer. The Library shall have no obligation to send an overdue notice or notice of charges incurred and failure to send such notice shall be no excuse for non-payment of such charges or non-return of an item.

At the discretion of the Chief Executive Officer, liabilities incurred by a member under this clause shall be discharged before any item is issued.

**6.2 WAIVER OR ALTERATION TO FEES AND CHARGES**

The Corporation may waive, reduce or alter any fee or charge with or without conditions.

This Local Law was made by resolution of the Corangamite Regional Library Corporation on the (insert date).

THE COMMON SEAL of the CORANGAMITE )  
REGIONAL LIBRARY CORPORATION )  
was affixed hereto this (insert date) in the presence of: )

\_\_\_\_\_ Member

\_\_\_\_\_ Chief Executive Officer

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The Regional Library Board resolved to advise Party Councils of its intention to develop this Local Law at its meeting of (insert date).

Party Councils advised, pursuant to section 197F of the Act of their respective ratification of the Local Law:

Colac-Otway Shire (insert date)

Corangamite Shire (insert date)

Moyne Shire (insert date)

Warrnambool City (insert date)

The Board resolved to give public notice of its intention to make this Local Law at its meeting held on the (insert date).

The notice of intention to make this Local Law was advertised in the Victoria Government Gazette on the (insert date), the Colac Herald on the (insert date) and the Warrnambool Standard on the (insert date).

The Board resolved to adopt this Local Law at its meeting held on the (insert date).

The notice of the making of this Local Law was duly advertised in the Victoria Government Gazette on the (insert date), the Colac Herald on the (insert date) and the Warrnambool Standard on the (insert date).





signed and sealed and forwarded to the Minister for Local Government for approval which is then published in the Government Gazette.

### **Council Plan/Other Strategies/Policy**

The Council Plan indicates under the Community Priority of Strong Leadership that Council will provide strong community leadership, governance and advocacy services.

By putting in place a new Agreement, Council would be signalling its support for the longer term principal of the co-operative regional service.

### **Issues/Options**

#### Agreement

The Agreement sets out:

- Definitions
- Regional Library Corporation
- Membership of the Board
- Roles and Objectives of the Board
- Proceedings of the Board
- Chief Executive Officer
- Equity and Operating Costs
- Strategic Planning
- Service Level Agreement
- Annual Budget and Financial Contributions
- Annual Reporting and Accounts
- Entry and Exit of Parties and Dissolution Provision
- Dispute Resolution

A number of changes have been made to the current agreement.

#### Clause 1 – Definitions

- Inclusion of 'Public Body' – the Act provides that any Public Body, as defined can be a party to a regional library agreement.

#### Clause 2 - Purpose

- Inclusion of the words 'quality, customer-focused' to better define the service provided.

#### Clause 3 – Membership of Board

- Retains the one Councillor and one officer representation per Council. The officer is defined as a member of Council staff rather than a senior officer.
- Clarifies the appointment of deputies – a Councillor for a Councillor and staff member for a staff member.
- Deletes the reference to meeting quorum – covered in the Meeting Procedure Local Law.

#### Clause 4 – Role and Objectives

- Adds the setting of operating standards and facility standards.

#### Clause 5 – Board Proceedings

- Notes that process for the election of the Chairperson is covered in the Meeting Procedure Local Law.
- Deletes the superfluous reference to the requirement for the Board to make a local law governing the conduct of meetings. This is a statutory requirement.

## Clause 6 – Chief Executive Officer

- Expands on the principal responsibilities for the CEO.

## Clause 7 – Equity and Costs

- No changes to substance, but some tidying up of the content.

## Clause 8 – Strategic Planning

- Moves the reference to the funding contributions formula to Clause 11.
- Consistency with the Act provisions on the preparation of a Strategic Resources Plan, rather than the previous terminology of an Annual Plan.

## Clause 9 – Service Level Agreement

- New section – supercedes references in the current agreement to a Services and Funding Agreement.
- Provides that these agreements operate in conjunction with the Regional Agreement and are valid for the term of the parent agreement.
- New Service Level Agreements were signed up with Councils earlier this year and would be expected to form the basis of the new agreement.

## Clause 10 – Annual Budget

- Deletes the reference to the Board not adopting a budget which has not been approved by each council.
- Consistent with the direction of giving the Board greater control and responsibility.
- The budget will be provided to each Council for comment prior to consideration for adoption by the Board.

## Clause 11 – Financial Contributions

- Includes the provision that the Council contributions will be determined in accordance with a contributions formula agreed by the Board.
- New provision on an annual acquittal process for Council contributions.

## Clause 12 – Annual Reporting

- Annual report to be provided to Councils within 4 months (was 3 months) of year end.

## Clause 13 – Entry and Exit

- Provision for a 'Public Body', not just a Council, to be admitted as a party to the Regional Agreement.
- Allows a Council to withdraw subject to giving 12 months notice.
- Deletes the moratorium on not giving notice in the first two years.
- Any withdrawal will be effective from 30 June next following the end of the 12 months notice.
- Sets out the entitlements and obligations in respect of the Regional Library assets and liabilities in the event of a withdrawal.
- Places an obligation on any withdrawing Council to meet the full costs to the Regional Library of the withdrawal – for example, this could include any staff redundancy costs.

Clause 14 – Dissolution                      No change

## Clause 15 – Dispute Resolution

- Notes that the appointment of a mediator must be agreed by the parties in dispute.

Clause 16 – Amendments                      No change

Clause 17 – Conditions Precedent No change

Clause 18 – Agreement Duration

- Expires in June 2013 – current agreement expires in February 2009.
- Retains the fundamental requirement for Councils to advise the Board if they will be entering into another agreement some 12 months before the expiry of this agreement.

Clause 19 – Cessation of Current Agreement

- Enabling clause – as soon as the new agreement is effective the current agreement will cease.
- The agreement is operative once the Minister's approval is published in the Government Gazette.

Schedule

- Rearranged for clarification.

#### Length of Agreement

A longer term agreement will give the Library Board greater scope and confidence to plan for the growth and development to the service. It will also enable the Board to offer a more appropriate contract term in order to attract quality candidates for the critical Chief Executive Officer's role.

It should also be noted that the Agreement includes a provision which allows a member Council to withdraw with 12 months notice.

#### **Proposal**

That Council advise the Corporation that it supports the content of the Agreement for the operations of the Regional Library for the period to June 2013 and that Council will commence a consultation process in accordance with S223 of the Local Government Act 1989.

#### **Financial and other Resource Implications**

A Council report to the 22 April 2008 meeting detailed Council's contribution to the CRLC for 2007/08 and 2008/09. For 2008/09 the budgeted proportion for Colac Otway Shire is \$406,271.

#### **Risk Management & Compliance Issues**

Section 196 of the Local Government Act applies for Regional Libraries and section 197 requires Council to seek submissions on the proposal to enter into agreement re. the Regional Library.

**Environmental Considerations** Not applicable

#### **Communication Strategy/Consultation**

The Regional Library Agreement has been developed by the Board after a number of discussions.

Section 197 of the Local Government Act entitles a person to make a submission under section 223 on any proposal by a regional library on a Regional Library Agreement. Each of the 4 Councils that make up the CRLC will need to undertake a similar process.

It is recommended that submissions be invited in accordance with section 223 of the Local Government Act for a period of 4 weeks closing Friday 27 June 2008.

**Implementation**

A letter will be forwarded to the CRLC advising of Council's decision. An advertisement seeking submissions on the Regional Library Agreement will be inserted in the local newspapers as soon as possible.

**Conclusion**

Council's agreement is required to give notice of its intention to support the content of the revised Regional Library Agreement and that submissions be invited in accordance with section 223 of the Local Government Act.

A long term agreement will provide to the CRLC greater scope and confidence to plan for the growth and development of the services.

**Attachments**

Corangamite Regional Library Corporation Agreement.

**Recommendation**

***That Council gives notice of its intention to enter into the new Regional Library Agreement to operate the Corangamite Regional Library Corporation with the Warrnambool City, Corangamite and Moyne Shires up to June 2013 and that submissions be invited in accordance with section 223 of the Local Government Act 1989.***



**CORANGAMITE REGIONAL LIBRARY CORPORATION AGREEMENT**

THIS AGREEMENT is made on the.....day of .....2008

**BETWEEN:**

**Colac Otway Shire Council**, Rae Street, Colac VIC 3250;

**Corangamite Shire Council**, Manifold Street, Camperdown VIC 3260;

**Moyne Shire Council**, Cox Street, Port Fairy VIC 3284; and

**Warrnambool City Council**, Liebig Street, Warrnambool VIC 3280

**RECITALS:**

- A. The Councils desire to enter into an agreement to operate a regional library to service the area comprising their municipal districts pursuant to section 196 of the *Local Government Act 1989*.
- B. The Councils have agreed on the assets they will provide for the use of, or, transfer to the ownership of, the Regional Library.
- C. The Councils have agreed to contribute certain sums of money annually for the purposes of the Regional Library.
- D. The Councils have agreed to substitute this Agreement for the Regional Library Agreement between the Councils as approved by the Minister, dated 21 December 2007.

## AGREEMENT

### 1. DEFINITIONS

In the interpretation of this Agreement, including the Recitals, except where the context otherwise requires -

- (a) the following words shall have the following meaning -

“Act” means the *Local Government Act 1989*;

“Chief Executive Officer” means the person appointed in accordance with the Act;

“Board” means the governing body of the Regional Library established under clause 3.1;

“Council” means a party to this Agreement;

“Local Law” means a Local Law made in accordance with Part 5 of the Act;

“Minister” means the Victorian Government Minister responsible for administering *Local Government Act 1989*;

“Public Body” means any government department or municipal council or body established for a public purpose by an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth

“Regional Library” means the regional library corporation established under the Agreement 1996;

- (b) words denoting the singular shall include the plural and vice versa;
- (c) words denoting any gender include all genders;
- (d) headings are for convenience only and shall not affect the interpretation of this Agreement.

## **2. REGIONAL LIBRARY CORPORATION**

The Regional Library is established for the purposes of section 196 of the Act by the name of Corangamite Regional Library Corporation to -

- (a) provide, subject to any conditions attached to any State government library subsidies and grants to the Regional Library or the Councils, a quality, customer-focused regional library service for Councils' municipal districts;
- (b) make Local Laws relating to the Regional Library;
- (c) perform any other functions which are conferred on the Regional Library under this Agreement or the Act, including defining overall policy objectives, developing strategic policy and a financial strategy, approving a Library Plan & Strategic Resource Plan, preparing an annual Budget and preparing an Annual Report; and
- (d) to do all things necessary or expedient in accordance with this Agreement and the Act for the carrying out of its functions.

## **3. MEMBERSHIP OF THE BOARD**

- 3.1 The Board of the Regional Library shall comprise the following members -
  - (a) One Councillor appointed by each Council; and
  - (b) One member of Council staff appointed by each Council.
- 3.2 A Council may appoint a Councillor to act as deputy in place of its appointed Councillor member.
- 3.3 A Council may appoint a member of Council staff to act as deputy in place of its appointed staff member.
- 3.4 A member and deputy shall hold office until the term of his/her appointment expires, until removed or the person resigns or ceases to be a Councillor or member of Council staff, whichever occurs first.
- 3.5 A Council may remove from office its appointed member or deputy.
- 3.6 A Council must fill a vacancy in its members as soon as possible and notify the Board in writing of the new member.

- 3.7 The office of a member automatically becomes vacant if he/she is absent for three consecutive meetings without the leave of the Board.

#### **4. ROLES AND OBJECTIVES OF THE BOARD**

- 4.1 The role or purpose of the Board is to:
- (a) plan and provide library resources and services on behalf of the Councils;
  - (b) advise Councils to provide appropriate facilities throughout the four municipalities;
  - (c) ensure library resources and services provided are appropriate for the community and that the resources and services are managed efficiently and effectively; and
  - (d) ensure compliance with statutory requirements.
- 4.2 In seeking to undertake its role the board's objectives will include:
- (a) strategic direction and planning;
  - (b) appointing and monitoring the performance of the Chief Executive Officer;
  - (c) budget approval;
  - (d) organisational performance;
  - (e) promoting the Regional Library;
  - (f) understanding community expectations; and
  - (h) setting operating standards and facility standards

#### **5. PROCEEDINGS OF THE BOARD**

- 5.1 The Board shall hold an ordinary meeting at least four times every year.
- 5.2 If a Special Meeting is called, it must be called by the Chief Executive Officer on the request of the Chairperson or any three members of the Board.



- 5.3 The Board shall elect a member to be Chairperson of the Board to hold office for twelve months, unless that person goes out of office earlier in accordance with clause 3.4 of this agreement.
- 5.4 The process for the election of the Chairperson shall be provided for in the Board's Meeting Procedures Local Law.
- 5.5 In the absence of the Chairperson from a Board meeting, the remaining members of the Board may elect one of their number to preside at that meeting.
- 5.6 Notice of motion to recommend amendment of this Agreement and notice of motion for the adoption or amendment of Local Laws by the Board shall be given in writing to Councils at least one month before the meeting of the Board at which the motion is to be discussed unless otherwise agreed.
- 5.7 Each Council agrees to indemnify the Regional Library in respect of any liability incurred as a consequence of the operation of section 76 of the Act in relation to each of its appointed members.

## **6. CHIEF EXECUTIVE OFFICER**

- 6.1 The Board shall appoint a Chief Executive Officer of the Regional Library.
- 6.2 In addition to any responsibilities imposed on a Chief Executive Officer under the Act, the Chief Executive Officer shall be responsible to the Board for the finances and administration of the Regional Library including:
  - (a) the implementation of the Library Plan;
  - (b) the implementation of the financial strategy;
  - (c) preparation of the Annual Budget;
  - (d) preparation of the Annual Report;
  - (e) drafting of library policies;
  - (f) delivery of the service; and
  - (g) administrative support for the Board and any other duties specified.

## **7. EQUITY AND OPERATING COSTS**

- 7.1 Each Council agrees to the Regional Library using the assets set out in Schedule 1, Part A.
- 7.2 Each Council agrees to the use of the Regional Library assets, set out in Schedule 1, Part B, as determined by the Board.
- 7.3 The Chief Executive Officer shall maintain a register of the assets provided for the use of the Regional Library by the Councils. This register must indicate which Council owns each asset.
- 7.4 The Chief Executive Officer shall maintain a register of the assets owned by the Regional Library.
- 7.5 The Regional Library shall, unless otherwise agreed by the Councils be responsible for the maintenance, repair, replacement and operating costs of assets owned by the Regional Library.
- 7.6 Each Council shall, unless otherwise agreed by the Councils, be responsible for the maintenance, repair, replacement and operating costs of assets owned by it and provided for the use of the Regional Library.
- 7.7 The Regional Library shall, unless otherwise agreed by the Councils and subject to clauses 7.5 and 7.6, be responsible for its own operating costs.

## **8. STRATEGIC PLANNING**

- 8.1 The Chief Executive Officer shall by 1 June each year provide each Council with a copy of the Regional Library's proposed Library Plan prepared in accordance with section 197D of the Act.
- 8.2 The Chief Executive Officer shall by 1 June each year prepare and provide each Council with a proposed Strategic Resources Plan for the financial year commencing 1 July.
- 8.3 The Strategic Resources Plan shall include a program for the delivery of services by the Regional Library which identifies the nature and extent of proposed services and an estimate of the costs of the provision of those services.
- 8.4 The Regional Library must adopt a Library Plan and a Strategic Resource Plan by the date specified in the Act.

**9. SERVICE LEVEL AGREEMENT**

- 9.1 Each Council will enter into a Service Level Agreement with the Regional Library. The term of the Service Level Agreement will coincide with the term of this Agreement.
- 9.2 The Service Level Agreement will specify the base level services and standards to apply across the region, as well as Council specific arrangements for added and/or modified services.
- 9.3 The Service Level Agreement operates in conjunction with and supports the underlying principles and objectives of this Agreement.

**10. ANNUAL BUDGET**

- 10.1 The Chief Executive Officer shall no later than 1 March each year provide each Council with a copy of the Regional Library's draft proposed Annual Budget prepared in accordance with section 127 of the Act.
- 10.2 The proposed annual Budget shall include -
- (a) the amount of funds currently held by the Regional Library;
  - (b) the amount of each Council's proposed financial contribution to the Regional Library for the financial year commencing 1 July; and
  - (c) the amount of funds to be received from any other source by the Regional Library in the financial year commencing 1 July.
- 10.3 The Chief Executive Officer shall no later than 1 June each year provide each Council with a copy of the annual Budget as adopted by the Board.

**11. ANNUAL FINANCIAL CONTRIBUTIONS**

- 11.1 The amount to be contributed to the Regional Library by each Council during each financial year shall be the sum of:
- (a) the amount specified in the Regional Library's adopted Annual Budget or as otherwise agreed by the Board;
  - (b) all State Government library subsidies and grants received by the Councils for library services; and
  - (c) funds received by the Councils from any other sources for library services.

- 11.2 The amount each Council will contribute to the Annual Budget of the Regional Library will be determined in accordance with a Contributions Formula agreed by the Board.
- 11.3 Each Council's financial contribution to the Regional Library shall be paid in advance in quarterly instalments on the first day of July, October, January and April of each year.
- 11.4 The first instalment shall be the same amount paid by the Council in the previous quarter and the second instalment shall include any adjustment to ensure the two instalments together equal half the amount to be paid by that Council for that financial year.
- 11.5 All other Council contributions under clause 11.1 shall be paid within one month of receipt of the monies by the Council.
- 11.6 In addition to the contributions payable under this clause, a Council shall be responsible for the Regional Library's costs in providing any additional service or resources requested by the Council and such costs are to be paid within 30 days of the Council receiving an invoice from the Regional Library.
- 11.7 Interest shall be paid on any amount payable under clause 11 which is not received by the Chief Executive Officer within 14 days of the due date at the rate referred to in section 172 of the Act and calculated monthly from the date the amount became due until the date it is received by the Chief Executive Officer.
- 11.8 The Council financial contributions will be subject to an annual acquittal process. The acquittal will involve two stages:
  - (a) A preliminary acquittal will be undertaken at the end of March each year based on the projected end-of-year results (estimated after 9 months actual). Council financial contributions will be adjusted to reflect this update – either additional accounts raised or refunds made. The variances will be taken up in the current financial year.
  - (b) The final acquittal will be undertaken at year-end and be based on the actual financial results. These variances will be brought to account through end-of-year journals. The additional accounts or refunds, as the case may be, will be processed in the new financial year.

## **12. ANNUAL REPORTING AND ACCOUNTS**

- 12.1 The Chief Executive Officer shall, within four (4) months of the end of each financial year, provide each Council with a copy of the Regional Library's Annual Report prepared in accordance with section 131 of the Act.
- 12.2 The books of accounts and all other financial records of the Regional Library shall be available for inspection at all reasonable times by any Councillor.
- 12.3 The Chief Executive Officer shall provide the Board and Councils with quarterly financial reports which include an operating statement reporting the Regional Library service performance to Budget and any performance indicators included in the Library Plan and the Strategic Resource Plan.

## **13. ENTRY AND EXIT OF PARTIES**

- 13.1 A Public Body which is not a party to this Agreement may, by supplementary agreement with the Councils, be admitted as a party to this Agreement and subject to the provisions of the supplementary agreement, shall have the same rights, duties and obligations of the Councils under this Agreement.
- 13.2 A Council may withdraw from this agreement having given not less than twelve (12) months notice in writing to the Chief Executive Officer.
- 13.3 A Council which has given notice under clause 13.2 shall withdraw from the Agreement effective from 30 June following the expiry of the period of notice given under clause 13.2.
- 13.4 A Council which withdraws from this Agreement must meet the full costs to the Regional Library of the withdrawal.
- 13.5 A Council which withdraws from this Agreement shall be entitled to a portion of the net assets of the Regional Library as at the date of its withdrawal from the Agreement,
- 13.6 The portion of net assets to which a Council is entitled under clause 13.5 –
  - (a) shall be calculated according to the value of the assets as disclosed by the relevant audited financial statements;
  - (b) shall be in the same proportion as its financial contribution to the Regional Library bears to all member Councils' financial

contributions to the Regional Library over the duration of this Agreement;

- (c) may be taken in such combination of property and cash as agreed between the Council and the Board, and if it is agreed that a Council is entitled to library materials, the cost of removing them shall be paid for by the Council.

13.7 A Council, which withdraws from this Agreement, shall be liable for a portion of the liabilities, including contingent liabilities, of the Regional Library as at the date of its withdrawal from the Agreement.

13.8 The portion of the liabilities and contingent liabilities to which a Council is liable under clause 13.7 –

- (a) shall be calculated according to the liabilities and contingent liabilities as disclosed by the relevant audited financial statements and reports, and any other notes attached to them; and
- (b) shall be in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial contributions to the Regional Library over the duration of this Agreement and
- (c) where contracts for goods and services are affected, shall be the full cost of any additional payments for variations to contractual arrangements resulting from the withdrawal.

#### **14. DISSOLUTION OF REGIONAL LIBRARY**

14.1 Subject to section 197G of the Act, the Regional Library may be dissolved by agreement of at least three quarters of the parties to this Agreement including those admitted as a party by supplementary agreement.

14.2 If the Regional Library is dissolved under this clause

- (a) each Council shall be entitled to a portion of the Regional Library's assets in the same proportion as its financial contribution to the Regional Library bears to all the member Council's financial contributions to the Regional Library over the duration of this Agreement; and
- (b) each Council shall be liable for a portion of the liabilities and contingent liabilities of the Regional Library in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial

contributions to the Regional Library over the duration of this Agreement.

**15. DISPUTE RESOLUTION**

15.1 If there is any dispute or difference between a Council and the Regional Library or between any of the Councils which arises out of this Agreement or concerns the Regional Library, the matter shall be determined by an independent mediator, agreed by the parties in dispute, and the arbitrator's decision shall be final and binding on the parties to the dispute.

15.2 The parties to the mediation shall -

- (a) be responsible for their own mediation costs; and
- (b) unless otherwise determined by the mediator, share the mediator's costs equally.

**16. AGREEMENT AMENDMENT**

An amendment to this Agreement has no effect unless it is -

- (a) in writing and signed by all parties to the Agreement; and
- (b) approved by the Minister by notice published in the Government Gazette.

**17. CONDITIONS PRECEDENT**

This Agreement has no effect as between the parties unless it is approved by the Minister in accordance with section 196(2) of the Act.

**18. DURATION OF AGREEMENT**

18.1 This Agreement expires on 30 June 2013.

18.2 Each Council must hold a meeting no later than 12 months before the expiration of this Agreement to consider entering into a new Regional Library Agreement.

18.3 All Councils shall promptly advise the Chief Executive Officer of their response to the obligation imposed under clause 18.2.

**19. CESSATION OF THE CURRENT AGREEMENT**

The Regional Library Agreement between the Councils as approved by the Minister, by order dated 21 December 2007, ceases on the day on which this Agreement takes effect.

DRAFT NO.1



**EXECUTED as an Agreement**

**IN WITNESS WHEREOF**

The Common Seal of the **COLAC OTWAY SHIRE COUNCIL** )  
was hereunto affixed this..... day )  
of..... 2008 in the presence of: )

.....  
Councillor

.....  
Chief Executive Officer

The Common Seal of the **CORANGAMITE SHIRE COUNCIL** )  
was hereunto affixed this .....day )  
of..... 2008 in the presence of: )

.....  
Councillor

.....  
Chief Executive Officer

The Common Seal of the **MOYNE SHIRE COUNCIL** )  
was hereunto affixed this .....day )  
of..... 2008 in the presence of: )

.....  
Councillor

.....  
Chief Executive Officer

DRAFTING

The Common Seal of the **WARRNAMBOOL CITY COUNCIL** )  
was hereunto affixed this .....day )  
of..... 2008 in the presence of: )

.....  
Councillor

.....  
Chief Executive Officer

DRAFT NO.1

## **SCHEDULE 1**

### **Part A - Council Assets provided for Regional Library Use:**

#### **A1 - Buildings**

Including all fixtures and fittings and structural elements, including plumbing, heating and air conditioning systems, hot water supply

#### **Colac Otway Shire Council**

- Colac Library  
105 Gellibrand Street  
Colac
- Apollo Bay Library  
6 Pengilley Ave  
Apollo Bay

#### **Corangamite Shire Council**

- Camperdown Library  
212 Manifold Street  
Camperdown
- Cobden Library  
55 Victoria Street  
Cobden
- Derrinallum Library  
55 Main Street  
Derrinallum
- Terang Library  
135 High Street  
Terang
- Timboon Library  
82 Curdie Vale Road  
Timboon

#### **Moyne Shire Council**

- Koroit Library  
102 High Street  
Koroit
- Mortlake Library  
101 Dunlop Street  
Mortlake
- Port Fairy  
65 Sackville Street  
Port Fairy

**Warrnambool City Council**

- Warrnambool Library  
25 Liebig Street  
Warrnambool

**A2 - PLANT**

**Warrnambool City Council**

- Ford Transit Van – White

**Part B - Regional Library Assets:**

**B1 – MATERIALS**

All books and other library materials in the Regional Library collection

**B2 – EQUIPMENT**

Loose furniture, including shelving  
Computer hardware

**B3 – PLANT**

|                      |             |
|----------------------|-------------|
| Motor vehicle        | Colac Based |
| Home Service Van     | Colac Based |
| Library Outreach Van | Colac Based |

**B4 – OTHER**

Any other assets, as listed in the Regional Library Asset register

**OM082705-10 APOLLO BAY P-12 COLLEGE LEISURE CENTRE JOINT USE AGREEMENT**

AUTHOR: Marg Scanlon  
DEPARTMENT: Corporate and Community Services

ENDORSED: Colin Hayman  
FILE REF: GEN0592

**Purpose**

The purpose of this report is to provide Council with background information pertaining to the new joint use agreement between the Department of Education and Early Childhood Development and the Colac Otway Shire and to seek endorsement for this agreement.

**Background**

The Apollo Bay P-12 College has an outdoor swimming pool and an indoor single court stadium which are available to the community out of school hours. Historically there has been an agreement between the School and Council regarding the community access to the facilities out of school hours and detailing the roles and responsibilities of both parties. In 2006 the then School Principal applied for funding under the then Department of Education and Training Community Facilities Funding Program and Council to undertake improvement works to both the outdoor swimming pool and the indoor stadium roof. Funding was secured from both the Department and Council to be funded over two financial years. Since the confirmation of funding the School Principal and Council have been developing the new joint use agreement.

The agreement presented for consideration acknowledges different operational aspects of the leisure facilities compared to the operations of the facilities under the previous agreement. It is proposed within this agreement that Council will assume management of the facilities during school holidays and weekends during the summer season. Previous to this arrangement Council contributed financially over the past three years towards the engagement of pool lifeguards to ensure facility supervision compliance. It is proposed that the Bluewater Fitness Centre Management will manage from hereon the functions required of Council as detailed in the agreement.

With regard to the construction improvements to the facilities all nominated works for the Swimming Pool were completed in 2007. Final designs have been completed for the rectification works to the stadium roof and project tender documents have been prepared. Upon endorsement of this agreement the tender can be released calling for submissions. These works are expected to take 6 months to complete.

As a requirement as detailed in the agreement, the School Principal together with Council Officers have recently developed a Facility Business Plan to identify the operational, reporting, functions and opportunities of the two leisure facilities. The agreement refers to a Facility Committee which will comprise School, Council and Community Representatives to ensure the ongoing review of the facilities and the business plan.

**Council Plan/Other Strategies/Policy**

In project is supported by the Council Plan and the 2006-2010 Recreation Strategy which specifically recommends that Council in partnership with the Apollo Bay P-12 College to seek external funding support to improve facilities which are available to the public and ensure the facility operations are consistent with Life Saving Victoria guidelines, audits and a dedicated Centre Business Plan.

**Issues/Options**

Staff retention and recruitment has been an issue in the past, however it is believed through Bluewater Fitness Centre training opportunities and existing local partnerships with the Surf Life Saving Club Pool LifeGuard positions will be filled.

There are two options:

1. Council not endorse the agreement which will impact on the improvement works, facility operations and community access.
2. Council endorse the agreement enabling development of the operational aspects of the facility in readiness for the coming summer season and continuation of the facility improvement project.

**Proposal**

It is proposed that Council endorse the joint use agreement between the Department of Education and Early Childhood Development and Council for the Apollo Bay P-12 Community Leisure Facilities. This endorsement is on the understanding that Council will be required to continue to contribute financially and through Officer resources to ensure the facility is accessible to the community during the summer season out of school hours.

**Financial and other Resource Implications**

Council have previously endorsed the contribution of \$170,000 towards the project and these funds have been transferred to the 2008/2009 budget in light of the project not commencing in 2007/2008 as previously proposed.

This new agreement does have financial impacts to Council likely to be more than previously allocated to these facilities. Staffing of the facility during the summer seasonal weekends and holidays will also be Council's responsibility. However this arrangement ensures community access to an aquatic facility that is supervised and operating in accordance with LifeSaving Victoria guidelines.

It is estimated that this annual contribution would be in the vicinity of \$18,000 for the cost of pool supervision alone. Historically Council have contributed to the cost of pool supervision up to \$5,000 and facility maintenance on average \$10,000 annually. The introduction of a formal business plan detailing costs, targets and a works schedule will steer the financial planning, operations and scoping of works for the Centre.

**Risk Management & Compliance Issues**

Risk Management and Compliance issues have been taken into account for the development of this agreement. Specifically compliance aspects have been a significant determinant in the agreement to determine guaranteed pool supervision, staff qualifications, first aid and emergency management, communications and access.

**Environmental Considerations**

Environmental considerations have been taken into account, in particular the pool plant, operations compliance and necessary requirements.

**Communication Strategy/Consultation**

Further to the change in School Principals there has been regular communication this year with the School Principal to ensure ongoing progress of the agreement, construction works and development of the business plan.

This agreement will reinstate the Committee of the Management for the facilities which will meet on a regular basis to discuss ongoing operations of the facilities and encourage further community access.

Previous draft agreements have been forwarded to Council's insurer Civic Mutual Plus (CMP) for consideration. Information provided by CMP has been taken into consideration and incorporated into the agreement as presented.

**Implementation**

The draft agreement presented by the Department has two typing errors which are requiring correction. The Department have been advised that this report and the draft agreement are to be presented to Council with corrections.

If endorsed this agreement would commence immediately.

**Conclusion**

Historically Council has contributed financially to the Apollo Bay Pool and Stadium operations and maintenance in accordance with the previous agreement. This joint partnership with the Department of Education and Early Childhood and Development ensures ongoing community access to the facilities at specified seasonal times.

**Attachments**

Joint Use Agreement for the Apollo Bay Leisure Centre – to be tabled.

**Recommendation**

***That Council endorse the Joint Use Agreement between Council and the Department of Education and Early Childhood Development for the purposes of the joint community and school use of the Apollo Bay Leisure Centre including the outdoor swimming pool and the indoor stadium.***



**OM082705-11 JOINT SCHOOL COMMUNITY USE PLAYING FIELD FUNDING OPPORTUNITY**

AUTHOR: Marg Scanlon  
DEPARTMENT: Corporate and Community Services

ENDORSED: Colin Hayman  
FILE REF: GEN 00374

**Purpose**

The purpose of this report is to provide Council with background information regarding the recently announced funding opportunity presented by the Department of Planning and Community Development to raise the level of community and school use of a new or upgraded playing field at the Colac Secondary College. The purpose of this report is to also seek Council endorsement to submit a proposal in response to the Department of Planning and Community Development's offer.

**Background**

Council recently received correspondence from the Department of Planning and Community Development offering a maximum of \$250,000 from Sport and Recreation Victoria as a contribution towards the development of new or upgraded synthetic grass or natural drought tolerant turf surfaces for the purpose of outdoor sports such as hockey, soccer, football or cricket. The offer requires a response in the form of a project proposal detailing how the proposed development will raise broad community sport and recreation participation levels in the community. Further funding contributions from Council or the community could be made to the \$250,000 State Government funding but this is not a requirement.

This available funding opportunity has been made possible as a result of the cost saving achieved from the 2006 Commonwealth Games and presents an opportunity for the development of a number of innovative and lasting, joint use sport field legacy projects across the State.

The proposal is to also include evidence of commitment to establish a joint use agreement between Council and school in relation to the proposed playing field. Proposals are to be jointly developed with the school and then managed by Council. Submissions are to include concept plans, costings and where appropriate evidence of matching contributions. Project proposals are to be submitted by 6 June 2008 and it is expected that projects are completed within the 2008/2009 financial year.

In light of the Colac Education Recreation Community Precinct Project (Beechy Precinct) further clarification has been sought to determine the possibility of utilising the funding opportunity to undertake such sports field upgrades to Central Reserve main sports oval and/or the hockey fields. The Department have supported this option for consideration.

**Council Plan/Other Strategies/Policy**

This proposal is supported by the Central Reserve Masterplan, the Colac Structure Plan, the Colac Education, Recreation Community Precinct Masterplan and the Council Business Plan.

**Issues/Options**

There are three options for consideration;

1. Council decline the offer.
2. Council endorse the opportunity to submit a project proposal which details the option to redevelop the Central Reserve main oval and/or hockey fields either with a synthetic grass surface or drought resistant turf (which ever can be achieved within



the funding allocation of \$250,000) resulting in no funding requirements from Council and/or the community.

3. Council endorse the opportunity to submit a project proposal which details the option to install a synthetic grass surface or drought resistant turf field/s at the Colac Secondary College site at the proposed location for the new sports field area.

The issues contained within these proposals include:

- The funding offer stipulates that the project is expected to be completed within the 2008/2009 financial year. Acknowledging the project timelines for the redevelopment of the Colac Secondary College the sports field area would not be vacated by the existing school buildings until 2009/2010.
- The Central Reserve existing hockey fields are currently used on a regular basis for the purposes of informal hockey, soccer and football training. The Colac Hockey Club is currently in recession but has been a very strong and active club in the past. The quality of the fields has been raised by the club as an issue in the past.
- This current funding offer and the associated timelines have not allowed detailed quotes to be sought for the purposes of this report. However there are numerous surface options to consider and necessary associated infrastructure (such as fencing and lighting) must be considered within the proposal.
- If it was deemed a priority to allocate this funding to the Colac Secondary College site a further request would need to be presented to the Department of Education and Early Childhood Development regarding the timing of the project given that access to the site would be limited to 2009/2010 at the earliest.
- The existing Central Reserve Hockey Fields are currently used on a regular basis by the Dog Obedience Club; dependant on the surface proposed to be installed the alternative options may have to be considered for this Club.
- Any proposed turf improvements to the main oval at Central Reserve would impact on sporting activities for at least one spring/summer season. Relocation of regular user groups would need to be considered and developed in partnership with all impacted key stakeholders.

### **Proposal**

It is proposed that Council's Recreation Unit continue to explore surface options and costings for the redevelopment of the Central Reserve Hockey Fields based on the funding offer of \$250,000 without expectation of Council or community contributions.

### **Financial and other Resource Implications**

This funding offer has been presented to Council without any forewarning and subsequently there are currently no Council budget allocations proposed in the 2008/2009 budget to support this proposal. In developing the project proposal community contributions particularly through established key stakeholder clubs will be explored however it is likely that these clubs will not have significant funds to contribute to the proposed project given its scope and cost.

### **Risk Management & Compliance Issues**

It should be noted that this proposal is being considered and developed on the premise that there is no expectation on Council and the community to contribute any additional funding to the existing offer of the \$250,000 from the Department of Planning and Community Development. This proposal is being developed with the aim to gain the most preferred, best outcome for the community specifically through improved playing surface at Central Reserve through the limited offered funds of \$250,000.

Risk management and compliance issues will be taken into consideration as part of the project proposal such as sport field requirements and associated infrastructure requirements, for example synthetic grass surface sports fields are to be securely fenced.

**Environmental Considerations**

Drought resistant turf options will be considered as apart of the project proposal development together with sustainable watering options.

**Communication Strategy/Consultation**

Although the project proposal development timelines are limited, community consultation will be conducted with the key stakeholder clubs, the Central Reserve Advisory Committee, the Beechy Precinct Management Group, the Department of Education and Early Childhood Development and the Colac Secondary College.

In order to meet the project proposal requirements consultation has commenced with synthetic grass and drought resistant turf suppliers and installers to gain advice and costings.

Cosworks, specifically the Team Leader for Parks and Gardens will also be consulted for the purpose of the project proposal development specifically maintenance requirements.

**Implementation**

This current funding offer requires a response project proposal to be submitted by 6 June 2008. It is expected that the project works would be undertaken and completed in the 2008/2009 financial year. Dependant on the works to be undertaken there may be seasonal considerations to determine the timing of the works. Regardless of the surface installation relocation of existing users to alternative grounds could be managed for the period of the works.

**Conclusion**

This funding offer is a rare opportunity for Council, in partnership with the Colac Secondary College, to improve existing sports field facilities for the benefit of students of all ages, athletes, club members and the public. Under typical funding regimes Council and the community would need to demonstrate the strategic need for such works and support the application with matching funding contributions. This is a key aspect for consideration given the communities capacity to fundraise and the remaining elements within the Precinct Project that will require community fundraising such as the proposed redevelopment of the Bluewater Fitness Centre. This proposal is consistent with the masterplan for the Colac Education, Recreation Community Precinct and has the potential to achieve key outcomes sooner than previously expected.

**Attachments**

Nil

**Recommendation**

***It is recommended that Council's Recreation Unit continue to explore surface options and costings for the redevelopment of the Central Reserve Main Oval and/or Hockey Fields based on the current funding offer of \$250,000 from the Department of Planning and Community Development Sport and Recreation Victoria without expectation of Council or community contributions and submit a project proposal by the due date of 6 June 2008.***

~~~~~◆~~~~~

**OM082705-12 FINANCIAL PERFORMANCE REPORT**

|             |                                  |           |              |
|-------------|----------------------------------|-----------|--------------|
| AUTHOR:     | Ashley Roberts                   | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN00392     |

**Introduction**

The following Financial Performance Report is for the ten month period to the end of April 2008.

**Budget Variances**

Rates and Charges of \$16.3m raised. Projected accumulated cash surplus of \$1.59m.

A significant amount of work has been undertaken by General Managers & department managers in the provision to the Finance Department of accurate and up to date forecasts. This process is seen to be of an ongoing nature with the expected benefit being that a much more accurate projected profit and cash surplus figure will be reported on monthly basis going forward.

However it is to be noted that these figures remain estimates only and the actual end of year results are varied by items that, given the nature of the current financial system employed by Council, are not readily able to be estimated to a high level of accuracy.

These include:

- Depreciation
- Donated Assets
- Asset Write-Offs
- Re-classification of Capital Expenditure to Operating Expenditure

**Cash Position**

Net cash outflow of approx \$2.21m for the month of April. Diminished cash position of \$0.85m compared to previous year as a result of the increased Capital Works completed at this stage of the financial year.

**Rates Debtors**

Rates to the value of \$16.3m raised. Percentage collected slightly higher than previous year at 86.70% compared to 85.10% for 2006/7.

**Trade Creditors**

Total creditors paid of \$2.48m for month of April, compared to \$1.24m previous year.

**Interest on Investment**

Interest received for the month of April of \$41,719. Current interest rate 7.15%.

**Capital Works**

|                                    |         |
|------------------------------------|---------|
| Plant Replacement                  | \$1.14m |
| Local Roads Unsealed               | \$0.57m |
| Local Roads Resealing Program      | \$0.50m |
| Porneet Road (Auslink)             | \$0.47m |
| Carpendeit-Bungador Road           | \$0.36m |
| Deepdene Road (RTR2)               | \$0.26m |
| Local Roads Sealed Rehabilitation  | \$0.26m |
| Drainage Works                     | \$0.20m |
| Lake Colac Redevelopment (stage 2) | \$0.19m |
| Irrewillipe Road                   | \$0.14m |

|                                                |                |
|------------------------------------------------|----------------|
| Building Renewal Program                       | \$0.14m        |
| GOR VIC Upgrade                                | \$0.13m        |
| Beeac Landfil Rehabilitation                   | \$0.12m        |
| Apollo Bay Transfer Station Design & Construct | \$0.09m        |
| Alvie Transfer Station Weighbridge             | \$0.09m        |
| Larpent Road (RTR)                             | \$0.09m        |
| Borwick Street                                 | \$0.08m        |
| Dowling St                                     | \$0.08m        |
| Rossmoyne Rd (RTR2)                            | \$0.07m        |
| Cressy Landfill Rehabilitation                 | \$0.07m        |
| Local Footpaths                                | \$0.07m        |
| Forrest St Asphaltting                         | \$0.06m        |
| Apollo Bay Infrastructure Development          | \$0.06m        |
| Neighbourhood Renewal Playground (Stage 2)     | \$0.06m        |
| BWFC Filtration Upgrade                        | \$0.06m        |
| Wilson/Gravesend Sts Asphaltting (RTR)         | \$0.06m        |
| Conns Lane (RTR)                               | \$0.06m        |
| Neighbourhood Renewal Playground               | \$0.06m        |
| Ondit-Warrion Road (RTR2)                      | \$0.05m        |
| Storm Water Management Plan                    | \$0.05m        |
| Cape Otway Rd (RTR)                            | \$0.05m        |
| Access For All Abilities – Regional Playground | <u>\$0.05m</u> |
| Total                                          | <u>\$5.74m</u> |

**Attachment**

Financial Performance Report for Month of April 2008.

**Recommendation**

***That the Financial Performance Report to the end of March 2008 be received.***

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**FINANCIAL PERFORMANCE REPORT  
FOR MONTH OF APRIL 2008**

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**BUDGET VARIANCES**  
**Net Cost to Council**

**Summary by Service**

|                                | <b>Actual<br/>31/04/2008</b> | <b>Budget</b>  | <b>Forecast</b> | <b>% Actual<br/>of Forecast</b> |
|--------------------------------|------------------------------|----------------|-----------------|---------------------------------|
| <b>GOVERNANCE</b>              | \$2,915,599                  | \$4,068,200    | \$3,554,749     | 82.02%                          |
| <b>INFRASTRUCTURE</b>          | \$2,823,773                  | \$4,703,300    | \$5,147,241     | 54.86%                          |
| <b>STRATEGIC DEVELOPMENT</b>   | \$3,704,280                  | \$3,882,100    | \$4,467,394     | 82.92%                          |
| <b>DEBT SERVICES</b>           | \$622,904                    | \$677,600      | \$677,900       | 91.89%                          |
| <b>CAPITAL WORKS</b>           | \$5,420,244                  | \$6,152,000    | \$6,773,938     | 80.02%                          |
| <b>RATES</b>                   | (\$14,471,095)               | (\$14,478,900) | (\$14,473,100)  | 99.99%                          |
| <b>OTHER INCOME</b>            | (\$3,476,931)                | (\$4,574,700)  | (\$4,633,000)   | 75.05%                          |
| <b>Net from Revenue</b>        | (\$2,461,226)                | \$429,600      | \$1,515,122     |                                 |
| <b>APPROPRIATION</b>           | (\$3,110,031)                | (\$3,110,000)  | (\$3,110,000)   |                                 |
| <b>(SURPLUS)/DEFICIT C/FWD</b> | (\$5,571,257)                | (\$2,680,400)  | (\$1,594,878)   |                                 |

**Points to Note**

**Governance**

- Insurance premiums paid.
- Increased interest on investments.
- WorkCover premium paid

**Infrastructure**

- Approx \$3.2m Cosworks maintenance.
- Waste Management Charges raised.

**Strategic Development**

- Building income down

**Debt Services**

- No new loan borrowings for year

**Capital Works**

- Approx \$1.9m (net) of funding carried forward from 2006/2007, including \$0.8m Auslink funding.
- Aprox \$1m underspend expected on Marengo Transfer Station

**Rates**

- Total rates of \$14.3m raised.

**Other Income**

- Third quarter Grants Commission funding received. Additional funding of \$50,000.

**Appropriation**

- Accumulated cash surplus brought forward from 2006/07 of \$3.1m

**OPERATING STATEMENT**

|                                                   | April<br>YTD ACTUAL | BUDGET              | FORECAST            | NOTE |
|---------------------------------------------------|---------------------|---------------------|---------------------|------|
| <b>OPERATING REVENUE</b>                          |                     |                     |                     |      |
| Rates                                             | \$12,522,035        | \$12,542,500        | \$12,460,700        |      |
| Garbage Charge                                    | \$2,019,864         | \$1,997,400         | \$2,012,400         |      |
| Municipal Charge                                  | \$1,841,029         | \$1,832,100         | \$1,832,100         |      |
| Grants Commission                                 | \$3,476,931         | \$4,570,000         | \$4,633,000         |      |
| Recurrent Grants & Subsidies                      | \$2,120,486         | \$2,272,000         | \$2,476,500         |      |
| Non-recurrent Grants & Subsidies                  | \$1,730,979         | \$4,235,000         | \$2,885,010         | 1    |
| Charges Fees & Fines                              | \$2,827,769         | \$4,301,000         | \$3,622,849         | 2    |
| Reimbursements & Contribution                     | \$969,267           | \$675,000           | \$1,290,869         | 3    |
| Interest Revenue                                  | \$371,543           | \$395,000           | \$475,000           |      |
| Donated assets                                    | \$115,833           | \$139,000           | \$150,000           |      |
| <b>TOTAL OPERATING REVENUE</b>                    | <b>\$27,995,736</b> | <b>\$32,959,000</b> | <b>\$31,838,428</b> |      |
| <b>OPERATING EXPENDITURE</b>                      |                     |                     |                     |      |
| Employee Costs                                    | \$8,097,900         | \$10,061,000        | \$9,698,700         |      |
| Materials & Services                              | \$9,658,000         | \$11,896,000        | \$11,318,617        |      |
| Plant Costs                                       | \$610,800           | \$742,000           | \$824,700           |      |
| Loan Interest                                     | \$206,179           | \$223,000           | \$223,300           |      |
| Grants & Donations                                | \$171,108           | \$176,000           | \$182,600           |      |
| Other                                             | \$639,610           | \$898,000           | \$978,300           |      |
| Depreciation                                      | \$6,833,333         | \$8,200,000         | \$7,900,000         |      |
| Written Down Value - Assets Sold                  | \$500,000           | \$900,000           | \$900,000           | 4    |
| <b>TOTAL OPERATING EXPENDITURE</b>                | <b>\$26,716,930</b> | <b>\$33,096,000</b> | <b>\$32,026,217</b> |      |
| <b>NET SURPLUS/(DEFICITS)<br/>FROM OPERATIONS</b> |                     |                     |                     |      |
|                                                   | <b>\$1,278,806</b>  | <b>(\$137,000)</b>  | <b>(\$187,789)</b>  |      |
| Proceeds from Sales                               | \$420,337           | \$900,000           | \$900,000           |      |
| Property, Plant & Equipment Write Off             | (\$125,000)         | (\$150,000)         | (\$150,000)         |      |
| <b>RESULTING FROM OPERATIONS</b>                  | <b>\$1,574,143</b>  | <b>\$613,000</b>    | <b>\$562,211</b>    |      |

**Notes**

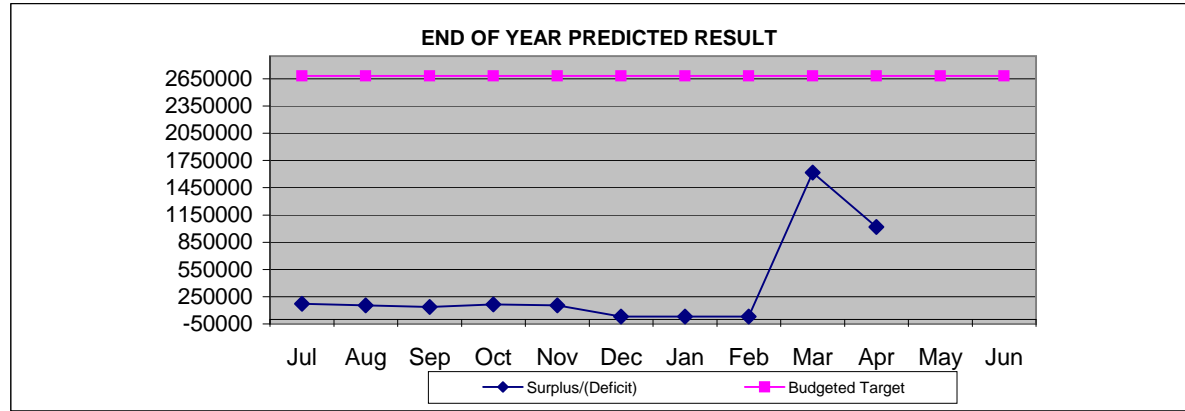
- 1 Non-Recurrent Grants & Subsidies
  - Better Roads Grant \$0.28m not received
  - Small Towns RDV Grant \$0.30m not received
  - Dairy Road Program Grant \$0.21m less than budgeted
- 2 Charges, Fees & Fines
  - Building Fees down
  - Saleyards Fess down
  - BWFC revenues down
  - Private Works Fees Down
- 3 Reimbursements and Contributions
  - Increased Private Scheme charges (Borwick & Dowling Sts)
- 4 Written Down - Value of Assets Sold - no profit or loss expected.

**END OF YEAR PROJECTED RESULT**

Predicted accumulated cash surplus/deficit position as at 30/04/2008.

**Comments**

Estimated accumulated cash surplus \$2.68m  
 Projected cash surplus as at 29/02/2008 forecast at approx \$1.59m  
 Carry Over funding of \$2.5m brought forward to 2007/8.

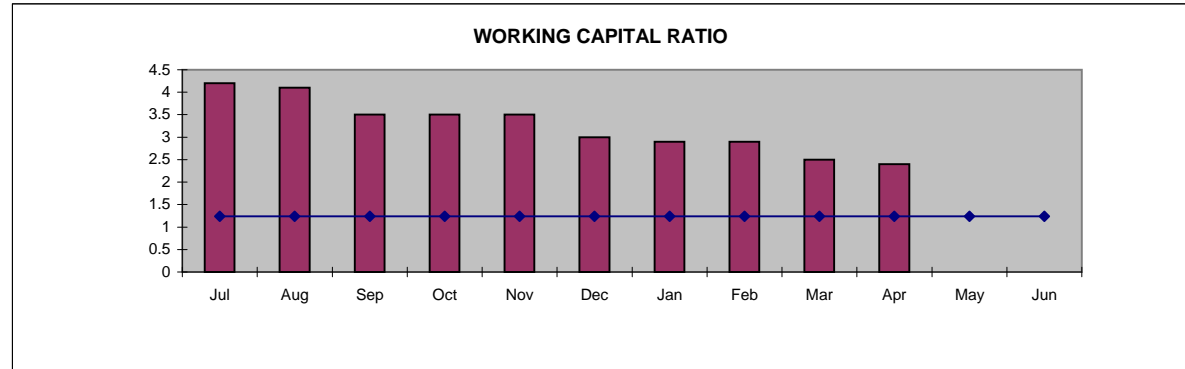


**WORKING CAPITAL RATIO**

To assess Council's ability to meet current commitments.

**Comment**

Current Ratio of 2.4:1 as at 30/04/08  
 anticipated approximately 1.24:1 as at 30/6/08





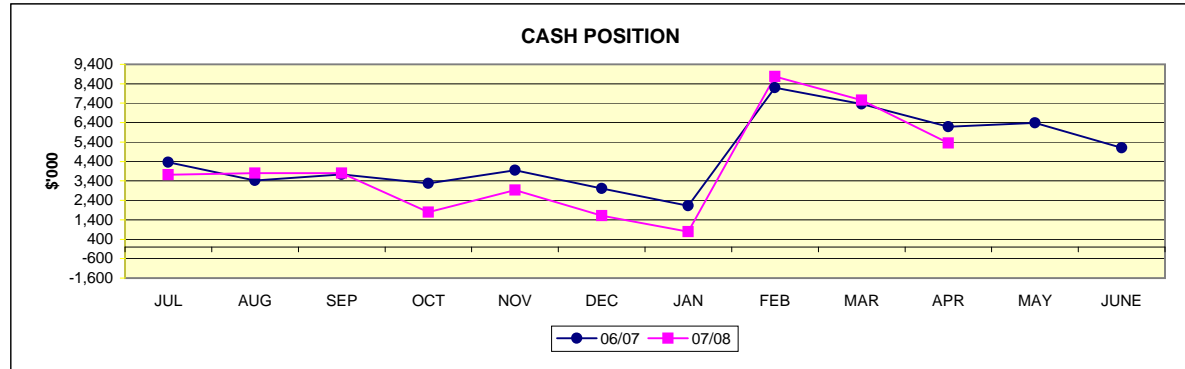
**CASH POSITION**

Comparison of General Account Bank balance at the end of month compared to previous year. Does not include Port of Apollo Bay or LSL investments.

**Comment**

Net cash outflow approx. \$2.21m for April 2008. Decreased cash position of approx \$0.85m as compared to previous year.

|         | 2007/08         | 2006/07         |
|---------|-----------------|-----------------|
| Income  | \$1.27m         | \$0.95m         |
| Exp.    | <u>-\$3.48m</u> | <u>-\$2.20m</u> |
| Net     | <u>-\$2.21m</u> | <u>-\$1.25m</u> |
| Balance | \$5.34m         | \$6.19m         |



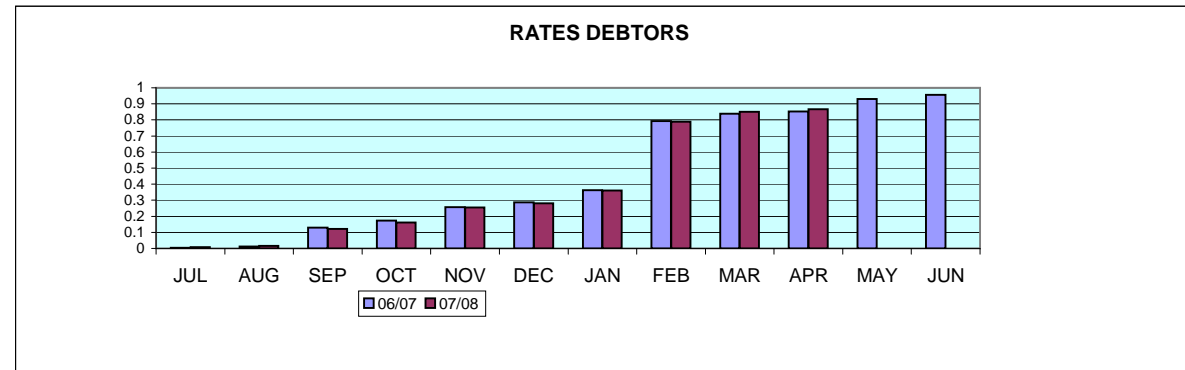
**RATES DEBTORS**

Progressive % rates collection at end of month compared to previous year.

**Comment**

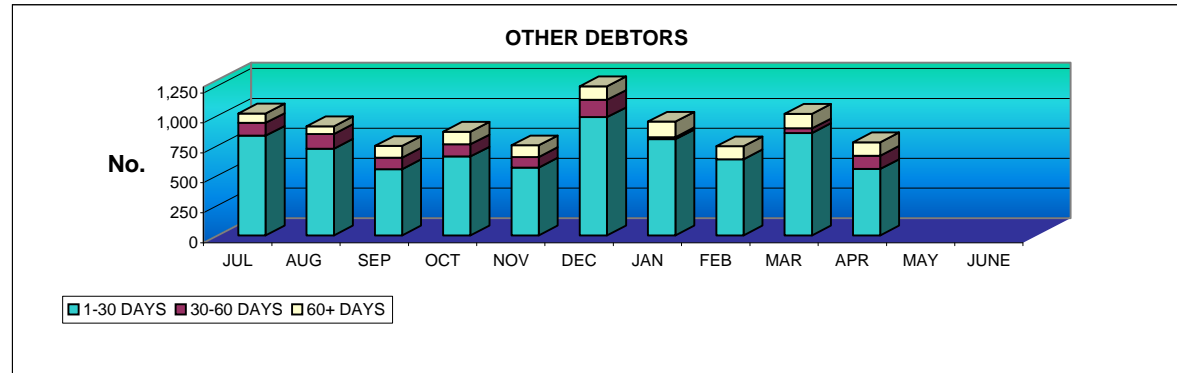
Rates to the value of \$16.3m raised. Collection % slightly up on previous year.

|           | 000's    | 2007/08 | 2006/07 |
|-----------|----------|---------|---------|
| July      | \$16,557 | 0.80%   | 0.37%   |
| August    | \$16,431 | 1.60%   | 1.26%   |
| September | \$14,665 | 12.10%  | 12.90%  |
| October   | \$13,858 | 17.00%  | 17.28%  |
| November  | \$12,455 | 15.40%  | 15.70%  |
| December  | \$12,002 | 28.10%  | 28.60%  |
| January   | \$10,689 | 36.00%  | 36.20%  |
| February  | \$3,155  | 78.90%  | 79.30%  |
| March     | \$2,499  | 85.00%  | 83.80%  |
| April     | \$2,212  | 86.70%  | 85.10%  |



## OTHER DEBTORS

Balance outstanding of other debtors excluding rates and special charges by 30 days and over.



|                      | NUMBER     | AMOUNT             | % OF TOTAL  |                 |                 |                    |                    | %                 |
|----------------------|------------|--------------------|-------------|-----------------|-----------------|--------------------|--------------------|-------------------|
| 1-30 Days^           | 86         | \$683,472          | 43%         |                 |                 |                    |                    |                   |
| 30-60 Days^          | 0          | \$84,837           | 5%          |                 |                 |                    |                    |                   |
| 60+ Days^            | 35         | \$295,162          | 19%         |                 |                 |                    |                    |                   |
| Payment Arrangements | 1          | \$15,000           | 1%          |                 |                 |                    |                    |                   |
| Final Notice         | 0          | \$0                | 0%          |                 |                 |                    |                    |                   |
| Debt Collectors      | 0          | \$0                | 0%          |                 |                 |                    |                    |                   |
| Other Debtors*       | 622        | \$147,311          | 9%          |                 |                 |                    |                    |                   |
| Private Schemes      | -          | \$316,584          | 20%         |                 |                 |                    |                    |                   |
| Harbour              | 0          | \$38,978           | 2%          |                 |                 |                    |                    |                   |
| <b>TOTAL</b>         | <b>744</b> | <b>\$1,581,345</b> | <b>100%</b> |                 |                 |                    |                    |                   |
|                      |            |                    |             |                 | <b>WORKS</b>    | <b>MISC</b>        | <b>TOTAL</b>       | <b>% OF TOTAL</b> |
|                      |            |                    |             | 1-30 DAYS       | \$7,398         | \$676,073          | \$683,472          | 43%               |
|                      |            |                    |             | 30-60 DAYS      | \$25,417        | \$59,421           | \$84,837           | 5%                |
|                      |            |                    |             | 60+ DAYS        | \$18,108        | \$292,055          | \$310,162          | 20%               |
|                      |            |                    |             | Other Debtors*  | -               | -                  | \$147,311          | 9%                |
|                      |            |                    |             | Private Schemes | -               | -                  | \$316,584          | 20%               |
|                      |            |                    |             | Harbour         | -               | -                  | \$38,978           | 2%                |
|                      |            |                    |             | <b>TOTAL</b>    | <b>\$50,923</b> | <b>\$1,027,549</b> | <b>\$1,581,345</b> | <b>100%</b>       |

\* Please note Other Debtors include CRLC, Superannuation Debtors and Pension Rebates.

^ Values are for Works & Miscellaneous debtors only

Major debtors outstanding greater than \$20,000.

|                                               | 1-30 DAYS        | 30-60 DAYS | 60+ DAYS         | TOTAL            | COMMENT                                   |
|-----------------------------------------------|------------------|------------|------------------|------------------|-------------------------------------------|
| Department of Primary Industry                | \$198,240        | \$0        | \$0              | \$198,240        | Drought Relief Rates Funding              |
| Department of human Services                  | \$174,498        | \$0        | \$0              | \$174,498        | Rates Remissions (Pensioner)              |
| Department Victorian Communities              | \$0              | \$0        | \$80,630         | \$80,630         | Recreation Facilities Grants              |
| Department of Planning & Community Develop.   | \$5,500          | \$0        | \$68,474         | \$73,974         | Transport Connections                     |
| Dept Innovation, Industry & Regional Develop. | \$52,250         | \$0        | \$0              | \$52,250         | Lake / Tourism Facilities Upgrade Funding |
| Vicroads                                      | \$30,129         | \$0        | \$19,950         | \$50,079         | Agency Operation Funding                  |
| Graeme Dickson Partners                       | \$36,000         | \$0        | \$0              | \$36,000         | Planning Application PP6/05               |
| Regional Development Victoria                 | \$0              | \$0        | \$33,000         | \$33,000         | Regional Trails Masterplan                |
| Sport & Recreation Victoria                   | \$0              | \$0        | \$26,400         | \$26,400         | Beechy Centre Sports Facilities Study     |
| Rodgers Constructions                         | \$0              | \$0        | \$25,000         | \$25,000         | Barongarook Creek Path Contribution       |
| Apollo Bay Fisherman's Co-Operative           | \$24,739         | \$0        | \$0              | \$24,739         | Annual Rental 2007-8                      |
| Dept Innovation, Industry & Regional Develop. | \$0              | \$0        | \$22,000         | \$22,000         | Colac Structure Plan                      |
|                                               | <b>\$521,357</b> | <b>\$0</b> | <b>\$275,454</b> | <b>\$796,810</b> |                                           |

## TRADE CREDITORS

Payments to trade creditors for the month.

Creditor Voucher No.s 38008 - 38164 for \$392,479.02 and Electronic Funds Transfers Nos. 38444 - 38951 for \$2,091,922.01 for the month of April were approved by the Chief Executive officer under delegated authority on Wednesday 17 April 2008

Major creditor payments for the month comprising 68% of total payments were:

|                                    |                                  |              |
|------------------------------------|----------------------------------|--------------|
| BT Equipment Pty Ltd               | Heavy Plant Replacement (Grader) | \$268,722.40 |
| Cemex Australia (Readymix) Pty Ltd | Materials                        | \$237,015.99 |
| Australian Taxation Office         | Employee Tax                     | \$228,000.60 |
| Armistead Earthmoving Pty Ltd      | Beeac Landfill Rehabilitation    | \$123,348.50 |
| Pioneer Road Services Pty Ltd      | Resealing (RTR jobs)             | \$98,782.71  |
| Bartons Pty Ltd                    | Waste Contract                   | \$78,388.35  |
| Wheelie Waste Pty Ltd              | Waste Contract                   | \$71,746.89  |
| Westar Trucks                      | Heavy Plant Replacement (Truck)  | \$63,993.30  |
| D J & K T Richmond Pty Ltd         | Works Cartage                    | \$57,026.48  |
| Mr L Presani                       | Concreteing                      | \$39,447.92  |
| City of Greater Geelong            | Recycling                        | \$38,687.11  |
| Rondo Building Services            | Guide Posts                      | \$38,192.00  |
| J Chisholm Pty Ltd                 | Materials                        | \$33,843.72  |
| Otway Business Inc                 | Promotions                       | \$27,500.00  |
| HMA Blaze                          | Advertising                      | \$27,221.42  |
| West End Water Supplies            | Forrest Rec Reserve Works        | \$26,974.00  |
| Moyne Shire Council                | Sealing Carpendeit-Bungador Road | \$25,843.40  |
| D J & C M Colbourne                | Building Maintenance             | \$25,809.63  |
| Barwon Water                       | Water Accounts                   | \$25,906.05  |
| C A Technology Pty Ltd             | Software Licence Fees            | \$24,967.80  |
| Superior Staff Pty Ltd             | Hire Labour                      | \$24,557.87  |
| Telstra                            | Communications                   | \$20,099.07  |
|                                    |                                  | <hr/>        |
|                                    |                                  | \$1,606,075  |

## LOAN LIABILITY

Level of loan liability, new loans and loan redemption for the year.

| <u>Comments</u>                             | <u>LOAN NO.</u> | <u>BAL</u><br><u>01/07/07</u> | <u>NEW</u><br><u>LOANS</u> | <u>PROJ.</u><br><u>REDEMP.</u><br><u>2007/2008</u> | <u>YTD</u><br><u>ACTUAL</u> | <u>BAL</u><br><u>30/06/08</u> |
|---------------------------------------------|-----------------|-------------------------------|----------------------------|----------------------------------------------------|-----------------------------|-------------------------------|
| No new loans forecast.                      | C.O.S. 5        | \$450,433                     | \$0                        | \$218,600                                          | \$218,570                   | \$231,833                     |
| Loan 8 renegotiated at lower interest rate. | C.O.S. 6        | \$737,203                     | \$0                        | \$42,900                                           | \$42,860                    | \$694,303                     |
|                                             | C.O.S. 7        | \$1,322,419                   | \$0                        | \$62,500                                           | \$62,427                    | \$1,259,919                   |
|                                             | C.O.S. 8        | \$317,818                     | \$0                        | \$83,700                                           | \$62,151                    | \$234,118                     |
|                                             | C.O.S. 9        | \$637,587                     | \$0                        | \$78,900                                           | \$58,654                    | \$558,687                     |
|                                             |                 | <hr/>                         |                            |                                                    |                             |                               |
|                                             |                 | \$3,465,460                   | \$0                        | \$486,600                                          | \$444,662                   | \$2,978,860                   |

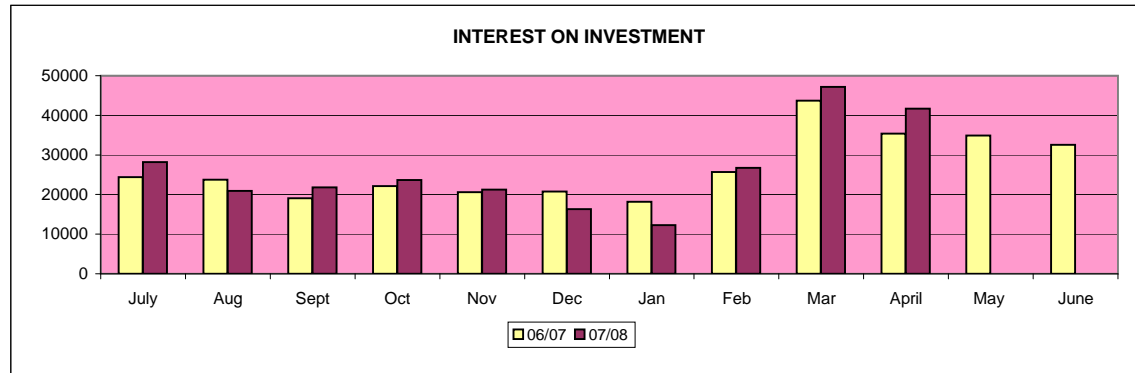
**INTEREST ON INVESTMENT**

Comparison of interest earned on credit balances of Colac Otway Shire's bank accounts at the end of each month to previous year.

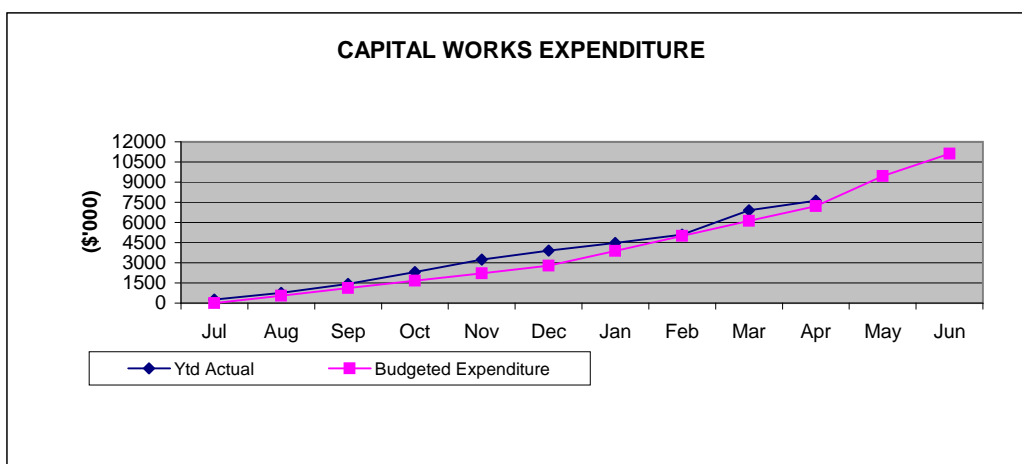
**Comment**

Progressive 2007/08 to 31/03/2008 \$260,065  
Progressive 2006/07 to 31/03/2007 \$253,662

Current Interest Rate 7.15%



## CAPITAL WORKS



### MAJOR PROJECTS PROGRESS REPORT

#### Roads to Recovery

Capital works priorities ongoing  
Rossmoyne Road - Complete  
Deepeene Road - Complete  
Rifle Butts Road - Complete  
Cressy-Shelford Road Final Seal - Complete  
Conns Lane - Complete  
Cape Otway Road - Complete  
Rossmoyne Road - Complete  
Larpent Road - Complete  
Ondit-Warrion Road - Underway, expected completion May  
Binns Lane Rehab - Underway, expected completion May  
Old Beech Forrest road - Complete  
Wilson/Gravesend St - Complete

#### Local Roads

Cosworks Local roads program - ongoing  
Cosworks Drainage program - ongoing  
Road Furniture Upgrade - ongoing, items being upgraded as identified  
Bowick St - Complete  
Dowling St - Complete  
Porneet Rd - Complete  
Binns Rd Landslip - Complete  
Forrest St Asphaltting - Complete  
Strachan St Drainiage - Complete  
Carpendeit-Bungador Road - Complete  
James Access Bridge - Complete  
Raffertys Access Bridge - Complete  
Prices Lane Acces - Complete  
Robinsons Road - Complete  
Cressy Improvements (Stage 1) - approx 80% complete - due for finalisation May  
Devondale Road Landslip - Complete  
Killala Road Landslip - Complete

#### Other

Gellibrand Landfill Rehab Design - Underway, ongoing  
Cressy Landfill Rehab Design - Underway, ongoing  
BWFC Filtration Upgrade - New filter ssystem installed & complete  
BWFC Toddlers Pool Re-Tiling - Complete  
Irrewarra Recreation Reserve Improvements - Complete  
Pirron Yallock Clubrooms Upgrade - Complete  
Playground Improvement Program - Underway - ongoing as needs identified  
Neighbourhood Playground Renewal - Completed  
COPACC Rehearsal Room Upgrade - Complete  
GOR VIC Upgrade - permits issued, ongoing.  
IT Wireless Connection Upgrades - complete  
IT Strategic Plan - underway, draft report received, ongoing  
Access for All Abilities - Liberty Swing Installed  
Alvie Transfer Station Weighbridge - Complete  
Kawarren Tennis Club Improvements - Complete  
Wye River SLC Disabled Access - Complete

**OM082705-132007/2008 COUNCIL PLAN**

|             |                                  |           |              |
|-------------|----------------------------------|-----------|--------------|
| AUTHOR:     | Margaret Giudice                 | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate and Community Services | FILE REF: | GEN01688     |

**Purpose**

The annual review of the revised 2005-2009 Council Plan and the Strategic Resource Plan 2007/08-2010/11 has been completed in accordance with the Local Government Act 1989.

**Background**

Council is required by the Local Government Act 1989 to develop a Council Plan and review its continued relevance on an annual basis. S 125 (7) states *"At least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan"*. S126 (3b) requires Council to *"adopt the Strategic Resource Plan not later than 30 June each year"*.

The 2005-2009 Council Plan was revised in August 2005, at which time Council's Vision Statement was altered and 12 new Strategic Objectives were added. No further adjustments or new initiatives have since been identified.

The current Strategic Resource Plan 2007/08–2010/11 was adopted by Council in June 2007.

A review of the 2005-2009 Council Plan has been undertaken in compliance with the legislation.

**Council Plan/Other Strategies/Policy**

The Council Plan has two main sections:

- The Strategic Objectives of the Council for a 4 year period
- The Strategic Resource Plan

**Issues/Options**

The annual review of the revised 2005-2009 Council Plan has been conducted with a view to making any necessary adjustments to maintain the relevancy of the Council Plan.

With Council elections due in November 2008 and a legislated requirement for a new Council Plan to be in place within six months of the elections, the emphasis has been placed on completing existing objectives in the revised 2005-2009 Council Plan. As such it was deemed that no adjustments are required to existing objectives and no new initiatives have been identified.

The current Strategic Resource Plan 2007/08–2010/11 was adopted by Council in June 2007 and no further changes are proposed until a new plan is developed post November elections.

**Proposal**

That Council notes that a statutory review of the revised 2005-2009 Council Plan has been completed in accordance with the Local Government Act 1989 and endorses the current Council Plan without change.

With respect to the Strategic Resource Plan it is proposed that the revised 2007/08–2010/11 Plan remains unchanged subject to a detailed review of the Plan following Council elections in November 2008.

**Financial Implications**

The current Strategic Resource Plan (SRP) 2007/08-2010/11 was adopted by Council in June 2007.

It was considered financially prudent and responsible to review the original SRP to reflect material changes and set the direction and parameters for the 2007/08 Budget, and for future budgets.

A new SRP will need to be prepared in 2009/10 after the elections due in November 2008. The new SRP will need to consider a number of important issues including:

- The ongoing need to fund infrastructure renewal
- The funding of key projects including the Beechy Centre, Office Accommodation, the Apollo Bay Library and Information Technology upgrades.

It will be important that the new Council, when elected, is involved in the major decisions involved with these key projects.

**Risk Management & Compliance Issues**

Refer S 125 (7) "At least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan" and S 126 (3b) "[A Council must] adopt the Strategic Resource Plan not later than 30 June each year".

**Environmental Considerations**

Nil

**Communication Strategy/Consultation**

As no changes to the 2005-2009 Council Plan resulted from the review, a consultation process is not required.

**Implementation**

Nil

**Conclusion**

Council has fulfilled its statutory obligation to conduct an annual review of the 2005-2009 Council Plan. No adjustments were required. The current Strategic Resource Plan is not proposed to be changed.

**Attachments**

Nil

**Recommendation**

***That Council endorse the 2005-2009 Council Plan without change and that no changes be made to the Strategic Resource Plan 2007/08 – 2010/11.***



**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | D | W |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>INFRASTRUCTURE</u></b></p> <p><b><u>OM082705-14 DECLARATION OF ROAD AS UNUSED - ROAD NORTH OF 10 MCCORKELLS ROAD, PIRRON YALLOCK</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council resolve to:</i></p> <ol style="list-style-type: none"> <li>1. <i>Sign and seal the attached Schedule 4 (Ref. 05L1-3100) confirming Council's intention to declare the section of government road abutting the northern boundary of 10 McCorkells Road as unused, and</i></li> <li>2. <i>Return the completed original Schedule to the Department of Sustainability and Environment</i></li> </ol> |   |   |
| <p><b><u>OM082705-15 OPERATIONAL REVIEW - LIGHT FLEET VEHICLE POLICY</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receive this report for information noting the improvements in environmental and financial responsibility of the revised Colac Otway Shire Operational Policy AS01, Light Fleet Vehicles Policy.</i></p>                                                                                                                                                                                                                                                                    |   |   |



**Recommendation**

***That recommendations to items listed in the Consent Calendar, with the exception of items ....., be adopted.***

**MOVED** .....

**SECONDED** .....

**OM082705-14 DECLARATION OF ROAD AS UNUSED - ROAD NORTH OF 10 MCCORKELLS ROAD, PIRRON YALLOCK**

AUTHOR: Adam Lehmann  
DEPARTMENT: Infrastructure

ENDORSED: Julie Jagôt  
FILE REF: GEN00016 - Unused Roads

**Purpose**

This report is presented for Council to consider declaring a section of government road as unused.

**Background**

Council at its meeting of 25 March 2008 resolved to advertise its intention to declare a section of government road abutting the northern boundary of 10 McCorkells Road, Pirron Yallock as unused. If Council considers it appropriate to do so then this will enable the Department of Sustainability and Environment to issue an unused road licence for this area.

The portion of government road to be licenced directly abuts the northern boundary of 10 McCorkells Road. The area of land measures approximately 0.18 Ha and is fully described as the unused road north of Crown Allotments 1 & 3, Section 7, Parish of Nalangil.

**Corporate Plan/Other Strategies/Policy**

No policy considerations are applicable.

**Issues/Options**

There is no formed roadway along the full length this section of road and it has been assessed that it is not presently required for future expansion of the road network in this area. Declaration of this section of this road will not compromise access to any other abutting private property particularly 25 McCorkells Road (refer attached locality map).

Under Section 400 of the *Land Act 1958*, DSE requires agreement from Council that it considers the road is not reasonably required for public traffic. Upon the giving of any such notice, any road or part of a road specified therein shall be an unused road and is then able to be licenced to the adjoining landowner. It is believed that it is intended to use this area of road for grazing purposes.

**Proposal**

It is proposed that Council declare the section of road abutting the northern boundary of 10 McCorkells Road as unused.

**Financial Implications**

There are minimal resource and financial implications associated with the proposed action.

**Risk Management Implications**

No risk management considerations are applicable.

**Environmental Considerations**

No environmental considerations are applicable.

**Communication Strategy/Consultation**

Public notice of Council's intention to declare a road as unused was given in the Colac Herald on 2 April 2008. In addition to this, all abutting property owners were advised in writing of Council's intention of their right to make a submission.

All utility companies will also be advised of Council's intention to provide consent to closure to ensure that all necessary easements in favour of any underground services located within the area are created. Only one submission was received in respect to this matter. This submission was received from Barwon Water who stated that they had no objection to the subject length of road being declared as unused. No other correspondence in relation to this proposal was received.

**Implementation**

The Department of Sustainability and Environment, along with the applicant will be advised in writing of Council's resolution.

**Conclusion**

It is considered that the declaration of the section of government road abutting the northern boundary of 10 McCorkells Road will not impact on service delivery and Council may declare this area of road as unused pursuant to the provisions of the *Land Act 1958* and confirm this by signing the attached schedule (Ref. 05L1-3100).

**Attachments**

1. Locality Plan
2. Public Notice(s)
3. Schedule 4 (Ref. 05L1-3100) – for signing and sealing

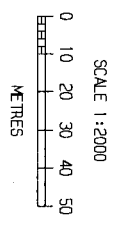
**Recommendation(s)**

***That Council resolve to:***

1. ***Sign and seal the attached Schedule 4 (Ref. 05L1-3100) confirming Council's intention to declare the section of government road abutting the northern boundary of 10 McCorkells Road as unused, and***
2. ***Return the completed original Schedule to the Department of Sustainability and Environment***

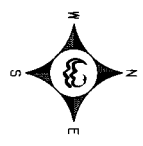
~~~~~◆~~~~~





MAP GRID of AUSTRALIA ZONE 55  
 LEVELS ARE TO AUSTRALIAN HEIGHT DATUM  
 GRID SHOWN AT 100 METRE INTERVALS  
 Copyright: Barwon Water, 2008

02/04/2008



WARNING: ALTHOUGH ALL CARE HAS BEEN TAKEN TO ENSURE  
 THAT THIS DOCUMENT IS CORRECT, NO WARRANTY IS  
 EXPRESSED OR IMPLIED BY BARWON WATER IN ITS USE.  
 IDENTIFY HAZARDS AND PRODUCE A SAFE WORKPLACE SITE.

**PROFIS**



Units: metres; Height: Australian Height Datum

# Department of Sustainability and Environment

*Land Act Regulations 1996*  
SR No.

Correspondence No.: 05L1-3100

## SCHEDULE 4

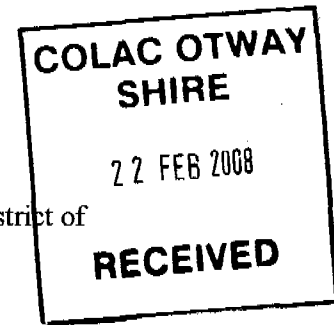
Notice of a Municipal Council under Section 400 that a road is Unused

Secretary to the Department of Sustainability and Environment

Under Section 400 of the *Land Act* 1958, the Municipal Council of the municipal district of

(1) **COLAC-OTWAY SHIRE COUNCIL**

gives notice that *\*the road\** each of the roads described in the Schedule below is considered by Council to not be required for Public traffic and is therefore an Unused Road.



## SCHEDULE

| Township       | Description of Road   | Owner/Occupier                                      |
|----------------|---|---|
| Pirron Yallock | <i>Unused Road North of of Allotments 1 &amp; 3, Section 7, Area 0.18ha approximately</i> | P C & J A PERRY of 10 McCorkells Rd, Pirron Yallock |
|                |   |   |
|                |   |   |
|                |   |   |
|                |   |   |
|                |   |   |
|                |   |   |
|                |   |   |
|                |   |   |
|                |   |   |
|                |   |   |
|                |   |   |

\*Signed \_\_\_\_\_

Dated \_\_\_\_\_

Witness \_\_\_\_\_

\*(2) The seal of the Municipal Council of \_\_\_\_\_

as affixed on \_\_\_\_\_

by \_\_\_\_\_

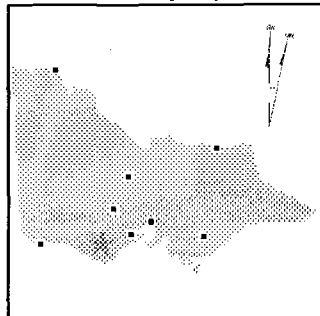
Witness \_\_\_\_\_

*Delete whichever is not applicable*

Map created Fri Feb 01 10:53:31 EST 2008



Locality Map



Legend

|   |  |  |  |
|---|--|--|--|
| <ul style="list-style-type: none"> <li>CLM Plot Outline</li> <li>BRANDS</li> <li>Boundary and range lines</li> <li>Boundary Survey Marks</li> <li>Unfilled boundaries</li> <li>Thematic boundaries</li> <li>Lot 22 boundaries</li> <li>FRONTS</li> <li>Highway</li> <li>Arterial</li> <li>Collector</li> <li>Local</li> <li>Local street front</li> <li>Local street</li> </ul> | <ul style="list-style-type: none"> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> </ul> | <ul style="list-style-type: none"> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> <li>Proposed</li> <li>Working Trench</li> <li>Wayline Trench</li> </ul> | <ul style="list-style-type: none"> <li>Scoping Overlay</li> <li>Vegetation Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> <li>Water Overlay</li> </ul> |
|---|--|--|--|

Map Scale 1:2,629  
NOT FOR NAVIGATION

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Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.





PIRRON YALLOCK CREEK

25 McCorkells Road,  
Pirron Yallock

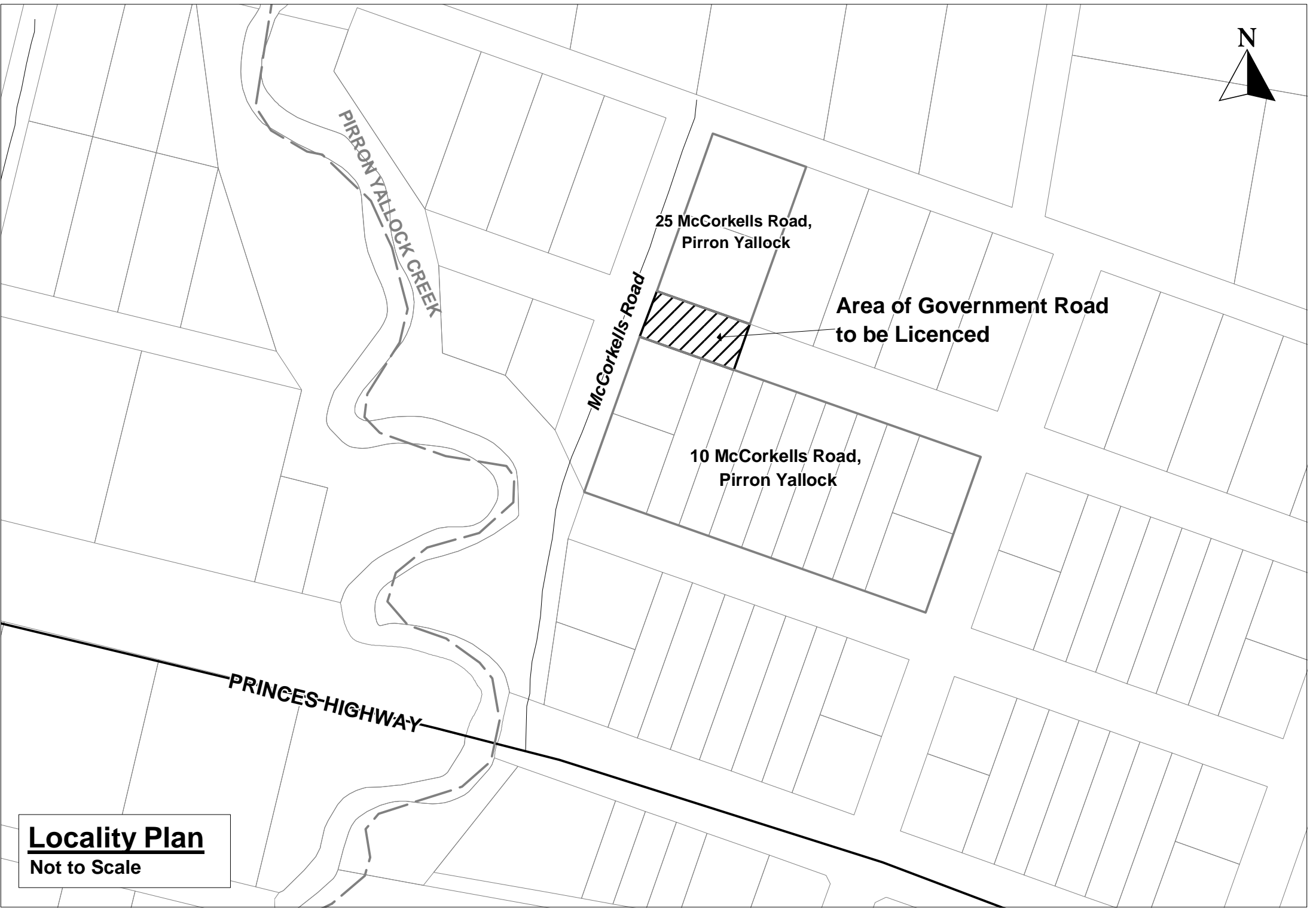
McCorkells Road

Area of Government Road  
to be Licenced

10 McCorkells Road,  
Pirron Yallock

PRINCES-HIGHWAY

**Locality Plan**  
Not to Scale

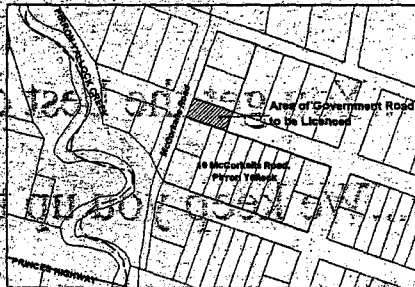


CH 2408



## Notice of Intention to Declare Road as Unused - Pirron Yallock

Colac Otway Shire gives notice of its intention to declare a section of Government Road abutting the northern boundary of 10 McCorkells Road, Pirron Yallock as unused. (Refer Locality plan below)



submissions in respect to this matter may be made to Council within 14 days after the publication of this notice. Such submissions will be considered in accordance with Section 223 of the Local Government Act...

Persons making written submissions should also state whether they wish to be heard in support of their written submissions.

Written submissions should be addressed to the Chief Executive Officer, Colac Otway Shire, PO Box 283, Colac, 3250.



**OM082705-15 OPERATIONAL REVIEW - LIGHT FLEET VEHICLE POLICY**

AUTHOR: Gary Dolan  
DEPARTMENT: Executive

ENDORSED: Tracey Slatter  
FILE REF: Gen01688

**Purpose**

The purpose of this report is to provide information relating to a new fleet policy which is both environmentally and financially positive for Council.

**Background**

A review of the Light Fleet Vehicle Policy is undertaken annually to ascertain that fleet purchased represent best value for the organisation.

For the purpose of the review the term "light fleet" includes vehicles referred to as sedans, stations wagons, people movers, hatchbacks and SUV's. It also includes single and dual cab utilities.

This year, we have undertaken a detailed examination to develop a set of purchasing guidelines that aim to deliver a more environmentally friendly fleet that is also more cost effective. New vehicle purchases consistent with this policy will result in:

- (i) savings to Council (and therefore ratepayers)
- (ii) incentives for staff to choose more fuel efficient vehicles
- (iii) a reduced average fuel consumption of 1.7 litres per 100 km travelled; and
- (iv) minimum safety standards.

**Corporate Plan/Other Strategies/Policy**

Council has an Operational Policy relating to the management and use of Council's Light Fleet Vehicles. A review of this policy has been undertaken with an emphasis on purchasing requirements for the light fleet.

**Issues/Options**

The light fleet consists of 44 vehicles that were examined as part of this review.

The review focussed on:

- Vehicle safety;
- Fuel usage; and
- Vehicle costs.

to develop a set of guidelines for future purchasing considerations.

An outline of these considerations and issues examined is provided below:

**Vehicle Safety**

Vehicles will continue to be purchased having regard to the functional needs of the organisation and within reason the functional needs of the allocated driver. Vehicles should also be chosen on the basis of their safety rating in the Australian New Car Assessment Program (ANCAP). Vehicles must be rated 4 or more stars.

**Fuel consumption**

Fuel consumption has a direct correlation on carbon footprint. Purchasing cars with lower fuel consumption contributes to a smaller carbon footprint of the light fleet. The revised purchasing guidelines limit vehicles to those that have more efficient fuel consumption (less than 10 litres per 100 kms).

The environmental impact of the fleet also relates to the rate at which the vehicles in the fleet burn fuel and the distances the vehicles in the fleet travel. These factors are influenced by the operational needs of the organisation and the behaviour of people driving vehicles.

To minimise the impact on the environment by the operation of the vehicle fleet, it is proposed that vehicles demonstrating acceptable fuel efficiency be purchased, but this is capped for different categories of vehicle as follows:

**Fleet General**

Council will not purchase light fleet vehicles that have a fuel consumption for petrol or diesel fuelled vehicles of more than 10 litres / 100kilometres using the comparative fuel consumption as determined by AS2877 – 1986.

**Small Capacity (4 cylinder)**

The purchase of smaller capacity vehicles is also encouraged where the fuel consumption is less than 8.5 litres / 100km for unleaded vehicles and 7.0 litres / 100km for diesel vehicles.

**LPG Vehicles**

This figure shall not apply to vehicles fuelled by LPG, however when considering the purchase of LPG vehicles the most efficient available LPG vehicle will be considered more favourably.

Currently the cost of lpg fuel is significantly less than that of unleaded or diesel fuel, and operating costs for lpg equipped vehicles are returned after approximately 50,000km (2004 RACV Study). However, none of the literature considered in the review was able to identify whether current lpg vehicles are actually fuel efficient.

Where staff utilise light commercial vehicles as a function associated with their employment the preference is for these vehicles to be diesel with a fuel consumption of 10 litres / 100km or less.

**Vehicle Costs**

The cost of operating the light fleet is affected by the initial vehicle purchase price, operating costs and the resale or trade in value.

The focus of vehicle costs is to consider the anticipated whole of life cost of vehicles, which combines the above components.

Purchase costs of vehicles contained in the attachment are based on the Retail Purchase Price contained in "Wheels" magazine and Fleet Purchase Price obtained from a number of sources including *Fleetwise* and *Autofleet*.

A projected resale price is based on the 'Redbook' predicted resale rating retained after 3 years.

Vehicles that have a resale rating of less than 50 will not be purchased.

**Local consideration**

Consideration should be given to the ability of a vehicle to be purchased and serviced locally, with 90% of the fleet being able to be purchased and serviced locally. Actual place of purchase will be subject to the normal tendering policy which ensures proper competition for all car dealers.

**Current light fleet***Fuel Consumption*

The light fleet consisting of 44 vehicles (including pool vehicles and unassigned works vehicles) was examined as part of this review.

The average fuel consumption for the whole of the current light fleet (based on AS2877-1996 consumption ratings for each type of vehicle in the fleet) is 11.2 litres /100km for ulp, diesel and lpg vehicles. The average of ulp diesel vehicles within the current fleet is 10.4 litres / 100km.

The impacts of limiting vehicles to fuel economies of no greater than 10 litres / 100km for ulp and diesel vehicles has the potential to reduce the average light fleet consumption of this category to 9.5 litres / 100km – a saving of 0.9 litres/100 kms. The actual fuel consumption will be monitored annually.

**Proposal**

It is proposed that Council receive this report for information outlining the outcomes of the Light Fleet Vehicle review.

**Financial and other Resource Implications***Contributions to Running Costs*

Staff contributions must cover the full cost of any private usage of the vehicle as allowed for in Council's policy. This ensures rate payers do not subsidise private use by staff.

By putting in place this policy it is projected that operational costs for the fleet will remain at current levels and not increase as they would if the current fleet policy was maintained.

If the current policy was maintained this would have resulted in an increase in costs associated with fuel usage by approximately \$17,000 for ulp vehicles (all diesel vehicles in the fleet comply with the policy).

Where staff chooses to use smaller more economical vehicles (that meet purchasing criteria) the salary sacrifice value will be adjusted to match the modelled benefit staff receive.

**Risk Management & Compliance Issues**

Risk management issues are considered as part of the review through the requirement to purchase cars with a safety rating in the Australian New Car Assessment Program (ANCAP) of not less than 4 stars on the rating.

**Environmental Considerations**

A primary consideration of the review is to minimise the carbon footprint of the light fleet, and this can be achieved through the purchasing of more fuel efficient vehicles.

**Communication Strategy/Consultation**

Consultation has been undertaken through various forums across the broader organisation to seek input and discuss the proposed direction of this operational policy review.

**Implementation**

The direction of this review is currently being implemented with the purchase of all new light fleet vehicles.

**Conclusion**

The review of the Light Fleet Policy (Purchasing and Staff Incentives) is multi layered and gives consideration to a wider range of vehicle types able to be purchased within the fleet that meet operational needs.

The revised operational policy also provides:

- diversity of vehicles purchased within defined parameters (safety, fuel, life cycle costs);
- a set of guidelines for the future purchasing of light fleet vehicles.

We believe this comprehensive approach to our light fleet is best practice for rural Councils of our size.

The type of vehicles to be purchased is not specified but rather a framework that guides purchases of light fleet vehicles and will result in a more diverse range of vehicles in the light fleet.

To encourage staff to utilise more fuel efficient vehicles incentives have been proposed based around smaller vehicles and vehicles of alternative fuel and only purchasing vehicles that have met particular targets relating to fuel efficiency.

**Attachments**

Appendix 1. List of vehicles currently available that meet the vehicle purchasing parameters.

**Recommendation(s)**

***That Council receive this report for information noting the improvements in environmental and financial responsibility of the revised Colac Otway Shire Operational Policy AS01, Light Fleet Vehicles Policy.***

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**Appendix 1. List of Vehicles currently available that meet vehicle purchasing requirements**

|  |             | Price (RRP) | Fleet Purchase Price | Fuel Economy | Fuel type | Capacity | Comments                                | Resale Rating | Able to be purchased locally |
|--|-------------|-------------|----------------------|--------------|-----------|----------|---|---------------|------------------------------|
| <b>Base Comparison</b>                                   |             |             |                      |              |           |          |   |               |                              |
| Holden   | Omega       | \$34,490    | \$29,287             | 10.9         | ulp       | 3.6      |   | 46            | yes                          |
|  | Berlina     | \$39,990    | \$32,429             | 10.9         | ulp       | 3.6      |   | 49            | yes                          |
| Holden   | Omega lpg   | \$38,390    | \$33,150             | 16.0         | lpg       | 3.6      |   | 54            | yes                          |
| Holden   | WM Stateman | \$58,990    | \$47,833             | 12.3         | ulp       | 3.6      | V6 (Comparison model for CEO and Mayor) | 47            | yes                          |
| <b>Vehicles Typically available to all staff</b>         |             |             |                      |              |           |          |   |               |                              |
| Holden   | Astra       | \$26,990    | \$24,040             | 7.8          | ulp       | 1.8      | CDX                                     | 59            | yes                          |
| Peugeot  | 307         | \$27,190    | \$24,919             | 7.9          | ulp       | 1.6      | XS                                      | 61            | no                           |
| Toyota   | Corolla     | \$27,500    | \$25,434             | 7.7          | ulp       | 1.8      | Conquest hatch                          | 69            | yes                          |
| Holden   | Astra       | \$31,490    | \$27,761             | 7.1          | diesel    | 1.9      | CDTi                                    | 60            | yes                          |
| Peugeot  | 307         | \$34,790    | \$29,266             | 6.7          | diesel    | 2.0      | XSE-Hdi                                 | 60            | no                           |
| Volkswagen   | Golf        | \$30,290    | \$27,260             | 5.8          | diesel    | 1.9      | 1.9 TDi Trendline                       | 63            | no                           |
| Subaru   | Forester    | \$33,990    | \$30,030             | 9.7          | ulp       | 2.5      | X                                       | 68            | yes                          |
| Toyota   | RAV4        | \$33,990    | \$29,888             | 9.6          | ulp       | 2.4      |   | 60            | yes                          |
| Mazda  | 6           | \$32,990    | \$30,030             | 9.5          | ulp       | 2.3      | Sport Hatch (Diesel version is manual)  | 62            | no                           |
| Subaru   | Outback     | \$38,990    |                      | 9.7          | ulp       | 2.5      | 2.5i                                    | 67            | yes                          |
| Toyota   | Camary      | \$33,000    | \$28,527             | 9.9          | ulp       | 2.4      | Ateva                                   | 59            | yes                          |
| Toyota   | Aurion      | \$34,990    | \$28,314             | 9.9          | ulp       | 3.5      | AT-X                                    | 62            | yes                          |
| Volkswagen   | Golf        | \$34,790    | \$31,310             | 6.1          | diesel    | 2.0      | 2.0 Tdi Comfortline                     | 63            | no                           |
| Volkswagen   | Jetta       | \$35,290    | \$31,760             | 8.6          | ulp       | 2.0      | FSi                                     | 59            | no                           |
| Volkswagen   | Jetta       | \$37,990    | \$34,010             | 6.2          | diesel    | 2.0      | TDi                                     | 59            | no                           |
| <b>Additional options for Executive, CEO* and Mayor*</b> |             |             |                      |              |           |          |   |               |                              |
| Holden   | Berlina lpg | \$43,908    | \$35,692             | 16.0         | lpg       | 3.6      |   | 55            | yes                          |
| Mitsubishi*  | Pajero      | \$56,590    | \$50,855             | 9.2          | diesel    | 3.2      | VRX                                     | 57            | yes                          |
| Peugeot  | 407         | \$39,990    | \$37,591             | 5.9          | diesel    | 2.0      | SR-Hdi                                  | 59            | no                           |
| Peugeot  | 407         | \$48,190    | \$44,136             | 6.8          | diesel    | 2.0      | ST HDi Touring                          | 59            | no                           |
| Peugeot*   | 407         | \$58,990    | \$53,446             | 9.9          | ulp       | 3.0      | SV Touring                              | 59            | no                           |
| Subaru   | Outback     | \$44,490    | \$45,287             | 9.7          | ulp       | 2.5      | 2.5i Premium                            | 67            | yes                          |
| Subaru   | Liberty     | \$42,790    | \$45,841             | 8.9          | ulp       | 2.5      | 2.5i Premium                            | 66            | yes                          |
| Subaru   | Forester    | \$40,490    | \$48,323             | 9.7          | ulp       | 2.5      | XS Luxury                               | 68            | yes                          |
| Toyota   | Camary      | \$39,900    | \$32,791             | 9.9          | ulp       | 2.4      | Grande                                  | 56            | yes                          |
| Toyota   | Aurion      | \$39,500    | \$31,974             | 9.9          | ulp       | 3.5      | Prodigy                                 | 62            | yes                          |
| Volkswagen   | Passat      | \$42,990    | \$40,491             | 6.6          | diesel    | 2.0      | TDi                                     | 55            | no                           |
| Volkswagen*  | Passat      | \$54,490    | \$49,490             | 10.0         | ulp       | 3.2      | V6 FSI 4Motion                          | 55            | no                           |
| Volvo  | S40         | \$39,950    | \$37,483             | 9.2          | ulp       | 2.4      | 2.4S                                    | 51            | no                           |
| Volvo*   | V50         | \$47,950    | \$49,938             | 9.7          | diesel    | 2.5      | D5                                      | 59            | no                           |

\* Higher levels of similar vehicles may be purchased for CEO and / or Mayor provided they meet the criteria. Increase in price/cost will be reflected in increased private contribution

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM  | D | W |
|---|---|---|
| <p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p>   |   |   |
| <p><b><u>OM082705-16 APOLLO BAY HARBOUR MASTER PLAN AND FEASIBILITY STUDY</u></b></p>   |   |   |
| <p>Department: Sustainable Planning and Development</p>   |   |   |
| <p><b><u>Recommendation(s)</u></b></p>  |   |   |
| <p><b><i>That Council:</i></b></p>  |   |   |
| <p><b><i>1. Note the progress report on the development of the Apollo Bay Harbour Master Plan and Feasibility Study.</i></b></p>                                      |   |   |
| <p><b><i>2. Note:</i></b></p>   |   |   |
| <p><b><i>a. Additional processes will be implemented to provide further opportunity for community engagement and key stakeholder support.</i></b></p>                 |   |   |
| <p><b><i>b. That these additional processes will extend the timeline and cost for completion of the Apollo Bay Harbour Master Plan and Feasibility Study.</i></b></p> |   |   |
| <p><b><i>c. That the expected completion date for the Master Plan and Feasibility Study is December 2007.</i></b></p>   |   |   |
| <p><b><i>d. That the funding of the cost for additional processes is being sought from State Government.</i></b></p>  |   |   |
| <p><b><i>3. Endorse the new Apollo Bay Harbour Community Reference Group.</i></b></p>   |   |   |

|   |  |  |
|---|--|--|
| <p><b><u>OM082705-17 COLAC OTWAY PLANNING SCHEME<br/>AMENDMENT C54 (EROSION MANAGEMENT<br/>OVERLAY)</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li>1. <b><i>Council request the authorisation of the Minister for Planning to undertake a Fast Track Amendment to the Colac Otway Planning Scheme to:</i></b> <ul style="list-style-type: none"> <li>○ <b><i>Modify the Erosion Management Overlay maps to align with updated mapping provided by the Corangamite Catchment Management Authority and Department of Primary Industries.</i></b></li> <li>○ <b><i>Amend the Schedule to the Erosion Management Overlay to specify buildings and works that are exempt from the requirement of a planning permit.</i></b></li> </ul> </li> <li>2. <b><i>In the situation that the Minister does not agree to a Fast Track Amendment, the Council resolves to request authorisation from the Planning Minister to prepare and exhibit the amendment.</i></b></li> </ol> |  |  |
| <p><b><u>OM082705-18 COLAC OTWAY PLANNING SCHEME<br/>AMENDMENT C12 (REVISION TO FLOOD<br/>MAPPING)</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li>1. <b><i>Council request the authorisation of the Minister for Planning to prepare and exhibit an amendment to the Colac Otway Planning Scheme to:</i></b> <ul style="list-style-type: none"> <li>• <b><i>Modify the Land Subject to Inundation Overlay maps to align with updated flood mapping provided by the Corangamite Catchment Management Authority.</i></b></li> <li>• <b><i>Amend the Schedule to the Land Subject to Inundation Overlay to specify buildings and works that are exempt from the requirement of a planning permit.</i></b></li> <li>• <b><i>Introduce the Floodway Overlay to areas of</i></b></li> </ul> </li> </ol>   |  |  |

|  |  |  |
|--|--|--|
| <p><i>the Shire identified as having the greatest risk and frequency of being affected by flooding.</i></p> <ul style="list-style-type: none"> <li>• <i>Introduce a schedule to the Floodway Overlay to specify buildings and works that are exempt from the requirement of a permit;</i></li> </ul> <p><b>2. Council adopts the revised mapping as “Land Liable to Flooding” under Section 802 of the Building Regulations 2006, to take effect from 1 June 2008.</b></p> |  |  |
|  |  |  |

**Recommendation**

*That recommendations to items listed in the Consent Calendar, with the exception of items ....., be adopted.*

**MOVED** .....

**SECONDED** .....





Council has responded to change through the development of the Port of Apollo Bay Future Capacity Study (June 2006), the Apollo Bay Structure Plan (June 2007), and the development of the Apollo Bay Harbour Master Plan and Feasibility Study (Attachment 1 – Apollo Bay Structure Plan pp 80 – 85.)

The Master Plan commenced in September 2006 when Council engaged Meinhardt Infrastructure and Environment to work in consultation with Council and Executive Officers, a State Government Interdepartmental Steering Group and a Community Reference Group to create a plan to guide development in the Precinct over the next 20 years. The underlying principle of the Master Planning process has been that Apollo Bay must capitalise on its unique location and develop in a way that will set it apart from other towns along the Great Ocean Road especially maintaining its distinctive seaside fishing village character, the port as a working harbour, enhancing the natural environment and optimising community benefit.

The Interdepartmental Steering Group includes the Colac Otway Shire CEO and Manager Economic Development and representatives of:

- Department of Sustainability and Environment (DSE)
- Tourism Victoria
- Regional Development Victoria (RDV)
- Department of Treasury and Finance (DTF).

The Community Reference Group (CRG) included at the time of formation:

- John Marriner Apollo Bay Sailing Club
- Nick Polgeest Apollo Bay Fishermans CoOperative
- Russell Frost Apollo Bay Fishermans CoOperative
- Ross Stephens Apollo Bay Chamber of Commerce & Tourism
- Frank Buchanan Apollo Bay Chamber of Commerce & Tourism
- Bernie Noy Community Member
- Frederick Stacey Community Member
- Neil Longmore Western Coastal Board
- Neil Martin Framlingham Aboriginal Trust
- Gary McPike Apollo Bay- Kennett River Public Reserves  
Committee of Management
- Peter Fillmore Apollo Bay Board Riders Club
- Darren Brimacombe Apollo Bay Real Estate
- Will Cox Parks Vic
- Carolyn Webster Apollo Bay Golf Club
- Janine Coles Otway Forum
- Cr Warren Riches Mayor Colac Otway Shire
- Cr Joe DiCecco Councillor Colac Otway Shire

The Vision for the Harbour Master Plan is:

“The Apollo Bay Harbour Precinct will be a new focal point for the town and surrounding region and a ‘must see’ destination on the Great Ocean Road.

The precinct will be developed with a tourism, fishing, and boating, commercial and recreational focus, strengthening links to the town centre of Apollo Bay and providing net community benefits.

The Apollo Bay Harbour Precinct will demonstrate best practice in its design and management and contain **a commercial Harbour together with** a range of high quality community and tourist facilities, services and public spaces that will provide enjoyable experiences for residents and visitors year round.

Components of the new development will showcase the fishing/maritime and indigenous cultural heritage of the town and respect and enhance the surrounding natural environment.”  
*Draft Apollo Bay Harbour Precinct Master Plan Vision Statement June 2007.*

A preliminary draft Master Plan was presented to the 28 March 2007 Council Meeting, for approval to undertake community consultation. The preliminary draft proposed major changes to the Apollo Bay Harbour Precinct including:

- Design to integrate the harbour and town with new shared pathways, new harbour access road and increased parking;
- Commercial opportunities with new harbour view shops and restaurants, pool centre with spa, gym, café, change rooms and toilets, and a boutique 5 star hotel;
- Community facilities with pathways for walking and cycling, new beach lawn space with Ocean and Harbour views, a salt water lap pool with solar heating, new boat launching and trailer parking facilities, new facilities for the Sailing Club, new recreational boating Marina, and a seasonal camping reserve;
- Public open space with a new community area between the harbour access road and Nelson St, a new heritage space around the War Memorial, permanent open space for passive recreation on the golf course, plus a new investment in indigenous planting;
- Support for sustaining a working harbour with enhanced Fisherman’s Coop building and related infrastructure, opportunity to establish a sea food café/restaurant, new boat retrieval and repair facilities and a new harbour management centre.

Following Council approval to place the preliminary draft Master Plan on public exhibition and undertake community consultation, more than 550 submissions, letters and feed back forms were received. Consultation included a public marquee at the Apollo Bay Market on the foreshore Saturday 10 March 2007 and a public meeting at the Melbourne Town Hall on Wednesday 28 March 2007. See Attachment 3 for the Meinhardt - Apollo Bay Harbour Precinct Master Plan & Feasibility Study Issues Paper Overview of Stakeholder Feedback.

Community feed back indicated positive support for a number of key elements of the preliminary draft Master Plan and also indicated opposition to a number of key elements. Further information is provided in Attachment 2 – Council Report 27 June 2007 Apollo Bay Harbour Master Plan and Feasibility Study and a full assessment of issues that were raised by community feed back is provided in Attachment 3.

Following discussion with Council, the Community Reference Group and the Interdepartmental Steering Committee the response to a number of these issues was an amendment to the preliminary draft Master Plan:

| Issue   | Amendment Response  |
|---|---|
| View scapes from Nelson Street interrupted by two storey extension proposed for Fisherman's Co-op building. | More modest extension of the Fisherman's Co-op building deleting the second storey.   |
| View scapes from Nelson Street interrupted by proposed community facilities building                        | Removal of proposed building. Recommendation for community facilities such as Council Customer Service, Library, and community meeting rooms on the site of the existing Golf Club building.            |
| Lack of car and trailer parking on new boat ramp.   | New overflow trailer parking created on open space, south of Hotel, to accommodate 40 extra vehicles.   |
| Concerns about facility to remove boats from harbour on Eastern side when existing slipway decommissioned.  | Inclusion of a travel lift adjacent to the new boat ramp.   |
| Concerns expressed about the size and bulk of the Hotel   | Removal of shading around the three hotel building envelopes to indicate the development would include separate buildings to encourage low impact design. Community to be consulted on specific design. |
| Concerns expressed about an exclusive private zone around the Hotel   | Inclusion of pathways linking through the three building envelopes to indicate public access.   |
| Vehicle access closed to McLaren Parade business from Great Ocean Road                                      | Modification of road access to McLaren Parade to enable continued access to business from the Great Ocean Road.   |
| Lack bus parking close to activities area of Harbour.   | Inclusion of bus lay-by in front of the Port management building.   |
| Location of access for sand removal would entail trucks driving along beach.                                | Change access to sand removal to just north of the roundabout, closer to the designated sand removal areas.   |
| Concerns about the practicability of the extension to the eastern breakwater                                | Remove extension to the eastern breakwater. Include a note in the text of the Master Plan to indicate further investigation is needed.  |

The draft Master Plan incorporating these amendments was adopted by Council on 27 June 2007. The Master Plan proposes transformational public infrastructure development, major changes to the operations and management of the Port and significant new investment in commercial constructions to accommodate a hotel, restaurants and shops. It is a multifaceted design project in terms of land use planning, environmental impact, engineering assessment, economic development, and community consultation.

***The Apollo Bay Harbour Precinct Master Plan includes 17 key infrastructure proposals premised on the removal of the existing Golf Course following expiration of the current lease with the Foreshore Committee of Management in 2016:***

1. ***New Harbour Precinct entry road connecting the Great Ocean Road to the Harbour including roundabouts and parking for 400 vehicles.***
2. ***New Public Lawns in a modified dunes area to provide view scapes to the Ocean and more space for public recreational activity.***
3. ***New Fisherman's CoOp sales and interpretive centre including seafood restaurant, toilets, interpretive displays on maritime history of Apollo Bay.***
4. ***Harbour edge community and commercial buildings along a tree lined promenade for shops restaurants, offices and meeting spaces.***
5. ***New recreational marina to be developed on demand.***
6. ***New saltwater swimming pool with a natural rock base extending into the harbour.***
7. ***Existing Fisherman's CoOp building to be retained with modified access to separate vehicles from pedestrians.***
8. ***Boat launching and trailer parking to be provided on new boat ramp on Western breakwater with overflow car park on existing golf course.***
9. ***New Boat repair and Port operations base to be rebuilt within sand dunes on western side of Harbour.***
10. ***New Sailing Club facilities for race management, storage, repairs, toilets and showers***
11. ***New camping area on Point Bunbury with 60 sites for seasonal camping to be managed by the Foreshore Committee of Management.***
12. ***New boutique Hotel with up approximately 80 rooms to be built overlooking the Harbour.***
13. ***Heritage theme market space formed by new access road construction.***
14. ***New community precinct open recreation space.***
15. ***New space for water base commercial activity within the Harbour.***
16. ***New public open space for recreational activity on existing Golf Course.***
17. ***Extension to eastern breakwater.***

(Attachment 4 - Apollo Bay Harbour Precinct Master Plan and Feasibility Study DRAFT Master Plan)

Since the draft Master Plan was adopted by Council in June 2007 Colac Otway Shire has completed a Design Guidelines document that sets out exemplary design principles for the Harbour Precinct including:

- New roads designed to establish memorable, safe and convenient circulation for pedestrians and vehicles.
- Landscape that is both functional and natural and encourages walking, cycling, picnicking, games, and special events.
- Environmental design that is innovative and exemplary in promoting sustainable practices, whether that be in vegetation management, or building design that includes sustainable building materials, water recycling, solar energy etc.

(Attachment 5 – Apollo Bay Harbour Precinct Development Guidelines)

A draft Feasibility Study has also been completed and indicates a positive outlook for both a public contribution and private investment. (Attachment 6 – Apollo Bay Harbour Redevelopment – Draft Economic Impact Evaluation 31 March 2008).

The next step in the Feasibility Process is to develop a Business Case. The Feasibility Study included a degree of market sounding but to provide a valid basis for the Business Case it is necessary to conduct a formal Market Testing exercise to sound out the private investment market on:

- Demand for the type of Hotel, shops, and marina facilities proposed in the Master Plan.
- Public infrastructure provision that would create the right environment for private investment.
- A realistic time frame for investment and return.

A Market Testing brief is being developed by Tourism Victoria and DSE in consultation with Council Officers for a consultants report to be funded by DSE.

The Apollo Bay Harbour redevelopment is a priority project of the State Government Tourism Task Group, a meeting of Departmental Secretaries on projects of State significance. The Interdepartmental Steering Group is guiding development of the Master Plan and Feasibility Study with Colac Otway Shire. The implementation of the Master Plan, would involve Council seeking a major State Government contribution to the public works envisioned in the Master Plan such as the new boat ramp, Harbour management and maintenance facilities, roads and associated infrastructure. Council would also be seeking a significant private contribution that would invest in commercial opportunities such as the proposed shops, restaurants and hotel. In addition to this, in exchange for the right to develop a precise amount of public land with high values in terms of location to the harbour and view scapes, it is expected that private investment will make a substantial contribution to additional public works e.g. pathways, boardwalks and the Harbour Swimming Pool.

### **Corporate Plan/Other Strategies/Policy**

The Master Planning process is strategically supported at a local and State level through:

- Colac Otway Shire Council Plan 2005 – 2009
- Colac Otway Economic Development & Tourism Strategy 2004 – 2009
- Apollo Bay Structure Plan 2007
- The Port of Apollo Bay Capacity Study 2006
- Moving Forward: Making Victoria the best place to Live, Work and Invest (2005)

- DSE Great Ocean Road Region – A land use and transport strategy 2004
- Tourism Victoria, Concept Proposals for Tourism Development 2005
- Victorian Coastal Council Coastal Strategy 1997
- Victorian Coastal Council DRAFT Coastal Strategy 2007
- DSE Nature-based Tourism Strategy 2007 – 2011.

### **Issues/Options**

The Apollo Bay Harbour Master Plan and Feasibility Study had been planned to be completed by May 2008. Throughout the master planning process it has become evident that there is a significant level of apprehension within the community that the Master Plan will be able to deliver on the aspiration to capitalise on Apollo Bay's unique location and develop in a way that will set it apart from other towns along the Great Ocean Road especially maintaining its distinctive seaside fishing village character, the port as a working harbour, enhancing the natural environment and optimising community benefit. This level of concern has prompted engagement with an additional design process that will extend the completion date beyond May 2008.

The first additional process being undertaken to enhance Council's strategic planning approach and business case development is the Department of Treasury and Finance Gateway Review Process, and following from recommendations of the gateway process an 'Enquiry by Design' process is proposed to engage the community of Apollo Bay to address significant concerns about the master planning process and key aspects of the Master Plan design.

Colac Otway Shire commenced the six stage Gateway Review Process in February 2008:

- Gate 1 – Strategic Assessment
- Gate 2 – Business Case
- Gate 3 Readiness for Market
- Gate 4 Tender Decision
- Gate 5 Readiness for Service
- Gate 6 Benefits Evaluation

The Strategic Assessment stage is designed to examine if sufficient strategic planning work has been completed to allow a well informed judgement to proceed. The Gateway Review Team consisted of two State Government personnel: one a qualified maritime engineer with experience in designing and delivering major port and maritime projects, undertaking feasibility studies and conducting peer reviews; the other a lawyer with skills in projects & construction law; planning & environment law; commercial risk management/commercial insurance; project feasibility/evaluation. The Team also included two private consultants: one with experience managing and delivering Partnerships Victoria projects under the Public Private Partnerships model; the other a civil engineer with experience in managing a range of property and infrastructure development projects, significant environmental/town planning projects, and feasibility studies.

The Gateway Review 1 – Strategic Assessment found that:

- "The site with its existing harbour infrastructure is a valuable asset of state and community significance with the potential to assist in the delivery of regional development and tourism policy.
- The harbour precinct infrastructure is poorly presented, partly rundown and will require significant capital investment to realise its potential.

- Many State and Local Government strategies, and the local community, support the principle of redeveloping the harbour.
- There are significant differences of opinion regarding the scale and detail of the redevelopment
- Any redevelopment must involve the local stakeholders and be compatible with the existing character of the town. Local engagement of the community at key decision making points throughout the development process is considered to be essential to the community acceptance and ultimately the success of the project.
- The scale of the redevelopment will be significantly influenced by the capacity of the proposal to attract private sector investment.
- Current understanding of the project by the community is confused due to the uncertain next steps and in particular the role of the private sector.
- The redevelopment opportunities will be enhanced by staging the project to ensure that essential infrastructure enhancement can be delivered at an early stage (and a more efficient operating harbour achieved) permitting leveraging by private sector investors on the infrastructure enhancements delivered in earlier stages.

Good Practices being implemented are:

- Appointment of PWC to review key elements of the feasibility study
- Inclusion and support of government stakeholders”.

The Strategic Assessment report was considered by the Interdepartmental Steering Group and it was agreed that all recommendations of the Strategic Assessment would be carried out.

| Recommendation  | Action   |
|---|--|
| <p>1. The Project Team and Council should review additional harbour redevelopments with direct relevance to the Project in relation to learnings and potential impacts on this proposal.</p>                              | <p>Council Project Manager and Senior Strategic Planner met on 20 March 2008 with Queenscliff Harbour Project Manager to discuss and receive relevant information on:</p> <ul style="list-style-type: none"> <li>▪ Master Plan Processes</li> <li>▪ Independent Panel Report</li> <li>▪ Planning Scheme Amendment</li> <li>▪ Crown Land leasing</li> <li>▪ Public funding</li> <li>▪ Private Investment</li> </ul> |
| <p>2. Prior to the project proceeding to the business case phase, clarity will be required on what project elements are to be included within any funding submission and how they fit and complement the Master Plan.</p> | <p>Analyse completed Master Plan list of component costs.<br/>Identify potential public &amp; private infrastructure investment.<br/>Identify possible leveraging opportunities for private investment in public infrastructure.<br/>Seek advice from:</p> <ul style="list-style-type: none"> <li>▪ Other development projects e.g. Queenscliff Harbour.</li> <li>▪ DTF, DSE, Tourism Vic, RDV.</li> </ul>         |



|  |  |
|--|--|
| 3. Council should define “what is project success” in the short, medium and long term.   | There are two stages to the development of the Apollo Bay Harbour Precinct: <ul style="list-style-type: none"> <li>▪ Master Plan stage</li> <li>▪ Implementation stage</li> </ul> Project success milestones will be identified in a Project Plan for completion of the Master Plan to be developed.<br>Project success in the Implementation Stage will be identified in the Business Case to be developed. |
| 4. Council should develop and implement an agreed Communications/Consultation Plan for the completion of the Master Plan and preparation of the Business Case.                           | The Master Plan Communication/Consultation Plan is being implemented. It is an ongoing document that can be reviewed and amended to include the process for the Amendment to the Planning Scheme preparation of the Business Case.   |
| 5. Council should undertake a community design workshop, facilitated by an experienced independent party, aimed at resolving key design issues of concern to stakeholders.               | To be undertaken as a Design Charette with either whole of community or Community reference Group representing community. “Resolving key design issues of concern to stakeholders” is likely to result in recommended changes to the draft Master Plan that will delay completion and add to the overall cost.   |
| 6. Council should ensure key project viability assumptions including the market assessment and related sensitivity analysis to be utilised in the Business Case are sufficiently robust. | The Project Team to liaise closely with Meinhardt & PWC and consult with DTF, to ensure Feasibility results are robust to DTF standards.   |
| 7. Council should implement project controls including scope definition, budget management and detailed project scheduling.  | A Project Plan will be developed for the completion of the Master Plan including time lines and costs.<br>A Project Plan will be developed for the Implementation Stage following the development of the Business Case.  |
| 8. If the project is to proceed beyond feasibility stage, a dedicated Project Manager should be appointed as soon as possible.   | Manager Economic Development, Mike Barrow, to continue as Project Manager while seeking State Government funding for a “dedicated Project Manager.”  |
| 9. Council should develop and implement a risk management plan for both the master planning stage and the delivery of the project as a whole.  | Completed Draft Risk Management Plan for M/Plan stage. (Attachment 8).<br>The Risk Management Plan for Implementation will be completed at a later stage.  |
| 10. Council should prepare a Project Plan prior to commencing the Business Case stage that documents, at a minimum, resource requirements, budget and timelines.                         | A Project Plan will be developed for the completion of the Master Plan including time lines and costs.   |

|  |   |
|--|---|
| 11. Council should commence the sourcing of funding for subsequent stages, in particular the business case as soon as possible to maintain project momentum. | Meetings have been held with the Interdepartmental Steering Group and following the development of the Project Plan for completion of the Master Plan, it is expected that the various State Government Departments will assist with funding. |
|--|---|

Recommendation 5, highlighting the need for further community stakeholder consultation involves a number of processes that would add to the time frame for completion go the Maser Plan:

“Council should undertake a community design workshop, facilitated by an experienced independent party, aimed at resolving key design issues of concern to stakeholders.”

The Gateway Team reported that... “During the interviews, stakeholders raised the following major concerns:

- The proposed new Harbour access road
- Location of the boat ramp and operational issues
- Extent of car and trailer parking provided
- Proposed lowering of sand dunes
- Hotel
- Location of the Fish Co-op

Based on the stakeholder interviews, the Review Team has identified a significant need to consolidate community support for elements of the project before proceeding.”

The Interdepartmental Steering Group deliberated on two options for implementation:

1. Apollo Bay Community Consultation  
An ‘Enquiry by Design’ process in a series of design charette workshops for the Apollo Bay community over a number of days.
2. Community Reference Group (CRG) Consultation  
A one day consultative design charette workshop for the members of the CRG.

‘Enquiry by Design’ is an intensive multi-day collaborative design process that provides opportunity with community input to create well resolved and broadly supported design. It uses a series of design charette workshops in which a group of designers drafts a solution to a design problem. Charrettes are professionally facilitated and serve a genuinely inclusive method of quickly generating design solutions while integrating the aspirations and interests of a diverse group of people.

In consideration of the high level of concern that has been expressed throughout the master planning process that Council achieves the objective to enhance Apollo Bay especially maintaining its special character and optimising community benefit, Option 1 – Apollo Bay Community ‘Enquiry by Design’ consultation is recommended.

A critical factor in the success of the master planning process is the CRG and while Option 2 is not the preferred option the CRG will be closely involved with the whole of community process. This has included correspondence with various groups involved in the initial CRG consultation process, to ensure that the people nominated are bone fide representatives of the stakeholder groups and commit to consult with their respective groups and feed back information from the Reference Group meetings.

The CRG has been broadened to include the Skenes Creek Advancement Association and the Apollo Bay Music Festival. Individual members of the group and organisations represented have been written to, to explain that the CRG is being reconvened. (Attachment 7 – Letters and nomination form).

Council endorsement is sought for the following list of nominations:

- John Marriner Apollo Bay Sailing Club
- Nick Polgeest Apollo Bay Fishermans CoOperative
- Russell Frost Apollo Bay Fishermans CoOperative
- Ross Stephens Apollo Bay Chamber of Commerce & Tourism
- Frank Buchanan Apollo Bay Chamber of Commerce & Tourism
- Bernie Noy Community Member
- Frederick Stacey Community Member
- Neil Longmore Western Coastal Board
- Neil Martin Framlingham Aboriginal Trust
- Gary McPike Apollo Bay – Kennett River Public Reserves Committee of Management
- Andrew Buchanan Apollo Bay- Kennett River Public Reserves Committee of Management
- Murray Champion Skenes Creek Advancement Association
- Peter Fillmore Apollo Bay Music Festival
- Brett Lalor Apollo Bay Board Riders Club
- Darren Brimacombe Apollo Bay Real Estate
- Will Cox Parks Vic
- John Verey Apollo Bay Golf Club
- Tony Webber Otway Forum

Council will note that Cr Joe Di Cecco was elected as the Councillor representative on the CRG at the Council meeting held on 22 April 2008.

The reconvened CRG will:

- Review progress to date including the Master Plan design to ensure community benefit.
- Discuss options for variation of the Master Plan design that are achievable especially maintaining attractiveness of the redevelopment for Government and private investors.
- Reach an understanding of the staging of a redevelopment over a period of years.

In the process of the 'Enquiry by Design' it is likely that a number of negotiated changes to the draft Master Plan adopted by Council in June 2007 will be recommended. At this point the number and scale of recommended changes is unknown and so it is difficult to quantify in terms of time frame or cost however it is likely to be in the order of 3 to 6 months and \$150,000. Ongoing discussions are taking place regarding State Government funding for this process.

The desired changes would have to be drawn and integrated with the current draft Master Plan, the draft Design Guidelines amended and the Feasibility Study adjusted to take into account the impact of the changes. Once completed, a final draft design will be presented to Council for approval for a final round of community consultation before presenting back to Council for final approval.

Once the final draft Master Plan is adopted by Council the process continues with:

- Business Case preparation
- Stage of the Gateway Review Process: Business Case Assessment
- Expression of Interest process to seek private investment.
- Amendment process to integrate the Master Plan into the Colac Otway Shire Planning Scheme. This involves another level of community consultation.

These processes are essential to achieve the community vision for the Master Plan and redevelopment of the Harbour Precinct.

### **Proposal**

That Council note the progress report on the development of the Apollo Bay Harbour Master Plan and Feasibility Study.

That Council note that:

- Additional processes will be implemented to provide further opportunity for community engagement and key stakeholder support.
- That these additional processes will extend the timeline and cost for completion of the Apollo Bay Harbour Master Plan and Feasibility Study.
- That the funding of the costs for additional processes is being sought from State Government.

That Council endorse the new Apollo Bay Harbour Community Reference Group.

### **Financial and other Resource Implications**

The Apollo Bay Harbour Master Plan and Feasibility Study has been funded through State Government and Council contribution:

|                      |                  |
|----------------------|------------------|
| DSE grants           | \$ 54,500        |
| Tourism Vic grants   | \$ 60,000        |
| RDV RII grant        | <u>\$ 7,500</u>  |
| Total grant received | \$122,000        |
| <br>                 |                  |
| Council funds        | <u>\$ 44,432</u> |

Discussion is taking place with these State Government Departments on further assistance in completing the Master Plan and Feasibility Study. A Project Plan for completion including timelines and cost will be provided to the Interdepartmental Steering Group.

DSE is developing a brief to undertake a commercial opportunity Market Testing consultancy for the purposes of developing a Business Case for investment. Tourism Victoria and Regional Development Victoria have indicated support for other phases of the Master Plan including the Communications Strategy and Business Plan.

### **Risk Management & Compliance Issues**

A draft Risk Management Plan is attached for the Master Plan and Feasibility Study phase of the project.

The Feasibility Study will advise Council of any further issues that may arise such as commercial viability, level of Government assistance required, level of Council assistance required, investment framework options, and any other issues that may impact on the viability of the implementation of the Master Plan.

The Study will also inform Council on the likely risks to arise and what bodies should be responsible for those risks.

Implementation the Master Plan will require compliance where applicable with the Coastal management Act 1995.

### **Environmental Considerations**

Implementation of the Master Plan would require modification of the existing environment.

- The new Harbour Entry Road will be built on existing crown land reserves allocated for public use and passive recreation.
- The Harbour may need to be deepened to accommodate the new marina and new boat ramp.
- The New camping area and access road will significantly alter the southern edge of the precinct and there will be modification of sand dunes. Both areas would be revegetated with indigenous species.

Further investigations at the detailed design stage would take into account specific environmental impacts.

### **Communication Strategy/Consultation**

The community consultation strategy for the preliminary draft Master Plan was developed as part of the Meinhardt Infrastructure and Environment Tender for this project and is structured in accordance with Council's Community Consultation and Engagement Policy. Over 550 submissions were received during the consultation period which resulted in amendments where appropriate.

An amended Communication Strategy will be written in consultation with Meinhardt Infrastructure and Environment to guide the next phase of the Master Plan and Feasibility Study Development.

The 'Enquiry by Design' recommended in the report is a significant additional step now being proposed to provide further community input into the proposal.

Further consultation opportunities will be available to submitters during the formal planning scheme amendment process when the draft Master Plan and its recommendations are introduced into the Colac Otway Planning Scheme. This will give submitters the opportunity to make a formal submission and be heard at a panel hearing during the Planning Scheme amendment process.

### **Implementation**

The next step in completing the Master Plan is the 'Enquiry by Design' whole of Community workshop process. Once completed a final draft design will be presented to Council for approval for a final round of community consultation before presenting back to Council for final approval.

Once the final draft Master Plan is adopted by Council the following stages will occur:

- Business Case preparation
- Stage of the Gateway Review Process: Business Case Assessment
- Expression of Interest process to seek private investment.
- Amendment process to integrate the Master Plan into the Colac Otway Shire Planning Scheme. This involves another level of community consultation.

The draft Master Plan demonstrates maximum capacity for development over the next 20 years. The future of various elements of the Apollo Bay Master Plan such as the marina berths, commercial buildings and hotel depend on market demand. The final implementation will reflect community input, commercial feasibility, engineering and marine engineering studies, archaeological studies, environmental impact and other feasibility issues.

The Master Plan once adopted by Council will also provide a basis on which Council can consider proposals for this unique and vital area and provide valid grounds upon which inappropriate development can be considered and refused to ensure the Apollo Bay Harbour is developed in an appropriate way into the future.

It is anticipated that the various elements of the Master Plan will be implemented over time through a combination of public contribution and private investment in accordance with market demand and community expectation.

### **Conclusion**

The Apollo Bay Harbour redevelopment is a key priority in the Colac Otway Shire Council Plan because community members have raised it as a priority with Council over a number of years. Council is working towards a Master Plan that will achieve the community vision for a working harbour with increased public infrastructure for local recreation and entertainment opportunities as well as creating a facility that will attract tourists and hold them in the local area to enhance sustainability of the local tourism industry. The underlying principle of the Master Planning process has been that Apollo Bay must capitalise on its unique location and develop in a way that will set it apart from other towns along the Great Ocean Road especially maintaining its distinctive seaside fishing village character, the port as a working harbour, enhancing the natural environment and optimising community benefit.

The success of the redevelopment of the Harbour Precinct depends to a large degree on community support and Council will note that the Gateway 1 – Strategic Assessment report identified that a number of key stakeholders in the Master Planning process believe that there are still key design issues to be resolved.

The 'Enquiry by Design' community process provides an ideal method of resolving these concerns. This will likely result in recommendations to amend the Master Plan design that will involve additional time and cost in redesign works, amendments to the Design Guidelines and adjustments to the Feasibility Study.

To ensure that the CRG continues to be a vital representative group and involved in the further processes of developing the Harbour Precinct, a new list and a broadened group is recommended.

#### **Attachments**

1. Apollo Bay Structure Plan pp 80 – 85.
2. Council Report 27 June 2007 - Apollo Bay Harbour Master Plan and Feasibility.
3. Meinhardt - Apollo Bay Harbour Precinct Master Plan & Feasibility Study Issues Paper Overview of Stakeholder Feedback
4. Apollo Bay Harbour Precinct Master Plan and Feasibility Study DRAFT Mater Plan
5. Apollo Bay Harbour Precinct – Development Guidelines
6. Apollo Bay Harbour Redevelopment Draft Economic Impact Evaluation 31 March 2008
7. Apollo Bay Harbour Master Plan and Feasibility Study Community Reference Group letters and nomination forms to reconvene.
8. Apollo Bay Harbour Master Plan and Feasibility Study Risk Management Plan

#### **Recommendation(s)**

##### ***That Council:***

1. ***Note the progress report on the development of the Apollo Bay Harbour Master Plan and Feasibility Study.***
2. ***Note:***
  - a. ***Additional processes will be implemented to provide further opportunity for community engagement and key stakeholder support.***
  - b. ***That these additional processes will extend the timeline and cost for completion of the Apollo Bay Harbour Master Plan and Feasibility Study.***
  - c. ***That the expected completion date for the Master Plan and Feasibility Study is December 2007.***
  - d. ***That the funding of the cost for additional processes is being sought from State Government.***
3. ***Endorse the new Apollo Bay Harbour Community Reference Group.***

~~~~~◆~~~~~





## D. Activities: Business, Tourism, Community & Recreation

### Commercial and retail activity

#### ↳ Apollo Bay Town Centre

Retail and commercial activity within the three towns is limited to Apollo Bay. Retail primarily fronts to the Great Ocean Road, and occasionally to intersecting side streets and Pascoe Street, with low-key activities. A large proportion of the activity on the Great Ocean Road is tourism focused, with a mix cafes/restaurants, accommodation, surf shops, real estate and gift shops. There are also two small supermarkets, one located in Hardy Street and the other on the Great Ocean Road.

*An analysis of vacant land in the commercial area reveals that there are approximately four vacant allotments, which indicates that business activity in Apollo Bay is healthy. However, the existing business zone is not used to capacity, with large areas of underutilised land, particularly fronting Pascoe Street. Considerable redevelopment could occur over time to use this land more efficiently. There may be opportunities in the future to expand the business zone further to the north if this is required. This would fill the gap between the edge of retail and the service station approximately 200 metres to the north. A mix of vacant land and accommodation currently occupies this space. A compact shopping centre is preferable for reasons of walkability, sense of community and minimising impacts on surrounding residential areas.*

There appears to be activity occurring on the upper levels of buildings, usually in the form of accommodation, along the Great Ocean Road frontage. This provides visitors and residents with convenient access to shops, services and the waterfront. It also creates more activity in the town centre and allows passive surveillance of the foreshore area.

There are opportunities for additional upper level uses in the Apollo Bay town centre, to provide accommodation and also permanent housing. Additional levels could be added to existing single storey buildings and double storey buildings could be converted. Some allotments have two street frontages which could facilitate access to the upper level without providing a stairwell entrance on the front façade and also provide off street car parking behind the development. Providing additional housing opportunities in the centre could also reduce the pressure for development at the fringes of the township.

#### Skenes Creek and Marengo

The existing low numbers of dwellings, the lack of substantial future residential growth potential in Marengo and Skenes Creek and the close proximity of the Apollo Bay centre would limit the potential for new retail or commercial activities in each of these centres to a convenience shop or local café (maybe seasonal).





## Objective

***Intensify commercial and business land uses within the commercial area of Apollo Bay and ensure a future supply of Business Zoned land to meet demand.***

## Strategies

- Encourage further residential development above ground floor shops and offices in the town centre, provided that the development must contain adequate sound insulation to minimise potential conflicts between legitimate commercial activity and residential amenity.
- Encourage increased usage of the rear of commercial premises fronting the east side of Pascoe Street (offices, services, car parking etc. with accommodation above), to fill empty gaps in the streetscape, promote a more contiguous built form, and create a viable secondary commercial strip for uses that do not require main road frontage (particularly those that serve a local rather than a tourist function).
- Encourage non-residential uses that are permitted under the Residential 1 Zone (e.g. home occupation, medical/health related uses) to locate on the west side of Pascoe St, to complement the commercial uses and benefit from the proximity to the town centre.
- Maintain the residential role of Marengo and Skenes Creek by continuing to focus retail and commercial development in the township of Apollo Bay, other than for small convenience type premises that may serve the local community.
- Consider extending the Business 1 Zone north to Thomson St (petrol station) when the existing commercial area is at capacity.

## The Harbour Precinct

The Harbour Precinct is identified in the Planning Scheme as a key development opportunity 'to deliver economic benefits to the shire and promote Apollo Bay as a tourist destination.' It includes the golf course land of approximately 10 hectares, and the harbour with its breakwaters. The current golf course lease expires in approximately 10 years and there is broad agreement that a new 18-hole golf course is needed for the region. Relocation of the golf course is supported in the Apollo Bay Structure Plan, 2000, and the South East Precinct Study, 1997, both of which have been adopted by the Council. The Victorian Coastal Strategy also supports the relocation of non-foreshore dependant uses away from foreshore areas.

A number of studies have been undertaken for the area, which raise key issues and opportunities associated with future development, and propose various development scenarios for the precinct, some with an economic feasibility assessment. The scenarios vary in terms of layout, and the distribution of land uses such as public open space, accommodation, restaurants, and retail facilities. The following studies have been undertaken for this precinct:

- Apollo Bay Harbourside Development Plan in 2001
- South East Precinct Urban Design Study in 1997
- Proposed Coastal Management Plan 1991 superseded by Apollo Bay Masterplan 1996



The key driver for any redevelopment in this area is promoting Apollo Bay as a tourist destination and improving amenities for existing Port users and local residents. Suggestions for potential future land uses have included hot sea baths, open space, restaurants, accommodation, retail, and a marine visitor's centre. It is recognised that the harbour must continue as a working port and safe harbour, and there is a need to improve facilities for current users.

The redevelopment of the harbour precinct is being led by the Harbour Working Group, involving a high degree of State Government involvement. This working group has a *detailed planning* and decision making role, and this Structure Plan is only able to set the strategic context and guiding principles for this work. Through this process it will be important to identify the balance of land uses to promote the area for tourists, deliver community benefit, and be economically viable. This is a *process which will involve a substantial feasibility analysis and consultation with the local community*. There are also the interests from key stakeholders that need to be balanced.

The design and layout of buildings and landscaping is another important issue to be addressed. Impacts on the landscape and urban character, the natural environment, and residential amenity should be considered in layout and design options. This is recognised in the Planning Scheme, with a Local Policy that aims to ensure that any development in this area is compatible with surrounding residential character, builds upon the area's coastal assets and provides open space.

The following Objective and Guiding Principles have been developed to assist in the development of a Master Plan and feasibility studies for the Harbour Precinct.

## Objective

***Develop the port vicinity with a tourism, fishing, boating, commercial and recreational focus strengthening links to the town centre of Apollo Bay and providing net community benefits.***

## Guiding Principles

### General

- Respect and enhance the sensitive coastal setting and landscape character of the foreshore.
- Ensure that the essential port and maritime character prevails.
- Reflect the robust working port character in new development.
- Provision of a safe haven for fishing and recreational boats.
- Develop the port as a year round destination of State significance for tourism and recreation in its own right.
- Provide for community input and consideration during the development of the plan for the Port Precinct.

### Activities

- Maintain the function of the harbour as a commercial and recreational fishing facility.
- Provide enhanced recreational boating facilities within the harbour.



- New uses should enhance the tourism role and recreation facilities of the town and region, the fishing industry and boating activities, and reflect the maritime and port themes, and the coastal setting.
- New uses should be complementary to the function of the town centre as the retail core.
- Ensure boating and community facilities are affordable and accessible.
- Maximise the future use of the golf course for public open space or public use.
- Commercial activities will be operationally ~~and~~ sustaining and not aim to substitute the existing commercial and retail centre, but rather, should support the function of the harbour and provide a source of revenue for harbour improvements and operation.
- Maximise use of all spaces and buildings for multiple purposes and community use.
- All activities will address issues of safety, odour, noise and access.
- Encourage uses that provide activity at different times of the day.
- Maintain or improve water quality of the harbour and ensure environmental standards are met or exceeded.
- Investigate opportunities to locate the start/finish point of a sailing event at Apollo Bay, building on the State significance of the harbour.

#### **Vehicular Access and Parking**

- Provide clear legible access to the harbour for tourists/visitors, boat haulage, working port and commercial vehicles.
- Provide adequate parking facilities for general tourist use, trailers, day to day users and harbour activities in a location and design that does not visually dominate the development or the landscape setting.
- Alternatives to on-site car parking be considered. (e.g. Shuttle bus).
- Provide for overflow parking facilities for peak tourist periods within the foreshore landscape (soft parking – lawn areas) to minimise sealed surface car parks.
- Where possible, separate access facilities for visitor and tourist parking, from boating and longer term parking.
- Ensure that roads are designed into the physical landscape in a way that unites all elements into a harmonious and attractive whole. (e.g. through location, landscaping, functional roles).

#### **Pedestrian and Cycle Access**

- Provide direct and attractive pedestrian/cycle path(s) from the town centre to the Port Precinct. ('Town Link').
- Design the landscape along the Town Link with a continuous theme to visually integrate the town centre with the Port Precinct.
- Provide 'nodes' of interest along the Town Link. (e.g. information boards, playground, seating, kiosk, viewing points).
- Link the Port Precinct with a foreshore shared path that joins with a network of foreshore paths.
- Develop a wide harbour promenade/ wharf that is part of the public domain and accessible at all times.



- Provide enhanced pedestrian access at the intersection of the promenade/wharf and the low landing.
- Provide separate and safe pedestrian access along breakwater no.2 (the low landing) and all roadways.

#### **Views and Visual Connections**

- Protect and enhance views to and from the town centre to the Port Precinct.
- Locate and design structures to minimise any impact on existing views to Point Bunbury.
- Provide a visual landmark element at the intersection of the promenade/wharf and the No. 2 breakwater (the low landing).

#### **Built Form - Wharf/Promenade Area**

- Design high quality buildings and public domain elements to reflect the seaside fishing village character of the town.
- Buildings are to be low scale and nestled into the harbour edge where possible. Buildings should not appear out of scale with or dominate the surrounding landscape and built form.
- Provide a landmark element at the breakwater no. 2 (the low landing) /promenade focal point.
- Develop promenade/wharf buildings that relate to the waterfront and provide active frontages to the promenade.
- Provide visual and pedestrian links to the foreshore hinterland.
- Design buildings that are well articulated and break up horizontal building mass by pedestrian links, vegetation or design elements.

#### **Built Form - Town Link and Golf Course Area.**

- Design buildings that are:
  - Well articulated and reflect the coastal village setting.
  - Related to the path system and the Town Link.
- Sympathetic to and complement the foreshore landscape.

#### **Landscape and Vegetation**

- Protect existing indigenous vegetation.
- Protect other significant vegetation.
- Improve and use indigenous coastal vegetation in all precinct landscaping.
- Reinforce and ensure the landscape dominates the Town Link area and the golf course area.
- Utilise vegetation to provide wind protection to the development areas.
- Use vegetation to 'soften' built form elements.

#### **Aboriginal and Coastal Heritage**

- Respect, and protect as appropriate, existing aboriginal archaeological sites including middens and drinking well (if present/ located).
- Identify and respect other heritage as identified in the Colac Otway Heritage Study 2003 e.g. cultural and natural elements, European heritage.

- Genuine input by relevant aboriginal groups.
- Provide interpretation of heritage and archaeological aspects of the site.

**Design Themes, Colour and Materials**

- Design and detail buildings and structures that reflect and contribute to a consistent foreshore design theme.
- Use colours, materials and finishes that compliment the coastal landscape setting.
- Design the harbour side development to reflect and enhance the working Port character.
- Develop a Design Code for all development.

**Environmentally Sustainable Design**

- All buildings to demonstrate best practice ESD principles.



**Harbour Concept Plan**

**OM072706-24 APOLLO BAY HARBOUR MASTER PLAN AND FEASIBILITY STUDY**

|             |                                         |           |            |
|-------------|-----------------------------------------|-----------|------------|
| AUTHOR:     | Mike Barrow                             | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning and<br>Development | FILE REF: | GEN00233>  |

**Purpose**

To present the draft Apollo Bay Harbour Precinct Master Plan to Council for adoption.

**Background**

Apollo Bay has experienced considerable growth in the past five years and currently has a permanent population of 1,200 which swells to 15,000 over the peak holiday season. Apollo Bay's harbour is one of only three safe blue water havens in Victoria west of Port Phillip Bay. The location of the harbour, positioned between the safe harbours of Queenscliff and Warrnambool is significant as it acts as a safe haven in an exposed stretch of water and is protected by the breakwaters from the southern ocean. It is presently home to the local fishing industry with a fleet of 11, employing 35 people and generating an annual catch of \$6.5 million. However, the harbour has limited facilities for blue water recreational boating enthusiasts or for enhanced tourism and leisure experiences.

Despite the general downturn in visitor numbers to Victoria, the Great Ocean Road region, remains a strong tourism destination with approximately 7 million visitations per year. Tourism Victoria reports that the down turn has effected the Great Ocean Road Region less than other areas in the State. Geelong Otway Tourism reports that the Region is increasing in visitor yield. There have been a number of recent initiatives which will see a further increase in visitation and yield to the region including the new Great Otway National Park, the Otway Fly, the Great Ocean Walk, the Old Beechy Rail Trail, Forest Mountain Bike Trails, and upgrades to Triplet and Beauchamp Falls and other nature based tourism assets.

There is growing demand for high quality tourist and community facilities, heritage and environment interpretation, food and wine and indulgent product. Further investment in quality product will assist in reducing the region's seasonality and extend visitor length of stay (and spend) in the region.

In order for Apollo Bay to maximise its potential and assert itself as a quality destination in its own right, it must have the ability via its attractions to draw traffic both to and from the GOR, and via inland routes and significant investment in foreshore infrastructure is urgently required to do this. There is a clear need to manage change in an integrated way that develops a new sustainable future for the waterfront and harbour precincts. Council is facilitating the opportunity for change by developing the Apollo Bay Structure Plan, the Port of Apollo Bay Future Capacity Study (June 2006) and the draft Apollo Bay Harbour Master Plan and Feasibility Study.

In September 2006 Council engaged Meinhardt Infrastructure and Environment to undertake the Apollo Bay Harbour Precinct Master Plan and Feasibility Study. The consultant team has worked in consultation with Council and Executive Officers, a State Government Interdepartmental Steering Group and a Community Reference Group. The objective of the Master Plan is to provide a clear direction for redevelopment of the harbour precinct so that it stimulates economic development, protects and enhances the natural environment and enriches the social, cultural and visitor experience.

At the 28 March 2007 Council Meeting, Council resolved to place the preliminary draft Master Plan on public exhibition and undertake community consultation. The preliminary draft proposed major changes to the Apollo Bay Harbour Precinct including:

- Design to integrate the harbour and town with new shared pathways, new harbour access road and increased parking;
- Commercial opportunities with new harbour view shops and restaurants, pool centre with spa, gym, café, change rooms and toilets, and a boutique 5 star hotel;
- Community facilities with pathways for walking and cycling, new beach lawn space with Ocean and Harbour views, a salt water lap pool with solar heating, new boat launching and trailer parking facilities, new facilities for the Sailing Club, new recreational boating Marina, and a seasonal camping reserve;
- Public open space with a new community area between the harbour access road and Nelson St, a new heritage space around the War Memorial, permanent open space for passive recreation on the golf course, plus a new investment in indigenous planting;
- Support for sustaining a working harbour with enhanced Fisherman's Coop building and related infrastructure, opportunity to establish a sea food café/restaurant, new boat retrieval and repair facilities and a new harbour management centre.

Following Council approval to place the preliminary draft Master Plan on public exhibition and undertake community consultation, more than 550 submissions, letters and feed back forms were received. Consultation included a public marquee at the Apollo Bay Market on the foreshore Saturday 10 March 2007 and a public meeting at the Melbourne Town Hall on Wednesday 28 March 2007. See Attachment 1 for Analysis of Stakeholder Feedback and overview of key issues raised.

#### **Corporate Plan/Other Strategies/Policy**

The development of the Apollo Bay Harbour has been identified as a Council priority.

- Colac Otway Shire Council Plan (2005 – 2009)  
*"Continue the redevelopment of the Apollo Bay Harbour, including the development of a Concept Plan specific to the Apollo Bay Harbour Precinct..."*
- Colac Otway Shire Economic Development and Tourism Strategy (2005)  
*"Undertake detailed Master-Planning for the redevelopment of the Apollo Bay Harbour."*

The draft Apollo Bay Harbour Precinct Master Plan is consistent with

- The Port of Apollo Bay Future Capacity Study (June 2006)
- Apollo Bay Draft Structure Plan (2007)

#### **Issues/Options**

Analysis of community feed back to the preliminary draft Master Plan indicates that there is strong support for the Apollo Bay Harbour Master Plan Vision with particular emphasis on fishing, boating and harbour related activities. Following further discussion with Council, the Community Reference Group and the Interdepartmental Steering Committee the Vision has been amended to clarify and reinforce the commitment to a "working harbour". The Vision amendment is noted in bold as follows:

**"The Apollo Bay Harbour Precinct will be a new focal point for the town and surrounding region and a 'must see' destination on the Great Ocean Road.**

**The precinct will be developed with a tourism, fishing, boating, commercial and recreational focus, strengthening links to the town centre of Apollo Bay and providing net community benefits.**

**The Apollo Bay Harbour Precinct will demonstrate best practice in its design and management and contain a commercial Harbour together with a range of high quality**

community and tourist facilities, services and public spaces that will provide enjoyable experiences for residents and visitors year round.

Components of the new development will showcase the fishing/maritime and indigenous cultural heritage of the town and respect and enhance the surrounding natural environment."

Community feed back indicated positive support for a number of key elements of the preliminary draft Master Plan:

| Issue                                   | Response                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public open space for informal activity | Currently used as golf course.<br>Would be designated for walking, picnics and other informal activities by general public including tourists and local community.                                                                                                                                                                                                  |
| New Sailing Club facilities             | Would be constructed as part of an integrated development on the South Eastern corner of the Harbour close to the current location of temporary facilities.<br>Would be used for storage, race control facilities, toilets and other facilities.<br>Meeting and social activities would take place in one of the other harbour edge community/commercial buildings. |
| New Fisherman's Co-op building          | Located on site of current car park on Western edge of the Harbour.<br>Would include café/restaurant, fresh sea food sales, and a fishing industry interpretive centre.                                                                                                                                                                                             |
| Redeveloped Fisherman's Co-op building  | The building is to be retained, with opportunity to extend to cater for anticipated business growth.<br>Public access would not be permitted for safety reasons.<br>Fish sales would be moved to the New Fisherman's Co-op building as above (Item 3).                                                                                                              |
| New public lawn and modified dunes area | The dunes would be modified to open up view scapes from the new harbour Access Road and provide easier access to the beach.<br>The dunes would be revegetated with indigenous species.<br>The new lawn area would provide seating terraces and shelters.                                                                                                            |

Community feed back also indicated opposition to a number of key elements:

| Issue                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hotel/visitor accommodation in the Harbour precinct           | The proposed Hotel is pivotal to the attraction of private funds to partner with a public contribution to fund major community infrastructure elements of the Master Plan that may include the new boat ramp, new salt water pool and shared pathways. It is important that the hotel be:<br>- designed to ensure low scale and low visual impact<br>- designed after extensive community consultation<br>- of best practice architecture design and ESD |
| New community and commercial buildings along the harbour edge | These buildings offer opportunity to attract private investment, to offset the costs of new infrastructure.<br>They would not all be built at once. They would be developed in response to commercial demand.<br>They offer opportunity for community uses such as Sailing                                                                                                                                                                               |



|                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                        | Club social activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Potential water based commercial development on the western breakwater | The site is designated for a commercial use that that has a demonstrable need for a harbour location.<br>It offers the opportunity to attract private investment to offset the costs of new infrastructure.                                                                                                                                                                                                                                                                                                                                                           |
| New camping area and access road                                       | There is a shortage of camping sites along the South West coast of Victoria. This development would provide for the annual peak holiday season only, 60 drive through caravan sites and 140 tent sites on the southern edge of the existing golf course. There would be no intrusion on existing sand dunes. The dunes and park area would be heavily revegetated to screen the park. The park would revert to open space when not operational.<br>It is anticipated that the park would return revenue to assist with maintaining the Apollo Bay Foreshore reserves. |

A full assessment of issues that were raised by community feed back is provided in Attachment 1. Following discussion with Council, the Community Reference Group and the Interdepartmental Steering Committee the response to a number of these issues was an amendment to the preliminary draft Master Plan:

| Issue                                                                                                       | Response                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| View scapes from Nelson Street interrupted by two storey extension proposed for Fisherman's Co-op building. | More modest extension of the Fisherman's Co-op building deleting the second storey.                                                                                                                        |
| View scapes from Nelson Street interrupted by proposed community facilities building                        | Removal of proposed building.<br>Recommendation for community facilities such as Council Customer Service, Library, and community meeting rooms on the site of the existing Golf Club building.            |
| Lack of car and trailer parking on new boat ramp.                                                           | New overflow trailer parking created on open space, south of Hotel, to accommodate 40 extra vehicles.                                                                                                      |
| Concerns about facility to remove boats from harbour on Eastern side when existing slipway decommissioned.  | Inclusion of a travel lift adjacent to the new boat ramp.                                                                                                                                                  |
| Concerns expressed about the size and bulk of the Hotel                                                     | Removal of shading around the three hotel building envelopes to indicate the development would include separate buildings to encourage low impact design.<br>Community to be consulted on specific design. |
| Concerns expressed about an exclusive private zone around the Hotel                                         | Inclusion of pathways linking through the three building envelopes to indicate public access.                                                                                                              |

|                                                                              |                                                                                                                                        |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Vehicle access closed to McLaren Parade business from Great Ocean Road       | Modification of road access to McLaren Parade to enable continued access to business from the Great Ocean Road.                        |
| Lack bus parking close to activities area of Harbour.                        | Inclusion of bus lay-by in front of the Port management building.                                                                      |
| Location of access for sand removal would entail trucks driving along beach. | Change access to sand removal to just north of the roundabout, closer to the designated sand removal areas.                            |
| Concerns about the practicability of the extension to the eastern breakwater | Remove extension to the eastern breakwater. Include a note in the text of the Master Plan to indicate further investigation is needed. |

**See:**

- Attachment 1 Analysis of Stakeholder Feedback  
 Overview of key issues raised in Stakeholder Feedback  
 Attachment 2 Draft Master Plan

**Proposal**

Once the draft Apollo Bay Harbour Precinct Master Plan is adopted the next stage will commence involving the development of a Design Code for Built Form. This will focus on proposed built elements as well as public open spaces. The Design Code will assist to inform the preparation of concepts for some of the key elements to enable cost estimates to be prepared. These will be used in the Feasibility Study which is the financial and economic assessment of the draft Master Plan that will produce documentation to attract a combination of public and private sector financial commitment to the implementation of the Master Plan.

A final draft Master Plan will then be presented to Council. Once the final draft Master Plan is adopted by Council, it will be included in the Colac Otway Planning Scheme to ensure that the redevelopment of the Harbour Precinct is consistent with the Master Plan and protects the values of the Harbour Precinct. This will occur through a planning scheme amendment process which will provide:

- further opportunity for the community to make a submission about the Master Plan; and,
- a subsequent hearing by a planning panel appointed by the Minister for Planning; before the final Master Plan is included in the Colac Otway Planning Scheme.

The Master Plan will identify potential future direction for the Apollo Bay Harbour over the next 20 years. Any future implementation must be consistent with the Plan's direction and will be subject to normal planning process, including further public submissions.

**Financial and other Resource Implications**

The Apollo Bay Harbour Precinct Master Plan and Feasibility Study has been funded through contributions from State Government and Council:

|          |                                              |
|----------|----------------------------------------------|
| \$45,000 | Department of Sustainability and Environment |
| \$15,000 | Regional Development Victoria                |
| \$50,000 | Tourism Victoria                             |
| \$25,000 | Colac Otway Shire                            |

A further \$45,000 has been contributed by Tourism Victoria to assist in the Expression of Interest phase of implementing the Plan. This will guide the Council in attracting both public funding and private investment.

The financial implications of the implementation of the Master Plan are as yet unknown. The Feasibility Study will assess the commercial viability and the economic and community benefit of each of the various elements of the plan. Funding will be sought through public contribution and private investment.

#### **Risk Management & Compliance Issues**

The Feasibility Study will advise Council of any issues that may arise such as commercial viability, level of Government assistance required, level of Council Assistance required, investment framework options, and any other issues that may impact on the viability of the implementation of the Master Plan. The Study will also apprise Council of the likely risks to arise and what body should be responsible for those risks.

Implementation of the Master Plan will require compliance where applicable with the: Coastal Management Act 1995.

#### **Environmental Considerations**

Implementation of the Master Plan would require modification of the existing environment.

- The new Harbour Entry Road will be built on existing crown land reserves allocated for public use and passive recreation.
- The Harbour may need to be deepened to accommodate the new marina and new boat ramp.
- The New camping area and access road will significantly alter the southern edge of the precinct and there will be modification of sand dunes. Both areas would be revegetated with indigenous species.

Further investigations at the detailed design stage would take into account specific environmental impacts.

#### **Communication Strategy/Consultation**

The community consultation strategy for the preliminary draft Master Plan was in accordance with Council's Community Consultation and Engagement Policy. Over 550 submissions were received during the consultation period which resulted in amendments where appropriate.

Further consultation opportunities will be available to submitters during the formal planning scheme amendment process when the draft Master Plan and its recommendations are introduced into the Colac Otway Planning Scheme. This will give submitters who disagree with the Draft Master Plan the opportunity to make a formal submission and be heard at a panel hearing during the planning scheme amendment process.

#### **Implementation**

The next stage of the Apollo Bay Harbour Master Plan and Feasibility Study will be the development of a Design Code for Built Form. This will focus on proposed built elements as well as public open spaces. The Design Code will assist to inform the preparation of concepts for some of the key elements to enable cost estimates to be prepared. These will be used in the financial and economic assessment of all investment opportunities associated with the redevelopment (including project staging). It will include returns on investment for both private and public investments and potential opportunities for public infrastructure to be leveraged through private investment. Council has also engaged PriceWaterhouseCoopers

to provide an independent assessment of the Meinhardt Infrastructure and Environment, Feasibility Study.

The Feasibility Study will produce documentation to attract a combination of public and private sector financial commitment to the implementation of the Master Plan.

Following the Feasibility Study, Expression of Interest (EOI) documentation will be prepared for potential private investment. A Business case will be prepared for the State Government Expenditure Review Committee (ERC) using the Gateway Review process and Investment Evaluation Policy and Guidelines

A final draft Master Plan will then be presented to Council. Once the final draft Master Plan is adopted by Council, it will be included in the Colac Otway Planning Scheme through a planning scheme amendment.

The draft Master Plan demonstrates maximum capacity for development over the next 20 years. The future of various elements of the Apollo Bay Master Plan such as the marina berths, commercial buildings and hotel depend on market demand. The final implementation will reflect community input, commercial feasibility, engineering and marine engineering studies, archaeological studies, environmental impact and other feasibility issues.

It is anticipated that the various elements of the Master Plan will be implemented over time through a combination of public contribution and private investment in accordance with market demand and community expectation.

#### **Conclusion**

Council made a commitment to the redevelopment of the Apollo Bay Harbour in Colac Otway Shire Council Plan (2005 – 2009)

*“Continue the redevelopment of the Apollo Bay Harbour, including the development of a Concept Plan specific to the Apollo Bay Harbour Precinct...”*

Council has adopted the Port of Apollo Bay Future Capacity Study (June 2006), and the Apollo Bay Draft Structure Plan (2007). Both were used as base documents for development of the Draft Final Apollo Bay Harbour Master Plan.

Council has also played an integral role in the development of the Draft Final Apollo Bay Harbour Precinct Master Plan through the series of workshop and feed back opportunities with the Meinhardt Infrastructure consultant team.

Design input has been provided by community stakeholders, the Community Reference Group and government stakeholders through the State Government Interdepartmental Steering Group. The Draft preliminary Master Plan has been placed on public exhibition to receive community feedback and that feed back has been included in the amendments to the Draft Final Apollo Bay Harbour Precinct Master Plan.

#### **Attachments**

- Attachment 1 Analysis of Stakeholder Feedback  
Overview of key issues raised in Stakeholder Feedback
- Attachment 2 Draft Master Plan

**Recommendation(s)*****That Council:***

- ***Notes that the community consultation in accordance with Council's Community Consultation and Engagement Policy has occurred, including a public exhibition period, community input sessions in Apollo Bay and Melbourne, two community newsletters and issue of a Frequently Asked Questions document to assist understanding of the process.***
- ***Notes that over 550 submissions were received and the preliminary draft Apollo Bay Harbour Precinct Master Plan amended where appropriate.***
- ***Notes that the next stages of the development of the Apollo Bay Harbour Precinct Master Plan are:***
  - ***Design Code for Built Form***
  - ***Feasibility Study to assess commercial viability, economic and community benefits.***
  - ***Preparation of the final draft Apollo Bay Harbour Precinct Master Plan for adoption by Council.***
- ***Adopts the draft Apollo Bay Harbour Precinct Master Plan.***

***MOVED Cr Di Cecco seconded Cr Mercer that Council***

- ***Notes that the community consultation in accordance with Council's Community Consultation and Engagement Policy has occurred, including a public exhibition period, community input sessions in Apollo Bay and Melbourne, two community newsletters and issue of a Frequently Asked Questions document to assist understanding of the process.***
- ***Notes that over 550 submissions were received and the preliminary draft Apollo Bay Harbour Precinct Master Plan amended where appropriate.***
- ***Notes that the next stages of the development of the Apollo Bay Harbour Precinct Master Plan are:***
  - ***Design Code for Built Form***
  - ***Feasibility Study to assess commercial viability, economic and community benefits.***
  - ***Preparation of the final draft Apollo Bay Harbour Precinct Master Plan for adoption by Council.***
  - ***Further consultation will be undertaken with the community prior to the final adoption of the Apollo Bay Harbour Precinct Masterplan***
- ***Adopts the changes to the Preliminary Apollo Bay Harbour Precinct Master Plan as recommended in the Apollo Bay Harbour Precinct Master Plan and Feasibility Study – Issues Paper Overview of Stakeholder Feedback, June 2007, to enable the next stages of the process as outlined above, to proceed.***

**CARRIED 6 : 1**



**APOLLO BAY HARBOUR PRECINCT  
MASTER PLAN & FEASIBILITY STUDY**

**ISSUES PAPER  
OVERVIEW OF STAKEHOLDER FEEDBACK**

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Project no: 3005

Revision: 00

Date of Issue June 2007



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### Document status

| Rev. no. | Document purpose | Project Engineer(s) / Scientist(s) / Planner(s) | Reviewer          | Approved for issue |                                                                                       |            |
|----------|------------------|-------------------------------------------------|-------------------|--------------------|---------------------------------------------------------------------------------------|------------|
|          |                  |                                                 |                   | Approved by        | Signature                                                                             | Date       |
| 00       | Final            | Lidia Orsini                                    | David Fetterplace | David Fetterplace  |  | 14 June 07 |

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**APPENDIX C – DRAFT MASTER PLAN**



## 1. INTRODUCTION

The Apollo Bay Harbour Precinct preliminary master plan was released for stakeholder consultation between 5 March and 27 April 2007. A newsletter was prepared outlining the background to the study, intent of the preliminary master plan and key features of the Plan. A feedback form accompanied the newsletter for use by respondents if desired.

Prior to presenting the stakeholder feedback, it is worth repeating the purpose of a master plan in more detail.

### 1.1 WHAT IS A MASTER PLAN?

A master plan is a comprehensive long-range plan intended to guide the growth or development of a site, institution, community or region. In this case, the purpose of the master plan is to develop a vision for how both the public and private realm of the Apollo Bay Harbour Precinct could be developed over the next 10 to 20 years.

The draft master plan presented in this Paper is a conceptual design proposal and has been developed over limited base plan information, including Council's cadastral property boundary information and air photography. It is not a document that takes full account of all detail, such as services and other existing conditions. However, it has taken account of Government policy, past studies, client and community views, user groups and the broad opportunities and constraints offered by the site.

This draft master plan aims to provide clear ideas about the general layout and form of future development on the site. Design proposals within this master plan will require additional design refinement, consultation and documentation before they can be implemented, which is the normal process. The concepts proposed are big picture ideas that show a clear and coordinated way forward and can be developed and refined over time, as funds become available to implement them.

The normal process in developing a site like this is to use the master plan as a briefing document for detailed design of selected components. Each component will then need to be developed as a brief and designed to a point where it can be tendered for construction and implementation. Ideally, the master plan will remain as a guiding idea for this work, which should become more sophisticated as it develops.

The concepts for some elements of the plan will be developed further once a financial assessment has been undertaken of the draft master plan and any required adjustments have been made to the plan.

The importance of consistent visionary client direction, good design development and detailing and professional project management in the delivery of a master plan is emphasised. While specialists should design and coordinate the implementation of these projects, the community should be encouraged at all levels to assist with that process.

## 2. ASSESSMENT OF STAKEHOLDER FEEDBACK

At the conclusion of the eight week consultation period, the Shire had received 555 submissions in total, comprising approximately 500 feedback forms. Some of the feedback forms were also accompanied by a separate written submission.

The analysis of the feedback has highlighted the following:

- Majority support for the Vision.
- Greatest support for the following elements:
  - Public open space for informal activity (item 16 on master plan)
  - New Sailing Club facilities (item 10)
  - New Fisherman's Co-operative building (item 3)
  - Redeveloped Fisherman's Co-operative building (item 7)
  - New public lawn - modified dunes (item 2).
- Greatest opposition to the following elements:
  - Hotel/visitor accommodation (item 12)
  - Potential water based commercial development on western breakwater (item 15)
  - New community and commercial buildings along harbour edge (item 4)
  - Seasonal camping area and access road (item 11).

See Appendix A for a quantitative analysis of the feedback received.

### 2.1 MASTER PLAN VISION

Feedback on the Vision demonstrated relatively high support for ensuring the Precinct retained its focus on fishing, boating and harbour related activities (see Table 3 in Appendix A). Whilst the reference to fishing and boating in the Vision is intended to encompass both commercial and recreational aspects of these pursuits, it is recommended that reference to a "commercial Harbour" be included to ensure the intent is clear. The revised Vision is outlined below with the additional words in bold.

*The Apollo Bay Harbour Precinct will be a new focal point for the town and surrounding region and a 'must see' destination on the Great Ocean Road.*

*The precinct will be developed with a tourism, fishing, boating, commercial and recreational focus, strengthening links to the town centre of Apollo Bay and providing net improved community benefits.*

*The Apollo Bay Harbour Precinct will demonstrate best practice in its design and management and contain a **commercial Harbour together with a range of high quality community and tourist facilities, services and public spaces that will provide enjoyable experiences for residents and visitors year round.***

*Components of the new development will showcase the fishing/maritime and indigenous cultural heritage of the town and respect and enhance the surrounding natural environment.*

## 2.2 CHANGES TO PRELIMINARY MASTER PLAN

Following the public consultation phase, the consultant team reviewed all comments received and reported back to the Council, Steering Group and Community Reference Group with the results.

The table in Appendix B outlines the key issues raised during the consultation, together with a response from the consultant team that provides further explanation regarding the intent of the particular item or outlines a recommended change to the preliminary master plan.

The key changes proposed to the preliminary master plan are as follows:

- Include reference to a health and wellbeing centre in the Item 4 text.
- Show a more modest extension to the Fisherman's Co-operative Building (item 7).
- Include overflow trailer parking on the open space beside the hotel.
- Include a travel lift beside the boat ramp (in item 8).
- Remove shading around the hotel building envelopes, to emphasise the intention to have spaces between buildings for views and access.
- Rename item 13 "Heritage and Memorial Park".
- Remove the proposed new community facilities building in item 14. Re-use of the existing golf club building or a new building on the same site is suggested for the proposed community uses (eg. Council Customer Service Centre, library and meeting rooms).
- Modify road access to McLaren Parade (to improve access for commercial premises, eg. drive-in bottle shop).
- Include a bus lay-by on the new harbour entry road (south of the Port building).
- Modify sand removal access (to just north of the roundabout at Point Bunbury).
- Replace the 60 metre extension to the breakwater (item 17) with text referring to the need to investigate options to protect the Harbour.
- Modify shared path to show it going around the hotel buildings.
- Remove the individual buildings shown in the residential and commercial areas (which are outside the study area) and shade the two areas based on the zoning of the land.

A revised master plan, which will now be referred to as the draft master plan, has been prepared with the recommended changes (see Appendix C).

It is important to note that there are a number of elements that received relatively high levels of opposition but have been retained in the revised master plan. The majority of these elements are commercial activities (ie.

hotel, buildings along the harbour edge and potential development on the western breakwater). It is considered that these items are important commercial elements that will support the development of some of the community facilities and public spaces within the Precinct.

The seasonal camping area has the support of the Department of Sustainability & Environment, which recently undertook a review of Coastal Crown Land Caravan Parks. This review highlighted the possibility of providing additional facilities in Apollo Bay.

### 3. NEXT STEPS

The draft master plan presented in this Paper will require the approval of Council. The decision made by Council will be communicated to stakeholders and the community via a letter to individuals/organisations who made a submission and on Council's website.

The next stage in this study will be the development of a Design Code for Built Form. This document will focus on the proposed built elements within the Precinct, as well as public open spaces.

The Design Code will assist to inform the preparation of concepts for some of the key elements to enable cost estimates to be prepared. These estimates will be used in a financial and economic assessment of the draft master plan, which will quantify the anticipated cost of the redevelopment and likely economic benefits from implementation of the plan (eg. increased visitation levels, increased consumer spending and employment generation). The information produced by the consultant team will be examined by an independent review team prior to the finalisation of the report.

**APOLLO BAY HARBOUR PRECINCT MASTER PLAN & FEASIBILITY STUDY - STAKEHOLDER FEEDBACK**

**VISION**

**TABLE 1.**  
Do you think the Vision is appropriate for the Harbour Precinct?

|              | Resident   |             | Non Resident |             | Other    |            | TOTAL      |              |
|--------------|------------|-------------|--------------|-------------|----------|------------|------------|--------------|
|              | No.        | %           | No.          | %           | No.      | %          | No.        | %            |
| Yes          | 43         | 8.4         | 80           | 15.7        | 1        | 0.2        | 124        | 24.3         |
| Partly       | 82         | 16.1        | 84           | 16.5        | 3        | 0.6        | 169        | 33.1         |
| No           | 155        | 30.4        | 61           | 12.0        | 1        | 0.2        | 217        | 42.5         |
| <b>TOTAL</b> | <b>280</b> | <b>54.9</b> | <b>225</b>   | <b>44.1</b> | <b>5</b> | <b>1.0</b> | <b>510</b> | <b>100.0</b> |

**TABLE 2.**  
Do you think the preliminary Master Plan reflects the Vision?

|              | Resident   |             | Non Resident |             | Other    |            | TOTAL      |              |
|--------------|------------|-------------|--------------|-------------|----------|------------|------------|--------------|
|              | No.        | %           | No.          | %           | No.      | %          | No.        | %            |
| Yes          | 45         | 9.7         | 82           | 17.7        | 1        | 0.2        | 128        | 27.6         |
| Partly       | 72         | 15.6        | 77           | 16.6        | 3        | 0.6        | 152        | 32.8         |
| No           | 133        | 28.7        | 50           | 10.8        | 0        | 0.0        | 183        | 39.5         |
| <b>TOTAL</b> | <b>250</b> | <b>54.0</b> | <b>209</b>   | <b>45.1</b> | <b>4</b> | <b>0.9</b> | <b>463</b> | <b>100.0</b> |

**TABLE 3.**  
Do you have any suggestions about the Vision?

|                                                    | Resident | Non Resident | TOTAL |
|----------------------------------------------------|----------|--------------|-------|
| Limit commercial development/low key development   | 34       | 24           | 58    |
| Focus on fishing/boating/yachting/working harbour  | 32       | 12           | 44    |
| Keep fishing/local village character               | 17       | 23           | 40    |
| Ambience will be ruined by over development        | 22       | 17           | 39    |
| Scrap it/start again/do not support                | 30       | 6            | 36    |
| Cater for residents/community followed by tourists | 18       | 13           | 31    |
| Retain/focus on open space/natural features        | 6        | 24           | 30    |
| Need to consider climate change                    | 9        | 5            | 14    |
| Incorporate environmental sustainability           | 5        | 7            | 12    |
| On the right track                                 | 7        | 4            | 11    |
| No commercial/tourist developments                 | 5        | 0            | 5     |
| Improve links to town centre                       | 5        | 0            | 5     |

**TABLE 4. LEVEL OF SUPPORT FOR INDIVIDUAL PROPOSALS**

Please express your opinion towards the preliminary Master Plan proposals by ticking the appropriate boxes (from Strongly Support to Strongly Oppose).

| Proposal                                                                | Support |      | No View |      | Oppose |      | TOTAL |       |
|-------------------------------------------------------------------------|---------|------|---------|------|--------|------|-------|-------|
|                                                                         | No.     | %    | No.     | %    | No.    | %    | No.   | %     |
| 16. Public open space for informal recreation activity.                 | 349     | 69.7 | 38      | 7.6  | 114    | 22.8 | 501   | 100.0 |
| 10. New Sailing Club facilities.                                        | 342     | 67.6 | 65      | 12.8 | 99     | 19.6 | 506   | 100.0 |
| 3. New Fisherman's Co-operative building.                               | 335     | 65.2 | 32      | 6.2  | 147    | 28.6 | 514   | 100.0 |
| 7. Redeveloped Fisherman's Co-operative building.                       | 315     | 62.1 | 68      | 13.4 | 124    | 24.5 | 507   | 100.0 |
| 2. New public lawn established by modifying dunes and replanting.       | 286     | 55.2 | 33      | 6.4  | 199    | 38.4 | 518   | 100.0 |
| 5. New recreational boating marina developed progressively.             | 270     | 51.8 | 49      | 9.4  | 202    | 38.8 | 521   | 100.0 |
| 8. Relocated and improved boat launching and trailer parking facility.  | 261     | 52.4 | 56      | 11.2 | 181    | 36.3 | 498   | 100.0 |
| 9. Relocated and improved boat repair and Port operations base.         | 259     | 51.3 | 85      | 16.8 | 161    | 31.9 | 505   | 100.0 |
| 1. New access road connecting the Harbour Precinct to the town centre.  | 245     | 46.6 | 20      | 3.8  | 261    | 49.6 | 526   | 100.0 |
| 13. Heritage theme market space and town park.                          | 240     | 46.9 | 64      | 12.5 | 208    | 40.6 | 512   | 100.0 |
| 17. Sixty metre extension to eastern breakwater.                        | 235     | 46.8 | 97      | 19.3 | 170    | 33.9 | 502   | 100.0 |
| 14. New community precinct.                                             | 216     | 43.4 | 57      | 11.4 | 225    | 45.2 | 498   | 100.0 |
| 6. New 50 metre saltwater outdoor lap pool with solar heating.          | 207     | 39.8 | 45      | 8.7  | 268    | 51.5 | 520   | 100.0 |
| 11. Seasonal camping area incorporating significant revegetation.       | 195     | 38.2 | 32      | 6.3  | 283    | 55.5 | 510   | 100.0 |
| 4. New community and commercial buildings along the harbour edge.       | 183     | 35.3 | 21      | 4.0  | 315    | 60.7 | 519   | 100.0 |
| 15. Potential water based commercial development on western breakwater. | 127     | 25.3 | 82      | 16.3 | 293    | 58.4 | 502   | 100.0 |
| 12. Hotel/visitor accommodation.                                        | 107     | 21.1 | 35      | 6.9  | 366    | 72.0 | 508   | 100.0 |

**TABLE 5. RANKING OF TOP 5 PROPOSALS**

Please rank your top 5 proposals, with 1 being the most important/highest priority.

| <b>Proposal</b>                                                         | <b>First</b> | <b>Second</b> | <b>Third</b> | <b>Fourth</b> | <b>Fifth</b> | <b>TOTAL</b> |
|-------------------------------------------------------------------------|--------------|---------------|--------------|---------------|--------------|--------------|
| 3. New Fisherman's Co-operative building.                               | 27           | 25            | 20           | 10            | 10           | 92           |
| 1. New access road connecting the Harbour Precinct to the town centre.  | 44           | 14            | 5            | 7             | 5            | 75           |
| 10. New Sailing Club facilities.                                        | 14           | 17            | 15           | 11            | 14           | 71           |
| 16. Public open space for informal recreation activity.                 | 18           | 12            | 14           | 13            | 14           | 71           |
| 6. New 50 metre saltwater outdoor lap pool with solar heating.          | 19           | 15            | 15           | 10            | 8            | 67           |
| 4. New community and commercial buildings along the harbour edge.       | 8            | 16            | 11           | 19            | 10           | 64           |
| 2. New public lawn established by modifying dunes and replanting.       | 16           | 15            | 7            | 10            | 15           | 63           |
| 7. Redeveloped Fisherman's Co-operative building.                       | 8            | 14            | 15           | 9             | 8            | 54           |
| 5. New recreational boating marina developed progressively.             | 5            | 11            | 10           | 6             | 19           | 51           |
| 8. Relocated and improved boat launching and trailer parking facility.  | 6            | 6             | 18           | 12            | 7            | 49           |
| 17. Sixty metre extension to eastern breakwater.                        | 10           | 7             | 10           | 12            | 6            | 45           |
| 11. Seasonal camping area incorporating significant revegetation.       | 7            | 6             | 11           | 9             | 9            | 42           |
| 14. New community precinct.                                             | 4            | 7             | 13           | 13            | 5            | 42           |
| 13. Heritage theme market space and town park.                          | 2            | 7             | 19           | 7             | 6            | 41           |
| 9. Relocated and improved boat repair and Port operations base.         | 0            | 8             | 6            | 9             | 13           | 36           |
| 12. Hotel/visitor accommodation.                                        | 5            | 3             | 4            | 2             | 3            | 17           |
| 15. Potential water based commercial development on western breakwater. | 3            | 2             | 3            | 2             | 3            | 13           |



**APOLLO BAY HARBOUR PRECINCT MASTER PLAN & FEASIBILITY STUDY - STAKEHOLDER FEEDBACK  
OTHER COMMENTS**

| <b>New Access Road</b>                | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|---------------------------------------|-----------------|---------------------|------------------------|--------------|
| Fragments open space                  | 14              | 15                  |                        | 29           |
| Redirect through traffic behind shops | 5               | 5                   | 1                      | 11           |
| Why Norfolk Pines                     | 8               | 2                   |                        | 10           |
| Keep original road alignment          | 9               |                     |                        | 9            |
| Makes open space unsafe               | 6               | 3                   |                        | 9            |
| No new road                           |                 | 6                   | 1                      | 7            |
| Will dominate visually                |                 | 5                   |                        | 5            |
| Not coastal dependent                 |                 | 3                   |                        | 3            |

| <b>Public lawn (modified dunes)</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-------------------------------------|-----------------|---------------------|------------------------|--------------|
| Retain sand dunes                   | 7               | 7                   |                        | 14           |
| Sand movement/wind                  | 9               | 3                   |                        | 12           |
| Keep family swimming beach          | 4               | 1                   |                        | 5            |
| Requires specialist advice          |                 | 3                   |                        | 3            |

| <b>New Fishermans Co-operative Building</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|---------------------------------------------|-----------------|---------------------|------------------------|--------------|
| Locate in existing building                 | 5               | 1                   |                        | 6            |

| <b>Community &amp; commercial buildings along harbour edge</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|----------------------------------------------------------------|-----------------|---------------------|------------------------|--------------|
| No commercial                                                  | 17              | 8                   |                        | 25           |
| Retail not to compete with town centre                         | 7               | 4                   | 1                      | 12           |
| Marine-only retail                                             | 6               |                     |                        | 6            |
| Already have retail/community buildings                        | 5               |                     |                        | 5            |

| <b>Recreational boating marina</b>              | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-------------------------------------------------|-----------------|---------------------|------------------------|--------------|
| Will never be fully utilised                    | 11              |                     |                        | 11           |
| Would require blasting - environmental concerns | 8               | 1                   |                        | 9            |
| Not necessary/viable                            | 6               |                     |                        | 6            |

| <b>50 metre salt water pool</b>   | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-----------------------------------|-----------------|---------------------|------------------------|--------------|
| Needs to be indoor and/or heated  | 40              | 5                   |                        | 45           |
| Put money into existing pool      | 11              | 4                   |                        | 15           |
| Not likely to be used, not needed |                 | 12                  |                        | 12           |
| No pool                           | 4               |                     |                        | 4            |

| <b>Redeveloped Fisherman's Co-operative</b>    | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|------------------------------------------------|-----------------|---------------------|------------------------|--------------|
| Improve existing building - minimise expansion | 10              | 1                   |                        | 11           |
| Retain Co-op functions in one building         | 2               |                     |                        | 2            |

| <b>Boat launching and traller park facility</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-------------------------------------------------|-----------------|---------------------|------------------------|--------------|
| Needs additional car/trailer parking            | 24              | 24                  | 1                      | 49           |
| Keep existing boat ramp and improve             | 20              | 3                   |                        | 23           |
| Waves over breakwater, dangerous                | 12              | 4                   |                        | 16           |
| Need fish cleaning area, sewerage pump out      | 4               | 2                   |                        | 6            |
| Shallow water - needs deepening                 | 4               |                     |                        | 4            |
| Just spent money on ramp                        | 4               |                     |                        | 4            |
| Will impact on swimming beach                   |                 | 3                   |                        | 3            |

| <b>Boat repair and Port operations base</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|---------------------------------------------|-----------------|---------------------|------------------------|--------------|
| Keep in current location and improve        | 8               |                     |                        | 8            |
| Need commercial boat slip                   | 4               | 4                   |                        | 8            |
| Retain current slip repair                  | 4               |                     |                        | 4            |

| <b>Sailing Club facilities</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|--------------------------------|-----------------|---------------------|------------------------|--------------|
| Need better facilities         | 4               | 5                   |                        | 9            |
| Need toilets and change rooms  | 3               |                     |                        | 3            |
| No shared club rooms           | 2               |                     |                        | 2            |

| <b>Seasonal camping area</b>            | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-----------------------------------------|-----------------|---------------------|------------------------|--------------|
| No camping                              | 18              | 14                  |                        | 32           |
| Place it in another location            | 9               | 7                   |                        | 16           |
| Agree with short term camping           |                 | 6                   |                        | 6            |
| Will destroy dunes                      | 5               |                     |                        | 5            |
| Good Idea                               | 4               |                     |                        | 4            |
| Will end up operating all year          | 4               |                     |                        | 4            |
| Question attractiveness when not in use | 3               |                     |                        | 3            |

| <b>Hotel/visitor accommodation</b>              | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-------------------------------------------------|-----------------|---------------------|------------------------|--------------|
| No hotel                                        | 59              | 34                  | 1                      | 94           |
| Reduce scale                                    | 14              | 10                  |                        | 24           |
| Will impact on visual amenity negatively, views | 4               | 9                   |                        | 13           |
| Construct on private land                       | 8               | 6                   |                        | 12           |

| <b>Heritage theme market space</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|------------------------------------|-----------------|---------------------|------------------------|--------------|
| Retain present market site         | 17              | 1                   |                        | 18           |
| Dangerous, surrounded by roads     | 4               | 3                   |                        | 7            |
| Need access to adjoining buildings | 6               |                     |                        | 6            |

| <b>Community precinct</b>                             | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-------------------------------------------------------|-----------------|---------------------|------------------------|--------------|
| Council/community facilities should be in town centre | 13              |                     |                        | 13           |
| No council/community buildings on foreshore           |                 | 8                   |                        | 8            |
| Have enough meeting rooms                             | 2               |                     |                        | 2            |

| <b>Potential water based commercial development</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-----------------------------------------------------|-----------------|---------------------|------------------------|--------------|
| Not required                                        | 4               | 4                   |                        | 8            |
| Too vague                                           |                 | 5                   |                        | 5            |

| <b>Informal public open space</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-----------------------------------|-----------------|---------------------|------------------------|--------------|
| Good                              | 3               | 2                   |                        | 5            |

| <b>60 metre extension to eastern breakwater</b> | <b>Resident</b> | <b>Non Resident</b> | <b>Address Unknown</b> | <b>TOTAL</b> |
|-------------------------------------------------|-----------------|---------------------|------------------------|--------------|
| Requires specialist advice                      | 18              | 14                  |                        | 32           |
| Will it prevent sand build up                   | 11              | 6                   |                        | 17           |
| Consider surf break                             | 6               | 3                   |                        | 9            |
| Will not work                                   | 5               |                     |                        | 5            |
| Will impact on existing beaches, loss of sand   |                 | 3                   |                        | 3            |

## Other Issues

| Parking                                                              | Resident | Non Resident | Address Unknown | TOTAL |
|----------------------------------------------------------------------|----------|--------------|-----------------|-------|
| More parking required on foreshore, keep existing car park near Port | 9        | 3            |                 | 12    |
| More parking near town centre                                        | 7        |              |                 | 7     |
| Tour group bus parking                                               | 4        | 2            |                 | 6     |
| No parking on foreshore                                              | 5        |              |                 | 5     |
| Police access                                                        | 3        |              |                 | 3     |

| Traffic Management               | Resident | Non Resident | Address Unknown | TOTAL |
|----------------------------------|----------|--------------|-----------------|-------|
| General road improvements/issues | 10       | 12           |                 | 22    |
| Is roundabout suitable on GOR    | 6        | 3            |                 | 9     |

| Design                               | Resident | Non Resident | Address Unknown | TOTAL |
|--------------------------------------|----------|--------------|-----------------|-------|
| Limit height/scale                   | 14       | 13           |                 | 27    |
| Needs to be well designed/maintained | 9        | 3            |                 | 12    |
| Protect views                        | 4        | 6            |                 | 10    |

| Timing                           | Resident | Non Resident | Address Unknown | TOTAL |
|----------------------------------|----------|--------------|-----------------|-------|
| When will it happen              | 5        |              |                 | 5     |
| Need infrastructure first        | 5        |              |                 | 5     |
| What is order of staging         | 3        |              |                 | 3     |
| Timeframe too long, build sooner |          | 3            |                 | 3     |

| Golf Course                                             | Resident | Non Resident | Address Unknown | TOTAL |
|---------------------------------------------------------|----------|--------------|-----------------|-------|
| Retain golf course                                      | 27       | 15           |                 | 42    |
| Golf course to be open space, no commercial development | 11       | 18           |                 | 29    |
| Golf course to stay until new one built                 | 5        | 5            | 2               | 12    |
| Assumes golf course will go - what if it doesn't        | 11       |              |                 | 11    |
| What is happening to golf course                        |          | 9            |                 | 9     |
| Golf course is a prime tourist facility                 |          | 8            |                 | 8     |

| Other - General                                   | Resident | Non Resident | Address Unknown | TOTAL |
|---------------------------------------------------|----------|--------------|-----------------|-------|
| Need further consultation                         | 32       | 16           |                 | 48    |
| Don't want to look like other towns               | 25       | 23           |                 | 48    |
| Looks good                                        | 12       | 17           |                 | 29    |
| Need public facilities, eg. toilets               | 16       | 4            |                 | 20    |
| Who will operate/finance development              | 12       | 6            | 1               | 19    |
| How will infrastructure cope                      | 3        | 11           |                 | 14    |
| Development of public land contrary to policy     | 11       |              |                 | 11    |
| Will rates increase                               | 4        | 5            |                 | 9     |
| Opposed to plan                                   | 7        |              |                 | 7     |
| Be visionary - not driven by commercial interests | 7        |              |                 | 7     |
| Harbour is under utilised                         | 7        |              |                 | 7     |
| Protect Aboriginal sites/heritage                 | 7        |              |                 | 7     |
| Need to finalise structure plan                   | 4        | 2            |                 | 6     |
| Town needs to be cleaned up                       | 6        |              |                 | 6     |
| Need financial assessment                         |          | 5            |                 | 5     |
| Over development                                  | 4        |              |                 | 4     |
| Follow Coastal Management Act                     |          | 4            |                 | 4     |

**APOLLO BAY HARBOUR MASTER PLAN & FEASIBILITY STUDY**

Overview of Key Issues Raised in Stakeholder Feedback – May 2007

| ISSUE                                                                                                                                                                                                           | RESPONSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>New Access Road (Item 1 on preliminary master plan)</b><br/>Use of Norfolk Pines</p> <p>Dissecting open space</p>                                                                                         | <p>The intent is to have a consistent large scale tree species that maintains view lines and links the town centre and Harbour Precinct. Different species and planting strategies could be developed in consultation with Council at the design development stage (which would occur after the feasibility has been undertaken and the master plan is finalised and incorporated into the Planning Scheme).</p> <p>The road location at the foot of the slope provides good access to the foreshore open space while being out of view from the upper golf course land and Nelson Street. New open space is well sized for its purpose and therefore not compromised.</p> |
| <p><b>Public lawn (modified dunes) (Item 2)</b><br/>Modification of dunes will fail, as wind will blow sand back.</p>                                                                                           | <p>No change suggested to the concept - issue can be assessed during the design development phase.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>New Fisherman's Co-operative building (Item 3)</b><br/>Locate in existing building</p>                                                                                                                    | <p>There is a public safety issue with the operational use of the Co-operative building and access by customers/visitors. The new Co-operative building (comprising seafood restaurant, fish sales and interpretive displays) will also benefit from being in a high pedestrian traffic area.</p>                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Community and commercial buildings along harbour edge (Item 4)</b><br/>Retail will compete with town centre</p>                                                                                           | <p>The retail proposed within the Harbour Precinct is intended to be complementary to the existing retail and focused on marine and tourism related uses.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Recreational boating marina (Item 5)</b><br/>No facilities provided for people with boats berthed at the marina.</p> <p>Too many berths, master plan should not count on increase in visiting yachts.</p> | <p>This is to be addressed in the detailed design. It is envisaged that facilities (such as toilets and showers) will be provided in one of the buildings along the harbour edge (possibly near the outdoor pool) and at the new Fisherman's Co-operative building.</p> <p>A maximum number of berths is shown (as outlined in the Harbour Capacity Study). Berths are to be provided according to market demand.</p> <p>Apollo Bay is a good days sail from Melbourne and if quality facilities are provided, it is anticipated that there will be some demand for berths.</p>                                                                                            |

| ISSUE                                                                                                                                                                                            | RESPONSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>50 metre salt water pool (Item 6)</b><br/>Want indoor heated pool.</p> <p>Salt water outdoor pool – not suited to climate.</p>                                                             | <p>Nominated location is flexible enough to accommodate an indoor and/or outdoor facility.</p> <p>The commercial viability of a heated pool will be assessed as part of the financial assessment of the draft Master Plan.</p> <p>Its attraction is visual as well as functional, creating a memorable element in the Precinct.</p> <p>Further investigation into the engineering and environmental issues associated with construction of the pool will be required.</p>                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Redeveloped Fishermans Co-operative building (Item 7)</b><br/>Improve existing building, minimise expansion</p>                                                                            | <p>The scale of the extension shown may be larger than required. The plan will be adjusted to show a more modest maximum extension for administration, considering the relocation of public fish sales to a new building, which will free up some existing space.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Boat launching and trailer park facility (Item 8)</b><br/>Insufficient parking for boat trailers/cars.</p> <p>Keep existing ramp and improve</p> <p>Water surge flowing down rock wall</p> | <p>The boat launching ramp has been designed to accommodate 40 trailer parks, but a shortened ramp is shown as a first stage, due to the anticipated cost of the infrastructure. Overflow trailer parking will be allocated on the open space between the seasonal camping ground and boat repair/port operations base (east of the hotel). This screened parking area could also serve for occasional sea wall maintenance functions.</p> <p>Relocation of the boat ramp and parking opens up the central Harbour area to be used for other boating and tourist/community uses.</p> <p>This issue is to be addressed as part of the detailed design of the boat ramp.</p> <p>Further investigation into the engineering and environmental issues associated with the construction of the boat launching ramp will be required.</p> |

| ISSUE                                                                                                                                                                                                                                                                                             | RESPONSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Boat repair and Port operations base (Item 9)</b><br/>Keep in existing location</p>                                                                                                                                                                                                         | <p>The pedestrian harbour promenade cannot be constructed unless the boat repair and Port facilities are relocated at an early stage. The existing site is considered to be <i>inadequate for the functional requirements of the repair and Port facilities.</i><br/>There is scope to refine the provision of boat repairs and Port operations to meet detailed input from the operators of these facilities at design development stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Sailing Club facilities (Item 10)</b></p>                                                                                                                                                                                                                                                   | <p>There is scope to refine the provision of Sailing Club facilities to meet detailed input from the Club at design development stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Seasonal camping area (Item 11)</b><br/>Camping ground – move to a different location.</p> <p>Construction of access road around dunes will destroy existing sand dunes and natural features on the point.</p> <p>Point Bunbury should provide camping access only, not a thoroughfare.</p> | <p>Current location has been assessed as the preferred location – it will be screened to manage views and protect from winds. The site would revert to open space when not operating. Access to town facilities and the main beach on foot or by bike is considered important.</p> <p>The access road is proposed to be constructed within the already modified landscape of the existing golf course, not on the dunes.</p> <p>The access road could be managed to restrict through access at peak times or permanently if required. The availability of this road as a low speed scenic access road is considered to be a positive attribute that is unlikely to have a negative impact. Further investigation into the cultural/ Aboriginal heritage issues associated with the seasonal camping area and access road will be required.</p> |
| <p><b>Hotel/visitor accommodation (Item 12)</b><br/>Location; impact on views/visibility; will present as a 4 storey building from the harbour – too imposing.</p>                                                                                                                                | <p>The siting of the accommodation building has been selected to minimise its visual impact in the broad landscape setting. The design guidelines will help ensure an attractive outcome from the waterfront and the upper open space.<br/><i>It is envisaged that the hotel will be designed to maximise views to the water. This could be achieved by building a series of smaller buildings with spaces between the buildings providing viewlines and connections to the Harbour.</i></p>                                                                                                                                                                                                                                                                                                                                                   |

| ISSUE                                                                                                             | RESPONSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Heritage theme market space (Item 13)</b><br/>Retain present market site</p>                                | <p>It is not intended that the market be made to move to this location – it can operate from whichever site is preferred. This space could be used for other events.<br/>This area is to be renamed Heritage and Memorial Park.</p>                                                                                                                                                                                                                                                                                                   |
| <p><b>Community precinct (Item 14)</b><br/>Council/community facilities should be located in the town centre.</p> | <p>To avoid visual impact of additional buildings in this precinct, there is a preference to provide community facilities through the renovation or replacement of the existing golf club building. Its location close to the town centre, will also improve its accessibility/convenience.<br/>The design of the building will be dependent on a more definite brief of Council's requirements.<br/>The proposed new building previously shown on the preliminary master plan (on the east side of this space) has been deleted.</p> |
| <p><b>Potential water based commercial development (Item 15)</b><br/>Not required; too vague.</p>                 | <p>This element provides a unique opportunity to provide for a development that has a demonstrable need for a harbourside location. It would be subject to stringent criteria and controls, would need to be integrated with the overall commercial development of the Precinct and take into account environmental and built infrastructure limitations on the site.<br/>The commercial possibilities should be explored and no change is proposed.</p>                                                                              |
| <p><b>Informal public open space (Item 16)</b></p>                                                                | <p>No changes proposed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>60 metre extension to eastern breakwater (Item 17)</b><br/>Requires specialist advice; will it work?</p>    | <p>The most appropriate method of ensuring the protection of the Harbour entrance has not yet been determined. Therefore, this item will be replaced with new text referring to the need to investigate appropriate options to protect the Harbour.<br/>Further investigation into the engineering and environmental issues associated with the various options will be required.</p>                                                                                                                                                 |

| ISSUE                                                                                                                                                                                                                                                                                                                                                   | RESPONSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Other Issues</b><br/> <b>Traffic management issues</b><br/>           Closure of Nelson Street would prevent traffic access to St Aidans Church.</p> <p>Certain submitters have stated that access to their businesses will be affected.</p> <p>Bus parking required</p> <p>Proposed road system not suitable for through traffic on the GOR.</p> | <p>Nelson Street is not proposed to be closed – a narrowed two way access is proposed.</p> <p>A design development phase will be required to investigate the impact on local businesses and to develop detailed parking and access arrangements that develop the concept without undue disadvantage, or with improved trading opportunities for businesses. Modified access to McLaren Parade will be shown on the master plan to address access to the drive-in bottle shop.</p> <p>A bus lay-by has been provided on the harbour entry road (south of the Port building) to allow passengers to be dropped off. Buses will be able to park in the overflow parking area off the Point Bunbury access road.</p> <p>VicRoads has seen the proposal and currently has no concerns with the proposed road design strategy. The proposal will require detailed design.</p> |
| <p>Protection of views generally</p>                                                                                                                                                                                                                                                                                                                    | <p>Protection of views is to be a key consideration in the detailed design of buildings. This element will be emphasised in the Design Code for Built Form.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Need for access to sand removal area from roundabout.</p>                                                                                                                                                                                                                                                                                            | <p>Access for sand removal has been relocated just north of the roundabout at Point Bunbury to provide access to the two potential sand harvesting areas.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>Launching of boats from harbour beach in the harbour not possible.</p>                                                                                                                                                                                                                                                                               | <p>Stairs have been provided from the pedestrian path, which could be used to access the beach to launch boats, a ramp could also be provided. This is another detailed issue that would be negotiated with users at design development stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Consider requirements of breakwater maintenance that is carried out every 5-10 years.</p>                                                                                                                                                                                                                                                            | <p>To be addressed in the detailed design – the roundabout is to be designed for low loader vehicle access. When required, an adequate area for storing equipment and materials is to be allocated within or adjacent the overflow trailer parking area east of the hotel site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |





- 1. **New Harbour Precinct entry road**  
The new road is terminated with roundabouts at each end to ensure easy vehicle operation. It is kept level to accommodate the tram and the Harbour's Car-pool and wheelchair access. A low level along the road provides the ability to accommodate a 400-500 degree parking spaces along the shore and will feature a low level (low deck) water ramp.
- 2. **New public lawn**  
The public lawn will be finished and replaced with subsequent species and a large area lawn area established terrace, shrubs and seating areas. A central investigation will be required, particularly regarding seating management and maintenance.
- 3. **New Precinct's Co-op sales and interpretation centre**  
The new building is 20 stories to the west of the site. It could house shops, industry (interpretive) shops, fish sales and a seafood restaurant.
- 4. **Harbour edge community and commercial buildings**  
Within the harbour further buildings around 22 metres wide are edged by a 5 metre terrace on the water side and a 6 metre base level terrace adjacent to 40 degree parking. The buildings are to be built on a community and commercial level and must use a level and parking spaces above the water level. The buildings must include a health and wellness centre, community centre, meeting rooms, cafe and lounge. A health and wellness centre comprising gymnasium, swimming therapy functions.
- 5. **New recreational facilities**  
To be located from the south in accordance with element. It is likely that this short term use or use point would be constructed. Completion of the harbour that may be required.
- 6. **New outdoor solarium (top level)**  
The open 30 metre by pool with natural rock basin water adjacent to the harbour with a slightly lower roof. Temporary enclosure of a section of the pool is either to be investigated.
- 7. **Existing Warehouse's Co-op building**  
This building is to be retrofitted with an extension to the western end. The building would not be accessible to the public because of safety issues. Current level access would be required for the extension parking spaces.
- 8. **Boat launching and trailer parking**  
This existing use is proposed to be relocated along the back of the eastern breakwater. This key element of new infrastructure involves the construction of a new boat launching ramp and a new parking area (20 spaces) for small boats, fish and boat cleaning facilities can be provided. Occasional overflow parking for boat events could also be accommodated nearby in a natural context.
- 9. **Boat repair & maintenance facility**  
This is located behind the small lawn and done with access for a gravel pit assumed from the boat ramp. If the slip is able to be used it could be used for one large boat within a shed.
- 10. **Boiling Club facilities**  
A small club building is proposed between the boat ramp and boat launching facility. This location provides access to storage and boats, the ramp and the boats. This building will have a large open space and large large facilities. It is envisaged that heating and social facilities would be accommodated within a larger large building on a shared basis.
- 11. **Changing area and access road**  
This use is proposed along the eastern shore edge of the existing golf course. The existing facility would accommodate about 20 drive through car washes with about 140 spaces. The new facility would be a drive through car wash. Only short term seasonal parking is intended. The new facility must be open to the public and be accessible. This area will be landscaped with trees and shrubs to provide a pleasant environment.
- 12. **Hotel or other accommodation and commercial**  
This site is designated as the south side of the new road to the east of the Harbour's Co-op building. This site would include the development of four level buildings without ground level access to the street with public space and parking.
- 13. **Heritage and Recreation Park**  
Sections of Fishery Street, Colquhoun Street and Victoria Street would be retained to provide road space and the circulation will be maintained. The balance of the street would be retained to provide parking, storage and park use. This space has the new structure as a local park and would be used to provide access to the water side of the site. The site is located at the end of the waterfront area. Recovered road space in the area contributes to the use of the site for public use.
- 14. **New community precinct**  
This area should be developed as an open precinct from the port estate. It could accommodate a community centre, a Council Customer Service Centre, community meeting room, social centre and other facilities. The site is located in the area for use of the existing golf club building or a new building on the site is suggested.
- 15. **Possible commercial development**  
The site is designated for a commercial use but this is a demonstrable need for a sustainable location and the event development, retail and services. Any commercial development should be integrated with environmental and self-sustainable principles on the site and the potential for development in the area through the implementation of the Master Plan.
- 16. **Public Open Space**  
The site should include the open character of the Golf Course and would be suitable for walking, access and recreational use.
- 17. **Protection of Harbour entrance**  
Investigate options to protect the Harbour entrance and allow the potential of the Harbour to be enhanced and restored.
- 18. **Indigenous culture interpretation**  
Opportunities to protect and interpret Indigenous heritage and culture to be explored with Fremington Aboriginal Trust.



## APOLLO BAY HARBOUR PRECINCT - DEVELOPMENT GUIDELINES

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Figure 1 : Aerial View of Apollo Bay Harbour Study Area

**APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES**

Aerial View

CLIENT  
Edwin Otway Shire

DRAWING

STAGE  
Feasibility

REVISION  
B

DATE  
14.08.2007

SCALE

DRAFT FOR DISCUSSION





Figure 2 : Apollo Bay Harbour Master Plan

- 1 New Harbour Precinct Entry Road
- 2 New Public Lawn
- 3 New Fisherman's Co-op Sales and Interpretive Centre
- 4 Harbour Edge Community and Commercial Buildings
- 5 New Recreational Marina
- 6 New Saltwater Outdoor Lap Pool
- 7 Existing Fisherman's Co-op Building
- 8 Boat Launching and Trailer Parking
- 9 Boat Repair and Port Operations Base
- 10 Sailing Club Facilities
- 11 Camping Area and Access Road
- 12 Branded Hotel or Other Visitor Accommodation and Commercial
- 13 Heritage and Memorial Park
- 14 New Community Precinct (Existing Golf Club Building and Lawn)
- 15 Possible Commercial Development
- 16 Public Open Space
- 17 Protection of Harbour Entrance

**Key Goals -  
The Redevelopment of the Apollo Bay Harbour  
Seeks to Support Local Community**

- A sustainable fishing industry.
- A vibrant venue.
- An inclusive and viable hospitality and community recreation hub for the Apollo Bay Community.
- A venue that is integrated with the surrounding town centre and coastal setting.
- A development plan that facilitates staged implementation.
- A development characterised by high quality robust coastal architecture and landscape supported with exemplary sustainable design features.



DRAFT FOR DISCUSSION



DATE 14/09/2007  
SCALE

**APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES**

Master Plan  
CLIENT Colac Otway Shire  
STAGE Feasibility  
DRAWING  
REVISION B



Key Building :

- 1 Existing Golf Club Building
- 2 New Fisherman's Co-op and Interpretive Centre
- 3 Possible Commercial Development
- 4 Harbour Edge Building
- 5 Existing Fisherman's Co-op
- 6 Harbour Edge East Building
- 7 Outdoor Saltwater Swimming Pool
- 8 Branded Hotel / Visitor Accommodation
- 9 New Lawn
- 10 Boat Repair and Port Operation Base
- 11 Sailing Club Facilities
- 12 Small Boat Storage / Shed
- 13 Boat Launching Facilities
- 14 Trailer parking

Figure 3 : Overall Key Plan

**APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES**

Overall Key Plan  
 CLIENT Colac Otway Shire

DRAWING  
 STAGE Feasibility  
 REVISION 0

DATE 14.08.2015

SCALE



DRAFT FOR DISCUSSION

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## 1.0 INTRODUCTION

A team led by Meinhardt Infrastructure & Environment and supported by Urban Initiatives and MGS Architects and Urban Designers, was appointed by Colac Otway Shire, the Department of Sustainability and Environment and Tourism Victoria to prepare a Master Plan for the Apollo Bay Harbour Precinct. This has been supported by economic analysis of potential development opportunities undertaken by Saturn Corporate Resources.

The attached development guidelines arise from the draft Master Plan prepared for the overall Harbour Precinct (see Figure 1 for study area and Figure 2 for draft Master Plan) and are to be read in conjunction with relevant State, regional and local Planning policies for the Apollo Bay Harbour, township and foreshore areas and relevant guidelines for marine and boating areas, coastal parks and places of cultural and environmental significance.

The guidelines provide information on the preferred siting and scale of buildings, land-use and interface issues for the following four key areas, which are highlighted in Figure 3:

1. The Harbour Entry Precinct
2. The Fisherman's Co-operative Precinct
3. The Tourism and Recreation Precinct and
4. The Boating and Sailing Precinct.

## 2.0 PURPOSE OF GUIDELINES

The purpose of this document is to provide information to developers and decision makers about land use and built form expectations for Apollo Bay Harbour Precinct.

It is also intended to:

- Provide Local and State Government agencies with a holistic vision for how recreational and commercial fishing, boating and tourism based activities can be co-located within the Apollo Bay Harbour Precinct.
- Help decision makers and developers determine the capacity of development that can be accommodated whilst preserving the valued natural characteristics of the Precinct.
- Provide guidance as to the scale, footprint and design measures needed to achieve the preferred character sought for the Precinct.
- Provide an advocacy document that can assist Government agencies in determining capital works programs and State, Regional and local funding opportunities within the Precinct.

It is important to note that the guidelines are not prescriptive, rather they have been prepared to guide the detailed design phase and decision making process.

Proposals that provide an alternative response/solution to a site, which is underpinned by the principles outlined in this document, should be encouraged.



### 3.0 APOLLO BAY HARBOUR PRECINCT: DEVELOPMENT PRINCIPLES

The envisaged redevelopment of Apollo Bay Harbour Precinct aims to have minimal impact on the environment. It encompasses a significant number of waterfront buildings oriented towards the harbour, which tie into the neighbouring open space and recreational network west of the Harbour Precinct. The project also aims to support a sustainable fishing town and be a vibrant venue that integrates with the surrounding town centre and coastal settlements.

The draft Master Plan includes a combination of land and marine infrastructure, with landside components including Council and community services, tourism, hospitality and commercial/retail (eg. Council Customer Service Centre, community meeting and recreation spaces, Sailing Club facilities, hotel, interpretive centre, restaurants and cafes).

Marine infrastructure includes a new boat ramp and a recreational marina. The expansion of the existing commercial berths and protection of the Harbour entrance are other key aspects of the redevelopment. To support the marine aspects of the Harbour Precinct, a relocated and improved boat repair and Port operations base is incorporated into the draft Master Plan.

These guidelines focus on the built form outcomes associated with the landside components.

The development will be characterised by minimal impact, high quality robust coastal architecture and significant landscaping.

The General Development Principles, outlined as 'Sustainable Strategy' and 'Development Guidelines', have been set down to underpin the broad development goals stated above and provide a realistic framework for the Harbour Precinct. The development principles detailed below also encompass the *Siting and Design Guidelines for Structures on the Victorian Coast*, Victorian Coastal Council May 1998 (refer to items with an asterisk\*).

### 3.1 CLIMATE CHANGE

The issue of climate change is an important consideration for coastal communities. Whilst it is difficult to predict the precise nature of impacts associated with climate change, any development in coastal areas should have regard to rising sea levels and anticipated extreme weather events, such as storms.

The Victorian Coastal Strategy review (now underway) is considering a 0.79 metre sea level rise estimate for the 100 year planning horizon, with a principle of setting back development to accommodate climate change impacts.

To some extent, Apollo Bay's rising topography protects elements of the redevelopment from rising sea levels. For elements that are to be located close to the water, the design can be easily adjusted to keep all buildings and roads above any likely design level. The promenade and pool could be designed

to go under in extreme events, if its interface with the water is considered an important element. It could even be designed as a floating edge.

With regard to the materials to be used in the construction of buildings and other infrastructure, the guidelines recognise the harsh environment within which this Precinct is located. Consequently, high quality and durable materials and finishes have been recommended.

### 3.2 SUSTAINABLE STRATEGY

A sustainable strategy plays an integral role in the development. MGS Architects and the consultant team have developed guidelines for the Apollo Bay Harbour Precinct that have regard to a Triple Bottom Line, which considers environmental/ecological, social and economic implications.

### ENVIRONMENTAL/ECOLOGICAL PRINCIPLES

#### Integration with Existing

- Reinforce the qualities of the harbour precinct and facilitate the integration of the Apollo Bay town centre in a staged and orderly manner.
- Ensure modest changes to existing structures.
- Adhere to a 'soft-edge' waterfront development.
- Use landscape screening to minimise the visual impact of buildings from surrounding vantage points.

- Integrate and enhance buildings that have service functions (eg. Fisherman's Co-operative, boat storage and maintenance), also minimise visual intrusion whilst maximising natural surveillance.
- Develop a physically and visually coherent built form ensemble within the coastal landscape setting and character.

#### Built Form Siting

- Minimise impact on the marine ecosystem and surrounding coastal setting\*
- Protect sensitive habitat zones (i.e. native vegetation and marine life) by locating higher intensity areas in low environmental value zones.
- Maximise coastal, sea and green open space views and vistas towards and from all commercial and community buildings/activities on site and from the Harbour Entry Road.
- Minimise visual blocking of boardwalks by and from structures.
- Minimise car intrusion into sensitive habitat zones.
- Ensure minimal visual intrusion of required car parking.
- Minimise built form impact (scale and footprint) by adhering to coastal setbacks and responding to surrounding context and character.
- Maximise northerly aspect and use of natural light.

- Diminish vandalism by maximising surveillance (eg. use of boardwalks, pathways and articulated built form).

#### Building Fabric

- Encourage retention and re-use of buildings of heritage and community value thereby reducing the embodied energy and waste in creating a new future for the site.
- Adopt 5-star energy rated multi-unit development in lieu of the mandated 4-star requirement.
- Adopt best practice energy reduction for commercial developments, i.e. 4-star in lieu of no-mandated requirement.

#### Building Materials

- Respect materials from the local area and local coastal architectural character\*.
- Encourage subdued palettes.
- Select durable high quality materials with enduring finishes that are appropriate to a coastal environment\*.
- Use ecologically friendly materials and low embodied energy materials, recycled/recyclable materials and earth construction, eg. recycled timber\*.
- Ensure self-washing of roof, greater than 5 degrees\*.
- Use of glass to maximise views whilst avoiding glare / reflection\* (by utilising elements such as eaves overhang, pergolas, louvres and other types of screening system).

#### Waste Minimisation

- Minimise construction waste through a construction management plan for each stage of the development.
- Provide on-going waste management and sorting areas.
- Encourage greater community and tourist awareness of waste minimisation and ecological responsibility.
- Reduce waste through use of locally produced goods and services.

#### Water Sensitive Design Measures - Precinct Based

- Ensure storm water harvesting and reuse from all major roof surfaces.
- Support grey water treatment and recycling for use including landscape.
- Minimise the area of impervious surface finishes.

#### Reduce Carbon Footprint

- Adopt leading practice passive solar energy principles to minimise energy demand of new or extended buildings.
- Include on-site renewable energy sources, eg. photovoltaic panels & thermal solar water heating.
- Maximise north facing façades as renewable energy collectors.
- Support alternative sustainable transport initiatives, including new walking and cycling

- networks both through and at the street interfaces with the site.
- Provide high quality public transport infrastructure (eg. bus stops at eastern end of Harbour Entry Road).
- Provide high quality and secure short-term bicycle facilities in all commercial areas and lockers/ showers within the waterfront area.

**SOCIAL PRINCIPLES**

**Cultural and Aesthetic**

- Respect the setting and visually compliment the surrounding coastal landscape and village\* (by reinforcing and integrating the boating precinct and the town centre).
- Promote local ecological values: by building an on-site Interpretive and Education Centre and developing nature walks to contain and direct visitor access.
- Provide dedicated areas for both fishing and boating, free of constraints that might arise when located in close proximity to tourism.
- Ensure the design language highlights the public elements of the precinct and promotes active ground floor uses in buildings.
- Provide genuine viable opportunities for co-location of community/Government facilities and hospitality.

**Sustainable Mobility**

- Extend walking and bike trails into and through the site.
- Improve shared pathway to provide for safer cycling and walking alternatives linking the Apollo Bay Town Centre and Harbour.
- Ensure compliance with the Disability Discrimination Act throughout the Harbour Precinct.

**ECONOMIC PRINCIPLES**

**Economic Sustainability**

- Support the on-going viability of fishing operations.
- Contribute to boosting the local economy, skills and employment.
- Develop synergies with local community, existing local businesses, tourism and recreation.

#### 4.0 DEVELOPMENT GUIDELINES

To assist the development of the Apollo Bay Harbour, a series of design guidelines have been prepared with a focus on:

- Built Form – addressing Land Use/Public Realm and Built Form/Space Requirements
- Landscape Design.

##### A. Built Form

The Built Form Design Guidelines depict appropriate uses (community infrastructure, commercial/retail and tourism/hospitality), siting, amenity, scale, aesthetics, building materials and finishes. The guidelines are detailed for each of the four precincts that comprise the Apollo Bay Harbour:

1. Harbour Entry Precinct - refer to drawing no. SK001 and SK002.
2. Existing Fisherman's Co-operative Precinct - refer to drawing no. SK003 and SK004.
3. Tourism and Recreation Precinct - refer to drawing no. SK005 and SK006.
4. Boating and Sailing Precinct - refer to drawing no. SK007 and SK008.

For most precincts, built forms are illustrated by perspective views incorporated on the front page of each of the precincts.

##### B. Landscape Design

The Landscape Design principles address the open space areas within the Harbour Precinct, which currently comprise the golf course and adjoining foreshore. The guidelines address the following aspects within the Precinct:

1. Harbour edge road and promenade space.
2. Camping area access road and adjoining landscape.
3. Harbour entry road and adjoining open spaces.
4. Extended Great Ocean Road and adjoining landscapes.

Refer to drawing no. L01, L02 and L03.

## Design principles - Landscape Spaces

The master plan covers land which is Crown land. The major part of the site is currently a public golf course managed by the Apollo Bay Golf Club. Some of the foreshore is also managed by DSE while other parts, the roads and works areas, are managed by Council.

The existing landscape varies from manicured lawns with open views and a strong established pattern of mixed evergreen trees and shrubs. Other areas are more indigenous in character especially the coastal dunes. Roads and works areas are developed to a rudimentary standard and generally detract from the area's visual quality.

The new landscape should build on the key landscape attributes of the site including:

- Maintain and enhance the open views to the ocean, harbour and surrounding hills.
- Build on and reinforce the established landscape character including

- The structure of tall open trees, especially the Norfolk pines that are well established in the golf course.

- The landscape of open lawns that exists in the golf course and general foreshore and is well suited to public use and easy to maintain in this location because of high rainfall. Use of grasses that minimise the need for irrigation should be a priority

- Develop, reinforce and integrate to the public, the indigenous coastal associations where they are needed to provide shelter screening and stability of the dune system.

- Replace substandard roads pavements and other port infrastructure with new pavements, furniture and other public infrastructure that is consistent, well designed and high quality, setting a new standard for the Apollo Bay foreshore.

### Road Spaces

New roads in the harbour precinct should be designed to establish memorable, safe and convenient circulation for pedestrians and vehicles within the precinct. Landscape design should be fully integrated with road design to ensure full development of trees and to capture, treat and reuse surface drainage.

### Landscape Spaces

The site should be developed with a range of high quality public space that enable people to experience the special setting in a range of ways through walking, cycling, informal passive activities, picnicking, camping, special events, games etc.

Landscape spaces need to be robust, stylish and both urban and natural in character to enable the full spectrum of experience and engagement.

### Environment

Landscape design for this precinct can be exemplary from the perspective of good practice using techniques of water sensitive urban design, lifecycle costs of construction materials and management regimes.

As a prominent visitor destination this opportunity exists to showcase and interpret good environmental design practice.

This could include development of innovative ways to harvest and manage site storm water, to develop and enrich natural systems including vegetation and habitat, while at the same time providing durable space and activities for the diverse recreation needs of the community and visitors.

Opportunities to harvest energy from the sun and wind on the site should be carefully explored.

### Management

It is envisaged that the landscape of the site will be developed as a series of well managed and co-ordinated construction projects as resources allow. When projects and areas are handed over there needs to be a professional, well resourced organisation in place to manage the developed landscape so it can develop and function as intended. Part of the income generated from the site, (for example through rental, investment of developer contributions and rates) should be directed to this organisation.

### Typical Landscapes

The following sheets show typical sections through roads and other landscape spaces.



SCALE

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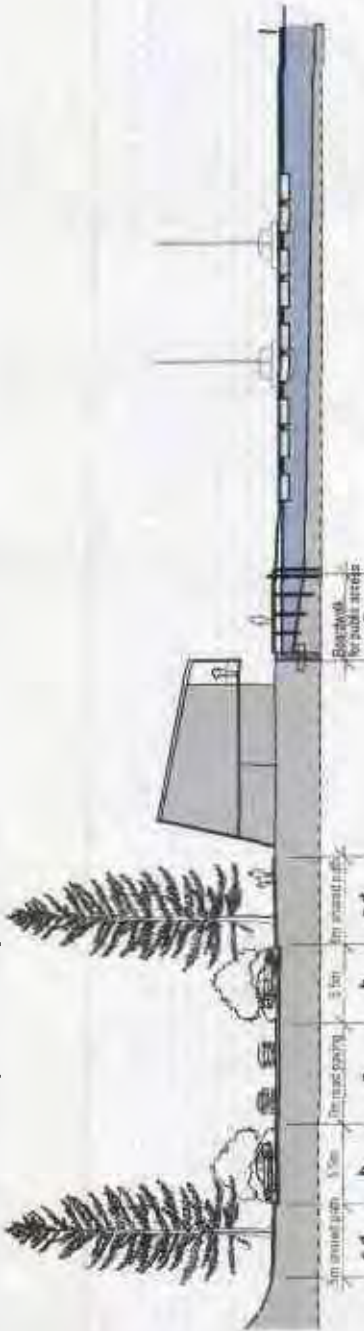
STAGE  
Feasibility

DRAWING  
LO1

CLIENT  
Colac Otway Shire

## APOLLO BAY HARBOUR PRECINCT - DESIGN GUIDELINES

## 1 Harbour edge road and promenade space



### Design objective

This landscape zone will be the active heart of the harbour precinct. Spaces need to be generous, durable and flexible to accommodate both peak and off peak visitor numbers. It is important to establish the landscape structure early even if it is not fully utilised. The elements of road, footpaths and tree planting can precede buildings and jetties

1a A road pavement of 7 metres provides for slow heavy movement of all vehicles as well as turning access to 20 vehicle parking bays.

1b Parking bays to be designed as porous pavements to capture water for trees and landscaped divides between parking bays.

1c Large scale consistent avenue trees are suggested to be planted in the tradition of formal corridor planting in Apollo Bay. Trees will be widely spaced and upright to ensure views are retained. The introduction of groups of smaller indigenous trees and shrubs between parking bays and within footpath areas could be considered to partially screen cars and enhance the microclimate for pedestrians in selected locations.

1d Wide footpaths behind parking bays will provide generous space for promenade, tree planting and street furniture including quality lighting, seats, public art and temporary market and outdoor cafe areas. Quality pavements will be designed for drainage, water infiltration, retention of heat, noise zones and long term durability.

1e The water edge promenade is to have two zones: a paved and partially shaded zone, below and close to the buildings, built integrally with the buildings for activities/ outdoor eating and other passive activities.

Beyond this a boardwalk, approximately 5 metres wide is intended for public promenade and service access to floating jetties. This construction may be over water to enhance the sense of involvement with the environment. Edge details will be designed for maximum interaction with the water while maintaining adequate public safety. Handrails, upstands and bollards are, if possible, systems is required to ensure the optimum outcome from the perspective of durability, appearance and the environment.

## 2 Camping area access road and adjoining landscape



### Design objective

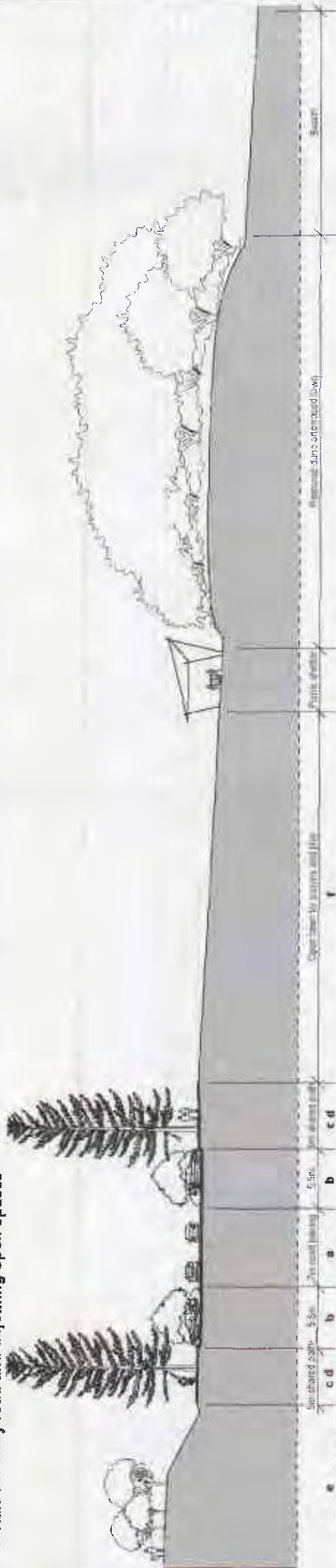
This section of the landscape is currently occupied by the golf course, beach and dune system with public access restricted to the beach proper and the golf course. The aim of the master plan is to redevelop this part of the golf course to accommodate a new public nature walk behind the primary dune, together with a low speed road that will support the seasonal camping area and general visitor access to this more remote sector of the site. The emphasis in this area is the restoration and interpretation of indigenous vegetation associations and the natural coastal landscape. Maintaining views from residential areas in the town through this element of the site is not a priority.

2a The camping area will be developed as a series of small clearings in dense coastal vegetation. Clearings will be grassed or gravel paved to accommodate caravans and tent campers with all necessary infrastructure for the sites set below ground. Amenities blocks will be concealed within vegetation. This area will be occupied during the peak summer season and made available as open parkland at other times.

2b The narrow two way access road will be bitumen paved with drainage and to swales within adjoining planned areas. A gravel shoulder on the south side will provide parking for walkers, caravans and occasional overflow parking for buses and boat trailers. The road will have low key lighting and directional signs. It will be continuously edged and enclosed with dense coastal vegetation.

2c The elevated path system will be able to provide connections through this area and a high quality coastal walk that focuses views on the natural coastline. Elevated viewing decks, bench access tracks and interpretive displays will be developed.

### 3 Harbour entry road and adjoining open spaces



#### Design objective

The landscape in this section of the site is intended to be a high quality extension of the existing foreshore reserve. Road and landscape design is intended to open views of the beach, foreshore open space and the new harbour to all cars using the Great Ocean Road and particularly those entering the harbour precinct. The entry road is designed for slow safe entry to the precinct giving pedestrians priority and providing continuous parking on both sides. It should be an enticing attractive tree lined boulevard that welcomes visitors and encourages them to park and explore the precinct on foot.

3a A road pavement of 7 metres provides for slow two-way movement of all vehicles as well as turning access to 90 degree parking bays.

3b Parking bays to be designed as per-row pavements to capture water for trees and landscaped dividers between parking bays.

3c Large scale consistent avenue trees are suggested to build on the tradition of formal corridor planting in Apollo Bay. Trees will be widely spaced and upright to ensure views are retained. The introduction of groups of smaller indigenous trees and shrubs between parking bays and within footpath areas could be considered to partially screen cars and enhance the introduction for pedestrians in selected locations.

3d Wide footpaths behind parking bays will provide generous space for promenade, tree planting and street furniture including quality lighting, seats and public art. Quality pavements will be designed for drainage, water retention, installation of tree root zones and long term durability.

3e The community precinct open space will be an open 'barred lawn' set well above the new road drainage swales behind the path and grass banks. It will be an accessible transition area with good views.

3f The new public (here) is designed to open reactions of the drive for direct access and views to the beach. It needs to be a simple, but highly designed, landscape that deals with issues of wind, sand movement and mosquitoes for users in a sophisticated manner. The use of necessary water, indigenous coastal vegetation, open lawn and high quality shelters and furniture will be the design vocabulary for this area.

### 4 Extended Great Ocean Road and adjoining landscapes



#### Design objective

The master plan suggests redevelopment of the Great Ocean Road reserve from a possible new roundabout at Gambler Street through to the point of reconstruction near McLaren Parade. The aim of this road improvement is the celebration of views to the beach, the general foreshore and the new harbour precinct. The new roundabout at the harbour entry road will help people orient themselves and make them aware of the new harbour precinct.

4a New road pavement formed as a dual carriageway with two lanes in each direction and a wide central landscaped area planted with low coastal vegetation. The road should have external barrier kerbs to limit car access and parking on the verges.

4b Wide grassed nature strips could accommodate horticultural or similar large formal planting that will give scale and a consistent character to the road and help define views.

4c A generous 3 metre wide shared path would be developed along the east side of the road reserve as part of the town's expanded off-road shared path system.

### APOLLO BAY HARBOUR PRECINCT - DESIGN GUIDELINES

## Typical layout of camping area

### Camping Sites

The site planning concept for the camping area is to develop five camping sites similar to this typical layout. The sites will be carefully sited to fit the landform and existing vegetation. Each site will be developed over the existing golf course so they will enable substantial revegetation of the area without restriction of open views. The new vegetation will help conceal campers and camping infrastructure as well as provide a protected microclimate for camp sites.

Each site is organized around a narrow road loop connecting from the public access road. Drive through camps site area provided between the two carriageways of the loop.

Out of holiday periods camping sites could be closed to vehicle access while footpaths would remain open for public access.

- 1 Open grass area for non powered tent sites**  
This area will use the existing golf fairway to provide walk in tent only camp sites that will be marked with flush ceramic markers at the site corners. No other infrastructure will be provided in this zone with all campers required to walk in from the adjoining car parking area.

- 2 Carparking Area**  
A compact gravelled parking area for tent campers and visitors. Footpaths behind all parking spaces will provide convenient access to facilities. Limited use of fixed bollard lights in camping season.

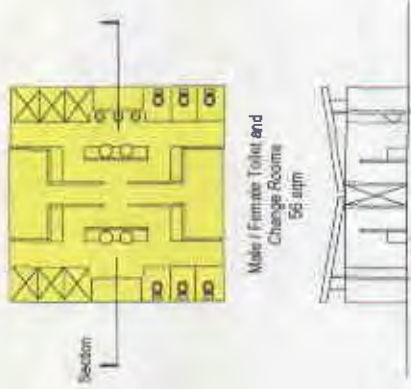
- 3 Amenities Area**  
Communal toilets, showers, laundry and dish washing facilities should be provided in architect designed amenity blocks located between camping access drives. Adjacent open space would accommodate picnic benches, barbecues and fixed picnic tables.

- 4 Car accessible camping sites**  
These sites are to be designed for powered tent camping with car parking on site. Also provided will be a preparation of drive through caravan and camper vans with power and waste outlets. All services will be installed below ground so concealed picnic sites for removal out of season. Adjacent footpaths will provide access to amenities and walking paths. Vegetation will separate each site.

- 5 Revegetation Area**  
Space between the camping sites will be revegetated with coastal associations including canopy trees.



Location



Male / Female Toilet and Change Rooms  
56 sqm

Section



Amenities block (indicative)



Beach



DATE: 16/11/2010  
SCALE: 1:1000  
DRAWN BY: J. LINDSAY  
CHECKED BY: J. LINDSAY





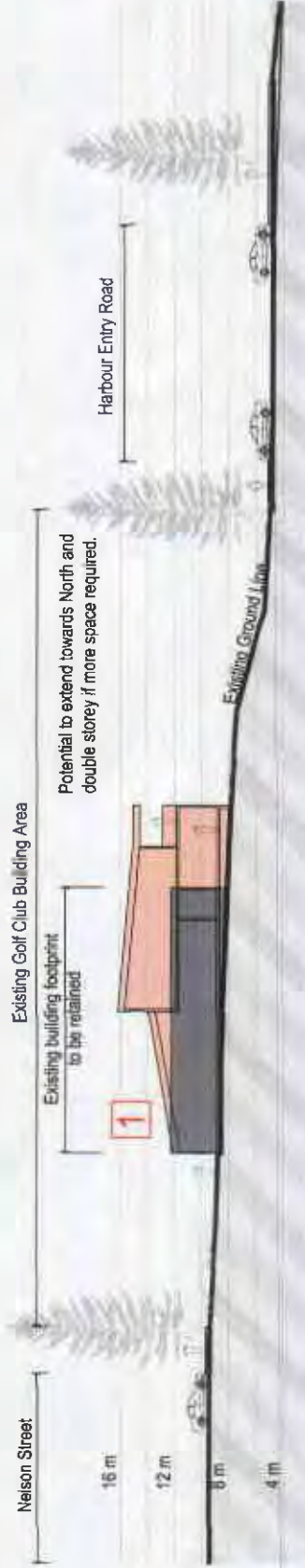


- 1** Existing Golf Club Building
- 2** New Fisherman's Co-op and Interpretive Centre

Existing building  
 New building / extension  
 \* Built form and space requirement, refer to drawing no. SK002



**Plan** scale 1:2500 @ A4



**Section A** scale 1:500 @ A4

**APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES - PUBLIC REALM & LANDUSE**

Existing Golf Club Building / New Fisherman's Co-op Sales / Restaurant / Interpretive Centre

| CLIENT            | STAGE       | DATE       |
|-------------------|-------------|------------|
| Colac Otway Shire | Feasibility | 14/12/2019 |

| DRAWING | REVISION | SCALE    |
|---------|----------|----------|
| SK001   | 1        | As above |

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Existing Golf Club Building and Lawn



Articulated facade  
Timber and glass as materials



Library

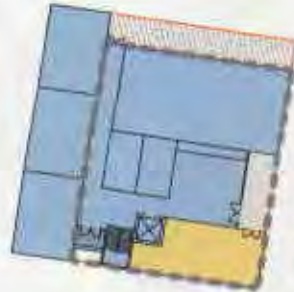


Display area, Melbourne Museum



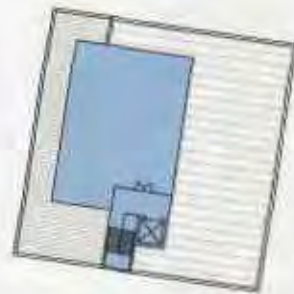
Information Area, Monterey  
Aquarium California

## 1 Existing Golf Club Building



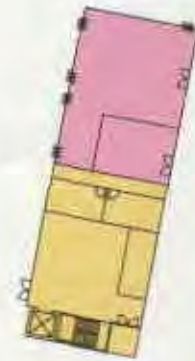
Ground Floor - 664 sqm

- Building footprint should be retained and re-used. Building's junction may include community and Council related activities such as library, meeting space and Council Customer Service Centre.
- Building form should be highly articulated and visible from Harbour Entry Road and Great Ocean Road.
- Opportunity to extend towards North and up to two storey if more space is required (maximum of 6 metres).
- Library should be on Southwest corner of the site to ensure view towards the Heritage and Memorial Park and improve building interface with residential area and street (intersection of Great Ocean Road and Nelson Street).
- Existing verandah along East facade to be refurbished. Ensure view towards lawn and harbour.
- Any new vegetation around the site should not obstruct the views.



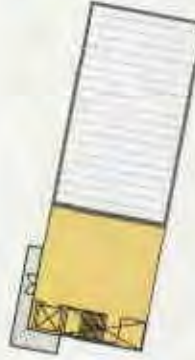
First Floor - 366 sqm

## 2 New Fisherman's Co-op Sales and Interpretive Centre



Ground Floor - 360 sqm

- Potential to house new interpretive centre, public toilets and hospitality facilities such as restaurant or cafe



First Floor - 120 sqm

# APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES - BUILT FORM & SPACE REQUIREMENT

Existing Golf Club Building / New Fisherman's Co-op / Sales  
Restaurant / Interpretive Centre

CLIENT  
Colac Otway Shire

DRAWING  
SK023

STAGE  
Feasibility

REVISION  
B

DATE  
14.08.2007

SCALE  
As Shown

DRAFT FOR DISCUSSION



EXISTING FISHERMAN'S CO-OP PRECINCT - HARBOUR EDGE BUILDING / EXISTING FISHERMAN'S CO-OP



DRAFT FOR DISCUSSION



- 2** New Fisherman's Co-op and Interpretive Centre
- 3** Possible Commercial Development
- 4** Harbour Edge Building
- 5** Existing Fisherman's Co-op

- Existing building
- New building / extension

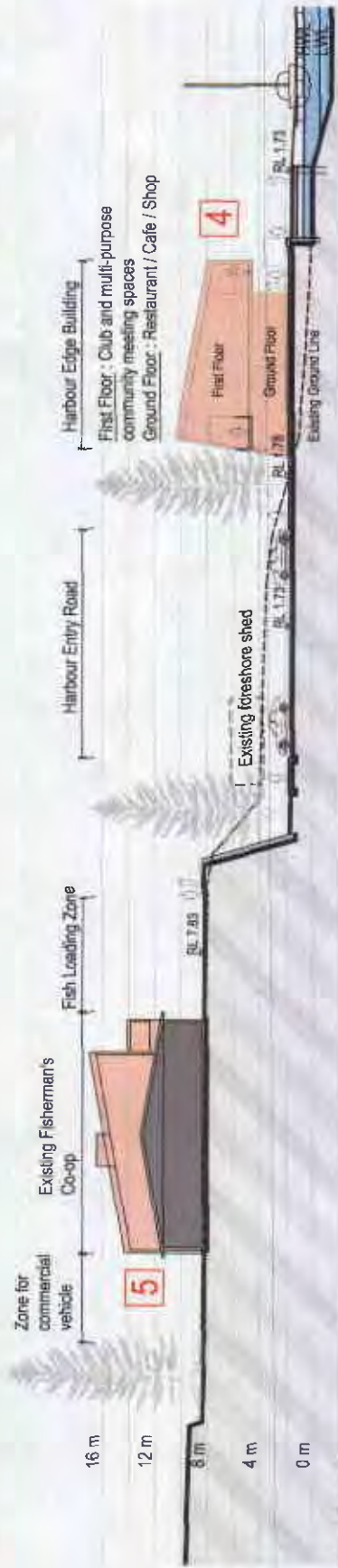
\* Built form and space requirement, refer to drawing no. SK004



**Plan** scale 1:2500 @ A4



- Public Realm :**
- Frontage activation
  - Node / access point / prominent building corner
  - Key view
  - Open space / lawn
  - Existing / new native vegetation
  - Outdoor seating area
- Circulation :**
- Vehicular circulation
  - Commercial vehicular circulation
  - Car parking
  - Trailer parking



**Section B** scale 1:500@A4

**APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES - PUBLIC REALM & LANDUSE**

CLIENT: Colac Otway Shire  
 DRAWING: SK003  
 STAGE: Feasibility  
 REVISION: B  
 DATE: 14.08.2007  
 SCALE: As Shown



DRAFT FOR DISCUSSION



Articulated facade - glass and louvres as building's skin



An interconnected facade



Primitive articulation of waterfront building - outdoor seating / dining area / operable glazed facade



Maximised view



Frontage Activation and Highly Articulated Facade

### 3 Possible Commercial Development

- Building may be used for a commercial use that has a demonstrable need for a harbour side location i.e. dive centre.
- Ensure building does not exceed 4 metres in height and not dominate the view towards harbour.

### 4 Harbour Edge Building



Ground Floor - 580 sqm

First Floor - 680 sqm

- Building may function as hospitality, tourism, commercial and community space. Ground level to contain retail / cafes / restaurants / tourist booth and first floor to contain community multi-purpose room / private dining / meeting space for clubs and commercial.

- Min. of 6 metres distance between both buildings to ensure views and permeability at waterfront area.
- Opportunity to link the first floor of both buildings by bridge.
- East, West and North facades need to be glazed and operable to allow flexibility and ensure view towards harbour.
- Shading device to be provided on facade facing North. Shade from direct North sun during summer.
- Provide for temporary wind protection structure at outdoor dining area facing towards harbour. Ensure view towards harbour by using materials with high level of transparency e.g. glass.

### 5 Existing Fisherman's Co-op Building



Ground Floor - 90 sqm

First Floor - 110 sqm

- Existing building to be retained and repaired. Building may be used for fish processing and storage room.
- Possible to extend towards West. Ensure new building extension does not obstruct the view.
- West facade should be prominent and highly articulated to make it visible from Harbour Entry Road.



RECREATION AND TOURISM PRECINCT - BRANDED HOTEL / HARBOUR EDGE BUILDING EAST / SALTWATER SWIMMING POOL



DRAFT FOR DISCUSSION

APOLLO BAY HARBOUR PRECINCT - DEVELOPMENT GUIDELINES



4 Harbour Edge Building

6 Harbour Edge East Building

7 Outdoor Saltwater Swimming Pool

8 Branded Hotel / Visitor Accommodation

9 New Lawn

Existing building

New building / extension

\* Built form and space requirement, refer to drawing no. SK006



Plan scale 1:2500 @ A4



Structured swimming area interlinked with coastal promenade

Recreations and play

Meeting and meeting plazas

Frontage activation by having outdoor dining / seating area and grass flexible sports waterfront to maximise view towards harbour

Existing Boat Ramp

Public Realm :  
 Frontage activation  
 Node / access point / prominent building corner

Key view  
 Open spaces / lawn  
 Existing / new native vegetation  
 Outdoor seating area

Circulation :  
 Vehicular circulation  
 Commercial vehicular circulation  
 Car parking  
 Trailer parking



Section C scale 1:750 @ A4

APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES - PUBLIC REALM & LANDUSE

CLIENT: Colac Otway Shire  
 Branded Hotel, Harbour Edge Building East and Saltwater Pool

DRAWING: SK006  
 STAGE: Feasibility  
 REVISION: B

DATE: 14.08.2007

SCALE: A4 Show

DRAFT FOR DISCUSSION





Transparency flexibility, operable and transparent, heating's skin



Frontage activation



Light and shade, activity, surveillance and range of uses

- Community facility
- Hospitality / Commercial
- Office / Council Services
- Boat facility

### 6 Harbour Edge Building East



Ground Floor - 240 sqm

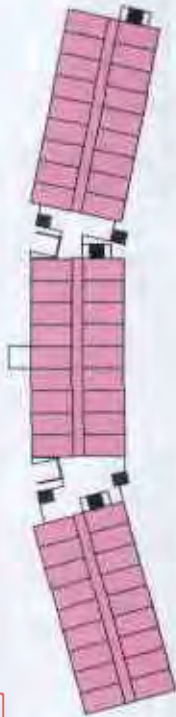
First Floor - 245 sqm

- Building may include pool related activities such as swimming change rooms, public toilets and small cafe at ground level, with health and well-being centre comprising gym, spa, and therapy functions at first floor.

### 7 New Saltwater Pool

- Outdoor 50 metre saltwater pool on existing boat ramp location.
- Opportunity to use natural rock as a base and warmed with solar heating system. Temporary enclosure of a section of the pool in winter to be investigated.
- Ensure boardwalk treatment at the Northern and Western side of the pool reinforces the relationship with the water and harbour.
- Provide wind protected zones
- Provide for disability access and areas for younger children.

### 8 Branded Hotel / Visitor Accommodation



Total Area - 2670 sqm

- Emphasise views towards harbour (North) and public open space (South) in design solution.
- Opportunity for the development of up to four storey buildings.
- Locate car parking to minimise a visual impact at Harbour Entry Road. Potential to locate at two lower levels of the building.
- Ensure building forms are not visually continuous but provide for an interconnected ensemble of form.
- Buildings should be highly articulated with an emphasis on light and shade, high level of transparency screens and balconies at interfaces with public streets and spaces.
- Max. of 72 rooms to be located on site.

### 9 New lawn area

- Potential public space for picnic and barbeque facilities.
- Ensure view towards harbour and beach.





**BOAT AND SAILING FACILITY PRECINCT - BOATING INFRASTRUCTURE AND SAILING CLUB FACILITIES**





- 10** Boat Repair and Port Operations Base
- 11** Sailing Club Facilities
- 12** Small Boat Storage / Shed
- 13** Boat Launching Facilities
- 14** Trailer parking



**Plan** scale 1:2500 @ A4

- Public Realm :**
- Frontage activation
  - Node / access point / prominent building corner
  - Key view
  - Open spaces / lawn
  - Existing / new native vegetation
  - Outdoor seating area
- Circulation :**
- Vehicular circulation
  - Commercial vehicular circulation
  - Car parking
  - Trailer parking

- Existing building
  - New building / extension
- \* Built form and space requirement, refer to drawing no. SK0008



**Section D** scale 1:750 @ A4



**Section E** scale 1:750 @ A4

**APOLLO BAY HARBOUR PRECINCT DEVELOPMENT GUIDELINES - PUBLIC REALM & LANDUSE**

Boating Infrastructure and Sailing Club Facilities

CLIENT: Colac Otway Shire

DESIGNER: MEINHARDT INFRASTRUCTURE & ENVIRONMENT

DATE: 10/01/19

SCALE: As Shown

REVISION: 0

STAGE: Finality

PROJECT NO: 10





### 10 Boat Repair & Port Operations Base

- Building to be used for storage and repair of up to 6 large boats (maximum size of 20x5 metres).
- Maximum building height is 7 metres. Building to be highly articulated and is required to demonstrate design excellence and use of high quality coastal materials.
- Spaces for office, toilet and tearoom can be included in this building.
- Ensure building form emphasis on light and shade and high level of transparency facades / materials, e.g. timber louvers screen to allow visual permeability.
- Provide a space where the harbour master has clear view of the harbour. Space to be elevated and placed on mezzanine level.



Total Area - 600 sqm

### 11 Sailing Club Facilities

- Potential to incorporate Sailing Club facilities, including Control room, toilets and small storage room, replacing the existing Sailing Club facility building.
- Control room to be located on the North end and elevated from ground to ensure its visibility and view towards beach and harbour. This element needs to be elevated minimum 1.5m height from ground.
- Building form should be articulated with emphasis on light and shade with screens and light weight coastal materials and structures.



Total Area - 38 sqm

### 12 Boat Storage / Shed

- Building form should use high quality coastal materials and light weight structures, should reflect the character of harbour as fishing village.
- Potential for small boat storage shed and fish and boat cleaning facility close to boat launching area.
- Ensure building form integrates with its rocky landscape area, e.g. gabion wall.



Total Area - 180 sqm

### 13 Boat launching Infrastructure

- Provide new marine infrastructure such as boat ramp and travel lift/slipway in this area to ensure smooth launching and lifting of boats.
- Potential to extend the facility in the future to accommodate approximately double current capacity.

### 14 Trailer parking

- 20 spaces to be allocated for trailer parking and potential to extend.
- Overflow trailer parking provided South of boat repair and port operations base



# **Apollo Bay Harbour Redevelopment**

## **Draft Economic Impact Evaluation** **31 March 2008**

Prepared for  
Meinhardt Infrastructure & Environment Pty Ltd

## **Apollo Bay Harbour Master Plan, Economic Evaluation**

### ***Approach***

The economic impact evaluation of the proposed Apollo Bay Harbour redevelopment has been assessed using a cost benefit analysis of the project. The analysis has been undertaken from the point of view of the Victorian economy. It has been assumed that the Victorian Government will fund all capital expenditures and that the benefits will flow back to the Government in terms of reduced operating grants and subsidies, which are currently provided to the Colac Otway Shire.

There are substantial additional benefits to the Victorian economy from the stimulation of tourism expenditure in the Great Ocean Road Region and as these benefits will accrue to the Victorian economy, they have been included in the analysis.

The costs have been based on the existing cost structures as provided in the annual accounts of the Port of Apollo Bay, the return of which is incorporated in the annual accounts of the Colac Otway Shire. While it is problematic to use a single year as the basis for these revenues and expenditures, it is noted that the Port has established a small surplus fund, which indicates an annual surplus is typical for its operations. Therefore, 2005-06 was considered a reasonable year on which to base the longer term expenditures associated with the operations of the Port.

The full costs of these operations in terms of the cost to the State and to the Shire have been included in the analysis. The additional operational revenues and costs expected to be generated by the Harbour redevelopment and the associated provision of and expansion of commercial and marina facilities have been included in the analysis. The capital expenditures were derived from the report of the quantity surveyors Rider Levett Bucknall.

The analysis is based on a 25 year evaluation period and uses a real discount rate of 6%. All figures are quoted in 2007-08 dollars. It is assumed that construction will begin on phase one in 2008-09 and that 2009-10 will be first year of operations. However, a delay of one year would not alter the results of the analysis.

### **Key Assumptions**

It is assumed that the commercial retail space developed in the harbour in the first stage would be able to be fully leased from the time of completion. Stage 2 will take place once the golf course lease issue is resolved and this is assumed to be in 2016 allowing construction in 2017, stage 3 will follow in 2021.

The rental values for commercial space in the harbour should be approximately the same as current Main Street annual rents in Apollo Bay. These were estimated at \$28.83 per square metre per month for the period representing a commercial return on the median value of retail space in the town. It is higher than that prevailing in early 2007, but should be a reasonable assessment of the rental return for 2010. The second stage will also see an extension of the fisherman's cooperative building. The annual rental for this space is assumed to be \$15 per sq metre per annum, representing a substantial subsidy for this vital operation.

The sailing club will also receive a new building and facilities. These will be publicly funded as part of the redevelopment and restructuring of the harbour. It is assumed

this will continue to be provided at a peppercorn rental no revenue has been assumed for this area.

It is assumed that a reasonably rapid take up of marina berth spaces will be achieved. This has been the case with a range of marinas in the Greater Melbourne and South Gippsland areas in recent years. The growth of the boating industry has been very strong in recent years and there is a shortage of available marina berths in Victoria. However, the market in the western Victorian water is untried. However the harbour master at the Port of Apollo Bay reports current demand for 13 more yacht berths than is currently available. The project allows for 3 stages of development providing 52 marina berths in the first stage then 104 then a further 52 berths in stage 3.

In the first stage the annual growth in demand is assumed to be 18.9%, then 14.9% in stage 2 and finally 4.8%. This will see demand fully used in stage 1 then a slight over supply towards the end of stages 2 and 3. The berth fees are based on those currently charged at Paynesville in the Gippsland Lakes by Gippsland Ports and are based on a weighted average of those charges, which vary by length of berth.

The increased number of yachts in the harbour should lead to an increase in the volume of yachts using the slip way and boat repair services. While this service is currently geared to the existing fishing fleet the increased demand for services will generate greater income. The slipping fees and storage costs for slipped boats have been based on the current fee structure. The growth in this activity has been assumed to be a quarter of the rate of growth in the demand for berths.

Once stage 2 has been completed there will be an overflow caravan park established on the old golf course site. This site will operate in summer months only servicing the expected growth in peak demand. In 2006-07, the local caravan parks hosted some 120,400 site nights and growth in the demand over the past year had been 14%. It has been assumed that the new site will cater for some 18,060 nights or 15% of current demand. As this is not to happen for another 10 years, this estimate is considered conservative, especially as the current industry is near capacity in the summer peak. In the period to stage 3 being completed, growth is estimated to average 5% per annum and then taper to around 3.5%. The revenue is based on the 2006-07 average takings per site night as derived from the ABS Tourism Accommodation surveys for the four quarters of 2006-07.

Stage 3 includes the proposed branded hotel. This facility has been left to the latter stage as the harbour redevelopments are critical before this can be physically developed and also the market stimulus from the redevelopment of the harbour may be necessary to attract an investor of requisite calibre to operate a high market profile facility in the harbour area. The rental for this facility is assumed to be \$35 per square metre annually. It may be possible to bring the construction of this facility forward to stage 2, which may improve the economic performance of the project.

In Stage 3 a free public access swimming pool will be constructed to enhance the harbour image and provide a lap swimming facility for visitors and locals. Initially it was proposed that this facility be a heated indoor pool with a retractable roof, this concept was scaled down due to cost constraints. No revenue flows have been assumed for this facility.

The costs of operating the harbour will increase as the costs of maintaining infrastructure increase with the injection of capital expenditure. It is assumed this will be equivalent to 2% of the total capital costs (excluding site preparation). A similar

reduction in the costs of maintaining existing infrastructure is allowed for. It is also assumed the port management costs will increase by the cost of an extra staff member once the stage 1 capital works are completed. This may be an overstatement but would include extra labour costs at the slipway and repair facility.

The foregoing revenues and costs are related to the direct operations of the Port/harbour. The redevelopment of the harbour is seen as high priority for the development of the Great Ocean Road tourism sector. Apollo Bay is a major stopping point in this region but is still relatively underdeveloped for tourism. The redevelopment of the harbour and establishment of commercial operations on the harbour edge will be an additional attraction for tourists to the Great Ocean Road.

The following table details the current visitor levels and *expected growth* in the visitation should the project proceed. The revenues associated with the change assume that the current growth rates by visitor type would apply in the absence of the project. The revenue impacts are based only on the additional revenues likely to be generated by stimulating the market with the proposed investments at Apollo Bay. The revenues are only those which represent a net addition to expenditure within Victoria, hence they include all expenditure of overseas tourists, 75% of domestic overnight tourists representing the interstate share as estimated by surveys at the Apollo Bay Visitor Information Centre, and 10% of domestic day visitor expenditure, as this share may have been otherwise spent outside of Victoria. Details of the assumptions regarding tourists are provided in Table 1.

**Table 1 Visits to the Great Ocean Road and the Impact of the Apollo Bay Harbour Redevelopment**

|                                                                                     | Current<br>05-06 | Stage 1   | Stage 2                                       | Stage 3   |
|-------------------------------------------------------------------------------------|------------------|-----------|-----------------------------------------------|-----------|
| International overnights in base year of stage                                      | 159,400          | 177,325   | 215,140                                       | 240,267   |
| Growth rate in period (base 00-07)                                                  | 2.7%             | 2.8%      | 2.8%                                          | 2.9%      |
| Average nights stayed                                                               | 1.48             | 1.49      | 1.5                                           | 1.51      |
| Domestic overnight                                                                  | 2,507,000        | 2,527,116 | 2,580,666                                     | 2,622,205 |
| Growth rate in period                                                               | 0.2%             | 0.3%      | 0.4%                                          | 0.5%      |
| Average nights stayed                                                               | 1.48             | 1.49      | 1.5                                           | 1.51      |
| Domestic day visits                                                                 | 4,976,000        | 4,350,972 | 3,777,190                                     | 3,628,353 |
| Growth rate in period                                                               | -3.3%            | -2.0%     | -1.0%                                         | 0.0%      |
| International daily expenditure IVS GOR                                             | \$67.16          | \$67.50   | \$68.00                                       | \$69.00   |
| Domestic overnight daily expenditure NVS GOR                                        | \$111.59         | \$112.50  | \$112.50                                      | \$113.50  |
| Share of domestic nights expenditure which would otherwise be spent out of Victoria | 75.0%            |           | based on VIC survey undertaken by consultants |           |
| Domestic day expenditure NVS GOR                                                    | \$77.49          | \$78.00   | \$78.00                                       | \$78.00   |
| Share of domestic day expenditure which would otherwise be spent out of Victoria    | 10.0%            |           | based on share used in other studies          |           |

The main impacts that flow from the investment are apparently slight changes to increase the growth rates of the international overnight and domestic overnight visitors, a modest increase in the average length of stay in the region and some increase in regional tourist daily expenditure. These benefits compound on each other to produce quite marked impacts when the stages are completed. The project should also lead to a reduction, ultimately moving to an elimination of the decline in the number of domestic day visitors to the Great Ocean Road region.

The expenditures associated with the tourism sector have been incorporated only in terms of the value added or contribution to Gross State Product, hence intermediate expenditure and leakages from the state have been excluded. This provides a more conservative assessment of the benefits, but is more realistic in terms of evaluating state wide impacts. The estimate of the GSP component of tourism expenditure was based on the 2004-05 Australian Bureau of Statistics, Tourism Satellite Accounts.

The project has been evaluated on the basis that the Victorian Government is the primary source of capital funding for the redevelopment. The construction of the hotel in stage 3 is however funded by a private sector developer. The analysis assumes this is funded from sources outside Victoria. Table 2 details the expenditures by source of funds and stage of development. Table 3 provides a summary of the other assumptions.

**Table 2 Capital Expenditure by Stage and Source of Funds**

| Funding source   | Stage 1      | Stage 2      | Stage 3      |
|------------------|--------------|--------------|--------------|
| State Government | \$14,230,000 | \$30,090,000 | \$13,000,000 |
| Private sector   | \$0          | \$0          | \$19,080,000 |



**Table 3 Summary of Assumptions**

| <b>Assumptions</b>                                                                                                                                                                                     | <b>Source</b>                                                                                                           | <b>Rationale</b>                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commercial space will be fully leased upon completion of each stage                                                                                                                                    | Project consultants                                                                                                     | Market research suggests <i>strong demand will exist for such space.</i>                                                                                                                                                                                                            |
| Rentals values will be equivalent to Apollo Bay main street                                                                                                                                            | Project consultants research with local real estate agents and review of Valuer-General's Guide to property values 2006 | While the location may prove to be a premium site, it was decided that this may not until the project has considerable operational experience.                                                                                                                                      |
| Marina berth demand growth: <ul style="list-style-type: none"> <li>• Stage 1 18.9% p.a.</li> <li>• Stage 2 14.9% p.a.</li> <li>• Stage 3 4.8% p.a.</li> </ul> Fees based on Gippsland Ports equivalent | Consultants market review and advice of harbourmaster.                                                                  | As a public port the marina fees are likely to be lower than in a fully commercial facility and boating demand has been showing strong growth in recent years.                                                                                                                      |
| Caravan park site nights 15% of current demand.<br><br>Revenue based on average takings                                                                                                                | Source: ABS Tourist Accommodation 8635.055002, 4 Quarters 2006-07                                                       | Current facilities are near capacity in summer months. Overflow demand for this site is likely to be larger but conservative assessment made.                                                                                                                                       |
| <b>Branded hotel site rental.</b>                                                                                                                                                                      | Based on industry advice and review of Valuer- General's Guide to property values 2006.                                 | As this is a new facility in a new market the costs should be sufficient to generate a fair return without discouraging investment.                                                                                                                                                 |
| Harbour maintenance costs                                                                                                                                                                              | 2% of capital expenditure                                                                                               | While this ratio appears low it does includes in the base the extra labour costs, which have been allowed for. This represents the costs of general maintenance of the new facilities.                                                                                              |
| Existing harbour costs                                                                                                                                                                                 | Colac-Otway Shire Annual Report 05-06 and 06-07                                                                         | Annual expenditure averaged and extrapolated as reasonably constant throughout study period.                                                                                                                                                                                        |
| Visitor Expenditures                                                                                                                                                                                   | Based on National Visitor Surveys and International Visitor Surveys published by the Bureau of Tourism Research         | <i>Most authoritative and recent</i> research available. Figures were also compared to tourism accommodation expenditure for sensibility assessment.                                                                                                                                |
| Share of visitor expenditure attributable to Gross State Product<br>International – All expenditure<br>Domestic overnight – 75% of expenditure<br>Day visitors - Nil                                   | Consultants judgement and results of VIC survey undertaken by consultants for this study.                               | All international expenditures will be additional expenditure to Victoria. Domestic overnight visitors will comprise interstate visitors and some Victorian expenditure that is not lost to the State. Day Trip expenditure does not represent additional expenditure to the State. |
| Harbour infrastructure costs and details                                                                                                                                                               | All as specified in the Apollo bay harbour Redevelopment Report.                                                        |                                                                                                                                                                                                                                                                                     |

## Results

The total investment in the harbour project including all the construction costs is estimated to cost around \$76.4 million in 2007 dollar terms. The project should generate a direct net present value of around -\$65.1 million for the 25 years of operations.

By comparison, the existing operations are likely to have a net present cost for the State of some \$20.7 million dollars. Hence the net present cost of the project is likely to be only an extra \$44.4 million over the 25 year period.

While the direct costs associated with the harbour redevelopment are quite high the refurbishment of the harbour and the development of greater attractions within the precinct will in turn facilitate greater growth in the total tourism market for the Shire and the Great Ocean Road Tourism region. However, the relatively low increase in Great Ocean Road tourism market should in turn result in the project generating an increase in Gross State Product of around \$1.1 billion over the 25 year period with a Net Present Value of \$107.4 million.

After allowing for the impact on tourism the project has a Net Present Value of \$63.04 million for the Victorian economy and a benefit cost ratio of 1.62. These impacts do not consider multiplier effects to avoid any overstating of the likely benefits. These results are detailed in Table 4.

**Table 4 Summary of Key Findings**

| Item                                                    | Capital costs<br>\$m 2007                             | Net Present<br>Value of revenue<br>and expenditure<br>2008 to 2034<br>\$m 2007 | Benefit cost<br>Ratio |
|---------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------|
| Continue current operations                             |                                                       | - \$20.7                                                                       | n.a.                  |
| Redevelop harbour                                       | Stage 1 \$14.23<br>Stage 2 \$30.09<br>Stage 3 \$32.08 | - \$65.1                                                                       |                       |
| Residual value 2034                                     | \$25.63                                               |                                                                                |                       |
| Value of incremental tourism<br>expenditure in Victoria |                                                       | \$107.4                                                                        |                       |
| Net impact of harbour<br>redevelopment on Victoria      |                                                       | \$63.0                                                                         | 1.62                  |

## Sensitivity Tests

Sensitivity tests based on the likely tourism impacts were undertaken. Two tests were used both with the aim of identifying the likely risks to the state of a slower than expected tourism growth impact. The scenarios considered were growth rates 25% lower than used in the expected growth case and the removal of the stage 3 moorings. These results and assumptions are summarised in Table 5.

**Table 5 Economic Impact of the Apollo Bay Harbour Redevelopment**

| Scenario            | Growth rate 2006 to 2010 | Growth rate Stage 1 | Growth rate Stage 2 | Growth rate Stage 3 | Impact on Gross State Product NPV \$M | Benefit Cost Ratio for State |
|---------------------|--------------------------|---------------------|---------------------|---------------------|---------------------------------------|------------------------------|
| Expected growth     | 2.70%                    | 2.80%               | 2.80%               | 2.90%               | \$73.4                                | 1.02                         |
| 25% lower growth    | 2.03%                    | 2.10%               | 2.10%               | 2.18%               | \$65.0                                | 0.95                         |
| No Stage 3 Moorings | 2.70%                    | 2.80%               | 2.80%               | 2.90%               | \$74.2                                | 1.04                         |

The slightly higher NPV and Benefit Cost ratio for the sensitivity test assuming no third stage moorings reflects the slightly slower take up of these facilities and the generally low return on publicly owned and operated maritime facilities in the DSE portfolio. This represents a deliberate policy of the government to support regional maritime infrastructure. The analysis is highly sensitive to the tourism growth scenarios used. However, these have been based on very conservative increments to the expected growth path.

Copies of the cost benefit analyses are included in Appendix 1.

### ***Summary and Comment***

The redevelopment of the Apollo Bay harbour based on a conservative assessment of the expected benefits will provide a positive return to the Victorian economy over a 25 year period. Should the construction of the accommodation component be brought forward the expected return should improve. The key benefit of the redevelopment will be the improvement in the total Great Ocean Road tourism product.

As this product is a major attraction for Victoria, there are considerable risks in not continuing to ensure the tourism experience is competitive on a world standard. Simply relying on the considerable natural beauty of the Great Ocean Road will not ensure this competitiveness. The redevelopment of the Apollo Bay Harbour will enhance the natural attractions of the area and expand the product on offer to the tourism market. The redevelopment is also likely to stimulate other private sector expenditures in product in the region, which have not been incorporated in this analysis.

## Appendix 1 Cost Benefit Analysis

### Apollo Bay Harbour Master Plan Cost Benefit Analysis

|                                             |           |                         |             |                        |       |
|---------------------------------------------|-----------|-------------------------|-------------|------------------------|-------|
| Dollars                                     | 2007      | Depreciation rate       | 4.00%       | Tourism Output 2004-05 | 63270 |
| Real Discount Rate                          | 6.00%     | CPI 2004-05             | 147.7       | Tourism GDP 2004-05    | 32662 |
| Real Income Growth                          | 1.50%     | CPI 2005-06             | 152.1       | Share GDP to Output    | 51.6% |
| Population Growth                           | 1.0%      | CPI 2006-07             | 156.2       |                        |       |
| Capital value of port infrastructure 06-07* | \$612,000 | Inflator                | 1.027       |                        |       |
| * Coiac Otway Shire Annual Report 2006-07   |           | Maintenance cost factor | 2% of capex |                        |       |

| Tourism growth                                                                      | Base case<br>Current 05-06 |                                               |           |           | Sensitivity Case 1 25% lower growth in<br>International Domestic overnights |                                               |           |           |
|-------------------------------------------------------------------------------------|----------------------------|-----------------------------------------------|-----------|-----------|-----------------------------------------------------------------------------|-----------------------------------------------|-----------|-----------|
|                                                                                     | Current 05-06              | Stage 1                                       | Stage 2   | Stage 3   | Assumed 07-10                                                               | Stage 1                                       | Stage 2   | Stage 3   |
| International overnights in base year of size                                       | 159,400                    | 177,325                                       | 215,140   | 240,267   | 159,400                                                                     | 172,709                                       | 199,754   | 217,069   |
| Growth rate in period (base 00-07)                                                  | 2.70%                      | 2.60%                                         | 2.80%     | 2.90%     | 2.03%                                                                       | 2.10%                                         | 2.10%     | 2.18%     |
| Average nights stayed                                                               | 1.480                      | 1.490                                         | 1.495     | 1.500     | 1.480                                                                       | 1.490                                         | 1.495     | 1.500     |
| Domestic Overnight                                                                  | 2,507,000                  | 2,527,118                                     | 2,580,666 | 2,822,205 | 2,507,000                                                                   | 2,522,076                                     | 2,562,068 | 2,582,951 |
| Growth rate in period                                                               | 0.20%                      | 0.30%                                         | 0.40%     | 0.50%     | 0.15%                                                                       | 0.23%                                         | 0.30%     | 0.38%     |
| Average nights stayed                                                               | 1.48                       | 1.49                                          | 1.5       | 1.500     | 1.480                                                                       | 1.490                                         | 1.500     | 1.500     |
| Domestic days visits                                                                | 4,976,000                  | 4,350,972                                     | 3,777,190 | 3,628,353 | 4,976,000                                                                   | 4,350,972                                     | 3,777,190 | 3,628,353 |
| Growth rate in period                                                               | -3.3%                      | -2.0%                                         | -1.0%     | 0.0%      | -3.3%                                                                       | -2.0%                                         | -1.0%     | 0.0%      |
| Intl daily Expenditure NVS GOR                                                      | \$67.16                    | \$67.20                                       | \$67.30   | \$67.50   | \$67.16                                                                     | \$67.20                                       | \$67.30   | \$67.50   |
| Dom o'night daily Expend NVS GOR                                                    | \$111.59                   | \$111.70                                      | \$111.80  | \$112.00  | \$111.59                                                                    | \$111.70                                      | \$111.80  | \$112.00  |
| Share of domestic nights expenditure which would otherwise be spent out of Victoria | 75.0%                      | based on VIC survey undertaken by consultants |           |           | 75.0%                                                                       | based on VIC survey undertaken by consultants |           |           |
| Domestic day expend NVS GOR                                                         | \$77.49                    | \$78.00                                       | \$78.00   | \$78.00   | \$77.49                                                                     | \$78.00                                       | \$78.00   | \$78.00   |
| Share of domestic day expenditure which would otherwise be spent out of Victoria    | 10.0%                      | based on share used in other studies          |           |           | 10.0%                                                                       | based on share used in other studies          |           |           |

| Available Moorings | Current | Stage 1 | Stage 2 | Stage 3 |
|--------------------|---------|---------|---------|---------|
| Commercial berths  | 28      | 28      | 28      | 28      |
| Itinerant berths   | 3       | 3       | 3       | 3       |
| Unloading berths   | 4       | 4       | 4       | 4       |
| Marina Berths      | 0       | 22      | 104     | 139     |
| Swing moorings     | 28      | 18      | 10      | 7       |

| Moorings Use                    | Current | Stage 1 | Stage 2 | Stage 3 |
|---------------------------------|---------|---------|---------|---------|
| Commercial berths (annual)      | 13      | 13      | 13      | 13      |
| Itinerant berths (no of weeks)  | 6.5     | 9.0     | 10.0    | 12.0    |
| Marina Berths use in first year |         | 13.0    | 52.0    | 90.0    |
| Marina Berths change rate%      |         | 16.9%   | 14.9%   | 4.8%    |
| Swing moorings (annual)         | 29      | 15      | 10      | 7       |

| Moorings price p.a. \$' 2007 | Current    | Stage 1    | Stage 2    | Stage 3    |
|------------------------------|------------|------------|------------|------------|
| Commercial berths            | \$1,133.00 | \$1,150.00 | \$1,200.00 | \$1,200.00 |
| Itinerant berths (per day)   | \$6.80     | \$7.50     | \$9.00     | \$10.00    |
| Marina Berths                | \$0.00     | \$900.00   | \$900.00   | \$1,000.00 |
| Swing moorings               | \$73.65    | \$150.00   | \$200.00   | \$250.00   |

| Slipway use            | Current | Stage 1 | Stage 2 | Stage 3 |
|------------------------|---------|---------|---------|---------|
| No of slip uses        | 35      | 42      | 60      | 75      |
| Storage days per annum | 236     | 250     | 290     | 320     |

| Slipway use       | Current  | Stage 1  | Stage 2  | Stage 3  |
|-------------------|----------|----------|----------|----------|
| Slip price        | \$110.00 | \$120.00 | \$120.00 | \$120.00 |
| Storage price ave | \$120.00 | \$130.00 | \$130.00 | \$130.00 |

| Harbour shop fronts | Current | Stage 1 | Stage 2 | Stage 3 |
|---------------------|---------|---------|---------|---------|
| No of shops         | nil     |         |         |         |

|                                            | Sq metres | Stage 1 | Stage 2 | Stage 3 |
|--------------------------------------------|-----------|---------|---------|---------|
| \$ per sq metre per month rent             |           | 1250    | 485     | 0       |
| \$ per sq metre per month rent main street | \$22.50   | \$25.00 | \$29.00 | \$32.00 |
| Mean price comm prop COS 2005 per sq m     | \$340.74  |         |         |         |
| Estimated mean 2007                        | \$350.35  |         |         |         |
| 8% rent per sq m                           | \$28.63   |         |         |         |

|                   | Stage 1     |
|-------------------|-------------|
| Construction cost | \$2,700,000 |
| Sq metres         | 1250        |
| Cost per sq       | \$2,160     |
| 8% return         | \$172.80    |

| Accommodation                       | Current | Stage 1 | Stage 2 | Stage 3 |
|-------------------------------------|---------|---------|---------|---------|
| Sq metres                           | 0       | 0       | 0       | 5340    |
| \$ per sq metre rent site value nil |         |         |         | \$35.00 |
| Capital Expenditure                 |         |         | 19080   |         |
| Share financed ex Vic               |         |         | 90%     |         |
| Repay period                        |         |         | 30years |         |









**Nomination Form**  
 Apollo Bay Harbour Precinct Masterplan & Feasibility Study  
 Community Reference Group Representative

**Name**.....

**Postal Address**.....

**Phone**.....

**Email**.....

**Business / Organisation**.....

I wish to indicate my interest in being a member of this group.

I believe that I can assist because I .....

**Experience / Skills / Qualifications**

Signed ..... (applicant)

Signed .....

Title..... (e.g. Secretary / President )

Signed.....

Title..... (e.g. Secretary / President )

Please return this expression of interest by Friday the 16th May 2008.

Email: [mike.barrow@colacotway.vic.gov.au](mailto:mike.barrow@colacotway.vic.gov.au)



17 April 2008

Dear

**Apollo Bay Harbour Precinct Redevelopment Master Plan & Feasibility Study  
Community Reference Group**

As Secretary of a local organisation you would be aware that Colac Otway Shire over the past two years has been developing a Master Plan to guide the redevelopment of Apollo Bay Harbour and the surrounding area of foreshore land.

To assist with local consultation on the Master Plan, Council formed a Community Reference Group through a public Expression of Interest process. Ms Janine Coles nominated and was accepted as representing Otway Forum.

The Community Reference Group has met a number of times to provide local input and advice on the development of the draft Master Plan that was adopted by Council in June 2007. Since that decision, we have completed a Design Guidelines document that sets out exemplary design principles for the Harbour Precinct including:

- New roads designed to establish memorable, safe and convenient circulation for pedestrians and vehicles.
- Landscape that is both functional and natural and encourages walking, cycling, picnicking, games, and special events.
- Environmental design that is innovative and exemplary in promoting sustainable practices, whether that be in vegetation management, or building design that includes sustainable building materials, water recycling, solar energy etc.

Council is acutely aware that the success of the redevelopment of the Harbour Precinct depends on community support and so we would like to re convene the Community Reference Group to:

- Review progress to date including the Master Plan design to ensure community benefit.
- Discuss options for variation of the Master Plan design that are achievable while maintaining attractiveness of the redevelopment for Government and private investors.
- Reach an understanding of the staging of a redevelopment over a period of years.

In order to ensure that your representative on the Community Reference Group is prepared to represent the views of your organisation at meetings and forums and liaise with your organisation on outcomes of discussions, we would like you to nominate the existing or a new a representative on the form attached. Whether you

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wish to nominate a new representative or your existing representative you must fill in the form and have it signed by two office holders of your Committee.

The Apollo Bay Harbour redevelopment is a key priority in the Colac Otway Shire Council Plan. It is there because community members have raised it as a priority with Council over a number of years. We are working towards a Master Plan that will achieve the community vision for a working harbour with increased public infrastructure for local recreation and entertainment opportunities as well as creating a facility that will attract tourists and hold them in the local area to enhance sustainability of the local tourism industry.

The Community Reference Group that represents key local organisation is a vital part of this process. We appreciate your support in this matter and if you have any queries regarding the above or any matter related to the Apollo Bay Harbour Master Plan and Feasibility Study please do not hesitate to call Mike Barrow, Manager Economic Development on 5232 9450.

Yours sincerely

Tracey Slatter  
**Chief Executive Officer**

17 April 2008

Dear

**Apollo Bay Harbour Precinct Master Plan & Feasibility Study Community Reference Group**

As a member of the Apollo Bay Harbour Precinct Master Plan and Feasibility Study Community Reference Group (CRG) I am writing to inform you that the CRG is to be reconvened to continue local input and advice on the development of the Harbour Precinct.

You will remember Council adopted the draft Master Plan in June 2007. Since that decision, we have completed a Design Guidelines document that sets out exemplary design principles for the Harbour Precinct including:

- New roads designed to establish memorable, safe and convenient circulation for pedestrians and vehicles.
- Landscape that is both functional and natural and encourages walking, cycling, picnicking, games, and special events.
- Environmental design that is innovative and exemplary in promoting sustainable practices, whether that be in vegetation management, or building design that includes sustainable building materials, water recycling, solar energy etc.

Council is acutely aware that the success of the redevelopment of the Harbour Precinct depends on community support and so we would like to reconvene the Community Reference Group to:

- Review progress to date including the Master Plan design to ensure community benefit.
- Discuss options for variation of the Master Plan design that are achievable while maintaining attractiveness of the redevelopment for Government and private investors.
- Reach an understanding of the staging of a redevelopment over a period of years.

In order to ensure that members of the Community Reference Group are nominated representatives of local organisations and able to represent the views of that organisation at meetings and forums and liaise with the organisation on outcomes of discussions, we have written to these organisations requesting that they re-nominate a representative. The letter and nomination form is attached for your information.

The Apollo Bay Harbour redevelopment is a key priority in the Colac Otway Shire Council Plan. It is there ~~because~~ because community members have raised it as a priority with Council over a number of years. We are working towards a Master Plan that will achieve the community vision for a working harbour with increased public infrastructure for local recreation and entertainment opportunities as well as creating a facility that will attract tourists and hold them in the local area to enhance sustainability of the local tourism industry.

The Community Reference Group that represents key local organisation is a vital part of this process. We appreciate your support in this matter and if you have any queries regarding the above or any matter related to the Apollo Bay Harbour Master Plan and Feasibility Study please do not hesitate to call Mike Barrow, Manager Economic Development on 5232 9450.

Yours sincerely

Tracey Slatter  
**Chief Executive Officer**

## Apollo Bay Harbour Master Plan and Feasibility Study Risk Management Plan

The Apollo Bay Harbour Master Plan and Feasibility Study Risk Management Plan will identify and analyse project risks and set strategies to manage and minimise risk. It will be utilised to minimise all events occurring within the scope of the Master Plan and Feasibility Study Process that would cause the expected process or outcomes of the process to differ from the assumed process and outcomes.

### **Purpose**

The scope of the Risk Management Plan is Master Plan Process that includes:

- The finalisation of the Master Planning and Feasibility Study.
- Adoption of the final Master Plan by Council.
- Completion of process to amend the Planning Scheme to include the Master Plan.
- Adoption of the Planning Scheme Amendment by Council.

The scope of the Risk Management Plan *does not* include:

- The Implementation Stage of the Master Plan. This will be subject to a separate Risk Management Plan.

Current status of Master planning process at date of writing (20 Feb 2008).

- Draft Master Plan adopted by Council June '07
- Design Guidelines completed
- Feasibility Study draft completed
- Peer review of Feasibility Study in progress

The audience for the Risk Management Plan is:

- Council
  
- Project Team
  - Senior Responsible Officer COS CEO, Tracey Slatter
  - Project Manager COS Manager Economic Development, Mike Barrow
  
- Interdepartmental Steering Group
  - Senior Responsible Officer (SRO)
  - Project Manager (PM)
  - COS General Manager Sustainable Planning and Development
  - COS General Manager Infrastructure
  - Department of Sustainability and Environment (DSE)
  - Powell Management Services, DSE
  - Tourism Victoria
  - Regional Development Victoria (RDV)
  - Department of Treasury and Finance (DTF)

### **Objectives**

- To identify all risks, defined as events occurring *within the scope* of the Master Plan Process that would cause the expected process or outcomes of the process to differ from the assumed process and outcomes.
- To analyse all risks using a Risk Scoring Matrix giving weight to Likelihood and Consequence.
- To identify strategies to manage risks and minimise harmful impacts.

### **Related Plans**

- Council Plan 2004 – 2009
- Apollo Bay Harbour Future Capacity Study 2006
- Apollo Bay Structure Plan 2007

- Apollo Bay Harbour Redevelopment Risk Management Plan Implementation Stage, (to be written.)

### Assumptions

1. The Master Plan is consistent with and supported by previous planning documents (listed below) and extensive community consultation related to those documents and so has general community support.
  - Apollo Bay Structure Plan ( 2007)
  - Port of Apollo Bay Future Capacity Study (2006)
  - Archaeological Investigation Blackfella's Well & Middens, Apollo Bay Harbour (2006)
  - Apollo Bay Sand Study (2005)
  - Apollo Bay – South East Precinct Urban Design Study (1997)
  - Apollo bay Coastal Processes (1996)
  - Apollo Bay Harbour Study (1990)
2. Improving access to the Harbour is critical for both commercial and recreational vessels to the growth of water-based activities within the harbour. This relates to both adequate water depth and protecting the entrance from the effects of ocean waves crossing the harbour entrance.
3. The commercial fishing operation is seen as an important industry for the Shire. The integrity of the Harbour as a working fishing port is to be maintained in any redevelopment of the Precinct.
4. Significant Coastal processes occur within and adjoining the Harbour (e.g. sand movement and wave action) requiring an extensive maintenance program. These coastal processes will impact on the location, design and type of developments that can be considered within the Harbour Precinct.
5. The current location of the Port facility is situated at the key access point to the Precinct. This has the potential to create a conflict between the Port's operations and the introduction of community/tourist facilities that would result in a large number of people visiting the locality.
6. The natural surroundings (both land and water) dominate most views and it will be important to respect the unique natural setting of the Precinct. However, due to the topography of the site, an opportunity exists to incorporate larger scale buildings that take advantage of the level changes and are sympathetic to the landscape and view lines.
7. Apollo Bay has been identified as a strategically located coastal settlement with the capacity for growth beyond its current boundaries. This will see Apollo Bay develop as a preferred coastal township for residential and visitor accommodation growth and community services.
8. The precinct contains sites of heritage significance. The Harbour Precinct is currently being considered by the Shire for inclusion in a Heritage Overlay within the Colac Otway Planning Scheme. The Precinct is also home to several Aboriginal heritage sites, some of which are registered by Aboriginal Affairs Victoria.
9. The Development of the Harbour Precinct is a high priority for local and State Government and is seen as an opportunity to provide significant community benefit (social, environmental and economic) and promote the Shire as a major tourist destination.
10. The Master Plan Process has incorporated the current information available on the future effect of climate change on sea level rise and the Master Plan design satisfactorily takes this into account.

11. The implementation of the Master Plan would take place over the next 20 years with a combination of Government funding and private investment. A Public sector contribution by State would be required to fund major public infrastructure as a forerunner to private investment. Private sector investment would develop the commercial elements of the precinct and contribute some funds for public infrastructure.
12. The Master Plan creates a strong link between the current Great Ocean Road shopping precinct and the harbour Precinct so that both areas operate in concert to grown local business capability, turnover and jobs.
13. The proposed new boutique hotel within the Harbour Precinct would take advantage of the high unmet demand for superior quality '5 star' accommodation in the Great Ocean Road region. It would act as an anchor for tourists to explore the Great Ocean Road, 12 Apostles and the Otways.
14. Private investment in the Apollo Bay Harbour Precinct would require a lease on Crown Land. Private sector investment would require a minimum of 50 years lease to enable financing of the investment. This is not possible under the Crown Land Reserves Act, so a solution would need to be found prior to implementation.
15. The implementation of the Master Plan depends on the relocation of the Apollo Bay Golf Course. The Apollo Bay Golf Club current lease with the Apollo Bay Kennet River Foreshore Committee of Management expires in 2016. A new golf course location is planned on the Great Ocean Green development in the Barham Valley that will enable the Club to relocate.
16. Issues identified in the concept plan stage can be solved in the detailed design stage e.g.:
  - Deepening of the harbour for new marina
  - Construction of new boat ramp on Eastern breakwater
  - Extension of Eastern breakwater.
17. There is community demand for a new public swimming pool in Apollo Bay.

#### **Ownership & Review**

- The Risk Management Plan is a working document that will be regularly reviewed and continuously improved.
- Primary owner:  
The Senior Responsible Officer (SRO) and CEO of Colac Otway Shire Tracey Slatter.
- Secondary owner:  
The Project Manager (PM) and Manager Economic Development Colac Otway Shire Mike Barrow who is responsible for the development and the day to day management of the Risk Management Plan.

#### **Standards**

- This Risk Management Plan is consistent with the Australian Risk Management Standards AS/NZS 4360:2004.

#### **Contractual Drivers**

- "Apollo Bay Harbour Master Plan and Feasibility Study"  
Meinhardt Infrastructure and Environment Pty Ltd
- "Apollo Bay Harbour Master Plan and Feasibility Study Independent Peer Review"

**Risk Analysis Matrix**

The Risk Analysis Matrix will:

- Identify all risks, defined as events occurring within the scope of the Master Plan Process that would cause the expected process or outcomes of the process to differ from the assumed process and outcomes.
- Using a Risk Scoring Matrix to analyse all risks giving weight to Likelihood and Consequence.
- Identify strategies to manage risks and minimise harmful impacts.

**Legend**

- E: extreme risk; immediate action required  
 H: high risk; senior management attention needed  
 M: moderate risk; management responsibility must be specified  
 L: low risk; manage by routine procedures

| Likelihood                | Consequences       |            |               |            |                   |
|---------------------------|--------------------|------------|---------------|------------|-------------------|
|                           | Insignificant<br>1 | Minor<br>2 | Moderate<br>3 | Major<br>4 | Catastrophic<br>5 |
| <b>A (Almost Certain)</b> | High               | High       | Extreme       | Extreme    | Extreme           |
| <b>B (Likely)</b>         | Medium             | High       | High          | Extreme    | Extreme           |
| <b>C (Possible)</b>       | Low                | Medium     | High          | Extreme    | Extreme           |
| <b>D (Unlikely)</b>       | Low                | Low        | Medium        | High       | Extreme           |
| <b>E (Rare)</b>           | Low                | Low        | Medium        | High       | High              |

**Likelihood Scale**

| Rating                    | Likelihood                                  |
|---------------------------|---------------------------------------------|
| <b>A (Almost Certain)</b> | Is expected to occur in most circumstances  |
| <b>B (Likely)</b>         | Will probably occur in most circumstances   |
| <b>C (Possible)</b>       | Might occur at some time                    |
| <b>D (Unlikely)</b>       | Could occur at some time                    |
| <b>E (Rare)</b>           | May occur only in exceptional circumstances |

**Consequence Scale**

| Level | Rating               | Potential Impact<br><i>In terms of the success measures of the activity</i>                                                                                                                   |
|-------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | <b>Insignificant</b> | Very small impact rectified by normal processes or financial impact manageable within jurisdictional budget.                                                                                  |
| 2     | <b>Minor</b>         | Easily remedied, success measures able to be achieved with some effort or some reworking of the jurisdictional budget would be required.                                                      |
| 3     | <b>Moderate</b>      | Some success measures affected, considerable effort necessary to rectify or some reworking of the corporate budget required.                                                                  |
| 4     | <b>Major</b>         | Most success measures threatened or one severely affected or significant cut to corporate budget items would be required. Extensive injuries, loss of production capability.                  |
| 5     | <b>Catastrophic</b>  | Activity would never be carried out again. Death, toxic release off-site with detrimental effect, huge financial loss or where financial impact could not be managed within corporate budget. |



### Risk Analysis Matrix

| Identified Risk                                                  | Analysis                                                                                                                                         | Rating  | Action                                                                                                                                                     | Timing   |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Funding the process                                              | If funds not available for continued stages of Master Plan process e.g. Business Case, Amendment to Planning Scheme, EoI the process will stall. | High    | Meet with Steering Group to seek ongoing funding commitment.<br>Continue to inform and liaise with State Govt departments and relevant politicians.        | April 08 |
| Lack of community support                                        | May influence Council to not support draft Master Plan when presented.                                                                           | High    | Workshop with Council                                                                                                                                      | May 08   |
|                                                                  |                                                                                                                                                  |         | Community newsletter                                                                                                                                       | June 08  |
|                                                                  |                                                                                                                                                  |         | Design charette with CRG.                                                                                                                                  | June 08  |
|                                                                  |                                                                                                                                                  |         | Community presentations of Master Plan                                                                                                                     | Aug 08   |
| Allowance for climate change                                     | May influence Council to defer Master Plan for further investigation.                                                                            | Low     | Meinhardt to include the latest Government accepted advice.                                                                                                | Aug 08   |
| Feasibility of commercial elements                               | Commercial opportunities not realised                                                                                                            | Extreme | Complete M/Plan and Feasibility Study<br>Ensure feasibility sound through PWC review<br>Review impediments to feasibility and create strategy to overcome. | Aug 08   |
| Restrictions on development e.g. environmental, design, heritage | May discourage private investment.                                                                                                               | Extreme | Maintain vision re private investment throughout Planning Scheme<br>Amendment to ensure development not unreasonable restricted.                           | June 09  |
| Low level of public contribution                                 | Would have a negative effect on community belief in the project.                                                                                 | High    | Complete Business Plan including market Sounding to support Business Case to ERC.                                                                          | Sep 09   |
|                                                                  |                                                                                                                                                  |         | Complete all Gateway processes.                                                                                                                            | March 09 |
|                                                                  |                                                                                                                                                  |         | Continue to inform and liaise with State Govt departments and relevant politicians.                                                                        | June 09  |
|                                                                  | Would not provide the necessary infrastructure to encourage private investment.                                                                  | Extreme | As above                                                                                                                                                   |          |
| Inclusion of Fisherman Co-op new restaurant.                     | Co-op unwilling to support new site.                                                                                                             | High    | Provide Co-op first option on development.<br>Restrict expansion of retail operations currently at Co-op through Planning Scheme amendment and/or lease.   | June 09  |

|                                                     |                                                                                                                                   |         |                                                                                                                                                                                                                                                                     |          |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Detailed engineering design work to be completed    | Casts doubt on viability of key integral elements of the Master Plan                                                              | High    | Provide information in Master Plan final report to give confidence to Govt and investors.                                                                                                                                                                           | Aug 08   |
| Interdependency of key elements of the Master Plan. | If one or more is not completed there is a domino effect halting development.                                                     | Extreme | Design charette to examine not negotiable and negotiable part of the Master Plan.                                                                                                                                                                                   | Aug 08   |
|                                                     |                                                                                                                                   |         | Develop an Options and Staging report to demonstrate what can be achieved in the short medium and long term.                                                                                                                                                        | Sep 08   |
| Swimming pool                                       | If not heated demand low.                                                                                                         | Medium  | Develop strategy to link swimming pool with other private investment developments to enable high cost of heated pool top be absorbed.                                                                                                                               | Sep 08   |
|                                                     | If heated may not be feasible financially.                                                                                        | High    | Complete M/Plan and Feasibility Study<br>Ensure feasibility sound through PWC review<br>Review impediments to feasibility and create strategy to overcome.                                                                                                          | Sep 08   |
| New retail precinct                                 | May be perceived as competition and influence support for adoption of the Master Plan. o                                          | High    | Newsletter and media to reinforce the complimentary nature of the new precinct and multiplying effect of visitors staying longer.                                                                                                                                   | June 08  |
| Community outcomes                                  | Private investment priorities may override community and expectations of environmental and social benefits would not be realised. | Medium  | Reinforce Vision in all:<br>Meetings<br>Documents<br>Media<br>Public statements<br>Agreements                                                                                                                                                                       | March 09 |
| Governance arrangements                             | Precinct development may negatively impact outcomes.                                                                              | High    | Transfer governance of whole Master Plan Precinct to Colac Otway Shire.<br>If not possible negotiate joint governance arrangement based on COS/AB&KRFCM MOU.<br>Review zoning through Planning Schemer Amendment to ensure consistency and certainty for developers | June 09  |
| Golf Club re location                               | Depends on Great Ocean green development so current affects confidence in the master Plan.                                        | Extreme | Council has adopted C29 Great Ocean Green amendment to Planning Scheme.                                                                                                                                                                                             | April 08 |
|                                                     | Staging of new golf course effects date of relocation despite lease conclusion 2016.                                              | Extreme | Liaise closely with Great Ocean Green developers to assist in achieving new golf course by 2016.                                                                                                                                                                    | June 09  |

|                                                                             |                                                                                                                                                                                                                                                                 |          |                                                                                                                                                                                                                                                                                                                         |          |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| State Government restriction on lease of Crown Land                         | The current 21 year lease available under the Crown Land Reserves Act is insufficient to enable financing of a private investment.                                                                                                                              | Extreme  | Raise as priority with Steering Group.                                                                                                                                                                                                                                                                                  | June 08  |
| Planning and infrastructure developments in Apollo Bay outside the precinct | Traffic movement along great Ocean Road or alternative route, other planned developments may impact on harbour precinct                                                                                                                                         | Low      | Liaise with Planning and Infrastructure in the master Plan process and the Implementation Stage to take into account the integration of current and future changes or developments.                                                                                                                                     | Sep 09   |
| Sand movement                                                               | Risk to success of new Harbour infrastructure                                                                                                                                                                                                                   | Moderate | Include current information and note requirement for detailed Marine Engineering and Environmental Impact report prior to implementation.                                                                                                                                                                               | Aug 08   |
| Process staging                                                             | Eol for private investment prior to definition of options for public private and partnership options could discourage interest in the project.                                                                                                                  | High     | Develop schedule to manage process in an appropriately staged manner to maximise interest in public contribution and private investment.                                                                                                                                                                                | March 08 |
| Optimum site utilisation                                                    | A view by some members of the community including the Fishermens Co-op that Fisherman's Co-op location for fresh fish sales should be retained could lead to perception that the precinct has sub optimum utilisation and weaken confidence in the Master Plan. | High     | Hold discussions with the Fishermens Co-op to explore a resolution to their objection to the new site for fish sales and sea food café.<br>Newsletter and media to reinforce the complimentary nature of the new precinct and multiplying effect of visitors staying longer.                                            | June 08  |
| Top end tourist demand                                                      | If not realistic then private investment in Hotel will not be realised.                                                                                                                                                                                         | Extreme  | Master Plan and Feasibility Study and Peer review will include further information on this issue.<br>Market sounding in preparation of the Business Case will add further information.<br>If not realisable a strategy would need to be developed to achieve outcomes expected through this element of the development. | June 08  |

### Risk Acceptance

All risk is accepted as the responsibility of Colac Otway Shire.

### Monitor & Review

- The Risk Management Plan is a working document that will be regularly reviewed and continuously improved.
- Risk management strategies will be acted upon, reported evaluated and reassessed.
- A formal review of Risk will take place quarterly and reported to the Steering Group.
- The Risk management review will take into account likelihood and consequence and appropriate action in the current environment.
- New Risks will be identified and the Risk Analysis Matrix amended appropriately.
- New Risks will be reported to and documented by the Project Manager.

### Communicate & Consult

- The Risk Management Plan will be circulated to the Steering Group for review and finalisation.
- The Risk Management quarterly review will be reported to the Steering Group.

### Opportunity Analysis

In the course of the Project new opportunities that arise will be assessed through a Positive Consequence Matrix. This will provide a rating on the positive consequences associated with an identified opportunity, the probability of the opportunity being realised and an appropriate strategy to maximise the opportunity.

### Legend

- E: extreme risk; immediate action required  
H: high risk; senior management attention needed  
M: moderate risk; management responsibility must be specified  
L: low risk; manage by routine procedures

| Likelihood         | Consequences       |            |               |            |                   |
|--------------------|--------------------|------------|---------------|------------|-------------------|
|                    | Insignificant<br>1 | Minor<br>2 | Moderate<br>3 | Major<br>4 | Catastrophic<br>5 |
| A (Almost Certain) | High               | High       | Extreme       | Extreme    | Extreme           |
| B (Likely)         | Medium             | High       | High          | Extreme    | Extreme           |
| C (Possible)       | Low                | Medium     | High          | Extreme    | Extreme           |
| D (Unlikely)       | Low                | Low        | Medium        | High       | Extreme           |
| E (Rare)           | Low                | Low        | Medium        | High       | High              |

### Likelihood Scale

| Rating                    | Likelihood                                                                             |
|---------------------------|----------------------------------------------------------------------------------------|
| A (Very high opportunity) | Detailed planning required at senior levels to prepare for and capture the opportunity |
| B (High opportunity)      | Senior executive management attention needed and management responsibility             |
| C (Medium opportunity)    | Manage by specific monitoring or response procedures                                   |
| D (Low opportunity)       | Manage by routine procedures, unlikely to need specific application of resources       |

### Consequence Scale

| Level | Rating        | Potential Impact<br><i>In terms of the success measures of the activity</i> |
|-------|---------------|-----------------------------------------------------------------------------|
| 1     | Insignificant | Small benefit, low financial gain.                                          |

|          |                    |                                                        |
|----------|--------------------|--------------------------------------------------------|
| <b>2</b> | <b>Minor</b>       | Minor improvement to image, some financial gain.       |
| <b>3</b> | <b>Moderate</b>    | Some enhancement to reputation, high financial gain.   |
| <b>4</b> | <b>Major</b>       | Enhanced reputation, major financial gain.             |
| <b>5</b> | <b>Outstanding</b> | Significantly enhanced reputation, huge financial gain |

**OM082705-17 COLAC OTWAY PLANNING SCHEME AMENDMENT C54 (EROSION MANAGEMENT OVERLAY)**

AUTHOR: Yash Bonno  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: Amendment C54

**Purpose**

To seek a resolution of Council to request the Minister for Planning to either prepare a Fast-Track Amendment, or in the alternative should this request not be successful, seek authorisation from the Minister to prepare and exhibit an amendment to the Colac Otway Planning Scheme to:

- Modify the existing Erosion Management Overlay maps to align with updated mapping provided for select areas of the municipality.
- Amend the Schedule to the Erosion Management Overlay to specify additional subdivision, and buildings and works that should be exempt from the requirement of a planning permit.

**Background**

The Colac Otway Planning Scheme currently includes an Erosion Management Overlay (EMO) and accompanying schedule. The overlay and schedule were revised as part of Amendment C8 to the Colac Otway Planning Scheme which was gazetted on 28 September 2006. Amendment C8 included many additional areas of the Shire in the EMO that are subject to landslip but were not previously included in the overlay. Amendment C8 therefore expanded the coverage of the EMO (see **Attachment 1**) and introduced a schedule that exempted certain buildings and works (see **Attachment 5**) and a local policy to guide decision making.

Since the introduction of the revised EMO and schedule into the Colac Otway Planning Scheme, it has become apparent that planning permits are required for certain subdivision, and buildings and works where the risk of land slide is minimal or non-existent. This is due mainly to the methodology that was used to identify areas susceptible to landslip, which has now been improved significantly through use of technology, and it is understood that later mapping which is much more accurate will be available to Council in the next year or so for review of the overlay coverage.

Given this new mapping will take some time to become available, as an interim measure, Colac Otway Shire Council, in partnership with the Corangamite Catchment Management Authority (CCMA) and Department of Primary Industries (DPI), has undertaken a more limited review of the EMO for defined areas where it was identified that most benefit would be achieved, such as urban areas in Colac and some of the smaller townships. The review includes changes to the EMO mapping, schedule and accompanying guidelines. The review project was completed and handed over to Council early in 2008.

The current EMO is having the undesirable effect in the community of triggering unnecessary planning permit applications in some areas, and of triggering the need to engage consultants to prepare geo-technical assessments unnecessarily.

As the changes proposed by the amendment provide for a reduction in planning controls (particularly the mapping), it may be a candidate for a Fast Track Amendment in which the Minister would prepare, adopt and approve the amendment (without the normal exhibition requirements).

This will be subject to further discussions with the Department of Planning and Community Development (DPCD), hence the resolution caters to either eventuality of the Minister or Council undertaking the amendment.

If the Fast Track Amendment process is not undertaken, it is proposed that Council will seek authorisation to exhibit a planning scheme amendment to amend the planning controls in accordance with the recommendations of the EMO review.

Implementing the recommendations of the review will reduce the extent of coverage of the EMO and increase the exemptions of the need for a planning permit. The effect of this will be that fewer minor developments will require a planning permit because of the EMO. This is a significant reduction in planning controls, particularly in the areas around Colac, Elliminyt and Birregurra.

### **Corporate Plan/Other Strategies/Policy**

The 2005 – 2009 Council Plan includes a community planning priority to:

*“Undertake a comprehensive review of the Colac Otway Planning Scheme and prepare an updated Municipal Strategic Statement and Local Planning Policy Framework to address the recommendations arising from the Planning Scheme Review.”*

Whilst being undertaken independently of the Planning Scheme Review Amendment C55, the proposed amendment will contribute towards the implementation of this objective.

### **Issues/Options**

Council in consultation with the CCMA and DPI has reviewed EMO mapping in the Colac Otway Planning Scheme. The revised EMO mapping reflects the most accurate information available relating to the extent of land at risk of land slip within the Shire. The following EMO mapping is attached:

**Attachment 1:** Shire wide current and proposed

**Attachment 2:** Colac and Elliminyt current and proposed

**Attachment 3:** Birregurra current and proposed

**Attachment 4:** Apollo Bay current and proposed

The revised mapping will result in areas of low risk to land slip being removed from the EMO. The implications of being included in the EMO are that a planning permit is required for subdivision and building and works unless exempted in the schedule to the EMO.

The current schedule to the EMO (**Attachment 5**) exempts a range of building and works from the need for a planning permit. The exemptions have been reviewed and expanded as part of the EMO review project. A draft of the revised Schedule to the EMO is at **Attachment 6**. By including the revised exemptions within the Colac Otway Planning Scheme, minor buildings and works that are not at risk from land slip and / or pose no risk to land slip will be exempted from the need to obtain a planning permit. The proposed schedule to the EMO will significantly reduce the number of planning permits triggered by the EMO.

Two options have been identified for the consideration of Council:

**Option 1**

Endorse the revised EMO mapping and proposed draft schedule to the EMO and proceed with the amendment.

This is the recommended option as the mapping has been provided by the CCMA and DPI and is considered the most accurate mapping currently available. The proposed schedule has been prepared as part of the EMO review project and is supported by the CCMA and DPI.

**Option 2**

Not endorse the revised EMO mapping and proposed schedule to the EMO and not proceed with the amendment.

This option is not recommended as the current EMO mapping includes areas that are at low risk of land slip and trigger the need for a planning permit unnecessarily. To ensure the EMO applies to at risk locations and not low risk locations, it is necessary for Council to implement the revised mapping through a planning scheme amendment. Not proceeding with an amendment to the schedule to the EMO will result in planning permits being required for minor matters unnecessarily.

**Proposal**

It is proposed that Council request the Minister for Planning to either prepare a Fast-Track Amendment, or in the alternative seek authorisation from the Minister to prepare and exhibit an amendment, to the Colac Otway Planning Scheme to:

- Modify the existing Erosion Management Overlay maps to align with updated mapping provided for select areas of the municipality.
- Amend the Schedule to the Erosion Management Overlay to specify additional subdivision, and buildings and works that should be exempt from the requirement of a planning permit.

**Financial and other Resource Implications**

The CCMA have advised Council that funding is available to assist with the processing of this planning scheme amendment, including exhibition and any future panel hearing. It is also anticipated that the DPI will provide assistance at any future panel hearing.

Any other costs associated with the amendment are budgeted for in the Sustainable Planning and Development Department budget.

The amendment should have the effect of reducing the number of planning permit applications, although the extent that this will occur is dependant on whether developments require a permit under other overlays. In addition, the changes should reduce the financial cost to persons proposing new development by avoiding unnecessary geo-technical assessments to be undertaken.



### **Risk Management & Compliance Issues**

The objectives of planning in Victoria as outlined in the *Planning and Environment Act, 1987* include:

- Section 4(1)(a) providing for the fair and orderly development of land;
- Section 4(1)(b) ensuring a safe working, living and recreational environment; and
- Section 4(1)(f), by facilitating development in accordance with these objectives.

The CCMA have provided revised EMO mapping to Council, considered to be the most accurate mapping currently available. To ensure the above “objectives of planning in Victoria” are met and erosion management issues are considered and responded to in assessing planning permit applications, it is necessary to amend the EMO as recommended in this report.

### **Environmental Considerations**

The Amendment will not alter the manner in which environmental issues are considered when assessing planning permit applications triggered by the EMO.

### **Communication Strategy/Consultation**

Community consultation for a planning scheme amendment is governed by the statutory requirements of the *Planning and Environment Act 1987*.

There are two consultation strategies dependent on whether the Minister or Council undertakes the amendment.

If the Minister undertakes a Fast Track Amendment, in accordance with Section 20(4) of the Act, there will be no further consultation as the Minister for Planning will assume the responsibilities of the amendment process.

In the event Council undertakes the amendment, once authorisation to prepare the amendment is obtained from the Minister for Planning, the following consultation program is proposed, in accordance with the requirements of the Act.

- In accordance with section 19(1) of the Act:
  - Notice to appear in the Colac Herald, Apollo Bay News sheet and Colac Otway Echo
  - Notice to appear in the Government Gazette
  - Notice to be sent directly to relevant Ministers and Authorities
- Due to the amendment applying to a significant number of properties, notice will not be sent to individually affected landowners. This is provided for by section 19(1A) of the Act which states:

*19(1A) Subject to sub-section (1C), the planning authority is not required to give notice of an amendment under sub-section (1)(b) if it considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment.*
- Notice will advise that the amendment is on exhibition for a period of 1 month. This is consistent with the Act and Council’s Community Consultation and Engagement Policy.

The dates of exhibition and consultation activities will be set once authorisation is received from the Minister for Planning.

### **Implementation**

The proposal will be implemented by writing to the Minister for Planning to request the Minister's authorisation to prepare the amendment, and for it to be the subject of a Fast Track Process.

### **Conclusion**

The amendment has been prepared as a result of a review of the EMO undertaken by the Council, CCMA and DPI. The revised EMO mapping more accurately reflects the extent of erosion risk within the Shire, and the proposed schedule to the EMO will reduce the number of planning permits triggered by the EMO.

The proposed amendment will assist Colac Otway Shire Council in carrying out more effective planning and management of land affected by land slip. The amendment will provide clearer guidance for proposals in areas at risk of land slip, streamline decision making and provide greater certainty for landowners.

### **Attachments**

- Attachment 1:** Shire wide mapping of the EMO - current and proposed
- Attachment 2:** Colac and Elliminyt - current and proposed
- Attachment 3:** Birregurra - current and proposed
- Attachment 4:** Apollo Bay - current and proposed
- Attachment 5:** Current schedule to the EMO
- Attachment 6:** Proposed schedule to the EMO

### **Recommendation(s)**

***That:***

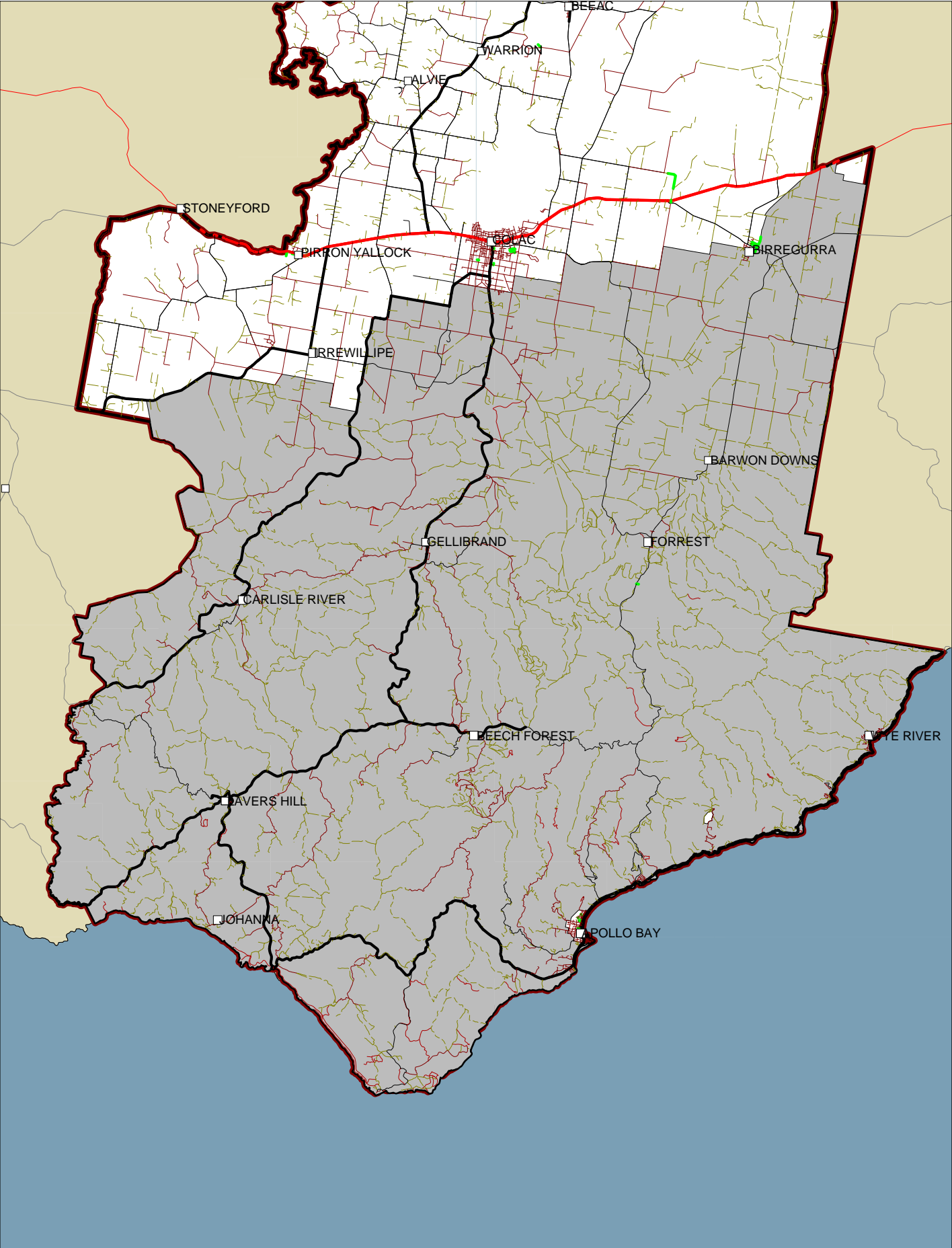
- 1. Council request the authorisation of the Minister for Planning to undertake a Fast Track Amendment to the Colac Otway Planning Scheme to:**
  - o ***Modify the Erosion Management Overlay maps to align with updated mapping provided by the Corangamite Catchment Management Authority and Department of Primary Industries.***
  - o ***Amend the Schedule to the Erosion Management Overlay to specify buildings and works that are exempt from the requirement of a planning permit.***
- 2. In the situation that the Minister does not agree to a Fast Track Amendment, the Council resolves to request authorisation from the Planning Minister to prepare and exhibit the amendment.**

-----◆-----



# Attachment 1

## Colac Otway Planning Scheme Erosion Management Overlay Current



## Colac Otway Shire Revised CCMA EMO-1 (Land Subject to Landslide)

**Legend**

| EMO-1 Landslide (Revised CCMA for COS)                    | Base Map Features          |
|-----------------------------------------------------------|----------------------------|
| EMO-1 Private Land                                        | Highways                   |
| EMO-1 Public Land                                         | Arterial Roads             |
| Township Zones with further field verification refinement | Local Roads                |
|                                                           | Railways                   |
|                                                           | Rivers/Streams             |
|                                                           | Lakes/Dams                 |
|                                                           | Colac-Otway Shire Boundary |

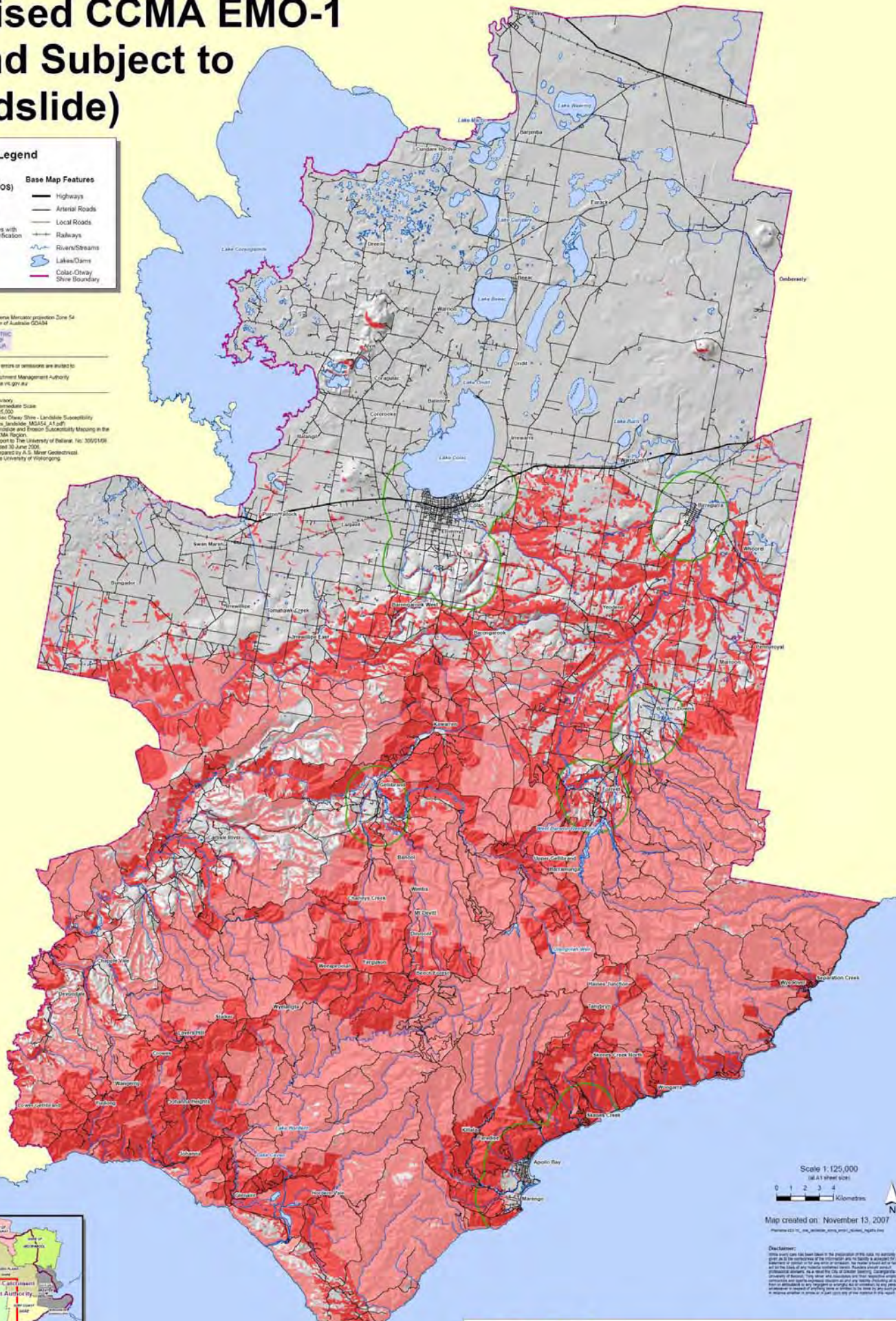
Projection: Universal Transverse Mercator projection Zone 54  
Datum: Geocentric Datum of Australia (GDA)



User Comments: Users noting any errors or omissions are invited to notify (in writing) Catchment Management Authority  
Email: info@colac.vic.gov.au

Intended Use: Advisory  
Nominal Map Type: Intermediate Scale  
Intended Scale for Use: 1:25,000  
Map Reference: Colac Otway Shire, Landslide Susceptibility from Satellite, MGA04, A1 staff  
Source Reference Documents: Landslide and Erosion Susceptibility Mapping in the CCMA Region  
Report to The University of Ballarat, No. 2005/108  
Dated 28 June 2006  
Prepared by A.S. Miner Geotechnical  
The University of Wollongong

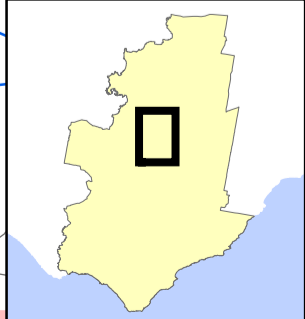
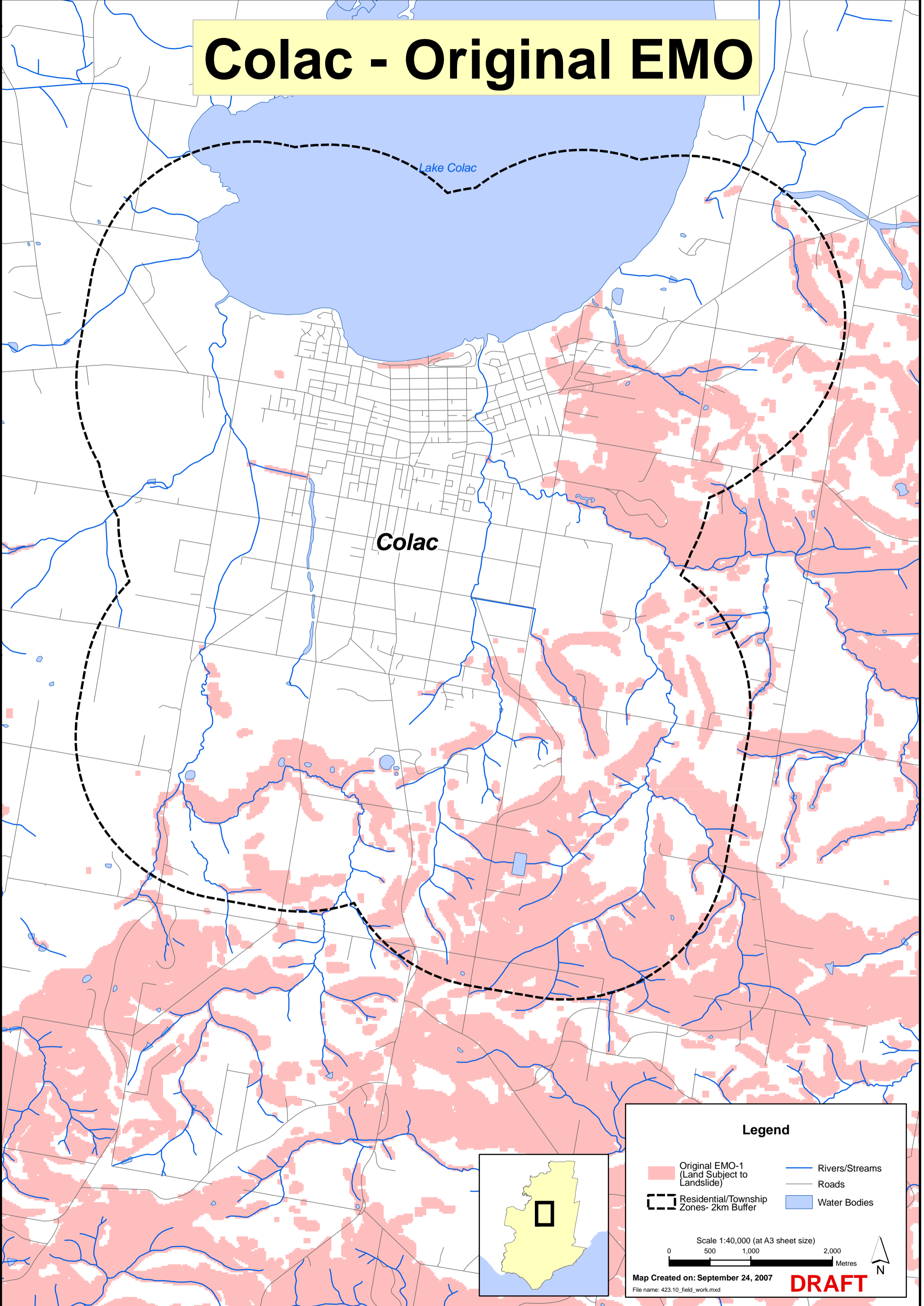
Peer Review By:



Scale 1:125,000  
(all A1 sheet sizes)  
0 1 2 3 4  
Kilometres  
Map created on November 13, 2007  
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**Disclaimer:**  
This map was prepared for the purposes of the map. It is not a guarantee of accuracy or reliability. It is not intended to be used for any purpose other than that for which it was prepared. The user of this map is advised to verify the accuracy of the information on this map before using it for any purpose. The user of this map is advised to verify the accuracy of the information on this map before using it for any purpose. The user of this map is advised to verify the accuracy of the information on this map before using it for any purpose.

# Colac - Original EMO



**Legend**

|                                            |                |
|--------------------------------------------|----------------|
| Original EMO-1 (Land Subject to Landslide) | Rivers/Streams |
| Residential/Township Zones-2km Buffer      | Roads          |
|                                            | Water Bodies   |

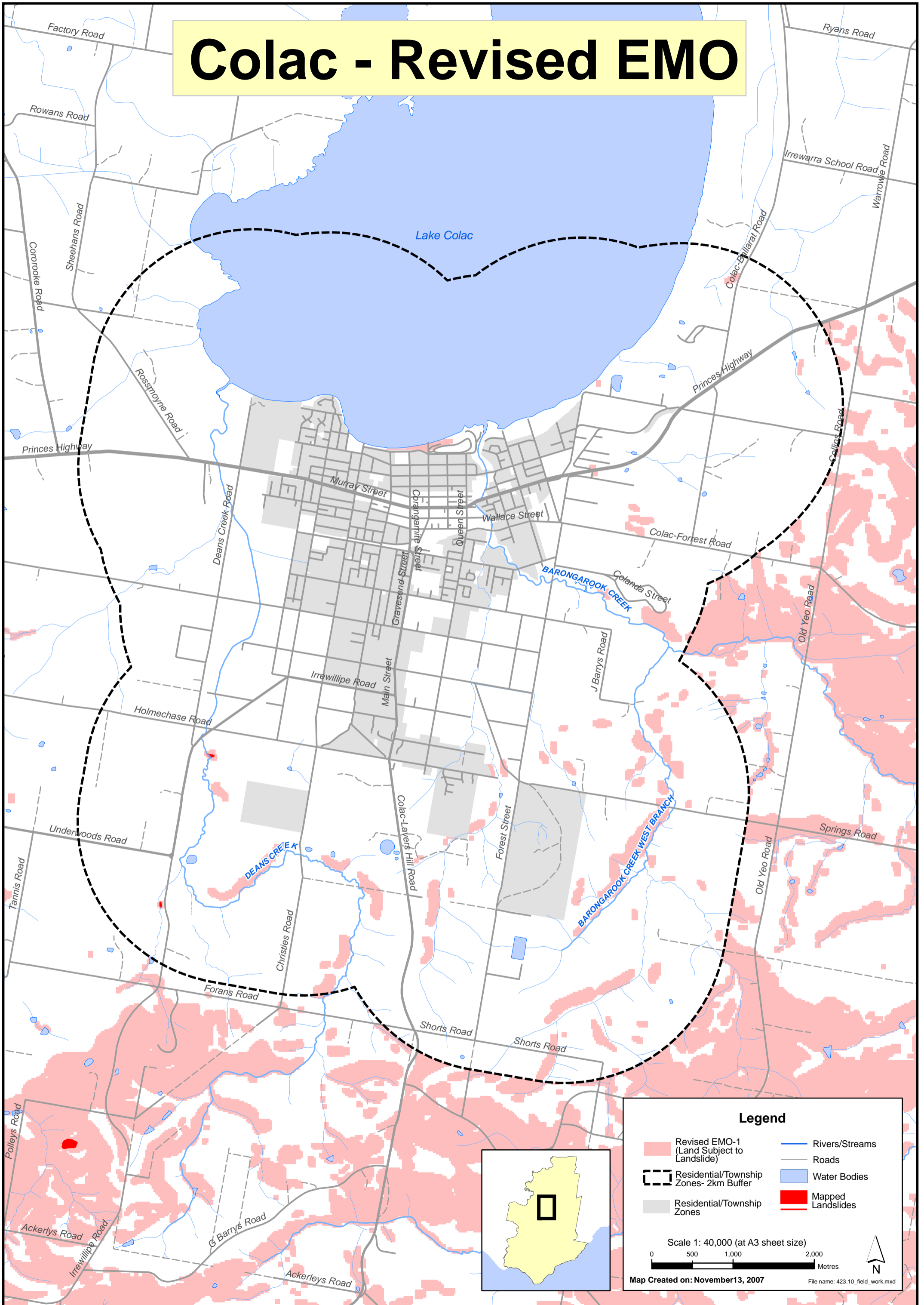
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0 500 1,000 2,000 Metres

Map Created on: September 24, 2007 **DRAFT**

File name: 423.10\_field\_work.mxd

# Colac - Revised EMO



**Legend**

- Revised EMO-1 (Land Subject to Landslide)
- Residential/Township Zones- 2km Buffer
- Residential/Township Zones
- Rivers/Streams
- Roads
- Water Bodies
- Mapped Landslides

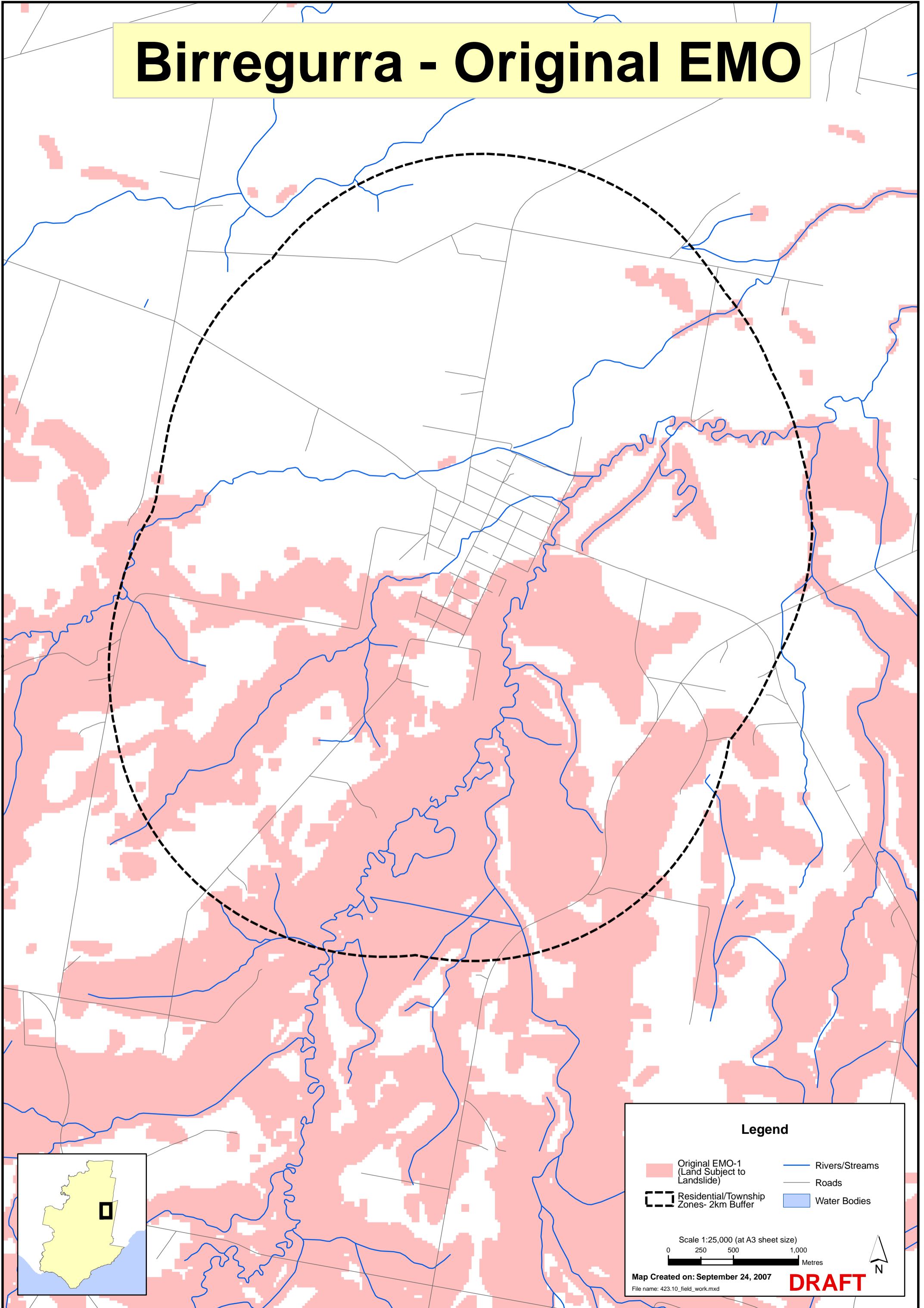
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0 500 1,000 2,000 Metres

Map Created on: November 13, 2007

File name: 423.10\_field\_work.mxd

# Birregurra - Original EMO



### Legend

- Original EMO-1 (Land Subject to Landslide)
- Residential/Township Zones- 2km Buffer
- Rivers/Streams
- Roads
- Water Bodies

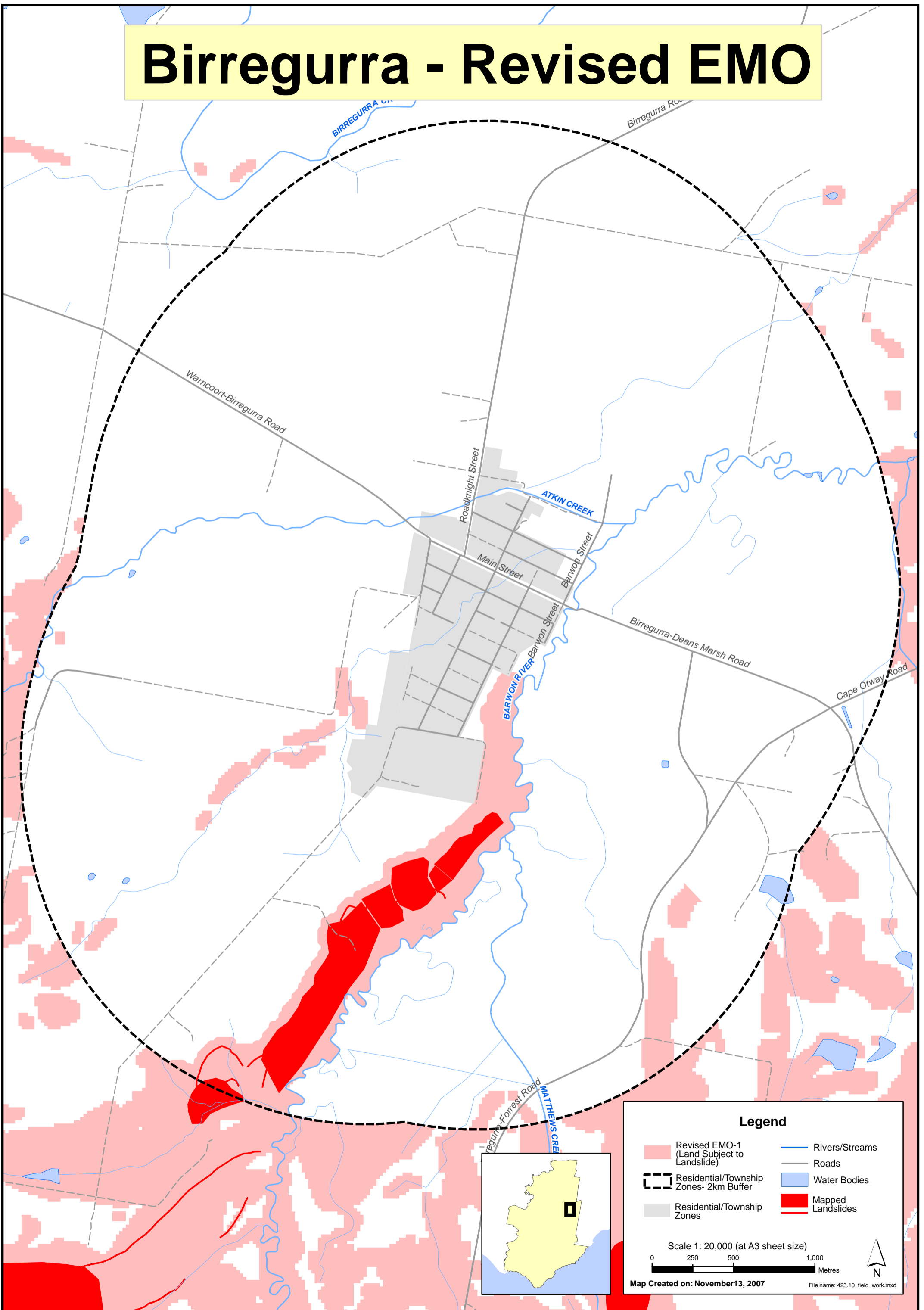
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File name: 423.10\_field\_work.mxd

**DRAFT**

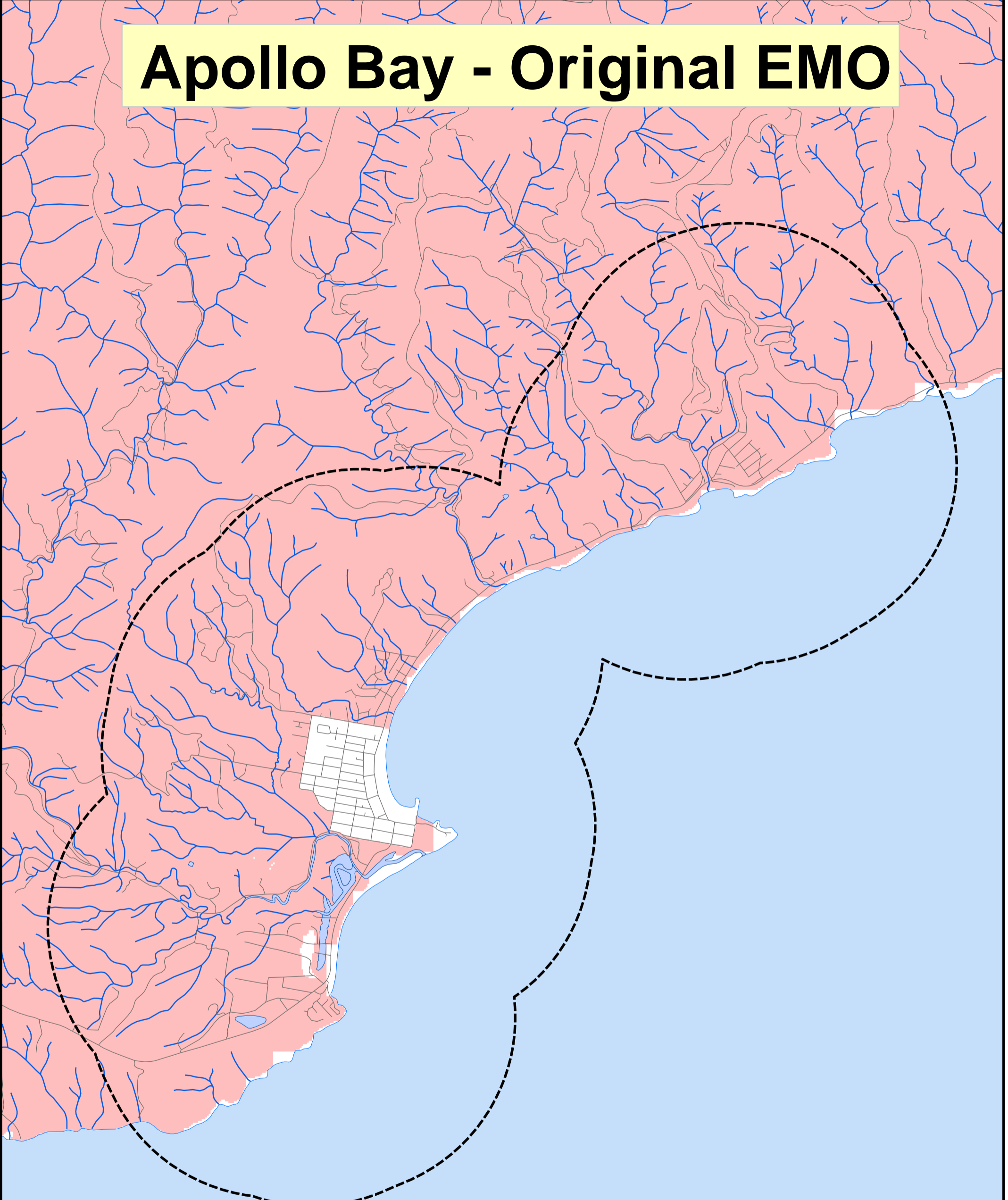


# Birregurra - Revised EMO










# Apollo Bay - Original EMO



**Legend**

|                                                                                                                                  |                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
|  Original EMO-1 (Land Subject to Landslide) |  Rivers/Streams |
|  Residential/Township Zones- 2km Buffer     |  Roads          |
|                                                                                                                                  |  Water Bodies   |

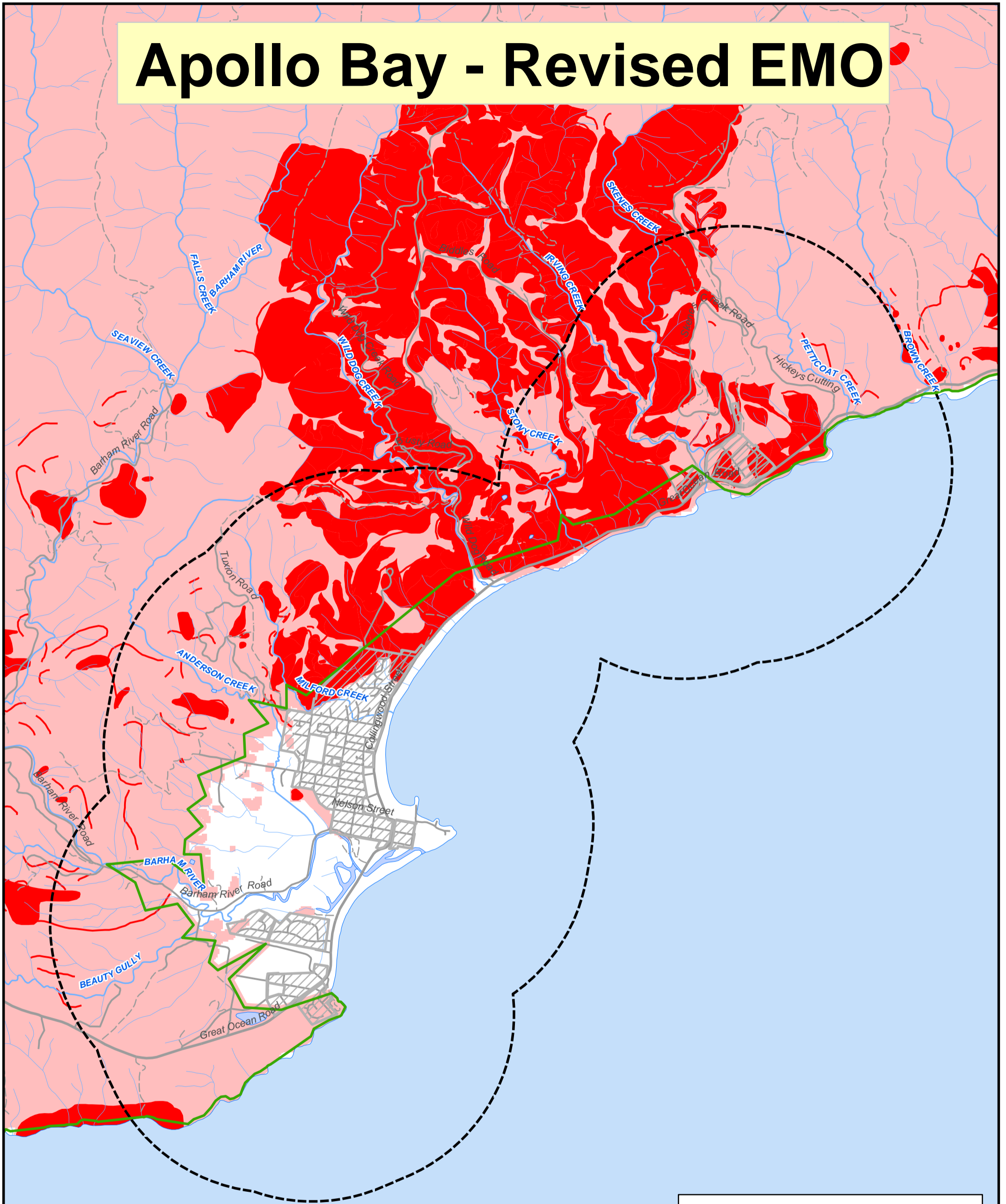
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Map Created on: September 24, 2007 **DRAFT**

File name: 423.10\_field\_work.mxd

# Apollo Bay - Revised EMO



**Legend**

|                                           |                     |
|-------------------------------------------|---------------------|
| Revised EMO-1 (Land Subject to Landslide) | Rivers/Streams      |
| Residential/Township Zones-2km Buffer     | Roads               |
| Residential/Township Zones                | Water Bodies        |
|                                           | Mapped Landslides   |
|                                           | Ko Geology Boundary |

Scale 1: 40,000 (at A3 sheet size)

0 500 1,000 2,000 Metres

Map Created on: November 13, 2007

File name: 423.10\_field\_work.mxd

19/01/2006  
VC37

## SCHEDULE 1 TO THE EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO 1**

### 1.0

#### Permit requirement

28/09/2006  
C8

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

- Timber production where all timber production activities comply with the Code of Forest Practices for Timber Production (Revision No2, November 1996) or as amended from time to time in accordance with section 55 of the Conservation, Forests and Lands Act 1987, and/or the Timber Harvesting Prescriptions for Environmental Protection – Otway Region Private Land Native Forests and Plantations, where details of management of landslip risk have been provided to the satisfaction of the responsible authority.
- Crop raising that does not include earthworks in the form of unsupported cuts exceeding 1.0 metre in depth or fills exceeding 2:1 horizontal/vertical ratio.
- A retaining wall that:
  - Does not require excavation exceeding 1.0 metre in depth.
  - Does not exceed 1.0 metre in height, is not associated with other building construction work and does not provide landslip protection for any adjoining land.
- Extension to the floor area of an existing building, including decks and verandahs, provided that:
  - There is no increase in the ground surface area covered by roofed buildings.
  - No earthworks in the form of unsupported cuts exceeding 1.0 metre or fills exceeding 2:1 horizontal/vertical ratio area are required.
  - The floor area surface occupied by the structure does not exceed 20 square metres.
- Minor structures provided that:
  - No earthworks in the form of unsupported cuts exceeding 1.0 metres in depth or fill exceeding 2:1 horizontal/vertical ratio are required.
  - The ground surface area occupied by the structure does not exceed 20 square metres.
- Landscaping provided that:
  - Any retaining wall meets the above requirements.
  - No earthworks in the form of unsupported cuts exceeding 1.0 metre or fills exceeding 2:1 horizontal/vertical ratio area required.

A permit is not required to remove, destroy or lop any vegetation where:

- The trunk circumference is less than 0.5 metres at a height of 1.0 metre above the ground.
- Pruning does not exceed 20% of the bio-mass of the vegetation.
- The vegetation is dead or diseased.

## 2.0

28/09/2006  
C8

### Application requirements

An application must be accompanied by a Land Stability Assessment Report prepared by a professionally qualified consultant and must contain all required information and be prepared in accordance with the framework detailed in the *Land Stability Assessment Guidelines and Procedures 2001 – Requirements for Land Stability Assessment Reports*.

This requirement does not apply if it is demonstrated by a professionally qualified consultant to the satisfaction of the responsible authority that the site is of low risk of landslide. In this instance, a *Preliminary Assessment Checklist* in accordance with the *Land Stability Assessment Guidelines and Procedures 2001* must accompany an application.

## SCHEDULE 1 TO THE EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO1** and including the areas identified as “Very High”, “High” and “Moderate” on the map attached to this schedule. (JK)

### LAND SUSCEPTIBLE TO LANDSLIDE

#### 1.0 Permit requirements.

*(The following exemptions need to be clarified with DSE for consistency with Clause 62).*

#### 1.1 Buildings and works

A permit is not required to construct or carry out the following:

- A fence provided that:
  - No trench exceeding 1.0 metre in depth is required for the construction of the fence.
  - No post holes exceed 1.0 metre in depth. (*Yarra Ranges*)
  - The fence is not constructed on, or within one metre of land with a slope exceeding 50 percent (or 27 degrees).
- A retaining wall that:
  - Replaces an existing retaining wall with the same form of construction and dimensions.
  - Does not exceed 1.0 metre in height. (*Geelong*)
  - Does not require excavation exceeding 1.0 metre in depth (*Colac*)
  - Is not associated with other building construction work and (*Geelong*)
  - Does not provide landslip protection for any adjoining land. (*Geelong*)
- Repairs and routine maintenance to an existing building or works (including roads and utility installations) which do not require excavation exceeding 1.0 metre in depth. (*Colac*).
- Extensions to the floor area of an existing building, including decks or verandahs, provided that:
  - There is no increase in the ground surface area covered by roofed buildings.
  - No earthworks in the form of unsupported cuts exceeding 1.0 metre in depth and/or fills exceeding 2:1 horizontal/vertical ratio are required (*Colac*).
  - The floor area of the extension does not exceed 20 square metres. (*Colac*)
- Minor structures ancillary to a dwelling provided that:
  - No earthworks in the form of unsupported cuts exceeding 1.0 metre in depth and/or fills exceeding 2:1 horizontal/vertical ratio are required (*Colac*).
  - The floor surface area occupied by the structure does not exceed 20 square metres. (*Colac*)
- Landscaping and gardening provided that:
  - Any retaining walls comply with the relevant exemptions for retaining walls as specified above (JK).
  - No earthworks in the form of unsupported cuts exceeding 1.0 metre or fills exceeding 2:1 horizontal/vertical ratio are required (*Colac*).
  - No change is made to constructed drainage or fixed irrigation systems.
- Signs provided that:
  - No trench exceeding 1.0 metre in depth is required for the construction of the sign.
  - No post holes or other excavations required for the construction of the sign exceed 1.0 metre in depth. (*Yarra Ranges*)
  - The sign is not constructed on, or within one metre of, land with a slope exceeding 50 percent (or 27 degrees).
- Street furniture.
- A temporary shed or temporary structure required for construction purposes.
- Demolition provided that:

## Colac Otway Shire Planning Scheme

- No earthworks in the form of unsupported cuts exceeding 1.0 metres or fills exceeding 2:1 horizontal/vertical ratio are required (*Colac*).
- No change is made to constructed drainage.
- Agricultural activities including ploughing and harvesting provided that there are no earthworks in the form of unsupported cuts exceeding 1.0 metre in depth or fills exceeding 2:1 horizontal/vertical ratio..
- In the Farming Zone:
  - A non-habitable building (other than industrial and commercial) with a floor area less than 100 square metres associated with agricultural activity.
  - Construction adding limited additional weight to a slope such as embankments less than 1.0 m in height and towers less than 3.0 m in height.
  - Diversion structures to surface and groundwater such as dams and channels which do not significantly alter drainage patterns or having storage capacities less than 3000 GL.

### 1.2 Vegetation removal

A permit is not required for the removal of vegetation provided that: (*All from Colac*)

- The trunk circumference is less than 0.5 metres at a height of 1 metre above ground level.
- Pruning that does not exceed 20% of the bio-mass of the vegetation.
- The removal of any timber or branch which is dead or diseased.
- The vegetation presents an immediate threat to life or property.

### 2.0 Application requirements.

An application must be accompanied by a Land Stability Assessment Report prepared by a suitably qualified and experienced geotechnical practitioner and must contain all required information and be prepared in accordance with the framework detailed in the Landslide Risk Management Guidelines and Procedures Manual 2007.

This requirement does not apply if it is demonstrated by a professionally qualified consultant to the satisfaction of the responsible authority that the site is of low risk of landslide. In this instance, a Preliminary Assessment Checklist in accordance with the Landslide Risk Management Guidelines and Procedures Manual 2007 must accompany an application.

#### Notes:

1. A suitably qualified and experienced geotechnical practitioner means a specialist Geotechnical Engineer or Engineering Geologist who is degree qualified, is a member of a professional institute, and who has achieved chartered professional status being a Chartered Professional Engineer (CPEng), a Chartered Professional Geologist (CPGeo) or a Registered Professional Geologist (RPGeo) with landslide risk management as a core competence. The practitioner must have or be employed by a corporation which has professional indemnity insurance to the satisfaction of the Responsible Authority. A certificate of currency of insurance must accompany any information submitted to the responsible authority in accordance with this Schedule.
2. The liability and responsibility for all information contained in a geotechnical report accompanying a development application shall always remain with the author of that report, regardless of the source of such information. Special attention must also be made to investigate the conditions under which the original investigations, to be relied upon, were made, as these conditions may have changed or not be considered applicable to the specific conditions of the development for which the geotechnical report is being prepared.
3. If the consultant can demonstrate that the site is of "low" risk then the application must be accompanied by a Preliminary Assessment Checklist as contained in the "Landslide Risk Management Guidelines and Procedures Manual 2007" as completed by a suitably qualified consultant.



conditions and will not cause any significant rise in flood level or flow velocity. The area covered by the overlay is based on the most accurate available information.

The amendment will assist Council and the CCMA in carrying out more effective planning and management of land affected by flooding. It will provide clearer guidance for proposals in flood affected areas, streamline decision making and provide greater certainty for landowners. The inadequacy of current mapping in the Planning Scheme was identified by the Shire's three year Planning Scheme Review Report in 2005 which stated that:

*“The LSIO schedule presently serves little useful purpose and will need to be modified pending updated advice, mapping and the requirements of the Corangamite Catchment Management Authority. It is noted that there is some inconsistency between Council's local flood mapping and that of the CMA. Moreover, some of the provisions of Clause 802 of the Building (Interim) Regulations 2005 need to be reflected in any LSIO schedule.”*

Section 802 of the Building Regulations provides that a Council may declare an area(s) as “Land Liable to Flooding”. Most buildings constructed in such areas require a ‘Report and Consent’ from Council through the Municipal Building Surveyor, although this requirement is exempt if a planning permit is required to be sought. The views of the floodplain manager can be sought, and a flood level specified for the building. Mapping has been declared as “Land Liable to Flooding” in the Colac Otway Shire, but it is out of date and conflicts with current planning scheme overlays, and needs to reflect the most up to date mapping provided by the CCMA that will form part of the planning scheme amendment.

### **Corporate Plan/Other Strategies/Policy**

The 2005 – 2009 Council Plan includes a community planning priority to:

*“Undertake a comprehensive review of the Colac Otway Planning Scheme and prepare an updated Municipal Strategic Statement and Local Planning Policy Framework to address the recommendations arising from the Planning Scheme Review”.*

The proposed planning scheme amendment will contribute towards the implementation of this objective, and will be undertaken separately to the broader changes proposed by Amendment C55 (currently before a Panel) because the revised flood mapping was not available when C55 was exhibited late in 2007.

### **Issues/Options**

The current planning scheme maps related to flooding are out of date, and pose a risk to Council that development may be occurring in flood prone areas that are not yet identified as being so under the Scheme. It is therefore important that the new more accurate mapping is incorporated into the Scheme as soon as possible.

Whilst officers are able to declare the revised “Land Liable to Flooding” under delegation, Council resolution is sought as part of this report which deals with the proposed planning scheme amendment. The change will bring consistency to the planning and building maps, and ensure that the most accurate known information is being used for decision making and advice.



**Proposal**

It is proposed that Council request the authorisation of the Minister for Planning to prepare an amendment to the Colac Otway Planning Scheme to:

- Modify the Land Subject to Inundation Overlay maps to align with updated flood mapping provided by the CCMA and amend the overlay schedule to specify minor buildings and works that are exempt from the requirement of a planning permit.
- Introduce the Floodway Overlay to areas of the Shire identified as having the greatest risk and frequency of being affected by flooding, and introduce a schedule to the overlay to specify buildings and works that are exempt from the requirement of a permit.

It is also proposed that Council adopt a revised "Land Liable to Flooding" map to apply under Section 802 of the Building Regulations 2006.

**Financial and other Resource Implications**

Costs associated with the amendment will be included in the 2008/09 budget under recurrent expenditure. Any panel costs associated with the amendment may be partially offset by contributions from the State Government.

**Risk Management & Compliance Issues**

The objectives of planning in Victoria as outlined in the *Planning and Environment Act, 1987* include:

- Section 4(1) (a) providing for the fair and orderly development of land;
- Section 4(1) (b) ensuring a safe working, living and recreational environment; and
- Section 4(1) (f) by facilitating development in accordance with these objectives.

The CCMA have provided revised flood mapping to Council, considered to be the most accurate mapping currently available. To ensure the above "objectives of planning in Victoria" are met and flood management issues are considered and responded to in assessing planning permit applications, it is necessary to amend the Planning Scheme as recommended in this report.

It is important that both the planning and building maps be modified as soon as practicable given the risk that development may be permitted to occur in flood prone areas not identified by current mapping.

**Environmental Considerations**

The Amendment will not alter the manner in which environmental issues are considered when assessing planning permit applications triggered by the LSIO and FO.

**Communication Strategy/Consultation**

Community consultation for a planning scheme amendment is governed by the statutory requirements of the *Planning and Environment Act 1987*.

Once authorisation to prepare the amendment is obtained from the Minister for Planning, the following consultation program is proposed, in accordance with the requirements of the Act.

- In accordance with section 19(1) of the Act:
- Notice to appear in the Colac Herald, Apollo Bay News sheet and Colac Otway Echo
  - Notice to appear in the Government Gazette
  - Notice to be sent directly to relevant Ministers and Authorities
- Due to the amendment applying to a significant number of properties, notice will not be sent to individually affected landowners. This is provided for by section 19(1A) of the Act which states:

*‘Subject to sub-section (1C), the planning authority is not required to give notice of an amendment under sub-section (1)(b) if it considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment.’*
- Notice will advise that the amendment is on exhibition for a period of 1 month. This is consistent with the Act and Council’s Community Consultation and Engagement Policy.

The dates of exhibition and consultation activities will be set once authorisation is received from the Minister for Planning.

It will take some time for completion of the planning scheme amendment, but the revised “Land Liable to Flooding” map under the Building Regulations can take effect from 1 June, 2008. This will require notification in the local media and direct notification of building surveyors operating in the region to ensure maximum awareness of the revised mapping. Surveyors have already been advised of the likely changes in advance of the Council meeting.

### **Implementation**

The proposal will be implemented by writing to the Minister for Planning to request the Minister’s authorisation to prepare Amendment C12 to the Colac Otway Planning Scheme, and by administering the revised “Land Liable to Flooding” map under the Building Regulations.

### **Conclusion**

The proposed amendment will assist Colac Otway Shire Council in carrying out more effective planning and management of land affected by flooding. The amendment will provide clearer guidance for proposals in areas at risk of flooding, streamline decision making and provide greater certainty for landowners.

A community consultation program has been proposed that is consistent with the requirements of the *Planning and Environment Act 1987* and Council’s Community Consultation and Engagement Policy.

### **Attachments**

**Attachment 1:** Flood Mapping for the Colac Otway Shire

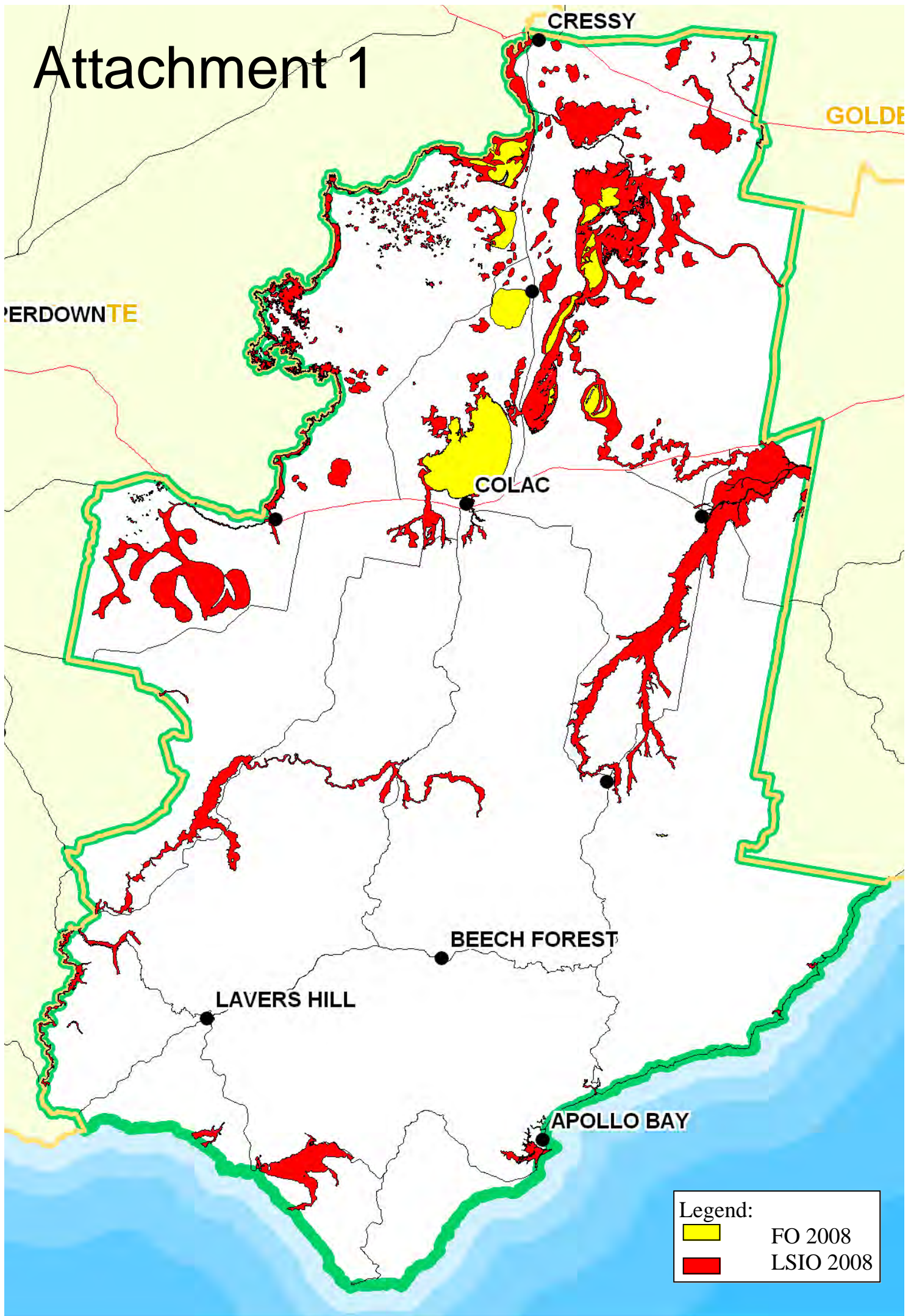
**Attachment 2:** Comparison between existing flood mapping and proposed C12 mapping.

**Recommendation(s)****That:**

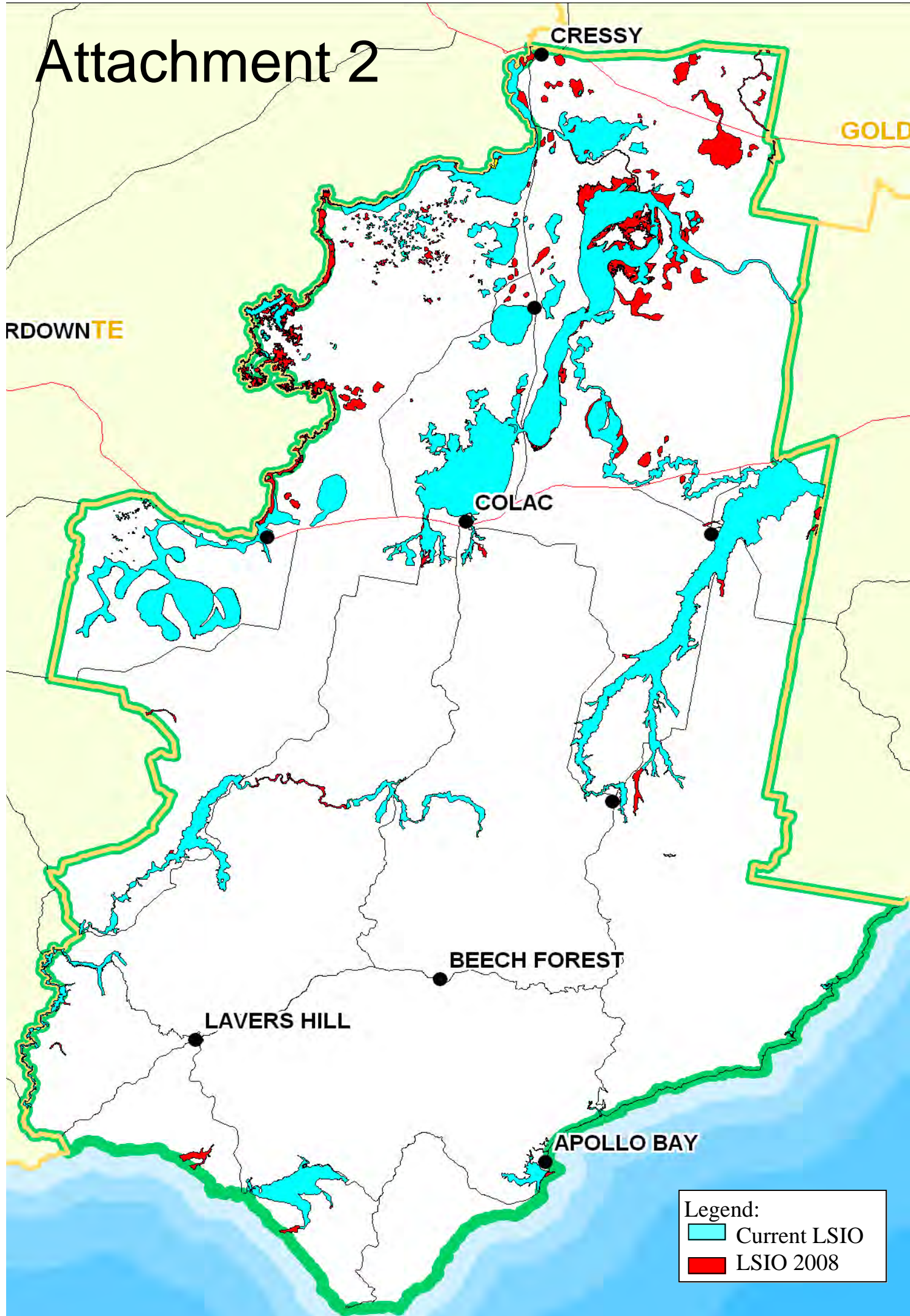
1. **Council request the authorisation of the Minister for Planning to prepare and exhibit an amendment to the Colac Otway Planning Scheme to:**
  - **Modify the Land Subject to Inundation Overlay maps to align with updated flood mapping provided by the Corangamite Catchment Management Authority.**
  - **Amend the Schedule to the Land Subject to Inundation Overlay to specify buildings and works that are exempt from the requirement of a planning permit.**
  - **Introduce the Floodway Overlay to areas of the Shire identified as having the greatest risk and frequency of being affected by flooding.**
  - **Introduce a schedule to the Floodway Overlay to specify buildings and works that are exempt from the requirement of a permit;**
  
2. **Council adopts the revised mapping as “Land Liable to Flooding” under Section 802 of the Building Regulations 2006, to take effect from 1 June 2008.**



# Attachment 1



# Attachment 2



## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | D | W |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM082705-19.1      Item for Signing and Sealing - Section 173 Agreement, 3695 Colac Lavers Hill Road, Ferguson</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Strantex Pty Ltd, JJ &amp; PC Riordan covenanting Certificate of Title Volume 5679 Folio 717, Volume 8945 Folio 846 and Volume 5911 Folio 193 that the owner will not further subdivide lot 2 so as to create any additional lots and acknowledges that no dwelling is permitted on Lot 2.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |   |   |
| <p><b><u>OM082705-19.2      Item for Signing and Sealing - Section 173 Agreement, 8-10 Hawdon Avenue, Kennett River</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and HP Gebert &amp; H Cassidy covenanting Certificate of Title Volume 10123 Folio 492, Volume 9780 Folio 710, Volume 9147 Folio 712, Volume 9780 Folio 711, Volume 9147 Folio 713 and Volume 10189 Folio 947 that no dwelling shall be constructed on those parts of the land being:</i></p> <p>(a) <i>The eastern parcel of lot 18 (which parcel is by this permit authorised to be contained in a separate lot); and</i></p> <p>(b) <i>The western part of lot 18, the land being lot 2 on PS125075 and lot 2 on PS125096 and the land to be excised from lot 3 on PS304966L (which parcels of land are, by this permit, to be contained in a separate lot); and</i></p> <p>(c) <i>The balance of the land being lot 3 on PS304966L (which is to be reduced in size by the subdivision permitted by this permit),</i></p> |   |   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b><i>unless the owners have, to the satisfaction of the responsible authority, and the Corangamite Catchment Management Authority) established:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. That all wastewater likely to be generated by the use of such dwelling shall be able to be treated and retained within the boundaries of the lot in accordance with State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970; and</i></b></li> <li><b><i>2. a survey of the location of the southern bank of the Kennett River proximate to the land by showing its location in relation to the title boundaries of the lots.</i></b></li> </ol> <p><b><i>and that at the time of assessing a planning permit application for a dwelling, a landscaping plan must be submitted by the applicant and approved to the satisfaction of the Responsible Authority as a condition of any approval. The landscaping must be established and maintained in conjunction with the development and use of the land for a dwelling in order to maintain the amenity of occupiers of the land and adjoining residential lots</i></b></p> |  |  |
| <p><b><u>OM082705-19.3 Item for Signing and Sealing - Section 173 Agreement, 1 Dollar Drive Separation Creek</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and DJ Fitzpatrick Holdings Pty Ltd and Senada Pty Ltd covenanting Certificate of Title Volume 10860 Folio 528 that none of the allotments so created shall at any time be further subdivided or consolidated with any other allotment of land and then subdivided. In addition the Agreement shall require each of the lots to only, to the satisfaction of the Council, be developed in accordance with the 'Geotechnical Assessment of Landslide Risk' report prepared by Saunders Consulting Group Pty Ltd – Report No 24420, dated August 2004; and the 'Assessment of Vegetation and Net Gain' report by Ecology Australia Ltd – Report Project No 06-04, dated 11<sup>th</sup> August 2006; and the Wildfire Risk Assessment and Fire Protection Statement, by Community Safety Services Pty Ltd, PO Box 91, Sunbury, prepared on 15<sup>th</sup> February 2005</i></b></p>                                                |  |  |

**Recommendation**

***That recommendations to items listed in the Consent Calendar, with the exception of items ....., be adopted.***

**MOVED** .....

**SECONDED** .....



**OM082705-19 GENERAL BUSINESS****OM082705-19.1      *Item for Signing and Sealing - Section 173 Agreement, 3695  
Colac Lavers Hill Road, Ferguson***

The applicant agreed to enter into a Section 173 Agreement as per condition 4 of Planning Permit PP159/07A that allowed for Two (2) lot re-subdivision.

Condition 4 reads:

1. Prior to a statement of compliance being issued, the owner/applicant must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 stating that:
  - a) No further subdivision of either lot hereby approved will be further subdivided so as to create any additional lots.
  - b) No dwelling to be constructed on Lot 2

Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.

Attached is a copy of the planning permit and a locality plan.

**Recommendation**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Strantex Pty Ltd, JJ & PC Riordan covenanted Certificate of Title Volume 5679 Folio 717, Volume 8945 Folio 846 and Volume 5911 Folio 193 that the owner will not further subdivide lot 2 so as to create any additional lots and acknowledges that no dwelling is permitted on Lot 2.***

~~~~~◆~~~~~

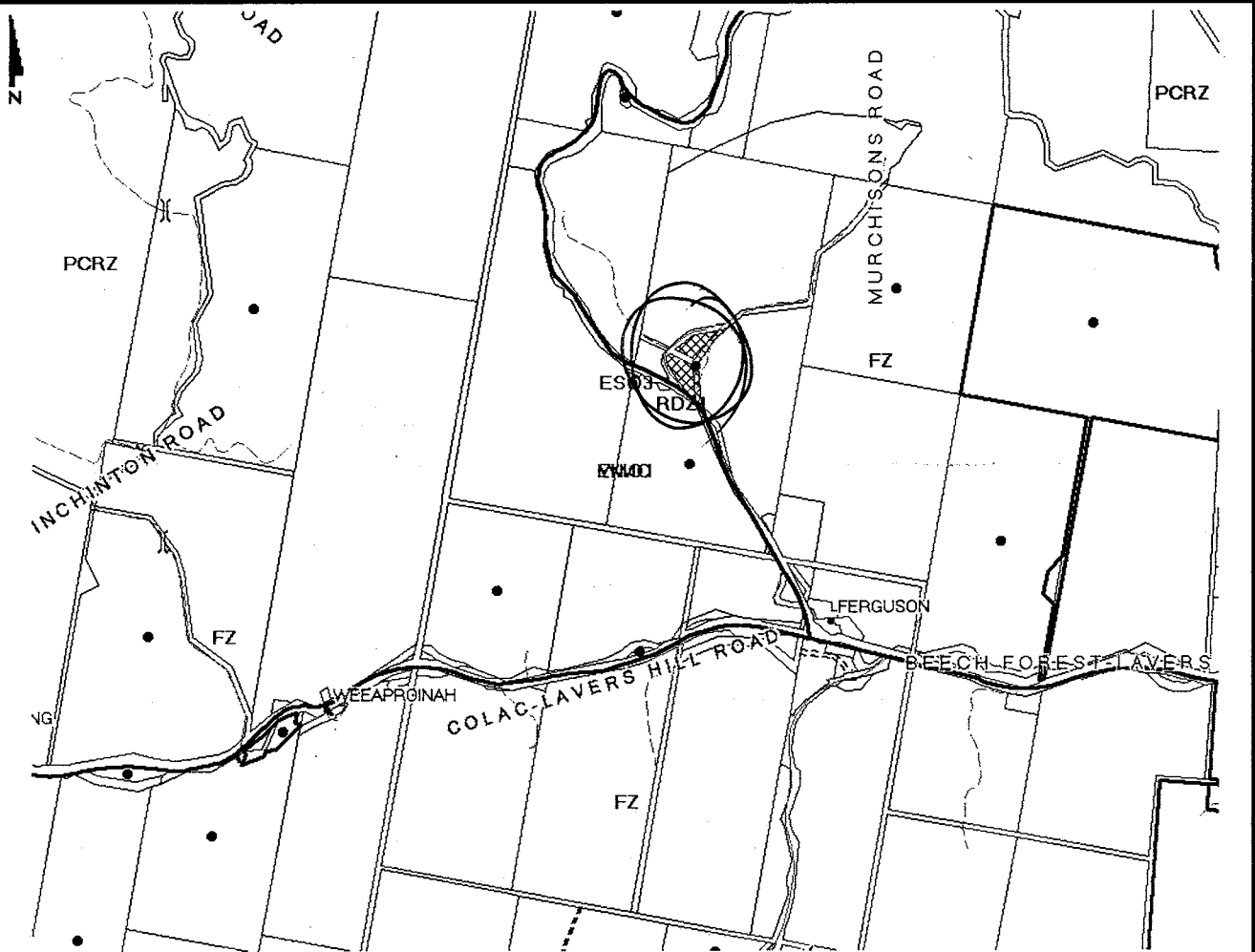




**PLANNING DEPARTMENT**  
**Admin Map**



Title



Map Zoom: 5412 m

**Advertising (3)(Parcel)**

| MI_Key | assessnum | prop_address                | ratepayer        | owner_add1 | owner_add2 | owner_add3 | owner_add4 | owner_add5 |
|--------|-----------|-----------------------------|------------------|------------|------------|------------|------------|------------|
| 20303  | 951036950 | 3695 COLAC LAVERS HILL ROAD | OTWAY GRAZING CO |            | PO BOX 263 | GOL GOL    | NSW        | 2738       |
| 20304  | 951036950 | 3695 COLAC LAVERS HILL ROAD | OTWAY GRAZING CO |            | PO BOX 263 | GOL GOL    | NSW        | 2738       |
| 20305  | 951036950 | 3695 COLAC LAVERS HILL ROAD | OTWAY GRAZING CO |            | PO BOX 263 | GOL GOL    | NSW        | 2738       |

**Advertising-Zones (3)(Parcel)**

| MI_Key | title description | address                     | Zone | Schedule | Name         | Parcel overlap |
|--------|-------------------|-----------------------------|------|----------|--------------|----------------|
| 20303  | LOT 1 TP835161    | 3695 COLAC LAVERS HILL ROAD | FZ   |          | FARMING ZONE | 100%           |
| 20304  | LOT 1 TP238524    | 3695 COLAC LAVERS HILL ROAD | FZ   |          | FARMING ZONE | 100%           |
| 20305  | LOT 1 TP542880    | 3695 COLAC LAVERS HILL ROAD | FZ   |          | FARMING ZONE | 100%           |

**Advertising-Overlays (9)(Parcel)**

| MI_Key | title description | address                     | Overlay(s) | Schedule(s) | Name  | Parcel overlap |
|--------|-------------------|-----------------------------|------------|-------------|---|----------------|
| 20303  | LOT 1 TP835161    | 3695 COLAC LAVERS HILL ROAD | WMO        |             | WILDFIRE MANAGEMENT OVERLAY                     | 100%           |
| 20303  | LOT 1 TP835161    | 3695 COLAC LAVERS HILL ROAD | ESO        | ESO3        | ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 3 | 100%           |
| 20303  | LOT 1 TP835161    | 3695 COLAC LAVERS HILL ROAD | EMO        | EMO1        | EROSION MANAGEMENT OVERLAY - SCHEDULE 1         | 100%           |
| 20304  | LOT 1 TP238524    | 3695 COLAC LAVERS HILL ROAD | WMO        |             | WILDFIRE MANAGEMENT OVERLAY                     | 100%           |
| 20304  | LOT 1 TP238524    | 3695 COLAC LAVERS HILL ROAD | ESO        | ESO3        | ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 3 | 100%           |
| 20304  | LOT 1 TP238524    | 3695 COLAC LAVERS HILL ROAD | EMO        | EMO1        | EROSION MANAGEMENT OVERLAY - SCHEDULE 1         | 100%           |
| 20305  | LOT 1 TP542880    | 3695 COLAC LAVERS HILL ROAD | WMO        |             | WILDFIRE MANAGEMENT OVERLAY                     | 100%           |
| 20305  | LOT 1 TP542880    | 3695 COLAC LAVERS HILL ROAD | ESO        | ESO3        | ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 3 | 100%           |
| 20305  | LOT 1 TP542880    | 3695 COLAC LAVERS HILL ROAD | EMO        | EMO1        | EROSION MANAGEMENT OVERLAY - SCHEDULE 1         | 100%           |

**CONDITIONS CONTINUED FOR PERMIT NO. PP159/07**

- b) No dwelling to be constructed on Lot 2

Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.

5. The Statement of Compliance will not be issued prior to all conditions in relation to subdivision on the subject Planning Permit being complied with to the satisfaction of the Responsible Authority.
6. The proponent must follow the recommendations contained in the Geotechnical Risk Assessment report number ES0784 by 2020 Engineering Solutions dated 19 July 2007.
7. The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.
8. All services which traverse the property boundaries shall be relocated prior to the issue of a Statement of Compliance.
9. This permit will expire after two (2) years if the relevant plan of subdivision is not certified by the Responsible Authority, unless an extension of time is approved by the Responsible Authority. The written request for extension of time must be received before 3 months have elapsed after the date of expiry.

**VICROADS**

**10. DELETE**

11. Any future access to Lot 2 from Colac-Lavers Hill Road must be at a location approved by VicRoads and constructed to a standard acceptable to VicRoads.

**BARWON WATER CONDITIONS**

12. Any plan submitted under the Subdivision Act 1988 must be forwarded to Barwon Water under Section 8 of the Act.

---

**Expiry of permit:**

13. In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
  - The development and use are not started before 11 October 2009
  - The development is not completed before 11 October 2011

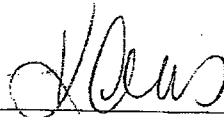
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**Date Issued: 11/10/2007**

**Date Amended: 12/11/2007**

*Signature for the Responsible Authority:*

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.



**PLANNING  
PERMIT**



**Colac Otway**  
SHIRE

*Naturally Progressive*

TO:  
ROD BRIGHT & ASSOCIATES  
PO BOX 371  
COLAC 3250

**Assessment No -** 951036950  
**Permit No -** PP159/07A  
**Planning Scheme -** Colac-Otway Scheme  
**Responsible Authority -** COLAC OTWAY SHIRE

**ADDRESS OF THE LAND:**

3695 COLAC LAVERS HILL ROAD, FERGUSON  
C/A PT.16 & TP542880 & PT.FORMER GOVT.ROAD, PARISH OF WEEAPROINAH

**THE PERMIT ALLOWS:**

TWO (2) LOT RE-SUBDIVISION IN ACCORDANCE WITH THE ENDORSED PLANS.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**

1. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas, and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
2. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the Relevant Authority in accordance with Section 8 of that Act.
4. Prior to a statement of compliance being issued, the owner/applicant must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 stating that:
  - a) No further subdivision of either lot hereby approved will be further subdivided so as to create any additional lots.

**Date Issued: 11/10/2007**

**Date Amended: 12/11/2007**

*Signature for the Responsible Authority:*

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

A handwritten signature in black ink, appearing to read 'A. Lees', written over a horizontal line.

**CONDITIONS CONTINUED FOR PERMIT NO. PP159/07**

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**NOTES**

Barwon Water Note:

- The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision.
- It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number: 60-066-08120.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

| Date of amendment | Brief description of amendment |
|-------------------|--------------------------------|
| 12 November 2007  | • Deletion of Condition 10     |

**Date Issued: 11/10/2007**

**Date Amended: 12/11/2007**

*Signature for the Responsible Authority:*

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.



**OM082705-19.2      *Item for Signing and Sealing - Section 173 Agreement, 8-10  
Hawdon Avenue, Kennett River***

The applicant agreed to enter into a Section 173 Agreement as per condition 11 of Planning Permit PP198/03 that allowed for subdivision of land into 3 lots.

Condition 11 reads:

This permit shall be of no force or effect unless and until the owner or owners of the land being:

- I Lot 18 on PS304966L
- li Lot 2 on PS125075
- iii Lot 2 on PS125096
- iv Lot 3 on PS304966L

(which lots are collectively called "the land") have entered into agreements with the responsible authority under the provisions of section 173 of the Planning and Environment Act 1987 which provide that no dwelling shall be constructed on those parts of the land being:

- a The eastern parcel of lot 18 (which parcel is by this permit authorised to be contained in a separate lot); and
- b The western part of lot 18, the land being lot 2 on PS125075 and lot 2 on PS125096 and the land to be excised from lot 3 on PS304966L (which parcels of land are, by this permit, to be contained in a separate lot; and
- c The balance of the land being lot 3 on PS304966L (which is to be reduced in size by the subdivision permitted by this permit),

unless the owners have, to the satisfaction of the responsible authority, and the Corangamite Catchment Management Authority) established:

1. That all wastewater likely to be generated by the use of such dwelling shall be able to be treated and retained within the boundaries of the lot in accordance with State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970; and
2. a survey of the location of the southern bank of the Kennett River proximate to the land by showing its location in relation to the title boundaries of the lots.

The section 173 agreements may provide that landscaping to the satisfaction of the responsible authority be established and maintained in conjunction with the development and use of the land for a dwelling in order to maintain the amenity of occupiers of the land and adjoining residential lots. Each section 173 agreement shall provide that the owner's obligation under the agreement shall be in addition to any obligation imposed by the Planning Scheme or the Environment Protection Act 1970 relating to obtaining any planning permit or septic tank permit or other permit consent or approval. The owner of the lot to be burdened by the section 173 agreement shall

meet the responsible authority's reasonable costs and disbursements of the preparation and registration on title of the agreement.

Attached is a copy of the planning permit and a locality plan.

**Recommendation**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and HP Gebert & H Cassidy covenanting Certificate of Title Volume 10123 Folio 492, Volume 9780 Folio 710, Volume 9147 Folio 712, Volume 9780 Folio 711, Volume 9147 Folio 713 and Volume 10189 Folio 947 that no dwelling shall be constructed on those parts of the land being:***

- (a) The eastern parcel of lot 18 (which parcel is by this permit authorised to be contained in a separate lot); and***
- (b) The western part of lot 18, the land being lot 2 on PS125075 and lot 2 on PS125096 and the land to be excised from lot 3 on PS304966L (which parcels of land are, by this permit, to be contained in a separate lot; and***
- (c) The balance of the land being lot 3 on PS304966L (which is to be reduced in size by the subdivision permitted by this permit),***

***unless the owners have, to the satisfaction of the responsible authority, and the Corangamite Catchment Management Authority) established:***

- 1. That all wastewater likely to be generated by the use of such dwelling shall be able to be treated and retained within the boundaries of the lot in accordance with State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970; and***
- 2. a survey of the location of the southern bank of the Kennett River proximate to the land by showing its location in relation to the title boundaries of the lots.***

***and that at the time of assessing a planning permit application for a dwelling, a landscaping plan must be submitted by the applicant and approved to the satisfaction of the Responsible Authority as a condition of any approval. The landscaping must be established and maintained in conjunction with the development and use of the land for a dwelling in order to maintain the amenity of occupiers of the land and adjoining residential lots***

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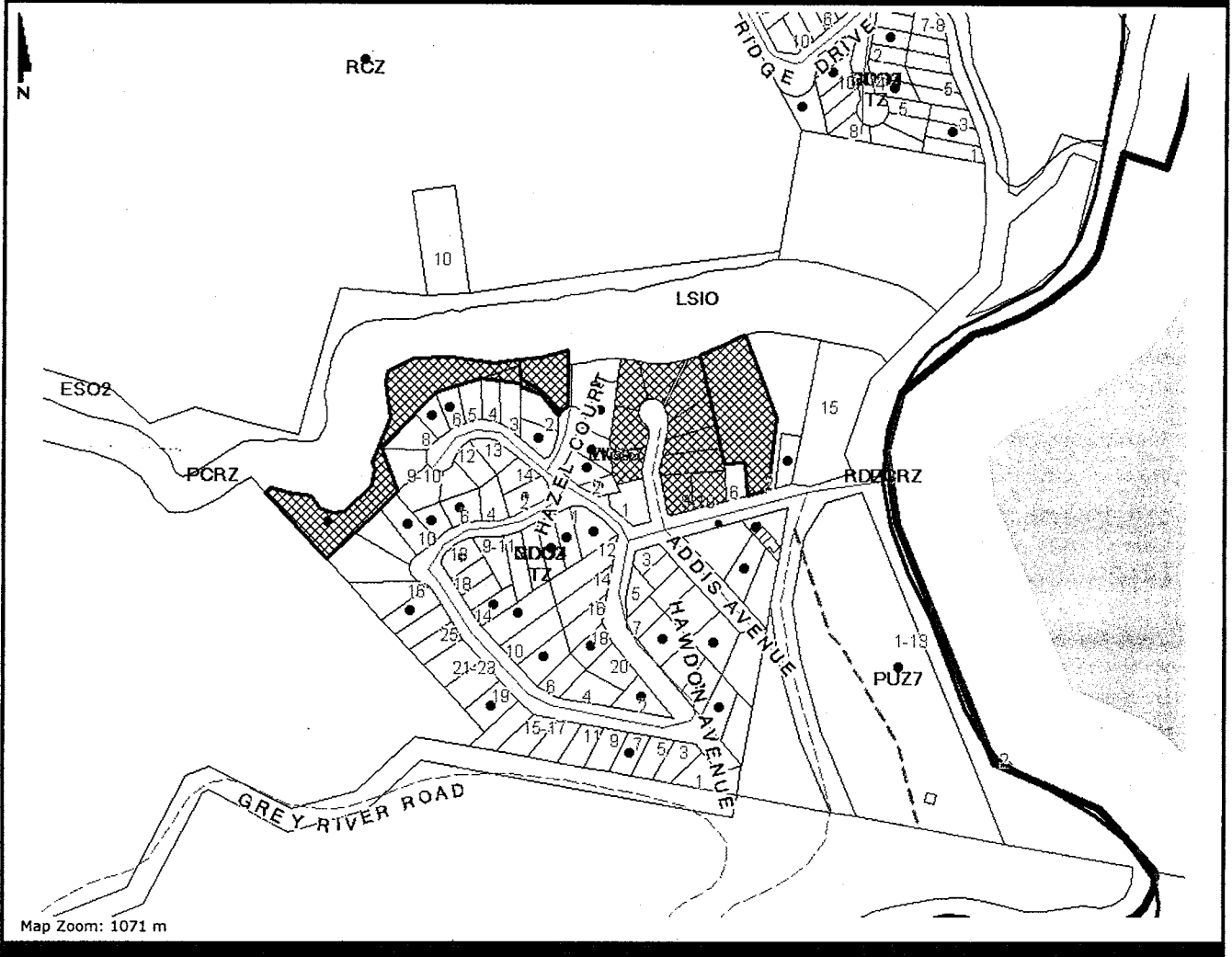




**PLANNING DEPARTMENT**  
**Admin Map**



Title



Map Zoom: 1071 m

**Legend**

- |  |                 |  |                                       |
|--|-----------------|--|---------------------------------------|
|  | Overlays - ALL  |  | PUBLIC CONSERVATION AND RESOURCE ZONE |
|  | Planning Apps   |  | ROAD ZONE - CATEGORY 1                |
|  | Property        |  | FARMING ZONE                          |
|  | Parcel          |  | RURAL LIVING ZONE                     |
|  | Parcel Proposed |  | TOWNSHIP ZONE                         |
|  | Crown Land      |  | PUBLIC USE ZONE - EDUCATION           |
|  | Easement        |  | PUBLIC PARK AND RECREATION ZONE       |
|  | Watercourse     |  | INDUSTRIAL 1 ZONE                     |
|  | Floodway (CMA)  |  | RESIDENTIAL 1 ZONE                    |
|  | Floodplan (CMA) |  | BUSINESS 1 ZONE                       |
|  |                 |  | BUSINESS 4 ZONE                       |
|  |                 |  | LOW DENSITY RESIDENTIAL ZONE          |
|  |                 |  | PUBLIC USE ZONE - TRANSPORT           |
|  |                 |  | INDUSTRIAL 3 ZONE                     |
|  |                 |  | RURAL CONSERVATION ZONE - SCHEDULE 2  |
|  |                 |  | INDUSTRIAL 2 ZONE                     |
|  |                 |  | SPECIAL USE ZONE - SCHEDULE 1         |
|  |                 |  | URBAN FLOODWAY ZONE                   |

\*\* Not all layers depicted here are necessarily shown on map \*\*

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Contains VICMAP Information  
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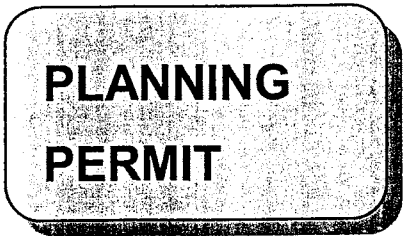
**Colac Otway Shire**

2-6 Rae Street.  
COLAC, VIC. 3250  
Ph: 03 5232 9400  
Fax: 03 5232 1046  
Email:  
[info@colacotway.vic.gov.au](mailto:info@colacotway.vic.gov.au)  
Web:  
[www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)



This map is produced on the Geocentric Datum of Australia (GDA94). GDA94 supersedes the Australian Geodetic Datum 1966 (AGD66). Colac-Otway Shire Council uses the Map Grid of Australia (MGA94) Zone 54 projection.





TO:  
TONY JEAUVONS SURVEYORS  
PO BOX 196  
APOLLO BAY 3233

Assessment No. - 270200800  
Permit No - PP198/03  
Planning Scheme - Colac-Otway Scheme  
Responsible Authority - COLAC OTWAY SHIRE

**ADDRESS OF THE LAND:**

8-10 HAWDON AVENUE, KENNETT RIVER  
LOT 3 (HAZEL CRT) & LOTS 8-17 & 19 (JOSEPH CRT) & LOT 18 LP304966L & LOT 2  
LP125075 & LOT 2 LP125096 & C/A PT.10A, PARISH OF WONGARRA

**THE PERMIT ALLOWS:**

SUBDIVISION OF LAND INTO THREE LOTS WITH THE ADDITIONAL THIRD LOT  
BEING THE EASTERN PART OF THE LAND PRESENTLY CONTAINED ON LOT 18  
ON PS304966L

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**

1. This permit will expire after two years if the relevant plan of subdivision is not certified by the responsible authority, unless an extension of time is approved by the responsible authority. The written request for extension of time must be received before 3 months have elapsed after the date of expiry.
2. Access onto and within Lots 1 and 2 must be constructed to the satisfaction of the responsible authority. Individual access to the building envelope on the western portion of Lot 1 must be provided from Hazel Court to the envelope and the subject access must be constructed in accordance with the Geotechnical Risk Assessment by Saunders Consulting Group Pty Ltd, Report No. 22614-LSA, dated December 2003 and their letter dated 2 December 2003 and to the satisfaction of the responsible authority.
3. A vehicular crossing if required must be constructed to the road to suit the proposed new driveway to each of the lots to the satisfaction of the responsible authority.
4. An application to construct a vehicle crossing must be lodged and approved by the responsible authority prior to the commencement of works.
5. Driveways must be constructed to an all weather surface to the satisfaction of the responsible authority.

Date Issued 11/08/2006

Signature for the  
Responsible Authority

Council/Delegate

**CONDITIONS CONTINUED FOR PERMIT NO. PP198/03**

6. A drainage easement to facilitate passage of stormwater to the river reserve shall be created over the drainage line north of 7 Gerard Avenue to provide a legal point of discharge to the satisfaction of the responsible authority.
7. Any future development of either lot shall include an all waste sewerage and grey water treatment and disposal system which is to be constructed concurrently with any new dwelling, such that all liquid waste must at all times be contained within the curtilage of the title. Such system must be designed and installed to the satisfaction of the responsible authority. The proposed septic tank and effluent disposal system must not be located within 60 metres of the bank of any surface waters, unless the liquid waste is treated to the satisfaction of the responsible authority. Any such reduction in distance to the surface waters will be at the discretion of the responsible authority but no part of the system shall be closer than 30 metres to the bank or any surface waters.
8. All works and development associated with this permit must be carried out in strict conformity with the Land Capability Assessment & Septic Design, No. 22614-P and 22919-P by Saunders Consulting Group Pty Ltd, dated 3 December 2003 and the recommendations contained in the Geotechnical Risk Assessment by Saunders Consulting Group Pty Ltd, Report No. 22614-LSA and 22919-LSA dated December 2003 and their letter dated 2 December 2003.
9. All excavation works for the accessways and drainage upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the responsible authority and must be in accordance with an approved civil engineering design.
10. Following completion of any works or development of the subject land associated with this permit the proponent's Geotechnical Engineer must inspect the site and confirm in writing to the responsible authority that the stability of the land under the conditions of its intended use is acceptable as defined in the Australian Geomechanics Society Landslide Risk Management Guidelines dated March 2000.
11. This permit shall be of no force or effect unless and until the owner or owners of the land being:
  - i Lot 18 on PS304966L
  - ii Lot 2 on PS125075
  - iii Lot 2 on PS125096
  - iv Lot 3 on PS304966L

(which lots are collectively called "the land") have entered into agreements with the responsible authority under the provisions of section 173 of the Planning and Environment Act 1987 which provide that no dwelling shall be constructed on those parts of the land being:

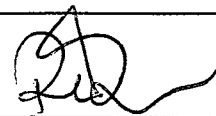
- a the eastern parcel of lot 18 (which parcel is by this permit authorised to be contained in a separate lot); and
- b the western part of lot 18, the land being lot 2 on PS125075 and lot 2 on PS125096 and the land to be excised from lot 3 on PS304966L (which parcels of land are, by this permit, to be contained in a separate lot; and
- c the balance of the land being lot 3 on PS304966L (which is to be reduced in size by the subdivision permitted by this permit),

unless the owners have, to the satisfaction of the responsible authority, and the Corangamite Catchment Management Authority) established:

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**Date Issued 11/08/2006**

**Signature for the  
Responsible Authority**



Council Delegate

**CONDITIONS CONTINUED FOR PERMIT NO. PP198/03**

1. That all wastewater likely to be generated by the use of such dwelling shall be able to be treated and retained within the boundaries of the lot in accordance with State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970; and
2. a survey of the location of the southern bank of the Kennett River proximate to the land by showing its location in relation to the title boundaries of the lots.

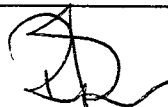
The section 173 agreements may provide that landscaping to the satisfaction of the responsible authority be established and maintained in conjunction with the development and use of the land for a dwelling in order to maintain the amenity of occupiers of the land and adjoining residential lots. Each section 173 agreement shall provide that the owner's obligation under the agreement shall be in addition to any obligation imposed by the Planning Scheme or the Environment Protection Act 1970 relating to obtaining any planning permit or septic tank permit or other permit consent or approval. The owner of the lot to be burdened by the section 173 agreement shall meet the responsible authority's reasonable costs and disbursements of the preparation and registration on title of the agreement.

12. The subdivision as shown on the endorsed plan must not be altered save with the written consent of the responsible authority.
13. The developer must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the responsible authority.
14. The Statement of Compliance will not be issued prior to all conditions in relation to the subdivision on the subject Planning Permit being complied with to the satisfaction of the responsible authority.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
16. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
17. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
18. Any new roads, buildings and works constructed on the subject land shall include sediment control measures to ensure that no sediment from the land can enter Kennett River to the satisfaction of the responsible authority.

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**Date Issued 11/08/2006**

**Signature for the  
Responsible Authority**



Council/Delegate

**OM082705-19.3      *Item for Signing and Sealing - Section 173 Agreement, 1 Dollar Drive Separation Creek***

The applicant agreed to enter into a Section 173 Agreement as per condition 18 of Planning Permit PP393/04A that allowed for subdivision of land into 4 lots.

Condition 18 reads:

18. Prior to the issue of a Statement of Compliance for the subdivision approved by this permit the landowner shall enter into a Section 173 Agreement under the provisions of the Planning and Environment Act 1987 requiring that none of the allotments so created shall at any time be further subdivided or consolidated with any other allotment of land and then subdivided. In addition the Agreement shall require each of the lots to only, to the satisfaction of the Council, be developed in accordance with the 'Geotechnical Assessment of Landslide Risk' report prepared by Saunders Consulting Group Pty Ltd – Report No 24420, dated August 2004; and the 'Assessment of Vegetation and Net Gain' report by Ecology Australia Ltd – Report Project No 06-04, dated 11<sup>th</sup> August 2006; and the Wildfire Risk Assessment and Fire Protection Statement, by Community Safety Services Pty Ltd, PO Box 91, Sunbury, prepared on 15<sup>th</sup> February 2005.

The landowner shall meet the Responsible Authority's reasonable costs of the preparation, execution and registration of the Section 173 agreement.

Attached is a copy of the planning permit and a locality plan.

**Recommendation**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and DJ Fitzpatrick Holdings Pty Ltd and Senada Pty Ltd covenanting Certificate of Title Volume 10860 Folio 528 that none of the allotments so created shall at any time be further subdivided or consolidated with any other allotment of land and then subdivided. In addition the Agreement shall require each of the lots to only, to the satisfaction of the Council, be developed in accordance with the 'Geotechnical Assessment of Landslide Risk' report prepared by Saunders Consulting Group Pty Ltd – Report No 24420, dated August 2004; and the 'Assessment of Vegetation and Net Gain' report by Ecology Australia Ltd – Report Project No 06-04, dated 11<sup>th</sup> August 2006; and the Wildfire Risk Assessment and Fire Protection Statement, by Community Safety Services Pty Ltd, PO Box 91, Sunbury, prepared on 15<sup>th</sup> February 2005***

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PLANNING DEPARTMENT  
Admin Map



Title



Advertising (2)(Parcel)

| MI_Key | assessnum | prop_address   | ratepayer                                           | owner_add1 | owner_add2         | owner_add3 | owner_add4 | owner_add5 |
|--------|-----------|----------------|-----------------------------------------------------|------------|--------------------|------------|------------|------------|
| 19636  | 932000100 | 1 DOLLAR DRIVE | D J FITZPATRICK HOLDINGS PTY LTD and SENADA PTY LTD |            | 1/43 ACLAND STREET | ST KILDA   | VIC        | 3182       |
| 20724  | 932000100 | 1 DOLLAR DRIVE | D J FITZPATRICK HOLDINGS PTY LTD and SENADA PTY LTD |            | 1/43 ACLAND STREET | ST KILDA   | VIC        | 3182       |

Advertising-Zones (2)(Parcel)

| MI_Key | title description | address        | Zone | Schedule | Name                                  | Parcel overlap |
|--------|-------------------|----------------|------|----------|---------------------------------------|----------------|
| 19636  | CA 29K            | 1 DOLLAR DRIVE | PCRZ |          | PUBLIC CONSERVATION AND RESOURCE ZONE | 100%           |
| 20724  | LOT 1 PS522306    | 1 DOLLAR DRIVE | LDRZ |          | LOW DENSITY RESIDENTIAL ZONE          | 100%           |

Advertising-Overlays (4)(Parcel)

| MI_Key | title description | address        | Overlay(s) | Schedule(s) | Name                                    | Parcel overlap |
|--------|-------------------|----------------|------------|-------------|-----------------------------------------|----------------|
| 19636  | CA 29K            | 1 DOLLAR DRIVE | WMO        |             | WILDFIRE MANAGEMENT OVERLAY             | 100%           |
| 19636  | CA 29K            | 1 DOLLAR DRIVE | EMO        | EMO1        | EROSION MANAGEMENT OVERLAY - SCHEDULE 1 | 100%           |
| 20724  | LOT 1 PS522306    | 1 DOLLAR DRIVE | WMO        |             | WILDFIRE MANAGEMENT OVERLAY             | 100%           |
| 20724  | LOT 1 PS522306    | 1 DOLLAR DRIVE | EMO        | EMO1        | EROSION MANAGEMENT OVERLAY - SCHEDULE 1 | 100%           |

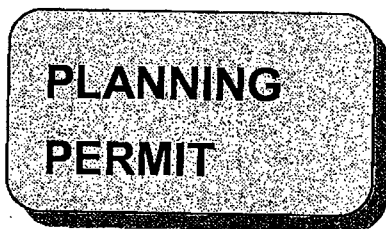
Legend

|  |                 |  |                                       |
|--|-----------------|--|---------------------------------------|
|  | Overlays - ALL  |  | PUBLIC CONSERVATION AND RESOURCE ZONE |
|  | Planning Apps   |  | ROAD ZONE - CATEGORY 1                |
|  | Property        |  | FARMING ZONE                          |
|  | Parcel          |  | RURAL LIVING ZONE                     |
|  | Parcel Proposed |  | TOWNSHIP ZONE                         |
|  |                 |  | PUBLIC USE ZONE - EDUCATION           |
|  |                 |  | PUBLIC PARK AND RECREATION ZONE       |
|  |                 |  | INDUSTRIAL 1 ZONE                     |
|  |                 |  | RESIDENTIAL 1 ZONE                    |

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TO:  
TONY JEAVONS SURVEYS  
PO BOX 196  
APOLLO BAY 3233

Assessment No - 9320 001 00  
Permit No - PP393/04A  
Planning Scheme - Colac-Otway Scheme  
Responsible Authority - COLAC OTWAY SHIRE

**ADDRESS OF THE LAND:**

1 DOLLAR DRIVE, SEPARATION CREEK  
LOT 1 PS522306, PARISH OF KAANGLANG

**THE PERMIT ALLOWS:**

FOUR (4) LOT SUBDIVISION IN ACCORDANCE WITH THE ENDORSED PLANS.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**

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**Colac Otway Shire Conditions:**

1. This permit will expire after two (2) years if the relevant plan of subdivision is not certified by the Responsible Authority, unless an extension of time is approved by the Responsible Authority. The written request for extension of time must be received before 3 months have elapsed after the date of expiry.
2. Individual access shall be provided onto each lot created and the subject access shall be constructed to the satisfaction of the Responsible Authority. Individual access to any of the optional building envelopes as shown on the endorsed plan shall be the subject of a separate planning application. Each access must be constructed in accordance with the 'Geotechnical Assessment of Landslide Risk' report prepared by Saunders Consulting Group Pty Ltd – Report No 24420, dated August 2004, and The 'Assessment of Vegetation and Net Gain' report by Ecology Australia Ltd – Report Project No 06-04, dated 11<sup>th</sup> August 2006, and to the satisfaction of the Responsible Authority.
3. A vehicular crossing must be constructed to the road to suit the proposed new driveway to each of the lots to the satisfaction of the Responsible Authority. The driveway must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.

Date Issued 07.05.2007  
Amended 08.08.2007

Signature for the  
Responsible Authority

Council

**CONDITIONS CONTINUED FOR PERMIT NO. PP393/04**

4. Each driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority with a cross fall of 0.03m/m for sealed driveways and 0.06m/m for unsealed driveways.
5. All run off from stormwater, including overflow from water storage, shall be taken to a legal point of discharge to the satisfaction of the Responsible Authority.
6. All works and development associated with this permit must be carried out in strict conformity with the recommendations contained in the 'Geotechnical Assessment of Landslide Risk' report prepared by Saunders Consulting Group Pty Ltd – Report No 24420, dated August 2004, and The 'Assessment of Vegetation and Net Gain' report by Ecology Australia Ltd – Report Project No 06-04, dated 11<sup>th</sup> August 2006, and to the satisfaction of the Responsible Authority.
7. All excavation works and clearing upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority. Excavations must be battered back or retained, save written consent of the Responsible Authority.
8. Following completion of any works or development of the subject land associated with this permit the proponent's Geotechnical Engineer must inspect the site and confirm in writing to the Responsible Authority that the stability of the land under the conditions of its intended use is acceptable as defined in the Australian Geomechanics Society Landslide Risk Management Guidelines dated March 2000.
9. The subdivision as shown on the endorsed plan must not be altered save with the written consent of the Responsible Authority
10. The developer must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the Responsible Authority.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, electricity, and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
12. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created. Rights of Carriageway or Common Property shall be designated in favour of all lots to ensure legal access rights apply to each lot.
13. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

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**Date Issued 07.05.2007**  
**Amended 08.08.2007**

**Signature for the  
Responsible Authority**



Council

**CONDITIONS CONTINUED FOR PERMIT NO. PP393/04**

14. Prior to the issue of a Statement of Compliance for the subdivision approved by this permit the landowner shall submit for written approval a Vegetation Management Plan requiring that the land will be managed in accordance with the approved Vegetation Management Plan, The Vegetation Management Plan must include, but not be limited to :

- The protection and enhancement of all native vegetation in perpetuity; and
- The control of noxious and environmental weeds and feral animals on the site; and
- The management of erosion/sedimentation on the site; and
- The management of domestic animals (specifically cats and dogs).

The Vegetation Management Plan shall include the recommendations as set out in the 'Assessment of Vegetation and Net Gain' report by Ecology Australia Ltd – Report Project No 06-04, dated 11<sup>th</sup> August 2006, a copy of which forms part of this permit.

15. All plantings and revegetation on the land must be undertaken using only species indigenous to the area (being Damp Forest, Shrubby Foothill Forest, Herb Rich Foothill Forest, Herb Rich Foothill Forest/Shrubby Foothill Forest Complex, depending on the site) unless otherwise dictated by a Landscape Plan accepted and approved in writing by the Responsible Authority.

16. Prior to any work commencing on the site, a Code of Conduct must be prepared for contractors on site to avoid environmental damage or harm to flora and fauna. The Code must include the provision of temporary fencing of 'no-go' zones as per the Vegetation Management Plan. All contractors or persons undertaking development and/or works on the site shall be given a copy of the Code, and be made aware of its provisions, prior to the commencement of development and/or works.

17. All environmental weeds as outlined in 'Environmental Weeds of the Colac Otway Shire' brochure must be controlled on the property at all times and prevented from spreading to neighbouring land to the satisfaction of the Responsible Authority. No environmental weeds as referred to in the brochure shall be planted on or allowed to invade the site.

18. Prior to the issue of a Statement of Compliance for the subdivision approved by this permit the landowner shall enter into a Section 173 Agreement under the provisions of the Planning and Environment Act 1987 requiring that none of the allotments so created shall at any time be further subdivided or consolidated with any other allotment of land and then subdivided. In addition the Agreement shall require each of the lots to only, to the satisfaction of the Council, be developed in accordance with the 'Geotechnical Assessment of Landslide Risk' report prepared by Saunders Consulting Group Pty Ltd – Report No 24420, dated August 2004; and the 'Assessment of Vegetation and Net Gain' report by Ecology Australia Ltd – Report Project No 06-04, dated 11<sup>th</sup> August 2006; and the Wildfire Risk Assessment and Fire Protection Statement, by Community Safety Services Pty Ltd, PO Box 91, Sunbury, prepared on 15<sup>th</sup> February 2005.

**Date Issued 07.05.2007**  
**Amended 08.08.2007**

**Signature for the  
Responsible Authority**



Council



**CONDITIONS CONTINUED FOR PERMIT NO. PP393/04**

The landowner shall meet the Responsible Authority's reasonable costs of the preparation, execution and registration of the Section 173 agreement.

19. The 'Common Property' defining the access to the lots and extending to the northern boundary of the land shall be constructed with an all weather pavement and shall be encumbered by an 'Easement of Carriageway' in favour of the CFA for fire prevention/suppression purposes.
20. The Statement of Compliance will not be issued prior to all conditions on the subject Planning Permit in relation to the subdivision being complied with to the satisfaction of the Responsible Authority.

**Conditions required by Powercor:**

21. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
22. The applicant shall:-
  - Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
  - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
  - Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.  
Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
  - Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall be for the purpose of "Power Line" in favour of Powercor Australia Ltd.

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**Date Issued 07.05.2007**  
**Amended 08.08.2007**

**Signature for the  
Responsible Authority**



Council

**CONDITIONS CONTINUED FOR PERMIT NO. PP393/04**

- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a power-line and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

**Conditions required by Telstra:**

23. That the applicant enters into an agreement with Telstra or other licensed telecommunications carrier for the satisfactory provision of telephone cable reticulation to one (1) metre into each allotment created. Refer [www.telstrasmartcommunity.com](http://www.telstrasmartcommunity.com) to Register Your Development.
24. That the applicant pay to Telstra, the reasonable cost of any works necessary, as a result of the subdivision, to remove, or alter the position of any existing facility on the subdivision, or on any adjacent land or Government Road, pursuant to Clause 53 of Schedule 3 of the Telecommunications Act 1997. Refer – Dial Before You Dig process – Ph: 1100.
25. That the plan of subdivision submitted for certification be referred to Telstra or other licensed telecommunications carrier, whichever is appropriate, in accordance with Section 8 of the Subdivision Act 1988.
26. Set aside on the plan of subdivision, reserve/s satisfactory to Telstra, for Telecommunications substation/s if required.

**Conditions required by VicRoads:**

27. All access to the lots shall be from the internal road. Vehicular Access to the lots from Great Ocean Road will not be permitted.

**NOTES:**

- a. An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works. Where a concrete driveway is proposed the construction requirements shall be in accordance with the Colac Otway Shire's standard vehicle crossing drawing.
- b. Approval of this subdivision does not give conditional consent for the construction of any buildings and/or works and/or removal of vegetation. Each of these is subject to a separate planning application at the time that such development or use is proposed.

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Date Issued 07.05.2007  
Amended 08.08.2007

Signature for the  
Responsible Authority



Council

**CONDITIONS CONTINUED FOR PERMIT NO. PP393/04**

- c. The optional building envelopes as shown on the endorsed plan are indicative of optional building sites only and any development and/or use of those sites must be in compliance with the provisions of the planning scheme and be subject to a separate planning application at the time that such development or use is proposed and considered.
- d. Telstra will not consent to the issue of a Statement of Compliance until such time as the applicant provides satisfactory evidence of compliance with the above conditions.
- e. At the time a building is constructed water supply must be provided to CFA's satisfaction.
- f. It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

8<sup>th</sup> August 2007: Amendment to Condition 18 of the permit has been made to clarify the intent of compliance of the 3 reports – that compliance be to the satisfaction of Council. The Amendment has been made under the provisions of Section 71 of the Planning & Environment Act.

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**Date Issued 07.05.2007**  
**Amended 08.08.2007**

**Signature for the  
Responsible Authority**



Council

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
 W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                           | D | W |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <p><b><u>NOTICES OF MOTION</u></b></p> <p><b><u>OM082705-20.1 Notice of Motion No. 141-07/08 –<br/>                     Winky Pop Implications for Councillors (Cr<br/>                     Wilmink)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council consider the content of this Notice of Motion.</i></p> |   |   |

**Recommendation**

*That recommendations to items listed in the Consent Calendar, with the exception of items ....., be adopted.*

**MOVED** .....

**SECONDED** .....

**OM082705-20 NOTICES OF MOTION****OM082705-20.1 Notice of Motion No. 141-07/08 – Winky Pop Implications for Councillors (Cr Wilmink)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on Tuesday 27 May 2008:

*That Colac Otway Shire Council write to the Minister for Local Government, Mr Wynne, the Municipal Association of Victoria, and the Victorian Local Government Association and request that urgent action be taken to solve the legal dilemma of the Winky Pop v Hobson's Bay City Council decision affecting democratically elected Local Government Councillors ability to represent "the free expression of the will of the electors", as stated in the Charter of Human Rights and Responsibilities Act 2006."*

**Recommendation**

***That Council consider the content of this Notice of Motion.***



**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:***

| <b>SUBJECT</b>                           | <b>REASON</b>                                            | <b>SECTION OF ACT</b>           |
|------------------------------------------|----------------------------------------------------------|---------------------------------|
| <b><i>Information to Councillors</i></b> | <b><i>Matter may prejudice Council or any person</i></b> | <b><i>Section 89(2)(h)</i></b>  |
|                                          | <b><i>Personnel Matters</i></b>                          | <b><i>Section 89(2) (a)</i></b> |
|                                          | <b><i>Contractual Matter</i></b>                         | <b><i>Section 89(2) (d)</i></b> |
|                                          |                                                          |                                 |
|                                          |                                                          |                                 |